Board of County Commissioners ***Staff Report***

Matters from Staff Agenda item #3: DEV2016-0004

Meeting Date: November 15, 2016 **Presenter:** Roby Hurley

Submitting Dept: Planning **Subject:** Lot 5 VandeWater Estates Subdivision

Applicant/Property Owner: Jake Jackson Holdings, LLC/ VW Properties #2 LLC. **Agent:** Jorgensen Associates, P.C.

REQUESTED ACTION

Development Plan approval, pursuant to 8.3.2, *Development Plan*, of the Teton County Land Development Regulations, to subdivide 38.5 acres into 6 residential lots on Lot 5 at Jackson Hole Racquet Club Resort (Teton Pines).

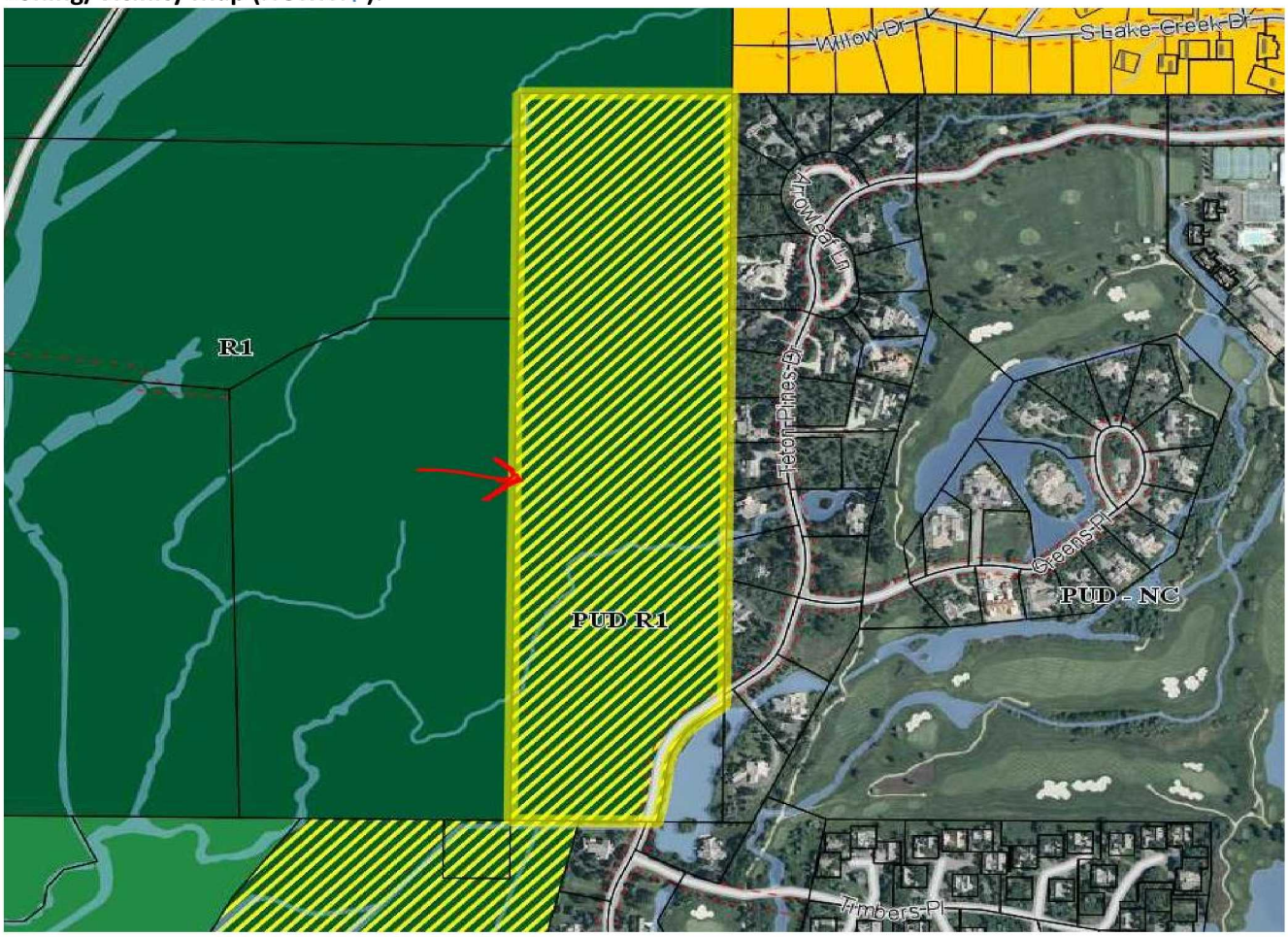
PROJECT DESCRIPTION

The applicant's proposal for the development of the property involves subdividing the 38.5-acre Lot 5 into six single family lots. The property is zoned PUD R-1 and is partially within the Natural Resources Overlay (NRO). In the PUD R-1 Zone, attached single-family residential units are permitted with a development plan. A development plan is required in the R-1 Zone for any subdivision. In conjunction with this development plan, the applicant has also applied for a roadway exception request to reduce road width providing access for 3 lots from 20 feet to 14 feet. Teton County Engineering Department has approved the roadway exception request with conditions.

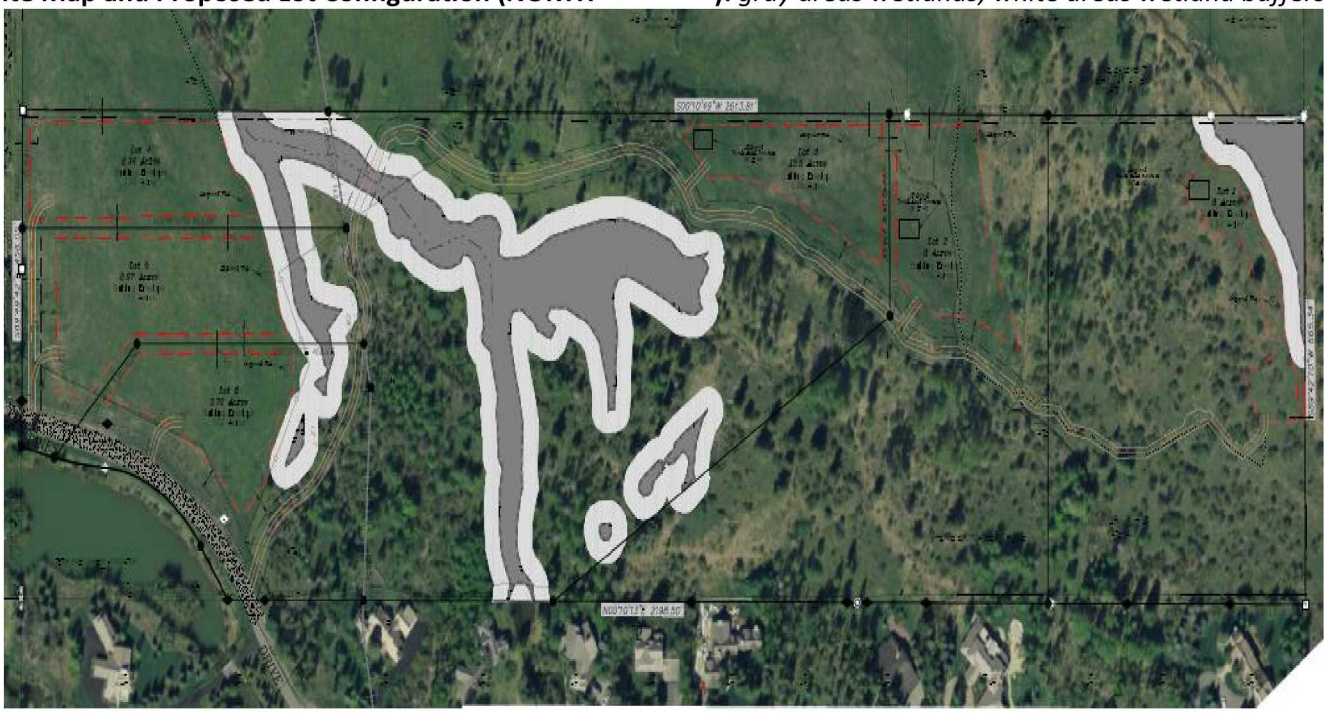
SITE DESCRIPTION

Property Location:	Lot 5 Teton Pines Drive, generally located 3/4 mile from the entrance to Teton Pines; directly west of the Estates of Jackson Hole Racquet Club Resort and directly east of the former VandeWater property.
Legal Description:	S1/2SW1/4, SEC. 11, TWP. 41, RNG. 117 (Lot 5, JHRCR Master Plan)
PIDN:	22-41-17-11-3-19-001
Property Size:	38.5 acres
Character District:	County Valley Character District 9 and adjacent to the Aspen/Pines Character District 12
Subarea:	9.2 Agriculture Foreground
Zoning:	JHRCR Master Plan PUD; R-1
Overlay(s):	Partial Natural Resource Overlay (NRO)

Zoning/Vicinity Map (NORTH ↑):



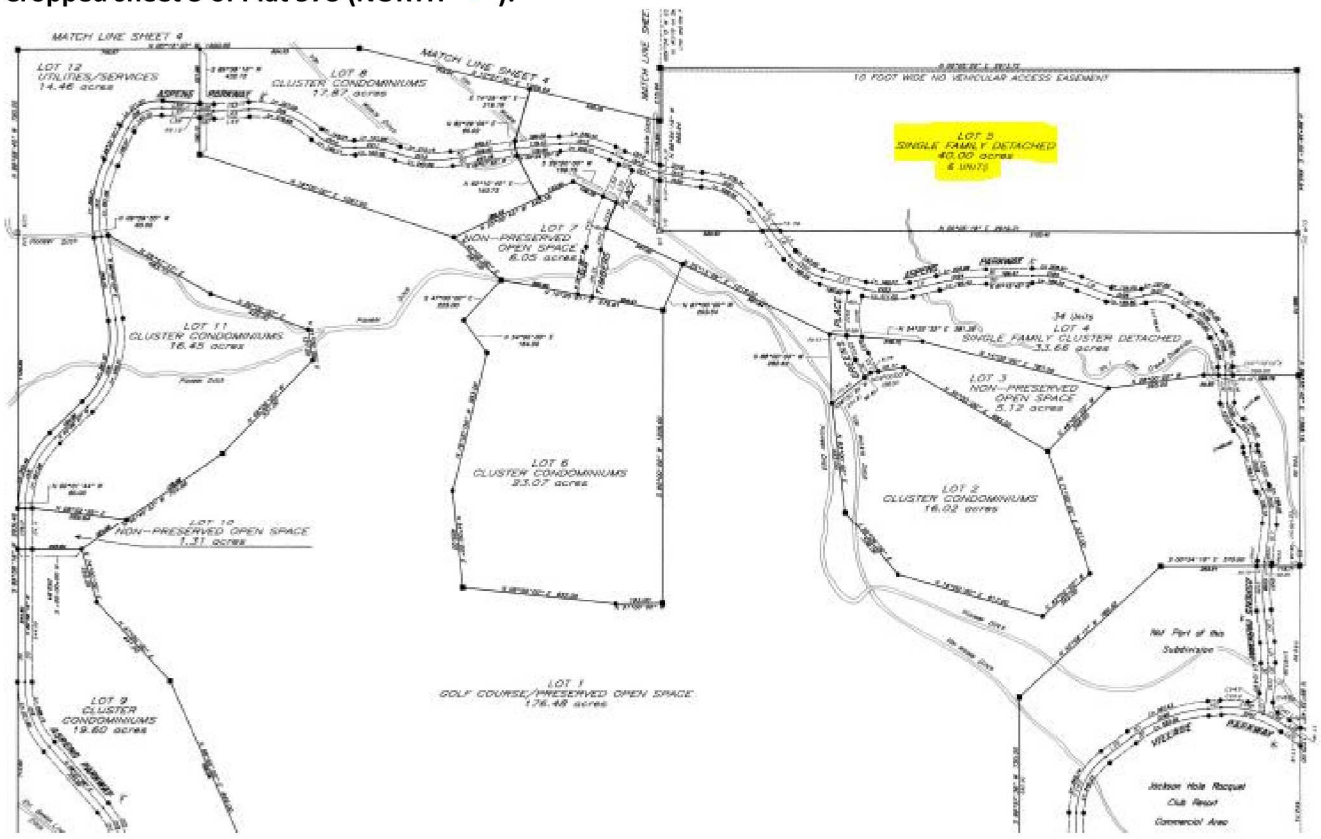
Site Map and Proposed Lot Configuration (NORTH →): *gray areas wetlands; white areas wetland buffers*



BACKGROUND

The Jackson Hole Racquet Club Resort/Teton Pines development is a Planned Unit Development that has residential, recreational and commercial retail uses. A Permit to Subdivide and a Land Development Permit were issued for the Jackson Hole Racquet Club Resort PUD on November 20, 1984 (S/D1984-0306). Each of the permits were issued subject to the same set of 47 conditions of approval. The Master Plan Subdivision Plat for the development was recorded with the office of the Teton County Clerk on December 4, 1984 as Plat #578 (see below). The plat encompasses 40 acres identified as "LOT 5 SINGLE-FAMILY DETACHED 6 UNITS". The western border of Lot 5 is identified as "10 FOOT WIDE NO VEHICULAR ACCESS EASEMENT". Accompanying Plat 578 is a Master Plan Sketch, Sheet 5 of 5 that identifies 3 access points to lot 5 from what is now Teton Pines Drive. It is Planning Staff's determination that the Master Plan is comprised of Plat 578, Plat 580, the 47 conditions and the March 1985 Water and Wastewater Utility Master Plan. Confirmation of the 6 unit entitlement is contained in a Zoning Compliance Verification (ZCV2015-0020), conducted by Teton County Planning Staff, dated August 14, 2015.

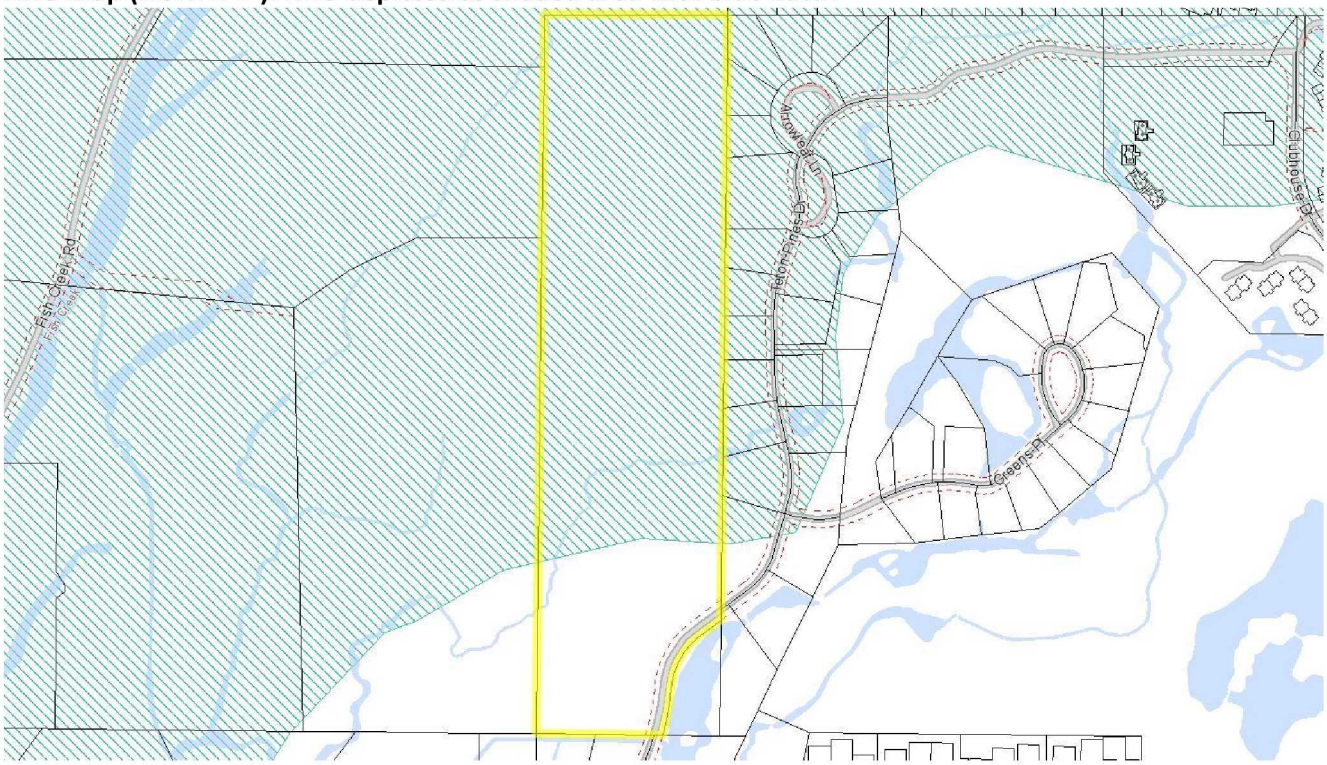
Cropped sheet 3 of Plat 578 (NORTH →):



The site contains approximately 30 acres within the NRO and approximately 8 acres outside of the NRO (see map below). Of the approximately 8 acres outside of the NRO, approximately 2.5 acres contain the similar higher ordinal value vegetation as the area within the NRO, leaving only approximately 5.5 acres to develop in pasture vegetation, the lowest ordinal vegetation. As required prior to development application, Biota Research and Consulting, Inc. was hired as a County hired environmental consultant and conducted an Environmental Analysis (EA). LDR Section 5.2.2.B.2. states *"The NRO shown on the Official Zoning Map identifies, on a general scale, the locations of those areas protected by the NRO. Its purpose is to place a landowner on notice that land may be within the NRO and to assist in the general administration of this Section. A site-specific analysis of whether land is included within the NRO is required pursuant to Sec. 8.2.2."* The EA contains a site-specific analysis of the NRO, including a

determination that the NRO line appears arbitrary, in that the same high-value vegetative covertypes that support the NRO designation as crucial moose winter range are found both inside and outside of the NRO. The EA also contains a habitat inventory, a groundwater study, an applicant submitted Density/Intensity Study, and finally an alternatives analysis evaluating 5 subdivision layouts. The Planning Staff Environmental Analysis Review is contained herein as Attachment 2 and the Density/ Intensity Study as Attachment 2A.

NRO Map (NORTH ↑): NRO depicted as shaded area with blue hatch



In July 1997, approximately 1.5 acres of Lot 5, located across Teton Pines Drive and consisting primarily of a pond, was conveyed to the Teton Pines Owners Association. The applicant, Jake Jackson Holdings, LLC proposes to subdivide the 38.5 acres of Lot 5 into 6 single family lots.

STAFF ANALYSIS

In addition to the application materials, including an EA, staff reviewed the following documents: the JHRCR Master Plan comprised of Plat 578, Plat 580, the 47 approval conditions and the Water and Wastewater Utility Master Plan, the April 1984 purchase agreement between VandeWater and Lake Creek Development Company, September 16, 1988 Update on Conditions of Approval, County Commissioners Minutes from October 18, 1988, GIS analysis of neighboring density and intensity, the Jackson/Teton County Comprehensive Plan and the Teton County Land Development Regulations, effective on April 1, 2016.

Staff reviewed the general layout of the proposed lots, development areas, environmental impacts, access, utilities, and affordable housing requirements. A large part of the decision to allow some of the development to occur within the NRO is due to a density/intensity study provided by the applicant, and is discussed in Key Issue #1 below. In addition, the applicant did not provide an Affordable Housing Mitigation Plan with the application and this is discussed in Key Issue #2. At the Planning Commission hearing, the applicant volunteered to provide additional wildlife habitat mitigation for impacts to higher value vegetation covertypes if the approval was in favor of the lot configuration as proposed by the applicant (3/3A), which is discussed in Key Issue #3 below.

KEY ISSUE #1

Does the intended residential density and intensity justify locating lots in the NRO?

Environmental Standards Section 5.2.1.E. states that *"Where densities/intensities permitted cannot be achieved by locating development outside of the NRO, then lands protected by the NRO may be impacted pursuant to the standards of this Subsection."* The applicant has conducted a Density/Intensity Study. The initial study was submitted March 18, 2016, updated on April 14, 2016 and finalized in this development plan application. While the allowed density of six units is not disputed, it is the intensity of the development that is being evaluated in this study. The purpose of the study is to demonstrate that Lot 5 was intended to have larger lots and a more diffused lot configuration. The study evaluates historical documents, adjacent neighborhoods and land use, Planned Unit Development for the Pines, current LDRs and the Comprehensive Plan. The study concludes that at the intensity contemplated in the original approval, and considering Lot 5 as a transition area between the more densely developed Pines PUD and the rural Vandewater Ranch, which is supported by the Comprehensive Plan, all of the lots will not fit outside of the NRO and thus some density should be permitted in the NRO. While Staff agrees that some impact to the NRO may be warranted, consideration of other documents and resources (as follows) must be considered to determine the amount of impact.

The EA process involved analysis of 5 lot configurations. The configuration identification is as follows:
As part of the initial EA three lot configurations were evaluated as follows:

3/3A- The applicant's proposed layout of 3 lots in the south pasture and 3 lots in the mid-west and north (see Attachment 1B)

6/0- 6 lots in the south- outside of the NRO (see EVA2016-0002)

4/2- 4 lots in the south and 2 lots in the middle-west pasture (see EVA2016-0002)

The EA review directed the development envelopes into the 2 pasture areas with only one wetland crossing. Based on that determination, the following lot layouts were evaluated:

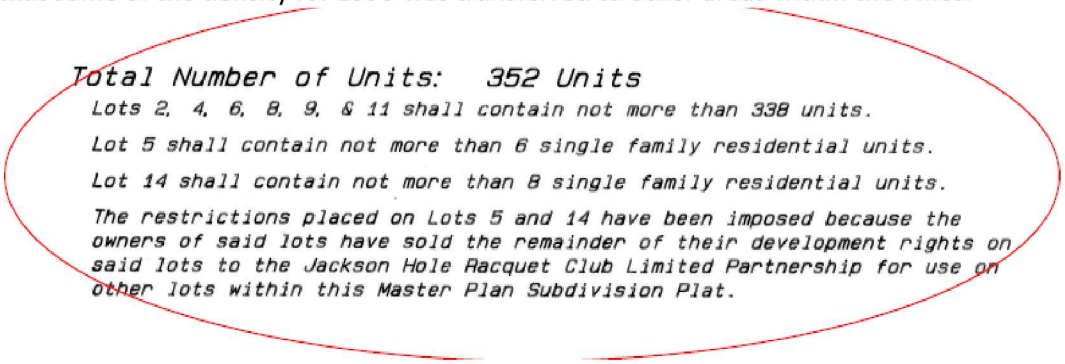
3/3M-3 lots in the south pasture and 3 lots in the mid-west pasture (see Attachment 1B)

4/2M-4 lots in the south pasture and 2 lots in the mid-west pasture (see Attachment 1B)

In evaluation of the aforementioned documents, Planning Staff offers the following analysis, statistics and document excerpts:

County Commissioners Minutes from October 18, 1988 identifies the original Pines density as 1.5 acres per unit. A minimum of 9 acres would be needed to accommodate 6 units at a density of 1.5 acres per unit, which is greater than the 5.5 acre area of Lot 5 outside of the NRO and located in pasture area as directed by the EA Review.

The base density for Lot 5 was 13 units based upon the 1978 Land Use and Development Regulations, which required a 3 acre minimum lot size due to depth to groundwater. Smaller lots were permitted at The Pines due to the creation of the Pines/Aspens Water and Sewer District. A plat note on Plat 578 indicated that some of the density for Lot 5 was transferred to other areas within the Pines.


Total Number of Units: 352 Units

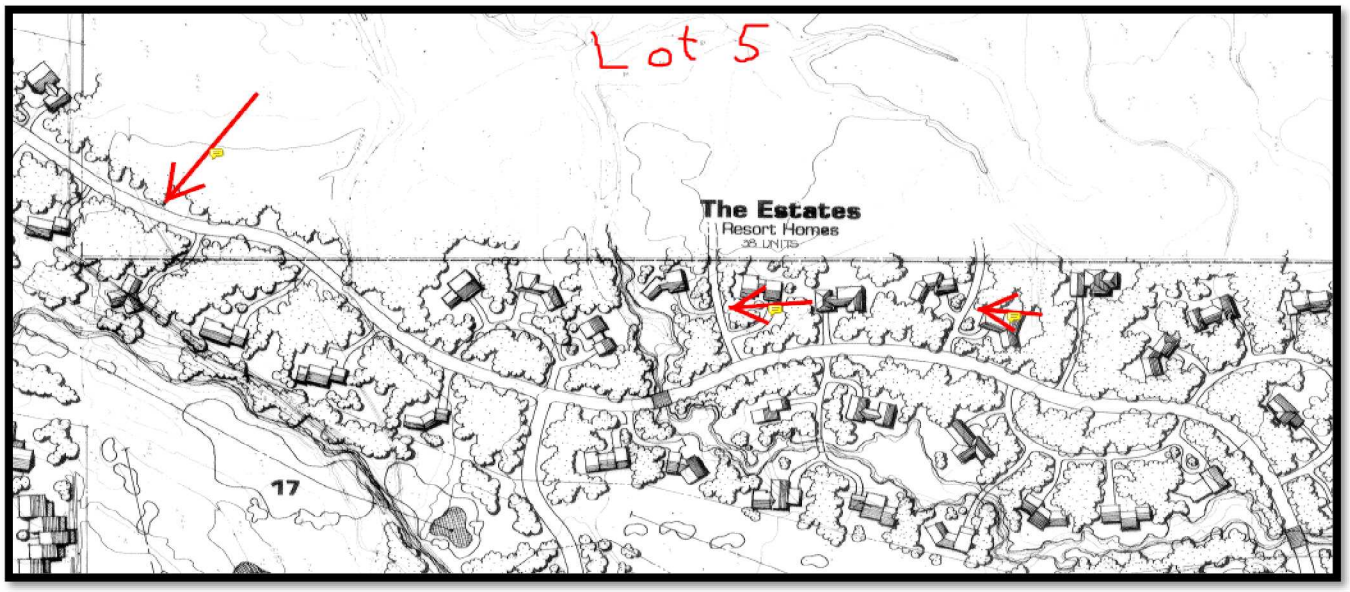
Lots 2, 4, 6, 8, 9, & 11 shall contain not more than 338 units.

Lot 5 shall contain not more than 6 single family residential units.

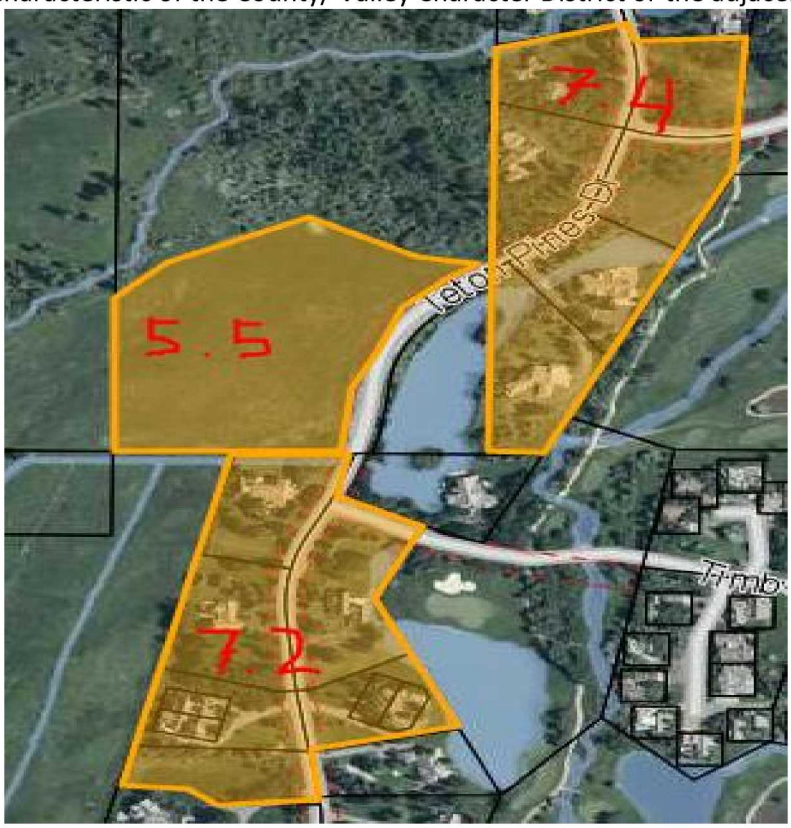
Lot 14 shall contain not more than 8 single family residential units.

The restrictions placed on Lots 5 and 14 have been imposed because the owners of said lots have sold the remainder of their development rights on said lots to the Jackson Hole Racquet Club Limited Partnership for use on other lots within this Master Plan Subdivision Plat.

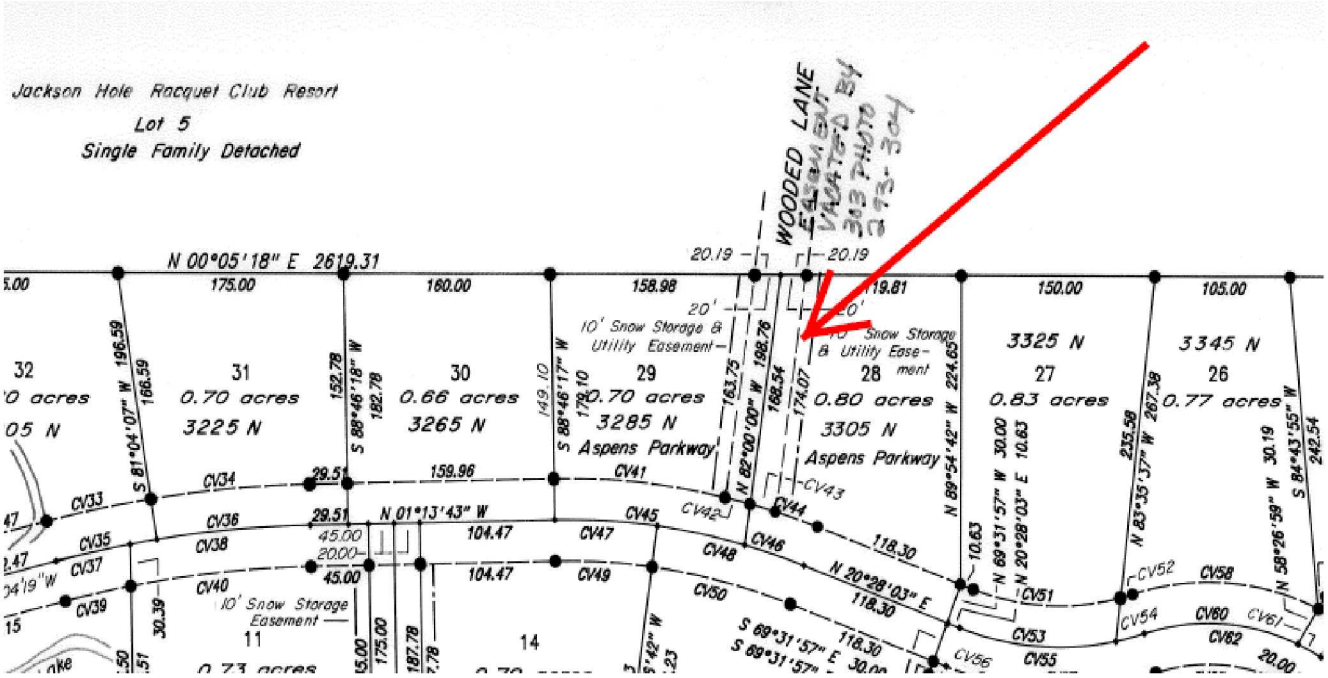
Plat 578 Sheet 55 of the Master Plan, identified 3 access points to Lot 5 anticipating a diffused non-clustered lot configuration covering 40 acres.



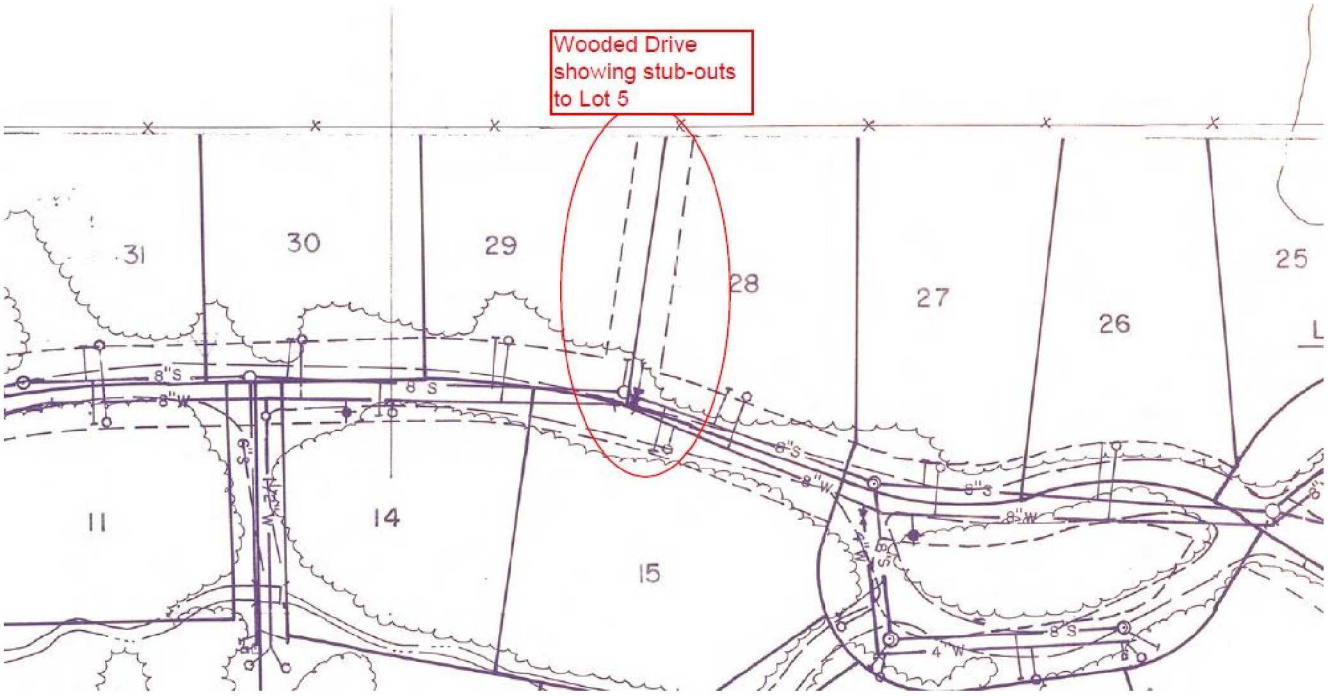
A GIS analysis of the neighboring 6 lots to the east and south within the Pines revealed an average size of 7.3 acres for the 6 lots. The area of Lot 5 outside of the NRO and located in pasture area as directed by the EA Review is 5.5 acres. Locating 6 lots and associated roadways within 5.5 acres may prove challenging and would not be characteristic of the County/ Valley Character District or the adjacent neighborhood.



Plat 580 Sheet 2, identified "Wooded Lane" as an access point to northern Lot 5, later vacated in 1995, demonstrating a diffused non-clustered lot configuration covering 40 acres.



1988 as-built drawings for Teton Pines Water and Sewer indicating location of lots in the northern area of Lot 5.



In the April 1984 purchase agreement, the seller committed all development rights to the Pines except 6 on the west 40 acres. Additionally, the sellers reserved the right of ingress and egress for not more than 3 roads, 3 power lines and 3 sewer lines to service the reserved 40 acres (now 38.5 acres). This ingress and egress matches the Master Plan Plat 578.

In summary, the Planning Staff recommends lot configuration 4/2M (Attachment 1B) with 4 lots in the south pasture and 2 lots in the mid-west pasture based on the following:

The Comprehensive Plan directs use of existing infrastructure, clustering to preserve open space, wildlife permeability, consideration of private property rights, and scale of development of a rural character. The 4/2M configuration best achieves clustering outside of the designated crucial moose winter range, while continuing to allow permeability of wildlife through the proposed developed and non-developed areas, while respecting property rights and allowing the 6 units of density allocated as part of the JHRCR Master Plan.

The Master Plan and documents above indicate in 1984 a diffused lot configuration was contemplated based on transferring of development rights and three utility and traffic access points. While six 6-acre lots would have been expected prior to establishment of the NRO standards, once the NRO was established, it is clear, as a new Development Permit being processed under the 2016 LDRs, the NRO standards are applicable, and the applicant should locate development outside of the NRO unless it is demonstrated that the density/intensity cannot be achieved. The 4/2M configuration achieves this requirement to the greatest extent practicable.

The LDRs require protection of higher ordinal ranked vegetation and moose winter range. The 4/2M configuration maximizes clustering in the south meadow, outside of the NRO, while allowing minimal development within the NRO, but located in the lowest value vegetation covertype, as required by Section 5.2.1.E.

Staff recommends a condition to address this issue.

KEY ISSUE #2
Does the application satisfy the affordable housing requirements?

Pursuant to Section 7.4.1 a minimum of 25% of residential development shall consist of affordable housing. Staff confirmed in ZCV2015-0020 that the affordable housing obligation for Lot 5 had not been previously met and is applicable at the time of development approval pursuant to Division 7.4. The development plan application proposes that mitigation will be provided at building permit, however LDR Section 7.4.1.G. requires a Housing Mitigation Plan that demonstrates how the affordable housing standards will be met. This includes a priority of first on-site housing, second off-site housing and third fee-in-lieu.

The applicant has failed to provide a Mitigation Plan with priorities as required by the LDRs and has simply proposed to go straight to a fee in-lieu of providing housing without providing the required analysis to back up the request. Instead, the applicant has provided a letter describing how affordable housing was handled as a fee in-lieu during previously approved 2-unit subdivisions of the Triangle Q Ranch, which was part of the original JHRCR PUD approval. Those subdivision approvals were appropriate for a fee in lieu, as their affordable housing requirement would have resulted in a fraction of a unit being required. Section 7.4.1.F.1.b.i states that on site housing is impractical if the number of units required is less than one unit. Once an applicant proposes four or more units, then on-site can be considered practical. The affordable housing requirement associated with this development proposal on a fee in lieu basis is $1,221,255 for all lots combined (Please see Applicable Regulations Division 7.4, Affordable Housing Standards for details).

Should the Board determine it is impractical to require on-site or off-site affordable housing, then the Board can elect to permit the applicant to pay a fee in-lieu, Section 7.4.1.F.3.c.vi requires payment of the mitigation fee with approval of the development plan. The LDRs allow “other arrangements” to be made regarding timing of payment. It is a policy decision for the Board of County Commissioners to permit a fee in-lieu of providing actual housing units and to allow other arrangements for the timing of payments. Staff recommends a condition to address this issue.

KEY ISSUE #3

Does additional mitigation proposed by the applicant off-set the wildlife impacts associated with the development proposal?

At the Planning Commission hearing the applicant offered additional mitigation to offset wildlife impacts, and has recently amended his application to increase mitigation for impacts to native vegetation from the required rate of 2:1 to 3:1 for the 3/3A Plan to further offset the impacts to higher ordinal ranked vegetation. Mitigation for the 4/2M or 3/3M plan at the 2:1 rate would be approximately 22,600 sq. ft.; Mitigation for the application plan (3/3A) at the 2:1 rate would be approximately 33,200 sq. ft.; mitigation at the proposed 3:1 would be approximately 49,800 sq. ft.

LDR Section 5.2.1.E.2 requires Habitat enhancement or mitigation at 2:1. Although not defined in the LDRs, mitigation has been defined by some jurisdictions as an action taken to compensate for an adverse impact to the environment resulting from a development activity or a change in land use or intensity. Mitigation has also been referred to as "offsets" meaning structures or actions that compensate for undesirable impacts. Mitigation rates range from 1:1 to 3:1 and higher for violations. Teton County increased the mitigation rate to 2:1 on November 20, 2016 as part of AMD2007-0005. Justification included marginal planting success rates, created habitats having lower functioning properties as compared to natural ones and delay in habitat recovery. Generally 1:1 replaces the lost habitat or vegetation and higher ratios offset any losses occurring due to failure in planting, multiple layers of impact or as a deterrent for impacting in the design phase of development.

Under the theory that more is better, certainly 3:1 or an additional 16,600 sq. ft. of native vegetation would be a benefit to the overall site and general area. The site suffers from intensive livestock grazing as described below in Findings for Approval of a Development Plan 1. and in the Habitat Inventory. While the conversion to residential will eliminate stock grazing, providing plantings will accelerate the recovery and insure desired vegetation is planted.

Guidance on this issue can be gained from the Conceptual Mitigation Plan section of the EA. The consultant describes opportunities on site for the highest ordinal ranked vegetation, scrub shrub wetlands. The EA states "*This approach also allows for onsite mitigation but, out of necessity, mitigation will be "out-of-kind." However, scrub-shrub wetlands have the highest ordinal ranking of all ranked covertypes and, more importantly, will serve to directly mitigate impacts to moose winter range. These mitigation opportunities therefore, would be compliant with Section 5.2.1 Subsection E.2 of the Land Development Regulations."* If 2:1 is compliant then 3:1 will help insure a larger area of lot 5 or adjacent lands recover from the impacts of livestock grazing and provide even more critical moose habitat than exists today.

Should the Board approve the application with 3/3A configuration with 3:1 mitigation, Planning Staff recommends that 2:1 should be planted on site and 1:1 planted either on site or on an adjacent site. Staff recommends a condition to address this issue.

FINDINGS FOR APPROVAL OF A DEVELOPMENT PLAN

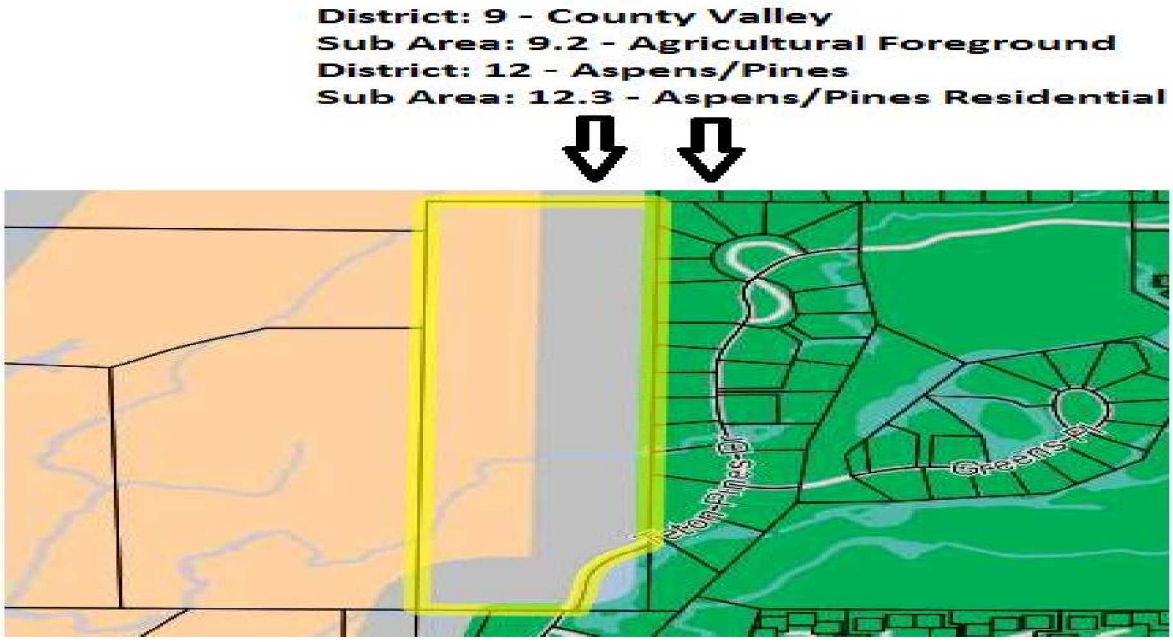
1. Is consistent with the desired future character for the site in the Jackson/Teton County Comprehensive Plan.

This finding can be made. Comprehensive Plan page IV-8, states, "*Comprehensive Plan district map features are illustrative of the character of an area and do not imply desired regulatory boundaries or specific locations for certain attributes".* The County Valley district is characterized by important wildlife habitat and agricultural open spaces. Development potential should be directed into Complete Neighborhoods. Development that does occur

should be clustered adjacent to existing development and designed to protect scenic vistas and agricultural viability. Lot 5 is adjacent to the Aspen/Pines Character District 12and Aspen/Pines subarea which is characterized by a variety of housing types organized around open space. Development should be designed as clustered development for wildlife permeability and preservation of open space. This transition from the Aspen Pines to County Valley should include attributes from both Character Districts and Subareas.

This proposal is for development of a property that currently contains a mix of agricultural pasture and wildlife habitat. While historically Lot 5 was intensively grazed, the remaining pasture area is small and limited to two isolated pastures that are surrounded by quality wildlife habitat. Through most of the 1940s and 50s, Lot 5 was intensively managed for agriculture including tractor roads. This trend continued through the 60s and 70s with a slight increase in shrub vegetation. By the late 90s scrub shrub and overstory tree vegetation increased substantially in the most northern area, however tractor tracks remained visible indicating continued agriculture use. After 2000, overstory tree growth increased, shrub vegetation remained at 90s coverage but the pastures in the mid-west and south continued to be intensively grazed. Field visits identified both pastures as still being in active use and tractor tracks remaining. Because both agriculture and wildlife habitat are equally emphasized in this District and both present on this site, the placement of 6 lots will likely impact one or the other. The application and the Environmental Analysis review direct the 6 lots into pasture, sacrificing agriculture for wildlife habitat. As the Comprehensive Plan, Executive Summary states, "If the most ecologically suitable places for development are also the most desirable places to live, our Ecosystem Stewardship and Quality of Life will both benefit."

Lot 5's eastern boundary is located at the juncture of the Aspen/Pines Character District 12. A view of the Comprehensive Plan map reveals a wide delineation area to the west of Teton Pines (The Estates) and the eastern boundary of Lot 5. The delineation symbol identifies the adjacency of County Valley and Aspen/Pines. The Estate lots are identified as being in both County Valley District, Sub Area Agriculture Foreground and Aspen/Pines District, Subarea Aspen/Pines Residential and Lot 5 is likewise located in both Districts and Subareas.



The Comprehensive Plan for Aspen/ Pines Residential Sub Area cites that "*the wildlife permeability that comes from clustered development around open space should be preserved.*" This transition from Complete Neighborhood to Rural, from Residential to Agriculture indicates a less intense, larger lot, and more open space type configuration.

Staff finds the application consistent with both of the Character Districts and Subareas.

Common Value 1: Ecosystem Stewardship

Policy 1.1.c: Design for wildlife Permeability. **Complies.** The proposal is for subdivision of the property, however all building envelopes will be confined to previously disturbed areas such as pasture lands in order to minimize impacts to wildlife. The applicant has requested and been approved for a roadway exception request to reduce the roadway width to minimize impacts to wetlands and scrub shrub vegetation, critical to wildlife. The subdivision layout also utilizes 2 clusters of lots versus spreading the 6 lots throughout the 38 acres. This layout allows wildlife to transition through the preserved native vegetation and around the 2 clusters thus allowing permeability.

Policy 1.3.a*: Maintain natural skylines*. **Staff finds this Policy is not applicable**.

Policy 1.3.b*: Maintain expansive hillside and foreground vistas*. **Complies.** Lot 5 is not located in the Scenic Resources Overlay however impacts to fore grounds are not expected from protected viewsheds along Highway 390.

Policy 1.3.c: *Maintain natural landforms.* **Complies.** The proposal is for development of mostly previously disturbed pasture land with no significant grading proposed to the level landform.

Policy 1.4.b: *Conserve agricultural lands and agriculture.* **Staff is unable to find the application complies with this Policy due to the directives of the EA.** This proposal does not meet this policy because there are existing development rights on this property, and the proposed single family residential lots are being directed onto existing pasture in an effort to preserve native vegetation and wildlife habitat.

Policy 1.4.c*: Encourage rural development to include quality open space.* **Complies.** This proposal meets the intent of this policy because the proposed single family residential lots are located in two clusters with the building envelopes and road consuming approximately 8 acres and maintaining approximately 30 acres as open space. In addition Lot 5 is part of the Pines PUD that includes extensive open space.

Common Value 2: Growth Management

Policy 3.1.b: Direct development toward suitable Complete Neighborhood subareas. **Complies** .The subject property is located adjacent to a Complete Neighborhood, Aspen/ Pines Residential and part of the Teton Pines PUD. The Comprehensive Plan cites that "*Where possible, development potential should be directed into the Complete Neighborhoods that border this subarea. Development that does occur should be clustered near existing development and be designed to protect scenic vistas and agricultural viability, which also protects wildlife habitat and wildlife permeability"*. This Policy directs development to occur in Stable and Transitional Subareas where most of the infrastructure and services that define Complete Neighborhoods already exist. As previously identified, Lot 5 has dedicated access to Pines infrastructure based on the 1985 Water and Wastewater Utility Master Plan which states, "*Six units allowed on Lot 5 to be connected to water and sewer*". This policy also states, "*Preservation and Conservation Subareas with wildlife habitat, habitat connections and scenic vistas are the least appropriate places for growth, however the community recognizes and respects that private property rights exist."*

The application is for subdivision of preexisting development rights associated with six lots in an existing PUD and adjacent to a Complete Neighborhood. The six lot layout configured in two clusters adjacent to the existing Pines development, protects the majority of native habitat and allows wildlife movement.

Policy 3.*1.c:* *Maintain rural character outside of Complete Neighborhoods.* **Complies.** This Rural Area Policy directs limited development-- a high ratio of natural to built environment that requires a dominance of landscape over the built environment. While the subject property is located in a Rural Area it is adjacent to a Complete Neighborhood, part of a Complete Neighborhood PUD, and on a Character District boundary or transitional area. Comprehensive Plan page IV-8 states, "*Comprehensive Plan district map features are illustrative of the character of an area and do not imply desired regulatory boundaries or specific locations for certain attributes*." The adjacent subarea, Aspen/ Pines Residential is a complete neighborhood and the Comprehensive Plan cites that "the wildlife permeability that comes from clustered development around open space should be preserved." By restricting the lots to two clusters, allowing wildlife permeability and preserving 30 acres of open space, the application achieves the visions of the Agriculture Foreground and the adjacent Aspen/ Pines Residential subareas. .

Common Value 3: Quality of Life

Policy 5.3.b: *Preserve existing workforce housing stock.* **Staff finds this Policy is not applicable**.

Policy 7.2.d: *Complete key Transportation Network Projects to improve connectivity.* **Staff finds this Policy is not applicable**. The proposal does not include an opportunity to provide transportation connectivity.

Policy 7.3.b: *Reduce wildlife and natural and scenic resource transportation impacts.* **Complies**. The application proposes to maintain quality wildlife habitat with the exception of the roadway. All other impacts are limited to non-native pasture grasses in agricultural meadows. The applicant has requested a roadway exception request to reduce the roadway width to minimize impacts to quality wildlife habitat, which should also achieve traffic calming and reduced speeds thereby reducing vehicle animal collisions.

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

This finding can be made as conditioned. Lot 5 is not located in the SRO but is located partially in the NRO. An EA was conducted, which included multiple alternative analyses. Staff conditioned the approval of the application based upon analysis of the alternative which best meets the standards for development in the NRO, which requires impacts to be minimized. Minimizing impacts is defined as locating development in the lowest priority vegetation covertype, which staff believes is best achieved in the 4/2M configuration. Staff has conditioned approval of this development plan to minimize impacts. See "Key Issue #1" and "Applicable Regulations, Division 5.2" in Attachment 1 of this staff report.

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.

This finding can be made. This proposal considers the placement of six residential dwelling units that are permitted as part of the JHRCR PUD, and it will not generate significant additional impacts on parks, schools, police, fire or EMS facilities. Lot 5 is required to take access through the Pines and to utilize Pines water/sewer infrastructure based on the 1985 Water and Wastewater Utility Master Plan. Exactions are due at final plat.

4. Complies with all other relevant standards of these LDRs and all other County Resolutions.

This finding can be made, as conditioned. The application complies with all applicable standards of the LDRs and County Resolutions, as conditioned. See the "Applicable Regulations" Section (Attachment 1) of this staff report.

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

This finding can be made, as conditioned. The application is in compliance with the Jackson Hole Racquet Club Resort Master Plan, as conditioned. See the "Applicable Regulations- Master Plan" Section (Attachment 1A) of this staff report.

PLANNING COMMISSION REVIEW

The Planning Commission met on October 24, 2016 to consider this application. Commissioners Fodor, Russell and Dunker were present; Commissioners Hammer and Rockey were absent. Commissioners recommended 3-0 to **APPROVE DEV2016-0004**, as proposed by the applicant, based upon the finding that the application meets all applicable standards set forth in the Teton County Land Development Regulations with the 6 conditions as follows:

1. All development areas shall contain no site development in vegetation ranked higher than priority 3 with the exception of access determined as essential.
2. A conceptual Habitat Enhancement Plan shall be submitted prior to subdivision plat approval and a final Habitat Enhancement Plan shall be submitted with the grading and erosion control permit application.
3. Should the Board not require on-site or off-site affordable housing, and not require conveyance of land, and determine that the applicant shall pay a fee in-lieu of providing housing, the housing mitigation fee shall be paid at the time of subdivision plat approval (prior to recoding of the plat), unless other arrangements are made, with financial assurances.
4. The perimeter fence located between the Estate lots and Lot 5 shall be removed or rebuilt to Wildlife Friendly standards prior to grading and erosion control permit approval.
5. The applicant shall provide a Subdivision Improvement Agreement outlining all details associated with connection to the Aspen Water and Sewer District at subdivision Plat.
6. The applicant shall provide mitigation for impacts to native vegetation at the rate of 3:1 either on-site or off-site for impacts from the entire roadway and driveway to lot 1.

The Planning Commission heard a presentation by the applicant. The applicant proposed increasing mitigation for impacts to native vegetation from the required 2:1 to 3:1.

The Planning Commission heard public comment from 6 members of the public. Comments included concern over abridging the existing no vehicle easement, relevancy of the Pines Covenants and Restrictions to Lot 5, original intention of 6 large lots with no NRO regulations, preference for 6 lots outside of the NRO, and preference for the applicant's proposed layout.

The Planning Commission discussion focused primarily on the potential intended subdivision configuration, impact of the NRO, plat notes, the density intensity study and the additional mitigation to offset impacts to wildlife offered by the applicant.

APPLICABLE REGULATIONS (see Attachment 1)

Division 1.8.2.C.1a, Planned Unit Developments (PUDs) with PUD Zoning (complies)
Division 1.9, Nonconformities (complies)
Division 3.2.2, Rural Area Legacy Zones; R-1 Zoning District Physical Development (complies)
Division 3.3.2, Rural Area Legacy Zones; Rural-1 Zoning District Use Schedule (complies)
Division 5.2, Environmental Standards (complies as conditioned)
Division 5.4, Natural Hazard Protection Standards (complies)
Division 6.1, Allowed Uses (complies)
Division 6.2, Parking and Loading Standards (complies)
Division 7.4, Affordable Housing Standards (complies as conditioned)
Division 7.6, Transportation Facility Standards (complies as conditioned)
Division 7.7, Required Utilities (does not comply; compliance to be determined at grading permit)
Division 8.3, Physical Development Permits; Development Plan Findings (complies as conditioned)

ADDITIONAL APPLICABLE REGULATIONS- Master Plan (see Attachment 1A)

The Jackson Hole Racquet Club Resort Master Plan comprised of Plat 578, Plat 580, the 47 approval conditions and the Water and Wastewater Utility Master Plan.

PLAN REVIEW COMMITTEE REVIEWS

Deputy County Attorney, Erin Weisman
Engineering
Housing Department
WYDOT
Floodplain Administrator
County Surveyor
Teton County Sanitarian
Teton County School District
Army Corp of Engineers
Teton County Road and Levee
Teton County Conservation District
State Water Commission
Wyoming Game and Fish

PUBLIC COMMENTS

Neighbor notifications were mailed on September 23, 2016 to all property owners within 800 feet of the subject property. As of the writing of this staff report, 28 comments have been received.

The applicant is not required to hold a neighborhood meeting however he has met or corresponded with neighbors and the Pines Homeowners Association numerous times. A summary is attached as part of Public Comment Attachment 4.

STATEMENT OF STRATEGIC INTENT

This proposal supports the strategic goal of Vibrant Community by providing housing in the form of 6 single family residences. Review of this proposal also helps foster a well-planned and livable community.

ATTACHMENTS

1. Applicable Regulations
1A. Applicable Regulations- Master Plan
1B. Lot configurations
2. Environmental Analysis Review
2A. Density/ Intensity Study
3. Plan Review Comments & Response
4. Public Comment
5. Application Materials

LEGAL REVIEW

Weisman. In light of questions that arose at the Planning Commission Meeting, the County Attorney's Office conducted additional legal review of the JHRC Master Plan, the 47 conditions, various recorded documents applicable to Lot 5, and the Planning Department's historical files on the JHRCR Master Plan, with specific focus on the following issues: (1) the no vehicular access easement on Plat 578, (2) requirements/applicability of covenants or CC&Rs, and (3) compliance with Wyoming Statutes on partial vacation of plat.

The County Attorney's Office can support the recommendations of the Planning Director for approval as conditioned.

Should the Board approve some iteration of a development plan for Lot 5, it is important to point out that the Board's approval of development plan and any conditions, will bind the Board in the next step, which is with respect to Plat 578 and Lot 5. If a development plan is approved on Lot 5, the applicant will then be required to submit application for subdivision plat in accord with Section 8.5.3. of the LDRs. Part of that process would require the partial vacation of Plat 578, Lot 5, and recordation of a new plat for Lot 5 to reflect the Board's approval of a development plan and any conditions.

The County Attorney's Office is part of the review team for subdivision plat applications. A plat and partial vacation would be required to meet Wyoming Statutes, development plan approval and any conditions, the LDRs, and the JHRCR Master Plan.

RECOMMENDATIONS/CONDITIONS OF APPROVAL

The Planning Director recommends **APPROVAL** of Development Plan **DEV2016-0004**, for six residential lots, based upon finding that the application meets all applicable standards set forth in the Teton County Comprehensive Plan and Land Development Regulations **with the following conditions:**

1. The approval is for four lots in the southern agricultural pasture and two lots in the agricultural pasture in the middle-west area, depicted as the 4/2M layout in the Revised Impact Analysis dated October 7, 2016.
2. All development areas shall contain no site development in vegetation ranked higher than priority 3 with the exception of access determined as essential.
3. A conceptual Habitat Enhancement Plan shall be submitted prior to subdivision plat approval and a final Habitat Enhancement Plan shall be submitted with the grading and erosion control permit application. The Habitat Enhancement Plan for a 3/3A configuration with 3:1 mitigation, shall include details demonstrating a minimum of 2:1 mitigation on site and 1:1 mitigation on site or adjacent off site.
4. Should the Board not require on-site or off-site affordable housing, and not require conveyance of land, and determine that the applicant shall pay a fee in-lieu of providing housing, the housing mitigation fee shall be paid at the time of subdivision plat approval (prior to recoding of the plat), unless other arrangements are made, with financial assurances..
5. The perimeter fence located between the Estate lots and Lot 5 shall be removed or rebuilt to Wildlife Friendly standards prior to grading and erosion control permit approval.
6. The applicant shall provide a Subdivision Improvement Agreement outlining all details associated with connection to the Aspen Sewer System at subdivision Plat.

The Planning Commission recommends **APPROVAL** of Development Plan **DEV2016-0004**, for six residential lots, as proposed by the applicant, based upon finding that the application meets all applicable standards set forth in the Teton County Comprehensive Plan and Land Development Regulations **with the following conditions:**

1. All development areas shall contain no site development in vegetation ranked higher than priority 3 with the exception of access determined as essential.
2. A conceptual Habitat Enhancement Plan shall be submitted prior to subdivision plat approval and a final Habitat Enhancement Plan shall be submitted with the grading and erosion control permit application.
3. Should the Board not require on-site or off-site affordable housing, and not require conveyance of land, and determine that the applicant shall pay a fee in-lieu of providing housing, the housing mitigation fee shall be paid at the time of subdivision plat approval (prior to recoding of the plat), unless other arrangements are made, with financial assurances..
4. The perimeter fence located between the Estate lots and Lot 5 shall be removed or rebuilt to Wildlife Friendly standards prior to grading and erosion control permit approval.

5. The applicant shall provide a Subdivision Improvement Agreement outlining all details associated with connection to the Aspen Sewer System at subdivision Plat.
6. The applicant shall provide mitigation for impacts to native vegetation at the rate of 3:1 either on-site or off-site for impacts from the entire roadway and driveway to lot 1.

SUGGESTED MOTION

Move to **APPROVE** Development Plan **DEV2016-0004** to subdivide 38.5 acres into 6 single family residential lots, based upon finding that the application meets all applicable standards set forth in the Teton County Land Development Regulations with the 6 conditions as recommended by the Planning Director (or Planning Commission), as follows: *The Commissioner making the motion must read the applicable conditions.*

ATTACHMENT 1 APPLICABLE REGULATIONS

This application is being reviewed under the LDRs in effect April 1, 2016, the Jackson Hole Racquet Club Resort Master Plan, and the underlying zoning (R-1).

Section 1.6.2, Certain Maximums Not Guaranteed

Complies as conditioned. *Maximum densities and intensities are not guaranteed to be achievable by the LDRs. Actual achievable densities and intensities may be limited by factors such as product type, site location, and configuration, natural and scenic resource limitations or parking requirements.* After transferring density, Lot 5 was limited to 6 single family detached units on 40 acres (Plat 578, Sheets 1 and 3). Based on original access points for infrastructure, Lot 5 may have been envisioned to have 6 large lots dispersed over the 40 acres. However, since 1994, the LDR required EA directs development outside of the NRO, unless densities/intensities cannot be achieved outside of the NRO, then development must be located in the lowest ordinal value vegetation. In this instance the NRO is in place to protect crucial moose winter habitat. Therefore the six lots should be located in the existing pastures as outlined in the Recommended Conditions of Approval.

Division 1.8.2.C.1a.-Planned Unit Developments (PUDs) with PUD Zoning.

Complies. Where development standards are not addressed or established in the approved PUD Master Plan or certificate of standards, the development standards of the underlying zone shall apply. The Jackson Hole Racquet Club Resort Master Plan has little in the way of bulk and scale standards. Any direction that is provided is contained in the Conditions of Approval, 2 plats and a utility master plan; therefore primarily the standards of R-1 shall apply.

Division 1.9, Nonconformities.

Complies. The agriculture and open space use is conforming. No physical development exists on Lot 5.
Lot 5 contains a 6 residential lot entitlement associated with an approved PUD and is not nonconforming.

Division 3.2.2, Rural-1 Zoning District Physical Development

Complies as conditioned. The subject property is 38.5 acres and located in the R-1 PUD zoning district. The applicant proposes to subdivide the site into 6 single family lots. The proposed residential lots are all compliant with the required setbacks including wetland and ditch setbacks. Site development is compliant with required yard setbacks. The proposed access as shown in the site plan crosses wetlands, which is discussed in Division 5.2, Environmental Standards, and does not meet the required 20 foot road width, which is reviewed in the Division 7.6, Transportation Facility Standards, sections below.

The residential development on the proposed lots are all compliant with maximum scale of development and maximum site development. Landscape plant unit requirements are not applicable in R-1. The site does not contain historic landslide areas, fault areas, wildland urban interface, steep slopes or Special Flood Hazard Areas.

The following subjects will be addressed at building permit or grading and erosion control permit: exterior colors, proposed fencing, building design, bear conflict area, grading erosion control and stormwater and exterior lighting. Development exactions will be required at Subdivision Plat.

Division 3.3.2, Rural Area Legacy Zones; Rural-1 Zoning District Use Schedule

Complies. Detached single family units are permitted in the R-1 Zone with no use permit required. As part of the Jackson Hole Racquet Club Resort PUD, some of the lot 5 density was directed to other lots in the Pines leaving 6 lots allocated to Lot 5. Confirmation of density entitlement for the Pines PUD including Lot 5 is described in ZCV2015-0020.

Division 5.1.2, Wildlife Friendly Fencing

Complies as conditioned. A perimeter fence exists between the Estate lots and Lot 5. Although originally built for stock containment on Lot 5, the fence exists in various different construction methods most of which are not built to wildlife friendly standards. Wyoming Game and Fish in their Plan Review comments has cut out ungulates from this fence and encourages the removal or rebuild to wildlife friendly standards. Staff has recommended a condition to address this concern.

Division 5.2, Environmental Standards

Complies as conditioned. Lot 5 is partially in the NRO and is therefore subject to Section 5.2.1, NRO Standards. Section 5.2.1.D, Impacting the NRO states, "Where densities/intensities permitted cannot be achieved by locating development outside of the NRO, then lands protected by the NRO may be impacted…" The applicant provided a density/intensity study (Attachment 2B) for staff's consideration in order to make the initial determination if NRO lands could be impacted.

Biota Research and Consulting, Inc. was hired as a County hired environmental consultant and conducted an EA. The EA contains habitat inventory, a groundwater study, an applicant submitted Density/ Intensity Study and finally an alternatives analysis evaluating 5 subdivision layouts. The Planning Staff Environmental Analysis Review is contained herein as Attachment 2. The EA review focuses largely on vegetation cover type relative to moose habitat.

Areas of disturbance related to the proposed development envelopes are located primarily in areas of existing pasture. The DEV application layout of 3 lots in the south pasture and 3 lots in the mid-west and north is referred to as the 3/3A. While this layout proved to be less impactful than the 6 lots in the south outside of the NRO (6/0) and the 4 lots in the south and 2 lots in the mid-west pasture (4/2), the EA review directs the development envelopes into the 2 pasture areas.

In response to the EA directive, 2 new alternatives were designed and Biota was directed to evaluate impacts. 4/2M and 3/3M locate the development envelopes entirely in the two pasture areas and show a reduction in impacts to higher ordinal vegetation over all other lot layouts. Note, in the following table that impacts to 5 and greater ordinal ranked vegetation is identical between the two layouts.

Table 7. Comparison of surface area/vegetative covertype impacts associated with development associated with the 3/3M Option and the 4/2M Option within the JHRCR Lot 5 project area.

Vegetative Covertypes	Ordinal Ranking	3/3M Option		4/2M Option	
		Acres	Sq Ft	Acres	Sq Ft
Scrub-Shrub Wetland	10	0.0	576	0.0	576
Mesic Tall Shrub	8	0.2	9,608	0.2	9,608
Mesic Aspen - Mature	6	0.0	450	0.0	450
Mesic Mixed Forest-Lodgepole Pine/Mature Aspen	6	0.0	679	0.0	679
Mesic Grassland	3	0.2	6,753	0.2	6,753
Agricultural Meadow - Intensive	2	6.6	287,231	8.2	359,195
Agricultural Meadow - Passive	1	0.1	3,291	0.1	3,291
Disturbed	0	0.0	15	0.0	22
Total Surface Area Impact		7.1	308,604	8.7	380,574
Impacts to Covertypes Ranked 5 or Higher		**0.4**	**11,313**	**0.4**	**11,313**

Impact Level: Black = Same, Red = Higher, Green = Lower

Total Surface Area Impacts are higher for 4/2M because setbacks were not deducted from the lot area of the 4 lots in the south pasture. This created a larger building envelope than what would be permitted. Accounting for this discrepancy Total Surface Area Impacts should be near identical to the 3/3M. What is critically important is the impact to vegetation associated with moose crucial winter habitat which are covertypes ranked 5 or greater. Both layouts are identical in that respect, impacting 11,313 square feet, due to the access road. For comparison, the 6/0 layout, located entirely outside of the NRO impacts 33, 854 sq. ft. of covertypes ranked 5 or greater.

LDR Section 5.2.1.E.1 requires minimization of wildlife impacts and states, "The location of the proposed development shall minimize impacts on the areas protected (e.g., crucial migration routes, crucial winter range, nesting areas). For the purposes of this standard, "minimize" is defined as locating development to avoid higher quality habitats or vegetative cover types for lesser quality habitats or vegetative cover types." Locating development envelopes in pasture areas meets the definition of "minimize" and reduces impacts to recognized moose habitat regardless of the NRO.

Given the similarities between vegetation impacts, the only difference between the two layouts are the impacts due to a third lot and associated activity in the center of lot 5. That is, the number, movement and activities of persons in a given area can disrupt wildlife range and movement. In addition, as pointed out in the WG&F review letter dated August 24, 2016, increased moose human conflicts are likely because moose may continue to frequent the area even after development. The WG&F review also points out the habitat fragmentation that will occur with more development.

What was not discussed in the EA was the benefit to ungulate habitat from the 2:1 mitigation that will be required should the development plan be approved. A habitat enhancement plan in the range of 22,000 sq. ft. planted on site in areas to the north that have been degraded due to grazing may serve to offset the impacts of development.

Staff has recommended conditions to address the results of the latest impact analysis.

Division 5.4, Natural Hazard Protection Standards

Complies. The site does not contain historic landslide area, fault areas, wildland urban interface, steep slopes or Special Flood Hazard Areas.

Division 6.1, Allowed Uses

Complies. Detached single family units are permitted in the R-1 Zone with no use permit required. As part of the Pines PUD, some of the lot 5 density was directed to other lots in the Pines leaving 6 lots allocated to Lot 5. Confirmation of density entitlement for the Pines PUD including Lot 5 is described in ZCV2015-0020.

Division 6.2, Parking and Loading Standards

Complies. No on-street parking is proposed. The lots are designed to provide adequate onsite parking.

Division 7.4, Affordable Housing Standards

Complies as conditioned. See Key Issue #2. Section 7.4.1 requires a minimum of 25% of residential development to consist of affordable housing at the time of development approval. The development plan application proposes that mitigation will be provided at building permit, however LDR Section 7.4.1.G. requires a Housing Mitigation Plan that demonstrates how the affordable housing standards will be met. This includes a priority of first on-site housing, second off-site housing and third fee in-lieu.

The on-site requirement for six units includes one unit at the pre 1995 calculation (as a pre-existing lot is calculated at a different rate than new lots), four market units and one affordable unit, with the remainder as a fee in lieu. The off-site requirement would allow all six units on site to be market (again one of which is preexisting). The affordable units would be located elsewhere with a requirement of six and 2/3 persons to be housed. This could be accomplished with two 3 bedroom units for example with the remainder as a fee in-lieu. An alternative for off-site could also be achieved by providing land to build two 3 bedroom units for example with the remainder as fee in-lieu.

The applicant has failed to provide a Mitigation Plan as required by the LDRs and has simply proposed to go straight to a fee in-lieu of providing housing without providing the required analysis to back up the request. The applicant has not demonstrated why on-site or off-site units are impractical. The estimated fee in-lieu of providing affordable housing is $1,221,255.

Should the Board determine it is impractical to require on-site or off-site affordable housing, then the Board can elect to permit the applicant to pay a fee in-lieu. Section 7.4.1.F.3.c.vi requires payment of the mitigation fee with approval of the development plan. The LDRs allow “other arrangements” to be made regarding timing of payment. It is a policy decision for the Board of County Commissioners to permit a fee in-lieu of providing actual housing units and to allow other arrangements for the timing of payments. Staff recommends a condition to address this issue.

Division 7.6, Transportation Facility Standards

Complies. In conjunction with this DEV, the applicant has also applied for a roadway exception request to reduce road width for 3 lots from a required 20 feet to 14 feet. The roadway exception request (ADJ2016-0016) has been approved by Teton County Engineering. Four pullouts are proposed along the length of the driveway in key locations to allow for vehicles to pass. Should the recommended 4/2M plan be approved, the roadway exception request is not applicable, as the access will be to two lots, which constitutes a driveway.

The application states that traffic generated by these residences is estimated to be 57 trips per day using the 9.5 ADT as indicated in the LDRs. This volume of traffic will not increase the functional definition of connecting roadways or trigger upgrades of any kind.

Division 7.7, Required Utilities

Complies as conditioned. The applicant is proposing on-site septic and potable water. However the Master Plan and Water and Wastewater Utility Master Plan identify connection to the Aspen Sewer and Water District, the County GIS identification for the Aspen Sewer and Water District encompasses Lot 5 and finally through Plan Review Committee correspondence, the Teton County Sanitarian is requiring that all Lot 5 lots connect to the Aspen Sewer system. The applicant has agreed to connect to the Aspen system and this will be required at grading

and building permit review. A condition is recommended to require connection to the Aspens Sewer System at the time of building permit.

ATTACHMENT 1A APPLICABLE REGULATIONS- Master Plan

APPLICABLE REGULATIONS- Teton Pines Master Plan comprised of Plat 578, Plat 580, the 47 Conditions of Approval and the Water and Wastewater Utility Master Plan

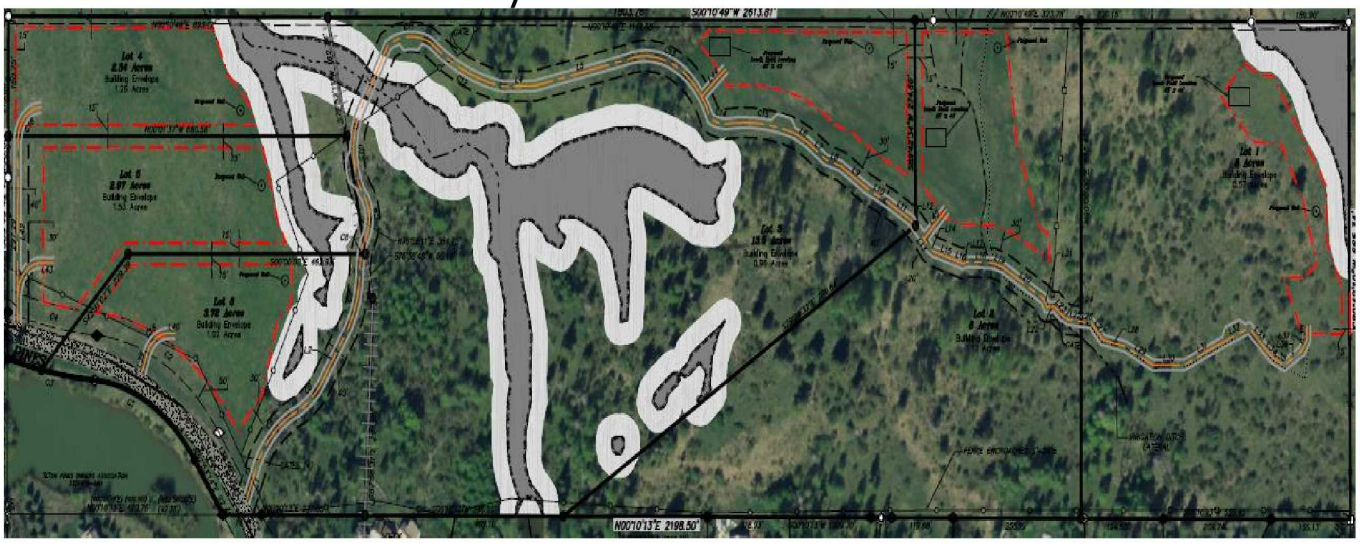
Complies as conditioned. This application is subject to the Teton Pines Master Plan Conditions of Approval, dated February 21, 1984. A condition of approval update, dated September 16, 1988 was produced by Planning Staff and was reviewed as part of this DEV application review. The Master Plan was originally approved with 43 conditions. 4 more conditions were added October 21, 1986. The Planning Staff review of the conditions enumerated all 47 conditions and identified whether the condition had been satisfied or not applicable. All conditions were either satisfied or not applicable except 3 conditions that dealt with roads and pathways. As part of the Plan Review Committee review Engineering, Pathways and Road and Levee Departments indicated that all conditions have been satisfied.

Condition 13 WILDLIFE FENCING states *"Perimeter fencing shall be coordinated with the Wyoming Department of Game and Fish to allow moose migration."* While the condition of approval update states that this condition has been satisfied, site visits and GIS identify a fence to the west of the Estates lots on Lot 5 that appears to not meet the Wildlife Friendly Fencing standards. It is believed this fence was constructed to contain stock and did not include coordination with WGF. WGF has cut out live and dead ungulates in this and nearby fencing. It is staff's determination that this fence does not meet the conditions of approval or the Wildlife Friendly fencing regulations. A condition to address this concern has been included.

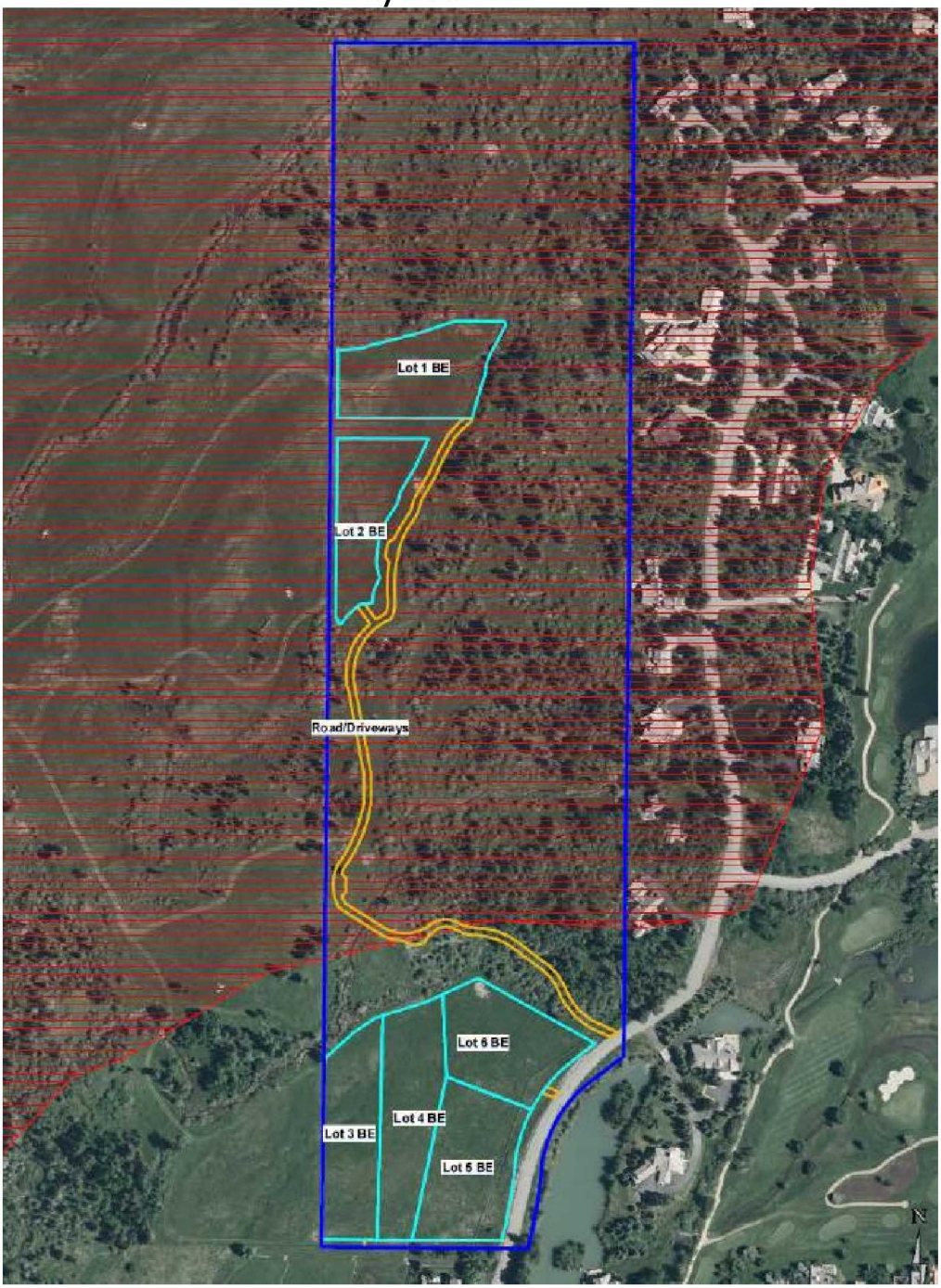
The application meets the requirements of Plat 578 and Plat 580. Lot 5 shall contain not more than 6 single family residential units. All dwellings shall be connected to a community domestic water and wastewater collection and treatment system.

