

Jackson Town Council Regular Meeting

March 16, 2020

6:00 PM

Town Council Chambers

NOTICE: THE VIDEO AND AUDIO FOR THIS MEETING ARE STREAMED TO THE PUBLIC VIA THE INTERNET AND MOBILE DEVICES WITH VIEWS THAT ENCOMPASS ALL AREAS, PARTICIPANTS AND AUDIENCE MEMBERS. **PLEASE SILENCE ALL ELECTRONIC DEVICES DURING THE MEETING**

I. THIS MEETING WAS CANCELLED. 3/14/2020 THE AGENDA WAS TO BE:

II. PUBLIC COMMENT - CANCELLED

This section is reserved for questions and comments from the public on items that are not otherwise included in this agenda. As a general practice, the Council will not hold discussion or debate these items. Nor will they make any decisions on items presented during this time but rather refer items to staff for follow-up. If you would like to communicate with the Council during the meeting, please address them during open public comment, when public comment is called for on a specific item, or send an email to Council@jacksonwy.gov.

III. CONSENT CALENDAR - CANCELLED

All matters listed in this section are considered to be of routine nature by the governing body and will be enacted in one motion, unless it is removed from the consent calendar and considered separately by Council. Public comment may be given on any item.

A. Meeting Minutes:

1. March 2, 2020 regular meeting

B. Disbursements

C. Special Event: Search and Rescue Helicopter Demonstration

D. Temporary Sign Permit: Bras for A Cause (P20-040)

E. Temporary Sign Permit: The Tribe Sunday Morning Easter Service

F. Energy Conservation Works SPET Funded Project

IV. PUBLIC HEARINGS, DISCUSSION AND/OR POSSIBLE ACTION ITEMS - CANCELLED

A. Administration

1. Liquor License Transfer Application from Foam Capital LLC (Sandy Birdyshaw)

B. Housing

1. RFQ for Low Income Housing Tax Credit Developer (April Norton)

C. Planning

1. **Item P19-201:** Snow King Resort Master Association (SKRMA) Master Plan Amendment. *This item will be continued to April 6.*
2. **Item P19-229:** Amendment to the Teton Village Master Plan. *This item will be continued to April 20.*
3. **Item P20-037:** Fee Waiver Request for 174 N. King (Tyler Valentine)
4. **Item P19-262:** Development Plan Amendment at 140 & 142 Pine Glades Drive (Tyler Valentine)

Please note that at any point during the meeting, the Mayor and Council may change the order of items listed on this agenda. In order to ensure that you are present at the time your item of interest is discussed, please join the meeting at the beginning to hear any changes to the schedule or agenda.

5. **Item P19-291:** Hillside Conditional Use Permit for Teton Gables at 1140 W Highway 22
(Tyler Valentine)

V. RESOLUTIONS - CANCELLED

- A. **Resolution #20-02:** Adopting a Goal to Achieve Carbon Neutrality by 2030 (Johnny Ziem)

VI. ORDINANCES - CANCELLED

- A. **Ordinance N:** An Ordinance Granting a Renewed Franchise to Jackson Curbside Inc.
(Presented for 3rd reading and designated Ordinance 1246)
- B. **Ordinance O:** An Ordinance Amending the Compensation for Mayor and Council members
(Presented for 1st reading, Roxanne Robinson)

VII. MATTERS FROM MAYOR AND COUNCIL - CANCELLED

- A. Board and Commission Reports

VIII. MATTERS FROM THE TOWN MANAGER - CANCELLED

- A. Town Manager's Report

Please note that at any point during the meeting, the Mayor and Council may change the order of items listed on this agenda. In order to ensure that you are present at the time your item of interest is discussed, please join the meeting at the beginning to hear any changes to the schedule or agenda.

TOWN COUNCIL PROCEEDINGS - UNAPPROVED

MARCH 2, 2020

JACKSON, WYOMING

The Jackson Town Council met in regular session in the Council Chambers of the Town Hall located at 150 East Pearl at 6:00 P.M. Upon roll call the following were found to be present:

MAYOR: Pete Muldoon.
COUNCIL: Hailey Morton Levinson, Arne Jorgensen, Jim Stanford, and Jonathan Schechter.
STAFF: Larry Pardee, Roxanne Robinson, Tyler Sinclair, Lea Colasuonno, Todd Smith, Roger Schultz, Paul Anthony, Darren Brugmann, Floren Poliseo, Johnny Ziem, Brian Lenz, Carl Pelletier, and Sandy Birdyshaw.

Mayor Muldoon introduced new employee Lynsey Lenamond as the Town's new information coordinator.

Public Comment. None

Consent Calendar. A motion was made by Jonathan Schechter and seconded by Hailey Morton Levinson to approve the consent calendar including items A-I as presented with the following motions. There was no public comment on the Consent Calendar.

- A. **Meeting Minutes.** To approve the meeting minutes as presented for the February 18, 2020 workshop and regular meeting.
- B. **Disbursements.** To approve the disbursements as presented. NCPERS Group Wyoming \$112.00; Ace Hardware \$1,189.37; Advanced Pump & Equipment, Inc \$950.00; Aflac \$2,831.24; Airgas USA, LLC \$591.09; Alex Norton \$1,575.00; Alphagraphics \$684.82; Amerigas \$2,527.97; Bestdrive Idaho Falls \$860.76; Bison Lumber \$10.84; Black Diamond Moving Co. \$260.00; Bliss Cargo \$41.21; BMV LLC \$77.05; Bruce Hayse, MD \$70.00; Buckrail \$375.00; C & A Professional Cleaning Serv LLC \$7,939.25; Carquest Auto Parts Inc. \$164.82; Certified Laboratories \$335.00; Charlier Associates Inc. \$13,494.45; City Of Driggs \$1,324.92; Control System Technology, Inc. \$5,650.50; Creative Energies, LLC \$775.90; Cues \$2,002.35; Day Wireless Systems \$65.00; Dean's Pest Control LLC \$145.00; Delcon Inc \$220.50; Delta Dental Plan Of Wyoming \$592.80; E.R. Office Express \$1,771.72; Electrical Wholesale Supply \$92.44; Energy Laboratories Inc. \$899.00; Eriks North America, Inc \$52.26; Etna Trade Park LLC \$642.34; Finkel, David \$2,000.00; Fire Services Of Idaho \$360.00; Fleetpride \$683.50; Gillig LLC \$4,303.12; High Country Linen \$2,547.29; ICLEI- Local Gov For Sustainability \$600.00; Idaho Falls Peterbilt \$17.90; Idexx Distribution, Inc. \$393.97; Interstate Battery \$383.85; Jack's Tire & Oil, Inc. \$2,690.91; Jackson Hole News & Guide \$7,632.54; Jackson Lumber Inc \$907.00; Jim & Greg The Locksmiths \$40.00; Johnson, Roberts & Associates \$19.50; Jorgensen Associates, Pc \$30,935.00; K.R Swerdfeger Construction, Inc \$14,968.80; Kaufman's Ok Tire \$40.00; Kellerstrass Enterprises, Inc \$22,028.60; Kenworth Sales Company Dept #1 \$424.50; Lawngevity \$4,646.25; Lepco \$1,026.60; Lincoln National Life \$5,900.64; Lower Valley Energy Inc \$33,687.68; McBath, Donnie \$155.00; Michigan.Com \$659.44; Miller Sanitation \$2,646.00; Mountain Electrical \$35,843.48; MSC Industrial Supply Co \$133.83; Mullin, Max \$500.00; Municipal Code Corporation \$2,000.00; Napa Auto Parts Inc. \$576.73; New West Building Company Inc. \$10,000.00; Omni Security Systems Inc \$242.00; One 22, Inc. \$37,500.00; One Call Of Wyoming \$310.50; One Call Of Wyoming \$39.75; O'Ryan Cleaners \$11.05; Platt \$7,651.50; Poco LLC \$731.73; Quadient, Inc Dept 3689 \$139.73; Rendezvous Engineering, P.C. \$360.00; Robert Heiner \$80.00; Safety Supply & Sign Co., Inc. \$4,327.69; Schmiller, Scott \$1,597.50; Silver Creek Supply \$242.60; Simon, Jennifer \$4,500.00; Sluder, Kelly \$646.00; Snake River Roasting \$244.75; Standard Plumbing Supply Co. \$229.79; State Disbursement Unit \$25.05; Stephens, Sam \$346.00; Sunrise Environmental \$2,844.47; Teton County Clerk \$154,595.50; Teton County Integrated Solid Waste/Recy \$8,183.94; Teton County Special Fire Fund \$175,513.46; Teton County Transfer Station \$184.00; Teton County-Fund 10 \$29,947.67; Teton County-Fund 19 \$242,963.68; Thermo King Intermountain, LLC \$1,144.14; Thyssen Krupp Elevator Corp. \$307.62; Title 22 Consultants \$325.00; Tmsc LLC \$24,862.03; Trefonas Law, P.C. \$128.00; Visa \$16,057.55; Vision Service Plan - (WY) \$1,843.55; W.W. Grainger, Inc. \$384.20; Wamco Lab, Inc. \$650.00; West Fork Construction \$17,049.00; Westbank Sanitation \$680.16; White Glove Cleaning, Inc. \$2,261.36; Wrench It Plumbing & Heating Inc \$2,344.64; WY Child Support Enforcement \$146.76; Wyoming Garage Door, LLC \$523.50; Yellow Iron Excavation, LLC \$845.00.
- C. **Special Event: Jackson EcoFair & Spring Clean-Up.** To approve the special event application from the Energy Conservation Works for the Eco Fair, subject to the conditions and restrictions listed in the staff report.

- D. **Special Event: Jackson Hole Children's Museum Touch-A-Truck.** To approve the special event application made by the Jackson Hole Children's Museum for the Annual Jackson Hole Children's Museum Touch-a-Truck special event, subject to the conditions and restrictions listed in the staff report.
- E. **Special Event: 39th Annual Old West Days & 2nd Annual Million Dollar Music Fest.** To approve the special event application and malt beverage permit made by the Chamber of Commerce for 2020 Old Ways Days and Million Dollar Music Fest, subject to the conditions and restrictions listed in the staff report.
- F. **Temporary Sign Permit: Climb WY Training (P20-033).** To approve the temporary banner in conjunction with Climb Wyoming subject to three (3) conditions of approval. 1. The use of the site shall be granted by the property owner. 2. The sign shall not be located on the sidewalks or in the public right of way. 3. The sign for Climb Wyoming Training may be installed at 105 Buffalo Way, Albertsons from March 8, 2020 to March 14, 2020.
- G. **Temporary Sign Permit: Jackson Hole Food & Wine (P20-028).** To approve the temporary banner in conjunction with the Jackson Hole Food and Wine subject to three (3) conditions of approval. 1. The use of the site shall be granted by the property owner. 2. The sign shall not be located on the sidewalks or in the public right of way. 3. The sign for Jackson Hole Food and Wine may be installed at 105 Buffalo Way, Albertsons from March 3, 2020 to March 7, 2020.
- H. **Project 20-11: Contract for Martin & Berger Sewer Lift Station Rebuild.** To approve the contract for the Berger and Martin Lane Lift Station Rebuild Project with Advanced Pump and Equipment of Belgrade, Montana, in the amount of \$91,773.46 and authorize the Mayor to execute all necessary contract Agreements.
- I. **Bid 20-12: Contract for Hansen Avenue and Jackson Street Sidewalk Improvements.** To approve the award of, and authorize the mayor to sign, the contract for the construction of the 2020 Sidewalk Improvements Project in full to Evans Construction Company of Jackson, Wyoming in the amount of \$1,535,291.25 and authorize funding for survey, construction testing, and construction administration for the project.

Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Contract for Core Services Facility Phase 1. Johnny Ziem made staff comment. A motion was made by Jim Stanford and seconded by Hailey Morton Levinson to approve the funding for the Phase 1 Core Services Facility Contract with Jorgensen Associates of Jackson, Wyoming, in the amount of \$520,530.00, and upon legal approval, authorize the Mayor to execute all necessary contract Agreements. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Item P19-229: Amendment to the Teton Village Master Plan. A motion was made by Hailey Morton Levinson and seconded by Arne Jorgensen to continue this item to the March 16, 2020 regular Town Council meeting. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Item P19-187: Text Amendment to LDR Section 8.10 Duties & Responsibilities Related to Planning Director and Community Development Director. A motion was made by Hailey Morton Levinson and seconded by Jonathan Schechter to continue Item P19-187 to the Town Council's regular meeting on April 6, 2020. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Item P19-201: Snow King Resort Master Association (SKRMA) Master Plan Amendment. A motion was made by Hailey Morton Levinson and seconded by Arne Jorgensen to continue Item P19-201 an amendment to a Resort Master Plan pursuant to Section 8.7.3 Planned Unit Development and an amendment to an associated Sketch Plan pursuant to Section 8.7.3 Planned Unit Development and Section 8.3.1 Sketch Plan to the Regular Town Council meeting on March 16, 2020. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Town Comment Letter to U.S. Forest Service on DEIS for SKRMA. Tyler Sinclair made staff comment. The Council discussed and edited the contents of the comment letter to be sent to the Forest Service on the draft Environmental Impact Statement issued on the Snow King Resort Master Plan Amendment. Mayor Muldoon stated that public comment should be directed to the Forest Service's comment line.

A motion was made by Jim Stanford and seconded by Hailey Morton Levinson to approve Councilwoman's Morton Levinson's draft that was edited tonight as presented and send it to the Forest Service before the comment deadline of March 16. Mayor Muldoon called for the vote. The vote showed 4-1 in favor with Schechter opposed. The motion carried.

Item P20-004: Subdivision Plat at 540 Cache Creek Drive. Brendan Conboy made staff comment.

Based upon the findings for a Subdivision Plat as presented in the staff report and by the applicant for Item P20-004 related to 1) Conformance with Development Plan or Development Option Plan; 2) Complies with standards of Section 8.5.3. Subdivision Plat; 3) Complies with standards of Division 7.2. Subdivision Standards; and 4) Complies with other relevant standards of these LDRs, a motion was made by Hailey Morton Levinson and seconded by Arne Jorgensen to make findings 1-4 as set forth in Section 8.5.3 (Subdivision Plat) of the Land Development Regulations to approve a land division at 540 Cache Creek Drive subject to the departmental reviews as provided in the staff report dated February 27, 2020, and the following two conditions of approval:

1. Within thirty (30) calendar days from the date of Town Council approval, the applicant shall satisfactorily address all comments made by the Town of Jackson and other reviewing entities in the Departmental Reviews and submit the corrections to the Planning Department. The Planning Director shall review and approve all required changes prior to recording the plat with the County Clerk.
2. Prior to recording the plat the applicant shall pay Park Exactions calculated at \$6,750 and School Exactions calculated at \$4,000 for two 4-bedroom single family units.

Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Item P20-008: Partial Vacation w/out Replat at 660 Cache Creek. Brendan Conboy made staff comment.

Based upon the findings as presented in the staff report and as made by the applicant for Item P20-008, a motion was made by Hailey Morton Levinson and seconded by Arne Jorgensen to approve a Partial Vacation without Replat for Lot 3 of the Scarlett Addition located at 660 Cache Creek Drive subject to the departmental reviews as provided in the staff report dated February 27, 2020. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Ordinances. A motion was made by Hailey Morton Levinson and seconded by Arne Jorgensen to read ordinances in the short title. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Ordinance L: An Ordinance Amending and Reenacting Sections 6.10 through 6.90 of the Jackson Municipal Code Related to Liquor Licenses and Permits.

AN ORDINANCE AMENDING AND REENACTING SECTIONS 1 THROUGH 12 OF ORDINANCE NO. 30, SECTIONS 1 AND 2 OF ORDINANCE NO. 89, SECTIONS 1 THROUGH 13 OF ORDINANCE NO. 90, SECTIONS 1 THROUGH 3 OF ORDINANCE NO. 90A, SECTION 1 OF ORDINANCE 106, 172, 375, 388, 389, 456, 503, 504, 516, 569, 577, 605, 714, 823, 828, 960, 1063, 1072, 1076, AND 1185, SECTIONS 1 AND 2 OF ORDINANCE 227, SECTIONS 3 THROUGH 8 OF ORDINANCE 853, SECTIONS 1 AND 2 OF ORDINANCE 969, AND SECTIONS 1 AND 2 OF ORDINANCE 1173; AND SECTIONS 6.10 THROUGH 6.90 OF THE TOWN OF JACKSON MUNICIPAL CODE REGARDING LIQUOR LICENSES AND PERMITS AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION DULY ASSEMBLED THAT:

There was no public comment.

A motion was made by Hailey Morton Levinson and seconded by Jim Stanford to approve Ordinance L at third reading and designate it Ordinance 1245. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Ordinance N: An Ordinance Granting a Renewed Franchise to Jackson Curbside Inc.

AN ORDINANCE GRANTING JACKSON CURBSIDE, INC., A FRANCHISE FOR THE COLLECTION AND DISPOSITION OF RECYCLABLE REFUSE AND COMPOSTABLE MATERIALS FOR THE PURPOSE OF REDUCING IMPACTS ON WASTE HAULING AND LANDFILL OPERATIONS AND SUPPORTING RECYCLING EFFORTS; PROVIDING THE RIGHTS AND LIABILITIES THEREUNDER; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION, DULY ASSEMBLED, THAT:

Kelly French of Jackson Curbside Recycling made public comment.

A motion was made by Hailey Morton Levinson and seconded by Jim Stanford to approve Ordinance N at second reading. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Matters from Mayor and Council. The Council discussed last week’s WAM conference.

Jim Stanford made comment on the Town’s Continuity of Operations plan and parking tickets issued in the Kmart parking lot. Todd Smith made staff comment.

Arne Jorgensen requested an update on SPET projects approved last November and how a timeline on those projects.

Town Manager’s Report. A motion was made by Hailey Morton Levinson and seconded by Jonathan Schechter to accept the Town Manager’s Report into the record. The Town Manager’s Report contained an update on sales and lodging tax. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Adjourn. A motion was made by Jonathan Schechter and seconded by Arne Jorgensen to adjourn the meeting. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried. The meeting adjourned at 7:12 p.m. minutes:spb

TOWN OF JACKSON

ATTEST:

Pete Muldoon, Mayor

Sandra P. Birdyshaw, Town Clerk
Publish JH News & Guide: March 11, 2020

Report Criteria:

Detail report.

Invoices with totals above \$0 included.

Paid and unpaid invoices included.

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
6634	107 WEST DESIGN, LLC	004	PROJ: NORTH CACHE STREET	02/25/2020	1,625.00	.00	
Total 6634:					1,625.00	.00	
51	ACE HARDWARE	680494	DUCT TAPE ABND ANTI FOG	12/05/2019	13.47	13.47	02/27/2020
51	ACE HARDWARE	683660	WALL CLOCK	12/31/2019	71.94	71.94	02/27/2020
51	ACE HARDWARE	684923	GAS CAN GRAFITTI REMOVER	01/14/2020	31.98	31.98	02/27/2020
51	ACE HARDWARE	685821	ANTI FOG	01/22/2020	16.47	16.47	02/27/2020
51	ACE HARDWARE	688426	CIRCUIT ALERTR NONCNTACT	02/16/2020	16.99	.00	
51	ACE HARDWARE	689499	DRILL BIT 14PC TITANIUM, BIT	02/26/2020	7.80	.00	
51	ACE HARDWARE	689670	RETRURN OF ELBOW 90 PVC D	02/27/2020	5.03	.00	
51	ACE HARDWARE	689891	BRUSH FITTING, TAPE TEFLON	02/29/2020	1.05-	.00	
51	ACE HARDWARE	689895	TRASH BAGS AND BROOM	02/29/2020	31.98	.00	
51	ACE HARDWARE	690013	MULTI TOOL 18T LTRMN, WRE	03/02/2020	139.98	.00	
51	ACE HARDWARE	690025	BAR PRY SAN ANGELO 1X72"	03/02/2020	44.99	.00	
51	ACE HARDWARE	690026	STAN COW PALM WORK, THER	03/02/2020	21.78	.00	
51	ACE HARDWARE	690062	UTILITY KNIFE SLIDE OUT, CHI	03/02/2020	31.97	.00	
51	ACE HARDWARE	690109	BULB LED T8/T12, DOOR STOP	03/03/2020	47.19	.00	
51	ACE HARDWARE	690111	STIHL 6.4 OZ ULTRA, STIHL BL	03/03/2020	296.89	.00	
51	ACE HARDWARE	690207	BATTERY ALK 9V 4PK, BATTER	03/03/2020	32.98	.00	
51	ACE HARDWARE	690220	PUNCH CENTER #79 GENERAL,	03/03/2020	46.98	.00	
51	ACE HARDWARE	690302	BLEACH LIQ REG CONC, SPRA	03/04/2020	25.96	.00	
51	ACE HARDWARE	690328	CORNER BRACE, GLUE LIQ NAI	03/04/2020	23.96	.00	
51	ACE HARDWARE	690513	TANK PURCHASE 20# PROPAN	03/05/2020	55.99	.00	
51	ACE HARDWARE	690537	GLUE TITEBOND, PIPE BLACK	03/06/2020	29.48	.00	
Total 51:					992.76	133.86	
3596	ADVANCED GLASS TRIM, LLC	19933	WINDSHIELD #1477- 2017 FOR	02/06/2020	300.00	.00	
3596	ADVANCED GLASS TRIM, LLC	19982	WINDSHIELD #1488- 2019 FOR	02/27/2020	425.00	.00	
Total 3596:					725.00	.00	
6524	ALPHAGRAPHICS	IX-164539	START BUS SIGNAGE	02/19/2020	684.82	684.82	02/27/2020
Total 6524:					684.82	684.82	
5726	AMAZON	111L-9NKH-77	USB CHARGER	01/22/2020	51.62	.00	
5726	AMAZON	141V-DC3K-D	SHREDDER BAGS & SHREDDE	02/14/2020	873.57	.00	
5726	AMAZON	1KPX-WLDM-	WIRELESS MOUSE	03/04/2020	55.56	.00	
5726	AMAZON	1VJ6-7WPY-9	TONER	02/27/2020	78.88	.00	
Total 5726:					1,059.63	.00	
2458	AMERIGAS	3102862413	PROPANE FOR MIDDLE TANK:	02/15/2020	952.81	.00	
Total 2458:					952.81	.00	
3530	AMSOIL INC	18885308 RI	SYNTHETIC 15W40 SS DIESEL	02/20/2020	8,066.25	.00	
Total 3530:					8,066.25	.00	
383	ANTLER MOTEL, INC.	03012020	ROOMS FOR FEBRUARY	03/01/2020	6,960.00	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total 383:					6,960.00	.00	
6575	APEX SAGE INC	FEB2020- SIM	SNOW SHOVELING ON 3 BUILD	02/01/2020	357.50	.00	
6575	APEX SAGE INC	FEB2020- SIM	SIMON PROJECT	02/01/2020	175.00	.00	
Total 6575:					532.50	.00	
3487	ARCHITECTURAL BUILDING SU	71081723	HOUDING HO607	02/28/2020	9.00	.00	
Total 3487:					9.00	.00	
1783	AT&T	287259163099	MONTHLY CHARGES	02/16/2020	1,279.13	.00	
1783	AT&T	287272169264	MONTHLY CHARGES	02/12/2020	43.23	.00	
1783	AT&T	287279795460	MONTHLY CHARGES	02/11/2020	251.88	.00	
Total 1783:					1,574.24	.00	
6583	BESTDRIVE IDAHO FALLS	29000900	11R22.5 HSL2 ECO PLUS	02/07/2020	861.56	.00	
6583	BESTDRIVE IDAHO FALLS	29000941	12R22.5 ST909 28/32, TIRE SYP	02/21/2020	3,936.00	.00	
Total 6583:					4,797.56	.00	
4774	BIG R RANCH & HOME	1362560B	MUCH CHORE	01/02/2019	45.52	.00	
4774	BIG R RANCH & HOME	1408655	CHIPPING HAMMER BRUSH RE	10/10/2019	5.88	.00	
4774	BIG R RANCH & HOME	1412465	JACKET HV SHERWOOD RD XL	10/31/2019	143.99	.00	
4774	BIG R RANCH & HOME	1418271	KNEEPADS PLASTIC CAP SWIV	12/09/2019	23.97	.00	
4774	BIG R RANCH & HOME	1424868	HAND TRUCK 800LB HD STEEL	01/26/2020	94.99	.00	
4774	BIG R RANCH & HOME	1425130	MUCK ARTIC SPORT STEEL TO	01/29/2020	305.95	.00	
4774	BIG R RANCH & HOME	1426572	SNOWBLOWER PIN, NUT SELF	02/12/2020	11.82	.00	
4774	BIG R RANCH & HOME	1428636	MENS JACKET	03/04/2020	149.99	.00	
Total 4774:					782.11	.00	
1560	BLUE SPRUCE CLEANERS,INC	03012020	DRY CLEANING	03/01/2020	51.14	.00	
Total 1560:					51.14	.00	
3303	BRISTOL, JAMES	6428	BUSINESS CARDS- ERIC H	02/25/2020	45.00	.00	
Total 3303:					45.00	.00	
6508	BROOKS, ANGELA	03022020	RESTITUTION CASE #18-12-000	03/02/2020	200.00	.00	
Total 6508:					200.00	.00	
4473	BROWER PSYCHOLOGICAL SE	2012	POST CONDITIONAL OFFER	02/28/2020	650.00	.00	
Total 4473:					650.00	.00	
4614	C & A PROFESSIONAL CLEANI	FEB2020-TH	FEBRUARY 2020- CLEANING S	03/02/2020	167.50	.00	
Total 4614:					167.50	.00	
5	CARQUEST AUTO PARTS INC.	6090-468532	U-JOINT	02/08/2020	29.18	.00	
5	CARQUEST AUTO PARTS INC.	6090-469747	WATER PUMP	02/20/2020	128.26	.00	
5	CARQUEST AUTO PARTS INC.	6090-469903	BATTERY COLD	02/21/2020	151.99	.00	
5	CARQUEST AUTO PARTS INC.	6090-470943	BELTS	03/02/2020	24.16	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total 5:					333.59	.00	
102	CASELLE INC.	100738	CONTRACT SUPPORT	03/01/2020	1,800.00	.00	
Total 102:					1,800.00	.00	
2876	CAST	1377	MEMBERSHIP DUES	03/01/2020	630.00	.00	
Total 2876:					630.00	.00	
544	CENTURYLINK	1486592856	307-733-3932	02/19/2020	306.63	.00	
544	CENTURYLINK	307-111-5050	307-111-5050	02/07/2020	1,880.19	.00	
Total 544:					2,186.82	.00	
5375	CHITWOOD, JESSICA	03022020	TUITION REIMBURSEMENT	03/02/2020	591.00	.00	
Total 5375:					591.00	.00	
5967	CITY OF DRIGGS	BBSTART2019	BUS BARN RENT	01/03/2019	1,324.92	1,324.92	02/27/2020
Total 5967:					1,324.92	1,324.92	
50	CMI - TECO	46968	CHAIN, FRT	02/10/2020	1,514.00	.00	
50	CMI - TECO	47008	WASHER, PIVOT PIN, BUSHING	02/12/2020	1,883.43	.00	
Total 50:					3,397.43	.00	
4292	Commercial Tire-ID Falls	123764	275/70R22.5 BS AP STEERM GR	02/19/2020	1,907.68	.00	
Total 4292:					1,907.68	.00	
1691	CORE & MAIN LP	L875755	PRECODER	02/06/2020	14,537.60	.00	
1691	CORE & MAIN LP	L889737	T10 1 PROCODER MTR	02/27/2020	5,045.04	.00	
1691	CORE & MAIN LP	L968940	3/4 SS INSERT F/CTS, SS INSE	02/27/2020	5,771.91	.00	
Total 1691:					25,354.55	.00	
611	CUMMINS ROCKY MOUNTAIN L	59-8858	MODULE ELECTRONIC CONTR	02/24/2020	1,803.48	.00	
611	CUMMINS ROCKY MOUNTAIN L	60-72984	LATCH ONAN- TOWN HALL GE	02/11/2020	100.46	.00	
Total 611:					1,903.94	.00	
4918	DEAN'S PEST CONTROLL LLC	49853	SMALL RODENT CONTROL @ P	02/19/2020	45.00	.00	
4918	DEAN'S PEST CONTROLL LLC	49902	SMALL RODENT CONTROL @ S	02/04/2020	100.00	.00	
Total 4918:					145.00	.00	
148	DELL	10378413938	ACROBAT PRO	03/03/2020	477.45	.00	
Total 148:					477.45	.00	
6635	DONEY, TYSON	031220	BAIL REFUND 19-09-0289	03/12/2020	1,190.00	1,190.00	03/12/2020
Total 6635:					1,190.00	1,190.00	
3408	E.R. OFFICE EXPRESS	0565CM	CREDIT	02/17/2020	44.36-	44.36-	02/27/2020

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
3408	E.R. OFFICE EXPRESS	14228	PAPER	11/14/2019	105.57	105.57	02/27/2020
3408	E.R. OFFICE EXPRESS	14430	TAPE	12/13/2019	36.14	36.14	02/27/2020
3408	E.R. OFFICE EXPRESS	14532	PAPER	12/24/2019	49.04	49.04	02/27/2020
3408	E.R. OFFICE EXPRESS	14674	FOLDERS	01/15/2020	58.53	58.53	02/27/2020
3408	E.R. OFFICE EXPRESS	14726	PAPER	01/22/2020	31.66	31.66	02/27/2020
3408	E.R. OFFICE EXPRESS	14923	TABLE TOP, TABLE BASES, FO	02/17/2020	1,585.45	.00	
3408	E.R. OFFICE EXPRESS	14923	TABLE TOP, TABLE BASES, FO	02/17/2020	1,586.00	.00	
3408	E.R. OFFICE EXPRESS	14923	TABLE TOP, TABLE BASES, FO	02/17/2020	1,586.00	.00	
3408	E.R. OFFICE EXPRESS	14923	TABLE TOP, TABLE BASES, FO	02/17/2020	1,586.00	.00	
3408	E.R. OFFICE EXPRESS	14972	MISC OFFICE SUPPLIES	02/19/2020	189.95	189.95	02/27/2020
3408	E.R. OFFICE EXPRESS	15009	PAPER	02/24/2020	338.16	338.16	02/27/2020
3408	E.R. OFFICE EXPRESS	15056	LEGAL TABS	03/03/2020	5.90	.00	
3408	E.R. OFFICE EXPRESS	15085	CHAIR MAT	03/06/2020	61.34	.00	
3408	E.R. OFFICE EXPRESS	15085	PAPER	03/06/2020	93.20	.00	
3408	E.R. OFFICE EXPRESS	15094	STICKY NOTES	03/06/2020	52.96	.00	
Total 3408:					7,321.54	764.69	
502	ELECTRICAL WHSLE SUPPLY C	S4827063.001	GLAV-CPLG, GALV STEEL	02/25/2020	68.13	.00	
Total 502:					68.13	.00	
721	EMERG + A + CARE	944005603	WORK EXAM	02/14/2020	205.00	.00	
Total 721:					205.00	.00	
1134	ENERGY LABORATORIES INC.	298254	INFLUENT, CELL 1, 3A, 3B2, 4D,	02/25/2020	302.00	.00	
1134	ENERGY LABORATORIES INC.	298945	INFLUENT, EFFLUENT	02/27/2020	114.00	.00	
1134	ENERGY LABORATORIES INC.	300188	INFLUENT, CELL 1, 3A, 3B2, 4D,	03/05/2020	292.00	.00	
Total 1134:					708.00	.00	
6631	ENVIRONMENTS SYSTEMS RE	93776468	AR GIS LICENSE	01/31/2020	1,350.00	.00	
6631	ENVIRONMENTS SYSTEMS RE	93776468	AR GIS LICENSE	01/31/2020	5,624.00	.00	
6631	ENVIRONMENTS SYSTEMS RE	93776468	AR GIS LICENSE	01/31/2020	1,350.00	.00	
Total 6631:					8,324.00	.00	
5045	ESPINOZA, NATALY	02272020	TRAVEL EXPENSES	02/27/2020	705.39	.00	
Total 5045:					705.39	.00	
6552	ETNA TRADE PARK LLC	02262020	PROPANE FOR START ETNA	02/26/2020	642.34	642.34	02/27/2020
Total 6552:					642.34	642.34	
6619	FINKEL, DAVID	02252020	REFUND OVERPAYMENT 3014	02/25/2020	2,000.00	2,000.00	02/27/2020
Total 6619:					2,000.00	2,000.00	
6605	FLOYD'S TRUCK CENTER	X303008237:0	HITCH	10/08/2019	409.32	.00	
Total 6605:					409.32	.00	
668	FREEDOM MAILING SERVICE I	37808	UTILITY BILLING	03/04/2020	889.41	.00	
668	FREEDOM MAILING SERVICE I	37808	UTILITY BILLING	03/04/2020	889.40	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total 668:					1,778.81	.00	
6633	FURBER, WINSLOW	030820-CDL	REIMBURSTMENT CDL FEE	03/08/2020	43.00	.00	
6633	FURBER, WINSLOW	030820-CDL	REIMBURSTMENT-PHYSICAL M	03/08/2020	155.00	.00	
Total 6633:					198.00	.00	
1022	GALLS INC.	015142559	MENS UNIFORM PANTS	02/28/2020	99.50	.00	
Total 1022:					99.50	.00	
4212	GILLIG LLC	40670742	COOLANT TEMPERATURE SEN	02/13/2020	192.88	.00	
4212	GILLIG LLC	40671207	HOSE ASM, SPCL WASHER, CO	02/14/2020	159.85	.00	
4212	GILLIG LLC	40671680	FRONT AIR SPRING	02/18/2020	488.82	.00	
4212	GILLIG LLC	40672654	DIMMER FOOT SWITCH	02/20/2020	55.60	.00	
4212	GILLIG LLC	40672655	WHEEL STUD	02/20/2020	105.24	.00	
4212	GILLIG LLC	40673210	HOSE CLAMP	02/21/2020	39.36	.00	
4212	GILLIG LLC	40674203	FRONT TRUN SIGNAL LAMP AS	02/25/2020	242.76	.00	
4212	GILLIG LLC	40674204	HUB PILOT WHEEL NUT	02/25/2020	132.39	.00	
Total 4212:					1,416.90	.00	
415	HAYSE M.D., BRUCE	207345	RANDOM	01/13/2020	70.00	70.00	02/27/2020
Total 415:					70.00	70.00	
96	HIGH COUNTRY LINEN	0170247	STRIPE WIPER START	12/25/2019	30.20	30.20	02/27/2020
96	HIGH COUNTRY LINEN	0177697	MATS @ START	02/05/2020	257.90	257.90	02/27/2020
96	HIGH COUNTRY LINEN	0180218	MISC SUPPLIES @ START	02/19/2020	30.20	30.20	02/27/2020
96	HIGH COUNTRY LINEN	0181352	BUILDING MAINT: TOJ WWTP- B	02/26/2020	86.57	.00	
96	HIGH COUNTRY LINEN	0181583	BUILDING MAINT: PUBLIC WOR	02/27/2020	80.08	.00	
96	HIGH COUNTRY LINEN	0181583	UNIFORMS: WWTP	02/27/2020	24.25	.00	
96	HIGH COUNTRY LINEN	0181583	UNIFORMS: STREET	02/27/2020	36.38	.00	
96	HIGH COUNTRY LINEN	0181583	UNIFORMS: SEWER	02/27/2020	19.40	.00	
96	HIGH COUNTRY LINEN	0181583	UNIFORMS: WATER	02/27/2020	21.82	.00	
96	HIGH COUNTRY LINEN	0181583	UNIFORMS: FLEET	02/27/2020	38.80	.00	
96	HIGH COUNTRY LINEN	0181583	UNIFORMS: ADMIN	02/27/2020	9.70	.00	
96	HIGH COUNTRY LINEN	0182278	BUILDING MAINT: TOJ HOME R	03/02/2020	750.00	.00	
96	HIGH COUNTRY LINEN	S0178537	CLEANING SUPPLIES @ START	02/10/2020	120.85	120.85	02/27/2020
96	HIGH COUNTRY LINEN	S0182793	BUILDING MAINT: PUBLIC WOR	03/04/2020	67.80	.00	
96	HIGH COUNTRY LINEN	S0182796	HAND SANITIZER	03/04/2020	72.44	.00	
96	HIGH COUNTRY LINEN	S0183002	TOWN HALL SUPPLIES	03/05/2020	405.65	.00	
96	HIGH COUNTRY LINEN	S0183284	SANIWIPIES	03/06/2020	129.92	.00	
Total 96:					2,181.96	439.15	
6636	HIGHLINE	03122020	REFUND PERMIT FEES	03/12/2020	145.00	.00	
Total 6636:					145.00	.00	
36	IDAHO STATE TAX COMMISSIO	03042020	FEBRUARY WITHHOLDINGS	03/04/2020	3,400.00	3,400.00	03/04/2020
Total 36:					3,400.00	3,400.00	
2	JACKSON CURBSIDE INC.	00027582	RECYCLING COLLECTION @ H	02/10/2020	645.00	.00	
2	JACKSON CURBSIDE INC.	00027594	RECYCLING COLLECTION @ P	02/10/2020	195.00	.00	
2	JACKSON CURBSIDE INC.	00027611	RECYCLING COLLECTION @ D	02/10/2020	985.00	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total 2:					1,825.00	.00	
6477	Jackson Hole Childrens Museum	03032020	3RD QUARTER	03/03/2020	3,750.00	.00	
Total 6477:					3,750.00	.00	
6474	JACKSON HOLE LAW, PC	1165	LEGAL SERVICES	02/01/2020	1,502.50	.00	
Total 6474:					1,502.50	.00	
131	JACKSON HOLE NEWS & GUID	02182020 VS	VICTIM SERVICE ADS	02/18/2020	434.52	434.52	02/27/2020
131	JACKSON HOLE NEWS & GUID	305264	AD#372566	11/30/2019	639.36	639.36	02/27/2020
131	JACKSON HOLE NEWS & GUID	305892	AD#373888	12/11/2019	216.44	216.44	02/27/2020
131	JACKSON HOLE NEWS & GUID	307557	AD#375262- RFB: CACHE CREE	01/22/2020	300.60	.00	
131	JACKSON HOLE NEWS & GUID	308021	AD#375998 RECRUITMENT	02/05/2020	376.20	376.20	02/27/2020
131	JACKSON HOLE NEWS & GUID	308328	AD#376058	02/12/2020	91.86	91.86	02/27/2020
131	JACKSON HOLE NEWS & GUID	308531	AD#376512	02/19/2020	905.98	905.98	02/27/2020
131	JACKSON HOLE NEWS & GUID	308725	AD#376704	02/26/2020	83.50	83.50	02/27/2020
131	JACKSON HOLE NEWS & GUID	308726	AD#376703	02/26/2020	1,027.05	1,027.05	02/27/2020
131	JACKSON HOLE NEWS & GUID	308727	AD#376645	02/26/2020	110.96	110.96	02/27/2020
131	JACKSON HOLE NEWS & GUID	308728	AD#376702	02/26/2020	183.70	183.70	02/27/2020
131	JACKSON HOLE NEWS & GUID	309183	AD#377006	03/04/2020	1,160.65	.00	
Total 131:					5,530.82	4,069.57	
5810	JACKSON HOLE RADIO	20020234	RADIO ADS	02/29/2020	840.00	.00	
5810	JACKSON HOLE RADIO	20020235	RADIO ADS	02/29/2020	840.00	.00	
5810	JACKSON HOLE RADIO	20020236	RADIO ADS	02/29/2020	840.00	.00	
5810	JACKSON HOLE RADIO	20020237	RADIO ADS	02/29/2020	840.00	.00	
5810	JACKSON HOLE RADIO	20020238	RADIO ADS	02/29/2020	840.00	.00	
Total 5810:					4,200.00	.00	
3661	JOHNSON, ROBERTS & ASSOC	142211	PHQ REPORT	02/18/2020	19.50	19.50	02/27/2020
3661	JOHNSON, ROBERTS & ASSOC	142255	PHW REPORT	02/24/2020	55.00	.00	
Total 3661:					74.50	19.50	
4275	JORGENSEN, ARNE OLAUS	031212	TRAVEL EXPENSES CHEYENN	03/12/2012	616.00	.00	
Total 4275:					616.00	.00	
6615	KAUFMAN'S OK TIRE	7969	REPAIR FLAT TIRE	02/15/2020	40.00	40.00	02/27/2020
Total 6615:					40.00	40.00	
6622	LEITTON, PETER	03032020	BAIL REFUND CASE #19-11-024	03/03/2020	1,240.00	1,240.00	03/03/2020
Total 6622:					1,240.00	1,240.00	
5691	LEPCO	38769	SERVICE REQUEST- PHOTO E	02/21/2020	246.00	.00	
Total 5691:					246.00	.00	
671	LINCOLN NATIONAL LIFE	4043941706	107391 MARCH PREMIUM	03/01/2020	1,225.59	1,225.59	03/04/2020

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total 671:					1,225.59	1,225.59	
2224	LOCAL GOV'T LIABILITY POOL	12500	AA200032 START VS CLEAR CR	02/24/2020	1,000.00	.00	
Total 2224:					1,000.00	.00	
4380	LONG BUILDING TECHNOLOGI	SRVCE010592	LABOR- DDC CONTROL WORK	02/20/2020	236.00	.00	
Total 4380:					236.00	.00	
156	LOWER VALLEY ENERGY INC	19722-079 02/	145 W HANSEN	02/28/2020	92.03	.00	
156	LOWER VALLEY ENERGY INC	19722-079 02/	145 W HANSEN	02/28/2020	49.55	.00	
156	LOWER VALLEY ENERGY INC	19722-106 02/	940 SIMON LANE	02/28/2020	224.78	.00	
156	LOWER VALLEY ENERGY INC	19722-333 02/	174 N KING	02/28/2020	517.81	.00	
156	LOWER VALLEY ENERGY INC	19722-363 02/	455 VINE UTILITY	02/28/2020	59.15	.00	
156	LOWER VALLEY ENERGY INC	19722-364 02/	55 VIRGINIAN	02/28/2020	86.00	.00	
156	LOWER VALLEY ENERGY INC	19722-365 02/	55 VIRGINIAN	02/28/2020	36.63	.00	
156	LOWER VALLEY ENERGY INC	19722-367 02/	455 VINE UTILITY #3	02/28/2020	106.76	.00	
156	LOWER VALLEY ENERGY INC	19722-368 02/	455 VINE UTILITY #4	02/28/2020	85.70	.00	
156	LOWER VALLEY ENERGY INC	19722-370 02/	2022 WILDFLOWER	02/28/2020	119.69	.00	
156	LOWER VALLEY ENERGY INC	19722-371 02/	2022 WILDFLOWER	02/28/2020	57.13	.00	
156	LOWER VALLEY ENERGY INC	19722-374 02/	455 VINE UTILITY	02/28/2020	86.07	.00	
156	LOWER VALLEY ENERGY INC	19722-381 02/	915 SIMON	02/28/2020	232.78	.00	
156	LOWER VALLEY ENERGY INC	20594- 02/20	92050-026: 450 SNOW KING AV	02/28/2020	285.10	.00	
156	LOWER VALLEY ENERGY INC	20594- 02/20	92050-341: HOME RANCH REST	02/28/2020	16.92	.00	
156	LOWER VALLEY ENERGY INC	20594- 02/20	92050-380: 145 E PEARL AVE- U	02/28/2020	113.89	.00	
156	LOWER VALLEY ENERGY INC	20594- 02/20	92050-008: CEMETARY	02/28/2020	43.67	.00	
156	LOWER VALLEY ENERGY INC	20594- 02/20	92050-132: PARKING GARAGE	02/28/2020	1,828.49	.00	
156	LOWER VALLEY ENERGY INC	20594- 02/20	92050-378: 145 E PEARL AVE- B	02/28/2020	16.49	.00	
156	LOWER VALLEY ENERGY INC	20594- 02/20	92050-082: EAST STORAGE BL	02/28/2020	360.57	.00	
156	LOWER VALLEY ENERGY INC	20594- 02/20	92050-376: 149 E PEARL AVE- B	02/28/2020	216.94	.00	
156	LOWER VALLEY ENERGY INC	20594- 02/20	92050-014: HEAT TAPE	02/28/2020	95.36	.00	
156	LOWER VALLEY ENERGY INC	20594- 02/20	92050-134: PARKING GARAGE	02/28/2020	104.50	.00	
156	LOWER VALLEY ENERGY INC	20594- 02/20	92050-379: 145 E PEARL AVE- U	02/28/2020	16.49	.00	
156	LOWER VALLEY ENERGY INC	20594- 02/20	92050-060: SOUTH GARAGE	02/28/2020	751.51	.00	
156	LOWER VALLEY ENERGY INC	20594- 02/20	92050-359: MILLER PARK PARKI	02/28/2020	55.73	.00	
156	LOWER VALLEY ENERGY INC	20594- 02/20	92050-061: PUBLIC WORKS	02/28/2020	1,222.22	.00	
156	LOWER VALLEY ENERGY INC	20594- 02/20	92050-375: 155 E PEARL AVE- O	02/28/2020	24.99	.00	
156	LOWER VALLEY ENERGY INC	20594- 02/20	92050-002: ANIMAL SHELTER	02/28/2020	289.32	.00	
156	LOWER VALLEY ENERGY INC	20594- 02/20	92050-092: 3150 ADAMS CANYO	02/28/2020	514.52	.00	
156	LOWER VALLEY ENERGY INC	20594- 02/20	92050-377: 145 E PEARL AVE- U	02/28/2020	157.19	.00	
156	LOWER VALLEY ENERGY INC	20594- 02/20	92050-059: POLICE GARAGE	02/28/2020	222.11	.00	
156	LOWER VALLEY ENERGY INC	20594- 02/20	92050-356: KARNs MEADOW ST	02/28/2020	3,072.82	.00	
156	LOWER VALLEY ENERGY INC	20594- 02/20	92050-386: 143 E PEARL AVE	02/28/2020	58.03	.00	
156	LOWER VALLEY ENERGY INC	92050-010- 02/	92050-010: ELY SPRINGS RD FI	02/28/2020	1,248.43	.00	
156	LOWER VALLEY ENERGY INC	92050-0102 02	145 W HANSEN	02/28/2020	2.10	.00	
156	LOWER VALLEY ENERGY INC	92050-0102 02	145 W HANSEN	02/28/2020	2.09	.00	
156	LOWER VALLEY ENERGY INC	92050-0102 02	145 W HANSEN	02/28/2020	2.10	.00	
156	LOWER VALLEY ENERGY INC	92050-0102 02	145 W HANSEN	02/28/2020	2.09	.00	
156	LOWER VALLEY ENERGY INC	92050-017- 02/	92050-017: INTERMED TREATM	02/28/2020	64.97	.00	
156	LOWER VALLEY ENERGY INC	92050-021- 02/	92050-021: 150 E PEARL AVE	02/28/2020	1,910.82	.00	
156	LOWER VALLEY ENERGY INC	92050-025- 02/	92050-025: SK W NEW SHOP	02/28/2020	701.91	.00	
156	LOWER VALLEY ENERGY INC	92050-047- 02/	92050-047: UV BUILDING	02/28/2020	147.95	.00	
156	LOWER VALLEY ENERGY INC	92050-049- 02/	92050-049: WWTP	02/28/2020	8,826.61	.00	
156	LOWER VALLEY ENERGY INC	92050-051- 02/	92050-051: WELL #5	02/28/2020	1,993.14	.00	
156	LOWER VALLEY ENERGY INC	92050-078 02/	145 w hansen	02/28/2020	37.06	.00	
156	LOWER VALLEY ENERGY INC	92050-078 02/	145 w hansen	02/28/2020	37.07	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
156	LOWER VALLEY ENERGY INC	92050-078 02/	145 w hansen	02/28/2020	37.07	.00	
156	LOWER VALLEY ENERGY INC	92050-078 02/	145 w hansen	02/28/2020	37.07	.00	
156	LOWER VALLEY ENERGY INC	92050-114- 02/	92050-114: HOME RANCH REST	02/28/2020	390.69	.00	
156	LOWER VALLEY ENERGY INC	92050-131- 02/	92050-131: 195 E DELONEY RS	02/28/2020	350.43	.00	
156	LOWER VALLEY ENERGY INC	92050-357- 02/	92050-357: 55 KARNs MEADOW	02/28/2020	1,468.22	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20560- 0	GROUP: 20560- MULTIPLE STRE	02/28/2020	1,618.49	.00	
156	LOWER VALLEY ENERGY INC	GRP:20593- 02	92050-019: SEWER LIFT PUMP	02/28/2020	83.98	.00	
156	LOWER VALLEY ENERGY INC	GRP:20593- 02	92050-334: SEWER LIFT STATIO	02/28/2020	122.25	.00	
156	LOWER VALLEY ENERGY INC	GRP:20593- 02	92050-018: SEWER LIFT PUMP-	02/28/2020	21.22	.00	
156	LOWER VALLEY ENERGY INC	GRP:20593- 02	92050-126: SEWER LIFT STATIO	02/28/2020	22.50	.00	
156	LOWER VALLEY ENERGY INC	GRP:20593- 02	92050-127: 3337 CODY CRK DR	02/28/2020	328.03	.00	
156	LOWER VALLEY ENERGY INC	GRP:20593- 02	92050-385: SPRING CREEK LIFT	02/28/2020	244.91	.00	
156	LOWER VALLEY ENERGY INC	GRP:20593- 02	92050-024: SEWER LIFT PUMP	02/28/2020	18.70	.00	
Total 156:					30,940.84	.00	
217	MATTHEWS, TONY	03042020	TRAVEL EXPENSES	03/04/2020	98.25	.00	
Total 217:					98.25	.00	
6614	MCBATH, DONNIE	02192020	DOT REIMBURSE	02/19/2020	155.00	155.00	02/27/2020
Total 6614:					155.00	155.00	
6617	MICHIGAN.COM	0003179024	RECRUITMENT ADS	01/31/2020	659.44	659.44	02/27/2020
Total 6617:					659.44	659.44	
3932	MILLER SANITATION	15496	START BUS ROUTE FOR 10 CA	02/14/2020	280.00	.00	
3932	MILLER SANITATION	15498	CITY CANS 74 FOR FEBRUARY	02/14/2020	2,072.00	.00	
Total 3932:					2,352.00	.00	
5717	MORILLON-ARELLANO, SHELLI	03032020	TUITION REIUMBURSMENT	03/03/2020	591.00	.00	
Total 5717:					591.00	.00	
4886	MORTON-LEVINSON, HAILEY	03022020	TRAVEL EXPENSES TO WAM	03/02/2020	52.33	.00	
Total 4886:					52.33	.00	
1235	MOTOROLA INC.	41281768	POLICE RADIOS	02/20/2020	12,388.24	.00	
1235	MOTOROLA INC.	41281768	POLICE RADIOS	02/20/2020	12,388.24	.00	
1235	MOTOROLA INC.	41281768	POLICE RADIOS	02/20/2020	6,194.12	.00	
1235	MOTOROLA INC.	41281768	POLICE RADIOS	02/20/2020	5,790.43	.00	
Total 1235:					36,761.03	.00	
6618	MULLIN, MAX	02132020	BAIL REFUND 20-01-0041	02/13/2020	500.00	500.00	02/27/2020
Total 6618:					500.00	500.00	
6561	MUNICIPAL CODE CORPORATI	00338102	LEGAL REVIEW	12/31/2019	2,000.00	2,000.00	02/27/2020
Total 6561:					2,000.00	2,000.00	
187	NELSON ENGINEERING	51726	PROJ: 19-336-01 020 TOJ- 2020	02/25/2020	12,011.75	.00	
187	NELSON ENGINEERING	51726	PROJ: 19-336-01 020 TOJ- 2020	02/25/2020	12,011.75	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
187	NELSON ENGINEERING	51770	PROJ: 19-330-020- WELL 7- BRI	02/26/2020	2,688.00	.00	
187	NELSON ENGINEERING	51832	PROJ: 19-330-01 020- ZONE 3 W	02/28/2020	4,595.00	.00	
Total 187:					31,306.50	.00	
6213	New West Building Company Inc.	03022020	HOUSING MITIGATION FEE RE	03/02/2020	16,818.32	.00	
Total 6213:					16,818.32	.00	
6182	NORMAND, JACOB	03032020	REIMBURSE BOOTS	03/03/2020	100.00	.00	
Total 6182:					100.00	.00	
4734	NORTHWEST PARKWAY	10593730	TOLL FEE	02/21/2020	5.75	.00	
Total 4734:					5.75	.00	
5870	ONE 22, INC.	01142020	2ND HALF GRANT	01/14/2020	37,500.00	37,500.00	02/27/2020
Total 5870:					37,500.00	37,500.00	
1504	ONE CALL OF WYOMING	54982	TICKETS FOR FEB 2020 CDC C	03/05/2020	15.75	.00	
1504	ONE CALL OF WYOMING	54982	TICKETS FOR FEB 2020 CDC C	03/05/2020	15.75	.00	
Total 1504:					31.50	.00	
4712	OPERATOR 6 EXECUTIVE SEC	2019-11-19-11	WATER DAMAGE- MATERIAL A	11/19/2019	25,883.68	.00	
Total 4712:					25,883.68	.00	
6613	QUADIENT, INC DEPT 3689	15967998	INK FOR POSTAGE MACHINE	01/23/2020	139.73	139.73	02/27/2020
Total 6613:					139.73	139.73	
6069	RAFTELIS	14272	PROJ: R-JAWY1910.00- JACKS	02/17/2020	11,962.33	.00	
6069	RAFTELIS	14272	PROJ: R-JAWY1910.00- JACKS	02/17/2020	11,962.33	.00	
Total 6069:					23,924.66	.00	
2758	RANCH INN	02052020	VICTIM SERVICES	02/05/2020	315.00	.00	
Total 2758:					315.00	.00	
1430	ROBINSON, ROXANNE DEVRIE	02282020	TRAVEL EXPENSES WAM	02/28/2020	31.58	.00	
Total 1430:					31.58	.00	
6629	SCARLATA, SUSAN	03062020	TRAVEL TO WAM	03/06/2020	71.00	.00	
Total 6629:					71.00	.00	
6424	SCHECHTER, JONATHAN	03022020	TRAVEL EXPENSES TO CHEYE	03/02/2020	658.60	.00	
6424	SCHECHTER, JONATHAN	03032020	TRAVEL EXPENSES	03/03/2020	89.66	.00	
Total 6424:					748.26	.00	
4548	SILVER CREEK SUPPLY	S2095847.001	SWT CIRCUIT SETTER	02/19/2020	109.78	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total 4548:					109.78	.00	
6624	SILVER SCREEN ADVERTISING	3559	invoice shorted 3.00	01/02/2020	3.00	3.00	03/09/2020
6624	SILVER SCREEN ADVERTISING	3559	JH CINEMAS PRE-SHOW ADVE	01/02/2020	522.00	522.00	03/04/2020
Total 6624:					525.00	525.00	
4720	SILVERSTAR	2331386	MONTHLY SERVICE	03/01/2020	2,017.78	.00	
4720	SILVERSTAR	2331386	MONTHLY SERVICE	03/01/2020	260.00	.00	
4720	SILVERSTAR	2331386	MONTHLY SERVICE	03/01/2020	35.49	.00	
Total 4720:					2,313.27	.00	
6616	SIMON, JENNIFER	TOJ00101	LEGISLATIVE AFFAIRS	02/19/2020	4,500.00	4,500.00	02/27/2020
Total 6616:					4,500.00	4,500.00	
6626	SIMON, MARDY	03092020	BAIL REFUND 20-02-0547	03/09/2020	390.00	390.00	03/09/2020
Total 6626:					390.00	390.00	
6374	SLUDER, KELLY	022020	REIMBURSE FOR TRAVEL	02/20/2020	646.00	646.00	02/27/2020
Total 6374:					646.00	646.00	
5632	SNAKE RIVER MEP COMPLETE,	4390	AIR REELS INSTALLATION	02/13/2020	2,831.50	.00	
5632	SNAKE RIVER MEP COMPLETE,	4400	START BUS WATER LINE- MOV	02/13/2020	489.93	.00	
5632	SNAKE RIVER MEP COMPLETE,	4401	START BUS AIR LINE MOVE	02/13/2020	527.05	.00	
Total 5632:					3,848.48	.00	
4699	SNAKE RIVER ROASTING	624532	COFFEE	02/18/2020	48.95	48.95	02/27/2020
4699	SNAKE RIVER ROASTING	624533	coffee	02/19/2020	48.95	48.95	02/27/2020
4699	SNAKE RIVER ROASTING	624624	COFFEE	02/26/2020	48.95	48.95	02/27/2020
4699	SNAKE RIVER ROASTING	624794	COFFEE- THREE BAGS- MAIN P	03/03/2020	146.85	.00	
4699	SNAKE RIVER ROASTING	624802	coffee	03/09/2020	48.95	.00	
Total 4699:					342.65	146.85	
6627	SOSA, NICOLES	03112020	BAIL REFUND 19-10-0091	03/11/2020	2,000.00	2,000.00	03/11/2020
Total 6627:					2,000.00	2,000.00	
4752	SPECIALTY CONSTRUCTION S	0193139-IN	HAT BB CAP LIME REFLECTION	02/25/2020	48.00	.00	
4752	SPECIALTY CONSTRUCTION S	0193139-IN	POTHOLE PATCH UPM	02/25/2020	868.00	.00	
4752	SPECIALTY CONSTRUCTION S	0193355-IN	POTHOLE PATCH UPM- ASPHA	03/04/2020	868.00	.00	
4752	SPECIALTY CONSTRUCTION S	0193396-IN	INLET FILTER LARGE BLOCKS	03/04/2020	104.00	.00	
Total 4752:					1,888.00	.00	
3961	SPECTRUM	002091802082	MONTHLY SERVICES	02/08/2020	1,617.03	.00	
3961	SPECTRUM	030852022720	MONTHLY SERVICES	02/27/2020	90.49	.00	
3961	SPECTRUM	307-733-3106	307-733-3106	02/13/2020	36.86	.00	
Total 3961:					1,744.38	.00	
1505	SPRING CREEK ANIMAL HOSPI	624978310	SULLY CARE	02/04/2020	86.38	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
1505	SPRING CREEK ANIMAL HOSPI	624978595	ANIMAL CARE	02/11/2020	850.82	.00	
1505	SPRING CREEK ANIMAL HOSPI	624978978	ANIMAL CARE	02/18/2020	220.43	.00	
1505	SPRING CREEK ANIMAL HOSPI	624979444	ANIMAL CARE	02/25/2020	234.20	.00	
Total 1505:					1,391.83	.00	
241	ST JOHN'S HOSPITAL	50000256	CHEM & LAB	03/09/2020	325.00	.00	
Total 241:					325.00	.00	
4513	STANARD & ASSOCIATES, INC	SA000043338	OFFICER TEST	02/26/2020	90.00	.00	
4513	STANARD & ASSOCIATES, INC	SA000043363	OFFICER TEST	02/26/2020	232.50	.00	
Total 4513:					322.50	.00	
4885	STANFORD, JAMES	03022020	LEGISLATIVE SESSION EXPEN	03/02/2020	531.30	.00	
Total 4885:					531.30	.00	
6632	STARICH, PATRICK	03022020	HOUSING MITIGATION FEE RE	03/02/2020	23,100.30	.00	
Total 6632:					23,100.30	.00	
6557	STATE DISBURSEMENT UNIT	02272020	case #c00588407 domingo	02/27/2020	25.05	25.05	02/27/2020
6557	STATE DISBURSEMENT UNIT	03122020	case #c00588407	03/12/2020	25.05	25.05	03/12/2020
Total 6557:					50.10	50.10	
6623	SULLIVAN, JACK	03032020	BAIL REFUND 20-01-0037	03/03/2020	1,240.00	1,240.00	03/03/2020
Total 6623:					1,240.00	1,240.00	
4990	Swagit Productions, LLC	14815	VIDEO STREAMING SERVICES	02/29/2020	1,775.00	.00	
Total 4990:					1,775.00	.00	
4933	SYMBOLARTS, LLC	0348773-IN	BADGE	02/25/2020	492.00	.00	
4933	SYMBOLARTS, LLC	0348788-IN	BADGE	02/25/2020	238.00	.00	
4933	SYMBOLARTS, LLC	0348971-IN	BADGES	02/27/2020	601.00	.00	
Total 4933:					1,331.00	.00	
1443	TETON COUNTY CLERK	022820	MARCH 2020 PARK AND REC	02/27/2020	133,068.50	133,068.50	02/27/2020
1443	TETON COUNTY CLERK	022920	MARCH 2020 HOUSING AUTHO	02/27/2020	21,527.00	21,527.00	02/27/2020
Total 1443:					154,595.50	154,595.50	
55	TETON COUNTY SHERIFF'S-JAI	562	FEBRUARY INMATES	03/05/2020	2,376.00	.00	
Total 55:					2,376.00	.00	
996	TETON COUNTY SPECIAL FIRE	02252020	FEB 2020 SPECIAL FIRE FUND	02/25/2020	38,861.81	38,861.81	02/27/2020
996	TETON COUNTY SPECIAL FIRE	02252020FEB	CAPITAL FEB 2020	02/25/2020	7,728.12	7,728.12	02/27/2020
996	TETON COUNTY SPECIAL FIRE	022520FEB	FEBRUARY 2020 FIRE/EMS	02/25/2020	649.53	649.53	02/27/2020
996	TETON COUNTY SPECIAL FIRE	022920	MARCH 2020 FIRE EMS	02/27/2020	128,274.00	128,274.00	02/27/2020
Total 996:					175,513.46	175,513.46	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
1355	TETON COUNTY TRANSFER ST	449456	DIM/LUMBER	02/26/2020	121.00	.00	
Total 1355:					121.00	.00	
1614	TETON COUNTY-FUND 10	02252020	feb 2020 pathways	02/25/2020	4,846.46	4,846.46	02/27/2020
1614	TETON COUNTY-FUND 10	02252020D	febRUARY 2020 DISPATCH	02/25/2020	21,278.39	21,278.39	02/27/2020
1614	TETON COUNTY-FUND 10	212520	feb 2020 kristi malone	02/27/2020	3,822.82	3,822.82	02/27/2020
Total 1614:					29,947.67	29,947.67	
166	TETON COUNTY-FUND 19	02202020PRC	FEBRUARY 2020 CAPITAL	02/20/2020	242,963.68	242,963.68	02/27/2020
Total 166:					242,963.68	242,963.68	
3162	TETON TRASH REMOVAL, INC.	20 MAR 871	TRASH REMOVAL 145 HANSEN	03/01/2020	45.50	.00	
Total 3162:					45.50	.00	
70	THYSSEN KRUPP ELEVATOR C	3005124399	GOLD- FULL MAINTENANCE SE	03/01/2020	307.62	.00	
Total 70:					307.62	.00	
6363	TMSC LLC	2020-055-03	PO #: FACILITIES MAINENANCE	02/25/2020	1,710.00	.00	
Total 6363:					1,710.00	.00	
5038	TREFONAS LAW, P.C.	02152020	LEGAL SERVICES	02/15/2020	128.00	128.00	02/27/2020
5038	TREFONAS LAW, P.C.	03052020	LEGAL SERVICES	03/05/2020	342.68	.00	
Total 5038:					470.68	128.00	
3527	UPS	0000129VW40	SHIPPING CHARGE-POLICE	02/23/2019	20.40	.00	
3527	UPS	0000129VW40	SHIPPING CHARGE-POLICE	03/02/2019	26.89	.00	
Total 3527:					47.29	.00	
293	US POSTAL SERVICE	01202020	Brm permit	01/20/2020	240.00	240.00	03/04/2020
Total 293:					240.00	240.00	
6628	VOTRUBA, ELLARE	03102020	TRAVEL REIMBURSE	03/10/2020	715.72	.00	
Total 6628:					715.72	.00	
244	WATTS STEAM STORE ROCKY	74195	REPAIR HOTSY HOSE	02/18/2020	560.16	.00	
Total 244:					560.16	.00	
6625	WEST, HODENE	03042020	BAIL REFUND 19-12-0377	03/04/2020	500.00	500.00	03/04/2020
Total 6625:					500.00	500.00	
563	WESTBANK SANITATION	3356483	WWTP- TRASH SERVICE FOR F	03/01/2020	676.65	.00	
Total 563:					676.65	.00	
472	WHITE GLOVE CLEANING, INC.	6090	START CLEANING	01/31/2020	2,261.36	2,261.36	02/27/2020

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total 472:					2,261.36	2,261.36	
3619	WY CHILD SUPPORT ENFORCE	02272020	case #209790 GALLEGHER	02/27/2020	146.76	146.76	02/27/2020
3619	WY CHILD SUPPORT ENFORCE	03122020	case #209790	03/12/2020	146.76	146.76	03/12/2020
Total 3619:					293.52	293.52	
4139	WY WORKERS' SAFETY & COM	03042020	MARCH PREMIUM	03/04/2020	9,388.63	9,388.63	03/04/2020
Total 4139:					9,388.63	9,388.63	
504	WYDOT	03122020	TRANSFER - CITY X580 TRAILR	03/12/2020	2.00	.00	
504	WYDOT	03122020B	TRANSFER - CITY 1479	03/12/2020	2.00	.00	
Total 504:					4.00	.00	
5788	WYOMING GARAGE DOOR, LLC	2223	SERVICE CALL- OPEN CLOSE L	03/02/2020	453.00	.00	
Total 5788:					453.00	.00	
406	WYOMING LAW ENFORCEMEN	A-0604	BASIC TRAINING COSTS	02/11/2020	923.50	.00	
Total 406:					923.50	.00	
329	WYOMING RETIREMENT SYST	189791	FEBRUARY CONTRIBUTIONS	03/04/2020	30,173.41	30,173.41	03/04/2020
329	WYOMING RETIREMENT SYST	189792	FEBRUARY CONTRIBUTIONS	03/04/2020	26,618.29	26,618.29	03/04/2020
329	WYOMING RETIREMENT SYST	189793	FEBRUARY CONTRIBUTIONS	03/04/2020	47,937.97	47,937.97	03/04/2020
Total 329:					104,729.67	104,729.67	
2179	XEROX CORPORATION	099669493	CONTRACT COPIER	03/01/2020	98.28	.00	
2179	XEROX CORPORATION	099669494	CONTRACT COPIER	03/01/2020	153.37	.00	
2179	XEROX CORPORATION	099669495	CONTRACT COPIER	03/01/2020	115.21	.00	
2179	XEROX CORPORATION	099669496	CONTRACT COPIER	03/01/2020	12.52	.00	
2179	XEROX CORPORATION	099669507	CONTRACT COPIER	03/01/2020	107.94	.00	
Total 2179:					487.32	.00	
5539	Y2 CONSULTANTS, LLC	16044	PROJ: 19245-CVL:CSD: CENTE	02/16/2020	6,867.55	.00	
5539	Y2 CONSULTANTS, LLC	16044	PROJ: 19245-CVL:BID: CENTER	02/16/2020	1,095.00	.00	
Total 5539:					7,962.55	.00	
2842	YELLOW IRON EXCAVATION, L	44381	915 SIMON TRASH REMOVAL	02/29/2020	32.00	.00	
2842	YELLOW IRON EXCAVATION, L	44391	TRASH REMOVAL @ 174 N KIN	02/29/2020	32.00	.00	
2842	YELLOW IRON EXCAVATION, L	44451	TRASH REMOVAL FEBRUARY 2	02/29/2020	70.00	.00	
2842	YELLOW IRON EXCAVATION, L	44574	TRASH REMOVAL FEBRUARY 2	02/29/2020	120.00	.00	
2842	YELLOW IRON EXCAVATION, L	44575	TRASH REMOVAL @ SHELTER	02/29/2020	124.00	.00	
2842	YELLOW IRON EXCAVATION, L	44576	TRASH REMOVAL FEBRUARY 2	02/29/2020	160.00	.00	
2842	YELLOW IRON EXCAVATION, L	44577	TRASH REMOVAL FEBRUARY 2	02/29/2020	260.00	.00	
2842	YELLOW IRON EXCAVATION, L	44578	TRASH REMOVAL FEBRUARY 2	02/29/2020	160.00	.00	
Total 2842:					958.00	.00	
Grand Totals:					1,119,890.94	788,258.05	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
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Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

City Treasurer: _____

Report Criteria:

Detail report.

Invoices with totals above \$0 included.

Paid and unpaid invoices included.



TOWN OF JACKSON

TOWN COUNCIL

AGENDA DOCUMENTATION

PREPARATION DATE: March 12, 2020

MEETING DATE: March 16, 2020

SUBMITTING DEPARTMENT: Town Clerk

DEPARTMENT DIRECTOR: Roxanne Devries Robinson

PRESENTER: Carl Pelletier

SUBJECT: TCSAR Helicopter Community Demo

STATEMENT/PURPOSE

The Mayor and Council approve the use of Town parking spaces and the services of Town personnel on behalf of the Town of Jackson.

BACKGROUND/ALTERNATIVES

The applicants, Teton County Search and Rescue (TCSAR) and the Teton County Search and Rescue Foundation, request permission to host an outreach event and educational opportunity for the community. The event will also be geared toward thanking the community for helping raise the funds to have the TCSAR helicopter in the valley. The requested event will take place in the Snow King ballfield on Saturday, May 30th between the hours of 8:30am until 11:30am.

The purpose of the event is to provide a demonstration to show how the TCSAR helicopter performs rescue operations. The TCSAR shorthaul team would like to utilize the Snow King ballfield as a landing zone following a short haul demonstration that they will be performing on Snow King Mountain. The short haul demonstration would include rigging a helicopter on Snow King Mountain property and flying a team member to the top of Snow King mountain to perform a short haul extraction. The helicopter would then land in the Snow King ballfield following the demonstration. Once the helicopter has come to a complete stop (and all rotors have stopped) community members will be invited to approach the helicopter to learn more about the equipment. The event will conclude by 11:30am. This is a free event and the applicant is anticipating 50-100 spectators.

The application has been submitted for review and comment to all Town departments. One concern brought up by several departments was a consideration for keeping spectators a safe distance from the landing zone during landing and take-off. In order to allow a safety buffer between the landing zone and the spectators, the organizers have requested a closure of the Snow King parking lot for this event. TCSAR, TC Sheriff's Department and the Jackson Police have all indicated that they would be willing to assist with spectator safety management both during landing and take-off following the event.

The applicant requests the following from the Town in association with the event:

1. Permission to land a helicopter in the Snow King ballfield at approximately 9:15am on May, 30, 2020.
2. Permission to operate a shorthaul demonstration between the hours of 8:30am and 9:15am on May 30, 2020.
3. Permission for the closure of the Snow King parking lot from approximately 7:30am until approximately 11:30am

COMPREHENSIVE PLAN ALIGNMENT

This event aligns with our Quality of Life which is important to our community. We have always been a diverse community that supports a variety of lifestyles and employment opportunities, and we welcome others to share in the enjoyment of our ecosystem and western mountain lifestyle. Residents and visitors have become accustomed to high-quality social, cultural, and recreational services. Continuing to provide these services in a manner that better achieves our Vision will enhance the livability and appeal of our community.

STAKEHOLDER ANALYSIS

The application has been submitted for review and comment to all Town departments.

FISCAL IMPACT

N/A

STAFF IMPACT

Minimal

LEGAL REVIEW

N/A

RECOMMENDATION

Staff recommends the approval of the special event application, subject to the following conditions and restrictions:

1. The applicant shall conduct the procession in a timely and professional manner.
2. The applicant shall coordinate any parking lot closures deemed necessary with the Police Department at least one week ahead of time. The applicant will be responsible for the procuring, posting and removal of all “No Parking” signs.
3. The applicant shall clean up immediately following the event and shall be responsible for the collection and removal of all refuse generated by the event.
4. Electrical power is available in the Snow King ballfield. The applicant shall coordinate any power needs with the Parks & Recreation Department Parks Manager (732-5793) at least three (3) business days prior to the event.
5. All power and sound cords that cross walkways shall be taped and secured to avoid a tripping hazard
6. The applicant shall coordinate the use of the Snow King ballfield, including paperwork and applicable fees, with the Parks and Recreation Department.
7. The applicant shall abide by all Parks & Recreation Department recommendations with regards to turf protection.
8. The applicant will submit an irrigation locate request with the Parks and Recreation Department prior to the event.
9. No trees or other forestry may be moved, modified, damaged or destroyed to set up booths, tents, or exhibits. No ropes, exhibits, signs, banners or booths may be secured to any live forestry.
10. All walkways and boardwalks must be kept unobstructed at all times.
11. No exhibits, tables, tents, equipment or chairs shall be placed within ten (10) feet of any walkway.
12. The applicant and all participating organizations are required to maintain liability insurance in the amount of \$1,000,000.00. Prior to the event, each organization shall provide a certificate of insurance naming the Town of Jackson as an additional insured including its Officers, Officials, Employees, and Volunteers and must also state that coverage is primary and non-contributory. The Town Attorney shall approve all certificates of insurance.

13. All town ordinances, including noise, possession and use of weapons, open fires and animals (including the prohibition of dogs in any town park) shall apply to all events except where specifically granted relief by the Town Council.
14. The applicant and all participants shall conduct all activities in a responsible, professional and timely manner.
15. Banners are not permitted unless approved in advance under a separate Sign Permit Application to the Planning and Building Department.

SUGGESTED MOTION

I move to approve the special event application - TCSAR Helicopter Community Demo on Saturday, May 30, 2020, subject to the conditions and restrictions listed in the staff report.

Special Event Application

Submit Completed Document To:

Town Hall
Town of Jackson - Special Events
150 East Pearl Street
P.O. Box 1687
Jackson, Wyoming 83001

cpelletier@townofjackson.com
(307) 733-3932 ext. 1112 (phone)
(307) 739-0919 (fax)



**A completed application
must be submitted at least
21 days prior to your event.**

Non-Profit Fee: \$25
For-Profit Fee: \$150

APPLICANT INFORMATION

Name of Event: TCSAR helicopter demonstration and education event

Name of Organization: TCSAR Foundation and TCSOSAR Volunteers

Type of Organization: ☒ Non-Profit ☐ Public Agency ☐ For-Profit Business

Mailing Address: PO Box 1063

City: Jackson State: WY Zip Code: 83001

Name of Person Completing Application: Stephanie Thomas

Email Address: stephanie@tetoncountysar.org

Work Phone: 307-4130604

Cell Phone: _____

EVENT INFORMATION

Type of Event: ☐ Run / Walk ☐ Concert ☐ Filming ☐ Assembly
☐ Parade ☐ Festival ☐ Biking ☒ Education
☐ Other: _____

Description & Purpose of Event *(Attach additional sheets if necessary):* _____

TCSAR Volunteers rely on community donations and tax payer support to run our helicopter

Location of Event: Snow King BallField Alternative Location: N/A

Date(s) of Event: 5/30/20 Event Operating Hours: 8:30-1130 am

Event Set Up Begins Date: May 30, 2020 Time: 830

Event Clean Up Ends Date: May 30, 2020 Time: 11:30

Special Event Application

EVENT INFORMATION (Continued)

Estimated Event Attendance (Spectators and Participants) Per Day: 50 Total Event: 50

Special Considerations (check all that apply):

- | | | |
|--|---|--|
| ☐ Alcoholic Beverages | ☐ Cooking/Grilling | ☐ Electricity Requested |
| ☐ Food Sales | ☐ Merchandise Sales | ☐ Recurring Event |
| ☐ Ticketed Admission | ☐ Sound Amplification | ☐ Pets or Animals |
| ☐ Tents | ☐ Street Closure | ☐ Sidewalk Closure |
| ☐ Overnight Parking | ☐ Overnight RV Camping | ☐ Use of Town Square |

Event Co-Sponsor (s): _____

All for-profit organizations must submit a letter of event sponsorship from a non-profit organization if sales are requested on public property.

Will you be charging admission or a fee for your event? ☐ Yes ☒ No

Alternative Contact Information During the Event (someone besides applicant who will be on site and available for Town personnel or Police to contact during the event):

Name: Chase Lockhart Cell Phone: 307-730-7424

EVENT SITE PLAN

On a separate sheet of paper, provide a Site Plan sketch of the event. Include maps or a diagram of the entire event including the names of streets or areas that are part of the venue and the surrounding area. The plan should include the following (if applicable):

- | | |
|---|---|
| ☐ Tents (X) | ☐ Food Vendors (FV) |
| ☐ Beverage Vendors (BV) | ☐ Alcohol Vendors (A) |
| ☐ Portable Toilets (T) | ☐ Hand Washing Sink (HWS) |
| ☐ Stages or Amplified Sound (SO) | ☐ Bleachers (BL) |
| ☐ Garbage Receptacles (G) | ☐ Recycling Receptacles (RR) |
| ☐ Retail Merchants (RM) | ☒ Security (P) |
| ☐ Fire Lane (FL) | ☐ Fire Extinguishers (EX) |
| ☐ First Aid / EMS (FA) | ☒ Barricades (B) |
| ☐ Electricity / Generator (EL) | ☐ Trailers, Vehicles, Storage (TR) |

Fire hydrants or sidewalk curb breaks that are used for ADA accessibility may not be blocked at any time.

Special Event Application

STREET / SIDEWALK / PUBLIC PARKING LOT - CLOSURE REQUESTS

Will the event close any street, sidewalk, alley or public parking lot?

☒ Yes ☐ No

Area of Closure Request

Date(s)

Start Time

End Time

Snow King Ball Field parking lot 5/30/20 8am 11:30am

The applicant will be responsible for production, posting and removal of "No Parking" and "Handicap Parking" signs along Town streets where public parking spaces exist within the event site. If the event involves a closure this will be need to be coordinated with the Jackson Police Department at least 2 weeks prior to the requested closure date. Jackson Police Department: (307) 733-1430. All parking signs, road signs, cones and barricades must be taken down immediately following the event's ending time.

Will the event restrict / close access to any public parking spaces?

☐ Yes ☒ No

If "Yes", how many parking spaces will be unavailable due to the event: _____ parking spaces

Will the event closure requests impact any START Bus routes?

☐ Yes ☒ No

If "Yes", which routes will be impacted? Has START Bus been contacted about this impact?

Route Description: _____ START Bus contacted?

☐ Yes ☐ No

RESIDENT AND/OR BUSINESS NOTIFICATION

Events that require road closures, parking space closures, or sidewalk closures or may cause disruption for the Town of Jackson residents, businesses, churches, etc. may be required to mail or hand deliver notification to the affected parties within a two block radius at least one week prior to the event's Town Council consideration meeting. Notices must reflect the date(s), day(s), time(s) and location(s) of the event, types of activities taking place at the event, the event coordinator's contact information and the date and time of the Town Council meeting.

Have you provided a sample of the notice and a proposed list of recipients?

☐ Yes ☒ No

Special Event Application

TOWN EQUIPMENT REQUESTS

Indicate the type and the quantity of items that you are requesting:

2 _____ Large Street Barricades	_____ "Road Closed" Street Signs
_____ Small Sidewalk Barricades	_____ "Local Traffic Only" Street Signs
_____ 28 Inch Street Cones	_____ "Detour" Street Signs
_____ Candlestick Cones	_____ 32-Gallon Recycling Bins

☼ The equipment above can be arranged through the Public Works Department (307) 733-3079. A \$500 deposit will be required at the time of pick-up for equipment. The applicant is responsible for arranging the pick up of equipment from the Public Works Department as well as returning equipment immediately following the event. The Town of Jackson will only deliver equipment to parades and Town sponsored events.

☼ The Town of Jackson has a very limited number of recycling bins that can be utilized as part of your event's recycle plan. The applicant will be responsible for emptying the recycle containers and cleaning the bins before they are returned to the Public Works Department.

☼ If you are uncertain of the exact number of equipment needed please feel free to contact either the special event coordinator or the Public Works Department for additional information.

☼ Additional equipment such as bleachers, electrical spiderboxes, etc., can be requested through the Parks and Recreation Department (307) 732-5753.

TOWN SERVICES REQUESTS

Indicate the Town services that you are requesting. *Please note: you will need to coordinate services with individual departments and a fee may be associated with your request.*

POLICE DEPARTMENT

(307) 733-1430

☐ Event Security	☐ Mounted Horse Patrol	☐ Traffic Control
☐ Race Lead Vehicle	☐ Parade Lead Vehicle	☒ General Presence
☐ Towing / Ticketing	☐ Assistance with Parking Closures	☐ Assistance with Street Closures

Please describe in detail your request: _____

If the police department had the resources we may ask a few people to be available to help _____

The Chief of Police determines if police services will be needed at the special event for public safety concerns. The Chief of Police will also determine the number of police officers to staff the event. Fees may be associated with the need for additional police services at the event.

Special Event Application

TOWN SERVICES REQUESTS (Continued)

PUBLIC WORKS DEPARTMENT (307) 733-3079

☐ Street Sweeping

☐ Snow Removal

☐ Street Marking

Please describe in detail your request

PARKS AND RECREATION DEPARTMENT (307) 732-5753

☐ Irrigation Locates - Any event placing stakes in turf must obtain irrigation locates.

☐ Electricity Access

☐ Turf / Tree Care - Any additional mowing, raking, trimming or spraying needs.

☐ Additional Public Restroom Cleaning

Please describe in detail your request: _____

**Please note: if you are requesting the use of a public park or public ball field you must confirm and reserve your space through the Parks and Recreation Department. The only exception is George Washington Memorial Park (Town Square), which does not require a reservation form.*

Is the requested event site a public park or ball field? ☒ Yes ☐ No

If "Yes", has the site been reserved with Parks and Recreation? ☒ Yes ☐ No

FIRE / EMS DEPARTMENT (307) 733-4732

☐ Foot Patrol

☐ Ambulance

☐ Fire Engine

☐ Rescue Truck

☐ Bicycle Patrol

☐ Event Site Inspection

Please describe in detail your request: _____

Special Event Application

TOWN SERVICES REQUESTS (Continued)

START BUS

(307) 732-8651

☐ Event Specific Shuttle(s)

Please describe in detail your request: _____

VOICE / MUSIC AMPLIFICATION REQUESTS

Will your event have any amplified sound? ☐ Yes ☒ No

If "Yes", please indicate times: Start Time: _____ Finish Time: _____

Will your event feature any musical entertainment? ☐ Yes ☒ No

If "Yes", please attach the schedule of any music or entertainment proposed to occur during event.

SIGN or BANNER REQUESTS

Are you requesting to hang signs or banners? ☐ Yes ☒ No

If "Yes", have you completed a sign permit application? ☐ Yes ☐ No

A Sign Permit Application will need to be submitted along with this application if signs are requested. This permit can be accessed on the Town of Jackson website or through the Planning Department.

INSURANCE REQUIREMENTS

An insurance certificate is required prior to the start of your event. This certificate must name the "Town of Jackson as an additional insured including its Officers, Officials, Employees, and Volunteers" and must also state that coverage is primary and non-contributory is required for every event. Insurance limits must be at least \$1,000,000/occurrence and \$1,000,000 aggregate. **The additional insured language on the certificate may not include any limitations or exclusions.** Insurance certificates are subject to the review and approval of the Town Attorney. Please be sure to include alcohol liability if there will be alcohol at the event. You must supply insurance before your event.

A certificate of insurance is attached: ☒ Yes ☐ No

Special Event Application

PORTABLE RESTROOMS AND SINKS

The Town of Jackson requires the applicant to provide additional chemical toilets or portable toilets for all events with an anticipated peak time attendance exceeding 75 people.

You are required to provide portable restroom facilities at your event unless you can substantiate the sufficient availability of both ADA accessible and non-accessible facilities in the immediate area of the event site which will be available to the public during your event. The Town of Jackson may determine the total number of required restroom facilities required on a case-by-case basis based on the presence of food and drink at the event and the maximum number of attendees at your event during peak time. The Town of Jackson may determine that you need to coordinate with Parks and Recreation for additional public restroom cleanings if you intend on using a public restroom as part of your restroom facility plan.

Do you plan to provide portable restroom facilities? ☐ Yes ☒ No

If "Yes", please indicate the total number of portable toilets and number of ADA accessible toilets.

Total Number of Portable Toilets: _____ Number of ADA Accessible Portable Toilets: _____

If "No", please explain: _____

Portable restrooms may not be located within 50 feet of any food vendor.

Restroom Company: _____

Restroom Drop off / Pick Up Date for Drop Off: _____ Time for Drop Off: _____

Date for Pick Up: _____ Time for Pick Up: _____

ALCOHOL

Will there be alcoholic beverages at the event? ☐ Yes ☒ No

Will you be offering any alcoholic beverages besides beer? ☐ Yes ☒ No

If "Yes", what will be offered in addition to beer? _____

If you are planning on serving alcoholic beverages at your event, then either a completed Malt Beverage Permit (beer only) or Catering Permit (beer, wine and/or spirits) must be submitted. You can access these applications on the Town of Jackson website.

Special Event Application

VENDORS / MERCHANTS / SALES

Will anything be sold at your event?

☐ Yes

☒ No

If you are planning on selling items at your event then you will need to complete either an Exposition Business License (for 2 or more vendors) or a Transient Merchant License (for 1 vendor). A complete list of vendors, including a vendor tax ID, must be submitted to the Town of Jackson and to the State of Wyoming's Department of Revenue prior to the event. Both the Exposition License and the Transient Merchant License are on the Town of Jackson's website.

Please describe any sales activity at your event:

Will any food or beverages be sold at your event?

☐ Yes

☒ No

If "Yes", you will need to contact the Teton County's Department of Environmental Health prior to the event (307) 732-8490.

TRASH REMOVAL PLAN

All events are required to have a plan for the collection removal of trash during and after the event. The trash receptacles located in the Town parks, parking lots, ball fields, sidewalks and public restrooms should not be included in the waste removal plan. ***For assistance with formulating a Trash Removal Plan please contact Integrated Solid Waste and Recycling at (307) 732-5771.***

Will you be using a waste company for your waste removal plan?

☐ Yes

☒ No

If "Yes", which company will you be using? _____

How many trash receptacles will be supplied for your event? 2

When will the trash receptacles be delivered? We will bring our own/use Stillwest (our event

When will the trash receptacles be picked up and removed from site? immediately after the

Describe your plan for the collection and removal of trash during your special event:

We don't believe there will be much trash as we are serving no food or drink. we will bring 2 garbage cans for trash that may accumulate. Stillwest brewery will be hosting a brunch for our donors and will take care of any trash collected in those trash cans.

Applicants are responsible for cleaning and restoring the site immediately following the event. Please pick up all trash associated with your event including, but not limited to paper, bottles, cans, signs, course markings, etc. The cost of any employee overtime incurred because of an applicant's failure to clean / restore the site following the event will be borne by the applicant and will be considered in future application requests. If you believe that no litter will be generated during your event please state this in your plan.

Special Event Application

SUSTAINABLE EVENT PLANNING

The Town of Jackson encourages all special events to strive to be sustainable in our community and for our environment. We have partnered with the **Teton County Integrated Solid Waste and Recycling (ISWR)** to offer opportunities to help your special event to be as "green" as possible. Opportunities available:

- ☐ Rental / Use of Recycling Bins for Special Events
- ☐ Use of JH20 Water Bottle Refilling Station for Special Events
- ☐ Consultation on Conducting Green Special Events

Please contact the Waste Diversion and Outreach Coordinator at ISWR at 307-732-5771.

RECYCLING PLAN

All events are required to have a plan for the collection and removal of recyclable materials during and after the event. The recycling receptacles located in the Town parks, parking lots, ball fields, sidewalks and public restrooms should not be included in the recycling collection and removal plan. ***For assistance with formulating a Recycling Plan please contact Teton County Integrated Solid Waste and Recycling (ISWR) at (307) 732-5771.***

Will you be using a company for your recycling plan?

☐ Yes

☒ No

If "Yes" which company will you be using? _____

How many recycling receptacles will they (or you) supply for your event? 0

When will these recycling receptacles be delivered? _____

When will recycling receptacles be picked up and removed from site? _____

Describe your plan for collection and removal of recyclable materials during your special event:
We will ask people to take any recycling with them.

Applicants are responsible for cleaning and restoring the site immediately following the event. If you believe that no recyclable materials will be generated during your event please state this in your plan. For a list of recyclables and how they need to be sorted, or for information about where the recycling bins are located call ISWR (307) 732-5771.

Special Event Application

SIGNIFICANT EVENT CHANGES

Has this event been approved in the Town of Jackson in previous years?

☒ Yes

☐ No

If "YES" please indicate any significant changes to the event request since its last approval:

This event was approved last year and we are expanding the event to include the helicopter landing for additional education opportunities.

STANDARD CONDITIONS OF APPROVAL

Please review the following standard list of conditions and restricts for events. Initial the bottom of each page indicating that you have read, understand and agree to these conditions and restrictions.

GENERAL

The event shall be conducted in a timely, safe and professional manner.

All town ordinances, including, but not limited to noise, possession and use of weapons, open fires and animals (including the prohibition of dogs in any town park) shall apply to all events except where specifically granted relief by the Town Council.

The applicant shall advise and instruct all participants, volunteers, vendors, merchants and spectators on event conditions, restrictions, prohibitions and responsibilities as indicated by the Town Council in the staff report.

Initials: ST

Special Event Application

STANDARD CONDITIONS FOR ALL EVENTS (continued)

TRASH / CLEAN UP

The applicant shall clean up immediately following each event and shall be responsible for the collection and removal of all refuse generated by the event.

If trash will be generated from the event, then the applicant must supply extra trash and containers and dispose of all trash generated by the event. Trash containers shall not be permitted to overflow.

If recyclable materials are generated from the event, then the applicant is required to provide recycling containers and provide for the removal of all recycled material. Recycling containers shall not be permitted to overflow.

STREETS

Fire department access roads shall have and maintain a clear and unobstructed width of 20 feet and unobstructed vertical clearance of not less than 13 feet 6 inches to allow for emergency vehicle traffic along ALL areas of open and closed streets (IFC 503.2.1). Booths and tents may be erected on either side of street, however, a 20 foot straight path must be provided.

SIDEWALKS

The applicant shall not block walkways or otherwise obstruct pedestrian traffic.

All walkways, boardwalks, entrances and ADA ramps must be kept open and unobstructed at all times

All power and sound cords that cross walkways shall be taped and secured to avoid a tripping hazard.

POWER / ELECTRICAL

Electrical power is available from Town Square. The applicant shall coordinate all power needs with the Parks & Recreation Department's Park Manager (307-733-5057) at least three (3) business days prior to the event.

All power and sound cords that cross walkways shall be taped and secured to avoid a tripping hazard.

All electrical/temporary power shall be in accordance with the 2011 National Electric Code and subject to inspection from this Department (IFC 605.9).

ADDITIONAL PERMIT & LICENSE FEES

The applicant shall apply and pay for all licenses and/or permits prior to the events.

Initials: ST

Special Event Application

STANDARD CONDITIONS FOR ALL EVENTS (continued)

TOWN EQUIPMENT

The use of the Parks & Recreation Department bleachers shall be coordinated through that department (307) 732-5753.

Barricade, road sign, cone and recycle bin use shall be coordinated through the Public Works Department. The applicants shall be responsible for pick up, setup, placement and disassembly and return. All equipment use require a \$500 damage deposit that must be submitted at the time of pick up at the Public Works Department to protect against any loss or damage.

All barricades, cones, bins and road signs must be removed immediately following the event. These items must be returned the same location as they were picked up.

PORTABLE RESTROOMS

If applicable, the applicant shall provide an adequate number of port-a-potties at the event site and shall arrange for their removal immediately at the conclusion of the event.

The applicant shall ensure all port-a-potties are placed on paved areas.

INSURANCE

The applicant and all participating organizations are required to maintain liability insurance in the amount of \$1,000,000.00. Prior to the event, each organization shall provide a certificate of insurance naming the Town of Jackson as an additional insured including its Officers, Officials, Employees, and Volunteers and must also state that coverage is primary and non-contributory. The Town Attorney shall approve all certificates of insurance.

FOOD / VENDING

The applicant shall obtain the necessary food service permits from Teton County Environmental Health.

The applicant shall provide additional trash receptacles in the food service areas.

Per Section 5.20 of the Municipal Code: The applicant shall be responsible for ensuring that all sales tax receipts are remitted to the Wyoming Department of Revenue and in no event later than the thirtieth day of the month following the exposition [and] acquire and keep on file names, addresses and phone numbers of all participants.

In addition to providing a list of all participating vendors, artists, and merchants, along with their social security numbers and addresses, to the Wyoming Department of Revenue, pursuant to Jackson Municipal Code Section 5.20.020 A.1.b., the applicant shall also provide that same list to the Town of Jackson Finance Department.

Vendors shall not dump hot water or other liquids on the turf.

Initials: ST

Special Event Application

STANDARD CONDITIONS FOR ALL EVENTS (continued)

ALCOHOL

The applicant shall take all measures necessary to comply with applicable alcohol dispensing laws and regulations, including the prevention of sales to and consumption by minors and the prohibition of consumption off the authorized premises. All ID's must be checked and ID bracelet system may be required.

Only 16oz or small plastic cups are used for beer and alcohol sales.

No alcohol shall be served in bottles or glass containers.

The applicant shall be responsible to be alert to and report any instances of underage drinking to the Jackson Police Department.

It is recommended that servers be TIPS trained prior to serving alcohol. No "over serving" shall be allowed to occur or serving to obviously intoxicated persons.

Participants shall not be permitted to leave the event with open containers.

No more than two beers shall be sold to any person at any one time.

TOWN PARKS

The applicant shall coordinate the use of any public park (including the Town Square), including reservations, paperwork and applicable fees, with the Parks and Recreation Department.

The applicant shall coordinate park reservation and the payment of Parks & Recreation fees at least 30 days prior to the event.

The applicant is required to provide turf protection in front of and behind any table or other exhibit where crowds will stand. The applicant shall abide by all Parks & Recreation Department recommendations with regards to turf protection.

Vehicles are prohibited on all turf areas of any park or anywhere within the Town Square.

No trees or other forestry may be moved, modified, damaged or destroyed to set up booths, tents, or exhibits. No ropes, exhibits, signs, banners or booths may be secured to any live forestry.

Use of Town Square shall be subject to the submission to and approval of staff of a detailed site plan, indicating set-up, safety procedures and turf protection, and the imposition of such other conditions or restrictions deemed necessary.

Irrigation locates are required if stakes are placed in the ground. Applicant may forfeit damage deposit if an irrigation locate is not conducted and irrigation equipment is damaged.

Per Municipal Code, dogs are not allowed in Town Parks.

Initials: ST

Special Event Application

STANDARD CONDITIONS FOR ALL EVENTS (continued)

TENTS

Irrigation locates are required before any tents may be erected or stakes or any other items are placed in any public park, including the Town Square. The applicant shall coordinate all water locates with the Parks & Recreation Department's Park Manager (307-732-5793) at least three (3) business days prior to the event.

All tents having an area in excess of 200 square feet shall require advance permitting through the Fire Department unless open on all sides (IFC 105.6.43).

Tents which can hold over 50 or more occupants must provide the Fire Department with a detailed site and floor plan detailing means of egress, seating capacity, location and type of heating and electrical equipment (IFC 3103.6).

Tents, canopies or membrane structures shall not be located within 20 feet of lot lines, buildings, other tents, canopies or membrane structures, parked vehicles or internal combustion engines (IFC 3103.8.2).

Tents must meet the flame propagation performance criteria of NFPA 701 (IFC 3104.2).

Combustible materials shall not be located within any tent, canopy or membrane structure in use for public assembly (IFC 3104.5).

Smoking shall not be permitted in tents, canopies or membrane structures. Approved "No Smoking" signs shall be conspicuously posted (IFC 3104.6).

All open flame devices are strictly prohibited within tents unless approved by the fire code official (IFC 3104.7)

Portable 2A:10B-C fire extinguishers shall be provided, one minimum, for tents requiring permits with a 75 foot travel distance (IFC 3104.12).

Any cooking performed within tents shall require advance approval by the Fire Department (IFC 3104.15.3 – 3104.15.7).

Generators and other internal combustion power sources shall be separated from tents, canopies or membrane structures by a minimum of 20 feet and shall be isolated from contact with the public by fencing, enclosure or other approved means (IFC 3104.19).

FAIR GROUNDS / RODEO GROUNDS

All use of the Rodeo Grounds shall be coordinated through and subject to the approval of the Fair Manager under the authority of the Parks and Recreation Department.

Anyone camping at the Rodeo Grounds shall indicate that they are affiliated with the group by placing a card in the windshield of their vehicle. Campers are reminded that fires are not permitted.

Initials: ST

Special Event Application

STANDARD CONDITIONS FOR ALL EVENTS (continued)

ROAD CLOSURES / PUBLIC PARKING CLOSURES

The applicant shall notify all business, residences, churches, etc. affected by the street closures and public parking closures prior to the public hearing.

The applicant shall notify, in advance, all business, residences, churches, etc. affected by the street closures and public parking closures and shall provide advance community radio and/or newspaper announcements regarding the event and the closures.

The applicant shall coordinate all road closures with the Police Department and shall provide an adequate number of volunteers to assist with traffic control and barricade setup/removal during each event.

The applicant shall coordinate all road closures with START, Fire/EMS, Public Works and the Police Department. Volunteer placement and assignments shall be reviewed and approved in advance with the Police Department.

The applicant shall be responsible for producing, posting and removing the temporary No Parking signs. No Parking signs must be posted two days prior to the parking closures. The applicant should meet with the Police Department two weeks prior to the event to discuss the procurement, posting and removal of the signs.

Emergency vehicle access lanes shall be maintained during the event.

FIREWORKS

All fireworks displays must be approved by the Fire Chief prior to the event.

The Fire Department will monitor the firing area potential for wildfire. The Department will make recommendations directly to the applicant for mitigation and will give final approval the day of the event.

The application shall be subject to the review and approval of the Fire Department and any additional conditions or restrictions placed by such Department.

Please note, that the conditions and restrictions listed above are standard for special events held in Town, additional conditions or restrictions may be required by the Town Council and/or staff upon further review of the application.

I have read and understand the standard conditions for events. I have answered all of the questions in this application truthfully and to the best of my knowledge.

APPLICANT: _____

Signature

APPLICANT: Stephanie Thomas

Printed Name

DATE: 03/09/2020

TITLE: Executive Director



TOWN OF JACKSON

AGENDA DOCUMENTATION

SUBMITTING DEPARTMENT: PLANNING & BUILDING

PRESENTER: PAUL ANTHONY

MEETING DATE: MARCH 16, 2020

SUBJECT: TEMPORARY SIGN PERMIT – Bras for a Cause

STATEMENT/PURPOSE

To approve or deny relief from the Town's sign ordinance for the use of temporary signage not requiring a special event or exposition license.

