

**LETTER OF AUTHORIZATION**

Peter Van Karns, "Owner" whose address is: PO Box 10, Jackson, WY 83001

(NAME OF ALL INDIVIDUALS OR ENTITY OWNING THE PROPERTY)  
Karns Ranch Limited Partnership, as the owner of property  
more specifically legally described as: 605 W. Broadway  
Jackson WY

(If too lengthy, attach description)  
HEREBY AUTHORIZES SHAWN P. O'MALLEY as

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

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

OWNER: Peter Van Karns

(SIGNATURE) (SIGNATURE OF CO-OWNER)

Title: member

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

STATE OF Wyoming )  
 )SS.  
COUNTY OF Teton )

The foregoing instrument was acknowledged before me by Peter Van Karns this 19<sup>th</sup> day of May, 2015.

WITNESS my hand and official seal.  
Cynthia A. Riedel

(Notary Public)  
My commission expires:

(Seal)





Town of Jackson  
Attn: Planning and Building Department  
150 E Pearl Ave.  
PO Box 1687  
Jackson, WY 83001

Thank you for the opportunity to submit this request for a Hillside CUP to locate a Town of Jackson pump house at 625 W Broadway. The pump house will replace the pump house damaged by the Budge land slide and will serve the residents of Budge Drive and the properties on the north side of West Broadway Avenue. This lot is located in the NC-TOJ zone of the Town of Jackson and is in Character District 4: Midtown Subarea 4.2: Northern Hillside of the Comprehensive Plan. As the topography of this site has an average cross slope greater than 10%, application for a Hillside CUP is required per Section 5.4.1.D. Per the Hillside CUP the Criteria and Standards outlined in this Section must be addressed along with making the required finding. Findings for a CUP per Section 8.4.2 must also be made.

**Criteria and Standards. In addition to the general Conditional Use Permit criteria and standards, the following standards shall be considered:**

*a. The amount of terrain disturbance related to the otherwise allowable or conditioned uses for the property and the proposed mitigation efforts;*

Terrain disturbance will be limited to 1,650 square feet. This disturbance is proposed to occur in an area adjacent to existing terrain disturbance that has recently been re-graded to accommodate a concrete pathway constructed within the Wyoming Department of Transportation right-of-way which also encompasses US Highway 89.

*b. Retention or replacement of native, existing vegetation consistent with any proposed lawful use of the property;*

The report prepared by Alder Environmental on May 27, 2015 for the Town of Jackson addressing the property at 625 W Broadway indicates that the existing vegetation of this site is a category 1 in terms of habitat value (lowest value) when considered within the ordinal rankings set by the Teton County Land Development Regulations. Due to the disturbed nature of the existing habitat and its proximity to existing development, this site is considered appropriate for low impact development as the vegetation

type does not contribute to crucial winter range. Standard re-vegetation measures to mitigate for erosion control are appropriate post development.

*c. Mitigation measures for mitigating impacts on wildlife or crucial winter range; and*

According to the report prepared by Alder Associates on May 27, 2015, recent studies by Wyoming Department of Transportation and Teton Science School's Conservation Research Center indicate that this area should be considered crucial winter range for mule deer because of its importance as a movement corridor between East Gros Ventre Butte and Karns Meadow, but it is not designated as such by the Wyoming Game and Fish Department.

The report states that low impact development such as the proposed pump house is appropriate at this location because it will be small in scale and will have infrequent, intermittent human use. Mitigation recommendations consist of minimizing adverse of lighting wildlife by either eliminating all exterior lighting or allowing limited downcast lighting on a timer. There will be no exterior lighting associated with this project.

*d. Mitigation measures for avoiding or minimizing visual impacts, subsurface, and any other natural hazards associated with hillside development.*

The low profile of the proposed structure will minimize any visual impacts. The building consists of a shallow sloped roof (2% grade). The height of the building will not exceed 12 feet from the point of lowest finished grade to the top of the roof pitch. The height of the building as viewed from the uphill side will be approximately a 7 foot maximum height.

As this development occurs at the base of the subject hillside on slopes that are approximately 20% or less, and the extent of the development is minimal in size (the dimensions of the pump house are approximately 10 feet by 40 feet), the natural hazards associated with hillside development are minimized. The applicant has contacted a consultant to provide a soils report to demonstrate the suitability and safety of the site for the proposed project but due to emergency circumstances impacting the consultant, the soils report will be delayed in delivery. The applicant intends to have the soils report before any movement of earth begins.

