AMD2019-0006: Draft Redline of Proposed Cleanup Items (6/1/2020)

TETON COUNTY
LAND DEVELOPMENT REGULATIONS

(UPDATED 2/11/19 TO INCLUDE AMENDMENTS EFFECTIVE THROUGH 1/8/19)

** Note that this draft is reflective of proposed cleanup items for AMD2019-0006 and does not reflect LDR Text Amendments previously approved in 2019 and effective, but not yet incorporated into the text of the LDRs.*

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Div. 1.1. Title (1/1/15)

This Resolution shall be known as the "Teton County Land Development Regulations" and may also be referred to as "the LDRs" or "these LDRs."

Div. 1.2. Authority (1/1/15)

The Board of County Commissioners of Teton County (hereinafter "County") has the authority to adopt these LDRs in accordance with the Wyoming Constitution, Section 18-5-202 et. seq., Section 18-5-301 et. seq., Section 9-9-101, et. seq., and Section 34-12-101, et. seq., Wyoming Statutes, and such other authorities and provisions that are established in the statutory and common law of the State of Wyoming.

Div. 1.3. Purpose and Intent (1/1/15)

Based on the legislative discretion of the Board of County Commissioners, these LDRs are in accordance with the Jackson/Teton County Comprehensive Plan. Their purpose is to implement the Jackson/Teton County Comprehensive Plan and promote the health, safety, and general welfare of the present and future inhabitants of the community with the intent listed below.

1.3.1. Implement the Community Vision

Preserve and protect the area's ecosystem in order to ensure a healthy environment, community, and economy for current and future generations.

1.3.2. Implement the Common Values of Community Character

A. Ecosystem Stewardship

1. Maintain healthy populations of all native species and preserve the ability of future generations to enjoy the quality natural, scenic, and agricultural resources that largely define our community character.

2. Consume less nonrenewable energy as a community in the future than we do today.

B. Growth Management

1. Direct future growth into a series of connected, Complete Neighborhoods in order to preserve critical habitat, scenery and open space in our Rural Areas.

2. The Town of Jackson will continue to be the primary location for jobs, housing, shopping, educational, and cultural activities.

C. Quality of Life

1. Ensure a variety of workforce housing opportunities exist so that at least 65% of those employed locally also live locally.

2. Develop a sustainable, vibrant, stable and diversified local economy.

3. Residents and visitors will safely, efficiently, and economically move within our community and throughout the region using alternative modes of transportation.

4. Timely, efficiently, and safely deliver quality services and facilities in a fiscally responsible and coordinated manner.

1.3.3. Implement the Illustration of Our Vision

A. Achieve the desired future character identified for each Character District.

B. Implement the policy objectives for each Character District.

C. Achieve the character-defining features identified for each Subarea.

1.3.4. Predictable Regulations, Incentives, and Allowances

A. Ensure standards are consistently applied to similar applications and circumstances.

B. Ensure landowners, the public, and decision-makers know the amount, location, and type of growth to expect.

C. Use data analysis and best practices to inform standards and implement the adaptive management philosophy of the Growth Management Program.

1.3.5. Coordination Between Jurisdictions

A. Implement the joint Town/County Vision through coordinated, supportive actions.

B. Maintain a common structure, format, and definitions in Town and County LDRs.

Div. 1.4. Organization of the LDRs (7/18/18)

These LDRs constitute the County's zoning and subdivision regulations. They have two organizing principles. Primarily, they are organized by zone in order to implement and emphasize the community's character-based planning approach. Secondarily, to provide ease of use, they are organized to answer three questions:

- What can be built or physically developed?
- What uses are allowed?
- How can the land be developed or subdivided?

The LDRs contain 9 articles.

General

Article 1: General Provisions	This article establishes the purpose and intent of the LDRs and the zones. It includes general provisions that identify the County's authority to adopt the LDRs, outlines the organization of the LDRs, and establishes to whom the LDRs apply. It also establishes the rules governing nonconformities.
Article 9: Definitions	This article consolidates definitions for terms necessary to understand and enforce the LDRs. It also provides rules of construction for interpreting terms, rules of measurement that establish methodologies for the measurement for common standards (e.g., setbacks, height, etc.), and a list of abbreviations.

Zone Specific Standards

Articles 2-4 establish the zones and zone standards. Each zone section includes a purpose and intent statement, the specific standards applicable in the zone, and the general standards from Articles 5-7 that may be applicable in the zone. The provisions in each zone are organized by: Physical Development, Use and Development Options and Subdivision.

Article 2: Complete Neighborhood Zones	This article establishes the zones that implement the vision for Complete Neighborhoods identified in the Illustration of Our Vision Chapter of the Jackson/Teton County Comprehensive Plan.
Article 3: Rural Area Zones	This article establishes the zones that implement the vision for Rural Areas identified in the Illustration of Our Vision Chapter of the Jackson/Teton County Comprehensive Plan.
Article 4: Special Purpose Zones	This article establishes the resort, civic, and other special purpose zones that apply to unique places in the community to protect and support their special character.

Standards Applicable to All Zones

Articles 5-7 establish the physical development, use, development option and subdivision standards that apply across multiple zones. These standards may only apply in certain overlays, or may apply in all zones. They apply in conjunction with the zone-specific standards of Articles 2-4.

Article 5: Physical Development Standards	This article establishes the standards for the location, mass, and form of physical development. Environmental, scenic, and natural hazard protections, as well as landscaping, sign, stormwater, and grading and erosion control standards are also included. Standards applicable in the Natural Resource and Scenic Resources Overlays are established in this article.
Article 6: Use Standards	This article establishes and defines the allowed uses. Use-based standards such as parking and affordable workforce housing are included in this article, as are operational standards.
Article 7: Development Option & Subdivision Standards	This article establishes and defines the allowed development options. It also establishes subdivision standards and includes subdivision-based requirements such as development exactions, required transportation facilities and required utilities.

Administration

Article 8: Administrative Procedures	This article establishes the procedures and review standards for the permits or approvals that are used to ensure development complies with the standards of these LDRs. It also establishes the enforcement provisions for the LDRs. The applicable procedures are referenced within the zone standards (Articles 2-4) and standards applicable in all zones (Articles 5-7).

Div. 1.5. Applicability

1.5.1. Effective Date (1/1/15)

These LDRs shall become effective on January 1, 2015, and repeal and replace the Teton County Land Development Regulations, as originally adopted on May 9, 1994, as subsequently amended. This repeal does not revive any other provisions, resolutions, ordinances, codes, or other regulations repealed by the aforementioned Resolution.

1.5.2. General Applicability (1/1/15)

A. These LDRs shall apply to all physical development, use, development options, and subdivision in unincorporated Teton County, unless expressly provided to the contrary in these LDRs.

B. Unless exempted, no land shall be physically developed, used, or subdivided without compliance with these LDRs and all other applicable County, state, and federal regulations.

1.5.3. Application to Governmental Entities (1/1/15)

A. Teton County and the Town of Jackson

Physical development, use, exercise of development options and subdivision by the County or the Town, and their respective agencies, shall comply with the procedures and standards of these LDRs.

B. All Other Governmental Entities

Physical development, use, exercise of development options and subdivision by the State of Wyoming, the federal government, and all other government entities and their respective agencies, shall comply with the procedures and standards of these LDRs to the extent permitted by law.

Div. 1.6. Relationship Between Regulations

1.6.1. References to Other Laws or Documents (1/1/15)

Whenever any provision of these LDRs refers to or cites a section of the Wyoming Statutes, the federal statutes, or any other document, and that section, statute, or document is later amended or superseded, these LDRs shall be deemed amended to refer to the amended section or the section that corresponds to the superseded section.

1.6.2. Certain Maximums Not Guaranteed (1/1/15)

Maximum densities and intensities are not guaranteed to be achievable by the terms of these LDRs. All standards and requirements shall be met and actual achievable densities and intensities may be limited by factors such as product type, site location and configuration, natural and scenic resource limitations, or parking requirements.

1.6.3. Conflicts within These LDRs ~~(1/1/15)~~ (AMD2019-0006)

Where provisions of these LDRs are in direct conflict, the zone-specific provision shall govern. If neither provision is zone-specific, the provision that is more specific to the characteristics of the application being reviewed shall govern. Where the text of these LDRs and examples or images may conflict, the text shall govern.

1.6.4. Conflicts with Other County Codes or Regulations (1/1/15)

If a provision of these LDRs is inconsistent with a provision found in other adopted rules or regulations of the County, the more restrictive provision shall govern.

1.6.5. Conflicts with State or Federal Law (1/1/15)

If a provision of these LDRs is inconsistent with a provision found in the law or regulations of the state or federal government, the more restrictive provision shall control, to the extent permitted by law. The County shall not be responsible for enforcing state or federal law, nor shall compliance with these LDRs absolve any responsibilities under state or federal law.

1.6.6. Conflicts with Private Agreements (1/1/15)

Nothing in these LDRs is intended to supersede, annul, or interfere with any easement, covenant, deed restriction, or other agreement between private parties, but such agreements shall not excuse a failure to comply with these LDRs. The County shall not be responsible for monitoring or enforcing private agreements.

Div. 1.7. Establishment of Zones

1.7.1. General (1/1/15)

The purpose of this Section is to establish the zones and overlays that regulate physical development, use, development options, and subdivision. Zone and overlay standards are established in order to achieve the desired future character articulated in the Jackson/Teton County Comprehensive Plan. The zones are grouped into Complete Neighborhood zones, Rural Area zones, and Special Purpose zones based on the vision of the Comprehensive Pan. Zones are further organized into character zones and legacy zones. Character zones are character-based and established to implement the Comprehensive Plan. Legacy zones are carried forward from the previous LDRs and it is the intent that they will be phased out over time as character zones are adopted and applied.

1.7.2. Establishment of Zones and Overlays (1/1/15)

The unincorporated area of Teton County is divided into the minimum number of zones necessary to achieve the vision of the Jackson/Teton County Comprehensive Plan and the purpose and intent of these LDRs. The zones are established in Article 2. - Article 4. Overlays address critical issues that cross more than one zone and are established in Articles 5 and 6.

1.7.3. Official Zoning Map Incorporated by Reference (1/1/15)

The zones and overlays established by these LDRs are bounded and defined as shown on the Teton County Official Zoning Map (hereinafter "Official Zoning Map"). The Official Zoning Map, and all explanatory materials contained thereon, is hereby established and adopted as part of these LDRs, incorporated into these LDRs by reference, and made a part hereof. The Official Zoning Map is located on the Teton County Map Server at http://maps.greenwoodmap.com/tetonwy/mapserver/. A hard copy of the Official Zoning Map is available for inspection in the Planning Department during normal business hours.

1.7.4. Interpretation of Official Zoning Map Boundaries (1/1/15)

The following rules shall be used to determine the precise location of any zone boundary shown on the Official Zoning Map:

A. Jurisdictional Boundaries

Boundary lines shown as following or approximately following County or Town boundaries shall be construed as following such limits.

B. Streets or Alleys

Boundary lines shown as following or approximately following streets or alleys shall be construed as following the centerline of such streets or alleys.

C. Street Vacations

Whenever any street is lawfully vacated, and the lands within the boundaries of the vacated land attach to and become a part of lands adjoining such street, the lands formerly within the vacated street shall be subject to the same zone classification that is applicable to lands to which the vacated land attaches.

D. Section Lines, Platted Lot Lines, Park or Forest Service Boundaries

Boundary lines shown as following, or approximately following, current or past, section lines, platted lot lines, park or forest service boundaries, or other property lines shall be construed as following such lines.

E. Streams or Rivers

Boundary lines shown as following, or approximately following, the centerline of streams, or rivers, or other continuously flowing watercourses shall be construed as following the thread of the channel of such watercourses. In the event of a natural change in the location of such streams, rivers, or other watercourses, the zone boundary shall be construed as moving with the thread. In any instance where the thread extends beyond a County boundary, the boundary shall become coterminous with the County boundary.

F. Ridgelines

Boundaries following or approximately following ridgelines shall be construed as following such lines.

G. Bench Lines or Levees

Boundaries shown as following or approximately following bench lines shall be construed as following the top of the bench. Boundaries shown as following or approximately following levees shall be construed as following the upland toe of the levee where the slope sharply increases.

H. Vegetation Lines

Boundaries shown as following or approximately following vegetation lines shall be deemed to follow the vegetation line that existed on June 13, 1993, on Horizon aerials, which are incorporated into these LDRs by reference, or the current vegetation line, whichever results in the largest area in the most restrictive zone. Copies of the Horizon aerials are available in the County Planning Department.

I. Parallel Boundaries

Boundaries shown as separated from, and parallel or approximately parallel to, any of the features identified above, shall be construed to be parallel to such features and at such distances as shown on the Official Zoning Map.

J. Map Scale

Where the location of a zone boundary cannot be determined by one or more of the methods provided in this Section, it shall be determined by use of the map scale shown on the Official Zoning Map.

1.7.5. Sites in Multiple Zones (1/1/15)

A site in more than one zone may be used and developed as a single site.

A. Minimum Site Area

The entire site may be used to meet minimum site area requirements in either zone.

B. Maximum Density/Intensity

The density or intensity calculation shall be based on the acreage existing in each zone.

C. Location

In general, the majority of development shall be located in the area that is designated for higher intensity use. This standard may be deviated from if it can be demonstrated that the location proposed will improve scenic views and lessen adverse environmental impacts.

1.7.6. Change of Jurisdiction (4/1/16)

When land changes jurisdiction by transfer, trade, or sale from state or federal agencies to a private landowner, the land shall be assigned to an appropriate zone, pursuant to the procedure of Sec. 8.7.2., prior to any physical development, use, development option, or subdivision of the land.

Div. 1.8. Transitional Provisions

This Division establishes standards for how the current LDRs apply to existing applications and approvals. The standards of this Division apply to applications and approvals made under previous LDRs. The standards of this Division also apply to applications and approvals made before these LDRs were amended.

1.8.1. Applicable LDRs for Review Determined at Sufficiency (1/1/15)

An application shall be processed in good faith under the standards and procedures of the LDRs in place at the time the application is determined sufficient. An application that is substantially changed following being determined sufficient, or an application that fails to comply with the required time frames or any terms or conditions of its approval, shall expire and future applications shall be subject to the current LDRs.

1.8.2. Approved Permits and Approvals ~~(4/1/16)~~(AMD2019-0006)

A. Approvals Valid Until Expiration

1. A permit or approval shall remain valid until its expiration date and may be carried out in accordance with the terms and conditions of the approval. If the permit or approval is completed, expires, or is revoked (e.g. for failure to comply with the terms and conditions of approval), any subsequent application shall be subject to the current LDRs.

2. A pre-application conference, zoning compliance verification, environmental analysis, neighborhood meeting, or other review or action completed prior to submittal of an application shall not constitute an approval that may be carried out in exception to Sec. 1.8.1.

B. Nonconformities

A lawfully established physical development, use, development option or subdivision that does not comply with these LDRs is nonconforming and subject to the provisions of Div. 1.9.

C. PUDs and Other Special Projects

The following projects shall remain valid and shall not be considered nonconforming regardless of their compliance with these LDRs; however, references to previous LDRs in a project's approval shall be construed to reference the equivalent standard in these LDRs.

1. Planned Unit Developments (PUDs) with PUD zoning.

    a. The standards of the PUD shall apply except where the PUD is silent, in which case the standards of the underlying zoning shall apply.

2. Planned Unit Developments (PUDs) approved under a PUD regulation, that can demonstrate common law vested rights in accordance with state law, but do not have PUD zoning.

3. The following development projects for which master plans were ~~filed~~ recorded either prior to the County's Land Use and Development Regulations Resolution and the Subdivision Regulations Resolution of Teton County, adopted on December 6, 1977, or which are otherwise recognized by the County by being listed in this Section.

    a. Bar J Chuckwagon.

    b. Four Lazy F Ranch (renamed 3 Creek Ranch in 2003).

    c. Lake Creek Ranch.

    d. Targhee Village, as amended by that instrument dated the 15th of September, 1995, and recorded in the records of the Clerk of Teton County on the 22nd of September, 1995 in Book 310 of Photo, pages 136-139.

    e. Moulton Ranches (located in the SE 1/4 and E 1/2 of SW 1/4 of Section 22, Township 42 North, Range 116 West) – but only insofar as the minimum permitted lot size is 2.25 acres.

    f. C Bar V Ranch, with no conditions, according to the amended master plan approved by the Teton County Board of County Commissioners on September 25, 1997.

    g. Aspens Commercial District.

1.8.3. Amendments to Approved Permits and Approvals (1/1/15)

A proposed minor deviation or amendment to an existing permit or approval shall be reviewed pursuant to the standards and procedures of Sec. 8.2.13.

1.8.4. Transition to New Zones (1/1/15)

[Reserved]

1.8.5. Voluntary Compliance with these LDRs (1/1/15)

A landowner subject to an existing approved permit or approval may voluntarily extinguish and void the approved permit or approval upon approval of an application in accordance with the current LDRs.

1.8.6. Violations Continue (1/1/15)

Any violation of the previous LDRs shall continue to be a violation under these LDRs, unless the physical development, use, development option, or subdivision complies with the express terms of these LDRs.

Div. 1.9. Nonconformities

1.9.1. General Applicability (1/1/17)

A. Purpose

There exist physical developments, uses, development options, subdivisions, and signs that were lawfully established before these LDRs were adopted or amended, which now do not conform to these LDRs. It is the intent of these LDRs to allow these nonconformities to continue until they are discontinued, but not to encourage their expansion except under the standards established in this Division. The purpose of this Division is to establish standards to allow the continued existence of those nonconforming physical developments, uses, development options and subdivision, and signs.

B. Applicability

This Division applies to nonconformities. A nonconformity is a lawfully established physical development, use, development option, subdivision, or sign that does not comply with these LDRs. A physical development, use, development option, subdivision, or sign that has been granted relief pursuant to Div. 8.8. is not nonconforming.

C. Authority to Continue

Nonconformities are allowed to continue in accordance with the requirements of this Division.

D. Determination of Nonconformity Status

The burden of establishing that a nonconformity lawfully exists shall be the responsibility of the landowner. The landowner shall provide to the Planning Director photos, permits, licenses, records, or other documentation that establishes the date the nonconformity was established and the continuous existence of the nonconformity since establishment.

E. Nonconformity Runs With the Land

A nonconformity shall run with the land. No change of ownership or right to possession of land shall prevent the continuance of a nonconformity. Nor shall a nonconformity be relocated unless the relocation results in compliance with these LDRs.

F. Increase in Nonconformity

Except as authorized by this Division, no person shall engage in activity that increases a nonconformity. Where authorized, the cumulative total of an expansion is the sum of all expansions from the date the physical development, use, development option, or subdivision became nonconforming, including all expansions under prior LDRs if the nonconformity began under prior LDRs and remains nonconforming.

G. Multiple Nonconformities

On a site with multiple nonconformities, the standards of this Division shall apply to each nonconformity separately, unless stated otherwise.

> EXAMPLE: In the case of a nonconforming use within a nonconforming physical development, the nonconforming use shall be subject to the standards of Sec. 1.9.3. and the nonconforming physical development shall be subject to the standards of Sec. 1.9.2.

H. Life Safety

Life safety modifications to existing structures or sites that are required by local, state, or federal government shall be exempt from the requirements in this Division.

I. Occupancy Prohibited

If a structure or site, or portion thereof, becomes physically unsafe or unlawful due to lack of repairs, maintenance, payment of taxes, or other reason and the County declares occupancy of the structure or site to be prohibited, it shall be removed, rebuilt, redeveloped, reused, or repaired in conformance with these LDRs.

J. Government Acquisition

If a conforming physical development, use, or lot of record becomes out of compliance with these LDRs due to governmental acquisition of a portion of the lot of record for a public purpose, the physical development, use, or lot of record shall be considered conforming and future physical development, use, development options and subdivision of that lot of record shall comply with these LDRs to the maximum extent practicable.

1.9.2. Nonconforming Physical Development (2/22/16)

A. Applicability

Nonconforming physical development is declared generally incompatible with the character of the zone or overlay in which it is located. This Section shall apply to lawful physical development (other than signs) that does not meet the physical development standards applicable to the zone or overlay. Physical development standards applicable to all zones are found in Article 5. Physical development standards applicable to specific zones are found in Subsection B of the zone-specific sections found in Article 2.-Article 4.

B. Maintenance, Alteration, Expansion, and Replacement

Maintenance, alteration, expansion, and replacement of a nonconforming physical development shall only be permitted if all 4 of the following standards are met.

1. **No Increase in Nonconformity.** Maintenance, alteration, replacement, or expansion shall not increase the nonconformity and shall otherwise comply with all applicable standards of these LDRs.

2. **Maintenance, Alteration, and Expansion.** A nonconforming physical development may be maintained, altered, or expanded.

3. **Replacement.** A nonconforming physical development shall be brought into compliance with all applicable standards of these LDRs upon willful demolition of any structural support for the portion of the physical development that is nonconforming. Except that this subsection shall not prohibit any of the following.

    a. **Replacement After Damage by Natural Disaster.** A nonconforming physical development that is demolished or destroyed by a natural disaster or through any manner not willfully accomplished by the owner, regardless of the extent of the demolition or destruction, may be replaced to the nonconforming condition that existed prior to the damage.

    b. **Interior Remodel.** Interior remodel of a nonconforming building.

> **EXAMPLE:** A site has an existing 2,000 sf home that is partially located in a creek setback. Any interior remodel is allowed without resolving the nonconformity. Any nonstructural modification to the exterior of the building (i.e. re-siding, re-roofing, replacing windows) is allowed without resolving the nonconformity. Any expansion is allowed without remedying the nonconformity as long as the addition meets all LDRs. But, if the portion of the building in the setback is willfully demolished it cannot be built back.

4. **Complete Within 18 Months.** Maintenance, alteration, replacement, or expansion of an existing nonconforming physical development pursuant to this Section shall be completed, or an application to complete shall be sufficient, within 18 months of the date of commencement or destruction.

C. Use, Development Options, and Subdivision

1. A nonconforming physical development shall be used in compliance with these LDRs. Nonconforming use of a nonconforming physical development shall be subject to Sec. 1.9.3.

2. A nonconforming building shall not be subdivided into condominiums or townhomes, unless the subdivision brings the physical development into compliance with these LDRs.

3. A boundary adjustment pursuant to Sec. 8.5.5. of a site that includes nonconforming physical development shall not increase the nonconformity of the physical development.

4. A subdivision or development option on a site with nonconforming physical development shall require all physical development on the site, except existing buildings, comply with these LDRs.

1.9.3. Nonconforming Uses (7/18/18)

A. Applicability

A nonconforming use is declared generally incompatible with the character of the zone or overlay in which it is located. This Section shall apply to:

1. A lawfully established use that is not allowed in the zone or overlay;

2. A lawfully established conditional or special use that does not have an approved Conditional Use Permit or Special Use Permit; and

3. A lawfully established use that does not comply with the use standards applicable to the zone or overlay. Use standards applicable to all zones are found in Article 6. Use standards applicable to specific zones are found in Subsection C of the zone-specific sections found in Article 2.-Article 4.

B. Expansion

Expansion of a nonconforming use shall comply with the following standards; except that, a nonconforming use that does not utilize site development shall be exempt from this subsection.

1. A nonconforming use may only be expanded a cumulative total of 20% in the floor area and site area occupied and/or the daily and annual duration of operation.

2. An expansion of a nonconforming use shall not create or increase nonconformity with use-based standards such as parking and affordable workforce housing.

3. An expansion of a nonconforming use shall comply with all physical development, development option, and subdivision standards of these LDRs.

4. An expansion of a use that is nonconforming because it does not have an approved CUP or SUP requires approval of a CUP or SUP upon 20% cumulative total expansion in the floor area and site area occupied and/or the daily and annual duration of operation.

C. Change in Use

A nonconforming use may be changed to another nonconforming use provided all 3 of the following standards are met.

1. The new use is a materially less intense nonconforming use. The determination of the level of intensity shall include, but is not limited to, consideration of traffic generated (amounts and type), impacts on access, parking demand, proposed level of activity, operational characteristics, and other potentially adverse impacts on neighboring lands.

2. The new use shall not create or increase nonconformities with use-based standards such as parking and affordable workforce housing.

3. The new use shall obtain a Conditional Use Permit pursuant to Sec. 8.4.2.

D. Discontinuance

1. If a nonconforming use is operationally discontinued for a period of more than one year, whether or not the equipment or furniture is removed, the use shall not be reestablished or resumed, and any subsequent use of the site shall conform to these LDRs.

2. When government action other than those described in 1.9.1.I., a natural disaster, or any other action not considered a willful act of the owner or occupant can be documented as the reason for discontinuance, the nonconforming use may be discontinued for longer than one year provided an application to reconstruct or reestablish the use is submitted to the Planning Director within one year from cessation of the use, and reconstruction or reestablishment is completed within the time period established in the permit approved for the reconstruction or reestablishment.

3. Once a nonconforming principal use is discontinued, all associated accessory uses shall discontinue within 31 days or a sufficient application to permit each accessory use in association with another principal use shall be submitted within 31 days.

4. Time spent maintaining, altering, replacing, or expanding a structure or site devoted to the nonconforming use is not considered a discontinuance of the use, provided:

   a. All appropriate permits or approvals are obtained;

   b. The maintenance, alteration, replacement, or expansion is completed within 18 months after commencement; and

   c. The use is reestablished within 31 days after completion of the maintenance, alteration, replacement, or expansion.

E. Subdivision of a Nonconforming Use Prohibited

Subdivision or Exempt Land Division of a structure or land containing a nonconforming use shall constitute discontinuance of the nonconforming use.

1.9.4. Nonconforming Development Options and Subdivisions

(7/18/18)

A. Applicability

A nonconforming development option or subdivision is declared generally incompatible with the character of the zone or overlay in which it is located. This Section shall apply to:

1. Lawfully created developments or subdivisions that do not have the required development permits; and

2. Lawfully created lots of record that were intended to be buildable but do not meet the development option or subdivision standards applicable to the zone or overlay. Development option and subdivision standards applicable to all zones are found in Article 7. Development option and subdivision standards applicable to specific zones are found in Subsection D of the zone-specific sections found in Article 2.-Article 4.

B. Use and Physical Development of a Nonconforming Lot of Record

1. Use and physical development of a nonconforming lot of record is permitted if the nonconforming lot of record was intended to be buildable and the use or physical development does not increase the nonconformity; except that, use or physical development of a nonconforming lot of record created through Exempt Land Division pursuant to Section 8.5.4. shall require that the lot of record comply with all standards of these LDRs except the standards of Div. 7.2.

> **EXAMPLE:** A parcel is subdivided through Family Subdivision. Pursuant to state statute, the new lots meet minimum lot size, but exaction requirements were not fulfilled at the time of the Family Subdivision. When an application for a building permit is submitted for one of the new lots, exactions requirements must be fulfilled, and road and utility standards must be met.

2. Use and physical development of a nonconforming lot of record shall comply with all applicable standards of these LDRs.

C. Change of Nonconforming Lot of Record

The boundaries of a nonconforming lot of record may be modified if the adjustment results in no increase in the nonconformity; except that, with regard to minimum lot size one nonconforming lot of record can be made more nonconforming in order to make another nonconforming lot of record less nonconforming if:

1. The benefit of the increased compliance of one lot of record outweighs the detriment of the increased noncompliance of the other lot of record, resulting in a greater overall compliance with the intent and/or standards of these LDRs;

2. The overall capability of the lots of record to safely accommodate physical development is not diminished, particularly by providing needed land area for water supply and wastewater systems; and

3. The acreage transferred from one lot of record to another does not allow for increased density on the subject lots of record.

D. Development Option and Subdivision

A nonconforming development option or lot of record shall not be included in a development option or subdivided, unless the development option or subdivision brings the development option or lot of record into compliance with these LDRs. Except that:

a. A nonconforming development option that required recordation of a conservation easement may be subdivided if the conservation easement is recorded, and the subdivision otherwise complies with these LDRs; and

b. Approved, but not yet subdivided, nonconforming density may be subdivided into the number of units prescribed if the subdivision otherwise complies with these LDRs.

1.9.5. Nonconforming Signs (2/22/16)

A. Applicability

A nonconforming sign is declared generally incompatible with the character of the zone in which it is located. This Section shall apply to any lawfully erected sign that does not comply with the requirements of Div. 5.6.

B. Maintenance, Alteration, Replacement, or Expansion

1. A nonconforming sign may be maintained.

2. A nonconforming sign shall not be expanded, replaced, reworded (other than readerboard signs), redesigned or altered in any way, except to conform to these LDRs. Businesses that change names shall be required to conform to these LDRs.

C. Multiple Tenant Structures

Structures with a previously approved master sign plan shall be permitted to replace signs on structures and freestanding signs, provided the replacement signs maintain the sign size previously approved for each business. The replacement signs shall conform to all other standards of these LDRs.

D. Removal of Abandoned and Dangerous Nonconforming Signs

The classification and removal of abandoned, dangerous, and defective nonconforming signs shall be consistent with 5.6.2.H.

Div. 1.10. Severability (1/1/15)

The legislative intent of the Board of County Commissioners in adopting these LDRs is that if any article, division, section, subsection, paragraph, clause, provision, or portion of these LDRs is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of these LDRs shall not be affected.

