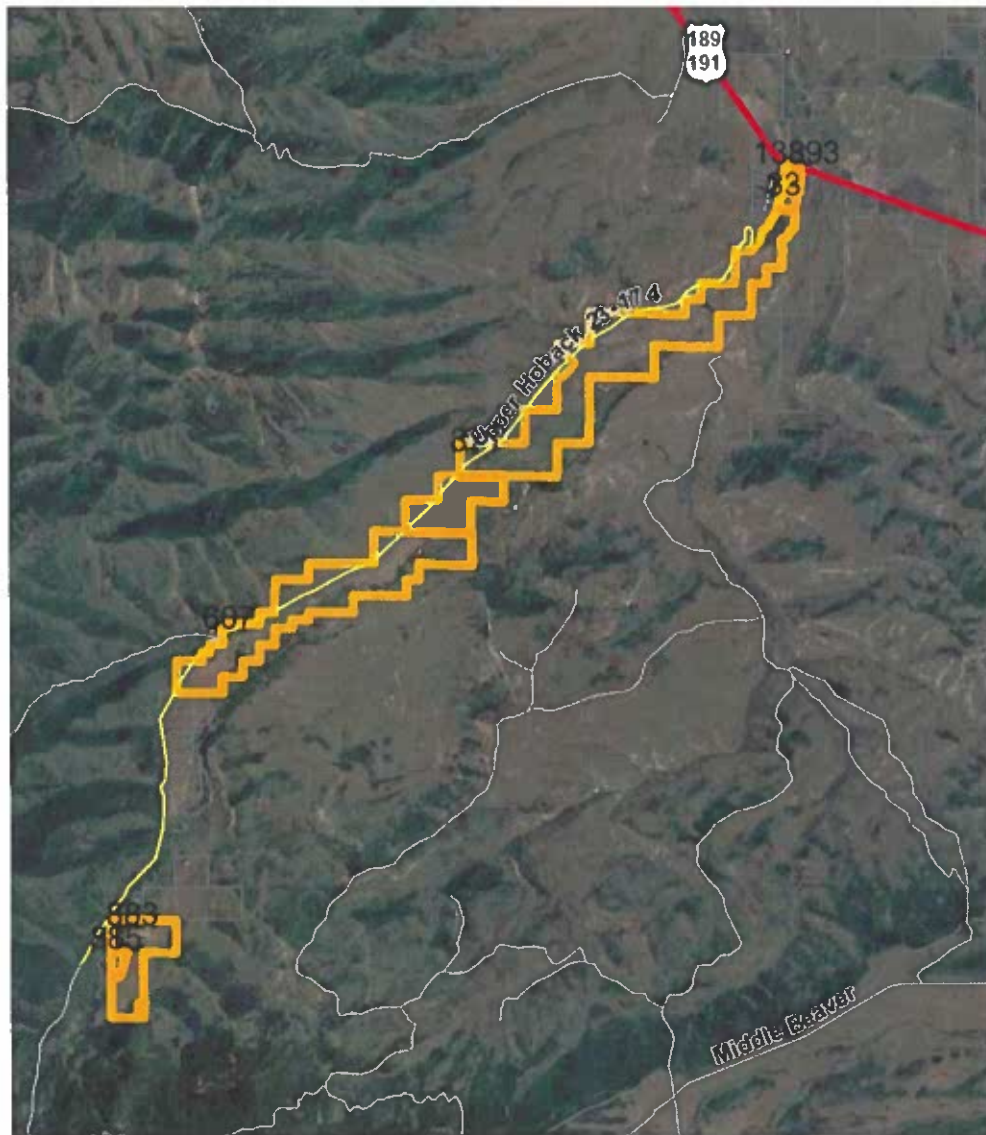


**SUBLETTE COUNTY COMMISSIONERS  
MARCH 7, 2023  
NEW BUSINESS - AGENDA ITEM 2**

**REQUEST FOR CONDITIONAL USE FOR A GUEST RANCH**

The Sublette County Planning & Zoning Department has received an application from Jackson Fork Ranch, LLC. requesting to amend their existing Conditional Use Permit that allows for the operation of a Guest Ranch from their property located at 607 Upper Hoback, 23-174. The Jackson Fork Ranch is requesting to expand this Conditional Use Permit to include all of the agriculturally zoned property owned by Jackson Fork Ranch, LLC, and to incorporate their property which is held by Dead Shoot Holdings, LLC. which is located at 883 Upper Hoback, 23-174. Bondurant, Wyo. 82922.

