

Jackson Town Council Regular Meeting

April 20, 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. WEBEX LINK FOR PUBLIC PARTICIPATION

Meeting ID **965 788 542** Password: **toj** To join, click on the link or copy it to

your browser: <https://townofjacksonwy.webex.com/townofjacksonwy/onstage/g.php?MTID=eafb7870659608996c67bfbb10d64d36b>

If the link does not work, join through [webex.com](https://www.webex.com) with the meeting ID and password provided above.

II. OPENING

- A. Call to Order and Roll Call
- B. Pledge of Allegiance
- C. Announcements/Proclamations
 - 1. Proclamation for Spring Burn Week

III. PUBLIC COMMENT

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.

IV. CONSENT CALENDAR

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. April 6, 2020 regular meeting
 - 2. April 16, 2020 special workshop
- B. Disbursements
- C. Municipal Court Report for March 2020
- D. Memorandum of Understanding with Slow Food of the Tetons and Parks & Recreation for the Community Garden
- E. Amendment One to START's 2019 WYDOT Grant Agreement for Four Electric Buses and Charging Units

V. PUBLIC HEARINGS, DISCUSSION AND/OR POSSIBLE ACTION ITEMS

- A. Planning
 - 1. **Item P20-025:** Development Plan at 445 Vine Street (Brendan Conboy)
 - 2. **Item P19-229:** Amendment to the Teton Village Master Plan. *This item will be withdrawn.*

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.

3. **Item P19-262, P20-069 & -070:** Amendment to Final Development Plan for Pine Glades PUD (Tyler Valentine)

VI. RESOLUTIONS

- A. **Resolution 20-06:** Amendment to Town of Jackson FY 19-20 Budget (Larry Pardee)

VII. ORDINANCES

- A. **Emergency Ordinance:** An Ordinance Placing a Temporary Moratorium on Disposable Paper Bag Fees (Roxanne Robinson)
- B. **Ordinance O:** An Ordinance Amending the Official Zoning District Map for 66 acres from Planned Resort-Snow King to Planned Unit Development-Planned Resort (Presented for 2nd Reading)
- C. **Ordinance P:** An Ordinance Amending the Jackson Municipal Code regarding Compensation for Mayor and Council (Presented for 2nd Reading)

VIII. MATTERS FROM MAYOR AND COUNCIL

- A. Board and Commission Reports

IX. MATTERS FROM THE TOWN MANAGER

- A. Town Manager's Report

X. ADJOURN

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.

2020 SPRING BURN WEEK

WHEREAS, the Jackson Hole community is experiencing a rare and unusual time of limited gatherings due to the pandemic, the Rotary Club of Jackson Hole decided to postpone the announcement of a Spring Clean-Up where our community gathers and cleans up the town; and,

WHEREAS, it has been customary to hold a Spring Burn Week in tandem with the Clean-Up for residents to rid their property of yard debris; and

WHEREAS, delaying such a burn week may incur detrimental consequences as the spring thaw turns into a drier landscape; and

WHEREAS, the Town of Jackson recognizes the need of our residents to maintain their property and reduce fuels; and

WHEREAS, the citizens of the Town of Jackson are encouraged to act responsibly and at all times, control their burns including only dry grass, leaves, twigs, small branches, and clean wood; and

WHEREAS, Town residents wishing to conduct a controlled burn must first contact the Jackson Hole Law Enforcement Agency at 733-2331 prior to striking that match.

NOW, THEREFORE, I, Pete Muldoon, Mayor of the Town of Jackson do hereby proclaim a **Spring Burn Week** to be **Saturday, May 16 through Monday, May 25, 2020** and remind our residents contact the Law Enforcement Agency before starting a burn.

DATED THIS 20TH DAY of APRIL 2020.

TOWN OF JACKSON

Pete Muldoon, Mayor

ATTEST:

Sandra P. Birdyshaw, Town Clerk

TOWN COUNCIL PROCEEDINGS - UNAPPROVED

APRIL 6, 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 6:01 P.M. Upon roll call the following were found to be present:

TOWN COUNCIL: *In-person*: Mayor Pete Muldoon and Jim Stanford. *via Webex*: Vice-Mayor Hailey Morton Levinson, Arne Jorgensen, and Jonathan Schechter.

STAFF: Larry Pardee, Zolo, Paul Anthony, Carl Pelletier, Roger Schultz, and Sandy Birdyshaw.

Mayor Muldoon announced that the planning items on today's agenda would begin at 6:20 p.m. and the administrative item would be moved to the consent calendar.

Vice-Mayor Morton Levinson read a proclamation for Week of the Young Child.

Public Comment. None.

Consent Calendar. A motion was made by Jim Stanford and seconded by Hailey Morton Levinson to approve the consent calendar including items A-F 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 March 16, 17, 23, 30, and 31, 2020 special meetings and the March 27-28, 2020 emergency meeting.

B. **Disbursements.** To approve the disbursements as presented. 842-Ncpers Group Wyoming \$112.00; Ace Equipment & Supply \$2,545.76; Ace Hardware \$1,445.17; Advanced Glass Trim, LLC \$300.00; Aflac \$2,831.24; Airgas USA, LLC \$109.50; Amerigas \$2,604.87; Ameriwest Water Services \$9,498.36; Antler Motel, Inc. \$760.00; Apex Sage Inc \$2,800.00; Big R Ranch & Home \$145.75; Blue Spruce Cleaners, Inc \$245.90; Bristol, James \$40.00; Brooks, Angela \$200.00; C & A Professional Cleaning Serv LLC \$7,445.86; Carquest Auto Parts Inc. \$1,708.45; Century Equipment \$12,665.85; Certified Laboratories \$757.90; CMI - Teco \$78.15; Commercial Tire-Id Falls \$560.48; Community Safety Network \$201.25; Control System Technology, Inc. \$817.50; Core & Main Lp \$4,072.65; Cummins Rocky Mountain LLC \$1,345.91; Curran-Seeley Foundation \$12,062.50; Custom Electronic Consultants Inc \$2,375.52; Dean's Pest Control LLC \$145.00; Delta Dental Plan Of Wyoming \$587.60; Division Of Victim Services \$1,100.00; Dude Solutions, Inc \$3,500.00; E.R. Office Express \$836.42; Electrical Wholesale Supply \$3.58; Elite Parts \$407.85; Energy Conservation Works \$2,000.00; Energy Laboratories Inc. \$550.00; Environmental Resource Assoc. \$845.62; Evolution Concrete Cutting \$50.10; Galls Inc. \$144.00; Geittmann Larson Swift LLP \$3.15; Gillig LLC \$864.88; Goldstreet Design Agency, Inc \$2,250.00; Greenway Painting LLC \$650.00; Hanley, Sarah Beth \$1,000.00; HD Fowler Company \$3,439.64; High Country Linen \$1,856.45; Idaho Falls Peterbilt \$3,380.10; Idaho State Tax Commission \$3,762.00; Interstate Battery \$1,195.40; Interwest Supply Company \$8,186.39; Jack's Tire & Oil, Inc. \$2,362.33; Jackson Curbside Inc. \$840.00; Jackson Hole News & Guide \$3,904.13; Jackson Hole Public Art \$3,605.00; Jackson Lumber Inc \$131.57; J-B Mechanical \$65.00; Jh20 Water Conditioning & Filtration \$55.00; Jim & Greg The Locksmiths \$64.86; Jorgensen Associates, Pc \$25,623.34; Keller Associates \$1,365.00; Kellerstrass Enterprises, Inc \$16,460.49; Kenworth Sales Company Dept #1 \$4,247.29; Kilmer's BG Distributing \$1,875.00; Kois Brothers Equipment Company \$4,890.83; Local Equipment, Inc \$2,084.73; Lawngevity \$803.75; Leigh, Christopher S. \$525.00; Lepco \$1,173.50; Lincoln County Sheriff \$12,100.00; Lincoln National Life \$7,137.73; Lobe, Marc \$23.31; Long Building Technologies Inc. \$27,056.00; Lower Valley Energy Inc \$5,216.69; LSC Transportation Consultants \$7,188.26; Martin, Patricia \$13.83; Matthews, Lani \$4,438.70; Meunier, Deborah \$2,000.00; MHL Systems \$4,767.60; Miller Sanitation \$2,072.00; Mountain Electrical \$105,104.60; Msc Industrial Supply Co \$794.95; Napa Auto Parts Inc. \$2,535.76; O'Ryan Cleaners \$86.92; Partsmaster \$287.54; Perform Printing Inc \$474.60; Platt \$7,897.65; Poco LLC \$380.00; Premier Powder Coating & Fabrication LLC \$2,319.00; Premier Truck- Salt Lake City \$22,629.51; Premier Vehicle Installation, Inc \$17,812.60; Pro Equipment Sales LLC \$1,385.20; Quadient Leasing USA, Inc. \$468.69; Rae, Joshua \$4,700.00; Raftelis \$7,521.25; Red's Auto Glass, Inc. \$736.80; Rees, David \$150.00; Riedel, Cynthia \$32.49; Safety Supply & Sign Co., Inc. \$904.10; Schaeffer Mfg. Co \$1,332.65; Schilling, Brian \$1,282.50; Schow's Truck Center \$1,268.00; Shell Equipment Company LLC \$405.80; Silver Creek Supply \$16.19; Snake River Roasting \$48.95; Specialty Construction Supply \$1,736.00; Spring Creek Ranch \$3,475.20; Standard Plumbing Supply Co. \$33.98; Stinky Prints, Inc \$1,523.20; Stotz Equipment \$88.11; Sunrise Environmental \$784.67; Symbolarts, LLC \$1,519.75; Teton County Transfer Station \$93.00; Teton Motors Inc \$30,277.22; Thermo King Intermountain, LLC \$1,998.81; TMSC LLC \$17,201.35; Traffic Safety Store \$2,187.36; Traphagen, Jeromie \$100.00; Uline \$601.87; Valley West Engineering, Pc \$33,596.00; Vision Service

Plan - (WY) \$1,714.31; W.W. Grainger, Inc. \$404.24; West Fork Construction \$27,392.00; Western States Equip Company \$986.29; Wy Child Support Enforcement \$146.76; Wyoming Garage Door, LLC \$846.00; Wyoming Law Enforcement \$130.00; Y2 Consultants, LLC \$409.75.

- C. **Municipal Court Report for February 2020.** To accept the February 2020 Municipal Court Report and place it into the record.
- D. **Temporary Sign Permit: The Tribe (P20-049).** To approve the temporary banner in conjunction with The Tribe subject to three (3) conditions of approval. 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 from March 29, 2020 to April 11, 2020.
- E. **Memorandum of Understanding between Town of Jackson and Friends of Pathways for START Bike.** To approve the Memorandum of Understanding between Friends of Pathways and the Town of Jackson for the 2020 Bike Share Program and authorize the Mayor to sign.
- F. **Consideration of May 2020 Special Events.** 1. To direct the Town Manager to revoke the special event permits, and any associated permits, for Eco Fair on May 9, Old West Days on May 16 through May 25, and Million Dollar Cowboy Music Fest on May 24 because these special events, in light of COVID-19 and Statewide Public Health Order No. 4 and Teton District Public Health Order No. 20-4, each present a clear and present danger to the participants and the public. 2. To table consideration of the special event permits, and any associated permits, for Elk Fest on May 16 and 17 and for the Teton County Search and Rescue Helicopter Demonstration on May 30 because these special events, in light of COVID-19 and Statewide Public Health Order No. 4 and Teton District Public Health Order No. 20-4, and direct staff to place them on a future Town Council agenda.

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

Item P19-262: Development Plan Amendment at 140 & 142 Pine Glades Drive. Tyler Valentine made staff comment. Bill Collins made comment on behalf of the applicant, Pine Canyon LLC.

Public comment was given by Laura Bonich, Tiffany Stolte, Jenny Bragg, David DeFazio, Jim Woodmencey, Jeff and Kelli Ward, and Mark Oblack.

A motion was made by Jonathan Schechter and seconded by Hailey Morton Levinson to continue this item to the next regular Town Council meeting on April 20, 2020. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Item P19-201: Snow King Resort District (SKRMA) Master Plan Amendment. Tyler Sinclair made staff comment. Discussion was held. Jeff Golightly and Ryan Stanley made comment on behalf of the applicant.

Public comment was given by David Navratil and Patrice Kangas and Tim Harland.

Item A: Based upon the findings for a Planned Unit Development as presented in the staff report and by the applicant for Item P19-201 a motion was made by Hailey Morton Levinson and seconded by Arne Jorgensen to make findings 1-5 set forth in Section 8.7.3 related to 1) Enhances future desire character; 2) PUD Option findings in Article 4; 3) Amendment to PUD findings in Section 8.2.12.D; 4) LDR Text Amendment finding in Section 8.7.1.C; 5) Zoning Map Amendment findings in Section 8.7.2.C to approve a Planned Unit Development to allow amendments to the Snow King Planned Resort District Master Plan subject to the departmental reviews and following conditions of approval:

- 1. If Snow King Resort Master Association (SKRMA) fails to comply with any of the conditions listed in these conditions of approval, in addition to any other enforcement powers granted to the Town of Jackson through the Land Development Regulations ("LDRs") and Jackson Municipal Code, the Town of Jackson may withhold pending building permits (including permits for remodels and maintenance) for any development within the Master Plan area.
- 2. Upon the Jackson Town Council's approval of this Master Plan area Amendment, SKRMA shall assess a minimum of a 1% fee ("SKRMA Fee") on the following uses identified in the Master Plan area (collectively, "Uses"): a. Non-residential uses as defined in the Master Plan except for Institutional Uses in LDR, Section 6.1.8; b. Commercial Amusement; c. Indoor Recreation; d. Home and Temporary uses; e. Outdoor Amusement/Recreation; f. Agricultural Uses; g. Tour Operators/Outfitters; h. Temporary Uses; and i. Special Events.

Uses that occur exclusively within the Master Plan area or Uses that occur both within the Master Plan area and on adjacent United States Forest Service property must be assessed the SKRMA Fee.

The SKRMA Fee is not required to be assessed on Uses that solely take place on United States Forest Service property irrespective of where a ticket for that Use is purchased (by way of example only, if someone takes the Rafferty lift to access the ropes course, the Rafferty lift ticket is subject to the SKRMA Fee, but the ropes course ticket is not). The SKRMA Fee shall be used at the discretion of the SKRMA Board as a funding mechanism to maintain the Resort District and satisfy SKRMA's obligations under the Master Plan

3. SKRMA shall provide an annual report to the Town of Jackson by June 15 of each year, for the prior April 15 to April 15 year period, which shall include the following information: a. Phasing plan compliance; b. Confirmation that the SKRMA Fee (as defined herein) has been collected; c. The current balance of the SKRMA Fee fund, d. The current balance of the Reserved SKRMA Fund (as defined herein); e. A list of the categories of expenditures that over the previous April 15 to April 15 year period the SKRMA Fee has been spent on within the Resort District (not including specific dollar amounts); f. SKRMA Board composition and contact information; g. Status of the SKRMA organization with the Secretary of State; h. The current SKRMA membership and contact information; i. Any irregular avalanche control the previous ski season; j. Confirmation of whether the ski lifts operated an average of 49/hours a week for the previous ski season; k. Information regarding the private shuttle service, if provided, and if not, the financial contribution SKRMA made to START the previous year; and l. Information on special events with the Resort District which have more than 200 guests including, but not limited to, the number of events, the location of each event, any complaints received from neighbors outside the Resort District, and the type of event.
4. SKRMA shall ensure that private shuttle service continues to be offered from the Resort District to downtown Jackson, the Jackson Hole Airport and to Teton Village. If SKRMA is unable or elects not to provide private shuttle service as provided herein, SKRMA must provide a reasonable and equitable contribution to START as determined by the START Board, Town Council and SKRMA and based upon a defined metric of ridership by Resort District guests.
5. SKRMA shall provide a Transportation Demand Management (TDM) report to the Town of Jackson every 3 years, starting 3 years from the date the Master Plan Amendment is approved by Jackson Town Council.
6. SKRMA shall ensure the ski lifts operate an average of 49 hours per week between December and March, barring unforeseen weather conditions; mechanical failures; acts of God; operational challenges outside the control of SKRMA or the ski mountain operator that necessitate deviation. The hours of operation shall include accommodation of key user groups including, but not limited to, the Doug Coombs Foundation and the Jackson Hole Ski and Snow Board Club.
7. To ensure the ski lifts operate as provided herein, SKRMA shall maintain a \$500,000 reserved fund generated by the SKRMA Fee ("Reserved Fund"). The Reserved Fund shall only be used by SKRMA to ensure the ski lifts operate as provided herein. The Reserved Fund shall be adjusted for inflation every 3 years in accordance with a Denver-based, or other more specific, Consumer-Price Index as approved by the Town. The Reserved Fund shall be established within 3 years of the date the SKRMA Fee is first collected and the SKRMA Fee shall exclusively be used to achieve the \$500,000 balance until the Reserved Fund is fully funded. At all times when the Reserved Fund is fully funded, the SKRMA Fee is unrestricted for SKRMA use. If the SKRMA Fee is unable to generate sufficient income to replenish the Reserved Fund by the next required annual report, SKRMA must designate a line of credit to guarantee the \$500,000 in the Reserved Fund or add funds from any other source within 3 months.
8. Snow King Mountain Resort, LLC ("Snow King Mountain") is the current owner of all recreational improvements. Snow King Mountain shall not sell off individual recreational improvements to different owners. This condition shall not prevent Snow King Mountain from selling all of Snow King Mountain's recreational improvements to a different owner.
9. Building permits within Sub-Area #2 shall not be issued until construction has commenced on an aerial tramway (i.e. gondola). Nor shall the proposed zip line in Sub-Area #4 be allowed to open until construction of the gondola has commenced. Notwithstanding the foregoing, if SKRMA proceeds with its application for construction of a gondola in good faith, the stipulations in the foregoing shall not take effect if a regulatory or judicial circumstance prevents SKRMA from building the gondola. However, in no circumstance shall the zip line in Sub-Area #4 be allowed to open until the gondola construction has commenced.

Should the Town and SKRMA fail to come to agreement on a lease for the landing station of the gondola and should the Town not approve a Conditional Use Permit for the gondola and zip line by August 1, 2020, restrictions on Sub-Area #2 shall be removed and the zip-line in Sub-Area #4 shall no longer be allowed.
10. SKRMA shall continue to engage in discussions with the Town and property owners in Sub-Area #2 on a shared parking arrangement between Sub-Area #2 and the Town's Phil Baux park property. SKRMA must enter into a shared parking agreement with the Town of Jackson by December 31, 2020 so long as both parties are continuing to negotiate in good faith. The shared parking agreement

shall include, at least but not limited to, provisions regarding construction and maintenance of the shared parking areas, snow removal from said areas and storm water system installation and maintenance.

11. SKRMA shall continue to engage in discussions with the Town regarding a Mountain Sports Center and second sheet of ice within the Master Plan area but shall not be obligated to construct or provide land for a Mountain Sports Center or second sheet of ice. The conceptual maps included in the Master Plan currently show a proposed location for the Mountain Sports Center in Sub-Area #5, though this location may change. A Mountain Sports Center, ice rink, affordable or workforce housing, and a maintenance facility shall be permitted by right within Sub-Area #5. All other uses within Sub-Area #5 shall require a conditional use permit.
12. SKRMA shall provide updated information for Chapter 10 of the Master Plan, by December 31, 2020, specifically with respect to the current conditions within the resort district, including updated maps, and discuss the current capacity utilization compared to the potential buildout capacity. This information shall be kept on file at the Town and may incorporated into the Master Plan at a later date.
13. The applicant shall revise the proposed master plan on page 20 to include the following sentence as the last sentence of the second paragraph: Prior to submission to the Town, properties within Sub-area #6 shall be required to submit development applications to SKRMA for review only (not approval or denial of the right to submit the application to the Town).

Mayor Muldoon called for the vote. The vote showed 4-1 in favor with Stanford opposed. The motion carried.

Item B: Based upon the findings as presented in the staff report and by the applicant related to Item P19-201, a motion was made by Hailey Morton Levinson and seconded by Jonathan Schechter to make findings in Section 8.3.1 Sketch Plan related to 1) Consistency with the Comprehensive Plan; 2) Achieves purpose of NRO & SRO overlays; 3) Impact of public facilities & services; 4) Compliance with LDRs & Town Ordinances; 5) Conformance with past permits & approvals of a Sketch Plan for the Snow King Planned Resort District Master Plan subject to the department reviews and the 13 conditions of approval described herein and discussed tonight. Mayor Muldoon called for the vote. The vote showed 4-1 in favor with Stanford opposed. The motion carried.

Item P20-037: Fee Waiver Request for 174 N. King. Tyler Valentine made staff comment.

A motion was made by Jim Stanford and seconded by Arne Jorgensen 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. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Item P19-291: Hillside Conditional Use Permit for Teton Gables at 1140 W Hwy 22. Tyler Valentine and Brian Lenz made staff comment. Tyler Davis made comment as the applicant Teton Gables LLC.

Based upon the findings as presented in the staff report and as made by the applicant for Item P19-291, a motion was made by Hailey Morton Levinson and seconded by Jonathan Schechter 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 in 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.
3. Applicant shall continue to work with staff on traffic mitigation.

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. Tyler Sinclair made staff comment.

Based upon the findings pursuant to Section 8.7.1.C for an amendment to the text of the Land Development Regulations, as presented by staff and made by the Planning Commission for Item P19-187, the application: 1) Is consistent with the purposes and organization of the LDRs; 2) Improves the consistency of the LDRs with other provisions of the LDRs; 3) Provides flexibility for landowners within standards that clearly define desired character; 4) Is necessary to address changing conditions, public necessity, and/or state or federal legislation; 5) Improves implementation of the Comprehensive Plan; and 6) Is consistent with other adopted Town Ordinances, a motion was made by Jim Stanford and seconded by Arne Jorgensen to approve the requested text amendment to Division 8.10 Duties and Responsibilities and associated sections of the Town Land Development Regulations as presented. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Item P20-009 & 010: Development Plan and Hillside Conditional Use Permit for Bluffs Development at 984 Budge Drive. A motion was made by Hailey Morton Levinson and seconded by Jonathan Schechter to continue these items to the Town Council meeting scheduled for May 4, 2020. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Resolution 20-05: Adopting a Goal to Achieve Carbon Neutrality by 2030. Johnny Ziem made staff comment.

A motion was made by Hailey Morton Levinson and seconded by Jonathan Schechter to approve Resolution 20-05 A Resolution of the Jackson Town Council to Adopt a Goal to Achieve Carbon Neutrality by 2030.

RESOLUTION 20-05: A RESOLUTION OF THE JACKSON TOWN COUNCIL 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 6th day of April 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 Jim Stanford to read ordinances in the short title. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Ordinance O: An Ordinance Amending the Official Zoning District Map for 66 acres from Planned Resort-Snow King to Planned Unit Development-Planned Resort.

AN ORDINANCE AMENDING AND REENACTING SECTION 2 OF TOWN OF JACKSON ORDINANCE NO. 1074 (PART) AND AMENDING THE TOWN OF JACKSON OFFICIAL ZONING DISTRICT MAP TO CHANGE THE CURRENT ZONING DESIGNATION OF ALL PROPERTIES WITHIN 66 ACRES OF LAND CURRENTLY ZONED PLANNED RESORT – SNOW KING TO PLANNED UNIT DEVELOPMENT – PLANNED RESORT (P19-201) (PUD-PR (P19-201)); AND ESTABLISHING AN EFFECTIVE DATE. BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION DULY ASSEMBLED THAT:

A motion was made by Arne Jorgensen and seconded by Hailey Morton Levinson to approve Ordinance O on first reading. Mayor Muldoon called for the vote. The vote showed 4-1 in favor with Stanford opposed. The motion carried.

Ordinance P: An Ordinance Amending the Jackson Municipal Code regarding Compensation for Mayor and Council.

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:

Roxanne Robinson made staff comment.

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

Matters from Mayor and Council.

COVID-19 Matters for discussion. Roxanne Robinson made staff comment. A motion was made by Arne Jorgensen and seconded by Hailey Morton Levinson to direct staff to research a reduction in the fee currently charged on paper bags and bring it back to Council for consideration at the next earliest opportunity given the current workload and priorities. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

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 budget review meeting schedule, March sales and lodging tax, Pay as You Throw, Ride2Fly and top-floor parking garage, Aspen Drive retaining wall. Larry Pardee added

comment about signage at the airport and the census. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

With the Council’s acceptance of the Town Manager’s report, staff will bring forward an ordinance prohibiting overnight parking in the winter in the uncovered portion of level four so snow removal operations may occur.

Adjourn. A motion was made by Hailey Morton Levinson and seconded by Jonathan Schechter to adjourn the meeting. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried. The meeting adjourned at 10:11 p.m. minutes:spb

TOWN OF JACKSON

ATTEST:

Pete Muldoon, Mayor

Sandra P. Birdyshaw, Town Clerk

Publish JH News & Guide: April 15, 2020

TOWN COUNCIL PROCEEDINGS - **UNAPPROVED**

APRIL 16, 2020

JACKSON, WYOMING

The Jackson Town Council met in special workshop session in the Council Chambers of the Town Hall at 150 East Pearl at 10:01 A.M. Upon roll call the following were found to be present:

TOWN COUNCIL: *In-person*: Mayor Pete Muldoon and Jonathan Schechter. *via Webex*: Vice-Mayor Hailey Morton Levinson, Arne Jorgensen, and Jim Stanford joined at 10:14 a.m.

STAFF: Larry Pardee, Tyler Sinclair, Roxanne Robinson, Kelly Thompson, Zolo, Johnny Ziem, and Sandy Birdyshaw.

Town of Jackson Budget. Larry Pardee and Tyler Sinclair gave an overview of priority-driven budget and philosophy. The Council discussed ranking list in the priority-based budget.

Adjourn. A motion was made by Jonathan Schechter and seconded by Arne Jorgensen to adjourn. The vote showed all in favor and the motion carried. The meeting adjourned at 11:54 A.M. minutes:spb

TOWN OF JACKSON

ATTEST:

Pete Muldoon, Mayor

Sandra P. Birdyshaw, Town Clerk

Published JH News & Guide: April 22, 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
51	ACE HARDWARE	691635	CLEAR TAPE	03/17/2020	19.98	.00	
51	ACE HARDWARE	692153	STIHL-GOLD-MIRROR/CAMO	03/22/2020	21.99	.00	
51	ACE HARDWARE	692896	HX LAG SCR W Z 5/16X4 1/2 & H	03/31/2020	2.20	.00	
51	ACE HARDWARE	693061	SHARPIE TWIN TIP MARKRBL,	04/01/2020	8.48	.00	
51	ACE HARDWARE	693197	GASKET DISPOSER MOUNT B	04/03/2020	14.99	.00	
51	ACE HARDWARE	693822	100PC 7.9" NATURAL, WIRE TIE	04/10/2020	21.88	.00	
51	ACE HARDWARE	693920	SPRYPNT 2X SAT GRANITE	04/13/2020	14.97	.00	
51	ACE HARDWARE	693938	ANGLE PLUG GRND 30/50 AMP	04/13/2020	19.99	.00	
51	ACE HARDWARE	693940	RETURN ANGLE PLUG GRND 3	04/13/2020	5.00	.00	
51	ACE HARDWARE	694168	AQUAPHALT PATCH 55LB	04/15/2020	1,503.00	.00	
Total 51:					1,632.48	.00	
4730	ADVANCED PUMP & EQUIPME	20-11 #01	PROJ#: 20-11- MARTIN AND BE	03/31/2020	10,350.00	.00	
Total 4730:					10,350.00	.00	
88	AIRGAS INTERMOUNTAIN INC.	9969862608	RENT CYL IND LARGE ACETYL	03/31/2020	115.36	.00	
Total 88:					115.36	.00	
5726	AMAZON	1119W-4X17-G	HDMI CABLE	03/23/2020	199.07	.00	
5726	AMAZON	16XJ-9T3-MY7	WIRELESS KEYBOARD	03/27/2020	79.98	.00	
5726	AMAZON	1KKC-VJ77-K6	TONERS	03/29/2020	888.23	.00	
5726	AMAZON	1KPX-WLDM-H	DISINFECTANT SUPPLIES FOR	03/04/2020	787.75	.00	
5726	AMAZON	1M17-LPL9-FF	POWERSHREDDER	02/12/2020	1,729.00	.00	
5726	AMAZON	1V13-WJKX-H	HDMI CABLE	03/23/2020	9.81	.00	
5726	AMAZON	1V13-WJKX-H	HDMI CABLE	03/23/2020	35.38	.00	
5726	AMAZON	1VTM-CVCC-G	COVERBUDDY	12/17/2019	39.99	.00	
Total 5726:					3,769.21	.00	
383	ANTLER MOTEL, INC.	03312020	WINTER HOUSING RENT	03/31/2020	4,520.00	.00	
Total 383:					4,520.00	.00	
6575	APEX SAGE INC	0413	START ELECTRIC CHARGERS	04/13/2020	1,680.00	.00	
Total 6575:					1,680.00	.00	
1783	AT&T	287259163099	MONTHLY CHARGES	03/16/2020	2,558.86	.00	
1783	AT&T	287272169264	MONTHLY CHARGES	03/20/2020	86.46	.00	
1783	AT&T	287279795460	MONTHLY CHARGES	03/19/2020	251.88	.00	
Total 1783:					2,897.20	.00	
6583	BESTDRIVE IDAHO FALLS	29000949	315/80R22.5 COACH HA3	02/27/2020	1,222.00	.00	
6583	BESTDRIVE IDAHO FALLS	29000958	12R22.5 ST727 18/32	02/28/2020	764.00	.00	
6583	BESTDRIVE IDAHO FALLS	29000966	22.5X9.00 HP MF 10-HOLE ALU	03/04/2020	780.00	.00	
6583	BESTDRIVE IDAHO FALLS	29000985	USED ALUM WHEEL	03/09/2020	600.00	.00	
6583	BESTDRIVE IDAHO FALLS	29001014	33 MM LUGNUT WITH COLLAR	03/24/2020	250.00	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total 6583:					3,616.00	.00	
4774	BIG R RANCH & HOME	1428847	BATTERY PACK COMBO 18V X	03/06/2020	189.99	.00	
4774	BIG R RANCH & HOME	1432543	MENS RAIN BIBS	04/09/2020	53.99	.00	
4774	BIG R RANCH & HOME	1432544	MENS RAIN COAT TALL	04/09/2020	62.99	.00	
Total 4774:					306.97	.00	
2850	BMV LLC	7759	SHIPPING: WWTP SAMPLES- W	04/06/2020	50.97	.00	
2850	BMV LLC	8196	SHIPPING- WATER SAMPLES	04/14/2020	88.94	.00	
Total 2850:					139.91	.00	
102	CASELLE INC.	101326	CONTRACT SUPPORT	04/01/2020	1,800.00	.00	
Total 102:					1,800.00	.00	
447	CDW-GOVERNMENT	ZR00126295	MIMICAST RECURRING	03/26/2020	4,200.00	.00	
Total 447:					4,200.00	.00	
544	CENTURYLINK	1488440321	307-733-3932	03/19/2020	637.45	.00	
544	CENTURYLINK	307-733-3106	307-733-3106	03/13/2020	38.73	.00	
Total 544:					676.18	.00	
6590	CHARTER COMMUNICATIONS	002091804082	MONTHLY SERVICES	04/08/2020	1,580.17	.00	
6590	CHARTER COMMUNICATIONS	030285203272	MONTHLY CHARGES	03/27/2020	89.99	.00	
Total 6590:					1,670.16	.00	
5967	CITY OF DRIGGS	BBSTART2020	BUS BARN RENT APRIL	01/29/2020	2,267.89	.00	
Total 5967:					2,267.89	.00	
6114	CLIMB WYOMING	03312020	3RD QUARTER	03/31/2020	1,250.00	.00	
Total 6114:					1,250.00	.00	
260	COMMUNITY SAFETY NETWORK	014152020	4TH QUARTER	04/15/2020	11,000.00	.00	
Total 260:					11,000.00	.00	
4887	CONTROL SYSTEM TECHNOLO	9602	CONTROL SERVICE: CORRECT	04/07/2020	500.00	.00	
Total 4887:					500.00	.00	
6475	CONVERGEONE, INC	2521910	MAINTENANCE CONTRACT	03/31/2020	6,895.88	.00	
Total 6475:					6,895.88	.00	
1691	CORE & MAIN LP	M010747	3" COMPOUND NEP	04/02/2020	2,920.00	.00	
1691	CORE & MAIN LP	M054643	INSERT 71 SS INSERT 3/4 IPS	04/01/2020	30.20	.00	
Total 1691:					2,950.20	.00	
708	DELTA DENTAL PLAN OF WYO	03312020	MARCH CLAIMS	03/31/2020	7,729.30	7,729.30	04/09/2020

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total 708:					7,729.30	7,729.30	
1134	ENERGY LABORATORIES INC.	289818	CRAB TREE THAW WELL 2	01/13/2020	58.00	.00	
1134	ENERGY LABORATORIES INC.	295352	WELL 2 CRABTREE, WELL 3 HI	02/09/2020	172.00	.00	
1134	ENERGY LABORATORIES INC.	302073	INFLUENT, EFFLUENT	03/16/2020	114.00	114.00	04/06/2020
1134	ENERGY LABORATORIES INC.	302629	INFLUENT, CELL 1, 3A, 3B2, 4D,	03/18/2020	322.00	322.00	04/06/2020
1134	ENERGY LABORATORIES INC.	303860	INFLUENT, EFFLUENT	03/25/2020	114.00	114.00	04/06/2020
1134	ENERGY LABORATORIES INC.	305188	INFLUENT, EFFLUENT	04/01/2020	114.00	.00	
Total 1134:					894.00	550.00	
81	EVANS CONSTRUCTION INC	203987	TICKET #: 70183586- CONCRET	04/10/2020	500.38	.00	
Total 81:					500.38	.00	
4859	Flowpoint Envirnmental systems	5392	WATER +7	03/01/2020	795.00	.00	
Total 4859:					795.00	.00	
668	FREEDOM MAILING SERVICE I	37983	UTILITY BILLING	04/02/2020	886.83	.00	
668	FREEDOM MAILING SERVICE I	37983	UTILITY BILLING	04/02/2020	886.83	.00	
668	FREEDOM MAILING SERVICE I	37983	SPRING CLEAN UP	04/02/2020	55.10	.00	
668	FREEDOM MAILING SERVICE I	37983	WATER INSERTS	04/02/2020	55.10	.00	
Total 668:					1,883.86	.00	
1022	GALLS INC.	015402836	WOMENS UNIFORM SUPPLIES	04/03/2020	1,101.85	.00	
Total 1022:					1,101.85	.00	
6654	GARNER, GREG	040820	RETURN BAIL 18-02-0161	04/08/2020	2,000.00	2,000.00	04/08/2020
Total 6654:					2,000.00	2,000.00	
4212	GILLIG LLC	40609048	SWAY BAR ISOLATOR, ISOLAT	08/08/2019	532.96	.00	
4212	GILLIG LLC	40677600	EXTERIOR MIRROR ASM	03/05/2020	749.18	.00	
4212	GILLIG LLC	40686578	KING PIN, QUICK KIT FOR FH94	04/02/2020	364.22	.00	
4212	GILLIG LLC	40688690	DRAGLINK ASM HVY DUTY, SP	04/09/2020	708.13	.00	
Total 4212:					2,354.49	.00	
4988	HD FOWLER COMPANY	I5424997	FAST 4" SS TAPPING SLEEVE	04/01/2020	539.95	.00	
4988	HD FOWLER COMPANY	I5425295	4" MJ X FLG RESILIENT WEDGE	04/02/2020	493.53	.00	
4988	HD FOWLER COMPANY	I5425296	4" MJ X FLG RESILIENT WEDGE	04/02/2020	493.53	.00	
Total 4988:					1,527.01	.00	
96	HIGH COUNTRY LINEN	0183593	BUILDING MAINT: TOJ HOMERA	03/09/2020	25.31	.00	
96	HIGH COUNTRY LINEN	0185213	BUILDING MAINT: TOJ HOMERA	03/16/2020	7.50	.00	
96	HIGH COUNTRY LINEN	0185904	BUILDING MAINT: PUBLIC WOR	03/19/2020	7.80	.00	
96	HIGH COUNTRY LINEN	0185904	UNIFORMS: WWTP	03/19/2020	24.25	.00	
96	HIGH COUNTRY LINEN	0185904	UNIFORMS: STREETS	03/19/2020	38.80	.00	
96	HIGH COUNTRY LINEN	0185904	UNIFORMS: SEWER	03/19/2020	19.40	.00	
96	HIGH COUNTRY LINEN	0185904	UNIFORMS: WATER	03/19/2020	19.40	.00	
96	HIGH COUNTRY LINEN	0185904	UNIFORMS: ADMIN	03/19/2020	9.70	.00	
96	HIGH COUNTRY LINEN	0185904	UNIFORMS: FLEET	03/19/2020	38.80	.00	
96	HIGH COUNTRY LINEN	0186415	BUILDING MAINT: TOWN HALL:	03/23/2020	199.90	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
96	HIGH COUNTRY LINEN	0186694	BUILDING MAINT: WWTP- TOW	03/25/2020	86.57	.00	
96	HIGH COUNTRY LINEN	0187479	MATS @ START	04/01/2020	220.50	.00	
96	HIGH COUNTRY LINEN	0187547	BUILDING MAINT: PUBLIC WOR	04/02/2020	7.80	.00	
96	HIGH COUNTRY LINEN	0187547	UNIFORMS: ADMIN	04/02/2020	9.70	.00	
96	HIGH COUNTRY LINEN	0187547	UNIFORMS: WWTP	04/02/2020	24.25	.00	
96	HIGH COUNTRY LINEN	0187547	UNIFORMS: FLEET	04/02/2020	38.80	.00	
96	HIGH COUNTRY LINEN	0187547	UNIFORMS: WATER	04/02/2020	19.40	.00	
96	HIGH COUNTRY LINEN	0187547	UNIFORMS: STREETS	04/02/2020	38.80	.00	
96	HIGH COUNTRY LINEN	0187547	UNIFORMS: SEWER	04/02/2020	19.40	.00	
96	HIGH COUNTRY LINEN	0188057	MATS @ SHELTER	04/08/2020	61.93	.00	
96	HIGH COUNTRY LINEN	0188155	UNIFORMS: ADMIN	04/09/2020	9.70	.00	
96	HIGH COUNTRY LINEN	0188155	UNIFORMS: SEWER	04/09/2020	19.40	.00	
96	HIGH COUNTRY LINEN	0188155	UNIFORMS: WWTP	04/09/2020	24.25	.00	
96	HIGH COUNTRY LINEN	0188155	UNIFORMS: STREETS	04/09/2020	36.38	.00	
96	HIGH COUNTRY LINEN	0188155	UNIFORMS: FLEET	04/09/2020	44.92	.00	
96	HIGH COUNTRY LINEN	0188155	UNIFORMS: WATER	04/09/2020	21.82	.00	
96	HIGH COUNTRY LINEN	0188155	BUILDING MAINT: PUBLIC WOR	04/09/2020	73.96	.00	
96	HIGH COUNTRY LINEN	0188477	BUILDING MAINT: TOJ HOMERA	04/13/2020	7.50	.00	
96	HIGH COUNTRY LINEN	S0185600	SUPPLIES: BLACK NITRILE GLO	03/17/2020	40.95	.00	
96	HIGH COUNTRY LINEN	S0186494	BUILDING MAINT: TOJ HOMERA	03/23/2020	241.25	.00	
96	HIGH COUNTRY LINEN	S0187230	BUILDING MAINT: TOWN HALL:	03/30/2020	141.34	.00	
96	HIGH COUNTRY LINEN	S0187362	SOAP & MOPS START	03/31/2020	203.00	.00	
96	HIGH COUNTRY LINEN	S0187487	BUILDING MAINT: WWTP- TOW	03/31/2020	63.80	.00	
96	HIGH COUNTRY LINEN	S0187653	BLEACH	04/02/2020	9.95	.00	
96	HIGH COUNTRY LINEN	S0187890	GLOVES @ START	04/06/2020	69.70	.00	
Total 96:					1,925.93	.00	
6658	HILL, WILLIAM	04072020	refund over payment	04/07/2020	50.00	.00	
Total 6658:					50.00	.00	
6455	HIRST APPLGATE, LLP	197530	LEGAL SERVICES	04/06/2020	2,708.00	.00	
Total 6455:					2,708.00	.00	
4044	IDAHO FALLS PETERBILT	535153	DPF, MODULE INLET CATAL CO	03/25/2020	4,794.22	.00	
4044	IDAHO FALLS PETERBILT	536399	KIT REPAIR CAMSHAFT	04/09/2020	48.25	.00	
4044	IDAHO FALLS PETERBILT	CM535153	CREDIT: RETURN MODULE INL	04/09/2020	2,945.53-	.00	
Total 4044:					1,896.94	.00	
106	INTERSTATE BATTERY	22246752	(1) 8D-MHD, (1) MT-34, (2) MTP-	02/24/2020	663.75	663.75	04/07/2020
106	INTERSTATE BATTERY	22246824	(4) 28441, (1) MT-78	03/02/2020	148.75	148.75	04/07/2020
106	INTERSTATE BATTERY	22247049	(1) 8D-MHD	03/23/2020	239.95	239.95	04/07/2020
106	INTERSTATE BATTERY	22247117	(1) MTP-65HD	03/30/2020	142.95	142.95	04/07/2020
106	INTERSTATE BATTERY	22247226	(1) MTP-65HD, (9) SRM-24	04/13/2020	337.90	.00	
106	INTERSTATE BATTERY	22247226	(1) MTP-65HD, (9) SRM-24	04/13/2020	719.60	.00	
106	INTERSTATE BATTERY	95745	credit	02/21/2020	296.00-	296.00-	04/07/2020
Total 106:					1,956.90	899.40	
5605	JACKSON HOLE COMMUNITY R	20200304	RADIO ADS	03/04/2020	1,320.00	.00	
Total 5605:					1,320.00	.00	
6474	JACKSON HOLE LAW, PC	1165	LEGAL SERVICES	02/01/2020	1,502.50	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total 6474:					1,502.50	.00	
131	JACKSON HOLE NEWS & GUID	310088	AD#377862	04/01/2020	551.10	.00	
131	JACKSON HOLE NEWS & GUID	310128	AD#377864 P20-025	04/01/2020	20.88	.00	
131	JACKSON HOLE NEWS & GUID	310129	AD#377863 P19-242	04/01/2020	20.88	.00	
131	JACKSON HOLE NEWS & GUID	310196	AD#377990	04/08/2020	70.98	.00	
131	JACKSON HOLE NEWS & GUID	310197	AD#377989	04/08/2020	814.13	.00	
131	JACKSON HOLE NEWS & GUID	310198	AD#377986	04/08/2020	146.13	.00	
131	JACKSON HOLE NEWS & GUID	310199	AD#377988	04/08/2020	104.38	.00	
131	JACKSON HOLE NEWS & GUID	310200	AD#377987	04/08/2020	400.80	.00	
Total 131:					2,129.28	.00	
6545	JACKSON HOLE PUBLIC ART	03242020	CENTER STREET MITIGATION	03/24/2020	3,000.00	.00	
Total 6545:					3,000.00	.00	
5810	JACKSON HOLE RADIO	20030267	RADIO ADS	03/31/2020	210.00	.00	
5810	JACKSON HOLE RADIO	20030268	RADIO ADS	03/31/2020	210.00	.00	
5810	JACKSON HOLE RADIO	20030269	RADIO ADS	03/31/2020	210.00	.00	
5810	JACKSON HOLE RADIO	20030270	RADIO ADS	03/31/2020	210.00	.00	
5810	JACKSON HOLE RADIO	20030271	RADIO ADS	03/31/2020	210.00	.00	
5810	JACKSON HOLE RADIO	20030272	RADIO ADS	03/31/2020	1,112.00	.00	
5810	JACKSON HOLE RADIO	20030273	RADIO ADS	03/31/2020	1,112.00	.00	
5810	JACKSON HOLE RADIO	20030274	RADIO ADS	03/31/2020	1,112.00	.00	
5810	JACKSON HOLE RADIO	20030275	RADIO ADS	03/29/2020	900.00	.00	
5810	JACKSON HOLE RADIO	20030276	RADIO ADS	03/29/2020	900.00	.00	
5810	JACKSON HOLE RADIO	20030277	RADIO ADS	03/31/2020	900.00	.00	
Total 5810:					7,086.00	.00	
5084	JACKSON HOLE SECURITY, LL	777	SERVICE CALL- TRIP CHARGE	02/25/2020	135.00	.00	
5084	JACKSON HOLE SECURITY, LL	787	AMEREX 10LB FIRE EXTINGUIS	03/16/2020	758.00	.00	
Total 5084:					893.00	.00	
114	JACKSON LUMBER INC	00539737-001	8 GREEN VINYL SINKERS, GAL	03/20/2020	54.70	.00	
114	JACKSON LUMBER INC	00539739-001	WOLMANIZED, SELECT STRUC	03/20/2020	934.95	.00	
114	JACKSON LUMBER INC	00539930-001	HILTI TE-CX HAMMER DRILL BI	03/20/2020	22.03	.00	
114	JACKSON LUMBER INC	00540183-001	SELECT STRUCTURAL KD FIR,	03/23/2020	35.61	.00	
114	JACKSON LUMBER INC	00540195-001	FIR R TEX SIDING	03/23/2020	228.00	.00	
114	JACKSON LUMBER INC	00540260-001	ANGLED POLY SASH BRUSH	03/23/2020	4.32	.00	
114	JACKSON LUMBER INC	00540414-001	GALV ROOFING NAINS, METAL	03/24/2020	13.81	.00	
114	JACKSON LUMBER INC	00541093-001	HEX BOLT PLATED, REBAR GR	03/26/2020	179.10	.00	
114	JACKSON LUMBER INC	00541494-001	17OZ WHITE LATEX MARKING	03/27/2020	18.36	.00	
114	JACKSON LUMBER INC	00541849-001	39" NORCLAD CLOSURE	03/30/2020	16.83	.00	
114	JACKSON LUMBER INC	00541857-001	CREDIT: RETURN SELECT STR	03/30/2020	63.47-	.00	
114	JACKSON LUMBER INC	00542160-001	10OZ CRYSTAL CLEAR LATEX	03/31/2020	28.17	.00	
Total 114:					1,472.41	.00	
5155	JELLY DONUT, LLC	I002041	WINDSHIELD REPAIR	02/15/2020	260.00	.00	
5155	JELLY DONUT, LLC	I002047	WINDSHIELD REPAIR	03/04/2020	100.00	.00	
5155	JELLY DONUT, LLC	I002055	WINDSHIELD REPAIR	03/11/2020	360.00	.00	
5155	JELLY DONUT, LLC	I002071	WINDSHIELD REPAIR	03/21/2020	160.00	.00	
5155	JELLY DONUT, LLC	I002079	WINDSHIELD REPAIR	03/30/2020	150.00	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total 5155:					1,030.00	.00	
139	JORGENSEN ASSOCIATES, PC	44222	PROJ: 06013- START BUS SYST	04/01/2020	3,250.00	.00	
139	JORGENSEN ASSOCIATES, PC	44259	PROJ: 06013- START BUS SYST	04/08/2020	79,107.46	.00	
Total 139:					82,357.46	.00	
5473	KELLERSTRASS ENTERPRISES	D22295	DF #2 DYED ULTRA LOW SULF	04/03/2020	12,609.62	.00	
5473	KELLERSTRASS ENTERPRISES	D22295CR	CREDIT BILL ISSUE: DF #2 DYE	04/03/2020	12,609.62	.00	
5473	KELLERSTRASS ENTERPRISES	D22295RB	DF #2 DYED ULTRA LOW SULF	04/03/2020	11,974.47	.00	
Total 5473:					11,974.47	.00	
4902	KOIS BROTHERS EQUIPMENT	119270	SPROCKET CONVEYOR, KEY 5/	03/26/2020	2,040.44	.00	
Total 4902:					2,040.44	.00	
6585	LAWNGEVITY	2532	SNOW REMOVAL SERVICE MA	03/31/2020	318.75	.00	
Total 6585:					318.75	.00	
156	LOWER VALLEY ENERGY INC	19722-106 032	19722-106 940 SIMON	03/31/2020	190.59	.00	
156	LOWER VALLEY ENERGY INC	19722-333 032	19722-333 174 N KING	03/31/2020	546.25	.00	
156	LOWER VALLEY ENERGY INC	19722-345 032	92050-345 930 SIMON LANE	03/31/2020	166.99	.00	
156	LOWER VALLEY ENERGY INC	19722-363 032	19722-363 455 VINE	03/31/2020	46.62	.00	
156	LOWER VALLEY ENERGY INC	19722-364 032	55 VIRGINIAN LANE 65E	03/31/2020	88.67	.00	
156	LOWER VALLEY ENERGY INC	19722-365 032	19722-365 55 VIRGINIAN LANE	03/31/2020	35.88	.00	
156	LOWER VALLEY ENERGY INC	19722-367 032	19722-367 455 VINE #3	03/31/2020	92.52	.00	
156	LOWER VALLEY ENERGY INC	19722-368 032	19722-368 455 VINE #4	03/31/2020	68.65	.00	
156	LOWER VALLEY ENERGY INC	19722-370 032	2022 WILDFLOWER GAS	03/31/2020	96.84	.00	
156	LOWER VALLEY ENERGY INC	19722-371 032	2022 WILDFLOWER ELECTRIC	03/31/2020	58.12	.00	
156	LOWER VALLEY ENERGY INC	19722-374 032	19722-374 455 VINE #1	03/31/2020	67.79	.00	
156	LOWER VALLEY ENERGY INC	19722-381 032	19722-381 915 SIMON	03/31/2020	167.73	.00	
156	LOWER VALLEY ENERGY INC	92050-010- 03/	92050-010: ELY SPRINGS RD FI	03/31/2020	1,719.24	.00	
156	LOWER VALLEY ENERGY INC	92050-017- 03/	92050-017: INTERMED TREATM	03/31/2020	81.94	.00	
156	LOWER VALLEY ENERGY INC	92050-021- 03/	92050-021: 150 E PEARL AVE	03/31/2020	1,646.50	.00	
156	LOWER VALLEY ENERGY INC	92050-025- 03/	92050-025: SK W NEW SHOP	03/31/2020	569.52	.00	
156	LOWER VALLEY ENERGY INC	92050-047- 03/	92050-047: UV BUILDING	03/31/2020	16.00	.00	
156	LOWER VALLEY ENERGY INC	92050-049: 03/	92050-049: WASTE WATER PLA	03/31/2020	7,524.68	.00	
156	LOWER VALLEY ENERGY INC	92050-051- 03/	92050-051: WELL #5	03/31/2020	1,912.16	.00	
156	LOWER VALLEY ENERGY INC	92050-078 032	92050-078 145 W HANSEN	03/31/2020	35.13	.00	
156	LOWER VALLEY ENERGY INC	92050-078 032	92050-078 145 W HANSEN	03/31/2020	35.13	.00	
156	LOWER VALLEY ENERGY INC	92050-078 032	92050-078 145 W HANSEN	03/31/2020	35.13	.00	
156	LOWER VALLEY ENERGY INC	92050-078 032	92050-078 145 W HANSEN	03/31/2020	.01	.00	
156	LOWER VALLEY ENERGY INC	92050-078 032	92050-078 145 W HANSEN	03/31/2020	35.13	.00	
156	LOWER VALLEY ENERGY INC	92050-079 032	92050-078 145 W HANSEN	03/31/2020	33.44	.00	
156	LOWER VALLEY ENERGY INC	92050-079 032	92050-078 145 W HANSEN	03/31/2020	33.44	.00	
156	LOWER VALLEY ENERGY INC	92050-079 032	92050-078 145 W HANSEN	03/31/2020	33.44	.00	
156	LOWER VALLEY ENERGY INC	92050-079 032	92050-078 145 W HANSEN	03/31/2020	33.44	.00	
156	LOWER VALLEY ENERGY INC	92050-079 032	92050-078 145 W HANSEN	03/31/2020	33.44	.00	
156	LOWER VALLEY ENERGY INC	92050-079 032	92050-078 145 W HANSEN	03/31/2020	.02	.00	
156	LOWER VALLEY ENERGY INC	92050-114- 03/	92050-114: HOME RANCH REST	03/31/2020	329.07	.00	
156	LOWER VALLEY ENERGY INC	92050-131- 03/	92050-131: 195 E DELONEY RS	03/31/2020	251.52	.00	
156	LOWER VALLEY ENERGY INC	92050-357- 03/	92050-357: 55 KARNs MEADOW	03/31/2020	1,224.50	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20560- 0	92050-115-369: GROUP 20560:	03/31/2020	3,462.38	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20591- 0	92050-030: ST LT LOTS 95, 96	03/31/2020	18.79	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20591- 0	92050-041: ST LT LOTS 99, 101	03/31/2020	16.48	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20591- 0	92050-342: 25 S REDMOND ST L	03/31/2020	33.67	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
156	LOWER VALLEY ENERGY INC	GRP: 20591- 0	92050-027: ST LT LOTS 20, 21	03/31/2020	20.63	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20591- 0	92050-039: ST LT LOTS 86, 87	03/31/2020	18.99	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20591- 0	92050-332: N GLENWOOD MCC	03/31/2020	31.78	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20591- 0	92050-382: BUDGE DR LIGHT S	03/31/2020	20.50	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20591- 0	92050-005: CACHE KUDAR LIGH	03/31/2020	60.30	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20591- 0	92050-031: ST LT LOTS 38, 39	03/31/2020	20.68	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20591- 0	92050-043: ST LT LOTS 68, 69	03/31/2020	16.48	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20591- 0	92050-353: W DELONEY AVE F	03/31/2020	80.10	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20591- 0	92050-020: PATHWAY TUNNEL	03/31/2020	56.98	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20591- 0	92050-035: ST LT COTTONWOO	03/31/2020	19.90	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20591- 0	92050-111: PEARL/WILLOW ST	03/31/2020	18.00	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20591- 0	92050-360: 1035 W BROADWAY	03/31/2020	31.56	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20591- 0	92050-016: HOME RANCH LIGH	03/31/2020	43.53	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20591- 0	92050-034: ST LT LOTS 80, 81	03/31/2020	17.09	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20591- 0	92050-081: PEARL ST IRR CON	03/31/2020	24.18	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20591- 0	92050-358: 650 W BROADWAY	03/31/2020	71.56	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20591- 0	92050-006: CACHE ST N LIGHTI	03/31/2020	32.50	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20591- 0	92050-032: ST LT LOTS 88, 89	03/31/2020	18.78	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20591- 0	92050-045: TOWN SQUARE LIG	03/31/2020	124.98	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20591- 0	92050-355: S. CACHE LIGHTING	03/31/2020	62.76	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20591- 0	92050-023: RANGEVIEW ST LT	03/31/2020	20.17	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20591- 0	92050-036: ST LT LOTS 12, 13	03/31/2020	19.54	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20591- 0	92050-130: 3 CREEK RANCH AF	03/31/2020	24.44	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20591- 0	92050-362: STELLARIA LN/ S H	03/31/2020	19.85	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20591- 0	92050-028: ST LT LOTS 26, 27	03/31/2020	18.72	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20591- 0	92050-040: ST LT LOTS 90, 91	03/31/2020	19.90	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20591- 0	92050-336: HIDDEN RANCH PAT	03/31/2020	22.06	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20594- 0	92050-008: CEMETARY	03/31/2020	42.03	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20594- 0	92050-132: PARKING GARAGE	03/31/2020	1,416.23	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20594- 0	92050-378: 149 E PEARL AVE- B	03/31/2020	16.24	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20594- 0	92050-082: EAST STORAGE BL	03/31/2020	279.87	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20594- 0	92050-376: 149 E PEARL AVE- B	03/31/2020	181.71	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20594- 0	92050-014: HEAT TAPE	03/31/2020	104.51	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20594- 0	92050-134: PARKING GARAGE	03/31/2020	85.66	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20594- 0	92050-379: 149 E PEARL AVE- U	03/31/2020	16.24	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20594- 0	92050-060: SOUTH GARAGE	03/31/2020	471.03	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20594- 0	92050-359: MILLER PARK PARKI	03/31/2020	47.27	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20594- 0	92050-059: POLICE GARAGE	03/31/2020	176.15	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20594- 0	92050-356: KARNs MEADOW ST	03/31/2020	1,827.48	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20594- 0	92050-386: 143 E PEARL AVE	03/31/2020	59.05	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20594- 0	92050-026: 450 SNOW KING AV	03/31/2020	323.91	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20594- 0	92050-341: HOME RANCH REST	03/31/2020	19.56	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20594- 0	92050-380: 149 E PEARL AVE- U	03/31/2020	39.25	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20594- 0	92050-061: PUBLIC WORKS	03/31/2020	959.11	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20594- 0	92050-375: 155 E PEARL AVE- O	03/31/2020	24.45	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20594- 0	92050-002: ANIMAL SHELTER	03/31/2020	219.81	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20594- 0	92050-092: 3150 ADAMS CANYO	03/31/2020	385.93	.00	
156	LOWER VALLEY ENERGY INC	GRP: 20594- 0	92050-377: 149 E PEARL AVE- U	03/31/2020	124.44	.00	
156	LOWER VALLEY ENERGY INC	GRP:20593- 03	92050-126: SEWER LIFT STATIO	03/31/2020	22.68	.00	
156	LOWER VALLEY ENERGY INC	GRP:20593- 03	92050-127: SEWER LIFT STATIO	03/31/2020	314.98	.00	
156	LOWER VALLEY ENERGY INC	GRP:20593- 03	92050-019: SEWER LIFT PUMP-	03/31/2020	85.79	.00	
156	LOWER VALLEY ENERGY INC	GRP:20593- 03	92050-018: SEWER LIFT PUMP-	03/31/2020	21.22	.00	
156	LOWER VALLEY ENERGY INC	GRP:20593- 03	92050-334: SEWER LIFT STATIO	03/31/2020	113.58	.00	
156	LOWER VALLEY ENERGY INC	GRP:20593- 03	92050-385: SEWER LIFT PUMP-	03/31/2020	237.11	.00	
156	LOWER VALLEY ENERGY INC	GRP:20593- 03	92050-024: SEWER LIFT PUMP-	03/31/2020	18.18	.00	
156	LOWER VALLEY ENERGY INC	WO#:73748	WORK ORDER #: 73748- 55 KAR	04/13/2020	23,011.19	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total 156:					52,288.03	.00	
6653	LUTTON, JANE	040320	RESTITUTION PAUMENT CASE	04/03/2020	500.00	500.00	04/03/2020
Total 6653:					500.00	500.00	
6655	MADDEN, BRENDAN	041020	REFUND BOND 20-01-0358	04/10/2020	1,800.00	1,800.00	04/10/2020
Total 6655:					1,800.00	1,800.00	
998	METROQUIP INC	P03097	SEAL, FREIGHT OUT	03/10/2020	78.16	.00	
998	METROQUIP INC	P03163	ROLLER-CO CHANIN, CONV DR	03/13/2020	176.86	.00	
998	METROQUIP INC	P03200	SEAL, FREIGHT OUT, FREIGHT	03/17/2020	100.42	.00	
998	METROQUIP INC	P03251	RUNNER SIRT SHOW, FRT OUT	03/20/2020	56.12	.00	
Total 998:					411.56	.00	
3932	MILLER SANITATION	15501	CITY CANS 74 FOR MARCH 202	03/03/2020	2,331.00	.00	
Total 3932:					2,331.00	.00	
4623	MSC INDUSTRIAL SUPPLY CO	3237049001	TERM BOWMA SEAL 8-10 STUD	08/23/2019	160.22	.00	
Total 4623:					160.22	.00	
257	NAPA AUTO PARTS INC.	911087	NAPAGOLD AIR FILTER	03/31/2020	10.42	.00	
257	NAPA AUTO PARTS INC.	911095	NEW BRAKE MASTER	03/31/2020	93.89	.00	
257	NAPA AUTO PARTS INC.	911113	BRAKE PADS	03/31/2020	39.77	.00	
257	NAPA AUTO PARTS INC.	911213	D EARTH	04/01/2020	40.72	.00	
257	NAPA AUTO PARTS INC.	911285	BFLUID DOT 3-32OZ	04/02/2020	6.99	.00	
257	NAPA AUTO PARTS INC.	912187	POWER BOOSTERM CORE DE	04/09/2020	180.25	.00	
257	NAPA AUTO PARTS INC.	912301	OIL FILTER CAP	04/10/2020	5.63	.00	
257	NAPA AUTO PARTS INC.	912330	GAS CAP NON-LOCKING	04/10/2020	13.85	.00	
257	NAPA AUTO PARTS INC.	912358	AIR FILTER- NAPA GOLD	04/10/2020	71.12	.00	
257	NAPA AUTO PARTS INC.	912632	NAPAGOLD AIR FILTER, NAPA	04/13/2020	19.95	.00	
Total 257:					482.59	.00	
6607	NORTON, ALEX	20019	19-33 CHILDCARE STUDY	04/05/2020	7,718.75	.00	
6607	NORTON, ALEX	20020	20-01 INDICATOR REPORT	03/31/2020	5,775.00	.00	
6607	NORTON, ALEX	20020	20-01 INDICATOR REPORT	03/31/2020	5,775.00	.00	
Total 6607:					19,268.75	.00	
6559	O'DONNELL, STEPHEN	04022020	REIMBURSE FOR HOTEL	04/02/2020	95.23	.00	
Total 6559:					95.23	.00	
1504	ONE CALL OF WYOMING	55234	TICKETS FOR MARCH 2020 CD	04/06/2020	33.75	.00	
1504	ONE CALL OF WYOMING	55234	TICKETS FOR MARCH 2020 CD	04/06/2020	33.75	.00	
Total 1504:					67.50	.00	
6656	PERRY, ALEX	041020	REFUND BOND 20-01-0358	04/10/2020	200.00	200.00	04/10/2020
Total 6656:					200.00	200.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
4922	PREMIER VEHICLE INSTALLATI	31682	SHIPPING OR FRT FOR K9/PRI	11/26/2019	451.47	.00	
Total 4922:					451.47	.00	
3761	RAE, JOSHUA	000111	ELK ANTLER- ADDING ELK ANT	03/17/2020	4,200.00	4,200.00	04/06/2020
3761	RAE, JOSHUA	000112	BOARDWALK REPAIR: RANDO	03/17/2020	500.00	500.00	04/06/2020
3761	RAE, JOSHUA	040120	two years of late payments for bus	04/01/2020	100.00-	100.00-	04/06/2020
Total 3761:					4,600.00	4,600.00	
1839	RAFTER J IMPROV/SERV DIST	4588	QUARTERLY BILLING	04/01/2020	146.43	.00	
Total 1839:					146.43	.00	
5812	RUI INC. DBA VILLAGE GARDN	1318859	CONSTRUCTION PROJECT: ST	03/31/2020	1,577.73	.00	
Total 5812:					1,577.73	.00	
2597	RUSCHILL, RUSSELL	04072020	TUITION REIMBURSEMENT	04/07/2020	2,850.00	.00	
Total 2597:					2,850.00	.00	
13	SAFETY SUPPLY & SIGN CO., I	171504	CUSTOM SIGNS: PARKING, BIK	12/23/2019	139.12	.00	
Total 13:					139.12	.00	
2669	SAFETY-KLEEN SYSTEMS, INC.	82776879	10G PARTS WASHER SERVICE-	03/25/2020	486.98	.00	
Total 2669:					486.98	.00	
5111	SCHMILLEN, SCOTT	01980	FIXTURE CLEANING @ HOME R	02/27/2020	522.50	.00	
5111	SCHMILLEN, SCOTT	01983	parking structure bathrooms	02/28/2020	237.50	237.50	04/03/2020
5111	SCHMILLEN, SCOTT	01984	FIXTURE CLEANING @ DELON	02/28/2020	237.50	.00	
5111	SCHMILLEN, SCOTT	01985	ice rink bathrooms	02/27/2020	1,045.00	1,045.00	04/03/2020
Total 5111:					2,042.50	1,282.50	
4691	SCHOW'S TRUCK CENTER	C005043165	DOUBLE PAYMENT	06/19/2019	497.26-	497.26-	04/07/2020
4691	SCHOW'S TRUCK CENTER	C005045496:0	4592B CAST TYPE 3	03/10/2020	1,268.00	1,268.00	04/07/2020
Total 4691:					770.74	770.74	
4359	SHERWIN-WILLIAMS CO.	3636-5	PM 200 EG EXRRA DOVE WHIT	03/25/2020	376.65	.00	
Total 4359:					376.65	.00	
4720	SILVERSTAR	2345996	MONTHLY CHARGES	04/01/2020	260.00	.00	
4720	SILVERSTAR	2345996	MONTHLY CHARGES	04/01/2020	35.18	.00	
4720	SILVERSTAR	2345996	MONTHLY CHARGES	04/01/2020	2,012.32	.00	
Total 4720:					2,307.50	.00	
6657	SIMON ASSOCIATES LLC	I-692	TOJ NATURAL HAZARD PROTE	01/28/2020	16,606.53	.00	
6657	SIMON ASSOCIATES LLC	I-701	TOJ NATURAL HAZARD PROTE	02/14/2020	1,040.00	.00	
6657	SIMON ASSOCIATES LLC	I-715	TOJ NATURAL HAZARD PROTE	04/08/2020	5,497.57	.00	
Total 6657:					23,144.10	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
6374	SLUDER, KELLY	03232020	TRAVEL EXPENSES TO BUILDI	03/23/2020	1,153.63	.00	
Total 6374:					1,153.63	.00	
5632	SNAKE RIVER MEP COMPLETE,	4413	SKEC HEATER INSTAL	04/10/2020	10,500.00	.00	
Total 5632:					10,500.00	.00	
4699	SNAKE RIVER ROASTING	625388	COFFEE FOR MAIN PW BREAK	04/06/2020	97.90	.00	
Total 4699:					97.90	.00	
1505	SPRING CREEK ANIMAL HOSPI	624979808	MEDS FOR CIGY	03/03/2020	59.04	.00	
1505	SPRING CREEK ANIMAL HOSPI	624980371	MEDS FOR CIGY	03/12/2020	105.28	.00	
1505	SPRING CREEK ANIMAL HOSPI	624980807	DOG FOOD HOMER	03/19/2020	13.59	.00	
1505	SPRING CREEK ANIMAL HOSPI	624980994	DOG FOOD HOMOER	03/24/2020	131.32	.00	
Total 1505:					309.23	.00	
241	ST JOHN'S HOSPITAL	50000270	CHEM & LAB	04/02/2020	325.00	.00	
241	ST JOHN'S HOSPITAL	50000275	CHEM & LAB	03/15/2020	65.00	.00	
Total 241:					390.00	.00	
1054	SUNRISE ENVIRONMENTAL	106898	HAND SANITIZER	03/16/2020	324.50	.00	
1054	SUNRISE ENVIRONMENTAL	107167	DERMI-GEL 4OZ, REMEDEZE	03/24/2020	251.51	.00	
1054	SUNRISE ENVIRONMENTAL	107340	DERMI-GEL 4OZ, REMEDEZE	03/13/2020	1,016.42	.00	
1054	SUNRISE ENVIRONMENTAL	107340	DERMI-GEL 4OZ, REMEDEZE	03/13/2020	1,016.42	.00	
1054	SUNRISE ENVIRONMENTAL	107340	DERMI-GEL 4OZ, REMEDEZE	03/13/2020	1,016.42	.00	
1054	SUNRISE ENVIRONMENTAL	108019	ALCOHOL IPA 70% (24), FRT	04/08/2020	344.53	.00	
Total 1054:					1,936.96	.00	
4990	Swagit Productions, LLC	15012	MARCH VIDEO STREAMING	03/31/2020	1,775.00	.00	
Total 4990:					1,775.00	.00	
1740	TEGELER & ASSOCIATES	4877	NOTARY BOND FOR TIFFANY S	03/26/2020	50.00	.00	
Total 1740:					50.00	.00	
1443	TETON COUNTY CLERK	040120	APRIL HOUSING	04/01/2020	21,527.00	.00	
1443	TETON COUNTY CLERK	040120B	APRIL PARKS AND REC	04/01/2020	133,068.50	.00	
Total 1443:					154,595.50	.00	
996	TETON COUNTY SPECIAL FIRE	033020	MARCH SPECIAL FIRE	03/31/2020	23,930.17	.00	
996	TETON COUNTY SPECIAL FIRE	033120	MARCH CAPITAL	03/31/2020	37,069.12	.00	
996	TETON COUNTY SPECIAL FIRE	040120	APRIL FIRE/EMS	04/01/2020	128,274.00	.00	
Total 996:					189,273.29	.00	
1614	TETON COUNTY-FUND 10	032920	MARCH DISPATCH	03/31/2020	21,163.51	.00	
1614	TETON COUNTY-FUND 10	033020	MARCH KRISTI MALONE	03/31/2020	3,914.99	.00	
1614	TETON COUNTY-FUND 10	033120	MARCH PATHWAYS	03/31/2020	4,497.83	.00	
Total 1614:					29,576.33	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
3027	TETON COUNTY-FUND 13	033120	MARCH CAPITAL	03/31/2020	3,722.20	.00	
Total 3027:					3,722.20	.00	
270	TETON RENTAL CENTER	74802	SAW CUT OFF 14" GAS, DIAMO	04/02/2020	69.00	.00	
Total 270:					69.00	.00	
3162	TETON TRASH REMOVAL, INC.	20 APR 673	TRASH REMOVAL 145 HANSEN	04/01/2020	45.50	.00	
Total 3162:					45.50	.00	
3955	THOMSON WEST	842068274	WEST INFORMATION CHARGE	04/01/2020	446.93	.00	
3955	THOMSON WEST	842068274	WEST INFORMATION CHARGE	04/01/2020	446.92	.00	
Total 3955:					893.85	.00	
70	THYSSEN KRUPP ELEVATOR C	3005189531	GOLD- FULL MAINTENANCE SE	04/01/2020	307.62	.00	
Total 70:					307.62	.00	
4046	TIMBERLINE CONCRETE	040820	3500 PSI, HOT WATER, SHORT	04/08/2020	355.00	.00	
Total 4046:					355.00	.00	
5067	TITAN MACHINERY	13786659 GP	BREATHING FILTER, ADAPTER	03/26/2020	169.52	.00	
5067	TITAN MACHINERY	13814194 GP	HOPPER DOOR ASSEMBLY, FR	04/08/2020	1,629.73	.00	
Total 5067:					1,799.25	.00	
6591	T-MOBILE	957529416 042	MONTHLY SERVICES	04/08/2020	61.82	.00	
Total 6591:					61.82	.00	
6363	TMSC LLC	2020-005-07	PROJ: LIGHTING RETROFIT PW	04/10/2020	4,625.00	.00	
6363	TMSC LLC	2020-005-08	PROJ: LIGHTING RETROFIT PW	04/10/2020	735.35	.00	
Total 6363:					5,360.35	.00	
777	UPPER CASE PRINTING INK	15630	8.5x11 DRINKING WATER LETT	03/24/2020	159.16	.00	
Total 777:					159.16	.00	
706	USA BLUE BOOK	190537	REPLACEMENT GLAS SAMPLE	03/30/2020	451.77	.00	
Total 706:					451.77	.00	
1949	VERIZON WIRELESS	9851670747	MONTHLY SERVICES	04/01/2020	5,039.78	.00	
Total 1949:					5,039.78	.00	
6319	VIRGINIAN VILLAGE CONDO H	289	Q1 ASSOCIATION DUES	04/06/2020	540.00	.00	
6319	VIRGINIAN VILLAGE CONDO H	289	Q1 ASSOCIATION DUES	04/06/2020	540.00	.00	
Total 6319:					1,080.00	.00	
563	WESTBANK SANITATION	3373267	TRASH REMOVAL 940 SIMON	04/01/2020	48.51	.00	
563	WESTBANK SANITATION	3373996	TRASH REMOVAL @ WWTP	04/01/2020	661.03	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total 563:					709.54	.00	
1640	WESTERN STATE	CM00086764	CREDIT FOR TAX REASON: CA	04/02/2020	284.61-	.00	
1640	WESTERN STATE	IN001207151	LINK AS	01/23/2020	231.37	.00	
1640	WESTERN STATE	IN001208140	PIN	01/24/2020	7.00	.00	
1640	WESTERN STATE	IN001210805	PINS AS	01/28/2020	110.47	.00	
1640	WESTERN STATE	IN001223992	PIN PIN AS	02/13/2020	110.82	.00	
1640	WESTERN STATE	IN001230974	LAMP, RESISTOR	02/20/2020	178.09	.00	
1640	WESTERN STATE	IN001266393	CASTER LOCK, ACME SCREW	03/31/2020	16.11	.00	
1640	WESTERN STATE	IN001266393	CASTER LOCK, ACME SCREW	03/31/2020	268.50	.00	
1640	WESTERN STATE	IN001267775	CASTER LOCK, ACME SCREW	04/02/2020	268.50	.00	
1640	WESTERN STATE	IN001272899	TRACK AS	04/08/2020	1,733.32	.00	
1640	WESTERN STATE	IN001275382	DOZER RENTAL, ENV FEE, OUT	04/13/2020	8,239.00	.00	
Total 1640:					10,878.57	.00	
2995	WHEELER TANK TESTING, INC.	1757	OPERATORS ANNUAL INSPECT	04/10/2020	1,330.00	.00	
Total 2995:					1,330.00	.00	
472	WHITE GLOVE CLEANING, INC.	1B1A	MOVE OUT CLEAN @ PARKS M	03/30/2020	412.25	.00	
472	WHITE GLOVE CLEANING, INC.	1B2A	MOVE OUT CLEAN @ 145 W HA	04/01/2020	339.50	.00	
472	WHITE GLOVE CLEANING, INC.	6192	CLEAN START BUILDING & SHE	03/31/2020	3,048.13	.00	
Total 472:					3,799.88	.00	
6497	WINTER & COMPANY	22706	TOJ CHARACTER DISTRICT	04/01/2020	12,631.07	.00	
Total 6497:					12,631.07	.00	
5489	WRENCH IT PLUMBING & HEAT	6750	LABOR- INSTALL NEW WATER	03/26/2020	2,510.72	.00	
5489	WRENCH IT PLUMBING & HEAT	6751	CHECK PUBLICV RESTROOMS	03/26/2020	142.50	.00	
Total 5489:					2,653.22	.00	
3619	WY CHILD SUPPORT ENFORCE	04092020	case #209790	04/09/2020	146.76	146.76	04/09/2020
Total 3619:					146.76	146.76	
4139	WY WORKERS' SAFETY & COM	04142020	APRIL PREMIUM	04/14/2020	9,185.71	9,185.71	04/14/2020
Total 4139:					9,185.71	9,185.71	
1064	WYOMING DEPARTMENT OF H	I0011520	COLILERT WATER TESTING- JA	04/01/2020	240.00	.00	
Total 1064:					240.00	.00	
329	WYOMING RETIREMENT SYST	191063	MARCH CONTRIBUTIONS	04/03/2020	30,178.43	30,178.43	04/06/2020
329	WYOMING RETIREMENT SYST	191064	March Contributions	04/03/2020	27,567.85	27,567.85	04/06/2020
329	WYOMING RETIREMENT SYST	191065	March Contributions	04/03/2020	47,623.41	47,623.41	04/06/2020
Total 329:					105,369.69	105,369.69	
1764	WYOMING.COM INC	1936019	DOMAIN HOSTING	04/06/2020	10.00	.00	
Total 1764:					10.00	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
2179	XEROX CORPORATION	09941607	CONTRACT COPIER	04/01/2020	167.38	.00	
2179	XEROX CORPORATION	099941606	CONTRACT COPIER	04/01/2020	75.39	.00	
2179	XEROX CORPORATION	099941608	CONTRACT COPIER	04/01/2020	164.55	.00	
2179	XEROX CORPORATION	099941609	CONTRACT COPIER	04/01/2020	26.50	.00	
2179	XEROX CORPORATION	099941619	CONTRACT COPIER	04/01/2020	104.68	.00	
Total 2179:					538.50	.00	
2842	YELLOW IRON EXCAVATION, L	45174	TRASH REMOVAL @ 915 SIMO	03/31/2020	32.00	.00	
2842	YELLOW IRON EXCAVATION, L	45184	TRASH REMOVAL @ 174 N KIN	03/31/2020	32.00	.00	
2842	YELLOW IRON EXCAVATION, L	45247	TRASH REMOVAL @ 455 VINE	03/31/2020	17.50	.00	
2842	YELLOW IRON EXCAVATION, L	45247	TRASH REMOVAL @ 174 N KIN	03/31/2020	17.50	.00	
2842	YELLOW IRON EXCAVATION, L	45247	TRASH REMOVAL @ 174 N KIN	03/31/2020	17.50	.00	
2842	YELLOW IRON EXCAVATION, L	45247	TRASH REMOVAL @ 455 VINE	03/31/2020	17.50	.00	
2842	YELLOW IRON EXCAVATION, L	45372	TRASH REMOVAL @ 155 E PEA	03/31/2020	150.00	.00	
2842	YELLOW IRON EXCAVATION, L	45373	TRASH REMOVAL @ SHELTER	03/31/2020	124.00	.00	
2842	YELLOW IRON EXCAVATION, L	45374	TRASH REMOVAL @ TOWN HA	03/31/2020	160.00	.00	
2842	YELLOW IRON EXCAVATION, L	45375	TRASH REMOVAL @ CITY SHO	03/31/2020	260.00	.00	
2842	YELLOW IRON EXCAVATION, L	45376	TRASH REMOVAL @ START	03/31/2020	160.00	.00	
Total 2842:					988.00	.00	
Grand Totals:					878,667.59	135,034.10	

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
MUNICIPAL COURT
MONTHLY REPORT TO THE MAYOR AND THE TOWN COUNCIL
FOR THE MONTH OF MARCH, 2020**

During the month of March, the court received \$37,151 in fines, fees, bonds, and forfeitures.
371 new cases were docketed: 322 parking citations, 49 summons
38 cases were dismissed: 23 parking violations

The abbreviations used below are: BF=forfeiture, GP=pled guilty, NC= nolo contendere, G=found guilty at trial, NG=found not guilty at trial,
R=restitution, CS=community service, DP=deferred prosecution, D=dismissed, D-TS=dismissed for traffic school,
DA=deferred adjudication

CLOSED CASES

<u>NAME</u>	<u>CITATION</u>	<u>OFFENSE</u>	<u>DISPOSITION</u>	<u>\$</u>
Aguirre, Nicolas Manuel	03207L	Animals at Large	BF	100
Bartlett, Cody D	98252N	Public intoxication	BF	110
Botur, Daniela	186000152AC	Use of cell phone while driving prohibited	BF	150
Boyd, Stephen John	03893L	Public intoxication	BF	110
Butcher, Carl Lynn	186000427AC	Limitations on Backing	BF	37.5
Cattell, Jesse D.	01269M	Public intoxication	BF	110
Cavagnaro, Gene	186000370AC	Overtaking on the right	D-Per Town's Motion	0
Crabtree, Todd Emerson	186000650AC	Use of cell phone while driving prohibited	BF	90
Doney, Tyson Wayne	00398M	Speed Limits Generally 53/30	D-Per Town's Motion	0
Dornon, William B	01127M	Speed Limits Generally 47/30	BF	194
Drews, Della	98201N	Failure to yield ROW	BF	75
Ebeling, Eric	00299M	Care and control of a dog	BF	100
Espinosa, Omar Fidel	186000426AC	Improper Passing	BF	85
Fanning, Thomas	01192M	Speed Limits Generally 47/30	BF	194
Faupel, Matthew Scott	18600190AC	Following too Close	BF	75
Feliciano Perez, Yahaira	186000193AC	Failure to yield ROW	BF	75
Foss, River	186000516AC	Use of cell phone while driving prohibited	BF	65
Francis, Brian Christopher	186000344AC	Use of cell phone while driving prohibited	BF	65
Freihofer, William Howard	98140N	Public intoxication	BF	110
Fulton, Gary W.	01812M	Public intoxication	BF	110
Garcia Ramos, Alejandra	186000475AC	No Driver's license	BF	410
Garcia Ramos, Alejandra	186000195AC	Turning left at intersection	BF	75
Getsinger, Emma Andrea Bunker	186000452AC	Public intoxication	BF	110
Getsinger, Emma Andrea Bunker	186000453AC	Urinating in Public	BF	120
Groth, Denise H.	186000186AC	Unsafe Turning Movement	D-Per Town's Motion	0
Guacci-marchino, Carlos Jesus	186001640AB	Speed Limits Generally 53/30	BF	266
Guido, Matthew Regis	186000340AC	Failure to Maintain Lane	BF	75
Hiatt, Jill Edith	186000133AC	Use of cell phone while driving prohibited	D-Per Town's Motion	0
Hill, Bret Basil	186000194AC	Speed Limits Generally 30/20	BF	195
Hocutt, Julia Elaine	186000581AC	Failure to maintain liability coverage	D-Per Town's Motion	0
Hocutt, Julia Elaine	186000343AC	No display of current registration	BF	62.5
Innes, Brittany L	01952M	Speed Limits Generally 50/30	BF	225
Janssen, Roman D	01270M	Public intoxication	BF	110
Klausman, Jeffrey Owen	01095M	Failure to yield ROW	BF	75
Kline, Sarah M	186000286AC	Use of cell phone while driving prohibited	BF	90
Kushner, Maxwell Alan	186000401AC	Use of cell phone while driving prohibited	BF	65
Loose, Jennifer M	00300M	Uncontrolled animals: molests passerby, chase attacks	BF	100
Marshall, Jason Todd	186000199AC	Following too Close	D-Per Town's Motion	0
Mcdearman, John Bryan	01259M	MPH over limit Bond 36/25	D-Per Town's Motion	0
Merrell, Richard G	186000425AC	Use of cell phone while driving prohibited	BF	75
Moreno Ortega, Jesus G	01347M	Use of hand-held electronic device while driving	BF	75
Motzkus, Matthew S.	03198L	Assault	BF	400
Motzkus, Matthew S.	03199L	Throwing stones or missiles	D-Per Town's Motion	0
Mseleku, Anna M	00899M	Failure to maintain liability coverage	BF	270
Newman, Matthew R.	98203N	Public intoxication	BF	50
Ortiz Torres, Carl Michael Anthony	186004362AA	Operating unsafe veh on highway	BF	75
Ortiz Torres, Carl Michael Anthony	186004361AA	Speeding 41/30	BF	103
Peterson, Nicolas Clark	186000535AC	Failure to maintain liability coverage	D-Provided valid informaiton	0
Pippenger, Calab	186000537AC	Public intoxication	BF	110
Puckett, Corey Matthew	186000345AC	MPH over limit Bond 41/25	BF	197
Regan, Peter Thomas	186000517AC	No display of current registration	BF	125
Richard, Andrea Leah	186000346AC	Use of cell phone while driving prohibited	BF	65
Richards, J R	186000201AC	Use of cell phone while driving prohibited	BF	65
Ryan, James O'neill	186000534AC	Failure to maintain liability coverage	D-Provided valid informaiton	0
Ryan, James O'neill	186000533AC	No display of current registration	BF	62.5
Shelton, Anna Kathleen	186000400AC	No display of current registration	BF	62.5

Simon, Mardy J	186000456AC	Interference w/PD: Resisting officer	GP	750
Simon, Mardy J	186000458AC	Marijuana: use and/or possession	GP	250
Simon, Mardy J	186000460AC	Public intoxication	GP	110
Simon, Mardy J	186000455AC	Unlawful Contact or Touching	D-Per Town's Motion	0
Smith, Owen Bingham	186000342AC	Following too Close	BF	75
Snow, Maxwell Christopher	186000447AC	Failure to maintain liability coverage	D-Per Town's Motion	0
Snow, Maxwell Christopher	186000446AC	No display of current registration	BF	62.5
Sorenson, Hannah	186000647AC	Use of cell phone while driving prohibited	BF	65
Stoleru, Gheorghe	186000266AC	Taxi Roof Light Required	BF	250
Stone, Reginald Timothy	186000404AC	Following too Close	BF	75
Sweeting, Scott G	01128M	Public intoxication	BF	110
Thompson, Brianne Sheehy	186000298AC	Speed Limits Generally 30/40	BF	125
Uzun, Andrei	186000402AC	Use of cell phone while driving prohibited	BF	150
Walters, Gerald	186000347AC	Speed Limits Generally 46/30	BF	100
Waterhorse, Tom Robert	186000648AC	Use of cell phone while driving prohibited	BF	65
Weitzman, Madeline R.	01340M	Public intoxication	D-Per Town's Motion	0



TOWN OF JACKSON

AGENDA DOCUMENTATION

SUBMITTING DEPARTMENT:

PRESENTER: Andy Erskine

MEETING DATE: April 20, 2020

SUBJECT: Community Garden MOU

STATEMENT/PURPOSE

Teton County/Jackson Parks & Recreation (TCJPR) is requesting approval of an MOU between the Town of Jackson and Slow Foods in the Tetons, a non-profit organization in Jackson, WY to identify roles and responsibilities related to running daily operations at Blair Community Garden and May Park Community Garden.