ATTACHMENT 1B LOT CONFIGURATIONS

3/3A



4/2M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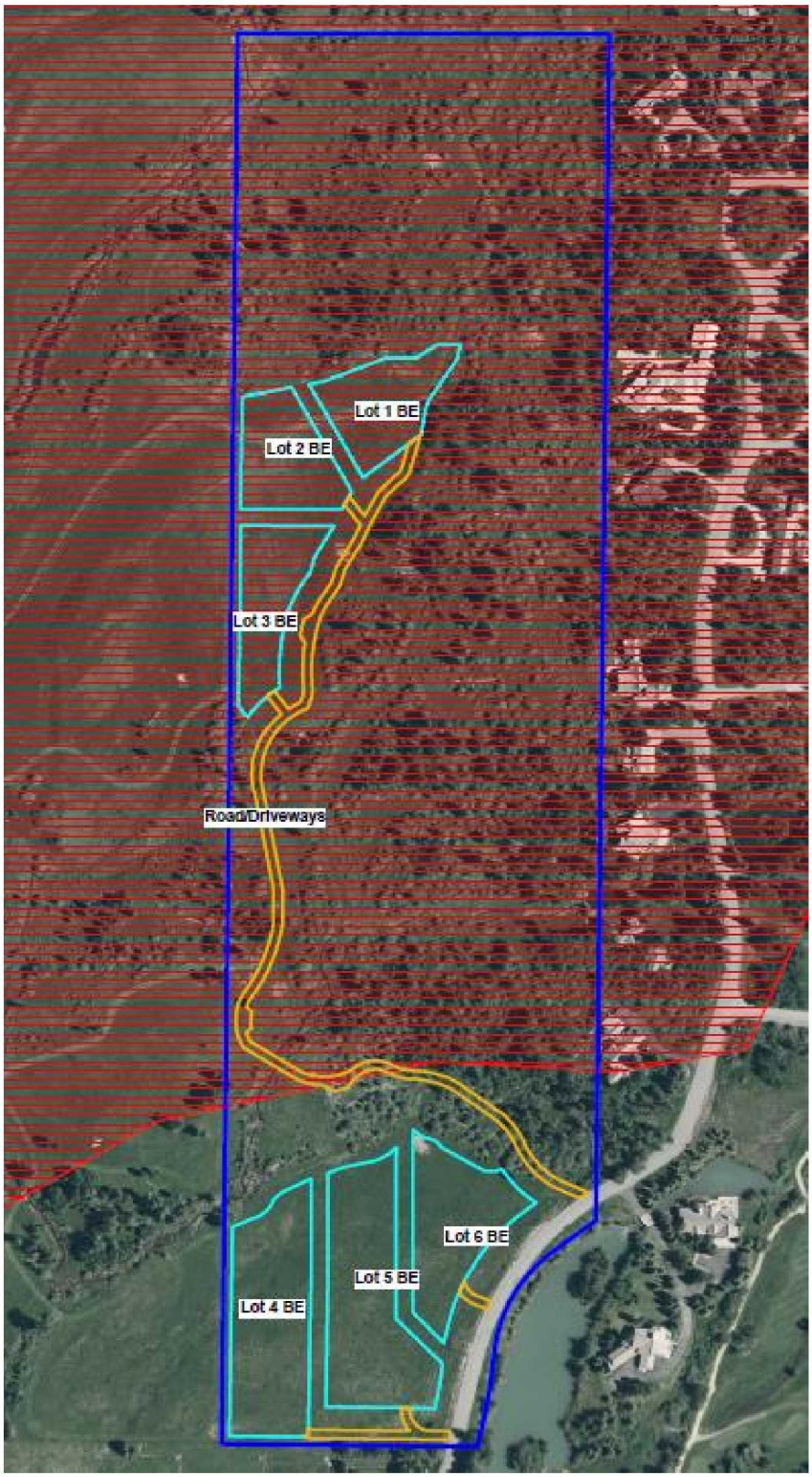
Lot 2 BE
Road/Driveways
Lot 6 BE
Lot 4 BE
Lot 3 BE
Lot 5 BE
N

3/3M



PLANNING & DEVELOPMENT

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To: Brendan Schulte, Jorgensen Associates, P.C.

Cc: Doug Mackenzie
Tom Campbell, Biota Research and Consulting, Inc.

From: Roby Hurley, Principal Planner

Date: September 2, 2016

Subject: Environmental Analysis Review for Lot 5 Jackson Hole Racquet Club Resort (EVA2016-0002) PIDN 22-41-17-11-3-19-001

Planning Staff has reviewed the Environmental Analysis (EA) dated June 8, 2016 and revised Impact Analysis dated July 29, 2016 that was prepared by Biota Research and Consulting, Inc (Biota) for Lot 5 Jackson Hole Racquet Club Resort (Pines). Lot 5 is owned by VW Properties #2 LLC. and is under contract to Jake Jackson Holdings, LLC. The EA also contains a groundwater study conducted in 2015. Related to the EA, the applicant submitted a Density/ Intensity Study. Finally, as part of the EA, an alternatives analysis was conducted, which evaluated 3 subdivision layouts as follows: all 6 lots outside of the Natural Resources Overlay (NRO) (6/0), 4 lots outside the NRO and 2 inside (4/2) and 3 lots in the NRO and 3 lots outside (3/3).

An EA review is not an approval of an EA nor a physical development plan. It is a component of a possible or pending physical development application. In this case the applicant has applied for a development plan (DEV). The purpose of this EA review is to analyze the findings of the county hired EA consultant, follow the guidance of the Jackson/Teton County Comprehensive Plan, the regulations of the Teton County Land Development Regulations, Section 8.2.2., Div. 5.1., and Div. 5.2. and consider the Pines Master Plan and the Density/ Intensity Study. Finally a recommendation of one of the alternatives or combination of alternatives is provided.

Staff made an initial determination that the site would be analyzed and reviewed in its entirety, not as part in and out of the NRO. This decision is based on field observations, vegetation type and location and historical moose winter range mapping that transcend a line on a map. Therefore this review focuses largely on vegetation cover type relative to moose habitat.

Application sufficiency was determined on August 5, 2016. The property is zoned PUD R-1 and is partially within the NRO. Prior to April 1, 2016 the parcel was zoned PUD along with Teton Pines. The 38.5 acre vacant site consists of a mix of pasture and native upland and wetland vegetation. As part of the sale of land for the development of the Jackson Hole Racquet Club Resort, the VandeWater Family retained ownership of six development rights on the east 40 acres of what was to become Lot 5 of the JHRCR. Confirmation of the 6 unit entitlement is contained in a Zoning Compliance Verification (ZCV2015-0020), conducted by Teton County Planning Staff, dated August 14, 2015.

In reference to the Jackson/Teton County Comprehensive Plan, the site is located in the County Valley Character District 9 and adjacent to the Aspen/Pines Character District 12. Comprehensive Plan

district map features are illustrative of the character of an area and do not imply desired regulatory boundaries or specific locations for certain attributes. The County Valley Subarea is Agriculture Foreground. The Comprehensive Plan cites that "this Preservation Subarea should remain characterized by agricultural open space. Where possible, development potential should be directed into the Complete Neighborhoods that border this subarea. Development that does occur should be clustered near existing development and be designed to protect scenic vistas and agricultural viability, which also protects wildlife habitat and wildlife permeability". The adjacent subarea, Aspen/ Pines Residential is a complete neighborhood and the Comprehensive Plan cites that "the wildlife permeability that comes from clustered development around open space should be preserved."

Waterbodies and Wetlands: A wetland delineation was performed in 2014 as part of an Aquatic Resource Inventory. Field data showed that about 8.1 acres of the 38.5-acre project area conformed to wetland definitional criteria per the USACE 1987 Wetland Delineation Manual. In a letter dated June 6, 2015, the USACE determined that the methods used by Biota are correct and its wetland boundaries are accurate. All wetlands were classified as palustrine emergent and palustrine scrub-shrub. A follow-up groundwater study was performed in 2015 within Lot 5 to monitor groundwater levels and to determine the extent to which existing wetlands are supported by supplemental irrigation activities occurring upstream of and within project area; and if any of the wetlands on the parcel are likely to revert to uplands in the absence of irrigation activity. The study findings resulted in a revised determination of naturally occurring or irrigation induced wetlands throughout the project area, effectively reducing the naturally occurring wetlands to approximately 3 acres. It should be noted that the methodology for determining irrigation inducement has been questioned by the Teton Conservation District. The methodology used by Biota is consistent with past determinations. The Planning Staff has requested independent review by Wyoming Wetland Society of the modeling method through the Plan Review Committee but to date no responses have been received.

In reference to streams, Biota evaluated the 2 drainage systems to determine if either channel represented a tributary stream. In a study dated July 14, 2015 both drainages were found to lack the outflow discharge rate to qualify as streams. Both ditches are part of the Lake Creek Diversion drainage system.

Vegetative Cover Types: Vegetative covertypes occurring within Lot 5 are diverse ranging from 1 (lowest ordinal value) to 10 (highest value) with the exception of Priority 5, Coniferous forest. The lowest ranking agricultural meadow represents the largest acreage at 12.01 acres. Mesic tall shrub accounts for 12.28 acres and has a ranking of priority 8. As previously stated wetland vegetation accounts for approximately 3 acres and has the highest ordinal ranking.

The impacts to higher ranking types within the NRO will require mitigation of 2:1.

Wildlife: The property is located mostly within mapped moose crucial winter range and in proximity to crucial winter yearlong range for moose. Moose may be present within the project area on a year-round basis, with greater frequency and duration expected during winter months. Browsed vegetation, pellet groups, and tracks indicate that the scrub-shrub wetlands, and forested and shrub covertypes potentially provide forage and protective thermal cover critical for moose survival during stressful winter conditions.

The property does not contain any designated crucial elk habitat or migration corridors, but it does represent non-crucial spring-summer-fall elk habitat. Evidence of elk presence, in the form of observed individuals and pellet groups, was abundant and scattered around the property.

The parcel and its vicinity have been classified as non-crucial spring-summer-fall mule deer range by the Wyoming Game and Fish Department. Mule deer summering throughout this area can be expected to use the parcel late into the fall or early winter when snow accumulations and difficult foraging conditions push them towards winter range.

Bears Black bears are commonly found within the vicinity of the project area in the spring, summer, and fall and grizzly bears are expanding their range southward toward Lot 5. Lot 5 falls within Bear

Conflict Priority Area 1, meaning that all attractants must be properly secured and stored during and after construction.

The forested, scrub-shrub and tall shrub covertypes within the project area represent medium to high quality migratory bird nesting habitat and individual birds undoubtedly nest here. Snag trees are scattered throughout the cottonwood forest and these trees provide nesting and foraging habitat to a variety of songbird species. Migratory songbirds fall under the protection of the Migratory Bird Treaty Act.

No threatened or endangered species, trumpeter swans nesting sites or crucial winter habitat, bald eagle nesting sites, cutthroat trout spawning areas, or raptor nesting areas exist on Lot 5.

Wyoming Game and Fish (WGF) provided a review letter dated August 24 that is attached to this memo. Generally WGF finds the Habitat Inventory accurate and emphasized the importance of conserving moose habitat.

Natural Resources Overlay (NRO): Biota also provided a review of the location of the NRO on site. All but the southern-most portion of the project area is located within the mapped NRO. This 29.5-acre area does not overlap Wyoming Game and Fish Department mapped crucial winter range for any ungulates in the vicinity of the project area. The NRO, as currently mapped, is largely considered accurate within the larger framework of wildlife distribution and use in the area. However, the NRO line appears somewhat arbitrary because mesic tall shrub and mesic mixed forest lodgepole pine/mature aspen covertypes located south of the NRO line are virtually identical to the same covertypes located north of the NRO. Because of the higher ordinal vegetation occurring on both sides of the NRO Planning Staff directed Biota to evaluate impacts and alternative analysis based on the entire site.

Impacting the NRO: Staff evaluated the following applicable sections of the LDRs. LDR Section 5.2.1.E.1requires minimization of wildlife impacts and states, "The location of the proposed development shall minimize impacts on the areas protected (e.g., crucial migration routes, crucial winter range, nesting areas). For the purposes of this standard, "minimize" is defined as locating development to avoid higher quality habitats or vegetative cover types for lesser quality habitats or vegetative cover types." Section 5.2.1.F. contains Standards requiring protection of higher value vegetation cover types with cover type scrub shrub wetland having the highest value at a numerical value of 10.

Section 5.2.1.G. contains Standards requiring protection of specific wildlife crucial habitat of which Crucial Moose Winter Habitat is one of the protected habitats.

Environmental Standards Section 5.2.1.E states that "Where densities/intensities permitted cannot be achieved by locating development outside of the NRO, then lands protected by the NRO may be impacted pursuant to the standards of this Subsection." The applicant has conducted a Density/ Intensity Study. The initial study was submitted March 18, 2016, updated on April 14, 2016 and finalized in the recent Development Plan application (DEV2016-0004). The study attempts to demonstrate that Lot 5 was intended to have larger lots. The study evaluates historical documents, adjacent neighborhoods and land use, Planned Unit Development for the Pines, recent and current LDRs and the Comprehensive Plan. Finding that Lot 5 was intended to have larger lots, the study concludes that all of the lots will not fit outside of the NRO and thus some density should be permitted in the NRO. Following that finding, the applicant requested the 4/2 and 3/3 alternative analysis as discussed below.

Impact Analysis: Biota has conducted an Impact Analysis based on 3 development plans; all 6 lots outside of the NRO (6/0), 4 lots in the NRO and 2 outside (4/2) and 3 lots in the NRO and 3 lots outside (3/3). Impacts are as follows:

Covertype	Ordinal Ranking	4/2 Option		6/0 Option		3/3 Option	
		Acres	Sq Ft	Acres	Sq Ft	Acres	Sq Ft
Scrub-Shrub Wetland	10	0.02	980	0	0	0.01	576

Mesic Tall Shrub	8	0.42	18,196	0.41	17,936	0.33	14,190
Mesic Aspen - Mature	6	0.01	340	0.01	298	0.03	1,185
Mesic Mixed Forest-Lodgepole Pine/Mature Aspen	6	0.37	16,084	0.36	15,620	0.02	679
Mesic Grassland	3	0.18	7,840	0.00	0	0.15	6,743
Agricultural Meadow - Passive	2	0.06	2,512	0.00	0	0.08	3,274
Agricultural Meadow - Intensive	1	6.58	286,472	3.49	152,002	7.25	315,974
Disturbed	0	0.00	0	0.00	49	0.00	0
Total Surface Area		**7.64**	**332,424**	**4.27**	**185,905**	**7.86**	**342,621**
Impacts to Covertypes Ranked 5 or Greater		**0.82**	**35,600**	**0.78**	**33,854**	**0.38**	**16,630**

Impact Level: Red = High; Blue = Moderate; Green = Low

Of all the species assessed, the habitat inventory plainly demonstrates impacts to moose habitat as being the greatest of all species, so Planning Staff has condensed their review to impacts on moose habitat. Teton County Land Development Regulations strictly limit impacts to crucial moose winter habitat. Of concern to Planning Staff and WGF is the impact to moose and the associated 2 highest ordinal vegetation rankings that represent moose habitat. Impacted Scrub-shrub wetlands and Mesic Tall Shrubs represent at least .34 acres (3/3 Option) and as much as .44 acres (4/2 Option). At a minimum 2.3% of moose preferred habitat would be impacted. The second largest vegetation impact after Agricultural Meadow, in all three options represents moose habitat, which for Scrub-shrub wetlands and Mesic Tall Shrubs includes food, water and cover. A minimum of .34 acres of Scrub-shrub wetlands and Mesic Tall Shrubs, which represents moose habitat will be impacted. Section 5.2.1.G.3. requires that "No physical development, use, development option, or subdivision shall occur within crucial moose winter habitat, unless the applicant can demonstrate that it can be located within the moose crucial winter habitat in such a way that it will not detrimentally affect the food supply and/or cover provided by the crucial winter habitat to the moose, or detrimentally affect the potential for survival of the moose using the crucial winter habitat." While it appears that some minimization of impacts has been demonstrated, all 3 of the Options impact moose habitat.

While the subject of habitat fragmentation is not required to be covered in an EA, it should be considered along with the Comprehensive Plan guidance for clustering near existing development and designing to protect wildlife habitat and wildlife permeability. The WGF letter states, "...there is ample evidence in the ecological scientific literature that points to the negative effects of habitat fragmentation on wildlife. It is well supported that wildlife like moose, elk, and mule deer rely on contiguous, large patches of undisturbed habitat. Habitat fragmentation from human development creates edge effects and introduces disturbance in the form of human activity, noise, vehicles, dogs, lights, etc."

The issue of wildlife permeability may not be applicable for any of the plans due to the adjacency to the Pines with its mass of structure and fencing. The 6/0 plan offers the least fragmentation and the best clustering but impacts the largest amount of moose habitat. The 4/2 plan could be considered as two clusters but fragments and impacts a large amount of habitat. The 3/3 plan is the least impactful but does not represent clustering and fragments habitat.

The WGF review favors the 6/0 plan and states "The alternative plan to cluster development in the agricultural meadow habitat type and retain a large patch of moose habitat as undisturbed and un-fragmented will greatly minimize impacts to wildlife. The alternative plan (6/0) will not only benefit moose, but other wildlife species as well."

Planning Staff Recommendation: This review is complicated by a number of factors including: location partially in the NRO, the broad brush of the NRO, historical density allocation, a platted "no vehicle access" restriction on the western property boundary and the junction of 2 Comprehensive Plan Districts. However in the end the LDRs clearly require protection of valuable habitat. In addition, LDR Section 1.6.2 *Certain Maximums Not Guaranteed* is applicable in this situation. This Section states, "Maximum densities and intensities are not guaranteed to be achievable by the terms of these LDRs. All standards and requirements shall be met and actual achievable densities and intensities may be limited by factors such as product type, site location and configuration, natural and scenic resource limitations, or parking requirements." While the density of six units is fixed, the intensity is not guaranteed.

The applicant has demonstrated an effort to reduce impacts by amending lot layout to avoid wetlands, locating impacts in low ordinal ranked vegetation and proposing to reduce road widths. The applicants preferred 3/3 alternative has the lowest impacts to higher ordinal ranked vegetation, clusters development envelopes in meadows, and better achieves a transition to the rural character of County/ Valley and R-1. In the absence of the "no access easement" the applicant who owns land to the west could provide access to the northern meadow lots and reduce all wetland and most of the higher ordinal ranked vegetation.

Consideration of the Comprehensive Plan is required and should be viewed through the applicable Vision: Ecosystem Stewardship. Reviewed through the Ecosystem Stewardship Vision, the 6/0 option for subdivision layout comes closest to meeting the standards for protection of wildlife habitat and wildlife permeability because it has the least amount of impact to moose habitat.

Viewed in the narrow scope of natural resource protection required in Division 5.2, none of the subdivision layouts maximizes avoidance and minimization of impacts to moose habitat. If the NRO more accurately followed high value vegetation, the area outside of the NRO (approximately 5.5 acres) would only accommodate 6 very small lots, uncharacteristic of the Character District or neighborhood.

LDR Section 8.2.2.F.7. permits the Planning Director to make a recommendation combining elements from each plan. Section 8.2.2.F.7. states "This recommendation may combine elements from each of the alternative site designs." None of the three site plan options fully meet the LDRs, but there are attributes of each site plan that when combined may result in the least impacting design. A modification of the 4/2 Option with a different road location, reduced road width and redesigned building envelopes could achieve the least impact on moose habitat.

An EA review is not an approval of an EA nor a physical development plan. It is a component of a possible or pending physical development application. The Planning Director, in evaluation of the guidance of the Jackson/Teton County Comprehensive Plan, the regulations of the Teton County Land Development Regulations, Section 8.2.2., Div. 5.1., and Div. 5.2., the Pines Master Plan and the Density/ Intensity Study recommends alternative 4/2 Option with modifications based on the standards and objectives of Div. 5.1., Div. 5.2. and the Jackson/Teton County Comprehensive Plan with the following conditions:

1. The 4/2 plan shall contain the road configuration matching that of the 3/3 plan.
2. The 4/2 plan shall apply for a roadway exemption request reducing the road width in the southern area of four lots.
3. The 4/2 plan shall contain no building envelopes in vegetation ranked higher than priority 3.
4. The 4/2 plan shall reduce the northeast appendage of Lot 1 by approximately 250 feet.
5. At the time of submittal of a grading permit, a final mitigation plan shall be required to be submitted, subject to review and approval by the Planning Director. The Final Mitigation Plan shall provide actual accurate impact amounts and mitigation amounts and locations. Pursuant to the LDRs, the Plan shall include (but may not be limited to) species specific plantings, a monitoring plan and remedial measures to ensure project success. In addition, prior to issuance of any Grading and Erosion Control Permits, a cost estimate for mitigation implementation is required and the applicant will be required to post a surety in the amount of 125% of the estimate.
6. Prior to issuance of any Development Permits, EA digital mapping layers shall be provided.

WYOMING GAME AND FISH DEPARTMENT

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August 24, 2016

Roby Hurley, Principle Planner
Teton County Planning and Development
200 South Willow Street
Jackson, WY 83001

Dear Mr. Hurley,

Thank you for the opportunity to comment on the Environmental Analysis for proposed development of Jackson Hole Racquet Club Resort Lot 5 (EVA2016-0002). The 38.5-acre property is owned by VW Properties, LLC. The property is located north of Wilson, Wyoming between Fish Creek and the Snake River. It is approximately 0.4 miles east of the Bridger-Teton National Forest boundary. The proposed development includes 6 individual lots with associated building envelopes that will be accessed via a common road/driveway. The developer has analyzed three lot configurations. The Jackson Region staff of the Wyoming Game and Fish Department (WGFD) has reviewed the proposal and support the alternative configuration of clustering all six lots on the southern end of the property, mostly outside of the Natural Resource Overlay (NRO). We offer the following comments for your consideration:

Terrestrial Wildlife

As the Environmental Analysis (EA) describes, this area provides diverse habitat for a range of wildlife species. Much of the habitat to the east of the project area has already been developed as low and moderate density residential housing, while the project area and adjacent areas to the west and north remain mostly undeveloped open space. This open space provides a important wildlife movement corridor from upland habitats on Bridger-Teton National Forest to riparian habitats along the Snake River. Many habitats used by moose, elk, and mule deer as foraging, thermal, and escape cover have already been converted to residential landscaping, buildings, and roads by existing development along Highway 390. Much of the habitat on this and adjacent undeveloped properties serve as important security cover for ungulates.

Moose crucial winter yearlong range, delineated by WGFD, is located along Fish Creek about 1/10th of a mile west of the project area. The WGFD creates seasonal range maps at a landscape- level scale, not at a local-level scale. Therefore, the field surveys associated with the EA were important to document local wildlife presence and seasonal use of the area. The project area contains important vegetation types for moose, including scrub-shrub wetland, mesic tall shrub, mesic aspen-mature, and mesic mixed forest-lodgepole pine/mature aspen. Moose are observed year-round in the vicinity of the project area (Fig. 1), although the highest concentrations occur during winter. The WGFD's Wildlife Observation Database (WOS) does not have any moose observations on the property, however that is not unusual as WGFD does not conduct aerial surveys of this area. The large

number of moose observations in the surrounding areas suggests that the property is likely heavily used by moose, which is corroborated by the moose pellet and browse observations reported in the EA.

The EA points out that moose will likely continue to use both the developed and undeveloped areas after build-out and moose that are tolerant of human presence would exploit landscaping as an artificial food source. While it is certainly true that some moose have become habituated to living in neighborhoods along Highway 390, these moose experience a much higher level of human conflict than moose that live in more natural habitats. Like all wildlife, as moose become habituated to humans, they can also become increasingly aggressive, especially during the breeding, winter, calving seasons and can pose a threat to human and pet safety. The WGFD game wardens and biologists field calls from the public on a daily or weekly basis regarding moose and human conflicts in neighborhoods in Teton County, especially near Highway 390. These range from complaints of aggressive cow moose with newborn calves, aggressive bull moose during the breeding season, confrontations between moose and domestic dogs that can result in injuries or death, destruction of landscaping, and moose drowning in ornamental ponds. For these reasons, we encourage Teton County and the developers to design lots and building envelopes to minimize these conflicts.

This area is used by elk primarily during the spring, summer, and fall. The majority of elk vacate these areas in the late fall and spend the winter on the National Elk Refuge. The highest concentrations of elk occur in this area during the breeding season in the fall and during migration periods. The Fish Creek riparian corridor adjacent to the property is used by elk as a foraging and movement corridor (Fig. 2). Elk primarily forage on grass and forbs during the spring, summer, and fall, which would be found in most of the vegetation cover types on the property. Elk also rely on forested security cover, including aspen cover types, particularly during the spring calving period.

This area is used by mule deer in the spring, summer, and fall. The majority of mule deer migrate to areas with shallower snow depths on south and east-facing slopes closer to the Town of Jackson to winter. However, some mule deer spend the winter in the vicinity of the project area and may browse on shrubs or use the property as security cover. Known mule deer migration routes are located to the north of the property closer to Lake Creek.

Black bears are commonly found within the vicinity of the project area in the spring, summer, and fall. As grizzly bears expand their range southward, observations and conflicts are increasing in this area. Bears commonly use riparian areas such as Fish Creek and the Snake River as movement corridors, which put them in close proximity to residential housing developments near Highway 390. The property falls within Bear Conflict Priority Area 1, meaning that all attractants must be properly secured and stored during and after construction. It will be important for homeowners to avoid planting berry bushes that would attract bears, store garbage and other attractants securely (pet food, livestock feed, compost, etc.), hang bird feeders at least 10 feet high and 4 feet away from supporting structures, and keep pets within sight and under control. Bear-human conflicts, especially those resulting from improperly stored garbage, are increasing in the areas of Teton Village and Highway 390 and becoming more frequent as bear populations and human developments expand.

Alternative Site Configurations

We support the request by Teton County to generate an alternative development plan that would locate development outside the mapped NRO and minimize adverse impacts to wildlife, especially to moose. The developer has proposed three lot configurations (proposed, alternative, and “3/3 plan”). We support the alternative proposal to concentrate all six lots within the agricultural meadow cover type on the south end of the

property and retain the remaining acreage as open space. This will greatly minimize impacts to moose, elk, mule deer, migratory birds, and other wildlife.

The EA points out that there are only small differences in the absolute number of acres affected between the three alternatives. However, the configuration of the development is very different between the alternatives. The main difference is the dispersed nature of development in the proposed and 3/3 plans versus the clustered nature of development in the alternative plan. The EA states that there is little empirical data to predict if the clustered, alternative plan would have fewer impacts on moose than the dispersed proposal. On the contrary, there is ample evidence in the ecological scientific literature that points to the negative effects of habitat fragmentation on wildlife. It is well supported that wildlife like moose, elk, and mule deer rely on contiguous, large patches of undisturbed habitat. Habitat fragmentation from human development creates edge effects and introduces disturbance in the form of human activity, noise, vehicles, dogs, lights, etc. The alternative plan to cluster development in the agricultural meadow habitat type and retain a large patch of moose habitat as undisturbed and un-fragmented will greatly minimize impacts to wildlife. The alternative plan will not only benefit moose, but other wildlife species as well. The WGFD's Wildlife Observation Database contains records of 97 different wildlife species occurring within 1 mile of the project area, which demonstrates the value of the area to wildlife.

Context within Existing and Future Development

The Teton County Map Server shows an additional 5 undeveloped properties owned by VW Properties, LLC or Vandewater LLC within ½ mile of the project area, totaling approximately 175 acres. There are additional undeveloped properties with various ownerships in the vicinity as well. The EA states that these contiguous, undeveloped parcels will likely be built-out with multiple single-family lots in the future. These existing open spaces function as a critical link between conservation easements to the north and south, as well as between conservation easements along the Snake River to the east and Bridger-Teton National Forest to the west. Future developments within these remaining open spaces, including the proposed project, will result in cumulative negative impacts to wildlife seasonal habitats and migration routes, including moose, elk, and mule deer, among other species. While the acreages of single developments are relatively small, the cumulative effects of habitat conversion and fragmentation will undoubtedly have significant impacts on local wildlife populations.

Thank you for the opportunity to review this proposal. If you have questions, please contact Aly Courtemanch, Wildlife Biologist, at 307-733-2321.
Sincerely,

Doug Brimeyer Regional Wildlife Coordinator

cc: Alyson Courtemanch, Wildlife Biologist, WGFD Susan Patla,
Non-Game Biologist, WGFD
Rob Gipson, Fisheries Supervisor, WGFD
Anna Senecal, Aquatic Habitat Biologist, WGFD

Fig. 1. Moose observations from the Wyoming Game and Fish Department's Wildlife Observation Database (red dots) in the vicinity of the project area (highlighted in blue).

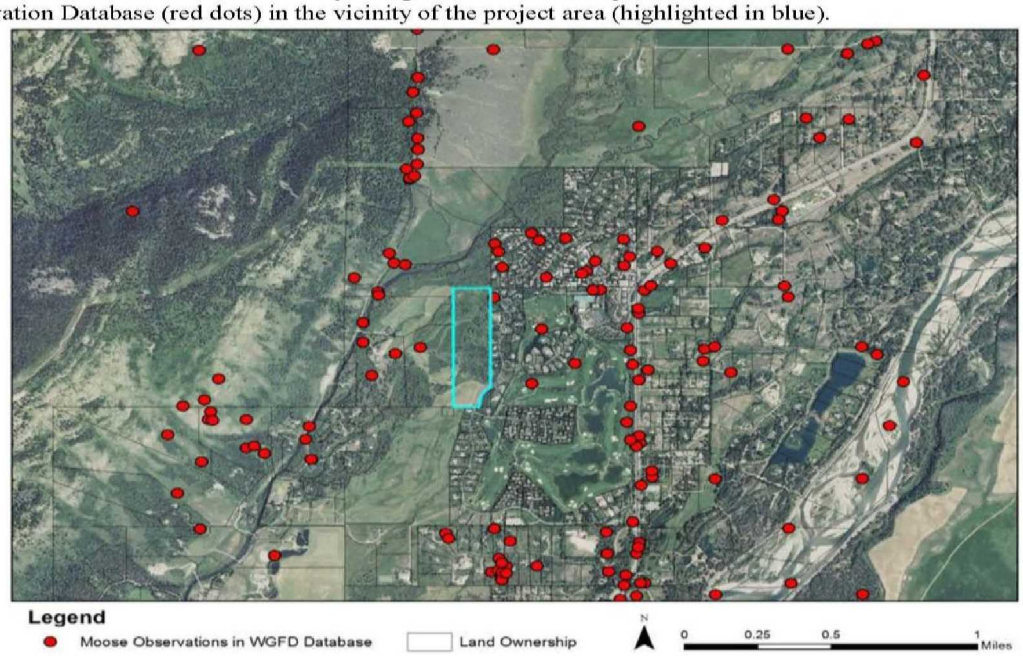
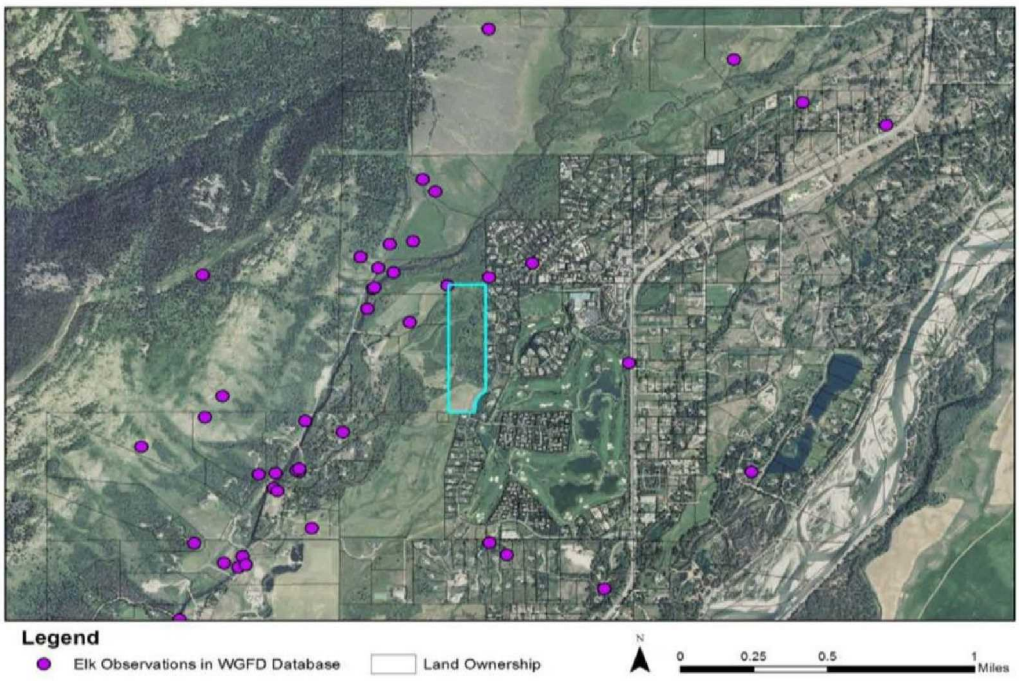


Fig. 2. Elk observations from the Wyoming Game and Fish Department's Wildlife Observation Database (purple dots) in the vicinity of the project area (highlighted in blue).



ATTACHMENT 2A DENSITY/INTENSITY STUDY

April 14, 2016

Mr. Roby Hurley
Teton County Planning Dept.
P.O. Box 1727
200 South Willow St.
Jackson, WY 83001

-Hand Delivered-

RE: Lot 5, Jackson Hole Racquet Club Resort, Plat 578 – Density/Intensity Study Part 2
Jorgensen Associates, P.C. Project 15021.02.10

Dear Roby,

This letter is in reference to our continued evaluation of Lot 5 of the Jackson Hole Racquet Club Resort, Teton County Plat No. 578 (Lot 5). As per our discussion on Monday March 28th, the applicable zone standards to be applied to this project was clarified to be R-1 as per *Division 1.8.2.C.1a.-Planned Unit Developments (PUDs) with PUD Zoning* under the newly adopted Teton County Land Development Regulations (LDRs) effective 4/1/16, which states that when a PUD is silent, the standards of the underlying zone apply. This determination imposes the following setbacks: *50' from a public road*, *30' from a private road and 15' for all non-street setbacks*, which affect potential densities and intensities on proposed lot scenarios for Lot 5.

This study will show that Lot 5 should be developed in a manner that: befits this area as a transition zone from the perspective of base density; works with the confines of the LDRs with respect to density and intensity of use; and complies with the direction of the Teton County Comprehensive Plan direction for Lot 5.

Base Density/Intensity & Transition Zone

The base density of the 38.56 acres of Lot 5, as established by the Master Plan for Jackson Hole Racquet Club Resort and indicated on the Master Plan Subdivision Plat for the Jackson Hole Racquet Club Resort, Plat No. 578, is 6 development units (DUs) or 1 DU per 6.42 acres. The intensity of development of any lot is defined by the bulk and scale of the "development" or the floor area and site development allotted to each lot or parcel. Under the current R-1 Zoning standards the lots divided out of Lot 5 with a base density of 6.42 acres per DU may each contain a maximum of 10,000 sf of floor area and approximately 26,200 sf of site development. These parameters establish Lot 5's intensity of use and are considered for this study the base floor area and base site development area for Lot 5

Lot 5 is a transition zone between two distinct areas: the agricultural parcels to the west, north and south, which are in the R-1 Zone; and those lots to the east in The Estates of Jackson Hole Racquet Club Resort, Teton County Plat No. 580, which lie within the PUD-NC Zone. The parcels to the west, north and south are 35+ acres with building envelopes that are very large (20+acres) being determined by R-1 Zone setbacks. These parcels have an agricultural use and character and the large building envelopes can easily accommodate the site development allowed under the LDRs, which in turn allows for the development of "historical agricultural compounds". The lots within Plat No. 580 to the east are much smaller, typically less than acre, with even smaller building envelopes as determined by setbacks specified on Plat No. 580 (which were in accord with setbacks established by the LDRs in effect at the time of the plat recordation). These lots are part of the Jackson Hole Racquet Club

Golf Course (now called Teton Pines) resort development and the character of this neighborhood fits that of resort use. These two areas are distinct from each other in their lot/parcel size, use, and character.

As the transition zone between these two areas, Lot 5, as was originally contemplated by the Master Plan for the Jackson Hole Racquet Club Resort, should find middle ground with respect to density parameters. It should have lots and building envelopes that are significantly larger than the lots and building envelopes to the east, and correlate to the base density of 6.42 acres per DU as allowed for and effectively contemplated by the Master Plan, which is a middle ground between 35 acres per DU and 1 acre per DU. Specifically the building envelopes should be able to handle the above described intensity of use in a historical agricultural compound as per the Comprehensive Plan. An adequate building envelope size for this type of intensity would be at least 2-3x the allowed base site development area of 26,200 sf, or approximately 1 to 2 acres in order to appropriately disperse site development in the typical program of the historical ranch compound. Lots comparable in configuration and size to those of the Plat 580 lots to the east are too dense and intense for the development of Lot 5 to provide this program and serve as a transition zone.

This transition zone is essential to maintain the neighborhood character of both areas. Hard transitions between these areas provide barriers to wildlife and hinder the opportunity to create structures that fit with the agricultural character of the parcels to the west, north and south. Larger lots with larger building envelopes that are still clustered, but as close to the base density of 6.42 acres per DU will increase wildlife permeability through these areas and fit the neighborhood character (see Comprehensive Plan Discussion). This was the intent of the developers of Plat 578 as shown by how the 8 units on Lot 14 of Plat No. 578 have been subsequently platted over the past 30 years. Plat Nos. 658, 1204, 1299, 1311, 1314 all resulted in the creation of larger lots with larger building envelopes.

Achievable Density/Intensity

In order to effectively use Lot 5 as a transition zone we argue that densities and intensities must be allowed to impact lands protected by the Natural Resource Overlay(NRO). Especially those areas in the northern agricultural meadow (ag meadow), a cover type defined by the LDRs as “disturbed” and thus given the lowest ordinal ranking and protection by the NRO. Section 5.2.E of the LDRs states “where densities/intensities cannot be achieved by locating development outside the NRO, then lands protected by the NRO may be impacted pursuant to the standards of this Subsection.”

What is “achievable densities/intensities” is a fairly subjective interpretation therefore we studied the adjacent neighborhoods in all directions to determine what is achievable on Lot 5.

Methodology - Lots 1, 2, 3 and 4 combined, 5, 6, 7 and 8 of plat No. 580 were studied for their lots and building envelope size in contrast with the agricultural parcels to the west in excess of 35 acres. These lots are directly adjacent to Lot 5’s southern agricultural meadow (ag meadow) and are outside of the NRO similar to the area in Lot 5 outside the NRO. Consequently, we conducted this analysis only for lots outside the NRO. Building envelopes for Lots of Plat No. 580 were created using the setbacks specified on that plat (25’ front yard, 10’ side yard, and 25’ rear yard). For the two development scenarios presented for Lot 5 in this exercise we created building envelopes using the setbacks established for the R-1 zone. No waterways or wetlands were included in the proposed building envelope. Additionally, a statistical analysis was conducted only on those lots proposed outside of the NRO to maintain the methodology of trying to fit densities and intensities outside the NRO as per Section 5.2.E of LDRs. Average lot size is compared to the base density to evaluate the development programs adherence to a transition zone.

Table 1 - Study of Building Envelopes and Lot Sizes - Lots 1-7 Plat No. 580			
Lot	**Lot Area (Acres)**	**Building Envelope Area (sf)***	**Building Envelope (Acres)***
1	1.19	26,554	0.61
2	1.36	32,483	0.75
3 & 4	1.76	30,987	0.71
5	1.21	24,700	0.57
6	1.46	41,849	0.96
7	1.27	23,684	0.54
Mean:	**1.38**	**30,043**	**0.69**
*excluding water			

Conclusions – Table 1 above reveals that the neighboring lots have a MEAN building envelope size of 0.69 acres and mean lot size of 1.38 acres. This "eastern neighborhood mean" is provided here anecdotally as starting point because this is a value generated from a dense and intensely developed resort area. This is inadequate to accommodate the development of Lot 5 that fits the character of an historical ranch compound. A transition zone area generated from Lot 5 begins with base site development of 26,200 sf, which cannot appropriately fit inside a 0.69 acre building envelope because of required landscape surface ratios in this zone. A measurable standard of a transition zone lot that can accommodate a historical ranch compound program would be a building envelope as close to 1 acre as possible or above, which is the minimum size in which the permitted base site development area can reasonably fit. **Therefore, we consider 1-acre to be the minimum building envelope acreage at which densities/intensities can be achieved with respect to Section 5.2.E of the LDRs.**

Previously we studied 4 development scenarios. Each denoted by how many lots could be configured outside the NRO. Thus 6, 5, 4, and 3 lot scenarios were considered in our letter dated March 18, 2016. Further study using the R-1 Zone setbacks and guidance from your office has resulted in us focusing on the 6 and 4 lot scenarios (Exhibits 1 & 2). They are summarized in Table 2 below. In particular, we used the **1-acre standard** to determine if densities/intensities can fit on Lot 5 south of, and outside of the NRO.

Table 2 - Comparison to Lot Scenarios				
Section 5.2.D Building Envelope Standard = 1 Acre				
Eastern Neighborhood Mean Building Envelope Size (ac) = **.69 acres** (Based on Lots 1-7 Plat No. 580)				
Base Density of Lot 5 - Based On Plat No. 580				
38.52 acres for 6 Dus OR 6.42 acres / DU				
Scenario (based on # of lots outside of NRO)	Mean Building Envelope Size (ac)	% Difference from 1 acre BE standard	Mean Lot Size	% Below Base Density
6 lot (Exhibit 1)	0.62	**-38%**	1.36	79%
4 Lot (Exhibit 2)	1.00	0%	3.91	39%

Note: A tabulation of the 6 and 4 lot scenarios acreages can be found in Exhibit 3

The 6-lot scenario (Exhibit 1) presumes all residential lots are outside the NRO with one large non-buildable open space lot to the North and a Road Lot for adequate access for emergency vehicles. This scenario was considered with shared driveway easements as directed by staff, but resulted in similar parameters and far more impact with impervious surfaces needed to create adequate emergency access. **The resulting densities/intensities of the 6-lot scenario are well below the standard, with <u>38% smaller</u> building envelopes.** Additionally, the building envelopes of the 6-lot scenario don't even fit the eastern neighborhood mean building envelope size. The 6 lot scenario has building envelopes that are 10% smaller. The base density of the 6 lot scenario outside the NRO is 1.38 acres/du or 79% smaller than Lot 5's base density (6.42 acres/du). This analysis clearly demonstrates that a density of six lots cannot reasonably be achieved outside of the NRO within Lot 5. We do not consider this an option for development of Lot 5.

The resulting densities/intensities of the 4-lot scenario are well above the eastern neighborhood mean, providing building envelopes with a mean value that meets the 1-acre standard. While, the base density of the 4 lot scenario outside the NRO is still 3.91 acres/du or 39% smaller than Lot 5's base density (6.42 acres/du) the building envelopes can accommodate what is needed for an historical ranch compound and to fit both the base site development the required landscape surface.

NOTES:

The previously discussed 5-lot scenario was presumed to have the same impact to the NRO as a 4 lot scenario since the impact of the access crossing the wetland to the upper ag meadow inside the NRO would be the same for a shared driveway to two lots, as a single driveway to one lot. All other development would be contained within the ag meadow. Therefore, as per your office's guidance we only studied the 4 lot scenario in Exhibit 2 which presumes two lots are placed in the northwestern ag meadow inside the NRO, and four lots are developed outside the NRO. Notably the 5 lot scenario would also be further from the standard of a 1 acre building envelope than the 4 lot.

The previously discussed 3- lot Scenario while completely satisfying the density and intensity requirements of Lot 5 as a transition lot, and being strongly preferred by the Owner, involves a higher impact to the NRO than the 4 lot scenario because the driveway access would need to be constructed to a "roadway standard" in order to serve 3 lots (as opposed to 2 lots). For these reasons, the 3- lot Scenario has been tabled for the moment.

Comprehensive Plan

Lot 5 is included in District 9: County Valley/9.2 Agricultural Foreground. This is a Preservation subarea which includes the agricultural, clustering, and habitat/scenic forms, all of which call for 70+, 35+, and +/-35 acreages respectively. It has character defining features such as wildlife permeability and agriculture that supports the need for the above-described transition zone between the dense and intense resort on the east, and the agricultural uses associated with the applicant's other parcels totaling 250 acres to the west. This section of the comp plan also states that *"Agriculture and other non-development methods of preserving the existing open space, while respecting private property rights, are the priority…Where possible development potential should be directed into the Complete Neighborhoods that border the subarea. Development that does occur should be clustered near existing development and designed to protect scenic vistas and agricultural viability, which also protects wildlife habitat and wildlife permeability. The scale of development should be of a rural character, consistent with the historic agricultural compounds of the community."*

The density associated with Lot 5 cannot be directed out of this district, as the 6 units are tied to the PUD. However, a portion of it can be clustered adjacent near existing development in District 12: Aspens/Pines as per the 4-lot scenario. The 4-lot scenario increases wildlife permeability in the southern portion of Lot 5 while also maintaining wildlife permeability in the northern portion; it also supports the scale of the development being "consistent with historic agricultural compounds of the community," and integrated with the rest of the applicant's nearly 250 acres of agricultural land to the west.

In contrast, the 6-lot scenario conflicts with nearly all of the parameters in this District. While it may marginally increase open space over the 4-lot scenario, it would do so arbitrarily, forcing development into a smaller area than what was allowed for the denser and more intensely developed neighborhood to the east. This would significantly decrease wildlife permeability in the south ag meadow, creating a wall of development in an area that is currently open to travel by wildlife, with an inequitable gain in open space to the north. Lastly, the character of the 6-lot scenario would be completely out of conformance with historical agricultural compounds and would conflict with the character of the parcels to the north, west, and south.

We have clearly represented in this analysis that the 6-lot scenario is not achievable from a density/intensity stand point, and therefore development should be allowed to impact NRO protected lands as per Section 5.2.D of LDRs. It is our assertion that the 4-lot scenario is the best fit to District 9 of the Comprehensive Plan vision for character, form and wildlife permeability. When weighing all the considerations: providing an appropriate transition zone; the protection of resources; achievable densities/intensities; neighborhood character as per comprehensive plan; and overall impact to NRO protected cover types the 4 lot scenario is the appropriate development plan for Lot 5.

Sincerely,

JORGENSEN ASSOCIATES, P.C.

Brendan Schulte
Senior Land Use Project Manager
H:\2015\15012\02 6lot SD & BLA\ACAD\Lot 5 Density Study\4th iteration-R-1 Setbacks-4-7-16\
15012_2016_04_13_Density_Study_Part2.doc

ATTACHMENT 3 PLAN REVIEW COMMENTS & RESPONSE

Roby, Tue 11/1/2016 2:56 PM

It should be a (new) plat of Lot 5, Plat 568. The new plat will need a statement in the certificate of owners vacating Lot 5. Should be straightforward. I'll look at "plat notes and statements" next week, I'm headed to a seminar in Casper tomorrow.
Mike

Mike Quinn, PLS
Survey Manager

NELSON ENGINEERING

Roby, Wed 10/26/2016 1:31 PM
To follow up on the discussion we had today, I can't make any comments without a Housing Mitigation Plan. Housing Mitigation Plans are a requirement at sketch plan application. It is true that some applicants weren't required to provide them in the past, however, that was not in line with the LDRs and as you know, the LDRs are the law. Applications should be deemed insufficient if they do not include a Housing Mitigation Plan. This is an integral part of a development's application.

Thanks!
Stacy
Stacy Stoker
Housing Manager

Roby, Tue 10/11/2016 10:14 AM
On behalf of the VandeWater family, the housing fees will be assessed as would any lot in the Teton Pines Development. They are fully entitled at the approval of the PUD in 1986. Therefor the additional housing fees will be paid at the time of building permit Section 7.4.1.D.1. since no new units are being created after 1996. The fees due at building permit will be paid in accordance with Section 7.4.1.F3.c.v. In-Lieu Fee Due at Building Permit.

Scott R. Pierson

Wed 10/5/2016 3:32 PM
Thanks, Roby. I would agree that our recommendation should be to remove the fence altogether if possible and if not, to modify it to adhere to wildlife-friendly fence guidelines.

Alyson Courtemanch WG&F

On Wednesday, October 5, 2016, Doug Brimeyer <doug.brimeyer@wyo.gov> wrote:
It is likely this fence was constructed some time ago and I do not recall any correspondence in recent years. It may have been coordinated with other personnel in the office at that time. I cut a dead calf moose out of a fence behind the Aspens near the south end of the development a few years back and was under the impression that the Vandewater manager constructed the fence to keep horses in. I am not sure where I took the second moose calf photo but I think it was in the same general area west of Hwy 390. I think it would be appropriate to request the wildlife friendly fence be constructed to facilitate animal movement.
Doug Brimeyer WG&F

Roby, Wed 9/14/2016 4:40 PM

As per LDR 7.7.3A., the applicant will be required to connect ALL lots to the Aspens sewer system. High groundwater in this area, close proximity to a sewer treatment facility and the availability of legal access to the sewer treatment facility prohibit the applicant from proposing small wastewater facilities for the proposed lots.
Thanks,
Gabe Klamer, Sanitarian

ATTACHMENT 4 PUBLIC COMMENTS & MEETING SUMMARY

Gentlemen, Fri 11/4/2016 9:26 AM

My wife, Mary Weber, and I live at 3050 Blue Spruce Lane in Teton Pines. We are within 800 feet of the Lot 5 Development and thus qualify as impacted abutters.

We have previously provided you with our written comments.

We were away for the October 24th Panning Board hearing and will not be back in time for the next County Commissioners hearing. This is the time of year when the valley is quiet and many of us take some time away to visit family or travel. Many of us spend thanksgiving with family and relatives who live elsewhere.

We think it would be in the best interests of a representative turnout and thus a fair hearing to postpone the next hearing until after Thanksgiving.

Thank you for your consideration..

Sincerely,
Robert Duggan and Mary Weber

To Teton County Board of County Commissioners Wed 11/2/2016 4:27 PM

While I realize that the setting of the time and date of a public meeting at the County is set by the Commissioners, all parties involved I am sure would prefer a meeting that is well represented by those most effected by the proposed development, and though the applicant might prefer otherwise, I respectfully request, as an owner of two lots within 800 feet of Lot 5 that the meeting be postponed to your next available date for hearings of this kind.

In addition, I wish to augment my prior communication to interject some items that presented themselves at the Planning Commission meeting on October 24th. Please note the following:

1. The Planning Commission decision (3-3 development plan) and the Staff recommendation (4-2 development plan), appeared to forego perusal of a plan to build only in the southern meadow without disturbing ordinal vegetation. The comparison made and apparently considered most important to the planning commission, was not whether any proposed development plan was within the NRO or not, but to what extent each plan disturbed any ordinal vegetation. The 6-0 plan initially proposed by the applicant included areas with ordinal vegetation and accordingly the Planning Commission did not seem to consider a true 6-0 plan that did not include disturbance of ordinal vegetation vs. a 3-3 or 4-2 development plan that clearly disturbs ordinal vegetation and allows building within the NRO. I submit that a plan for building in the southern meadow alone, without disturbing the ordinal vegetation found in Lot 4 of the 6-0 plan or Lot 6 in the 4-2 plan, would of course be the better than any of the proposed plans. Furthermore, the entitlements to Lot 5 per the Plat are for no more than 6 lots. The Board could approve less than 6 lots in the southern meadow (or require the developer to stay within the meadow and provide smaller lots) and not disturb the ordinal vegetation or build within the NRO, which of course better achieves the criteria the Planning Commission emphasized and was what WFG preferred.

2. The applicant noted during his presentation that he had no "profit motive" and wants to be a shepherd of the land, but when pressed by the Chairman of the Planning Commission on why the applicant preferred the 3-3 plan, the applicant stated that it was more valuable to him than the 4-2 plan recommended by staff. A review of each plan notes the same number of lots and no clear difference in value, but that an additional road is required for the 3-3 plan that extends to a lot to the far north boundary of Lot 5. The most northern lot in the 3-3 plan would then extend a road system to the northern boundary of Lot 5. That boundary of course does not presently have the same no vehicular access easement along it as found on the balance of Lot 5 and most interestingly, all

of Teton Pines western boundary. The applicant owns the land to the north of Lot 5, and if provided a road to the northern boundary of Lot 5 could therefor "claim" the right to allow developed lots from his existing acreage to also utilize the access to Teton Pines Drive only intended for Lot 5. The Chairman of the Planning Commission asked the legal counsel present whether the Commission had the authority to impose the no vehicular easement along the northern boundary. Having not reviewed the situation or read the memo prepared by Teton Pines legal representation, she declined to offer an opinion. Of course, the point to this long narrative is that the County legal staff should review the same, noting the intent of the no vehicular access easement on Lot 5 was to prohibit traffic from Fish Creek to Moose/Wilson Road via Teton Pines Drive and either (i) impose the no vehicular easement along the northern boundary of Lot 5 and/or (ii) approve a 6-0 or 4-2 plan that does not provide a piecemeal approach to abrogating the intent of the no vehicular access easement by the applicant or his successors in title by approving the 3-3 development plan and "inadvertently" providing access across the NRO and its wetlands to the northern boundary of Lot 5.

3. It should be noted that Lot 5 is presently subject to all of the stipulations in the original plat of Teton Pines, and any development plan will require a replat of Lot 5 and said replat will require owners within the present platted property to agree to the same. Accordingly, any replat and by extension the development plan should include a provision that any development plan shall be subject to the same stipulations as the original plat. Please note that the Teton Pines Home Owners Association owns a portion of Lot 5 (a parcel at the southeast corner of Lot 5 across Teton Pines Drive).

Thank you for your consideration of the adjusted date and the augmented response points.

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

Dear Roby, Tyler, and Teton County Commissioners, Wed 11/2/2016 12:55 PM

As a neighbor of Lot 5, per our previous letters, my husband and I are directly impacted by any development in Lot 5. We were unable to attend the first Public hearing due to a long standing previous commitment, however, sent a Wilson neighbor to present our public comment on our behalf.

Many of our neighbors, who had written to the Teton Co Planning Dept with their concerns, were also absent during this period, thus the limited number present at the Oct 24th Planning Commission public meeting.

We would like to like to request that the next public meeting regarding Lot 5 be postponed to after Thanksgiving (Nov 24th) to allow more neighbors to attend and present comments in person.

Thank you sincerely in advance for this consideration.

Nancy Leon and Charlie Thomson
3155 Teton Pines Drive
Wilson WY 83014

10·20·2016

Mr Roby Hurley principal Planner
Teton County Planning &Development

Mr Hurley

We are owners of a home in the TetonPines Development at 2965 Mountain Maple Lane Wilson Wy

We have great concern with the increase in traffic flow thru the Pines if the VanderWater expansion is approved.

We are certain that such traffic from lot 5 to the Pines Dr and then on to the Village Rd will have a severe negative effect on home values in the Pines.

We urge you to not approve this expansion.

Rockey Living Trust Trustee

Robert D Rockey

Teton County Planning department Fri 10/21/2016 3:02 PM

After I sent you my email below,dated Oct 17,2016 concerning the proposed development on Lot 5,I have become aware that for some unknown reason,the NO VEHICULAR EASEMENT was omitted from the north border of Lot 5.

I believe that this was a simple drafting omission because the following Teton County record shows that the EASEMENT was intended to prevent any connection between Teton Pines and the Fish Creek Road that borders the VandeWater parcels to the west of Lot 5.

LETTER TO COUNTY COMISSIONERS FROM Paul Vaughn,TETON COUNTY ATTORNEY,October,1988:

"My recollection is that "no vehicular access easement" was a requirement which had as its purpose the prohibition of any connection between the subdivision(Teton Pines) and the Fish Creek Road.Not only was it felt that Fish Creek Road would be unable to handle the increased traffic,biut I believe there was also concern about the effect that such traffic would have on its pastoral nature.This is not the first time the County has required a "no vehicular access easement".On other occasions it has been been used for similar purposes.As is the case with other easements and matters shown on a master plan plat,it would be necessary that the County,first,and all affected landowners,second,approve of any change."

I urge the County to condition the approval of any development plan for Lot 5 on the confirmation by the developer that there is a NO VEHICULAR EASEMENT along the north border of Lot 5.

Sincerely,

Jim and Mary Speyer
3300 Teton Pines Drive
Wilson,WY-83014

October 20, 2016

Mr. Roby Hurley, Principal Planner

Teton County Planning and Development

PO Box 1727

200 S. Willow St.

Jackson, WY 83001

Subject: October 24, 2016 Hearing

Lot 5 development, Teton Pines

Dear Mr. Hurley:

We are owners of a cluster home in Teton Pines at 3065 N. Mountain Maple Lane.

This letter is to record our strong objection to any provision that would permit access through Lot 5 and Teton Pines to the Village Road.

We believe this access would lower property values in Teton Pines in addition to adversely changing the current day-to-day living conditions.

Sincerely,

Virginia H. King

Robert A. King

Jeanette J. King

CC: Frank L. Christensen

PO Box 1849

Wilson, WY 83014

Wed 10/19/2016 2:17 AM

We also wanted to express our objection to any access from the VandeWater parcels through Lot 5 and Teton Pines to the Village Road.

All the best

Michael & Janet Sluszka

3225 Teton Pines Dr
Wilson, WY 83014

October 18, 2016

Mr. Roby Hurley, Principal Planner Teton County
Planning & Development P.O. Box 1727
200 S. Willow Street
Jackson, WY 83001

Dear Mr. Hurley:

By way of introduction, members of my family have owned property in Teton County since 1993. We currently own a "cluster home" in Teton Pines subdivision. We typically have family members in residence in Teton County for the better part of the year. So, you can imagine that for both economic and quality of life reasons, we monitor and remain interested in all development in Teton County.

It has recently been brought to my attention that so called Lot 5 in the Teton Pines subdivision is currently being vetted for development and subdivision into six lots. It is a beautiful property, and it will make a good addition to Teton Pines, I believe, if it is held to the same standards that the Teton Pines Owner's Association currently enforces for the benefit of all Teton Pines home owners.

To that end, I request that the Teton Pines Owner's Association rules, covenants and management services be incorporated into any planning requirements for Lot 5, and its subdivided lots.

Further, I request that the well-documented "10' Wide No Vehicular Access Easement" that surrounds Lot 5 be emphasized in the approved plans and that no breach, waiver or variance of that easement be allowed for any reason, temporary or permanent. Specifically, please be sure that no connecting roads or other vehicle access ways be established between Lot 5 and the VandeWater Ranch. This should specifically include no connecting roadways from Teton Pines Drive to Fish Creek Road via Lot 5. Certainly, if the VandeWater Ranch is subsequently developed, the streets or other roadways on that property should not be connected to the streets servicing Lot 5. I believe that any breach of the Easement will result in economic damage and quality of life damage to our property in Teton Pines.

Finally, I understand there will be at least two pubic hearings on this topic in Octob'er and November. I will not be able to attend either meeting. I request that this letter be entered into the record of those meetings. Further, I request that Teton Pines Owner's Association representatives be afforded the opportunity to comment with expectation of a full and fair hearing on all Lot 5 and related matters that may come before the Commission. Likewise, I request that the Association's opinions and concerns be viewed as representative of my own on this matter. I will rely heavily on the Association for both input to and feed-back from this process and for representing my own concerns before the Commission.

<Breed"fove-'WY, LLC
220 7tli}lvenue <BeaverPaffs, P}l 15010

Thank you for the fine work you do for our local community and for bringing my concerns to the attention of the Commissioners. I look forward to learning about the plans for Lot 5 and the full incorporation of that lot's subdivided lots into Teton Pines, and only Teton Pines.

Mark H. Breedlove
Sincerely,

Chairman, Breedlove-WY, LLC

October 18, 2016

Teton Pines Owners Association
Box 1190 Wilson, Wyoming 83014
(307) 739-9739 (307) 739-9746 fax

AN IMPORTANT CONSIDERATION in
EVALUATION of TETON PINES LOT 5 DEVELOPMENT

Dear Teton Pines Owner:

As you know from previous communications from the Directors of the Teton Pines Owners Association (TPOA), a party who recently purchased 245 acres of the VandeWater Ranch west of Teton Pines has also agreed to purchase Teton Pines Lot 5, subject to his plan to develop the six lots that were entitled to Lot 5 as a part of the Teton Pines Master Plan. See the attached aerial photo showing the VandeWater Ranch parcels west of Lot 5 (38 acres), and the attached map of Teton Pines showing Lot 5 in yellow.

Two proposals for development of the entitled lots on Lot 5 have been submitted: the 4-2 Option that spreads the lots across Lot 5, south to north, and the 6-0 option that concentrates the lots on a cul-de-sac in the southern meadow of Lot 5. See the attached maps showing these options.

Teton Pines Owners will no doubt have differing views on the suitability of the 4-2 versus 6-0 Options, depending on their effects, **but there is another equally important consideration—the possibility that the purchaser of Lot 5 may seek to develop additional residential lots on his VandeWater Ranch parcels with access through Lot 5 and Teton Pines to the Village Road. This access would have a significantly adverse effect on living conditions and property values at Teton Pines.**

Teton County Plat 578 defines Lot 5 and shows along its south and west borders a "10 FOOT WIDE NO VEHICULAR ACCESS EASEMENT." See the attached excerpt from Plat 578 that shows Teton Pines Drive and the Teton Pines road border fence in yellow at lower right. North is up.

For unknown reasons, the EASEMENT was omitted from the north border of Lot 5. The TPOA Directors think this was a simple drafting omission because (1) similar easements on other properties adjacent to Teton Pines encompass all borders, and (2) because the following Teton County record shows that the EASEMENT was intended to prohibit any connection between Teton Pines and the Fish Creek Road that borders the VandeWater parcels west of Lot 5.

Letter to Teton County Commissioners from Paul Vaughn, Teton County Attorney, October 1988:

"My recollection is that the "no vehicular access easement" was a requirement which had as its purpose the prohibition of any connection between the subdivision (Teton Pines) and the Fish Creek Road. Not only was it felt that Fish Creek Road would be unable to handle the increased traffic, but I believe there was also concern about the effect such traffic would have upon its pastoral nature. This is not the first time the County has required a "no vehicular access easement." On other occasions it has been used for similar purposes. As is the case with other easements and matters shown on a master plan plat, it would be necessary that the County, first, and all affected landowners, second, approve of any change."

It is critically important that Teton Pines Owners make Teton County officials aware of their objection to any access from the VandeWater parcels through Lot 5 and Teton Pines to the Village Road. Accordingly, we encourage you and your neighbors to attend the public hearing on Lot 5 development

that is scheduled for Monday, October 24, at 6:00 pm in the Commissioners Chambers of the County Administration Building at 200 S. Willow Street in Jackson. If you are unable to attend, please write to the following to express your views as soon as possible:

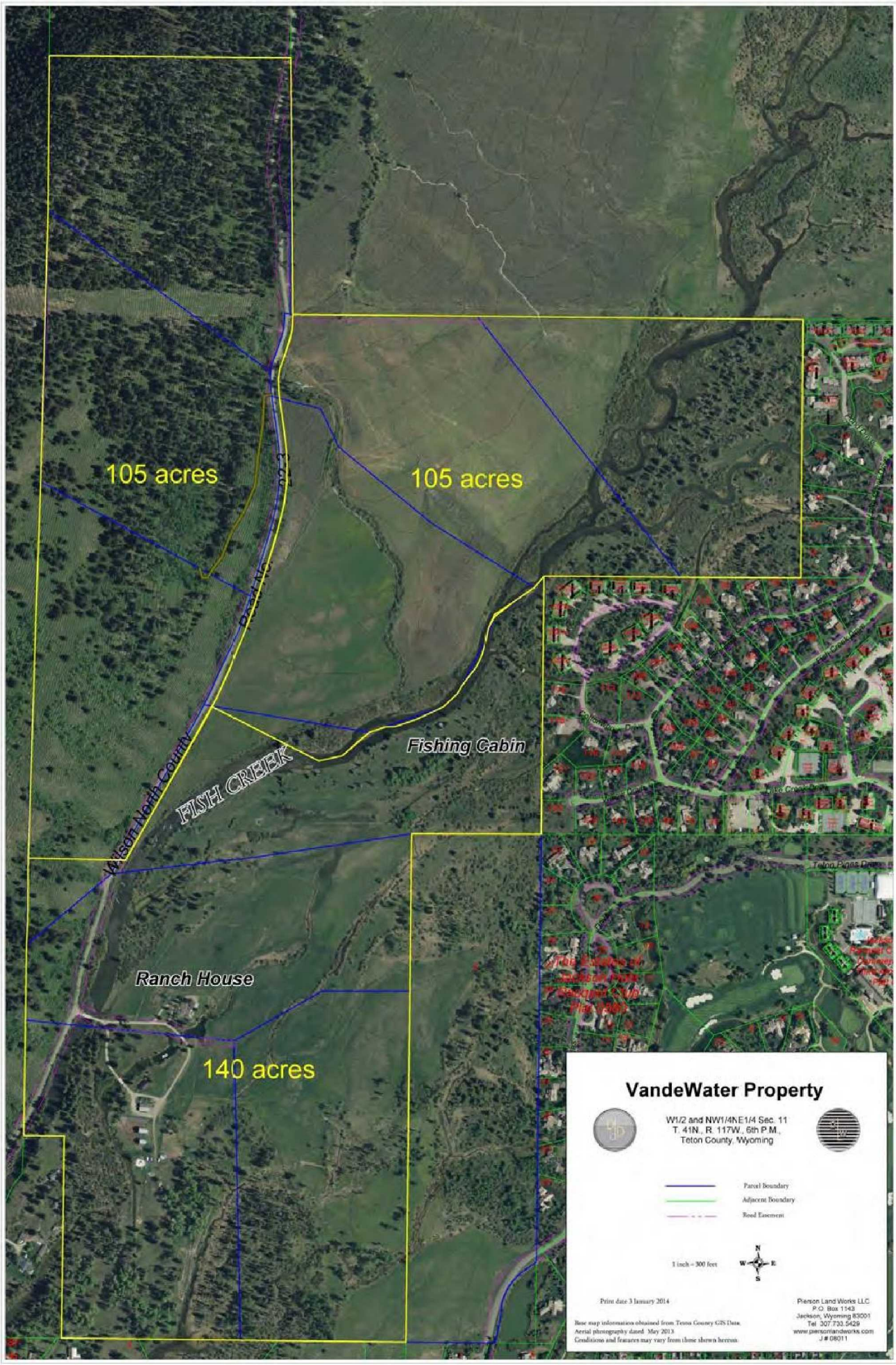
Mr. Roby Hurley, Principal Planner
Teton County Planning & Development
P.O. Box 1727
200 S. Willow Street
Jackson, Wyoming 83001

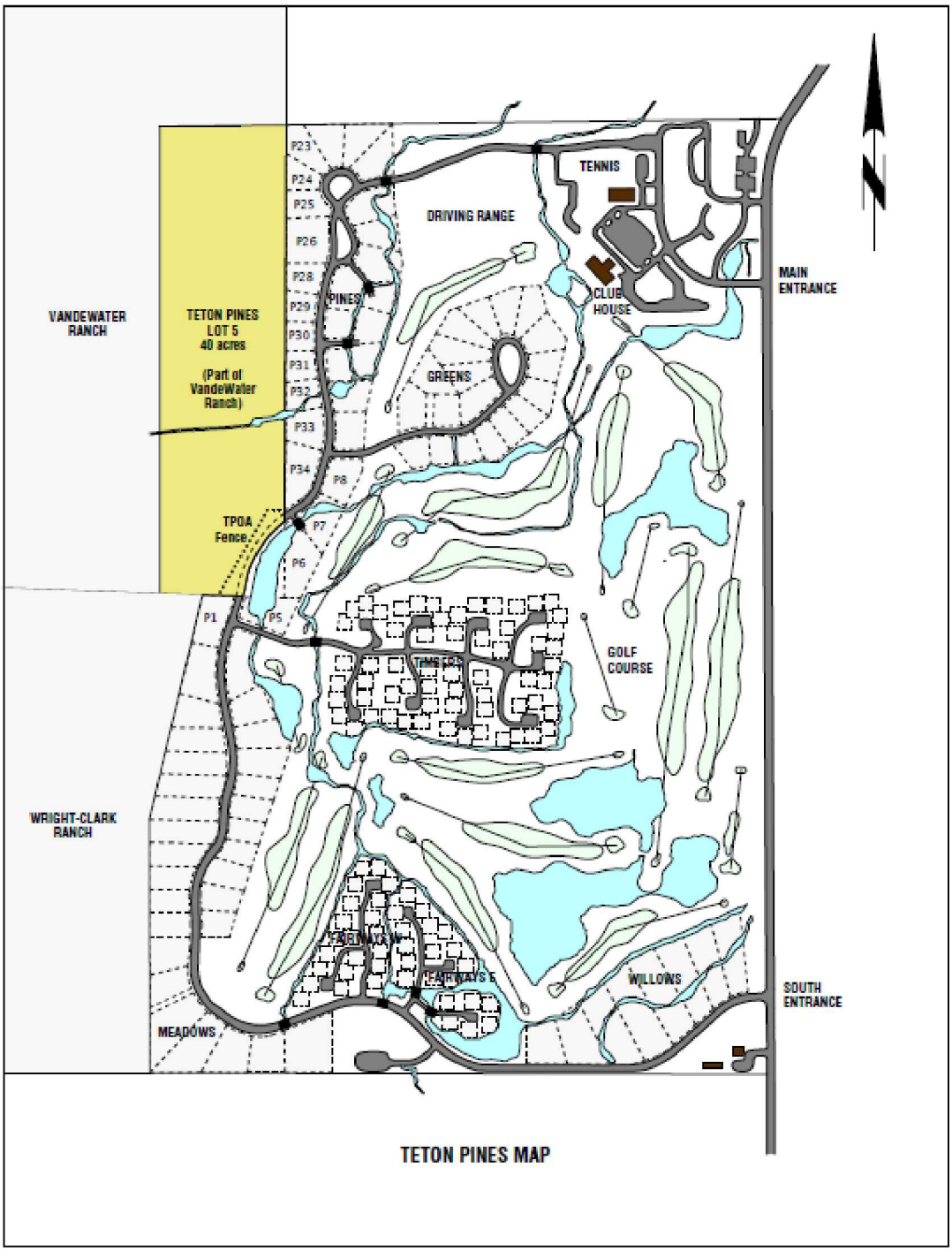
A second public hearing before the Board of County Commissioners will be held on Tuesday, November 15, at 9:00 am at the same location. Please try to attend, or write to the Commissioners to express your views in advance—particularly concerning the matter of access through Teton Pines.

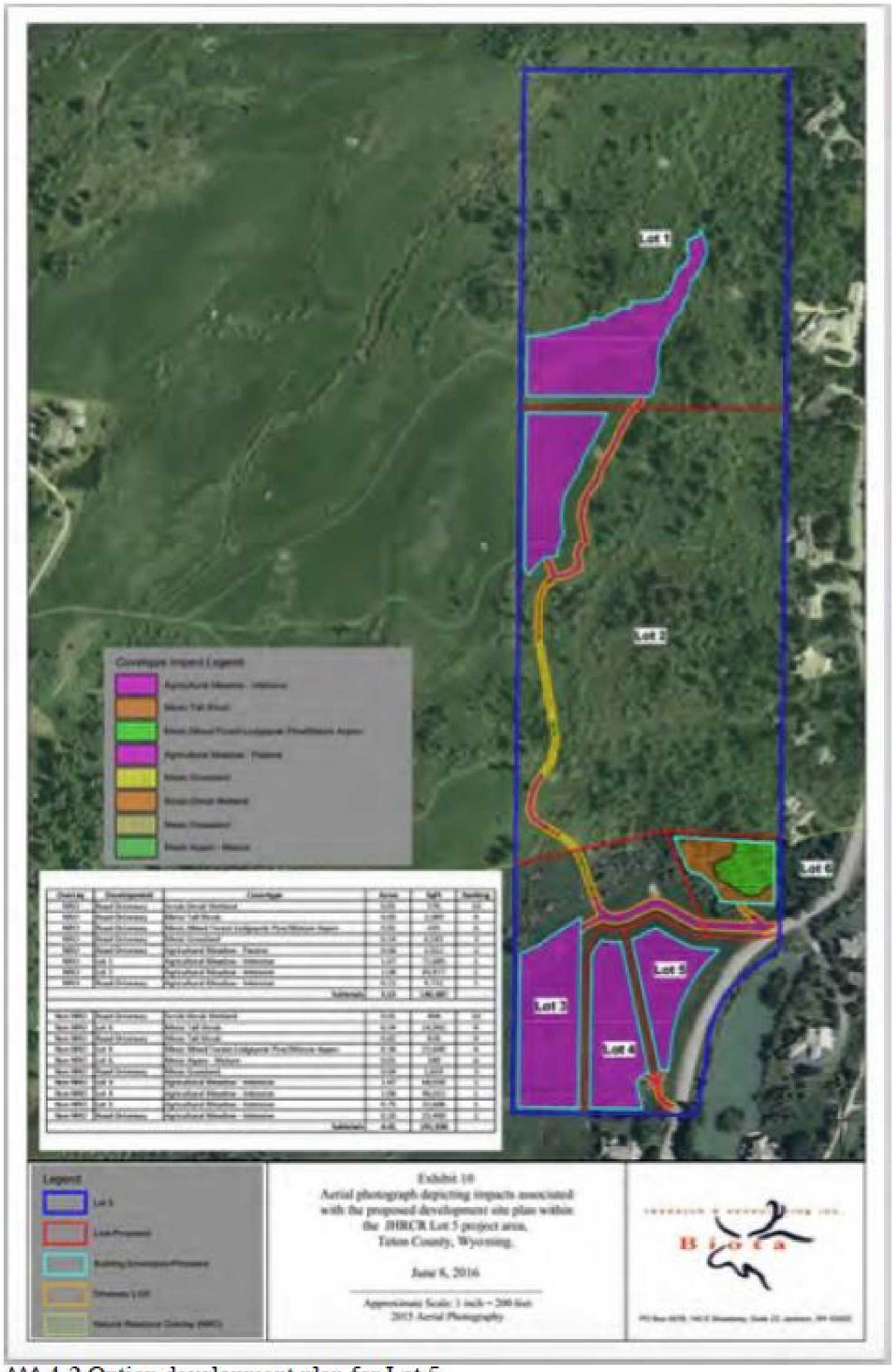
If you have questions about the foregoing, please call or email me at your convenience.

Sincerely,

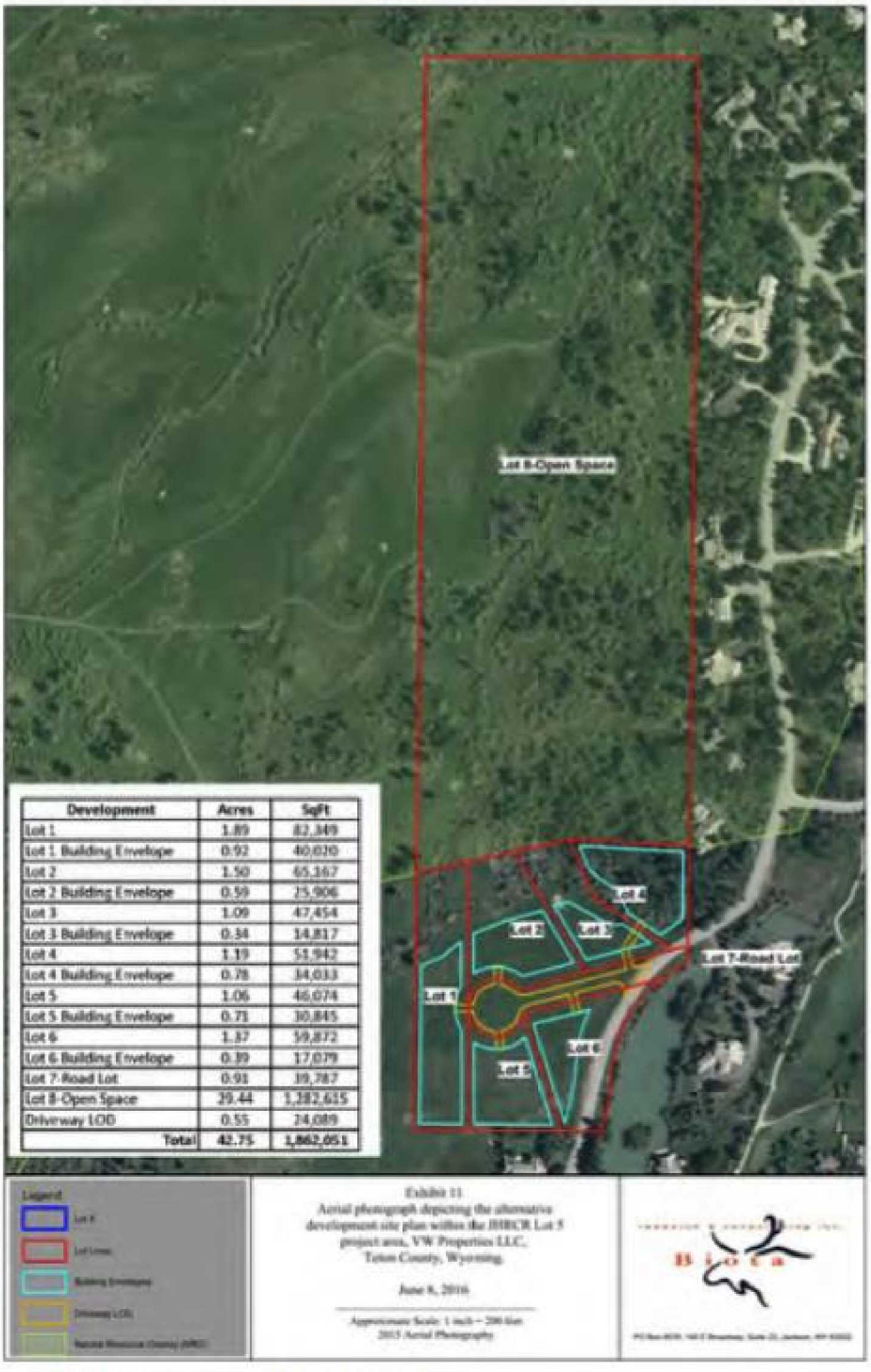
Frank L. Christensen, Chairman
Teton Pines Owners Association
P.O. Box 1849
Wilson, Wyoming 83014
(307) 733-1789 (summer)
(435) 275-2417 (winter)


105 acres
105 acres
Fishing Cabin
FISH CREEK
Ranch House
140 acres
VandeWater Property
W1/2 and NW1/4NE1/4 Sec. 11
T. 41N., R. 117W., 6th P.M.,
Teton County, Wyoming
Parcel Boundary
Adjacent Boundary
Road Easement
1 inch = 300 feet
Print date 3 January 2014
Base map information obtained from Teton County GIS Data.
Aerial photography dated May 2013
Conditions and features may vary from those shown hereon.
Pierson Land Works LLC
P.O. Box 1143
Jackson, Wyoming 83001
Tel 307.733.5429
www.piersonlandworks.com
J # 08011

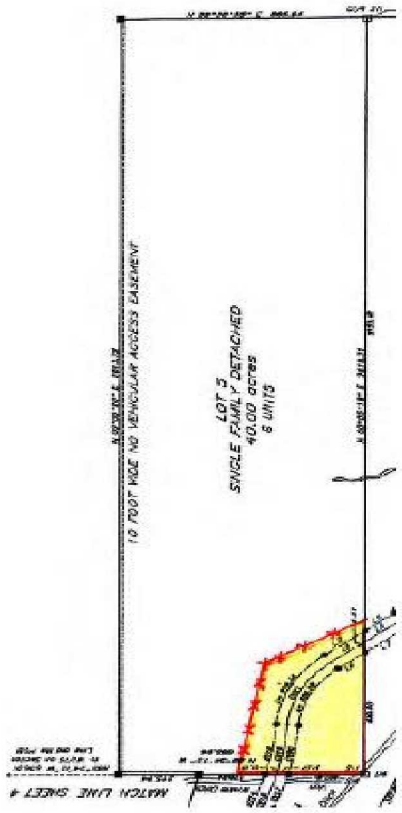

VANDEWATER RANCH
TETON PINES LOT 5 40 acres
(Part of VandeWater Ranch)
TPOA Fence
WRIGHT-CLARK RANCH
MEADOWS
P23
P24
P25
P26
P28
P29
P30
P31
P32
P33
P34
P8
P7
P6
P5
P1
PINES
DRIVING RANGE
TENNIS
CLUB HOUSE
MAIN ENTRANCE
GREENS
GOLF COURSE
WILLOWS
SOUTH ENTRANCE
TETON PINES MAP



^^^ 4-2 Option development plan for Lot 5



^^^ 6-0 Option development plan for Lot 5



^^^ Lot 5 as Shown on Plat 578: (North is up)

Mr. Hurley / Mr. Sinclair, Tue 10/18/2016 3:03 PM

We are homeowners in Teton Pines and 18 year residents of Wilson. We strongly object to the use of Lot 5 to access lots in the VandeWater Ranch. The large development planned in VandeWater Ranch and the surrounding area would significantly increase traffic through Teton Pines and change the nature of the neighborhood. We are not objecting to giving access to the six lots to be built on Lot 5 but Teton Pines Drive should not be a thoroughfare for a developer's grandiose plans to develop up to an additional 350 acres.

Teton Pines Drive is a street where most members of Teton Pines walk and bike ride daily. If this street is used to access VandeWater Ranch, the construction traffic would overwhelm this quiet street for the next several years. Thereafter, the residential traffic from such a sizable development would continue to burden the quiet road.

Regards,
Greg Sorensen
3040 Aspen Wood Drive
Wilson, WY 83014

Dear Teton County Planning Department Staff, October 17, 2016

I am aware that a development proposal has been submitted to Teton County Planning Department to build 6 homes in Teton Pines on Lot 5. Lot 5 is adjacent to the west boundary of Teton Pines. I understand that a few development configurations are being considered:

(1) Build 6 homes on the open meadow bordering Teton Pines Drive (described as the 6/0 option)
(2) Build 4 homes in the meadow and 2 in the Natural Resource Overlay (the 4/2 option)

There may be additional configurations under review, but I'll speak only to my support of the first option here (the 6/0 option).