**VICINITY MAP**



### **Proposed Conditional Use for a Guest Ranch**

Jackson Fork Ranch, LLC. is requesting to amend their existing Conditional Use Permit issued in April of 2010, which allows for the operation of a Guest Ranch from their property located at 607 Upper Hoback, 23-174. The Jackson Fork Ranch is requesting to expand this Conditional Use Permit to include all of the agriculturally zoned property owned by Jackson Fork Ranch, LLC, and the additional property that they own, which is held by Dead Shoot Holdings, LLC. This property is located at 883 Upper Hoback, 23-174.

#### **History of the Jackson Fork Conditional Use Permits.**

The Jackson Fork Ranch originally applied for a Conditional Use Permit to operate a Guest Ranch on their property located at 607 Upper Hoback, 23-174 in September of 2004. This Conditional Use Permit was granted and issued in October of 2004, with the following land use and condition:

Conditional use to allow a Guest Ranch on 1,300 acres for the purpose of renting one house by the night, week and/or month with one condition:

- 1.) The Conditional Use Permit for the proposed Guest Ranch will be for a period of five 5 years from the date of the County Commissioners approval (October 19, 2009) and expires in one year (October 19 2005), if the permitted use is not commenced.

Looking through our files and within our database I have not been able to find what took place or what actions were taken on this Conditional Use Permit in October of 2009. I presume that it was discussed and the following application was submitted in 2010.

In April of 2010, an application for the Conditional Use for the Guest Ranch was heard again. The following is what was proposed on the application.

“The application proposes a renewal of the conditional use for the existing guest ranch on the 478 acre Jackson Fork Ranch property. The previous conditional use permit was approved by the County Commissioners on October 19, 2004. On the approved permit a condition was placed stating that a renewal would be required in five years. Currently, the property is being utilized as a guest ranch with a 4000 square foot main house, a dining lodge, an indoor riding arena, and other accessory buildings. No additional development of the site is proposed. Staff is proposing that the conditional use permit if approved, runs with the land, therefore the permit will not have to be renewed or reapplied for if ownership of the property changes. A guest ranch requires that the applicant makes a significant financial investment, and staff believes that a review should not be required unless issues arise, at which time the Board of County Commissioners have the option to review the permit if needed. This proposal is to permit the continued operation of the guest ranch. Planning Commission and Staff recommended that the Board of County Commissioners take the following action:

That the Board of County Commissioners approve requested conditional use on the basis of finding that the request meets all applicable standards set forth in the Sublette County Comprehensive Plan and Zoning and Development Regulations. Subject to the following conditions:

1. Operations shall be limited to accommodations for 10-15 people for the night/week/month engaged in fishing trips, float trips, pack trips, hunting and snowmobiling. “

This Conditional Use Permit for the operation of a Guest Ranch, was issued to the Jackson Fork Ranch LLC, on April 23, 2010. See Attached.

### **Current Application.**

The Sublette County Planning & Zoning Office finds that the proposed Conditional Use Permit as presented by Jackson Fork Ranch, LLC, requesting to amend its Conditional Use Permit to operate a Guest Ranch, which is to include all of the agricultural property owned by Jackson Fork Ranch, LLC, and to incorporate their property which is owned and held under the Dead Shoot Holdings, LLC:

That the application is complete, and contains sufficient information for the Planning & Zoning Board to make its recommendation to the Board of Commissioners.