Article 2. Complete Neighborhood Zones

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Div. 2.2. Complete Neighborhood Character Zones (1/1/15) 2-2

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2.3.1. Auto Urban Commercial - County (AC-TC) Zone ~~(7/18/18)~~ (AMD2019-0006) 2-3

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Div. 2.1. All Complete Neighborhood Zones (1/1/15)

Complete neighborhood zones are intended to enhance the locations in the community that are most appropriate for use and development into the most desirable places to live, work, and play. There are 2 types of complete neighborhood zones:

1. Character zones, established in Div. 2.2., are character-based and established to implement the Comprehensive Plan;

2. Legacy zones, established in Div. 2.3., are carried forward from the previous LDRs, and it is the intent that they will be phased out over time as character zones are adopted and applied.

Div. 2.2. Complete Neighborhood Character Zones (1/1/15)

[Reserved for future zones]

Div. 2.3. Complete Neighborhood Legacy Zones

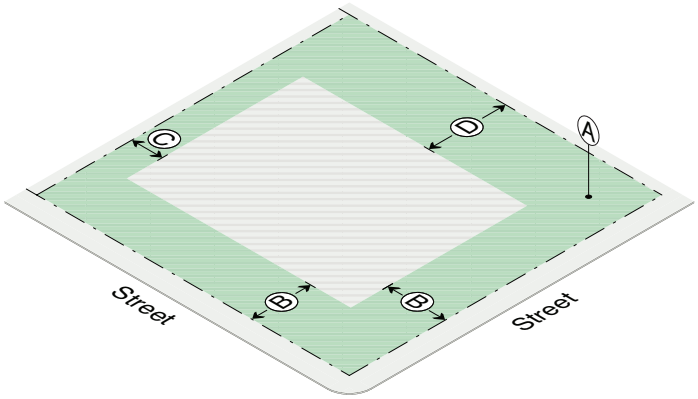
2.3.1. Auto Urban Commercial - County (AC-TC) Zone ~~(7/18/18)~~ (AMD2019-0006)

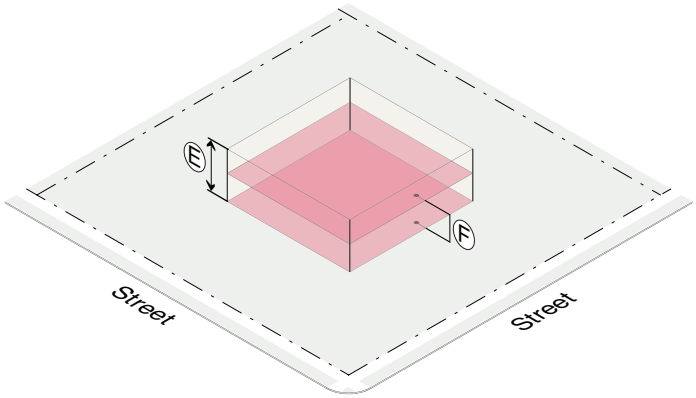
A. Intent

The purpose of the Auto-Urban Commercial - County (AC-TC) Zone is to provide for commercial development that is oriented to the street and is easily accessed by automobiles, with adequate parking and pedestrian connections to adjoining developments in order to promote non-vehicular movement between buildings in commercial areas. Uses in the AC-TC zone primarily serve residents' commercial needs, and some tourist service uses. The AC-TC zone is intended to be applied to community-serving commercial areas.

B. Physical Development

Standards applicable to physical development in the AC-TC zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the AC-TC zone. This Subsection is intended to indicate all of the physical development standards applicable in the AC-TC zone, however, all standards in Article 5. are applicable in the AC-TC zone, unless stated otherwise.





1. Structure Location and Mass	Ⓐ	Ⓑ	Ⓒ	Ⓓ	Ⓔ	Ⓕ
	LSR (min)	Street Setback (min)	Side Setback (min)	Rear Setback (min)	Height (max)	FAR (max)
Detached Single-family unit	.50	20'	10'	30'	24'	.38
with 1 attached accessory unit	.48	20'	10'	20'	24'	.40
with 1 detached accessory unit	.48	20'	10'	6'	24'	.40
with 2 accessory units	.45	20'	10'	6'	24'	.43
Dormitory or Group home	.27	50'	10'	20'	26'	.35
Other principal use	.27	50'	10'	20'	26'	.35
Accessory use	See standards for primary use with which associated					
Temporary use	n/a	50'	10'	20'	26'	n/a
Individual lot within a PRD	Standards established through PRD approval					

Exceptions

Residential Side/Rear Yard Projections. Fire escapes may extend into a side or rear yard by not more than 4 feet.

FAR Exemption. The floor area of an accessory residential unit that is accessory to a nonresidential use shall be exempt from the FAR calculation for the site

2. Maximum Scale of Development	
Individual Building (gross floor area, max)	
Part of single-family unit	10,000 sf
Nonresidential (agricultural buildings exempt)	
Contiguous to Town of Jackson	15,000 sf
Other parts of Teton County	6,000 sf
In compliance with specific standards (E.1.)	10,000 sf

3. Building Design	
Residential Building Materials	
External surfaces shall be non-reflective	
Colors shall blend into terrain using muted colors and earthy hues - additions matching existing colors are exempt	
Nonresidential Building Materials	
External surfaces shall be non-reflective	
Colors shall blend into terrain using muted colors and earthy hues - additions matching existing colors are exempt	
External front and street sides of buildings shall be stone or wood - except that glass for displays and transparency is permitted	
Metal awnings prohibited	

4. Site Development	
Site Development Setbacks (min)	
Side/rear setback	5’
Front setback	
40% of lineal frontage	0’
60% of lineal frontage	structure setback

5. Landscaping	(Div. 5.5.)
Plant Units (min)	
Residential	1 per du
Nonresidential	1 per 1,000 sf of landscape area
Parking lot	
Institutional	1 per 12 parking spaces
All other uses	1 per 8 parking spaces

6. Fencing	(Sec. 5.1.2.)
Wildlife Friendly Fencing	
Special Purpose Fencing Height (max)	
In street yard	4’
In side or rear yard	6’
Special Purpose Fencing Setback	
Any yard	0’

7. Environmental Standards	
Natural Resource Setbacks (min)	(Sec. 5.1.1.)
Rivers	150’
Streams	50’ or edge of riparian plant community up to 150’
Natural lakes or ponds	50’ or edge of riparian plant community up to 150’
Wetland	30’
Irrigation Ditch Setback (min)	(~~7.7.~~5.10.4.D.)
Irrigation ditch	15’
Wild Animal Feeding	(Sec. 5.1.3.)
Wild animal feeding prohibited	
Natural Resource Overlay (NRO) Standards	(Sec. 5.2.1.)
Bear Conflict Area Standards	(Sec. 5.2.2.)
Bear proof trash required in Conflict Priority Area 1	

8. Scenic Standards	
Exterior Lighting	(Sec. 5.3.1.)
Light trespass is prohibited.	
All lights over 600 initial lumens shall be fully shielded.	
Lumens per sf of site development (max)	3
Lumens per site (max)	
All fixtures	100,000
Unshielded fixtures	5,500
Light Color	≤3000 Kelvin
Scenic Resource Overlay (SRO) Standards	(Sec. 5.3.2.)

9. Natural Hazards to Avoid	
Steep Slopes	(Sec. 5.4.1.)
Development prohibited	Slopes > 30%
Areas of Unstable Soils	(Sec. 5.4.2.)
Fault Areas	(Sec. 5.4.3.)
Floodplains	(Sec. 5.4.4.)
Wildland Urban Interface	(Sec. 5.4.5.)
10. Signs	(Div. 5.6.)
Allowable Signage	
Nonresidential uses	
Freestanding Sign	1 per building or complex
Wall Sign	1 per frontage for each building or storefront
Monument or Entry Sign	1 per entrance other than frontage
Residential uses	
Single-family and multi-family < 8 units	1 unlighted wall sign
Multi-family ≥ 8 units	1 freestanding or 1 wall sign
Home occupation/business	1 unlighted wall sign

Sign Area (max)	
Nonresidential	
Freestanding Sign	1 sf per linear foot of building facing the street not to exceed 40 sf
Wall Sign	1 sf per 2 linear feet of building facing the street not to exceed 24 sf
Monument or Entry Sign	6 sf
Residential	
Single-family and multi-family < 8 units	3 sf
Multi-family ≥ 8 units	6 sf
Home occupation/business	2 sf
Sign Height (max)	
Nonresidential	
Freestanding Sign	8’
Monument or Entry	4’
Residential	6’
Home occupation/business	n/a
11. Grading, Erosion Control, Stormwater	
Grading	(Sec. 5.7.2.)
Erosion Control	(Sec. 5.7.3.)
Erosion shall be controlled at all times	
Stormwater Management	(Sec. 5.7.4.)
No increase in peak flow rate or velocity across property lines	

12. Required Physical Development Permits

Physical Development	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Building Permit (Sec. 8.3.3.)	Sign Permit (Sec. 8.3.5.)	Grading Permit (Sec. 8.3.4.)
Dwelling Unit					
< 5 units			X		(Sec. 5.7.1.)
5 - 10 units		X	X		(Sec. 5.7.1.)
> 10 units	X	X	X		(Sec. 5.7.1.)
Nonresidential Floor Area					
< 3,450 sf			X		(Sec. 5.7.1.)
3,450 to 12,000 sf		X*	X		(Sec. 5.7.1.)
> 12,000 sf	X*	X*	X		(Sec. 5.7.1.)
Sign				X	(Sec. 5.7.1.)

* Not required for physical development associated with an agricultural use meeting the standards for exemption outlined in Section 6.1.3.B.

13. Infrastructure	
Transportation Facilities	(Div. ~~7.6.~~5.9.)
Access	required
Right-of-way for a Minor Local Road (min)	60'
Travel lane width for a Minor Local Road (min)	10'
Road and driveway design	also subject to Fire Protection Resolution
Required Utilities	(Div. ~~7.7.~~5.10.)
Water	Connection to public supply, installation of central supply, or evidence of individual well required
Sewer	
Connection to a public sanitary sewer required	within 500'
Small Wastewater Facility (septic) approval required	otherwise

C. Use Standards

Standards applicable to uses in the AC-TC zone are provided or referenced below. Allowed uses are listed in Subsection 1. Uses that are not listed are prohibited unless a similar use determination is made pursuant to 6.1.2.D. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the AC-TC zone. This Subsection is intended to indicate all of the use standards applicable in the AC-TC zone, however, all standards in Article 6. are applicable in the AC-TC zone unless stated otherwise.

1. Allowed Uses				2. Use Requirements	
Use	Permit	BSA (min)	Density (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Open Space					
Agriculture (6.1.3.B.)	Y	0 sf	n/a	n/a	exempt
Outdoor Recreation (6.1.3.C.)	C	0 sf	n/a	independent calculation	independent calculation
Residential					
Detached Single-Family Unit (6.1.4.B.)	Y	0 sf	1 unit per lot	2/DU	0.000017*sf + (Exp(-15.49 + 1.59*Ln(sf)))/2.176
Dormitory (6.1.4.F.)	B	0 sf	30 rooms per acre	1/bed	exempt
Group Home (6.1.4.G.)	B	0 sf	30 rooms per acre	0.5/bed	exempt
Commercial					
Office (6.1.6.B.)	B	0 sf	n/a	3.3/1,000 sf	0.000431*sf
Retail (6.1.6.C.)	B	0 sf	n/a	4.5/1,000 sf	0.000377*sf
Service (6.1.6.D.)	B	0 sf	n/a	3/1,000 sf	0.000377*sf

Y=Use allowed, no use permit required B=Basic Use Permit (Sec. ~~8.3.5.~~ 8.4.1.) C=Conditional Use Permit (Sec. 8.4.2.)

1. Allowed Uses				2. Use Requirements	
Use	Permit	BSA (min)	Density (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Restaurant/Bar (6.1.6.E.)	B	0 sf	n/a	1/55 sf dining area + 1/30 sf bar area	0.001045*sf
Heavy Retail/Service (6.1.6.F.)	C	0 sf	n/a	2/1,000 sf + 3/ repair bay + 1/wash bay	0.000214*sf
Mini-Storage Warehouse (6.1.6.G.)	C	0 sf	n/a	1/10 storage units + 1/employee	0.000011*sf
Nursery (6.1.6.H.)	B	0 sf	n/a	2/1,000 sf + 1/4,000 sf outdoor display area + 1/company vehicle + 1/employee	0.000377*sf
Amusement/Recreation					
Amusement (6.1.7.B.)	C	0 sf	n/a	1/30 sf seating area	0.000377*sf
Developed Recreation (6.1.7.~~C~~D.)	B	0 sf	n/a	4.5/1,000 sf	independent calculation
Outfitter/Tour Operator (6.1.7.E.)	C	0 sf	n/a	independent calculation	independent calculation
Institutional		0 sf			
Assembly (6.1.8.B.)	B	0 sf	n/a	independent calculation	independent calculation
Daycare/Education (6.1.8.C.)	B	0 sf	n/a	independent calculation	exempt (see 6.3.2.C.11 and 6.3.2.C.12)
Industrial					
Light Industry (6.1.9.B.)	C	0 sf	n/a	1/1,000 sf + 1/company vehicle	0.000214*sf
Transportation/Infrastructure					
Parking (6.1.10.B.)	C	0 sf	n/a	n/a	0.000214*sf
Utility Facility (6.1.10.C.)	C	0 sf	n/a	1/employee + 1/stored vehicle	0.000214*sf
Wireless Communication Facilities (6.1.10.D.)	6.1.10.D.	0 sf	n/a	1/employee + 1/stored vehicle	0.000214*sf
Aviation (6.1.10.E.)	C	0 sf	n/a	independent calculation	0.000214*sf
Accessory Uses					
Accessory Residential Unit (E.2.) (6.1.11.B.)	B	0 sf	see E.2.	1.25/DU	exempt
Home Occupation (6.1.11.D.)	B	0 sf	n/a	n/a	exempt
Home Business (6.1.11.E.)	C	0 sf	n/a	1/DU	exempt

Y=Use allowed, no use permit required B=Basic Use Permit (Sec. ~~8.3.5.~~ 8.4.1.) C=Conditional Use Permit (Sec. 8.4.2.)

1. Allowed Uses				2. Use Requirements	
Use	Permit	BSA (min)	Density (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Family Home Daycare (6.1.11.F.)	B	0 sf	n/a	1/employee + 1 off-street pick-up/ drop-off	exempt
Home Daycare Center (6.1.11.G.)	C	0 sf	n/a	1/employee + 2 off-street pick-up/ drop-off	exempt
Drive-In Facility (6.1.11.H.)	C	0 sf	n/a	n/a	exempt
Temporary Uses					
Christmas Tree Sales (6.1.12.B.)	Y	0 sf	n/a	1/1,000 sf outdoor display area + 1/ employee	exempt
Temporary Shelter (6.1.12.D.)	B	0 sf	1 unit per lot	2/DU	exempt
Farm Stand (6.1.12.E.)	B	0 sf	n/a	5/1,000 sf display area	exempt
Temp. Gravel Extraction and Processing (6.1.12.F.)	B	0 sf	n/a	1/employee	exempt

Y=Use allowed, no use permit required B=Basic Use Permit (Sec. ~~8.3.5.~~ 8.4.1.) C=Conditional Use Permit (Sec. 8.4.2.)

3. Maximum Scale of Use	
Individual Use (floor area) (max)	
Single family unit (detached)	
Habitable floor area excluding basement	8,000 sf
Gross floor area excluding basement	10,000 sf + 100 sf non-habitable FA per acre BSA over 10 acres. Not to exceed 15,000sf
Individual retail use excluding basement	12,500 sf habitable
Accessory residential unit	850 sf habitable
4. Operational Standards	
Outside Storage	(Sec. 6.4.1.)
Refuse and Recycling	(Sec. 6.4.2.)
Trash and recycling enclosure required	>4 DUs and all nonresidential
Noise	(Sec. 6.4.3.)
Sound level at property line (max)	65 DBA
Vibration	(Sec. 6.4.4.)
Electrical Disturbances	(Sec. 6.4.5.)
Fire and Explosive Hazards	(Sec. 6.4.6.)
Heat and Humidity	(Sec. 6.4.7.)
Radioactivity	(Sec. 6.4.8.)

D. Development Options

Standards applicable to development options and subdivision in the AC-TC zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the AC-TC zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the AC-TC zone, however, all standards in Article 7. are applicable in the AC-TC zone unless stated otherwise.

1. Allowed Subdivision and Development Options						
Option	BSA (min)	Lot Size (min)	Density (max)	FAR (max)	Height (max)	Option Standards
Allowed Subdivision Options						
Land Division	n/a	7,500 sf	n/a	determined by physical development		(Sec. 7.2.3.)
Condominium/Townhouse	n/a	n/a	n/a	determined by physical development		(Sec. 7.2.4.)
2. Residential Subdivision Requirements						
Schools and Parks Exactions						(Div. 7.5.)
Development Exaction				0.03 acres of land per housing unit or lot		
3. ~~Infrastructure~~						
~~Transportation Facilities~~						~~(Div. 7.6.~~5.9.~~)~~
~~Access~~						~~required~~
~~Right-of-way for a Minor Local Road (min)~~						~~60'~~
~~Travel lane width for a Minor Local Road (min)~~						~~10'~~
~~Road and driveway design~~						~~also subject to Fire Protection Resolution~~
~~Required Utilities~~						~~(Div. 7.7.~~5.10.~~)~~
~~Water~~			~~Connection to public supply, installation of central supply, or evidence of individual well required~~			
~~Sewer~~						
~~Connection to a public sanitary sewer required~~						~~within 500'~~
~~Small Wastewater Facility (septic) approval required~~						~~otherwise~~

4. Required Subdivision and Development Option Permits					
Option	Planned Unit Development (Sec. 8.7.3.)	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Development Option Plan (Sec. 8.5.2.)	Subdivision Plat (Sec. 8.5.3.)
Land Division					
≤ 10 lots			X		X
> 10 lots		X	X		X
Condominium/Townhouse					X
Non-subdivision PRD					
0 - 4 units				X	
5 -10 units			X		
> 10 units		X	X		

E. Additional Zone-specific Standards

The following standards apply in addition to all other standards applicable in the AC-TC zone.

1. Maximum Scale of an Individual Building. An individual building in the AC-TC zone not adjacent to the Town of Jackson may be up to 10,000 square feet above ground if the individual building meets the purpose, intent, and standards, listed below.

   a. The purpose of this provision is to:

      i. meet the need for additional commercial space within the existing AC-TC zone, thereby helping to alleviate the pressure to expand the AC-TC zone; and

      ii. allow greater flexibility to achieve the character and balance objectives for the AC-TC zone, as set forth in the Comprehensive Plan, by means of architectural treatments of facades, heights, exterior materials, colors, trim, building offsets, and other exterior design features that are in scale and character with the surrounding commercial area.

   b. By focusing on the issues of scale, bulk, character, and balance, this provision is designed to accomplish:

      i. more interesting design of individual buildings;

      ii. compatibility with scale and character of surrounding commercial buildings;

      iii. contribute, with surrounding buildings, to a sense of scale and character consistent with the goals of the Comprehensive Plan.

   c. The flexibility shall be achieved by allowing an individual commercial building to increase the 6,000 square foot maximum floor area above ground to 10,000 square feet, if such commercial building or addition is designed to be compatible, as well as in scale, with the character of the other commercial buildings in the AC-TC zone.

   d. In the AC-TC zone not contiguous to the Town of Jackson, individual nonresidential buildings may increase the 6,000 square feet maximum floor area above ground for an individual commercial building to 10,000 square feet, upon finding that all of the following standards are met:

      i. The resultant building shall be compatible with the bulk and scale of the other commercial buildings in the adjacent commercial area.

      ii. The resultant building shall have the appearance of being two or more small attached buildings rather than a single building 6,000 to 10,000 square feet in size. It is encouraged that the building components be designed in modules of 2,500 to 3,500 square feet in size, using

different roof lines, facade offsets, variation in building materials and other design techniques to achieve the desired attached small building character.

iii. The component parts of the commercial building shall have a traditional western character through the creative use of materials and building design elements and shall contribute, with surrounding commercial buildings, to a sense of scale and character consistent with the goals of the County Comprehensive Plan.

iv. All other applicable requirements of the LDRs (e.g. FAR, off-street parking, LSR requirements, etc.) shall be met.

2. Accessory Residential Units

a. Primary use residential

i. No more than 2 ARUs per lot are allowed.

ii. If only one accessory residential unit is constructed on a lot, it may be attached to or detached from the primary structure.

iii. If 2 accessory units are constructed on one lot, one shall be attached to the primary structure, the other shall be detached. The minimum separation between detached units shall be 10 feet.

b. Primary use not residential. The maximum number of ARUs accessory to a nonresidential use shall be determined based on the definition of Accessory Use (6.1.2.B.3.).

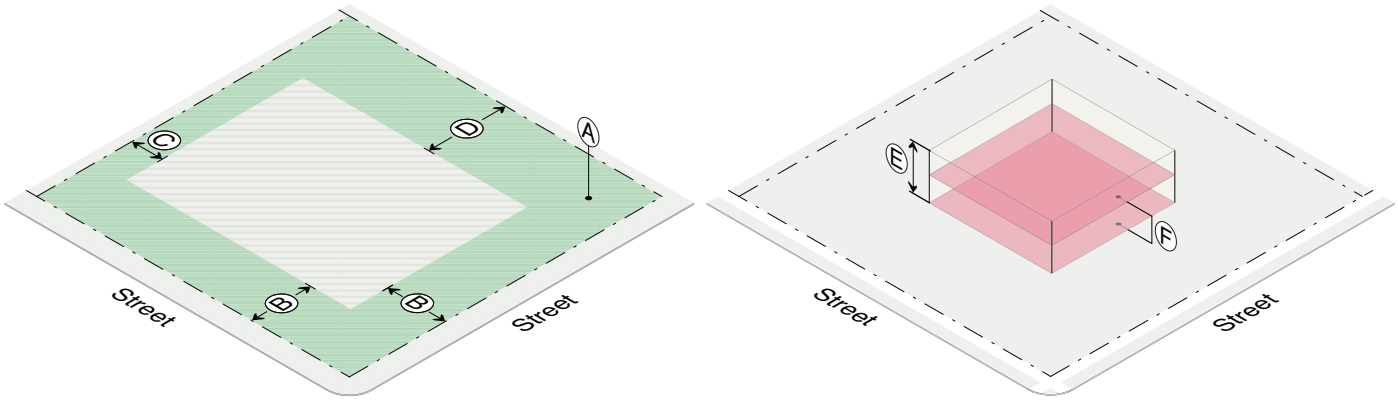
2.3.2. Auto Urban Residential - County (AR-TC) Zone (AMD2019-0006) ~~(7/18/18)~~

A. Intent

The purpose of the Auto-Urban Residential - County (AR-TC) zone is to maintain the character and cohesiveness of residential neighborhoods while allowing for a wide range of residential types, including affordable housing.

B. Physical Development

Standards applicable to physical development in the AR-TC zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the AR-TC zone. This Subsection is intended to indicate all of the physical development standards applicable in the AR-TC zone, however, all standards in Article 5. are applicable in the AR-TC zone unless stated otherwise.



1. Structure Location and Mass						
	Ⓐ	Ⓑ	Ⓒ	Ⓓ	Ⓔ	Ⓕ
	LSR (min)	Street Setback (min)	Side Setback (min)	Rear Setback (min)	Height (max)	FAR (max)
Detached Single-family unit	.50	20’	10’	30’	24’	.38
with 1 attached accessory unit	.48	20’	10’	20’	24’	.40
with 1 detached accessory unit	.48	20’	10’	6’	24’	.40
with 2 accessory units	.45	20’	10’	6’	24’	.43
Dormitory or Group home	.27	50’	20’	20’	26’	.35
Other principal use	.27	50’	20’	20’	26’	.35
Accessory Use	See standards for primary use with which associated					
Temporary Use	n/a	50’	20’	20’	26’	n/a
Individual lot within a PRD	Standards established through PRD approval					

Exceptions

Residential Side/Rear Yard Projections. Fire escapes may extend into a side or rear yard by not more than 4 feet. Cornices, canopies, eaves, decks, porches, bay windows, chimneys, patios, and similar architectural features may encroach into a side or rear yard not more than 4 feet.

Residential ~~Front~~Street Yard Projections. Covered and uncovered decks, porches, and balconies may encroach into a ~~front~~street yard by not more than 6 feet.

2. Maximum Scale of Development	
Individual Building (gross floor area, max)	
Part of single-family unit	10,000 sf
3. Building Design	
Residential Building Materials	
External surfaces shall be non-reflective	
Colors shall blend into terrain using muted colors and earthy hues - additions matching existing colors are exempt	
4. Site Development	
Site Development Setbacks (min)	
Side/rear	5’
Front	
40% of lineal frontage	0’
60% of lineal frontage	structure setback
5. Landscaping	(Div. 5.5.)
Plant Units (min)	
Residential	1 per du
Nonresidential	1 per 1,000 sf of landscape area
Parking lot	
Residential uses	1 per 12 parking spaces
Institutional uses	1 per 12 parking spaces
All other uses	1 per 8 parking spaces
6. Fencing	(Sec. 5.1.2.)
Wildlife Friendly Fencing	
Special Purpose Fencing Height (max)	
In street yard	4’
In side or rear yard	6’
Special Purpose Fencing Setback	
Any yard	0’

7. Environmental Standards	
Natural Resource Setbacks (min)	(Sec. 5.1.1.)
Rivers	150’
Streams	50’ or edge of riparian plant community up to 150’
Natural lakes or ponds	50’ or edge of riparian plant community up to 150’
Wetland	30’
Irrigation Ditch Setback (min)	(~~7.7.~~5.10.4.D.)
Irrigation ditch	15’
Wild Animal Feeding	(Sec. 5.1.3.)
Wild animal feeding prohibited	
Natural Resource Overlay (NRO) Standards	(Sec. 5.2.1.)
Bear Conflict Area Standards	(Sec. 5.2.2.)
Bear proof trash required in Conflict Priority Area 1	
8. Scenic Standards	
Exterior Lighting	(Sec. 5.3.1.)
Light trespass is prohibited.	
All lights over 600 initial lumens shall be fully shielded.	
Lumens per sf of site development (max)	3
Lumens per site (max)	
All fixtures	100,000
Unshielded fixtures	5,500
Light Color	≤3000 Kelvin
Scenic Resource Overlay (SRO) Standards	(Sec. 5.3.2.)
9. Natural Hazards to Avoid	
Steep Slopes	(Sec. 5.4.1.)
Development prohibited	Slopes > 30%
Areas of Unstable Soils	(Sec. 5.4.2.)
Fault Areas	(Sec. 5.4.3.)
Floodplains	(Sec. 5.4.4.)
Wildland Urban Interface	(Sec. 5.4.5.)

10. Signs	(Div. 5.6.)
Allowable Signage	
Nonresidential uses	
Freestanding Sign	1 per building or complex
Wall Sign	1 per frontage for each building or storefront
Monument or Entry Sign	1 per entrance other than frontage
Residential uses	
Single-family and multi-family < 8 units	1 unlighted wall sign
Multi-family ≥ 8 units	1 freestanding or 1 wall sign
Home occupation/business	1 unlighted wall sign
Sign Height (max)	
Nonresidential	
Freestanding Sign	8'
Monument or Entry	4'
Residential	6'
Home occupation/business	n/a

Sign Area (max)	
Nonresidential	
Freestanding Sign	1 sf per linear foot of building facing the street not to exceed 40 sf
Wall Sign	1 sf per 2 linear feet of building facing the street not to exceed 24 sf
Monument or Entry Sign	6 sf
Residential	
Single-family and multi-family < 8 units	3 sf
Multi-family ≥ 8 units	6 sf
Home occupation/business	2 sf

11. Grading, Erosion Control, Stormwater	
Grading	(Sec. 5.7.2.)
Erosion Control	(Sec. 5.7.3.)
Erosion shall be controlled at all times	
Stormwater Management	(Sec. 5.7.4.)
No increase in peak flow rate or velocity across property lines	

12. Required Physical Development Permits

Physical Development	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Building Permit (Sec. 8.3.3.)	Sign Permit (Sec. 8.3.5.)	Grading Permit (Sec. 8.3.4.)
Dwelling Unit					
< 5 units			X		(Sec. 5.7.1.)
5 - 10 units		X	X		(Sec. 5.7.1.)
> 10 units	X	X	X		(Sec. 5.7.1.)
Nonresidential Floor Area					
< 3,450 sf			X		(Sec. 5.7.1.)
3,450 to 12,000 sf		X	X		(Sec. 5.7.1.)
> 12,000 sf	X	X	X		(Sec. 5.7.1.)
Sign				X	(Sec. 5.7.1.)