**The finding which must be made for approval of the Hillside CUP in Section 5.4.1.D is as follows:**

*That the mitigation measures identified will be effective in mitigating any adverse impacts identified, and associated with the proposed physical development, uses, development option, or subdivision.*

As noted above, the small scale of the development, the intermittent human use inherent of a pump house, combined with the low value of the disturbed habitat minimize many of the impacts that would occur through other types of development. Potential adverse impacts to wildlife, such as mule deer movement through the site, are further minimized by the lack of exterior lighting of the facility.

**The findings that must be made for this request under Conditional Use Permit Section 8.4.2 are as follows:**

- *The proposal is compatible with the desired future character of the area –*

The property where this proposal is located is within Comprehensive Plan Character District 4: Midtown Subarea 4.2 Northern Hillside and categorized as Transitional. It is desired to have some mixed-use and residential development while maintaining wildlife permeability to allow wildlife to move through the site to appropriate road crossings. The hillside topography of the undeveloped portions of this subarea should be maintained as well. Development should be placed in harmony with existing terrain and blend into the natural surroundings with smaller building footprints. Intensity of development should be less than what is located in the adjacent Midtown Highway Corridor subarea of 4.1.

By placing the proposed structure as low on the hillside as possible, the hillside form of the property will be maintained along with blending the development into the natural surroundings. The modest 400 sf building footprint will also contribute to blending the development into the natural surroundings and maintaining the hillside form of the property. As this development is small in scale and only intermittently occupied with human activity the intensity of the proposed development is far less than that located, for example, south of Broadway at the shopping complex or Start Bus facility. The proposed project will maintain wildlife permeability and safe road crossing locations for wildlife, as outlined in the Alder Environmental memo dated May 27, 2015.

- *The proposal complies with the use specific standards of Div. 6.1*

The proposed use is classified as a Transportation and Infrastructure Use per Section 6.1.10, specifically a Utility Facility. As such, a Conditional Use Permit is required.

- *Minimizes adverse visual impacts*

The small footprint and low building height as well as the location of the structure as far down toward the bottom of the hillside within the property contributes to minimizing any adverse visual impacts.

- *Minimizes adverse environmental impacts*

Although the memo from Alder Environmental states that the site should be categorized as crucial mule deer winter habitat, Wyoming Game and Fish does not classify the property as such nor does the Teton County Town of Jackson Comprehensive Plan. The pumphouse and accompanying site development is located adjacent to existing concrete pathways and existing disturbed terrain with little vegetative habitat value.

- *Minimizes adverse impacts from nuisances*

The lack of any external lighting will minimize any nuisance to wildlife or humans in terms of dark sky amenities. The pump house will not create any adverse nuisance from potential noise, especially in consideration of the adjacent highway noise.

- *Minimizes adverse impacts on public facilities*

This development proposal will impact public facilities in a positive way by supporting existing infrastructure that supplies potable and fire-fighting water to a large portion of town.

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

*This application complies with all other relevant standards of the LDRs and other Town Ordinances, such as setbacks, height, stormwater drainage, and other similar standards.*

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

No prior permits exist for the property as the land is currently vacant.

# ALDER ENVIRONMENTAL, LLC

Water • Wetlands • Ecological Consulting

**To:** Town of Jackson Planning & Building Department

**Cc:** Shawn O'Malley, Town Engineer & Assistant Public Works Director

**From:** Brian Remlinger, Principal, Alder Environmental, LLC  
Megan Smith, Senior Wildlife Ecologist, Alder Environmental, LLC

**Date:** May 27, 2015

**Re:** Proposed Town of Jackson Pump Station Conditional Use Permit  
Karns Ranch Limited Partnership, 625 W Broadway Avenue, Jackson WY  
PIDN: 22-41-16-33-2-00-021

Dear Town of Jackson Planning Department:

The Town of Jackson Engineering Department is seeking a conditional use permit for a pump station along West Broadway Ave/ Highway 89. The pump station will be located on the Karns Ranch Limited Partnership property (PIDN: 22-41-16-33-2-00-021). This memo is in response to an email that Tyler Sinclair, Town & County Planning Director, sent to Shawn O'Malley, Town Engineer and Assistant Public Works Director, on May 18, 2015 outlining supplementary requirements for development in Hillside Areas (*Division 5.4 Natural Hazard Protection Standards*). Specifically this memo provides information to address:

- 4. b. Retention or replacement of native, existing vegetation consistent with any proposed lawful use of the property;*
- 4. c. Mitigation measures for mitigating impacts on wildlife or crucial winter range; and*
- 6. a. Report summarizing wildlife use of the subject property and any potential impacts from the proposed development.*

To this end, Alder Environmental, LLC (Alder) has assessed wildlife use and habitat found on or near the property. Alder's findings are summarized below.

This property is not within the Natural Resources Overlay and is zoned Neighborhood Conservation by Town of Jackson Land Development Regulations (Teton County MapServer, 2015).

## **EXISTING VEGETATIVE COVER (4.B)**

Vegetative cover on the property is a mix of grasslands and sagebrush (Photo 1). The proposed pump station is to be located directly adjacent to the Wyoming Department of Transportation right of way (ROW). Within this ROW, there is a recently built concrete pathway (Photo 2). The limits of disturbance from this pathway project are coincident with the ROW line. Therefore vegetation within the ROW consist of disturbed grasslands which are in process of being restored to a natural vegetative state. Outside of the ROW, where the station will be sited, is a mix of grasslands and remnant sagebrush (*Artemisia* spp.). Given the low percentage of sagebrush present in the proposed location, this area would be categorized as xeric and disturbed grasslands. When considering the combination of xeric and disturbed grasslands directly adjacent to a busy highway this area is considered relatively low value habitat and does not effectively contribute to "crucial winter range" higher up on the butte. Both these

vegetative cover categories have Teton County Land Development Regulation ordinal ranking values of 1 (lowest habitat value), thereby making them a priority for development.

#### **WILDLIFE CRUCIAL WINTER RANGE (4.C)**

While the property is not located within any land designated by WGFD as crucial winter range or a big game migration route, the area is known to be important to wildlife, particularly mule deer. The WYDOT/ TSS Conservation Research Center's 2013 *Mule Deer Movement and Habitat Use Patterns in Relation to Roadways in Northwest Wyoming* report (Riginos, et al., 2013) indicates that this property and the area to the east encompassed by a State of Wyoming parcel are a high density crossing area. Additionally, Riginos et al (2013) indicate that the slopes of East Gros Ventre Butte and the northern portion of Karns Meadow are areas with a high probability of utilization by mule deer during the winter months. Therefore, given this most recent research, this area should be categorized as crucial winter range for mule deer. Elk, moose and other big game species do not have WGFD designated crucial winter range in the general project area.

#### **POTENTIAL IMPACTS TO WILDLIFE (6.A)**

##### *Location*

The proposed location of the pump station directly adjacent to the already impacted ROW and utilizing an existing driveway entrance from Broadway lessen the potential impact to wildlife habitat and movement, particularly mule deer, in the area. The building's low profile as seen from above will also lessen visual obstructions to wildlife species approaching the roadway from above.

##### *Lighting*

The pump house should be required to remain dark at night (no outside lighting). Lighting has a negative impact on wildlife's ability to see as their eyes do not adjust from light to dark and vice versa as quickly as humans' eyes do (Beier, 2006). If the pump station needs to be lit for human safety reasons, the least amount of downcast lighting possible and lights set on a timer would be recommended. Again, the preferred recommendation is no outside lighting.

##### *Future/ Large Development*

It should be emphasized that the assumed low levels of impact from this proposed pump station are very much dependent on the small scale of the development and infrequency of human activity at the site. This theorized low level of impact would not be present for all types of development. As demonstrated by the WYDOT/ TSS CRC report (Riginos, 2013) this area is an important movement corridor that should be not only protected from close knit development and physical barrier (e.g. impermeable fencing, continuous structures, high level of human activity) but also enhanced through infrastructure to provide for safe crossing opportunities (e.g. wildlife underpass/ overpasses). This area is one of the last along Broadway where wildlife species (e.g. moose, mule deer, fox, coyote, smaller animals, etc.) can have some level of success crossing from East Gros Ventre Butte to Karns Meadow and often over to the Snow King ridge. If large-scale and tightly infilled development is allowed along this section of Broadway, there is the potential to effectively cut off wildlife movement between these critical habitat areas.