That a Guest Ranch is an allowed Conditional use within the Agricultural Zoning District.

That this proposal will meet the setback and building requirements of the Agricultural Zoning District.

The proposed location contains sufficient infrastructure and area for the proposed facilities.

However, this application and proposed plan of development will have impacts on the Upper Hoback area. Some may be for the better and some for the worse. Some will be short term and some will have lasting effects on the area. Will these impacts be detrimental to the public health, safety or welfare, or materially injurious to properties in the vicinity? It is difficult to foresee what the impacts will be and how they will affect and change the area.

### **Criteria to be considered in the review decision:**

*(a) Whether a special need will be met, including providing new jobs and an expanded economic base;*

New and/or additional jobs may be created by this proposal within Sublette County.

*(b) Whether the proposed location will best serve this interest;*

The proposed location is currently zoned agricultural and a Guest Ranch is allowed by conditional use. This proposal is located on an existing ranch that contains sufficient infrastructure and area for the proposed use. It is located along the Hoback River drainage and is surrounded by the Bridger Teton National Forest, which will provide ample recreation for the proposed use.

*(c) Whether there is general compatibility with surrounding land values;*

The lands surrounding this proposal are mostly agricultural, or recreational in use. The use of the proposed location in this manner is compatible with the surrounding land values and uses.

*(d) Impact on surrounding environment in terms of noise, odor, particulate emissions and hazards:*  
In general, I for see none or verry limited impact on surrounding environment in terms of noise, odor, particulate emissions and hazards. A Guest Ranches' day-to-day operations should not have any more impacts on the surrounding area than the existing ranch activities.

*(e) Impact on the transportation system:*  
The proposed locations are accessed off of and utilize the Upper Hoback, County Road 23-174. This proposal will add additional traffic and use to the road. Sublette County maintains the road as needed. In the summer months the County applies dust control, and plows the road in the winter months.

*(f) Impact on water resources, supply and pollution:*  
Impacts to the water resources are not anticipated. The location contains several existing wells which show that they are able to produce adequate water for the proposal, and the site contains sufficient area for onsite septic systems.

*(g) Creativity in the design of the project.*  
The Planning & Zoning Office does not see much creativity in this proposal.

*(h) General conformity with the goals and policies of the Comprehensive Plan.*  
This proposal does generally conform with the applicable sections of the goals and policies of the Comprehensive Plan:

*Sublette County shall remain free from excessive land use regulation and shall continue to be vigilant in the protection of private property rights. Sublette County recognizes its citizens' inalienable, natural rights to private property. The people who make up the citizenry of Sublette County are reliant upon the land and its productive uses. Private ownership and the incentive to provide such ownership are the driving forces which support the livelihood, culture, custom and economic stability of Sublette County citizens.*

*There shall be an abundance of economic freedom, and diverse opportunities for residents old and new to pursue prosperity and happiness - complemented and sustained by a business friendly atmosphere, reasonable taxation, a low cost of living, limited regulation, wise development of its natural resources and a strong tradition of a good work ethic.*

*Agricultural lands used for ranching and grazing have provided the historical foundation for community development and economic growth since the late nineteenth century. These lands are valued for their economic significance as well as their natural resources, scenic beauty and support of cultural and ecological diversity.*

*This proposal maintains and promotes the land uses of Agricultural, ranching, and recreation, and promotes the education of visitors to the natural resources which are abundant within Sublette County.*

## F. RECREATION - Sublette County Goals and Policies

1. COUNTY GOAL: Consider the County's natural beauty, rural atmosphere, wildlife,

and recreational resources for the benefit of present and future generations.

2. COUNTY GOAL: Support and encourage the development of recreational facilities, events, and activities that are not in conflict with the quality of life as espoused in the County Vision Statement.

h. County Policy: Encourage the development of privately owned recreational facilities.

i. County Policy: Encourage recreational development that is compatible with County characteristics and values.

j. County Policy: Foster, support and carefully manage recreational uses while respecting the rights of property holders.