13. Infrastructure	
Transportation Facilities	(Div. ~~7.6.~~5.9.)
Access	required

Right-of-way for a Minor Local Road (min)	60'
Travel lane width for a Minor Local Road (min)	10'
Road and driveway design	also subject to Fire Protection Resolution
Required Utilities	(Div. ~~7.7.~~5.10.)
Water	Connection to public supply, installation of central supply, or evidence of individual well required
Sewer	
Connection to a public sanitary sewer required	within 500'
Small Wastewater Facility (septic) approval required	otherwise

C. Use Standards

Standards applicable to uses in the AR-TC zone are provided or referenced below. Allowed uses are listed in Subsection 1. Uses that are not listed are prohibited unless a similar use determination is made pursuant to 6.1.2.D. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the AR-TC zone. This Subsection is intended to indicate all of the use standards applicable in the AR-TC zone, however, all standards in Article 6. are applicable in the AR-TC zone unless stated otherwise.

1. Allowed Uses				2. Use Requirements	
Use	Permit	BSA (min)	Density (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Open Space					
Outdoor Recreation (6.1.3.C.)	C	30,000 sf	n/a	independent calculation	independent calculation
Residential					
Detached Single-Family Unit (6.1.4.B.)	Y	0 sf	1 unit per lot	2/DU	0.000017*sf + (Exp(-15.49 + 1.59*Ln(sf)))/2.176
Dormitory (6.1.4.F.)	C	30,000 sf	25 rooms per acre	1/bed	exempt
Group Home (6.1.4.G.)	C	30,000 sf	25 rooms per acre	0.5/bed	exempt
Institutional					
Assembly (6.1.8.B.)	C	30,000 sf	n/a	independent calculation	independent calculation
Transportation/Infrastructure					
Utility Facility (6.1.10.C.)	C	30,000 sf	n/a	1/employee + 1/stored vehicle	0.000214*sf
Wireless Communication Facilities (6.1.10.D.)	6.1.10.D.	30,000 sf	n/a	1/employee + 1/stored vehicle	0.000214*sf
Accessory Uses					
Accessory Residential Unit (E.1.) (6.1.11.B.)	B	0 sf	2 units per lot	1.25/DU	exempt
Home Occupation (6.1.11.D.)	B	0 sf	n/a	n/a	exempt
Home Business (6.1.11.E.)	C	0 sf	n/a	1/DU	exempt

Y=Use allowed, no use permit required B=Basic Use Permit (Sec. ~~8.3.5.~~ 8.4.1.) C=Conditional Use Permit (Sec. 8.4.2.)

1. Allowed Uses				2. Use Requirements	
Use	Permit	BSA (min)	Density (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Family Home Daycare (6.1.11.F.)	B	0 sf	n/a	1/employee + 1 off-street pick-up/ drop-off	exempt
Home Daycare Center (6.1.11.G.)	C	0 sf	n/a	1/employee + 2 off-street pick-up/ drop-off	exempt
Temporary Uses					
Real Estate Sales Office (6.1.12.C.)	B	0 sf	n/a	3.3/1,000 sf	exempt
Temporary Shelter (6.1.12.D.)	B	0 sf	1 unit per lot	2/DU	exempt
Temp. Gravel Extraction and Processing (6.1.12.F.)	B	0 sf	n/a	1/employee	exempt

Y=Use allowed, no use permit required B=Basic Use Permit (Sec. ~~8.3.5.~~ 8.4.1.) C=Conditional Use Permit (Sec. 8.4.2.)

3. Maximum Scale of Use	
Individual Use (floor area) (max)	
Single family unit (detached)	
Habitable floor area excluding basement	8,000 sf
Gross floor area excluding basement	10,000 sf + 100 sf non-habitable FA per acre BSA over 10 acres. Not to exceed 15,000sf
Accessory residential unit	500 sf habitable
4. Operational Standards	
Outside Storage	(Sec. 6.4.1.)
Refuse and Recycling	(Sec. 6.4.2.)
Trash and recycling enclosure required	>4 DUs and all nonresidential
Noise	(Sec. 6.4.3.)
Max sound level at property line	65 DBA
Vibration	(Sec. 6.4.4.)
Electrical Disturbances	(Sec. 6.4.5.)
Fire and Explosive Hazards	(Sec. 6.4.6.)
Heat and Humidity	(Sec. 6.4.7.)
Radioactivity	(Sec. 6.4.8.)

D. Development Options

Standards applicable to development options and subdivision in the AR-TC zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the AR-TC zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the AR-TC zone, however, all standards in Article 7. are applicable in the AR-TC zone unless stated otherwise.

1. Allowed Subdivision and Development Options						
Option	BSA (min)	Lot Area (min)	Density (max)	FAR (max)	Height (max)	Option Standards
Allowed Subdivision Options						
Land Division	n/a	7,500 sf	n/a	determined by physical development		(Sec. 7.2.3.)
Condominium/Townhouse	n/a	n/a	n/a	determined by physical development		(Sec. 7.2.4.)
2. Residential Subdivision Requirements						
Schools and Parks Exactions						(Div. 7.5.)
Development Exaction				0.03 acres of land per housing unit or lot		
3. ~~Infrastructure~~						
~~Transportation Facilities~~						~~(Div. 7.6.~~5.9.~~)~~
~~Access~~						~~required~~
~~Right-of-way for a Minor Local Road (min)~~						~~60'~~
~~Travel lane width for a Minor Local Road (min)~~						~~10'~~
~~Road and driveway design~~				~~also subject to Fire Protection Resolution~~		
~~Required Utilities~~						~~(Div. 7.7.~~5.10.~~)~~
~~Water~~		~~Connection to public supply, installation of central supply, or evidence of individual well required~~				
~~Sewer~~						
~~Connection to a public sanitary sewer required~~						~~within 500'~~
~~Small Wastewater Facility (septic) approval required~~						~~otherwise~~

4. Required Subdivision and Development Option Permits					
Option	Planned Unit Development (Sec. 8.7.3.)	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Development Option Plan (Sec. 8.5.2.)	Subdivision Plat (Sec. 8.5.3.)
Land Division					
≤ 10 lots			X		X
> 10 lots		X	X		X
Condominium/Townhouse					X
Non-Subdivision PRD					
0 - 4 units				X	
5 -10 units			X		
> 10 units		X	X		

E. Additional Zone-specific Standards

The following standards apply in addition to all other standards applicable in the AR-TC zone.

1. Accessory Residential Units

   a. Accessory residential units are only permitted in conjunction with a detached single-family unit.

   b. No more than 2 accessory residential units per lot are allowed.

   c. If only one accessory residential unit is constructed on a lot, it may be attached to or detached from the primary structure.

   d. If 2 accessory units are constructed on one lot, one shall be attached to the primary structure, the other shall be detached. The minimum separation between detached units shall be 10 feet.

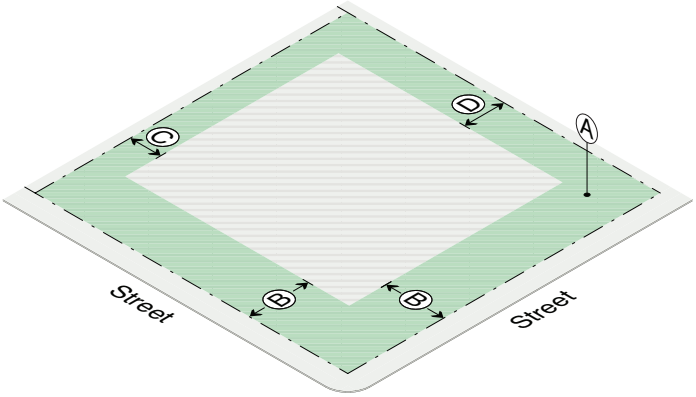
2.3.3. Wilson Commercial (WC) Zone ~~(7/18/18)~~ (AMD2019-0006)

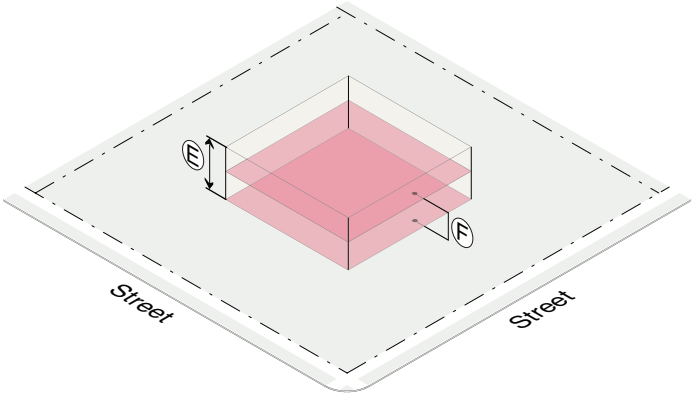
A. Intent

The purpose of the Wilson Commercial (WC) Zone is to perpetuate and promote the development of nonresidential uses that serve the local population of the Wilson area, or compliment the use of Wilson for other purposes. The WC zone is pedestrian oriented, adequately accommodating parking, but encouraging users of the zone to walk between individual properties. Nonresidential uses in the WC zone may be mixed with residential uses that enhance the idea of a symbiotic local resident and local service relationship.

B. Physical Development

Standards applicable to physical development in the WC zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the WC zone. This Subsection is intended to indicate all of the physical development standards applicable in the WC zone, however, all standards in Article 5. are applicable in the WC zone unless stated otherwise.





1. Structure Location and Mass						
	Ⓐ	Ⓑ	Ⓒ	Ⓓ	Ⓔ	Ⓕ
	LSR (min)	Street Setback (min)	Side Setback (min)	Rear Setback (min)	Height (max)	FAR (max)
Allowed use	.27	20’	10’	15’	26’	.35

Exceptions

See Subsections E.1 and E.2 for additional standards

Projection Into Any Setback. Cornices, canopies, eaves, decks, chimneys and similar architectural projections that are cantilevered off of the building and clear more than 9’ above finished grade may project not more than 2’ into any setback.

Side/Rear Setback Projection. Fire escapes may extend into a side or rear setback not more than 2’.

FAR Exemption. The floor area of a single-family unit within an affordable housing unit shall be exempt from the calculation of FAR.

FAR Exemption. The floor area of an accessory residential unit that is accessory to a nonresidential use shall be exempt from the FAR calculation for the site

Height. No building shall exceed 26’ in height, except where the second story is at least 50% residential use, in which case such building shall not exceed 30’ in height.

2. Maximum Scale of Development	
Individual Building (max)	
Gross floor area	
Not including affordable housing	6,000 sf
Including affordable housing	8,500 sf
Building footprint	6,000 sf
Frontage	
Street/Rear Lot Line	75’
Side Lot Line	100’

3. Building Design	
Character, Color, Articulation, and Orientation	
Building design shall be consistent with the existing character	
Colors shall blend into terrain using muted colors and earthy hues - additions matching existing colors and accent trim are exempt	
A frontage of greater than 40 feet shall be conceived of as at least 2 separate buildings	
Nonresidential spaces with Highway 22 frontage shall orient the primary entrance of the space toward Highway 22	

4. Site Development	
Site Development Setbacks (min)	
Decks, patios, other at grade surfaces	structure setback
Parking and driveways (min)	
Side/Rear	5’
Street	structure setback
Exemptions	
Driveways across yards to provide access; shared parking and driveways; and public sidewalks and pathways	

5. Landscaping	(E.3.) (Div. 5.5.)
Plant Units (min)	
Residential	n/a
Nonresidential	1 per 1,000 sf of landscape area
Parking lot	1 per 8 parking spaces

6. Fencing	(Sec. 5.1.2.)
Wildlife Friendly Fencing	
Special Purpose Fencing Height (max)	
In street yard	4’
In side or rear yard	6’
Special Purpose Fencing Setback	
Street yard	0’
Side or rear yard	0’

7. Environmental Standards	
Natural Resource Setbacks (min)	(Sec. 5.1.1.)
Rivers	150’
Streams	50’ or edge of riparian plant community up to 150’
Natural lakes or ponds	50’ or edge of riparian plant community up to 150’
Wetland	30’
Irrigation Ditch Setback (min)	(~~7.7.~~5.10.4.D.)
Irrigation ditch	15’
Wild Animal Feeding	(Sec. 5.1.3.)
Wild animal feeding prohibited	
Natural Resource Overlay (NRO) Standards	(Sec. 5.2.1.)
Bear Conflict Area Standards	(Sec. 5.2.2.)
Bear proof trash required in Conflict Priority Area 1	

8. Scenic Standards	
Exterior Lighting	(E.4.) (Sec. 5.3.1.)
Light trespass is prohibited.	
All lights over 600 initial lumens shall be fully shielded.	
Lumens per sf of site development (max)	3
Lumens per site (max)	
All fixtures	100,000
Unshielded fixtures	5,500’
Light Color	≤3000 Kelvin’
Scenic Resource Overlay (SRO) Standards	(Sec. 5.3.2.)

9. Natural Hazards to Avoid	
Steep Slopes	(Sec. 5.4.1.)
Development prohibited	Slopes > 30%
Areas of Unstable Soils	(Sec. 5.4.2.)
Fault Areas	(Sec. 5.4.3.)
Floodplains	(Sec. 5.4.4.)
Wildland Urban Interface	(Sec. 5.4.5.)
10. Signs	(Div. 5.6.)
Allowable Signage	
Nonresidential uses	
Freestanding Sign	1 per building or complex
Wall Sign	1 per frontage for each building or storefront
Monument or Entry Sign	1 per entrance other than frontage
Residential uses	
Single-family and multi-family < 8 units	1 unlighted wall sign
Multi-family ≥ 8 units	1 freestanding or 1 wall sign
Home occupation/business	1 unlighted wall sign
Sign Height (max)	
Nonresidential	
Freestanding Sign	8’
Monument or Entry	4’
Residential	6’
Home occupation/business	n/a

Sign Area (max)	
Nonresidential	
Freestanding Sign	1 sf per linear foot of building facing the street not to exceed 40 sf
Wall Sign	1 sf per 2 linear feet of building facing the street not to exceed 24 sf
Monument or Entry Sign	6 sf
Residential	
Single-family and multi-family < 8 units	3 sf
Multi-family ≥ 8 units	6 sf
Home occupation/business	2 sf
11. Grading, Erosion Control, Stormwater	
Grading	(Sec. 5.7.2.)
Erosion Control	(Sec. 5.7.3.)
Erosion shall be controlled at all times	
Stormwater Management	(Sec. 5.7.4.)
No increase in peak flow rate or velocity across property lines	

12. Required Physical Development Permits

Physical Development	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Building Permit (Sec. 8.3.3.)	Sign Permit (Sec. 8.3.5.)	Grading Permit (Sec. 8.3.4.)
Dwelling Unit					
< 5 units			X		(Sec. 5.7.1.)
5 - 10 units		X	X		(Sec. 5.7.1.)
> 10 units	X	X	X		(Sec. 5.7.1.)
Nonresidential Floor Area					
< 3,450 sf			X		(Sec. 5.7.1.)
3,450 to 12,000 sf		X	X		(Sec. 5.7.1.)
> 12,000 sf	X	X	X		(Sec. 5.7.1.)
Sign				X	(Sec. 5.7.1.)

13. Infrastructure	
Transportation Facilities	(Div. ~~7.6~~5.9.~~-~~)
Access	required
Shared access	accommodated whenever practical
Pedestrian connectivity encouraged	
A delineated Highway 22 crossing shall be visible from the main entrance to a business fronting Highway 22	
Neighboring properties are encouraged to provide boardwalk, sidewalk, or pathway connection between building entrances	
Road and driveway design	also subject to Fire Protection Resolution
Required Utilities	(Div. ~~7.7.~~5.10.)
Water	Connection to public supply, installation of central supply, or evidence of individual well required
Sewer	
Connection to a public sanitary sewer required	within 500'
Small Wastewater Facility (septic) approval required	otherwise

C. Use Standards

Standards applicable to uses in the WC zone are provided or referenced below. Allowed uses are listed in Subsection 1. Uses that are not listed are prohibited unless a similar use determination is made pursuant to 6.1.2.D. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the WC zone. This Subsection is intended to indicate all of the use standards applicable in the WC zone, however, all standards in Article 6. are applicable in the WC zone unless stated otherwise.

1. Allowed Uses				2. Use Requirements	
Use	Permit	Site Area (min)	Density (max)	Parking (min) (E.8) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Residential					
Detached Single-Family Unit (E.6.) (6.1.4.B.)	Y	30,000 sf	9 du/ac	2/DU	0.000017*sf + (Exp(-15.49 + 1.59*Ln(sf)))/2.176
Attached Single-Family Unit (E.6.) (6.1.4.C.)	B	30,000 sf	9 du/ac	2/DU + 0.5/DU if ≥ 3 units served by lot	0.000017*sf + (Exp(-14.17 + 1.59*Ln(sf)))/2.176
Apartment (E.6) (6.1.4.D.)	B	30,000 sf	9 du/ac	2/DU + 0.5/DU if ≥ 3 units served by lot	0.000017*sf + (Exp(-14.17 + 1.59*Ln(sf)))/2.176
Commercial					
Office (6.1.6.B.)	B	0 sf	n/a	3.3/1,000 sf	0.000431*sf
Retail (6.1.6.C.)	B	0 sf	n/a	4.5/1,000 sf	0.000377*sf
Service (6.1.6.D.)	B	0 sf	n/a	3/1,000 sf	0.000377*sf
Restaurant/Bar (6.1.6.E.)	B	0 sf	n/a	1/55 sf dining area + 1/30 sf bar area	0.001045*sf
See Subsection E.5. for additional use standards.					

Y=Use allowed, no use permit required B=Basic Use Permit (Sec. ~~8.3.5.~~8.4.1.) C=Conditional Use Permit (Sec. 8.4.2.)

1. Allowed Uses				2. Use Requirements	
Use	Permit	Site Area (min)	Density (max)	Parking (min) (E.8) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Heavy Retail/Service (6.1.6.F.)	C	0 sf	n/a	2/1,000 sf + 3/repair bay + 1/wash bay	0.000214*sf
Mini-Storage Warehouse (6.1.6.G.)	C	0 sf	n/a	1/10 storage units + 1/employee	0.000011*sf
Nursery (6.1.6.H.)	B	0 sf	n/a	2/1,000 sf + 1/4,000 sf outdoor display area + 1/company vehicle + 1/employee	0.000377*sf
Amusement/Recreation					
Amusement (6.1.7.B.)	C	0 sf	n/a	1/30 sf seating area	0.000377*sf
Developed Recreation (6.1.7.~~C~~D.)	B	0 sf	n/a	4.5/1,000 sf	independent calculation
Institutional					
Assembly (6.1.8.B.)	B	0 sf	n/a	independent calculation	independent calculation
Daycare/Education (6.1.8.C.)	B	0 sf	n/a	independent calculation	exempt (see 6.3.2.C.11 and 6.3.2.C.12)
Industrial					
Light Industry (6.1.9.B.)	C	0 sf	n/a	1/1,000 sf + 1/company vehicle	0.000214*sf
Transportation/Infrastructure					
Parking (6.1.10.B.)	C	0 sf	n/a	n/a	0.000214*sf
Utility Facility (6.1.10.C.)	C	0 sf	n/a	1/employee + 1/stored vehicle	0.000214*sf
Wireless Communication Facilities (6.1.10.D.)	6.1.10.D.	0 sf	n/a	1/employee + 1/stored vehicle	0.000214*sf
Accessory Uses					
Accessory Residential Unit (E.7.) (6.1.11.B.)	B	0 sf	n/a	1.25/DU	exempt
Home Occupation (6.1.11.D.)	B	0 sf	n/a	n/a	exempt
Family Home Daycare (6.1.11.F.)	B	0 sf	n/a	1/employee + 1 off-street pick-up/drop-off	exempt
Home Daycare Center (6.1.11.G.)	B	0 sf	n/a	1/employee + 2 off-street pick-up/drop-off	exempt
Temporary Uses					
Christmas Tree Sales (6.1.12.B.)	Y	0 sf	n/a	1/1,000 sf outdoor display area + 1/employee	exempt

See Subsection E.5. for additional use standards.

Y=Use allowed, no use permit required B=Basic Use Permit (Sec. ~~8.3.5.~~8.4.1.) C=Conditional Use Permit (Sec. 8.4.2.)

1. Allowed Uses				2. Use Requirements	
Use	Permit	Site Area (min)	Density (max)	Parking (min) (E.8) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Temporary Shelter (6.1.12.D.)	B	0 sf	1 unit per lot	2/DU	exempt
Farm Stand (6.1.12.E.)	B	0 sf	n/a	5/1,000 sf display area	exempt
Temp. Gravel Extraction and Processing (6.1.12.F.)	B	0 sf	n/a	1/employee	exempt
See Subsection E.5. for additional use standards.					
Y=Use allowed, no use permit required B=Basic Use Permit (Sec. ~~8.3.5.~~8.4.1.) C=Conditional Use Permit (Sec. 8.4.2.)					

3. Maximum Scale of Use	
Individual Use (floor area) (max)	
Single family unit (detached, attached, or apartment)	
1 unit per lot of record	2,000 sf habitable
other units on lot of record	1,500 sf habitable
Accessory residential unit	850 sf habitable
4. Operational Standards	
Outside Storage	(Sec. 6.4.1.)
Refuse and Recycling	(Sec. 6.4.2.)
Trash and recycling enclosure required	>4 DUs and all nonresidential
Pedestrian-oriented outdoor trash and recycling receptacles required	
Noise	(Sec. 6.4.3.)
Max sound level at property line	65 DBA
Vibration	(Sec. 6.4.4.)
Electrical Disturbances	(Sec. 6.4.5.)
Fire and Explosive Hazards	(Sec. 6.4.6.)
Heat and Humidity	(Sec. 6.4.7.)
Radioactivity	(Sec. 6.4.8.)

D. Development Options

Standards applicable to development options and subdivision in the WC zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the WC zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the WC zone, however, all standards in Article 7. are applicable in the WC zone unless stated otherwise.

1. Allowed Subdivision and Development Options						
Option	BSA (min)	Lot Size (min)	Density (max)	FAR (max)	Height (max)	Option Standards
Allowed Subdivision Options						
Land Division	n/a	30,000 sf	n/a	determined by physical development		(Sec. 7.2.3.)
Condominium/Townhouse	30,000 sf	n/a	n/a	determined by physical development		(Sec. 7.2.4.)
2. Residential Subdivision Requirements						
Schools and Parks Exactions						(Div. 7.5.)
Development Exaction				0.03 acres of land per housing unit or lot		
3. ~~Infrastructure~~						
~~Transportation Facilities~~						~~(Div. 7.6.~~5.9.~~)~~
~~Access~~						~~required~~
~~Shared access~~				~~accommodated whenever practical~~		
~~Pedestrian connectivity encouraged~~						
~~A delineated Highway 22 crossing shall be visible from the main entrance to a business fronting Highway 22~~						
~~Neighboring properties are encouraged to provide boardwalk, sidewalk, or pathway connection between building entrances~~						
~~Road and driveway design~~				~~also subject to Fire Protection Resolution~~		
~~Required Utilities~~						~~(Div. 7.7.~~5.10.~~)~~
~~Water~~			~~Connection to public supply, installation of central supply, or evidence of individual well required~~			
~~Sewer~~						
~~Connection to a public sanitary sewer required~~						~~within 500'~~
~~Small Wastewater Facility (septic) approval required~~						~~otherwise~~

4. Required Subdivision and Development Option Permits					
Option	Planned Unit Development (Sec. 8.7.3.)	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Development Option Plan (Sec. 8.5.2.)	Subdivision Plat (Sec. 8.5.3.)
Land Division					
≤ 10 lots			X		X
> 10 lots		X	X		X
Condominium/Townhouse					X

E. Additional Zone-specific Standards

The following standards apply in addition to all other standards applicable in the WC zone.

1. Structure Setbacks

   a. **Highway 22 Maximum Street Yard.** In addition to being a minimum of 20 feet, the Highway 22 setback shall be a maximum of 70 feet.

      i. **50% Build-To.** If at least 50% of a Highway 22 street yard, as defined by its width, is less than or equal to 70 feet, then the Highway 22 frontage of a structure may be located greater than 70 feet from the Highway 22 right-of-way.

      ii. **Street Yard Length.** The length of the Highway 22 street yard shall be measured from property line to property line at the intersection of the property lines with the Highway 22 right-of-way. The Highway 22 street yard length shall be used to determine whether 50% of the street yard complies with this Subsection.

      iii. **Street Yard Depth.** The depth of the Highway 22 street yard shall be measured from the Highway right-of-way to the exterior surface of the ground floor wall.

      iv. **Covered Walk Columns.** The columns of a covered walkway or porch do not constitute the wall of the structure for the purposes of calculating the maximum street yard required by this regulation. The columns of a covered walkway or porch shall meet the minimum street yard setback.

   b. **Hwy 22 Second Floor.** The horizontal distance from the exterior of the second story wall of a building to the Highway 22 right-of-way shall be no less than 35 feet. Columns supporting the canopy over a covered, exterior space shall not be used in calculating compliance with this standard, however, they must meet the minimum street setback.

   c. **Shared Access Drive.** Structures shall be set back a minimum of 2 feet from the edge of an access drive easement.

   d. **Multiple Buildings.** Multiple buildings on one lot shall be separated by a minimum of 10 feet, as measured from the exterior face of the walls of each building.

2. **Garages and Carports.** Garages, carports, and other covered parking shall meet the following standards.

   a. **Garages.** Garages, and any enclosed parking that constitutes floor area, that are a part of, or attached to, a building that defines a street yard are prohibited from facing a street or side yard.

   b. **Carports.** All carports and other covered parking shall meet all parking space location and design standards. Notwithstanding, no carport or other covered parking shall be located within 70 feet of the Highway 22 right-of-way, or the street yard of any other street or road.

3. Landscaping

   a. **Street Planting.** A minimum of one of the required plant units on each lot of record shall be placed in the street yard. This plant unit may not be substituted.

   b. **Landscape Surface Area.** Required landscape surface area (LSA) shall meet the definition in Article 9., except for the following:

      i. **Area Beneath Deck.** The area beneath a pervious, cantilevered, uncovered deck shall be considered landscape area for the purposes of calculating LSR so long as there is at least 9' of clearance between finish grade and the bottom of the deck supports and the area has been reclaimed with vegetation.

ii. **Exterior Space.** Up to 20% of the required LSA may be substituted with an uncovered deck or public walkway.

iii. **Uncovered Deck or Patio.** An uncovered deck or patio may only be considered LSA if it is furnished with both of the following:

a). **Public Seating and Tables.** The deck or patio shall contain seating and/or tables that are open to the public or are available to patrons of the establishment. The required seating and/or tables may count toward the standard plant unit requirement for the site.

b). **Planters.** The deck or patio shall contain maintained planters containing flowers, flowering shrubs or similar vegetation. The planters shall have a plantable area equal to one square foot for every two 2 linear feet of the perimeter of the deck or patio. The perimeter of the deck or patio shall be measured at the edge of the deck or patio surface and shall include all sides, including those coincident with a building wall. The required planters may count toward the standard plant unit requirement for the site.

c). **Public Walkway.** A walkway may be considered landscape surface area if it is uncovered, provides pedestrian access to the development from an existing or planned public pathway, and is placed within an easement benefiting the public.

c. **Plant Unit Substitutes.** Notwithstanding the provisions of 5.5.3.E., the following substitutions are the only plant unit substitutions that are permitted in the WC zone. The following substitutions may be made where it is demonstrated that the substitution achieves the objectives of the substituted plant unit.

i. **Movable Planters.** 10 square feet of permanent or movable planters containing flowers, flowering shrubs or similar vegetation may be substituted for 4 number five (#5) container shrubs.

ii. **Seating.** Seating for 3 people may be substituted for two 2 canopy trees.

iii. **Picnic Table.** A picnic table seating at least 4 people may be substituted for three 3 canopy trees.

iv. **Dog Hitching Post.** A facility for patrons to tie up dogs may be substituted for one large shrub.

v. **Other Landscape Furnishings.** Landscape furnishings other than those listed in this Section that meet the intent of providing a vital, active, and well-maintained pedestrian environment while also providing screening and softening of the structure, parking, and/or loading on the property, may be substituted for a rational number of plant units at the discretion of the Planning Director.

d. **Relief From Standard Plant Units.** The Planning Director may relieve an applicant from the standard plant units if the applicant can demonstrate that the standard plant units cannot or should not be provided on the site in order to meet the intent of the landscaping requirement, and can demonstrate how the proposed landscaping does meet the intent of the landscaping requirement.

i. **Plant Unit Substitutes.** An applicant shall provide at least 2 plant units worth of plant unit substitutes prior to requesting a reduction in the plant units required.

ii. **Shared Parking and Loading.** The Planning Director may relieve an applicant of required plant units, if shared parking and loading is proposed in the rear of the property.

iii. **Pedestrian Connectivity.** The Planning Director may relieve an applicant of required plant units, if adjacent businesses are connected by a boardwalk, sidewalk, or pathway.

4. **Exterior Lighting.** Proposed exterior lighting shall be focused on pedestrian walkways, public spaces, and entryways for nonresidential and residential establishments. Nonresidential establishment exterior lighting shall be set on a timer to turn on at dusk and turn off no later than 11:00 p.m. in the summer and 10:00 p.m. in the winter, or until closing time of the establishment being served by the exterior lighting.

