



# 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: January 20, 2021

Item #: P21-012

Planner: Tyler Valentine

Phone: 733-0440 ext. 1305

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

**Owner:**

Skipp Boyer  
PO Box 189  
Mexico, MO 65265-0189

**Applicant:**

Stefan Grainda  
PO Box 9813  
Jackson, WY 83002

**REQUESTS:**

The applicant is submitting a request for a Zoning Compliance Verification for the properties located at 50 W. Broadway Avenue, legally known as, LOTS 3-4, BLK. 1, WORT-1

For questions, please call Tyler Valentine at 307-733-0440, x1305 or email to the address shown to the left. Thank you.

**Please respond by:** **February 03, 2021 (Sufficiency)**  
**February 10, 2021 (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: Skippy Boyer Ltd. Part. C/O Pink Garter Plaza  
Physical Address: 50 W. Broadway Avenue  
Lot, Subdivision: Lots 3-4, BLK. 1, WORT-1 PIDN: 22-41-16-33-1-0

**PROPERTY OWNER.**

Name: Skippy Boyer Ltd. Part. C/O P  
Mailing Address: P.O. Box 189, Mexico, MO  
E-mail: pinkgarterjh@gmail.com Phone: 573.473.4029  
ZIP: 65265-189

**APPLICANT/AGENT.**

Name: Stefan Grainda  
Mailing Address: P.O. Box 9813, Jackson, WY  
E-mail: jacksonholeroasters@gmail.com Phone: 690.9318  
ZIP: 83002

**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.

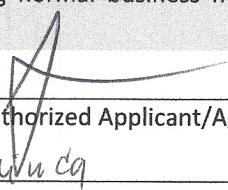
**Notarized Letter of Authorization.** A notarized letter of consent from the landowner is required if the applicant is not the owner, or if an agent is applying on behalf of the landowner. Please see the Letter of Authorization template at [www.townofjackson.com/DocumentCenter/View/102/Town-Fee-Schedule-PDF](http://www.townofjackson.com/DocumentCenter/View/102/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

Signature of Property Owner or Authorized Applicant/Agent



Name Printed

11/18/2021

Date

Property Manager

Title

**LETTER OF AUTHORIZATION**

Dudley Miller, "Owner" whose address is: P.O. Box 189  
Merco, 170 65265

(NAME OF ALL INDIVIDUALS OR ENTITY OWNING THE PROPERTY)

, as the owner of property  
more specifically legally described as: PINK GARTER, LLC  
BOTER, SKIPPY LTD. PART. C/O PINK GARTER PLAZA  
50 WEST BROADWAY AVE., LOTS 3-4 BLK. 1, WORT-1

(If too lengthy, attach description)

HEREBY AUTHORIZES STEFAN GRAINDA 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: OWNER

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

STATE OF Missouri

)

COUNTY OF Audrain

)

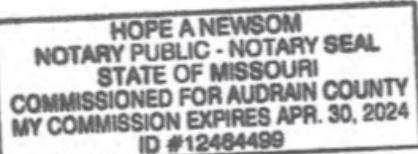
The foregoing instrument was acknowledged before me by Dudley S. Miller this 10<sup>th</sup> day of June, 2020.

WITNESS my hand and official seal.

(Seal)

Hope A. Newsom  
(Notary Public)

My commission expires: April 30, 2024



**KINSEY ARCHITECT**

18 January 2021

Paul Anthony  
Town of Jackson Planning and Development  
150 East Pearl Avenue  
Jackson, WY 83001

Mr. Anthony,

The applicant, Skippy Boyer Ltd. Part. C/O Pink Garter Plaza is requesting a Zoning Compliance Verification for 50 West Broadway Avenue.

**BACKGROUND:**

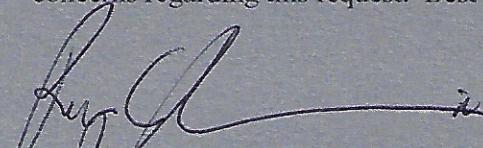
The applicant/owner is Skippy Boyer Ltd. Part. C/O Pink Garter Plaza. The applicant owns a lot defined as Lot 3-4, BLK. 1, WORT-1, (commonly known as 50 West Broadway Avenue) and has a split zoning TS (Town Square) and UC (Urban Commercial). The lot currently has one structure for "Community Shopping Center" and (4) one-bedroom units built in 1971 per the Teton County Assessor. The lot is approximately .34 acres. The theater on the top floor is split between two zoning classifications (TS and UC).

