



## *Planning Commission - Staff Report*

**Subject:** ZMA2022-0001: Request to rezone a 13.13-acre property owned by Comunidad, LLC at 9550 Henry's Road from Rural-3 to Suburban

**Agent/Applicant:** Jackson Hole Community Housing Trust

**Property Owner:** Comunidad, LLC

**Presenter:** Rian Rooney

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### **REQUESTED ACTION**

Request to amend the Official Zoning Map, pursuant to Teton County Land Development Regulations Section 8.7.2, Zoning Map Amendment, to rezone a 13.13-acre property owned by Comunidad, LLC at the southern end of Henry's Road from Rural-3 to Suburban.

### **BACKGROUND/DESCRIPTION**

#### *PROJECT DESCRIPTION*

The applicant, Jackson Hole Community Housing Trust, on behalf of the owner, Comunidad, LLC, is requesting a rezone of a 13.13-acre site, located at 9550 S Henry's Road, east of S. Highway 89 and north of Horse Creek Road. The property is approximately 1.5 miles north of Hoback Junction. This request is to rezone the subject site from Rural-3 (R-3) to Suburban (S-TC). The Jackson Hole Community Housing Trust (JHCHT) has requested this rezoning to allow for additional density to build approximately 25 detached units of "100% permanently deed restricted affordable housing for the workforce." The current R-3 zoning only allows for 1 detached single-family dwelling and 1 accessory residential unit (ARU) on this site. The application states that ownership of the property will be transferred to JHCHT upon approval of this zoning map amendment.

The application includes a conceptual site plan showing 26 residential units on the site; however, this rezoning application review is not a review of the anticipated residential development, which has not formally been proposed at this time and has not been reviewed by County staff.

#### *EXISTING CONDITIONS*

The metes-and-bounds parcel is bisected by a thirty-three-foot-wide strip of land owned by the United States Forest Service (USFS), which is not currently being used for access to the nearby USFS lands. The parcel consists of an 8-acre southwestern area, and a 5-acre northeastern area primarily covering the west-facing slopes, upwards of 30% grade, adjacent to the US Forest Service land. This 5-acre area is vegetated predominantly with sagebrush shrub and is not significantly disturbed. A staff analysis of the County Mapserver Slopes data shows that approximately 29% of the 13.13-acre site has slopes of 30% or greater grade.

The southwestern piece is largely disturbed and includes horse corrals, buildings, riding areas, and gravel driveways. It is bounded by Horse Creek to the south and a forested area along the riparian corridor. The property currently is used for a commercial horseback riding operation, the A-OK Corral, which operates with a Conditional Use Permit. The property is currently served by a single well and existing small wastewater facility for the existing building and commercial use.

The subject property is bordered to the north by US Forest Service land. Surrounding the parcel to the east and south are primarily residential properties ranging in size from 1 acre to 25 acres, accessed by Horse Creek Road and Rodeo Road. These properties are zoned R-2 and R-3. Teton County owns a parcel on the southern side of Horse Creek, adjacent to S. Highway 89, which is currently vacant and zoned Business Conservation (BC-TC). Directly west of the site, across S. Highway 89, is the Snake River Cabins and RV Village, a 7-acre campground, zoned Business Conservation. North and south of the campground, several residential properties are located between the highway and the Snake River. The subject property and neighboring properties are all within the Natural Resources Overlay (NRO) and Wildland Urban Interface (WUI).

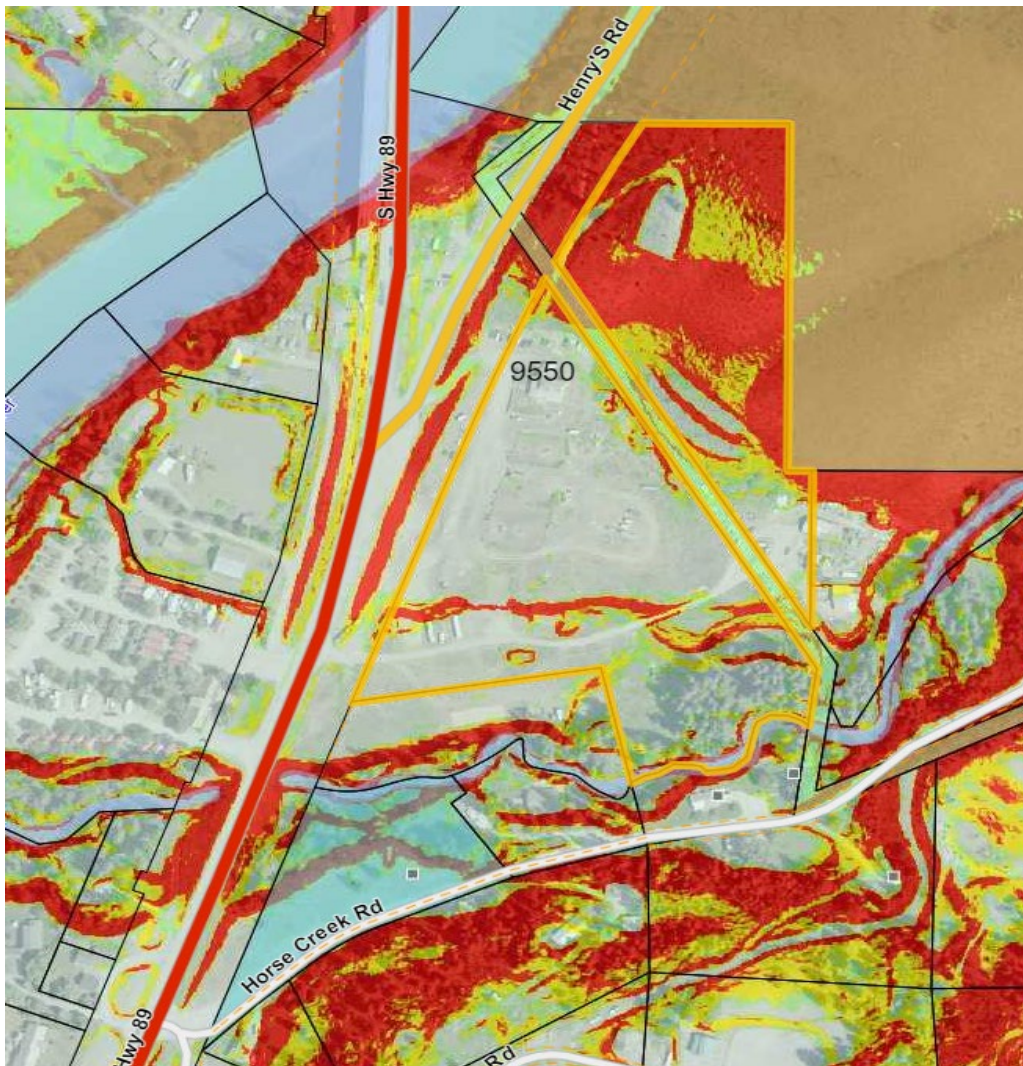


Figure 1 Diagram of slopes at 9550 Henry's Road. Red indicates slopes greater than 30%.

### LOCATION

The subject parcel is located at 9550 S Henry's Road adjacent to South Highway 89 and north of Horse Creek Road.

**PIDN:** 22-39-16-14-4-00-015

**Site Size:** 13.13 acres

**Character District:** 8: River Bottom (Rural Area) and 15: County Periphery (Rural Area)

**Subarea:** 8.3: Canyon Corridor (Conservation) and 15.1: Large Outlying Parcels (Preservation)

**Zone:** Rural-3 (R-3)

**Overlay:** Natural Resources Overlay (NRO)

ZONING/VICINITY MAP

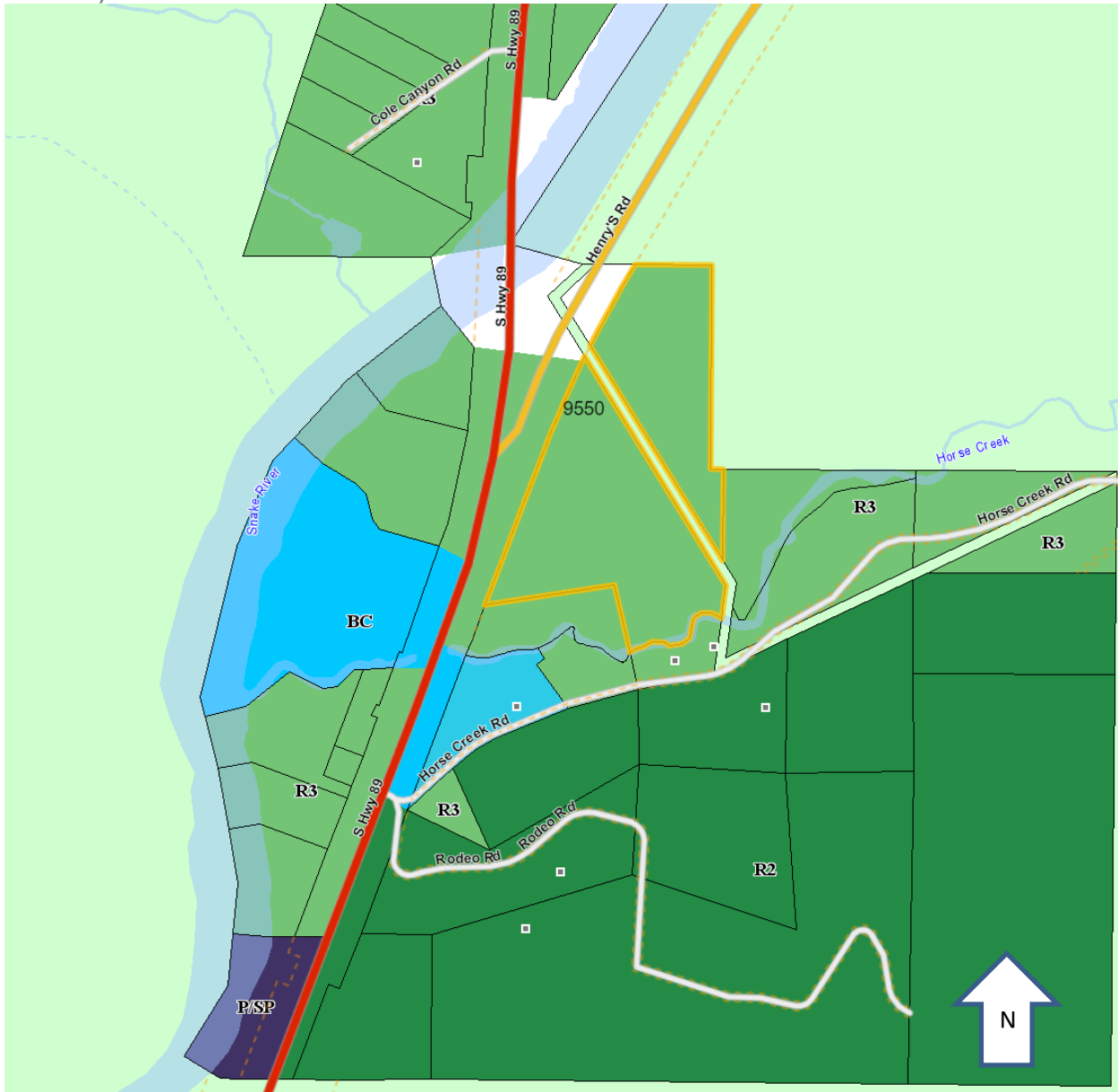


Figure 2 Existing Zoning. Subject property currently zoned Rural-3 (R-3)



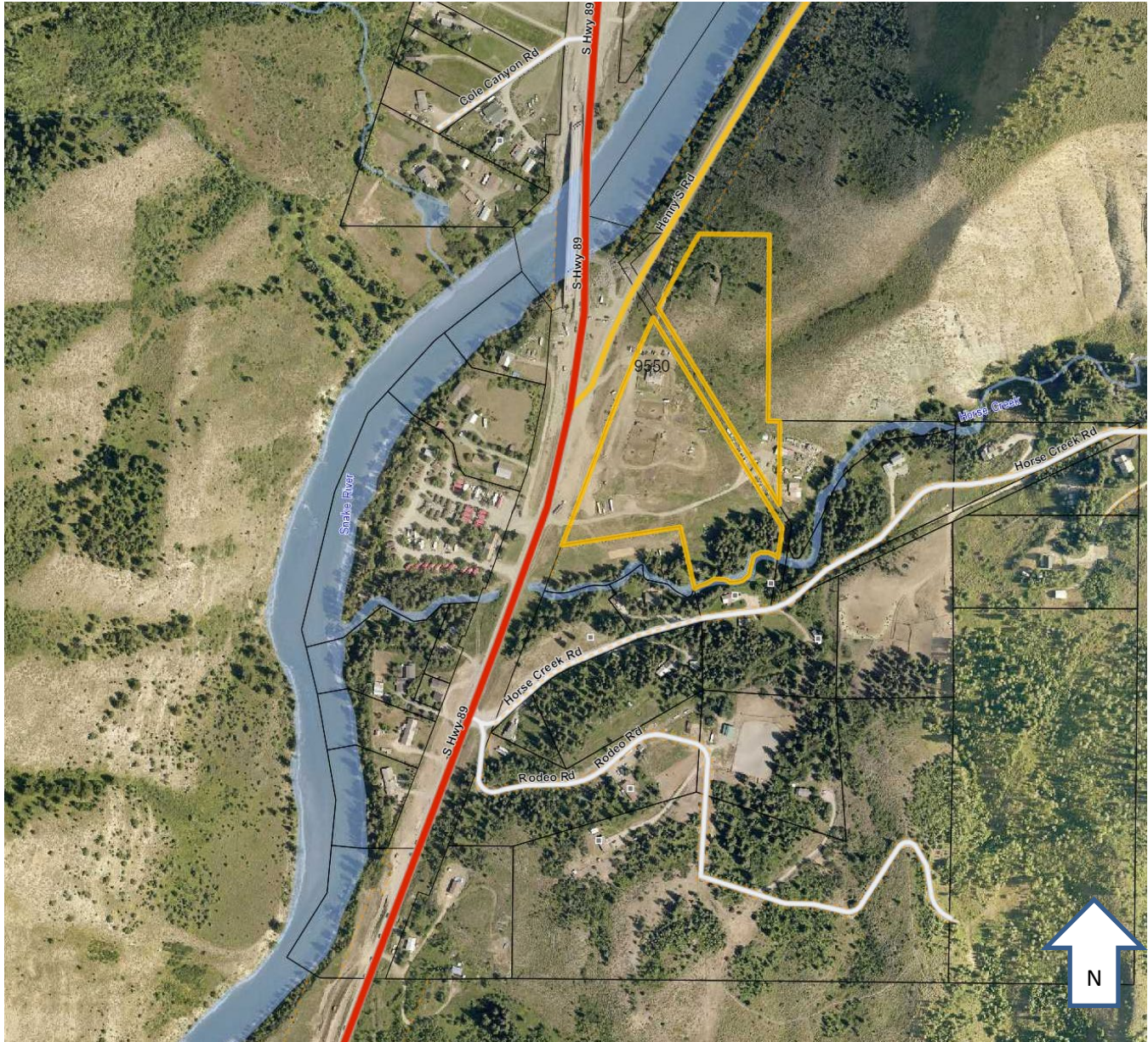
*SITE MAP*

Figure 3 Site Map. The entire site and surrounding properties are in the Natural Resources Overlay (NRO).

### **STAFF ANALYSIS**

This Zoning Map Amendment (ZMA) application includes a conceptual site plan demonstrating the applicant's interest in developing ~26 residential units on the southwestern portion of the site. A typical analysis of a zoning map amendment does not consider a specific use, but rather considers whether the requested zone and all the uses and development permitted within the zone are compatible more broadly with the surrounding character of a property and with the vision illustrated in the Comprehensive Plan. Review of specific uses and development is intended to be considered with the relevant development and use permit applications.

Throughout the pre-application process and review of this application, Planning staff has recognized the complexity in harmonizing the applicant's desired goal of higher density, detached residential development to house the community's workforce and the Comprehensive Plan's described future desired characteristics for this location and overarching growth management principles. The subject parcel is in a Rural Area, as designated by the Comprehensive Plan. A fundamental policy of the Comprehensive Plan is to direct growth out of Rural Areas



and into Complete Neighborhoods of existing development, infrastructure, and services. The problems identified by Planning staff with application of the Suburban zone in this location are:

- Inconsistency of density and intensity of use allowed by the Suburban zone with the desired future characteristics of this location and the community's overall growth management goals
- There is no requirement in the Suburban zoning that residential units be permanently deed-restricted for workforce occupancy

The goal of providing affordable workforce housing is shared by the applicant, Planning staff, and our community in support of the Comprehensive Plan's core values. While application of the Suburban zone achieves higher density housing, it neglects to clearly implement the desired future character of the Subarea and does not require workforce occupancy restriction of housing units. While approval of this zoning could be conditioned to ensure that future residential density serves the workforce, approval of Suburban zoning in this location compromises the predictability established by the Comprehensive Plan.

## KEY ISSUES

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*KEY ISSUE 1: What is the Context of the Planning Director's review and recommendation?*

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Zoning Map Amendment applications are reviewed for potential implementation of any and all physical development, use, development option and subdivision allowed in the proposed zone regardless of the current owner's plan for development and use of the subject parcel. This way, if ownership of the subject parcel changes or the current owner's plan for development and use of the property changes in the future, all options and potential impacts have been reviewed and evaluated in consideration of the rezone.

This Zoning Map Amendment application includes a narrative and conceptual site plans demonstrating the current owner's interest in developing 26, deed-restricted and detached single-family homes. However, if approved, any development or use allowed in the Suburban zone could be pursued by the current or future landowner of the property subject to the development process required by the LDRs at that time. As a result, there is no assurance that workforce or affordable housing will be built.

The role of Planning staff and the Planning Director in reviewing a Zoning Map Amendment proposal and making a recommendation is consideration of the factors for approval found in LDR Section 8.7.2. That is, performing an analysis considering the following elements:

- the proposed zone as presented within the context and applicability of the LDRs,
- County Resolutions,
- the Comprehensive Plan,
- the necessity for the rezone as it is represented by the applicant, and as it relates to changing community conditions or need.

A professional land use planner in local government provides an impartial and thorough analysis of the advantages and disadvantages of a rezoning request with comprehensive knowledge of the community's goals and the zoning tools available to achieve those goals. This role is distinct and separate from the authority of the Board of County Commissioners which is allocated discretionary powers in making rezoning decisions.

Pursuant to Section 8.7.2.C of the Land Development Regulations, "*the advisability of amending the Official Zoning Map is a matter committed to the **legislative discretion** of the Board of County Commissioners and is not controlled by any one factor. In deciding to adopt or deny a proposed zoning map amendment the Board of County Commissioners shall consider factors including, but not limited to, the extent to which the proposed amendment*" meets the four factors for approval of a Zoning Map Amendment.

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**KEY ISSUE 2:** *What are the main differences between the existing Rural-3 zone and the proposed Suburban zone as applied to the subject parcel?*

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A comparison of the most notable differences in the standards and regulations of the existing Rural-3 zone versus the proposed Suburban zone are discussed in the table below. Note that the applicant has conducted a survey of the property that calculates the gross site area of the parcel to be 13.13 acres, although the Teton County online Mapserver describes the property as 12.30 acres. Staff analysis finds that approximately 3.8 acres of the property is within stream banks or on slopes greater than 30% grade. The below table reflects development maximums for a site with a Gross Site Area of 13.13 acres and a Base Site Area of 9.33 acres. Additionally, staff notes that, per LDRs 1.6.2., maximum densities and intensities allowed by the LDRs are not guaranteed.

	R-3 (Current)	S-TC (Proposed)	Summary
<b>Environmental Standards</b>	Exempt from NRO and Environmental Analysis	NRO and Environmental Standards applicable, however, MSC2021-0064, requesting an exemption from environmental analysis for part of the subject parcel has been approved.	While setbacks from natural resources like rivers, streams and wetlands apply to both zones, development in the existing R-3 zone is exempt from NRO standards and from performing an Environmental Analysis.
<b>Subdivision</b>	35-acre minimum lot size	12,000 sf minimum lot size  Condominium/Townhouse Subdivision Allowed	The current R-3 zone does not allow any further subdivision, but the proposed S-TC zone could allow for subdivision to a maximum of approximately 33 lots.  The Suburban zone also allows for Condominium/Townhouse subdivision, which could produce smaller individual lots with a shared common area.
<b>Development Options</b>	None	Complete Neighborhood Planned Residential Development (CN-PRD)	The proposed S-TC zone could be part of a CN-PRD where density increase is granted in exchange for conserved open space in a rural area.
<b>Maximum Floor Area</b>	10,000 sf	Residential: 142,245 sf  Nonresidential: 121,924 sf	The proposed S-TC zone would allow over 14 times as much residential floor area than the existing R-3 zone. However, for any individual detached single-family unit in the S zone at this site, the maximum floor area is limited to 10,000 sf.
<b>Maximum Site Development</b>	37,884 sf	343,165 sf	The proposed S-TC zone could allow more than 9 times the amount of site development than the R-3 zone.



<b>Height</b>	30'	40': Agriculture 24': all other uses	The proposed S-TC zone would reduce maximum height of non-agricultural structures allowed on the site from 30' to 24'
<b>Allowed Uses</b>	+ Accessory Residential Unit	+ Outdoor Recreation + Dormitory + Group Home + Outfitter/Tour Operator + Assembly + Home Daycare Center + Real Estate Office	While R-3 allows for 1 ARU per single family dwelling, the S-TC zone allows additional residential uses and some nonresidential uses.

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**KEY ISSUE 3:** *Is Conditional Zoning an Option?*

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To achieve our community-wide Comprehensive Plan goals, we need to ensure that upzones for increased residential density support a workforce living locally and support the community's growth management policies. The public also expects predictable development patterns, consistent with the vision described in the Comprehensive Plan. It can be difficult to find balance in the flexibility and rigidity of zoning tools to achieve these goals. The purpose of enacting zoning legislation is to protect the health, safety, and general welfare of a community and manipulating zones to achieve singular private interests is contrary to that purpose.

If carefully conducted, a rezone tailored to promote the general welfare of the community and neighboring landowners through the application of conditions can provide more flexibility for development and use of the site, but if not carefully mandated could compromise predictability of application of the Comprehensive Plan and the LDRs. There also are important legal considerations surrounding conditional zoning of which the Teton County Attorney's Office can advise. Rather than a contractual obligation that promotes the singular interest of one property owner and compromises the police powers of the County, conditions can be crafted to unilaterally represent the general welfare of the surrounding landowners and larger community.

Planning staff has identified two issues with the Suburban zone in this location that have informed the Planning Director's recommendation: 1) Required deed-restrictions on new residential density and 2) Lack of consistency with Jackson/Teton County Comprehensive Plan.

#### Workforce Deed-Restrictions

The property owner is free to voluntarily record a deed restriction on the subject parcel restricting occupancy of future residential units to Teton County workforce, and the applicant has indicated that this is their intention. However, if the proposal for restricted units contributes to the Board of County Commissioners' approval of this rezone application, a requirement for the timing and type of deed restriction should be legally binding on the landowner. No zones or development tools exist in the County LDRs to require workforce or affordable deed restriction at the level of density that the applicant is seeking. Planning staff would recommend the following condition to ensure that all new units are deed-restricted for workforce occupancy, as intended by the applicant:

1. This Zoning Map Amendment shall not become effective until a deed restriction has been recorded on the subject parcel with the Teton County Clerk requiring that a deed-restriction administered by the Jackson Hole Community Housing Trust to ensure perpetual Teton County workforce occupancy be recorded on 100% of future subdivided lots.

#### Consistency with the Comprehensive Plan and Vision for Subarea 8.3

In the past, Teton County LDRs included an affordable workforce housing zoning tool in the form of the Planned Unit Development district for Affordable Housing (PUD-AH). The PUD-AH tool was put into moratorium in 2008

and was removed from the LDRs in 2010. According to Planning records, *“eliminating the ability for large density upzones using the PUD-AH tool until the Comprehensive Plan is approved and the new Land Development Regulations can be written will enable Teton County to manage growth for beneficial outcomes, and continue to balance the growth of residential, commercial, and resort development to preserve community character”* (AMD2009-0022 Staff Report). Further, under the 1994 LDRs and Comprehensive Plan, *“there is no prioritization and there are no predictable locations identified for affordable housing...This has sparked considerable community dialogue regarding appropriate locations for additional density, as well as protection for wildlife”* (AMD2009-0022 Staff Report).

The adoption of the 2012 Comprehensive Plan established areas of the community appropriate and suitable for higher density affordable workforce housing (Complete Neighborhoods), resulting in more predictable and strategic community development. The Town of Jackson LDRs provide development bonus tools for the provision of deed restricted affordable workforce housing. Incentive tools for the provision of deed-restricted housing are being considered with the development of the remaining Complete Neighborhood Character zones in a manner consistent with achieving the community character described in the Comprehensive Plan for those areas of the County. For example, the recently approved Workforce Home Business zone in Hog Island includes incentives for additional deed-restricted ARUs and for restricted 3-acre lots to support home business uses. The Teton County LDRs also provide development bonus tools for the provision of dedicated conservation area. In this way, the Town of Jackson zoning supports the Comprehensive Plan’s Quality of Life values for a workforce living locally and Teton County zoning supports the Ecosystem Stewardship values for the conservation of open space and wildlife habitat. To date, incentive tools for affordable workforce housing and high-density zoning have been focused within the Town of Jackson boundaries with positive results.

