



# TOWN OF JACKSON PLANNING & BUILDING DEPARTMENT

## TRANSMITTAL MEMO

**Town of Jackson**

- Public Works/Engineering
- Building
- Title Company
- Town Attorney
- Police

**Joint Town/County**

- Parks and Recreation
- Pathways
- Housing Department

**Teton County**

- Planning Division

- Engineer
- Surveyor- *Nelson*
- Assessor
- Clerk and Recorder
- Road and Levee

**State of Wyoming**

- Teton Conservation
- WYDOT
- TC School District #1
- Game and Fish
- DEQ

**Federal Agencies**

- Army Corp of Engineers

**Utility Providers**

- Qwest
- Lower Valley Energy
- Bresnan Communications

**Special Districts**

- START
- Jackson Hole Fire/EMS
- Irrigation Company

Date: April 14, 2020

Item #: P20-068

Planner: Tyler Valentine

Phone: 733-0440 ext. 1305

Email: [tvalentine@jacksonwy.gov](mailto:tvalentine@jacksonwy.gov)

**Owner:**

Bluffs Development Group  
PO Box 551  
Jackson, WY 83001

**Applicant:**

Jorgensen Associates – Brendan Shulte  
PO Box 9550  
Jackson, WY 83002

**REQUESTS:**

The applicant is submitting a request for a Zoning Compliance Verification for the property located at 984 Budge Drive legally known as, LOT 1, Crystal Valley Addition.

For questions, please call Tyler Valentine at 733-0440, x1305 or email to the address shown below. Thank you.

**Please respond by:** **April 28, 2020 (Sufficiency)**  
**May 5, 2020 (with Comments)**

**RESPONSE:** For Departments not using Trak-it, please send responses via email to:  
[tstolte@jacksonwy.gov](mailto:tstolte@jacksonwy.gov)



**PLANNING PERMIT APPLICATION**  
Planning & Building Department

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

***For Office Use Only***

Fees Paid \_\_\_\_\_

Date & Time Received \_\_\_\_\_

Application #s \_\_\_\_\_

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

**PROJECT.**

Name/Description: \_\_\_\_\_

Physical Address: \_\_\_\_\_

Lot, Subdivision: \_\_\_\_\_ PIDN: \_\_\_\_\_

**PROPERTY OWNER.**

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

Mailing Address: \_\_\_\_\_ ZIP: \_\_\_\_\_

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

**APPLICANT/AGENT.**

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

Mailing Address: \_\_\_\_\_ ZIP: \_\_\_\_\_

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

**DESIGNATED PRIMARY CONTACT.**

\_\_\_\_\_ Property Owner \_\_\_\_\_ Applicant/Agent

**TYPE OF APPLICATION.** Please check all that apply; review the type of application at [www.townofjackson.com/200/Planning](http://www.townofjackson.com/200/Planning)

**Use Permit**

Basic Use

Conditional Use

Special Use

**Relief from the LDRs**

Administrative Adjustment

Variance

Beneficial Use Determination

Appeal of an Admin. Decision

**Physical Development**

Sketch Plan

Development Plan

Design Review

**Subdivision/Development Option**

Subdivision Plat

Boundary Adjustment (replat)

Boundary Adjustment (no plat)

Development Option Plan

**Interpretations**

Formal Interpretation

Zoning Compliance Verification

**Amendments to the LDRs**

LDR Text Amendment

Map Amendment

**Miscellaneous**

Other: \_\_\_\_\_

Environmental Analysis

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

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

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

Have you attached the following?

**Application Fee.** Fees are cumulative. Go to [www.townofjackson.com/200/Planning](http://www.townofjackson.com/200/Planning) and select the relevant application type for the fees.