- 1) The theater was built in 1971 prior to the 1994 LDR's. The theater has been in constant and continuous operations since the building was built for "amusement" use. Per the Governor's Ninetieth Continuation, and Modification, of Statewide Public Health Order #2: Regarding gatherings of more than ten (10) people (see attached Order), the Pink Garter Theater has not been able to hold any concerts or "amusement" uses and currently, cannot hold any such gathers over ten (10) until after the 25<sup>th</sup> of January 2021. At this point in time, the applicant does not know if this order will be extended past the date, since it has been extended once prior nor does he know if Teton County Commissioners will issue their own order for the county after the governor's order expires. The applicant would like to know when he must hold a concert or "amusement" use in order to continue being able to operate the "amusement" use.
- 2) On 3 April 2015 The Town of Jackson Planning Director approved a Basic Use Permit (P15-017) for office and ancillary day care use associated with the Cornerstone Church. Again, because of the Governor's order, the Cornerstone Church cannot meet. The applicant would like to know when the Basic Use Permit would be required to have operations in order to keep this use current.

**REQUEST:**

The applicant respectfully requests the planning department provide answers to the above questions for 50 West Broadway Avenue. If the planning department cannot give us an answer because of the continuing pandemic might cause extensions, then could the planning department give us guidance to when the clock would start if more orders and extensions are enacted.

Thank you for your assistance with this request. Please contact me should you have any questions or concerns regarding this request. Best Regards,



Cornelius Kinsey, AIA NCARB

**NINETEENTH CONTINUATION, AND MODIFICATION, OF STATEWIDE PUBLIC  
HEALTH ORDER #2: REGARDING GATHERINGS  
OF MORE THAN TEN (10) PEOPLE**

In an effort to stop the spread of the coronavirus (COVID-19), the Wyoming Department of Health finds it necessary to protect the health of the public by modifying and continuing certain restrictions as outlined in this Order. Additionally, this Order implements measures in line with the White House unveiling, on April 16, 2020, of certain guidelines for Opening Up America Again - a three-phased approach beginning with State or Regional Gating Criteria and continuing through three phases of removing restrictions when there is no evidence of resurgence of the virus.

The metrics measuring outbreak progress and healthcare system capacity support the Wyoming Department of Health continuing the previous statewide public health orders through a measured and data-based approach. As with previous statewide public health orders, this Order continues to authorize countywide variances to the restrictions within this Order, in the form of a Countywide Variance Order, if approved in writing by the County Health Officer and the State Health Officer. This Order is consistent with the previous statewide public health order (Eighteenth Continuation) as it continues to authorize gatherings of 10 people or less (with exceptions) and continues to authorize certain other gatherings with conditions.

This Order is effective on January 9, 2021, and shall remain in effect through January 25, 2021, unless the Wyoming Department of Health revokes or extends this Order before January 25, 2021.

**FINDINGS**

1. COVID-19 was first detected in Wuhan, China in 2019, and since then has spread to over 60 countries including the United States. There are 38,010 confirmed cases of COVID-19 in Wyoming as of December 31, 2020, as well as the presence of community spread. It is expected that more cases will be diagnosed. There have been 438 deaths among Wyoming residents related to COVID-19.
2. COVID-19 is a respiratory illness, transmitted through person-to-person contact or by contact with surfaces contaminated with the virus. Persons infected with COVID-19 may become symptomatic two to fourteen days after exposure. The symptoms of COVID-19 include fever, cough, and shortness of breath. In some cases, COVID-19 can result in severe disease including hospitalization, admission to an intensive care unit, and death, especially among older adults and persons with serious underlying health conditions. New information about the implications of this virus is ongoing.
3. The World Health Organization declared COVID-19 a worldwide pandemic as of March 11, 2020.
4. On March 13, 2020, the President of the United States declared a national emergency concerning the coronavirus, specifically stating that, in “December 2019 a novel (new) coronavirus known as SARS-CoV-2 (“the virus”) was first detected in Wuhan, Hubei

Province, People's Republic of China, causing outbreaks of the coronavirus disease (COVID-19) that has now spread globally [...] The spread of COVID-19 within our Nation's communities threatens to strain our Nation's healthcare systems. [...] Additional measures [...] are needed to successfully contain and combat the virus in the United States.”

5. On March 13, 2020, Wyoming Governor Mark Gordon declared a State of Emergency and Public Health Emergency in the State of Wyoming, stating that on March 11, 2020, an individual within the State of Wyoming tested presumptive positive for COVID-19 and the State of Wyoming is experiencing a public health emergency in response to the evolving COVID-19 outbreak.
6. Governor Gordon's Declaration of a State of Emergency and Public Health Emergency directs the Wyoming Department of Health to take all appropriate and necessary actions, and that in the judgment of the Director of the Wyoming Department of Health, any actions necessary should be taken to provide aid to those locations where there is a threat or danger to public health, safety, and welfare.
7. A significant number of Wyoming citizens are at risk of serious health complications, including death, from COVID-19. Although most individuals who contract COVID-19 do not become seriously ill, people with mild symptoms, and even asymptomatic persons with COVID-19, place other vulnerable members of the public at significant risk.
8. A large number of persons with serious infections may compromise the ability of healthcare systems in Wyoming to deliver the necessary healthcare to the public.
9. Wyoming Statute § 35-1-240(a)(i), (ii), (iii), and (iv) provides all the rights and powers for the Wyoming Department of Health, through the State Health Officer, Dr. Alexia Harrist, MD, PhD, or under her directive through other employees of the Wyoming Department of Health, to control the causes of communicable disease; and to forbid gatherings of people when necessary to protect public health.
10. In addition to the above findings, stopping the spread of COVID-19 includes washing your hands often, practicing social distancing by avoiding close contact with others, staying at least six feet away from someone who is ill or showing signs of illness, avoiding touching your face, eyes, nose and mouth, covering your cough or sneeze into your elbow or by using a tissue, and by wearing a face covering when in public.