I am aware that Lot 5 is 38 acres, and that 30 acres are set in a Natural Resource Overlay (NRO). The remaining 8 acres sit in a meadow adjoining Teton Pines Drive. The aforementioned "4/2 option" would place 4 homes in that 8-acre south meadow with the remaining 2 homes necessitating a road and several bridges across wetlands that are currently within the NRO.

The "6/0" option would place all 6 homes in the 8-acre meadow, preserving the integrity of the existing NRO and enabling greater wildlife movement in already connected habitat. Disturbing the NRO and the connected habitat seems unnecessary when a viable option exists to place development near the existing road and in a more obvious alignment with the existing homes in Teton Pines. We know that a wide array of wildlife thrives in this area – from elk to moose to white-tailed deer and mule deer, coyotes and many songbirds and waterfowl. It is a rich habitat.

With wildlife as a primary concern/value in our community, expressed via the Comprehensive Plan, we should make every effort to develop in ways that are consistent with the preservation of wildlife habitat and movement corridors, especially when we have very good alternatives.

I ask you to strongly consider proceeding with the 6/0 option in order to demonstrate our commitment to wildlife. This reflects smart development undertaken by a responsible community.

Sincerely,
Jon Mobeck
Jackson, WY
jonmobeck@gmail.com 970-418-0043

Patricia Jaquith

4515 Willowbrook Lane
Wilson, WY 83014
307-734-2420
pattyjaquith@comcast.net

October 17, 2016
Teton County Planning Department
Attn: Roby Hurley, Principal Planner
Re: Lot 5 at Jackson Hole Racquet Club Resort (Teton Pines)

Mr. Hurley:

We have lived her for eight years and, full disclosure, own a lot in Teton Pines as well as our home in Willowbrook. The issue of the development of Lot 5 has been a topic of discussion for several years at the Teton Pines homeowners' annual meeting so it is not a surprise that it has finally come to a plan application.

I have read the Environmental Analysis for Lot 5 and the attached letter from Wyoming Game and Fish Department. I am very surprised at your recommendation of the 4/2 option for placement of the residences when the WGFD letter specifically states "We support the alternative proposal to concentrate all six lots within the agricultural meadow cover type on the south end of the property and retain the remaining acreage as open space. This will greatly minimize impacts to moose, elk, mule deer, migratory birds and other wildlife." As you know, the 4/2 puts 2 residences in the NRO but the 6/0 option avoids this.

I look forward to hearing the reasons for your recommendation.
Very truly yours,
Patricia Jaquith
Cc: commissioners@tetonwyo.org

Jerry Kitchen

4321 Spring Violet Court
Wilson, WY 83014
jerry@wyokitchen.com

October 16, 2016

Teton County Planning Department
200 S. Willow St.
Jackson, WY 83001

Attention: Mr. Tyler Sinclair and Mr. Roby Hurley

Subject: Lot 5

Gentlemen:

I was surprised to read that the Planning Department supports the 4/2 option instead of the 6/0 option for the proposed Lot 5 development. While there is ample room for the construction of five or six homes outside the NRO, the 4/2 option would permit the construction of two homes, driveways, and roads, bridges and utilities within the NRO.

A primary goal of the 2012 Comprehensive Plan and its highest priority was to protect and preserve the County's most important and sensitive natural resources and wildlife and wildlife habitat. The Natural Resources Overlay Standards are intended to guide decision-making to achieve these goals. LDR section 5.2.1 A explains this purpose. Specific NRO's are supposed to be identified to help developers and planners understand where — and where not — development can occur. LDR Section 5.2.1 E adds that development may occur within an NRO "where permitted densities cannot be achieved by locating outside the NRO". Permitted densities consistent with the neighborhood adjacent to Lot 5 can be achieved without locating homes within the NRO. Under these circumstances, how can you ignore Section 5.2.1 E and justify the
4/2 option?

Very truly yours,

Jerry Kitchen

cc:commissioners@tetonwyo.org

Dear Roby, Mon 10/17/2016 10:15 AM
I am writing regarding the proposed development on Lot 5 in Teton Pines. My husband Jim and I have owned a home in the Pines for nine years and have been members of Teton Pines Country Club for 18. We have seen a lot of development in the community over that time but this is the first time we have felt compelled to comment. Of the two options presented

for developing this parcel, only one preserves the integrity of the National Resource overlay – which should be maintained in perpetuity.

We ask that only development of up to 6 homes in the non-NRO section – the 8 acres in the southern meadow – be allowed. As stated in the Environmental Assessment –dated June 2, 2016: "Reviewed through the Ecosystem Stewardship Vision, the 6/0 option for subdivision payout comes closest to meeting the standards for protection of wildlife habitat and wildlife permeability because it has the least mount of impact to moose habitat."

WY Game and Fish reached the same conclusion as the first Environmental Analysis recommendation by the Teton Co Planning Dept for the 6/0 option – that is, to not build in the NRO.

Given the increasing encroachment of development on the area's open spaces, it is crucial that the Natural Resource Overlay, with its habitat for moose, fox, coyote, elk and all the other denizens of our great county, be preserved.
We hope you will enforce the LDR regs which state that all development should be **confined to non-NRO land when possible**. In the case of Lot 5, placing preferably 5 (or up to 6) homes in the southern meadow (8 acres) would leave the NRO undisturbed and undeveloped. Approving any development inside the NRO would greatly impact wetlands, wildlife, habitat, and our community.

Thank you for your time and attention.
Sincerely,

Maggie Fellner Hunt
2714 N. Teton Pines Drive
Wilson, WY 83014

Dear all, Mon 10/17/2016 9:41 AM

We are asking you to re-consider your decision on the preferred development plan for Lot 5. There is no reason to allow any building in the NRO section since it is perfectly acceptable to build the six homes in the southern meadow. The lot sizes in Mr. Mackenzie 's plan could be made a little smaller and they would still be in keeping with the estate lot sizes in Teton Pines. By making them smaller the plan would have less impact on the vegetation and then allow the preservation of the NRO section.

Lot 5 is an important piece of land on the westbank to preserve our wildlife habitat, wetlands, and wildlife we all enjoy.

Here are some specific facts that are very relevant.

As established by the LDR, a development plan shall be approved only upon the demonstration that all of the following Findings can be made. Several of these Findings cannot be made for the proposed development as detailed below.

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

The proposed development violates the overarching goal of the 2012 Jackson/Teton County Comprehensive Plan. This Plan calls for managing development to preserve the ecosystem that encompasses our region. The Plan takes great strides to steer future development to locations that avoid eroding natural resources, particularly wildlife habitats, and sustain the ecosystem. The Plan places the highest priority on protecting wildlife habitats and natural resources while managing future development.

For Character District 12, Aspens/Pines, the Plan creates two very specific objectives that are designed to achieve the overarching goals. These objectives are:

1.1.c: Design for wildlife permeability, and

1.2.a: Buffer water bodies, wetlands, and riparian areas from development

The proposed development contradicts both of these objectives by proposing to intrude into the NRO unnecessarily with two lots and houses with their driveways and utilities. The proposed development fragments a substantial natural area that contains wetlands, is frequented by wildlife, and is designated as NRO. This intrusion is easily avoided by simply locating all of the lots/houses on the portion of the property that is not designated NRO and in locations that avoid developing wetlands. With this revision, the proposed development, would fully comply with the 2012 Comprehensive Plan. Without this revision, the proposed development is a stark contradiction to the Plan and this Finding 1 cannot be made.

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

The LDR implement in the 2012 Comprehensive Plan. Given the emphasis in the Plan to protecting wildlife and natural resources, no section of the LDR is more important than the NRO regulations. The proposed development achieves neither the standards nor the objectives of the NRO, and this Finding 2 cannot be made.

Section 5.2.1 A, Purpose of the NRO, is very clear. The purpose of the Natural Resources Overlay (NRO) is to provide protection to the most important and sensitive natural areas throughout the Town and County that provide critical winter habitat …, and the bid-diversity that support wildlife populations. The NRO is created to guide development to locations that are outside of the NRO when ample land area exists to accommodate the development without

intruding into the NRO. This threshold standard to steer the location of development is designed to avoid fragmenting wildlife habitats and to cluster development.

The proposed development can be easily located on a portion of the property that is outside of the NRO. The proposed intrusion into the NRO with two lots, houses, driveways and utilities violates the objectives of the NRO.

On a further note, if the development of Lot 5 cannot be redesigned to fully comply with the Comprehensive Plan and NRO when it is so easily achievable, what does that say about the importance we place on the Plan and the NRO?

See the detailed comments to Finding 3 below that address the NRO standards.

3. *Complies with all relevant standards of these LDRs and other County Resolutions.*

The proposed development fundamentally violates clear and specific standards of the LDR. Specifically:

The development does not comply with Section 5.2.1 E, Impacting the NRO;
The development does not comply with Section 5.5.1 D, 1, Development Prohibited;
The development does not comply with Section 5.5.1 D, 2, Setbacks/Buffers Required; and,
The development does not comply with Section 5.5.1 D, 3, Development of Essential Facilities.

Ample land area exists outside of the NRO to accommodate the proposed development, thereby allowing five or six lots to fully comply with the NRO standards. Locating the lots outside of the NRO would create lots/homes that are consistent with the surrounding lots/homes in the neighborhood.

Ample land area also exists to accommodate the proposed development without crossing wetlands with driveways, roads or utilities. Therefore, any proposed wetland crossings are not essential and do not comply with the LDR.

THANK YOU FOR YOUR CONSIDERATION TO PROTECT THIS IMPORTANT PIECE OF LAND THAT PROVIDES FOR THE CONTINUATION OF THE PRESERVATION OF THE NRO FOR THE WILDLIFE.

Sincerely,
Michael & Janet Sluszka
3225 Teton Pines Drive
Wilson, WY 83014

Teton County Planning Department, Mon 10/17/2016 9:27 AM

My wife Mary and I are full-time residents of Teton County and live at 3300 Teton Pines Drive.We also are owners of Lot 14 which is located directly south of our residence.
The purpose of this letter is to inform you that we oppose the proposed 4-2 plan to develop two homes in the Natural Resources Overlay(NRO) on Lot 5 for the following reasons:
1.The proposed 4-2 plan is inconsistent with the LDR implement in the 2012 Comprehensive Plan which as you know created the NRO to guide development to locations that are outside the NRO when ample land exists To accommodate the development without intruding into the NRO.Given that Lot 5 has approximately 8 acres in the meadow south of the NRO,it's feasible to locate all 6 houses outside the NRO.
2.The 4-2 plan would harm wetlands on Lot 5 due to the construction of roads and driveways.
3.Given that the Wyoming Game and Fish Department has designated the location selected for the two homes in the NRO as critical wildlife habitat, the 4-2 plan would disrupt an important wildlife corridor.
In conclusion,I urge the Planning Department to reject the proposed 4-2 plan and require that all 6 homes allowed in Lot 5 be located outside the NRO and be located in the meadow which is directly south of the NRO on Lot 5.
Sincerely,

Jim Speyer
3300 Teton Pines Drive
Wilson,Wy-83014

Dear Mr. Hurley, Sun 10/16/2016 2:16 PM

As a nearby neighbor and member of the Teton Pines Homeowner's Association, I am writing to address the proposed Lot 5 JHRCR Development Plan Application. My husband and I have lived in this community for nine years at 2798 Teton Pines Drive, a few lots away from the proposed development. We understand that the developer may be entitled to develop up to six residences on this lot. The developer has informed neighbors that he also intends to build a road through Lot 5 connecting Teton Pines to his adjoining property which he subsequently intends to develop into numerous residences. (This adjoining property is a very large parcel which is the former VandeWater family ranch "the Ranch").

Any residences developed on Lot 5 will be using Teton Pines' infrastructure, roads, security, services and access. The building and occupancy of six residences will necessarily be disruptive of the neighborhood and will burden its resources. We request that the Planning Department require any developed parcels within Lot 5 to become part of the Teton Pines Homeowners' Association and thereby be subject to the Homeowners' Rules and Regulations and be required to pay all corresponding fees and dues as a condition of any approval. We understand that Lot 5 was not originally included in the Homeowners' Association so that the former owners would not be required to pay fees since it used the parcel as part of its ranch and as a wildlife area. If Lot 5 changes in nature and use from ranch land and to residences, these residences should be under the same rules, regulations and requirements as all other homeowners in the Teton Pines community.

Additionally, given the fact that Lot 5 consists of large areas of wetlands, we request that the Planning Department limit the development to less than the maximum allowed 6 residences in order to lessen the negative impact such a development will cause the wildlife and wetlands on the property. We regularly see elk, mule deer, moose and sandhill cranes on Lot 5 and the development of 6 residences will severely impact this wildlife.

Further, we request that the Planning Department refuse any attempts by the developer to build a road or provide any access to Teton Pines through Lot 5 except for the 6 or less residences built on Lot 5. The Teton Pines community and infrastructure were never intended to include access from Teton Pines Drive to the

Ranch and are not designed for such heavy vehicular use. Additionally, Teton Pines homeowners should not be forced to pay for infrastructure, security and other services to be used by the developer on his adjoining property. Pursuant to recorded Plat No. 578, there is a No Vehicular Access restriction on this use that should be honored by the Planning Department and the developer.

The Board of Teton Pines Homeowners Association has informed the developer of all of these concerns numerous times so the developer has had ample notice to plan the development of Lot 5 to take into account the serious concerns raised by the Teton Pines neighborhood. We request that the Planning Department expressly condition any approval of development of Lot 5 to:

1) minimize impact on the wetlands and wildlife;
2) make all residences subject to the Teton Pines Declaration of CC&Rs and Community Rules and assessments;
3) grant an easement over the Lot 5 common road (to be built for access into Teton Pines for any new residences developed on Lot 5) to Teton Pines and conform with Teton Pines rules in the building of any roads, lights, and other infrastructure on Lot 5; and
4) honor the No Vehicular Access restriction on Plat No. 578 so that no traffic or other access would be allowed from Lot 5 to any other land parcels including the Ranch and any other parcels owned by the developer and its affiliates.

Unfortunately, we will not be in town to attend the October 24, 2016 public meeting but we are happy to speak with you about this matter at your convenience if you have any questions. Thank you in advance to your attention to this matter.
Sincerely,

George and Kim Cornelson
(c) 704-562-7042 (c) 704-965-4079

To the Teton County Planning Commission: Sat 10/15/2016 11:11 AM

My name is Merrill Kenneth Seggerman, resident and owner of Parcel # 04-001590, Lot 5, Estates of JH Racquet Club Resort, address: 4475 Timbers Place, Wilson, Wyoming 83014, telephone 307-739rhurley-0410.

I have been a resident at the above residence for 18 years and have had the joy of directly observing the undeveloped property which is now being considered for development. My office which is on the second floor of my home looks directly at the pasture at the south end of the property. The pasture is a mini wildlife refuge. It is frequented by elk, white tail deer, coyotes,foxes, blue heron, hawks, owls, sand cranes and essentially every species of wildlife that thrives in the Jackson Hole eco system. My vantage point gives me a special appreciation of the beauty the wildlife add to the community. But, because of the close proximity of the pasture to Teton Pines Drive. all who pass by can observe the wildlife close at hand. Cars stop to take photos, children go to the fence and can see animals as if they were deep in Yellowstone Park. Walkers, and bikers do the same.

This mini refuge is a jewel, an asset to all Teton Pines residents and visitors. It gives the community the real Jackson Hole ambiance in their own backyard. Once developed this will be gone forever. Future residents and visitors will have no way of knowing what had been and what they have lost. My plea is that the Planning Commission do everything in their power to preserve this wildlife sanctuary, for now and future generations.

As for myself, our house is on the market and presumably will be sold before any actual development might occur. But, I feel a personal responsibility to put forth this letter for all of those who remain in the Teton Pines community and all those who will come behind.

Thank you for your consideration of these comments.

Merrill Seggerman

October 12, 2016

Re: Lot 5 JHRCR Development Plan Application, DEV 2016-0004

Dear Mr. Hurley and Teton Planning Staff:

I am writing in regards to Lot 5 of the VandeWater ranch property. My home is located in Teton Pines directly adjacent to the meadow at the southeast corner of Lot 5. We, in Teton Pines, are all gravely concerned about the development of this property and I, most notably, am concerned about the meadow beside my home.

The meadow has always been and continues to be a sanctuary for numerous wildlife. A plethora of sandhill cranes, trumpeter swans, and geese enjoy the meadow and return each year to partake of the beauty and solace it affords . The neighborhood enjoys watching the geese practice their "V" formations in the fall, with their takeoffs and landings in the meadow of Lot 5. The elk, moose, deer, fox, and coyotes continue to use the meadow and bring their young to enjoy the open space with the innate sense that this area is a safe haven. At night we hear elk bugling when their herd migrates from the meadow to the golf course and back again. It is a joy to see so many people stop their cars and watch the "show" of wildlife within this beautiful spot.

It would certainly be a disappointment to me and to others to see the meadow and it's wildlife potentially harmed by squeezing 6 homesites into approximately 9 acres of the 38.5 acres that comprise Lot 5. This action would close down the open space needed to maintain the beauty of the meadow and it's wildlife which is enjoyed by all.

If there are no other options but development, surely Mr. and Mrs. VandeWater would have envisioned the 6 homes for their children to be positioned throughout the 38.5 acres of Lot 5 with two or three lots, at the most, in the meadow and the remaining lots located further north within the parcel. If development is approved, I would request that Teton Pines homeowners be allowed input into the building envelope and screening of such lots. Having greater distance between each homesite would continue to allow space for the wildlife to thrive within this entire corridor. I only ask that you please consider the ramifications when making your decision.

Thank you for your time and I appreciate the opportunity to convey my opinion.

Sincerely,

Sheila Ross ***(This letter included photographs of wildlife that did not reproduce well)***

Dear Mr. Hurley, dear Mr. Sinclair: Thu 10/13/2016 4:12 AM

we are owners and have been full-time residents since 1998 of Lot# 123 in the Aspens, located very close to the NE corner of Lot 5 JHRCR, Teton Pines Drive.

We strongly **oppose the 4 - 2 Plan** to develop two houses in the designated Natural Resource Overlay area of Lot 5.

For almost 20 years now we have closely observed wildlife activities and migration in that corridor. That is exactly what the Comp Plan tries to maintain and to support as part of the overall vision for future Jackson Hole developments, as also reflected by existing Land Development Regulations.

We believe that the so-called **6 - 0 Plan would be a much better solution**, avoiding the need for various exemptions, zoning changes, variances etc. There would be no need to build access roads, bridges, drainages and flood control designs in the environmentally sensitive NRO area and the associated wetlands.

The only reason for the 4 - 2 plan, with all its related complications, exemptions and rule changes seems to be the special interest of the developer. That clearly would also be in contrast to the intentions of the Comp Plan as well as contradicting the purpose of existing LDR's and NRO rules.

Please protect our most valuable assets in the Valley by safeguarding and maintaining the character of Jackson Hole.

Sincerely,

Erhard and Elke Bieber
4450 Willow Drive (Aspens) Wilson, WY 83014

Teton County Planning Department Wed 10/12/2016 4:15 PM

Please consider this email as my response to the Neighbor Notice for Lot 5 JHRCR Development Plan Application, DEV2016-0004 as owner of property within Teton Pines subdivision (Lot 33 of the Meadows at Teton Pines) and in direct view of Lot 5. The southern meadow is close to our western boundary.

Frankly, though I imagine some development is going to happen on Lot 5 at some point in the future, my selfish position should be to request any development not be in the south meadow (i.e. south of the NRO line) or at least attempt to limit that development to protect our view over conservation lands that border the south portion of Lot 5. However, a review of the September 22, 2016 memo from your offices to Brendan Schulte has me taking the opposite tact. Though not beneficial to me, I believe that if the Planning Department follows the adopted rules and plans that it will protect the valuable habitat found north of the NRO line in Lot 5 and allow development only in the southern meadow for the following reasons:

1. **the entitlements granted were for up to six units. That of course means that Planning Department could rightly determine that less than 6 units can be developed in the area of Lot 5 outside the NRO. The Planning Department recommendation in the memo states that "the density of six units is fixed, the intensity is not guaranteed". More accurately stated per the plat and LDRs, neither the six units or intensity is fixed. The Planning Department does have the latitude to determine that less than six units are permissible under the circumstances and limit the same to the area outside of the NRO.**
2. **LDR Section 5.2.1.E.1 requires that the location of proposed development minimize impacts on the protected area and furthermore states that "Where density/intensities permitted cannot be achieved by locating development outside of the NRO, then lands protected by the NRO may be impacted pursuant to the standards of this Subsection". The memo construes this mandate to be subject to the whims of intent rather than the LDRs by proffering that the study attempts to demonstrate that Lot 5 was "intended to have larger lots". Whether the study provided circumstantial evidence of such intention or not, the intention has no bearing on whether up to six units can be provided for in the south meadow. The fact is they can be accommodated in the south meadow and protect the NRO lands but not perhaps at the economic level/size sought by the developer. Contrary to the notion mentioned in the memo that Teton Pines lots are large lots is simply not valid - my lot is approximately 1 acre and it is one of the larger lots in proximity to the proposed development and in particular the southern meadow of Lot 5. If the developer requires larger lots in the southern meadow, he could provide for lot boundaries to**

extend into the area north of the NRO boundary on Lot 5 but deed restrict the property within each lot north of the NRO to be left intact without disruption of its current state and delineate a building envelope for each lot small enough to keep any structure south of the NRO boundary. I am not in favor of the same , but I point it out to exhibit that he does have options available to him to achieve his "intent".

3. **It is simply counter to logic that a 3/3 plan or a 4/2 plan could, as required by the LDRs, protect valuable habitat as well as the 6/0 plan. The WGF clearly echoes that sentiment as does consideration of the Comprehensive Plan and the applicable vision: Ecosystem Stewardship.**
4. **The Planning Staff recommendation notes one of the "complication factors" is a platted "no vehicle access" restriction on the western boundary. In the same paragraph, it is stated that "In the absence of the "no access easement" the applicant who owns land to the west could provide access to northern meadow lots and reduce all wetlands and most higher ordinal ranked vegetation". Both of these statements must be refuted. That "no vehicle access easement" is the same one that exists across all of Teton Pines (not just Lot 5) to prohibit access from land on the other side of the easement and inadvertently provide thru access from Fish Creek to Moose Wilson via Teton Pines (which was I am told the very reason for that prohibition). My understanding is that each and every owner within Teton Pines has a vested beneficial interest in said easement, and any attempt to change it or consider it "absent" would of course give an owner standing to not allow the same. That is indeed a complicating factor. Nevertheless, without that significant issue, the idea that the owner of the lands to the west could provide access to northern meadow lots and reduce all wetlands and most higher ordinal ranked vegetation does not look to the future. The owner of the lands to the west could sell that property the day after the Planning Department approves his development plans and/or sell all or a portion of Lot 5 (which he clearly intends to do). Without access from the west allowed, and no certainty as to collective ownership of Lot 5 and the lands to the west, I submit that if the LDRs and Comprehensive Plans are not heeded by approving a 4/2 or 3/3 plan that in the future the Planning Department will have new submittals to allow access that increase destruction of the applicable wetlands and most higher ordinal ranked vegetation north of the NRO boundary of Lot 5.**

I commend the Planning Department for an open minded review of the EA and the developers proposed plans, but for the reasons enumerated above, I urge you to approve a development plan of six lots or less within the southern meadow of Lot 5 and south of the NRO boundary.

Thank you for your consideration, Bruce Hill

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

Roby Hurley
Principal Planner
Teton County Planning and Development
PO Box 1727
200 South Willow Street

3050 Blue Spruce Lane
Wilson, Wyoming 83014

October 10, 2016

Jackson, Wyoming 83001

Re: Lot 5 JHRCR Development Plan Application DEV2016-0004

Dear Mr. Hurley:

We live within 800 feet of the proposed development and have received the notice you sent dated September 23, 2016 regarding the development and the upcoming hearings on October 24, and November 15, 2016.

We have read your Memorandum dated September 2, 2016, paying particular attention to (1) your analysis of the the Environment Analysis performed by Biota Research and Consulting, (2) your consideration of various Land Development Regulations and other authority, (3) your discussion of the Wyoming Fish and Game recommendation and other studies and (4) your recommendation regarding which subdivision option should be implemented with which additional conditions.

This letter sets forth several comments regarding the above.

We believe that the LDRs and other applicable legal provisions as well as the inputs from legally constituted bodies with legitimate jurisdiction over the matter and from habitat preservation experts compel the implementation of the option which confines development to the south meadow. Presently this is referred to as the 6/0 Option, but it could be modified as set forth below.

You have stated that the WFG and Planning Staff share two concerns: (1) the impact to moose and (2) the two highest ordinal vegetation rankings that represent moose habitat. You have also stated that consideration of the Comprehensive Plan is required and that based on it, "the 6/0 Option for subdivision layout comes closest to meeting the standards for protection of wildlife habitat and wildlife permeability because it has the least amount of

impact on moose habitat". The WFG also came to this conclusion. Yet, your memo recommends the 4/2 Option, despite an earlier conclusion in June that the 6/0 Option was the best, because it lay outside the NRO.

The changed recommendation is apparently based on your view of the weight or consequence to be given new conclusions regarding the size of the NRO, the size of the resulting non-NRO area and the provisions of LDR Division 5.2. We disagree with your conclusions based on these points.

First, it is simply not logical to argue that since the non-NRO area is smaller, it no longer makes sense to minimize the area of the NRO which should be developed. The objective should be to allow as little of the NRO to be developed as possible. Your solution allows two full house lots to be developed in the NRO with a road. Consider both the disruption which would be caused by the initial construction as well as the permanent ongoing impacts associated with human and related activity (e.g. dogs cars and music), when all this could be avoided by either insisting on the 6/0 Option with lot sizes consistent with the neighboring Teton Pines lots, reducing the number of lots to five so that each is bigger or simply expanding the 6/0 Option to allow a little extra development in the area immediately adjacent to the north.

Second, we do not believe it would represent a hardship or an infringement of the owner's beneficial use to limit the 6 lots to what amounts to close to an acre per lot under Option 6/0, even as you redefine the non NRO area. A one acre lot is definitely not inconsistent with the lots in that neighborhood. Just walk around that area. But, if you are seeking a compromise, it makes no sense to jump to the 4/2 Option. Although we do not see the need for a compromise at all, a slightly expanded 6/0 Option could easily address the issue of lot size while minimizing impact on habitat. Also, as you know, LDR 1.6.2 does not even guarantee six lots in the first place. So five larger lots in the south meadow is also an option.

Third, your view of LDR Division 5.2 is too strict and does not take into account the place of Division 5.2 within the statutory scheme and the provisions for relief from it. An LDR implements policy and law with detail. It does not override it and the failure of an LDR to provide detail does not mean the related general law is no longer applicable or less important. We believe you have not accorded the correct relative weight to the Comprehensive Plan, and have instead relied too heavily on LDR 5.2, which only provides detail in one of the substantive areas in issue. There are two main factors affecting habitat: vegetation on the one hand and permeability or fragmentation on the other. The LDRs do not treat permeability and do not focus on the particular Districts within the county. Therefore it is instructive to review the policy objectives attached to each District. This is where general principals are implemented, but with customization deemed appropriate from District to District. It appears you did not consult the policy objectives of either District 11 (Wilson) or District 12 (Aspens/Pines). The subject property is on the edge of both Districts. The Number 1 objective under Ecosystem Stewardship in each District is "Design for wildlife permeability". Vegetation is not mentioned. This is obviously because the planners knew where the focus should be when potential wildlife habitat is developed in that District. Cluster the new development, rather than fragment it. That is the stated objective. You suggest that somehow, despite these very clear words, they may not apply. It is a questionable practice to ignore very clear mandates like this and it is inconsistent with the experience of residents in the area of Lot 5. Even across the road and up Timbers Place where we live, we see moose browsing and resting on our property on a regular basis. You should also know that the second stewardship objective in both Districts is to buffer wetlands from development. Even with the LDR setback requirements which might be met as a technical matter, this overall objective should receive consideration when alternatives are being discussed where one has no conceivable impact and the other would allow development in close proximity to the wetlands. We note that the correct extent of the wetland area is still somewhat open and that it might be larger than reported.

We would also like to call your attention to a document entitled "Teton County Best Practices Analysis" which is on the website and describes in great detail, with numerous citations to studies and scholarly literature, the numerous advantages and benefits to wildlife habitat of clustering housing rather than allowing it to be fragmented. You actually conclude that Option 6/0 is the best option from this perspective, but then seem to weigh that against vegetation impacts of something on the order of 2.3% of moose habitat and, based on this, reach a new recommendation in favor of Option 4/2. 2.3% amounts to about 9/10 of one acre. To put that in perspective, this is, in your view, too small for a house lot. We submit that this does not reflect the guidance of the District policy objectives and the experience of habitat preservation experts and substantially overweights the vegetation factor over the permeability factor. And your memorandum does not quantify the reduction in vegetation impact achieved by Option 4/2 over Option 6/0. We request that this comparison be prepared and made available to the public, your commission members and the County Commissioners. We estimate that it will be an insignificant improvement. And this will be based on a quantitative comparison and will likely fail to consider where the moose population will spend the most time and therefore the greater importance of vegetation in those areas. The primary reason for clustering houses together is to minimize density, because moose prefer less densely populated areas and spend most of their time in them. Good vegetation near a house is just not as desirable as good vegetation in an undeveloped area of the habitat. Furthermore, anyone looking at a map of Lot 5 cannot escape the common sense conclusion that leaving the north section of over at least 30 acres untouched just has to be better for the overall habitat for moose than interspersing two lots and a road up there in order to save maybe a small fraction of an acre of vegetation below. We do not think this comparison of impacts is even close. Finally, as alluded to above, your analysis also ignores the likely impact on the wetlands, notwithstanding technical compliance with set back requirements.

Section 8.8 regarding relief from the LDRs also makes it clear that a strict interpretation of Division 5.2 itself is not necessary, if it would create a hardship on the owner. And you have already implicitly argued that the small lot sizes are a hardship and justify in part a jump to the 4/2 Option. But this either-or choice is artificial, created really by the developer; and not by accident. It would be much more efficient from the perspective of habitat protection to simply allow relief from the strict application of 5.2 by expanding the 6/0 area or, as stated above, by sticking to the original 6/0 Option via a variance. Or even suggesting five, rather than six lots.

In reaching your new recommendation you seem to using your view of Division 5.2 more as a justification for a compromise rather than as a component of an overall regulatory structure with a variety of objectives. And you attempt to justify your apparent desire for compromise, by referring to Section 8.2.2.F.7 which allows a combination of elements. The reason for this Section is to allow flexibility in finding a solution to best implement the objectives of the Comprehensive Plan and LDRs, not to justify a compromise which actually undermines the protection of the habitat in question.

A final point we would like to make is that it is imperative that whatever subdivision plan is eventually adopted, it contain an absolute prohibition against ever connecting the proposed road and Fish Creek Road by way of intermediate roads. The adverse impact of a road servicing only five or six houses may be necessary and acceptable, but the impact would increase exponentially, if Fish Creek Road residents could use the Lot 5 road to reach destinations now accessible only via Route 22 and then Route 390.

Thank you for your consideration of the foregoing comments and the inclusion of this letter in materials given to the Planning Commission and the County Commissioners.

Sincerely,

Robert Duggan
Mary Weber

cc. Planning Department Members
County Commissioners

MULLIKIN, LARSON & SWIFT LLC
ATTORNEYS AT LAW
P.O. BOX 4099
155 E. PEARL ST., SUITE 200
JACKSON, WY 83001
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DAVID K. LARSON
PHELPS H. SWIFT, JR.
SARA E. VAN GENDEREN
MATTHEW E. TURNER

R. MICHAEL MULLIKIN 1942-2006

October 10, 2016

Teton County Planning & Development
Attn: Roby Hurley
Jackson, Wyoming 83001
Via Hand Delivery & Electronic Mail: rhurley@tetonwyo.org

RE: Development Plan Application 2016-0004 ("Application")
Lot 5 Master Plan Subdivision Plat for Jackson Hole Racquet Club Resort
Plat No. 578

Dear Roby,

Thank for your time and the information regarding the history of the Jackson Hole Racquet Club Resort (now known as Teton Pines) and the above referenced Application to develop Lot 5. Our firm represents the Teton Pines Owners Association (the "Association"). We look forward to participating in the public review of the Application and wish to bring several important matters to your attention.

Teton Pines is a thriving "middle aged" real estate community. It consists of commercial development, including townhomes, a golf resort, and a private residential community. The Association manages the private residential community consisting of approximately 184 residences. The Association has always understood and accepted that Lot 5 would eventually become a part of the Teton Pines residential community subject to the same privileges, rules, and regulations as its other residents.

The Teton Pines Community Rules include many rules, standards, and guidelines such as speed limits, property covenants and restrictions, security and safety regulations, and construction rules for the benefit of all its residents. The residents enjoy a safe and well-managed community including safe roads, security services, management services, residence maintenance, and common area maintenance. The Teton Pines residents have the reasonable expectation that the same privileges, rules,

and regulations would apply to Lot 5. Furthermore, there is a reasonable expectation that the laws of Wyoming, the County Land Development Regulations ("LDRs") and our elected officials will protect and preserve these reasonable expectations.

Plat No. 578 contains a significant covenant and restriction on Lot 5 which restricts access outside of the Teton Pines PUD by virtue of the "10 foot wide no vehicular access easement" shown on the south and west boundaries of Lot 5 (the "No Access Easement"). The redevelopment of Lot 5 will require an amendment to Plat No. 578 which must comply with Section 8.2.13 of the LDRs. In accordance with LDR Section 8.2.13.C.1 "a recorded plat may be amended through the vacation process as authorized by state statute…" Wyo. Stat. §34-12-108 provides as follows:

> **Any part of a plat may be vacated under the provisions, and subject to the conditions of this act; provided, such vacating does not abridge or destroy any of the rights and privileges of other proprietors in said plat…**

The No Access Easement protects the Teton Pines Community from vehicular traffic from outside its boundaries. It further protects the natural resources within Lot 5 and the bucolic character of Fish Creek Road from outside traffic and other adverse impacts.

On behalf of the Teton Pines residents, the Association's position is that any change to the No Access Easement restriction would require the approval by all owners within Teton Pines. The Board's position is reinforced by Paul Vaughn's letter dated October 14, 1988 to the Board of County Commissioners wherein he stated, "that the 'no vehicular access easement' was a requirement which had as its purpose the prohibition of any connection between the subdivision and the Fish Creek Road." Paul Vaughn, as County Attorney, went on to state that to modify this particular plat restriction would require approval by the County and all affected land owners in Teton Pines pursuant to Wyoming law and the LDRs.

Therefore, we recommend that the County condition any Lot 5 development approvals upon the preservation, or strengthening, of the No Access Easement restriction. Furthermore, there should be a bold and clear legend conspicuously placed on any new plat of Lot 5 to put both current and future owners on legal notice of the No Access Easement. In order to further protect the Lot 5 natural resources as well as the character of the Fish Creek Road, we also recommend that the No Access Easement be

extended along the north boundary of Lot 5 (its omission was likely caused by a drafting oversight). Perhaps, an instrument describing the No Access Easement restriction should be recorded against Lot 5 and the adjacent property.

In reviewing the LDRs, I noticed an ambiguity in Section 8.2.13.C.4.d that states: "the certificate of owners on the new plat shall have a clause vacating the original plat, signed by all owners of land contained within the plat." I am curious whether this regulation requires that all the owners in the original Plat No. 578 must sign the new plat or only the owners within the new plat. This language should be clarified. In any event, it is clear that any change to the No Access Easement or any other change that would abridge or destroy any of the rights and privileges of the Teton Pines Owners would require approval by all owners within the original Plat No. 578.

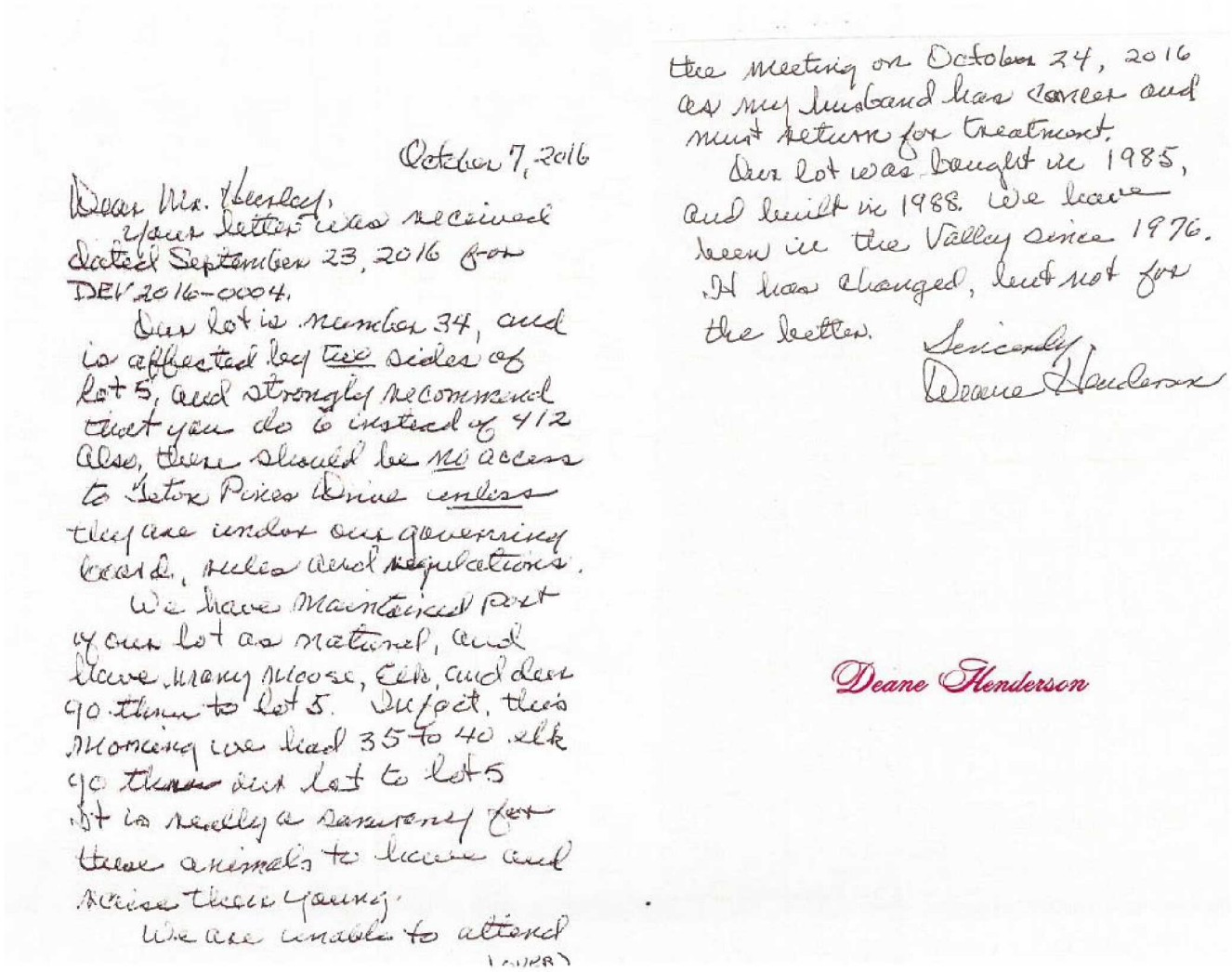
Again, we look forward to participating in the review of the development proposal of Lot 5. We have several issues to negotiate with the developer of Lot 5 which we hope can be accomplished without County involvement or legal proceedings. These issues include making Lot 5 become part of the Teton Pines community by accepting its CCRs and Community Rules in consideration of the benefits, privileges, and services provided to all Teton Pines residents. If we are unable to reach agreement on these issues with the developer, we will seek support from the elected officials.

Thanks again for your time and attention to this matter.

Very truly yours,
Mullikin, Larson & Swift LLC

Phelps H. Swift, Jr.

PHS/tas
cc: Teton Pines Owners Association Board of Directors
Teton Pines Owners
V:\Teton Pines OA\VandewalkerParcel5\2016DevPlan\Correspondence\TCPD 16_10_10.docx



October 7, 2016

Dear Mr. Hurley,
Your letter was received dated September 23, 2016 for DEV2016-0004.
Our lot is number 34, and is affected by two sides of lot 5, and strongly recommend that you do so instead of 4/2 Also, there should be no access to Teton Pines Drive unless they are under our governing board, rules and regulations.
We have maintained part of our lot as natural, and have many moose, Elk, and deer go thru to lot 5. Just last Monday we had 35 to 40 elk go thru our lot to lot 5 It is really a sanctuary for these animals to live and raise their young.
We are unable to attend

free meeting on October 24, 2016 as my husband has cancer and must return for treatment.
Our lot was bought in 1985, and built in 1988. We have been in the Valley since 1976. It has changed, but not for the better.

Sincerely,
Deane Henderson

Deane Henderson

Thu 10/6/2016 1:56 PM

Hi- I sent this to the general planning commission email address the other night- wanted to make sure it had made its way to you.
Best
Karla Tessler

Good Evening Mr. Hurley,
I am writing as a long time valley resident and full time neighbor of lot 5 in Teton Pines. I have spent a bit of time looking at the developer's various plans and speaking with him ..and I'm trying to take a balanced approach to my thoughts.
My first thought is that I wish the property were all conserved,☺ but since I can't step up to the plate to buy it myself that doesn't seem a tenable option at the moment.

My second thought is to ask to push all development to the southern field- but I recognize that may not be terribly nice for my neighbors to the south...

(although I do believe that 6 lots on a that piece of the property is fitting in the scope of the existing lots in the Pines)
I will say that the treed area of Lot 5 is unbelievably dense with moose, bear, elk, deer and birds (which is awesome!) so from a conservation standpoint it really is quite spectacular- and I hope the denizens remain happily ensconced.

I believe Mr. Mackenzie has been thoughtful in his planning-keeping the road and building envelopes as far from our existing homes as possible and reasonable.. I think he was thoughtful,I trying not to impinge on anyone's views and recognizes that the new owners don't want to build their homes on top of us either! As I am relying on information gleaned solely from Mr. Mackenzie, I am hopeful that he is a man of character and honors his word. He has done nothing to make me believe otherwise, so I will give my recommendation towards the following option:
I am hoping that the development might only include two homes to the North (and four in the Southern field) in order to keep the road throughout to a smaller width enabling less devastation to the landscape and less automobile/animal interaction.. but I leave that (as I do quite frankly, all of it) up to you.(I am unsure if the 3/3 option I was shown is still in play? If so, as long as the road remains limited in width and paved I'm good with that too-)

I also believe the new lots should be linked with the Pines CC&R's and HOAs. Just as I believe the VandeWater Family has a right to sell the land for development, I believe the developer should honor the original intent to include the property in the Teton Pines HOA as the majority of the infrastructure utilized by new landowners will be TPOA property.

Mr. Mackenzie reiterated to me several times that he had no desire to become a "developer" or "property manager" and his intentions were basically motivated as a way to protect the large purchase he made when buying the primary ranch (a very valid reason). I can see no reason, based on his own unsolicited comments, that he would want to be tasked with the development, implementation and enforcement of CC and Rs as well as the commitment to oversee the long term maintenance of the development's infrastructure? I believe that the county would be comforted in the knowledge that a well established HOA, with long term successful CC&Rs in place, would maintain the six future home sites with continued good results in perpetuity?

We (in our household) have noticed that Lot 5 while on the market has been unkempt - we have been inundated with thistle, tree fungus, and weeds from trees and fields that were once appropriately maintained by the elder VW family. We have also watched a significant decline in the Creekside maintenance on the waterway that migrates through our property to lot 5- as they have allowed the reeds and grasses to grow throughout the pond and ditch, it has all but stopped the water flow….- Although this action may have been intentional as to attempt to remove "wetland" habitat and a sales "barrier" while the property was "for sale" over the last 5 years?

I believe a balance of "best interests" for the VandeWater's, Mr. Mackenzie, the wildlife, TPOA and the directly impacted neighbors can be achieved through the planning commission's ability to negotiate and arbitrate amongst the parties involved. I believe rational voices can settle, what I view as surmountable differences- to achieve a thoughtful development that adheres to the County Plan and the intentions and desires of all the parties involved.

That really is the extent of my feedback.

Hope this is helpful towards the process as I will be out of town the evening of the 24th.
Best,
Karla Tessler
3205 Teton pines Drive

Oct. 5, 2017
Teton County Planning Dept

Dear Sirs:

I am a full-time resident of Teton Pines bordering on Lot 5. Along with many West Bank residents I oppose the 4-2 plan to develop 2 houses in the the Natural Resource Overlay(NRO). Here are my reasons:

1) the 4-2 plan specifically contradicts the LDR ban against developing within NRO boundaries & recommends to build outside where possible. The adjoining meadow's 8 acre availability makes this relevant.

2) the 4-2 plan would disrupt a fragile & important wildlife corridor. The Wyoming Game & Fish Department designated this location selected for 2 houses as a critical habitat & thoroughfare for endangered & other wildlife. The 6-0 plan would leave this location unaffected.

3) the 4-2 plan also harm important wetlands by requiring construction there of many roads & driveways.

4) the 4-2 plan not only would violate existing LDRs, it would not comply with current zoning nor with longstanding regulations of the adjoining Teton Pines community.

In conclusion, developing all 6 Lot 5 allowed houses in the open meadow would comply with all existing regulations while the 4-2 plan would require many waivers, exceptions & zoning variances. Moreover, the only compelling reason to build in the fragile NRO area would seem to be a higher profit for the developer.

Please reconsider your position.

I would also request that the 2 public meetings be pushed back to Nov. 28th (scheduled Teton Planning Commission meeting) or later to allow for most of the residents to attend. Many of us travel between late Oct. and Thanksgiving.

Sincerely,
Charles F. Thomson
3155 Teton Pines drive
Wilson, WY 83014

Law Offices of
MARTIN & ESKELSON, PLLC

Stephen E. Martin, E-mail: stephen@martineskelson.com
Scott P. Eskelson, E-mail: scott@martineskelson.com

P.O. BOX 3189
IDAHO FALLS, ID 83403-3189
PHONE: (208) 523-6644
FAX: (208) 522-0791

OFFICES:
425 S. HOLMES
IDAHO FALLS, ID 83401

September 21, 2016

Teton County Wyoming
Planning Department
Attn: Roby Hurley, Senior Planner
200 So. Willow St.
Jackson, WY 83001

RE: Jackson Hole Racquet Club Resort Lot 5 ("Lot 5") – VandeWater

Ladies and Gentlemen:

I believe that your staff personnel may be aware that our office represents Robert VandeWater and his sisters, Kim Holschuh and Pam VandeWater, along with VW Properties LLC #2, which is an entity owned by them ("the VandeWaters"). The VandeWaters have entered into an agreement to sell Lot 5 to PB Annex, LLC ("PB Annex").

A proposed plan for location (on Lot 5) of future home sites has been submitted to your office by PB Annex ("the Proposed Plan"). The Proposed Plan was submitted with the knowledge and support of the VandeWaters. The VandeWaters have asked that we submit this letter to affirm their continuing support of the Proposed Plan and the reasons for that support. The background of Lot 5, and the development rights associated with Lot 5, have been described and supported in detail in a memorandum directed to your office from Scott Pierson, of Pierson Land Works. However, the VandeWaters believe that some restatement of the history and background surrounding Lot 5 are relevant and worth emphasizing.

A. BACKGROUND.

Scott Pierson's memorandum summarized in detail the history of Lot 5. However, the VandeWaters wish to emphasize and reiterate certain key points.

1. Lot 5 – along with the other surrounding VandeWater property has been in the VandeWater family since the 1930's

2. Throughout their lives, Blake and Lee VandeWater were good stewards of their land. They believed that the development of Lot 5 and Jackson Hole Racquet Resort (JHRCR") was the overall best use of the property. It was a reasonable balance.

3. When approached about the sale of other property located east of Lot 5 (in the 1980's) for development into what became to be known as Jackson Hole Racquet Club Resort, Lee and Blake VandeWater agreed to sell the eastern portion of their property. All parties are aware that this became part of the dense development of JHRCR. In return, it was agreed that the area we now know as Lot 5 would retain six (6) single family development rights distributed evenly across the 40 acres of Lot 5.

4. (i)The plat of JHRCR, (ii) the approved master plan of JHRCR and (iii) the contractual agreements entered into between Blake and Lee VandeWater all collectively confirm that Lot 5 retained those six development rights. No requirement was imposed regarding the "clustering" of home sites. There were to be three (3) entrances or access points onto Lot 5 for future use and spacing of home sites.

5. The overall plan agreed at the time JHRCR was developed would assure that unlimited development and access through from Fish Creek Road (the far western boundary of the Blake and Lee Vandewater property) extending eastward to the Moose Teton Village Road would not happen. Yet, it also (i) allowed Blake and Lee VandeWater to continue their traditional farming and ranching activities on their remaining property, (ii) while preserving a high degree of open space and a generally rural environment through that area and (iii) establishing Lot 5 with the potential to create a legacy and future benefit for their children. It was a reasonable and responsible plan for the future.

B. THE PROPOSED PLAN.

Although the VandeWaters believe that the documents and agreement described in Section A above clearly allow six development sites evenly spaced across Lot 5, PB Annex has now submitted the Proposed Plan to your office which does not go that far. The Proposed Plan seeks to establish three (3) building sites located in the southern portion of

Lot 5 and three (3) lots in the northern portion with minimal impact upon sensitive areas. The VandeWaters and PB Annex feel the Proposed Plan is a reasonable accommodation. The Proposed Plan balances the rights of the owners of Lot 5 in relation to the desires of adjoining landowners and the overall objective of the County zoning ordinances and plans to maintain the natural and scenic beauty of Teton County and preservation of wildlife. In short, it balances the long established rights of the owners of Lot 5, and the economic value associated with those rights as property owners, when contrasted with the desires of neighboring landowners and county residents.

C. POTENTIAL OBJECTIONS.

The VandeWaters are aware that some nearby land owners – at least some in JHRCR – have voiced objections to the County regarding the Proposed Plan. Rather, these individuals seek to have Teton County require that all six development sites be clustered into the southeast corner of Lot 5. The individuals proposing this alternative seek to couch their objections behind a veneer of concern for wildlife, advocacy of the impact of the Natural Resources Overlay ("the NRO") and subsequent changes in zoning laws. They seek to have the County act contrary to the long established contractual rights of the owners of Lot 5 and the plan which created those rights over thirty (30) years ago. This proposal would have a significant negative impact on the economic rights of the owners of Lot 5.

The rights agreed upon in the 1980's with respect to Lot 5 occurred in a measured and balanced manner. The Proposed Plan seeks an overall development plan that is less than the owners of Lot 5 are entitled to under the zoning, platting and contractual agreements entered into at the time of development of JHRCR. This is evidence that the VandeWaters and PB Annex are sensitive to this unique property and the entire county. Although those in opposition couch their objections otherwise, it would appear that what they desire is to take away the rights of the owners of Lot 5 to development of their property in a legally permissible and reasonable manner in order to obtain for themselves a sense of space around their property. And, their property consists of homes or condominium units in one of the more densely populated areas of the County. In short, this is a "not in my backyard" type attitude. If development requirements are imposed which require clustering of six development sites in the southeast corner of Lot 5 this takes away a significant element of economic value from Lot 5. While on one level it is understandable why those in opposition seek this result, they seek to force the County to

impose the economic cost of this result upon the VandeWaters and PB Annex. That result is not only patently unfair, it is legally incorrect and is simply not necessary, given the balanced approach of the Proposed Plan.

The VandeWaters have executed this letter below to indicate that they have reviewed and approved the same.

D. CONCLUSION.

Based upon the foregoing reasons the VandeWaters would urge the County to approve the Proposed Plan as now submitted.

Very truly yours,

Scott P. Eskelson

APPROVED:

_____
ROBERT B. VANDEWATER

_____
KIM HOLSCHUH

_____
PAM VANDEWATER

cc: Bob VandeWater, w/enc.
cc: Dallas Addison, w/enc.
cc: Scott Preston, w/enc.

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ROBERT B. VANDEWATER

KIM HOLSCHUH

PAM VANDEWATER

cc: Bob VandeWater

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ROBERT B. VANDEWATER

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KIM HOLSCHUH

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PAM VANDEWATER

cc: Bob VandeWater

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Scott P. Eskelson

APPROVED:

ROBERT B. VANDEWATER

Kim V Holschuh

KIM HOLSCHUH

PAM VANDEWATER

cc: Bob VandeWater

Dear Roby, Mon 9/5/2016 4:23 PM

As a year-round Teton Pines resident and neighbor bordering on the Lot 5 of the Vanderwater Ranch property, I would like to express my serious concerns for the proposed development by Doug MacKenzie (Jake Jackson Ltd). Per the Environmental Analysis dated June 8, 2016, the Teton County Planning Dept concluded that the preferred development of the 38 acres would be in the section outside the Natural Resource Overlay (NRO), thus a maximum of 6 homesites in the south meadow (8 acres), with no development in the NRO (the "6/0 plan"). This would be in keeping with similar homesites along Teton Pines Drive.

I agree that this "6/0 plan" is the preferred alternative.

My neighbors in Teton Pines, including both those who also border on Lot 5 , and dozens more who live throughout Teton Pines, the Aspens, nearby neighborhoods, my husband and myself, are concerned with any development in the NRO, due to its disturbance and impact on wildlife, wildlife habitat , wetlands, wildlife migration corridor, noise, and light pollution. Once this NRO area is built upon and disturbed, we will never have this open space for the breeding ground, winter and summer habitat, and migration for moose, elk, mule deer, sand hill cranes, herons, owls, mallard ducks, geese, muskrats, beavers, fox, coyotes and more. (See attached photos of examples of wildlife in Lot 5 and living and migrating through Teton Pines.

In respect of the 2012 Comprehensive Plan and its LDRs, developing the southern meadow section (non-NRO) section of Lot 5 ("6/0 plan") would be in complete compliance.

The new proposed plan by Doug MacKenzie (3 homes in the NRO and 3 homes in the meadow - "3/3 option") would violate the LDRs by developing the part of the property that is in the NRO. This "3/3 plan" will greatly impact the wetlands, wildlife habitat, migration corridor, as noted above. There is no need to accept this plan when an alternative development (the 6/0 plan) is feasible.

Our extensive observation of wildlife and wetlands on Lot 5 over the last 5 years contradicts the Biota's conclusions from its updated Environment Analysis (July 29, 2016). Basic common sense cannot reconcile the construction of roads, bridges and houses in a wildlife abundant wetlands , as having a lower impact than in a neighboring open, roadside meadow. Its logic and analytics also do not make sense to reach any conclusion other than the preferred 6/0 plan.

I look to you, Tyler Sinclair and the Teton Co. Planning Dept to follow the LDRs, protect the NRO, prevent any kind of development in the NRO, and approve of development only in the non-NRO section of Lot 5. Our neighbors would gladly work with Mr MacKenzie to place a conservation easement over the NRO and I encourage you to recommend a conservation easement to him.
Yours sincerely,
Nancy Leon
3155 Teton Pines Drive
Wilson WY 83014

Dear Roby, Thu 9/1/2016 3:28 PM

Just to reiterate what we covered in our meeting with you the other week:

As residents of Teton Pines we would like to express our opinion and concern with the current development plan on the table from Doug Mackenzie with the 3/3 configuration.

Please see the points below and thank you so much for your consideration to adhere to the LDR's and not have any building in the NRO when there actually is a viable alternative.

1. All the development that is allowed for Lot 5 can be located in a meadow on the southern end of the property. This is the 6/0 proposal. This development would front onto an existing road and be in character with all of Teton Pines. It is possible to make the proposed development lots smaller, and still be in keeping with lot sizes in Teton Pines. This then would minimize, if not avoid, impacting the vegetative cover types that are ranked 5 or greater.

2. Developing the southern portion only of Lot 5 will be in complete compliance with the county' Land Development Regulations, requiring no special waivers.

3. However the applicant's proposed 3/3 plan will violate the LDR by developing the part of the property that is located in the Natural Resource Overlay. This plan also would require development in wetland and their buffers. Developing these resources violates the LDR, when there exists an alternative development plan that completely avoids them.

4. Not only would the applicant's 3/3 plan violate the LDR, it would have a very negative impact in real terms. It would fragment wildlife habitat by leapfrogging from one small pocket of land to another pocket. This will essentially displace the wildlife currently using this area.

5. This leapfrog development pattern also requires wetland crossings for a road and utilities. These wetland impacts are not essential because they can be completely avoided by locating development on the southern meadow.

6. The applicant's 3/3 plan leapfrogs from small pockets of area to another and violates both the letter and the intent of the county's LDR. It also contradicts the main purpose of the county's 2012 Comprehensive Plan which is designed to protect the ecosystem.

Thank you so much for your consideration.

All the best
Michael & Janet Sluszka

Meeting Summary

The applicant has been in extensive discussions with several neighbors, and the HOA, for the past two years. These discussions have included meetings, phone calls and emails evaluating several different development options.

Beginning in June, 2016, as the final development plans began to take shape, the applicant reached out to all of the neighbors in Teton Pines who share the fence on the eastern boundary of Lot 5. Other than two neighbors who were not responsive to emails and phone

calls, the applicant met face-to-face with every neighbor along the eastern border. In most cases, he had multiple meetings and phone calls, and in a couple other cases he a single face-to-face meeting with following people:

Frank Christensen, HOA President
Bruce Hill, neighbor and HOA Board Member
Steve DuBois, resident on eastern border
Ira Schulman, resident on eastern border
Ed/Barbary Terry, residents on eastern border
Nancy Leon/Charlie Thomson, residents on eastern border
Michael/Janet Sluszka, residents on eastern border
Karla Tessler, resident on eastern border

ATTACHMENT 5 APPLICATION MATERIALS

APPLICATION AMENDMENTS

October 28, 2016
Mr. Roby Hurley, Principal Planner
Teton County
200 Willow Street, 2nd Floor
Jackson, WY 83001
Dear Roby:
In regards to my Lot 5 development plan, as presented last Monday evening (October 24, 2016) at the Planning Commissioners Hearing, please add the following language as an amendment to my plan to develop six home sites in my "3/3A" configuration:
To further offset the impact of extending the 14' wide driveway to all three of the lots in the northern meadows, I will mitigate impacts to high ordinal ranking vegetation (ordinal rankings of "5" or higher) at the ratio of 3:1, rather than the required ratio of 2:1. Since the full length of the driveway has been found to impact approximately 16,600 square feet of sensitive vegetation, I would expect to restore approximately 49,800 square feet of habitat, and create significant net new habitat.
I would like the flexibility to achieve this mitigation either onsite, offsite elsewhere on my existing ranch holdings, or both. My record of providing voluntary habitat restoration has already been demonstrated in the work I have currently underway on my ranch near Fish Creek.
Sincerely,
Doug Mackenzie

10/10/2016
Mr. Roby Hurley
Teton County Planning Department
P.O. Box 1727
200 South Willow
St. Jackson, WY
83001

-delivered by email-

RE: Housing Mitigation Plan – Vandewater Estates Subdivision – DEV 2016-0004

Dear Roby,

In this letter you will find the affordable housing mitigation plan for the Vandewater Estates Subdivision **(DEV 2016-0004)** which is a subdivision of Lot 5 of the Jackson Hole Racquet Club Resort, Plat No. 578 (Lot 5). Lot 5 is part of the JHRCR Planned Unit Development Planned Resort (PUD-PR). On Plat No. 578 six (6) "single family detached" units were assigned to were assigned to Lot 5 and Eight Units (8) "single family detached" were assigned to Lot 14 of Plat 578. Lot 14 has been subsequently platted as Triangle Q Ranch, through 4 different filings. Three (3) "single family detached" units remain unplatted on Lot 9 Triangle Q Ranch 4th filing, Plat No 1314. Six (6) "single family detached" units remain unplatted on Lot 5.

In 2015 Tyler Sinclair, Teton County Planning Director provided an interpretation as to question #6 in a response to a ZCV application (ZCV 2015-0020) submitted by Scott Pierson of Pierson Land Works, LLC. Question #6 asked whether the remaining units in the JHRSR PUD will be treated as Pre-1994 units with regards to Affordable Housing Regulations. Mr. Sinclair wrote that the units should not be treated as pre-existing lots for the purposes of Affordable Housing Calculations and that the obligation associated would be determined at the time of the development plan approval.

This is a departure from the recent past where the Board of County Commissioners approved and allowed to be platted, "single family detached" units from JHRCR PUD (Plat No. 578) on Triangle Q Ranch, and conditioned those development permits so that the affordable housing fees would be collected at building permit. Triangle Q Ranch 4th Filing (DEV 2011-0025/SD2012-0005) is an approved and recorded subdivision of lands using two (2) of the eight (8) units tied to Lot 14 of the JHRCR PUD on Plat No. 578. The land was owned by Skip Wright-Clark and the applicant was Ethan and Emilie Steinberg. Attached you will find the Findings of fact and Conclusion of Law disseminated by the Teton County Planning Department on June 12, 2012 where it is clearly stated as condition #6 of this approved development that "Affordable housing fees will be collected at Building Permit pursuant to the LDRS and fees in place at that time for a pre-existing lot. DEV 2011-0071 also had the same treatment for affordable housing mitigation.

Therefore, we assert that the Vandewater Estates Subdivision should be held to the same affordable mitigation plan as is predecessor through the planning process, Triangle Q Ranch, and burden each subsequently platted "single family detached" lot with an affordable housing obligation to be paid at Building Permit. The same condition written for DEV 2011-0025 should be used for this proposed development (DEV 2016-0004).

Please call me if you have any questions, or if you require additional information at this time.

Sincerely,

JORGENSEN ASSOCIATES, P.C.

Brendan Schulte
Senior Planner

Enclosures
CC: Tyler Sinclair, April Norton

APPLICATION

TETON COUNTY WYOMING

PLANNING PERMIT APPLICATION
Planning & Development Department
Planning Division

200 S. Willow St.
P.O. Box 1727
Jackson, WY 83001

ph: (307) 733-3959
fax: (307) 739-9208
www.tetonwyo.org

RECEIVED
AUG 10 2016
TETON COUNTY PLANNING OFFICE

For Office Use Only

Fees Paid $ 2500.00
Check # 43781 Credit Card _____ Cash _____
Application #s DEV2016-0004 _____ _____

PROJECT.

Name/Description: Lot 5 JHRCR
Physical Address:
Lot, Subdivision: Lot 5, S1/2SW1/4, SEC. 11, TWP. 41, RNG. 117 (LOT 5 JHRCR MASTER PLAN) PIDN: 22-41-17-11-3-19-001

OWNER.

Name: Jake Jackson Holdings LLC Phone: 650-566-3304
Mailing Address: 737 Bryant, St. Palo Alto, CA ZIP: 94301
E-mail: dmackenzie@radarpartners.com

APPLICANT/AGENT.

Name: Brendan Schulte with Jorgensen Associates, PC Phone: (307) 733-5150
Mailing Address: P.O. Box 9550/Jackson, WY ZIP: 83001
E-mail: bschulte@jorgensenassociates.com

DESIGNATED PRIMARY CONTACT.

☐ Owner ☑ Applicant/Agent

TYPE OF APPLICATION. *Please check all that apply; see Fee Schedule for applicable fees.*

Use Permit
- ☐ Basic Use
- ☐ Conditional Use
- ☐ Special Use

Physical Development
- ☐ Sketch Plan
- ☑ Development Plan

Interpretations
- ☐ Formal Interpretation
- ☐ Zoning Compliance Verification

Relief from the LDRs
- ☐ Administrative Adjustment
- ☐ Variance
- ☐ Beneficial Use Determination
- ☐ Appeal of an Admin. Decision

Development Option/Subdivision
- ☐ Development Option Plan
- ☐ Subdivision Plat
- ☐ Boundary Adjustment (replat)
- ☐ Boundary Adjustment (no plat)

Amendments to the LDRs
- ☐ LDR Text Amendment
- ☐ Zoning Map Amendment
- ☐ Planned Unit Development

PRE-SUBMITTAL STEPS. *Pre-submittal steps, such as a pre-application conference, environmental analysis, or neighborhood meeting, are required before application submittal for some application types. See Section 8.1.5, Summary of Procedures, for requirements applicable to your application package. If a pre-submittal step is required, please provide the information below. If you need assistance locating the project number or other information related to a pre-submittal step, contact the Planning Department.* ***If this application is amending a previous approval, indicate the original permit number.***

Pre-application Conference #: PAP 2015-0124 Environmental Analysis #: EVA2016-0002

Original Permit #: _____ Date of Neighborhood Meeting: _____

SUBMITTAL REQUIREMENTS. *One copy of the application package (this form, plus all applicable attachments) should be submitted to the Planning Department. The initial application submittal may occur electronically, but one hard copy of all materials is required for an application to be found sufficient. 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.*

Have you attached the following?

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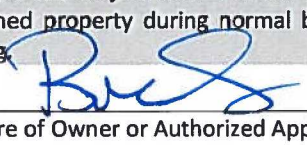
Under penalty of perjury, I hereby certify that I have read this application and associated checklists and state that, to the best of my knowledge, all information submitted in this request is true and correct. I agree to comply with all county and state laws relating to the subject matter of this application,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



Signature of Owner or Authorized Applicant/Agent

8/9/16

Date

Brendan Schulte

Name Printed

Senior Planner

Title

TETON COUNTY WYOMING

PRE-APPLICATION CONFERENCE SUMMARY
Planning & Development Department – Planning Division

200 S. Willow St. | ph: (307) 733-3959
P.O. Box 1727 | fax: (307) 739-9208
Jackson, WY 83001 | www.tetonwyo.org

This Summary will be prepared by Planning Staff. The applicant, or the applicant's agent shall receive a copy of this summary for their reference in compiling all information required at each stage of the application process.

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PAP#:	PAP2015-0124 (DEV)
Date of Conference:	January 15, 2016 (continuation)
Planning Staff:	Roby Hurley, Susan Johnson

PROJECT.

Name/Description:	JHRCR Lot 5, 6-lot subdivision		
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Lot, Subdivision	Lot 5, JHRCR	PIDN:	22-41-17-11-3-19-001 22-41-17-11-3-00-003
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Overlay(s):	Partial NRO		

STAKEHOLDERS.

Applicant:	Jack Jackson Holdings, LLC with VW Properties #2, LLC
Owner:	Jack Jackson Holdings, LLC and VW Properties #2, LLC
Agent:	Jorgensen Associates, P.C.

REQUIRED APPLICATIONS. *This project will require the following applications:*

Application	Reason	Fee
DEV PAP	Subdivision	Paid
DEV		1500
Subdivision Plat		
Building Permit		
Grading Permit		

MEETING ATTENDEES:

Name	Company	Phone/Email
Brendan Schulte	Jorgensen Associates	
Doug MacKenzie		
Hamilton Smith	Biota	
Roby Hurley 733-3959	TC Planning	
Susan Johnson	TC Planning	
Amy Ramage	TC Eng	
Carlin Girard	TCD	
Gabe Klamer	TC Eng	

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GENERAL INFORMATION.

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Requirement	Notes

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X **Mailing Address of any ISD, Homeowners Association or Conservation Easement Holder.** Any entity with an interest in your use of the property that should receive a mailed notice of the application.

X **Narrative description of the proposed development.** Briefly describe the proposed physical development or development option for which you are seeking sketch plan approval.

X **Proposed Development Program.** Please use the attached template provided in the Administrative Manual.

X **Site Plan.** Minimum standards for a Site Plan are attached.

?	**Neighborhood Meeting Summary.** If a neighborhood meeting is held, the applicant may submit a summary of comments and questions received and the applicant's response.	**optional**

ARTICLES 2 (COMPLETE NEIGHBORHOODS), 3 (RURAL AREA ZONES), and 4 (SPECIAL PURPOSE ZONES). *Please provide the following information for the applicable zone.*

X Required, If Checked.

If not checked, review requirement with a Staff member to determine if necessary for your application.

Requirement		Notes
X	Subsection B, Physical Development	
X	Subsection C, Use Standards	
X	Subsection D, Development Options	
X	Subsection E, Additional Zone-specific Standards	

ARTICLE 5, PHYSICAL DEVELOPMENT STANDARDS APPLICABLE IN ALL ZONES.

X Required, If Checked.

If not checked, review requirement with a Staff member to determine if necessary for your application.

Requirement		Notes
X	**Division 5.1, General Environmental Standards.** • Waterbody and Wetland Buffers • Wildlife Friendly Fencing • Wild Animal Feeding • Air Quality • Water Quality (reserved for future standards)	Informed by the EA
X	**Division 5.2, Environmental Standards Applicable in Specific Areas as applicable.** • Natural Resources Overlay (NRO) Standards • Bear Conflict Area Standards	
	Division 5.3, Scenic Standards. • Exterior Lighting Standards • Scenic Resources Overlay (SRO) Standards	
X	**Division 5.4, Natural Hazard Protection Standards** • Steep Slopes • Unstable Soils • Faults • Floodplains • Wildland Urban Interface	
	Division 5.5, Landscaping Standards • Landscape Plan • Required Plant Units • General Landscaping Standards • Installation and Maintenance	@ Building permit
	Division 5.6, Sign Standards	

_____ **Division 5.7, Grading, Erosion Control and Stormwater Management** @ Building permit/GEC

- Grading Standards
- Erosion control standards
- Stormwater Management Standards

ARTICLE 6, USE STANDARDS APPLICABLE IN ALL ZONES.

__X__Required, If Checked.

_____If not checked, review requirement with a Staff member to determine if necessary for your application.

Requirement **Notes**

__X__ **Division 6.1, Allowed Uses**

_____ **Division 6.2, Parking and Loading Standards**

- Required Parking and Loading
- Location of Required Parking
- Maintenance of Off-Street Parking and Loading
- Off-Street Parking and Loading Design Standards

_____ **Division 6.3, Employee Housing Requirements**

_____ **Division 6.4, Operational Standards**

- Outside Storage
- Refuse and Recycling
- Noise
- Vibration
- Electrical Disturbances
- Fire and Explosive Hazards
- Heat and Humidity
- Radioactivity

ARTICLE 7, DEVELOPMENT OPTION AND SUBDIVISION STANDARDS APPLICABLE IN ALL ZONES.

__X__Required, If Checked.

_____If not checked, review requirement with a Staff member to determine if necessary for your application.

Requirement **Notes**

_____ **Division 7.1, Development Option Standards**

- Planned Residential Development (PRD)
- Urban Cluster Development (UCD)
- Mobile Home Park

__X__ **Division 7.2, Subdivision Standards**

- Standards Applicable to all Subdivision
- Land Division Standards
- Condominium and Townhouse Subdivisions

__NA__ **Division 7.3, Open Space Standards**

- Configuration and Location of Required Open Space
- Use of Open Space
- Physical Development Permitted in Open Space
- Record of Restriction
- Ownership of Open Space

X **Division 7.4, Affordable Housing Standards** *as per ZCV2015-0020*

? **Division 7.5, Development Exaction Standards** *ZCV2015-0020*

X **Division 7.6, Transportation Facility Standards**

- Access to Roads, Streets and Highways
- Streets, Alleys, and Easements
- Street and Road Standards
- Easements and Right-of-Way Dedication
- Clear View of Intersecting Streets

X **Division 7.7, Required Utilities**

- Potable Water Supply
- Sanitary Sewer Systems
- Irrigation Ditch Systems and Design
- Other Utilities

PLAN REVIEW COMMITTEE. *The Plan Review Committee consists of the following listed agencies. Planning Staff will transmit pertinent portions of the application to each agency.* ***Other agencies and individuals not checked off on this list may be added to the PRC if necessary.***

X County Engineer

_____ County Surveyor

_____ Building Official

X Fire Marshal

X County Sanitarian

X Teton County Conservation District

_____ Parks and Recreation Department

_____ Pathways Coordinator

X Sheriff's Department

_____ Recycling Board

X Teton County Housing Authority

_____ Teton County Road & Levee Supervisor

_____ Teton County Scenic Preserve Trust

X Teton County Weed & Pest

X Teton County School District

_____ Mosquito Abatement, Teton County Weed & Pest

_____ Town of Jackson

X Wyoming Department of Game & Fish

_____ U.S. Forest Service

_____ National Park Service

X Other ***ACOE***

Final Development Plan

For

VandeWater Estates Subdivision

Applicant:

Jake Jackson Holdings, LLC

Prepared by:

Jorgensen Associates, P.C.
Engineers, Land Surveyors, & Planners
1315 Highway 89 South, Suites 201 & 203 83001
P.O. Box 9550
Jackson, WY 83002
307.733.5150

Teton County
Initial Submittal Date: August 9th, 2016
Jorgensen Associates, P.C.
Project No. 15012.03

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- Site Plan with Proposed conditions
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SECTION 1 – COVER LETTERS, APPLICATION & CHECKLISTS

JORGENSEN
It's About People, Trust and Know How

PO Box 9550 · 1315 HWY 89 S., Suite 201
Jackson, WY 83002
PH: 307.733.5150
| www.jorgeng.com

8/9/2016

Mr. Roby Hurley
Teton County Planning Dept.
P.O. Box 1727
200 South Willow St.
Jackson, WY 83001

-Hand Delivered-

RE: Final Development Plan – Lot 5 JHRCR Master Plan

Dear Roby,

Attached for sufficiency review, please find one copy of the Final Development Plan submittal for the Lot 5 JHRCR Master Plan. Copies of this submittal will also be sent to you electronically.

- Application Fee – Check No. in the amount of $2,500
- Submittal binder containing applications, narratives, and exhibits for the Final Development Plan and required supporting materials as outlined in the Table of Contents.
- Drawing Set - (one copy in 22" X 34" format) containing maps and engineering plans as outlined in the drawing set sheet index.

Please call me if you have any questions, or if you require additional information at this time. Once we receive a sufficiency determination, we will provide any updates you request to the application in electronic format, and/or hard copies as requested in the number and type you would like for distribution to review agencies. Thank you for your assistance.

Sincerely,

JORGENSEN ASSOCIATES, P.C.

Brendan Schulte
Senior Planner
Enclosures

PLANNING PERMIT APPLICATION

Planning & Development Department
Planning Division

200 S. Willow St. | ph: (307) 733-3959
P.O. Box 1727 | fax: (307) 739-9208
Jackson, WY 83001 | www.tetonwyo.org

For Office Use Only

Fees Paid_____

Check # _____ Credit Card_____ Cash_____

Application #s _____ _____ _____

PROJECT.

Name/Description: Lot 5 JHRCR

Physical Address:

Lot, Subdivision: Lot 5, S1/2SW1/4, SEC. 11, TWP. 41, RNG. 117 (LOT 5 JHRCR MASTER PLAN) PIDN: 22-41-17-11-3-19-001

OWNER.

Name: Jake Jackson Holdings LLC Phone: 650-566-3304

Mailing Address: 737 Bryant, St. Palo Alto, CA ZIP: 94301

E-mail: dmackenzie@radarpartners.com

APPLICANT/AGENT.

Name: Brendan Schulte with Jorgensen Associates, PC Phone: (307) 733-5150

Mailing Address: P.O. Box 9550/Jackson, WY ZIP: 83001

E-mail: bschulte@jorgensenassociates.com

DESIGNATED PRIMARY CONTACT.

☐ Owner ☑ Applicant/Agent

TYPE OF APPLICATION. *Please check all that apply; see Fee Schedule for applicable fees.*

Use Permit

☐ Basic Use
☐ Conditional Use
☐ Special Use

Physical Development

☐ Sketch Plan
☑ Development Plan

Interpretations

☐ Formal Interpretation
☐ Zoning Compliance Verification

Relief from the LDRs

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

Development Option/Subdivision

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

Amendments to the LDRs

☐ LDR Text Amendment
☐ Zoning Map Amendment
☐ Planned Unit Development

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Environmental Analysis #: EVA2016-0002

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8/9/16

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Name Printed

Senior Planner

Title

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If not checked, review requirement with a Staff member to determine if necessary for your application.

Requirement		Notes
X	**Division 5.1, General Environmental Standards.** • Waterbody and Wetland Buffers • Wildlife Friendly Fencing • Wild Animal Feeding • Air Quality • Water Quality (reserved for future standards)	Informed by the EA
X	**Division 5.2, Environmental Standards Applicable in Specific Areas as applicable.** • Natural Resources Overlay (NRO) Standards • Bear Conflict Area Standards	
	Division 5.3, Scenic Standards. • Exterior Lighting Standards • Scenic Resources Overlay (SRO) Standards	
X	**Division 5.4, Natural Hazard Protection Standards** • Steep Slopes • Unstable Soils • Faults • Floodplains • Wildland Urban Interface	
	Division 5.5, Landscaping Standards • Landscape Plan • Required Plant Units • General Landscaping Standards • Installation and Maintenance	@ Building permit
	Division 5.6, Sign Standards	

_____ **Division 5.7, Grading, Erosion Control and Stormwater Management** @ Building permit/GEC

- Grading Standards
- Erosion control standards
- Stormwater Management Standards

ARTICLE 6, USE STANDARDS APPLICABLE IN ALL ZONES.

___X___*Required, If Checked.*

_____*If not checked, review requirement with a Staff member to determine if necessary for your application.*

Requirement **Notes**

___X___ **Division 6.1, Allowed Uses**

_____ **Division 6.2, Parking and Loading Standards**

- Required Parking and Loading
- Location of Required Parking
- Maintenance of Off-Street Parking and Loading
- Off-Street Parking and Loading Design Standards

_____ **Division 6.3, Employee Housing Requirements**

_____ **Division 6.4, Operational Standards**

- Outside Storage
- Refuse and Recycling
- Noise
- Vibration
- Electrical Disturbances
- Fire and Explosive Hazards
- Heat and Humidity
- Radioactivity

ARTICLE 7, DEVELOPMENT OPTION AND SUBDIVISION STANDARDS APPLICABLE IN ALL ZONES.

___X___*Required, If Checked.*

_____*If not checked, review requirement with a Staff member to determine if necessary for your application.*

Requirement **Notes**

_____ **Division 7.1, Development Option Standards**

- Planned Residential Development (PRD)
- Urban Cluster Development (UCD)
- Mobile Home Park

___X___ **Division 7.2, Subdivision Standards**

- Standards Applicable to all Subdivision
- Land Division Standards
- Condominium and Townhouse Subdivisions

___NA___ **Division 7.3, Open Space Standards**

- Configuration and Location of Required Open Space
- Use of Open Space
- Physical Development Permitted in Open Space
- Record of Restriction
- Ownership of Open Space

X **Division 7.4, Affordable Housing Standards** *as per ZCV2015-0020*

? **Division 7.5, Development Exaction Standards** *ZCV2015-0020*

X **Division 7.6, Transportation Facility Standards**

- Access to Roads, Streets and Highways
- Streets, Alleys, and Easements
- Street and Road Standards
- Easements and Right-of-Way Dedication
- Clear View of Intersecting Streets

X **Division 7.7, Required Utilities**

- Potable Water Supply
- Sanitary Sewer Systems
- Irrigation Ditch Systems and Design
- Other Utilities

PLAN REVIEW COMMITTEE. *The Plan Review Committee consists of the following listed agencies. Planning Staff will transmit pertinent portions of the application to each agency.* ***Other agencies and individuals not checked off on this list may be added to the PRC if necessary.***

X County Engineer

_____ County Surveyor

_____ Building Official

X Fire Marshal

X County Sanitarian

X Teton County Conservation District

_____ Parks and Recreation Department

_____ Pathways Coordinator

X Sheriff's Department

_____ Recycling Board

X Teton County Housing Authority

_____ Teton County Road & Levee Supervisor

_____ Teton County Scenic Preserve Trust

X Teton County Weed & Pest

X Teton County School District

_____ Mosquito Abatement, Teton County Weed & Pest

_____ Town of Jackson

X Wyoming Department of Game & Fish

_____ U.S. Forest Service

_____ National Park Service

X Other ***ACOE***

SECTION 2- DEED, LETTER OF AUTHORIZATION & TITLE REPORT

(12)

GRANTOR: VANDEWATER RANCH LP
GRANTEE: VW PROPERTIES #2 LLC
Doc 0732776 bk 702 pg 769-771 Filed At 14:51 ON 06/26/08
Sherry L. Daigle Teton County Clerk fees: 14.00
By Mary Smith Deputy

QUITCLAIM DEED
(WITH AFTER ACQUIRED PROVISION)
(Lot 5 JHRC)

RELEASED	
INDEXED	✓
ABSTRACTED	✓
SCANNED	

THIS INDENTURE is made this 26th day of June, 2008, by **VANDEWATER RANCH LP**, a Colorado limited partnership, "Grantor", and **VW PROPERTIES #2 LLC**, a Wyoming close limited liability company, whose mailing address is P.O. Box U, Jackson, Wyoming 83001, "Grantee".

WITNESSETH, that Grantor, for and in consideration of the sum of Ten and No/100 Dollars ($10.00) lawful money of the United States of America and other good and valuable consideration to Grantor in hand paid by Grantee, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever QUITCLAIM unto Grantee, and to Grantee's successors and assigns forever, all right, title and interest now owned or hereafter acquired by Grantor in all the following described real estate in the County of Teton, State of Wyoming, more particularly described on **Exhibit "A"**, attached hereto and by this reference incorporated herein.

TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, and rents, issues and profits therefrom.

TO HAVE AND TO HOLD the premises and the appurtenances unto Grantee, and to Grantee's heirs and assigns forever.

In construing this Quitclaim Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, Grantor has executed the within instrument the day and year first above written.

VANDEWATER RANCH LP, a Colorado Limited Partnership

BY: VandeWater LLC, a Wyoming Limited Liability Company, Its General Partner

By: _____
Robert Blake VandeWater, Manager

STATE OF Idaho)
) ss.
County of Bonneville)

On the 26th day of June, 2008, before me, the undersigned, a Notary Public, in and for said State, personally appeared **Robert Blake VandeWater**, known or identified to me to be the Manager of **VandeWater LLC**, a Wyoming close limited liability company, the General Partner in the partnership of **VANDEWATER RANCH LP**, a Colorado limited partnership, and the Manager of such limited liability company who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name on behalf of its General Partner.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(seal) SCOTT P. ESKELSON NOTARY PUBLIC STATE OF IDAHO

_____
Notary Public for Idaho
Residing at: Id. Falls
My commission expires: 10-25-2011

G \SharedFiles\Cheryl's Files\SRE-Clients\6090\VW Properties-Deeds&Easements\Lot5;JHRC-LPtoLLC#2(June2008).wpd

EXHIBIT "A"

Lot 5 of Jackson Hole Racquet Club Resort, a subdivision of Teton County, Wyoming, according to that plat recorded December 4, 1984 as Plat No 578, EXCEPTING THEREFROM that part of said Lot 5 as contained in Warranty Deed to Teton Pines Limited Partnership, recorded October 27, 1988 in Book 205 of Photo, page 225

Teton County Planning and Development
200 S. Willow, P.O. Box 1727
Jackson, WY 83001
Phone (307)733-7030 Fax (307) 739-9208

LETTER OF AUTHORIZATION BY OWNER

THE LETTER OF AUTHORIZATION IS TO BE SUBMITTED ONLY IF THE APPLICANT/AGENT IS NOT THE RECORDED OWNER OF THE PROPERTY. THE RECORDED OWNER MUST SIGN THE LETTER OF AUTHORIZATION AND HAVE IT NOTARIZED.

OWNER, CO-OWNER, OR CORPORATE OWNER:

Name: Jake Jackson Holdings. LLC
Physical Address of Property: PT. SW1/4, SEC. 11, TWP. 41, RNG. 117 PARCEL 1
Mailing Address: 737 Bryant Street, Palo Alto, CA
Zip code: 94301 Phone:
Email:

AGENT OR CONTRACTOR: (If authorizing Agent and Contractor, fill out a form for each)

Name: Jorgensen Associates, P. C. c/o Brendan Schulte
Mailing Address: P.O. Box 9550, Jackson WY
Zip code: 83002 Phone: 307-733-5150
Email: bschulte@jorgensenassociates.com

Owner, Co-Owner, or Corporate Owner, ("Owner") which property is specifically described as PT. SW1/4, SEC. 11, TWP. 41, RNG. 117 PARCEL 1 hereby authorizes Agent or Contractor, as stated above, to represent and/or act for Owner in making application for, receiving, and accepting on Owner's behalf, any permits or other action by the Teton County Commissioners, Planning and Development, Building, and/or Engineering Departments relating to Owner's Property in Teton County, and the modification, development, planning, platting, replatting, improvements, use or occupancy of land, or energy mitigation in Teton County. Owner acknowledges and agrees to be bound and must abide by the written terms or conditions of issuance of any such named Agent or Contractor, whether actually delivered to Owner or not. Owner agrees that no modification, development, planning, platting or replatting, improvements, use or occupancy of land, or energy mitigation involved in any application, as it relates to Owner's Property, shall take place until approved by the appropriate official(s) of Teton County, in accordance with all applicable codes and regulations. Owner agrees to pay any fines and/or mitigation fees to Teton County and will 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, and/or regulations applicable to the action sought to be permitted by the application authorized herein. Owner agrees and authorizes Agent or Contractor to pay any fines and/or mitigation fees to Teton County and for the Agent or Contractor to accept and receive any reimbursement or fee payments due to Owner from Teton County, including but not limited to energy mitigation fees.

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, CO-OWNER, CORPORATE OWNER:

Print Name: DOUG MACKENZIE

Signature: _____

Title: ~~PRESID~~ MANAGING MEMBER

STATE OF WYOMING

SS.

COUNTY OF TETON

Subscribed and sworn to before me by Douglas J. Mackenzie this 18th day of December, 2015.

WITNESS my hand and official seal.

_____
Notary Public

My commission expires: 7/27/16

BRENDAN M SCHULTE - NOTARY PUBLIC
County of Teton
State of Wyoming
MY COMMISSION EXPIRES: July 27, 2016

Teton County Planning and Development
200 S. Willow, P.O. Box 1727
Jackson, WY 83001
Phone (307)733-7030 Fax (307) 739-9208

LETTER OF AUTHORIZATION BY OWNER

THE LETTER OF AUTHORIZATION IS TO BE SUBMITTED ONLY IF THE APPLICANT/AGENT IS NOT THE RECORDED OWNER OF THE PROPERTY. THE RECORDED OWNER MUST SIGN THE LETTER OF AUTHORIZATION AND HAVE IT NOTARIZED.

OWNER, CO-OWNER, OR CORPORATE OWNER:

Name: VW Properties LLC
Physical Address of Property: Lot 6 JHRCR Master Plan
Mailing Address: 1815 Poplar, Buhl, ID
Zip code: 83316 Phone: 208-543-6828
Email: rvander@q.com

AGENT OR CONTRACTOR: (If authorizing Agent and Contractor, fill out a form for each)

Name: Jorgensen Associates, P. C. c/o Brendan Schulte
Mailing Address: P.O. Box 9550, Jackson WY
Zip code: 83002 Phone: 307-733-5150
Email: bschulte@jorgensenassociates.com

Owner, Co-Owner, or Corporate Owner, ("Owner") which property is specifically described as Lot 6 JHRCR Master Plan hereby authorizes Agent or Contractor, as stated above, to represent and/or act for Owner in making application for, receiving, and accepting on Owner's behalf, any permits or other action by the Teton County Commissioners, Planning and Development, Building, and/or Engineering Departments relating to Owner's Property in Teton County, and the modification, development, planning, platting, replatting, improvements, use or occupancy of land, or energy mitigation in Teton County. Owner acknowledges and agrees to be bound and must abide by the written terms or conditions of issuance of any such named Agent or Contractor, whether actually delivered to Owner or not. Owner agrees that no modification, development, planning, platting or replatting, improvements, use or occupancy of land, or energy mitigation involved in any application, as it relates to Owner's Property, shall take place until approved by the appropriate official(s) of Teton County, in accordance with all applicable codes and regulations. Owner agrees to pay any fines and/or mitigation fees to Teton County and will 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, and/or regulations applicable to the action sought to be permitted by the application authorized herein. Owner agrees and authorizes Agent or Contractor to pay any fines and/or mitigation fees to Teton County and for the Agent or Contractor to accept and receive any reimbursement or fee payments due to Owner from Teton County, including but not limited to energy mitigation fees.

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, CO-OWNER, CORPORATE OWNER:

Print Name: Robert B. VandeWater

Signature: Robert B. VandeWater

Title: Manager

STATE OF Idaho

COUNTY OF Twin Falls **SS.**

Subscribed and sworn to before me by Robert B. VandeWater this 15th day of December, 2015.

WITNESS my hand and official seal.

Barbara Jones
Notary Public

My commission expires:

BARBARA JONES
NOTARY
PUBLIC
STATE OF IDAHO

EXHIBIT "A"
to
LETTER OF AUTHORIZATION BY OWNER

This Exhibit "A" is to be attached to, and is incorporated by reference into that certain Letter of Authorization By Owner (the "Letter") executed by VW Properties #2 LLC (the "Owner") to grant certain authority to Jorgensen Associates, P.C ("the Engineer"). In the event of any conflict between the terms of this Exhibit "A" and the Letter, the terms of this Exhibit "A" shall control.

1. The correct legal name of the owner of the property is VW Properties #2 LLC

2. The Engineer is acting on behalf of the Engineer's client, PB Annex, LLC, a Wyoming limited liability company (the "Client"). However, the Engineer is authorized by the Owner to propose to Teton County certain plans and concepts for potential re-platting or division of the property which is the subject of the Letter (the "Property") which re-platting or division of the Property.

3. Notwithstanding anything terms of the Letter to the contrary, the Engineer is does not have authority to execute any agreement on behalf of the Owner nor to bind the Owner to any terms, covenants or conditions of such re-platting or division. The Owner retains final authority to approve and consent to any re-platting or alteration of the Property boundary lines, or the terms and conditions of approval of the same.

Date: December 15, 2015

VW PROPERTIES #2 LLC

BY: _____
ROBERT BLAKE VANDEWATER, Manager

Z:\Scott\Browse Client\6090\Real Estate\JHRC Lot 5\EXHIBIT ßAùtoLETTER OF AUTHORIZATION BY OWNERThis Exhibit ßAù is to.wpd

File No.: 600918JAC

Commitment for Title Insurance

Issued By Old Republic National Title Insurance Company

Old Republic National Title Insurance Company, a Minnesota corporation ("Company"), for a valuable consideration, commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the Proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest in the land described or referred to in Schedule A, upon payment of the premiums and charges and compliance with the Requirements; all subject to the provisions of Schedules A and B and to the Conditions of this Commitment.
This Commitment shall be effective only when the identity of the Proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A by the Company.

All liability and obligation under this Commitment shall cease and terminate six (6) months after the Effective Date or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue the policy or policies is not the fault of the Company.

The Company will provide a sample of the policy form upon request.

IN WITNESS WHEREOF, Old Republic National Title Insurance Company has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A.

Issued through the Office of:

Jackson Hole Title & Escrow
255 Buffalo Way/PO Box 921, Jackson, WY 83001

Authorized Signature

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
A Stock Company
400 Second Avenue South, Minneapolis, Minnesota 55401
(612) 371-1111

By _____ President

Attest _____ Secretary

CONDITIONS

1. The Term Mortgage, when used herein, shall include deed of trust, trust deed, or other security instrument.

2. If the proposed Insured has or acquired actual knowledge of the defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.

3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and Conditions and Stipulations and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.

4. This Commitment is a contract to issue one or more title insurance policies and is not an abstract of title or a report of the condition of title. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.

5. The policy to be issued contains an arbitration clause. All arbitrable matters when the amount of Insurance is $2,000,000 or less shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties.
   You may review a copy of the arbitration rules at: http://www.alta.org/.

FILE NO.: 600918JAC

COMMITMENT

SCHEDULE A

1. Effective Date: July 20, 2016 at 8:00 AM

2. Policy or Policies to be issued:

	Policy Amount	Premium Amount
Policy or Policies to be issued: ALTA Owner's Policy (6/17/06) ORT Form 4309 (Premium amount reflects no available credit)	**$TBD**	**$TBD**

Proposed Insured:
PB Annex, LLC, a Wyoming limited liability company

3. Title to the fee simple estate or interest in the land described or referred to in this commitment is at the effective date vested in:

VW Properties #2 LLC, a Wyoming limited liability company

4. The Land referred to in this Commitment is described as follows:

Lot 5 of Jackson Hole Racquet Club Resort, Teton County, Wyoming, according to that plat recorded in the Office of the Teton County Clerk on December 4, 1984 as Plat Number 578, EXCEPTING THEREFROM that part of said Lot 5 as contained in that Warranty Deed to Teton Pines Limited Partnership, recorded October 27, 1988 in Book 205 of Photo, Page 225, records of Teton County, Wyoming.

Schedule B-I

Requirements

1. Pay the full consideration to, or for the account of, the Grantors and/or Mortgagees for the estate or interest to be insured.

2. Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to-wit:

   a. **Warranty Deed**
   From the duly authorized representative(s) of VW Properties #2 LLC, a Wyoming limited liability company
   Vesting fee simple title in PB Annex, LLC, a Wyoming limited liability company

   A Statement of Consideration is required with each transfer of title in the State of Wyoming per Wyoming Statute 34-1-142.

   All Grantors/Mortgagors must cite marital status and their spouses, if any, must join in the execution of the Deed and/or Mortgage for the purpose of waiving any homestead rights they may have.

3. Pay all taxes, charges and assessments levied and assessed against the subject premises which are due and payable as follows:

Tax ID#	**2015 Tax Status**	**2016 Tax Status**
04-00570	1st Half in the Amount of $64.14 is **PAID** 2nd Half in the Amount of $64.13 is **PAID**	Accruing lien not yet due or payable.

We recommend that the person responsible for closing this transaction verify this tax information prior to closing.
*Real Estate Taxes are payable as follows
*If making one payment: Due on or before December 31.
*If making two payments: First half payable September 1 and delinquent November 10; second half due March 1 and delinquent May 10.

4. Lien Coverage: To remove Exception(s) 4 shown in Schedule B, Section 2, hereof from the Loan Policy when issued, the following documents(s) must be provided to us:

   Owner's Affidavit executed by: The duly authorized representative(s) of VW Properties #2 LLC, a Wyoming limited liability company

   Affidavits shall serve as satisfactory evidence that any improvements and/or repairs or alterations thereto are completed; that any contractors, sub-contractors, laborers and materialmen are all paid; and have released of record all liens or notice of intent to perfect a lien for labor or material.

Schedule B-I

Requirements

5. Furnish the following for VW Properties #2 LLC, a Wyoming limited liability company:
   a) **Articles of Organization**: Provide a certified copy of the Articles of Organization filed with the Office of the Secretary of State.
   b) **Certificate of Good Standing**: Provide a Certificate of Good Standing from the Secretary of State.
   c) **Operating Agreement**: Provide a copy of the Operating Agreement governing the management of the Limited Liability Company, and any amendments thereto.

   Note: We reserve the right to make additional requirements or exceptions once these requirements have been met.

6. Provide a Certificate of Good Standing or other evidence satisfactory to the company that PB Annex, LLC, a Wyoming limited liability company is an entity in existence and capable of holding title.

Schedule B-II

Exceptions

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

1. Any facts, rights, interest or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession, or claiming to be in possession, thereof.

2. Easements, liens, encumbrances, or claims thereof, which are not shown by the public records.

3. Any encroachment, encumbrance, violation, variation or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the Land and that is not shown by the public records.

4. Any lien, or right to a lien, imposed by law for services, labor or material heretofore or hereafter furnished, which lien, or right to a lien, is not shown by the public records.

5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; or (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.

6. Any right, title or interest in any minerals, mineral rights, or related matters, including but not limited to oil, gas, coal, and other hydrocarbons, whether or not shown by the public record.

7. (a) Taxes, assessments or special levies which are not now payable or which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

   Real Property Taxes for the year 2016 and subsequent years. (See Schedule B, Section 1, Number 3 for tax status)

   (b) Any service, installation, connection, maintenance or construction charges for sewer, water, electricity or garbage collection or disposal or other utilities unless shown as an existing lien by the public records.

8. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the Effective Date but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.

Schedule B-II

Exceptions

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

9. Restrictions (including, but not limited to, restriction as to not more than six single family residential units), reservations, easements, encroachments, ditches, roadways, rights-of-way, common areas and building set back requirements as delineated on the recorded Plat Number(s) 578, records of Teton County, Wyoming.

10. Agreement regarding Master Plan appearing of record in Book 162 of Photo, Pages 67-72, records of Teton County, Wyoming.

11. Easement from Teton Pines to Lower Valley Power and Light, Inc. appearing of record in Book 186 of Photo, Page 505, records of Teton County, Wyoming.

12. Memorandum of Sale between Lake Creek Development Company and Blake C. VandeWater and Lee S. VandeWater appearing of record in Book 156 of Photo, Pages 225-226, records of Teton County, Wyoming.

13. Affidavit regarding street names executed by Teton Pines Limited Partnership (a/k/a Jackson Hole Racquet Club Limited Partnership) appearing of record in Book 193 of Photo, Page(s) 141-142, records of Teton County, Wyoming.

14. Contract for Purchase of Power between Lower Valley Power & Light, Inc. and Blake C. VandeWater and Lee S. VandeWater appearing of record in Book 231 of Photo, Pages 1057-1058, records of Teton County, Wyoming.

INFORMATIONAL NOTES

- Exception(s) ***4*** will be deleted from the Owner's Policy to be issued upon our satisfactory receipt of all Requirements.

- The following property address and PIDN Number are provided for informational purposes only:

  Teton Pines Drive Wilson, WY 83014

  PIDN Number: 22-41-17-11-3-19-001

- Other than as shown in Schedule B; we find no Judgment Liens, State Tax Liens, Federal Tax Liens or Child Support Liens of record which attach to the name(s) or interest of the vested owner and/or proposed insured owner/borrower.

OLD REPUBLIC NATIONAL TITLE INSURANCE AGENCY
PRIVACY POLICY NOTICE

PURPOSE OF THIS NOTICE

Title V of the Gramm-Leach-Bliley Act (GLBA) generally prohibits any financial institution, directly or through its affiliates, from sharing nonpublic personal information about you with a nonaffiliated third party unless the institution provides you with a notice of its privacy policies and practices, such as the type of information that it collects about you and the categories of persons or entities to whom it may be disclosed. In compliance with the GLBA, we are providing you with this document, which notifies you of the privacy policies and practices of Old Republic National Title Insurance Company.

We may collect nonpublic information about you from the following sources:

Information we received from you such as on applications or other forms.
Information about your transactions we secure from our files, or from others.
Information we receive from a consumer reporting agency.
Information that we receive from others involved in your transaction, such as the real estate agent or lender.

Unless it is specifically stated otherwise in an amended Privacy Policy Notice, no additional nonpublic personal information will be collected about you.

We also may disclose this information about our customers or former customers to the following types of nonaffiliated companies that perform services on our behalf or with whom we have joint market agreements:

Financial services providers such as companies engaged in banking, consumer finance, securities and insurance.
Non-financial companies such as envelope stuffers and other fulfillment service providers.

We do not disclose any nonpublic personal information about you with anyone for any purpose that is not specifically permitted by law.

We restrict access to nonpublic information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

SECTION 3 - PROJECT BACKGROUND, OVERVIEW, FINDINGS AND RESPONSE TO SUBMITTAL CHECKLIST

A. PROJECT BACKGROUND & HISTORY

I. Background

Lot 5 of the Jackson Hole Racquet Club Resort **(JHRCR)** is currently under contract for purchase and development. Doug Mackenzie of Jake Jackson Holdings, LLC **(The Applicant)** has been working with Bob VandeWater of VW Properties, LLC **(The Owner)** to arrive at a six lot subdivision pursuant to existing development rights that adhere to the development standards set forth by the JHRCR Master Plan, complements the Teton County Comprehensive Plan (**The Comp Plan**) and the Teton County Land Development Regulations (**LDRs**), and achieves the original intent for development expected by the VandeWater family estate.

II. History

Aerial photographs taken in 1945 indicate that Lot 5 has been utilized mostly for intensive agricultural purposes, during which time the property was owned and operated as part of a large ranch by the VandeWater family.

In 1984, Blake C. VandeWater and Lee S. VandeWater (**The VandeWaters**) agreed to sell to Lake Creek Development Company development rights and land in the SE1/4 of Section 11, T. 41 N., R. 117 W., Teton County, Wyoming for inclusion in a Planned Unit Development, the Jackson Hole Racquet Club Resort (**JHRCR**). As per the Purchase agreement, pages of which is attached in Section 5 of this submittal, the VandeWaters specifically retained ownership of six development rights on the east 40 acres of the SW1/4 of Section 11, which was to become Lot 5 of the JHRCR, as “additional property” for development of six single family detached units, to be distributed evenly across the 40 acres, with reserved rights of ingress and egress, not more than three roads, three power lines, and three sewer lines to service the adjoining property (Lot 5) from the property [JHRCR] being developed and integrated with and connected to the JHRCR.

A family history and the intention to develop six similarly sized lots is discussed in a Memorandum provided by Pierson Land Works on behalf of the VandeWater family, a copy of which is attached in Section 5 of this submittal. The memorandum states that while the VandeWaters elected to sell the land in the SE1/4 because they were “the least productive portion of the ranch for hay production”, they “chose to reserve the 40 acre Lot 5 to provide for their children in their estate so that if necessary the six lots could be sold for estate planning or tax purposes.”

The Master Plan Subdivision Plat for Jackson Hole Racquet Club Resort, Plat No. 578, and Plat No. 580 for The Estates of Jackson Hole Racquet Club Resort, as recorded in the Office of the Clerk of Teton County Wyoming, also provide clear evidence of these intentions.

At present, the Owner plans to sell Lot 5 to the Applicant whose intention is to develop Lot 5 as it was intended by the VandeWater family while complying with the Comp Plan and LDRs.

B. OWNER & PROJECT TEAM INFORMATION

PROPERTY OWNERS:
VW Properties, LLC
1815 Poplar
Buhl, ID 83316

APPLICANT:
Jake Jackson Holdings, LLC
737 Bryant Street
Palo Alto, California 94301

LAND PLANNING, SURVEYING & ENGINEERING
Jorgensen Associates, P.C.
1315 Highway 89 South, Suites 201 & 203
P.O. Box 9550
Jackson, Wyoming 83002
307-733-5150
bschulte@jorgensenassoicates.com

ENVIRONMENTAL CONSULTING (COUNTY HIRED):
Biota Research and Consulting
P.O. Box 8578
Jackson, Wyoming 83002
307-733-4216

C. MAILING ADDRESS OF ANY ISD, HOA, OR CONSERVATION EASEMENT HOLDER

HOA:
Teton Pines Owners Association
2635 Teton Pines Drive
Wilson, WY 83014

D. DEVELOPMENT PROPOSAL

This Final Development Plan proposes six single-family residential lots within the 38.5 acres of Lot 5, Jackson Hole Racquet Club Resort (**JHRCR**), Plat No. 578. Lots 1, 2, and 3 will be situated in the agricultural meadows in the northern portion of "Lot 5", and Lots 4, 5, and 6 will be clustered in the agricultural meadow in the southern area. A shared driveway will access Lot 4 and 5, and a single driveway will access Lot 6. Both of these driveways take access from Teton Pines Drive. Lots 1, 2, and 3 will all derive access from Teton Pines Drive via a narrow shared driveway that will take advantage of existing ranch roads where possible and is designed to have the least impact on wildlife habitat and natural resources. The building envelopes for all six lots will be confined to the agricultural meadows on Lot 5. This development plan proposed for six residential lots on Lot 5, henceforth referred as the "3/3 plan," has been carefully considered to satisfy the following key objectives:

1.) **Minimize environmental impact**—All six of the building envelopes in the 3/3 plan are located entirely within existing, active agricultural meadows which are considered "disturbed" by the LDRs. The final site plan was derived from the results of an extensive Environmental Impact Analysis completed by the Teton County hired consultant in order to minimize impact to wetlands, critical habitat and sensitive vegetative cover types. A follow up Impact Analysis concluded that, in fact, the final 3/3 plan has the least overall impact of the alternatives considered, and is the most compliant with Teton County LDR's.

2.) **Respect existing neighboring properties**—The three lots in the northern agricultural meadows hug the western boundary of Lot 5 and, as such, are completely hidden from existing neighbor homes by natural growth. The three lots in the southern meadow are aligned to minimize the visual impact of the foreground next to Teton Pines Drive.

3.) **Consistency with original development intent** - Development within the 3/3 plan is consistent with the development intent of the original developer, the expectation of the land owner (the VandeWater family), and the community when this density was approved in 1984 and became part of lands under the Jackson Hole Racquet Club Resort Master Plan (the area of which is now referred to as the Teton Pines), and was given three distinct ingress/egress options.

4.) **Base Density, Intensity and Transition Zone** –The Base Density and Intensity of the 3/3 plan is consistent with Lot 5 being a Transition Zone linking the agricultural 35-acre parcels to the west, north and south, with the 1-2-acre parcels that make up the lots of the Estates of the JHRCR (Teton Pines) subdivision to the east.

5.) **Compliance with the Teton County Comprehensive Plan—**The 3/3 plan complies with the direction of the Comprehensive Plan for District 9: County Valley/9.2 Agricultural Foreground

6.) **Compliance with Teton County Land Development Regulations (LDR's)—**Lot 5 includes approximately 30 acres (the northern area) covered under the Natural Resources Overlay (**NRO**), and approximately 9 acres (the southern area) outside the NRO. While the LDR's encourage development, where achievable, to be outside the NRO, achieving the development densities and intensities consistent with Lot 5's location outside the NRO alone is extremely difficult, if not impossible. Nevertheless, the proposed development plan complies by developing solely in active agricultural meadows and minimizing environmental impact.

Given these factors, which provide the context for the 3/3 plan and are outlined in more detail below, this application will demonstrate that the 3/3 plan is feasible and it the best overall development plan for Lot 5.

1. Natural Resource Impact

The 3/3 plan is derived from a series of Environmental Impact Analyses commissioned by Teton County Planning & Development. An initial Habitat Inventory commissioned by a previous Lot 5 developer in 2015 highlighted challenges in siting building envelopes and access roads amidst wetlands and sensitive cover types that exist on Lot 5. The current applicant, using this original Habitat Inventory and with guidance from County planning, initially evaluated two site plans—the "4/2 plan" and the "6/0 plan"—that sited building envelopes in active agricultural meadows and routed access via low impact driveways. An Impact Analysis that evaluated these two scenarios was completed on June 8, 2016 is attached in Section 5. While both of these development scenarios were analyzed, the applicant identified from the Impact Analysis the potential for a third scenario, the 3/3 plan, that might even further reduce impact. Another Impact Analysis was requested and completed on July 29, 2016 and attached in Section 5. The analysis showed that the 3/3 plan is the most compliant, of the three scenarios, with Teton County LDR's.

Importantly, the new Impact Analysis also concludes that the 3/3 plan has wetland impacts that are equivalent—no better, no worse—to the other two development options, based on the very small surface area impact associated with each, and that the small amount of wetland impact associated with this option is permittable by the LDR's. Furthermore, the Analysis also concludes that the vegetative impacts associated with the 3/3 plan are more compliant than the other two development options with respect to crucial moose winter range. Finally, the Analysis concludes that, due to its having the least impact to higher ranked cover types, the 3/3 plan is the most compliant with Section 5.2.1.F.4.a of the LDR's pertaining to ordinal ranking of cover types.

2. Respect existing neighboring properties

The three building envelopes in the northern agricultural meadows of Lots 1, 2, and 3, hug the western boundary of Lot 5 and are completely hidden from existing Teton Pines homes by natural growth. The nearest of these, Lot 1, is located over 285 feet from the nearest

neighboring structure. The nearest building envelope in the southern agricultural meadow, Lot 5, is set back 130' from the nearest structure (Teton Pines Lot 1, plat 580.) This lot will be the only lot—of the six contemplated—clearly visible from Teton Pines Road, providing a foreground view consistent with the rest of the current neighborhood. Under the 3/3 plan, fewer homes would be visible to existing Teton Pines residents than in any of the alternative plans, and all home sites would be set back further from existing Teton Pines homes than current neighbor residences.

3. Original Development Intent

Development of the 3/3 plan is consistent with the intent of the original Teton Pines developer, the expectations of the VandeWater family (original owner), and the Teton County community when this density was approved in 1984 and became part of the lands under the Jackson Hole Racquet Club Resort Master Plan (the area now known as Teton Pines.)

When the Teton Pines land was sold to the developer by the VandeWater family in 1984 it was documented in a Purchase Agreement, the relevant section of which is attached in Section 5 of this submittal. The original purchase agreement specifically calls out the following development rights for Lot 5:

- Right of ingress and egress for all purposes over the (Teton Pines) property for the use and benefit of (Lot 5) and for not more than three (3) roads, three (3) power lines, and three (3) sewer lines to service (Lot 5).
- Such roads and utility lines (on Lot 5) may be connected to similar facilities constructed on (Teton Pines) property (from Lot 5) free of cost of charge for such connections.
- Lot 5 was explicitly carved out of the Teton Pines property with respect to CC&R's recorded in Book 162 of photo, pages 79-106.

Clearly, the development rights that were established by the VandeWaters with the original sale, and the expectations they had when establishing Lot 5 as part of the family's estate plan for the benefit of their children, included the ability to sub-divide and develop Lot 5 into six lots of approximately 6.5 acres each.

On behalf of the current Owner, Scott Pierson has submitted a memo with exhibits (attached in Section 5) that identifies a number of points as evidence of the development rights and the expectations held by the VandeWater family. Among these: three points of access to Lot 5 were originally granted—spread from the north to the south on the eastern boundary; original JHRCR water and sewer infrastructure investment supporting distributed development on Lot 5; a density bonus granted to the JHRCR PUD based on Lot 5 being in the development area (not in the open space calculation) of the PUD; evidence of original plans and plats, County approvals, and understandings consistent with this current development proposal; and the ongoing cooperation of the VandeWaters over the years with specific Teton Pines

homeowners and the TPOA—done with neighborly spirit, but never intended to cost themselves development rights.

4. Base Density/Intensity in a Transition Zone.

Lot 5, which is currently zoned PUD-Rural 1, is a transition zone between two very distinct areas: the agricultural parcels to the west, north and south, which are all included in the R-1 Zone; and the lots to the east in the Estates of Jackson Hole Racquet Club Resort (Teton County Plat No. 580) which lie within the PUD-NC Zone. The parcels to the west, north and south are each 35 acres or more, and as such have an agricultural use and character with large building envelopes allowing for the development of *"historical agricultural compounds."* The lots to the east are much smaller—typically an acre—with even smaller building envelopes determined by setbacks established by the LDRs in effect at the time of recordation of Plat No. 580. These lots are part of the Jackson Hole Racquet Club Golf Course (now called Teton Pines) resort development and the character of this neighborhood fits that of a resort use. These two areas are distinct from one another in their lot/parcel size, building envelope size, use, and character.

As the transition zone between these two areas, the development plan for Lot 5 should find middle ground with respect to density parameters. It should have lot sizes and building envelopes smaller than the agricultural parcels to the west, but significantly larger than the lot sizes and building envelopes to the east. The base density of the 38.56 acres of Lot 5, as established by the Master Plan for Jackson Hole Racquet Club Resort and indicated on the Master Plan Subdivision Plat for the Jackson Hole Racquet Club Resort (Plat No. 578), is six (6) development units (**DU's**), or 1 DU per 6.42 acres. This lot size is consistent with a transition zone between the 35 acre parcels to the west, north and south; and the 1 to 1.5 acre lots to the east, and should be a consideration in the design of a Lot 5 site plan.

At the same time, the intensity of development should also find middle ground. Specifically, while the building envelopes will need to be more restricted than those in the agricultural area to the west, the envelopes should be large enough to accommodate the intensity of use in a historical agricultural compound as per the Comprehensive Plan. Under the current R-1 Zoning standards, each of the six DU's in Lot 5 may contain 10,000 square feet of developed floor area and approximately 26,200 square feet of site development. In order to appropriately disperse site development, an adequate agricultural compound building envelope would be 2-3 times the allowed site development square footage, or about 1-2 acres. Maintaining this building envelope size is a consideration in the design of the 3/3 plan which also accounts for the Lot size being one that fits this transition zone most appropriately.

5. Achievable Density & Intensity

While the LDR's attempt to restrict development in a lot with both NRO protected land and unprotected land to the unprotected area, in the case of Lot 5 there is simply not enough

unprotected land to accommodate the densities and intensities of the transition zone originally intended and described above. As a result, to achieve the required densities and intensities, land in the NRO-protected area must be considered for at least some part of the development. This is allowed as described in Section 5.2.1. E of the LDR's as follows: "where densities/intensities cannot be achieved by locating development outside the NRO, then lands protected by the NRO may be impacted pursuant to the standards of this Subsection."

Fortunately, the NRO-protected area of Lot 5 does include a significant agricultural meadow—a cover type defined by the LDR's as "disturbed" and thus given the lowest protection (lowest ordinal ranking) by the NRO—that can be considered for development of 3 DU's within lots and building envelopes of sizes consistent with the transition zone parameters. The 3/3 plan uses this northern agricultural meadow for three DU's—minimizing impact under the NRO—and locates the other three DU's outside the NRO. With this hybrid approach, the development parameters of the transition zone are achieved, and impact is limited to a single driveway crossing to reach the northern agricultural meadow.

6. Comprehensive Plan

Lot 5 is included in the Comprehensive Plan in District 9: County Valley/9.2 Agricultural Foreground. This is a Preservation Subarea, which includes the agricultural, clustering, and habitat/scenic forms, all of which call for 70+, 35+, and +/-35 acreages respectively. It has character-defining features such as wildlife permeability and agriculture that supports the need for the above-described transition zone between the dense and intense resort on the east, and the agricultural uses associated with the applicant's other parcels totaling 250 acres to the west. This section of the comprehensive plan also states that *"Agriculture and other non-development methods of preserving the existing open space, while respecting private property rights, are the priority... The scale of development should be of a rural character, consistent with the historic agricultural compounds of the community."*

The 3/3 plan places the majority of the development that will be seen by the neighbors—three DU's—clustered adjacent to the existing Teton Pines development in District 12: Aspens/Pines, just as the Comprehensive Plan intends. The other three DU's are restricted to the northern agricultural meadow, and will be developed in a way entirely consistent with the comprehensive plan—protecting agricultural viability, which also protects wildlife habitat and wildlife permeability. Ideally, the proposed development plan would allow the applicant to integrate the development intent of these three DU's with his agricultural land to the west.

Conclusion

The 3/3 plan for Lot 5 presented in this submittal strikes a fair balance among all of the important factors. The plan minimizes impact on wetlands and wildlife. The plan respects the neighboring Teton Pines development to the east while blending with the agricultural ranch land to the west, north and south. The plan is consistent with the original development intent of the Property when

it was included in the PUD. Finally, the plan is compliant with the Teton County LDR's and consistent with Comprehensive Plan. Given the context of all these factors, the proposed 3/3 plan is achievable and makes the best sense.

E. PROPOSED DEVELOPMENT PROGRAM

1. **Development Summary/Dimensional Limitations Per Lot**
    1. 10,000 SF
    2. Building Setbacks:
        i. Public Road – 50'
        ii. Private Road – 30'
        iii. All other setbacks – 15'

2. **Maximum Scale of Development Per Lot** – 10,000 SF

3. **Structure Location and Mass** – All structures shall be located within the building envelopes depicted on the Final Development Plan Map included in Section 7 of this submittal. These areas are primarily made up of Intensive Agricultural Meadow which is listed as a disturbed covertype in LDRs.

4. **Site Development** = (Gross Site Area (acres) *.04 * 43560 SF/ Acre)
    1. Lot 1 – 28,946 SF
    2. Lot 2 – 28,946 SF
    3. Lot 3 – 38,529 SF
    4. Lot 4 – 19,084 SF
    5. Lot 5 – 20,182 SF
    6. Lot 6 – 21,489 SF

F. FINDINGS FOR APPROVAL

I. Division 8.3.2.C Development Plan Findings for Approval

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

    Lot 5 is included in the Comprehensive Plan in *District 9: County Valley/9.2 Agricultural Foreground*. This is a Preservation Subarea, which includes the agricultural, clustering, and habitat/scenic forms, all of which call for 70+, 35+, and +/-35 acreages respectively. It has character-defining features such as wildlife permeability and

agriculture that supports the need for the aforementioned transition zone between the dense and intense resort on the east, and the agricultural uses associated with the applicant's other parcels totaling 250 acres to the west. This section of the comprehensive plan also states that *"Agriculture and other non-development methods of preserving the existing open space, while respecting private property rights, are the priority…The scale of development should be of a rural character, consistent with the historic agricultural compounds of the community."*

With the development plan proposed here, the half of the development—three (3) DU's—can be clustered adjacent to the existing Teton Pines development in *District 12: Aspens/Pines*, just as the Comprehensive Plan intends. The remaining three (3) DU's are dispersed and located in the northern agricultural meadows, and will be developed in a way entirely consistent with the comprehensive plan—*protecting agricultural viability, which also protects wildlife habitat and wildlife permeability.* Ideally, the proposed development plan would allow the applicant to integrate the development intent of the northern DUs with his agricultural land to the west.

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

The subject property is partly in the NRO. The difficult question regarding developing Lot 5 as a transition area between the agricultural parcels to the west, north and south, and the Teton Pines Resort to the east, lies in the placement of the Natural Resource Overlay (NRO) boundary. While a portion of Section 5.2 of the LDR's attempt to restrict development in a lot with both NRO protected land and unprotected land to the unprotected area, in the case of Lot 5 there is simply not enough unprotected land to accommodate the densities and intensities of the transition zone originally intended and described above. As a result, to achieve the required densities and intensities, land in the NRO-protected area must be considered for some—perhaps a minimum amount—of the development. This is allowed as described in Section 5.2.1.E of the LDR's as follows: "where densities/intensities cannot be achieved by locating development outside the NRO, then lands protected by the NRO may be impacted pursuant to the standards of this Subsection."

Fortunately, the NRO-protected area of Lot 5 does include significant intensive agricultural meadows—a cover type defined by the LDR's as "disturbed" and thus given the lowest ordinal ranking of Priority 1 by the LDRs. These agricultural meadows can

accommodate the development of 3 DU's with lot sizes and building envelopes consistent with the transition zone parameters. The 3/3 plan proposed here for Lot 5 uses these agricultural meadows for 3 of the DU's—minimizing impact within the NRO—and develops the remaining 3 DU's outside the NRO in the same cover type in the southern intensive agriculture meadow. With this hybrid approach, the development parameters of the transition zone are achieved, and impact is limited to a single driveway spanning over a 40 foot section of scrub-shrub wetland (<600 SF) in order to reach the northern agricultural meadows.

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.

   This proposal considers the placement of six DU's previously approved as part of JHRCR and it will not generate additional impacts on parks, schools, police, fire or EMS facilities. Aspens Wastewater Treatment System will service the three lots in the southernmost agriculture meadow.

4. ***Complies with all relevant standards of these LDRs and other County Resolutions.*** Complies.

   Based on the enclosed application materials this development plan complies with all applicable standards of the Master Plan, LDRs and other County Resolutions.

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

   Development of six lots on Lot 5 is allowed and memorialized by the recordation of the Master Plan Subdivision Plat for Jackson Hole Racquet Club Resort, Plat No. 578 on December 4, 1984, which clearly reserves the right for the development of six Single Family Detached Lots.

G. ENVIRONMENTAL STANDARDS

I. Waterbody and Wetland Buffers –

1. Wetland Setback = 30'
2. Irrigation Ditch Setback – 15'

II. Wildlife friendly fencing - No fencing is proposed as part of this application. All future construction of fences within the six lots proposed within the development of Lot 5 will comply with LDR's definition of Wildlife Friendly.

III. Wild Animal Feeding - As per Division 5.1.3 of the LDRs, Wild Animal Feeding shall be prohibited on Lot 5.

IV. Air Quality – The residential uses planned for the proposed development will not have any impact on the air quality of this area.

V. Water Quality - There are no existing streams on site. Nonetheless, care will be taken during construction by using Best Management Practices for erosion control and ensure that stormwater runoff does not impact the wetlands or runoff onto adjacent properties via agricultural ditches located on Lot 5. A grading and erosion control permit will be required prior to development.

VI. Natural Resource Overlay (NRO) Standards – Part of Lot 5 is within the Natural Resource Overlay (NRO), which requires that any development compile an Environmental Analysis (EA). An EA dated July 29, 2016 is attached to this application. The EA analyzed the impact of all three development alternatives discussed in this application and found that, while crucial wetlands and moose winter habitat exist on the property, the majority of development is limited to agricultural meadows (both "intensive" and "passive") and will have minimal impact. This EA also recommends the 3/3 plan as the least impactful plan for the project with respect to valuable vegetative cover types. An earlier EA (submitted on June 8, 2016) is also attached in Section 5. The results of this EA led to the development of the 3/3 plan, which is the least impactful development scenario as discussed in the most recent version dated July 29, 2015.

VII. Bear Conflict Area Standards - Lot 5 is entirely within Bear Conflict Priority Area I and will comply with all standards of Division 5.2.2 of the LDRs which include specific measure for storage of garbage and the use of bird feeders.

H. NATURAL HAZARD PROTECTION STANDARDS

I. **Floodplains** – The entirety of Lot 5 is included in FEMA Flood Zone AE where base flood elevations need determination. This work will be completed and submitted concurrently with a Building Permit. See the attached Firmette (Map Number 56039C2690E) in Section 5.

II. **Steep Slopes** - There are no steep slopes on Lot 5.

III. **Fault Areas** – There are no fault areas present on Lot 5. The closest faults are 1537 feet from the Teton Fault System according to the U.S. Geological Survey, Geological Map of Grand Teton National Park, Teton County Wyoming, by J.D. Love, John C. Reed Jr. and Ann Coe Christensen created in 1992. Lot 5 is entirely comprised of Qa – Alluvium, gravel and sand, and flood plain deposits.

IV. **Wildland Urban Interface -** Lot 5 is not within the Wildland Urban Interface.

I. LANDSCAPING STANDARDS

All landscaping standards will be complied with at Building Permit.

J. ALLOWED USES & REQUIREMENTS

The proposed uses within the VandeWater Estates Subdivision include single family detached residential uses. These are all either by right or basic uses allowed within the R-1 PUD zone district.

K. SUBDIVISION STANDARDS

1. **Standards applicable to all Subdivisions –** VandeWater Estates Subdivision with adhere to all standards provided in Section 7.2.2 of the LDRs which include Developer responsibilities, Required permits, installation, working with a professional engineer, oversizing and off-site improvements, certification of completion and release of responsibility, and acceptance by Teton County.
2. **Land Division Standards –** Will comply with Section 7.2.
3. **Condominium and Townhouse Subdivision –** not applicable.

L. AFFORDABLE HOUSING MITIGATION

Affordable housing mitigation will be collected at building permit. See ZCV-2015-20 attached in Section 5 for an interpretation by the Teton County Planning Director.

M. SCHOOL AND PARK EXACTIONS

School and Park exactions are calculated by calculating an average value of assessed, undeveloped land value adjacent to the project. The average was calculated to be $3,250.52 per DU or a total of $19,503.09 that will be collected prior to recordation of the Final Plat.

N. TRANSPORTATION FACILITIES

Access to Roads, Streets and Highways - See plan sheets provided in Section 7.

O. REQUIRED UTILITIES

I. **Potable Water Supply** – See Engineer's Report

II. **Sanitary Sewer Systems** - See Engineer's Report

III. **Irrigation Ditch Systems and Design** – Irrigation ditches exist on Lot 5. No new irrigation ditches are currently planned as part of this development.

P. OPERATIONAL STANDARDS

I. Refuse and Recycling - All refuse and recycling will be handled on site the garage of the each of the homes. All garbage shall be stored in bear-proof garbage containers.

Q. ZONE SPECIFIC STANDARDS FOR PUD – RURAL 1 ZONE

I. **Section 4.4.1.D. Development of a PUD** – Development standards for each PUD are established by the approved PUD master plan and certificate of standards. All physical development, use, and subdivision under the PUD shall comply with the master plan and certificate of standards. Where development standards are not addressed or established in the approved PUD master plan or certificate of standards, the development standards of the underlying zone shall apply. Where the Master Plan is silent, all development of Lot 5 will comply with current Teton County Land Development Regulations (LDRs).

II. **Division 1.8.2.C.1a.-Planned Unit Developments (PUDs) with PUD Zoning** - under the newly adopted Teton County Land Development Regulations (LDRs) effective 4/1/16, which states that when a PUD is silent, the standards of the underlying zone apply. The applicable zone standards to be applied to this project is R-1 which imposes the dimensional limitations listed in 3.E.I Development Program/Dimensional Limitations.

SECTION 4 – ENGINEER'S REPORT

A. INTRODUCTION

This Final Development Plan Engineer's Report is intended to provide the engineering basis for design and to discuss engineering related issues for the development of Lot 5 and its six residential units. Supporting infrastructure will be new throughout the project and attached to Aspens/Aspens II infrastructure at specific points intersecting the Lot. Design of these connections will be determined during future building permits.

B. SETTING

Historically the site was hay meadow, rangeland, and natural wetlands adjacent to agricultural uses on the west and the Resort to the east. Over time as the Resort and Golf Course were developed, and homes were built, the land to the east of Lot 5 became increasingly dense with residential development. Willow, shrub, and meadow grass surround the site and is ephemerally inundated. Groundwater is high and soils are semi-permeable with medium to large sized stones in a sand and silt matrix.

C. GRADING, EROSION CONTROL, DRAINAGE, & STORMWATER

Development on the site leaves extensive green space and natural ground. These areas are sufficient to accommodate stormwater runoff. Even at maximum development the development area compared to the overall site area is very small. The parcel is relatively flat and underlain by semi-permeable soils. The lots are spaced to provide generous landscape areas around the buildings. With the generous lot sizes relative to development and the semi-permeable soils, an excess of stormwater runoff is not expected. Prior to grading activities, such as installation of roads and utilities, a Grading and Erosion Control Permit will be submitted to the Teton County for approval.

D. SOILS AND SITE CONDITIONS

As part of the DEQ Subdivision Review study, 10 percolation test pits were excavated throughout Lot 5. A layer of sandy silt varying in depth between less than 1 foot to 3 feet was followed by semi-permeable gravel and cobbles with medium to large sized stones in a sand and silt matrix. This soil stratification will be adequate for standard construction and for wastewater disposal using an elevated disposal system.

E. ROADS AND ACCESS

Access to the site is currently from Teton Pines Drive via Club House Drive and Moose-Wilson Road. Lots 1, 2, and 3 will all share a 14' wide driveway. An Administrative Adjustment is being submitted to reduce the required roadway width from 20 feet to 14 feet for Lot 3. The driveway to Lots 1 and 2 serves only two lots and may have the narrower width. The reduction in width is being explored to reduce the environmental impact on the site. 4 pullouts will be provided along

the length of the driveway in key locations to allow for vehicles to pass. The sight distances are generous through this site and the terrain is flat. Turnarounds will be addressed in the individual grading plans for the lots when they are developed.

F. TRAFFIC

This development was contemplated in the Jackson Hole Racquet Club Master Plan and the impacts to traffic along Teton Pines Drive will be minimal. Traffic generated by these residences is estimated to be 57 trips per day using the 9.5 tpd as indicated in the LDRs. These types of homes will generally generate much fewer trips if averaged on an annual basis. This volume of traffic will not increase the functional definition of connecting roadways or trigger upgrades of any kind.

G. PARKING

No on-street parking will be allowed on any of the driveways. Adequate parking for each individual lot will be addressed at the time they are developed.

H. PATHWAYS

There are no pathways required or planned for this project

I. WATER & WASTEWATER

Water will be provided by individual wells drilled by the owner of each lot. Proper permitting through the Wyoming State Engineer's office is expected of all lot owners. This area of the valley is known for high groundwater table and an abundance of water. Adjacent properties have access to a large quantity of good quality water. Table in Section 5 lists groundwater wells in the area serving individual homes and public water supplies serving subdivisions.

The Purchase Agreement attached in Section 5, shows Lot 5 has the right to 3 sewer connections connecting to the Aspens/Aspens II Sewage Collection and Treatment System. At the time these rights were conveyed it was assumed that the owners of lot 5 would need three different points of connection for the six development units tied to the land.

At this time, on-site wastewater systems are planned for Lots 1, 2, and 3. The location of these lots and the challenges of collecting and conveying wastewater over 0.5 miles to the nearest connection point prevents them from using the Aspens Wastewater Treatment Plant. Lots 4, 5, and 6 are better located to access the Aspens collection system and may choose to do so. The size and location of the lots allows for on-site wastewater treatment and disposal. On-site wastewater treatment has been and is still being used in this area of the County. The development density of this subdivision indicates on-site wastewater systems are permitable for these six lots.

Concurrently with this application, a Chapter 23 Subdivision Review permit application has been submitted to WYDEQ. We expect, review and approval prior to the planning commission hearing.

J. CABLE UTILITIES AND GAS

Power and Communications lines will be run to all lots on the project. Lower Valley Energy Electrical Power, Century Link Communications, Silverstar Fiber-Optic Communications, Lower Valley Energy Natural Gas, and Charter Cable Television and Communication services are all available in this general area. Opportunities to connect will be afforded all lots pending negotiations with these entities. Further details and specific location of these connections will be developed during Building Permits.

K. SNOW STORAGE

Adequate snow storage is provided on the lots and adjacent to the driveways.

L. GROUNDWATER, STREAMS, & RIVERS

There are no streams or rivers on site. Portions of the site have historically been used for agricultural hay production and irrigation ditches cross the site. Surface water right exist on Lot 5 and will be divided across the property with appropriate applications to the Wyoming Board of Control during the platting process.

High groundwater exists on Lot 5. Information gathered while conducting percolation tests indicates groundwater elevations as shallow as 2 to 3 feet below ground. Irrigation ditches contribute to this fluctuation and season fluctuations can be expected. Building foundations will need to take in to account the elevation of groundwater and utility installation should be timed to avoid high groundwater the cost of dewatering.

SECTION 5 – ADDITIONAL SUPPORTING INFORMATION

- **VANDEWATER PURCHASE AGREEMENT 4/6/1984**
- **MEMORANDUM FROM SCOTT PIERSON 7/26/16**
- **ATTACHMENT A - ALTERNATIVE SITE PLAN - 6 LOT SCENARIO**
- **ATTACHMENT B - ALTERNATIVE SITE PLAN - 4 LOT SCENARIO**
- **FEMA FIRMETTE**
- **ZCV 2015-20**
- **T-508A – VANDEWATER RANCH**

PURCHASE AGREEMENT

THIS PURCHASE AGREEMENT, Made between BLAKE C. VANDEWATER and LEE S. VANDEWATER, husband and wife (herein "SELLERS"), LAKE CREEK DEVELOPMENT COMPANY, a Wyoming corporation (herein "PURCHASER") and ARTHUR E. BROWN, JR. (herein "BROWN").

1. SALE - SELLERS hereby sell to PURCHASER, and PURCHASER hereby purchases and agrees to pay for, the following described real property, situate in the County of Teton, State of Wyoming:

Township 41 North, Range 117 West, 6th P.M.:

Sec. 11 - SE¼

TOGETHER with all and singular the improvements and appurtenances thereon or thereunto appertaining; but

SUBJECT to property taxes and assessments for 1984 and subsequent years; to exceptions and reservations contained in patents from the United States and the State of Wyoming; to all prior mineral reservations, leases, and conveyances of record, if any, but including all mineral rights owned by SELLERS; to all building and use restrictions of record or arising out of applicable statutes or ordinances and particularly the Teton County Comprehensive Plan and Implementation Program, dated December 6, 1977, as amended; and to easements and rights of way of record or that may be apparent upon an inspection of the surface

(herein "the PROPERTY"), upon the following terms and conditions contained in this Purchase Agreement.

2. PURCHASE PRICE - The purchase price for the PROPERTY is $ 3,000,000.00, which PURCHASER promises and agrees to pay as follows:

(a) $10,000.00 upon the execution hereof, receipt for which is hereby acknowledged by SELLERS.

(b) $490,000.00 in cash or immediately available funds at the time of Closing (hereinafter defined).

(c) $2,500,000.00 in seven annual installments of $357,143.00 each, the first annual installment being due and payable twelve months after the date of Closing and subsequent annual installments being due each year thereafter, with the balance of the purchase price and all accrued interest being due and payable seven years after the date of Closing.

(d) The unpaid balance of the purchase price shall bear interest from the date of Closing determined as follows:

any and all governmental approvals in securing the master plan, subdivision, development and other permits necessary or appropriate in carrying out the Development Plan, including, without limiting the generality of the foregoing, the document contemplated by Condition 41 placed by the Board of County Commissioners on the Master Plan Development Permit, the platting and dedication of streets, rights of way, utility and drainage easements, designating the area to be included within the golf course and the conveyance of that golf course area to a homeowners association.

The parties agree that any such governmental approvals are for the sole benefit of PURCHASER and all expenses in connection therewith shall be borne and paid by PURCHASER.

10. ADDITIONAL DEVELOPMENT RIGHTS - In order to secure the approval of the Development Plan for the requisite number of residential lots, clustered townhouses and condominiums units, it was necessary for SELLERS to commit to the Development Plan all but six of their development rights on the east 40 acres of the southwest quarter, Section 11, T. 41 N., R. 117 W., Teton County, Wyoming (herein "the Additional Property").

SELLERS reserve the right of ingress and egress for all purposes over the PROPERTY for the use and benefit of the Additional Property and for not more than 3 roads, 3 power lines, and 3 sewer lines to service the adjoining property from the PROPERTY. PURCHASER agrees that such roads and utility lines may be connected to similar facilities constructed on the PROPERTY by PURCHASER free of cost or charge for such connections.

11. SUBORDINATION OF MORTGAGE - Provided PURCHASER is not then in default under the terms hereof, or under the terms of the NOTE or MORTGAGE, SELLERS agree to exclude, subordinate, or release, as the case may be, portions of the PROPERTY from the lien of the MORTGAGE as follows:

A. Commercial Property - SELLERS agree to release from the MORTGAGE five acres from the commercial area,

28. VENUE - This Purchase Agreement shall be governed by the laws of the State of Wyoming. Venue for any action brought hereunder shall be in the District Court, Ninth Judicial District, Teton County, Wyoming.

29. HEADINGS - Descriptive headings are for convenience only and shall not control of affect the meaning or construction of any provision of this Purchase Agreement.

IN WITNESS WHEREOF, this Purchase Agreement is executed as of 6th day of April, 1984.

SELLERS:

Blake C. VandeWater

Lee S. VandeWater

PURCHASER:

LAKE CREEK DEVELOPMENT COMPANY,
a Wyoming corporation

ATTEST:

David C. Spackman,
Secretary

By
Arthur E. Brown, Jr.,
President

Arthur E. Brown, Jr.,
Individually

Memo regarding Lot 5 Jackson Hole Master Plan Resort (Teton Pines)

To: Roby Hurley, Teton County Senior Planner
From: Scott Pierson for the VandeWater family
August 10, 2016

We are concerned with what we have heard from the planning staff regarding the interpretation of the Land Development Regulations as they apply to Lot 5 of the Jackson Hole Racket Club Resort planned unit development and subdivision, now the Teton Pines PUD Resort. The PUD was approved in 1984. It included 352 residential units on 530 acres within the boundary of the project with 50% of the lands restricted to qualified "Open Space". Lots 3, 7 and 10 add an additional 12.5 acres of non-preserved open space dedicated to the golf course that were not given credit as required open space. The master plan plat #578 (exhibit 2 sheets 1-5), memorializes the approval of the project. A note on sheet 1 also requires units in Lot 5 to be connected to the community water and waste water collection system. The note goes on to differentiate that requirement from the 8 units in Lot 14 along Fish Creek County Road. The six units allocated across Lot 5 were approved to be lots larger than the clustered lots in other parts of the PUD.

Blake and Lee VandeWater were long term owners of their ranch. The family ownership goes back to the 1930s when Lee's parents owned the property. They entered into the agreement to sell the eastern portion of the ranch with Art Brown because it was the least productive portion of the ranch for hay production. They chose to reserve the 40 acre Lot 5 to provide for their children in their estate so that if necessary the six lots could be sold for estate planning and tax purposes. The master plan plat for the PUD, sheet #3, clearly specifies that Lot 5 shall have 6 development rights.

The PUD anticipated 6 single family lots spread over the 40 acres of Lot 5 of the recorded masterplan plat rather than clustered on 5 acres as suggested by the planning staff. The concept plan proposed last year is attached (exhibit 1). This plan shows the distribution of lots across the entire Lot 5. The design, showing lots of three acres or more, is in accordance with the fully vested approvals of the PUD. There is significant information that clearly demonstrates that the approval included the future subdivision of Lot 5 into six lots of approximately 6.5 acres each. On sheet 1 of the plat a note specifies that the base zoning district was RA-3 allowing lots of 3 acres or greater. This zoning would have allowed 13 units on Lot 5 however Lot 5 was restricted to only six units by another note on Sheet 1. If the 13 units were developed on the 40 acres at that time without a PUD the development would have resembled John Dodge Homestead 3rd Filing a contemporary development. Instead it was restricted to 6 larger lots.

In the contract for sale of the portion of the PUD to go to the developer Blake reserved the right to three points of access to Lot 5 for the future development. The three points were to allow the 6 units allocated to Lot 5 to be distributed evenly across the 40 acres north to south. This was further confirmed with the first plats for the development. The master plan plat #578, which created Lot 5 shows 500+ feet of the Aspens Parkway (Teton Pines Drive) crossing the southeast corner of Lot 5. In addition sheet 5 of the master plan shows two more points of access to the north along the east line of Lot 5. The three points of access shown on the PUD plan were only contemplated to facilitate that the 40 acres were to be developed into six equally spaced lots.

In addition I have outlined 11 more points to substantiate the acceptance and approval by the Board of County Commisioners under the PUD development that the lots were to be large serving a transition from the higher density in the Estates and Greens lots similar to the transect shown in the current comprehensive plan.

1. *WOODED LANE EASEMENT:* Plat 580 the Estates at Jackson Hole Resort (exhibit 3) as approved memorializes two points of access to Lot 5. One is at the south end of Lot 5 and the second is shown on the subdivision plat for the Estates of JHRCR between Lots 28 and 29. This easement for Wooded Lane is shown on the plat as a 40 foot road easement and an additional 20 feet for snow and utilities for a total of 60 feet. The regulations in effect at the time would allow the lots to the west to be accessed by that easement. Portions of this easement were vacated in 1995 by VandeWater as recorded in Book 303 of Photo pages 293-304, (exhibit 4), to help a friend sell their lot. The lot closed immediately after the vacation.

   The surrendering of that access point in 1995 would not have had any effect on the overall access because there was still the 500 plus feet of direct access to Teton Pines Drive.

2. *HOA GETS SOUTH EAST CORNER OF LOT 5:* An additional example of the VandeWater family's sense of cooperation is the transfer to the developer and then to the Teton Pines Owners Association the portion of Lot 5 lying southeast of the Teton Pines Drive easement in 1988 (book 377 Photo Page 979-980, exhibit 5). The one and a half acres is today mostly a pond and has no development rights. This transfer allowed the developer to sell the lots directly to the east without the possibility of future development on the 1.5 acres.

3. *LOT 5 FOR SINGLE FAMILY HOMES:* Plat 580 also clearly calls out that Lot 5 shall have single family detached units.

4. *50% OPENSPACE GRANTED:* The Teton Pines PUD was approved with a density bonus for the open space and conservation easements placed on the PUD to permanently conserve the golf course and other lands having public benefits recognized at the time. All of Lot 5 was included in the development area of the PUD. None of the acreage of Lot 5 was included in the required 50% open space calculation. If there was any possibility of clustering the units allocated to Lot 5 some of the required open space elsewhere could and would have been reduced. The de facto creation of open space on the northern 3/4 (30 acres) would change the open space balance for the PUD.

5. *RA-3 BASE DENSITY TRANSFER:* The master plan plat sheet one (exhibit 1) contains a note that stipulates that there are 352 approved units and further that lots 5 and 14 have reduced number of units because they were allocated to other lots owned by the developer. The base density on the lands comprising Lot 5 was RA-3 (3 acre lot size). That base density would have allowed 13 lots on the 40 acres of Lot 5. The reduction to six further incorporates the lot into the PUD approval and vested entitlements without any additional open space.

6. *SEWER AND WATER TO WOODED LANE:* I have found the "As Built" drawing for the JHRCR water and Sewer infrastructure from 1988. It is attached as Exhibit 6. The map shows that water and sewer were stubbed out for the Wooded Drive extension to Lot 5 as well as additional connections on the south end. This is an additional confirmation that it is

understood that the units in Lot 5 of the PUD were to be distributed across the 40 acres because otherwise the expense of sewer and water stubs would not have been incurred.

7. *TRANSITION OF DENSITY DEVELOPMENT:* Lot 5 like Lot 14, which is now the Triangle Q and Lucky L Ranch subdivisions, was intended to be part of typical larger lot subdivisions approved at that time. The lower density created a natural transition from the higher densities in the core of the PUD to the agricultural lands held by the VandeWater and Wright-Clark families to the west.

8. *ISOLATION OF LOT 5 FORM OTHER VANDEWATER LANDS:* The plat 578 showing Lot 5 depicts a 10 foot wide non-vehicular crossing easement around the south and west perimeter. This required easement completely isolates and ties the lot to the PUD and differentiates it from the Triangle Q development that is accessed from Fish Creek County road. If the planned lots in Lot 5 were not to be distributed across the entire lot there would have not been a need to extend the do not cross easement along the entire west boundary.

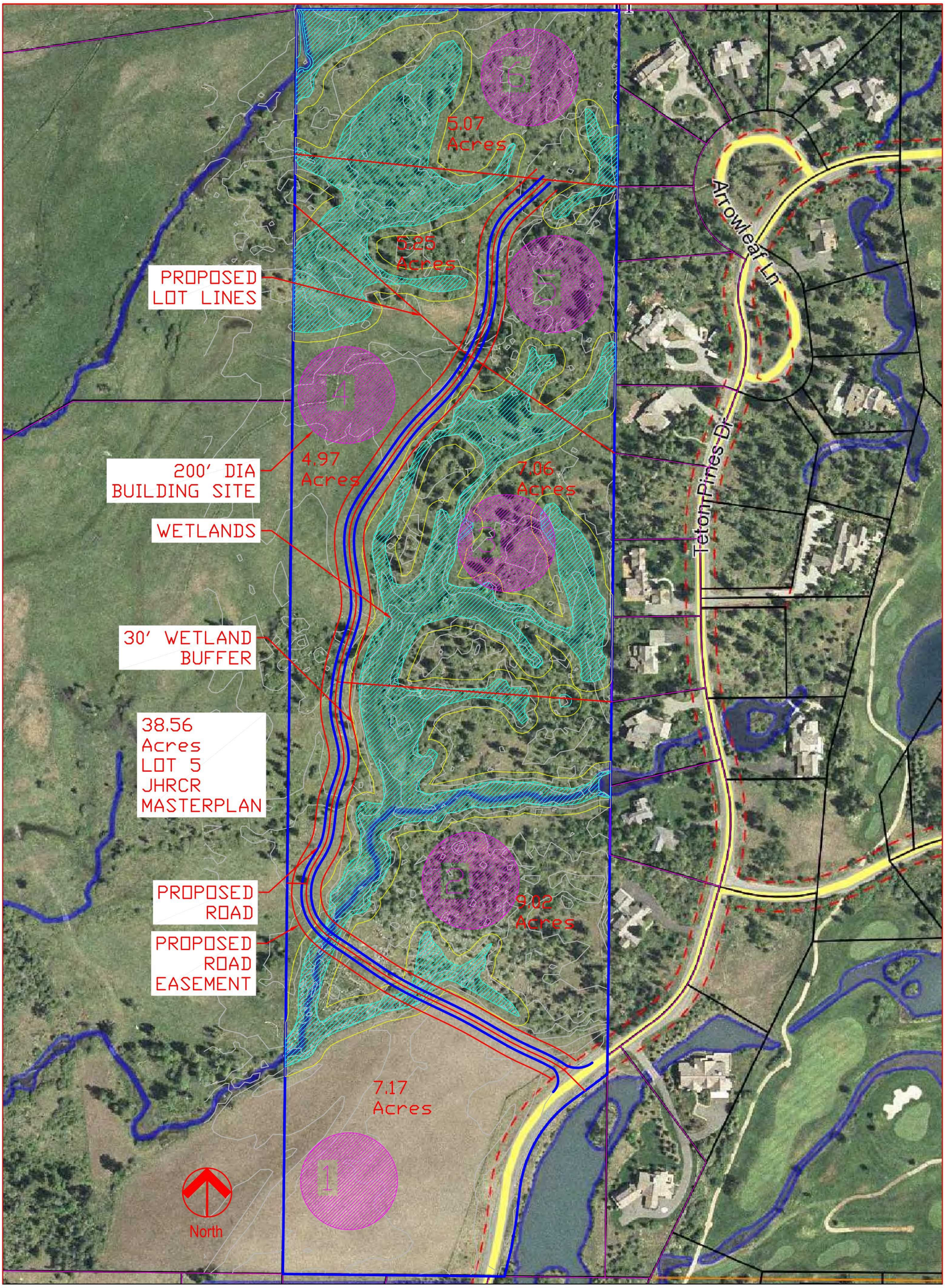
9. *NC-PUD ZONING APPLICABILITY*: The PUD is part of the NC-PUD zone. Lot 5 was only included in the Rural Zone because of the insistence of the planning staff because it is a parcel larger than 35 acres and at the time was adjacent to other large parcels under the same ownership.

10. *CONSISTANT NRO APPLIXATION TO PUD*: Since the Natural Resource Overlay was adopted portions of the PUD have developed platting lots (units) in the Natural Resource Overlay without an Environmental Analysis. Plat number 897 in the commercial portion of the PUD was platted in 1997 and was not required to cluster the development. And Plat 893 the commercial area itself was platted in 1997. These plats each have portions within and without of the NRO. Each of these plats was approved without an EA because it was in the NC-PUD zoning and the County acknowledged the entitlements.

11. *BOARD OF COUNTY COMMISIONERS INTENT:* I have discussed this matter with Bland Hoke and Leslie Petersen members of the Board of Commissioners at the time of approval. Each has confirmed that it was understood by the Commission that these would be large lots similar to the developments in John Dodge three acres or larger in size.

Given the facts stated above, we firmly believe that Lot 5 is part of the PUD for the Jackson Hole Racket Club Resort and its entitlements are valid. Therefor the distribution of the 6 units should be allowed to be spread across all of the 37 plus acres. The concept (attached) that was proposed previously showing the lots across the entire acreage is a design that is in accordance with the approval of the PUD.
If you would like to facilitate further discussions with Susan Johnson of your planning staff and BIOTA please let us know. Thank you for your consideration of this important issue.

Attachments;
Exhibit 1 - Site plan of 6 lots on Lot 5
Exhibit 2 - Plat 578 sheets 1- 5
Exhibit 3 - Plat 580 sheet
Exhibit 4 - Wooded Land vacation
Exhibit 5 - deed to HOA of 1.5 acres
Exhibit 6 - 1988 JHRCR water and sewer line “As Built” map



Sheet Title:
SITE_PLAN

Sheet Number:
S_1

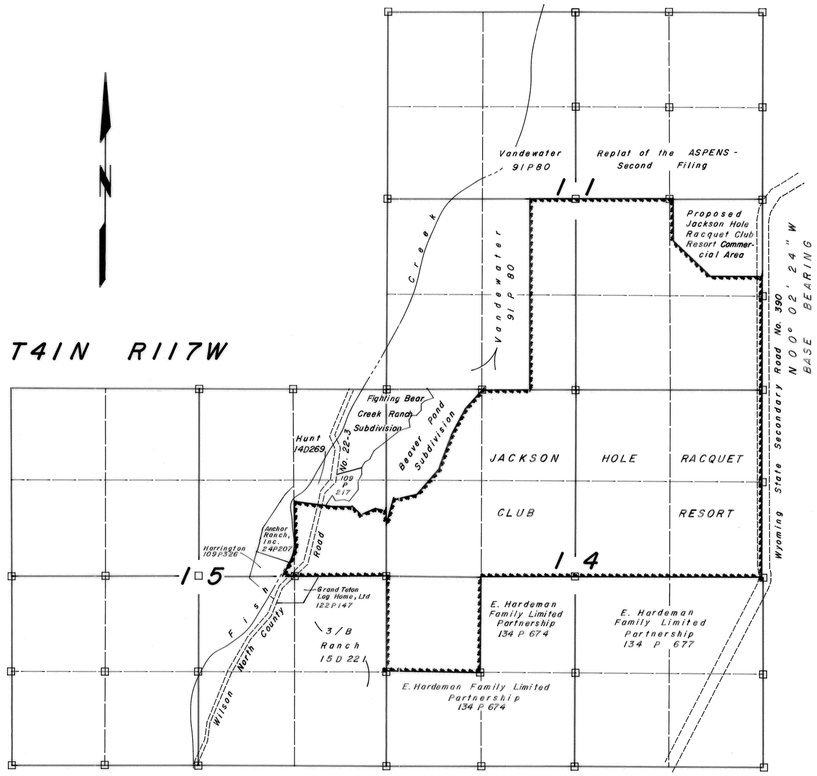
Sheet PAGE_#1 of #1

VW_PROPERTIES

LOT_5_JHRCR_MASTER_PLAN
JACKSON_WY

[redacted]

Pierson Land Works LLC
P.O. Box 1143
180 S. Willow St.
Jackson, WY 83001
Tel 307. 733.5429
Fax 307. 733.9669
piersonlandworks.com



VICINITY MAP

1" = 1000'

□ indicates a Certified Land Corner Recordation Form filed

Land Use District: Residential-Agricultural RA-3

Environmental Protection District: Ground Water Protection District- Depth 3-5 Feet

Total Acreage: 530.23 Acres

Number of Lots: 14 Lots

OWNERS & SUBDIVIDERS:	Jackson Hole Racquet Club Limited Partnership Star Route Box 362A Jackson, Wyoming 83001
Peter H. Wright-Clark and Pamela H. Wright-Clark PO Box 135 Wilson, Wyoming 83014	Peter H. Wright-Clark Family Partnership PO Box 135 Wilson, Wyoming 83014
The Jackson State Bank, Escrow Agent PO Box 1788 Jackson, Wyoming 83001	Blake C. Vandewater and Lee S. Vandewater PO Box U Jackson, Wyoming 83001
SURVEYOR & ENGINEER:	Jorgensen Engineering & Land Surveying, Inc. PO Box 1142 Jackson, Wyoming 83001
PLANNER:	Design Development Group Billings, Montana
DATE:	August 27, 1984 Revised October 15, 1984

Total Number of Units: 352 Units

Lots 2, 4, 6, 8, 9, & 11 shall contain not more than 338 units.

Lot 5 shall contain not more than 6 single family residential units.

Lot 14 shall contain not more than 8 single family residential units.

The restrictions placed on Lots 5 and 14 have been imposed because the owners of said lots have sold the remainder of their development rights on said lots to the Jackson Hole Racquet Club Limited Partnership for use on other lots within this Master Plan Subdivision Plat.

WATER SUPPLY WILL BE PROVIDED BY MEANS OF TEMPORARY INDIVIDUAL WELLS PRIOR TO JULY 1, 1986.

ALL DWELLING UNITS SHALL BE CONNECTED TO A COMMUNITY DOMESTIC WATER SUPPLY SYSTEM AND A COMMUNITY WASTE-WATER COLLECTION AND TREATMENT FACILITY BY JULY 1, 1986 EXCEPT THAT THE EIGHT SINGLE FAMILY UNITS ALLOWED WITHIN LOT 14 SHALL NOT BE REQUIRED TO CONNECT TO EITHER SYSTEM.

NO PUBLIC MAINTENANCE OF STREETS OR ROADS EXCEPTING WYOMING STATE SECONDARY ROAD NO. 390 AND WILSON NORTH COUNTY ROAD NO. 22-3.

SELLER DOES NOT WARRANT TO PURCHASER THAT HE HAS ANY RIGHTS TO THE NATURAL FLOW OF ANY STREAM WITHIN OR ADJACENT TO THE SUBDIVISION.

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.

WATER RIGHTS WITHIN THIS SUBDIVISION SHALL BE RETAINED WHERE POSSIBLE. SEE FINAL PLAT OF EACH LOT FOR FURTHER DETAILS.

[redacted]

MASTER PLAN SUBDIVISION PLAT FOR JACKSON HOLE RACQUET CLUB RESORT

BEING

ALL OF THE W1/2SE1/4 & SE1/4SE1/4
AND
PARTS OF THE NE1/4SE1/4 & E1/2SW1/4
SECTION 11

ALL OF THE NE1/4, E1/2NW1/4 & NW1/4SW1/4
AND
PART OF THE W1/2NW1/4
SECTION 14

PART OF THE
S1/2NE1/4 SECTION 15

T41N R117W 6th P.M.

TETON COUNTY, WYOMING

Recorded 12-4-84 10:10 o'clock A M
In Book 1 of Maps Page 24
No. 255488 $50.00 Fee
County Clerk
V. Jolyon Comer
Asst Ricks Dep.

#578

SHEET 1 OF 5

CERTIFICATE OF SURVEYOR

State of Wyoming)
County of Teton) ss

I, Scott R. Pierson of Jackson, Wyoming, hereby certify that this plat was made from notes taken during an actual survey performed by others under my supervision during August, 1984;

that it correctly represents JACKSON HOLE RACQUET CLUB RESORT, a subdivision, being all of the W1/2SE1/4, all of the SE1/4SE1/4 and parts of the NE1/4SE1/4 and E1/2SW1/4 of Section 11; and all of the NE1/4, all of the E1/2NW1/4, all of the NW1/4SW1/4, and part of the W1/2NW1/4 of Section 14; and part of the S1/2NE1/4 of Section 15, all within T41N, R117W, 6th P.M., Teton County, Wyoming, more particularly described as follows:

BEGINNING at the northeast corner of said W1/2NW1/4 of Section 14 identical with the northeast corner of Beaver Pond Subdivision of record in the Office of the Clerk of Teton County, Wyoming as Plat No. 557;

thence along the easterly, and southerly boundary of said Beaver Pond Subdivision through the following courses:

proceeding from said corner S36°37'24"W, 50.00 feet to a point witnessing said northeast corner;

thence continuing S36°37'24"W, 308.28 feet to a point;
thence S28°05'36"W, 491.51 feet to a point;
thence S20°17'08"W, 465.16 feet to a point;
thence S41°12'35"W, 442.90 feet to a point;
thence S77°23'55"W, 304.91 feet to a point;
thence N71°47'43"W, 24.07 feet to a point;
thence S09°53'11"W, 160.81 feet to a point;
thence S30°44'48"W, 132.45 feet to a point;
thence N00°15'52"W, 99.96 feet to a point;
thence N77°15'40"W, 173.58 feet to a point;
thence S71°22'00"W, 198.59 feet to a point;
thence N48°49'15"W, 64.03 feet to a point;
thence N55°47'35"W, 84.74 feet to a point;
thence N80°37'45"W, 83.87 feet to a point;
thence S87°35'14"W, 184.32 feet to a point;
thence N84°40'55"W, 94.57 feet to the southeast corner of a tract of record in said Office in Book 109 of Photo on pages 217-218, identical with the southwest corner of said Beaver Pond Subdivision;

thence departing said southerly boundary of Beaver Pond Subdivision and proceeding along the southerly boundary of said tract in Book 109 of Photo N82°39'05"W, 119.72 feet to the point of intersection of said southerly boundary with the centerline of the Wilson North County Road No. 22-3, identical with the southeast corner of a tract of record in said Office in Book 14 of Deeds on page 269;

thence along the southerly boundary of said tract in Book 14 of Deeds on page 269 through the following courses:

proceeding from said southeast corner N82°38'59"W, 20.06 feet to a point;
thence N82°54'32"W, 10.00 feet to the point of intersection of said southerly boundary with the west right-of-way line of said County Road;
thence N82°54'32"W, 261.30 feet to a point;
thence N82°54'32"W, 67.42 feet to the point of intersection of said southerly boundary with the west line of the SE1/4NE1/4 of said Section 15 being identical with the southwest corner of said tract in Book 14 of Deeds on page 269;

thence departing said southerly boundary and proceeding along said west line S00°10'24"E, 138.50 feet to the point of intersection of said west line with the centerline of Fish Creek;

thence along the centerline of Fish Creek through the following courses:

proceeding from said point of intersection S15°30'18"W, 522.76 feet to a point;
thence S16°44'42"W, 320.05 feet to a point;
thence S00°38'01"E, 106.55 feet to the point of intersection of the centerline of Fish Creek with the south line of the SW1/4NE1/4 of said Section 15;

thence departing said centerline and proceeding along the south line of said SW1/4NE1/4 N89°54'05"E, 233.55 feet to the southeast corner of said SW1/4NE1/4;

thence N89°53'52"E, 1312.62 feet along the south line of the SE1/4NE1/4 of said Section 15 to the one-quarter corner common to said Section 15 and Section 14;

thence along the west line of said NW1/4SW1/4 of Section 14 S00°11'31"E, 1318.85 feet to the southwest corner of said NW1/4SW1/4;

thence along the south line of said NW1/4SW1/4 N89°59'55"E, 1319.73 feet to the southeast corner of said NW1/4SW1/4;

thence along the east line of said NW1/4SW1/4 N00°07'49"W, 1318.30 feet to the northeast corner of said NW1/4SW1/4;

thence along the south line of said E1/2NW1/4 of said Section 14 S89°58'40"E, 1321.16 feet to the C1/4 corner of said Section 14;

thence along the south line of said NE1/4 of Section 14 N89°58'16"E, 2636.46 feet to the southeast corner of said NE1/4;

thence along the east line of the SE1/4NE1/4 of said Section 14 N00°02'34"W, 1315.09 feet to the northeast corner of said SE1/4NE1/4;

thence along the east line of the NE1/4NE1/4 of said Section 14 N00°02'55"W, 1315.17 feet to the northeast corner of said NE1/4NE1/4;

thence along the east line of the SE1/4 of said Section 11 N00°02'24"W, 1482.67 feet to a point;
thence S89°57'36"W, 730.00 feet to a point;
thence N42°48'15"W, 789.92 feet to a point;
thence N00°24'18"W, 570.00 feet to the point of intersection with the north line of the SE1/4 of Section 11;

thence along the north line of the SE1/4 of said Section 11 S89°35'42"W, 1368.16 feet to the northwest corner of said SE1/4;

thence along the north line of the NE1/4NW1/4 of said Section 11 S89°36'55"W, 665.94 feet to a point;
thence S00°05'20"W, 2613.72 feet to the point of intersection with the north line of the NE1/4NW1/4 of said Section 14;
thence along said north line N89°54'15"W, 656.51 feet to the POINT OF BEGINNING;

ENCOMPASSING an area of 530.23 Acres, more or less;

SUBJECT to an easement for Wyoming State Secondary Road No. 390 and to an easement for the Wilson North County Road No. 22-3, and to any other easements or rights-of-way of sight or record;

(continued next column)

and hereby certifying that there are water rights attached to portions of said subdivision which are conveyed by the Van Winkle Ditch Permit No. 3542;

The BASE BEARING for this survey is N00°02'24"W along the east line of the SE1/4 of said Section 11.

Scott R. Pierson
Scott R. Pierson
Wyoming Registered Land Surveyor No. 3831

The foregoing instrument was acknowledged before me by Scott R. Pierson this 19th day of November, 1984.
Witness my hand and official seal.

Mary S. Shoup
Notary Public
My commission expires: July 30, 1988

CERTIFICATE OF OWNERS

State of Wyoming)
County of Teton) ss

The undersigned owners hereby certify that the foregoing subdivision of parts of Sections 11, 14, and 15, T41N, R117W, 6th P.M., Teton County, Wyoming as shown on this plat and more particularly described under the Certificate of Surveyor is with the free consent and in accordance with the desires of the undersigned owners and proprietors of the described lands for the purpose of dedicating the roadway and utility easements, and delineating the proposed land use areas and densities approved in the Master Plan Development Permit for Jackson Hole Racquet Club Resort dated February 21st, 1984;

that the name of the subdivision shall be JACKSON HOLE RACQUET CLUB RESORT;

that the roads of the subdivision are private with a right-of-way granted to each lot owner and reserving unto the undersigned the right to grant in favor of third parties a non-exclusive right-of-way in the roadways and easements;

that the roads of the subdivision will be built in accordance with the standards, rules, and regulations of the County of Teton;

that easements along the road right-of-ways are granted to Lower Valley Power and Light, Inc., Mountain States Telephone & Telegraph Company and Jackson Cable Corporation, their successors and assigns, for underground installation and maintenance of power, telephone, and cable television services appurtentant to the subdivision;

that the subdivision is subject to an Open Space Agreement, a Warranty Deed and Conservation Easements on Lot 13 and a Warranty Deed and Golf Course Easements on Lots 1, 3, 7, and 10;

that the subdivision is subject to any easements of sight or record;

that the subdivision is subject to a Declaration of Covenants, Conditions and Restrictions;

that there are water rights appurtenant to said subdivision, and that the undersigned shall retain said water rights in accordance with Section 18-5-306(a), Wyoming Statutes, as amended, 1977;

that Lot 14 of the subdivision shall be limited in its use to the development of not more than a total of eight single family residential units, and Lot 5 of the subdivision shall be limited in its use to the development of not more that a total of six single family residential units; and that such restrictions shall be binding restrictions on the affected land.

that the subdivision is subject to mortgages of record in the Office of the Clerk of Teton County and Certificates of Mortgagees are recorded in said Office as separate instruments;

that all rights under and by virtue of the Homestead Exemption Laws of the State of Wyoming are hereby waived and released;

that there shall be no vacation of any portion of this plat without consent of the Board of County Commissioners of Teton County.

