

**BEFORE THE BOARD OF COUNTY COMMISSIONERS**

**TETON COUNTY, WYOMING**

IN THE MATTER OF: CONDITIONAL USE PERMIT (CUP2024-0001)

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**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING  
APPROVAL OF A CONDITIONAL USE PERMIT**

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THIS MATTER came before the Teton County Board of County Commissioners (hereafter “Board” or “Board of Commissioners”) for public hearing on July 16, 2024, upon the application of Jorgensen Associates, on behalf of Teton County, WY, for approval of a Conditional Use Permit, pursuant to Section 8.4.2, Conditional Use Permit of the Teton County Land Development Regulations. The Board of Commissioners, being fully advised herein, finds, concludes and orders as follows:

**FINDINGS OF FACT**

1. The property, Lot 7 of the Stilson Park Subdivision Amended, is owned by Teton County, WY, located adjacent to 1455 N Beckley Park Way and at the northwest corner of the intersection of State Highway 22 and Moose-Wilson Road (State Highway 390), and consists of 5.40 acres in size. The property is zoned Public/Semi-Public (P/SP) and is in the Natural and Scenic Resource Overlays.
2. The applicant has requested approval of a Conditional Use Permit CUP2024-0001 for a Transportation/Infrastructure use, the Stilson Transit Center and Park-n-Ride.
3. This application, submitted February 27, 2024, was brought before the Teton County Planning Commission on June 10, 2024, with a recommendation from the Planning Director for approval of CUP2024-0001 with four recommended conditions.
  - a) Construction management and timing for the Transit Center shall consider wildlife permeability, such as phasing work across the site with smaller areas of construction barriers to prevent wildlife entrapment while also maintaining pathways for wildlife movement around the construction areas. Construction equipment and material staging locations should be located the farthest distances possible from the wildlife underpasses.
  - b) Outdoor Construction shall be limited to 8 AM-6 PM from October through March and 7 AM-7 PM April through September, to reduce impacts to wildlife and neighbors.

- c) Landscaping within the parking lot shall be plant species that are less palatable to ungulates. If trees are to be planted, regular removal of limbs up to at least 10 feet above the ground is required. Temporary fencing around individual trees is permitted.
  - d) Prior to construction the applicant shall demonstrate to the Planning Director that all new light poles are designed in a manner (e.g. location and/or height) to fully avoid skylining as viewed from State Highways.
- 4. On June 10, 2024, the Planning Commission heard a presentation from staff, a presentation from the applicant, and public comment.
- 5. On June 10, 2024, the Planning Commission voted 4-0 (1 position vacant), in favor of continuing the application to the June 24, 2024, meeting to continue discussions and complete a site visit.
- 6. On June 24, 2024, a Special Meeting of the Planning Commission was held at 1:30 pm for a site visit to Stilson. There was not a quorum of Planning Commissioners at the site visit.
- 7. Teton County Planning Commission continued their discussion of the application at the June 24, 2024, regular meeting.
- 8. On June 24, 2024, the Planning Commission voted 1-2 (Commissioners Lurie and Kelly against, Commissioner Muromcew absent, 1 position vacant) on a recommendation of approval of the application with the following conditions
  - a) Construction management and timing for the Transit Center shall consider wildlife permeability, such as phasing work across the site with smaller areas of construction barriers to prevent wildlife entrapment while also maintaining pathways for wildlife movement around the construction areas. Construction equipment and material staging locations should be located the farthest distances possible from the wildlife underpasses.
  - b) Outdoor Construction shall be limited to 8 AM-6 PM from October through March and 7 AM-7 PM April through September, to reduce impacts to wildlife and neighbors.
  - c) Landscaping within the parking lot shall be plant species that are less palatable to ungulates. If trees are to be planted, regular removal of limbs up to at least 10 feet above the ground is required. Temporary fencing around individual trees is permitted.
  - d) Prior to construction the applicant shall demonstrate to the Planning Director that all new light poles are designed in a manner (e.g. location and/or height) to fully avoid skylining as viewed from State Highways.
  - e) Exterior Lighting Operations shall be reviewed at a public hearing before the Board of County Commissioners following one year after Certificate of Occupancy of the proposed transit center building permit.