## **ORDER**

1. As used in this order “Face Covering” means a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers the nose and mouth and surrounding areas of the lower face.
2. Gatherings of more than ten (10) people are prohibited in order to help stop the spread of COVID-19 and protect the health of the public.

3. “Gatherings” are any planned or spontaneous event, public or private, bringing together, or likely bringing together, more than ten (10) people in a single room or a single confined space (whether indoor or outdoor) at the same time.
4. If a business or other entity (child care facility, K-12 school, college, university, and trade school) is governed by statewide public health order #1 or #3, the restrictions in those orders govern those businesses or entities unless otherwise specifically noted herein.
5. Gatherings at the following are exempted from this Order:
  - a. Hotels and motels for lodging purposes;
  - b. Livestock auctions;
  - c. Groups of workers being transported to a location for their jobs;
  - d. Government business, military and National Guard facilities, law enforcement, jails, secure treatment centers, and correctional facilities, including any facility operated by the Wyoming Department of Corrections, and any facility used to respond to natural disasters or public health emergencies;
  - e. Federal, State, and local government facilities, including government service centers;
  - f. Relief facilities, including food pantries and shelter facilities;
  - g. Residential buildings, excluding individual household residences;
  - h. Grocery stores, markets, convenience stores, pharmacies, drug stores;
  - i. Truck stops, gas stations, and auto-repair facilities;
  - j. Retail or business establishments, where more than ten (10) people may be present but are generally not within six (6) feet of one another;
  - k. Healthcare facilities, including hospitals, medical facilities, home health agencies, personal care agencies, hospices, adult family homes, mental health centers, and pharmacies;
    - l. Alcohol and drug treatment centers;
    - m. Long-term care and assisted living facilities, including nursing homes and assisted living facilities, as long as the facility complies with guidance and directives from the CDC, the Wyoming Department of Health, and appropriate licensing and regulatory agencies;
    - n. Religious or faith based organizations and funeral homes; and
    - o. Parades.
6. Events not specifically identified by name or type within this Order may allow indoor gatherings of more than 10 people but no more than 25% of venue capacity with a maximum

of 100 people. Events not specifically identified by name or type within this Order may allow outdoor gatherings of more than 10 people but no more than 50% of venue capacity with a maximum of 250 people. Events allowed under this paragraph are subject to the following conditions, to be enforced by the host or organizer of the event. These events include by way of example but are not limited to rodeos, speedway motor races, concerts, organized sporting events, fairs, track and field races, farmer's markets, fireworks shows, weddings, and any other event of a similar nature.

- a. Groups of attendees seated or standing together must be limited to 6, however, an event may make exceptions for groups greater than 6 if the group is solely comprised of members from the same household;
- b. A 6-foot distance must be maintained between individual groups at all times, including but not limited to entrances, exits, concessions, ticket booths, and restrooms;
- c. Prior to the event, staff, hosts/organizers of the event, and event participants (not event attendees) must be screened for symptoms of COVID-19, or exposure to a person with COVID-19 during the previous 14 days. Staff, hosts, organizers, or event participants with symptoms of illness, or known exposure to a person with COVID-19 infection within the previous 14 days, shall not participate in the event; logs of the screening activity shall be kept and made available for inspection by the local health officer;
- d. The entire event facility, to the extent there are facilities, shall be cleaned thoroughly, including all high touch areas before and after each event, according to CDC guidelines for cleaning;
- e. Staff who come within 6 feet of event attendees or other staff must wear a Face Covering;
- f. In the event the required 6 feet of distance between individual groups cannot be maintained, Face Coverings must be worn during the event, to the greatest extent possible, unless wearing a Face Covering is specifically required by Statewide Public Health Order #4: Requiring Face Coverings in Certain Places, with Exceptions;
- g. The event shall not take place without appropriate protective equipment for staff (Face Coverings, gloves for serving and cleaning, etc.), EPA-approved disinfectants and sanitizers, soap and other necessary cleaning supplies;
- h. The event shall encourage contactless and non-signature payment, as applicable; if not possible for the attendee, card and payment stations must be sanitized after each use; staff shall sanitize hands between handling payment options;
- i. Signage must remind attendees not to enter if they have symptoms of COVID-19, and the signage must be displayed at the entrance of the event; signage must also be positioned on event premises reminding separate parties to stand at least 6 feet apart;
- j. Food and beverage service shall follow the provisions for restaurants in the Nineteenth Continuation, and Modification, of Statewide Public Health Order Regarding Bars,