The subject site is not located within a Complete Neighborhood area and was rezoned in 2016, along with other Rural Areas of the County, from the Legacy Neighborhood Conservation (NC-TC) zone to Rural-3, one of three Rural Character Zones designed to implement the Comprehensive Plan in the community’s Rural Areas. Planning staff believes that R-3 is the appropriate zoning for the site. For a full discussion of the Subarea 8.3 Comprehensive Plan Vision, see the Planning Director’s analysis of Finding #2 at the end of this staff report.

However, if the Board finds that the Comprehensive Plan goals and Subarea 8.3 vision can be achieved at this site with the additional density and intensity provided by the Suburban zone, Planning staff would recommend considering restricting the uses and amount of density allowed at this site to ensure that the future development is consistent with the vision for this Subarea. These restrictions might include:

- limiting the number of units allowed to a number below the maximum allowed by the base Suburban zoning,
- limiting the allowed use of the property to detached residential,
- limiting the location and scale of future development.

A similar approach to conditional zoning was recently executed for ZMA2020-0001, which rezoned a Lower Valley Energy-owned parcel from Rural-3 to Suburban.

As Planning staff believes that the Rural-3 zoning successfully implements the Comprehensive Plan’s goals and vision for this parcel, staff does not have any recommended suggested conditions regarding consistency with the Comprehensive Plan Vision for Subarea 8.3.

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**KEY ISSUE 4:**      *Related Applications: AMD2022-0001 and MSC2021-0064*

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In addition to this Zoning Map Amendment application, the applicant has submitted two other applications to the Planning Division related to this site and project: an Environmental Analysis Exemption Request (MSC2021-00064) and an LDR Text Amendment (AMD2022-0001). Because these applications were submitted at different times and



have different review processes, they are not being reviewed simultaneously with this Zoning Map Amendment application. However, they may still be considered in review of this application.

[MSC2021-0064](#) (Application)

This Environmental Analysis (EA) exemption request was received on December 2, 2021 and was approved by Planning Director via administrative review on January 26, 2022. The exemption request identified a Suitable Development Area, on the southwestern portion of the property on largely previously disturbed areas with low habitat value. Exemption request approval is limited only to the locations and improvements identified in the application. An Environmental Analysis is not required for a Zoning Map Amendment application, but it is required prior to Sketch and Development plan unless exempted.

[AMD2022-0001](#) (Application)

Subsequent to submittal of this Zoning Map Amendment application, the applicant submitted an LDR Text Amendment application with the intention of exempting physical development of fully deed-restricted housing in the Suburban zone from some required public review processes (Sketch Plan and Development Plan, depending on the number of units proposed). The applicant is requesting this amendment to expedite the process required to develop restricted affordable and workforce housing. Planning staff is working with the applicant to refine the language in the amendment to develop a process to incentivize the production of restricted units by exempting Sketch Plan review while ensuring that impacts would still be reviewed and mitigated through the Development Plan process. As of the completion of this staff report, no public hearings have been scheduled for review of this application.

## **STAKEHOLDER ANALYSIS**

### ***DEPARTMENTAL REVIEWS***

All reviews received from other departments and advisory agencies are attached. The applicant has provided written responses to the reviews, which are attached to this staff report.

### ***PUBLIC COMMENT***

Notice of this hearing was mailed to property owners within 800 feet of the subject parcel and was posted on the site. A Neighborhood Meeting was also held by the applicant prior to application submittal. All written public comments received as of the publishing of this report are attached.

## **LEGAL REVIEW**

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## **RECOMMENDATIONS**

### ***PLANNING DIRECTOR RECOMMENDATION***

The Planning Director recommends **DENIAL** of **ZMA2022-0001**, application received January 25, 2022, based on the findings recommended below.

### ***PLANNING DIRECTOR RECOMMENDED FINDINGS***

Pursuant to Section 8.7.2.C of the Land Development Regulations, the advisability of amending the Official Zoning Map is a matter committed to the legislative discretion of the Board of County Commissioners and is not controlled by any one factor. In deciding to adopt or deny a proposed zoning map amendment the Board of County Commissioners shall consider factors including, but not limited to, the extent to which the proposed amendment:

*1. Is consistent with the purposes and organization of the LDRs:*

*Division 1.3: Purpose and Intent: Based on the legislative discretion of the Board of County Commissioners, these LDRs are in accordance with the Jackson/Teton County Comprehensive Plan. Their purpose is to implement the*

*Jackson/Teton County Comprehensive Plan and promote the health, safety, and general welfare of the present and future inhabitants of the community with the intent listed below.*

*1.3.1. Implement the Community Vision: Preserve and protect the area's ecosystem in order to ensure a healthy environment, community, and economy for current and future generations.*

*1.3.2. Implement the Common Values of Community Character*

*A. Ecosystem Stewardship*

- 1. Maintain healthy populations of all native species and preserve the ability of future generations to enjoy the quality natural, scenic, and agricultural resources that largely define our community character.*
- 2. Consume less nonrenewable energy as a community in the future than we do today.*

*B. Growth Management*

- 1. Direct future growth into a series of connected, Complete Neighborhoods in order to preserve critical habitat, scenery and open space in our Rural Areas.*
- 2. The Town of Jackson will continue to be the primary location for jobs, housing, shopping, educational, and cultural activities.*

*C. Quality of Life*

- 1. Ensure a variety of workforce housing opportunities exist so that at least 65% of those employed locally also live locally.*
- 2. Develop a sustainable, vibrant, stable and diversified local economy.*
- 3. Residents and visitors will safely, efficiently, and economically move within our community and throughout the region using alternative modes of transportation.*
- 4. Timely, efficiently, and safely deliver quality services and facilities in a fiscally responsible and coordinated manner.*

*1.3.3. Implement the Illustration of Our Vision*

- A. Achieve the desired future character identified for each Character District.*
- B. Implement the policy objectives for each Character District.*
- C. Achieve the character-defining features identified for each Subarea.*

*1.3.4. Predictable Regulations, Incentives, and Allowances*

- A. Ensure standards are consistently applied to similar applications and circumstances.*
- B. Ensure landowners, the public, and decision-makers know the amount, location, and type of growth to expect.*
- C. Use data analysis and best practices to inform standards and implement the adaptive management philosophy of the Growth Management Program.*

*1.3.5. Coordination Between Jurisdictions*

- A. Implement the joint Town/County Vision through coordinated, supportive actions.*
- B. Maintain a common structure, format, and definitions in Town and County LDRs.*

*Div. 1.4. Organization of the LDRs:* *These LDRs constitute the County's zoning and subdivision regulations. They have two organizing principles. Primarily, they are organized by zone in order to implement and emphasize the community's character-based planning approach. Secondly, to provide ease of use, they are organized to answer three questions:*

- What can be built or physically developed?*
- What uses are allowed?*
- How can the land be developed or subdivided?*

**Cannot be made.** The Suburban zone, a Legacy Zone already codified in the current Teton County LDRs and established 1994, is not consistent with implementation of the Jackson/Teton County Comprehensive Plan, specifically the Growth Management community value and Implementation of the Illustration of Our Vision in this



location. The allowance of additional residential density at this location must be considered under the community's greater growth management policy and buildout limit, in which provision of additional density in this location precludes the use of the same density within an identified Complete Neighborhood area, such as within the Town of Jackson.

2. Improves implementation of the desired future character defined in the Illustration of Our Vision chapter of the Comprehensive Plan;

**Cannot be made.** The scope of this application is limited to evaluation of whether the S-TC zone is appropriate for the property at 9550 Henry's Road. The applicant has indicated an intention build approximately 25 units of detached residential housing on the property. The subject property lies along the boundary of two Rural Area Character Districts (8: River Bottom and 15: County Periphery) and Subareas (8.3 Canyon Corridor and 15.1: Large Outlying Parcels). The majority of the property is within Subarea 8.3, and a small area on the western side of the property is overlayed by the border between the two subareas. However, in staff's estimation, the property as a whole is more consistent with the characteristics of Subarea 8.3: Canyon Corridor than 15.1: Large Outlying Parcels, and the following discussion will analyze only Subarea 8.3

### 8.3: Canyon Corridor



Habitat/ Scenic  
Form



Conservation  
Form



Preservation  
Form



Clustering  
Form

This CONSERVATION Subarea is characterized by river canyons, with highway development parallel to the rivers that is more intense than the development elsewhere in the district. The goal for the future is to reduce impacts on wildlife and scenic resources while respecting property rights. Development and redevelopment should incorporate aesthetic features to improve the scenic quality of the highway corridor. Redevelopment should eliminate or reduce non-residential use and implement wildlife friendly and scenic corridor design best practices, if incentives to reduce density

are not successful. New development should be located away from the river and screened from the highway, if non-development conservation cannot be accomplished. Measures to avoid or mitigate wildlife vehicle collisions should become a defining characteristic of the subarea, and development should be designed to facilitate the effectiveness of these measures. Public and commercial access to the Snake and Hoback Rivers should be preserved and managed with a focus on stewardship of the ecosystem.

#### Character Defining Features:

The Comprehensive Plan defines "Conservation" Subareas as "areas of existing development...with high wildlife values, where development/redevelopment should focus on enhanced conservation...areas that benefit from an increase in open space, scenic resources, and habitat enhancement" and where goals "include balancing existing development with improved wildlife permeability and scenic enhancements." The Subarea 8.3 Character Defining Features note that if efforts to reduce density are not successful, redevelopment should eliminate non-residential use and implement wildlife friendly and scenic corridor design best practices. Implementation of the Suburban

zone on the subject parcel would allow for increased development intensity and density than currently allowed under the R-3 zoning, as described in Key Issue #2. Although the applicant's intended project is fully residential, the Suburban zone does allow for nonresidential uses not currently allowed under the R-3 zoning. In consideration of the large increase in allowed site development and floor area in a rezone from R-3 to Suburban, there is potential for application of this zone to result in uses and development inconsistent with the desired future character for the Subarea. For example, up to 33 unrestricted single-family homes or a 100,000 sf reception hall would be allowed uses for the site under Suburban zoning.

Subarea 8.3: Canyon Corridor is defined by four, low-density neighborhood forms: Habitat/Scenic, Preservation, Clustering, and Conservation. Among these, only Conservation Form is characterized by lots less than 35 acres. The Conservation Form is generally defined by 1–5-acre parcels with residential uses. The Suburban zone is inconsistent with even this Conservation Form, as the allowed minimum lot size in the zone is 12,000 sf.

#### Character District 8 Policy Objectives

### Policy Objectives

<i>Common Value 1: Ecosystem Stewardship</i>	1.1.b: Protect wildlife from the impacts of development
	1.1.c: Design for wildlife permeability
	1.1.h: Promote the responsible use of public lands
	1.2.a: Buffer waterbodies, wetlands, and riparian areas from development
	1.3.b: Maintain expansive hillside and foreground vistas
<i>Common Value 2: Growth Management</i>	1.4.a: Encourage non-development conservation of wildlife habitat
	1.4.c: Encourage rural development to include quality open space
	3.1.b: Direct development toward suitable Complete Neighborhoods subareas
<i>Common Value 3: Quality of Life</i>	3.1.c: Maintain rural character outside of Complete Neighborhoods
	6.1.b: Promote eco-tourism

While the Suburban zone requires both environmental buffers and setbacks and an environmental analysis for development (note that per MSC2021-0064, an EA has been exempted for a portion of the site), the adoption of Suburban zoning on this parcel would direct additional development potential into this Subarea, rather than directing it out into a suitable Complete Neighborhood subarea with infrastructure and services to support higher density development.

#### 3. Is necessary to address changing conditions or a public necessity; and

**Cannot Be Made.** Planning staff recognizes that deed-restricted workforce and affordable housing is necessary to the health and stability of the community. The public necessity for affordable workforce housing warrants the consideration of rezonings to provide opportunities for it, however the Suburban zone proposed in this application for the subject property does not require that future housing units be restricted for workforce occupancy. The applicant has expressed a clear intention that all the future units developed on the site will be deed-restricted, however, this outcome cannot be guaranteed by the Suburban zoning.

4. *Is consistent with the other adopted County Resolutions.*

**Can Be Made.** Staff finds that the application is consistent with other County Resolutions. Consistency of any future use and development with County Resolutions will be evaluated at the time such applications are submitted.

**ATTACHMENTS**

- Departmental Reviews
- Applicant Response to Departmental Reviews
- Public Comment
- [Application](#)

**SUGGESTED MOTION**

I move to recommend **APPROVAL** of **ZMA2022-0001**, application received January 25, 2022, to rezone the subject site from Rural-3 to Suburban (S-TC), being able to make the findings of LDR Section 8.7.2.

*Note that suggested motions are always written in the affirmative regardless of the Planning Director's Recommendation.*





# ENGINEERING

**Ted Van Holland, PE, Environmental Permitting Engineer**

March 9, 2022

To: Rian Rooney, Senior Long Range Planner  
From: Ted Van Holland, Environmental Permitting Engineer  
Re: Plan Review from Engineering on ZMA2022-0001

Rian,

Considerations from the Engineering Division on a Zoning Map Amendment request include ensuring that drinking water supply and wastewater disposal can support the development density and uses allowed in the proposed new zone. It is asserted in the applicant's Property Description, subpart D,

*"Jorgensen Associates performed a thorough site investigation to confirm it would be possible to provide quality water and safely treat wastewater before any planning for this property was undertaken. Based on Jorgensen's findings, the Jackson Hole Community Housing Trust is confident in the ability to provide residents with quality water and to treat wastewater in a safe and environmentally responsible manner. Such findings and the detailed report are included in the appendix of this application."*

After reviewing this same Jorgensen Report prepared by Thomas Kirsten, P.E., this confidence appears inconsistent with the engineer's statement that *"On site water supply and wastewater treatment will play a role in determining the level of development on the property."* The characterization of the existing water supply well as having a yield of 8 gallons per minute is based on a 1972 Driller's Statement of Completion filed by Jack Weber. That flow appears to be based on the rated output of the pump that was installed, rather than any pumping test of the well. The Jorgensen report specifically recommended a pumping test of this well to better understand the long-term supply potential of the underlying aquifer. This application does not include any description or results of a pumping test.

Low-producing wells can often be coupled with a properly sized finished water storage reservoir to accommodate greater demands. Such storage is mentioned as an option in this application, though it would be best sited on the elevated hillside on the northern segment of this property. The feasibility of constructing such a storage facility is not addressed in the report. It was also noted that the Environmental Assessment Exemption report by Alder Environmental did not include this hillside as part of the "suitable development area" that warranted exemption from the EA.

The wastewater flows from the proposed scale of development would very likely exceed the threshold peak of 2,000 gallons per day. The report lists an estimated peak flow of over 9,000 gallons per day for the proposed number of dwelling units. This is significant in that a subsurface disposal system (large septic) could not be permitted by Teton County, but would need to obtain a permit directly from the Wyoming Department of Environmental Quality (WYDEQ) under their Underground Injection Control (UIC) program. Depending on the proposed flow and treatment level of the wastewater system it would be classified as a 5E3, 5E4, or 5E5 system. Permit requirements vary among these, but the presumed 200-foot setback from the subsurface disposal facility to the public supply well may underestimate the

actual required setback under UIC permitting rules (WYDEQ Water Quality Rules & Regulations, Chapter 27). In some instances this is determined through the submittal of a detailed hydrogeologic investigation report.

Engineering staff appreciate the consulting engineer's identified concern for rising nitrate levels in this vicinity. The proposal to include advanced treatment technologies is usually a feasible means to reduce contaminants released to the subsurface, and helps protect ambient groundwater quality. The tradeoff is higher costs to construct and operate the system. Engineering staff is not aware of a way to place a requirement to implement advanced treatment with approval of the zone change.

In summary, Engineering Division review of the proposed water and sewer system infrastructure in this application finds a lack of demonstration to support this zone change. Additional investigation and analysis would be necessary to make such a demonstration. Engagement with the WYDEQ UIC program would assist in understanding what permit requirements would be imposed on the wastewater system, and whether those could be met on this property.

Respectfully,  
Ted Van Holland, PE  
Teton County Engineering Department



March 9, 2022

**TO: Rian Rooney, Teton County Associate Long Range Planner**

Delivery via email: [rrooney@tetoncountywy.gov](mailto:rrooney@tetoncountywy.gov)

**RE: ZMA2022-0001 Horse Creek Community Housing Trust Rezone**

Dear Rian,

Thank you for the opportunity to comment on the above referenced application for a zoning map amendment to accommodate a future housing development. I offer the following comments from my perspective:

1. The location of existing septic leach fields is depicted differently on two drawings included in the proposal. Figure 3 "Proposed Activities" map in the Alder Environmental plans displays the "active leach field" under the existing road on the south end of the site. The "Existing Site Conditions" sheet prepared by Jorgensen Associates depicts a leach field near the existing residence farther north. The location of the existing septic system(s) should be clarified.
2. The "Existing Site Conditions" sheet prepared by Jorgensen appears to have an erroneous north arrow. This sheet also displays slopes in excess of 30% that bisect the site. Disturbance of slopes exceeding 30% are prohibited unless addressed via an administrative adjustment, a variance process or are required for essential access. This issue does not necessarily influence a zoning decision but would be handled later in the Planning and design development process. I bring it up as it could inform the development footprint.
3. In Figure 3, the "replacement leach field" appears to infringe into the mapped special flood hazard area (SFHA), although is difficult to ascertain precisely as the SFHA is not depicted on the drawings. While not necessarily prohibited, this is undesirable.
4. One of the proposed units appears to be in the USFS property. USFS staff should be consulted regarding this zoning change, and any future development plans given the unique configuration of the USFS owned strip bisecting this property.
5. The proposed access onto Henry's Road would be steep and may not be achievable as currently depicted.
6. The developable site area is approximately 6 acres with 25 units proposed with no public water/sewer facilities available. This is significant density for on-site water and wastewater disposal. There was not sufficient information in the submittal to determine if the site can support on-site water and wastewater disposal for this number of units. Please see related plan review committee comments from Ted Van Holland, Teton County Environmental Permitting Engineer, dated March 9, 2022, with more detailed commentary on this topic.

I applaud the project proponent for providing land and pursuing affordable housing for critical workforce look forward to working with the applicant toward a successful project.

Sincerely,

Amy Ramage, PE  
Teton County Engineer





To: Rian Rooney  
*Senior Long-Range Planner, Teton County Planning and Building*

From: Kristi Malone  
*Housing Supply Specialist, Teton County Housing Department*

Re: ZMA2022-0001  
9550 S Henry's Road

Date: March 9, 2022

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The applicant is requesting a Zoning Map Amendment from Rural-3 to Suburban to facilitate development of approximately 25 clustered detached townhomes. These housing units are proposed to be deed restricted and managed by the Jackson Hole Community Housing Trust as workforce affordable housing.

Since this rezone application is the first step in a series of applications to fulfill the goals of this project, my comments are limited to consideration of this rezone request and expectations of the forthcoming Sketch Plan should this rezone request be approved by the Board of County Commissioners.

Currently, the Teton County Land Development Regulations (LDRs) do not provide a character zone or density bonus tool requiring deed restricted affordable workforce housing in exchange for additional development potential. Housing Staff acknowledges that past zoning tools classified as such (such as the Affordable Housing Planned Unit Development tool) were purposefully removed from the County LDRs while similar tools in the Town of Jackson (such as the Workforce Housing Floor Area Bonus) have been added to the Town LDRs. Recently, Teton County Commissioners have approved restricted workforce affordable housing projects that requested increased development potential by applying conditions of approval. From a comprehensive growth management and implementation perspective, it may be beneficial to evaluate and identify areas of Teton County that may be appropriate for higher density affordable workforce housing and codify a tool to facilitate project development. Without such a tool in the Teton County LDRs, Housing Staff requests that the Board of County Commissioners include a fixed condition requiring deed restrictions on the property for affordable workforce housing prior to the requested upzone becoming effective.

Should this rezone be granted and the project proceed to Sketch Plan application as described, a Housing Mitigation Plan is required to be included in the application. Per LDR Section 6.3.2.C, "A residential unit subject to a deed restriction administered by the Jackson Hole Community Housing Trust or Habitat for Humanity of the Greater Teton Area" is exempt from the requirement to mitigate for workers generated by the new development, so the proposed Housing Mitigation Plan may just be confirmation that this exemption applies to the project.

Thank you for the opportunity to review this application. Please contact me with any questions.

**From:** [Dave Gustafson](#)  
**To:** [Rian Rooney](#)  
**Subject:** RE: PRC Request - Horse Creek Housing Rezone Application  
**Date:** Thursday, February 17, 2022 2:40:31 PM

---

Hi Rian,

Thank you for the opportunity to review. Teton County Road & Levee has no comments or concerns regarding this application.

Dave

David Gustafson, PLS

Teton County Road & Levee

307-732-8586

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**From:** Rian Rooney <rrooney@tetoncountywy.gov>  
**Sent:** Monday, February 14, 2022 8:57 AM  
**To:** Dave Gustafson <dgustafson@tetoncountywy.gov>  
**Subject:** PRC Request - Horse Creek Housing Rezone Application

Dave,

The Planning Department has received an application from the Jackson Hole Community Housing Trust for a rezone of the property at [9550 Henry's Road](#), along South Highway 89, from Rural-3 to Suburban. The request is being made to allow for additional density to build a deed-restricted affordable housing development. The application indicates that the applicant envisions building approximately 25 detached townhomes in a clustered formation on the site, although the Suburban zoning could allow for greater density. This rezone application is the first step in a process that would subsequently require Sketch Plan and Development Plan approvals prior to pursuing building permits. The application includes a site investigation from Jorgensen Engineering regarding water quality, quantity and road access. The application also includes a site map showing a conceptual design for the site.

The application can be found and reviewed here:

<https://developmentrecords.tetoncountywy.gov/Portal/Planning/StatusReference?referenceNumber=ZMA2022-0001>.

Will you please review and provide any comments, questions, or additional information requests on this application by Wednesday, March 2, 2022?

Please let me know if you have any questions and thank you for your review.

Best,

Rian Rooney

Senior Long Range Planner

Teton County Planning & Building Services

PO Box 1727 | 200 S. Willow Street

Jackson, WY 83001



## Rian Rooney

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**From:** Billy Nunn  
**Sent:** Wednesday, March 2, 2022 8:59 AM  
**To:** Rian Rooney  
**Subject:** RE: PRC Request - Horse Creek Housing Rezone Application

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Rian,

The property to the north and east is the same owner looking at the GIS. Are both properties being donated? Unit numbered 26 crosses the property line which can not be done, the IRC still requires them to have a setback of at least 5ft but it can't encroach onto another property. It also sits in the USFS easement, while the USFS may not care about setbacks are they willing to allow this in their easement?

---

**From:** Rian Rooney <rrooney@tetoncountywy.gov>  
**Sent:** Tuesday, March 1, 2022 4:25 PM  
**To:** Billy Nunn <bnnun@tetoncountywy.gov>  
**Subject:** RE: PRC Request - Horse Creek Housing Rezone Application

Billy,  
Just a friendly reminder that if you have any comments to share on this application to please send them my way at your convenience. It is only a zoning map amendment at this point with a conceptual site plan, so there may not be much for you to comment on. I'm extending the review period for this application to March 9<sup>th</sup>.  
Let me know if you have any questions.  
Thanks,

Rian Rooney  
Senior Long Range Planner  
Teton County Planning & Building Services  
PO Box 1727 | 200 S. Willow Street  
Jackson, WY 83001

---

**From:** Rian Rooney  
**Sent:** Monday, February 14, 2022 8:51 AM  
**To:** Billy Nunn <[bnnun@tetoncountywy.gov](mailto:bnnun@tetoncountywy.gov)>  
**Subject:** PRC Request - Horse Creek Housing Rezone Application

Billy,

The Planning Department has received an application from the Jackson Hole Community Housing Trust for a rezone of the property at [9550 Henry's Road](#), along South Highway 89, from Rural-3 to Suburban. The request is being made to allow for additional density to build a deed-restricted affordable housing development. The application indicates that the applicant envisions building approximately 25 detached townhomes in a clustered formation on the site, although the Suburban zoning could allow for greater density. This rezone application is the first step in a process that would subsequently require Sketch Plan and Development Plan approvals prior to pursuing building permits. The application includes a site investigation from Jorgensen Engineering regarding water quality, quantity and road access. The application also includes a site map showing a conceptual design for the site.

The application can be found and reviewed here:

<https://developmentrecords.tetoncountywy.gov/Portal/Planning/StatusReference?referenceNumber=ZMA2022-0001>.

Will you please review and provide any comments, questions, or additional information requests on this application by Wednesday, March 2, 2022?

Please let me know if you have any questions and thank you for your review.

