



TOWN OF JACKSON PLANNING & BUILDING DEPARTMENT

TRANSMITTAL MEMO

Town of Jackson

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

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- Parks and Recreation
- Pathways
- Joint Housing Dept

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: July 8, 2024

Item #: P24-105

Planner: Katelyn Page

Phone: 733-0440 ext. 1302

Email: kpage@jacksonwy.gov

Owner

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

Applicant

HH Land Strategies
Hal Hutchinson
PO Box 1902
Wilson, WY 83014

REQUESTS:

The applicant is submitting a request for a Conditional Use Permit for an outfitter / tour operator use at the property located at 1300 Carol Lane, legally known as LOT 6, M-B SUBDIVISION

For questions, please call Katelyn Page at 733-0440, x1302 or email to the address shown below. Thank you.

Please respond by: July 29, 2024 (with Comments)

RESPONSE: For Departments not using SmartGov, please send responses via email to:
alangley@jacksonwy.gov



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.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 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

Wyoming Title & Escrow - Jackson
211 E Broadway
Jackson, Wyoming 83001

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, ss.
COUNTY OF Teton

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.

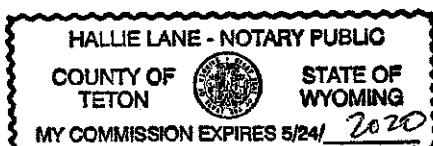
WITNESS my hand and official seal.

Hallie

Notary Public

[S E A L]

My commission expires: 5/24/20



EcoTour Adventures

APPLICATION FOR
Conditional Use Permit
for
Outfitter/Tour Operator Use

EcoTour Adventures/Canyon's Fund, LLC

Submitted: July 3, 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 a Conditional Use Permit application 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 a 3' side (north) yard setback where 10' is required, and a 3' 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 (and setback encroachments) 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 850 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 36'-9" 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. This western portion of the building measures 15'-3" x 59'. Subtracting floor area dedicated to bathroom and utility closet, the overall floor area of the building that is habitable and dedicated to office and meeting space is 848 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 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" a 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 14 tour vehicles ranging from SUVs to full size vans. Of these four vehicles can be stored within the garage space in the building. The remaining 10 company tour vehicles are stored in designated spaces on the Subject Property and partially within the Carol Lane right of way. Of these 10 tour vehicles that are parked outside of the garage, 6 vehicles can be accommodated completely on the subject property. The remaining 4 tour vehicles are parked partially on the subject property and partially within the Carol Lane right of way. In the winter a minimum of 3 tour vehicles are not parked on site.

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 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.

It is the applicant's understanding that this encroachment into the Carol Lane right of way is a permitted encroachment by the Town of Jackson. This understanding is supported by the fact that vehicles are parked within the Carol Lane right of way for the length of the right of way. It is further supported by the fact that 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. This parking encroachment fronting 1300 Carol Lane has existed since at least 1999 as evidenced by historic aerial photography.

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 a portion of their parking can continue to encroach where it has and continue to encroach. Please see attached **Exhibit D** 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.

Eco Tours Adventures employs between 34 and 5 full time employees, with the change in number of employees being based on seasonal demands and tour workload. Of these the company employs 4 people who are generally based on site and 30 being tour guides who spend the majority of their time in the field.

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	10'min	
North		3'
South		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 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 14 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 or partially encroaching into the Carol Lane right of way. Rationale for parking in the Carol Lane right of way is also discussed in Section 2.A of this application. A parking site plan is provided as **Exhibit D**.

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, minus floor are dedicated to bathrooms and utility spaces is approximately 848 s.f. The previous use has also been considered and includes all of the floor area of the existing building for this previous use. This is because the previous Feed Store” use utilized the garage and storage space as a fundamental part of that use. Therefore, 3,500 s.f. of floor area was dedicated to the previous use and 848 s.f. of floor area is part of the proposed “Outfitter/Tour Operator” use.

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

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 that is able to house up to 4 individuals and a house in Alpine that is able to house up to 5 persons. Currently, the Hoback house houses 3 of his employees and the Alpine house currently houses, 3 employees in each house for a total of 6 employees. 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 is 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