Restaurants, Theaters, Gymnasiums, Child Care Facilities, K-12 Schools, Colleges, Universities, and Trade Schools;

- k. Participants in organized sporting events and artistic performances shall not congregate in groups larger than 12 individuals. This means that participants (up to 12 individuals) may interact with each other in direct close proximity without physical distancing;
  - l. The event should follow the public health recommendations of the Centers for Disease Control and the Wyoming Department of Health, including washing hands often with soap and water, practicing social distancing by avoiding close contact with others, avoiding touching your face, eyes, nose and mouth, covering your cough or sneeze into your elbow or by using a tissue, and wearing a Face Covering when in public; and
  - m. For clarity, the person limit in paragraph 6 (page 4) is not calculated by adding participants and spectators/attendees together.
- 7. Additional specific gathering exceptions to the restrictions in this Order may be granted, at the discretion of the County Health Officer, under the direction and supervision of the State Health Officer, if demonstrated, in writing, to the County Health Officer that people at the gathering will maintain at least six (6) feet of space between one another, and that effective sanitation will be performed before and after the gathering. Any specific exception under this paragraph must be approved in writing by the State Health Officer, and may be modified or revoked by the County Health Officer under the supervision and direction of the State Health Officer.
- 8. Countywide variances to the prohibitions mandated in this Order may be granted in the form of a Countywide Variance Order if approved and signed by both the County Health Officer and the State Health Officer. Countywide Variance Orders may be less restrictive (or more restrictive) than the measures imposed in this Order.
- 9. This Order is entered in conjunction with the statewide public health orders titled “Nineteenth Continuation, and Modification, of Statewide Public Health Order Regarding Bars, Restaurants, Theaters, Gymnasiums, Child Care Facilities, K-12 Schools, Colleges, Universities, and Trade Schools”, entered January 2, 2021, “Nineteenth Continuation, and Modification, of Statewide Public Health Order #3 Regarding Nail Salons, Hair Salons, Barber Shops, Massage Therapy Services, Tattoo, Body Art and Piercing Shops, and Cosmetology, Electrology, and Esthetic Services”, entered January 2, 2021, and “Statewide Public Health Order #4: Requiring Face Coverings in Certain Places, with Exceptions”, entered January 2, 2021.
- 10. This Order does not alter but supplements the requirements outlined in the three other statewide public health orders.

As the State Health Officer, I specifically deem this Order necessary to protect the public health. *See* Wyo. Stat. Ann. § 35-1-240(a)(i), (ii), (iii), and (iv). I will reassess the necessity of this Order as appropriate to do so and according to accepted epidemiological and medical standards. Any person or legal entity that violates this Order shall be subject to criminal prosecution under Wyo. Stat. Ann. §§ 35-1-105 and -106.

DATED THIS 2 DAY OF January, 2021.



Alexia Harrist  
Wyoming State Health Officer

**NINETEENTH CONTINUATION, AND MODIFICATION, OF STATEWIDE PUBLIC  
HEALTH ORDER REGARDING BARS, RESTAURANTS, THEATERS,  
GYMNASIUMS, CHILD CARE FACILITIES, K-12 SCHOOLS, COLLEGES,  
UNIVERSITIES, AND TRADE SCHOOLS**

In an effort to stop the spread of the coronavirus (COVID-19), the Wyoming Department of Health finds it necessary to protect the health of the public by modifying and continuing certain restrictions as outlined in this Order. Additionally, this Order implements measures in line with the White House unveiling, on April 16, 2020, of certain guidelines for Opening Up America Again - a three-phased approach beginning with State or Regional Gating Criteria and continuing through three phases of removing restrictions when there is no evidence of resurgence of the virus.

The metrics measuring outbreak progress and healthcare system capacity support the Wyoming Department of Health continuing the previous statewide public health orders through a measured and data-based approach. As with previous statewide public health orders, this Order continues to authorize countywide variances to the restrictions within this Order, in the form of a Countywide Variance Order, if approved in writing by the County Health Officer and the State Health Officer. This Order also continues to authorize the businesses outlined in this Order to operate under generally the same conditions outlined in the previous statewide public health order (Eighteenth Continuation), except that certain businesses (bars, restaurants, cafes, etc.) are no longer required to close operations for on-premises consumption from 10:00 p.m. to 5:00 a.m. That restriction is lifted within this Order. Additionally, group workout classes in gyms may have 25 participants (as opposed to the Eighteenth Continuation, wherein workout classes in gyms were limited to 10 participants).