BACKGROUND/ALTERNATIVES

The community gardens located in the Town of Jackson were established to provide the local community opportunities to garden and foster community interaction to promote health and well being for local residents. The community gardens were originally run and managed through TCJPR and Town of Jackson. Two years ago the Jackson Hole Community Garden Foundation was established to organize and manage the gardens within the community with the support of TCJPR.

Slow Foods in the Tetons approached TCJPR over the winter of 2019-2020 requesting to take over daily operations and manage the administrative side of the community gardens. Slow Foods brings a wealth of knowledge, understanding, staff and resources that will ensure the community gardens are managed efficiently and effectively to support these areas in the best interest of the community and the Town. Slow Foods will manage the daily operations of the gardens and TCJPR will support them as a liaison to the Town, as well as, protecting and maintaining the assets and infrastructure related to the gardens.

Staff believes this is a partnership that will benefit the community, TCJPR and the Town of Jackson. It will provide the greatest good for the community while minimizing utilization of Town resources to support and ensure the success of this outlet for the community.

COMPREHENSIVE PLAN ALIGNMENT

This MOU and partnership align with the Town goals of environmental stewardship, management of natural resources and promoting health and well-being within the community.

STAKEHOLDER ANALYSIS

TCJPR solicited feedback from previous members of the Community Garden Foundation, Slow Food in the Tetons, Town staff and TCJPR senior staff to develop and outline the roles and responsibilities that would bring the greatest value to the Town.

FISCAL IMPACT

There will be no increase in fiscal impact to the Town of Jackson, there will be a small savings. Staff will continue normal maintenance operations allocated in TCJPR operating budget for areas surrounding the community gardens and to continue to ensure assets and infrastructure are protected. TCJPR current budget request for 'Town Facilities' (Community Gardens) operations is down from \$1500 to \$400, excluding salaries. Staff is confident that TCJPR can meet operational responsibilities and protect the asset for the coming year within this budget request.

STAFF IMPACT

Staff will administer the MOU and ensure compliance. The agreement will ensure that Town staff has minimal involvement in daily operations and still ensure the best product for the community. Staffing to support the Gardens will remain the same. There is no one specific full-time employee (FTE) dedicated to the gardens, rather small bits of time from the irrigation staff, infrastructure staff and turf staff (approximately 32 hours total annually). TCJPR will continue to utilize those staff members to support maintenance/asset protection operations around the gardens without sacrificing service levels in other areas.

LEGAL REVIEW

Ongoing as needed.

ATTACHMENTS

Memorandum of Understanding

RECOMMENDATION

The Director, Steve Ashworth, concurs and staff recommends approval of the MOU Between Slow Foods in the Tetons and Teton County/Jackson Parks & Recreation.

SUGGESTED MOTION

I move to approve the Memorandum of Understanding Between Slow Food in the Tetons and Teton County/Jackson Parks & Recreation for management of the Town's community gardens in May Park.

**MEMORANDUM OF UNDERSTANDING
BETWEEN SLOW FOOD IN THE TETONS, THE TOWN OF JACKSON AND
TETON COUNTY/JACKSON PARKS & RECREATION**

- 1. Parties.** This Memorandum of Understanding ("**MOU**") is made and entered into by and between Slow Food in the Tetons, a Wyoming non-profit corporation, whose address is P.O. Box 7290, Jackson, WY 83002 ("**Slow Food**"), and The Town of Jackson, a Wyoming municipal corporation, whose address is P.O. Box 1687, Jackson WY 83001 ("**Town**"), and Teton County/Jackson Parks & Recreation, a joint department of Teton County, Wyoming and the Town, whose address is P.O. Box 811, Jackson, WY 83001 ("**TCJPR**"), together "**Parties.**"
- 2. Purpose.** The purpose of this MOU is to establish the terms and conditions under which TCJPR, acting as the Town's agent, will administer Slow Foods' management of the Town's community gardens located on Town-owned property in May Park and next to Blair Drive (individually "**Property,**" together "**Properties**"), for the use and benefit of the general public during the term of this MOU.
- 3. Term of MOU.** This MOU is effective upon the date last signed and executed by the duly authorized representatives of the Parties and shall remain in full force and effect for three (3) years with the option for one (1) three-year renewal. This MOU may be terminated by any Party upon written notice, which notice shall be delivered by hand or by certified mail to the address listed below.
- 4. Payment.** Payment shall be made by Slow Food annually in the amount of Five Hundred (\$500.00) to Teton County/Jackson Parks & Recreation.
- 5. Responsibilities of the TCJPR.** TCJPR understands, covenants, and agrees that it is solely responsible for:

 - A.** Providing asset maintenance and repair, including fencing and storage shed;
 - B.** Providing general upkeep and care of exterior of the Properties and outside the fence;
 - C.** Charging up (in Spring) and blowout of irrigation system (in Fall), along with maintenance and repair of irrigation infrastructure;
 - D.** Serving as a liaison between Slow Food and Town;
 - E.** Providing support and direction related to asset/infrastructure requests; and
 - F.** Serving as the approving party for any asset add or facility modifications.
- 6. Responsibilities of Slow Food.** Slow Food understands, covenants, and agrees that, other than the responsibilities of the TCJPR as set forth in Paragraph 5, Slow Food is solely responsible for:

- A. Maintaining in good working condition, reasonable wear and tear excepted, all necessary hand tools and hoses, nozzles, etc. that are used for watering needs to accommodate gardeners;
- B. Performing all necessary maintenance and maintaining in good working condition, reasonable wear and tear excepted, all materials associated with individual plots, borders, boards, etc.;
- C. Evaluating and overseeing garden utilization and general rule compliance , attached hereto as Exhibit 1;
- D. Assigning and administering unused or available plots;
- E. Providing and managing cleaning of portable restrooms at each Property annually, with the location at each Property approved by TCJPR;
- F. Providing an internal list of Roles, Responsibilities, and Expectations of gardeners to ensure CUP compliance;
- G. Ensuring compliance with the CUP, specifically including that the gardens are maintained and well-kept by keeping all items and garden amenities out of common paths and along fences, and keeping all gardeners within their designated garden plot defined by wooden borders;
- H. Giving the Town prompt written notice, defined as within five (5) business days, of any accident, fire, or damage on or to the Property;
- I. Complying with all laws, orders, regulations, rules, ordinances, and covenants of all state and federal statutes and all local ordinances and regulations applicable to Slow Food and/or its use of the Properties; and
- J. Complying with all reasonable rules and regulations that may be established, from time to time, by the Town or TCJPR.

7. Limits on Use of the Property.

- A. All materials, plantings, and garden decorations shall remain within the designated garden plots;
- B. There shall be no planting of noxious weeds or illegal organic material;
- C. Gardeners shall utilize organic gardening techniques and any alteration or deviation from this practice shall be mutually discussed and agreed upon by adjacent gardeners;
- D. All communication materials, equipment and supplies purchased by gardeners are at their own expense or shared between gardeners upon mutual consent; and

- E. Slow Food shall not alter, modify or add any asset on Town property, with the exception of replacing in the exact location damaged or rotten wooden garden plots. borders of which the footprint of each shall not change.

8. Acceptance and Maintenance of the Property. Slow Food has inspected the Properties and accepts them in “as is” condition. Slow Food agrees to be responsible for routine maintenance and repairs on the Properties, except as described in Paragraph 5 of this MOU. Slow Food shall not knowingly commit or willingly permit to be committed any act or thing contrary to the rules and regulations of any federal, state, municipal, or quasi-governmental authority. If TCJPR determines, in its sole discretion, that Slow Food is not maintaining both or either of the Properties in accordance with Paragraph 6 of this MOU, it shall give notice to Slow Food in writing to repair and/or maintain the Property(ies). Slow Food shall have seven (7) days to correct any minor deficiencies and thirty (30) days for larger repairs which are the responsibility of Slow Food under this MOU. If the repairs and maintenance duties of Slow Food as described in Paragraph 6 are not performed to TCJPR’s satisfaction within the required time period, TCJPR may employ another person or entity to repair and/or maintain all or any part of the Property(ies) and Slow Food shall be responsible for the payment of all expenses and costs related to said repair and maintenance, which if not paid, shall be deemed a default as provided herein.

9. Alterations and Improvements. TCJPR has the right, and Slow Food shall permit TCJPR or its representative(s), at any time to enter the Property to inspect and/or to make such additions, repairs, or alterations as it may deem necessary or proper for the safety, improvement, or preservation of the Property. All such improvements will be done, so far as practicable, to avoid interference with Slow Foods’ occupancy and use of the Property(ies). Slow Food is not entitled to compensation for unavoidable interference with its occupancy and use and waives any claim for damages, including loss of business, resulting therefrom.

10. Insurance.

A. Slow Food must, at Slow Food’s expense, maintain a policy or policies of comprehensive general liability insurance with the premiums thereof fully paid on or before the due date. The policy or policies must be issued by and binding upon an insurance company with a Best Rating Guide A plus Class 15 Rating, such insurance to afford minimum portion of not less than a single limit for bodily injury and property damage of not less than One Million Dollars (\$1,000,000.00). The insurance policy must name the Town including its Officers, Officials, Employees, and Volunteers as an additional insured, state that coverage is primary and non-contributory, and cover all risks incident to Slow Food’s use of the Property and business in connection therewith.

B. Slow Food shall furnish and deposit with the Town certificates of all such insurance policies to be maintained by Slow Food with evidence of payment of the premiums thereon obtained at or prior to the commencement of the term of this MOU, and copies of all insurance policies obtained at any time thereafter during the term of this MOU. All such insurance policies, including such policies referred to immediately above, shall contain a clause or endorsement to the effect that they may not be

terminated or materially amended during the term of this MOU except after thirty (30) days written notice thereof to the Town.

11. Indemnification. Slow Food shall indemnify the Town and save it harmless from and against any and all claims, actions, damages, liability, and expense (including attorney's fees related thereto) in connection with loss of life, personal injury, or damage to property occurring in, on, about, or arising out of the Properties or the occupancy or use of the Properties by Slow Food or its agents, licensees, invitees, concessionaires, guests, contractors, customers or employees or occasioned wholly or in part by any act or omission of Slow Food, its agents, licensees, business invitees, concessionaires, guests, contractors, customers, or employees. The Parties acknowledge that the Properties are public areas to which the general public has access and, as a result, Slow Food shall not be liable for any claims, actions, damages, liability, and expense (including attorney's fees related thereto) in connection with loss of life, personal injury, or damage to property occurring in, on, about, or arising out of the Properties or the occupancy or use of the Properties by individuals unassociated with Slow Food or not authorized by Slow Food to use the Properties.
12. Attorney's Fees. In the event either party shall find it necessary to obtain the services of an attorney to enforce any of the covenants or conditions of this MOU, the prevailing party shall be entitled to reimbursement for all costs and expenses, including reasonable attorney's fees, whether or not litigation is commenced.
13. Non-Assignment. Slow Food shall not assign, mortgage, hypothecate, or otherwise encumber this MOU or any interest therein, nor permit the Properties or any part thereof to be used by any other person, firm, corporation, or other entity other than Slow Food without the written consent of the Town in each instance. The consent by the Town to an assignment shall not be construed to release Slow Food from the requirement that it obtain the Town's written consent for any further assignment(s). In the event permission is granted for any such assignment, subletting, licensing, or granting of a concession, Slow Food shall nevertheless remain liable for the performance of all the terms, conditions, and covenants of this MOU, including, without limitation, the covenant to pay rent.
14. Town's Access. The Town and TCJPR and their agents, employees, or other representatives may enter the Properties at any reasonable time after reasonable notice for the purpose of (a) inspecting the Properties to ascertain Slow Foods' compliance with the terms and conditions of this MOU; (b) in order to make repairs, additions, or alterations as the Town or TCJPR deems necessary; or (c) for any other reasonable purposes.
15. Notices. Any notices required or permitted to be given or served by either party to the other, unless otherwise stated herein, shall be deemed to have been duly given or served when in writing and forwarded by certified mail, postage prepaid, return receipt requested, to the respective addresses set forth below. Such notices shall be deemed given upon mailing of same.

Slow Food in the Tetons: Scott Steen, Executive Director
P.O. Box 811
Jackson, WY 83002

TCJPR: Teton County/Jackson Parks & Recreation
ATTN: Steve Ashworth
P.O. Box 7290
Jackson, Wyoming 83001

Town: Town of Jackson
Attn: Town Manager
P.O. Box 1687
Jackson, Wyoming 83001

16. Amendment or Modification. Slow Food acknowledges that it has not relied upon any statement, representation, agreement or warranty, except such as are expressly stated herein, and that no amendment, change or modification of this MOU shall be valid or binding unless expressed in writing and executed by the Parties hereto in the same manner as the execution of this MOU.

17. General Provisions.

- A. No Partnership.** No partnership or joint venture is created by this MOU.
- B. Applicable Law.** The construction, interpretation, and enforcement of this MOU shall be governed by the laws of the State of Wyoming. The courts of the State of Wyoming shall have jurisdiction over any action arising out of this MOU and over the Parties, and the venue shall be the Ninth Judicial District, State of Wyoming.
- C. Entirety of Agreement.** This MOU represents the entire and integrated agreement between the Parties and supersedes all prior negotiations, representations, and agreements, whether written or oral.
- D. Severability.** Should any portion of this MOU be judicially determined to be illegal or unenforceable, the remainder of the MOU shall continue in full force and effect, and either party may renegotiate the terms affected by the severance.
- E. Governmental Immunity.** The Town and TCJPR do not waive their respective governmental immunity by entering into this MOU, and each fully retains all immunities and defenses provided by law with respect to any action based on or occurring as a result of this MOU.
- F. Third-Party Beneficiary Rights.** The Parties do not intend to create in any other individual or entity the status of a third-party beneficiary, and this MOU shall not be constructed so as to create such status. The rights, duties, and obligations contained in this MOU shall operate only between the Parties to this MOU, and shall insure solely to the benefit of the Parties to this MOU. The provisions of this MOU are intended only to assist the Parties in determining and performing their obligations under this MOU. The Parties to this MOU intend and expressly agree that only parties

signatory to this MOU shall have any legal or equitable right to seek to enforce this MOU, to seek any remedy arising out of a party's performance or failure to perform any term or condition of this MOU, or to bring an action for the breach of this MOU.

- G. Signatures. In witness thereof, the Parties to this MOU through their duly authorized representatives have executed this MOU through their duly authorized representatives have executed this MOU on the dates set out below, and certify that they have read, understood, and agreed to the terms and conditions of this MOU as set forth herein.

Slow Food in the Tetons

Scott Steen, Executive Director

Date _____

Teton County/Jackson Parks & Recreation

Steve Ashworth, Director

Date _____

Town of Jackson, Wyoming

Pete Muldoon, Mayor

Date _____

Attest:

Sandra P. Birdyshaw, Town Clerk

Date _____

Exhibit 1

Teton County/Jackson Parks & Recreation (TCJPR) **Community Gardens Rules and Regulations**

The following rules and regulations apply to community gardens within the Town of Jackson: Blair Community Garden and Wayne May Park Community Garden. The gardens are located on Town owned property. May Park is zoned P/SP (Public/Semi-Public) and Blair Garden is zoned PUD-NL-3 (Neighborhood low density). The following rules and regulations were established to ensure consistent use of the gardens, ensure CUP requirements are being met, the assets are being maintained and there are safe, accessible and functional spaces for community gardening activities. TCJPR provides oversight on behalf of the Town, however, there shall be a Managing Party to affect and implement gardening practices and daily operations of the gardens. Additional rules and regulations may be implemented by the Managing Party in addition to the following TCJPR Rules and Regulations:

1. Agreement and fee. Fees must be paid to the managing party prior to tending of individual plots. If applicable, any associated agreement must be in place prior to tending of individual plots.
2. Community garden seasons are typically from early May to late October, weather dependent.
3. Gardeners shall not turn on or otherwise adjust the water source(s) that feed the gardens. Dates of irrigation charge up and blow out will be communicated to the Managing Party each spring and fall based on weather conditions.
4. Gardens are open from dawn to dusk seven days a week. Please make sure gates are closed and secured when entering and exiting the garden.
5. Smoking, chewing tobacco and open flames are not allowed in the garden areas.
6. TCJPR and/or law enforcement should be notified immediately if illegal activities occur.
7. TCJPR should be notified immediately if any asset/infrastructure is damaged or not functioning.
8. Gardeners shall utilize organic gardening techniques and any alteration or deviation from organic gardening practices shall be mutually discussed and agreed upon by adjacent gardeners.
9. Non-organic chemical herbicides shall not be used within the community garden. Mechanical/hand removal is the preferred method of weeding. If, in the event, non-organic chemicals need to be used within the community gardens it shall only be applied by TCJPR or Managing Party staff holding a Wyoming Pesticide Applicators License to ensure label requirements are being met. There shall be no storage of non-organic chemicals or fertilizer on site.
10. Gardeners are expected to implement gardening techniques that will ensure responsible resource usage such as water and organic fertilizers.
11. Garden spaces and common areas must be maintained and kept up to ensure CUP compliance and protection of the asset(s). This is to include, but not limited to the following: weeding, trash collection, plot border maintenance, general care and cleaning of common areas.
 - a. All garden amenities, tools and associated materials must be kept out of common areas and pathways in and around the community garden.
12. Plot owners shall not alter, modify or add any asset on Town property, with the exception of repairing wooden plot borders to ensure defined gardening areas.

- a. Plot beds should not exceed 18" rise above the exterior common area.
 - b. No permanent structures are permitted within plots or common areas (concrete, bricks, mortar).
 - c. No temporary structures shall cross into, or shade, another plot.
 - d. All materials, plantings and garden decorations shall remain within the designated garden plot borders.
- 13.** TCJPR shall be the approving party for any requests of modifications, alterations or addition of assets within the community gardens.
- 14.** It is the responsibility of the plot owner or Managing Party to provide tools, plantings and associated implements necessary for care and upkeep of the plots.
- 15.** There shall be no planting of noxious weeds or illegal organic material on Town property.
- 16.** Gardeners shall only place appropriate organic materials in community compost piles and adequately breakdown and cut up material to allow for decomposition.



TOWN OF JACKSON

AGENDA DOCUMENTATION

SUBMITTING DEPARTMENT: TRANSIT (START)

PRESENTER: Darren Brugmann

MEETING DATE: April 20, 2020

SUBJECT: WYDOT Low No Reimbursement Grant Amendment - Electric Buses and Charger Purchase

STATEMENT/PURPOSE

The purpose of this item is to obtain Council authorization for an amendment to the original Federal Transit Administration (FTA) Low No competitive grant agreement with WYDOT that was executed on August 9, 2019. This amendment shall constitute the 1st amendment for the purpose of increasing the total agreement amount by \$12,400 to \$2,661,824 and by transferring original funding for chargers to the buses. The chief goal of the amendment is to completely expend the Federal portion of the Low No Competitive grant award at \$2,290,000.

The original agreement, and this amendment, continues START to purchase four (4) lift equipped, battery electric transit buses and 4 attendant charging equipment. (START is also obtaining an additional four (4) for a total of eight (8) via separate WYDOT 5339 grant reimbursement agreements). Had we not transferred funding from the chargers to the bus purchase, a likelihood of not expending the full federal portion of the Low No grant was a possibility. This amendment assures the full federal portion to be expended.

BACKGROUND/ALTERNATIVES

The community has set a vision for the transportation system that ensures the preservation of the area's natural resources and in turn benefits the economic health of the entire region.

These 8 zero emission buses will replace standard diesel-powered vehicles that have been removed from service and de-commissioned. By replacing diesel powered vehicles with 100% electric powered, START will be providing reduced fuel emission fleet for the area's transit service that will allow the system to grow to meet the increasing demand for transit and reduce annual operating and maintenance costs. This action also directly supports the Town's recent action on Resolution 20-05: Adopting a Goal to Achieve Carbon Neutrality by 2030 passed unanimously on April 6, 2020.

The Transit Director applied for Federal Assistance to purchase zero emission (electric) buses in early 2018 to make this project possible. The Low- or No-Emission (Low-No) Grant program, which funds the deployment of transit buses and infrastructure that use advanced propulsion technologies allows for Communities across America to benefit from these investments in their transportation infrastructure. Eligible projects include the purchase of buses that are powered by modern systems such as hybrid or battery electric engines, as well as related infrastructure investments such as charging stations. On August 24, 2018, FTA announced the selection of 52 projects in 41 states, including START in Jackson, Wyoming.

Proterra was selected as our partner of choice. In previous Council action on October 7, 2019, the 8 buses (and chargers) were approved for purchase.

COMPREHENSIVE PLAN ALIGNMENT

Common Value 1 - Ecosystem Stewardship

Section 2: Climate Sustainability through Energy Conservation

Principle 2.1: Reduce consumption of non-renewable energy

Principle 2.3: Reduce Energy consumption through transportation

Integrated Transportation Plan (ITP) – Meets Goals of Section 7 – Multimodal Transportation

STAKEHOLDER ANALYSIS

The START Board is committed to reducing emissions from the transportation sector and improving air quality in Teton County, through the introduction of zero emission electric buses to the START bus fleet. On June 14, 2018 the START Board formally committed to sharing the Jackson/Teton County Comprehensive Plan Value of ecosystem stewardship by supporting Section 2 of the plan as noted below in the Comprehensive Plan Alignment section of this staff report.

The project will help forward this ethic of conservation and stewardship through three basic strategies to increase the overall efficiency of the transportation system in a highly environmentally sustainable manner.

- 1) Reduce fuel use and carbon emissions by START operations
- 2) Reduce automobile trips in general
- 3) Increase fuel efficiency

This action also directly supports the Town's recent action on Resolution 20-05: Adopting a Goal to Achieve Carbon Neutrality by 2030 passed unanimously on April 6, 2020.

The entire Jackson Hole community will benefit from continued public transportation now powered by zero emission vehicles.

FISCAL IMPACT

		Amendment
Bus (up to 4)		
	Federal	\$ 1,795,900
	Local	\$ 316,924
Charger (4)		
	Federal	\$ 494,100
	Local	\$ 54,900
Total		
	Federal	\$ 2,290,000
	Local	\$ 371,824
		\$ 2,661,824

Buses are scheduled to begin delivery in May 2020, however COVID-19 manufacturing related delays may push this back a few months.

STAFF IMPACT

Execution of the contract agreement and amendment will involve the Transit Director with assistance from Town Legal and Public Works department through the life of the vehicles.

LEGAL REVIEW

The Town Attorney has worked directly with Transit Director with review of this amendment.

ATTACHMENTS

Amendment 1

Original August 9, 2019 grant agreement

RECOMMENDATION

Staff recommends Amendment 1 approval to the original grant agreement.

SUGGESTED MOTION

I move to approve Amendment 1 to the original August 9, 2019 Low No Competitive Grant Agreement with WYDOT for the purchase and grant reimbursement of four (4) zero emission buses and charging units.



**AMENDMENT NUMBER ONE TO THE
WYOMING RURAL PUBLIC TRANSIT PROGRAM FY 2019
SUBRECIPIENT AGREEMENT
BETWEEN THE
WYOMING DEPARTMENT OF TRANSPORTATION
AND THE
SOUTHERN TETON AREA RAPID TRANSIT**

Federal Award Information - Required by 2 CFR § 200.331

Subrecipient Name: Southern Teton Area Rapid Transit

Subrecipient DUNS: 137683533

CFDA No.: 20.526

CFDA Title: 5339c - Buses and Bus Facilities
Low-No Competitive Program

Federal Award Identification Number (FAIN):
WY-2019-002-00

Federal Award Date: 8-14-2019

Federal Award this Agreement: \$2,290,000

Total Federal Award to Subrecipient: \$2,290,000

Total Federal Award for FAIN: \$2,290,000

Awarding Federal Agency: Federal Transit
Administration

Pass-through Agency: Wyoming Department of
Transportation (WYDOT)

Federal Transit Administration: Melanie
Choquette

Telephone: (303) 362-2388

Email: melanie.choquette@dot.gov

WYDOT Program Mgr.: Talbot Hauffe

Telephone: 307-777-4384

Email: talbot.hauffe@wyo.gov

WYDOT Contact for Confirmation of Funds:

Telephone: (307) 777-4434

Email: dotrevenue@wyo.gov

Indirect Cost Rate (ICAP): N/A

Project Name: FY 2018 5339b Bus & Bus Facilities
Discretionary

Recipient County: Teton

Agreement No.: 5339-19-FTA-75

Project No.: FT19075

Total Project Budget: \$2,661,824

1. **Parties.** This Amendment is made and entered into by the Wyoming Department of Transportation (WYDOT), whose address is 5300 Bishop Blvd., Cheyenne, WY 82009, and the Southern Teton Area Rapid Transit (Recipient), whose address is 55 Karns Meadow Drive, Jackson, WY 83001.

2. **Purpose of Amendment.** This Amendment shall constitute the first amendment to the Agreement between WYDOT and the Recipient. The purpose of this Amendment is to: a) increase the total Agreement amount by twelve thousand, four hundred twelve dollars to two million six hundred sixty-one thousand eight hundred twenty-four dollars and no cents (\$2,661,824); and b) amend and clarify the percentages in Section 4(A) of the original Agreement.

The original Agreement, dated August 9, 2019, required the Recipient to purchase four (4) lift equipped, battery electric transit buses, and attendant charging equipment (Project) for a total Agreement amount of two million six hundred forty-two thousand eight hundred seventy-six dollars and no cents (\$2,642,876) with an expiration date of September 30, 2021.

3. **Term of the Amendment.** This Amendment shall commence upon the date the last required signature is affixed hereto (Effective Date), and shall remain in full force and effect through the term of the Agreement, as amended, unless terminated at an earlier date pursuant to the provisions of the Agreement, or pursuant to federal or state statute, rule, or regulation.

4. **Amendments.**

A. Section 4 (A) of the original Agreement is hereby amended in its entirety to read as follows:

“A. WYDOT agrees to reimburse the Recipient for the Project described in Section 2 above. The total reimbursement shall not exceed Two Million Six Hundred Sixty-one Thousand Eight Hundred Twenty-four Dollars and No Cents (\$2,661,824), comprised of Two Million Two Hundred Ninety Thousand Dollars and No Cents (\$2,290,000) Federal, and Three Hundred Seventy-one Thousand Eight Hundred Twenty-four Dollars and No Cents (\$371,824) Local Funding. The total reimbursement for the four (4) lift-equipped battery electric buses shall not exceed Two Million One Hundred Twelve Thousand Eight Hundred Twenty-four Dollars and No Cents (\$2,112,824), comprised of One Million Seven Hundred Ninety-five Thousand Nine Hundred Dollars and No Cents (\$1,795,900) Federal and Three Hundred Sixteen Thousand Nine Hundred Twenty-four Dollars and



No Cents (\$316,924) Local Funding. The total reimbursement for the Charging Stations shall not exceed Five Hundred Forty-nine Thousand Dollars and No Cents (\$549,000), comprised of Four Hundred Ninety-four Thousand One Hundred Dollars and No Cents (\$494,100) Federal and Fifty-four Thousand Nine Hundred Dollars and No Cents (\$54,900) Local Funding. The Recipient agrees that it will provide from local and unrestricted Federal funds, monies in the amount sufficient together with the Grant to assure payment of the actual Project costs. The Recipient's eligible costs incurred shall be reimbursed on an approved WYDOT reimbursement request form. WYDOT reserves the right to request support documentation for any and all submittals. For Vehicle Capital purchases, WYDOT will need the following for reimbursement: Copy of vendor invoice, copy of Recipient check paying vendor for vehicle, completed Compliance Certification Attachment "D", which is attached to and incorporated into this Agreement by this reference, and copy of the vehicle title with "WYDOT Grant Restricted" printed per Continuing Control Acknowledgement Attachment "C", which is attached to and incorporated into this Agreement by this reference. WYDOT will reimburse those eligible costs based on the program guidelines for the item categories and its appropriate reimbursement ratio. Requests for reimbursement may be submitted upon delivery of the items specified in this Agreement. Final invoices for reimbursement will be accepted by WYDOT no later than forty-five (45) days from the expiration date of the Agreement as outlined in Section 3 above. The basis for reimbursement shall be Capital: For vehicles - Federal eighty-five percent (85%) and Local fifteen percent (15%); Charging Stations – Federal ninety percent (90%) and Local ten percent (10%) for this Agreement. The Recipient shall initiate and prosecute to completion all actions necessary to enable the Recipient to provide its share of the Project costs at or prior to the time that such funds are needed to meet Project costs. Reimbursement shall be made within forty-five (45) days after submission of invoice pursuant to Wyo. Stat. § 16-6-602. The Receipt shall submit invoices in sufficient detail to ensure that reimbursements may be made in conformance with this Agreement."

5. Amended Responsibilities of the Parties.

Responsibilities of the parties have not changed



6. **Special Provisions**

- A. **Same Terms and Conditions.** With the exception of items explicitly delineated in this Amendment, all terms and conditions of the original Agreement, and any previous amendments, between the WYDOT and the Contractor, including but not limited to sovereign immunity, shall remain unchanged and in full force and effect.
- B. **Counterparts.** This Amendment may be executed in counterparts. Each counterpart, when executed and delivered, shall be deemed an original and all counterparts together shall constitute one and the same Amendment. Delivery by the Recipient of an originally signed counterpart of this Amendment by facsimile or PDF shall be followed up immediately by delivery of the originally signed counterpart to the Agency.

7. **General Provisions.**

- A. **Entirety of Agreement.** The original Agreement, consisting of twenty-one (21) pages; Attachment “A”, Federally Required Clauses, consisting of thirty-five (35) pages; Attachment “B”, Federal Certifications, consisting of ten (10) pages; Attachment “C”, Continuing Control Acknowledgement, consisting of one (1) page; Attachment “D”, Compliance Certification, consisting of six (6) pages; and this Amendment One, consisting of five (5) pages represent the entire and integrated Agreement between the parties and supersede all prior negotiations, representations and agreements, whether written or oral.

THE REMAINDER OF THIS PAGE WAS INTENTIONALLY LEFT BLANK.



8. **Signatures.** The parties to this Agreement, either personally or through their duly authorized representatives, have executed this Agreement on the dates set out below and certify that they have read, understood, and agreed to the terms and conditions of this Agreement.

The Effective Date of this Agreement is the date of the signature last affixed to this page.

ATTORNEY GENERAL'S OFFICE: APPROVAL AS TO FORM

Aly Goldman #200104
Alycia Goldman, Assistant Attorney General

2/24/2020
Date:

RECIPIENT:
SOUTHERN TETON AREA RAPID TRANSIT

Name

Title

Date:

WYDOT:
WYOMING DEPARTMENT OF TRANSPORTATION

Keith R. Fulton, P.E. Assistant Chief Engineer –
Planning and Engineering

Date:

ATTEST:

Sandra J. Scott, Secretary
Transportation Commission of Wyoming

Date:

Date Prepared: 2-12-2020





**WYOMING RURAL PUBLIC TRANSIT PROGRAM FY 2019
SUBRECIPIENT AGREEMENT
BETWEEN THE
WYOMING DEPARTMENT OF TRANSPORTATION
AND THE
SOUTHERN TETON AREA RAPID TRANSIT**

Federal Award Information - Required by 2 CFR § 200.331

Subrecipient Name: Southern Teton Area Rapid Transit

Subrecipient DUNS: 137683533

CFDA No.: 20.526

CFDA Title: 5339c - Buses and Bus Facilities
Low-No Competitive Program

Federal Award Identification Number (FAIN):
WY-2019-002-00

Federal Award Date: TBD

Federal Award this Agreement: \$2,290,000

Total Federal Award to Subrecipient: \$2,290,000

Total Federal Award for FAIN: TBD

Awarding Federal Agency: Federal Transit
Administration

Pass-through Agency: Wyoming Department of
Transportation (WYDOT)

Federal Transit Administration: Melanie
Choquette
Telephone: (303) 362-2388
Email: melanie.choquette@dot.gov

WYDOT Program Mgr.: Talbot Hauffe
Telephone: 307-777-4384
Email: talbot.hauffe@wyo.gov

WYDOT Contact for Confirmation of Funds:
Telephone: (307) 777-4434
Email: dotrevenue@wyo.gov

Indirect Cost Rate (ICAP): N/A

Project Name: FY 2018 5339b Bus & Bus Facilities
Discretionary

Recipient County: Teton

Agreement No.: 5339-19-FTA-75

Project No.: FT19075

Total Project Budget: \$2,649,412

1. **Parties.** The parties to this Agreement are the Wyoming Department of Transportation (WYDOT), whose address is 5300 Bishop Blvd., Cheyenne, WY 82009, and the Southern Teton Area Rapid Transit (Recipient), whose address is 55 Karns Meadow Drive, Jackson, WY 83001.
2. **Purpose.** This is a subaward of federal financial assistance from the WYDOT to the Recipient. The purpose of this Agreement is to provide the terms and conditions by which the Recipient shall purchase of four (4) lift equipped, battery electric transit buses, and attendant charging equipment (Project).

Pursuant to Wyo. Stat. §§ 24-15-101 and 24-15-102 WYDOT is authorized to distribute these program funds in accordance with guidelines of the WYDOT State Management Plan and the Master Agreement with the Federal Transit Administration (FTA). This Agreement is also subject to all the Certifications and Assurances required by the FTA.

WYDOT and the Recipient desire to secure and utilize grant funds for the public transportation needs in small urban and rural areas in the State of Wyoming.

3. **Term of Agreement.** This Agreement is effective when all parties have executed it (Effective Date). The term of the Agreement is from the Effective Date through September 30, 2021.
4. **Payment.**

- A. WYDOT agrees to reimburse the Recipient for the Project described in Section 2 above. The total reimbursement shall not exceed Two Million Six Hundred Forty-nine Thousand Four Hundred Twelve Dollars and No Cents (\$2,649,412), comprised of Two Million Two Hundred Ninety Thousand Dollars and No Cents (\$2,290,000) Federal, and Three Hundred Fifty-nine Thousand Four Hundred Twelve Dollars and No Cents (\$359,412) Local Funding. The Recipient agrees that it will provide from local and unrestricted Federal funds, monies in the amount sufficient together with the Grant to assure payment of the actual Project costs. The Recipient's eligible costs incurred shall be reimbursed on an approved WYDOT reimbursement request form. WYDOT reserves the right to request support documentation for any and all submittals. For Vehicle Capital purchases, WYDOT will need the following for reimbursement: Copy of vendor invoice, copy of Recipient check paying vendor for vehicle, completed Compliance Certification Attachment "D", which is attached to and incorporated into this Agreement by this reference, and copy of the vehicle title with "WYDOT Grant Restricted" printed per Continuing Control Acknowledgement Attachment "C", which is attached to and incorporated into this Agreement by this reference. WYDOT will reimburse those eligible costs based on the program guidelines for



the item categories and its appropriate reimbursement ratio. Requests for reimbursement may be submitted upon delivery of the items specified in this Agreement. Final invoices for reimbursement will be accepted by WYDOT no later than forty-five (45) days from the expiration date of the Agreement as outlined in Section 3 above. The basis for reimbursement shall be **Capital: For vehicles - Federal eighty-five percent (85%) and Local fifteen percent (15%); Charging Stations – Federal ninety percent (90%) and Local ten percent (10%) for this Agreement.** The Recipient shall initiate and prosecute to completion all actions necessary to enable the Recipient to provide its share of the Project costs at or prior to the time that such funds are needed to meet Project costs. Reimbursement shall be made within forty-five (45) days after submission of invoice pursuant to Wyo. Stat. § 16-6-602. The Receipt shall submit invoices in sufficient detail to ensure that reimbursements may be made in conformance with this Agreement.

- B. No reimbursement shall be made for work performed before the Effective Date of this Agreement. Should the Recipient fail to perform in a manner consistent with the terms and conditions set forth in this Agreement, payment under this Agreement may be withheld until such time as the Receipt performs its duties and responsibilities to the satisfaction of WYDOT.
- C. Except as otherwise provided in this Agreement, the Recipient shall pay all costs and expenses, including travel, incurred by Recipient or on its behalf in connection with Recipient's performance and compliance with all of Recipient's obligation under this Agreement.
- D. This Agreement is required to comply with the Federal Funding Accountability and Transparency Act (FFATA) of 2006. As the prime recipient of these funds, WYDOT will report the required information to the Federal Funding Accountability and Transparency Act Subaward Reporting System (FSRS). WYDOT requires quarterly reporting of ridership and inventory updates for all Recipients of vehicle Agreements. The FFATA requires any person or entity receiving contract or grant funds directly from the federal government to report certain information regarding those funds through a centralized website, www.fsr.gov. The law requires that you provide your Data Universal Numbering System (DUNS) number to WYDOT. This requirement means you need to be registered with DUNS and Bradstreet. Instructions for this process can be found at www.dnb.com. Additional information regarding this Act may be found at the following sites:

<http://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf>

<http://edocket.access.gpo.gov/2010/pdf/2010-22706.pdf>.



5. Responsibilities of the Parties.

- A. Project Scope.** The Recipient shall undertake and complete the Project as described in its application, herewith incorporated by reference, filed with and approved by WYDOT in accordance with the terms and conditions of this Agreement.
- (i) Purchase of four (4) lift equipped, battery electric transit buses, and attendant charging equipment.
- B.** The Recipient shall abide by the terms found in Attachment A, which is attached to and incorporated into this Agreement by this reference.
- C.** WYDOT agrees to reimburse the Recipient in accordance with Section 4 above.
- D. Purchase of Project Equipment.** The purchase of all Project equipment financed in whole or in part pursuant to this Agreement shall be undertaken by WYDOT on behalf of the Recipient or with prior WYDOT approval in accordance with the procedures established by WYDOT. Purchases of over one thousand dollars (\$1,000.00) using Federal or State funds will be subject to approval of WYDOT in accordance with established procedures.
- E. Title to Project Equipment.** Title to Project equipment shall be in the name of the Recipient subject to the restrictions on use and disposition of the Project equipment set forth herein. The following notification shall be typed on the face of the title document of each vehicle by the County Clerk: “WYDOT Grant – Restricted.” It is the responsibility of the Recipient to ensure the County Clerk is notified of this requirement per Attachment “C”.
- F. Use of Project Equipment.** The Recipient agrees that the Project equipment, and/or facilities, shall be used for the purpose for which it was acquired, as long as it is needed in the Project. If the Project equipment is no longer needed, or cannot be used for the intended purpose, prior to selling or otherwise disposing of the Project equipment, the Recipient shall immediately notify WYDOT. Before selling or otherwise disposing of the Project equipment, the Recipient must receive a notification from WYDOT allowing the sale or disposal. The Recipient shall not execute any lease, pledge, mortgage, lien, or other contract touching or affecting the Federal interest in any Project equipment, nor shall it obligate itself in any other manner, with any third party with respect to the Project equipment, unless such lease, pledge, mortgage, lien, contract, or other obligation is either in conformance with the standards of FTA guidelines or is otherwise expressly authorized in writing by WYDOT; nor shall the Recipient or any other



organization that obtains facilities or equipment through this Grant, by any act or omission of any kind, impair its continuing control over the use of Project equipment. The Recipient shall maintain satisfactory records with regard to the use of the property and submit to WYDOT upon request such information as is required in order to assure compliance with this section. The Recipient shall immediately notify WYDOT in all cases where Project equipment is used in a manner substantially different from that described in the Project description. The Recipient shall maintain an amount and form satisfactory to WYDOT such insurance or self-insurance as will be adequate to protect Project equipment throughout the period of required use. During the period of contract performance, the Recipient shall maintain the Project equipment at a high level of cleanliness, safety and mechanical soundness. The Recipient shall maintain equipment in accordance to their WYDOT approved Maintenance Plan adopted by its Board or Governing Body and on file with WYDOT. WYDOT and the FTA shall have the right to monitor maintenance records in order to confirm that proper upkeep has been conducted pursuant to this section.

G. Prohibited Interest. No member, officer or employee of the Recipient during his tenure or one year thereafter shall have any interest, direct or indirect, in this Agreement or the proceeds thereof.

H. Restrictions, Prohibitions, Controls and Labor Provisions

(i) Equal Employment Opportunity. In connection with carrying out of the Project, the Recipient shall not discriminate against any employee or applicant for employment because of race, color, age, creed, sex, national origin or disability. The Recipient shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, creed, sex, age, national origin or disability. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

(ii) Disadvantaged Business Enterprise (DBE) Requirements.

1. Policy. It is the policy of WYDOT that disadvantaged business enterprises, defined as Minority Business Enterprises and Woman Business Enterprises, shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this Agreement. Consequently, the DBE requirements of 49 CFR Part 26 applies to this Agreement.



2. DBE Obligation. The Recipient or its contractor agrees to ensure that disadvantaged business enterprises as defined in 49 CFR Part 26 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided under this Agreement. In this regard, all Recipients shall take all necessary and reasonable steps in accordance with 49 CFR Part 26 to ensure that DBE's have the maximum opportunity to compete for and perform contracts. The Recipient and their contractors shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of WYDOT assisted contracts.
- (iii) Title VI Civil Rights Act of 1964. The Recipient shall comply and shall assure the compliance by contractors and subcontractors under this Project with all the requirements imposed by Title VI of the Civil Rights Act of 1964 (49 U.S.C. 2000d), the Regulations of the Department of Transportation (DOT) issued there under, 49 CFR Part 21, and the Assurance by the Recipient pursuant thereto.
- (iv) Compliance with Elderly and Disabled Regulations. The Recipient shall comply with applicable regulations regarding transportation for Elderly and Disabled person, set forth in 49 CFR Part 27 and the Americans with Disabilities Act of 1990.
- (v) The Recipient agrees that 49 U.S.C. § 5333 – Labor standards applies to this Agreement. The Certifications and Warranties are available from the FTA and WYDOT upon request and are incorporated by reference into this Agreement. Below is a brief summary of the requirements as well as program applicability.
1. Prevailing Wage Requirements. Construction work financed in whole or part by the FTA shall require the provisions of Davis-Bacon Apply.
 2. Employee Protective Arrangements. As a condition of 49 U.S.C. §§ 5307-5312, 5337 and/or 5339 employers are required to provide workers with basic protections as required by the Department of Labor. This includes the Special Warranty; details can be found on the Department of Labor's website at <http://www.dol.gov/olms/regs/compliance/compltransit.htm> or may be obtained by contacting the Department at (202) 693-0126.



An employer who receives Federal mass transit funds must protect all covered mass transit employees affected by the use of the Federal money. The Department of Labor must approve the arrangements made to protect these employees. For covered employees the arrangements include:

- (a) preserving their rights and benefits;
- (b) continuing their collective bargaining rights;
- (c) protecting them against a worsening of their employment conditions;
- (d) assuring jobs for employees of acquired mass transit systems;
- (e) providing priority of reemployment if the employee is laid off or his job is eliminated; and
- (f) providing paid training.

I. Motor Vehicle Safety

- (i) Motor Vehicle Safety Standards. The motor vehicles will comply with the Motor Vehicle Safety Standards and Pollution requirements as established by the United States Department of Transportation.
- (ii) Motor Vehicle Requirements. When new motor vehicles are purchased, there shall be obtained from each vendor a certification in writing that: "The horsepower of the vehicle is adequate for the speed, range and terrain in which it will be required to operate and also to meet the demands of all auxiliary power equipment."

J. Nondiscrimination On The Basis of Disability - 504 Regulations

- (i) The Recipient shall ensure to WYDOT that persons with disabilities and groups representing them have had adequate notice of and opportunity to comment on the present and proposed plans for providing transportation to disabled persons unable to use general public service.
- (ii) The Recipient must certify to WYDOT that special efforts are being made to provide transportation to eligible disabled persons. This service must be reasonable in cost, meet a significant fraction for such transportation needs, and be provided within a reasonable time.



- (iii) The Recipient is to submit a status report to WYDOT (updated every three years). The report must include:
 - 1. A description of the service to the disabled, as compared to the general public service.
 - 2. Copies or a summary of the comments received in response to the opportunity to comment.
 - 3. A statement of any plans to significantly modify the services.
 - 4. A statement of the resources devoted to the disabled service.

K. Safety Jurisdiction. FTA requires that all Recipients operate their service in a safe manner and not allow any conditions to develop that “create a serious hazard of death or injury.”

Safety Training Classes are a mandated requirement of the Safety Jurisdiction clause. Driver Safety and Passenger Assistance Training (TSI) or equal approved training, ADA compliance training, and other technical training programs are required on a regular basis (as specified by the State Management Plan). The Wyoming Public Transportation Association (WYTRANS) may charge reasonable fees for the training. WYTRANS shall record all such program income, attendance (names and agencies) and costs. WYTRANS shall maintain records and files of this training information. The Recipient shall maintain independent employee training records for their file as well. The Recipient shall notify WYTRANS of any employee needed training to keep current with the requirements of this section. If safety violations are found and a Recipient fails to correct them, or comply with the training mandate, further financial assistance may be withheld.

L. Emergency Management. All Recipients are required by WYDOT to cooperate and coordinate with Emergency Management agencies in their area during natural or man-made disasters. All FTA vehicles shall be used to transport people and/or equipment as directed by WYDOT. All Recipients shall use their communication equipment to insure timely evacuation of elderly and disabled people in their area.

M. Records and Reports

- (i) Establishment and Maintenance of Accounting Records. The Recipient shall establish and maintain, in accordance with requirements established by WYDOT, separate accounts for the Project, either independently or within its existing accounting system, to be known as the Project Account.
- (ii) Documentation of Project Costs. All charges to the Project Account shall be supported by properly executed invoices, contracts or vouchers



evidencing in proper detail the nature and propriety of the charges, in accordance with the rules and regulations of WYDOT. Copies and/or supporting documentation of such invoices, contracts or vouchers may be included with monthly billing statements to cover all charges submitted for payment. The original documentation should be maintained by the Recipient in the Project file and must be available to WYDOT upon request.

- (iii) Checks, Orders and Vouchers. Any check or order drawn by the Recipient with respect to any item which is or will be chargeable against the Project Account will be drawn only in accordance with a properly signed voucher then on file in the office of the Recipient stating in proper detail the purpose for which such check or order is drawn. All checks, invoices, contracts, vouchers, orders or other accounting documents pertaining in whole or in part to the Project shall be clearly identified, readily accessible and, to the extent feasible, kept separate and apart from all other such documents.
- (iv) Reports. The Recipient shall advise WYDOT regarding the progress of the Project at such times and in such manner as WYDOT may require, including, but not limited to meetings and interim reports. The Recipient shall submit, accompanying the monthly reimbursement report, ridership data reports on approved WYDOT forms. Requests for reimbursement will not be processed for payment by WYDOT without a completed ridership data for the period of the reimbursement request. The Recipient shall submit to WYDOT, or its authorized representatives, an inventory of all vehicles, facilities, and equipment purchased by the Recipient as part of the Project, all transportation services rendered by the Recipient by the use of such vehicles, facilities and equipment, and all relevant Project data and records. The Recipient shall also permit the above-named persons to examine the books, records and accounts of the Recipient pertaining to the Project. If the Recipient has an audit performed for their own purposes, the Recipient agrees to provide WYDOT with a copy of such audit report. The Recipient shall keep records and audit reports on file for three years after the close of their fiscal year.

N. Required Clauses. The Recipient shall include in all subcontracts and entered into pursuant to this Agreement all of the above required clauses and those federal clauses included in Attachment "A", which is attached to and incorporated into this Agreement by this reference. In addition, the following required provision shall be included in any advertisement of invitation to bid for any procurement under this Agreement: "Statement of Financial Assistance. This Agreement is



subject to a financial assistance contract between WYDOT and the Federal Transit Administration.”

6. Special Provisions

- A. **Assumption of Risk.** The Recipient shall assume the risk of any loss of state or federal funding, either administrative or program dollars, due to the Recipient's failure to comply with state or federal requirements. WYDOT shall notify the Recipient of any state or federal determination of noncompliance.
- B. **Conflict of Interest.** Per 2 CFR 200.112, the Recipient must disclose in writing any potential conflict of interest to WYDOT including financial or other personal interests.
- C. **Environmental Policy Acts.** The Recipient agrees all activities under this Agreement will comply with the Clean Air Act, the Clean Water Act, the National Environmental Policy Act, and other related provisions of federal environmental protection laws, rules or regulations.
- D. **Human Trafficking.** As required by 22 U.S.C. § 7104(g) and 2 CFR Part 175, this Agreement may be terminated without penalty if a private entity that receives funds under this Agreement:
 - (i) Engages in severe forms of trafficking in persons during the period of time that the award is in effect;
 - (ii) Procures a commercial sex act during the period of time that the award is in effect; or
 - (iii) Uses forced labor in the performance of the award or subawards under the award.
- E. **Kickbacks.** The Recipient certifies and warrants that no gratuities, kickbacks, or contingency fees were paid in connection with this Agreement, nor were any fees, commissions, gifts, or other considerations made contingent upon the award of this Agreement. If the Recipient breaches or violates this warranty, WYDOT may, at its discretion, terminate this Agreement without liability to WYDOT, or deduct from the agreed upon price or consideration, or otherwise recover, the full amount of any commission, percentage, brokerage, or contingency fee. The Recipient shall comply with the Copeland Anti-Kickback Act (18 U.S.C. § 874) as supplemented in the Department of Labor Regulations (29 CFR, Part 3). This Act provides that the Recipient is prohibited from inducing, by any means, any



person employed in the construction, completion, or repair of public works to give up any part of the compensation to which he or she is otherwise entitled.

- F. Limitations on Lobbying Activities.** By signing this Agreement, the Recipient certifies and agrees that, in accordance with P.L. 101-121, payments made from a federal grant shall not be utilized by the Recipient or its subcontractor in connection with lobbying member(s) of Congress, or any federal agency in connection with the award of a federal grant, contract, cooperative agreement, or loan. The Recipient and subcontractors may also be required to submit an additional certification statement and disclosure form acceptable to WYDOT before commencement of the work.
- G. Mandatory Disclosures.** Per 2 CFR 200.113, the Recipient must disclose, in a timely manner, in writing to WYDOT all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting this award. Failure to make required disclosures can result in remedies for noncompliance including suspension or debarment..
- H. Monitoring Activities.** WYDOT shall have the right to monitor all activities related to this Agreement that are performed by the Recipient or its subcontractors. This shall include, but not be limited to, the right to make site inspections at any time and with reasonable notice; to bring experts and consultants on site to examine or evaluate completed work or work in progress; to examine the books, ledgers, documents, papers, and records pertinent to this Agreement; and, to observe personnel in every phase of performance of the related work
- I. Nondiscrimination.** The Recipient shall comply with the Civil Rights Act of 1964, the Wyoming Fair Employment Practices Act (Wyo. Stat. § 27-9-105, *et seq.*), the Americans with Disabilities Act (ADA), 42 U.S.C. § 12101, *et seq.*, and the Age Discrimination Act of 1975 and any properly promulgated rules and regulations thereto and shall not discriminate against any individual on the grounds of age, sex, color, race, religion, national origin, or disability in connection with the performance under this Agreement.
- J. No Finder's Fees:** No finder's fee, employment agency fee, or other such fee related to the procurement of this Agreement, shall be paid by either party.
- K. Publicity.** Any publicity given to the projects, programs, or services provided herein, including, but not limited to, notices, information, pamphlets, press releases, research, reports, signs, and similar public notices in whatever form, prepared by or for the Recipient and related to the services and work to be



performed under this Agreement, shall identify WYDOT as the sponsoring agency and shall not be released without prior written approval of WYDOT.

- L. Suspension and Debarment.** By signing this Agreement, Recipient certifies that neither it nor its principals/agents are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction or from receiving federal financial or nonfinancial assistance, nor are any of the participants involved in the execution of this Agreement suspended, debarred, or voluntarily excluded by any federal department or agency in accordance with Executive Order 12549 (Debarment and Suspension), 44 CFR Part 17, or 2 CFR Part 180, or are on the debarred, or otherwise ineligible, vendors lists maintained by the federal government. Further, Recipient agrees to notify WYDOT by certified mail should it or any of its principals/agents become ineligible for payment, debarred, suspended, or voluntarily excluded from receiving federal funds during the term of this Agreement.
- M. Administration of Federal Funds.** The Recipient agrees its use of the funds awarded herein is subject to the Uniform Administrative Requirements of 2 CFR Part 200, *et seq.*; any additional requirements set forth by the federal funding agency; all applicable regulations published in the Code of Federal Regulations; and other program guidance as provided to it by WYDOT.
- N. Copyright License and Patent Rights.** The Recipient acknowledges that federal grantor, the State of Wyoming, and WYDOT reserve a royalty-free, nonexclusive, unlimited, and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, for federal and state government purposes: (1) the copyright in any work developed under this Agreement; and (2) any rights of copyright to which the Recipient purchases ownership using funds awarded under this Agreement. The Recipient must consult with WYDOT regarding any patent rights that arise from, or are purchased with, funds awarded under this Agreement.
- O. Federal Audit Requirements.** The Recipient agrees that if it expends an aggregate amount of seven hundred fifty thousand dollars (\$750,000.00) or more in federal funds during its fiscal year, it must undergo an organization-wide financial and compliance single audit. The Recipient agrees to comply with the audit requirements of the U.S. General Accounting Office Government Auditing Standards and Audit Requirements of 2 CFR Part 200, Subpart F. If findings are made which cover any part of this Agreement, the Recipient shall provide one (1) copy of the audit report to WYDOT and require the release of the audit report by its auditor be held until adjusting entries are disclosed and made to WYDOT's records.



- P. Non-Supplanting Certification.** The Recipient hereby affirms that federal grant funds shall be used to supplement existing funds, and shall not replace (supplant) funds that have been appropriated for the same purpose. The Recipient should be able to document that any reduction in non-federal resources occurred for reasons other than the receipt or expected receipt of federal funds under this Agreement.
- Q. Program Income.** The Recipient shall not deposit grant funds in an interest bearing account without prior approval of WYDOT. Any income attributable to the grant funds distributed under this Agreement must be used to increase the scope of the program or returned to WYDOT.

7. General Provisions

- A. Amendments.** Either party may request changes in this Agreement. Any changes, modifications, revisions or amendments to this Agreement which are mutually agreed upon by and between the parties to this Agreement shall be incorporated by written instrument, executed by all parties to this Agreement.
- B. Applicable Law, Rules of Construction, and Venue.** The construction, interpretation, and enforcement of this Agreement shall be governed by the laws of the State of Wyoming, without regard to conflicts of law principles. The terms “hereof,” “hereunder,” “herein,” and words of similar import, are intended to refer to this Agreement as a whole and not to any particular provision or part. The Courts of the State of Wyoming shall have jurisdiction over this Agreement and the parties. The venue shall be the First Judicial District, Laramie County, Wyoming.
- C. Assignment Prohibited and Agreement Shall Not be Used as Collateral.** Neither party shall assign or otherwise transfer any of the rights or delegate any of the duties set out in this Agreement without the prior written consent of the other party. The Recipient shall not use this Agreement, or any portion thereof, for collateral for any financial obligation without the prior written permission of WYDOT.
- D. Audit and Access to Records.** WYDOT and its representatives shall have access to any books, documents, papers, electronic data, and records of the Recipient which are pertinent to this Agreement. The Recipient shall immediately, upon receiving written instruction from WYDOT, provide to any independent auditor or accountant all books, documents, papers, electronic data, and records of the Recipient which are pertinent to this Agreement. The Recipient shall cooperate fully with any such independent auditor or accountant during the entire course of any audit authorized by WYDOT.



- E. Availability of Funds.** Each payment obligation of WYDOT is conditioned upon the availability of government funds which are appropriated or allocated for the payment of this obligation and which may be limited for any reason including, but not limited to, congressional, legislative, gubernatorial, or administrative action. If funds are not allocated and available for continued performance of the Agreement, the Agreement may be terminated by WYDOT at the end of the period for which the funds are available. WYDOT shall notify the Recipient at the earliest possible time of the services which will or may be affected by a shortage of funds. No penalty shall accrue to WYDOT in the event this provision is exercised, and WYDOT shall not be obligated or liable for any future payments due or for any damages as a result of termination under this section.
- F. Award of Related Agreements.** WYDOT may award supplemental or successor Agreements for work related to this Agreement. The Recipient shall cooperate fully with other contractors and WYDOT in all such cases.
- G. Certificate of Good Standing.** The Recipient shall provide to WYDOT a Certificate of Good Standing from the Wyoming Secretary of State, or other proof that the Recipient is authorized to conduct business in the State of Wyoming, if required, before performing work under this Agreement. The Recipient shall ensure that annual filings and corporate taxes due and owing to the Secretary of State's office are up-to-date before signing this Agreement.
- H. Compliance with Law.** The Recipient shall keep informed of and comply with all applicable federal, state, and local laws and regulations, and all federal grant requirements and executive orders in the performance of this Agreement.
- I. Confidentiality of Information.** All documents, data compilations, reports, computer programs, photographs, data, and other work provided to or produced by the Recipient in the performance of this Agreement shall be kept confidential by the Recipient unless written permission is granted by WYDOT for its release. If and when the Recipient receives a request for information subject to this Agreement, the Recipient shall notify WYDOT within ten (10) days of such request and shall not release such information to a third party unless directed to do so by WYDOT.
- J. Entirety of Agreement.** This Agreement, consisting of twenty-one (21) pages; Attachment "A", Federally Required Clauses, consisting of thirty-five (35) pages; Attachment "B", Federal Certifications, consisting of ten (10) pages; Attachment "C", Continuing Control Acknowledgement, consisting of one (1) page; Attachment "D", Compliance Certification, consisting of six (6) pages, and the



Recipient's Application, represent the entire and integrated Agreement between the parties and supersede all prior negotiations, representations, and agreements, whether written or oral. In the event of a conflict or inconsistency between the language of this Agreement and the language of any attachment or document incorporated by reference, the language of this Agreement shall control.

- K. Ethics.** The Recipient shall keep informed of and comply with the Wyoming Ethics and Disclosure Act (Wyo. Stat. § 9-13-101, *et seq.*) and any and all ethical standards governing the Recipient's profession.
- L. Extensions.** Nothing in this Agreement shall be interpreted or deemed to create an expectation that this Agreement will be extended beyond the term described herein. Any extension of this Agreement shall be initiated by WYDOT and shall be accomplished through a written amendment between the parties entered into before the expiration of the original Agreement or any valid amendment thereto, and shall be effective only after it is reduced to writing and executed by all parties to the Agreement.
- M. Force Majeure.** Neither party shall be liable for failure to perform under this Agreement if such failure to perform arises out of causes beyond the control and without the fault or negligence of the nonperforming party. Such causes may include, but are not limited to, acts of God or the public enemy, fires, floods, epidemics, quarantine restrictions, freight embargoes, and unusually severe weather. This provision shall become effective only if the party failing to perform immediately notifies the other party of the extent and nature of the problem, limits delay in performance to that required by the event, and takes all reasonable steps to minimize delays.
- N. Indemnification.** The Recipient shall release, indemnify, and hold harmless the State, WYDOT, and their officers, agents, employees, successors, and assignees from any and all claims, lawsuits, losses, and liability arising out of the Recipient's failure to perform any of the Recipient's duties and obligations hereunder or in connection with the negligent performance of the Recipient's duties or obligations, including, but not limited to, any claims, lawsuits, losses, or liability arising out of the Recipient's negligence or other tortious conduct.
- O. Independent Contractor.** The Recipient shall function as an independent contractor for the purposes of this Agreement and shall not be considered an employee of the State of Wyoming for any purpose. Consistent with the express terms of this Agreement, the Recipient shall be free from control or direction over the details of the performance of services under this Agreement. The Recipient shall assume sole responsibility for any debts or liabilities that may be incurred by the Recipient in fulfilling the terms of this Agreement and shall be solely



responsible for the payment of all federal, state, and local taxes which may accrue because of this Agreement. Nothing in this Agreement shall be interpreted as authorizing the Recipient or its agents or employees to act as an agent or representative for or on behalf of the State of Wyoming or WYDOT or to incur any obligation of any kind on the behalf of the State of Wyoming or WYDOT. The Recipient agrees that no health or hospitalization benefits, workers' compensation, unemployment insurance, or similar benefits available to State of Wyoming employees will inure to the benefit of the Recipient or the Recipient's agents or employees as a result of this Agreement.

P. Insurance Coverage. The Recipient shall obtain and maintain the following insurance in accordance with the Insurance Requirements set forth below:

- (i) Commercial General Liability Insurance. Commercial general liability insurance (CGL) coverage, occurrence form, covering liability claims for bodily injury and property damage arising out of premises, operations, products and completed operations, and personal and advertising injury, with minimum limits as follows:

- (a) \$1,000,000.00 each occurrence;
- (b) \$1,000,000.00 personal injury and advertising injury;
- (c) \$2,000,000.00 general aggregate; and
- (d) \$2,000,000.00 products and completed operations.

The CGL policy shall include coverage for Explosion, Collapse and Underground property damage. This coverage may not be excluded by endorsement.

- (ii) Workers' Compensation and Employer's Liability Insurance. Employees hired in Wyoming to perform work under this Agreement shall be covered by workers' compensation coverage obtained through the Wyoming Department of Workforce Services' workers' compensation program, if statutorily required. Employees brought into Wyoming from recipient's home state to perform work under this Agreement shall be covered by workers' compensation coverage obtained through the Wyoming Department of Workforce Services' workers' compensation program or other state or private workers' compensation insurance approved by the Wyoming Department of Workforce Services, if statutorily required.

The Recipient shall provide WYDOT with a Certificate of Good Standing or other proof of workers' compensation coverage for all of its employees who are to perform work under this Agreement, if such coverage is required by law. If workers' compensation coverage is obtained by Recipient through the Wyoming Department of Workforce Services'



workers' compensation program, Recipient shall also obtain Employer's Liability "Stop Gap" coverage through an endorsement to the CGL policy required by this Agreement, with minimum limits as follows:

- (a) Bodily Injury by Accident: \$1,000,000.00 each accident;
 - (b) Bodily Injury by Disease: \$1,000,000.00 each employee; and
 - (c) Bodily Injury by Disease: \$1,000,000.00 policy limit.
- (iii) Unemployment Insurance. The Recipient shall be duly registered with the Department of Workforce Services and obtain such unemployment insurance coverage as required. The Recipient shall supply WYDOT with a Certificate of Good Standing or other proof of unemployment insurance coverage.
- (iv) Automobile Liability Insurance. Automobile liability insurance covering any auto (including owned, hired, and non-owned) with minimum limits of \$1,000,000.00 each accident combined single limit.

Q. Insurance Requirements.

- (i) During the term of this Agreement, the Recipient shall obtain and maintain, and ensure that each subcontractor obtains and maintains, each type of insurance coverage specified in Insurance Coverage, above.
- (ii) All policies shall be primary over any insurance or self-insurance program carried by the Recipient or the State of Wyoming. All policies shall include clauses stating that each insurance carrier shall waive all rights of recovery under subrogation or otherwise against Recipient or the State, its agencies, institutions, organizations, officers, agents, employees, and volunteers.
- (iii) The Recipient shall provide Certificates of Insurance to WYDOT verifying each type of coverage required herein. If the policy is a "claims made" policy instead of an "occurrence" policy, the information provided shall include, but is not limited to, retroactive dates and extended reporting periods or tails.
- (iv) All policies shall be endorsed to provide at least thirty (30) days advance written notice of cancellation to WYDOT. A copy of the policy endorsement shall be provided with the Certificate of Insurance.
- (v) In case of a breach of any provision relating to Insurance Requirements or Insurance Coverage, WYDOT may, at WYDOT's option, obtain and maintain, at the expense of the Recipient, such insurance in the name of the Recipient, or subcontractor, as WYDOT may deem proper and may



deduct the cost of obtaining and maintaining such insurance from any sums which may be due or become due to the Recipient under this Agreement.

(vi) All policies required by this Agreement shall be issued by an insurance company with an A.M. Best rating of A- VIII or better.

(vii) WYDOT reserves the right to reject any policy issued by an insurance company that does not meet these requirements.

R. Notices. All notices arising out of, or from, the provisions of this Agreement shall be in writing either by regular mail or delivery in person at the addresses provided under this Agreement.

S. Notice of Sale or Transfer. The Recipient shall provide WYDOT with notice of any sale, transfer, merger, or consolidation of the assets of the Recipient. Such notice shall be provided in accordance with the notices provision of this Agreement and, when possible and lawful, in advance of the transaction. If WYDOT determines that the sale, transfer, merger, or consolidation is not consistent with the continued satisfactory performance of the Recipient's obligations under this Agreement, then WYDOT may, at its discretion, terminate or renegotiate the Agreement.

T. Ownership and Return of Documents and Information. WYDOT is the official custodian and owns all documents, data compilations, reports, computer programs, photographs, data, and other work provided to or produced by the Recipient in the performance of this Agreement. Upon termination of services, for any reason, the Recipient agrees to return all such original and derivative information/documents to WYDOT in a useable format. In the case of electronic transmission, such transmission shall be secured. The return of information by any other means shall be by a parcel service that utilizes tracking numbers. Upon WYDOT's verified receipt of such information, the Recipient agrees to physically and electronically destroy any residual WYDOT-owned data, regardless of format, and any other storage media or areas containing such information. The Recipient agrees to provide written notice to WYDOT confirming the destruction of any such residual WYDOT-owned data.