**Recreation**, both dispersed/noncommercial and organized/commercial, represents a valuable renewable resource available to Sublette County residents facing the challenges of growth in the 21st century. Properly managed, recreation can provide income and quality of life to County residents in perpetuity. For this reason, recreation should be fostered, supported, and carefully managed in a manner that respects the rights of property holders. It is anticipated that Sublette County, by virtue of its physical setting, will continue to grow as a recreation destination in the west for residents of the United States and international visitors. This is a role offered by geography and geology. Recreational growth cannot be avoided but must be actively managed in a manner sensitive to and consistent with community values and characteristics of the area.

Further, it is probable that recreation will play an ever increasing, year-round role in the economy of the County. One goal should be to consider the County's natural beauty, rural atmosphere, wildlife, and recreational resources for the benefit of present and future generations. This should be a factor when the County is presented with recreational opportunity proposals.

When appropriate, recreational land use decisions should be linked with economic factors affecting the County. Considerable lifestyle and economic benefit is derived from a majority of the following categories of recreation.

**Wilderness Recreation:**

The Bridger-Teton Wilderness area of the Wind River Range includes 428,169 acres of Sublette County. The area has become increasingly popular both nationally and internationally with visitors and recreational users. Growing demands impact County residents and resources, as well as the natural resources. The backpacker, horse, and llama enthusiasts as well as backcountry skiers and snowshoers enjoy the wilderness experience.

**Wildlife and Scenic Viewing:**

Increasing numbers of residents and visitors take advantage of the natural beauty and wildlife found in the County for photography and to observe both wildlife and the local scenery. Photography in particular has become a very popular form of recreation among people of all ages. Amateurs and professionals alike are often seen taking photos from

vehicles along roads, at scenic overlooks, hiking in the backcountry, or anywhere else that offers a photographic opportunity. In addition, wildlife observation is enjoyed by both locals and visitors to the County.

**Private Guest Ranches, Resorts, Lodges, and Outfitters:**

These privately owned facilities provide a variety of recreational opportunities in Sublette County throughout the year. These facilities are popular with people from all sections of the nation. Outdoor camps and programs are operated by private individuals, groups such as the Boy Scouts, and church organizations. They provide recreation opportunities for youth from all over the U. S. and other countries. Licensed big game outfitters offer facilities and quality hunting experiences to County visitors. The outfitters contribute to game management by controlling hunter density and guiding hunters to areas away from roads to effect proper harvest. Guided fishing and sightseeing trips are also available and provide the recreationist with exceptional opportunities for outdoor enjoyment.