BACKGROUND/ALTERNATIVES

The applicant has requested temporary banners to be located at:

105 Buffalo Way, Albertsons during:
April 26, 2020 to May 10, 2020

100 E. Snow King Ave, Snow King Ballpark:
April 26, 2020 to May 10, 2020

Section 6.5.1.C.4 of the Town's Land Development Regulations allows Council to approve up to four (4) off-site banners. The event does not require any Town services; therefore, a special event license is not required. Staff recommends approval, as the Town has permitted such signs in the past, as long as all other regulations for signage are complied with.

COMPREHENSIVE PLAN ALIGNMENT

Staff finds that the proposal is consistent with Comprehensive Plan.

STAKEHOLDER ANALYSIS

None

FISCAL IMPACT

None

STAFF IMPACT

None

LEGAL REVIEW

N/A

ATTACHMENTS

Applicant Submittal

RECOMMENDATION

The Planning Director makes no recommendation for the banners to be located in two locations subject to the following conditions:

1. The use of the site shall be granted by the property owner.
2. The signs shall not be located on the sidewalks or in the public right of way.
3. The signs for Bras for a Cause may be installed at:
105 Buffalo Way, Albertsons during:
April 26, 2020 to May 10, 2020

100 E. Snow King Ave, Snow King Ballpark:
April 26, 2020 to May 10, 2020

SUGGESTED MOTION

I move to **approve** the temporary banner in conjunction with Bras for a Cause subject to three (3) conditions of approval.

(Although Staff is not making a recommendation of the application, the motion is made in the affirmative.)



TEMPORARY SIGN PERMIT APPLICATION

Planning & Building Department
Planning Division

150 East Pearl Ave.
P.O. Box 1687
Jackson, WY 83001

ph: (307) 733-0520 or
(307) 733-0440
fax: (307) 734-3563
www.townofjackson.com

EVENT NAME:

Event Name: Bras for a Cause Physical Address of Event: 25 N. Cache St.
Description of Event: Live + Silent Auction benefiting St. John's Women's Health Care Fund

EVENT SPONSOR/APPLICANT:

Name: Tawnya Carr Phone: 310-989-4151
Mailing Address: PO BOX 9661 Jackson WY ZIP: 83002
E-mail: JHBrasforacause@gmail.com Non-Profit: ☒ For Profit: ☐

TEMPORARY BANNER LOCATION: Consent from Property Owner Required (maximum of 4 signs allowed, display dates up to two weeks allowed)

Business/Description: <u>Albertson's</u>	Business/Description: <u>N/A - Baseball Field</u>
Physical Address: <u>105 Buffalo Wy</u>	Physical Address: <u>Show King Ave + Cache St.</u>
Dates of Display: <u>4/26-5/10</u>	Dates of Display: <u>4/26-5/10</u>
Consent from Owner Obtained? Yes ☒ No ☐	Consent from Owner Obtained? Yes ☒ No ☐
Business/Description: _____	Business/Description: _____
Physical Address: _____	Physical Address: _____
Dates of Display: _____	Dates of Display: _____
Consent from Owner Obtained? Yes _____ No _____	Consent from Owner Obtained? Yes _____ No _____

SUBMITTAL REQUIREMENTS. Attach the following:

- ☒ Illustration of each proposed sign that includes dimensions, colors, materials and type of sign.
- ☒ Installation specifications, and any structural details or specifications required for freestanding signs.

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

Tawnya Carr

Signature of Authorized Event Applicant

2/21/2020

Date

Applicant Name Printed

Title

8 FEET x 4 FEET
Vinyl Banner
Zip ties / Carabiners to hang

* Cache + Showking *



LIVE AND SILENT AUCTION

MILLION DOLLAR COWBOY BAR
DOORS OPEN AT 6:30PM



JACKSON HOLE BRAS FOR A CAUSE



JACKSON HOLE, WY

**LIVE & SILENT AUCTION
FUNDRAISER**

MAY 12, 2018

DETAILS AT:  Jackson Hole Bras for a Cause

Albertson's

8 FEET x 10 FEET

Zip ties to Hang. and/or carabiner clips

Vinyl Banner



TOWN OF JACKSON

AGENDA DOCUMENTATION

SUBMITTING DEPARTMENT: PLANNING & BUILDING

PRESENTER: PAUL ANTHONY

MEETING DATE: MARCH 16, 2020

SUBJECT: TEMPORARY SIGN PERMIT – Tribe Sunday Morning Easter Service

STATEMENT/PURPOSE

To approve or deny relief from the Town's sign ordinance for the use of temporary signage not requiring a special event or exposition license.

BACKGROUND/ALTERNATIVES

The applicant has requested a temporary banner to be located at:

105 Buffalo Way, Albertsons during:
March 29, 2020 to April 11, 2020

Section 6.5.1.C.4 of the Town's Land Development Regulations allows Council to approve up to four (4) off-site banners. The event does not require any Town services; therefore, a special event license is not required. Staff recommends approval, as the Town has permitted such signs in the past, as long as all other regulations for signage are complied with.

COMPREHENSIVE PLAN ALIGNMENT

Staff finds that the proposal is consistent with Comprehensive Plan.

STAKEHOLDER ANALYSIS

None

FISCAL IMPACT

None

STAFF IMPACT

None

LEGAL REVIEW

N/A

ATTACHMENTS

Applicant Submittal

RECOMMENDATION

The Planning Director makes no recommendation for the banner to be located in one location subject to the following conditions:

1. The use of the site shall be granted by the property owner.
2. The signs shall not be located on the sidewalks or in the public right of way.
3. The sign for Tribe Sunday Morning Easter Service may be installed at:
105 Buffalo Way, Albertsons during:
March 29, 2020 to April 11, 2020

SUGGESTED MOTION

I move to **approve** the temporary banner in conjunction with Tribe subject to three (3) conditions of approval.

(Although Staff is not making a recommendation of the application, the motion is made in the affirmative.)



TEMPORARY SIGN PERMIT APPLICATION

Planning & Building Department

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

First, go to www.townofjackson.com/245/Temporary-Sign-Permit for process and other necessary information.

EVENT NAME:

Event Name: Easter Service Physical Address of Event: 538 Snow King Loop Rd Jackson, WY
Description of Event: Tribe Sunday Morning Easter Service
Grand Opening ☐ Yes ☒ No

EVENT SPONSOR/APPLICANT: Name:

Mailing Address: PO Box 6818 Jackson, WY 83002 Phone: 307-699-8989
E-mail: wyomingamanda@gmail.com ZIP: 83002
Non-Profit: ☒ For Profit: ☐

TEMPORARY BANNER LOCATION: Consent from Property Owner Required

Business/Description: <u>Albertsons Grocery Store</u>	Business/Description: _____
Physical Address: <u>105 Buffalo Way, Jackson, WY 83001</u>	Physical Address: _____
Dates of Display: <u>March 29 - April 11</u>	Dates of Display: _____
Consent from Owner Obtained? Yes ☒ No ☐	Consent from Owner Obtained? Yes ☐ No ☐
Business/Description: _____	Business/Description: _____
Physical Address: _____	Physical Address: _____
Dates of Display: _____	Dates of Display: _____
Consent from Owner Obtained? Yes ☐ No ☐	Consent from Owner Obtained? Yes ☐ No ☐

SUBMITTAL REQUIREMENTS. Have you attached the following? Please answer accordingly.

Yes ☒ No ☐ Illustration of each proposed sign that includes dimensions, colors, materials and type of sign.
Yes ☒ No ☐ Installation specifications, and any structural details or specifications required for freestanding signs.

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

Signature of Authorized Event Applicant

Amanda Lack

Applicant Name Printed

March 11, 2020

Date

Volunteer

Title

From: [Amanda Lack](#)
To: [Tiffany Stolte](#)
Subject: Temp sign Application
Date: Wednesday, March 11, 2020 12:43:27 PM
Attachments: [Scanned from a Xerox Multifunction Printer \(4\).pdf](#)
[Scanned from a Xerox Multifunction Printer \(5\).pdf](#)

Hi Tiffany,

Attached are both our temporary sign application as well as the artwork.

The dimensions are 16' x 12' and colors being used are purple, yellow, green, blue. The material is just a standard vinyl sign. Installation specs are simple grommets being hung on existing hooks.

Let me know if you have any questions since I know the approval meeting is coming up soon.
Thanks so much!

Amanda Lack
307-220-4500

EASTER SERVICE

LIVING HOPE

The background of the poster is a dark navy blue. It is decorated with a dense arrangement of stylized tropical plants and flowers. The foliage includes various shades of green, blue, and yellow leaves. The flowers are in shades of purple, pink, and red. The overall style is modern and graphic.

2020



TOWN OF JACKSON

AGENDA DOCUMENTATION

SUBMITTING DEPARTMENT: Energy Conservation Works JPB **PRESENTER:** Johnny Ziem

MEETING DATE: March 16, 2020

SUBJECT: FY20 Town of Jackson LED Lighting Retrofits

STATEMENT/PURPOSE

The purpose of this item is to obtain Council authorization for the use for 2010 SPET Funds for the procurement and installation of energy efficient LED lighting and energy efficient lighting controls at the Snow King Center and the Town of Jackson's Public Works Facility.

BACKGROUND/ALTERNATIVES

The purpose of this project is to retrofit lighting systems at the Snow King Event Center and the Town of Jackson Public Works Facility to LED lighting. The work at the Snow King Event Center would include upgrading all lighting to 100% LED fixtures. The Ice Rink and Ski Shelter Lodge room will also receive advanced WaveLinx wireless controllers, achieving an additional 20% efficiency improvement over LED lighting alone. (see attached map). The project would also include a retrofit of existing lighting in the maintenance bays and office areas of the Town of Jackson's Public Works facility to 100% LED lighting.

The lighting retrofit would build upon previous efficiency improvements at the Snow King Event Center, including the replacement of the synthetic icemaking system with an ammonia-based system, which saved ~%35 on facility-wide energy use. At the Public Works facility, the work would complement other efficiency projects, on-site renewable generation, and electric vehicle charging investments.

The work at the Snow King Event Center is projected to net a ~70% reduction in energy consumption over existing lighting and controls and the work at the Public Works facility is projected to net a ~50% reduction in energy consumption over existing lighting.

2010 SPET Language:

Energy Conservation Measures for Public Buildings

\$3,790,000 for the *funding of* energy audits, planning, design, construction and *installation of energy efficiency measures* and local distributed renewable energy generation *in Town of Jackson, Teton County or component units of Teton County, and/or Special District's buildings, structures, and/or facilities*. To the extent necessary and allowed by law, the pledge to or payment of debt service and/or lease payments thereon the project. This project is sponsored by the Town of Jackson.

COMPREHENSIVE PLAN ALIGNMENT

Section 2. Climate Sustainability through Energy Conservation•

Reduce consumption of non-renewable energy (Principle 2.1)

Increase energy efficiency in buildings (Principle 2.4)

Policy 2.4.b: Renovate and reuse existing buildings

Policy 2.4.d: Use energy efficient building systems and appliances

STAKEHOLDER ANALYSIS

ECW and Town of Jackson staff worked collaboratively to refine the scope of this project to best align with Town and ECW goals and maximize energy savings, to reduce operating costs, and to reduce ongoing maintenance costs. This decision was supported by the Energy Conservation Works Joint Powers Board through their recommendation below. Once the scope is set with an appropriately selected contractor, the project will be reviewed by Lower Valley Energy for potential energy conservation rebates.

This project supports ECW's Mission/Purpose to provide LEADERSHIP, IMPLEMENTATION, and EDUCATION specific to energy conservation, energy sustainability, and energy efficiency.

Goal 1: To **Mitigate 30 megawatts (30%)** of the electricity needed to meet Jackson Hole's future load growth over the next 20 years, in order to keep electricity rates low and minimize our carbon footprint.

FISCAL IMPACT

\$ 181,630.00 in 2010 SPET Funds:

Snow King	
Rink & Lobby	\$ 69,250.00
Event Center 1st Floor	\$ 54,750.00
Event Center 2nd Floor	\$ 14,750.00
SK Total	\$ 138,750.00
Public Works	
Bays 1,2,& 3	\$ 17,500.00
Bay 5	\$ 12,000.00
Office Areas	\$ 13,380.00
PW Total	\$ 42,880.00
Project Total	\$ 181,630.00

If approved, this would leave a balance of **\$111,248** in unallocated funds in the 2010 SPET Energy Fund.

STAFF IMPACT

Staff impact for this item will include project management and installation coordination to work within the budget and timeline. The Public Works Facilities Division will coordinate this project. Kevin Meaghar, Town of Jackson Facilities Manager/Building Engineer, estimates it will require one hour per week for eight weeks for him to manage this project.

LEGAL REVIEW

Ongoing as needed.

ATTACHMENTS

Snow King Event Center Map

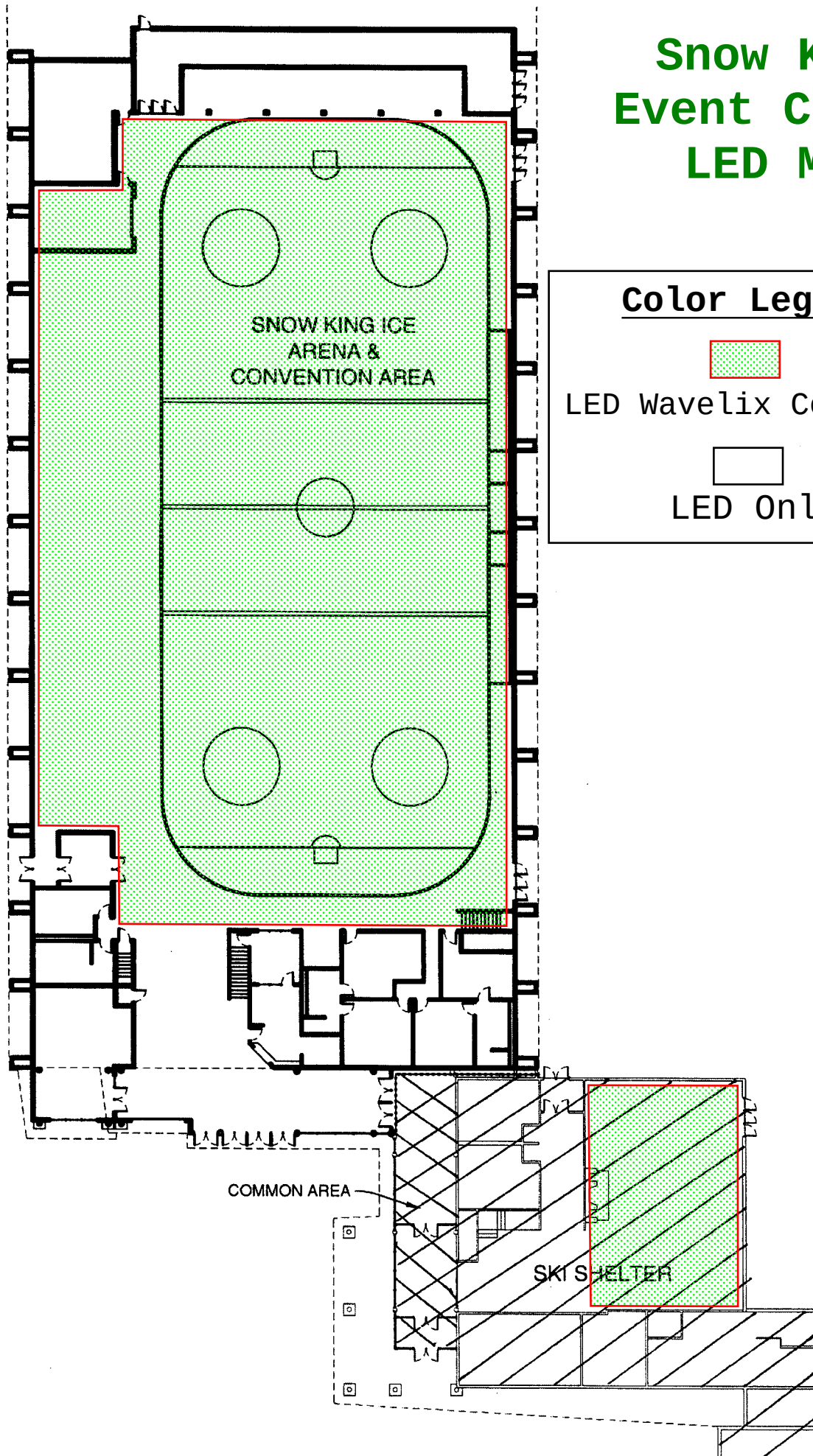
RECOMMENDATION

The Energy Conservation Works Joint Powers Board recommends funding this slate of LED lighting and controls retrofits at the Snow King Center and Town of Jackson Public Works facility with funds from the 2010 SPET. At February's regular meeting of the ECW Joint Powers Board, it was recommended that SPET Funds, not to exceed \$ 181,630.00 be considered for approval by the Town Council.

SUGGESTED MOTION

I move to approve the use of \$181,630.00 in 2010 Energy SPET Funding for LED lighting and controls retrofits at the Snow King Center and Town of Jackson Public Works facility, and upon legal approval by the Town Attorney, authorize the Mayor to execute all necessary contract Agreements.

Snow King Event Center LED Map





TOWN OF JACKSON

AGENDA DOCUMENTATION

SUBMITTING DEPARTMENT: Town Clerk

PRESENTER: Sandy Birdyshaw

MEETING DATE: March 16, 2020

SUBJECT: Application to Transfer the Ownership and Location of a Retail Liquor License from LFM Jackson LLC to Foam Capital LLC

STATEMENT/PURPOSE

The Town Council is the local licensing authority for the issuance, renewal and transfer of all liquor licenses within the Town of Jackson.

It is necessary for the Mayor to OPEN A PUBLIC HEARING to hear protests against the issuance or transfers of liquor licenses. After public comment has been heard, the Mayor must CLOSE THE PUBLIC HEARING. Then Council is able to act on the application.

BACKGROUND/ALTERNATIVES

The parent company of Lucky's Market closed the business located at 974 West Broadway and filed for Chapter 11 bankruptcy, leaving its retail liquor license in a non-operational status. The Town Council denied the annual renewal of this license on February 18, 2020. The license will expire at the end of the liquor license year, March 31, 2020.

Foam Capital LLC submitted an application to transfer the ownership of the retail liquor license from LFM Jackson LLC and transfer the location to 105 East Broadway. A Letter of Assignment is included in the liquor license transfer application. The proposed effective date is April 1, 2020, which is the beginning of the next liquor license year. Foam Capital LLC owns the property at 105 East Broadway.

Foam Capital LLC provided a "two phase" operation plan for the liquor license as described below.

Phase 1: The license would be put into operation in May 2020 on the first floor at 105 E. Broadway, as a retail/package store. There would be no on-premise serving of alcohol.

Foam Capital LLC has submitted an application to the Town's planning department, for demolishing the current building and constructing a three-story building. The new building would include approximately 2,700 square feet on the main floor for a retail showroom and another 870 square feet of retail showroom space on the mezzanine level. The second and third floors would be a combination of short-term and long-term residential rental units. The rooftop would have an outdoor terrace.

If the planning application is approved, the liquor license would be non-operational from the time of demolition to the time the building is constructed and a certificate of occupancy is issued.

Phase 2: The license operation in the new building would include retail/package sales on the first floor and mezzanine level, and on-premises consumption via a bar on the rooftop terrace for small events and music.

This application has been distributed to the Police Department, Town Attorney, Building and Planning Department, Fire/EMS, and the Town Clerk's office for review. Concerns brought forward relate to possible noise complaints from rooftop events and alcohol-related police calls from neighbors and building residents. The Planning Department is in the early stages of reviewing the application for the new building, and has not reviewed nor approved uses related to proposed rooftop activities.

However, Planning Staff did note that the proposed use of the rooftop terrace could be allowed after a thorough review of the use. Concerns noted with the initial use outlined in Phase 1 include that although the current zoning allows restaurant and bar uses, the current application being reviewed by Planning is for retail on the ground level and not restaurant or bar. If any seating were placed in the retail space during Phase 1, a Change of Use Permit to allow a restaurant or bar use may be required depending on the amount of seating.

The Wyoming Liquor Division has certified the application as complete.

Wyoming Statute §12-4-104 (b) provides guidelines on the issuance of a liquor license:

- (b) A license or permit shall not be issued, renewed or transferred if the licensing authority finds from evidence presented at the hearing:*
- (i) The welfare of the people residing in the vicinity of the proposed license or permit premises shall be adversely and seriously affected;*
 - (ii) The purpose of this title shall not be carried out by the issuance, renewal or transfer of the license or permit;*
 - (iii) The number, type and location of existing licenses or permits meet the needs of the vicinity under consideration;*
 - (iv) The desires of the residents of the county, city or town will not be met or satisfied by the issuance, renewal or transfer of the license or permit; or*
 - (v) Any other reasonable restrictions or standards which may be imposed by the licensing authority shall not be carried out by the issuance, renewal or transfer of the license or permit.*

The Council has several options available to them at this meeting, which may include:

1. Approve the transfer application as presented.
2. Deny the transfer application.
3. Continue for further deliberation before March 31, 2020, as the license expires March 31.

COMPREHENSIVE PLAN ALIGNMENT

This application was processed according to Title 12 of the state statutes, and as related to the Comprehensive Plan Policy 8.1.a. the delivery of quality levels of service to the community and the decisions related to renewal or non-renewal also have a direct correlation to the health, safety, and welfare of the community as discussed in Section 8.

The findings the Council needs to make to transfer licenses include impacts to neighborhoods and meeting the needs of those in the vicinity of each license. In Section 4 of the Comprehensive Plan relating to Town as the Heart of the Region and Complete Neighborhoods it discusses mixed uses, economic centers, and retail areas and the Council's decisions on new licenses, transfers and renewals have an impact in these areas. The Council's continued ability to locally regulate liquor licensing is vital to successful implementation of the Comprehensive Plan and any efforts at the state legislature level to limit local licensing authority should be monitored and addressed.

STAKEHOLDER ANALYSIS

Stakeholders include the Town Council as the final decision makers/local licensing authority; LFM Jackson LLC as the current liquor license holder; Foam Capital LLC as the prospective new license holder; and Police Department and Town staff as related to compliance with liquor laws; residents of the building; and residents and guests of the community.

Approval of this application would put this retail liquor license in an active status for a short period of time, a non-operational status during construction, and then back to operational status when the building is open for operation.

FISCAL IMPACT

Approval of this transfer application will result in the collection of a \$100 transfer fee and \$1500 annual license fee. There are significant indirect positive and negative fiscal impacts associated liquor licenses in the community related to social issues, compliance, enforcement, and adjudication of alcohol-related laws and crimes, sales tax generated by the sale of alcohol, tourism generation, etc.

STAFF IMPACT

Staff impact includes multi-department reviews of the application, following-up on missing information, providing the application to the Wyoming Liquor Division and following-up on their review, preparing and providing the newspaper with required legal publishing and posting online, preparing legal notices that are posted at the premises, and providing affidavits to the police department for background checks and reviewing results. Once a transfer is approved by Council, an approval card is provided to the State, a license certificate is printed and mailed to licensee, and the application and documents are retained in the record retention system of the Town of Jackson.

LEGAL REVIEW

Ongoing as needed.

ATTACHMENTS

Transfer Application

RECOMMENDATION

Unless Council makes one or more of the findings listed in W.S. 12-4-104(b), staff recommends approval of the transfer with the following conditions:

1. Prior to license issuance, the applicant shall obtain all required permits and approvals from all applicable Town/County departments, including but not limited to, Planning and Building, Finance, Public Health, and Jackson Hole Fire.
2. Any additional minor corrections deemed necessary by staff and the Wyoming Liquor Division.

SUGGESTED MOTION

Council motions are generally stated in the affirmative. Should the Town Council be ready to take action, one possible motion would be:

Having considered the Wyo. Stat. §12-4-104(b) statutory factors and Jackson Municipal Code 6.60.010.A. for this application, I move to approve the **Foam Capital LLC** d/b/a The Rack retail liquor license transfer application effective April 1, 2020, subject to the following conditions and further direct the Town Clerk to issue the license upon confirmation that those conditions of approval have been met.

1. Prior to license issuance, the applicant shall obtain all required permits and approvals from all applicable Town/County departments, including but not limited to, Planning and Building, Finance, Public Health, and Jackson Hole Fire.
2. Any additional minor corrections deemed necessary by staff and the Wyoming Liquor Division.

NEW or TRANSFER LIQUOR LICENSE or PERMIT APPLICATION

FOR LIQUOR DIVISION USE ONLY			
Customer #:			
Trf from:			
Reviewer:	Initials	Date	
Agent:		/	/
Chief:		/	/

To be completed by Town Clerk

License Fees	Annual Fee: \$ <u>1500.00</u>	Local License # _____
# mths _____	Prorated Fee: \$ _____	Date filed with clerk: <u>2/27/2020</u>
	Transfer Fee: \$ <u>100.00</u>	Advertising Dates: (2 Weeks) <u>3/4</u> & <u>3/11</u>
	Publishing Fee: \$ <u>100.00</u>	Hearing Date: <u>3 / 14 / 2020</u>
License Term: <u>4</u> / <u>1</u> / <u>2020</u> through <u>3</u> / <u>31</u> / <u>2021</u>		
Month Day Year	Month Day Year	

LICENSING AUTHORITY: Begin publishing promptly. As W.S. 12-4-104(d) specifies: NO LICENSING AUTHORITY SHALL APPROVE OR DENY THE APPLICATION UNTIL THE LIQUOR DIVISION HAS CERTIFIED THE APPLICATION IS COMPLETE.

Applicant: Foam Capital, LLC

Trade/Business Name (dba): The Rack

Building to be licensed/Building Address: 105 E. Broadway
Number & Street

Jackson WY 83001 Teton
City State Zip County

Mailing Address: P.O. Box 1045 Jackson WY 83001
Number & Street Name or P.O. Box City State Zip

Business Telephone Number: (307) 690-1500 Fax Number: () _____

E-Mail Address: foamcapitalllc@gmail.com

Brief legal description and the zoning of the licensed building or site for licensed building: W.S. 12-4-102 (a) (vi)
State ID#: 22-41-16-27-3-00-012. DC zoning.

FILING FOR ☐ NEW LICENSE ☒ TRANSFER OF LOCATION	FILING IN (CHOOSE ONLY ONE) ☒ CITY OF: JACKSON ☐ COUNTY OF: _____	FILING AS (CHOOSE ONLY ONE) ☐ INDIVIDUAL ☐ PARTNERSHIP ☐ LP/LLP ☒ LLC ☐ CORPORATION ☐ LTD PARTNERSHIP ☐ ORGANIZATION ☐ OTHER _____
☒ TRANSFER OWNERSHIP ☐ ASSIGNMENT LETTER ATTACHED FORMERLY HELD BY: <u>LFM JACKSON LLC d/b/a Lucky's Market</u>		

TYPE OF LICENSE OR PERMIT (CHOOSE ONLY ONE)		
RETAIL LIQUOR LICENSE: ☐ ON-PREMISE ONLY (BAR) ☐ OFF-PREMISE ONLY (PACKAGE STORE) ☒ COMBINATION ON/OFF PREMISE (BOTH BAR & PACKAGE STORE)	☐ RESTAURANT LIQUOR LICENSE ☐ RESORT LIQUOR LICENSE ☐ BAR AND GRILL LIMITED RETAIL (CLUB): ☐ VETERANS CLUB ☐ FRATERNAL CLUB ☐ GOLF CLUB ☐ SOCIAL CLUB	☐ MICROBREWERY ☐ WINERY ☐ DISTILLERY SATELLITE ☐ WINERY SATELLITE ☐ COUNTY RETAIL or SPECIAL MALT BEVERAGE PERMIT SPECIAL DESIGNATIONS: ☐ CONVENTION FACILITY ☐ CIVIC CENTER/EVENT CENTER/ PUBLIC AUDITORIUM ☐ GOLF CLUB ☐ GUEST RANCH ☐ RESORT

To Assist the Liquor Division with scheduling inspections: **WHEN DO YOU OPERATE?**

☒ FULL TIME (e.g. Jan through Dec) ☐ SEASONAL / PART-TIME ☐ NON-OPERATIONAL / PARKED

If not full time, specify: see attached supplement

Months of Operation from _____ to _____	Days of Week (e.g. Mon through Saturday) from _____ to _____	Hours of Operation (e.g. 10am to 2am) from _____ to _____
---	--	---

ALL APPLICANTS MUST COMPLETE QUESTIONS 1- 6

1. BUILDING OWNERSHIP: Does the applicant? W.S. 12-4-103 (a) (iii)

(1) **OWN** the licensed building? ☒ YES (own)

(2) **LEASE** the licensed building? (Lease must be through the term of the liquor license) ☐ YES (lease)

If Yes, please submit a copy of the lease and indicate:

(A) Lease expiration date _____, located on page _____ paragraph _____ of lease.

(B) Where the **Sales** provision for alcoholic or malt beverages is located, on page _____ paragraph _____ of lease.
 (MUST contain a provision for SALE OF ALCOHOLIC or MALT BEVERAGES.)

2. To operate your liquor business, have you assigned, leased, transferred or contracted with any other person (entity) to operate and assert total or partial control of the license and the licensed building? W.S. 12-4-601 (b)

☐ YES ☒ NO
3. Does any manufacturer, brewer, rectifier, wholesaler, or through a subsidiary affiliate, officer, director or member of any such firm: W.S. 12-5-401, 12-5-402, 12-5-403

(a) Hold any interest in the license applied for?

☐ YES ☒ NO

(b) Furnish by way of loan or any other money or financial assistance for purposes hereof in your business?

☐ YES ☒ NO

(c) Furnish, give, rent or loan any equipment, fixtures, interior decorations or signs other than standard brewery or manufacturer's signs?

☐ YES ☒ NO

(d) If you answered **YES** to any of the above, explain fully and submit any documents in connection there within:

4. Does the applicant have any interest or intent to acquire an interest in any other liquor license issued by this licensing authority? W.S. 12-4-103 (b)

☐ YES ☒ NO

If "YES", explain: _____

5. If applicant is filing as an **Individual, Partnership or Club**: W.S. 12-4-102 (a) (ii) & (iii)

List each individual, partner or club officer must complete the box below.

True and Correct Name	Date of Birth	Residence Address: Number & Street Name City, State & Zip <i>DO NOT LIST PO BOX</i>	Residence Phone Number	Have you been a DOMICILED resident for at least 1 year and not claimed residence in any other state in the last year?	Have you been Convicted of a Felony Violation?	Have you been Convicted of a Violation Relating to Alcoholic Liquor or Malt Beverages?
				YES ☐ NO ☐	YES ☐ NO ☐	YES ☐ NO ☐
				YES ☐ NO ☐	YES ☐ NO ☐	YES ☐ NO ☐
				YES ☐ NO ☐	YES ☐ NO ☐	YES ☐ NO ☐
				YES ☐ NO ☐	YES ☐ NO ☐	YES ☐ NO ☐
				YES ☐ NO ☐	YES ☐ NO ☐	YES ☐ NO ☐
				YES ☐ NO ☐	YES ☐ NO ☐	YES ☐ NO ☐

(If more information is required, list on a separate piece of paper and attach to this application.)

6. If the applicant is a **Corporation, Limited Liability Company, Limited Liability Partnership, or Limited Partnership**: W.S. 12-4-102 (a) (iv) & (v)

List each stockholder holding, either jointly or severally, ten percent (10%) or more of the outstanding and issued capital stock of the corporation, limited liability company, limited liability partnership, or limited partnership, **and every officer, and every director** must complete the box below.

True and Correct Name	Date of Birth	Residence Address: Number & Street Name City, State & Zip <i>DO NOT LIST PO BOX</i>	Residence Phone Number	No. of Years in Corp or LLC	% of Corporate Stock Held	Have you been Convicted of a Felony Violation?	Have you been Convicted of a Violation Relating to Alcoholic Liquor or Malt Beverages?
Jeff Neishabouri				2yrs	100	YES ☐ NO ☒	YES ☐ NO ☒
						YES ☐ NO ☐	YES ☐ NO ☐
						YES ☐ NO ☐	YES ☐ NO ☐
						YES ☐ NO ☐	YES ☐ NO ☐
						YES ☐ NO ☐	YES ☐ NO ☐
						YES ☐ NO ☐	YES ☐ NO ☐

(If more information is required, list on a separate piece of paper and attach to this application)

7. BAR AND GRILL LICENSE:

Have you submitted a valid food service permit or application? W.S. 12-4-413 (a)

☐ YES ☐ NO**8. RESTAURANT LICENSE:**(a) Give a description of the dispensing room(s) and state where it is located in the building. W.S. 12-4-408 (b)
(e.g. 10 x 12 room in SE corner of building): _____

(b) Have you submitted a valid food service permit or application? W.S. 12-4-407 (a)

☐ YES ☐ NO

(c) Have you attached a drawing of the establishment that includes the restaurant dispensing room(s)? W.S. 12-4-410 (f)

☐ YES ☐ NO**9. RESORT LICENSE:**

Does the resort complex:

(a) Have an actual valuation of at least one million dollars, or have you committed or expended at least one million dollars (\$1,000,000.00) on the complex, excluding the value of the land?
W.S. 12-4-401(b)(i)☐ YES ☐ NO

(b) Include a restaurant and a convention facility which will seat at least one hundred (100) persons? W.S. 12-4-401(b)(ii)

☐ YES ☐ NO(c) Include motel, hotel or privately owned condominium, town house or home accommodations approved for short term occupancy with at least one hundred (100) sleeping rooms?
W.S. 12-4-401(b)(iii)☐ YES ☐ NO(d) If no on question (c), have a ski resort facility open to the general public in which you have committed or expended not less than 10 million dollars (\$10,000,000.00)?
W.S. 12-4-401(b)(iv)☐ YES ☐ NO

(e) Are you contracting/leasing the food and beverage services? W.S. 12-4-403(b)

1. If Yes, have you submitted a copy of the food and beverage contract/lease?

☐ YES ☐ NO**10. MICROBREWERY LICENSE:**

Will the license be held in conjunction with another liquor license? W.S. 12-4-412(b)(iii)

☐ YES ☐ NO(a) If "YES", please specify type: ☐ RETAIL ☐ RESTAURANT ☐ RESORT ☐ BAR AND GRILL ☐ WINERY(b) Do you self distribute your products? W.S. 12-2-201(a)
(Requires wholesaler license with the Liquor Division)☐ YES ☐ NO(c) Do you distribute your products through an existing malt beverage wholesaler?
W.S. 12-2-201(g)(i) (Requires authorization to sell license with the Liquor Division)☐ YES ☐ NO**11. WINERY LICENSE:**

Will the license be held in conjunction with another liquor license? W.S. 12-4-412(b)(iii)

☐ YES ☐ NO(a) If "YES", please specify type: ☐ RETAIL ☐ RESTAURANT ☐ RESORT ☐ BAR AND GRILL ☐ MICROBREWERY**12. LIMITED RETAIL (CLUB) LICENSE:****FRATERNAL CLUBS** W.S. 12-1-101(a)(iii)(B)(a) Has the fraternal organization been actively operating in at least thirty-six (36) states? ☐ YES ☐ NO(b) Has the fraternal organization been actively in existence for at least twenty (20) years? ☐ YES ☐ NO**13. LIMITED RETAIL (CLUB) LICENSE:****VETERANS CLUBS** W.S. 12-1-101(a)(iii)(A):(a) Does the Veteran's organization hold a charter by the Congress of the United States? ☐ YES ☐ NO(b) Is the membership of the Veteran's organization comprised only of Veterans and its duly organized auxiliary? ☐ YES ☐ NO**14. LIMITED RETAIL (CLUB) LICENSE:****GOLF CLUBS** W.S. 12-1-101(a)(iii)(D) / W.S. 12-4-301(e):(a) Do you have more than fifty (50) bona fide members? ☐ YES ☐ NO(b) Do you own, maintain, or operate a bona fide golf course together with clubhouse? ☐ YES ☐ NO(c) Are you a political subdivision of the state that owns, maintains, or operates a golf course? ☐ YES ☐ NO1. Are you contracting/leasing the food and beverage services? W.S. 12-5-201(g) ☐ YES ☐ NO2. If Yes, have you submitted a copy of the food and beverage contract/lease? ☐ YES ☐ NO

15. LIMITED RETAIL (CLUB) LICENSE:

SOCIAL CLUBS W.S. 12-1-101(a)(iii)(E) / W.S. 12-4-301(b):

- (a) Do you have more than one hundred (100) bona fide members who are residents of the county in which the club is located? ☐ YES ☐ NO
- (b) Is the club incorporated and operating solely as a nonprofit organization under the laws of this state? ☐ YES ☐ NO
- (c) Is the club qualified as a tax exempt organization under the Internal Revenue Service? ☐ YES ☐ NO
- (d) Has the club been in continuous operation for a period of not less than one (1) year? ☐ YES ☐ NO
- (e) Has the club received twenty-five dollars (\$25.00) from each bona fide member as recorded by the secretary of the club and are club members at the time of this application in good standing by having paid at least one (1) full year in dues? ☐ YES ☐ NO
- (f) Does the club hold quarterly meetings and have an actively engaged membership carrying out the objectives of the club? ☐ YES ☐ NO
- (g) Have you filed a true copy of your bylaws with this application? ☐ YES ☐ NO
- (h) Has at least fifty one percent (51%) of the membership signed a petition indicating a desire to secure a Limited Retail Liquor License? (Petition Attached) ☐ YES ☐ NO

REQUIRED ATTACHMENTS:

- ☒ A statement indicating the financial condition and financial stability of the applicant W.S. 12-4-102 (a) (vi).
- ☐ Restaurants: include a drawing of the establishment that includes the dispensing room(s) W.S. 12-4-410 (f).
- ☐ Attach any lease agreements (especially for resort/political subdivisions leasing out food & beverage services) W.S. 12-4-103 (a) (iii) / W.S. 12-4-403(b) / W.S. 12-4-301(e).
- ☒ If transferring a license from one ownership to another, a form of assignment from the current licensee to the new applicant authorizing the transfer W.S. 12-4-601 (b).

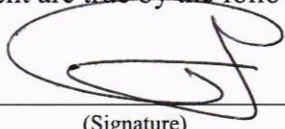
OATH OR VERIFICATION

Under penalty of perjury, and the possible revocation or cancellation of the license, I swear the above stated facts, are true and accurate.

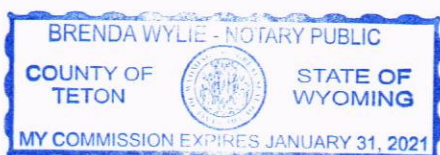
Requires signatures by ALL Individuals, ALL Partners, ONE (1) LLC Member, or TWO (2) Corporate Officers or Directors except that if all the stock of the corporation is owned by ONE (1) individual then that individual may sign and verify the application upon his oath, or TWO (2) Club Officers. W.S. 12-4-102(b)

STATE OF WYOMING)
COUNTY OF Teton) SS.

Signed and sworn to before me on this 26 day of FEB, 2020 that the facts alleged in the foregoing instrument are true by the following:

- | | | | |
|----|--|------------------------------------|----------------|
| 1) | 
(Signature) | JEFF OVERSHABORN
(Printed Name) | owner
Title |
| 2) |
(Signature) |
(Printed Name) |
Title |
| 3) |
(Signature) |
(Printed Name) |
Title |
| 4) |
(Signature) |
(Printed Name) |
Title |
| 5) |
(Signature) |
(Printed Name) |
Title |
| 6) |
(Signature) |
(Printed Name) |
Title |

Witness my hand and official seal:



(SEAL)

Brenda Wylie
Signature of Notary Public

My commission expires: 1/31/21

LFM JACKSON, LLC
6328 Monarch Park PL
Niwot, CO 80503

February 26, 2020

Town Clerk
Town of Jackson
P.O. Box 1687
Jackson, WY 83001

Re: Agreement to Transfer License 108

Dear Town Clerk:

This letter is confirmation that LFM Jackson, LLC, a Colorado limited liability company registered as a foreign limited liability company in the State of Wyoming, has entered into a Purchase Agreement, dated February 26, 2020, with Foam Capital, LLC, a Wyoming limited liability company, for the transfer of the Town of Jackson Retail Liquor License, Number 108, a copy of which is attached to this letter as Exhibit A.

By signing below, I, an authorized representative of LFM Jackson, LLC, confirms that LFM Jackson, and all of its affiliates, representatives and agents agree and consent to the transfer of the Town of Jackson Retail Liquor License, Number 108 to Foam Capital, LLC.

I represent and confirm that I am an authorized representative of LFM Jackson, LLC and have the power and authority to sign this assignment letter.

Sincerely,

LFM Jackson, LLC

By: 

Name: Andy Pillari

Title: Manager



FIRSTBANK™

Division of Glacier Bank

To Whom It May Concern,

RE: Foam Capital LLC

This letter is to certify that our institution has an active checking account for the above-mentioned entity, Foam Capital LLC. In addition, the account is in good standing.

Best Regards,

Marty Kleeman

First Bank of Wyoming

2-26-20

Teton County Wyoming MapServer



Teton County provides this map for illustrative purposes only and assumes no liability for actions taken by users based on information shown.

printed 2/27/2020

FLOOR PLAN for EXISTING BUILDING OPERATION
Foam Capital, LLC

48'

/ CASHIER AREA - SALES COUNTER /

1 STY W/
FINISHED BSMT

Display
1824.0 sf
First Floor
1824.0 sf

LOCATION
of GOODS

LOCATION
of GOODS

38'

LOCATION OF STAIRS

Sketch by Apex Sketch

(Existing
May-Sept)

Foam Capital, LLC

This detail reflects the current data for the filing in the system.

Name

Foam Capital, LLC

Filing ID

2017-000778854

Type

Limited Liability Company - Domestic

Status ?

Active

Sub Status ?

Current

Initial Filing

12/04/2017

Standing - Tax ?

Good

Standing - RA

Good

Standing - Other

Good

Term of Duration

Perpetual

Formed In

Wyoming

Fictitious Name**Principal Office**

125 S King Street, Suite 2A
Jackson, WY 83001
USA

Mailing Address

PO Box 1045
Jackson, WY 83001
USA



Plan of Operation

Liquor License Application
Type: Retail

Applicant: Foam Capital, LLC
DBA: The Rack

Describe how the premises will be operated, what is the nature of the business?

Retail liquor sales in downtown commercial
core; Interior and exterior bar operation;
space for events.

What type of alcoholic beverages will be available to customers?

Beer, wine + liquor.

Describe the process that a customer will follow to order alcohol or malt beverages, and how an employee will prepare and deliver an alcoholic beverage to the customer.

Retail - staff member will assist and facilitate
all retail sales.

Bar sales - Bartender will take orders, prepare
drinks + complete sales. Wine purchased in retail
can be served in this area with corking fee.

What is the official building capacity? Plans will be submitted Friday Feb. 28th
+ will be subject to approval.

Do you plan to serve alcohol outside on a deck or patio? Yes

If so, include a sketch or site plan showing the outside area.

If so, describe the outside area, including egress: ADA compliant and
accessible ingress + egress to patio areas ^{ON 2nd +}
and rooftop. Preliminary plans attached. _{3rd floor}

What is your plan to keep customers from leaving with open alcohol containers?

Staff members will ensure that bottles, if
opened, will be properly sealed pursuant
to local laws.

Provide the names of up to three (3) people who should receive communication from the Town and Police Department related to liquor operations:

	<u>Name</u>	<u>Position/Title</u>	<u>Email</u>
1)	Jeff Neishabouri	Manager	j
2)	Mina Neishabouri		m
3)	Audrey Cohen-Davis	Legal Counsel	

Prepared by: Jeff Neishabouri Date: 2-26-2020

SUPPLEMENT TO PLAN OF OPERATIONS – FOAM CAPITAL, LLC

The long-term operational plan for The Rack is set forth on the Town of Jackson Plan of Operations form. It will be a full-time year-round operation. For purposes of clarity, in the short-term the applicant will be demolishing the current structure on the property which is planned for the Fall.

In the interim, the applicant will operate a retail liquor business out of the current structure on the property with the liquor license from approximately May to September, 2020. If the plans for the building and building permit are approved sooner, the applicant will move forward with the redevelopment of the property. The plans of the new building are attached. Please note that upon completion of the building, the applicant plans to operate a bar with indoor and outdoor spaces, areas for small events and music venues along with a liquor retail sales business located on the first floor of the building.

105 E Broadway,

package store

The applicant has a long-standing history of redevelopment of properties in and around the Town Square of which he has mitigated according to the Town requirements and assisted in revitalizing the downtown core. His buildings host over one dozen small businesses, including those owned by young entrepreneurs, single mother's and co-op office sharing.



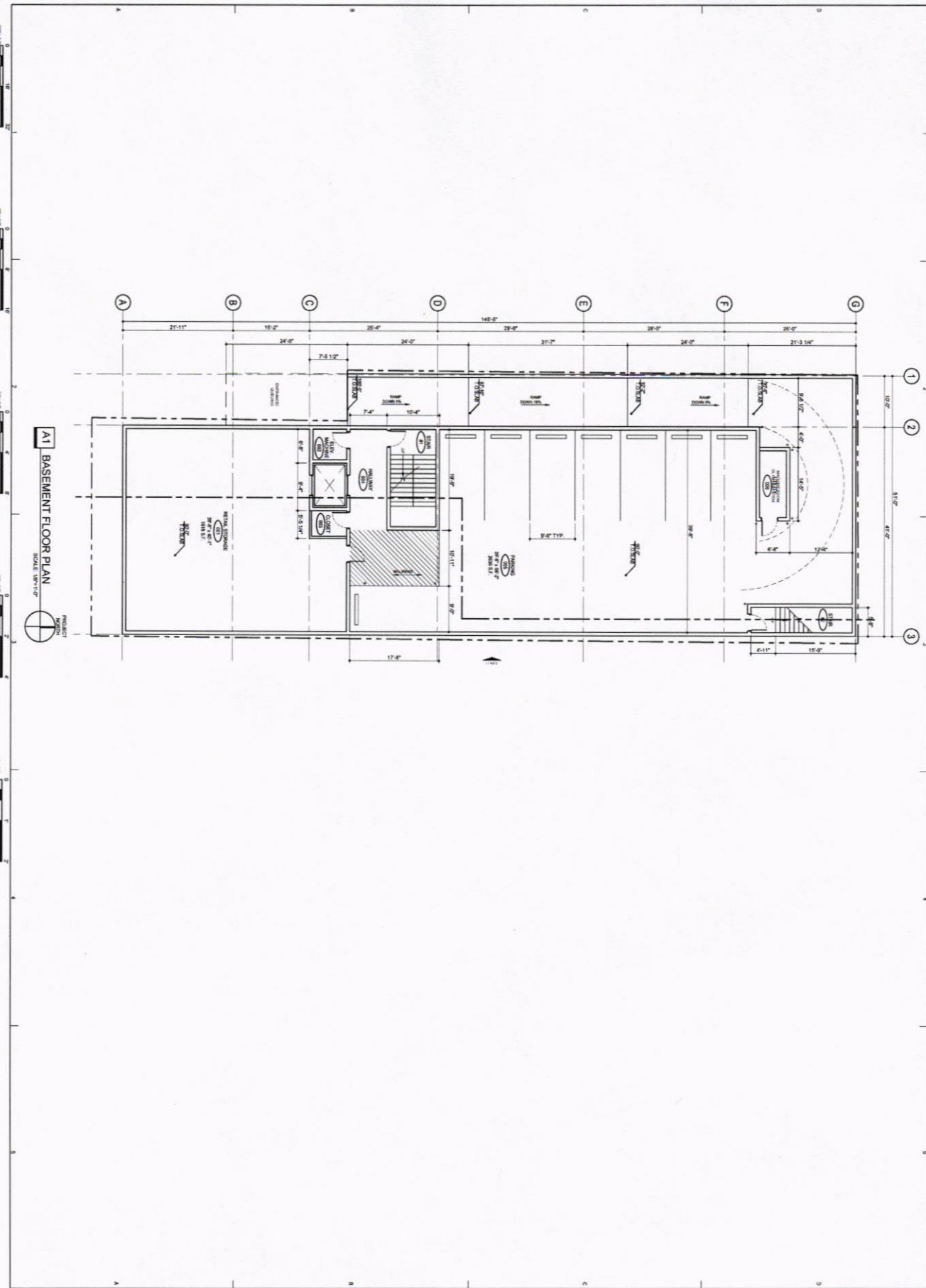
THE VIEW - RENDERING



THE VIEW - RENDERING - FRONT VIEW



THE VIEW RENDERING SIDE PERSPECTIVE



AE100

Axis Job # 1821
105 E. BROADWAY AVENUE
JACKSON, WY 83201
20210503
Drawn
Checked

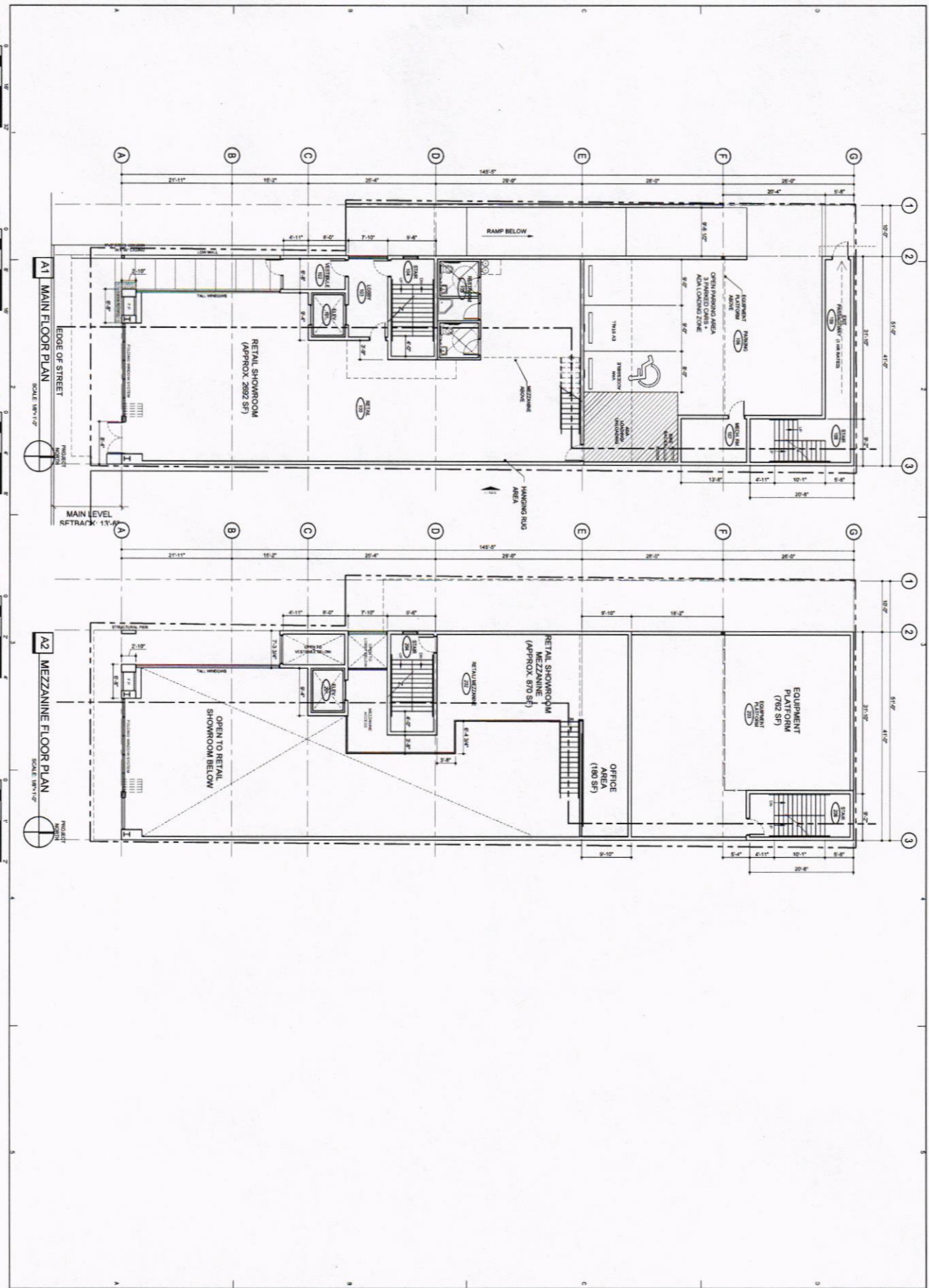
Revision / Date

THE VIEW
105 E. BROADWAY AVENUE, JACKSON, WY
DESIGN DEVELOPMENT

NOT FOR CONSTRUCTION

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Axis Architects
927 SOUTH STATE STREET, SALT LAKE CITY, UT 84111
P 801-355-1003



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THE VIEW

105 E. BROADWAY AVENUE, JACKSON, WY
DESIGN DEVELOPMENT

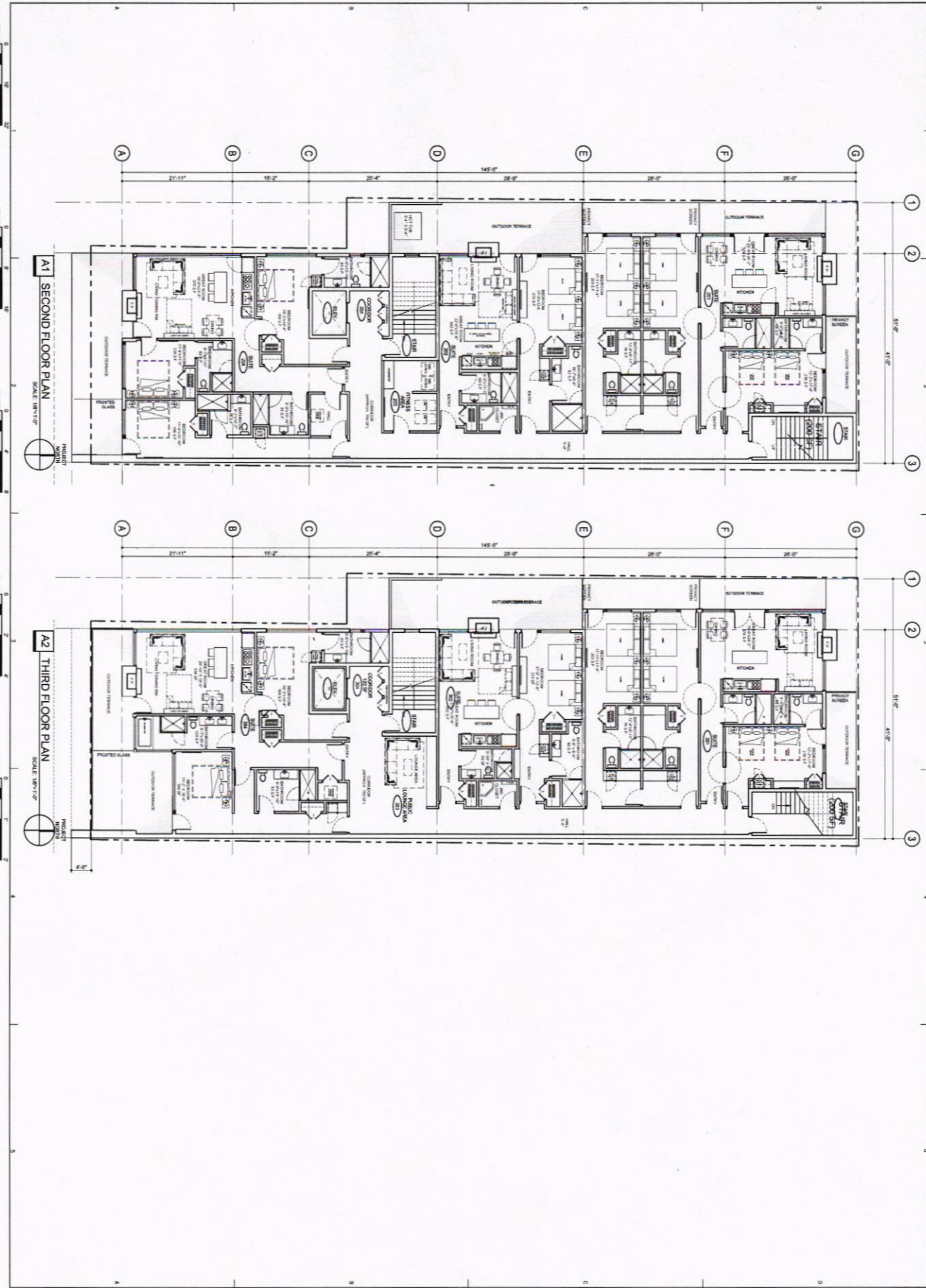
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Axis Architects
807 SOUTH STATE STREET, SALT LAKE CITY, UT 84111
P 801-355-3023

AE101

Axis Jobs # 1326
Date 2/21/2020
Drawn
Checked
Reviewed
Approved



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THE VIEW

105 E. BROADWAY AVENUE, JACKSON, WY
DESIGN DEVELOPMENT

Revision # Date

Axis Jobs # 1826
7/18/21
Date 2/2/2020
Drawn
Checked

REVISIONS

AE102

NOT FOR CONSTRUCTION

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Axis Architects
807 SOUTH STATE STREET, SALT LAKE CITY, UT 84111
P 801-355-0023

Axis Architects
927 SOUTH STATE STREET, SALT LAKE CITY, UT 84111 P 801-355-3000

TOWN OF JACKSON
Office of Town Clerk
P.O. Box 1687 / 150 East Pearl Avenue
Jackson, Wyoming 83001
(307) 733-3932 ext 1113

Liquor License Application
Provide for each person who
signed the application

AFFIDAVIT of AUTHORIZATION

The undersigned applicant hereby states he/she is authorized to sign the attached Liquor License and/or Permit Application form as issued by the Wyoming Liquor Division for use by the Town of Jackson, and authorizes the Town of Jackson and its agents and employees to seek information as set forth in Municipal Code Section 6.20 and conduct investigations into the truth of the foregoing statements as set forth in the application. The applicant hereby agrees to comply fully with the rules and regulations of the Town of Jackson governing the license/permit requested.

AFFIDAVIT of UNDERSTANDING

The undersigned applicant hereby states that he/she understands that the submittal, review, approval, issuance, and/or received payment of the attached Liquor License and/or Permit Application form as issued by the Wyoming Liquor Division for use by the Town of Jackson does not imply that any other reviews, authorizations, permits, and approvals have been made by any Town/County departments or elected bodies. Additional reviews, authorizations, permits, and approvals may be required at any time from additional Town/County departments and/or elected bodies, which may include the time period after approval but before issuance of the attached Liquor License and/or Permit Application form. It is the duty of the applicant to seek any additional required reviews, authorizations, permits, and approvals from any Town/County department or elected bodies.

Applicant please note: Corporations and Limited Liability Companies must submit a listing of all officers and all directors, including dates of birth and Social Security Numbers. Please attach the list to this document.

PRINT

Full Legal Name:

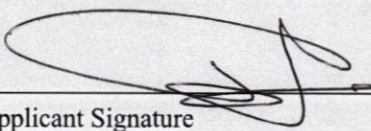
JEFF
First Name

—
Full Middle Name

NEISHABOURI
Last Name

☒ Male or Female
Circle one

2-26-2020
Date Signed

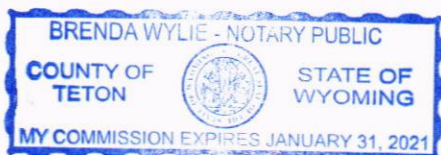

Applicant Signature

State of Wyoming)
County of Teton)ss

Subscribed and sworn to before me this 26th day of February, 20 20.

(SEAL)

Brenda Wylie
Notary Public or officer authorized to administer oaths



Rev 3/17



TOWN OF JACKSON

AGENDA DOCUMENTATION

SUBMITTING DEPARTMENT: Housing

PRESENTER: April Norton

MEETING DATE: March 16, 2020

SUBJECT: Request for Qualifications for Low-Income Housing Tax Credit Developer

STATEMENT/PURPOSE

The Town Council ("Council") will consider a Request for Qualifications ("RFQ") for a developer with expertise in Low-Income Housing Tax Credit developments.

Key aspects of the RFQ:

- **Team experience.** The RFQ seeks a team with experience working in Wyoming and/or regionally. Based on feedback from the Wyoming Community Development Authority ("WCDA"), teams who have worked with the Qualified Allocation Plan ("QAP") before may be better equipped to submit successful applications.
- **Four-task approach.** The scope is broken into four tasks: 1) Property Identification; 2) QAP Study and Opportunity Assessment, Preliminary Design; 3) Project Application; and 4) Project Development. The RFQ asks for pricing/fees for the first three tasks.
- **Housing Supply Board recommendation.** The HSB will review the RFQ responses and provide the Council with a recommendation and the reasoning for the recommendation. The Council will not be required to follow the recommendation.

BACKGROUND/ALTERNATIVES

Low-income rentals are one of the largest gaps in the community housing portfolio and they serve some of the most marginalized members of the community. The Housing Department's Intake Form data as of January 2020 shows that over 280 households (616 people) are earning less than half of median family income. On average, adults in these households work 1.13 jobs and over 60% of the households are paying more than 30% of their monthly income towards housing. These are the families and individuals who will qualify for low-income rental housing.

The Workforce Housing Action Plan Initiative 4C directs staff to seek state and federal funding and to provide technical assistance to private entities applying for state and federal funds for low income housing. The plan specifically identifies tax credits as a funding tool to be sought.

In November 2017, the Town of Jackson released a Request for Proposals ("RFP") to develop deed restricted housing at 174 N. King Street. In May 2018, the Council awarded the project to Westmount Development who proposed to build low-income rental housing by utilizing Low-Income Housing Tax Credits ("LIHTC"), HOME Investment Partnerships Program ("HOME"), and National Housing Trust Funds ("NHTF") for the project.

In September 2018 and again in March 2019, Westmount Development applied to the Wyoming Community Development Authority ("WCDA"), but did not receive LIHTC, HOME, or NHTF allocations. While both applications received the highest "Tier 1" scoring based on need, they received the lowest "Tier 2" scoring based on project cost and were not competitive in either funding round.

Since the second unsuccessful application, staff has worked with WCDA to identify some opportunities to make the QAP more equitable for high cost areas in the state. WCDA has agreed to include considerations for "statistical outliers" in the 2021 QAP. Given this consideration, staff is excited to work with a qualified developer to identify a site that is compatible with LIHTC development, craft the application, and apply in the September 2021 QAP round.

The timeline will be tight, so time is of the essence to get the RFQ released, choose a development partner, and start working on an application that can be read for the September deadline.

COMPREHENSIVE PLAN ALIGNMENT

Comprehensive Plan Policy:

- House at least 65% of the workforce locally. 5.1.a
- Focus housing subsidies on full-time, year-round workers. 5.1.b
- Provide a variety of housing options. 5.2.a

Housing Action Plan Initiative:

- Provide land as a public subsidy and build development partnerships. 2B
- Seek and support grants, tax credits, loans, and other sources of funding. 4C

STAKEHOLDER ANALYSIS

Stakeholders include Town taxpayers, local working individuals and families, and business owners.

FISCAL IMPACT

Staff anticipates contracting with the development team for tasks 1-3 as outlined in the RFQ. The fees are unknown at this time and will be included in the responses received. Funding is available in the Housing Supply Program budget for both professional services related to the project and land acquisition if needed.

STAFF IMPACT

The Housing Director will lead this project for the Town and will receive expertise and support from several other staff members, including: Town Manager, Community Development Director, and the Town Attorney.

LEGAL REVIEW

Ongoing, as Needed.

ATTACHMENTS

RFQ for a Low-Income Multifamily Developer

RECOMMENDATION

Staff recommends approving the RFQ as presented.

SUGGESTED MOTION

I move to approve the Request for Qualifications for a Low-Income Multifamily Housing Developer and direct staff to release the Request for Qualifications on Tuesday, March 17th.



THE TOWN OF JACKSON, WYOMING
JACKSON/TETON COUNTY HOUSING DEPARTMENT

LOW-INCOME MULTIFAMILY HOUSING DEVELOPER
Request for Qualifications

Release Date: March 17, 2020
Submission Deadline: April 24, 2020

REQUEST SUMMARY

The Town of Jackson, through the Jackson/Teton County Housing Department, seeks a qualified partner to develop low-income rental housing within the Town of Jackson utilizing a combination of Low-Income Housing Tax Credits, HOME Investment Partnerships Program Funds, National Housing Trust Funds, Town funding and private funding. The Town of Jackson will provide land for the development pursuant to a ground lease and for a nominal annual fee and may consider additional investment depending on the project.

Introduction

The Jackson/Teton County Comprehensive Plan (“Comp Plan”) establishes the goal of housing at least 65% of the Teton County workforce locally. The Comp Plan includes a variety of strategies to achieve this goal, including Policy 5.4.a that directs staff to create a community housing implementation plan.

In November 2015, the Workforce Housing Action Plan was adopted and provides a road map for the future of housing production, preservation, and management. Initiative 4C directs staff to seek state and federal funding and to provide technical assistance to private entities applying for such funds.

In November 2017, the Town of Jackson released a Request for Proposals (“RFP”) to develop deed restricted housing at 174 North King Street. In May 2018, the Town Council (“Council”) awarded the project to Westmount Development who proposed to build low-income rental housing by utilizing Low-Income Housing Tax Credits (“LIHTC”), HOME Investment Partnerships Program (“HOME”), and National Housing Trust Funds (“NHTF”) for the project.

In September 2018 and again in March 2019, Westmount Development applied to the Wyoming Community Development Authority (“WCDA”), but did not receive LIHTC, HOME, or NHTF allocations. While both applications received the highest “Tier 1” scoring based on need, they received the lowest “Tier 2” scoring based on project cost and were not competitive in either funding round.

For the 2021 Qualified Allocation Plan (“QAP”), WCDA has indicated that it will include consideration for high cost areas within the state and will use a statistical outlier method when evaluating qualifying projects. While this will not guarantee allocations for Town of Jackson projects, it may provide the opportunity for additional investment in projects so that LIHTC, HOME, and NHTF allocations are possible.

For this RFQ, the Town seeks a development partner to complete a scope of work with four distinct tasks:

- 1) Property Identification – work with staff to identify an appropriate property for a low-income multifamily housing development.
- 2) QAP Study & Opportunity Assessment – work with staff to identify opportunities to strengthen future QAP applications.
- 3) Application to WCDA for LIHTC, HOME, and NHTF – submit a competitive application to WCDA.
- 4) Development of low-income multifamily housing – lead a public-private partnership that results in the development of low-income, multifamily housing within the Town of Jackson.

RFQ REQUIREMENTS

The Jackson Town Council has approved the following timeline for this RFQ:

RFQ Release	March 17, 2020
Submission Deadline & Public Opening	April 24, 2020
Consultant Selection	May 4, 2020
Affordable Housing Allocation Plan Application	September 2020

Submissions are due April 24, 2020 by 4pm MST. Submissions received after 4pm on April 24th will not be considered. Incomplete submissions will not be considered. All responses shall include one (1) signed original and one (1) electronic copy of the proposal and should be delivered to:

Jackson/Teton County Housing Department
Attn: April Norton, Director
320 South King Street, Box 575
Jackson, WY 83001

Proposals shall include the following information, in this order:

A) Introductory Letter

Please include a letter of interest that includes the respondent's name, contact information, and primary contact name.

B) Qualifications

- a. Proposed Project Team. Please include a description of each team member, including: a resume, how s/he will participate in the project and her/his relevant experience.
- b. Firm/Team Experience. Please summarize your experience developing low-income multifamily housing using LIHTC, HOME, and NHTF funding.
 - i. Please highlight any experience the team has had in Wyoming and/or regionally.
 - ii. Please describe experience developing in high-cost areas.
- c. References. Please provide three (3) references for whom your team has provided similar services. List the name, address, email address and telephone number for each reference along with a brief description of the relevant work provided for each reference.

C) Fees

This scope of work is broken into four distinct tasks. Please provide proposed hours and rates for tasks 1-3, broken out by team member.

1. Property Identification. This phase includes working with Town staff to identify property that is appropriate for development and may include property acquisition if the land is not already owned by the Town or Housing Authority. Teams should assume 1 public hearing for this phase (Town Council).
2. QAP Study and Opportunity Assessment, Preliminary Design. This phase includes working with staff to identify opportunities to strengthen the QAP application and attending the WCDA QAP training in Casper, Wyoming in July 2020. The team will work with Town staff on preliminary design and should expect 1 public hearing (Town Council) and 1 community outreach session for this phase.

3. Project Application. In this phase, the team will be solely responsible for submitting a complete application to WCDA for LIHTC, HOME, and NHTF funding. The submission will be due in September 2020. Teams should assume 1 public hearing for this phase (Town Council).
4. Project Development. This phase assumes a successful application. The team will lead a public-private partnership to develop low-income, multifamily rental housing within the Town of Jackson.

EVALUATION CRITERIA

The initial review of submittals for completeness will be conducted by the Housing Director. All complete submittals will then be reviewed by the Housing Supply Board. The Housing Director will bring forth a recommendation to the Town Council, which retains final decision-making authority, based on the following criteria:

- Experience of key individuals
- Experience of firm
- Experience working in Wyoming with the Wyoming Community Development Authority
- Work examples
- Proven ability to meet deadlines and control costs
- Proposed fees

Please note that the Town reserves the right to not choose any respondent.

INQUIRIES

All inquiries regarding this RFQ should be directed to aprilnorton@jacksonwy.gov. Questions will be accepted until April 21, 2020. Answers will be posted on a rolling basis at www.jhaffordblehousing.org.



TOWN OF JACKSON

TOWN COUNCIL

AGENDA DOCUMENTATION

PREPARATION DATE: MARCH 12, 2020

SUBMITTING DEPARTMENT: COMMUNITY
DEVELOPMENT

MEETING DATE: MARCH 16, 2020

DEPARTMENT DIRECTOR: TYLER SINCLAIR
PRESENTER: TYLER SINCLAIR

SUBJECT: **ITEM P19-201:** A REQUEST FOR AN AMENDMENT TO THE SNOW KING
PLANNED RESORT DISTRICT MASTER PLAN

APPLICANT: SNOW KING RESORT MASTER ASSOCIATION - SKRMA

REQUESTED ACTION

Snow King Resort Master Association has applied to the Town of Jackson to amend its Resort Master Plan pursuant to Section 8.7.3 Planned Unit Development of the Town Land Development Regulations. Specifically including the following actions:

- A. Amendment to a Resort Master Plan pursuant to Section 8.7.3 Planned Unit Development
- B. Amendment to an associated Sketch Plan pursuant to Section 8.7.3 Planned Unit Development and Section 8.3.1 Sketch Plan.

BACKGROUND

Town Council reviewed this application at Regular Town Council meetings on December 2 and 16, 2019 and January 6, 2020. At the January 6, 2020 meeting Council directed staff to 1) work with the applicant to amend the Snow King Planned Resort District Master Plan subject to the conditions and department reviews from the December 2, 2019 staff report pursuant to the Town Council direction provided at subsequent meetings, 2) make any other necessary edits to the satisfaction of the Community Development Director, Planning Director and Town Attorney, 3) obtain SKRMA's formal position on the revised amended conditions; and 4) once staff has obtained SKRMA's formal position on the amendments, bring this item back for final consideration by Town Council at the February 3, 2020 Regular Town Council meeting. In addition, the Council continued an associated Item P19-201, a Sketch Plan for the Snow King Planned Resort District Master Plan, to February 3, 2020. At the February 3, 2020 Regular Town Council meeting both items were continued to the February 18, 2020 meeting. At the February 18, 2020 Regular Town Council meeting both items were continued to the March 2, 2020 meeting. At the March 2, 2020 Regular Town Council meeting both items were continued to the March 16, 2020 meeting.

Staff and the applicant are both requesting that both items now be continued to the April 6, 2020 Regular Town Council meeting to allow additional time to complete the direction given by Council on January 6, 2020.

SUGGESTED MOTION

I move to continue Item P19-201 an amendment to a Resort Master Plan pursuant to Section 8.7.3 Planned Unit Development and an amendment to an associated Sketch Plan pursuant to Section 8.7.3 Planned Unit Development and Section 8.3.1 Sketch Plan to the Regular Town Council meeting on April 6, 2020.



TOWN OF JACKSON TOWN COUNCIL AGENDA DOCUMENTATION

PREPARATION DATE: MARCH 12, 2020
MEETING DATE: MARCH 16, 2020

SUBMITTING DEPARTMENT: PLANNING
DEPARTMENT DIRECTOR: PAUL ANTHONY
PRESENTER: TYLER VALENTINE

SUBJECT: **ITEM P20-037:** REQUEST FOR A WAIVER OF REVIEW FEES ASSOCIATED WITH FUTURE PHYSICAL DEVELOPMENT APPLICATIONS FOR A NEW AFFORDABLE HOUSING PROJECT AT 174 NORTH KING STREET

APPLICANT: JACKSON HOLE COMMUNITY HOUSING TRUST – ANNE CRESSWELL

OWNER: TOWN OF JACKSON

STATEMENT/PURPOSE

The applicant has requested a fee waiver for all future development review fees associated with a new affordable deed restricted housing project which include, but aren't limited to, building permit review, grading pre-application, administrative adjustment, encroachment agreement, trade permits and subdivision plat. The applicant has submitted this request pursuant to Ordinance 939 of the Town of Jackson and Municipal Code section 15.04.090.

The requested fee waiver would apply to a property located at 174 N. King Street.

BACKGROUND/ALTERNATIVES

Pursuant to Ordinance 939 the Town Council may reduce, defer or waive application fees upon the request of an applicant if the proposed project advances significant community goals, which include, but are not limited to the following:

1. *A project that is sponsored by a governmental entity or a project that receives public funding.*
2. *A project that provides extraordinary charitable, civic, educational, or similar benefits to the community.*

Should Town Council make the determination that this proposal advances significant community goals as described above, a motion has been provided below for the waiver of the fees.

The proposed project is for a new three-story mixed use building that includes 24 deed restricted affordable housing units with commercial space on the ground level. The Town has contributed the land along with a \$1.24 million dollar subsidy to the Jackson Hole Community Housing Trust to develop this community project.

ATTACHMENT

Fee waiver request from applicant

FISCAL IMPACT

The approval of a fee waiver for this development review would result in the Town not receiving a minimum of \$1,900 (\$250 Building Permit Review; \$1,000 Subdivision Plat; \$150 Grading, Erosion Control permit, \$500 Administrative Adjustment). The Town does not have an estimate for the cost of the Building Permit or an estimate for the trade permit fees. The Town will still charge the applicant for technical review fees charged by third parties for the Subdivision Plat, i.e. title review and surveyor reviews. In addition, the Town will charge the applicant for water and sewer fees at the time of Building Permit issuance and charge for Park and School Exaction fees at the time of Subdivision Plat recording because these are not “application” fees that can be waived.

STAFF IMPACT

None identified.

LEGAL REVIEW

Not applicable.

RECOMMENDATION

No recommendation has been provided by the Planning Director given the nature of this request. Please note that the Council has the option to reduce, defer or waive such application fees if desired.

SUGGESTED MOTION

I move to **approve** a request to waive the minimum \$1,900.00 fees for the Jackson Hole Community Housing Trust, for the development review fees for an Administrative Adjustment, Grading Pre-app, Subdivision Plat, Grading and Erosion Control Permit, Building Permit and review fees and trade permit fee for a new affordable housing project at 174 N. King Street.



PLANNING PERMIT APPLICATION
Planning & Building Department

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

For Office Use Only

Fees Paid _____

Date & Time Received _____

Application #s _____

Please note: Applications received after 3 PM will be processed the next business day.

PROJECT.

Name/Description: 174 North King Street
Physical Address: 174 North King Street, Jackson, WY 83001
Lot, Subdivision: PT. SW1/4SW1/4 SEC. 27, TWP. 41, RNG. 116 PIDN: 22-41-16-27-3-00-021

PROPERTY OWNER.

Name: Town of Jackson Phone: 307-733-3932
Mailing Address: P O Box 1687, Jackson, WY ZIP: 83001
E-mail: _____

APPLICANT/AGENT.

Name: Jackson Hole Community Housing Trust Phone: 307-739-0665
Mailing Address: P O Box 4498, Jackson, WY ZIP: 83001
E-mail: anne@housingtrustjh.org

DESIGNATED PRIMARY CONTACT.

_____ Property Owner ☒ Applicant/Agent

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

Use Permit

_____ Basic Use
_____ Conditional Use
_____ Special Use

Relief from the LDRs

_____ Administrative Adjustment
_____ Variance
_____ Beneficial Use Determination
_____ Appeal of an Admin. Decision

Physical Development

_____ Sketch Plan
_____ Development Plan
_____ Design Review

Subdivision/Development Option

_____ Subdivision Plat
_____ Boundary Adjustment (replat)
_____ Boundary Adjustment (no plat)
_____ Development Option Plan

Interpretations

_____ Formal Interpretation
_____ Zoning Compliance Verification

Amendments to the LDRs

_____ LDR Text Amendment
_____ Map Amendment

Miscellaneous

☒ other: Fee waiver
_____ Environmental Analysis

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

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

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

Have you attached the following?

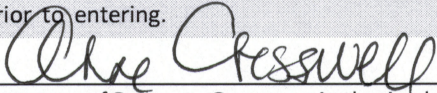
_____ **Application Fee.** Fees are cumulative. Go to www.townofjackson.com/200/Planning and select the relevant application type for the fees.

N/A **Notarized Letter of Authorization.** A notarized letter of consent from the landowner is required if the applicant is not the owner, or if an agent is applying on behalf of the landowner. Please see the Letter of Authorization template at www.townofjackson.com/DocumentCenter/View/102/Town-Fee-Schedule-PDF.

_____ **Response to Submittal Requirements.** The submittal requirements can be found on the TOJ website for the specific application. If a pre-application conference is required, the submittal requirements will be provided to applicant at the conference. The submittal requirements are at www.townofjackson.com/200/Planning under the relevant application type.

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

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



Signature of Property Owner or Authorized Applicant/Agent
Anne Cresswell

Name Printed

3-2-2020

Date
Executive Director

Title

174 N King St

The Jackson Hole Community Housing Trust is developing 24 one, two and three bedroom condominiums for purchase at 174 N King St., all of which will be deed restricted Affordable in perpetuity.

The development is a collaboration with the Town of Jackson and benefits from the contribution of land from the Town in addition to a public subsidy of \$1.25 million. The Housing Trust will leverage the Town's generous contributions with competitive construction financing and philanthropic donations. All funds raised will be used to subsidize the homes, ensuring they are affordable to individuals and families who earn no more than 120% of median family income.

174 N King St will provide housing for 40 to 60 hard-working members of our community in a downtown location, walking distance to Jackson Elementary School, the hospital, the Rec Center and immediately adjacent to public transportation.

Per the Town of Jackson Schedule of Fees documentation, The Town Council may reduce, defer, or waive application fees upon request if the proposed project advances significant community goals, which include but are not limited to, the following:

1. A project that is sponsored by a governmental entity, or a project that received public funding.
2. A project that provides extraordinary charitable, civic, educational, or similar benefits to the community.

The Housing Trust requests that the following fees associated with this project be waived:

Building permit fee

Building permit review fee

General Pre-application Conference fee for Grading and Erosion Control Application

Administrative Adjustment fee

Encroachment permit fee

Grading permit fee

Individual trade permit fee (plumbing, mechanical, electrical, fire sprinkler, etc)

Subdivision plat fee (when building can be condominium'ized)

Please note, because the Housing Trust is a 501c3 nonprofit affordable housing developer, all expense reduction remains with the project and will assist in the affordability of the homes being built.



TOWN OF JACKSON TOWN COUNCIL AGENDA DOCUMENTATION

PREPARATION DATE: MARCH 12, 2020
MEETING DATE: MARCH 16, 2020

SUBMITTING DEPARTMENT: PLANNING
DEPARTMENT DIRECTOR: PAUL ANTHONY
PRESENTER: TYLER VALENTINE

SUBJECT: **ITEM P19-262:** AMENDMENT TO THE FINAL DEVELOPMENT PLAN FOR PINE GLADES PLANNED UNIT DEVELOPMENT (PUD).

APPLICANT: BILL COLLINS – COLLINS PLANNING ASSOCIATES

OWNER: PINE CANYON, LLC

STATEMENT/PURPOSE

The applicant is requesting approval of an amendment to the approved Final Development Plan for the Pine Glades Planned Unit Development (PUD), specifically to:

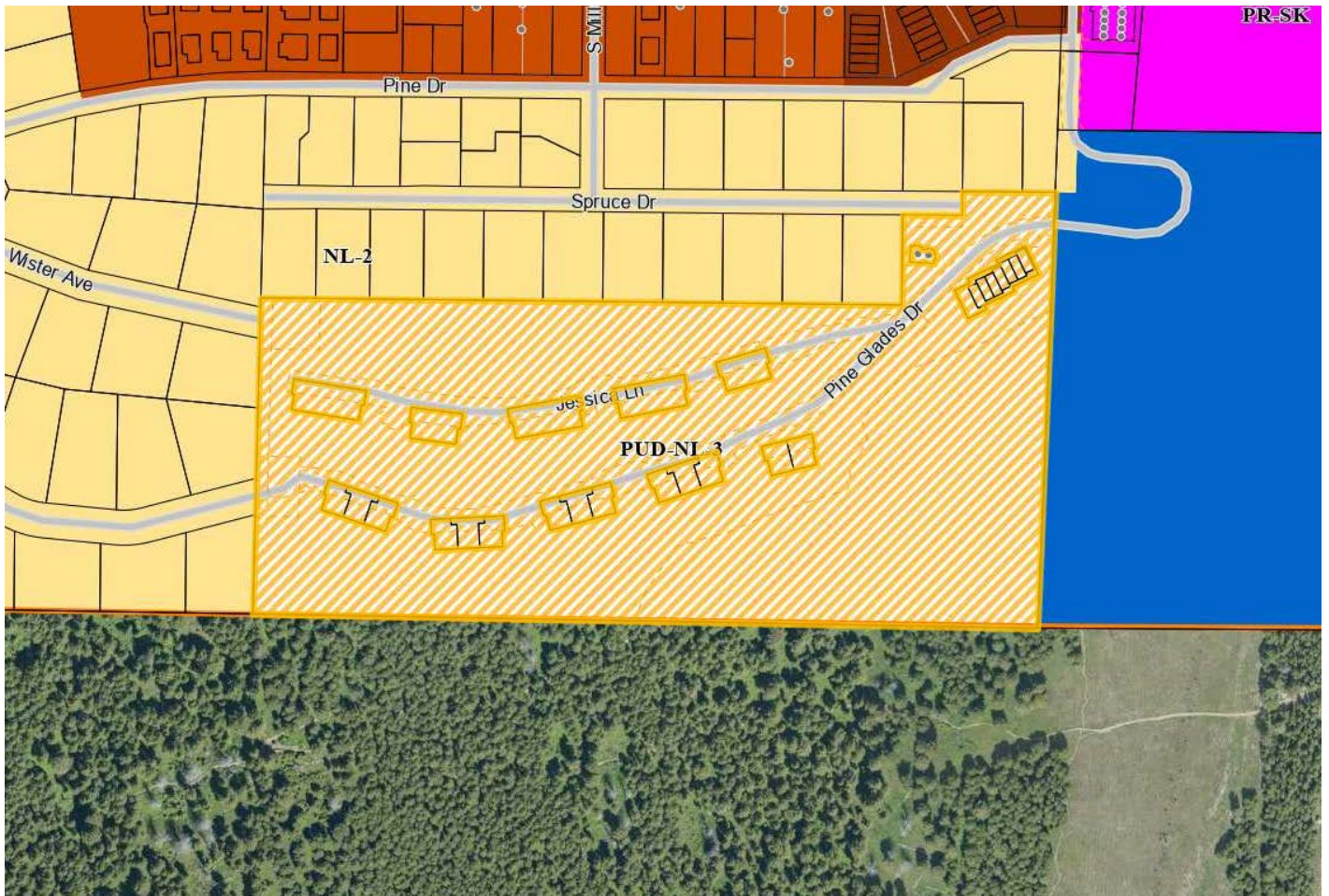
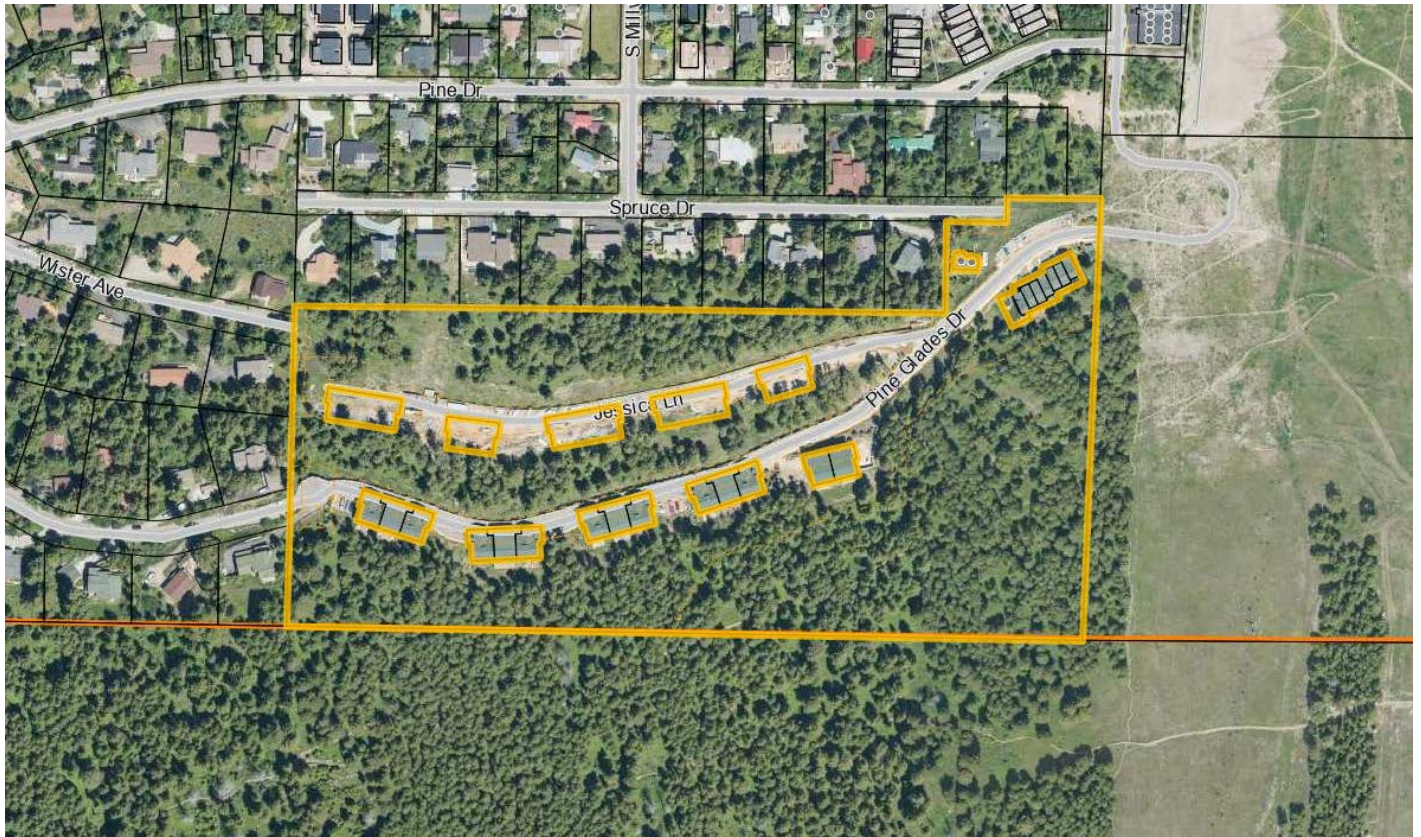
- Modify the exterior materials on the existing duplex at 140 & 142 Pine Glades Drive from a wood/stone combination to primarily stone.
- Remove the in-road heating element in Phase 1 (Pine Glades Drive) and in the future Phase 2 (Jessica Lane)
- Approve a trail plan that would allow public access through the site on trails only (with the exception of the cul-de-sac) and would include newly recorded access easements.

APPLICABLE REGULATIONS

Section 8.3.2 Development Plan

LOCATION

The property is located at 140 Pine Glades Drive (legally described as LOT 14, PINEGLADES TOWNHOMES PHASE 1), 142 Pine Glades Drive (legally described as LOT 13, PINE GLADES TOWNHOMES PHASE 1) and Lot H (Common Area). An aerial photo and zoning map are shown below:



BACKGROUND/ALTERNATIVES

General Overview of the Pine Glades PUD

The subject property is approximately 17.11 acres (745,445 sf) and is zoned Planned Unit Development – Neighborhood Low Density-3 (PUD - NL-3). On August 20, 2007, the Town Council approved a Sketch Plan for a 39-unit Planned Unit Development (PUD) consisting of 27 market townhome units and 12 affordable townhome units. On January 22, 2008, the Town Council approved a Final (Major) Development Plan (referred to as ‘Development Plan’) and Hillside Conditional Use Permit (CUP) consistent with the previously approved Sketch Plan/PUD. After the completion of the first 2 of the 12 affordable units, the applicant requested that the remaining number be reduced from 10 to 7 affordable units. The Town Council approved the proposed amendment to allow the reduction in density provided the number of bedrooms remained the same to what was proposed with the previous 10 units. The final remaining number of deed restricted units is 9 and all are completed and occupied (Spruce townhomes plus the duplex Spruce condominiums).

The Pine Glades PUD consists of two roads, Pine Glades Drive and Jessica Lane. Both roads are private and all road maintenance responsibility belongs to the applicant/HOA. The Town has an easement, however, that provides Town personnel access to the roadways for the purpose of maintaining the water and sewer lines located under the roads that are the Town’s responsibility. Pine Glades Drive serves Phase I (upper units) and extends down through the tunnel to the entrance of the development. Phase 1 is nearly complete and includes construction of road/utility improvements, 12 market townhome units (4 triplexes), 2 affordable condominium units (duplex), and 7 affordable townhome units.

The only remaining development in Phase I is one market duplex (140 & 142 Pine Glades Drive) that is part of this application. Phase II (lower units) has not been started, so neither Jessica Lane nor the 13 market townhome (three triplexes and two duplexes) have been constructed. The only completed improvements within Phase II are associated with water/sewer mains and retaining walls. Prior to making any future improvements in Phase II, the applicant must obtain approval of a Development Agreement with the Town that will address obligations and bonding for future improvements (i.e. roadway, trails, additional utilities, etc.).

Since approval, the owners of the Pine Glades project have requested numerous amendments and changes that have been processed by the Town. Below is a complete list of the permit history of the PUD.

Original Applications

- **P05-126 & 127:** Sketch Plan and PUD approval (27 market units and 12 affordable units).
- **P07-076:** Variance approval to develop on slopes greater than 25%.
- **P07-126 & 127:** Development Plan and Hillside CUP approval (27 market units and 12 affordable units).

Applications Subsequent to Original Approval

- **P09-006:** Minor Deviation approval to modify parking adjacent to affordable housing units.
- **P09-020:** Final Plat approval for Phase I Townhomes.
- **P09-023:** Final Plat approval for the Spruce Condos (affordable duplex).
- **P09-035:** Minor Deviation approval to remove fire turnout on Pine Glades Drive.
- **P09-081:** Amendment approval to the plat related to mechanics liens.
- **P09-082:** Amendment approval to the plat related to past condition of approval and mechanics liens.

- **P10-028:** Amendment approval to Subdivision Improvement Agreement.
- **P11-025:** Minor Deviation approval to remove and relocate a trail (see below)
- **P12-007:** Amendment approval to Subdivision Improvement Agreement
- **P12-095:** Development Plan amendment approval to reduce number of affordable units from 12 to 10
- **P13-054:** Minor Deviation to allow change in design of affordable units.
- **P14-044:** Final Plat approval for Spruce Townhomes.
- **P14-052:** Minor Deviation approval to remove and relocate a trail (see below)
- **P16-140:** Zoning Compliance Verification confirming outstanding obligations.
- **P17-045:** Development Plan amendment approval to modify duplex design and add 600 sf.
- **P19-018:** Development Plan amendment for modifications to architectural features at duplex at 140 & 142 Pine Glades Drive.
- **P19-262:** *Current application*

Trail Plan in Original PUD

Relevant to this application, the original project approval included an internal trail network (map below labeled 'Original Approved Trail Plan') intended to connect to the Snow King trail system to serve the development's residents and the general public (primarily Pine Drive, Wister Avenue and Spruce Drive residents). Prior to the approval of the Pines Glades PUD, it appears that there was some level of historic informal trail use across the 17-acre hillside parcel by neighbors and others. As a result of strong public interest in maintaining some level of public trail access through the property, the original developer promised and agreed to include a trail network that would allow the public to walk and bike through the site to access the Snow King trail system, including the use of Pines Glades Drive as necessary to access the trails. No public vehicular access was intended or approved. A trail plan (attached as 'Original Trail Plan' and included in the staff report below) was approved with the original PUD and Development Plan.

The original trail plan was changed twice in 2011 and 2014 through staff level reviews (may below labeled 'Currently Approved Trails'). In 2011 a Minor Deviation (P11-025) was approved to relocate the west trail that switchbacks up the hill from the cul-de-sac (never built, but would have connected to the Sink or Swim trail) to the center of the site next to the duplex at 140 & 142 Pine Glades Drive. This relocation request was made due to stated concerns over the steepness of the slope in the original west location. This new section of trail near the duplex was installed and connected to Sink or Swim. Accessing the trail at this location required neighbors on Pine Drive to walk approximately 900 feet on Pine Glades Drive. The trail was used for a couple of years until the trail was relocated again in 2014 at the request of the developer.

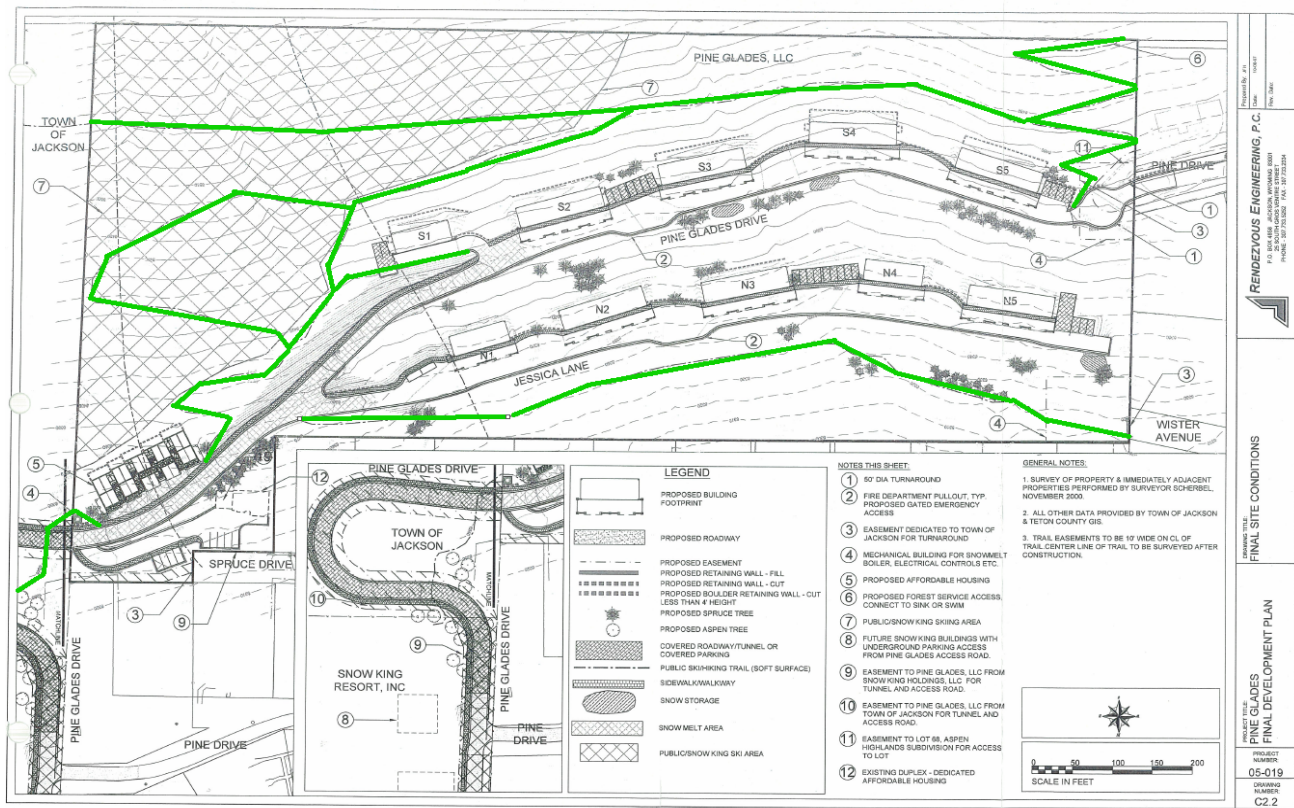
In 2014, Minor Deviation (P14-062) was approved that relocated the section of trail adjacent to the duplex at 140 & 142 Pine Glades Drive and established a replacement trail farther east down Pine Glades Drive just north of the upper opening of the tunnel. This new section of trail is currently built, in operation, and connects to the Shade Monkey trail located on the Town's property. The Shade Monkey trail switchbacks up the hill and connects to Sink or Swim.

