

AGENDA
Planning and Zoning Commission
November 6, 2024 – REGULAR MEETING

5:30 PM

The New Business items have been placed on the agenda in the order they were received. Please note that at 8:00 p.m., the Commission will evaluate the remainder of the agenda to determine if time constraints will permit the full agenda to be heard at this meeting. All items not heard at this meeting will be postponed to the next regularly scheduled PC/BOA meeting or to a special meeting scheduled by the Commission.

NOTICE: THE VIDEO AND AUDIO FOR THIS MEETING ARE STREAMED TO THE PUBLIC VIA THE INTERNET AND MOBILE DEVICES WITH VIEWS THAT ENCOMPASS ALL AREAS, PARTICIPANTS AND AUDIENCE MEMBERS

PLEASE SILENCE ALL ELECTRONIC DEVICES DURING THE MEETING

1. ZOOM LINK FOR PUBLIC PARTICIPATION
The Town reserves the right to close Public Comment via Zoom at any time. In-person comment will continue to be taken and written comments can always be submitted to the Planning Department at planning@jacksonwy.gov.
 - I. To join, click link or copy it to your browser:
<https://us02web.zoom.us/j/83541200363?pwd=ryfp0SVIB9zK3ON6Nlm8jZtg0F7ePe.1>
Or join at zoom.com with Webinar ID: 835 4120 0363 and Password: 83001
2. CALL TO ORDER
3. ROLL CALL
4. MATTERS FROM THE PUBLIC
5. APPROVAL OF MINUTES
 - I. October 16, 2024 Minutes
6. OLD BUSINESS
7. NEW BUSINESS
8. BOARD OF ADJUSTMENT
9. PLANNING COMMISSION
 - I. P24-105 1300 Carol Lane CUP (Katelyn Page)
10. AGENDA FOLLOWUP
11. MATTERS FROM THE COMMISSION
12. MATTERS FROM STAFF
13. ADJOURN

MINUTES
PLANNING AND ZONING COMMISSION
TOWN OF JACKSON, WYOMING
October 16, 2024
UNAPPROVED

The Planning and Zoning Commission met in a regular session on October 16, 2024, in the Town Council Chambers located at 150 E. Pearl in Jackson, at 5:30 pm. This meeting was held in-person and via Zoom.

Upon roll call the following were found to be present:

BOARD: Katie Wilson, Abigail Petri, Thomas Smits, and Laura Bonich appeared in person. Stephanie Wise appeared via Zoom.

STAFF: Paul Anthony, Tyler Valentine, Mary Tippetts

MATTERS FROM THE PUBLIC: None.

APPROVAL of MINUTES:

A motion was made by Abigail Petri and seconded by Thomas Smits to approve the September 18, 2024 regular meeting minutes. Katie Wilson called for the vote. The vote showed all in favor and the motion carried.

PLANNING COMMISSION:

PM24-130 Karns Meadow CUP

STAFF PRESENTATION: Tyler Valentine

Staff reviewed the history of the Karns Meadow area, presented the design submitted by Teton County Parks and Recreation, and introduced key policy questions for the Planning Commission to consider.

QUESTIONS FOR STAFF AND APPLICANT:

The Commission asked clarifying questions regarding seasonal & nighttime closures, wildlife activity, the history of the conservation easements, easement access from Broadway and the Sagebrush Apartments, and the reasoning behind choosing a paved path.

PUBLIC COMMENT:

Pete Karns made comment regarding the Karns Family's wishes.

Katherine Dowson with Friends of Pathways made comment regarding user created paths and sustainable trails.

Max Ludington with Jackson Hole Land Trust made comment regarding the plan's adherence to the conservation easement.

Kevin Krasnow with JH Conservation Alliance made comment via Zoom regarding the ecological diversity and sensitivity of the area.

Les Peak made comment in support of the proposed CUP.

COMMISSION DISCUSSION:

Commission discussed the location of the proposed parking and RV parking options. Max Moran and Steve Ashworth with Teton County Parks & Recreation addressed the parking concerns with Staff and Commission. Commission agrees that the CUP will not address RV parking options directly, but can be addressed through appropriate signage at the parking lot.

Commission discussed e-bikes on the pathway. Commission agrees that e-bikes should not be prohibited on the pathway.

Commission discussed nighttime and seasonal closures. The Commission agrees that nighttime closures are appropriate. Four of out the five Commissioner recommended allowing winter daytime use of the park.

Commission discusses key policy question #1 regarding the Environmental Analysis recommendations. Commission agrees to incorporate item 4 regarding field fit pathway and infrastructure alignment and item 5 regarding a limit on special events into their recommendation but not the other recommendations.

MOTION:

A motion was made by Katie Wilson and seconded by Thomas Smits to recommend approval of Item P24-130 to the Town Council for a Conditional Use Permit for the Karns Meadow Master Plan to allow Outdoor Recreation uses within Karns Meadow Park, based upon the findings and conditions presented in the staff report, the departmental reviews, and subject to this staff report dated October 16, 2024. The Commission is open to exploring daytime winter use in designated areas. Katie Wilson called for the vote. The vote showed Commissioners Wilson, Petri, Smits, and Wise in favor and Commissioner Bonich opposed and the motion carried.

MATTERS FROM COMMISSION: None.

MATTERS FROM STAFF:

Staff updates the Commission on the moratorium amendment before the Town Council and recommendations before the Council regarding large building design. Regulatory reduction bills were in front of the State legislature and Staff provided a brief overview of those bills. The Virginian project is moving forward and the traffic study was discussed. The exemption for Change of Use will be heard by the Town Council on Monday, October 21, 2024.

Adjourn: A motion was made by Thomas Smits and seconded by Abigail Petri to adjourn the meeting. Katie Wilson called for the vote. The vote showed all in favor and the motion carried. The meeting adjourned at 7:11 pm.

minutes:mt

STAFF REPORT



Meeting Date:	November 6, 2024	Meeting Title:	Planning Commission
Submitting Department:	Planning Department	Presenter:	Katelyn Page
Agenda Item:	P24-105 Request for a Conditional Use Permit for Outfitter/Tour Operator use at 1300 Carol Lane	Public Comment:	Yes

Purpose & Policy Considerations.

A Conditional Use Permit (CUP) is required in the Business Park zoning district by the Town of Jackson Land Development Regulations (LDRs) to operate an Outfitter/Tour Operator use. Planning Commission (PC) offers a recommendation to Town Council which makes the final decision for CUPs.

Requested Action.

The applicant, representing Jackson Hole Eco Tour Adventures (JHETA), requests approval of a CUP for Outfitter/Tour Operator use at the property addressed as 1300 Carol Lane.

Recommendation.

The Planning Director recommends **approval** of a CUP for Outfitter/Tour Operator use at the property addressed as 1300 Carol Lane, subject to the departmental reviews attached hereto, and the following six (6) conditions:

1. Prior Town Council review, applicant shall submit to the Town a proposed parking and striping plan drawn to a recognized engineering scale that includes dimensioned property lines, vehicle parking stalls, and drive aisles, consistent with department reviews.
2. Prior to issuance of CUP, applicant shall stripe proposed onsite parking consistent with approved parking and striping plan.
3. Prior to issuance of CUP, applicant shall fulfill housing mitigation requirement of \$239,339.24 (0.880 units) or as allowed by LDR Sec. 6.3.2.C (Exemptions).
4. Prior to issuance of CUP, applicant shall apply for sign permit for existing nonpermitted signage on entry canopy at the Property to meet standards of LDR Sec. 5.6.1 (Town Sign Standards).
5. Prior to issuance of CUP, applicant shall replace all existing nonconforming exterior lighting to meet standards of LDR Sec. 5.3.1 (Exterior Lighting).
6. The Property owner shall ensure that vehicles are not temporarily parked in Carol Lane or other areas of the public right-of-way when vehicles are being valet parked and reparked, unless allowed by an approved encroachment agreement.

Key Policy Question.

Staff have not identified any key policy questions for consideration at this time.

Background.

Per the applicant, JHETA has been in business in Jackson since 2008 and has been located at 1300 Carol Lane since October 2017. The Town's municipal code requires a business license for each location where a business is physically located. In January 2024, a business license application was applied for JHETA to locate at 1300 Carol Lane. This was Town's first indication that the business had been operating in the Business Park zone

without an approved business license or use permit. Since that time, staff have been working with the business owner and their agent to gain compliance through the CUP process.