JACKSON HOLE RACQUET CLUB LIMITED PARTNERSHIP, a Wyoming Limited Partnership

Attest:

By: Lake Creek Development Company, a Wyoming corporation acting as managing general partner

David C. Spackman
Secretary

Arthur E. Brown, Jr.
President

PETER H. WRIGHT-CLARK FAMILY PARTNERSHIP

By: Peter Hunt Wright-Clark

PETER HUNT WRIGHT-CLARK

signature by separate affidavit
PAMELA H. WRIGHT-CLARK

THE JACKSON STATE BANK, a Wyoming Banking Corporation, under escrow instructions dated July 27, 1984

Attest:

Mary Kay Johnson,
Loan Operations Officer

Jeffrey R. Fuechsel
Senior Vice President

LEE S. VANDEWATER

BLAKE C. VANDEWATER

The foregoing instrument was acknowledged before me by Peter Hunt Wright-Clark this 14th day of November, 1984, by David C. Spackman and Arthur E. Brown, Jr. this 20th day of November, 1984, and by Lee S. Vandewater and Blake C. Vandewater this 28th day of November, 1984.
Witness my hand and official seal.

Scott R. Pierson
Notary Public
My commission expires:

CERTIFICATE OF ACCEPTANCE

State of Wyoming)
County of Teton) ss

Pursuant to Section 34-12-103 and Sections 18-5-301 through 18-5-315, Wyoming Statutes, as amended, 1977, the foregoing JACKSON HOLE RACQUET CLUB RESORT was approved at the regular meeting of the Board of County Commissioners held on the day of , 1984;

Subject to the Resolution for the Adoption of the Teton County Comprehensive Plan and Implementation Program dated December 6, 1977 and effective January 1, 1978 and the Resolution for the Approval of Subdivision and Townsite Plats as adopted August 1, 1967, as amended.

Subject to the Conditions of Approval for the Master Plan of the Jackson Hole Racquet Club Resort dated February 21, 1984, and October 16, 1984.

Attest:

BOARD OF COUNTY COMMISSIONERS
COUNTY OF TETON

(Mrs.) V. Jolynn Coonce, Clerk

Robert F. LaLonde, Chairman

CERTIFICATE OF ENGINEER

State of Wyoming)
County of Teton) ss

I, Robert T. Ablondi of Jackson, Wyoming, hereby certify that I am a licensed Wyoming Engineer and affirm that the community domestic water supply system and the community wastewater collection and treatment facility designed by Jorgensen Engineering and Land Surveying, Inc. for the JACKSON HOLE RACQUET CLUB RESORT will meet County, State, and Federal requirements and that said systems will be adequate and safe providing that said systems are constructed as designed and operated correctly.

Robert T. Ablondi
Professional Engineer
Wyoming Registration No. 3114

The foregoing instrument was acknowledged before me this 19th day of November 1984 by Robert T. Ablondi.
Witness my hand and official seal.

Renee B. Harrington
Notary Public
My commission expires: March 5, 1988

NOTE: CERTIFICATES OF MORTGAGEES FOR THE UNITED SAVINGS BANK OF WYOMING, AND BLAKE C. VANDEWATER AND LEE S. VANDEWATER ARE RECORDED BY SEPARATE INSTRUMENTS IN THE OFFICE OF THE CLERK OF TETON COUNTY.

ACKNOWLEDGEMENT FOR CERTIFICATE OF OWNERS:

The foregoing instrument was acknowledged before me by Mary Kay Johnson and Jeffrey R. Fuechsel this 20th day of November, 1984.
Witness my hand and official seal.

Marjorie C. Walker
Notary Public
My commission expires:

MASTER PLAN SUBDIVISION PLAT FOR JACKSON HOLE RACQUET CLUB RESORT

BEING

ALL OF THE W1/2SE1/4 & SE1/4SE1/4
AND
PARTS OF THE NE1/4SE1/4 & E1/2SW1/4
SECTION 11

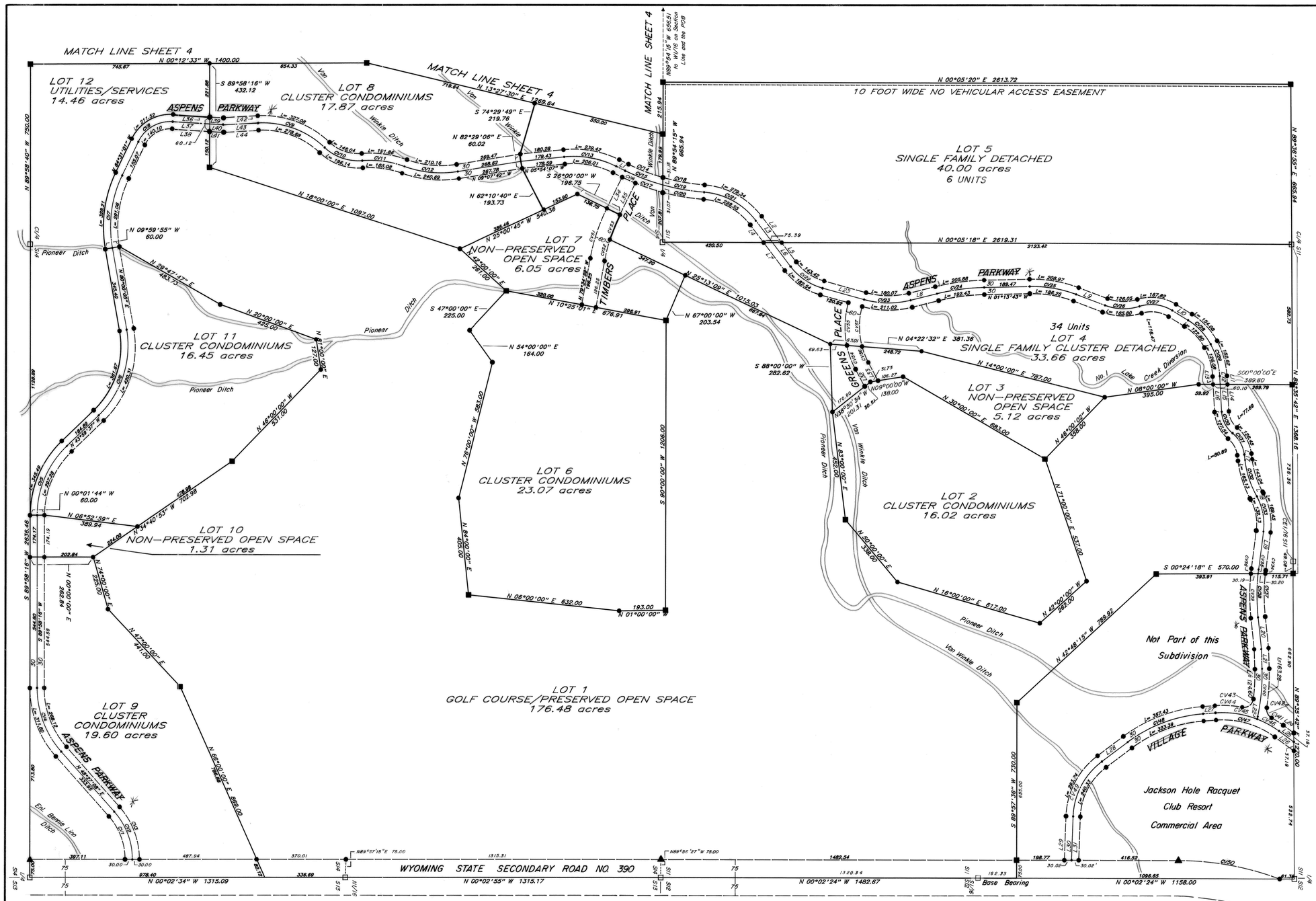
ALL OF THE NE1/4, E1/2NW1/4 & NW1/4SW1/4
AND
PART OF THE W1/2NW1/4
SECTION 14

PART OF THE
S1/2NE1/4 SECTION 15

T41N R117W 6th P.M.
TETON COUNTY, WYOMING

SHEET 2 OF 5

578



LINE TABLE

NAME	BEARING	LENGTH
L1	N 26°00'00" E	42.81
L2	N 52°50'00" E	138.01
L3	N 52°50'00" E	115.17
L4	N 52°50'00" E	92.37
L5	N 52°50'00" E	100.35
L6	N 52°50'00" E	123.19
L7	N 52°50'00" E	145.98
L8	N 14°04'18" W	113.15
L9	N 20°28'03" E	128.93
L10	N 31°33'01" E	77.53
L11	N 86°45'35" E	35.84
L12	N 86°45'35" E	34.14
L13	N 86°45'35" E	32.44
L14	N 86°45'35" E	112.18
L15	N 86°45'35" E	113.88
L16	N 86°45'35" E	115.58
L17	N 82°39'54" E	23.44
L18	N 61°34'09" E	6.49
L19	S 82°47'54" E	159.33
L20	N 83°53'06" E	131.37
L21	N 04°06'54" W	84.00
L22	S 77°51'54" E	11.19
L23	N 15°28'54" E	180.92
L24	N 35°48'22" E	54.54
L25	N 35°48'22" E	76.50
L26	N 35°48'22" E	98.47
L27	N 04°29'36" W	51.28
L28	N 37°00'00" W	133.99
L29	N 88°00'00" W	183.12
L30	N 88°00'00" W	182.05
L31	N 88°00'00" W	180.98
L32	S 61°58'54" W	81.07
L33	S 61°58'54" W	85.85
L34	N 64°00'00" W	145.00
L35	N 64°00'00" W	146.93
L36	N 03°40'46" E	151.99
L37	N 03°40'46" E	153.94
L38	N 03°40'46" E	155.88
L39	N 03°40'46" E	54.58
L40	N 03°40'46" E	54.38
L41	N 03°40'46" E	54.17
L42	N 02°58'04" W	146.76
L43	N 02°58'04" W	148.50
L44	N 02°58'04" W	150.24

200 100 0 200 400 600
SCALE IN FEET

* Changed by Affidavit 1 13 Photo page 141-142
Aspens Parkway To Teton Pines Drive
Village Parkway To Clubhouse Drive

MASTER PLAN SUBDIVISION PLAT FOR JACKSON HOLE RACQUET CLUB RESORT

BEING

ALL OF THE W1/2SE1/4 & SE1/4SE1/4

AND

PARTS OF THE NE1/4SE1/4 & E1/2SW1/4 SECTION 11

ALL OF THE

NE1/4, E1/2NW1/4 & NW1/4SW1/4

AND

PART OF THE W1/2NW1/4 SECTION 14

PART OF THE

S1/2NE1/4 SECTION 15

T41N R117W 6th P.M.

TETON COUNTY, WYOMING

SHEET 3 OF 5

CURVE TABLE

NAME	ANGLE	RADIUS	LENGTH	BEARING	CHORD
CV1	41°31'15"	269.47	195.27	N 69°12'46" E	191.03
CV2	41°31'09"	299.47	217.01	N 69°12'43" E	212.29
CV3	41°31'04"	329.47	238.74	N 69°12'41" E	233.55
CV4	41°31'08"	400.00	289.86	N 69°12'42" E	283.56
CV5	46°02'06"	400.00	321.39	N 67°00'40" W	312.81
CV6	56°00'18"	400.00	390.99	N 71°59'46" W	375.61
CV7	35°28'54"	500.00	309.64	N 82°15'28" W	304.71
CV8	68°11'47"	147.71	175.81	N 30°25'08" W	165.62
CV9	46°13'11"	375.46	302.88	N 20°08'31" E	294.73
CV10	47°50'49"	204.88	171.09	N 19°19'42" E	166.16
CV11	24°37'06"	416.53	178.97	N 07°42'50" E	177.60
CV12	29°09'05"	443.06	225.42	N 05°26'51" E	223.00
CV13	31°54'07"	400.00	222.72	N 10°02'57" E	219.85
CV14	10°02'52"	873.31	153.15	N 20°58'40" E	152.95
CV15	10°35'15"	903.31	166.92	N 20°42'29" E	166.68
CV16	03°41'09"	933.31	60.04	N 24°09'25" E	60.03

CURVE TABLE

NAME	ANGLE	RADIUS	LENGTH	BEARING	CHORD
CV17	7°24'04"	933.31	120.56	N 18°36'49" E	120.47
CV18	11°37'08"	873.31	177.09	N 10°08'40" E	176.79
CV19	11°04'44"	903.31	174.67	N 09°52'29" E	174.40
CV20	10°34'31"	933.31	172.26	N 09°37'23" E	172.02
CV21	48°30'00"	300.00	253.95	N 28°35'00" E	246.43
CV22	37°21'06"	250.00	162.98	N 34°09'27" E	160.11
CV23	29°33'12"	379.11	195.54	N 00°42'18" E	193.38
CV24	12°50'36"	888.47	199.16	N 07°39'00" W	198.74
CV25	21°41'48"	521.85	197.61	N 09°37'19" E	196.43
CV26	37°57'25"	220.37	145.93	N 01°29'20" E	143.27
CV27	49°02'23"	166.07	142.14	N 07°01'49" E	137.84
CV28	29°52'10"	265.56	138.44	N 46°29'06" E	136.88
CV29	25°20'23"	315.08	139.35	N 74°05'24" E	138.22
CV30	47°36'02"	123.52	102.62	N 62°57'34" E	99.69
CV31	43°30'23"	136.53	103.67	N 60°54'43" E	101.20
CV32	21°03'45"	418.48	154.08	N 72°07'02" E	153.21

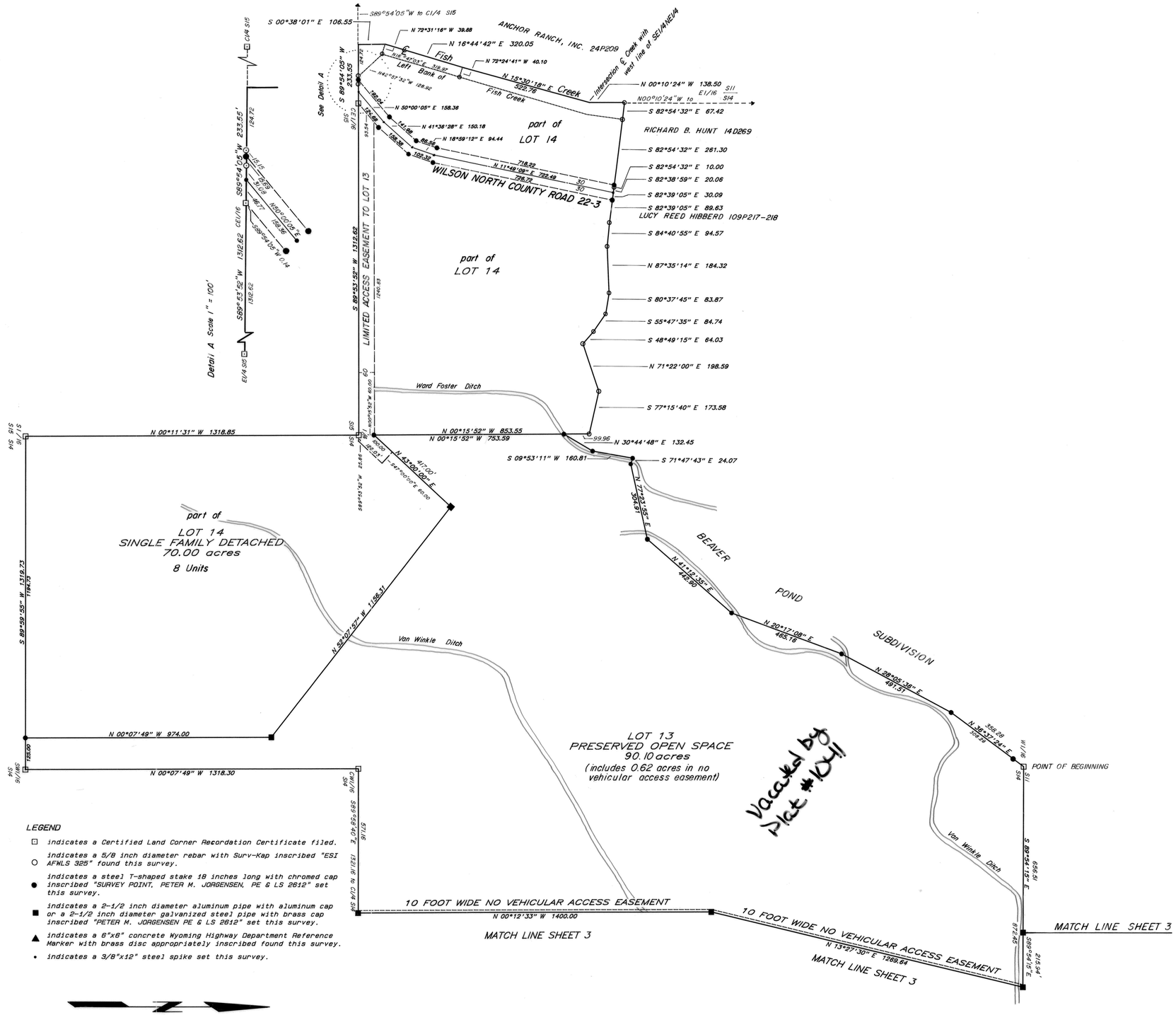
CURVE TABLE

NAME	ANGLE	RADIUS	LENGTH	BEARING	CHORD
CV33	35°37'57"	242.47	150.79	N 79°23'07" E	148.37
CV34	00°53'55"	826.64	12.97	S 83°14'51" E	12.97
CV35	01°08'05"	856.64	16.96	S 83°21'56" E	16.96
CV36	01°21'16"	886.64	20.96	S 83°28'32" E	20.96
CV37	12°25'05"	826.64	179.16	N 79°23'07" E	178.81
CV38	12°10'56"	856.64	182.14	S 89°54'22" E	181.80
CV39	11°57'44"	886.64	185.11	N 89°58'34" E	184.78
CV40	14°15'00"	800.00	198.97	S 84°59'24" E	198.45
CV41	07°39'38"	430.00	57.37	N 31°59'03" E	57.32
CV42	70°59'29"	40.00	49.55	N 63°40'09" E	46.44
CV43	93°34'57"	40.00	65.33	N 36°04'36" W	58.31
CV44	15°11'17"	430.00	113.99	N 03°06'02" E	113.65
CV45	20°53'19"	400.00	145.83	N 05°57'03" E	145.02
CV46	14°54'22"	400.00	104.06	N 28°21'11" E	103.77
CV47	40°17'59"	370.00	260.24	N 15°39'23" E	254.91
CV48	32°30'24"	600.00	340.41	N 20°44'48" W	335.86

CURVE TABLE

NAME	ANGLE	RADIUS	LENGTH	BEARING	CHORD
CV49	51°00'00"	300.00	267.04	N 62°30'00" W	258.31
CV50	20°11'14"	1220.90	430.16	N 10°03'13" E	427.94
CV51	15°34'59"	807.64	219.66	N 71°47'29" W	218.98
CV52	07°00'00"	747.64	91.34	N 76°04'59" W	91.28
CV53	08°34'59"	747.64	112.00	N 68°17'29" W	111.89
CV54	16°08'54"	375.75	105.90	S 70°03'21" W	105.55
CV55	27°21'06"	375.75	179.37	N 88°11'39" W	177.68
CV56	12°56'53"	315.75	71.35	S 68°27'21" W	71.20
CV57	30°33'08"	315.75	168.37	N 89°47'39" W	166.38

SEE SHEET 4 OF 5 FOR LEGEND



MASTER PLAN SUBDIVISION PLAT
FOR
JACKSON HOLE RACQUET CLUB RESORT

BEING

ALL OF THE W1/2SE1/4 & SE1/4SE1/4
AND
PARTS OF THE NE1/4SE1/4 & E1/2SW1/4
SECTION 11

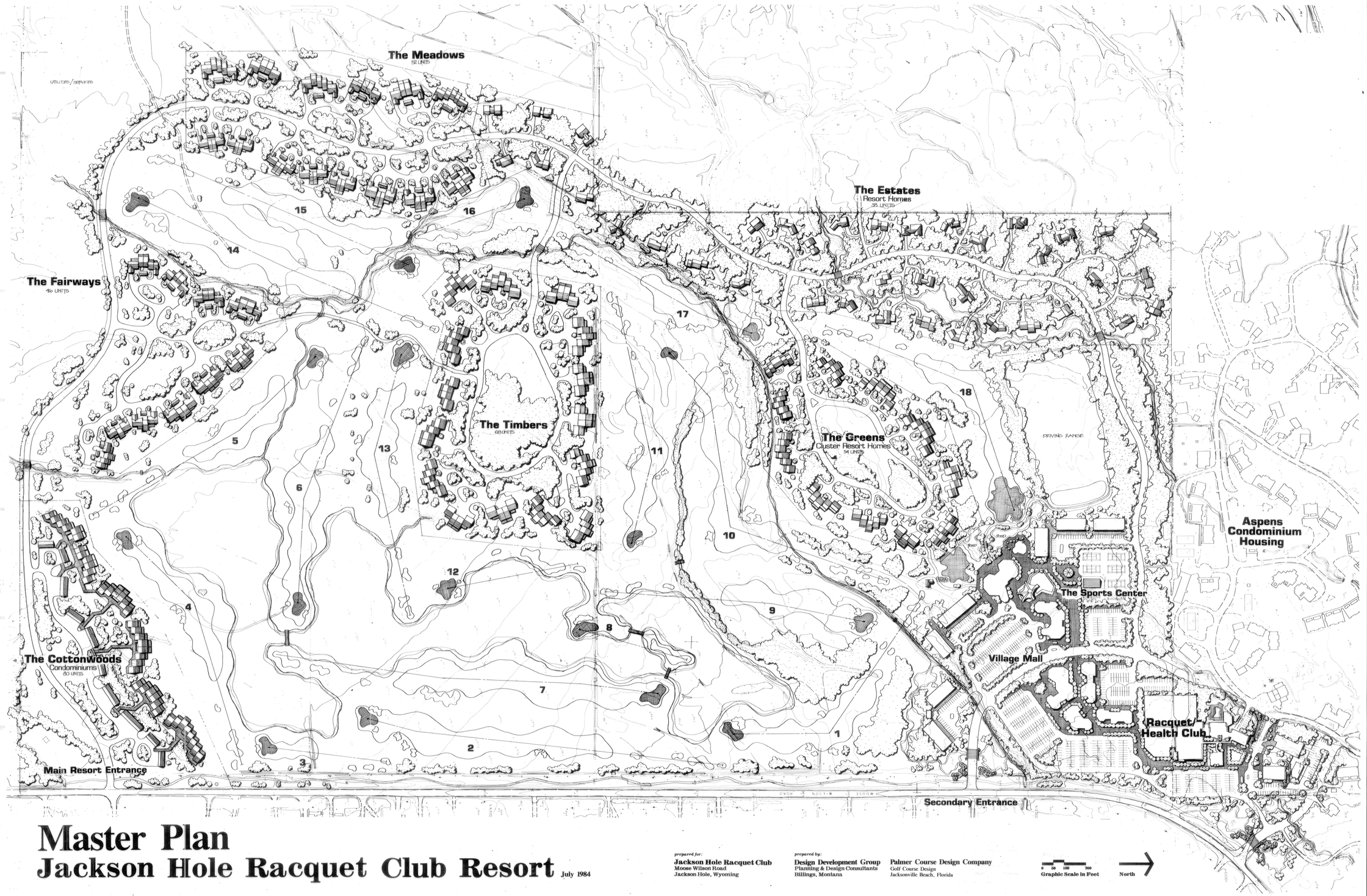
ALL OF THE NE1/4, E1/2NW1/4 & NW1/4SW1/4
AND
PART OF THE W1/2NW1/4
SECTION 14

PART OF THE
S1/2NE1/4 SECTION 15

T41N R117W 6th P.M.
TETON COUNTY, WYOMING

SHEET 4 OF 5

[redacted]



Master Plan
Jackson Hole Racquet Club Resort July 1984

prepared for:
Jackson Hole Racquet Club
Moose Wilson Road
Jackson Hole, Wyoming

prepared by:
Design Development Group
Planning & Design Consultants
Billings, Montana

Palmer Course Design Company
Golf Course Design
Jacksonville Beach, Florida

0 50 100 200
Graphic Scale in Feet

North

NOTE: The approval of the Master Plan Subdivision Plat and Master Plan does not necessarily imply approval of the specific uses depicted on this Master Plan Sketch.

The approval of the development permit for the Master Plan is not to be construed to include construction permit approval for any structures, road improvements, number of parking spaces, etc., where development permits or building and use permits are required.

DESIGN DEVELOPMENT GROUP
PLANNING • ARCHITECTURE
GRAPHIC DESIGN
Homestead Business Park
2110 Overland Ave. • Suite 121
Billings, Montana 59102
406-652-3355

Project No.
Designed
Drawn
Checked
Date

Revisions
NO. DATE
NO. DATE
NO. DATE
NO. DATE
NO. DATE

Sheet Title
MASTER PLAN SKETCH
MASTER PLAN SUBDIVISION PLAT
JACKSON HOLE RACQUET CLUB RESORT

Sheet No.
SHEET 5 OF 5
578

LEGEND

□ indicates a Certified Land Corner Recordation Certificate filed.

● indicates a steel T-shaped stake 18 inches long with chromed cap inscribed "SURVEY POINT. PETER M. JORGENSEN, PE & LS 2612" set this survey.

■ indicates a 2-1/2 inch diameter aluminum pipe with aluminum cap or a 2-1/2 inch diameter galvanized steel pipe with brass cap inscribed "PETER M. JORGENSEN PE & LS 2612" set this survey.

⊙ indicates a calculated point. No monument found or set.

♦ indicates a 3/8"x12" steel spike set this survey.

= MINIMUM LOT SETBACK REQUIREMENTS FOR BUILDINGS:
FRONT: 25 Feet
REAR: 25 Feet
SIDE: 10 Feet

= ALL BUILDINGS AND STRUCTURES SHALL BE SET BACK AT LEAST 50 FEET FROM ANY SITE OR PORTION THEREOF PRESERVED AS OPEN SPACE.

= IRRIGATION DITCHES ARE SUBJECT TO EASEMENTS OF ADEQUATE WIDTH TO ALLOW FOR REPAIR AND MAINTENANCE

CURVE TABLE

NAME	ANGLE	RADIUS	LENGTH	BEARING	CHORD
CV1	17°51'43"	430.00	134.05	N 03°01'45" E	133.51
CV2	14°02'24"	430.00	105.37	N 18°58'48" E	105.10
CV3	17°51'43"	400.00	124.70	N 03°01'45" E	124.20
CV4	14°02'23"	400.00	98.02	N 18°58'48" E	97.77
CV5	09°14'27"	400.00	64.51	N 01°16'54" W	64.44
CV6	22°39'40"	400.00	158.20	N 14°40'10" E	157.18
CV7	09°14'27"	370.00	59.67	N 01°16'54" W	59.61
CV8	22°39'40'	370.00	146.34	N 14°40'10" E	145.39
CV9	10°02'52"	873.31	153.15	N 20°58'34" E	152.95
CV10	11°37'08"	873.31	177.09	N 10°08'34" E	176.79
CV11	10°35'15"	903.31	166.92	N 20°42'22" E	166.68
CV12	03°48'31"	903.31	60.04	N 24°05'45" E	60.03
CV13	06°46'45"	903.31	106.88	N 18°48'07" E	106.81
CV14	11°04'44"	903.31	174.67	N 09°52'22" E	174.40
CV15	03°41'09"	933.31	60.04	N 24°09'25" E	60.03
CV16	07°24'20"	933.31	120.63	N 18°36'41" E	120.55
CV17	10°34'31"	933.31	172.26	N 09°37'15" E	172.02
CV18	48°30'00"	330.00	279.34	N 28°35'00" E	271.07
CV19	48°30'00"	300.00	253.95	N 28°35'00" E	246.43
CV20	48°30'00"	270.00	228.55	N 28°35'00" E	221.79
CV21	37°21'06"	220.00	143.42	N 34°09'27" E	140.89
CV22	37°21'06"	250.00	162.98	N 34°09'27" E	160.11
CV23	22°43'22"	250.00	99.15	N 41°28'19" E	98.50
CV24	14°37'45"	250.00	63.83	N 22°47'46" E	63.66
CV25	22°43'21"	280.00	111.04	N 41°28'19" E	110.32
CV26	14°37'45"	280.00	71.49	N 22°47'46" E	71.30
CV27	29°33'12"	349.11	180.07	N 00°42'18" E	178.08
CV28	29°33'12"	379.11	195.54	N 00°42'18" E	193.38
CV29	29°12'51"	379.11	193.30	N 00°52'28" E	191.21
CV30	00°20'22"	379.11	2.25	N 13°54'09" W	2.25
CV31	28°17'03"	409.11	201.96	N 01°20'22" E	199.91
CV32	01°16'09"	409.11	9.06	N 13°26'14" W	9.06
CV33	05°08'25"	918.47	82.40	N 11°30'06" W	82.37
CV34	07°42'11"	918.47	123.48	N 05°04'48" W	123.39
CV35	05°08'25"	888.47	79.71	N 11°30'06" W	79.68
CV36	07°42'11"	888.47	119.45	N 05°04'48" W	119.36
CV37	03°46'38"	888.47	58.57	N 12°11'00" W	58.56
CV38	09°03'58"	888.47	140.59	N 05°45'41" W	140.44
CV39	03°27'27"	858.47	51.81	N 12°20'35" W	51.80
CV40	09°23'09"	858.47	140.63	N 05°55'17" W	140.47

CURVE TABLE

NAME	ANGLE	RADIUS	LENGTH	BEARING	CHORD
CV41	13°54'42"	551.85	133.99	N 05°43'38" E	133.66
CV42	02°05'14"	551.85	20.10	N 13°43'36" E	20.10
CV43	02°05'46"	551.85	20.19	N 15°49'06" E	20.19
CV44	03°36'05"	551.85	34.69	N 18°40'01" E	34.68
CV45	16°23'23"	521.85	149.28	N 06°57'59" E	148.77
CV46	05°18'22"	521.85	48.33	N 17°48'52" E	48.31
CV47	08°47'01"	521.85	80.00	N 03°09'48" E	79.92
CV48	12°54'45"	521.85	117.61	N 14°00'41" E	117.36
CV49	08°47'01"	491.85	75.40	N 03°09'48" E	75.33
CV50	12°54'45"	491.85	110.85	N 14°00'41" E	110.61
CV51	34°56'45"	190.27	116.05	N 02°59'41" E	114.26
CV52	03°00'41"	190.27	10.00	N 15°59'02" W	10.00
CV53	31°59'46"	220.27	123.01	N 04°28'10" E	121.42
CV54	05°57'39"	220.27	22.92	N 14°30'32" W	22.91
CV55	37°57'25"	220.27	145.93	N 01°29'20" E	143.27
CV56	06°44'25"	250.27	29.44	N 17°05'51" E	29.42
CV57	31°13'00"	250.27	136.36	N 01°52'52" W	134.68
CV58	43°11'07"	196.07	147.79	N 04°06'11" E	144.31
CV59	05°51'16"	196.07	20.03	N 28°37'23" E	20.03
CV60	42°07'22"	166.07	122.09	N 03°34'19" E	119.36
CV61	06°55'00"	166.07	20.05	N 28°05'30" E	20.04
CV62	49°02'23"	166.07	142.14	N 07°01'49" E	137.84
CV63	40°35'16"	136.07	96.39	N 02°48'16" E	94.39
CV64	08°27'07"	136.07	20.07	N 27°19'28" E	20.05
CV65	25°59'22"	295.56	134.07	N 44°32'42" E	132.92
CV66	03°52'48"	295.56	20.02	N 59°28'47" E	20.01
CV67	29°52'10"	265.56	138.44	N 46°29'06" E	136.88
CV68	29°52'10"	235.56	122.80	N 46°29'06" E	121.42
CV69	03°19'21"	345.08	20.01	N 63°04'53" E	20.01
CV70	22°01'02"	345.08	132.61	N 75°45'04" E	131.79
CV71	03°38'21"	315.08	20.01	N 63°14'23" E	20.01
CV72	21°42'01"	315.08	119.34	N 75°54'35" E	118.62
CV73	25°20'23"	315.08	139.35	N 74°05'24" E	138.22
CV74	25°20'23"	285.08	126.08	N 74°05'24" E	125.06
CV75	57°30'42"	155.00	155.58	N 29°41'38" W	149.13
CV76	34°10'23"	155.00	92.45	N 16°08'54" E	91.08
CV77	26°15'41"	155.00	71.04	N 46°21'57" E	70.42
CV78	25°53'07"	155.00	70.03	N 72°26'21" E	69.43
CV79	04°59'24"	100.00	8.71	N 87°52'37" E	8.71
CV80	28°38'52"	100.00	50.00	N 75°18'15" W	49.48

CURVE TABLE

NAME	ANGLE	RADIUS	LENGTH	BEARING	CHORD
CV81	32°24'01"	100.00	56.55	N 44°46'48" W	55.80
CV82	143°49'54"	115.00	288.69	N 13°27'58" E	218.64
CV83	66°02'18"	60.00	69.16	N 61°35'56" W	65.39
CV84	50°26'59"	50.00	44.03	N 33°13'30" W	42.62
CV85	50°26'59"	90.00	79.25	N 33°13'30" W	76.71
CV86	118°28'03"	46.99	97.15	N 51°14'01" E	80.75
CV87	42°15'35"	86.99	64.16	S 89°20'15" W	62.71
CV88	26°35'05"	86.99	40.36	N 54°54'55" E	40.00
CV89	44°33'12"	86.99	67.64	N 19°20'47" E	65.95
CV90	05°04'11"	86.99	7.70	N 05°27'55" W	7.69
CV91	27°21'06"	375.75	179.37	N 88°11'39" W	177.68
CV92	28°48'22"	345.75	173.83	N 88°55'16" W	172.00
CV93	30°33'08"	315.75	168.37	N 89°47'39" W	166.38
CV94	08°34'59"	747.64	112.00	N 68°17'29" W	111.89

* changed by Affidavit 193 photo Page 141-142 Aspens Parkway to Teton Pines Dr.

THE ESTATES OF JACKSON HOLE RACQUET CLUB RESORT

IDENTICAL WITH

LOT 4
JACKSON HOLE
RACQUET CLUB RESORT

BEING PARTS OF THE

NW1/4SE1/4 AND SW1/4SE1/4 SECTION 11

NW1/4NE1/4 AND NE1/4NW1/4 SECTION 14

T41N R117W 6th P.M.

TETON COUNTY, WYOMING

SHEET 2 OF 3

580

Prepared by G. Gray

JORGENSEN ENGINEERING AND LAND SURVEYING, INCORPORATED PO Box 1142 Jackson, Wyoming 83001 307-733-5150 August 27, 1984

Project NO. 84087

[redacted]

VACATION OF EASEMENT

This instrument is executed and delivered by the undersigned parties effective as of February 20, 1995.

Recitals:

a. The VandeWaters, as the owners of the property described in Exhibit A hereto, have a roadway and utility easement (the "Easement") described as "Wooded Lane" as shown on the attached Map, across a portion of Lot Nos. 28 and 29 of The Estates of the Teton Pines, according to Plat No. 580 recorded with the Clerk of Teton County, Wyoming .

b. The undersigned Owners of said Lots desire to vacate the Easement, and the VandeWaters are willing to do so.

For good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, the Owners of Lots 28 and 29 and the VandeWaters, on behalf of themselves and their successors in interest, hereby vacate the Easement and instruct the Clerk of Teton County, Wyoming to mark the Easement as "Vacated" on Plat No. 580.

IN WITNESS WHEREOF, this instrument has been duly executed and delivered by the undersigned parties.

VANDEWATERS:

Blake C. Vande Water

Blake C. VandeWater

Lee S. Vande Water

Lee S. VandeWater

LOT 28 OWNER:

James M. Shelton

LOT 29 OWNER:

Teddy R. Gladson, as Trustee

Consented and Agreed to:

TETON PINES OWNERS ASSOCIATION, a Wyoming nonprofit corporation

By: _____
President

Grantor: VANDEWATER, BLAKE C ET AL
Grantee: THE PUBLIC
Doc 0392757 bk 303 pg 293-295 Filed at 4:05 on 03/22/95
V Jolynn Coonce, Teton County Clerk fees: 10.00
By CLAIRE K ABRAMS Deputy

RELEASED		✓
INDEXED	✓	✓
ABSTRACTED		✓

STATE OF WYOMING)
)ss .
COUNTY OF TETON)

The foregoing instrument was acknowledged before me by **Blake C. VandeWater and Lee S. VandeWater** this 27th day of February, 1995.

WITNESS my hand and official seal.

GAIL K. JENSEN - NOTARY PUBLIC
COUNTY OF TETON STATE OF WYOMING
MY COMMISSION EXPIRES SEPTEMBER 20, 1998

Gail K. Jensen
Notary Public

(seal)
My commission expires: Sept. 20, 1998

STATE OF WYOMING)
)ss .
COUNTY OF TETON)

The foregoing instrument was acknowledged before me by **James M. Shelton** this _____ day of _____, 1995.

WITNESS my hand and official seal.

_____
Notary Public

(seal)
My commission expires:

STATE OF WYOMING)
)ss .
COUNTY OF TETON)

The foregoing instrument was acknowledged before me by **Teddy R. Gladson, as trustee** this _____ day of _____, 1995.

WITNESS my hand and official seal.

_____
Notary Public

(seal)
My commission expires:

STATE OF WYOMING)
)ss .
COUNTY OF TETON)

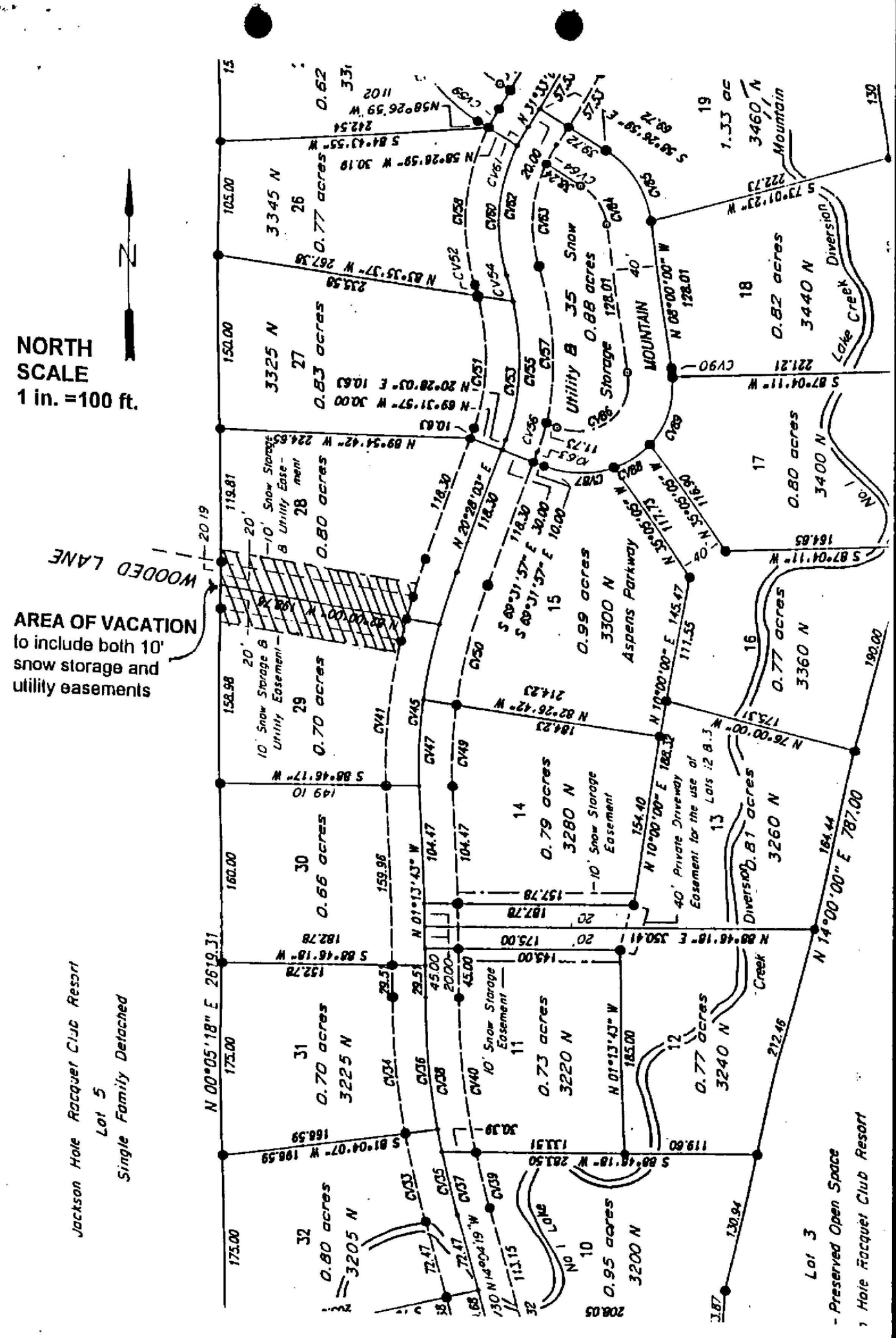
The foregoing instrument was acknowledged before me by _____, duly acting as President of Teton Pines Owners Association, this _____ day of _____, 1995.

WITNESS my hand and official seal.

_____
Notary Public

(seal)
My commission expires:

[redacted]



To Acompany Vacation Documents for Wooded Lane, as Shown on "The Estates of Jackson Hole Racquet Club Resort Plat" no. 580

EXHIBIT A

[redacted]

Warranty Deed

Teton Pines Limited Partnership (JH Racquet Club Limited Partnership)
Name of owner of record

of 3450 N. Clubhouse Drive, Jackson, Wyoming 83001, the **Grantor(s)**,
Address of owner of record

for adequate consideration, receipt of which is hereby acknowledged, **Conveys** and **Warrants** to the following:

Teton Pines Owners Association
(a Wyoming non-profit corporation)
P.O. Box 25108
Jackson, Wyoming 83001, the **Grantee**,

RELEASED
INDEXED
ABSTRACTED
SCANNED

the property described below situated in the County of Teton, State of Wyoming, hereby releasing and waiving all rights under and by virtue of the homestead exemption laws of the State for purposes of this conveyance, to wit:

A portion of Lot 5 of Jackson Hole Racquet Club Resort, a subdivision of Teton County, Wyoming, according to that plat recorded December 4, 1984 as Plat No. 578, Instrument No. 255688, described as follows: That part of said Lot 5 lying south and east of the south of the south and east easement line of Teton Pines Drive.

Including and together with all and singular the tenements, hereditaments, appurtenances and improvements thereon belonging, and any rights of grantor to minerals thereunder, but subject to taxes, assessments, covenants, conditions, restrictions, reservations, rights-of-way, easements and other similar encumbrances of sight or record.

Parcel Identification No: None assigned
Legal description of property

according to Plat(s) No(s). Text recorded with the Clerk of Teton County, Wyoming, including and together with all and singular the tenements, hereditaments, appurtenances, and improvements thereon or thereunto belonging, and any rights of grantor to minerals thereunder, but subject to current taxes, current assessments, covenants, conditions, restrictions, reservations, rights-of-way, and easements of sight or record, if any.

Restrictions: This property is declared not developable and is subject to all restrictions of every kind which are applicable to Open Space Land and Common Area or Common Ground, as defined and governed by the Teton County Scenic Resource Resolution and Land Use and Development Regulations, as well as the the Teton Pines Owners Association. Specifically, no building or other similar structure or improvement of any kind may ever be constructed or placed upon the property without the prior written consent of all adjoining property owners, the Teton Pines Owners Association, and the Board of County Commissioners of Teton County .

Witness the due execution and delivery of this instrument effective as of the

23rd day of July, 1997
Number of day, i.e. "First" — Name of month, i.e., "January" — Year, i.e., "1997"

Teton Pines Limited Partnership
a Wyoming Limited Partnership

By Teton Pines Development Company
a Wyoming Corporation, as managing general partner
Official legal name of owner of record

By: Thomas W. O'Donnell
Complete signature of owner of record

Thomas W. O'Donnell
Executive Vice President
Complete title of authorized person

Grantor: TETON PINES LIMITED*
Grantee: TETON PINES OWNERS ASSOCIATION
Doc 0444850 bk 337 pg 979-980 Filed at 4:28 on 07/28/97
V Jolynn Coonce, Teton County Clerk fees: 8.00
By JULIE HODGES Deputy

The foregoing Warranty Deed was acknowledged before me by:

Thomas W. O'Donnell, and
Complete name of owner of record — Complete name of owner of record

this 23rd day of July, 1997.
Number of day, i.e. "First" — Name of month, i.e., "January" — Year, i.e., "1997"

Witness my hand and official seal.

Nancy J. Riddle
Signature of Notary Public

My commission expires March 31, 1999

State of Wyoming
County of Teton

NANCY J. RIDDLE - NOTARY PUBLIC
County of Teton — State of Wyoming
My Commission Expires March 31, 1999

994 Teton Pines Owners Association Jackson, Wyoming 83001 U.S.A.

WARRANTY DEED

Blake C. VandeWater and Lee S. VandeWater, husband and wife , of P.O. Box U, Jackson, Wyoming 83001, GRANTOR, for and in consideration of Ten Dollars ($10.00) and other good and valuable consideration in hand paid, receipt of which is hereby acknowledged, CONVEYS AND WARRANTS to TETON PINES LIMITED PARTNERSHIP, a Wyoming limited partnership, of Star Route Box 362A, Jackson, Wyoming 83001, GRANTEE, the following described property, situated in the County of Teton, State of Wyoming, hereby releasing and waiving all rights under and by virtue of the homestead exemption laws of the State, to wit:

A portion of Lot 5 of Jackson Hole Racquet Club Resort, a subdivision of Teton County, Wyoming, according to that plat recorded Devember 4, 1984 as Plat No. 578, Instrument No. 255688, described as follows: That part of said Lot 5 lying south and east of the south of the south and east easement line of Teton Pines Drive.

Including and together with all and singular the tenements, hereditaments, appurtenances and improvements thereon belonging, and any rights of grantor to minerals thereunder, but subject to taxes, assessments, covenants, conditions, restrictions, reservations, rights-of-way, easements and other similar encumbrances of sight or record.

WITNESS the due execution and delivery hereof as of the 21st day of October, 1988.

BLAKE C. VANDEWATER

Blake C. VandeWater

LEE S. VANDEWATER

Lee S. VandeWater

Recorded 10-27 19 88 at 11:50 AM
In Book 205 of Photo Page 225
No. 283249 $4.00 pd
V. Jolynn Cognce County Clerk
by Ann Rieke Dep.

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

The foregoing Warranty Deed was executed and acknowledged before me by Blake C. VandeWater and Lee S. VandeWater, husband and wife, this 21st day of October, 1988.

WITNESS my hand and official seal.

(seal)

Notary Public

My commission expires: 11/10/91

CLEVA A. WILLIAMS NOTARY PUBLIC COMMISSION EXPIRES NOVEMBER 10, 19 91 TETON COUNTY, WYOMING

RELEASED
INDEXED
ABSTRACTED

Lot 5 assessed to VandeWater ("no Lake Creek stat") changed from '86-'87 [redacted]

Pt Lot 5 JSHRC Plat 578

VandeWater to 7 Pines Limited Partnership 94083

Exhibit 6

EXISTING WATER AND SEWER IMPROVEMENTS — TETON PINES RESORT

LEGEND
- 8"S — Existing Sanitary Sewer Line
- 6"W — Existing Water Transmission Line
- Existing Sanitary Sewer Service
- Existing Water Service and Curb Stop
- Existing Sanitary Sewer Cleanout
- Existing Fire Hydrant
- Existing Water Line Valve
- Existing Control Cable
- Existing Water Fountain with Service and Stub for Waste to Gravel Drain
- Existing Combination Curb Stop, Yard Hydrant, and Irrigation Connection

Scale 1" = 100'

LINE A
LINE AA
LINE B
LINE C
LINE D
LINE E
LINE F
LINE T-3
LINE T-4
LINE T-6
LINE T-9

TENNIS COURT
POOL
PATIO
LOT 1
LOT 2
LOT 3
LOT 4
FAIRWAY
GREEN
TEE
ST
SAND TRAP
WATER
FIRE WELL
TETON PINES NO. 1 WELL
FLOW METER VAULT
TIMBERS LIFT STATION
FAIRWAYS LIFT STATION
MAIN TEMPORARY LIFT STATION

NOTE: EXISTING 8" WATER LINE AND 8" SEWER LINE ARE LOCATED ON THE CENTERLINES OF 10' EASEMENTS AS SEE PLAT NO. 651.

(updated May 1989)

WATER & SEWER TETON PINES

ORIGINAL WORK 86027
UPDATE 11-6-87 84158.1 (PINES MISC.)
REFERENCE: 86115, 84173, 86043.1
(WATER & SEWER DIGIZIZED ON 9816, FILED UNDER 84158.1)

TETON PINES DRIVE

Plat No. 580 The Estates at Jackson Hole Racquet Club Resort

LOT 8
Open Space
29.50 Ac

LOT 4
1.20 Ac
0.78 Ac BE

LOT 3
1.09 Ac
0.34 Ac BE

LOT 2
1.50 Ac
0.60 Ac BE

LOT 1 - Road Lot
0.92 Ac

LOT 6
1.38 Ad
0.39
Ac BE

LOT 5
1.06 Ac
0.71 Ac BE

LOT
1
1.89 Ac
0.92 Ac BE

Lot 7
Plat 580
1.27 acres

Lot 6
Plat 580
1.46 acres

S.11

S.14

Lot 5
Plat 580
1.21 acres

Lot 3 & 4
Plat 580
1.76 acres

Lot 1
Plat 580
1.19 acres

Lot 2
Plat 580
1.36 acres

Lot 3
Triangle Q
Ranch
Plat 1041
89.1 acres

TCSPT Lot
1 acre

Jake Jackson
Holdings
Parcel 4
35.11 acres

Jake Jackson
Holdings
Parcel 3
35.41 acres

Jake Jackson
Holdings
Parcel 1
35.14 acres

Jake Jackson
Holdings
Parcel 1
35.14 acres

NE1/4SW1/4

SE1/4SW1/4

LEGEND

- Proposed Lot Boundary
- Proposed Building Envelope Boundary
- Boundary Of Adjacent Property
- Boundary Of Right-Of-Way Easement
- Boundary Of The Natural Resource Overlay
- Section Line
- Sectional Subdivision Line
- Indicates Wetland Area
- Indicates 30 ft. Setback Of Wetland Area

0 200 400

SCALE: 1 INCH = 200 FEET
THIS SCALE VALID ONLY FOR 11x17 PRINTS

JORGENSEN
JACKSON, WYOMING
307.733.5150
www.jorgensenassociates.com

PROJECT TITLE:
LOT 5, JHRCR - PLAT 578

PT E1/2SW1/4, SECTION 11
T.41N., R.117W., 6th P.M.
TETON COUNTY, WYOMING

SHEET TITLE:
6 Lot Scenario

6 residential lots outside the NRO, 1 Road Lot,
& 1 Open Space Lot

DRAFTED BY:	ALB
REVIEWED BY:	BMS
PLAN VERSION	DATE
	04/14/2016

PROJECT NUMBER
15012.02.10

SHEET
Attachment A

H:\2015\15012\02 6lot SD & BLA\ACAD\Lot 5 Density Study4th iteration-R-1 Setbacks-4-7-16\15012_160411_6Lot scenario_R-1 Setbacks.dwg

TETON PINES DRIVE

Plat No. 580 The Estates at Jackson Hole Racquet Club Resort

S.11

T.42N. R.117W

S.11

S.14

LOT 1
12.91 Ac
1.68 Ac BE

LOT 2
16.58 Ac
1.06 Ac BE

LOT 6
1.39 Ac
0.71 Ac BE

LOT 5
2.15 Ac
0.75 Ac BE

LOT 4
1.54 Ac
1.06 Ac BE

LOT 3
3.95 Ac
1.47 Ac BE

14' Shared Driveway
18' Limits of Disturbance
40' Access & Utility
Easement

20' Wide Roadway
24' Limits of Disturbance
60' Access & Utility
Easement

Lot 7
Plat 580
1.27 acres

Lot 6
Plat 580
1.46 acres

Lot 5
Plat 580
1.21 acres

Lot 3 & 4
Plat 580
1.76 acres

Lot 1
Plat 580
1.19 acres

Lot 2
Plat 580

Lot 3
Triangle Q
Ranch
Plat 1041
89.1 acres

TCSPT Lot
1 acre

Jake Jackson
Holdings
Parcel 4
35.11 acres

Jake Jackson
Holdings
Parcel 3
35.41 acres

Jake Jackson
Holdings
Parcel 1
35.14 acres

Jake Jackson
Holdings
Parcel 1
35.14 acres

SE1/4NW1/4

NE1/4SW1/4

SE1/4SW1/4

LEGEND

- Proposed Lot Boundary
- Proposed Building Envelope Boundary
- Proposed Access & Utility Wide Easement
- Proposed Drive Centerline
- Boundary Of Adjacent Property
- Boundary Of Right–Of–Way Easement
- Boundary Of The Natural Resource Overlay
- Section Line
- Sectional Subdivision Line
- Indicates Wetland Area
- Indicates 30 ft. Setback Of Wetland Area

0 200 400

SCALE: 1 INCH = 200 FEET
THIS SCALE VALID ONLY FOR 11x17 PRINTS

H:\2015\15012\03 6 lot SD\ACAD\FDP\15012_160413_4lot_scenario_R-1 Setbacks.dwg

JORGENSEN
JACKSON, WYOMING
307.733.5150
www.jorgensenassociates.com

PROJECT TITLE:
LOT 5, JHRCR - PLAT 578

PT E1/2SW1/4, SECTION 11
T.41N., R.117W., 6th P.M.
TETON COUNTY, WYOMING

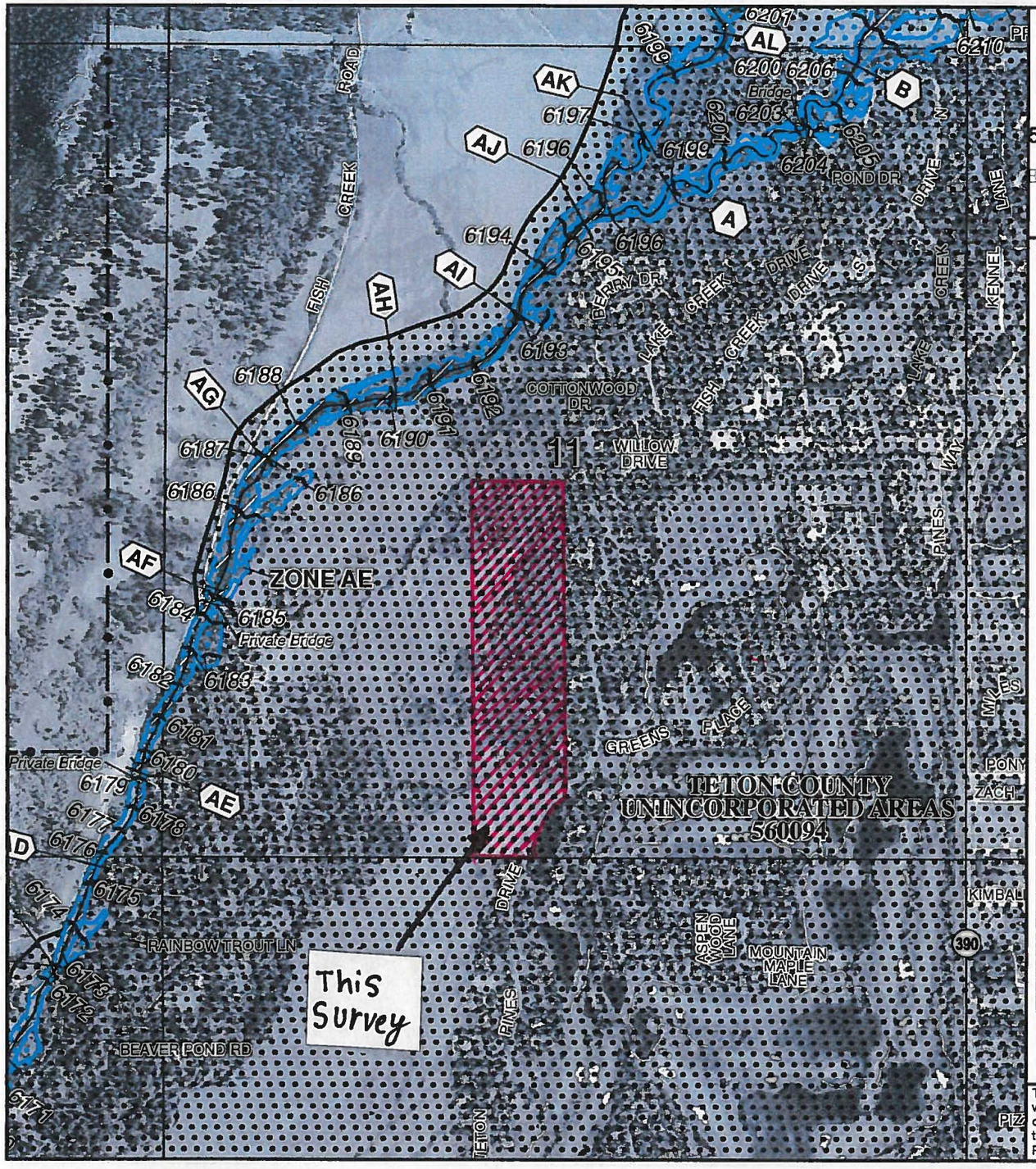
SHEET TITLE:
4 Lot Scenario

4 Lots outside of NRO and 2 lots within NRO

DRAFTED BY:	ALB
REVIEWED BY:	BMS
PLAN VERSION	DATE
	04/14/2016

PROJECT NUMBER
15012.02.10

SHEET
Attachment B



MAP SCALE 1" = 1000'

500 0 1000 2000 FEET

METE

PANEL 2690E

FIRM

FLOOD INSURANCE RATE MAP

TETON COUNTY, WYOMING

AND INCORPORATED AREAS

PANEL 2690 OF 3325

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
TETON COUNTY	560094	2690	E

NATIONAL FLOOD INSURANCE PROGRAM

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

MAP NUMBER
56039C2690E

MAP REVISED
SEPTEMBER 16, 2015

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

LEGEND

SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

ZONE A	No Base Flood Elevations determined.
ZONE AE	Base Flood Elevations determined.
ZONE AH	Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
ZONE AO	Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
ZONE AR	Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
ZONE A99	Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
ZONE V	Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
ZONE VE	Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS

ZONE X	Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

OTHER AREAS

ZONE X	Areas determined to be outside the 0.2% annual chance floodplain.
ZONE D	Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

	1% annual chance floodplain boundary
	0.2% annual chance floodplain boundary
	Floodway boundary
	Zone D boundary
	CBRS and OPA boundary
←	Boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.
~~ 513 ~~~~~	Base Flood Elevation line and value; elevation in feet*
(EL 987)	Base Flood Elevation value where uniform within zone; elevation in feet*

* Referenced to the North American Vertical Datum of 1988 (NAVD 88)

(A)——(A)	Cross section line
(23)- - - - - - - -(23)	Transect line
97°07'30", 32°22'30"	Geographic coordinates referenced to the North American Datum of 1983 (NAD 83)
$^{42}75^{000m}$N	1000-meter Universal Transverse Mercator grid ticks, zone 12
6000000 FT	5000-foot grid ticks: Wyoming State Plane coordinate system, west zone (FIPSZONE 4904), Transverse Mercator
DX5510 ×	Bench mark (see explanation in Notes to Users section of this FIRM panel)
• M1.5	River Mile

MAP REPOSITORIES

Refer to Map Repositories list on Map Index

EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP

May 4, 1989

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL

September 16, 2015 - to change Base Flood Elevations, to change floodway, to update map format, and to change Special Flood Hazard Areas

TETON COUNTY WYOMING

www.tetonwyo.org

Scott Pierson
Pierson Land Works, LLC
PO Box 1143
Jackson, WY 83001

August 14, 2015

RE: Zoning Compliance Verification Request (ZCV2015-0020)
Jackson Hole Racquet Club Resort Planned Unit Development

PO Box 1727
200 South Willow Street
Jackson, Wyoming 83001

ph: 307.733.3959
fax: 307.733.4451

Dear Mr. Pierson,

On behalf of your client, Teton Pines Limited Partnership, you requested verification of compliance with certain provisions of the Teton County Land Development Regulations (LDRs), as they pertain to the Jackson Hole Racquet Club Resort Planned Unit Development (PUD). The Racquet Club Resort area is commonly referred to as Teton Pines. Your request poses several specific questions regarding the status of the PUD and how the PUD may or may not be impacted by the adoption of new zoning districts for rural areas of the County. Based upon review of your request, I have determined the following:

Question 1. *Will the new Rural Zoning Districts have any impact on the development of the PUD?*

It is difficult, if not impossible, for staff to evaluate compliance of a particular project with standards that have not yet been adopted and may change. Therefore, the information provided in response to this question is provided as a courtesy. The applicant should be aware that this response is premised upon the July 15, 2015 BCC Proposed Draft of the Rural Area Land Development Regulations. Standards may be changed, added, or deleted from the proposal at the discretion of the Board of County Commissioners during the adoption process. Staff cannot guarantee that the analysis of this question is comprehensive, nor does this analysis bind staff in any way to approve future use, physical development, or development options.

The Teton Pines PUD is located within Character District 12: Aspens/Pines, as described in the Illustration of Our Vision chapter of the Comprehensive Plan. All PUDs are zoned PUD, but are assigned an underlying base zoning district. The standards of the PUD approval apply; the purpose of the base zoning district is to provide standards against which development can be reviewed in the event the PUD approval is silent. The Teton Pines PUD is currently zoned PUD-Neighborhood Conservation (PUD-NC).

Teton County is currently in the process of drafting and adopting new zoning districts for rural areas of the County. However, new zoning for District 12 and the Teton Pines area

is not being drafted or evaluated at this time. The current PUD-NC zoning designation for the Teton Pines PUD will not change as part of this LDR update, nor will the adoption of the rural zoning districts affect the sections of the LDRs that govern development of a PUD. However, the proposed updates will result in some minor changes to the NC zoning district, particularly with regard to EA exemptions and allowed uses. If adopted as proposed, these changes will impact development of the Teton Pines PUD only to the extent that they are areas in which the PUD is silent. As described more fully in Question 2, below, the PUD allowances govern. The applicant is encouraged to carefully review the proposed changes to the NC zoning district and updates to the Environmental Analysis exemptions in the July 15, 2015 draft and to closely follow the rural LDR adoption process.

Question 2. *Are the PUD and any of the platted lots and units considered non-conforming if previously permitted and in conformance with the permits?*

Section 1.8.2.C of the currently applicable LDRs addresses PUDs and other special projects. That section reads, in part: *"The following projects shall remain valid and shall not be considered nonconforming regardless of their compliance with these LDRs; however, references to previous LDRs in a project approval shall be construed to constitute reference to the equivalent standard in these LDRs:*

1. *Planned Unit Developments (PUDs) with PUD zoning*
    a. *For Planned Unit Developments with PUD-NC zoning, the standards of the NC-TC shall apply unless they are in conflict with the approval agreement of the PUD, in which case, the allowances established by the PUD shall apply."*

The Teton Pines PUD is a PUD with PUD zoning. As such, pursuant to this Section, the PUD and the platted lots and units within it shall not be considered nonconforming, regardless of compliance with the currently applicable LDRs. An amendment to this Section is currently proposed as part of the Rural LDR Update. If approved, the amendment would change subsection 1.8.2.C.1.a to read as follows: "The standards of the PUD shall apply except where the PUD is silent, in which case the standards of the underlying zoning shall apply." This change is intended to clarify the primacy of the PUD in establishing the standards for development.

Question 3. *Confirm the number and entitlements associated with the undeveloped units in accordance with the approved PUD.*

A Permit to Subdivide and a Land Development Permit were issued for the Jackson Hole Racquet Club Resort PUD on November 20, 1984. Each of the permits was issued subject to the same set of 47 conditions of approval, attached to the permits as Exhibit A. The Master Plan Subdivision Plat for the development was recorded with the office of the Teton County Clerk on December 4, 1984 as Plat #578. The plat encompasses approximately 530 acres, not including approximately 30 acres identified on the plat as the Jackson Hole Racquet Club Resort Commercial Area. A separate master plan and master plan plat were approved and recorded for the commercial area on the same date. This analysis focuses solely on the residential areas of the PUD, identified on Plat 578.

A total of 352 units are allowed under the PUD approval, as noted on the plat. A sketch master plan recorded with the plat depicts the allocation of the units across several neighborhoods, some of which have an identified unit type such as "cluster resort homes." Following approval of the master plan, individual plats were filed for each neighborhood. The applicant provided a table identifying each of the plats filed within the PUD and tracking the number of units associated with each plat. Staff has reviewed

the applicant's submittal against County records for accuracy, and has confirmed the numbers in the table on the following page of this verification.

Pursuant to additional notes on the plat, Lots 2, 4, 6, 8, 9, and 11 of the PUD are limited to a total of 338 units. Lot 5 is restricted to a total of six single-family units and Lot 14 is restricted to a total of 8 single-family units. The additional restrictions on Lot 5 and 14 were imposed because the remainder of the development rights associated with those lots were allocated to other lots within the PUD.

As of the date of this ZCV, of the original 352 units approved for the PUD, a total of 142 units have yet to be platted or built. A total of nine units with designated locations on the Master Plat, including the six single-family units allowed on Lot 5 and three of the eight total single-family units allowed on Lot 14, remain unplatted. Staff has determined that 205 of the 338 units permitted on what were originally Lots 2, 4, 6, 8, 9, and 11 have been platted, leaving 133 unplatted units associated with these Master Plan lots. Of the 205 platted units, 38 lots are vacant.

The remaining units are primarily the result of the original developer seeking approval for single-family and cluster home units, rather than the townhome and condominium units contemplated in the original Master Plan approval. At the time of platting of some portions of the development, including the Greens of Teton Pines and the Willows of Teton Pines, staff raised questions about the shift in unit types and where the remaining units would fit within the PUD. But no conditions were imposed requiring the applicant to demonstrate reallocation of those units through amendment of the Master Plan. In 1988, the original developer did seek approval of an amendment to the Master Plan to relocate the wastewater treatment plant and create eight new residential lots and a maintenance facilities lot. Minutes from the October 19, 1988 County Commissioners' meeting to hear the application contain discussion regarding the number of units vested in the project. There was no discussion of the units having been abandoned or extinguished.

Staff finds no documentation in the files that the outstanding unplatted units have been abandoned or re-allocated to the commercial area of the PUD or elsewhere. Six of the remaining 142 units are specifically tied to Lot 5. Three of those units are specifically tied to what is now Lot 9, Triangle Q Ranch. The remaining 133 unplatted units have no designated location per the current PUD master plan.

Question 4. *That some of the units could be built today, after subdivision, on the maintenance site of the golf course.*

An applicant would be permitted to redistribute the remaining 142 units within the existing PUD boundary by submitting an application for amendment of the PUD Master Plan, pursuant to Section 8.2.13 of the LDRs, to identify the proposed locations for those units. Because the original developer is no longer involved, the application would need to include information regarding the right of the applicant to use or develop the remaining units and how the process would be equitably handled given the number of individual owners and entities now part of the PUD. While the maintenance site is within the existing PUD and is a location in which an applicant could propose additional units, the application should carefully consider and address the goals of the Comprehensive Plan for this character district, including clustering of residential opportunities near the services and amenities of the commercial core and a desired future character that includes less short-term rental use and more year-round occupancy workforce housing.

Lot on Plat 578	Master Plat Designation	Master Plat Units	Re-Platted As	Residential Lots or Units Initially Platted	Platted Unit Type	Changes Since Re-Plat	Currently Platted Residential Units	Designated Location Master Plat Units Remaining
Lot 1	Open space	0	n/a	n/a	n/a	n/a	n/a	n/a
Lot 3	Open space	0	n/a	n/a	n/a	n/a	n/a	n/a
Lot 7	Open space	0	n/a	n/a	n/a	n/a	n/a	n/a
Lot 10	Open space	0	n/a	n/a	n/a	n/a	n/a	n/a
Lot 13	Open space	0	n/a	n/a	n/a	n/a	n/a	n/a
Lot 2	Cluster condos	Not listed	Greens of Teton Pines	19	SFD	4 of 19 lots combined to make 2 lots, reducing overall number	17	n/a
Lot 4	SFD cluster homes	34	Estates of JHRCR	34	SFD	Lots 3 and 4 are used functionally as one lot but have not been affirmatively combined so counted separately	34	0
Lot 5	SFD	6	Vacant and not yet subdivided	n/a	n/a	n/a	n/a	6
Lot 6	Cluster condos	Not listed	Timbers of Teton Pines	61	SFD Cluster	None	61	n/a
Lot 8	Cluster condos	Not listed	Meadows of Teton Pines	22 (18 SFD, 4 duplex)	SFD and Duplex	2 of the 18 SFD lots combined by affidavit, reducing overall number	20	n/a
Lot 9	Cluster condos	Not listed	Willows of Teton Pines	8	SFD	Plat includes 3 non-res lots (HOA, fire station, golf operations)	8	n/a
Lot 11	Cluster condos	Not listed	Fairways of Teton Pines	41	SFD Cluster	n/a	41	n/a
Lot 12	Utilities/Service	0	Meadows of Teton Pines	7	SFD	Plat includes 1 non-res lot (golf operations)	7	n/a
Lot 14	SFD	8	Lucky L Ranch and Triangle Q Ranch	5	SFD	Lot 9 Triangle Q Ranch, 4th Filing may be divided into 3 lots	5	3
n/a	n/a	n/a	Garden Homes at the Pines	12	Duplex	Units transferred from residential allowance to commercial area	12	n/a
TOTALS				**209**			**205**	**9**

Question 5. *That the exactions and impact fees associated with the Jackson Hole Racquet Club Resort PUD have been fulfilled for all of the units in accordance with the conditions of approval for the residential portion of the project.*

The LDRs in place at the time of approval of the Teton Pines PUD required dedication of land or fees in lieu of land for parks, playgrounds, schools and similar public purposes. Condition of Approval #28 on the Land Development Permit and Permit to Subdivide required the applicant to provide exaction fees as required by the LDRs and specified that the fee should be in the form of cash. An amount is not established in the final condition, although during review of the preliminary plat, the staff report mentions an amount of $7,560. The Master Plan was amended in 1988. At that time, Planning Staff completed a full review of all conditions of approval and their current status. The update notes that the exaction fee condition has been satisfied.

Although not consistently included in the conditions of approval, review of minutes from Board of County Commissioner hearings during which final plats were considered indicates that exaction fees were also collected at the time of recording of each subsequent plat within the PUD. In December of 1988, the plat for the Willows at Teton Pines was amended to incorporate a lot for a fire station. Although this dedication was not specifically discussed as an exaction or impact requirement, the County accepted the dedication and commended the application for providing fire response on site, which was consistent with original PUD conditions of approval to provide first responder capabilities on premises.

Staff's determination, based on review of plat files and Planning Department records, is that all exaction and impact fee obligations associated with the platted units within the Teton Pines PUD have been fulfilled. However, the pattern of collection exaction fees at the time of each subsequent plat indicates that the original exaction fee collected at the time of the PUD Master Plat was not intended to serve as mitigation for the entire PUD. Should the additional units that remain within the PUD be established, exaction dedications or fees for those units will be determined pursuant to the LDRs governing exactions in place at that time.

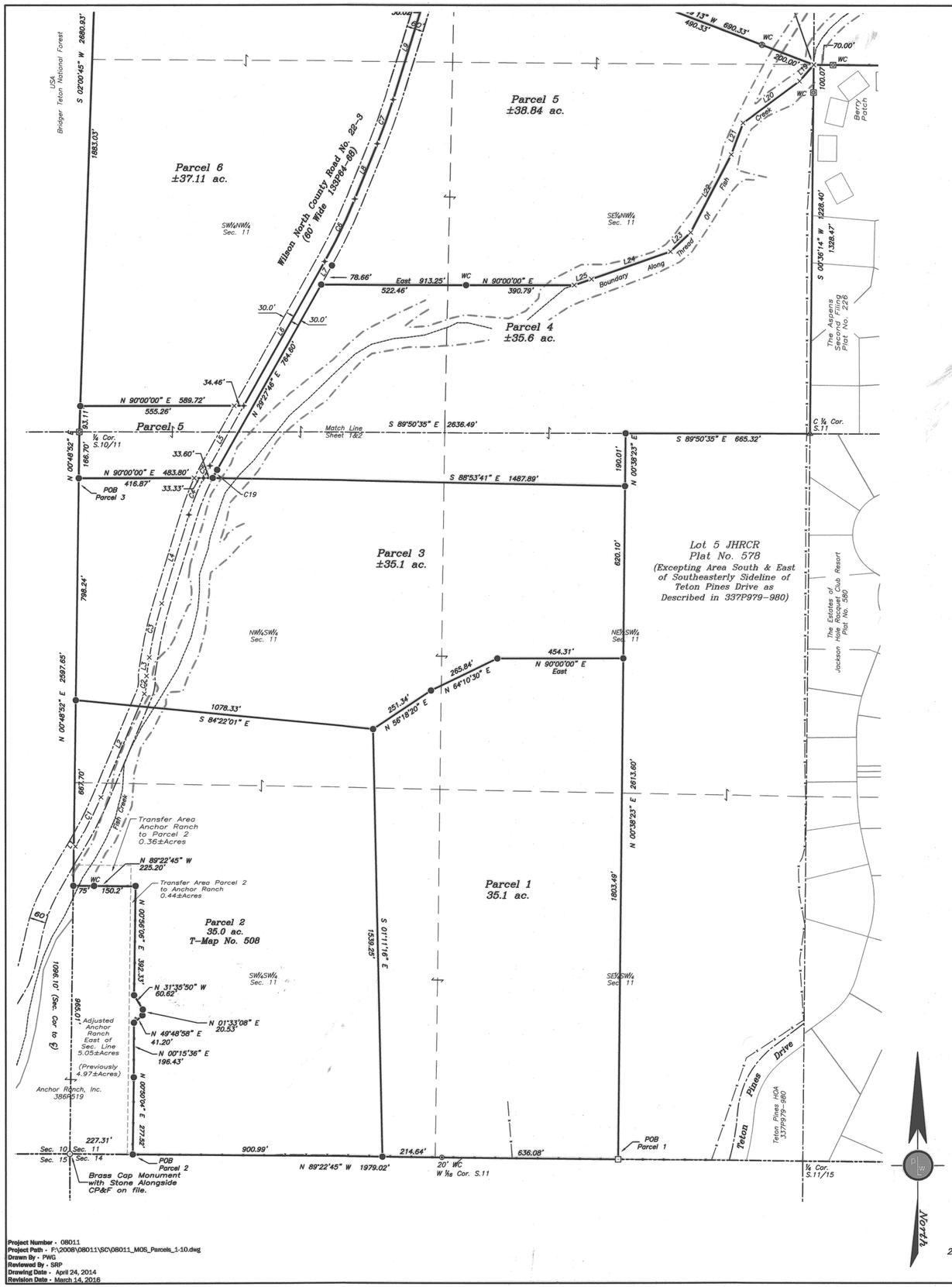
Question 6. *That the remaining units will be treated as Pre-1994 units with regards to the Affordable Housing regulations.*

Pursuant to Section 8.7.3. of the LDRs, approval of a PUD has the effect of applying the master plan and certificate of standards as the zone-specific standards for the site, but the PUD does not permit actual physical development or use of the site, nor does it constitute subdivision of land. The PUD approved a maximum density of 352 units, 142 of which are remaining, but the PUD did not constitute approval of a development plan for the location and configuration of those units, nor did it constitute plat approval. Those units cannot be considered pre-existing lots of record for purposes of affordable housing, because they are not yet platted. Establishment of the remaining units will require physical development permit and Subdivision Plat approval under the current LDRs, and all current regulations with regard to affordable housing shall apply. The affordable housing obligation associated with the construction of those units will be determined at the time of sketch or development plan approval, as applicable.

These determinations apply only to the specific circumstances reviewed and this verification does not permit any physical development, use or development option, nor is it a guarantee of any future approvals. This verification is based upon the LDRs in effect as of January 1, 2015 and the information provided in your request. Should you have any other specific questions or concerns regarding the Teton Pines PUD or the LDRs, please contact me at (307) 733-3959 or via email at tsinclair@tetonwyo.org.

Sincerely,

Tyler Sinclair
Teton County Planning Director



LEGEND

- ▣ *Indicates a 2½" dia. galvanized pipe with 3" dia. brass cap inscribed "RLS 164" found this survey*
- □ *Indicates a 2½" dia. galvanized pipe with 3" dia. brass cap inscribed "PE&LS 2612" found this survey*
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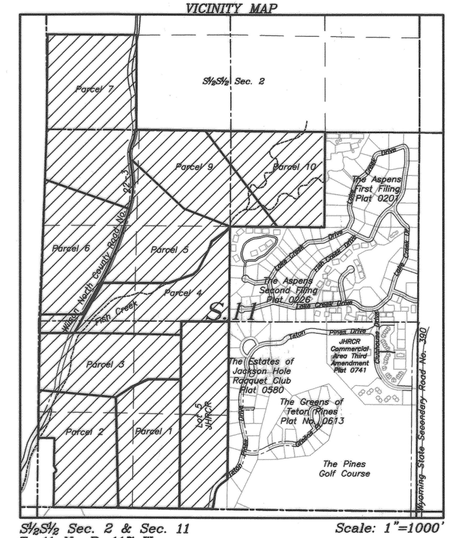
- \+ *Indicates a pk nail with 1" dia. aluminum shiner inscribed "PLS 3831" set this survey*
- × *Indicates a calculated point – nothing found or set*

- *Parcel Boundary Line*
- *Adjacent Boundary Line*
- *Vacated Boundary Line*
- *Section Line*
- *Quarter–Section Line*
- *Sixteenth Section Line*
- *Easement Line*
- *Digitized Thread of Creek*
- *Digitized Edge Water Fish Creek*

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1250.73'	199.74'	199.53'	N 27°27'46" E	9°09'00"
C2	118.19'	65.49'	64.66'	N 07°00'46" E	31°45'00"
C3	1378.90'	199.75'	199.58'	N 12°58'46" E	8°18'00"
C4	892.74'	142.57'	142.42'	S 21°42'17" W	9°09'01"
C5	892.74'	49.59'	49.59'	S 27°52'17" W	3°10'59"
C6	1959.88'	250.28'	250.11'	N 25°48'16" E	7°19'00"
C7	1983.53'	169.06'	169.01'	N 19°42'16" E	4°53'00"
C8	1097.89'	481.92'	478.06'	N 04°41'16" E	25°09'00"
C9	659.98'	72.57'	72.53'	N 04°44'14" W	6°18'00"
C10	315.15'	120.00'	119.28'	N 09°19'16" E	21°49'00"
C11	295.00'	78.09'	77.86'	N 12°38'46" E	15°10'00"
C12	466.23'	49.77'	49.75'	N 02°00'17" E	6°06'59"
C13	466.23'	49.91'	49.89'	N 04°07'13" W	6°08'01"
C14	578.09'	96.02'	95.91'	S 02°25'44" E	9°31'00"
C15	684.69'	164.91'	164.51'	N 04°34'44" W	13°48'00"
C16	735.33'	204.92'	204.25'	S 03°29'44" E	15°58'00"
C17	703.09'	118.42'	118.28'	S 09°18'46" W	9°39'00"
C18	2749.00'	259.89'	259.79'	N 11°25'46" E	5°25'00"
C19	862.74'	33.05'	33.05'	S 28°21'55" W	2°11'42"

LINE	BEARING	DISTANCE
L1	N 31°52'47" E	12.10'
L2	N 22°53'16" E	403.47'
L3	N 08°49'46" E	66.93'
L4	N 17°07'46" E	333.36'
L5	N 29°27'46" E	247.98'
L6	N 29°27'46" E	595.28'
L7	N 29°27'46" E	78.66'
L8	N 22°08'46" E	215.51'
L9	N 17°15'46" E	382.03'
L10	N 07°53'14" W	194.57'
L11	N 01°35'14" W	20.36'
L12	N 20°13'46" E	101.70'
L13	N 05°03'46" E	6.45'
L14	N 07°11'14" W	162.10'
L15	N 02°19'46" E	65.81'
L16	N 11°28'44" W	100.01'
L17	N 04°29'16" E	70.25'
L18	N 14°08'16" E	79.58'
L19	S 40°48'21" W	78.42'
L20	S 53°32'26" W	253.27'
L21	S 20°28'42" W	121.52'
L22	S 27°37'36" W	316.37'
L23	S 46°44'22" W	100.41'
L24	S 70°54'57" W	301.42'
L25	S 70°40'50" W	65.58'

VICINITY MAP



S½S½ Sec. 2 & Sec. 11
T. 41 N., R. 117 W.

Scale: 1"=1000'

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the places that you play, Live & Work

CERTIFICATE OF SURVEYOR

State of Wyoming)
ss
County of Teton)

I, Scott R. Pierson, of Jackson, Wyoming, hereby certify that this map was made from notes taken during an actual survey made under my direction during May–July, 2014 and February, 2016, and from records on file with the Office of the Clerk of Teton County, and that it correctly represents the points and corners as set or found at the time of said survey.

Scott R. Pierson
Wyoming PLW No. 3831

Professional Land Surveyor
SCOTT R. PIERSON
3831
Date 14 March 2016
WYOMING

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me by Scott R. Pierson this 14th day of March, 2016.

Witness my hand and official seal.