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

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

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

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

*Brendan Schulte*

Signature of Property Owner or Authorized Applicant/Agent

\_\_\_\_\_ Date

Name Printed

\_\_\_\_\_ Title

## LETTER OF AUTHORIZATION

Bluffs Development Group, LLC, "Owner" whose address is: \_\_\_\_\_  
PO Box 551, Jackson WY 83001

(NAME OF ALL INDIVIDUALS OR ENTITY OWNING THE PROPERTY)

Bluffs Development Group, LLC

Bulls Development Group, LLC, as the owner of property  
more specifically legally described as: LOT 1, Crystal Valley Addition

**(If too lengthy, attach description)**

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

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

**OWNER:**

(SIGNATURE) (SIGNATURE OF CO-OWNER)

Title: MANAGER

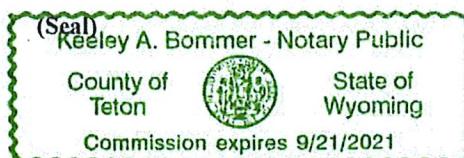
(if signed by officer, partner or member of corporation, LLC (secretary or corporate owner) partnership or other non-individual Owner)

The foregoing instrument was acknowledged before me by STEFAN TODOR this 7<sup>th</sup> day of MARCH, 2001.

WITNESS my hand and official seal.

WITNESS my hand and official seal.

(Notary Public)





*First American Title  
Insurance Company*

**WARRANTY DEED**

Jody R. Burkes and Linda S. Burkes, duly acting as Trustees of the Amended and Restated Burkes Family Trust created u/t/a dated January 1, 2014, of Teton County, Wyoming, GRANTORS, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, receipt of which is hereby acknowledged, CONVEY AND WARRANT unto **Bluffs Development Group, LLC**, a Wyoming limited liability company, P.O. Box 551, Jackson, Wyoming 83001, GRANTEE, the following-described property situated in the County of Teton, State of Wyoming, to-wit:

**Lot 1 of Crystal Valley Addition to the Town of Jackson, Teton County, Wyoming, according to Plat No. 1051 recorded June 24, 2002 with the Clerk of Teton County, Wyoming,**

*Parcel Identification No. 22-41-16-32-1-07-001*

including and together with all and singular the tenements, hereditaments, appurtenances and improvements or thereunto belonging and any rights of grantor to minerals thereunder, but subject to taxes, assessments, covenants, restrictions, reservations, easements and rights-of-way of sight and/or record,

hereby releasing and waiving all rights under and by virtue of the homestead exemption laws of the State of Wyoming, for purposes of this conveyance.

WITNESS the due execution and delivery of this instrument effective as of the 16th day of June, 2017.

Released	
Indexed	✓
Abstracted	
Scanned	

*Jody R. Burkes*  
Jody R. Burkes, Trustee of the Amended  
and Restated Burkes Family Trust u/t/a  
dated 1/1/2014

*Valerie L. Adams As Attorney-in-Fact  
For Linda S. Burkes*  
Valerie L. Adams, as Attorney-in-Fact for Linda S. Burkes, Trustee of the Amended  
and Restated Burkes Family Trust u/t/a  
dated 1/1/2014

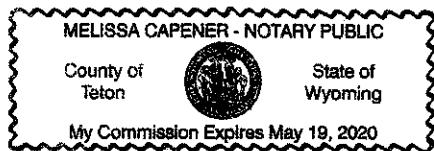
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GRANTOR: BURKES, JODY R ET AL TRUSTEE  
GRANTEE: BLUFFS DEVELOPMENT GROUP LLC  
Doc 0929996 bk 947 pg 488-489 Filed At 14:58 ON 06/19/17  
Sherry L. Daigle Teton County Clerk fees: 15.00  
By Mary Smith Deputy

STATE OF WYOMING )  
 ) ss.  
COUNTY OF TETON )

The foregoing instrument was acknowledged before me by **Jody R. Burkes, duly acting as Trustee of the Amended and Restated Burkes Family Trust u/t/a dated January 1, 2014, this 14 day of June, 2017.**

WITNESS my hand and official seal.



(Seal)

STATE OF WYOMING )  
 )  
COUNTY OF TETON )  
 )  
 ) SS.

The foregoing instrument was acknowledged before me by Valerie L. Adams, duly acting as Attorney-in-Fact for Linda S. Burkes, Trustee of the Amended and Restated Burkes Family Trust u/t/a dated January 1, 2014, this 19<sup>th</sup> day of June, 2017.

WITNESS my hand and official seal.



