



Board of County Commissioners - Staff Report

Meeting Date: June 1, 2021
Presenter: Chandler Windom
Property Owner: The Teton Raptor Center
Subject: MSC2021-0018: Third Annual Monitoring Report for the Teton Raptor Center (CUP2017-0007)

Submitting Dept: Planning & Building Services
Agent: Amy McCarthy

REQUESTED ACTION

Annual review of the Teton Raptor Center Conditional Use Permit, CUP2017-0007, for their Institutional operation at 5450 State Highway 22, Wilson, Wyoming, which pursuant to the conditions placed upon the permit by the Board of County Commissioners requires annual review of operations and conditions. This is the third annual review, which encompasses March 2020 to March of 2021. The review is required to be heard before the Board of County Commissioners. The Raptor Center is also requesting confirmation that several conditions of approval from CUP2017-0007 have been partially or fully satisfied. There is also a request to approve a modification to Condition #6, the requirement for annual monitoring.

BACKGROUND/DESCRIPTION

PROJECT DESCRIPTION

On March 6, 2018 the Conditional Use Permit CUP2017-0007 for the Raptor Center was approved by the Board of County Commissioners to allow for an amendment to their previously existing Institutional Use. The Conditional Use Permit was issued on March 20, 2018.

Condition of approval #6 on CUP2017-0007 required annual monitoring reports to be brought before the Board of County Commissioners. The condition language states:

***Annual Review.** Upon Issuance of this Conditional Use Permit, an annual impact monitoring report shall be submitted to the Planning Director by November 30th. This report shall at a minimum include the number of participants on site at any one time, the total number per day throughout the year as well as the number of large groups (over 40 people) per day and year. The report shall also include the total number of visitors, event hours, number and type of vehicles, etc. for the 4 allowed Special Events. The report shall be reviewed at a public hearing with the Board of County Commissioners from the issuance of the CUP until three years after the issuance of a certificate of occupancy for the last physical development, following the mailing of a neighbor notice to all property owners within 1,300 feet. After this, the Board may allow the report to be reviewed administratively by the Planning Director. If new issues of negative impacts to neighbors arise due to unanticipated consequences associated with this use, or if the standards or conditions of the Conditional Use Permit have not been met, the annual review shall be brought before the Board where mitigation measures and/or additional conditions may be required in association with the Conditional Use Permit. The Conditional Use Permit may be subject to revocation proceedings for failure to comply with the conditions of approval. If the report shows no negative impacts on neighbors and compliance with all conditions of approval the application may request Board consideration of a change to the maximum occupancy on site at any one time and/or cumulative site visitation per day.*

MSC2019-0045 was the first annual monitoring report brought to the Board following the CUP approval. MSC2020-0038 was the second annual monitoring report brought to the Board earlier this year. Now this third annual report, MSC2021-0018 is being brought before the Board.

LOCATION

5450 W Highway 22 is located at the entrance to downtown Wilson. It is adjacent to Fish Creek and is 1 mile west of the intersection with Moose-Wilson Road.

PIDN: 22-41-17-22-4-00-016

Site Size: 26.81 acres

Character District: 9: County Valley (Rural)/11: Wilson

Subarea: 9.3-Existing County Valley/ 11.4- South Wilson

Zone: Rural-2 (R2)

Overlay: Scenic Resources Overlay (SRO)

VICINITY MAP



STAFF ANALYSIS

At the approval of CUP2017-0007 the Board placed 14 conditions on the permit related in both content and magnitude to the Institutional use and anticipated construction. With this report we review compliance with all conditions for the Teton Raptor Center operation and ongoing construction.

