

Formal Interpretation

Granite Hoback Ranch LLC (“Owner”) owns +/- 33.64 acres at 9400 MacLeod Road; PIDN 22-39-13-17-2-00-003 (the “Property”). The Owner, its agents and Teton County Planning staff met on January 3, 2025 at an Environmental Analysis and Grading pre-application conference to discuss the Owner’s future plans for the Property. PAP 2024-0081 & 0088. At the meeting, the question was raised as to whether the proposed conversion of 6 existing structures on the Property to ARUs under the LDRs, Section 3.2.2.E.6.b.ii.c and the designation of an historic structure under the LDRs, Section 3.2.2.E.7 would allow these 7 structures to be exempt from floor area calculations. Planning staff asked the Owner to submit a Formal Interpretation on this question. This is the requested Formal Interpretation.

By way of background, this property has historically been operated by the Safari Club International for its American Wilderness Institute. There are multiple structures on the Property, including 2 fourplexes and 4 duplexes that the Owner seeks to convert to ARUs for employee housing, and 1 historic laundry cabin that the Owner seeks to designate as an historic structure. The 6 proposed employee housing ARUs currently total approximately 5,200 square feet and the historic laundry cabin is approximately +/- 440 square feet.

Request for Formal Interpretation: Can the floor area exemptions in Section 3.2.2.E.6.b.ii.c. and Section 3.2.2.E.7 of the Teton County Land Development Regulations be utilized at the Property to exempt 6 ARUs and one historic cabin structure from counting toward the 22,000 square foot maximum square footage of floor space established by CUP2006-0004?

The Property is zoned R-1. In June of 1990, Teton County issued a conditional use permit for the Property allowing the operation of a guest ranch with conditions (CUP1989-0006). The County amended the conditional use permit in 2006 (CUP2006-0004) (collectively, the “Conditional Use Permit”). Condition #6 of the Conditional Use Permit, which was originally approved in 1990 and carried forward unchanged in 2006, states that the “maximum square footage of floor space for all buildings is limited to 22,000 square feet.” A copy of CUP2006-0004 is attached hereto at **Attachment I**.

The R-1 district exempts uses and structures from floor area calculations under certain conditions. Specifically, the R-1 district provides that the “[f]loor area in an ARU accessory to a non-residential use is exempt from maximum floor area calculations.” LDRs, Section 3.2.2.E.6.b.ii.c. To qualify for this exemption, the ARU must be deed restricted. This exemption encourages the provision of permanently restricted workforce housing and allows employees to live where they work, thereby reducing commute times and commute uncertainties. Here, the owner desires to designate 6 existing structures (consisting of duplexes and quadplexes) located within the “Existing Buildings to Remain and Be Repurposed as Employee Housing/Support Infrastructure” on the Site Plan attached hereto at **Attachment II** as ARUs accessory to non-residential guest ranch use pursuant to LDR, Section 3.2.2.E.6.b.ii.c. Each of the proposed ARUs would be 850 square feet or less in accordance with LDRs, Section 3.2.2.E.6.b.ii.a and would be deed restricted with workforce housing deed restrictions. The total potential increase in square footage with the 6 exempt ARUs would be 5,200

square feet or approximately 24% above the existing cap. Should potential future expansions with additional ARU exemptions be a concern, the Owner would agree to a condition on the Building Permit capping the exempt square footage at 24% or 5,200 square feet.

The Jackson/Teton County Comprehensive Plan (“Comprehensive Plan”), Principle 5.1 directs us to maintain a diverse population by providing workforce housing. Principle 5.2 directs us to strategically locate a variety of housing types. While the Comprehensive Plan directs development to appropriate locations, given the unique location of the Hawken guest ranch, and the access challenges for 9 months of the year, it makes sense to allow the Owner to deed restrict exempt workforce housing on site.