5. Use Mix

a. **50% Commercial.** At least 50% of the floor area on a WC zoned site shall contain a permitted nonresidential use. The floor area of an affordable housing unit is exempt from this requirement provided that:

i. At least 4,500 sf of nonresidential development is proposed on the site; and

ii. At least 25% of the floor area contains a nonresidential use.

b. **50% Wilson Local Service Use.** At least 50% of the nonresidential floor area on a WC zoned site shall provide services to persons living in and around the Wilson area. Wilson local services include general, grocery, drug, book, sporting goods, convenience, hardware, pet, or liquor stores; restaurants, bars, delis, or bakeries; coffee, ice cream, barber, or movie rental shops; libraries or post offices; laundry and dry cleaners, including self service cleaners; nurseries; banks or credit unions; day care centers; health or exercise clubs; and emergency medical care providers.

6. **Single-Family Unit.** Single-family units shall meet the following standards. The table below summarizes the allowable residential development in the WC zone.

a. **Occupants.** The occupants of a single-family unit in the WC zone shall be members of the Teton County workforce and occupy the unit as their primary residence. The mechanism, and its specific provisions, for

achieving the restriction shall be consistent with the Jackson/Teton County Housing Department Rules and Regulations and shall be enforceable by Teton County.

b. **Outside Storage.** Only vehicles used for daily travel may be stored outside. All other possessions belonging to occupants of a single-family unit, such as recreational, secondary or inoperative vehicles, boats, motorcycles, canoes, kayaks, lumber and other construction materials not associated with an on-going construction project on the site, or other similar items contributing to an untidy appearance, shall be stored within an enclosed structure

c. **Frontage.** No single-family unit or office use may be coincident with a street yard on the ground floor.

Residential Units in the WC			
	Type of Residential Unit		
Regulations	ARU	Workforce Unit	Affordable Unit
Maximum Density	exempt	applies	applies
Occupancy			
Occupancy restriction	Yes	Yes	Yes
Price restriction[1]	No	No	Yes
Floor Area			
Max sf per unit	850	1,500	1,500
50% Commercial	applies	applies	exempt
FAR	exempt	applies	exempt
Max. Building Size	applies	applies	exempt

7. **Accessory Residential Unit.** ARUs are only permitted as accessory to a nonresidential use. ARUs associated with a residential use are prohibited.

8. Parking and Loading

a. **Shared Parking and Loading.** The owners of two or more uses, structures, or lots of record are encouraged to develop a shared parking and loading plan. This shared parking and loading plan shall identify the amount and location of parking that will be shared, identify the hours of use and expected amount of use, provide pedestrian connections, and provide a statement explaining how the owners will ensure an adequate amount of parking is provided. The plan shall also include a shared maintenance agreement, and if applicable, a cross-lot grading and maintenance easement agreement to be recorded by the Teton County Clerk against the subject lots of record.

i. Reduced Parking Requirement. Development of a shared parking and loading plan may allow for a reduction in parking requirements based on the analysis demonstrating that adequate parking is provided for all uses.

ii. Reduced Landscaping Requirement. Development of a shared parking and loading plan may allow for a reduction in the standard plant unit requirements on a site at the discretion of the Planning Director.

b. Bicycle Parking. Bicycle racks shall be required to be provided at an amount of one U-rack or 2 bicycle spaces per 10 parking spaces required. If less than 10 parking spaces are required, a minimum of one U-rack or 2 bicycle spaces shall be provided.

c. Off-Street Parking Facility Design Standards. Shared access along common property lines shall be encouraged.

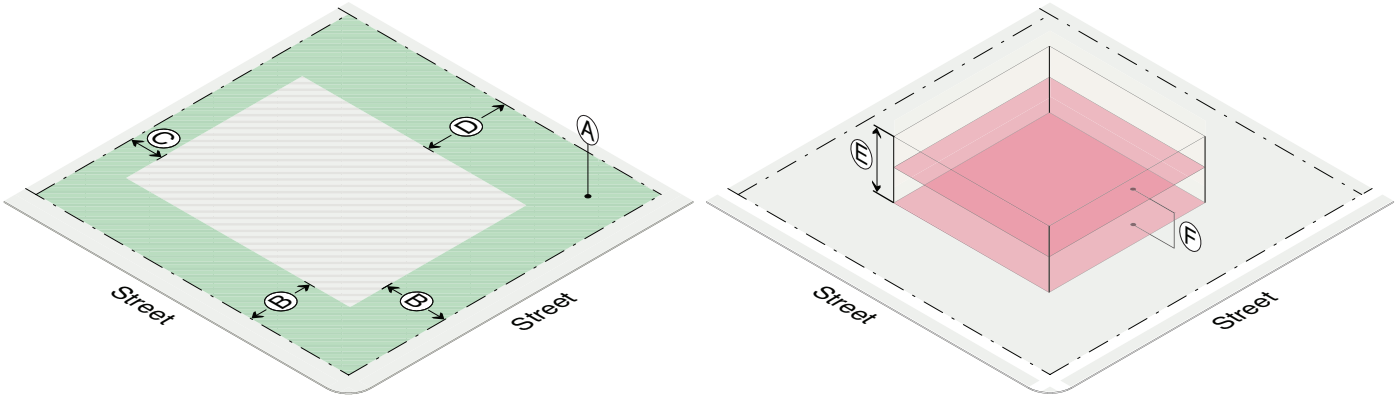
2.3.4. Office Professional - County (OP-TC) Zone ~~(7/18/18)~~ (AMD2019-0006)

A. Intent

The purpose of the Office Professional - County (OP-TC) Zone is to provide for the development of office uses and a limited array of service uses separate from the commercial zones where office uses often cannot compete with retail uses for space. The OP-TC zone may be mixed with residential uses that include the conversion of single-family residences to office or service uses, the development or continuation of residential uses, and the conduct of limited business uses from a home.

B. Physical Development

Standards applicable to physical development in the OP-TC zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the OP-TC zone. This Subsection is intended to indicate all of the physical development standards applicable in the OP-TC zone, however, all standards in Article 5. are applicable in the OP-TC zone unless stated otherwise.



1. Structure Location and Mass						
	Ⓐ	Ⓑ	Ⓒ	Ⓓ	Ⓔ	Ⓕ
	LSR (min)	Street Setback (min)	Side Setback (min)	Rear Setback (min)	Height (max)	FAR (max)
Detached Single-family unit						
Lot ≤ 15,000 sf	.30	25’	10’	30’	24’	.46
Lot > 15,000 sf	.30	25’	10’	30’	24’	.30
Other principal use						
Lot ≤ 15,000 sf	.30	25’	10’	25’	26’	.46
Lot > 15,000 sf	.30	25’	10’	25	26’	.30
Accessory use	Same as for primary use with which associated					
Temporary use	n/a	25’	10’	25’	26’	n/a
Individual lot within a PRD	Standards established through PRD approval					

Exceptions

Residential Side/Rear Yard Projections. Fire escapes may extend into a side or rear yard by not more than 4 feet.

FAR Exemption. The floor area of an accessory residential unit that is accessory to a nonresidential use shall be exempt from the FAR calculation for the site

2. Maximum Scale of Development	
Individual Building (gross floor area) (max)	
Part of single-family unit	10,000 sf
Nonresidential (agricultural buildings exempt)	6,000 sf
3. Building Design	
Residential Building Materials	
External surfaces shall be non-reflective	
Colors shall blend into terrain using muted colors and earthy hues - additions matching existing colors are exempt	
4. Site Development	
Site Development Setbacks (min)	
Side/Rear	5’
Front	
40% of lineal frontage	0’
60% of lineal frontage	structure setback
5. Landscaping	(Div. 5.5.)
Plant Units (min)	
Residential	1 per du
Nonresidential	1 per 1,000 sf of landscape area
Parking lot	
Residential	1 per 12 parking spaces
All other uses	1 per 8 parking spaces
6. Fencing	(Sec. 5.1.2.)
Wildlife Friendly Fencing	
Special Purpose Fencing Height (max)	
In street yard	4’
In side or rear yard	6’
Special Purpose Fencing Setback	
Any yard	0’

7. Environmental Standards	
Natural Resource Buffers (min)	(Sec. 5.1.1.)
Rivers	150’
Streams	50’ or edge of riparian plant community up to 150’
Natural lakes or ponds	50’ or edge of riparian plant community up to 150’
Wetland	30’
Irrigation Ditch Setback (min)	(~~7.7.~~5.10.4.D.)
Irrigation ditch	15’
Wild Animal Feeding	(Sec. 5.1.3.)
Wild animal feeding prohibited	
Natural Resource Overlay (NRO) Standards	(Sec. 5.2.1.)
Bear Conflict Area Standards	(Sec. 5.2.2.)
Bear proof trash required in Conflict Priority Area 1	
8. Scenic Standards	
Exterior Lighting	(Sec. 5.3.1.)
Light trespass is prohibited.	
All lights over 600 initial lumens shall be fully shielded.	
Lumens per sf of site development (max)	3
Lumens per site (max)	
All fixtures	100,000
Unshielded fixtures	5,500
Light Color	≤3000 Kelvin
Scenic Resource Overlay (SRO) Standards	(Sec. 5.3.2.)
9. Natural Hazards to Avoid	
Steep Slopes	(Sec. 5.4.1.)
Development prohibited	Slopes > 30%
Areas of Unstable Soils	(Sec. 5.4.2.)
Fault Areas	(Sec. 5.4.3.)
Floodplains	(Sec. 5.4.4.)
Wildland Urban Interface	(Sec. 5.4.5.)

10. Signs	(Div. 5.6.)
Allowable Signage	
Nonresidential uses	
Freestanding Sign	1 per building or complex
Wall Sign	1 per frontage for each building or storefront
Monument or Entry Sign	1 per entrance other than frontage
Residential uses	
Single-family and multi-family < 8 units	1 unlighted wall sign
Multi-family ≥ 8 units	1 freestanding or 1 wall sign
Home occupation/business	1 unlighted wall sign
Sign Height (max)	
Nonresidential	
Freestanding Sign	8’
Monument or Entry	4’
Residential	6’
Home occupation/business	n/a

Sign Area (max)	
Nonresidential	
Freestanding Sign	1 sf per linear foot of building facing the street not to exceed 40 sf
Wall Sign	1 sf per 2 linear feet of building facing the street not to exceed 24 sf
Monument or Entry Sign	6 sf
Residential	
Single-family and multi-family < 8 units	3 sf
Multi-family ≥ 8 units	6 sf
Home occupation/business	2 sf

11. Grading, Erosion Control, Stormwater	
Grading	(Sec. 5.7.2.)
Erosion Control	(Sec. 5.7.3.)
Erosion shall be controlled at all times	
Stormwater Management	(Sec. 5.7.4.)
No increase in peak flow rate or velocity across property lines	

12. Required Physical Development Permits

Physical Development	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Building Permit (Sec. 8.3.3.)	Sign Permit (Sec. 8.3.5.)	Grading Permit (Sec. 8.3.4.)
Dwelling Unit					
< 5 units			X		(Sec. 5.7.1.)
5 - 10 units		X	X		(Sec. 5.7.1.)
> 10 units	X	X	X		(Sec. 5.7.1.)
Nonresidential Floor Area					
< 3,450 sf			X		(Sec. 5.7.1.)
3,450 to 12,000 sf		X*	X		(Sec. 5.7.1.)
> 12,000 sf	X*	X*	X		(Sec. 5.7.1.)
Sign				X	(Sec. 5.7.1.)

* Not required for physical development associated with an agricultural use meeting the standards for exemption outlined in Section 6.1.3.B.

13. Infrastructure	
Transportation Facilities	(Div. ~~7.6.~~5.9.)

Access	required
Right-of-way for a Minor Local Road (min)	60'
Travel lane width for a Minor Local Road (min)	10'
Road and driveway design	also subject to Fire Protection Resolution
Required Utilities	(Div. ~~7.7.~~5.10.)
Water	Connection to public supply, installation of central supply, or evidence of individual well required
Sewer	
Connection to a public sanitary sewer required	within 500'
Small Wastewater Facility (septic) approval required	otherwise

C. Use Standards

Standards applicable to uses in the OP-TC zone are provided or referenced below. Allowed uses are listed in Subsection 1. Uses that are not listed are prohibited unless a similar use determination is made pursuant to 6.1.2.D. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the OP-TC zone. This Subsection is intended to indicate all of the use standards applicable in the OP-TC zone, however, all standards in Article 6. are applicable in the OP-TC zone unless stated otherwise.

1. Allowed Uses				2. Use Requirements	
Use	Permit	BSA (min)	Density (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Open Space					
Agriculture (6.1.3.B.)	Y	0 sf	n/a	n/a	exempt
Residential					
Detached Single-Family Unit (6.1.4.B.)	Y	0 sf	1 unit per lot	2/DU	0.000017*sf + (Exp(-15.49 + 1.59*Ln(sf)))/2.176
Commercial					
Office (6.1.6.B.)	B	0 sf	n/a	3.3/1,000 sf	0.000431*sf
Service (6.1.6.D.)	B	0 sf	n/a	3/1,000 sf	0.000377*sf
Institutional					
Daycare/Education (6.1.8.C.)	C	0 sf	n/a	independent calculation	exempt (see 6.3.2.C.11 and 6.3.2.C.12)
Transportation/Infrastructure					
Utility Facility (6.1.10.C.)	C	0 sf	n/a	1/employee + 1/stored vehicle	0.000214*sf
Wireless Communication Facilities (6.1.10.D.)	6.1.10.D.	0 sf	n/a	1/employee + 1/stored vehicle	0.000214*sf
Accessory Uses					

Y=Use allowed, no use permit required B=Basic Use Permit (Sec. ~~8.3.5.~~8.4.1.) C=Conditional Use Permit (Sec. 8.4.2.)

1. Allowed Uses				2. Use Requirements	
Use	Permit	BSA (min)	Density (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Accessory Residential Unit (6.1.11.B.) (E.1.)	B	0 sf	see E.1.	1.25/DU	exempt
Home Occupation (6.1.11.D.)	B	0 sf	n/a	n/a	exempt
Home Business (6.1.11.E.)	C	0 sf	n/a	1/DU	exempt
Family Home Daycare (6.1.11.F.)	B	0 sf	n/a	1/employee + 1 off-street pick-up/drop-off	exempt
Home Daycare Center (6.1.11.G.)	C	0 sf	n/a	1/employee + 2 off-street pick-up/drop-off	exempt
Temporary Uses					
Temporary Shelter (6.1.12.D.)	B	0 sf	1 unit per lot	2/DU	exempt
Temp. Gravel Extraction and Processing (6.1.12.F.)	B	0 sf	n/a	1/employee	exempt

Y=Use allowed, no use permit required B=Basic Use Permit (Sec. ~~8.3.5.~~8.4.1.) C=Conditional Use Permit (Sec. 8.4.2.)

3. Maximum Scale of Use	
Individual Use (floor area) (max)	
Single family unit (detached)	
Habitable floor area excluding basement	8,000 sf
Gross floor area excluding basement	10,000 sf + 100 sf non-habitable FA per acre BSA over 10 acres. Not to exceed 15,000sf
Accessory residential unit	
Primary use residential	1,000 sf gross
Primary use nonresidential	850 sf habitable

4. Operational Standards	
Outside Storage	(Sec. 6.4.1.)
Refuse and Recycling	(Sec. 6.4.2.)
Trash and recycling enclosure required	>4 DUs and all nonresidential
Noise	(Sec. 6.4.3.)
Max sound level at property line	55 DBA
Vibration	(Sec. 6.4.4.)
Electrical Disturbances	(Sec. 6.4.5.)
Fire and Explosive Hazards	(Sec. 6.4.6.)
Heat and Humidity	(Sec. 6.4.7.)
Radioactivity	(Sec. 6.4.8.)

D. Development Options

Standards applicable to development options and subdivision in the OP-TC zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the OP-TC zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the OP-TC zone, however, all standards in Article 7. are applicable in the OP-TC zone unless stated otherwise.

1. Allowed Subdivision and Development Options						
Option	BSA (min)	Lot Size (min)	Density (max)	FAR (max)	Height (max)	Option Standards
Allowed Subdivision Options						
Land Division	n/a	7,500 sf	n/a	determined by physical development		(Sec. 7.2.3.)
Townhouse/Condominium Subdivision	n/a	n/a	n/a	determined by physical development		(Sec. 7.2.4.)
2. Residential Subdivision Requirements						
Schools and Parks Exactions						(Div. 7.5.)
Development Exaction				0.03 acres of land per housing unit or lot		
3. ~~Infrastructure~~						
~~Transportation Facilities~~						~~(Div. 7.6.)~~
~~Access~~						~~required~~
~~Right-of-way for a Minor Local Road (min)~~						~~60'~~
~~Travel lane width for a Minor Local Road (min)~~						~~10'~~
~~Road and driveway design~~				~~also subject to Fire Protection Resolution~~		
~~Required Utilities~~						~~(Div. 7.7.)~~
~~Water~~			~~Connection to public supply, installation of central supply, or evidence of individual well required~~			
~~Sewer~~						
~~Connection to a public sanitary sewer required~~						~~within 500'~~
~~Small Wastewater Facility (septic) approval required~~						~~otherwise~~

4. Required Subdivision and Development Option Permits					
Option	Planned Unit Development (Sec. 8.7.3.)	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Development Option Plan (Sec. 8.5.2.)	Subdivision Plat (Sec. 8.5.3.)
Land Division					
≤ 10 lots			X		X
> 10 lots		X	X		X
Condominium/Townhouse					X
Non-subdivision PRD					
0 - 4 units				X	

5 -10 units		X
> 10 units	X	X

E. Additional Zone-specific Standards

1. **ARU Density.** A maximum of 1 ARU shall be permitted accessory to a detached single-family unit. The maximum number of ARUs accessory to a nonresidential use shall be determined based on the definition of Accessory Use (6.1.2.B.3.).

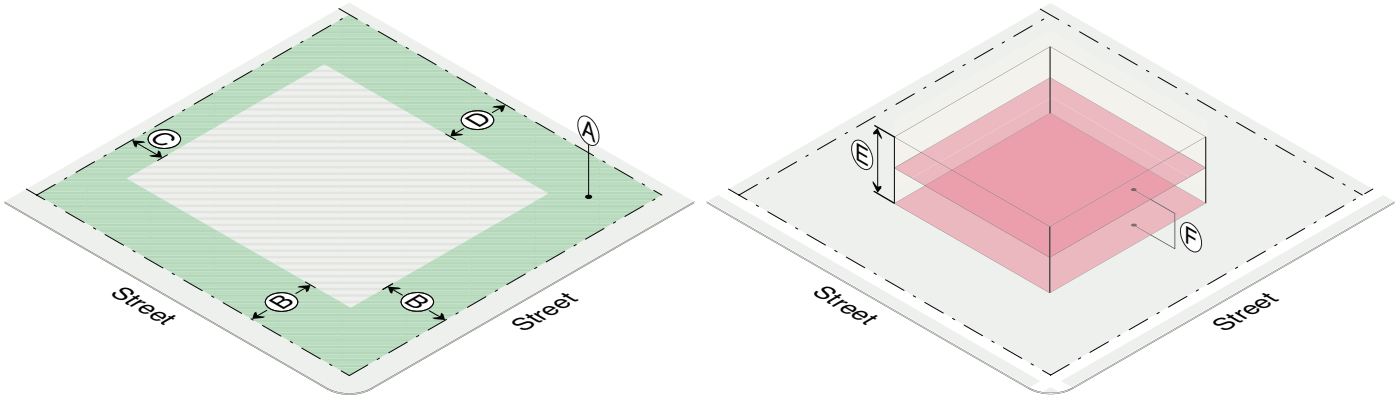
2.3.5. Business Park - County (BP-TC) Zone ~~(7/18/18)~~ (AMD2019-0006)

A. Intent

The purpose of the Business Park - County (BP-TC) Zone is to provide suitable locations and environs for a variety of industrial, wholesaling, distribution and service commercial types of uses to meet general community needs.

B. Physical Development

Standards applicable to physical development in the BP-TC zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the BP-TC zone. This Subsection is intended to indicate all of the physical development standards applicable in the BP-TC zone, however, all standards in Article 5. are applicable in the BP-TC zone unless stated otherwise.



1. Structure Location and Mass						
	Ⓐ	Ⓑ	Ⓒ	Ⓓ	Ⓔ	Ⓕ
	LSR (min)	Street Setback (min)	Side Setback (min)	Rear Setback (min)	Stories (max)	FAR (max)
Allowed use	.15	20’	10’	20’	35’	.60

Exceptions

Residential Side/Rear Yard Projections. Fire escapes may extend into a side or rear yard by not more than 4 feet.

FAR Exemption. The floor area of an accessory residential unit that is accessory to a nonresidential use shall be exempt from the FAR calculation for the site

2. Maximum Scale of Development	
Individual Building (max gross FA)	
Nonresidential (see E.1. for exemptions)	15,000 sf
3. Building Design	
Residential Building Materials	
External surfaces shall be non-reflective	
Colors shall blend into terrain using muted colors and earthy hues - additions matching existing colors are exempt	
Nonresidential Building Materials	
External surfaces shall be non-reflective - except that glass for displays and transparency is permitted	
For external surfaces visible from a state highway, county road, or scenic road, colors shall blend into terrain using muted colors and earthy hues - additions matching existing colors are exempt	
4. Site Development	
Site Development Setbacks	
Side/Rear	5’
Front	
40% of lineal frontage	0’
60% of lineal frontage	structure setback
5. Landscaping	(Div. 5.5.)
Plant Units (min)	
Residential	1 per du
Nonresidential	1 per 1,000 sf of landscape area
Parking lot	1 per 16 parking spaces
6. Fencing	(Sec. 5.1.2.)
Wildlife Friendly Fencing	
Special Purpose Fencing Height (max)	
In street yard	4’
In side or rear yard	6’
Special Purpose Fencing Setback	
Any yard	0’

7. Environmental Standards	
Natural Resource Buffers (min)	(Sec. 5.1.1.)
Rivers	150’
Streams	50’ or edge of riparian plant community up to 150’
Natural lakes or ponds	50’ or edge of riparian plant community up to 150’
Wetland	30’
Irrigation Ditch Setback (min)	(~~7.7.~~5.10.4.D.)
Irrigation ditch	15’
Wild Animal Feeding	(Sec. 5.1.3.)
Wild animal feeding prohibited	
Natural Resource Overlay (NRO) Standards	(Sec. 5.2.1.)
Bear Conflict Area Standards	(Sec. 5.2.2.)
Bear proof trash required in Conflict Priority Area 1	
8. Scenic Standards	
Exterior Lighting	(Sec. 5.3.1.)
Light trespass is prohibited.	
All lights over 600 initial lumens shall be fully shielded.	
Lumens per sf of site development (max)	3
Lumens per site (max)	
All fixtures	100,000
Unshielded fixtures	5,500’
Light Color	≤3000 Kelvin’
Scenic Resource Overlay (SRO) Standards	(Sec. 5.3.2.)
9. Natural Hazards to Avoid	
Steep Slopes	(Sec. 5.4.1.)
Development prohibited	Slopes > 30%
Areas of Unstable Soils	(Sec. 5.4.2.)
Fault Areas	(Sec. 5.4.3.)
Floodplains	(Sec. 5.4.4.)
Wildland Urban Interface	(Sec. 5.4.5.)

10. Signs	(Div. 5.6.)
Allowable Signage	
Nonresidential uses	
Freestanding Sign	1 per building or complex
Wall Sign	1 per frontage for each building or storefront
Monument or Entry Sign	1 per entrance other than frontage
Residential uses	
Single-family and multi-family < 8 units	1 unlighted wall sign
Multi-family ≥ 8 units	1 freestanding or 1 wall sign
Home occupation/business	1 unlighted wall sign
Sign Height (max)	
Nonresidential	
Freestanding Sign	8’
Monument or Entry	4’
Residential	6’
Home occupation/business	n/a

Sign Area (max)	
Nonresidential	
Freestanding Sign	1 sf per linear foot of building facing the street not to exceed 40 sf
Wall Sign	1 sf per 2 linear feet of building facing the street not to exceed 24 sf
Monument or Entry Sign	6 sf
Residential	
Single-family and multi-family < 8 units	3 sf
Multi-family ≥ 8 units	6 sf
Home occupation/business	2 sf

11. Grading, Erosion Control, Stormwater	
Grading	(Sec. 5.7.2.)
Erosion Control	(Sec. 5.7.3.)
Erosion shall be controlled at all times	
Stormwater Management	(Sec. 5.7.4.)
No increase in peak flow rate or velocity across property lines	

12. Required Physical Development Permits

Physical Development	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Building Permit (Sec. 8.3.3.)	Sign Permit (Sec. 8.3.5.)	Grading Permit (Sec. 8.3.4.)
Dwelling Unit					
< 5 units			X		(Sec. 5.7.1.)
5 - 10 units		X	X		(Sec. 5.7.1.)
> 10 units	X	X	X		(Sec. 5.7.1.)
Nonresidential Floor Area					
< 3,450 sf			X		(Sec. 5.7.1.)
3,450 to 12,000 sf		X	X		(Sec. 5.7.1.)
> 12,000 sf	X	X	X		(Sec. 5.7.1.)
Sign				X	(Sec. 5.7.1.)

13. Infrastructure	
Transportation Facilities	(Div. ~~7.6.~~5.9.)
Access	required

Right-of-way for a Minor Local Road (min)	60'
Travel lane width for a Minor Local Road (min)	10'
Road and driveway design	also subject to Fire Protection Resolution
Required Utilities	(Div. ~~7.7.~~5.10.~~)~~
Water	Connection to public supply, installation of central supply, or evidence of individual well required
Sewer	
Connection to a public sanitary sewer required	within 500'
Small Wastewater Facility (septic) approval required	otherwise

C. Use Standards

Standards applicable to uses in the BP-TC zone are provided or referenced below. Allowed uses are listed in Subsection 1. Uses that are not listed are prohibited unless a similar use determination is made pursuant to 6.1.2.D. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the BP-TC zone. This Subsection is intended to indicate all of the use standards applicable in the BP-TC zone, however, all standards in Article 6. are applicable in the BP-TC zone unless stated otherwise.

1. Allowed Uses				2. Use Requirements	
Use	Permit	BSA (min)	Density (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Open Space					
Outdoor Recreation (6.1.3.C.)	C	0 sf	n/a	independent calculation	independent calculation
Commercial					
Retail (6.1.6.C.) (E.2.)	B	0 sf	1 per lot	4.5/1,000 sf	0.000377*sf
Heavy Retail/Service (6.1.6.F.)	B	0 sf	n/a	2/1,000 sf + 3/repair bay + 1/wash bay	0.000214*sf
Mini-Storage Warehouse (6.1.6.G.)	B	0 sf	n/a	1/10 storage units + 1/employee	0.000011*sf
Amusement/Recreation					
Developed Recreation (6.1.7.~~C~~D.)	C	0 sf	n/a	4.5/1,000 sf	independent calculation
Outfitter/Tour Operator (6.1.7.E.)	C	0 sf	n/a	independent calculation	independent calculation
Institutional					
Assembly (6.1.8.B.)	C	0 sf	n/a	independent calculation	independent calculation
Daycare/Education (6.1.8.C.)	C	0 sf	n/a	independent calculation	exempt (see 6.3.2.C.11 and 6.3.2.C.12)
Industrial					
Light Industry (6.1.9.B.)	B	0 sf	n/a	1/1,000 sf + 1/company vehicle	0.000214*sf

Y=Use allowed, no use permit required B=Basic Use Permit (Sec. ~~8.3.5.~~8.4.1.) C=Conditional Use Permit (Sec. 8.4.2.)

1. Allowed Uses				2. Use Requirements	
Use	Permit	BSA (min)	Density (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Heavy Industry (6.1.9.C.)	C	0 sf	n/a	2/1,000 sf	0.000214*sf
Disposal (6.1.9.D.)	C	0 sf	n/a	1/employee	0.000214*sf
Junkyard (6.1.9.E.)	C	0 sf	n/a	1/employee	0.000214*sf
Transportation/Infrastructure					
Utility Facility (6.1.10.C.)	B	0 sf	n/a	1/employee + 1/stored vehicle	0.000214*sf
Wireless Communication Facilities (6.1.10.D.)	6.1.10.D.	0 sf	n/a	1/employee + 1/stored vehicle	0.000214*sf
Aviation (6.1.10.E.)	C	0 sf	n/a	independent calculation	0.000214*sf
Accessory Uses					
Accessory Residential Unit (6.1.11.B.)	B	0 sf	n/a	1.25/DU	exempt
Home Occupation (6.1.11.D.)	B	0 sf	n/a	n/a	exempt
Family Home Daycare (6.1.11.F.)	B	0 sf	n/a	1/employee + 1 off-street pick-up/drop-off	exempt
Home Daycare Center (6.1.11.G.)	B	0 sf	n/a	1/employee + 2 off-street pick-up/drop-off	exempt
Temporary Uses					
Christmas Tree Sales (6.1.12.B.)	Y	0 sf	n/a	1/1,000 sf outdoor display area +1/ employee	exempt
Real Estate Sales Office (6.1.12.C.)	B	0 sf	n/a	3.3/1,000 sf	exempt
Temp. Gravel Extraction and Processing (6.1.12.F.)	B	0 sf	n/a	1/employee	exempt

Y=Use allowed, no use permit required B=Basic Use Permit (Sec. ~~8.3.5.~~8.4.1.) C=Conditional Use Permit (Sec. 8.4.2.)