Project Location

The property located at 1300 Carol Lane ("Property") is legally described as LOT 6, M-B SUBDIVISION of the Town of Jackson. An aerial photo of the Property with zoning notation is shown on the following page:



Existing Conditions

The Property, owned by Canyon's Fund, LLC, is 0.197 acre lot located in the Business Park (BP) zone. Surrounding properties are also zoned Business Park (BP). The Property takes access from Carol Lane to the west and does not have a secondary street or alley. The Property includes a 3,500sf commercial structure comprised of 910sf habitable floor area and 2,590sf unconditioned storage and vehicle garage that can accommodate up to four (4) vehicles (tandem parked in two rows). The Property includes a paved parking surface accommodating approximately 4-6 vehicle parking spaces. An additional eleven (11) informal vehicle parking spaces are located along the western property line partially encroaching the public right-of-way (ROW) along Carol Lane.

Previously, in 2010, the Property received approval for Final (Minor) Development Plan P10-074 for Heavy Retail/Service use (feed store) which is the most recent approved use at the Property. Approval of P10-074 required the Property owner at the time to obtain an encroachment agreement for the use of parking spaces

partially within the Town public ROW along Carol Lane. Staff were unable to locate record that an agreement was ever executed by the Town or recorded with the County Clerk. Therefore, it is staff's conclusion that vehicles parked at the Property encroaching the public ROW are currently not permitted in that location.

This type of informal, and nonpermitted, encroaching parking occurs frequently in the Business Park zone, including at neighboring properties along Carol Lane. Staff have informed the applicant that they will need to apply for an encroachment agreement if they want to continue to use the parking that encroaches into Carol Lane. Should they choose to do so, an application for an encroachment agreement would likely be presented for Town Council review after its decision on a CUP is finalized. However, the location of vehicle parking spaces on a proposed parking and striping plan for the Property should take into account whether or not the applicant plans to apply for said encroachment agreement, and if so, locate onsite vehicle stalls accordingly to accommodate the possibility of encroaching vehicles.

The Property has existing nonconforming building setbacks, minimum LSR, minimum plant units, and exterior lighting. Explained in further detail in the analysis section below, staff include conditions of approval that address compliance for exterior lighting prior to issuance of the CUP. However, it is staff determination that the proposed change of use does not increase the total floor area or use of the property, thus the remaining nonconforming items do not require compliance with the LDRs at this time and may be maintained as permitted by LDR Sec. 1.9.3. A summary table of existing nonconformities is shown below.

Table 1
Summary of Existing Nonconformities

Item	Requirement	Existing	Required Compliance with CUP
Building Setback – Primary Street	20' (min.)	Approx. 10'	NA
Building Setback – Rear	20' (min.)	3'	NA
Building Setback – Side	10' (min.)	3' (north) Approx. 43.5' (south)	NA
Landscape Surface Ratio	0.15 (min.)	None	NA
Plant Units	1 per 1,000 sf of landscape area	None	NA
Exterior Lighting	Compliant with LDR Sec. 5.3.1	Noncompliant with LDR Sec. 5.3.1	Yes. As condition of approval prior to issuance.

Proposed Use

The applicant is seeking a CUP for 3,500sf of Outfitter/Tour Operator use. Per the applicant, the Property will be used for JHETA's base of operations including location to store, maintain, and clean tour vehicles and for ancillary office space for administrative needs (ex: reservation booking). It will also serve as a gathering point for JHETA guides to meet and exchange their personal vehicles or bicycles for company owned tour vans before heading out to pick up clients at their places of lodging or other meeting points.

Per the applicant, JHETA employs between 7 and 33 full time employees throughout the year. Of that total, 2 employees are typically onsite at any given time to fulfill administrative needs. Operational impact fluctuates based on seasonal demand and tour workload is outlined in Table 2 below.

Table 2
Summary of Seasonal Operations

Season	Operational Hours	Full Time Employees (approx.)
Summer: June-September	5am-10pm (guides stagger departures and arrivals at site)	33
Winter: December-March	7am-4pm	21
Spring and Fall: October, November, April, May	7am-dusk	7

Analysis.

The purpose of a CUP is to individually and publicly review the configuration, density, and intensity of a use that is generally compatible with the character of a zone, but requires additional, site-specific conditions to limit and mitigate effects that may be adverse to the desired character of the zone. After reviewing the applicant's submittal, staff find that, as conditioned, the proposed use is compatible with the intended character of the Business Park zone.

Vehicular Access and Parking

The applicant's independent calculation for parking requirement is based upon average number of employees and considers that customers do not visit the Property at the beginning or end of tours but are picked up by guides elsewhere, typically at local hotels. Per the applicant, tour guides and office staff are the only individuals frequenting the property.

The existing parking facility is configured to accommodate approximately 8-10 vehicle spaces and consists of a paved surface with poorly defined parking stalls accommodating approximately 4-6 outdoor parking spaces with an additional 4 vehicle parking spaces within the garage. Because the site plan provided by the applicant is not drawn to a recognized engineering scale, staff are currently unable to verify precise dimensions of the currently proposed parking plan provided in Exhibit A (see application attached). Thus, staff recommend a condition of approval that, prior to review by Town Council, applicant shall submit a proposed parking and striping plan drawn to a recognized engineering scale that includes dimensioned property lines, vehicle parking stalls, and drive aisles.

Though there is currently no formalized encroachment agreement for parking along Carol Lane, JHETA currently uses both onsite and on street parking (the spaces along Carol Lane which encroach into the ROW). Because encroachment agreements have typical language reserving Town's right to utilize area of an encroachment agreement should it need to do so for any public need, parking spaces within those defined areas may not be used to fulfill required parking. Thus, the applicant must meet its parking demand on the Property.

Unlike most nonresidential properties in the Town, minor industrial streets of Berger Lane, Martin Lane, and Carol Lane in the Business Park zone allow considerable flexibility in terms of parking setbacks, backing movements, and overall vehicle maneuverability (LDR Sec. 2.3.10.E). Because of this flexibility and the fact that an independent calculation – which can be highly variable depending on the specific needs of a particular use – is used to determine parking requirement of Outfitter/Tour Operator use, staff is supportive of taking a more practical than theoretical approach to parking for the proposed tour operator. In this case, staff's approach for parking compliance is that, as long as they contain all parking impacts on the Property and do not negatively impact neighbors or the public ROW, then they have met the Town's parking requirement. This means a minimum required amount of onsite parking will not be imposed. It is based on this reasoning that staff recommend conditions of approval to address the exchange of vehicles in the public ROW and to provide a scaled and dimensioned parking and striping plan.

Staff is supportive of tandem parking solutions at the Property because JHETA, like many other outfitter/tour operator, industrial, and heavy service/retail businesses in the Business Park zone, uses "valet style" parking controlled entirely by onsite employees with the general public not frequenting the property. This means tandem parking is able to fulfill business needs unlike when members of the general public need immediate, unsupported, access to their vehicles without being blocked by tandem setups. That said, staff does not support use of the proposed parallel space immediately west of the structure as it does not appear to meet minimum dimension of 9x22 required of parallel spaces and is significantly blocked by approximately 6-8 other vehicle stalls. Department review comments indicate this space to be removed from proposed parking and striping plan.

Visual, Nuisance, Environmental and Public Infrastructure Impacts

The primary adverse impacts from the proposed use at the Property occur from nonconforming exterior lighting and potential vehicle movements in the public ROW. Consistent with CUP approvals of other Outfitter/Tour Operator uses which rely heavily on employees exchanging personal for company vehicles several times a day, staff recommend a condition of approval that JHETA the exchange of personal and company vehicles is contained entirely on the Property (or areas allowed by an encroachment agreement), thus limiting impacts within the public ROW, namely areas within Carol Lane.

The Property has existing exterior lighting nonconforming to LDR Sec. 5.3.1 (Exterior Lighting Standards). The Town's exterior lighting standards were recently updated to help eliminate or reduce the nuisance and hazards of light pollution, such as glare, light trespass, sky glow, energy waste, and negative impacts on the nocturnal environment. LDR Sec. 1.9.6.F (Nonconforming Lighting – Other Permits) states that compliance for nonconforming lighting is required as part of a review of permits including DRC review, Development Plan, Conditional Use Permit, or Variance. Thus, staff recommend a condition of approval that the applicant shall replace all existing nonconforming exterior lighting to meet standards of LDR Sec. 5.3.1 (Exterior Lighting).