The R-1 district also provides a floor area exemption for non-habitable floor area for historic structures if certain conditions are satisfied. LDRs, Section 3.2.2.E.7. This exemption encourages the preservation of historic structures. Principle 4.5 of the Comprehensive Plan encourages the preservation and awareness of historic structures and sites which contribute to economic development, helps preserve historic resources, and maintains our awareness of local culture and history. Policy 4.5a provides that the preservation of cultural and historic sites is in the interest of the people of our community, and the preservation of historically significant buildings will be encouraged. Here, the owner desires to designate the historic laundry cabin as a historically significant property with the Teton County Historic Preservation Board in accordance with the LDRs, Section 3.2.2.E.7.b. The cabin is located at its original site.

We are seeking clarity as to whether the laundry structure could qualify for floor area exemption and whether deed restricted ARUs qualify for floor exemption.

In making a formal interpretation, the Planning Director shall consider the following (LDRs, Section 8.6.1.C):

1. The Jackson/Teton County Comprehensive Plan.
2. The purposes for which the regulation was initially adopted, the Planning Director’s judgment should not be substituted for the legislative intent of the Board of County Commissioners.
3. Previous interpretations of similar circumstances; and
4. Flexibility to achieve the desired future character within the established protections of these LDRs is to be encouraged, while flexibility around the protections provided by the standards in these LDRs shall be prohibited.

1. The Jackson/Teton County Comprehensive Plan

The Comprehensive Plan includes both overarching principles for land use and community development, and specific goals and objectives based on a property’s Comprehensive Plan District designation. In terms of overarching principles, the provision of permanent deed restricted

workforce housing and preservation of an historic structure on the Property serves several key principles within the Comprehensive Plan.

Principle 2.2—Reduce greenhouse gas emissions through land use/Policy 7.2.b—discourage the use of single-occupancy vehicles. The right to operate a guest ranch is already permitted on the Property (and has been permitted on this Property for 35+ years). Therefore, the primary use of the Property is established. By allowing onsite ARUs to be exempt from overall floor area, employees and support staff working each day at on the Property will not have to commute via a single-occupancy vehicles. If the proposed employee housing was not exempt, more employees would need to commute. The exemption would allow the Owner to site nonresidential guest ranch use and residential land uses together on one site. This mixing of land uses (here, the pairing of residential and non-residential uses) could reduce employee travel demands. This property is uniquely located with no plowed winter access. Winter access is only available by snow machine, skis, or dogsled over 7.4 miles to a plowed parking lot making daily commuting a challenge.

Principle 4.5—Preserve historic structures and sites. “Encouraging the preservation and awareness of historic structures and sites contributes to economic development, helps preserve historic resources, and maintains our awareness of local culture and history.” The Comprehensive Plan encourages the preservation of historic structures. The historic structure on the Property will remain its original location if the exemption for historic structures applies.

Principle 5.1—Maintain a Diverse population by providing workforce housing. “We will ensure that at least 65% of the local workforce lives locally to maintain a diverse local population, an important aspect of our community character.” Here, the ARUs would be deed restricted in perpetuity for workforce housing (not just employees of the Owner), thereby contributing additional workforce housing stock to Teton County.

The Property is designated as District 15: County Periphery under the Comprehensive Plan. Regarding the specific goals of the County Periphery, the Comprehensive Plan notes that the “County Periphery should remain rural in character, with a focus on preservation of wildlife habitat, wildlife movement corridors, scenic vistas, agriculture and open space, while respecting private property rights.” The Owner is working through its Environmental Analysis now to determine how best to protect and respect natural resources and wildlife on site and its site plan focuses on clustering development on the eastern portion of the Property. If the requested exemptions are allowed, it would result in additional floor area on site (though, importantly, NOT additional people as the number of persons allowed on site at any one time is also capped by the CUP at 100 except for 2 times each year). However, the new cabins proposed on the Property will be grouped in areas of existing disturbance to minimize impacts on wildlife and the natural environment, and the ARUs and historic laundry cabin would remain on their current footprints without any further disturbance. Specifics of the actual plan are provided in more detail in the Pre-Application Conference packet submitted by the Owner as PAP2024-0088.

2. The purposes for which the regulation was initially adopted, the Planning Director's judgment should not be substituted for the legislative intent of the Board of County Commissioners.