9. The motion failed and the recommendation from the Planning Commission was one of denial of CUP2024-0001 for the Teton County Transit Center & Park-n-Ride, unable to make the findings pursuant to Section 8.4.2.
10. The application was originally scheduled to be heard before the Board of County Commissioners on July 2, 2024.
11. At the July 2, 2024, Board of County Commissioners meeting the Board voted 5-0 in favor of postponing the application to the July 16, 2024, meeting as requested by staff due to the delay in the Planning Commission recommendation.
12. The public hearings of the Planning Commission, on June 10, 2024, and both public meetings on June 24, 2024, and the Board of Commissioners, on July 2, 2024, and July 16, 2024, were properly noticed pursuant to Section 8.2.14.C. of the LDRs.
13. The application was brought before the Board of County Commissioners on July 16, 2024.
14. A staff report was submitted to the Board of County Commissioners prior to the July 16, 2024, hearing for review regarding the Conditional Use Permit (CUP2024-0001) pursuant to Section 8.4.2., of the LDRs, to review the proposal for the Stilson Transit Center and Park-n-Ride.
15. As set forth in the July 16, 2024, staff report, and as presented by Planning staff at the July 16, 2024, meeting, the recommendation from the Planning Commission was one of denial. The recommendation of the Planning Director to the Board of County Commissioners was for approval of the Conditional Use Permit (CUP2024-0001) with the following recommended conditions.
  - a) Construction management and timing for the Transit Center shall consider wildlife permeability, such as phasing work across the site with smaller areas of construction barriers to prevent wildlife entrapment while also maintaining pathways for wildlife movement around the construction areas. Construction equipment and material staging locations should be located the farthest distances possible from the wildlife underpasses.
  - b) Outdoor Construction shall be limited to 8 AM-6 PM from October through March and 7 AM-7 PM April through September, to reduce impacts to wildlife and neighbors.
  - c) Landscaping within the parking lot shall be plant species that are less palatable to ungulates. If trees are to be planted, regular removal of limbs up to at least 10 feet above the ground is required. Temporary fencing around individual trees is permitted.
  - d) Prior to construction the applicant shall demonstrate to the Planning Director that all new light poles are designed in a manner (e.g. location and/or height) to fully avoid skylining as viewed from State Highways.
16. The Board heard a presentation from staff.

17. The Board heard from the representative of the applicant, Jaclyn Knori and Bill Jones of Jorgensen Associates, and Heather Overholser, Teton County Director of Public Works.
18. The Board heard public comments.
19. The Board discussed the application and the recommended conditions. The Board of County Commissioners reviewed the eight findings for a Conditional Use Permit pursuant to Section 8.4.2. of the LDRs which are:
  - a. Is compatible with the desired future character of the area;
  - b. Complies with the use specific standards of Div. 6.1. and the zone;
  - c. Minimizes adverse visual impacts;
  - d. Minimizes adverse environmental impacts;
  - e. Minimizes adverse impacts from nuisances;
  - f. Minimizes adverse impacts on public facilities;
  - g. Complies with all other relevant standards of these LDRs and all other County Resolutions; and
  - h. Is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.
20. On July 16, 2024, the Board voted 5 to 0 and approved the Conditional Use Permit (CUP2024-0001) for the Transportation/Infrastructure use, the Stilson Transit Center and Park-n-Ride, with the following conditions of approval, based on the findings recommended by the Planning Director.
  - a) Construction management and timing for the Transit Center shall consider wildlife permeability, such as phasing work across the site with smaller areas of construction barriers to prevent wildlife entrapment while also maintaining pathways for wildlife movement around the construction areas. Construction equipment and material staging locations should be located the farthest distances possible from the wildlife underpasses.
  - b) Outdoor Construction shall be limited to 8 AM-6 PM from October through March and 7 AM-7 PM April through September, to reduce impacts to wildlife and neighbors.
  - c) Landscaping within the parking lot shall be plant species that are less palatable to ungulates. If trees are to be planted, regular removal of limbs up to at least 10 feet above the ground is required. Temporary fencing around individual trees is permitted.
  - d) Prior to construction the applicant shall demonstrate to the Planning Director that all new light poles are designed in a manner (e.g. location and/or height) to fully avoid skylining as viewed from State Highways.

## CONCLUSIONS OF LAW

- I. Based on the presentation and staff report of the Planning Department, the information presented by the applicant, and public comment, the application of Jorgensen Associates on behalf of Teton County, WY, for approval of a Conditional Use Permit (CUP2024-0001) complies with all applicable provisions of the Teton County Comprehensive Plan.
  
- II. Based on the presentation and staff report of the Planning Department, the information presented by the applicant, and public comment, the application of Jorgensen Associates on behalf of Teton County, WY, for approval of a Conditional Use Permit (CUP2024-0001) complies with all applicable provisions of the Teton County Land Development Regulations.
  