Unfortunately, despite all the Council discussion and planning for trails, no trail access easements were recorded with the original Development Plan/PUD approval to formally establish public access across the Pines Glades roads. In addition, no easement for public access on the roads was shown or stated on the approved plat, and the Development Plan/PUD included no additional condition of approval requiring such access. One likely reason no trail easements were recorded at the time of PUD approval was that the exact location and alignment of the proposed trails were not yet determined so that exact legal descriptions for the access easements were not yet possible. The intent might have been to wait until the trails were actually designed and built to record the associated access easements. Or perhaps the access easements (or initial easements, at least) were not demanded by the Town as part of the PUD approval by error. Regardless,

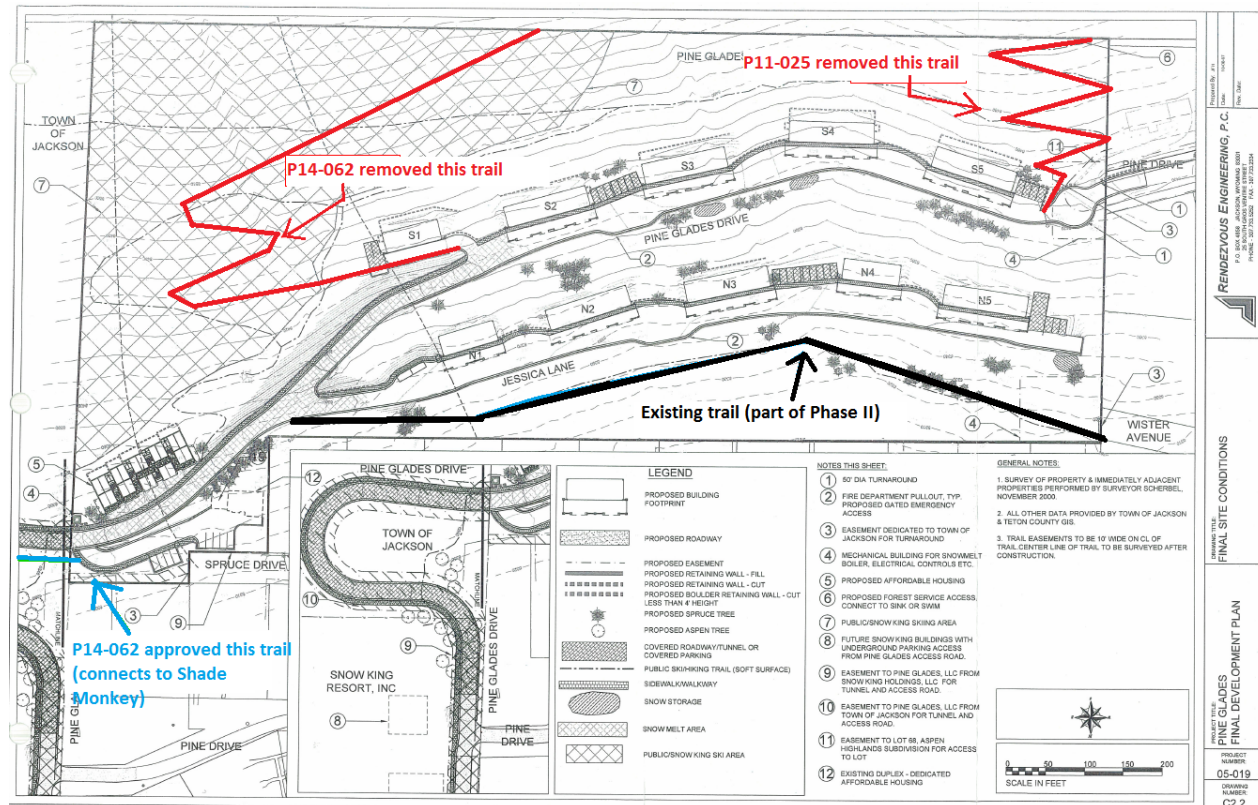
complicating the matter was the fact that the PUD approval did not specify any clear timeline or phasing plan for when the trails were required to be installed. Many years then passed without either the Town staff or the landowner finalizing the full trail network and easements.

This oversight was first discovered, as best staff can tell, when the new owner (Mr. Tozzi) purchased the development in 2017 and soon thereafter began posting 'no trespassing' signs on the property and calling the police on non-residents walking across the property. Prior to these actions by Mr. Tozzi (i.e., during the ownership period of the first property developer from 2007 to 2017), it appears that the general public walked frequently through the development, including on Pine Glades Drive, to access the trails with the apparent understanding that the Development Plan/PUD allowed such access and without being told otherwise by the original developer or by the owners of Pines Glades units at that time.

Original Approved Trail Plan (green = approved):



Currently Approved Trails (red = removed, blue = approved/installed, black = installed/Phase II):



Recent Compliance Activity

The approval record of the PUD is complex, and often not well documented, making resolution of disputed items difficult. Consequently, due to a difference of opinion between the Town, Mr. Tozzi, and adjacent neighbors about the nature of public access to the trails and Pines Glades Drive, the past three or so years have been marked by periodic accusations of trespass that are countered by claims of access rights, often with the Town police and planning staff caught in the middle without clear direction.

The current round of permit review started in early 2019 when the applicant submitted an application to amend the Pine Glades Development Plan (P19-018) to make additional architectural modifications to the duplex at 140 & 142 Pine Glades Drive. After getting through the Planning Commission (PC), the applicant continued the item indefinitely in response to contentious public comment at the PC meeting from residents on Pine Drive who felt that no more approvals should be given within Pine Glades until public access for trails through the roads was legally granted. In response, owners of Pine Glades units commented at the PC meeting that they purchased homes in a private development that did not include public access through the roads, as evidenced by their title reports. They also stated that the public should not be permitted to walk on the roads because of safety and liability issues. In summary the applicant wanted to resolve the access issue before meeting with the Town Council and decided to work with staff to find a solution.

After staff met with the applicant, it became apparent there was a difference of opinion between staff and the applicant regarding what was originally promised/approved with regard to public access to trails and how the matter should be resolved. Staff then conducted significant additional research into the Pine Glades approvals and prepared a detailed compliance letter in May 2019 (attached as 'Compliance Letter – May 2019') summarizing our findings and opinions on public access for trails and other outstanding compliance matters.

In the letter, staff provided evidence that public access across Pine Glades Drive to access trails was verbally promised by the original developer but we also acknowledge that this understanding was not then followed up with a clear trail construction plan or any access easements. The compliance letter stated that the applicant would not be granted any further approvals or be allowed to continue developing the remaining 13 townhomes on Jessica Lane until an easement was recorded allowing the public to walk on the private roads to access the trails in the original trail plan.

Below are direct quotes and central items from the original PUD (all referenced in the May 2019 enforcement letter) which reference public trails and access:

- “Numerous public benefits are being proposed which include...one mile of additions to pathways and pedestrian easement...” (Section B - Summary, Page 2)
- “Numerous public benefits are being proposed which include...a pedestrian easement to access Snow King from the eastern end of Spruce Drive...” (Section B - Summary, Subsection 1.a. Project Boundary and Proposed Development, Page 2)
- “Numerous public benefits are being proposed which include...new pedestrian and bicycle access from the south end of Pine Drive to the Sink-or-Swim trail in the Bridger-Teton National Forest...” (Section B - Summary, Page 2)
- “Nevertheless, the proposal includes pedestrian pathways, in the form of public trails access easements fronting the lower row of buildings, allowing pedestrian access from Pine and Wister Drive neighborhoods to the Snow King Ski Area and the Bridger-Teton National Forest.” (Section C - LDR Compliance, Page 9)
- “The development will provide at least four pedestrian access easements across the property providing a link from the neighborhoods on the west to Snow King slopes and beyond.” (Section C - LDR Compliance, Page 10)
- A site plan demonstrating the location of “public ski/hiking trails”, many of which intersect the Pine Glades Drive. (Section E – Index of Submittals, Page 9)

There is no direct mention of using the roads, only about access across the property. In response to the May 2019 compliance letter, staff received a detailed letter (attached as ‘Compliance Response Letter - June 2019’) on June 26, 2019, from the applicant’s attorney, Erika Nash, stating their difference of opinion. In summary, the response letter argued that all owners purchased their homes without such an access easement recorded and that only a written, recorded legal instrument can create a property right, such as a public access easement across a property. In addition, to record such an easement now would require the (unlikely) approval and signature of all property owners within the Homeowner’s Association (HOA) and that such a result would force them to accept unwanted liability for injuries on their roads. The response letter also contends that the original developer and approvals were never intended to allow the public to walk across the private roads to access trails, but rather were intended to allow the public to cross through the site by means of trails only.

After reviewing the applicant’s response letter, it was clear that obtaining an after-the-fact access easement would be met with strong legal resistance, so staff and the applicant held another meeting to discuss options for compliance. At that meeting the applicant conceptually proposed the idea of an alternative trail plan with trails that would not intersect any roads (except a minor crossing of the cul-de-sac on Pine Glades Drive). Instead, the trails would wrap around the roads and buildings and connect to the Snow King Trail system and would allow the neighbors and public to access the trails and cross the property but without walking on any roads (except the cul-de-sac). The applicant believed that this alternative trail plan would meet the original intent of the PUD.

Based on this meeting, staff sent a final compliance letter on September 6, 2019 (attached as ‘Compliance Final Letter – September 2019’) with two options for compliance: Option #1 allowed the applicant to comply

with what staff then felt was the original intent of the approved PUD and requiring the applicant to record an access easement over the Pines Glades roads, and Option #2 allowed the applicant to present an alternative trail plan that, while not providing an access easement to the roads, would still provide significant public trail access through the site in similar locations as originally approved and would include clear recorded public access trail easements to avoid future disputes. The applicant chose Option #2 and so has provided an alternative trail plan for the Town's review (see analysis of proposed trail plan below).

Project Description

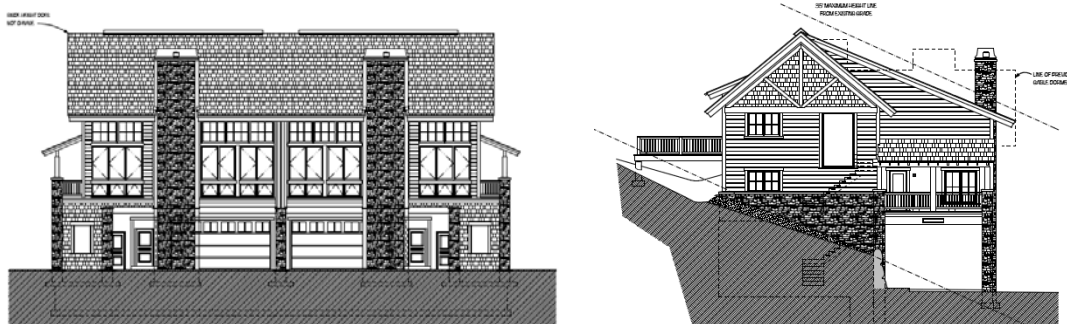
The applicant is proposing to amend the Pine Glades Development Plan to 1) modify the exterior materials on the existing duplex at 140 & 142 Pine Glades Drive, 2) remove the in-road heating element from both phases, and 3) install an alternative public trail plan.

1. Duplex Material Change

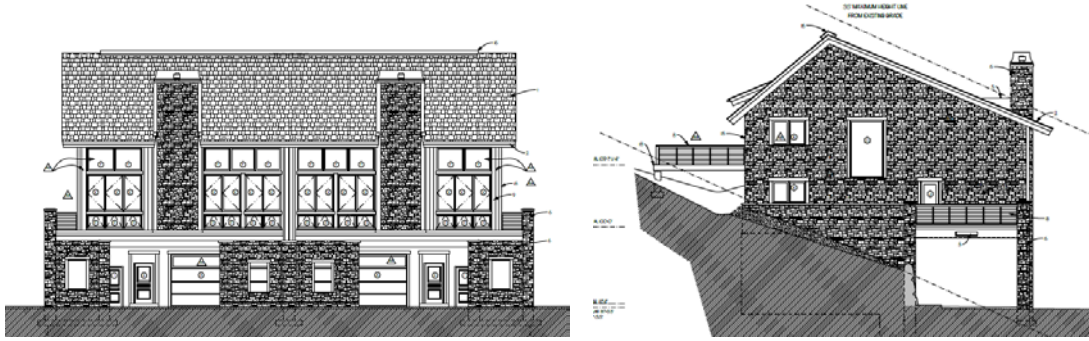
An amendment to the Pine Glades Development Plan was approved in 2017 (P17-045) which included architectural changes to roof pitches and exterior materials for all three duplexes within Phases I & II. The applicant is now seeking to make several small changes to only the duplex at 140 & 142 Pine Glades Drive which include the use of stone as the main exterior material on the side elevations (east and west). The stone proposed on the side elevations would span from the base of the unit to the roof. Previous designs had stone about half way up the building which transitioned into horizontal wood siding and wood shingles. In addition, the stone chimney on the front (north) elevation would no longer continue to the ground, but would start on the second story. Windows on all elevations would be changed slightly with regard to size and location. Additional stone is also proposed on the ground level columns and the columns themselves would be widened.

The applicant is seeking these changes to reduce the maintenance costs associated with wood. In addition, because this development did not require review and approval by the Design Review Committee, the applicant finds that personalization of the units should not be of issue considering height is not increasing. Below reflects the 2017 approved changes and the proposed 2019 changes. It should be noted that the requested changes to the duplex listed above have already been made in the field so that a denial of the request will require that all non-approved materials and architectural changes be put back to be consistent with the 2017 approved building plans.

Currently Approved Duplex as of the 2017 Amendment:



Proposed 2019 Changes to Duplex:



2. Roadway Heating Element

When the Pine Glades PUD and Development Plan were approved, an in-road heating element was approved for both Phase I & II. The Phase I heating element, which is installed, starts at the top of the tunnel and continues up Pine Glades Drive and ends just past the driveway entrance for the duplex at 140 & 142 Pine Glades Drive. The Phase II heating element, which is not installed, would start at the entrance to Jessica Lane and continue west for approximately 100 feet.

The applicant is requesting that the in-road heating element for both phases be removed from the original approval because it was not an LDR requirement and is necessary to maintain safe road conditions. The applicant states that the heating element has been broken for three years and operating costs in one year have reached \$150,000.00. Allowing this element to be removed would relieve the HOA from having to pay high costs to fix and operate it. The applicant currently pays to have the private road plowed and sanded and no safety issues have occurred since the heating elements broke. In addition, the applicant states that heating the road does not align with the Town's energy conservation objectives.

3. Alternative Trail Plan

The applicant is proposing an alternative trail plan that includes three new sections of trail that do not require the use of the roads, except for the cul-de-sac at the end of Pine Glades Drive.

1. The first new section of trail (below in yellow above the cul-de-sac) starts at the cul-de-sac on Pine Glades Drive and switchbacks up the hill (south) and connects to Sink or Swim which is located on the USFS property. The total elevation from the cul-de-sac to the Sink or Swim connection is approximately 90 feet over a total horizontal distance of approximately 375 feet.
2. The second section of trail (below in yellow below the cul-de-sac) also starts at the cul-de-sac on Pine Glades Drive but switchbacks down the hill (north) and connects to the existing trail below Jessica Lane. The total elevation from the cul-de-sac to the lower trail connection is approximately 75 feet over a total horizontal distance of approximately 170 feet.
3. The third section of trail (below in yellow adjacent to the affordable duplex) connects the trail below Jessica Lane to the trail that starts at the top of the tunnel. At the second Planning Commission meeting, there were two trail options presented for Section #3, one that wrapped around the north side of the affordable duplex and one that hugs the road and parking lot to the south (above) the affordable duplex. After some discussion with the Planning Commission, the applicant is proposing an alignment that hugs the road and parking lot above the affordable duplex. The horizontal distance of these trails is between 200 - 250 feet. The elevation drop for

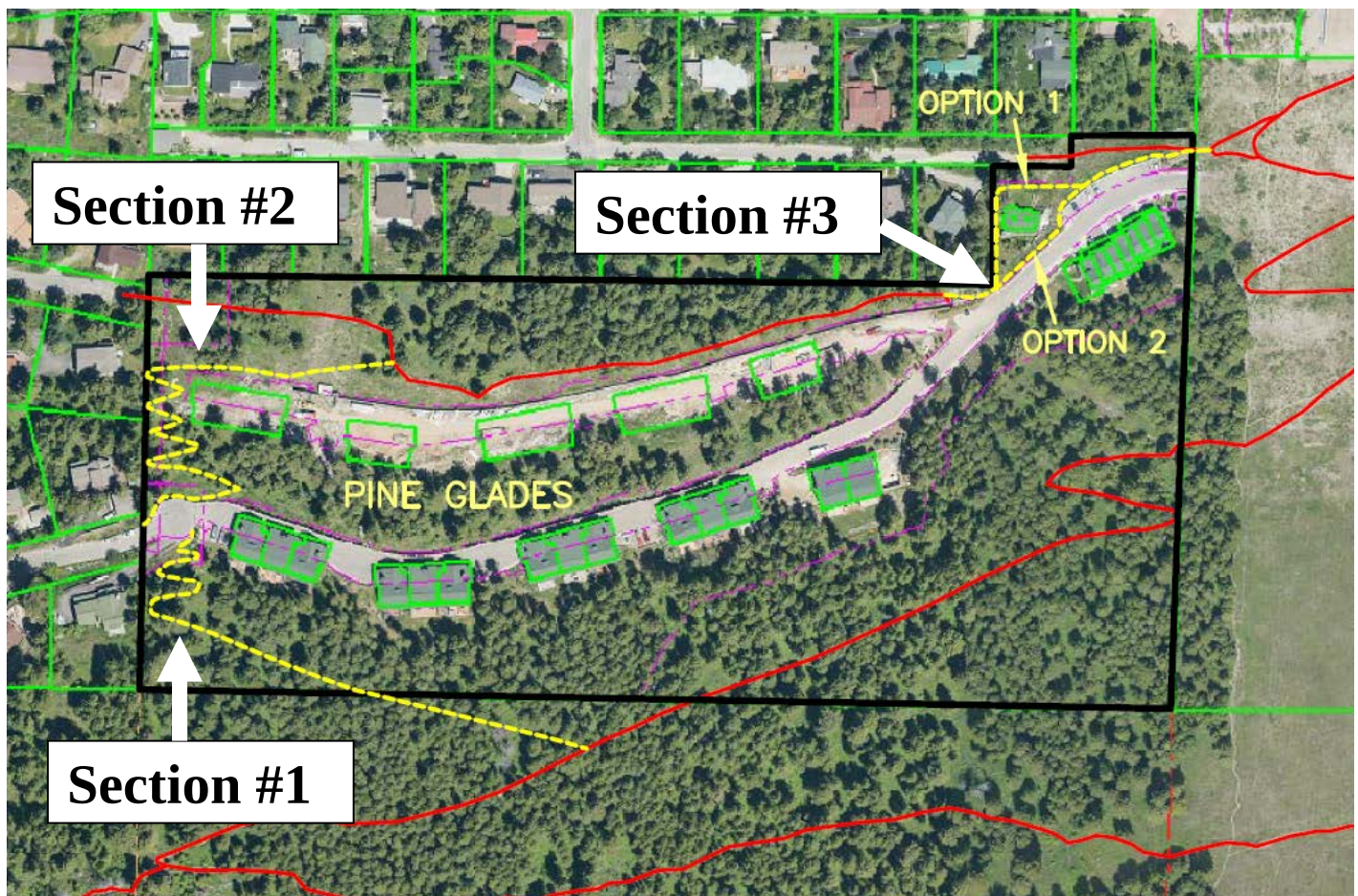
Option 1 is about 40 feet. Because Option 2 hugs the road and parking lot, there is minimal elevation drop of less than 10 feet.

Note: the first section of trail was originally approved with the PUD but later removed and relocated. The second and third sections of trail are newly proposed and not part of a previous approval

As shown in the proposed trail section details, stone steps will be incorporated within each section due to the steep slopes and the trails will maintain a 10% average grade. Adjacent to the first section of trail, the applicant is proposing a landscape screen of trees to provide a buffer from the Phase I Pine Glades homes and the Pine Drive homes directly to the west. The applicant states that this plan meets the intent of the original developer by providing public trail access, mostly hiking and less-so mountain biking, through the site to connect to the Snow King Trail System. Although a signage plan has not been provided, the applicant intends to work with Town staff to ensure proper signage is erected and that easements are recorded against the property to ensure proper public access in perpetuity. These trails will be open year-round but only maintained during summer. Due to the steepness and use of stairs, these trails are built primarily for hikers, but portions could be used for bikers.

To enable comparison, below are three trail plans: the original approved plan, the currently approved trail plan after amendments, and the proposed alternative trail plan (larger versions are on the review packet).

Proposed Alternative Trail Plan (yellow = proposed, red = existing):



Staff Review

Amendment to Development Plan

This request is considered an amendment to the Development Plan due to the significance of the proposed changes, especially the trail plan. The PUD does not need to be amended because this change does not directly impact the PUD, which addresses primarily allowed uses and dimensional standards. As part of the restructured LDRs effective on January 1, 2015, new language was added regarding amendments to past permits or approvals. Section 8.2.13.B - Amendment of Permits or Approval states that:

“All changes to an approved physical development permit, use permit, or development option plan not qualifying as minor deviations shall be considered amendments and shall be reviewed subject to the current procedure and standards of these LDRs.”

As stated below under **Staff Findings**, staff was able to make all necessary findings, as conditioned, for a Development Plan.

Exterior Architectural Changes

When the Pine Glades PUD and Development Plan were approved, the Design Review Committee was not required due to the residential nature of the project, thus it is not required with this requested change. As mentioned above, the applicant deviated from the 2017 approved design and the approved building permit by replacing much of the wood siding with stone veneer during the duplex construction process (as shown in the current proposal). Thus the applicant is requesting an after-the-fact approval.

Staff has no significant concerns with the proposed exterior changes. The additional stone is viewed as an upgrade and requires less maintenance than wood. In addition, the use of stone is common throughout the development and the applicant is not introducing a new material. No additional height or floor area is proposed. Staff has added a condition of approval requiring the applicant to submit an addendum to the duplex building permits to reflect the materials proposed in this application. If this amendment is not approved, then the applicant would be required to remove the stone and comply with the existing 2017 design approval.

Removal of Heating Element

Staff has confirmed that the in-road heating element was not a requirement of the LDRs but rather a developer proposed amenity that was approved with the PUD and Development Plan. As such, it became a requirement of the project but can be removed through this amendment request at the Council's discretion. The heating element has, in fact, been broken for several years and so the roads have been maintained similar to any other hillside road via plowing and sanding. To date staff has not been made aware of any vehicular-related safety issues as a result of the inoperable heating element nor has Fire or Public Works raised concerns about its removal. Because the road is private and plowed/sanded at the expense of the HOA, staff does not have any concerns about removing the heating element from the HOA obligations. Additionally, unnecessary energy consumption such as a heated roadway does not align with the Town of Jackson's values and objectives towards sustainable development.

Alternative Public Trail Plan

As explained above, the applicant has chosen to seek approval of an alternative trail plan under Option #2 as outlined in staff's final compliance letter sent in September 2019. Similar to the in-road heating element,

because the original trail network was an amenity negotiated as part of the PUD, the trail plan can be re-negotiated and legally changed through this amendment process. After extensive review of the Sketch Plan, PUD and Development Plan, staff found clear evidence in writing that a trail system and public access easements are required and these trails were intended to allow residents from Pine Drive, Wister Avenue and Spruce Drive to traverse over Pine Glades to access the Snow King and Bridger Teton National Forest trail system.

In addition, based on further review and analysis by staff during the three Planning Commission hearings, staff concludes that access to Pines Glades Drive for the public is not a requirement of the approved PUD – i.e., access across the private road is only required if it is necessary to access one of the required public trails. Otherwise access across the private roads would be redundant with access that the trails already provide and this additional level of general public access is not supported by the PUD record. For example, under the original trail plan, access to Pines Glades Drive was necessary because the trail intersected the road in five different locations, meaning that portions of these trails required access to/from the road to be usable. The proposed trail plan, however, shows only two intersections with the road (both on the cul-de-sac) so the only necessary public access to the road is limited to this cul-de-sac. Furthermore, based on the six trail-related excerpts from the PUD included previously in this staff report (see six bullets on page 5), none of them mention or imply access to any private roads. Rather, they all speak merely to providing public access across the project to access other trails. This conclusion is a more nuanced view than the one presented by staff in the compliance letters where staff concluded that access to Pines Glades Drive was required because that conclusion was based on our assumption that the original trail plan was the only option under consideration. However, the applicant has a right to request an amendment to the trail plan and for that trail plan to be reviewed against the intent of the PUD.

Regarding trail specifics, although some portions of the trail are on steep slopes, the proposed design is suitable for the conditions and comparable to other trails. For example, the proposed trail section leading up from the cul-de-sac was included in the original approval and maintains an average 10% slope. Although stone steps will be incorporated throughout the trail plan making it difficult for bicyclists, it will still serve as a multi-use summer trail system. Although not discussed in detail in the original approval, the applicant is not proposing and is not required to maintain the trails for winter use. This makes sense given that the Sink or Swim trail is not maintained by the USFS in the winter so there is little reason to require a higher level of maintenance on the proposed trails. Nevertheless, as with the USFS trails, it is staff's understanding that the Pine Glades trails can be used by trail users in the winter at their own risk but they will not be maintained.

Teton County Pathways Department has reviewed the trail plan and provided conditional approval to this alignment. Pathways provided specific comments related to the type of cuts made into the hillside to ensure trail and slope stability. Pathways also commented that the applicant needs to maintain a clear path to all trail entrances during winter months to not block access for users even though the trails, including Sink or Swim, are not maintained during the winter. It is staff's understanding that the trails will be built by the applicant, possibly with assistance from local private nonprofits or public agencies. The applicant will also be responsible for summer trail maintenance, also possibly in coordination with private nonprofits or public agencies. Staff has added a condition of approval requiring the applicant to satisfy certain written concerns/requirements from Pathways.

The proposed trail plan was also sent for review to the USFS and staff received comments stating that they had no significant issues with the proposed trails. The comments (attached as 'USFS Review') were from 2011 but an email from Linda Merigliano (Recreation Wilderness program manager for Jackson Ranger District) confirmed that the approval in 2011 is still valid. Staff also confirmed with Pathways and the USFS that a 10% grade is typically the standard for trails on steep slopes which is what the applicant is proposing.

The applicant has not yet proposed any specific signage for the trails, but staff will work with the applicant to ensure that all trail signage is clear, accurate, and visible so that future disputes between Pines Glades residents and the general public can be avoided. Staff has added a condition of approval related to signage which includes the provision of signage requiring dogs to be leashed on trails within the Pine Glades property.

Another important issue concerns potential landscaping/screening on both sides of the first section of trail above the cul-de-sac. Staff is supportive of vegetative screening provided that the trees are approved by the Fire Department. This property is located within the Wildland Urban Interface and typically the addition of trees (i.e. fuel) is not recommended unless they are of a specific species, properly spaced and irrigated. Pine Glades was required to provide a Fuels and Vegetation Mitigation plan which required the removal and pruning/thinning of hundreds of Douglas fir trees. Pine Glades was also required to plant over a hundred new fire-resistant tree species such as Aspen, Serviceberry and Snowberry in order to help screen the development. Staff has added a condition of approval requiring that the applicant work with the Fire and Planning Departments on an appropriate landscape screening plan for the first section of trail above the cul-de-sac that does not conflict with the Wildland Urban Interface code requirements.

Section #3 of trail started out with 2 options, one that wraps around the north side of the duplex and one that hugs the road and parking area. Both staff and the Planning Commission have recommended the option that hugs the road and parking lot because it is the least impactful to the duplex owners. A screening mechanism has been offered by the applicant, either by vegetation, fence or some combination. Staff supports this idea even though a formal plan has not been provided. Condition #6 specifically addresses this section of trail and includes a requirement that a screening plan be provided and reviewed by the Town and that the duplex owners are consulted on this plan so that the future screening does not negatively impact them in any way.

In summary, staff finds that the alternative trail plan, while not perfect, generally accomplishes the intent of the original Development Plan/PUD approval by providing public trail access across the property for people from all three roads (Pine Drive, Wister Avenue, Spruce Drive). This would complete an important project obligation from the 2007 approval. The benefits of the alternative trail plan are a public trail network with legally guaranteed recorded access easements.

Planning Commission

This item went before the Planning Commission three times — January 15, 2020; February 5, 2020; and March 4, 2020 — before a final recommendation was made.

At the first Planning Commission on January 15, 2020, the full project proposal was presented followed by a series of public comment from Pine Drive residents and Pine Glades residents. The Planning Commission asked questions about how specific the original approvals were with regard to trails and public access. Staff explained that the written record is not explicitly clear on all relevant trail matters other than the fact that a trail system and public easements were required. Staff also explained, as we did in the staff report, that no public access easements over the roads exist and Pine Glades Drive is a private road. The Planning Commission also had general legal questions about requiring public easements on private roads and liability. After a Q&A with staff, the Planning Commission continued the item requesting that the Town Attorney be present to answer legal questions.

At the second Planning Commission meeting on February 5, 2020, the Commission heard new public comment from the two affordable duplex owners who expressed concerns over the closeness of the trail to their home, especially about a previous alignment that wrapped below and around their units. Their opinion was that both trail alternatives for Section #3 would have negative impacts on their privacy and living conditions. After much discussion, the Planning Commission indicated that they were leaning toward

recommending denial to the Town Council based on the concerns of the duplex owners and because they were unsure that they could make Finding #6 which requires the proposed project to be in substantial conformance with all standards or conditions of any prior applicable permits or approvals. The applicant was given the opportunity to continue the item to consider ways to address these concerns. The applicant requested a continuance and the item was continued to the March 4, 2020, meeting.

At the third and final Planning Commission meeting on March 4, 2010, the Commissioners were presented with a revised trail plan and supplemental memo from the applicant. The memo stated that the applicant was open to removing Section #1 of trail above the cul-de-sac due to its unpopularity from Pine Drive residents and some Pine Glades residents. Both staff and the Planning Commission prefer this section of trail to remain because it provides the most direct path to the upper trail system (i.e. Sink or Swim) from Pine Drive and is consistent with the original trail plan which included this section of trail. Removing this section of trail would ultimately result in less trail options for Pine Drive trail users. The applicant also offered to provide screening along Section #3 of trail with vegetation or fencing to help mitigate impacts from the trail on the affordable duplex. Both staff and the Planning Commission were supportive of this idea assuming the screening mechanism does not inversely impact the duplex owners in any way, such as casting more shade on the units. Staff has modified Condition #6 so that the final screening design be reviewed and approved by the Town with consultation with the duplex owners to help address their concerns.

At the end of the March 4, 2020, Planning Commission meeting, there was a general frustration amongst the Commissioners over the unclearness of the original approval, and the tensions that have resulted between neighboring property owners. Overall, the Planning Commission found that the trail plan did provide a similar level of connectivity to the original trail plan and was able to make all required findings and thus recommended approval to Town Council as stated in the staff report. The Commissioners were encouraged by the fact that trails will get built this year and easements will be subsequently recorded putting to rest the neighborly disputes over access.

Future Applications

Remaining applications required by the applicant to complete the Pine Glades PUD. Below are the remaining required applications:

1. **Development Agreement (DA):** a DA is required for Phase II (Jessica Lane) based upon the original Subdivision Improvement Agreement (SIA) and needs Town Council approval. The DA is related to improvements on Jessica Lane (i.e. road, utilities, trail, etc.). However the applicant cannot apply for the DA until the issue regarding trails and public access is resolved either through this application of through enforcement.
2. **Grading Permit:** A Grading Permit is required for the proposed work on Jessica Lane related to the road, building envelopes, multi-use trail and utilities.
3. **Building Permit:** Building Permits are required for each of the remaining 13 market townhome units.
4. **Subdivision Plat:** A Subdivision Plat is required to subdivide the remaining 13 townhomes for individual ownership as originally contemplated.

Staff Findings

General Comment: Findings should only apply to changes, not original Development Plan

Development Plan. All Development Plan proposals may be approved only if all of the following findings are made:

1. *The proposed project is consistent with the desired future character described for the site in the Jackson/Teton County Comprehensive Plan.*

The proposed application is located in Character District #6 Town Periphery:

This residential, STABLE Subarea is defined by low to medium density platted single family homes with some pockets of multifamily development which should be maintained in the future. Consideration of clustered/multifamily development to preserve large portions of open space and/or wildlife habitat/movement corridors will also remain an option. In the future, building size should maintain the existing bulk and scale to avoid the construction of much larger homes that currently exist today. Development should be sensitive to the steep slopes, avalanche terrain and other natural features found in the subarea. Portions of this subarea also function as a wildlife movement corridor between the National Forest, Karns Meadow and the Southern hillsides of East Gros Ventre Butte. Wildlife permeability should be maintained or improved.

Complies. Staff finds that the project is consistent with the vision for subarea 6.1 as described above, specifically as the amendment does not increase the existing density which is considered to be low to medium. Building size and bulk are also not changing from what was previously approved. Additionally, wildlife permeability was considered into the original design to help function as a wildlife corridor between the listed areas above (i.e. National Forest, Karns Meadow and Southern hillsides of East Gros Ventre Butte). The proposed amendments do not significantly impact such corridors. Staff also finds that the project is generally consistent with all other applicable provisions of the Comprehensive Plan, and as such finds that it achieves the level of consistency necessary for Development Plan approval.

In addition, staff finds that the application should be reviewed for consistency specifically with Subarea 6.1 Low to Medium Density Neighborhoods which states as follows as the desired vision for the subarea:

Common Value 1: Ecosystem Stewardship

Policy 1.1.c: Design for wildlife permeability

Complies. The subject property is not located within the Natural Resource Overlay (NRO) or Scenic Resource Overlay (SRO), but an Environmental Analysis (EA) was done in 2005 which concluded that the site provides non-crucial habitat for deer, moose and elk. The EA also contemplated the original approved trails and future trail connections above and beyond what was shown. Considering that approximately one mile of trails were approved with the original design, staff finds that the proposed trail system will not have a significant negative impact on wildlife permeability.

Policy 1.3.b: Maintain expansive hillside and foreground vistas

Complies. Staff finds that the project as previously approved maintains expansive hillside and foreground vistas through its design. The proposed amendment does not impact additional hillside disturbance beyond what was originally contemplated.

Common Value 2: Growth Management

Policy 4.3.a: Preserve and enhance stable subareas

Complies. Staff finds that because the density and bedroom count will remain the same, the proposed project does preserve and enhance stable subareas.

Policy 4.4.d: Enhance natural features in the built environment

Complies. Although the proposed trail plan will disturb hillside areas not originally contemplated (i.e. below the cul-de-sac and around/below the duplex), the proposed amendment is still less overall hillside disturbance than the original one-mile of trails. Staff finds that the amendment has no significant impact in regards to this area.

Common Value 3: Quality of Life

Policy 5.3.b: Preserve existing workforce housing stock

Complies. All nine (9) deed restricted units will not be affected by this proposal. In fact the removal of the heating element will ensure that any high maintenance and/or operating costs associated with the heating elements will not be passed onto the affordable and workforce restricted units.

2. *The proposed project achieves the standards and objective of the Natural Resource Overlay (NRO) and Scenic Resources Overlay (SRO).*

Not applicable.

3. *The proposed project does not have a have a significant impact on public facilities and services, including transportation, portable water and wastewater facilities, parks, schools, police, fire, and EMS facilities.*

Complies. Staff finds that the proposed project will not have significant impacts on public facilities and services. Furthermore, as part of the original approval, significant off-site infrastructure improvements were completed to serve the site's needs and help counter any significant impacts on public facilities and services.

4. *The proposed project complies with the Town of Jackson Design Guidelines, if applicable.*

Not applicable.

5. *The proposed project complies with all relevant standards of these LDRs and other Town Ordinances.*

Complies. As conditioned, staff finds that the proposed project complies with the standards of these LDRs as the request meets all requirements such as FAR, LSR, setbacks, height, etc. In addition the project is in compliance with all other Town Ordinances.

6. *The proposed project is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.*

Complies. Staff finds the request to modify the architectural features and materials of the duplex at 140 & 142 Pine Glades Drive to be in substantial conformance with past approvals because no bedrooms or density are being added and because the building is not being relocated. In addition, staff finds the request to remove the heating element to be in substantial conformance with past approvals because the heating element is not an LDR requirement but rather an added amenity as part of the

PUD. Both of the above changes are viewed as minor amendments not affecting the original approval in any significant way.

Regarding the proposed trail plan, staff finds that, as conditioned, the proposed project is in substantial conformance with the previously approved Sketch Plan, PUD, and Development Plan. After extensive research into the past approvals, staff found that the original approvals required a trail system with associated public access easements that would allow residents on Pine Drive, Wister Avenue and Spruce Drive to traverse across Pine Glades to access the Snow King and Bridger-Teton National Forest trail system. Nowhere in the written record did the trail system require public non-vehicular access on and over the private road to access these trails, although such access was verbally promised by a previous developer. Thus after reviewing the applicant's proposal for a trail system, staff finds that it provides public access across Pine Glades benefitting Pine Drive, Wister Avenue and Spruce Drive residents, and also includes public easements that will be subsequently recorded. Staff finds this proposal to be in substantial conformance with the past approvals as it relates to trails and access even though the exact location of some trails has changed. The overall intent and level of connectivity with this proposal is in line with the PUD's original intent.

ATTACHMENTS

Applicant Submittal w/ Supplemental Information
Original Trail Plan
Currently Approved Trails
Department Reviews
USFS Review
Compliance Letter – May 2019
Compliance Response Letter - June 2019
Compliance Final Letter - September 2019
Public Comment

STAKEHOLDER ANALYSIS

The primary stakeholders are the Pine Glades residents and owners and the general public who serve to benefit from the trail access through the private development.

PUBLIC COMMENT

Staff has received written and verbal comment on this proposal from several Pine Drive residents, all of which is related to the proposed trail plan. Generally speaking, all of the written and verbal comments from Pine Drive residents strongly oppose the proposed trail plan and contest that it does not line up with the promises of the original developer to provide access through the roads and that this access should now be granted through an easement benefitting the public. Other comments expressed concern over the steepness of the proposed trails and their inability to accommodate mountain biking. Additionally, concerns were expressed that the proposed trails will no longer allow year-round access because some people walk on the road during winter to access other trails such as Sink or Swim which are not maintained in the winter but are frequently used by locals.

Staff has spoken to two property owners on Wister Avenue (435 & 410 Wister Avenue) who do not have any strong opposition to the proposal but hope that trail access through the site will continue to be allowed. The property owner at 410 Wister Avenue expressed concerns about the location of the trail which switchbacks down from the cul-de-sac and its impact on existing Spruce trees that provide screening from the Pine Glades

development. That owner would like to see those trees remain if possible. Staff has added a condition to this effect.

The two duplex owners located at 45 Pine Glades Drive have expressed their concerns over Section #3 of trail. Both owners oppose both options for Section #3 stating the proposals negatively impact their privacy by placing a trail in close proximity to their home. Both owners claim that they own the common land surrounding their building, however, staff has not been provided with any supporting documents. After reviewing the plat, staff confirmed that the area surrounding their duplex building is Common Lot H which is the general common area for the HOA and appears to belong to the HOA.

Staff has received a letter (attached) from 10 homeowners of market homes within Pine Glades expressing their support for the proposed amendments, specifically the current trail plan presented by the applicant. The letter goes on to explain their concerns for granted public access after-the-fact, liability and other concerns. In addition, Jeff Hussey, who was the previous developer/owner who currently owns a townhome in Pine Glades, provided a separate letter which states that public non-vehicular access over the roads was never part of the original approval regardless of statements made by Dave Taylor.

FISCAL IMPACT

There will be no significant fiscal impact to the Town if the proposed project is approved. However, if the request is not approved, then there is the potential for significant additional costs related to increased staff time to enforce and defend our desired compliance outcome through Option #1 or other avenues.

STAFF IMPACT

Staff has spent a significant amount of time, more than a typical project of this size, meeting with the applicant, coordinating with other departments, researching past approvals for Pine Glades, drafting enforcement letters, and drafting this report.

LEGAL REVIEW

Ongoing as needed.

RECOMMENDATIONS/ CONDITIONS OF APPROVAL

The Planning Director and Planning Commission recommend **approval** of P19-262 to amend a Development Plan to allow the proposed modifications listed in the application related to exterior materials changes, the in-road heating element, and the trails plan, subject to the departmental reviews attached hereto and the following conditions of approval:

1. Prior to issuance of Certificate of Occupancy on the duplex at 140 & 142 Pine Glades Drive, the applicant shall apply for an addendum to the duplex building permits to revise all exterior elevations to reflect the approved materials and changes.
2. By no later than September 1, 2020, all trails and signage shall be installed and satisfactorily inspected. In addition, by no later than September 1, 2020, the applicant shall record public access easements for the approved trails to the satisfaction of the Planning Director, Pathways Director, and Town Attorney. Signage at all trail entrances shall be installed and include a requirement that all dogs must be leashed.
3. Prior to September 1, 2020, the applicant shall work with the Fire Department and Planning Department on an appropriate landscape screening plan for the first section of trail above the cul-de-

sac that does not conflict with the Wildland Urban Interface code requirements. The final plan and installation shall also be completed by September 1, 2020.

4. The applicant shall satisfactorily address all concerns from the Pathways Director related to technical or engineering suggestions for the trails. Comments related to neighbor approval or unspecified ongoing concerns are not the responsibility of the applicant.
5. The applicant shall make all efforts to not disturb mature spruce trees in the section of the trail below the cul-de-sac. Any necessary removal of trees will require new trees to be planted to ensure adequate screening is maintained. All new trees will require approval from the Fire Department and Planning Department.
6. The alternative trail route for Section #3 that goes above the duplex and hugs the parking area on Pines Glades Drive shall be the approved trail alignment. In addition, final screening by vegetation, fence, or other means shall be reviewed and approved by the Planning Department and shall include consultation with the duplex owners.

SUGGESTED MOTIONS

Based upon the findings as presented in the staff report and made by the applicant for a **Development Plan** (Item P19-248), I move to make findings 1-6 in Section 8.3.2.C of the Land Development Regulations related to 1) Consistency with the Comprehensive Plan; 2) Achieves purpose of NRO & SRO overlays; 3) Impact of public facilities & services; 4) Complies with Town Design Guidelines; 5) Compliance with relevant LDRs & Town Ordinances; 6) Conformance with past permits & approvals, to **approve** a Development Plan amendment to allow the proposed modifications listed in the application related to exterior materials changes, the in-road heating element, and the trails plan, subject to the departmental reviews, to this staff report, dated March 16, 2020, and the following conditions of approval:

1. Prior to issuance of Certificate of Occupancy on the duplex at 140 & 142 Pine Glades Drive, the applicant shall apply for an addendum to the duplex building permits to revise all exterior elevations to reflect the approved materials and changes.
2. By no later than September 1, 2020, all trails and signage shall be installed and satisfactorily inspected. In addition, by no later than September 1, 2020, the applicant shall record public access easements for the approved trails to the satisfaction of the Planning Director, Pathways Director, and Town Attorney. Signage at all trail entrances shall be installed and include a requirement that all dogs must be leashed.
3. Prior to September 1, 2020, the applicant shall work with the Fire Department and Planning Department on an appropriate landscape screening plan for the first section of trail above the cul-de-sac that does not conflict with the Wildland Urban Interface code requirements. The final plan and installation shall also be completed by September 1, 2020.
4. The applicant shall satisfactorily address all concerns from the Pathways Director related to technical or engineering suggestions for the trails. Comments related to neighbor approval or unspecified ongoing concerns are not the responsibility of the applicant.
5. The applicant shall make all efforts to not disturb mature spruce trees in the section of the trail below the cul-de-sac. Any necessary removal of trees will require new trees to be planted to ensure adequate screening is maintained. All new trees will require approval from the Fire Department and Planning Department.
6. The alternative trail route for Section #3 that goes above the duplex and hugs the parking area on Pines Glades Drive shall be the approved trail alignment. In addition, final screening by vegetation, fence, or other means shall be reviewed and approved by the Planning Department and shall include consultation with the duplex owners.

For Office Use Only

Fees Paid _____

Date & Time Received _____

Application #s _____

Please note: Applications received after 3 PM will be processed the next business day.**PROJECT.**Name/Description: Pine Glades amendmentPhysical Address: 140, 142 Pine Glades DriveLot, Subdivision: Lots 13, 14, H Pine Glades Townhomes PIDN: 22-41-16-33-4-38-008**PROPERTY OWNER.**Name: Pine Canyon, LLC Phone: 690-4436Mailing Address: PO Box 4741; Jackson, WY ZIP: 83001E-mail: collinsplanning@bresnan.net**APPLICANT/AGENT.**Name: Collins Planning Associates Phone: 690-4436Mailing Address: PO Box 7441; Jackson, WY 83002 ZIP: 83002E-mail: collinsplanning@bresnan.net**DESIGNATED PRIMARY CONTACT.**_____ Property Owner ☒ Applicant/Agent**TYPE OF APPLICATION.** Please check all that apply; review the type of application at www.townofjackson/200/Planning**Use Permit**

_____ Basic Use

_____ Conditional Use

_____ Special Use

Relief from the LDRs

_____ Administrative Adjustment

_____ Variance

_____ Beneficial Use Determination

_____ Appeal of an Admin. Decision

Physical Development

_____ Sketch Plan

☒ amd Development Plan

_____ Design Review

Subdivision/Development Option

_____ Subdivision Plat

_____ Boundary Adjustment (replat)

_____ Boundary Adjustment (no plat)

_____ Development Option Plan

Interpretations

_____ Formal Interpretation

_____ Zoning Compliance Verification

Amendments to the LDRs

_____ LDR Text Amendment

_____ Map Amendment

Miscellaneous

_____ Other: _____

_____ Environmental Analysis

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

Pre-application Conference #: P18 - 250 Environmental Analysis #: n/a
Original Permit #: P07 - 126 & 127 Date of Neighborhood Meeting: _____

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

Have you attached the following?

- X **Application Fee.** Fees are cumulative. Go to www.townofjackson.com/200/Planning and select the relevant application type for the fees.
- X **Notarized Letter of Authorization.** A notarized letter of consent from the landowner is required if the applicant is not the owner, or if an agent is applying on behalf of the landowner. Please see the Letter of Authorization template at www.townofjackson.com/DocumentCenter/View/102/Town-Fee-Schedule-PDF.
- X **Response to Submittal Requirements.** The submittal requirements can be found on the TOJ website for the specific application. If a pre-application conference is required, the submittal requirements will be provided to applicant at the conference. The submittal requirements are at www.townofjackson.com/200/Planning under the relevant application type.

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

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

signature on hard copy

Signature of Property Owner or Authorized Applicant/Agent

Bill Collins

Name Printed

October 7, 2019

Date

Agent

Title

LETTER OF AUTHORIZATION

Pine Canyon, LLC

, "Owner" whose address is: P.O. Box 4741

Jackson, WY 83001

(NAME OF ALL INDIVIDUALS OR ENTITY OWNING THE PROPERTY)

_____, as the owner of property
more specifically legally described as: Pine Glades PUD, Lots 13 & 14 and H

(If too lengthy, attach description)

HEREBY AUTHORIZES Collins Planning Associates

as

agent to represent and act for Owner in making application for and receiving and accepting on Owners behalf, any permits or other action by the Town of Jackson, or the Town of Jackson Planning, Building, Engineering and/or Environmental Health Departments relating to the modification, development, planning or replatting, improvement, use or occupancy of land in the Town of Jackson. Owner agrees that Owner is or shall be deemed conclusively to be fully aware of and to have authorized and/or made any and all representations or promises contained in said application or any Owner information in support thereof, and shall be deemed to be aware of and to have authorized any subsequent revisions, corrections or modifications to such materials. Owner acknowledges and agrees that Owner shall be bound and shall abide by the written terms or conditions of issuance of any such named representative, whether actually delivered to Owner or not. Owner agrees that no modification, development, platting or replatting, improvement, occupancy or use of any structure or land involved in the application shall take place until approved by the appropriate official of the Town of Jackson, in accordance with applicable codes and regulations. Owner agrees to pay any fines and be liable for any other penalties arising out of the failure to comply with the terms of any permit or arising out of any violation of the applicable laws, codes or regulations applicable to the action sought to be permitted by the application authorized herein.

Under penalty of perjury, the undersigned swears that the foregoing is true and, if signing on behalf of a corporation, partnership, limited liability company or other entity, the undersigned swears that this authorization is given with the appropriate approval of such entity, if required.

OWNER:

(SIGNATURE) (SIGNATURE OF CO-OWNER)

Title: President

(if signed by officer, partner or member of corporation, LLC (secretary or corporate owner) partnership or other non-individual Owner)

STATE OF New York)

)SS.

COUNTY OF New York)

The foregoing instrument was acknowledged before me by John Tozzi this 25th day of September, 2019.

WITNESS my hand and official seal.

(Seal)

(Notary Public)

My commission expires:

SARAH A. TECLA
Notary Public, State of New York
No. 01TE6341433
Qualified in New York County
Commission Expires May 2, 2020

PROPOSED AMENDMENT TO THE PINE GLADES DEVELOPMENT PLAN

October 7, 2019

Project Name, Location

Pine Glades PUD
Townhome Lots 13, 14; Common Lot H
140, 142 Pine Glades Drive

Approval Sought

Development Plan Amendment

PROJECT STATUS

Initial Approval

The Pine Glades PUD was approved in 2008 and includes 27 free-market townhomes and 12 affordable units (later reconfigured into fewer affordable units with the same number of bedrooms). The free-market units were approved for construction in two phases and consist of a combination of two-unit and three-unit buildings.

Phase one has been developed with 14 free-market units (including the last duplex currently under construction) and nine affordable housing units. All of the units, except the duplex under construction (identified as S-1 on lots 13 and 14), have been sold and are occupied. The last two-unit building in phase one that is under construction is the subject of this application.

Phase two has not been fully developed although the major infrastructure has been installed under the future road. Remaining to be constructed in phase two are 13 free-market townhomes, infrastructure services from the main lines to each unit, Jessica Lane and an associated retaining wall.

The PUD approval included an extensive landscape plan that calls for the planting of a significant number of trees and a substantial portion of this planting has been completed. Actually, the new developer of phase two is exceeding the planting requirements. Phase two will include the remaining landscaping and the construction of trails that will provide hiking access to the USFS land.

New Owner

Pine Glades has a 10-year history and currently sits in a half completed state in which much of the property is an unsightly unfinished development. The original developer of Pine Glades failed to complete the project and under financial stress sold the entire development. The second owner also failed to complete the project and eventually sold all undeveloped portions of the development to Pine Canyon, LLC, the current owner and applicant.

Pine Canyon, LLC is intent on completing the development and moving beyond questions that have lingered from past ownerships. In most instances when developments fail and pass

through several owners, the project ultimately is completed through a “work out plan” that reduces obligations or increases development rights. In this instance, the current owner desires to complete the development in part by elevating the amenities and making visual upgrades that enhance the marketability of the development. From the viewpoint of the Town of Jackson and the neighbors, completing the development is the best way to clean up the unsightly property and settle any outstanding questions. Approving the trail plan that is a part of this application a key step in completing the development.

DESCRIPTION of PROPOSED CHANGES

The applicant proposes two items for approval and one item of clarification.

1. Approval is requested of a material change to the exterior of duplex S-1 that is currently under construction on lots 13 and 14. This change adds stone on east and west ends of the S-1 building where wood siding/shingles was planned. Also, stone is added to columns in front of the S-1 building where wood siding was planned. The wood siding on the columns of the existing buildings wick water. See the attached exhibits.
2. Approval also is requested of a trail network that implements a part of the original PUD approval. See the attached exhibits.
3. Clarification is sought that in-road heating elements to melt snow on the Pine Glades roads are not required. The result of this clarification will allow the Pine Glades HOA to avoid repairing and operating an existing element in the phase one road and further allow Pine Glades, LLC to avoid installing a future element in the phase two road.

DISCUSSION OF PROPOSED CHANGES

Material Change to Duplex S – 1

No design guidelines or LDR design standards for “fit and finish” apply to Pine Glades. While this amendment includes a request to change exterior finish from wood siding to stone for the duplex under construction on lots 13 and 14, there are no criteria for approval or denial. The planning department’s procedural requirement for approval of the material change is based on sketches of the buildings that were included in the 2008 PUD application.

Trail Network

Neighbors to the Pine Glades subdivision historically crossed the private property to access trails in the National Forest and the original developer of Pine Glades promised trail access will be maintained as part of the development. Review of information in the planning files and discussions with the planning director led to the conclusion that two trails are required: 1) an upper trail that traverses the hillside uphill of the phase one buildings; and, 2) a lower trail that crosses the hillside below the phase two development. Neither of the previous two developers

completed the trails, causing the neighbors to grow agitated over the years as they expected such access. Pine Canyon, LLC is committed to constructing the trails and recording easements that allow lawful public access across the property.

The attached exhibits delineate the proposed trail locations and where the new links connect to existing trails. The new trail segment that climbs uphill from the existing cul-de-sac was in the original Pine Glades approval but subsequently relocated. A document in the planning department file claims that this segment is too steep and climbs 500 vertical feet. The vertical climb from the cul-de-sac to the connection with the existing USFS trail is 89 feet and the trail maintains a 10% average grade. Pine Glades, LLC will work with Friends of Pathways and the Town/County Pathways Coordinator to determine appropriate signage that guides the public to the trails.

A plan for public hiking access across Pine Glades also must respect the liability and financial obligations of the owners within the Pine Glades development. These owners have assumed legal liability and maintenance obligations for the private roads and common open space within their development. The proposed trails plan strikes a difficult and important balance between public access and private responsibilities and is acceptable to the Pine Glades owners.

Roadway Heating Elements

An in-road heating element was planned for each road of the two roads in Pine Glades and an element was installed when the existing road was constructed. However, as time passed serious issues became evident with these heating elements. For example, the existing element failed three years ago when Pine Glades was owned by a different developer and the HOA did not repair it immediately due to very high costs. Further, the heating element was activated by the snow making operation on the Snow King ski slopes and the electric bill was \$150,000 per winter. Since the malfunction of the heating element, the HOA has maintained an annual snow plowing and sanding contract for \$33,800 and the road has been well maintained. Town roads west of Pine Glades are at the same elevation, grade and sun exposure as Pine Glades and they are routinely maintained by plowing and sanding. Not repairing the existing in-road heating element and not installing the future element in the phase two road, and instead relying on regular plowing and sanding, is consistent with Town's energy conservation objectives.

Nothing in the planning file indicates that the heating elements were required by the Town approval. The planning department informed the applicant that the in-road heating elements were not a requirement and were voluntarily presented by the original Pine Glades developer. However, more recently the department has listed the malfunctioning of the existing element as a violation and stated it must be repaired. This request is to clarify that the heating elements are not required, that they contradict all energy conservation efforts and the more traditional method of winter road maintenance is permitted.

FINDINGS FOR APPROVAL

8.3.2. Development Plan - Findings for Approval of a development plan

1. *Is consistent with the desired future character described for the site in the Jackson/Teton County Comprehensive Plan.*

Pine Glades is legally vested and can be completed under the currently approved plans, but the PUD also complies with the 2012 Comprehensive Plan. The development is in Character District 6.1, which calls a low to medium density residential neighborhood with some pockets of multi-family development. Although Pine Glades is a PUD, it is developing at a density that complies with the underlying Suburban zoning that was in place when Pine Glades was approved. The Suburban zoning district permitted 2.9 units per acre; Pine Glades is only 2.3 units per acre.

The 2012 Plan also calls for consideration of clustered development with large areas of open space. The Pine Glades buildings are clustered with a lot coverage of 19% of the Base Site Area when 25% coverage was permitted when the PUD was approved. The Pine Glades development has 77% of the property in open space when only 70% was required. The Pine Glades PUD is significantly less impactful to the landscape than the subdivision of single-family lots that was previously approved for the property. The single family lot subdivision was an outright use in the Suburban zoning district and was approved for development. The Pine Glades PUD replaced this subdivision before it was developed.

2. *Achieves the standards and objective of the Natural Resource Overlay (NRO) and Scenic Resources Overlay (SRO), if applicable.*

Neither the NRO nor the SRO applies to the subject property.

3. *Does not have significant impact on public facilities and services, including transportation, potable water and wastewater facilities, parks, schools, police, fire, and EMS facilities.*

When granting the original approval of Pine Glades in 2008, the Town Council agreed with the planning department's analysis and made the finding

“that the proposed development will not have a significant adverse impact on public facilities beyond that of a use allowed by right within the zone. The applicant has proposed significant infrastructure improvements within and beyond the subject property.”

This finding remains applicable today as the numbers of units and bedrooms in the development will not change from the initial approval.

4. Complies with the Town of Jackson Design Guidelines, if applicable.

No design guidelines or LDR design standards apply to this development. While this amendment includes a change from wood siding to stone for the duplex on lots 13 and 14, there are no applicable criteria for approval or denial.

5. Complies with all relevant standards of these LDRs and other Town Ordinances.

The Town Council agreed with the planning department's conclusion in 2008 that the PUD complied with all relevant LDR standards and other town ordinances. This finding remains applicable today as the proposed revision does not increase development rights, lessen protection of natural resources or expand the footprint of development except for the two hiking trails. It may be important to recognize that only one of two phases of Pine Glades has been developed.

6. Is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.

The Pine Glades development is in compliance with the conditions of approval and all applicable LDR standards. This compliance is evidenced by the issuance over several years of building permits for 23 housing units, certificates of occupancy for the 21 units that have been completed, (the duplex on lots 13 and 14 is still under construction) and the release of the financial bond for phase one. The planning department identified several trees that have been topped on the property and is requiring additional trees be planted to mitigate the tree-topping violation. The Pine Glades, LLC will exceed the required amount of planting.

In recent months, the planning department attempted to require the Pine Glades HOA and Pine Glades, LLC record an easement allowing public access on the private roads in Pine Glades. Without any factual or legal basis, the department claims the absence of such an easement is a violation of the PUD. The department's position is not supported by anything in the multiple Pine Glades approvals, and at a minimum, contradicts the following:

- over a decade of planning permits, building permits and occupancy certificates issued by the Town of Jackson and its various departments,
- notes on the subdivision plat signed by the Planning Director and the then Mayor of the Town of Jackson,
- an explicit response from the planning department, in response to a direct question prior to the purchase by Pine Glade, LLC, that stated all required easements have been granted and no additional easements are required,
- the release of financial sureties that were required to guarantee all requirements and obligations were completed for phase one, and
- the insistence by the Town that no public maintenance or ownership responsibilities exist for the Pine Glades roads.

In reliance of its current position regarding public access across private roads, the planning department refers to a statement by the original Pine Glades developer orally spoken in a sketch plan meeting in 2008, however, the department did not incorporate the oral statement into any staff report, conditions of approval, findings of approval, easements, subdivision plat notes, or other relevant documents while they approved permits and occupancy certificates for 12 years. There now have been tens of millions of dollars in Pine Glades purchases in good faith reliance on official decisions and the written record for the development.

But it is not necessary to dwell upon the planning department's assertion because the trail network proposed by the current owner achieves a difficult and important balance. It fulfills the promised hiking access across private property; the public will be granted the hiking access they enjoyed before Pine Glades was developed. At the same time, the owners within the Pine Glades development, who have liability and financial obligations for their private roads and common open space, agree with and support the proposed trail network and its accompanying public access.

PINEGLADES
DEVELOPMENT, LLC.
970 WEST BROADWAY SUITE E
JACKSON, WY. 83001

SAGEBRUSH
ARCHITECTURAL SERVICES
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307-413-0056 C.

Y2
CONSULTANTS, LLC.
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307-733-2999

JTEC
JUSTIN TATOSIAN
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307-699-1110

MEYERS
ODETTE &
ASSOCIATES
P.O. BOX 267
JACKSON, WY. 83012
307-690-9547

PINE GLADES SI
TWO UNIT BUILDINGS
LOTS 13 & 14, 140 & 142
PINE GLADES DRIVE
JACKSON, WYOMING

DATE/REVISION:
PERMIT 9/23/16
REVISION #1 10/17/16
AMDEND/REV #2 5/31/17
AMDEND/REV #3 12/8/17
REV. #4 7/3/18
REV. #5 10/9/19

A6
ELEVATIONS



NORTH ELEVATION
SCALE: 3/16" = 1'-0"

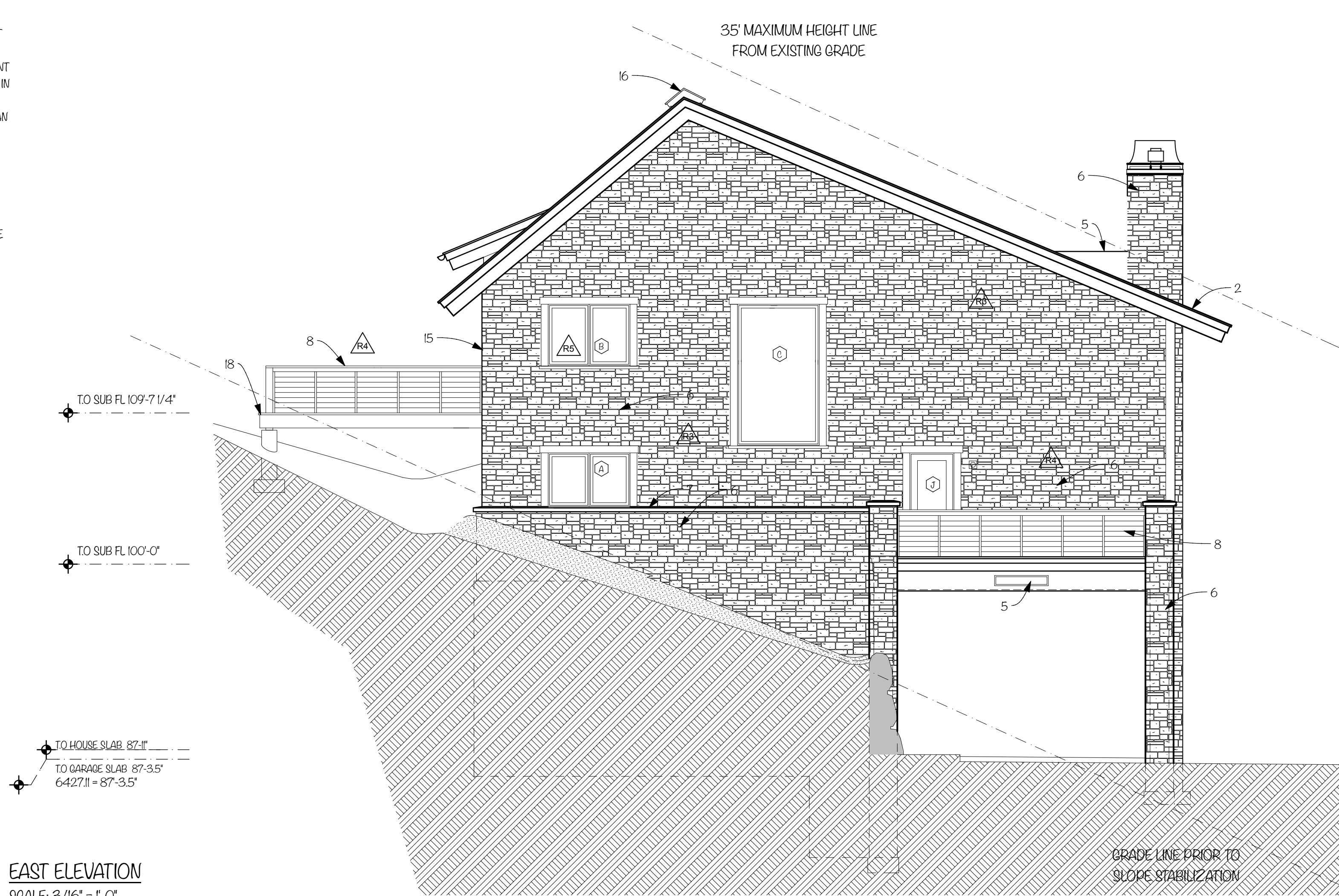
AMENDMENT NOTES:
APPROVED AMENDMENT INCREASED HABITABLE FLOOR AREA ON FIRST FLOOR LEVEL OF DUPLEXES BY 100 SQFT BY ENCLOSED THE FRONT RECESSED PORCH AND A PORTION OF THE SIDE PORCH. THE FOOTPRINT OF THE STRUCTURE DID NOT CHANGE. AN ELEVATOR WAS BEING ADDED IN THE STAIR WELL/FOYER AREA. THE FRONT GABLE DORMER WAS ELIMINATED. SHEETS EFFECTED BY THESE CHANGES ARE KEYED WITH AN ASTRIX (*) IN DRAWING INDEX.

REVISION NOTE R3 12/8/17:
EXTERIOR SIDE WALLS WERE CHANGED TO ALL MASONRY FINISH

REVISION NOTE R4 7/3/18:
MASONRY FINISH WAS EXTENDED UP INTO GABLE ENDS AND ALONG THE WALL AT THE SIDE DECK. A WINDOW AND ROOF WAS REMOVED AT THE SIDE DECK. RAILING CHANGED TO CABLE RAIL WITH STEEL POSTS.

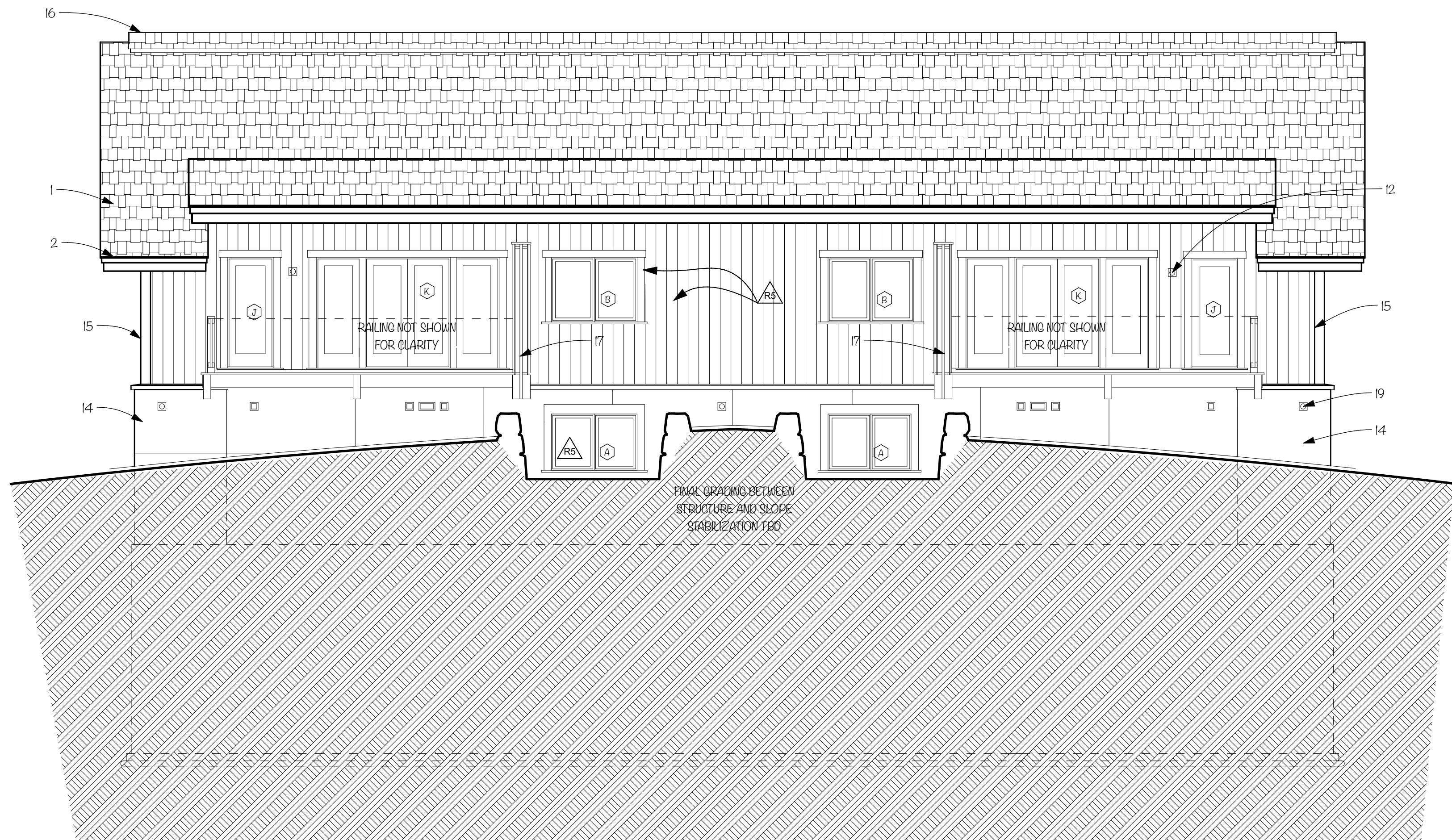
REVISION NOTE R5 10/9/19:
REMOVE MULLIONS FROM ALL WINDOWS.
CHANGE SIDING ON BACK AND UPPER LEVEL FRONT TO VERTICAL

1. CLASS "A" COMPOSITE ASPHALT ROOFING AT ALL LOCATIONS.
2. 2X FASICA AND METAL DRIP EDGES.
3. EXPOSED RAFTERS AND T&G DECKING OF TYPE IV HEAVY TIMBER CONSTRUCTION.
4. COPPER SHOLD AND SPARK ARRESTOR PER IMUC.
5. CHIMNEY CRICKET.
6. STONE VENEER.
7. STONE LEDGE.
8. GUARDRAIL AT 42" AFF.
9. HORIZONTAL WOOD SIDING.
10. CEDAR SHINGLE SIDING.
11. HEAVY TIMBER COLUMNS.
12. WOOD TRIM BLOCK FOR LIGHT FIXTURE, TYP.
13. MAXIMUM CLEARANCE SIGN.
14. METAL PANEL SIDING.
15. 2X CORNER BOARDS.
16. RIDGE VENTING.
17. PRIVACY SCREEN.
18. WOOD DECK.
19. MISC. MECH VENTS.



EAST ELEVATION
SCALE: 3/16" = 1'-0"

1 EXTERIOR ELEVATIONS
SCALE: 3/16" = 1'-0"



SOUTH ELEVATION
SCALE: 3/16" = 1'-0"

AMENDMENT NOTES:

RA
APPROVED AMENDMENT INCREASED HABITABLE FLOOR AREA ON FIRST FLOOR LEVEL OF DUPLEXES BY 100 SQFT BY ENCLOSED THE FRONT RECESSED PORCH AND A PORTION OF THE SIDE PORCH. THE FOOTPRINT OF THE STRUCTURE DID NOT CHANGE. AN ELEVATOR WAS BEING ADDED IN THE STAIR WELL/FOYER AREA. THE FRONT GABLE DORMER WAS ELIMINATED. SHEETS EFFECTED BY THESE CHANGES ARE KEYED WITH AN ASTRIX (*) IN DRAWING INDEX.

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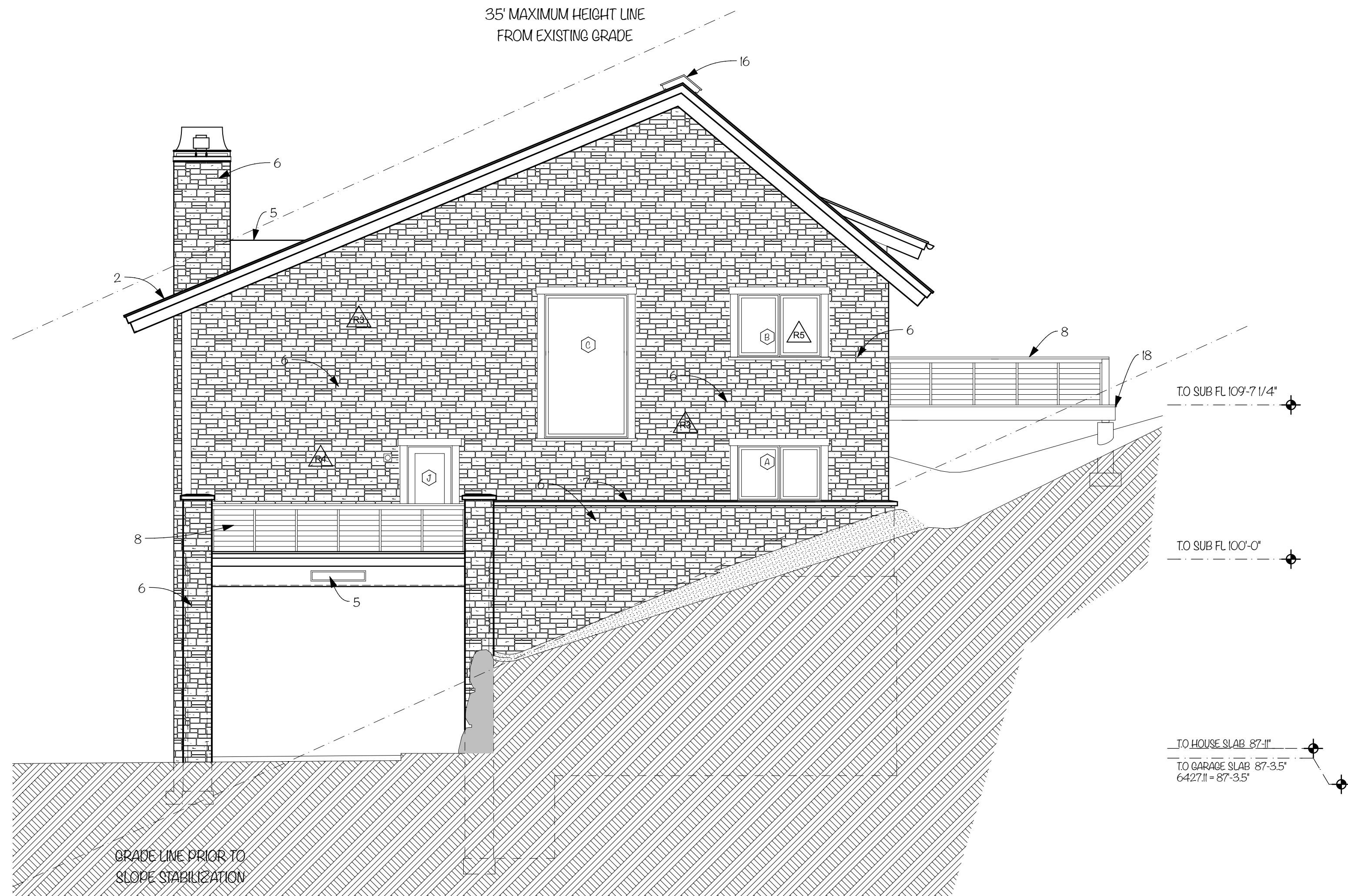
REVISION NOTE R4 7/3/18:

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19. MISC. MECH VENTS.



WEST ELEVATION
SCALE: 3/16" = 1'-0"

1 EXTERIOR ELEVATIONS
SCALE: 3/16" = 1'-0"

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PINE GLADES SI
TWO UNIT BUILDINGS
LOTS 13 & 14, 140 & 142
PINE GLADES DRIVE
JACKSON, WYOMING

DATE/REVISION:

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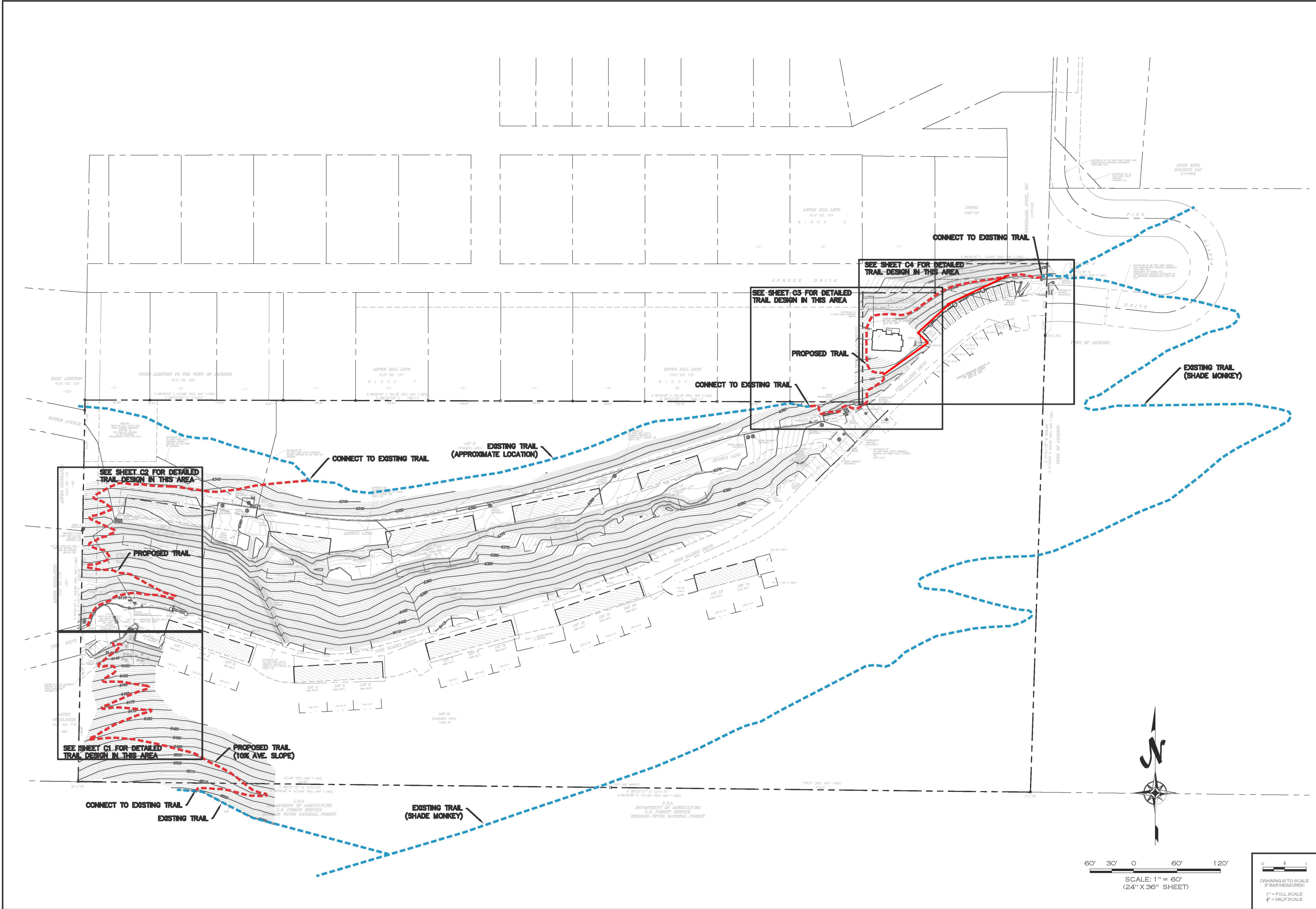
AMDEND/REV #3 12/8/17

REV. #4 7/3/18

REV. #5 10/9/19

A7

ELEVATIONS





HARMONY
DESIGN & ENGINEERING
18 N MAIN STE 305 • DRIGGS ID 83422
208.354.1331 • www.harmonydesigninc.com

DATE: 11-7-2019

REVISIONS:

SCALE: AS SHOWN

DESIGNED BY: RGB

DRAWN BY: RGB

CHECKED BY:

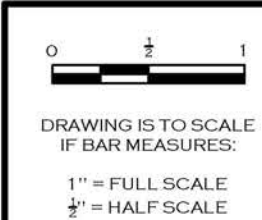
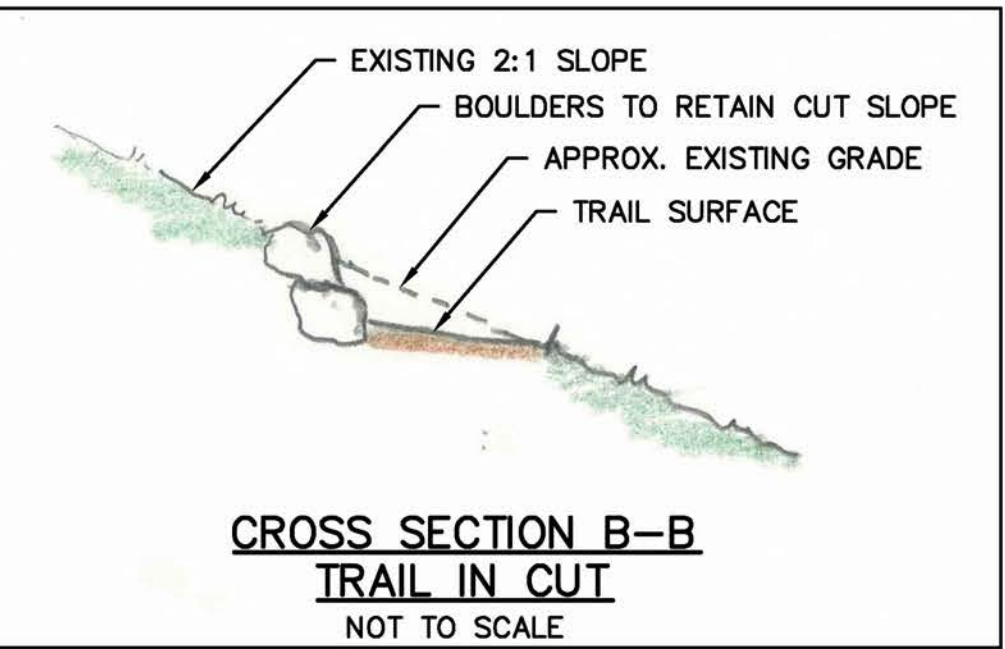
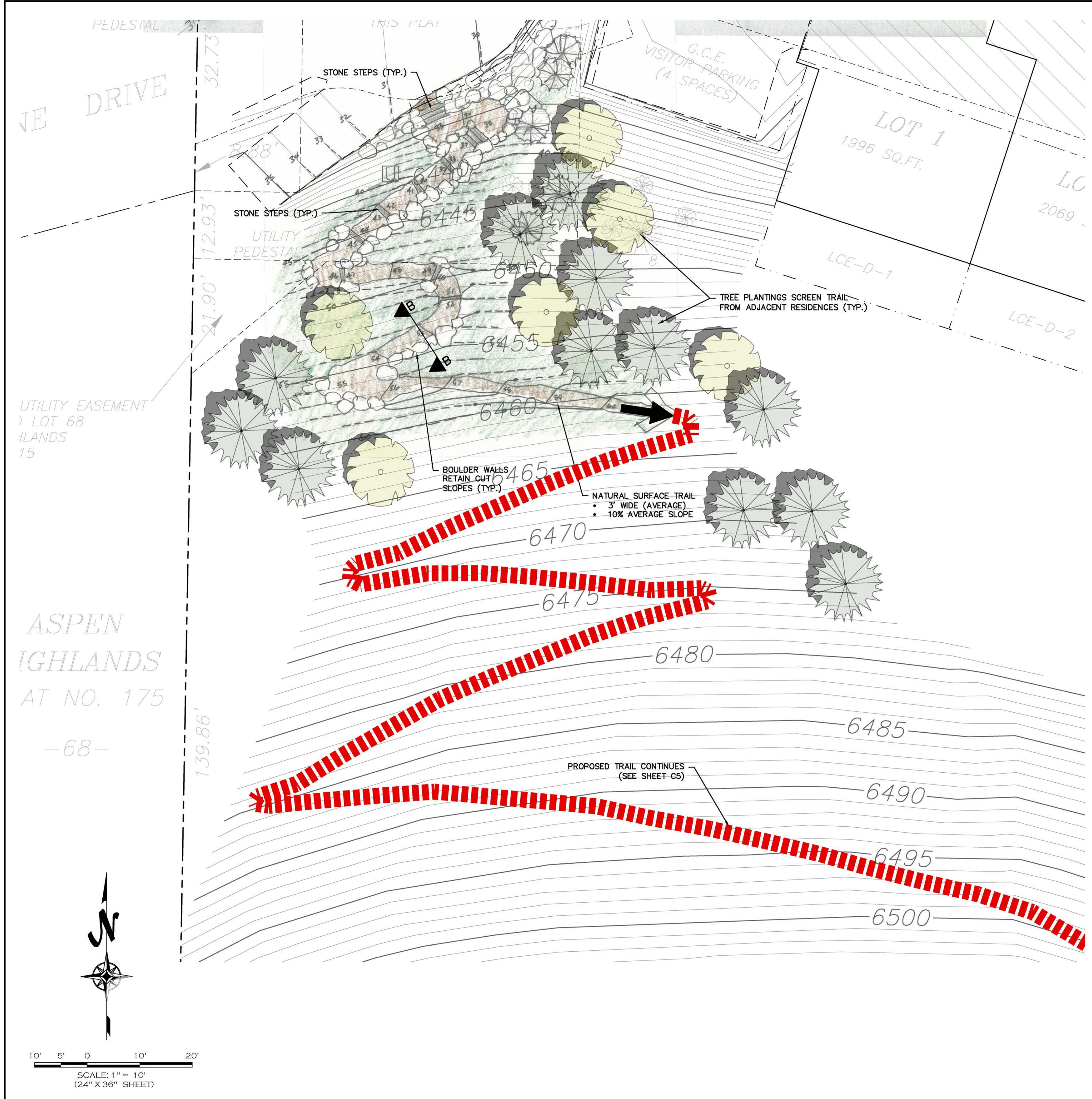
PROJ. #: 19020-278-1

PROJECT NAME

PINE GLADES
JACKSON, WYOMING
TRAIL CONCEPT PLAN
OVERALL PLAN

SHEET #

C5



HARMONY
DESIGN & ENGINEERING
18 N MAIN STE 305 • DRIGGS ID 83422
208.354.1331 • www.harmonydesigninc.com

DATE: 11-7-2019

REVISIONS:	

SCALE: AS SHOWN

DESIGNED BY: RGB

DRAWN BY: RGB

CHECKED BY:

PROJ. #: 19020278-1

PROJECT NAME

PINE GLADES

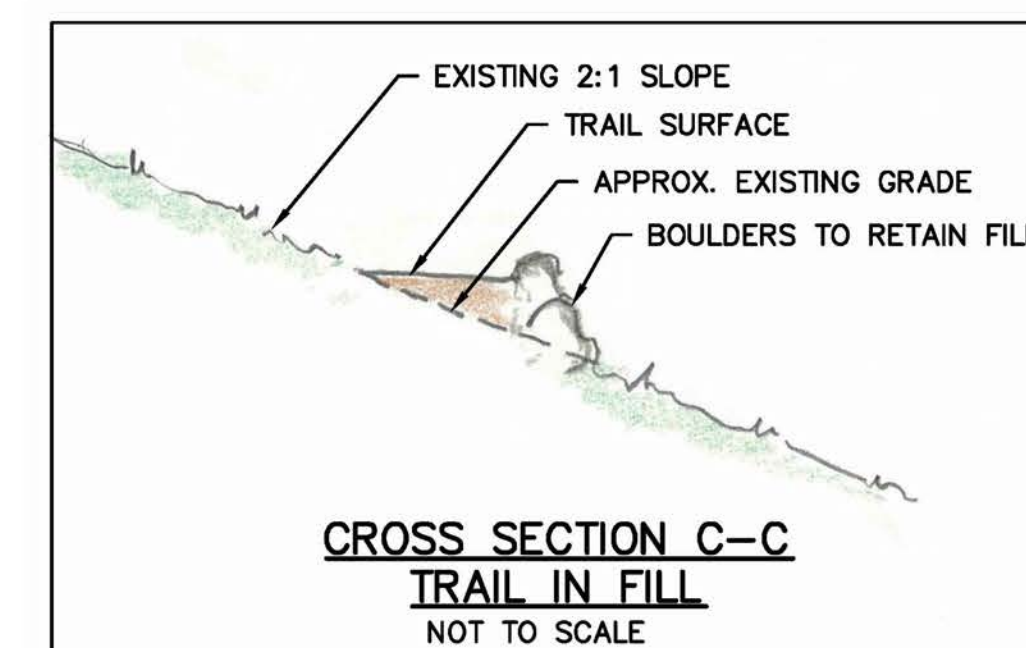
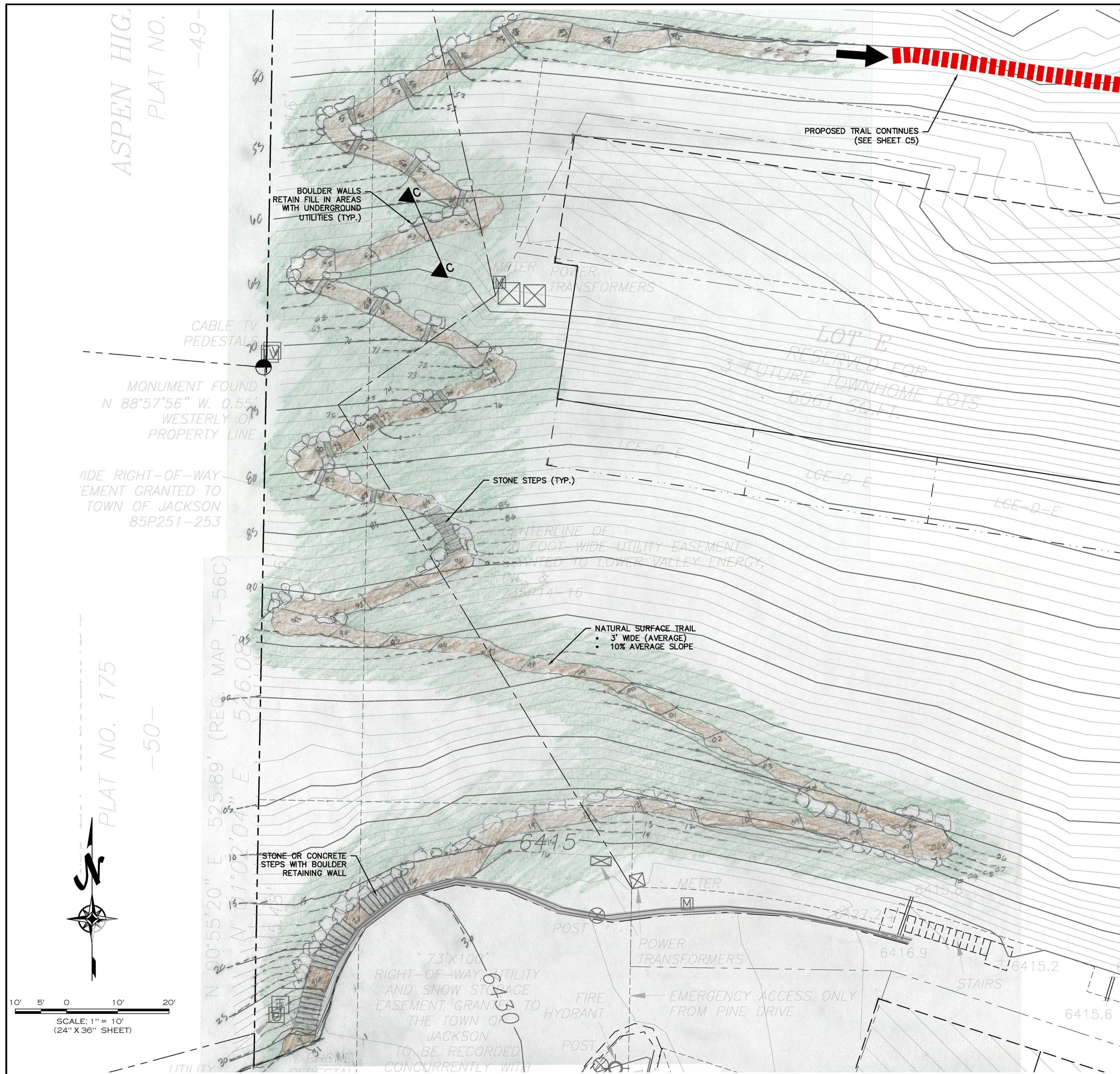
JACKSON, WYOMING

TRAIL CONCEPT PLAN

SOUTHWEST SEGMENT

SHEET #

C1



PROJECT NAME PINE GLADES JACKSON, WYOMING TRAIL CONCEPT PLAN NORTHWEST SEGMENT	SHEET # C2	SCALE: AS SHOWN		DATE: 11-7-2019	REVISIONS:
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		DRAWN BY: RGB			
		CHECKED BY:			
		PROJ. #: 19020-278-1			
		HARMONY DESIGN & ENGINEERING 18 N MAIN STE 305 • DRIGGS ID 83422 208.354.1331 • www.harmonydesigninc.com			

COLLINS PLANNING

• A S S O C I A T E S •

MEMO

To: Tyler Valentine
Fr: Bill Collins
Re: Pine Glades Trail Plan
Date: January 30, 2020

Please see attached two alternative alignments to the lower trail in Pine Glades. The currently proposed trail plan contains a lower trail that extends from Wister Avenue to the eastern portion of Pine Glades where it turns downhill adjacent to the existing duplex at 45 Pine Glades Drive. These two alternatives respond to public comment that has been received and a suggested condition from the planning staff that pertain to the current alignment.

One attached alternative avoids the downhill turn adjacent to the duplex and continues the trail along the side of Pine Glades Drive to where it reaches an existing parking lot, and then the trail wraps around the parking and continues east. Attached are a plan view showing this alignment and a cross-section depicting how the alternative relates to the retaining wall at the head of the parking lot.

The second attached alternative redevelops a former trail that extends from the end of Spruce Drive eastward to the existing trail on Snow King. This alternative would replace the lower trail that runs near the duplex. This extension of Spruce Drive would be in an existing utility easement.

Also attached are two additional exhibits that depict the three-dimensional private road easement that crosses each individual townhouse lot, under the overhang of each building. These exhibits and the accompanying photo are for informational purposes; they illustrate the tight spaces under the building overhangs and in the travel way in front of the townhouses.