Maximum Occupancy Review:

The following conditions of CUP2017-0007 are related to maximum occupancy and events:

Condition #5: *Maximum occupancy on site at any one time is limited to 100 people, including visitors, employees, volunteers, residents and any supplementary staff. Cumulative site visitation by the public is limited to 150 visitors per day, with an allowance of 4 days in a month when more than 150 visitors are allowed, but not to exceed a cumulative total of 200 visitors. Staff, volunteers and visitation related to raptor rehabilitation are not included in this limit. The facility shall be closed to the public on Sundays except for the last Sunday of each month.*

Complies. According to the applicant, from March 2020 to March 2021 the maximum occupancy on site at any one time (peak occupancy) never exceeded 19 persons. Cumulative site visitation by the public per day never exceeded 150 people. The highest occurrence of cumulative site visitation was 8 individuals. There were no large group visitations. No visitors were reported on Sundays.

Condition #7: *A maximum of twelve Teton Raptor Center employees are allowed on site at any one time and a maximum of four individuals are permitted to live on-site. Employees are defined as person employed for wages or salary and excludes volunteers. Individuals living on site may be Teton Raptor Center employees or shall be employed within Teton County, in accordance with the Jackson/Teton County Housing Rules and Regulations.*

Complies. According to the applicant, the number of employees on the site at one time never exceeded 12 individuals. One employee resides on site in the renovated Horse Barn and the other employee housing is currently under construction (BDC2020-0012).

Condition #10: *The use of the development area designated by the Jackson Hole Land Trust conservation easement property is limited to charitable, education, administrative and/or community functions consistent with conservation, research, education, and wildlife rehabilitation and the provision of workforce housing. Notwithstanding condition 5, up to 4 events with more than 100 people will be reviewed under the Special Events Resolution. These events shall not be subject to conditions 7 and 8. Non-mission events such as weddings, retreats, family reunions, facility rental for private parties, etc. are prohibited.*

Complies. According to the applicant, no special events occurred at the site during this monitoring period. No non-mission events occurred at the site. The use of the development area complied with the condition.

Review of All CUP2017-0007 Conditions of Approval:

Condition #1: *Prior to issuance of a Certificate of Occupancy on any new Building Permit, the existing septic system shall be decommissioned under direction of the Teton County Sanitarian and a permit shall be obtained from the appropriate authority for connection to the public sanitary sewer.*

Condition Satisfied in 2019. Existing septic system has been decommissioned and Wilson Sewer connection permit issued under SWP2018-0012. The sewer line has been installed and all structures on site are either connected or in the process of connecting.

Condition #2 (updated by MSC2019-0045): *Prior to certificate of occupancy for any new Building Permit on site, the access drive shall be widened to 20' to the west of the existing access drive to provide emergency vehicle access. The access drive shall be paved upon receipt of the certificate of occupancy for the final structure and a surety for 125% of the cost of paving shall be collected at the time of this Miscellaneous application approval. The parking lot may remain gravel with curb stops designating parking spaces.*

Condition Partially Satisfied. The access drive has been widened and is paved at the intersection with Highway 22. The Teton Raptor Center submitted a surety earlier in 2020 for 125% of the cost of the paving project which will be completed within one year of the last building's certificate of occupancy as outlined in that agreement.

Condition #3: *Prior to installation of any signage, a Master Signage Plan shall be approved by the Planning Director.*

Condition Pending. No signage requiring a permit has yet been proposed or installed.

Condition #4: *Trash and recycling shall be stored inside a structure that is bear resistant and for purposes of shielding view and containing smells.*

Complies. Waste is properly contained on site.

Condition #5: *See Maximum Occupancy review above.*

Condition #6: *See Project Description Above (annual monitoring)*

Condition Satisfied- Requesting Amendment. This condition is satisfied for the period of March 2020 through March of 2021 by the submittal of this annual review. The applicant is requesting a modification to this condition to elevate the requirement for these monitoring reports to be reviewed at public hearing. The condition currently requires these reports to be brought before the Board of County Commissioners until three years after the final certificate of occupancy is issued. If this condition is modified as requested, the Raptor Center would still be required to submit annual monitoring for the Planning Director to review for compliance. If there were any future issues with negative impacts to neighbors or if the standards/conditions of the CUP were not being met, the Planning Director could elevate the review back to the Board of County Commissioners. Staff recommends approval of this revised condition based on the past 2 years of monitoring without any neighbor complaints or compliance issues.