## REFERENCES

- Beier, P. 2006. Effects of Artificial Night Lighting on Terrestrial Mammals. Chapter 2 in Rich, C. and T. Longcore, editors, *Ecological Consequences of Artificial Night Lighting*. Island Press, Washington D.C.
- Riginos C., K. Krasnow, E. Hall, M. Graham, S. Sundaresan, D. Brimeyer, G. Fralick and Doug Wachob. 2013. Mule Deer (*Odocoileus hemionus*) Movement and Habitat Use Patterns in Relation to Roadways in Northwest Wyoming. Conservation Research Center of the Teton Science Schools. Jackson, WY.
- Teton County MapServer. 2015. Accessed May 2015 at <http://maps.greenwoodmap.com/tetonwy/mapserver>

## SITE PHOTOGRAPHS



**Photo 1.** Pump station existing vegetation. Pathway is in lower right corner of photograph.

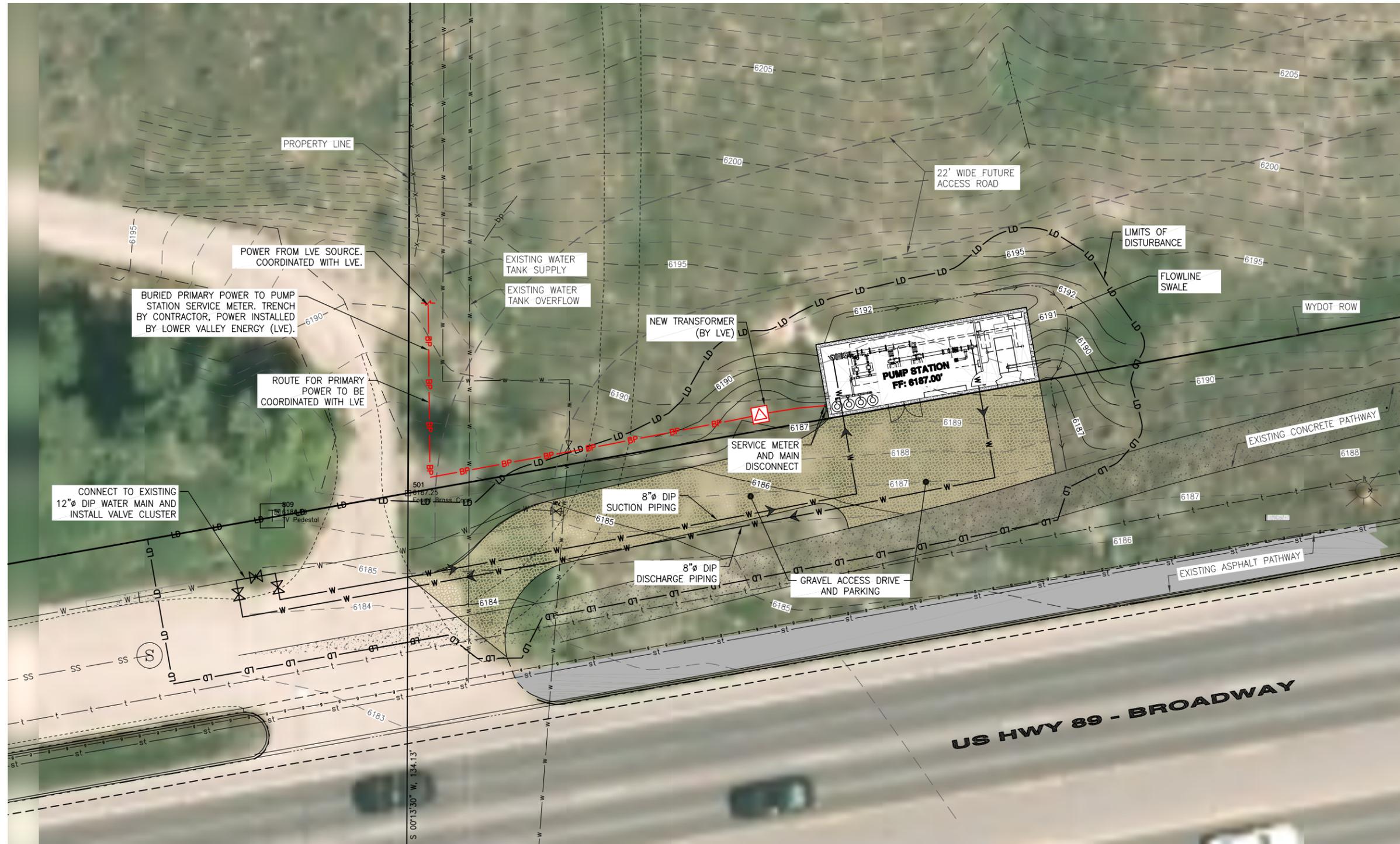