Best,

Rian Rooney  
Senior Long Range Planner  
Teton County Planning & Building Services  
PO Box 1727 | 200 S. Willow Street  
Jackson, WY 83001

## Rian Rooney

---

**From:** Kathy Clay  
**Sent:** Tuesday, February 15, 2022 11:00 AM  
**To:** Rian Rooney  
**Subject:** RE: PRC Request - Horse Creek Housing Rezone Application

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

### Comments from the Fire Department

1. Project shall be reviewed under the most current edition of the International Wildland Urban Interface Code.
2. Project shall meet requirements of adopted Teton County New Subdivision Rules for fire department access and water supply.

No further comments at this time.

Kathy Clay  
Battalion Chief Fire Marshal  
Jackson Hole Fire/EMS  
(desk) 307-732-8506  
Facebook JHFireEMS  
[www.jhfire-ems.org](http://www.jhfire-ems.org)



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**From:** Rian Rooney <rrooney@tetoncountywy.gov>  
**Sent:** Monday, February 14, 2022 8:50 AM  
**To:** Kathy Clay <kclay@tetoncountywy.gov>  
**Subject:** PRC Request - Horse Creek Housing Rezone Application

Kathy,

The Planning Department has received an application from the Jackson Hole Community Housing Trust for a rezone of the property at [9550 Henry's Road](#), along South Highway 89, from Rural-3 to Suburban. The request is being made to allow for additional density to build a deed-restricted affordable housing development. The application indicates that the applicant envisions building approximately 25 detached townhomes in a clustered formation on the site, although the Suburban zoning could allow for greater density. This rezone application is the first step in a process that would subsequently require Sketch Plan and Development Plan approvals prior to pursuing building permits. The application



includes a site investigation from Jorgensen Engineering regarding water quality, quantity and road access. The application also includes a site map showing a conceptual design for the site.

The application can be found and reviewed here:

<https://developmentrecords.tetoncountywy.gov/Portal/Planning/StatusReference?referenceNumber=ZMA2022-0001>.

Will you please review and provide any comments, questions, or additional information requests on this application by Wednesday, March 2, 2022?

Please let me know if you have any questions and thank you for your review.

Best,

Rian Rooney  
Senior Long Range Planner  
Teton County Planning & Building Services  
PO Box 1727 | 200 S. Willow Street  
Jackson, WY 83001



**Teton  
Conservation  
District  
Est. 1946**

Rian Rooney, Senior Long Range Planner  
Teton County Planning & Building Services  
PO Box 1727 | 200 South Willow Street  
Jackson, WY 83001

March 02, 2022

RE: ZMA2022-0001

Dear Mr. Rooney,

Thank you for the opportunity to review and comment on the Horse Creek Community Housing Zoning Map Amendment (ZMA2022-0001), at lands owned by Comunidad LLC, located at 9550 S Henry's Road. The TCD staff does not interpret whether applications are in conflict with Teton County Land Development Regulations (LDR) but generally notes deficiencies and provides best management practice suggestions. TCD staff did not conduct a site visit but are generally familiar with the natural resources of the property and area.

#### Water Resources

Water quality is of concern in the project area. Water quality testing has shown high levels of nitrate on private lands downgradient of the subject property. These high nitrate levels are likely influenced by wastewater. Nitrate concentrations presented in this ZMA from the onsite well appear to be slightly elevated, likely because of the upgradient septic system.

Of note is that two proximate properties, the Kampgrounds of America (PIDN 22-39-16-14-3-00-021) and the Snake River mobile home park (PIDN 22-39-16-23-3-04-001) have new wastewater treatment facilities that were specified to meet Wyoming Department of Environmental Quality discharge permits. It is questionable if these new facilities have been able to protect drinking water from contamination. Similarly, private wells in this immediate vicinity suffer from nitrate contamination. As a result, TCD supports the recommendation in the planning permit application, Appendix E, Jorgensen Associates Engineering Report, to develop an advanced wastewater treatment system.

Finally, it is observed that density of development continues to increase in the Hoback Junction area, as does groundwater contamination. However, a comprehensive approach to how water and wastewater will be addressed in southern Teton County is lacking. High density developments like the one proposed should be designed to benefit the broader community's water and wastewater situation and not add to the growing problem.

*Conserving our natural resources – air, land, water, vegetation, and wildlife*

420 W. Pearl Ave.  
P.O. Box 1070  
Jackson, Wyoming 83001

307/733-2110 P  
307/733-8179 F  
[carlin@tetonconservation.org](mailto:carlin@tetonconservation.org)



**Teton  
Conservation  
District  
Est. 1946**

The planning permit application appears to site the proposed replacement leach field partially with a FEMA Flood Zone, specifically, Zone A/AE/AO/AH.

#### Wildlife

The subject parcel adjoins Forest Service lands to the north and east. The Forest Service lands are annually closed to human presence, to protect ungulates from December 01 – April 30. Introducing a new, year-round residential population in the subject parcel presents the opportunity for accidental or intentional incursions into this closure area, in perpetuity. It is recommended that the current landowner, Jackson Hole Community Housing Trust, future homeowners' association, or other governing entity consider a combination of design, education, and enforcement to limit negative impacts on wildlife caused by trespass into the adjoining winter wildlife closures. Strategies for design could include maximizing the buffer of private land between physical development and the Forest Service boundary, use of physical barriers such as fencing, and designing access to Forest Service lands via a single trail where information is present. The landowner and homeowners' association should take partial responsibility for limiting incursions into this closure, which may be accomplished through writing covenants that serve as both a messaging tool and outline regulations. Finally, management of dogs is a critical element of protecting winter wildlife closures. Proactive measures to limit off-leash dogs, especially during winter periods, should be taken. This immediate vicinity is known to have high levels of wildlife use and is ripe for increased levels of conflict with dogs.

Thank you for the opportunity to provide comment.

Sincerely,

Carlin Girard  
Executive Director

*Conserving our natural resources – air, land, water, vegetation, and wildlife*

420 W. Pearl Ave.  
P.O. Box 1070  
Jackson, Wyoming 83001

307/733-2110 P  
307/733-8179 F  
[carlin@tetonconservation.org](mailto:carlin@tetonconservation.org)



Todd Cedarholm, PLS

Teton County Planning and Building  
P.O. Box 1727, Jackson, WY 83001

March 31, 2022

**ATTN: Erin Monroe, Associate Long Range Planner**

**RE: ZMA2022-0001, Horse Creek Community Housing Trust Zoning Map Amendment**

Dear Erin:

After reviewing the application materials for **ZMA2022-0001** I have several suggestions for this project and the other affordable housing projects you mentioned.

It has become more commonplace for development projects to proceed through the initial design phase utilizing the Teton County GIS for base mapping. The GIS is an excellent tool which can save time and money, however, not all of the necessary baseline data is available through the GIS and it is not uncommon for discrepancies to exist between GIS information and data obtained in the course of an actual survey.

In order to assure a project will not proceed based on erroneous or missing information and to protect the interests of both the subject property owner and adjacent property owners, I would recommend that prior to accepting a Subdivision and/or Building permit application the County require a current Title Report and a certified Map of Survey prepared by a licensed Wyoming Professional Land Surveyor that includes the following items:

1. Property boundary including the monuments defining the boundary.
2. Gross land area reported to the nearest 0.01 acres.
3. Names of adjoining land owners.
4. Legal access to the property including WYDOT highway access permits if applicable.
5. Name of any public or private street or highway abutting the subject property.
6. Visible evidence of access such as curb cuts or driveways.
7. Character and location of evidence of possession or occupation along the perimeter of the property both by the occupants of the property and adjoining.
8. Evidence of existing utilities, above or below ground.
9. Easements of record appurtenant to the subject property.
10. Easements of record burdening the subject property.
11. The location of springs, ponds, or ditches or other water features.
12. Wetland delineation.
13. FEMA flood zone classification
14. Vicinity map, scale bar, north arrow, legend, street address, owners name and contact info, surveyors name and contact info, surveyors certificate, stamp, and signature.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd Cedarholm", is written over a white rectangular background.

Todd Cedarholm, PLS  
Teton County Surveyor



## WYOMING GAME AND FISH DEPARTMENT

5400 Bishop Blvd. Cheyenne, WY 82006

Phone: (307) 777-4600 Fax: (307) 777-4699

wgfd.wyo.gov

MARK GORDON

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BRIAN R. NESVIK

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RICHARD LADWIG  
ASHLEE LUNDVALL  
KENNETH D. ROBERTS

March 7, 2022

Rian Rooney  
Senior Long Range Planner  
Teton County Planning & Building Services  
PO Box 1727 | 200 S. Willow Street  
Jackson, WY 83001

RE: Horse Creek County Zoning Amendment Application

Dear Mr. Rooney,

This letter summarizes our comments and concerns regarding the proposal to amend the Teton County Zoning Maps in order to rezone 13.13 acres from Rural (R-3) to Suburban in the Horse Creek and Henrys Road area. The rezone would allow for the development of the property currently owned by Paul and Kathleen Spicer as Comunidad LLC, into an affordable housing complex in Teton County. It is our understanding that a Sketch Plan to develop Affordable Housing of approximately 25 units on this parcel will be submitted in early 2022.

Our seasonal range delineations for big game are drawn at landscape scales and therefore require additional review by Wyoming Game and Fish Department biologists and application of their professional judgment when evaluating site-specific proposals. We appreciate being afforded this opportunity when working with Teton County in the review of development proposals. A good example is that although designated elk crucial winter range and mule deer crucial winter/yearlong is shown to overlap with this property, big game use is confined to the northern-most sagebrush dominated habitats and not on those parcels that have historically been developed and are currently being used by business operations and residences. Consequently, if the development occurs on the southern portion of the property, and away from the northern section loss of wildlife habitat will be minimized.

Similarly, although the proposed development falls within designated mule deer crucial winter range, most of the mule deer use occurs on the steeper southwest-facing slopes that possess shallower snow depths and offer more vegetation, and exist largely on National Forest lands (already protected with a no human presence winter range closure from December 1 – April 30). We believe there is a level of disturbance that currently affects wildlife distribution on the developed portion of the parcel because of its proximity to the U.S. Highway 89 and Henrys Road corridors and the associated daily vehicular and human activity, and the residential development in Horse Creek.

We support a clustered approach to any housing development that would be located on the southern portion of the property and in those areas previously identified where historical human development is evident. Moreover, we suggest that the steeper topographic features and sagebrush-dominated habitats that lie to the northeast be preserved because these habitats are more likely to be utilized by wildlife as foraging areas along the Snake River Corridor especially



during severe winters. The cluster development scheme as described on the southern portion of the property would allow animals to travel beneath the Snake River Bridge near Henrys Road and utilize those habitats associated with the riparian corridor.

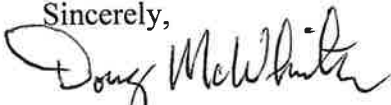
We would like to offer several recommendations for your consideration:

- We believe all pets, especially dogs, should not be permitted to roam at large in the housing development in order to prevent harassment and direct mortality to wildlife. It has been our observation that when dogs are permitted to roam unrestricted on occupied big game habitat, wildlife usually suffers direct mortality and loss of use due to displacement into more unsuitable habitats.
- Since the property lays immediately adjacent to crucial big game winter range, it is important that any fences that are constructed, or currently exist on the property, should be designed, or retrofitted to adhere to Teton County wildlife friendly fence designs and allow free and unrestricted movement of wildlife. Although the intent is not to encourage occupation of the housing development, fences constructed or modified to these specifications will minimize fence entrapment and/or entanglement.
- Black bears are common in the area, and it is possible grizzly bears could potentially pass through the area. We strongly suggest that all garbage be stored in bear proof dumpsters or in a secured building to enhance human safety, and to prevent property damage and food conditioning of bears.
- We recommend that homeowners protect and/or fence all ornamental shrubs that they may intend to landscape the property with. By protecting ornamental plants the potential to attract big game animals to the property (and potentially in closer proximity to U.S. Highway 89) will be greatly minimized. It is for these reasons that we strongly support the County's feeding ban to address these same concerns. It should be recognized that, as provided by Wyoming statute and Wyoming Game and Fish Commission Regulation, the Wyoming Game and Fish Department is not liable for damages caused to ornamental plants by wildlife.

If we can provide you with any additional information, please contact me at the Jackson Regional office, at 307-733-2321.

Thank you for the opportunity to comment.

Sincerely,



Doug McWhirter

Wildlife Management Coordinator

Wyoming Game and Fish Department – Jackson Region

## Rian Rooney

---

**From:** Darin Kaufman <darin.kaufman@wyo.gov>  
**Sent:** Friday, February 18, 2022 11:54 AM  
**To:** Rian Rooney  
**Subject:** Re: PRC Request - Horse Creek Housing Rezone Application

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Rian,  
Thank you for the opportunity to comment.

WYDOT has no objections for the proposed rezone from Rural to Suburban.

General Comments below as the project site plan development moves on to the next stages:

- The applicant should consider updating the site plan to reflect the latest highway improvements of adjacent US 89 (lane configuration, wildlife fencing/structures, driveway access, pathway, etc.).
- The applicant should provide daily and AM/PM peak hour traffic that is anticipated to be generated by the proposed development.
- For any new utility connections within WYDOT right-of-way, the utility companies/owner shall obtain the necessary M-54 utility license via the new on-line permitting process, MainStar, located at <https://usa.maintstar.co/Wyoming/Logon.aspx>. Currently WYDOT requires any utility company needing access to the MainStar system to contact the local District Office for the license or permit, or to email [dot.utilities@wyo.gov](mailto:dot.utilities@wyo.gov) to set up your login credentials. WYDOT Utilities Section can be found at the following link: [http://www.dot.state.wy.us/home/engineering\\_technical\\_programs/utilities\\_section.html](http://www.dot.state.wy.us/home/engineering_technical_programs/utilities_section.html)
- For any change -in-use (Access A) from commercial to residential will require the owner to obtain a new access permit from WYDOT.
- Other site plan improvements that may encroach into or within the highway R/W (berms, landscaping, etc.) will require the owner to obtain the necessary permits from WYDOT.
- Mitigation (i.e. screening) for such items as noise and visual impacts along the highway frontage shall be the financial responsibility of the site development..

If you have any questions or concerns, please let me know.

Thank you.

Darin Kaufman, P.E., PTOE  
WYDOT District 3 Traffic Engineer  
3200 Elk Street

Rock Springs, WY 82902

Office: 307.352.3034

Cell: 307.389.0235

On Mon, Feb 14, 2022 at 8:53 AM Rian Rooney <[rrooney@tetoncountywy.gov](mailto:rrooney@tetoncountywy.gov)> wrote:

Bob and Darin,

The Planning Department has received an application from the Jackson Hole Community Housing Trust for a rezone of the property at [9550 Henry's Road](#), along South Highway 89, from Rural-3 to Suburban. The request is being made to allow for additional density to build a deed-restricted affordable housing development. The application indicates that the applicant envisions building approximately 25 detached townhomes in a clustered formation on the site, although the Suburban zoning could allow for greater density. This rezone application is the first step in a process that would subsequently require Sketch Plan and Development Plan approvals prior to pursuing building permits. The application includes a site investigation from Jorgensen Engineering regarding water quality, quantity and road access. The application also includes a site map showing a conceptual design for the site.

The application can be found and reviewed

here: <https://developmentrecords.tetoncountywy.gov/Portal/Planning/StatusReference?referenceNumber=ZMA2022-0001>.

Will you please review and provide any comments, questions, or additional information requests on this application by Wednesday, March 2, 2022?

Please let me know if you have any questions and thank you for your review.

Best,

Rian Rooney  
Senior Long Range Planner  
Teton County Planning & Building Services  
PO Box 1727 | 200 S. Willow Street  
Jackson, WY 83001

Correspondence, including e-mail, to and from employees of Teton County, in connection with the transaction of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.

E-Mail to and from me, in connection with the transaction of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.

## Rian Rooney

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**From:** Stiles, Todd -FS, JACKSON, WY <todd.stiles@usda.gov>  
**Sent:** Friday, March 4, 2022 12:03 PM  
**To:** Rian Rooney  
**Subject:** RE: [External Email]PRC Request - Horse Creek Housing Rezone Application

[NOTICE: This message originated outside of the Teton County's mail system -- **DO NOT CLICK on links or open attachments** unless you are sure the content is safe.]

I'm glad you caught that Rian. It does appear that Unit 26 is within Tract C. We would have to issue a temporary special use permit to authorize that permanent improvement on NFS lands. Typically we would not do that if a random subdivision came to us just to add capacity to their development for obvious reasons, but in this case because of the STA sale concept, a proposal from the Trust to us to permit the unit temporarily prior to an STA sale might better pass our special use screening criteria.

In a perfect world, we would just not have to do that, and we would launch into the STA process because that is pretty rare that we permit a privately owned house other than in our long established recreation residence (summer home) program that began in the early 1900's.

So yes it would be good to clarify this with the Trust because I was under the impression that their current proposal did not rely on use of Tract C so that they could keep the ball rolling with your County process. I would hate to get in the way of their application process so let me know if you have further questions or if there is some other way to clarify this to keep them moving forward. Maybe the approval could say something like the approval of unit 26 is contingent upon proper authorization from the USFS?

I'm gone next week but will be checking messages some so I'll try to respond as soon as I see something.

Best,

---

**From:** Rian Rooney <rrooney@tetoncountywy.gov>  
**Sent:** Friday, March 4, 2022 9:00 AM  
**To:** Stiles, Todd -FS, JACKSON, WY <todd.stiles@usda.gov>  
**Subject:** RE: [External Email]PRC Request - Horse Creek Housing Rezone Application

Thank you, Todd. The conceptual site plan appears to show one of the housing units on what I believe is Tract C (let me know if I'm misunderstanding). Is the Forest Service aware of this encroachment and would there be a process for the Forest Service to allow this without the STA sale? I will be asking the Housing Trust for clarification on this as well.

Best,

Rian Rooney  
Senior Long Range Planner  
Teton County Planning & Building Services  
PO Box 1727 | 200 S. Willow Street  
Jackson, WY 83001

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**From:** Stiles, Todd -FS, JACKSON, WY <[todd.stiles@usda.gov](mailto:todd.stiles@usda.gov)>  
**Sent:** Wednesday, March 2, 2022 3:00 PM  
**To:** Rian Rooney <[rrooney@tetoncountywy.gov](mailto:rrooney@tetoncountywy.gov)>  
**Subject:** RE: [External Email]PRC Request - Horse Creek Housing Rezone Application

**[NOTICE: This message originated outside of the Teton County's mail system -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]**

Hi Rian, I'll just go ahead and make our comments here as opposed to sending the County a letter if that's OK?

I am familiar with this proposal, and in fact have been out on the ground to look at it last fall with the Housing Trust, some of their retained A & E firm representatives, and our Forest Service staff. We have no opposition to the proposal, and in fact understand the compelling need for more affordable housing in Teton County to serve the workforce. At the meeting last fall, we discussed the National Forest System (NFS) land parcel known as "Tract C" that is immediately adjacent to their proposed development. Initially, the Housing Trust was asking us if we would be amenable to the idea of selling or trading Tract C so that their footprint for development was more maximized; where Tract C wouldn't have to be planned around. We are definitely open to the idea, and what would most likely be the avenue for this would be a Small Tracts Act (STA) sale to the Trust. Because this Tract C is an odd parallelogram shaped piece surrounded entirely by private land on four sides, it is not of particularly high value from a habitat or public access standpoint. That said, utilizing the STA process tends to take at least a few years, so in subsequent communications we have had with the Trust, they decided to move forward with the proposal as they have it now and potentially pursue the STA process in the future.

Based on my understanding of the proposal as is, they would be able to develop the parcel and still meet their needs without actually owning Tract C. At last fall's meeting, I did point out the high volume of noxious weeds on the private parcel, saying that it would be important to address reducing the weed population before ground disturbance and the construction process. Both the Trust and the landowners the Spicers seemed very amenable to committing to that as a matter of stewardship. The other issue of consideration I pointed out was that immediately adjacent to the private property on NFS land is designated crucial big game winter range, which precludes human entry from December 1- April 30<sup>th</sup> annually. My point was just that if the parcel is developed, there will need to be educational messaging from both the Trust as landlord, and us the Bridger-Teton National Forest to the new tenants of the restriction. This is not a show stopper issue, just one that needs to be addressed and properly managed. With some basic Forest Service winter range signing and education on both entities part, this is very doable to protect the adjacent winter range from human entry.

Lastly I will mention that the Forest Service is glad to see that the land assessment they had put together identifies that there is a need for a more advanced septic system design versus a standard drain field as serves the property currently. While the portion of Horse Creek adjacent is not on NFS lands, it is upstream and a direct tributary of the Snake River. The section of the Snake River beginning at Hoback Junction is designated under the Wild and Scenic Rivers Act. Part of the Forest Service duty as "River Administering Agency" of that river reach is to ensure the protection of free flow and water quality. With impaired water in areas adjacent to Hoback Junction, I am glad to see this proposed system specifically addresses nitrates/nitrites among other point source contaminants so that it will likely not contribute to potential water quality issues in the Snake.

In conclusion, the Jackson Ranger District appreciates the opportunity to comment and has no substantive issue with this proposal.

If you have any further questions, do not hesitate to reach out to me.

Thank you,





**Todd Stiles**  
**District Ranger**  
**Forest Service**  
**Bridger-Teton**  
**National Forest,**  
**Jackson Ranger**  
**District**

**p: 307-739-5410**  
**f: 307-739-5450**  
[todd.stiles@usda.gov](mailto:todd.stiles@usda.gov)

PO Box 1689  
Jackson, WY 83001  
[www.fs.fed.us](http://www.fs.fed.us)



**Caring for the land**  
**and serving people**

---

**From:** Rian Rooney <[rrooney@tetoncountywy.gov](mailto:rrooney@tetoncountywy.gov)>  
**Sent:** Tuesday, March 1, 2022 4:10 PM  
**To:** Stiles, Todd -FS, JACKSON, WY <[todd.stiles@usda.gov](mailto:todd.stiles@usda.gov)>  
**Cc:** Khung, Kevin -FS <[kevin.khung@usda.gov](mailto:kevin.khung@usda.gov)>; O'Connor, Patricia- FS <[patricia.oconnor@usda.gov](mailto:patricia.oconnor@usda.gov)>  
**Subject:** RE: [External Email]PRC Request - Horse Creek Housing Rezone Application

Good afternoon Todd,  
Just checking in on your review and comments. If you need more time, I can accept them until Wednesday 3/9.  
Best,

Rian Rooney  
Senior Long Range Planner  
Teton County Planning & Building Services  
PO Box 1727 | 200 S. Willow Street  
Jackson, WY 83001

---

**From:** Rian Rooney  
**Sent:** Monday, February 14, 2022 9:31 AM  
**To:** Stiles, Todd -FS, JACKSON, WY <[todd.stiles@usda.gov](mailto:todd.stiles@usda.gov)>  
**Cc:** Khung, Kevin -FS <[kevin.khung@usda.gov](mailto:kevin.khung@usda.gov)>; O'Connor, Patricia- FS <[patricia.oconnor@usda.gov](mailto:patricia.oconnor@usda.gov)>  
**Subject:** RE: [External Email]PRC Request - Horse Creek Housing Rezone Application

Thank you, Todd. Please reach out if you have any questions.  
Best,

Rian Rooney  
Senior Long Range Planner  
Teton County Planning & Building Services  
PO Box 1727 | 200 S. Willow Street  
Jackson, WY 83001

---

**From:** Stiles, Todd -FS, JACKSON, WY <[todd.stiles@usda.gov](mailto:todd.stiles@usda.gov)>  
**Sent:** Monday, February 14, 2022 9:29 AM  
**To:** Rian Rooney <[rrooney@tetoncountywy.gov](mailto:rrooney@tetoncountywy.gov)>  
**Cc:** Khung, Kevin -FS <[kevin.khung@usda.gov](mailto:kevin.khung@usda.gov)>; O'Connor, Patricia- FS <[patricia.oconnor@usda.gov](mailto:patricia.oconnor@usda.gov)>  
**Subject:** RE: [External Email]PRC Request - Horse Creek Housing Rezone Application

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Rian, Thank your for the information and opportunity to comment. I have been involved with the Housing Trust including a Horse Creek site visit last fall to understand their proposed project and its proximity to National Forest System lands.

I will get you some feedback prior to your timeline.

Thank you.