Attachments:

	Description
19020-278-1DWG-C3-NORTHEAST	Alternative trail adjacent to road and parking area
19020-278-1DWG-C3-Construction detail	Elevation view/detail of trail above
SpruceDrive_access_easement_plat1285	Detail from Plat 1285 showing easement from Spruce Drive to Snow King
PrivateRd_012920	Exhibit showing platted 3-D private road access easement passing through a townhome
A302	Architectural elevation view of typical townhome showing private road



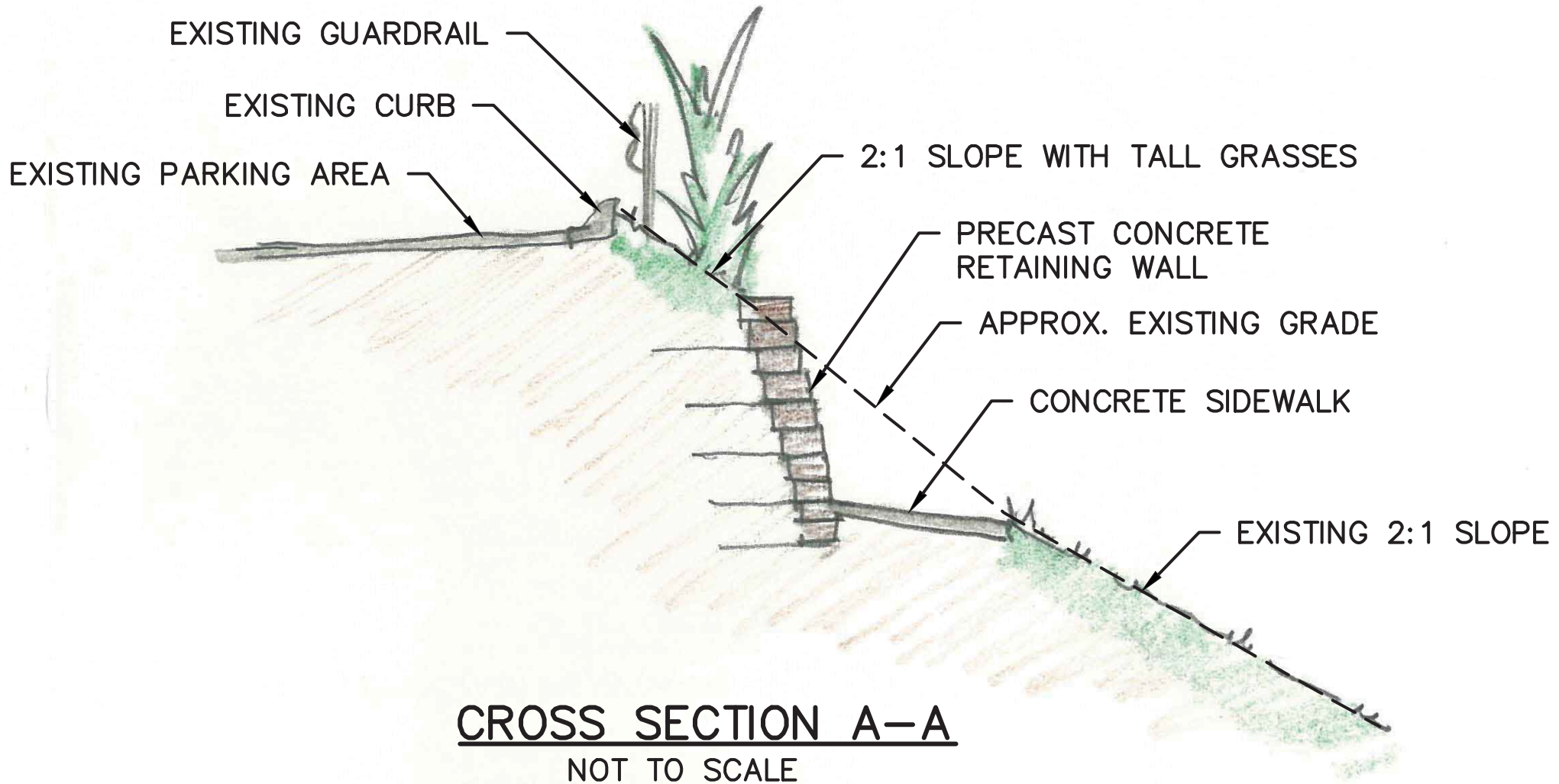
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REVISIONS:	

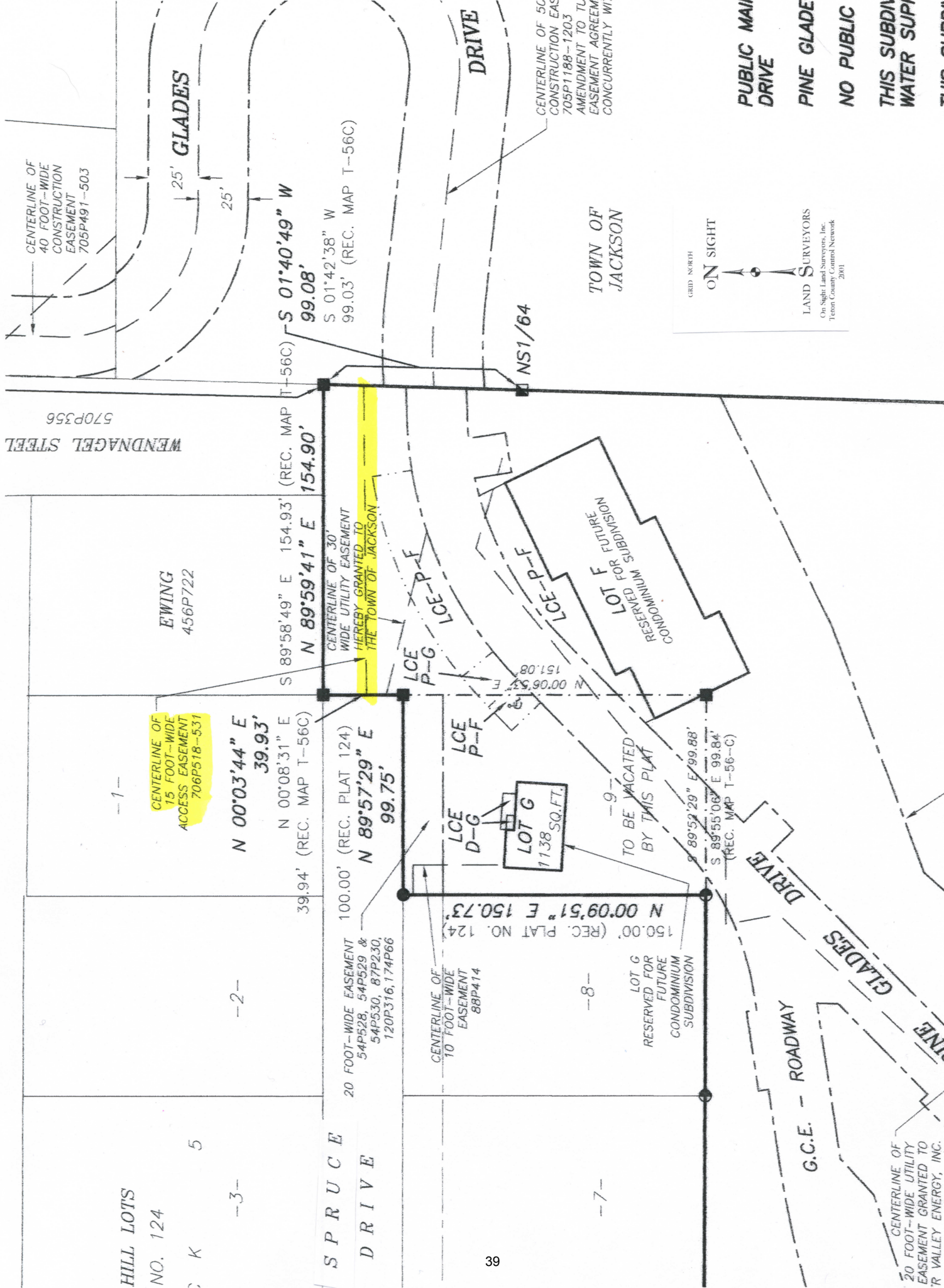
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CHECKED BY:
PROJ. #: 19020-278-1

<u>PROJECT NAME</u> PINE GLADES JACKSON, WYOMING TRAIL CONCEPT PLAN NORTHEAST SEGMENT
--

SHEET #

C3





GRID NORTH
ON SIGHT

LAND SURVEYORS
On Sight Land Surveyors, Inc.
Teton County Central Network
2001

PUBLIC MAIL
DRIVE

PINE GLADE

NO PUBLIC

THIS SUBDIVISION
WATER SUPPLY

DETAIL

THREE-DIMENSIONAL PRIVATE ROAD ACCESS EASEMENT ACROSS LOTS 1-14 & A-E

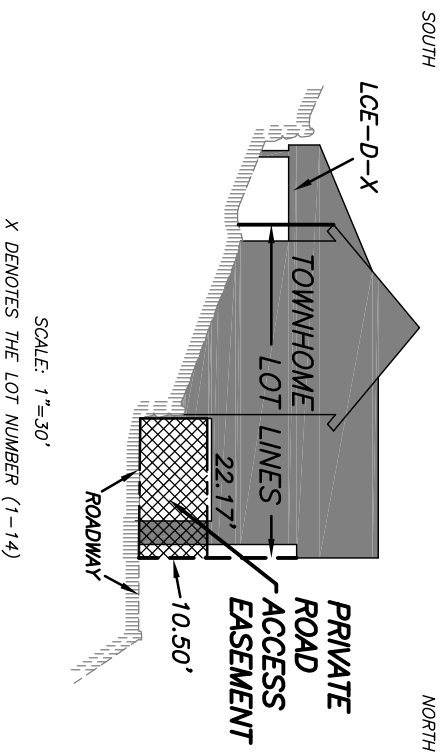


EXHIBIT SHOWING PRIVATE ROAD ACCESS EASEMENT

ACROSS
PINE GLADES TOWNHOMES PHASE ONE
ADDITION TO THE TOWN OF JACKSON
PLAT NO. 1285



155 West Gill Ave.
P.O. Box 12290
Jackson, WY 83002
(307) 734-6131

MECHANICAL & STRUCTURAL ENGINEERING:

CTA ARCHITECTS/ENGINEERS
13 NORTH 23rd
BILLINGS, MONTANA 59101
PHONE: 406-248-7455
FAX: 406-248-3779

**PINE GLADES P.U.D.
CONDOMINIUM BUILDINGS**

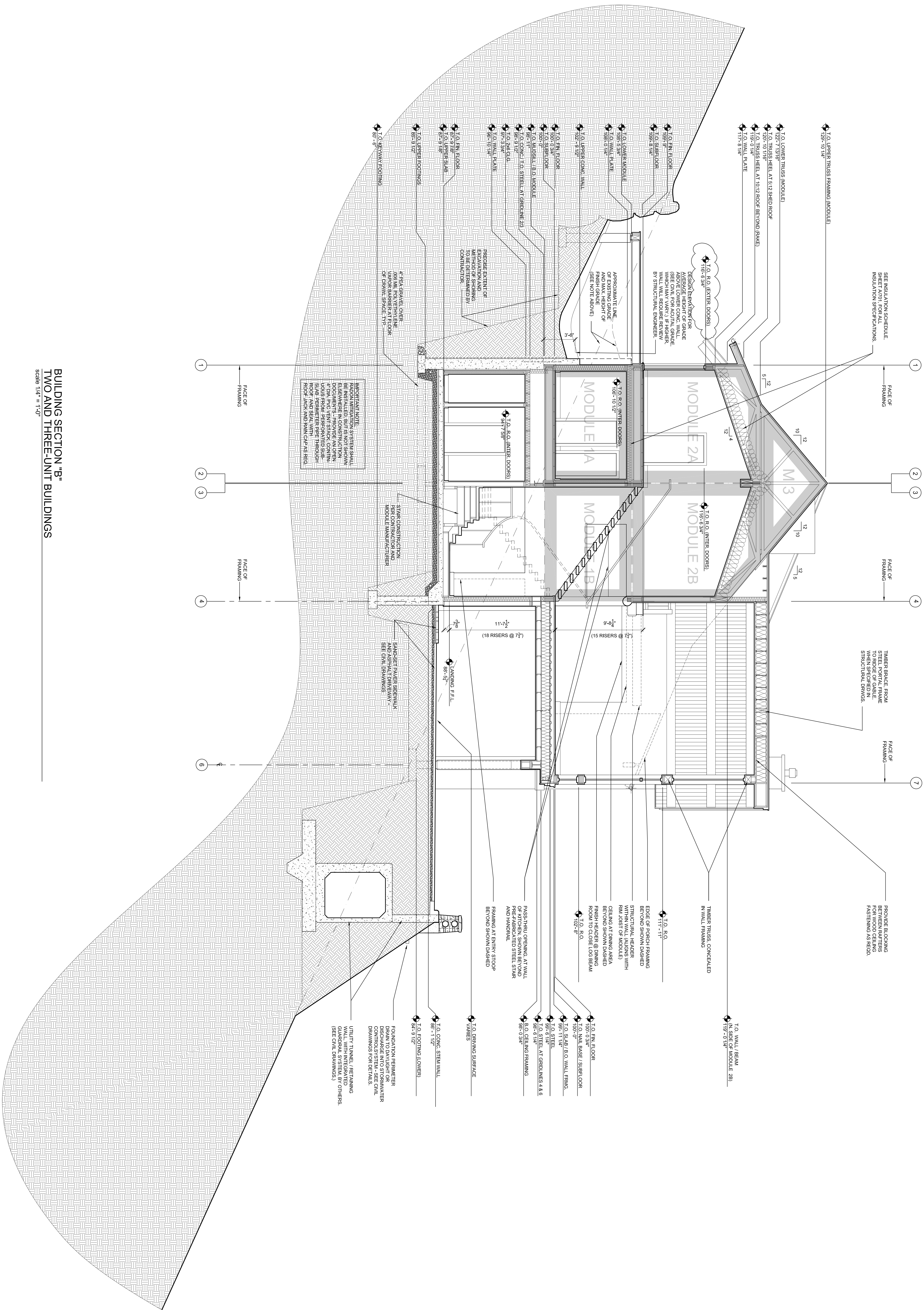
Pine Glades Development, LLC
P.O. Box 11870
Jackson, Wyoming 83002
(307) 734-5245 / www.pineglades.com

UNIT BLDGS
2 & 3

DATE: 07/11/08
 REVISIONS: _____

 JOB NO: _____
 CAD FILE: _____
 DRAWN BY: _____
 CHECKED BY: _____

SHEET NUMBER
A-302
BUILDING
SECTIONS



COLLINS PLANNING
• A S S O C I A T E S •

MEMO

To: Tyler Valentine
Fr: Bill Collins
Re: Pine Glades Trails
Date: February 19, 2020

This memo responds to comments from the last Planning Commission meeting on the Pine Glades trails and provides an overall graphic that shows the large number of trails in the vicinity.

Past Trail Construction

Pine Glades developers volunteered to construct trails across the Pine Glades property as a community amenity; there are no requirement that mandates trails be provided. Trails already have been constructed as part of the Pine Glades development. The first developers of Pine Glades paid for the design and construction of the existing trail that switch backs up Snow King and for the trail that traverses the southeast corner of the development. The currently proposed trails are an additional neighborhood amenity that would bring to **four** the total number of trails provided by the Pine Glades development.

Trail Adjacent to Spruce Duplex

Since the last Planning Commission meeting, the Pine Glades team researched the number of homes in close proximity to paths and sidewalks in Jackson. In a two hour search, we identified over 650 homes that are within 25 feet of a sidewalk or path. The list of homes is attached. A more thorough search would identify one to two thousand homes within 25 feet of sidewalks. The attached list includes homes in close proximity to paths that were constructed by the Town and County Pathways program. The proposed trail in Pine Glades is 27 feet in front of the Spruce duplex.

The applicant plans to construct the sidewalk/boardwalk adjacent to Pine Glades Drive, uphill and along the side of the duplex, that then wraps around an existing parking lot. This boardwalk will intersect the stairs that connect the parking lot and the duplex. These steps will be reconstructed with a gate to prevent people and dogs from roaming down the stairs to the duplex.

A vegetative screen or fence will be installed along the walk to provide privacy for the duplex. This screen will provide privacy where no such privacy currently exists between the duplex and walkers and motorists on the existing road. Walkers and motorists currently on the Pine Glades Drive are only four or five feet further from the duplex than walkers on the proposed walk.

This trail provides access to trails on Snow King and in the Forest, and to destinations at the bottom of Snow King, for residents on Pine Drive and Wister Avenue. It fulfills any obligation that may have been implied in the Pine Glades plans to provide an additional neighborhood amenity.

Uphill Trail from Cul-de-sac

We will not oppose deleting the trail that runs uphill from the cul-de-sac on the western end of Pine Glades Drive if such a removal is desired by the Planning Commission. This trail is opposed by neighbors on both sides of it and is redundant to an existing trail 400 yards west of Pine Glades that connects Pine Drive to an existing trail on the Karns hillside. This Karns hillside trail also connects to the USFS trail network.

Trails in Vicinity

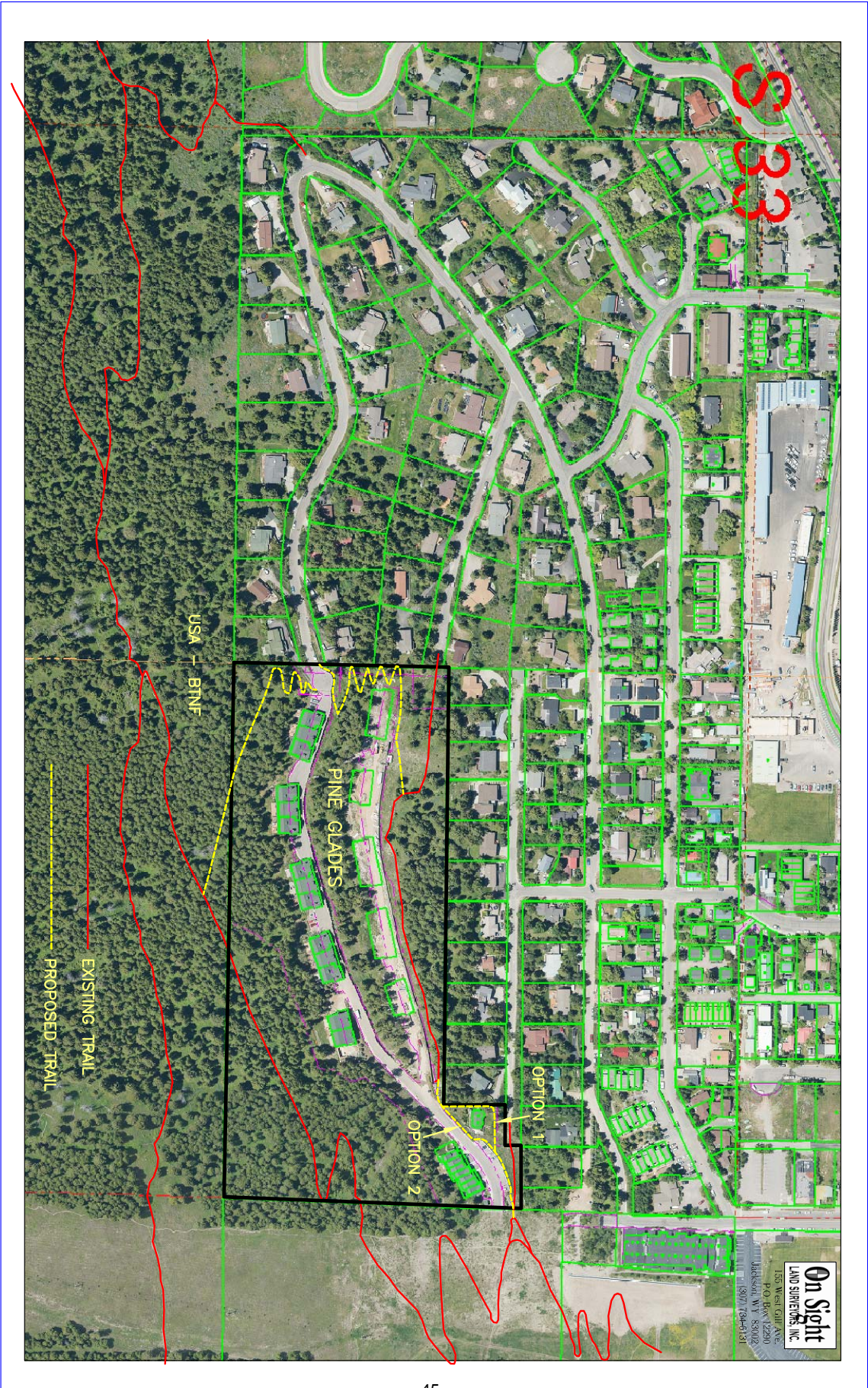
Also attached is an aerial photo that illustrates existing and proposed trails in the vicinity of Pine Glades. This graphic demonstrates that the combination of existing and proposed trails allows access across Pine Glades for residents on every street that abuts Pine Glades; namely residents on Pine Drive, Wister Avenue and Spruce Drive will be provided legal access to cross the Pine Glades development on trails.

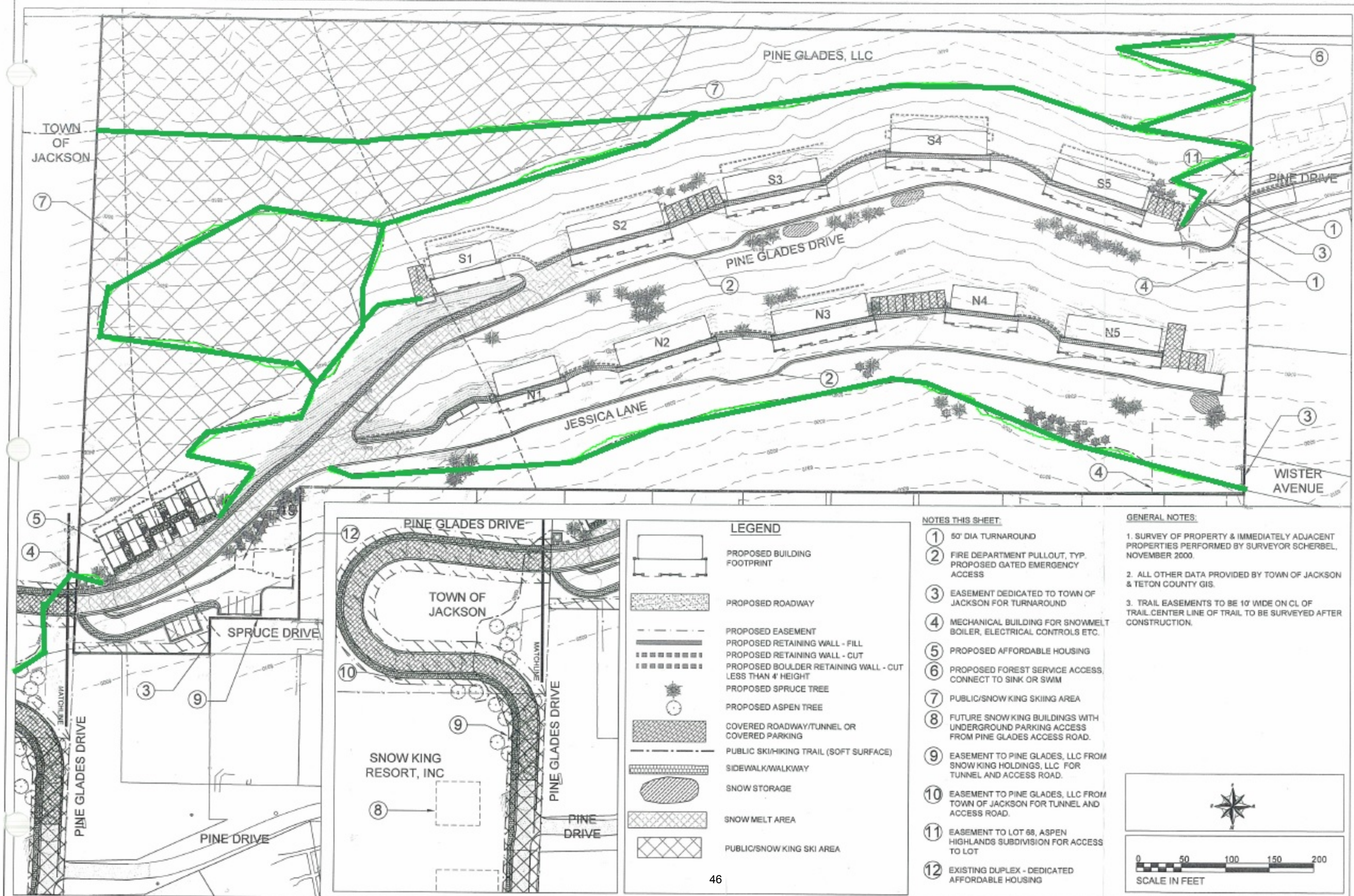
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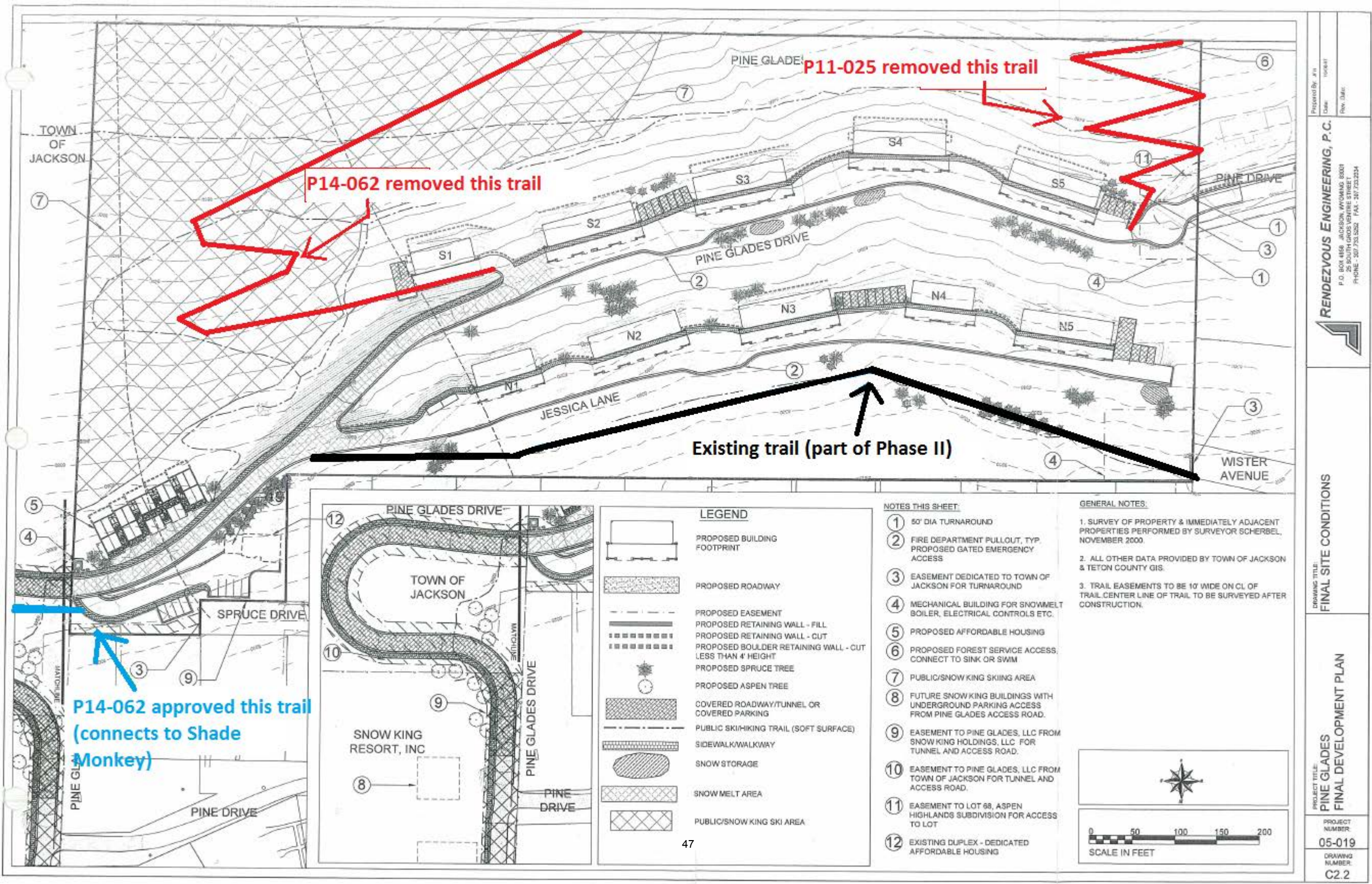
1. Residential Units Sidewalk Proximity in Jackson
2. Aerial Illustrating Trails in Vicinity

Residential units sidewalk proximity within the Town of Jackson

Development	Units	Type	Proximity
Cottonwood Flats	66	townhomes	< 10' to 25'
Ellingwood Condominiums	31	condominiums	<15' to 20'
Cottonwood Park, Corner Creek	77	SF homes, townhomes	<15' to 25'
Cottonwood Park, Rangeview	77	SF homes, townhomes	<15' to 25'
Horn Addition	50	SF homes	< 25 feet
Creskide Townhomes, Garaman Trail	18	townhomes	<25' to 30'
Elk Run Townhomes, Garaman Trail	13	townhomes	<25' to 30'
Jackson Hole Meadows Addition	10	SF homes	<=25'
Southgate Addition	4	SF homes	<=25'
810 West	18	townhomes	14' to 25'
Snow King Apartments	18	apartments	12' to 20'
Pineglades, Spruce Townhomes	7	townhomes	17' to 23'
Sno-King Village Townhomes	3	townhomes	12' to 19'
Alpine Mountain Townhomes	6	townhomes	25'
Indian Summer Townhomes	1	townhomes	25'
Ski Hill Townhouse Addition	4	townhomes	25'
Millward Street Apartments	6	apartments	12'
St Johns Hospital apartments Millward and Kelly	6	apartments	14'
Wort 2 nd Addition	13	SF homes	<= 25'
Glenwood Street Townhomes	8	townhomes	<= 25'
Cache Commons Townhomes	10	townhomes	<= 27'
Flat Iron Townhomes	4	townhomes	<= 20'
TVDC Townhomes	4	townhomes	<= 25'
MKGS Townhomes	4	townhomes	<= 25'
The Twelve Pines	16	townhomes	<= 25'
Aspen Stand Townhomes	10	townhomes	<=20'
Five-Two-Five Townhomes	12	townhomes	15' to 22'
James G. and Julia L. Scarlett Addition	28	apartments	12' to 20'
East Kelly Townhomes	4	townhomes	<= 25'
Shadow Tree Townhomes	7	townhomes	<= 25'
Eastridge Addition	17	SF homes & townhomes	<= 25'
Buffalo Head Townhomes	4	townhomes	<= 25'
Daisy Bush Townhome Addition	4	townhomes	15' to 25'
Daisy Bush Additions	13	SF homes	16' to 25'
Taminah Corner Townhomes	2	townhomes	25'
Meadowbrook Village Condominiums	76	condominiums	< 25'
Four Timbers Residence Club	4	townhomes	< 15'
TOTAL	655		







PLANNING

Project Number P19-262 **Applied** 11/14/2019 **STOL**
Project Name Dev Plan Amend - 140 & 142 Pine Glades Dr **Approved**
Type DEVPLAN **Closed**
Subtype AMENDMENT **Expired**
Status STAFF REVIEW **Status**

Applicant Collings Planning Associates

Owner PINE CANYON, LLC

Site Address **City** **State** **Zip**
 140 Pine Glades Drive Jackson WY 83001

Subdivision **Parcel No** **General Plan**
 22411633438022

Type of Review	Status	Dates			Remarks
		Sent	Due	Received	
Contact Notes Building Kelly Sluder	APPROVED	11/14/2019	12/5/2019	11/15/2019	
Fire Kathy Clay Originally, this entire area was to be irrigated. Irrigated fuels - conifers, aspens, and other plants - have a much lower chance of burning in a wildland fire scenario than those fuels which are not irrigated. I am very concerned to read "phase two is exceeding the planting requirements." As long as this is irrigated planting, there are no concerns. Without irrigation, however, these homes positioned within the wildland urban interface are certainly at a higher risk if the environment is filled with low fuel moisture content conifers.	APPROVED W/CONDITIONS	11/14/2019	12/5/2019	11/18/2019	please see comments
Joint Housing Dept Stacy Stoker (1/10/2020 10:00 AM SAS) The Housing Department's initial concern was who owned the land containing the trails going by the restricted units. Upon review of the plat, it appears that the land is owned as common area by the Homeowner's Association collectively and not by the restricted units' owners. If this is the case, the Housing Department has no concern.	APPROVED	11/14/2019	12/9/2019	1/10/2020	please see comments
Legal Lea Colasuonno (12/6/2019 2:59 PM LC) Initial legal review complete and will continue to monitor compliance with original conditions and appropriateness in light of the LDRs of amendments thereto.	APPROVED W/CONDITIONS	11/14/2019	12/5/2019	12/6/2019	
Parks and Rec Steve Ashworth (11/15/2019 1:29 PM STOL) Comments: •Would request clarification regarding maintenance responsibility of the proposed "trail system" if approved. •There is a reference to "constructing the trails and recording easements that will allow public access across the property." What type of easement?	APPROVED W/CONDITIONS	11/14/2019	12/5/2019	11/15/2019	
Andy Erskine, CPSI					

Type of Review Contact Notes	Status	Dates			Remarks
		Sent	Due	Received	
Pathways Brian Schilling (12/12/2019 11:20 AM STOL) P19-262 – 140 and 142 Pine Glades - Amendment to Development Plan Comments from Teton County/TOJ Pathways Department Status: approved w/conditions	APPROVED W/CONDITI	11/14/2019	12/9/2019	12/12/2019	
•The applicant has proposed a trail plan that connects from Pine Dr. to Shade Monkey by going up the hillside at the far west end of the development. Staff has provided conditional approval to this alignment pending input from the FOP/USFS trail construction crew. •Access to the trailheads shall be maintained year-round (i.e. no piling of snow or other obstacles in front of the trail access points to prevent or discourage use). A clear path to the trail access points shall be maintained. •To the maximum extent possible, trail construction shall use the cut and bench method similar to Detail B-B on Sheet C.1 rather than the fill type of construction shown in Detail C-C on Sheet C.2. This will result in a more durable and sustainable trail. •All of the proposed trail connections are located on steep hillsides that will require steps and/or stairs and tight switchbacks. This effectively renders these connections as “hike only” trails which will not be accessible for bicycle travel. Staff has ongoing concerns about the steep grades and stairs/steps and the impact on accessibility, safety, and sustainability.					
January 31, 2019 comments in response to alternative trail plan					
•While the revised trail provides essentially the same connectivity (start and end points) and I feel it meets the intent of the trail connection, it's not as nice a trail route for the users as it will be butt up against a retaining wall for much of the route and a 5' attached sidewalk for the rest, neither of which is a great trail design. The new route is a little more direct and has fewer stairs (although essentially the same overall vertical drop and gain), but overall the original route was a better design. So, I feel it's acceptable but a step down from the originally proposed route.					
Planning Tyler Valentine (1/10/2020 9:42 AM TV) Please see staff report	APPROVED W/CONDITI	11/14/2019	12/9/2019	1/10/2020	
Police Todd Smith (12/9/2019 8:39 AM STOL) Great to see a commitment to get the hiking trails reestablished by the applicant. It is not uncommon for the police to received complaints regarding this issue from the public wanting access.	APPROVED W/CONDITI	11/14/2019	12/9/2019	12/9/2019	
No additional concerns.					
Todd					
Public Works Brian Lenz	APPROVED W/CONDITI	11/14/2019	12/9/2019	1/10/2020	

Type of Review	Status	Dates			
		Sent	Due	Received	Remarks
Contact Notes (1/10/2020 10:44 AM BTL) Development Plan Review – APPROVED P19-262 OWNER: Pine Canyon LLC APPLICANT: Collins Planning Associates; Bill Collins Pine Glades PUD DATE: January 10, 2020 Brian Lenz, 733-3079 DATE OF SUBMITTAL: November 11, 2019 DATE OF MATERIALS: Project Status, 10/7/2019; Plans 11/7/2019 REVISION NO.: 00 The engineering division has reviewed your application for an Amendment to the DEVELOPMENT PLAN for the Pine Glades PUD submitted on and with application materials as dated above. CONDITIONS OF APPROVAL REQUEST 1: Material Change to Exterior of Duplex S-1 that is still under construction. 1. No Comment REQUEST 2: Trail Network Approval 1. A grading permit is required prior to construction of the proposed trail network. 2. Proposed rock retaining walls over four feet in height must be engineered. Any walls over 6-feet high shall include calculations and factors of safety for sliding, overturning, and bearing capacity. 3. Developer shall provide a cost estimate for the construction of the trails and a financial assurance of 125% of the cost to complete the improvements will be required for completion of the proposed trail network. 4. Proposed signage guiding the public to the proposed trails access shall be included with future grading or building permit submittals. Comments that are not conditions of approval: 1. Past discussion with the applicant indicated that a grading permit would not be required but based on the conceptual designs shown with stairs and proposed retaining walls a grading pre-application meeting and grading permit are warranted. 2. The proposed trail network involves extensive use of stairs and retaining structures. Prior to finalizing the easement provide clarification on the party responsible for the ongoing cost to maintain and repair the proposed structures. 3. In past discussions with the applicant, the tunnel easement provides for a private roadway and does not allow for public vehicular traffic. Please clarify if it does allow for non-motorized and/or pedestrian use by the public. If so, signage to that affect should also be installed at the entrances to the tunnel. CLARIFICATION 1: In road heating element 1. The heating element is not a requirement of public works. There are similar short sections of public road in town, examples include South Cache St., South Millward, 595 Pine Drive, with similar grades (approximately 14%) that are maintained with plowing and sanding. Public Works finds this request reasonable. START Darren Brugmann		11/14/2019	12/5/2019		
.....					

Tyler Valentine

From: Merigliano, Linda -FS <linda.merigliano@usda.gov>
Sent: Saturday, December 14, 2019 10:33 AM
To: Tyler Valentine
Cc: Chris Owen; Farris, Timothy -FS; Moore, Mary C -FS
Subject: RE: Pine Glades
Attachments: DM_PineGlades2011.doc

Tyler --- The decision memo issued August 4, 2011 is still valid. Please let us know if you have any questions about this

From: Chris Owen [mailto:chris@friendsofpathways.org]
Sent: Friday, December 13, 2019 1:52 PM
To: Merigliano, Linda -FS <linda.merigliano@usda.gov>
Cc: Farris, Timothy -FS <timothy.farris@usda.gov>
Subject: Re: Pine Glades

Linda Tyler says that should be good, if you have the signed copy can you email him at. Or he said just an email from you saying the old letter is still valid. - Chris

tvalentine@jacksonwy.gov

On Thu, Dec 12, 2019 at 1:14 PM Merigliano, Linda -FS <linda.merigliano@usda.gov> wrote:

We did the NEPA and issued a decision for the Shade Monkey trail so this might still suffice. I have a signed copy around somewhere

From: Chris Owen [mailto:chris@friendsofpathways.org]
Sent: Thursday, December 12, 2019 11:43 AM
To: Merigliano, Linda -FS <linda.merigliano@usda.gov>; Farris, Timothy -FS <timothy.farris@usda.gov>
Subject: Pine Glades

Hey Linda and Tim Pine Glades is working with the town to fulfill their obligation to restore the neighborhood access trails to the forest. Tyler Valentine had questions about any approval that may be needed on your end and I gave him your contact info. I attached the proposal showing the trail climbing from Wister Dr. past the west end of pine Glades and joining the SHade Monkey trail near the USFS and Pine Glades property boundary. Worst case we could have it connect right at the property line so no new trail would be on the forest. When I chatted with him it looks to be a hike only trail as it has several steps and tight switchbacks which seems appropriate based on what me and EJ looked at on that side.

Chris

--

Chris Owen

Trails Program Manager

Friends of Pathways

307-733-4534

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Chris Owen

Trails Program Manager

Friends of Pathways

307-733-4534

DECISION MEMO

Pine Glades connection trail

**USDA Forest Service, Intermountain Region
Bridger-Teton National Forest
Jackson Ranger District
Teton County, Wyoming**

I. INTRODUCTION

In January 2008, the Town of Jackson approved the Final Development Plan for the Pine Glades townhouse development located immediately east of Snow King Resort. The Bridger-Teton National Forest is located on the southern boundary of the property. Prior to development, the forested hillside contained a trail that traversed the property and was frequently used by the public as a connection between town and trails located on the National Forest. As part of the "Subdivision Improvement Agreement Contract", the developers agreed to construct a trail between Pine Drive and the Sink-or-Swim trail and make this trail available for general public use. Due to the economic recession, some items, including the trail construction, were deferred with approval from the Town of Jackson. In accordance with the "Improvement Agreement", the trail construction must now be completed by fall 2011. The estimated length of the new trail is 2,890 feet of which 71.3% is located on private land. Approximately 830 feet is located on the National Forest. The trail would be managed for a mix of non-motorized uses with mountain biking and hiking predominant uses. The trail will be designed and built to meet Forest Service standards for sustainable native surface trails. The work on the National Forest will be supervised by Forest Service personnel with labor coming from Friends of Pathways trail employees. Funding for the project is provided by the developer in accordance with the "Subdivision Improvement Agreement".

II. DECISION

A. Description of Decision

My decision is to authorize construction of approximately 830 feet of trail on the National Forest to complete the connection between Pine Drive and the Sink-or-Swim trail. My decision incorporates the project construction methods described in section C.

B. Purpose of Decision

The purpose of the decision is to replace an existing trail and in so doing so, improve the sustainability of the trail and help meet goals outlined in the National Sustainable Recreation Framework, notably connecting citizens to their public lands through outdoor recreation.

C. Project Treatment Methods

To protect natural resources, wildlife, and safety objectives, the following treatments will be implemented:

1. All trail construction and reconstruction will be implemented according to Forest Service Trail Construction and Maintenance Notebook standards.
2. Old trails will be physically closed.
3. Trails managed for mountain bike use will incorporate good line of sight and avoid any blind corners to minimize the potential for sudden encounters between people and wildlife (particularly moose, bears, or lions).

III. REASONS FOR CATEGORICALLY EXCLUDING THE DECISION

Decisions may be categorically excluded from documentation in an Environmental Assessment (EA) or Environmental Impact Statement (EIS), when they are within one of the categories identified by the U.S. Department of Agriculture in 7 CFR part 1b.3 or one of the categories identified by the Chief of the Forest Service in Forest Service Handbook (FSH) 1909.15 sections 31.1b or 31.2, and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative environmental effect.

A. Category of Exclusion

The proposed project can be categorically excluded from documentation in an EA or EIS because it fits category 31.2-1, described in Forest Service Handbook Interim Directive (ID) 1909.15-2004-3, July 6, 2004. This category is for "Construction and reconstruction of trails."

The categorical exclusion is appropriate in this situation because no significant issues were raised regarding the proposal and resource specialists found no extraordinary circumstances with potential adverse effects on the environment.

B. Relationship to Extraordinary Circumstances

1. Threatened and Endangered Species or Their Critical Habitat -

The Endangered Species Act requires that federal activities do not jeopardize the continued existence of any species federally listed or proposed as threatened or endangered, or result in adverse modification to such species' designated critical habitat. This decision will have 'no effect' on listed species or their critical habitats; this trail is primarily located in the Town of Jackson and since it replaces an existing trail, the project is not expected to alter the amount or type of use occurring in the area.

2. Floodplains, Wetlands, or Municipal Watersheds -

Floodplains: Executive Order 11988 is to avoid adverse impacts associated with the occupancy and modification of floodplains. Floodplains are defined by this order as, "... the lowland and relatively flat areas, adjoining inland and coastal waters, including flood prone areas of offshore islands, including at a minimum, that area subject to a one percent [100-year recurrence] or greater chance of flooding in any one year." The project is not located in or near floodplains based on site review.

Wetlands: Executive Order 11990 is to avoid adverse impacts associated with destruction or modification of wetlands. Wetlands are defined by this order as, "... areas inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds." There are no wetlands in the project area.

Municipal Watersheds: Municipal watersheds are managed under multiple use prescriptions in forest plans. This project is not located within a municipal watershed.

3. Congressionally Designated Areas -

This project is not located in a Congressionally designated Wilderness or Wilderness Study Area nor is it located within a designated Wild and Scenic River corridor. No adverse effects are expected on designated special areas.

4. Inventoried Roadless Areas (IRAs) -

This project is not located in an Inventoried Roadless Area.

5. Research Natural Areas -

The project is not located within or near Research Natural Areas.

6. Native American Religious or Cultural Sites, Archaeological Sites, or Historic Properties or Areas -

Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effect of a project on any district, site, building, structure, or object that is included in, or eligible for inclusion in the National Register. There are no anticipated adverse effects to cultural resources.

IV. PUBLIC INVOLVEMENT

The Town of Jackson held multiple public meetings regarding the Pine Glade development plan. Support for replacing the existing trail emerged during those meetings. No opposition to the project was raised.

V. FINDINGS REQUIRED BY AND/OR RELATED TO OTHER LAWS AND REGULATIONS

My decision will comply with all applicable laws and regulations. I have summarized some pertinent ones below.

Forest Plan Consistency (National Forest Management Act) - This Act requires the development of long-range land and resource management plans (Forest Plans). The Bridger-Teton Forest Plan was approved in 1990, as required by this Act. The plan provides for guidance for all natural resource management activities on the Forest. The Act requires all projects and activities be consistent with the Forest Plan. The project is located in DFC 9B which is managed for special use recreation. The proposed project is consistent with Forest Plan direction.

Endangered Species Act - See Section III, Item B1 of this document.

Sensitive Species (Forest Service Manual 2670) - This Manual direction requires analysis of potential impacts to sensitive species, those species for which the Regional Forester has identified population viability is a concern. The proposed project would not adversely impact any known sensitive species.

Clean Water Act - This Act is to restore and maintain the integrity of waters. The Forest Service complies with this Act through the use of Best Management Practices. This decision incorporates Best Management Practices to ensure protection of soil and water resources.

Wetlands (Executive Order 11990) - See Section III, Item B2 of this document.

Floodplains (Executive Order 11988) - See Section III, Item B2 of this document.

Clean Air Act –

Under this Act areas of the country were designated as Class I, II, or III airsheds for Prevention of Significant Deterioration purposes. Class I areas generally include national parks and wilderness areas. Class I provides the most protection to pristine lands by severely limiting the amount of additional human-caused air pollution that can be added to these areas. This decision will not adversely affect air quality.

Federal Cave Resources Protection Act - This Act is to secure, protect, preserve, and maintain significant caves, to the extent practical. Site features and field review substantiate that no caves are in the decision area. No cave resources will be affected by this decision.

National Historic Preservation Act –
See Section III, Item B6 of this document.

Archaeological Resources Protection Act –
See Section III, Item B6 of this document.

Native American Graves Protection and Repatriation Act –
See Section III, Item B6 of this document.

Wyoming Wilderness Act and Wild and Scenic Rivers Act –
See Section III, Item B3 of this document.

Environmental Justice (Executive Order 12898) - This Order requires consideration of whether projects would disproportionately impact minority or low-income populations. This decision will not adversely impact minority or low-income populations.

VI. ADMINISTRATIVE REVIEW OR APPEAL

This decision is not subject to a higher level of administrative review or appeal pursuant to 36 CFR 215.8.

VII. IMPLEMENTATION DATE

This decision may be implemented immediately. Work on these trails is expected to occur over the next two years.

VIII. CONTACT PERSON

For further information contact:

Linda Merigliano
Jackson Ranger District
PO Box 1689
Jackson, WY 83001
(307) 738-5428

IX. SIGNATURE AND DATE

I have concluded that this decision may be categorically excluded from documentation in an environmental impact statement or environmental assessment as it is within one of the categories identified by the U.S.

Decision Memo – 2011 Pine Glades connection trail

Department of Agriculture in 7 CFR part 1b.3 or one of the categories identified by the Chief of the Forest Service in Forest Service Handbook (FSH) 1909.15 sections 31.1b or 31.2, and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative environmental effect. My conclusion is based on information presented in this document and the entirety of the Planning Record.

/s/ Dale Deiter
Dale A. Deiter
Jackson District Ranger

8.4.2011
Date

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PLANNING & BUILDING DEPARTMENT

May 28, 2019

Collins Planning Associates
Attn: Bill Collins
PO Box 7441
Jackson, WY 83002

RE: Development Obligations and Compliance of the Pine Glades Planned Unit Development

Dear Mr. Collins:

The Pine Glades Planned Unit Development (PUD), Sketch Plan and Final (Major) Development Plan (FDP) is a residential hillside development consisting of 27 market townhomes units and 9 deed restricted units. The PUD and Sketch Plan were approved on October 8, 2007 and the FDP was approved on April 14, 2008. The project is broken into two phases: Phase I consisting of all improvements and buildings along Pine Glades Drive, and Phase II consisting of all improvements and buildings along Jessica Lane. Several 'Applicants' or 'Developers' have been involved starting with the original Applicant, Dave Taylor, who first proposed the project and stayed with the project until the original FDP was approved. Today, a new property owner, John Tozzi, is being represented by the Applicant, Bill Collins.

As Phase I comes near to completion, the past few years have resulted in compliance issues surrounding pedestrian access through the site's roadways, access to trails, usage of the break-away emergency gate, and many more. Complaints from Pine Drive residents and Pine Glades owners were received and several of these matters have involved the local Police and Fire Department, in addition to Planning. Recently, the Applicant applied for two applications: Item P18-342 Development Agreement to commence infrastructure-related construction on Phase II (Jessica Lane), and Item P19-018 Development Plan Amendment to modify the last two units in Phase I which include minor habitable and garage expansions.

During the application review process for both items P18-342 & P19-018, Town of Jackson (Town) Staff received additional public comment from both Pine Drive residents and Pine Glades owners expressing frustrations on matters related to trails, access through the Pine Glades roadways, etc. As a result the Applicant requested that their applications be continued in order to identify any un-satisfied development obligations prior to the items going before the Town Council. The Town agreed to further research the Pine Glades PUD and FDP approvals and provide the applicant with the Town's position on whether the Pine Glades PUD and FDP is out of compliance with any development obligations.

The following is an itemized list of development obligations for the Pine Glades PUD and the associated compliance status of P05-126 & 127 ("Sketch Plan & PUD for Pine Glades") and P07-126 & 127 ("Pine

Glades Final Development Plan"). Under each heading is a description of a specific development obligation, status of compliance, and a reference to attached exhibits.

ROADWAYS: Non-Compliant with Pine Glades PUD

As part of the Pine Glades PUD the Applicant committed, both verbally and in writing, to provide public non-vehicular/non-motorized access across, over and on the site's roadways. The complete public record memorializing this obligation is provided below (Exhibits A – H).

***EXHIBIT A:** Letter from Jackson Hole Community Pathways to the Town Planning and Building Department related to the approved Variance (P07-076) to develop on a lot with slopes greater than twenty-five percent (25%). The letter commends the original Developer (Dave Taylor) on their willingness to include public access across, over and on Pine Glades PUD for non-motorized users.*

***EXHIBIT B:** Transcription of David Taylor (original developer) on record at the Jackson Town Council meeting on January 7, 2008 committing to the Jackson Town Council that the Pine Glades PUD would be open to the public and that the public would have non-vehicular access through the interior roads to access trails.*

***EXHIBIT C:** The narrative section (5 pages taken from the project summary) of the Final Development Plan pledging that the updated project plan specifically included public access to the trail heads in the Pine Glades PUD from Pine Drive and Spruce Drive (page 2). In addition, the last two pages under headings Section 2170.J.11 Streetscapes states 'Nevertheless the proposal includes pedestrian pathways, in the form of public trail access easements fronting the lower row of buildings, allowing pedestrians access from the Pine and Wister Drive neighborhoods to the Snow King Ski Areas and Bridger-Teton National Forest'. Furthermore on the last page, it states that 'the development will provide at least four pedestrian access easements across the property providing a link from the neighborhoods west to Snow King slopes and beyond...'*

***EXHIBIT D:** The approved Final Development Plan trail map identifying all trails within the Pine Glades PUD as 'Public Ski/Hiking Trails' which directly connect to the roadways.*

***EXHIBIT E:** The recorded Subdivision Improvement Agreement which, on page three under 'Public Pathways,' describes the developer's obligation to build the trails delineated on the trail map as 'Public Ski/Hike Trails' (see also EXHIBIT D).*

***EXHIBIT F:** The approved Minor Deviation (P11-025) for a requested trail relocation with attached Town of Jackson departmental reviews discussing obligations for trail signage at the Cache Street and Pine Drive access points. The documents states that 'the applicant shall not obstruct public access on the proposed pathway'. Furthermore, this document includes a review comment that states 'the applicant shall not obstruct public access on the Town of Jackson access easement designated as "GCE Roadway" on the Pine Glades Townhomes Phase One Addition plat'.*

***EXHIBIT G:** The recorded plat for the Pine Glades Townhomes Phase One Addition which states that the Town of Jackson is granted an access easement across the entire GCE Roadway (under the Certificate of Owner, first column, 5th from the bottom). The second page is the actual recorded plat showing the GCE Roadway.*

EXHIBIT H: A second approved Minor Deviation (P14-062) for a second requested trail relocation with attached departmental reviews stating that 'the new trail location will need to be delineated on a Pathways Easement or Amended Plat.

Based on the fact as evidenced in the public records described above and attached hereto, the Applicant was required to provide public access across, over and on the Pine Glades PUD roadways. This was verbally promised by the Developer (Dave Taylor) before the Town Council, was referenced in the FDP proposal, was clearly identified on the approved trail map, was clearly identified in the SIA, and was further a condition of approval with both Minor Deviations related to trail relocation.

TRAIL CONNECTIVITY: Compliant with Pine Glades PUD and Incomplete

When the Pine Glades PUD was approved there were several trails proposed throughout the site to provide trail access to the Shade Monkey and Sink or Swim trails for residents within the development, for neighboring residents on Pine Drive and Wister Avenue, and for the general public. Exhibits B - H each support the fact that public use of trails within the development was part of the development's approval. Currently, because all public access points connecting Pine Glades Drive to the Snow King trails (specifically the Shade Monkey and Sink or Swim trails) have been installed, Pine Glades PUD is in compliance with its public trail access obligations with regard to Phase I. The final outstanding trail access point to be installed must be addressed with the Development Agreement required for Phase II (Jessica Lane), which will include a trail connection from Wister Avenue to Pine Glades Drive (Exhibit D). The "S1 trail" (specifically defined as the trail access point at the duplex numbered 140 and 142 Pine Glades Drive) has been vacated and replaced with a new trail connection at the north end of the upper opening of the tunnel, as evidenced by Exhibits I and J.

EXHIBIT I: Correspondence between the Town and the Applicant confirming that the S1 trail was vacated as part of approved Minor Deviation P14-062.

EXHIBIT J: April 15, 2019 correspondence between Town Planning and Jackson/Teton County Pathways Department confirming that the S1 trail was vacated and the new trail adjacent to the tunnel was installed and is compliant with Jackson/Teton County Pathways Department trail standards.

Based on the fact, as evidenced in the public records described above and attached hereto, that Pine Glades PUD established the required connectivity to public trails from the site, it is compliant with Phase I of the Pine Glades PUD. However, one further connection is required based upon the approved trail map (Exhibit D) for Phase II, and must be addressed in the Phase II Development Agreement.

PUBLIC ACCESS – SIGNAGE: Non-Compliant with Pine Glades Final Development Plan

As part of the Final Development Plan, public non-vehicular/non-motorized access was proposed and approved, and the installation of signage to that effect was required at the Cache Street and Pine Drive access points. This signage was approved as part of the FDP and required as part of Minor Deviation P11-025 (Exhibit F). However, "No Trespassing" signage is currently installed at both the Cache Street and Pine Drive access points. Pine Glades PUD is therefore out of compliance.

EXHIBIT K: Photos of No Trespassing signage (taken in April 2019).

Based on the fact, as evidenced in the public record described above and attached hereto, that Pine Glades PUD was required to install and maintain signage indicating the right to public non-vehicular/non-

motorized access across, over and on the site and that currently "No Trespassing" signage is erected at two locations on the site, the Applicant's ongoing actions violate a term or condition of the Pine Glades PUD.

PUBLIC ACCESS – BOULDERS: Non-Compliant with Pine Glades Final Development Plan

As described above, public non-vehicular/non-motorized access is approved as part of the Pine Glades PUD and the boulders recently installed adjacent to the break-away gate, while tolerated by the Fire Department, are located too close to the break-away gate restricting pedestrians and bicyclists from accessing the site by forcing them to either climb around the boulders or crawl under the gate.

EXHIBIT K: Photo of the west end of the temporary gate with adjacent boulders to the right (taken in April 2019)

Based on the fact, as evidenced in the public record described above and attached hereto, that Pine Glades PUD was required to provide the public non-vehicular/non-motorized access across, over and on the site and that boulders adjacent to the break-away gate restrict pedestrians and bicyclists from accessing the site, the Applicant's actions violate a term or condition of the Pine Glades PUD.

BREAK-AWAY GATE: Compliant with Pine Glades PUD and Incomplete

The break-away gate at the west end of Pine Glades Drive was required for the purpose of emergency access in light of the fact that emergency vehicles may not be able to access the site via the tunnel on Cache Street. The break-away gate approval also includes allowing construction-related traffic that cannot fit through the tunnel associated with an approved Building, Grading or Development related permit. The break-away gate is not to be used by residents of Pine Glades Drive as daily or intermittent access at all. The Town was notified that the break-away gate was recently damaged, is being repaired and that a temporary fence is in its place. Upon installation of the new gate, the use of the gate shall only be for emergency vehicle access and construction-related vehicles that cannot access the construction site via the tunnel due to their size and which are associated with a Town Building, Grading or other related Development permits.

EXHIBIT G: The recorded plat for Pine Glades PUD which clearly identifies the west end of Pine Glades Drive adjacent to Pine Drive as "Emergency Access Only."

EXHIBIT K: A photo showing the temporary gate that needs to remain in place until the new gate is installed (taken on April 1, 2019).

Based on the fact, as evidenced in the public records described above and attached hereto, that the Pine Glades PUD west entrance is limited to "Emergency Access Only," any use of the break-away gate for any vehicles, residents' vehicles included, other than 1) emergency vehicles and 2) a construction-related vehicle that cannot fit through the tunnel and is associated with a Town Building, Grading or other related Development permit is non-compliant with the Pine Glades PUD.

TOPPING OF TREES: Non-Compliant with Pine Glades Final Development Plan

A Visual Impact Analysis was required as part of the Pine Glades Final Development Plan due to the impacts of the development on a hillside with a grade of twenty-five percent (25%) or more. There

was a specific tree removal plan and re-planting plan that was to be strictly abided by. Ultimately the existing vegetation remaining was to serve the purpose of screening the development from public view (i.e. from adjacent streets, the Town Square, highways, etc.) and the private clearing or "topping" of trees for better views for the Pine Glades residents is prohibited. Recent photos taken show several trees have been topped.

EXHIBIT L: The original Visual Impact Analysis showing which trees shall be removed, which trees can be pruned, and which trees shall remain untouched.

EXHIBIT M: Photos of trees topped adjacent to the S1 duplex and the triplexes further up Pine Glades Drive (taken X date).

Based on the fact, as evidenced in the public records described above and attached hereto, that the Visual Impact Analysis made a condition of the Pine Glades PUD explicitly prohibited tree topping and trees have been topped, the Applicant's actions violate a term or condition of the Pine Glades PUD.

ROADWAY HEATING ELEMENT: Non-Compliant with Pine Glades Final Development Plan

As part of the Final Development Plan for Pine Glades, roadway heating elements were approved uphill from the tunnel on both Pine Glades Drive and Jessica Lane. The applicant has stated that the heating element is not operating due to high costs and mechanical issues. The heating element is a required condition of the project's design and function.

EXHIBIT D: A depiction of the approved Snow Melt Areas.

Based on the fact, as evidenced in the public record described above and attached hereto, that the Final Development Plan included the roadway heating element as a condition of the approval, the non-functioning status of the roadway heating element at this time is non-compliant with the Pine Glades PUD.

LANDSCAPE PLAN: Compliance Indeterminate with Pine Glades PUD

The approved landscape plan for Pine Glades PUD includes an expansive tree removal component in addition to several planting areas. It required: approximately one hundred and eighty (180) new Aspen trees, sixty (60) new Serviceberry trees and sixty (60) new Snowberry trees to be equally distributed throughout Pine Glades development (both Phase I & II). All of the trees marked for removal have been removed. However, no record has been kept as to the number of trees that have been planted, as part of Phase I, therefore it is indeterminate whether Pine Glades PUD is in compliance with its landscape plan at this time.

EXHIBIT N: The approved landscape plan for Pine Glades PUD.

Based on the fact, as evidenced in the public record described above and attached hereto, that the Final Development Plan included a landscape plan as part of the approval and the Applicant has not verified compliance with that Landscape Plan, it is indeterminate at this time whether landscaping is in compliance with the Pine Glades PUD.

SIDEWALKS: Compliant with Pine Glades PUD and Incomplete

The Final Development Plan depicts sidewalks along the southern side of both Pine Glades Drive (Phase I) and Jessica Lane (Phase II). In Phase I, the applicant provided a sidewalk within the tunnel that continues up Pine Glades Drive and ends at the duplex addressed as 140 and 142 Pine Glades Drive. At this time Phase I is nearly complete and sidewalks have not been provided for the remainder of Pine Glades Drive.

EXHIBIT D: A depiction of the approved sidewalks within the site.

Based on the fact, as evidenced in the public record described above and attached hereto, that the Final Development Plan depicts sidewalks and that some sidewalk portions have been constructed and some remain unbuilt at this time, the Applicant is currently compliant with approved construction plans for Phase I.

NEXT STEPS: Compliance Summary, Enforcement Actions and Applicant Obligations

As set forth above in detail, there are reasonable grounds supporting the finding that Pine Glades PUD is out of compliance with a variety of terms and conditions of its approvals. Based on the number of compliance issues, the individualistic nature of each issue, and the varying stages of non-compliance each issue is in, the Town has developed a timeline for compliance as follows:

1: The following compliance issues must be resolved as indicated below. Failure to resolve these issues by the assigned deadline will result in the Town referring the issue to the Town of Jackson Code Enforcement Officer, in accordance with Land Development Regulation Division 8.9.2, and may prevent the issuance of further approvals and/or permits for the Applicant pursuant to Land Development Regulation Division 8.9.3.

- **Public Access - Signage:** The Pine Glades PUD required the installation and maintenance of signage indicating the right to public non-vehicular/non-motorized access across, over and on the site. The currently installed "No Trespassing" signage erected at two locations on the site violates terms and conditions of the Pine Glades PUD. All 'No Trespassing' signs must be removed by **June 1, 2019**. In addition, a new sign plan that is consistent with the approved Final Development Plan must be provided to the Town Planning Department by **July 1, 2019**.
- **Public Access - Boulders:** The Pine Glades PUD required public non-vehicular/non-motorized access across, over and on the site. However boulders have been installed adjacent to the break-away gate, thus restricting pedestrians and bicyclists from accessing the site. This violates the terms and conditions of the Pine Glades PUD. The boulders must be shifted to allow at least four to six (4-6) feet of space for bicyclists and pedestrians to freely access Pine Glades Drive and the area must be inspected by the Town no later than **July 1, 2019**.

2: The following issues are either currently compliant with the Pine Glades PUD but not complete, and thus require further action by the Applicant to achieve full compliance at build-out, or are currently complete but non-compliant with the Pine Glades PUD. To ensure full compliance will be achieved at build-out or, if currently non-compliant, the following items must be completed by **September 1, 2019**. Failure to resolve these issues by this date will prevent the issuance of further approvals and/or permits for the Applicant pursuant to Land Development Regulation Division 8.9.3.

- **Roadways:** Because the Applicant was required to provide public access across, over and on the Pine Glades PUD roadways and because ongoing actions actively prohibit and/or dissuade public access, the terms and conditions of the Pine Glades PUD approval is being violated. The Applicant must come into compliance by September 1, 2019 and, specifically, to do so the Applicant must record a new easement on the GCE Roadway against its property or amend the plat to memorialize in perpetuity that there is a public non-vehicular/non-motorized right of access across, over and on the Pine Glades PUD roadways.
- **Trail Connectivity:** Phase I of the Pine Glades PUD established the required connectivity to public trails from the site for the development that has been completed. However, a further connection is required as a term of Phase II. As part of the revised Development Agreement or By September 1, 2019 the Applicant must 1) provide a map identifying the future location of the lower connector trail from Wister Avenue to Pine Glades Drive and 2) provide a cost estimate for this trail that will be used to calculate the appropriate bond (as part of the Phase II Development Agreement).
- **Break-Away Gate:** The Pine Glades PUD west entrance is limited to "Emergency Access Only," and by September 1, 2019 the Applicant must 1) reinstall the permanent break-away gate and 2) provide draft language for the Phase II Development Agreement that dictates the schedule of dates when the construction vehicles will use the break-away gate and what type of vehicles will use it. After September 1, 2019, with the exception of emergency use or construction-related use associated with a Town Building, Grading or other related Development permits, the gate must remain closed and locked.
- **Landscaping:** Since the Applicant has not verified compliance with that Landscape Plan, it is indeterminate at this time whether landscaping is in compliance with the Pine Glades PUD. Therefore, by September 1, 2019 the Applicant must 1) prove the number and the location of new trees planted per the approved Landscape Plan; 2) provide the number of outstanding trees to be planted; 3) provide a schedule for full compliance with its Landscape Plan obligations; and 4) provide a cost estimate for the remaining planting required to come into full compliance at build-out that will be used to calculate the appropriate bond (as part of the Phase II Development Agreement II).
- **Sidewalks:** The sidewalks depicted in the Final Development Plan are partially built. By September 1, 2019 the Applicant must delineate a pedestrian/bike lane within the GCE roadway with striping (Phase I). As part of Phase II, the Applicant must complete the sidewalks on Jessica Lane.

3: The following issue is currently non-compliant with the Pine Glades PUD and must be compliant by **December 31, 2019**. Failure to resolve the issue by December 31, 2019 will prevent the issuance of further approvals and/or permits for the Applicant pursuant to Land Development Regulation Division 8.9.3.

- **Roadway Heating Element:** The Final Development Plan includes the roadway heating element as part of the approval. Because the roadway heating element does not function at this time it is out of compliance with the Pine Glades PUD. The Applicant must ensure the heating element is fixed and functioning by December 31, 2019.

4: This item is a permanent condition for which **no compliance timeline is appropriate**. This item has been referred to the Town of Jackson Code Enforcement Officer for immediate action:

- **Topping of Trees:** The Visual Impact Analysis, made a condition of the Pine Glades PUD, explicitly prohibited tree topping and trees have been topped. The Applicant's actions violate a term of the Pine Glades PUD. The Town will pursue this matter immediately through the Town of Jackson Code Enforcement Officer, as set forth in Land Development Regulation Division 8.9.2.

5: The resubmission of the Phase II Development Agreement application.

On November 16, 2018 the Applicant submitted an application for Phase II and, at this time, it is unknown when the Development Agreement for Phase II will be heard by the Town Council. As a result, the Town Planning Department requires the Applicant to re-submit the Development Agreement for Phase II to address the issues in this letter no later than **September 1, 2019**. Failure to do so, or abandonment of the current Development Agreement, will result in the Town pursuing any outstanding compliance issues under Land Development Regulation Division 8.9.



Tyler Valentine
Senior Planner

Enclosures:

EXHIBIT A – Dave Taylor (Original Developer) Transcription
EXHIBIT B – Letter from Pathways
EXHIBIT C – FDP Project Description
EXHIBIT D – Approved Trail & Snow Melt Map
EXHIBIT E – Subdivision Improvement Agreement
EXHIBIT F – 2011 Minor Deviation
EXHIBIT G – Recorded Plat
EXHIBIT H – 2014 Minor Deviation
EXHIBIT I – S1 Trail Correspondence
EXHIBIT J – Town Correspondence on S1 Trail Vacation
EXHIBIT K – Signs & Gate
EXHIBIT L – Visual Analysis
EXHIBIT M – Topping of Trees
EXHIBIT N – Approved Landscape Plan



July 17, 2007

Via email as attachment shill@ci.jackson.wy.us

Town of Jackson
Planning and Building Department
Attn: Shawn W. Hill, Associate Planner
P.O. Box 1687
Jackson, WY 83001

Subject: Item P07-076 Pine Glades Development, LLC

Dear Shawn,

I have reviewed the Pine Glades Development application, and would like to offer the following comments of support from Friends of Pathways in regards to the trail and non-motorized access proposed.

Friends of Pathways is a private not-for-profit corporation which is an advocate for bicycling, walking, and trails, and as a partner of government agencies for projects of mutual interest. We work to enhance and connect the communities in and around Jackson Hole by promoting safe and convenient non-motorized transportation and recreation facilities and programs. Friends of Pathways, (FOP) was founded in 1994, and today has grown to over 1,100 members.

This project includes important access for recreational trails and public land access to the Greater Snow King Trails Network. I have reviewed the most recent trail proposal, and wish to commend the applicant for their willingness to include the public access for non-motorized uses, and for their flexibility to provide the most useful trail alignments.

Specifically, it is very helpful to see:

- The public easement on all sidewalks and roads for non-motorized use;
- The trail connection on the west side that will climb up to the "Sink or Swim" trail;
- The west-east trail above the homes that will contour to connect to the Snow King mountain trails, and the improved grades so the trails will not be so steep.

I believe these trails will serve both the future Pine Glades residents and the public at large for enhanced public land access. Please contact me if you or the Planning Commission has any questions on these comments at 733-4534.

Sincerely,

Tim Young, Executive Director

P.O. Box 2062 ~ 335 South Millward Street ~ Jackson, WY 83001
307.733.4534 ~ tim@friendsofpathways.org
www.friendsofpathways.org

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TOWN OF JACKSON

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TOWN COUNCIL REGULAR MEETING

4

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ITEM TOPIC P05-126:

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Pine Glades Sketch Plan & Planned Unit
Development for a 39-unit Development at
10, 30 and 40 Spruce Drive

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10 HELD AT:

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Town Hall
150 E. Pearl Avenue
Town Hall Council Chambers
Jackson, Wyoming 83001

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Monday, January 7, 2008
6:00 p.m.

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TRANSCRIPTION OF AUDIO - 55:33- 58:30

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Transcribed by:
Denise Nowak
Certified Shorthand Reporter
and Notary Public

25

1 P R O C E E D I N G S:

2 MAYOR BARRON: Further questions?

3 COUNCILWOMAN TURLEY: Dave, I was curious
4 about -- and maybe this is too detailed at this
5 point I guess, per Shawn's comments earlier, but
6 the applicant submittal talks a lot about
7 pedestrian and bike accessibility, so I was just
8 curious about how the tunnel would work in terms of
9 pedestrians and bikers using the tunnel, and if
10 there are lights and safety and ventilation. I do
11 see a sidewalk here with pedestrians. I don't see
12 room for a bike lane.

13 MR. TAYLOR: There is a sidewalk for road
14 bikes. There is not currently, at least shown, a
15 bike lane in the tunnel, or on the interior roads.
16 However, the interior roads are open to
17 non-vehicular/non-motorized vehicle access of the
18 general public. And we've built -- in consultation
19 with Pathways, we are designing to build over a
20 mile of mountain bike trails or hiking trails
21 across the property through which you could get to
22 the bottom of the hill. But for a road bike,
23 there's not a bike path in the tunnel right now.

24 COUNCILWOMAN TURLEY: It is well lit and
25 ventilated for pedestrians?

1 MR. TAYLOR: Yes. In fact, we're going -- the
2 police chief is concerned about my ability to keep
3 graffiti out of the tunnel. But our intention
4 actually is to have it very well lit and put some
5 form of metal cutout art in the tunnel to make it
6 interesting.

7 It's about 500 feet long. It takes about 20
8 seconds to drive through it, but I don't want
9 people to be afraid to drive through the tunnel.

10 ATTENDEE: Able to keep graffiti away from the
11 walls with it --

12 MR. TAYLOR: So how do you do this?

13 ATTENDEE: -- being open around the schools
14 and whatnot.

15 MR. TAYLOR: Probably why I wanted to put a
16 gate at the entrance, but...

17 COUNCILWOMAN TURLEY: Well that gets at my
18 other question. I'm glad to hear that you aren't
19 putting a gate at the entrance, but I do wonder, if
20 that's a private drivethrough and you want to
21 discourage people from entering there if they
22 aren't residents or visitors to the development --

23 MR. TAYLOR: No, it's open to the public.

24 COUNCILWOMAN TURLEY: Okay.

25 MR. TAYLOR: It will have a public easement

1 probably, I guess to Pathways, but for
2 non-motorized vehicles.

3 COUNCILWOMAN TURLEY: So what will be your
4 signage there to discourage vehicles from using it
5 that aren't attempting to access the development?

6 MR. TAYLOR: I haven't written it yet, but I
7 suppose it would say Private Drive, non...

8 ATTENDEE: No Through Traffic.

9 MR. TAYLOR: No Through Traffic.

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1 REPORTER'S CERTIFICATE

2

3 STATE OF IDAHO }
4 COUNTY OF FREMONT } ss.:

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6 I, Denise Nowak, a Shorthand Reporter
7 and Notary Public within and for the State of
8 Idaho, do hereby certify:

9 That I reported the proceedings
10 in the within entitled matter, and that
11 the within transcript is a true record of
12 such proceedings.

13 I further certify that I am not
14 related, by blood or marriage, to any of
15 the parties in this matter and that I am
16 in no way interested in the outcome of
17 this matter.

18 IN WITNESS WHEREOF, I have hereunto
19 set my hand this 3rd day of April, 2019.

20

21

22 -----
23 DENISE NOWAK
24 Notary Public State of Idaho
25 My Commission Expires: 3/13/2021

PROJECT SUMMARY:

This application proposes development of a clustered community of 27 market priced townhomes and 12 affordable condominiums to be known as Pine Glades on 17.11 acres located at 10 and 40 Spruce Drive. The proposed access to the property uses innovative road design and extensive pathways to substantially minimize disturbance and visual impact. The property lies within the Suburban Residential (SR) zoning district and is in neither the NRO nor SRO. It is bordered on the east by the Snow King Ski Area, on the north and west by residential development, and on the south by the Bridger-Teton National Forest. The entire parcel slopes steadily from the south to the north and is heavily forested with mature Douglas Fir trees.

Recognizing the difficulties and negative impacts of the previously approved single-family subdivision, we have chosen an alternate approach that seeks to minimize the impacts of development and to respect and accentuate the positive characteristics of the property. To achieve this we undertook an extensive study of the property and solicited, received, and listened to input from the community and Town planners. Based on this process of study and listening we believe we have taken development challenges and turned them into opportunities - opportunities to provide the Town of Jackson with a high quality development project that enhances the neighborhood, maintains the character of the site, and that unit owners and neighbors alike can appreciate and enjoy.

To accomplish these goals given the size and unique characteristics of the property required the flexibility in design afforded a Planned Unit Development ("PUD"). The conceptual design of this project dovetails with all of the PUD standards, most notably provision for the efficient development and use of streets, utilities, and pathways, preservation of unique natural and scenic features, and maximizing open space, all resulting in a development achieving high quality design.

The overall design of the development consists of two roads running parallel with the existing slopes of the site and partially beneath the buildings, thereby minimizing the visual impact of the project and resulting in the least site disturbance possible. The location and layout of the buildings is designed to minimize visual and environmental impacts by incorporating drive aisles and parking areas below the buildings, eliminating the need for individual driveways and minimizing site disturbance and lot coverage by stacking parking and living uses.

The application proposes access to the property via a road originating at the southern terminus of Cache Street and extending up the slopes of Snow King below ground to minimize impacts. Once the "tunnel" reaches the north east corner of the property it

resurfaces and the internal roads then access each row of buildings at a single location, substantially limiting the length of road necessary. With this design, wildlife migration is least impacted and pedestrian pathways from Pine, Spruce and Wister Drives to Snow King and Bridger-Teton National Forest can be achieved.

Numerous public benefits are being proposed with this project, including:

- elimination of traffic disturbance on the surrounding neighborhood;
- a 50 foot diameter turnaround at the southern end of Pine Drive;
- an easement for the Town to construct a turnaround at the eastern end of Wister Drive should future demand require;
- enlargement of the Town's water booster pump(s) at the base of the hill to improve inadequate water pressures in the area;
- one mile of additions to pathways and pedestrian easements;
- a pedestrian easement to access Snow King from the eastern end of Spruce Drive;
- an easement expanding skiable terrain across the southeast corner of the property;
- new pedestrian and bicycle access from the south end of Pine Drive to the Sink-or-Swim trail in the Bridger-Teton National Forest; and
- providing more than twice the minimum affordable housing requirement.

The architectural design eloquently expresses recognition of traditional mountain west building styles, current design techniques, the challenging building site, and a respect for the surroundings. Construction materials will include wood, stone, and roofing and siding shingles in muted colors designed to blend with the hillside and minimize visual impact.

Review Procedures, Standards & Criteria: This application is for a PUD and Conditional Use Permit subject to the development standards within Article IV.

- The PUD application is subject to the review standards outlined in LDR §2170.J, Criteria for Review (of PUDs), §2170.I, Flexible Development Standards (for PUDs), and §52100.E, Development Plan Standards.
- Since LDR §49190, Development in Hillside Areas, requires a development proposal in hillside areas having an average cross slope of 10% or greater to obtain a Conditional Use Permit, we are also applying for a Conditional Use Permit subject to the review standards in §52100.E, Development Plan Standards, §49190.D, and §5140.B and requesting that the Conditional use Permit application be combined with the Development Plan Application as permitted by to LDR §51200.C.2, Multiple Applications.

Project Evolution: Over the course of the past three years we have sought community input for the project, held workshops with the Town Council and Planning Commission, open houses for neighbors and the public, and most recently received Sketch Plan approval from both the Planning Commission and Town Council. The result has been more than two dozen modifications to the original design – virtually every one of which has resulted in an improved project. Following is a list of the more significant revisions:

Significant Revisions since Sketch Plan Approval

- Increased roadway clearance under buildings to in excess of 11 feet, permitting a wider range of delivery vehicles and also increasing overall building height.
- Eliminated the need for an access road from Wister by creating a turnaround for the Fire Department at the end of the lower road.
- Increased guest parking by adding covered parking spaces between buildings
- Proposed improvements to the Pine/Cache intersection

Significant Revisions since Initial Public Workshops

- Reduced number of market units from 44 to 27
- Reduced number of buildings from 13 to 10
- Reduced building scale from 4 units per building to 2 and 3 units per building
- Relocated Buildings and Roadways to Minimize Tree Removal
- Increased Affordable Housing to provide twice the minimum required
- Located Affordable Housing On-Site
- Further clustered buildings into under 5 acres
- Moved several buildings outside of Avalanche Zone
- Developed photo-realistic 3D visual impact model which shows nominal impact on scenic assets
- Eliminated Switchbacks by Acquiring #40 Spruce Drive
- Commitment to LEED certification – may be 1st residential project in the state
- Enhanced for improved Fire Department Access to the Snow King hillside, including added turnouts, expanded street widths, and added emergency access points
- Substantial additions to Pathways, Side Walks and Ski Easements
- Eliminated Gate House at entrance
- Developed Comprehensive Construction Management Plan
- Developed Environmental, Recycling & Waste Management Plan
- Construct a 50 ft. diameter cul-de-sac for Town at the end of Pine Drive

Section 2170.J. 10, Emergency access. Adequate, approved access to all structures by emergency vehicles shall be provided.

The plans have been carefully designed and re-designed to ensure emergency access is provided to all areas of the development. This includes emergency vehicle access at both ends and in the middle of both rows of buildings, appropriately located vehicle turnarounds, and safe, convenient access between rows of buildings. Roadway clearances exceed 13' 6" on the primary access road for fire truck access and 11'3" within the buildings for ambulance access to individual units.

Section 2170.J. 11, Streetscapes. All Planned Unit Developments with frontage on a public street or approved private street shall provide safe, inviting, and attractive streetscapes. Where appropriate, residential units, including outdoor spaces such as porches, decks, and balconies, shall be oriented to the street yard, and where appropriate, streetscapes shall not be dominated by parked vehicles and garage entrances. Trash enclosures and dumpsters shall not be located in street yards or adjacent to any street.

Considering the location of the proposed project within a forest apart from traditional neighborhood development, it is difficult to apply the criteria that front setbacks should create an attractive streetscape. Nevertheless, the proposal includes pedestrian pathways, in the form of public trail access easements fronting the lower row of buildings, allowing pedestrian access from the Pine and Wister Drive neighborhoods to the Snow King Ski Area and the Bridger-Teton National Forest. The design of the buildings follows the contours of the site. This, along with the use of decks, porches and balconies, and the retention, to the greatest extent possible, of the current forested character of the site, will result in a comfortable and pleasing pedestrian environment.

By locating the vehicular access to the site and the parking primarily below grade and placing the buildings above these features, the development dramatically limits the amount of land covered by structures, resulting in extensive open space for a project of this scale. Considering the amount of open space and the proposal to provide trail easements across the site, the front setbacks proposed create abundant functional open space. The relative isolation of the development site from the street, coupled with the proposal to locate the buildings well back from the front lot line, result in a minimal, and perhaps non-existent, impact on access to light and air from the street.

Section 2170.J. 12, Pedestrian system. Walkways shall form a logical, safe, and convenient system for pedestrian access to all dwelling units, project facilities and amenities, and principal off-site pedestrian destinations. Provision shall be made for pedestrian and bicycle travel in accordance with Pathways in Jackson Hole, A Conceptual Plan (March 1992). Linkages to schools, parks, public lands, and pathways existing on adjacent properties shall be provided.

The development will provide at least four pedestrian access easements across the property providing a link from the neighborhoods on the west to Snow King slopes and beyond. Pedestrian access to and from each unit is provided within the design. In addition, each unit within the development will have ski in and ski out access.

Section 52100.E.5, Conditional and Special Uses The proposed Development Plan shall comply with the conditional or special use standards, as applicable, pursuant to §5140.B, Conditional Use Standards or §5140.C, Special Use Standards, if the proposed use is specified as a Conditional or Special use in Table 2200, Use Schedule.

Section 5140.B, Conditional Use Standards. The issuance of a Conditional use permit shall be dependent upon findings that the proposed use, as conditioned, fully complies with these Land Development Regulations. A Conditional use not involving a new or remodeled structure may be issued on a temporary or term basis in order to determine and demonstrate the nature and extent of any adverse effects of the Conditional use. The Town Council may also attach any other conditions deemed appropriate, including conformity to a specific site plan, to ensure compliance with the following standards.

Section 5140.B.1, Consistent with Comprehensive Plan The proposed Conditional use shall be consistent with the goals, objectives and policies of the Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use;

Please see above discussion of the projects consistency with the Comprehensive Plan under both the PUD and Development Plan sections of this report.

Section 5140.B.2, Compatibility The proposed Conditional use shall be compatible with the scale and character of the immediate vicinity of the land proposed for development.

The density and design of the development is compatible with both the density or the surrounding SR zoned neighborhood and the character of the neighboring development. Density is below what is currently present in the surrounding neighborhood and allowed in the SR zoning district. Though practically invisible from surrounding homes due to building locations and heavy tree cover, the design of the development, with a clustering of buildings and a separation of modules intended to minimize scale, results in a mass and scale that maintains and enhances the character of the neighboring subdivisions.

SUBDIVISION IMPROVEMENT AGREEMENT

RELEASED	
INDEXED	✓
ABSTRACTED	✓
SCANNED	

THIS AGREEMENT dated this 31st day of December, 2010, by and between PINE GLADES DEVELOPMENT, LLC, hereinafter referred to as "Subdivider", and the TOWN OF JACKSON, a municipal corporation of the State of Wyoming, hereinafter referred to as the "Town", provides as follows:

WHEREAS, Subdivider is required to construct certain public improvements (the "improvements") as a condition of the approval of the final plat and associated Final Development Plan; and

WHEREAS, the Town of Jackson Land Development Regulations require that a subdivision agreement for public improvements be executed by the Subdivider and the Town and recorded in the Office of the Teton County Clerk and Recorder; and

WHEREAS, the Town Council approves of the terms and conditions of this agreement for the Final Plat Subdivision designated as the Pine Glades Townhomes. Phase One Addition to the Town of Jackson; and

WHEREAS, this Subdivision Improvement Agreement supersedes the Development Agreement executed by the Town and the Developer on July 9, 2008.

NOW, THEREFORE, IT IS HEREBY AGREED that for and in consideration of the aforesaid premises and the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, paid by each of the said parties to the other, Subdivider on its own behalf or any successor in interest or assign, and the Town do mutually covenant and agree as follows:

1. SUBDIVIDER TO COMPLY

Subdivider shall comply with all improvement requirements contained in Section 6140 A. of the Town of Jackson Land Development Regulations, the Development Plan approved by Town Council on January 22, 2008 and subdivision improvement plans and specifications retained on file in the office of the Town Engineer the Planning Director, and the requirements of the Town Planning and Zoning Commission and Town Council for this subdivision and additional improvements as set forth within this document. Improvements shall be engineered, designed, constructed, and installed solely at Subdivider's own cost.

2. DEVELOPMENT PLAN AND FINAL PLAT REQUIREMENTS INCORPORATED

The requirements of the Town Council, as set forth in its approval of any required Final Development Plan, Conditional Use Permit, and Final Plat are hereby incorporated herein by reference as though fully set forth. Development and use of all land within the

GRANTOR: PINE GLADES DEVELOPMENT LLC ET AL
GRANTEE: PINE GLADES DEVELOPMENT LLC ET AL
Doc 0767878 bk 750 pg 263-274 Filed At 16:09 ON 02/09/10
Sherry L. Daigle Teton County Clerk fees: 53.00
By Mary Smith Deputy

subdivision is limited to that conveyed by the Final Plat, Pine Glades Townhome Covenants and the Land Development Regulations of the Town of Jackson, as they may be amended from time to time.

3. APPROVED SUBDIVISION INFRASTRUCTURE IMPROVEMENT PLANS AND SPECIFICATIONS

The subdivision infrastructure improvement plans and specifications filed by Subdivider or its agents, as approved by the Town Engineer and maintained on file in the office of the Town Engineer, and any revision of said improvement plans and specifications approved by said Town Engineer and additional improvements as set forth within this document are hereby incorporated herein by reference as though fully set forth. All public improvement work required by Subdivider under this agreement shall be in accordance with said improvement plans and specifications.

4. ESTIMATED COST OF SUBDIVISION INFRASTRUCTURE IMPROVEMENTS AND SECURITY THEREFORE

The list of improvements and upgrades together with the total cost of improvements and upgrades required by this agreement as estimated by the Town Engineer is attached hereto as **Attachment "A"** and by this reference made a part hereof. Subdivider shall deposit with the Town, prior to filing of the Final Plat, an irrevocable letter of credit, or performance and payment bond, or funds in escrow, or other equivalent security or commitment approved by the Town Council. Such security shall be in the amount of 125% of the estimate approved by the Town Engineer and Planning Director (the "Security") and such security amount shall be released as portions of work are completed and reasonably approved for release by the Town Engineer per Paragraph 12 below.

5. ESTIMATED COST OF OTHER SUBDIVISION IMPROVEMENTS AND SECURITY THEREFORE

Affordable Housing Obligation. Subdivider has made minor modifications to two existing two bedroom units one of which will qualify as a two bedroom Category I unit and one of which will qualify as a two bedroom Category II unit under the Teton County Housing Authority Guidelines (collectively, the "Existing Affordable Units"). Subdivider shall construct the following: (i) six two bedroom units all of which qualify as two bedroom Category Six units under the Teton County Housing Authority Guidelines; (ii) two one bedrooms units one of which will qualify as a one bedroom Category I unit under the Teton County Housing Authority Guidelines and one of which will qualify as a one bedroom Category II unit under the Teton County Housing Authority Guidelines; and (iii) two one bedroom units all of which will qualify as one bedroom Category III units under the Teton County Housing Authority Guidelines (the "New Affordable Units") (the Existing Affordable Units and the New Affordable Units shall be collectively referred to herein as the "Affordable Housing Units"). The construction of the New Affordable Units shall be completed within two (2) years of the recordation of the Final Plat for the

Pine Glades Townhomes Phase One Addition to the Town of Jackson. In the event that said units are not completed on or before such two year anniversary of the recordation of the Final Plat for the Pine Glades Townhomes Phase One Addition to the Town of Jackson, Lot F of the Pine Glades Townhomes Phase One Addition to the Town of Jackson shall be conveyed to the Town of Jackson and all construction plans required to complete said structure shall be delivered to the Town of Jackson.

6. PUBLIC PATHWAYS

The Public Pathways delineated as "public ski/hike trails" on the site plan of the Final Development Plan approved by Council, requires that the developer complete the installation of the Public Pathways as part of the overall improvements described in Attachment "A". At such a time that the Town determines that public access is safe and appropriate, the Developer shall receive a letter from the Town requesting that all required work necessary (survey, design and installation) of an approved Public Pathway or Public Pathway segment shall be completed within six months of the request. The developer may be granted an extension for the completion based on a determination by the Town Engineer that weather conditions has precluded progress.

7. UNDERGROUND ELECTRICAL POWER, TELEPHONE, TELEGRAPH, CABLE TELEVISION, AND GAS FACILITIES

All electrical power, telephone and telegraph communication, cable television, and gas facilities within the subdivision shall be installed underground, except that above-ground facilities necessary to serve underground facilities, other installation of peripheral overhead electrical transmission and distribution feeder lines, or other installation of either temporary or peripheral overhead communications, distance, trunk, or feeder lines may be allowed. Subdivider understands and agrees that any and all said facilities that are to be constructed within or under any street improvements shall be in place prior to the construction of the surface street improvements. Subdivider affirms that the public utility companies, including the cable television company enfranchised by the Town, providing the said services and facilities to and within the subdivision have been directly consulted by Subdivider through its officers, agents, or employees and that Subdivider is informed as to the approximate cost to Subdivider of the provision and installation of said facilities and services underground and that the requirements for said facilities have been considered in the preparation of the subdivision improvement plans.

8. EXACTIONS:

Subdivider shall pay exactions for the following purposes and in the following amounts to the Town prior to the filing of the Final Plat:

Parks Exactions:	\$ 29,000.00
School Exaction:	\$ 23,000.00

9 TIME FOR COMPLETION:

Subdivider agrees to install all improvements as required including off-site improvements and further agrees that all such work of improvements shall be fully completed on or before July 14, 2010, unless said time upon written request of Subdivider made to the Town Engineer of the Town is extended by the Town, which extension shall not be unreasonably withheld.

No occupancy of shall be granted for any Phase One building until all the improvements, dedications and warranties listed on **Attachment "B"** have been completed and approved by the Town. The Town shall accept no building permit applications for Phase Two until Subdivider and the Town have negotiated and executed a new Development Agreement for outstanding improvements required by the Final Development Plan.

10. WARRANTY:

All work and improvements required pursuant to this agreement and the ordinances of the Town shall be subject to and shall carry a guarantee and warranty for all work and materials for a period of one (1) year from the date of acceptance, which shall be for the benefit of the Town and this obligation shall survive any release of security by the Town. The Subdivider shall post maintenance bonds or appropriate letters of credit to secure the warranties equal to 20% of the total estimated cost of construction.

11. LIABILITY:

Subdivider agrees to carry a comprehensive general liability policy with minimum limits of \$500,000 for each occurrence and \$1,000,000 annual aggregate for bodily injury and \$500,000 for each occurrence and \$1,000,000 annual aggregate for property damage or a combined single limit policy with minimum limits of \$1,000,000 for each occurrence and \$2,000,000 annual aggregate which includes coverage for manufacturer and contractors, independent contractors, products, completed operations, maintenance of the utility tunnel (and all associated heating, access, ventilation and structure systems) and personal injury. Subdivider also agrees to name the Town as an additional named insured as respects the contract, and a certificate of insurance covering these items shall be filed with the Town Engineer prior to the filing of the Final Plat.

12. PERFORMANCE TESTING AND INSPECTION:

Subdivider shall be required to obtain a Town approved State of Wyoming licensed engineer to perform and/or monitor all testing required per the Town standards.

Subdivider shall be responsible for obtaining all required Town permitting and abiding by the conditions set forth within same. Subdivider shall be required to complete all construction work and necessary performance tests on installed infrastructure per the Grading Permit application. Subdivider shall be responsible for the preparation of daily inspection reports and tests results. This information shall be submitted to the Town

Engineer. The Town shall have the right, but not the obligation, to be present at any and all such performance tests and to perform periodic observation of any and all phases of construction. Subdivider shall notify the Public Works Department prior to the commencement of any performance test or any placement of asphalt pavement or concrete curb and gutter and shall provide placement for a representative of the Town to be present at the test or placement.

13. RELEASE OF SECURITY: As improvements are completed, the Subdivider may submit a written request to the Town Engineer for a release of part or all of the Security. Upon inspection and approval, the Town Engineer may release the requested amount of the Security or portion thereof. If the Town Engineer determines that any of the improvements are not constructed in substantial compliance with approved plans and specifications and/or requirements, the Town Engineer shall furnish the Subdivider a list of specific deficiencies and shall be entitled to withhold collateral sufficient to ensure compliance. If the Town Engineer determines that the Subdivider has not constructed any or all of the improvements in accordance with the approved plans and specifications and/or requirements, the Town Engineer shall draw and expend from the Security such funds as may be necessary to construct the improvements in accordance with the approved plans and specifications and/or requirements. Release of the Security does not constitute certification of compliance with the standards of the Land Development Regulations or any applicable code or other requirement or a release of the responsibility of the Subdivider. The Town has the right to withhold issuance of certificates of occupancy for improvements in future phases if Subdivider or its agents, successors or assigns, has not repaired public infrastructure that has been damaged by Subdivider, its agents, successors or assigns during future construction related activities.

14. DEVELOPMENT COORDINATION:

Unless specifically provided in this Agreement to the contrary, the contact person representing the Town shall be the Town Engineer who shall have general responsibility for coordinating development of the improvements required herein. Subdivider shall notify the Town Engineer when improvements shall be installed. The Planning Director shall coordinate development exactions related to parks fees, school fees and affordable housing or construction of affordable housing.

15. ACCEPTANCE:

THE TOWN SHALL NOT BE RESPONSIBLE FOR ANY IMPROVEMENTS, MAINTENANCE, OR CARE UNTIL THE SAME SHALL BE ACCEPTED, NOR SHALL THE TOWN EXERCISE ANY CONTROL OVER THE IMPROVEMENTS UNTIL ACCEPTED. NO OCCUPANCY WILL BE GRANTED WITHIN THE DEVELOPMENT UNTIL THE PUBLIC UTILITIES AND OTHER OUTSTANDING PUBLIC SAFETY CONCERNS (AS LISTED IN ATTACHMENT "B") HAVE BEEN ACCEPTED. THE TOWN MAY PERMIT OCCUPANCY AND DELAY THE ACCEPTANCE OF IMPROVEMENTS PROVIDED PUBLIC SAFETY CONCERNS HAVE BEEN ADDRESSED BY SUBDIVIDER AS DETERMINED BY THE TOWN PURSUANT TO

TOWN REGULATIONS. The following administrative procedure for acceptance of improvements:

- (1) Prior to acceptance. The Town shall not have any responsibility with respect to any improvement, notwithstanding the use of the same by the public, unless the improvements have been formally accepted by the Town and the Subdivider has provided all necessary warranty bonds.
- (2) Request for Acceptance. Upon completion of the improvements, the Subdivider may request, in writing, their acceptance by the Town. This request shall be accompanied by proof that there are no outstanding judgments or liens against the land upon which the public improvements are located. Upon acceptance of the public improvements located within the utility tunnel, the following provisions shall be included within the granting document or a separate document to be recorded against the property: (i) the Pine Glades Homeowners Association shall indemnify and hold the Town harmless from any and all personal injury or property damage to the public infrastructure located within the utility tunnel resulting from the Pine Glades Homeowners Association negligently maintaining the utility tunnel (including but not limited to its obligation to maintain and operate the heat within the tunnel and its obligation to keep the tunnel water-sealed); (ii) the Pine Glades Homeowners Association shall keep the utility tunnel insured against loss or damage, for its full insurable value by a company authorized to do business in Wyoming and shall furnish the Town with a certificate of such insurance; and (iii) upon notice from Lower Valley Energy, or its successors, of the nonpayment of electricity invoices for the utility tunnel by the Pine Glades Homeowners Association, the Town shall have the right to pay for such electrical services and all invoices, together with costs and reasonable attorneys' fees without waiving the fact that such electrical services, invoices and reasonable attorneys' fees shall be and remain the personal obligation of each lot and residential units within Pine Glades (all phases) and shall be a lien upon each lot and residential unit within Pine Glades (all phases) until paid in full.
- (3) Final Inspection. Upon receipt of a written request for acceptance from Subdivider, the Town Engineer and Town Planning Director will conduct a final inspection of the public improvements and will furnish a written list of any deficiencies noted. The Town Engineer and Town Planning Director will base the inspection on compliance with the approved Final Development Plan, construction plans, profiles and specifications, as required by the Land Development Regulations, development permits and Final Development Plan. Upon satisfactory completion of all construction in accordance with the approved plans, profiles and specifications, as certified by a registered engineer in the State of Wyoming, and receipt of reproducible record drawings and satisfactory test results, the Town Engineer will notify the Subdivider in writing of the Town's approval of

the public improvements and schedule the request for approval of the bill of sale by the Town Council.

- (4) Record Drawings. Prior to the acceptance of any completed improvements, record drawings and specifications for streets, water, sewer, drainage and other facilities must be submitted to the Town Engineer. The plans shall be submitted in a computerized electronic media format deemed suitable by the Town Engineer and shall be accompanied by two (2) sets of prints. The plans shall show the detailed location of all utilities including service lines to lots. A permanent benchmark shall be described on each sheet.
- (5) Certifications. The following certification by the project engineer shall appear on the face of the record drawings:

Record Plans Certificate

These record plans were prepared under my direct supervision and control and are accurate representation of the public improvements shown hereon as they were constructed. The improvements as installed conform to the requirements of the Wyoming Department of the Environmental Quality, the Wyoming Department of Transportation, the Town of Jackson and other applicable agencies. Where the improvements were constructed in a different manner, form, type, alignment, location or material than as originally approved, they have been so noted.

(Engineer's Signature)

(Engineer's Name, Printed) Date

Wyoming P.E. No.

- (6) Notification of Acceptance. Upon action of the Town Council to accept the improvements, the Town Engineer shall notify the Subdivider in writing of the Town's acceptance.
- (7) Responsibility to Maintain. Upon acceptance by the Town, all responsibility for the public improvements shall be assumed by the Town, except that the Subdivider shall be subject to a one (1) year warranty on the construction of the improvements from the time of acceptance by the Town.

16. NOTICES

Any notice or communication required or permitted herein shall be given in writing and shall be personally delivered or sent by United States mail, postage prepaid, registered or certified mail, return receipt requested, addressed as follows:

Town: Town of Jackson
Attention: Town Engineer
P.O. Box 1687

Jackson, WY 83001

Subdivider: Pine Glades Development, LLC
P.O. Box 642
Jackson, WY 83001

Either party upon written notification sent via United States Mail, return receipt requested, may change mailing addresses and contact information.

17. BINDING EFFECT OF AGREEMENT AND MODIFICATIONS

This agreement shall run with the land included within the subdivision and shall inure to the benefit of and be binding upon the successors and assigns of the parties hereto. No modification of the terms of this agreement shall be valid unless in writing and executed with the same formality as this agreement, and no waiver of the breach of the provisions of any section of this agreement shall be construed as a waiver of any subsequent breach of the same section or any other sections which are contained herein.

18. TITLE AND AUTHORITY

Subdivider warrants to the Town that it is the record owner of the Subject Property upon which the development shall be constructed or is acting in accordance with the authority of the owner. The undersigned further warrants having full power and authority to enter into this Agreement.

19. SEVERABILITY

This agreement is to be governed and construed according to the laws of the State of Wyoming. In the event that any provision of this Agreement is held to be in violation of Town, State or Federal laws and hereby rendered invalid or unenforceable as to any party or circumstance, such finding shall not render that provision invalid or unenforceable as to any other persons or circumstances. If feasible, any such offending provision shall be deemed to be modified to be within the limits of enforceability or validity; however, if the offending provision cannot be so modified, it shall be stricken and all other provisions of this Agreement in all other respects shall remain valid and enforceable.

**TOWN OF JACKSON,
a municipal corporation
of the State of Wyoming**

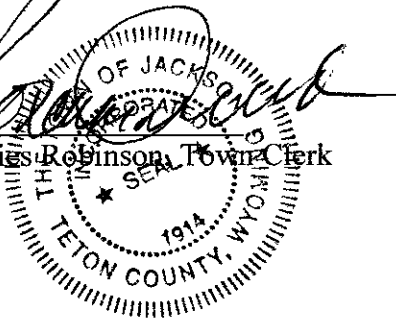

Mark Barron, Mayor

APPROVED AS TO FORM:


Audrey Cole
Town Attorney

ATTEST

Roxanne Devries Robinson, Town Clerk



CONTENTS:

Town Engineer

Planning Director

STATE OF WYOMING)
)ss.
COUNTY OF TETON)

The foregoing instrument was acknowledged before me by Audrey Cohen-Davis as Town Attorney of the Town of Jackson this 9th day of FEBRUARY, 2010.

Witness my hand and official seal.

Notary Public

My commission Expires: 6/29/11

STATE OF WYOMING)
)ss.
COUNTY OF TETON)

The foregoing instrument was acknowledged before me by Shawn P. O'Malley as Town Engineer of the Town of Jackson this 9th day of FEBRUARY, 2010.

Witness my hand and official seal.

Notary Public

My commission Expires: 6/29/11

STATE OF WYOMING)
)ss.
COUNTY OF TETON)

The foregoing instrument was acknowledged before me by Tyler Sinclair as Planning Director of the Town of Jackson this 9th day of FEBRUARY, 2010.

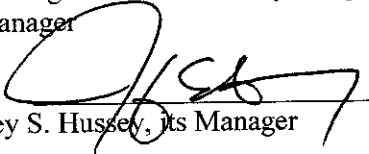
Witness my hand and official seal.

Notary Public

My commission Expires: 6/29/11

Pine Glades Development, LLC,
a Wyoming limited liability company

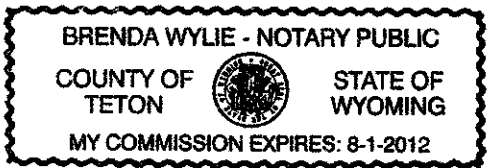
By Fluid Capital, LLC,
a Washington limited liability company,
its Manager

By 
Jeffrey S. Hussey, its Manager

STATE OF Wyoming)
COUNTY OF Teton) ss.

The foregoing instrument was acknowledged before me by Jeffrey S. Hussey, as Manager of Fluid Capital, LLC, a Washington limited liability company, as Manager of Pine Glades Development, LLC, a Wyoming limited liability company, this 31st day of December, 2009.

Witness my hand and official seal.



Brenda Wylie
Notary Public
My commission expires: 8-1-2012

Attachment "A"

The following costs are being provided as an estimate of the total remaining work for the Pine Glades Development. Please note that the total bond amount indicated can be used for the completion of any portion of work not completed and accepted by the Town.