Condition #7: *See Maximum Occupancy review above.*

Condition #8: *Public Hours of Operation, Staff Hours of Operation and Noise shall be limited as follows:*

Activity		Indoor Hours	Outdoor Hours	West Yard Hours
<i>Public</i>	<i>Events & Education Programs</i>	<i>9 am - 9 pm</i>	<i>9 am - 7 pm</i>	<i>10 am - 4 pm May 1 - Sept. 30</i>
<i>Staff</i>	<i>Bird Care & Rehab</i>	<i>No limit</i>	<i>No limit</i>	<i>No limit</i>
	<i>Other than Bird Care & Rehab</i>	<i>8 am - 9 pm</i>	<i>8 am - 9 pm</i>	<i>Bird rehab and care - No limit</i>
	<i>ARUs</i>	<i>No limit</i>	<i>No limit</i>	<i>Prohibited</i>
	<i>Music</i>	<i>Until 7 pm</i>	<i>Until 7 pm</i>	<i>Prohibited</i>
	<i>Amplified Music</i>	<i>Until 7 pm</i>	<i>Prohibited</i>	<i>Prohibited</i>
	<i>Amplified Sound (Voice)</i>	<i>Until 9 pm</i>	<i>Prohibited</i>	<i>Prohibited</i>

Complies. Hours of operation have been adhered to for the monitoring period March 2020 to March 2021. Teton County staff have not received any complaints regarding hours of use or noise. All public programming has been moved off site though the course of the construction project. Closed signs are utilized to inform the public.

Condition #9: *Parking shall only be allowed in designated areas within the parking lot and two bus parking spaces.*

Complies. Parking has only taken place in the designated areas. No complaints regarding parking have been received by Teton County staff.

Condition #10: *See Maximum Occupancy review above.*

Condition #11 (updated with MSC2019-0045): *The temporary tent erected seasonally between the North Barn and Horse Barn for educational programs is permitted to be moved within the building envelope when construction and staging requires it to be relocated. Prior to issuance of a Certificate of Occupancy on the North Barn, the allowance for a temporary tent on-site for seasonal programmatic use shall expire.*

Condition Partially Satisfied. This condition was included in order to allow for educational programming to continue on the site while construction of the barns and other structures were underway. The Raptor Center did not anticipate the intensity of the construction and the incompatibility with public programming during these times. Therefore, they have not been able to take advantage of the temporary tent allowance while construction disturbances are occurring and have instead moved public programming off site for the time being. The expiration date for the tent allowance was extended with the approval of MSC2019-0045 and therefore may remain until the certificate of occupancy is issued for the North Barn.

Condition #12: *Prior to the issuance of a Building Permit that relies upon the reclamation and use of the square footage of the South Barn, on site, the South Barn shall be relocated off site.*

Condition Satisfied in 2019. The South Barn was disassembled in March of 2019 and removed from the site in July 2019 under the permit DEM2019-0003.

Condition #13: *Within two years of the issuance of CUP2017-0007, Teton Raptor Center shall stabilize and place on a proper foundation the North Barn. Within five years of the CUP issuance, Teton Raptor Center shall complete all phases of upgrading the North Barn as described in the application for CUP2017-0007.*

Condition Partially Satisfied. The North Barn was moved to its proper foundation on September 10, 2019 which meets the deadline of two years. This was done under building permit MIS2019-0059. The second phase of upgrading of the North Barn is planned within the five-year timeframe, prior to March 20th, 2023.