- U. Patent or Copyright Protection.** The Recipient recognizes that certain proprietary matters or techniques may be subject to patent, trademark, copyright, license, or other similar restrictions, and warrants that no work performed by the Recipient or its subcontractors will violate any such restriction. The Recipient shall defend and indemnify WYDOT for any infringement or alleged infringement of such patent, trademark, copyright, license, or other restrictions.
- V. Prior Approval.** This Agreement shall not be binding upon either party, no services shall be performed, and the Wyoming State Auditor shall not draw warrants for payment, until this Agreement has been fully executed, approved as to form by the Office of the Attorney General, filed with and approved by A&I Procurement, and approved by the Governor of the State of Wyoming, or his designee, if required by Wyo. Stat. § 9-2-1016(b)(iv).
- W. Severability.** Should any portion of this Agreement be judicially determined to be illegal or unenforceable, the remainder of this Agreement shall continue in full force and effect, and the parties may renegotiate the terms affected by the severance.
- X. Sovereign Immunity and Limitations.** Pursuant to Wyo. Stat. § 1-39-104(a), the State of Wyoming and WYDOT expressly reserve sovereign immunity by entering into this Agreement and specifically retain all immunities and defenses available to them as sovereigns. The parties acknowledge that the State of Wyoming has sovereign immunity and only the Wyoming Legislature has the power to waive sovereign immunity. Designations of venue, choice of law, enforcement actions, and similar provisions shall not be construed as a waiver of sovereign immunity. The parties agree that any ambiguity in this Agreement shall not be strictly construed, either against or for either party, except that any ambiguity as to sovereign immunity shall be construed in favor of sovereign immunity.
- Y. Taxes.** The Recipient shall pay all taxes and other such amounts required by federal, state, and local law, including, but not limited to, federal and social security taxes, workers' compensation, unemployment insurance, and sales taxes.
- Z. Termination of Agreement.** This Agreement may be terminated, without cause, by either party upon thirty (30) days written notice. This Agreement may be terminated by WYDOT immediately for cause if the Recipient fails to perform in accordance with the terms of this Agreement.
- AA. Third Party Beneficiary Rights.** The parties do not intend to create in any other individual or entity the status of third party beneficiary, and this Agreement shall not be construed so as to create such status. The rights, duties and obligations



contained in this Agreement shall operate only between the parties to this Agreement and shall inure solely to the benefit of the parties to this Agreement. The provisions of this Agreement are intended only to assist the parties in determining and performing their obligations under this Agreement.

- BB. Time is of the Essence.** Time is of the essence in all provisions of this Agreement.
- CC. Titles Not Controlling.** Titles of sections and subsections are for reference only and shall not be used to construe the language in this Agreement.
- DD. Waiver.** The waiver of any breach of any term or condition in this Agreement shall not be deemed a waiver of any prior or subsequent breach. Failure to object to a breach shall not constitute a waiver.
- EE. Counterparts.** This Agreement may be executed in counterparts. Each counterpart, when executed and delivered, shall be deemed an original and all counterparts together shall constitute one and the same Agreement. Delivery by the Recipient of an originally signed counterpart of this Agreement by facsimile or PDF shall be followed up immediately by delivery of the originally signed counterpart to WYDOT.

THE REMAINDER OF THIS PAGE WAS INTENTIONALLY LEFT BLANK.



8. **Signatures.** The parties to this Agreement, either personally or through their duly authorized representatives, have executed this Agreement on the dates set out below and certify that they have read, understood, and agreed to the terms and conditions of this Agreement.

The Effective Date of this Agreement is the date of the signature last affixed to this page.

ATTORNEY GENERAL'S OFFICE: APPROVAL AS TO FORM

Alysia Goldman #191704
Alysia Goldman, Assistant Attorney General

6/11/19
Date:

RECIPIENT:
SOUTHERN TETON AREA RAPID TRANSIT

Dan R. Gylman
Name

TRANSIT DIRECTOR
Title

6-27-19
Date:

WYDOT:
WYOMING DEPARTMENT OF TRANSPORTATION

Keith R. Fulton
Keith R. Fulton, P.E. Assistant Chief Engineer –
Planning and Engineering

8.9.2019
Date:

ATTEST:

Sandra J. Scott
Sandra J. Scott, Secretary
Transportation Commission of Wyoming

8/9/19
Date:

Date Prepared: 3-17-2019





TOWN OF JACKSON TOWN COUNCIL AGENDA DOCUMENTATION

PREPARATION DATE: APRIL 16, 2020
MEETING DATE: APRIL 20, 2020

SUBMITTING DEPARTMENT: PLANNING
DEPARTMENT DIRECTOR: PAUL ANTHONY
PRESENTER: BRENDAN CONBOY

SUBJECT: **ITEM P20-025:** DEVELOPMENT PLAN TO DEVELOP AN 8-UNIT APARTMENT BUILDING AT 445 VINE STREET

APPLICANT: KEN RIZOTTI – HR28 LLC

STATEMENT/PURPOSE

The applicant is requesting approval of a Development Plan for an 8-unit apartment building for the property located at 445 Vine Street. Upon Building Permit approval the applicant intends to apply for a Townhouse/Condominium Subdivision Plat.

APPLICABLE REGULATIONS

Section 8.3.2 Development Plan

LOCATION

The property is located at 445 Vine Street, legally known as LOT 1, BLK. 3, MEADOWLAND. An aerial photo and zoning map are shown below:



BACKGROUND/ALTERNATIVES

The applicant's property is a 0.19 acre parcel (8,276 sf) with frontage on Vine Street and access from the alley located between East Kelly Avenue and East Karns Avenue. It is zoned Neighborhood Medium Density – 2 (NM-2) and currently contains a mobile home unit. The property is surrounded by NM-2 zoning to the north, south, and west. Across Vine Street to the east are Snow King Mountain Resort properties zoned Planned Resort – Snow King (PR-SK).

- The property previously contained an 820 sf home that was demolished in 2017 following a fire.
- The applicant held a Pre-Application meeting for the Development Plan on December 5, 2019.
- The applicant appeared before the Design Review Committee on January 8, 2020 and received a recommendation of approval from the DRC to the Planning Director without conditions.

PROJECT DESCRIPTION

The applicant intends to build an 8-unit, two-story apartment building with six (6) 447/448 sf one-bedroom units, and two (2) 898 sf two-bedroom units. The applicant intends to utilize the Workforce Housing Floor Area Bonus, commonly referred to as the 2:1 Bonus (Sec. 7.8.4), to add an additional 1,344 sf of floor area (3 units) beyond the base FAR limit of 3,247.4 sf. Per the Workforce Housing Floor Area Bonus rules, one of these units will have a workforce housing deed restriction while the other two will be market units. The proposed building will contain a total of 6,724 sf of gross floor area with 4,484 sf of above ground habitable floor area and 2,240 sf of unfinished basement for tenant storage space. Vehicular access to the building is taken from the alley with surface parking abutting the alley.

STAFF ANALYSIS

Development Plan Review

The purpose of a Development Plan is to review a physical development or development option that is large and complex enough to benefit from a public review at a sufficient level of detail to determine compliance with these LDRs prior to preparation of final construction or plat documents. This project requires a Development Plan because the threshold for a Development Plan in the NM-2 zone is any development between 5-15 units. Staff finds that the information submitted by the applicant to be appropriate for reviewing the proposed development.

Conformance with the Comprehensive Plan

This site is located in Character District 3: Town Residential Core, Subarea 3.2: Core Residential. This is a *Transitional* area intended for redevelopment with predominantly 2-story (and some 3-story) single family and multifamily residential buildings. Due to its central location in the core of Town near employment and Complete Neighborhood amenities, the future character of this subarea will include some increased density and larger buildings compared to existing development. Multifamily structures will be predominantly found on larger residential lots and along mixed use corridors. The density and intensity found in areas containing multifamily structures may be greater than what is generally allowable in other areas. Parking should be minimized and screened from view as much as possible. Staff finds that the project is consistent with these goals but please see the section on Findings for Development Plans for staff's more detailed analysis on the project's conformance with the Comprehensive Plan.

Conformance with Other Applicable Regulations

Staff finds that the applicant complies with the dimensional standards in the NM-2 zone as shown in the table below and discussed further in this section.

	NM-2	Proposed	Complies?
FAR	0.4 base max (3247.4 sf) + 2:1 Workforce Bonus: Determined by proposal	0.38 base (3138.0 sf) + 2:1 Workforce Bonus: (1,344 sf)	Yes
LSR	.21 (1,738 sf) 70% within front 1/3 rd of lot	.28 (2,390 sf) >70% within 1/3 rd in front of lot	Yes
Plant Units	1/1000 sf of landscape area 1 per 12 parking spaces	1,738 SF = 1.74 plant units 10 parking spaces = 1 plant unit 3 plant units total	Yes
Minimum Lot Size	7,500 sf	8,276 sf	Yes
Height	35' ($\leq$ 3:12 roof pitch) 37' (4:12, 5:12) 39' ($\geq$ 6:12 roof pitch)	27' ($<$ 3:12 roof pitch)	Yes
Density	8 units max per apartment building	8 units	Yes
Parking	1/DU if $<$ 2 bedrooms and $<$ 500 sf; otherwise, 1.5/DU	(6) 1br units $<$ 500 sf: 6 spaces (2) 2br units $>$ 500 sf: 3 spaces 10 spaces proposed	Yes
Primary Street Setback (Vine)	20'	20'	Yes
Secondary Street Setback (Alley)	10'	25'-3"	Yes
Side Setback (south)	10'	10'	Yes
Side Setback (west)	10'	10'	Yes

Landscaping

There is a .21 Landscape Surface Ratio (LSR) requirement in the NM-2 zone. Additionally, multifamily development is required to provide 70% of the necessary landscaping within the front 1/3rd of the lot. The applicant has met this requirement by providing 1,574 sf of landscaped area within the front third of the lot where 1,158 sf minimum is required. The applicant's narrative refers to the courtyard landscape area in the front of the development as 'public space', however the applicant has clarified in a written statement attached to this report that this is a mistake and that the landscaped area will not be open to the public and is instead intended solely for the benefit of the residents of the development. Comments in the Legal Department's departmental review regarding an easement over this portion of the site for the benefit of the public are not applicable in light of this clarification.

The applicant proposes 3 plant units, with the majority of plantings located in front of the building adjacent to Vine Street. Staff finds that the proposed plantings may help shield the surface parking located off the alley from Vine Street. Proposed plantings for the 3 plant unit requirement includes Colorado Spruce, Patmore Ash, and Quaking Aspen trees, as well as Maple, Serviceberry, Chokecherry, and Lilac shrubs.

Site Design

The proposed site plan is consistent with the goals of the NM-2 zone by providing medium density residential development promoting workforce housing with surface parking accessed from an alley. Street trees and planter boxes will further improve the street experience for residents and passersby.

Vehicular and Pedestrian Access/ Circulation/ Traffic

Vehicular access to the project will be provided by the existing east-west alley on the north side of the site. Tenants will park directly off the alley and back out onto the alley. The applicant has provided an ADA compatible disability space as well as 1 additional overflow or guest parking space.

The applicant has shown a sidewalk as part of their site plan, however the Planning Director has determined that a sidewalk is not required at this point in time due to the uncertain nature of future sidewalk improvements along Vine Street and right-of-way constraints imposed by neighboring properties to the north which could limit pedestrian connections. In lieu of building a sidewalk, staff has added a condition of approval that requires the applicant to bond for 125% of the cost of a sidewalk on the property until such time that the Town finalizes plans for pedestrian sidewalk improvements along Vine Street.

While the LDRs do not require a traffic impact analysis for this project (or any project unless it is associated with a Conditional Use or is located on a State Highway), the applicant has provided a trip generation report. The analysis concludes that the change from a single-family detached residential unit on site to an apartment use will increase A.M peak hour trip generation from 2 to 6 trips, and P.M. peak hour trip generation from 3 to 7 trips.

Trash Enclosures/ Snow Storage

The applicant has indicated the general location of a trash and recycling enclosure on the plans, however all dimensions and setbacks will be assessed at the time of Building Permit submittal. The applicant has demonstrated the location for snow storage on the plans (on the northwest portion of the site adjacent to parking) which meet the 2.5% of site area requirement. While this area is landscaped, it consists solely of turf grass and no trees or shrubs are proposed within this snow storage area.

Affordable Workforce Housing

Sec. 6.3.2.A.1 in the LDRs allows properties to get an affordable housing credit for any uses on the site established from December 19, 1995 to the present. Essentially, whichever uses generate the highest mitigation requirement during this period create a credit of equal value that can be used to offset the housing requirement of new development or redevelopment on the same site. Mobile homes are exempt from affordable workforce housing mitigation, however the property does have credit for the 820 sf detached single family home that used to be on the property which is deducted from the requirement for the new development.

The below table provides a summary of the affordable housing mitigation plan. Additional detail is provided after the table.

Affordable Housing Mitigation Summary

Mitigation Requirement (Base 0.4 FAR)	Mitigation Requirement (2:1 Workforce FAR Bonus)
<i>Proposed: 3,140 sf</i> • Three (3) 1br units - 448 sf ea. • Two (2) 2br units – 898 sf Credit: 820 sf detached single family home Requirement: 0.084 deed-restricted units Fee-in-lieu amount: \$17,452.91 Complies. Affordable Housing Mitigation fee-in-lieu will be due prior to issuance of Building Permit	<i>Proposed: 1,346 sf</i> • Two (2) 1br units - 448 sf of Market housing • One (1) 1br unit - 448 sf of Workforce Deed Restricted housing Requirement @ 2:1 = 896 sf (Market) : 448 sf (Workforce) Complies.

In addition to the base FAR, applicants in the NM-2 zone have the option to increase residential development potential by using the Workforce Housing FAR Bonus in Section 7.8.4. In summary, this bonus allows developers to add 2 sf of market residential floor area to a project for every 1 sf of deed-restricted workforce housing they provide. The deed-restriction required for this option is a Workforce ownership or rental restriction that has no income limits or initial sales price caps (see below summary for major terms of this deed restriction).

Any bonus floor area allowed by the bonus tool must comply with all regular zoning requirements for setbacks, height, parking, etc. — i.e., all bonus floor area must fit in the “box” defined by the zone’s dimensional standards without the need for variances or administrative adjustments. The purpose of the 2:1 tool is to encourage the market to build deed-restricted workforce housing in desired locations without any taxpayer subsidy. All workforce units will be required to meet the Housing Department’s livability standards (e.g., storage, outdoor space, etc.).

The applicant will be required to record a Workforce Ownership deed restriction prior to Certificate of Occupancy for the units. Below is a summary of the primary terms of the Workforce Ownership deed restriction:

- *Initial sales price:* Set by owner with no restrictions
- *Subsequent sales price:* Limited to 2.5% annual appreciation
- *Income restriction:* None
- *Ownership of real estate:* Not within 150 miles of Teton County
- *Employment:* Average of 30 hrs/wk and 75% of income from local business
- *Occupancy requirement:* 10 month / year minimum

Development Exactions

The applicant intends to subdivide the property at a later date as a Condominium/Townhouse Plat. The proposed project includes 8 units. Each unit, therefore, will generate demand for schools and parks that must be mitigated according to Division 7.5: Development Exactions Standards. Staff has calculated the requirement for (6) one-bedroom units and (2) two-bedroom units in the amount of \$13,500 for park

exactions and \$12,000 for school exactions. The final school and park exactions will be due at the time of subdivision plat approval.

STAFF FINDINGS

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.*

This site is located Character District 3: Town Residential Core, Subarea 3.2: Core Residential of the 2012 Comprehensive Plan. The following is the vision for Subarea 3.2:

Sub-area 3.2 Core Residential: This residential, TRANSITIONAL Subarea is currently made up of a variety of single family and multifamily residential types, with some existing larger residential developments and non-conforming commercial uses. Redevelopment, revitalization and reinvestment are highly desired in this subarea. Due to its central location in the core of Town near employment and Complete Neighborhood amenities, the future character of this subarea will include some increased density and larger buildings than in East Jackson (Subarea 3.1).

In addition, to the development pattern described for East Jackson (Subarea 3.1), multifamily residential uses will be encouraged in order to replace existing commercial uses and to blend the borders of the Town Commercial Core (District 2) with the Town Residential Core (District 3). Multifamily structures will be predominantly found on larger residential lots and along mixed use corridors. The size and scale of multifamily structures will be predominantly two stories with three stories considered in specific cases with proper design. The density and intensity found in areas containing multifamily structures may be greater than what is generally allowable in other areas. For these larger structures, the dominant building mass should be located near the street and be broken into multiple smaller buildings when possible. Parking should be minimized and screened from view as much as possible. In areas where office uses currently exist, consideration should be given to allow a mix of office and residential uses. Future mixed use office development should be of the same bulk, scale and intensity of the residential uses.

Complies. The proposed project meets the general purpose and goals of Subarea 3.2. as the density and scale are appropriate for this location. In addition, the DRC has reviewed this project and approved it for Development Plan with positive comments regarding the site design, landscape courtyard, and architectural style. Finally, the applicant's use of the 2:1 Workforce Bonus meets the Comprehensive Plan's goals of creating deed-restricted workforce housing in locations close to jobs, services, and transit.

In addition, Staff has analyzed this application for consistency with the Policy Objectives of Character District 3: Town Residential Core as follows:

Common Value 1: Ecosystem Stewardship

Not applicable.

Common Value 2: Growth Management

Policy 4.1.b Emphasize a variety of housing types, including deed-restricted housing.

Complies. The resulting apartment units are identified as a desired type of housing according to the Subarea 3.2 description. In addition, the project will result in one Workforce deed-restricted unit.

Policy 4.3.a Preserve and enhance stable subareas.

Not applicable. Subarea 3.2 is a transitional subarea.

Policy 4.3.b Create and develop transitional subareas.

Complies. The proposed development meets the intent and desired characteristics for multifamily residential development in this transitional subarea.

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

Complies. Staff finds the Development Plan proposes improvements that enhance the built environment and provide additional landscaping along the streetscape which make the Vine streetscape more aesthetically pleasing.

Common Value 3: Quality of Life

Policy 5.2.d Encourage deed-restricted rental units.

Complies. Staff finds that this development will be subject to affordable and workforce housing fees. In addition, this project will result in one Workforce deed restricted unit as a result of the 2:1 Bonus floor area.

Policy 5.3.b Preserve existing workforce housing stock.

Not applicable. The existing mobile home is being removed but will be replaced with 8 residential units.

Policy 7.1.c Increase the capacity for use of alternative transportation needs.

Complies. The proposal will add density near START bus stops.

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

Not applicable.

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.***

Complies. The development will be subject to mitigation of park and school impacts through payment of exactions at the ratio required in the LDRs for residential development at the time of Subdivision Plat recordation. Staff finds that an 8-unit subdivision will not have a significant impact on other

public facilities and services as the development does not expand the anticipated growth within the NM-2 zone based upon allowable lot size and density.

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

Complies. The applicant appeared before the DRC and received a recommendation of approval to the Planning Director without any additional conditions.

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

Complies. Staff finds that the Development Plan proposal is in compliance with all relevant LDR standards.

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

Not applicable.

PLANNING COMMISSION

The applicant appeared before the Planning Commission on April 1, 2020, and received a unanimous recommendation of approval. The Planning Commission discussed the impact of infill development on existing neighborhoods, in particular when development is proposed on an alley such as this proposal. The Planning Director clarified that the density that is allowed in this location was contemplated as part of the zoning updates of 2018. The Planning Director suggested that there may be a need to have a broader discussion with Public Works and the Town Council about infill development impacts and compatibility standards on alleys in Town in general, something that is currently not defined.

The Planning Commission also discussed the location of the proposed bicycle parking rack. Staff pointed to the Pathways Director's Departmental Reviews which specify appropriate bicycle parking locations. Bicycle parking, like the final dimensions of a dumpster enclosure, will be reviewed as part of the Building Permit submittal. The Planning Commission agreed with staff's recommendation that a sidewalk should not be required at this time, but that the applicant should bond for sidewalk improvements as specified in the associated condition of approval. Lastly, the Planning Commission clarified that an easement should be provided on the northeast corner of the property to maintain the turning radius from the alley to turn right onto Vine Street. The Town Engineer's Departmental Review recommends an easement over this portion of the property to address this concern.

PUBLIC COMMENT

The Planning Department has received a series of comment letters with various concerns about the number of units, parking, noise, and impact to the existing neighborhood character. The Planning Department has also received a series of letters in support of the project from members of the community. The letters are attached to this staff report.

LEGAL REVIEW

Ongoing as required.

ATTACHMENTS

Applicant Submittal
Clarification from Applicant on Courtyard Space
Housing Mitigation Plan Calculations by Staff
Revised Floor Plan Calculations for 2:1 Housing Allocation
Departmental Reviews
Public Comment Letters

RECOMMENDATIONS/ CONDITIONS OF APPROVAL

The Planning Director and the Planning Commission recommend **approval** of a Development Plan (P20-025) for an 8-unit residential building for the property located at 445 Vine Street, subject to the department reviews and the following condition of approval:

1. The applicant shall provide a bond in the amount of 125% of the estimated cost of sidewalk improvements on the property, the amount to be determined by the Town Engineer and to be held for a period of time not exceeding 5 years.

SUGGESTED MOTIONS

Based upon the findings as presented in the staff report and made by the applicant for a **Development Plan** (Item P20-025), 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 for an 8-unit residential building for the property located at 445 Vine Street, legally known as LOT 1, BLK. 3, MEADOWLAND, subject to the departmental reviews attached to the staff report dated April 16, 2020, and the following condition of approval:

1. The applicant shall provide a bond in the amount of 125% of the estimated cost of sidewalk improvements on the property, the amount to be determined by the Town Engineer and to be held for a period of time not exceeding 5 years.



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: Corner of Vine
 Physical Address: 445 Vine St, Jackson, WY 83001
 Lot, Subdivision: Lot 1, BLK 3, Meadowland PIDN: 22-41-16-34-2-33-001

PROPERTY OWNER.

Name: Vine 45, LLC (Jamie Farmer, Manager) Phone: _____
 Mailing Address: PO Box 1325, Jackson, WY 83001 ZIP: _____
 E-mail: _____

APPLICANT/AGENT.

Name: Kenneth Rizzotti, HR28 LLC Phone: 307-413-2294
 Mailing Address: PO Box 1630, Wilson, WY ZIP: 83014
 E-mail: krizzotti@gmail.com

DESIGNATED PRIMARY CONTACT.

_____ Property Owner ☒ Applicant/Agent

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

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

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

Pre-application Conference #: P19-259 Environmental Analysis #: N/A
Original Permit #: N/A Date of Neighborhood Meeting: _____

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

Have you attached the following?

- 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.

Ken Rizzotti
Signature of Property Owner or Authorized Applicant/Agent
Kenneth Rizzotti
Name Printed

2/10/2020
Date
Manager HR28 LLC
Title

Corner of Vine

TOWN OF JACKSON DEVELOPMENT PLAN

FEBRUARY 07, 2020



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Concept Statement

The Corner of Vine project at 445 Vine Street is a proposal for the design and development of an 8 unit, two-story condominium project, with an unfinished basement for unit storage and mechanical space. Currently, the site holds an aging mobile home on a mostly open lot with unnatural berms where dirt and various unused automobile parts have been dumped. The building design will put emphasis on clean lines and simplistic building form. The building will present in natural materials, finished in natural colors (wood and metal siding), pursuing the commonly defined "mountain modern" aesthetic. This design will allow the building to blend with the structures common in the area and the remainder of the Town of Jackson. Supplementary to the architecture, strong consideration will be given to the location of additional planting which will "soften" the building's physical and visual presence. Each unit will have a private balcony or patio. All parking will be open parking along the alley with an emphasis on screening from Vine St.

Workforce housing has historically been a very challenging proposition in the Town of Jackson. The county goal according to the "Jackson/Teton County Workforce Housing Action Plan Executive Summary, November 2015" is to ensure that at least 65% of the workforce live locally. Due to this, the development team has prioritized high quality residences both at market and as deed restricted use.

Development Plan Findings for Approval

1. Jackson Comprehensive Plan: The Jackson Comprehensive Plan specifically highlights a need for responsible growth management as well as local work force housing. The site for the project was chosen in the NM-2 zone in order to fulfill the purpose of providing higher density housing to this zone. These NM-2 zones have been designated as areas of higher density housing to meet the comprehensive plan goals of allowing the Town of Jackson to remain the Heart of the Region. As part of the responsible growth management, this site is outside of the Natural and Scenic Resource Overlays and is engrained in a decidedly urban context, surrounded by roads, residences, storage buildings, offices, and sites of ongoing construction. The proposed development is within the maximum allowable number of units and is directly adjacent to an existing project of a similar program to the South. The project aims to create an elevated off street "mini" park area for both residents and passing pedestrians. In addition to meeting the goal of responsible growth outside of habitats, scenery, and open areas, this project aims to fill the growing void of what can be deemed affordable housing for the local workforce of Jackson. The units proposed here will offer those working in Jackson the opportunity to purchase entry level property at a high level of quality which is very unique to our town today.
2. This site is not in the NRO or SRO.
3. Refer to the Engineering Report for an analysis of this project's impact on public facilities and services.
4. This project follows the Town of Jackson Design Guidelines and has been recommended for approval by the DRC. See the Design Guideline Narrative below.
5. This project follows all standards of the applicable LDRs and Town Ordinances as illustrated in the attached drawings.
6. This project has met all prior approvals required before Development Plan Submission.

Design Guideline Narrative, recommended for approval by the Town of Jackson DRC

A. Public Space

Use: The proposed development will offer an enhanced pedestrian experience along Vine St. A new sidewalk with street trees will create an overhead canopy under which tenants and public can travel. Among the trees will be planters and underlit benches that utilize the unique geometry of the property to create a new outdoor space along Vine St. Each tenant space will have a private balcony and patio which will facilitate the engagement of the interior of the building with the exterior. These balconies will also serve as design elements to break up and provide additional rhythm to the building façade.

Location: Public space is located on the East side of the building where it is out of the shadow of surrounding buildings and is able to take advantage of southern sun exposure through the tree canopy. Adjacency of this space to Vine St provides a subtle, logical, and engaging buffer between private residences and the public street.

Connections: Entry to the private residences will be on a direct, yet buffered, path from the new Vine St sidewalk. Phil Baux Park, Snow King Mountain Resort and a Start Bus Stop are located 2 blocks to the south, and Mike Yokel Park is located with another Start Bus Stop is 4 blocks to the northeast. The project team has considered the development's proximity to the pedestrian system of the town of Jackson and has put emphasis on its connection to the immediate surroundings.

Scale + Variety: The public space proposed is appropriate for the scale of the development. The space responds to the scale and the size of the immediately adjacent buildings and their respective outdoor spaces.

Screening: New street trees will provide screening of the proposed building and parking areas. Layering of planters and benches will provide additional separation between the public and private spaces, as well as define an eased transition from ground to building.

B. Composition

Composition, Proportion + Rhythm: Purposeful transitions of material on the exterior facades create rhythm at visual interest at the building footprint. Balconies extending from these facades provide additional 3-dimensional layering as well as a means to break up the length and height of the façades. At the North elevation, the balcony extends 2' further to provide additional cover for automobile parking and to make the distinction between building and parking less harsh. Building and balcony heights provide appropriate scale for pedestrian friendly travel.

Entry and Sense of Place: The set back and proposed public space at Vine St offer a sense of procession from Vine St to the covered entries on the lower level. An ornamental stair to the upper level lives along this procession and is covered from above by the tectonic, exposed rafter, roof overhang.

Adjacent Buildings: Surrounding buildings on Vine St, Kelly Ave, and Karns Ave are two-story structures. The proposed development recognizes and responds to its surroundings as a two-story building. Directly similar in height and scale to the surrounding homes and apartment buildings.

C. Massing

Mass + Height: The proposed building mass and height are similar to the adjoined buildings. The development team elected to design a two-story building rather than a three-story building to better relate with its surrounds and to not overwhelm the building's neighbors. Landscaping, balconies, and canopies provide human scale elements to break up the building's façade and facilitate pedestrian use.

Additive + Subtractive Massing: While the building footprint is designed to be rectangular in order to adhere to the proposed off-site fabrication process, the apparent building mass is extended by exterior balconies which jog in and out along the building's façade. Material layering and transitions create visual interest while reducing the perceived scale of the building.

Volume Complexity: Volume complexity is achieved with balconies, overhangs and material transitions as outlined above. The proposed structure is similar in scale to its surrounding and on a respectively smaller lot, therefore reducing the building footprint was not satisfactory to its intended use. Therefore, the design took the approach of building the volume out over the building envelope and into the pedestrian setbacks as allowed by the Town of Jackson LDRs.

Roofs: The building will have a shed roof with a snow retention system.

D. Street Wall

As the proposed building is at a corner, the design team has chosen to step back the face of the building to the more regular geometry of the site in order to create a public space along Vine St. This creates a more regular building footprint, in line with the surrounding architecture.

E. Materials

Application of Materials: The chosen material palette is purposed to define certain building elements while providing a sense of layering and rhythm. Materials transition at openings, displaying a purposeful, well considered design. Outside of the building envelope, structural elements are rendered in the same dark color as the window frames thus further defining a conscious material that breaks the building façade.

Material Selection: The proposed exterior materials are natural cedar siding, bonderized steel paneling, and black painted or powder coated metal. All three materials compose a natural and wear resistant palette which is seen commonly in the Town of Jackson as well as Teton County.

Housing Mitigation Plan

updated 6/11/19

Development of a new house, hotel, or commercial space generates the need for employees. The construction workforce builds the space, the commercial workforce or residential service workforce works in the space, and first responders are needed to protect the space. Only about 27% of the employees generated by development can afford housing in the community, but the community's "community first" character goal is that 65% of employees live locally. To bridge this affordability gap, each development is required to include affordable workforce housing proportional to the employees it generates.

These housing mitigation requirements are established in Division 6.3 of the Land Development Regulations. This worksheet is intended to assist in meeting the requirements for a project. However, an error in the worksheet does not amend the actual standard; if you find an error please notify the Planning Department. Fill in the highlighted cells, all the other cells will autopopulate.

Calculating the Requirement (Sec. 6.3.2 & 6.3.3)**Step 1: Location**

Town of Jackson

The applicable regulations vary by jurisdiction please identify the location of your project using the above dropdown options.

The required housing is based on the existing and proposed use of the site. Step 2 is to enter the existing use and Step 3 is to enter the proposed use. Section 6.3.2 of the LDRs establishes the applicability of the affordable workforce housing standards and Section 6.3.3 establishes the specifics on calculation of the requirement. Enter each use in its own row, add rows if needed. If a building has multiple units with the same use, describe each unit in its own row. (For example: if a duplex is composed of a 2,300 sf attached unit and a 1,700 sf attached unit, put each unit in its own row do not put in 4,000 sf of attached single-family.) If a unit type (e.g. apartment floor plan, or commercial tenant space) is replicated exactly multiple times, you may use the "Use Quantity" column to avoid adding multiple rows.

Step 2: Existing Development

Housing is only required for new development. Please describe the existing use of the site so that it can be credited from the housing requirement. The definition of existing use is Section 6.3.2.A.1 of the LDRs. Generally, the existing use to enter is the use with the highest housing requirement that either existed in 1995, or has been permitted since 1995. Please attach proof of existence.

Existing Use (Sec. 6.3.2.A)	Housing Requirement (Sec. 6.3.3.A)	Use Size: bedrooms	Use Size: habitable sf	Use Quantity	Housing Required
Mobile Home	exempt		700	1	0.000

Existing Workforce Housing Credit 0.000

Step 3: Proposed Development

Please describe the proposed use of the site to determine if affordable workforce housing is required as part of the development. Describe the end result of the proposed development. (For example: in the case of an addition do not enter the square footage of the addition, enter the size of the unit upon completion of the addition.)

Proposed Use	Housing Requirement (Sec. 6.3.3.A)	Use Size: bedrooms	Use Size: habitable sf	Use Quantity	Housing Required
Apartment (Unrestricted)	$0.000017 * sf + (Exp(-14.17 + 1.59 * \ln(sf))) / 2.176$		448	5	0.065
Apartment (Unrestricted)	$0.000017 * sf + (Exp(-14.17 + 1.59 * \ln(sf))) / 2.176$		898	1	0.031
Workforce Housing Unit	exempt		898	1	0.000
Workforce Housing Unit	exempt		448	1	0.000

Affordable Workforce Housing Required: 0.096 units

Fee-in-Lieu Amount: \$ 20,004.32

If the amount of required affordable workforce housing is less than one unit, you may pay the above fee in-lieu of providing the required housing. If you elect to pay the fee, your Housing Mitigation Plan is complete. If the requirement is greater than one unit, or you would like to provide a unit to meet the requirement, please proceed to the [Unit Type Sheet](#).

CORNER OF VINE PROJECT DEVELOPMENT PLAN SUBMITTAL ENGINEERING REPORT

Prepared by:



**Project: 20-001-01
February 2020**

ENGINEERING REPORT

Introduction

This engineering report provides the basis for design and addresses the engineering related issues for the proposed construction of a 6,720 plus square foot structure and the removal of one existing structure, a single wide trailer. 4,480 square feet of the proposed structure will be habitable spaces on the first and second floors. The basement will be 2,240 square feet of storage and mechanical area. The new structure will contain a mix of single and double bedroom apartments. The proposed building will contain six single bed units and two double bed units. The location of the proposed structure will be centered on the lot and will cover the area where the previous structure stood. The site is completely developed with one housing structure and a yard area / vehicle storage area. There are several existing buried utilities serving the property. Water and sanitary sewer facilities are provided to the property through Town of Jackson (TOJ) Systems. The level of detail includes the basic layout and general design elements. Design detail will advance as the plan moves into the construction permitting and construction phases of the project.

Soils and Groundwater Conditions

No geotechnical investigation or groundwater monitoring has been performed on the site.

Access and Parking

Access to the site will be provided from the alley between E. Kelly Ave and E. Karns Ave. The main entrances to the first story will be on the North side of the structure. A stair to access the second story units will be on the east side of the proposed structure. At this time there are no existing curbs along Vine Street or Alley way in the project area. Access will be adequately marked throughout the development. Parking for the development will occur within the site as indicated on the site plan. A total of 10 spaces will be provided. One parking spaces will be ADA compliant along with ADA access to the structure. Each single bed unit is less than 500 sf and thus requires 1 parking spaces for a total of six spaces. Each double bed unit requires 1.5 parking spaces for a total of 3 parking spaces. This comes to a required total of 9 spots with 10 provided.

The street frontage along Vine Street and the alley between E. Kelly Ave and E. Karns Ave will comply with the Town of Jackson LDR's. As stipulated a sidewalk will be installed along Vine Street, this side walk will meet Town of Jackson specifications. A traffic impact statement is included in the Appendix comparing the existing trip generations from the site to a proposed future amount. As stated in that report it is assumed the project will generate some additional trips to and from the site but this increase is fairly minimal.

Grading, Drainage, and Stormwater Management

Grading of the site will not alter the grades along Vine Street or the Alley way. Grades of the new curb and gutter will match the existing asphalt paving. Development of the site will leave 2050 SF of

pervious surface. Storm water will be collected on the roofs and walkways of the development and conveyed to storm water detention on site. All retainage will occur within the development. The limited area which is not to be covered with a structure, driveways or walkways will be graded with drains installed to convey runoff to the collection system. While the grading hasn't been finalized detention swales will be placed to the south and east of the proposed apartment building.

All existing stormwater runoff from the site either remains on site or sheet flows onto neighboring parcels and TOJ roadways. Based on TOJ regulations the proposed development is required to detain any additional runoff above and beyond the existing conditions. Preliminary stormwater calculations were performed and are included in the Appendix. Storm water will be collected on the roof of the new structure and various locations on the site and conveyed to on site storage and TOJ right of ways. Based on TOJ regulations which require the retention of any additional stormwater generated in the 100-yr storm event, as indicated in the calculations, a total of 52 cubic feet of storage would be required. This can easily be accommodated at various locations on the site. The calculations included in the Appendix along with grading and stormwater management plans will be refined through the Grading and Erosion Control Permit process as the project develops.

Water System

The site is currently supplied water from a one location connecting to TOJ water mains. At this time there are one separate water meter measuring water use to the site. There is currently an 8-inch water main in Vine Street.

To verify the existing water facilities are sized adequately, proposed water flows, both domestic and fire were estimated for the development. Current proposed programming values for the development were utilized for the estimates. Assumptions on use based on the proposed programming of the development are included in the Appendix along with flow projection calculations. Water demands were calculated using the AWWA M22 method and estimated to be 121 gpm based on the estimated fixture unit counts for the development. Based on water system modeling it is expected that adequate capacity is available from the Town's water system.

Due to the size and proposed use of the development, the structures will require automatic fire sprinkler systems. Fire flow requirements were calculated utilizing NFPA 13R, along with the proposed programming of the facility. Fire sprinkler flow requirements for the development sprinkler system are estimated to be 315 gpm. Water modeling has shown the pressure in the service main at the building to be 51.2 psi during fire flow conditions. While the water system within the building hasn't been finalized residual pressures are expected to remain above 30 psi throughout the building during max fire flows. Fire hydrants are located in on the corner of Vine Street and E. Karns Avenue and on the Corner of E. Kelley Avenue and Vine Street.

To conform with NFPA 13R requirements the following stipulations will be met per discussions with Kathy Clay. All smoke alarms will be UL217 rated. Smoke alarms in the storage area will be tied into

the fire alarm system. Fire Alarm system will include horn and strobes within each unit. These will be programmed to sound upon water flow and / or smoke alarm triggered in the basement storage area. Attic space shall have UL217 alarms installed if there are ignition sources including electrical work with the spaces.

Using the projected fire flow demands to the structures, the water service supplying the new large structure will need to be a 4-inch pipe up to the building where it will enter the building as the fire suppression line. Exterior to the structure a 2 ½" potable service line will connect with a shutoff valve exterior to the structure. The 4-inch service line will connect to the existing 8-inch water line in Vine Street.

Sewer System

As can be noted from the existing site drawing located in the Appendix, there is one existing TOJ sewer service which serves the property. There is an existing sewer main along the north side of the property in the alley way and another following along the east side of the property in Vine Street.

To size the proposed piping, the same assumed development programming was utilized as with the water system. Because there is little irrigation demand on the subject property, it can be assumed the water and sewer demands will be close to equal. Assuming minimum pipe slopes, a 4-inch gravity pipe would be adequate to serve the new proposed. Due to the depth of the structure and sewer requirements in the basement of the new large structure, a collection system within the development will be required to convey flow from the basement area to the TOJ system so that all sewage will flow by gravity. Sewer flows from the first and second floors will flow by gravity to the collection point. Flows generated in the basement will require pumping to the collection point. From the collection point sewer flows will flow by gravity to the sewer main in the alley way. These plans will be refined as the project plans are refined. This collection system will consist of a small lift system in the basement. From there it will convey flow to the TOJ collection system as indicated on the drawings. It is proposed that an existing 4-inch sewer service serving the existing structure would be abandoned at the main. The proposed utility plan indicates the changes to the sanitary sewer system.

Wire Utilities and Gas

Power and communication facilities are readily available throughout the area and to this specific location. There are several overhead and buried power and communication facilities surrounding the development. The electric and dry utilities will be connected on the west side of the proposed structure. Continued coordination will be required with the project team and utility providers as the design develops.

Refuse, Garbage, Trash, and Recycling

Refuse, garbage, trash, and recycling will be kept in covered containers at all times. All containers will be kept within enclosed structures as indicated on the proposed site plan. The refuse collection enclosure will be fenced. The designated enclosure is proposed on the west side of the structure and

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is indicated in the plan set. The enclosure design has not been finalized, but is intended to match the metal cladding on the main building.

Snow Storage

Total uncovered area of parking and access drives as indicated on the site plan is approximately 1500 square feet. The TOJ requires that area on the site be reserved for snow storage at a rate of 2.5% of the parking area. This results in 37.5 square feet of required storage area. The proposed snow storage area is located in the NE corner of the property directly east of the parking lot.

STORMWATER RUNOFF CALC'S

445 VINE STREET

20-001-01
1-22-20
NB

PRE-DEVELOPMENT

ROOF CALCULATIONS

ROOF AREA (FT^2)=	480	**50% of existing house roof area
C-VALUE =	0.9	
S =	30%	
L (ft) =	8	
tc (min) =	0.33	tc = 1.8(1.1 - C)L^.5/S^0.3333, (Corps of Eng. Eqn.)

DRIVEWAY & HARDSCAPE CALCULATIONS

DRIVEWAY & HARDSCAPE	170	**50% of existing driveway & patio areas
C-VALUE =	0.9	
S =	5%	
L (ft) =	10	
tc (min) =	0.67	tc = 1.8(1.1 - C)L^.5/S^0.3333, (Corps of Eng. Eqn.)

LANDSCAPING CALCULATIONS

LANDSCAPING AREA (FT^2)	7900	**south lot total area, minus above value	7900
C-VALUE =	0.3		
S =	2%		
L (ft) =	50		
tc (min) =	8.90	tc = 1.8(1.1 - C)L^.5/S^0.3333, (Corps of Eng. Eqn.)	

TOTAL SOUTH LOT AREA= 26166 SF

Total Time of Conc., Tc = 9.89 min (lawn, roof, & driveway)
Composite Cc = 0.35
Total Area, At = 8550 ft^2

TABLE 4920.B JACKSON IDF* CURVE DATA - 100-YR STORM EVENT

DURATION, Td (min)	INTENSITY, I (in/hr)
5	3
10	2.33
15	1.9
20	1.65
30	1.3
40	1.08
50	0.95
60	0.82
70	0.74
80	0.65
90	0.61
100	0.56
110	0.52
120	0.48

Initial Flow Rate, Qi (cfs) = 0.16 cfs at tc= 12.11 min

$$Q_i = C_c * I * A_t / (43200)$$

where,

Composite Cc = 0.35
Intensity, I = 2.34 in/hr at Td = 12.11 min
Total Area, At = 8550 ft^2

STORMWATER RUNOFF CALC'S

445 VINE STREET

20-001-01
1-22-20
NB

POST-DEVELOPMENT

ROOF CALCULATIONS

ROOF AREA (FT^2)	4260	total roof area of new building on south lot
C-VALUE =	0.9	
S =	8%	
L (ft) =	42.833	
tc (min) =	1.16	tc = 1.8(1.1 - C)L^.5/S^0.3333, (Corps of Eng. Eqn.)

DRIVEWAY & HARDSCAPE CALCULATIONS

DRIVEWAY & HARDSCAPE AREA (FT^2)	2240	2260+260+1067+184 (patios, and driveway)
C-VALUE =	0.9	
S =	5%	
L (ft) =	20	
tc (min) =	0.94	tc = 1.8(1.1 - C)L^.5/S^0.3333, (Corps of Eng. Eqn.)

LAWN CALCULATIONS

2050

LAWN AREA (FT^2)	2050	2050
C-VALUE =	0.3	
S =	5%	
L (ft) =	20	
tc (min) =	3.77	tc = 1.8(1.1 - C)L^.5/S^0.3333, (Corps of Eng. Eqn.)

TOTAL SOUTH LOT AREA= 26166 SF

Total Time of Conc., Tc = 5.87 min (roof, drive and lawn)
Composite Cc = 0.76
Total Area, At = 8550 ft^2

TABLE 4920.B

JACKSON IDF* CURVE DATA - 100-YR STORM EVENT

DURATION, Td (min)	INTENSITY, I (in/hr)
5	3
10	2.33
15	1.9
20	1.65
30	1.3
40	1.08
50	0.95
60	0.82
70	0.74
80	0.65
90	0.61
100	0.56
110	0.52
120	0.48

Final Flow Rate, Qf (cfs) = 0.40 cfs at tc = 14.73 min

$$Q_f = C_c * I * A_t / (43200)$$

where,

Composite Cc = 0.76
 Intensity, I = 2.69 in/hr at Td = 14.73 min
 Total Area, At = 8550 ft^2

EXISTING A.M. PEAK HOUR TRIP GENERATION

LAND USE	ITE LAND USE DESIGNATION CODE	GROSS SQ. FT. (1,000 SF)	ROOMS OR UNITS	A.M. PEAK HOUR TRIP GENERATION RATE	TRIP GENERATION
DETACHED RESIDENTIAL UNIT	210	1000	3	0.75	2.3
TOTAL					2

SOURCE:

TRIP GENERATION RATES TAKEN FROM
INSTITUTE OF TRANSPORTATION ENGINEERS (ITE) *TRIP GENERATION, 9TH EDITION*

PROPOSED A.M. PEAK HOUR TRIP GENERATION

LAND USE	ITE LAND USE DESIGNATION CODE	GROSS SQ. FT. (1,000 SF)	ROOMS OR UNITS	A.M. PEAK HOUR TRIP GENERATION RATE	TRIP GENERATION
APARTMENTS	220	4840	10	0.51	5.1
TOTAL					6

SOURCE:

TRIP GENERATION RATES TAKEN FROM
INSTITUTE OF TRANSPORTATION ENGINEERS (ITE) *TRIP GENERATION, 9TH EDITION*

EXISTING P.M. PEAK HOUR TRIP GENERATION

LAND USE	ITE LAND USE DESIGNATION CODE	GROSS SQ. FT. (1,000 SF)	ROOMS OR UNITS	P.M. PEAK HOUR TRIP GENERATION RATE	TRIP GENERATION
DETACHED RESIDENTIAL UNIT	210	1000	3	1.01	3.0
TOTAL					3

SOURCE:

TRIP GENERATION RATES TAKEN FROM
INSTITUTE OF TRANSPORTATION ENGINEERS (ITE) *TRIP GENERATION, 9TH EDITION*

PROPOSED P.M. PEAK HOUR TRIP GENERATION

LAND USE	ITE LAND USE DESIGNATION CODE	GROSS SQ. FT. (1,000 SF)	ROOMS OR UNITS	P.M. PEAK HOUR TRIP GENERATION RATE	TRIP GENERATION
APARTMENTS	220	4840	10	0.62	6.2
TOTAL					7

SOURCE:

TRIP GENERATION RATES TAKEN FROM
INSTITUTE OF TRANSPORTATION ENGINEERS (ITE) *TRIP GENERATION, 9TH EDITION*

Corner of Vine
Estimated Water Demands

20-001-01
 1/29/2020
 NB

Domestic Water Flows

Description of Improvements:

See attached sheet for anticipated fixture counts

Wastewater flows assumed to match domestic water demand due to minimal landscape areas

Estimating Domestic Max. Demand

*Calculations are based on methods outlined in the AWWA, "Sizing Water Service Lines and Meters" manual.

Domestic Water Demand for Facility Given Specified Fixtures Assume Average Residential Fixture Value (AWWA M2)

Fixture Type	Fixture Value Based on 35 psi at Meter Outlet	Number of Fixtures	Fixture Value
Bathtub	8	8	64
Combined Sink & Tray	3		0
Drinking Fountain (cooler)	1		0
Drinking Fountain (public)	2		0
Kitchen Sink (1/2" connection)	3		0
Kitchen Sink (3/4" connection)	7	8	56
Lavatory (3/8" connection)	2		0
Lavatory (1/2" connection)	4	8	32
Laundry Tray (1/2" connection)	3		0
Laundry Tray (3/4" connection)	7	8	56
Shower Head (shower only)	4	8	32
Service Sink (1/2" connection)	3		0
Service Sink (3/4" connection)	7	2	14
Urinal (pedestal flush valve)	35		0
Urinal (wall or stall)	12	0	0
Urinal (trough. 2-ft unit)	2		0
Wash Sink (each set of faucets)	4		0
Water Closet (flush valve)	35		0
Water Closet (tank type)	3	8	24
Dishwasher (1/2" connection)	5	0	0
Dishwasher (3/4" connection)	10	8	80
Washing Machine (1/2" connection)	5		0
Washing Machine (3/4" connection)	12	8	96
Washing Machine (1" connection)	25	0	0
Hose Connections 1/2" (wash down)	6		0
Hose Connections 3/4" (wash down)	10		0
Hose 1/2" (50ft length - wash down)	6	3	18
Hose 5/8" (50ft length - wash down)	9		0
Hose 3/4" (50ft length - wash down)	12		0
Irrigation	3		0
Total Fixture Units			472

Nelson Engineering
 Jackson, Wyoming

Corner of Vine
Estimated Water Demands

20-001-01

1/29/2020

NB

Base on Fixture Count of 666 using the upper line in Fig. 4.4 for a public building the estimated Maximum Water Demand is 105 gpm.

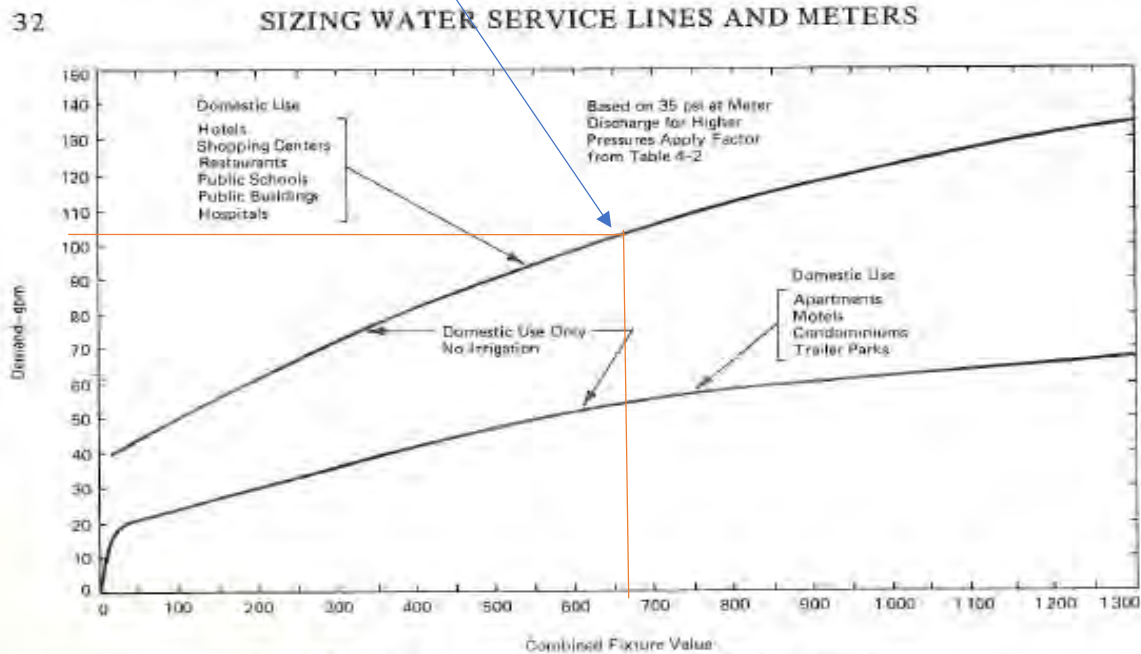
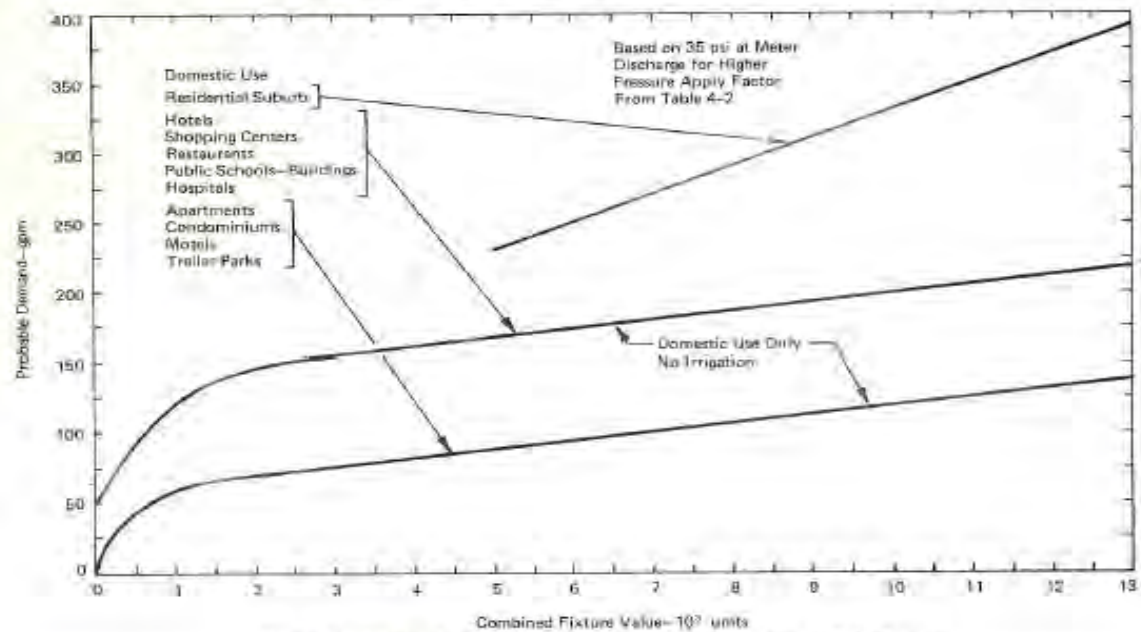


Fig. 4.4. Water-Flow Demand per Fixture Value—Low Range



Nelson Engineering
 Jackson, Wyoming

Corner of Vine
Estimated Water Demands

20-001-01
1/29/2020
NB

Fig. 4.5. Water-Flow Demand per Fixture Value—High Range

detailed lists of fixtures before estimates can be prepared. If the structure is in the planning stage, the mechanical engineer or architect is the best source of information, and, if construction is underway, the plumbing contractor or the building permits section of the city will have the information. Field trips by the estimator are often necessary to assist the customer as well as to properly assess the project when

Calculate Demands Based on Estimated System Pressure

Est. Max. Demand	105	gpm	
Pressures at Nearest Meter	51	psi	(Estimated)
Elevation at Meter	6261	ft	(Estimated)
F.F. of 2nd Floor	6273	ft	
Pressure at 2nd Floor	45.8	psi	

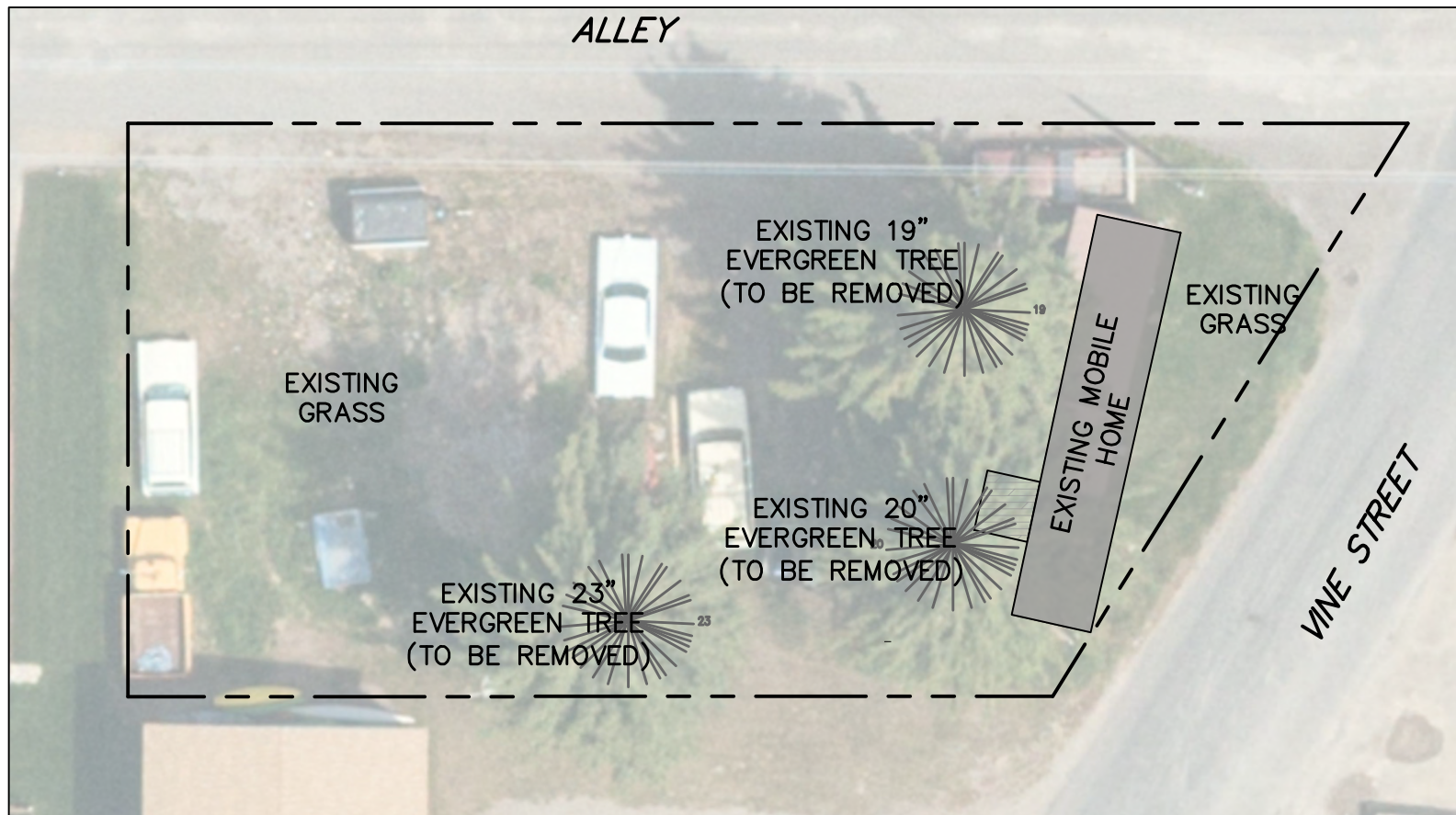
Table 4.2 (for pressures other than 35 psi)

Design Pressure	Factor
20	0.74
30	0.92
35	1
40	1.07
50	1.22
60	1.34
70	1.46
80	1.57
90	1.68
100	1.78

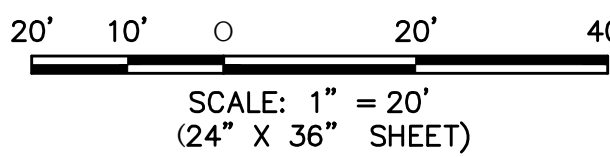
For Pressures Deviating from 35 psi

Est. Pressure (psi)	45.8	psi	
Demand @ Est Pressure	121.19	gpm	Max Demand/flow

Nelson Engineering
Jackson, Wyoming



EXISTING VEGETATION MAP



PLANT SCHEDULE

SYMBOL	QUANTITY	SCIENTIFIC NAME	COMMON NAME	CONDITION	SIZE	COMMENT
CS	3	EVERGREEN TREES <i>Picea pungens</i>	Colorado Spruce	B&B	8' – 10' HEIGHT	GREEN VARIETY SLENDER HABIT
PA	2	DECIDUOUS TREES <i>Fraxinus pennsylvanica</i> 'Patmore'	Patmore Ash	B&B	3" CALIPER	
QA	1	<i>Populus tremuloides</i>	Quaking Aspen	B&B	3" CALIPER	
AM	2	LARGE SHRUBS / MULTI-STEM TREES <i>Acer ginnala</i>	Amur Maple	B&B	6' HT.	
SS	6	<i>Amelanchier alnifolia</i>	Saskatoon Serviceberry	CONTAINER	10 GAL.	
CC	3	<i>Prunus virginiana</i>	Common Chokecherry	CONTAINER	10 GAL.	
LI	3	<i>Syringa presoniae</i> "James McFarlane"	James McFarlane Lilac	CONTAINER	10 GAL.	
DN	6	#5 CONTAINER SHRUBS <i>Physocarpus opulifolius</i> 'Nanus'	Dwarf Ninebark	CONTAINER	5 GAL.	
DI	7	<i>Physocarpus opulifolius</i> 'Diablo'	Diablo Ninebark	CONTAINER	5 GAL.	

PLANT UNIT CALCULATIONS

BASE SITE AREA = 8,276 SF (0.19 AC)
LANDSCAPE SURFACE RATIO (LSR) = .21 MINIMUM REQUIRED
LANDSCAPE SURFACE AREA REQUIRED = 1,738 SF MINIMUM
LANDSCAPE SURFACE AREA PROVIDED = 2,390 SF

PLANT UNITS REQUIRED
TOTAL LANDSCAPE AREA = 2,390 SF 2 PLANT UNITS
10 PARKING SPACES = 1 PLANT UNIT
TOTAL PLANT UNITS REQUIRED = 3 PLANT UNITS

ALTERNATIVE	EVERGREEN	CANOPY	LG. SHRUB	#5 CONT. SHRUBS
B	3	2	2	–
A	–	1	6	4
A	–	1	6	4
REQUIRED	3	4	14	8
CREDIT FOR BENCH		–1		
CREDIT FOR BIKE RACK		–1		
TOTAL REQ'D.	3	2	14	8
TOTAL PROVIDED	3	3	14	13

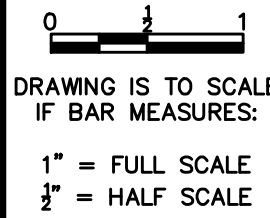
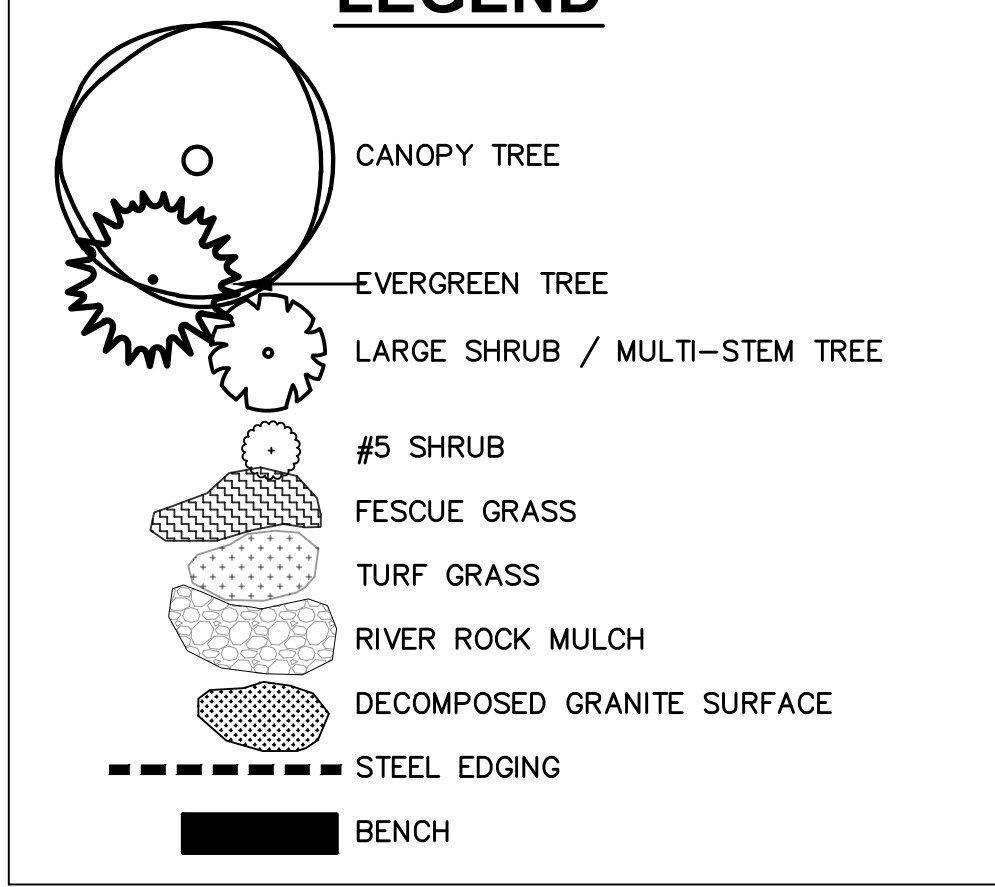
GENERAL LANDSCAPE NOTES:

- SEE ARCHITECTURAL PLANS FOR BUILDING DIMENSIONS AND MATERIALS
- SEE CIVIL PLANS FOR SITE LAYOUT, PAVING MATERIALS, GRADING, AND EROSION CONTROL.
- THIS PLAN IS BASED ON THE EXISTING SITE SURVEY FOR KEN RIZZOTTI, LOT 1, BLK. 3, MEADOWLAND BY NELSON ENGINEERING, DATED 11–13–2019. AND THE SITE PLAN BY NELSON.
- PROVIDE A MINIMUM OF 2" OF ORGANIC MULCH IN ALL PLANTING BEDS EXCEPT WHERE RIVER ROCK MULCH IS SHOWN.
- PROVIDE A MINIMUM OF 18" OF SCREENED TOPSOIL IN ALL LANDSCAPE AREAS. SCARIFY AND LOOSEN EXISTING SUBGRADE PRIOR TO PLACING TOPSOIL
- PROVIDE WEED FABRIC UNDER ALL RIVER ROCK MULCH AREAS. DO NOT USE WEED FABRIC IN PERENNIAL BEDS.
- ALL PLANT MATERIALS SHALL BE WARRANTED FOR A PERIOD OF 2 YEARS FROM SUBSTANTIAL COMPLETION.
- THE INFORMATION SHOWN ON THESE DRAWINGS CONCERNING TYPE AND LOCATION OF UNDERGROUND AND OTHER UTILITIES IS NOT GUARANTEED TO BE ACCURATE OR ALL INCLUSIVE. THE CONTRACTOR IS RESPONSIBLE FOR MAKING HIS OWN DETERMINATIONS AS TO THE TYPE AND LOCATION OF UNDERGROUND AND OTHER UTILITIES AS MAY BE NECESSARY TO AVOID DAMAGE THERETO. THE CONTRACTORS SHALL NOTIFY THE UTILITY COMPANIES IN ADVANCE OF THEIR CONSTRUCTION OPERATION TO ENABLE THEM TO FIELD LOCATE THEIR UTILITIES.
- THE CONTRACTOR SHALL VERIFY LOCATIONS OF ALL EXISTING UTILITIES AND REPORT FINDINGS TO THE OWNER PRIOR TO PROCEEDING WITH RELATED CONSTRUCTION. IT SHALL BE THE CONTRACTORS RESPONSIBILITY TO SATISFY THEMSELVES THAT ALL EXISTING UTILITIES, WHETHER SHOWN ON THESE PLANS OR NOT, HAVE BEEN PROPERLY LOCATED. THE CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR THE PROTECTION OF UTILITIES AFFECTED BY THE PROSECUTION OF THIS CONTRACT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING THE AFFECTED UTILITY COMPANY AND THE COORDINATION OF ALL WORK IN THE PROXIMITY OF THE UTILITIES.
- THE CONTRACTOR SHALL CONTACT "ONE CALL" – 811 (PHONE 1–800–849–2476) FOR THE MARKING OF UNDERGROUND UTILITIES AT LEAST 48 HOURS PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL TAKE PRECAUTIONARY MEASURES TO PROTECT ALL UTILITY LINES SHOWN AND OTHER UTILITY LINES OTHERWISE LOCATED.

IRRIGATION NOTES:

- THE CONTRACTOR SHALL PROVIDE ALL DESIGN, LABOR, MATERIALS, EQUIPMENT, AND SERVICES TO INSTALL A HIGH QUALITY, EFFICIENT, RELIABLE, AND MAINTAINABLE LANDSCAPE IRRIGATION SYSTEM CAPABLE OF PROVIDING SUPPLEMENTARY WATER FOR THE PROPOSED LANDSCAPE PLAN. ALL COMPONENTS SHALL BE MANUFACTURED BY A REPUTABLE MANUFACTURER AND SHALL BE SUITABLE FOR COMMERCIAL USE.
- ALL WORK SHALL COMPLY WITH ALL ORDINANCES, REGULATIONS AND CODES OF AUTHORITIES HAVING JURISDICTION. BACKFLOW PREVENTION DEVICES SHALL BE FURNISHED AND INSTALLED AS REQUIRED BY LOCAL CODE.
- SYSTEM DESIGN:
 - THE CONTRACTOR SHALL DESIGN A 100 PERCENT COVERAGE IRRIGATION SYSTEM, INCLUDING COMPREHENSIVE ENGINEERING ANALYSIS BY A QUALIFIED IRRIGATION TECHNICIAN, USING PERFORMANCE REQUIREMENTS, SPECIFIED COMPONENTS, AND DESIGN CRITERIA INDICATED.
 - EACH PLANT TYPE (FESCUE GRASS, TREES, SHRUBS AND PERENNIAL BEDS) SHALL BE SERVED BY SEPARATE ZONES TO ALLOW SPECIFIC WATERING SCHEDULES FOR EACH TYPE.
 - ALL FESCUE AND TURF GRASS AREAS ARE TO BE SERVED BY FIXED SPRAY WITH HEAD TO HEAD COVERAGE. PROVIDE THE MINIMUM NUMBER OF ZONES REQUIRED FOR EFFICIENT FUNCTIONALITY WITH THE AVAILABLE PRESSURES AND FLOWS.
 - ALL PROPOSED TREES AND SHRUBS SHALL BE SERVED BY A DRIP IRRIGATION SYSTEM.
- WATER SUPPLY IS THE TOWN OF JACKSON MUNICIPAL WATER SYSTEM.