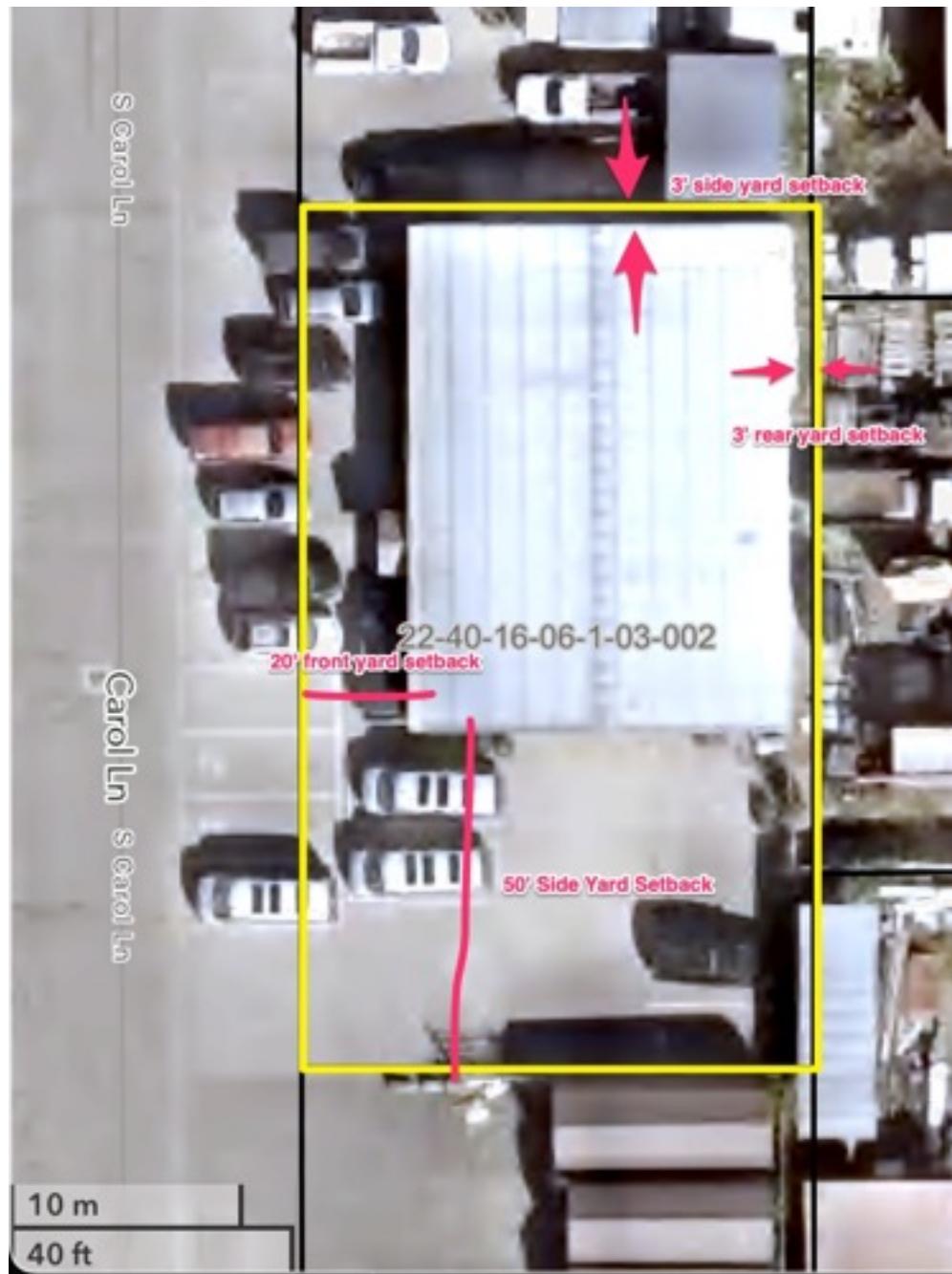


Exhibit B – Floor Plan

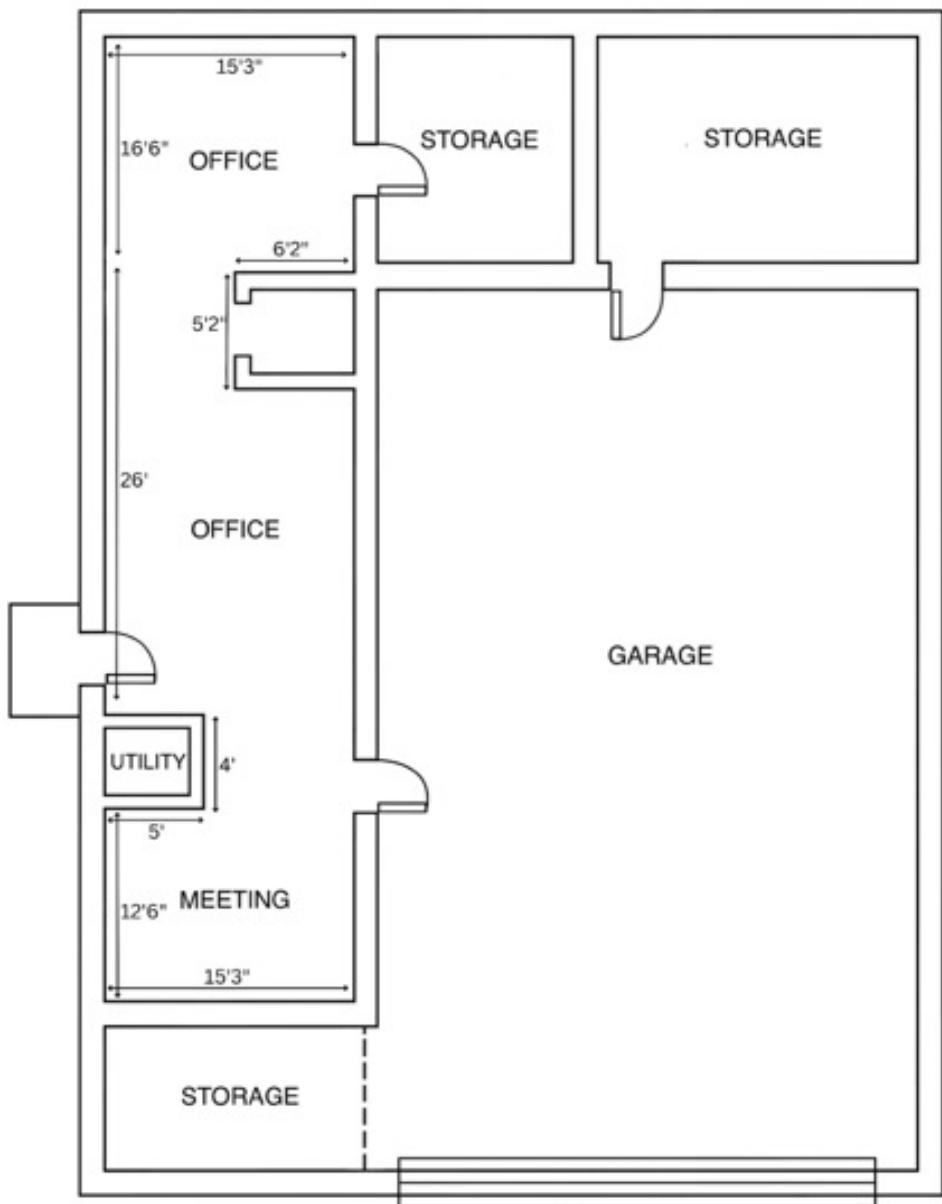