South Cache Streetscape Improvements (Pine Glades Development)

Item	Quantity	Unit Measurement	Price	Cost
Concrete Curb & Gutter	814	LF	\$55.00	\$44,770.00
Concrete Valley Gutter	180	SF	\$20.00	\$3,600.00
Concrete Sidewalk	2150	SF	\$12.00	\$25,800.00
Retaining Wall	160	LF	\$70.00	\$11,200.00
12-inch PVC Pipe	89	LF	\$85.00	\$7,565.00
Storm Manhole	2	EA	\$3,500.00	\$7,000.00
Storm Catch Basin	3	EA	\$4,500.00	\$13,500.00
Connection to Existing Storm Drain	3	EA	\$1,750.00	\$5,250.00
Crush Gravel Base	380	TON	\$40.00	\$15,200.00
Bituminous Concrete Pavement	185	TON	\$135.00	\$24,975.00
Landscaping & Pavers	1	LS	\$20,000.00	\$20,000.00
TOTAL				\$178,860.00

Pine Drive West of Cache (Road Repairs)

Item	Quantity	Unit Measurement	Price	Cost
Crush Gravel Base	285	TON	\$40.00	\$11,400.00
Bituminous Concrete Pavement	145	TON	\$135.00	\$19,575.00
TOTAL				\$30,975.00

Spruce Drive West of Millward (Road Repairs)

Item	Quantity	Unit Measurement	Price	Cost
Crush Gravel Base	325	TON	\$40.00	\$13,000.00
Bituminous Concrete Pavement	165	TON	\$135.00	\$22,275.00
TOTAL				\$35,275.00

Pathway (Pine Glades Development)

Item	Quantity	Unit Measurement	Price	Cost
Pathway	4,200	LF	\$4.00	\$16,800.00
TOTAL				\$16,800.00

Site Grading	\$30,000.00
Utility Tunnel	\$40,000.00
Storm system (Lower Road)	\$10,000.00
Fire Hydrants (lower road)	\$9,000.00

Bond	\$350,910.00
Bond Total x 1.25	\$438,637.50

Attachment “B”

The following will be completed prior to the Town granting occupancy for Pine Glads Phase One buildings.

Item
Complete Grading, slopes and drainage swales behind buildings
Engineering approval of all retaining walls and slopes above four feet in height will be provided
Gate at the end of Pine Drive will be completed
Dedication and warranty for the purchased fire hydrants, water and sewer system shall be completed or deferral of dedication of water and sewer infrastructure if approved by the Town



PLANNING & BUILDING DEPARTMENT

August 16, 2011

Pine Glades Development, LLC
Attn: Adam Scott
P.O. Box 642
Jackson, WY 83001

Re: Item P11-025 – Minor Deviation
Pine Glades Planned Unit Development
30-266 Pine Glades Drive; 150-270 Jessica Lane

Dear Mr. Scott:

This letter is to confirm that pursuant to Section 51200.J of the Town of Jackson Land Development Regulations, the Planning Director **approved** your request for a Minor Deviation of the Final Development Plan for the Pine Glades Planned Unit Development, subject to the attached Project Reviews. This Minor Deviation allows the relocation of the Sink-or-Swim pathway connection from the Pine Drive turnabout to the west end of the development near Building "S1" as depicted in the proposed site plan.

Please note that any revisions to the Final Development Plan shall be reviewed and approved by the Planning Director. Approval of any changes to the Final Development Plan shall be in accordance with Section 51200.J. Minor Deviations and 51200.K. Amendment to a Development Plan permit of the Town of Jackson Land Development Regulations.

Should you have any questions, please contact Shawn Hill at 733-0440, Ext. 1303.

Respectfully,



Tyler Sinclair, AICP
Director of Planning & Building

TS:ad

Enclosure

pc: Brenda Wylie, Wylie Law Firm

Town of Jackson
Project Plan Review History

Project Number P11-025
Project Name Re-locate multi-use pathway
Type MINOR DEVIATION
Subtype FDP
Status APPROVED

Applied 6/21/2011 AD
Approved 8/15/2011 AD
Closed
Expired
Status 8/15/2011 AD

Applicant Pine Glades Development, LLC

Owner PINE GLADES DEVELOPMENT, LLC

Site Address
 30-266 Pine Glades Drive, etal

City
 Jackson

State WY
Zip 83001

Subdivision

Parcel No
 22411633438006

General Plan

Type of Review	Status	Dates			Remarks
		Sent	Due	Received	
Contact Notes Fire <none> Kathy Clay, Fire Inspector Jackson Hole Fire/EMS 733-4732	APPROVED W/COND	6/22/2011	6/22/2011	7/5/2011	

1. 20' fire access lanes shall be maintained through the GCE-roadways through the subdivision.

Legal A Cohen-Davis	APPROVED	6/22/2011	6/22/2011	6/30/2011	
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Parks and Rec <none>	APPROVED	6/22/2011	6/22/2011	7/5/2011	
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Pathways Brian Schilling	APPROVED	6/22/2011	6/22/2011	7/5/2011	
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Planning Shawn Hill	APPROVED W/COND	6/22/2011	6/22/2011	7/5/2011	
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1. The applicant shall not obstruct public access on the proposed pathway.
2. The applicant shall not obstruct public access on the Town of Jackson access easement designated as GCE-Roadway on the Pine Glades Townhomes Phase One Addition plat.
3. The applicant shall place signage at the Cache Avenue and Pine Drive accesses stating that public access is granted to pedestrians and bicyclists. This signage shall be installed prior to building permit issuance for any future building within the Pine Glades PUD or by October 15, 2011, whichever comes first.
4. The applicant shall have a survey prepared that documents the final alignment of the pathway and record said survey prior to October 15, 2011, and provide notification to the Planning Department. This survey shall also include an element ensuring public access on the trail itself as well as each end of the trail alignment.

Police <none>	APPROVED	6/22/2011	6/22/2011	6/24/2011	No police concerns
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Type of Review Contact Notes	Status	Dates			Remarks
		Sent	Due	Received	
Public Works Shawn OMalley	APPROVED	6/22/2011	6/22/2011	6/23/2011	No Engineer concerns

CERTIFICATE OF OWNER

State of Wyoming)
County of Teton) ss.
Town of Jackson)

The undersigned owner hereby certifies that the foregoing subdivision of Lot 9 of Block 7 of the Aspen Hill Lots, a subdivision of record in the Office of the Clerk of Teton County, Wyoming, as Plat No. 124, and that parcel of land located within the NE1/4SE1/4 Section 33, T41N, R116W, 6th P.M., as shown on this plat and more particularly described under the Certificate of Surveyor is with free consent and in accordance with the desire of the undersigned owner and proprietor of the described lands;

that the name of the subdivision shall be PINE GLADES TOWNHOMES PHASE ONE ADDITION TO THE TOWN OF JACKSON;

that this subdivision is subject to a Declaration of Covenants, Conditions, and Restrictions to be recorded in the Office of the Clerk of Teton County, Wyoming, concurrently with this plat;

that this subdivision is subject to any covenants, conditions, restrictions, easements, ditches, roadways, rights-of-way, common areas, reservations and building setback requirements as delineated on the Aspen Hill Lots Plat, recorded as Plat No. 124, on file in the Office of the Clerk of Teton County, Wyoming;

that this subdivision is in accordance with and subject to the terms and conditions of the PINE GLADES PUD Final Development Plan approved by the Town Council of Jackson, Wyoming, on January 22, 2008;

that access to this subdivision is from Pine Glades Drive;

that Pine Glades Drive and Jessica Lane are private roads serving this subdivision;

that emergency access to this subdivision is from Pine Drive through a break-away access system;

that this subdivision is subject to any covenants, conditions, restrictions, easements, ditches, roadways, rights-of-way, common areas, reservations and building setback requirements as delineated on Maps T-56A and T-56C on file in said Clerk's Office;

that this subdivision is subject to that Subdivision Improvement Agreement to be recorded concurrently with this plat;

that as of the date of recording this plat, this plat is subject to that certain Lien Statement executed by Sullivan Construction, LLC, claimant, recorded in the Office of the Teton County Clerk on April 27, 2009 in Book 727 of Photo, Pages 1 to 274 and that certain Amendment To and Partial Release of Lien executed by Sullivan Construction, LLC, claimant, recorded in the Office of the Teton County Clerk on June 30, 2009, in Book 734 of Photo, Pages 286 to 300;

that this subdivision is subject to that right-of-way easement granted to the Town of Jackson on file in Book 85 of Photo, Pages 251-253, records of Teton County, Wyoming;

that this subdivision is subject to that easement granted to Landmark Homes and Development Company, Inc. on file in Book 54 of Photo, Page 528, records of Teton County, Wyoming;

that this subdivision is subject to that easement granted to Jackson Hole Cable Telecommunications, Inc. on file in Book 54 of Photo, Page 529, records of Teton County, Wyoming;

that this subdivision is subject to that easement granted to Lower Valley Power and Light, Inc. on file in Book 54 of Photo, Page 530, records of Teton County, Wyoming;

that this subdivision is subject to that easement deed granted to Jackson Hole Cable TV, Ltd. on file in Book 87 of Photo, Pages 230-245, records of Teton County, Wyoming;

that this subdivision is subject to that easement granted to Lower Valley Power and Light, Inc. on file in Book 88 of Photo, Page 414, records of Teton County, Wyoming;

that this subdivision is subject to that easement deed granted to Jackson Cable Corp. on file in Book 120 of Photo, Pages 316-330, records of Teton County, Wyoming;

that this subdivision is subject to that easement deed granted to McCaw Cablevision Limited Partnership Jackson Hole on file in Book 174 of Photo, Pages 66-85, records of Teton County, Wyoming;

that this subdivision has the use and benefit of that Tunnel and Construction Easement Agreement on file in Book 705 of Photo, Pages 1188-1203, records of Teton County, Wyoming and that certain Amendment to Tunnel and Construction Easement Agreement to be recorded concurrently with this plat;

that this subdivision has the use and benefit of that Access, Utility, Roadway Maintenance and Construction Easement Agreement described in Book 705 of Photo, Pages 491-503, records of Teton County, Wyoming;

that this subdivision is subject to those access and/or utility easements hereby granted to the Town of Jackson as shown hereon and to those easements granted to the Town of Jackson by that certain Right-of-Way, Utility and Snow Storage Easement Agreement to be recorded concurrently with this plat;

that the Town of Jackson is hereby granted a utility easement in, under, over and across the entire GCE-Roadway, as shown hereon, except for those portions of the GCE - Roadway that are within those Lots designated as townhome lots, for purposes of installing water and sewer utility infrastructure and all appurtenances thereto;

that the Town of Jackson is hereby granted an access easement across the entire GCE-Roadway;

that the Town of Jackson is hereby granted an access and maintenance easement across the entire subdivision for purposes of accessing and maintaining all water valves, meters, shut-off boxes, sewer cleanouts, manholes and appurtenances thereto;

that this subdivision is subject to that 15 foot wide access easement and skier access easement set forth in that certain Access and Recreation Easement Agreement described in Book 706 of Photo, Pages 518 to 531, and that certain First Amendment to Access and Recreation Easement to be recorded concurrently with this plat and all amendments thereto;

that, pursuant to a condition required by the Town of Jackson of the approved Final Development Plan, the undersigned hereby reserves unto itself, its heirs, successors and assigns, the right to grant to the public a pedestrian easement to be located within Lot H;

that this subdivision is subject to that Access and Utility Easement Agreement granted to the owner of Lot 68 Aspen Highlands, Plat No. 175, as shown hereon and of record in Book 728 of Photo, Pages 208-215, records of Teton County;

CERTIFICATE OF OWNER (CONTINUED)

that this subdivision is subject to those Distribution Gas & Electric Easements of record in Book 735 of Photo, Pages 14-16, and in Book 735 of Photo, Pages 17-22, records of Teton County, Wyoming, as shown hereon;

that all owners of lots or units within the subdivision, and their heirs, successors, and assigns, the Town of Jackson, utility service providers, and emergency vehicles, including ambulances, fire-fighting vehicles, and police vehicles are hereby granted an access easement in and through that certain three dimensional airspace within Lots 1-14 as described and shown hereon, and such access easements are hereby declared to be a part of the GCE-Roadway;

that Lots A-E are subject to the access easements as shown hereon, and the undersigned, pursuant to the Final Development Plan hereby reserves the right to grant to all owners of lots or units within the subdivision, their heirs, successors, and assigns, the Town of Jackson, utility service providers, and emergency vehicles, including ambulances, fire-fighting vehicles, and police vehicles, an access easement in and through those certain three dimensional airspace within Lots A-E to be described in a future plat, and such access easements shall be declared to be a part of the GCE-Roadway;

that the Common Area, Lot H, including the GCE - Roadway, shall be conveyed by recorded deed to the Homeowners Association for common use and enjoyment of the Common Area by all owners of a lot or unit within this subdivision except for those portions of said Common Area being reserved and dedicated as Limited Common Elements and for those uses and areas restricted as noted on this plat and in those Declarations cited above;

that a non-exclusive easement in, over and across that portion of the GCE - Roadway (Pine Glades Drive and Jessica Lane), is hereby granted to each owner of a lot within Pine Glades Townhomes, their heirs, successors, and assigns for purposes of access to and from said lots and for underground utilities serving said lots;

that a non-exclusive easement in and through the Three-Dimensional Access Easement Across Lots 1-14 and A-E is hereby granted to each owner of a lot within Pine Glades Townhomes, their heirs, successors, and assigns for purposes of access to and from said lots;

that those portions of Common Area, Lot H, divided into Limited Common Elements as denoted by LCE followed by the number of the associated lot, are reserved for the exclusive use and enjoyment of the owner of such lot, subject to easements of sight and or of record including those granted hereon and subject to the rights of such owner, his heirs and assigns, and of the Homeowners Association and its authorized representatives to enter upon said Limited Common Elements for the purpose of installing, maintaining, or inspecting utility facilities serving this subdivision;

that non-exclusive easements across the Common Area, Lot H, including all of the Limited Common Elements, are hereby granted to Lower Valley Energy and those other utility companies, their successors and assigns serving this subdivision for installation, maintenance and repair of the utility services for the subdivision as shown hereon;

that the undersigned owner reserves the right to vacate and replat Lot F and Lot G into a total of 12 condominium units and common area pursuant to the Final Development Plan;

that the undersigned owner reserves the right to vacate and replat Lots A, B, C, D and E into a total of 13 townhome lots pursuant to the Final Development Plan;

that the undersigned reserves the right to assign appurtenant Limited Common Elements to condominium units and lots (either individually or collectively) to be created upon the vacation and replat of Lots A-G by recording such replat(s) and/or by recording a supplemental declaration;

that all easements, rights, obligations and burdens created by this plat shall be binding upon and inure to the benefit of the lots and all additional lots and/or condominium units created by the vacation and replat of lots pursuant to the reserved rights of the undersigned;

that access across the Common Area, Lot H, and in and through the Three-Dimensional Access Easement Across Lots 1-14 & A-E is hereby granted to emergency vehicles, including ambulances, fire-fighting vehicles, and police vehicles;

that the undersigned owner reserves unto itself, its heirs, successors, and assigns the right of ingress and egress across the Common Area, Lot H, for construction and other purposes relating to this subdivision and the right to grant unto other parties non-exclusive easements across Common Area, Lot H;

that the seller does not warrant to the purchaser that he or she shall have any rights to the natural flow of any stream within or adjacent to the subdivision;

that Wyoming law does not recognize any riparian rights with regard to the natural flow of a stream or river for persons living on the banks of the stream or river;

that all rights under the Homestead Exemption Laws of the State of Wyoming are hereby waived and released;

that Lot 9 of Block 7 of the Aspen Hill Lots is hereby vacated, hereby now being a portion of PINE GLADES TOWNHOMES PHASE ONE ADDITION TO THE TOWN OF JACKSON;

that in accordance with said Section 34-12-110, Wyoming Statutes, the Teton County Clerk is respectfully requested to write "vacated" across Lot 9 of Block 7 of the Aspen Hill Lots recorded in said Office as Plat No. 124.

PINE GLADES DEVELOPMENT, LLC
a Wyoming limited liability company

BY: Fluid Capital, LLC
a Washington limited liability company
ITS: Manager

BY: Jeffrey S. Hussey
ITS: Manager

SIGNATURE BY SEPARATE AFFIDAVIT

FINAL PLAT
**PINE GLADES TOWNHOMES PHASE ONE
ADDITION TO THE TOWN OF JACKSON**

BEING
LOT 9 BLOCK 7 ASPEN HILL LOTS
TOGETHER WITH UNPLATTED LANDS LOCATED WITHIN
NE1/4SE1/4 SECTION 33
T41N, R116W, 6TH P.M.
TOWN OF JACKSON
TETON COUNTY, WYOMING

SHEET 2 OF 7



265 North Glenwood
P.O. Box 12290
Jackson, WY 83002
(307) 734-6131

- INDICATES A STEEL PIPE WITH A BRASS CAP INSCRIBED "RLS 164" AND APPROPRIATE DETAILS FOUND THIS SURVEY; WYOMING CORNER RECORD ON FILE
- INDICATES A STEEL PIPE WITH A BRASS CAP INSCRIBED "RLS 376" AND APPROPRIATE DETAILS FOUND THIS SURVEY; WYOMING CORNER RECORD ON FILE
- INDICATES A STEEL PIPE WITH A BRASS CAP INSCRIBED "PHILIP G. MORTON" AND APPROPRIATE DETAILS FOUND THIS SURVEY; WYOMING CORNER RECORD ON FILE
- INDICATES A STEEL PIPE WITH A DOA-USFS TYPE BRASS CAP INSCRIBED WITH APPROPRIATE DETAILS FOUND THIS SURVEY
- INDICATES A STEEL PIPE WITH A BRASS CAP INSCRIBED "PLS 6447" AND APPROPRIATE DETAILS SET THIS SURVEY
- INDICATES A T-SHAPED STEEL STAKE WITH A CHROME CAP INSCRIBED "RLS 164" FOUND THIS SURVEY
- INDICATES A T-SHAPED STEEL STAKE WITH A CHROME CAP INSCRIBED "PE&LS 578" FOUND THIS SURVEY
- INDICATES A T-SHAPED STEEL STAKE FOUND THIS SURVEY
- INDICATES A 5/8 INCH DIAMETER STEEL REBAR WITH AN ALUMINUM CAP INSCRIBED "PLS 6447" SET THIS SURVEY

_____ EXTERIOR PROPERTY LINE

_____ TOWNHOME LOT LINE

_____ TOWNHOME LOT LINE
COINCIDENT WITH EASEMENT

----- LOT LINE TO BE VACATED
BY THIS SUBDIVISION

_____ ADJACENT PROPERTY LINE

_____ EASEMENT

----- CENTERLINE OF EASEMENT

----- LIMITED COMMON ELEMENT

 *THREE-DIMENSIONAL ACCESS EASEMENT
(SEE CROSS-SECTION DETAILS ON SHEETS 4-6)*

LCE

 LIMITED COMMON ELEMENT AND ASSOCIATED LOT NUMBER
 D-() DECK--LOT NUMBER
 P-() PARKING--LOT NUMBER
 DR-() DRIVEWAY--LOT NUMBER

ON SIGHT

— NOTE: LINE & CURVE TABLES ARE SHOWN ON SHEET 7 —

On Sight Land Surveyors, Inc.
Teton County Control Network
2001

GRAPHIC SCALE

(IN FEET)

$$1 \text{ inch} = 60 \text{ ft}$$

PUBLIC MAINTENANCE OF ASPEN DRIVE, PINE DRIVE, AND SPRUCE DRIVE

PINE GLADES DRIVE AND JESSICA LANE ARE PRIVATE ROADS

NO PUBLIC MAINTENANCE OF PINE GLADES DRIVE AND JESSICA LANE

THIS SUBDIVISION WILL BE CONNECTED TO THE TOWN OF JACKSON
WATER SUPPLY SYSTEM

THIS SUBDIVISION WILL BE CONNECTED TO THE TOWN OF JACKSON
SEWER COLLECTION AND TREATMENT SYSTEM

SELLER DOES NOT WARRANT TO THE PURCHASER THAT HE OR SHE
SHALL HAVE ANY RIGHTS TO THE NATURAL FLOW OF ANY STREAM
WITHIN OR ADJACENT TO THE SUBDIVISION

WYOMING LAW DOES NOT RECOGNIZE ANY RIPARIAN RIGHTS TO THE
CONTINUED NATURAL FLOW OF ANY STREAM OR RIVER FOR PERSONS
LIVING ON THE BANKS OF THE STREAM OR RIVER

THE SURFACE ESTATE OF THE LAND TO BE SUBDIVIDED IS SUBJECT
TO FULL AND EFFECTIVE DEVELOPMENT OF THE MINERAL ESTATE

AREAS OF POTENTIAL AVALANCHE HAZARD WITHIN THIS SUBDIVISION WERE IDENTIFIED BY JMY ENVIRONMENTAL CONTRACTING AND DOCUMENTED IN A REPORT TITLED DATED SEPTEMBER 23, 2007. THIS STUDY IDENTIFIED "BLUE" ZONES, AREAS OF MODERATE HAZARD IN THE AVALANCHE ZONING PLAN. LOT F AND LOT G LIE WITHIN THE "BLUE" ZONE OF THE STUDY. ACCORDING TO THE STUDY, PRIVATE HOMES ARE PERMITTED IN THE BLUE ZONE IF THEY ARE DESIGNED TO RESIST AVALANCHE FORCES OR ARE OTHERWISE PROTECTED BY AVALANCHE DEFENSE.

FINAL PLAT

**PINE GLADES TOWNHOMES PHASE ONE
ADDITION TO THE TOWN OF JACKSON**

BEING
LOT 9 BLOCK 7 ASPEN HILL LOTS
TOGETHER WITH UNPLATTED LANDS LOCATED WITHIN

NE1/4SE1/4 SECTION 33

T41N, R116W, 6TH P.M.

TOWN OF JACKSON
TETON COUNTY, WYOMING

SHEET 3 OF 7

On Sight
LAND SURVEYORS, INC.

265 North Glenwood
P.O. Box 12290
Jackson, WY 83002
(307) 734-6131

Project No. 22-41-16-33-2A 22-41-16-33-2A_fp1rev2.dwg 04/22/09 05/15/09 12/31/09

U.S.A.
DEPARTMENT OF AGRICULTURE
U.S. FOREST SERVICE
BRIDGER-TETON NATIONAL FOREST

TETON COUNTY
PLANE COORDINATES
WYOMING WEST ZONE, NAD83
N 1410663.50
E 2444361.82



SCANNED

P14.062

PLANNING & BUILDING DEPARTMENT

October 24, 2014

Brenda Wylie
P.O. Box 4574
Jackson, Wyoming 83001

Re: Item P14-062
30 Pine Glades Drive

Dear Ms. Wylie:

This letter is to confirm that on October 22, 2014, the Town of Jackson Planning Director **approved** your request for a Minor Deviation to relocate the approved pathway connecting Pine Glades Townhomes to the Town of Jackson "Sink or Swim" pathway subject to the departmental reviews attached hereto.

Please note that any revisions to the Final Development Plan shall be reviewed and approved by the Planning Director. Approval of any changes to the Final Development Plan shall be in accordance with Section 51200.J. Minor Deviations and 51200.K. Amendment to a Development Plan permit of the Town of Jackson Land Development Regulations.

Should you have any questions, please feel free to contact me at 733-0440, Ext. 1302.

Respectfully,

A handwritten signature in cursive script that reads "Lindsay Kissel".

Lindsay Kissel
Senior Planner

Project Number	P14-062	Applied	8/11/2014	TV
Project Name	Pine Glades Trail Relocation	Approved	8/18/2014	TV
Type	MINOR DEVIATION	Closed		
Subtype		Expired	8/18/2014	TV
Status	STAFF REVIEW	Status		

Applicant	Brenda Wylie	Owner	PINE GLADES DEVELOPMENT, LLC
------------------	--------------	--------------	------------------------------

Site Address	City	State	Zip
30 Pine Glades Drive	Jackson	WY	83001

Subdivision	Parcel No	General Plan
	22411633438006	

Type of Review	Status	Dates			Remarks
		Sent	Due	Received	
Contact Notes					
Legal	APPROVED W/COND	8/12/2014	9/2/2014	9/2/2014	
Audrey Cohen-Davis					
The new location wil need to be delineated on a Pathways Easement or amended Plat.					

Planning	APPROVED	8/12/2014	9/2/2014	10/24/2014
Lindsay Kissel				

Public Works	APPROVED W/COND	8/12/2014	9/2/2014	8/13/2014
Jeremy Parker				

Lindsay Kissel

From: Brenda Wylie [brenda@wyliefirm.com]
Sent: Wednesday, October 22, 2014 3:38 PM
To: Lindsay Kissel
Cc: koehler.jack@gmail.com
Subject: FW: Pine Glades and Shade Monkey
Attachments: Shade Monkey Map.pdf

Thank you Jack. I have Lindsay at the Town to this e-mail. Regarding the old trail, that was my understanding as well - that the stone and material would be pushed up in a mound at the turn area so that it would deter people from riding over it.

Lindsay, can you let me know if you need anything further from me? See attached and below.

Best regards,
Brenda

Wylie Law Firm LLC | 320 E. Broadway, P.O. Box 4574, Jackson, Wyoming 83001 | work 307-733-6688 | mobile 307.690.4181 | brenda@wyliefirm.com

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

From: Jack Koehler [<mailto:koehler.jack@gmail.com>]
Sent: Friday, October 17, 2014 4:39 PM
To: Brenda Wylie
Cc: Katherine Dowson
Subject: Pine Glades and Shade Monkey

Hi Brenda,
I finally found time to put together the map you requested. We have an accurate GPS track of the finished trail alignment, including where it crosses town land that we could make available to Todd Cederholm if we need a better map to describe an access easement. It is in our GIS system and can be easily shared. Let me know if you need help with this if the attached map is not sufficient.

As I recall it, I was to write the town and let them know that FOP would be responsible for the trail build. I feel fine saying the trail is built. There is restoration work, related to

the new trail that should take place, but it is a drop in the bucket compared to the total amount of clean up and restoration that is still to be done from all the snow making and other trail work. It's a bit overwhelming how trashed the place looks right now.

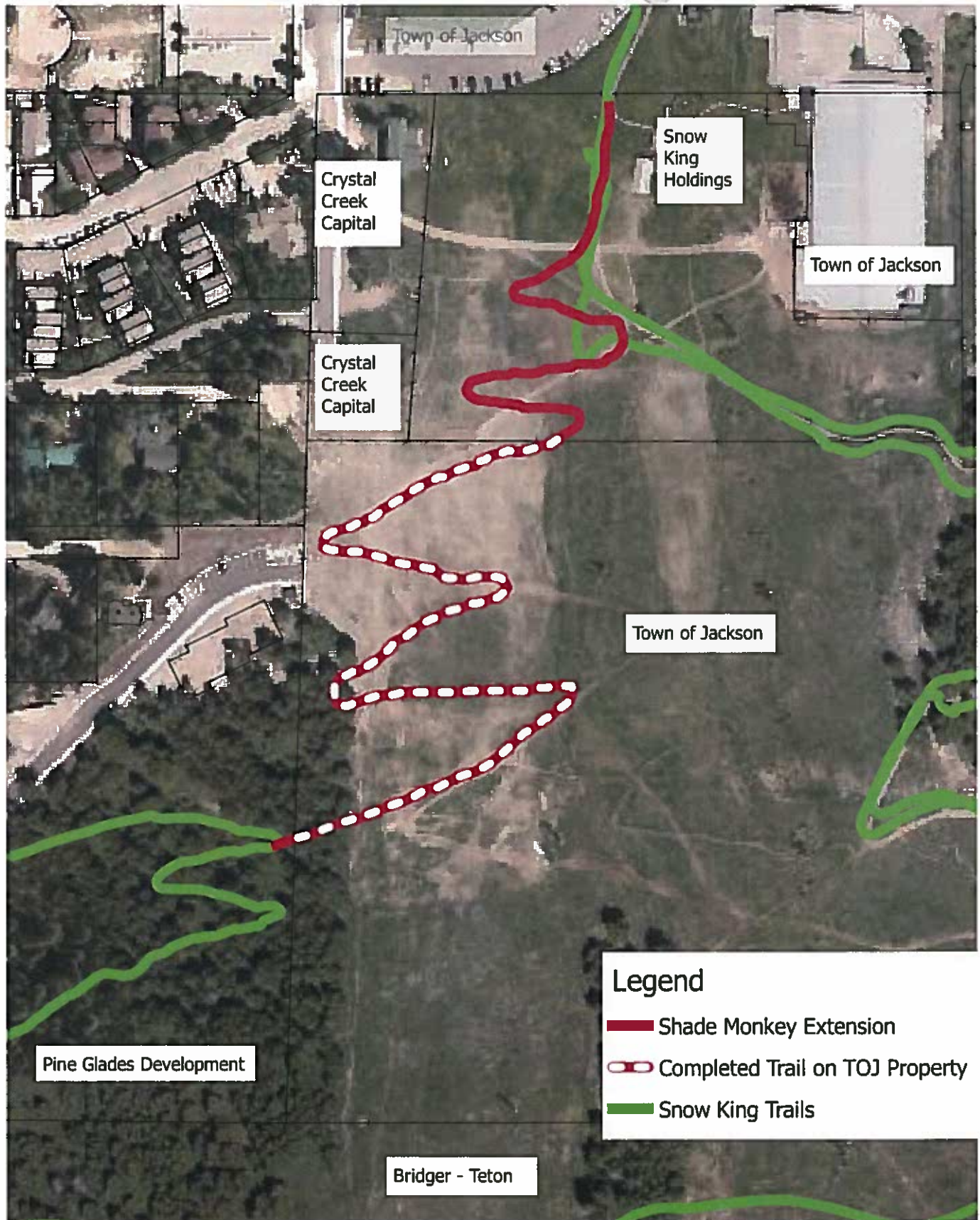
As far as the old trail down to the development, I recall we were to rework the new junction at the top of the new trail to direct bike and hikers out on to Snow King or up the shade Monkey trail. This was to be accomplished by adding some stone steps or other natural material that would be awkward to ride or step over. We were going to leave the old trail in place. Can you please verify my understanding? The kiosk at Pine Glades has been removed.

If there is anything else you would like us to accomplish please let me know.

Thanks,
Jack

--

Jack Koehler
koehler.jack@gmail.com
PO Box 3791 Jackson, Wyoming 83001
307 413 6018



100 0 100 200 300 400 Feet

Tyler Valentine

From: Chris Owen <chris@friendsofpathways.org>
Sent: Monday, April 15, 2019 12:24 PM
To: Tyler Valentine; Jack Koehler; Brian Schilling
Subject: Re: Scanned from a Xerox Multifunction Printer
Attachments: Pine Glades Access-03.jpg

Hey Tyler good to meet you this morning, heres a quick recap of the work we have done just for the record. Jack and Brian I included you in case I missed anything. In 2011 FOP worked with town and Pine Glades to build the Shade Monkey Trail from one of the higher lots on Pine Glades Dr. to the USFS boundary. In 2014 FOP worked with Snow King to extend Shade Monkey to the base of the Cougar lift utilizing their old horse trails to provide an in town access point to the national forest. It was either that summer or the next that we closed the spur of the trail that accessed Pine Glades at the higher lot on Pine Glades Dr. As mentioned in the email we built a small retaining wall of rocks to support the main leg of the trail and clearly channel people onto the Snow King ski area and the lower portion of Shade Monkey. We left the old trail bench to pine glades and removed the kiosk at the higher lot. As of last summer 2018 it looked rarely used but there were some track and matted grass along the fence line of construction at that higher lot, seemingly from folks in the neighborhood walking around the construction to access the trail. We can certainly go in and put a hard closure on the trail by dropping trees, reseeding etc. FOP worked again with Pine Glades in 2017 to build the new access point just above the tunnel. The USFS wanted to adopt the user created trail to the 5th switchback on the Shade Monkey Trail so we worked with the contractor to move some of the large rock lining that northeast corner of the property to line a trail that we constructed, lined with gravel, and added one of the new trail wayfinding signs to denote an official trail.

The access point from Wister Ave. to the trail system on the national forest does look doable by traversing below Jessica Lane and tying in at the staircase at the end of the retaining wall to gain access back to the road and the access trail mentioned above on the northeast corner of the property. This would involve roughly \$3000 worth of work as compared to the other alternative of trying to build a trail along the western property boundary which is steep and would require a much larger staircase construction out of railroad ties or something similar for approximately 500 vertical feet up the hillside. This would be more costly due to the railroad ties, rebar, more labor etc.

Thanks Tyler,

Chris

On Mon, Apr 15, 2019 at 10:00 AM Tyler Valentine <tvalentine@jacksonwy.gov> wrote:
Jack,

Good chatting with you earlier. I am trying to verify in writing that the portion of trail in front of the duplex at 140 Pine Glades Drive (which connected to Shade Monkey) was vacated and relocated adjacent to the upper opening of the tunnel. Attached is a correspondence between you and Brenda Wylie and Lynsey Kissel which appears to confirm the trail vacation/re-location.

Also, if there are any obligations of the developer to upgrade the new trail connector, please let me know via site inspection. Also, a cost estimate would be helpful so we can have them bond for those improvements.

Thanks, Tyler V.

733-0440 x1305

Sent from my iPhone

Begin forwarded message:

From: <PlanningXerox@townofjackson.com>
Date: April 15, 2019 at 9:52:46 AM MDT
To: "Valentine, Tyler " <tvalentine@jacksonwy.gov>
Subject: Scanned from a Xerox Multifunction Printer
Reply-To: <PlanningXerox@townofjackson.com>

Please open the attached document. It was scanned and sent to you using a Xerox Multifunction Printer.

Sent by: Guest
Number of Images: 3
Attachment File Type: pdf, Multi-Page

Sent from Town of Jackson Planning Department Xerox

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--
Chris Owen
Trails Program Manager
Friends of Pathways
307-733-4534

Snow King TH



New Access Trail

Access Trail from
Wister Ave.

Old Access Trail

Shade Monkey 102



NO
Trespassing
Private Property

NO
Trespassing
Private Property



CAUTION
Max. Height
10 Feet
No Semi Trucks
or Trailers

SPEED
LIMIT
10

NO
Trespassing
Private Property

Visual Impact Analysis

Pine Glades Development, LLC

The Pine Glades visual impact analysis has three different presentations: a comparative view of similar, neighboring properties; a comparative cross-section of foreground clearing; and a 3-D modeling of the site with proposed buildings and roadways.

Comparative View of Similar, Neighboring Properties:

Snow King Estates and Aspen Highlands, two developments built on similar slopes with similar tree density as the proposed Pine Glades development, have nominal visibility from US Highway 89 as illustrated in a picture taken from the National Wildlife Museum.

Comparative Cross-Section of Foreground Clearing:

The Pine Glades design seeks to minimize visual impact by incorporating drive aisles and parking areas below the buildings, eliminating the need for individual driveways and minimizing site disturbance and lot coverage by terracing parking and living uses. To illustrate the impact minimized disturbance has on visual impact, see the cross-section of the DeFazio single family residence under construction at 695 Pine Drive vs. a cross-section of the proposed Pine Glades town homes, attached hereto. The 160 feet of foreground clearing between the DeFazio roofline and the Moeller roofline, includes: DeFazio's house, driveway and yard, Pine Drive, and Moeller's driveway, yard and house. To the contrary, the proposed Pine Glades development has a nominal foreground clearing and as a result has nominal visual impact.

3-D Modeling of Site with Proposed Buildings and Roadways:

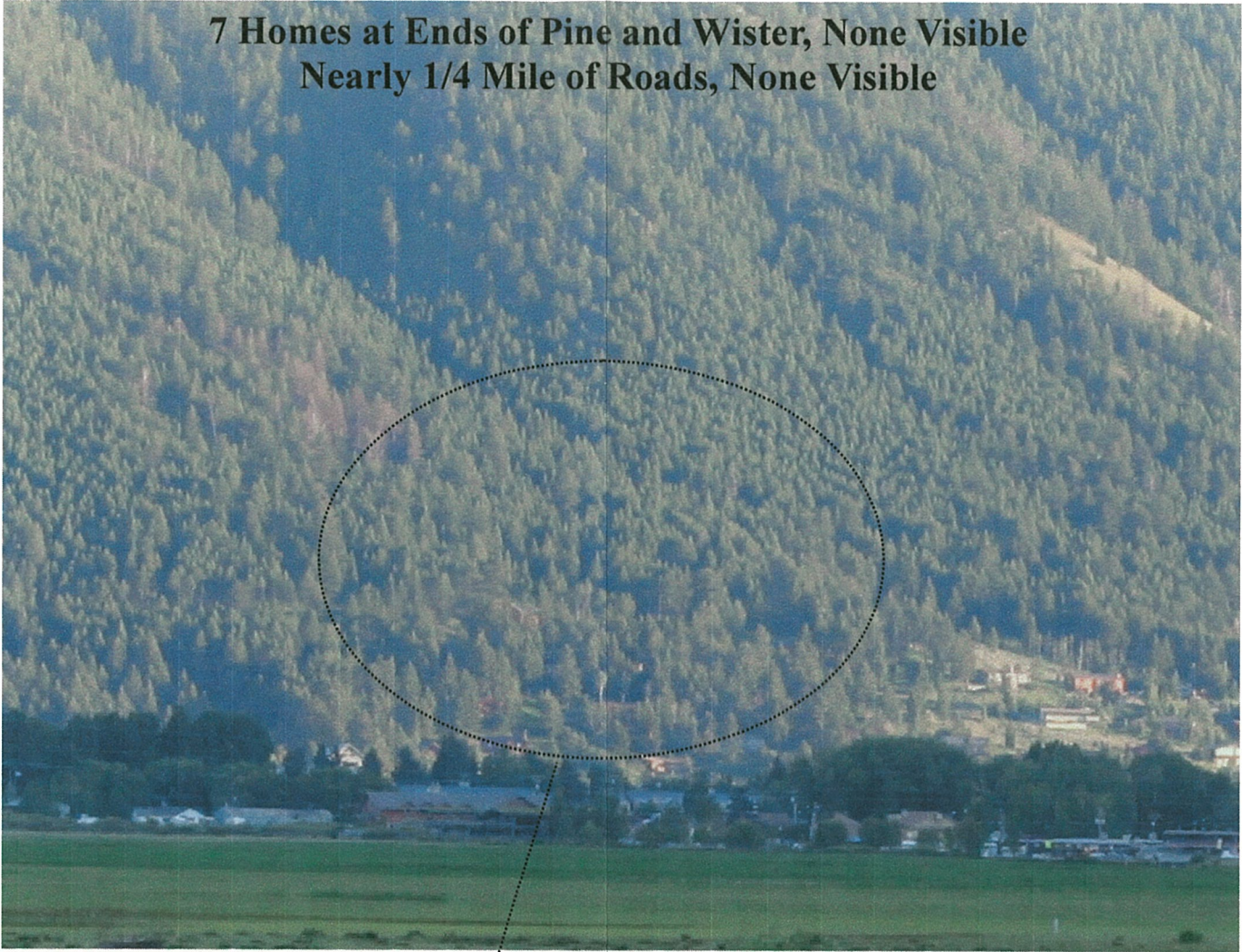
The revised 3-D analysis provides a life like animation of the proposed Pine Glades community. To ensure accuracy, after buildings and roadways were mapped and all trees with a five inch or greater trunk diameter were surveyed, a fuel management specialist from the Teton Science School determined which trees were to be removed in order to provide appropriate defensible space, as well as locations for trees to be added to further reduce visibility of the Pine Glades development from town.

Visibility of Other Hillside Neighborhoods Surrounding Snow King from North of Town

**32 Homes in Snow King Estates, 4 Visible
Nearly 1 Mile of Roads, None Visible**

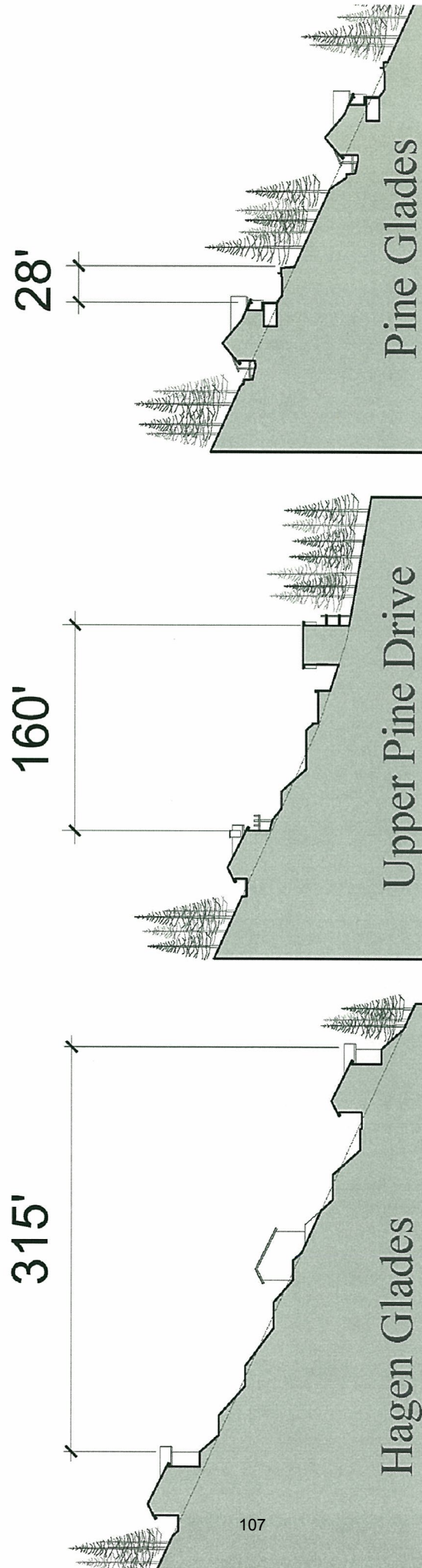


**7 Homes at Ends of Pine and Wister, None Visible
Nearly 1/4 Mile of Roads, None Visible**



Pine Glades Development, LLC

Comparative Cross-Section of Foreground Clearing

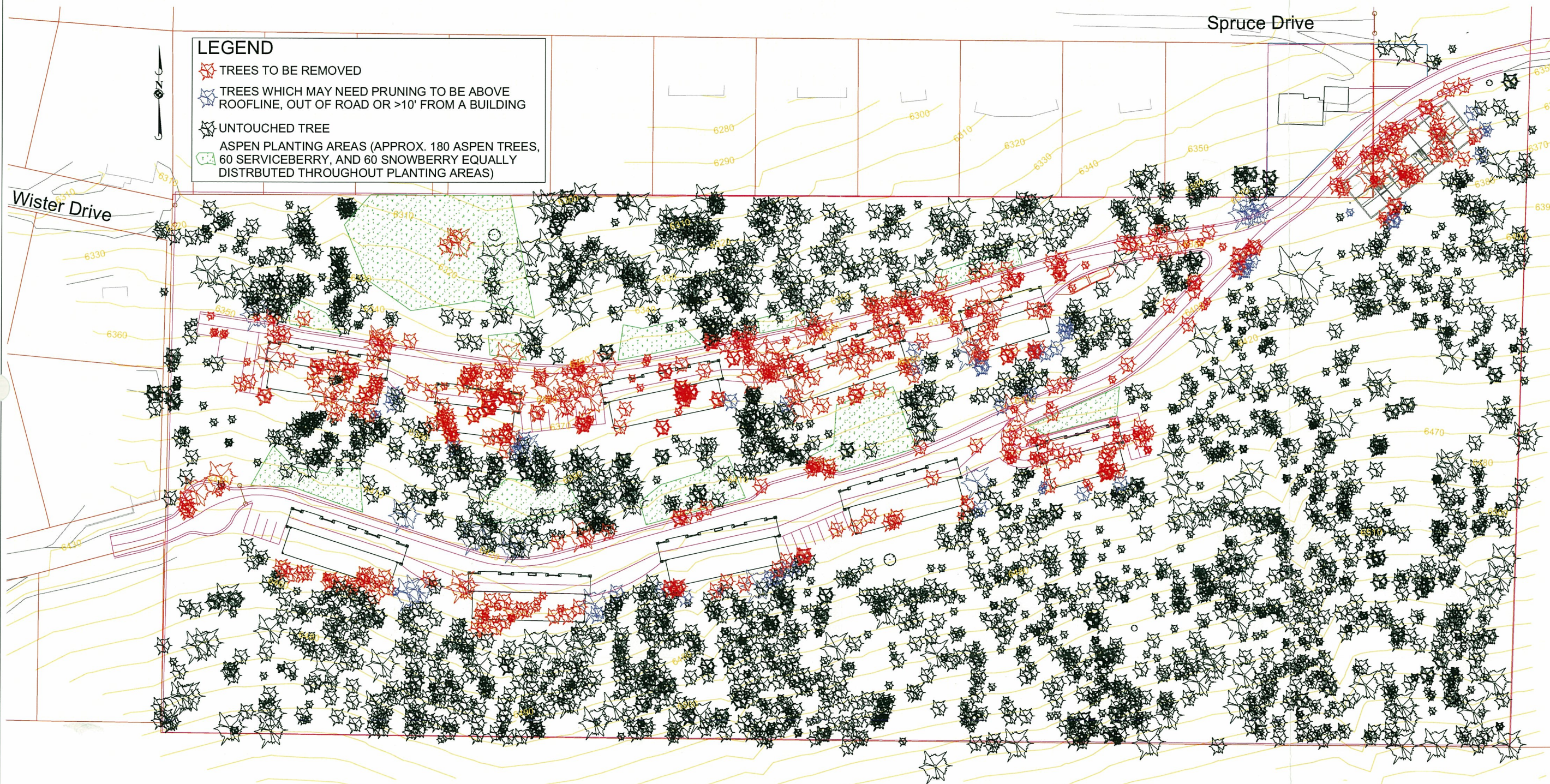


View of DeFazio and Moeller Houses
The distance between the tree lines is approximately 160 Feet.



Same picture as above only take behind the red truck
Notice the distance between the tree lines in approximately 28 feet





LEGEND

- TREES TO BE REMOVED
- TREES WHICH MAY NEED PRUNING TO BE ABOVE ROOFLINE, OUT OF ROAD OR >10' FROM A BUILDING
- UNTOUCHED TREE
- ASPEN PLANTING AREAS (APPROX. 180 ASPEN TREES, 60 SERVICEBERRY, AND 60 SNOWBERRY EQUALLY DISTRIBUTED THROUGHOUT PLANTING AREAS)

0 50 100 150 200

SCALE: 1" = 100'

PROJECT TITLE: PINE GLADES FINAL DEVELOPMENT PLAN PUD & CUP		DRAWING TITLE: TREE SURVEY USED FOR VISIBILITY STUDY	DAVE TAYLOR & ASSOCIATES, INC. 70 S. KING STREET, P.O. BOX 11870 JACKSON, WYOMING 83002 (307) 734-5245	PREPARED BY: DWT
PROJECT NUMBER: 05-019				DATE: 9-25-07
DRAWING NUMBER: S8A				REV. DATE:











Landscape Plan

Pine Glades Development, LLC

Currently the subject property is dominated by a mature Douglas Fir forest with over 3,000 trees in excess of 6" in diameter. Limited numbers of Aspen trees, serviceberry, snowberry and chokecherry occur in the canopy openings of the Fir. The duff layer, which varies in depth from 1" to 6", is covered with moss, lichen or fungi. As such the forest can be characterized as mature, homogeneous with very little sunlight penetration resulting in low plant species diversity.

The project plant unit requirement is calculated to be 42 units. Given the large number of existing trees the applicant requests that the plant unit requirement be satisfied by credit for existing vegetation. This request is supported by the table entitled "Landscape Requirements" which indicates the plant units required, and compares this requirement (utilizing Plant Unit Alternative B) to the existing vegetation, as well as the additional material proposed to address the Fuels and Vegetation Management Plan.

The applicant has completed a Fuels and Vegetation Management Plan for the project area. This plan identifies areas to be cleared of mature Doug Fir trees and replanted with Aspen overstory and Serviceberry/Snowberry understory. These areas (and the requisite plant numbers) are identified on the Landscape Plan and intended to provide fire barriers for the proposed development. Exact placement of the plant material within the designated areas will be accomplished by a representative from Teton Science School Conservation Research Center and the Teton County Fire Marshall during the construction process to insure maximum effectiveness.

As demonstrated by the visual analysis presented during the Sketch Plan hearings the applicant is sensitive to the visual impacts of the development as viewed from points in the Town of Jackson. In order to address these impacts the developer is committed to preserving as many existing trees as possible during construction and planting up to 100 additional trees for screening purposes. In order to maximize their effectiveness, these plantings will be located after building construction. Accordingly, these plantings are not indicated on the Landscape Plan.

Landscaping Requirements

Suburban Residential Zoning District

(LDR §4160)

Plant Units Required:		Plant Units per unit		Plant Units Required
Dwelling units	39 dwelling units	x 1	=	39
Parking	37 outdoor spaces	x 1/12	=	3
				<u>42</u>

Required vs. Proposed Plants:		Plants per Plant Unit*	Total Plants Required	Existing & Proposed Plants**	Surplus Over Req'd
8' & Larger Evergreen Trees (Douglas Fir)		3 x 42 =	126	>2,800	>2,670
3" & Larger Canopy Trees (Aspen)		2 x 42 =	84 ***	240	156
#5 & Larger Container Shrubs (Service & Snowberries)		2 x 42 =	84	>220	>140

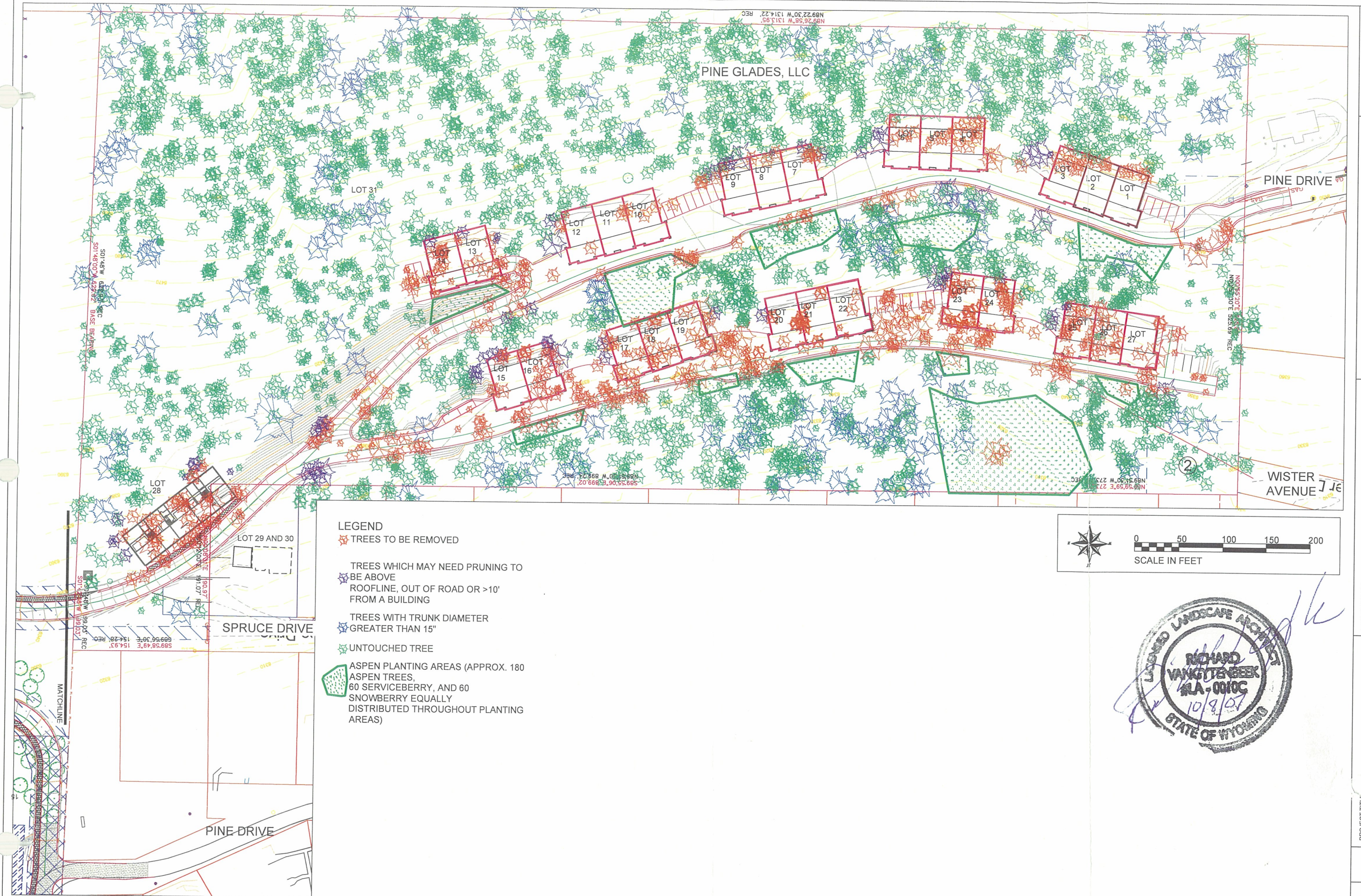
*Using Plant Unit Alternative B by way of example to show magnitude of surplus over requirement

*Existing & Proposed Plants:

Exiting Plants Remaining		New Plantings	Total
8' & Larger Evergreen Trees	> 2,800	t.b.d.	>2,800
3" & Larger Canopy Trees	60	180	240
#5 & Larger Container Shrubs****	> 100 ***	120	>220

*** Although credit not taken here, bike racks at each building (11) reduce the required plantings by 11 canopy trees

**** There are over 100 shrubs 5'-6' tall. The property is, in fact, carpeted with small shrubs probably numbering in the thousands



270 WEST PEARL, SUITE 103
P. O. Box 3070
JACKSON, WY 83001
307.734.1908
307.733.3752 (fax)
WWW.LRW-LAW.COM



LONG
REIMER
WINEGAR

LONG | REIMER | WINEGAR | BEPPLER LLP

ERIKA M. NASH
PARTNER

ADMITTED IN WY
enash@lrw-law.com

WITH ATTORNEYS ADMITTED IN
WY CO UT CA ID MT NE ND AZ & WA

June 26, 2019

Town of Jackson
Planning & Building Department
Attn: Tyler Sinclair, Director
P.O. Box 1687
Jackson, WY 83001

Via Email: tsinclair@jacksonwy.gov

Town of Jackson
Lea M. Colasuonno,
Interim Town Attorney
P.O. Box 1687
Jackson, WY 83001

Via Email: lcolasuonno@jacksonwy.gov

Re: *Compliance with Pine Glades Planned Unit Development; Other*

Dear Mr. Sinclair and Ms. Colasuonno,

As you are aware, my office, along with Bill Collins of Collins Planning Associates, Todd Cedarholm of On Sight Land Surveyors Inc., Dave Myers of Mountain Home Building, and Carolyn Burke of Sagebrush Architect Services, are working together with Pine Canyon, LLC, the current owner of portions of Pine Glades Planned Unit Development, to complete this development in a timely manner. Specifically, approximately 1.5 years ago, Pine Canyon, LLC, purchased the remaining development rights of this development comprising of the two unit duplex currently under construction in Phase 1 and the entire Phase 2 of the development (often referred to herein as "Pine Glades").

Pine Glades was originally approved by the Town of Jackson approximately twelve years ago in 2007, when the development was owned then by Dave Taylor, who ultimately never completed the development and apparently failed to make good on many of his promises to homeowners inside Pine Glades and neighboring properties, and to the Town of Jackson itself. Pine Canyon LLC purchased the remaining development rights and has been diligently working to understand the scope of the development and quickly start to address what amounts to over ten years of deferred maintenance issues, including but not limited to completing Phase 1, while working towards starting and completing Phase 2, which requires the final step of the Town of Jackson and Pine Canyon entering into a Development Agreement.

When on behalf of Pine Canyon, its advisors reviewed the title report for the development which included all Covenants, Conditions and Restrictions ("CC&Rs"), plats, recorded easements,

and restrictions of title. The team also reviewed the development file with the Town of Jackson Planning and Building Department and submitted and received responses to a detailed Zoning Compliance Verification prior to purchasing the property. The town's February 17, 2017 ZCV stated that the staff was unaware of any outstanding easement requirements for the entire Pine Glades PUD and further stated that the staff was not aware of any additional outstanding conditions or requirements that would prevent the issuance of building permits on the remaining unbuilt townhomes. The title was clear and the development plan, coupled with the Town's ZCV response, was clear also regarding what was left to be completed and the outstanding obligations and requirements for the Pine Glades developer. These remaining items included the construction of the final two unit duplex in Phase 1, constructing a trails system that accesses the existing adjacent trails on Snow King and in Bridger Teton National Forest, and construction of all of Phase 2, including some of the Phase 2 infrastructure which requires the Town and the new owner enter into a Development Agreement.

As the Pine Glades team worked toward a development agreement and several modifications the new owner initially wished to make to the PUD, we learned that the Town Planning Department required an easement of non-vehicular access for the general public to travel on the two private roads within the Pine Glades PUD. We very much disagree that any such requirement was imposed on the original Pine Glades PUD or can be imposed now. In an attempt to resolve this disagreement, on March 22, 2019, Pine Canyon agent Bill Collins, provided the Town planners and then-attorney Audrey Cohen-Davis, a memo written by Todd Cedarholm that was accompanied with several exhibits that demonstrated that no such public access was ever required or recorded on the private roads in the PUD. Mr. Collins asked that in turn, the Town staff review their files and provide a response memo with supporting evidence that the staff believes supports the assertion that non-vehicular access is required as a PUD condition on the private roads.

Thus, we now are in receipt of your compliance letter dated May 28, 2019, which purports to contain all outstanding items/conditions for this development as well as all evidence you believe supports the Town's assertion that non-vehicular public access is or must be granted over the Pine Glades private roads. Thank you also again for agreeing at our meeting on June 17, 2019 to discuss the compliance letter in general terms, where you agreed to extend the unilaterally imposed initial compliance deadlines in that letter to July 1, 2019 in order to give us adequate time to review and respond to the compliance letter. As set forth in greater detail below, Pine Canyon, its consultants and its legal team, do not believe that a public easement for non-motorized access currently exists over the private roads in the Pine Glades development, nor do they believe that such non-motorized access easement was ever an approved condition of the development. However, Pine Canyon is proposing an improved trail system, attached hereto as **Exhibit 1**, (the "Current Trail Proposal") that will provide public access on the Pine Glades development's private property while maintaining the roads located within the development as private roads. To the extent necessary, this trail system will only necessitate public access onto the cul-de-sac at the western end of Pine Glades Drive for the public to access two trails that traverse uphill and downhill from that point on the road. This would be the only location where the public needs access on private roads located within the development, which we believe, will satisfy the intent of the original developer's promise to the members of the public, which is to allow the public to gain reasonable access to the

trail systems on this private development that cross and hook into trails on Snow King Mountain and in the Bridger Teton National Forest.

Of Phase 1, there are 12 market townhomes (both duplex and triplex), 2 affordable condominium units (duplex), and 7 affordable townhome units (all attached), and as previously mentioned, a duplex that remains to be completed. At this time, Phase 2 includes 13 market townhome units consisting of three triplexes and two duplexes, but none of those units have been constructed, nor has Jessica Lane, the road servicing Phase 2, been constructed. As most of Phase 1 has been developed and is occupied by homeowners, Phase 1 has been turned over to the Pine Glades Homeowner's Association, a nonprofit corporation filed with the Wyoming Secretary of State (the "HOA") comprised of owners of the Phase 1 constructed properties. The HOA controls the management and oversight of various common areas and community improvements in Phase 1, and enforces certain rules and restrictions in Phase 1 as guided by its Bylaws, the CC&Rs, as supplemented and amended, and the various plats. The HOA bears all maintenance rights, obligations and expenses across the roadways and sidewalks, as well as any other common areas. Thus, the HOA and not Pine Canyon, LLC, may be the successor to any right or ability to grant future easements over portions of Phase 1 of Pine Glade development, and Pine Canyon, LLC is still the developer of Phase 2, and has the right to complete the development which may include granting certain easements over Phase 2.

I. CURRENT STATUS: NO PUBLIC EASEMENT EXISTS FOR NON-MOTORIZED VEHICLES OVER PRIVATE ROADS IN PINE GLADES.

a. Legal Requirements to Establish an Easement

Because the creation of an easement is a transfer of an interest in real property, legal formalities are required. Generally, an easement can be created in one of two ways. First, an easement can be created by a written instrument that demonstrates the intent to convey such interest and which is signed and notarized by the party from whom the interest will pass.¹ The easement should also clearly state to whom the easement is granted and the location of the easement.² If an easement is created for the public, the written instrument creating the easement and recorded in the public record must have a clear indication of such intent.³

Second, an easement by plat can also establish the right of the public to use property, which is often referred to as a statutory dedication.⁴ To establish an easement by plat to the public, the acknowledged, recorded subdivision plat must clearly establish the owner's intent to irrevocably dedicate specifically identified property to public use. Such a plat is interpreted by looking at the plain language of the plat.⁵ Examples of when an easement by plat dedicates the surface of the property for public use occurs when the plat clearly indicates the public has the right to use the

1 See Wyo. Stat. Ann. § 34-1-106; *Whalon v. North Platte Canal & Colonization Co.*, 11 Wyo. 313 (Wyo. 1903).

2 See Wyo. Stat. Ann. § 34-1-141.

3 See, e.g., *Yeager v. Forbes*, 2003 WY 134, ¶ 28, 78 P.3d 241, 253 (Wyo. 2003).

4 See *Owsley v. Robinson*, 2003 WY 33, ¶ 9, 65 P.3d 374 (Wyo. 2003).

5 See Wyo. Stat. Ann. § 34-12-104; *Owsley*, 2003 WY 33, ¶¶ 10-12.

property for such things as cemeteries, schools, bridges, and parks.⁶ If for example, the plat indicates that there is an easement for utility purposes, then that is the only intended use and does not create an easement to the general public for use of the surface.⁷ Furthermore, if a plat map shows a trail or road, that alone is insufficient to establish a public easement over the trail or road unless there is a clear indication on the plat or a subsequent document that the trail or road is for the general public to use.⁸

In this instance, there are two main items being discussed, public easements (non-motorized) across (1) paved sidewalks/roadways and (2) dirt trails. Currently, there are no trails established on the plat itself; the trails in current existence and those yet to be established reside on the edges of the Pine Glades subdivision, and have been illustrated on a trail map, but no written and recorded easements yet exist for the trails to the public at this time; those easement must still be granted as well, and Pine Canyon agrees that these trails and easements are a part of the requirements to the approved Pine Glades PUD. As discussed in greater detail below, there are no written and recorded easements to the public for access across the roadways either, but these easements are not a requirement of the Pine Glades PUD.

b. An Easement to the Public Over Private Roadways Does Not Currently Exist.

There is no disagreement that the roads within Pine Glades are private roads (the “private roads”) and there is no intent to dedicate them as public roads. In general, these roads are steep, cross through a tight, blind tunnel, and run under living spaces and in front of entry doors and garages for the units; in short they are not conducive to public motor access. Further, there is no outlet at the end of the subdivision roads; everyone has to enter and leave through the same entrance, which includes the tunnel. This leaves the limited issue of whether an easement over the private roads for non-motorized access has been granted to the public. Based on our extensive review of the documents, including the exhibits attached to your May 28, 2019 letter, no easement currently exists to the public over the Pine Glades’ private roads.

An access easement and a right-of-way are not one in the same. An access easement is generally granted to a specific entity for a specific purpose such as utility work/maintenance, emergency vehicle access, etc. A right-of-way is granted for travel purposes. An access easement to a municipality does not automatically grant unfettered access to the public for vehicle, pedestrian, bicycle, equestrian across the property. The Pine Glades subdivision plat grants easements to the Town of Jackson in two instances. In one instance in the certificate of owner, the Town of Jackson is granted an access easement across the entire GCE Roadway. In this note the public is never mentioned and the intent was NOT to grant general access to the public but rather to grant access to the Town of Jackson for the limited purpose of performing municipal duties such as inspections, code enforcement, water meter readings, etc. A second access easement is more specific and grants access for certain utility work and emergency access. Both of these easements mirror almost exactly the review comments made by then Town Engineer Shawn O’Malley when he reviewed the subdivision plat prior to its approval and recording. The law is very clear that an

⁶ See *id.* ¶ 11.

⁷ See *id.*

⁸ See *Beach v. Turim*, 287 Va. 223, 229, 754 S.E.2d 295, 298 (2014).

access easement cannot be inferred, it must be expressly granted, particularly an access easement to the public. Neither of these two easements to the Town grant access to the general public.

i. Specific Example of Public Access Easement In the Town of Jackson

In the Town of Jackson, there is a specific example readily available where the Town required a public access easement to be granted on private roads. Specifically, in the Daisy Bush subdivision the plat clearly provides that the roads within this subdivision, Dylan Drive and Wheatleigh Way, are private roads, and that the lot owners within the subdivision bear all costs of maintenance and ownership of the roads. The current and previous plats, also however, expressly grants public access on the private roads as evidenced below:

The Daisy Bush plat 1296, Certificate of Owner – “the access and utility easement connecting Dylan Drive and Wheatleigh Way was dedicated on said Plat No. 1244 as a public right-of-way for uninhabited non-motorized access and for emergency vehicles only, and that dedication is hereby affirmed.”

The Daisy Bush plat 1296, map on sheet 2 also contains the following notes attached to Dylan Drive and to Wheatleigh Way: “Town of Jackson Utility and Public Access Easement for Non-motorized and Emergency Vehicles Only.”

Further the Daisy Bush plat 1244, Certificate of Owner – “that those roadway and utility easements shown hereon as Dylan Drive and Wheatleigh Way are hereby dedicated as Private roadway and utility easement for the use of the owners of the lots within this subdivision, their heirs successors, and assigns, and shall be the perpetual maintenance responsibility of the owners of lots within this subdivision. Said easements are further dedicated as public right-of-way for uninhabited (sic) non-motorized access.”

Daisy Bush plat 1244, map on sheet 2 also contains the following notes attached to Dylan Drive and Wheatleigh Way: “Driveway, Utility and Public Access Easement.”

This subdivision located in the Town of Jackson is a good example of where there was obviously a clear requirement and condition of the development permit process to provide to the public non-motorized access across certain roadways and then the clear language in the plat that created such easements in favor of the public. No such easement language currently exists for Pine Glades, nor was it ever a condition or requirement of the development permit that such easement language should exist.

II. SPECIFIC RESPONSES TO EXHIBITS ATTACHED TO MAY 29, 2019 LETTER

According to Mr. Sinclair’s representations in our meeting on June 17, 2019, the May 28, 2019 letter contains the complete public record, including specific Exhibits, in support of the Town’s position that an access easement is to be granted to the public over private roads for non-motorized uses. From our review of the public record as demonstrated by the Exhibits, these items fall short of fulfilling the necessary requirements to establish a public easement over the private

sidewalks and roadways located in the Pine Glades development. We will address each exhibit in more detail below.

Exhibit A

The July 17, 2007 letter, attached as Exhibit A to the May 28, 2019 letter, is simply a public comment from a non-governmental organization expressing an opinion about a development application that was being reviewed by the Town Council; the letter did not establish a condition or easement on said application. This letter is not acknowledged or signed by the developer and has no binding effect on the developer (or successors to the developer). It simply provides Tim Young's public comment after his review of the proposed trails. The Town's May 28, 2019 letter mischaracterizes Mr. Young's letter and inserts meaning that is not evident in the plain meaning of the words in his July 17, 2007 letter. Mr. Young makes a salient statement in his July 17, 2007 letter that it is very helpful to see a public easement on all sidewalks and roads, but the Town of Jackson never acted on this suggestion as a condition to the PUD, and no such easement existed then and does not exist today.

Exhibit B

Similarly, the transcript of the January 7, 2008 Town Council meeting on the Pine Glades PUD sketch plan, attached as Exhibit B to the May 28, 2019 letter, containing Pine Glades developer Dave Taylor's statements made during such meeting do not meet the legal requirements of creating a condition or an easement. While the developer provided oral responses to questions, those responses again were never acted upon by the Town of Jackson. The oral statements needed to be properly memorialized to create the legal obligation the Town Planning Department now desires. It is also important to note that Dave Taylor's comments were made during a preliminary meeting in which the Pine Glades PUD sketch plan was reviewed by the Town Council and not during a meeting in which final approval was decided. The sketch plan staff report treats Pine Glades first as a sketch plan for a 39 unit PUD, and then at a later time, a Final Development Plan for a 39-unit PUD was submitted, reviewed and approved by the Town Council. There was no separate PUD approval that was granted concurrently with the sketch plan approval that can be characterized as a final decision. While the Town now relies heavily on Dave Taylor's comments in the preliminary sketch plan meeting, during the review and ultimate approval of the subsequently submitted Final Development Plan, there was absolutely no mention of Mr. Taylor's earlier comments, or the reliance on such comments, in the several pages of staff review comments, the staff report for the Final Development Plan, the Town Council's Findings of Approval, the motion of approval, the conditions of approval, or in the minutes of the Council's meeting in which approval was granted to the Pine Glades Final Development Plan PUD. In good faith, Pine Canyon relied on the written development record and did not have knowledge of the transcript that was included in your letter, but even so, such comments are not the same as an easement or a condition to grant an easement to the public. Furthermore, the transcript containing Mr. Taylor's comments was created only two months ago in April, 2019, after town staff located the tape of the 2008 meeting and had a portion of the recording transcribed to include in your May 28, 2019 letter.

Exhibits C, D

Exhibits C and D relate to the **trail system** and pedestrian easements that were proposed as part of the Pine Glades development; however they do not describe any easement or rights of public access on the sidewalks and private roads in the development. Rather these Exhibits detail a public trail system to access Snow King and the USFS lands. The current developer of the Pine Glades Phase 2 will complete the trail system that fulfills all obligations imposed on Pine Glades to build such a system, and these trails will be surveyed and specifically described and easements will be recorded that expressly allow to public to enjoy them in perpetuity. However, granting public access to a surveyed and specifically defined trail does not automatically or also grant public access to the private roads in the Pine Glades development.

The Final Development Plan Trail Map, attached as Exhibit D to your May 28, 2019 letter, actually provides clear evidence that a public easement was not granted over the private roads. Based on the map legend, the public ski/hiking access is delineated on the map and verbally described as being on “soft surface” trails. These trails are not shown on the private roads. The two trails passing near the S – 1 building and the affordable housing units, and appearing to connect to the private Pine Glades Drive were deleted by the Minor Deviation that Mr. Sinclair approved in 2014 (Exhibit H). The planning staff has asserted in the past that public access on the private roads is necessary to access the trails that were required per this Trail Map. However, the Current Trail Proposal will not require public access on the private roads to access the trails, except for a limited access on the western cul-de-sac described above.

The sidewalk shown on the map matches the Project Summary in Exhibit C that says pedestrian access will be provided to and from each unit within the development, however there is no allowance granted to the general public for use of the sidewalk. This sidewalk is in neither the General nor Limited Common Elements of the subdivision, but rather it passes through private townhouse lots and is subjected to a 3-dimensional access easement to other homeowners. This easement expressly prescribes the beneficiaries who enjoy the easement and the general public is not included in this specific list.

Pine Canyon has developed a plan to provide public access easements through trails, but not public easements over the private roads, see **Exhibit 1**. The Current Trail Proposal includes a trail system shown on the enclosed map, except for the two trails that were deleted by the Minor Deviation, with the following revisions: 1) reinstate the western trail that traverses uphill from the Pine Glades Drive cul-de-sac that was deleted by a Minor Deviation Mr. Sinclair approved in 2011; 2) construct a newly proposed trail that traverses downhill from the same cul-de-sac and connects to a trail that traverses the lower hillside; and, 3) extend to the existing Snow King trail network the lower trail that will traverse the lower hillside below future phase 2. This extension of the lower trail replaces any trail that was moved from the S – 1 vicinity to the upper end of the tunnel.

Exhibit E

The Subdivision Improvement Agreement dated December 31, 2010 (“SIA”), attached as Exhibit E to the May 28, 2019 letter, also does not support the assertion that an easement exists in

favor of the public over the private roads and in fact it provides clear evidence that contradicts such an assertion. The SIA contains both direct and indirect references to the Trail Map that is discussed above. The Attachment A to the SIA includes a line item for bonding 4,200 lineal feet of trail, a length that approximates the amount of on-site trails in the Current Trail Proposal. The staff's own characterization of this exhibit correctly contains no reference to public access on the private roads.

Exhibit F

The 2011 Minor Deviation, attached as Exhibit F to the May 28, 2019 letter, does not support any assertion that an easement exists over the private roads in Pine Glades. This Minor Deviation that Mr. Sinclair approved (which was later superseded by a subsequent 2014 Minor Deviation) is not relevant to the Town's current assertion. Furthermore, Shawn Hill's staff review comments that are attached to this Exhibit do not contradict the Current Trail Proposal. To the extent that one attempts to advocate that there is a contradiction between Pine Canyon's proposal and Mr. Hill's comments, it is important to note that a staff review of a proposal cannot create new requirements that were not previously established by the conditions of an approval or in adopted regulations

Exhibit G

The recorded Pine Glades Subdivision Plat, attached as Exhibit G to the May 28, 2019 letter, includes the easements that were granted to the Town of Jackson and are discussed above. In a letter dated March 22, 2019, from Todd Cedarholm, PLS, to the Town of Jackson, attached hereto as **Exhibit 2**, Mr. Cedarholm specifically addresses all of the easement language used. None of the language in the Plat provides a clear intent to grant the public non-motorized access over the private roads.

In both the Certificate of Owner and delineated on the map, the private roads are established as "Private Roads" with no exception, caveat or qualification that deviates from the plain and common meaning of this term. Furthermore, the Plat establishes the boundaries of the private townhouse lots that are traversed by the sidewalk mentioned above, and further creates the 3-dimensional access easement also discussed above. Each townhouse lot owner must grant an easement to the general public before the public can travel on the sidewalk that passes through these lots.

The Town in its May 28, 2019 letter asserts that the general public has access to the private roads as a result of an easement granted to the Town of Jackson over the General Common Element roads. This easement was granted to the municipal corporation known as the Town of Jackson to permit town officials to perform their normal and regular municipal duties, such as inspections, enforcement, water meter reading, etc. It does not grant an easement to the general public. Furthermore, the sidewalk on which the public would travel is within the boundaries of private townhouse lots and not in the private roads or common elements.

The Plat was reviewed by the staff in several departments of the Town of Jackson prior to

it being approved and recorded in January of 2010, and detailed review comments were made by all departments. On April 15, 2009, the Town's engineer, Shawn O'Malley reviewed the Plat and made the following comments: (1) "[p]rior to approval, the plat documentation shall be revised to grant the Town an access easement over the entirety of all roadway and parking areas." (2) "[p]rior to approval, the easement documentation on the plat shall be revised such that the Town of Jackson is provided a minimum of a 40-foot wide access and maintenance over all locations of water mains, sewer mains, fire hydrant laterals, and fire hydrants." Following such comments, language similar to Mr. O'Malley's review comments were added to the Subdivision Plat.

Also, at the time of approving the Pine Glades Plat, the Town's legal department made many highly detailed comments about required and necessary easements that should be established on the subdivision Plat. Despite this extensive legal review, there is no mention of public access or public easements over the private roads. The Planning Department also reviewed the proposed Plat and also made no mention of public access on the Pine Glades private roads. While the Town may now wish that such access exists, or a condition to grant such access exists, the numerous review comments make it clear that a public easement over the private roads was not a condition or a matter that the Town required prior to the approval and recordation of the Plat.

Exhibit H

Mr. Sinclair's second approved Minor Deviation, attached as Exhibit H to your May 28, 2019 letter, does not support an assertion that an easement exists over the private roads and in fact it provides clear and significant evidence that contradicts such an assertion. This approved Minor Deviation and the accompanying emails and trail map, clearly demonstrate that the trails shown on the Trail Map that pass near the S – 1 building and the affordable housing units were deleted. Access on the private roads to allow the general public to access these two trailheads, which has been asserted by the planning staff, can no longer be argued. Any trail that was relocated to the vicinity of the upper end of the tunnel will be replaced by the lower trail from Wister Drive as shown in the Current Trail Proposal. Access on the private roads to access the trails will no longer be necessary as the lower trail will provide connection to the Snow King Trail network

III. Other Issues To Consider About Granting to the Public an Easement Over Private Roads

In addition, please consider additional recorded documents that we have reviewed, which also do not grant a public easement over the private roads in the Pine Glades subdivision.

The Town granted Pine Glades a Tunnel Easement across Town of Jackson property for a private roadway, Book 705, Pages 1188 1(a) "The Tunnel Easement is hereby granted for all purposes necessary or incidental to Grantees operation, maintenance, use, modification, repair and replacement of an underground tunnel and related roadway facilities as a PRIVATE ROADWAY...". Also, paragraph 4. "PRIVATE ROADWAY. The tunnel Facilities shall be remain a PRIVATE ROADWAY.

Pine Glades did grant a Right-of-Way, Utility and Snow Storage Easement Agreement, recorded in Book 750, Pages 275 for a "...roadway, turnaround and the right to lay out, install, operate, and maintain public utilities and appurtenances thereto within the easement..." also, "Grantee shall have the right to use that property described as "Easement 1" ...for those purposes described above ...and shall have NO RIGHT TO USE EASEMENT 1 FOR ANY OTHER USE." The caps are added for emphasis, but these additional documents are also clear that the roads in Pine Glades are private roads with no public non-motorized access easement.

a. No Easement Can Now Be Granted or Required of Developer for Phase 1.

Because no public easement was given by the original developer before the majority of the lots in Phase 1 were sold and the private roads and common areas were conveyed to the HOA, the current developer and any subsequent developers do not own the private road already constructed. Thus, Pine Canyon has no power to act by itself or on behalf of the HOA or owners or to grant a public easement across the common elements of the HOA.

Further, similar to Pine Canyon, the current owners purchased their property subject only to the recorded easements and dedications. To require Pine Canyon to grant a public easement puts the developer in a situation where the developer is unable to fulfill such a condition. The HOA and/or individual owners would have to grant such easements.

Additionally, the way Phase 1 was planned and constructed creates significant safety risks for the public and liabilities for the HOA. As you are aware, because of the drop off on the right side of the road as you drive up to Phase 1, there is no sidewalk on the right side of the road. The other side of the road was built right in front of the garages and front doors and under the cantilevered living spaces. Because it is common for owners to park their vehicles in front of their entry doors and garages, it essentially creates a one-lane road that is similar to driving through a parking garage. To add public access (bikes, skateboards, strollers, etc.) through this area creates a significant public safety concern for everyone involved. If the Town has a legitimate public purpose that would necessitate such access, please promptly provide it. Otherwise, Pine Canyon believes that the new proposed trails will solve access issues to the trails, thereby honoring the intent of the original developer, without placing the public in danger, or raising liability issues for the HOA.

Also, discussed previously, the current sidewalks are located on the private townhouse lots and not on the private roads (adjacent to the roadways) or in the Common Elements. Thus, it is likely that if the Town is going to require a public easement on the sidewalks, negotiation and conveyance by each individual lot owner would be necessary, something that might be impossible given how many owners there are with opposing opinions toward such a request.

In addition to the procedural difficulties of gaining public access easements from numerous owners of individual lots and the HOA, new conditions and requirements cannot now be retroactively imposed on a previously approved development. Vested rights have long ago accrued to the Pine Glades PUD that allow the current developer to proceed with completing the development. The Town Planning Department's February 17, 2017 ZCV clearly supports this

statement.

Finally, the Town of Jackson has also already approved the PUD Final Development Plan for Phase II. All that is left to complete prior to construction is a development and bonding agreement. This agreement is not a new development proposal that is subjected to new and additional conditions or requirements, but rather it simply memorializes the developer's financial obligations from the previous approval. To attempt to change the conditions or rescind the permit would place significant burdens on Pine Canyon, would not be in compliance with land use rules, and which do not appear to further a legitimate public purpose, especially if the Current Trail Proposal system is approved.

IV. SPECIFIC COMPLIANCE ISSUES

Although it came as a surprise to everyone working with Pine Canyon, the May 28, 2019 letter raises several compliance issues, which Pine Canyon responds to as follows:

a. Trail Connectivity

Exhibits I and J

Pine Canyon agrees that Phase 1 is compliant and at the conclusion of the development of Phase 2 that it also will be in compliance. The Current Trail Proposal will fulfill the trail requirements for the entire Pine Glades PUD.

b. Signage

The Town has objected to the current signs that state "No Trespassing," and requires that they be removed by July 1, 2019. As discussed above, there is no public easement over the private roads. Thus, a member of the public using such private roads is trespassing. The sign puts the public on notice that they are on private land and such notice reduces the liability for the HOA.⁹

While the Town now takes issue with the "No Trespassing" signs, there are similar signs in other developments throughout the Town. For example:

The Eastridge Addition plat 730, Certificate of Owners clearly states that Henley Road is private and there are currently two no trespassing signs at the beginning of the subdivision road. See **Exhibit 3**.

The Flat Iron subdivision plat 906 contains a private road within common lot 16 and a no trespassing sign currently stands at the beginning of the subdivision road. See **Exhibit 4**.

⁹ See *Concho Const. Co. v. Oklahoma Nat. Gas Co.*, 201 F.2d 673, 674 (10th Cir. 1953) (citing Restatement of Torts § 367 & cmt. a.); *Missouri-Kansas-Texas R. Co. v. Mathis*, 349 F.2d 897, 900 (10th Cir. 1965) (holding that lesser duties owed to a trespasser does not exist when an owner negligently or intentionally leads the public to believe that private land is part of a public right-of-way).

The Love Ridge Lodge Homes plat 1184 contains private roads and there currently are several signs throughout the development that say private property, no parking. See **Exhibit 5**.

T – Map 28K depicts a private road that crosses Flat Creek and traverses up Saddle Butte. A prominently located sign stands at the bridge before Saddle Butte Road that says no trespassing, private. See **Exhibit 6**.

If in fact there is no public access easement, then no trespassing is fundamentally a correct and permissible statement to make, although maybe not very pleasing to view. Further, the HOA is technically the correct party to change the signs, and some homeowners have said that negative interactions with the public have lessened due to the signs (such as dogs barking at homeowners, or being off leash and charging homeowners, or skateboarders almost impacting cars coming up the tunnel, or sightseers parking in the roadway). However, Pine Canyon and the HOA may be able to work on the language of the signs to make them more palatable but it cannot include notice to public access that does not exist. (New signs will direct the public to the trails.) While the language can be changed to give notice that it is a private road, no thru access, etc., the HOA needs to reduce its liability per its insurance carrier as much as possible by following its duty to informing members of the public that they are on private property. Pine Canyon proposes changing the sign language to state: “private tunnel”, “private road” and “no thru access”, or similarly worded signs, and if no objection is made from the Town planning staff, will have new signs made and ideally posted by August 15, 2019.

c. Public Access-Boulders

As discussed above, there is no public easement over the Pine Glades private roads. Thus, the boulders are further notice to the public that they are entering private property and accessing private roads. Because there is no public easement, blocking the public from entering is not only allowed but prudent to assert the private nature of the property the public is attempting to access. However, many of the boulders will be removed when the break-away gate is installed.

d. Break-Away Gate

The break-away gate has been ordered and will be installed in the near future. Future use, as was past use, will be in compliance, and the Town has not alleged otherwise.

e. Topping of Trees

Pine Canyon will perform any reasonable mitigation that will be required by the Town code enforcement officer for this item. However, it is position of Pine Canyon that some of the trees reviewed may have been topped by the former developer. Pine Canyon hired a professional landscaper to clean up deadfall and dead trees (thereby reducing fire fuel), and no live trees were removed or intentionally topped; and over thirty (30) 8'-18' spruce and fir trees have been added into the development so far in an effort to improve the feel of the development and add screening, new growth and mitigate dead, unmanaged prior plantings.

f. Roadway Heating Elements

The original developer proposed two heating elements in the private roads. One heating element was installed in the existing Pine Glades Drive as part of Phase 1 and a second element is proposed for the future Jessica Lane in Phase 2. Pine Canyon disclosed to the Town that the existing heating element is no longer working and the HOA is satisfied paying the plowing and sanding contractor who has provided winter maintenance for the past few winters. The road has been safe and well maintained for a fraction of the energy consumption in the early years (Snow King Resort snow making activated the heating element on a frequent and unnecessary schedule). The HOA wishes to avoid repairing the existing heating element and to not install the second heating element in the phase 2 road.

In an early discussions about this development, Town Planner Tyler Valentine concluded that the heating elements were voluntarily proposed by the Pine Glades developer and not required by the Town approval. In a later pre-application conference attended by Town engineering, planning, fire, police, and legal departments, no one was able conclude if the heating elements were required or voluntarily proposed by the developer. Also, everyone in this pre-application conference was supportive of removing the future element from the Phase 2 road and not repairing the existing malfunctioning element. Only after this latest disagreement on public access arose, has the heating element become a compliance issue. Further, Phase 2 has limited grade changes, so no need for heating of the roadway as snowplowing is also effective here.

The Town has an extensive history of reducing energy consumption and promoting energy conservation. Road heating elements are a direct conflict with these recent and on-going efforts. Furthermore, neighboring town streets are plowed and sanded during winter with no significant difficulties, and these roads are at the same elevation and sun exposure at the private roads in Pine Glades. But a few examples of roads with steep elevations which are not heated are Spring Creek Drive, Pine Glades Drive, Snow King Drive to Love Ridge, and of course, Teton Pass itself. We would ask that this compliance issue be removed along with the requirement for having a heating element in Phase 2. The Phase 2 hearing element will be addressed in the Development Agreement; we would like to reach an agreement on the Phase 1 heating element in light of the non-compliance letter, as we do not want to continue to have it as a working element for the reasons set forth herein.

g. Landscape Plan

Pine Canyon will fully comply with, and probably exceed the landscaping requirements.

h. Sidewalks

To date, Pine Canyon has fully complied with the sidewalk requirement and will comply in the future as well. Regarding the issue of granting a non-motorized access easement to the public across sidewalks, the sidewalks, including a three dimensional access easement over them are within Lots 1 through 12 in phase 1, and will be within future town house lots in phase 2

when existing Lots A through E are developed and further subdivided.

CONCLUSION:

The current developer, Pine Canyon, would like to proceed to complete Phase 1, without any additional changes except for the avalanche mitigation, which was erroneously planned by the original developer and could have killed someone, and to get approval of exterior finishes which have been changed for the final two unit duplex in Phase 1. Then, Pine Canyon wants to move forward immediately to complete the Development Agreement which will include the enhanced Current Trail Proposal, to be installed as significant increased costs to Pine Canyon, and all of the trails will have easements granted to the public for its use. If it makes sense to have another conversation with Planning Staff and the Planning Director, we are happy to do so, as it is important to Pine Canyon that it have the support of staff and the Planning Director to complete the project. We look forward to a final determination from Planning Department regarding the public access non-motorized issue and various compliance issues.

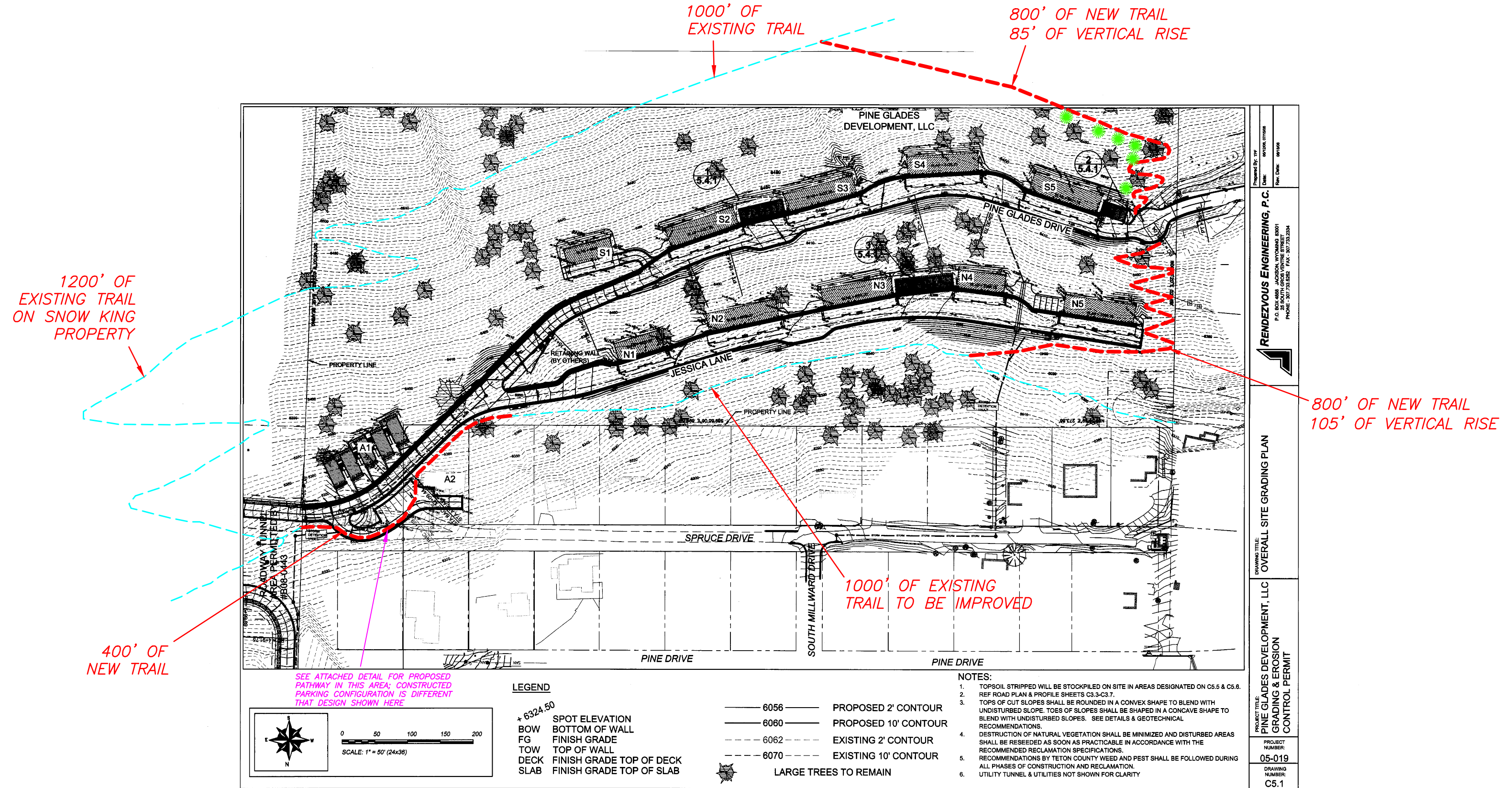
Very truly yours,

LONG REIMER WINEGAR BEPLER LLP



BY: ERIKA M. NASH

Cc: Tyler Valentine, Senior Planner, (via email only: tvalentine@jacksonwy.gov)
Todd Cedarholm, Principal, On Sight Land Surveyors, Inc. (via email only:
todd@onsightsurvey.com)
William Collins, Principal, Collins Planning Associates (via email only:
collinsplanning@bresnan.net)



TOTAL TRAIL DISTANCES:

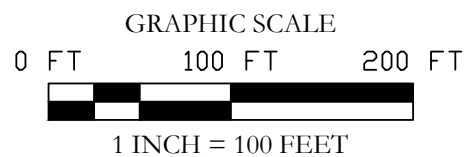
2000'+/- OF NEW TRAIL

3200'+/- OF EXISTING TRAIL

5200'+/- TOTAL TRAIL



155 West Gill Ave.
P.O. Box 12290
Jackson, WY 83002
(307) 734-6131



DETAIL EXHIBIT
SHOWING
PROPOSED TRAIL
PREPARED FOR
PINE CANYON, LLC

Tyler Valentine, Senior Planner
Town of Jackson Planning and Building Department
150 E Pearl Ave
PO Box 1687
Jackson, WY 83001

March 22, 2019

RE: Pine Glades Easements, Pathways, and Public Access Issues

Tyler,

As a follow up to our conversations regarding pathways and access to the streets and pathways within the Pine Glades development, I believe a more thorough review of the record is necessary for a clearer understanding of the issues. I believe that the original intent of the development was for the roads to remain private and that public access would be limited to the required public pathway elements. Summarized below are the important access issues and references to the pertinent documents.

1. Pine Glades Drive and Jessica Lane are clearly labeled as **PRIVATE ROADS** within the certificate of owner on plat sheet 2 (Appx 1) **AND** within the general notes on plat sheet 3 (Appx 2).
2. The Certificate of Owner on Plat 1285, Sheet 2, paragraph 24 states, **“that the Town of Jackson is hereby granted an access easement across the entire GCE-Roadway”**, (Appx 3) The purpose of the easement is to grant legal access to Town staff, agents, and appointees for the purposes of utility/infrastructure service or maintenance, emergency services, etc. This easement does not create access for the Public.
3. The Certificate of Owner on Plat 1285, Sheet 2, paragraph 27 states, **“that, pursuant to a condition required by the town of Jackson of the approved Final Development Plan, the undersigned hereby reserves unto itself, its heirs, successors and assigns, the right to grant to the public a pedestrian easement to be located within Lot H”** (Appx 3) Clearly it is the intent of the owner to create public access to the property on a trail network and limit public access to that network only. An access easement and a right-of-way are not one in the same. An access easement is generally granted to a specific entity for a specific purpose such as utility work/maintenance, emergency vehicle access, etc. A right-of-way is granted for travel purposes. An access easement granted to a municipality does not grant unfettered access to the public for vehicle, pedestrian, bicycle, equestrian across a property.
4. The Declaration of Covenants, Conditions and Restrictions for Pine Glades Townhome Phase One Addition to the Town Of Jackson, reviewed and approved by Town Staff and recorded concurrently with the plat, speak very clearly to the issue of private roads and public access (Appx 4). **Section 10.2 Easements for Utilities and Infrastructure** describes the easements granted to the Town for utility work, etc. **Section 10.5 Easement for Emergency Vehicles** describes access for Emergency Vehicles. **Section 10.8 “Title to Roadways; Use of Roadways; Roadways are Private**, clearly states that the roads are considered private.

5. The Town granted Pine Glades a Tunnel Easement across TOJ property for a private roadway, 705p1188 pp.(Appx5) 1(a) **“The Tunnel Easement is hereby granted for all purposes necessary or incidental to Grantees operation, maintenance, use, modification, repair and replacement of an underground tunnel and related roadway facilities as a PRIVATE ROADWAY...”**. Also, paragraph 4. **“PRIVATE ROADWAY. The tunnel Facilities shall be remain a PRIVATE ROADWAY.**
6. Pine Glades granted a Right-of-way, Utility and Snow Storage Easement Agreement, 750p275 (Appx 6) for a **...”public roadway, turnaround and the right to lay out, install, operate, and maintain public utilities and appurtenances thereto within the easement...”** also, **“ Grantee shall have the right to use that property described as “Easement 1” ...for those purposes described above.. and shall have NO RIGHT TO USE EASEMENT 1 FOR ANY OTHER USE.”**
7. The **Subdivision Improvement Agreement**, 750p263,(Appx 7) as executed, does not include requirements for public access other than via the **Public Pathways** requirement. **“6. PUBLIC PATHWAYS. The Public Pathways delineated as ‘public ski/hike trails’ on the site plan of the final Development Plan approved by the Council, requires that the developer complete the installation of the Public Pathways as part of the overall improvements described in Attachment “A”...”** The Public Pathway requirement only creates a public right-of-way along the pathways, not the roadways.

I believe that a complete review of the record documents clearly shows that the Public Access considered and approved is limited to the Public Pathway system.

Please feel free to contact me with any questions or additional materials.

Regards,

Todd Cedarholm, PLS

CC: Bill Collins, Dave Meyers, Erika Nash.
Attachments: Appendices 1-7

Appendix 1

Pine Glades Plat 1285, Sheet 2, Certificate of Owner

CERTIFICATE OF OWNER

State of Wyoming)
County of Teton) ss.
Town of Jackson)

The undersigned owner hereby certifies that the foregoing subdivision of Lot 9 of Block 7 of the Aspen Hill Lots, a subdivision of record in the Office of the Clerk of Teton County, Wyoming, as Plat No. 124, and that parcel of land located within the NE1/4SE1/4 Section 33, T41N, R116W, 6th P.M., as shown on this plat and more particularly described under the Certificate of Surveyor is with free consent and in accordance with the desire of the undersigned owner and proprietor of the described lands;

that the name of the subdivision shall be PINE GLADES TOWNHOMES PHASE ONE ADDITION TO THE TOWN OF JACKSON;

that this subdivision is subject to a Declaration of Covenants, Conditions, and Restrictions to be recorded in the Office of the Clerk of Teton County, Wyoming, concurrently with this plat;

that this subdivision is subject to any covenants, conditions, restrictions, easements, ditches, roadways, rights-of-way, common areas, reservations and building setback requirements as delineated on the Aspen Hill Lots Plat, recorded as Plat No. 124, on file in the Office of the Clerk of Teton County, Wyoming;

that this subdivision is in accordance with and subject to the terms and conditions of the PINE GLADES PUD Final Development Plan approved by the Town Council of Jackson, Wyoming, on January 22, 2008;

that access to this subdivision is from Pine Glades Drive;

that Pine Glades Drive and Jessica Lane are private roads serving this subdivision;

that emergency access to this subdivision is from Pine Drive through a break-away access system;

that this subdivision is subject to any covenants, conditions, restrictions, easements, ditches, roadways, rights-of-way, common areas, reservations and building setback requirements as delineated on Maps T-56A and T-56C on file in said Clerk's Office;

that this subdivision is subject to that Subdivision Improvement Agreement to be recorded concurrently with this plat;

that as of the date of recording this plat, this plat is subject to that certain Lien Statement executed by Sullivan Construction, LLC, claimant, recorded in the Office of the Teton County Clerk on April 27, 2008 in Book 707 of Plats, Pages 4 to 274 and that certain Agreement To and Benefit

Appendix 2

Pine Glades Plat 1285, Sheet 3, Plat Notes

PUBLIC MAINTENANCE OF ASPEN DRIVE, PINE DRIVE, AND SPRUCE DRIVE

PINE GLADES DRIVE AND JESSICA LANE ARE PRIVATE ROADS

NO PUBLIC MAINTENANCE OF PINE GLADES DRIVE AND JESSICA LANE

THIS SUBDIVISION WILL BE CONNECTED TO THE TOWN OF JACKSON WATER SUPPLY SYSTEM

THIS SUBDIVISION WILL BE CONNECTED TO THE TOWN OF JACKSON SEWER COLLECTION AND TREATMENT SYSTEM

SELLER DOES NOT WARRANT TO THE PURCHASER THAT HE OR SHE SHALL HAVE ANY RIGHTS TO THE NATURAL FLOW OF ANY STREAM WITHIN OR ADJACENT TO THE SUBDIVISION

WYOMING LAW DOES NOT RECOGNIZE ANY RIPARIAN RIGHTS TO THE CONTINUED NATURAL FLOW OF ANY STREAM OR RIVER FOR PERSONS LIVING ON THE BANKS OF THE STREAM OR RIVER

THE SURFACE ESTATE OF THE LAND TO BE SUBDIVIDED IS SUBJECT TO FULL AND EFFECTIVE DEVELOPMENT OF THE MINERAL ESTATE

AREAS OF POTENTIAL AVALANCHE HAZARD WITHIN THIS SUBDIVISION WERE IDENTIFIED BY JMY ENVIRONMENTAL CONTRACTING AND DOCUMENTED IN A REPORT TITLED DATED SEPTEMBER 23, 2007. THIS STUDY IDENTIFIED "BLUE" ZONES, AREAS OF MODERATE HAZARD IN THE AVALANCHE ZONING PLAN. LOT F AND LOT G LIE WITHIN THE "BLUE" ZONE OF THE STUDY. ACCORDING TO THE STUDY, PRIVATE HOMES ARE PERMITTED IN THE BLUE ZONE IF THEY ARE DESIGNED TO RESIST AVALANCHE FORCES OR ARE OTHERWISE PROTECTED BY AVALANCHE DEFENSE.