**Photo 2.** Pump station location relative to newly built pathway.



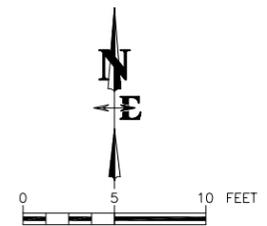
**Photo 3.** Pump station location. Stakes indicate building corners and limits of disturbance (upper blue stake).

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**PRELIMINARY SITE PLAN**

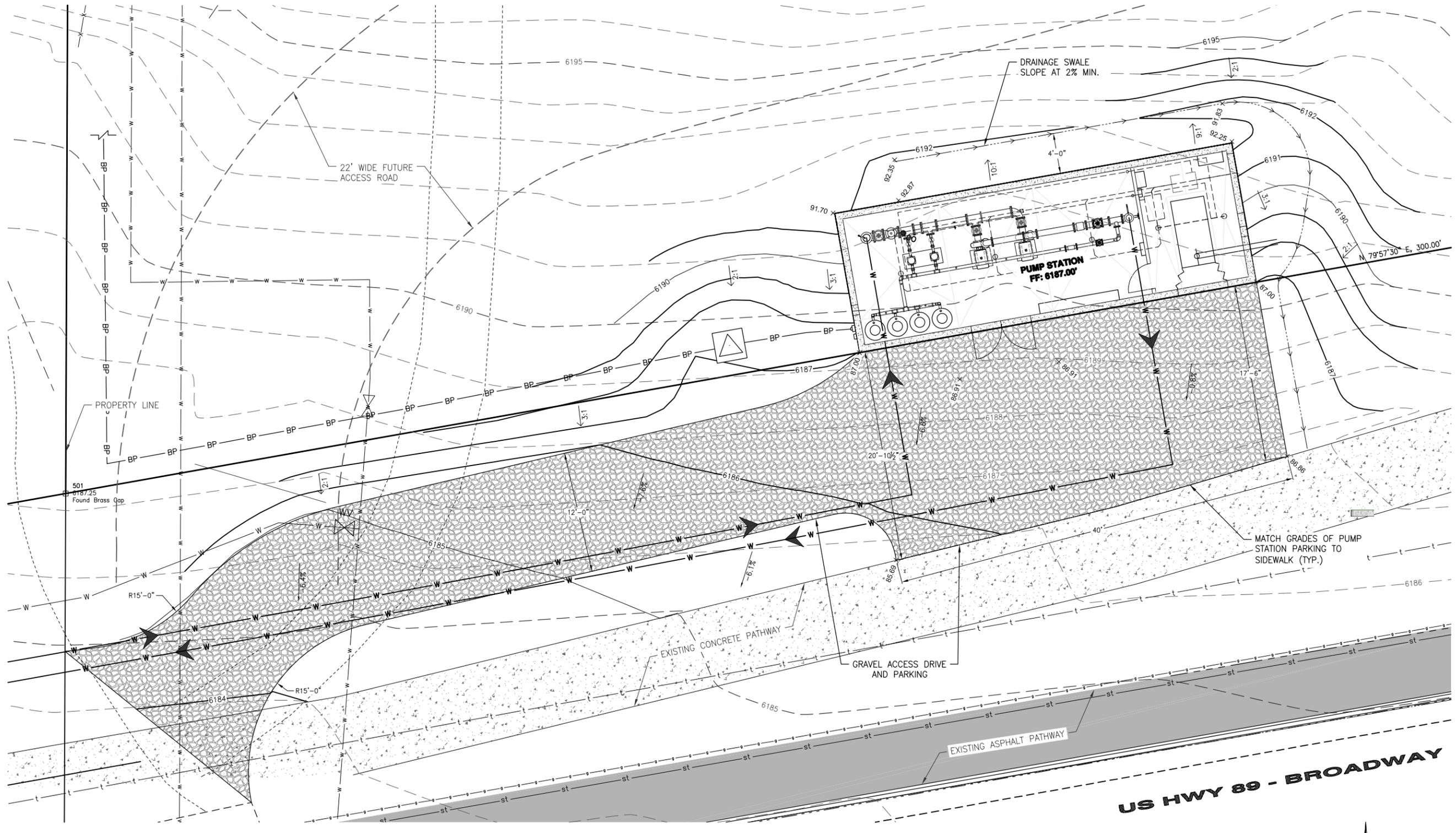
**CONTRACTOR NOTE:**  
 CAUTION: UNDERGROUND UTILITY LOCATIONS ARE NOT GUARANTEED, NOR IS THERE ANY GUARANTEE THAT ALL EXISTING UTILITIES (WHETHER FUNCTIONAL OR ABANDONED) WITHIN THE PROJECT AREA ARE SHOWN ON THESE DRAWINGS. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL UNDERGROUND UTILITIES BEFORE STARTING WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL DAMAGE RESULTING FROM CONTRACTORS WORK.