3. Maximum Scale of Use	
Individual Use (floor area) (max)	
Retail	2,500 sf gross
Accessory residential unit	850 sf habitable
4. Operational Standards	
Outside Storage	(Sec. 6.4.1.)
Refuse and Recycling	(Sec. 6.4.2.)
Trash and recycling enclosure required	>4 DUs and all nonresidential
Noise	(Sec. 6.4.3.)
Max sound level at property line	65 DBA
Vibration	(Sec. 6.4.4.)

Electrical Disturbances	(Sec. 6.4.5.)
Fire and Explosive Hazards	(Sec. 6.4.6.)
Heat and Humidity	(Sec. 6.4.7.)
Radioactivity	(Sec. 6.4.8.)

D. Development Options

Standards applicable to development options and subdivision in the BP-TC zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the BP-TC zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the BP-TC zone, however, all standards in Article 7. are applicable in the BP-TC zone unless stated otherwise.

1. Allowed Subdivision and Development Options						
Option	BSA (min)	Lot Size (min)	Density (max)	FAR (max)	Height (max)	Option Standards
Allowed Subdivision Options						
Land Division	n/a	10,000 sf	n/a	determined by physical development		(Sec. 7.2.3.)
Condominium/Townhouse	n/a	n/a	n/a	determined by physical development		(Sec. 7.2.4.)
2. Residential Subdivision Requirements						
Schools and Parks Exactions						(Div. 7.5.)
Development Exaction				0.03 acres of land per housing unit or lot		
3. ~~Infrastructure~~						
~~Transportation Facilities~~						~~(Div. 7.6.)~~
~~Access~~						~~required~~
~~Right-of-way for a Minor Local Road (min)~~						~~60'~~
~~Travel lane width for a Minor Local Road (min)~~						~~10'~~
~~Road and driveway design~~				~~also subject to Fire Protection Resolution~~		
~~Required Utilities~~						~~(Div. 7.7.)~~
~~Water~~			~~Connection to public supply, installation of central supply, or evidence of individual well required~~			
~~Sewer~~						
~~Connection to a public sanitary sewer required~~						~~within 500'~~
~~Small Wastewater Facility (septic) approval required~~						~~otherwise~~

4. Required Subdivision and Development Option Permits					
Option	Planned Unit Development (Sec. 8.7.3.)	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Development Option Plan (Sec. 8.5.2.)	Subdivision Plat (Sec. 8.5.3.)

Land Division			
≤ 10 lots		X	X
> 10 lots	X	X	X
Condominium/Townhouse			X

E. Additional Zone-specific Standards

The following standards apply in addition to all other standards applicable in the BP-TC zone.

1. Maximum Scale of an Individual Building

   a. **Exempt.** Building occupied by the following uses are exempt from the maximum scale of an individual building.

      i. **Agriculture.** Agricultural operations meeting the standards for exemption in Section 6.1.3.B.

      ii. **Developed Recreation.** Developed recreation use where at least half of the hours the recreation center is open shall be available for public reservation or open public use.

   b. **Increase to 25,000.** In the BP-TC zone, the maximum floor area above ground in an individual building may be increased from 15,000 square feet to a maximum of 25,000 square feet, provided all of the following standards are met:

      i. **Traffic and Parking.** The use proposed has neither a high traffic generation rate nor a high demand for parking. The increase in the size of the building will not increase projected traffic or parking demand by more than 20% above the traffic projection and parking demand for a 15,000 square feet building.

      ii. **Visual Impact.** The visual impact of the size of the building shall be mitigated. Mitigation shall include techniques to visually break-up the mass of the building, such as architectural treatments and landscaping that reduce the perceived size of the building.

2. **Convenience Retail Required.** The intent of allowing retail use in the BP-TC zone is that the goods sold are primarily convenience goods that provide for the needs of the residents and employees of the surrounding area.

   a. Retail use shall be limited to food and/or liquor stores.

   b. Goods sold shall not be of a specialty nature that rely on and attract customer and vehicle traffic from the community as a whole.

   c. Retail use is only allowed on a lot of record that has another active, lawful principal use.

Article 3. Rural Area Zones

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Div. 3.1. All Rural Area Zones

Rural area zones are intended to preserve wildlife habitat, habitat connections, scenic vistas, and undeveloped open spaces to the extent possible, given existing development patterns. There are 2 types of rural area zones.

3.1.1. Character Zones (4/1/16)

Character zones, established in Div. 3.2, are character-based and established to implement the Comprehensive Plan. As described in the Comprehensive Plan, rural areas provide: wildlife habitat, scenery, open space, an abundance of landscape, limited detached single-family development, and minimal nonresidential development. The rural area character zones represent a continuum of rural character as follows:

A. Rural-1 (R-1) generally encompasses the largest holdings with the most potential for use as sites of greater than 70 acres that provide undeveloped habitat, scenery, and open space

B. Rural-2 (R-2) generally encompasses large parcels that are not in larger holdings, mostly in the 3-70 acre range, where site design is the focus of habitat, scenery and open space conservation efforts.

C. Rural-3 (R-3) generally encompasses rural subdivisions and neighborhoods with lots sizes of 6 acres and less where rural character is defined by single-family neighborhoods and conservation is focused on wildlife permeability.

3.1.2. Legacy Zones (4/1/16)

Legacy zones, established in Div. 3.3, are carried forward from the previous LDRs, and it is the intent that they will be phased out over time as character zones are adopted and applied. The legacy zones include:

A. Business Conservation - County (BC-TC)

B. Mobile Home Park - County (MHP-TC)

C. Neighborhood Conservation - County (NC-TC)

D. Suburban - County (S-TC)

E. Rural - County (R-TC)

Div. 3.2. Rural Area Character Zones

3.2.1. Rules Applicable to All Rural Area Character Zones (4/1/16)

A. Rules of Measurement

1. **Gross Site Area.** All measurements in the rural character zones shall use Gross Site Area instead of Base Site Area or Adjusted Site Area.

B. Sites with Multiple Lots of Record

Sites comprised of multiple lots of record in the rural character zones shall meet the following standards.

1. **Agriculture Exempt.** These standards shall not apply to agriculture use, physical development associated with agriculture use, and utilization of agriculture exemptions.

2. **Design as a single site.** A site comprised of multiple lots of record shall be reviewed as a whole for purposes of determining the most appropriate location for development or use.

3. **Restriction Required.** Area required to entitle physical development or use that is on a lot of record other than the primary lot of record of the physical development or use shall meet the following standards.

    a. It shall be restricted through an instrument approved by the County Attorney and recorded against the lot of record.

    b. The restriction shall terminate if the physical development is removed or the use is abandoned.

3.2.2. Rural-1 (R-1) ~~(AMD2019-0006) (1/8/19)~~

A. Intent

1. **Desired Future Character.** Development, use, and conservation that occurs in the R-1 should be located and designed to allow for property rights in a way that substantially protects wildlife habitat, habitat connections, and scenery, and preserves the historic western character of the community by supporting the continuation of agriculture. Development and use that result in better conservation of wildlife habitat, scenery, and agriculture than can be achieved by single-family development of 35 acre parcels is encouraged.

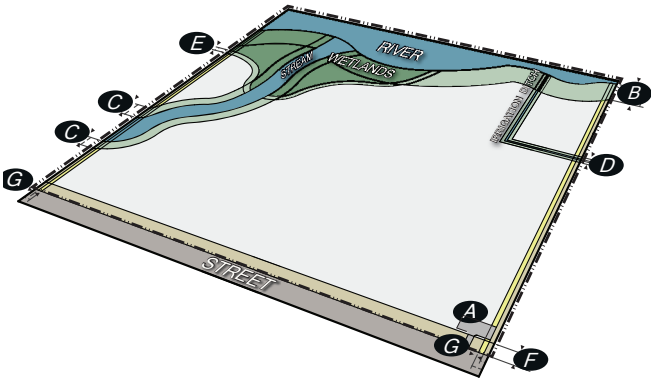
2. **Existing Character.** The R-1 zone generally consists of large holdings outside of complete neighborhoods where the opportunity exists for use of property in sites that are greater than 70 acres even if property rights allow use of the property as multiple smaller sites.

3. **Comprehensive Plan.** The R-1 zone is based primarily on the vision for preservation subareas identified in the Illustration of Our Vision chapter of the Comprehensive Plan.

B. Physical Development

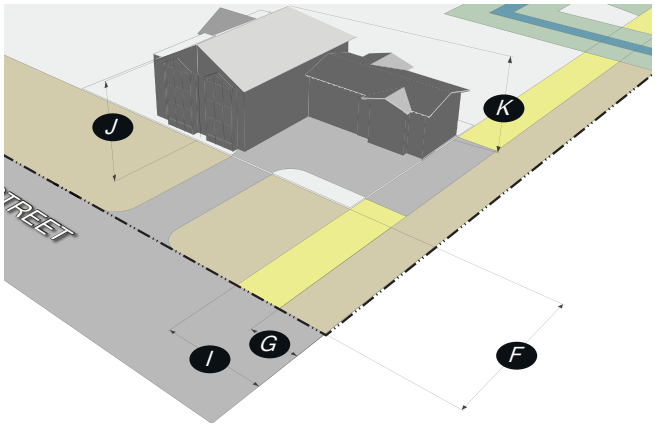
Standards applicable to physical development are provided in this subsection. Where a cross-reference is listed see the referenced division or section for additional standards. All standards in Article 5 are applicable unless stated otherwise.

1. Site Development Standards



Site Development Amount		
Site Development (max)		A
GSA < 35 ac	GSA(0.04) + 15,007 sf	
GSA ≥ 35 ac	GSA(0.05)	
Site Development Location		
Wildlife Habitat	See NRO	(Sec. 5.2.1.)
Scenic Viewsheds	See SRO	(Sec. 5.3.2.)
Waterbodies/Wetlands		(Sec. 5.1.1.)
River Setback(min)	150'	B
Stream/Lake/Pond Setback(min)	50' - 150'	C
Wetland Setback (min)	30'	D
Irrigation Ditch		(~~7.7.~~5.10.4.D.)
Irrigation Ditch Setback (min)	15'	E
Street Setback (min. except drive-way across street yard)		F
Public Road	50'	
Private Road	30'	
Rear/Side Setback (min)	15'	G
Landscaping		(Div. 5.5.)
Plant units (min)	n/a	

2. Structure Standards



Structure Location		
Street Setback (min)		F
Public Road	50’	
Private Road	30’	
Rear/Side Setback (min)	30’	I
Eaves, canopies, decks, and other architectural projection that clear 9’ above finish grade may extend 5’ into a setback		
Scale of Development		
Floor Area (max)		
GSA < 35 ac	10,000 sf	
GSA ≥ 35 ac	GSA(0.007)	
Single building (max)	10,000 sf	see E.1.
Structure Height		(Sec. 9.4.9.)
Height: Any point (max)	30’	J
Height: Overall (max)	37.5’	K
Scenic Standards		
RE: Scenic viewsheds	See SRO	(Sec. 5.3.2.)
Fencing		
Wildlife Friendly Fencing	Required	(Sec. 5.1.2.)
Exterior Materials		
Colors	Earth tones	

3. Environmental

Wild animal feeding	(Sec. 5.1.3.)
Bear proof trash	(Sec. 5.2.2.)

4. Exterior Lighting (Sec. 5.3.1.)

Light trespass is prohibited.	
All lights over 600 initial lumens shall be fully shielded.	
Lumens per sf of site development (max)	1.5
Lumens per site (max)	
All fixtures	60,000
Unshielded fixtures	4,000
Light Color	≤3000 Kelvin

5. Natural Hazards to Avoid

Steep Slopes	(Sec. 5.4.1.)
Development prohibited	Slopes >30%
Unstable Soils	(Sec. 5.4.2.)
Fault Areas	(Sec. 5.4.3.)
Floodplains	(Sec. 5.4.4.)
Wildland Urban Interface	(Sec. 5.4.5.)

6. Signs (Sec. 5.6.2.)

Allowed Signs (max)	Area (max)	Height (max)
1 rustic freestanding or wall	16 sf	10’
1 wall per home occupation	2 sf	n/a

7. Grading, Erosion, Stormwater

Grading	(Sec. 5.7.2.)
Erosion Control	(Sec. 5.7.3.)
Erosion shall be controlled at all times	
Stormwater Management	(Sec. 5.7.4.)
No increase in peak flow rate or velocity across property lines	

8. Required Physical Development Permits

Physical Development	Sketch Plan (Sec. 8.2.6.)	Development Plan (Sec. 8.2.6.)	Building Permit (Sec. 8.2.6.)	Sign Permit (Sec. 8.2.6.)	Grading Permit (Sec. 8.2.6.)	Other
Site Disturbance					see Sec. 5.7.1.	
Structure			X		see Sec. 5.7.1.	
Fence					see Sec. 5.7.1.	see Sec. 5.1.2.
Sign				X	see Sec. 5.7.1.	

9. Infrastructure	
Transportation Facilities	(Div. ~~7.6.~~5.9.)
Access	Required
Right-of-way for a minor local road (min)	60'
Travel lane width for minor local road	10'
Road and driveway design	Also subject to Fire Protection Resolution
Required Utilities	(Div. ~~7.7.~~5.10.)
Water (required)	Connection to public supply, installation of central supply, or evidence of individual well
Sewer (required)	
0-500' from public sanitary sewer	Connect to public sanitary sewer
> 500' from public sanitary sewer	Small wastewater (septic) facility

C. Use

Standards applicable to use are provided in this subsection. Where a cross-reference is listed see the referenced division or section for additional standards. All standards in Article 6 are applicable unless stated otherwise.

1. Allowed Uses					2. Use Requirements	
Use	Permit	GSA (min)	Density (max)	Scale (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Open Space						
Agriculture (6.1.3.B.)	Y	n/a	n/a	n/a	n/a	exempt
Outdoor Recreation (6.1.3.C., E.2.)	C	140 ac	n/a	see E.2.	independent calculation	independent calculation
Dude/Guest Ranch (6.1.3.E., E.2.)	C	70 ac	see 6.1.3.E.	see E.2.	1/lu	independent calculation
Residential						
Detached Single-Family (6.1.4.B.)	Y	n/a	1/35 ac	8,000 sf habitable excluding basement	2/du	0.000017*sf + (Exp(-15.49 + 1.59*Ln(sf)))/2.176
Lodging						
Campground (out of NRO) (6.1.5.D., E.2., E.3.)	C	70 ac	15 sites/ acre	see E.2. & E.3.	1/campsite + 1/7.5 campsites	independent calculation
Commercial						
Heavy Retail/Service (6.1.6.F., E.2., E.4.)	C (A)	140 ac	n/a	see E.4.	independent calculation	exempt
Nursery (6.1.6.H., E.2.)	C	140 ac	n/a	see E.2.	2/1,000 sf + 1/4,000 sf outdoor display area + 1/company vehicle + 1/ employee	0.000377*sf
Amusement/Recreation						

Y=Use allowed, no use permit required (A)=Use only allowed as an accessory use
B=Basic Use Permit (Sec. 8.2.6.) C=Conditional Use Permit (Sec. 8.2.6.) S=Special Use Permit (Sec. 8.2.6.)

1. Allowed Uses					2. Use Requirements	
Use	Permit	GSA (min)	Density (max)	Scale (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Developed Recreation (6.1.7.D., E.2.)	C	140 ac	n/a	see E.2.	independent calculation	independent calculation
Outfitter/Tour Operator (6.1.7.E., E.2.)	C	140 ac	n/a	see E.2.	independent calculation	independent calculation
Institutional						
Assembly (out of NRO) (6.1.8.B., E.2.)	C	35 ac	n/a	see E.2.	independent calculation	independent calculation
Daycare/Education (out of NRO) (6.1.8.C., E.2.)	C	35 ac	n/a	see E.2.	independent calculation	exempt (see 6.3.2.C.11 and 6.3.2.C.12)
Industrial						
Light Industry (6.1.9.B., E.2., E.4.)	C (A)	140 ac	n/a	see E.4.	independent calculation	exempt
Gravel Extraction/ Processing (6.1.9.F.)	S	see 6.1.9.F.			1/employee	0.000214*sf
Transportation/Infrastructure						
Utility Facility (6.1.10.C., E.2.)	C	n/a	n/a	see E.2.	1/employee + 1/ stored vehicle	0.000214*sf
Wireless Communications (6.1.10.D.)	see 6.1.10.D.				1/employee + 1/ stored vehicle	0.000214*sf
Aviation (out of NRO) (6.1.10.E., E.2., E.5.)	C	140 ac	n/a	see E.2.	independent calculation	0.000214*sf
Accessory Uses						
Accessory Residential Unit (6.1.11.B., E.6.)	B	n/a	see 6.1.11.B. & E.6.		1.25/du	exempt
Bed and Breakfast (6.1.11.C.)	C	140 ac	n/a	see 6.1.11.C.	0.75 per LU	exempt
Home Occupation (6.1.11.D.)	B	n/a	1/du	25% of habitable du sf	n/a	exempt
Home Business (6.1.11.E.)	C	n/a	1/du	25% of habitable du sf	1/du	exempt
Family Home Daycare (6.1.11.F.)	B	n/a	1/du	care for 3-6 persons	1/employee + 1 off-street pick-up/drop-off	exempt
Temporary Uses						
Christmas Tree Sales (6.1.12.B.)	Y	n/a	n/a	n/a	1/1,000 sf outdoor display area + 1/em-ployee	exempt
Real Estate Sales Office (6.1.12.C.)	C	n/a	n/a	n/a	3.3/1,000 sf	exempt
Temporary Shelter (6.1.12.D.)	B	n/a	1/lot	n/a	2	exempt

Y=Use allowed, no use permit required (A)=Use only allowed as an accessory use
B=Basic Use Permit (Sec. 8.2.6.) C=Conditional Use Permit (Sec. 8.2.6.) S=Special Use Permit (Sec. 8.2.6.)

1. Allowed Uses					2. Use Requirements	
Use	Permit	GSA (min)	Density (max)	Scale (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Farm Stand (6.1.12.E.)	B	n/a	n/a	n/a	5/1,000 sf display area	exempt
Temp. Gravel Extraction (6.1.12.F.)	B	n/a	n/a	15 ac	1/employee	exempt

Y=Use allowed, no use permit required (A)=Use only allowed as an accessory use
B=Basic Use Permit (Sec. 8.2.6.) C=Conditional Use Permit (Sec. 8.2.6.) S=Special Use Permit (Sec. 8.2.6.)

3. Operational Standards	
Outside Storage	(Sec. 6.4.1.)
Refuse and Recycling	(Sec. 6.4.2.)
Trash and recycling enclosure required	
Noise	(Sec. 6.4.3.)
Max sound level at property line	55 DBA
Vibration	(Sec. 6.4.4.)
Electrical Disturbances	(Sec. 6.4.5.)
Fire and Explosive Hazards	(Sec. 6.4.6.)
Heat and Humidity	(Sec. 6.4.7.)
Radioactivity	(Sec. 6.4.8.)

D. Development Options and Subdivision

Standards applicable to development options and subdivision are provided in this subsection. Where a cross-reference is listed see the referenced division or section for additional standards. All standards in Article 7 are applicable unless stated otherwise.

1. Allowed Development and Subdivision Options							
Option	Lot Size (min)	Rural Area (min)	Conserv. Area (min)	Develop. Area (max)	Density (max)	Additional Floor Area (max)	Strds.
Subdivision Options							
Land Division	35 ac	n/a	n/a	n/a	n/a	n/a	(7.2.3.)
Development Options							
Floor Area Option	n/a	35 ac	90% of Rural GSA	n/a	2 additional ARU per 35 ac	10,000 sf per 35 ac	(7.1.5.)
Rural PRD	n/a	~~n/a~~>49 ac	Greater of: 70% of Rural GSA OR 49 ac	3 ac per 7 ac conserved	3 du per 35 ac	n/a	(7.1.2.)
CN-PRD*	n/a	JH: 105 ac Alta:70 ac	90% of Rural GSA	--	--	n/a	(7.1.6.)
CN Development Area	n/a	--	--	1 ac per 19 ac Rural GSA	1 du per 4.375 ac Rural GSA	n/a	
Reserved Rural Development Area	n/a	--	--	1 ac per 9 ac conserved	1 du per 35 ac Rural GSA	n/a	

* (JH): East of the Tetons, (Alta): West of the Tetons

2. Residential Subdivision Requirements	
Schools and Parks Exactions	(Div. 7.5.)
Exaction land (min)	0.03 acres per housing unit or lot
3. ~~Infrastructure~~	
~~Transportation Facilities~~	~~(Div. 7.6.)~~
~~Access~~	~~Required~~
~~Right-of-way for a minor local road (min)~~	~~60'~~
~~Travel lane width for minor local road~~	~~10'~~
~~Road and driveway design~~	~~Also subject to Fire Protection Resolution~~
~~Required Utilities~~	~~(Div. 7.7.)~~
~~Water (required)~~	~~Connection to public supply, installation of central supply, or evidence of individual well~~
~~Sewer (required)~~	
~~0-500' from public sanitary sewer~~	~~Connect to public sanitary sewer~~
~~> 500' from public sanitary sewer~~	~~Small wastewater (septic) facility~~

4. Permits Required					
Physical Development	Planned Unit Development (8.7.3.)	Sketch Plan (8.3.1.)	Development Plan (8.3.2.)	Development Option Plan (8.5.2.)	Subdivision Plat (8.5.3.)
Land Division			X		X
Condominium/Townhouse					X
Floor Area Option				X	
Rural PRD		optional	X		if subdivided
Complete Neighborhood PRD		X	X		if subdivided

E. Additional Zone-specific Standards

The following standards apply in addition to all other standards applicable in the R-1 zone.

1. **Maximum scale of an equestrian center.** A single building that is part of an equestrian center maintained for the purpose of accommodating, training or competing horses shall meet the following standards.

   a. The equestrian center shall be an outdoor recreation use as defined in Section 6.1.3.C.

   b. At least half of the hours the equestrian center is open shall be available for public reservation or open public use.

   c. A single building shall not exceed 50,000 square feet.

   d. The equestrian center shall still be subject to the floor area maximum.

2. Conditional principal uses

   a. **Compatibility.** The compatibility of one or more principal conditional uses on a site shall be defined through the CUP review. In evaluating whether a particular use is appropriate, the Board shall consider the following:

      i. The extent to which the proposed use promotes or sustains the site's open space; and

      ii. The cumulative impact of all permitted uses and development options on the site's open space, as compared to the use of the site at its base residential density.

b. **Prohibited in the NRO.** The following conditional uses permitted in the R-1 zone are prohibited within the NRO:

i. Campground

ii. Assembly

iii. Daycare/Education

iv. Aviation

c. **Maximum Intensity of Use.** The intensity of the use shall be limited to maintain the rural character of the area and the State or County road from which access is taken. If the proposed use is of a continuous nature, the intensity shall be limited by restricting the maximum occupancy. If the proposed use involves discrete occurrences, the intensity shall be limited by restricting the frequency of occurrence. Depending on the nature of the use, the Board shall impose conditions based on one or both of the standards below:

i. **Maximum Occupancy.** The Board shall establish a maximum occupancy to protect community character.

a). The maximum occupancy shall not result in a change in the classification of the road from which access is taken.

b). The maximum occupancy may be exceeded for discrete occurrences, pursuant to the standards of Subsection E.2.c.ii. below.

c). The Board may impose a maximum occupancy restriction that is stricter than the limits established in the standards above to mitigate potential impacts other than traffic, such as impacts to wildlife. Stricter standards may be imposed on a seasonal or periodic basis.

> **EXAMPLE:** An Education/Daycare use that takes access from a major collector road may be limited to a certain number of students based on projected traffic counts to ensure the additional traffic does not result in a change in classification of the road to an arterial, In another case the Board might establish a lower number of guests for an Outfitter/Tour Operator in the winter season, to avoid impacts to crucial wildlife winter range.

ii. **Frequency.** If the proposed use involves discrete occurrences, the Board shall limit the frequency of occurrence to protect community character. The Board may limit the number of overall occurrences in a year, or the number and frequency of occurrences during a specific season or time period.

a). **Total Occurrences.** The total number of discrete events or occurrences, defined as being no more than one calendar day in duration, shall not exceed 30 per year.

> **EXAMPLE:** The Board might choose to limit the number of events held at an athletic field in order to reduce the frequency and duration of adverse impacts to neighbors.

b). **Traffic Demand Management.** The applicant shall demonstrate traffic demand management to maintain the rural character of the area and the access to the use.

iii. **Seasonal Limitations.** The Board may limit a use to a particular season or time period. If an Environmental Analysis was prepared in advance of the project, the Board shall consider the recommendations of the EA in establishing seasonal limitations.

> **EXAMPLE:** On a property with crucial wildlife winter range, the Board might limit the use to times when winter range is not crucial to wildlife.

iv. **Use areas.** Proposed outdoor or temporary storage or use areas, such as tents, shall be evaluated as part of the CUP process, and conditions may be imposed to minimize impacts.

> **EXAMPLE:** The Board might impose a condition that limits the number of hours or days during which a reception tent can be on site.

d. Setbacks and Location

i. Uses shall be clustered adjacent to an existing ranch compound or physical development, unless the applicant can demonstrate to the satisfaction of the Board that either,

a). The proposed use is dependent on or requires location adjacent to a natural feature; or

b). An alternate location on the property better sustains or promotes the open space of the property or minimizes potential impacts to neighboring properties.

> **EXAMPLE:** A boat ramp is a water dependent use that must be located adjacent to the river to be functional, thus it could be permitted in a location that is not clustered against existing physical development.

ii. Setbacks for the use shall be established through the CUP process, and may vary for daily staff functions and public events, and between indoor and outdoor activities.

> **EXAMPLE:** For an Outdoor Recreation use, the Board might establish a 300' setback from a property line shared with a residential use to minimize impacts, but allow a 0' setback from a property line shared with public lands.

e. Hours of Operation.

i. **Outdoor use setback less than 300 feet.** An outdoor public event that is located less than 300 feet from a property line, which is adjacent to an occupied or vacant residential site that is not part of the conditional use, shall be limited to hours of operation of 9:00 a.m. to 9:00 p.m. Hours of staff activities shall be established through the CUP process.

ii. **Other uses.** Uses other than those regulated by Subsection e.i. above, shall be limited to the following hours of operation:

a). Daycare and Education 7:00 A.M. to 10:00 P.M.

b). Dude Ranches, Campgrounds, and Hospitals, 24—hours operations with curfew hours set during the CUP process.

c). All other conditional principal uses allowed in the Use table shall be limited to the hours of 9:00 A.M. to 11:00 P.M.

d). Hours of Staff activities for all conditional principal uses shall be established through the CUP process.

iii. Music. All music shall end no later than 10:00 p.m.

iv. The Board may establish separate hours of operation that are more strict for amplified music or sound associated with the use.

v. The Board may impose hours of operations that are more strict than those established above should site-specific or neighborhood conditions warrant additional limitations.

> **EXAMPLE:** For an outdoor recreation use that involves outdoor receptions, the Board may choose to limit the hours of operation to 9:00 a.m. to 9:00 p.m. for the use, but condition that amplified music or sound end earlier, at 8:00 p.m.

f. **Parking.** All standards of Div. 6.2. shall apply, except that Commercial uses subject to this Subsection shall be exempt from Subsection 6.2.5.A.2.

g. **Access.** Uses subject to the standards of this Subsection shall be exempt from Section ~~7.6.~~5.9.2.C.1., provided all other standards of Div. ~~7.6.~~5.9. are met and the access is approved by the Fire Marshal.

3. **Campgrounds.** In addition to the standards applicable to all campgrounds established in Section 6.1.5.D., campgrounds in the R-1 district are subject to the following:

a. Ratio of Site Types. In order to maintain a variety of camping options, the ratio of tent sites to RV sites shall be at least 1:3.

4. Accessory Heavy Retail/Service and Light Industrial Uses. Heavy Retail/Service and Light Industrial uses are permitted in the R-1 zone subject to the following:

   a. The proposed use shall be accessory to a primary agriculture use pursuant to the definition in Section 6.1.11.A.

   b. The proposed use shall comply with the standards in 3.2.2.E.2. above.

5. Existing Landing Strips. The existing Fall Creek Ranch and Melody Ranch landing strips shall be considered conforming without a CUP. A CUP shall only be required upon 20% expansion of the use that existed on January 1, 2015.

6. Accessory Residential Unit (ARU)

   a. Primary use residential

      i. Maximum Scale. An ARU accessory to a residential use shall not exceed 1,000 sf of gross floor area including basement floor area.

      ii. Density. A maximum of 1 ARU shall be permitted accessory to a detached single-family unit.

   b. Primary use not residential

      i. Unit Type. The following residential uses are permitted as unit types for an ARU associated with a primary nonresidential use:

         a). Detached single-family

         b). Apartment

         c). Mobile Home

         d). Dormitory

      ii. Density/Intensity

         a). 850 sf Units. The number of ARUs with habitable floor area of 850 sf or less is limited only by the requirement that the ARUs be accessory to the principal use.

         b). Larger Units. A maximum of 1 ARU larger than 850 sf of habitable floor area is allowed per 35 acres of gross site area of nonresidential use. This allowed ARU density is in addition to the base density of allowed principal residential use.

         c). Floor Area Exempt. Floor area in an ARU accessory to a non-residential use is exempt from maximum floor area calculations.