Appendix 3

Pine Glades Plat 1285, Sheet 2, Certificate of Owner

Construction Easement Agreement described in Book 705 of Photo, Pages 491–503, records of Teton County, Wyoming;

that this subdivision is subject to those access and/or utility easements hereby granted to the Town of Jackson as shown hereon and to those easements granted to the Town of Jackson by that certain Right-of-Way, Utility and Snow Storage Easement Agreement to be recorded concurrently with this plat;

that the Town of Jackson is hereby granted a utility easement in, under, over and across the entire GCE–Roadway, as shown hereon, except for those portions of the GCE – Roadway that are within those Lots designated as townhome lots, for purposes of installing water and sewer utility infrastructure and all appurtenances thereto;

that the Town of Jackson is hereby granted an access easement across the entire GCE–Roadway;

that the Town of Jackson is hereby granted an access and maintenance easement across the entire subdivision for purposes of accessing and maintaining all water valves, meters, shut-off boxes, sewer cleanouts, manholes and appurtenances thereto;

that this subdivision is subject to that 15 foot wide access easement and skier access easement set forth in that certain Access and Recreation Easement Agreement described in Book 706 of Photo, Pages 518 to 531, and that certain First Amendment to Access and Recreation Easement to be recorded concurrently with this plat and all amendments thereto;

that, pursuant to a condition required by the Town of Jackson of the approved Final Development Plan, the undersigned hereby reserves unto itself, its heirs, successors and assigns, the right to grant to the public a pedestrian easement to be located within Lot H;

that this subdivision is subject to that Access and Utility Easement Agreement granted to the owner of Lot 68 Aspen Highlands, Plat No. 175, as shown hereon and of record in Book 728 of Photo, Pages 208–215, records of Teton County;

265 North Glenwood
P.O. Box 12290
Jackson, WY 83002
(307) 734-6131

-33-2A 22-41-16-33-2A_fp1rev2.dwg 04/22/09 05/15/09 12/31/09 02/08/10

Appendix 4

Pine Glades covenants, 750p282-320, pages 34-36

the Office of the Clerk of Teton County, Wyoming to annex the additional lots and/or units into this Declaration and to designate the common area lot(s), general common elements and limited common elements. The common area lot(s) shall be conveyed to the Association by warranty deed concurrently upon filing the replat of any lot. Declarant hereby reserves the right to assign portions of Common Elements (including, but not limited to, LCE-Parking) to Residential Properties as appurtenant Limited Common Elements (individually or collectively) either by designation on a future plat or by filing a Supplemental Declaration in the Office of the Clerk of Teton County, Wyoming. The Board reserves the right to reassign parking spaces among Residential Properties by filing Supplemental Declarations if Federal Law or State Law necessitates such reassignment to accommodate an Owner.

9.12 Termination of Rights. The rights contained in this Article shall not terminate until the Declarant, or any individual Declarant, is no longer a record owner of any real property subject to this Declaration unless Declarant elects to terminate such reservations at an earlier date. Declarant may from time to time relinquish and surrender one or more but less than all of the reserved rights, in which event the unrelinquished reserved rights shall remain fully valid and effective for the remainder of the term thereof.

PART FIVE: PROPERTY RIGHTS WITHIN THE COMMUNITY

The nature of living in a community requires the creation of special property rights and provisions to address the needs and responsibilities of the Owners, the Declarant, the Association, and others within or adjacent to the community.

ARTICLE X – EASEMENTS

10.1 Easements in Common Elements.

The Declarant grants to each Owner of a Residential Property a non-exclusive right and easement of use (subject to the rights of other Owners, Members and the Association), access and enjoyment in and to the General Common Elements. The Declarant grants to each Owner (subject to the rules, regulations, and restrictions contained in the Governing Documents) an exclusive right and easement of use, access, and enjoyment in and to the Limited Common Elements that are appurtenant to the Residential Property owned by such Owner, which shall include without limitation the decking and parking areas. Such exclusive right and easement of use, access, and enjoyment in the Limited Common Elements shall not be severable from the Residential Property to which it is appurtenant.

The foregoing grants shall be subject to:

- (a) The restrictions, rules and regulations set forth in the Governing Documents and any other applicable covenants;
- (b) Any restrictions or limitation contained in any deed and/or easement agreement conveying such property and/or easement over such property to an Owner Association; and
- (c) The right of the Board to adopt rules regulating the use and enjoyment of the area of the Common Elements.
- (d) The right of the Board to suspend the right of an Owner to use the Common Elements (i) for any period during which any charge or assessment against such Owner's Residential Property remains delinquent, and (ii) for a period not to exceed thirty (30) days for a single violation or for a longer period in the case of any continuing violation of the Governing Documents after notice and a hearing pursuant to the Bylaws.

Any Owner may extend his or her right of use and enjoyment of the Common Elements to the members of his or her family, and social invitees, as applicable, subject to reasonable regulation by the Board. An Owner who leases his or her Residential Property, subject to the terms and conditions of this Declaration, shall be deemed to have assigned all such rights to the lessee of such Residential Property for the period of the lease.

10.2 Easements for Utilities and Infrastructure.

(a) All dedications, limitations, restrictions and reservations of easements, including those for drainage, prepared and recorded by Declarant are incorporated herein by reference and made a part of this Declaration for all purposes as if fully set forth in this Declaration.

(b) The Declarant hereby grants to the Association and each Owner of a Residential Property, and, so long as the Declarant owns any real property subject to this Declaration, reserves for itself, and reserves the right to grant to the Town of Jackson, utility providers, the Association and all Owners perpetual non-exclusive utilities easements in, under, over and across the Roadways and in those areas as described on the Plat for the purpose of:

(i) Installing utilities, including without limitation, water and sewer systems, cable and other systems for sending and receiving data and/or other electronic signals; security and similar systems; roads and walkways; drainage systems and signage; to serve the Properties;

(ii) Inspecting, maintaining, repairing and replacing such utilities and infrastructure to serve the Properties; and

(iii) Access to read utility meters.

(c) All work associated with the exercise of the easements described in subsections (a) and (b) of this Section shall be performed in such a manner as to minimize interference with the use and enjoyment of the property burdened by the easement. Upon completion of the work, the Person exercising the easement shall restore the property, to the extent reasonably possible, to its condition prior to the commencement of the work. The exercise of these easements not unreasonably interfere with the use of any Residential Property and, except in an emergency, entry onto any Residential Property shall be made only after reasonable notice to the Owner or occupant.

10.3 Easements for Maintenance, Emergency and Enforcement. The Declarant grants to the Association easements over Properties as necessary to enable the Association to fulfill its maintenance responsibilities under Section 7.2. The Association shall also have the right, but not the obligation, to enter upon any Residential Property, but not to enter any structure thereon, for maintenance, emergency, security, and safety reasons and to inspect for the purpose of ensuring compliance with the Governing Documents and to enforce the Governing Documents. Such right may be exercised by any member of the Board and its duly authorized agents and assignees, and all emergency personnel in the performance of their duties. Except in an emergency situation, entry shall only be during reasonable hours and after notice to the Owner. The Declarant hereby grants to the Association, perpetual exclusive snow storage easements in, under, over and across each Lot and the snow storage areas set forth on the Plat, if any, for the purpose of orderly removal and storage by the Association of snow from the Roadways and sidewalks located within the Common Elements and Lots.

10.4 Easements for Cross-Drainage; Stormwater Drainage System is Private. The stormwater drainage system installed by the Declarant and maintained, repaired and replaced by the

Association shall be a private system owned by the Association. Every Lot shall be burdened with easements for natural drainage of storm water runoff from other portions of the Properties; provided, no Person shall alter the natural drainage on any Lot to increase materially the drainage of storm water onto adjacent portions of the Properties without the consent of the Owner(s) of the affected Lot and the Board.

10.5 Easement for Emergency Vehicles. The Properties are hereby burdened with an easement allowing all policemen, firemen, ambulance personnel, and similar emergency personnel entry to perform their duties, including the enforcement of traffic regulations.

10.6 Easement for Encroachments. If any part of the Common Elements encroaches or shall hereinafter encroach upon a Residential Property, an easement for such encroachment and for the maintenance of the same shall and does exist. If any part of a Residential Property encroaches or shall hereafter encroach upon the Common Elements, or upon an adjoining Residential Property, an easement for such encroachment and for the maintenance of the same shall and does exist. Such encroachments shall not be considered to be encumbrances either on the Common Elements or the Residential Properties. Encroachments referred to herein are limited to encroachments caused by engineering errors, settling, rising, or shifting of the earth, or by changes in position caused by construction, repair or reconstruction or any part thereof in accordance with the original plans and any encroachment due to building overhang or projection.

10.7 Owner's Right to Ingress and Egress and Support. Each Owner shall have the right to ingress and egress over, upon, and across the Common Elements necessary for access to its Residential Property, and shall have the right to the horizontal and lateral support of its Residential Property, and such rights shall be appurtenant to and pass with the title to each Residential Property.

10.8 Title to Roadways; Use of Roadways; Roadways are Private. Title to those portions of the Roadways within the Common Elements as described on the Plat and in this Declaration, shall be conveyed by Declarant to the Association to be used for private road purposes. Each Owner and occupant and each of their guests or invitees are hereby granted a non-exclusive perpetual easement and right-of-way to use the Roadways, for private road purposes, including vehicular and pedestrian ingress, egress, access to and from their Residential Property; provided, however, that such pedestrian and vehicular easements hereby granted within those portions of the Roadways shown and detailed on the Plat as Three Dimensional Access Easement Across Lots 1-14 & A-E are limited horizontally and vertically to the existing grade and the underside of the Townhome structure as set forth on the Plat. Declarant hereby reserves the right to grant additional easements over and across the Roadways to utility providers and governmental entities. The Association shall have the right to control vehicular circulation through the Properties by such means as establishing speed limits, by installing speed bumps or by any other means reasonably adopted by the Association.

ARTICLE XI – AMENDMENT OF DECLARATION; MISCELLANEOUS

11.1 By Declarant. In addition to specific amendment rights granted elsewhere in this Declaration, until the conveyance of 75% of the Properties to an Owner unaffiliated with Declarant, Declarant may unilaterally amend or repeal this Declaration for any purpose. Thereafter, the Declarant may unilaterally amend this Declaration if such amendment is necessary to (i) bring any provision into compliance with any applicable governmental statute, rule, regulation, or judicial determination; (ii) enable any reputable title insurance company to issue title insurance coverage on the Residential Properties; (iii) enable any institutional or Federal National Mortgage Association or Federal Home Loan Mortgage Corporation, to make, purchase, insure or guaranty mortgage loans on the Residential Properties; or (iv) to satisfy the requirements of any local, state or federal governmental agency; provided, however, that any such amendment shall not adversely affect the title to any Residential Property unless

Appendix 5

Tunnel and Construction Easement, 705p1188, pgs 1-2

TUNNEL AND CONSTRUCTION
EASEMENT AGREEMENT

RELEASED	
INDEXED	
ABSTRACTED	☒
SCANNED	

THIS TUNNEL AND CONSTRUCTION EASEMENT AGREEMENT (this "Agreement") is made and entered into this 7th day of July, 2008, by and between the TOWN OF JACKSON, a municipal corporation of the State of Wyoming (hereafter referred to as "Grantor"), and PINE GLADES DEVELOPMENT, LLC, a Wyoming limited liability company (hereafter referred to as the "Grantee").

RECITALS.

WHEREAS, Grantor owns that certain real property in Teton County, Wyoming which is more particularly described on **Exhibit A** attached hereto and incorporated herein by reference (the "Grantor Property");

WHEREAS, Grantee owns that certain real property in Teton County, Wyoming which is more particularly described on **Exhibit B** attached hereto and incorporated herein by reference (the "Grantee Property");

WHEREAS, Grantor desires to grant to Grantee an exclusive tunnel easement and a non-exclusive construction easement on the Grantor Property according to the terms and conditions set forth herein; and

WHEREAS, the Grantor and Grantee agree that the Grantee Property shall be the property benefiting from the easement rights granted herein and the Grantor Property shall be the property burdened by the easement rights granted herein.

AGREEMENTS

NOW, THEREFORE, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), the foregoing recitals and other good and valuable consideration, in hand paid, receipt and sufficiency of which is hereby acknowledged and confessed, Grantor and Grantee do hereby agree as follows:

1. **Grant of Easements.** Grantor hereby grants to Grantee, its heirs, successors, assigns, employees, agents, contractors, licensees, tenants and other invitees, the following easements:

(a) an exclusive perpetual permanent subsurface easement under that area described and illustrated on **Exhibit C** attached hereto and incorporated herein (the "Tunnel Easement"). The Tunnel Easement is hereby granted for all purposes necessary or incidental to Grantee's operation, maintenance, use, modification, repair and replacement of an underground tunnel and related roadway facilities as a private roadway for pedestrian, bicycle, and vehicular access to the Grantee Property, including but not limited to the right to construct, operate, maintain, modify, repair, replace, improve, remove and use said tunnel, tunnel supports, roof, floor, roadway, sidewalks, access ways, entrances and exits and all utility lines or wires within said tunnel (the "Tunnel Facilities"), together with the right to operate equipment within said Tunnel Facilities, and for any related uses as Grantee may now or hereafter deem appropriate. The Grantee shall have the sole duty to maintain the Tunnel Facilities and associated access systems and appurtenances;

GRANTOR: TOWN OF JACKSON ET AL
GRANTEE: TOWN OF JACKSON ET AL
Doc 0736251 bk 705 pg 1188-1203 Filed At 16:29 ON 08/14/08
Sherry L. Dalgie Teton County Clerk fees: 53.00
By Mary Smith Deputy

(b) a non-exclusive perpetual construction easement in, under, over and across that portion of the Grantor Property specifically described and illustrated as "Construction Easement" on **Exhibit E** attached hereto and incorporated herein (the "Construction Easement") for purposes of constructing, operating, placing, maintaining, inspecting, protecting, repairing, altering, substituting and replacing the Tunnel Facilities.

The Tunnel Easement and the Construction Easement are individually referred to herein as an "Easement" and collectively as the "Easements".

2. **Tunnel Easement Infrastructure; Repair of Surface.** All structures, materials, facilities, mechanical and electrical systems, utilities, equipment, furnishings or improvements of any kind that are acquired, constructed or installed in or upon the Tunnel Easement shall be and shall at all times remain the property of Grantee. After the construction or repair of the Tunnel Facilities, Grantee shall promptly repair any surface damage to Grantor's Property caused by the exercise of Grantee's easement rights. Notwithstanding the foregoing, the parties hereto understand that the Grantee Property is being developed into 37 townhomes and condominiums and that the Tunnel Easement and all infrastructure and maintenance obligations within the Tunnel Easement will be transferred to the Pine Glades Homeowners Association (the "HOA") upon the conveyance of the common area of such development to the HOA. Upon completion of construction of the Tunnel Facilities, Grantee shall have a licensed surveyor certify that the Tunnel Facilities are all located within the Tunnel Easement.

3. **Reservation of Grantor; Subordination to Lease Agreement.** The Grantor reserves unto itself, its guests, invitees, legal representatives, heirs, successors and assigns, the right to use the surface of the Easements and the right to interrupt the use of the Tunnel Easement, after providing to Grantee 30 days prior written notice, in order to access, perform, complete or effectuate such reserved right to use the surface; provided, however, that Grantor shall use best efforts to reasonably minimize any interruption of the use of the Tunnel Easement by Grantee it being the understanding that during any such period of interruption, the access to and from Grantee's Property shall be from Pine Drive. The Grantor further reserves unto itself, its heirs, successors and assigns, the right to grant additional easements in, under, over and across the Construction Easement and Grantor's Property for any purpose as Grantor deems necessary in Grantor's sole discretion provided such additional easements do not unreasonably impair, interfere with or obstruct the use of the Easements by Grantee. The Grantor further reserves unto itself, its heirs, successors and assigns, the right to use the Easements for purposes of laying out, installing, operating, and maintaining public utilities and appurtenances thereto within the Easements and for emergency purposes. Grantor and Grantee hereby agree that the grant, effect and terms and conditions of this Agreement shall be subject to and subordinate to that certain Lease Agreement (Commercial Ski Shelter, Ski Lift and Mountain Tract) executed between Grantor and Snow King Resort, Inc., dated April 22, 1994, and any and all addenda, modification and amendments thereto, as assigned to Snow King Holdings, LLC in that certain Assignment and Assumption Agreement, dated January 1, 2006 and as further assigned to Snow King Mountain Recreation, LLC.

4. **Private Roadway.** The Tunnel Facilities shall be and remain a private roadway.

5. **Maintenance Costs.** The costs of the construction, maintenance, repair and replacement of the Tunnel Facilities shall be at the sole obligation and expense of Grantee or the related homeowners association for the Pine Glades Addition to the Town of Jackson.

6. **Survival.** This Agreement shall survive the execution of the delivery and recordation of the Easements which are described herein, and shall remain and continue in full force and effect.

Appendix 6

ROW, Utility and Snow Storage Easement, 750p275, pg 1

RIGHT-OF-WAY, UTILITY AND SNOW STORAGE EASEMENT AGREEMENT

KNOW ALL MEN BY THESE PRESENTS, that for Ten Dollars (\$10) and other good and valuable consideration, receipt whereof being hereby acknowledged by PINE GLADES DEVELOPMENT, LLC, a Wyoming limited liability company, of P.O. Box 642, Jackson, Wyoming 83001, hereinafter called the "Grantor", hereby grants and conveys to the TOWN OF JACKSON, a municipal corporation of the State of Wyoming, its successors and assigns, of P.O. Box 1687, Jackson, Wyoming, hereinafter called the "Grantee", the following easements (each, and "Easement" and collectively, the "Easements"):

GRANTOR: PINE GLADES DEVELOPMENT LLC
GRANTEE: TOWN OF JACKSON WYOMING
Doc 0767879 bk 750 pg 275-280 Filed At 16:24 ON 02/09/10
Sherry L. Daigle Teton County Clerk fees: 23.00
By Mary Smith Deputy

- (i) a non-exclusive right-of-way easement in, under, on, over, across, and through that property described as "Easement 1" on **Exhibit A**, attached hereto and incorporated herein, for the sole right to:

construct, use and maintain a public roadway turnaround and the right to lay out, install, operate, and maintain public utilities and appurtenances thereto within the easement, to include but not be limited to sanitary sewer, water, drainage, gas, electricity, telephone, and cable television.

- (ii) a non-exclusive right-of-way easement in, under, on, over, across, and through that property described as "Easement 2" on **Exhibit A**, attached hereto and incorporated herein, for the sole right to:

use and maintain a public roadway turnaround and for the right to plow, cast and store snow that has fallen in adjacent public rights-of-way and the right to lay out, install, operate, and maintain public utilities and appurtenances thereto within the easement, to include but not be limited to sanitary sewer, water, drainage, gas, electricity, telephone, and cable television.

Grantee shall have the right to use that property described as "Easement 1" on **Exhibit A** for those purposes described above in item (i) and shall have no right to use Easement 1 for any other use. Grantor shall have the right to use that property described as "Easement 2" on **Exhibit A** for those purposes described above in item (ii) and shall have no right to use Easement 2 for any other use. Grantee shall maintain the utilities and the asphalt surfaces located within the Easements. Grantee shall be responsible for performing the maintenance and repair of any retaining wall systems and/or infrastructure located within Easement 1 at its sole expense. Grantee shall be responsible for performing the maintenance and repair of the retaining wall system located within Easement 2 and the cost to perform the maintenance and repair of such infrastructure shall be split evenly between Grantor and Grantee. Grantor shall maintain and repair the emergency breakaway barrier to be located at the eastern boundary of Easement 2. All obligations of Grantor and Grantee shall be binding upon their heirs, successors and assigns; however, it is anticipated that the successor of Grantor will be the homeowners association of the Pine Glades Townhome Addition to the Town of Jackson and in such circumstance, all costs associated with the foregoing shall be assessed by such successor entity to the members of such association as a special assessment.

Grantee shall repair or replace any items that it shall move from the Easements and shall repair any damage resulting from Grantee's construction on and use of the Easements as contemplated by this agreement. All work performed within the Easements by Grantee shall be performed in such a manner as to minimize interference with the use and enjoyment of the Easements by Grantor.

RELEASED	
INDEXED	
ABSTRACTED	
SCANNED	

SUBDIVISION IMPROVEMENT AGREEMENT

RELEASED	
INDEXED	
ABSTRACTED	
SCANNED	

THIS AGREEMENT dated this 31st day of December, 2010, by and between PINE GLADES DEVELOPMENT, LLC, hereinafter referred to as "Subdivider", and the TOWN OF JACKSON, a municipal corporation of the State of Wyoming, hereinafter referred to as the "Town", provides as follows:

WHEREAS, Subdivider is required to construct certain public improvements (the "improvements") as a condition of the approval of the final plat and associated Final Development Plan; and

WHEREAS, the Town of Jackson Land Development Regulations require that a subdivision agreement for public improvements be executed by the Subdivider and the Town and recorded in the Office of the Teton County Clerk and Recorder; and

WHEREAS, the Town Council approves of the terms and conditions of this agreement for the Final Plat Subdivision designated as the Pine Glades Townhomes. Phase One Addition to the Town of Jackson; and

WHEREAS, this Subdivision Improvement Agreement supersedes the Development Agreement executed by the Town and the Developer on July 9, 2008.

NOW, THEREFORE, IT IS HEREBY AGREED that for and in consideration of the aforesaid premises and the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, paid by each of the said parties to the other, Subdivider on its own behalf or any successor in interest or assign, and the Town do mutually covenant and agree as follows:

1. SUBDIVIDER TO COMPLY

Subdivider shall comply with all improvement requirements contained in Section 6140 A. of the Town of Jackson Land Development Regulations, the Development Plan approved by Town Council on January 22, 2008 and subdivision improvement plans and specifications retained on file in the office of the Town Engineer the Planning Director, and the requirements of the Town Planning and Zoning Commission and Town Council for this subdivision and additional improvements as set forth within this document. Improvements shall be engineered, designed, constructed, and installed solely at Subdivider's own cost.

2. DEVELOPMENT PLAN AND FINAL PLAT REQUIREMENTS INCORPORATED

The requirements of the Town Council, as set forth in its approval of any required Final Development Plan, Conditional Use Permit, and Final Plat are hereby incorporated herein by reference as though fully set forth. Development and use of all land within the

GRANTOR: PINE GLADES DEVELOPMENT LLC ET AL
 GRANTEE: PINE GLADES DEVELOPMENT LLC ET AL
 Doc 0767878 bk 750 pg 263-274 Filed At 16:09 ON 02/09/10
 Sherry L. Dalgie Teton County Clerk fees: 53.00
 By Mary Smith Deputy

subdivision is limited to that conveyed by the Final Plat, Pine Glades Townhome Covenants and the Land Development Regulations of the Town of Jackson, as they may be amended from time to time.

3. APPROVED SUBDIVISION INFRASTRUCTURE IMPROVEMENT PLANS AND SPECIFICATIONS

The subdivision infrastructure improvement plans and specifications filed by Subdivider or its agents, as approved by the Town Engineer and maintained on file in the office of the Town Engineer, and any revision of said improvement plans and specifications approved by said Town Engineer and additional improvements as set forth within this document are hereby incorporated herein by reference as though fully set forth. All public improvement work required by Subdivider under this agreement shall be in accordance with said improvement plans and specifications.

4. ESTIMATED COST OF SUBDIVISION INFRASTRUCTURE IMPROVEMENTS AND SECURITY THEREFORE

The list of improvements and upgrades together with the total cost of improvements and upgrades required by this agreement as estimated by the Town Engineer is attached hereto as **Attachment "A"** and by this reference made a part hereof. Subdivider shall deposit with the Town, prior to filing of the Final Plat, an irrevocable letter of credit, or performance and payment bond, or funds in escrow, or other equivalent security or commitment approved by the Town Council. Such security shall be in the amount of 125% of the estimate approved by the Town Engineer and Planning Director (the "Security") and such security amount shall be released as portions of work are completed and reasonably approved for release by the Town Engineer per Paragraph 12 below.

5. ESTIMATED COST OF OTHER SUBDIVISION IMPROVEMENTS AND SECURITY THEREFORE

Affordable Housing Obligation. Subdivider has made minor modifications to two existing two bedroom units one of which will qualify as a two bedroom Category I unit and one of which will qualify as a two bedroom Category II unit under the Teton County Housing Authority Guidelines (collectively, the "Existing Affordable Units"). Subdivider shall construct the following: (i) six two bedroom units all of which qualify as two bedroom Category Six units under the Teton County Housing Authority Guidelines; (ii) two one bedrooms units one of which will qualify as a one bedroom Category I unit under the Teton County Housing Authority Guidelines and one of which will qualify as a one bedroom Category II unit under the Teton County Housing Authority Guidelines; and (iii) two one bedroom units all of which will qualify as one bedroom Category III units under the Teton County Housing Authority Guidelines (the "New Affordable Units") (the Existing Affordable Units and the New Affordable Units shall be collectively referred to herein as the "Affordable Housing Units"). The construction of the New Affordable Units shall be completed within two (2) years of the recordation of the Final Plat for the

Pine Glades Townhomes Phase One Addition to the Town of Jackson. In the event that said units are not completed on or before such two year anniversary of the recordation of the Final Plat for the Pine Glades Townhomes Phase One Addition to the Town of Jackson, Lot F of the Pine Glades Townhomes Phase One Addition to the Town of Jackson shall be conveyed to the Town of Jackson and all construction plans required to complete said structure shall be delivered to the Town of Jackson.

6. PUBLIC PATHWAYS

The Public Pathways delineated as “public ski/hike trails” on the site plan of the Final Development Plan approved by Council, requires that the developer complete the installation of the Public Pathways as part of the overall improvements described in Attachment “A”. At such a time that the Town determines that public access is safe and appropriate, the Developer shall receive a letter from the Town requesting that all required work necessary (survey, design and installation) of an approved Public Pathway or Public Pathway segment shall be completed within six months of the request. The developer may be granted an extension for the completion based on a determination by the Town Engineer that weather conditions has precluded progress.

7. UNDERGROUND ELECTRICAL POWER, TELEPHONE, TELEGRAPH, CABLE TELEVISION, AND GAS FACILITIES

All electrical power, telephone and telegraph communication, cable television, and gas facilities within the subdivision shall be installed underground, except that above-ground facilities necessary to serve underground facilities, other installation of peripheral overhead electrical transmission and distribution feeder lines, or other installation of either temporary or peripheral overhead communications, distance, trunk, or feeder lines may be allowed. Subdivider understands and agrees that any and all said facilities that are to be constructed within or under any street improvements shall be in place prior to the construction of the surface street improvements. Subdivider affirms that the public utility companies, including the cable television company enfranchised by the Town, providing the said services and facilities to and within the subdivision have been directly consulted by Subdivider through its officers, agents, or employees and that Subdivider is informed as to the approximate cost to Subdivider of the provision and installation of said facilities and services underground and that the requirements for said facilities have been considered in the preparation of the subdivision improvement plans.

8. EXACTIONS:

Subdivider shall pay exactions for the following purposes and in the following amounts to the Town prior to the filing of the Final Plat:

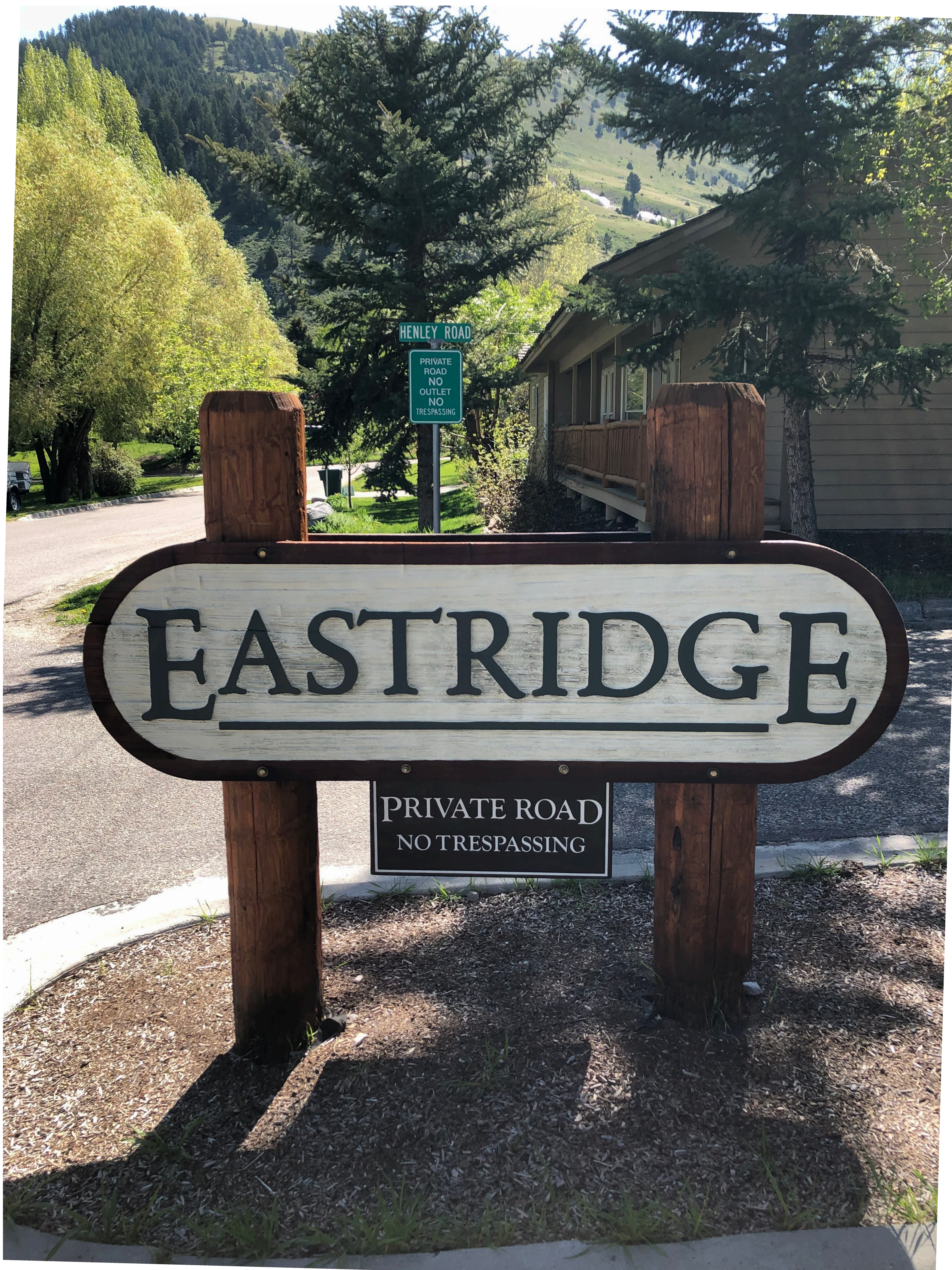
Parks Exactions:	\$ 29,000.00
School Exaction:	\$ 23,000.00

EASTRIDGE

PRIVATE ROAD
NO TRESPASSING

HENLEY ROAD

PRIVATE
ROAD
NO
OUTLET
NO
TRESPASSING



HENLEY ROAD

PRIVATE
ROAD
NO
OUTLET
NO
TRESPASSING

FLAT IRON
Townhomes

5 mph Children & Dogs
at Play

FLATIRON
TOWNHOMES
PRIVATE PROPERTY
NO TRESPASSING



GRAND VIEW

JACKSON HOLE

PRIVATE
PROPERTY

NO PARKING
ALONG ROADWAY

LOADING ONLY
30 MIN MAX

VIOLATORS WILL BE TOWED
AT OWNERS EXPENSE

**NO TRESPASSING
PRIVATE**

**\$750 FINE ENFORCED
STATE OF WYOMING**





PLANNING & BUILDING DEPARTMENT

September 6, 2019

Long Reimer Winegar Beppler LLP
Attn: Erika Nash
PO Box 3070
Jackson, WY 83001

RE: Development Obligations and Compliance of the Pine Glades Planned Unit Development

Dear Ms. Nash,

This letter is in response to your compliance follow-up letter dated June 26, 2019. Although there still remains a difference of opinion on the matter surrounding public non-motorized access on the roads, we believe that both parties (Town and property owner) share the common goal of finding a solution that meets the original intent of the development with regard to public access and trails. With that being said, the Town still finds that the Pine Glades Development is out of compliance with the original approvals as previously stated in the letter sent by the Town to the applicant dated May 28, 2019. Please see below for specific discussion on the procedural options for moving forward and the status of each outstanding compliance item, including guidance on the Development Agreement for Phase II and the Minor Deviation.

In terms of process, below are two procedural options for coming into compliance.

OPTION #1

Come into full compliance with the original approvals as identified in the Town's letter dated May 28, 2019 by no later than December 1, 2019, with the exception of a few items as stated below. The Town will assume you are choosing this option if you have not complied with the submittal deadline for Option #2 below (i.e., application for new Development Plan Amendment by November 15, 2019). Failure to come into full compliance by the December 1st deadline will result in the Town immediately starting the revocation process (Land Development Regulation (LDR) Section 8.9.3) described in the letter sent by the Town dated May 28, 2019. Should you choose this option, this letter establishes new compliance deadlines for the items below. Please refer to the May 28, 2019 letter for more detailed explanations on each item as this section is intended only to provide new deadlines.

- **Public Access – Signage:** 'No Trespassing' signs shall be removed by no later than December 1, 2019.
- **Public Access – Boulders:** Boulders shall be shifted to allow pedestrian access by no later than December 1, 2019.

- **Roadways:** An easement shall be recorded allowing public non-motorized access on and over the roadways by no later than December 1, 2019.
- **Break-Away Gate:** The Break-away emergency gate shall be installed by no later than December 1, 2019.
- **Topping of Trees:** The property owner shall be responsible for replanting all topped trees at a 1:1 ratio with the same species. Staff estimates that between 10-15 trees have been topped, however the property owner will be responsible for counting the exact number for replacement purposes. The replacement trees shall be mature and no less than 15 feet in height. The location of the new trees shall be in close proximity to the trees that were topped. The property owner shall provide an aerial photo with the number of new trees, their location and a bond for 125% of the cost of the trees by no later than December 1, 2019. The trees shall then be installed by no later than June 1, 2020. The Town will hold the bond until an inspection is conducted by the Planning Department to confirm the work has been completed. Failure to meet this requirement will result in code enforcement follow-up and fines.
- **Heating Element:** The heating element in Phase I (Pine Glades Drive) shall be fixed and functioning by no later than January 1, 2020.

OPTION #2

Staff is open to reviewing the alternative trail plan that was presented in your letter dated June 26, 2019. However, staff cannot comment on whether we fully support this plan because 1) the Town has not reviewed a complete plan, 2) The Pathways Department has not weighed in, and 3) residents of Pine Glades and the general public have not provided comments. Ultimately Town Council will make the final decision should you chose to pursue an alternative trail plan. Pursuit of this option requires application for a new Development Plan Amendment by no later than November 15, 2019. Although you have a Development Plan Amendment application (P19-018) submitted, the expected new information will result in substantial changes from the current application, thus requiring a new application submittal. If the Town Council denies your proposed alternative trail plan, the Town will immediately start the revocation process (Land Development Regulation (LDR) Section 8.9.3) described in the original letter sent by the Town dated May 28, 2019. Below are all items to be addressed in the new Development Plan Amendment.

1. **Exterior Materials** – The duplex addressed at 140 & 142 Pine Glades Drive requires a Development Plan amendment approval because the proposed exterior materials do not match what was originally approved. This item is already included in the currently submitted Development Plan amendment application, so please resubmit this information with the updated Development Plan amendment application.
2. **Public Non-Motorized Access** – Your letter proposes a new trail plan that seeks to meet the intent of the original approvals and to satisfy both the residents inside and outside of the Pine Glades development. This plan does not allow public non-motorized access on and over Pines Glades' private roads but it does identify the location of new proposed public trails and a commitment to record trail easements and install associated trail signage (where applicable). At this time the Town cannot comment on whether we support this idea because of several unknowns such as the public's input, the feasibility of the proposed trails on steep slopes and input from Pathways. Ultimately the final decision will be made by the Town Council. Please submit a new narrative with supporting documents/plans, findings, etc. You will also need to clarify when the proposed new trails will be installed.
3. **Signs** – Whether the 'No Trespassing' signs intended to prevent public access to Pine Glades' private roads can remain will depend on the Town's final decision regarding the applicant's

trail proposal and the Development Plan Amendment. If the Town is convinced that the proposed trails provide safe and adequate public access through the site consistent with the intent of the original Development Plan, then the 'No Trespassing' signs may not need to be removed. Furthermore, as part of the Development Plan amendment you will need to work with Pathways to propose a signage plan that adequately directs users to the appropriate trails according to your plan.

4. **Boulders** – Similar to the "No Trespassing" sign comment above, whether the boulders can remain will be directly related to the Council's final decision on your trail proposal as part of the Development Plan amendment process.
5. **Heating Element** – The heating element was proposed and approved as part of the original Development Plan thus the element must remain unless the Town Council approves its removal. As part of the Development Plan amendment you may request the removal of the Phase I and/or Phase II heating element and provide justification and reasoning supporting its removal. Due to the Town's efforts and strides to reduce energy consumption, staff would be supportive of removing the heating element in both phases.
6. **Topping of Trees: Should you choose Option #2**, the property owner shall be responsible for replanting all topped trees at a 1:1 ratio with the same species. Staff estimates that between 10-15 trees have been topped, however the property owner will be responsible for counting the exact number for replacement purposes. The replacement trees shall be mature and no less than 15 feet in height. The location of the new trees shall be in close proximity to the trees that were topped. The property owner shall provide an aerial photo with the number of new trees, their location and a bond for 125% of the cost of the trees by no later than December 1, 2019. The trees shall then be installed by no later than Jun1, 2020. The Town will hold the bond until an inspection is conducted by the Planning Department to confirm the work has been completed. Failure to meet this requirement will result in code enforcement follow-up and fines.

DEVELOPMENT AGREEMENT FOR PHASE II

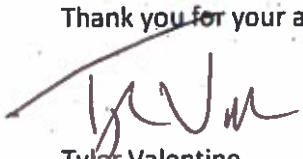
Upon coming into compliance through one of the two options above, you may then proceed with the Development Agreement related to Phase II. Currently you have a Development Agreement application (P18-342) submitted which can be amended. There is no deadline for when you must act on the Development Agreement for Phase II, thus you may re-submit new materials at any time. If you re-submit for the Development Agreement you must address the following items:

1. **Sidewalks** – As part of Phase II you will be required to install a sidewalk similar to Phase I which is shown in the original Development Plan. The sidewalk shall be clearly explained in the Development Agreement narrative and included in the overall bonding.
2. **Lower Trail** – As part of Phase II you will be required to install the lower trail which runs across the property north (below) of Jessica Lane. The lower trail must be included in the Development Agreement narrative and bonding.
3. **Landscape Plan** – Should you choose Option #2 above, as part of the Development Agreement you will be required to provide a landscaping plan that not only reflects the amount and location of trees/shrubs currently planted but also identifies the amount and location of additional planting required by the original landscape plan approved with the Development Plan. A cost estimate for the remaining landscaping will be required in order to calculate the appropriate bond amount.

MINOR DEVIATION

Avalanche Fence - The applicant has already received approval to install the avalanche fencing above 140 Pine Glades Drive through a Minor Deviation (P19-157). This matter is considered to be resolved.

Thank you for your attention to this important matter and please let us know if you have any questions.



Tyler Valentine
Senior Planner

David DeFazio

Jackson Planning & Building Department
Attention: Tyler Valentine
tvalentine@jacksonwy.gov

Re: Pine Glades Pedestrian Access

January 6, 2020

Mr Valentine,

I am writing to express my objections to the recent Pine Glades trails proposal, and to the actions of the developer to create what is essentially a private, gated community. My home is immediately west of the Pine Glades gate and my driveway enters the cul-de-sac at 695 Pine Drive.

I am personally familiar with the evolution of the Pine Glades development because I share a property boundary with the development and worked closely with the original developer when designing my driveway and securing an easement across Pine Glades to lessen its grade. The developer was easy to work with, reasonable, and quite accommodating. As a neighbor, I was invited to all public meetings and expressed my opinions regarding two primary issues that were important to me. My primary request was that I, and all others who had grown accustomed to using the single-track trail through the Pine Glades property, be allowed to continue pedestrian access across what would become the road. This would allow people to walk or bike from the end of Pine Drive, through Pine Glades, and to Snow King. I personally used this access to walk to Snow King and either ascend the boot pack for exercise and then return home, or descend to Town in the evenings. In the winter months, I would ski on the single-track to access the lifts and trails on Snow King. I used this trail often, and at all hours. The developer heard my request, and the same request of others, when agreeing to provide pedestrian access across the roads that would be built. This grant of access was clear and unambiguous, and essential to approval of the development. It also made a clear statement that Pine Glades was intended to weave itself into the existing neighborhood, not become a private island.

The tunnel was built in response to the objections of Pine Drive residents who did not want an increase of vehicular traffic on a road not built to handle it. It was not in the interest of the Pine Glades developer, nor Pine Drive residents, to create a dynamic where vehicles could pass through the access point in either direction. Because of this, the second request made during those meetings, which I echoed, was the need for a "gate" to prohibit vehicular through-traffic. A chain was installed by the original developer to prevent such travel and worked relatively well. And while the current developer failed to maintain the chain, or any gate for that matter for quite some time, a gate has finally been installed, destroyed, and now reinstalled. This point now seems moot. But it is important to remember that the current developer was very slow to meet this requirement.

Not only has a gate been installed, but a barrier to pedestrian access has been constructed in the form of large, stacked boulders and a landscaped dirt mound.¹ Bold no trespassing signs were also placed on wooden posts which are in violation of the clear and unambiguous grant of pedestrian access by the original developer. I cannot stress enough the intent that pedestrian access be granted across the road that was built. As evidence of this intent, one need only look at the trail system that was built into the Pine Glades development. Every single trail leads to the road and clearly suggests travel over the road to create a continuous flow of pedestrian access. To suggest anything to the contrary is laughable. There were even trail signs placed on trailheads that directed pedestrians to the road, and nowhere else. These were obviously placed there with the permission of the original developer. Finally, this access was used by the public during the ownership of Pine Glades by the original developer. I personally walked, ran, and skied across the road countless times after it was completed, without any objection by Pine Drive residents or the original developer. This brought to fruition the intent to continue the neighborhood dynamic and continue access to and from Snow King.

In the wake of the sale of the development to the current owner, access has been denied. In addition to the creation of the pedestrian barrier discussed above, the Shade Monkey trail has been reclaimed by the developer, its trailhead sign removed, and wolf sculptures placed at, and near, the access point. Art? Maybe. A sad attempt to strike fear into pedestrians? More likely. But the current developer's intent to deny access is clear. The proposed new trail design is unreasonably steep; it cannot be biked. It would be squeezed along the western border of Pine Glades and is a ridiculous attempt to adhere to the pedestrian access promised to our neighborhood and community. Sure, selfishly, I don't want this trail constructed immediately next to my house. But from the greater public's perspective, the public that has enjoyed traversing the Pine Drive loop and accessing Snow King during all four seasons, the developer is seeking to effectively end all access. This trail will be unreasonably steep and slick during the winter months and will remain largely unused...which I suspect is the true intent of the developer. During summer months, many walkers and bikers will be deterred from utilizing the proposed trail because it is simply not user-friendly. It is akin to a ladder.

I have heard from a couple Pine Glades residents that the sound from pedestrians using the road is allegedly intolerable, which justifies denying access. Untrue. Pine Glades is not a private community, was never intended to be so, exists within the densely populated Town of Jackson, and the sound that they must suffer is "suffered" by us all. I live next door and have no such complaint.

I have also heard concerns regarding potential liability to pedestrians who walk across the road. This is ingenuine considering the considerably heightened danger presented by the proposed switchback trail system; flat ground seems far safer to me. And, finally, I have heard a couple of those same residents suggest that they were promised a private community by the developer. *If* the developer made such a representation, which seems surprising given the wealth of evidence to the contrary, then the issue must be resolved between those two parties.

¹ While I do not object to the aesthetic of the dirt mound, I do object to the construction of the boulder barrier and question whether the proper permit was obtained for either.

Neither the Town of Jackson, nor the public who worked with the original developer, have a dog in that fight.

I respectfully request that you deny the trail system proposed by the developer of the Pine Glades subdivision and enforce the right of pedestrian access across the existing road as was intended and agreed upon by the original developer, the Town of Jackson, and the public.

David DeFazio

Date: January 6, 2020
To: Tyler Valentine
Jackson Town Planning Commission
cc: Jackson Town Council
From: Jim Woodmencey
RE: Item P19-262 Amendment to Pine Glades Development Plan

Tyler,

Please accept these as my comments on the latest development plan for Pine Glades

I have been a permanent resident on Pine Drive since we bought our home there in 1987. We have always had pedestrian access across what is now the Pine Glades property for as long as I have lived here on Pine Dr.

Originally, access was via a single-track trail from the east end of upper Pine Dr. across to Snow King at a point just below the present-day Shade Monkey trail.

Before the original developer broke ground more than 10 years ago now, residents of Pine Dr. and vicinity were promised at Town Planning meetings that we would always have pedestrian access to Snow King across this property.

That promise was honored by all previous owners of the property. Even to the point of creating a trailhead and building a connector trail to the newer Shade Monkey trail, to gain access to the upper trail system, Sink or Swim.

This made for a nice year-round walking loop for residents of Pine Dr. & Pine Glades, to connect back via the KC or Champa trail at the bend in upper Pine Dr. This was available for residents and their pets to use, outside of winter closure areas and outside of the Snow King Ski Area boundary.

All was great until about two years ago when the present owner, John Tozzi, began harassing people who were walking through Pine Glades. A wall blocking pedestrian access was constructed and *No Trespassing* signs posted at the end of upper Pine Dr. (along with also enclosing and hindering access to a fire-hydrant), where the Pine Glades gate is now.

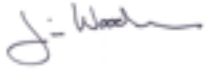
Within the last two years, the trailhead in Pine Glades was also removed, during construction of the duplex unit on the property. The property owner had requested that the trailhead be re-located "nearby", it never was!

The new trails proposed by Mr. Tozzi this past summer, starting at the west end of Pine Glades (outlined by On-Sight Surveyors on the maps and with flagging on the property) are completely unacceptable.

The proposed trails are ridiculously too steep at their start, going uphill or downhill from the end of Pine Dr. They would not be mountain bike friendly, as the previous trail was. Nor would they be reasonable for walking on in the winter months (steep and slippery). The previous trail on the property, which was accessed via the Pine Glades road, was of reasonable grade to facilitate walking on all year. Humans, dogs, bikes, skiers, etc. all could negotiate that old trail access quite easily.

In summary, I would ask you to not approve the new trails, as proposed. And, I would ask the Town Planners and Town Council to please recommend that the Pine Glades owner allow pedestrian access to continue as it always has historically. Additionally, I would hope the Town Planners & Town Council would require that the Pine Glades owner restore the old access trail at a nearby location to the old access point.

Very Respectfully,

A handwritten signature in blue ink, appearing to read "Jim Woodmencey".

Jim Woodmencey

Date: January 7, 2020

To: Tyler Valentine

Town of Jackson Planning Commission

Cc: Jackson Town Council

From: Laura Bonich, PE, LEED AP

RE: Item P19-262 Amendment to Pine Glades Development Plan
Tyler and Planning Commission

I am writing regarding the proposed trail system for Pine Glades. As noted in the staff report the Project was approved by the Town based on the Developer's commitment at a public meeting to allow access through the project. In addition, Wyoming state law requires that after 10 years of public access across private property to access public lands public access should be maintained and a prescriptive right of access exists. The trail across the property was used for the last 30 years clearly establishing a public right of access.

I met with the current owner's representative, Mr. Collings regarding the proposed trail system. I was very clear that the proposed trail is not acceptable because it does not facilitate year round access. The Town has allowed the project to block access with no trespassing signs in direct contradiction to the commitment made by the Town and Developers when the project was approved. Previously there was direct winter access to Snow King and the Phil Baux for skiing, walking, biking, snowshoes or cross country skiing. The "trail" proposed by the project is way too steep (will likely have essentially stairs) and I do not see any commitment to heat the steep part or provide weekly snow removal or other maintenance to allow winter access.

All of us cross private property every day. Whether it is at an apartment project, a grocery store a restaurant, alley, parking lot, driveway or private road. The notion that Pine Glades somehow has "special" liability that would prohibit public access is non sense. There are literally thousands of miles of private roads with public access in the United States. I have personally design and stamped plans for private roads in my 30+ year career as a civil engineer. It is common to gate roads for limited vehicle access and allow other modes (walking, skiing, biking etc) of access. In addition, prohibiting these modes goes against every planning principle for good land use and is not allowed by the for USGBC LEED projects.

There is a simple solution – just require the developer to allow non-vehicular access through the project on the existing road as was agreed to by the Town and Developer. You have the ability to require the Developer to comply as part of your discretionary approvals and it is the right thing to do. This access was used extensively up until August of 2018 with no negative impact on the project.

Thank you,

Laura Bonich

645 Pine Drive

Jackson, WY 83001

775-340-5346

lauraabonich@gmail.com

Tyler Valentine

From: Will Bradof <will@localjh.com>
Sent: Tuesday, January 07, 2020 12:02 PM
To: Tyler Valentine
Subject: Pine glades access

Dear Town of Jackson/ planning dept . I am writing to express my frustration in the current state of Pine Glades development in regards to accessing the trails on forest service land . As a 10 plus year resident of aspen drive and pine drive I would hope you do the right thing and ensure that the pibe glades development makes the necessary changes to allow people to access the trails via their road system. As I understand this was a condition of the original development and now it has somehow turned into “no trespassing” signs with gates with boulders , and ditches cut across existing trails to make all feel unwelcome . Please help us make some changes so this new development can at least appear to be part of the community that we live in . Sincerely . Will and Jennifer Bradof, 595 Pine Dr.

Will Bradof

Chef/Owner

Trio | Local

Will@localjh.com

c. 307-690-6460

Tyler Valentine

From: Garth Gillespie <garth@jhexperts.com>
Sent: Tuesday, January 07, 2020 12:25 PM
To: Tyler Valentine
Subject: Snow King Trail System

Hi Tyler,

I am ignorant to what is happening with the Pine Glades development and potential trail closings and rerouting but I'd like to support the neighborhood access that is currently available. Reading on Social Media brought me to the attention that the current developer is trying to close this access... I was here when Pine Glades was designed and developed and I specifically remember the subject trails being discussed and the Town Council or Planning department requiring public access.

Please don't allow private developers change the access as it is important for the local community to have access to the forest which has been in use for over 30 years (GIS photos).

Thanks for your time -

--

Garth Gillespie

(307) 413-5243

Tyler Valentine

From: Jennifer Bragg <jennybragg82@gmail.com>
Sent: Monday, January 13, 2020 8:32 PM
To: Tyler Valentine
Subject: Pine glades commentary

Hi Tyler,

My name is Jenny Bragg. Myself, my husband Jonathan, and our two children live at 45 Pine Glades unit A. We have been Town of Jackson residents for 20 years. My husband works at the Wort Hotel and I own a local business. Being chosen for an affordable home was an absolute dream come true for us. We truly love this community and have worked incredibly hard to be apart of it.

The proposed trail will run within two feet of our home. This two feet extends alongside my bedroom window and also my children's. Not only would this be a complete invasion of privacy, but it would also be a safety risk.

Over the 10 years we have owned our home, we have dealt with numerous disturbances. The last just 6 months ago while I was 7 months pregnant with my son at the end of last summer. A man knocked on my front door demanding that I let him in. After calling the police and being told by an officer, "if I own a gun it would be a good idea to have it readily accessible" and then several days later, finding out he had tried to get into several other homes across the street and had been camping in the woods 50ft from my house. This particular evening I was home alone with my 5 yr old daughter while my husband was at work.

Aside from that we've had numerous issues with dogs in our yard and all that entails over the past decade. People having sex in their cars in the parking lot, finding trash, used condoms and other undesirable items walking from my car to my front door.

Our other concerns are about safety. It's no secret that off leash pets are a growing issue in this community. What happens in the event one of my children are attacked by a dog? Dogs do not consider property lines and it would not be a first as our neighbors mother in law was attacked by a Pine Dr. residents unleashed animal and suffered a tremendous injury of a broken hip.

I am not an unreasonable person, but requesting a public access trail to be placed 2 feet from my home that is literally visible from my shower window is an incredibly unreasonable request.

I'm not interested in cutting off access to public lands for fellow Jackson citizens. It's why we all live here, to enjoy all the bounty this beautiful place has to offer. However, I don't believe the placement of this development has cut off any access at all. There is a trail connector at the west end of the development, and another at the end of Spruce dr. I do not understand the Pine Dr. residents or the towns need for a trail when there are already two.

I also do not understand the need for access to a neighborhood I pay dues that equal one third of my mortgage to maintain. If the town would prefer to take over maintenance I'd be happy to comply with our neighborhood roads being publicly accessible. But I do not understand how the town of Jackson can force Pine Glades residents to pay for road maintenance while granting public access.

I highly doubt any Pine Drive residents would be willing to sacrifice their privacy, safety, & security, if the roles were reversed. Who wants a trail head outside their bedroom window?

Sincerely,
Jennifer Bragg
45 Pine Glades, Unit A

--

Jenny Bragg
Jackson Parlour
307.201.6959
Jhparlour.com
Jennybartistry.com

Tyler Valentine

From: David Defazio <David@defaziolaw.com>
Sent: Monday, January 13, 2020 1:58 PM
To: Laura Bonich; Lea Colasuonno; Tyler Valentine; Jim Woodmencey
Subject: RE: Town of Jackson

Hello Lea –

I echo all of Laura's questions and concerns, and add one observation. Although I find it baseless from the start, the residents of Pine Glades who have voiced concern over liability should recognize that constructing a near vertical "path" surely creates more liability risk than allowing access over flat ground.

I'm sure that Mr. Tozzi has threatened legal action against the Town if Jackson does not grant his request. But please know that legal action is also possible if residents are not granted access that was originally promised as a condition of approval.

- David

From: Laura Bonich <lauraabonich@gmail.com>
Sent: Monday, January 13, 2020 12:51 PM
To: Lea Colasuonno <lcolasuonno@jacksonwy.gov>; Tyler Valentine <tvalentine@jacksonwy.gov>; David Defazio <David@defaziolaw.com>; Jim Woodmencey <jim@mountainweather.com>
Subject: Re: Town of Jackson

Lea,

Thank you for taking time to call me the other day and congratulations on your new position. Regarding the Pine

Glades Project, I was wrong and had not read the the staff report at the time I spoke to you. I have reviewed both the application to amend the Development Plan P19-262, and the staff report dated January 10, 2020. I understand that this will be on the Planning Commission agenda on January 15 at 5:30. If you or other Town staff can clarify any of the following that would be greatly appreciated.

Can the Town of Jackson add additional requirements or conditions to the project since the Project is requesting an amendment to the original approvals that requires Council approval?

If the Town can add requirements then I would request that the Town formally require the Project to allow year round public access on the road as a condition of approval for the Development Plan Amendment.

The following are issues that I believe may provide the Town a reasonable reason to do so. The trail proposed by the developer would allow reasonable access for only about 50% of the year.

- The Town required the Developer to allow access as part of the original approval at a public meeting. This is evidenced in the public meeting recordings and has been verified recently by Town planning staff.
- The Town granted a "variance" to the hill side ordinance and allowed the project to construct a private road only because the project could not be developed if the Town required the minimum public road standard. The only reason the road is private is because the Town would not accept dedication of the non standard road for repair and maintenance. That road variance did not grant the developer the right to prohibit access and there was never any intent by the town to prohibit public access on the non standard road section.
- When the project ownership changed the purchaser clearly knew and understood that there was existing public access as evidenced by the existing well used trail connection near the midpoint of the Pine Glades project; as did each of the individual owners. In addition the current developer, Mr. Tozzi, has the majority of votes and still controls the HOA. Is granting access on the road through the project any different than granting access for a trail on the other HOA owned lots?
- The State of Wyoming allows access across private property after 10 years of public use to access public lands. The "trail" offered by the developer will not allow access 50% of the time as there will be significant snow from Nov 1 through May 1 that makes any use of stairs infeasible (not sure who estimated that the average slope is 10% - clearly much steep in many sections).

- There is no public good or benefit that comes from prohibiting access (it does allow the developer to sell units for more money). I do not believe the Town would allow access to be prohibited if the project was being approved today. Does the developer's request to modify the project entitlements give the Town the opportunity to formally require the access that was originally agreed to? If so why is this not an option in the staff report?

Appreciate your time. Laura Bonich

On Wed, Jan 8, 2020 at 11:23 AM Lea Colasuonno <lcolasuonno@jacksonwy.gov> wrote:

Lea Colasuonno

Town of Jackson

Town Attorney

O: 307.734.3497

C: 307.690.9902

F: 307.734.7068

E: lcolasuonno@jacksonwy.gov

This communication constitutes an electronic communication within the meaning of the Electronic Communications Privacy Act, 18 U.S.C. Section 2510, and its disclosure is limited to the recipient intended by the sender. This transmission and any attachments to or information in this message may contain confidential information, attorney-client privileged information, and/or attorney work product. Subject to the express written consent of the sender, any distribution, copying or other use of this communication, attachments or information in it is prohibited. If you are not the intended recipient or otherwise receive this communication in error, please notify the sender by return email, fax or telephone and delete this email and otherwise destroy the original transmission, attachments and any copies of it without reading or saving it in any manner.

Additionally, please note that all correspondence, including emails, to and from Town of Jackson employees in connection with the transaction of public business is subject to the Wyoming Public Records Act and that non-privileged communications and correspondence that is it not confidential may be disclosed to third parties.

--

Laura Bonich, PE, LEED AP

775-340-5346

lauraabonich@gmail.com

Tyler Valentine

From: Jim Woodmencey <jim@mountainweather.com>
Sent: Tuesday, January 14, 2020 7:02 AM
To: David Defazio
Cc: Laura Bonich; Lea Colasuonno; Tyler Valentine
Subject: Re: Town of Jackson

There are errors in the staff report regarding existing trails that were removed and or moved.

1) There was never a trail at the end of the cul-de-sac (west end of Pine Glades near gate) that went uphill.

There are only faint game trails that exist in that vicinity

The original trail from Pine Drive to Snow King went about where the road is now and part of it was just below the wall. Just below where Pine Glades Drive is now.

2) The trailhead and connector trail that was established by the previous owner and Pathways, approved in 2011, just east of where the existing duplex is now, was never "relocated nearby". An approximately 30 foot connector was added just north of the top end of the tunnel (over the curb) to access the switchbacks on the trail that goes up the face of Snow King. That is not "nearby", it is not a trailhead, and it does not serve the same purpose of accessing Shade Monkey to Sink or Swim as a winter hiking route. (Snow King is Closed to hikers & dogs in winter).

3) The trail connector and trailhead mentioned above was not permanently removed until sometime after 2014, closer to 2017.

4) The new proposed trails (Sections 1 & 2) will require elaborate stairways at the start of these two trails, both above and below the cul-de-sac. These would present a hazard when snow-covered or icy, and essentially render them unusable in winter. That does not satisfy the intent of the original development plan.

The new owner should be required to comply with the Original Approved Trail Plan and the town should honor the promise made that pedestrian access (walk & bike) across this property will always be allowed. That "word" should be as good as anything in writing.

Jim Woodmencey
690 Pine Dr.
PO Box 2221
Jackson, WY 83001 USA
307-733-9616 Home
307-690-9282 Cell

www.mountainweather.com

On Mon, Jan 13, 2020 at 3:57 PM David Defazio <David@defaziolaw.com> wrote:

Hello Lea –

From: [ray beplat](#)
To: [Tiffany Stolte](#)
Subject: very opposed to pine glades trail plan
Date: Wednesday, January 15, 2020 3:54:49 PM

I am extremely opposed to the proposed trail between pine dr and wister dr/spruce dr. Just to give you an idea how close this trail comes to my house and garage at 700 pine drive ive attached a photo taken from my front door. The design of this trail down from the pine dr culdesac is clearly to have it as close as possible to the neighboring properties and as far as possible from the precious pine glades townhomes. this trail makes no sense and is not needed. it is literally 25 feet from my front door and deck, drastically affecting privacy and enjoyment of my property. Pine glades new ownership have been terrible neighbors and terrible people to deal with. This whole thing is ridiculous. See attached photo of proposed trail location on north side of pine dr.

Please come up with something better than this unusable, unneeded, intrusive trail.

Ray Beplat
700 Pine DR.

Dear Madam and Sirs,

As concerned citizens, as good faith property owners in the Pine Glades subdivision and as residents of the Town of Jackson, we want to go on record with regard to the issues on the Application for Amendment of the Pine Glades Development Plan, item P19-262. We respectfully file these comments and appreciate the efforts by all members of the Town Planning staff and Commission to address these issues.

1. Overview of Support for Application: We want to be very clear that we, the undersigned homeowners of Pine Glades, support all three of the provisions in the application for Amendment. Given the broad acceptance of two of the items regarding a heated street and the stone additions to the new units, we will focus our discussion on the Application relating to the proposed hiking trails.

A. Overall Position of Undersigned Homeowners: To be 100% clear, while the trails are not perfect for homeowners in Pine Glades development, it is a compromise that is supported by all the undersigned homeowners living on Pine Glades Drive. We believe that substantial effort and cost has and will go into the development of the trails as proposed in the application to the benefit of all residents of Jackson who chose to avail themselves of this opportunity.

B. Trail design: The trail design accomplishes many objectives. It provides ways to access Snow King Mountain. The trails come in close proximity to the homes within the development but are mostly reasonable compromises. The western-most trail is steep as Snow King Mountain is steep. It is not unreasonably so, and in many ways, seems to mirror the steepness of other portions of trails on Snow King. Of course, it will have snow during most winter seasons. Most trails have snow in the winter. This will be no exception and should be well known by residents of Jackson. While most residents believe the proposed trails are a reasonable compromise, however, with regard to the proposed north hiking trail, it does come very close to two condominium units. We would support other viable options to the proposed north hiking trail that eliminates these proximity concerns and understand that the applicant may have already come up with an option to address this matter. In short, the trail design is not perfect from the perspective of the development homeowners but it is demonstrably a very reasonable compromise if the proposed north hiking trail can be modified to effectively address these proximity concerns.

C. Broad Public Easement to Pine Glades Drive: We note at the outset that much of the public comments only tangentially discussed the trail compromise being proposed in the application. Rather, the focus of most commenters opposed to the Application simply turned to the issue of unfettered access to the improved parts of Pine Glades Drive and the private land on Pine Glades. The record should be clear that this, while related, is a very different issue than the question of whether the trail meets the developer's written obligations and is a reasonable compromise to provide trail access. There was never any assumption that the ONLY trail design was one which gives unfettered access to the now improved, paved, snow plowed, well lit from dusk to dawn year round and a well maintained Pine Glades Drive (all of which is paid solely by Pine Glades property owners). Nonetheless, we the homeowners feel the need to address this issue even though it is NOT, nor should it be, part of the consideration for P19-262.

2. Public Record: With regard to unfettered access through a new, previously undocumented public easement through the Pine Glades development, the fact is that the only record of making this public was oral comments in 2007 timeframe. These oral comments were made by the original developer which were NEVER to our knowledge repeated, codified, recorded or confirmed in writing, acted upon in negotiation with the developer, or in any other way materialized to be added to the public records for the Town of Jackson or Teton County. This is a simple fact which, however unfortunate, all the parties must accept. At this very late date, it would be a VERY material change some thirteen years after oral conversations to impose an entirely new right easement for access onto the Pine Glades development and over the land of the good faith purchasers of property. We could go into much greater discussion of the absence of any public access easement but the planning and zoning staff understands this issue in great detail.

3. Practical and design considerations: In addition to the absence of public record supporting public access, there are strong reasons why public access is simply not feasible EVEN had it been authorized:

A. Safety. The project design obviously was not built with the idea of full public use given homeowner's safety. The overhang means that owners are stepping into a canopy road, or active bike, automobile, motorcycle, skateboard path when they step right outside their front door. There is demonstrated "adolescent" (of all ages) uses of the

pillars on our homes as a make-shift bike and skateboard slalom courses that endangers both the participant and the homeowners.

B. Liability: As private land, there is a presumption of culpability if someone is injured or killed on our property. Will the City grant the Pine Glades residents a complete indemnifications of attorney's fees, court costs, and damages as a result of injuries incurred on the development? Of course it will not. Might people use theories of architectural design, attractive nuisance, negligence in maintenance and the panoply of other arguments to find liability of the home owners? Of course they will if someone is injured or killed. It is not reasonable, years after all conditions were duly negotiated and agreed upon, and the design of the homes approved, and the written assurances that it would be PRIVATE, to impose this huge new liability on private property owners. Other private property owners, including those on the large lots on prominent neighborhoods with sizeable buffer zones between their homes and the road, have the unfettered ability to keep trespassers off their property thereby limiting liability. We have had and should continue to have the same right.

C. Quiet enjoyment of private property: A fundamental tenet of private property is the right to enjoy the property with unnecessary noise. The area must be kept private as the approved design of the units is such that people can stand directly underneath our balconies and under our living rooms. If unfettered public access is permitted, this can and will continue to happen at all hours of the day and night. Unlike some neighbors on other neighboring properties, we have no offsets or buffer on our property. The large lots do not have this concern given the distance from the public road. There is no ability to cure this issue for the existing good faith purchasers in the Pine Glades development.

D. Issues of failure to curb pets: There is a known history and well documented pet abuses that occur. Of course, most pet owners are conscientious about managing their pets, but the ones that are not have made an impact on the residents of Pine Glades.

4. Alleged Developer Transgressions: A number of the commenters outside of our community seemed to focus on alleged transgressions (e.g., topping of some trees, unauthorized landscaping, etc.) by the current owner of the development. We are, however, homeowners in the development, and are good faith purchasers of our homes. We are not the developer nor do we share in his potential rewards or financial exposure. If the developer has taken inappropriate actions, the City

has remedies which they can impose upon him WITHOUT unnecessarily penalizing good faith purchasers who wish to live in harmony under the terms and condition in effect when they purchased their homes.

5. Alleged "Elitism": In addition, a number of the external public comments appear to irrationally and inappropriately accuse the residents of the Pine Glades development of elitism. We are of course offended. We can only surmise that such offensive accusations are made based on frustrations largely born from the fundamental weakness of opponents position (total lack of documentation, good faith homeowner purchaser property rights, etc.) to achieve access to our property.

6. Alleged Recriminations of "un-Jackson like" behavior by Pine Glades residents: There is a huge irony in one of the commenters largely chastising the owners in Pine Glades for effectively not giving to others that which we have paid for (i.e., access to our private property). She does this while simultaneously chastising the Pine Glades home owners for not embodying the "spirit of Jackson." We are again offended by such recriminations when we only seek that which other private property owners have in Jackson (i.e., the ability to enjoy their private property). This person demanded that the zoning and planning commission to (paraphrasing) "just use the leverage that the City has and deny everything (without regard to ANY merit on the other two conditions) and make them give us what we want. Don't be a foolish City, just demand it!" So, this is the type of behavior she would have the City of Jackson adopt and be known for? To have no regard for the written, long established public record of negotiations, written reports, permits granted? No regard for good faith purchasers when you have "leverage" and can change the terms of the long standing public record? No regard for the property rights of bona fide good faith purchasers? The great irony of course is that this is NOT what Jackson stands for nor should it ever stand for.

7. Eminent Domain: The City and County of course enjoy the option of appropriating land under eminent domain for appropriate public uses consistent with the Wyoming Constitution and implementing laws and regulations. This of course is an entirely different proceeding than the present one and involves appropriate compensation for such taking of private property. While we see no such need given the developers proposed trail system and access it will provide, we the homeowners in the Pine Glades development will be obligated to have such discussions with the City under the rules and regulations that govern such

matters. We strongly believe however that it should not come to this given the detailed written record and the reasonable trail proposal in the application of the developer.

Thank you for the ongoing efforts and for our ability to respectfully submit our views. We are happy to provide such additional comments as the planning and zoning commission may request.

Respectfully,

Pine Glades Undersigned Homeowners:

<u>Alex Good & Darrylynn Kaun</u>	<u>260 Pine Glades Dr., Jackson, WY</u>
<u>James & Lucy Wong</u>	<u>242 Pine Glades Dr., Jackson, WY</u>
<u>Charles & Tory Nagle</u>	<u>160 Pine Glades Dr., Jackson, WY</u>
<u>Linda Damiano</u>	<u>164 Pine Glades Dr., Jackson, WY</u>
<u>Tony Hartl</u>	<u>262 Pine Glades Dr., Jackson, WY</u>
<u>Susan Oremus</u>	<u>224 Pine Glades Dr., Jackson, WY</u>
<u>Bryan Shannon Mills</u>	<u>220 Pine Glades Dr., Jackson, WY</u>
<u>Doug & Paige Lee Schrier</u>	<u>240 Pine Glades Dr., Jackson, WY</u>
<u>Bill & Stephanie Binch</u>	<u>244 Pine Glades Dr., Jackson, WY</u>
<u>Jeff Hussey</u>	<u>220 Pine Glades Dr., Jackson, WY</u>

From: [Laura Bonich](#)
To: [Hailey Morton Levinson](#); [David DeFazio](#); [Jim Woodmencey](#)
Subject: Pine glades non vehicular access
Date: Monday, February 03, 2020 8:35:02 AM

Hailey

If you have 10 minutes in the next few days we would like to meet with you or set up a conference call to discuss requiring pine glades to record an access easement on the road to allow non vehicular access. The council will hear this issue on February 18. The original project application and developers commitment at a public meeting (tape verified by staff) said year round access would be allowed on the road. The city never made sure that the access easement was recorded with the original approvals and so none exists. The developer is asking for changes to the project giving the town the opportunity to require a recorded access. The best example was testimony at the planning commission meeting when another resident essentially said this is not jackson when a 10 year old can not walk to his friends house (in the workforce units) without someone calling the cops. Access had been allowed until recently when the project posted no trespassing signs and constructed a big rock wall to block entry. Appreciate your time and everything you do. Laura

Laura Bonich, PE LEED AP

C: [775.340.5346](tel:775.340.5346)

February 4, 2020

Town of Jackson Planning and Building Department
Attention: Tyler Valentine
PO Box 1687
Jackson, WY 83001

Tyler Valentine,

I am writing to express my position on the trail, uphill of the cul-de-sac, being proposed at the west end of the Pine Canyon Development. This trail is redundant and unnecessary. There is a trailhead on Pine Drive 440 yards west of the proposed trail that allows for pedestrian and bike access to the Snow King trail network. Most hikers and bikers have to pass right by the Pine Drive access in order to get to the proposed access point. Given the hazards associated with slope development, it makes little sense to disturb this pristine hillside when a well designed access point that accommodates pedestrians and bicycles lies just 440 yards to the west.

The Town of Jackson, Pathways, USFS, and undoubtedly others have cooperated to put together a fantastic and well maintained trail network on Snow King mountain, and all of the residents within the two arcs on the attached map have to walk at most the equivalent of one lap around a school track to get there.

Sincerely,

A handwritten signature in dark ink, appearing to read 'M Oblack', with a long, horizontal, wavy line extending to the right.

Mark Oblack
266 Pine Glades Drive

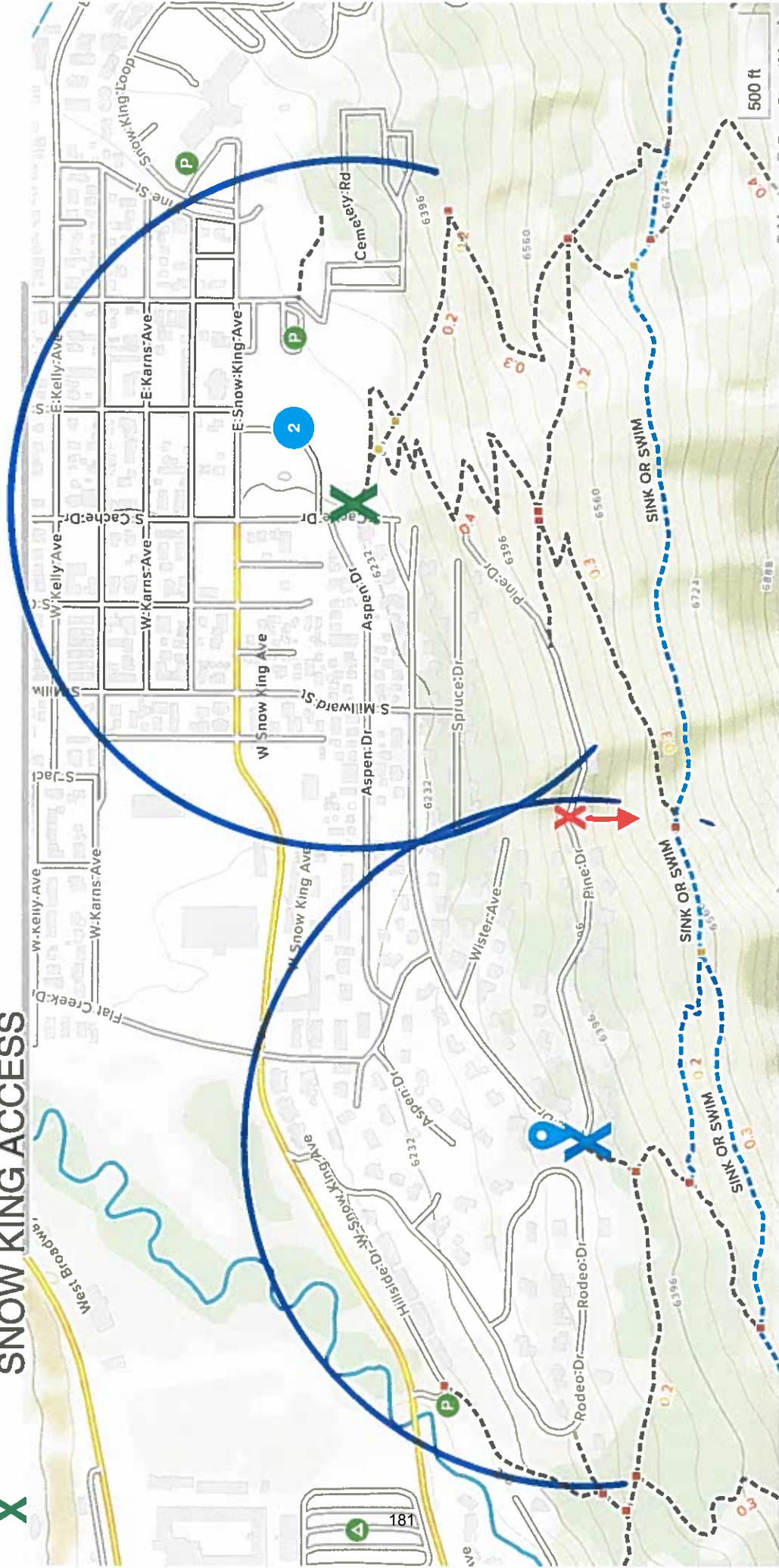
Attachments: 440 Yard Access Map

440 YARD ACCESS ARC REDUNDANT PROPOSED UPHILL ACCESS

PINE DRIVE ACCESS

SNOW KING ACCESS

-
- X
- X
- X



From: [Laura Bonich](#)
To: [Tiffany Stolte](#); [Tyler Valentine](#); [David DeFazio](#); [Jim Woodmencey](#); [Town Council](#)
Subject: Pine Glades compliance requiring non vehicular street access
Date: Wednesday, February 05, 2020 9:06:32 AM
Attachments: [image.png](#)
[image.png](#)
[image.png](#)

Planning Commissioners,

Below is an excerpt from the compliance letter addressed to the Pine Glades project from the Town date 5/28/19 stating that the Project is not in compliance with the street access requirements. The letter can be found starting on pdf page 65 of your staff report. The proposed trail in the current application is in no way equivalent to year round street access and should not satisfy the compliance requirements identified in the letter. The compliance letter states that the Project may not receive additional approvals until the project is in compliance. Please condition the project to provide a non vehicular street access easement prior to the project receiving any additional approvals. Please do not remove the project requirement for operation of the street snow melt system (which will likely save the residents at least \$1M over the next 10 years) until the access is granted. It is not fair for the Town to remove this requirement but not enforce the street access requirement.

On Page 2 Town Letter dated 5/28/19

Glades Final Development Plan"). Under each heading is a description of a specific development obligation, status of compliance, and a reference to attached exhibits.

ROADWAYS: Non-Compliant with Pine Glades PUD

As part of the Pine Glades PUD the Applicant committed, both verbally and in writing, to provide public non-vehicular/non-motorized access across, over and on the site's roadways. The complete public record memorializing this obligation is provided below (Exhibits A – H).

EXHIBIT A: Letter from Jackson Hole Community Pathways to the Town Planning and Building Department related to the approved Variance (P07-076) to develop on a lot with slopes greater than twenty-five percent (25%). The letter commends the original Developer (Dave Taylor) on their willingness to include public access across, over and on Pine Glades PUD for non-motorized users.

EXHIBIT B: Transcription of David Taylor (original developer) on record at the Jackson Town Council meeting on January 7, 2008 committing to the Jackson Town Council that the Pine Glades PUD would be open to the public and that the public would have non-vehicular access through the interior roads to access trails.

EXHIBIT C: The narrative section (5 pages taken from the project summary) of the Final Development Plan pledging that the updated project plan specifically included public access to the trail heads in the Pine Glades PUD from Pine Drive and Spruce Drive (page 2). In addition, the last two pages under headings Section 2170.J.11 Streetscapes states 'Nevertheless the proposal includes pedestrian pathways, in the form of public trail access easements fronting the lower row of buildings, allowing pedestrians access from the Pine and Wister Drive neighborhoods to the Snow King Ski Areas and Bridger-Teton National Forest'. Furthermore on the last page, it states that 'the development will provide at least four pedestrian access easements across the property providing a link from the neighborhoods west to Snow King slopes and beyond.'

EXHIBIT D: The approved Final Development Plan trail map identifying all trails within the Pine Glades PUD as 'Public Ski/Hiking Trails' which directly connect to the roadways.

EXHIBIT E: The recorded Subdivision Improvement Agreement which, on page three under 'Public Pathways,' describes the developer's obligation to build the trails delineated on the trail map as 'Public Ski/Hike Trails' (see also EXHIBIT D).

EXHIBIT F: The approved Minor Deviation (P11-025) for a requested trail relocation with attached Town of Jackson departmental reviews discussing obligations for trail signage at the Cache Street and Pine Drive access points. The documents states that 'the applicant shall not obstruct public access on the proposed pathway'. Furthermore, this document includes a review comment that states 'the applicant shall not obstruct public access on the Town of Jackson access easement designated as "GCE Roadway" on the Pine Glades Townhomes Phase One Addition plot'.

EXHIBIT G: The recorded plat for the Pine Glades Townhomes Phase One Addition which states that the Town of Jackson is granted an access easement across the entire GCE Roadway (under the Certificate of Owner, first column, 5th from the bottom). The second page is the actual recorded plat showing the GCE Roadway.

{ 2 }

And on Page 3

Based on the fact as evidenced in the public records described above and attached hereto, the Applicant was required to provide public access across, over and on the Pine Glades PUD roadways. This was verbally promised by the Developer (Dave Taylor) before the Town Council, was referenced in the FDP proposal, was clearly identified on the approved trail map, was clearly identified in the SIA, and was further a condition of approval with both Minor Deviations related to trail relocation.

And on Page 6

1: The following compliance issues must be resolved as indicated below. Failure to resolve these issues by the assigned deadline will result in the Town referring the issue to the Town of Jackson Code Enforcement Officer, in accordance with Land Development Regulation Division 8.9.2, and may prevent the issuance of further approvals and/or permits for the Applicant pursuant to Land Development Regulation Division 8.9.3.

- **Public Access - Signage:** The Pine Glades PUD required the installation and maintenance of signage indicating the right to public non-vehicular/non-motorized access across, over and on the site. The currently installed "No Trespassing" signage erected at two locations on the site violates terms and conditions of the Pine Glades PUD. All "No Trespassing" signs must be removed by June 1, 2019. In addition, a new sign plan that is consistent with the approved Final Development Plan must be provided to the Town Planning Department by July 1, 2019.
- **Public Access - Boulders:** The Pine Glades PUD required public non-vehicular/non-motorized access across, over and on the site. However boulders have been installed adjacent to the break-away gate, thus restricting pedestrians and bicyclists from accessing the site. This violates the terms and conditions of the Pine Glades PUD. The boulders must be shifted to allow at least four to six (4-6) feet of space for bicyclists and pedestrians to freely access Pine Glades Drive and the area must be inspected by the Town no later than July 1, 2019.

Thank you,

Laura Bonich, PE, LEED AP
645 Pine Drive
775-340-5346
lauraabonich@gmail.com

February 21, 2020

Jackson Planning Commission
Jackson Town Council
Jackson Planning Department sent via email tvalentine@jacksonwy.gov
P.O. Box 1687
Jackson, WY 83001

Re: Pine Glades

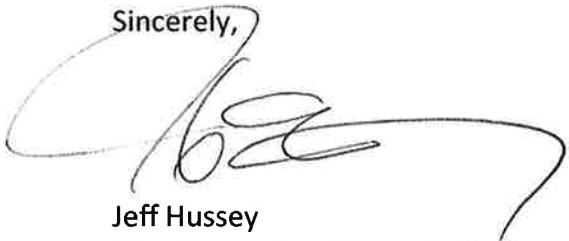
Dear Ladies and Gentlemen,

I was a limited partner and the principal investor in the Pine Glades development from inception, ultimately becoming the sole developer a few years later. I remained the Pine Glades developer until I sold the remaining unbuilt part of Pine Glades in 2017. I retain ownership of a townhouse unit in the development have followed the recent efforts to gain approval of a trail across Pine Glades.

During the initial review and approval of the Pine Glades development, the neighbors on Pine Drive were adamant that no additional traffic pass in front of their houses even though Pine Drive is a town street. Their vitriolic opposition to any additional traffic forced me to spend \$15,000,000 to construct a tunnel for Pine Glades residents to travel in the opposite direction. There was never any intention for the Pine Drive neighbors to have access to the private Pine Glades Drive and tunnel after it was built, regardless of any verbal statement made by the initial developer.

The proposed trail across the Pine Glades development which does not require access to the private road and tunnel is a suitable effort to accommodate neighbors who live near Pine Glades. It should be approved and the rights of private property owners should be preserved.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Hussey', with a long, sweeping horizontal line extending to the right.

Jeff Hussey
Pine Glades Investor and Developer



From: Jennifer Bragg [<mailto:jennybragg82@gmail.com>]

Sent: Tuesday, March 03, 2020 11:51 AM

To: Tyler Valentine <tvalentine@jacksonwy.gov>

Subject: Pine glades trail easement

Hi Tyler,

I hope this email finds you well!

Bill Collins, John Tozzi, & Dave Meyer have been around the house working on a new trail proposal. I just wanted to send some pictures to you that we took from our front door so that you could see the impact rather than from a few lines on paper.

This is even closer than the last proposed trail so I'm kind of confused as to why this would be "better" but we'll all hash it tomorrow at the meeting I guess.

Thanks so much!

Jennifer Bragg

45 A Pine Glades

307.690.7851

February 21, 2020

Jackson Planning Commission
Jackson Town Council
Jackson Planning Department sent via email tvalentine@jacksonwy.gov
P.O. Box 1687
Jackson, WY 83001

Re: Pine Glades

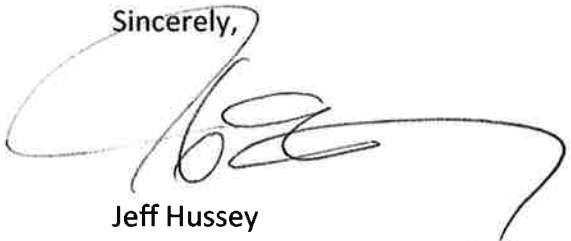
Dear Ladies and Gentlemen,

I was a limited partner and the principal investor in the Pine Glades development from inception, ultimately becoming the sole developer a few years later. I remained the Pine Glades developer until I sold the remaining unbuilt part of Pine Glades in 2017. I retain ownership of a townhouse unit in the development have followed the recent efforts to gain approval of a trail across Pine Glades.

During the initial review and approval of the Pine Glades development, the neighbors on Pine Drive were adamant that no additional traffic pass in front of their houses even though Pine Drive is a town street. Their vitriolic opposition to any additional traffic forced me to spend \$15,000,000 to construct a tunnel for Pine Glades residents to travel in the opposite direction. There was never any intention for the Pine Drive neighbors to have access to the private Pine Glades Drive and tunnel after it was built, regardless of any verbal statement made by the initial developer.

The proposed trail across the Pine Glades development which does not require access to the private road and tunnel is a suitable effort to accommodate neighbors who live near Pine Glades. It should be approved and the rights of private property owners should be preserved.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Hussey', with a long, sweeping horizontal line extending to the right.

Jeff Hussey
Pine Glades Investor and Developer

From: [Jim Woodmencey](#)
To: [Tyler Valentine](#); [Tiffany Stolte](#)
Subject: Pine Glades
Date: Wednesday, March 04, 2020 10:44:21 AM

I will attend the meeting tonight, however, in case public comment is not taken on the Pine Glades proposal I would respectfully request that you require wording in the revised development that allows pedestrian access through Pine Glades, from Pine Drive.

If the newest owner (Tozzi) is requesting changes to the development plan, then this is the time for the Town to step up and say: "We'll grant your changes, if you accept the additional request to set the record straight as far as pedestrian access".

This is what was promised originally and what has been honored by all previous owners for more than 10 years. (And for as long as I have lived on Pine Drive, 33 years).

Please put it writing this time!

V/R
Jim

Jim Woodmencey, meteorologist
MountainWeather
PO Box 2221
Jackson, WY 83001 USA
307-739-9282 Office
307-690-9282 Cell

www.mountainweather.com

From: [Laura Bonich](#)
To: [Pete Muldoon](#); [David DeFazio](#); [Jim Woodmencey](#)
Subject: Pine Glades Public Access
Date: Friday, March 06, 2020 8:20:21 AM

Mayor,

The Pine Glades project amendment (P19-262) will be on the Town Council Agenda for Monday, March 16th. If possible we would like to meet with you next week to discuss our concerns. We are asking the Town to condition the project, as part of the approval of this application, to record a public non motorized access easement on the HOA parcel that is the the Pine Glades road connecting from the tunnel to Pine Drive. This is consistent with the original project approvals (and referenced in 8 project documents identified by staff) and would allow year round access. Jim Woodmencey, David DeFazio and I could meet at the end of Pine Drive where the gate is if you would like to see the project area or at any time or place that is convenient for you. Appreciate your time.

Happy Friday. Laura

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Laura Bonich, PE, LEED AP
775-340-5346
lauraabonich@gmail.com



TOWN OF JACKSON TOWN COUNCIL AGENDA DOCUMENTATION

PREPARATION DATE: MARCH 12, 2020
MEETING DATE: MARCH 16, 2020

SUBMITTING DEPARTMENT: PLANNING
DEPARTMENT DIRECTOR: PAUL ANTHONY
PRESENTER: TYLER VALENTINE

SUBJECT: **ITEM P19-291:** HILLSIDE CONDITIONAL USE PERMIT (CUP) FOR A NEW THREE-STORY MIXED-USE BUILDING IN THE COMMERCIAL RESIDENTIAL – 3 ZONING DISTRICT LOCATED AT 1140 WEST HIGHWAY 22.

APPLICANT: KINSEY, LLC – CORNELIUS KINSEY

REQUESTED ACTION

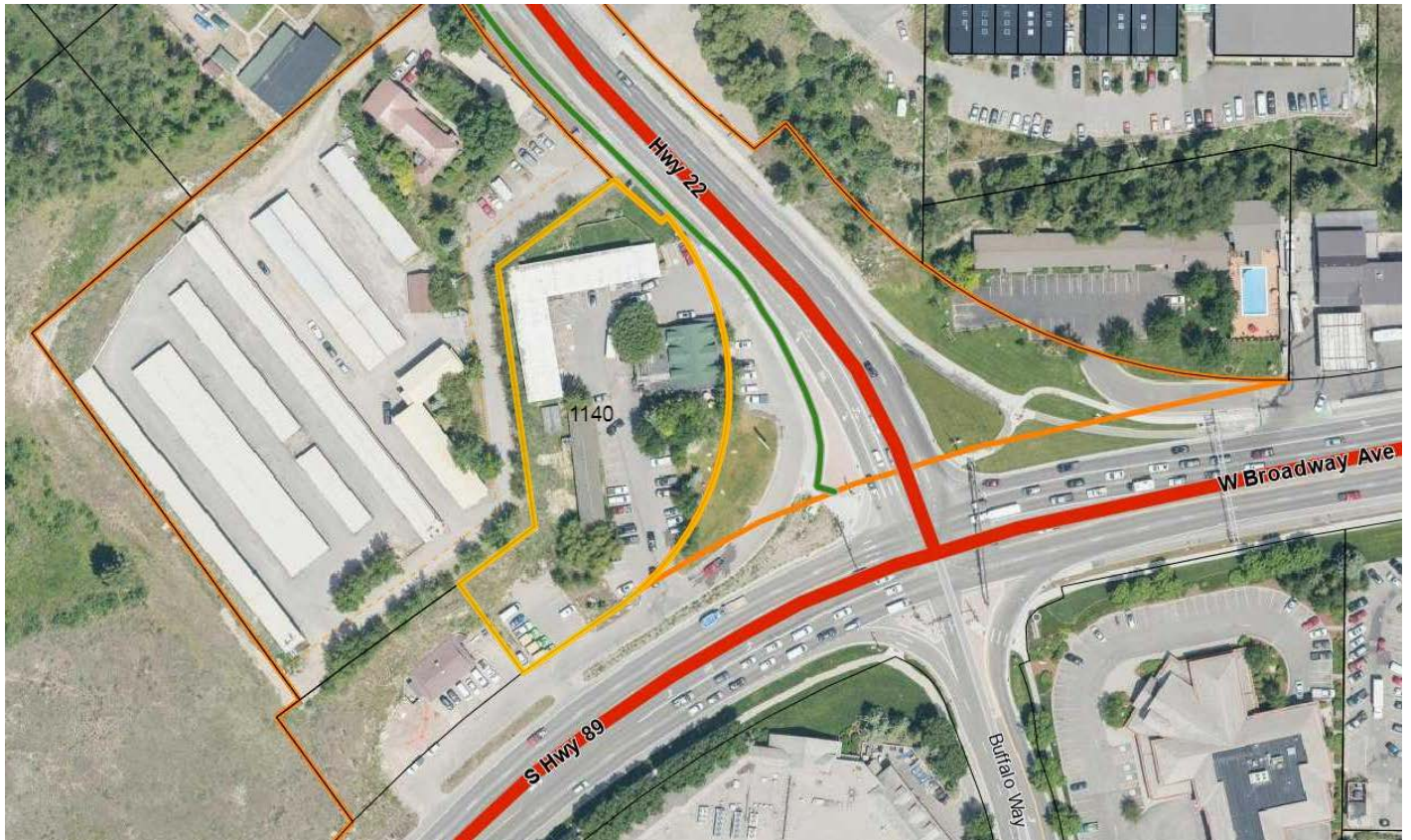
The applicant is requesting approval of a Hillside Conditional Use Permit (CUP) to redevelop the southern half of 1140 West Highway 22 with a new 3-story mixed-use building in the Commercial Residential – 3 (CR-3) zoning district.

APPLICABLE REGULATIONS

Section 8.4.2 Conditional Use Permit
Section 5.4.1 Steep Slopes

LOCATION

The property is located at 1140 W. Hwy 22, legally described as PT SW1/4NE1/4, Section 32, Township 41, Range 116. An aerial photo and zoning map are shown below:



BACKGROUND

The subject property is 1.40 acres (60,984 SF) and located at the west corner of the Y-intersection. The subject property was annexed from the County into the Town in 2016 and subsequently rezoned from Auto-Urban Commercial (AC) to Commercial Residential-3 (CR-3). To the west (side) of the property is Brushbuck Wildlife Tours and to the northwest (rear) is Old West Storage. The parcel's configuration is unique in that the front property line curves along both West Highway 22 and South Highway 89 while the side and rear property lines follow along abutting neighboring properties. The site consists of three existing buildings: two Teton Gables motel buildings (2,200 sf & 11,664 sf) built in 1971 and the Cutty's restaurant (4,921 sf) built in 1949. Vehicular access to the site is from both West Highway 22 and South Highway 89. Unique to this area of Town, the site has a WYDOT frontage road that wraps the front of the site which is commonly used as circulation and parking.

Zoning Compliance Verification (ZCV) to Exempt Project from Natural Resource Overlay (NRO) and Scenic Resource Overlay (SRO)

The property is also located within the NRO and SRO. Prior this application, the applicant met with Town staff to understand the LDR requirements for development within the NRO and SRO. Staff advised the applicant to apply for a ZCV to provide analysis to support their request to be exempted from the NRO and SRO. The applicant later applied for a Zoning Compliance Verification (ZCV) requesting to be exempted from the requirements in the NRO and SRO which is allowed under the LDRs provided supportive information is provided which justifies the request. Based on information submitted from Alder Environmental, it was demonstrated that the site is significantly disturbed, has low value vegetative cover types and is considered a low-use movement area for mule deer. Additionally, information was provided demonstrating how the site's location does not fall within the applicability of the SRO which in Town is intended to mostly prevent hillside developments from sky-lining. The site was exempted from the requirements of the NRO and SRO based on the ZCV (P19-239 attached).

Zoning Compliance Verification (ZCV) to Exempt Project from Steep Slopes

In addition to the NRO and SRO exemptions, the applicant's ZCV presented a third exemption request related to the steep slopes along the northwestern portions of the site which exceed 25%. Section 5.4.1. Steep Slopes of the LDRs prohibits the physical development of *natural* slopes greater than 25% unless a variance is granted. However Section 5.4.1.B.1 provides an exemption to this rule if it can be proven that the slopes over 25% are manmade. As part of the ZCV the applicant provided historical data and slope analysis to show that the areas of slope greater than 25% on the subject property are due to manmade activities associated with the development of the property and the lot to the northwest starting in the 1950s and continuing throughout the years thereafter. The applicant estimates that the natural slope between both of these properties is approximately 21.7%. The conclusion was that the construction cuts made to the toe of the slope creating manmade grades along the northerly portions of the property, sometimes exceeding 25%, were not present prior to the manmade activities. In conclusion, staff found the applicant's submitted materials and analysis to be fair and reasonable and that development of 1140 W. Highway 22 is not subject to a Variance. Staff did find that a Hillside CUP was still required which would require a geotechnical report.

PROJECT DESCRIPTION

Hillside CUP

The applicant is requesting approval of a Hillside CUP based on their plan to develop a lot having average cross-slopes greater than 10%. The plan includes removing the smaller 2,200 sf motel building and redeveloping the southern half of the property with a new 25,000 sf three-story mixed-use building which is mostly comprised of the 2:1 workforce housing bonus. The building will be located 10' from the rear

property line that abuts the Old West Storage property and 5' from the side property line that abuts the Brushbuck Wildlife Tours property. Along these side and rear property lines where the building is proposed is where the manmade slopes exceed 25%. The applicant intends to push the building into the steep slopes to better anchor the hillside which will allow more of the site to be utilized.

Based on the LDRs, no Sketch Plan or Development Plan is required because the remaining base Floor Area Ratio (FAR) of 7,808 sf is less than the 9,750 sf review threshold, so only Design Review Committee (DRC) approval and a Building Permit are required. Per the requirements of a Hillside CUP (Section 5.4.1 and 8.4.2), the applicant has provided the required findings for a CUP and has provided a geotechnical report (soil analysis), visual analysis, wildlife statement and preliminary utility plan.

In addition, the applicant is requesting a 2-year deadline for the CUP in place of the 1-year deadline provided in the LDRs. This deadline sets the final date for submission of a building permit.

STAFF ANALYSIS

The scope of this Hillside CUP is limited to the findings in Section 8.4.2 - Conditional Use Permit and the standards/criteria in Section 5.4.1.C.4 - Criteria and Standards for Hillside Areas. This application does not include final review or approval of any physical development or LDR standards found within the CR-3 zone, such as FAR, density, parking, etc.