Exhibit C – Plat 375

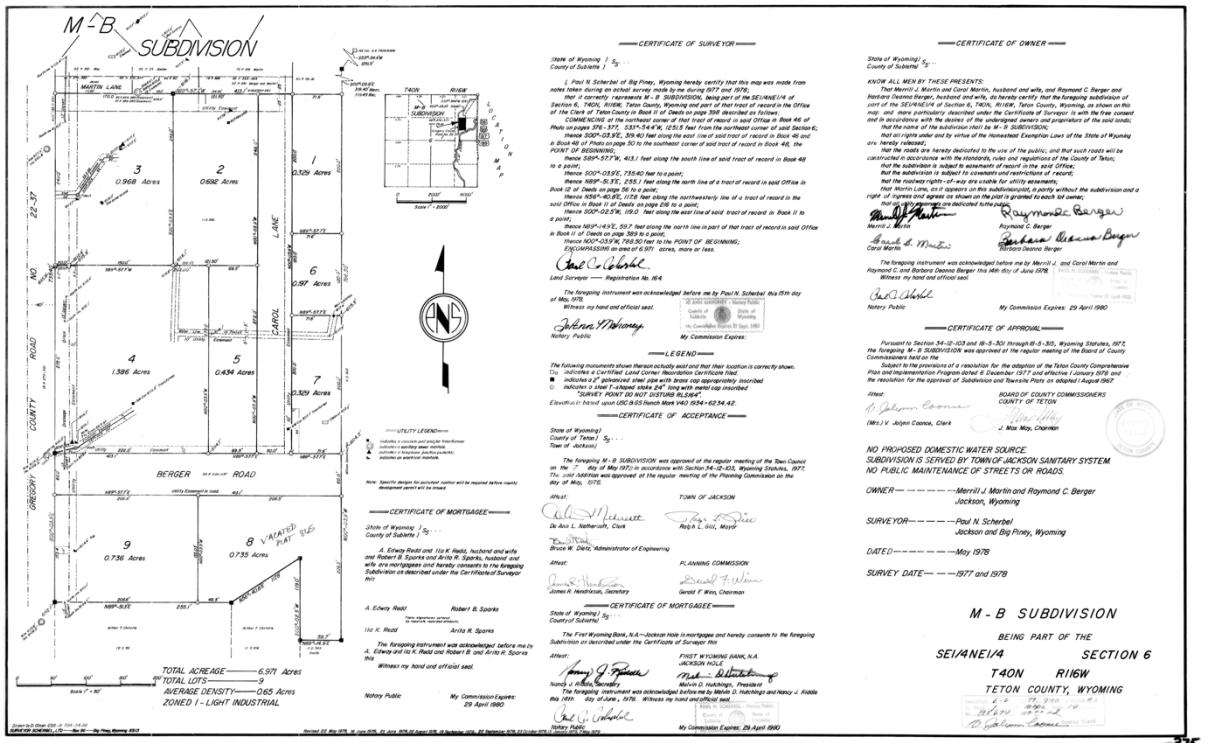


Exhibit D – Proposed