> **EXAMPLE:** A 140 acre site in agriculture is entitled to 4 detached single-family units (140/35=4) as well as 4 ARUs accessory to the agriculture use (140/35=4) that are greater than 850 sf of habitable floor area. The site would also be allowed 2 ARUs less than 850 sf of habitable floor area, so long as they were accessory to the agriculture use. The floor area in the 6 ARUs would not count against the maximum floor area of 42,688 sf allowed on 140 acres.

iii. Occupancy of Larger Units. An ARU larger than 850 sf shall meet the following occupancy standards.

a). The occupant of the ARU shall be employed by the operator of the nonresidential use and work in the nonresidential use at least 20 hours per week for a minimum of 3 months a year. In addition, the immediate family of the occupant may also reside in the residential unit.

b). When not occupied by an employee of the nonresidential use, the ARU may be rented to others. Such rental shall be for a period of at least 31 days.

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3.2.3. Rural-2 (R-2) ~~(AMD2019-0006) (1/8/19)~~

A. Intent

1. **Desired Future Character.** Development, use, and conservation that occurs in the R-2 should be located and designed to allow for property rights in a way that substantially protects wildlife habitat, habitat connectivity, and scenery, and preserves the historic western character of the community by supporting the continuation of agriculture. Existing property rights define the maximum density of the R-2 and clustering of development and combination of lots is encouraged. Residential and/or agricultural use is preferred, but institutional uses with a rural character that require a large site may be compatible.

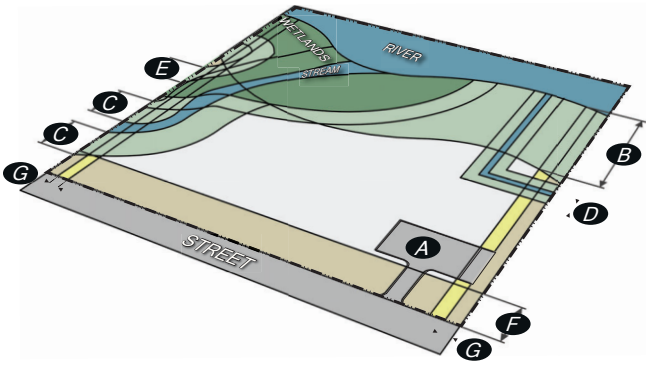
2. **Existing Character.** The R-2 zone generally encompasses large parcels, not in larger holdings, mostly in the 3-70 acre range, used for a single-family dwelling.

3. **Comprehensive Plan.** The R-2 zone is based primarily on the vision for conservation subareas identified in the Illustration of Our Vision chapter of the Comprehensive Plan.

B. Physical Development

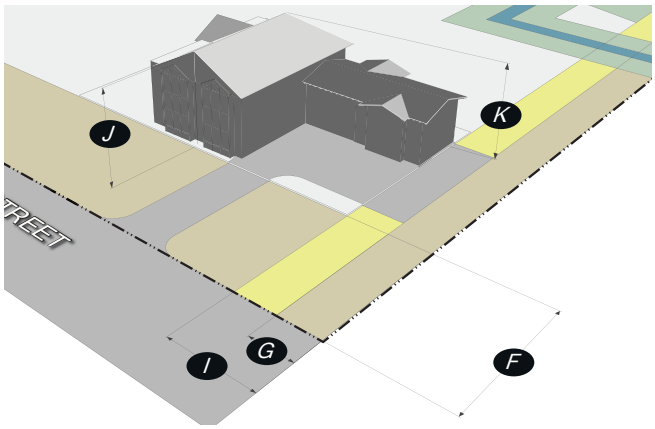
Standards applicable to physical development are provided in this subsection. Where a cross-reference is listed see the referenced division or section for additional standards. All standards in Article 5 are applicable unless stated otherwise.

1. Site Development Standards



Site Development Amount		
Site Development (max) (E.1.)	GSA(0.04) + 15,007 sf	A
Site Development Location		
Wildlife Habitat	See NRO	(Sec. 5.2.1.)
Scenic Viewsheds	See SRO	(Sec. 5.3.2.)
Waterbodies/Wetlands		(Sec. 5.1.1.)
River Setback(min)	150’	B
Stream/Lake/Pond Set-back(min)	50’ - 150’	C
Wetland Setback (min)	30’	D
Irrigation Ditch		~~7.7.~~5.10.4.D.
Irrigation Ditch Setback (min)	15’	E
Street Setback (min. except driveway across street yard)		F
Public Road	50’	
Private Road	30’	
Rear/Side Setback (min)	15’	G
Landscaping		Div. 5.5.
Plant units (min)	n/a	

2. Structure Standards



Structure Location		
Street Setback (min)		F
Public Road	50’	
Private Road	30’	
Rear/Side Setback (min)	30’	I
Eaves, canopies, decks, and other architectural projection that clear 9’ above finish grade may extend 5’ into a setback		

Scale of Development	
Floor area (max)	
GSA < 10 ac	10,000 sf
GSA ≥ 10 ac	(GSA ac - 10)100 sf +10,000 sf
Not to Exceed	15,000 sf
Single building (max)	10,000 sf

Structure Height		(Sec. 9.4.9.)
Height: Any point (max)	30’	J
Height: Overall (max)	37.5’	K

Scenic Standards		
RE: Scenic viewsheds	See SRO	(Sec. 5.3.2.)

Fencing		
Wildlife Friendly Fencing	Required	(Sec. 5.1.2.)

Exterior Materials	
External surfaces	Non-reflective
Colors	Earth tones

3. Environmental	
Wild animal feeding	(Sec. 5.1.3.)
Bear proof trash	(Sec. 5.2.2.)

4. Exterior Lighting	(Sec. 5.3.1.)
Light trespass is prohibited.	
All lights over 600 initial lumens shall be fully shielded.	
Lumens per sf of site development (max)	1.5
Lumens per site (max)	
All fixtures	60,000
Unshielded fixtures	4,000
Light Color	≤3000 Kelvin

5. Natural Hazards to Avoid	
Steep Slopes	(Sec. 5.4.1.)
Development prohibited	Slopes >30%
Unstable Soils	(Sec. 5.4.2.)
Fault Areas	(Sec. 5.4.3.)
Floodplains	(Sec. 5.4.4.)
Wildland Urban Interface	(Sec. 5.4.5.)

6. Signs		(Sec. 5.6.2.)
Allowed Signs (max)	Area (max)	Height (max)
1 rustic freestanding or wall	4 sf	4’
1 wall per home occupation	2 sf	n/a

7. Grading, Erosion, Stormwater	
Grading	(Sec. 5.7.2.)
Erosion Control	(Sec. 5.7.3.)
Erosion shall be controlled at all times	
Stormwater Management	(Sec. 5.7.4.)
No increase in peak flow rate or velocity across property lines	

8. Required Physical Development Permits

Physical Development	Sketch Plan (Sec. 8.2.6.)	Development Plan (Sec. 8.2.6.)	Building Permit (Sec. 8.2.6.)	Sign Permit (Sec. 8.2.6.)	Grading Permit (Sec. 8.2.6.)	Other
Site Disturbance					see 5.7.1.	
Structure			X		see 5.7.1.	
Fence					see 5.7.1.	see 5.1.2.
Sign				X	see 5.7.1.	

9. Infrastructure	
Transportation Facilities	(Div. ~~7.6.~~5.9.)
Access	Required
Right-of-way for a minor local road (min)	60'
Travel lane width for minor local road	10'
Road and driveway design	Also subject to Fire Protection Resolution
Required Utilities	(Div. ~~7.7.~~5.10.)
Water (required)	Connection to public supply, installation of central supply, or evidence of individual well
Sewer (required)	
0-500' from public sanitary sewer	Connect to public sanitary sewer
> 500' from public sanitary sewer	Small wastewater (septic) facility

C. Use

Standards applicable to use are provided in this subsection. Where a cross-reference is listed see the referenced division or section for additional standards. All standards in Article 6 are applicable unless stated otherwise.

1. Allowed Uses					2. Use Requirements	
Use	Permit	GSA (min)	Density (max)	Scale (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Open Space						
Agriculture (6.1.3.B.)	Y	n/a	n/a	n/a	n/a	exempt
Residential						
Detached Single-Family (6.1.3.B.)	Y	n/a	1/lot	8,000 sf habitable excluding basement	2/du	0.000017*sf + (Exp(-15.49 + 1.59*Ln(sf)))/2.176
Institutional						
Assembly (out of NRO) (6.1.8.B., E.1.)	C	35 ac	n/a	see E.1.	independent calculation	independent calculation
Daycare/Education (out of NRO) (6.1.8.C., E.1.)	C	35 ac	n/a	see E.1.	independent calculation	exempt (see 6.3.2.C.11 and 6.3.2.C.12)
Industrial						
Gravel Extraction/ Processing (6.1.9.F.)	S	see 6.1.9.F.			1/employee	0.000214*sf
Transportation/Infrastructure						
Utility Facility (6.1.10.C., E.1.)	C	n/a	n/a	see E.1.	1/employee + 1/stored vehicle	0.000214*sf
Wireless Communications	see 6.1.10.D.				1/employee + 1/stored vehicle	0.000214*sf
Accessory Uses						
Accessory Residential Unit (6.1.11.B., E.1.)	B	n/a	see 6.1.11.B., E.3.		1.25/du	exempt

Y=Use allowed, no use permit required (A)=Use only allowed as an accessory use
B=Basic Use Permit () C=Conditional Use Permit (8.4.2.) S=Special Use Permit (8.4.3.)

1. Allowed Uses					2. Use Requirements	
Use	Permit	GSA (min)	Density (max)	Scale (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Home Occupation (6.1.11.D.)	B	n/a	1/du	25% of habitable du sf	n/a	exempt
Home Business (6.1.11.E.)	C	n/a	1/du	25% of habitable du sf	1/du	exempt
Family Home Daycare (6.1.11.F.)	B	n/a	1/du	care for 3-6 persons	1/employee + 1 off-street pick-up/drop-off	exempt
Temporary Uses						
Temporary Shelter (6.1.12.D.)	B	n/a	1/lot	n/a	2	exempt
Temp. Gravel Extraction (6.1.12.F.)	B	n/a	n/a	15 ac	1/employee	exempt

Y=Use allowed, no use permit required (A)=Use only allowed as an accessory use
B=Basic Use Permit () C=Conditional Use Permit (8.4.2.) S=Special Use Permit (8.4.3.)

3. Operational Standards	
Outside Storage	(Sec. 6.4.1.)
Refuse and Recycling	(Sec. 6.4.2.)
Trash and recycling enclosure required	
Noise	(Sec. 6.4.3.)
Max sound level at property line	55 DBA
Vibration	(Sec. 6.4.4.)
Electrical Disturbances	(Sec. 6.4.5.)
Fire and Explosive Hazards	(Sec. 6.4.6.)
Heat and Humidity	(Sec. 6.4.7.)
Radioactivity	(Sec. 6.4.8.)

D. Development Options and Subdivision

Standards applicable to development options and subdivision are provided in this subsection. Where a cross-reference is listed see the referenced division or section for additional standards. All standards in Article 7 are applicable unless stated otherwise.

1. Allowed Development and Subdivision Options							
Option	Lot Size (min)	Rural Area (min)	Conserv. Area (min)	Develop. Area (max)	Density (max)	Additional Floor Area (max)	Strds.
Subdivision Options							
Land Division	35 ac	n/a	n/a	n/a	n/a	n/a	(7.2.3.)
Development Options							

Floor Area Option	n/a	35 ac	90% of Rural GSA	n/a	2 additional ARU per 35 ac	10,000 sf per 35 ac	(7.1.5.)
Rural PRD	n/a	~~n/a~~>49 ac	Greater of: 70% of Rural GSA OR 49 ac	3 ac per 7ac conserved	3 du per 35 ac	n/a	(7.1.2.)
CN-PRD*	n/a	JH: 105 ac Alta:70 ac	90% of Rural GSA	--	--	n/a	(7.1.6.)
CN Development Area	n/a	--	--	1 ac per 19 ac Rural GSA	1 du per 4.375 ac Rural GSA	n/a	
Reserved Rural Development Area	n/a	--	--	1 ac per 9 ac conserved	1 du per 35 ac Rural GSA	n/a	

* (JH): East of the Tetons, (Alta): West of the Tetons

2. Residential Subdivision Requirements	
Schools and Parks Exactions	(Div. 7.5.)
Exaction land (min)	0.03 acres per housing unit or lot

3. ~~Infrastructure~~	
~~Transportation Facilities~~	~~(Div. 7.6.)~~
~~Access~~	~~Required~~
~~Right-of-way for a minor local road (min)~~	~~60'~~
~~Travel lane width for minor local road~~	~~10'~~
~~Road and driveway design~~	~~Also subject to Fire Protection Resolution~~
~~Required Utilities~~	~~(Div. 7.7.)~~
~~Water (required)~~	~~Connection to public supply, installation of central supply, or evidence of individual well~~
~~Sewer (required)~~	
~~0-500' from public sanitary sewer~~	~~Connect to public sanitary sewer~~
~~> 500' from public sanitary sewer~~	~~Small wastewater (septic) facility~~

4. Permits Required					
Physical Development	Planned Unit Development (8.7.3.)	Sketch Plan (8.3.1.)	Development Plan (8.3.2.)	Development Option Plan (8.5.2.)	Subdivision Plat (8.5.3.)
Land Division			X		X
Condominium/Townhouse					X
Floor Area Option				X	
Rural PRD		optional	X		if subdivided
Complete Neighborhood PRD		X	X		if subdivided

E. Additional Zone-specific Standards

The following standards apply in addition to all other standards applicable in the R-2 zone.

1. **Arena Maximum Site Development Exemptions.** Up to 32,000 sf of site development may be exempt from the calculation of maximum site development if the site development is an outdoor riding arena or other pervious surface used for ancillary recreational enjoyment of a residential site. An exempt outdoor riding arena shall have 12 foot wide gates at 2 ends that must remain open to allow for wildlife movement when the arena is not in use.

2. Institutional and infrastructure uses

a. **Compatibility.** The compatibility of one or more principal conditional uses on a site shall be defined through the CUP review. In evaluating whether a particular use is appropriate, the Board shall consider the following:

i. The extent to which the proposed use promotes or sustains the site's open space; and

ii. The cumulative impact of all permitted uses and development options on the site's open space as compared to the use of the site at its base residential density.

b. **Prohibited in the NRO.** Institutional uses are prohibited within the NRO.

c. **Maximum Intensity of Use.** The intensity of the use shall be limited to maintain the rural character of the area and the State or County road from which access is taken. If the proposed use is of a continuous nature, the intensity shall be limited by restricting the maximum occupancy. If the proposed use involves discrete occurrences, the intensity shall be limited by restricting the frequency of occurrence. Depending on the nature of the use, the Board shall impose conditions based on one or both of the standards below:

i. **Maximum Occupancy.** The Board shall establish a maximum occupancy to protect community character.

a). The maximum occupancy shall not result in a change in the classification of the road from which access is taken.

b). The maximum occupancy may be exceeded for discrete occurrences, pursuant to the standards of Subsection E.2.c.ii. below.

c). The Board may impose a maximum occupancy restriction that is stricter than the limits established in the standards above to mitigate potential impacts other than traffic, such as impacts to wildlife. Stricter standards may be imposed on a seasonal or periodic basis.

> **EXAMPLE:** An Education/Daycare use that takes access from a major collector road may be limited to a certain number of students based on projected traffic counts to ensure the additional traffic does not result in a change in classification of the road to an arterial.

ii. **Frequency.** If the proposed use involves discrete occurrences, the Board shall limit the frequency of occurrence to protect community character. The Board may limit the number of overall occurrences in a year, or the number and frequency of occurrences during a specific season or time period.

a). Total Occurrences. The total number of discrete events or occurrences, defined as being no more than one calendar day in duration, shall not exceed 30 per year.

> **EXAMPLE:** The Board might choose to limit the number of events held at a community center in order to reduce the frequency and duration of adverse impacts to neighbors.

b). Traffic Demand Management. The applicant shall demonstrate traffic demand management to maintain the rural character of the area and the access to the use.

iii. Seasonal Limitations. The Board may limit a use to a particular season or time period. If an Environmental Analysis was prepared in advance of the project, the Board shall consider the recommendations of the EA in establishing seasonal limitations.

> **EXAMPLE:** On a property with crucial wildlife winter range, the Board might limit the use to times when winter range is not crucial to wildlife.

iv. Use areas. Proposed outdoor or temporary storage or use areas, such as tents, shall be evaluated as part of the CUP process, and conditions may be imposed to minimize impacts.

> **EXAMPLE:** The Board might impose a condition that limits the number of hours or days during which a tent auxiliary to an assembly hall can be on site.

d. Setbacks and Location

i. Uses shall be clustered adjacent to an existing ranch compound or physical development, unless the applicant can demonstrate to the satisfaction of the Board that either,

a). The proposed use is dependent on or requires location adjacent to a natural feature; or

b). An alternate location on the property better sustains or promotes the open space of the property or minimizes potential impacts to neighboring properties.

ii. Setbacks for the use shall be established through the CUP process, and may vary for daily staff functions and public events, and between indoor and outdoor activities.

> **EXAMPLE:** For a busy library, the Board might establish a 300' setback from a property line shared with a residential use to minimize impacts, but allow a 0' setback from a property line shared with public lands.

e. Hours of Operation.

i. Outdoor use setback less than 300 feet. An outdoor public event that is located less than 300 feet from a property line, which is adjacent to an occupied or vacant residential site that is not part of the conditional use, shall be limited to hours of operation of 9:00 a.m. to 9:00 p.m. Hours of staff activities shall be established through the CUP process.

ii. **Other uses.** Uses other than those regulated by Subsection e.i. above, shall be limited to the following hours of operation:

a). Daycare and Education 7:00 A.M. to 10:00 P.M.

b). Hospitals, 24-hours operations with curfew hours set during the CUP process.

c). All other institutional and infrastructure uses allowed in the Use table shall be limited to the hours of 9:00 A.M. to 11:00 P.M.

d). Hours of Staff activities for all Institutional uses shall be established through the CUP process.

iii. Music. All music shall end no later than 10:00 p.m.

iv. The Board may establish separate hours of operation that are more strict for amplified music or sound associated with the use.

v. The Board may impose hours of operations that are more strict than those established above should site-specific or neighborhood conditions warrant additional limitations.

> **EXAMPLE:** For a reception hall, the Board may choose to limit the hours of operation to 9:00 a.m. to 10:00 p.m. for the use, but condition that amplified music or sound end earlier, at 9:00 p.m.

f. **Parking.** All standards of Division 6.2 shall apply, except that Commercial uses subject to this Subsection shall be exempt from Subsection 6.2.5.A.1.

g. **Access.** Uses subject to the standards of this Subsection shall be exempt from Section ~~7.6.~~5.9.2.C.1, provided all other standards of Division 7.6 are met and the access is approved by the Fire Marshal.

3. Accessory Residential Unit (ARU)

a. Primary use residential

i. **Maximum Scale.** An ARU accessory to a residential use shall not exceed 1,000 sf of gross floor area including basement floor area.

ii. **Density.** A maximum of 1 ARU shall be permitted accessory to a detached single-family unit.

b. Primary use non-residential.

i. **Unit Type.** The following residential uses are permitted as unit types for an ARU associated with a primary nonresidential use:

a). Detached single-family

b). Apartment

c). Mobile Home

d). Dormitory

ii. **Density/Intensity.** An ARU accessory to a non-residential use shall not exceed 850 sf of gross floor area including basement floor area. The floor area of an ARU accessory to a non-residential use shall be exempt from maximum floor area calculations.

3.2.4. Rural-3 (R-3) ~~(7/18/18)~~ (AMD2019-0006)

A. Intent

1. **Desired Future Character.** Development, use, and conservation that occurs in the R-3 should be located and designed to allow for property rights in a way that allows for wildlife permeability and preserves scenic viewsheds. Existing property rights define the maximum density of the R-3 and residential use is preferred.

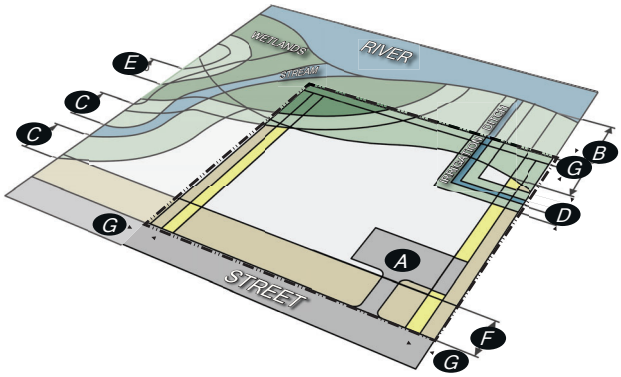
2. **Existing Character.** The R-3 zone generally encompasses rural subdivisions and neighborhoods with lots of 6 acres and less that are used for a single-family dwelling.

3. **Comprehensive Plan.** The R-3 zone is based primarily on the vision for conservation subareas identified in the Illustration of Our Vision chapter of the Comprehensive Plan.

B. Physical Development

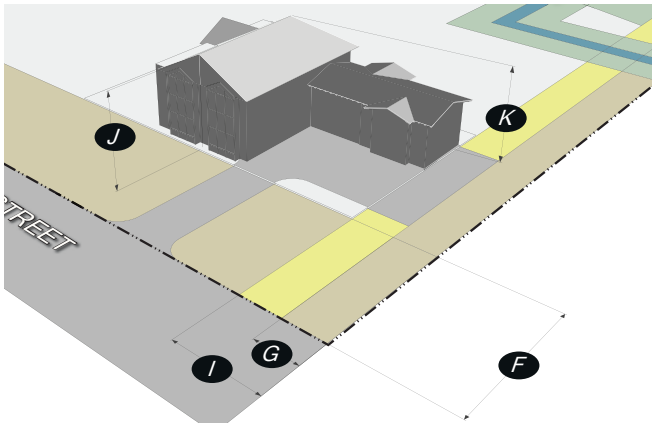
Standards applicable to physical development are provided in this subsection. Where a cross-reference is listed see the referenced division or section for additional standards. All standards in Article 5 are applicable unless stated otherwise.

1. Site Development Standards



Site Development Amount		
Site Development (max)		A
GSA < 3 ac	GSA(0.11) + 5,619 sf	
GSA ≥ 3 ac	GSA(0.04) + 15,007 sf	
Site Development Location		
Wildlife Habitat	See NRO	(Sec. 5.2.1.)
Scenic Viewsheds	See SRO	(Sec. 5.3.2.)
Waterbodies/Wetlands		(Sec. 5.1.1.)
River Setback(min)	150'	B
Stream/Lake/Pond Setback(min)	50' - 150'	C
Wetland Setback (min)	30'	D
Irrigation Ditch		(~~7.7.~~5.10.4.D.)
Irrigation Ditch Setback (min)	15'	E
Street Setback (min. except drive-way across street yard)	25'	F
Rear/Side Setback (min)	5'	G
Landscaping		(Div. 5.5.)
per 10,000 sf floor area	1 pu	

2. Structure Standards



Structure Location		
Street Setback (min)	25'	F
Rear/Side Setback (min)	10'	I
Eaves, canopies, decks, and other architectural projection that clear 9' above finish grade may extend 4' into a setback		
Scale of Development		
Floor area		
Maximum	GSA(0.032) + 3,900 sf	
Not to exceed	10,000 sf	
Single building (max)	10,000 sf	
Structure Height		(Sec. 9.4.9.)
Height: Any point (max)	30'	J
Height: Overall (max)	37.5'	K
Scenic Standards		
RE: Scenic viewsheds	See SRO	(Sec. 5.3.2.)
Fencing		
Wildlife Friendly Fencing	Required	(Sec. 5.1.2.)
Exterior Materials		
External surfaces	Non-reflective	
Colors	Earth tones	

3. Environmental

Wild animal feeding	(Sec. 5.1.3.)
Bear proof trash	(Sec. 5.2.2.)

4. Exterior Lighting (Sec. 5.3.1.)

Light trespass is prohibited.	
All lights over 600 initial lumens shall be fully shielded.	
Lumens per sf of site development (max)	1.5
Lumens per site (max)	
All fixtures	60,000
Unshielded fixtures	4,000
Light Color	≤3000 Kelvin

5. Natural Hazards to Avoid

Steep Slopes	(Sec. 5.4.1.)
Development prohibited	Slopes >30%
Unstable Soils	(Sec. 5.4.2.)
Fault Areas	(Sec. 5.4.3.)
Floodplains	(Sec. 5.4.4.)
Wildland Urban Interface	(Sec. 5.4.5.)

6. Signs (Sec. 5.6.2.)

Allowed Signs (max)	Area (max)	Height (max)
1 rustic freestanding or wall	4 sf	4'
1 wall per home occupation	2 sf	n/a

7. Grading, Erosion, Stormwater

Grading	(Sec. 5.7.2.)
Erosion Control	(Sec. 5.7.3.)
Erosion shall be controlled at all times	
Stormwater Management	(Sec. 5.7.4.)
No increase in peak flow rate or velocity across property lines	

8. Required Physical Development Permits

Physical Development	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Building Permit (Sec. 8.3.3.)	Sign Permit (Sec. 8.3.5.)	Grading Permit (Sec. 8.3.4.)	Other
Site Disturbance					see 5.7.1.	
Structure			X		see 5.7.1.	
Fence					see 5.7.1.	see 5.1.2.
Sign				X	see 5.7.1.	

9. Infrastructure	
Transportation Facilities	(Div. ~~7.6.~~5.9.)
Access	Required
Right-of-way for a minor local road (min)	60'
Travel lane width for minor local road	10'
Road and driveway design	Also subject to Fire Protection Resolution
Required Utilities	(Div. ~~7.7.~~5.10.)
Water (required)	Connection to public supply, installation of central supply, or evidence of individual well
Sewer (required)	
0-500' from public sanitary sewer	Connect to public sanitary sewer

C. Use

Standards applicable to use are provided in this subsection. Where a cross-reference is listed see the referenced division or section for additional standards. All standards in Article 6 are applicable unless stated otherwise.

1. Allowed Uses					2. Use Requirements	
Use	Permit	GSA (min)	Density (max)	Scale (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Open Space						
Agriculture (6.1.3.B.)	Y	n/a	n/a	n/a	n/a	exempt
Residential						
Detached Single-Family (6.1.4.B.)	Y	n/a	1/lot	8,000 sf habitable excluding basement	2/du	0.000017*sf + (Exp(-15.49 + 1.59*Ln(sf)))/2.176
Industrial						
Gravel Extraction/ Processing (6.1.9.F.)	S	see 6.1.9.F.			1/employee	0.000214*sf
Transportation/Infrastructure						
Utility Facility (6.1.10.C.)	C	n/a	n/a	n/a	1/employee + 1/ stored vehicle	0.000214*sf
Wireless Communications	see 6.1.10.D.				1/employee + 1/ stored vehicle	0.000214*sf
Accessory Uses						
Accessory Residential Unit (6.1.11.B., E.6.)	B	n/a	see 6.1.11.B. & E.1.		1.25/du	exempt
Home Occupation (6.1.11.D.)	B	n/a	1/du	25% of habitable du sf	n/a	exempt
Home Business (6.1.11.E.)	C	n/a	1/du	25% of habitable du sf	1/du	exempt

Y=Use allowed, no use permit required (A)=Use only allowed as an accessory use
B=Basic Use Permit (Sec. ~~8.3.5.~~8.4.1) C=Conditional Use Permit (Sec. 8.4.2.) S=Special Use Permit (Sec. 8.4.3.)

1. Allowed Uses					2. Use Requirements	
Use	Permit	GSA (min)	Density (max)	Scale (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Family Home Daycare (6.1.11.F.)	B	n/a	1/du	care for 3-6 persons	1/employee + 1 off-street pick-up/drop-off	exempt
Temporary Uses						
Temporary Shelter (6.1.12.D.)	B	n/a	1/lot	n/a	2	exempt
Temp. Gravel Extraction (6.1.12.F.)	B	n/a	n/a	15 ac	1/employee	exempt

Y=Use allowed, no use permit required (A)=Use only allowed as an accessory use
B=Basic Use Permit (Sec. ~~8.3.5.~~8.4.1) C=Conditional Use Permit (Sec. 8.4.2.) S=Special Use Permit (Sec. 8.4.3.)

3. Operational Standards	
Outside Storage	(Sec. 6.4.1.)
Refuse and Recycling	(Sec. 6.4.2.)
Trash and recycling enclosure required	
Noise	(Sec. 6.4.3.)
Max sound level at property line	55 DBA
Vibration	(Sec. 6.4.4.)
Electrical Disturbances	(Sec. 6.4.5.)
Fire and Explosive Hazards	(Sec. 6.4.6.)
Heat and Humidity	(Sec. 6.4.7.)
Radioactivity	(Sec. 6.4.8.)

D. Development Options and Subdivision

Standards applicable to development options and subdivision are provided in this subsection. Where a cross-reference is listed see the referenced division or section for additional standards. All standards in Article 7 are applicable unless stated otherwise.