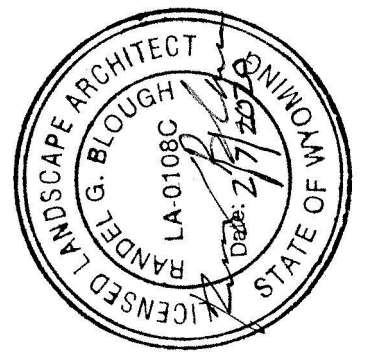
LEGEND



SHEET #
L1.1

PROJECT NAME
**CORNER OF VINE
445 VINE STREET, JACKSON, WY
LANDSCAPE PLAN**

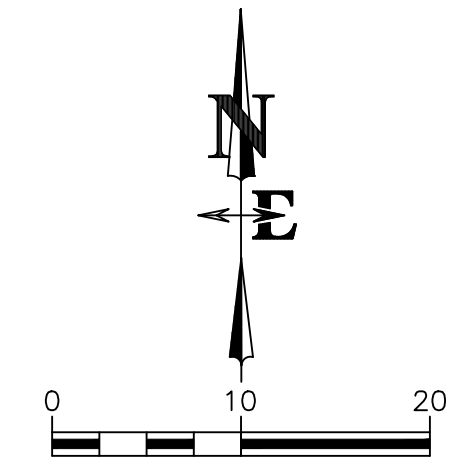
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DESIGNED BY: RGB
DRAWN BY: RGB
CHECKED BY: RGB
PROJ. #: 20003



DATE: 2–7–2020
REVISIONS:

HARMONY
DESIGN & ENGINEERING
18 N MAIN STE 305 • DRIGGS ID 83422
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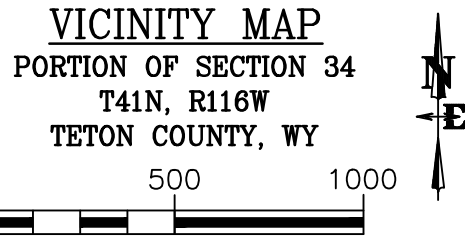
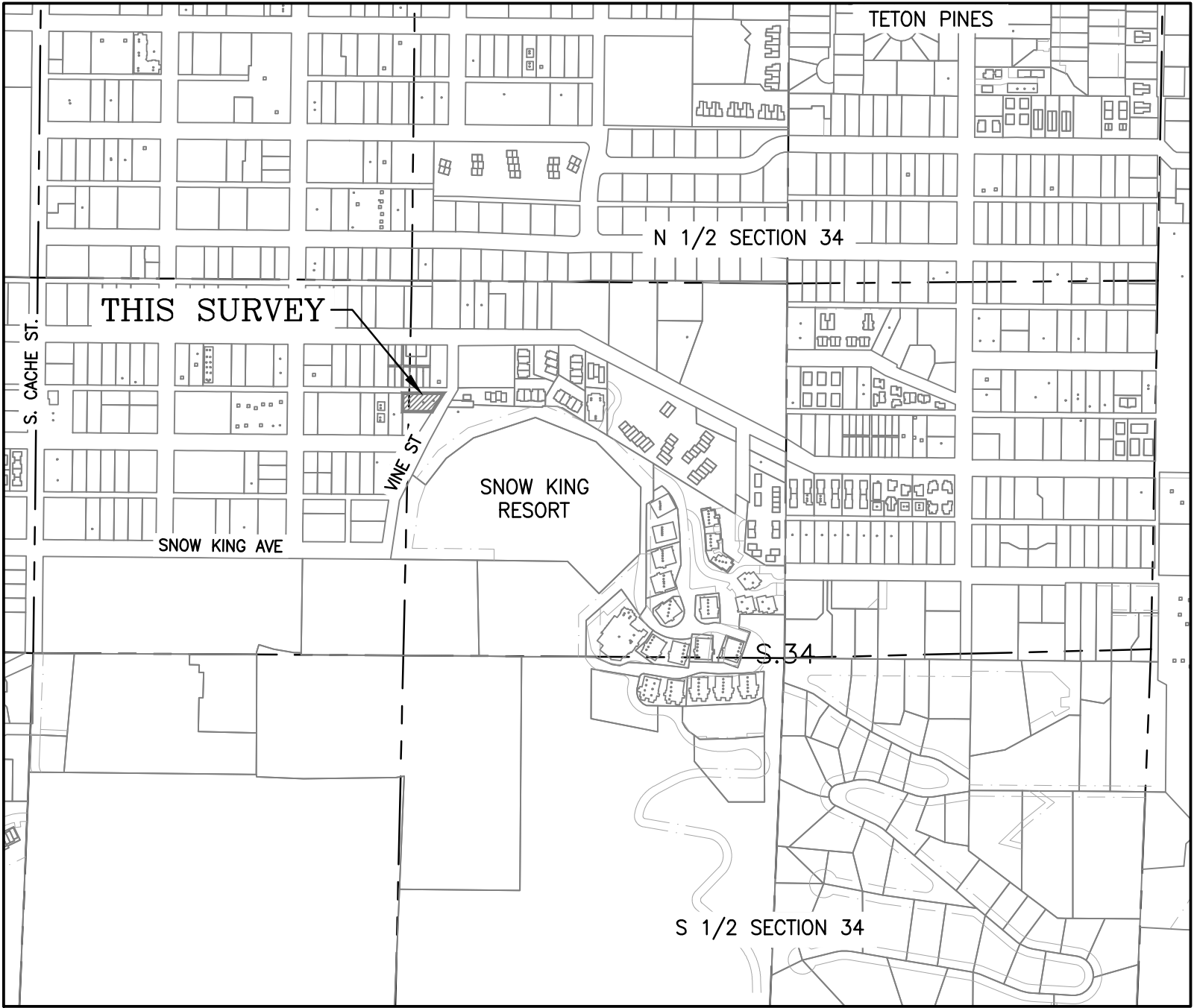
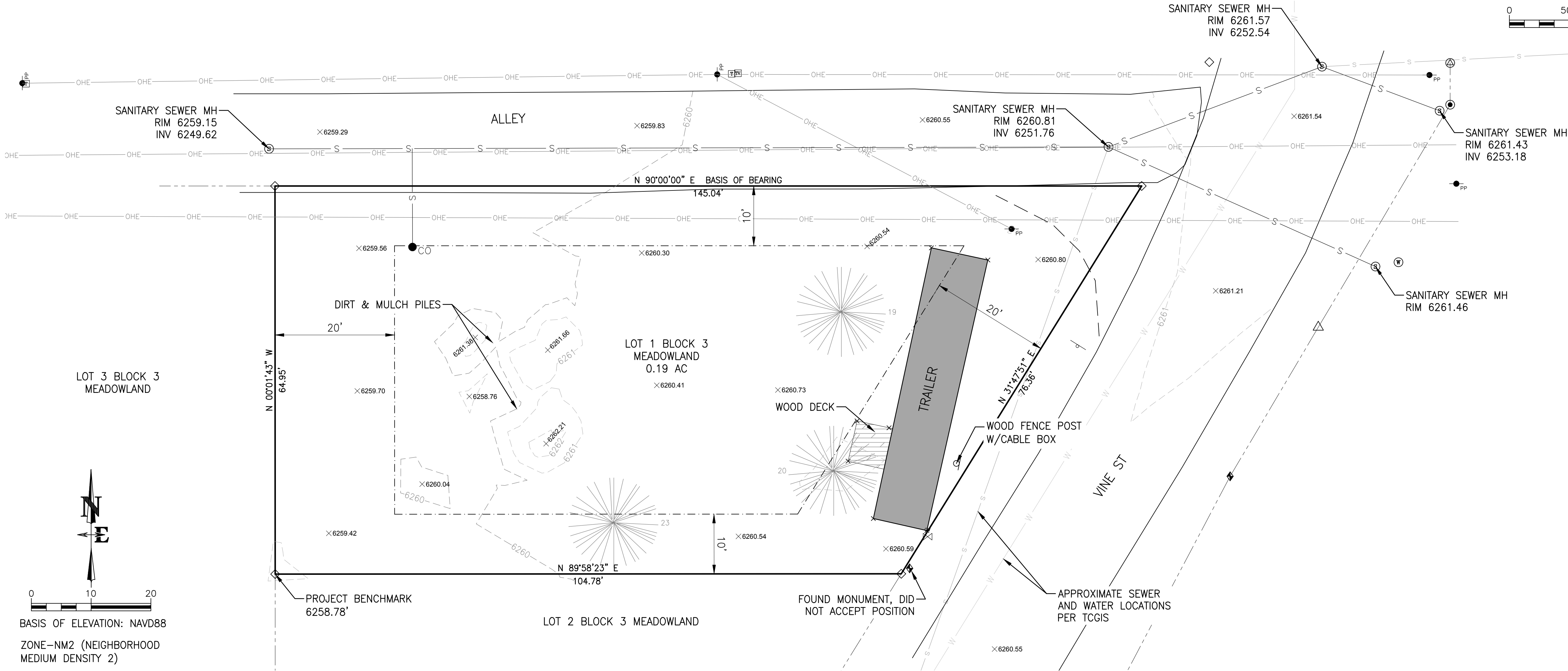
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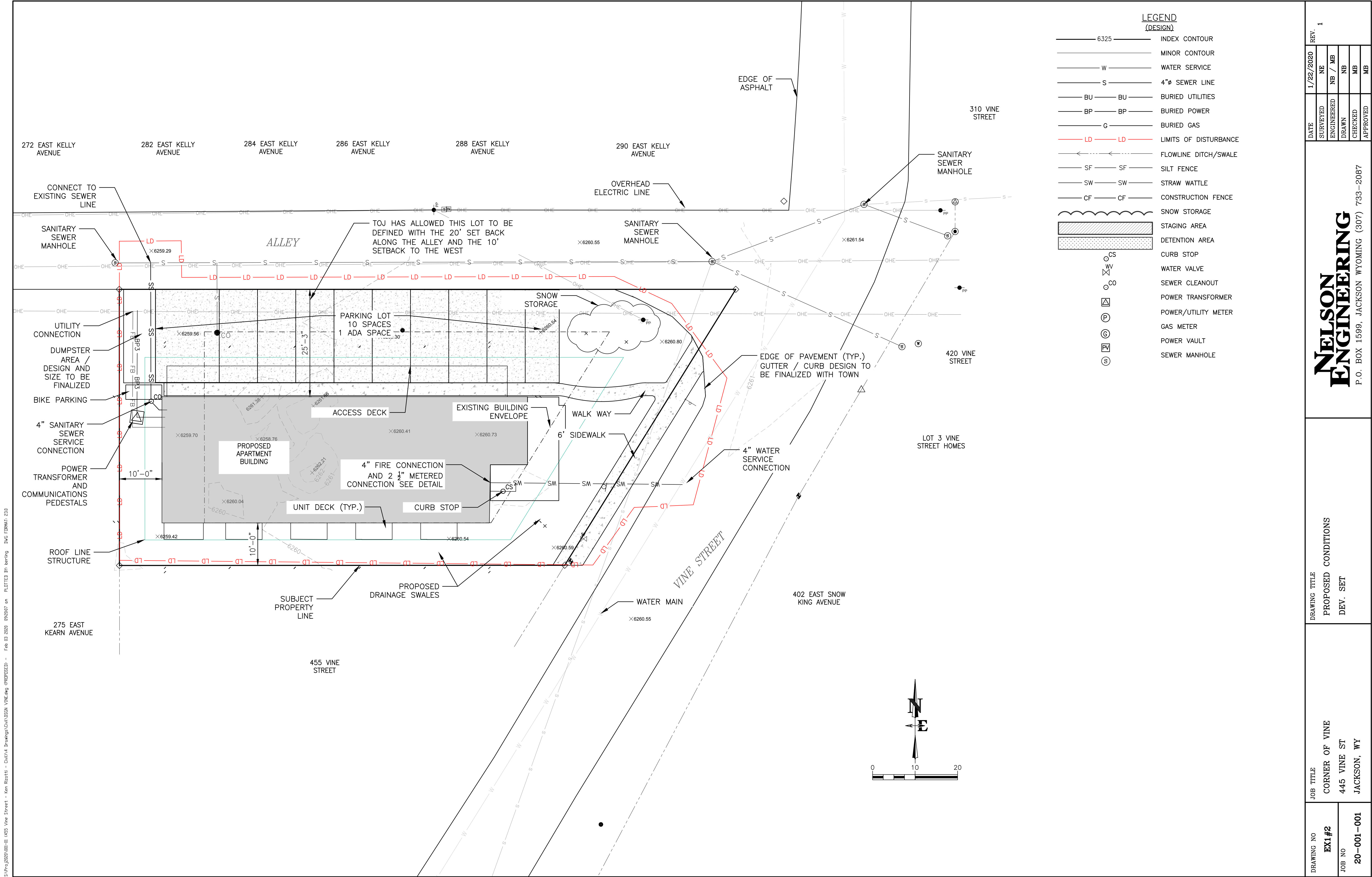
BASIS OF ELEVATION: NAVD88
ZONE-NM2 (NEIGHBORHOOD MEDIUM DENSITY 2)
SETBACKS PER LDR 2.2.8:
FRONT: 20'
SIDES: 10'
REAR: 20'

- LEGEND**

 - = PROPERTY LINE
 - - - - - = BUILDING SETBACKS
 - ===== = EDGE OF PAVEMENT
 - - - - - = EDGE OF GRAVEL
 - S — S — = SANITARY SEWER LINE
 - OHE — OHE — = OVERHEAD POWER
 - Ⓢ = SANITARY SEWER MANHOLE
 - CO = SANITARY SEWER CLEANOUT
 - Ⓜ = WATER MANHOLE
 - ⊗ = GAS VALVE
 - PP = POWER POLE
 - Ⓣ = TELEPHONE PEDESTAL
 - Ⓥ = TV PEDESTAL
 - = SIGN
 - ◇ = FOUND REBAR
 - ⊗ = FOUND REBAR WITH CAP "NE PLS 578"
 - △ = FOUND REBAR WITH CAP "PLS 3831"
 - ⊙ = FOUND PK SHINER "PLS 3831"
 - ◆ = FOUND REBAR WITH CAP
 - ⊛ = PINE TREE WITH DIAMETER

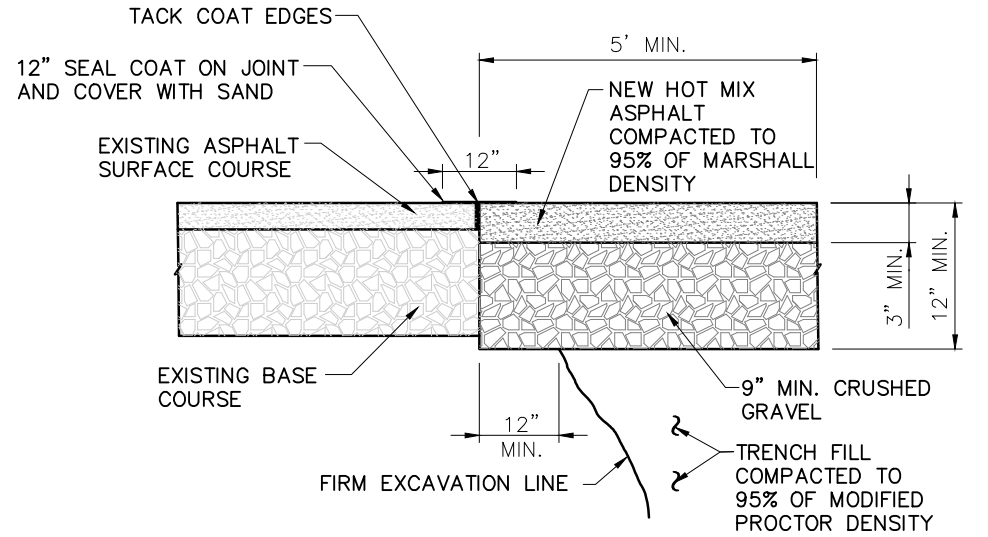


DRAWING NO	JOB TITLE	DRAWING TITLE	REV.			
			DATE	SURVEYED	ENGINEERED	APPROVED
EX #1	CORNER OF VINE 445 VINE STREET JACKSON, WY	EXISTING SITE SURVEY	1/22/2020	WYD	-	
JOB NO				DRAWN	WYD/BIG	LR
				CHECKED		
				APPROVED		
NELSON ENGINEERING P.O. BOX 1599, JACKSON WYOMING (307) 733-2087						
19-359-01						

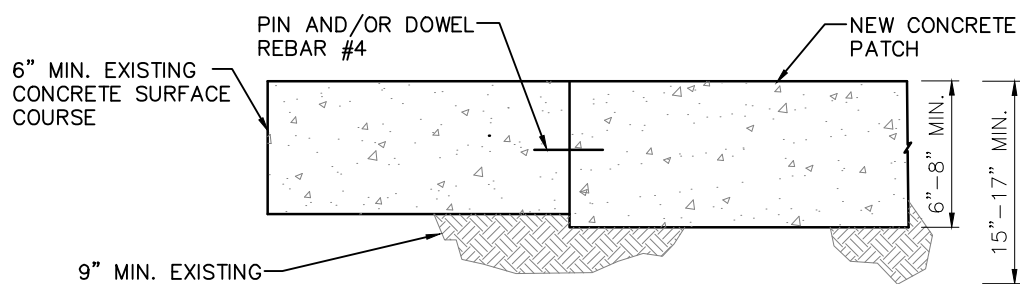


DRAWING NO EX1#2		JOB TITLE CORNER OF VINE 445 VINE ST JACKSON, WY		DRAWING TITLE PROPOSED CONDITIONS DEV. SET	NELSON ENGINEERING P.O. BOX 1599, JACKSON WYOMING (307) 733-2087	DATE 1/22/2020		REV. 1	
JOB NO 20-001-001						SURVEYED NE	ENGINEERED NB / MB	DRAWN NB	CHECKED MB

S:\proj\B00101-01_435 Vine Street - Ken Ruzicki - Ken Ruzicki - C:\nv\4 Drawings\Utilities\5- GRADING\ANG GRADING AND PAVING 22 X 34 - Jan 27 2020 04:17:06 pm PLOTTED BY: bering DWG FIRM: 230



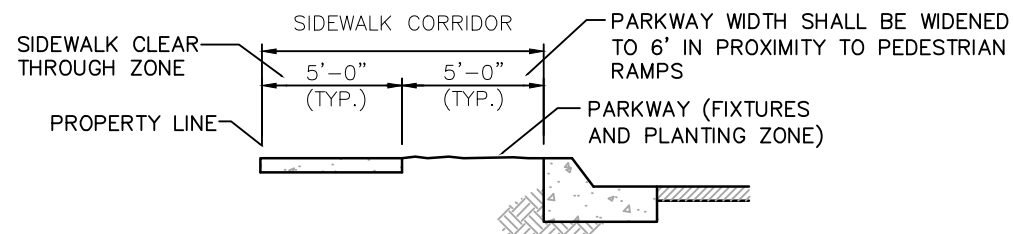
ASPHALT PATCH REPAIR DETAIL



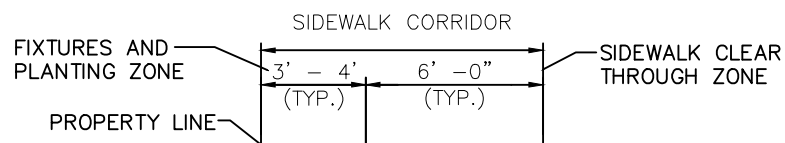
CONCRETE PATCH REPAIR DETAIL

- NOTES:
1. REPLACEMENT ASPHALT THICKNESS SHALL BE 1" GREATER THAN EXISTING AND NO LESS THAN 3" MINIMUM.
 2. ASPHALT SHALL BE PLACED IN TWO (2) LIFTS, EACH NO LESS THAN 1 1/2" IN THICKNESS, AND COMPACTED TO 95% OF MARSHALL DENSITY.
 3. PORTLAND CEMENT CONCRETE PAVEMENT SHALL MEET APPLICABLE REQUIREMENTS OF SECTION 02520, 02776 AND 03304 AS DIRECTED BY TOWN PUBLIC WORKS DEPARTMENT.

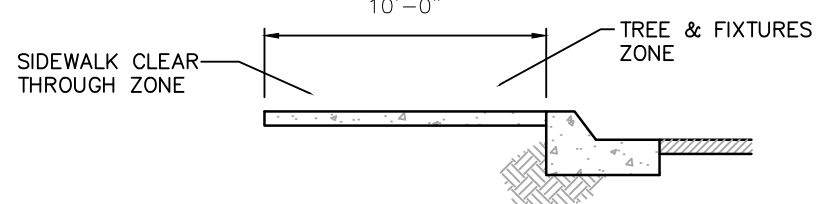
ST-118 PATCH REPAIR SECTION
DET TOJ STD DETAIL



DETACHED SIDEWALK
(SEE NOTE 5)



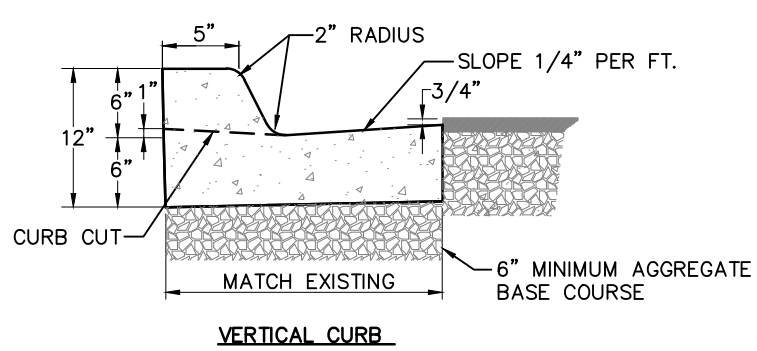
ATTACHED SIDEWALK
(NON-COMMERCIAL STREETS)
(SEE NOTE 4)



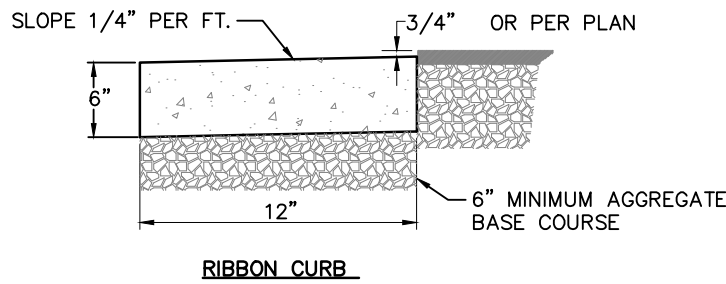
ATTACHED SIDEWALK
(COMMERCIAL STREETS)

- NOTES:
1. SIDEWALKS SHALL CONFORM TO ALL APPLICABLE ADA STANDARD REQUIREMENTS
 2. SIDEWALK, PEDESTRIAN RAMPS AND CURB & GUTTER CONSTRUCTION SHALL BE PER TOWN STANDARDS
 3. WITHIN THE TOWN'S BOARDWALK DISTRICT, BOARDWALK (RATHER THAN SIDEWALK) SHALL BE INSTALLED.
 4. MINIMUM CLEARANCE AROUND ALL OBSTRUCTIONS SHALL BE 5'-0"
 5. ON NON-COMMERCIAL STREETS DETACHED SIDEWALK SHALL BE THE PREFERRED OPTION. IN ORDER TO MAINTAIN THE CLEAR THROUGH ZONE, THE FIXTURES ZONE SHALL BE WHERE FIRE HYDRANTS, UTILITY POLES, GUY WIRES, PULL BOXES, NEWSPAPER BOXES, PHONE BOOTHS, AND OTHER SUCH OBSTRUCTIONS ARE LOCATED.

ST-128 SIDEWALK CORRIDOR
DET TOJ STD DETAIL



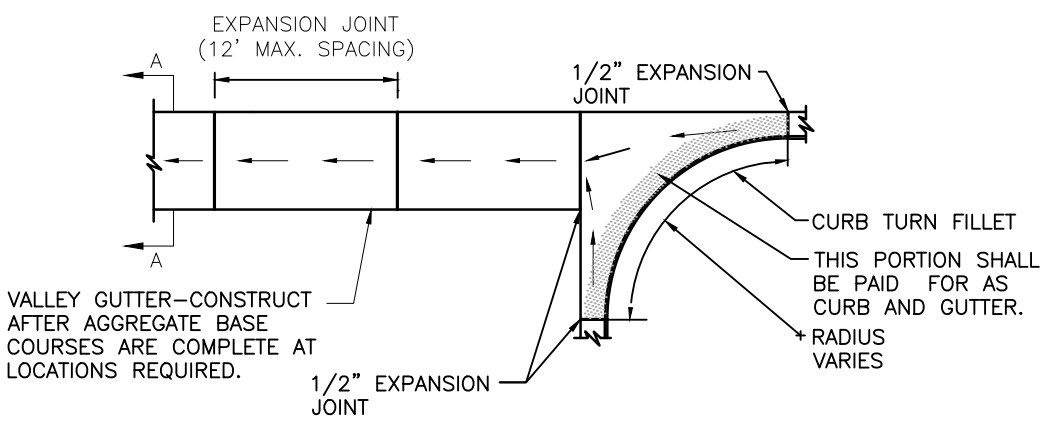
VERTICAL CURB



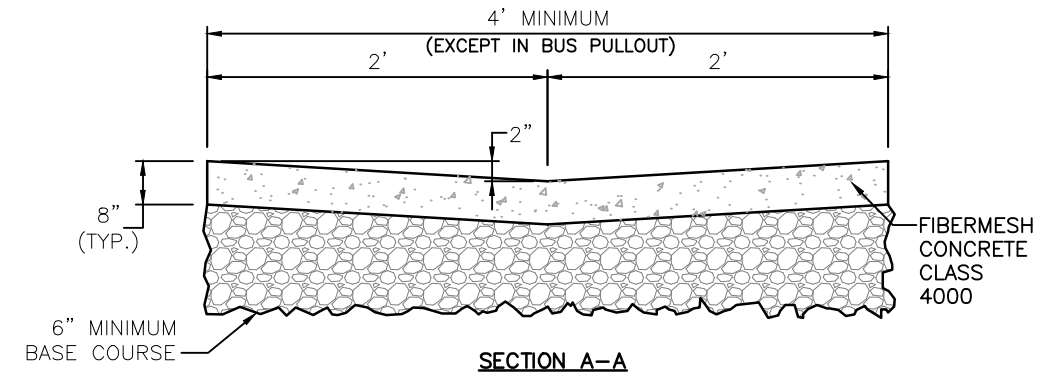
RIBBON CURB

- NOTES:
1. CURBS SHALL CONFORM TO WPWSS SECTION 02525, EXCEPT THAT PORTLAND CEMENT CONCRETE SHALL BE FIBERMESH-REINFORCED CLASS 4000 CONCRETE CONFORMING WITH WPWSS SECTION 03304, PART 2.07.
 2. AGGREGATE BASE COURSE SHALL BE SIX INCH MINIMUM THICKNESS, CONFORM TO WPWSS SECTION 02190, PART 2.03, GRADING H, AND BE INSTALLED PER WPWSS SECTION 02231, PART 3.03.
 3. REMOVAL AND REPLACEMENT OF CURB SHALL TAKE PLACE IN FULL PANELS.
 4. ROLL CURB SHALL NOT BE ALLOWED.

ST-110 CURB SECTION DETAIL
TOJ STD DETAIL



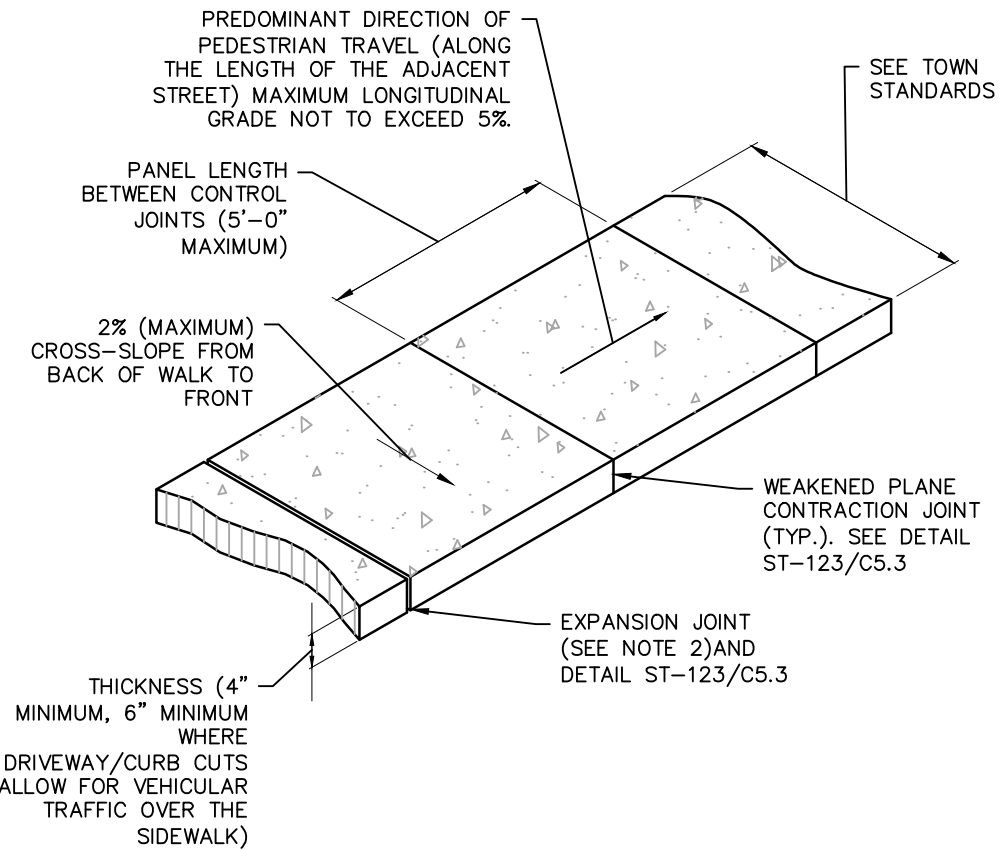
VALLEY GUTTER-CONSTRUCT
AFTER AGGREGATE BASE
COURSES ARE COMPLETE AT
LOCATIONS REQUIRED.



SECTION A-A

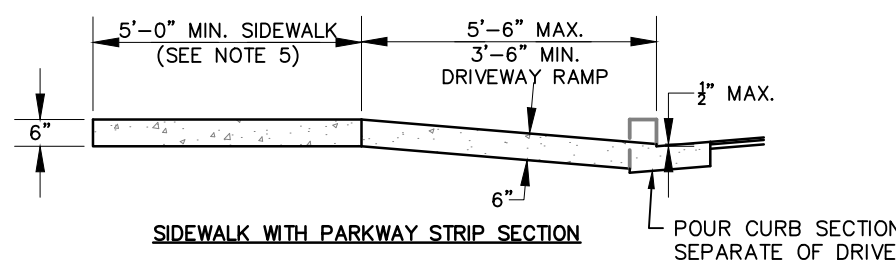
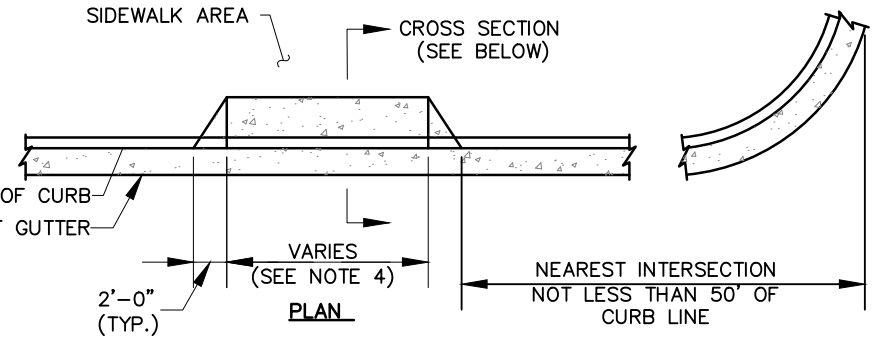
- NOTES:
1. VALLEY GUTTERS AND CURB TURN FILLETS SHALL CONFORM TO WPWSS SECTION 02528, EXCEPT THAT PORTLAND CEMENT CONCRETE SHALL BE FIBERMESH CLASS 4000 CONCRETE CONFORMING WITH WPWSS SECTION 03304, PART 2.08.
 2. AGGREGATE BASE COURSE SHALL BE SIX INCH MINIMUM THICKNESS, CONFORM TO WPWSS SECTION 02190, PART 2.03, GRADING H, AND BE INSTALLED PER WPWSS SECTION 02231, PART 3.03.
 3. REMOVAL AND REPLACEMENT OF VALLEY GUTTER SHALL TAKE PLACE IN FULL PANELS.
 4. CURB AND GUTTER SECTION SHALL BE POURED SEPARATE OF VALLEY PAN AS WELL AS PEDESTRIAN RAMP AND/OR SIDEWALK.

ST-109 VALLEY GUTTER & CURB TURN FILLET
DET TOJ STD DETAIL

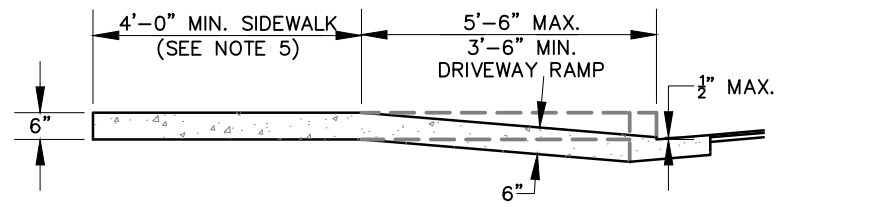


- NOTES:
1. SIDEWALK SHALL CONFORM TO ALL APPLICABLE ADA STANDARD REQUIREMENTS SIDEWALKS SHALL CONFORM TO WPWSS SECTION 02776, EXCEPT THAT PORTLAND CEMENT CONCRETE SHALL BE FIBERMESH-REINFORCED CLASS 4000 CONCRETE CONFORMING WITH WPWSS SECTION 03304, PART 2.07.
 2. EXPANSION JOINTS SHALL BE PLACED IN SIDEWALK AT THE SAME LOCATIONS AS THOSE IN CURB AND GUTTER WHEN SIDEWALK IS ADJACENT TO CURB. (PER WPWSS SECTION 03251, PART 3.04 SPACING SHALL NOT EXCEED 32'-0" ON CENTER)
 3. FOR SIDEWALKS GREATER THAN SIX FEET IN WIDTH, A LONGITUDINAL CONTROL JOINT SHALL BE INSTALLED AT THE CENTER OF THE WALK.
 4. REMOVAL AND REPLACEMENT OF SIDEWALK SHALL TAKE PLACE IN FULL PANELS.
 5. AGGREGATE BASE COURSE SHALL BE FOUR INCH MINIMUM THICKNESS, CONFORM TO WPWSS SECTION 02190, PART 2.03, GRADING H, AND BE INSTALLED PER WPWSS SECTION 02231, PART 3.03.

ST-123 CONCRETE SIDEWALK
TOJ STD DETAIL



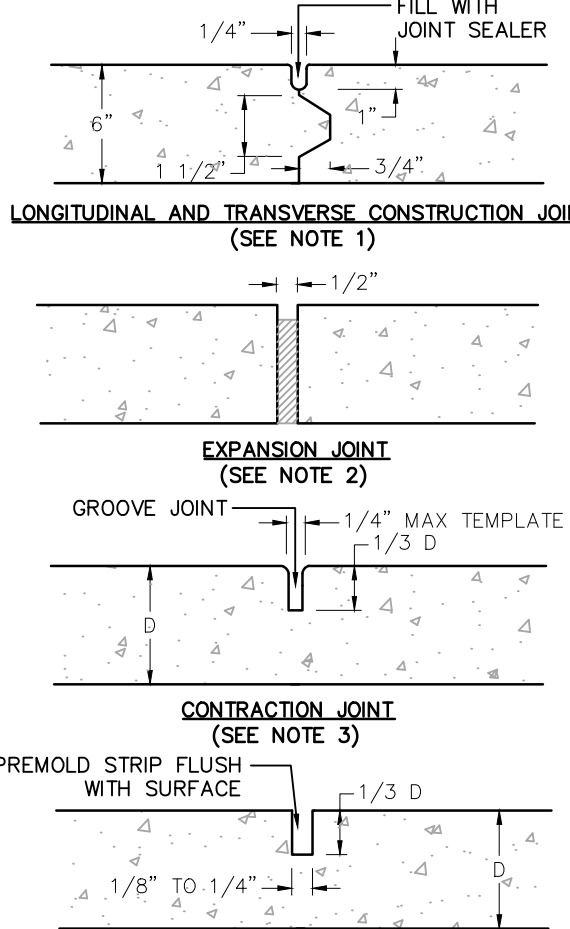
SIDEWALK WITH PARKWAY STRIP SECTION



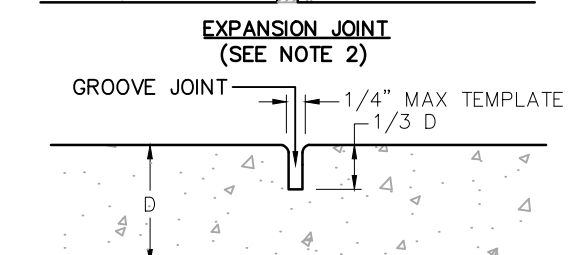
SIDEWALK CONTIGUOUS WITH CURB SECTION

- NOTES:
1. DRIVEWAYS AND CURB CUT SHALL BE INSTALLED TO CONFORM WITH ALL APPLICABLE ADA STANDARD REQUIREMENTS.
 2. CONCRETE DRIVEWAY RAMPS/CURB CUTS AND ASSOCIATED ADJACENT SIDEWALK SHALL CONFORM TO WPWSS SECTION 02776, EXCEPT THAT PORTLAND CEMENT CONCRETE SHALL BE FIBERMESH-REINFORCED CLASS 4000 CONCRETE CONFORMING WITH WPWSS SECTION 03304, PART 2.07.
 3. AGGREGATE BASE COURSE SHALL BE SIX INCH MINIMUM THICKNESS, CONFORM TO WPWSS SECTION 02190, PART 2.03, GRADING H, AND BE INSTALLED PER WPWSS SECTION 02231, PART 3.03.
 4. THE FLAT BOTTOM WIDTH DIMENSION OF CURB CUTS SHALL NOT EXCEED THE DIMENSIONS SET FORTH IN THE TOWN LAND DEVELOPMENT REGULATIONS.
 5. THE ENTIRE SIDEWALK AND RAMP SHALL BE DEPRESSED AND INSTALLED AT A MAXIMUM CROSS-SLOPE OF 2% LONGITUDINAL SLOPE (ALONG THE SIDEWALK) AT EACH END OF THE DEPRESSED SECTION SHALL NOT BE STEEPER THAN 1:12.
 6. SIDEWALK CONSTRUCTION SHALL BE PER TOWN STANDARDS.

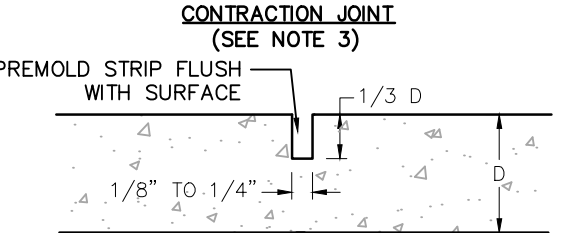
ST-113 DRIVEWAY CURB CUT
DET TOJ STD DETAIL



LONGITUDINAL AND TRANSVERSE CONSTRUCTION JOINT
(SEE NOTE 1)



EXPANSION JOINT
(SEE NOTE 2)

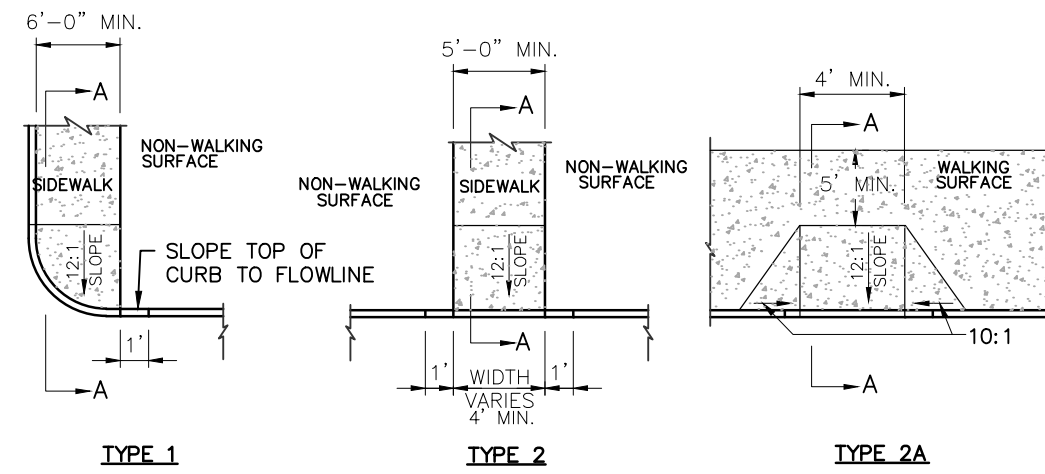


CONTRACTION JOINT
(SEE NOTE 3)

SAWED OR PREMOLED STRIP LONGITUDINAL OR TRANSVERSE JOINT

- NOTE:
1. KEYWAY FORMED BY FASTENING METAL KEY TO FORM.
 2. 1/2" PREMOLED NON-EXTRUDING EXPANSION JOINT MATERIAL TO MEET AASHTO M-59. EXPANSION MATERIAL SHALL BE INSTALLED WHEN ABUTTING EXISTING CONCRETE OR FIXED STRUCTURES SUCH AS INLETS AND DRIVEWAYS, AND EVERY 300' ON LONG STRAIGHT CONCRETE STRETCHES.
 3. FORM WITH TEMPLATE OR SAWCUT JOINTS. IF SAWCUT JOINTS ARE USED, THEY SHALL BEGIN AS SOON AS CONCRETE IS HARDENED SUFFICIENTLY TO PERMIT SAWING WITHOUT EXCESSIVE RAVELING AND BEFORE UNCONTROLLED CRACKING OCCURS. MINIMUM DISTANCE BETWEEN JOINTS IS 5'.
 4. JOINT LAYOUT FOR CONCRETE STREETS IS TO BE SUBMITTED TO THE TOWN ENGINEER FOR APPROVAL.

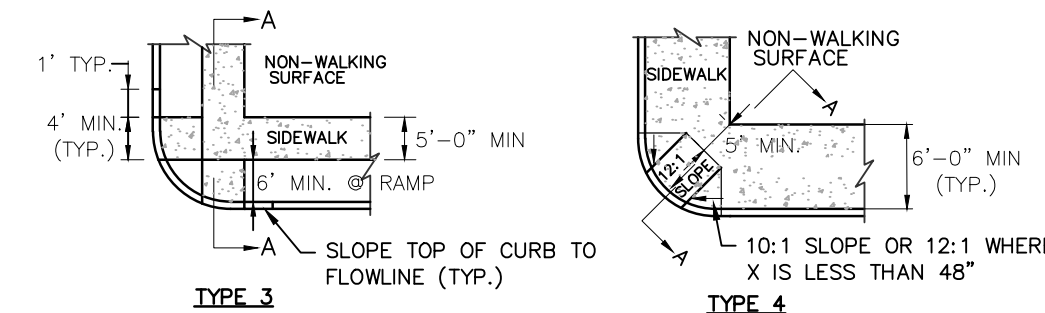
ST-123 PAVING & CONCRETE JOINT DETAILS
TOJ STD DETAIL



TYPE 1

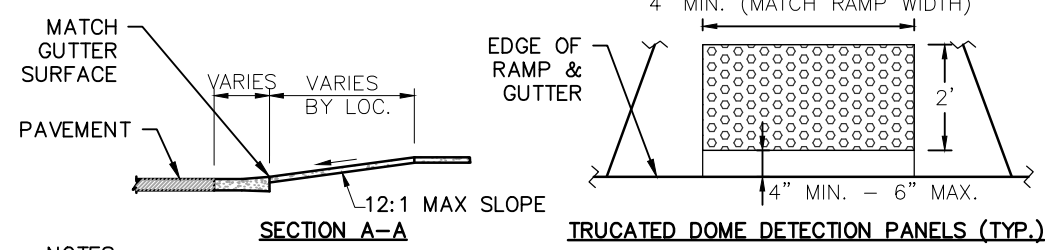
TYPE 2

TYPE 2A



TYPE 3

TYPE 4

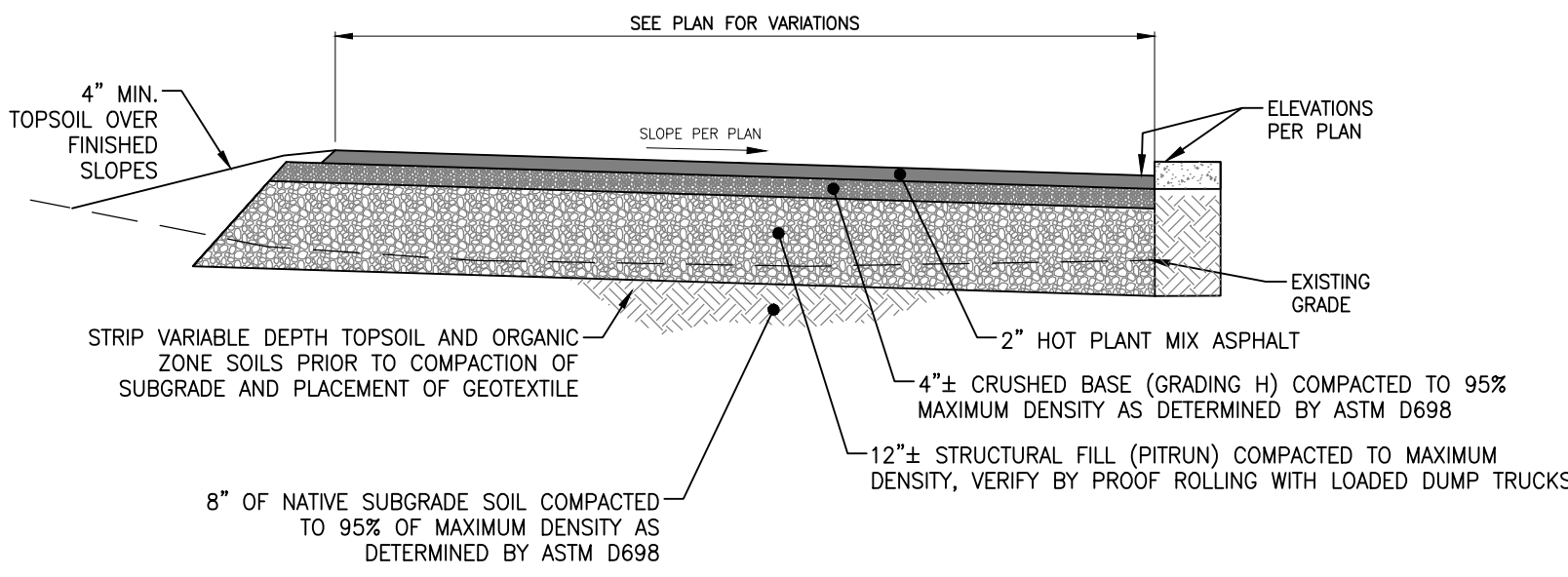


SECTION A-A

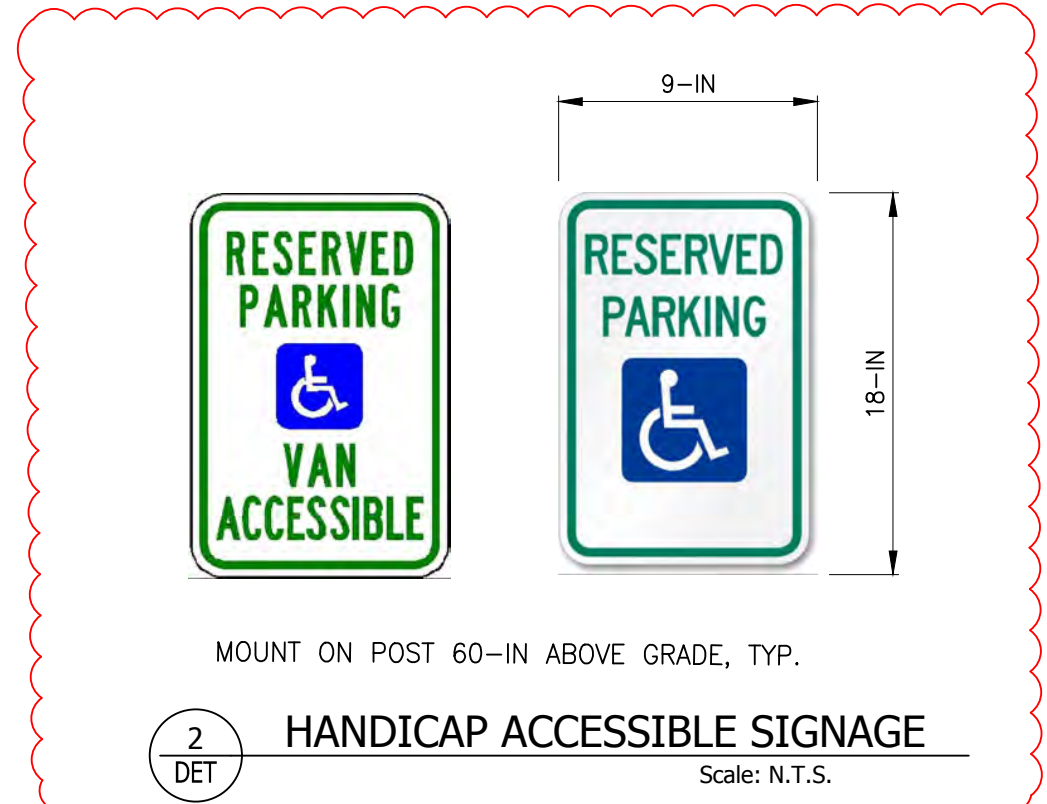
TRUNCATED DOME DETECTION PANELS (TYP.)

- NOTES:
1. SIDEWALKS SHALL CONFORM TO ALL APPLICABLE ADA STANDARD REQUIREMENTS.
 2. LIP AT GUTTER TO BE NO MORE THAN 1/4" HIGH.
 3. CONCRETE TO BE A BROOM FINISH.
 4. ALL PEDESTRIAN RAMPS SHALL INCLUDE PLACEMENT OF CAST IRON TRUNCATED DOME DETECTION PANELS IN A BRICK RED COLOR. (PANELS SHALL BE PROVIDED BY T.O.J.)

ST-112 PEDESTRIAN RAMPS
TOJ STD DETAIL



1 TYPICAL ASPHALT PARKING SECTION
DET Scale: N.T.S.



MOUNT ON POST 60-IN ABOVE GRADE, TYP.

2 HANDICAP ACCESSIBLE SIGNAGE
DET Scale: N.T.S.

DATE		1/27/2020	REV.		1
SURVEYED		NE	MB		
ENGINEERED		NB / MB	MB		
DRAWN		NB	MB		
CHECKED		MB	MB		
APPROVED		MB	MB		

DRAWING NO

DET-128

JOB NO

20-001-001

DRAWING TITLE

GRADING DETAILS

DEV. SET

JOB TITLE

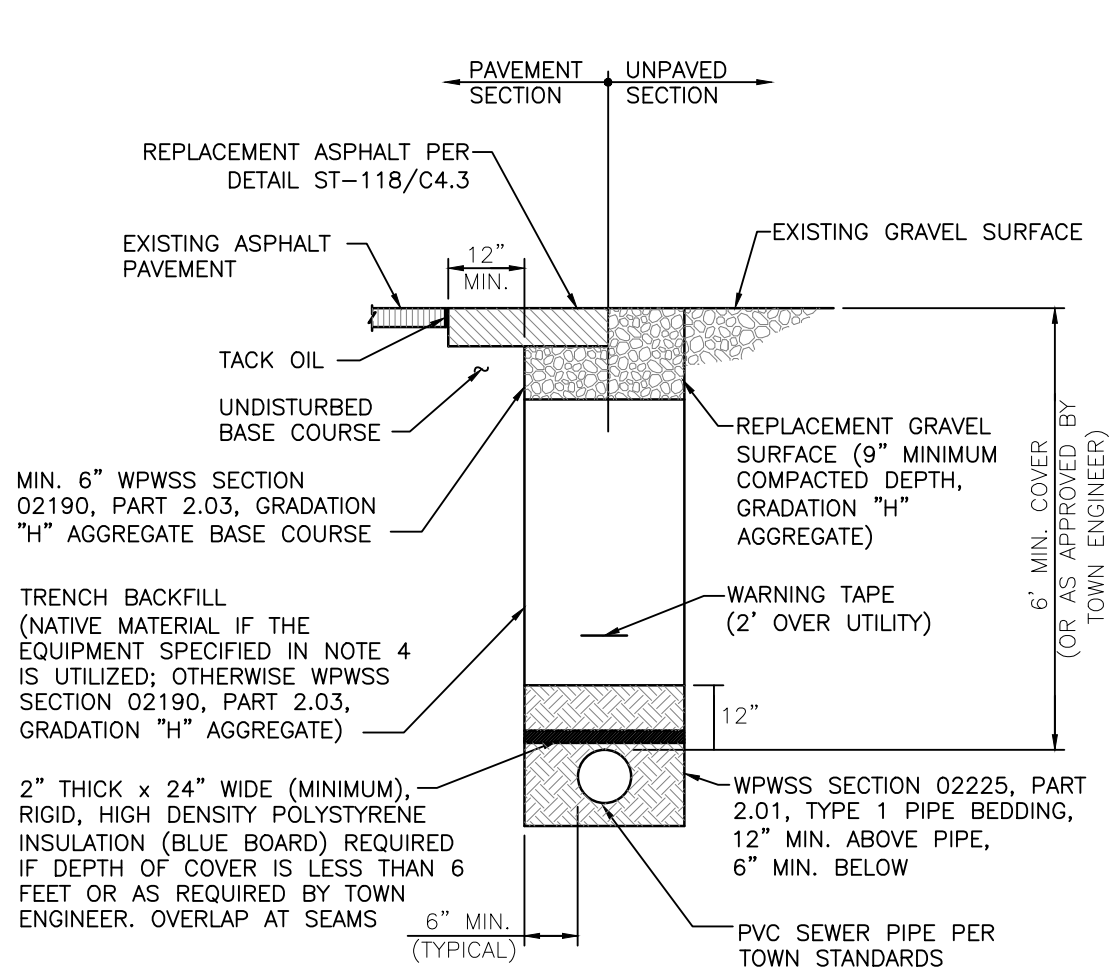
CORNER OF VINE

445 VINE ST

JACKSON, WY

NELSON ENGINEERING

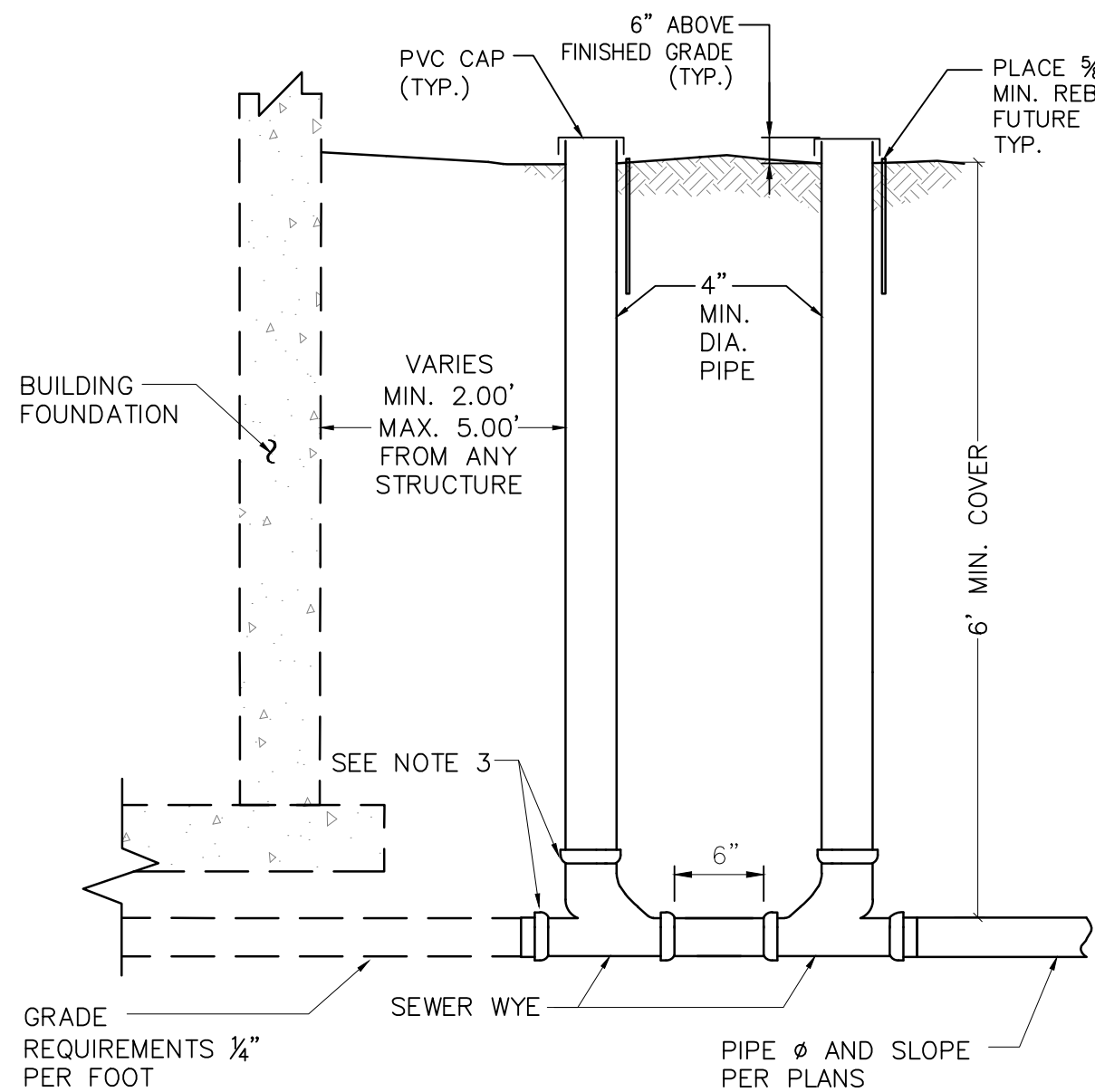
P.O. BOX 1599, JACKSON WYOMING (307) 733-2087



- NOTES:
- TRENCH BACKFILL BELOW THE SURFACE SHALL BE COMPACTED TO 96% STANDARD PROCTOR DENSITY.
 - COMPACTION OF NATIVE TRENCH BACKFILL, WITH ALL ROCK LARGER THAN 6" REMOVED, SHALL BE CARRIED OUT IN 2' LIFTS WITH A HOE-PACK OR A VIBRATORY SHEEPS FOOT ROLLER (COMPACTION METHOD AND EQUIPMENT SHALL BE REVIEWED AND APPROVED BY TOWN ENGINEER PRIOR TO BACKFILLING).
 - PIPE BEDDING SHALL BE PLACED IN 6" LIFTS AND THOROUGHLY COMPACTED WITH A JUMPING JACK TO PROVIDE UNIFORM PIPE SUPPORT.
 - UNLESS OTHERWISE DIRECTED, ALL BASE COURSE AND GRAVEL SURFACE REPLACEMENT SHALL BE INSTALLED PER WPWSS SECTION 02231, PART 3.03.
 - ALL TRENCH EXCAVATION SHALL CONFORM TO WYOMING OCCUPATIONAL HEALTH AND SAFETY ADMINISTRATION (WOSHA) REGULATIONS.

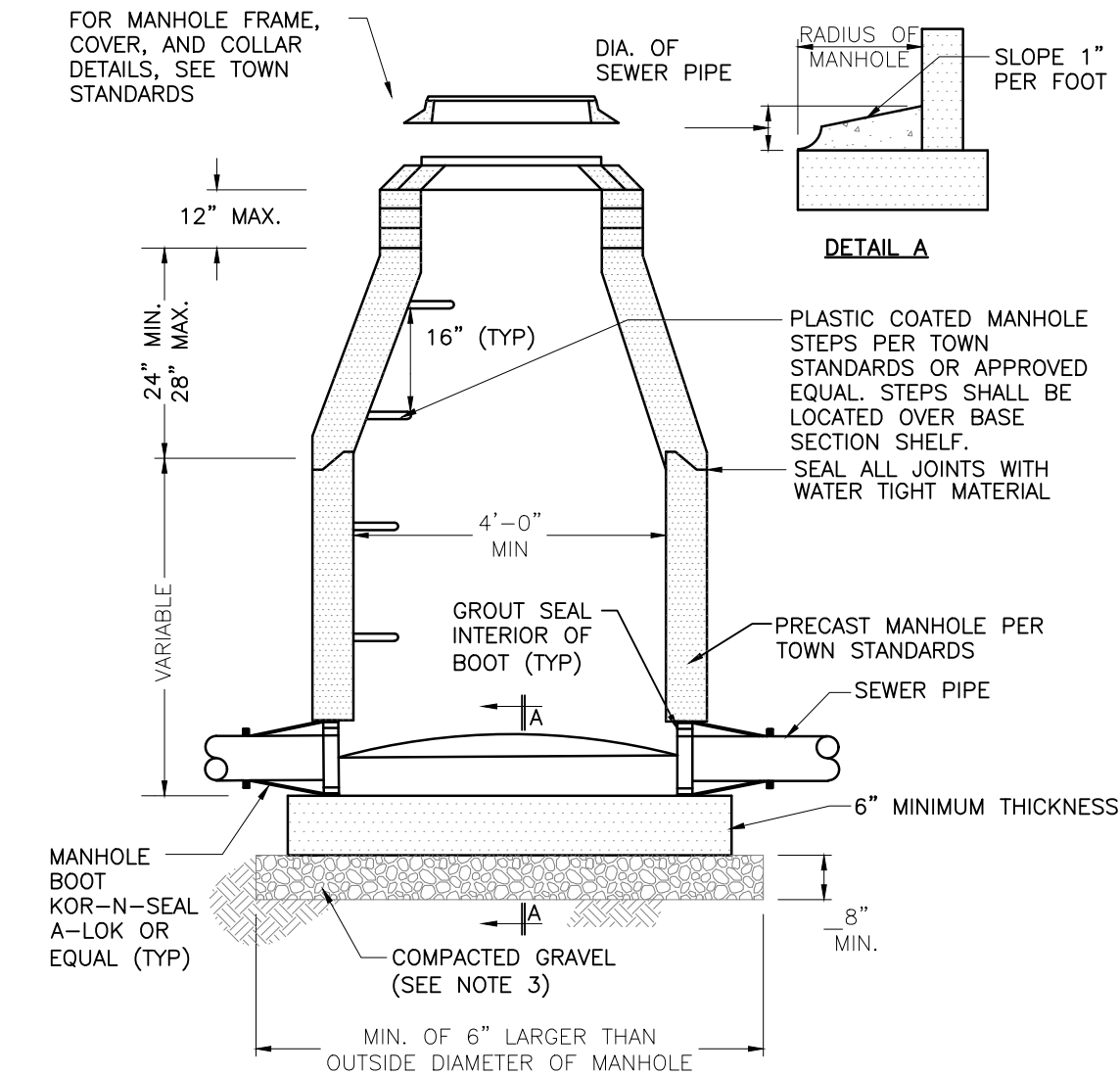
NOTES: ALL BACKFILL COMPACTION THIS PROJECT SHALL MEET T.O.J. REQUIREMENTS FOR WORK WITHIN STREETS.

SS-100 SEWER MAIN & SERVICE TRENCH DETAIL
DET



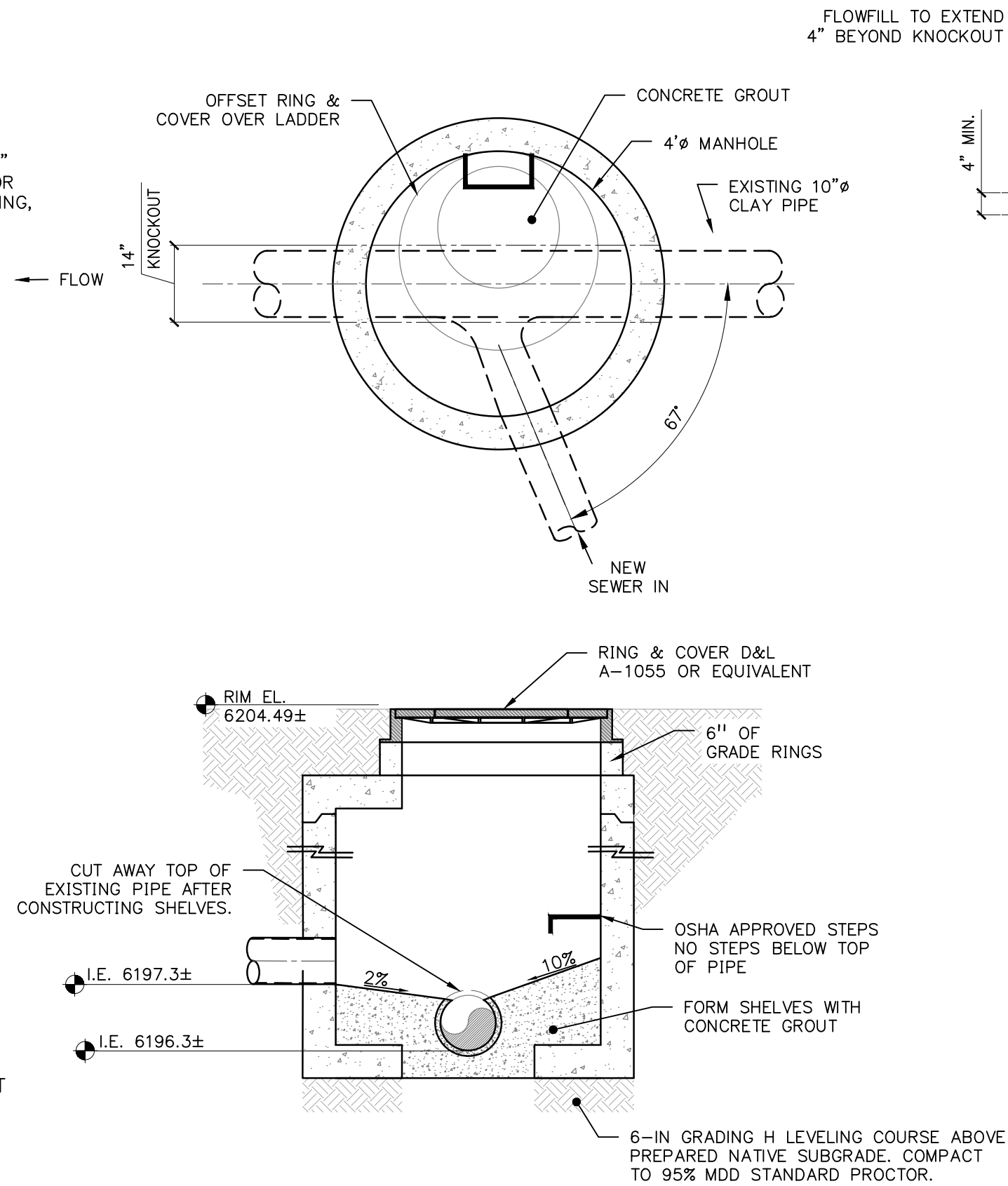
- NOTES:
- PRIOR TO BACKFILL THE TOWN PUBLIC WORKS DEPARTMENT MUST INSPECT ALL PIPE, FITTINGS, COUPLINGS GRADE AND COMPLETE WATER TESTING.
 - INSTALL AND COMPACT ALL BACKFILL MATERIAL PER TOWN PUBLIC WORKS DEPARTMENT STANDARD SPECIFICATIONS AND AS SHOWN WITHIN THE TRENCH DETAIL.
 - ALL PVC FITTINGS SHALL MEET ASTM D2665 SPECIFICATIONS.

SS-114 SERVICE LATERAL BUILDING CLEANOUT
DET

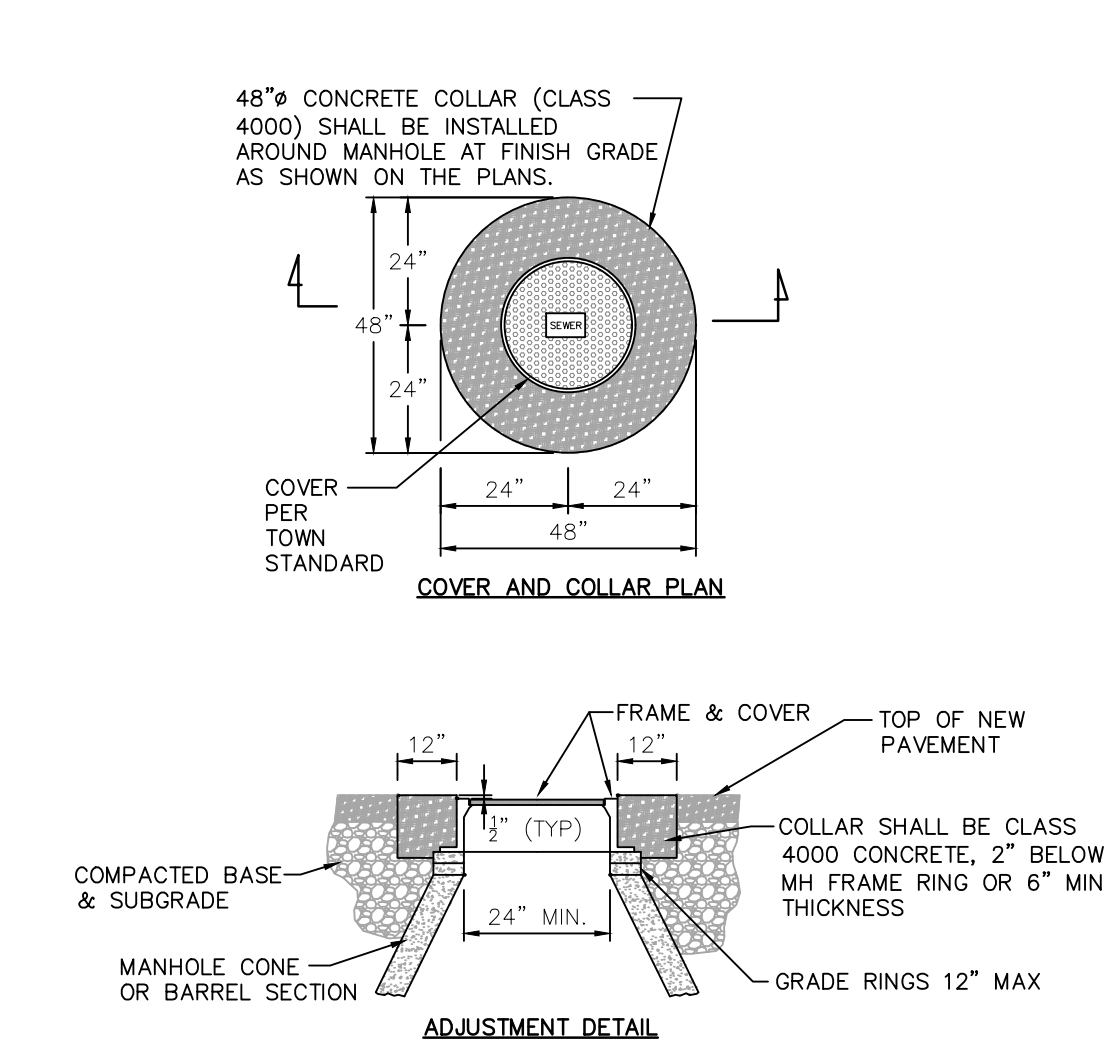


- NOTES:
- DROP ACROSS INVERT SHALL BE GREATER THAN OR EQUAL TO SLOPE OF ADJACENT SEWER PIPE.
 - BASE SHALL BE REINFORCED WHEN THE DISTANCE FROM INVERT TO TOP OF COVER EXCEEDS 15'. REINFORCEMENT TO BE APPROVED BY ENGINEER.
 - GRAVEL SHALL BE EIGHT INCH MINIMUM THICKNESS, CONFORM TO WPWSS SECTION 02190, PART 2.03, GRADING H, AND BE INSTALLED PER WPWSS SECTION 02231, PART 3.03.
 - ALL PIPES GOING INTO MANHOLE SHALL BE INSTALLED TO MATCH TOP OF PIPE CROWNS.
 - TROUGH DEPTH AT CENTER TO BE HALF THE DIAMETER OF THE PIPE.
 - MH FRAME AND COVER SHALL BE D+L A-1055 OR EQUIVALENT.

SS-102 SANITARY SEWER MANHOLE
TOJ STD DETAIL

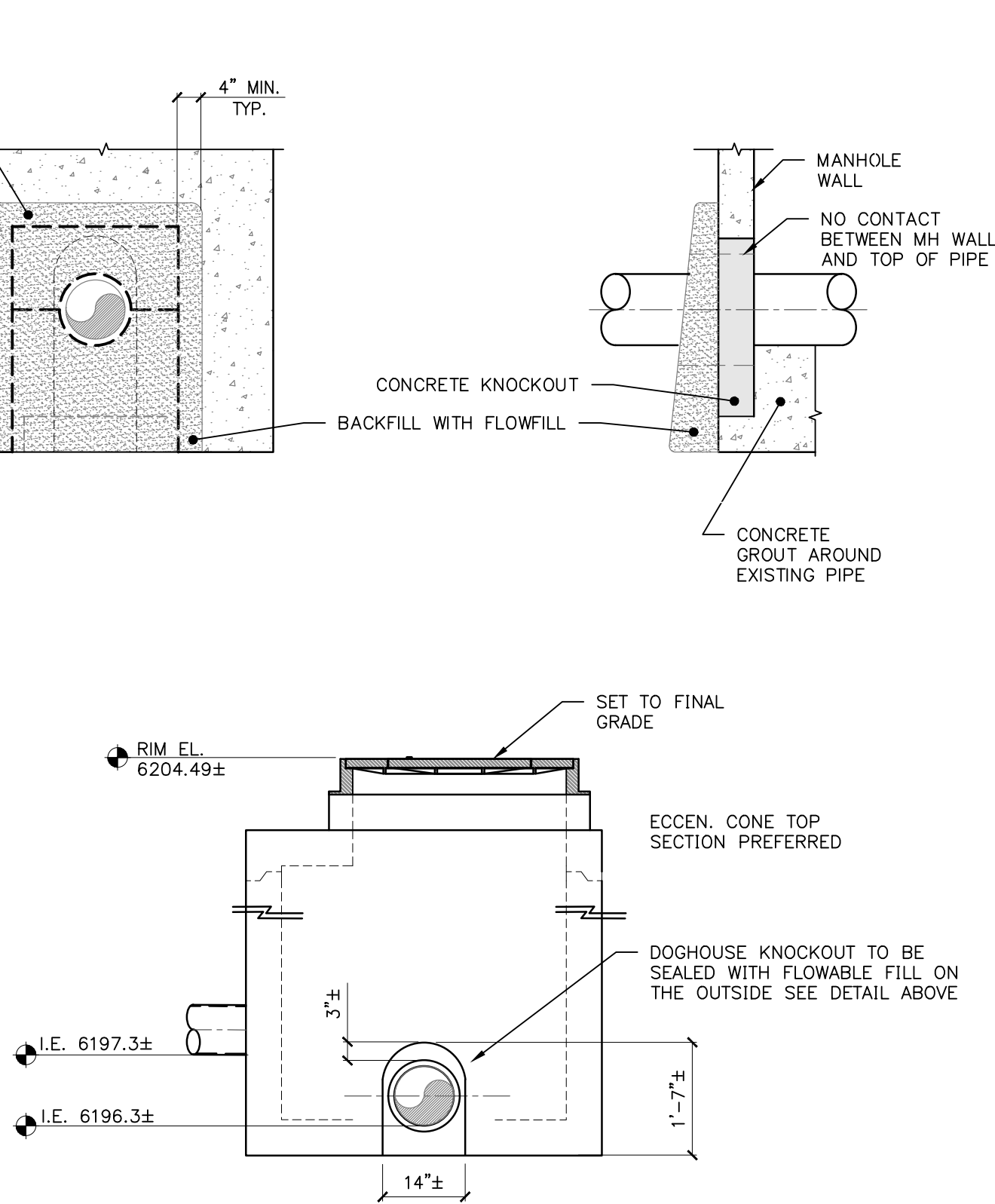


1 DOGHOUSE MANHOLE DETAIL
NTS

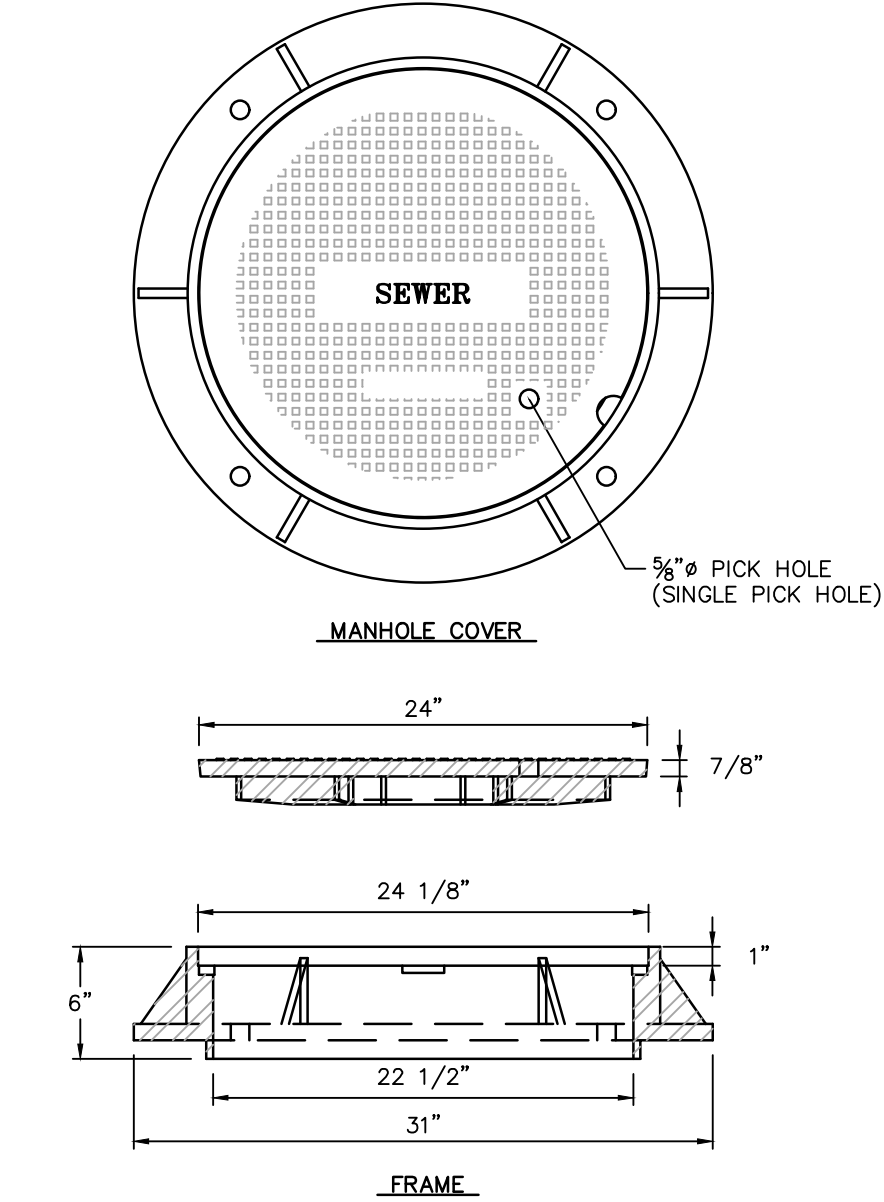


- NOTES:
- ADJUST MANHOLE UPWARD WITH ADJUSTING RINGS UNDER FRAME. ADJUST MANHOLE DOWNWARD BY REMOVING A PORTION OF THE MANHOLE RISER AND REBUILDING TO PROPER HEIGHT. SLOPE MANHOLE RING AS REQUIRED TO MATCH STREET GRADE AND CROSS SLOPE. MAKE FINAL MANHOLE ADJUSTMENT AFTER PAVING AND BEFORE SEAL COATING.
 - IF MANHOLE IS WITHIN UNPAVED AREA USE TAPERED COLLAR. SEE TOWN SANIATRY SEWER DETAIL SS-110.