Condition #14: *The proposed phasing plan shall be amended to prohibit the decommissioning or demolition of the Bull Barn for 2 years from the date of issuance of this CUP.*

Condition Satisfied in 2019. A Zoning Compliance Verification for Minor Deviation was approved by the Planning Director on September 4, 2019 for amending the construction phasing plan for retention of the Bull Barn until at least March 20, 2020. The implementation of new Historic Preservation Land Development Regulations in February of 2020 eliminated their need to remove the Bull Barn from the site for use of the floor area elsewhere.

From review of all 14 conditions of approval, Staff finds that the Teton Raptor Center is in compliance with all conditions and restrictions of CUP2017-0007.

STAKEHOLDER ANALYSIS

PUBLIC COMMENT

Notice of this hearing was distributed to property owners within 1,300 feet of the site on April 30, 2021 and posted on the site on May 22, 2021. As of the publishing of this report no public comments have been received.

LEGAL REVIEW

Gingery

RECOMMENDATION

MSC2021-0018

The Planning Director recommends acceptance and acknowledgement of the March 2020- March 2021 Teton Raptor Center annual review in compliance with CUP2017-0007 and recommends approval of the revision of condition of approval #6 to state the following:

Annual Review. Upon Issuance of this Conditional Use Permit, an annual impact monitoring report shall be submitted to the Planning Director by November 30th. This report shall at a minimum include the number of participants on site at any one time, the total number per day throughout the year as well as the number of large groups (over 40 people) per day and year. The report shall also include the total number of visitors, event hours, number and type of vehicles, etc. for the 4 allowed Special Events. The report shall be reviewed at a public hearing with the Board of County Commissioners **for three (3) years** from the issuance of the CUP ~~until~~ ~~three years after the issuance of a certificate of occupancy for the last physical development, following the mailing of a neighbor notice to all property owners within 1,300 feet.~~ After this, the Board may allow the report to be reviewed administratively by the Planning Director. If new issues of negative impacts to neighbors arise due to unanticipated consequences associated with this use, or if the standards or conditions of the Conditional Use Permit have not been met, the annual review shall be brought before the Board where mitigation measures and/or additional conditions may be required in association with the Conditional Use Permit. The Conditional Use Permit may be subject to revocation proceedings for failure to comply with the conditions of approval. If the report shows no negative impacts on neighbors and compliance with all conditions of approval the application may request Board consideration of a change to the maximum occupancy on site at any one time and/or cumulative site visitation per day.

And recommend that future monitoring reports for the Teton Raptor Center be reviewed administratively per the revised Condition #6.

ATTACHMENTS

- CUP2017-0007 Issued Permit
- Application: <https://developmentrecords.tetoncountywy.gov/Portal/Planning/StatusReference?referenceNumber=MSC2021-0018>

RECOMMENDED MOTION

MSC2021-0018

I move to **ACCEPT** and acknowledge the March 2020- March 2021 Teton Raptor Center annual review in compliance with CUP2017-0007 and **APPROVE** the revised condition of approval #6 to state the following:

Condition #6: Annual Review. Upon Issuance of this Conditional Use Permit, an annual impact monitoring report shall be submitted to the Planning Director by November 30th. This report shall at a minimum include the number of participants on site at any one time, the total number per day throughout the year as well as the number of large groups (over 40 people) per day and year. The report shall also include the total number of visitors, event hours, number and type of vehicles, etc. for the 4 allowed Special Events. The report shall be reviewed at a public hearing with the Board of County Commissioners **for three (3) years** from the issuance of the CUP, following the mailing of a neighbor notice to all property owners within 1,300 feet. After this, the Board may allow the report to be reviewed administratively by the Planning Director. If new issues of negative impacts to neighbors arise due to unanticipated consequences associated with this use, or if the standards or conditions of the Conditional Use Permit have not been met, the annual review shall be brought before the Board where mitigation measures and/or additional conditions may be required in association with the Conditional Use Permit. The Conditional Use Permit may be subject to revocation proceedings for failure to comply with the conditions of approval. If the report shows no negative impacts on neighbors and compliance with all conditions of approval the application may request Board consideration of a change to the maximum occupancy on site at any one time and/or cumulative site visitation per day.