**Todd Stiles**  
**District Ranger**  
**Forest Service**  
**Bridger-Teton**  
**National Forest,**  
**Jackson Ranger**  
**District**  
**p: 307-739-5410**  
**f: 307-739-5450**  
**[todd.stiles@usda.gov](mailto:todd.stiles@usda.gov)**

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Jackson, WY 83001  
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**From:** Rian Rooney <[rrooney@tetoncountywy.gov](mailto:rrooney@tetoncountywy.gov)>  
**Sent:** Monday, February 14, 2022 9:04 AM  
**To:** Stiles, Todd -FS, JACKSON, WY <[todd.stiles@usda.gov](mailto:todd.stiles@usda.gov)>  
**Subject:** [External Email]PRC Request - Horse Creek Housing Rezone Application

**[External Email]**

If this message comes from an **unexpected sender** or references a **vague/unexpected topic**;  
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Mr. Stiles,

The Teton County Planning Department has received an application from the Jackson Hole Community Housing Trust for a rezone of the property at [9550 Henry's Road](#), along South Highway 89, from Rural-3 to Suburban. The subject property is adjacent to and actually divided by Forest Service land. The request is being made to allow for additional density to build a deed-restricted affordable housing development. The application indicates that the applicant envisions building approximately 25 detached townhomes in a clustered formation on the site, although the Suburban zoning could allow for greater density. This rezone application is the first step in a process that would subsequently require Sketch Plan and Development Plan approvals prior to pursuing building permits. The application includes a site investigation from Jorgensen Engineering regarding water quality, quantity and road access. The application also includes a site map showing a conceptual design for the site.

The application can be found and reviewed

here: <https://developmentrecords.tetoncountyywy.gov/Portal/Planning/StatusReference?referenceNumber=ZMA2022-0001>.

Will you please review and provide any comments, questions, or additional information requests on this application by Wednesday, March 2, 2022?

Please let me know if you have any questions and thank you for your review.

Best,

Rian Rooney  
Senior Long Range Planner  
Teton County Planning & Building Services  
PO Box 1727 | 200 S. Willow Street  
Jackson, WY 83001

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# Applicant Response to Departmental Reviews



**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](http://www.jorgeng.com)

22 March 2022

Ms. Anne Cresswell  
Jackson Hole Community Housing Trust  
110 E. Broadway  
P.O. Box 4498  
Jackson, WY 83001  
via email: [anne@housingtrustjh.org](mailto:anne@housingtrustjh.org)

**RE: Response to PRC Review Comments for Zone Change  
Spicer Property, Jackson Hole Community Housing Trust  
JA Project 21052**

Anne,

Below are responses to Plan Review Committee comments provided to the Housing Trust on the Zoning Map Amendment Application for the Horse Creek Community Housing Project on the Comunidad Property (Spicer) just north of Hoback Junction. A paraphrase of the comment is provided in *italics* and the response follows.

**Teton County Public Works; Amy Ramage, Teton County Engineer**

***1. Existing leachfields do not match between the two exhibits.***

The 'Approximate Septic System Location' in the Jorgensen exhibit refers to the existing leachfield serving the existing building. The 'Active Leach' in the Agrostis exhibit is referring to a possible location for the effluent disposal field for the proposed development.

***2. Erroneous North Arrow, 30% slopes.***

The north arrow will be correctly oriented in a revised exhibit. The 30% slopes have been identified and, as this is a very preliminary site plan, will be considered as part of future site layouts. The 30% slopes will be evaluated and a determination will be made whether they are manmade or natural as there has been significant site grading of the property over the years.

***3. Leachfield in Special Flood Hazard Area***

This is a very preliminary site layout. One of its main functions was to depict what the potential unit count and size would look like on the site. The placement of the proposed leachfield will be

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considered as the design progresses. The Horse Creek Special Flood Hazard area is an approximate area and no base flood elevations have been determined.

#### 4. Unit on Forest Service Property

See comments from Todd Stiles, District Ranger, Jackson Ranger District, U.S. Forest Service. The applicant is not currently pursuing the acquisition of the USFS tract. This is a very preliminary site plan and building layout with opportunity to adjust locations of buildings based upon design and program refinements.

#### 5. Steep access from Henry's Road

We will work with Teton County Engineer, Road and Levee, and WyDOT to locate the north access into the site and ensure the design (grade, sight distance, etc.) conforms with Teton County Land Development Regulations.

#### 6. Water Supply and Wastewater Treatment

Water and sewer have been identified as integral to determining the extent of development on the site. We have entered into conversations with the Wyoming DEQ District Engineer, James Brough and Carlin Gerrard from the Teton Conservation District to gain an understanding of the known challenges of the site and of the surrounding area, and to understand the process for approval of water and wastewater systems that would serve the development while meeting water quality requirements. As this is a Zone Map Amendment request which is the first step of several necessary approvals and as such only an informative, but preliminary, evaluation was completed to inform the development program. A full investigation into the site specific water and wastewater design requirements will be conducted when an increase in density is affirmed.

The water and wastewater issues are well known in the Hoback area. Studies are currently underway though they do not extend this far north to this location. The Jackson Hole Community Housing Trust has committed to instituting an advanced wastewater treatment system for the development. The Trust understands the wastewater treatment system will have higher initial costs and higher operations and maintenance costs in the future. These higher costs will need to be borne by the residents for the protection of water quality in the area. The size and type of treatment will be influenced by the density of the development, the design parameters, and the approval process for the discharge of the treated wastewater.

A wastewater system serving development on the property that proposes more than 5 three-bedroom units will be evaluated through the Wyoming Department of Environmental Quality. These larger systems are beyond the permitting threshold of the County. Following the DEQ's process may include hydrogeologic investigations, additional water testing, and will most certainly require more detail in the delivery of water and the treatment of wastewater.





**United States Forest Service; Todd Stiles, District Ranger for the Jackson Ranger District**

The applicant acknowledges the comments and appreciates the continuing dialog concerning noxious weeds, addressing the need to respect the value to wildlife of the adjacent National Forest Land and specifically the winter closure, and the need to protect water quality specifically upstream of a section of the Snake River designated as Wild and Scenic.

Other ongoing conversations with the USFS include discussions on obtaining a Special Use Permit for the location of a water storage tank on USFS property above the development to provide adequate pressure for the development. A tank located above the development will allow the development to have a reliable water supply during power interruptions without the need for a backup power generator. Initial conversations with the USFS have indicated an application for a tank at this location would generally be appropriate.

**Teton Conservation District; Carlin Gerrard, Executive Director**

See response to Teton Engineering comments Item No. 6. We look forward to working with the Teton Conservation District to explore a comprehensive approach to water supply and wastewater treatment in the area. See also the response to the comments from the U.S.F.S. specifically addressing the need to respect the value to wildlife of the adjacent Forest Service lands.

**Teton County Engineering; Ted VanHolland, PE; Environmental Permitting Engineer**

See response to Teton Engineering comments, specifically Item No. 6. We look forward to working with the Teton County Engineering Department throughout the planning and design of this development.

**Teton County Planning and Building; Billy Nunn, Building Official**

The Comunidad Parcel is one parcel. The parcel is bisected by the USFS tract. The preliminary site plan was developed to depict what the potential unit count and size would look like on the site and adjustment to the building layout and locations can be expected to be refined.

**Wyoming Game and Fish Department, Doug McWhirter, Wildlife Management Coordinator, Jackson Region**

See response to USFS comments above. Comments pertaining to the protection of wildlife habitat and strategies in reducing human wildlife conflict are acknowledged and will be considered in the planning of the development.

**Jackson Hole Fire/EMS; Kathy Clay, Battalion Chief Fire Marshal**

The Wildland Urban Interface code, emergency services vehicle access, and fire suppression water supply will all be considered carefully in the planning and design on the development.



**Wyoming Department of Transportation; Darin Kaufman, PE; WYDOT District 3 Traffic Engineer**

We appreciate that WYDOT has no objections to the proposed rezone. The applicant will be prepared to provide daily and AM/PM peak traffic and apply for any applicable permits that are anticipated by this development. These will be prepared and provided when the zone change is affirmed and the development program is refined.

If further comments come from staff at Teton County, we will respond to those comments as they are received.

Regards,

Thomas Kirsten  
JORGENSEN ASSOCIATES, Inc.

Reed Armijo  
JORGENSEN ASSOCIATES, Inc.

Jaclyn Knori  
JORGENSEN ASSOCIATES, Inc.

March 15, 2022

Rian Rooney  
Senior Long Range Planner  
Teton County Planning & Building Services  
PO Box 1727  
200 S. Willow Street  
Jackson, WY 83001

RE: ZMA2022-0001 PRC Comments

Dear Rian,

Thank you for the opportunity to respond to the PRC comments related to ZMA2022-0001. The parties below identified concerns related to the proposed location of Unit 26 relative to the existing property boundaries, and the proposed access connection with Henry's Road.

In your email correspondence to Anne Cresswell of March 11, 2022, you state:

*Additionally, the conceptual site plan in Appendix B does show Unit 26 encroaching onto the Forest Service property that bisects the parcel (Tract C). Comments from the USFS note that use of / a sale of this Tract C to the Housing Trust is not being pursued at this time - due to time constraints - and that the USFS would need to specially authorize a private residence on Tract C. Would you please clarify the Housing Trust's intentions and thinking with regard to the USFS property that bisects the Comunidad LLC parcel? Please also see the note from the TC Building Official regarding IRC required setbacks of 5' from property lines. This would be separate from any setbacks required through the zoning, which could be changed through a variance application.*

In email correspondence from Amy Ramage, Teton County Engineer of March 9, 2022, to you, she states:

- 4. One of the proposed units appears to be in the USFS property. USFS staff should be consulted regarding this zoning change, and any future development plans given the unique configuration of the USFS owned strip bisecting this property.*
- 5. The proposed access onto Henry's Road would be steep and may not be achievable as currently depicted.*

The subject was also addressed briefly in email correspondence from Billy Nunn, Teton County Building Official from March 2, 2022, to you and in various email exchanges Todd Stiles, District Ranger, United States Forest Service from March of 2022.

Our response at this point is that the proposed Site Plan is very conceptual in nature and the applicant anticipates several revisions to the site plan, should the ZMA be approved. The applicant also remains in continued correspondence with the United States Forest Service and WYDOT regarding facets of the plan applicable to each entity. Thank you for your attention to this response and we look forward to continuing the entitlement process.

Sincerely,



Heath Kuszak, PLA, CLARB, ASLA  
Principal, Agrostis, Inc.

cc: File

## Public Comment

Caddis, LLC.  
9720 S Hwy 89

April 11, 2022

Re: 9550 S. Henry Road Rezoning

We are the owner of the adjoining South property for this proposed development. I would like provide comment on the 9550 S. Henry Road rezoning.

The application(s) has listed a varying number of units. It would appear on one application they have kept the number of units at 25. Based on the Highway Department rezoning and the Power Company rezoning that 24 units would be in line with those other rezoning numbers. If I recall during an informal landowner meeting that the density mentioned at the time was to be a maximum of 24 units. Our concern is that this project may grow into too large of a project to be suitable for the property. Restricting the number of units to 24 or less would seem prudent given that water and septic concerns.

On the septic information is noted that water wells need be 200 feet away from the septic system. The proposed Leech field is close enough to our long skinny piece of property that we may not have room to install a well further than 200 feet from the proposed septic system. The location of the septic leach field should be reviewed so that it does not negatively impact adjacent landowners.

In the Alder environmental vegetation cover report it neglects to bring up the immense thistle problem there is. The thistles are some of the worst in the County. We were told verbally that they were going to spray for the thistles, the intention was possibly to spray once. Thistles have a germination time of up to 10 years. They are a non-native invasive species. A long term weed control program for the property should be incorporated into the development rules. I am not sure who will be responsible for maintaining this open space, but the association should be held accountable for weed control and in the event that they do not follow up on it there should be a provision that the Weed and Pest or another professional organization can take over the weed control.

Below is from the Teton County Weed and pest regarding the thistles.

***"Priority 4: Widespread Infestation.***

*Weeds in this category are established throughout Teton County in large numbers. They are highly invasive, their further spread poses a significant threat to non-infested native plant communities, and they currently render land unfit for wildlife and livestock grazing, and reduce land value and recreation.*

We are in favor of essential housing for the critical employees of Teton County, but we feel that this development is not taking into consideration the impact to the adjacent landowner. Having one house on the property as per the current zoning instead of 24 houses would not impact us. With the huge proposed increase in density I feel that the impact on the neighboring property needs to be addressed for this zoning change.

We ask the Planning Department to consider restricting the number of units, locating the Leech field to where we can drill a water well on our property with the proper setbacks and have a long term weed control program.

David Bressler



## Rian Rooney

---

**From:** Heather Thompson  
**Sent:** Friday, November 19, 2021 8:23 AM  
**To:** Rian Rooney  
**Subject:** FW: 9550 Henrys Road ZMA

Hi Rian,

Please see forwarded message we received regarding a zoning change. I'm not sure if you need/want public comments but I've included it anyway.

Thanks,

*Heather Thompson*

Office Assistant  
Teton County Planning and Building  
PO Box 1727  
Jackson, WY 83001  
(Ph)307-733-3959 ext. 8408  
[hthompson@tetoncountywy.gov](mailto:hthompson@tetoncountywy.gov)

*The Teton County Administration Building has re-opened to the public after several weeks of closure due to the COVID-19 pandemic. However, if you need services from our staff, please consider calling or emailing us ahead of time, since many of our services can be provided remotely.*

*If you do need to come into our building, please follow all public health guidelines and posted signs. We recommend that all members of the public wear a mask when entering our building and maintain a distance of at least 6 feet from other people, including staff, whenever possible.*



---

**From:** Matt Bowers <bowersarchitecture@gmail.com>  
**Sent:** Wednesday, November 17, 2021 1:17 PM  
**To:** info@housingtrustjh.org  
**Cc:** County Planning Commission <planningcom@tetoncountywy.gov>; Board Of County Commissioners <commissioners@tetoncountywy.gov>  
**Subject:** 9550 Henrys Road ZMA

Dear Housing Trust,

I'm going to be traveling tomorrow afternoon and may miss the meeting. I'm letting you know that we and many of our neighbors addimately disapprove of the proposed zoning change. We like living in one of the last rural areas of Teton



County. There is nothing that makes this parcel unique as compared to the many other Rural zoned properties around it. If the zoning change is granted the county will have to grant the same zoning change for any other rural parcel in the Horse Creek / Henry's Road area, thus triggering a complete character change to the neighborhood.

Let's be honest. The purpose of this zoning change is to maximize the owners property value through increased development rights. We'd all love to make more money off our land but Suburban zoning is not what the county and the local residents have envisioned for this area.

The affordable housing cry makes zero difference to the proposal. You have been wasting tax dollars to create seas of subsidized housing for the 16 years I've lived here and it's done nothing but give local businesses a free pass on taking care of their own. We don't need more subsidized housing. Jackson Hole simply has more businesses than the valley can support and some need to go. We couldn't even use our own town this summer and you want to add more commuters...? The quality of life in the valley is nose diving quickly due to agendas like yours. Please keep your project housing in town where the density makes sense. We don't want it in our rural neighborhood.

Matt and Alyson Bowers  
2090 E. Horse Creek Rd  
307-413-5808



**PLANNING PERMIT APPLICATION**  
**Planning & Building Services Department**  
**Planning Division**

200 S. Willow St. | ph: (307) 733-3959  
P.O. Box 1727 | [www.tetoncountyywy.gov](http://www.tetoncountyywy.gov)  
Jackson, WY 83001 | [permits@tetoncountyywy.gov](mailto:permits@tetoncountyywy.gov)

**RECEIVED**

By Heather Thompson at 10:50 am, Jan 26, 2022

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Application #s ZMA2022-0001

**PROJECT**

Name/Description: Horse Creek Community Housing Zoning Map Amendment

Physical Address: 9550 S Henry's Road

Lot, Subdivision: n/a

PIDN: 22-39-16-14-4-00-015

**OWNER**

Name: Comunidad LLC

Phone: \_\_\_\_\_

Mailing Address: 2412 Indian Trail, Austin, TX

ZIP: 78703-2338

E-mail: \_\_\_\_\_

**APPLICANT/AGENT**

Name: Anne Cresswell - Jackson Hole Community Housing Trust

Phone: 307-739-0665

Mailing Address: PO Box 4498, Jackson, WY

ZIP: 83001

E-mail: anne@housingtrustjh.org

**DESIGNATED PRIMARY CONTACT**

☐ Owner ☒ Applicant/Agent

**TYPE OF APPLICATION** Check all that apply; see the applicable application submittal checklists and Planning Fee Schedule online.

**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 #:	<u>PAP2021-0154</u>	Environmental Analysis #:	<u>MSC2021-0064</u>
Original Permit #:	<u>n/a</u>	Date of Neighborhood Meeting:	<u>11-18-21</u>

**SUBMITTAL REQUIREMENTS** Please ensure all submittal requirements are included. The Planning Department will not hold or process incomplete applications. Partial or incomplete applications will be returned to the applicant.

- ☒ **Application Fee** Fees are cumulative. Applications for multiple types of permits, or for multiple permits of the same type, require multiple fees. See the currently adopted Planning Fee Schedule on the county website for more information.
- ☒ **Electronic Submittal** A complete digital file of the application with attachments/plans sent to [permits@tetoncountywy.gov](mailto:permits@tetoncountywy.gov).
- ☒ **Hard Copy Submittal** A complete printed file of the application with attachments/plans.
- ☒ **Notarized Letter of Authorization** A notarized letter of consent from the landowner is required if the applicant is not the owner. Please see the Letter of Authorization template on the county website for a sample.
- ☒ **Corporations and Partnerships** If the owner is a partnership or corporation, proof that the owner can sign on behalf of the partnership or corporation.
- ☒ **Response to Submittal Checklist** All applications require response to applicable review standards. These standards are outlined on the submittal checklists for each application type. If a pre-application conference is held, the submittal checklists will be provided at the conference. If no pre-application conference is required, please see the website for the applicable checklists. The checklist is intended as a reference to assist you in submitting a sufficient application; submitting a copy of the checklist itself is not required.

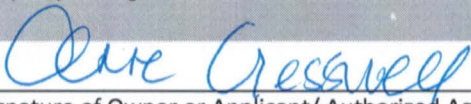
#### FORMAT

The main component of any application is demonstration of compliance with all applicable Land Development Regulations (LDRs) and Resolutions. The submittal checklists are intended to identify applicable LDR standards and to outline the information that must be submitted to sufficiently address compliance with those standards.

For some submittal components, minimum standards and formatting requirements have been established. Those are referenced on the checklists where applicable. For all other submittal components, the applicant may choose to make use of narrative statements, maps, drawings, plans and specifications, tables and/or calculations to best demonstrate compliance with a particular standard.

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

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

  
\_\_\_\_\_  
Signature of Owner or Applicant/ Authorized Agent  
**Anne Cresswell**  
\_\_\_\_\_  
Name Printed

1/28/22  
\_\_\_\_\_  
Date  
**Agent**  
\_\_\_\_\_  
Title/Role

January 25, 2022

Teton County Planning and Building Department  
PO Box 1727  
200 South Willow Street  
Jackson, Wyoming 83001

**Re: Application for a Zoning Map Amendment at 9550 S Henry's Road**

Dear Staff,

On behalf of the owner, Comunidad LLC, and in conjunction with the Jackson Hole Community Housing Trust, we are submitting an application for a Zoning Map Amendment at 9550 S Henry's Road. Accompanying the application are the following documents and drawings:

- Response to Pre-App Checklist
- Letter of Authorization
- \$1,500 Application Fee

Please let me know if you have any questions. Thank you!

Sincerely,



Heath Kuszak PLA, ASLA, CLARB  
Principal, Agrostis Inc.

cc: File  
Anne Cresswell – Executive Director, Jackson Hole Community Housing Trust



Teton County Planning and Building Department  
200 S. Willow, P.O. Box 1727  
Jackson, WY 83001  
Phone (307)733-7030



**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: Comunidad, LLC

Physical Address of Property: 9550 S Henry's Road

Mailing Address: 2412 Indian Trail, Austin, TX

Zip code: 78703-2338

Phone: \_\_\_\_\_

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

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

Name: Anne Cresswell / Jackson Hole Community Housing Trust

Mailing Address: PO Box 4498, Jackson, WY

Zip code: 83001

Phone: 307-739-0665

Email: anne@housingtrustjh.org

Owner, Co-Owner, or Corporate Owner, ("Owner") which property is specifically described as 9550 S Henry's Road

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: Paul M Spicer

Signature: Paul M Spicer

Title: Co-owner

STATE OF Texas

COUNTY OF Travis

SS.

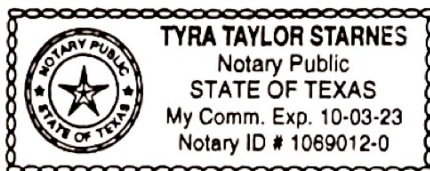
Subscribed and sworn to before me by Paul M Spicer this  
19<sup>th</sup> day of October, 2021

WITNESS my hand and official seal.



Notary Public

My commission expires:





Teton County Planning and Building Department  
200 S. Willow, P.O. Box 1727  
Jackson, WY 83001  
Phone (307)733-7030



**LETTER OF AUTHORIZATION BY OWNER**

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Zip code: 78703-2338 Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

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

Name: Anne Cresswell / Jackson Hole Community Housing Trust  
Mailing Address: PO Box 4498, Jackson, WY  
Zip code: 83001 Phone: 307-739-0665  
Email: anne@housingtrustjh.org

Owner, Co-Owner, or Corporate Owner, ("Owner") which property is specifically described as 9550 S Henry's Road

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: Kathaleen G. Spicer

Signature: Kathaleen Spicer

Title: Co-owner

STATE OF Texas

SS.

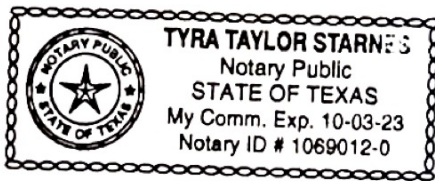
COUNTY OF Travis

Subscribed and sworn to before me by Kathaleen Spicer this  
19 day of October, 2021.

WITNESS my hand and official seal.

[Signature]  
Notary Public

My commission expires:



# COMUNIDAD LLC

## Operating Agreement

This Operating Agreement (this “Agreement”) is retroactively made effective the 18th day of June, 2020 by Paul M. Spicer and Kathaleen G. Spicer, Trustees of The Paul And Kathy Spicer Family Trust dated April 30, 2019, constituting the sole Member of the Company.

## Explanatory Statement

The undersigned organized and agrees to operate a limited liability company in accordance with the terms of, and subject to the conditions set forth in, this Agreement; and

The undersigned has caused Articles of Organization to be filed with the Wyoming Secretary of State on June 18, 2020.

NOW, THEREFORE, for good and valuable consideration, the undersigned adopts the following Operating Agreement:

### Section I Defined Terms

The following capitalized terms shall have the meanings specified in this *Section I*. Other terms are defined in the text of this Agreement; and, throughout this Agreement, those terms shall have the meanings respectively ascribed to them.

“Act” means the Wyoming Limited Liability Company Act, as amended from time to time.

“Adjusted Capital Account Deficit” means, with respect to any Interest Holder, the deficit balance, if any, in the Interest Holder’s Capital Account as of the end of the relevant taxable year, after giving effect to the following adjustments:

(i) the deficit shall be decreased by the amounts which the Interest Holder is obligated to restore pursuant to Section 4.4.2 or is deemed obligated to restore pursuant to Regulation Sections 1.704-2(g)(1) and (i)(5) (i.e., the Interest Holder’s membership interest of Minimum Gain and Member Minimum Gain); and

(ii) the deficit shall be increased by the items described in Regulation Section 1.704-1(b)(2)(ii)(d)(4), (5), and (6).

“Affiliate” means, with respect to any Member, any Person: (i) which owns more than 10% of the voting interests in the Member; or (ii) in which the Member owns more than 10% of the voting interests or (iii) in which more than 10% of the voting interests are owned by a Person who has a relationship with the Member described in clause (i) or (ii) above.

*"Interest"* means a Person's membership interest of the Profits and Losses of, and the right to receive distributions from, the Company.

*"Interest Holder"* means any Person who holds an Interest, whether as a Member or as an unadmitted assignee of a Member.

*"Involuntary Withdrawal"* means, with respect to any Member, the occurrence of any of the events set forth in the Act.

*"Manager"* means Paul M. Spicer and Kathaleen G. Spicer, or other persons selected per a resolution of the Members.

*"Member"* means Paul M. Spicer and Kathaleen G. Spicer, Trustees of The Paul And Kathy Spicer Family Trust dated April 30, 2019, and any Person who subsequently is admitted as a member of the Company.

*"Member Minimum Gain"* has the meaning set forth in Regulation Section 1.704-2(i) for "partner nonrecourse debt minimum gain."

*"Membership Rights"* means all of the rights of a Member in the Company, including a Member's: (i) Interest, (ii) right to inspect the Company's books and records, (iii) right to participate in the management of and vote on matters coming before the Company, and (iv) unless this Agreement or the Articles of Organization provide to the contrary, right to act as an agent of the Company.

*"Minimum Gain"* has the meaning set forth in Regulation Section 1.704-2(d). Minimum Gain shall be computed separately for each Interest Holder in a manner consistent with the Regulations under Code Section 704(b).

*"Negative Capital Account"* means a Capital Account with a balance of less than zero.

*"Percentage"* means, as to a Member, the percentage set forth after the Member's name on *Exhibit A*, as amended from time to time, and as to an Interest Holder who is not a Member, the Percentage of the Member whose Interest has been acquired by such Interest Holder, to the extent the Interest Holder has succeeded to that Member's Interest.

*"Person"* means and includes an individual, corporation, partnership, association, limited liability company, trust, estate or other entity.