SS-109 MANHOLE COLLAR & ADJUSTMENT DETAIL
TOJ STD DETAIL

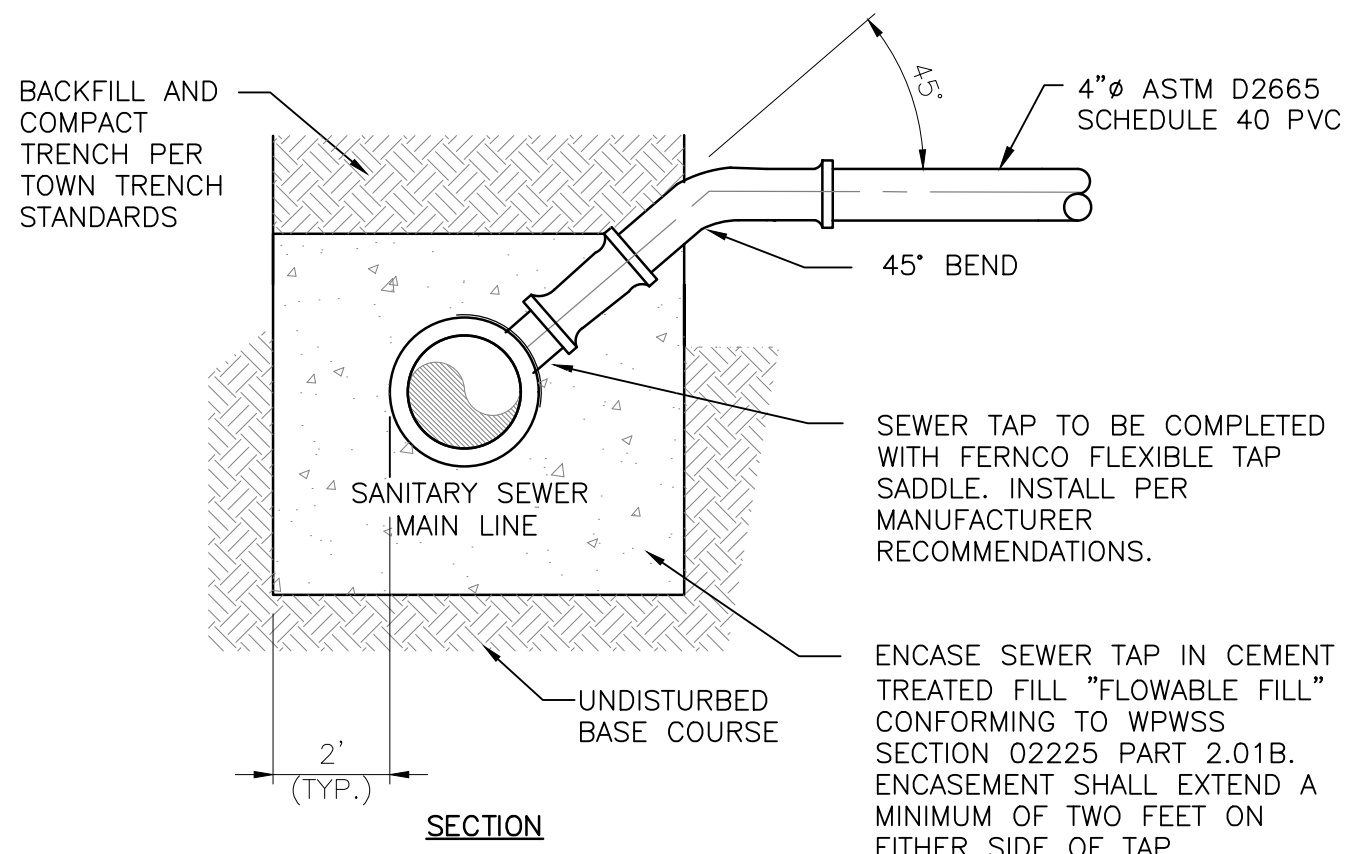


NOTE: PROVIDE EXPLORATORY EXCAVATION TO VERIFY PIPE MATERIAL AND ELEVATION PRIOR TO ORDERING MANHOLE



- NOTES:
- MANHOLE FRAME AND COVER SHALL BE MODEL NO. A-1055, AS MANUFACTURED BY D&L SUPPLY OF LINDON, UTAH, MODIFIED AS SHOWN, OR APPROVED SUBSTITUTE.
 - GREY IRON CONFORMS TO ASTM A-48, CLASS 35B. MEETS H-20 WHEEL LOAD.

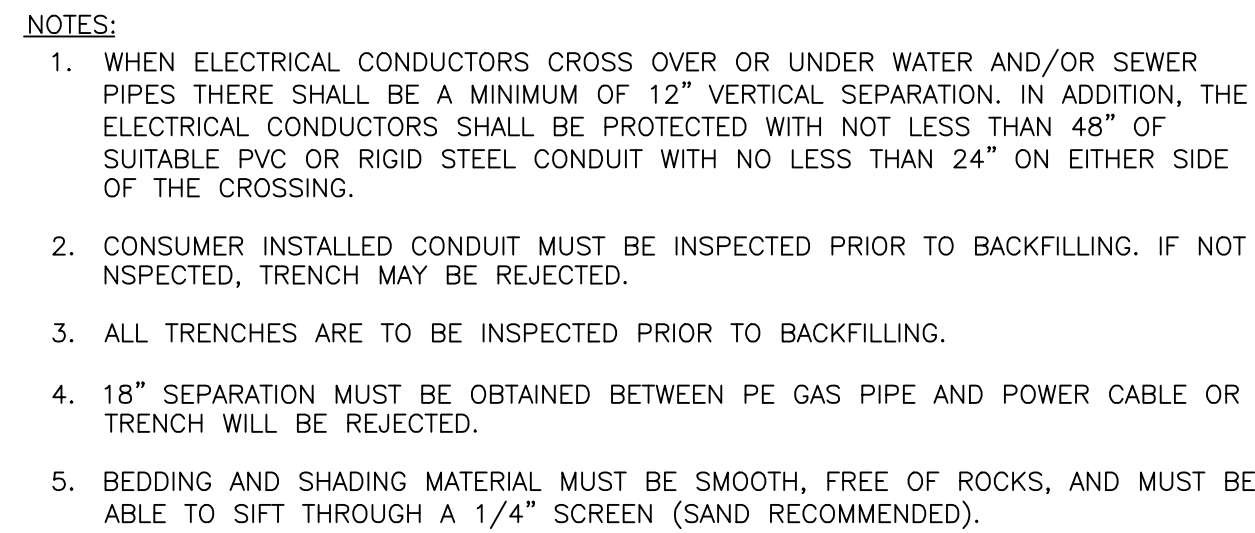
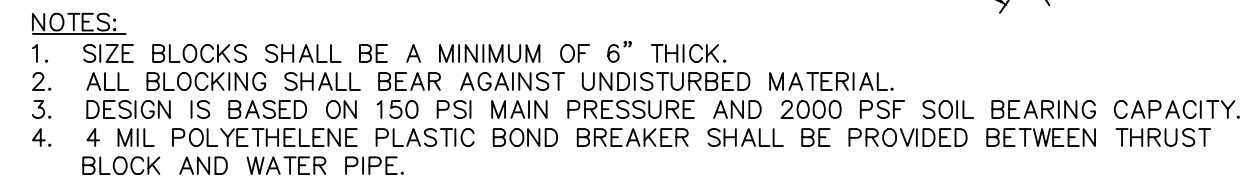
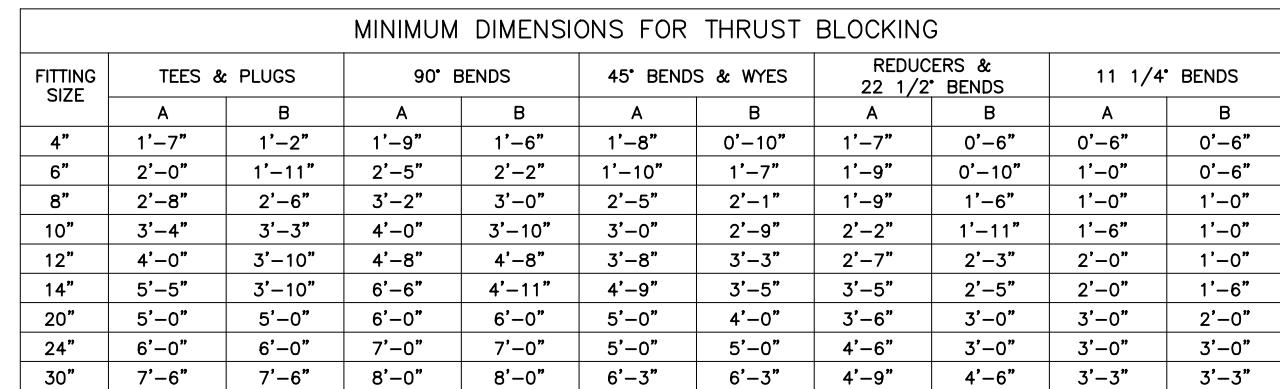
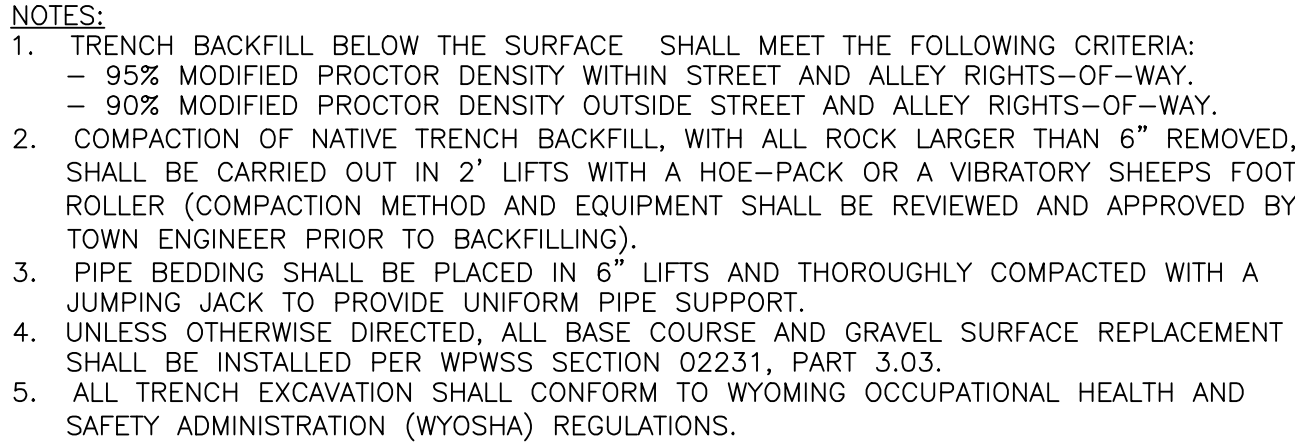
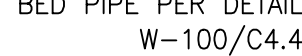
SS-108 MANHOLE FRAME AND COVER DETAIL
TOJ STD DETAIL



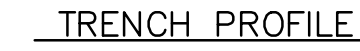
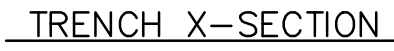
SS-115 SEWER MAIN TAPPING
DET

DRAWING NO		JOB TITLE		DRAWING TITLE	
DETAILS		CORNER OF VINE		SANITARY SEWER DETAILS	
JOB NO		445 VINE ST		DEV. SET	
20-001-001		JACKSON, WY			
DATE		1/27/2020		REV.	
SURVEYED		NE		1	
ENGINEERED		NB / MB			
DRAWN		NB			
CHECKED		MB			
APPROVED		MB			

NELSON
ENGINEERING
P.O. BOX 1599, JACKSON WYOMING (307) 733-2087

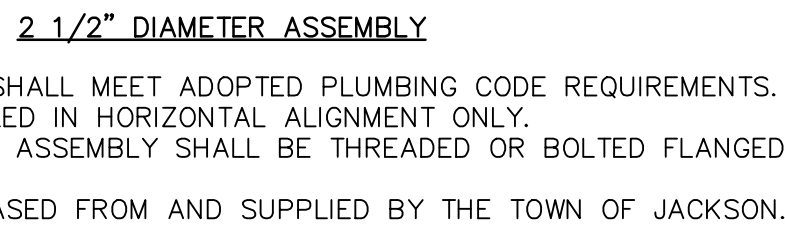

$$\frac{4}{\text{DET}}$$


DET



1. CEMENT TREATED FILL ("FLOWABLE FILL") SHALL CONFORM TO WPSS SECTION 02225, PART 2.01B. IF CALLED FOR ON THE PLANS, CONTRACTOR MAY SLEEVE PIPE IN LIEU OF USING FLOWABLE FILL.
2. CEMENT TREATED FILL SHALL BE PLACED FROM BOTTOM OF LOWER PIPE TO 6 INCHES ABOVE THE UPPER PIPE.
3. DIMENSION D (THE VERTICAL SEPARATION BETWEEN THE OUTSIDES OF THE UPPER AND LOWER PIPES) SHALL BE 18 INCHES MINIMUM.
4. DIMENSION W SHALL EQUAL 3D PLUS 1 FOOT.
5. DIMENSION L SHALL EQUAL 20 FEET MINIMUM.
6. WHERE THE MINIMUM REQUIRED CLEARANCES FOR DIMENSIONS D AND L CANNOT BE MAINTAINED, THE SEWER MAIN SHALL BE PLACED WITHIN A SEPARATE SLEEVE.

SCALE: NTS


$$\frac{2}{\text{DET}}$$


CODE ANALYSIS

2018 International Building Code incl. Amendments adopted by the Town of Jackson, 2018 International Plumbing Code, 2018 International Mechanical Code, 2018 IEEC, 2017 NFPA 70: National Electric Code, 2018 International Fire Code, ICC/ANSI 117.1-2003

Occupancy: R-2/S-2

Construction Type: Type VB

Number of Stories: 2 Above Grade, 1 Below Grade

Max Building Height: 3 stories, not to exceed 35'-0"

Setbacks: 20' Front, 20' Alley, 10' Sides to S and W. Balconies and roofs can encroach beyond setbacks by 4' on sides and rear, 6' at lot front.

Zoning: NM-2

Subdivision: Lot 1, Block 3, Meadowland

AREA CALCULATION

ALLOWABLE FAR: 3247.4 SF

SINGLE BED UNIT: 448 SF

TWO BED UNIT: 898 SF

WITHIN FAR:
(5) SINGLE UNITS + (1) TWO BED UNIT = 3138 SF

2:1 FAR BONUS:
(1) SINGLE UNIT + (1) TWO BED UNIT = 1346 SF

MAIN LEVEL HABITABLE: 2242 SF

UPPER LEVEL HABITABLE: 2242 SF

TOTAL HABITABLE: 4484 SF

BASEMENT NON-HABITABLE: 2240

TOTAL: 6742 SF

GENERAL PLAN NOTES

01. Do not scale drawings. Contact Architect for any undocumented dimensions or clarification of any dimensional discrepancies. Large scale drawings take precedence over smaller scale drawings.

02. All dimensions are from gridline to centerline of structural columns, to centerline of windows and doors, or to face of stud walls.

03. All interior partitions are framed with 2 x 4 wood studs unless noted otherwise.

04. The General Contractor shall coordinate the spacing of all ceiling and floor joists with lighting fixtures, mechanical openings, and any other potential conflict. (See Structural, Mechanical, Lighting, and Reflected Ceiling Plans)

05. See paving plans and interior elevations for dimensions and locations of millwork, plumbing fixtures, appliances, and interior finishes. Interior drawings take precedence over Architectural drawings concerning these elements.

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07. Interior doors to be centered in their respective rooms unless dimensioned otherwise.

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09. Sprinkler Contractor to coordinate placement of heads with Mechanical, Electrical, and Lighting equipment. Sprinkler layout is subject to Architect approval. Sprinkler design per NFPA 13R

10. Where shown, furniture is for reference only and not in contract.

11. Contractor to coordinate location of radon pipe through walls, attic space and roof.

12. All gutters and downspouts are to be heat traced, U.N.O.

13. Where shown, all landscape information is for pricing purposes only and not in contract. Plans and details are to be furnished by owner for construction.

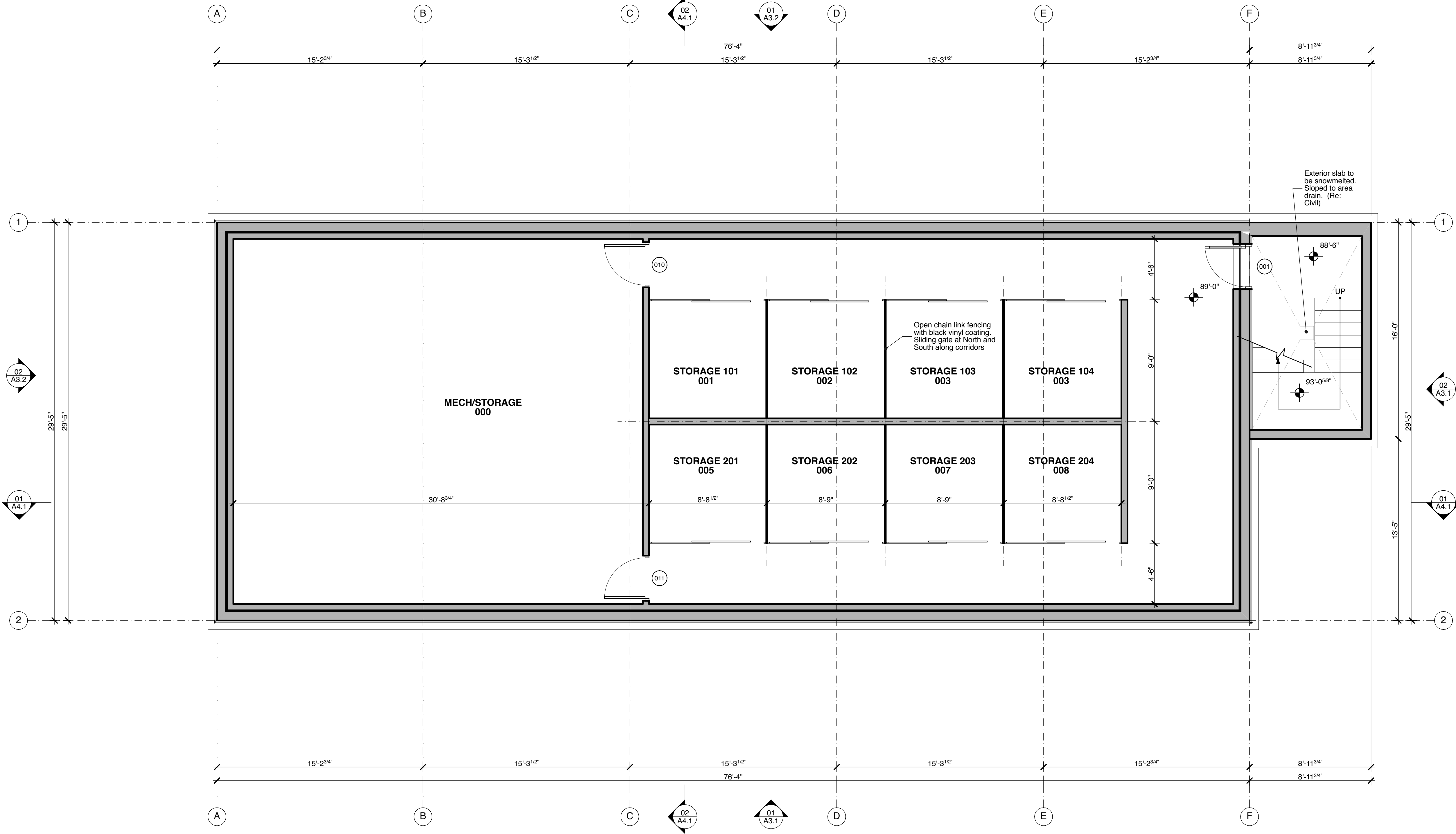
Issue/Revision Date	
01.14.20	SD Pricing Set
02.07.20	TOJ Development Plan

Corner of Vine
445 Vine St, Jackson, WY 83001

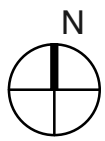
PRELIMINARY - NOT FOR CONSTRUCTION

Basement Plan

A2.0



01 Basment Plan
SCALE: 1/4" = 1'-0"



CODE ANALYSIS

2018 International Building Code incl. Amendments adopted by the Town of Jackson, 2018 International Plumbing Code, 2018 International Mechanical Code, 2018 IEEC, 2017 NFPA 70: National Electric Code, 2018 International Fire Code, ICC/ANSI 117.1-2003

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Subdivision: Lot 1, Block 3, Meadowland

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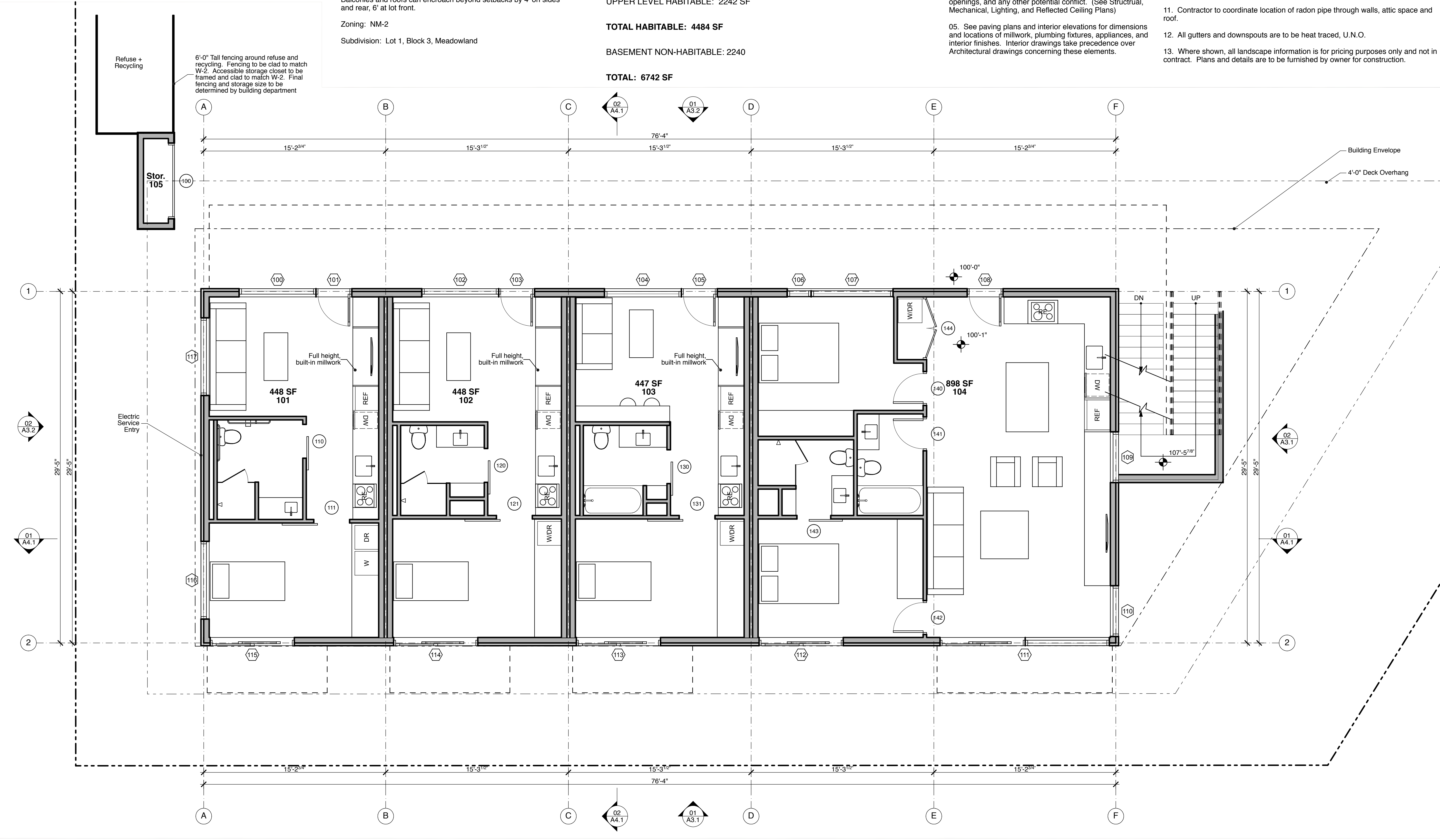
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Issue/Revision Date	
01.14.20	SD Pricing Set
02.07.20	TOJ Development Plan

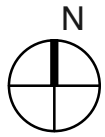
Corner of Vine **PRELIMINARY - NOT FOR CONSTRUCTION**
445 Vine St, Jackson, WY 83001

Main Level Plan

A2.1



01 Main Floor Level
SCALE: 1/4" = 1'-0"



CODE ANALYSIS

2018 International Building Code incl. Amendments adopted by the Town of Jackson, 2018 International Plumbing Code, 2018 International Mechanical Code, 2018 IEEC, 2017 NFPA 70: National Electric Code, 2018 International Fire Code, ICC/ANSI 117.1-2003

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Zoning: NM-2

Subdivision: Lot 1, Block 3, Meadowland

AREA CALCULATION

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TWO BED UNIT: 898 SF

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Issue/Revision Date	
01.14.20	SD Pricing Set
02.07.20	TOJ Development Plan

Corner of Vine
445 Vine St, Jackson, WY 83001

PRELIMINARY - NOT FOR CONSTRUCTION

19-4

Upper Level Plan

A2.2



01 Upper Floor Level
SCALE: 1/4" = 1'-0"



ROOF PLAN NOTES

01. Snow retention system to be Sno Bar. System quantities and layout to be fully engineered by manufacturer in compliance with snow loads and roof pitch.
02. Re: Structural for steel fascia requirements. All seams to be fully welded and ground smooth. Refer to structural for expansion joint requirements.
03. See Details for Typ. Roof Penetration.
04. All gutters and downspouts are to be heat traced, U.N.O.

GENERAL PLAN NOTES

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01.14.20	SD Pricing Set
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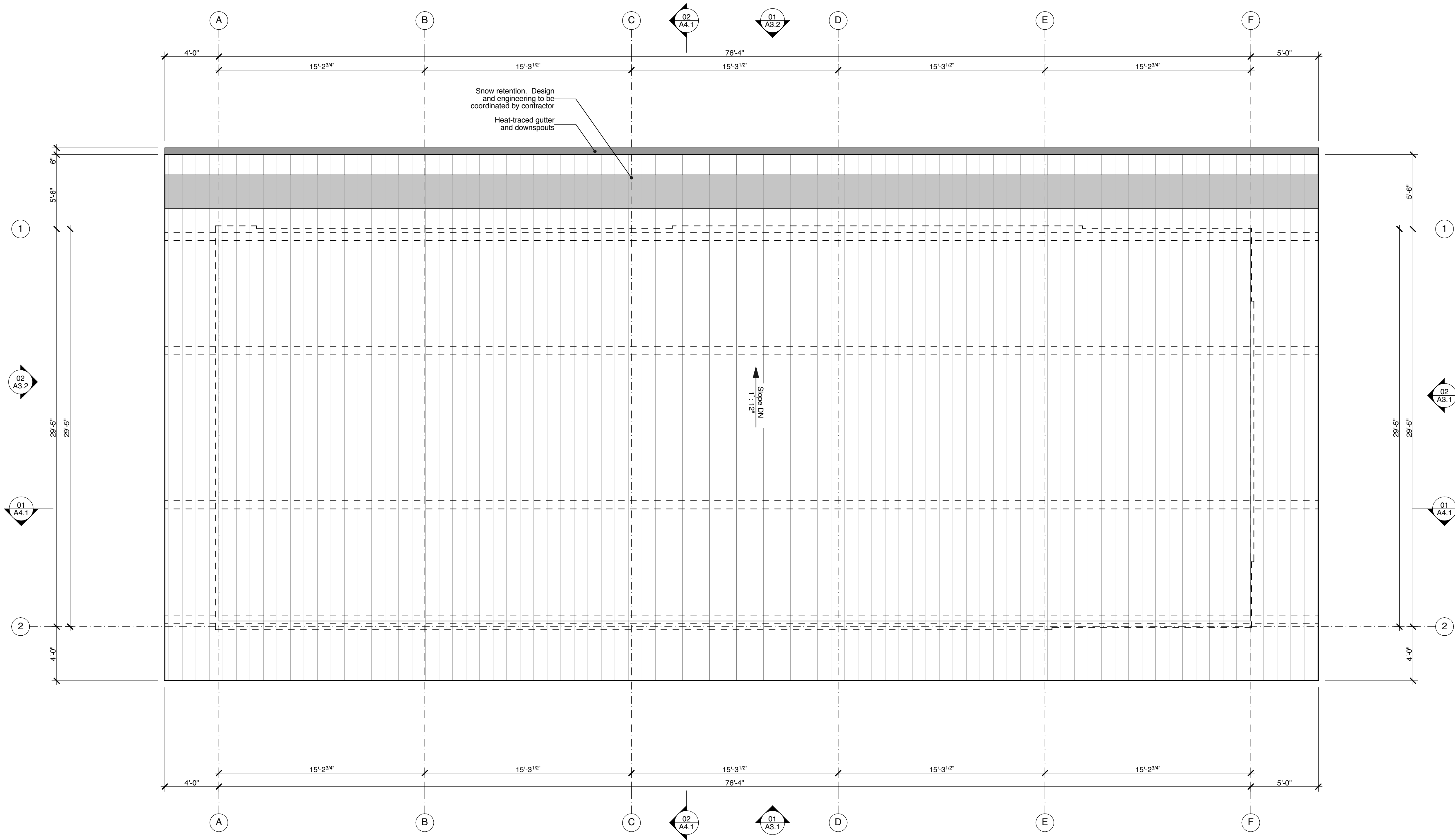
Corner of Vine
445 Vine St, Jackson, WY 83001

PRELIMINARY - NOT FOR CONSTRUCTION

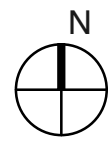
19-4

Roof Plan

A2.3

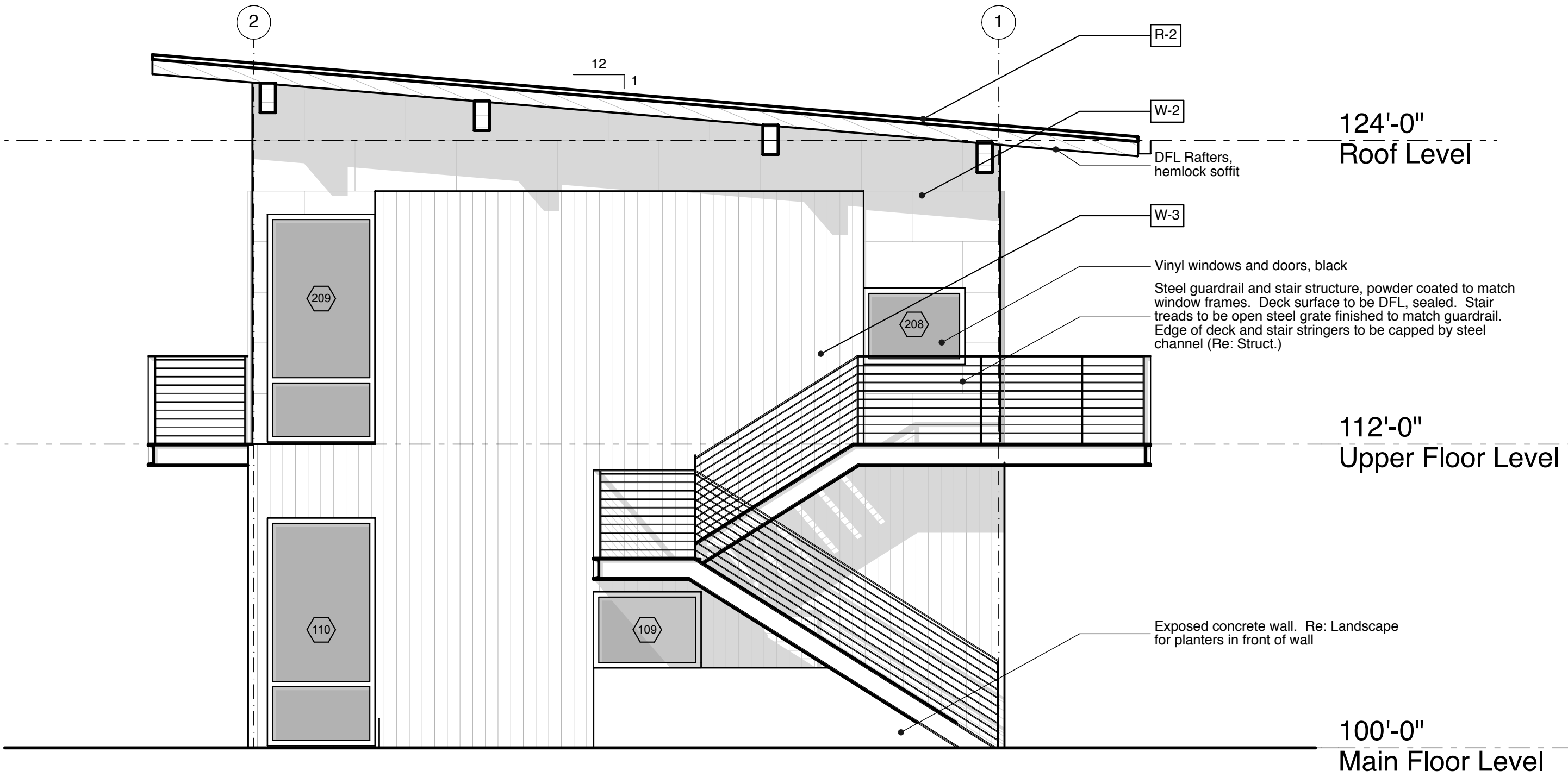


01 Roof Level
SCALE: 1/4" = 1'-0"



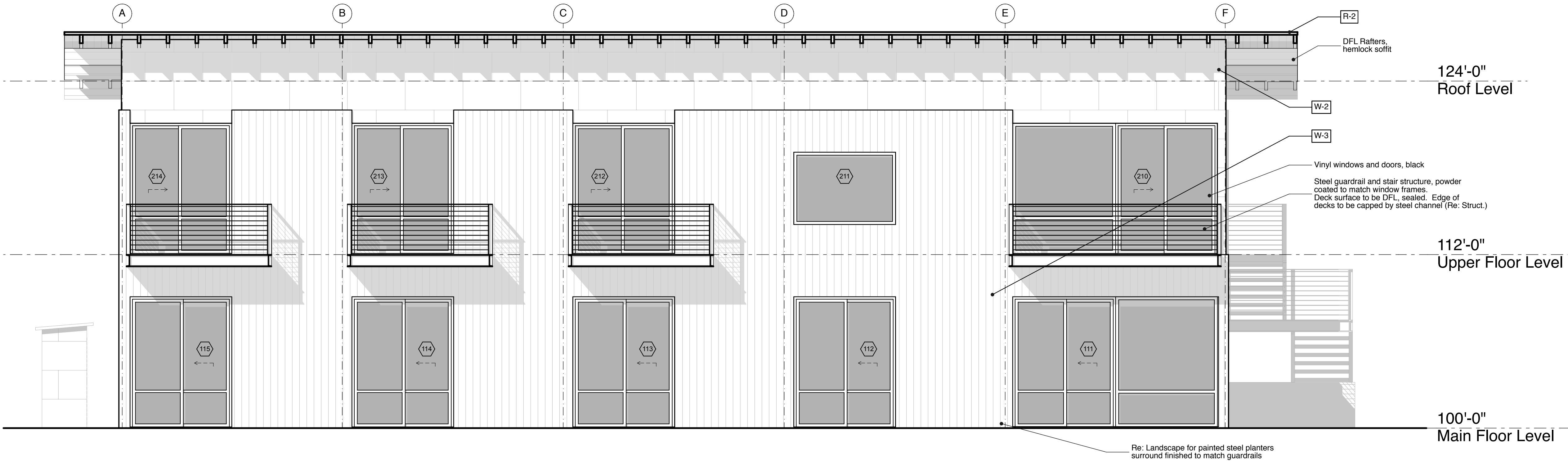
ASSEMBLY FINISH TYPES

- F-1 Concrete slab-on-grade, acid etched and sealed
- F-2 Wood plank, or porcelain tile on wood framed structure
- F-3 Open wood plank decking
- W-1 Concrete foundation wall
- W-2 Metal siding, Bonderized steel
- W-3 Wood siding, Natural cedar, STK
- W-4 Interior Party Wall
- W-6 Interior 2x wall
- R-1 Standing seam membrane Roof
- R-2 Standing seam membrane roof at eaves, to match R-1



02 East Exterior Elevation

SCALE: 1/4" = 1'-0"



01 South Exterior Elevation

SCALE: 1/4" = 1'-0"

ASSEMBLY FINISH TYPES

- F-1

Concrete slab-on-grade, acid etched and sealed
- F-2

Wood plank, or porcelain tile on wood framed structure
- F-3

Open wood plank decking
- W-1

Concrete foundation wall
- W-2

Metal siding, Bonderized steel
- W-3

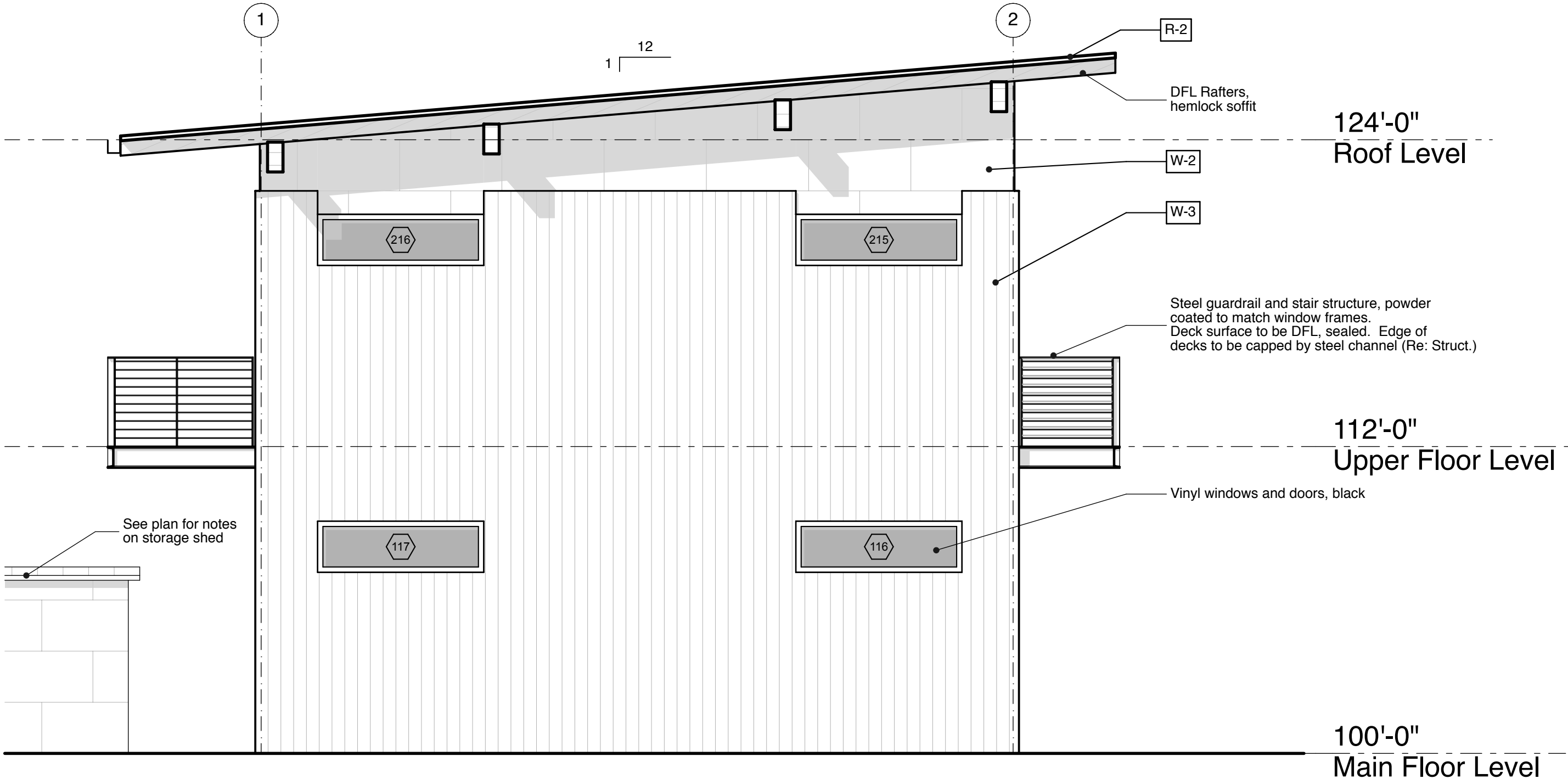
Wood siding, Natural cedar, STK
- W-4

Interior Party Wall
- W-6

Interior 2x wall
- R-1

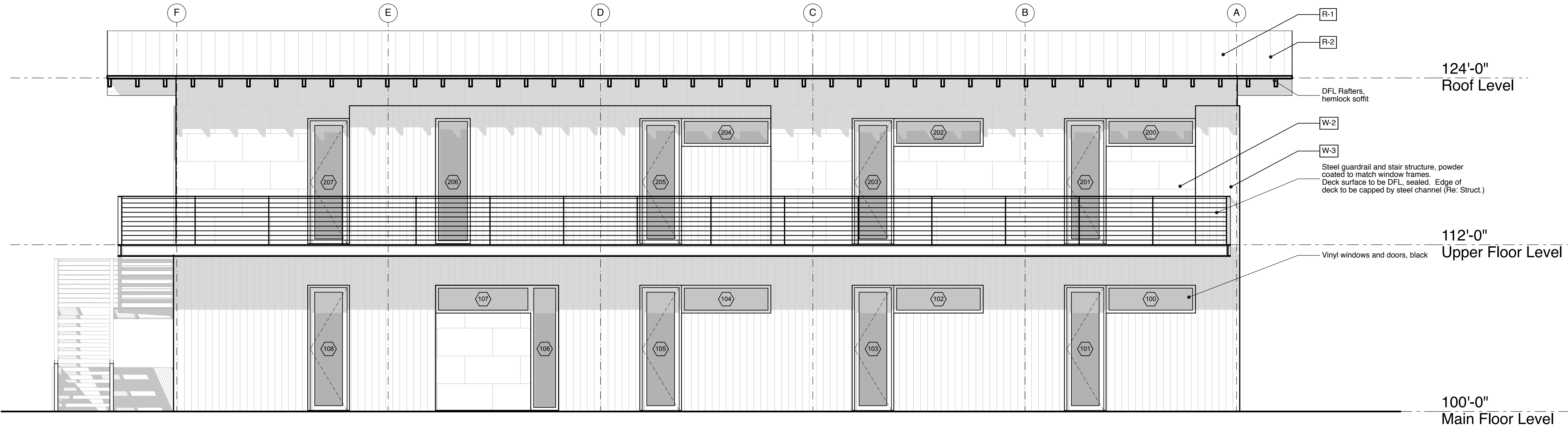
Standing seam membrane Roof
- R-2

Standing seam membrane roof at eaves, to match R-1



02 West Exterior Elevation

SCALE: 1/4" = 1'-0"



01 North Exterior Elevation

SCALE: 1/4" = 1'-0"

Issue/Revision Date	
01.14.20	SD Pricing Set
02.07.20	TOJ Development Plan

Corner of Vine
445 Vine St, Jackson, WY 83001

PRELIMINARY - NOT FOR CONSTRUCTION

Exterior Elevations

A3.2

ASSEMBLY TYPES

F-1 - Floor Assembly: Concrete Slab on Grade @ Basement
Concrete slab (Re: Struct.) on vapor barrier taped and sealed at all seams, penetrations, etc., anchored 12" up foundation wall, 2" semi-permeable rigid insulation, on 4" free draining gravel between footers on structural fill or native soil (Re: Geotech Report). Provide thermostatically controlled, mechanically ventilated basement. (Re: Mech.) Basement must be vented during construction. Provide radon piping vented through roof (Re: Mech.).

F-2 - Floor Assembly: Interior Floor Over Conditioned Space/ Basement
1" finished floor build-up (See Finish Schedule).

@ Tile Floor: Tile / mortar bed on tile underlayment

@ Wood Floor: 3/4" solid wood, on polymer underlayment

on continuous sound control mat, on plywood floor sheathing (Re: Struct.) on pre-manufactured wood "I" joists (Re Struct.) on furred ceiling framing. Provide batt insulation for sound isolation. Floor-ceiling assembly to have a minimum impact insulation class rating of 50. Provide resilient channels where over bedrooms. See Finish Schedule for ceiling finishes. Provide 1 HR fire rating between Basement and Main Level. Provide 1/2 HR fire rating between Main Level and Upper Level. Provide Fireblocking per IBC Section 718.2

F-3 - Floor Assembly: Wood Deck Over Exterior Space
1x wood decking, on deck framing (Re: Struct.). Assembly to be fire retardant

W-1 - Wall Assembly: Concrete Foundation @ Basement / Retaining Walls
2" continuous drainage / insulation board (R-10 min.) on fluid applied waterproofing, on reinforced concrete foundation wall (Re: Struct.), on 1/2" air space, on 2x framed fur wall w/ closed cell spray foam insulation (R-30 min.). See finish schedule for interior wall finish. Provide capillary break between stem wall and footing. Provide continuous perimeter drain (Re: Civil for drain specs)

W-2 - Wall Assembly: Metal Paneling @ Exterior
Bonderized Steel w/ flatlock assembly, on dimpled drainage / ventilation mat, on vertically grooved weather barrier, on plywood wall sheathing, on wood stud wall framing (Re: Struct.), w/ closed cell spray foam insulation (R-30 min.) See finish schedule for interior wall finish.

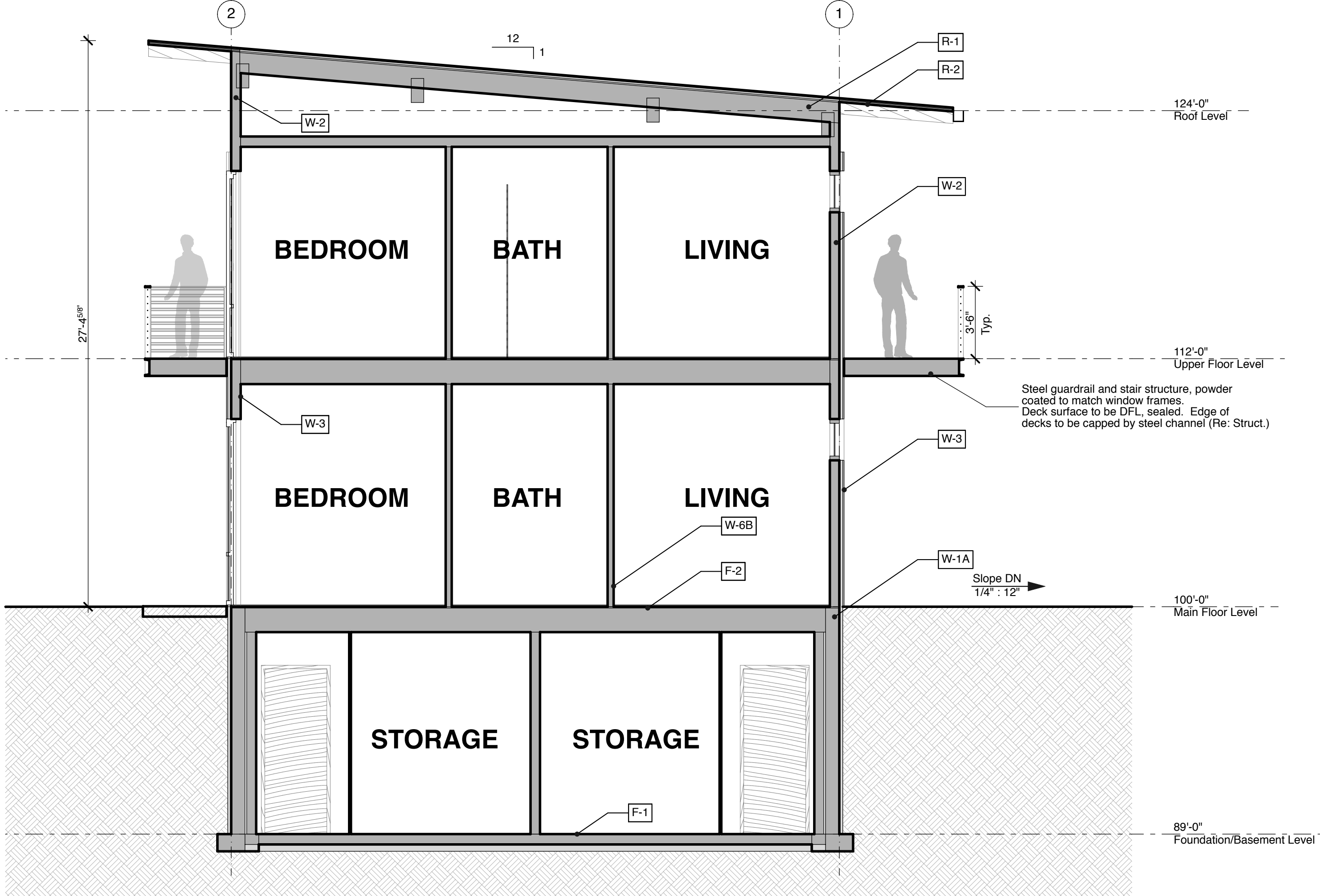
W-3 - Wall Assembly: Wood Siding @ Exterior
Vertical 1x6 STK Cedar siding w/ countersunk fasteners, on dimpled drainage / ventilation mat, attached to 1x3 battens with air gap between, on rigid insulation (R-5 minimum), on vertically grooved weather barrier, on plywood wall sheathing, on wood stud wall framing (Re: Struct.), w/ closed cell spray foam insulation (R-30 min.) See finish schedule for interior wall finish.

W-4 - Wall Assembly: Party Wall - (2) One Hour UL Listed (U-344) Walls:
Refer to UL Listing for specifics. Wall to have a minimum STC rating of 50.
Wall 1: 5/8" Type X gypsum board, on sound isolation membrane, on wood stud wall framing (Re: Struct.), with mineral wool insulation (R-21 min.), on plywood sheathing installed w. long dimension of sheet vertical, on 5/8" Type X gypsum board.
Wall 2: Same as above.
Provide 3/4" gap between walls. Fill gap below roof sheathing with 12" deep rigid insulation.

W-6 - Wall Assembly: Interior
See Interior Finish Schedule for interior finish material, on 2x stud framing, w/ full depth sound batt insulation. Provide sound isolation membrane at exterior face of wall framing at all bathrooms, bedrooms and mechanical spaces. Provide resilient channels under finishes at perimeter of all mechanical spaces.

R-1 - Roof Assembly: Low Slope Membrane Roof Over Conditioned Space
Fully adhered single ply PVC membrane (basis of design, Sika Sarnifil) with decorative ribs, on structural sheathing, on roof framing (Re: Struct.) w/ closed cell spray foam insulation (R-60 min.). Provide Grace Ice and Water Shield on roof sheathing at eaves to 6'-0" minimum inside exterior wall line. See Finish schedule for interior ceiling finish.

R-2 - Roof Assembly: Low Slope Membrane Roof at Eaves
Fully adhered single ply PVC membrane with decorative ribs, on structural sheathing, on roof framing (Re: Struct.) w/ 1x T&G hemlock soffit. Sheathing and framing to be fire retardant. Provide applied gutter w/ continuous heat tape (Re: Electrical). See Roof Plan for locations. Provide Grace Ice and Water Shield on roof sheathing at eaves to 6'-0" minimum inside exterior wall line



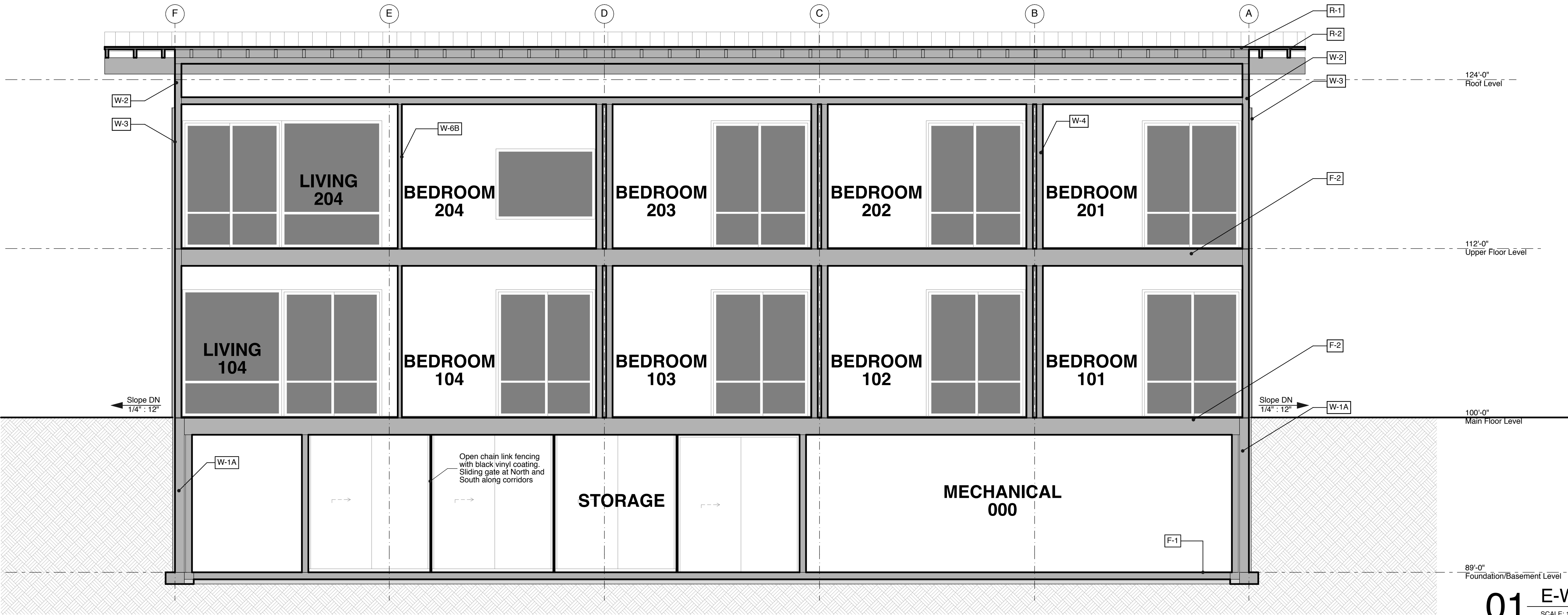
ASSEMBLY FINISH TYPES

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- R-2** Standing seam membrane roof at eaves, to match R-1

UNTITLED ARCHITECTURE
c. Brent.Li@untitledarch.com
c. 571.438.8877

Issue/Revision Date
01.14.20 SD Pricing Set
02.07.20 TOJ Development Plan

02 N-S Building Section
SCALE: 1/4" = 1'-0"



01 E-W Building Section
SCALE: 1/4" = 1'-0"

Corner of Vine
445 Vine St, Jackson, WY 83001

Building Sections

A4.1

LETTER OF AUTHORIZATION

Vine 445, LLC (James Farmer, Manager) , "Owner" whose address is: PO Box 1325,

Jackson, WY 83001

(NAME OF ALL INDIVIDUALS OR ENTITY OWNING THE PROPERTY)

, as the owner of property
more specifically legally described as: 445 Vine Street, Jackson, WY 83001.
Lot 1, Block 3 of the Meadowland Addition to the Town of Jackson, Plat #127

(If too lengthy, attach description)

HEREBY AUTHORIZES Kenneth E Rizzotti, or assigns 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: PARTNER

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

STATE OF Wyoming)
COUNTY OF Lincoln County)SS.
)

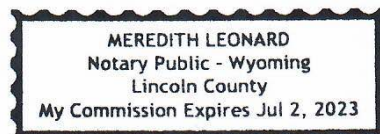
The foregoing instrument was acknowledged before me by James Farmer this 4th day of
November, 2019.

WITNESS my hand and official seal.

Meredith Leonard
(Notary Public)

My commission expires:

(Seal)



3.12.2020

Town of Jackson Planning Dept.
Attn: Brendan Conboy

RE: Project #P2—025; Address: 445 Vine Street, Jackson, WY 83001

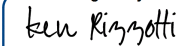
Brendan,

It has come to my attention that there was an inaccuracy in the Public Space discussion in the Design Guideline Narrative in the Development Plan originally submitted to your department (page 6, paragraph A). For clarification, there is no public space or easement for public space on this proposed development site. The intent of the Public Space discussion was to provide a visually attractive landscaping and to minimize the impact of the improvements for the public to view the property from Vine Street, the public alley along the north side of the property and from nearby properties.

I apologize for this inaccuracy, and thank you for allowing me to clarify this issue.

Sincerely,

DocuSigned by:



3/12/2020

AC5801CBB14C449

Ken Rizzotti, Manager HR 28, LLC

Housing Mitigation Plan

updated 6/11/19

Development of a new house, hotel, or commercial space generates the need for employees. The construction workforce builds the space, the commercial workforce or residential service workforce works in the space, and first responders are needed to protect the space. Only about 27% of the employees generated by development can afford housing in the community, but the community's "community first" character goal is that 65% of employees live locally. To bridge this affordability gap, each development is required to include affordable workforce housing proportional to the employees it generates. These housing mitigation requirements are established in Division 6.3 of the Land Development Regulations. This worksheet is intended to assist in meeting the requirements for a project. However, an error in the worksheet does not amend the actual standard; if you find an error please notify the Planning Department. Fill in the highlighted cells, all the other cells will autopopulate.

Calculating the Requirement (Sec. 6.3.2 & 6.3.3)

Step 1: Location

Town of Jackson

The applicable regulations vary by jurisdiction please identify the location of your project using the above dropdown options.

The required housing is based on the existing and proposed use of the site. Step 2 is to enter the existing use and Step 3 is to enter the proposed use. Section 6.3.2 of the LDRs establishes the applicability of the affordable workforce housing standards and Section 6.3.3 establishes the specifics on calculation of the requirement. Enter each use in its own row, add rows if needed. If a building has multiple units with the same use, describe each unit in its own row. (For example: if a duplex is composed of a 2,300 sf attached unit and a 1,700 sf attached unit, put each unit in its own row do not put in 4,000 sf of attached single-family.) If a unit type (e.g. apartment floor plan, or commercial tennant space) is replicated exactly multiple times, you may use the "Use Quantity" column to avoid adding multiple rows.

Step 2: Existing Development

Housing is only required for new development. Please describe the existing use of the site so that it can be credited from the housing requirement. The definition of existing use is Section 6.3.2.A.1 of the LDRs. Generally, the existing use to enter is the use with the highest housing requirement that either existed in 1995, or has been permitted since 1995. Please attach proof of existence.

Existing Use (Sec. 6.3.2.A)	Housing Requirement (Sec. 6.3.3.A)	Use Size: bedrooms	Use Size: habitable sf	Use Quantity	Housing Required
Detached Single-Family Unit (Unres)	$0.000017 * sf + (Exp(-15.49 + 1.59 * Ln(sf))) / 2.176$		820	1	0.018

Existing Workforce Housing Credit 0.018

Step 3: Proposed Development

Please describe the proposed use of the site to determine if affordable workforce housing is required as part of the development. Describe the end result of the proposed development. (For example: in the case of an addition do not enter the square footage of the addition, enter the size of the unit upon completion of the addition.)

Proposed Use	Housing Requirement (Sec. 6.3.3.A)	Use Size: bedrooms	Use Size: habitable sf	Use Quantity	Housing Required
Apartment (Unrestricted)	$0.000017 * sf + (\text{Exp}(-14.17 + 1.59 * \text{Ln}(sf))) / 2.176$		448	3	0.039
Apartment (Unrestricted)	$0.000017 * sf + (\text{Exp}(-14.17 + 1.59 * \text{Ln}(sf))) / 2.176$		898	2	0.063
Workforce Housing Bonus Unit	exempt		448	3	0.000

Affordable Workforce Housing Required: 0.084 units

Fee-in-Lieu Amount: \$ 17,452.91

If the amount of required affordable workforce housing is less than one unit, you may pay the above fee in-lieu of providing the required housing. If you elect to pay the fee, your Housing Mitigation Plan is complete. If the requirement is greater than one unit, or you would like to provide a unit to meet the requirement, please proceed to the [Unit Type Sheet](#).

AREA CALCULATION

ALLOWABLE FAR: 3247.4 SF

SINGLE BED UNIT: 448 SF

TWO BED UNIT: 898 SF

WITHIN FAR:

(3) SINGLE UNITS + (2) TWO BED UNIT = 3140 SF

2:1 FAR BONUS:

(1) SINGLE UNIT + (2) SINGLE UNITS = 1344 SF

MAIN LEVEL HABITABLE: 2242 SF

UPPER LEVEL HABITABLE: 2242 SF

TOTAL HABITABLE: 4484 SF

BASEMENT NON-HABITABLE: 2240

TOTAL: 6742 SF

PLANNING

Project Number	P20-025	Applied	2/10/2020	STOL
Project Name	Dev Plan - 445 Vine Street	Approved		
Type	DEVPLAN	Closed		
Subtype	CONDO/TOWNHOUSE	Expired		
Status	STAFF REVIEW	Status		
Applicant	HR28, LLC	Owner	VINE 45, LLC	
Site Address		City		State Zip
445 VINE STREET		JACKSON	WY	83001
Subdivision		Parcel No		General Plan
MEADOWLAND		22411634233001		

Type of Review	Status	Dates			Remarks
		Sent	Due	Received	
Contact					
Notes					
Building	APPROVED W/CONDITI	2/10/2020	3/2/2020	2/13/2020	
Kelly Sluder					
(2/13/2020 9:25 AM KS)					
Building plans must meet the current adopted building codes					
Fire	APPROVED W/CONDITI	2/10/2020	3/2/2020	2/24/2020	Notes in DEV
Kathy Clay					
My comments are incorporated in the proposed plan. They called and talked to me first. They can be found under "Water System" and I have approved their plan.					
-KC					
Joint Housing Dept	APPROVED W/CONDITI	2/10/2020	3/2/2020	2/13/2020	See Notes
Stacy Stoker					
(2/13/2020 9:57 AM SAS)					
The Workforce housing units will be required to comply with the Livability Standards in the Housing Department Rules and Regulations. A Livability Standard Questionnaire shall be completed and submitted to the Housing Department for approval prior to submittal for building permit.					
Prior to issuance of Certificate of Occupancy, the Housing Department shall hold a compliance meeting with the applicant, inspect the units, and record a Special Restriction on each of the Workforce Housing units. The applicant will complete a Deed Restriction Worksheet and submit it to the Housing Department, and the Housing Department will draft the restriction to be recorded. The applicant will be responsible for paying the recording fees.					
Legal	APPROVED W/CONDITI	2/10/2020	3/2/2020	3/2/2020	See Notes
Lea Colasuonno					
(3/2/2020 6:47 PM LC)					
1. The narrative states the project includes a "... mini' park area for both residents and passing pedestrians" and that "Location: Public space is located on the East side of the building where it is out of the shadow of surrounding buildings and is able to take advantage of southern sun exposure through the tree canopy."					
a. An easement for public access and appropriate marking on the plat is required to ensure the public pedestrian access in accordance with this statement.					
2. It appears on the drawing that the proposed sidewalk is partly within 445 Vine Street.					
a. If this is an accurate representation of the sidewalk location, an easement for public access and appropriate marking on the plat is required to ensure the public sidewalk access in accordance with this drawing.					
Parks and Rec	NO COMMENT	2/10/2020	3/2/2020	2/13/2020	
Steve Ashworth					
(2/13/2020 2:39 PM STOL)					
No comment from P&R regarding P20-025, 445 Vine St.					

Type of Review Contact Notes	Status	Dates			
		Sent	Due	Received	Remarks
Pathways Brian Schilling P20-025, 445 Vine St. DEV Comments from Teton County/TOJ Pathways Department Status: approved w/conditions	APPROVED W/CONDITI	2/10/2020	3/2/2020	3/4/2020	see notes
- Sidewalk/Street Frontage - Vine St. currently does not have any accommodations for pedestrians. This insufficient condition can only be remedied by ensuring that adequate pedestrian sidewalks are provided at every redevelopment or new development opportunity. - TOJ Planning documents (Community Streets Plan and the LDRs) specify a detached sidewalk. This is what should be provided in order to set the standard for the street. The current ROW appears to be 38' at its narrowest. A 5'-wide detached sidewalk would require a maximum of a 5' easement on the property (assuming an 11' travel lane, 2' curb and gutter, 6' furnishing zone, 5' sidewalk). - The sidewalk will provide a significant and immediate benefit to the residents of the proposed development, and will provide a benefit to the public as additional properties redevelop. - The sidewalk should extend north to the north property line at the intersection with the alley. - Bicycle Parking - Bike racks shall not be co-located with the dumpster. Bike parking areas need to be located so that they are convenient to the destinations/entries they serve, i.e. near the front door, not out back with the trash. - Local experience indicates that people park their bikes directly adjacent to their units, which supports including racks at locations convenient to the entry/access point for each individual unit. I.e. put a rack within easy access to each unit, otherwise there will be bikes stored haphazardly all over the place. - Please include a detail (or details) for the rack style. Single inverted-u racks (either individually mounted or mounted on rails) are the standard design. "Wave," "ribbon," and "toaster" style racks shall not be used. - Given the location, type of use, and parking plan of the proposed development, staff expects that there will be a high demand for bicycle parking. Staff recommends that at least 10 bike parking spaces be provided, matching the number of car parking spaces. - Staff supports credits for bike parking towards the development's overall parking requirement. - The bike parking could be a mix of "short-term" and "long-term" or, in this case, because there storage units, simple U-racks could serve as both short and long-term. - Short-term parking typically describes one or more "single inverted-U" racks located near the entrance it serves to be used for visitor or guests parking for a few hours or less. In this case the U-racks would mostly serve the seasonal/daily needs of residents but could also be used by guests to the development. "Wave," "ribbon," and "toaster" style racks shall not be used. Bike parking should be hardscaped and should not obstruct pedestrian flow. - Long-term parking typically describes a secure area for employees and long-term storage by residents that need to park for more than a few hours—i.e. all-day or overnight). For this application, staff feels that the storage units will provide sufficient long-term bike storage, so no other measures are needed. - The bike parking should be constructed on a concrete pad. A grass or dirt surface will quickly deteriorate into mud from foot traffic during wet seasons and will be difficult to keep clear of snow. Also a concrete surface will provide a more secure mounting surface for the racks and will discourage theft. - Rack type and storage locations should be shown on site plans. - Staff supports including the bike parking towards the landscape surfacing requirement so that switching from grass to hardscape for the bike parking does not detract from the applicant's landscape requirements. Conversion of a car parking spot to bike parking would also be supported. - Jackson Hole Community Pathways will be happy to provide additional background information and guidance on site selection, layout, rack selection, and rack installation.					
Planning Brendan Conboy	APPROVED W/CONDITI	2/10/2020	3/2/2020	3/4/2020	Staff report available 3/13
Police Todd Smith (2/11/2020 9:18 AM STOL) Comment: I continue to be concerned about low number of parking spaces for various projects and how it ends up impacting winter time parking that is pushed to the streets. No other concerns. Thanks, Todd	APPROVED W/CONDITI	2/10/2020	3/2/2020	2/11/2020	

Type of Review Contact Notes	Status	Dates			Remarks
		Sent	Due	Received	
Public Works Brian Lenz (3/11/2020 9:46 AM BTL) Development Plan – Approved with Conditions	APPROVED W/CONDITI	2/10/2020	3/2/2020	3/11/2020	see notes
P20-025 ADDRESS: 445 Vine St. OWNER: Vine 45, LLC APPLICANT: HR28, LLC – Ken Rizzotti					
3/11/2020 Brian Lenz, 733-3079					

DATE OF SUBMITTAL: 3/9/2020
DATE OF MATERIALS: 2/7/2020 (Landscape), 1/22/2020 (Civil), 2/7/2020 (Arch)

The engineering division has reviewed your application for a Development Plan submitted on and with application materials as dated above.

*The following comments are being provided for use in preparation of future applications and are required for sufficiency.

CONDITONS OF APPROVAL

- Existing sewer service should be re-used or replaced at its current location.
- Provide a location for the water entry where the water enters the building on the east side. Coordinate fire riser room and size with the fire marshal.
- Town of Jackson records indicate the water main in Vine St. is 4 inches in diameter. on Vine. Records indicate a 10-inch main on Kelly Ave. at Vine, and an 8-inch main on Karns at Vine. The demand analysis conservatively used the upper M22 curve, but the lower curve for apartments should be adequate, at design engineer's discretion. Revise water demand analysis for the actual site conditions to verify adequate flows are available. Developer is responsible for the costs to upgrade the line to their connection.
- Stormwater Calculations: Total area for the "south lot" does not match the total area of the site. Verify and revise stormwater calculations as necessary. Provide final stormwater calculations with the building permit application.
- In order to provide the existing level of service and access to the alley, Public Works recommends owner provide an access easement on the north-east corner of the lot to maintain the existing access radius. This will benefit the residents of the new development.
- A Development Agreement with the Town regarding the design and construction of the sidewalk, buffer strip, and curb should be completed prior to Building Permit issuance.

The following code sections are provided for review and compliance with future applications:

TOJ CODE

A construction-staging narrative shall be submitted for review and approval with the Development Plan application.

Plans provided shall show all work to be completed within the Town's right-of-way.

5.7 GRADING, EROSION CONTROL, AND STORMWATER

5.7.2 Grading Standards: Provide a grading plan that shows compliance with this section. Plan shall include existing and proposed site contours with elevation labels, spot elevations, high and low points, grade breaks. Provide easements for grading proposed on adjacent properties.

5.7.3 Erosion Control Standards: Provide an erosion control plan that shows compliance with this section.

5.7.4 Stormwater Management Standards: Provide an erosion control plan that shows compliance with this section.

6.2 PARKING AND LOADING STANDARDS

6.2.2 Required Parking and Loading: Provide a plan that shows the proposed parking in compliance with this section. Include location and dimension of parking spaces, accessible spaces, including van accessible spaces, and bicycle parking. For uses that require deliveries, show the proposed loading facilities.

6.2.5 Off-Street Parking and Loading Design Standards: Provide a parking plan in compliance with this section. Include surface materials and drainage plans, access and circulation, and snow storage.

Project Reviews

Report By: Brendan Conboy

Type of Review	Status	Dates			
		Sent	Due	Received	Remarks
Contact					
Notes					
6.4 OPERATIONAL STANDARDS					
6.4.1 Outside Storage: Provide a Construction Management Plan / Narrative, for any offsite storage address compliance with this section.					
6.4.3 Noise: Provide a statement to address compliance with this section.					
6.4.4 Vibration: Provide a statement to address compliance with this section.					
7.7 – REQUIRED UTILITIES					
7.7.2 Potable Water Supply:					
1. Provide a water supply plan and estimated average day, maximum day, and maximum hour, required fire flows, and per capita maximum daily demands. Demands shall be determined by one of the following: Wyoming DEQ Chapter 12 Section 8 (equivalent per capita water use shall be at least 125 gpd and 340 gpd for average and maximum day respectively); Wyoming DEQ Chapter 25 Tables 1 and 2 with consumption and irrigation factored in, metered water supply data from another development where similar water demands have been demonstrated, AWWA M22 method, or other Town Engineer approved source.					
2. Provide right-of-way or easements as required, 30 feet minimum width with 10 feet minimum to either side.					
7.7.3 Sanitary Sewer System:					
1. Provide a sanitary sewer wastewater plan and estimated average day, maximum day, and peak hour for the design of the project, per capita design flows, extraneous flows, and industrial and/or commercial waste volumes. Volumes shall be determined by one of the following: Wyoming DEQ Chapter 25 Tables 1 and 2; metered water supply data from another development where similar water demands have been demonstrated; or other Town Engineer approved source.					
7.7.4 Irrigation System:					
1. Provide an irrigation plan when the system is for the entire development or the system will be owned by the Town. For all systems provide the irrigation water demand, type of backflow preventer, location, and whether irrigation will be metered separately from domestic.					
2. A Wyoming Department of Transportation license is required for irrigation systems and landscaping located within the WYDOT right-of-way.					
7.7.5 Other Utilities:					
Provide a plan for all other utilities, such as telephone, cable TV, electric, fiber, gas. All utilities shall be installed underground. Provide right-of-way or easements as required. Show that private utilities can be located on private properties, e.g. transformers.					
START	NO COMMENT	2/10/2020	3/2/2020	3/4/2020	see notes
Darren Brugmann					
(3/4/2020 2:02 PM STOL)					
At this point we have no comment regarding this project. START's long term goal in the East Jackson area is to offer microtransit (smaller on demand vehicles) and remove the 35-40 buses traversing these residential streets. Even if we continue the large buses we have no plans to install a stop on Vine Street.					
Darren.					

From: [Brendan Conboy](#)
To: ["Barbara Beaton"](#)
Subject: RE: 445 Vine St.
Date: Monday, March 9, 2020 8:10:00 AM

Dear Barbara,

Thank you for your comment, I will include it in the staff report packet to the Planning Commission and Town Council.

Regards,
Brendan

From: Barbara Beaton [mailto:barbarabeaton.bb@gmail.com]
Sent: Sunday, March 8, 2020 4:25 PM
To: Brendan Conboy <BConboy@jacksonwy.gov>
Subject: Fwd: 445 Vine St.

To the Town of Jackson Planning and Building Department

I am writing in response to the notice I received regarding the proposed development for an 8-unit apartment complex at 445 Vine St. I live at 282 E. Kelly directly across the alley in a Jackson Hole Community Housing Trust home.

Even the Housing Trust, which always strives for maximum density coupled with the quality of life and neighborhood character, only erected 4 residences across the alley along the frontage where there are 8 rental units proposed. (The Kelly street-side units of our complex would only be pertinent if this Vine lot extended all the way to Karns St.) I do believe that this property should be utilized for multiple residences but a 4-plex is more suitable. Below are my main concerns:

- Across the alley from my and my neighbor's front doors (and bedroom windows) will be a parking strip for 10 cars and a dumpster. Thus increasing the noise levels at all hours with vehicles coming and going, car locking horn honks, and dumpster lids slamming. I wonder what the rules will be for residents regarding diesel trucks and pets.
- There is ZERO legal parking in the alley. I drive a Subaru Outback and I sometimes have to squeeze through cars that are not fully off of the roadway where often a firetruck could not possibly get through. This a very real concern as the home that previously occupied 445 Vine St. caught fire and was a total loss. Let's be realistic-if an 8-unit complex is allowed cars will almost certainly be clogging the alley on a regular basis.
- Where are visitors and friends supposed to park and how will they access the tenants? There is also zero parking on Vine St. and no thruway to Karns. The Arbor Place HOA has a sidewalk from Kelly to the alley strictly for our Homeowners and guests to utilize. It is not a public sidewalk. Our HOA has liability as it is Arbor Place common area. New neighbors in the past have immediately adopted it as their pedestrian access and disrupted our complex, limited privacy, and backyard enjoyment.
- This short and narrow alley is already the sole access to 16 separate residences and 2 businesses at the west end. It is also not anywhere near as well maintained as the streets in the winter. We get skipped over often when the streets get plowed. This turns what is

meant to be an E/W roadway with the width between the power poles into a rutted one-lane road. If 2 cars meet one must pull to the side in order for either to pass.