(See)

Notary Public  
My Commission Expires: 5/19/20



April 10, 2020

Tyler Valentine  
Town of Jackson Planning and Building Department  
Post Office Box 1687  
Jackson, Wyoming 83001

**RE: MAN-MADE SLOPE ANALYSIS - IN SUPPORT OF ZCV APPLICATION, THE BLUFFS, 984 BUDGE DRIVE**

Dear Tyler,

The proposed development is located at 984 Budge Drive in Jackson, Wyoming (the "Property"). As currently proposed, the buildable areas of the Property contain slopes which exceed 25%. However, this property has been graded significantly prior to any grading regulation or permitting requirements. The Teton County Geographic Information System (TCGIS) shows aerial photos indicating significant grading occurred on the south slope of East Gros Ventre Butte in order to develop the various residential properties along Budge Drive. Major earthwork in this area, according to aerial photography, appears to have occurred well prior to the 1994 Town of Jackson Land Development Regulations (ToJLDRs).

**METHODOLOGY**

Historical aerial photography from the TCGIS was reviewed to establish a timeline for grading and disturbance in this area. The attached figures include pertinent, annotated aerial photos to illustrate this methodology.

It appears the majority of grading performed at 984 Budge Drive occurred between 1955 and 1967, most likely in the mid-1960s. The attached Figures 1 & 2 show pre- and post-construction images taken in 1955 and 1967, respectively. These improvements were made in the same era of the original Budge Drive construction and in association with development of the properties at 986 and 988 Budge Drive. The style of grading at the time and in the area (also performed on the Clark's Redi-mix property to the west) was a cut/fill approach where native material was cut from the hillside and placed downhill, thus creating a relatively level bench on which to develop residential and commercial structures. Aerial photography and site observations support this conclusion.

The approximate extent of the cut and fill relevant to this project has been estimated and shown on the TCGIS aerial image from 1977. Existing grade on the project site is nominally the same as it appears in 1977. One exception to this is additional grading which was performed between 2003 and 2005. Two modular structures were placed in the northwest portion of the property and grading into the hillside was performed to increase the flat platform surrounding the buildings. Cut material appears to have been placed downhill of these structures. The attached Figure 4 shows the 2005 TCGIS aerial photo, and the cut/fill areas are annotated.

No grading or earthwork is evident between 2005 (Figure 4) and 2015 (Figure 5). Additional grading was performed on the property during the response to the West Broadway Landslide by the Town of Jackson when the current owner donated an easement to the Town to support an alternate vehicle access and a waterline. The one-lane road is constructed using geogrid reinforced aggregate fill and supported above and below by precast concrete blocks.

Cuts and fills in the proposed Lots 1-4 are well-supported by aerial photographic evidence. Grading on Lot 5 required additional verification from site reconnaissance, and photos from a site visit in May 2017 are included as attachments to this letter. Annotations are included to show Jorgensen's interpretation of cut and fill areas.

#### **CONCLUSIONS**

According the current ToJLDRs **Division 5.4.1.B.1**, “Physical development on manmade slopes is permitted, provided that the proposed finish grade complies with all other applicable standards of these LDRs.” Based on the information described above, the slopes on the Property proposed for development which exceed 25% are manmade. Therefore, development of said slopes is allowed per Division 5.4.1.B.1.

If you have any questions regarding this letter, please don't hesitate to contact us.

Sincerely,  
**JORGENSEN GEOTECHNICAL, LLC**



Colter H. Lane, P.E.  
Geotechnical Engineering Manager

**Attached:** Figures 1-6: Aerial Photos from Teton County GIS MapServer  
Photos 1-2: Site Observation Photos (Lot 5), dated May 2017  
ZCV Exhibit