As conditioned, staff find that the proposed Outfitter/Tour Operator use adequately minimizes adverse negative impacts of the proposed use to adjacent properties.

Affordable Workforce Housing Mitigation

The proposed Outfitter/Tour Operator use at the Property requires affordable workforce housing mitigation of \$239,339.24 (0.880 units) based on 910sf of habitable floor area and existing credit for Heavy Retail / Service

use at the property. Outfitter/Tour Operator use requires an independent calculation for housing mitigation and Staff utilizes an independent calculation rate of 1.09 units per 1,000sf for Outfitter/Tour Operator use prepared by a third-party consultant, OPS Strategies. Staff have consistently applied this same rate on recent BUP and CUP applications for Outfitter/Tour Operator use in the Town.

However, on the October 21, 2024, Regular Meeting, Town Council voted to approve LDR Text Amendment P24-094 to allow exemptions to required affordable workforce housing mitigation, including instances of changes of use like that proposed in CUP P24-105. Should P24-094 be approved at three ordinance readings and codified, there would be no required housing mitigation for CUP P24-105. Codifying the noted exemption in Text Amendment P24-094 is expected to wrap up in late November 2024. Because the review timeline overlaps with this CUP P24-105, staff think it reasonable to condition the project so that any housing mitigation is fulfilled to the satisfaction of the Town either by fee in lieu or as allowed by the expected update to LDR Sec. 6.3.2.C (Exemptions). It is likely the P24-094 exemption will be codified prior to Town Council review of CUP P24-105, in which case a condition will no longer be needed as housing mitigation would be exempt for the proposed use.

Nonpermitted Signage

Lastly, the Property includes signage which was not permitted by a sign permit approval issued by the Town. Because one finding of approval for a CUP requires compliance with all other applicable provisions of the LDRs, staff recommend a condition of approval that the applicant apply for sign permit for all existing nonpermitted signage at the Property to meet standards of LDR Sec. 5.6.1 (Town Sign Standards).

Public Comment.

Staff did not receive public comment directly related to the review of this CUP. However, other general concerns from neighbors were received regarding congestion impacts to Berger, Carol and Martin Lanes during the upcoming Gregory Lane corridor capital improvements project. These comments were shared with the Public Works Department.

Findings.

Pursuant to Section 8.4.2.C (Findings for Approval) of the Land Development Regulations, a CUP shall be approved if the following findings can be met.

1. *Consistency. The proposed Conditional Use is consistent with the purposes and organization of the LDRs.*

Complies. Staff find that proposed use is consistent with the purposes and organization of the LDRs and, as conditioned, is generally compatible with the desired character of the Business Park zone.

2. *Use Standards. The proposed Conditional Use complies with the use-specific standards of Division 6.1.*

Complies. Staff find that, as conditioned, the proposal complies with the standards of Division 6.1. The proposed use is an allowed use within the Business Park zone with the approval of a CUP. The applicant shall fulfill the required affordable workforce housing mitigation to the satisfaction of the Town and shall provide a parking and striping plan showing parking and vehicle maneuvering for the use is accommodated on the Property and not within the public ROW.

3. *The proposed Conditional Use minimizes adverse visual impacts.*

Complies. Staff find that, as conditioned, the proposed use minimizes adverse visual impact on adjacent properties and public ROW. Apart from preparation for tours and maintaining and cleaning tour vehicles the majority of business operations occur within the structure or at off-site locations. By requiring the Property owner to install exterior lighting compliant with LDR Sec. 5.3.1 (Exterior Lighting Standards) as required by LDR Sec. 1.9.6 (Nonconforming Lighting), visual impacts of the use will be minimized to neighboring properties and the public ROW.

4. *The proposed Conditional Use minimizes adverse environmental impacts.*

Complies. Staff find that the proposed use minimizes adverse environmental impact on adjacent properties and public ROW. The Property is not located within the NRO or SRO, and no other significant environmental impacts have been identified by staff that are generated from the use.

5. *The proposed Conditional Use minimizes adverse impacts from nuisances.*

Complies. Staff find that the proposed use minimizes nuisance impacts on adjacent properties and public ROW. Staff have not identified any nuisances such as noise or odor that will result from the proposed use.

6. *Impact on Public Facilities. The proposed Conditional Use shall not have a significant adverse impact on public facilities and services, including transportation, potable water and wastewater facilities, parks, schools, police, fire, and EMT facilities.*

Complies. Staff find that, as conditioned, the proposed use will have no significant adverse impacts on public facilities and services. The Property owner shall ensure the exchange of employee and company vehicles is not conducted within areas of the public ROW thus limiting vehicle impact in the immediate public ROW. There are no anticipated negative transportation impacts, or any impacts on schools, police, fire and EMT facilities. No additional public impacts have been identified.

7. *Other Relevant Standards/LDRs. The development and operation of the proposed Conditional Use shall comply with all standards imposed on it by all other applicable provisions of the LDRs and all other Town Ordinances.*

Complies. Staff find, as conditioned, that the proposed use complies with the provisions of the LDRs and with all other Town Ordinances. Conditions of approval for the CUP require the applicant to apply for a sign permit to ensure existing, unpermitted signage at the property, meets standards of LDR Sec. 5.6.1 (Town Sign Standards) and that all nonconforming exterior lighting meet standards of LDR Sec. 5.3.1 (Exterior Lighting Standards).

8. *Previous Approvals. The proposed Conditional Use shall be in substantial conformance with all standards or conditions of any prior applicable permits or approvals.*

Complies. Staff find there are no prior applicable permits or approvals with which the proposed use must comply. While previous development approval at the Property included a condition of approval to formalize an agreement for encroaching parking along Carol Lane, this is not a requirement for the CUP. However, while not required for approval of the CUP, should the Property owner seek to utilize said vehicle parking spaces encroaching Carol Lane, they have the opportunity to apply for an encroachment agreement to be reviewed by Town Council.

Fiscal Impact.

No fiscal impact is identified at this time.

Staff Impact.

The amount of staff hours to review this CUP, including research and report drafting, is approximately 22 hours.

Attachments or Links.

Department Reviews

Applicant Submittal

Suggested Motion.

I move to **recommend approval** to the Town Council of Conditional Use Permit P24-105 for Outfitter/Tour Operator use at the property addressed as 1300 Carol Lane based upon the findings and conditions presented in the staff report, the departmental reviews, and subject to this staff report dated November 6, 2024.



PERMIT NOTES

Permit # P24-105 Parcel # : 22-40-16-06-1-03-002
Site Address: 1300 CAROL LANE
Project Name: 1300 Carol Lane - CUP Outfitter Tour Operator

Note Type	Note Code	Text	Created By	Begin Date	End Date
CONDITIONS		See staff report for analysis and recommended conditions of approval. Final conditions of approval will be communicated in writing (final letter) at the conclusion of public hearing process and Council decision. Parking / striping: Prior Town Council review, applicant shall submit to the Town a proposed parking and striping plan drawn to a recognized engineering scale that includes dimensioned property lines, vehicle parking stalls, and drive aisles, consistent with department reviews. Proposed parallel space between structure and western property line is not feasible as tandem space and does not appear to meet required parking stall dimensions based on GIS imaging and site plan. This proposed space shall be removed from final parking and striping plans prior to resubmittal. Independent Parking Calculation: Staff has not established a required parking minimum for the site. Instead, conditions of approval shall limit parking impacts to PROW and neighbors and all parking demand must be accommodated on the property. Existing parking spaces encroaching Carol Lane and partially located on 1300 carol lane may not be used to fulfill parking minimums. No parking encroachment agreement is currently recorded. Applicant shall apply for such agreement should they wish to utilize said parking in the PROW. Housing Mitigation: The proposed Outfitter/Tour Operator use at the Property requires affordable workforce housing mitigation of \$239,339.24 (0.880 units) based on 910sf of habitable floor area and existing credit for Heavy Retail / Service use at the property (see floor area calcs and previous records for P10-074). However, it is likely a proposed exemption for required housing mitigation from commercial change of use will be codified prior to Council review of this CUP. Because of this timing, it is possible the CUP will be exempt from the required (0.880 units) under proposed exemption 6.3.2.C . Other nonconformities or nonpermitted elements: Sec 1.9.6.F - Compliance for nonconforming lighting is required as part of a conditional use permit. No record of sign permit approval exists for the property. Applicant shall apply for sign permit consistent with standards of LDR Sec. 5.6.1	KPAGE@JACKS ONWY.GOV	10/28/24	10/28/24