1. Allowed Development and Subdivision Options							
Option	Lot Size (min)	Rural Area (min)	Conserv. Area (min)	Develop. Area (max)	Density (max)	Additional Floor Area (max)	Strds.
Subdivision Options							
Land Division	35 ac	n/a	n/a	n/a	n/a	n/a	(7.2.3.)
Development Options				none			

2. Residential Subdivision Requirements	
Schools and Parks Exactions	(Div. 7.5.)
Exaction land (min)	0.03 acres per housing unit or lot
3. ~~Infrastructure~~	
~~Transportation Facilities~~	~~(Div. 7.6.)~~

~~Access~~	~~Required~~
~~Right-of-way for a minor local road (min)~~	~~60'~~
~~Travel lane width for minor local road~~	~~10'~~
~~Road and driveway design~~	~~Also subject to Fire Protection Resolution~~
~~Required Utilities~~	~~(Div. 7.7.)~~
~~Water (required)~~	~~Connection to public supply, installation of central supply, or evidence of individual well~~
~~Sewer (required)~~	
~~0-500' from public sanitary sewer~~	~~Connect to public sanitary sewer~~
> 500' from public sanitary sewer	Small wastewater (septic) facility

4. Permits Required					
Physical Development	Planned Unit Development (Sec. 8.7.3.)	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Development Option Plan (Sec. 8.5.2.)	Subdivision Plat (Sec. 8.5.3.)
Land Division			X		X
Condominium/Townhouse					X

E. Additional Zone-specific Standards

The following standards apply in addition to all other standards applicable in the R-3 zone.

1. Accessory Residential Unit (ARU)

   a. Primary use residential

      i. **Maximum Scale.** An ARU accessory to a residential use shall not exceed 1,000 sf of gross floor area including basement floor area.

      ii. **Density.** A maximum of 1 ARU shall be permitted accessory to a detached single-family unit.

   b. **Primary use non-residential.** An ARU accessory to a non-residential use shall not exceed 850 sf of gross floor area including basement floor area. The floor area of an ARU accessory to a non-residential use shall be exempt from FAR and maximum floor area calculations.

Div. 3.3. Rural Area Legacy Zones

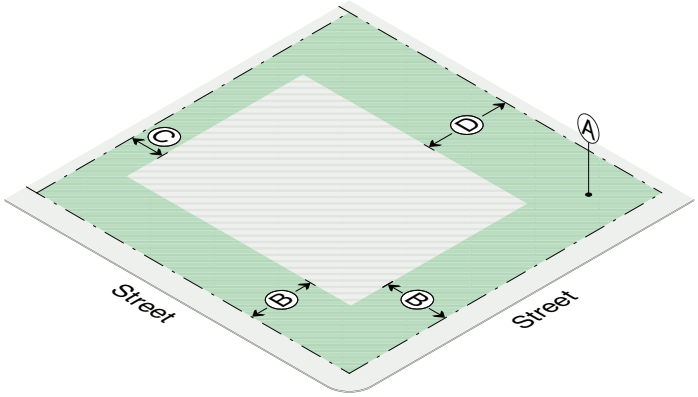
3.3.1. Business Conservation - County (BC-TC) Zone (AMD2019-0006) ~~(7/18/18)~~

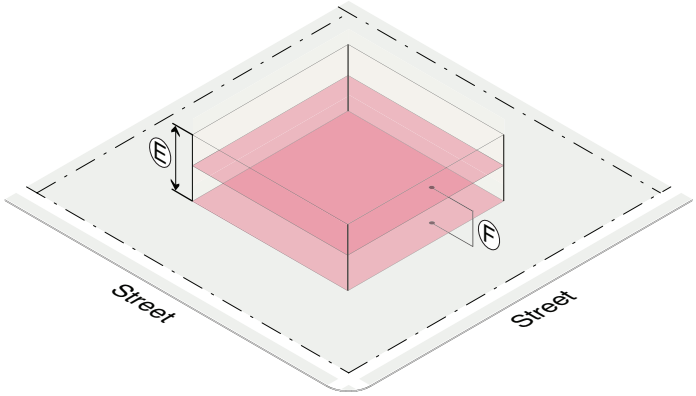
A. Intent

The purpose of the Business Conservation - County (BC-TC) zone is to provide for the continuation of existing commercial development where the expansion of nonresidential use into a commercial node is considered inappropriate. The BC-TC zone recognizes existing business uses as conforming, but requires a Conditional Use Permit for any change to another nonresidential use. The BC-TC zone shall not be expanded.

B. Physical Development

Standards applicable to physical development in the BC-TC zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the BC-TC zone. This Subsection is intended to indicate all of the physical development standards applicable in the BC-TC zone, however, all standards in Article 5. are applicable in the BC-TC zone, unless stated otherwise.





1. Structure Location and Mass	Ⓐ LSR (min)	Ⓑ Street Setback (min)	Ⓒ Side Setback (min)	Ⓓ Rear Setback (min)	Ⓔ Height (max)	Ⓕ FAR (max)
Detached single-family unit						
Lot of record < 3 acres	see E.3.	25’	10’	25’	30’	see E.2.
Lot of record ≥ 3 acres	see E.3.	50’	30’	40’	30’	see E.2.
Other principal use						
Lot of record ≤ 15,000 sf	.30	20’	10’	20’	26’	.30 or 20% expansion
Lot of record ≤ 4 acres	.30	20’	10’	20	26’	.10 or 20% expansion
Lot of record > 4 acres	.30	20’	10’	20’	26’	.05 or 20% expansion
Accessory use	See standards for primary use with which associated					
Temporary use	n/a	20’	10’	20’	26’	n/a

Exceptions

Residential Side/Rear Yard Projections. Fire escapes may extend into a side or rear yard by not more than 4 feet.

FAR. Notwithstanding the maximum FAR, a minimum of 4,500 square feet is allowed on lots of record less than or equal to 4 acres; a minimum of 17,424 square feet is allowed on lots of record greater than 4 acres.

FAR Exemption. The floor area of an accessory residential unit that is accessory to a nonresidential use shall be exempt from the FAR calculation for the site

2. Maximum Scale of Development	
Individual Building (gross floor area) (max)	
Part of single-family unit	10,000 sf
Nonresidential (agricultural buildings exempt)	6,000 sf
3. Building Design	
Residential Building Materials	
External surfaces shall be non-reflective	
Colors shall blend into terrain using muted colors and earthy hues - additions matching existing colors are exempt	
4. Site Development	
Site Development Setbacks (min)	
Side/Rear	1/2 the structure setback
Front	
40% of lineal frontage	1/2 the structure setback
60% of lineal frontage	structure setback
Exemptions	
Driveways providing access across a street yard; and shared parking and driveways	
5. Landscaping	(Div. 5.5.)
Plant Units (min)	
Residential	1 per du
Nonresidential	1 per 1,000 sf of landscape area
Parking lot	1 per 12 parking spaces
6. Fencing	(Sec. 5.1.2.)
Wildlife Friendly Fencing	
Special Purpose Fencing Height (max)	
In street yard	4'
In side or rear yard	6'
Special Purpose Fencing Setback	
All yards	0'

7. Environmental Standards	
Natural Resource Buffers (min)	(Sec. 5.1.1.)
Rivers	150'
Streams	50' or edge of riparian plant community up to 150'
Natural lakes or ponds	50' or edge of riparian plant community up to 150'
Wetland	30'
Irrigation Ditch Setback (min)	(~~7.7.~~5.10.4.D.)
Irrigation ditch	15'
Wild Animal Feeding	(Sec. 5.1.3.)
Wild animal feeding prohibited	
Natural Resource Overlay (NRO) Standards	(Sec. 5.2.1.)
Bear Conflict Area Standards	(Sec. 5.2.2.)
Bear proof trash required in Conflict Priority Area 1	
8. Scenic Standards	
Exterior Lighting	(Sec. 5.3.1.)
Light trespass prohibited.	
All lights over 600 initial lumens shall be fully shielded.	
Lumens per sf of site development (max)	3
Lumens per site (max)	
All fixtures	100,000
Unshielded fixtures	5,500
Light Color	≤3000 Kelvin
Scenic Resource Overlay (SRO) Standards	(Sec. 5.3.2.)
9. Natural Hazards to Avoid	
Steep Slopes	(Sec. 5.4.1.)
Development prohibited	Slopes > 30%
Areas of Unstable Soils	(Sec. 5.4.2.)
Fault Areas	(Sec. 5.4.3.)
Floodplains	(Sec. 5.4.4.)
Wildland Urban Interface	(Sec. 5.4.5.)

10. Signs	(Div. 5.6.)
Allowable Signage	
Nonresidential uses	
Freestanding Sign	1 per building or complex
Wall Sign	1 per frontage for each building or storefront
Monument or Entry Sign	1 per entrance other than frontage
Residential uses	
Single-family and multi-family < 8 units	1 unlighted wall sign
Multi-family ≥ 8 units	1 freestanding or 1 wall sign
Home occupation/business	1 unlighted wall sign
Sign Area (max)	
Nonresidential	
Freestanding Sign	1 sf per linear ft of building facing the street not to exceed 40 sf
Wall Sign	1 sf per 2 linear ft of building facing the street not to exceed 24 sf
Monument or Entry Sign	6 sf
Residential	
Single-family and multi-family < 8 units	3 sf
Multi-family ≥ 8 units	6 sf
Home occupation/business	2 sf
Sign Height (max)	
Nonresidential	
Freestanding Sign	8’
Monument or Entry	4’
Residential	6’
Home occupation/business	n/a

11. Grading, Erosion Control, Stormwater	
Grading	(Sec. 5.7.2.)
Erosion Control	(Sec. 5.7.3.)
Erosion shall be controlled at all times	
Stormwater Management	(Sec. 5.7.4.)
No increase in peak flow rate or velocity across property lines	

12. Required Physical Development Permits

Physical Development	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Building Permit (Sec. 8.3.3.)	Sign Permit (Sec. 8.3.5.)	Grading Permit (Sec. 8.3.4.)
Dwelling Unit					
< 5 units			X		(Sec. 5.7.1.)
5 - 10 units		X	X		(Sec. 5.7.1.)
> 10 units	X	X	X		(Sec. 5.7.1.)
Nonresidential Floor Area					
< 3,450 sf			X		(Sec. 5.7.1.)
3,450 to 12,000 sf		X*	X		(Sec. 5.7.1.)
> 12,000 sf	X*	X*	X		(Sec. 5.7.1.)
Sign				X	(Sec. 5.7.1.)

* Not required for physical development associated with an agricultural use meeting the standards for exemption outlined in Section 6.1.3.B.

13. Infrastructure	
Transportation Facilities	(Div. ~~7.6.~~5.9.)
Access	required
Right-of-way for a Minor Local Road (min)	60'
Travel lane width for a Minor Local Road (min)	10'
Road and driveway design	also subject to Fire Protection Resolution
Required Utilities	(Div. ~~7.7.~~5.10.)
Water	Connection to public supply, installation of central supply, or evidence of individual well required
Sewer	
Connection to a public sanitary sewer required	within 500'
Small Wastewater Facility (septic) approval required	otherwise

C. Use Standards

Standards applicable to uses in the BC-TC zone are provided or referenced below. Allowed uses are listed in Subsection 1. Uses that are not listed are prohibited, unless a similar use determination is made pursuant to 6.1.2.D. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the BC-TC zone. This Subsection is intended to indicate all of the use standards applicable in the BC-TC zone, however, all standards in Article 6. are applicable in the BC-TC zone, unless stated otherwise.

1. Allowed Uses				2. Use Requirements	
Use	Permit	BSA (min)	Density (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Open Space					
Agriculture (6.1.3.B.)	Y	0 sf	n/a	n/a	exempt
Outdoor Recreation (6.1.3.C.)	C	0 sf	n/a	independent calculation	independent calculation
Residential					
Detached Single-Family Unit (6.1.4.B.)	Y	0 sf	1 unit per lot	2/DU	0.000017*sf + (Exp(-15.49 + 1.59*Ln(sf)))/2.176
Attached Single-Family Unit (6.1.4.C., E.5.)	C	0 sf	n/a	2/DU + 0.5/DU if ≥ 3 units served by lot	0.000017*sf + (Exp(-14.17 + 1.59*Ln(sf)))/2.176
Apartment (6.1.4.D., E.5.)	C	0 sf	n/a	2/DU + 0.5/DU if ≥ 3 units served by lot	0.000017*sf + (Exp(-14.17 + 1.59*Ln(sf)))/2.176
Dormitory (6.1.4.F., E.5.)	C	0 sf	n/a	1/bed	exempt
Group Home (6.1.4.G., E.5.)	C	0 sf	n/a	0.5/bed	exempt
Lodging					
Campground (6.1.5.D.)	C	0 sf	15 sites per acre	1/campsite + 1/7.5 campsites	independant calculation

Y=Use allowed, no use permit required B=Basic Use Permit (Sec. ~~8.3.5.~~8.4.1.) C=Conditional Use Permit (Sec. 8.4.2.)

1. Allowed Uses				2. Use Requirements	
Use	Permit	BSA (min)	Density (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Commercial					
Office (6.1.6.B.)	C	0 sf	n/a	3.3/1,000 sf	0.000431*sf
Retail (6.1.6.C.)	C	0 sf	n/a	4.5/1,000 sf	0.000377*sf
Service (6.1.6.D.)	C	0 sf	n/a	3/1,000 sf	0.000377*sf
Restaurant/Bar (6.1.6.E.)	C	0 sf	n/a	1/55 sf dining area + 1/30 sf bar area	0.001045*sf
Heavy Retail/Service (6.1.6.F.)	C	0 sf	n/a	2/1,000 sf + 3/repair bay + 1/wash bay	0.000214*sf
Mini-Storage Warehouse (6.1.6.G.)	C	0 sf	n/a	1/10 storage units + 1/employee	0.000011*sf
Nursery (6.1.6.H.)	C	0 sf	n/a	2/1,000 sf + 1/4,000 sf outdoor display area + 1/company vehicle + 1/employee	0.000377*sf
Amusement/Recreation					
Developed Recreation (6.1.7.~~C~~D.)	C	0 sf	n/a	4.5/1,000 sf	independent calculation
Outfitter/Tour Operator (6.1.7.E.)	C	0 sf	n/a	independent calculation	independent calculation
Institutional					
Assembly (6.1.8.B.)	C	0 sf	n/a	independent calculation	independent calculation
Daycare/Education (6.1.8.C.)	C	0 sf	n/a	independent calculation	exempt (see 6.3.2.C.11 and 6.3.2.C.12)
Industrial					
Light Industry (6.1.9.B.)	C	0 sf	n/a	1/1,000 sf + 1/company vehicle	0.000214*sf
Transportation/Infrastructure					
Parking (6.1.10.B.)	C	0 sf	n/a	n/a	0.000214*sf
Utility Facility (6.1.10.C.)	C	0 sf	n/a	1/employee + 1/stored vehicle	0.000214*sf
Wireless Communication Facilities (6.1.10.D.)	6.1.10.D.	0 sf	n/a	1/employee + 1/stored vehicle	0.000214*sf
Aviation (6.1.10.E.)	C	0 sf	n/a	independent calculation	0.000214*sf
Accessory Uses					
Accessory Residential Unit (6.1.11.B.) (E.6.)	B	0 sf	see E.6.	1.25/DU	exempt
Home Occupation (6.1.11.D.)	B	0 sf	n/a	n/a	exempt
Home Business (6.1.11.E.)	C	0 sf	n/a	1/DU	exempt

Y=Use allowed, no use permit required B=Basic Use Permit (Sec. ~~8.3.5.~~8.4.1.) C=Conditional Use Permit (Sec. 8.4.2.)

1. Allowed Uses				2. Use Requirements	
Use	Permit	BSA (min)	Density (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Family Home Daycare (6.1.11.F.)	C	0 sf	n/a	1/employee + 1 off-street pick-up/drop-off	exempt
Home Daycare Center (6.1.11.G.)	C	0 sf	n/a	1/employee + 2 off-street pick-up/drop-off	exempt
Drive-In Facility (6.1.11.H.)	C	0 sf	n/a	n/a	exempt
Temporary Uses					
Christmas Tree Sales (6.1.12.B.)	Y	0 sf	n/a	1/1,000 sf outdoor display area + 1/employee	exempt
Temporary Shelter (6.1.12.D.)	B	0 sf	1 unit per lot	2/DU	exempt
Temp. Gravel Extraction and Processing (6.1.12.F.)	B	0 sf	n/a	1/employee	exempt

Y=Use allowed, no use permit required B=Basic Use Permit (Sec. ~~8.3.5.~~8.4.1.) C=Conditional Use Permit (Sec. 8.4.2.)

3. Maximum Scale of Use	
Individual Use (floor area) (max)	
Single family unit (detached)	
Habitable floor area excluding basement	8,000 sf
Gross floor area excluding basement	10,000 sf + 100 sf non-habitable FA per acre BSA over 10 acres. Not to exceed 15,000sf
Individual retail use excluding basement	12,500 sf habitable
Accessory residential unit	
Primary use residential	1,000 sf gross
Primary use nonresidential	850 sf habitable

4. Operational Standards	
Outside Storage	(Sec. 6.4.1.)
Refuse and Recycling	(Sec. 6.4.2.)
Trash and recycling enclosure required	>4 DUs and all nonresidential
Noise	(Sec. 6.4.3.)
Max sound level at property line	55 DBA
Vibration	(Sec. 6.4.4.)
Electrical Disturbances	(Sec. 6.4.5.)
Fire and Explosive Hazards	(Sec. 6.4.6.)
Heat and Humidity	(Sec. 6.4.7.)
Radioactivity	(Sec. 6.4.8.)

D. Development Options

Standards applicable to development options and subdivision in the BC-TC zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the BC-TC zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the BC-TC zone, however, all standards in Article 7. are applicable in the BC-TC zone, unless stated otherwise.

1. Allowed Subdivision and Development Options

Option	BSA (min)	Lot Size (min)	Density (max)	FAR (max)	Height (max)	Option Standards
Allowed Subdivision Options						
Land Division	n/a	4 ac	n/a	determined by physical development		(Sec. 7.2.3.)
Condominium/Townhouse	n/a	n/a	n/a	determined by physical development		(Sec. 7.2.4.)

2. Residential Subdivision Requirements

Schools and Parks Exactions	(Div. 7.5.)
Development Exaction	0.03 acres of land per housing unit or lot

3. ~~Infrastructure~~

~~Transportation Facilities~~	~~(Div. 7.6.)~~
~~Access~~	~~required~~
~~Right-of-way for a Minor Local Road (min)~~	~~60'~~
~~Travel lane width for a Minor Local Road (min)~~	~~10'~~
~~Road and driveway design~~	~~also subject to Fire Protection Resolution~~
~~Required Utilities~~	~~(Div. 7.7.)~~
~~Water~~	~~Connection to public supply, installation of central supply, or evidence of individual well required~~
~~Sewer~~	
~~Connection to a public sanitary sewer required~~	~~within 500'~~
~~Small Wastewater Facility (septic) approval required~~	~~otherwise~~

4. Required Subdivision and Development Option Permits

Option	Planned Unit Development (Sec. 8.7.3.)	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Development Option Plan (Sec. 8.5.2.)	Subdivision Plat (Sec. 8.5.3.)
Land Division					
≤ 10 lots			X		X
> 10 lots		X	X		X
Condominium/Townhouse					X

E. Additional Zone-specific Standards

The following standards apply in addition to all other standards applicable in the BC-TC zone.

1. **Expansion Permitted.** The land use existing on the site as of May 9, 1994 shall be allowed an out-right expansion of 20% of the size of the structure provided all the standards of this Section and these LDRs are met. In instances where expansion of 20% permits less expansion than the FAR maximum, expansion to the FAR maximum shall be permitted, pursuant to the conditions of this Section and these LDRs.

   a. **Determining Size.** The 20% expansion permitted shall be determined by the size of the structure in which the use is located on May 9, 1994.

   > **EXAMPLE:** The 20% expansion of habitable square footage shall be based upon the total square footage of all existing habitable building square footage.

   b. **Expansion of Existing Uses.** Any expansion of existing uses permitted in the BC-TC zone shall require a Conditional Use Permit, except expansions of less than 3,450 square feet of gross floor area.

   c. **ADA Necessitated Expansions Exempt.** Expansions to existing buildings for the primary purpose of meeting requirements of the Americans with Disabilities Act (ADA) shall be exempt from any limitations on expansions imposed in this Section. Expansions to meet ADA requirements may include, but shall not be limited to, covered wheelchair ramps, lifts, handicap accessible rest rooms, etc.

2. **Maximum Floor Area.** The maximum floor area of a single-family unit, including associated accessory structures, shall be calculated using the appropriate formula below. Basements are excluded from maximum floor area calculations. Maximum Scale of Development standards still apply.

BSA	Maximum Floor Area (sf)
≤ 0.11 ac	(BSA)(0.43)(43,560)
0.11-0.172 ac	(BSA-0.11)(0.2833)(43,560)+2,060
0.172-0.5 ac	(BSA-0.172)(0.124)(43,560)+2,825
>0.5 ac	(BSA-0.5)(0.032)(43,560)+4,596

3. **Maximum Site Development.** The maximum site development of a single-family unit, including associated accessory structures, shall be calculated using the appropriate formula below.

   a. **Exemptions.** The following shall be exempt from the calculation of maximum site development.

      i. Public and neighborhood pathways, flood control levees, ponds, and

ii. Outdoor riding arenas on properties 6 acres or larger. In order to be exempt from maximum site development calculations the riding arena shall located outside the NRO and shall be an uncovered area no larger than 160 feet by 200 feet that is constructed of natural materials. Outdoor riding arenas may not have bleachers, and must be constructed of wood fencing or livestock panels no higher than 52 inches. Outdoor riding arenas shall have 12 foot wide gates at 2 ends that must remain open to allow for wildlife movement when the arena is not in use.

b. Formula

ASA	Maximum Site Development (sf)
≤ 0.1 ac	(ASA)(0.6)(43,560)
0.1-0.5 ac	(ASA-0.1)(0.31)(43,560)+2,614
0.5-3 ac	(ASA-0.5)(0.11)(43,560)+8,015
3-35 ac	(ASA-3)(0.040344)(43,560)+19,994
> 35 ac	(ASA)(0.05)(43,560)

4. **Lodging.** A 20% expansion of existing lodging is permitted. Notwithstanding the FAR, new lodging or expansion exceeding 20% of existing lodging is prohibited.

5. **Residential Use.** Change of use to a conditional residential use shall meet the following standards.

   a. **Nonresidential use abandoned.** Conditional residential use shall be the only use permitted on the BC site; all nonresidential use shall be abandoned.

   b. **Density/Intensity.** The conditional residential use shall have an intensity less than the intensity of the existing non-residential use. The determination of the level of intensity shall include consideration of traffic generated (amounts and type), impact on access, parking demand, proposed level of activity, operational characteristics, and other potentially adverse impacts on neighboring lands.

6. **ARU Density.** A maximum of 1 ARU shall be permitted accessory to a detached single-family unit. The maximum number of ARUs accessory to a nonresidential use shall be determined based on the definition of Accessory Use (6.1.2.B.3.).

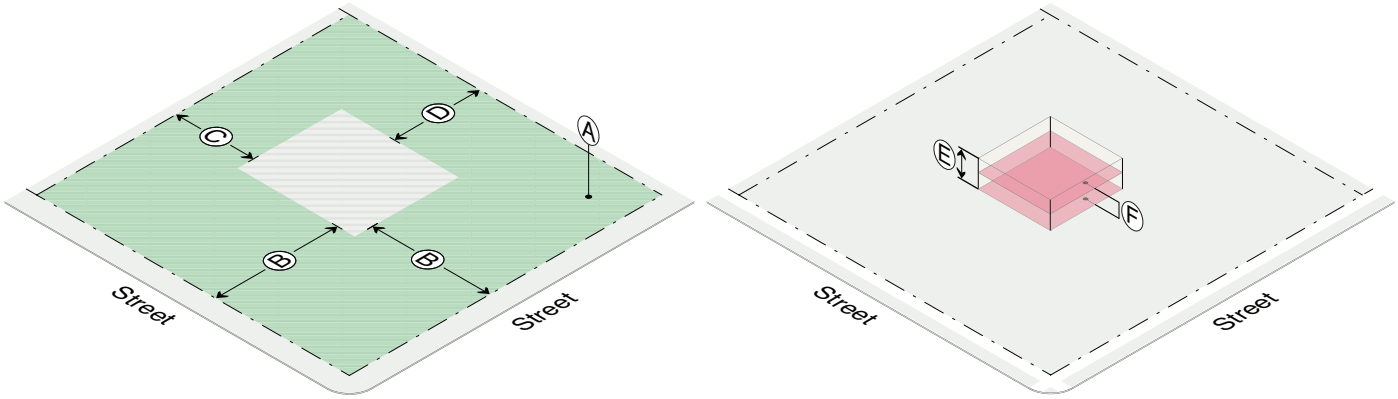
3.3.2. Mobile Home Park - County (MHP-TC) Zone (AMD2019-0006) ~~(7/18/18)~~

A. Intent

The purpose of the Mobile Home Park - County (MHP-TC) Zone is to provide locations for mobile homes in a park-like setting and to provide for the continuation and redevelopment of existing mobile homes.

B. Physical Development

Standards applicable to physical development in the MHP-TC zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the MHP-TC zone. This Subsection is intended to indicate all of the physical development standards applicable in the MHP-TC zone, however, all standards in Article 5. are applicable in the MHP-TC zone, unless stated otherwise.



1. Structure Location and Mass

	Ⓐ	Ⓑ	Ⓒ	Ⓓ	Ⓔ	Ⓕ
	LSR (min)	Street Setback (min)	Side Setback (min)	Rear Setback (min)	Height (max)	FAR (max)
Mobile home					18’	
in an existing mobile home park	see E.1.					
in a new mobile home park	Standards established through Mobile Home Park approval					
Other principal use	.95	50’	30’	40’	30’	.007
Accessory use	See standards for primary use with which associated					

2. Maximum Scale of Development	
Individual Building (max gross FA)	
n/a	

3. Building Design	
Residential Building Materials	
External surfaces shall be non-reflective	
Colors shall blend into terrain using muted colors and earthy hues - additions matching existing colors are exempt	

4. Site Development	
Site Development Setback (min)	
All lot lines	1/2 the structure setback
Exemptions	
Driveways providing access across a street yard; and shared parking and driveways	

5. Landscaping	(Div. 5.5.)
Plant Units (min)	
Residential	1 per du
Nonresidential	1 per 1,000 sf of landscape area
Parking lot	1 per 8 parking spaces

6. Fencing	(Sec. 5.1.2.)
Wildlife Friendly Fencing	
Special Purpose Fencing Height (max)	
In street yard	4’
In side or rear yard	6’
Special Purpose Fencing Setback	
Any yard	0’

7. Environmental Standards	
Natural Resource Buffers (min)	(Sec. 5.1.1.)
Rivers	150’
Streams	50’
Natural lakes or ponds	50’
Wetland	30’
Irrigation Ditch Setback (min)	(~~7.7.~~5.10.4.D.)
Irrigation ditch	15’
Wild Animal Feeding	(Sec. 5.1.3.)
Wild animal feeding prohibited	
Natural Resource Overlay (NRO) Standards	(Sec. 5.2.1.)
Bear Conflict Area Standards	(Sec. 5.2.2.)
Bear proof trash required in Conflict Priority Area 1	

8. Scenic Standards	
Exterior Lighting	(Sec. 5.3.1.)
Light trespass prohibited.	
All lights over 600 initial lumens shall be fully shielded.	
Lumens per sf of site development (max)	3
Lumens per site (max)	
All fixtures	100,000
Unshielded fixtures	5,500
Light Color	≤3000 Kelvin
Scenic Resource Overlay (SRO) Standards	(Sec. 5.3.2.)

9. Natural Hazards to Avoid	
Steep Slopes	(Sec. 5.4.1.)
Development prohibited	Slopes > 30%
Areas of Unstable Soils	(Sec. 5.4.2.)
Fault Areas	(Sec. 5.4.3.)
Floodplains	(Sec. 5.4.4.)
Wildland Urban Interface	(Sec. 5.4.5.)

10. Signs	(Div. 5.6.)
Allowable Signage	
Nonresidential uses	1 rustic freestanding or 1 wall sign
Residential uses	
Lot of record < 3 acres	1 unlighted wall sign
Lot of record ≥ 3 acres	1 unlighted rustic freestanding or 1 unlighted wall sign
Home occupation/business	1 unlighted wall sign
Sign Area (max)	
Nonresidential	12 sf
Residential	
Lot of record < 3 acres	3 sf
Lot of record ≥ 3 acres	4 sf
Home occupation/business	2 sf
Sign Height (max)	
Nonresidential	6'
Residential	4'
Home occupation/business	n/a

11. Grading, Erosion Control, Stormwater	
Grading	(Sec. 5.7.2.)
Erosion Control	(Sec. 5.7.3.)
Erosion shall be controlled at all times	
Stormwater Management	(Sec. 5.7.4.)
No increase in peak flow rate or velocity across property lines	

12. Required Physical Development Permits

Physical Development	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Building Permit (Sec. 8.3.3.)	Sign Permit (Sec. 8.3.5.)	Grading Permit (Sec. 8.3.4.)
Dwelling Unit					
< 5 units			X		(Sec. 5.7.1.)
5 - 10 units		X	X		(Sec. 5.7.1.)
> 10 units	X	X	X		(Sec. 5.7.1.)
Nonresidential Floor Area					
< 3,450 sf			X		(Sec. 5.7.1.)
3,450 to 12,000 sf		X	X		(Sec. 5.7.1.)
> 12,000 sf	X	X	X		(Sec. 5.7.1.)
Sign				X	(Sec. 5.7.1.)