Lori Boyt
Notary Public

My commission expires: 10/22/18

LORI BOYT - NOTARY PUBLIC
COUNTY OF TETON STATE OF WYOMING
MY COMMISSION EXPIRES 10/22/2018

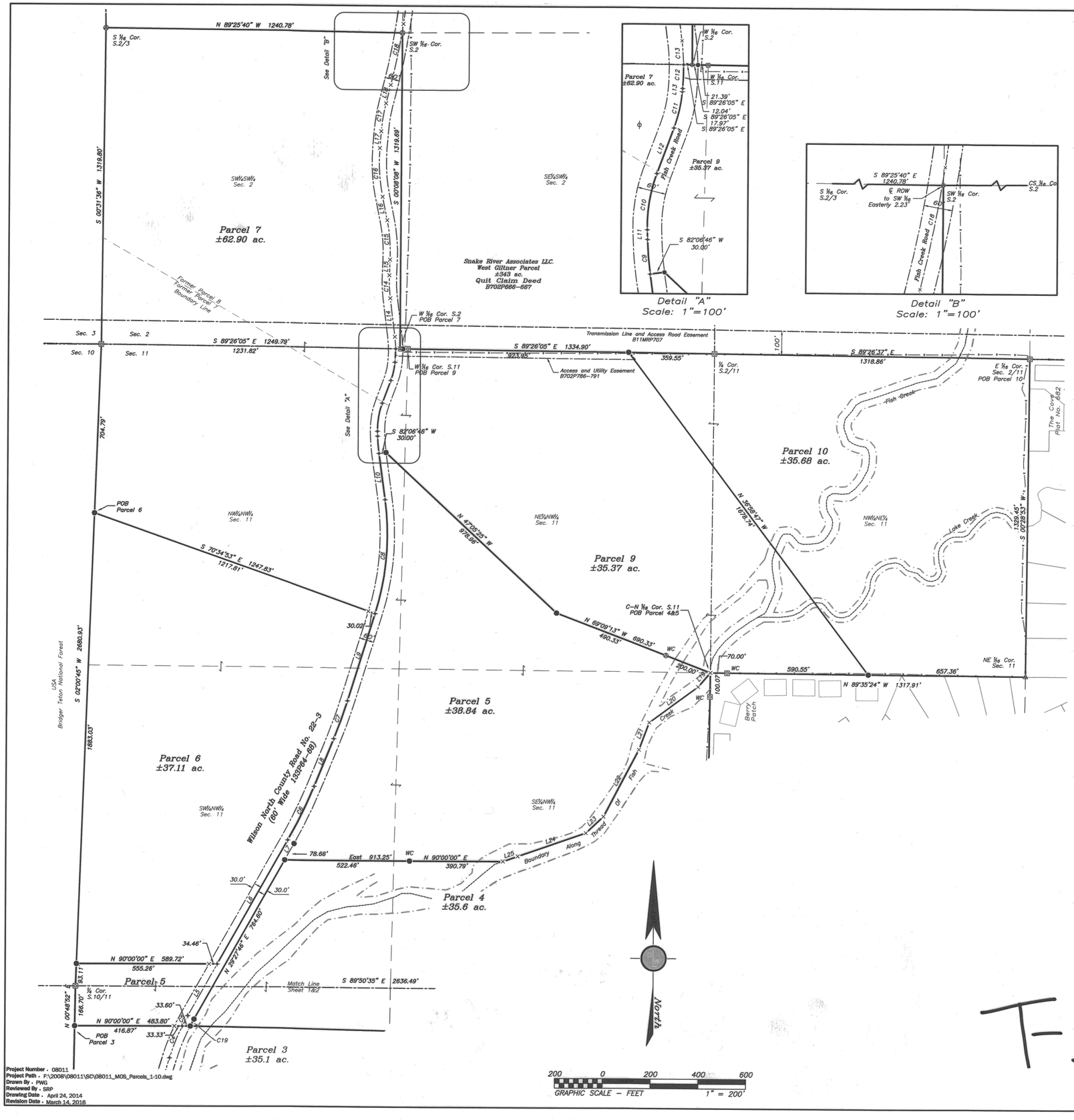
T-508A

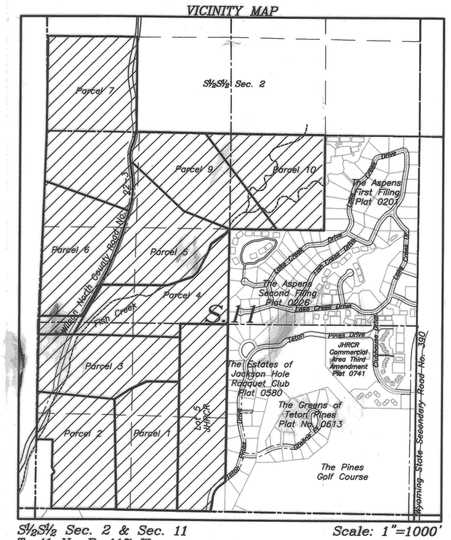
GRANTOR: PIERSON, SCOTT R SURVEYOR
GRANTEE: THE PUBLIC T-508A
Doc 0900661 bk 41 pg 117-117 Filed At 16:37 ON 03/14/16
Sherry L. Daigle Teton County Clerk fees: 50.00
By Mary Smith Deputy

Map of Survey
PREPARED FOR
The VandeWater Properties
Being a Portion of the
SW¼SW¼ Sec. 2
W½ & NW¼NE¼ Sec. 11
T. 41 N., R. 117 W., 6th P.M.,
TETON COUNTY, WYOMING

Pierson Land Works LLC
P.O. Box 1143
180 S. Willow St.
Jackson, WY 83001
Tel 307.733.5429
Fax 307.733.9669
piersonlandworks.com

Project Number - 08011
Project Path - F:\2008\08011\SC\08011_MOS_Parcels_1-10.dwg
Drawn By - PWG
Reviewed By - SRP
Drawing Date - April 24, 2014
Revision Date - March 14, 2016





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T-508A

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Sheet 2 of 2

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Drawn By - PWG
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Drawing Date - April 24, 2014
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SECTION 6 - ENVIRONMENTAL ANALYSES

- **ENVIRONMENTAL ANALYSIS DATED 7/29/16**
- **ENVIRONMENTAL ANALYSIS DATED 6/8/16**

REVISED IMPACT ANALYSIS
FOR THE JUNE 8, 2016 ENVIRONMENTAL ANALYSIS
JHRCR LOT 5 [PIDN 22-41-17-11-3-19-001]
VW PROPERTIES, LLC, TETON COUNTY, WYOMING

Prepared For

Teton County Planning & Development

P.O. Box 1727, Jackson, Wyoming 83001

Prepared By

P. O. Box 8578, 140 E. Broadway Suite 23, Jackson, Wyoming 83002

July 29, 2016

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REVISED IMPACT ANALYSIS
FOR THE JUNE 8, 2016 ENVIRONMENTAL ANALYSIS
JHRCR LOT 5 [PIDN 22-41-17-11-3-19-001]
VW PROPERTIES, LLC, TETON COUNTY, WYOMING

INTRODUCTION

Biota Research and Consulting, Inc. was retained by Teton County to prepare an Environmental Analysis (EA) associated with proposed development of the 38.5-acre Jackson Hole Racquet Club Resort (JHRCR) Lot 5 owned by VW Properties, LLC, in Teton County, Wyoming. Information provided in the EA was necessary in order for Teton County to assess possible impacts of proposed future development on protected natural resources, and to ensure compliance with Land Development Regulations. This analysis was required by Teton County because the property is zoned Planned Unit Development, a portion of which is located within the delineated Natural Resources Overlay (NRO), and protected natural resources are located within the project area.

The EA was completed in early June 2016 and represented the culmination of the required EA process. The EA Habitat Inventory portion of the EA provided information about existing environmental conditions and resources that are or may be present within the project area. The second phase of the EA process, the Impact Analysis, was performed after proposed development plans were finalized, and assessed possible adverse effects of the Proposed Development (referred to as the 4/2 Option), and a Development Alternative (referred to as the 1st Alternative or the 6/0 Option) on sensitive wildlife species and determine compliance with the Land Development Regulations.

After the Final EA was completed and submitted to Teton County, the applicant requested that a 2nd Development Alternative (referred to as the 3/3 Option) be analyzed and compared to the previously analyzed 4/2 Option and the 6/0 Option. The results of this effort are present below. For simplicity and to reduce redundancy, portions of the June 8, 2016 EA have been removed from this document, and only the Impact Analysis and comparison of development options are included. The June 8, 216 EA should be referred to should the reader desire more information.

The Teton County Planning Department provided guidance to Biota in how to analyze and compare all three (3) development options. In particular, Biota was directed to analyze development option impacts based on biological and ecological factors only, regardless of whether or not impacts were occurring within or outside of the mapped NRO. Therefore, references to the NRO are provided for information purposes only, and did not influence the analysis or conclusions.

DEVELOPMENT IMPACT ASSESSMENT

PROPOSED DEVELOPMENT (4/2 OPTION)

Jorgensen Associates provided digital files depicting proposed development associated with the 4/2 Option. Proposed development consists of 6 individual lots with associated building envelopes that will be accessed via a common road/driveway (Exhibit 1) and Table 1 provides surface area totals for each of these features. Two (2) lots (Lots 1 and 2) are located within the NRO and four (4) lots (Lots 3-6) are located outside of the NRO. The road-driveway LOD is located both within and outside of the NRO.

Table 1. Proposed development (4/2 Option) within the within the JHRCR Lot 5 project area.

Development	Acres	Sq Ft
Lot 1	12.89	561,404
Lot 1 Building Envelope	1.67	72,915
Lot 2	16.55	720,739
Lot 2 Building Envelope	1.06	45,977
Lot 3	3.94	171,821
Lot 3 Building Envelope	1.47	64,059
Lot 4	1.54	66,941
Lot 4 Building Envelope	1.06	46,012
Lot 5	2.14	93,392
Lot 5 Building Envelope	0.75	32,608
Lot 6	1.39	60,440
Lot 6 Building Envelope	0.71	30,767
Road-Driveway LOD	0.92	40,120
Development Lots	**38.45**	**1,674,736**
Building Envelopes	**6.71**	**292,337**
Driveway-Road LOD	**0.92**	**40,120**

Impacts to Watercourses and Wetlands

Watercourses - Development associated with the 4/2 Option will not impact protected watercourses or watercourse setbacks, but will require a driveway crossing of 1 irrigation ditch and possibly require the relocation of a second irrigation ditch and an associated ditch lateral within Lot 1.

Wetlands - Development associated with the 4/2 Option will impact 0.02 acres (980 sq ft) of county regulated wetlands (Table 2 and Exhibit 2) and an additional area of wetland setback.

Table 2. Acreages and habitat ordinal rankings of vegetative covertypes impacted by proposed development (4/2 Option) within the JHRCR Lot 5 project area.

Overlay	Development	Covertype	Acres	Sq Ft	Ranking
NRO	Road-Driveway	Scrub-Shrub Wetland	0.01	576	10
NRO	Road-Driveway	Mesic Tall Shrub	0.05	2,389	8
NRO	Road-Driveway	Mesic Mixed Forest-Lodgepole Pine/Mature Aspen	0.01	435	6
NRO	Road-Driveway	Mesic Grassland	0.14	6,181	3
NRO	Road-Driveway	Agricultural Meadow - Passive	0.06	2,512	2
NRO	Lot 1 Bldg Env	Agricultural Meadow - Intensive	1.67	72,685	1
NRO	Lot 2 Bldg Env	Agricultural Meadow - Intensive	1.06	45,977	1
NRO	Road-Driveway	Agricultural Meadow - Intensive	0.22	9,732	1
		Subtotals	**3.22**	**140,487**	
Non-NRO	Road-Driveway	Scrub-Shrub Wetland	0.01	404	10
Non-NRO	Lot 6 Bldg Env	Mesic Tall Shrub	0.34	14,981	8
Non-NRO	Road-Driveway	Mesic Tall Shrub	0.02	826	8
Non-NRO	Lot 6 Bldg Env	Mesic Mixed Forest-Lodgepole Pine/Mature Aspen	0.36	15,649	6
Non-NRO	Lot 6 Bldg Env	Mesic Aspen - Mature	0.01	340	6
Non-NRO	Road-Driveway	Mesic Grassland	0.04	1,659	3
Non-NRO	Lot 3 Bldg Env	Agricultural Meadow - Intensive	1.47	64,059	1
Non-NRO	Lot 4 Bldg Env	Agricultural Meadow - Intensive	1.06	46,012	1
Non-NRO	Lot 5 Bldg Env	Agricultural Meadow - Intensive	0.75	32,608	1
Non-NRO	Road-Driveway	Agricultural Meadow - Intensive	0.35	15,400	1
		Subtotals	**4.41**	**191,938**	

Impacts to Vegetation

Vegetative impacts associated with the 4/2 Option are presented in Table 2 and in Exhibit 2. Impacts to vegetative covertypes with elevated ordinal rankings (5 or greater) represent about 11% of total impacts (approximately 0.82 acres; 35,600 sq ft) while impacts to lower ranked covertypes represent 89% of impacts (approximately 6.8 acres; 332,457 sq ft).

Impacts to Wildlife

Impact Measures - Four impact measures are examined for wildlife. These include habitat loss, mortality, habitat fragmentation, and human-caused disturbance.

- Habitat Loss - Implementation and perpetuation of all or part of the project would result in a direct loss of habitat.
- Mortality - Implementation and perpetuation of all or part of the project would result in the death(s) of individuals.
- Habitat Fragmentation - Implementation and perpetuation of all or part of the project would result in the fragmentation of habitat.
- Human-caused Disturbance - Implementation and perpetuation of all or part of the project would result in the displacement of individual animals.

Duration of Impact - A short-term impact would have a duration less than or equal to 3 years and a long-term impact would have a duration greater than 3 years following implementation.

Intensity of Impact - Impact thresholds are defined in Table 3.

Table 3. Impact threshold definitions.

Measures	Negligible	Minor	Moderate	Major
Habitat Loss **Mortality** **Habitat Fragmentation** **Human-caused Disturbance**	A small number of individual animals and/or a small amount of their respective habitat may be adversely affected via direct or indirect impacts associated with a given alternative. Populations would not be affected or the effects would be below a measurable level of detection. Mitigation measures are not warranted.	Adverse impacts to individual animals and/or their respective habitats would be more numerous and detectable. Populations would not be affected or the effects would be below a measurable level of detection. Mitigation measures may be needed and would be successful in reducing adverse effects.	Effects to individual animals and their habitat would be readily detectable, with consequences occurring at a local population level. Mitigation measures would likely be needed to reduce adverse effects and would likely be successful.	Effects to individual animals and their habitat would be obvious and would have substantive consequences on a regional population level. Extensive mitigation measures would be needed to reduce any adverse effects and their success would not be guaranteed.

Bald Eagles - Two active bald eagle nests are located about 1 mile and 1.6 miles from the project area, respectively; no bald eagle nests are within 660 feet of the project area. Although some mature trees that may be used for roosts or perches by bald eagles are present within the project area, foraging habitat and crucial winter habitat, or known commonly used perches are absent within either the proposed or alternative development areas. For these reasons, development associated with the 4/2 Option is not expected to adversely impact bald eagle nesting areas or crucial winter foraging habitat.

Trumpeter Swans - Development associated with the 4/2 Option is not expected to adversely impact trumpeter swan nesting areas or crucial winter/spring foraging habitat as no habitat for this species is present within the project area.

Snake River Fine-Spotted Cutthroat Trout - Development associated with the 4/2 Option is not expected to adversely impact cutthroat trout spawning areas as no habitat for this species is present within the project area.

Raptors - Development associated with the 4/2 Option is not expected to adversely impact raptor nests as no raptor nesting has been documented within the project area. Proposed development will directly reduce the amount of raptor foraging habitat by 7.63 acres (16,424 sq ft) and may indirectly reduce the attractiveness of an unknown larger area to raptor foraging and nesting.

Mule Deer - Teton County Land Development Regulations protect crucial mule deer winter range and migration corridors (Section 5.2.1 G2a & b) as follows:

> *No physical development, use, development option, or subdivision shall occur within crucial mule deer migration routes, unless the applicant can demonstrate that if can be located within the mule deer migration route in such a way that it will not detrimentally affect the ability of mule deer to migrate from their summer ranges to their crucial winter ranges.*
>
> *No physical development, use, development option, or subdivision shall occur on crucial mule deer winter range, unless the applicant can demonstrate that it can be located within the mule deer crucial winter range in such a way that it will not detrimentally affect the food supply and/or cover provided by the crucial winter range to the mule deer, or detrimentally affect the potential for survival of the mule deer using the crucial winter range.*

Lot 5 does not represent crucial mule deer habitat and deer use is expected to occur only during non-winter months. The proposed action may negatively affect a small number of mule deer by reducing the availability of spring-summer-fall foraging, cover, and parturition habitat, but it is not expected to have a measurable effect on the Jackson Hole mule deer population. Although no mapped mule deer movement corridors are present within or in the vicinity of the project area, deer movements to and from the mountains west of the project area to lower elevations to the east will not be disrupted. The proposed development is expected to have adverse, long-term, negligible, impacts on mule deer by possibly reducing the amount and attractiveness of non-crucial mule deer habitat within the project area.

The Teton County Land Development Regulations prohibit development within crucial mule deer migration routes, "unless the developer can demonstrate that the development can be located in such a way that it will not detrimentally affect the ability of mule deer to migrate from their summer ranges to their crucial winter ranges." Development associated with the 4/2 Option is located outside of mapped migration routes and, therefore, is compliant with Section 5.2.1 G2a pertaining to development occurring within mule deer migration routes.

The Teton County Land Development Regulations prohibit development impacts to crucial mule deer winter range "unless the developer can demonstrate that the development can be located in such a way that it will not detrimentally effect the food supply and/or cover provided by the crucial winter range to the mule deer, or detrimentally effect the potential for survival of the mule deer using the crucial winter range." Development associated with the 4/2 Option is located outside of crucial mule deer winter yearlong range. Therefore, the proposed development on Lot 5 appears compliant with Section 5.2.1 G2b of the Teton County Land Development Regulations pertaining to development occurring within crucial mule deer winter range.

Moose - Teton County Land Development Regulations protect moose winter range (Section 5.2.1 G3) as follows:

> *No physical development, use, development option, or subdivision shall occur within crucial moose winter habitat, unless the applicant can demonstrate that it can be located within the*

moose crucial winter habitat in such a way that it will not detrimentally affect the food supply and/or cover provided by the crucial winter habitat to the moose, or detrimentally affect the potential for survival of the moose using the crucial winter habitat.

The project area is located outside of but proximate to an area mapped as crucial moose winter yearlong range by the Wyoming Game and Fish Department. Additionally, the project area occurs within an area that was mapped as crucial moose winter range during the mapping of the Natural Resource Overlay (hence its partial inclusion within the NRO). Preferred browse species and cover habitat are abundant within portions the project area, and evidence of moose use (e.g., tracks, pellet groups, browsed vegetation, or bedding sites) was observed.

Development associated with the 4/2 Option may reduce the attractiveness of portions of the parcel to some individual moose due to both direct and indirect impacts. However, proposed development has limited impacts to covertypes deemed more important to moose (i.e., scrub-shrub wetlands, mesic tall shrub, mesic mixed forest, and mesic aspen covertypes) to less than 1 acre. Moose are expected to continue using both the developed and undeveloped areas following buildout, and landscaping and on-site vegetative mitigation efforts will likely prove attractive to individual moose tolerant of human presence and capable of exploiting this artificial and unintentional food source. Impacts to moose are expected to be adverse, negligible, and long-term.

The Teton County Land Development Regulations prohibit development impacts to crucial moose winter range *"unless the developer can demonstrate that the development can be located in such a way that it will not detrimentally effect the food supply and/or cover provided by the crucial winter range to moose, or detrimentally effect the potential for survival of moose using the crucial winter range."* Vegetative impacts associated with the 4/2 Option are largely (89%), but not entirely confined to covertypes that do not represent important winter foraging or cover habitat, and to areas that are used less by moose than others within the project area. However, with respect to the Teton County Land Development Regulations pertaining to development occurring within crucial moose winter range, the proposed development appears to be non-compliant with Section 5.2.1 G3 for two reasons. First, the section of the proposed road-driveway that will access Lots 1 and 2 will impact a small amount (i.e., less than 1 acre) of foraging and cover habitat for moose. Second, moose habitat located within the Lot 6 building envelope will be reduced as a result of future development (Table 2).

Elk - Teton County Land Development Regulations protect crucial elk winter range and migration corridors (Section 5.2.1 G1a & b) as follows:

No physical development, use, development option, or subdivision shall occur within crucial elk migration routes, unless the applicant can demonstrate that it can be located in such a way that it will not detrimentally affect the ability of elk to migrate from their summer ranges to their crucial winter ranges.

No physical development, use, development option, or subdivision shall occur on crucial elk winter range, unless the applicant can demonstrate that it can be located in such a way that it will not detrimentally affect the food supply and/or cover provided by the crucial winter range to the elk, or detrimentally affect the potential for survival of the elk using the crucial winter range.

Lot 5 does not represent crucial elk habitat and elk use is expected to occur only during non-winter months. Development associated with the 4/2 Option may negatively affect a small number of elk by reducing the availability of spring-summer-fall foraging, cover, and parturition habitat, but it is not

expected to have a measurable effect on the Jackson Hole elk herd. Although no mapped elk migration corridors are present within or in the vicinity of the project area, elk movements to and from the mountains west of the project area to lower elevations to the east do occur and will not be disrupted. Development associated with the 4/2 Option is expected to have adverse, long-term, negligible, impacts on elk by possibly reducing the amount and attractiveness of non-crucial elk habitat within the project area.

The Teton County Land Development Regulations prohibit development within crucial elk migration routes, "unless the developer can demonstrate that the development can be located in such a way that it will not detrimentally affect the ability of mule deer to migrate from their summer ranges to their crucial winter ranges." Development associated with the 4/2 Option is located outside of mapped migration routes and, therefore, is compliant with Section 5.2.1 G2a pertaining to development occurring within elk migration routes.

The Teton County Land Development Regulations prohibit development impacts to crucial elk winter range "unless the developer can demonstrate that the development can be located in such a way that it will not detrimentally effect the food supply and/or cover provided by the crucial winter range to the elk, or detrimentally effect the potential for survival of the elk using the crucial winter range." Development associated with the 4/2 Option is located outside of mapped crucial elk winter range. Therefore, development associated with the 4/2 Option appears compliant with Section 5.2.1 G2b of the Teton County Land Development Regulations pertaining to development occurring within crucial elk winter range.

Migratory Birds - Development associated with the 4/2 Option is expected to result in a loss (both temporary and permanent) of neotropical migratory bird habitat. The impacts of development to migratory birds are expected to be adverse, negligible, and long-term because most proposed development is located within lower quality neotropical migratory bird habitat (mesic grassland and agricultural meadow covertypes). Impacts to higher quality migratory bird habitat associated with scrub-shrub wetlands, mesic tall shrub, mesic mixed forest, and mesic aspen covertypes will total 0.82 acres (35,600 sq ft, about 11%).

Amphibians - Development associated with the 4/2 Option may adversely affect amphibians as a result of the loss of a small amount (0.82 acres, 35,600 sq ft, 11%) of habitat associated with impacts to wetland and adjacent mesic covertypes.

Threatened and Endangered Species - Development associated with the 4/2 Option is not likely to adversely affect threatened or endangered species.

1ST ALTERNATIVE DEVELOPMENT (6/0 OPTION)

Teton County requested that an alternative development plan (6/0 Option) be generated and analyzed in order to determine if feasible alternatives exist that would minimize or avoid adverse impacts associated with the 4/2 Option. The focus of the alternative site analysis was on the relative impacts of future development on protected resources in general, and crucial moose winter range in particular.

The 6/0 Option was generated by Teton County Planning and Development and the applicant, and then provided to Biota for analysis. Apparently a primary factor in determining the alternative development plan was locating all development outside of the mapped Natural Resource Overlay. Jorgensen Associates provided digital files depicting the 6/0 Option within the JHRCR Lot 5 (Exhibit 3, Table 4). The 6/0 Option includes 6 lots totaling 8.1 acres and a driveway lot (Lot 7) totaling 0.91 acres within

which development will occur. In addition, an eighth lot (Lot 8) totaling 29.44 acres in size has been proposed as an open space lot. Development-related impacts involve the 6 proposed building envelopes totaling 4.29 acres and a road-driveway limits of disturbance totaling 0.55 acres. All development will be located outside of the mapped NRO.

Table 4. Development associated with the 6/0 Option within the JHRCR Lot 5 project area.

Development	Acres	Sq Ft
Lot 1	1.89	82,349
Lot 1 Building Envelope	0.92	40,020
Lot 2	1.50	65,167
Lot 2 Building Envelope	0.59	25,906
Lot 3	1.09	47,454
Lot 3 Building Envelope	0.34	14,817
Lot 4	1.19	51,942
Lot 4 Building Envelope	0.78	34,033
Lot 5	1.06	46,074
Lot 5 Building Envelope	0.71	30,845
Lot 6	1.37	59,872
Lot 6 Building Envelope	0.39	17,079
Lot 7-Road Lot	0.91	39,787
Lot 8-Open Space	29.44	1,282,615
Road-Driveway LOD	0.55	24,089
Development Lots	**8.10**	**24,089**
Building Envelopes	**3.74**	**186,789**
Driveway LOD	**0.55**	**24,089**
Lot 7-Road Lot	**0.91**	**39,787**
Open Space Lot	**29.44**	**1,282,615**

Impacts to Watercourses and Wetlands

Watercourses - Development associated with the 6/0 Option will not impact protected watercourses or associated watercourse setbacks.

Wetlands - Development associated with the 6/0 Option will not impact protected wetlands or associated wetland setbacks.

Impacts to Vegetation

Impacts to vegetation associated with the 6/0 Option were analyzed based on data provided by Jorgensen Associates that was imported into GIS, and a summary of impacts are presented (Table 5). The majority of impacts (82%) will be to covertypes with ranking less than 5 (0.8 acres, 33,594 sq ft) while the remaining 18% will impact covertypes ranked 4 or less.

Impacts to Wildlife

Bald Eagles -Two active bald eagle nests are located about 1 mile and 1.6 miles from the project area, respectively; no bald eagle nests are within 660 feet of the project area. Although some mature trees that may be used for roosts or perches by bald eagles are present within the project area, foraging habitat and crucial winter habitat, or known commonly used perches are absent within either the proposed or alternative development areas. For these reasons, development associated with the 6/0 Option are not expected to have adverse impacts to nesting bald eagle, or perching, foraging, roosting, or crucial winter range.

Table 5. Acreages and habitat ordinal rankings of vegetative covertypes impacted by development associated with the 6/0 Option within the JHRCR Lot 5 project area.

Overlay	Development	Covertype	Acres	Sq Ft	Ranking
Non-NRO	Lot 3 Bldg Env	Mesic Tall Shrub	0.00	24	8
Non-NRO	Lot 4 Bldg Env	Mesic Tall Shrub	0.41	17,653	8
Non-NRO	Lot 4 Bldg Env	Mesic Aspen - Mature	0.01	298	6
Non-NRO	Lot 4 Bldg Env	Mesic Mixed Forest-Lodgepole Pine/Mature Aspen	0.36	15,620	6
Non-NRO	Lot 1 Bldg Env	Agricultural Meadow - Intensive	0.92	39,986	1
Non-NRO	Lot 2 Bldg Env	Agricultural Meadow - Intensive	0.59	25,872	1
Non-NRO	Lot 3 Bldg Env	Agricultural Meadow - Intensive	0.32	14,076	1
Non-NRO	Lot 4 Bldg Env	Agricultural Meadow - Intensive	0.01	381	1
Non-NRO	Lot 5 Bldg Env	Agricultural Meadow - Intensive	0.71	30,811	1
Non-NRO	Lot 6 Bldg Env	Agricultural Meadow - Intensive	0.39	17,047	1
Non-NRO	Lot 4 Bldg Env	Disturbed	0.00	49	0
Non-NRO	Road-Driveway	Mesic Tall Shrub	0.01	259	8
Non-NRO	Road-Driveway	Agricultural Meadow - Intensive	0.55	23,830	1
		Total	**4.27**	**185,904**	

Trumpeter Swans - Development associated with the 6/0 Option is not expected to impact on trumpeter swans.

Snake River Fine-spotted Cutthroat Trout - Development associated with 6/0 Option is not expected to impact on Snake River fine-spotted cutthroat trout.

Raptors - Development associated with the 6/0 Option is expected to have long-term, adverse, and negligible impacts on raptor foraging and potential nesting habitat. Proposed development will directly reduce the amount of raptor foraging habitat by about 4.3 acres (185,904 sq ft) and may indirectly reduce the attractiveness of an unknown larger area to raptor foraging and nesting.

Mule Deer - Development associated with the 6/0 Option is expected to have long-term, adverse, and negligible impacts to non-crucial mule deer spring-summer-fall range. Impacts to non-crucial mule deer spring-summer-fall range are not regulated by the Land Development Regulations.

Moose - Impacts to moose associated with the 6/0 Option are expected to be adverse, negligible, and long-term. Although development areas are located outside of the Wyoming Game and Fish Department mapped crucial moose winter range, portions of the development plan will impact 0.78 acres (33,854 sq ft) of what is believed to be crucial moose winter range within Lot 4 and its associated building envelope, and within the road-driveway LOD. The remaining 5 building envelopes associated with the plan are all located within agricultural meadow covertypes that have little foraging and cover habitat preferred or used by moose.

Assuming that winter moose habitat is associated with scrub-shrub wetlands, mesic tall shrub, mixed forest-lodgepole pine /aspen, and mature aspen covertypes, regardless of whether or not they occur within the NRO, impacts to moose habitat associated with the plan total about 0.8 acres. The Teton County Land Development Regulations prohibit development impacts to crucial moose winter range *"unless the developer can demonstrate that the development can be located in such a way that it will not detrimentally effect the food supply and/or cover provided by the crucial winter range to moose, or detrimentally effect the potential for survival of moose using the crucial winter range."* Vegetative impacts associated with the 6/0 Option are largely (82%), but not entirely confined to covertypes that do not represent important winter foraging or cover habitat, and to areas that are used less by moose than

others within the project area. However, with respect to the Teton County Land Development Regulations pertaining to development occurring within crucial moose winter range, the proposed development appears to be non-compliant with Section 5.2.1 G3.

Elk - Development associated with the 6/0 Option is expected to have long-term, adverse, and negligible impacts to non-crucial elk spring-summer-fall range. Impacts to non-crucial elk spring-summer-fall range are not regulated by the Land Development Regulations.

Neotropical Migratory Birds - Development associated with the 6/0 Option is expected to have adverse, negligible, and long-term impacts on migratory birds. Impacts to higher quality migratory bird habitat associated with mesic tall shrub, mesic mixed forest, and mesic aspen covertypes will total about 0.8 acres (33,594 sq ft).

Amphibians - Impacts to amphibians associated with the 6/0 Option are expected to be adverse, negligible, and long-term.

Threatened and Endangered Species - Development associated with the 6/0 Option is not expected to impact threatened or endangered species.

2ND ALTERNATIVE DEVELOPMENT (3/3 OPTION)

The Applicant requested that a second alternative development plan (referred to as the 3/3 Option) be analyzed. The 3/3 Option was generated by Jorgensen Associates and the applicant, and then provided to Biota for analysis. Jorgensen Associates provided digital files depicting the 3/3 Option development plan within the project area (Exhibit 5, Table 6). The alternative development plan includes 6 lots totaling 37.9 acres; 6 building envelopes totaling 6.7 acres; and a driveway-road LOD totaling 1.2 acres. Three (3) lots (Lots 1-3) are located within the NRO, and three (3) lots (Lots 4-6) are located outside the NRO. The road-driveway LOD is located partially within and outside of the NRO.

Table 6. Development associated with the 3/3 Option within the JHRCR Lot 5 project area.

Development	Acres	Sq Ft
Lot 1	7.98	347,811
Lot 1 Building Envelope	0.68	29,552
Lot 2	7.99	347,844
Lot 2 Building Envelope	1.12	48,716
Lot 3	13.46	586,291
Lot 3 Building Envelope	0.97	42,146
Lot 4	2.54	110,628
Lot 4 Building Envelope	1.40	61,151
Lot 5	2.79	121,493
Lot 5 Building Envelope	1.50	65,363
Lot 6	3.17	137,920
Lot 6 Building Envelope	1.00	43,545
Road-Driveway LOD	1.20	52,163
Development Lots	**37.92**	**1,651,987**
Building Envelopes	**6.67**	**290,474**
Road-Driveway LOD	**1.20**	**52,163**

Impacts to Watercourses and Wetlands

Watercourses - Development associated with the 3/3 Option would not impact protected watercourses or their associated watercourse setbacks.

Wetlands - Development associated with the 3/3 Option would impact 0.01 acres (576 sq ft) of protected wetlands (Exhibit 6 and Table 7) and an additional area of associated wetland setback.

Impacts to Vegetation

Impacts to vegetation associated with the 3/3 Option were analyzed based on data provided by Jorgensen Associates that was imported into GIS, and a summary of impacts are presented (Table 7). Impacts to vegetative covertypes will occur both within and outside the NRO. The majority of impacts (95%) will occur to lower ranked covertypes (4 or lower) and total 7.5 acres (325,992 sq ft). The remaining 5% of vegetative impacts occur in higher ranked covertypes (5 or greater) and total approximately 0.4 acres (16,630 sq ft).

Impacts to Wildlife

Bald Eagles - Two active bald eagle nests are located about 1 mile and 1.6 miles from the project area, respectively; no bald eagle nests are within 660 feet of the project area. Although some mature trees that may be used for roosts or perches by bald eagles are present within the project area, foraging habitat and crucial winter habitat, or known commonly used perches are absent within either the proposed or alternative development areas. For these reasons, Development associated with the 3/3 Option is not expected to have adverse impacts to nesting bald eagle, or perching, foraging, roosting, or crucial winter range.

Trumpeter Swans - Development associated with the 3/3 Option is not expected to impact on trumpeter swans.

Table 7. Acreages and habitat ordinal rankings of vegetative covertypes impacted by development associated with the 3/3 Option within the JHRCR Lot 5 project area.

Overlay	Development	Covertype	Acres	Sq Ft	Ranking
NRO	Road-Driveway LOD	Scrub-Shrub Wetland	0.01	576	10
Both	Road-Driveway LOD	Mesic Tall Shrub	0.33	14,190	8
Both	Road-Driveway LOD	Mesic Aspen - Mature	0.03	1,185	6
Both	Road-Driveway LOD	Mesic Mixed Forest-Lodgepole Pine/Mature Aspen	0.02	679	6
Both	Road-Driveway LOD	Mesic Grassland	0.15	6,743	3
NRO	Road-Driveway LOD	Ag Meadow - Passive	0.08	3,274	2
NRO	Lot 1 Bldg Envelope	Ag Meadow - Intensive	0.68	29,550	1
NRO	Lot 2 Bldg Envelope	Ag Meadow - Intensive	1.12	48,716	1
NRO	Lot 3 Bldg Envelope	Ag Meadow - Intensive	0.97	42,145	1
Non-NRO	Lot 4 Bldg Envelope	Ag Meadow - Intensive	1.40	61,151	1
Non-NRO	Lot 5 Bldg Envelope	Ag Meadow - Intensive	1.50	65,363	1
Non-NRO	Lot 6 Bldg Envelope	Ag Meadow - Intensive	1.00	43,545	1
Non-NRO	Road-Driveway LOD	Ag Meadow - Intensive	0.59	25,504	1
		Total	**7.88**	**342,621**	

Snake River Fine-spotted Cutthroat Trout - Development associated with the 3/3 Option is not expected to impact Snake River fine-spotted cutthroat trout.

Raptors - Development associated with the 3/3 Option is expected to have long-term, adverse, and negligible impacts on raptor foraging and potential nesting habitat.

Mule Deer - Development associated with the 3/3 Option is expected to have long-term, adverse, and negligible impacts to non-crucial mule deer spring-summer-fall range. Impacts to non-crucial mule deer spring-summer-fall range are not regulated by the Land Development Regulations.

Moose - Development associated with the 3/3 Option is expected to have adverse, negligible, and long-term impacts to crucial moose winter range. Although the 3/3 Option development area is located outside of the Wyoming Game and Fish Department mapped crucial moose winter range, portions occur within the NRO mapped crucial moose winter range, and winter yearlong moose habitat is present. Impacts to covertypes believed to represent winter moose habitat total about 0.4 acres (16,630 sq ft) and represent about 5% of the impacts. The remaining 95% of the impacts will occur in lower ranked covertypes (3 or less), much of which is associated agricultural meadow covertypes that have little foraging and cover habitat preferred or used by moose.

Assuming that winter moose habitat is associated with scrub-shrub wetlands, mesic tall shrub, mixed forest-lodgepole pine /aspen, and mature aspen covertypes, regardless of whether or not they occur within the NRO, impacts to moose habitat associated with the plan total about 0.4 acres. The Teton County Land Development Regulations prohibit development impacts to crucial moose winter range *"unless the developer can demonstrate that the development can be located in such a way that it will not detrimentally effect the food supply and/or cover provided by the crucial winter range to moose, or detrimentally effect the potential for survival of moose using the crucial winter range."* Vegetative impacts associated with the 3/3 Option are largely (95%), but not entirely confined to covertypes that do not represent important winter foraging or cover habitat, and to areas that are used less by moose than others within the project area. However, with respect to the Teton County Land Development Regulations pertaining to development occurring within crucial moose winter range, the proposed development appears to be non-compliant with Section 5.2.1 G3.

Elk - Development associated with the 3/3 Option is expected to have long-term, adverse, and negligible impacts to non-crucial elk spring-summer-fall range. Impacts to non-crucial elk spring-summer-fall range are not regulated by the Land Development Regulations.

Neotropical Migratory Birds - Development associated with the 3/3 Option may have adverse, negligible, and long-term impacts to migratory birds. As with moose, impacts scrub-shrub wetlands, mesic tall shrub, and aspen and mixed aspen forest covertypes, which total 0.4 acres (16,630 sq ft), will equate to a loss of higher quality migratory bird habitat.

Amphibians - Development associated with the 3/3 Option may have adverse, negligible, and long-term impacts to amphibians.

Threatened and Endangered Species - Development associated with the 3/3 Option is not expected to impact threatened or endangered species.

COMPARISON OF DEVELOPMENT PLANS

Teton County requested that the three (3) development plans be analyzed and compared in order to determine which plan would minimize adverse impacts associated with future development occurring on JHRCR Lot 5, and be most compliant with the Teton County Land Development Regulations. The focus of the impact analysis was on the relative impacts of future development on protected resources in general, and crucial moose winter range in particular. Per guidance received from Teton County, development plan impacts occurring within or outside of the mapped NRO were not considered in this analysis and comparison.

Comparison of Watercourse and Wetland Impacts

Watercourses - Development associated with the three development Options would not impact protected watercourses or their associated watercourse setbacks.

Wetlands - Development associated with the 4/2 Option and the 3/3 Option would impact 0.02 acres (980 sq ft) and 0.01 acres (576 sq ft) of protected wetlands and an additional area of associated wetland setback, respectively. The 6/0 Option would not impact regulated wetlands (Table 8).

Comparison of Vegetation Impacts

Impacts to vegetation within the proposed and alternative development were analyzed based on data provided by Jorgensen Associates that was imported into GIS, and a summary of impacts are presented (Table 8).

Table 8. Comparison of surface area/vegetative covertype impacts associated with the 3 development plans for the JHRCR Lot 5 project area.

Vegetative Covertype	Acres	Sq Ft	Ranking
Proposed Development-- 4/2 Option (4 Lots In NRO, 2 Lots Outside NRO)			
Scrub-Shrub Wetland	0.02	980	10
Mesic Tall Shrub	0.42	18,196	8
Mesic Aspen - Mature	0.01	340	6
Mesic Mixed Forest-Lodgepole Pine/Mature Aspen	0.37	16,084	6
Mesic Grassland	0.18	7,840	3
Agricultural Meadow - Passive	0.06	2,512	2
Agricultural Meadow - Intensive	6.58	286,472	1
Totals	**7.64**	**332,424**	
1st Alternative - 6/0 Option (6 Lots Outside NRO)			
Mesic Tall Shrub	0.41	17,936	8
Mesic Mixed Forest-Lodgepole Pine/Mature Aspen	0.36	15,620	6
Mesic Aspen - Mature	0.01	298	6
Agricultural Meadow - Intensive	3.49	152,002	1
Disturbed	0.00	49	0
Totals	**4.27**	**185,905**	
2nd Alternative - 3/3 Option (3 Lots In NRO, 3 Lots Outside NRO)			
Scrub-Shrub Wetland	0.01	576	10
Mesic Tall Shrub	0.33	14,190	8
Mesic Mixed Forest-Lodgepole Pine/Mature Aspen	0.02	679	6
Mesic Aspen - Mature	0.03	1,185	6
Mesic Grassland	0.15	6,743	3
Agricultural Meadow - Passive	0.08	3,274	2
Agricultural Meadow - Intensive	7.25	315,974	1
Totals	**7.86**	**342,621**	

Covertype impacts associated with the 3 development plans vary considerably, with the 6/0 Option having the least total surface area impacts (4.27 acres, 185,905 sq ft) and 3/3 Option having the most (7.86 acres, 342,621 sq ft). The 4/2 Option is comparable to the 3/3 Option with only 0.22 acres (10,197 sq ft) differentiating the 2 development options.

The analysis of vegetative covertype impacts associated with the 3 development options also involved an assessment of the ordinal rankings of the various impacted covertypes as a reflection of the habitat values of these covertypes to protected wildlife species and species that Teton County considers to be of special concern. Teton County ranked the relative values of habitats by assigning each an ordinal value ranging from 1 (lowest value) to 10 (highest value) [Land Development Regulations Section 5.2.1 F4]. These criteria include wildlife species diversity, abundance and distribution of habitats, wildlife species using given habitats, and the degree of alteration associated with the habitats.

Table 9. Comparison of vegetative covertype impacts in relation to covertype ordinal ranking associated with the 3 development plans for the JHRCR Lot 5 project area.

Covertype	Ordinal Ranking	4/2 Option		6/0 Option		3/3 Option	
		Acres	Sq Ft	Acres	Sq Ft	Acres	Sq Ft
Scrub-Shrub Wetland	10	0.02	980	0	0	0.01	576
Mesic Tall Shrub	8	0.42	18,196	0.41	17,936	0.33	14,190
Mesic Aspen - Mature	6	0.01	340	0.01	298	0.03	1,185
Mesic Mixed Forest-Lodgepole Pine/Mature Aspen	6	0.37	16,084	0.36	15,620	0.02	679
Mesic Grassland	3	0.18	7,840	0.00	0	0.15	6,743
Agricultural Meadow - Passive	2	0.06	2,512	0.00	0	0.08	3,274
Agricultural Meadow - Intensive	1	6.58	286,472	3.49	152,002	7.25	315,974
Disturbed	0	0.00	0	0.00	49	0.00	0
Total Surface Area		**7.64**	**332,424**	**4.27**	**185,905**	**7.86**	**342,621**
Impacts to Covertypes Ranked 5 or Greater		**15.27**	**35,600**	**0.78**	**33,854**	**0.38**	**16,630**

Impact Level: Red = High; Blue = Moderate; Green = Low

Based on the analysis of ordinal rankings of vegetation covertypes, especially covertypes with rankings greater than or equal to 5, the 3/3 Option has the least impacts to higher ranked covertypes (all of which represent crucial moose winter range and habitat for other protected species or species of concern). Therefore, the 3/3 Option appears most compliant with the Land Development Regulations.

Comparison of Wildlife Impacts

Bald Eagles - Development associated with the 3 development options are not expected to impact bald eagles and are equivalent.

Trumpeter Swans - Development associated with the 3 development options are not expected to impact trumpeter swans and are equivalent.

Snake River Fine-spotted Cutthroat Trout - Development associated with the proposed or alternative plan is not expected to impact on Snake River fine-spotted cutthroat trout and are equivalent.

Raptors – The entire JHRCR Lot 5 project area represents raptor foraging habitat and forested covertypes also represent potential raptor nesting habitat. Therefore, impacts to raptor habitat should be

based on cumulative surface area impacts. On this basis, impacts associate with the 3/3 Option will be greatest, followed by the 4/2 Option; the 6/0 option is expected to have the least impacts to raptors.

Mule Deer - Impacts to non-crucial mule deer spring-summer-fall range are not regulated by the Land Development Regulations. Having said that, primary non-crucial mule deer habitat within the project area is believed to be represented by covertypes that have higher ordinal rankings (greater than or equal to 5). On this basis, the 3/3 Option will have the least impacts to non-crucial mule deer habitat, followed in order by 6/0 Option and the 4/2 Option.

Moose - Crucial moose winter habitat within the project area is believed to be associated with scrub-shrub wetlands, mesic tall shrub, mixed forest-lodgepole pine/aspen, and mature aspen covertypes, regardless of whether or not they occur within the NRO. These same covertypes all have ordinal ranking of 5 or greater. The Teton County Land Development Regulations prohibit development impacts to crucial moose winter range *"unless the developer can demonstrate that the development can be located in such a way that it will not detrimentally effect the food supply and/or cover provided by the crucial winter range to moose, or detrimentally effect the potential for survival of moose using the crucial winter range."* Because all three development options will impact crucial moose winter range, none of them are completely compliant with Section 5.2.1 G3 of the Land Development Regulations. However, on a relative scale, vegetative impacts associated with the 3/3 Option are approximately one-half of the impacts associated the 6/0 Option, and nearly 6 times less than the 4/2 Option.

Elk - Impacts to non-crucial elk spring-summer-fall range are not regulated by the Land Development Regulations. The entire JHRCR Lot 5 project area represents elk foraging habitat and forested covertypes also represent cover habitat. Therefore, impacts to non-crucial elk habitat should be based on cumulative surface area impacts. On this basis, impacts associate with the 3/3 Option will be greatest, followed by the 4/2 Option; the 6/0 option is expected to have the least impacts to non-crucial elk habitat.

Neotropical Migratory Birds - The entire JHRCR Lot 5 project area represents migratory bird habitat, but medium to high quality habitat within the project area is believed to be represented by covertypes that have higher ordinal rankings (greater than or equal to 5). On this basis, the 3/3 Option will have the least impacts to migratory bird habitat, followed in order by 6/0 Option and the 4/2 Option.

Amphibians – Amphibian habitat within the project area is believed to be represented by covertypes that have higher ordinal rankings (greater than or equal to 5). On this basis, the 3/3 Option will have the least impacts to amphibian habitat, followed in order by 6/0 Option and the 4/2 Option.

Threatened and Endangered Species - Development associated with the 3 development options are not expected to impact threatened and endangered species and are equivalent.

CONCEPTUAL MITIGATION PLAN

Teton County will require impacts to habitat within the NRO, and all impacts to regulated wetlands be mitigated on a 2:1 basis (Section 5.2.1 Subsection E.2 of the Land Development Regulations). In order for Teton County to approve the proposed action, the applicant must show that mitigation opportunities exist to mitigate proposed impacts. Typically, vegetative covertype impacts that require mitigation are those that have ordinal rankings of 5 or greater and, in the case of the JHRCR Lot 5 project, these would be the following covertypes; scrub-shrub wetland, mesic tall shrub, mixed forest-lodgepole pine/aspen, and mature aspen, regardless of which development option is approved.

In examining the site characteristics, soils, hydrologic support, and the potential for ungulate herbivory, the most promising approach to mitigation would be to create scrub-shrub wetlands on a 2:1 areal basis for all wetland and vegetative covertype impacts. Opportunities exist to create the approximately 2 acres of shrub-shrub wetlands in areas where existing wetlands are located, and this approach would mitigate impacts, regardless of which development plan was approved by Teton County. This approach also allows for onsite mitigation but, out of necessity, mitigation will be "out-of-kind." However, scrub-shrub wetlands have the highest ordinal ranking of all ranked covertypes and, more importantly, will serve to directly mitigate impacts to moose winter range. These mitigation opportunities are, therefore, would be compliant with Section 5.2.1 Subsection E.2 of the Land Development Regulations.

DISCUSSION AND CONCLUSION

Teton County requested that the three (3) development plans be analyzed and compared in order to determine which plan would minimize adverse impacts associated with future development occurring on JHRCR Lot 5, and be most compliant with the Teton County Land Development Regulations. The focus of the impact analysis was on the relative impacts of future development on protected resources in general, and crucial moose winter range in particular. Per guidance received from Teton County, development plan impacts occurring within or outside of the mapped NRO were not considered in this analysis and comparison.

Three natural resources are present within the JHRCR Lot 5 project area that are specifically regulated by the Land Development Regulations; naturally-occurring wetlands; crucial moose winter range; and vegetative covertypes based on Teton County assigned ordinal rankings.

REGULATED WETLANDS

Table 9 presents a summary of regulated wetland impacts associated with the 3 development options. Impacts range from 0 associated with the 6/0 Option to 0.02 acres (980 sq ft) associated with the 4/2 Option, with the 3/3 Option situated in the middle (0.01 acres; 576 sq ft). Wetland impacts associated with all 3 development options are considered equivalent based on the very small surface area associated with each. However, a literal interpretation of Section 5.1.1.D.1 of the Land Development Regulations indicates that "*Development Prohibited. Physical development and use in waterbodies and wetlands is prohibited except for essential facilities ….*"

Based upon the Land Development Regulations, Option 6/0 should be selected if this is the only factor being considered. However, if other factors contradict or confuse the selection of Option 6/0, and wetland impacts associated with the 4/2 Option or the 3/3 Option are considered to be a result of an essential facility (i.e., essential access which they might be), then the small amount of wetland impact associated with the 4/2 Option or the 3/3 Option seems to be permittable by the Land Development Regulations.

CRUCIAL MOOSE WINTER RANGE

As stated above, crucial moose winter habitat within the project area is believed to be associated with scrub-shrub wetlands, mesic tall shrub, mixed forest-lodgepole pine/aspen, and mature aspen covertypes, regardless of whether or not they occur within the NRO. These same covertypes all have ordinal ranking of 5 or greater. The Teton County Land Development Regulations prohibit development impacts to crucial moose winter range *"unless the developer can demonstrate that the development can be located in such a way that it will not detrimentally effect the food supply and/or cover provided by the crucial winter range to moose, or detrimentally effect the potential for survival of moose using the crucial winter range."* Because all three development options will impact crucial moose winter range,

none of them are completely compliant with Section 5.2.1 G3 of the Land Development Regulations. However, on a relative scale, vegetative impacts associated with the 3/3 Option are more compliant that the other two development options.

VEGETATIVE COVERTYPE IMPACTS USING ORDINAL RANKINGS

The analysis of ordinal rankings of vegetation covertypes presented above, especially covertypes with rankings greater than or equal to 5, show that the 3/3 Option has the least impacts to higher ranked covertypes (all of which represent crucial moose winter range and habitat for other protected species or species of concern). Therefore, the 3/3 Option appears to be most compliant with Section 5.2.1.F.4.a of the Land Development Regulations pertaining to ordinal ranking of covertypes.

CONCLUSION

For reasons articulated above, the 3/3 Option associated with future development within the JHRCR Lot 5 project appears to be most compliant with the Teton County Land Development Regulations.

APPENDIX 1 – LIST OF EXHIBITS

1) Aerial photograph depicting the proposed development site plan (4/2 Option) within the JHRCR Lot 5 project area, VW Properties LLC, Teton County, Wyoming.

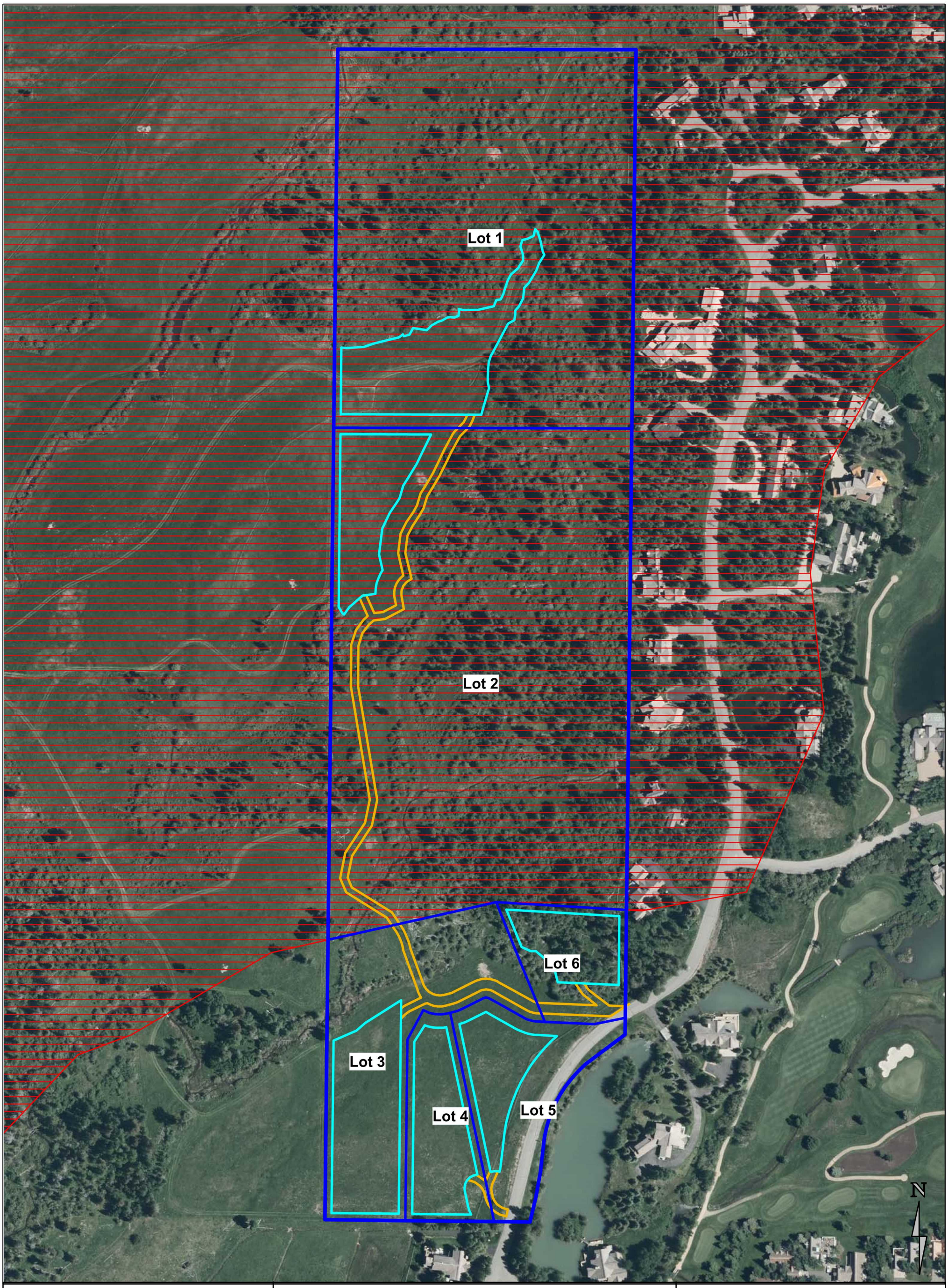
2) Aerial photograph depicting impacts associated with the proposed development site plan (4/2 Option) within the JHRCR Lot 5 project area, VW Properties LLC, Teton County, Wyoming.

3) Aerial photograph depicting the Alternative 1 development site plan (6/0 Option) within the JHRCR Lot 5 project area, VW Properties LLC, Teton County, Wyoming.

4) Aerial photograph depicting impacts associated with the Alternative 1 development site plan (6/0 Option) within the JHRCR Lot 5 project area, VW Properties LLC, Teton County, Wyoming.

5) Aerial photograph depicting the Alternative 2 development site plan (3/3 Option) within the JHRCR Lot 5 project area, VW Properties LLC, Teton County, Wyoming.

6) Aerial photograph depicting impacts associated with the Alternative 2 development site plan (3/3 Option) within the JHRCR Lot 5 project area, VW Properties LLC, Teton County, Wyoming.



Legend

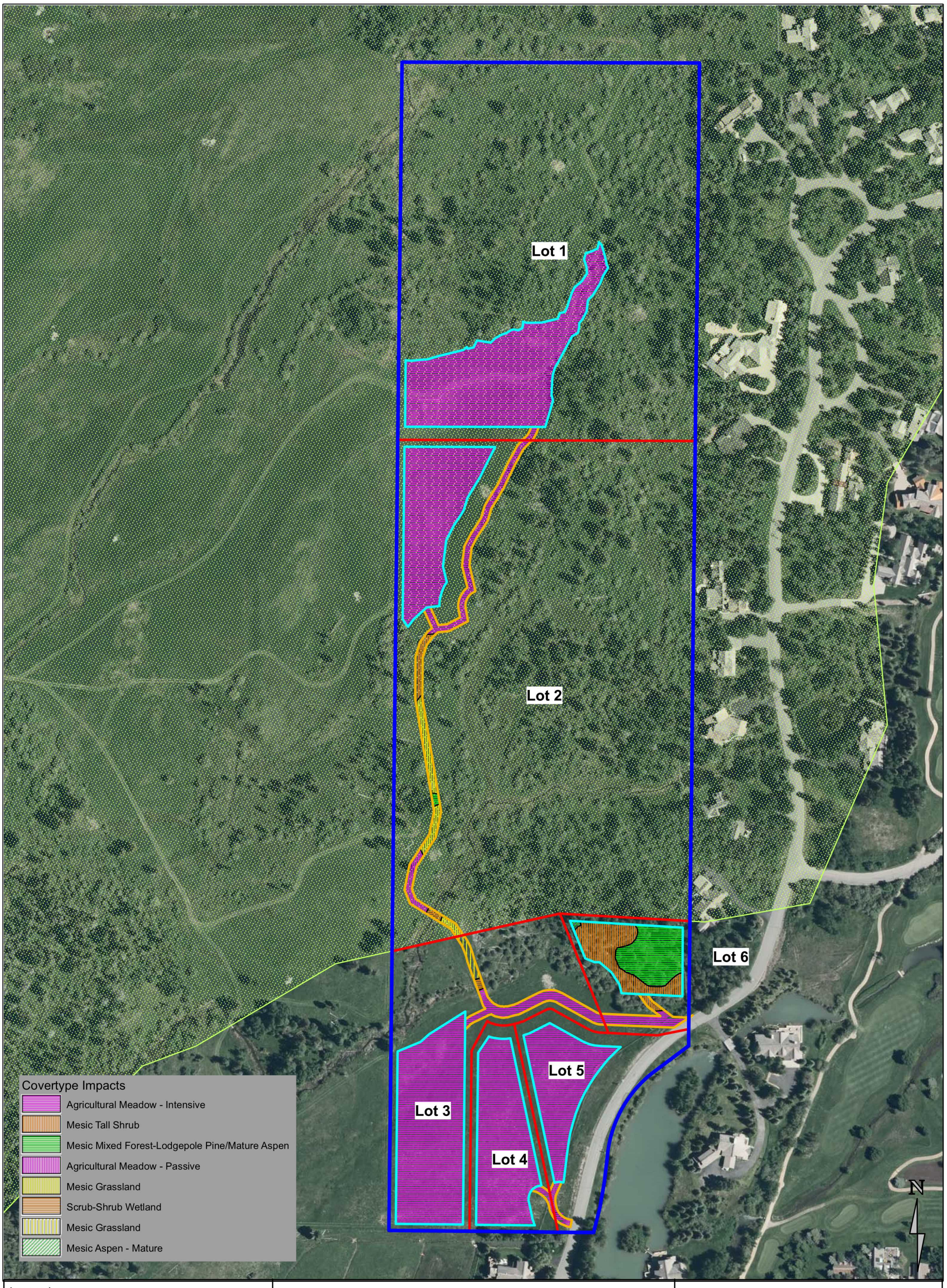
- Lot 5
- Lot Lines
- Building Envelopes
- Driveway LOD
- NRO

Exhibit 1
Aerial photograph depicting the proposed development site plan (4/2 Option) within the JHRCR Lot 5 project area, VW Properties LLC, Teton County, Wyoming.

July 29, 2016

Approximate Scale: 1 inch = 200 feet
2015 Aerial Photography

research & consulting inc.
Biota
PO Box 8578, 140 E Broadway, Suite 23, Jackson, WY 83002



Legend

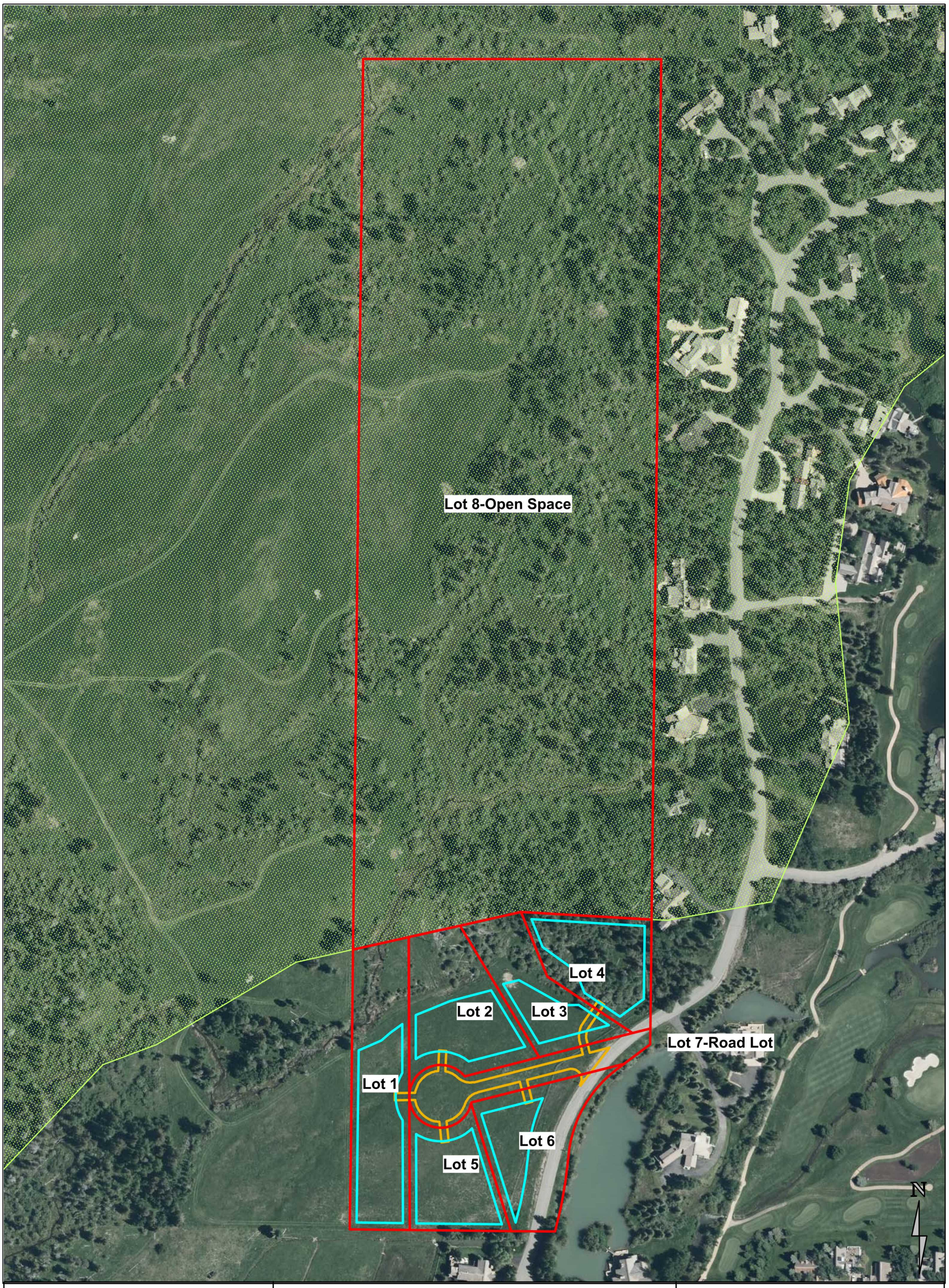
- Lot 5
- Lots-Proposed
- Building Envelopes-Proposed
- Driveway LOD
- Natural Resource Overlay (NRO)

Exhibit 2
Aerial photograph depicting impacts associated with the proposed development site plan (4/2 Option) within the JHRCR Lot 5 project area, Teton County, Wyoming.

July 29, 2016

Approximate Scale: 1 inch = 200 feet
2015 Aerial Photography

research & consulting inc.
Biota
PO Box 8578, 140 E Broadway, Suite 23, Jackson, WY 83002



Legend

- Lot 5
- Lot Lines
- Building Envelopes
- Driveway LOD
- Natural Resource Overlay (NRO)

Exhibit 3
Aerial photograph depicting the Alternative 1 development site plan (6/0 Option) within the JHRCR Lot 5 project area, VW Properties LLC, eton County, Wyoming.

June 8, 2016

Approximate Scale: 1 inch = 200 feet
2015 Aerial Photography

research & consulting inc.
Biota
PO Box 8578, 140 E Broadway, Suite 23, Jackson, WY 83002

Lot 4

Lot 3

Lot 2

Lot 1

Lot 7-Road Lot

Lot 6

Lot 5

Covertype Impacts

- Mesic Mixed Forest-Lodgepole Pine/Mature Aspen
- Mesic Aspen - Mature
- Disturbed
- Agricultural Meadow - Intensive
- Mesic Tall Shrub

N

Legend

- Lot 5
- Lot Lines
- Building Envelopes
- Driveway LOD
- Natural Resource Overlay (NRO)

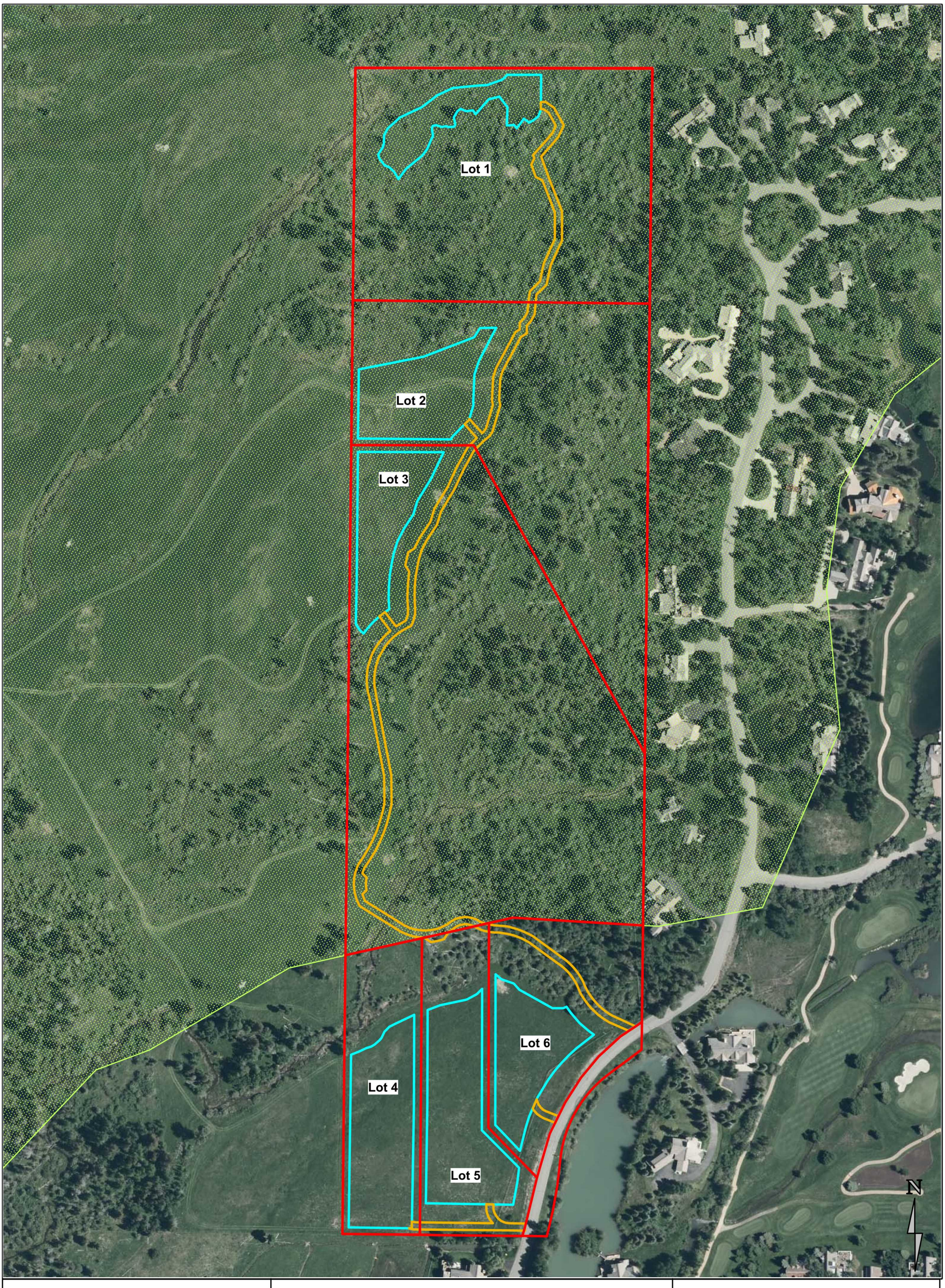
Exhibit 4
Aerial photograph depicting impacts associated with the Alternative 1 development site plan (6/0 Option) within the JHRCR Lot 5 project area, Teton County, Wyoming.

July 29, 2016

Approximate Scale: 1 inch = 100 feet
2015 Aerial Photography

research & consulting inc.
Biota

PO Box 8578, 140 E Broadway, Suite 23, Jackson, WY 83002



Legend

- Lots
- Building Envelopes
- Driveway-Road LOD
- NRO

Exhibit 5
Aerial photograph depicting the Alternative 2 development site plan (3/3 Option) within the JHRCR Lot 5 project area, VW Properties LLC, Teton County, Wyoming.

July 29, 2016

Approximate Scale: 1 inch = 200 feet
2015 Aerial Photography

research & consulting inc.
Biota
PO Box 8578, 140 E Broadway, Suite 23, Jackson, WY 83002

Lot 1

Lot 2

Lot 3

Lot 4

Lot 5

Lot 6

Covertype Impacts
- Agricultural Meadow - Intensive
- Mesic Tall Shrub
- Mesic Mixed Forest-Lodgepole Pine/Mature Aspen
- Mesic Aspen - Mature
- Mesic Grassland
- Scrub-Shrub Wetland
- Agricultural Meadow - Passive

N

Legend
- Lots
- Building Envelopes
- Driveway-Road LOD
- NRO

Exhibit 6
Aerial photograph depicting impacts associated with the Alternative 2 development site plan (3/3 Option) within the JHRCR Lot 5 project area, VW Properties LLC, Teton County, Wyoming.

July 29, 2016

Approximate Scale: 1 inch = 200 feet
2015 Aerial Photography

research & consulting inc.
Biota
PO Box 8578, 140 E Broadway, Suite 23, Jackson, WY 83002

ENVIRONMENTAL ANALYSIS

JHRCR LOT 5 [PIDN 22-41-17-11-3-19-001]

VW PROPERTIES, LLC, TETON COUNTY, WYOMING

Prepared For

Teton County Planning & Development

P.O. Box 1727, Jackson, Wyoming 83001

Prepared By

P. O. Box 8578, 140 E. Broadway Suite 23, Jackson, Wyoming 83002

June 8, 2016

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ENVIRONMENTAL ANALYSIS

JHRCR LOT 5 [PIDN 22-41-17-11-3-19-001]

VW PROPERTIES, LLC, TETON COUNTY, WYOMING

INTRODUCTION, BACKGROUND, AND METHODS

Biota Research and Consulting, Inc. has been retained by Teton County to prepare an Environmental Analysis (EA) associated with proposed development of the 38.5-acre Jackson Hole Racquet Club Resort (JHRCR) Lot 5 owned by VW Properties, LLC, in Teton County, Wyoming. Information provided in this EA is necessary in order for Teton County to assess possible impacts of proposed future development on protected natural resources, and to ensure compliance with Land Development Regulations. This analysis was required by Teton County because the property is zoned Planned Unit Development, a portion of which is located within the delineated Natural Resources Overlay (NRO), and protected natural resources are located within the project area.

This document represents the culmination of the entire required EA process. The EA Habitat Inventory provides information about existing environmental conditions and resources that are or may be present within the project area. The second phase of the EA process, to be performed after proposed development plans have been finalized, will assesses possible adverse effects of the proposed development on sensitive wildlife species and determine compliance with the Land Development Regulations. A prior Habitat Inventory was prepared for this parcel and submitted to the County on July 14, 2015. The current Habitat Inventory is updated to reflect changes documented subsequent to the date of the original submittal.

Fieldwork associated with the project was performed in November and December of 2014, and June and July of 2015, and focused on the presence or absence of protected watercourses, wetlands, vegetative covertypes, wildlife habitat and distribution, and any protected natural resources and respective buffers per the Teton County Land Development Regulations. A Stream Assessment and an Aquatic Resource Inventory were also performed by Biota in 2014, and then a project-area wide groundwater study was performed to evaluate anthropogenic influences on wetlands (Appendix 2).

LOCATION AND PHYSIOGRAPHY

The project area is located north of Wilson, Wyoming between Fish Creek and the Snake River (T41N, R117W, S11; PIDN 22-41-17-11-3-19-001; Appendix 1-Exhibits 1 and 2). Access to the parcel from Jackson is from Wyoming Highway 22, then north on Moose Wilson Road (Highway 390) to Teton Pines, then west on Clubhouse Road, and then west and south on Teton Pines Drive to the southeast portion of the parcel.

The project area is situated within the historic Snake River floodplain, and physiographic features of the property have been influenced by fluvial processes associated with the Snake River. The parcel is closer to Fish Creek than the Snake River, and relatively flat with a number of shallow depressions and relic flood channel features. A relatively high seasonal groundwater table, which is bolstered in part by irrigation activities on and in the vicinity, supports a diversity of mesic plant communities.

HABITAT INVENTORY

SURFACE HYDROLOGY

Surface water features within the study area include 2 drainages, each of which appears to be in part directly influenced by irrigation ditches that enter the parcel from Teton Pines. A portion of a small man-made pond is present along the eastern boundary in the south-central portion of the project area. Surface water features are depicted in Appendix 1-Exhibit 3.

Central Drainage – The "Central Drainage" is an irrigation ditch that conveys water derived from the No. 1 Lake Creek Diversion (north of the Aspens Subdivision). Once the drainage exits the tree and shrub-dominated covertypes in the eastern portion of the parcel, the channel splits into 3 different lateral ditches, only 2 of which exit the parcel Observations of flows within Lot 5 and on the adjacent parcel to the west show that flows are seasonal, occurring only during the irrigation season. The drainage was observed dry during winter examinations but conveys water during the irrigation season.

Southern Drainage – The "Southern Drainage" is an irrigation ditch that seasonally conveys water derived from the No. 1 Lake Creek Diversion. This drainage enters the eastern boundary of the parcel via the Pines Reservoir #17, and then flows southwesterly to the western boundary. The drainage was observed dry during winter examinations but conveys water during the irrigation season.

WETLANDS

A routine wetland delineation was performed in 2014 as part of an Aquatic Resource Inventory. Field data showed that about 8.1 acres of the 38.5-acre project area conformed to wetland definitional criteria per the USACE 1987 Wetland Delineation Manual (Appendix 1-Exhibit 4). All wetlands were classified as palustrine emergent and palustrine scrub-shrub. The sources of hydrologic support for existing wetlands include spring seeps; the shallow alluvial aquifer common in the area between Fish Creek, Lake Creek, and the Snake River; and irrigation ditches flowing through and flood irrigation practices occurring within the vicinity of the property. A follow-up groundwater study was performed in 2015 within Lot 5 to monitor groundwater levels and to determine the extent to which existing wetlands are supported by supplemental irrigation activities occurring upstream of and within project area; and if any of the wetlands on the parcel are likely to revert to uplands in the absence of irrigation activity (Appendix 2). The study findings resulted in a revised determination of naturally occurring or irrigation-induced wetlands throughout the project area (Appendix 1-Exhibit 4).

Wetland Setbacks - According to Section 5.1.1 C.1.e and C.3.b. of the Teton County Land Development Regulations, all wetlands that are not irrigation-induced are protected and given a 30-foot setback within which development is prohibited unless no alternative is available. Therefore, 30-foot setbacks were applied to all County-regulated wetlands within the project area (Appendix 1-Exhibit 4).

VEGETATIVE COVERTYPES

Vegetative covertypes occurring within the project area are diverse (Appendix 1-Exhibit 5). Teton County ranked the relative values of habitats by assigning each an ordinal value ranging from 1 (lowest value) to 10 (highest value) [Land Development Regulations Section 5.2.1 F4]. These criteria include wildlife species diversity, abundance and distribution of habitats, wildlife species using given habitats, and the degree of alteration associated with the habitats. Covertypes, surface area, and relative ordinal rankings of each covertype are summarized in Table 1.

Table 1. Surface area, ranking, and % occurrence of vegetative covertypes within the JHRCR Lot 5 project area.

Vegetative Covertype	Acres	Sq Ft	Ranking
Scrub-Shrub Wetland	2.57	111,744	10
Emergent Wetland	0.43	18,549	9
Mesic Tall Shrub	12.28	535,097	8
Mesic Aspen - Mature	3.05	132,914	6
Mesic Mixed Forest-Lodgepole Pine/Mature Aspen	4.03	175,760	6
Non-Mesic Lodgepole Pine	1.85	80,544	4
Mesic Grassland	1.63	71,178	3
Agricultural Meadow - Intensive	11.37	495,338	2
Agricultural Meadow - Passive	0.64	28,072	1
Open Water-Irrigation Pond	0.02	909	0
Disturbed	0.58	25,343	0
Totals	**38.46**	**1,675,447**	

Scrub-Shrub Wetland

Scrub-shrub wetlands are found along the multiple depressional features, relic flood channels, and irrigation ditches extant throughout the project area. The sources of hydrologic support for the scrub-shrub wetlands include surface water associated with the irrigation ditches and a high seasonal groundwater table. This covertype has been given an ordinal ranking of 10. Booth's willow, Geyer willow and bog birch are the dominant shrub species.

Emergent Wetlands

Emergent wetlands derive their hydrologic support from surface water and a high seasonal groundwater table. Vegetation within the delineated emergent wetland was dominated by water sedge, Bebb's sedge, tufted hairgrass, and creeping bentgrass. Emergent wetlands have been assigned an ordinal ranking of 9.

Mesic Tall Shrub–Mixed

This broadly defined covertype includes a variety of riparian shrub-dominated stands. This covertype is comprised of relatively pure stands of willow located throughout the project area. These areas are uplands or irrigation-induced wetlands that share soil, topographical and hydrological conditions with neighboring naturally-occurring scrub-shrub wetlands. On drier sites willow species are found intermixed with hawthorn, serviceberry, immature aspen and red-osier dogwood. Mesic tall shrub covertypes have been assigned an ordinal ranking of 8.

Mesic Aspen–Mature

The mature aspen covertype consists of isolated stands comprised of various stages of succession in stands scattered throughout the property. The mature aspen covertypes have been assigned an ordinal ranking of 6. The aspen stands show abundant evidence of successful root suckering or seedling production. This covertype is in a dynamic state of flux, with peripheral expansion and competition from lodgepole pine influencing overall distribution.

Mesic Mixed Forest–Lodgepole Pine/Aspen

In addition to the isolated and more pure aspen and lodgepole pine covertypes, aspen and lodgepole pine co-dominate in several upland areas in the southern portion of the project area. The aspen/lodgepole pine mixed forest also includes an understory of deciduous tall shrubs including willow, alder, hawthorn and pioneering aspen saplings. The mesic, other mixed forest covertype has been assigned an ordinal ranking of 6.

Mesic Coniferous Forest–Lodgepole Pine
The lodgepole pine covertype has been assigned an ordinal ranking of 4, and is found on well-drained, sandy soils. The proximity of this stand to other forest covertypes results in small, peripheral areas of mature and immature aspen that are also found within the lodgepole pine covertype.

Mesic Grassland
Small areas of the native mesic grassland covertype are present along the margins of passively grazed pasture and more structurally complex upland covertypes. Mesic grasslands are comprised of Kentucky bluegrass, smooth brome, wild rye, and crested wheatgrass as the dominant species, and have been assigned an ordinal ranking of 3.

Agricultural Meadow-Passive
Agricultural meadows are characterized by land that has been cleared of natural vegetation and then replanted with a blend of domestic grasses, or has simply been used as pasture for an extensive period. Passive agricultural meadow covertypes (i.e., not actively irrigated) have an ordinal ranking of 2.

Agricultural Meadow-Intensive
Intensive agricultural meadows are characterized by land that is extensively modified for agricultural purposes. These lands are generally irrigated fields used for grazing or production of a mechanically harvested crop, and have an ordinal ranking of 1.

Disturbed
Disturbed land includes areas where natural vegetation has been destroyed or highly degraded and has no ordinal ranking. The disturbed lands within the project area are associated with the Teton Pines Drive right-of-way, and the western edge of some residential development.

Open Water
Open water is present in the eastern portion of the project area and this covertype has no ordinal ranking.