Parking Plan

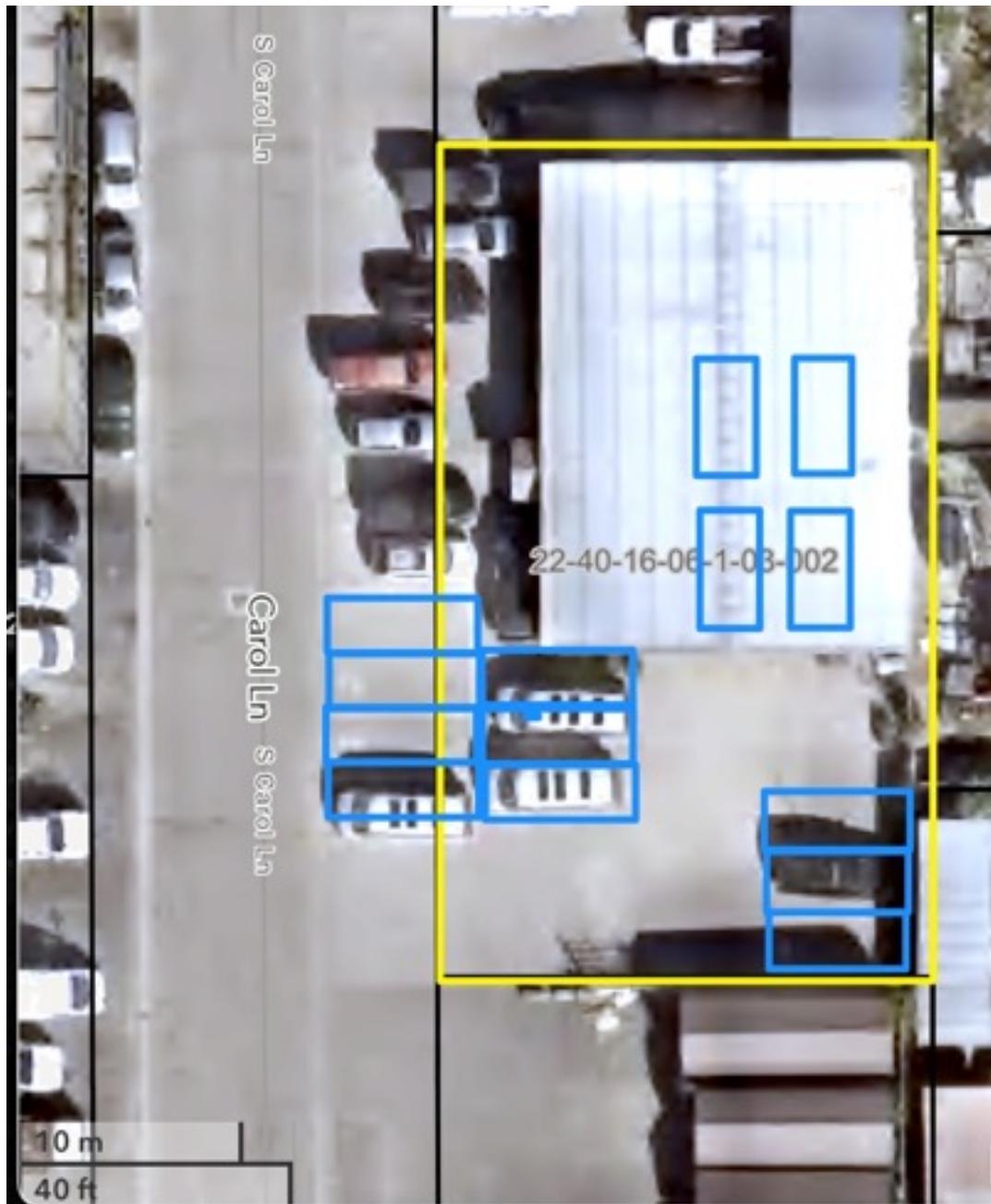


Exhibit E – Site Photographs