The LDRs, Section 3.2.2.E.6.b.ii.c. was adopted to incentivize workforce housing. The LDRs, Section 3.2.2.E.7 was adopted to incentivize historic preservation. These goals will be achieved with the designation (and deed restriction) of 6 ARUs on site as permanent workforce housing and the designation and preservation of an historic structure. When the Comprehensive Plan was adopted, only brief support to preservation of historic structures and sites was included and only recently have the LDRs developed tools for incentivizing historic preservation. The floor area exemption is one such tool and needs to continue to evolve to seek to incentivize more historic preservation. As the Teton County Historic Preservation Board is fond of saying, once historic structures are gone, they are gone forever and we should not miss opportunities to preserve these structures. Similarly, opportunities to provide permanently deed restricted housing will continue to be harder and harder to come by as land prices continue to spiral out of control.

Regarding Condition #6 of the CUP, we reviewed prior staff reports, minutes and other information available through the Planning Department. It seems this condition was imposed to ensure that the guest ranch use did not overburden neighbors and the natural environment in this area. Regarding impacts on neighbors, the more relevant condition is the existing cap on the number of persons permitted on the Property at any one time. Condition #5 on the CUP already limits the maximum number of people on site at one time (no distinction between employees/staff and guests) to 100 people and 150 people twice a year for day use only. Therefore, even though the gross floor area on the Property may increase if deed-restricted ARUs and designated historic structures are exempt from overall floor area maximums, this will not allow any increase in the number of people and the impacts associated therewith like noise, traffic, etc.

Regarding the natural environment, as noted above, the Owner is currently working on its environmental analysis to identify the most environmentally sensitive areas on site for site planning purposes.

3. Previous interpretations of similar circumstances.

We have not seen an interpretation of similar circumstances in the available planning files.

4. Flexibility to achieve the desired future character within the established protections of these LDRs is to be encouraged, while flexibility around the protections provided by the standards in these LDRs shall be prohibited.

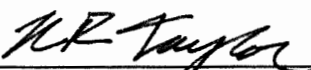
Desired goals of our community and our community's future character include preserving historic resources and providing permanent deed restricted housing for our workforce. These community goals are achieved by allowing the 6 ARUs and historic cabin on the Property to be exempt from floor area because the exemption incentive is only achieved through the permanent provision of workforce housing and the designation and protection of an historic resource.

CONDITIONAL USE PERMIT
GRANTED TO SAFARI CLUB INTERNATIONAL FOUNDATION
TO OPERATE A GUEST RANCH IN THE RURAL DISTRICT

Safari Club International Foundation, having made application for a Conditional Use Permit to operate a guest ranch in the Rural (R) zone, and the Teton Board of County Commissioners, at their October 31, 2006 meeting, having made all of the findings outlined in the staff report written on October 23, 2006, these findings being adopted and approved herein, the Board concludes that the applicant is entitled as a matter of law to the issuance of a permit. Safari Club International Foundation is hereby granted a **Conditional Use Permit** to operate a guest ranch at 9400 Macleod Road as set forth in the application materials dated May 26, 2006 and revised August 30, 2006. This Permit is subject to the limitations and conditions established by the Board of County Commissioners, which conditions and limitations are listed below.

Dated this 3rd day of November, 2006

TETON COUNTY PLANNING AND DEVELOPMENT DEPARTMENT



Hillary Taylor, Staff Planner

PERMIT ISSUED FOR: Operation of a guest ranch in the Rural Zone

LOCATION: Existing guest ranch located at 9400 Macleod Road

LIMITATIONS AND CONDITIONS:

- 1) Operational days (with respect to day hikes and client days) are subject to limits imposed by the USFS and those limits must be adhered to by SCIF.
- 2) Food service to the general public is not permitted.
- 3) No expansion of firing ranges shall be permitted.
- 4) Discharge of firing arms over .22 caliber shall be limited to two days a week, and only between the hours of 8:00am and 5:00pm.
- 5) The maximum number of people on the site at one time, including staff shall be 100, with the exception of for no more than two days a year, the maximum may be increased to 150 people for day use only.
- 6) The maximum square footage of floor space for all buildings is limited to 22,000 square feet.
- 7) The camp shall have permission to operate year-round.
- 8) The applicant shall cause clients to comply with the same access restrictions imposed by the USFS on the general public.
- 9) Access to the facility is restricted by road closures by the USFS.
- 10) Winter parking of motor vehicles shall be restricted to the trailhead.