PERMIT NOTES

Note Type	Note Code	Text	Created By	Begin Date	End Date
GENERAL		Based on fee amount before July 2024	LLENAMOND@JACKSONWY.GOV	08/08/24	
DEFICIENCY		General / Employee /Operations Clarify number of current employees. Page 10, paragraph 2, mentions between 34 and 5 FTE is this intended to be 34-35 FTE? Please clarify/estimate number of employees driving to site and swapping their personal vehicles for tour vehicles on any given day. List typical operating hours. When employees are onsite vs when tours are happening, and any season changes that may affect operating hours. Staff is looking to understand time of day various intensities/impacts happen at the site. List previous locations, dates operating at those various locations, number of employees at those various locations, and number of tour vehicles utilized by the business at those various locations since its original business license was issued in 2008. The applicant has provided this information via email to staff but please formalize by including in revised application submittal. Housing Mitigation and Floor area Floor area confirm habitable and nonhabitable floor area figures. Habitable floor area should include interior storage accessed from the office. Staff assume this storage area is conditioned space thus should be included with habitable floor area calcs. Previous town records reference 910sf habitable. Additionally, page 9 of applicant submittal references garage and storage floor area totaling 2400sf (1800+600). This leaves 1100sf of remaining floor area which does not match the 848sf figure given for habitable floor area. This is likely attributed to the over 1800sf garage) and not including interior storage in floor area counts. Page 12 of application references existing habitable floor area minus floor area dedicated to bathrooms and utility spaces is. The LDRs define habitable floor area as the floor area that can be used for living purposes, usually having access to heat, plumbing, and electricity. Habitable floor area includes studios, exercise rooms, offices, and similar spaces. It also includes foyers, hallways, restrooms, storage, and other common areas within a building. Habitable floor area does not include barns, garages, or unfinished attic space. Please revise application to use accurate, consistent, and precise floor area figures throughout the application and narrative. These figures are used for parking and housing mitigation calculations. Revise Housing mitigation Calculator for accuracy - Applicant does not correctly show inputs for housing mitigation calculation sheet. Correct input should be the existing habitable sf (approx. 848sf plus any other condition storage. Existing habitable floor area is not 3,500sf). Previous town records reference 910sf habitable) and instead lists gross sf of the building. Step 2 and Step 3 should both list the same amount of habitable floor area as no renovations are proposed. Revise housing	KPAGE@JACKSONWY.GOV	07/31/24	7/31/24



PERMIT NOTES

mitigation sheet accordingly.

Site Design and Parking
(updated as of 8/21/24) - Applicant may apply for parking easement to park vehicles on western spaces along Carol Lane which encroach the Public right of way. However, any parking spaces in the PROW may not be utilized to fulfill required parking spaces for a use. All required parking must be located fully on the property. Applicant shall address this with resubmittal narrative and site plan. Those updates will make sure a proposed site and parking plan doesn't rely on any potential easement agreement and is approvable as a standalone plan.

Page 9 of narrative, first paragraph, states in the winter, a minimum of 3 tour vehicles are not parked on this site. Where are those vehicles stored/parked in winter? Provide address.

Floor plan dimensions Revise floor plan to include dimensions of garage and storage area. Staff is currently unable to determine dimensions for this garage space and how many vehicle parking spaces it can potentially accommodate.

Site plan dimensions - Revise site plan to include dimensions of parking area and drive aisle. Staff is unable to confirm whether current parking area meets requirements of LDR Sec. 6.2.5 Off street parking and loading standards or if the site is potential nonconforming to required parking and drive aisle dimensions. For example, the drive aisle width provided may not meet required width for necessary traffic/maneuvering. Revise to include site plan dimensions.

Parking Encroachment and PROW
Application states it is the applicants understanding that this encroachment into the Carol Lane ROW is a permitted encroachment by the Town of Jackson. This is not the case. Staff has found no record of an executed and recorded encroachment agreement between the Town and the property owner at 1300 Carol Ln. The applicant further states the encroachment has been present since at least 1999 based on aerial photography. Photography does not prove the existence of a legal encroachment, merely that vehicles were physically parked in the ROW at that time. If parking in the PROW is permitted with the CUP, it is likely that Town will require an updated, executed, and recorded encroachment agreement prior to issuance of a CUP.

GENERAL

The bike parking rack could use an upgrade. Given that the bike parking is likely exclusively for the use of employees (not that employees shouldn't be provided a good place to park their bikes), the Pathways Coordinator would support a modification to the bike parking requirements so that the amount of bike parking supplied is in line with the actual demand for this application and use.

BSCHILLING@J 07/29/24
ACKSONWY.GO
V



PERMIT NOTES

Note Type	Note Code	Text	Created By	Begin Date	End Date
GENERAL		CONDITIONAL USE PERMIT COMPLETED WITH COMMENTS P24-105 CUP Outfitter/Tour Operator Use ADDRESS: 1300 Carol Lane OWNER: EcoTour Adventures / Canyons Fund, LLC APPLICANT: HH Land Strategies, LLC 7/15/2024 Scott Mohror, (307) 733-3079 DATE OF SUBMITTAL: 7/4/2024 DATE OF MATERIALS: 7/3/2024 REVISION NO.: 00 The Engineering Division has reviewed your application for a CONDITIONAL USE PERMIT submitted on and with application materials as dated above. ENGINEERING REVIEW COMMENTS: 1. Engineering reached out to the applicant for their definition of maintenance under 2. Conditional Use Permit Application, paragraph three. Maintenance was described as changing wiper blades, etc. There will be no servicing of vehicles dealing with petroleum products. 2. Engineering is not in favor of allowing the public right-of-way for parking as described in the application under 2. Conditional Use Permit Application, paragraph four.	SMOHROR@JA CKSONWY.GOV	07/15/24	
GENERAL		Building shall be inspected by fire department personnel to ensure the building complies with the provisions of the International Fire Code and local requirements. Annual inspections of the building shall be scheduled with this department.	LPOTZ@JACKS ONWY.GOV	07/11/24	



PLANNING PERMIT APPLICATION
Planning & Building Department

150 E Pearl Ave. | ph: (307) 733-0440
P.O. Box 1687 | 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/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 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 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 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 <http://www.townofjackson.com/DocumentCenter/View/845/LetterOfAuthorization-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 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.

Hal Hutchinson

Signature of Property Owner or Authorized Applicant/Agent

Date

Name Printed

Title



Town of Jackson
150 E Pearl Avenue
PO Box 1687, Jackson, WY 83001
P: (307)733-3932 F: (307)739-0919
www.jacksonwy.gov

Date: 6/28/24

LETTER OF AUTHORIZATION
NAMING APPLICANT AS OWNER'S AGENT

PRINT full name of property owner as listed on the deed when it is an individual OR print full name and title of President or Principal Officer when the owner listed on the deed is a corporation or an entity other than an individual: Taylor Phillips, Canyon's Fund, LLC Title: Sole Member

Being duly sworn, deposes and says that Canyon's Fund, LLC is the owner in fee of the premises located at: _____
Name of legal property owner as listed on deed

Address of Premises: 1300 Carol Lane, Jackson, WY 83014

Legal Description: Lot 6, M-B Subdivision, Plat 375
Please attach additional sheet for additional addresses and legal descriptions

And, that the person named as follows: Name of Applicant/agent: Hal Hutchinson, HH Land Strategies, LLC

Mailing address of Applicant/agent: PO Box 1902, Wilson, WY 83014

Email address of Applicant/agent: hal@hhlandstrategies.com

Phone Number of Applicant/agent: 307-699-0265

Is authorized to act as property owner's agent and be the applicant for the application(s) checked below for a permit to perform the work specified in this(these) application(s) at the premises listed above:

- ☐ Development/Subdivision Plat Permit Application ☐ Building Permit Application
☐ Public Right of Way Permit ☐ Grading and Erosion Control Permit ☐ Business License Application
☐ Demolition Permit ☐ Home Occupation ☒ Other (describe) Conditional Use Permit

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.