**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)

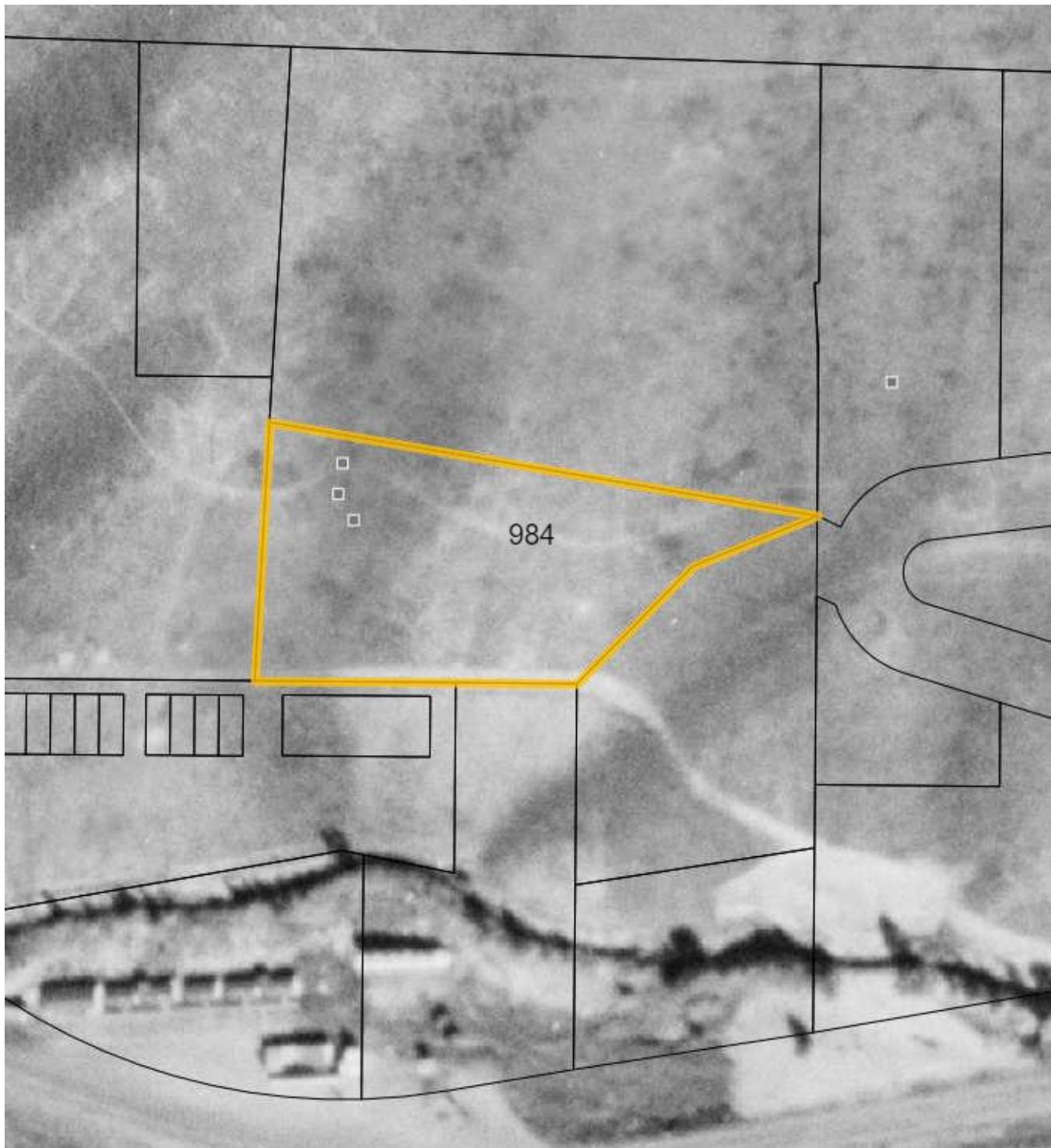


Figure 1 – Showing site pre-development. Some grading indicated along southern boundary, possible a small road or trail. Aerial Imagery dated 1955, Source Teton County GIS