- III. The Board concludes and hereby finds that the application received February 27, 2024, for a Conditional Use Permit (CUP2024-0001) does comply with and meets all eight (8) findings required pursuant to Section 8.4.2. of the LDRs for the Transportation/Infrastructure use, the Stilson Transit Center and Park-n-Ride, as recommended by the Planning Director for approval of the Conditional Use Permit, and specifically finds as follows:
  1. *Is compatible with the desired future character of the area;*  
**Can be made.** The proposed use is compatible with the County Valley and River Bottom Districts of the Comprehensive Plan.
  
  2. *Complies with the use specific standards of Div. 6.1 and the zone;*  
**Can be made.** There are no use specific standards for Transportation/Infrastructure Parking uses in either Divi 6.1 or the Public/Semi-Public Zone.
  
  3. *Minimizes adverse visual impacts;*  
**Can be made as conditioned.** The application demonstrates compliance with the Scenic Resources Overlay, with the one recommended condition.
  
  4. *Minimizes adverse environmental impacts;*  
**Can be made as conditioned.** The proposal will result in minimal impacts to high priority habitats and aims to maintain wildlife permeability through the site. Conditions regarding construction timing and landscape plantings are recommended per the EVA2023-0005 review.
  
  5. *Minimizes adverse impacts from nuisances;*  
**Can be made.** The proposal aims to reduce the possibility of nuisance by better organizing the Stilson parking area with the new transportation hub. Expanding the opportunities for alternative modes of transportation has the potential to improve traffic conditions. Exterior lighting will all be shielded and include motion-sensor controls.

6. *Minimizes adverse impacts on public facilities;*

**Can be made.** The proposed project is a public facility and will not cause an adverse impact.

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

**Can be made.** Staff finds that the application complies with all relevant standards of the LDRs, and other County Resolutions as reviewed in the staff report.

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

**Can be made.** The application is in substantial conformance with prior reviews and approvals applicable to this proposal, BDJ2023-0001, EXD2023-0003, EVA2023-0005, PUD2022-0001, CUP2014-0005, & DEV2014-0009, as well as the original permits for the Stilson Park Planned Residential Development DEV1996-0047 and CUP1996-0010.

**IT IS HEREBY ORDERED:**

The Board **APPROVES** the application for a Conditional Use Permit (CUP2024-0001), for the Teton County Transit Center and Park-n-Ride, with the four conditions listed below, as recommended by the Planning Director.

Conditions:

1. Construction management and timing for the Transit Center shall consider wildlife permeability, such as phasing work across the site with smaller areas of construction barriers to prevent wildlife entrapment while also maintaining pathways for wildlife movement around the construction areas. Construction equipment and material staging locations should be located the farthest distances possible from the wildlife underpasses.
2. Outdoor Construction shall be limited to 8 AM-6 PM from October through March and 7 AM-7 PM April through September, to reduce impacts to wildlife and neighbors.
3. Landscaping within the parking lot shall be plant species that are less palatable to ungulates. If trees are to be planted, regular removal of limbs up to at least 10 feet above the ground is required. Temporary fencing around individual trees is permitted.
4. Prior to construction the applicant shall demonstrate to the Planning Director that all new light poles are designed in a manner (e.g. location and/or height) to fully avoid skylining as viewed from State Highways.

DATED this \_\_\_\_ day of August 2024.

BOARD OF COUNTY COMMISSIONERS  
TETON COUNTY, WYOMING

BY: \_\_\_\_\_  
Luther Propst, Chair

ATTEST: \_\_\_\_\_  
Maureen E. Murphy, County Clerk

**CERTIFICATE OF SERVICE**

I, Maureen E. Murphy, Teton County Clerk, do hereby certify that I sent a true and correct copy of the FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING APPROVAL OF CONDITIONAL USE PERMIT, postage prepaid by U.S. Mail or other delivery as indicated below on this \_\_\_\_ day of August 2024, to the following addresses:

Jorgensen Associates, PC  
PO Box 9550  
Jackson, WY 83001

Abigail Moore, Deputy County Attorney  
Teton County Attorney's Office  
[amoore@tetoncountywy.gov](mailto:amoore@tetoncountywy.gov)  
*Via Email Only or Hand Delivery Only*

Chandler Windom, Senior Planner  
Teton County Planning and Building  
[cwindom@tetoncountywy.gov](mailto:cwindom@tetoncountywy.gov)  
*Via Email or Hand Delivery Only*

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Maureen E. Murphy, County Clerk