*"Positive Capital Account"* means a Capital Account with a balance greater than zero.

*"Profit"* and *"Loss"* means, for each taxable year of the Company (or other period for which Profit or Loss must be computed), the Company's taxable income or loss determined in accordance with Code Section 703(a), with the following adjustments:

# Horse Creek Community Housing

Zoning Map Amendment Application  
9550 S Henry's Road

January 28, 2022

Prepared by:



in conjunction with

agrostis, inc.

on behalf of

**Comunidad, LLC**

# Horse Creek Community Housing Zoning Map Amendment Application

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## 1. Property Description

### A. Location

The property is a meets-and-bounds parcel located at the intersection of South Highway 89 and Henry's Road, approximately one-and-a-half miles north of Hoback Junction. The property is bisected by a thirty-three-foot-wide strip of land owned by the United States Forest Service. South Highway 89 bounds the western edge of the parcel with Forest Service lands to the north and northeast. Currently, the land supports a commercial outfitter with additional commercial operations due west; to the south and southeast, privately owned, single-family homes border the property.



Figure 1 – 2020 aerial imagery showing property, outlined in yellow, with adjacent properties. Forest Service lands are shown in green. Teton County lands are shown in blue. (Teton County GIS Mapserver)

### B. Ownership

Currently, the property is owned by Comunidad LLC, a partnership consisting of various members of the Spicer Family who have owned the property, in different LLC iterations, over the last several

decades. Upon approval of the Zoning Map Amendment, the property will be gifted to the Jackson Hole Community Housing Trust (JHCHT). As discussed above under the location description, the property is bisected by a thirty-three-foot-wide strip of Forest Service land. Evidenced in the map above, the neighbor to the east has encroached upon this property as well as the Forest Service strip.

C. Zoning and Comprehensive Plan

In 2016, the property was reclassified to Rural-3 (R3) zoning from the old Neighborhood Conservation (NC) zoning district. It lies wholly within the Natural Resource Overlay (NRO) and the Wildland Urban Interface (WUI). Contextually, the subject parcel is surrounded by other R3 properties to the south and a Business Conservation (BC)-zoned KOA campground to the west.

There are two character districts, established by the Teton County Comprehensive Plan, present on the property: District 8 – River Bottom and District 15 – County Periphery. District 15, however, can only be found on a sliver of the southeastern-most portion of the property. In light of site-constraints associated with this property, the only character district affected by this application is District 8 and more specifically Sub-Area 8.3 – Canyon Corridor. Conservation and wildlife permeability are a priority for this sub-area with new development being clustered near existing development and designed to protect wildlife habitat and movement corridors.

D. Physical Characteristics

The Forest Service strip bisects the site into a 5.04-acre northeastern piece and an 8.09-acre southwestern piece with very different characteristics for each piece. The smaller, northeastern piece is characterized by steep south and west facing slopes (15% - 30%) with a pre-dominantly sagebrush vegetation coverytype. This portion of the site is not suitable for development.

The larger, southwestern piece consists primarily of disturbed areas including buildings, horse corrals, riding areas, gravel driveways, lawns, and agricultural equipment storage. At the very southern end of the parcel and adjacent to Horse Creek, a forest containing blue spruce and Douglas fir with some aspen and shrubs make up the riparian corridor. Several abandoned and derelict structures are scattered along creek banks. FEMA Zone A (area subject to inundation by the 1% annual chance flood with no base flood elevations determined) associated with Horse Creek covers a small portion of the southern end of the property but does not extend north of the existing driveway access. This portion of the property is also defined by a ten-to-fifteen-foot grade break running from west to east along the southern third of the property. An underground concrete bunker (previously used for storage) was built into this bench. Alder Environmental performed a site investigation and cover type analysis as part of an Environmental Analysis Exemption Request. Their report is included in the appendix of this application.



Figure 2 – Photograph of the southwestern portion of the site taken from the slope to the northeast.



A singular eight-gallon-per-minute well serves the commercial uses on the property as it is currently being leased by a trail riding concessionaire. There is also an existing small wastewater facility (septic tank and leachfield) providing on-site wastewater treatment for the existing building. Jorgensen Associates performed a thorough site investigation to confirm it would be possible to provide quality water and safely treat wastewater before any planning for this property was undertaken. Based on Jorgensen's findings, the Jackson Hole Community Housing Trust is confident in the ability to provide residents with quality water and to treat wastewater in a safe and environmentally responsible manner. Such findings and the detailed report are included in the appendix of this application.

E. History

Since at least 1967, the subject property has been heavily used for agricultural and commercial activities. Prior to 1967 and based on the historical aerial photography and anecdotal information from the current property owner, the property was used as a dirt racetrack with spectators looking on from the slope above. The current owner obtained the property back in 1982. In 1988, the owners leased the property to A-OK Corral and obtained a Conditional Use Permit (CUP1996-0001) to begin an outfitting operation for horse trail rides in the Horse Creek area. A-OK continues to operate there and will do so through the summer of 2022. In the summer of 2021 and as part of the South Highway 89 improvement project, the Wyoming Department of Transportation (WYDOT) realigned the entry into the property off South Highway 89 and also realigned the intersection of Henry's Road.

In 1921, as part of the Homestead Entry Survey #193, the Forest Service created the strip of land that bisects the property in order to secure access to Forest Service lands up the Horse Creek Drainage. Sometime between 1945 and 1967 (according to the historical aerial photography on the Teton County GIS Mapserver) an alternate access up the Horse Creek drainage was established – this is the same access that exists today and is known as Horse Creek Road. This is how the Forest Service currently gains access to Forest property up Horse Creek.

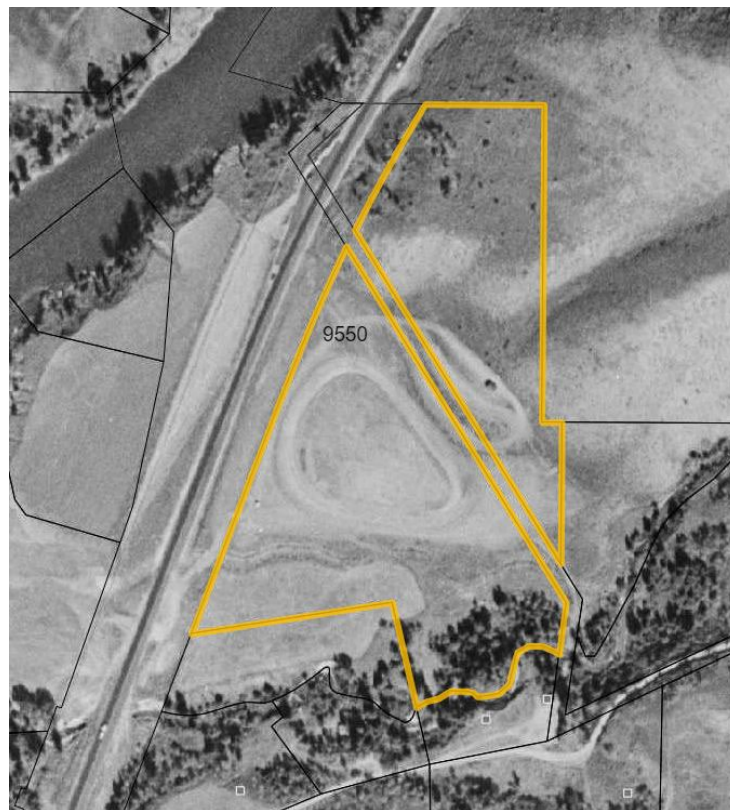


Figure 3 – 1955 aerial photography showing the dirt "racetrack". (Teton County GIS Mapserver)

## 2. Description of Proposal

### A. Proposed Zoning

This application proposes amending the Teton County Zoning Map to rezone the subject 13.13 acres from Rural (R-3) to Suburban.

### B. Purpose

This request is being made to accommodate additional density on this site in order to build **100% permanently deed restricted affordable housing for the workforce** in Teton County. This proposal is not simply beneficial to the County, it is essential. Housing developed at this site will be dedicated to employees of the Teton County Sheriff's Department, the Jackson Police Department, Jackson Hole Fire/EMS and Human Service Council (HSC) employees. These sectors of the workforce are characterized by career professionals who have lived in our community for a significant length of time, are dedicated to their chosen professions, and find it extremely difficult to purchase a home in Teton County, Wyoming. Housing survey data indicates that over 50% of HSC employees have lived in Teton County for more than 10 years and they will continue to live here and work in their current profession for many more years if they have access to affordable ownership housing. Our proposal significantly improves the implementation of the Jackson/Teton County Comprehensive Plan: provision of local workforce housing, maintain a diverse population, promote a stable and diverse economy, maintain the provision and quality of community services. This proposal would positively impact the health, welfare, and safety priorities of the community.

### C. Future Application

County regulations prohibit the concurrent submittal of a sketch plan with a Zoning Map Amendment application, however, upon approval of this application, a Sketch Plan proposal to develop an Affordable Housing Community of approximately 25 units is anticipated to be submitted in the first half of 2022. The Jackson Hole Community Housing Trust will spearhead the application and development of this much needed housing opportunity. All units will be permanently deed-restricted as affordable to provide housing for essential community workers. An EA Exemption Request (MSC2021-0064) has been submitted due to the highly disturbed condition of the property.

### D. Alternatives Considered

In order to meet the needs of the Jackson Hole Community Housing Trust to deliver an affordable housing solution for the valley and particularly for this site, the Suburban zone is the only consideration. The Suburban zone provides the right mix of allowable density and housing types that make a project like this feasible.

1. *Maximum Scale of Development and Maximum Scale of Use:* Existing R-3 zoning allows one dwelling unit with a maximum gross floor area (not including basements) of 10,000 square feet. Allowable site development is 37,891 square feet or 0.87 acres. A Suburban rezone would allow a maximum of 47 detached townhomes. Developing the maximum number of homes was rejected in favor of developing approximately 25 townhomes in a clustered configuration. Eschewing the 12,000 square foot lot minimum with clustering allows us to leave the steep slopes in the northeast portion of the site and the area along the creek undisturbed, concentrating the development on the already-disturbed portion of the site. The plan proposes twenty-five (25) modestly sized dwelling units of approximately 1,850 gross square feet. This is far below the allowable 4,200 square feet established in the Suburban zoning (0.35 FAR on minimum 12,000 square foot lots).

2. *Allowed Uses:* Both the R3 and Suburban zones allow for detached single-family homes and detached townhomes. Some other residential-related uses (home business, daycare, etc.) are allowed in both zones with a conditional or basic use permit. Traditional detached-single-family homes were rejected in favor townhomes to maximize the use of the proposed area of development on the currently disturbed area of the site.

3. *Use Requirements:* The development will meet the parking requirements of two spaces per dwelling unit and the housing will be 100% permanently deed restricted using the Jackson Hole Community Housing Trust's affordable deed restrictions.
4. *Infrastructure and Utilities:* The Jackson Hole Community Housing Trust has worked with local groups and consultants to evaluate infrastructure and utility requirements and ensure a development of this scale can be supported on this site. Extensive work on the highway, carried out by WYDOT, improves vehicular traffic and overall transportation. Lower Valley Energy analyzed the site in its entirety and identified a take-off pole that will be used for an underground extension to ensure sufficient electrical capacity is available. As discussed above, Jorgensen Associates prepared a Site Investigation Report which includes analysis of the water capacity on site as it relates to domestic drinking water and sewer. Water quality testing is reported in a Water Quality Memo showing all results are below the EPA maximum contaminant level (MCL) drinking water standards and the source water is considered acceptable for a public water system. It may be necessary to build and locate a water storage tank on the Forest Service property above and to the east of the site. Jorgensen also investigated safe methods of treating and disposing of wastewater, which can be easily achieved on this site. Overall, it was found that the transition of the property may improve the water quality and treatment over time.
5. *Non-conformities:* As discussed above, there are non-conforming uses and physical development due to the neighbor encroaching upon the property. The current property owner is in negotiations with the neighbor to remedy the encroachment and eliminate the non-conformities.
6. *Open Space:* No permanent deed-restricted open space is proposed. However, the sloping northeastern portion of the site as well as the riparian corridor along Horse Creek area are proposed to remain free of development.

### 3. Findings for Approval

The statements listed below are the Findings for Approval of a zoning map amendment followed by the applicant's responses.

#### A. Is this Zoning Map Amendment consistent with the purpose and organization of the LDRs?

##### **1.3.1 Implement the Community Vision**

*Goal: Preserve and protect the area's ecosystem in order to ensure a healthy environment, community and economy for current and future generations.*

- Our community's ability to ensure a healthy environment, community and economy for future generations is inextricably linked to our ability to provide stable, affordable housing for the dedicated employees that serve our community every day.

##### **1.3.2. Implement the Common Values of Community Character**

*- Economic Stewardship -*

*Goals: 1. Maintain healthy populations of all native species and preserve the ability of future generations to enjoy the quality natural, scenic, and agricultural resources that largely define our community character. 2. Consume less nonrenewable energy as a community in the future than we do today.*

- Great care will be taken to build a reasonable development, foregoing the maximum allowable number of units in a Suburban rezone for a much smaller development. The development will be sensitive to the surroundings, clustering homes on the already disturbed

portion of the site, preserving the hill landscape to the north, and leaving the area along Horse Creek undeveloped. These undisturbed areas will allow for wildlife permeability.

- Affordable housing on this site will reduce the number of Teton County workers who would otherwise commute to the Valley, which results in a lower carbon footprint.
- This location, alongside the highway, is an appropriate location for more dense development given the new infrastructure work carried out by WYDOT.

**- Growth Management -**

*Goals: 1. Direct future growth into a series of connected, Complete Neighborhoods in order to preserve critical habitat, scenery and open space in our Rural Areas. 2. The Town of Jackson will continue to be the primary location for jobs, housing, shopping, educational, and cultural activities.*

- The location of this property adjacent to S Highway 89 directs development into an already disturbed area of Teton County, with several businesses and residential neighborhoods nearby. It is a commonsense location for affordable housing that supports the County's objective to support affordable housing for the local workforce.
- The Conservation sub-area that the property lies within, prioritizes development and redevelopment that incorporates aesthetic features to improve the scenic quality of the corridor. While not within the Scenic Resource Overlay, the proposal would include landforms and landscaping that not only would improve the scenic quality but also improve wildlife permeability.

**- Quality of Life -**

*Goals: 1. Ensure a variety of workforce housing opportunities exist so that at least 65% of those employed locally also live locally. 2. Develop a sustainable, vibrant, stable and diversified local economy. 3. Residents and visitors will safely, efficiently, and economically move within our community and throughout the region using alternative modes of transportation. 4. Timely, efficiently, and safely deliver quality services and facilities in a fiscally responsible and coordinated manner.*

- Local Workforce Housing: The proposed development will help maintain a diverse population by reducing the shortage of housing that is affordable to the workforce.
- Diverse and Balanced Economy: The provision of housing to employees in sectors of critical infrastructure for the County provides the foundation upon which a stable and diverse economy can flourish.
- Quality Community Service Provision: By housing employees of the Teton County Sheriff's Department, the Jackson Police Department, Jackson Hole Fire/EMS, and Human Service Council (HSC) organizations, the development will improve the provision of emergency, educational, and social services that have been identified as a central need to residents' quality of life.

### **1.3.3 Implement the Illustration of Our Vision**

*Goals: 1. Achieve the desired future character identified for each Character District. 2. Implement the policy objectives for each Character District. 3. Achieve the character-defining features identified for each Subarea.*

- This zoning map amendment is consistent with the desired future character identified for this character district and Subarea as detailed in Section B below.

### **1.3.4 Predictable Regulations, Incentives and Allowances**

*Goals: 1. Ensure standards are consistently applied to similar applications and circumstances. 2. Ensure landowners, the public, and decision-makers know the amount, location, and type of growth to expect. 3. Use data analysis and best practices to inform standards and implement the adaptive management philosophy of the Growth Management Program.*



- In accordance with the objectives of this Division, the zoning map amendment relies on data analysis and best practices to implement the adaptive management philosophy of the Growth Management Program.

### **1.3.5. Coordination Between Jurisdictions**

*Goals: 1. Implement the joint Town/County Vision through coordinated, supportive actions.  
2. Maintain a common structure, format, and definitions in Town and County LDRs.*

- The Comprehensive Plan adopted by the Town and County calls for the reallocation of 2,400 unbuilt housing units in outlying areas of the County to targeted locations in the Town and County for the express purpose of adding to the inventory of housing that is affordable for our workforce. Moreover, the Comprehensive Plan directs 600 of these future units to the Unincorporated County (and 1,800 units to the Town of Jackson). That said, the “complete neighborhoods” designated in the unincorporated County by the Comprehensive Plan provide insufficient vacant land to receive a significant portion of the 600 units.

**B. Does this Zoning Map Amendment improve implementation of the desired future character defined in the Illustration of Our Vision of the Comprehensive Plan?**

- But for one small sliver of the property, the majority of this property falls into Subarea 8.3 Canyon Corridor. This Conservation Subarea acknowledges that it is appropriate for highway development parallel to the river to be more intense than the development elsewhere in this district. Redevelopment should improve the scenic quality of the highway corridor, eliminate nonresidential use and implement wildlife friendly and scenic corridor design best practices.
- This proposal will accomplish all these objectives by vacating the existing commercial use, clustering the residential development, minimizing the development by developing only 55-65% of the allowable units per the Suburban zone. The clustering of the units on existing disturbed land will preserve the hillside for wildlife migration and connectivity to federal lands and the riparian area will be enhanced for the benefit of residents and the community at large. Acoustical engineering (berms designed to mitigate noise from the highway) will be consistent with comp plan objectives to enhance the scenic corridor of the hwy.
- WYDOT’s enhancements to the highway and the proximity to Munger Mountain School, the Hoback Market, and associated facilities will serve to reduce vehicle trips into Town.

**C. Is this Zoning Map Amendment necessary to address changing conditions or a public necessity?**

- The dearth of affordable housing for the community’s workforce has reached unprecedented levels. Construction costs and housing prices have skyrocketed while the inventory of available ownership housing has dried up. At such a critical juncture for workforce housing, the proposal presented is designed specifically to address this crisis by providing permanently deed restricted affordable housing for members of the workforce employed in areas of critical infrastructure for the community. As such, the rezone is merited.

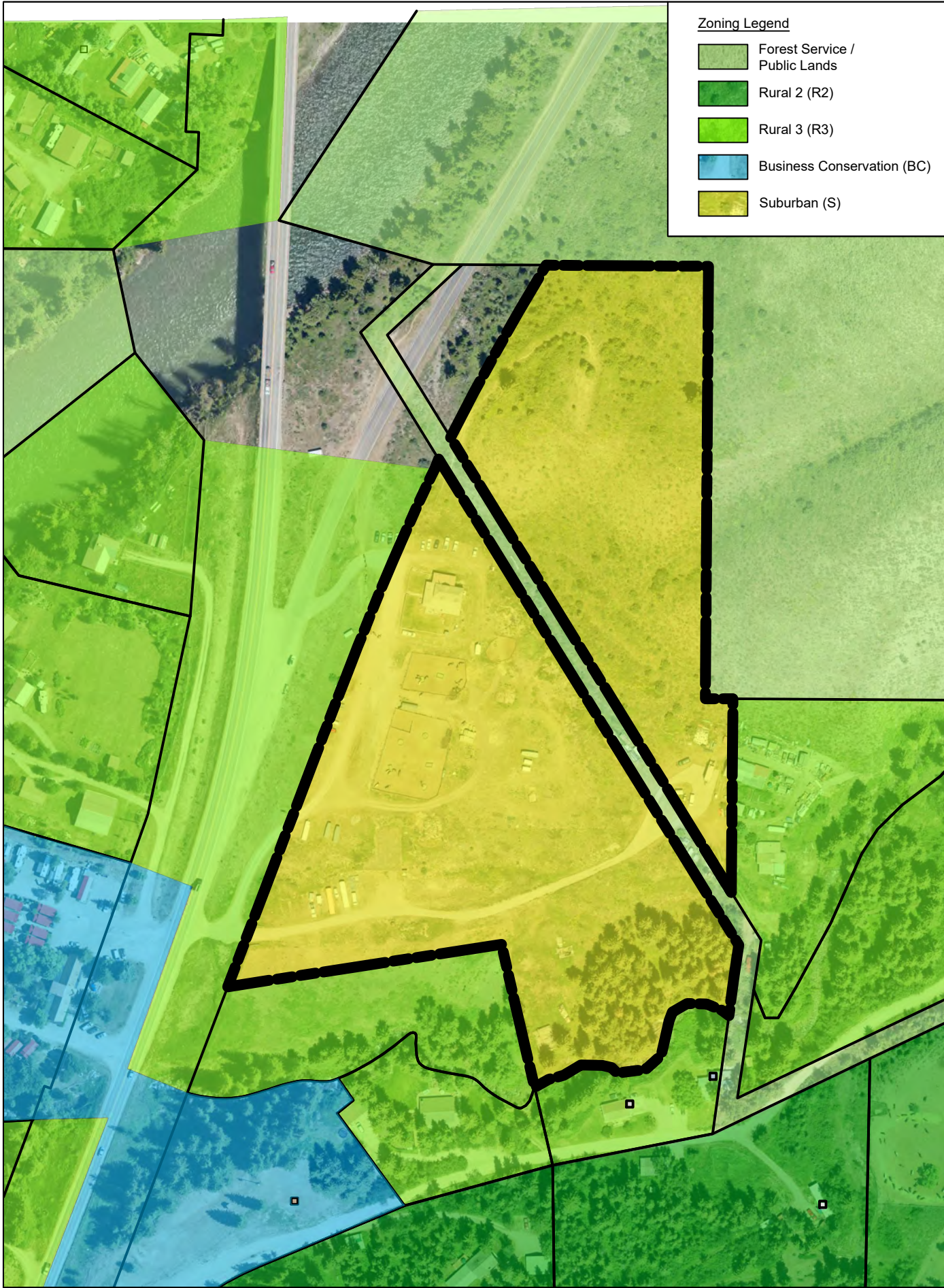
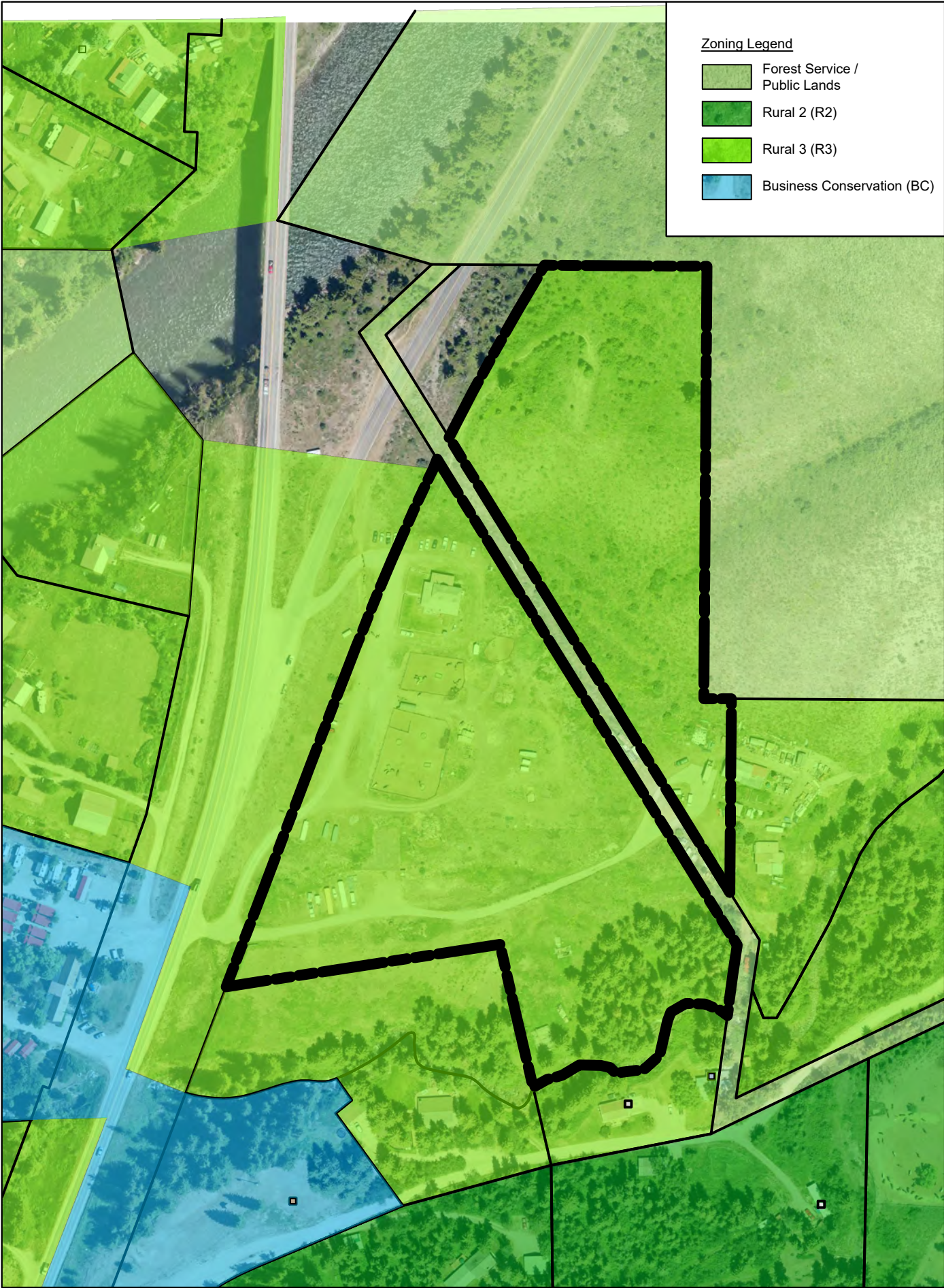
**D. Is this Zoning Map Amendment consistent with the other adopted County Resolutions?**

- The proposed zoning amendment does not contradict any other County resolution.