WILDLIFE SPECIES OF SPECIAL CONCERN

Vegetative communities represent habitat for a variety of birds and mammals, some of which have been classified as Species of Special Concern (SSCs) in the Land Development Regulation. In addition, migratory birds and amphibians are addressed in this section because they are considered sensitive species and are often used as ecological indicators by management agencies.

Bald Eagle
Teton County Land Development Regulations protect nesting bald eagles by prohibiting development within 660 feet of standing/occupied, active, or inactive nests, and also protect known perch and roost trees regarded as crucial winter habitat (Section 5.2.1 G6a & b). No bald eagle nests are within 660 feet of the project area, although 2 active nests are located within 1 mile and 1.6 miles, respectively.

Aquatic features provide the majority of foraging opportunities to bald eagles in Jackson Hole. The Snake River and, to a lesser degree Fish Creek, provide foraging opportunities to resident and migratory bald eagles year-round. Within the project area, mature trees and snags may serve as roosts or loafing perches and as foraging perches. Eagles forage and perch opportunistically and perhaps do so irregularly within the project area. No repeatedly used perch trees were observed and no crucial winter roost sites were found within the project area.

Trumpeter Swan

Trumpeter swans are classified as a Priority 2 SSC by the Wyoming Game and Fish Department and are also a species of interest to the US Fish and Wildlife Service because of a long-term decline in the year-round resident population in Jackson Hole. Teton County Land Development Regulations protect nesting trumpeter swans and crucial winter habitat (Section 5.2.1 G4a & b). A generalized area along a 6-mile stretch of the Snake River east of the project area has been identified by the Wyoming Game and Fish Department as a crucial winter/spring foraging area. No swan nesting attempts have been documented for the project area or its vicinity, and there is no documented trumpeter swan foraging habitat present in Lot 5.

Snake River Fine-spotted Cutthroat Trout

Teton County Land Development Regulations protect cutthroat trout spawning (Section 5.2.1 G5). There is no evidence of cutthroat trout spawning within the project area nor does there appear to be any spawning habitat available. Available cutthroat trout habitat is seasonal at best.

Raptors

Raptor species that commonly use shrub-grassland and open country habitats are expected to be present within the project area. Forest raptors that inhabit and rely on the stands of forest to meet their ecological requirements would be much less common in this location. Shrub-grassland species hunt and forage in open meadows dominated by grasses and low-lying shrubs and use trees and snags within upland habitats for perching and roosting. Foraging habitat for shrub-grassland raptors is present and it is likely that the raptor species listed below use the project area in conjunction with adjacent areas. No evidence of raptors nesting on the property was discovered.

Shrub-grassland Raptors

Peregrine falcon	Red-tailed hawk
Northern harrier	Swainson's hawk
Prairie falcon	Great horned owl
Rough-legged hawk	American kestrel

Moose

The project area is located outside of but in proximity to an area classified as crucial winter yearlong range for moose by the Wyoming Game and Fish Department (Appendix 1-Exhibit 6). In addition, Lot 5 falls mostly within an area that was mapped as crucial moose winter range during the mapping of the Natural Resource Overlay, with input from the Wyoming Game and Fish Department. The wetland and riparian areas in the area between the Snake River and Fish Creek, including some developed areas, provide foraging habitat, thermal and escape cover, as well as a year-round contiguous movement area, that has population-level significance to the Jackson moose herd. West of the project area, the slopes of the Wilson Faces are also classified as crucial winter yearlong range for moose. Crucial winter yearlong range means that animals can be found in and around the property during anytime of the year but use is concentrated during the winter. These areas are considered by Wyoming Game and Fish Department to be vital to the survival of moose during the critical periods of winter and animals will find food and/or cover here during the most inclement and difficult winter conditions due to the physiographic and vegetative characteristics.

Moose use most of the project area on a year-round basis, with greater frequency and duration expected during winter months. Observed browsed vegetation, pellet groups, and tracks indicate that the scrub-shrub wetlands, and forested and shrub covertypes potentially provide forage and protective thermal cover critical for moose survival during stressful winter conditions. Observational evidence also suggests that most moose use occurs in the scrub-shrub wetland, mesic tall shrub, mesic aspen, and

mixed lodgepole pine/aspen covertypes. These shrub and forest dominated covertypes provide winter habitat for moose, and animals can find both food and thermal and escape cover.

Teton County Land Development Regulations protect moose winter range (Section 5.2.1 G3) and state:

> *No physical development, use, development option, or subdivision shall occur within crucial moose winter habitat, unless the applicant can demonstrate that it can be located within the moose crucial winter habitat in such a way that it will not detrimentally affect the food supply and/or cover provided by the crucial winter habitat to the moose, or detrimentally affect the potential for survival of the moose using the crucial winter habitat.*

Elk

The property does not contain any designated crucial elk habitat or migration corridors, but it does represent non-crucial spring-summer-fall elk habitat. Evidence of elk presence, in the form of observed individuals and pellet groups, was abundant and scattered around the property. A herd of around 40 animals was repeatedly observed on the parcel immediately to the west. Elk appear to use this area far more frequently now than in previous decades, and 2 herd bulls with harems were observed during the breeding season. Anecdotal information suggests that at least some elk historically exploited winter livestock feeding operations occurring on or in the vicinity of this tract.

Teton County Land Development Regulations protect crucial elk winter range and migration corridors (Section 5.2.1 G1a & b) and state:

> *No physical development, use, development option, or subdivision shall occur within crucial elk migration routes, unless the applicant can demonstrate that it can be located in such a way that it will not detrimentally affect the ability of elk to migrate from their summer ranges to their crucial winter ranges.*
>
> *No physical development, use, development option, or subdivision shall occur on crucial elk winter range, unless the applicant can demonstrate that it can be located in such a way that it will not detrimentally affect the food supply and/or cover provided by the crucial winter range to the elk, or detrimentally affect the potential for survival of the elk using the crucial winter range.*

Mule Deer

The parcel and its vicinity have been classified as non-crucial spring-summer-fall mule deer range by the Wyoming Game and Fish Department. Mule deer summering throughout this area can be expected to use the parcel late into the fall or early winter when snow accumulations and difficult foraging conditions push them towards winter range. Deer use of lower elevations (e.g., within the Snake River and Fish Creek riparian zones) increases dramatically during the spring and autumn months as deer migrate to and from winter range. This use is directly linked to environmental conditions; in years with early persisting snowfall, deer use of the parcel may be minimal; during mild winters deer may be present on the parcel throughout the winter. Individual or small groups of mule deer can be expected to move through the project area both seasonally and year-round. Non-winter use of the property by mule deer was evidenced by tracks and pellet groups found throughout, especially within the mesic tall shrub habitats. A mature white-tailed deer doe observed on the site, indicating that all deer sign observed within the project area cannot be attributed to mule deer alone.

In recent years a small herd of mule deer numbering about a dozen animals has been observed wintering in the vicinity of Lot 5 and may be present within the project area on an irregular basis. This winter use may be the direct result of artificial feeding holding these deer in the area.

Teton County Land Development Regulations protect crucial mule deer winter range and migration corridors (Section 5.2.1 G2a & b) and state:

> *No physical development, use, development option, or subdivision shall occur within crucial mule deer migration routes, unless the applicant can demonstrate that if can be located within the mule deer migration route in such a way that it will not detrimentally affect the ability of mule deer to migrate from their summer ranges to their crucial winter ranges.*
>
> *No physical development, use, development option, or subdivision shall occur on crucial mule deer winter range, unless the applicant can demonstrate that it can be located within the mule deer crucial winter range in such a way that it will not detrimentally affect the food supply and/or cover provided by the crucial winter range to the mule deer, or detrimentally affect the potential for survival of the mule deer using the crucial winter range.*

Migratory Birds

Migratory birds include raptors, passerines, and shorebirds that breed in North America but migrate to Mexico, and Central and South America for the winter. In Wyoming, 162 bird species are considered neotropical migrants with peak migration periods occurring from May through June and again in late August through early October. Nesting is typically initiated in May and June and potential nesting habitat includes native grasslands, shrublands, and aspen and coniferous forest stands. In general, deciduous forest communities with cottonwood, willow, and other shrublands, especially within riparian areas, have been found to have higher avian species abundance and richness than any other vegetative community in the western U.S. Riparian areas often serve as migration corridors for migratory birds and conserving these areas is believed to be essential to maintaining healthy bird populations in this region.

The forested, scrub-shrub and tall shrub covertypes within the project area represent medium to high quality migratory bird nesting habitat and individual birds undoubtedly nest here. Snag trees are scattered throughout the cottonwood forest and these trees provide nesting and foraging habitat to a variety of songbird species. Migratory songbirds fall under the protection of the Migratory Bird Treaty Act.

Amphibians

The presence of water features, wetlands, and neighboring forests, which provide coarse woody debris (e.g., fallen logs left on the ground) provide suitable habitat for various amphibian species such as western chorus frogs, Columbia spotted frogs, boreal toads, and tiger salamanders.

THREATENED AND ENDANGERED SPECIES

In addition to SSCs, the Teton County's Land Development Regulations require that all animals and plants listed under the Endangered Species Act as threatened or endangered be analyzed as part of this EA. Below is a list of threatened, endangered, or recently delisted species that have been documented in Teton County and could potentially occur within the project area. Although 4 listed plant species occur in Wyoming, these plants (i.e., Ute Ladies'-tresses, Colorado butterfly plant, blowout penstemon, and desert yellowhead) have very specific habitat requirements and ranges outside of Teton County.

Species name	Classification/Status
Grizzly bear	Threatened
Gray wolf	Experimental/Non-essential
Canada lynx	Threatened
Yellow-billed Cuckoo	Threatened

Grizzly Bear

The most suitable habitat for grizzly bears occurs in areas with large tracts of undisturbed habitat and minimal human presence. The core population of grizzly bears in the region is centered in Yellowstone National Park. Although grizzly bears travel from Yellowstone and Grand Teton National Park to areas south, the project area and its vicinity lack substantial wild berries, whitebark pine trees, significant numbers of spawning fish, and other preferred grizzly bear foods. However, the project area is located in proximity to areas that do have the potential to provide high quality seasonal foraging opportunities to grizzly bears, especially during the autumn when bears are in hyperphagia. Denning conditions are unfavorable due to the lack of high elevation conifer forests and secluded avalanche terrain. Although grizzly bear use of the project area and its vicinity is possible due to an expanding range, consistent use of the project area is not expected due to the lack of contiguous habitat and proximity to high levels of human activity.

A mature male grizzly bear was documented using the immediate environs during the autumn of 2014, prior to being relocated to the Absaroka Range. This bear was known to have habituated to humans, which may have allowed him to exploit food resources in proximity to people.

Gray Wolf

Gray wolves from any of 8 established packs are present within Teton County. These packs primarily use public lands associated with the Gros Ventre River, Buffalo Fork, and Flat Creek drainages on the Bridger-Teton National Forest, National Elk Refuge, and Grand Teton National Park. Wolf sightings within the Snake River drainage and southern Tetons are becoming more common although human activity and development in the vicinity of the project area continues to deter wolves from regular use. Wolves do not permanently reside within the project area nor are not expected to establish home ranges in this area; however, incidental foraging events by individuals belonging to 2 nearby packs, or dispersing animals may occur.

Canada Lynx

Conditions that are characteristic of forest habitats occupied by Canada lynx include cool and moist micro-climates found principally in high elevation mixed-conifer forest with dense, multi-layered under- and mid-story canopies. Human disturbance and lack of preferred habitat are limiting factors affecting presence or absence of lynx in any habitat. Canada lynx are expected to use the project area only with great rarity if at all, and any use would principally occur during dispersal or travel between areas of higher quality habitat.

Yellow-billed Cuckoo

The distinct population segment of the yellow-billed cuckoo west of the Continental Divide was recently listed as a threatened species under the ESA (9 FR 59992; October 03, 2014). In Wyoming, the yellow-billed cuckoo is dependent upon large areas or woody, riparian vegetation that combine a dense shrubby understory for nesting and a cottonwood overstory for foraging. These conditions are not present within the study area, and yellow-billed cuckoos as are not expected to be present within the project area.

NATURAL RESOURCES OVERLAY

The NRO represents a combination of important wildlife habitats throughout the Teton County, and was established as a planning and development tool. Included in the overlay are crucial winter range and movement corridors for elk, moose, and mule deer; nesting, wintering, and foraging areas for bald eagles; nesting and wintering areas for trumpeter swans; and spawning areas for Snake River fine-spotted cutthroat trout. Development occurring on lots partially or entirely within the NRO is required to be located, if possible, outside crucial wildlife habitat areas or to minimize impacts to resident species

and their habitats to the greatest extent practicable (Division 5.2.1 Natural Resources Overlay (NRO) Standards).

Table 2. The occurrence of NRO-associated Species of Special Concern and their habitats within the JHRCR Lot 5 project area.

Habitat	Present within the project area?
Bald eagle nesting area	No
Bald eagle nest	No
Bald eagle perch trees	Yes
Crucial moose migration routes	No
Crucial moose winter range	Yes
Crucial elk migration routes	No
Crucial elk winter range	No
Crucial mule deer migration routes	No
Crucial mule deer winter range	No
Trumpeter swan nest	No
Trumpeter swan winter habitat	No
Snake River cutthroat trout spawning areas	No

All but the southern-most portion of the project area is located within the mapped NRO (Appendix 1-Exhibit 7). This 29.5-acre area does not overlap Wyoming Game and Fish Department mapped crucial winter range for any ungulates in the vicinity of the project area. However, the NRO mapping generally coincides with moose crucial winter range mapping generated when the NRO was first developed (Exhibit 6). The NRO, as currently mapped, is largely considered accurate within the larger framework of wildlife distribution and use in the area. However, the southern NRO line that creates the northern boundaries of Lots 5 and 6 appears somewhat arbitrary because mesic tall shrub and mesic mixed forest-lodgepole pine/mature aspen covertypes located south of the NRO line are virtually identical to the same covertypes located north of the NRO line.

DEVELOPMENT IMPACT ASSESSMENT

ZONING, EXISTING DEVELOPMENT, AND CONSERVATION EASEMENT PROPERTIES

Lot 5 is currently zoned PUD-Rural 1 and existing development is non-existent within the project area, with the exception of the Teton Pines Drive in the southeastern portion (Appendix 1-Exhibit 8). Existing development within a 1/2-mile radius is abundant and varies between high density development associated with the Aspens, Jackson Hole Racquet Club, and Teton Pines; medium-density development (5 to 17-acre lots) in the Fighting Bear Creek Ranch and Beaver Pond Subdivisions; and low-density development associated with various 35+ acre parcels. Approximately 308 acres of land is protected by 3 conservation easements.

PROPOSED DEVELOPMENT

Jorgensen Associates provided digital files depicting proposed development within Lot 5 (Appendix 1-Exhibit 9). Proposed development consists of 6 individual lots with associated building envelopes that will be accessed via a common road/driveway. Table 3 provides surface area totals for each of these features. Lots 1 and 2 are located within the NRO and Lots 3-6 are located outside of the NRO.

Table 3. Proposed development within the within the JHRCR Lot 5 project area.

Development	Acres	Sq Ft
Lot 1	12.89	561,404
Lot 1 Building Envelope	1.67	72,915
Lot 2	16.55	720,739
Lot 2 Building Envelope	1.06	45,977
Lot 3	3.94	171,821
Lot 3 Building Envelope	1.47	64,059
Lot 4	1.54	66,941
Lot 4 Building Envelope	1.06	46,012
Lot 5	2.14	93,392
Lot 5 Building Envelope	0.75	32,608
Lot 6	1.39	60,440
Lot 6 Building Envelope	0.71	30,767
Driveway LOD	0.92	40,120
	46.08	2,007,193

IMPACTS TO WATERCOURSES AND WETLANDS

Watercourses

Proposed development would not impact protected watercourses or watercourse setbacks. Proposed development will require a crossing of 1 irrigation ditch by the driveway and future development within Lot 1 will possibly require the relocation of a second irrigation ditch and an associated ditch lateral.

Wetlands

Proposed development (associated entirely with the road/driveway) will impact 0.02 acres (980 sq ft) of county regulated wetlands and their associated wetland setbacks (Table 4 and Appendix 1-Exhibit 10).

Table 4. Acreages and habitat ordinal rankings of vegetative covertypes impacted by the proposed development within the Lot 5 project area.

Overlay	Development	Covertype	Acres	Sq Ft	Ranking
NRO	Road-Driveway	Scrub-Shrub Wetland	0.01	576	10
NRO	Road-Driveway	Mesic Tall Shrub	0.05	2,389	8
NRO	Road-Driveway	Mesic Mixed Forest-Lodgepole Pine/Mature Aspen	0.01	435	6
NRO	Road-Driveway	Mesic Grassland	0.14	6,181	3
NRO	Road-Driveway	Agricultural Meadow - Passive	0.06	2,512	2
NRO	Lot 1	Agricultural Meadow - Intensive	1.67	72,685	1
NRO	Lot 2	Agricultural Meadow - Intensive	1.06	45,977	1
NRO	Road-Driveway	Agricultural Meadow - Intensive	0.22	9,732	1
		Subtotals	**3.22**	**140,487**	
Non-NRO	Road-Driveway	Scrub-Shrub Wetland	0.01	404	10
Non-NRO	Lot 6	Mesic Tall Shrub	0.34	14,981	8
Non-NRO	Road-Driveway	Mesic Tall Shrub	0.02	826	8
Non-NRO	Lot 6	Mesic Mixed Forest-Lodgepole Pine/Mature Aspen	0.36	15,649	6
Non-NRO	Lot 6	Mesic Aspen - Mature	0.01	340	6
Non-NRO	Road-Driveway	Mesic Grassland	0.04	1,659	3
Non-NRO	Lot 3	Agricultural Meadow - Intensive	1.47	64,059	1
Non-NRO	Lot 4	Agricultural Meadow - Intensive	1.06	46,012	1
Non-NRO	Lot 5	Agricultural Meadow - Intensive	0.75	32,608	1
Non-NRO	Road-Driveway	Agricultural Meadow - Intensive	0.35	15,400	1
		Subtotals	**4.41**	**191,938**	

IMPACTS TO VEGETATION

Vegetative impacts for proposed development are presented in Table 4 and in Appendix 1-Exhibit 10. Impacts that occur within the NRO and outside of the NRO are provided separately. Of note is that impacts to vegetative covertypes within the NRO with elevated ordinal rankings (5 or greater) appear to have been minimized and represent only 2.4% of total impacts.

IMPACTS TO WILDLIFE

Impact Definitions

Future proposed development may have adverse effects on species and resources that are protected by Division 5.2.1 Natural Resources Overlay (NRO) Standards of the Teton County Land Development Regulations. The following assessment of environmental consequences of the proposed development on wildlife and fish used the following impact measure, duration, and intensity definitions.

Impact Measures - Four impact measures are examined for wildlife. These include habitat loss, mortality, habitat fragmentation, and human-caused disturbance.

- Habitat Loss - Implementation and perpetuation of all or part of the project would result in a direct loss of habitat.
- Mortality - Implementation and perpetuation of all or part of the project would result in the death(s) of individuals.
- Habitat Fragmentation - Implementation and perpetuation of all or part of the project would result in the fragmentation of habitat.
- Human-caused Disturbance - Implementation and perpetuation of all or part of the project would result in the displacement of individual animals.

Duration of Impact - A short-term impact would have a duration less than or equal to 3 years and a long-term impact would have a duration greater than 3 years following implementation.

Intensity of Impact - Impact thresholds are defined in Table 5.

Table 5. Impact threshold definitions.

Measures	Negligible	Minor	Moderate	Major
Habitat Loss **Mortality** **Habitat Fragmentation** **Human-caused Disturbance**	A small number of individual animals and/or a small amount of their respective habitat may be adversely affected via direct or indirect impacts associated with a given alternative. Populations would not be affected or the effects would be below a measurable level of detection. Mitigation measures are not warranted.	Adverse impacts to individual animals and/or their respective habitats would be more numerous and detectable. Populations would not be affected or the effects would be below a measurable level of detection. Mitigation measures may be needed and would be successful in reducing adverse effects.	Effects to individual animals and their habitat would be readily detectable, with consequences occurring at a local population level. Mitigation measures would likely be needed to reduce adverse effects and would likely be successful.	Effects to individual animals and their habitat would be obvious and would have substantive consequences on a regional population level. Extensive mitigation measures would be needed to reduce any adverse effects and their success would not be guaranteed.

Bald Eagles

Proposed development is not expected to adversely impact bald eagle nesting areas or crucial winter foraging habitat.

Trumpeter Swans

Proposed development is not expected to adversely impact trumpeter swan nesting areas or crucial winter/spring foraging habitat as no habitat for this species is present within the project area.

Snake River Fine-Spotted Cutthroat Trout
Proposed development is not expected to adversely impact cutthroat trout spawning areas as no habitat for this species is present within the project area.

Raptors
Proposed development is not expected to adversely impact raptor nests as no raptor nesting has been documented within the project area. Proposed development will directly reduce the amount of raptor foraging habitat by 0.38 acres (16,424 sq ft) and may indirectly reduce the attractiveness of an unknown larger area to raptor foraging.

Mule Deer
Teton County Land Development Regulations protect crucial mule deer winter range and migration corridors (Section 5.2.1 G2a & b) as follows:

> *No physical development, use, development option, or subdivision shall occur within crucial mule deer migration routes, unless the applicant can demonstrate that if can be located within the mule deer migration route in such a way that it will not detrimentally affect the ability of mule deer to migrate from their summer ranges to their crucial winter ranges.*
>
> *No physical development, use, development option, or subdivision shall occur on crucial mule deer winter range, unless the applicant can demonstrate that it can be located within the mule deer crucial winter range in such a way that it will not detrimentally affect the food supply and/or cover provided by the crucial winter range to the mule deer, or detrimentally affect the potential for survival of the mule deer using the crucial winter range.*

Lot 5 does not represent crucial mule deer habitat and deer use is expected to occur only during non-winter months. The proposed action may negatively affect a small number of mule deer by reducing the availability of spring-summer-fall foraging, cover, and parturition habitat, but it is not expected to have a measurable effect on the Jackson Hole mule deer population. Although no mapped mule deer movement corridors are present within or in the vicinity of the project area, deer movements to and from the mountains west of the project to lower elevations to the east will not be disrupted. The proposed development is expected to have adverse, long-term, negligible, impacts on mule deer by possibly reducing the amount and attractiveness of non-crucial mule deer habitat within the project area.

The Teton County Land Development Regulations prohibit development within crucial mule deer migration routes, "unless the developer can demonstrate that the development can be located in such a way that it will not detrimentally affect the ability of mule deer to migrate from their summer ranges to their crucial winter ranges." Proposed development is located outside of mapped migration routes and, therefore, is compliant with Section 5.2.1 G2a pertaining to development occurring within mule deer migration routes.

The Teton County Land Development Regulations prohibit development impacts to crucial mule deer winter range "unless the developer can demonstrate that the development can be located in such a way that it will not detrimentally effect the food supply and/or cover provided by the crucial winter range to the mule deer, or detrimentally effect the potential for survival of the mule deer using the crucial winter range." Proposed development is located outside mapped crucial mule deer winter yearlong range. Therefore, the proposed development on Lot 5 appears compliant with Section 5.2.1 G2b of the Teton County Land Development Regulations pertaining to development occurring within crucial mule deer winter range.

Moose

Teton County Land Development Regulations protect moose winter range (Section 5.2.1 G3) as follows:

> *No physical development, use, development option, or subdivision shall occur within crucial moose winter habitat, unless the applicant can demonstrate that it can be located within the moose crucial winter habitat in such a way that it will not detrimentally affect the food supply and/or cover provided by the crucial winter habitat to the moose, or detrimentally affect the potential for survival of the moose using the crucial winter habitat.*

The project area is located outside of but proximate to an area mapped as crucial winter yearlong range for moose by the Wyoming Game and Fish Department, and mostly within an area that was mapped as crucial moose winter range during the mapping of the Natural Resource Overlay (hence its partial inclusion within the NRO). Preferred browse species and cover habitat are abundant within portions the project area, and evidence of moose use (e.g., tracks, pellet groups, browsed vegetation, or bedding sites) was observed.

Proposed development may reduce the attractiveness of portions of the parcel to some individual moose due to both direct and indirect impacts. However, proposed development has limited impacts to covertypes deemed more important to moose (i.e., scrub-shrub wetlands, mesic tall shrub, mesic mixed forest, and mesic aspen covertypes) to less than 1 acre. Moose are expected to continue using both the developed and undeveloped areas following buildout, and landscaping and on-site vegetative mitigation efforts will likely prove attractive to individual moose tolerant of human presence and capable of exploiting this artificial and unintentional food source. Impacts to moose are expected to be adverse, negligible, and long-term.

The Teton County Land Development Regulations prohibit development impacts to crucial moose winter range *"unless the developer can demonstrate that the development can be located in such a way that it will not detrimentally effect the food supply and/or cover provided by the crucial winter range to moose, or detrimentally effect the potential for survival of moose using the crucial winter range."* Some of the proposed development is located within the NRO and its version of mapped crucial moose winter range. Vegetative impacts are largely, but not entirely confined to covertypes that do not represent important winter foraging or cover habitat and to areas that are used less by moose than others within the project area. With respect to the Teton County Land Development Regulations pertaining to development occurring within crucial moose winter range, the proposed development appears to be non-compliant with Section 5.2.1 G3. This is because the section of the proposed driveway that will access Lots 1 and 2 will impact a small amount (i.e., less than 1 acre) of foraging and cover habitat for moose. Other impacts to moose habitat located outside of the NRO will occur as a result of development occurring within the Lot 6 building envelope (see Table 4).

Elk

Teton County Land Development Regulations protect crucial elk winter range and migration corridors (Section 5.2.1 G1a & b) as follows:

> *No physical development, use, development option, or subdivision shall occur within crucial elk migration routes, unless the applicant can demonstrate that it can be located in such a way that it will not detrimentally affect the ability of elk to migrate from their summer ranges to their crucial winter ranges.*

No physical development, use, development option, or subdivision shall occur on crucial elk winter range, unless the applicant can demonstrate that it can be located in such a way that it will not detrimentally affect the food supply and/or cover provided by the crucial winter range to the elk, or detrimentally affect the potential for survival of the elk using the crucial winter range.

Lot 5 does not represent crucial elk habitat and elk use is expected to occur only during non-winter months. Proposed development may negatively affect a small number of elk by reducing the availability of spring-summer-fall foraging, cover, and parturition habitat, but it is not expected to have a measurable effect on the Jackson Hole elk herd. Although no mapped elk migration corridors are present within or in the vicinity of the project area, elk movements to and from the mountains west of the project area to lower elevations to the east will not be disrupted. The proposed development is expected to have adverse, long-term, negligible, impacts on elk by possibly reducing the amount and attractiveness of non-crucial elk habitat within the project area.

The Teton County Land Development Regulations prohibit development within crucial elk migration routes, "unless the developer can demonstrate that the development can be located in such a way that it will not detrimentally affect the ability of mule deer to migrate from their summer ranges to their crucial winter ranges." Proposed development is located outside of mapped migration routes and, therefore, is compliant with Section 5.2.1 G2a pertaining to development occurring within elk migration routes.

The Teton County Land Development Regulations prohibit development impacts to crucial elk winter range "unless the developer can demonstrate that the development can be located in such a way that it will not detrimentally effect the food supply and/or cover provided by the crucial winter range to the elk, or detrimentally effect the potential for survival of the elk using the crucial winter range." Proposed development is located outside of mapped crucial elk winter range. Therefore, the proposed development on Lot 5 appears compliant with Section 5.2.1 G2b of the Teton County Land Development Regulations pertaining to development occurring within crucial elk winter range.

Migratory Birds

Proposed development is expected to result in a loss (both temporary and permanent) of neotropical migratory bird habitat. The impacts of proposed development to migratory birds are expected to be adverse, negligible, and long-term because most proposed development is located within lower quality neotropical migratory bird habitat (mesic grassland and agricultural meadow covertypes). Impacts to higher quality migratory bird habitat associated with scrub-shrub wetlands, mesic tall shrub, mesic mixed forest, and mesic aspen covertypes will total 0.82 acres (35,600 sq ft, 11%).

Amphibians

Proposed development on the property may adversely affect amphibians as a result of the loss of a small amount (0.82 acres, 35,600 sq ft, 11%) of habitat associated with impacts to wetland and adjacent mesic covertypes.

Threatened and Endangered Species

Proposed development on the property is not likely to adversely affect threatened or endangered species.

PROJECT VICINITY IMPACT STATEMENT

The project vicinity impact statement analyzes cumulative adverse impacts on protected resources and critical wildlife habitat resulting from the proposed development and other existing development in the vicinity. The required geographical vicinity of analysis is a 1/2-mile radius around the project area. The cumulative impacts being analyzed are equivalent to the additive effects of the proposed development to on-going residential development and increased human use in the project vicinity as outlined below.

Proposed development will occur on 6 parcels between 1.39 acres and 12.89 acres in size located within the 38.5 Lot 5 property. Existing development within the project area is absent except for Teton Pines Drive. The majority of the private lands located east of the project area are already developed while lands to the west are not. Contiguous undeveloped parcels to the west are mostly 35+ acres in size and future development will likely include single-family residences on these undeveloped parcels. It appears that proposed Lot 5 development will function as a "density bridge" between higher density development on the east and lower density future development on parcels possibly protected open space to the west. This type of "bridge" development is expected to accommodate year-round wildlife and winter ungulate use so long as development avoids important habitats and leaves adequate open space for ungulate foraging and movement.

Various important wildlife habitats have been identified within the 1/2-mile vicinity of Lot 5. A large portion of the project area and some of the surrounding area has been mapped as either non-crucial range (Wyoming Game and Fish Department) or crucial winter range (NRO-mapping) for moose, and spring-summer-fall range for mule deer and elk. The cumulative impacts of the proposed development on moose, when added to the impacts of ongoing residential development in the vicinity are expected to be adverse, long-term, and will not exceed a minor level. Cumulative impacts to mule deer and elk are expected to be adverse, long-term, and will not exceed a negligible level since impacts will only be affecting non-crucial spring-summer-fall range for these 2 species. No cumulative impacts to bald eagles, trumpeter swans, cutthroat trout, amphibians, and threatened and endangered species are expected.

The proposed development will not impact protected water features and, therefore, no incremental increase in cumulative impacts of development on protected water resources in the project vicinity is anticipated. Proposed development will impact less that 1,000 sq ft of wetlands and this impact will result in a small incremental increase in cumulative impacts to wetlands.

The effect of the proposed development on crucial wildlife habitat, in the context of increased traffic and higher levels of human use in the vicinity, is expected to be minor. Slightly higher traffic volumes on Wyoming Highway 390 and internal roads within Teton Pines, along with increased levels of human use within and in the vicinity of the parcel will contribute negligibly to the current traffic and human use levels.

ALTERNATIVE SITE DESIGN ANALYSIS

ALTERNATIVE DEVELOPMENT

Teton County requested that an alternative development plan be generated and analyzed in order to determine if feasible alternatives exist that would minimize or avoid adverse impacts associated with the proposed development. The focus of the alternative site analysis was on the relative impacts of future development on protected resources in general, and crucial moose winter range in particular.

An alternative site plan was generated by Teton County Planning and Development and the applicant, and then provided to Biota for analysis. Apparently a primary factor in determining the alternative development plan was locating all development outside of the mapped Natural Resource Overlay. Jorgensen Associates provided digital files depicting the alternative development plan within the JHRCR Lot 5 (Appendix 1-Exhibit 11, Table 6). The alternative development plan includes 6 lots totaling 8.1 acres and a driveway lot (Lot 7) totaling 0.91 acres within which development will occur. In addition, an eighth lot (Lot 8) totaling 29.44 acres in size has been proposed as an open space lot.

Development-related impacts involve 6 proposed building envelopes totaling 4.29 acres and a driveway limits of disturbance totaling 0.55 acres.

Table 6. Alternative development within the within the JHRCR Lot 5 project area.

Development	Acres	Sq Ft
Lot 1	1.89	82,349
Lot 1 Building Envelope	0.92	40,020
Lot 2	1.50	65,167
Lot 2 Building Envelope	0.59	25,906
Lot 3	1.09	47,454
Lot 3 Building Envelope	0.34	14,817
Lot 4	1.19	51,942
Lot 4 Building Envelope	0.78	34,033
Lot 5	1.06	46,074
Lot 5 Building Envelope	0.71	30,845
Lot 6	1.37	59,872
Lot 6 Building Envelope	0.39	17,079
Lot 7-Road Lot	0.91	39,787
Lot 8-Open Space	29.44	1,282,615
Driveway LOD	0.55	24,089
Total	**42.75**	**1,862,051**
Development Lots	8.10	24,089
Building Envelopes	4.29	186,789
Open Space Lot	29.44	1,282,615

COMPARISON OF VEGETATION IMPACTS

Impacts to vegetation within the proposed and alternative development were analyzed based on data provided by Jorgensen Associates that was imported into GIS, and a summary of impacts are presented (Table 7). Although the alternative development plan will not impact vegetative covertypes within the NRO while the proposed plan will, the majority of impacts within the NRO (94%) will be to agricultural meadow covertypes and the remaining (0.19 acres) to other covertypes. Impacts to higher ranked (>5) covertypes located outside of the NRO by the proposed (0.74 acres) and alternative (0.79) are nearly equivalent.

COMPARISON OF WILDLIFE IMPACTS

Bald Eagles

Two active bald eagle nests are located about 1 mile and 1.6 miles from the project area, respectively; no bald eagle nests are within 660 feet of the project area. Although some mature trees that may be used for roosts or perches by bald eagles are present within the project area, foraging habitat and crucial winter habitat, or known commonly used perches are absent within either the proposed or alternative development areas. For these reasons, development associated with either development plan are not expected to have adverse impacts to nesting bald eagle, or perching, foraging, roosting, or crucial winter range. Potential impacts to bald eagles resulting from development associated with the proposed or the alternative plans are equivalent.

Trumpeter Swans

Development associated with the proposed or alternative plan is not expected to impact on trumpeter swans and are equivalent.

Table 7. Acreages and habitat ordinal rankings of vegetative covertypes impacted by the proposed and alternative development plans within JHRCR Lot 5 project area.

Covertype Impacts	Proposed Development		Alternative Development		Ordinal Rank
Natural Resource Overlay (NRO)					
Building Envelopes	**Acres**	**Sq Ft**	**Acres**	**Sq Ft**	
Agricultural Meadow - Intensive	2.73	118,662	0	0	1
Road/Driveway					
Scrub-Shrub Wetland	0.01	576	0	0	10
Mesic Tall Shrub	0.05	2,389	0	0	8
Mixed Forest-Lodgepole Pine/Mature Aspen	0.01	435	0	0	6
Mesic Grassland	0.14	6,181	0	0	3
Agricultural Meadow - Passive	0.06	2,512	0	0	2
Agricultural Meadow - Intensive	0.22	9,732	0	0	1
Subtotal	**3.22**	**140,487**	**0**	**0**	
Outside Natural Resource Overlay-(NRO)					
Building Envelopes	**Acres**	**Sq Ft**	**Acres**	**Sq Ft**	
Mesic Tall Shrub	0.34	14,981	0.41	17,677	8
Mixed Forest-Lodgepole Pine/Mature Aspen	0.36	15,649	0.36	15,620	6
Mesic Aspen - Mature	0.01	340	0.01	298	6
Agricultural Meadow - Intensive	3.28	142,679	2.95	128,470	1
Disturbed	0	0	0.00	49	0
Road/Driveway					
Scrub-Shrub Wetland	0.01	404	0	0	10
Mesic Tall Shrub	0.02	826	0.01	259	8
Mesic Grassland	0.04	1,659	0	0	3
Agricultural Meadow - Intensive	0.35	15,400	0.55	23,830	1
Total	**4.41**	**191,938**	**4.29**	**186,203**	

Snake River Fine-spotted Cutthroat Trout

Development associated with the proposed or alternative plan is not expected to impact on Snake River fine-spotted cutthroat trout and are equivalent.

Raptors

Development associated with the alternative plan is expected to have long-term, adverse, and negligible impacts on raptor foraging and potential nesting habitat. However, potential impacts associated with the alternative plan are expected to be slightly less than those resulting from the proposed plan due to more diverse vegetative covertypes, and the dispersed nature of the proposed development.

Mule Deer

Development associated with the alternative plan is expected to have long-term, adverse, and negligible impacts to non-crucial mule deer spring-summer-fall range. However, potential impacts associated with the alternative plan are expected to be slightly less than those resulting from the proposed plan due to more diverse vegetative covertypes, and the dispersed nature of the proposed development. Impacts to non-crucial mule deer spring-summer-fall range are not regulated by the Land Development Regulations.

Moose

Impacts to moose associated with the alternative development plan are expected to be adverse, negligible, and long-term, and are expected to be slightly less than the proposed development plan. Although both the proposed and alternative development areas are located outside of the Wyoming

Game and Fish Department mapped crucial moose winter range, portions of the proposed plan are within the NRO mapped crucial moose winter range. An examination of the habitat within and outside of the NRO showed significant habitat differences, except within the Lot 4 and its associated building envelope of the alternative plan where vegetative covertypes were only nominally different outside versus inside the NRO. The remaining 5 building envelopes associated with the alternative plan and Lot 1-5 building envelopes of the proposed plan are all located within agricultural meadow covertypes that have little foraging and cover habitat preferred or used by moose.

Assuming that winter moose habitat is associated with scrub-shrub wetlands, mesic tall shrub, mixed forest-lodgepole pine /aspen, and mature aspen covertypes, regardless of whether or not they occur within the NRO, impacts to moose habitat associated with the proposed plan total 0.8 acres (35,024 sq ft), and impacts associated with the alternative plan total 0.78 acres (33,595 sq ft). The difference in surface area impacts equates to 0.02 acres (1,429 sq ft), and this surface area difference is considered basically equivalent. What is different between the 2 development plans is the dispersed nature of the proposed plan versus the "clustered" nature of development associated with the alternative plan. Having said that, little empirical data exists that could be applied to this project to predict if the clustered alternative plan would have less impacts on moose than the proposed plan, although intuition suggests it might, at least to some unknown degree.

Elk

Development associated with the alternative plan is expected to have long-term, adverse, and negligible impacts to non-crucial elk spring-summer-fall range. However, potential impacts associated with the alternative plan are expected to be slightly less than those resulting from the proposed plan due to more diverse vegetative covertypes, and the dispersed nature of the proposed development. Impacts to non-crucial elk spring-summer-fall range are not regulated by the Land Development Regulations.

Neotropical Migratory Birds

Impacts to migratory birds associated with the alternative plan may be adverse, negligible, and long-term, and equivalent to those associated with the proposed plan.

Amphibians

Impacts to amphibians associated with the alternative plan are expected to be adverse, negligible, and long-term, and equivalent to those associated with the proposed plan.

Threatened and Endangered Species

Development occurring within the alternative development area is not expected to impact threatened or endangered species, and equivalent to those associated with the proposed plan.

CONCEPTUAL MITIGATION PLAN

Teton County will require impacts to habitat within the NRO, and all impacts to regulated wetlands be mitigated on a 2:1 basis (Section 5.2.1 Subsection E.2 of the Land Development Regulations). In order for Teton County to approve the proposed action, the applicant must show that mitigation opportunities exist to mitigate proposed impacts. Typically, vegetative covertype impacts that require mitigation are those that have ordinal rankings of 5 or greater and, in the case of the JHRCR Lot 5 project, these would be the following covertypes; scrub-shrub wetland, mesic tall shrub, mixed forest-lodgepole pine/aspen, and mature aspen, assuming the proposed development plan was approved. The total area of impact to be mitigated is presently estimated at 0.8 acres, although this may change when final development plans are created. Impacts associated with the alternative plan may not need to be mitigated because they occur outside of the NRO.

In examining the site characteristics, soils, hydrologic support, and the potential for ungulate herbivory, the most promising approach to mitigation would be to create scrub-shrub wetlands on a 2:1 areal basis for all wetland and vegetative covertype impacts. Opportunities exist to create the approximately 2 acres of shrub-shrub wetlands in areas where existing wetlands are located, and this approach would mitigate impacts, regardless of which development plan was approved by Teton County. This approach also allows for onsite mitigation but, out of necessity, mitigation will be "out-of-kind." However, scrub-shrub wetlands have the highest ordinal ranking of all ranked covertypes and, more importantly, will serve to directly mitigate impacts to moose winter range. These mitigation opportunities are, therefore, would be compliant with Section 5.2.1 Subsection E.2 of the Land Development Regulations.

APPENDIX 1 – LIST OF EXHIBITS

1) Location and topography of the JHRCR Lot 5 project area, VW Properties LLC, Teton County, Wyoming.

2) Aerial photograph depicting location and site characteristics of the JHRCR Lot 5 project area, VW Properties LLC, Teton County, Wyoming.

3) Aerial photograph depicting surface waters within the JHRCR Lot 5 project area, VW Properties LLC, Teton County, Wyoming.

4) Aerial photograph depicting delineated wetlands within the JHRCR Lot 5 project area, VW Properties LLC, Teton County, Wyoming.

5) Aerial photograph depicting vegetative covertypes in relation to the proposed development site plan within the JHRCR Lot 5 project area, VW Properties LLC, Teton County, Wyoming.

6) Aerial photograph depicting Wyoming Game and Fish and NRO mapped moose ranges within and in the vicinity of the JHRCR Lot 5 project area, VW Properties LLC, Teton County, Wyoming.

7) Aerial photograph depicting the Natural Resources Overlay (NRO) on and in the vicinity of the JHRCR Lot 5 project area, VW Properties LLC, Teton County, Wyoming.

8) Aerial photograph depicting the ½-mile radius development impact area around the JHRCR Lot 5 project area, VW Properties LLC, Teton County, Wyoming.

9) Aerial photograph depicting the the proposed development site plan within the JHRCR Lot 5 project area, VW Properties LLC, Teton County, Wyoming.

10) Aerial photograph depicting impacts associated with the proposed development site plan within the JHRCR Lot 5 project area, VW Properties LLC, Teton County, Wyoming.

11) Aerial photograph depicting the the alternative development site plan within the JHRCR Lot 5 project area, VW Properties LLC, Teton County, Wyoming.

12) Aerial photograph depicting impacts associated with the alternative development site plan within the JHRCR Lot 5 project area, VW Properties LLC, Teton County, Wyoming.

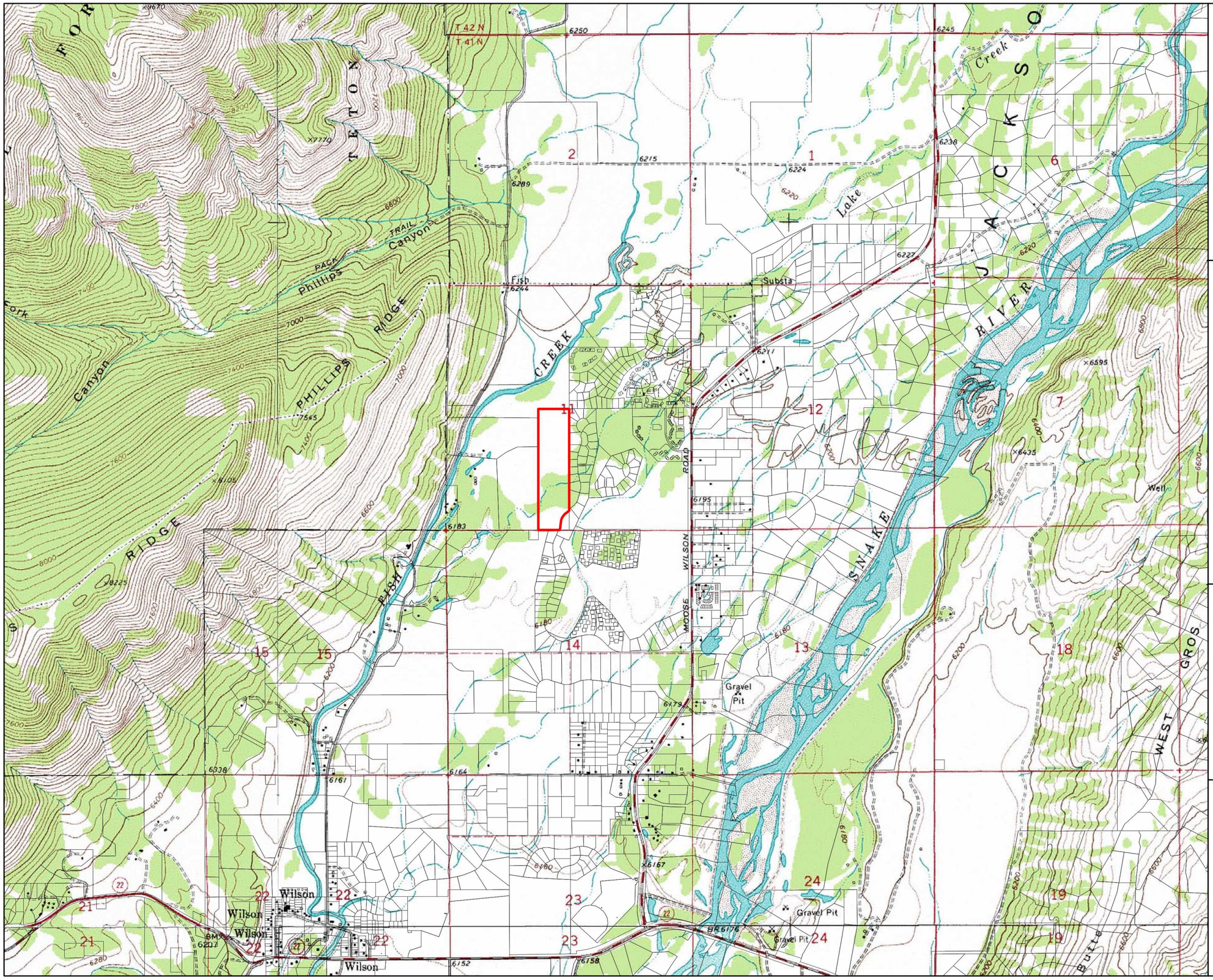


Exhibit 1
Location and topography of the JHRCR Lot 5 project area, VW Properties LLC, Teton County, Wyoming.

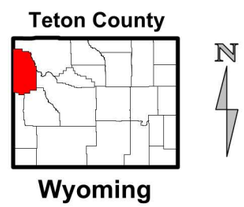
June 8, 2016

Approximate Scale: 1 inch = 2,000 feet

Legend

Lot 5 Property

Platted Parcels



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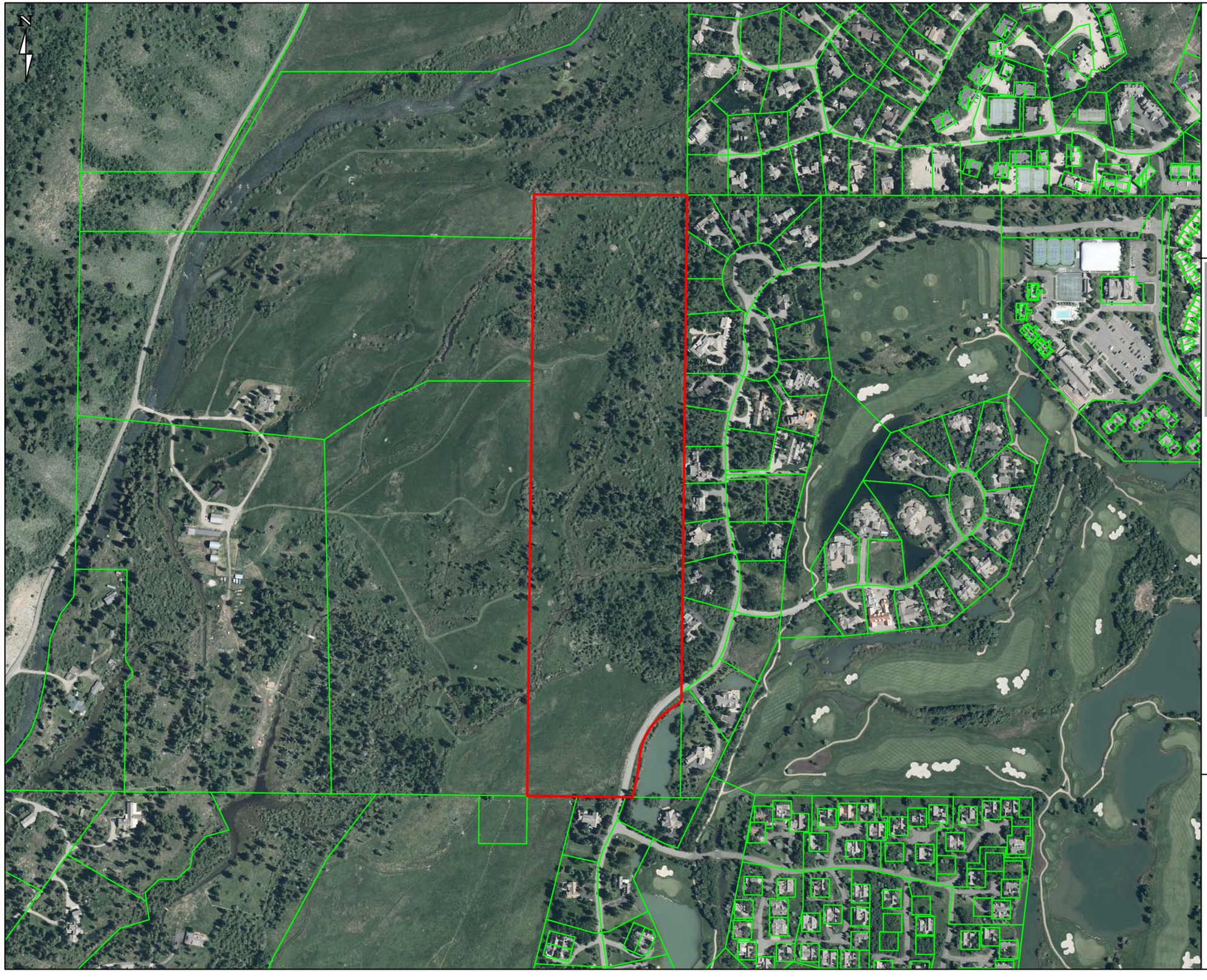

Exhibit 2
Aerial photograph depicting the JHRCR Lot 5 project area, VW Properties LLC, Teton County, Wyoming.

June 8, 2016

Approximate Scale: 1 inch = 400 feet
2015 Aerial Photography

Legend

Lot 5

Platted Parcels

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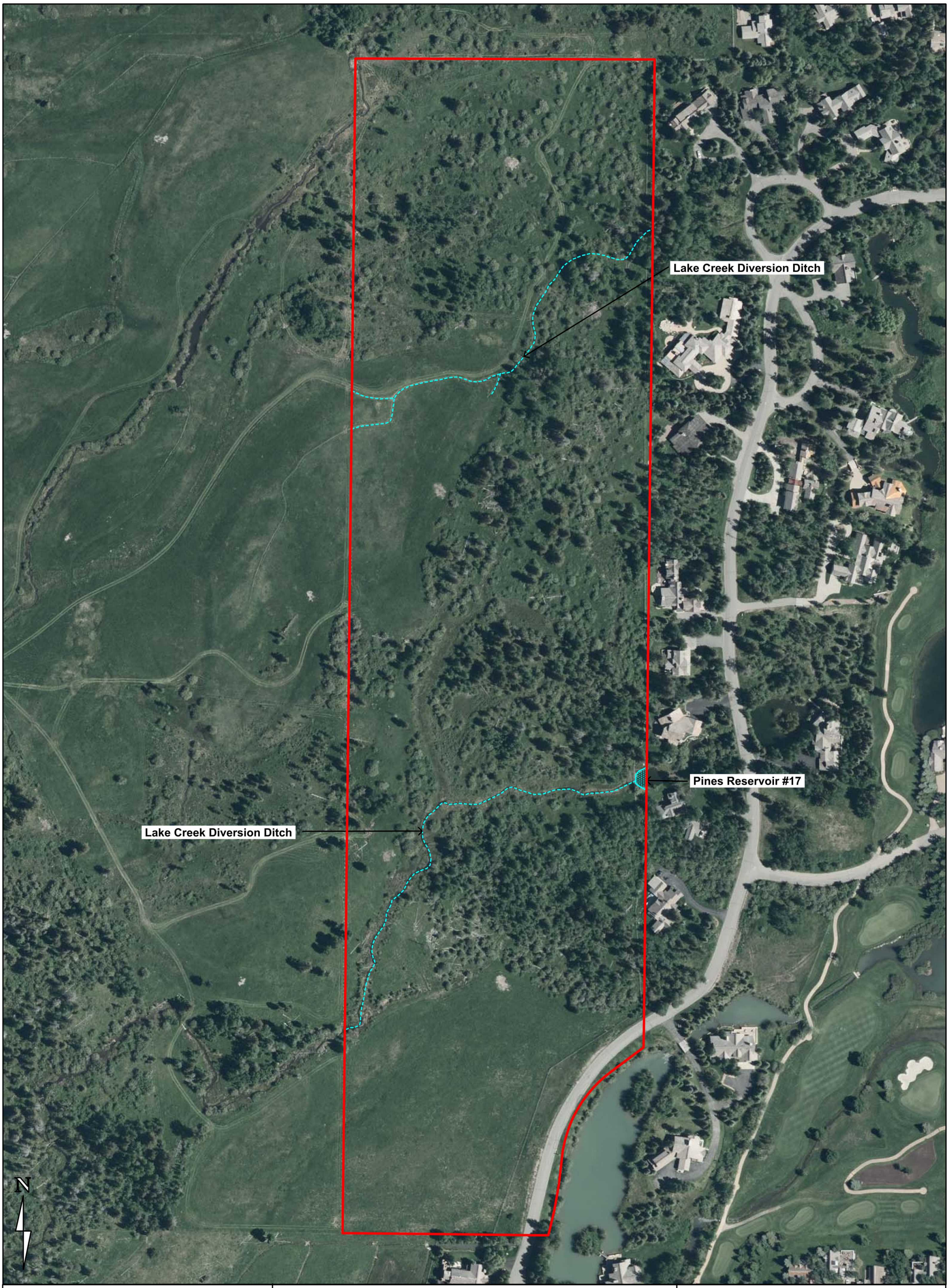

Legend

- Lot 5
- Irrigation Ditch
- Pines Reservoir No. 17

Exhibit 3
Aerial photograph depicting surface waters
within the JHRCR Lot 5 project area,
VW Properties LLC, Teton County, Wyoming.

June 8, 2016

Approximate Scale: 1 inch = 200 feet
2015 Aerial Photography

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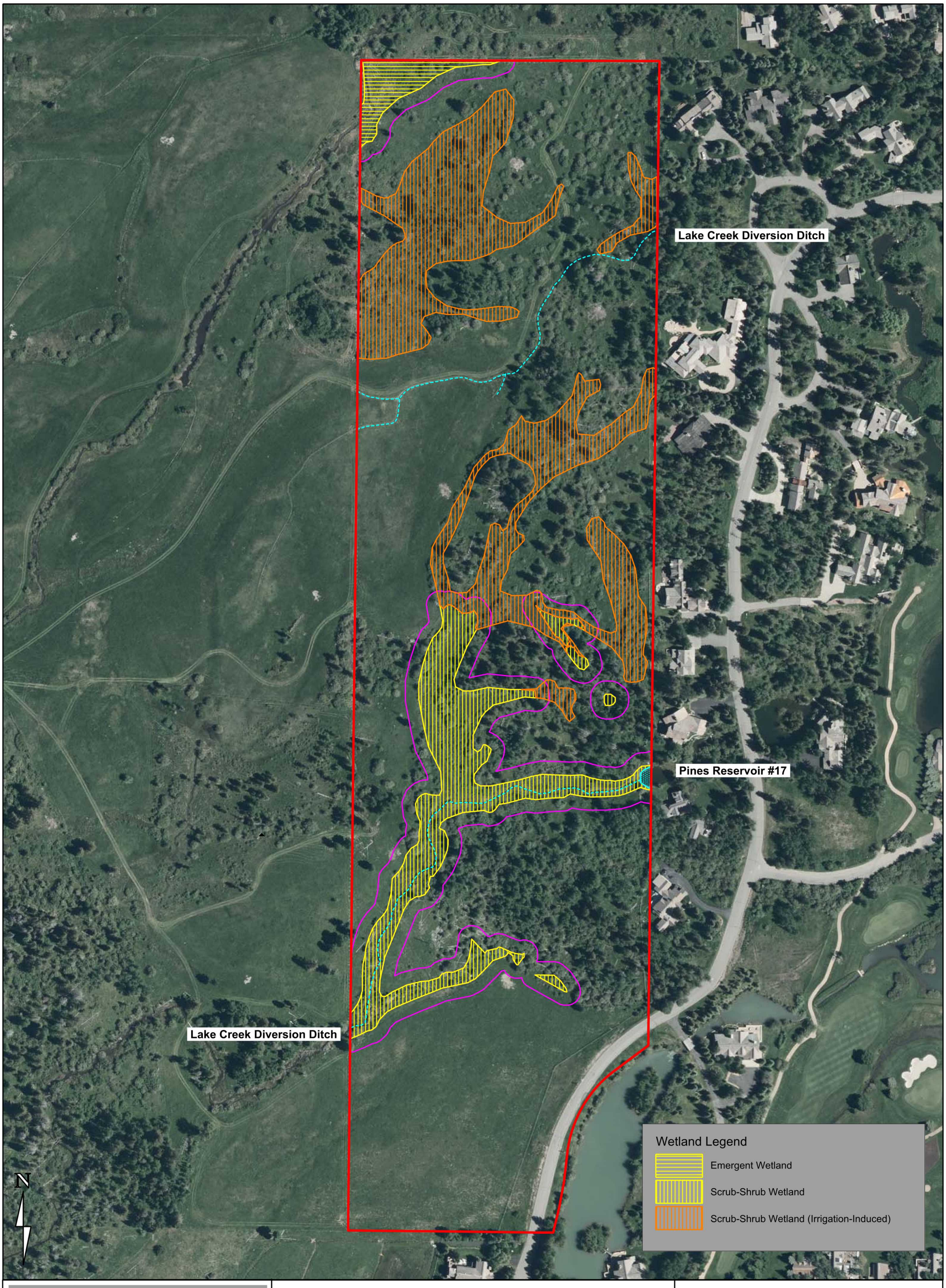

Legend

- Lot 5
- Irrigation Ditch
- Pond
- Wetland Setback (30-foot)

Exhibit 4
Aerial photograph depicting delineated wetlands
within the JHRCR Lot 5 project area,
VW Properties LLC, Teton County, Wyoming.

June 8, 2016

Approximate Scale: 1 inch = 200 feet
2015 Aerial Photography

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Covertype Legend

- Open Water-Irrigation Pond
- Disturbed
- Mesic Aspen - Mature
- Mesic Mixed Forest-Lodgepole Pine/Mature Aspen
- Mesic Grassland
- Agricultural Meadow - Intensive
- Agricultural Meadow - Passive
- Emergent Wetland
- Non-Mesic Lodgepole Pine
- Scrub-Shrub Wetland
- Mesic Tall Shrub

N

Legend

- Lot 5 Property
- Building Envelopes (Proposed)
- Lot Lines (Proposed)
- Driveway LOD (Proposed)

Exhibit 5
Aerial photograph depicting vegetative covertypes in relation to the proposed development site plan within the JHRCR Lot 5 project area, VW Properties LLC, Teton County, Wyoming.

June 8, 2016

Approximate Scale: 1 inch = 200 feet
2015 Aerial Photography

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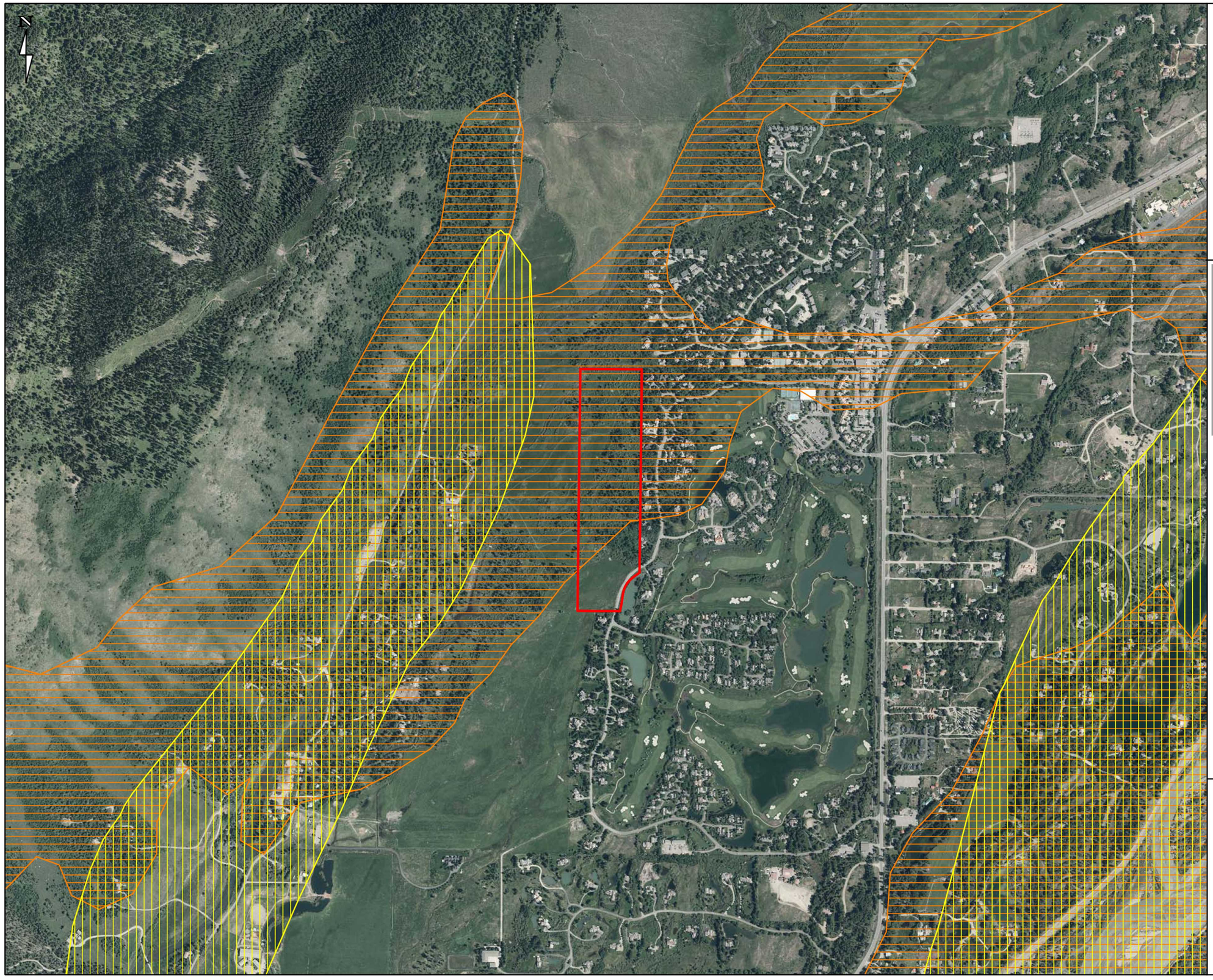

Exhibit 6
Aerial photograph depicting Wyoming Game and Fish Department and NRO mapped moose ranges within and in the vicinity of the JHRCR Lot 5 project area, VW Properties LLC, Teton County, Wyoming.

June 8, 2016

Approximate Scale: 1 inch = 1,000 feet
2015 Aerial Photography

Legend

- Lot 5
- NRO Moose Crucial Winter Range Mapping
- Moose Crucial Winter Yearlong Range (WGFD)
- unhatched — Moose Spring-Summer-Fall Range (WGFD)

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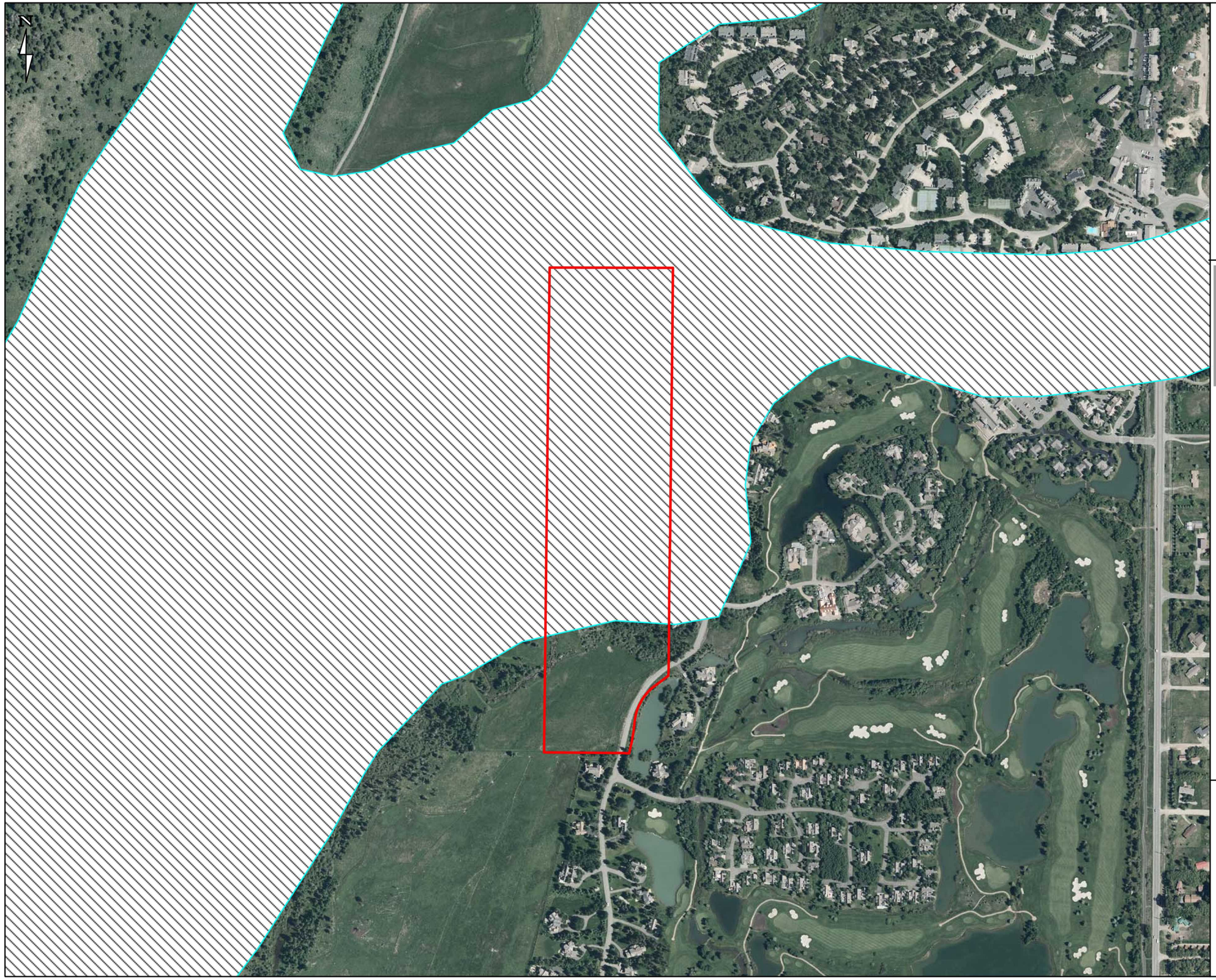

Exhibit 7
Aerial photograph depicting the Natural Resource Overlay (NRO) on and in the vicinity of the JHRCR Lot 5 project area, VW Properties LLC Teton County, Wyoming.

June 8, 2016

Approximate Scale: 1 inch = 500 feet
2015 Aerial Photography

Legend

Lot 5

Natural Resource Overlay (NRO)

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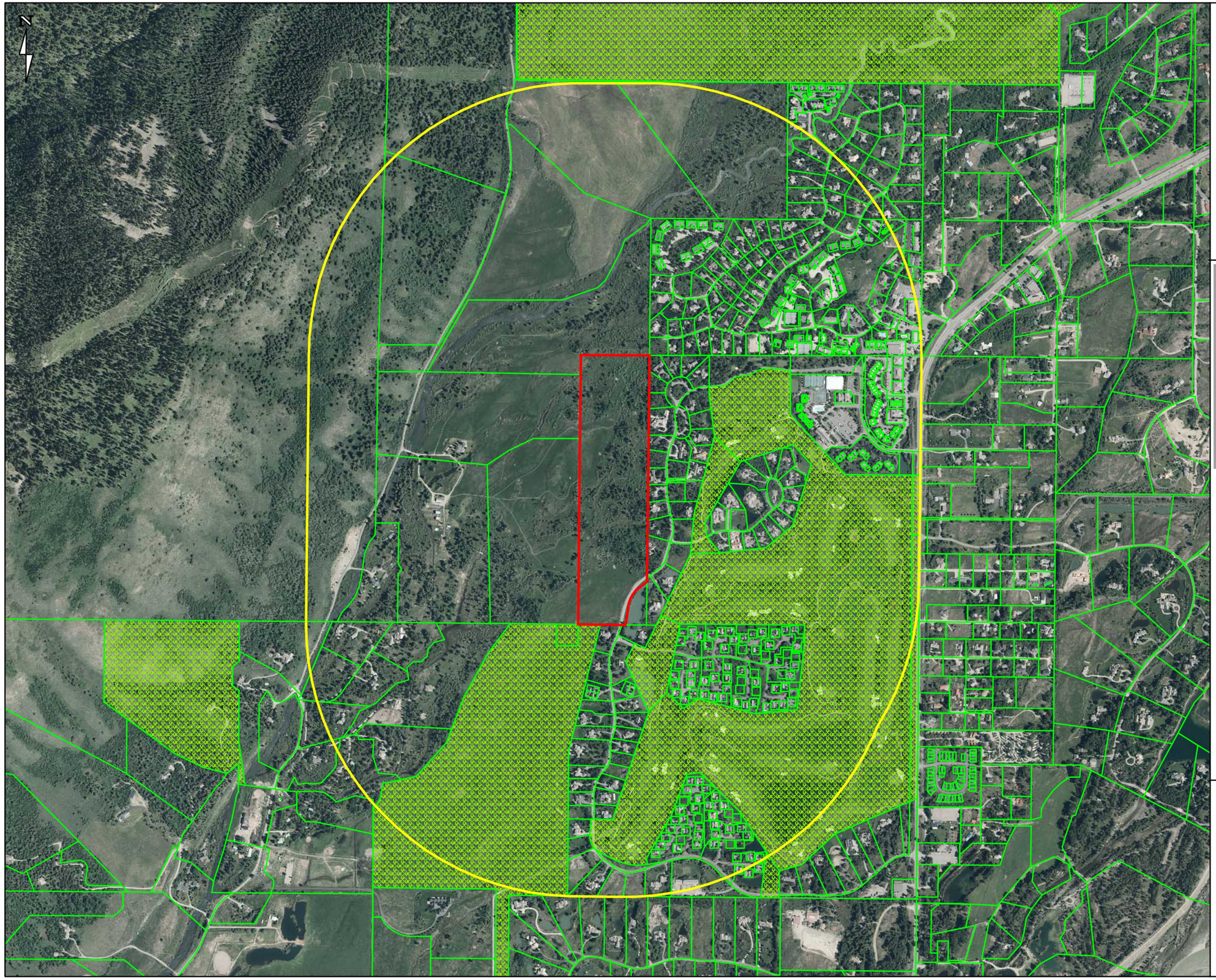

Exhibit 8
Aerial photograph depicting the 1/2-mile radius development impact area around the JHRCR Lot 5 project area, VW Properties LLC, Teton County, Wyoming.

June 8, 2016

Approximate Scale: 1 inch = 900 feet
2015 Aerial Photography

Legend

- Project Area
- Platted Parcels
- Development Impacts Area (1/2 mile raduis)
- Conservation Easements

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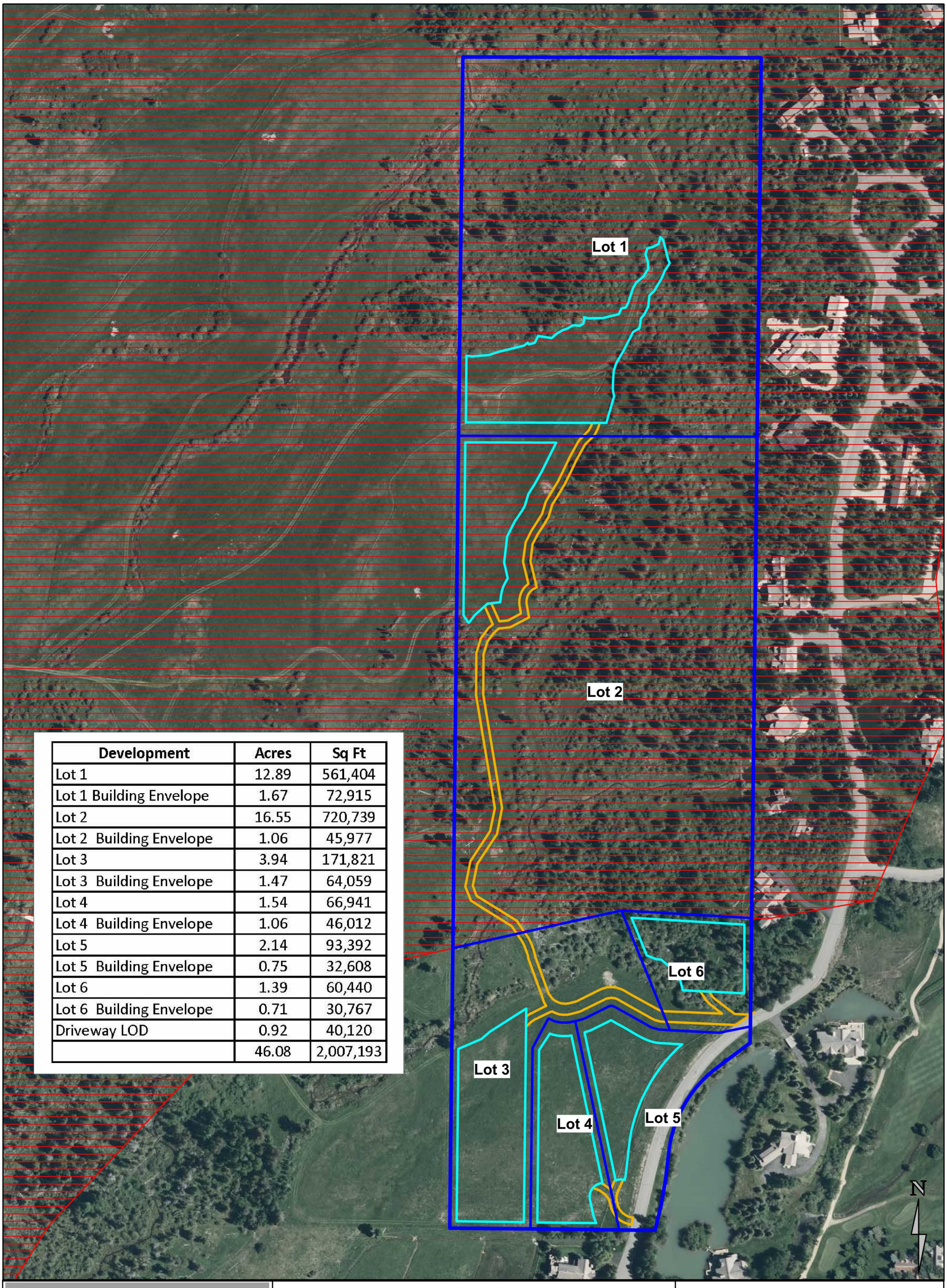

Development	Acres	Sq Ft
Lot 1	12.89	561,404
Lot 1 Building Envelope	1.67	72,915
Lot 2	16.55	720,739
Lot 2 Building Envelope	1.06	45,977
Lot 3	3.94	171,821
Lot 3 Building Envelope	1.47	64,059
Lot 4	1.54	66,941
Lot 4 Building Envelope	1.06	46,012
Lot 5	2.14	93,392
Lot 5 Building Envelope	0.75	32,608
Lot 6	1.39	60,440
Lot 6 Building Envelope	0.71	30,767
Driveway LOD	0.92	40,120
	46.08	2,007,193

Legend

- Lot 5
- Lot Lines
- Building Envelopes
- Driveway LOD
- NRO

Exhibit 9
Aerial photograph depicting the proposed development site plan within the JHRCR Lot 5 project area, VW Properties LLC, Teton County, Wyoming.

June 8, 2016

Approximate Scale: 1 inch = 200 feet
2015 Aerial Photography

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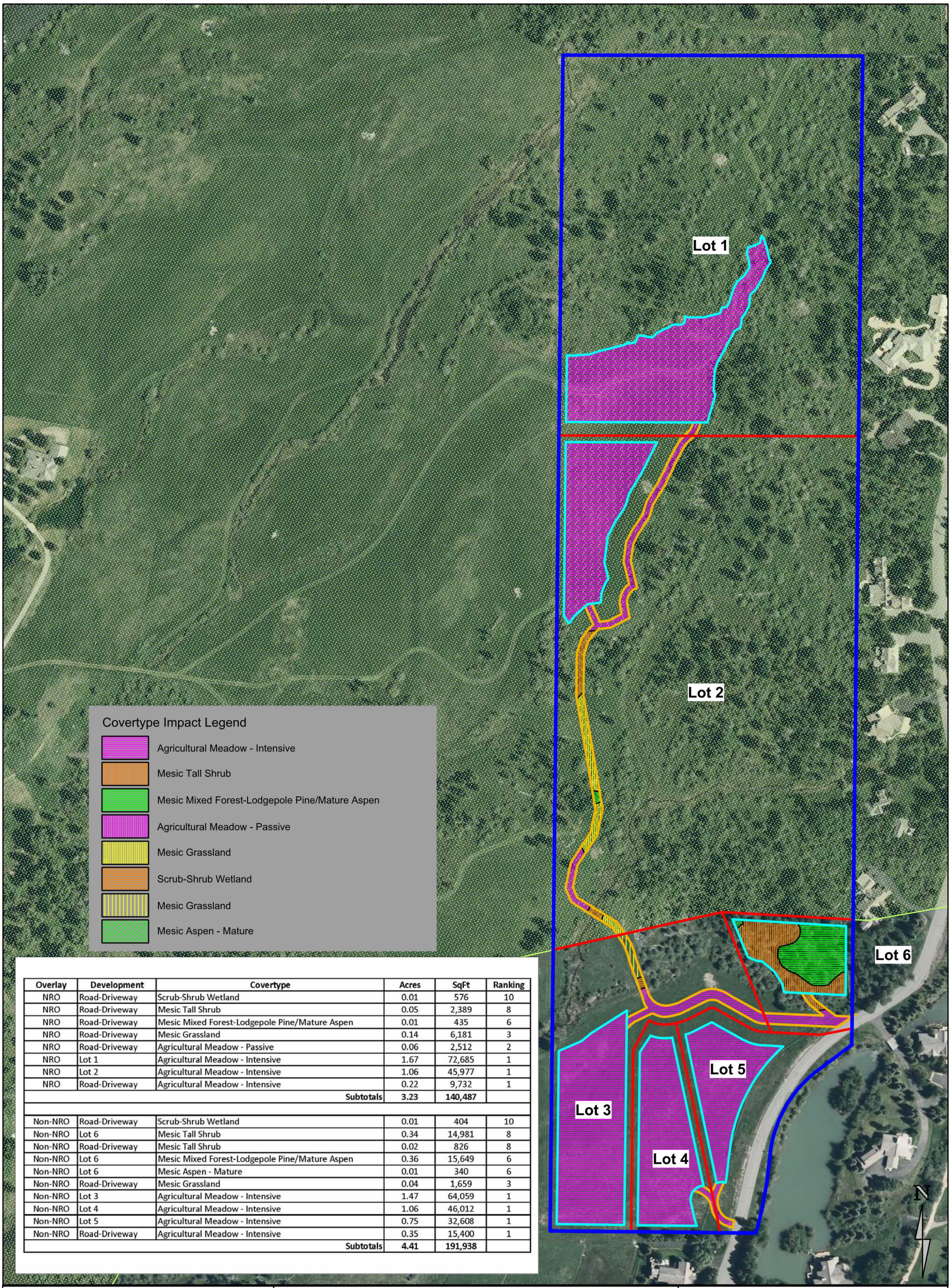

Covertype Impact Legend

- Agricultural Meadow - Intensive
- Mesic Tall Shrub
- Mesic Mixed Forest-Lodgepole Pine/Mature Aspen
- Agricultural Meadow - Passive
- Mesic Grassland
- Scrub-Shrub Wetland
- Mesic Grassland
- Mesic Aspen - Mature

Overlay	Development	Covertype	Acres	SqFt	Ranking
NRO	Road-Driveway	Scrub-Shrub Wetland	0.01	576	10
NRO	Road-Driveway	Mesic Tall Shrub	0.05	2,389	8
NRO	Road-Driveway	Mesic Mixed Forest-Lodgepole Pine/Mature Aspen	0.01	435	6
NRO	Road-Driveway	Mesic Grassland	0.14	6,181	3
NRO	Road-Driveway	Agricultural Meadow - Passive	0.06	2,512	2
NRO	Lot 1	Agricultural Meadow - Intensive	1.67	72,685	1
NRO	Lot 2	Agricultural Meadow - Intensive	1.06	45,977	1
NRO	Road-Driveway	Agricultural Meadow - Intensive	0.22	9,732	1
		Subtotals	**3.23**	**140,487**	
Non-NRO	Road-Driveway	Scrub-Shrub Wetland	0.01	404	10
Non-NRO	Lot 6	Mesic Tall Shrub	0.34	14,981	8
Non-NRO	Road-Driveway	Mesic Tall Shrub	0.02	826	8
Non-NRO	Lot 6	Mesic Mixed Forest-Lodgepole Pine/Mature Aspen	0.36	15,649	6
Non-NRO	Lot 6	Mesic Aspen - Mature	0.01	340	6
Non-NRO	Road-Driveway	Mesic Grassland	0.04	1,659	3
Non-NRO	Lot 3	Agricultural Meadow - Intensive	1.47	64,059	1
Non-NRO	Lot 4	Agricultural Meadow - Intensive	1.06	46,012	1
Non-NRO	Lot 5	Agricultural Meadow - Intensive	0.75	32,608	1
Non-NRO	Road-Driveway	Agricultural Meadow - Intensive	0.35	15,400	1
		Subtotals	**4.41**	**191,938**	

Legend

- Lot 5
- Lots-Proposed
- Building Envelopes-Proposed
- Driveway LOD
- Natural Resource Overlay (NRO)

Exhibit 10
Aerial photograph depicting impacts associated with the proposed development site plan within the JHRCR Lot 5 project area,
Teton County, Wyoming.