- 11) SCIF shall not actively solicit one (1) night accommodations.
- 12) Prior to issuance of the CUP the applicant shall demonstrate compliance with Section 49230 regarding the provision of bear resistant trash with sufficient capacity to serve the winter and summer seasons. If after the first winter it is determined that additional winter trash storage is necessary, the additional storage will be provided.

PERMIT NUMBER: CUP 06-0003

PERMIT EXPIRATION DATE: November 3, 2007

Pursuant to Section 5140.F. All permits for a Contional or Special Use shall expire twelve (12) months from the date of issuance if no building permit has been issued to establish the use authorized in the development permit, or, if the used does not require a building permit, the use has not been established, and placed in operation. Upon written request, one (1) extension of time may be granted by the Board of County Commissioners for a period not the exceed six (6) months, for good cause shown. No request for an extension shall be considered unless a written application requesting the extension is submitted to the Planning Director no less than twenty (20) calendar days prior to the date the permit for the Conditional of Special use is to expire. The permit shall be deemed extended until the Board of county Commissioners has acted upon the request for extension. Failure to submit an application for an extension within the time limits established by the Section shall render the permit for the Conditional or Special use null and void.

Attachment II

Preliminary Site Developed Area

Proposed Buildings	Sq Ft	Employee Housing in Repurposed Existing Structures	Sq Ft	Drive/Road/Porches	Sq Ft
Lodge	6930	Cabin	525	Main Drive	23337
Meadow Cabin #1	596	Cabin	624	Porte Cochere Drive	2837
Meadow Cabin #2	596	Cabin	624	Meadow two-track	436
Meadow Cabin #3	596	Cabin	520	Creek two-track	230
Meadow Cabin #4	596	Cabin	621	Approx. Proposed Parking	12901
Creek Cabin #1	578	Cabin	441		
Creek Cabin #2	578	Cabin	277		
Creek Cabin #3	578	Quadplex	1498		
Creek Cabin #4	578	Quadplex	1498	Proposed Building Porches	6408
Treehouse Cabin #1	586	Caretakers Cabin (to be halved into two units and relocated)	1552	Existing Building Porches	862
Treehouse Cabin #2	586				
Treehouse Cabin #3	586				
Workshop Space	1000				
Outfitter/Spa	1470				
	15854		8180		47011
Total Proposed Site Development:		71045			
Total Allowed Site Development:		73621			

Preliminary Floor Area Calculation

Proposed Buildings	Sq Ft	Employee Housing in Repurposed Existing Structures	Sq Ft
Lodge (two-story)	11380	Cabin	525
Meadow Cabin #1	596	Cabin	624
Meadow Cabin #2	596	Cabin	624
Meadow Cabin #3	596	Cabin	520
Meadow Cabin #4	596	Cabin	621
Creek Cabin #1	578	Cabin	441
Creek Cabin #2	578	Cabin	277
Creek Cabin #3	578	Quadplex (4 units) (two-story)	1498
Creek Cabin #4	578	Quadplex (4 units) (two-story)	1498
Treehouse Cabin #1	586	Caretakers Cabin (two-story) (to be halved into two units and relocated)	1552
Treehouse Cabin #2	586		
Treehouse Cabin #3	586		
Workshop Space	1000		
Outfitter/Spa	1470		
	20304		8180

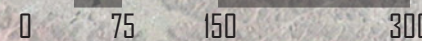


The Granite Project - Name TBD

OVERVIEW • 09.30.2024



SCALE: 1" = 150' AT 11 X 17



PLATT

ARCHITECTURE
CONSTRUCTION
INTERIORS

CAIRN

LANDSCAPE
ARCHITECTS

DESIGN • RECREATION • ECOLOGY