# **Appendix A**

## **Proposed Zoning Map**





1 Existing Zoning Map  
L100 Scale: 1" = 200'

Plan

2 Proposed Zoning Map  
L100 Scale: 1" = 200'

Plan

Revisions

#	Date	Description
	01.28.22	original
-	-	-
-	-	-
-	-	-
-	-	-

0 200 400  
scale: 1" = 200'

Horse Creek Community Housing  
9550 S Henry's Road  
PT. HES 193, SEC 14, TWP 39N, RNG 116W  
Teton County, Wyoming  
Project # 2113

agrostis, inc.  
landscape architecture  
land planning  
1130 maple way #2C  
po box 3074  
jackson, wy 83001  
v: 307.413.5123  
info@agrostisinc.com



# **Appendix B**

## **Example Site Plan**







# **Appendix C**

## **Neighborhood Meeting Summary**



## SUMMARY OF NEIGHBORHOOD MEETING

Regarding Proposed:  
9550 Henry's Road Zoning Map Amendment

Prepared by: Jackson Hole Community Housing Trust ("CHT")

Prepared date: January 24, 2022

Meeting Time & Date: November 18, 2021, 5-6PM MT

Meeting: Due to Teton County social distancing rules during COVID-19, the meeting was held digitally via Zoom

Topic: Zoning Map Amendment to Rezone a ~13-acre property from Rural to Suburban to allow the owners and their partners to address a critical need in the community – affordable housing for community members who work in Teton County

### Meeting Format:

The digital meeting format was used to allow neighbors and the public to attend the meeting over Zoom after typical business hours. This was the digital version of an open house format for neighborhood meetings. The registration to participate was free, open, and offered participants/attendees an open forum for questions and discussion. Information was provided through a pre-prepared informative PowerPoint so that all attendees could visually and audibly understand the purposed of the meeting.

All neighbors attending via Zoom were given the chance to enter questions either during the meeting or afterwards, through Zoom Q/A, speaking to the entire group, or submitting a question to [info@housingtrustjh.org](mailto:info@housingtrustjh.org).

### Meeting Summary:

**Introduction:** CHT, Agrostis Inc., and Jorgensen Engineering

**Proposal:** Discussion of rezone request, proposal to build affordable housing that exists in perpetuity, and discussion on who the project serves

**Future Redevelopment:** discussion on treatment of wastewater, coordination with WYDOT, focus development on previously disturbed areas, and desire to develop less than what Suburban zoning allows

**Q&A:** See below

**Next Steps:** Submit Zoning Map Amendment request which will include a summary of this meeting.

### Questions and Answers:

- Expected lot count?
  - CHT: It is early days, but expectation is 26 lots
- What is the percentage of open space?
  - Agrostis: Significant amount of open space / undisturbed land; the hillside to the north and the forested area along Horse Creek.
- Landscape requirements?
  - Agrostis: Managed to some point; invasive weeds are on the property due to lack of maintenance. Efforts will be made to remove weeds prior to development.
- Septic system and water system – is it a leech field or a septic tank?

- CHT: Provision of water was reviewed, and the expectation is that good water can be delivered. Wastewater system will be more advanced than a regular septic and leech field
- Is the housing deed restricted forever?
  - CHT: Yes – in perpetuity
- If someone quits their job or retires, do they get to stay?
  - CHT: We haven't finalized with the organizations how they want to operationalize the agreements with the employee owners
- Who is living in the houses?
  - CHT: Dedicated to professionals serving at the 10 essential health and human service entities and the Jackson Police Department, Jackson Fire/EMS and the Teton County Sheriff department.
- Can you discuss the impact on traffic and water quality?
  - CHT: No traffic studies have been done to date; we have been coordinating with WYDOT to ensure the least disruptive flow of traffic to the site. In terms of water quality, our goal is to have no impact on surrounding sites and expect the water quality on the site to improve via proper and careful wastewater treatment
- In addition to comments and questions submitted during the presentation via the Q/A section, questions were also received via our email [info@housingtrustjh.org](mailto:info@housingtrustjh.org) and by phone. Those questions related to traffic and invasive weeds and were responded to as above.

Exhibit A: Posted Notice



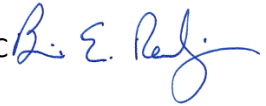
# **Appendix D**

## **EA Exemption Request**

November 23, 2021

**To:** Kristi Malone, Teton County Planning Department

**From:** Brian Remlinger, Principal/Professional Wetland Scientist, Alder Environmental LLC  
Stephanie Dykema, Natural Resources Specialist, Alder Environmental, LLC



**Cc:** Anne Cresswell, Jackson Hole Community Housing Trust  
Heath Kuszak, Agrostis, Inc.

**Re:** Environmental Analysis Exemption Request – 9550 S Henry’s Road (PIDN 22-39-16-14-4-00-015)

On behalf of the Jackson Hole Community Housing Trust, Alder Environmental, LLC (Alder) is submitting a Miscellaneous Planning Request (MSC) for an Environmental Analysis (EA) Exemption Request for proposed future development at 9550 S Henry’s Road, the Property. This EA Exemption Request addresses the applicable Environmental Standards (LDRs Divisions 5.1 and 5.2) typically covered in an EA. This memo serves as a request for an exemption from the requirements to prepare a full EA application. Enclosed Figures 1-4 document vegetative cover types, wetlands and waterbodies, and protected wildlife resources.

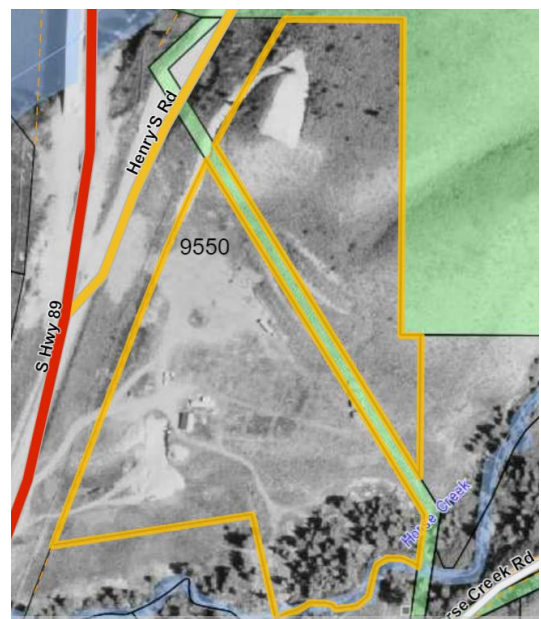
## EXEMPTION FROM THE REQUIREMENT TO PREPARE A FULL EA

The Property is exempt from an Environmental Analysis (EA) based on LDR Division 8.2.2.B.1.g.ii, *Other – the lot of record is in the NRO but is also in an area that has well-documented habitat information where additional physical development and use is expected to have minimal additional negative impacts to wildlife species protected by Division 5.2.1, Natural Resources Overlay Standards.*

The vegetative cover types, waterbodies, and wildlife resources on the Property were mapped during a site visit conducted on November 4, 2021. Enclosed Figures 2-3 document these site conditions and identify a Suitable Development Area that is compliant with Divisions 5.1 and 5.2 of the Teton County Land Development Regulations (LDRs). Future development activities for the Property are proposed to be located within the Suitable Development Area identified in Figure 2. This area is comprised mostly of low-quality habitat (ordinal ranking of 1): disturbed areas and lawns and landscaping with driveways, parking areas, horse corrals and riding arenas, and disturbed grassland (Figure 1). Historical aerial imagery from the Teton County Map Server provides substantial documentation that the Suitable Development Area has seen heavy use and disturbance since as early as 1967.

## HISTORIC AND EXISTING CONDITIONS

Historical Teton County Aerial Imagery indicates that the majority of the property has consisted of disturbed grass and bare ground and has been used for horse corrals and riding areas, agriculture, and storage since as early as 1967. The southeast edge of the



1967 aerial imagery depicting disturbed area suitable for development

property has been heavily disturbed and used for car/junk storage since as early as 1999. In 1988, OK-Corral obtained a Conditional Use Permit to operate an outfitting business with daily horse rides on the Property and the business has continued to operate on the Property as recently as September 2021.

The Property is zoned Rural-3 (R-3) but prior to 4/1/2016 the Property was zoned NC, Single Family. A Pre-Application Conference was held with the Teton County Planning and Development Department on 10/29/2021 (PAP2021-0154) regarding the rezoning of the Property from Rural-3 (R1) to Suburban (S). Current usage and development on the Property consists of several horse corrals, gravel driveways and parking areas, a 2,000-sf residential home built in 1939, a garage associated with the neighboring parcel to the east, and several abandoned or burned structures on the south end of the property along the stream bank.

## VEGETATIVE COVER

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Alder conducted a Habitat Inventory on November 5, 2021 and mapped the vegetative cover types and surface waters. Vegetative cover types are depicted in Figure 2 and consist of mesic grassland (3), disturbed areas (1), mesic shrub (5), coniferous forest (5), and immature aspen (8). The northeastern half of the property comprises steep (15-30%) south and west facing slopes with mesic shrub habitat dominated by big sagebrush (*Artemisia tridentata*). The remaining southwest half of the property is primarily comprised of disturbed areas including horse corrals and riding areas, gravel driveways, buildings, lawns and landscaping and disturbed grassland. Mesic grassland and agricultural meadow surround most of the disturbed areas. On the southern end of the Property, adjacent to Horse Creek, is a coniferous forest consisting of blue spruce (*Picea pungens*) and Douglas fir (*Pseudotsuga menziesii*) with a patch of immature aspen and mesic shrub bordering the riparian area.

## WETLANDS AND WATERBODIES

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Surface waters on the Property consist solely of Horse Creek which bisects the southern edge of the property (Figure 2). The creek through the property has steep, incised banks which do not support a wetland fringe. No wetlands were identified on the property during the November 2021 site visit.

## PROTECTED WILDLIFE RESOURCES AND DEVELOPMENT IMPACTS

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The Teton County Protected Wildlife Resources on the Property include WGFD designated elk crucial winter range, Bald Eagle winter habitat, mule deer crucial winter/yearlong range and cutthroat trout spawning habitat (Figure 4). The Snake River corridor, only 400 ft from the western boundary of the Property but on the other side of Highway 89, provides valuable winter and nesting habitat for Bald Eagles and one Bald Eagle nest has been identified within a half mile of the Property. However, the only suitable Bald Eagle winter habitat present on the Property is the south/west facing slopes that provide valuable habitat for ungulates and in turn may provide carrion for Bald Eagles. Similarly, valuable habitat for mule deer and elk within the Property consists of the south and west facing slopes on the northeast half of the Property where mesic shrub provides valuable forage. The Suitable Development Area does not contain valuable winter habitat for elk, mule deer, or Bald Eagles as it consists of disturbed cover types and existing development. The proposed additional physical development within the Suitable Development Area would have minimal additional negative impacts on protected wildlife species due to its positioning within previously disturbed areas which provide low quality habitat for these wildlife species. The areas that provide valuable winter habitat for elk, mule deer, and Bald Eagles on the Property are located on the south facing slopes on the north end of the Property and the riparian corridor along Horse Creek. These areas are composed of mesic shrubland as well as spruce riparian forest and will not be disturbed with future proposed development activities. Development activities will also include a recommendation that palatable shrubs preferred by ungulates (e.g. dogwood, willows) not be planted in close proximity to future development to encourage wildlife to forage in more suitable habitat elsewhere on the Property. The Suitable Development Area is located outside of the 50-150' stream setback and development



activities will not impact Horse Creek which provides spawning habitat for cutthroat trout. No Trumpeter Swan nesting areas nor crucial winter habitat exists within 1/5 mi of the Property. No USFWS federally listed species are expected to utilize the Property as primary or breeding habitat, although incidental use by grizzly bears may occur on the Property during seasonal movements due to the Property's location along the Horse Creek corridor.

## FINDINGS AND OPINION

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According to LDR Division 8.2.2.B.1.g.ii *Other*, this Property is qualified to be exempt from an EA. Based on well documented habitat information including a review of vegetative cover types, wetlands and waterbodies, wildlife data, and historical property uses, future proposed physical development and use are expected to have minimal additional negative impacts to wildlife species protected by Division 5.2.1, *Natural Resources Overlay Standards* or species protected by the Endangered Species Act. Additionally, the proposed development complies with standards outlined in Divisions 5.1 and 5.2 including property and water resources setbacks. Future development is proposed in previously disturbed areas with low habitat value for wildlife species. Higher quality habitats that provide primary habitat for elk, mule deer, Bald Eagles and cutthroat trout are located elsewhere on the Property and will not be directly impacted by the proposed development. Future development will follow the standards outline in Division 5.1.2. *Wildlife Friendly Fencing* and 5.1.3. *Wild Animal Feeding*. A small, isolated area of mesic shrub habitat (0.25 acres) in the southeast corner of the Property will be impacted by the proposed development and mitigation will be completed through planting of shrubs at a 2:1 ratio. The location of the Suitable Development Area shown in Figure 2 ensures that future potential development will result in minimal additional negative impacts to protected wildlife species.

## REFERENCES

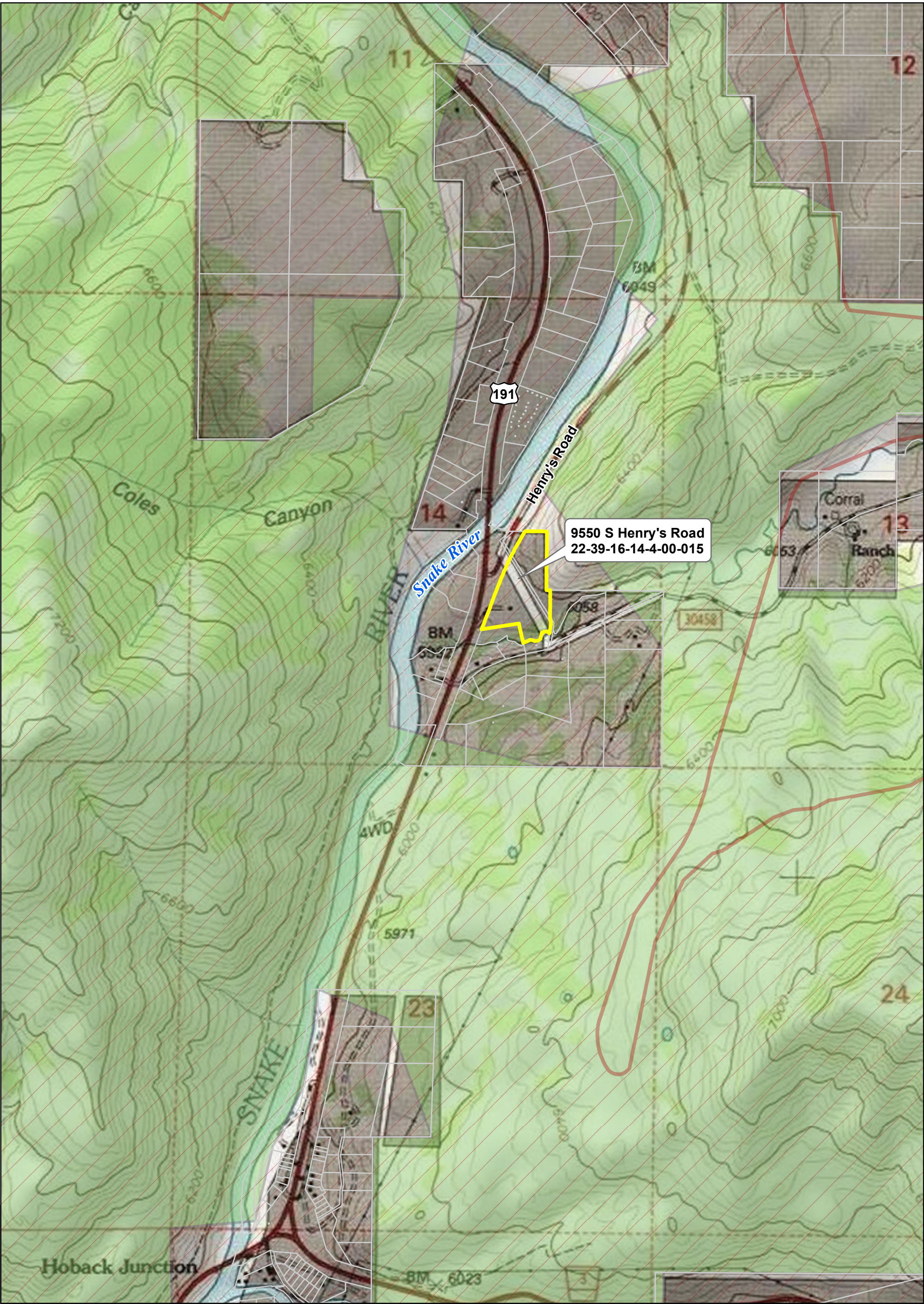
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- Alder 2017. Final Report: Focal Species Habitat Mapping for Teton County, WY. Alder Environmental LLC. Jackson, WY. April 2017.
- Teton County. 2021. Land Development Regulations. January 5, 2021. Teton County, WY.
- USFWS. 2021. iPaC – Information, Planning and Conservation System Teton County, WY Endangered Species Act species list. <https://ecos.fws.gov> (Accessed April 2021).
- WGFD. 2020. Bald Eagle Nest Data. Wyoming Game and Fish Department, Jackson, WY.
- WGFD. 2012. Big Game Ranges Geographic Information Systems Layers. Cheyenne, WY.

## Encl.

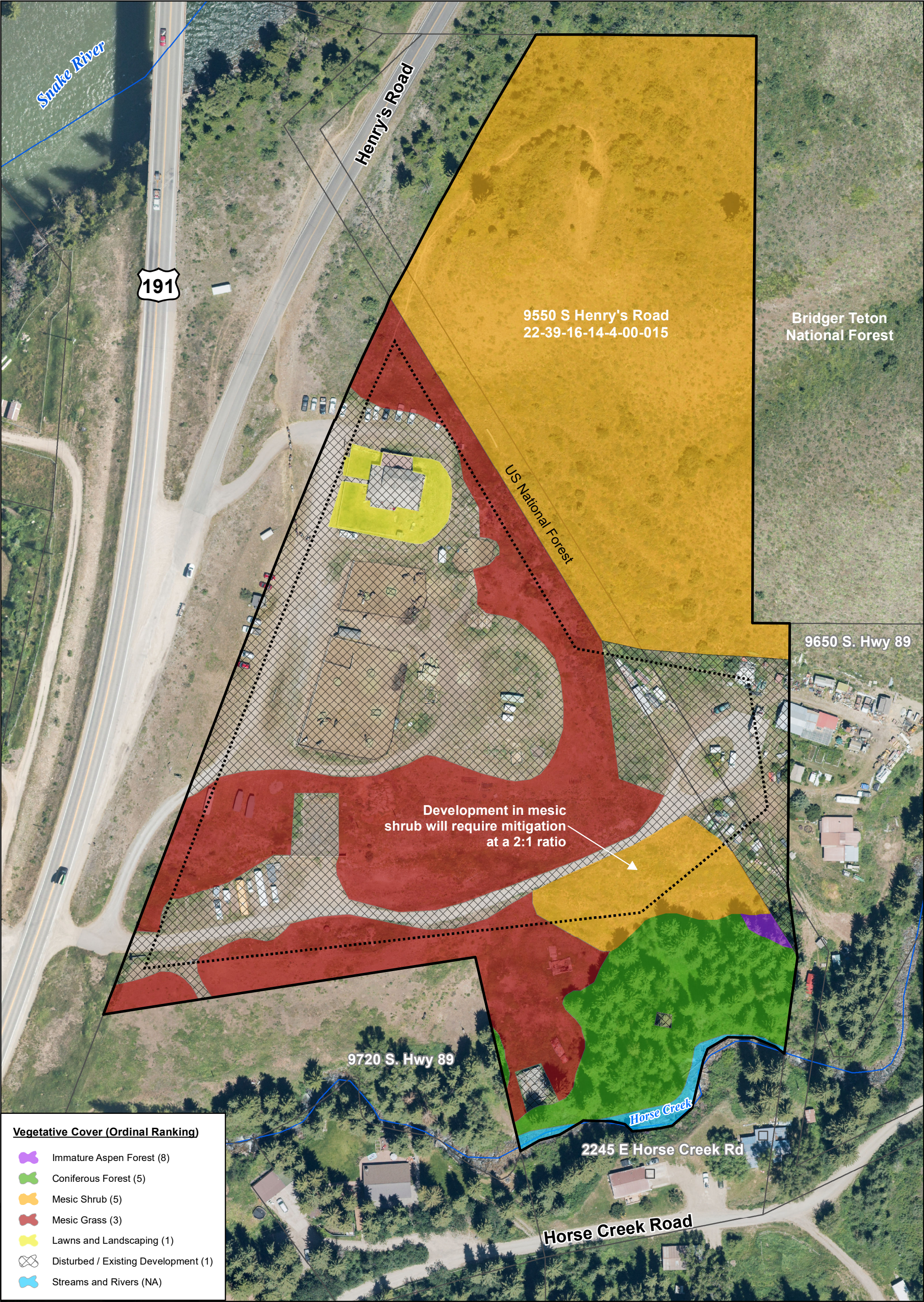
- Figure 1. Location
- Figure 2. Vegetative Cover & Suitable Development Area
- Figure 3. Proposed Activities
- Figure 4. Protected Wildlife Resources
- Site Photographs





<p><b>Figure 1</b></p> <p>Location</p> <p>November 23, 2021</p>	<p><b>Jackson Hole Community Housing Trust ENVIRONMENTAL ANALYSIS EXEMPTION</b></p> <p>9550 S Henry's Road Teton County, WY</p>	<p><b>Legend</b></p> <div><div></div> Lots &amp; Parcels</div> <div><div></div> Subject Parcel</div> <div><div></div> Bridger National Forest</div> <div><div></div> Natural Resources Overlay</div>	<p><b>Sources</b></p> <p>TETON COUNTY</p> <ul style="list-style-type: none"><li>- Ownership Boundaries</li><li>- Natural Resources Overlay</li></ul> <p>Esri Inc</p> <ul style="list-style-type: none"><li>- Topographic Basemap</li></ul>	<div><div>1 inch = 1,000 feet</div><div><div></div>02505001,000</div><div>Feet</div><div>N</div></div> <div><div><b>ALDER</b>ENVIRONMENTAL</div><div>water   wetlands   ecological consulting</div><div>Jackson, WY alderenvironmental.com</div></div>
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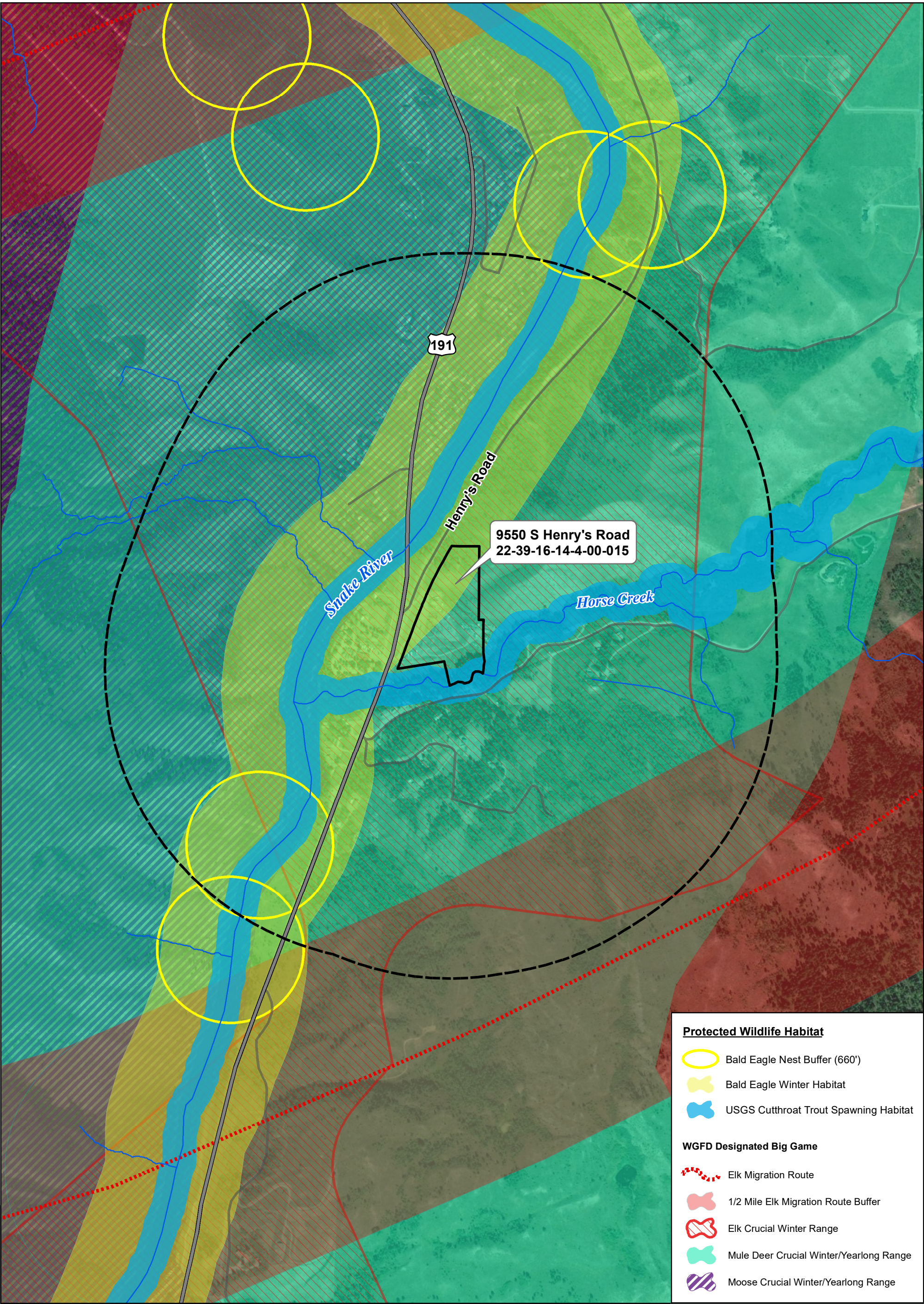