And direct the future monitoring reports for the Teton Raptor Center to be reviewed administratively per the revised Condition #6.

**CONDITIONAL USE PERMIT
CUP2017-0007**

**GRANTED TO
TETON RAPTOR CENTER**

**FOR AMENDMENT OF TETON RAPTOR CENTER'S
EXISTING INSTITUTIONAL USE**

Teton Raptor Center, having made application for amendment of an existing institutional use, and the Teton County Board of County Commissioners ("Board"), having determined that all of the required standards are met and having made the Conditional Use Permit findings for all use and all physical development linked to use as proposed in the application submitted July 3, 2017 with final materials dated March 4, 2018, the Board of County Commissioners concludes that the applicant is entitled as a matter of law to the issuance of a permit. The Conditional Use Permit was approved by the Board at their March 6, 2018 meeting and the Findings of Fact and Conclusions of Law for the Conditional Use Permit were approved by the Board at their March 20, 2018 meeting. A Conditional Use Permit is hereby granted subject to the fourteen conditions established by the Board of County Commissioners, as listed below.

Dated on this 20th Day of March 2018 (*updated this 3rd day of December 2019*)
TETON COUNTY PLANNING DEPARTMENT



Chandler Windom, Associate Planner

PERMIT ISSUED FOR: An amended Conditional Use Permit for all use and physical development linked to use as set forth in the application submitted July 3, 2017 with final materials dated March 4, 2018, for amendment of the Teton Raptor Center's existing institutional use

LOCATION: Teton Raptor Center
PIDN 22-41-17-22-4-00-016

LIMITATIONS AND CONDITIONS:

1. *Prior to issuance of a Certificate of Occupancy on any new Building Permit, the existing septic system shall be decommissioned under direction of the Teton County Sanitarian and a permit shall be obtained from the appropriate authority for connection to the public sanitary sewer.*
2. *Prior to issuance of a Certificate of Occupancy for any new Building Permit on site, the access drive shall be widened to 20' to the west of the existing access drive to provide emergency vehicle access ~~and shall be paved~~. **The access drive shall be paved upon receipt of the certificate of occupancy for the final structure and a surety for 125% of the cost of paving shall be collected at the time of this Miscellaneous application approval.** The parking lot may remain gravel with curb stops designating parking spaces. (updated 12/03/19)*
3. *Prior to installation of any signage, a Master Signage Plan shall be approved by the Planning Director.*
4. *Trash and recycling shall be stored inside a structure that is bear resistant and for purposes of shielding view and containing smells.*
5. *Maximum occupancy on site at any one time is limited to 100 people, including visitors, employees, volunteers, residents and any supplementary staff Cumulative site visitation by the public is limited to 150 visitors per day, with an allowance of 4 days in a month when more than 150 visitors are allowed, but not to exceed a cumulative total of 200 visitors. Staff, volunteers and visitation related to raptor rehabilitation are not included in this limit. The facility shall be closed to the public on Sundays except for the last Sunday of each month.*