- We do need more workforce housing but cramming people in like sardines on what was originally not even an oversized single-family lot is too much. The high-density proposals have gotten out of hand in town.

Please scale this down to a reasonable amount of dwellings. Thank you for your consideration.

Sincerely,
Barbara Beaton
307-690-3204
barbarabeaton.bb@gmail.com

From: [jay t](#)
To: [Brendan Conboy](#); [Tyler Valentine](#); [Jay Tomich](#)
Subject: 445 Vine Street
Date: Monday, March 9, 2020 9:21:22 PM

445 Vine Street

3-9-2020

To Whom It May Concern,

I am fortunate and thankful to own an affordable home through the Jackson Hole Community Housing Trust within 200 feet of the proposed development at 445 Vine Street. Here are a few thoughts, concerns, and comments regarding the proposed development.

- I would like to see a larger percentage of the residences used as critical workforce affordable housing for teachers, medical staff, police, fire, EMS, and town, county, and state employees. I propose that the residents must buy and own these properties based on merit similar to how the Jackson Hole Community Housing Trust or Jackson/Teton County Affordable Housing requires applicants. I feel that workforce housing for transient seasonal employees would not match the character of the neighborhood.
- I propose to redevelop the plan to 4 units instead of the proposed 8 units to lessen the congestion in the area and conform with the quality of the neighborhood. Reducing the property to four units will also reduce noise levels and traffic at the end of the alley.
- Parking is very tight in the alley between Kelly and Karns. Please consider moving the parking to Vine Street or on the south side of the building. The east and south sides will also receive more sunlight which will reduce the ice buildup in the parking lots. Also, turning onto Vine street is very dangerous due to the blind corner. The mirror on the light pole across is beneficial, but the turn onto Vine is still dangerous.
- Where will guests and visitors park?
- If the snow is piled up on the NE corner as proposed, then the snow will have to be removed from the property occasionally because the current snow pile in this location often blocks the views of oncoming traffic when turning onto Vine out of the alley.

That is great news that there are plans for a sidewalk along Vine Street. I would like to see the Town/County place a sidewalk the length of Vine Street connecting Kelly and Snow King.

- It may be a good idea to have Vine Street become a one way street. The street is narrow and it is challenging to maneuver around buses and larger vehicles.
- Please do not plant shrubs such as serviceberry, chokecherry, or other plants that may invite unwanted ungulates, bears, omnivores, or other wildlife to the area.
- I do like the two story plan instead of a 3 story unit above ground! It matches the existing neighborhood.

Thank you for considering these ideas and amending the development proposal to match the character of the existing neighborhood.

‘Jay Tomich

From: [Monica Beehler](#)
To: [Brendan Conboy](#)
Subject: Development plans for 445 Vine St
Date: Tuesday, March 10, 2020 4:55:20 PM

Hello,

I'm writing to you as a resident from the neighborhood of 445 Vine St. I live at 268 E Kelly; my front door faces the E Kelly alley. I understand that Jackson needs more housing, but the proposed 8 apartments is alarming! I feel very passionately that we need to preserve a quality of life for our community of current residents, and future, as we negotiate our housing crisis. Please do not approve dorm-like housing! Please do not impose dorm-like housing on existing neighborhoods!

I understand that the new owner of 445 Vine St has the right to develop their land to maximize their investment. Please be courteous and do not diminish the investments of the surrounding homeowners with a box-of-a-building intended to house renters!

Nearly everyone in Jackson 'loves the outdoors', 'loves Nature'. It is a very large part of what gives Jackson it's sense of place. There are 3 mature spruce trees on 445 Vine St that benefit the entire neighborhood with their Nature, providing bird habitat, shade, wind block, dust block from Snow King Resort's parking lot, noise block from Snow King Resort's tourist buses that idle in their parking lot all night long, and perhaps most importantly these trees are beautiful. I'm appalled that the town allows mature, venerable trees that are much older than you or I, to be cut down without any consideration. I know the development plan proposes planting trees on Vine St. It is a complete waste of existing resources to remove the 3 mature spruces and replace them with fast growing town trees that will inevitably be damaged by Town snow removal equipment. It is also disrespectful to Nature.

Please do not approve such dense housing and compromise the character of our Town in order to band aid the housing issue! Jackson has already lost and will continue to lose valuable citizens if our Planning Department approves unsustainable growth and makes living in Town undesirable.

Thank you for your time,
Monica Beehler

From: [Brian Ladd](#)
To: [Brendan Conboy](#)
Subject: 445 Vine St.
Date: Tuesday, March 10, 2020 12:45:34 PM

Hello Brendan-

I am writing to voice my concerns about the proposed development at this property: <https://www.jacksonwy.gov/DocumentCenter/View/2831/P20-025-445-Vine-Street--Development-Plan>

I live at 268 E. Kelly, along the alley very near the proposed development. This development would have a major impact on our quality of life. Our block (that is, as bounded by Kelly, Vine, Karns, and Willow) is already very densely inhabited, and this development would substantially increase the density. I know that most of our politicians are calling for more and more density in town, but it should not be limitless. There is already a huge amount of traffic and noise in our tiny little alley, and there are already parking issues. This building with eight rentals would definitely worsen them. I think a building half the size would be much more appropriate.

I don't know where you live, but I think if you witnessed the amount of noise and traffic we already are exposed to, generally starting before 7AM, you would agree with me. The neighborhood is already too dense for comfort.

We are also concerned about the mature trees on the property. I know they don't technically belong to the community, but they are valuable to our community beyond that which can be expressed in dollars. I hope the Town will do everything in its powers to see that they are preserved.

Thank you for your time & concern!

Brian Ladd
Jackson, WY

From: [Andy Parazette](#)
To: [Brendan Conboy](#)
Subject: Affordable Housing Project Plan
Date: Wednesday, March 11, 2020 9:26:20 AM

I am a resident of Teton County and the Town of Jackson. I support the Comprehensive Plan's goal of providing 65% workforce housing. I support the proposed 8 unit multi family project at 445 Vine Street. This is the right thing to do.

Sincerely,

--

Andy Parazette
307-690-3414
Andy@picastaco.com

From: [Jane Khoury King](#)
To: [Brendan Conboy](#)
Subject: 445 Vine St, Jackson, WY 83001 Development Plan
Date: Tuesday, March 10, 2020 2:54:39 PM

3/10/2020

RE: 445 Vine St, Jackson, WY 83001

I am a resident of Teton County and the Town of Jackson. I support the proposed development plan for this 8 unit multi family project. This helps address the shortage of workforce housing so essential to the vitality of this community.

Sincerely,

Jane Khoury

From: [Griffin King](#)
To: [Brendan Conboy](#)
Subject: Comments on Vine property
Date: Tuesday, March 10, 2020 7:05:34 PM

RE: [445 Vine St, Jackson, WY 83001](#)

To whom it may concern:

My name is Griffin King and I am resident of the Town of Jackson. I endorse the proposed development plan for this 8 unit multi family project on Vine. I believe this will address the shortage of workforce housing that is essential to this community.

Sincerely

Griffin King

From: [ike faust](#)
To: tvalentine@jacksponwy.gov; [Brendan Conboy](#)
Subject: RE: 445 Vine St, Jackson, WY 83001
Date: Tuesday, March 10, 2020 1:32:56 PM

I am a resident of Teton County and the Town of Jackson. I support the proposed development plan for this 8 unit multi family project. This helps address the shortage of workforce housing so essential to the vitality of this community.

--

Best,

Ike Faust

From: [Brian Butler](#)
To: [Brendan Conboy](#); tvalentine@jacksponwy.gov
Date: Tuesday, March 10, 2020 1:30:27 PM

I am a resident of Teton County and the Town of Jackson. I support the proposed development plan for this 8 unit multi family project. This helps address the shortage of workforce housing so essential to the vitality of this community.

Sincerely,

Brian Butler

P 307-734-9488

F 806-734-9480

C 208-709-5466

bbutlerwy@gmail.com



TOWN OF JACKSON PLANNING COMMISSION AGENDA DOCUMENTATION

PREPARATION DATE: APRIL 16, 2020
MEETING DATE: APRIL 20, 2020

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

SUBJECT: **ITEM P19-229** A REQUEST TO AMEND THE TETON VILLAGE MASTER PLAN PURSUANT TO SECTION 8.7.3, PLANNED UNIT DEVELOPMENT (PUD) AND SECTION 4.3.1.D OF THE TETON COUNTY LAND DEVELOPMENT REGULATIONS.

APPLICANT/AGENT: BILL COLLINS

PROPERTY OWNER: JACKSON HOLE MOUNTAIN RESORT

REQUESTED ACTION

The Planning Director has requested that this item be withdrawn.

SUGGESTED MOTION

I move to withdraw item P19-229 from the agenda.



TOWN OF JACKSON TOWN COUNCIL AGENDA DOCUMENTATION

PREPARATION DATE: APRIL 16, 2020
MEETING DATE: APRIL 20, 2020

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

SUBJECT: **ITEM P19-262, P20-069 & P20-070:** 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

This item was continued from the April 6, 2020 Town Council meeting as a result of time limitations. Staff has modified the report in the following sections:

- Recommendation / Conditions of Approval and Suggested Motions – these sections now have three motions, one for each of the amendment requests. The Findings section has also been modified.
- New section titled Town Council Meeting Clarifications – This section provides some clarification and correction to questions or statements made at the April 6 meeting.

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

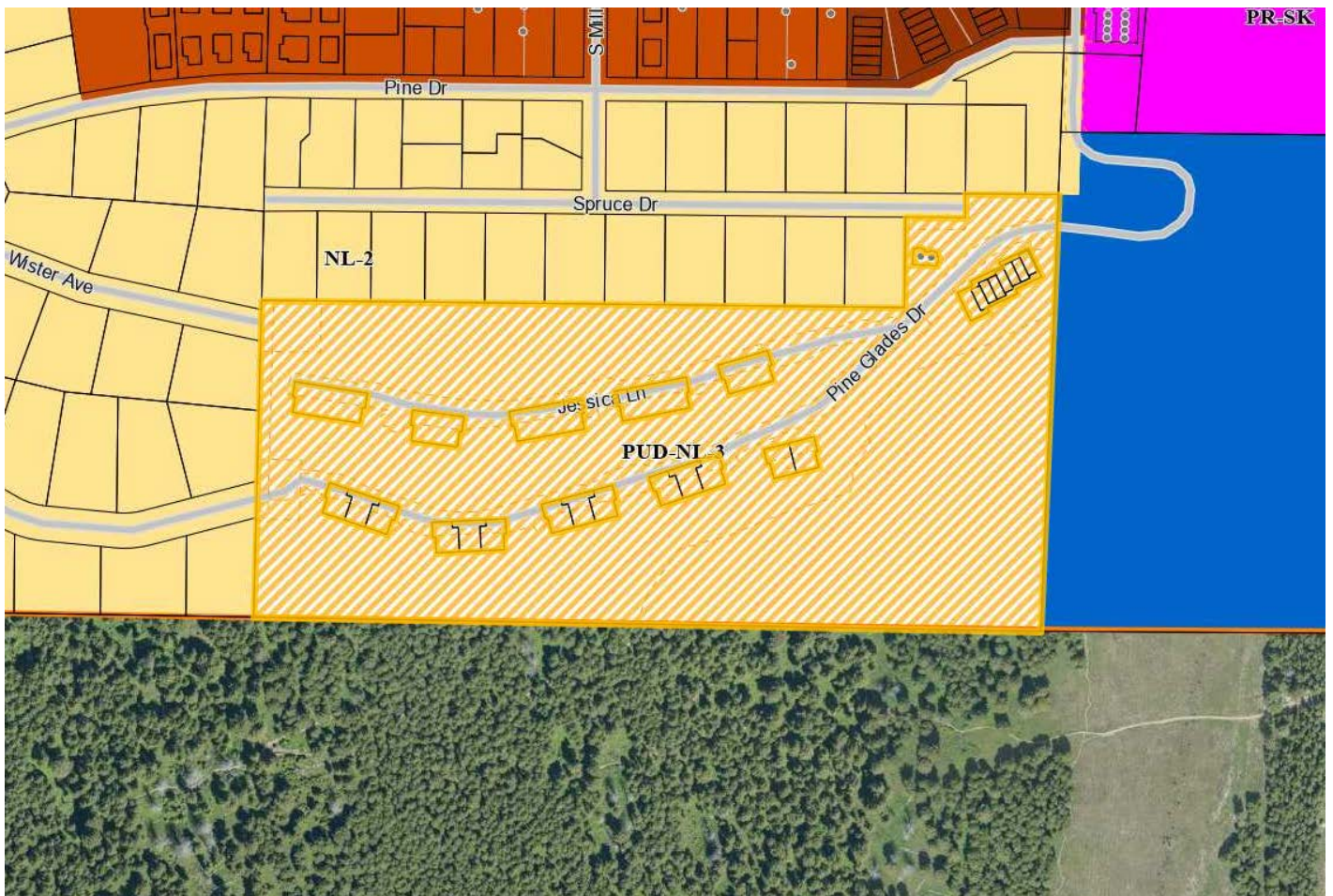
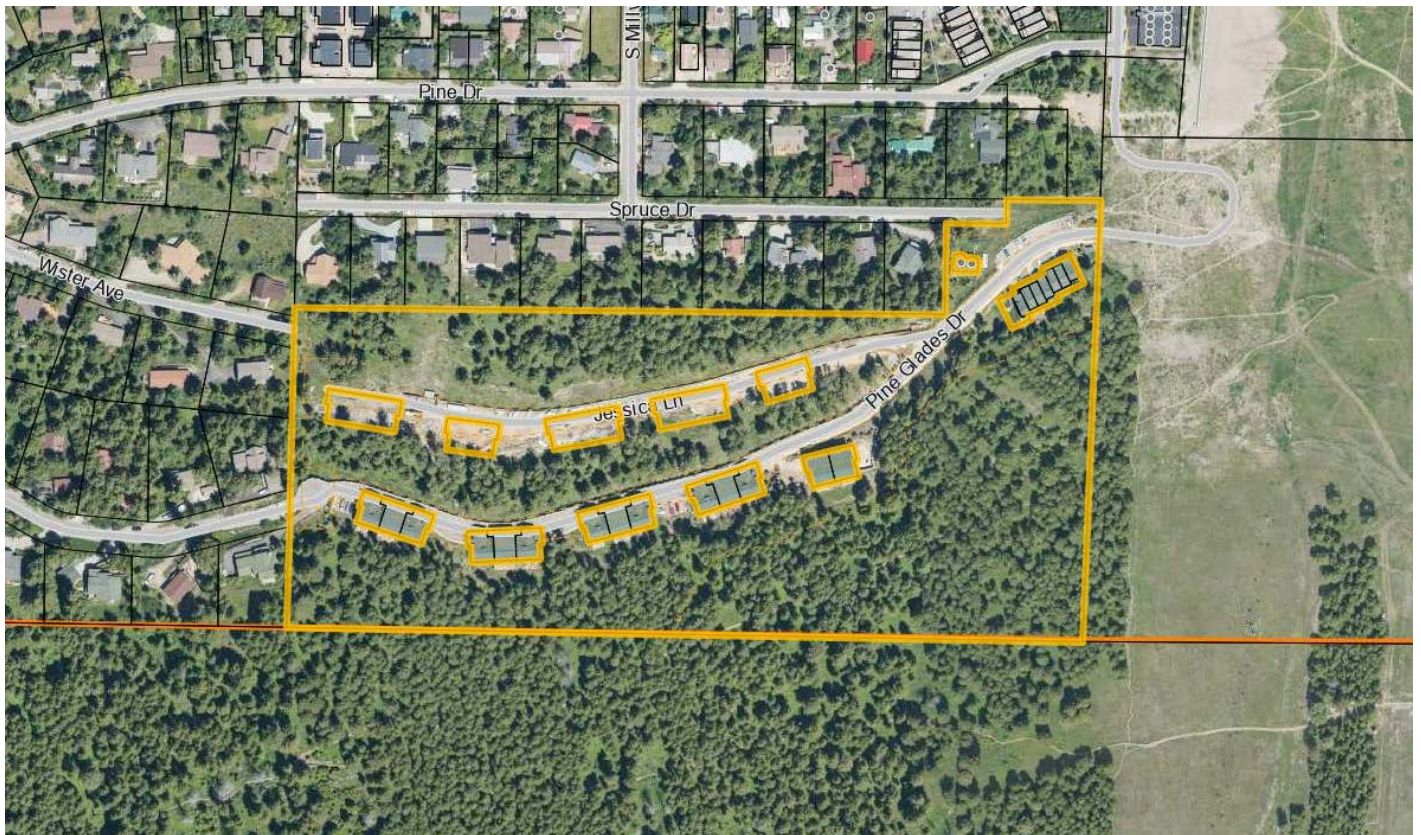
- **P19-262:** Modify the exterior materials on the existing duplex at 140 & 142 Pine Glades Drive from a wood/stone combination to primarily stone.
- **P20-069:** Remove the in-road heating element in Phase 1 (Pine Glades Drive) and in the future Phase 2 (Jessica Lane)
- **P20-070:** Approve a trail 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 (see 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

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.

LEGEND

- PROPOSED BUILDING FOOTPRINT
- PROPOSED ROADWAY
- PROPOSED EASEMENT
- PROPOSED RETAINING WALL - FILL
- PROPOSED RETAINING WALL - CUT
- PROPOSED BOLDER RETAINING WALL - CUT LESS THAN 4' HEIGHT
- PROPOSED SPRUCE TREE
- PROPOSED ASPEN TREE
- COVERED ROADWAY/TUNNEL OR COVERED PARKING
- PUBLIC SKIING TRAIL (SOFT SURFACE)
- SIDEWALK/WALKWAY
- SNOW STORAGE
- SNOW MELT AREA
- PUBLIC/SNOW KING SKI AREA

NOTES THIS SHEET:

- 50' DIA TURNAROUND
- FIRE DEPARTMENT PULLOUT, TYP. PROPOSED GATED EMERGENCY ACCESS
- EASEMENT DEDICATED TO TOWN OF JACKSON FOR TURNAROUND
- MECHANICAL BUILDING FOR SNOWMELT BOLERS, ELECTRICAL CONTROLS ETC.
- PROPOSED AFFORDABLE HOUSING
- PROPOSED FOREST SERVICE ACCESS CONNECT TO SINK OR SWIM
- PUBLIC/SNOW KING SKIING AREA
- FUTURE SNOW KING BUILDINGS WITH UNDERGROUND PARKING ACCESS FROM PINE GLADES ACCESS ROAD.
- EASEMENT TO PINE GLADES, LLC FROM SNOW KING HOLDINGS, LLC FOR TUNNEL AND ACCESS ROAD.
- EASEMENT TO PINE GLADES, LLC FROM TOWN OF JACKSON FOR PINE LANE AND ACCESS ROAD.
- EASEMENT TO LOT 88, ASPEN HIGHLANDS SUBDIVISION FOR ACCESS TO LOT
- EXISTING DUPLEX - DEDICATED AFFORDABLE HOUSING

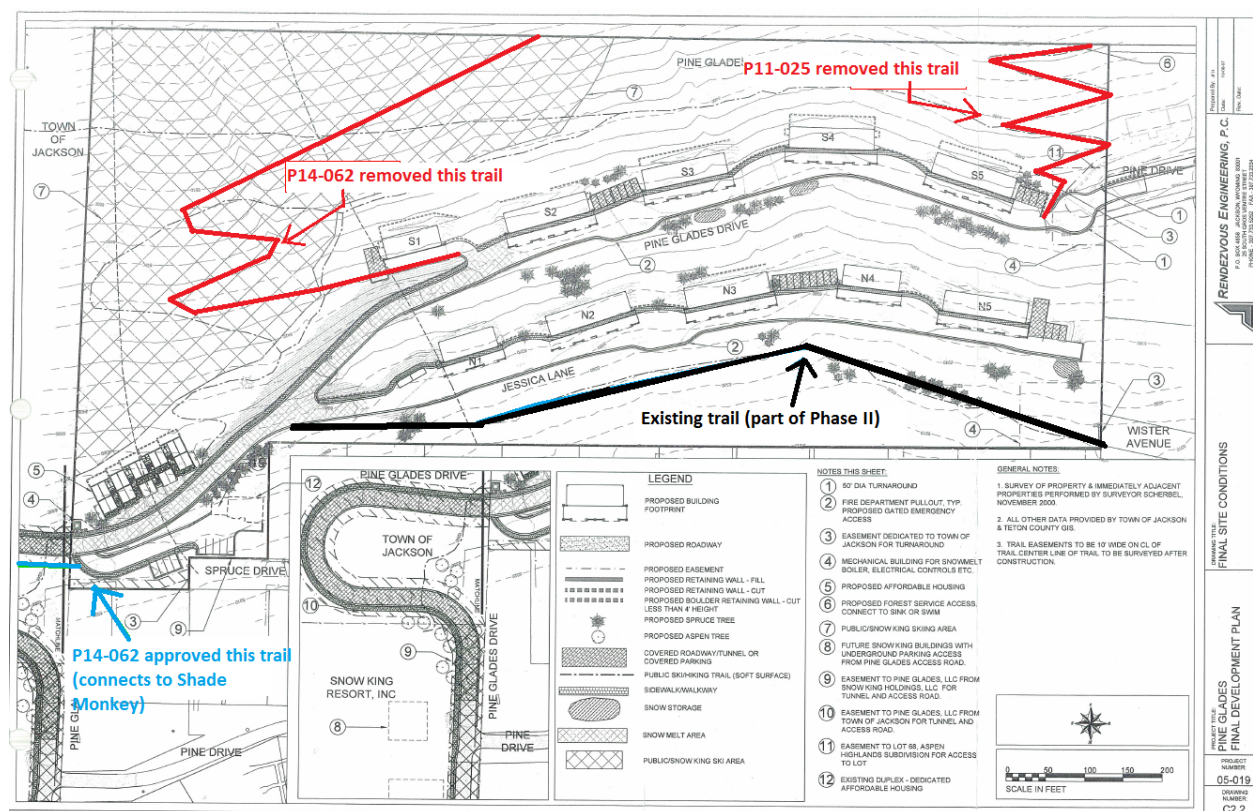
GENERAL NOTES:

- SURVEY OF PROPERTY & IMMEDIATELY ADJACENT PROPERTIES PERFORMED BY SURVEYOR SCHERBEL, NOVEMBER 2000.
- ALL OTHER DATA PROVIDED BY TOWN OF JACKSON & TETON COUNTY GIS.
- TRAIL EASEMENTS TO BE 10' WIDE ON CL OF TRAIL. CENTRAL LINE OF TRAIL TO BE SURVIVED AFTER CONSTRUCTION.

PROJECT TITLE: PINE GLADES, LLC
FINAL DEVELOPMENT PLAN

PROJECT NUMBER: 05-019
DATE: 05-01-19
DESIGNED BY: J. B. BAKER
CHECKED BY: J. B. BAKER
DATE: 05-01-19
SCALE: 1" = 100'

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

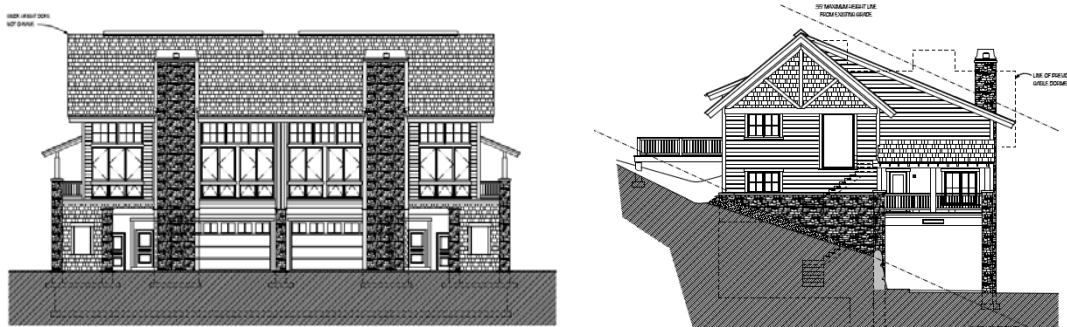
The applicant is proposing to amend the Pine Glades Development Plan to 1) modify the exterior materials on the existing duplex at 140 & 142 Pine Glades Drive, 2) remove the in-road heating element from both phases, and 3) install an alternative public trail plan.

1. Duplex Material Change (P19-262)

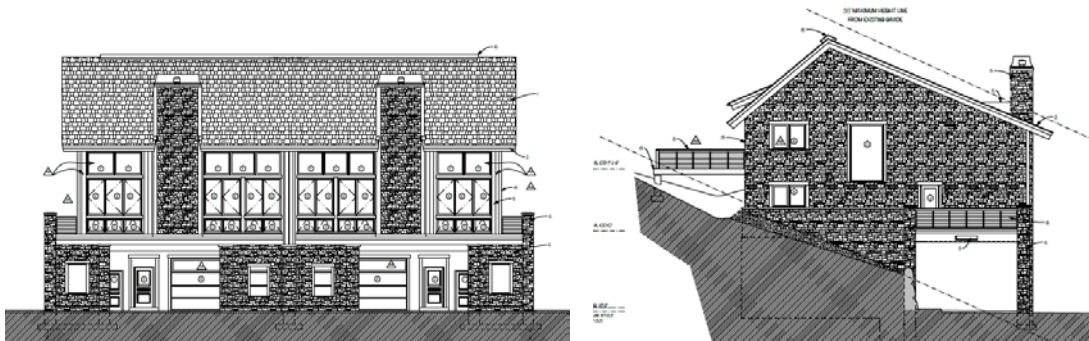
An amendment to the Pine Glades Development Plan was approved in 2017 (P17-045) which included architectural changes to roof pitches and exterior materials for all three duplexes within Phases I & II. The applicant is now seeking to make several small changes to only the duplex at 140 & 142 Pine Glades 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 (P20-069)

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 (P20-070)

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

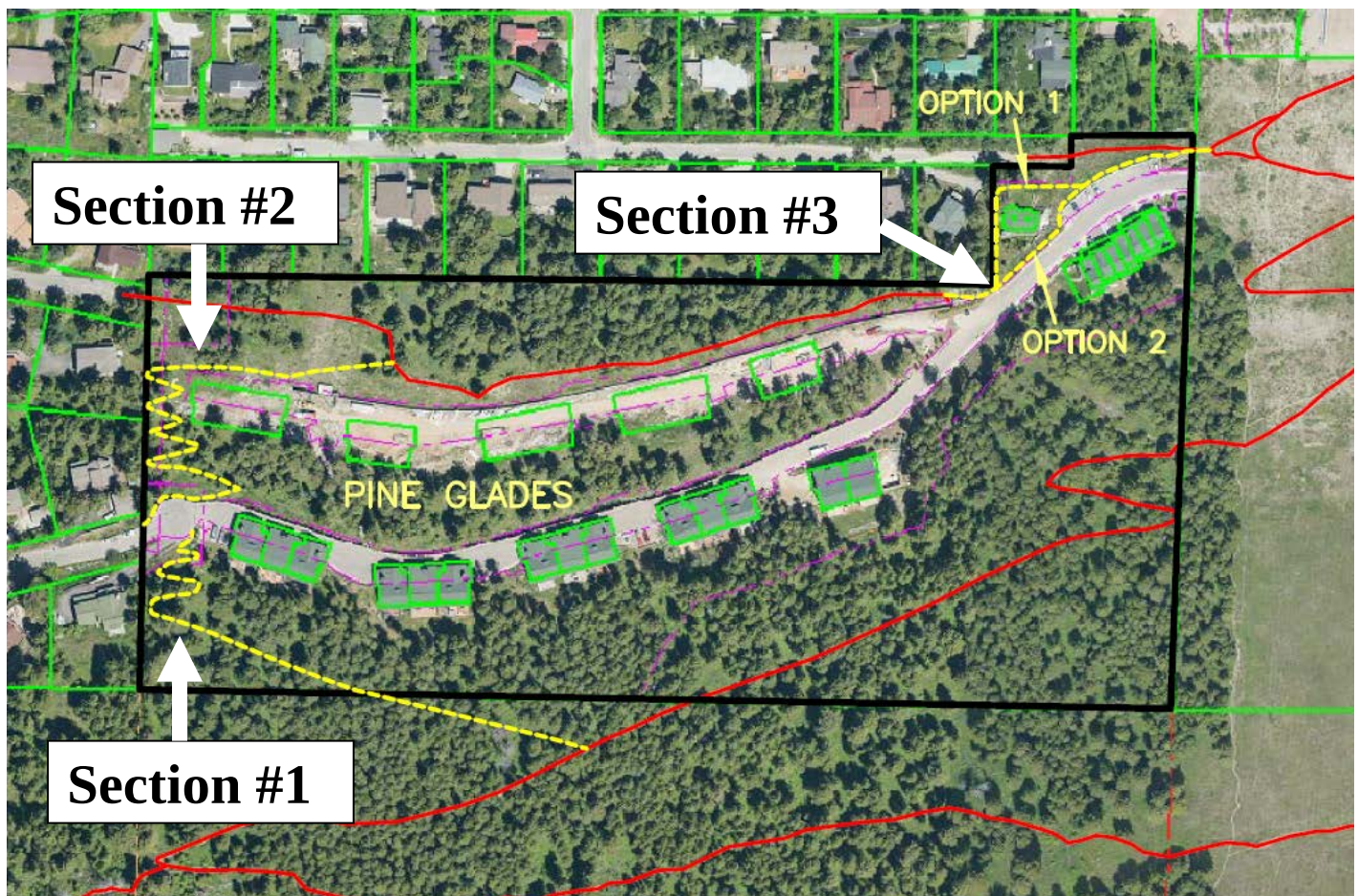
Option 1 is about 40 feet. Because Option 2 hugs the road and parking lot, there is minimal elevation drop of less than 10 feet.

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 Merigiano (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.

Clarifications to Town Council Meeting on April 6, 2020

A statement was made from the public that the General Common Element (GCE) roadway already grants access to the public after referencing an attachment in the May 2019 Compliance letter.

Clarification: The GCE roadway grants access to the Town of Jackson (as a public entity) for maintenance of roadway utilities (i.e. water and sewer). It does not grant any type of pedestrian or vehicular access to the general public. The public statement referenced to a statement from a previous planner who was reviewing a Minor Deviation (P14-062) to remove and relocate the trail adjacent to the duplex at 140 & 142 Pine Glades Drive. The planner stated ‘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.’ This statement is inaccurate.

A statement from the public was made that part of the original intent of the PUD was to serve as winter access through the site when trails were not being maintained.

Clarification: Mr. Taylor verbally promised public non-vehicular access on the roads to access the trails. And because the PUD approval did not require that the trails be maintained for year-round access (likely because the surrounding USFS trails are not maintained for year-round access), any required pedestrian access to Pine Glades Drive would follow similar access limitations as the trails. In short, the approved trail plan allowed year-round access to the trails but the trails were not

maintained (i.e. groomed or cleared) in the winter, so users could use them at their own risk during the winter.

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 or 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

Item A (P19-262 - duplex modifications): Development Plan. 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 amendment does 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 location of all roads and buildings. Since the building location and size are not changing, staff finds that the proposed exterior modifications 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. Staff finds that the exterior changes amendment have no significant impact on natural features because the amount of disturbance is the same as the original approval.

Common Value 3: Quality of Life

Policy 5.3.b: Preserve existing workforce housing stock

Not applicable.

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 increase the need for public services and so 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. As conditioned, 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. Although the appearance of this duplex differs from the original design, this project was not required to go before the Design Review Committee, thus there are no design standards that apply to this development. In fact the duplex design was already changed once in 2017 through a Development Plan amendment. Staff finds this current amendment to be a minor and not affecting the original approval in any significant way.

Staff is able to make Finding \$6 while also acknowledging that the Pine Glades development is not in compliance with the original approved landscape plan as a result of tree topping. However, based on staff's May 2019 compliance letter, the applicant has committed to resolve this compliance issue this summer when planting new trees becomes possible. Thus staff is confident that this compliance issue will be resolved this year through an updated landscape and replanting plan and that it need not impact review of this amendment.

Item B (P20-069 - heating element): Development Plan. 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 amendment does 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

Not applicable.

Policy 1.3.b: Maintain expansive hillside and foreground vistas

Not applicable.

Common Value 2: Growth Management

Policy 4.3.a: Preserve and enhance stable subareas

Not applicable.

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

Not applicable.

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 increase the need for public services and so 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. Because roadway heating elements are not typically required or addressed by the LDRs or Town Ordinances, staff finds the request to remove the heating element to meet this finding.

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 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. This requested change is viewed as minor amendments not affecting the original approval in any significant way. In addition, removing the heating element will eliminate any associated operating costs from being passed on to the affordable units.

Staff is able to make Finding \$6 while also acknowledging that the Pine Glades development is not in compliance with the original approved landscape plan as a result of tree topping. However, based on staff's May 2019 compliance letter, the applicant has committed to resolve this compliance issue this summer when planting new trees becomes possible. Thus staff is confident that this compliance issue will be resolved this year through an updated landscape and replanting plan and that it need not impact review of this amendment.

Item C (P20-070 - trails): Development Plan. 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 amendment does 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 beyond what was approved. Considering that approximately one mile of trails were analyzed 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

Not applicable.

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 the duplex), the proposed amendment proposes less overall hillside disturbance than the originally proposed one-mile of trails. Staff finds that the amendment has no significant impact on natural features in the built environment.

Common Value 3: Quality of Life

Policy 5.3.b: Preserve existing workforce housing stock

Not applicable.

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.

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 and 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 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 clearly require public non-vehicular access on and over the private road independent of access these trails. Thus, after reviewing the applicant's proposal for a trail system, staff finds that it provides the level of intended 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 intent of past approvals regarding trails and public access even though the exact location of some trails has changed. The overall intent and level of connectivity with this proposal is consistent with the PUD's original intent.

Staff is able to make Finding \$6 while also acknowledging that the Pine Glades development is not in compliance with the original approved landscape plan as a result of tree topping. However, based on staff's May 2019 compliance letter, the applicant has committed to resolve this compliance issue this summer when planting new trees becomes possible. Thus staff is confident that this compliance issue will be resolved this year through an updated landscape and replanting plan and that it need not impact review of this amendment.

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

Item A (duplex modifications): The Planning Director and Planning Commission recommend **approval** of P19-262 to amend a Development Plan, specifically to allow exterior modifications to the duplex at 140 & 142 Pine Glades Drive, subject to the departmental reviews attached hereto and the following condition 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.

Item B (heating element): The Planning Director and Planning Commission recommend approval of P20-069 to amend a Development Plan, specifically to allow the removal of the in-road heating element in both phases, subject to the departmental reviews attached hereto.

Item C (trails): The Planning Director and Planning Commission recommend approval of P20-070 to amend a Development Plan, specifically to allow a new trail plan, subject to the departmental reviews attached hereto and the following conditions of approval:

1. 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.
2. 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.
3. 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.
4. 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.

5. 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

Item A (duplex modifications): Based upon the findings as presented in the staff report and made by the applicant for a Development Plan (Item P19-262), 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, specifically to allow exterior modifications to the duplex at 140 & 142 Pine Glades Drive, subject to the departmental reviews and to this staff report, dated April 20, 2020, and the following condition 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.

Item B (heating element): Based upon the findings as presented in the staff report and made by the applicant for a Development Plan (Item P20-069), 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, specifically to allow the removal of the in-road heating element in Phases 1 and 2 of the PUD, subject to the departmental reviews and to this staff report, dated April 20, 2020.

Item C (trails): Based upon the findings as presented in the staff report and made by the applicant for a Development Plan (Item P20-070), 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, specifically to allow a new trail plan, subject to the departmental reviews and to this staff report, dated April 20, 2020, and the following conditions of approval:

1. 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.
2. 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.
3. 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.

4. 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.
5. 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)

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.

(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.

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JTEC
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307-699-1110

MEYERS
ODETTE &
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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"

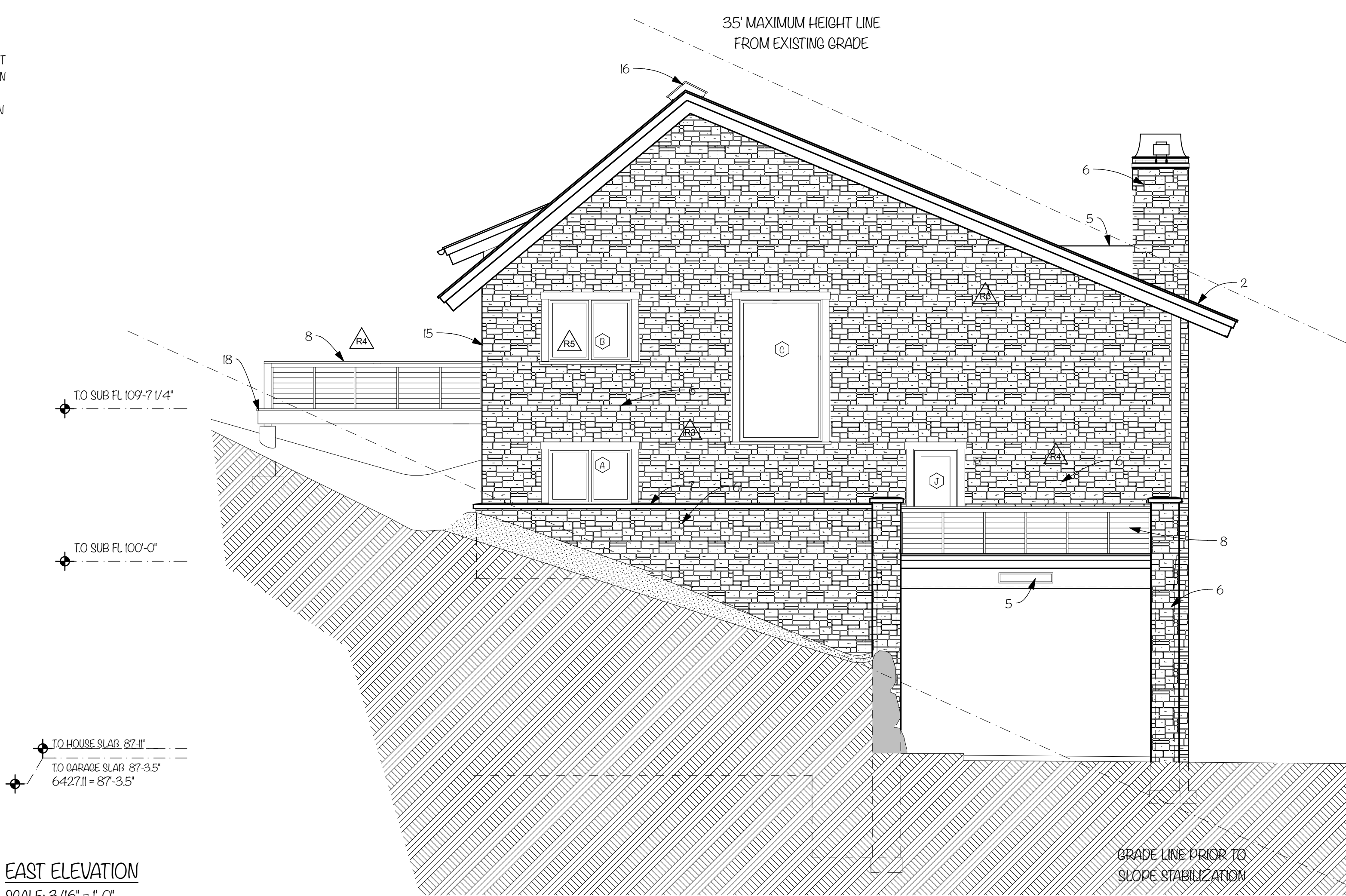
AMENDMENT NOTES:
APPROVED AMENDMENT INCREASED HABITABLE FLOOR AREA ON FIRST FLOOR LEVEL OF DUPLEXES BY 100 SQFT BY ENCLOSED THE FRONT RECESSED PORCH AND A PORTION OF THE SIDE PORCH. THE FOOTPRINT OF THE STRUCTURE DID NOT CHANGE. AN ELEVATOR WAS BEING ADDED IN THE STAIR WELL/FOYER AREA. THE FRONT GABLE 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.

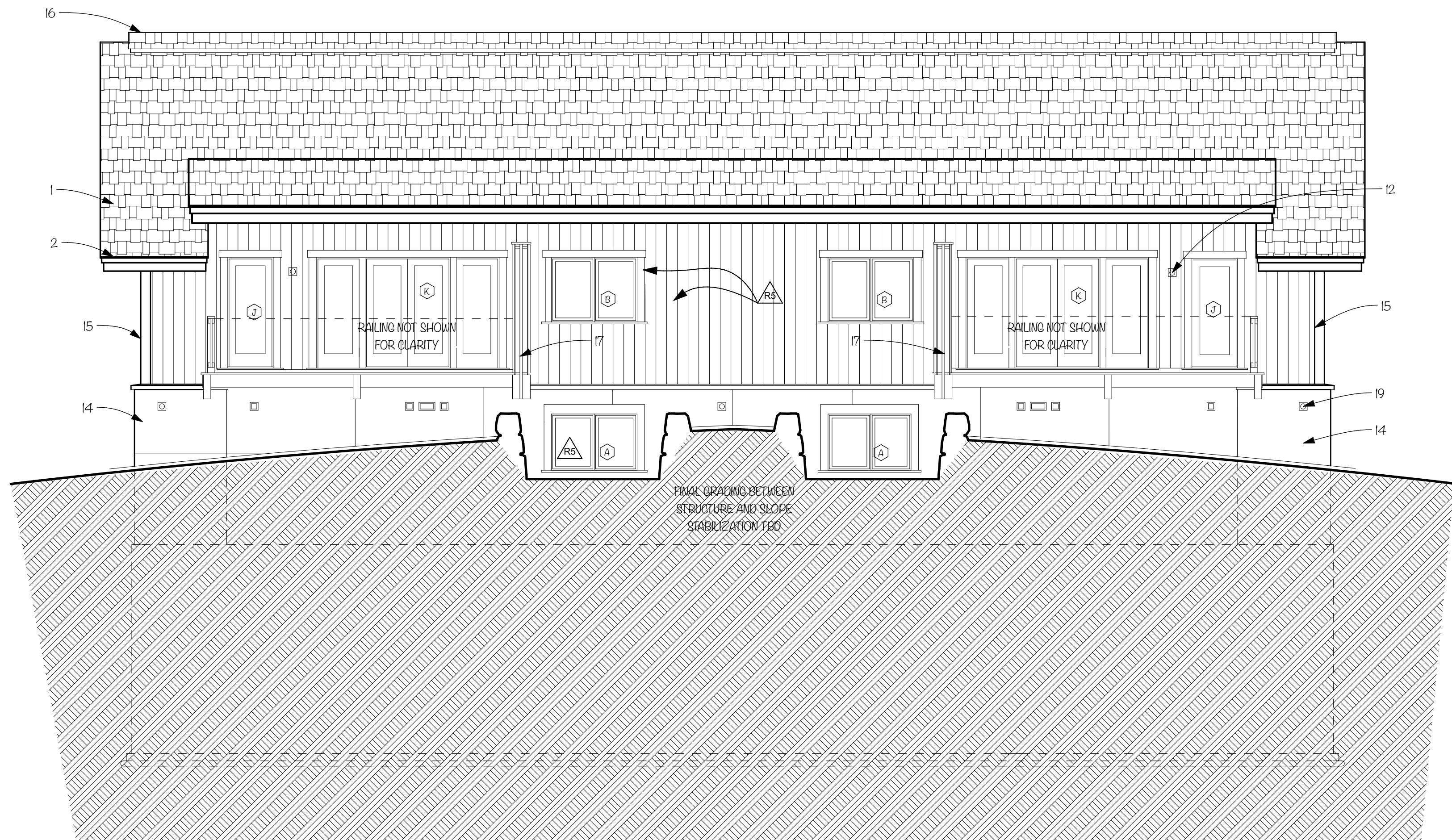
REVISION NOTE R5 10/9/19:
REMOVE MULLIONS FROM ALL WINDOWS.
CHANGE SIDING ON BACK AND UPPER LEVEL FRONT TO VERTICAL

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"

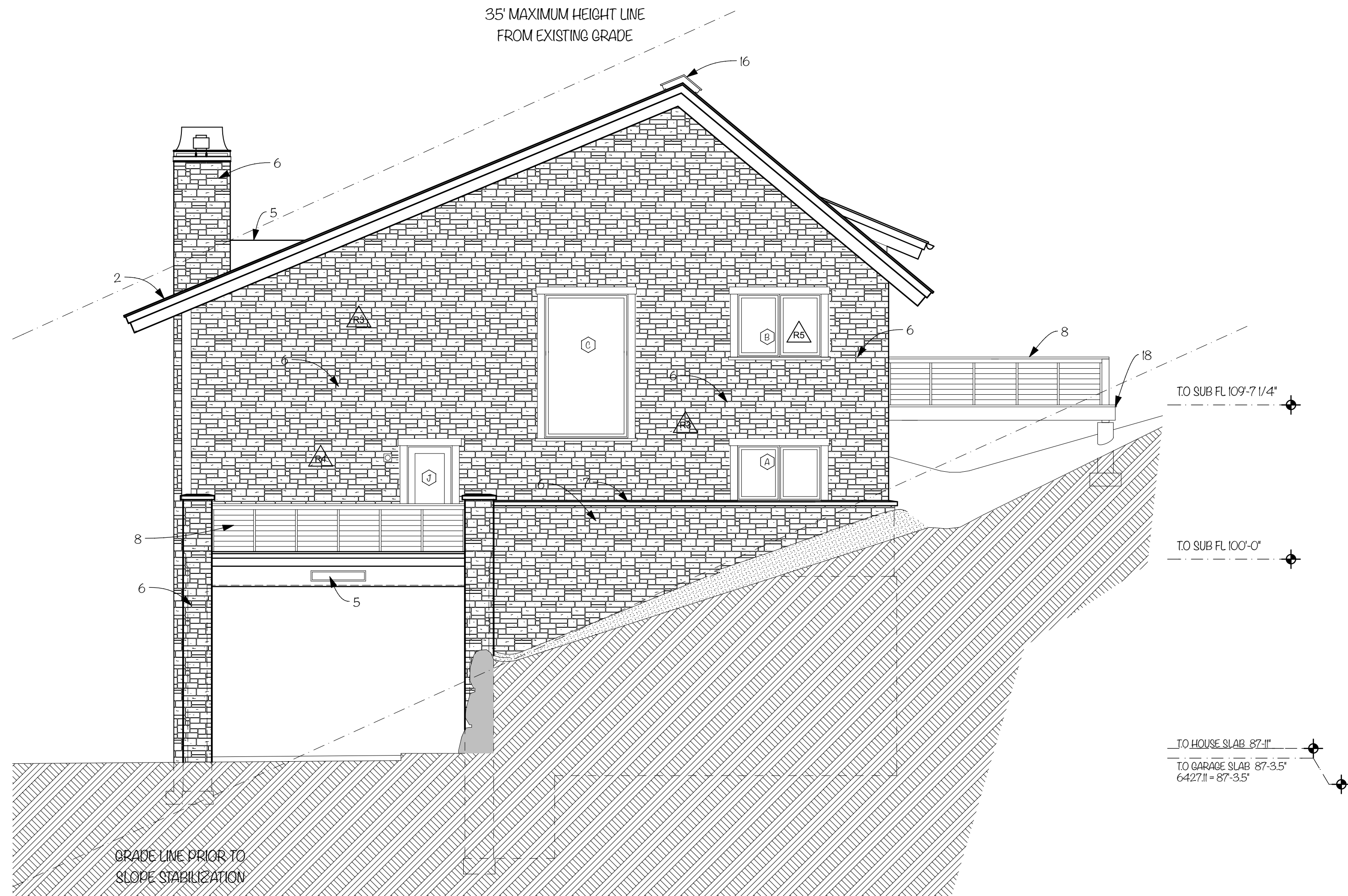
EXTERIOR ELEVATIONS
SCALE: 3/16" = 1'-0"



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

- AMENDMENT NOTES:**
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- 16. RIDGE VENTING.
- 17. PRIVACY SCREEN.
- 18. WOOD DECK.
- 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:

PERMIT 9/23/16

REVISION #1 10/17/16

AMDEND/REV #2 5/31/17

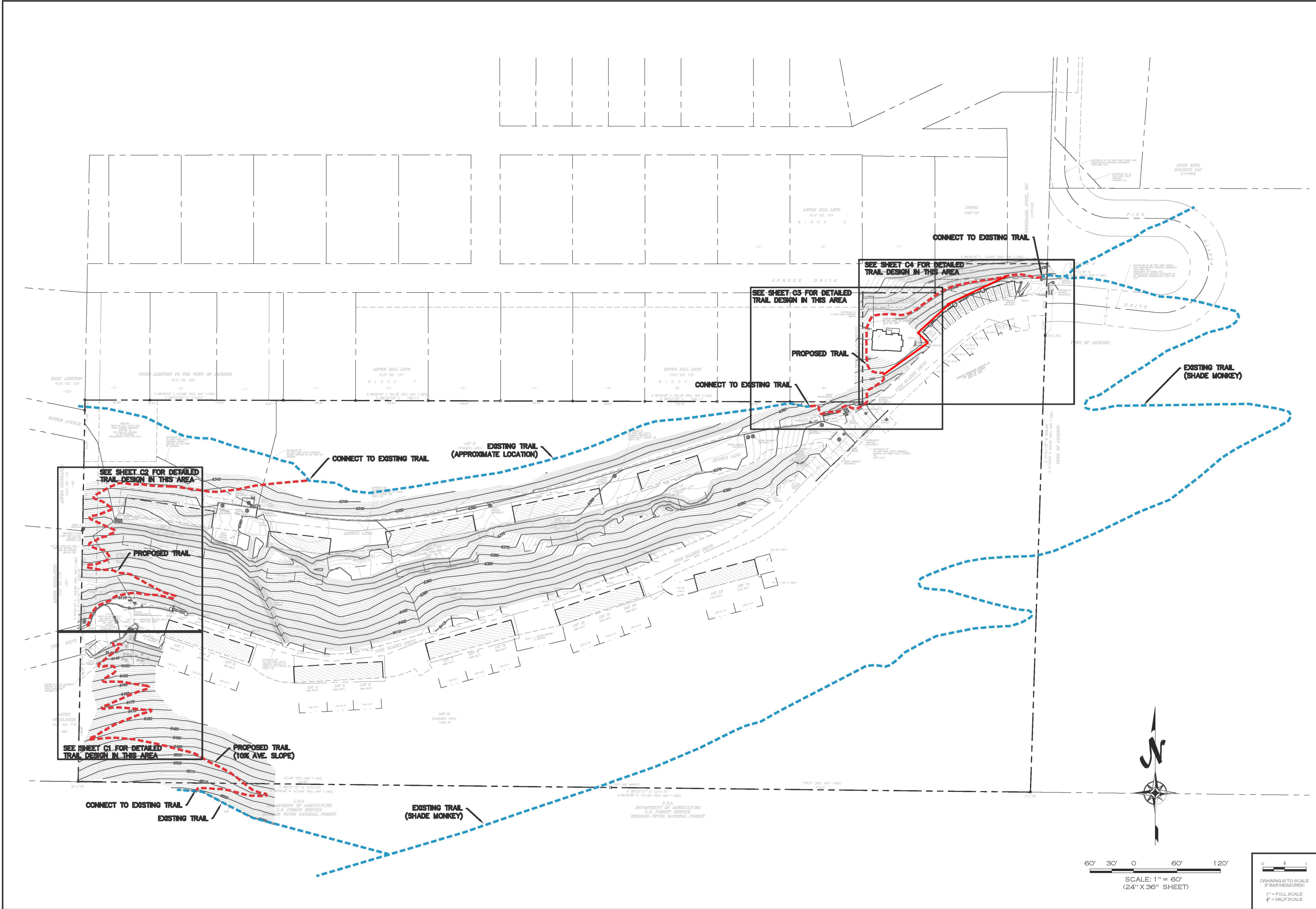
AMDEND/REV #3 12/8/17

REV. #4 7/3/18

REV. #5 10/9/19

A7

ELEVATIONS





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

DATE: 11-7-2019

REVISIONS:

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DESIGNED BY: RGB

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CHECKED BY:

PROJ. #: 19020-278-1

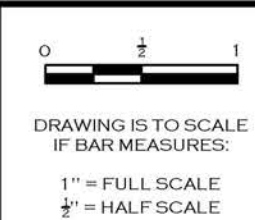
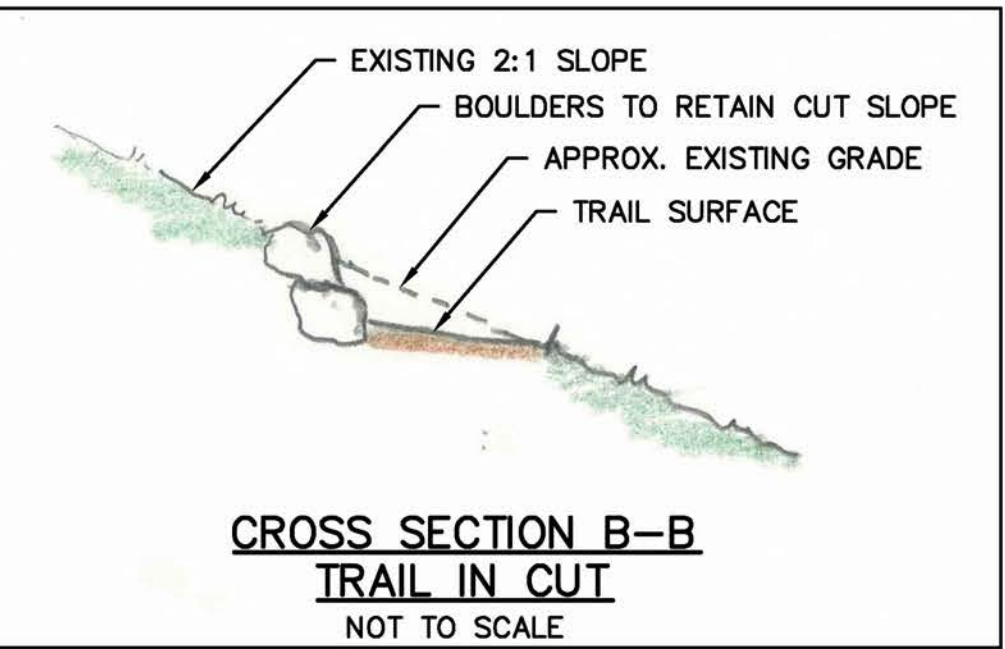
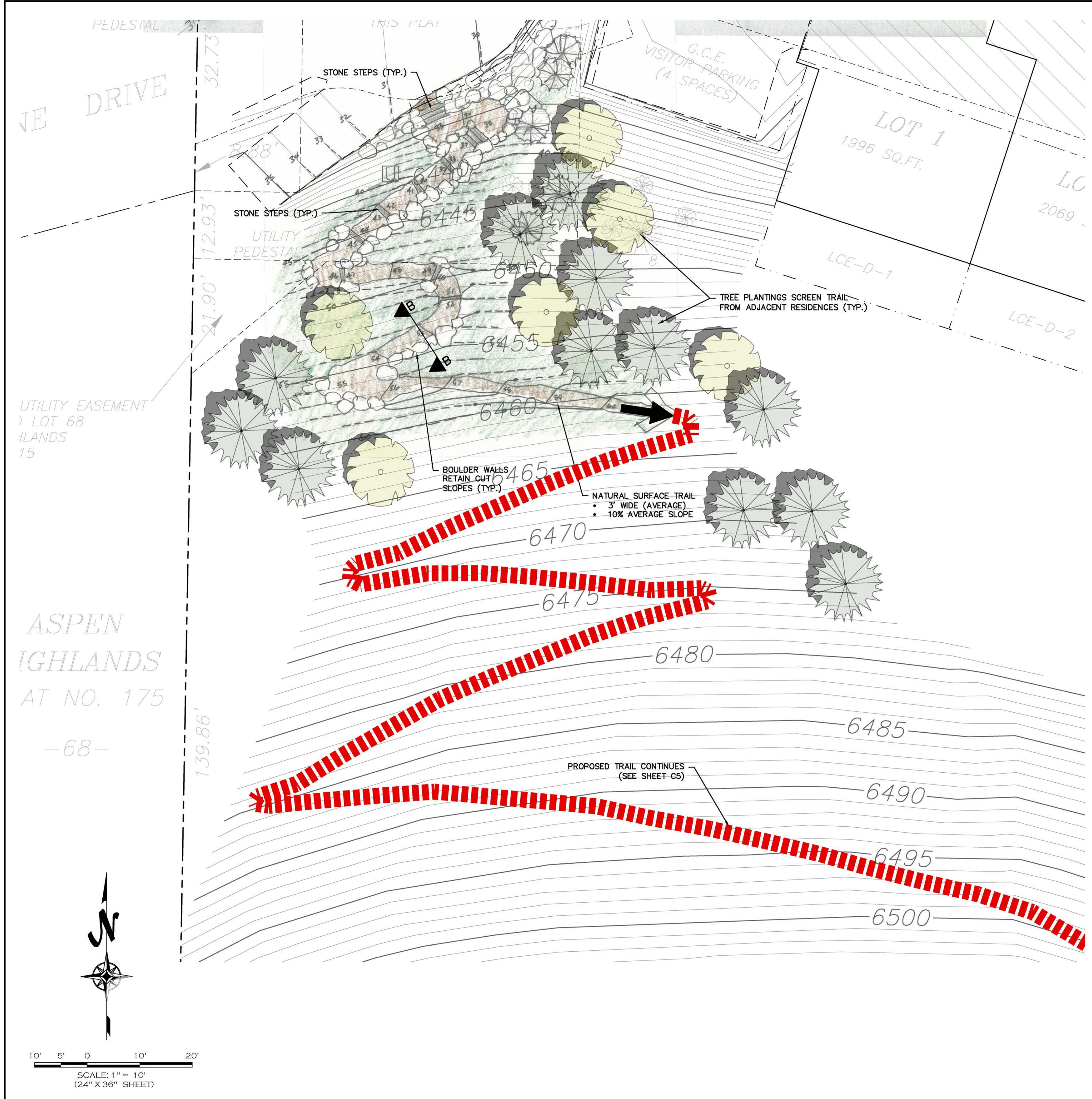
PROJECT NAME

**PINE GLADES
JACKSON, WYOMING**

**TRAIL CONCEPT PLAN
OVERALL PLAN**

SHEET #

C5

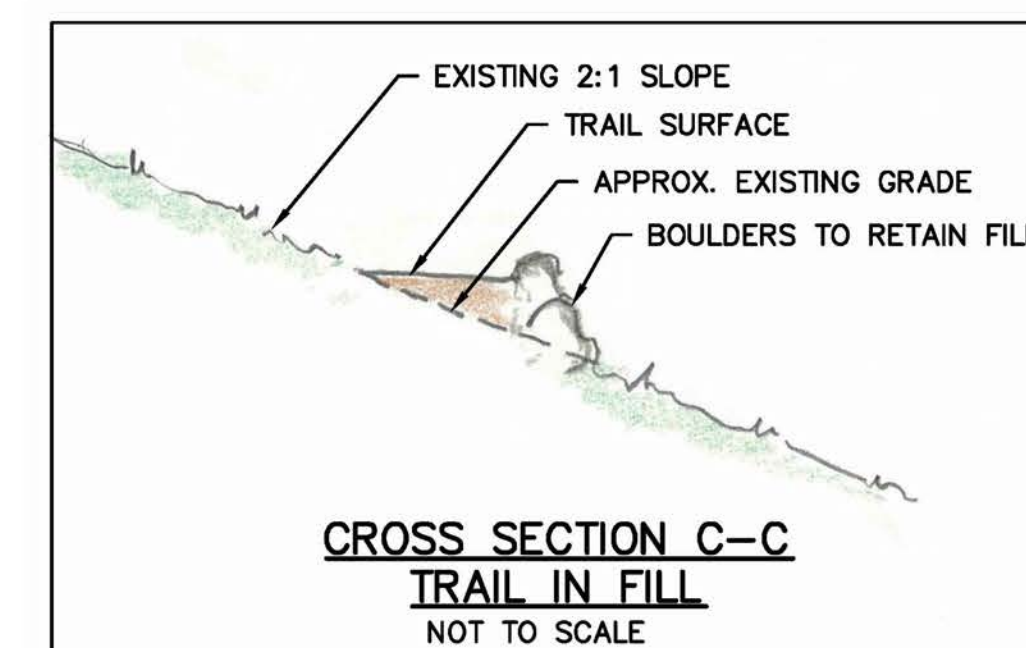
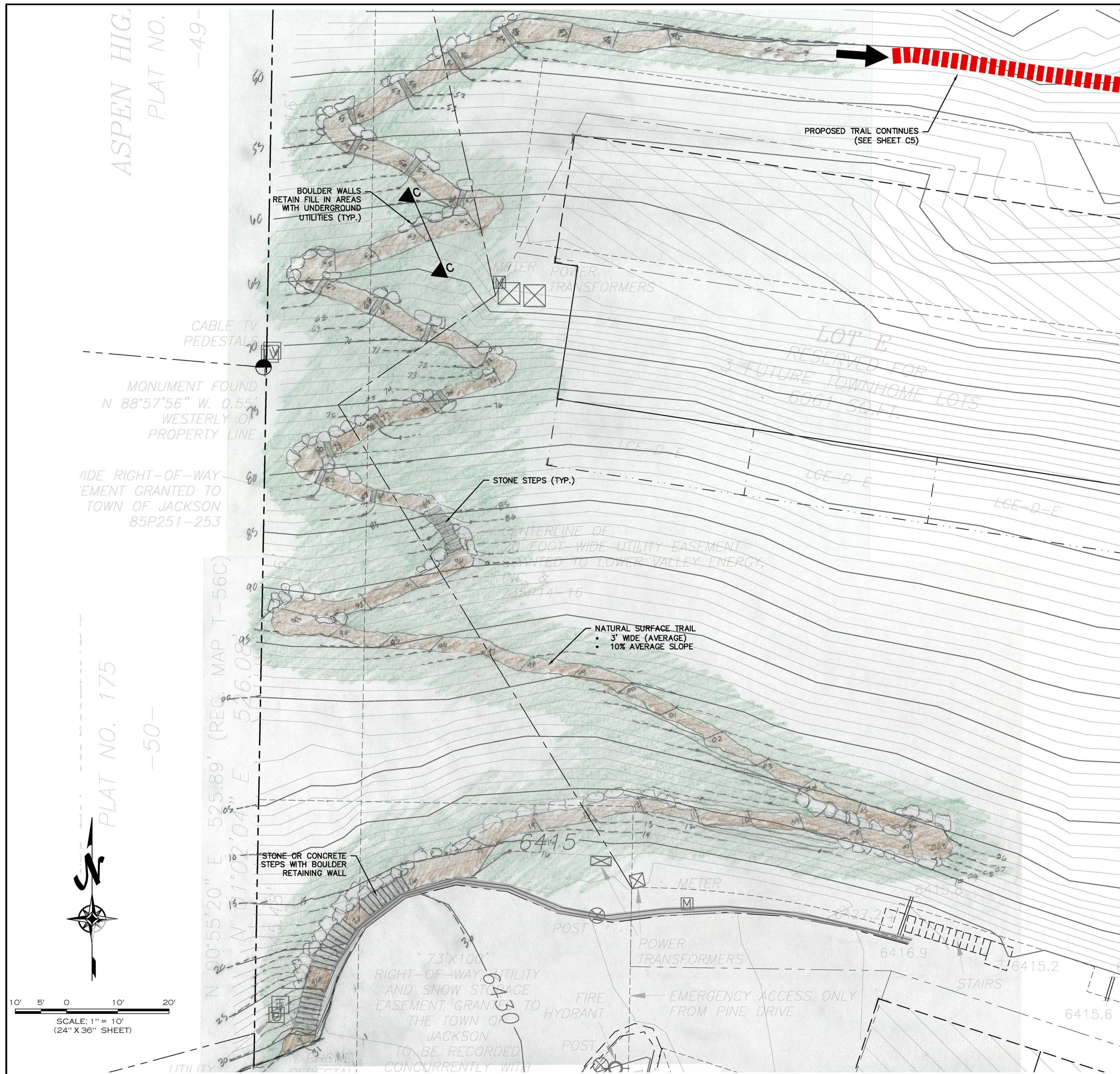


HARMONY
DESIGN & ENGINEERING
18 N MAIN STE 305 • DRIGGS ID 83422
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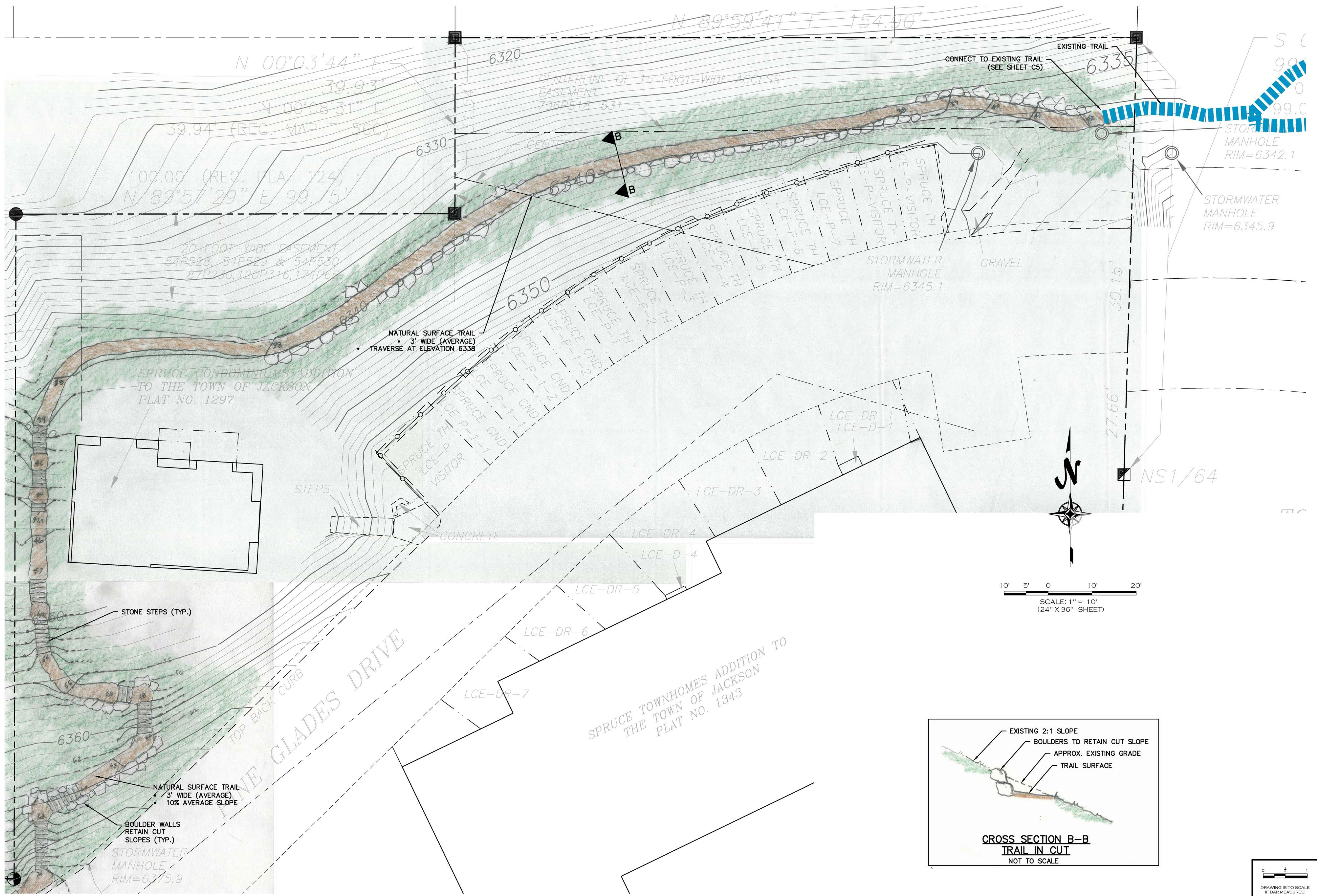
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PROJ. #: 19020278-1		

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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		PROJ. #: 19020-278-1			
				HARMONY DESIGN & ENGINEERING 18 N MAIN STE 305 • DRIGGS ID 83422 208.354.1331 • www.harmonydesigninc.com	





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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
NORTHEAST SEGMENT

SHEET #

C4

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



DATE: 9-27-2019	REVISIONS:	

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

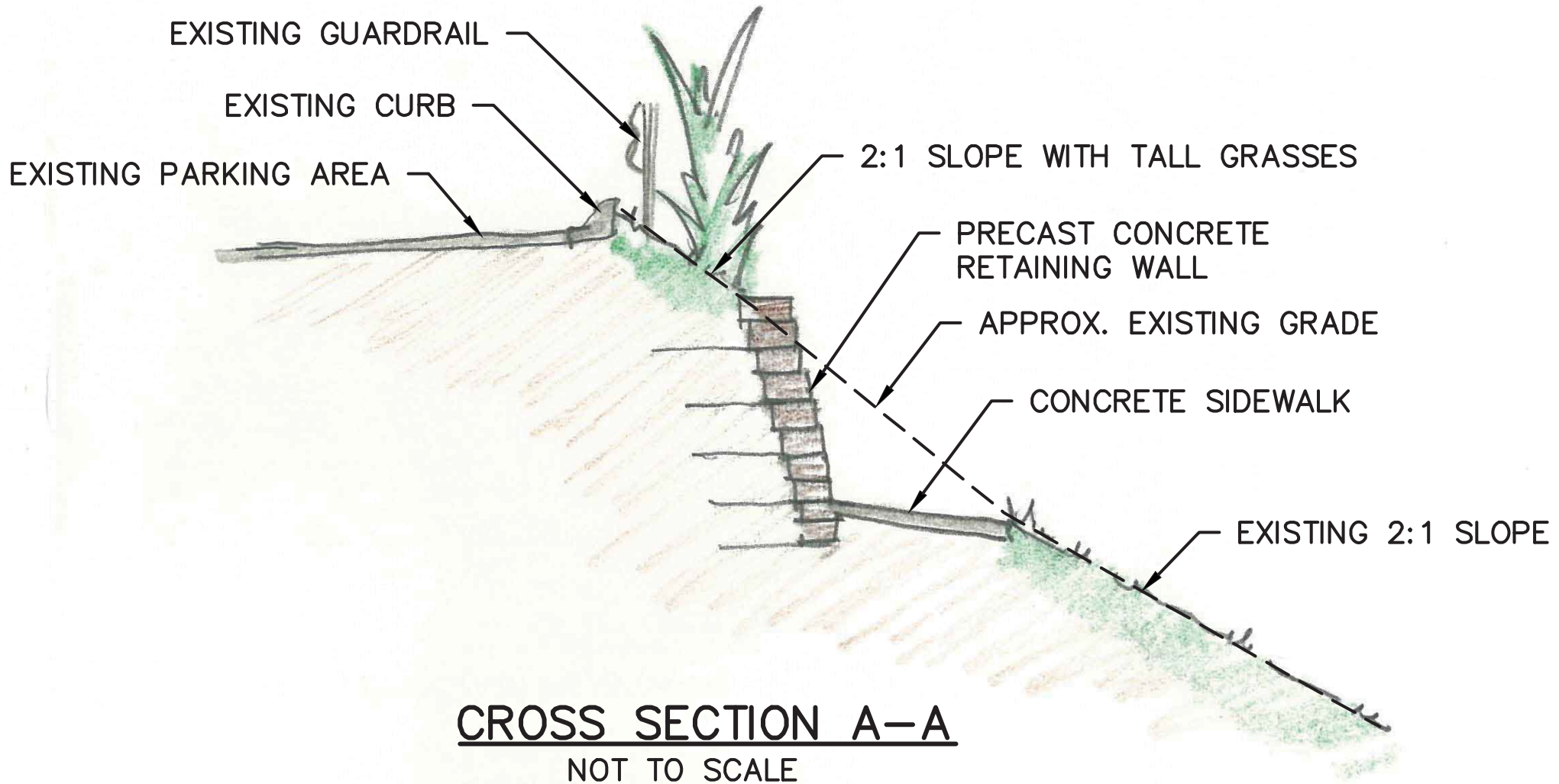
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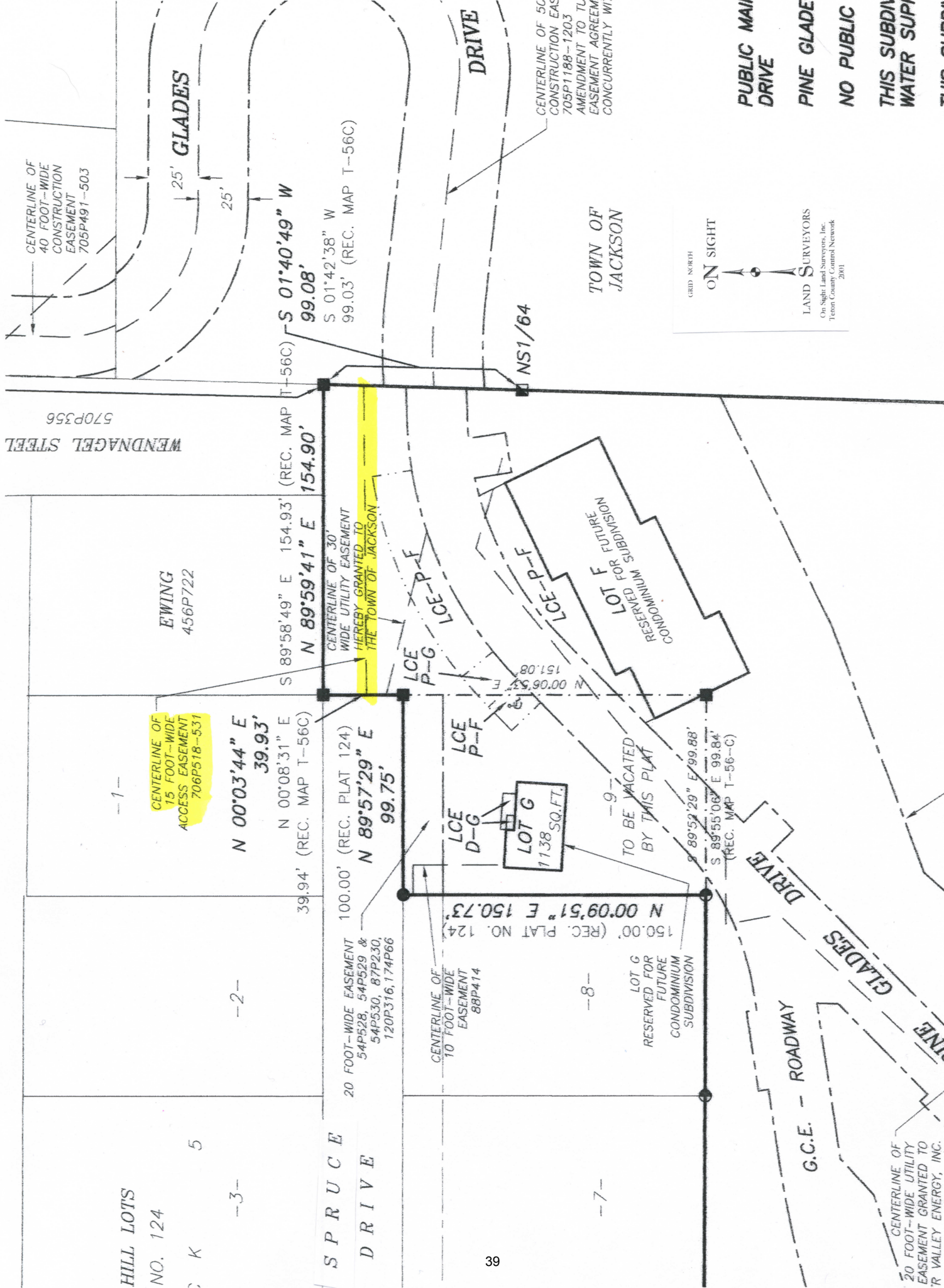
**PINE GLADES
JACKSON, WYOMING**