Hillside Conditional Use Permit (CUP)

Under Sec. 5.4.1.D Standards for Hillside Areas, any lot of record with an average cross-slope of 10% requires a Hillside CUP to allow any terrain disturbance, even if the proposed development would not disturb any slope of greater than 10%. The applicant's site requires a Hillside CUP for development.

The following standards and criteria are required to be met or considered for approval of a Hillside CUP:

1. *The amount of terrain disturbance related to the otherwise allowable or conditioned uses for the property and the proposed mitigation efforts;*

The primary terrain disturbance associated with the project is related to the decision to build into the hillside up to about 25 feet in some areas. This is likely because the northern half of the site consisting of the larger motel and restaurant will remain and limit redevelopment to the southern half of the site. While the applicant could certainly reduce the amount of land disturbance by moving the units slightly closer to the road and/or reducing the total number of units, staff finds that the amount of proposed land disturbance does not appear to be excessive based on the slope stability study that indicates that any negative impacts should be able to be mitigated through proper building and site design. The fact that the proposed buildings are embedded into the hillside will act to support the hillside (rather than leaving an exposed and unsupported slope), and will likely help maintain the long-term integrity of the slope. Furthermore, any site disturbance will need to meet all of the grading requirements to the satisfaction of the Town Engineer.

2. *Retention or replacement of native, existing vegetation consistent with any proposed lawful use of the property;*

Because the vast majority of slope is a manmade cut slope, the vegetation on the slope is largely disturbed and compromised with non-native grassland vegetation. Given these conditions, the amount of vegetation proposed to be impacted will be consistent with any proposed lawful use of the property as conditioned by staff.

3. *Mitigation measures for mitigating impacts on wildlife or crucial winter range; and*

The applicant has provided a wildlife use and habitat review from Alder Environmental that analyses the potential impacts to wildlife from the proposed project. The report states that the project site is heavily disturbed and includes non-native and invasive plant species which are of low value to wildlife. Although the site is mapped within the Wyoming Game and Fish Department designated mule deer winter yearlong range, the site does not contain the vegetative cover types that mule deer use for crucial winter range. In addition, the high levels of human use and disturbed habitat indicate the site is of low-quality habitat for mule deer and unlikely to be used as winter range. The site is not crucial winter range for elk, moose or Trumpeter Swans. The closest Bald Eagle nest is 0.51 miles away with no nesting observed on-site. The report concludes that direct impacts from the proposed development to wildlife species would be negligible.

Staff finds that the project is consistent with this Hillside CUP standard.

4. *Mitigation measures for avoiding or minimizing visual impacts, subsurface, and any other natural hazards associated with hillside development.*

Visual analysis: The applicant has provided a visual analysis of the proposed development. The proposed building will be set into the base of the hillside in a manner that the rising hillside behind the building will help minimize its perceived mass. The building is as close as 60 feet to the curb on South Highway 89 which provides a reasonable buffer distance to help reduce the building's perceived mass. In addition, the LDRs require landscape screening within the first 20 feet of the property to soften the building and screen the surface parking. Furthermore, the Design Review Committee will review the project for compliance with the Town's Design Guidelines which specifically address breaking up the bulk, scale and mass of larger buildings. All of the above efforts will help reduce adverse visual impacts.

Geotechnical study: The applicant has also provided a geotechnical and slope stability analysis of the proposed site. The study provides site-specific data (5 test pits). The study's conclusion is that the slopes appear to be generally stable and that there are no apparent 'red flags' or obviously high risks to developing the site. The report found no groundwater within any of the test pits. The report also provides recommendations for the soil nail design, measures to ensure that moisture is kept clear of loess soil, and construction considerations for the footings. The Town Engineer has reviewed the applicant's preliminary geotechnical report and is generally satisfied with its level of detail and conclusions.

Staff finds that the project, as conditioned by staff, is consistent with this Hillside CUP standards for visual and geotechnical impacts.

Finally, staff is supportive of granting a 2-year deadline for the CUP and has added a condition of approval related to this effect.

Planning Commission

The Planning Commission reviewed this project on February 19, 2020 and unanimously recommended approval to Town Council as presented. The Commission had a fundamental question about why such a 'potentially-large building' at a prominent location is not required to have a Development Plan and go through a public review process. Staff provided the Planning Commission with the following responses:

1. While we do not have final building plans, the proposed building will be larger than the regular 0.46 FAR because of the applicant's desire to use the 2:1 workforce housing bonus. As part of the 2018 LDR changes, the Town approved the 2:1 workforce housing bonus to incentivize developers to 'fill their box' with long-term market and long-term workforce restricted residential units in addition to the base FAR.
2. Also as part of the 2018 LDR changes, the Town increased the review thresholds in many zones to allow larger projects to be reviewed at the staff level. The Town also exempted the 2:1 workforce housing bonus from the review thresholds because we wanted to incentivize developers to use the housing bonus without additional review requirements. These changes were made to reduce development barriers and encourage the private sector to build more housing.
3. Staff explained that a Hillside CUP is a 'use permit' and use permits do not approve physical development, but rather review a use's visual impacts, impact on hillsides, and impacts to wildlife/natural resources. A Hillside CUP is a publically reviewed process, but is different from a Development Plan which approves most of the physical and site development.

STAFF FINDINGS

Pursuant to Section 5.4.1.D.5 Findings for Hillside Areas of the Land Development Regulations, the following finding shall be made for the approval of a Conditional Use Permit.

1. ***Findings.*** *The following finding shall be made before granting a Conditional Use Permit for hillside areas: that the mitigation measures identified will be effective in mitigating any adverse impacts identified, and associated with the proposed physical development, uses, development option, or subdivision.*

Complies. Town Engineering has reviewed the applicant's geo-technical report and has not identified any adverse impacts that need to be mitigated by the proposed physical development and use beyond the recommendations listed in the report itself.

In addition, Pursuant to Section 8.4.2.C (Conditional Use Permit Standards) of the Land Development Regulations, a Hillside CUP requires that the following regular CUP Findings shall be made for the approval of a Hillside CUP.

1. *The proposed project is compatible with the desired future character of the area.*

The proposed application is located in Character District #4 Midtown, specifically Sub-area 4.1 Midtown Corridor of the 2012 Comprehensive Plan. In order to review the application for conformance with the Comprehensive Plan, staff has reviewed the Policy Objectives for District 4 as follows:

Common Value 1: Ecosystem Stewardship

Policy 1.1.c: Design for wildlife permeability

Complies. The subject property has been exempted from the standards of the Natural Resource Overlay based upon well-documented habitat information that demonstrates 1) the site has minimal wildlife use, 2) the site is significantly disturbed, and 3) the vegetative cover types are non-native and invasive species. Based on these findings from Alder Environmental that wildlife movement is essentially non-existent, staff finds that the proposed project design is not anticipated to have significant adverse impacts on wildlife movement.

Common Value 2: Growth Management

Policy 4.1.b: Emphasize a variety of housing types, including deed-restricted housing

Complies. Although the final density has not yet been determined, staff finds that this Hillside CUP will encourage the use of the 2:1 workforce housing bonus ultimately providing a variety of housing types including several market apartments and several workforce restricted units.

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

Complies. As part of Jackson's economy, lodging is an important contributing factor that supports our tourism industry. Staff finds that this Hillside CUP will encourage the continuation of lodging uses which serve the tourism industry and helps maintain Jackson as the economic center of the region.

Policy 4.2.c: Create vibrant walkable mixed use subareas

Complies. Although the property is located on the outer edge of Town, this Hillside CUP would encourage a project that is envisioned to have some pedestrian use and need to access nearby amenities, such as START (along Buffalo Way), the grocery store (Albertsons), restaurants, and services (new Post Office and banks). Many of these amenities are within walking and biking distance by crossing either of the highways. Additionally, the site is adjacent to the existing bike path on Highway 22 and across the street from the bike path along the northern side of West Broadway.

Policy 4.3.a: Preserve and enhance stable areas

Not applicable.

Policy 4.3.b: Create and develop transitional areas

Complies. Staff finds that this Hillside CUP will encourage a development that would revitalize a large portion of the site in a prominent entry location to the Town. The proposed project is located within a transitional area and staff finds the development to be consistent with the desired future vision described for Subarea 4.1 by adding needed rental housing to the community.

Policy 4.4.b: Enhance Jackson gateways

Complies. As conditioned, this Hillside CUP would encourage a development that will enhance Jackson's gateways through redevelopment of a site that includes removing an old motel that is in need of redevelopment. The new owner of the property has already completed a remodel of the existing larger motel which has helped to improve the exterior appearance and quality of rooms. This is one of the most visible sites as you enter the Town from Highway 22 and the proposed development will further improve the visual appearance of the site. Although the final design and materials have not been determined, this project will be required to go before the Design Review Committee and receive approval prior to approval of a building permit. Staff has added a condition requiring the applicant to provide a final landscape plan that adequately screens the parking lot and softens the development.

Policy 4.4.d: Enhance natural features in the built environment

Complies. Although the large majority of site and hillside has been disturbed over the years, staff finds that the proposed development does enhance remaining natural features through placement of a

building into portions of the steep slopes which will enhance their stability over the long term. In addition, staff is able to make the necessary finding required for a Hillside CUP which is designed to protect our steep slopes from the impacts of development.

Common Value 3: Quality of Life

Policy 5.2.d: Encourage deed-restricted rental units

Complies. This Hillside CUP will encourage a project that will be required to provide a housing mitigation plan at the time of Building Permit submittal demonstrating compliance with both affordable housing and workforce housing. The proposed project is anticipated to include several deed-restricted workforce rental units.

Policy 5.3.b: Preserve existing workforce housing stock

Not applicable.

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

Not applicable.

Policy 6.2.c: Encourage local entrepreneurial opportunities

Not applicable.

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

Complies. Staff finds that this Hillside CUP would encourage a project that does increase the capacity for use of alternative transportation modes such as pathways and the START bus. A bike path runs adjacent to Highway 22 and across the street along West Broadway. In addition, the closest bus stop at Buffalo Junction is approximately 0.1 miles away. The site is also located within walking distance to banking, restaurants, a grocery store and the post office.

Policy 7.2.d: Complete key Transportation Network Projects to improve connectivity

Not applicable.

Policy 7.3.b: Reduce wildlife and natural and scenic resource impacts

Complies. According to the environmental statement done for the site, no negative impacts to wildlife are expected to result from the proposed action. No significant impacts to other natural resources, such as wetlands or watercourses, are anticipated either. Furthermore, based on the submitted visual analysis, the proposed project should not have any skylining impacts or other major adverse visual impacts given the location at the base of the hillside. Staff finds the proposed project is consistent with this policy.

In addition, staff finds that the application should be reviewed for consistency with subarea 4.1 Midtown Highway Corridor which states as follows as the desired vision for the subarea:

This mixed use, TRANSITIONAL Subarea is dominated by West Broadway Avenue, Highway 22 and the Y intersection. Development intensity should be oriented towards these roadways and configured

in two to three story mixed use buildings with adequate setbacks and screening proportional to these busy highway corridors and intersections. Along the north side of West Broadway four stories buildings will be allowed when they are built into and used to screen the adjacent hillside. All building designs should incorporate techniques to mitigate height such as stepping back upper floors from the streetscape. Parking areas should be predominantly in the rear or screened from view. The lower levels of buildings should contain a variety of non-residential uses including retail, service and office uses catering to locals, while residential uses should be located predominantly on the upper levels of mixed use buildings or to the rear of a site and away from the highway. Future structures will be predominantly mixed use, while multifamily will be allowed if it properly addresses the street. It will be important to successfully integrate the land uses and patterns in this area with adjacent subareas.

A goal of the subarea will be to implement complete street amenities, balancing the needs of vehicle and alternative transportation users. Pedestrian connectivity across West Broadway Avenue will be needed to ensure access to the neighborhood amenities located in the southern portion of the district. Some single use and auto-oriented uses (e.g. gas stations and auto dealers) will still be needed in the future. These uses should follow the desired building form and pattern as much as possible, including providing connectivity by all travel modes to adjacent lots. A key challenge in this area will be to identify a solution to accommodate a wildlife crossing along West Broadway Avenue.

As conditioned, staff finds that this Hillside CUP will encourage a project that is consistent with the desired vision for this transitional subarea. Two to three-story buildings oriented toward the highway are envisioned at the Y-intersection which the proposed project will include. The project will meet other desired design techniques such as a third story step-back and screened parking. Although the ground level will not include uses such as retail, service or office, the building will be mixed-use with residential on the upper floors which is encouraged based on the above vision. The site has access to pathways and several amenities within walking distance such as a grocery store, post office, banks and restaurants. Staff finds the proposed project meets the above vision by developing a mixed-use transitional area.

2. The proposed projects complies with the use specific standards of Division 6.1.

Complies. Staff finds that this Hillside CUP will encourage a project that complies with the use specific standards of Division 6.1. The proposal is for apartments which is an allowed use in the CR-3 zone. In addition, Section 1.9.3.D.4 – Discontinuance of a nonconforming use allows the willful removal and replacement of a nonconforming use (i.e. motel outside lodging overlay) provided that all listed standards are met related to obtaining all necessary permits, timing for construction, and timing for re-establishing the use.

3. The proposed project minimizes adverse visual impacts.

Complies. Staff finds that based on the submitted visual analysis that the proposed project will minimize adverse visual impacts through the site design, proposed landscaping and the existing hillside behind the development. The proposed project will constitute a major visual improvement compared to the existing site development and will improve site circulation by removing the southwestern-most parking lot which is isolated from the main parking area in the center of the site. In addition, half of the building will be setback approximately 60 feet from the highway curb while the other half will be much further away from the highway as the buildings turns further north into the site. All of the above mentioned efforts will help minimize visual impacts.

4. The proposed project minimizes adverse environmental impacts.

Complies. Based on the wildlife and habitat summary prepared by Alder Environmental and based on the NRO exemption determination from ZCV P19-239, staff finds the proposed project has minimal adverse environmental impacts due to the site's lack of wildlife and habitat significance.

5. *The proposed project minimizes adverse impacts from nuisances.*

Complies. The proposed residential and lodging development is not anticipated to have any nuisances. In addition, noise and other impacts are anticipated to be far less than what occurs on the adjacent highways.

6. *The proposed project minimizes adverse impacts on public facilities.*

Complies. Staff finds that this Hillside CUP will encourage a project that is not anticipated to have adverse impacts on public facilities including Police, Fire, and EMT. The applicant is coordinating with the Town Engineer to properly address storm-water runoff and to identify the necessary water service improvements to ensure available capacity to serve the development. In regards to traffic circulation, the southwestern-most parking lot will be eliminated which will help direct traffic to the middle of the site versus having multiple parking lots spread out. The site also is served by Pathways, is within walking distance to START service and close to a grocery store, restaurants and banks.

7. *The proposed project complies with all other relevant standards of these LDRs and all other Town Ordinances.*

Complies. Staff finds that this Hillside CUP will encourage a project that will be required to comply with Town Ordinances and all relevant standards of these LDRs.

8. *The proposed project is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.*

Not applicable.

PUBLIC COMMENT

None at this time.

STAFF IMPACT

Applicant Submittal
Department Reviews

FISCAL IMPACT

None at this time.

LEGAL REVIEW

Ongoing as needed.

ATTACHMENTS

Applicant Submittal
Department Reviews

RECOMMENDATIONS/ CONDITIONS OF APPROVAL

The Planning Director and Planning Commission recommend **approval** of a Hillside Conditional Use Permit for a new 3-story mixed-use building for the property located at 1140 W. Highway 22 subject to the department reviews attached hereto and the following conditions:

1. A landscape plan prepared by a Wyoming-licensed landscape architect shall be provided at the time of DRC review. The landscape plan shall not only comply with the zone-specific standards, but also adequately screen the parking and soften the building from the highway.
2. The Hillside CUP shall expire in 2 years from the date of approval unless a Building Permit is submitted.

SUGGESTED MOTIONS

Based upon the findings as presented in the staff report and as made by the applicant for Item P19-291, I move to make findings 1-8 as set forth in Section 8.4.2.C (Conditional Use Permit Standards) of the Land Development Regulations relating to 1) Compatibility with Future Character; 2) Use Standards; 3) Visual Impacts; 4) Minimizes adverse environmental impact; 5) Minimizes adverse impacts from nuisances; 6) Impact on Public Facilities; 7) Other Relevant Standards/LDRs; and 8) Previous Approvals for a Conditional Use Permit; and findings required by Sec. 5.4.1 Steep Slopes regarding hillside mitigation measures; and move to **approve** a Hillside Conditional Use Permit for the property located at 1140 W. Highway 22, subject to the department reviews and this staff report dated March 16, 2020, and the following conditions:

1. A landscape plan prepared by a Wyoming-licensed landscape architect shall be provided at the time of DRC review. The landscape plan shall not only comply with the zone specific standards, but also adequately screen the parking and soften the building from the highway.
2. The Hillside CUP shall expire in 2 years from the date of approval unless a Building Permit is submitted.

PLANNING

Project Number	P19-291	Applied	12/30/2019	STOL
Project Name	Hillside CUP - Teton Gables	Approved		
Type	CUP	Closed		
Subtype	HILLSIDE	Expired		
Status	STAFF REVIEW	Status		

Applicant	Cornelius Kinsey	Owner	TETON GABLES, LLC
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Site Address	City	State	Zip
1140 W HIGHWAY 22	JACKSON	WY	83001

Subdivision	Parcel No	General Plan
	22411632100031	

Type of Review	Status	Dates			Remarks
		Sent	Due	Received	
Contact Notes Building Kelly Sluder (12/31/2019 2:16 PM KS) The new construction shall meet the adopted building codes of the Town of Jackson	APPROVED W/CONDITI	12/30/2019	1/20/2020	12/31/2019	
Fire Kathy Clay (1/2/2020 1:53 PM CLAY) Structure shall be built under 2018 IFC, fire sprinklered and alarmed. Further comments will be made as plans evolve.	APPROVED W/CONDITI	12/30/2019	1/20/2020	1/2/2020	please see notes
Joint Housing Dept Stacy Stoker (2/6/2020 1:18 PM SAS) No Housing Requirement at this time.	NO COMMENT	12/30/2019	1/20/2020	1/7/2020	please see notes
Legal Lea Colasuonno (1/6/2020 9:46 PM LC) A conditional use permit is to provide an individual and public review of a use that is generally compatible with the character of a zone, but requires additional, site-specific conditions to limit and mitigate effects that may be adverse to the desired character of the zone.	APPROVED W/CONDITI	12/30/2019	1/20/2020	1/6/2020	

The findings required for approval of the application are:

1. Compatible with the desired future character of the area;
2. Complies with the use specific standards of Div. 6.1.;
3. Minimizes adverse visual impacts;
4. Minimizes adverse environmental impacts;
5. Minimizes adverse impacts from nuisances;
6. Minimizes adverse impacts on public facilities;
7. Complies with all other relevant standards of these LDRs and all other Town Ordinances; and
8. In substantial conformance with all standards or conditions of any prior applicable permits or approvals.

Parks and Rec Steve Ashworth (1/21/2020 8:58 AM STOL) Tiffany, No comments from P&R regarding P19-291. Thanks.	NO COMMENT	12/30/2019	1/21/2020	1/21/2020
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Andy Erskine
Parks Manager

Project Reviews

Report By: Tyler Valentine

Type of Review Contact Notes	Status	Dates			
		Sent	Due	Received	Remarks
Pathways Brian Schilling (1/21/2020 8:32 AM STOL) No comments from Pathways.	NO COMMENT	12/30/2019	1/21/2020	1/20/2020	
Planning Tyler Valentine		12/30/2019	1/21/2020		
Police Todd Smith (12/31/2019 2:57 PM STOL) The only request the police have is for each unit to be clearly marked with an address to allow for emergency responders to easily locate the unit. Thanks, Todd Smith	APPROVED W/CONDITIONS	12/30/2019	1/20/2020	12/31/2019	
Public Works Jeff Silliman (1/20/2020 3:22 PM JSIL) HILLSIDE CONDITIONAL USE PERMIT– APPROVED w CONDITIONS P19-291 ADDRESS: 1140 W Highway 22 OWNER: Teton Gables APPLICANT: Cornelius Kinsey 1/20/2020 Jeff Silliman, 733-3079 DATE OF SUBMITTAL: December 30, 2019 DATE OF MATERIALS: October 16, 2019 REVISION No.: 00 The engineering division has reviewed your application for a HILLSIDE CONDITIONAL USE PERMIT submitted on and with application materials as dated above. CONDITIONS OF APPROVAL: 1. LDRs 5.4.1: Bond for Required Improvements. Prior to the issuance of any building permit pursuant to this Section, the applicant shall post a performance bond for all restorative and mitigative treatments pursuant to Sec. 8.2.11. 2. The parking lot and underground parking structure stormwater system shall include a sand/oil separator prior to discharge to the WYDOT Storm system.	APPROVED W/CONDITIONS	12/30/2019	1/21/2020	1/20/2020	see notes
START Darren Brugmann		12/30/2019	1/21/2020		
WYDOT <none>	APPROVED W/CONDITIONS	12/30/2019	1/21/2020	2/4/2020	darin.kaufman@wyo.gov

Type of Review	Status	Dates			Remarks
		Sent	Due	Received	
Contact					
Notes					
(2/4/2020 12:26 PM STOL)					
Thank you for the opportunity to comment.					
WYDOT has no objections for the proposed redevelopment.					
Utilities					
If utility licenses have not been obtained, the utility owner will need to obtain new utility licenses for any new connections (i.e. storm drain system) within the highway right-of-way.					
For any new utility connections within WYDOT right-of-way, the utility companies/owner shall obtain the necessary M-54 utility license via the new on-line permitting process, MainStar, located at https://usa.maintstar.co/Wyoming/Logon.aspx . Currently WYDOT requires any utility company needing access to the MaintStar system to contact the local District Office for the license or permit, or to email dot.utilities@wyo.gov to set up your login credentials.					
WYDOT Utilities Section can be found at the following link: http://www.dot.state.wy.us/home/engineering_technical_programs/utilities_section.html					
Access					
A permit for the access improvements on the backside of the access road is not necessary, this work would be considered as a cosmetic or maintenance activity. Only thing required in this case is written documentation and concurrence of work. As shown in the site plan (dated 10/16/19), the proposed access modifications seem acceptable.					
Landscaping					
Any new landscaping within the highway right-of-way will need to obtain a M-26 landscape agreement. Landscaping must not obstruct access drive intersection sight distance, obscure view to highway signage, Shrubs and trees must comply with roadside clear zone requirements per WYDOT Operating Policy 20-1.					
if you have any questions or require additional information, please let me know.					
Thanks,					
Darin Kaufman, P.E., PTOE					

For Office Use Only

Fees Paid _____

Date & Time Received _____

Application #s _____

Please note: Applications received after 3 PM will be processed the next business day.**PROJECT.**

Name/Description: Gables Redevelopment

Physical Address: 1140 West Highway 22

Lot, Subdivision: PT SW1/4NE1/4, SEC. 32, TWP.41, RNG 116 PIDN: 22-41-16-32-1-00-031

PROPERTY OWNER.

Name: Teton Gables, LLC - Tyler Davis Phone: 407.952.1735

Mailing Address: P.O. Box 991, Jackson, WY ZIP: 83002

E-mail: tylerdavis34@yahoo.com

APPLICANT/AGENT.

Name: Cornelius Kinsey - Kinsey, LLC Phone: 413.2485

Mailing Address: P.O. Box 12258, Jackson, WY ZIP: 83002

E-mail: kinseycornelius@yahoo.com

DESIGNATED PRIMARY CONTACT.

_____ Property Owner ☒ _____ Applicant/Agent

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

_____ Basic Use

☒ _____ Conditional Use

_____ Special Use

Relief from the LDRs

_____ Administrative Adjustment

_____ Variance

_____ Beneficial Use Determination

_____ Appeal of an Admin. Decision

Physical Development

_____ Sketch Plan

_____ Development Plan

_____ Design Review

Subdivision/Development Option

_____ Subdivision Plat

_____ Boundary Adjustment (replat)

_____ Boundary Adjustment (no plat)

_____ Development Option Plan

Interpretations

_____ Formal Interpretation

_____ Zoning Compliance Verification

Amendments to the LDRs

_____ LDR Text Amendment

_____ Map Amendment

Miscellaneous

☒ _____ Other: Hillside

_____ Environmental Analysis

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

Pre-application Conference #: P18-344 Environmental Analysis #: Exempted by P19-239
Original Permit #: _____ Date of Neighborhood Meeting: _____

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

Have you attached the following?

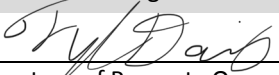
_____ **Application Fee.** Fees are cumulative. Go to www.townofjackson.com/200/Planning and select the relevant application type for the fees.

_____ **Notarized Letter of Authorization.** A notarized letter of consent from the landowner is required if the applicant is not the owner, or if an agent is applying on behalf of the landowner. Please see the Letter of Authorization template at www.townofjackson.com/DocumentCenter/View/102/Town-Fee-Schedule-PDF.

_____ **Response to Submittal Requirements.** The submittal requirements can be found on the TOJ website for the specific application. If a pre-application conference is required, the submittal requirements will be provided to applicant at the conference. The submittal requirements are at www.townofjackson.com/200/Planning under the relevant application type.

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

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



Signature of Property Owner or Authorized Applicant/Agent

Tyler Davis

Name Printed

12/27/19

Date

Owner

Title

28 December 2019

Paul Anthony
Town of Jackson Planning and Development
150 East Pearl Avenue
Jackson, WY 83001

Mr. Anthony,

The applicant, Teton Gables, LLC (Tyler Davis - Owner), is requesting approval for Hillside Conditional Use Permit, for 1140 W. Highway 22.

BACKGROUND:

The applicant/owner is Teton Gables, LLC. The applicant owns the lot defined as PT SW1/4NE1/4, SEC 32, TWP. 41, RNG. 116, (commonly known as 1140 W. Highway 22 or the Cutty's). The lot is zoned CR-3 (Commercial Residential - 3). The lot currently has a restaurant and hotel, the restaurant constructed in approximately 1940's with the hotel built in the 1971. The site has been heavily disturbed over the years and no longer features native vegetation nor does it provide habitat to species of concern protected by Teton County. The lot is approximately 1.40 ac. The applicant proposes replacing the one of the existing hotel structures with one structure that will serve as an employee and local workforce housing also well as lodging units to replace the ones being torn down. On 4 December 2019, the town has determined the property is exempt from the Scenic Resource Overlay (SRO) and the Natural Resource Overlay (NRO) and the hillside slopes were naturally 21.7% so it will exempt from a Variance through Zoning Compliance Verification (ZCV) P19-239. The applicant is applying for a Hillside Conditional Use Permit

Conditional Use Permit (8.4.2.C) FINDINGS:

1. Is compatible with the desired future character of the area;
The site is located in District 4.1, Midtown Highway Corridor of the Comprehensive Plan (Comp Plan) for Jackson and Teton County. The future as described by the Comp Plan is 2-3 stories buildings, pedestrian connectivity to the south side of the Highway and buildings with adequate setbacks and screening proportional to the highway, with the four stories buildings when they are built into and used to screen the adjacent hillsides. The proposed building is three stories, possibly four stories, built into the hillside, hence the reason the applicant is requesting the Hillside CUP to push the building back from the highway. The parking on the lower floor will be screened from the highway per 2.2.13.E.6 of the Town of Jackson LDR's and extend at least 20 feet down the side of the facades. The existing parking will remain as it has and the new parking will be screened from view. Though this building is not multi-use, the property already has a restaurant and offices, which is what the comp plan proposes for the district. The Comp Plan wants to connect the north and south sides since Highway 191 bifurcates the district, the light at the junction of Highway 191 and 22 is pedestrian friendly and specifically addresses pedestrians crossing the highway.
2. Complies with the use specific standards of Div 6.1;
Per 6.1.1 Use Schedule, Residential apartment or Attached Single-Family Unit in CR-3 are a Basic Use Permit. There are seven conventional lodging units from the existing building to be

demolished that were grandfathered, built in 1971, that will be incorporated into the proposed project. Conventional lodging units in the CR-3 are a “Use not allowed.”

3. Minimizes adverse visual impacts;

The reason for the Hillside CUP is to reduce the visual impact on the 191 Highway corridor by pushing the building into the hill. The Comp plan actually wants development built with adequate setbacks and built into the adjacent hillside. The third floor sets back at some locations to reduce the mass seen from the street. If a fourth floor is proposed then it will completely be stepped back from the face of the building, except for the stair and elevator tower. The first minimization is to hide the renter’s storage units so that they could not be seen from the street. The storage units for this project are located in the rear of the building in the basement, which will be underground and cannot be seen from the street. The dumpster is hidden under the building in a closed fence with doors.

4. Minimizes adverse environmental impacts;

The indirect and direct natural environmental impacts caused by the proposed redevelopment have been assessed by Alder Environmental LLC professionals. For the purpose of their review, *environment* can be defined as natural resources such as air, soil, water, plants and wildlife. *Adverse environmental impacts* are defined as any harmful effects on the natural environment that reduce flora or fauna habitat, impair the function of components in the natural environment (e.g. wetlands), or make the local environment socially unacceptable. *Minimize* is defined as not increasing impacts beyond what already exists.

The proposed apartment and motel building with parking garage will be located on a property within the Town of Jackson that has a history of land disturbing activities and development pre-dating 1955 (Teton County GIS Mapserver). The property is currently surrounded by developed land including storage units, the busiest intersection in Wyoming and an old gas station. The current land use of the property and vicinity have adversely affected the natural environment and replaced any natural habitat, plants and soils with developed conditions. The property does not constitute meaningful wildlife habitat as presented in the December 20, 2019 Wildlife Review Letter prepared by Alder Environmental LLC. Since no industrial type exhaust or air pollutant activities are proposed, impacts to air quality should remain the same as existing conditions. Impervious surface will remain relatively the same and stormwater runoff will continue to connect into the WYDOT system.

Since the proposed development is similar in use and extent as the current developed property no additional adverse environmental impacts are expected.

5. Minimizes adverse impacts from nuisances;

The project minimizes adverse impacts from nuisances, for example is light pollution from the garage parking. The garage parking beneath the building is enclosed on both Hwy 191 and 22 sides except for the entrances to block the light emitted from the fixtures. The storage units for this project are located in the rear of the building in the basement or on the first floor, which will be underground and cannot be seen from the street. For this project, renters will be allowed to have one pet, either a dog or a cat to reduce the number of animals allowed on the property. The two existing dumpsters will be enclosed with a roof and doors to reduce the birds and other animals from trying to use the trash as a food source.

6. Minimizes adverse impacts on public facilities;

This project minimizes impacts to existing public facilities due to its location. The project site is located within 900 feet of the Buffalo Way START bus stop adjacent to Albertson's. Striping or other traffic guiding devices can be utilized at the property entrances to promote right turn movements onto the adjacent streets. The property is located adjacent to Wyoming Highway 22 and Broadway Avenue (S HWY 89). Due to the very high volumes observed during all times of years on these streets, it is highly unlikely that traffic generated by any developments on this property would influence traffic on adjacent streets in any way. Since the prospected residents of the planned development are expected to work in Jackson, it is not likely that trips generated from the development would contribute to the traffic density problems on Highway 22.

The project is adjacent to the pedestrian and bicycle corridor created by the Teton County and Town of Jackson pathways systems. This provides the development with more than adequate multi-modal transportation options. It would be anticipated that many residents of the development would choose to utilize pedestrian and bicycle facilities for a commute to the downtown area.

Water for the planned development will be provided from an existing 6" water main near the north corner of the property. Water flow modeling was performed during an off-site utilities investigation in the spring of 2019 found that a demand of 400 gallons per minute can be supplied to the property with a 35-psi residual pressure in the water system. Peak wastewater flows were calculated using fixture unit analysis. This analysis indicated an increase from 45 gallons per minute to 60 gallons per minute for the peak wastewater flow rates. Discussions with the Town of Jackson Engineering Department indicate that the existing sewer system in this area has capacity for increased flows.

The police, fire, and EMS stations are located less than 2 miles from the project. Due to the location on Broadway Avenue (S Highway 89), it can be assumed that no additional police patrols would be required. Broadway Avenue is already patrolled heavily by the town, county and state. Since the proposed building would be fire sprinklered, small fires would be extinguished by the fire sprinkler system. The location on Broadway Avenue would also see quick response times from EMS and fire crews in the event of a large fire or serious injury.

7. Complies with all other relevant standards of these LDR's and all other Town Ordinances: and
The two-story building, restaurant/office was built into the front setback in the 1940's before the county (at the time the property was in the county) had setback requirements. This building was grandfathered due to the length of time of existing and no work is proposed for this building. There are two parking places on the north side of the property next to the hotel office that are not in the parking setback that are grandfathered since no work is to be complete in that area. The remaining parking spots that are in the parking setback on the south side of the property will be removed from the proposed project. The proposed project will comply with all other relevant standards of the Town of Jackson LDR's and Town Ordinances.

8. Is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.

The last building permits (B17-0712, B18-001, B18-0014, B18-0017 and B18-0019) were closed by Jim Green on 4 May 2018. The work inspected under the listed permits and associated trade permits were found to be in compliance with the applicable codes and ordinances of the Town

of Jackson and the construction documents at the time of inspection. The final inspections for the permits range from 26 January 2018 to 27 April 2018.

HILLSIDE CUP (5.4.1.C.5) FINDINGS:

5. The following finding shall be made before granting a Conditional Use Permit for hillside areas: that the mitigation measures identified will be effective in mitigating any adverse impacts identified, and associated with the proposed physical development, uses, development options, or subdivision.

The materials presented for the submittal requirements under 5.4.1.C.6 adequately illustrate the efficacy of constructing the proposed physical development. The Geotechnical Report discusses soil nail wall construction and associated slope stability for the excavations that facilitate building construction. In soil nail wall construction, soil is excavated incrementally from the top down as the wall is installed. This mitigates temporary slope instabilities associated with other types of wall or shoring installations. Steep slopes at the project site will be treated with erosion control measures and revegetated to prevent any localized slope instabilities.

REQUEST:

The applicant respectfully requests based on the above findings that the planning department recommends the approval of this Hillside Conditional Use Permit for 1140 W. Highway 22.

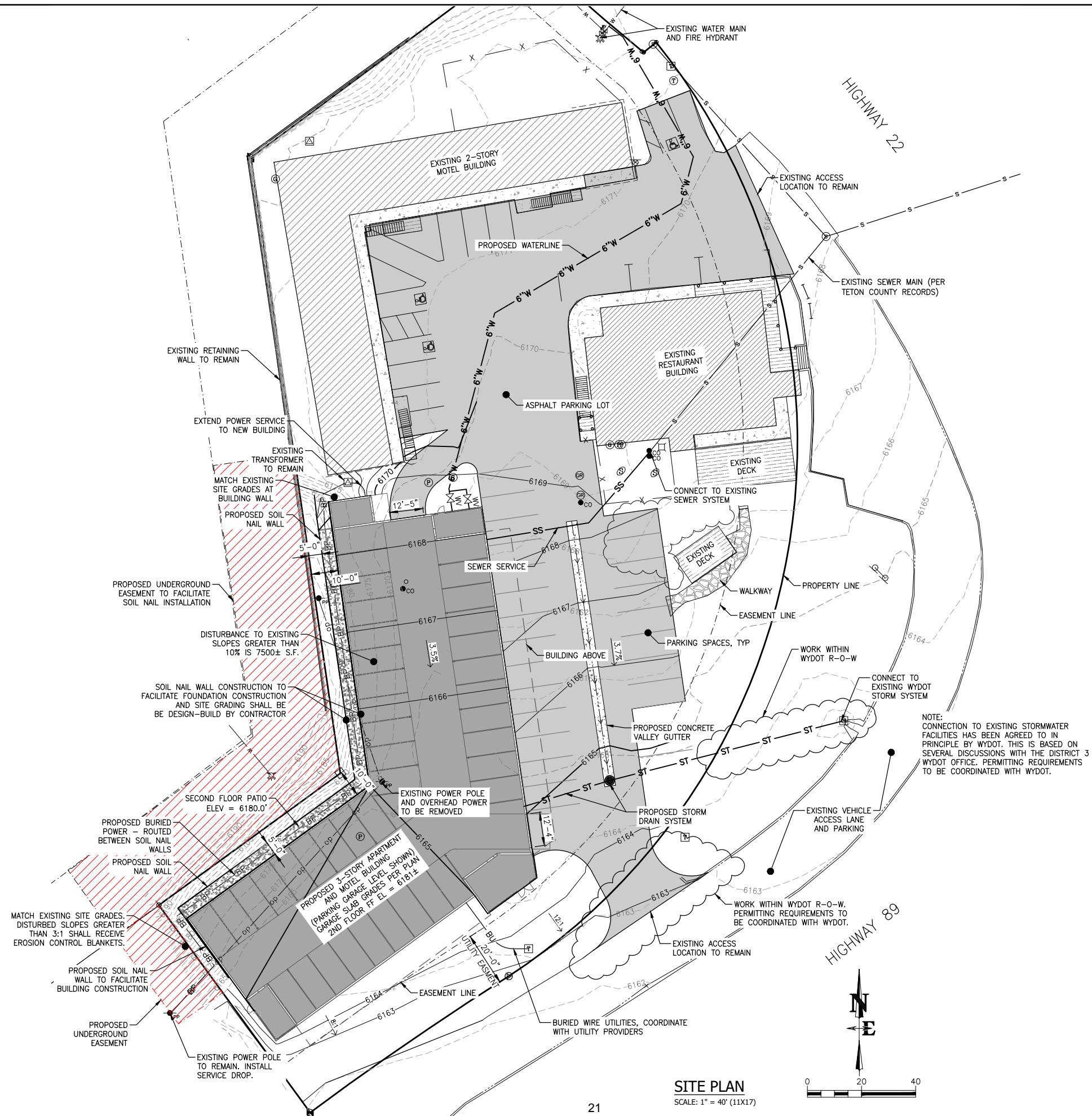
Thank you for your assistance with this request. Please contact me should you have any questions or concerns regarding this request.

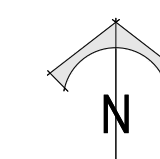
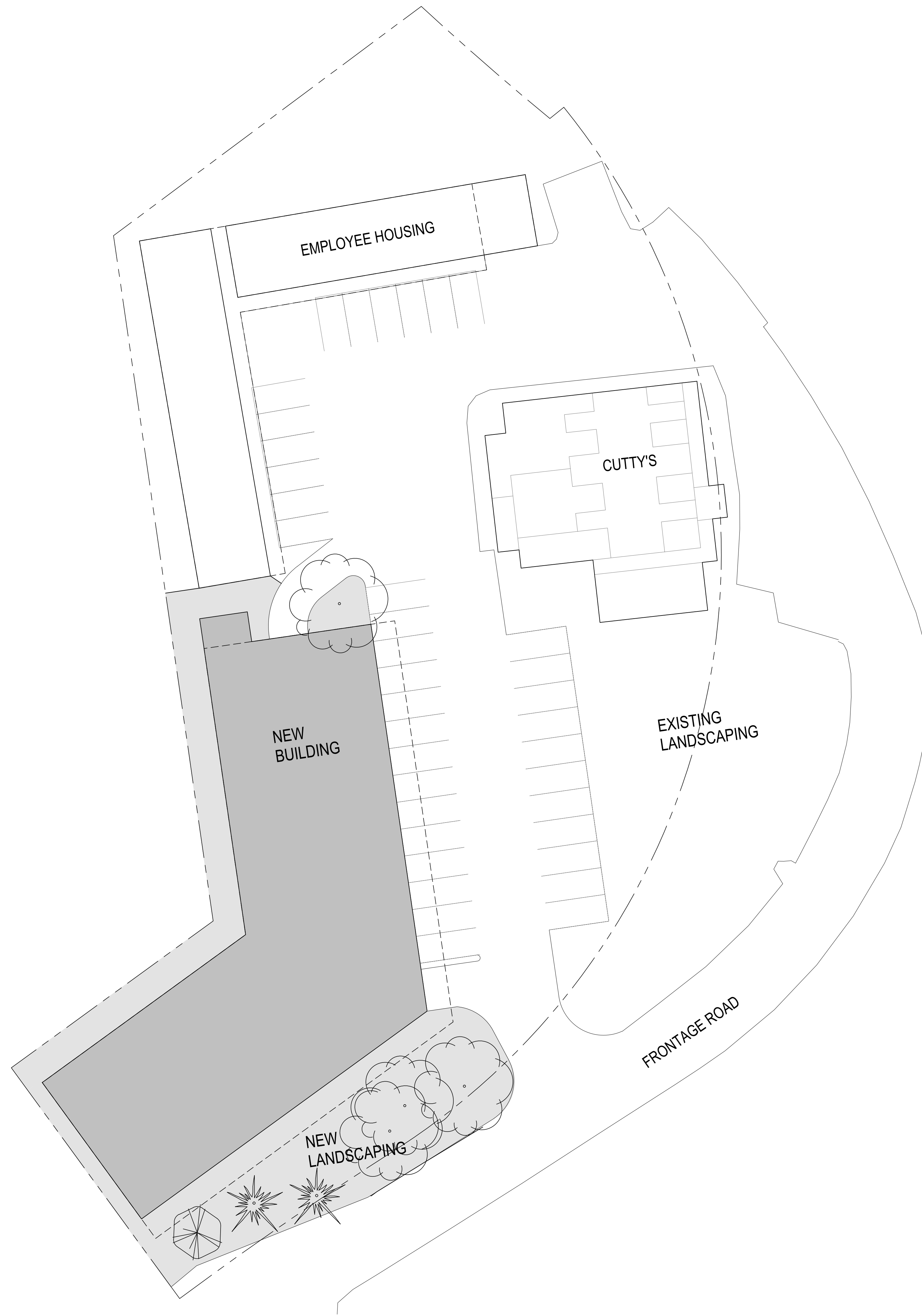
Best Regards,

Cornelius Kinsey, AIA NCARB

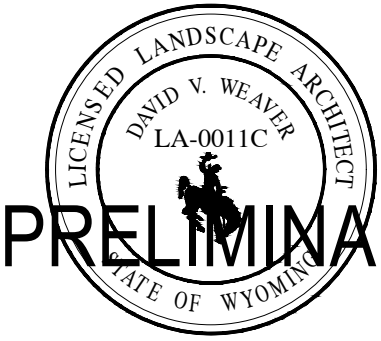
Enclosed:

Executed Hillside CUP application
Alder Environmental Report
Nelson Engineering Geotech Report
(3) 3-d Rendering of the proposed project
Nelson Hillside CUP Site Plan
Weaver Landscape Plan

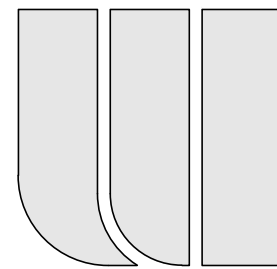




PRELIMINARY
LANDSCAPE PLANTING PLAN



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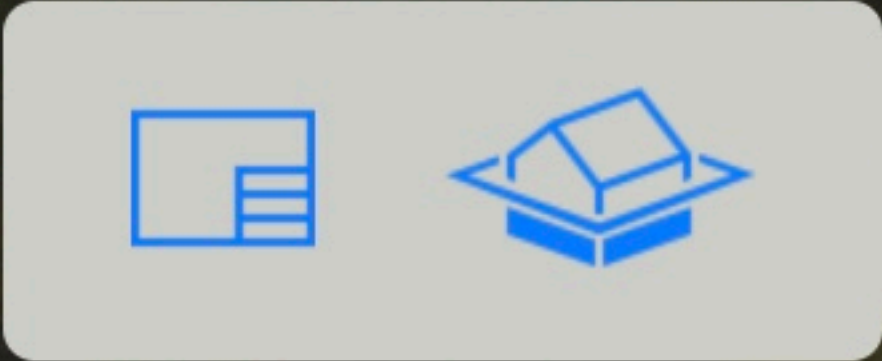


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IDAHO FALLS, IDAHO 83404
(208) 529-9504

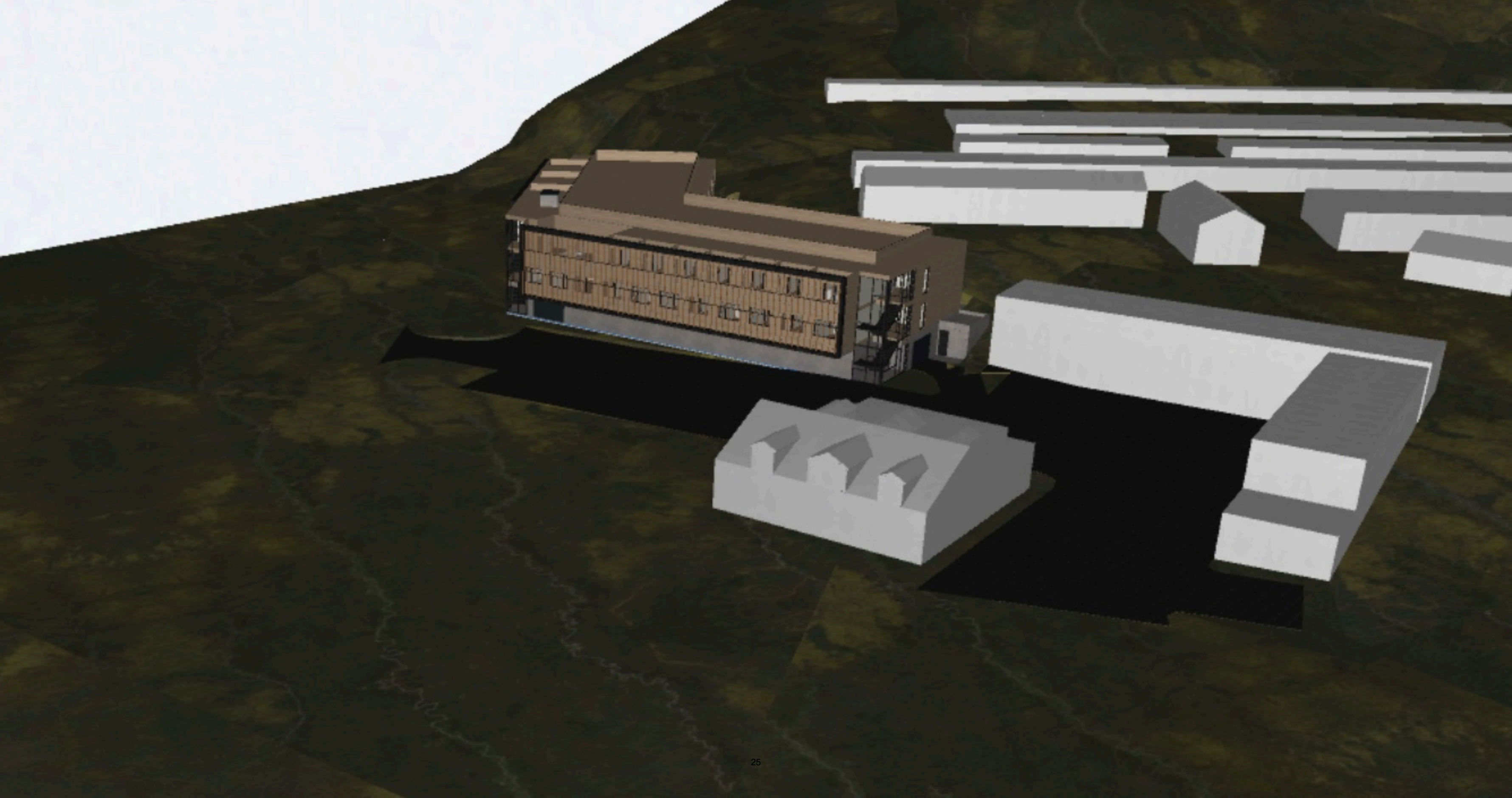
GABLES PHASE II
TOWN OF JACKSON
TETON COUNTY, WYOMING

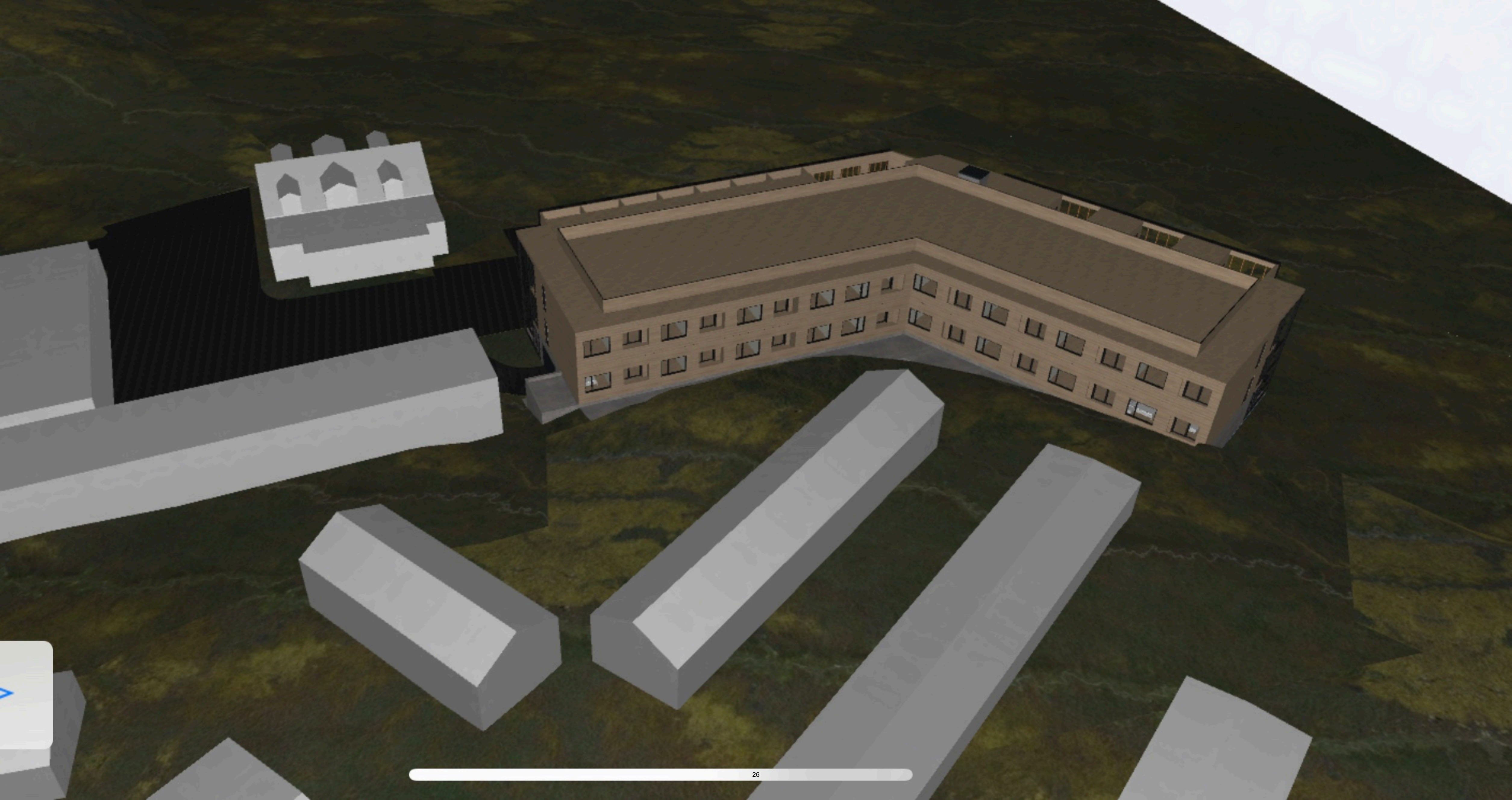
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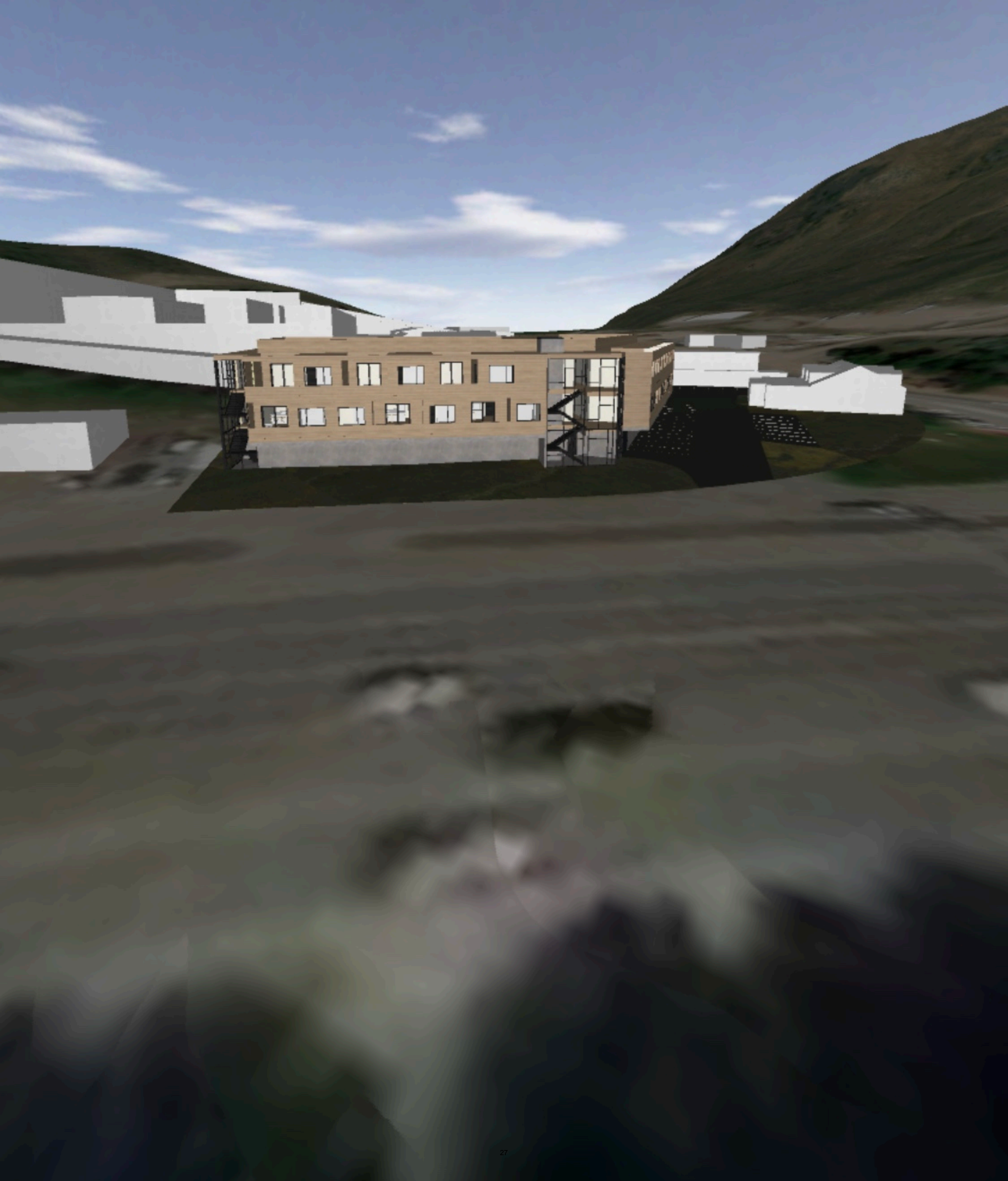
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GEOTECHNICAL INVESTIGATION

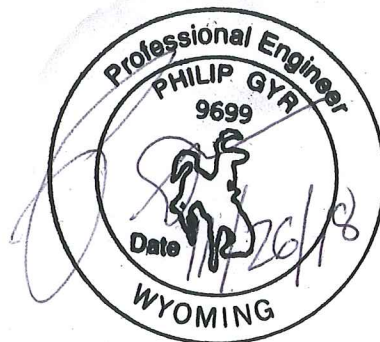
TETON GABLES MIXED USE STRUCTURE SCHEMATIC DESIGN PHASE JACKSON, WYOMING

PREPARED
FOR:

TYLER DAVIS
JACKSON, WYOMING

PREPARED
BY:

NELSON ENGINEERING
JACKSON, WYOMING



NOVEMBER 2018
Project No. 16-306-02

TABLE OF CONTENTS

GENERAL AND PROJECT DESCRIPTION	1
SCOPE OF SERVICES	1
SITE CONDITIONS.....	1
DESCRIPTION.....	1
GEOLOGY AND SOIL MAPPING	2
SEISMIC HAZARD	2
SITE INVESTIGATIONS.....	2
LABORATORY INVESTIGATIONS.....	3
SUBSURFACE CONDITIONS.....	3
SOIL PROFILES	3
<i>WYDEQ Monitoring Wells.....</i>	<i>3</i>
<i>TP-1, 2, and 3, Loess Slopes.....</i>	<i>4</i>
<i>TP-4 and TP-5.....</i>	<i>4</i>
INTERPRETATION.....	4
GROUNDWATER	4
GEOTECHNICAL ANALYSIS & RECOMMENDATIONS	4
GENERAL.....	4
LOESS	5
<i>Drainage and Moisture Infiltration Prevention.....</i>	<i>5</i>
CONVENTIONAL SPREAD FOOTINGS	5
SURFACE DRAINAGE	6
LATERAL EARTH PRESSURES, GRAVITY RETAINING WALLS	9
SLABS-ON-GRADE	9
SIDEWALKS AND EXTERIOR SLABS	9
ROADWAY AND PARKING LOT SECTIONS	10
CONSTRUCTION CONSIDERATIONS	10
EARTHWORK AND SITE GRADING	10
GENERAL COMMENTS	11
WARRANTY AND LIMITING CONDITIONS	12

GENERAL AND PROJECT DESCRIPTION

This report pertains to a geotechnical investigation performed for a mixed use structure located in the south east part of Jackson, Wyoming. Recommendations for this report are specific to Schematic Design level plans as prepared Cornelius Kinsey (Architect). A three-story structure is planned. The ground level will be occupied by parking and the upper two levels will be residential. The structure will be inset into existing cut slopes along its western perimeter. Retaining walls will be required to accomplish the cuts.

Scope of Services

The scope of services for this investigation was to provide geotechnical recommendations based on subsurface investigations and soils laboratory testing for the proposed facility. The purpose of the subsurface investigation was to determine soils and groundwater characteristics. The results of the subsurface investigation and subsequent laboratory testing were utilized in an engineering analysis for foundation, paving and construction recommendations. Additional test pits/points of exploration are recommended in the south east area of the project.

Preliminary stability analysis of proposed shored cuts required for excavation was performed sufficient to ensure the feasibility of the proposed cut slopes. The Owner is responsible for obtaining final analysis and design of shoring and/or underpinning from a professional engineer when final plans for construction are prepared. Specific recommendations for drainage and surface water conveyance are not within the scope of work for this report.

The foundation analysis and resulting recommendations contained herein are based on typical loads for the type of structures assumed in this report. In the final design phase, it will be critical that structural loads be properly communicated to the Geotechnical Engineer to verify that the imposed loading conditions on the proposed foundation configuration do not cause excessive settlement, exceed the bearing capacity of the site soils, or exceed the seismic loading capacity of the foundation elements. Lateral earth pressure recommendations contained within this report are general in nature; it is critical that final retaining wall designs are reviewed by the Geotechnical Engineer for review and approval. For this report, it is assumed that foundation elements would not be subjected to unusual loading conditions such as eccentric loads or vibratory equipment. Unusual load conditions can induce settlement or reduce the bearing capacity of foundation elements.

SITE CONDITIONS

Description

The project is located on the northern lower slopes of High School Butte near Antelope Pass, Development of various commercial facilities at the site is evident in historic photos from the last century. Existing structures and improvements include: 1) a two-story restaurant and commercial office building constructed in 1949 2) a 7-room single story motel building constructed in 1949 which currently unused and in disrepair, and 3) a two-story 30-room motels constructed in 1971. Various underground utilities traverse the project.

Existing facilities are located on relatively flat topography that that gently slopes from north/northwest to south/southeast to northwest towards Flat Creek. The flat area was created by excavation into the hillside and is bounded by steep cut slopes that rise 15 to 20

created by excavation into the hillside and is bounded by steep cut slopes that rise 15 to 20 plus feet up to the west. Historic aerial photos show the cuts were accomplished in the middle part of the twentieth century. The neighboring property to the south and west is occupied by a storage facility.

West of the 7-room motel, the northeast facing slopes are about 1.5(H):1(V) and lead up to a concrete retaining wall that supports a roadway on the property to the south. The wall continues to the north and west of the 30-room building. Historic aerial photography shows the wall was constructed in a fill scenario above existing ground in the years between 1999 and 2001. To the south, the south east facing cut slopes are steeper, ranging from 1.5 to 1.3H:1V with exposed loess at ground surface.

Geology and Soil Mapping

The area's surface geology is mapped on the USGS "Geologic Map of the Jackson Quadrangle, Teton County, Wyoming," J.D. Love and H.F. Albee, 2004. Surficial deposits within proposed developments are described as "Ql – Loess – Silt, light-gray, structureless, homogenous; deposited by wind."

The US Natural Resources Conservation Service's Soil Survey of Teton County has mapped the Tetonia-Lantonia silt loams within the area of development. The soils are loess deposits found on 6 to 10 percent slopes. This soil is described as very deep, well drained, and composed of silt loam.

Seismic Hazard

Jackson Hole and the project site are located within the Intermountain Seismic Belt, a zone extending from southern Utah through eastern Idaho and western Montana, and encompassing western Wyoming and the Teton Range as referenced by Smith, Robert B., and Walter J. Arabasz. "Seismicity of the Intermountain seismic belt. "Neotectonics of North America," 1991. The USGS Earthquake Hazards Program has mapped Quaternary faults and folds in the United States as displayed on Google Earth with the following active faults near the project site: the Teton Fault, the Phillips Valley Fault, and secondary faults within the Jackson Hole Valley. In particular, the Teton Fault is thought to be capable of producing major earthquakes of a magnitude of six or greater. The portion of the Teton Fault mapped as active in the Quaternary is approximately 6.3 miles northwest of the site. The USGS "Geologic Map of the Jackson Quadrangle, Teton County, Wyoming," J.D. Love and H.F. Albee, 2004, shows the postulate trace of the Cache Creek Thrust Fault a quarter mile south of the project site. The Cache Creek Thrust Fault is not classified by the USGS as an active fault. Multiple minor earthquakes with epicenters near the site have occurred in recent years (USGS Earthquake Database).

SITE INVESTIGATIONS

On October 9, 2018, five test pits, TP-1 through TP-5, were excavated within and near the proposed structure footprint as shown in the Appendix on the **Test Pit Location Map**. Test pits were located using a handheld Trimble GeoXT GPS unit. Test pit locations and depths were selected to determine subsurface conditions applicable to the proposed developments at the time of the investigation. Schematic design plans have since changed to enlarge the structure to the south and west. **ADDITIONAL** test pits in the south and west will be dug and a supplement to this report issued based on the updated plans. Test pits were backfilled with excavated material after logging was completed.

Fish Creek Excavation of Jackson, Wyoming, excavated the test pits with a John Deere 135 track hoe. Andy Pruett, a Professional Geologist at Nelson Engineering, logged the pits and directed sampling. Soil classifications, moisture conditions, and presence of organic or other notable features were recorded in the field logs. Bulk samples were sealed in plastic bags and transported to our laboratory for testing and further classification. Groundwater observations were made at the time of the excavation based on field observations of soil moisture conditions. Field observations and laboratory testing results are presented both on the test pit logs and in the test result presentation sheets in the Appendix.

The stratification lines shown on the test pit logs represent the approximate boundary between soil types. The actual in-situ transition may be either gradual or abrupt. Due to the nature and depositional characteristics of natural soils and fills, care should be taken in interpolating subsurface conditions beyond the location of the test pits. Soil conditions can change rapidly in both the lateral and vertical directions. Groundwater conditions shown on the logs are only for the dates indicated.

The subsurface conditions were interpreted from the described test pits. The soil properties inferred from the field and laboratory analyses supported by our experience formed the basis for developing our conclusions and recommendations.

Laboratory Investigations

Samples obtained during the field investigation were taken to the laboratory where they were visually classified in accordance with ASTM Test Method D-2487-93, which is based on the Unified Soils Classification System (USCS). Representative samples were selected for testing to determine the physical properties of the in-place soils and to estimate engineering properties. Engineering properties of concern at this location included bearing capacity, seismic response, shear strength, and site-specific construction recommendations that are influenced by soil type and condition.

Laboratory testing was conducted to provide additional information to determine the suitability of the soils for use as foundation and subgrade materials and to verify field observations and classification estimates. The finalized laboratory observations were used to estimate soil strength and compressibility characteristics for bearing capacity determinations, consolidation and settlement determinations, lateral and vertical pile load response analysis, and pavement designs. Specific tests included Atterberg Limits Tests - ASTM Designation D4318, Grain Size Analysis - ASTM Designation C117 & C136, Soil Moisture Content Determinations - ASTM Designation D2226, and Soil Classification - ASTM Designation D2487.

The soil samples stored in our laboratory will be discarded after 30 days from the date this report is submitted unless we receive a specific request to retain them.

SUBSURFACE CONDITIONS

Soil Profiles

WYDEQ Monitoring Wells

Wyoming DEQ drilled and logged several monitoring wells as part of a closed leaky underground storage tank investigation. Available records are attached in the Appendix and

wells are shown on the test pit location map. Soil profiles in the monitoring wells show loess of thickness varying from less than 5 feet to greater than 12 feet overlying dense cobble, gravel and sand alluvial deposits.

TP-1, 2, and 3, Loess Slopes

Trenches were cut into the slope west of the old motel structure to expose native soils within the slope. Soil profiles in the cut slope were very similar, surficial soils consisted of 1.5 feet of dry, brown/dark brown silt topsoil with minor grass roots. Topsoil was very stiff to hard with pocket penetrometer readings greater than 3.5 tons per square foot (TSF). Below topsoil and to the base of the slope, loess deposits along the entire length of the trenches. Loess was composed of dry, light brown/tan, silty clay with trace amounts of fine-grained sand. The loess contained minor to moderate amounts of pinhole voids and a very stiff to hard consistency corresponding to pocket penetrometer readings greater 3.5 TSF.

TP-4 and TP-5

Similar soil profiles were found consisting of fill overlying glacial gravels and cobbles. Surficial deposits in TP-4 to 5.5 feet were undocumented fills composed of dry, very stiff to hard, brown and light brown, silty clay loess, silt topsoil, and gravelly silt with cobbles and boulders up to 24-inches maximum dimension. Surficial deposits in TP-5 to 3.5 feet were a half foot of silt topsoil overlying fills composed of dense silty gravel with sand, cobbles, and boulders up to 18-inches maximum dimension, round to sub-round clasts. Below fills to the bottom of each test pit at 11 feet in TP-4 and 10 feet in TP-5, soils in both test pits were glacial fluvial deposits composed of dry, brown, gravel with silt, sand, cobbles, and boulders up to 24-inches maximum dimension. These soils were very dense and contained approximately 70-percent round to sub-round gravels, cobbles, and boulders and 30-percent sand with silt matrix. Hard digging in glacial gravels was noted and minor caving of test pit walls was observed.

Interpretation

Test trenches, test pits, and monitoring well logs indicate the native soil profile prior to grading consisted of loess overlying dense gravel and cobble alluvium. The former ground surface sloped down to the east, intersecting with the existing ground in the near vicinity of the edge of the WY22/189 roadway. Loess thickness at the west project pre-grading is estimated to be about 20 feet based on elevation of the cut slope and projecting pre-existing ground. Gravels form the subgrade at the base of the cut slope in the test pit where the loess has been removed in its entirety. Monitoring well profiles show top of gravel contact to the east at zero to 11 feet. Interpolation of depth to gravel along the eastern building edge results in depth to gravel of 3 to 8 feet.

Groundwater

Groundwater was not encountered in the test pits. Groundwater depths of greater than 10 feet are shown on the WYDEQ records.

GEOTECHNICAL ANALYSIS & RECOMMENDATIONS

General

A three-story residential structure with at grade parking on the lower level is proposed. The western walls of the building are located in the existing cut slope. An external retaining wall

is proposed to the west of the second story to create a walk out area. The building wall and external retaining wall combined height will be 10 to 20 feet. Soil nail and shotcrete permanent retaining walls are recommended for the building and external retaining wall. Permanent retaining walls shall be designed during the final design phase to the appropriate seismic and static Factors of Safety per the International Building Code and accepted standards. The remainder of the structure will be supported by columns supported by conventional spread footings bearing on underlying gravels. Recommendations herein emphasize concerns at depths at and below the anticipated bottom footing depth in soils influenced by foundation loading.

Loess

Loess is defined as a wind-deposited soil with a low-density structure. Loess at this site will exhibit undesirable characteristics including collapse and/or loss of strength when wetted. Schematic level plans show portions of retaining walls hardscapes may be supported on loess. Wetting of loess beneath hardscapes and retaining structures is likely to cause excessive settlement and damage.

Drainage and Moisture Infiltration Prevention

It is critical to prevent moisture from penetrating loess beneath hardscapes and retaining structures. Measures to prevent moisture migration include:

1. Subgrade Compaction: Where loess the forms subgrade under all structures, slabs, footings, and hardscape shall be compacted to a depth of 8 inches to greater than 95% of maximum density per Standard Proctor (ASTM-D698). A well-documented testing program shall be conducted to ensure compliance. Compaction of native loess subgrade creates a dense low permeability barrier that prevents moisture infiltration into underlying collapsible soils.
2. Drains: Retaining wall and hardscapes shall be properly drained. Subgrade drains shall be carefully designed and constructed. Drainage to daylight is recommended. Drainage design shall be submitted to and approved by this office prior to construction.
3. Irrigation Systems: Systems must be properly installed and well maintained. Irrigation waters SHALL NOT result in ponding in low areas with loess subgrades. Irrigation piping shall be placed a minimum of 10 feet from foundations and hardscapes.
4. Surface Drainage: Stormwater and snowmelt shall be directed away from structures and hardscape. Ponding near structures and hardscape shall be prevented.

Conventional Spread Footings

Structure foundations can be supported by conventional spread footings bearing on underlying alluvium composed of very dense gravel, cobble and boulders with sand and silt. A net allowable bearing capacity of **3500 PSF** is appropriate. Surficial topsoil and loess deposits will be found in eastern and southern portions of the building footprint. Depth to dense alluvium ranging from 3 to 9 feet is estimated. Loess and fine-grained soils shall be removed beneath footings down to competent gravel and cobbles. Structural fill shall be then be placed to achieve subgrade elevation beneath footings. Structural fill below footings shall extend horizontally beyond the perimeter of all footers a minimum of 2 feet or a distance equal to the total depth of structural fill, whichever is less.

Structural fill placed above the existing ground surface to achieve footing grade, beyond the 2-foot minimum level from the footings, shall have a maximum slope of 1.5(H):1(V).

All subgrades below footings and structural fills shall be compacted to a depth of 10 inches to 95% of maximum density per ASTM D 698 (Standard Proctor).

A typical foundation and backfill configuration are shown in **Foundation Backfill Typical** drawing in the Appendix. The minimum burial depth of footings shall be **36 inches** for frost protection.

The above analysis assumes a **maximum width of 3.0 feet** for continuous footings and a maximum dimension of **12.0 feet for isolated footings**. Construction of larger footing sizes can lead to increased settlement as the bearing pressure bulb can extend deeper into the soil profile resulting in settlement of greater than that specified. The net allowable soil pressure includes dead load plus maximum live load. These calculations assume a minimum depth of burial of the footing of 36 inches and that a maximum total settlement of **0.5 inches** can be tolerated on any one footing and the maximum differential settlement between footings that can be tolerated is **0.5 inches**. Bearing capacity values and settlement should be checked for each combination of load to determine whether settlement or bearing capacity will control the response of the footing. This office shall be consulted to verify specific footing loads and sizes. Isolated footings with bearing areas larger than 100 square feet or those foundation elements supporting large concentrated loads such as stone fireplaces shall be analyzed on an individual basis to determine settlement and bearing characteristics. Other foundation parameters are as noted below:

1. A **one-third** increase in allowable bearing capacity may be used for short duration loads such as wind or seismic.
2. Backfill against shallow foundations and stem walls shall conform to the **Foundation Backfill Typical** drawing in the Appendix. In no case shall material greater than 6 inches in diameter bear directly on or against foundation elements. Placing oversized material against rigid surfaces can damage the structure and interferes with proper compaction.
3. Lateral loads may be resisted by friction between the footing base and supporting soil and lateral bearing pressure against the sides of the footings. For design purposes, a **coefficient of friction of 0.45** at the footing base is appropriate. A lateral passive bearing pressure of **350 psf per foot of depth** is appropriate.

Any soil type encountered other than those described in the test pit logs or in this report shall be analyzed by Nelson Engineering. Isolated boulders at footing grade shall be excavated and removed, unless approved by Nelson Engineering, and the void backfilled with structural fill. Any excessively loose material or soft spots encountered in the footing subgrade will require over-excavation and backfilling with structural fill. All footings shall be suitably reinforced to make them as rigid as possible.

Surface Drainage

Moisture penetration into bearing soils of footings at frost depth should be avoided. Site grading plans should be carefully reviewed to ensure surface waters, snowmelt, and irrigation systems drain away from all structures and that pavements and slabs are well drained.

WESTERN SLOPE SOIL NAIL WALL FEASIBILITY LEVEL DESIGN

General

Slope stability was evaluated for construction of a permanent soil nail and shotcrete retaining wall cut into the western slope. The wall would permanently retain the slope adjacent to the planned structure. Test pit logs, WYDEQ monitoring well logs, laboratory testing, geologic mapping and geologic references were used to evaluate slope stability along the profiles shown on the test pit location map.

Interpolated, extrapolated, and interpreted subsurface conditions were used to formulate slope stability models in SLOPE/W™, a product of Geo-Slope International. The program calculates the Factor of Safety (FOS) of two-dimensional slope model using limit equilibrium theory. Analysis results delineate critical failure surfaces as well as the minimum FOS for the failure surfaces under static and earthquake loading with the soil nails as modeled.

Stability Analyses

Selection of Acceptable Factor of Safety and Seismic Coefficient

The results of a pseudostatic analyses are critically dependent on the selection of a seismic coefficient value. In recognition that actual slopes are not rigid and that the peak acceleration exists for short periods, the maximum peak bedrock acceleration is generally not applied to this type analysis. Hynes-Griffin and Franklin (1984) concluded that for large earthen dams, with pseudostatic Factors of Safety (FOS) of greater than 1.0, a seismic coefficient of 0.5 that of peak bedrock acceleration resulted in acceptable deformation. Seed (1979) concluded that a factor of safety of 1.15 was acceptable for seismic coefficients of 0.10g for Magnitude 6.5 earthquakes. For this analysis, a seismic coefficient of 0.19 was selected as appropriate and conservative, corresponding to half of the peak ground acceleration with a 7 percent probability of exceedance in 75 years.

In selecting a minimum FOS for the analyses, the following factors were evaluated:

1. The consequences of slope failure;
2. The adequacy of field and laboratory investigations;
3. The reliability of the assumptions included in the failure mode;
4. The ability to predict adverse conditions such as ground water conditions and maximum earthquake accelerations;
5. Judgment based on experience and the above discussion of Seismic Coefficient;

For this study, the chief considerations included in the selection of a minimum FOS were uncertainties associated with modeling the subsurface aquifer and soil/rock profiles in between borings, and the possibility of loss of life for a slope failure destroying occupied buildings.

For this preliminary feasibility level design for an inhabited structure, the minimum FOS selected for an inhabited structure for static stability was 2.5 and for seismic stability 2.0. Consideration of the reduction in FOS from existing to final conditions after construction is also important.

Stability Model Formulation

Cross-section topography was generated from site topographic surveys by Nelson Engineering. Subsurface profiles and assumptions were developed from our interpretation of the subsurface conditions. Slope stability sections are shown on the Test Pit location map and slope stability output drawings in the Appendix.

The models consist of two soil types, loess and dense gravel alluvium. Material properties were assigned conservatively using material properties based field cohesion tests, our experience with loess in Jackson Hole, and from generally accepted empirical correlations. Table 1 lists properties assigned. Additional testing of loess properties from additional field work is proposed.

Material	Material Model	Unit Weight (PCF)	Internal Friction Angel	Cohesion (psf)
Alluvium	Mohr-Coulomb	135	34	0
Loess	Mohr-Coulomb	100	28	500

Table 1: Material Model and Strength Properties

Preliminary soil nail wall layouts were modeled using grout to soil assumed bond strength of 1000 psf, a 6-inch diameter grout body and nails at 4 feet on center in the horizontal direction. Circular failure surfaces were analyzed for both static and seismic conditions. The failure surfaces were limited to entry and exit angles corresponding with active and passive wedge movements at the head and toe of the slopes with search criteria designated appropriately for local and global failure surfaces. The Morgenstern-Price (M-P) method of slices was used to search for and analyze failure surfaces. The Morgenstern-Price method satisfies moment and force equilibrium and is mathematically rigorous. Interslice forces in the M-P method were modeled using a half-sine function. Seismic acceleration of 0.19 g was transmitted through the slope models without attenuation or amplification. This acceleration is applied as a constant multiplied by the weight of the failure mass in a pseudostatic stability analysis. No attempt was made to assess strong ground motion transmission through underlying soils based on frequency spectra.

Conclusion

Satisfactory results were achieved in preliminary soil nail layouts analyzed. Seismic analysis results are shown in the Appendix. Based on these results, it is our opinion that properly designed soil nail walls can permanently retain site slopes for the proposed structures. conditions. Alternatively, soldier pile and wood lagged walls with anchors may also perform this function. It is anticipated that soil nails will extend beyond property boundaries, requiring subsurface easements.

Loess soils in the existing cut slope exhibit high cohesion per field tests. Loess in the Jackson Hole Valley typically exhibits cohesion of greater than 1000 psf and stable vertical cuts of 15 feet height or more are commonly performed. ADDITIONAL TESTING of cohesive strength of loess is in progress to eliminate unnecessary conservatism in final design. Slope stability analysis of two cross sections was conducted which confirms the feasibility of proposed construction using soil nail walls. Slope stability analysis discussion and results are given in the Appendix.

In final design, soil nail walls or other retaining structures should be designed by an experienced licensed engineer and installed by an experienced contractor.

Lateral Earth Pressures, Gravity Retaining Walls

These recommendations apply to gravity retaining walls backfilled with Structural Fill per the typical gravity stem wall drawing in the Appendix.

For walls restrained from movement such that active earth pressures are will not be allowed to develop, an at-rest equivalent fluid pressure of **60PCF** is appropriate.

The Mononobe-Okabe (M-O) equations are often used to estimate dynamic forces against retaining walls. The M-O analysis is theoretically derived using active earth pressure conditions. Although there is debate about the theoretical applicability of this methodology to restrained or rigid walls, the method has been used for many years for the seismic design of such walls. The performance record of underground walls during earthquakes has generally been good. Appropriate parameters for the M-O analysis are: 1) soil unit weight 130 pounds per cubic foot, and 2) Internal Friction Angle= 32°, and 3) K_h of 0.12g (half of the maximum horizontal seismic acceleration in rock with a 10% exceedance in 50years). The more limiting case, at-rest or active seismic pressure, shall be utilized in the structural design of restrained or rigid retaining walls.

Slabs-On-Grade

Slabs shall be founded upon the following section from top to bottom: **1)** 3 inches of crushed base composed of a ¾-inch minus free draining material (WYDOT Grade CR or equivalent) compacted to a minimum of 95% of maximum density as determined by ASTM D1557, **2)** 12-inches of Structural Fill, and **3)** the upper 8 inches of dense gravel alluvial deposits compacted to a minimum of 95% of maximum density as determined by ASTM D698. Where NE determines dense native gravels form the subgrade, structural fill may be omitted. Any excessively loose material or soft spots encountered in slab subgrade will require over-excavation and backfilling with structural fill. The recommended Modulus for Subgrade Reaction for use in Slab design per “The American Concrete Institute Design of Slabs on Grade, ACI 360R-92” is **300 lbs/in³**.

Concrete slab-on-grade control joints should be saw-cut as early as possible. Nelson Engineering recommends the use of a soft cut system, which allows saw cutting as soon as the concrete can support foot traffic. Successful crack control is dependent upon proper joint spacing. Control joints should be placed in accordance with current Portland Cement Concrete Paving Association guidelines.

Sidewalks and Exterior Slabs

Sidewalks and exterior concrete slabs for foot traffic shall be placed upon a minimum of 3 inches of ¾-inch minus crushed gravel placed upon 8 inches of structural fill. Native subgrade must be compacted to a minimum of 95% of maximum dry density per ASTM D698 and inspected to 8-inch depth. Where NE determines dense native gravels form the subgrade, structural fill may be omitted. Any fill required to increase the elevation of the slab should meet the requirements for granular structural fill. (Refer to the section on structural fill for requirements). All fill material within one foot of the slabs must be compacted to a minimum 95% of the maximum density as determined by ASTM D698.

Roadway and Parking Lot Sections

The sections given below assume the existing asphalt, crushed base, and pit run section is removed and replaced. Proper drainage is essential for satisfactory road and parking area performance. The structural fill and geotextile requirements given below can be waived when acceptable subgrade conditions exist. **Nelson Engineering shall inspect and approve all pavement subgrades prior to waiving the structural fill requirement.**

Pavement Section Components	Newly Paved Areas
Asphaltic Concrete	3 inches
WYDOT Grade GR Crushed Aggregate	4 inches
Structural Fill subbase	12 inches
Compacted Subgrade	Surficial 8 inches of native soil compacted as much as moisture and subgrade conditions permit

*See Discussion above

CONSTRUCTION CONSIDERATIONS

Earthwork and Site Grading

Excavation work and heavy equipment access will be difficult when wet conditions exist. A protracted period of wet conditions can be expected during and after seasonal snowmelt and during periods of rainfall. **Placement of imported gravels supported by geotextiles and/or geogrid may be required to provide construction access and to provide platforms for equipment.** General recommendations for earthwork suitability, placement, and compaction procedures are provided below:

- Within the building footprints and areas to be paved, all organic material, deleterious undocumented fill, and debris shall be removed regardless of depth below the surface. Loose and disturbed native soils should be scarified, moisture-conditioned, and compacted. Finished surfaces shall be sloped away from foundations.
- Fill materials shall not be placed, spread, or compacted while the ground is frozen or during unfavorable weather conditions. Fill materials shall be at the proper moisture content prior to compaction and shall contain no frozen soil.
- Native subgrade shall be compacted with compaction equipment appropriate for the soil types described in this report. Where soft, loose or wet areas are encountered over-excavate and replace with structural fill or consult Nelson Engineering.
- Clays and silts will be encountered throughout the excavations. These soils will exhibit undesirable engineering properties when wetted. **Every effort shall be made to ensure that moisture from rainfall and groundwater does not infiltrate clay and silt foundation bearing, slab, and roadway subgrade soils.** Measures to prevent moisture infiltration may include the placement of tarps or membranes; maintain grading during construction to drain storm water from exposed excavations during precipitation and snowmelt events, and others. When moisture has infiltrated

problem soils, Nelson Engineering shall be notified to inspect soils prior to resuming construction.

- **Structural Fill** shall consist of imported gravels (USCS classification GW or GP) with the following characteristics: 4-inch maximum rock size for geogrid reinforced fills, 6-inch maximum particle size for other uses, no more than 40% greater than $\frac{3}{4}$ ", and less than 8% fines passing the #200 sieve. Fines shall have a plasticity index of less than 15.

Structural Fill shall be placed in layers of not more than 8 inches in thickness. Each layer of Structural Fill should be moisture conditioned to within 2% of optimum moisture content and compacted to a minimum density of 95% of the maximum dry density as determined by ASTM Designation D 698. The maximum density of material containing more than 30% oversize (greater than $\frac{3}{4}$ " diameter) cannot be determined by use of the ASTM Designation D 698. In this case, a field maximum density may be determined by a test strip method. The material shall be compacted at or near optimum moisture content and a field density test shall be taken after each pass of the compaction equipment. This sequence shall continue until the maximum field density is achieved. This maximum field density shall be used for subsequent field compaction tests. Enough density tests should be taken to monitor proper compaction.

Clean Rock Fill may be used in lieu of structural fill. Clean Rock fill shall be hard, durable crushed or screened rock of less than 6-inch maximum dimension with less than 1% passing the $\frac{1}{4}$ inch sieve. Nelson Engineering shall review and approve clean rock fill source and gradation prior to use.

- Safety of construction personnel including safe trenches and excavations are the responsibility of the contractor. Excavations for retaining walls and foundations shall conform to the applicable OSHA and Wyoming safety standards. Excavations and utility trenches shall be laid back to safe slopes or properly shored. Excavations and shoring operations shall be conducted in accordance with the most recent versions of the OSHA Construction Standards for Excavations, Part 1926, Subpart P and Wyoming Public Works Standard Specifications. Excavations for utilities shall be shored if the proper slope cannot be maintained.
- During earthwork phases of the project, a representative of Nelson Engineering shall be present to observe exposed native soils and fill materials for suitability and consistency. A documented testing program should be conducted to determine that soil compaction is in accordance with requirements.
- Backfill against structures (i.e., pipes and walls) shall be placed manner that will not damage the structure. In no case shall material greater than 6 inches in diameter bear directly on or against structures. Placing oversized material against rigid surfaces can damage the structure and interferes with proper compaction.

GENERAL COMMENTS

It is critical that the structural engineer and other project designers review this report. When project plans and specifications are complete, a consultation with this office should be arranged to ensure compliance with this report. Additional or supplementary recommendations concerning foundations and earthwork may be required at this time.

Monitoring and testing should be performed to verify that suitable materials are used for structural fills and backfills and that fills are properly placed and compacted. Concrete testing and special inspections should be performed prior to and during placement of all concrete to ensure concrete and reinforcing steel bar comply with project plans and specifications. Nelson Engineering can provide concrete testing and special inspections if requested.

WARRANTY AND LIMITING CONDITIONS

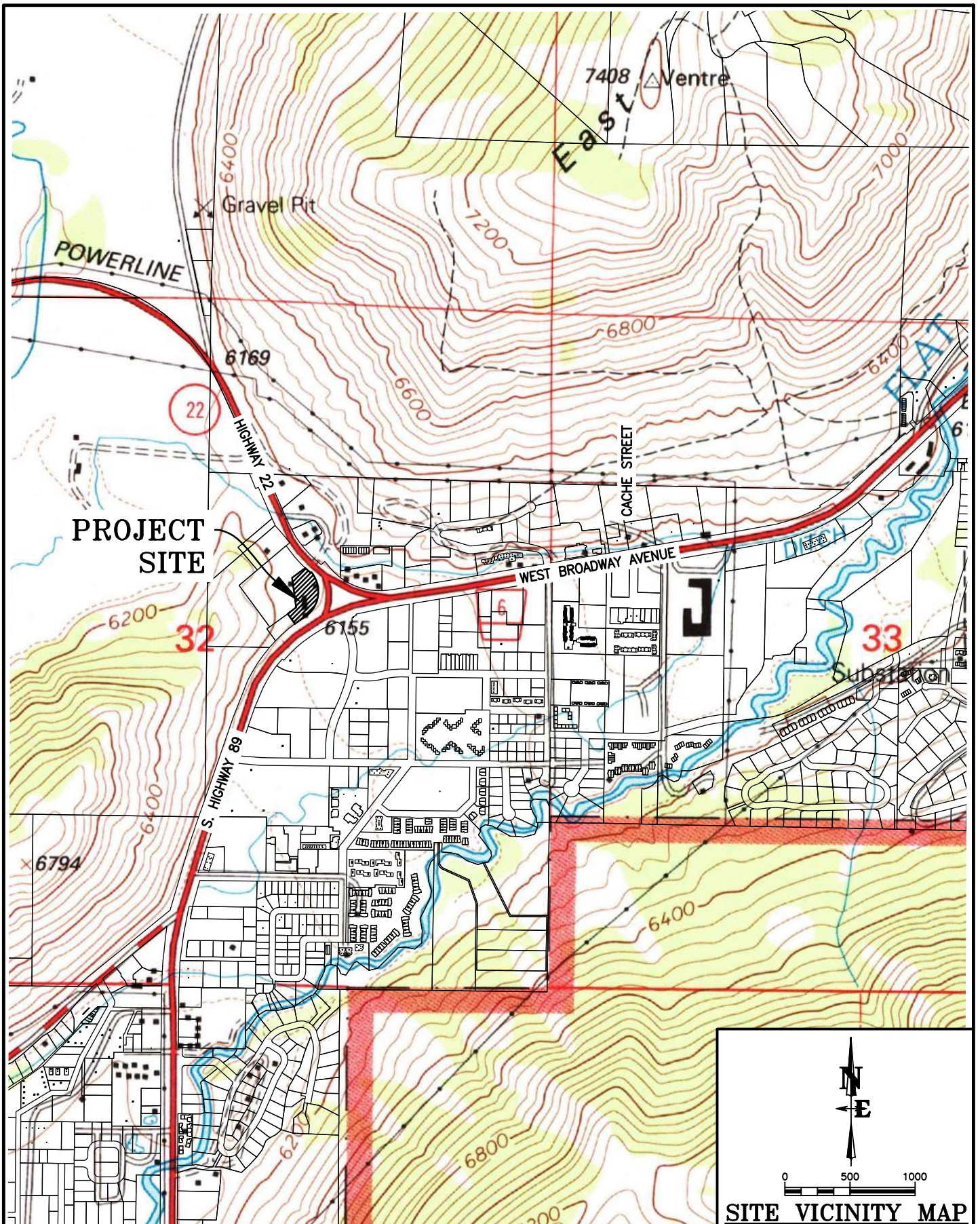
The field observations and research reported herein are considered sufficient in detail and scope to form a reasonable basis for the purposes cited above. Nelson Engineering warrants that the findings and conclusions contained herein have been promulgated in accordance with generally accepted professional engineering practice in the fields of foundation engineering, soil mechanics, and engineering geology, only for the site described in this report. No other warranties are implied or expressed.

These engineering methods have been developed to provide the client with information regarding apparent or potential engineering conditions relating to the subject property within the scope cited above and are limited to the conditions observed at the time of the site visit and research. There is a distinct possibility that conditions may exist which could not be identified within the scope of the investigation or which were not apparent during the site investigation. The report is also limited to the information available at the time it was prepared. In the event additional information is provided to Nelson Engineering following this report, it will be forwarded to the client in the form received for evaluation by the client. This report was prepared for use by Tyler Davis in Jackson, Wyoming ("Client") and the conclusions and recommendations presented in this report are based on the agreed-upon scope of work outlined in the report and the contract for professional services between Client and Nelson Engineering ("Consultant"). Use or misuse of this report, or reliance upon the findings hereof by any parties other than the Client, is at their own risk. Neither the Client nor Consultant may make any representation of warranty to such other parties as to the accuracy or completeness of this report or the suitability of its use by such other parties for any purpose whatsoever, known or unknown, to the Client or Consultant. Neither Tyler Davis, nor Nelson Engineering shall have any liability to, or indemnifies or holds harmless third parties for any losses incurred, by the actual or purported use or misuse of this report. No other warranties are implied or expressed.

Prepared By:
Philip Gyr, PE
Geotechnical Engineer

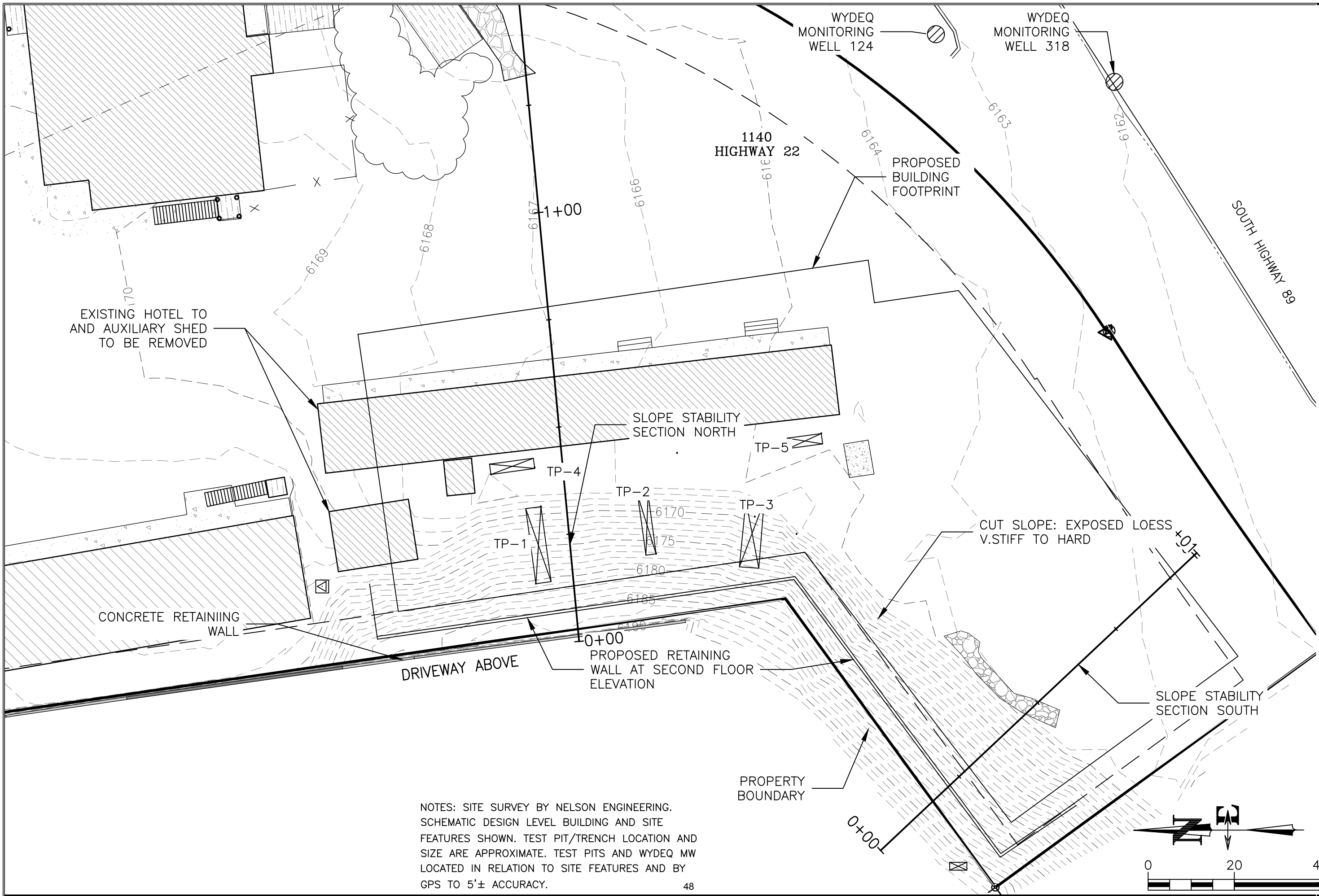
APPENDIX

DRAWINGS



SITE VICINITY MAP

DRAWING NO 1 JOB NO 18-262-02	TITLE TETON GABLES 1140 W HIGHWAY 22 GEOTECHNICAL INVESTIGATION	NELSON ENGINEERING P.O. BOX 1599, JACKSON WYOMING (307) 733-2087 47	DATE 10/22/18 SURVEYED - DRAWN BJG CHECKED AP APPROVED PG	REV.
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NOTES: SITE SURVEY BY NELSON ENGINEERING. SCHEMATIC DESIGN LEVEL BUILDING AND SITE FEATURES SHOWN. TEST PIT/TRENCH LOCATION AND SIZE ARE APPROXIMATE. TEST PITS AND WYDEQ MW LOCATED IN RELATION TO SITE FEATURES AND BY GPS TO 5'± ACCURACY.

DRAWING NO EXHIBIT JOB NO 18-262-02	JOB TITLE TETON GABLES 1140 W HIGHWAY 22 GEOTECHNICAL INVESTIGATION	DRAWING TITLE TEST PIT LOCATIONS AND SLOPE STABILITY SECTIONS	NELSON ENGINEERING P.O. BOX 1599, JACKSON WYOMING (307) 733-2087				REV.
			DATE	11/26/2018			
			SURVEYED	-			
			DRAWN	AP			
			CHECKED	PG			
APPROVED	PG						

GRADE AWAY FROM STRUCTURES 5%
MINIMUM FOR 10' OR PER APPROVED
DRAINAGE PLAN

LAWN AND LANDSCAPE AREAS 8"
TO 10" FINE-GRAINED SOILS
(SILTS AND CLAYS) COMPACTED
TO A MINIMUM OF 90% PER
ASTM D-698, SLOPED TO DRAIN
STRUCTURAL FILL SHALL BE
USED TO SUPPORT ALL
HARDSCAPES, SLABS, AND
ROADWAYS ADJACENT TO STEM
AND RETAINING WALLS

FINISHED
GRADE

STRUCTURAL FILL

FOOTING STEM/RETAINING
WALL BY OTHERS

COMPACTED NATIVE
SUBGRADE OR
STRUCTURAL FILL
PER
RECOMMENDATIONS IN
REPORT

FOUNDATION BACKFILL TYPICAL
NOT TO SCALE

DRAWING NO

3

TITLE

TETON GABLES
FOOTING AND GRAVITY WALL
FOUNDATION BACKFILL TYPICAL

JOB NO

18-262-01

**NELSON
ENGINEERING**

P.O. BOX 1599, JACKSON WYOMING (307) 733-2087

DATE

11 26 18

REV.

SURVEYED

N/A

DRAWN

PG

CHECKED

PG

APPROVED

PG

TEST PIT LOGS

CORRECTED SPT: Standard Penetration Test values corrected to 60% of the theoretical free-fall hammer energy and for corrected for overburden pressure per AASHTO LRFD 6th ED Article 10.4.6.2.4.