Property Owner Signature
Taylor Phillips

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

STATE OF Wyoming)
COUNTY OF Teton) ss.

The foregoing instrument was acknowledged before me by Taylor Phillips this 28th day of June, WITNESS my hand and official seal.

Mya Hartman
Notary Public

My commission expires:

July 31 2029



WARRANTY DEED

Two Step, LLC, a Wyoming limited liability company, GRANTOR(S), of PO BOX 10879, Jackson, WY 83002, for Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, receipt of which is hereby acknowledged, CONVEY(S) AND WARRANT(S) TO Canyon's Fund, LLC, a Wyoming limited liability company, GRANTEE(S), whose address is PO Box 10872, Jackson, WY 83002, the following described real estate, situated in the County of Teton, State of Wyoming, hereby releasing and waiving all rights under and by virtue of the homestead exemption laws of the State of Wyoming, to-wit:

The property described herein is situated in the State of Wyoming, County of Teton, Town of Jackson:

Lot 6 of the M-B Subdivision, Teton County, Wyoming, according to that plat recorded in the Office of the Teton County Clerk on June 6, 1979 as Plat No. 375.

PIDN: 22-40-16-06-1-03-002

Together and including all improvements thereon, and all appurtenances and hereditaments thereunto belonging. Subject to general taxes for the year of closing, local improvement districts, guaranteed revenues to utility companies, building and zoning regulations, city, county and state subdivision and zoning laws, easements, restrictive covenants, and reservations of record.

GRANTOR: TWO STEP LLC
GRANTEE: CANYONS FUND LLC
Doc 0936452 Filed At 14:54 ON 09/29/17
Sherry L. Daigle Teton County Clerk fees: 15.00
By Mary Smith Deputy Clerk

WITNESS the due execution and delivery of this Warranty Deed this 29 day of September, 2017.

Two Step, LLC, a Wyoming limited liability company

Kathy Ann Schlagel

Kathy Ann Schlagel, fka Kathy Flickinger, Manager

Kelly Hatch

Kelly Hatch, Manager

STATE OF Wyoming,
COUNTY OF Teton) ss.

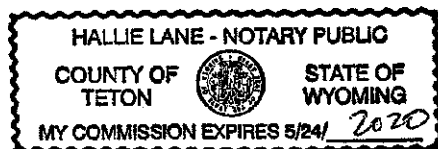
The foregoing instrument was acknowledged before me by Kathy Ann Schlagel and Kelly Hatch as managers of Two Step, LLC, a Wyoming limited liability company this 29 day of September, 2017.

WITNESS my hand and official seal.

[Signature]
Notary Public

My commission expires: 5/24/20

[SEAL]



EcoTour Adventures

APPLICATION FOR Conditional Use Permit for Outfitter/Tour Operator Use

EcoTour Adventures/Canyon's Fund, LLC

Initial Submittal: July 3, 2024

Revised Submittal: October 9, 2024

PIDN: 22-40-16-06-1-03-002

Owner:

Canyon's Fund, LLC
PO Box 10872
Jackson, WY 83002

Applicant

HH Land Strategies, LLC
PO Box 1902
Wilson, WY 8301
307-699-0265

1. Project Introduction, Goals, Property Descriptions, Applications

1.1 Introduction:

On behalf of Canyon's Fund, LLC , owner of Lot 6, M-B Subdivision, 1300 Carol Lane, Town of Jackson (the "Subject Property") and Eco Tour Adventures, the Outfitter/Tour Operator that conducts business on the subject property, we are submitting this revised application for a Conditional Use Permit to allow the use of the subject lot for a "Outfitter/Tour Operator" use as defined in Section 6.1.7.E of the Town of Jackson Land Development Regulations.

1.2 Project Goals, Application and Property Description

A. Project Goals:

The owner of Eco Tour Adventures, Taylor Phillips, purchased the property, under Canyon's Fund, LLC, and is the sole proprietor of Canyon's Fund LLC. Subsequent to purchasing the property, Eco Tour Adventures began operating their "Outfitter/Tour Operator" business of the property. Upon registering the Eco Tour Adventures business license at their new location at 1300 Carol Lane, the Town of Jackson reviewed the business license and zoning of the property. At this time, the Town of Jackson found the Eco Tour Adventure business to be classified as a "Outfitter/Tour Operator" use under the LDRs. An "Outfitter/Tour Operator" use is a Conditional Use under the existing Business Park (BP) zoning for the Subject Property necessitating that the existing "Outfitter/Tour Operator" use requires approval of a Conditional Use Permit. The Town notified the business and property owner of this situation and the need to apply for a Conditional Use Permit on order to continue operating out of the Subject Property.

The goal of this application is to secure the necessary Conditional Use Permit so that Eco Tour Adventures can continue operating out of the Subject Property.

B. Property Description:

The Subject Property is a .197 acre lot measuring 71.6' by 120' according to Plat 375, M-B Subdivision. The property is accessed from Carol Lane. No traditional curb cut is located fronting the property. Rather, the property is accessed via the entire 120' street frontage via a rolled curb. The rolled curb is located approximately 13.5 feet into the east side of the Carol Lane right of way.

Plat 375 was recorded in 1979 and the existing building was constructed soon thereafter. The single building on the property is industrial in nature and measures approximately 50' by 70' for an overall floor area of 3,500 s.f. Existing non-conforming dimensional limitations, based on current BP zoning, include approximate 2.5' side (north) yard setback where 10' is required, and an approximate 4.5' rear (east) yard setback where 20' is required. While no survey of the property has been completed for this application, it appears that the front and side (south) setback are conforming. The exception to this is that the front façade has an unenclosed entry vestibule that appears to encroach into the front yard setback. The overall building is below that maximum .41 FAR of 3,518 s.f. at a total floor area of 3,500 s.f. The building is well below

the maximum height of 35'. No new development is proposed by this application. **Exhibit A** illustrates the overall site and the location of the building, setback encroachments, and parking configuration on the site.

The street frontage contains a rolled curb for the entire 120' of the street frontage, making it legally non-conforming with regard to the BP curb cut requirements.

Of the 3,500 s.f. of floor area within the existing building, approximately 25%, or 900 s.f. of the building is habitable (conditioned) space. The remaining 75% of the building's floor area (2,700 s.f.) is floor area dedicated to storage or garage uses. It is zoned Business Park and is bordered on the north, east and south by industrial type uses and on the west by Carol Lane.

The most recent prior use of the building was as a feed store and pet grooming facility, classified as a heavy retail/service use.

The building on the property is industrial in character and function. The eastern approximately 36' of the 50-foot-wide building is dedicated as unconditioned garage and storage space. The majority of the western 15'-3" portion of the building is used as office and meeting space. (The limited difference is accounted for by interior and exterior walls). This western portion of the building measures 15'-3" x 59'. The overall floor area of the building that is habitable and dedicated to office and meeting space is 900 s.f. Please refer to the building floor plan attached as **Exhibit B**. Building photographs, specifically the photograph of the south façade of the building included in **Exhibit E** illustrates of this general proportion of garage/storage space to conditioned/office space.

2. Conditional Use Permit Application

A. Narrative Description of Proposed Use

Eco Tour Adventures was founded in 2008 by Taylor Phillips and is considered the most popular wildlife safari tour company in Jackson Hole. The company was voted Best Wildlife Outfitter from 2020 to 2023 by the Best of JH, and a "Top 10 Greatest Wildlife Tour" as voted by travelers across the globe. In addition to being the owner and founder of Eco Tour Adventures, Taylor Phillips founded WYldlife for Tomorrow, an initiative that inspires businesses and individuals who depend upon Wyoming's wildlife to help fund on-the-ground conservation projects that make a difference.

Eco Tour Adventures operation on the Subject Property includes the use of the office space as a base of operations for the tour company, booking reservations, managing the business and acting as the gathering point for Eco Tour guides to meet and pick up tour vans before heading out to pick up clients at their lodging or other meeting points in the Town of Jackson.

The property also serves as a maintenance and cleaning facility for their tour vans. This portion of the business operates out of the eastern portion of the building, including within the over

1,800 s.f. garage and within the associated 600 s.f. of storage space along the back wall of the garage.