**Included in this Report, Applicant's Application for Conditional Use Permit**

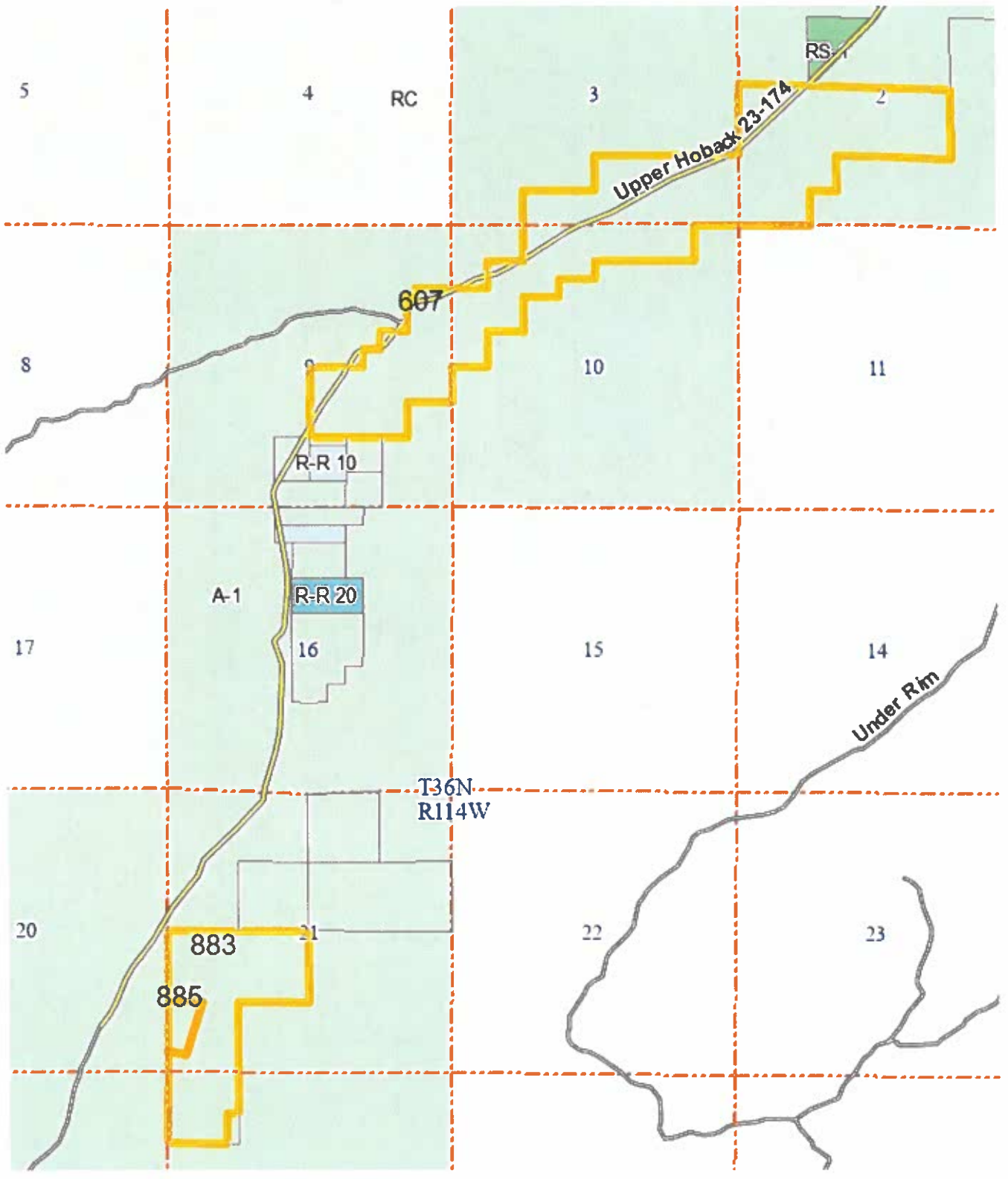
- Applicant's Application and narrative of the Conditional Use that is being requested.
- Applicant's Q&A of the Criteria for Conditional Use.

See Attached, additional information submitted by the applicant:

- The existing Conditional Use Permit & the 2010 Staff Reports for the Planning Commission and the Board of County Commissioners.
- Wood Law Office Letter
- Maps
- Renderings
- Jorgensen, Traffic Report, Upper Hoback Road Trip Distribution
- Jorgensen, Traffic Report, Jackson Fork Ranch and Dead Shot Ranch Short-Term Rental Permits
- Well Information
- Exhibits