<p><b>Figure 3</b></p> <p>Proposed Activities</p> <p>November 23, 2021</p>	<p><b>Jackson Hole Community Housing Trust</b></p> <p><b>ENVIRONMENTAL ANALYSIS EXEMPTION</b></p> <p>9550 S Henry's Road</p> <p>Teton County, WY</p>	<p><b>Legend</b></p> <ul style="list-style-type: none"><li> Lots &amp; Parcels</li><li> Subject Parcel</li><li> Building Setbacks</li><li> SWI Flowlines</li><li> Stream Setback (50-150')</li><li> Proposed Development</li><li> Mesic Shrub (Ordinal Ranking 5)</li></ul>	<p><b>Sources</b></p> <p>TETON COUNTY</p> <ul style="list-style-type: none"><li>- Ownership Boundaries</li><li>- Aerial imagery 2019</li></ul> <p>TETON CONSERVATION DISTRICT</p> <ul style="list-style-type: none"><li>- Surface Water Inventory (SWI)</li></ul> <p>AGROSTIC, INC</p> <ul style="list-style-type: none"><li>- Proposed Development</li></ul> <p>ALDER ENVIRONMENTAL</p> <ul style="list-style-type: none"><li>- Vegetative Cover (11/5/21)</li></ul>	<p>1 inch = 100 feet</p> <p>0 25 50 100 Feet</p> <p>N</p>	<p><b>ALDERENVIRONMENTAL</b></p> <p>water   wetlands   ecological consulting</p> <p>Jackson, WY alderenvironmental.com</p>
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**Protected Wildlife Habitat**

- Bald Eagle Nest Buffer (660')
- Bald Eagle Winter Habitat
- USGS Cutthroat Trout Spawning Habitat

**WGFD Designated Big Game**

- Elk Migration Route
- 1/2 Mile Elk Migration Route Buffer
- Elk Crucial Winter Range
- Mule Deer Crucial Winter/Yearlong Range
- Moose Crucial Winter/Yearlong Range





**Photo 1.** View of horse corrals in the foreground with residential buildings and south facing slopes of mesic shrub habitat in the background, facing northeast.



**Photo 2.** View of disturbed area in the foreground with horse corrals and residential building in the background, facing northwest.





**Photo 3.** View of driveways and disturbed areas with mesic shrubland south-facing slope in the background, facing northeast.



**Photo 4.** View of disturbed area with driveway in the background, facing west.



# **Appendix E**

**Jorgenesen Associates Engineering Report**



PO Box 9550 · 1315 HWY 89 S., Suite 201  
Jackson, WY 83002  
PH: 307.733.5150  
[www.jorgeng.com](http://www.jorgeng.com)

30 July 2021

Ms. Anne Cresswell  
Jackson Hole Community Housing Trust  
110 E. Broadway  
P.O. Box 4498  
Jackson, WY 83001  
via email: [anne@housingtrustjh.org](mailto:anne@housingtrustjh.org)

**RE: Jackson Hole Community Housing Trust  
Spicer Property, Initial Site Investigation  
JA Project 21052**

Anne,

Here is the Initial Site Investigation Report prepared to describe the current site conditions for the property at 9550 South Henry's Road, otherwise known as the Spicer Property. We are excited to get this report to you in anticipation of the proposed affordable housing project on the property. We look forward to discussing the findings of this report with you and looking at the how best to develop this property responsibly and with great benefit to the people of Teton County. Please contact Jaclyn Knori or me with any questions concerning this report.

Regards,

Thomas Kirsten  
JORGENSEN ASSOCIATES, Inc.

Jackson, WY · Pinedale, WY

## Introduction

The property at 9550 Henry's Road is a 12 acre property on the east side of Highway 89 just north of Hoback Junction at the south end of Henry's Road. The property is being considered for a rezone to Suburban zoning to allow for the construction of affordable housing by the Jackson Hole Community Housing Trust. The number of units will be dependent on several factors. The comfortable carrying capacity, water supply, wastewater disposal, and other site conditions will determine the final number of units. Approximately 25 units are being considered at this time.

A site visit was conducted on the 25<sup>th</sup> of May. The current resident of the property, Dusty, was available to tour the property with us and answer questions. The tour included a review of the existing water supply, wastewater treatment, cable and gas utilities, and site features. Construction to widen Highway 89 was underway and provided a chance to observe the soils adjacent to the west side of the property.

## Setting

The site is bounded by National Forest on the northeast, Highway 89 on the west, Horse Creek on the south, and other private lands on the southeast. There is 180 feet of relief across the site with large flat areas mixed with steep slopes. There is an odd remnant Forest Service sliver of property that bisects the site. The property has had several uses over its history and is currently used for a trail ride concession. There is a house with out buildings, corrals, and other facilities to support the trail ride operations. A "bunker" built out of precast concrete occupies the southern end of the lot and currently is used for storage.

No public water or wastewater facilities are available in the vicinity of the property at this time. On site water supply and wastewater treatment will play a role in determining the level of development on the property.

## Water Supply

There is currently one well supplying water for all uses on the property. The well has an 6-inch casing and submersible well pump and electric motor. The well is located about 35 feet from the two main horse paddocks in a fenced area of about 140 square feet (see attached site plan). A water rights search was conducted to obtain more details about the well. The search found one permit that seemed to match the well on the property (attached). Old well permits often do not have much detail and information to accurately locate the well. The attached permit indicates the well produces 8 gallons per minute. During the site visit Dusty was asked about water use and the reliability of the supply. Dusty indicated they have plenty of water for the animals, some lawn watering around the house, and domestic uses with no pressure or supply problems.

During the site visit Jorgensen sampled the property's existing well water for several EPA regulated primary and secondary water quality constituents. The water was analyzed at Energy Labs in Casper, Wyoming for typical Public Water System testing and monitoring. The tests included: bacteria (total coliform and e-coli), nitrogen (nitrate and nitrite), inorganic compounds (IOC), select synthetic organic compounds (SOC), volatile organic compounds (VOC), and radionuclides. The water quality results were

all below the EPA maximum contaminant level (MCL) drinking water standards and the source water is considered acceptable for a public water system.

The sampling did detect nitrate at 3.06 ppm, which is below the EPA limit of 10 ppm. Nitrate levels have become an increasing concern in Teton County, especially in the Hoback area. Sources of nitrates in ground include runoff or seepage from fertilized agricultural lands, wastewater, dumps, and animal feedlots. Levels on the property may go down after the property is transitioned to residential use, however, treatment of nitrates could be considered in the future.

The radionuclides Uranium and Radium were detected in the source water at typical levels for the Teton County area and well below the EPA limits. There was no detection of bacteria, VOCs, and SOCs that were tested in the water. Small amounts of Fluoride and Barium were detected in the source water and all other IOCs tested for were not detected. Full water quality results are attached at the end of this report.

Jorgensen Associates recommends further reconnaissance of the existing well. This includes a video inspection of the well and scheduling a pump test to determine the capacity of the well. The pump test will help determine if this or a future well will have the capacity to supply the development. The future development will be a public water system and as a public water system will be required to have an additional well to add redundancy for the development. The Wyoming Department of Environmental Quality (DEQ) rules and regulations will need to be met for this development. Public water system wells are required to be 200 ft from wastewater disposal fields. The well's location is currently directly in the middle of the lot and restricts possible locations for the disposal field. Drilling the well in a new location to optimize the layout of the lot should be considered. Additionally, an elevated water tank on the northeast proportion of the property should be considered to provide storage for domestic use and fire suppression.

### Wastewater

There is currently one septic tank and gravity disposal system serving the property (aka septic system or leachfield). Wastewater treatment on the site will play a role in determining the level of development on the property.

During the site visit, soil was visible from the WYDOT Highway 89 bridge construction and highway widening project. Soils observed were gravel and cobbles in a sand and silt matrix. Conversations with the current property's tenant described the soil, from observations he has made during excavations on the property, as 1 – 2' of topsoil material, with large cobbles below the fine material. This anecdote is almost identical with the soil observation in the field. The soils observed are favorable for a conventional wastewater disposal system. There is heightened interest for water quality in the Hoback area of Teton County. Nitrate concentration is currently the main concern in the surrounding area. Increased groundwater nitrate levels may be attributed to the effluent from septic tanks. The proximity to the Snake River and Horse Creek makes this site a good candidate for an advanced wastewater treatment

system. Advanced wastewater treatment systems use treatment technology to bring the septic tank effluent to a higher standard before disposing it into the ground. Advanced treatment has the added benefit of requiring a smaller disposal footprint than conventional systems. Operation and maintenance is more time consuming and expensive but often times this nominal cost is considered acceptable in exchange for the higher effluent quality disposed into the ground.

Below is a table estimating the required size of septic tank(s) and disposal field to treat a future development plan (using the Wyoming DEQ Chapter 25 Table 1 residential wastewater flows, and a percolation rate of 10 minutes per inch (mpi, consistent with the observed soils):

Housing Units	# Bedrooms/ Unit	Max Design Flow gpd	Infiltrator Bed Size (SF) (perc of 10 mpi)	Septic Tank Size (Gallons)
12	3	4,680	5,280	5,800
18	3	7,020	7,920	8,500
24	3	9,360	10,560	11,200

Ideally the wastewater disposal field will be located downstream of the water supply wells at the south end of the lot. The disposal field will also need to be located 200' away from the water wells per Wyoming DEQ regulations.

### **Cable Utilities**

There are currently power and communication utilities at the project site. Communications utilities are routed with the overhead powerline near South Highway 89. Early communications with Lower Valley Energy indicated their infrastructure near the project site is robust enough to handle the desired 24 housing units without upgrades to their Power Grid.

Lower Valley does not currently provide gas to the property but has infrastructure at the end of Horse Creek Canyon. Routing gas to the property will be costly, and not recommended at this time.

### **Access and Roads**

Currently, there are two entrances off South Highway 89 to the property. Two accesses allow traffic flow in and out of the community and provides redundancy for emergency vehicles. The observed soils provide a good foundation for residential roadways.

A property presently owned by Grace B. and Thomas Anderson (on attached site plan) to the east is currently accessed through the southern entrance of the property near the existing bunker. Access to the neighboring property will need to be considered with the proposed site plan.



**JACKSON HOLE COMMUNITY HOUSING TRUST  
SPICER PROPERTY, 9550 HENRY'S ROAD  
INITIAL SITE INVESTIGATION**



The upper north section of the property has a relatively flat area that could provide either a building site or community park area. Access to this portion of the site will have steep grades, but spectacular views. If a water tank is considered in this area, access will need to be provided.

**Attachments**

Site Plan

Well Permit

Water Quality Results

Form U.W. 7

IF WELL IS TO BE

ABANDONED, SEE ITEM 20

## STATE OF WYOMING

OFFICE OF THE STATE ENGINEER

## STATEMENT OF COMPLETION AND DESCRIPTION OF WELL

for Domestic or Stock Watering Use Only

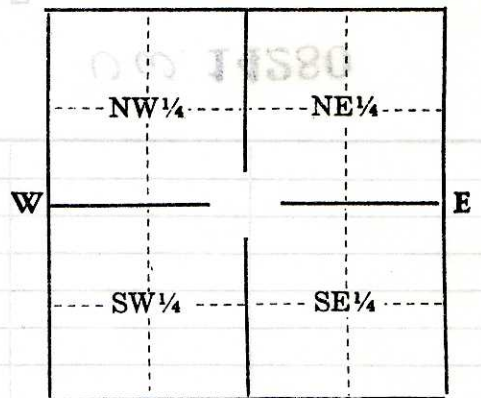
A preferred water right is given to such use when the yield or flow does not exceed .056 cubic feet per second or 25 gallons per minute. Domestic use refers to household use and the watering of lawns and gardens for family use, not to exceed one acre.

Permit No. U.W. 14280 Temporary Filing No. 6-9-185Water Division No. 4(16)U.W. District Teton Co.\*\*Completed Prior  
to May 24, 1969

## WELL LOCATION

Teton CountyNE 1/4 of SE 1/4 of Sec. 14  
T. 39 N., R. 116 W.

N



S

Scale: 2" = 1 mile

Above diagram represents one full  
section. Locate well accurately in  
small square representing 40 ac.  
or  
fill in the following:

Lot \_\_\_\_\_ &amp; Block \_\_\_\_\_ or Tract \_\_\_\_\_

of the \_\_\_\_\_  
(Subdivision or Addition)of \_\_\_\_\_  
(City, Town or County)

Section \_\_\_\_\_, T. \_\_\_\_\_ N., R. \_\_\_\_\_ W.

NAME OF WELL Kipp # 1

1. Owner Paul Kipp  
2. Address Box 1031 Jackson, Wyo. 83001  
3. Agent to receive correspondence \_\_\_\_\_

4. Name & address of driller Don Eshelman  
Moran, Wyo.

5. Well is constructed on lands owned by Paul Kipp  
(Obtaining of easement or right of way is the responsibility of the applicant's.  
Include copy if land is privately owned and owner is not a co-applicant.)

6. Type of construction: Dug ☐ Drilled ☒ Cable tool  
Type of Rig

Driven ☐ Jet ☐ Other \_\_\_\_\_

7. Use of Water—Domestic ☒ Stock ☐

8. Means of conveyance, distance and direction to point of use  
1" pipe 30 Ft. E. to house

9. Date started June 1, 1964.

10. Date completed June 15, 1964. (including pump)

11. Date after completion when water was used June 15, 1964.

## 12. WELL DESCRIPTION

Total Depth 78 Depth to Water Level 30 ft.

## 13. TEST DATA

Yield \_\_\_\_\_ How Tested \_\_\_\_\_

Drawdown \_\_\_\_\_ Length of Test \_\_\_\_\_

## 14. PUMP DATA

Type Jet Power Source Elect.  
(Turbine, Centrifugal, etc.) (Elec., Gas, etc.)Horsepower 1 Amount of Water Being Used 8  
(Gallons per Minute)

## 15. CASING RECORD

## Plain Casing

Size 6 Kind Std. from 0 ft. to 78 ft.

Size \_\_\_\_\_ Kind \_\_\_\_\_ from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

Size \_\_\_\_\_ Kind \_\_\_\_\_ from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

## Perforated Casing

Size \_\_\_\_\_ Kind \_\_\_\_\_ from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

Size \_\_\_\_\_ Kind \_\_\_\_\_ from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

\*\*For wells constructed after May 24, 1969, Application Form U.W. 5 must be submitted prior to construction.

Permit No. U.W. 14280Book No. 76 Page No. 124



16. Was surface seal provided? Yes ☒ No ☐ To What Depth \_\_\_\_\_ Material used: natural  
Was well gravel packed? Yes ☐ No ☒
17. FLOWING WELL (Owner is responsible for installing control device on flowing well.)  
Does well flow? Yes ☐ No ☒  
Flow controlled by: Valve ☐ Cap ☐ Plug ☐ Does well leak around casing? Yes ☐ No ☐
18. LOG OF WELL—Clearly indicate first water bearing material and principal water bearing material.

From Feet	To Feet	Material Type, Texture, Color	REMARKS (Cementing, Shutoff, Packing, etc.)	Indicate Water Bearing Formation	Indicate Perforated Casing Location
210	215	Not available			
215	220	Hard			
		Perforated Casing			
220	225	Hard			
225	230	Hard			
230	235	Hard			
235	240	Hard			
240	245	Hard			
245	250	Hard			
250	255	Hard			
255	260	Hard			
260	265	Hard			
265	270	Hard			
270	275	Hard			
275	280	Hard			
280	285	Hard			
285	290	Hard			
290	295	Hard			
295	300	Hard			
300	305	Hard			
305	310	Hard			
310	315	Hard			
315	320	Hard			
320	325	Hard			
325	330	Hard			
330	335	Hard			
335	340	Hard			
340	345	Hard			
345	350	Hard			
350	355	Hard			
355	360	Hard			
360	365	Hard			
365	370	Hard			
370	375	Hard			
375	380	Hard			
380	385	Hard			
385	390	Hard			
390	395	Hard			
395	400	Hard			
400	405	Hard			
405	410	Hard			
410	415	Hard			
415	420	Hard			
420	425	Hard			
425	430	Hard			
430	435	Hard			
435	440	Hard			
440	445	Hard			
445	450	Hard			
450	455	Hard			
455	460	Hard			
460	465	Hard			
465	470	Hard			
470	475	Hard			
475	480	Hard			
480	485	Hard			
485	490	Hard			
490	495	Hard			
495	500	Hard			

19. QUALITY OF WATER INFORMATION

- Was a chemical analysis made? Yes ☐ No ☒  
If so, please include a copy of the analysis with this form.  
If not, do you consider the water as: Good ☒ Acceptable ☐ Poor ☐ Unusable ☐  
Was a bacteriological analysis made? Yes ☐ No ☒  
If a domestic well, was the well disinfected by the driller? Yes ☒ No ☐

20. IF WELL IS TO BE ABANDONED, complete only Items 1 through 6, Item 10 and Item 18 (Log of Well) and state reason for abandonment below.

It is the responsibility of the owner to properly plug or fill in the well in order to prevent contamination of ground water and to cover or cap the well at ground level.

REMARKS: \_\_\_\_\_

Under penalties of perjury, I declare that I have examined this form and to the best of my knowledge and belief it is true, correct and complete.

Jack A. Weber Signature of Owner or Authorized Agent 5-2 Date, 19 72

Date of Receipt: JUN 14 1972, 19 72 Date of Priority: June 15, 19 64

James H. Garrett Date of Approval: June 19, 19 72 Richard A. Stubble for State Engineer



## ANALYTICAL SUMMARY REPORT

June 28, 2021

Jorgensen Associates  
1315 S Hwy 89 Ste 201  
Jackson, WY 83001-8514

Work Order: C21051013  
Project Name: Non-EPA/Spicer

Energy Laboratories, Inc. Casper WY received the following 2 samples for Jorgensen Associates on 5/25/2021 for analysis.

Lab ID	Client Sample ID	Collect Date	Receive Date	Matrix	Test
C21051013-001	SP01	05/24/21 11:00	05/25/21	Drinking Water	Metals by ICP/ICPMS, Drinking Water Alkalinity Bacteria, SDWA Conductivity Mercury, Drinking Water Fluoride 547-Herbicides, Glyphosate SDWA Anions by Ion Chromatography Nitrogen, Nitrite Nitrogen, Nitrate + Nitrite Nitrogen, Nitrate as N pH Metals Preparation by EPA 200.2 Digestion, Mercury by CVAA 504.1 Microextraction 504-Microextraction VOCs, EDB and DBCP SDWA Gross Alpha Calculated Gross Alpha, Gross Beta, Total Radium 226 + Radium 228 Radium 226, Total Radium 228, Total Solids, Total Dissolved Semi-Volatile Organic Compounds Extraction 525-Semi-Volatile Organic Compounds, SDWA 524-Purgeable Organics, SDWA
C21051013-002	Trip Blank-79121	05/24/21 11:00	05/25/21	Trip Blank	524-Purgeable Organics, SDWA

The analyses presented in this report were performed by Energy Laboratories, Inc., 2393 Salt Creek Hwy., Casper, WY 82601, unless otherwise noted. Any exceptions or problems with the analyses are noted in the Laboratory Analytical Report, the QA/QC Summary Report, or the Case Narrative. Any issues encountered during sample receipt are documented in the Work Order Receipt Checklist.

The results as reported relate only to the item(s) submitted for testing. This report shall be used or copied only in its entirety. Energy Laboratories, Inc. is not responsible for the consequences arising from the use of a partial report.

If you have any questions regarding these test results, please contact your Project Manager .

Report Approved By:



**CLIENT:** Jorgensen Associates  
**Project:** Non-EPA/Spicer  
**Work Order:** C21051013

**Report Date:** 06/28/21

## **CASE NARRATIVE**

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Tests associated with analyst identified as ELI-B were subcontracted to Energy Laboratories, 1120 S. 27th St., Billings, MT, EPA Number MT00005.





## LABORATORY ANALYTICAL REPORT

Prepared by Casper, WY Branch

**Client:** Jorgensen Associates  
**Project:** Non-EPA/Spicer  
**Client Sample ID:** SP01  
**Sampled By:** JK  
**Lab ID:** C21051013-001K

**Report Date:** 06/28/21  
**Collection Date:** 05/24/21 11:00  
**Received Date:** 05/25/21 10:44  
**Matrix:** Drinking Water

Analyses	Result	Units	Safe/Unsafe	Qualifier	Method	Analysis Date / By
<b>MICROBIOLOGICAL</b>						
Bacteria, Total Coliform	Absent	per 100ml	SAFE		A9223 B	05/25/21 14:52 / srm
Bacteria, E-Coli Coliform	Absent	per 100ml			A9223 B	05/25/21 14:52 / srm

**Comments:** The notation "SAFE" indicates that the water was bacteriologically SAFE when sampled.

The notation "UNSAFE" indicates that the water was bacteriologically UNSAFE when sampled.