The company operates 13 tour vehicles ranging from mid-size SUVs to full size vans. Of these four vehicles can be stored within the garage space in the building. The remaining 9 company tour vehicles are currently stored in designated spaces on the Subject Property and partially within the Carol Lane right of way. These 9 tour vehicles that are parked outside of the garage can be accommodated completely on the subject property in compliance with Town BP zoning and parking regulations. Please see attached **Exhibit A: site plan** showing the location of the parking spaces. In the winter a minimum of 3 tour vehicles are parked off site. When tour vehicles are not parked on site during the winter months they are stored at an off-site storage facility in Star Valley.

Eco Tour Adventures operations include tour guides arriving at the business in their personal cars or on bicycles. They then park their personal cars temporarily on site or on street while they get their tour assignments for the day and outfit their tour vehicle. They then move the tour vehicle to a temporary parking space, move their personal vehicle into the space previously containing the tour vehicle, and proceed to pick up their clients at the agreed upon meeting site off site from the subject property. Upon dropping off their guests and then returning to the Subject Property after the day's' tour, the guide will pull into the garage, clean the tour vehicle, and repeat the process, leaving the tour vehicle at its dedicated space and leave work in their personal vehicle.

Operational hours and company activities vary depending on the seasons. In the most busy season - the summer season that generally ranges from early June to late September - tour guides and office staff generally arrive at 5:00 AM and prepare their vehicles and receive tour assignments. Tour operators generally leave the Subject Property by 6:00 AM to pick up clients. Depending on the type and duration of the tours, tour guides then return at staggered times. A portion of them return at 6:00 PM, a portion returns at 8:00 PM and a portion return at 10:00 PM. The proportion of the tours that return at the above listed times is dependent on the type and number of tours that are booked on any given day. In the winter season, which generally runs from December through March tour guides arrive at the Subject Property at 7:00 AM and leave for their tours by 8:00 AM. Winter tours generally return by noon or 4:00 PM depending on booked tour duration. In the Spring and Fall seasons, which include the months of October, November, April and May a portion of tour operations begin between 7:00 AM and a portion begin at 2:00 PM. Spring/Fall tours that depart at 7:00 AM return at either 11:00AM or 3:00PM while 2:00PM departures return at dusk.

Eco Tours Adventures employs between 7 and 33 full time employees, with the change in number of employees being based on seasonal demands and tour workload. In the summer season, they employ approximately 33 full time employees. In winter they employ approximately 21 full time employees. In spring and fall months they employ approximately 7 full time employees. These seasons run the same as the seasons as described above under the

operation hours discussion. Of these the company employees 2 are generally based on site and the remainder are tour guides who spend the majority of their time in the field.

Parking requirements for a Tour Operator/Outfitter use requires an independent calculation. It is unclear from the LDRs how an independent calculation should be conducted. On average, the business employs 20 people throughout the year and no customers visit the facility for normal business operations – tour guides and office staff are the only people who utilize the site. The business has 13 tour vehicles. Tour guides are gone from the site the majority of the day and are typically on site for less than 2 hours over the course of a day, which runs, at a maximum from 5:00 AM to 10PM, depending on the duration of the tour. Tour guides can use on site parking or one street parking while out on tours. Please see the below discussion of the independent calculation for parking under section 2.L. for a proposed parking requirement for the proposed use.

The parking plan included on the attached site plan (Exhibit A) is a variation on the existing parking layout but contains all required parking on site. The company operations, as described above, functions in such a manner that ensures there is no parking conflict, with employees moving vehicles as needed to ensure all vehicles on site are able to enter and exit as needed. The site plan also includes a single parallel parking space, which fronts the building. That space enters and exits directly onto Carol Lane.

Currently, Eco Tours parks some of their vehicles in the Carol Lane right of way. This parking in the Carol Lane right of way fronting the Subject Property has occurred continuously since at least 1990 as evidenced by historic aerial photography. Furthermore, a rolled curb delineating the edge of the Carol Lane right of way was previously constructed and currently exists approximately 13.5' west of the 1300 Carol Lane west property boundary. Please see photographs in **Exhibit E** for an illustration of this on-the-ground situation.

Furthermore, Plat 375, which established the Subject Property and neighboring properties along the east side of Carol Lane, includes a 10 wide "utility easement" along the entire length of Carol Lane eastern boundary (See **Exhibit C** - Plat 375). Plat 375 also indicated that road rights of way within the subdivision are usable for utility easements. This raises the question: If all rights of way within the subdivision were usable for utility easements, why dedicate a specific 10' strip of land within the eastern 10' of Carol Lane for just utilities? Because Plat 375 was recorded in 1979, it is difficult to ascertain the exact meaning of the 10' wide utility easement indicated on the plan, however, it is the applicant's position that this 10' wide easement can be utilized for on street parking as has historically been done.

Considering the historic encroachment of parked vehicles within Carol Lane, the rolled curb delineating the travel way of Carol Lane being located 13.5 feet within the right of way/Subject Property west boundary, and the ambiguity in Plat 375 regarding the purpose of the 10-foot wide "utility easement" the applicant requests that parking can continue to encroach where it has in the past. As necessary, Eco Tours will formally apply for an encroachment permit to

allow this desired use. Please see attached **Exhibit A** for a site plan of the proposed parking configuration.

The above notwithstanding, while that applicant has been unable to locate a specific encroachment permit document, we will continue to research public and private records for this permit.

B. Proposed Development Program

No structures, roads, easements, permanent site disturbance or impervious surfaces are proposed by this application. The following tables show the overall acreage of the site and the event area and setback of event area from existing property lines and anticipated property boundaries established through a proposed family subdivision, discussed elsewhere herein.

Development Standard	Permitted	Existing/Proposed
Primary street setback	20' min	20' (approx)
Side setback North South	10' min	3' 46.5'
Rear	20' (min)	3'
Fencing height – street yard	4' max	n/a
Fencing height - rear yard	6'	6' (approx.)
Parking setback (Structured)	0'	0' - >0'
Height (max)	35'	20' (approx.)
FAR (Max)	.41 (3,518)	<.41 (3,500)

C. Site Plan

No structures are proposed with this application. Existing structure was constructed prior to LDRs and all dimensional limitations are existing legal nonconformities. See attached **Exhibit A** – Site Plan.

The applicant proposes to locate a portion of the required parking in the existing right of way as described above in Section 2.A – Narrative Description of Proposed Use. Please see **Exhibit D** Proposed Parking Plan

D. Floor Plans

No new structures or additions to the existing building are being proposed by this application. A floor plan of the existing building, including uses and dimensions of all habitable office and meeting space and unconditioned storage and garage space is included at **Exhibit B** – Floor Plans of this application.

E. Structure Location and Mass

The existing structure was constructed in approximately 1979. The structure encroaches into the side (north) and rear (south) setbacks. An unenclosed entry feature is located within the front (west) setback. All setback encroachments are legal non-conformities. Please see attached **Exhibit A** for the location of the existing structure on the site.

F. Site Development

The site is entirely covered by impervious surface and the condition has existed since development of the lot in 1979. No site development limitations exist for lots in the BP zone district if not neighboring lots are residential. No neighboring lots are residential.

G. Landscaping

No additional landscaping is proposed for the proposed use. Existing site is legally non-conforming with respect to landscaping requirements. The site does contain a bicycle rack that is regularly used.

H. Fencing

No fencing is proposed by the application. An existing approximately 6' tall fence is located along a portion of the rear (east) property line.

I. Scenic Standards

No lighting is proposed by the application.

J. Grading, Erosion Control, Stormwater

No grading or changes to existing stormwater infrastructure is proposed by this application.

K. Allowed Uses

The proposed "Outfitter/Tour Operator" use is a conditional use under the LDRs. This application seeks approval of this use as a Conditional Use.

L. Parking - Independent Calculation:

As discussed above under Section 2.A – Narrative Description of Proposed Uses, the applicant 13 tour vehicles. Based on this number of vehicles and considering that not all vehicles are located on site at one time, the independent calculation for parking requirement is proposed to be the same as the previous use (Heavy Retail/Service). This parking requirement is therefore

11 spaces (there is no distinction between a repair bay and a washing bay). All required parking can be located on site as depicted in **Exhibit A**

M. Affordable Workforce Housing

It is the understanding of the applicant that the Town of Jackson is proposing a LDR amendment that will exempt “change of use” from affordable workforce housing requirements. If approved, this will require no affordable workforce housing mitigation for the proposed change of use from Heavy Retail/Service Use to the conditional use of “Outfitter/Tour Operator”.