**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

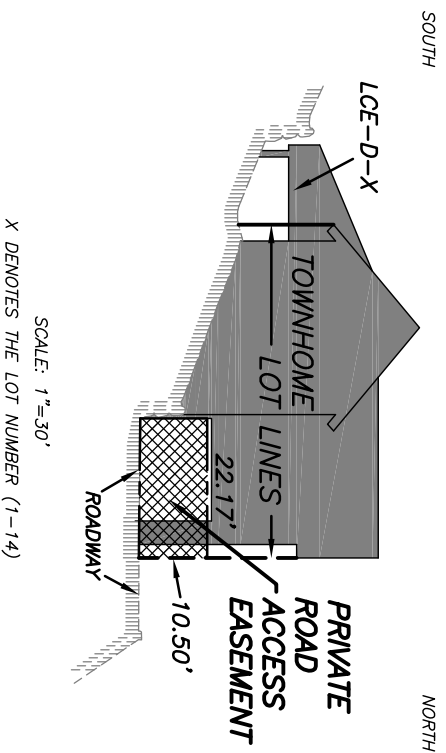
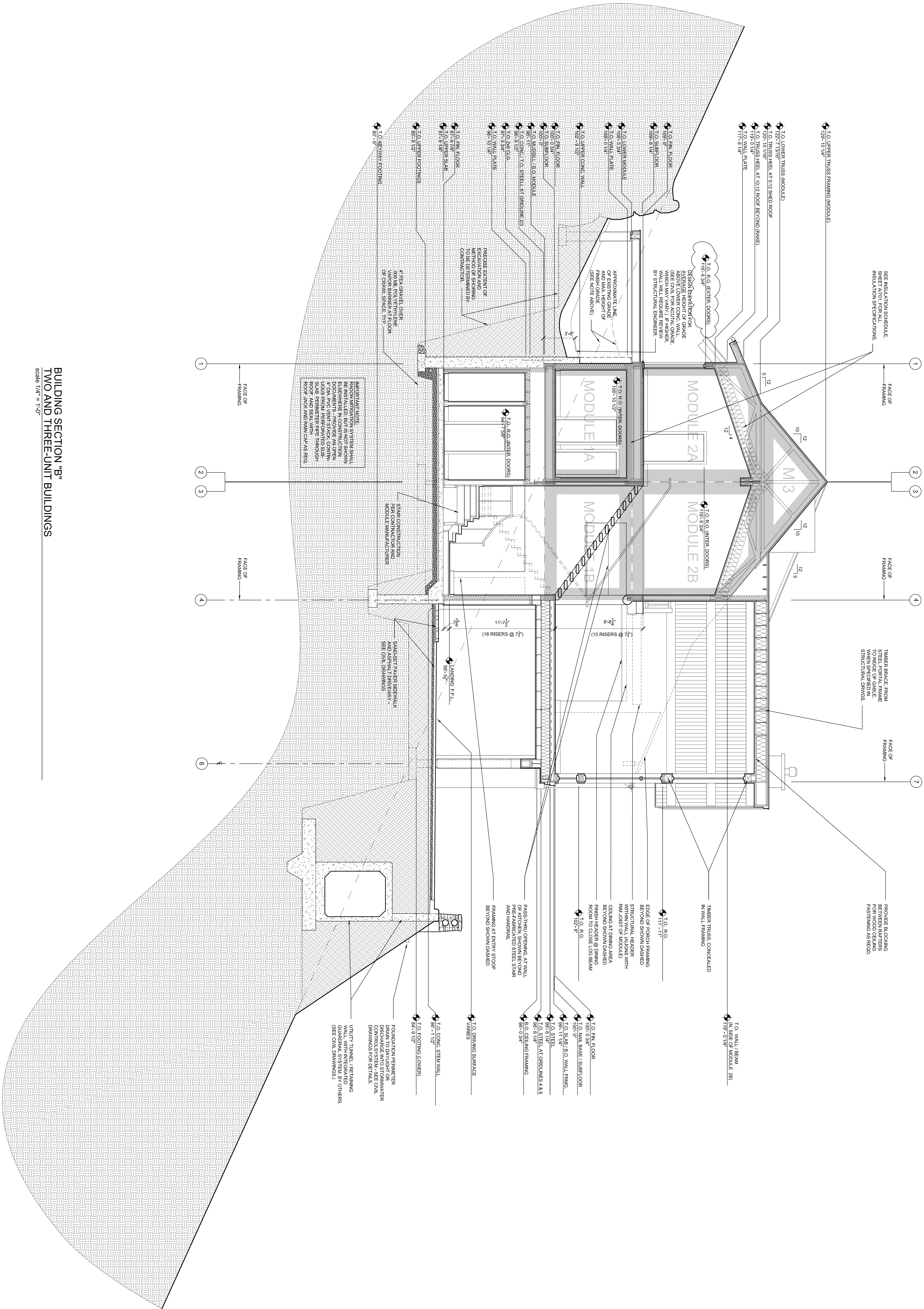


EXHIBIT SHOWING PRIVATE ROAD ACCESS EASEMENT

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



BUILDING SECTION "B"
TWO AND THREE-UNIT BUILDINGS
Scale 1/4" = 1'-0"

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

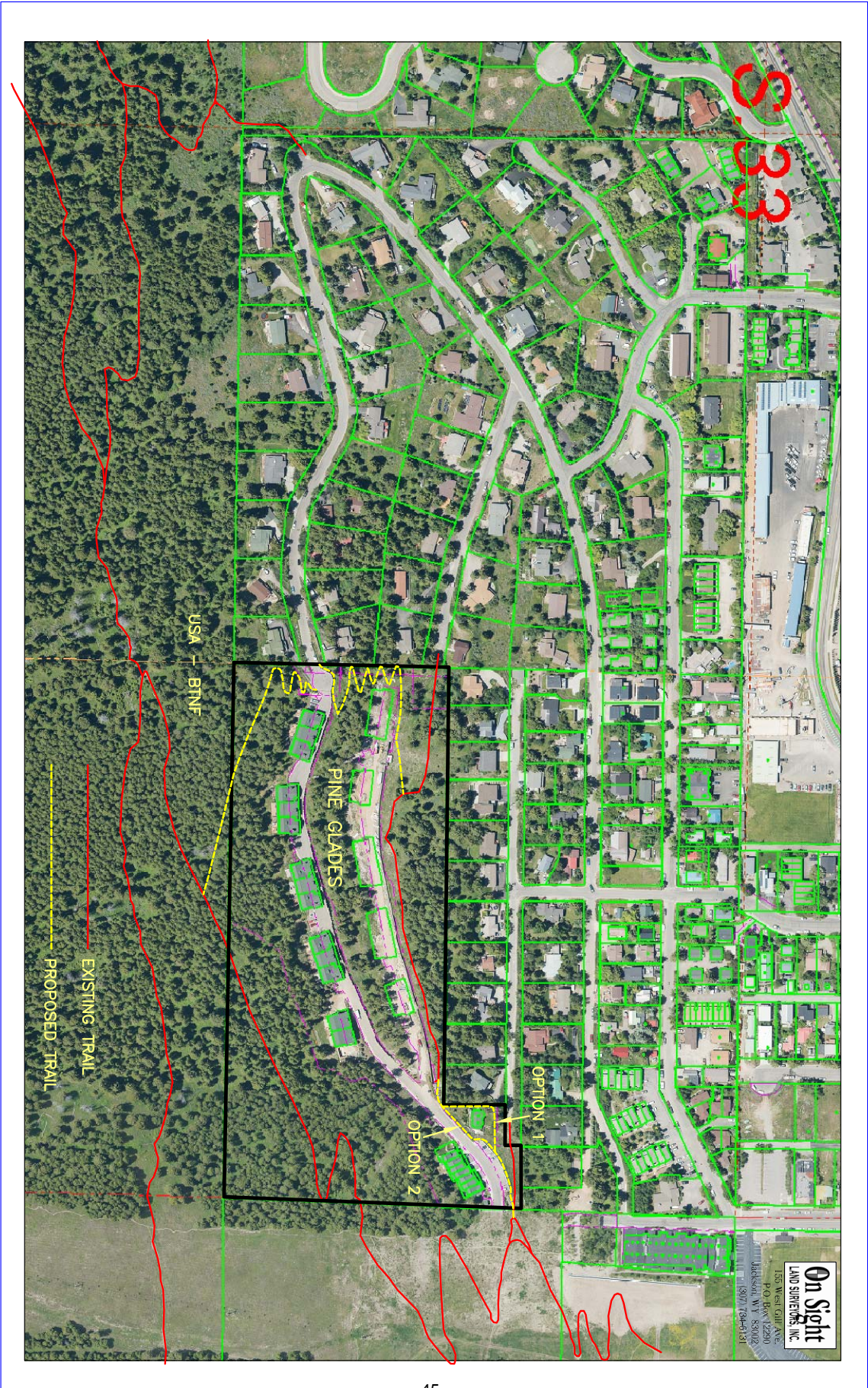
Also attached is an aerial photo that illustrates existing and proposed trails in the vicinity of Pine Glades. This graphic demonstrates that the combination of existing and proposed trails allows access across Pine Glades for residents on every street that abuts Pine Glades; namely residents on Pine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

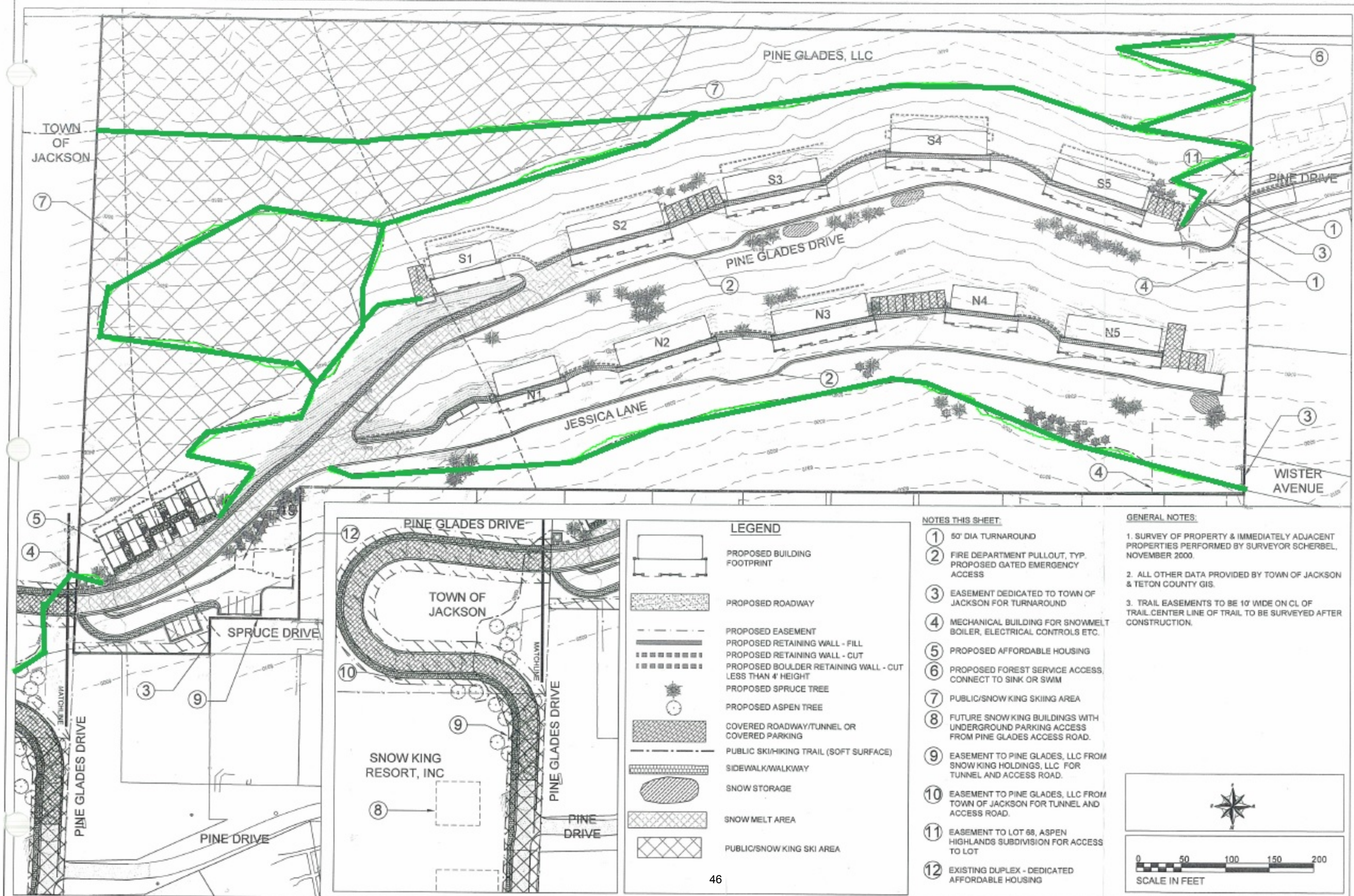
Attached:

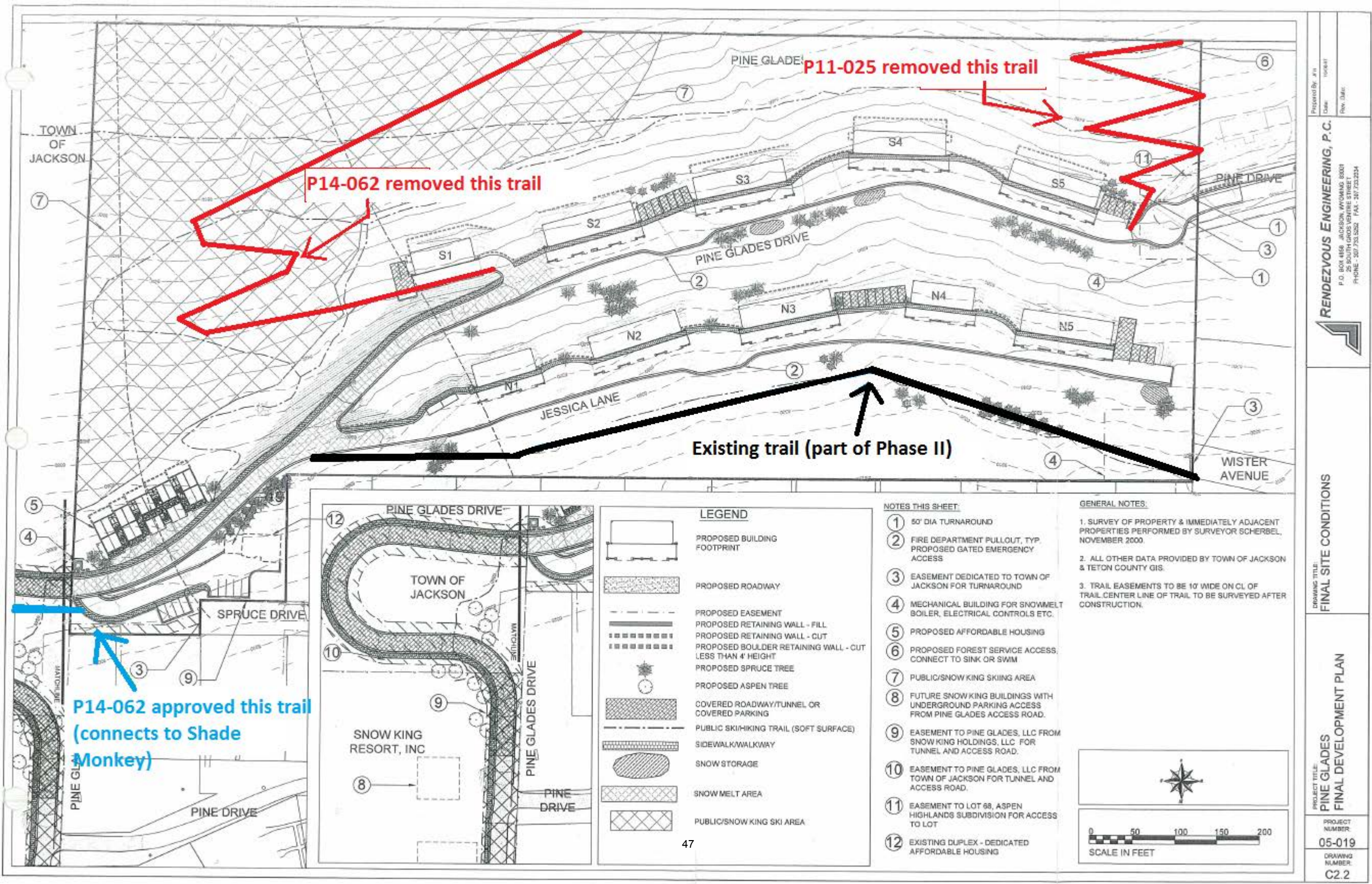
1. Residential Units Sidewalk Proximity in Jackson
2. Aerial Illustrating Trails in Vicinity

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
Creekside 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		11/14/2019	12/5/2019		
Darren Brugmann					

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

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3 STATE OF IDAHO }
 } ss.:
4 COUNTY OF FREMONT }

5

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 -----
DENISE NOWAK
Notary Public State of Idaho
23 My Commission Expires: 3/13/2021

24

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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**

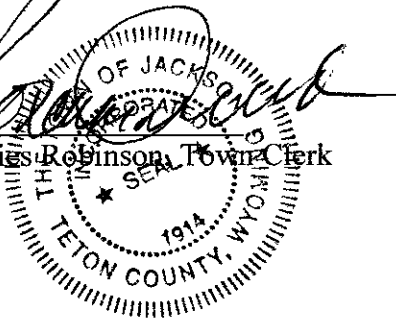

Mark Barron, Mayor

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.

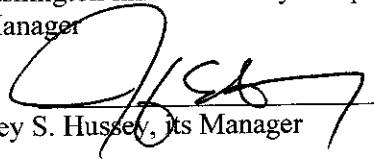
Witness my hand and official seal.

Notary Public

My commission Expires: 6/29/11

Pine Glades Development, LLC,
a Wyoming limited liability company

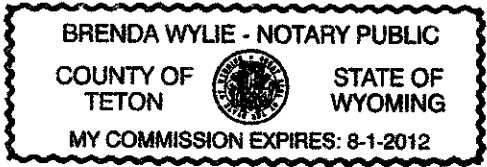
By Fluid Capital, LLC,
a Washington limited liability company,
its Manager

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 Zip
 WY 83001

Subdivision

Parcel No General Plan
 22411633438006

Type of Review	Status	Dates			Remarks
		Sent	Due	Received	
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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- The applicant shall not obstruct public access on the proposed pathway.
- 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.
- 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.
- 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

Sent

Due

Received

Remarks

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

LEGEND

- 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)

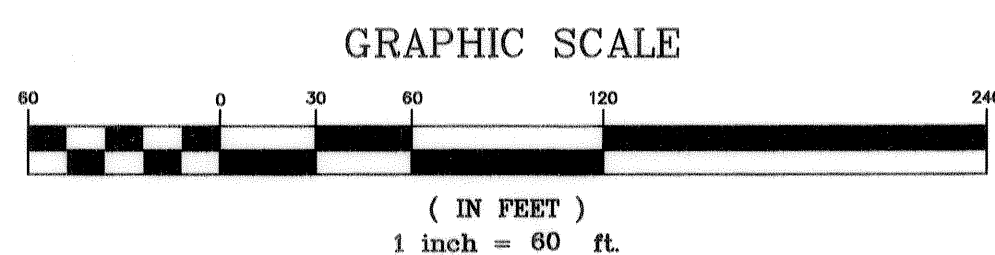
- LCE LIMITED COMMON ELEMENT AND ASSOCIATED LOT NUMBER
- D-() DECK—LOT NUMBER
 - P-() PARKING—LOT NUMBER
 - DR-() DRIVEWAY—LOT NUMBER

GRID NORTH

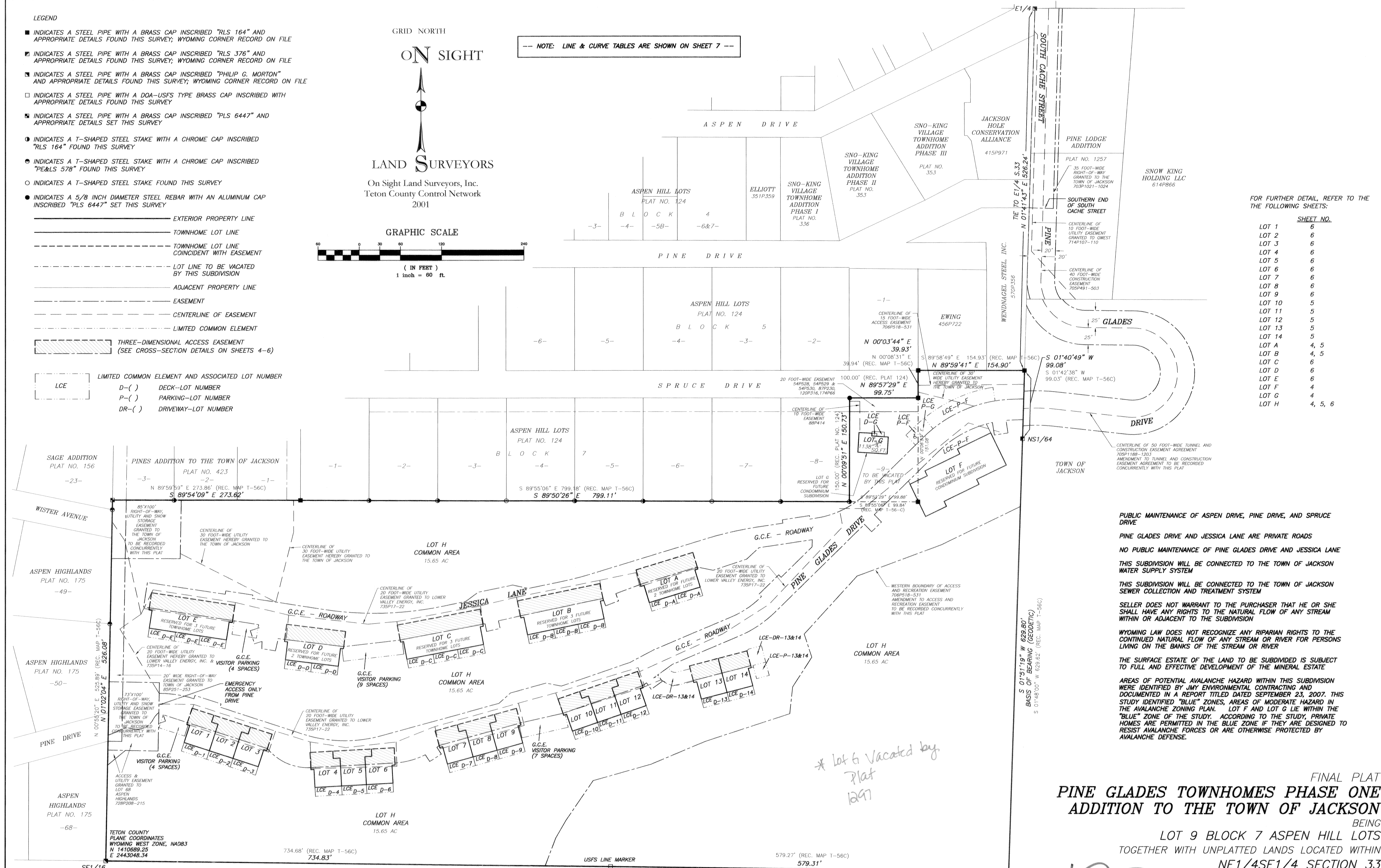
ON SIGHT

LAND SURVEYORS

On Sight Land Surveyors, Inc.
Teton County Control Network
2001



— NOTE: LINE & CURVE TABLES ARE SHOWN ON SHEET 7 —



FOR FURTHER DETAIL, REFER TO THE
THE FOLLOWING SHEETS:

LOT	SHEET NO.
LOT 1	6
LOT 2	6
LOT 3	6
LOT 4	6
LOT 5	6
LOT 6	6
LOT 7	6
LOT 8	6
LOT 9	6
LOT 10	5
LOT 11	5
LOT 12	5
LOT 13	5
LOT 14	5
LOT A	4, 5
LOT B	4, 5
LOT C	6
LOT D	6
LOT E	6
LOT F	4
LOT G	4
LOT H	4, 5, 6

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

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
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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.

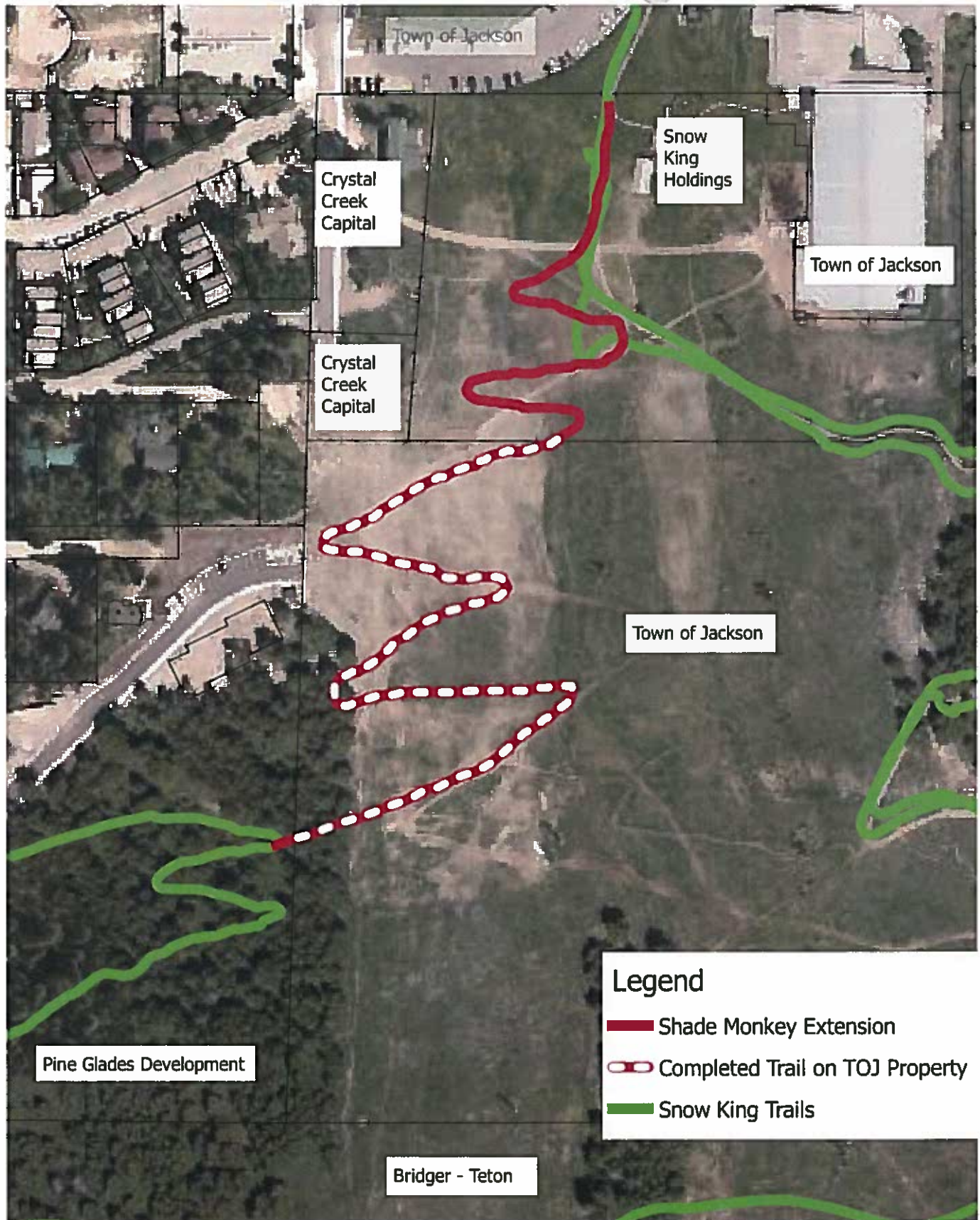
As far as the old trail down to the development, I recall we were to rework the new junction at the top of the new trail to direct bike and hikers out on to Snow King or up the shade Monkey trail. This was to be accomplished by adding some stone steps or other natural material that would be awkward to 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 Trains

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:

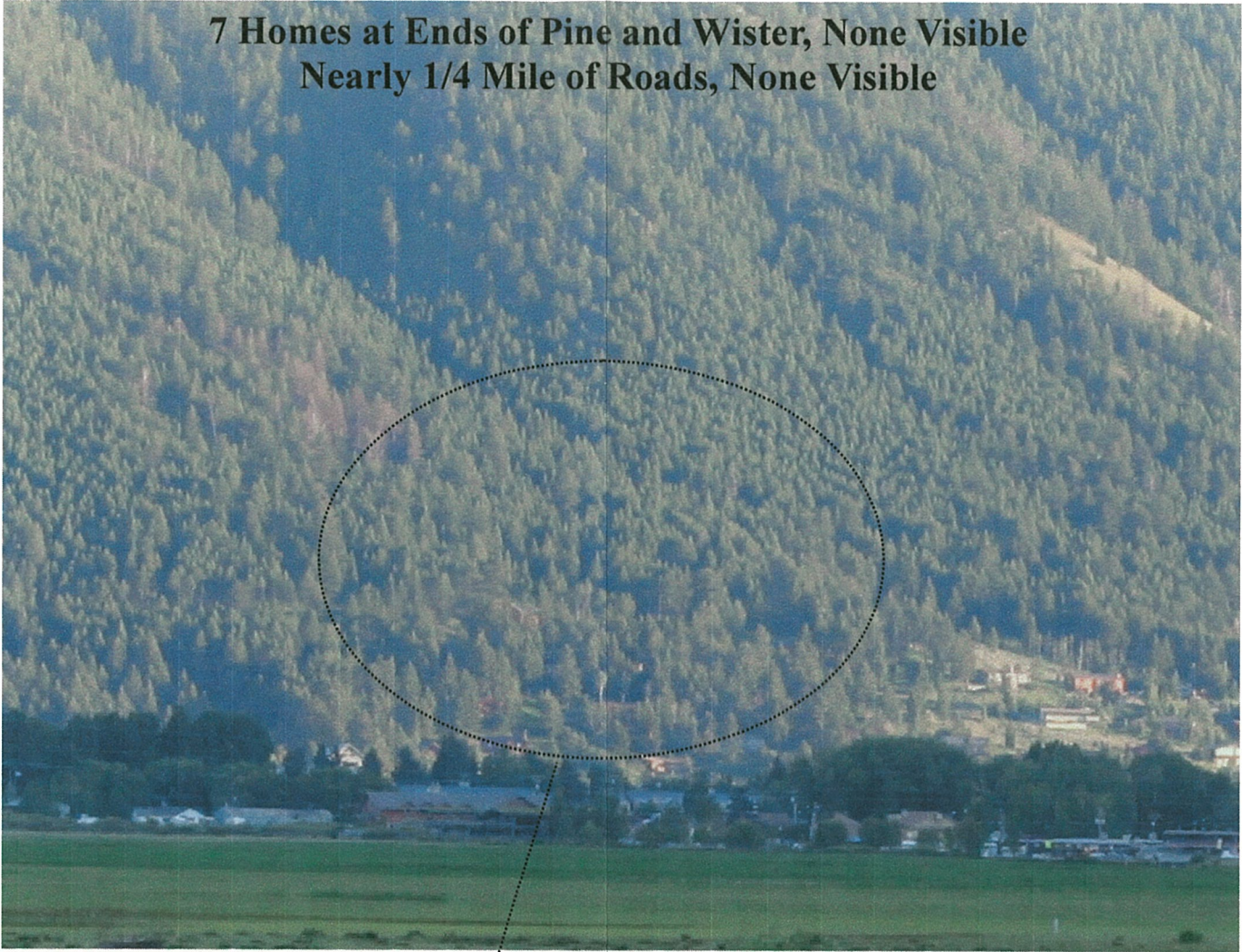
The revised 3-D analysis provides a life like animation of the proposed Pine Glades community. To ensure accuracy, after buildings and roadways were mapped and all trees with a five inch or greater trunk diameter were surveyed, a fuel management specialist from the Teton Science School determined which 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**

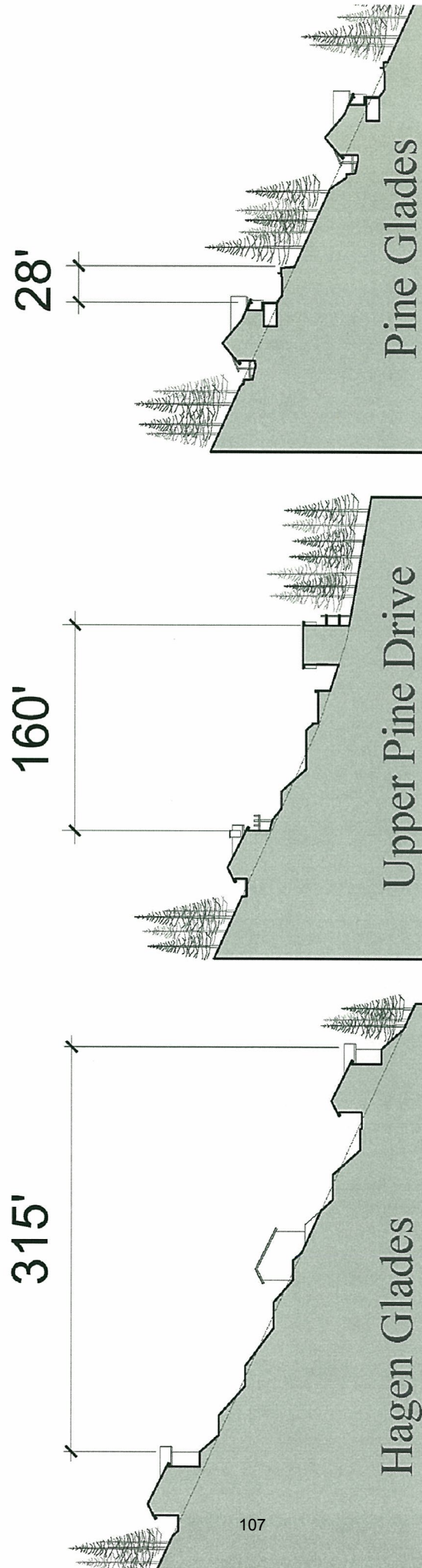


**7 Homes at Ends of Pine and Wister, None Visible
Nearly 1/4 Mile of Roads, None Visible**



Pine Glades Development, LLC

Comparative Cross-Section of Foreground Clearing

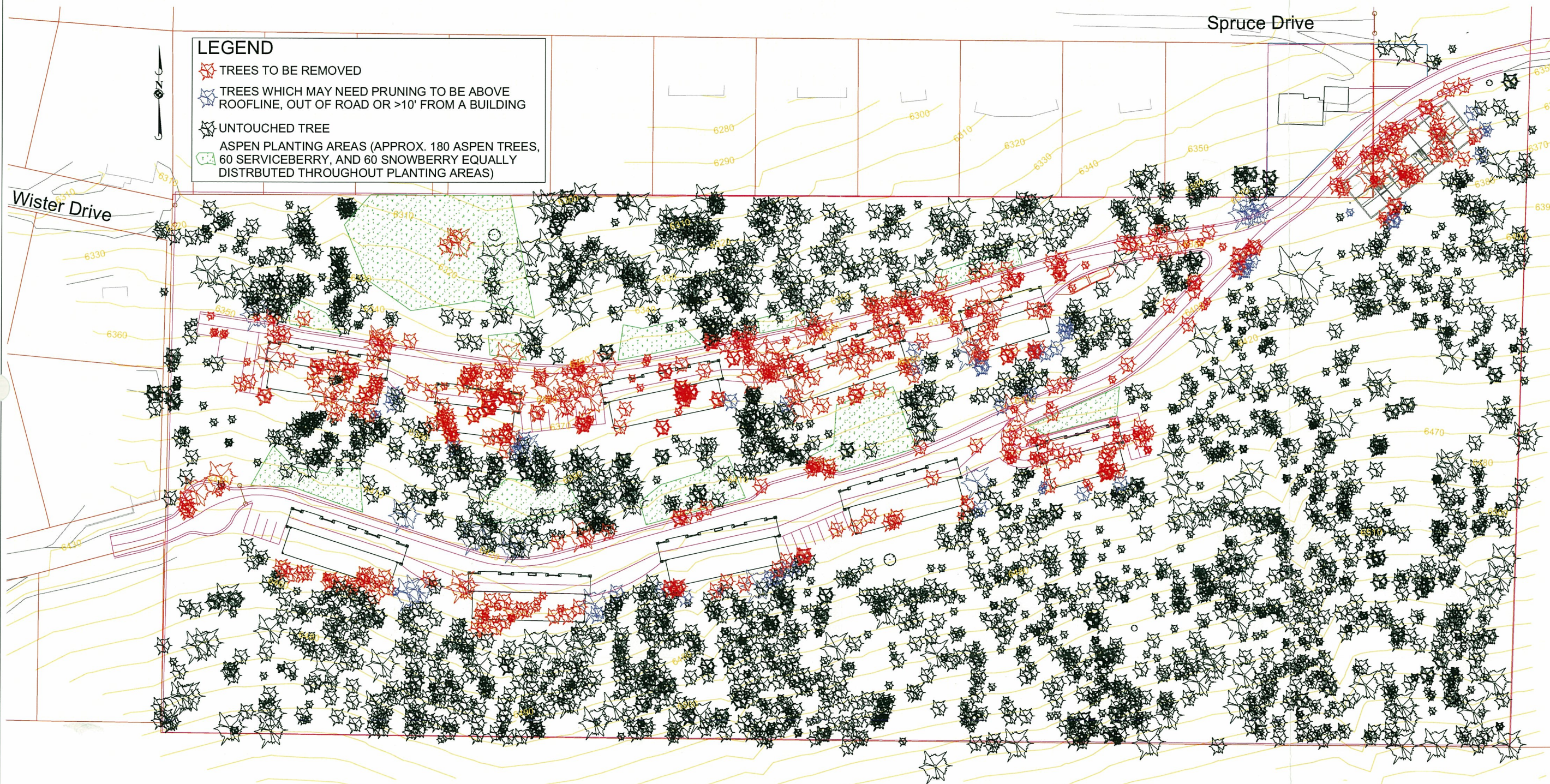


View of DeFazio and Moeller Houses
The distance between the tree lines is approximately 160 Feet.



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 DATE: 9-25-07 REV. DATE:
	PROJECT NUMBER: 05-019	DRAWING NUMBER: S8A		











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

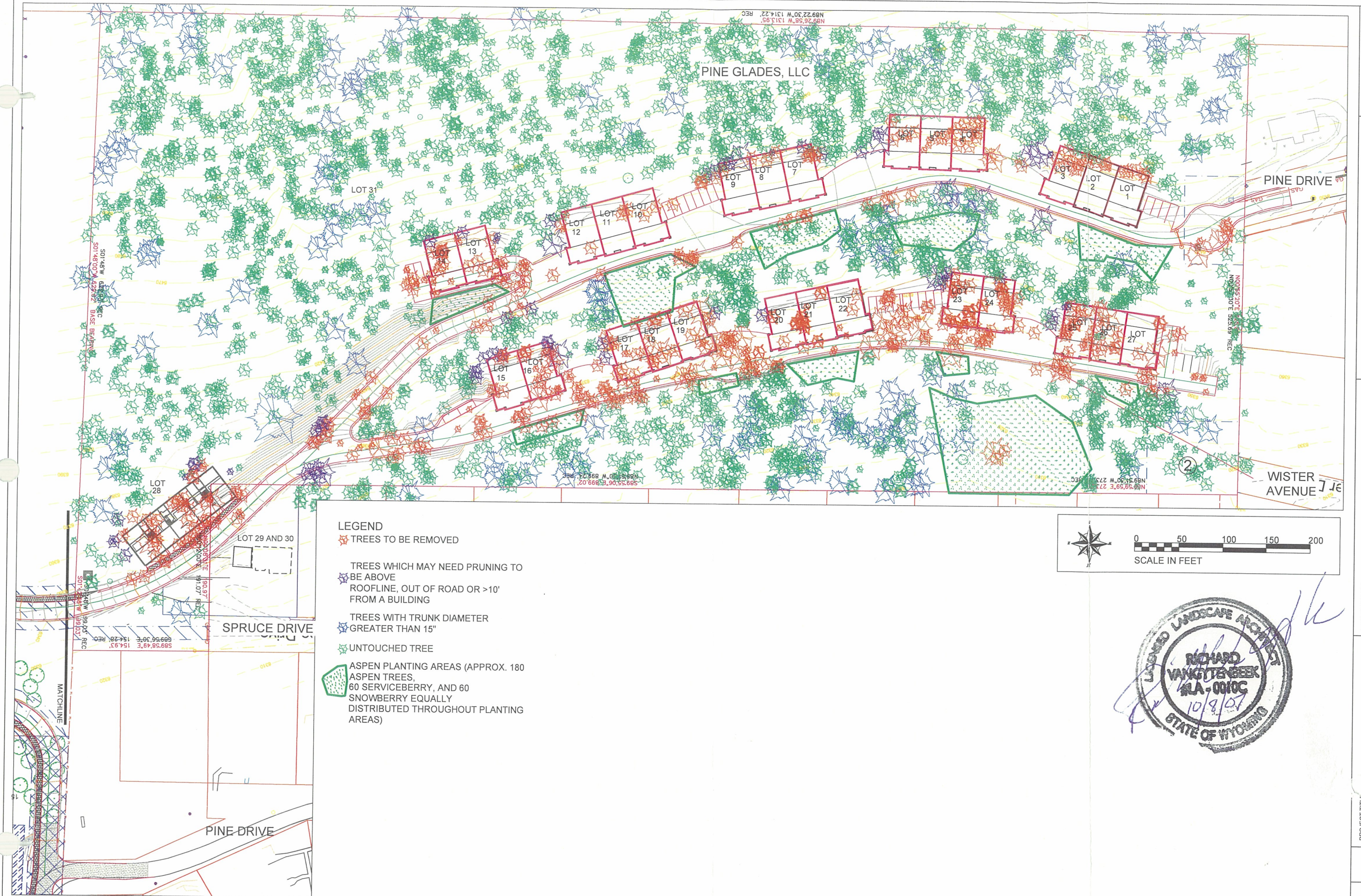
*Using Plant Unit Alternative B by way of example to show magnitude of surplus over requirement

*Existing & Proposed Plants:

Existing 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.

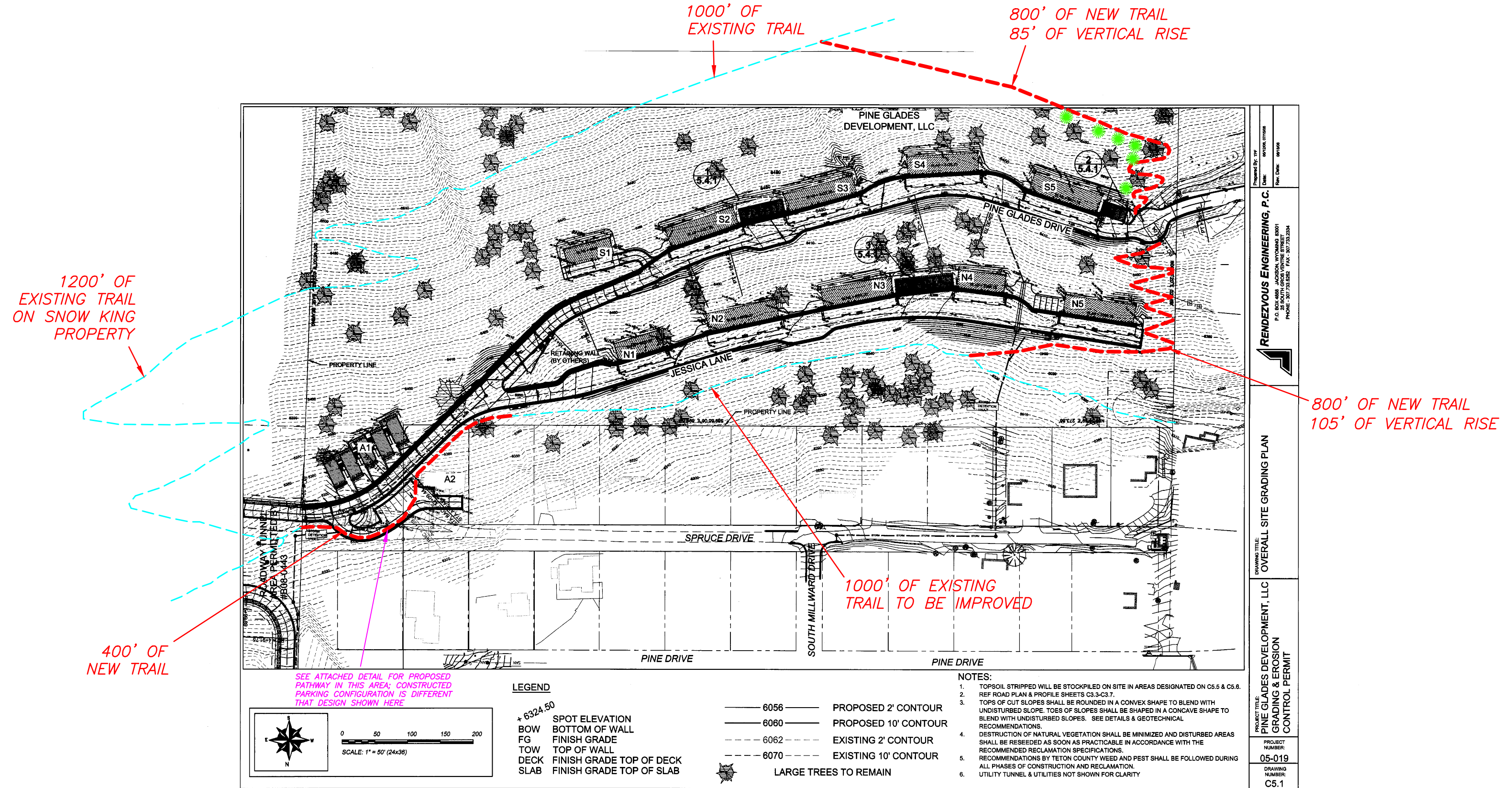
Very truly yours,

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)



Prepared By: JTE
Date: 05/05/2016
Rev. Date: 06/08/2016

RENDEZVOUS ENGINEERING, P.C.
P.O. BOX 488 JACOBSON, WYOMING 83001
25 SOUTH GROES VENTURE STREET
PHONE: 307.753.8262 FAX: 307.753.2204

DRAWING TITLE: **OVERALL SITE GRADING PLAN**

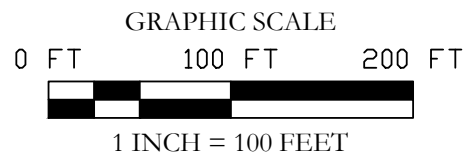
PROJECT TITLE: **PINE GLADES DEVELOPMENT, LLC
GRADING & EROSION
CONTROL PERMIT**

PROJECT NUMBER: **05-019**

DRAWING NUMBER: **C5.1**



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:

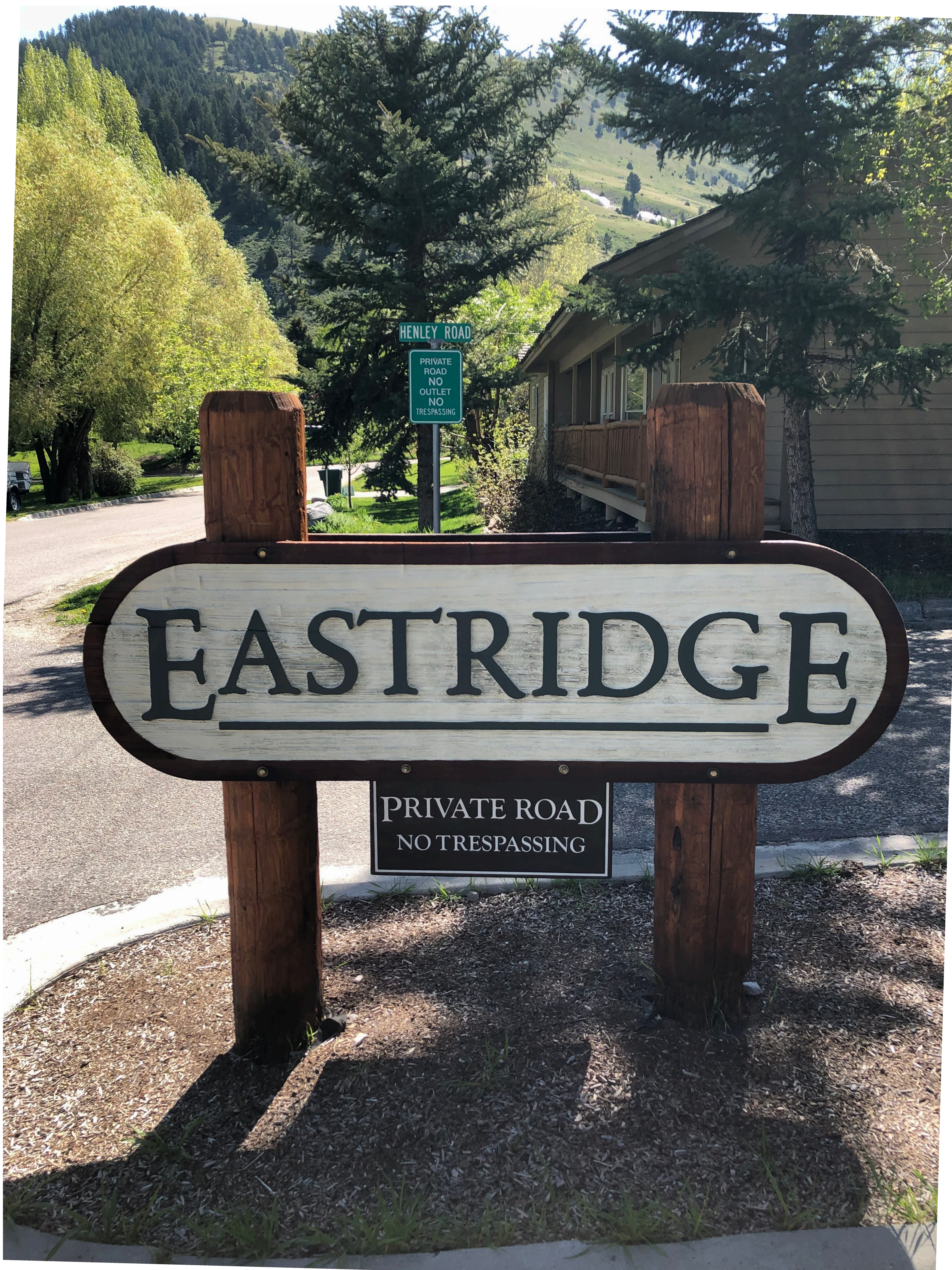
Parks Exactions:	\$ 29,000.00
School Exaction:	\$ 23,000.00

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 or 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.

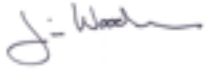
Within the last two years, the trailhead in Pine Glades was also removed, during construction of the duplex unit on the property. The property owner had requested that the trailhead be re-located "nearby", it never was!

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 'Mark Oblack', with a long, horizontal, wavy line extending to the right.

Mark Oblack
266 Pine Glades Drive

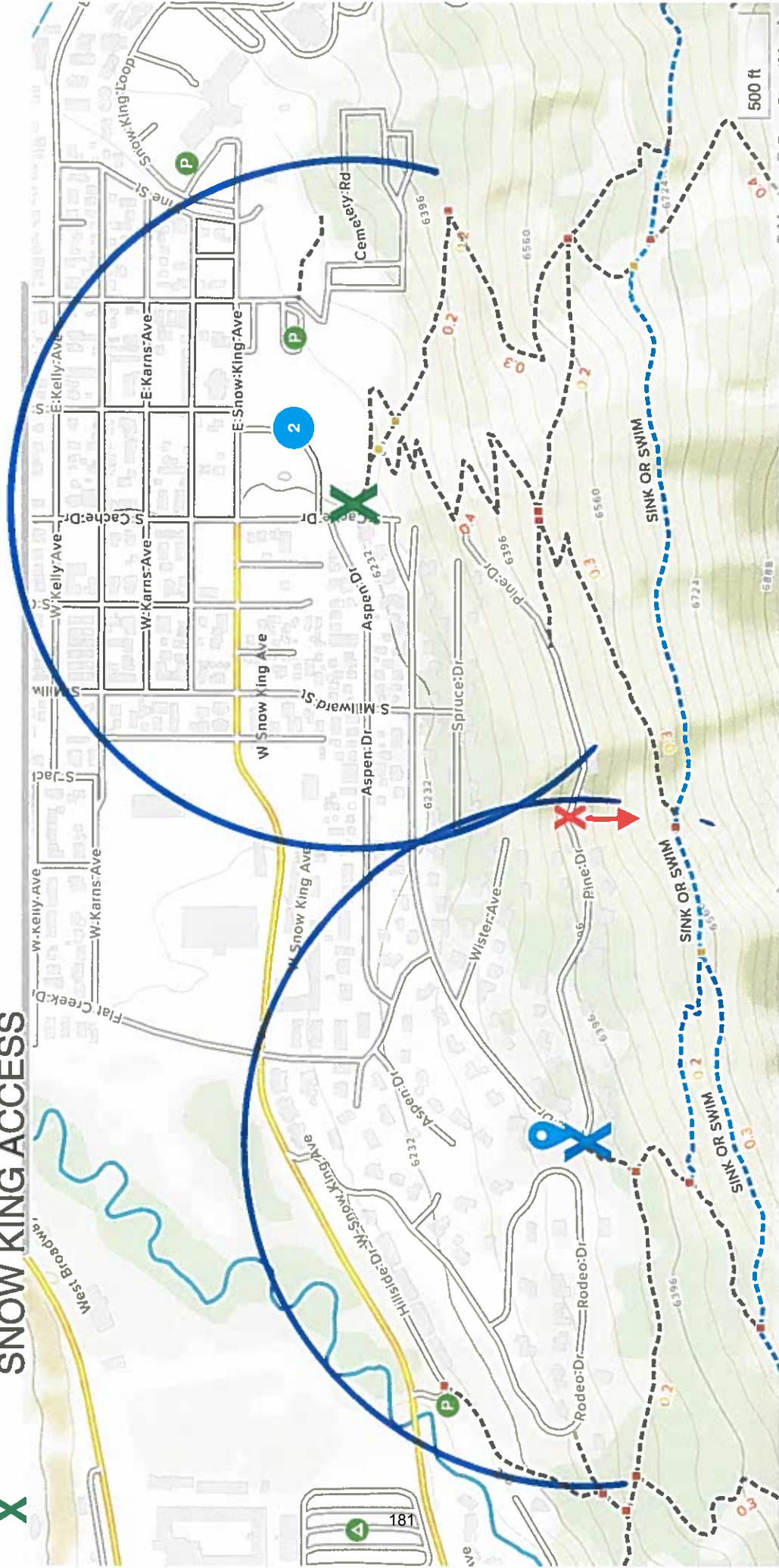
Attachments: 440 Yard Access Map

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

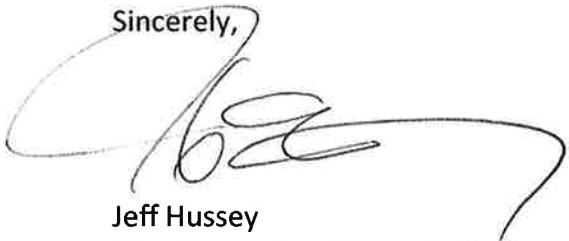
Dear Ladies and Gentlemen,

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

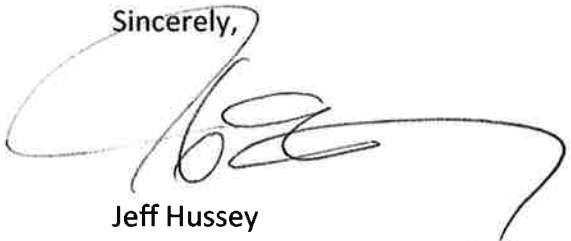
Dear Ladies and Gentlemen,

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

--

Laura Bonich, PE, LEED AP
775-340-5346
lauraabonich@gmail.com

From: [Tiff Stolte](#)
To: tvalentine@jacksonwy.com
Cc: [Tiffany Stolte](#)
Subject: Pine Glades
Date: Wednesday, March 11, 2020 2:41:07 PM

Hi Tyler - I would like to express my concerns for building a new trail in Pine Glades.

1. Pine Glades should allow pedestrian and bicycle access on the road. Other private roads in town allow pedestrian and bike access and it works. It allows for movement through the neighborhood and allows for positive neighbor relationships.

2. Building a new trail will be very expensive and I don't believe that Pine Glades needs more expenditures at this time. In the 5 years we have lived in the Pine Glades Neighborhood our HOA dues have increased twice and we have received an assessment fee. The Pine Glades HOA Dues are extremely high and increasing regularly. The neighborhood includes 9 affordable and workforce homes. Having HOA dues increase regularly and receiving an assessment in the first 5 years makes living in a expensive town even harder. We are part of the workforce for Jackson and I would like us to be part of the town and community. I am extremely concerned that the Developer, John Tozzi will pass all or part of the trail building on to us through increased in HOA dues or additional assessment fees.

Pine Glades has become an unfriendly neighborhood. We live in a beautiful area where people love to walk and bike. I believe strongly that we should allow pedestrian and bicycle access on Pine Glades Drive. I do not support the Master Plan Amendment.

Best,
Tiffany and Scott Stolte
40 Pine Glades Drive

Tyler Valentine

From: Laura Bonich <lauraabonich@gmail.com>
Sent: Monday, April 06, 2020 9:25 AM
To: Tyler Valentine; David DeFazio; Jim Woodmencey
Subject: Re: Pine Glades - Monday Town Council

Tyler,

It appears that entire areas of trees have probably been completely removed in front of some of the existing units in Pine Glades in addition to the more obvious trees that have been topped. I am writing to request that the Town require the project complete a comprehensive tree survey of the entire property and compare the new tree survey to the original survey to identify the magnitude of the violation related to illegal removal of trees. Greg Prugh and Matt Faupel have both independently estimated that the increase in value of the existing market rate units, which did not have any views when they originally sold, and have views now, is at least an additional \$500,000 - just for the view. Similarly the new duplex units are each worth an additional \$500,000 with the trees topped. I am asking that staff recommend the Town defer any decisions related to the Pine Glades project until the the tree survey is completed and the Town understands the magnitude of the violation and can recommend appropriate mitigation. One suggestion could be to require ALL outdoor lighting be placed on motion sensors and/or turned completely off after 10 pm (this is common in jurisdictions that have strict night sky ordinances). This would help mitigate for the visual impacts separately from the need to compensate for the mature tree removal. FYI - If you go out to town square after dark and stand on Cache and look up at the hill its pretty obvious how "exposed" the Pine Glades project has become.

Thanks Laura

On Thu, Apr 2, 2020 at 11:02 AM Tyler Valentine <tvalentine@jacksonwy.gov> wrote:

Hello,

Due to the Coronavirus situation, the Town is temporarily conducting public meetings/hearings through various technologies to enable remote access and reduce (or eliminate) physical attendance.

Pine Glades will be the first Planning item on the agenda. Town Council has stated that this item will start at 6:20pm. This item will be allotted 1 hour on the agenda, after which, the item will continued to the next regularity scheduled meeting.

Members of the public that want to comment on Pine Glades remotely will need to use Webex through their computer or smartphone. They will be able to see the proceedings but we will not be able to see them. When the time for public comment arrives for an item (as determined by the Council and/or staff moderator), the public will need to use the “raised hand” function to alert the chair/staff that they would like to speak. Once acknowledged, staff will unmute the member of the public and they will be able to speak. This will be done until all members of public have spoken.

- **Important Tip: Download Webex:** A Webex link to the Monday’s meeting will be available through the Town of Jackson website, specifically under ‘Agendas & Minutes’, then click on “Town Council Regular Meeting’. Once open, a link to Webex will be at the top of the page. Use the link to download the program onto your computer. It takes about 5 minutes. So please install Webex as soon as you can before the meeting starts. Once installed, you will enter your name and email, then click the ‘join’ button.

Alternatively, if neither of the above options are available or preferred, you may submit emails addressed to the project planner or Town Council.

Finally, members of the public may speak in person if they are uncomfortable with Webex. If members of the public wish to comment in person, the following are helpful reminders:

- You may be speaking to an empty room as many of the Council members are also using the Webex platform to participate remotely.
- Due to the Public Health Order to not have more than 10 people gathered together, staff will ensure compliance by moving public/applicants into the chamber on an as-needed basis, while all others will wait outside the chambers for their turn. This may also mean waiting in your vehicle depending on weather and preference.

If you have any questions, please email me at tvalentine@jacksonwy.gov. We are continuing to work through these difficult times and your patience ahead of time is greatly appreciated.

TOWN HALL IS TEMPORARILY CLOSED. HOWEVER ALL PLANNING AND BUILDING STAFF ARE WORKING REMOTELY TO ENSURE BUSINESS AS USUAL. PLEASE VISIT THE TOWN WEBSITE FOR UPDATES.

TYLER VALENTINE

SENIOR PLANNER

TOWN OF JACKSON

P.O. Box 1687

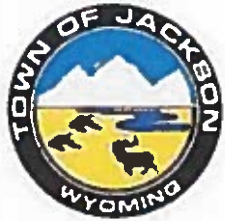
JACKSON, WYOMING 83001

(P) (307)733-0440

(F) (307)734-3563

TVALENTINE@JACKSONWY.GOV

WWW.TOWNOFJACKSON.COM



--
Laura Bonich, PE, LEED AP
775-340-5346
lauraabonich@gmail.com

Tyler Valentine

From: Laura Bonich <lauraabonich@gmail.com>
Sent: Monday, April 06, 2020 11:31 AM
To: Tyler Valentine; Jim Woodmencey; David DeFazio
Subject: Pine Glades existing trail p14-062 to the new duplex

Tyler,

Can you please also consider requiring the developer to re-vegetate the trail that connects from the duplex up to sink or swim and post signs at the national forest boundary prohibiting access to **and from** the Pine Glades property. Right now the Pine Glades residents have a private access to sink or swim from their project (supposedly "removed" according to your staff report). They use this access daily to get to the trail system (even all winter) as it is a nicely switch backing trail that even I can bike up :) It only seems fair that they should have to access the public trail system just like every one else - via the proposed stair case (which is in no way equivalent to the current project access). Thanks again. Laura

--

Laura Bonich, PE, LEED AP
775-340-5346
lauraabonich@gmail.com

Tyler Valentine

From: Laura Bonich <lauraabonich@gmail.com>
Sent: Monday, April 06, 2020 7:35 PM
To: Tyler Valentine; David DeFazio; Jim Woodmencey
Subject: Pine Glades Title report

Tyler,

Super disappointed you keep referring to the individual property owner title reports as if that has some standing or bearing on the road HOA lot. Title reports and thus title insurance are for the lot (Assessor parcel number) that is being purchase/financed. Given the number of HOA lots that are included in the Pine Glades property it is highly unlikely (and there would be no reason for the title company to pay/charge to do so) that any one would pay to have a title report prepared for all of the HOA lots. Title reports provide a brief summary and certify that the property does not have a lien or taxes due or other liabilities etc. The further likelihood that someone would pay the title company to actually pull and print all of the easements recorded over all of the HOA lots and then read those easements to see what they actually allow or convey to the HOA is even less likely. The fact that a home owner had a title report done on their property has nothing to do with the HOA lot.

--

Laura Bonich, PE, LEED AP
775-340-5346
lauraabonich@gmail.com

Tyler Valentine

From: Laura Bonich <lauraabonich@gmail.com>
Sent: Monday, April 06, 2020 8:36 PM
To: Jim Woodmencey; David DeFazio; Tyler Valentine
Subject: Pine Glades Bonich Comments April 6, 2020

The issue is simple. There is no question that the project was approved by the Town Council with the agreement that year round access would be provided through the project. The same year round access in approximately the same location that has existed for 30 years. The Town staff cites 8 documents where this access is identified in the staff report. The applicant is misleadingly glossing over the requirements in the **written record**. The Subdivision Improvement Agreement identifies the developers access requirements. P11-025 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 1 Plat.***" We all know now that the required access was not recorded. Lack of a recorded access is the single issue that you can rectify by requiring the access as a condition of approval of this amendment.

The subject of this amendment requested by the project is the HOA lot that provides road access to the project and connects to existing Pine Drive. The HOA road lot has a snow melt system in it that was required as part of the project approvals. The project is requesting that the Town change this project requirement and abandon this system. Town staff estimates in the staff report that this will save the HOA in excess of \$1 million dollars over 10 years. So again its simple - require access in this same HOA lot as a condition of approval of this request. This can easily be accomplished by simply amending the access already granted to the town for access to the water and sewer facilities located in this HOA lot.

The project should not be rewarded by the Town by allowing them to create the only privately gated project that physically bars non vehicular access and creates the only exclusive enclave for rich residents who can afford to purchase town home units already valued at double the median price of any home in Jackson.

A private exclusive enclave for the rich was never the intent of the project approval which clearly requires public access. The proposed trail is prohibitively steep and would allow access for about 4 months a year. It would not facilitate bike access or access for skiing both of which are specifically identified in the project approvals identified by staff. In addition trail construction would require removal of additional trees as I will explain below the existing residents have every reason to support more tree removal.

There have been multiple intentional and egregious violation of the project approval requirements, 18 of which are identified in the Town compliance letter. Significant financial gain for the market rate units has been created by the removal and topping of trees in front of the existing units and the new duplex. Two prominent real-estate agents have independently estimated that the increase in value for the existing units where the trees have been removed and topped is \$500,000 per unit. A half a million dollars in gain for each resident who has trees illegally removed in front of their unit.

The Town should require a comprehensive tree survey of the entire project for comparison to the original tree survey to understand the magnitude of the violation which has occurred due to illegal tree removal prior to any action or decision related to the current project amendment requests.

There is no reason, either nuisance, noise or dogs or liability which would prohibit the public access that was a project requirement. It is no different than if they lived on any other street in Jackson, not unlike one town hill or any of the townhomes anywhere in Jackson. At the same time they paid their consultant to identify 600 plus locations in Town where existing residences are within 17 feet of public trails to justify constructing a trail right next to the affordable Pine Glades units. I trust you all can see the irony of its ok to walk by the \$300,000 unit with dogs but not by the \$3M dollar

unit. Please note that you are unlikely to hear anyone advocate for this trail except those in the market rate units who are trying to create an exclusive enclave accessible only to the very wealthy.

This is not who Jackson is. If my son takes his skis to walk over and skin up Snow king or goes to visit a friend in the affordable units that should not result in the very wealthy being able to call the police. You have the ability to tonight to require the project allow access as a condition of approval on the same HOA lot that is the subject of this amendment. We are counting on you to enforce the original project approval. Thank you

--

Laura Bonich, PE, LEED AP

775-340-5346

lauraabonich@gmail.com

April 3, 2020
Mayor Pete Muldoon
Vice Mayor Hailey Morton Levinson
Jim Stanford
Arne Jorgensen
Jonathan Schechter (delivered via email)

Re: Pine Glades Trail Plan (P19-262)
April 6, 2020 Council Agenda

Dear Mayor and Council;

As homeowners in Pine Glades we have closely followed the trail plan that is proposed for our neighborhood and is on your agenda for approval. We participated in the Planning Commission meetings on this application and we wish we could appear at Monday's meeting to speak in our own words, but out of respect for the cautionary procedures you enacted in response to the pandemic, your busy schedule and the gravity of the health and economic crises we are facing, we have formed the following unified statement as neighbors to the trail plan. We ask that you accept these written comments with all of the attention and deliberation you would give if they were verbally presented in person.

1. We support all three parts of the application on the April 6, 2020 agenda including the proposed trails. While we do not think the trail plan is perfect, we agree it is a reasonable compromise and the overwhelming majority of the homeowners support approval of this plan.
2. Much of the public comment from the neighboring Pine Drive residents only tangentially discussed the trail plan. Three residents from Pine Drive have consistently advocated that the general public be granted non-vehicular access on the private roads in Pine Glades. We very much oppose public access on the roads for the following reasons.
3. As Pine Glades homeowners, we have owned and maintained the roads and tunnel throughout our Neighborhood since 2010. In addition to paying the financial costs for this responsibility, we also have legal liability if anyone is injured or killed on these roads or in the tunnel. When approving Pine Glades in 2008, the Town Council deliberately resisted any financial or legal obligation for the construction and maintenance of Pine Glades roads and tunnel, and therefore the roads and tunnel were approved with the ownership and all responsibilities being privately held.
4. The roads and tunnel are not designed for public access. One travel lane of the road passes under building overhangs and immediately in front of our entrance doors and garages to our homes. Walkers, bikers, skateboarders and vehicles pass within a couple of steps of our front doors and there have been several near collisions with bikers, skateboarders and vehicles passing by our front doors and garages. The tunnel is especially dangerous for walkers and bikers and we all are aware of an alarming instance with a biker fell in front of a vehicle going in the opposite direction that was rounding the curve in the tunnel. Thankfully, the driver was traveling slowly, paying attention and was able to stop with the biker laying in front of his wheels.

5. Prior to each of us purchasing our Pine Glades homes we performed due diligence. We reviewed all recorded documents and subdivision plats, documented decisions and approvals by the Town Council and town staff. Each of us received professional title reports. Nothing in this extensive file granted public access on the private Pine Glades roads or described any intention to do so. Any public access on the private roads now would create a material change for every homeowner in Pine Glades.

6. As owners of our homes, and the roads and tunnel via our HOA, we wish to enjoy the quiet rights allowed to all property owners throughout the town. We have a long history of disturbances that seem to gravitate to Pine Glades. The columns under our building overhangs have served as makeshift slalom courses for skateboarders, loud and rowdy walkers have passed under our overhangs (which are below our living rooms and dining rooms) and by our front doors late at night, and the relative remoteness seems to grant permission for dog owners to allow their dogs to roam free and for late night parking for teenagers. There is much more we would say if our community were not coping with a severe health crisis and normal meeting procedures were possible. Nonetheless, we respectfully request that our basic concerns are heard and considered as though we were presenting them in person. Thank you for the ongoing efforts to lead our community during these most difficult times. We are happy to provide additional comments if it becomes necessary.

Respectfully,
Pine Glades Undersigned Homeowners:

Alex Good & Darrylynn Kaun 260 Pine Glades Dr., Jackson, WY
James & Lucy Wong 242 Pine Glades Dr., Jackson, WY
Charles & Tory Nagle 160 Pine Glades Dr., Jackson, WY
Linda Damiano 164 Pine Glades Dr., Jackson, WY
Tony Hartl 262 Pine Glades Dr., Jackson, WY
Susan Oremus 224 Pine Glades Dr., Jackson, WY
Bryan Shannon Mills 220 Pine Glades Dr., Jackson, WY
Doug & Paige Lee Schrier 240 Pine Glades Dr., Jackson, WY
Bill & Stephanie Binch 244 Pine Glades Dr., Jackson, WY
Jeff Hussey 220 Pine Glades Dr., Jackson, WY

Tyler Valentine

From: Lea Colasuonno
Sent: Monday, April 06, 2020 7:49 PM
To: Sandy Birdyshaw; Tyler Valentine; Paul Anthony
Subject: FW: Pine Canyon Concerns

This appears to be public comment and should be in the record, but only came to me.

FYI

L

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 not confidential may be disclosed to third parties.

From: david lloyd <dgllloyd2000@yahoo.com>
Sent: Monday, April 6, 2020 7:44 PM
To: Lea Colasuonno <lcolasuonno@jacksonwy.gov>
Subject: Fwd: Pine Canyon Concerns

Ms. Colasuonno:

We just finished "attending" via Webex the portion of the Town Council meeting regarding Pine Glades Drive. I am resending the email that was sent last summer because I believe the issues are still pertinent and did not get a chance to be heard this evening.

I look forward to having the opportunity to read this into the record either before or during the next Council meeting.

Regards,

David Lloyd
222 Pine Glades Drive

Begin forwarded message:

From: david lloyd <dglloyd2000@yahoo.com>
Subject: Pine Canyon Concerns
Date: June 18, 2019 at 5:51:33 PM MDT
To: colasuonno@jacksonwy.gov

Dear Ms. Colasuonno,

I reside at 222 Pine Glades Drive and am writing to express my concerns regarding the Town of Jackson's position regarding access to our private property at the Pine Canyon development.

My concerns are grouped into three buckets – liability, fairness, and personal responsibility.

First, I am concerned about having unrestricted access to our private property from a liability standpoint. If someone other than a resident or guest is injured on our property because we are forced to provide them access, is the Town going to indemnify us for their injury? If I slip on a street or sidewalk in Town, I don't believe I can hold the Town responsible. However, it is my understanding that this liability could pass through to a private owner (in this case, the Pine Canyon residents) if access is allowed to our private property. I do not think this is fair or reasonable.

Second, to my knowledge no easement has ever been created or recorded to allow public access through our property. Many, if not all, of the owners relied on a title search that showed no such easement. To retroactively change this now without any form of compensation is not fair. I understand that "promises" may have been made by the initial developer, but if these promises were not memorialized or recorded, how were we to know of them when we bought our property? I'm sure other landowners in Town wouldn't want to have an easement retroactively forced upon them.

Finally, my understanding of what the Town has proposed allows people to use our driveway and walkway at their discretion. Our experience while living here is that most people are respectful of that privilege, however there have been several incidents involving people not having their dogs under control on our property that have resulted in injuries or scares to my fellow residents. Additionally, far too many times people using our property as a throughway don't clean up after their dogs and we are left to deal with the aftermath. A Pine Drive resident said at the Committee meeting in April that it was "part of living in Jackson". However, I don't think these residents would appreciate me letting my dog wander freely up their driveway and to their front door to defecate. That is exactly what happens here since the entire road is effectively our driveway. I would encourage you to see this for yourself.