DRILLING, SAMPLING, AND SOIL PROPERTIES ABBREVIATIONS AND SYMBOLS

N: Standard Penetration Test

U_c: Unconfined compressive strength, Pounds/ft² (PSF)

Pp: Pocket Penetrometer values, Ton/ft² (TSF)

FILGC: Fragments indicate gravels and cobbles larger than split spoon diameter.

w: Water content, %

LL: Liquid limit, %

PI: Plasticity index, %

gd: In-situ dry density, lbs/ft³ (PCF)

: Ground water level

SS: Split-Spoon Sample

ST: Shelby Tube Sampler

CS: Cylindrical Brass Lined Sample



Monitoring Well, diagonal hatching indicates screen and sand packed interval

SOIL RELATIVE DENSITY AND CONSISTENCY CLASSIFICATION

Non-Cohesive Soils	Standard Penetration Resistance	Cohesive Soils	Pp-(tons/ft ²)
Very Loose	0 - 4	Very Soft	0 - 0.25
Loose	4 - 10	Soft	0.25 - 0.50
Slightly Compact	8 - 15	Firm (Medium)	0.50 - 1.00
Medium Dense	10 - 30	Stiff	1.00 - 2.00
Dense	30 - 50	Very Stiff	2.00 - 4.00
Very Dense	50+	Hard	4.00+

PARTICLE SIZE

Boulders: 12 in.+	Coarse Sand: 5 mm(#4)-2 mm(#10)	Silts and Clays: <#200
Cobbles: 12 in.-3in.	Medium Sand: 2 mm(#10)-0.4mm(#40)	
Gravel: 3in.-5mm(#4)	Fine Sand: 0.4mm(#40)-0.075mm(#200)	

SOIL GRAPHICS

<i>GW</i>		<i>SC</i>	
<i>GP</i>		<i>ML</i>	
<i>GM</i>		<i>CL</i>	
<i>GC</i>		<i>ML-CL</i>	
<i>SW</i>		<i>OL</i>	
<i>SP</i>		<i>MH</i>	
<i>SM</i>		<i>CH</i>	
<i>BEDROCK</i>		<i>OH</i>	
<i>COBBLES/BOULDERS</i>		<i>PT</i>	

NOTE: ANGLED DEMARCATIONS ON THE LOGS INDICATE APPROXIMATE OR POORLY DEFINED BOUNDARIES BETWEEN SOIL TYPES.

PROJECT NAME: TETON GABLES PARKING STRUCTURE	TEST PIT No. 1	PAGE: 1
DATE STARTED / FINISHED: 10/09/2018	OPERATOR: FISH CREEK EXCAVATION	
LOGGED BY: ANDY PRUETT	EXCAVATOR TYPE: JOHN DEERE 135 TRACK HOE	
BOREHOLE LOCATION/ELEVATION: SEE TEST PIT LOCATION MAP		

WELL LOG	GRAPHICS LOG	TRENCH LENGTH ON SLOPE FROM TOP (FT)	SAMPLES		SAMPLE ID	This log is part of a report prepared by Nelson Engineering for this project and should be read with the report. This summary applies only at the location of the test pit and at the time of the excavation. Subsurface conditions may differ at other locations and may change at this location with passage of time. The data presented is a simplification of actual conditions encountered.	LIQUID LIMIT	PLASTIC LIMIT	DRY DENSITY (PCF)	MOISTURE (%)	REMARKS
			UNDISTURBED	BULK		MATERIAL DESCRIPTION					
		1 2 3 4 5 6 7 8 9 10 11 12 13 14 15				DUG TRENCH APPROX. 1.5' DEPTH FROM TOP, 1.5' OF LOESS DERIVED TOPSOIL DRY BROWN/DARK BROWN, SILT TOPSOIL, MINOR GRASS ROOTS THROUGHOUT, PP>3.5 TSF, VERY STIFF TO HARD UNDERLYING SOIL, ENTIRE TRENCH, DRY, LIGHT BROWN/TAN, SILTY CLAY, LOESS, TRACE FINE SAND, HOMOGENOUS, MINOR TO MODERATE PINHOLE VOIDS, PP>3.5 TSF THROUGHOUT, VERY STIFF TO HARD					TEST TRENCH EXCAVATED ALONG CUT SLOPE. TRENCH DEPTH 1 TO 2 FEET BOTTOM OF TRENCH AT OR BELOW ADJACENT LEVEL GROUND ELEVATION. GRASS & MUSK THISTLE COVERED SLOPE EASY DIGGING THROUGHOUT NO CAVING

PROJECT NAME: TETON GABLES PARKING STRUCTURE					TEST PIT No. 2		PAGE: 1	
DATE STARTED / FINISHED: 10/09/2018					OPERATOR: FISH CREEK EXCAVATION			
LOGGED BY: ANDY PRUETT					EXCAVATOR TYPE: JOHN DEERE 135 TRACK HOE			
BOREHOLE LOCATION/ELEVATION: SEE TEST PIT LOCATION MAP								

WELL LOG	GRAPHICS LOG	DEPTH (FT)	SAMPLES		SAMPLE ID	MATERIAL DESCRIPTION	LIQUID LIMIT	PLASTIC LIMIT	DRY DENSITY (PCF)	MOISTURE (%)	REMARKS
			UNDISTURBED	BULK							
		1				DUG TRENCH APPROX. 1.5' DEPTH FROM TOP, 1.5' OF LOESS DERIVED TOPSOIL DRY BROWN/DARK BROWN, SILT TOPSOIL, MINOR GRASS ROOTS THROUGHOUT, PP>3.5 TSF, VERY STIFF TO HARD UNDERLYING SOIL, ENTIRE TRENCH, DRY, LIGHT BROWN/TAN, SILTY CLAY, LOESS, TRACE FINE SAND, HOMOGENOUS, MINOR TO MODERATE PINHOLE VOIDS, PP>3.5 TSF THROUGHOUT, VERY STIFF TO HARD USCS CLASSIFICATION - CL-ML, SILTY CLAY	25	21	10	TEST TRENCH EXCAVATED ALONG CUT SLOPE. TRENCH DEPTH 1 TO 2 FEET BOTTOM OF TRENCH AT OR BELOW ADJACENT LEVEL GROUND ELEVATION. GRASS & MUSK THISTLE COVERED SLOPE EASY DIGGING THROUGHOUT NO CAVING	
		2									
		3									
		4									
		5									
		6									
			6								TP2-1 6'-7'
		7									
		8									
		9									
		10									
		11									
		12									
		13									
		14									
		17									

P.O. BOX 1599, JACKSON WYOMING (307) 733-2087		54	CLIENT: TYLER DAVIS 1140 HIGHWAY 22 JACKSON, WYOMING	JOB NO. 18-262-02
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[illegible]

PROJECT NAME: TETON GABLES PARKING STRUCTURE	TEST PIT No. 4	PAGE: 1
DATE STARTED / FINISHED: 10/09/2018	OPERATOR: FISH CREEK EXCAVATION	
LOGGED BY: ANDY PRUETT	EXCAVATOR TYPE: JOHN DEERE 135 TRACK HOE	
BOREHOLE LOCATION/ELEVATION: SEE TEST PIT LOCATION MAP		

WELL LOG	GRAPHICS LOG	DEPTH (FT)	SAMPLES		SAMPLE ID	This log is part of a report prepared by Nelson Engineering for this project and should be read with the report. This summary applies only at the location of the test pit and at the time of the excavation. Subsurface conditions may differ at other locations and may change at this location with passage of time. The data presented is a simplification of actual conditions encountered.	LIQUID LIMIT	PLASTIC LIMIT	DRY DENSITY (PCF)	MOISTURE (%)	REMARKS
			UNDISTURBED	BULK							
						MATERIAL DESCRIPTION					
		1				0'-5.5' VARIABLE UNDOCUMENTED FILL INCLUDES DRY, BROWN & LIGHT BROWN, SILTY CLAY LOESS, SILT TOPSOIL, GRAVELLY SILT WITH COBBLES AND BOULDERS UP TO 24", PP>3.5 TSF, VERY STIFF TO HARD					FLAT GRASS & THISTLE AREA ADJACENT TO MOTEL STRUCTURE AND UTILITY SHED EASY DIGGING TO 5.5'
		2									
		3									
		4									
		5									
		6				5.5'-BOP DRY BROWN GRAVEL WITH SILT, SAND, COBBLES & BOULDERS UP TO 24", POORLY GRADED, ~70% ROUND TO SUB-ROUND GRAVELS, COBBLES, AND BOULDERS, ~30% SAND WITH SILT MATRIX, ABUNDANT LARGE COBBLES/SMALL BOULDERS, VERY DENSE					4"Ø DUCTILE IRON PIPE BURIED AT 5' PARALLELS BUILDING HARD DIGGING BELOW 5.5'
		7									
		8									
		9									
		10									
		11				BOP=11' NO GROUNDWATER ENCOUNTERED					MINOR CAVING IN GRAVELS
		12									
		13									
		14									
		15									

PROJECT NAME: TETON GABLES PARKING STRUCTURE					TEST PIT No. 5		PAGE: 1	
DATE STARTED / FINISHED: 10/09/2018					OPERATOR: FISH CREEK EXCAVATION			
LOGGED BY: ANDY PRUETT					EXCAVATOR TYPE: JOHN DEERE 135 TRACK HOE			
BOREHOLE LOCATION/ELEVATION: SEE TEST PIT LOCATION MAP								

WELL LOG	GRAPHICS LOG	DEPTH (FT)	SAMPLES		SAMPLE ID	MATERIAL DESCRIPTION	LIQUID LIMIT	PLASTIC LIMIT	DRY DENSITY (PCF)	MOISTURE (%)	REMARKS
			UNDISTURBED	BULK							
		0				0'-0.5' DRY, DARK BROWN SILT TOPSOIL WITH ABUNDANT GRASS ROOTS					FLAT GRASS & THISTLE AREA ADJACENT TO MOTEL STRUCTURE 4"Ø TAR PAPER PIPE ENCOUNTERED AT 3' MODERATE DIGGING TO 3.5' HARD DIGGING BELOW 3.5' 1"Ø GALVANIZED PIPE AT 6.5' MINOR CAVING OF GRAVELS POTHOLED TOE OF SLOPE ADJACENT TO TEST PIT TO VERIFY DEPTH TO GRAVELS, ENCOUNTER GRAVELS BELOW LOESS ~1' BELOW GROUND SURFACE ELEVATION OF TEST PIT 5
1					0.5'-3.5' FILL: SILTY GRAVEL WITH SAND, COBBLES, AND BOULDERS UP TO 18", ROUND TO SUBROUND CLASTS, DENSE						
2											
3											
4						3.5'-BOP DRY BROWN GRAVEL WITH SILT, SAND, COBBLES & BOULDERS UP TO 24", POORLY GRADED, ~70% ROUND TO SUB-ROUND GRAVELS, COBBLES, AND BOULDERS, ~30% SAND WITH SILT MATRIX, ABUNDANT LARGE COBBLES/SMALL BOULDERS, VERY DENSE					
5											
6											
7											
8											
9											
10						BOP=10' NO GROUNDWATER ENCOUNTERED					
11											
12											
13											
14											
15											

P.O. BOX 1599, JACKSON WYOMING (307) 733-2087		CLIENT: TYLER DAVIS 1140 HIGHWAY 22 JACKSON, WYOMING	JOB NO. 18-262-02
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57

LABORATORY RESULTS

Sample ID **TP2-1**Depth (ft) **6-7 ft**

Unified Soils Classification
Silty Clay (CL-ML)

Gravel	0%
Sand	10%
Fines	90%

Liquid Limit:	25
Plastic Limit:	21
Plasticity Index:	4

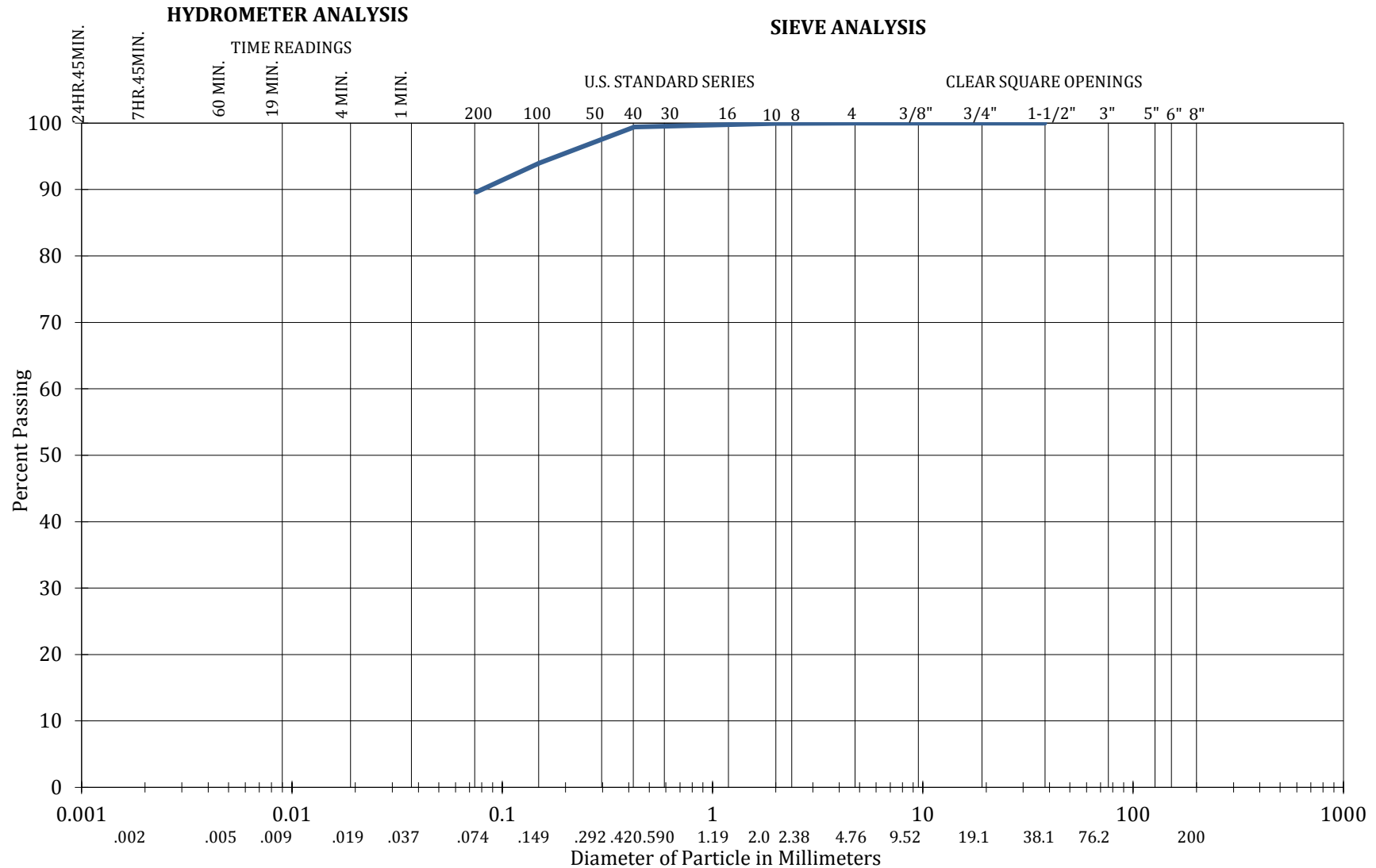
In-Situ Moisture Content	9.8%
---------------------------------	-------------

Standard Sieve No.	Particle Size (mm)	Tare Weight (g)	Sample + Tare (g)	Sample Weight (g)	Cumulative % Retained	Percent Passing
1.5"	38	171.0	171.0	0.0	0%	100%
1"	25	171.0	171.0	0.0	0%	100%
3/4"	18.75	171.0	171.0	0.0	0%	100%
3/8"	9.5	171.0	171.0	0.0	0%	100%
#4	4.75	171.0	171.0	0.0	0%	100%
#10	2.00	171.0	171.4	0.4	0%	100%
#40	0.425	171.0	176.0	5.0	1%	99%
#100	0.15	171.0	220.2	49.2	6%	94%
#200	0.075	171.0	210.7	39.7	10%	90%
Pan	0	171.0	983.3	812.3	100%	0%
Total Weight of Sample (g)				906.7		

Moisture Content	
Wet Wt + Tare (g)	1164.8
Dry Wt. + Tare (g)	1076.3
Wt of Water (g)	88.4
Tare Wt. (g)	169.7
Dry Wt. (g)	906.7
Moisture Content	9.8%
Wash	
Wet Wt. + Tare (g)	1164.8
Pre Wash Dry (g)	906.7
Post Wash Dry (g)	94.3
Tare Wt. (g)	0.0
Wt.Of Minus #200 =	812.3

Project: **Teton Gables Parking Structure**
 Job Number: **18-262-02**
 Visual ID: **Light brown silt loess**

Sampled By: **AP**
 Date: **10/9/2018**
 Tested By: **JM**
 Date: **10/22/2018**

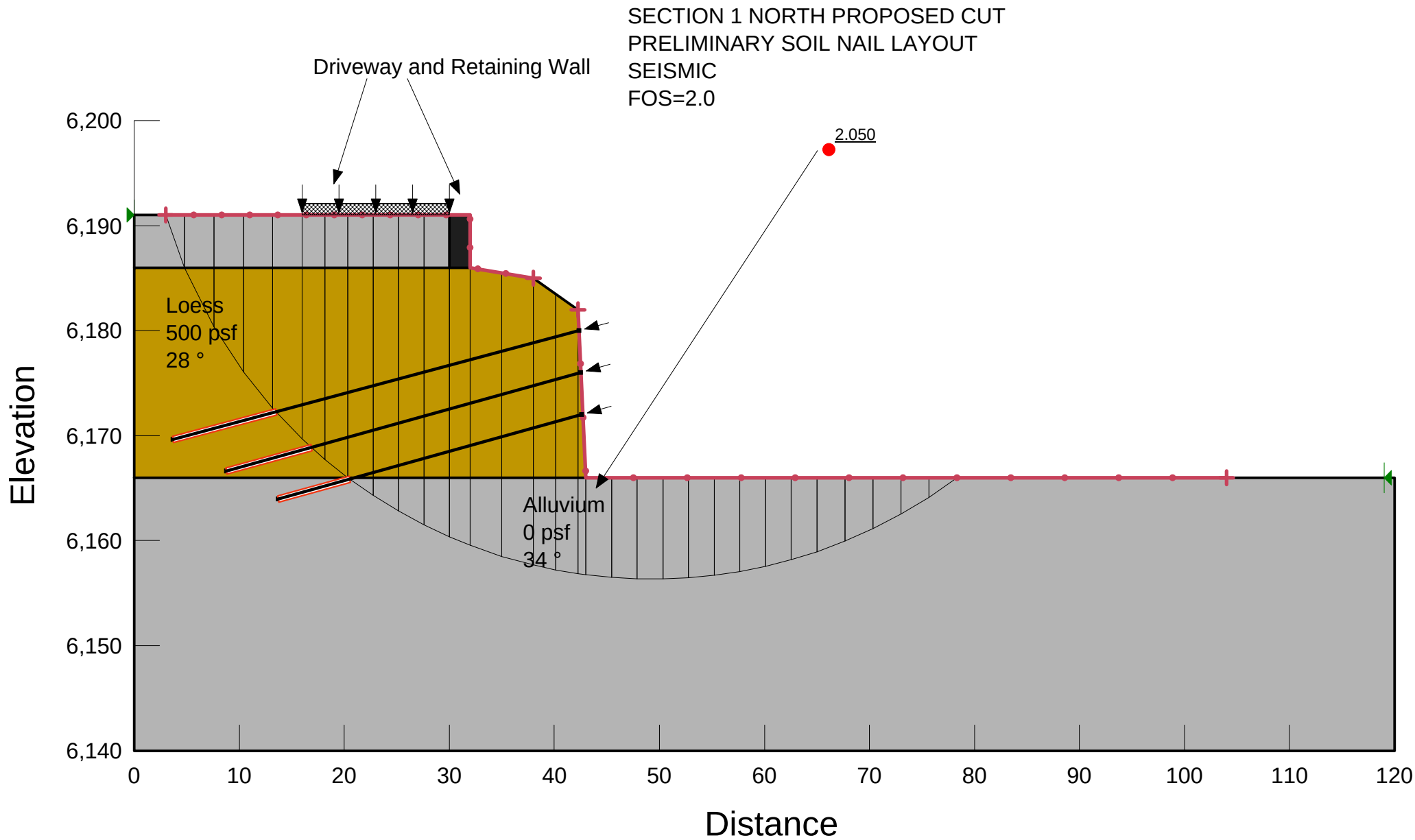


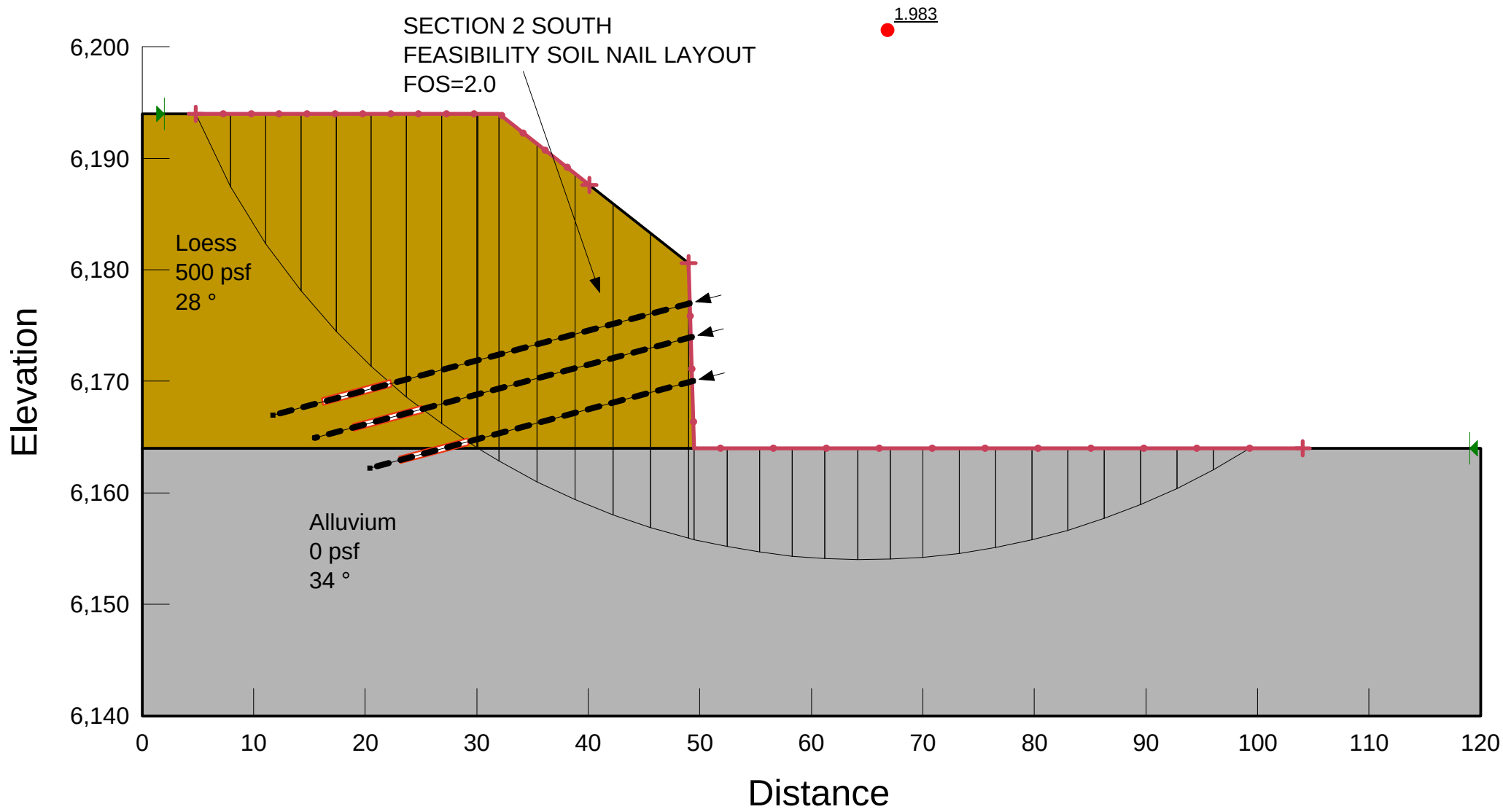
CLAY (plastic) TO SILT (non-plastic)	SAND			GRAVEL		COBBLES
	FINE	MEDIUM	COARSE	FINE	COARSE	

— TP2-1

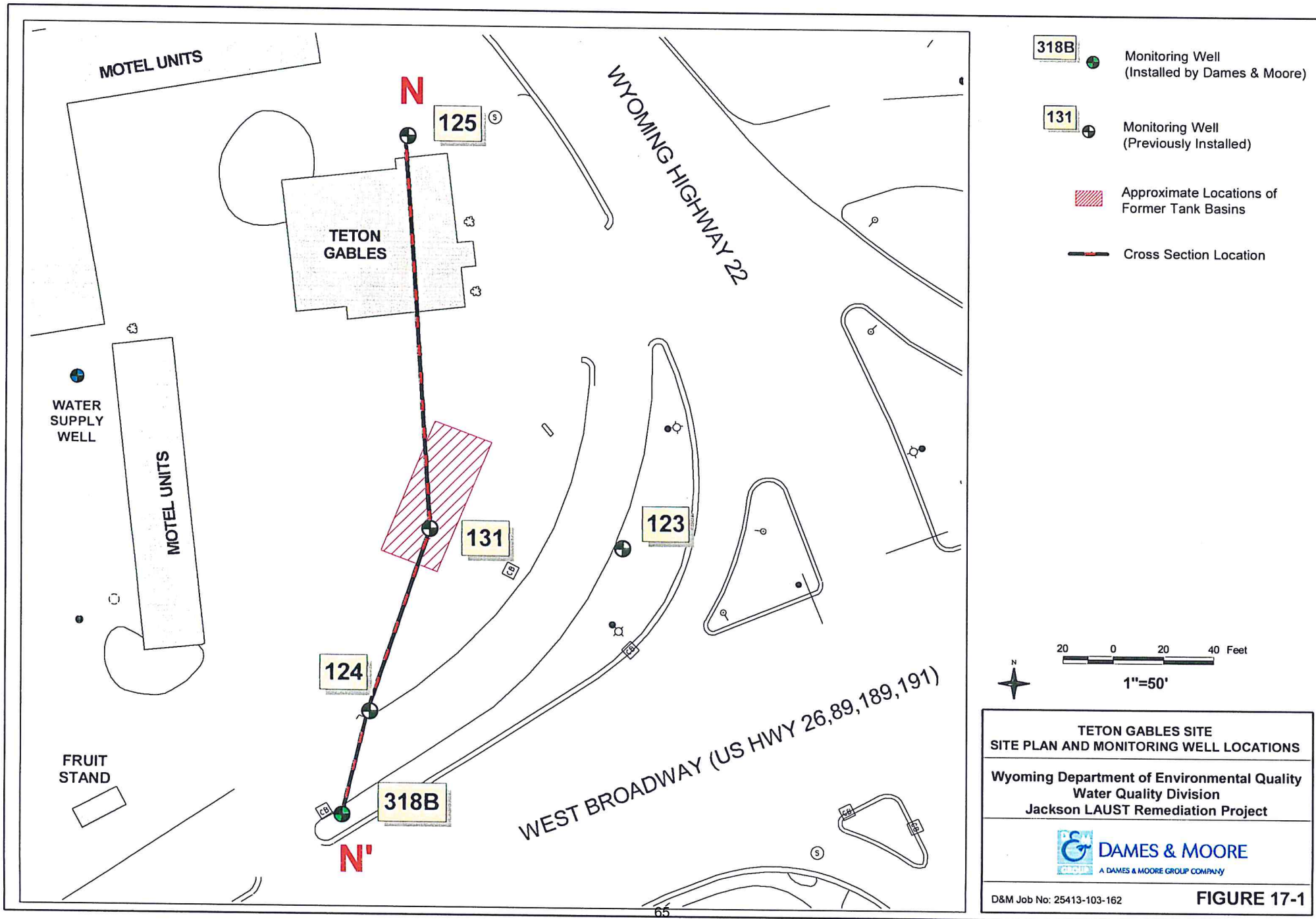
Teton Gables Parking Structure

SLOPE STABILITY ANALYSES



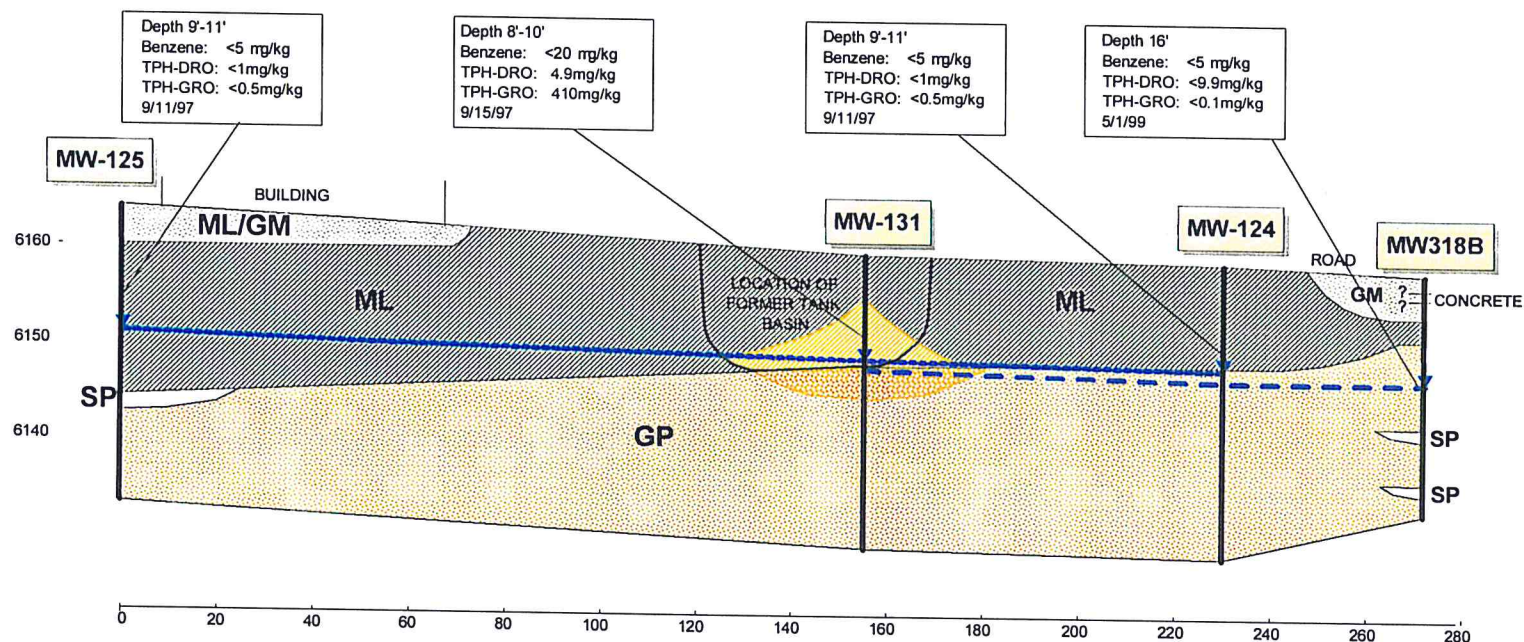


WYDEQ MONITORING WELL RECORDS



N

N'



Horizontal Scale in Feet (1"=40'), Vertical Exaggeration: 2X

Description of Units

ML	Brown and Tan Silt, Brown Sandy Silt
ML/GM	Brown Sandy Silt with Gravel
SP	Fine to Medium Sand, Brown Sand, Gray Gravelly Sand
GM	Dark Brown Silty Sandy Gravel
GP	Brown Sand and Gravel with some Silt, Brown Sandy Gravel with Silt and Cobbles, Brown Coarse Sand and Gravel with Cobbles



Groundwater Level (Fall 97)



Groundwater Level (Summer 99)



Petroleum Staining/Odor with PID > 100 Units

TETON GABLES SITE GEOLOGIC CROSS SECTION N - N'

Wyoming Department of Environmental Quality
Water Quality Division
Jackson LAUST Remediation Project



DAMES & MOORE
A DAMES & MOORE GROUP COMPANY

D&M Job No: 25413-013-162

FIGURE 17-2



PAGE 1 of 1

A schematic map titled "WELL LOCATION MAP". It shows a rectangular area with a north arrow pointing upwards. Inside the rectangle, there is a smaller rectangle labeled "Motel" and a larger area labeled "Grass". A curved line separates the "Motel" area from the "Grass" area. Below the "Grass" area, there is a small star symbol and the label "MW-318b".

LITHOLOGY



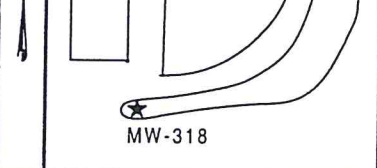


DAMES & MOORE

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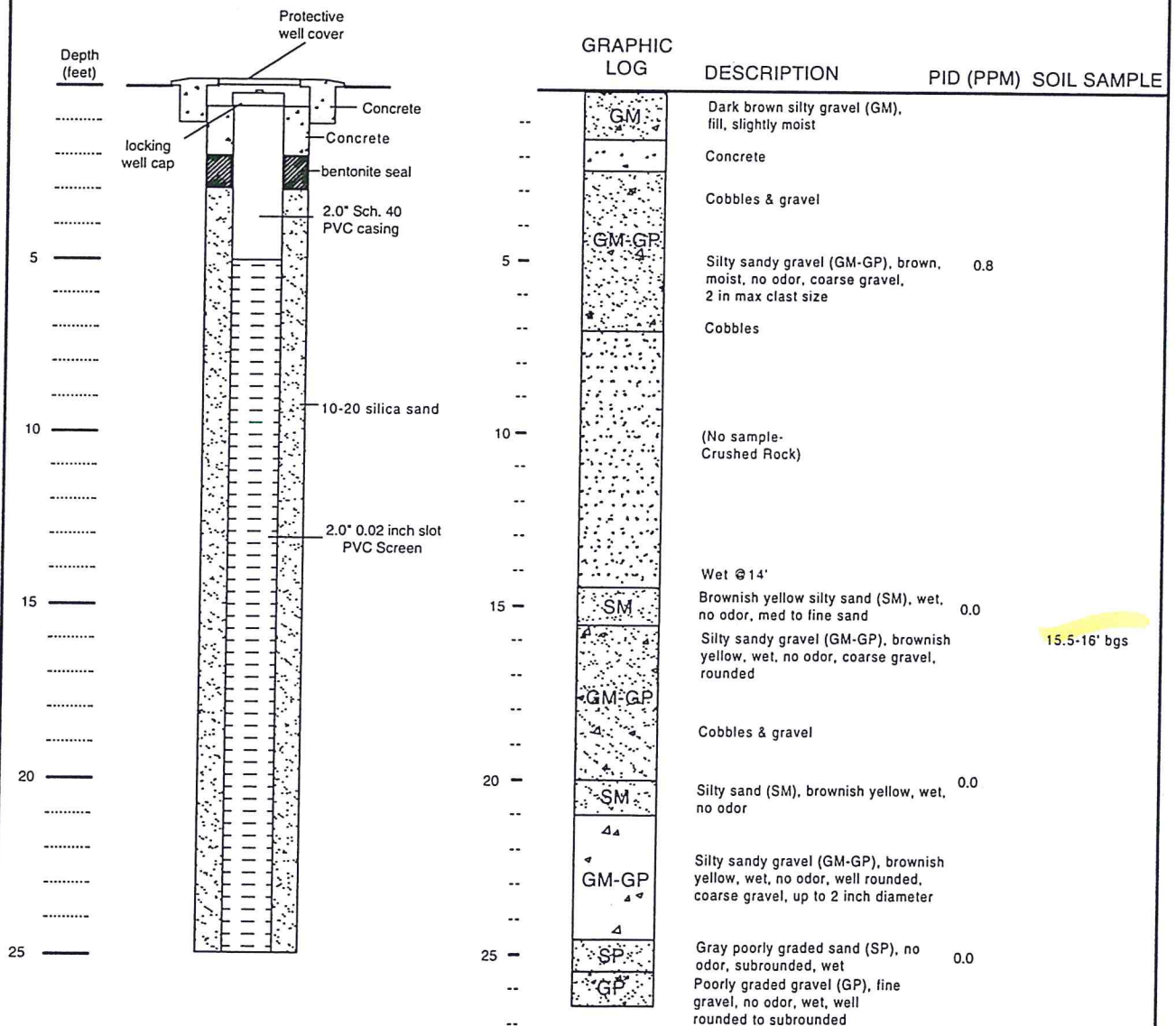
PAGE 1 of 1

WELL CONSTRUCTION LOG

BORING/WELL NO. MW-318		LOCATION Teton Gables Jackson, Wyoming	
PROJECT NAME Jackson LAUST		FIELD GEOLOGIST Jim Blankenau, Staff Geologist	
DRAWN BY Remmet deGroot, Env. Scientist		APPROVED BY Lori Robison, Senior Geologist	
DRILLING EQUIP./METHOD Hollow Stem Auger		SIZE/TYPE OF BIT 7 7/8" / HSA	
CASING: 2.0" Sch. 40 PVC		SCREEN: 0.02 slotted, 2.0" Sch. 40 PVC	SAMPLING METHOD 2' Split Spoon
			DATE STARTED/COMPLETED 5/1/99

WELL CONSTRUCTION

LITHOLOGY



To: Town of Jackson Planning & Building Department

Cc: Cornelius Kinsey, Kinsey LLC

From: Brian Remlinger, Principal, Alder Environmental, LLC
Julie Polasik, Wildlife Ecologist, Alder Environmental, LLC

Date: December 20, 2019

Re: Proposed Teton Gables Motel Phase II, Wildlife Use / Habitat Review
PIDN: 22-41-16-32-1-00-031

The developers of the Teton Gables Motel Phase II are proposing a parking structure with housing and lodging above (Nelson Engineering Exhibit 10/16/19) on the property located at 1140 W Highway 22 within the Town of Jackson limits. Mr. Cornelius Kinsey, agent for the developers of the structure, requested the services of Alder Environmental, LLC to assist with submittal requirements related to the standards in the Town of Jackson Land Development Regulations (LDRs) Section 5.4.1. Steep Slopes. The submittal requirement for the proposed development includes a:

Report summarizing wildlife use of the subject property and any potential impacts from the proposed development. (LDR 5.4.1.C.6.a)

For the purposes of this review, *wildlife* shall be defined as those species and associated habitat protected in the current LDRs (Div. 5.2) and those species identified in the Teton County Focal Species Habitat Mapping Project (Alder 2017). *Impacts* shall be defined as development and/or uses that will detrimentally affect the food supply and/or cover provided by the habitat or detrimentally affect the potential for survival of the protected and focal wildlife species.

SITE INVENTORY & DATA REVIEW

A site visit was conducted on November 1, 2018 to evaluate existing wildlife habitat conditions and use. Photos 1 & 2 depict current site conditions consisting of developed impervious surfaces and disturbed lands with non-native and invasive plant species. The project site is entirely surrounded by development with active human use and activities. No signs of ungulate use (tracks, trails or scat) or bird nests (raptors specifically) were observed on the project location during the field inventory.



PHOTO 1 – Looking west at proposed parking structure.



PHOTO 2 – Looking northwest at slope behind existing motel.

Three sources of wildlife habitat data were reviewed: 1) Wyoming Game and Fish Department (WGFD) designated ungulate crucial winter ranges and migration routes and Bald Eagle Nests, 2) the 2013 WYDOT / Teton Science Schools mule deer movement and habitat use study (Riginos et. al, 2013) and 3) the Teton County

Focal Species Habitat Mapping Project (Alder 2017). The only protected or focal wildlife species potentially using the project site or impacted by the proposed development is mule deer.

The entire project site is mapped within WGFD designated mule deer crucial winter yearlong range (WGFD 2012, Figure 1). However, WGFD range maps were drawn at a very coarse scale and while the maps identify important areas, they are not useful for site specific analysis. The project site consists of disturbed and agricultural meadow cover types thus it does not contain the vegetative cover types that mule deer use for crucial winter range (xeric and mesic sagebrush-grasslands and mixed shrub types; *LDR Section 5.2.1.B.3.d*). Wyoming Game and Fish designated mule deer crucial winter range is also mapped northeast of the project site across Highway 22, and an elk migration corridor is mapped within 0.5 miles southwest of the project site. Although WGFD designated mule winter range is mapped within and near the project site, the high levels of human use and disturbed habitat types at the project site indicate that the site is of low-quality habitat for mule deer and is unlikely to be used as winter range.

The 2013 WYDOT/TSS Mule Deer Study designates the project site as a *low use movement area* for mule deer and *moderate probability of winter use* due to the project site's proximity to *high probability winter use* areas on High School Butte southwest of the project site and North Gros Ventre Butte to the north (Figure 2). Therefore, mule deer are more likely to use the higher quality habitat on High School Butte and North Gros Ventre Butte than the low-quality habitat at the project site. The site inventory, 2013 WYDOT/TSS Study and 2017 County Focal Species mapping also suggest that the crucial winter range that is mapped by WGFD does not exist at the project site (Riginos 2013, Alder 2017).

The nearest Bald Eagle nest to the project site is located 0.51 miles southwest of the site (WGFD 2019), and the site does not contain suitable habitat for nesting or wintering Bald Eagles. The project site also does not contain any crucial winter or nesting habitat for Trumpeter Swans, spawning habitat for Snake River cutthroat trout, or crucial moose winter habitat.

The Teton County Focal Species Habitat Map quantified the relative habitat values for the project site as ranging from 7 to 10 (low value) out of a possible 42 (highest value) (Alder 2017, Figure 2). This indicates that the project site is of low quality for wildlife habitat. The relative values habitat map was created by combining 20 weighted focal species habitat maps that are based on well documented species habitat data, expert knowledge and peer reviews, and environmental variables, providing a thorough assessment of relative wildlife habitat values in Teton County. The Countywide Habitat Value Map also designates the property and location of the proposed development as *Low Value Habitat* (EcoConnect 2018).

FINDINGS & OPINION

Wildlife use of the subject property is considered minimal and non-existent based on the site inventory and data reviews. Direct impacts from the proposed development to wildlife species and habitat protected by the Town of Jackson LDRs and those focal species identified in the Teton County Focal Species Habitat Mapping Project are negligible, if essentially non-existent.

REFERENCES

- Alder 2017. Final Report: Focal Species Habitat Mapping for Teton County, WY. Alder Environmental LLC. Jackson, WY. April 2017.
- EcoConnect 2018. Focal Species Habitat Mapping for Teton County, WY. Report Addendum. EcoConnect Consulting LLC. June 2018.
- Riginos, C., Krasnow, K.D., Hall, E., Graham, M., Sundaresan, S., Brimeyer, D., Fralick, G., & Wachob, D. 2013. Mule Deer (*Odocoileus hemionus*) Movement and Habitat Use Patterns in Relation to Roadways in Northwest Wyoming. FHWA-WY-13/08F.
- WGFD. 2012. Big Game Ranges Geographic Information Systems Layers. Cheyenne, WY.
- WGFD. 2019. Bald Eagle Nest Flight Survey Data. Wyoming Game and Fish Department. Jackson, WY.

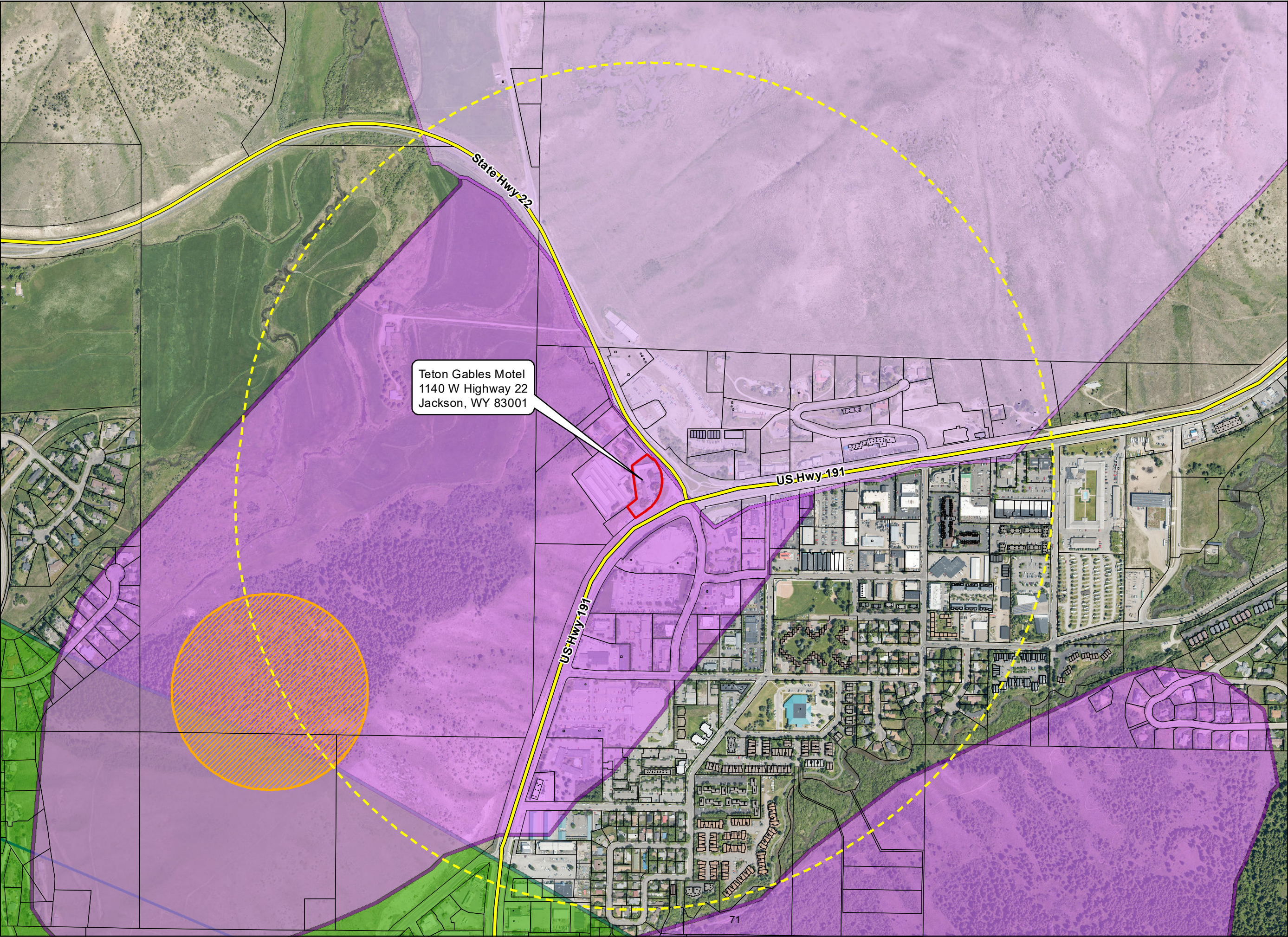
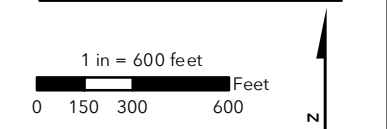


FIGURE 1
 Mule Deer Crucial
 Winter Range and
 Elk Migration Corridor

Teton Gables LLC
TETON GABLES
MOTEL PHASE II
 1140 W Highway 22
 Jackson, WY 83001

- Legend**
- Property Boundary
 - 1/2 Mile Property Buffer
 - Teton County Ownership
 - State & County Roads
 - Bald Eagle Nest Buffer
 - Mule Deer Crucial Winter Range
 - Mule Deer Crucial Winter/Yearlong Range
 - Elk Migration Route 1/2 Mile Buffer

Sources
 TETON COUNTY
 - Aerial Imagery, June 2019
 - Ownership Boundaries
 - Roads
 - Natural Resources Overlay (NRO)
 WGFD
 - Big Game Crucial Ranges and Migration Routes (2012)



December 20, 2019

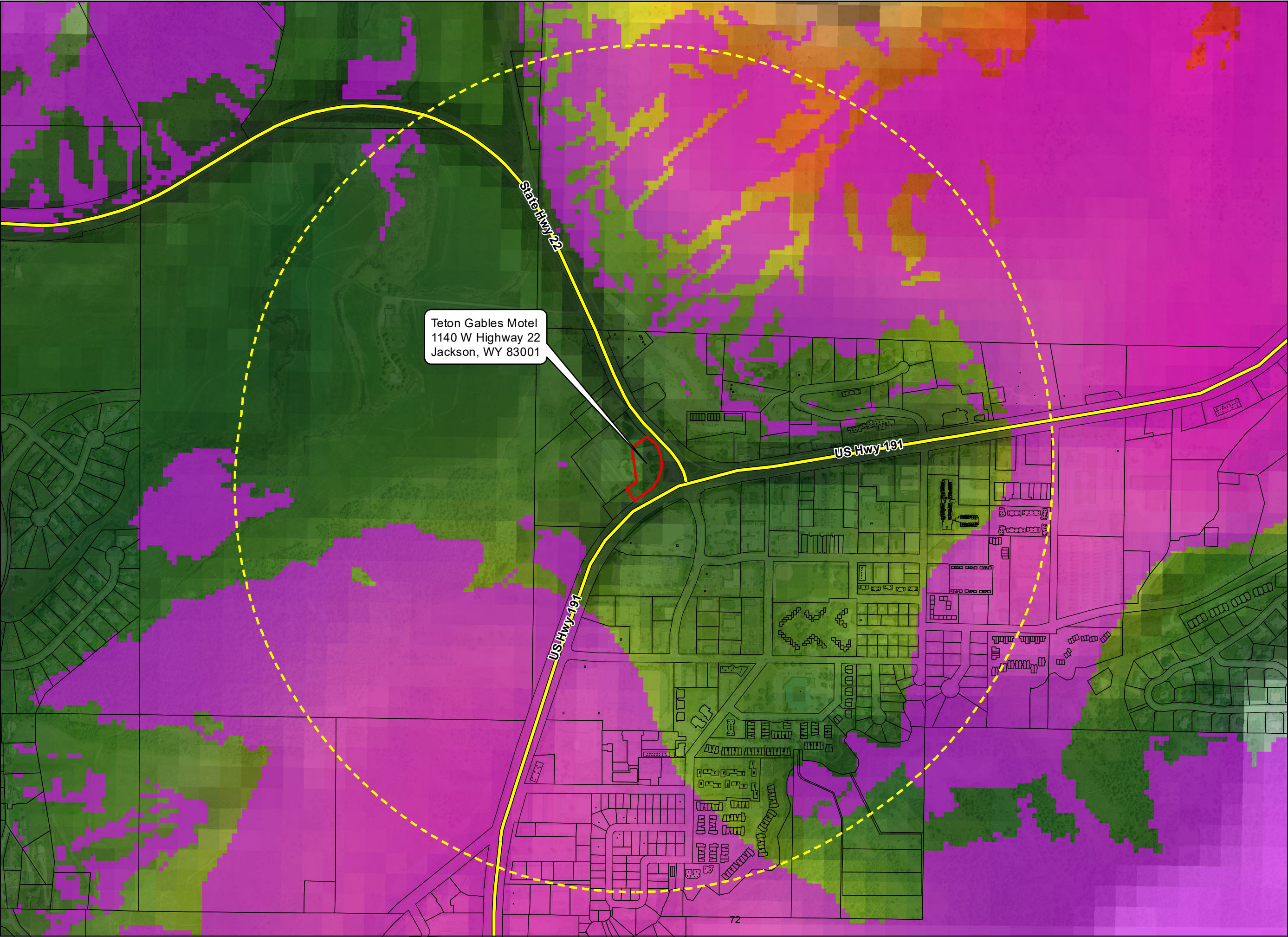
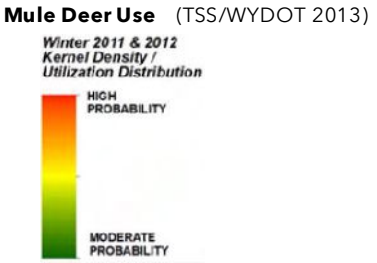


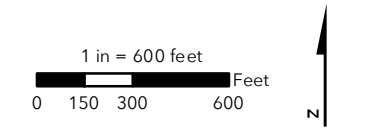
FIGURE 2
Focal Species Habitat
& CRC/WYDOT
Mule Deer Ranges

Teton Gables LLC
TETON GABLES
MOTEL PHASE II
1140 W Highway 22
Jackson, WY 83001

- Legend**
- Property Boundary
 - 1/2 Mile Property Buffer
 - State & County Roads
 - Teton County Ownership
 - Mule Deer Winter Habitat (Alder 2017)



- Sources**
- Teton County
 - Aerial Imagery, June 2019
 - Ownership Boundaries
 - Alder Environmental (2017)
 - Focal Species Habitat Map - Mule Deer
 - Conservation Research Center of Teton Science Schools/WY Dept. of Transportation (2013)
 - Mule Deer Kernel Density and Utilization Distribution



December 20, 2019



TOWN OF JACKSON

AGENDA DOCUMENTATION

SUBMITTING DEPARTMENT: Public Works

PRESENTER: Johnny Ziem

MEETING DATE: March 16, 2020

SUBJECT: Approval of Resolution 20-02: A Resolution of the Town Council of the Town of Jackson to Adopt a Goal to Achieve Carbon Neutrality by 2030

STATEMENT/PURPOSE

The purpose of this item is to seek Council approval of Resolution 20-02: A Resolution of the Town Council of the Town of Jackson to Adopt a Goal to Achieve Carbon Neutrality by 2030.

BACKGROUND/ALTERNATIVES

Climate change is a serious problem, caused primarily by the carbon dioxide released from burning fossil fuels like oil, coal, and gas. In order to solve the problem of climate change, communities and organizations will need to take account of their carbon emissions and make continued efforts to reduce and offset them.

Carbon neutrality, or having a net zero carbon footprint, refers to achieving the net zero carbon dioxide emissions by balancing carbon emissions with carbon removal (often through carbon offsetting) or simply eliminating carbon emissions altogether (the transition to a “post-carbon economy”). Carbon emissions is used in the context of carbon dioxide-releasing processes associated with transportation, energy production, agriculture, and industrial processes. A carbon-neutral status can be achieved in two ways:

1. Balancing carbon dioxide emissions with carbon removal beyond natural processes, often through carbon offsetting, or the process of removing or sequestering carbon dioxide from the atmosphere to make up for the emissions elsewhere.
2. Reducing carbon emissions (low-carbon economy) through changing energy sources and industry processes. Shifting towards the use of renewable energy (e.g. wind and solar power) has shown to be effective in reducing carbon emissions.

Mountain Towns 2030

At the December 2, 2019 Special Joint Information Meeting, both the Town of Jackson and Teton County approved signing the MT2030 pledge. MT2030 is comprised of cities, towns and counties and their elected officials, government staff, local leaders and grassroots citizens. MT2030 also includes the businesses, ski resorts, citizens, investors, and non-profits that support and shape the mountain and outdoor lifestyle of our communities. Why 2030? The world’s climate scientists agree, to control global warming at 1.5 degrees, the earth needs drastic reductions in carbon emissions by the year 2030. By signing onto the MT2030 pledge, the Town of Jackson committed to:

1. Leading community conversations about setting courageous and action-based climate goals that make significant impacts by 2030.
2. Engaging other leaders in our community, region, and state in aligning climate action.
3. Actively sharing and collaborating with other communities on implementing best practices and creating new solutions.

So far, over 40 attending organizations have signed the MT2030 pledge to demonstrate a bold commitment to action. This includes the Town of Jackson and Teton County, Wyoming.

COMPREHENSIVE PLAN ALIGNMENT

Our vision: Preserve and protect the area’s ecosystem in order to endure a healthy environment, community and economy for current and future generations.

- Common Value 1: Ecosystem Stewardship
- Common Value 2: Growth Management

- Common Value 3: Quality of Life

STAKEHOLDER ANALYSIS

Current stakeholder analysis for this item included internal staff collaboration to create a draft carbon resolution. Further external conversations took place with other MT2030 organizations to further the understanding of similar resolutions passed by their respective municipal organizations. Future stakeholder analysis will include collaborations with community members, non-profits, local governments, and MT2030 partnering organizations.

FISCAL IMPACT

There is no current/immediate fiscal impact for this item. Future fiscal impacts may include (and is not limited to) funding to prepare a carbon neutrality plan, executing specific carbon-focused projects, and implementing a more robust green purchasing plan.

STAFF IMPACT

Staff impact for this item required roughly 5 hours to prepare the draft ordinance and complementing staff report. Future staff impacts for this item may include specific work plans focused on implementation of carbon-based plans, projects and policies, legal review of said policies, collaboration with MT2030 partnering organizations, conferences, data tracking for emission assessments, and community outreach implementation, training.

LEGAL REVIEW

Complete.

ATTACHMENTS

- Resolution 20-02: A Resolution of the Town Council of the Town of Jackson to Adopt a Goal to Achieve Carbon Neutrality by 2030
- Resolution 17-16: A Resolution of the Town of Council of the Town of Jackson in Support of the Paris Agreement
- MT2030 Pledge

RECOMMENDATION

Staff recommends approval of Resolution 20-02, A Resolution of the Town Council of the Town of Jackson to Adopt a Goal to Achieve Carbon Neutrality by 2030.

SUGGESTED MOTION

I move to approve Resolution 20-02, A Resolution of the Town Council of the Town of Jackson to Adopt a Goal to Achieve Carbon Neutrality by 2030.

RESOLUTION 20-02

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF JACKSON TO ADOPT A GOAL TO ACHIEVE CARBON NEUTRALITY BY 2030

WHEREAS, there is scientific consensus regarding climate change, and climate scientists worldwide agree that the Earth is warming rapidly to a degree that is perilous to human civilization and to the global ecosystem; and

WHEREAS, the Town has a responsibility to protect the natural environment, economy, and health of its citizens and guests; and

WHEREAS, at the 73rd Annual U.S. Conference of Mayors meeting in Chicago in 2005, elected officials from throughout the United States, including Mayor Barron of Jackson, endorsed the Climate Protection Agreement, which was subsequently endorsed by the Town of Jackson; and

WHEREAS, the Town, pursuant to Resolution 12-001 (“A Resolution Certifying the Illustration of Our Vision Chapter of the Jackson/Teton County Comprehensive Plan as Part of the Comprehensive Master Plan for the Town of Jackson, Wyoming and Teton County, Wyoming”) is committed to preserving and protecting the area’s ecosystem in order to ensure a healthy environment, community and economy for current and future generations; and

WHEREAS, the Town, pursuant to Resolution 17-16 (“A Resolution of the Town Council of the Town of Jackson in Support of the Paris Agreement”) is committed to: reducing greenhouse gas emissions through the implementation of a Climate Action Plan, supporting and adopting the goals of the Paris Agreement, exploring the potential benefits and costs of adopting policies and programs that promote the long-term goal of greenhouse gas emissions reductions while maximizing economic and social co-benefits, maintaining a commitment to the Town 40 x 20 goal, and affirming the appointment of and participation in the Energy Conservation Works Joint Powers Board; and

WHEREAS, the quality of our area’s ecosystem attracts numerous visitors and is the primary reason many residents live here; and

WHEREAS, climate change is affecting our community through extreme weather patterns; and

WHEREAS, the impacts of unmitigated climate change will pose serious threats to our area’s economy, ecology and heritage; and

WHEREAS, Jackson is situated in the Greater Yellowstone Ecosystem, the largest ecosystem in the lower 48 states, and is dependent on world-class snow and consistent temperatures to sustain our resort economy and support our high quality of life; and

WHEREAS, our community has expressed deep concern for the environment in which we live, and many citizens have chosen to move to Jackson because of our beautiful natural setting, clean air, expansive open spaces, and snow-covered mountains; and

WHEREAS, local governments are the front line of climate change, inaction by the federal government pushes the burden on local communities to act and local efforts are nimble and more directly able to address the impacts of climate change; and

WHEREAS, as a world-class destination, we have an opportunity to broadly influence opinions on climate change and an international brand known for our natural setting and recreation; and

WHEREAS, we have a disproportionately sized carbon footprint due to our mountain climate, large homes, visitor travel and complex infrastructure and are not sustainably utilizing our current energy sources.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Jackson, Wyoming, that it hereby commits to a goal of achieving carbon neutrality by the year 2030.

This Resolution shall become effective upon adoption.

PASSED, APPROVED, AND ADOPTED this __ day of _____ 2020.

TOWN OF JACKSON

By: _____
Pete Muldoon, Mayor

ATTEST:

By: _____
Sandra P. Birdyshaw, Town Clerk

RESOLUTION 17-16

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF JACKSON
IN SUPPORT OF THE PARIS AGREEMENT**

WHEREAS, consensus exists among the world's leading climate scientists that global warming caused by emissions of greenhouse gases from human activities is among the most significant problems facing the world today; and

WHEREAS, documented impacts of global warming include but are not limited to increased occurrences of extreme weather events (e.g. droughts and floods), adverse impacts on ecosystems, demographic patterns and economic value chains; and

WHEREAS, responding to the climate change provides communities an opportunity to access first mover advantage in the range of products, services and know-how that transitioning to a climate-compatible future brings; and

WHEREAS, regardless of one's belief in climate change, 194 countries have committed to policies that will increase reliance on renewable energy sources that Wyoming is well qualified to provide, thereby creating an economic opportunity for the citizens and businesses of Wyoming; and

WHEREAS, the Paris Agreement resulted in a commitment from almost every nation to take action and enact programs to limit global temperature increase to less than 2 degrees Celsius, with an expectation that this goal would be reduced to 1.5 degrees in the future;

WHEREAS, at the 73rd Annual U.S. Conference of Mayors meeting in Chicago in 2005, elected officials from throughout the United States, including Mayor Barron of Jackson, endorsed the Climate Protection Agreement and was subsequently endorsed by the Town of Jackson.

WHEREAS, in August of 2011 the Energy Conservation Works Joint Power Board met and duly organized as a Joint Power Board. The Board was charged with development, management and oversight of community wide cost effective energy/resource conservation programs; reducing and maintaining low energy costs; renewable energy generation projects; energy efficiency building retrofits; and policy development/advocacy for building infrastructure codes focusing on energy efficiency.

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN OF JACKSON:

1. Indicates its commitment to reducing greenhouse gas emissions through an implementation of a Climate Action Plan; and
2. Joins other U.S. cities in the Climate Mayors network in adopting and supporting the goals of the Paris Agreement; and
3. Commits to exploring the potential benefits and costs of adopting policies and programs that promote the long-term goal of greenhouse gas emissions reduction while maximizing economic and social co-benefits of such action.
4. Maintains commitments to the ambitious 40x20 goal, seeking to increase energy efficiency, reduce waste, and reduce water usage in all town owned buildings and vehicles by 40% by the year 2020.
5. Affirms participation in the Energy Conservation Works Joint Powers Board, working jointly with Teton County and Lower Valley Energy to support programs which promote energy conservation, renewable energy, and emissions reductions in the agencies facilities, businesses, and homes of Teton County.

PASSED, APPROVED, AND ADOPTED THIS 5TH DAY OF JUNE, 2017.

TOWN OF JACKSON

ATTEST:

BY:

Sandra P. Birdyshaw
Sandra P. Birdyshaw, Town Clerk



BY:

Pete Muldoon
Pete Muldoon, Mayor



Mountain Towns & Ski Industry Leaders Commit to Climate Action

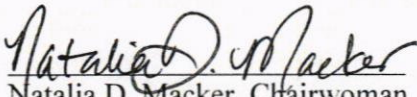
Mountain towns are comprised of passionate citizens, vibrant businesses, and natural splendor. However, we are threatened by the impacts of climate change in our economic stability, water scarcity, wildfires, snowfall, and our way of life. The climate crisis is the defining issue of our generation and must be addressed at all levels. As leaders in mountain communities, it is our obligation to address this issue in a bold, timely, and meaningful way.

In the next year, we commit to:

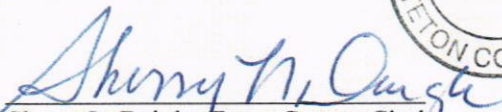
1. Support community conversations about setting courageous and action-based climate goals that make significant impacts by 2030.
2. Engage other leaders in our community, region, and state in aligning climate action.
3. Actively share and collaborate with other communities on implementing best practices and creating new solutions.

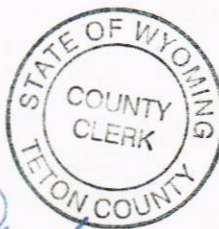
Our actions will demonstrate that mountain towns, local businesses, and other stakeholders can and should lead the nation in the sustainability movement. We invite any community, business, non-profit worldwide to join us in taking courageous steps to transition to a carbon-free economy.

**Teton County
Board of County Commissioners**

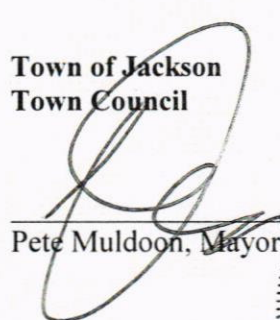

Natalia D. Macker, Chairwoman

Attest:


Sherry L. Daigle, Teton County Clerk



**Town of Jackson
Town Council**


Pete Muldoon, Mayor

Attest:


Sandra P. Birdyshaw, Town Clerk



Teton County
P.O. Box 3594
200 South Willow Street
Jackson, Wyoming 83001

Phone: (307) 733-8094
Fax: (307) 733-4451
www.tetoncountywy.gov

Working Together to Serve the Community

Town of Jackson
P.O. Box 1687
150 East Pearl
Jackson, Wyoming 83001

Phone: 307) 733-3932
Fax: (307) 739-0919
www.jacksonwy.gov

ORDINANCE N

AN ORDINANCE GRANTING JACKSON CURBSIDE, INC., A FRANCHISE FOR THE COLLECTION AND DISPOSITION OF RECYCLABLE REFUSE AND COMPOSTABLE MATERIALS FOR THE PURPOSE OF REDUCING IMPACTS ON WASTE HAULING AND LANDFILL OPERATIONS AND SUPPORTING RECYCLING EFFORTS; PROVIDING THE RIGHTS AND LIABILITIES THEREUNDER; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION, DULY ASSEMBLED, THAT:

SECTION I.

WHEREAS, the Town Council, having determined that Jackson Curbside Inc (“Grantee”) is willing to provide the services, facilities, and equipment necessary to meet the needs and interests of the Town of Jackson, Wyoming (“Franchising Authority” or “Town”), and is willing to be bound by conditions of applicable law, and by binding agreement to serve the public interest, does hereby ordain as follows:

FINDINGS

In the review of the request for renewal by Grantee and negotiations related thereto, and as a result of a public hearing, the Town makes the following findings:

1. Grantee’s technical ability, financial condition, legal qualifications, and character were considered and approved in a full public proceeding after due notice and a reasonable opportunity to be heard;
2. Grantee’s plans for operating the franchise were considered and found adequate and feasible in a full public proceeding after due notice and a reasonable opportunity to be heard;
3. The franchise granted to Grantee by the Town complies with the existing applicable laws and regulations;
4. Grantee has substantially complied with the material terms of the current Franchise under applicable laws; and
5. The Franchise granted to Grantee is nonexclusive.

Paragraph 1. Grant of Authority. There is hereby granted to Jackson Curbside Inc., hereinafter referred to as Grantee, the permission, right, privilege and non-exclusive franchise subject to the terms and conditions as set forth in this franchise agreement (“Franchise”) and the applicable laws of the State of Wyoming, to collect and dispose of recyclable refuse and compostable materials within the corporate limits of the Town of Jackson, as they now are or may hereafter be.

Paragraph 2. Term of Franchise. The Franchise and rights herein granted shall take effect from and after the final passage hereof and shall continue in force subject to the terms and conditions set forth herein for a period of five (5) years, provided that Grantee shall file its acceptance of the terms of this Franchise with the Town within thirty (30) days after final passage. At the end of the fourth year the parties shall review this agreement and make a determination with respect to an appropriate extension.

Paragraph 3. Collection and Disposition. Grantee promises and agrees with the said Town that it will for the period of five (5) years immediately from and after the passage of this Ordinance, collect recyclable refuse and compostable materials in the said Town and transport or cause the same to be transported in accordance with the law and the ordinances of said Town to a recycling facility and/or composting facility, to pay all costs and charges therefore, and to insure its proper storage in a manner which will not become a nuisance or offensive to surrounding properties. Service shall be provided to all businesses and residences within the corporate limits of the Town of Jackson with frequency of collection being sufficient to prevent accumulation and spread of recyclable refuse and compostable materials and with hours of collection being subject to the approval of Grantor.

Paragraph 4. Definitions. For the purposes of this Ordinance the following terms shall have the meaning given herein:

- A. Recyclable Refuse. "Recyclable refuse" shall mean all recyclable materials accepted now, or as amended during the term of this Franchise, by the Teton County Integrated Solid Waste and Recycling Center.
- B. Answering Service. "Answering service" shall mean a person or device to answer Grantee's office phone during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, for the purpose of taking messages for Grantee and relaying the messages to Grantee. Grantee shall check in with the answering service during business hours at intervals not to exceed four (4) hours.
- C. Compostable Materials. "Compostable materials" shall mean all organic and non-organic waste which is accepted by the composting facility.

Paragraph 5. Franchise Fee. For and in consideration of the grant of the franchise and right to conduct business on the streets and alleys of the Town of Jackson as herein provided, Grantee agrees to pay a business license fee and a franchise fee of 2% (two percent) of gross revenues per year. This rate reflects the value of recycling to the Town of Jackson's waste reduction efforts. Gross revenues shall include all sums received by Grantee from accounts situated within the corporate limits of the Town of Jackson, specifically including all charges, service fees, etc., deducting there from only any State of Wyoming sales tax which may be applicable to services rendered by Grantee. Grantee shall provide to the Town of Jackson, not later than April 30 of each year (based on a fiscal year ending December 31), financial statements prepared by an accountant upon which the franchise fee shall be determined. Concurrently with the delivery of the financial statements, Grantee shall pay to the Town of Jackson the difference between the estimated franchise fee paid as in this paragraph hereinafter set forth and the amount due based upon the financial statements. The franchise fee due and payable pursuant to this paragraph shall be payable quarterly in arrears within thirty (30) days of the close of the quarter. Each year, the estimated quarterly payments will be one fourth (1/4) of the franchise fee due and payable for the previous year. In the event the estimated payment shall exceed the franchise fee due and payable for any year, then the excess payment shall be credited against the next succeeding year's estimated quarterly payments. The franchise fee set forth herein may be modified by the Town Council of the Town of Jackson upon thirty (30) days' notice to Grantee in the event that the cost of doing business shall increase substantially for other like franchisees.

Paragraph 6. Late Payments. In the event any payment is not received on the date due, Grantee shall pay interest on the amount due, at the prime rate charged by the bank the Franchising Authority uses as its main depository, on the date the payment was due plus three percent (3%), calculated from the date the payment was originally due until the date the Franchising Authority receives the payment. If Grantee fails to pay any sums herein specified within fifteen (15) days of being due, such failure to pay shall be treated as a default.

Paragraph 7. Books and Records. The Grantee agrees that the Franchising Authority upon reasonable notice to the Grantee may review and such of its books and records as are kept in the normal course of business at the Grantee's business office, during normal business hours and on a non-disruptive basis, as is reasonably necessary to ensure compliance with the terms hereof. Provided that, if the business office is not in the Town, the record must be produced to the Franchising Authority at the Town Hall, unless the parties agree to production at some other locations. Notwithstanding anything to the contrary set forth herein, the Grantee shall not be required to publicly disclose information which it reasonably deems to be proprietary or confidential in nature, absent an appropriate order of a court or agency of competent jurisdiction. The Franchising Authority agrees to treat any information disclosed by the Grantee and marked as confidential as such pending a contrary determination, and only to disclose it to employees, representatives, agents or consultants that have a need to know and that have agreed to maintain the confidentiality of the materials in accordance with law.

Paragraph 8. Rights and Privileges. The said Town, in consideration of the foregoing promises and agreements on the part of the Grantee, hereby promises and agrees that Grantee shall have, and it is hereby given, the non-exclusive right and privilege to maintain a Recyclable Refuse and Compostable Materials collection service in the said Town for the term of this Franchise, and the right and privilege to collect, have and retain all charges and fees for such Recyclable Refuse and Compostable Materials collection specified in Section 15 below, subject to any and all statutes or rules and regulations of the State of Wyoming.

Paragraph 9. Salvage Rights. It is further agreed that Grantee shall become the absolute owner of all Recyclable Refuse and Compostable Materials to be collected under this Franchise, and Grantee shall have the right to salvage such portions of the said Recyclable Refuse and Compostable Materials to be, and which is, collected as it may in its discretion deem advisable. All proceeds received from salvage operations shall be the property of Grantee without any obligation on the part of Grantee to account to the Town for such proceeds so recovered.

Paragraph 10. Conduct of Work. Grantee, his employees or agents, engaged in the collection of Recyclable Refuse and Compostable Materials shall immediately upon emptying receptacles replace the cover thereon and set such receptacles in an upright position. Grantee, his employees or agents, shall exercise reasonable care in the handling of Recyclable Refuse and Compostable Materials and the receptacles containing the same. Grantee may not burn any Recyclable Refuse and Compostable Materials but must haul all Recyclable Refuse and Compostable Materials, except that set forth in Section 8 of this Ordinance, to the nearest Teton County approved location or facility by the shortest possible route, taking into account traffic conditions, weather conditions and pedestrian traffic in determination of the route to be used. Grantee, his employees or agents, shall insure in the hauling of Recyclable Refuse and Compostable Materials that no spillage occurs and that the Recyclable Refuse and Compostable Materials be hauled in such a manner so as not to scatter enroute, covering any vehicle used for the hauling of Recyclable Refuse and Compostable Materials where necessary and practical to do so and shall see to its proper storage.

Paragraph 11. Indemnification. Except to the extent caused by the gross negligence or willful misconduct of Franchising Authority or its employees, Grantee agrees to indemnify, save, and hold harmless, and defend the Franchising Authority, its elected officials, employees, contractors, boards, commissions and agents, from and against any liability for damages and from any liability or claims (including judgments, decrees, court costs, and defense costs), arising out of or related in any manner to Grantee's operations within the corporate limits of the Town, the exercise of the privileges granted herein by Franchising Authority, or the acts or omissions of the Grantee, its officers, employees, contractors, or agents, related in any way to the franchise granted herein. Provided, the Franchising Authority shall give the Grantee written notice of its obligation to indemnify the Franchising Authority within fifteen (15) days of service of a claim or action subject to this Section. If Grantee assumes the defense in a timely manner, and the Franchising Authority determines that it is necessary for it to employ separate counsel, the costs for such separate counsel shall be the responsibility of the Franchising Authority.

Paragraph 12. Liability for Expense. It is further agreed and expressly understood by both parties that in no case will the said Town, nor any officer thereof, be liable for any portion of the expense of the work aforesaid, or for any delinquency in the payment of said Recyclable Refuse and Compostable Materials collection fees or charges.

Paragraph 13. Termination; Right of Town to Carry on Work; Damages. It is further agreed that should Grantee fail or refuse to carry out the terms of this Franchise, the Town Council of the Town of Jackson may cancel the same thirty (30) days after receipt by Grantee of written notice of default delivered or mailed to the Grantee, unless within the said thirty (30) day period the Grantee cures the failure or refusal to comply.

Paragraph 14. Office Maintenance; Public Service. As further consideration for the execution of this Franchise, Grantee agrees that at all times during the term of this Franchise it will maintain an office and/or an answering service which shall be active during normal business hours and where a representative of Grantee may be contacted by persons desiring Recyclable Refuse and Compostable Materials collection services.

Paragraph 15. Assignment. It is further mutually agreed by the parties hereto that the Franchise herein granted may not be assigned without the prior written consent of the Town of Jackson.

Paragraph 16. Rates and Fees. It is further agreed that Grantee shall be and is hereby authorized to collect such rates or fees for collection of Recyclable Refuse and Compostable Materials as Grantee shall reasonably establish from time to time. The Town of Jackson, as Grantor, reserves the right to regulate the fees in the event the Town of Jackson shall determine in its sole discretion that a monopoly situation exists by virtue of the elimination of competition for such services within the corporate limits of the Town of Jackson, or in the event the Town shall determine, after public hearing, duly advertised with thirty (30) days' advanced notice to all franchisees holding franchises for the collection and disposal of Recyclable Refuse and Compostable Materials within the corporate

limits of the Town of Jackson, that existing competition is ineffective in regulating rates charged by franchisees and that the best interest of the people of the Town of Jackson require that either due to lack of competition or ineffective price competition, rates charged by such franchisees have risen to unreasonable or "monopolistic" levels.

Paragraph 17. Enforcement. In the event the Franchising Authority determines that the Grantee is in default of any provision of the Franchise, the Franchising Authority may:

- A. Commence an action in court seeking any relief which may be available; and
- B. In the case of a default of a material provision of the Franchise, declare the Franchise to be revoked.

Paragraph 18. Review of Terms and Conditions. It is further agreed that the terms and conditions of this Franchise may be reviewed upon thirty (30) days written notice by either party to the other and any adjustment will not affect the validity of this Franchise.

Paragraph 19. Annexation of the Town of Jackson. Grantee and Town agree that in the event of an annexation to the Town of an area already being served by the Grantee, the additional area so annexed shall become subject to this Franchise agreement.

Paragraph 20. Pick-Up Locations. Recyclable refuse and compostable materials pick-up shall be at the front property line, in the alley, or at the nearest possible point to the property being served, or as may otherwise be provided from time to time by Ordinance of the Town of Jackson.

Paragraph 21. Notice. Unless expressly otherwise agreed between the parties, every notice or response required by this Franchise to be served upon the Franchising Authority or the Grantee shall be in writing, and shall be deemed to have been duly given to the required party upon actual receipt when hand delivered, when sent by nationally recognized overnight courier, or sent by certified or registered mail, postage prepaid, return receipt requested.

The notices or responses to the Franchising Authority shall be addressed as follows:

Town of Jackson
Town Administrator
P.O. Box 1689
150 E. Pearl Avenue
Jackson, WY 83001

The notices or responses to the Grantee shall be addressed as follows:

Jackson Curbside Inc.
Attn: Kelly French
P.O. Box 10645
Jackson, WY 83002

Paragraph 22 Miscellaneous Provisions.

- A. **Binding Effect.** This Franchise shall be binding upon the heirs, administrators, successors, and assigns of Grantee.
- B. **Severability.** If any Section, sentence, paragraph, term, or provision hereof is determined to be illegal, invalid, or unconstitutional, by any court of competent jurisdiction or by any state or federal regulatory authority having jurisdiction thereof, such determination shall have no effect on the validity of any other Section, sentence, paragraph, term or provision hereof, all of which will remain in full force and effect for the term of the Franchise, or any renewal or renewals thereof.
- C. **Sovereign Immunity.** The Franchising Authority does not waive its sovereign immunity by entering into this Franchise Agreement, and fully retains all immunities and defenses provided by law with respect to any action based on or arising out of this Franchise.
- D. **Venue.** In the event that suit shall be brought by either party, the parties agree that venue shall be exclusively vested in the state courts of the County of Teton, or, where otherwise appropriate, exclusively in the United States District Court for Wyoming.
- E. **Controlling law.** This Franchise is to be governed by the law of the State of Wyoming, its conflict of laws provisions excepted.
- F. **Non-Waiver.** Failure of Franchising Authority or Grantee to insist on strict performance of

any of the conditions, covenants, terms or provisions of this Franchise or to exercise any of its rights hereunder shall not waive such rights, but either party shall have the rights to enforce such rights at any time and take such action as might be lawful or authorized hereunder, either in law or equity. The receipt of any sum paid by Grantee to Franchising Authority after a breach of this Agreement shall not be deemed a waiver of such breach unless expressly set forth in writing.

- G. Effective Date. The effective date of this Franchise is upon the effective date as adopted by the Jackson Town Council pursuant to the provisions of applicable law.
- H. Descriptive Headings. The captions to Sections contained herein are intended solely to facilitate the reading thereof. Such captions shall not affect the meaning or interpretation of the text herein.

ACCEPTANCE OF FRANCHISE AGREEMENT

The undersigned hereby accept the terms and conditions set forth in the foregoing Franchise Ordinance.

JACKSON CURBSIDE, INC.

TOWN OF JACKSON

Kelly L. French

Pete Muldoon, Mayor

ATTEST:

Sandra P. Birdyshaw, Town Clerk

SECTION II.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION III.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision, and such holding shall not affect the validity of the remaining portions of the ordinance.

SECTION IV.

This ordinance shall become effective after its passage, approval, and publication.

PASSED 1ST READING THE __ DAY OF __, 2020.

PASSED 2ND READING THE __ DAY OF __, 2020.

PASSED 3RD READING AND APPROVED THE __ DAY OF __, 2020.

ATTESTATION OF TOWN CLERK

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

I hereby certify that the foregoing Ordinance ____ was duly published in the Jackson Hole News & Guide, a newspaper of general circulation published in the Town of Jackson, Wyoming on the __ day of ____, 2020.

I further certify that the foregoing Ordinance was duly recorded on page ____ of Book ____ of Ordinances of the Town of Jackson, Wyoming.

Sandra P. Birdyshaw, Town Clerk



TOWN OF JACKSON

AGENDA DOCUMENTATION

SUBMITTING DEPARTMENT: Administration

PRESENTER: Roxanne Robinson

MEETING DATE: February 4, 2019

SUBJECT: Council Salaries
Ordinance O

STATEMENT/PURPOSE

Town Council directed staff to bring forward an ordinance change to increase Mayor and Council salaries to account for inflation since the last time they were increased.

BACKGROUND/ALTERNATIVES

At the January 2020 Town Council retreat, Council directed staff to bring forward an ordinance to adjust Council salaries for inflation from the last time salaries were set. Salaries were last updated in 2005. Current salaries are listed below along with the history since 1926:

Mayor and Council Salary History					
Ordinance	787	717	326	226	1
Year Effective	2005	2002	1984	1977	1926
Mayor	\$30,000 Annually	\$12,000 Annually	\$4,800 Annually	No Change	\$25 Annually
Council	\$25,000 Annually	\$150/meeting	\$50/meeting	No Change	\$20 Annually

At the retreat, Councilman Schechter calculated that salaries should be adjusted to \$40,425 and \$33,700 for the Mayor and Council respectively based on inflation since 2005.

Below is a small chart showing the number of Council meetings during that time frame. However, the chart below neither shows the length of the meetings nor the additional constituent meetings. It also does not show the additional meetings with staff regarding the complexity of projects before the Mayor and Council. Should this ordinance be adopted, because there are three seats on the Council that are up for election in November, those three new elected officials or re-elected officials will be receiving a higher wage for two years than the 2 Councilmembers whose current term of office will not expire until December 31, 2022.

Number of Council Meetings				
2019	2015	2010	2008	2005
76	80	84	92	75

Additionally, staff is also proposing to update the title of the Section from 'Mayor and Councilmen' to 'Mayor and Councilmembers.'

Based on Council's direction from the retreat, staff recommends the Town Council adopt Ordinance O as presented.

The Town Council has many options available to them including:

1. Approve Ordinance O on first reading as presented.
2. Discuss the proposed salaries, make any changes, and adopt Ordinance O on first reading as amended.
3. Continue the discussion to a future Town Council meeting.
4. Take no action.
5. Other

COMPREHENSIVE PLAN ALIGNMENT

The Town Council serves as one of the partners in setting policy direction, providing course corrections, adopting action plans and work plans related to implementation of the Comprehensive Plan.

STAKEHOLDER ANALYSIS

Stakeholders include current Councilmembers intending to run for office and

FISCAL IMPACT

The fiscal impact would be the difference between the current salaries and the proposed salaries along with associated FICA costs, etc. The ultimate fiscal impact in salaries would be an additional annual increase of \$45,225 per year (beginning in 2023). The fiscal impact of 2021 and 2022 would be an additional annual increase of \$27,825 in salaries.

There are also fiscal impacts associated with advertising ordinances upon adoption.

STAFF IMPACT

Staff impact would be minimal. The staff impact of preparing the ordinance and staff report is approximately 2 hours. It would include payroll changes that are minimal.

LEGAL REVIEW

Complete.

ATTACHMENTS

Ordinance O.

RECOMMENDATION

Based on Council's direction from the retreat, staff recommends the Town Council adopt Ordinance O as presented.

SUGGESTED MOTION

Should the Council be ready to take action, one possible motion would be:

I move to approve Ordinance O as presented on first reading.

ORDINANCE O

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 787, 717, 326, AND 226 AND SECTIONS 1-3 OF TOWN OF JACKSON ORDINANCE NO. 1 AND SECTION 2.08.010 OF THE MUNICIPAL CODE OF THE TOWN OF JACKSON REGARDING COMPENSATION FOR MAYOR AND COUNCILMEN; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION DULY ASSEMBLED THAT:

SECTION I.

Section 1 of Town of Jackson Ordinance Nos. 787, 717, 326, and 226 and Sections 1-3 of Town of Jackson Ordinance No. 1 and Section 2.08.010 Compensation for Mayor and Councilmen of the Municipal Code of the Town of Jackson is hereby amended and reenacted to read as follows:

2.08.010 Mayor and Councilmembers.

- A. Commencing with officers sworn into office after January 1, 2021, the compensation of the Mayor of the Town shall be forty thousand four hundred twenty five dollars (\$40,425.00) per year, payable in twelve equal monthly installments. The salary for each councilmember shall be thirty three thousand seven hundred dollars (\$33,700.00).
- B. The compensation schedule set forth in subsection A of this of this section shall apply to the Mayor and councilmembers sworn into office after January 1, 2021. In all other instances, the ordinance codified in this section shall not be applied to increase the salary of any officer during the term for which they are elected.

(Ord. _____, § 1, 2020); Ord. 787 § 1, 2004; Ord. 717 § 1, 2002; Ord. 326 § 1, 1984; Ord. 226 § 1, 1977; Ord. 1 §§ 1—3, 1926.)

SECTION II.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION III.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

SECTION IV.

This Ordinance shall become effective after its passage, approval and publication.

PASSED 1ST READING THE ____ DAY OF ____, 2020.

PASSED 2ND READING THE ____ DAY OF ____, 2020.

PASSED AND APPROVED THE ____ DAY OF ____, 2020.

TOWN OF JACKSON

BY: _____

Pete Muldoon, Mayor

ATTEST:

BY: _____
Sandra P. Birdyshaw, Town Clerk

ATTESTATION OF TOWN CLERK

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

I hereby certify that the foregoing Ordinance _____ was duly published in the Jackson Hole News and Guide, a newspaper of general circulation published in the Town of Jackson, Wyoming, on the ____ day of ____, 2020. I further certify that the foregoing Ordinance was duly recorded on page ____ of Book ____ of Ordinances of the Town of Jackson, Wyoming.

Sandra P. Birdyshaw, Town Clerk

MEMORANDUM

TO: Mayor and Town Council

FR: Larry Pardee, Town Manager

DT: March 16, 2020

RE: Town Manager's Report

Sales and Lodging Tax

The Town budgeted a total of \$1,161,493 in lodging tax revenues for FY20 from the 30% visitor impact portion combined with the 10% general fund portion. We have collected \$993,657 thus far for FY20 which is 85.5% of total projected collections. Accumulated collections are up 4.7% over this same time last year. March 2020 revenue represents January, 2020. These amounts are tracked through the Special Revenue Fund for the Lodging Tax.

The Town budgeted a total of \$16,249,500 in sales tax for FY20. March collections are up 7% over the same collection period last year. Collections are currently tracking at \$250,156 more than budgeted. Please remember that we have 3 months of collections remaining for FY20 to account for before realizing any unanticipated revenue or overall shortage. March 2020 revenue represents collections from January 2020.

Pay as You Throw

Integrated Solid Waste and Recycling (ISWR) is currently conducting preparation research that would lead towards a Pay as You Throw (PAYT) system for the community. ISWR now has the capacity to handle more recycling if PAYT is implemented. They have 4 college students from the Haub School at the University of Wyoming researching and exploring all options for implementing a system. ISWR expects a report back in June of this year from those research students. That report will then inform ISWR on options for moving forward. Some of those options may require participation from the Town of Jackson in its regulatory capacity but some options may not. Options may include a fee for bag system, a price differential for different sized garbage cans or other options. Johnny Ziem in Public Works and Roxanne Robinson in Administration will continue to coordinate any Town efforts with ISWR and provide updates to the Town.

Ride to Fly and Top Floor Parking Garage

The Jackson Hole Airport provided a notice of termination to the Town of Jackson for the Lease of Parking Spaces in the Parking Structure for airline passengers effective April 15, 2020. Moving forward, in order to accommodate maintenance for the uncovered portion of level 4 of the structure, staff is proposing an amendment to Section 10.04.225 of the Municipal Code. This amendment would prohibit overnight parking in the winter for that uncovered portion of level 4 so that safe and efficient snow removal operations can occur. With the Council's acceptance of the Town Manager's

report, staff will bring forward an ordinance for Council action to accomplish this provision. Depending on necessary timing, the ordinance may come forward independently or may be combined with the comprehensive legal review of Title 10. In order to accommodate snow removal, the ordinance would need to become effective on or prior to November 1, 2020. Please do not hesitate to contact me if you need further information on this issue.

Retaining Wall on Aspen Drive

There is a retaining wall on private property at 80 Aspen Drive that is 'bulging' and at risk of sudden failure. In order to reduce the potential for liability for cars parked in the public right of way adjacent to this wall, staff recommends erecting 'no parking' signs adjacent to this retaining wall. This is a private property issue that endangers the public and private property (cars). With the acceptance of the Town Manager's report into the record, staff will proceed to erect signs and make this immediate area a 'no parking' area.

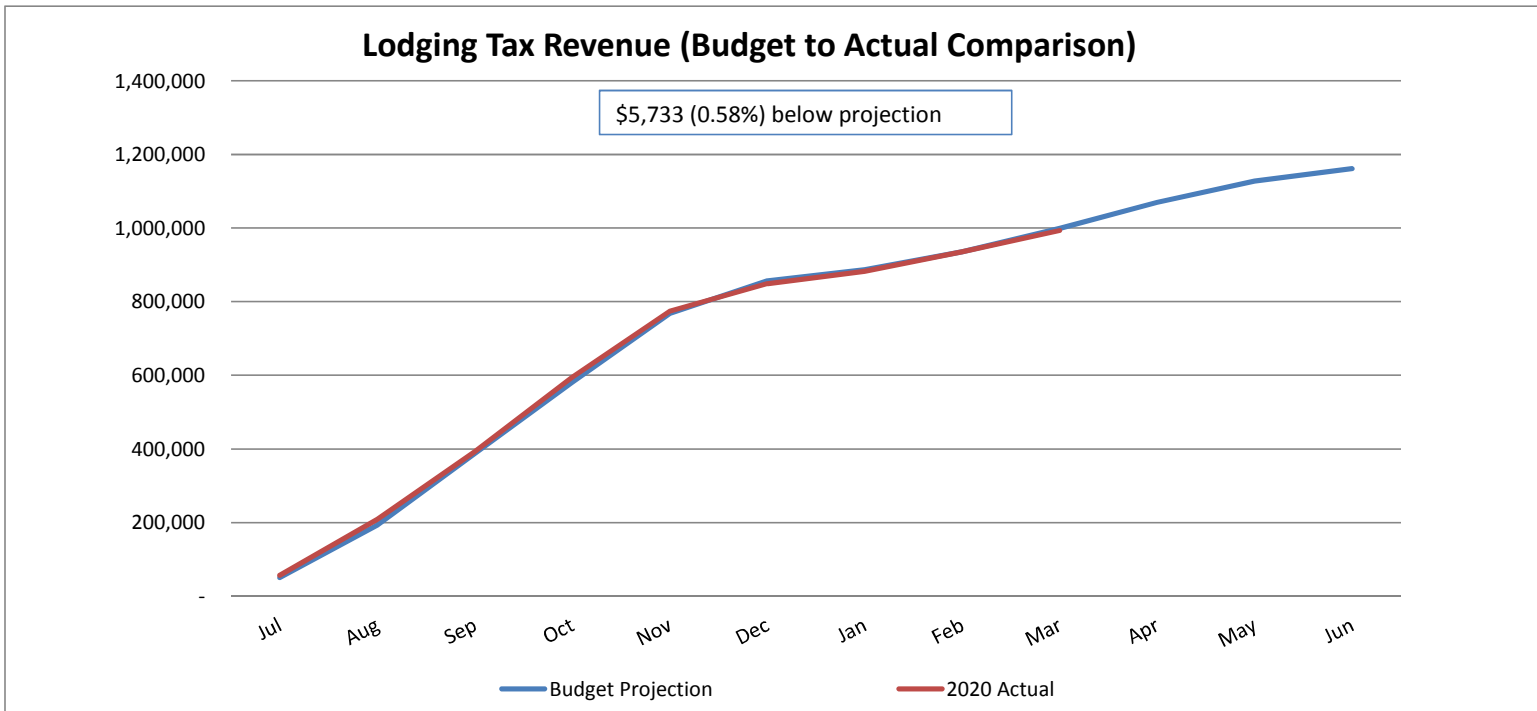
**TOWN OF JACKSON, WYOMING
LODGING TAX REPORT
March-20**

Month Received (2 mos. lag)	Lodging Tax - Total				Town				County			
	Total	Promotion T&T Board	Visitor Impact	General Fund	Visitor Impact	General Fund	Total	T/C Split Percent	Visitor Impact	General Fund	Total	T/C Split Percent
FY2020:												
July	\$ 309,428	\$ 185,657	\$ 92,828	\$ 30,943	\$ 42,720	\$ 14,240	\$ 56,959	46.0%	\$ 50,109	\$ 16,703	\$ 66,812	54.0%
August	987,736	592,641	296,321	98,774	114,054	38,018	152,072	38.5%	182,267	60,756	243,023	61.5%
September	1,247,568	748,541	374,270	124,757	137,432	45,811	183,243	36.7%	236,838	78,946	315,784	63.3%
October	1,300,062	780,037	390,019	130,006	152,419	50,806	203,226	39.1%	237,599	79,200	316,799	60.9%
November	1,411,814	847,088	423,544	141,181	134,009	44,670	178,679	31.6%	289,535	96,512	386,046	68.4%
December	383,766	230,259	115,130	38,377	55,769	18,590	74,358	48.4%	59,361	19,787	79,148	51.6%
January	134,644	80,786	40,393	13,464	25,391	8,464	33,855	62.9%	15,002	5,001	20,003	37.1%
February	385,640	231,384	115,692	38,564	40,284	13,428	53,712	34.8%	75,408	25,136	100,544	65.2%
March	477,381	286,429	143,214	47,738	43,165	14,388	57,553	30.1%	100,050	33,350	133,399	69.9%
April	-	-	-	-	-	-	-	---	-	-	-	---
May	-	-	-	-	-	-	-	---	-	-	-	---
June	-	-	-	-	-	-	-	---	-	-	-	---
Totals	\$ 6,638,038	\$ 3,982,823	\$ 1,991,411	\$ 663,804	\$ 745,243	\$ 248,414	\$ 993,657	37.4%	\$ 1,246,168	\$ 415,390	\$ 1,661,558	62.6%

	Visitor Impact	General Fund	Total
TOJ Budget	\$ 871,120	\$ 290,373	\$ 1,161,493
Budget Remain	\$ 125,877	\$ 41,959	\$ 167,836
Earned			85.5%
Remaining			14.5%

12 Month
Rolling Avg
7.4%

	FY2019 Year-to-Date	FY2020 Year-to-Date	Increase (Decrease)	
T&T 60%:	\$ 3,870,860	\$ 3,982,823	\$ 111,963	2.9%
TOJ 30% Visitor:	711,781	745,243	33,462	4.7%
TOJ 10% General:	237,260	248,414	11,154	



TOWN OF JACKSON, WYOMING
SALES TAX COLLECTIONS (4% and 1%)
March-20

Receipt Month	16/17				17/18				18/19				19/20			12 Mth
	FY2016	FY2017	16/17 Change	Percent Change	FY2018	17/18 Change	Percent Change	FY2019	18/19 Change	Percent Change	FY2020	19/20 Change	Percent Change	Rolling Avg	Sales Month	
Jul	\$ 713,141	\$ 807,564	\$ 94,423	13.2%	\$ 807,972	\$ 408	0.1%	\$ 890,746	\$ 82,774	10.2%	\$ 916,280	\$ 25,534	2.9%	5.5%	May	
Aug	1,287,639	1,411,501	123,863	9.6%	1,551,376	139,875	9.9%	1,711,050	159,674	10.3%	1,695,936	(15,114)	-0.9%	4.3%	Jun	
Sep	1,705,468	1,920,244	214,777	12.6%	1,971,647	51,402	2.7%	1,979,587	7,941	0.4%	2,106,619	127,032	6.4%	5.1%	Jul	
Oct	1,750,353	1,665,117	(85,236)	-4.9%	1,897,973	232,856	14.0%	1,868,746	(29,227)	-1.5%	2,084,456	215,710	11.5%	6.7%	Aug	
Nov	1,420,820	1,533,746	112,925	7.9%	1,850,527	316,781	20.7%	1,877,983	27,456	1.5%	2,203,274	325,291	17.3%	8.7%	Sep	
Dec	1,002,143	1,046,289	44,146	4.4%	1,054,095	7,806	0.7%	1,335,327	281,232	26.7%	1,154,908	(180,419)	-13.5%	5.5%	Oct	
Jan	600,037	655,026	54,989	9.2%	680,672	25,645	3.9%	745,047	64,375	9.5%	842,559	97,512	13.1%	5.7%	Nov	
Feb	831,587	1,032,128	200,542	24.1%	1,166,026	133,898	13.0%	1,195,892	29,866	2.6%	1,293,430	97,538	8.2%	6.1%	Dec	
Mar	850,550	947,188	96,639	11.4%	1,066,105	118,917	12.6%	1,110,735	44,630	4.2%	1,188,379	77,644	7.0%	6.3%	Jan	
Apr	915,256	859,580	(55,676)	-6.1%	1,041,459	181,879	21.2%	1,120,136	78,677	7.6%	-	----	---	----	Feb	
May	842,792	874,371	31,579	3.7%	1,010,453	136,082	15.6%	1,138,194	127,740	12.6%	-	----	---	----	Mar	
Jun	610,312	660,771	50,459	8.3%	728,398	67,628	10.2%	730,042	1,644	0.2%	-	----	---	----	Apr	
Totals	\$ 12,530,098	\$ 13,413,526	\$ 883,428	7.1%	\$ 14,826,704	\$ 1,413,178	10.5%	\$ 15,703,484	\$ 876,780	5.9%	\$ 13,485,840	\$ 770,727	6.1%			

Budgeted Sales Tax for FY 2020 3.50% \$ 16,249,500
Budgeted Sales Tax Year-to-Date 13,235,683
Actual Sales Tax Collected Year-to-Date 13,485,840
Leading (Lagging) Budget - through March \$ 250,156