This Order is effective on January 9, 2021, and shall remain in effect through January 25, 2021, unless the Wyoming Department of Health revokes or extends this Order before January 25, 2021.

**FINDINGS**

1. COVID-19 was first detected in Wuhan, China in 2019, and since then has spread to over 60 countries including the United States. There are 38,010 confirmed cases of COVID-19 in Wyoming as of December 31, 2020, as well as the presence of community spread. It is expected that more cases will be diagnosed. There have been 438 deaths among Wyoming residents related to COVID-19.
2. COVID-19 is a respiratory illness, transmitted through person-to-person contact or by contact with surfaces contaminated with the virus. Persons infected with COVID-19 may become symptomatic two to fourteen days after exposure. The symptoms of COVID-19 include fever, cough, and shortness of breath. In some cases, COVID-19 can result in severe disease including hospitalization, admission to an intensive care unit, and death, especially among older adults and persons with serious underlying health conditions. New information about the implications of this virus is ongoing.
3. The World Health Organization declared COVID-19 a worldwide pandemic as of March 11, 2020.

4. On March 13, 2020, the President of the United States declared a national emergency concerning the coronavirus, specifically stating that, in “December 2019 a novel (new) coronavirus known as SARS-CoV-2 (“the virus”) was first detected in Wuhan, Hubei Province, People’s Republic of China, causing outbreaks of the coronavirus disease (COVID-19) that has now spread globally [...] The spread of COVID-19 within our Nation’s communities threatens to strain our Nation’s healthcare systems. [...] Additional measures [...] are needed to successfully contain and combat the virus in the United States.”
5. On March 13, 2020, Wyoming Governor Mark Gordon declared a State of Emergency and Public Health Emergency in the State of Wyoming, stating that on March 11, 2020, an individual within the State of Wyoming tested presumptive positive for COVID-19 and the State of Wyoming is experiencing a public health emergency in response to the evolving COVID-19 outbreak.
6. Governor Gordon’s Declaration of a State of Emergency and Public Health Emergency directs the Wyoming Department of Health to take all appropriate and necessary actions, and that in the judgment of the Director of the Wyoming Department of Health, any actions necessary should be taken to provide aid to those locations where there is a threat or danger to public health, safety, and welfare.
7. A significant number of Wyoming citizens are at risk of serious health complications, including death, from COVID-19. Although most individuals who contract COVID-19 do not become seriously ill, people with mild symptoms, and even asymptomatic persons with COVID-19, place other vulnerable members of the public at significant risk.
8. A large number of persons with serious infections may compromise the ability of healthcare systems in Wyoming to deliver the necessary healthcare to the public.
9. Wyoming Statute § 35-1-240(a)(i), (ii), (iii), and (iv) provides all the rights and powers for the Wyoming Department of Health, through the State Health Officer, Dr. Alexia Harrist, MD, PhD, or under her directive through other employees of the Wyoming Department of Health, to control the causes of communicable disease; to close theaters, schools, and other public places; and to forbid gatherings of people when necessary to protect public health.
10. In addition to the above findings, stopping the spread of COVID-19 includes washing your hands often, practicing social distancing by avoiding close contact with others, staying at least six feet away from someone who is ill or showing signs of illness, avoiding touching your face, eyes, nose and mouth, covering your cough or sneeze into your elbow or by using a tissue, and by wearing a face covering when in public.

### **ORDER**

1. As used in this order “Face Covering” means a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers the nose and mouth and surrounding areas of the lower face.

2. Pursuant to Wyo. Stat. Ann. § 35-1-240(a)(i), (ii), (iii), and (iv), beginning on January 9, 2021, and continuing through January 25, 2021, unless revoked or extended by the Wyoming Department of Health before January 25, 2021, restaurants, food courts, cafes, coffeehouses, bars, taverns, brew pubs, breweries, microbreweries, distillery pubs, wineries, tasting rooms, special licensees, clubs, cigar bars, and other places of public accommodation offering food, beverages, or alcoholic beverages for on-premises consumption may provide services (indoors and outdoors) under the following restrictions, to be enforced by the business owner:

- a. All patrons shall be seated at tables or booths;
- b. Tables and booths must be limited to groups of 6, however, a business may make exceptions for groups greater than 6 if the group is solely comprised of members from the same household;
- c. Tables with patrons must be positioned such that patrons at different tables are at least 6 feet apart on all sides when seated; the requirement for patrons at different tables to be seated 6 feet apart does not apply to booths;
- d. Signage must be positioned on premises reminding separate parties to stand at least 6 feet apart; designated waiting areas must have floor markers to indicate proper spacing;
- e. Physical distancing guidelines must be maintained while customers enter and remain on premises;
- f. Staff that come within 6 feet of customers or other staff shall wear Face Coverings; staff shall perform hand hygiene between interactions with each table;
- g. The business shall not operate without appropriate protective equipment for staff (Face Coverings, gloves for serving and cleaning, etc.), EPA-approved disinfectants and sanitizers, soap and other necessary cleaning supplies;
- h. Hand sanitizer shall be available at the business entrance and immediately adjacent to all bathrooms;
- i. Cleaning and disinfecting shall be performed in the morning, afternoon, and evening; all tables, chairs, door handles, floors, and bathrooms, and any high-touch surfaces must be cleaned and disinfected;
- j. No self-serve food service or buffet options shall be available unless food is pre-packaged; drink refills are not allowed in the same containers;
- k. Employees shall be screened for symptoms of COVID-19, or exposure to an individual with COVID-19, prior to each shift; employees who are ill shall not be allowed to work; employees who have been exposed to a COVID-19 positive person within the previous 14 days shall not be allowed to work; employee logs of the screening activity must be kept and made available for inspection by the local health officer;

1. The business shall encourage contactless and non-signature payment; if not possible for the customer, card and payment stations must be sanitized after each use; staff shall sanitize hands between handling payment options and food containers;
  - m. The business shall maintain a record of staff working hours by date and time for purposes of COVID-19 contact tracing; if such recordkeeping is done manually, sanitizing measures must be taken on the instruments used for recordkeeping in between use;
  - n. Playgrounds at the business shall remain closed;
  - o. Dances or karaoke shall not take place at the business; and
  - p. The business shall place signage at the business entrance to remind customers not to enter the business if they have symptoms of COVID-19.
3. Gymsnasiums may operate in a limited capacity, only under the following restrictions, to be enforced by the owner of the facility:
  - a. Staff that come within 6 feet of customers or other staff shall wear Face Coverings;
  - b. Employees shall be screened for symptoms of COVID-19, or exposure to an individual with COVID-19, prior to each shift; employees who are ill shall not be allowed to work; employees who have been exposed to a COVID-19 positive person within the previous 14 days shall not be allowed to work; employee logs of the screening activity shall be kept and made available for inspection by the local health officer;
  - c. The business shall maintain a record of staff working hours by date and time for purposes of COVID-19 contact tracing; if such recordkeeping is done manually, sanitizing measures must be taken on the instruments used for recordkeeping in between use;
  - d. Locker rooms may be open, provided that lockers are assigned by patron and are disinfected by staff after each use; showers may be open, provided that proper cleaning is performed; at all times, physical distancing must be maintained in locker rooms;
  - e. Workout equipment must be no less than 6 feet apart (and preferably 10 feet apart), enforced by staff during operation;
  - f. Workout equipment shall be cleaned by staff or patrons in between each patron use;
  - g. Handwashing stations, or hand sanitizer, shall be readily available for all patrons;
  - h. Group workout classes shall be limited to 25 participants;

- i. Overall number of patrons in the entire facility must not exceed 1 person per 120 square feet, and patrons must maintain physical distancing during their workout;
- j. Swimming pools may open so long as there is not more than 1 person per 120 square feet in the pool area;
- k. Spas, steam rooms, and saunas may open so long as appropriate physical distancing measures are maintained between patrons that are not of the same household;
- l. The business shall not operate without appropriate protective equipment for staff (Face Coverings, gloves for serving and cleaning, etc.), EPA-approved disinfectants and sanitizers, soap and other necessary cleaning supplies; and
- m. Signage must be displayed reminding customers not to enter the business if they have symptoms of COVID-19, and the signage must be displayed at the business entrance.

4. Movie theaters, performance theaters, opera houses, concert halls, and music halls may operate in a limited capacity, under the following restrictions to be enforced by the owner of the facility:

- a. Groups of patrons seated together must be limited to 6, however, a business may make exceptions for groups greater than 6 if the group is solely comprised of members from the same household;
- b. A 6-foot distance must be maintained between individual groups at all times, including in waiting areas and while seated in the facility;
- c. Close contact between members of different groups is prohibited before, during, and after each performance;
- d. Signage must remind patrons to remain at least 6 feet apart from other groups of people; waiting areas must have floor markers to indicate proper spacing;
- e. Staff shall perform hand hygiene between interactions with each customer or party;
- f. Staff that come within 6 feet of customers or other staff shall wear a Face Covering;
- g. Employees shall be screened for symptoms of COVID-19, or exposure to an individual with COVID-19, prior to each shift; employees who are ill shall not be allowed to work; employees who have been exposed to a COVID-19 positive person within the previous 14 days shall not be allowed to work; employee logs of the screening activity must be kept and made available for inspection by the local health officer;
- h. The business shall not operate without appropriate protective equipment for staff (Face Coverings, gloves for serving and cleaning, etc.), EPA-approved disinfectants and sanitizers, soap and other necessary cleaning supplies;