I appreciate your taking the time to consider my position. I would be glad to discuss this further at your convenience.

Sincerely,

David Lloyd
222 Pine Glades Drive

Tyler Valentine

From: Sandy Birdyshaw
Sent: Monday, April 06, 2020 8:16 PM
To: Town Council
Cc: Tyler Valentine; Paul Anthony; Tiffany Stolte
Subject: KJ Morris 04-06 Pine Glades

Hello,

Passing this public comment along for your review.

Thank you,
Sandy Birdyshaw

From: KJ Morris <kj@morrisjh.com>
Sent: Monday, April 6, 2020 7:27 PM
To: Public Comment <publiccomment@jacksonwy.gov>
Subject: 04-06 Pine Glades

Dear Town Council,

KJ Morris
160 Pine Drive

As Bill Collins has said, Dave Taylor made promises, But In truth he made many more that did not come to fruition. anyone tee me er his desire to straighten south Cache and create diagnoses parking and plant trees... he called is SoJo.

But this issue of access thru the Pine Glades site was a crucial component of neighbors relaxing our concerns of the Pine Glades development overall.

Our concerns were greatly tested during horrific construction of basically removing the face of Snow King designed so that Dave Taylor would not have to deal with upper Pine Drive neighbors who had previously held up other developers. Toxic materials left to waste in the site for years. Short term rental folks speeding in and out of the tunnel. It's not been great since tunnel town was built.

I'm sad to hear that folks living in the affordable units are also living with broken promises.

Pine Drive, Wister and other surrounding immediate streets are an established and close knit neighborhood, we know eachother and have regular block parties and holiday gatherings. So don't worry we are all listening Right now and hoping you make a decision that is truly of Jackson and is neighborly. Visit Pine Drive Neighbors on FaceBook if you like.

Thank you for your consideration of the Pine Drive Neighborhood.
KJ

KJ Morris
Shelter Design Studio
307.690.4652

April 6, 2020

Mayor Pete Muldoon
Vice Mayor Hailey Morton Levinson
Jim Stanford
Arne Jorgensen
Jonathan Schechter

Re: Pine Glades Development Plan P19-262
04/06/2020 Regular Council Meeting

Dear Town Council,

My comments are regarding the proposed trail uphill of the cul-de-sac.

See page 32 title block Sheet C1.

The construction of this proposed trail is on a 50% grade.

See Inset for grade "EXISTING 2:1 SLOPE" — a 2:1 is a 50% grade

Statement for the public record:

I am opposed to the proposed trail uphill of the cul-de-sac because it threatens the health, safety and welfare of the community. This trail is unnecessary because there is a public access point 400 yards to the west with better accessibility.

The Town of Jackson has developed standards to protect the health, safety and welfare of the community. The following is the town LDR regarding steep slopes.

Div.5.4. Natural Hazard Protection Standards

The purpose of this Division is to limit development in naturally hazardous areas.

Development in hazardous areas threatens the health, safety and welfare of human inhabitants, steep slopes, poor soils, avalanche chutes, floodplains, dense forest and areas along fault lines offer unique opportunities for interaction with the environment, but when natural events do occur in these areas the results can be disastrous.

5.4.1.A. Slopes in excess of 25%—No physical development shall be permitted on natural slopes in excess of 25%.

The proposed trail uphill of the cul-de-sac is on a slope of 50%.

My question to Town Council is:

If property is damaged or people are injured during construction or use of the trails, who is responsible and liable? Is the Town of Jackson responsible by approving the trails, is the Developer responsible for proposing the trails or are the residents of Pine Glades responsible?

In the interests of public safety please consider deletion of the trail uphill of the cul-de-sac. This trail is redundant and unnecessary because there is an alternative trail access connector 400 yards to the west that is on a 22% slope that provides great accessibility to bicycle and pedestrian traffic.

Thank you for your consideration.

Mark Oblack

Tyler Valentine

From: noreply@civicplus.com
Sent: Friday, April 03, 2020 3:23 PM
To: Town Council
Subject: Online Form Submittal: Email the Town Council

If you are having problems viewing this HTML email, click to view a [Text version](#).

Email the Town Council

Subject: Pine Glades Trail Plan
Email
Content:* April 3, 2020 Mayor Pete Muldoon Vice Mayor Hailey Morton Levinson Jim Stanford Arne Jorgensen Jonathan Schechter (delivered via email) Re: Pine Glades Trail Plan (P19-262) April 6, 2020 Council Agenda Dear Mayor and Council; As homeowners in Pine Glades we have closely followed the trail plan that is proposed for our neighborhood and is on your agenda for approval. We participated in the Planning Commission meetings on this application and we wish we could appear at Monday's meeting to speak in our own words, but out of respect for the cautionary procedures you enacted in response to the pandemic, your busy schedule and the gravity of the health and economic crises we are facing, we have formed the following unified statement as neighbors to the trail plan. We ask that you accept these written comments with all of the attention and deliberation you would give if they were verbally presented in person. 1. We support all three parts of the application on the April 6, 2020 agenda including the proposed trails. While we do not think the trail plan is perfect, we agree it is a reasonable compromise and the overwhelming majority of the homeowners support approval of this plan. 2. Much of the public comment from the neighboring Pine Drive residents only tangentially discussed the trail plan. Three residents from Pine Drive have consistently advocated that the general public be granted non-vehicular access on the private roads in Pine Glades. We very much oppose public access on the roads for the following reasons. 3. As Pine Glades homeowners, we have owned and maintained the roads and tunnel throughout our Neighborhood since 2010. In addition to paying the financial costs for this responsibility, we also have legal liability if anyone is injured or killed on these roads or in the tunnel. When approving Pine Glades in 2008, the Town Council deliberately resisted any financial or legal obligation for the construction and maintenance of Pine Glades roads and tunnel, and therefore the roads and tunnel were approved with the ownership and all responsibilities being privately held. 4. The roads and tunnel are not designed for public access. One travel lane of the road passes under building overhangs and immediately in front of our entrance doors and garages to our homes. Walkers, bikers, skateboarders and vehicles pass within a couple of steps of our front doors and there have been several near collisions with bikers, skateboarders and vehicles passing by our front doors and garages. The tunnel is especially dangerous for walkers and bikers and we all are aware of an alarming instance with a biker fell in front of a vehicle going in the opposite direction that was rounding the curve in the tunnel. Thankfully, the driver was traveling slowly, paying attention and was able to stop with the biker laying in front of his wheels. 5. Prior to each of us purchasing our Pine Glades homes, we performed due diligence. We reviewed all recorded documents and subdivision plats, documented decisions and approvals by the Town Council and town staff. Each of us received professional title reports. Nothing in this extensive file granted public access on the private Pine Glades roads or described any intention to do so. Any public access on the private roads now would create a material change for every homeowner in Pine Glades. 6. As owners of our homes, and the roads and tunnel via our HOA, we wish to enjoy the quiet rights allowed to all property owners throughout the town. We have a long history of disturbances that seem to gravitate to Pine Glades. The columns under our building overhangs have served as makeshift slalom courses for skateboarders, loud and rowdy walkers have passed under our overhangs (which are below our living rooms and dining rooms) and by our front doors late at night, and the relative remoteness seems to grant permission for dog owners to allow their dogs to roam free and for late night parking for teenagers. There is much more we would say if our community were not coping with a severe health crisis and normal meeting procedures were possible. Nonetheless, we respectfully request that our basic concerns are heard and considered as though we were presenting them in person. Thank you for the ongoing efforts to lead our community during these most difficult times. We are happy to provide additional comments if it becomes necessary. Respectfully, Pine Glades Undersigned
Homeowners: Alex Good & Darrylynn Kaun 260 Pine Glades Dr., Jackson, WY James & Lucy Wong 242

Pine Glades Dr., Jackson, WY Charles & Tory Nagle 160 Pine Glades Dr., Jackson, WY Linda Damiano
164 Pine Glades Dr., Jackson, WY Tony Hartl 262 Pine Glades Dr., Jackson, WY Susan Oremus 224 Pine
Glades Dr., Jackson, WY Bryan Shannon Mills 220 Pine Glades Dr., Jackson, WY Doug & Paige Lee
Schrier 240 Pine Glades Dr., Jackson, WY Bill & Stephanie Binch 244 Pine Glades Dr., Jackson, WY Jeff
Hussey 220 Pine Glades Dr., Jackson, WY
James Wong, Jr.

Your
Name: *
Your
Company
Name:
Your Phone 908-295-2759
Number:
Your Email jamesj242003@gmail.com
Address: *
Your City: Jackson
Your State: WY
Your Zip 83001
Code:

* indicates required fields.

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The following form was submitted via your website: Email the Town Council

Subject:: Pine Glades Trail Plan

Email Content:: April 3, 2020
Mayor Pete Muldoon
Vice Mayor Hailey Morton Levinson
Jim Stanford
Arne Jorgensen
Jonathan Schechter (delivered via email)

Re: Pine Glades Trail Plan (P19-262)
April 6, 2020 Council Agenda

Dear Mayor and Council;

As homeowners in Pine Glades we have closely followed the trail plan that is proposed for our neighborhood and is on your agenda for approval. We participated in the Planning Commission meetings on this application and we wish we could appear at Monday's meeting to speak in our own words, but out of respect for the cautionary procedures you enacted in response to the pandemic, your busy schedule and the gravity of the health and economic crises we are facing, we have formed the following unified statement as neighbors to the trail plan. We ask that you accept these written comments with all of the attention and deliberation you would give if they were verbally presented in person.

1. We support all three parts of the application on the April 6, 2020 agenda including the proposed trails. While we do not think the trail plan is perfect, we agree it is a reasonable compromise and the overwhelming majority of the homeowners support approval of this plan.

April 9, 2020

Mayor Pete Muldoon
Vice Mayor Hailey Morton Levinson
Jim Stanford
Arne Jorgensen
Jonathan Schechter (delivered via email)

Re: Pine Glades Trail Plan (P19-262) - April 20, 2020 Council Meeting

Dear Mayor and Council Members,

Having resided in the Pine Glades Development since 2010 and being full time residents, my wife and I have certainly witnessed a lot of construction over the years in our development.

I am aware of complaints made by several Pine Drive residents regarding access to private property occupied by the Pine Glades Development. This private property designation has stood over 13+ years with over 25+ real estate transactions within Pine Glades supporting this theme and all recorded documents in both the Town and County.

My specific concerns relate to 1) trespassing by non-residents 2) unleashed dogs defecating on Pine Glades property (and buildings) without any clean-up at all 3) bicycle and skate board traffic from non-residents 4) skiers and snow borders on our road after falling/climbing off our retaining walls and 5) vehicles driving at higher than acceptable speeds.

I continue to witness trespassers daily (day & night), and pet owners from Pine Drive allowing their dogs to roam freely and defecating on Pine Glades Drive and our home structures, without any cleanup. I have had to cleanup multiple times right in front of my unit and wash down dog urine on our building columns because of the stench. Because many homes in the Pine Glades development literally **do not have any buffer zones at all** between their front doors/garage and the road under their canopy, teen cyclists from Pine Drive weave in and out between the main and canopy roadways (where our living and dining rooms reside immediately above) like an obstacle course, that have resulted in several near miss collisions, even with me personally and my car as I was exiting my front door or garage. Over the years, I have also witnessed many vehicles driving at much higher than safe speeds by external visitors and almost colliding with me as I was pulling out my garage or walking out my front door. This is extremely dangerous because we have **no buffer zone** between our garage/front door and the road. All nine (9) affordable homes within Pine Glades each have buffer zones ranging from 25' – 30' to the road; we have "0". Our neighbors on Pine Drive have 100' - 150' buffer zones between their homes and the road.

Before purchasing our Pine Glades home in 2010, we were informed that two hiking trails would be installed by the Pine Glades Development as an off set for having developed the Pine Glades footprint. The hiking trails were to be installed as thoroughfares to enable any and all Pine Drive residents (or the public) to continue hiking the Snow King area uninterrupted.

Although imperfect, since the proposed trail system will come closer to my home, I am nevertheless in full support of replacing hiking trails that were lost as a result of constructing the Pine Glades Development and allow public access onto these replacement trails. Eight homes (**2 affordable and 6 market rate**) will be negatively impacted, while 15 homes (**7 affordable and 8 market rate**) will either benefit or not be impacted by the proposed trail system. I should point out that the former (and

proposed) hiking trails did not have lighting, were not paved, nor were they plowed of snow during the winter season. Thus, public traffic simply did not exist in the evening, nor the winter season with deep snow conditions. Ever since Pine Glades Drive has been constructed, Pine Drive Residents and the general public now walk along Pine Glades Drive any time of day or night, during any time of year since **our private road is fully manicured year round and has walkway lighting from dusk to dawn.** The truth is that some Pine Drive Residents want to use Pine Glades Drive instead of any new hiking trails because it is extremely convenient and nice to do so as a result of all the upgrades and improvements. **In summary, the Pine Drive neighbors are asking that we maintain our road, so that they can enjoy all the benefits of our upkeep that we're paying for entirely.** Please be aware that all Pine Glades Residents must pay a huge monthly HOA fee (on top of real taxes) for this ongoing upkeep (snow plowing, lighting, cleaning and asphalt repairs) of our private mountain road and tunnel.

Having proposed hiking trails should not entitle Pine Drive Residents to also trespass through Pine Glades Drive, which is private property. As a Pine Glades resident, I'd prefer no trespassers on my property anymore than Pine Drive Residents **would like me trespassing onto their private properties.** If Pine Drive Residents or the public are granted access to roam freely through the Pine Glades Development (which they already do frequently without permission), does that mean the Town of Jackson will also be assuming all future liability obligations for any and all injuries and/or deaths sustained by individuals trespassing on the Pine Glades Development?

If Pine Glades Drive is indeed forced to become a public thoroughfare, I trust that the Town of Jackson will execute its rights under eminent domain, compensate all the homeowners and developer, and then assume all the obligations for snow removal, street cleaning and road repairs, which I and all Pine Glades Residents alone must pay dearly each month for its upkeep. Some Pine Drive Residents believe they are entitled to continue hiking Pine Glades Drive simply because they did it for years prior to our development being constructed. In truth, however, I hope the Town of Jackson upholds the **"rule of law"** associated with "Private Property", but not enforce it arbitrarily and capriciously because several complaints have surfaced. Indeed, if Private Property Owners are not afforded any protections, I should have the right to indiscriminately trespass on anyone's private property (including yours) during anytime of day or night to hike, bike, skate board, snow board, drive and/or have my dog defecate on their actual homes without consequences, simply because I am displeased with the private property owner's land blocking my direct access to a wilderness area beyond.

I would respectfully implore the Jackson Town Council to seriously review the lengthy written public record (**especially Jeff Hussey's Feb. 21, 2020 letter to you on the Pine Glades privacy issue. J. Hussey was the original principal Investor/Developer whom Dave Taylor reported to**), evaluate the Pine Glades infrastructure specifically relating to our canopy road to many homes without any buffer zones at all and our open space limitations before rendering a final decision on public access.

Thank you most kindly for your consideration.

Respectfully,
James and Lucy Wong
242 Pine Glades Dr., #11747
Jackson, WY 83002-1747
Phone: 307-201-1369

Tyler Valentine

From: J Hussey <jshussey@gmail.com>
Sent: Sunday, April 12, 2020 9:26 PM
To: Charles Nagle
Cc: Jennifer Walker; j.tozzi@yahoo.com; Mark Barron; Dave Meyers; collinsplanning@bresnan.net; enash@lrw-law.com; Town Council; Tyler Valentine; Lea Colasuonno; Sandy Birdyshaw; Paul Anthony; patrick_mcgaugh@yahoo.com; mboyce86@hotmail.com; kobbib@gmail.com; pastrychefortega@hotmail.com; artypolo@gmail.com; stephjohnson73@yahoo.com; tetontodd@hotmail.com; tiffstolte@gmail.com; scott@stillwaterarch.com; jhzabriskie@gmail.com; jlbragg82@yahoo.com; jabragg360@yahoo.com; rajat1212@hotmail.com; Linda Damiano; bryan.miles@belaysolutions.com; j9mllloyd@yahoo.com; susoremus@yahoo.com; billbinch@yahoo.com; alexander_good@yahoo.com; darrylynkaun@gmail.com; tony@tonyhartl.com; mark@markandmariel.com; mariel@markandmariel.com
Subject: Re: 04-20 Item P19-262 / ongoing controversy surrounding Pine Glades Drive

As the principal investor from inception and ultimately the primary developer of the Pine Glades Development, I'm compelled to remind this distribution that 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. Pine Glades is PRIVATE PROPERTY.

Jeff Hussey

On Apr 12, 2020, at 8:06 PM, Charles Nagle <charles@charlesnagle.com> wrote:

The ongoing controversy regarding Pine Glades Drive seems to be ignoring the bottom line: The Fiscal and Social Responsibility of Each and Every member of the Pine Glades/ Pine Canyon Home Owners Association.

We are currently insured with the acknowledgment that Pine Glades Drive is Private Property and only for the use of Residents and their guests. The narrow, non-conforming Pine

Glades Drive and tunnel are not owned, maintained nor insured for liability by the town of Jackson. They are both owned and insured by our HOA.

If Pine Glades Drive is open to the public, our insurance company will not continue to insure us at the present rate. We will be forced to reinsure at a cost that will be significantly higher than the cost of our current insurance.

This substantially increased cost will be exacted upon every resident. The affordable units will be fully responsible as well. (There is no exemption in the CCR'S for the affordable units related to Insurance premiums covering liability on the road, in the tunnel or anywhere else on the property).

Just one severe injury or death of a thoughtless teenager on a skateboard in the tunnel, a child running after a ball or a speeding driver hitting an innocent "guest" would result in an enormous cash judgement against the HOA. There would be hefty legal fees as well. The repercussions to all of us would be dramatic to say the least. In some cases, it could even bankrupt homeowners within our community. This is not idle speculation. This is fact.

The residents of Pine Drive live on a Town Road with the setback and driveway variances found in most residential neighborhoods. Liability on this road is limited to the personal responsibility of the licensed drivers and pedestrians using the road. The homeowners on Pine Drive bear no liability for accidents occurring on that road.

The harsh reality is that Pine Glades Drive is on private property (and the road was designed with that in mind). As such, each resident of this development carries a liability for any accident on that private way whether it is their fault or not.

The residents of Pine Drive are our neighbors and to that extent when they demanded that the Town of Jackson direct our HOA to install a Gate to minimize traffic on their Public road we did.

It is unfortunate that, once that gate was installed, many of them started referring to us as Elitists and a “Gated Community “.

To now demand access to a Private road that they wanted gated off seems unreasonable and ironic.

I think that we would all like to live in a safer, more congenial world. I also believe that our collective community conscience requires that we act with care and try to avoid tragedy.

We often see signs around Jackson and other communities that say “No Skateboarding” or “No Bike Riding”.

We accept these as reasonable safety precautions, not exclusionary blockades.

And a Private Property/ No Trespassing sign means just that.

This property is privately owned by all of us in the Home Owners Association.

It is time we were reasonable within our own Community.

Opening Pine Glades Drive to the public will bring overwhelming financial increases to our HOA community and someone will get hurt. We don't have to let that happen.

We are in fact trying to protect not only the residents of our Association, but also community members from an accident that will inevitably occur.

If this current Global pandemic has taught us anything, it's that Disaster happens. We cannot avert it, but we must be responsible for putting whatever protections we can in place.

For the health and safety of all concerned-

Please keep Pine Glades Drive Private

Respectfully ~

Chip & Tory Nagle #160 Pine Glades Drive

Tyler Valentine

From: noreply@civicplus.com
Sent: Friday, April 10, 2020 4:34 PM
To: Tyler Valentine
Subject: Online Form Submittal: Email Tyler Valentine

If you are having problems viewing this HTML email, click to view a [Text version](#).

Email Tyler Valentine

Email Content:* Comment on Pine Canyon amendment: I support Pine Drive neighbors and residents, including Jim Woodmencey, in their request that the town honor its original non-motorized access agreements across this development. The development was allowed to be constructed only with those non-motorized access agreements in place. Ergo, any alteration should require a reconsideration of the entire development, starting with the variance to allow geologic investigation of the property in the first instance. Also, I believe there is an access easement extending from the east end of Spruce Drive to Town of Jackson property on Snow King Mountain. This easement was agreed to by developers and established in conjunction with pathways groups, agencies and organizations, but does not appear on GIS maps. This Spruce-Snow King connection and easement is historic, vital to the neighborhood and should be documented, mapped, and filed for the public.

Your Name:* Angus Thuermer
Your Company Name:
Your Phone Number: 3076905586
Your Email Address: angus@wyoming.com
Your City: Jackson
Your State: WY
Your Zip Code: 83001

* indicates required fields.

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The following form was submitted via your website: Email Tyler Valentine

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Your Name:: Angus Thuermer

Your Company Name::

Your Phone Number:: 3076905586

Your Email Address:: angus@wyoming.com

Your City:: Jackson

Your State:: WY

Your Zip Code:: 83001

Additional Information:

Form submitted on: 4/10/2020 4:33:36 PM

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Form Address: <http://www.jacksonwy.gov/Forms.aspx?FID=186>

Tyler Valentine

From: Linda Damiano <elleddee1011@gmail.com>
Sent: Monday, April 13, 2020 12:41 PM
To: Tyler Valentine; Sandy Birdyshaw; Lea Colasuonno
Subject: Pine Glades Trail Plan (P-19-262)

Dear Mayor and Council,

I sincerely hope this finds you very well in this challenging time for our country and the world.

With regards to the Pine Glades Trail Plan, I fully endorse the recent letters to you from Pine Glades residents: James & Lucy Wong, Chip & Tory Nagle, and Jeff Hussey.

I will add, I find it absolutely curious that the Pine Drive residents are challenging the private road status for their desire to use Pine Glades Drive as a SHORTCUT to and from their destination of SPORT and EXERCISE on Snow King. It's perplexing.

This business of many of these same residents walking their dogs often unleashed and very often not cleaning up is unsavory. They seem to have no qualms about their animals urinating and defecating up and down Pine Glades Drive on and around our structures and homes. It's simply rude and to say the least, quite un-neighborly.

However, the subject of safety on our uniquely designed drive trumps all of the other issues.

The access of bikes, cars, pedestrians to our front doors is a mere six inches. The issue of liability is of paramount importance, as aptly described in Chip and Tory Nagle's letter.

I often look at the old pictures on the town square of the few buildings that existed in Jackson and am amazed at the town's growth. There was so much open land around those buildings where people probably could roam. As the city develops, that roaming ability gets rerouted...I see this situation on Pine Glades Drive as no different.

Acceptance to change can be a challenge, but it is required. Our city, as in all of our society, has rules and laws that are to be respected and adhered to for the benefit of all.

Respectfully,

Linda Damiano
164 Pine Glades Drive



TOWN OF JACKSON

AGENDA DOCUMENTATION

SUBMITTING DEPARTMENT:

PRESENTER: Larry Pardee

WORKSHOP DATE: April 20, 2020

SUBJECT: Resolution 20-06 - Budget Amendment #3

PURPOSE OF ITEM

The purpose of this item is to update the Council on budget strategies currently being implemented to reduce expenditures to end FY20 and also strategies being implemented and others being considered for FY21 as well as to receive approval for the third budget amendment resolution for the FY20 budget. The Town Council approves any budget amendment resolutions.

BACKGROUND/ALTERNATIVES

Due to the unprecedented reduction in revenue that is expected for May and June of 2020 due to COVID-19, staff has been working tirelessly to examine the remaining expenses expected for FY20 and to reduce those expenditures such that FY20 ends with a balanced budget with no fund balance expended. Because we are again expecting unprecedented reductions in revenue for the beginning of FY21, staff's goal is to ensure that the fund balance remains intact to begin FY21.

Actions *taken* for remainder of FY20 include:

- All vacant positions being frozen with the exception of sworn law enforcement.
- All non-pledged expenditures being frozen or significantly reduced save those that address continuity of government, necessary maintenance of fixed assets, and construction projects currently underway.
- Service reductions and reductions in seasonal staff related to START Bus.
- Reassignment of duties of specific START Bus employees to cover only necessary time and tasks related to supervision, driving, bus cleanliness, and support duties resulting in further reductions in seasonal staff.
- Temporary reduction of PTO buyback from 40 hours to 24 hours.
- Postponement of applicable capital projects.
- Postponement of information technology hardware and software upgrades save those related to continuity of government, telework, and financial controls.
- Postponement of vehicle acquisitions.
- Call for voluntary reduction in hours for non-exempt employees.

Actions currently being *considered* by Town Manager for remainder of FY20 include:

- Early retirement incentives and inducements to leave the organization for those not eligible for retirement.
- Furloughs (temporary unpaid reduction in hours or elimination of hours) in Departments and positions with less service demand.
- Layoffs (reduction in hours or elimination of hours) in Departments and positions with less service demand.

Actions *taken* for FY21 include:

- Operational line item budget reductions of 20% - 30%+ in each line budget.
- Vacancies frozen and no new positions authorized. Any vacancies occurring as a result of early retirement incentives or inducements to leave will be evaluated for replacement or freeze.
- Wages frozen save those instituted for advancement program and retention strategies for critical service providers

- Temporary reduction of PTO buyback from 40 hours to 24 hours.
- Postponement of applicable capital projects.
- Postponement of information technology hardware and software upgrades save those related to continuity of government, telework, and financial controls.
- START Service level freezes or further reductions in service level and staffing for duration of pandemic closures and distancing.

Actions currently being *considered* by Town Manager for FY21 include:

- Program elimination for non-core services as determined by the Town Manager or by the Town Council through priority budgeting process.
- Furloughs (temporary unpaid reduction in hours or elimination of hours).
- Layoffs (reduction in hours or elimination of hours).
- Any and all additional strategies under consideration.

COMPREHENSIVE PLAN ALIGNMENT

Sound financial budgeting serves to directly align with the Comprehensive Plan related to maintaining current, coordinated service delivery.

STAKEHOLDER ANALYSIS

Stakeholders include the Town of Jackson organization and its employees, the community that we serve, the State of Wyoming as it relates to taxes generated, and guests to the Jackson Hole community.

FISCAL IMPACT

The fiscal impact of the discussed action items will need to be determined with each action taken. The reductions in FY20 amount to approximately \$2.8M through a combination of reduced expenditures and interfund transfers. A 20% reduction in the general fund operational FY21 budget as compared to the FY20 budget amounts to approximately \$3.7M. A 30% reduction in the general fund operational FY21 budget amounts to approximately \$5.6M.

STAFF IMPACT

The staff impact of service reductions and elimination of seasonal driver hours in START are currently being felt. Voluntary early retirement incentives and voluntary inducements to leave may have a positive impact on remaining staff able to retain their jobs and salaries. Further involuntary furloughs or layoffs will have a negative staff impact and further affect morale.

LEGAL ISSUES

Ongoing.

ATTACHMENTS

Exhibit showing revenue and expenditure changes, Resolution 20-06

RECOMMENDATION

Staff recommends Council adopt Resolution 20-06 as presented.

SUGGESTED MOTION

I move to adopt Resolution 20-06 as presented.

Exhibit A -Schedule of Increases\Decreases

General Fund Expenditures and Other Uses		
Mayor & Town Council		
Professional Services	(15,000)	COVID-19 Reductions
Training, Travel, & Meetings	(50,000)	COVID-19 Reductions
Town Attorney		
Salaries & Benefits	(67,694)	Salary Savings; COVID-19 Reductions
Dues & Subscriptions	(500)	COVID-19 Reductions
Training, Travel, & Meetings	(5,000)	COVID-19 Reductions
Municipal Judge		
Salaries & Benefits	(522)	COVID-19 Reductions
Administration		
Salaries & Benefits	(8,165)	Salary Savings; COVID-19 Reductions
Professional Services	(50,000)	COVID-19 Reductions
Training, Travel, & Meetings	(9,000)	COVID-19 Reductions
Contingency	(4,500)	COVID-19 Reductions
General/Office Supplies	(7,000)	COVID-19 Reductions
Dues & Subscriptions	(500)	COVID-19 Reductions
Town Clerk & Personnel		
Salaries & Benefits	(14,966)	Salary Savings; COVID-19 Reductions
General/Office Supplies	(5,000)	COVID-19 Reductions
Small Tools & Equipment <\$10K	(5,000)	COVID-19 Reductions
Training, Travel, & Meetings	(4,000)	COVID-19 Reductions
Employee Recruitment	(3,000)	COVID-19 Reductions
Employee Recognition Program	(5,000)	COVID-19 Reductions
IT Services	(3,413)	COVID-19 Reductions
Finance		
Auditing Services	7,000	Exceeded Budget
Salaries & Benefits	(1,176)	COVID-19 Reductions
Training, Travel, & Meetings	(2,250)	COVID-19 Reductions
Information Technology		
Salaries & Benefits	(1,643)	COVID-19 Reductions
IT Services	(2,441)	COVID-19 Reductions
Planning		
Professional Services	126,090	Various Contracts Previously Approved by Council
Salaries & Benefits	(1,526)	COVID-19 Reductions
General/Office Supplies	(2,000)	COVID-19 Reductions
Printing & Publication	(5,000)	COVID-19 Reductions
Dues & Subscriptions	(1,000)	COVID-19 Reductions
Training, Travel, & Meetings	(2,600)	COVID-19 Reductions
Training, Travel, & Mtgs - PB	(3,000)	COVID-19 Reductions
Public Workshops	(3,000)	COVID-19 Reductions
Town Facilities		
Town Hall	(30,293)	COVID-19 Reductions
PW Yard	(19,148)	COVID-19 Reductions
Parking Garage	(6,640)	COVID-19 Reductions
Snow King Sports & Events Center	(41,917)	COVID-19 Reductions
Public Amenities	(27,927)	COVID-19 Reductions
Police - Administration		
Training & Meetings	9,000	Leadership Training
Salaries & Benefits	(3,221)	COVID-19 Reductions
Training Supplies	(250)	COVID-19 Reductions
Uniforms	(500)	COVID-19 Reductions
Professional Services	(700)	COVID-19 Reductions
Vehicle Towing	(400)	COVID-19 Reductions
Training & Meetings	(8,744)	COVID-19 Reductions
Travel	(2,086)	COVID-19 Reductions
Employee Overnight Lodging	(500)	COVID-19 Reductions

Police - Investigations

Salaries & Benefits	(11,428)	COVID-19 Reductions
Petroleum Products	(400)	COVID-19 Reductions
Training & Meetings	(1,600)	COVID-19 Reductions
Travel	(1,200)	COVID-19 Reductions

Police - Patrol

Salaries & Benefits	(5,854)	COVID-19 Reductions
Petroleum Products	(3,000)	COVID-19 Reductions
Uniform Cleaning	(1,000)	COVID-19 Reductions
Travel	(2,000)	COVID-19 Reductions
Range Training	(2,000)	COVID-19 Reductions

Police - Community Service

Salaries & Benefits	(3,489)	COVID-19 Reductions
Professional Services	(5,000)	COVID-19 Reductions
Petroleum Products	(1,000)	COVID-19 Reductions
Training & Meetings	(855)	COVID-19 Reductions

Police - Special Operations

Training & Meetings	(2,750)	COVID-19 Reductions
Travel	(3,000)	COVID-19 Reductions

Victim Services

Salaries & Benefits	(569)	COVID-19 Reductions
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Animal Shelter/Control

Salaries & Benefits	(374)	COVID-19 Reductions
Utilities	(1,000)	COVID-19 Reductions
Medical & Legal Services	(4,100)	COVID-19 Reductions
Repair & Maint - Buildings	(2,000)	COVID-19 Reductions

Building Inspections

Salaries & Benefits	(781)	COVID-19 Reductions
Dues & Subscriptions	(750)	COVID-19 Reductions
Professional Services	(2,000)	COVID-19 Reductions
Training, Travel, & Meetings	(2,000)	COVID-19 Reductions
Books & Publications	(5,000)	COVID-19 Reductions

Public Works Administration

Salaries & Benefits	(19,488)	Salary Savings; COVID-19 Reductions
IT Services	(190)	COVID-19 Reductions

Streets

Salaries & Benefits	(51,938)	COVID-19 Reductions
Street Operating Supplies	(5,000)	COVID-19 Reductions
Small Tools & Equipment <\$10K	(3,850)	COVID-19 Reductions
Petroleum Products	(5,885)	COVID-19 Reductions
R & M - Snow Clearing	(8,500)	COVID-19 Reductions
R & M - Street Lights	(13,000)	COVID-19 Reductions
R & M - Boardwalks	(5,000)	COVID-19 Reductions
R & M - Alleys	(3,200)	COVID-19 Reductions
R & M - Storm Drainage	(18,997)	COVID-19 Reductions
R & M - Ice/Flood Control	(15,000)	COVID-19 Reductions
R & M - Signs	(28,000)	COVID-19 Reductions
R & M - Paint Projects	(46,896)	COVID-19 Reductions
R & M - Sidewalks/Crosswalks	(1,300)	COVID-19 Reductions
R & M - Parking Lot Maintenanc	(28,500)	COVID-19 Reductions
R & M - Antler Arch	(300)	COVID-19 Reductions
R & M - Tree Removal & Replace	(3,700)	COVID-19 Reductions
Uniform Cleaning	(2,965)	COVID-19 Reductions
Dump Fees	(9,816)	COVID-19 Reductions
Training, Travel, & Meetings	(9,202)	COVID-19 Reductions

Engineering

Salaries & Benefits	(112,857)	Salary Savings; Frozen Senior Engineer FTE; Covid-19 Reductions
General/Office Supplies	(2,950)	COVID-19 Reductions
Small Tools & Equipment <\$10K	(500)	COVID-19 Reductions
Repair & Maint - Shop Parts	(1,271)	COVID-19 Reductions
Repair & Maint - Shop Labor	(850)	COVID-19 Reductions
Petroleum Products	(769)	COVID-19 Reductions
Repair & Maint - Office	(500)	COVID-19 Reductions
Training, Travel, & Meetings	(3,900)	COVID-19 Reductions
IT Services	(24,168)	COVID-19 Reductions

Yard Operations

OSHA Safety Supplies	(550)	COVID-19 Reductions
Uniforms	(1,000)	COVID-19 Reductions
Training, Travel, & Meetings	(3,340)	COVID-19 Reductions
Equipment Rental	(500)	COVID-19 Reductions

Community Initiatives

Local Promotion	(15,500)	COVID-19 Reductions
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Cemetery

Professional Services	(1,800)	COVID-19 Reductions
Dust Abatement/Road Maint	(1,000)	COVID-19 Reductions
Weed Control	(650)	State now covers expenditure

Town-Wide Services

Internships	(14,621)	COVID-19 Reductions
Training, Travel, & Meetings	(20,000)	COVID-19 Reductions
Retreat/In-Service	(3,000)	COVID-19 Reductions

Transfers Out

Transfer to Capital Projects	(890,250)	COVID-19 Reductions
Transfer to Parking	(50,000)	COVID-19 Reductions
Transfer to Start Bus System	(38,022)	COVID-19 Reductions

Total General Fund**(1,816,007)****Special Revenue Fund Expenditures and Other Uses****Employee Housing Fund**

R&M - 410 Scott Lane	(12,100)	COVID-19 Reductions
Parks Maintenance Housing	(48,770)	COVID-19 Reductions
Workforce Camping	(2,500)	COVID-19 Reductions
Energy & Other Improvements	(2,000)	COVID-19 Reductions
Subdivision Expenses	(15,000)	COVID-19 Reductions
Transfer to General Fund	112,026	COVID-19 Reductions

Parking Exactions Fund

Transfer from General	50,000	COVID-19 Reductions
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Animal Care Fund

Transfer to General Fund	66,000	COVID-19 Reductions
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START Administration

Salaries & Benefits	(905)	COVID-19 Reductions
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START Operations

Salaries & Benefits	(127,154)	COVID-19 Reductions
Repair & Maint - Vehicles	(9,000)	COVID-19 Reductions
Petroleum Products	(69,848)	COVID-19 Reductions

Lodging Tax Fund

Transfer to Start Bus System	(94,000)	COVID-19 Reductions
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Total Special Revenue Fund**(153,251)**

Capital Project Fund Expenditures and Other Uses**Capital Projects Fund**

Nexus Study	(125,000)	COVID-19 Reductions
Public Arts Program Projects	(43,000)	COVID-19 Reductions
155 Pearl Street Acquisition	(151,366)	COVID-19 Reductions
Mobile Radios - PD	(612)	COVID-19 Reductions
TC Fire/EMS Capital	(185,000)	COVID-19 Reductions
Tire Barn	(1,157)	COVID-19 Reductions
Benches	(4,650)	COVID-19 Reductions
PW Yard - South Fence Replace	(39,200)	COVID-19 Reductions
Stormwater Improvements	(110,000)	COVID-19 Reductions
Bike Racks	(838)	COVID-19 Reductions
TOJ Bicycle Network Improvemen	(10,000)	COVID-19 Reductions
USFWS Connector & North Cache	(25,000)	COVID-19 Reductions
Town Mobility Overlay	(75,000)	COVID-19 Reductions
Karns TAP-Internal Pathway	(60,000)	COVID-19 Reductions
Data Collection Devices	(16,500)	COVID-19 Reductions
Garaman Flood Mitigation	(25,000)	COVID-19 Reductions
Pathway Bench	(10,000)	COVID-19 Reductions
Pathways Annual Cap. Repairs	(7,927)	COVID-19 Reductions
Cache Creek Tube - Phase I	288,002	FY2019 Capital Project Budget Rollover; reallocate funds from Pow
Stormwater - Powderhorn Lane	(67,700)	Reallocate Funds to Cache Creek Tube Project
Core Maintenance Facility	525,000	Approved at 3/2/2020 Council meeting
N Cache Streetscape Phase II	(525,000)	Reallocate funds to Core Maintenance Facility Design

2017 SPET Fund

Hansen Sidewalk	280,000	Approved at 3/2/2020 Council meeting
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Total Capital Projects Fund**(389,948)****Water Fund Expenditures and Other Uses****Maintenance & Operations**

Salaries & Benefits	(10,218)	Salary Savings; COVID-19 Reductions
Small Tools & Equipment <\$10K	(2,800)	COVID-19 Reductions
Postage	(500)	COVID-19 Reductions
Radio Services	(6,000)	COVID-19 Reductions
Printing & Publication	(1,000)	COVID-19 Reductions
Petroleum Products	(1,000)	COVID-19 Reductions
Repair & Maint - Dist Syst	(27,231)	COVID-19 Reductions
Repair & Maint - Fire Hydrants	(8,500)	COVID-19 Reductions
Training, Travel, & Meetings	(4,000)	COVID-19 Reductions
Equipment Rental	(500)	COVID-19 Reductions

Wells

Small Tools & Equipment <\$10K	(700)	COVID-19 Reductions
Water/Sewer Supplies	(21,100)	COVID-19 Reductions
Repair & Maint - Buildings	(53,500)	COVID-19 Reductions

Billing & Accounting

Salaries & Benefits	(166)	COVID-19 Reductions
General/Office Supplies	(650)	COVID-19 Reductions
Uniforms	(250)	COVID-19 Reductions
Training, Travel, & Meetings	(3,000)	COVID-19 Reductions

Capital Outlay

Center Street 790'-LF	100,000	Approved at 2/18/2020 Council meeting
Upper Snow King Estates	(100,000)	Approved at 2/18/2020 Council meeting
Rebuild Well #7	100,000	Well Crashed

Total Water Fund**(41,115)**

Sewer Fund Expenditures and Other Uses**Plant Operations**

Salaries & Benefits	(12,791)	Salary Savings; COVID-19 Reductions
Uniforms	(200)	COVID-19 Reductions
Small Tools & Equipment <\$10K	(900)	COVID-19 Reductions
Water/Sewer Supplies	(5,600)	COVID-19 Reductions
Utilities	(18,000)	COVID-19 Reductions
Repair & Maint - Shop Parts	(3,400)	COVID-19 Reductions
Repair & Maint - Shop Labor	(1,150)	COVID-19 Reductions
Repair & Maint - Machinery	(6,500)	COVID-19 Reductions
Repair & Maint - Office	(400)	COVID-19 Reductions
Repair & Maint - Buildings	(3,100)	COVID-19 Reductions
Training, Travel, & Meetings	(5,900)	COVID-19 Reductions
Equipment Rental	(500)	COVID-19 Reductions

Maintenance & Operations

Salaries & Benefits	(11,245)	COVID-19 Reductions
Uniforms	(250)	COVID-19 Reductions
Small Tools & Equipment <\$10K	(1,000)	COVID-19 Reductions
Water/Sewer Supplies	(4,600)	COVID-19 Reductions
Sewer Saddles	(2,000)	COVID-19 Reductions
Repair & Maint - Machinery	(1,000)	COVID-19 Reductions
Petroleum Products	(2,931)	COVID-19 Reductions
Training, Travel, & Meetings	(2,192)	COVID-19 Reductions
Equipment Rental	(500)	COVID-19 Reductions
IT Services	(1,633)	COVID-19 Reductions

Billing & Accounting

Salaries & Benefits	(166)	COVID-19 Reductions
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Capital Outlay

Cache Creek Phase 2C	150,000	Approved at 2/18/2020 Council meeting
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Total Sewage Fund64,042**Internal Service Fund Expenditures and Other Uses****Employee Insurance Fund**

Transfer to General Fund	450,000	COVID-19 Reductions
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IT Service Fund

Communications Maintenance	(16)	COVID-19 Reductions
Contract Maintenance	(32)	COVID-19 Reductions
Small Tools & Equipment <\$10K	(26,960)	COVID-19 Reductions

Fleet Management Fund

Salaries & Benefits	(1,399)	COVID-19 Reductions
Repair & Maint - Fuel Depot	(3,000)	COVID-19 Reductions
Training, Travel, & Meetings	(6,500)	COVID-19 Reductions

Central Equipment Fund

Transfer to General Fund	200,000	COVID-19 Reductions
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Total Internal Service Fund612,093**Total Expenditures and Other Uses**(1,724,186)

General Fund Revenues and Other Sources

County Reimb- Planning	41,267	Offsetting Revenue: Various Contracts Previously Approved by Cot
Police Ser-Special Event/Other	9,000	Community Foundation Grant: Leadership Training
Sales Tax	(2,600,000)	COVID-19 Reductions
Lodging Tax	(58,000)	COVID-19 Reductions
County Reimb - Shelter	(36,300)	COVID-19 Reductions
Transfer In - Central Equipment	200,000	COVID-19 Reductions
Transfer In Employee Insurance	450,000	COVID-19 Reductions
Transfer In - SRF Animal Care	66,000	COVID-19 Reductions
Transfer In - Employee Housing	112,026	COVID-19 Reductions

Total General Fund	<u>(1,816,007)</u>	
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Special Revenue Fund**START Fund**

Teton County Grant - Start	(74,885)	COVID-19 Reductions
Transfer In - Town Lodging Tax	(94,000)	COVID-19 Reductions
Transfer In - General Fund	(38,022)	COVID-19 Reductions

Lodging Tax Fund

Lodging Tax - 30% Visitor	(174,000)	COVID-19 Reductions
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Total Special Revenue Fund	<u>(380,907)</u>	
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Capital Project Revenues and Other Sources**Capital Projects Fund**

TC Conservation Dist - Flat Cr	96,500	Matching Funds for Stormwater Treatment Units
Transfer In - General Fund 5th	(890,250)	COVID-19 Reductions

Total Capital Projects Fund	<u>(793,750)</u>	
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Internal Service Fund Revenues and Other Sources**IT Services**

General Fund Service Charges	(31,943)	COVID-19 Reductions
Sewage Fund Service Charges	(1,633)	COVID-19 Reductions

Total Internal Service Fund	<u>(33,577)</u>	
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Total Revenues and Other Sources	<u>(3,024,241)</u>	
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RESOLUTION 20-06

A RESOLUTION ADOPTING AMENDMENTS TO THE FISCAL YEAR 2020 BUDGET OF THE TOWN OF JACKSON.

WHEREAS, pursuant to Wyoming Statutes, the governing body of the Town of Jackson is empowered to control the finances of the Town including adopting and amending the annual budget; and

WHEREAS, the specific statutory requirements for budgeting procedures are stipulated in the Uniform Municipal Fiscal Procedures Act (W.S. 16-4-101 through 16-4-124); and

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Jackson that the fiscal year 2020 budget is hereby amended as follows:

EXPENDITURES AND OTHER USES	Approved Budget	Increase (Decrease)	Amended Budget
Mayor & Town Council	422,838	(65,000)	357,838
Town Attorney	502,300	(73,194)	429,106
Municipal Judge	259,861	(522)	259,339
Administration	672,241	(79,165)	593,076
Town Clerk & Personnel	680,533	(40,379)	640,154
Finance	614,379	3,574	617,953
Information Technology	542,266	(4,084)	538,182
Planning	920,144	107,964	1,028,108
Town-Wide Services	253,133	(37,621)	215,512
Town Facilities	688,440	(125,925)	581,664
Police - Administration	591,838	(7,401)	584,437
Police - Investigations	426,576	(14,628)	411,948
Police - Patrol	3,310,782	(13,854)	3,296,928
Police - Community Service	581,540	(10,344)	571,196
Police - Special Operations	21,924	(5,750)	16,174
Victim Services	304,609	(569)	304,040
Animal Shelter/Control	270,876	(7,474)	263,402
Building Inspections	392,068	(10,531)	381,537
Public Works Administration	348,563	(19,678)	328,885
Streets	1,875,220	(261,049)	1,614,171
Engineering	624,540	(147,765)	476,775
Yard Operations	47,315	(5,390)	41,925
Cemetery	18,875	(3,450)	15,425
Social Services	839,583	-	839,583
Community Initiatives	300,941	(15,500)	285,441
County-Budgeted Joint Programs	3,951,375	-	3,951,375
Transfers Out	5,372,775	(978,272)	4,394,503
Total General Fund	24,835,535	(1,816,007)	23,019,528
Affordable Housing	1,689,486	-	1,689,486
Total Affordable Housing Fund	1,689,486	-	1,689,486
Parking Exactions Fund	-	50,000	50,000
Total Parking Exactions Fund	-	50,000	50,000
Parks Exactions	-	-	-
Total Park Exactions	-	-	-
Employee Housing Fund	414,833	(80,370)	334,463
Transfers out	-	112,026	112,026
Total Employee Housing Fund	414,833	31,656	446,489
Animal Care Fund	20,000	-	20,000
Transfers Out	50,000	66,000	116,000
Total Animal Care Fund	70,000	66,000	136,000
Lodging Tax Fund	-	-	-
Transfers Out	872,620	(94,000)	778,620
Total Lodging Tax Fund	872,620	(94,000)	778,620
Vertical Harvest Fund	-	-	-
Transfers Out	24,693	-	24,693
Total Vertical Harvest Fund	24,693	-	24,693
Snow King-Snow Making Fund	-	-	-
Transfers Out	48,822	-	48,822
Total Snow King-Snow Making Fund	48,822	-	48,822

EXPENDITURES AND OTHER USES	Approved Budget	Increase (Decrease)	Amended Budget
START Administration	857,285	(905)	856,380
START Operations	4,445,518	(206,002)	4,239,516
START Capital	6,720,000	-	6,720,000
START Transfers	-	-	-
START Indirect Cost Allocations	101,230	-	101,230
Total START Fund Expenditures	12,124,033	(206,907)	11,917,126
Capital Outlay	6,559,872	(669,948)	5,889,924
Transfers Out	1,150,000	-	1,150,000
Total Capital Projects Fund	7,709,872	(669,948)	7,039,924
Capital Outlay	90,000	-	90,000
Total 2006 SPET	90,000	-	90,000
Capital Outlay	581,787	-	581,787
Total 2010 SPET	581,787	-	581,787
Capital Outlay	1,070,000	-	1,070,000
Total 2014 SPET	1,070,000	-	1,070,000
Capital Outlay	220,000	-	220,000
Transfers Out	1,583,804	-	1,583,804
Total 2016 SPET	1,803,804	-	1,803,804
Capital Outlay	435,000	280,000	715,000
Total 2017 SPET	435,000	280,000	715,000
Water Maintenance & Operation	982,982	(61,749)	921,233
Water Wells	307,118	(75,300)	231,818
Water Billing & Accounting	176,085	(4,066)	172,019
Water Capital Outlay & Improvements	664,219	100,000	764,219
Water Debt Service	108,220	-	108,220
Water Transfers Out	626,362	-	626,362
Sewage Plant Operations	1,042,350	(58,441)	983,909
Sewage Maint. & Operations	349,184	(27,351)	321,833
Sewage Billing & Accounting	171,630	(166)	171,464
Sewage Capital Outlay & Improvements	959,670	150,000	1,109,670
Sewage Transfers Out	626,362	-	626,362
Total Enterprise Funds	6,014,182	22,927	6,037,109
Employee Insurance	2,493,944	450,000	2,943,944
Total Insurance Fund	2,493,944	450,000	2,943,944
Fleet Expenditures	2,344,498	(10,899)	2,333,599
Total Fleet Management Fund	2,344,498	(10,899)	2,333,599
Central Equipment Expenses	817,500	200,000	1,017,500
Total Central Equipment Fund	817,500	200,000	1,017,500
IT Services	1,049,214	(27,008)	1,022,206
Total IT Service Fund	1,049,214	(27,008)	1,022,206
REVENUES AND OTHER SOURCES	Approved Budget	Increase (Decrease)	Amended Budget
Taxes	8,208,313	(1,228,000)	6,980,313
Licenses & Permits	1,040,192	-	1,040,192
Intergovernmental Revenue	10,961,520	(1,425,033)	9,536,487
Charges for Services	659,406	9,000	668,406
Fines & Forfeitures	530,000	-	530,000
Miscellaneous Revenue	482,166	-	482,166
Transfers In	2,961,273	828,026	3,789,299
Total General Fund	24,842,870	(1,816,007)	23,026,863
Licenses & Permits	150,000	-	150,000
Miscellaneous Revenue	17,000	-	17,000
Transfers In	1,293,326	-	1,293,326
Total Affordable Housing Fund	1,460,326	-	1,460,326
Licenses & Permits	51,000	-	51,000
Miscellaneous Revenue	2,300	-	2,300
Transfers In	600,000	-	600,000
Total Parking Exactions	653,300	-	653,300
Licenses & Permits	10,000	-	10,000
Miscellaneous Revenue	2,500	-	2,500
Total Park Exactions	12,500	-	12,500

REVENUES AND OTHER SOURCES	Approved Budget	Increase (Decrease)	Amended Budget
Miscellaneous Revenue	401,984	-	401,984
Transfers In	338,676	-	338,676
Total Employee Housing Fund	740,660	-	740,660
Miscellaneous Revenue	60,200	-	60,200
Total Animal Care Fund	60,200	-	60,200
Taxes	871,120	(174,000)	697,120
Miscellaneous Revenue	1,500	-	1,500
Total Lodging Tax Fund	872,620	(174,000)	698,620
Contributions & Donations	-	-	-
Total Vertical Harvest Fund	-	-	-
Contributions & Donations	-	-	-
Total Snow King Snow Making Fund	-	-	-
Intergovernmental Revenue	9,333,407	(74,885)	9,258,522
Charges for Services	1,380,821	-	1,380,821
Miscellaneous Revenue	13,000	-	13,000
Transfers In	1,144,131	(132,022)	1,012,109
Total START Fund Revenues	11,871,359	(206,907)	11,664,452
Intergovernmental	1,331,738	96,500	1,428,238
Miscellaneous Revenue	220,508	-	220,508
Transfers In	3,569,262	(890,250)	2,679,012
Total Capital Projects Fund	5,121,508	(793,750)	4,327,758
Miscellaneous Revenue	5,600	-	5,600
Total 2006 SPET	5,600	-	5,600
Intergovernmental	40,915	-	40,915
Miscellaneous Revenue	6,000	-	6,000
Total 2010 SPET	46,915	-	46,915
Miscellaneous	39,300	-	39,300
Total 2014 SPET	39,300	-	39,300
Miscellaneous	5,400	-	5,400
Total 2016 SPET	5,400	-	5,400
Taxes	1,500,000	-	1,500,000
Miscellaneous	8,700	-	8,700
Total 2017 SPET	1,508,700	-	1,508,700
Water Intergovernmental	-	-	-
Water Charges for Services	2,504,438	-	2,504,438
Water Miscellaneous	93,160	-	93,160
Water Transfers In	75,000	-	75,000
Sewage Intergovernmental	-	-	-
Sewage Charges for Services	2,632,834	-	2,632,834
Sewage Miscellaneous	79,360	-	79,360
Sewage Transfers In	75,000	-	75,000
Total Enterprise Funds	5,459,792	-	5,459,792
Charges for Services	2,661,930	-	2,661,930
Miscellaneous Revenue	44,700	-	44,700
Total Employee Insurance Fund	2,706,630	-	2,706,630
Charges for Services	2,258,481	-	2,258,481
Miscellaneous Revenue	600	-	600
Total Fleet Management Fund	2,259,081	-	2,259,081
Charges for Services	566,400	-	566,400
Miscellaneous Revenue	25,700	-	25,700
Transfers In	-	-	-
Total Central Equipment Fund	592,100	-	592,100
Charges for Services	795,614	(33,577)	762,037
Miscellaneous Revenue	1,000	-	1,000
Transfers In	400,000	-	400,000
Total IT Service Fund	1,196,614	(33,577)	1,163,037

CHANGE OF FUND BALANCE	Approved Budget	Increase (Decrease)	Amended Budget
General Fund	7,335	-	7,335
Affordable Housing	(229,160)	-	(229,160)
Parking Exactions Fund	653,300	(50,000)	603,300
Park Exactions Fund	12,500	-	12,500
Employee Housing Fund	325,827	(31,656)	294,171
Vertical Harvest Fund	(24,693)	-	(24,693)
Snow Making Fund	(48,822)	-	(48,822)
Animal Care Fund	(9,800)	(66,000)	(75,800)
Lodging Tax Fund	-	(80,000)	(80,000)
Start Fund	(252,674)	-	(252,674)
Capital Projects	(2,588,364)	(123,802)	(2,712,166)
2006 SPET	(84,400)	-	(84,400)
2010 SPET	(534,872)	-	(534,872)
2014 SPET	(1,030,700)	-	(1,030,700)
2016 SPET	(1,798,404)	-	(1,798,404)
2017 SPET	1,073,700	(280,000)	793,700
Enterprise Funds	(554,390)	(22,927)	(577,317)
Employee Insurance Fund	212,686	(450,000)	(237,314)
Fleet Management Fund	(85,417)	10,899	(74,518)
Central Equipment Fund	(225,400)	(200,000)	(425,400)
IT Services Fund	147,400	(6,569)	140,831

PASSED, APPROVED, & ADOPTED this 20th day of April , 2020

Town of Jackson

By: _____
Pete Muldoon
Mayor

ATTEST:

By: _____
Sandy Birdyshaw
Town Clerk



TOWN OF JACKSON

WORKSHOP DOCUMENTATION

SUBMITTING DEPARTMENT: Administration

PRESENTER: Roxanne Robinson

WORKSHOP DATE: April 20, 2020

SUBJECT: Temporary Reduction or Elimination of Disposable Paper Bag Fee

PURPOSE OF WORKSHOP ITEM

Direction was provided to staff by the Town Council at the April 6, 2020 Regular Meeting to research a reduction in the paper bag fee and bring that back to the Council for discussion at the next earliest opportunity.

DESIRED OUTCOME

The desired outcome is to receive direction from the Town Council as to whether to reduce or eliminate the current fee for paper bags.

BACKGROUND/ALTERNATIVES

After this direction was provided, staff reached out to the Chamber of Commerce regarding a potential reduction in the paper bag fee. The Chamber indicated that it could be a hassle for businesses to change point-of-sale systems and that other communities they had been in contact with had instead required patrons to bag their own groceries. It can also be noted that local grocery store employees have recently begun wearing gloves and masks. Because it could be challenging for businesses to adjust their procedures for collecting these fees, the ultimate desire is for folks to keep and reuse their own grocery bags, and the current fee collected is important for ISWR in incentivizing change towards reusable bags, the Council may want to consider leaving the current fees in place and instead directing staff to conduct a public education campaign about the location of free reusable bags, the importance of washing bags regularly, and encouraging patrons to offer to bag their own groceries. Temporarily reducing the fee may cause unnecessary confusion.

Moreover, a temporary moratorium on a collection of the fee – thus enabling free paper bags to be provided – does not address the concern of contact between consumers and grocery store staff because, as long as grocery store staff is bagging groceries at all, they are in 1) in close proximity to the customers and 2) are touching each and every grocery of the consumer. The more effective way to address this concern, thus, is not through the ordinance but through public education, working with grocers to ensure individuals bag their own groceries, and to ensure the bagging area – where multiple individuals contact surfaces – are wiped down between each customer with proper cleaning solutions.

The Council has many options available to them including:

1. Take no action and leave the fee at the current rate and educate the public about the location of free reusable bags, the importance of washing bags regularly, the importance of frequently wiping down the bagging area between each customer, and encouraging patrons and stores to ensure patrons bag their own groceries.
2. Direct staff to prepare an emergency ordinance to require a temporary fee reduction for grocery stores only.
3. Direct staff to amend the emergency ordinance to temporarily reduce the fee rather than eliminating the fee.
4. Direct staff to prepare a Resolution for consideration at the May 4 meeting encouraging patrons to wash their bags regularly and bag their own groceries.

5. Continue the discussion to the May 4 Town Council meeting.
6. Other.

COMPREHENSIVE PLAN ALIGNMENT

Retaining the fee for paper bags supports Common Value 1, Ecosystem Stewardship in that it provides an incentive for patrons to utilize reusable grocery bags.

STAKEHOLDER ANALYSIS

The stakeholders involved include commercial businesses currently collecting a fee for paper bags that would need to change their processes to accommodate this emergency ordinance, patrons that may be on unemployment due to the current pandemic that do not have money to spare for purchasing paper bags, ISWR as they currently receive a portion of the fee to use towards education and the provision of reusable grocery bags, and commercial business employees that may be required to handle private reusable grocery bags that may not be laundered on a regular basis.

FISCAL IMPACT

The fiscal impact of eliminating or reducing the fee will have no direct fiscal impact on the Town other than the costs involved with advertising of the ordinance and records retention requirements. The fiscal impact of a reduction or elimination of the fee to patrons not utilizing reusable bags would be a reduction of ten cents per bag or elimination of the fee. There would be a corresponding fiscal impact to the commercial business retaining ½ of the fee and to ISWR in receiving ½ of the fee or receiving no fees.

STAFF IMPACT

There would be a minimal staff impact related to advertising and records retention. Because the ordinance is temporary in nature, it would not be codified.

LEGAL ISSUES

Ongoing as needed.

ATTACHMENTS

DRAFT ordinance.

RECOMMENDATION

Staff's recommendation would be to take no action and leave the fee at the current rate and educate the public about the location of free reusable bags, the importance of washing bags regularly, the importance of frequently wiping down the bagging area between each customer, and encouraging patrons and stores to ensure patrons bag their own groceries.

SUGGESTED MOTION

None recommended at this time. Should the Town Council choose to adopt the draft emergency ordinance placing a temporary moratorium on the collection and remittance of fees for paper bags, they would need to do the following:

1. Make a motion to suspend the requirements for 3 public readings of ordinances under W.S. 15-1-115(c) and approve it.
2. Make a motion to read the emergency ordinance in short title and approve it.
3. Make a motion to approve the emergency ordinance and approve it with a ¾ majority (4 positive votes).

ORDINANCE xxx

AN EMERGENCY ORDINANCE PLACING A TEMPORARY MORATORIUM ON THE COLLECTION AND REMITTANCE OF FEES UNDERSECTION 1 (PART) OF TOWN OF JACKSON ORDINANCE NO. 1205 AND SECTIONS 8.36.040, 8.36.050.A, AND 8.36.050.B OF THE MUNICIPAL CODE OF THE TOWN OF JACKSON REGARDING DISPOSABLE PAPER BAG FEE REQUIREMENTS; AND PROVIDING FOR AN EFFECTIVE DATE AND A TIME FOR TERMINATION.

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

SECTION I.

The Town of Jackson does hereby impose a temporary moratorium on the collection and remittance of the disposable paper bag fee requirements set forth in Jackson Municipal Code sections 8.36.040, 8.36.050.A and 8.36.050.B. The purpose of this ordinance is for the immediate preservation of the public peace, health, safety or welfare by minimizing and limiting interpersonal contact between the staff of Grocers, Large Retailers, Retailers and Retail Stores and consumers.

SECTION II.

The provisions of this ordinance are effective through August 31, 2020, unless sooner repealed, after which time they shall become null and void.

SECTION III.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV.

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 V.

Adoption of this ordinance shall be by emergency ordinance provisions under suspension of rules and approved by not less than three quarters (3/4) of the qualified members of the governing body as required and set forth in Section § 15-1-115 of the Wyoming Statutes. This ordinance shall take effect immediately upon proclamation by the Mayor.

PASSED 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 No. ____ 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

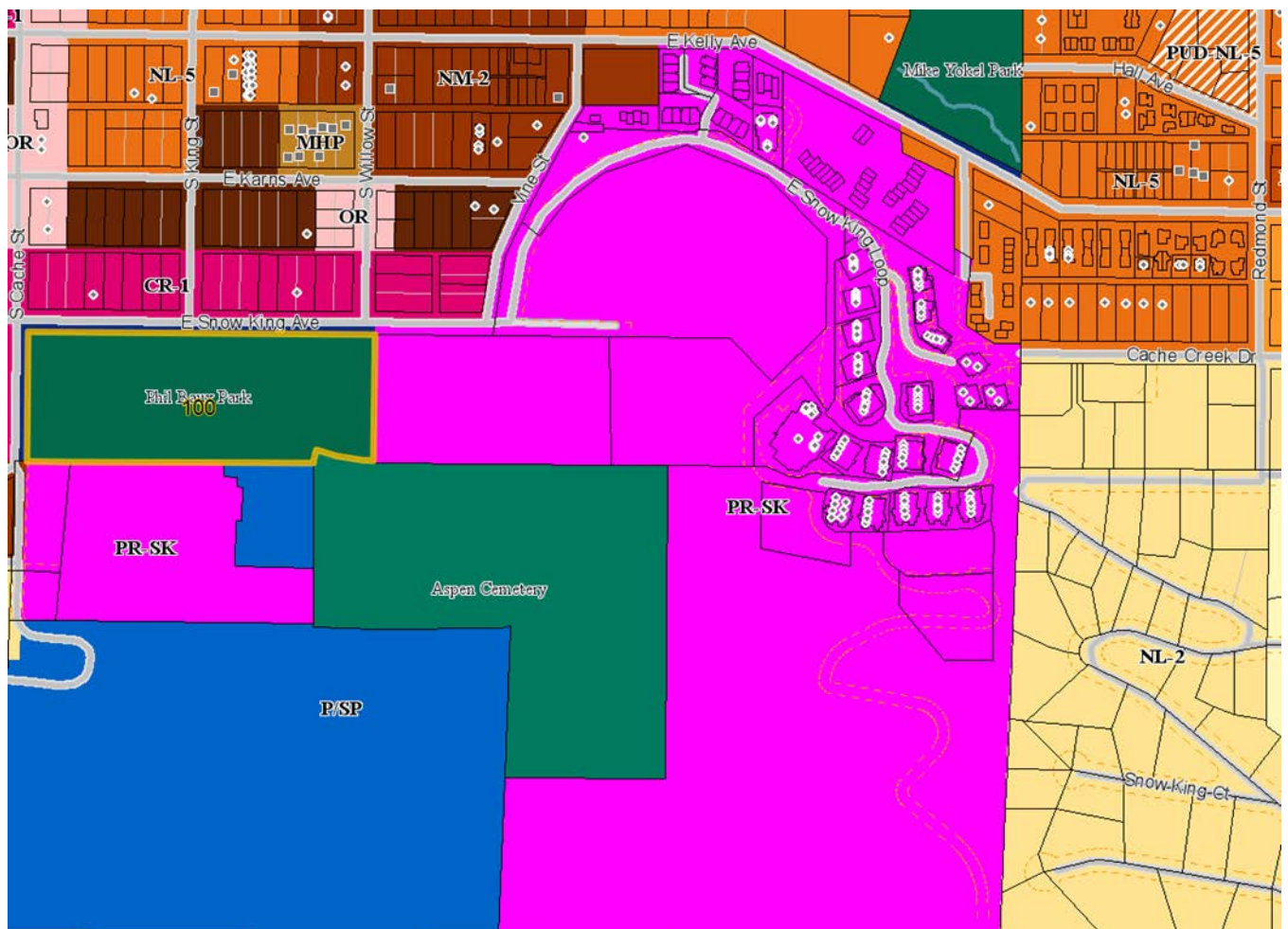
ORDINANCE O

AN ORDINANCE AMENDING AND REENACTING SECTION 2 OF TOWN OF JACKSON ORDINANCE NO. 1074 (PART) AND AMENDING THE TOWN OF JACKSON OFFICIAL ZONING DISTRICT MAP TO CHANGE THE CURRENT ZONING DESIGNATION OF ALL ADDRESSES WITHIN 66 ACRES OF LAND CURRENTLY ZONED PLANNED RESORT – SNOW KING TO PLANNED UNIT DEVELOPMENT – PLANNED RESORT (P19-201) (PUD-PR (P19-201)); 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.

Section 2 of Town of Jackson Ordinance 1074 (part) and the Official Zoning District Map of the Town of Jackson are hereby amended to change the zoning classification of the following parcels from Planned Resort – Snow King (PR-SK) to Planned Unit Development – Planned Resort (P19-201) (PUD-PR (P19-201)), to wit:



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 6TH DAY OF APRIL, 2020.
PASSED 2ND READING THE ____ DAY OF ____, 2020.
PASSED AND APPROVED THE ____ DAY OF ____, 2020.

TOWN OF JACKSON

BY: Pete Muldoon, Mayor

Attest: _____
Sandra P. Birdyshaw, Town Clerk

ATTESTATION OF TOWN CLERK

[illegible]

I hereby certify that the foregoing Ordinance No. _____ 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.

Town Clerk

ORDINANCE P

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 Council.

- A. Commencing with officers sworn into office after January 1, 2021, the compensation of the Mayor of the Town shall be thirty-nine thousand three hundred dollars (\$39,300.00) per year, payable in twelve equal monthly installments. The salary for each member of Council shall be thirty-two thousand seven hundred fifty dollars (\$32,750.00).
- B. The compensation schedule set forth in subsection A of this section shall apply to the Mayor and members of Council 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.
- C. Compensation of the Mayor and members of Council shall be reviewed no later than February 28 of each general election year.

(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 6TH DAY OF APRIL 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

STATE OF WYOMING)
) ss.
COUNTY OF TETON)
ATTESTATION OF TOWN CLERK

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: April 20, 2020

RE: Town Manager's Report

April 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 \$1,046,465 thus far for FY20 which is 90.1% of total projected collections. Accumulated collections are up 2.6% over this same time last year. April 2020 revenue represents February, 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. April collections are up 13.6% over the same collection period last year. Collections are currently tracking at \$413,854 more than budgeted. Please remember that we have 2 months of collections remaining for FY20 to account for before realizing any unanticipated revenue or overall shortage, and we are currently preparing for a significant shortage. April 2020 revenue represents collections from February 2020.

Build Grant Support

A Teton Area Build12-2020 Grant application was submitted that includes requested funding for a Stilson Transit Center and Park & Ride, Hwy 390/Stilson Transit Priority Signal, Transit Signal Prioritization, Wilson Corridor WY-22, Green Lane/Stilson Underpass, Teton Pass Trail, and Purchase of 4 Commuter Buses. Teton County has taken the lead on the submittal and they are looking for consent of the Town Council for the grant application to be submitted and for general support. From the document provided to the Town of Jackson, it appears as though they may have been seeking funding from the Town of Jackson but knowing the current financial situation, are planning to submit it without Town funding. Staff's estimate is that Darren Brugmann, Transit Director will spend approximately 5-10 hours/week over the next 5 weeks and Larry Pardee, Town Manager would be estimated to spend approximately 2 hours/week during that same time period. Should we be successful in getting the grant, it would require a notable amount of staff time for implementation. With the acceptance of the Town Manager's Report into the record, Town staff will prepare a letter to Teton County for the Mayor's signature indicating the Town's support for the grant application and will also include in the letter the Town's desire to be included from the beginning and work closely on any grant application that affects Town managed joint departments.

Parking Study Implementation Steps

Staff is taking this opportunity to inform the Council that we are planning to implement this spring/summer the parking changes approved by Council in the Downtown Parking Plan. The two biggest changes are changing the Home Ranch lot to 3-hr parking for the summer only and converting all 3-hr downtown parking to 2-hr parking. Given the ongoing economic impacts from Coronavirus on local shops, these changes may not be well received by some. However, in reality, these changes should create more parking opportunities for downtown customers which should help local businesses (while acknowledging minor additional inconvenience for some employees). Also, because business is likely to be slow through the beginning of summer, these changes should be easier to accept. In addition, parking enforcement is currently on hold and will likely be flexible for a while so the adjustment period should not be too difficult. Staff recommends that we continue with implementation and with the acceptance of the Town Manager's report into the record, staff will proceed in that direction. Should the Council wish to delay these implementation steps, we ask you do so through a motion.

Town Spring Clean Up Program Cancelled

Due to concerns related to physical distancing, Town staff is recommending cancellation of the Town Spring Clean Up Program. Instead, with restrictions lifted in the fall related to the pandemic, staff would propose engaging the community at that time in a Fall Clean Up project. With the acceptance of the Town Manager's Report into the record, staff will notify the community of this cancellation.

TOWN OF JACKSON, WYOMING
LODGING TAX REPORT
April-20

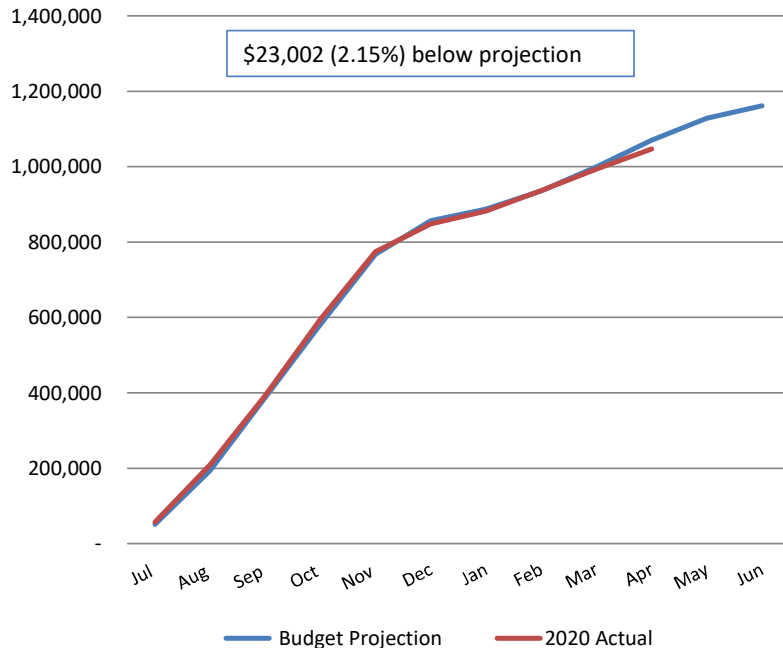
Month Received (2 mos. lag)	Lodging Tax - Total				Town				County			
	Total	Promotion T&T Board	Visitor Impact	General Fund	Visitor Impact	General Fund	Total	T/C Split Percent	Visitor Impact	General Fund	Total	T/C Split Percent
FY2020:												
July	\$ 309,428	\$ 185,657	\$ 92,828	\$ 30,943	\$ 42,720	\$ 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	630,160	378,096	189,048	63,016	39,606	13,202	52,807	20.9%	149,443	49,814	199,257	79.1%
May	-	-	-	-	-	-	-	---	-	-	-	---
June	-	-	-	-	-	-	-	---	-	-	-	---
Totals	\$ 7,268,198	\$ 4,360,919	\$ 2,180,459	\$ 726,820	\$ 784,848	\$ 261,616	\$ 1,046,465	36.0%	\$ 1,395,611	\$ 465,204	\$ 1,860,815	64.0%

	Visitor Impact	General Fund	Total
TOJ Budget	\$ 871,120	\$ 290,373	\$ 1,161,493
Budget Remain	\$ 86,272	\$ 28,757	\$ 115,028
Earned			90.1%
Remaining			9.9%

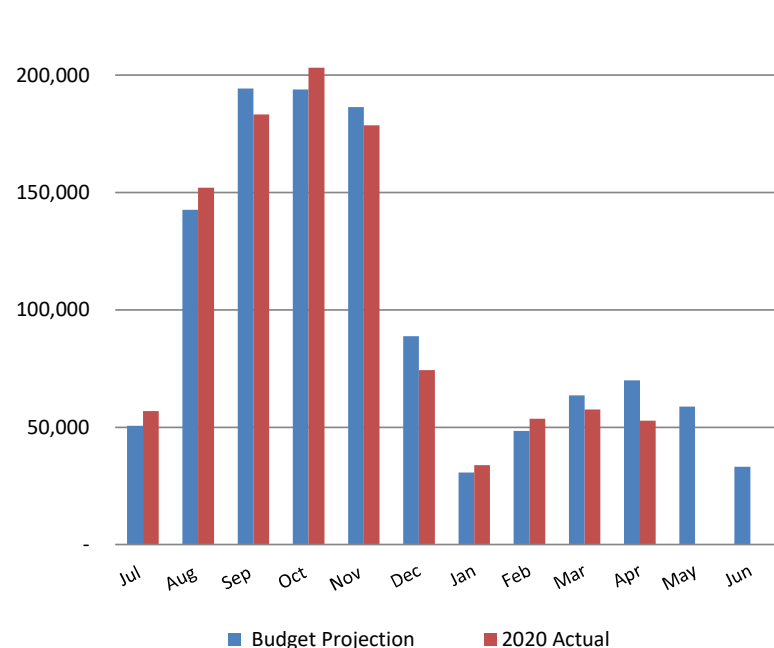
12 Month
Rolling Avg
5.3%

	FY2019 Year-to-Date	FY2020 Year-to-Date	Increase (Decrease)	
T&T 60%:	\$ 4,211,938	\$ 4,360,919	\$ 148,981	3.5%
TOJ 30% Visitor:	765,228	784,848	19,621	
TOJ 10% General:	255,076	261,616	6,540	2.6%

Budget to Actual - Year to Date Comparison



Budget to Actual - Monthly Comparison



TOWN OF JACKSON, WYOMING
SALES TAX COLLECTIONS (4% and 1%)
April-20

Receipt Month	16/17				17/18				18/19				19/20	12 Mth Rolling Avg	Sales Month
	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		
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%	1,272,892	152,756	13.6%	6.8%	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%	\$ 14,758,732	\$ 923,484	6.7%		

Budgeted Sales Tax for FY 2020 3.50% \$ 16,249,500
Budgeted Sales Tax Year-to-Date 14,344,878
Actual Sales Tax Collected Year-to-Date 14,758,732
Leading (Lagging) Budget - through April \$ 413,854

