



CONSERVATION AREA EASEMENT REVIEW (EAS)

APPLICATION

**Planning & Development Department
Planning Division**

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Jackson, WY 83001 | www.tetonwyo.org

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Application # _____

PROJECT.

Name/Description: _____
Physical Address: _____
Lot, Subdivision: _____ PIDN: _____

APPLICANT/OWNER.

Name, Agency: _____ Phone: _____
Mailing Address: _____ ZIP: _____
E-mail: _____

AGENT.

Name, Agency: _____ Phone: _____
Mailing Address: _____ ZIP: _____
E-mail: _____

DESIGNATED PRIMARY CONTACT.

_____ Applicant/Owner _____ Agent

APPLICABILITY. *This application should be used when applying for review of a **Conservation Area Easement**. The purpose of the review is to ensure that any physical development, use, or development option that requires a conservation area, or any change to an existing TCSPT easement, is in compliance with Division 7.3 and the Open Space Resources Resolution of Teton County, Wyoming.*

An EAS application is required in the following situations (check which applies):

- Dedication of required conservation area.**
Residential development projects with required open space (as outlined in Section 7.1.2, *Rural PRD*, Section 7.1.5, *Floor Area Option*, and Section 7.1.6, *CN-PRD*) must demonstrate that the proposed open space areas meet the requirements of Division 7.3, *Conservation Area Standards*. This review is required even if the conservation area restriction covering the proposed open space areas has already been recorded. Requirements for this type of review are outlined in Section A below.
- Request to amend easement terms on existing open space.**

Development projects with an existing open space easement held by the Teton County Scenic Preserve Trust may request to amend the open space easement in certain situations. Requirements for this type of review are outlined in Section B below.

_____ **Request to transfer an easement.**

Easements held by the Trust may be requested to be transferred to another qualified organization.

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

Please ensure all submittal requirements are included. The Planning Department will not hold or process incomplete applications.

Have you attached the following?

_____ **Application Fee.** See the currently adopted Fee Schedule in the Administrative Manual for more information.

_____ **Notarized Letter of Authorization.** A notarized letter of consent from the landowner is required if the signatory on this application is not the owner. Please see the Letter of Authorization template in the Administrative Manual for a sample.

_____ **Deed.** Copy of the most recently recorded deed to the property. This is proof of ownership of the property and to provide a legal description.

_____ **Digital requirement.** All applications submitted to the Teton County Planning Department are required to submit a digital copy of all materials at the time of application submittal.

Note: Information provided by the applicant or other review agencies during the planning process may identify other requirements that were not originally evident. The applicant remains responsible for fulfilling all legal requirements of all agencies with sufficient jurisdiction over the proposed project, whether or not those requirements are fully identified in this Checklist or in representations made by any individual or representative.

SECTION A: DEDICATION OF REQUIRED OPEN SPACE

For projects with required conservation areas, the following information shall be submitted. It may be submitted separately or may be included in the Development Option application packet. (*LDR source of requirement in italics*)

1. Environmental Analysis (*Section 7.3.3.B.1.a and Section 8.2.2*).

In the case of newly created open space easements, this document may also serve as the Baseline Inventory/Documentation of the Condition of the Open Space Land referenced in the easement when wildlife is a conservation value. The applicant should be aware that it may need to be supplemented with on-site photographs of the current conditions of the land.

2. Conservation Area Configuration (*Section 7.3.3*).

A map that shows how the configuration and location of the required open space protects the Conservation Values identified in Section 7.3.2.A, *Conservation Values*, and Section 7.3.3, *Conservation Area Configuration*. (This may be included in the Environmental Analysis referenced above.)

3. Proposed Record of Restriction (*Section 7.3.5*).

A copy of the legal instrument that shall provide for the perpetual preservation of the required open space. If not already recorded, the document shall indicate a proposed Grantee. All exhibits referenced in the document shall also be provided.

SECTION B: AMENDMENT OF EXISTING TCSPT EASEMENT

The following information must be included in an EAS amendment application: (*Open Space Resources Resolution of Teton County, Wyoming December 22, 2015, Section 10, Easement Amendments*).

1. Description of the proposed changes on the property.

What portions of the property will the proposed actions affect?
What does the landowner want to do?

2. Map of open space property showing affected areas.

3. Reasons why request is warranted.

Amendments may be allowed in any one of the following situations:

- *Correction of an error or clarification of an ambiguity.* The Trust shall allow amendments made to correct an error or oversight in an original conservation easement. This may include correction of a legal description, inclusion of standard language unintentionally omitted, or clarification of ambiguous language.

- *Modifications consistent with the conservation purposes.* At times, a landowner may request an amendment that modifies the restricted uses or areas of an easement property due to unforeseen adverse conditions or hardships. These requests for amendment shall be allowed if:

The amendment is consistent with the conservation purposes of the conservation easement, and

The amendment creates a condition that strengthens protection of the conservation values identified in the easement and results in a net conservation benefit, and

The amendment is not likely to create a significant adverse public perception of the Trust or significantly undermine the public's perception of the reliability of conservation easements as a land conservation tool.

- *Modifications required by easement terms.* The Trust shall allow amendments necessary to comply with the terms of the conservation easement, such as a provision in the easement allowing modifications at a future date under specified conditions.

Documentation as to how the request fulfills one of these three options shall be provided. The applicant should be aware that requests based on Option 2 may require additional documentation regarding the resource values present on the property.

4. Draft amendment document.

A copy of the legal instrument to be recorded to document the proposed changes. The amendment document shall include, at minimum:

introduction to the parties to the transaction

statement of the purpose(s) of the amendment request

the proposed text changes

documentation as to the net increase in conservation provided by the transaction (if required above)

legal descriptions of the affected property

copies of all exhibits referenced in the document

SECTION C. EASEMENT TRANSFERS

The following information must be included in an Easement Transfer application: (*Open Space Resources Resolution of Teton County, Wyoming December 22, 2015, Section 11, Easement Transfers*).

1. The proposed transfer complies with the terms of the transfer provisions in the easement itself.
2. The agreement of the current landowner, and if possible, the original easement grantor, has been obtained in writing.
3. The agreement of any third parties who played a significant role in the project has been obtained in writing.
4. The agreement of the accepting organization has been obtained in writing.
5. Documentation has been obtained to demonstrate that the accepting organization is a 501c3 organization, qualified under Section 170h3 of the IRS Code to hold conservation easements.
6. Documentation has been obtained to demonstrate that the accepting organization has sufficient financial resources and a commitment to uphold the terms of the conservation easement in perpetuity. If not, the TCSPT shall be willing and able to transfer funds to the accepting organization to ensure the perpetual obligations outlined in the easement are met.
7. The accepting organization has an easement amendment policy in place that ensures that the conservation purposes of the TCSPT easements will be preserved. Amendments should only be allowed if a net increase in conservation occurs.

8. The TCSPT has copies of all necessary project records to provide to the accepting organization.
9. The proposed transfer complies with the terms of any development or development option plan approved for the property.
10. The TCSPT Board shall consider the effect of the transfer on the TCSPT program as a whole, and the effect on the program's public relations.
11. The majority of the TCSPT Board shall approve the transfer at a public hearing held in accordance with the law.

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

Signature of Owner or Authorized Applicant/Agent

Date

Name Printed

Title