- i. Hand sanitizer shall be available at the entrance to the facility and immediately adjacent to the bathrooms;
  - j. The facility shall be thoroughly cleaned and disinfected prior to and after each performance; all countertops, seating, armrests, door handles, floors, bathrooms, and any high-touch surfaces must be cleaned and disinfected according to CDC guidelines for cleaning;
  - k. The business shall maintain a record of staff working hours by date and time for purposes of COVID-19 contact tracing; if such recordkeeping is done manually, sanitizing measures must be taken on the instruments used for recordkeeping in between use;
  - l. The business shall encourage contactless and non-signature payment; if not possible for the customer, card and payment stations must be sanitized after each use; staff shall sanitize hands between handling payment options;
  - m. The business shall place signage at the business entrance to remind customers not to enter the business if they have symptoms of COVID-19; and
  - n. Food service must follow the provisions for restaurants in paragraph 2 above.
5. For clarity, this Order does not apply to any of the following:
  - a. Places of public accommodation that offer food and beverage not for on-premises consumption, including grocery stores, markets, retail stores that offer food, convenience stores, pharmacies, drug stores, and food pantries;
  - b. Room service in hotels;
  - c. Health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities;
  - d. Crisis shelters or similar institutions;
  - e. Airport concessionaires; and
  - f. Any emergency facilities necessary for the response to the events surrounding the public health emergency and state of emergency caused by COVID-19.
6. In order to help protect the health and safety of children, child care centers or home daycares may operate only under the following conditions:
  - a. The child care provider shall ensure that all people (children and providers) wash hands with soap and water upon arrival to the facility;

- b. The child care provider shall ensure that staff and children are screened for symptoms of COVID-19 at the beginning of the day on arrival and may not allow any symptomatic individuals to enter the facility; logs of the employee screening activity must be kept and made available for inspection by the local health officer;
- c. The business shall maintain a record of staff working hours by date and time for purposes of COVID-19 contact tracing; if such recordkeeping is done manually, sanitizing measures must be taken on the instruments used for recordkeeping in between use;
- d. In the event of a confirmed case of COVID-19 within the facility, the provider shall consult with health officials on next steps; the provider shall close the facility if determined necessary by health officials;
- e. The child care provider shall require individuals dropping off or picking up children to stay 6 feet away from children that the individual is not dropping off or picking up; and
- f. The child care provider shall ensure that surfaces and areas that are used and touched often are cleaned and sanitized after each use (e.g. shared toys, keyboards, desks, remote controls) or at least twice a day (e.g. doorknobs, light switches, toilet handles, sink handles, countertops).

7. In addition to the measures noted above, child care centers or home daycares are required to follow all health guidelines from the CDC and Wyoming Department of Health for limiting the risk of transmission of COVID-19, to the extent possible when caring for children.

8. As child care is a critical part of the infrastructure of Wyoming, allowing essential systems to function, in the event a County Health Officer closes a child care facility under the direction and supervision of the State Health Officer, the County Health Officer shall work with local child care providers to make available limited child care services.

9. K-12 schools, colleges, universities, and trade schools may provide on-site instruction to students and allow other use of their facilities under the following conditions:

- a. Groups of students and teachers shall be limited to 50 in each separate room, however, 6 feet of separation between individuals should be maintained as much as possible;
- b. Up to 250 people may be allowed in rooms where 6 feet of separation between individuals can be maintained (including, by way of example, cafeterias, auditoriums, large classrooms);
- c. Students, teachers, and school staff shall wear Face Coverings both indoors and outdoors where 6 feet of separation between individuals cannot be maintained;
- d. The following are excepted from the requirement to wear a Face Covering:

1. Children who are younger than three years of age;
2. Individuals with a medical condition, mental health condition, or disability that prevents wearing a Face Covering, including an individual with a medical condition for whom wearing a Face Covering could cause harm or dangerously obstruct breathing; K-12 schools shall require documentation from the student's parent/guardian, or the student's medical provider, that the student meets this exception;
3. Individuals who are unconscious, incapacitated, or otherwise unable to remove a Face Covering without assistance;
4. Individuals who are deaf or hard of hearing while communicating with others, or individuals who are communicating with an individual who is deaf or hard of hearing, where the ability to see the mouth is essential for communication, in which case it is recommended that a face shield or alternative protection such as a plexiglass barrier be used (a face shield is a personal protective equipment device which protects the person's entire face from potentially infectious materials);
5. Individuals who have an Individualized Education Program (IEP) under the Individuals with Disabilities Education Act, 20 U.S.C. § 1414, or an accommodation under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, that would necessitate exempting the individual from wearing a Face Covering;
6. Children for whom a Face Covering may interfere with the ability to effectively participate in educational activities or may increase the risk of disease transmission because of increased hand to face contact; or
7. Individuals engaged in athletic activities.