DRAWING NO <b>C2.0</b>	JOB NO <b>15-079-01</b>	JOB TITLE <b>TOWN OF JACKSON PUMP STATION JACKSON, WY</b>	DRAWING TITLE <b>PUMP STATION PRELIMINARY SITE PLAN</b>	DATE	4/24/16	REV.
				SURVEYED	NE	
				ENGINEERED	JK	
				DRAWN	BIG	
				CHECKED		
				APPROVED		

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

S:\p\2015\079-01 Item of Jackson Pump Station\Drawings\Civil\Pump Station Staging (C2).LAYOUT PLAN - May 06 2015 08:45:07 PM PLOTTED BY: JLD/STC



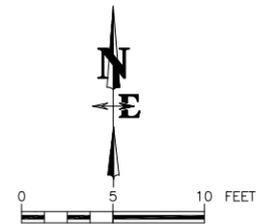
**NOTES:**

1. STAGING & STOCKPILE AREA SHALL BE RESTORED BY CONTRACTOR TO PRE-CONSTRUCTION CONDITIONS AT COMPLETION OF PROJECT.
2. STRIPPED AND/OR IMPORTED TOPSOIL SHALL BE PLACED TO A MINIMUM THICKNESS OF 4 INCHES OVER FINISHED GRADING IN ALL AREAS NOT RECEIVING SURFACING.
3. CONTRACTOR SHALL PLACE CONSTRUCTION FENCE AROUND THE SOUTH AND EAST LIMITS OF THE BUDGE DRIVE PUMP STATION WORK AREA. FENCING SHALL ALSO BE USED TO SECURE THE STAGING AREA @ EACH ACCESS.
4. CONTRACTOR SHALL PREVENT THE TRACKING OF MUD & DEBRIS ONTO PUBLIC ROADWAYS.
5. CONTROL DUST WITH WATERING AS NECESSARY.

**PRELIMINARY GRADING PLAN**

**CONTRACTOR NOTE:**

CAUTION: UNDERGROUND UTILITY LOCATIONS ARE NOT GUARANTEED, NOR IS THERE ANY GUARANTEE THAT ALL EXISTING UTILITIES (WHETHER FUNCTIONAL OR ABANDONED) WITHIN THE PROJECT AREA ARE SHOWN ON THESE DRAWINGS. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL UNDERGROUND UTILITIES BEFORE STARTING WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL DAMAGE RESULTING FROM CONTRACTORS WORK.



DATE	SURVEYED	ENGINEERED	DRAWN	CHECKED	APPROVED
4/24/16	NE	JK	BIG		

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

DRAWING TITLE  
**PUMP STATION  
PRELIMINARY GRADING PLAN**

JOB TITLE  
**TOWN OF JACKSON  
PUMP STATION  
JACKSON, WY**

DRAWING NO  
**C2.1**  
JOB NO  
**15-079-01**