6. Upon issuance of this Conditional Use Permit, an annual impact monitoring report shall be submitted to the Planning Director by November 30th. This report shall at a minimum include the number of participants on site at any one time, the total number per day throughout the year as well as the number of large groups (over 40 people) per day and year. The report shall also include the total number of visitors, event hours, number and type of vehicles, etc., for the 4 allowed Special Events. The report shall be reviewed at a public hearing with the Board of County Commissioners from the issuance of the CUP until three years after the issuance of a certificate of occupancy for the last physical development, following the mailing of neighbor notice letters to all property owners within 1,300 feet. After this, the Board may allow the report to be reviewed administratively by the Planning Director. If new issues of negative impacts to neighbors arise due to unanticipated consequences associated with this use, or if the standards or conditions of the Conditional Use Permit have not been met, the annual review shall be brought before the Board where mitigation measures and/or additional conditions may be required in association with the Conditional Use Permit. The Conditional Use Permit may be subject to revocation proceedings for failure to comply with the conditions of approval. If the report shows no negative impacts on neighbors and compliance with all conditions of approval the applicant may request Board consideration of a change to the maximum occupancy on site at any one time and/or cumulative site visitation per day.
7. A maximum of twelve Teton Raptor Center employees are allowed on site at any one time and a maximum of four individuals are permitted to live on-site. Employees are defined as persons employed for wages or salary and excludes volunteers. Individuals living on site may be Teton Raptor Center employees or shall be employed within Teton County, in accordance with the Jackson/Teton County Housing Rules and Regulations.
8. Public Hours of Operation, Staff Hours of Operation and Noise shall be limited as follows:

Activity		Indoor Hours	Outdoor Hours	West Yard Hours
Public	Events & Education Programs	9am - 9 pm	9am- 7pm	10am-4pm May 1 - Sept. 30
Staff	Bird Care & Rehab	No limit	No limit	No limit
	Other than Bird Care & Rehab	Barn- 9 pm	8am - 9 pm	Bird rehab and care - No limit
ARUs		No limit	No limit	Prohibited
Music		Until 7 pm	Until 7 pm	Prohibited
Amplified Music		Until 7 pm	Prohibited	Prohibited
Amplified Sound (Voice)		Until 9 pm	Prohibited	Prohibited

9. Parking shall only be allowed in designated areas within the parking lot and two bus parking spaces.
10. All use of the development area designated by the Jackson Hole Land Trust conservation easement property is limited to charitable, educational, administrative and/or community functions consistent with conservation, research, education, and wildlife rehabilitation and the provision of workforce housing. Notwithstanding condition 5, up to 4 events with more than 100 people will be reviewed under the Special Events Resolution. These events shall not be subject to conditions 7 and 8. Non-mission events such as weddings, retreats, family reunions, facility rental for private parties, etc. are prohibited.
11. The temporary tent erected seasonally between the North Barn and Horse Barn for educational programs is permitted to be moved within the building

envelope when construction and staging requires it to be relocated. Prior to issuance of the Certificate of Occupancy on the North Barn ~~or two years after the issuance of this Conditional Use Permit (whichever is sooner)~~, the allowance for a temporary tent on-site for seasonal programmatic use shall expire. (updated 12/03/19)

- 12. Prior to the issuance of a Building Permit that relies upon the reclamation and use of the square footage of the South Barn, on site, the South Barn shall be relocated offsite.*
- 13. Within two years of the issuance of CUP2017-0007, Teton Raptor Center shall stabilize and place on a proper foundation the North Barn. Within five years of the CUP issuance, Teton Raptor Center shall complete all phases of upgrading the North Barn as described in the application for CUP2017-0007.*
- 14. The proposed phasing plan shall be amended to prohibit the decommissioning or demolition of the Bull Barn/or 2 years from the date of issuance of this CUP.*

PERMIT NUMBER: CUP2017-0007

NOTE REGARDING EXPIRATION OF CONDITIONAL USE PERMIT: According to Section 8.4.2.D. of the Teton County Land Development Regulations, all permits for a Conditional Use shall expire one year from the date of approval except under one of the following circumstances: 1. The use is commenced and has not been operationally discontinued or abandoned for a period of one year or more; 2. A physical development permit has been issued and is active for physical development needed to commence the use; or 3. An alternate expiration is set through the approval of the CUP

PERMIT EXPIRATION DATE: March 20, 2019 except under the circumstance that the amended use enabled by the variance is commenced and has not been operationally discontinued or abandoned for a period of one year or more, or a physical development permit has been issued and is active for physical development needed to commence the amended use