- e. Six foot spacing of students during transportation to and from the facility shall be maintained as much as practicable; Face Coverings shall be worn during transportation when six feet of separation cannot be maintained, with the exceptions listed in paragraph d above;
- f. Outdoor and indoor events attended by non-students (e.g., parents, families, or members of the public), must comply with the provisions of the "Nineteenth Continuation, and Modification, of Statewide Public Health Order #2: Regarding Gatherings of More Than Ten (10) People";
- g. Hand hygiene must be performed frequently within the facility; and
- h. Individuals with symptoms of COVID-19, or exposure to an individual with COVID-19 within the last 14 days, may not attend the institution unless otherwise directed by public health officials.

10. Specific exceptions to the restrictions in this Order may be granted, at the discretion of the County Health Officer under the direction and supervision of the State Health Officer, if demonstrated, in writing, to the County Health Officer that effective cleaning and safety measures are implemented. Any specific exception under this paragraph must be approved in writing by the State Health Officer and may be modified or revoked by the County Health Officer under the supervision and direction of the State Health Officer.
11. Countywide variances to the restrictions in this Order may be granted in the form of a Countywide Variance Order if approved and signed by both the County Health Officer and the State Health Officer. Countywide Variance Orders may be less restrictive or more restrictive than the measures imposed in this Order.
12. This Order is entered in conjunction with statewide public health orders titled "Nineteenth Continuation, and Modification, of Statewide Public Health Order #2: Regarding Gatherings of More Than Ten (10) People", entered January 2, 2021, "Nineteenth Continuation, and Modification, of Statewide Public Health Order #3 Regarding Nail Salons, Hair Salons, Barber Shops, Massage Therapy Services, Tattoo, Body Art and Piercing Shops, and Cosmetology, Electrology, and Esthetic Services", entered January 2, 2021, and "Statewide Public Health Order #4: Requiring Face Coverings in Certain Places, with Exceptions", entered January 2, 2021.
13. This Order does not alter but supplements the requirements outlined in the three other statewide public health orders.

As the State Health Officer, I specifically deem this Order necessary to protect the public health. *See* Wyo. Stat. Ann. § 35-1-240(a)(i), (ii), (iii), and (iv). I will reassess the necessity of this Order as appropriate to do so and according to accepted epidemiological and medical standards. Any person or legal entity that violates this Order shall be subject to criminal prosecution under Wyo. Stat. Ann. §§ 35-1-105 and -106.

DATED THIS 2 DAY OF January, 2021.



Alexia Harrist  
Wyoming State Health Officer

18 January 2021

Paul Anthony  
Town of Jackson Planning and Development  
150 East Pearl Avenue  
Jackson, WY 83001

Mr. Anthony,

The applicant, Skippy Boyer Ltd. Part. C/O Pink Garter Plaza is requesting a Zoning Compliance Verification for 50 West Broadway Avenue.

**BACKGROUND:**

The applicant/owner is Skippy Boyer Ltd. Part. C/O Pink Garter Plaza. The applicant owns a lot defined as Lot 3-4, BLK. 1, WORT-1, (commonly known as 50 West Broadway Avenue) and has a split zoning TS (Town Square) and UC (Urban Commercial). The lot currently has one structure for “Community Shopping Center” and (4) one-bedroom units built in 1971 per the Teton County Assessor. The lot is approximately .34 acres. The theater on the top floor is split between two zoning classifications (TS and UC).

- 1) The theater was built in 1971 prior to the 1994 LDR’s. The theater has been in constant and continuous operations since the building was built for “amusement” use. Per the Governor’s Ninetieth Continuation, and Modification, of Statewide Public Health Order #2: Regarding gatherings of more than ten (10) people (see attached Order), the Pink Garter Theater has not been able to hold any concerts or “amusement” uses and currently, cannot hold any such gathers over ten (10) until after the 25<sup>th</sup> of January 2021. At this point in time, the applicant does not know if this order will be extended past the date, since it has been extended once prior nor does he know if Teton County Commissioners will issue their own order for the county after the governor’s order expires. The applicant would like to know when he must hold a concert or “amusement” use in order to continue being able to operate the “amusement” use.
- 2) On 3 April 2015 The Town of Jackson Planning Director approved a Basic Use Permit (P15-017) for office and ancillary day care use associated with the Cornerstone Church. Again, because of the Governor’s order, the Cornerstone Church cannot meet. The applicant would like to know when the Basic Use Permit would be required to have operations in order to keep this use current.

**REQUEST:**

The applicant respectfully requests the planning department provide answers to the above questions for 50 West Broadway Avenue. If the planning department cannot give us an answer because of the continuing pandemic might cause extensions, then could the planning department give us guidance to when the clock would start if more orders and extensions are enacted.

Thank you for your assistance with this request. Please contact me should you have any questions or concerns regarding this request. Best Regards,

Cornelius Kinsey, AIA NCARB