# ZONING MAP



# SUBLETTE COUNTY ZONING AND DEVELOPMENT RESOLUTION

## CHAPTER II, SECTION 1, - ZONING DISTRICT

### Current Zoning District:

**Agricultural (A-1):** This district maintains and continues the existing agricultural land use in the County.

- b. In the Agricultural District (A-1):
- (1) General agricultural uses;
  - (2) One (1) single family dwelling per 35 acres, excluding the use of mobile/nonconforming manufactured homes on eighty (80) acres or less;
  - (3) Outdoor recreation facilities for hunting, fishing, horseback riding, hiking or winter sports uses incidental to the principal agricultural use;
  - (4) One (1) Guest House or Cabin per single family dwelling
  - (5) Agricultural Open Space Subdivisions in accordance with Chapter III, Development Standards, Section 44 of the Zoning and Development Regulations.
  - (6) **Conditional Uses:**
    - (a) Home Business
    - (b) Workers Camp
    - (c) Temporary Camp
    - (d) Sanitary Landfill
    - (e) Landing Strips
    - (f) Industrial Transportation Parking Facilities
    - (g) Public Facilities
    - (h) Temporary storage of heavy equipment
    - (i) Guest Ranches and Outfitters**
    - (j) Kennels/Dog Breeder
    - (k) Bed and Breakfast
    - (l) Fur Farms
    - (m) Gravel pits, with washing and screening
    - (n) Gravel pit, with washing screening and crushing
    - (o) Gravel pits, including a batch plant that mixes gravel with sand, water and cement to produce concrete and associated processing.
    - (p) Special Events
    - (q) Golf Courses

## CHAPTER I, SECTION 3, - DEFINITIONS

**Guest Ranch.** A ranch with guest accommodations which has a lodge facility used for dining, separate from individual guest cabins with sleeping rooms sufficient to house at least one family; and also shall include barns, associated outbuildings, corrals, pastures and horses available to accommodate guests for riding activities. Typical services provided include horseback trips day and overnight, hunting guide trips, fishing trips, float trips, cook-outs, cross-country skiing, snowmobiling and other planned outdoor as-associated recreational activities for guests only.



## CHAPTER V - CONDITIONAL USES

### Section 1. Conditional Use Permit Required.

Conditional uses may be established in accordance with Chapters II and III of this Resolution after application, review and recommendation by the Planning and Zoning Commission and upon approval by the Board of County Commissioners.

### Section 2. Procedure.

- a. Action by the applicant. The completed application shall be submitted to the Planning and Zoning Office.
- b. Action by the Planning and Zoning Office.
  - (1) The Planning and Zoning Office staff shall review the application and the material submitted therewith, and, if found to be complete, shall accept the application.
  - (2) The Planning and Zoning Office Staff shall prepare a report covering compliance with all requirements applicable to the proposed development.
  - (3) The Planning and Zoning Office staff shall submit this report to the Planning and Zoning Commission and the applicant seven (7) days prior to the public hearing.
- c. Action by the Planning and Zoning Commission.
  - (1) The Planning and Zoning Commission shall review the application, the accompanying material and the report of the Planning and Zoning Office staff at public hearing.
  - (2) The following criteria shall be considered in the review and decision:
    - (a) Whether a special need will be met, including providing new jobs and an expanded economic base;
    - (b) Whether the proposed location will best serve this interest;
    - (c) Whether there is general compatibility with surrounding land values;
    - (d) Impact on the surrounding environment in terms of noise, odor, particulate emissions and hazards;
    - (e) Impact on the transportation system;
    - (f) Impact on water resources, supply and pollution;
    - (g) Creativity in the design of the project.
    - (h) General conformity with the goals and policies of the Comprehensive Plan.
  - (3) The Planning and Zoning Commission may request a review by any qualified person or any public agency that may be interested in the proposed use.
  - (4) Before recommending approval or approving a conditional use permit, the Planning and Zoning Commission and the Board of County Commissioners shall make the following findings:
    - (a) That the proposed location of the use is in accordance with the purposes of this resolution and the district in which the site is located.
    - (b) That the proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
  - (5) After the review the Planning and Zoning Commission shall submit its recommendations, and any prescribed conditions it deems necessary to accomplish the purposes of this Resolution, to the Board of County Commissioners at their next regularly scheduled hearing on planning and zoning items.

## PUBLIC COMMENTS

This application was published as a legal advertisement in the Pinedale Roundup on January 13, 2023, and has been sent to neighboring property owners in the surrounding area. Please see attached public comments that have been received at this time.