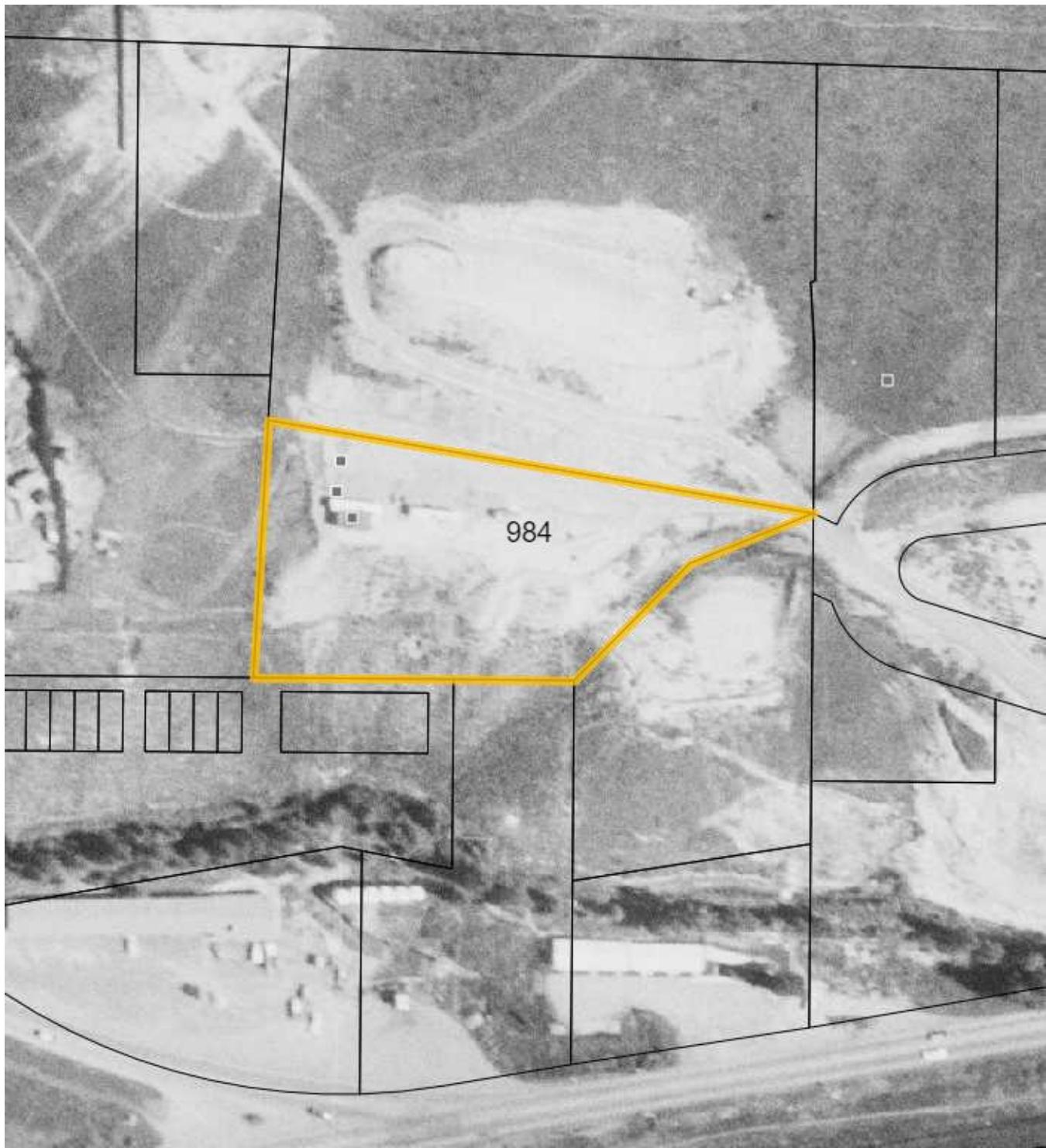


Figure 2 – Photo showing significant disturbance (i.e., earthwork/grading) for the development of 984, 986, and 988 Budge Drive. Aerial Imagery dated 1967 (note: aerial image appears to be shifted approximately 30-35 feet north relative to the property lines when compared to the 1977 photo), Source Teton County GIS.



Figure 3 – Grading on 984 Budge Drive appears to have reached its approximate existing condition by 1977. Annotations indicate approximate extent of cut and fill to create the existing topography. Aerial Imagery dated 1977, Source Teton County GIS