**Method Reference:** E - EPA / MCAWW Methodology A - Standard Methods 22nd Ed.



## LABORATORY ANALYTICAL REPORT

Prepared by Casper, WY Branch

**Client:** Jorgensen Associates  
**Project:** Non-EPA/Spicer  
**Lab ID:** C21051013-001  
**Client Sample ID:** SP01

**Report Date:** 06/28/21  
**Collection Date:** 05/24/21 11:00  
**Date Received:** 05/25/21  
**Matrix:** Drinking Water

Analyses	Result	Units	Qualifiers	RL	MCL/ QCL	Method	Analysis Date / By
<b>MAJOR IONS</b>							
Alkalinity, Total as CaCO <sub>3</sub>	247	mg/L		5		A2320 B	05/25/21 15:50 / kjp
Fluoride	0.2	mg/L		0.1	4	A4500-F C	06/02/21 12:13 / dmb
Sodium	28.8	mg/L	D	0.6		E200.7	06/04/21 11:28 / meh
<b>PHYSICAL PROPERTIES</b>							
Conductivity @ 25 C	638	umhos/cm		5		A2510 B	05/26/21 11:36 / kjp
pH	7.67	s.u.	H	0.01		A4500-H B	05/26/21 11:36 / kjp
pH Measurement Temp	11	°C				A4500-H B	05/26/21 11:36 / kjp
Solids, Total Dissolved TDS @ 180 C	364	mg/L	D	10		A2540 C	05/28/21 18:22 / kjp
<b>NUTRIENTS</b>							
Nitrogen, Nitrate as N	3.06	mg/L		0.01		E353.2	06/07/21 10:32 / jlw
Nitrogen, Nitrite as N	ND	mg/L		0.01	1	A4500-NO <sub>2</sub> B	05/25/21 18:11 / dmb
Nitrogen, Nitrate+Nitrite as N	3.06	mg/L		0.01	10	E353.2	05/27/21 11:24 / dmb
<b>RADIONUCLIDES, TOTAL</b>							
Gross Alpha	-0.8	pCi/L	U			E900.0	06/15/21 19:14 / trs
Gross Alpha precision (±)	2.2	pCi/L				E900.0	06/15/21 19:14 / trs
Gross Alpha MDC	2.3	pCi/L				E900.0	06/15/21 19:14 / trs
Gross Alpha - Adjusted	-0.8	pCi/L	U		15	E900.0	06/17/21 14:01 / dmf
Gross Alpha - Adjusted precision (±)	2.2	pCi/L				E900.0	06/17/21 14:01 / dmf
Gross Alpha - Adjusted MDC	2.3	pCi/L				E900.0	06/17/21 14:01 / dmf
Uranium	0.0017	mg/L		0.0003	0.03	E200.8	06/03/21 03:01 / jcg
Uranium, Activity	1.1	pCi/L		0.2		E200.8	06/03/21 03:01 / jcg
Radium 226	0.4	pCi/L			5	E903.0	06/21/21 10:01 / trs
Radium 226 precision (±)	0.3	pCi/L				E903.0	06/21/21 10:01 / trs
Radium 226 MDC	0.3	pCi/L				E903.0	06/21/21 10:01 / trs
Radium 228	0.3	pCi/L	U		5	RA-05	06/09/21 15:10 / trs
Radium 228 precision (±)	0.6	pCi/L				RA-05	06/09/21 15:10 / trs
Radium 228 MDC	0.6	pCi/L				RA-05	06/09/21 15:10 / trs
Radium 226 + Radium 228	0.7	pCi/L			5	A7500-RA	06/22/21 16:50 / tlf
Radium 226 + Radium 228 precision (±)	0.7	pCi/L				A7500-RA	06/22/21 16:50 / tlf
Radium 226 + Radium 228 MDC	0.7	pCi/L				A7500-RA	06/22/21 16:50 / tlf
<b>INORGANIC COMPOUNDS</b>							
Fluoride	0.2	mg/L		0.1	4	E300.0	05/26/21 19:36 / dmb
Antimony	ND	mg/L		0.001	0.006	E200.8	06/03/21 03:01 / jcg
Arsenic	ND	mg/L	L	0.002	0.01	E200.8	06/03/21 03:01 / jcg
Barium	0.1	mg/L		0.1	2	E200.8	06/03/21 03:01 / jcg
Beryllium	ND	mg/L		0.001	0.004	E200.8	06/03/21 03:01 / jcg
Cadmium	ND	mg/L		0.001	0.005	E200.8	06/03/21 03:01 / jcg
Chromium	ND	mg/L		0.05	0.1	E200.7	06/01/21 16:23 / meh
Mercury	ND	mg/L		0.0001	0.002	E245.1	05/28/21 14:01 / eli-b
Nickel	ND	mg/L		0.05		E200.7	06/01/21 16:23 / meh

**Report Definitions:**  
RL - Analyte Reporting Limit  
QCL - Quality Control Limit  
D - Reporting Limit (RL) increased due to sample matrix  
L - Lowest available reporting limit for the analytical method used

MCL - Maximum Contaminant Level  
ND - Not detected at the Reporting Limit (RL)  
H - Analysis performed past the method holding time  
U - Not detected at Minimum Detectable Concentration (MDC)



## LABORATORY ANALYTICAL REPORT

Prepared by Casper, WY Branch

**Client:** Jorgensen Associates  
**Project:** Non-EPA/Spicer  
**Lab ID:** C21051013-001  
**Client Sample ID:** SP01

**Report Date:** 06/28/21  
**Collection Date:** 05/24/21 11:00  
**Date Received:** 05/25/21  
**Matrix:** Drinking Water

Analyses	Result	Units	Qualifiers	RL	MCL/ QCL	Method	Analysis Date / By
<b>INORGANIC COMPOUNDS</b>							
Selenium	ND	mg/L		0.001	0.05	E200.8	06/03/21 03:01 / jcg
Thallium	ND	mg/L		0.0004	0.002	E200.8	06/03/21 03:01 / jcg
<b>VOLATILE ORGANIC COMPOUNDS</b>							
Benzene	ND	ug/L		0.50	5	E524.2	05/27/21 17:57 / eli-b
Bromobenzene	ND	ug/L		0.50		E524.2	05/27/21 17:57 / eli-b
Bromochloromethane	ND	ug/L		0.50		E524.2	05/27/21 17:57 / eli-b
Bromodichloromethane	ND	ug/L		0.50		E524.2	05/27/21 17:57 / eli-b
Bromoform	ND	ug/L		0.50		E524.2	05/27/21 17:57 / eli-b
Bromomethane	ND	ug/L		0.50		E524.2	05/27/21 17:57 / eli-b
n-Butylbenzene	ND	ug/L		0.50		E524.2	05/27/21 17:57 / eli-b
sec-Butylbenzene	ND	ug/L		0.50		E524.2	05/27/21 17:57 / eli-b
tert-Butylbenzene	ND	ug/L		0.50		E524.2	05/27/21 17:57 / eli-b
Carbon tetrachloride	ND	ug/L		0.50	5	E524.2	05/27/21 17:57 / eli-b
1,2-Dichloroethane	ND	ug/L		0.50	5	E524.2	05/27/21 17:57 / eli-b
Chlorobenzene	ND	ug/L		0.50	100	E524.2	05/27/21 17:57 / eli-b
Chlorodibromomethane	ND	ug/L		0.50		E524.2	05/27/21 17:57 / eli-b
Chloroethane	ND	ug/L		0.50		E524.2	05/27/21 17:57 / eli-b
Chloroform	ND	ug/L		0.50		E524.2	05/27/21 17:57 / eli-b
Chloromethane	ND	ug/L		0.50		E524.2	05/27/21 17:57 / eli-b
2-Chlorotoluene	ND	ug/L		0.50		E524.2	05/27/21 17:57 / eli-b
4-Chlorotoluene	ND	ug/L		0.50		E524.2	05/27/21 17:57 / eli-b
1,2-Dibromo-3-chloropropane	ND	ug/L		1.0	0.2	E524.2	05/27/21 17:57 / eli-b
Dibromomethane	ND	ug/L		0.50		E524.2	05/27/21 17:57 / eli-b
1,2-Dichlorobenzene	ND	ug/L		0.50	600	E524.2	05/27/21 17:57 / eli-b
1,3-Dichlorobenzene	ND	ug/L		0.50		E524.2	05/27/21 17:57 / eli-b
1,4-Dichlorobenzene	ND	ug/L		0.50	75	E524.2	05/27/21 17:57 / eli-b
Dichlorodifluoromethane	ND	ug/L		0.50		E524.2	05/27/21 17:57 / eli-b
1,1-Dichloroethane	ND	ug/L		0.50		E524.2	05/27/21 17:57 / eli-b
1,2-Dibromoethane	ND	ug/L		0.50	0.05	E524.2	05/27/21 17:57 / eli-b
1,1-Dichloroethene	ND	ug/L		0.50	7	E524.2	05/27/21 17:57 / eli-b
cis-1,2-Dichloroethene	ND	ug/L		0.50	70	E524.2	05/27/21 17:57 / eli-b
trans-1,2-Dichloroethene	ND	ug/L		0.50	100	E524.2	05/27/21 17:57 / eli-b
1,2-Dichloropropane	ND	ug/L		0.50	5	E524.2	05/27/21 17:57 / eli-b
1,3-Dichloropropane	ND	ug/L		0.50		E524.2	05/27/21 17:57 / eli-b
2,2-Dichloropropane	ND	ug/L		0.50		E524.2	05/27/21 17:57 / eli-b
1,1-Dichloropropene	ND	ug/L		0.50		E524.2	05/27/21 17:57 / eli-b
cis-1,3-Dichloropropene	ND	ug/L		0.50		E524.2	05/27/21 17:57 / eli-b
trans-1,3-Dichloropropene	ND	ug/L		0.50		E524.2	05/27/21 17:57 / eli-b
Ethylbenzene	ND	ug/L		0.50	700	E524.2	05/27/21 17:57 / eli-b
Hexachlorobutadiene	ND	ug/L		0.50		E524.2	05/27/21 17:57 / eli-b
Isopropylbenzene	ND	ug/L		0.50		E524.2	05/27/21 17:57 / eli-b
p-Isopropyltoluene	ND	ug/L		0.50		E524.2	05/27/21 17:57 / eli-b

**Report** RL - Analyte Reporting Limit  
**Definitions:** QCL - Quality Control Limit

MCL - Maximum Contaminant Level  
ND - Not detected at the Reporting Limit (RL)



## LABORATORY ANALYTICAL REPORT

Prepared by Casper, WY Branch

**Client:** Jorgensen Associates  
**Project:** Non-EPA/Spicer  
**Lab ID:** C21051013-001  
**Client Sample ID:** SP01

**Report Date:** 06/28/21  
**Collection Date:** 05/24/21 11:00  
**Date Received:** 05/25/21  
**Matrix:** Drinking Water

Analyses	Result	Units	Qualifiers	RL	MCL/ QCL	Method	Analysis Date / By
<b>VOLATILE ORGANIC COMPOUNDS</b>							
Methyl tert-butyl ether (MTBE)	ND	ug/L		0.50		E524.2	05/27/21 17:57 / eli-b
Methylene chloride	ND	ug/L		0.50	5	E524.2	05/27/21 17:57 / eli-b
Naphthalene	ND	ug/L		0.50		E524.2	05/27/21 17:57 / eli-b
n-Propylbenzene	ND	ug/L		0.50		E524.2	05/27/21 17:57 / eli-b
Styrene	ND	ug/L		0.50	100	E524.2	05/27/21 17:57 / eli-b
1,1,1,2-Tetrachloroethane	ND	ug/L		0.50		E524.2	05/27/21 17:57 / eli-b
1,1,2,2-Tetrachloroethane	ND	ug/L		0.50		E524.2	05/27/21 17:57 / eli-b
Tetrachloroethene	ND	ug/L		0.50	5	E524.2	05/27/21 17:57 / eli-b
Toluene	ND	ug/L		0.50	1000	E524.2	05/27/21 17:57 / eli-b
1,2,3-Trichlorobenzene	ND	ug/L		0.50		E524.2	05/27/21 17:57 / eli-b
1,2,4-Trichlorobenzene	ND	ug/L		0.50	70	E524.2	05/27/21 17:57 / eli-b
1,1,1-Trichloroethane	ND	ug/L		0.50	200	E524.2	05/27/21 17:57 / eli-b
1,1,2-Trichloroethane	ND	ug/L		0.50	5	E524.2	05/27/21 17:57 / eli-b
Trichloroethene	ND	ug/L		0.50	5	E524.2	05/27/21 17:57 / eli-b
Trichlorofluoromethane	ND	ug/L		0.50		E524.2	05/27/21 17:57 / eli-b
1,2,3-Trichloropropane	ND	ug/L		0.50		E524.2	05/27/21 17:57 / eli-b
1,2,4-Trimethylbenzene	ND	ug/L		0.50		E524.2	05/27/21 17:57 / eli-b
1,3,5-Trimethylbenzene	ND	ug/L		0.50		E524.2	05/27/21 17:57 / eli-b
Vinyl chloride	ND	ug/L		0.50	2	E524.2	05/27/21 17:57 / eli-b
m+p-Xylenes	ND	ug/L		0.50		E524.2	05/27/21 17:57 / eli-b
o-Xylene	ND	ug/L		0.50		E524.2	05/27/21 17:57 / eli-b
Trihalomethanes, Total	ND	ug/L		0.50	80	E524.2	05/27/21 17:57 / eli-b
Xylenes, Total	ND	ug/L		0.50	10000	E524.2	05/27/21 17:57 / eli-b
Surr: p-Bromofluorobenzene	121	%REC		70-130		E524.2	05/27/21 17:57 / eli-b
Surr: 1,2-Dichloroethane-d4	107	%REC		70-130		E524.2	05/27/21 17:57 / eli-b
Surr: Toluene-d8	111	%REC		70-130		E524.2	05/27/21 17:57 / eli-b
<b>SEMI-VOLATILE ORGANIC COMPOUNDS</b>							
Alachlor	ND	ug/L		0.10	2	E525.2	06/03/21 21:57 / eli-b
Aldrin	ND	ug/L		0.10		E525.2	06/03/21 21:57 / eli-b
Aroclor 1016	ND	ug/L		0.080		E525.2	06/03/21 21:57 / eli-b
Aroclor 1221	ND	ug/L		2.0		E525.2	06/03/21 21:57 / eli-b
Aroclor 1232	ND	ug/L		0.50		E525.2	06/03/21 21:57 / eli-b
Aroclor 1242	ND	ug/L		0.30		E525.2	06/03/21 21:57 / eli-b
Aroclor 1248	ND	ug/L		0.10		E525.2	06/03/21 21:57 / eli-b
Aroclor 1254	ND	ug/L		0.10		E525.2	06/03/21 21:57 / eli-b
Aroclor 1260	ND	ug/L		0.20		E525.2	06/03/21 21:57 / eli-b
Atrazine	ND	ug/L		0.10	3	E525.2	06/03/21 21:57 / eli-b
Benzo(a)pyrene	ND	ug/L		0.10	0.2	E525.2	06/03/21 21:57 / eli-b
bis(2-ethylhexyl)Adipate	ND	ug/L		0.50	400	E525.2	06/03/21 21:57 / eli-b
bis(2-ethylhexyl)Phthalate	ND	ug/L		2.0	6	E525.2	06/03/21 21:57 / eli-b
Butachlor	ND	ug/L		0.10		E525.2	06/03/21 21:57 / eli-b
Chlordane	ND	ug/L		1.0	2	E525.2	06/03/21 21:57 / eli-b

**Report** RL - Analyte Reporting Limit  
**Definitions:** QCL - Quality Control Limit

MCL - Maximum Contaminant Level  
ND - Not detected at the Reporting Limit (RL)



## LABORATORY ANALYTICAL REPORT

Prepared by Casper, WY Branch

**Client:** Jorgensen Associates  
**Project:** Non-EPA/Spicer  
**Lab ID:** C21051013-001  
**Client Sample ID:** SP01

**Report Date:** 06/28/21  
**Collection Date:** 05/24/21 11:00  
**DateReceived:** 05/25/21  
**Matrix:** Drinking Water

Analyses	Result	Units	Qualifiers	RL	MCL/ QCL	Method	Analysis Date / By
<b>SEMI-VOLATILE ORGANIC COMPOUNDS</b>							
Dieldrin	ND	ug/L		0.10		E525.2	06/03/21 21:57 / eli-b
Endrin	ND	ug/L		0.10	2	E525.2	06/03/21 21:57 / eli-b
gamma-BHC (Lindane)	ND	ug/L		0.10	0.2	E525.2	06/03/21 21:57 / eli-b
Heptachlor	ND	ug/L		0.10	0.4	E525.2	06/03/21 21:57 / eli-b
Heptachlor epoxide	ND	ug/L		0.10	0.2	E525.2	06/03/21 21:57 / eli-b
Hexachlorobenzene	ND	ug/L		0.10	1	E525.2	06/03/21 21:57 / eli-b
Hexachlorocyclopentadiene	ND	ug/L		0.10	50	E525.2	06/03/21 21:57 / eli-b
Methoxychlor	ND	ug/L		0.10	40	E525.2	06/03/21 21:57 / eli-b
Metolachlor	ND	ug/L		0.10		E525.2	06/03/21 21:57 / eli-b
Metribuzin	ND	ug/L		0.10		E525.2	06/03/21 21:57 / eli-b
Propachlor	ND	ug/L		0.10		E525.2	06/03/21 21:57 / eli-b
Simazine	ND	ug/L		0.10	4	E525.2	06/03/21 21:57 / eli-b
Toxaphene	ND	ug/L		2.0	3	E525.2	06/03/21 21:57 / eli-b
PCBs, Total	ND	ug/L		0.50	0.5	E525.2	06/03/21 21:57 / eli-b
Surr: 1,3-Dimethyl-2-nitrobenzene	100	%REC		70-130		E525.2	06/03/21 21:57 / eli-b
Surr: Perylene-d12	86.0	%REC		70-130		E525.2	06/03/21 21:57 / eli-b
Surr: Pyrene-d10	101	%REC		70-130		E525.2	06/03/21 21:57 / eli-b
Surr: Triphenylphosphate	98.0	%REC		70-130		E525.2	06/03/21 21:57 / eli-b
- Note: The federal MCL for total PCB's is 0.5 ug/L as Decachlorobiphenyl (DCB). PCB screening at the reporting limits given for the individual Aroclors meets or exceeds federal and state requirements for "Total PCB" monitoring if Aroclors are not detected.							
<b>VOCS BY MICROEXTRACTION-ECD</b>							
1,2,3-Trichloropropane	ND	ug/L		0.050		E504.1	05/28/21 16:44 / eli-b
1,2-Dibromo-3-chloropropane	ND	ug/L		0.020	0.2	E504.1	05/28/21 16:44 / eli-b
1,2-Dibromoethane	ND	ug/L		0.010	0.05	E504.1	05/28/21 16:44 / eli-b
Surr: 1,1,1,2-Tetrachloroethane	108	%REC		70-130		E504.1	05/28/21 16:44 / eli-b
<b>HERBICIDES, BY HPLC</b>							
Glyphosate	ND	ug/L		5.0	700	E547	05/26/21 13:37 / ljl

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## LABORATORY ANALYTICAL REPORT

Prepared by Casper, WY Branch

**Client:** Jorgensen Associates  
**Project:** Non-EPA/Spicer  
**Lab ID:** C21051013-002  
**Client Sample ID:** Trip Blank-79121

**Report Date:** 06/28/21  
**Collection Date:** 05/24/21 11:00  
**Date Received:** 05/25/21  
**Matrix:** Trip Blank

Analyses	Result	Units	Qualifiers	RL	MCL/ QCL	Method	Analysis Date / By
<b>VOLATILE ORGANIC COMPOUNDS</b>							
Benzene	ND	ug/L		0.50	5	E524.2	05/27/21 15:38 / eli-b
Bromobenzene	ND	ug/L		0.50		E524.2	05/27/21 15:38 / eli-b
Bromochloromethane	ND	ug/L		0.50		E524.2	05/27/21 15:38 / eli-b
Bromodichloromethane	ND	ug/L		0.50		E524.2	05/27/21 15:38 / eli-b
Bromoform	ND	ug/L		0.50		E524.2	05/27/21 15:38 / eli-b
Bromomethane	ND	ug/L		0.50		E524.2	05/27/21 15:38 / eli-b
n-Butylbenzene	ND	ug/L		0.50		E524.2	05/27/21 15:38 / eli-b
sec-Butylbenzene	ND	ug/L		0.50		E524.2	05/27/21 15:38 / eli-b
tert-Butylbenzene	ND	ug/L		0.50		E524.2	05/27/21 15:38 / eli-b
Carbon tetrachloride	ND	ug/L		0.50	5	E524.2	05/27/21 15:38 / eli-b
1,2-Dichloroethane	ND	ug/L		0.50	5	E524.2	05/27/21 15:38 / eli-b
Chlorobenzene	ND	ug/L		0.50	100	E524.2	05/27/21 15:38 / eli-b
Chlorodibromomethane	ND	ug/L		0.50		E524.2	05/27/21 15:38 / eli-b
Chloroethane	ND	ug/L		0.50		E524.2	05/27/21 15:38 / eli-b
Chloroform	ND	ug/L		0.50		E524.2	05/27/21 15:38 / eli-b
Chloromethane	ND	ug/L		0.50		E524.2	05/27/21 15:38 / eli-b
2-Chlorotoluene	ND	ug/L		0.50		E524.2	05/27/21 15:38 / eli-b
4-Chlorotoluene	ND	ug/L		0.50		E524.2	05/27/21 15:38 / eli-b
1,2-Dibromo-3-chloropropane	ND	ug/L		1.0	0.2	E524.2	05/27/21 15:38 / eli-b
Dibromomethane	ND	ug/L		0.50		E524.2	05/27/21 15:38 / eli-b
1,2-Dichlorobenzene	ND	ug/L		0.50	600	E524.2	05/27/21 15:38 / eli-b
1,3-Dichlorobenzene	ND	ug/L		0.50		E524.2	05/27/21 15:38 / eli-b
1,4-Dichlorobenzene	ND	ug/L		0.50	75	E524.2	05/27/21 15:38 / eli-b
Dichlorodifluoromethane	ND	ug/L		0.50		E524.2	05/27/21 15:38 / eli-b
1,1-Dichloroethane	ND	ug/L		0.50		E524.2	05/27/21 15:38 / eli-b
1,2-Dibromoethane	ND	ug/L		0.50	0.05	E524.2	05/27/21 15:38 / eli-b
1,1-Dichloroethene	ND	ug/L		0.50	7	E524.2	05/27/21 15:38 / eli-b
cis-1,2-Dichloroethene	ND	ug/L		0.50	70	E524.2	05/27/21 15:38 / eli-b
trans-1,2-Dichloroethene	ND	ug/L		0.50	100	E524.2	05/27/21 15:38 / eli-b
1,2-Dichloropropane	ND	ug/L		0.50	5	E524.2	05/27/21 15:38 / eli-b
1,3-Dichloropropane	ND	ug/L		0.50		E524.2	05/27/21 15:38 / eli-b
2,2-Dichloropropane	ND	ug/L		0.50		E524.2	05/27/21 15:38 / eli-b
1,1-Dichloropropene	ND	ug/L		0.50		E524.2	05/27/21 15:38 / eli-b
cis-1,3-Dichloropropene	ND	ug/L		0.50		E524.2	05/27/21 15:38 / eli-b
trans-1,3-Dichloropropene	ND	ug/L		0.50		E524.2	05/27/21 15:38 / eli-b
Ethylbenzene	ND	ug/L		0.50	700	E524.2	05/27/21 15:38 / eli-b
Hexachlorobutadiene	ND	ug/L		0.50		E524.2	05/27/21 15:38 / eli-b
Isopropylbenzene	ND	ug/L		0.50		E524.2	05/27/21 15:38 / eli-b
p-Isopropyltoluene	ND	ug/L		0.50		E524.2	05/27/21 15:38 / eli-b
Methyl tert-butyl ether (MTBE)	ND	ug/L		0.50		E524.2	05/27/21 15:38 / eli-b
Methylene chloride	ND	ug/L		0.50	5	E524.2	05/27/21 15:38 / eli-b
Naphthalene	ND	ug/L		0.50		E524.2	05/27/21 15:38 / eli-b
n-Propylbenzene	ND	ug/L		0.50		E524.2	05/27/21 15:38 / eli-b

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Prepared by Casper, WY Branch

**Client:** Jorgensen Associates  
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**Lab ID:** C21051013-002  
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**Report Date:** 06/28/21  
**Collection Date:** 05/24/21 11:00  
**Date Received:** 05/25/21  
**Matrix:** Trip Blank

Analyses	Result	Units	Qualifiers	RL	MCL/ QCL	Method	Analysis Date / By
<b>VOLATILE ORGANIC COMPOUNDS</b>							
Styrene	ND	ug/L		0.50	100	E524.2	05/27/21 15:38 / eli-b
1,1,1,2-Tetrachloroethane	ND	ug/L		0.50		E524.2	05/27/21 15:38 / eli-b
1,1,2,2-Tetrachloroethane	ND	ug/L		0.50		E524.2	05/27/21 15:38 / eli-b
Tetrachloroethene	ND	ug/L		0.50	5	E524.2	05/27/21 15:38 / eli-b
Toluene	ND	ug/L		0.50	1000	E524.2	05/27/21 15:38 / eli-b
1,2,3-Trichlorobenzene	ND	ug/L		0.50		E524.2	05/27/21 15:38 / eli-b
1,2,4-Trichlorobenzene	ND	ug/L		0.50	70	E524.2	05/27/21 15:38 / eli-b
1,1,1-Trichloroethane	ND	ug/L		0.50	200	E524.2	05/27/21 15:38 / eli-b
1,1,2-Trichloroethane	ND	ug/L		0.50	5	E524.2	05/27/21 15:38 / eli-b
Trichloroethene	ND	ug/L		0.50	5	E524.2	05/27/21 15:38 / eli-b
Trichlorofluoromethane	ND	ug/L		0.50		E524.2	05/27/21 15:38 / eli-b
1,2,3-Trichloropropane	ND	ug/L		0.50		E524.2	05/27/21 15:38 / eli-b
1,2,4-Trimethylbenzene	ND	ug/L		0.50		E524.2	05/27/21 15:38 / eli-b
1,3,5-Trimethylbenzene	ND	ug/L		0.50		E524.2	05/27/21 15:38 / eli-b
Vinyl chloride	ND	ug/L		0.50	2	E524.2	05/27/21 15:38 / eli-b
m+p-Xylenes	ND	ug/L		0.50		E524.2	05/27/21 15:38 / eli-b
o-Xylene	ND	ug/L		0.50		E524.2	05/27/21 15:38 / eli-b
Trihalomethanes, Total	ND	ug/L		0.50	80	E524.2	05/27/21 15:38 / eli-b
Xylenes, Total	ND	ug/L		0.50	10000	E524.2	05/27/21 15:38 / eli-b
Surr: p-Bromofluorobenzene	123	%REC		70-130		E524.2	05/27/21 15:38 / eli-b
Surr: 1,2-Dichloroethane-d4	107	%REC		70-130		E524.2	05/27/21 15:38 / eli-b
Surr: Toluene-d8	108	%REC		70-130		E524.2	05/27/21 15:38 / eli-b

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