## DETERMINATION - LETTER OF INTERPRETATION APPEAL

At the County Commissioners meeting on Tuesday, February 7, 2023 the County Commissioners determined that the by right, permitted uses or rights that are described as item (3) *Outdoor recreation facilities for hunting, fishing, horseback riding, hiking or winter sports uses incidental to the principal agricultural use.* are not forfeited by the property owner on the granting of a Conditional Use Permit for a Guest Ranch.

“Motion to interpret, that the underlying right of recreational purposes of an Agriculture Zoning District is not forfeited upon Conditional Use Permit designation for a Guest Ranch. ”

Moved by Commissioner Noble. 2<sup>nd</sup>, Motion carried by a vote of 4 to 1.

## SUBLETTE COUNTY PLANNING & ZONING BOARD

The Sublette County Planning & Zoning Board moved to recommend **Approval** of said Conditional Use Permit application by Jackson Fork Ranch, LLC, requesting to amend their existing Conditional Use Permit for the operation of a Guest Ranch from their properties, as presented with the following 18 or 19 conditions: ( See Attached Page. )

### Motion by the Sublette County Planning & Zoning Board

To recommend approval for modifying the CUP to amend the current conditional use permit, and that we send the approval to the Board of County Commissioners with inclusion of the following conditions:

All conditions provided by the applicant with the following additions and modifications:

1. There will be no more than 215 people recreating on the Jackson Fork Ranch A1 properties at any one given time.
2. There will be no more than 65 guests residing at the Guest Ranch on our A1 properties at any one given time.
3. Solicit design input from our immediate neighbors to the north (Bailey, Benson and Tolson) in our design process of the landscape buffer which we hereby pledge to install between our collective properties. This landscaping will allow all of us to maintain our mountain views while at the same time blocking views of our collective structures.
4. Retain a recognized Dark Sky consultant on all our new construction projects to best protect night skies.
5. Retain a licensed Sound Engineer to work with us on all of our new construction to best mitigate the possibility of sound transmission from our project to our neighbors.
6. Request permission from the County to do independent dust control work, and provide at least one additional treatment for dust mitigation on sensitive parts of Upper Hoback River Road between the Jackson Fork Ranch and the Dead Shot annually.
7. Solicit input from our neighbors and develop internal rules and regulations that our employees and contractors must abide by while driving anywhere along Upper Hoback River Road, a copy of which will be provided to the Planning and Zoning Department within one year of approval.
8. Comply with all fencing recommendations made by the Wyoming Game and Fish Department in their December 2, 2022 letter regarding this Conditional Use Permit Application.
9. Comply with all other recommendations made by the Wyoming Game and Fish Department in their December 2, 2022 letter regarding this Conditional Use Permit Application.
10. **The following additions and modifications by the Planning & Zoning Board:**  
(Condition #4.)
  - a. That the applicant's condition to "Retain a recognized Dark Sky consultant on all our new construction projects to best protect night skies" to "Construction and landscaping will comply with all Section 5.3.1 Exterior Lighting Standards related to R-1, R-2, and R-3 zoning districts in Teton County planning and zoning regulations.
11. That the language "our A1 properties" be changed "to a meets and bounds description for the relevant parcels to be provided to the P&Z and BOCC".
12. That there be no events at the Deadshot unit with more than 40 adults and 10 children.
13. That the infrastructure be substantially conform to what is detailed in this application.

14. That the applicant will either follow through on getting a State of Wyoming Department of Environmental Quality UIC permit prior to construction of wastewater facilities on the Deadshot ranch as proposed or install a package plant for sewage treatment.
15. Noise producing recreational activities will not begin before 8AM and will end by 10PM on Monday, Tuesday, Wednesday, Thursday, and Sunday and end by 12AM on Fridays and Saturdays.
16. Heavy equipment may not be operated before 8:00 AM or after 5:30 PM.
17. The dining pavilion will be a maximum of 5,000 sf.
18. The 10 proposed cabins will not exceed 30,000 sf total
19. Common ownership will be completed upon approval by the BOCC.

Motion Carried by a Vote of 3 to 2.

Board Members Lacinak and Tan Voting Against.