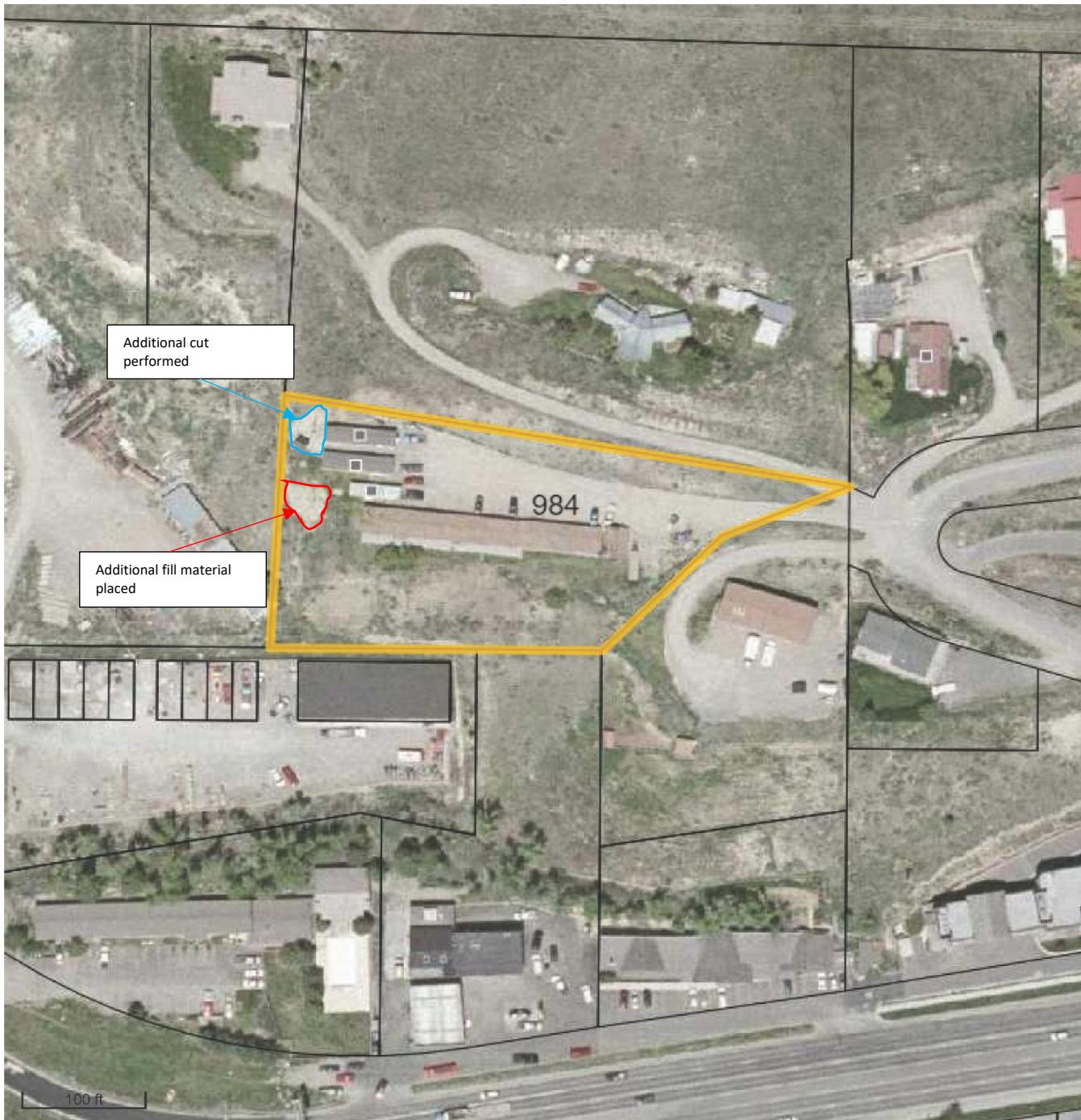


Figure 4 – Additional grading appears to have been performed during the construction of two new structures in the northwestern portion of the project area. The apparent cut and fill are annotated. Aerial Imagery dated 2005, Source Teton County GIS



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Figure 5 – No noticeable change in site topography since 2005. Aerial Imagery dated 2015, Source Teton County GIS



Figure 6 – Additional grading between 2015 and 2017 includes an emergency access road and water utility corridor along the southern property boundary. Aerial Imagery dated 2017, Source Teton County GIS



Photo 1 – Photo taken facing NNW near the NW corner of the subject property. Grading that appears to have been performed between 2003 and 2005 is indicated. Photo dated May 2017, C Lane.