The applicant understands that this proposed LDR exemption for affordable workforce housing for a change of use is likely to be approved. However, in the interest of moving this application forward we have considered the affordable workforce housing mitigation requirements for the proposed change of use and the existing conditions within the building to develop a conceptual housing mitigation requirement for a change of use should the proposed “Change of use exemption” not be approved. The majority of the existing building is non-habitable space and does not count toward housing mitigation requirements.

Existing habitable floor area is 900 s.f. No changes to the habitable floor area previously utilized under the Heavy Retail/Service Use is being proposed so both the “Existing Development” and the “Proposed Development” shows the same “Use Size Habitable sf”.

If utilizing the Town’s previously provided Independent Calculation for a separate Outfitter/Tour Operator use, this would result in the following housing calculation:

Step 2: Existing Development

Housing is only required for new development. Please describe the existing use of the site so that it can be credited from the housing requirement. The definition of existing use is Section 6.3.2.A.1 of the LDRs. Generally, the existing use to enter is the use with the highest housing requirement that either existed in 1995, or has been permitted since 1995. Please attach proof of existence.

Existing Use (Sec. 6.3.2.A)	Housing Requirement (Sec. 6.3.3.A)	Use Size: bedrooms	Use Size: habitable sf	Use Quantity	Housing Required
Heavy Retail/Service	0.000123*sf		900	1	0.111
Existing Workforce Housing Credit					0.111

Step 3: Proposed Development

Please describe the proposed use of the site to determine if affordable workforce housing is required as part of the development. Describe the end result of the proposed development. (For example: in the case of an addition do not enter the square footage of the addition, enter the size of the unit upon completion of the addition.)

Proposed Use	Housing Requirement (Sec. 6.3.3.A)	Use Size: bedrooms	Use Size: habitable sf	Use Quantity	Housing Required
Outfitter/Tour Operator	0.00109	0	900	1	0.981

Affordable Workforce Housing Required: 0.870 units

Fee-in-Lieu Amount: \$ 236,709.14

If the amount of required affordable workforce housing is less than one unit, you may pay the above fee in-lieu of providing the required housing. If you elect to pay the fee, your Housing Mitigation Plan is complete. If the requirement is greater than one unit, or you would like to provide a unit to meet the requirement, please proceed to the [Unit Type Sheet](#).

However, it is critical to note that this is a **DRAFT** housing mitigation calculation and is based on the Town provided housing mitigation calculation from a different independent calculation for a different property. We are providing this DRAFT for the purpose of moving this application forward, with the reasonable expectation that the Town proposed exemption to housing mitigation requirements for “change of use” will get approved and this proposed change of use will not generate a housing mitigation requirement.

Should the proposed amendment exempting housing mitigation requirements for change of use not be approved, we reserve the right to undertake an independent calculation based on the specific circumstances of the Eco Tour Adventures business and the proposed business location.

Having said that, it is important to also note that the owner of Eco Tour Adventures has taken it upon himself to purchase two properties to house his employees. These include a house in Hoback Junction that is able to house up to 4 individuals and a house in Alpine, WY that is able to house up to 5 persons. Currently, the Hoback house houses 3 employees and the Alpine house currently houses 3 employees for a total of 6 employees that are being housed of the business owner’s own initiative. All employees are housed at below market rates. Taking this responsibility upon himself not only shows the owner’s dedication to his employees but also could play a role in developing an independent calculation that is specific to the business and proposed site for the business.

L. Maximum Scale of Use

No buildings or additional floor area is being proposed by this application. The FAR under BP zoning is .41. The property is .197 acres according to Plat 375. Therefore, the available FAR on the Subject Property is 3,518 s.f. Existing development on the property is 3,500 s.f. The existing FAR complies with the maximum FAR for the property.

M. Operational Standards

Many of the Eco Tour Adventure business operations are discussed under Section 2.A Narrative Description of Proposed Use. However, in addition to that information there is no outside storage on the property. All refuse and recycling is located within the garage and associated storage spaces. All other operational standards under Division 6.4 are being met by the proposed use.

N. Conditional Use Standards

A conditional use permit shall be approved upon finding the application:

1. Is compatible with the desired future character of the area;

The property on which this use will occur is within Comp Plan Section 5.2 – Gregory Lane Area. The purpose of this character district is to support the community goal of maintaining and promoting light industry uses to support the local economy. This application does not reduce the ability to provide light industry use on the property and supports the local economy by allowing a base of operations for a successful community owner business.

2. Complies with the use specific standards of Div. 6.1. and the zone;

The use-specific standards for the proposed Outfitter/Tour Operator use are limited, with no BSA minimum, and required independent calculations for both housing mitigation and parking requirements. Both housing mitigation requirements and parking requirements are discussed throughout this application.

3. Minimizes adverse visual impacts;

The use is located on an existing property and no changes to the improvements to the property are being proposed. The property will be used in a substantially similar manner to the previous use and is used in a manner substantially similar to all neighboring uses. No adverse visual impacts will occur as a result of this use.

4. Minimizes adverse environmental impacts;

The proposed use is not near any environmentally protected area and therefore will have no impact to environmental resources.

5. Minimizes adverse impacts from nuisances;

The location of the use is in a central area of a business park zone and will not result in any adverse impacts from nuisances.

6. Minimizes adverse impacts on public facilities;

The use as proposed, including the encroachment of the proposed parking into the existing right of way – but not the existing travel way – represents no change to impacts on public facilities.

7. Complies with all other relevant standards of these LDRs and all other County Resolutions; and

The proposed use complies with all relevant standards of the LDRs as discussed throughout the application.

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

There are no associate prior permits or approvals.