June 8, 2016

Approximate Scale: 1 inch = 200 feet
2015 Aerial Photography

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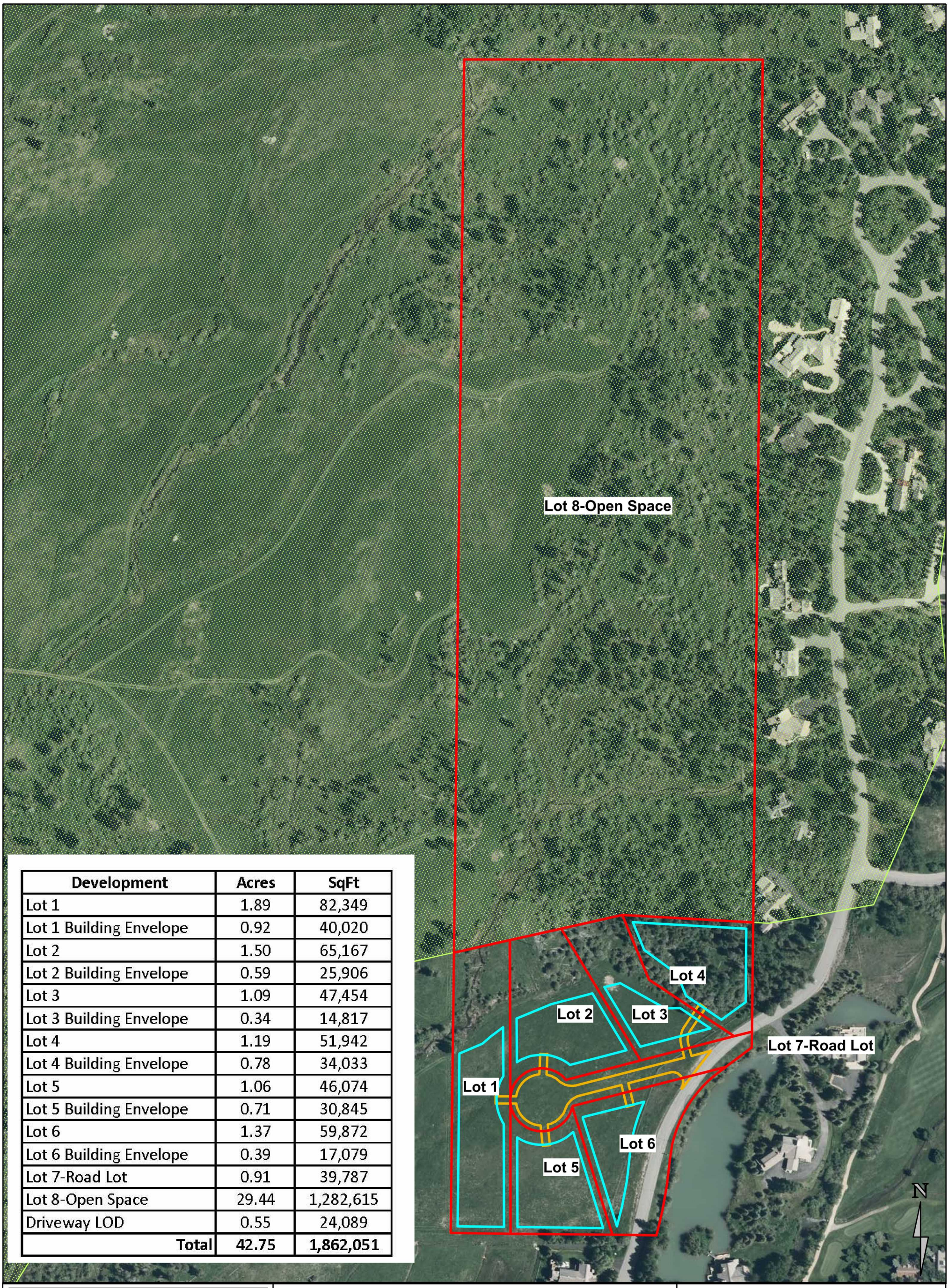
Development	Acres	SqFt
Lot 1	1.89	82,349
Lot 1 Building Envelope	0.92	40,020
Lot 2	1.50	65,167
Lot 2 Building Envelope	0.59	25,906
Lot 3	1.09	47,454
Lot 3 Building Envelope	0.34	14,817
Lot 4	1.19	51,942
Lot 4 Building Envelope	0.78	34,033
Lot 5	1.06	46,074
Lot 5 Building Envelope	0.71	30,845
Lot 6	1.37	59,872
Lot 6 Building Envelope	0.39	17,079
Lot 7-Road Lot	0.91	39,787
Lot 8-Open Space	29.44	1,282,615
Driveway LOD	0.55	24,089
Total	**42.75**	**1,862,051**



Legend

- Lot 5
- Lot Lines
- Building Envelopes
- Driveway LOD
- Natural Resource Overlay (NRO)

Exhibit 11
Aerial photograph depicting the alternative development site plan within the JHRCR Lot 5 project area, VW Properties LLC, Teton County, Wyoming.

June 8, 2016

Approximate Scale: 1 inch = 200 feet
2015 Aerial Photography

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Overlay	Development	Covertype	Acres	Sq Ft	Ranking
Non-NRO	Lot 3	Mesic Tall Shrub	0.00	24	8
Non-NRO	Lot 4	Mesic Tall Shrub	0.41	17,653	8
Non-NRO	Road-Driveway	Mesic Tall Shrub	0.01	259	8
Non-NRO	Lot 4	Mesic Mixed Forest-Lodgepole Pine/Mature Aspen	0.36	15,620	6
Non-NRO	Lot 4	Mesic Aspen - Mature	0.01	298	6
Non-NRO	Lot 1	Agricultural Meadow - Intensive	0.92	39,986	1
Non-NRO	Lot 2	Agricultural Meadow - Intensive	0.59	25,872	1
Non-NRO	Lot 3	Agricultural Meadow - Intensive	0.32	14,076	1
Non-NRO	Lot 4	Agricultural Meadow - Intensive	0.01	381	1
Non-NRO	Lot 5	Agricultural Meadow - Intensive	0.71	30,811	1
Non-NRO	Lot 6	Agricultural Meadow - Intensive	0.39	17,047	1
Non-NRO	Road-Driveway	Agricultural Meadow - Intensive	0.55	23,830	1
Non-NRO	Lot 4	Disturbed	0.00	49	0
			4.27	185,904	

Lot 4
Lot 3
Lot 2
Lot 1
Lot 7-Road Lot
Lot 6
Lot 5

Covertype Impact Legend
- Mesic Mixed Forest-Lodgepole Pine/Mature Aspen
- Mesic Aspen - Mature
- Disturbed
- Agricultural Meadow - Intensive
- Mesic Tall Shrub

N

Legend
- Lot 5
- Lot Lines
- Building Envelopes
- Driveway LOD
- Natural Resource Overlay (NRO)

Exhibit 12
Aerial photograph depicting impacts associated with the alternative development site plan within the JHRCR Lot 5 project area,
Teton County, Wyoming.

June 8, 2016

Approximate Scale: 1 inch = 100 feet
2015 Aerial Photography

research & consulting inc.
Biota
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APPENDIX 2 – 2015 GROUNDWATER STUDY
JHRCR LOT 5 STUDY AREA, TETON COUNTY, WYOMING

2015 GROUNDWATER STUDY
JHRCR LOT 5 STUDY AREA
TETON COUNTY, WYOMING

Prepared For

VW Properties, LLC

1815 Poplar, Buhl, ID 83316

Prepared By

research & consulting inc.
Biota

PO Box 8578, 140 E. Broadway, Suite 23, Jackson, Wyoming 83002

February 11, 2016

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GROUNDWATER STUDY

JHRCR LOT 5 STUDY AREA, TETON COUNTY, WYOMING

INTRODUCTION

A groundwater study was performed in 2015 within the 38.5-acre JHRCR Lot 5 property in Teton County, Wyoming (PIDN 22-41-17-11-3-19-001), which is owned by VW Properties, LLC (1815 Poplar, Buhl, ID 83316). The purpose of this study was to monitor groundwater levels and to determine, to the extent possible:

1) The extent to which existing wetlands are directly or indirectly supported by supplemental irrigation activities occurring upstream of and within Lot 5; and
2) If any of the wetlands on the parcel are likely to revert to uplands in the absence of irrigation activity.

LOCATION AND PHYSIOGRAPHY

The property is located north of Wilson, Wyoming between Fish Creek and the Snake River (T41N, R117W, S11; Exhibit 1). The property is situated within the historic Snake River floodplain, and the physiographic features of the property have been influenced by fluvial processes. The local topography is relatively flat with a number of shallow depressions and relic flood channel features. A high seasonal groundwater table exists throughout the property, which supports a diversity of mesic plant communities.

HYDROLOGY

Lot 5 is situated in an area that has a long history of anthropogenic manipulation of watercourses and augmentation of flows with irrigation water from other drainages. Surface water features within the study area include 2 watercourses that flow in a southwesterly direction through the parcel (Exhibit 2). An Aquatic Resources Inventory (ARI) was conducted on the parcel in November 2014, and the ARI identified 3 watercourses present within Lot 5. Between 2014 and present, the northern watercourse (referred to as an "Ornamental Pond Outlet") was rerouted, and it no longer flows through the northwest corner of Lot 5 (see below). The remaining watercourses on the property are directly influenced by irrigation water from Teton Pines.

Ornamental Pond Outlet – The drainage that was historically in the northwest corner of Lot 5 conveys water that is derived entirely from a man-made, excavated pond located in the southwestern portion of the Aspens Subdivision. Previous observations of flows in the outlet revealed that flows fluctuate dramatically through the year and are at their greatest during the irrigation season when flows in Fish Creek, Lake Creek, and the Snake River are elevated. During lower flow periods, spring-fed discharges are present, but flows within the project area during mid-December were less than 0.1 cubic feet per second (cfs). Even though the channel has been realigned, this drainage may still provide some hydrologic support for wetlands in the vicinity.

Central Drainage – The "Central Drainage" is an irrigation ditch that conveys water derived from the No. 1 Lake Creek Diversion (north of the Aspens Subdivision). The ditch conveys water to the agricultural meadow in the western portion of the parcel, where the channel splits into 3 different lateral ditches, only 2 of which exit the parcel. Observations of flows within Lot 5 and on the adjacent parcel to

the west show that flows are seasonal and occur only during the irrigation season. No flow was observed in this watercourse during the course of this groundwater study.

Southern Drainage – The "Southern Drainage" appears to be a semi-natural channel that functions as an irrigation ditch due to flow augmentation derived from the No. 1 Lake Creek Diversion. This drainage enters the eastern boundary of the parcel via the Pines Reservoir #17, and then flows southwesterly into the neighboring property. Water was present in this drainage throughout the 2015 growing season, and based on aerial photography analysis, it appears this drainage has been operated in a similar fashion for more than 40 years.

The "central drainage" was inactive in 2015, but the "southern drainage" conveyed irrigation water through Lot 5 for the entirety of the growing season. It appears that the "southern drainage" is rarely inactive. Therefore, for the purposes of this study, the hydrologic conditions observed on Lot 5 in 2015 were considered to be a conservative estimate of "natural" conditions (i.e., those experienced in the absence of irrigation influence).

GROUNDWATER MONITORING

METHODS

This groundwater study incorporates data collected from 5 shallow groundwater monitoring wells installed in upland locations on the JHRCR Lot 5 property in May 2015 (Exhibit 3). Wells were installed to a depth of about 6 feet with the use of a tracked excavator. Monitoring wells were comprised of 4-inch perforated PVC fitted with a fine mesh filter sock. Groundwater levels were monitored with pressure transducers and automated data recorders set to record on 12-hour intervals from May 14 through December 3, 2015.

At the request of the landowner's representatives, groundwater wells were installed in uplands adjacent to delineated wetlands in order to avoid delays associated with the acquisition of a Nationwide Permit 5 from the US Army Corps of Engineers (USACE), which would have been required if wells were installed in wetlands. Groundwater studies investigating wetland hydrology typically involve the installation of monitoring wells directly in the subject wetlands in order to observe actual groundwater levels in the wetlands and to better understand the relationship between irrigation activities and hydrologic support. However, when detailed topographic data (e.g., surveyed or LiDAR) are available, monitoring wells installed in adjacent uplands have shown utility during recent groundwater studies conducted by Biota on the historic Snake River floodplain.

ANALYSIS AND RESULTS

The U.S. Geological Survey (USGS) maintains a stream gauging station in Fish Creek near Wilson (#13016450). Mean daily flow data from the gauge during the 2015 study period were obtained and used during analysis. A graphical depiction of Fish Creek discharge at the USGS gauge and groundwater level relative to grade at the Lot 5 monitoring wells is presented in Exhibit 4. Strong correlations exist between Fish Creek discharge and groundwater levels in the Lot 5 study area (see Figures 1-5). There is also a strong correlation in groundwater levels between the 5 individual monitoring wells ($R^2 = 0.99$). Groundwater data confirm that a shallow water table exists throughout Lot 5, and that groundwater levels are correlated to Fish Creek flow rate. All monitoring wells show groundwater within 3 feet +/- of the ground surface in the vicinity of the monitoring wells for the entire growing season. Outside of the growing season, groundwater levels in all monitoring wells gradually dropped to between 3 and 6 feet below grade, with the lowest recorded levels occurring during winter months.

Elk temporarily interfered with data loggers in some of the monitoring wells during portions of late May and early June, which resulted in the collection of inaccurate data that could not be used for analysis. To fill gaps in the data record, groundwater elevation data were calculated using the correlation between the disturbed well and the nearest operational well. Extrapolated data are depicted with dashed lines in the hydrographs presented in Exhibit 4. Due to the tight correlation between water levels in all wells, the use of extrapolated data is not expected to influence the analysis of groundwater data or affect the results of this study.

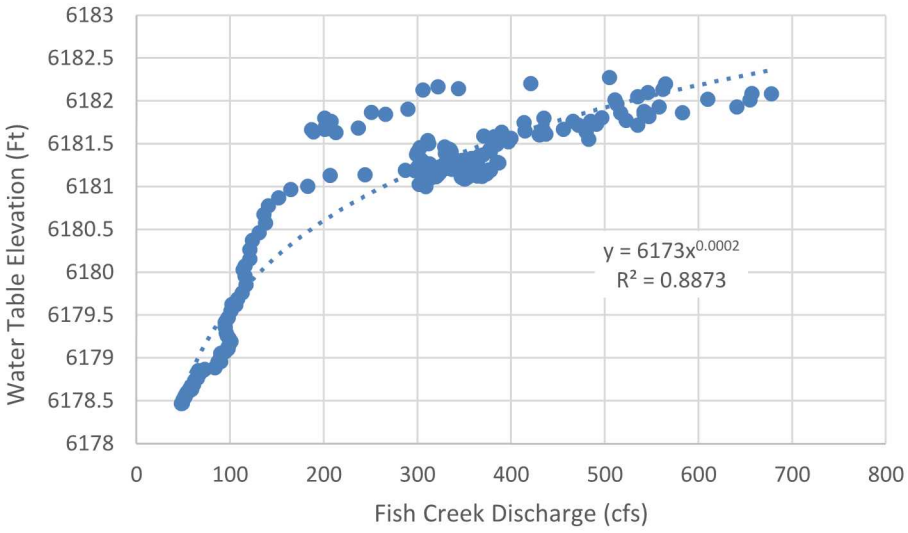

Figure 1. Chart depicting the relationship between groundwater levels in Well 1 and flows in Fish Creek at USGS gauge #13016450 in Wilson, Wyoming.

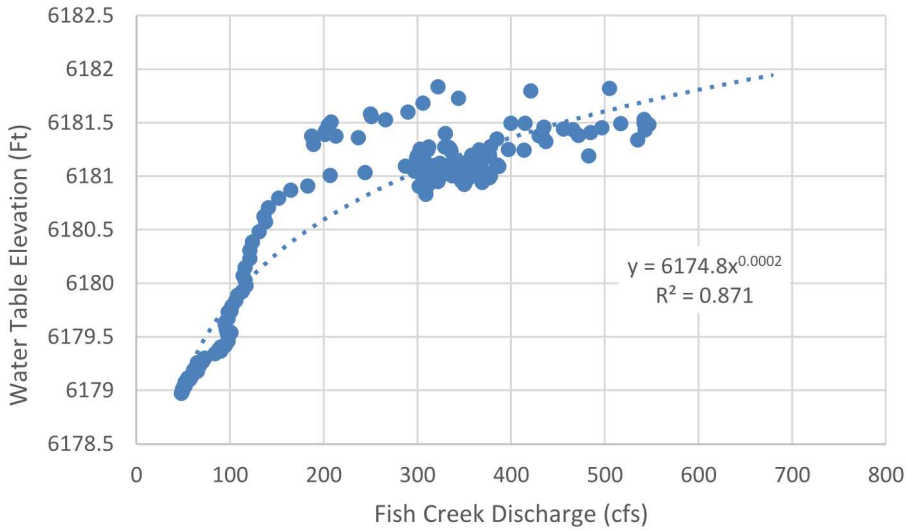

Figure 2. Chart depicting the relationship between groundwater levels in Well 2 and flows in Fish Creek at USGS gauge #13016450 in Wilson, Wyoming.

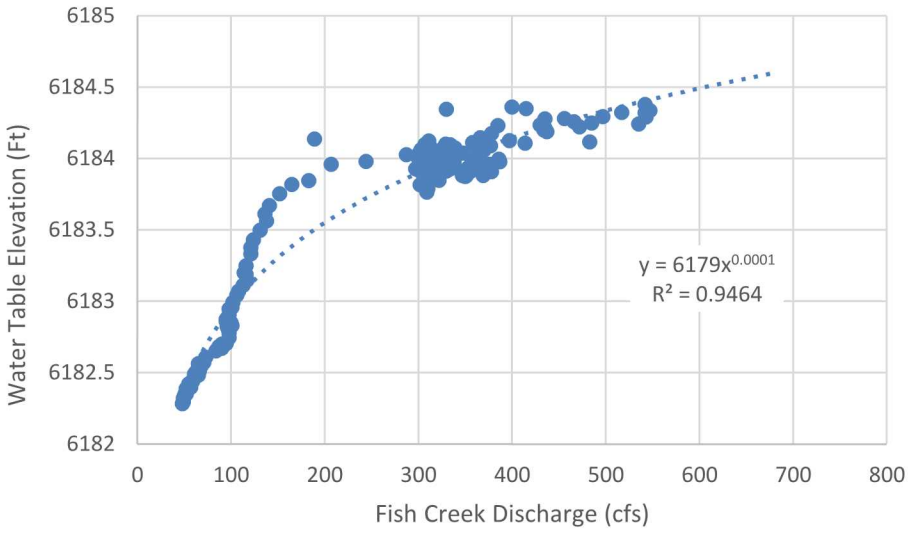

Figure 3. Chart depicting the relationship between groundwater levels in Well 3 and flows in Fish Creek at USGS gauge #13016450 in Wilson, Wyoming.

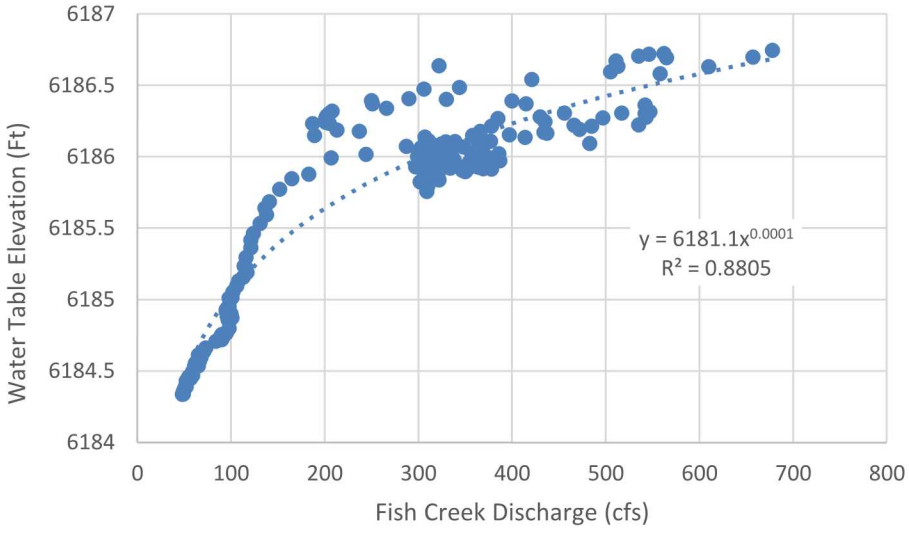

Figure 4. Chart depicting the relationship between groundwater levels in Well 4 and flows in Fish Creek at USGS gauge #13016450 in Wilson, Wyoming.

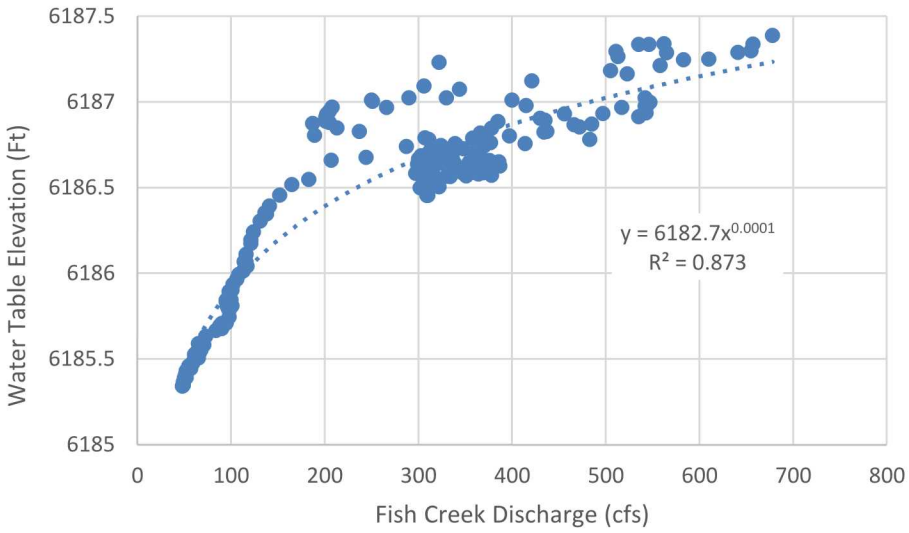

Figure 5. Chart depicting the relationship between groundwater levels in Well 5 and flows in Fish Creek at USGS gauge #13016450 in Wilson, Wyoming.

A concurrent surface water study conducted on the Ornamental Pond Outflow also showed a tight correlation (R^2 = 0.99) between surface water flows in the outflow channel and in Fish Creek. The strong correlations between Fish Creek discharge and Lot 5 surface and groundwater conditions indicate that the groundwater table in the study area is closely tied to Fish Creek flow rate. The tight correlations between water levels at individual monitoring wells further demonstrates that water table fluctuations are consistent throughout Lot 5. In the absence of local irrigation activities (as observed during the 2015 groundwater study period) groundwater conditions across the Lot 5 study area are consistent and are related to Fish Creek flow rate.

TOPOGRAPHY

LiDAR topographic data collected in 2008 were used to analyze groundwater levels as they relate to ground surface elevations throughout Lot 5 (depicted as 1-foot contours in Exhibit 3). Surface contours were derived from LiDAR point cloud data and represent an approximation of topographic features on the landscape. Elevations of all groundwater wells and adjacent ground surface elevations were surveyed during the 2015 study period to enable topographic analysis using LiDAR and groundwater data. LiDAR contours show that topography on Lot 5 is sloped to the southwest and surface water flow is generally from northeast to southwest. Maximum ground surface elevation on the parcel is approximately 6189 feet in the northeastern portion and the lowest elevation of approximately 6181 feet is located in the southwestern portion of the parcel.

LiDAR contours provide a general depiction of site topography but, in some cases, are inconsistent with delineated wetland boundaries. Wetland boundaries within Lot 5 were determined based on field investigations conducted during the 2014 ARI, which adhered to the wetland delineation protocol outlined in the 2010 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0).

WETLAND HYDROLOGY MODEL

The strong correlation between groundwater elevation and Fish Creek flow rate enabled extrapolation of collected 2015 groundwater data to a longer timeframe. Mean daily flow data from the USGS Fish Creek gauge, which has a 22-year period of record, were obtained. The correlations between groundwater monitoring wells and Fish Creek flow rate were used to derive groundwater hydrographs representing the average conditions experienced in the last 22 years. A chart depicting Fish Creek average mean daily discharge from the period of record and the calculated groundwater elevation at the 5 monitoring wells is presented in Exhibit 5.

An empirical model was utilized to analyze groundwater data as they relate to wetland hydrology within the study area. The model incorporated LiDAR-derived ground surface contours and water table contours generated from groundwater data to produce a suite of polygons that define regions within the study area that likely meet wetland hydrology criteria in an average water year. The data used to generate these polygons were based upon the 22-year USGS stream gauge period of record and the relationship between groundwater and Fish Creek flows quantified during 2015 with minimal irrigation influence. Wetland hydrology criteria, as defined by the USACE, is "14 or more consecutive days of flooding, ponding, or a water table 12 inches (30 cm) or less below the soil surface during the growing season at a minimum frequency of 5 years in 10 years (50% or higher probability)."

The portion of the 22-year average Fish Creek mean daily flow hydrograph that depicted peak flows for 14 consecutive days was identified. The lowest groundwater elevations experienced during that 14-day period at each monitoring well was determined and subsequently used to generate a groundwater elevation model (contours). The groundwater surface was then compared to the ground surface to identify areas where the groundwater would be within 12 inches of the soil surface for at least 14 consecutive days in an average water year in the absence of anthropogenic irrigation activities.

The groundwater model was not developed to quantify conditions throughout the Lot 5 project area due to the prohibitive costs associated with such an effort; the model was instead developed to encompass the core of the study area. Ground surface topography, groundwater table topography, and model output are presented in Exhibit 6.

The model identified a number of areas within Lot 5 that were mapped as wetlands in 2014 but do not appear to meet wetland hydrology criteria based on average conditions experienced in the absence of irrigation influence. These areas include all of Wetland 2 and Wetland 3, as well as the northern portion of Wetland 4 (Exhibit 7). In addition, there were several areas that were not mapped as wetland in 2014, but appear to meet wetland hydrology criteria based on average hydrologic conditions experienced in the absence of irrigation influence. These areas were not mapped as wetlands because soil and/or vegetation criteria were not satisfied in these areas during field assessment.

WETLAND DESCRIPTIONS

Wetlands delineated in 2014 consist of 4 primary polygons, which are depicted in Exhibit 3 and described below in terms of landscape position, hydrologic support, and results of this study.

Wetland 1 – This wetland is located in a depressional area in the northwest corner of Lot 5. The wetland mapping has been updated since the 2014 ARI to reflect the realignment of the Ornamental Pond Outlet. Hydric soils and wetland vegetation are well developed, indicating a long history of wetland presence. This observation is supported by aerial photography datasets dated from 1955 to present, which show a distinct wetland signature within and in the vicinity of Wetland #1. Although the Ornamental Pond Outlet previously flowed through Wetland #1, the wetland is clearly supported by a high groundwater

table, and is not expected to revert to upland in the absence of the outlet channel. The model output confirmed that the water table in this wetland is within 12 inches of the soil surface for at least 2 weeks during the growing season in an average water year.

Wetland 2 – This wetland is located in a depressional area in the northwestern portion of Lot 5. Micro-topographic variability in this wetland is high, and there are several low-lying swales in the central and southern portion of the wetland. Hydric soils and wetland vegetation are well developed throughout, indicating a long history of wetland presence. In general, the hydrologic regime of this wetland appears to be somewhat drier than Wetland 1, and it does not appear as distinctly on the suite of available aerial photography. Results of the modeling effort indicate that wetland hydrology criteria are not met for this wetland in an average water year. The model output depicts groundwater levels greater than 18 inches from the ground surface during the high-water portion of an average water year in the absence of irrigation influences. One sample plot was located in Wetland 2 during the 2014 ARI. Well-developed hydric soils and a strongly hydrophytic plant community were found at the sample plot; however, only secondary wetland hydrology indicators (e.g., FAC-neutral Test and Geomorphic Position) were observed during the November field investigation for the ARI. Wetland 2 has no watercourses running through it, but it appears that irrigation water in the "central drainage" provides supplemental hydrologic support for this wetland when the irrigation ditch is active. Based on the model results, Wetland 2 is supported by irrigation activities and does not meet wetland hydrology criteria in the absence of this irrigation activity.

Wetland 3 – This wetland is located on relatively level ground adjacent to the "central drainage," which is an irrigation ditch in the northeastern portion of Lot 5. One sample plot was located in Wetland 3 during the 2014 ARI. Well-developed hydric soils and a strongly hydrophytic plant community were found at the sample plot; however, only secondary wetland hydrology indicators (FAC-neutral Test and Geomorphic Position) were observed. The average LiDAR ground surface elevation in the wetland is 6189 feet, and this wetland is located in an elevated landscape position in relation to other delineated wetlands on the property. Results of the model indicate that wetland hydrology criteria in Wetland 3 are not met in an average water year in the absence of irrigation influences. The model output depicts depth to groundwater in this wetland at 2 feet or more during the high-water portion of an average water year in the absence of irrigation influences. This wetland is clearly supported by surface flows in the irrigation ditch and can be expected to revert to upland (non-wetland) in the absence of irrigation activities.

Wetland 4 – This is the largest wetland complex on the parcel and consists of several relic flood channels or "fingers" oriented on a northeast-southwest axis. These wetland fingers are situated in linear depressions that converge into a larger relic channel feature in the central portion of Lot 5. The "southern drainage" flows through one of the southern wetland fingers (see Exhibit 3), and the ditch provides supplemental hydrologic support for the southern portion of Wetland 4. Field observations during the growing season documented water ponding in this portion of Wetland 4. Two sample plots were located in Wetland 4 during the 2014 ARI. Well-developed hydric soils and a strongly hydrophytic plant community were found at the sample plots; however, only secondary wetland hydrology indicators (FAC-neutral Test and Geomorphic Position) were observed. Model results indicate that the southern portion of Wetland 4 has sufficient hydrologic support to meet wetland hydrology criteria in an average water year in the absence of irrigation influences, but the northern portion of the wetland does not. In an average water year, depth to groundwater during the high water period in the northern portion of Wetland 4 is 2 feet or more, while depth to groundwater in the southern portion is 12 inches or less.

SUMMARY AND CONCLUSIONS

The results of the Lot 5 groundwater study indicate a high seasonal water table exists throughout Lot 5, and that an elevated water table during the growing season is the primary source of hydrologic support for a majority of wetlands. Irrigation flows in the "central drainage," however, provide hydrologic support for Wetland 3, and flows in the "southern drainage" augment hydrologic support for the southern portion of Wetland 4. Additionally, the local water table is likely bolstered by irrigation activities occurring both on and in the vicinity of Lot 5. The "central drainage" was inactive in 2015, but the "southern drainage" conveyed irrigation water through Lot 5 for the entirety of the growing season. It appears that the "southern drainage" is rarely inactive. Therefore, for the purposes of this study, the hydrologic conditions observed on Lot 5 in 2015 were considered to be a conservative estimate of "natural" conditions (i.e., those experienced in the absence of irrigation influence).

This study represents a novel approach to investigating wetland hydrology as it relates to wetland delineation criteria established by the USACE. As such, it is unclear how the results will be received by the regulatory agencies and how the jurisdictional status of wetlands on the parcel may change. The groundwater model output indicates that all of Wetland 2, Wetland 3, and a portion of Wetland 4 do not meet wetland hydrology criteria in an average water year in the absence of irrigation influences. All wetlands will likely be considered jurisdictional by the USACE because of a downstream nexus to Waters of the US. However, from a Teton County regulatory perspective, Wetlands 2, 3, and the northern portion of Wetland 4 are considered "irrigation-induced," and not subject to county wetland regulations. Naturally-occurring and irrigation-induced wetlands are depicted in Exhibit 8.

EXHIBITS

1) Location and topography of the JHRCR Lot 5 property, Teton County, Wyoming.

2) Aerial photograph depicting surface water features within the JHRCR Lot 5 property, Teton County, Wyoming.

3) Aerial photograph depicting wetlands, groundwater monitoring wells, and LiDAR contours on the JHRCR Lot 5 property, Teton County, Wyoming.

4) Chart depicting relative groundwater elevations and corresponding flows in Fish Creek, JHRCR Lot 5 property, Teton County, Wyoming.

5) Chart depicting the Fish Creek hydrograph and extrapolated water table elevations based on mean daily discharge from the 22-year period of record at the USGS gauge in Wilson, JHRCR Lot 5 property, Teton County, Wyoming.

6) Exhibit depicting results of the groundwater modeling effort, JHRCR Lot 5 property, Teton County, Wyoming.

7) Exhibit depicting delineated wetlands and the areas that meet wetland hydrology criteria in an average water year in the absence of irrigation influence, JHRCR Lot 5 property, Teton County, Wyoming.

8) Exhibit depicting naturally-occurring and irrigation-induced wetlands on the JHRCR Lot 5 property, Teton County, Wyoming.

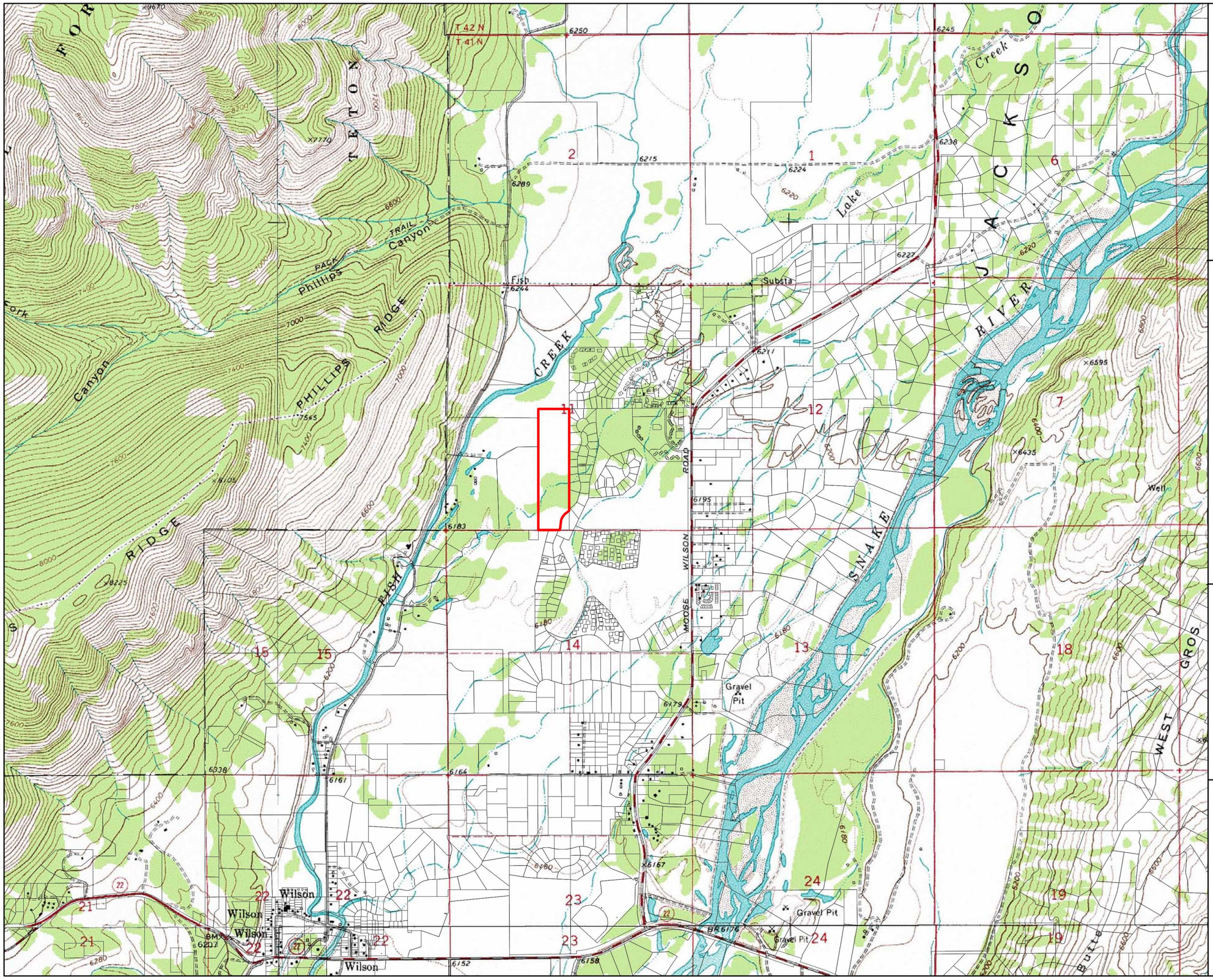

Exhibit 1
Location and topography of the JHRCR Lot 5 study area, Teton County, Wyoming.

February 11, 2016

Approximate Scale: 1 inch = 2,000 feet

LEGEND

- Lot 5 Study Area
- Platted Parcels

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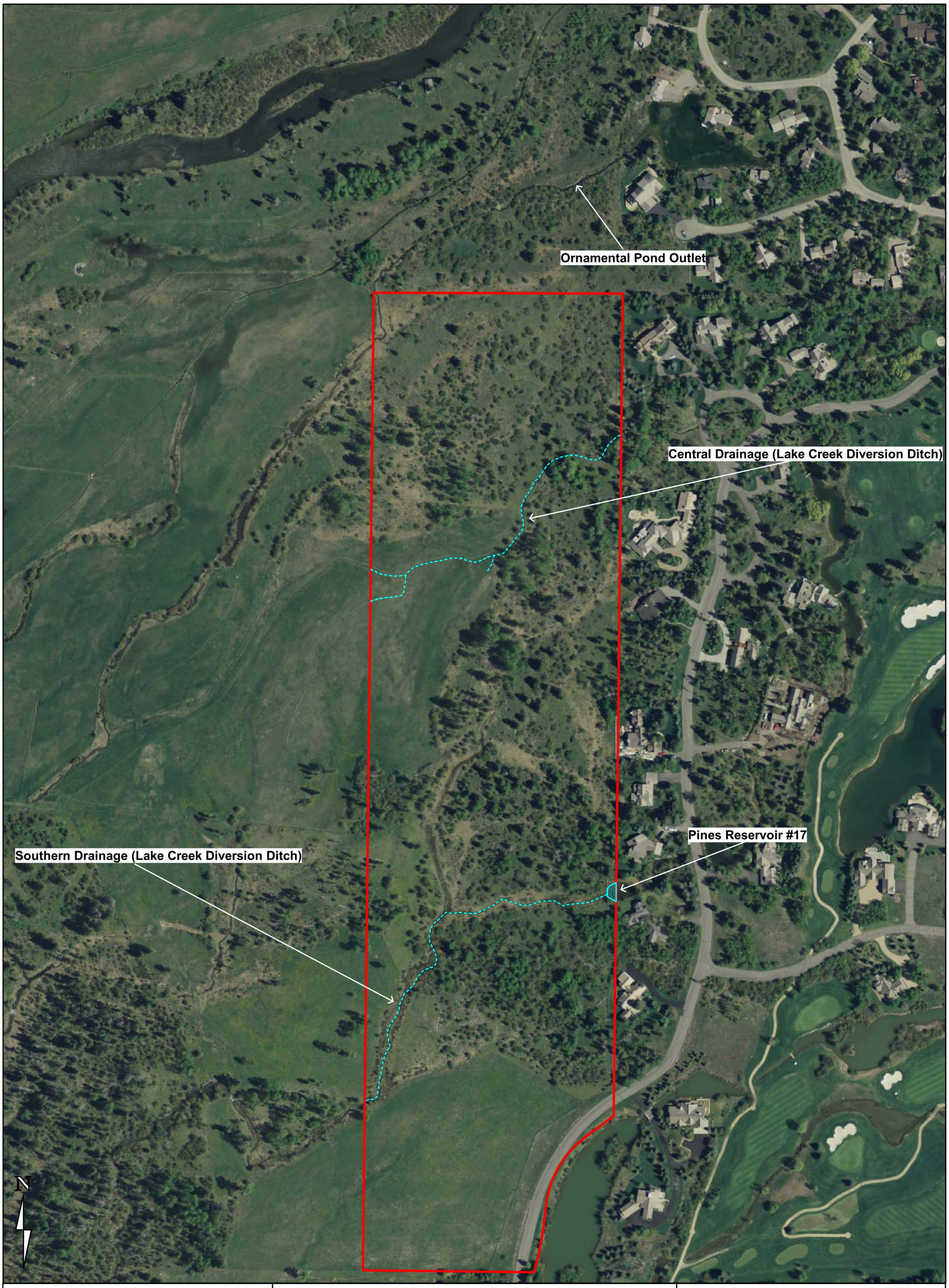

Legend

- Lot 5 Parcel
- Irrigation Ditch
- Reservoir

Exhibit 2
Aerial photograph depicting surface waters
within the JHRCR Lot 5 property,
Teton County, Wyoming.

February 11, 2016

Approximate Scale: 1 inch = 240 feet
2013 Aerial Photography

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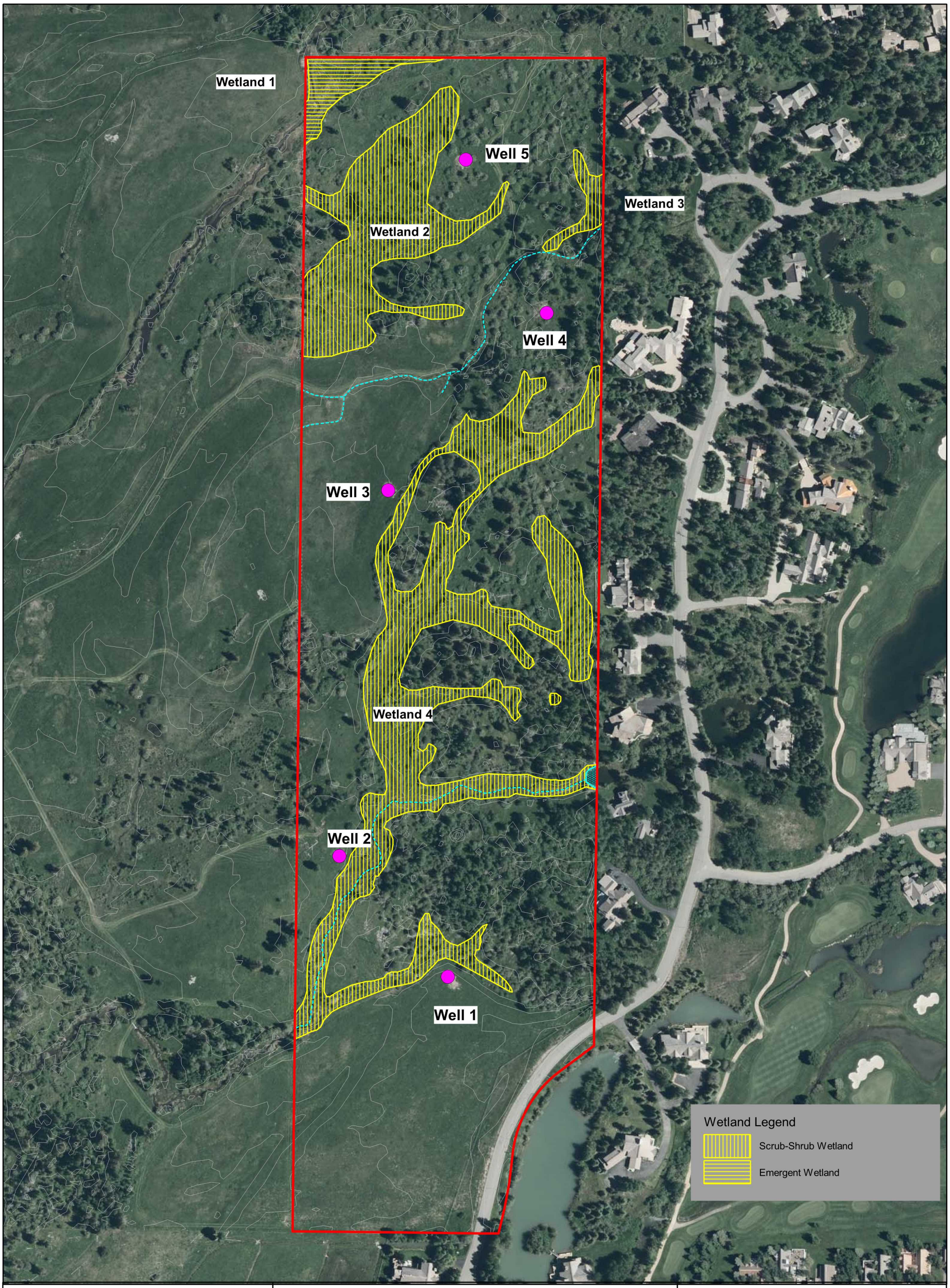

Legend

- Lot 5 Study Area
- Groundwater Monitoring Well
- 1-ft Contour (LiDAR)
- Irrigation Ditch
- Reservoir

Exhibit 3
Aerial photograph depicting wetlands, groundwater monitoring wells, and LiDAR contours on the JHRCR Lot 5 property, Teton County, Wyoming.

February 11, 2016

Approximate Scale: 1 inch = 200 feet
2015 Aerial Photography

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Exhibit 4 - Groundwater Levels and Fish Creek Discharge
2015 Groundwater Monitoring Project
JHRCR Lot 5 Study Area, Teton County, Wyoming

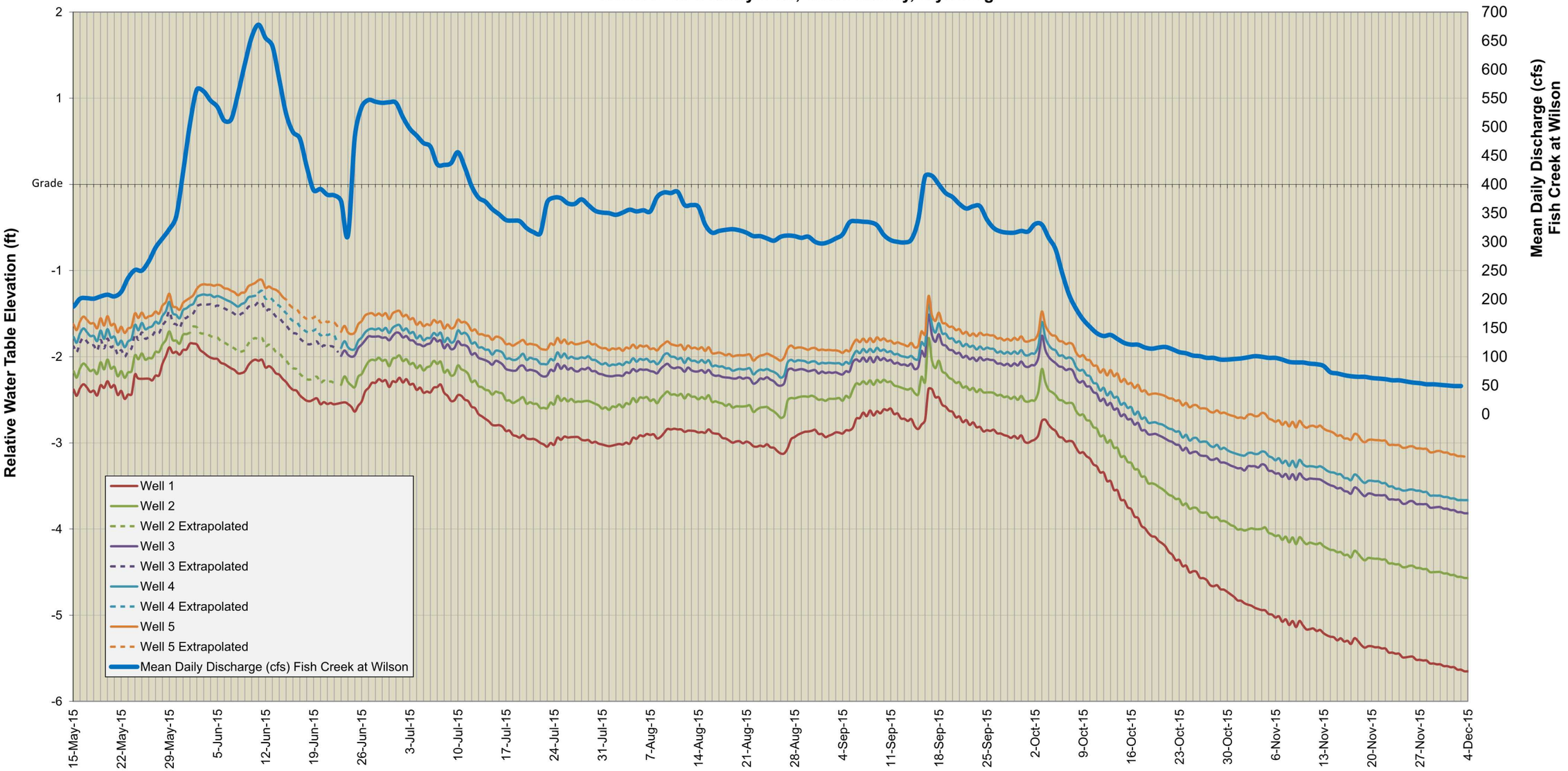
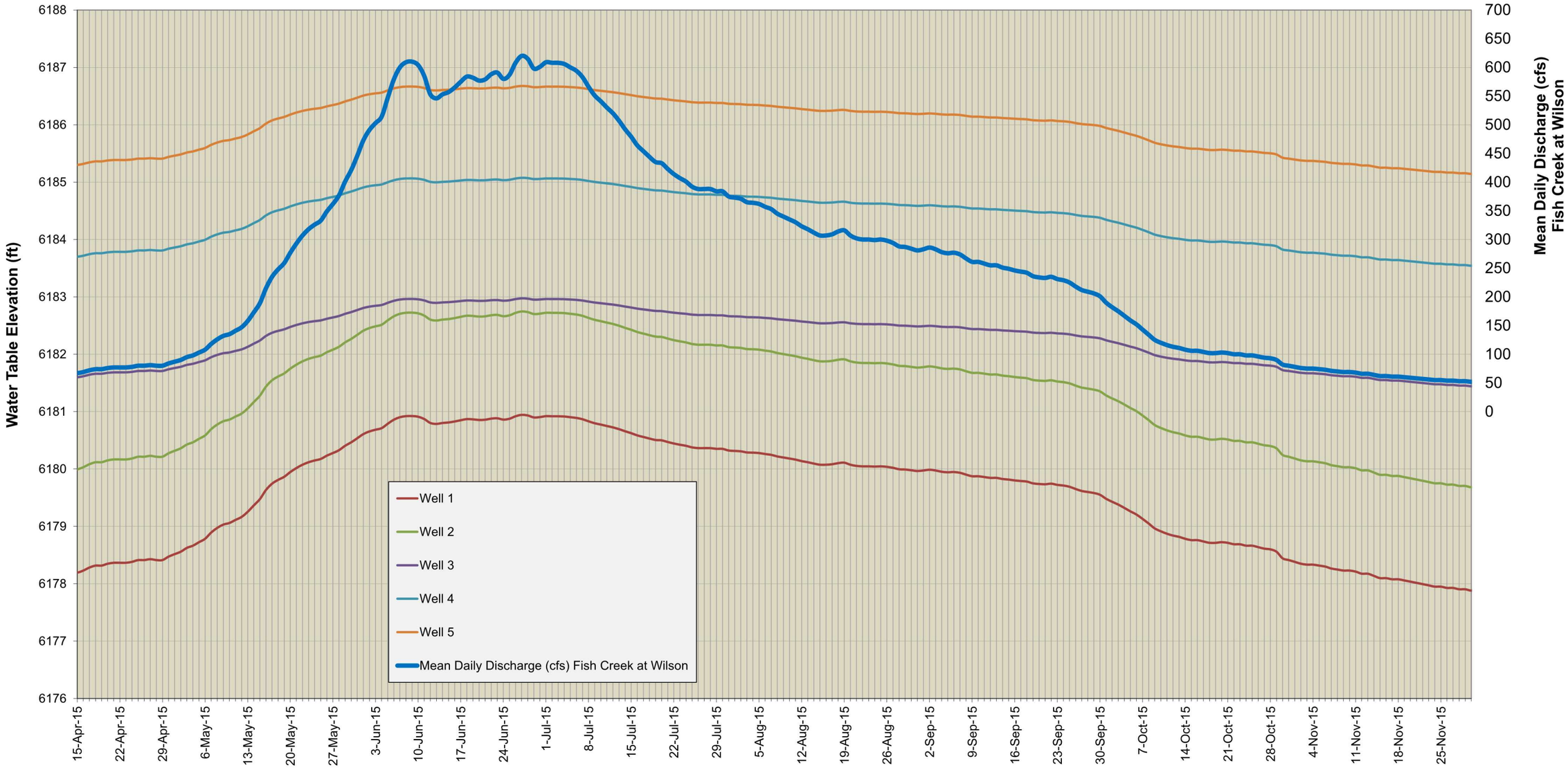


Exhibit 5 - Groundwater Levels and Fish Creek Discharge In An Average Water Year
2015 Groundwater Monitoring Project
JHRCR Lot 5 Study Area, Teton County, Wyoming



EXISTING 1' SURFACE CONTOUR

EXISTING 0.5' SURFACE CONTOUR

1' GROUNDWATER CONTOUR

0.5' GROUNDWATER CONTOUR

0–1' DEPTH TO GROUNDWATER

1–1.5' DEPTH TO GROUNDWATER

1.5–2' DEPTH TO GROUNDWATER

2'+ DEPTH TO GROUNDWATER

1' GROUNDWATER CONTOUR

0.5' GROUNDWATER CONTOUR

PARCEL BOUNDARY

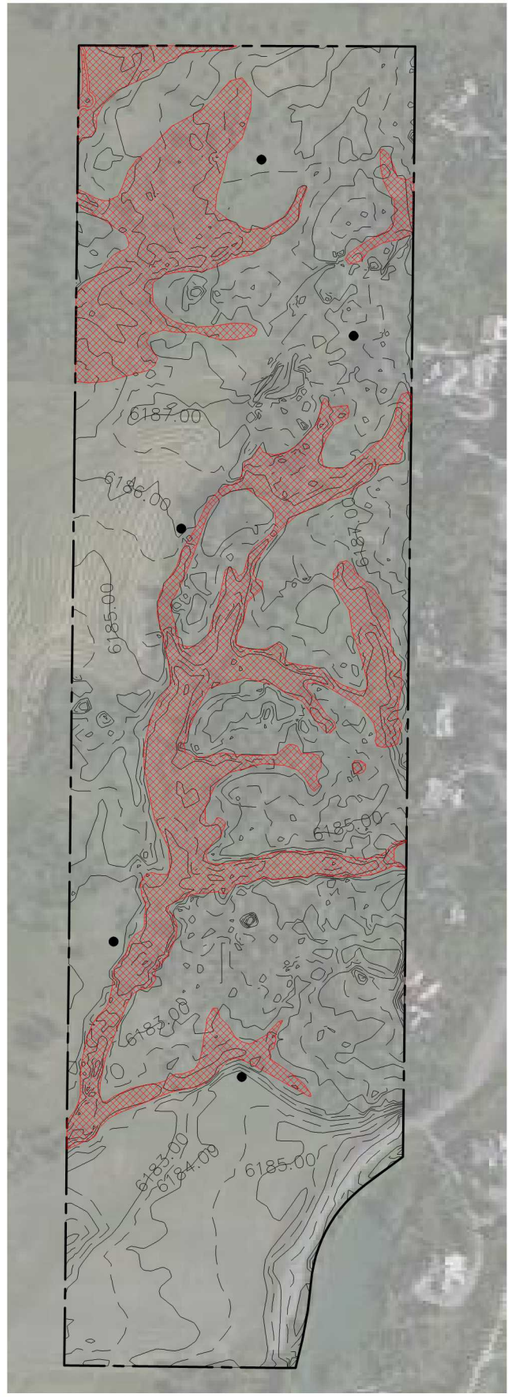
WETLAND

GROUNDWATER WELL

N

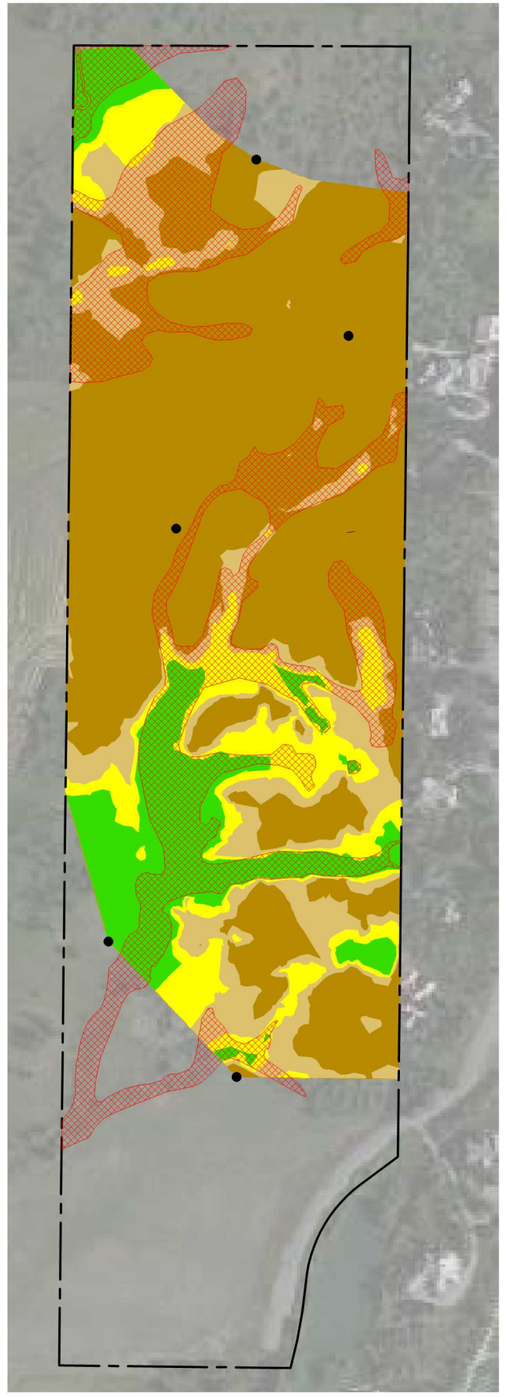
0' 75' 150'

1"=150' (24"x36" SHEET)



SURFACE CONTOURS

GROUNDWATER CONTOURS



DEPTH TO GROUNDWATER

PO Box 8578. 140 E. Broadway, Suite 23
Jackson, WY 83002;
ph: 307-733-4216

research & consulting inc.
Biota

GROUNDWATER MAPPING

JHRCR LOT 5 STUDY AREA
VW PROPERTIES , LLC
TETON COUNTY, WYOMING

Date: 02/05/2016
Descri tion:
Scale:1" :40'
By:JTM
Rev Date:

EXHIBIT 6

Legend

- JHRCR Lot 5 Parcel
- Delineated Wetlands (2014)
- Area That Meets Wetland Hydrology Criteria in an Average Water Year
- Spatial Extent of Groundwater Model

Exhibit 7
Aerial photograph depicting delineated wetlands and the areas that meet wetland hydrology criteria in an average water year in the absence of irrigation influence, JHRCR Lot 5 study area, Teton County, Wyoming.

February 11, 2016

Approximate Scale: 1 inch = 200 feet
2015 Aerial Photography

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Legend

- JHRCR Lot 5 Parcel
- Wetland (Natural)
- Wetland (Irrigation-Induced)
- Irrigation Ditch
- Reservoir

Exhibit 8
Aerial photograph depicting naturally-ocurring and irrigation-induced wetlands on the JHRCR Lot 5 property, Teton County, Wyoming.

February 11, 2016

Approximate Scale: 1 inch = 200 feet
2015 Aerial Photography

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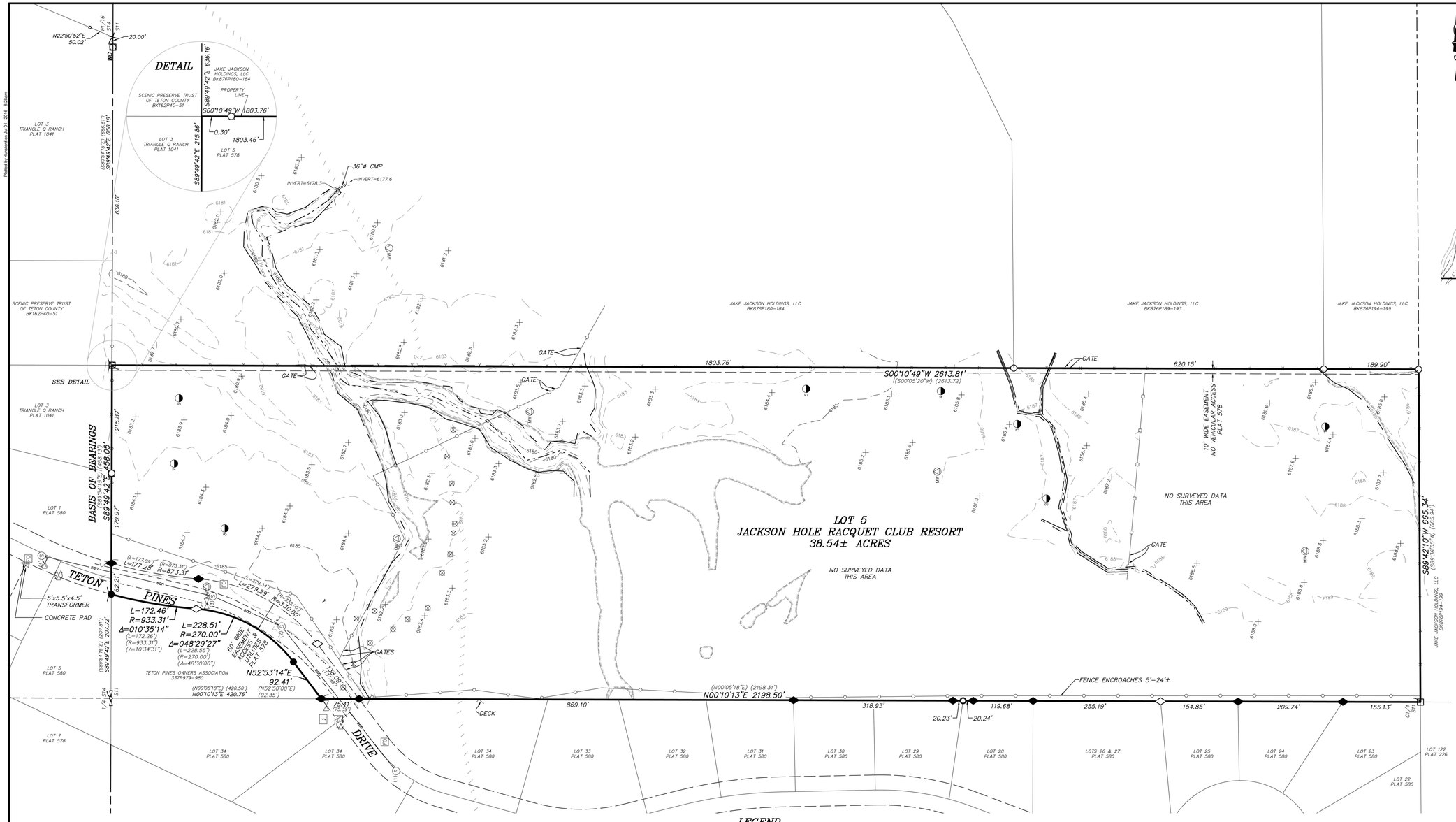
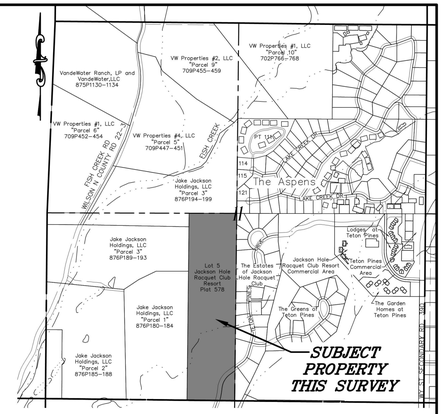
SECTION 7 - FINAL DEVELOPMENT PLAN DRAWING SET (11" X 17' FORMAT)

- **SITE PLAN WITH PROPOSED CONDITIONS**
- **TOPOGRAPHIC MAP WITH EXISTING CONDITIONS**

Plotted by rlunsford on Jul 01, 2016 - 8:28am





VICINITY MAP
T41N, R117W, SECTION 11
SCALE: 1" = 1,000 FEET

SANITARY SEWER MANHOLE DETAILS

(1)
Rim Elevation=6186.52'
Invert (NE) Elevation=6177.82'
12" ø
Invert (SW) Elevation=6177.82'
12" ø

(2)
Rim Elevation=6186.10'
Invert (NE) Elevation=6176.75'
12" ø
Invert (SW) Elevation=6176.75'
12" ø

(3)
Rim Elevation=6187.04'
Invert (NE) Elevation=6176.59'
12" ø
Invert (NW) Elevation=6176.69'
10" ø
Invert (S) Elevation=6176.54'
12" ø

(4)
Rim Elevation=6185.12'
Invert (N) Elevation=6175.62'
12" ø
Invert (E) Elevation=6175.72'
10" ø
Invert (S) Elevation=6175.62'
12" ø

NOTES

This survey was conducted in June 2016 and prepared under the direction of Jonathan H. Patterson, Wyoming PLS 13629, and does not include an engineering review.

Locations of utilities depicted hereon are limited to visible structures; underground location must be verified prior to any construction activity.

Easements shown are based on record information readily available in the Office of the Clerk of Teton County, Wyoming. Other easements or encumbrances may exist on the subject property. A thorough search of public records was not conducted.

Elevations were derived using GPS RTK observation methods referenced to NGVD29.

Record dimensions shown are from Plat 578 of record in said Office.

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 56039C2690E for Teton County, Wyoming with effective data of September 15, 2015 the entire property lies within Flood Area Zone X:; areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than one square mile; and areas protected by levees from 1% annual chance flood.

BASIS OF BEARINGS for this survey is S89°49'42"E on the section line between Section 11 and Section 14, Township 41 North, Range 117 West, 6th P.M. between the quarter-corner common to said sections and the witness corner to the West 1/16th corner common to said sections.

LEGEND

- 2-1/2" diameter iron pipe with 3" diameter brass cap inscribed "PLS 578" with other appropriate markings
- 2-1/2" diameter aluminum pipe with 3" diameter aluminum cap inscribed "PETER M. JORGENSEN PE & LS 2612" with other appropriate markings; WC indicates witness corner
- 5/8" diameter reinforcing steel bar with 2" diameter aluminum cap inscribed "PLS 3831"
- 5/8" diameter reinforcing steel bar with 2-1/2" diameter yellow plastic cap inscribed "PLS 3831"
- T-stake with chromed cap inscribed "PETER M. JORGENSEN PE & LS 2612"
- T-stake with no cap
- spike, reference monument to W 1/16th corner
- 5/8" diameter reinforcing steel bar with 2" diameter aluminum cap inscribed "JORGENSEN ASSOCIATES PLS 13629" set this survey
- no monument found, indicates position of W 1/16th corner between Sections 11 and 14
- boundary, SUBJECT PROPERTY
- boundary, adjoining property
- boundary, easement as noted
- boundary, Teton County Zoning Overlay--Natural Resource
- boundary, wetland delineated by Biota Research and Consulting, Inc. November 2014
- S89°54'15"E 458.13' (S89°54'15"E) (458.13') measured bearing & distance or curve geometry
- record bearing & distance or curve geometry, PLAT 578
- edge of pavement
- centerline, 8'-wide two-track road
- top of bank
- flowline
- fence, post and rail with multi-strand barbed-wire
- fence, buck rail
- fence, barbed-wire with top rail
- edge of concrete
- sign, traffic regulatory
- FO fiber optic pedestal
- transformer, electric power
- junction box, electric with solar panel
- S sanitary sewer manhole
- san sanitary sewer line
- culvert, as noted
- hydrant, fire suppression
- water valve
- MW monitoring well
- P percolation test site
- lath, set this survey
- 6182.6 spot elevation
- index contour (5' interval)
- intermediate contour (1' interval)

0 100 200 300
SCALE: 1 INCH = 100 FEET
THIS SCALE VALID ONLY FOR 24x36 PRINTS

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Topographic Survey
LOT 5, JACKSON HOLE RACQUET CLUB RESORT PLAT 578

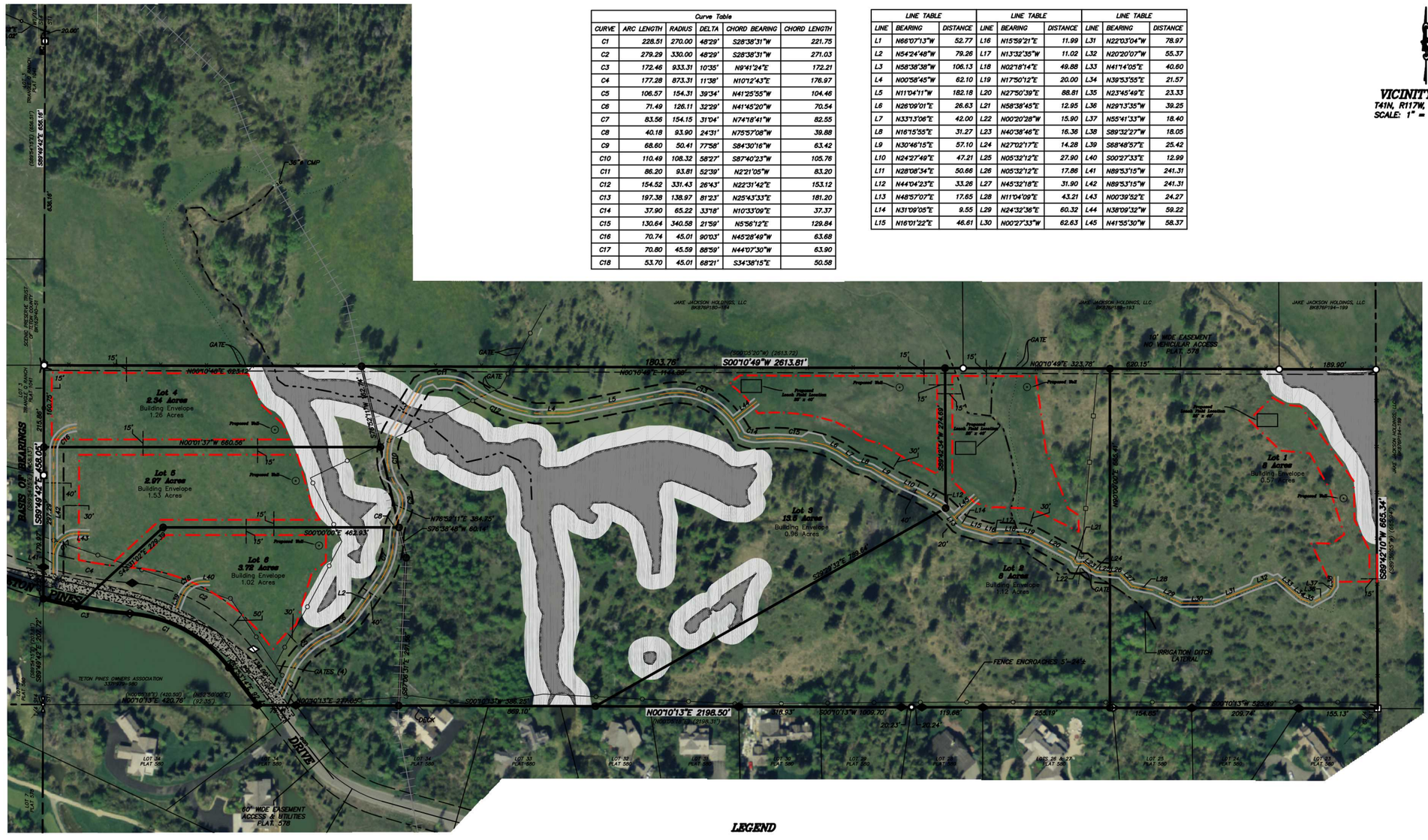
Located Within
E 1/2 E 1/2 SW 1/4, Section 11
Township 41 North, Range 117 West, 6th P.M.
Teton County, Wyoming

PREPARED BY: RHL MAP PREPARED: 07/01/2016 PROJECT NUMBER: 15012.03

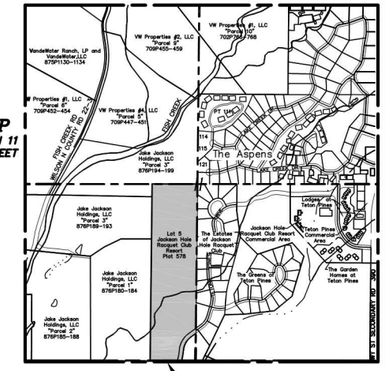
W:\2015\15012.03 - JAKE JACKSON\Survey\15012.03TOPO LOT 5 JHR.DWG

Curve Table					
CURVE	ARC LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	228.51	270.00	48°29'	S28°38'31"W	221.75
C2	279.29	330.00	48°29'	S28°38'31"W	271.03
C3	172.46	933.31	10°35'	N9°41'24"E	172.21
C4	177.28	873.31	11°38'	N10°12'43"E	176.97
C5	106.57	154.31	39°34'	N41°25'55"W	104.46
C6	71.49	126.11	32°29'	N41°45'20"W	70.54
C7	83.56	154.15	31°04'	N74°18'41"W	82.55
C8	40.18	93.90	24°31'	N75°57'08"W	39.88
C9	68.60	50.41	77°58'	S84°30'16"W	63.42
C10	110.49	108.32	58°27'	S87°40'23"W	105.76
C11	86.20	93.81	52°39'	N2°21'05"W	83.20
C12	154.52	331.43	26°43'	N22°31'42"E	153.12
C13	197.38	138.97	81°23'	N25°43'33"E	181.20
C14	37.90	65.22	33°18'	N10°33'09"E	37.37
C15	130.64	340.58	21°59'	N5°56'12"E	129.84
C16	70.74	45.01	90°03'	N45°28'49"W	63.68
C17	70.80	45.59	88°59'	N44°07'30"W	63.90
C18	53.70	45.01	68°21'	S34°38'15"E	50.58

LINE TABLE			LINE TABLE			LINE TABLE		
LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	N66°07'13"W	52.77	L16	N15°59'21"E	11.99	L31	N22°03'04"W	78.97
L2	N54°24'48"W	79.26	L17	N13°32'35"W	11.02	L32	N20°20'07"W	55.37
L3	N58°38'38"W	106.13	L18	N02°18'14"E	49.88	L33	N41°14'05"E	40.60
L4	N00°58'45"W	62.10	L19	N17°50'12"E	20.00	L34	N39°53'55"E	21.57
L5	N11°04'11"W	182.18	L20	N27°50'39"E	88.81	L35	N23°45'49"E	23.33
L6	N26°09'01"E	26.63	L21	N58°38'45"E	12.95	L36	N29°13'35"W	39.25
L7	N33°13'06"E	42.00	L22	N00°20'28"W	15.90	L37	N55°41'33"W	18.40
L8	N16°15'55"E	31.27	L23	N40°38'46"E	16.36	L38	S89°32'27"W	18.05
L9	N30°46'15"E	57.10	L24	N27°02'17"E	14.28	L39	S68°48'57"E	25.42
L10	N24°27'49"E	47.21	L25	N05°32'12"E	27.90	L40	S00°27'33"E	12.99
L11	N28°08'34"E	50.66	L26	N05°32'12"E	17.86	L41	N89°53'15"W	241.31
L12	N44°04'23"E	33.26	L27	N45°32'18"E	31.90	L42	N89°53'15"W	241.31
L13	N48°57'07"E	17.65	L28	N11°04'09"E	43.21	L43	N00°39'52"E	24.27
L14	N31°09'05"E	9.55	L29	N24°32'36"E	60.32	L44	N38°09'32"W	59.22
L15	N16°01'22"E	46.61	L30	N00°27'33"W	62.63	L45	N41°55'30"W	58.37



VICINITY MAP
T41N, R117W, SECTION 11
SCALE: 1" = 1,000 FEET



PROPOSED FINAL DEVELOPMENT PLAN, QUANTITIES, AND CALCULATIONS

GROSS SITE AREA:
Lot 5 JHRCR — 38.54 Acres

PRIVATE ROAD DIMENSIONS

Limits of Pavement	14 FT.
Limits of Disturbance	16 FT.
Clear Passage	16 FT.
Fire Turnout	4 x (10 FT. wide by 30 FT. long)

TETON COUNTY SETBACKS – R1 PUD ZONE

Maximum Scale of Development	10,000 SQ. FT. per Unit
Maximum Site Development	GSA < 35 ACRES (0.04)+15,007 SQ. FT.
Setback to Property Line	15 FT.
Setback to Public Road	50 FT.
Setback to Private Road	30 FT.
Setback to Wetlands	30 FT.

PLANNED RESIDENTIAL DEVELOPMENT CALCULATIONS

LOT 1

Lot Acreage	8 Acres
Proposed Building Envelope	0.57 Acre
Maximum Scale of Development	10,000 SQ FT
Maximum Site Development	28,946 SQ. FT.

LOT 2

Lot Acreage	8 Acres
Proposed Building Envelope	1.12 Acres
Maximum Scale of Development	10,000 SQ FT
Maximum Site Development	28,946 SQ. FT.

LOT 3

Lot Acreage	13.5 Acres
Proposed Building Envelope	0.96 Acre
Maximum Scale of Development	10,000 SQ FT
Maximum Site Development	38,529 SQ. FT.

LOT 4

Lot Acreage	2.34 Acres
Proposed Building Envelope	1.26 Acres
Maximum Scale of Development	10,000 SQ FT
Maximum Site Development	19,084 SQ. FT.

LOT 5

Lot Acreage	2.97 Acres
Proposed Building Envelope	1.53 Acres
Maximum Scale of Development	10,000 SQ FT
Maximum Site Development	20,182 SQ. FT.

LOT 6

Lot Acreage	3.72 Acres
Proposed Building Envelope	1 Acre
Maximum Scale of Development	10,000 SQ FT
Maximum Site Development	21,489 SQ. FT.

NOTES

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Wetlands delineated by Biota Research and Consulting, Inc. November 2014 EA2015-0008.

Burson Ditch Permit No. 16566.

0 100 200 300
SCALE: 1 INCH = 100 FEET
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- Hydrant, fire suppression
- Water valve
- 6182.6 Spot elevation
- Proposed well
- (S89°54'15"E) (458.13') Record bearing & distance PLAT 578
- S89°54'15"E 458.13' Measured bearing & distance or curve geometry

- Section line
- Quarter section line
- Lot lines
- Adjoining property line
- Existing Easement
- Proposed easement
- Proposed Road Centerline
- Proposed building envelope
- Proposed edge of driveway
- Fence, post and rail with multi-strand barbed-wire
- Fence, buck rail
- Fence, barbed-wire with top rail
- Flowline of Ditch / Slough
- Culvert, as noted
- Sanitary sewer line
- Centerline, 8'-wide two-track road
- Paved Road
- Natural Resource Overlay (NRO)
- Wetland with 30' setback

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Final Development Plan for VANDEWATER ESTATES SUBDIVISION of LOT 5 of the JACKSON HOLE RACQUET CLUB RESORT PLAT 578

Located Within
E 1/2 E 1/2 SW 1/4, Section 11
Township 41 North, Range 117 West, 6th P.M.
Teton County, Wyoming

PREPARED BY: RHL / YL / BS MAP PREPARED: 07/14/2016 PROJECT NUMBER: 15012.03