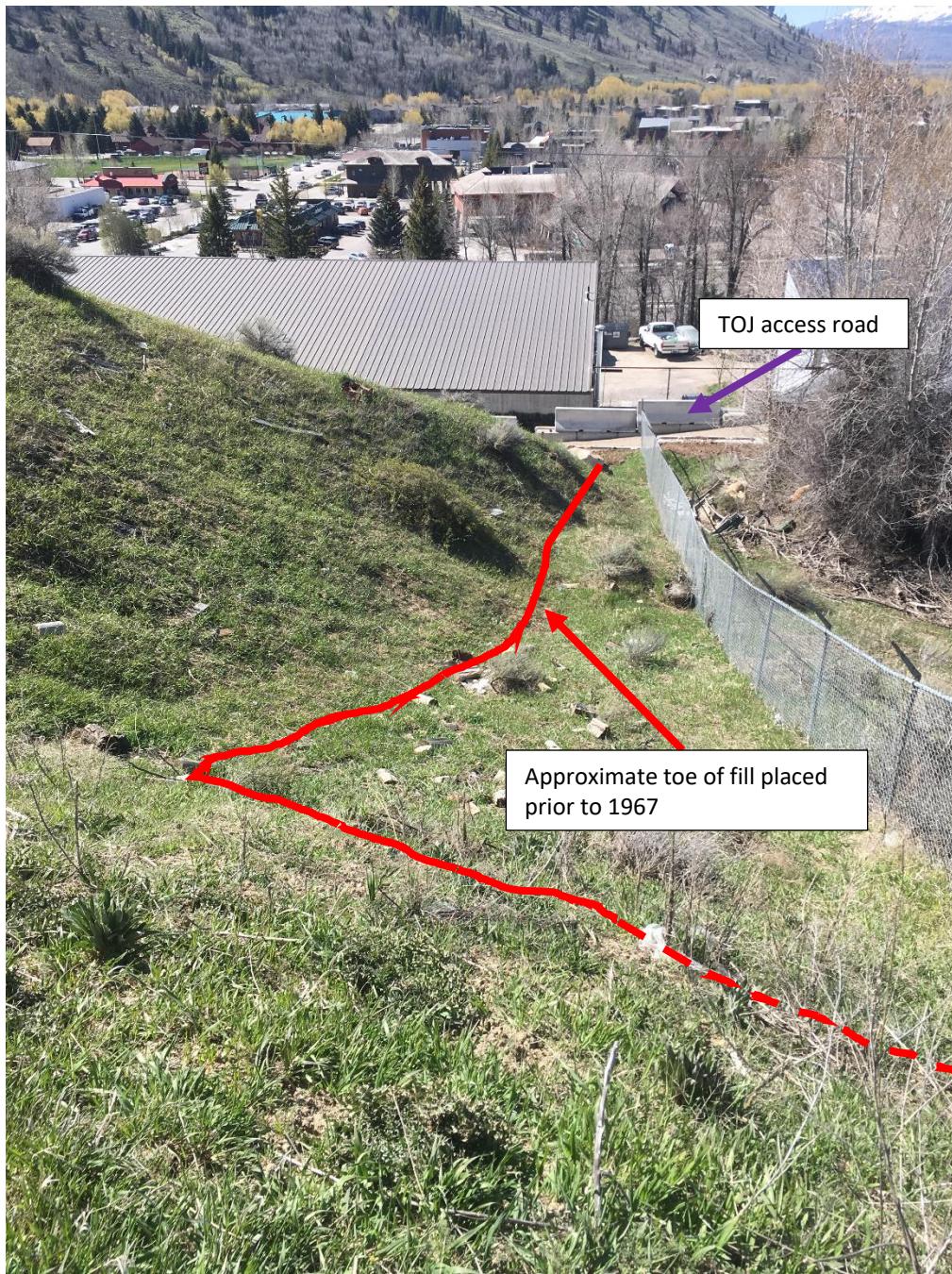


Photo 2 – Photo taken facing south. Road constructed by the TOJ is visible in the upper portion of the photo. The estimated toe of the fill placed during grading of the site is shown. Photo dated May 2017, C Lane.