Exhibit A – Site Plan

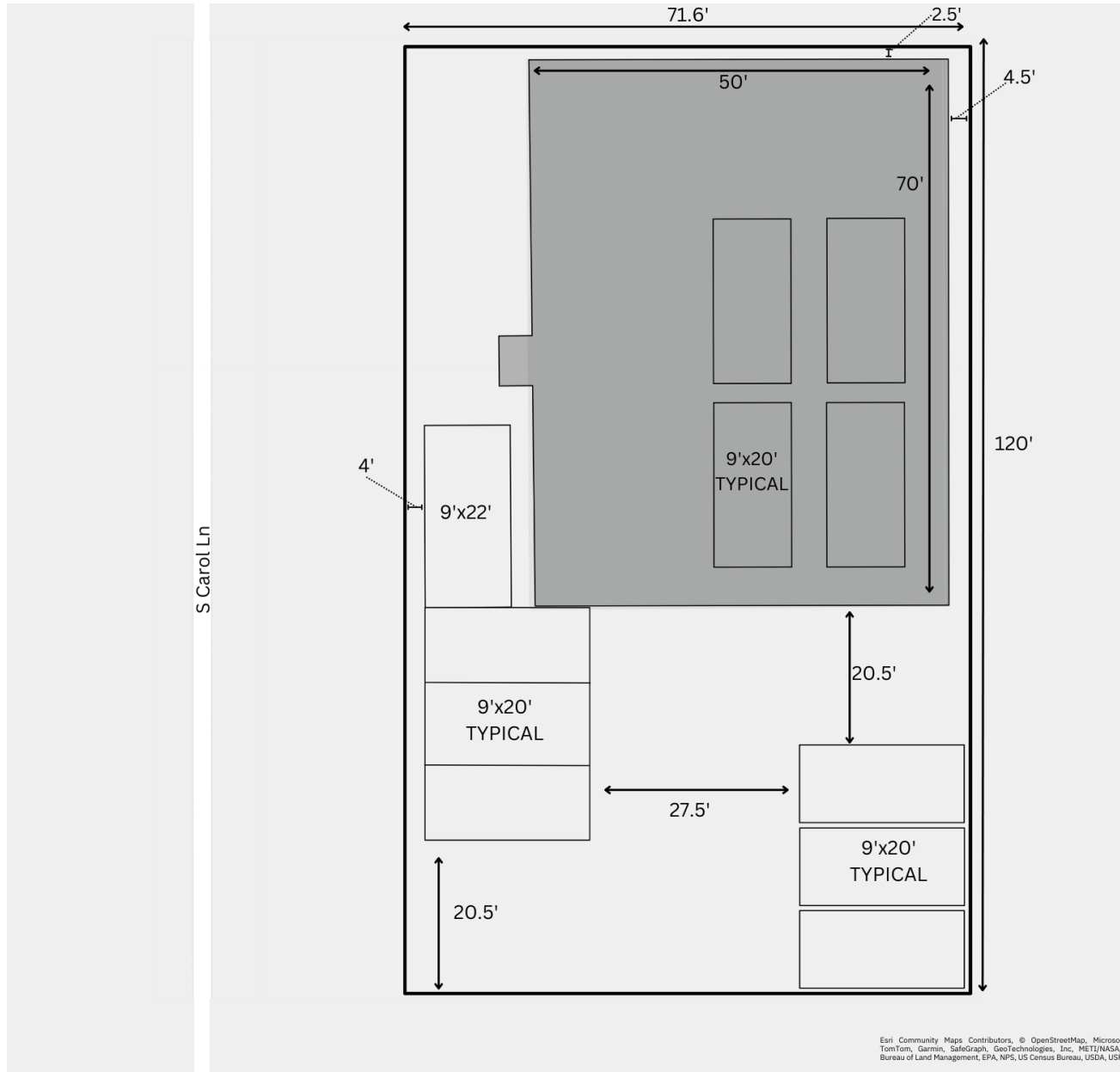


Exhibit B – Floor Plan

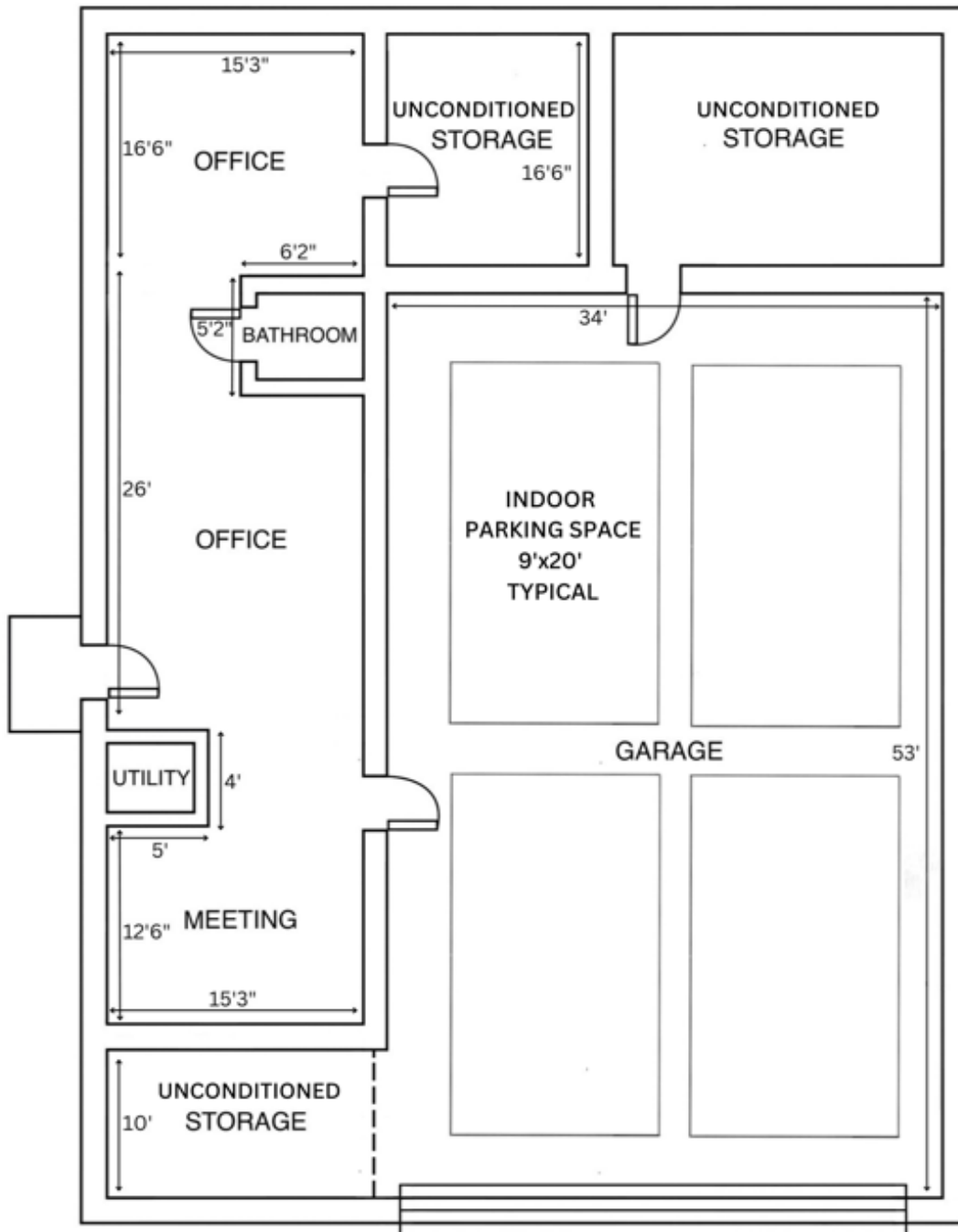


Exhibit C – Plat 375

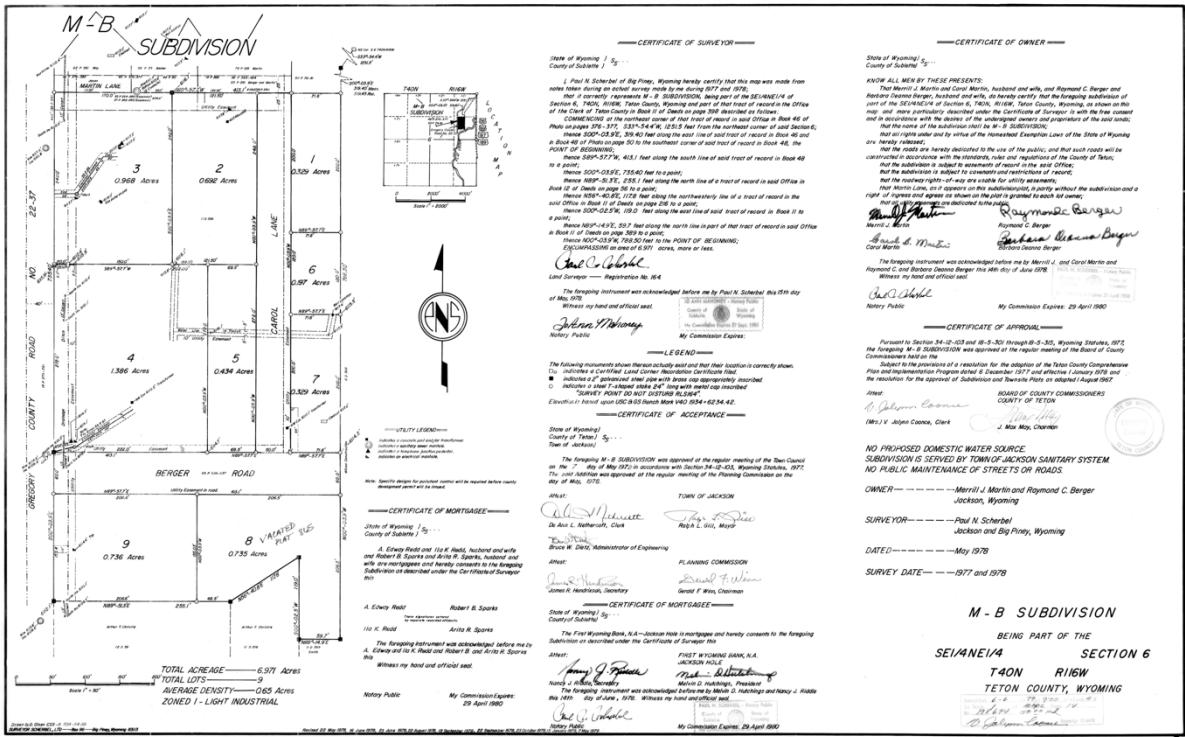


Exhibit D – Site Photographs