13. Infrastructure	
Transportation Facilities	(Div. 7.6.)
Access	required
Right-of-way for a Minor Local Road (min)	60[1]

Travel lane width for a Minor Local Road (min)	10'
Road and driveway design	also subject to Fire Protection Resolution
Required Utilities	(Div. 7.7.)
Water	Connection to public supply, installation of central supply, or evidence of individual well required
Sewer	
Connection to a public sanitary sewer required	within 500'
Small Wastewater Facility (septic) approval required	otherwise

C. Use Standards

Standards applicable to uses in the MHP-TC zone are provided or referenced below. Allowed uses are listed in Subsection 1. Uses that are not listed are prohibited, unless a similar use determination is made pursuant to 6.1.2.D. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the MHP-TC zone. This Subsection is intended to indicate all of the use standards applicable in the MHP-TC zone, however, all standards in Article 6. are applicable in the MHP-TC zone, unless stated otherwise.

1. Allowed Uses				2. Use Requirements	
Use	Permit	BSA (min)	Density (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Residential					
Mobile Home (E.1.) (6.1.4.E.)	B	0 sf	n/a	2/DU	exempt
Transportation/Infrastructure					
Utility Facility (6.1.10.C.)	C	0 sf	n/a	1/employee + 1/stored vehicle	0.000214*sf
Wireless Communication Facilities (6.1.10.D.)	6.1.10.D.	0 sf	n/a	1/employee + 1/stored vehicle	0.000214*sf
Accessory Uses					
Home Occupation (6.1.11.D.)	B	0 sf	n/a	n/a	exempt
Family Home Daycare (6.1.11.F.)	B	0 sf	n/a	1/employee + 1 off-street pick-up/ drop-off	exempt
Home Daycare Center (6.1.11.G.)	C	0 sf	n/a	1/employee + 2 off-street pick-up/ drop-off	exempt
Temporary Uses					
Temporary Shelter (6.1.12.D.)	B	0 sf	1 unit per lot	2/DU	exempt
Temp. Gravel Extraction and Processing (6.1.12.F.)	B	0 sf	n/a	1/employee	exempt

Y=Use allowed, no use permit required B=Basic Use Permit (Sec. ~~8.3.5.~~8.4.1.) C=Conditional Use Permit (Sec. 8.4.2.)

3. Maximum Scale of Use	
not applicable	
4. Operational Standards	
Outside Storage	(Sec. 6.4.1.)
Refuse and Recycling	(Sec. 6.4.2.)
Trash and recycling enclosure required	>4 DUs and all nonresidential
Noise	(Sec. 6.4.3.)
Max sound level at property line	55 DBA
Vibration	(Sec. 6.4.4.)
Electrical Disturbances	(Sec. 6.4.5.)
Fire and Explosive Hazards	(Sec. 6.4.6.)
Heat and Humidity	(Sec. 6.4.7.)
Radioactivity	(Sec. 6.4.8.)

D. Development Options

Standards applicable to development options and subdivision in the MHP-TC zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the MHP-TC zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the MHP-TC zone, however, all standards in Article 7. are applicable in the MHP-TC zone, unless stated otherwise.

1. Allowed Subdivision and Development Options						
Option	BSA (min)	Lot Size (min)	Density (max)	FAR (max)	Height (max)	Option Standards
Allowed Subdivision Options	subdivision prohibited					
Allowed Development Options						
Mobile Home Park	n/a	see Sec. 7.1.4. for standards			18'	(Sec. 7.1.4.)
2. Residential Subdivision Requirements						
Schools and Parks Exactions						(Div. 7.5.)
Development Exaction	0.03 acres of land per housing unit or lot					
3. ~~Infrastructure~~						
~~Transportation Facilities~~						~~(Div. 7.6.)~~
~~Access~~						~~required~~
~~Right-of-way for a Minor Local Road (min)~~						~~60'~~
~~Travel lane width for a Minor Local Road (min)~~						~~10'~~
~~Road and driveway design~~	~~also subject to Fire Protection Resolution~~					

~~Required Utilities~~	~~(Div. 7.7.)~~
~~Water~~	~~Connection to public supply, installation of central supply, or evidence of individual well required~~
~~Sewer~~	
~~Connection to a public sanitary sewer required~~	~~within 500'~~
~~Small Wastewater Facility (septic) approval required~~	~~otherwise~~

4. Required Subdivision and Development Option Permits					
Option	Planned Unit Development (Sec. 8.7.3.)	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Development Option Plan (Sec. 8.5.2.)	Subdivision Plat (Sec. 8.5.3.)
Mobile Home Park					
0 - 4 units				X	n/a
5 -10 units			X		n/a
> 10 units		X	X		n/a

E. Additional Zone-specific Standards

The following standards apply in addition to all other standards applicable in the MHP-TC zone.

1. **Mobile Homes.** A mobile home shall be located within a mobile home park.

   a. A new mobile home park shall be developed pursuant to the standards of Sec. 7.1.4.

   b. Existing Mobile Home Parks. Existing mobile home parks within the MHP-TC zone shall be allowed to continue, expand, and redevelop, provided the standards in this Subsection are met.

      i. **Density.** The number of units in an existing mobile home park in the MHP-TC zone shall not be limited.

      ii. **Area.** Each mobile home within an expansion area or redeveloped park shall have a lot or pad area that equals or exceeds the average size of a mobile home lot or pad in the existing mobile home park, not including open space areas clearly heretofore undeveloped. Land that typically serves as yard area between mobile homes shall be included in the existing land area per individual mobile homes, unless the area between 2 particular mobile homes is clearly in excess of the average, to the extent that another mobile home could be located there.

      iii. **Impervious Surface.** The impervious coverage per mobile home lot or pad in the expansion area or redeveloped park shall be equal to or less than the average amount of impervious coverage per mobile home lot or pad in the existing park.

      iv. **Yards.** Each mobile home within the expansion area or redeveloped park shall have yards that equal or exceed the average yards for the mobile homes in the existing park. ~~FrontStreet~~, side, and rear yards in the expansion area or redeveloped park shall equal or exceed the average ~~front~~street, side, and rear yards respectively.

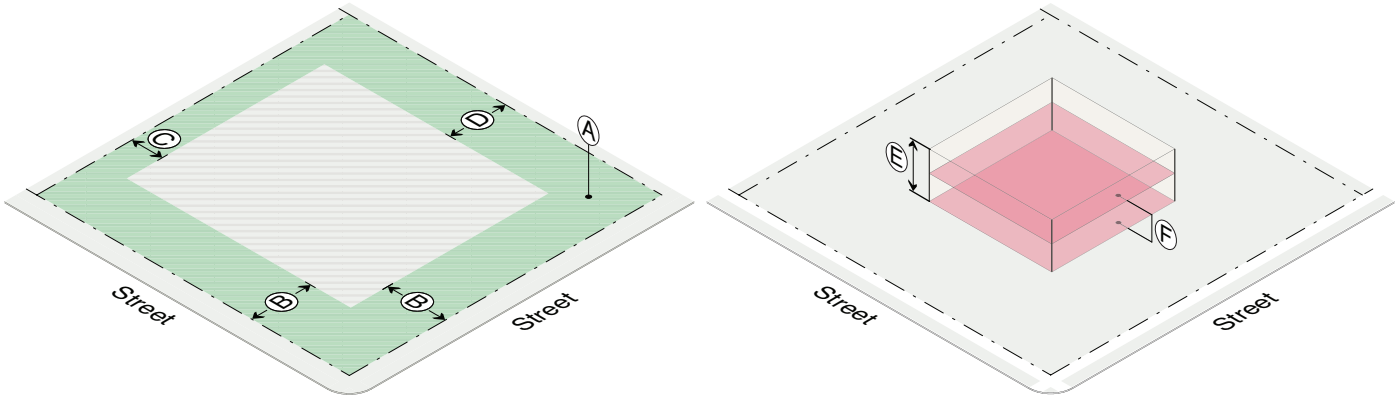
3.3.3. Neighborhood Conservation - County (NC-TC) Zone (AMD2019-0006) ~~(7/18/18)~~

A. Intent

The purpose of the Neighborhood Conservation - County (NC-TC) zone is to recognize existing residential neighborhoods and subdivisions, and allow development to continue in a way that is consistent with the existing neighborhood character. The NC-TC zone shall not be applied to vacant land, except to allow for in-fill development; and shall not be permitted to expand beyond its original boundaries.

B. Physical Development

Standards applicable to physical development in the NC-TC zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the NC-TC zone. This Subsection is intended to indicate all of the physical development standards applicable in the NC-TC zone, however, all standards in Article 5. are applicable in the NC-TC zone, unless stated otherwise.



1. Structure Location and Mass

	Ⓐ LSR (min)	Ⓑ Street Setback (min)	Ⓒ Side Setback (min)	Ⓓ Rear Setback (min)	Ⓔ Height (max)	Ⓕ FAR (max)
Detached single-family unit						
Lot of record < 3 acres	see E.2.	25’	10’	25’	30’	see E.1.
Lot of record ≥ 3 acres	see E.2.	50’	30’	40’	30’	see E.1.
Other principal use	.95	50’	30’	40’	40’	.007
Accessory use	See standards for primary use with which associated					
Temporary use	n/a	25’	10’	25’	30’	n/a

Exceptions

Projections. Architectural projections of buildings such as chimneys, eaves, outside stairways, covered balconies, uncovered decks, and uncovered porches may extend into a required setback by not more than 6 feet.

2. Maximum Scale of Development	
Individual Building (gross floor area) (max)	
Part of single-family unit	10,000 sf

3. Building Design	
Residential Building Materials	
External surfaces shall be non-reflective	
Colors shall blend into terrain using muted colors and earthy hues - additions matching existing colors are exempt	

4. Site Development	
Site Development Setbacks (min)	
Side/Rear	1/2 the structure setback
Front	
40% of lineal frontage	1/2 the structure setback
60% of lineal frontage	structure setback
Exemptions	
Driveways providing access across a street yard; and shared parking and driveways	

5. Landscaping	(Div. 5.5.)
Plant Units (min)	
Residential	1 per du
Nonresidential	1 per 1,000 sf of landscape area
Parking lot	1 per 8 parking spaces

6. Fencing	(Sec. 5.1.2.)
Wildlife Friendly Fencing	
Special Purpose Fencing Height (max)	
In street yard	4’
In side or rear yard	6’
Special Purpose Fencing Setback	
Any yard	0’

7. Environmental Standards	
Natural Resource Buffers (min)	(Sec. 5.1.1.)
Rivers	150’
Streams	50’
Natural lakes or ponds	50’
Wetland	30’
Irrigation Ditch Setback (min)	(~~7.7.~~5.10.4.D.)
Irrigation ditch	15’
Wild Animal Feeding	(Sec. 5.1.3.)
Wild animal feeding prohibited	
Natural Resource Overlay (NRO) Standards	(Sec. 5.2.1.)
Bear Conflict Area Standards	(Sec. 5.2.2.)
Bear proof trash required in Conflict Priority Area 1	

8. Scenic Standards	
Exterior Lighting	(Sec. 5.3.1.)
Light trespass prohibited.	
All lights over 600 initial lumens shall be fully shielded.	
Lumens per sf of site development (max)	1.5
Lumens per site (max)	
All fixtures	60,000
Unshielded fixtures	4,000
Light Color	≤3000 Kelvin
Scenic Resource Overlay (SRO) Standards	(Sec. 5.3.2.)

9. Natural Hazards to Avoid	
Steep Slopes	(Sec. 5.4.1.)
Development prohibited	Slopes > 30%
Areas of Unstable Soils	(Sec. 5.4.2.)
Fault Areas	(Sec. 5.4.3.)
Floodplains	(Sec. 5.4.4.)
Wildland Urban Interface	(Sec. 5.4.5.)

10. Signs	(Div. 5.6.)
Allowable Signage	
Nonresidential uses	1 rustic freestanding or 1 wall sign
Residential uses	
Lot of record < 3 acres	1 unlighted wall sign
Lot of record ≥ 3 acres	1 unlighted rustic freestanding or 1 unlighted wall sign
Home occupation/business	1 unlighted wall sign
Sign Area (max)	
Nonresidential	12 sf
Residential	
Lot of record < 3 acres	3 sf
Lot of record ≥ 3 acres	4 sf
Home occupation/business	2 sf
Sign Height (max)	
Nonresidential	6’
Residential	4’
Home occupation/business	n/a

11. Grading, Erosion Control, Stormwater	
Grading	(Sec. 5.7.2.)
Erosion Control	(Sec. 5.7.3.)
Erosion shall be controlled at all times	
Stormwater Management	(Sec. 5.7.4.)
No increase in peak flow rate or velocity across property lines	

12. Required Physical Development Permits

Physical Development	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Building Permit (Sec. 8.3.3.)	Sign Permit (Sec. 8.3.5.)	Grading Permit (Sec. 8.3.4.)
Dwelling Unit					
< 5 units			X		(Sec. 5.7.1.)
5 - 10 units		X	X		(Sec. 5.7.1.)
> 10 units	X	X	X		(Sec. 5.7.1.)
Nonresidential Floor Area					
< 3,450 sf			X		(Sec. 5.7.1.)
3,450 to 12,000 sf		X*	X		(Sec. 5.7.1.)
> 12,000 sf	X*	X*	X		(Sec. 5.7.1.)
Sign				X	(Sec. 5.7.1.)

* Not required for physical development associated with an agricultural use meeting the standards for exemption outlined in Section 6.1.3.B.

13. Infrastructure	
Transportation Facilities	(E.7.) (Div. ~~7.6.~~5.9.)
Access	required
Right-of-way for a Minor Local Road (min)	60'
Travel lane width for a Minor Local Road (min)	10'
Road and driveway design	also subject to Fire Protection Resolution
Required Utilities	(Div. ~~7.7.~~5.10.)
Water	Connection to public supply, installation of central supply, or evidence of individual well required
Sewer	
Connection to a public sanitary sewer required	within 500'
Small Wastewater Facility (septic) approval required	otherwise

C. Use Standards

Standards applicable to uses in the NC-TC zone are provided or referenced below. Allowed uses are listed in Subsection 1. Uses that are not listed are prohibited, unless a similar use determination is made pursuant to 6.1.2.D. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the NC-TC zone. This Subsection is intended to indicate all of the use standards applicable in the NC-TC zone, however, all standards in Article 6. are applicable in the NC-TC zone, unless stated otherwise.

1. Allowed Uses				2. Use Requirements	
Use	Permit	BSA (min)	Density (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Open Space					
Agriculture (6.1.3.B.)	Y	0 sf	n/a	n/a	exempt
Outdoor Recreation (6.1.3.C.)	C	0 sf	n/a	independent calculation	independent calculation
Residential					
Detached Single-Family Unit (6.1.4.B.)	Y	0 sf	1 unit per lot	2/DU	0.000017*sf + (Exp(-15.49 + 1.59*Ln(sf)))/2.176
Transportation/Infrastructure					
Utility Facility (6.1.10.C.)	C	0 sf	n/a	1/employee + 1/stored vehicle	0.000214*sf
Wireless Communication Facilities (6.1.10.D.)	6.1.10.D.	0 sf	n/a	1/employee + 1/stored vehicle	0.000214*sf
Accessory Uses					
Accessory Residential Unit (E.3.) (6.1.11.B.)	B	0 sf	1 per du	1.25/DU	exempt
Home Occupation (6.1.11.D.)	B	0 sf	n/a	n/a	exempt
Home Business (6.1.11.E.)	C	0 sf	n/a	1/DU	exempt

1. Allowed Uses				2. Use Requirements	
Use	Permit	BSA (min)	Density (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Family Home Daycare (6.1.11.F.)	B	0 sf	n/a	1/employee + 1 off-street pick-up/drop-off	exempt
Home Daycare Center (6.1.11.G.)	C	0 sf	n/a	1/employee + 2 off-street pick-up/drop-off	exempt
Temporary Uses					
Temporary Shelter (6.1.12.D.)	B	0 sf	1 unit per lot	2/DU	exempt
Temp. Gravel Extraction and Processing (6.1.12.F.)	B	0 sf	n/a	1/employee	exempt

Y=Use allowed, no use permit required B=Basic Use Permit (Sec. ~~8.3.5.~~8.4.1.) C=Conditional Use Permit (Sec. 8.4.2.)

3. Maximum Scale of Use	
Individual Use (floor area) (max)	
Single family unit (detached)	
Habitable floor area excluding basement	8,000 sf
Gross floor area excluding basement	10,000 sf + 100 sf non-habitable FA per acre BSA over 10 acres. Not to exceed 15,000sf
Accessory residential unit	1,000 sf gross
4. Operational Standards	
Outside Storage	(Sec. 6.4.1.)
Refuse and Recycling	(Sec. 6.4.2.)
Trash and recycling enclosure required	>4 DUs and all nonresidential
Noise	(Sec. 6.4.3.)
Max sound level at property line	55 DBA
Vibration	(Sec. 6.4.4.)
Electrical Disturbances	(Sec. 6.4.5.)
Fire and Explosive Hazards	(Sec. 6.4.6.)
Heat and Humidity	(Sec. 6.4.7.)
Radioactivity	(Sec. 6.4.8.)

D. Development Options

Standards applicable to development options and subdivision in the NC-TC zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the NC-TC zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the NC-TC zone, however, all standards in Article 7. are applicable in the NC-TC zone, unless stated otherwise.

1. Allowed Subdivision and Development Options

Option	BSA (min)	Lot Size (min)	Density (max)	FAR (max)	Height (max)	Option Standards
Allowed Subdivision Options						
Land Division						(E.4.)
Hillside lands with slopes ≥ 10%	n/a	(E.5.)	(E.5.)	determined by physical development		(E.5.)
RA-20 Zone	n/a	20 ac	n/a	determined by physical development		
RA-10 Zone	n/a	10 ac	n/a	determined by physical development		
RA-7.5 Zone	n/a	7.5 ac	n/a	determined by physical development		
RA-6 Zone	n/a	6 ac	n/a	determined by physical development		
RA-6/3 (variable) Zone						(E.6.)
Groundwater within 3'	n/a	6 ac	n/a	determined by physical development		
Groundwater deeper than 3'	n/a	3 ac	n/a	determined by physical development		
RA-5 Zone	n/a	5 ac	n/a	determined by physical development		
RA-3 Zone	n/a	3 ac	n/a	determined by physical development		
Exceptions						
Within the boundaries of the Teton Village Planned Resort the minimum lot size shall be as platted on May 9, 1994.						
2. Residential Subdivision Requirements						
Schools and Parks Exactions						(Div. 7.5.)
Development Exaction						0.03 acres of land per housing unit or lot
3. ~~Infrastructure~~						
~~Transportation Facilities~~						~~(E.7.) (Div. 7.6.)~~
~~Access~~						~~required~~
~~Right-of-way for a Minor Local Road (min)~~						~~60'~~
~~Travel lane width for a Minor Local Road (min)~~						~~10'~~
~~Road and driveway design~~						~~also subject to Fire Protection Resolution~~
~~Required Utilities~~						~~(Div. 7.7.)~~
~~Water~~						~~Connection to public supply, installation of central supply, or evidence of individual well required~~
~~Sewer~~						
~~Connection to a public sanitary sewer required~~						~~within 500'~~
~~Small Wastewater Facility (septic) approval required~~						~~otherwise~~
4. Required Subdivision and Development Option Permits						

Option	Planned Unit Development (Sec. 8.7.3.)	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Development Option Plan (Sec. 8.5.2.)	Subdivision Plat (Sec. 8.5.3.)
Land Division					
≤ 10 lots			X		X
> 10 lots		X	X		X
Condominium/Townhouse					X

E. Additional Zone-specific Standards

The following standards apply in addition to all other standards applicable in the NC-TC zone.

1. **Maximum Floor Area.** The maximum floor area of a single-family unit, including associated accessory structures, shall be calculated using the appropriate formula below. Basements are excluded from maximum floor area calculations. Maximum Scale of Development Standards still apply.

BSA	Maximum Floor Area (sf)
≤ 0.11 ac	(BSA)(0.43)(43,560)
0.11-0.172 ac	(BSA-0.11)(0.2833)(43,560)+2,060
0.172-0.5 ac	(BSA-0.172)(0.124)(43,560)+2,825
>0.5 ac	(BSA-0.5)(0.032)(43,560)+4,596

a. **Specially Named Subdivisions.** In the following named subdivisions, the result of the above calculation shall be further multiplied by the factor identified below to determine the maximum floor area.

Subdivision	Multiplier
Ellen Creek	1.35
Jackson Hole Golf and Tennis Club	1.15
NC-TVSF	1.4
Spring Creek Ranch	see PUD
Teton Pines (JH Racquet Club Resort)	see PUD

2. **Maximum Site Development.** The maximum site development of a single-family unit, including associated accessory structures, shall be calculated using the appropriate formula below.

a. **Exemptions.** The following shall be exempt from the calculation of maximum site development.

i. Public and neighborhood pathways, flood control levees, ponds, and

ii. Outdoor riding arenas on properties 6 acres or larger. In order to be exempt from maximum site development calculations the riding arena shall be an uncovered area no larger than 160 feet by 200 feet that is constructed of natural materials. Outdoor riding arenas may not have bleachers, and must be constructed of wood fencing or livestock panels no higher than 52 inches. Outdoor riding arenas shall have 12 foot wide gates at 2 ends that must remain open to allow for wildlife movement when the arena is not in use.

b. Formula

ASA	Maximum Site Development (sf)
≤ 0.1 ac	(ASA)(0.6)(43,560)
0.1-0.5 ac	(ASA-0.1)(0.31)(43,560)+2,614
0.5-3 ac	(ASA-0.5)(0.11)(43,560)+8,015
3-35 ac	(ASA-3)(0.040344)(43,560)+19,994
> 35 ac	(ASA)(0.05)(43,560)

c. **Specially Named Subdivisions.** In the following named subdivisions, the result of the above calculation shall be further multiplied by the factor identified below to determine the maximum site development.

Subdivision	Multiplier
Ellen Creek	1.23
Jackson Hole Golf and Tennis Club	1.17
NC-TVSF	1.44
Spring Creek Ranch	see PUD
Teton Pines (JH Racquet Club Resort)	see PUD

3. **Accessory Residential Units.** Accessory residential units are only allowed in association with a primary residential use.

4. Subdivision

a. **Combination to Increase Density.** Lots of record may not be combined with other lots of record for the purpose of subdividing to increase density. However, subdivision for other purposes where overall existing densities are retained or reduced shall be permitted.

b. **Double or Reverse Frontage.** Double or reverse frontage lots or buildings shall be prohibited, except where necessary to limit vehicular access to arterial roads or highways; or to provide separation of development from through traffic; or to overcome specific disadvantages of topography or other natural features of the site.

5. **Subdivision of Hillsides.** Lands having slopes of 10% or greater shall use the following procedure to calculate the maximum density allowable.

a. Prepare a contour map at a vertical interval of not more than 5 feet, or not more than 10 feet where the natural slope exceeds 15%. The map shall be certified as complying with the following standard of the United States National Map Accuracy standard, revised June 17, 1947, by the registered land surveyor or registered engineer presenting or preparing the map: "Vertical accuracy, as applied to contour maps on all publication scales, shall be such that not more than 10% of the elevations tested shall be in

error more than one-half the contour interval. In checking elevations taken from the map, the apparent vertical error may be decreased by assuming a horizontal displacement within the permissible horizontal error for a map of that scale."

b. From the contour map, prepare a slope map using the following slope classifications:

Slope Range	Land Use Classification
0% - 10%	RA-3
10% - 15%	RA-5 and RA 7.5
15% - 30%	RA-10
30% and greater	RA-20

c. From the slope map, measure the acreage in each slope range and divide by the minimum lot size of the corresponding land use classification (RA-3, RA-5, RA-7.5, RA-10, RA-20) to establish the density allowed for each slope range. The base density allowed for a lot of record shall be the sum of the number of dwelling units allowed for the slope ranges.

> **EXAMPLE:** Assuming there are 100 acres to be subdivided, the formula for ascertaining maximum density in each classification would be as follows:
> 15 acres RA-3 = 15 divided by 3 = 5 dwelling units
> 10 acres RA-5 = 10 divided by 5 = 2 dwelling units
> 15 acres RA-7.5= 15 divided by 7.5= 2 dwelling units
> 20 acres RA-10 = 20 divided by 10 = 2 dwelling units
> 40 acres RA-20 = 40 divided by 20 = 2 dwelling units

d. The total number of proposed lots shall not exceed the base density allowable based on the slope map information.

e. A lot in a proposed subdivision shall contain at least 0.8 of a dwelling unit according to the slope analysis; the overall number of subdivision lots, however, shall not exceed the total number of dwelling units for the entire lot of record upon which the subdivision is proposed.

6. RA 6/3 Minimum Lot Size. All groundwater testing to determine the minimum lot size shall be performed during high groundwater season. Notwithstanding the results of groundwater testing, an amendment of the Official Zoning Map pursuant to Sec. 8.7.2. shall be required prior to the approval of a lot size of less than 6 acres.

7. Access to Lots. Safe and adequate access shall be provided to all areas of the proposed development, either directly or indirectly, by a public right-of-way, private vehicular or pedestrian way, or commonly owned easement.

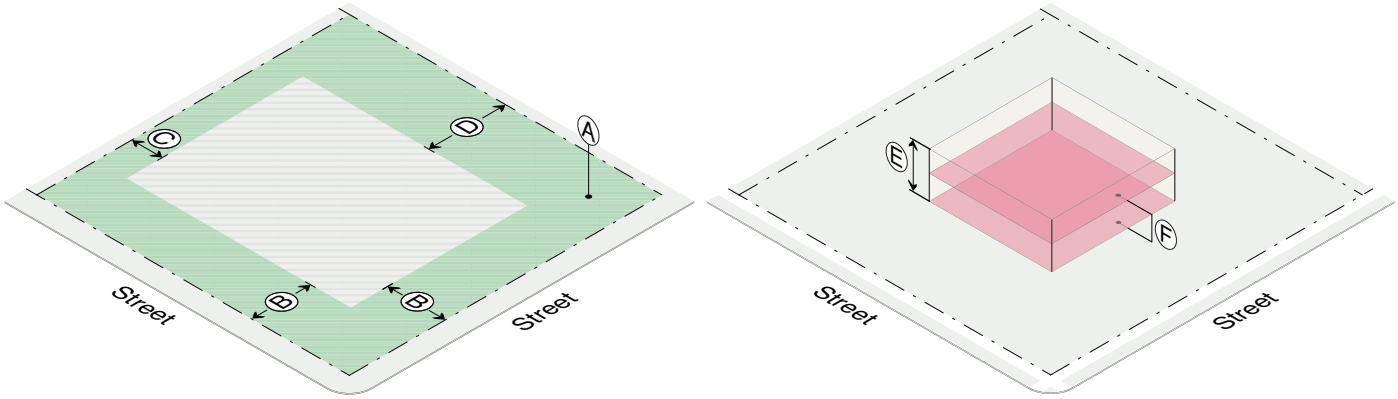
3.3.4. Suburban - County (S-TC) Zone ~~(7/18/18)~~ (AMD2019-0006)

A. Intent

The purpose of the Suburban - County (S-TC) zone is to provide for places with enough open space and sufficient lot size to provide a moderate predominance of landscape over buildings, where there is less human interaction that in the Urban Zones, where a stronger sense of privacy is maintained through building orientation and landscaping, and where shared open space is provided. The intent is to provide for low to moderate density residential development with a range of residential uses, and uses associated with residential uses.

B. Physical Development

Standards applicable to physical development in the S-TC zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the S-TC zone. This Subsection is intended to indicate all of the physical development standards applicable in the S-TC zone, however, all standards in Article 5. are applicable in the S-TC zone, unless stated otherwise.



1. Structure Location and Mass						
	Ⓐ	Ⓑ	Ⓒ	Ⓓ	Ⓔ	Ⓕ
	LSR (min)	Street Setback (min)	Side Setback (min)	Rear Setback (min)	Height (max)	FAR (max)
Agriculture	.95	25’	15’	40’	40’	.007
Any Residential use	.60	25’	15’	40’	24’	.35
Other principal use	.60	25’	15’	40’	24’	.30
Accessory use	See standards for primary use with which associated					
Temporary use	n/a	25’	15’	40’	24’	n/a
Individual lot within a PRD	Standards established through PRD approval					

Exceptions
~~Front~~Street Yard Projections. Covered and uncovered decks, porches, and balconies may encroach into a ~~front~~street yard by not more than 6 feet.
Residential Side/Rear Yard Projections. Cornices, canopies, eaves, decks, porches, bay windows, chimneys, patios, and similar architectural features may encroach into a side or rear yard not more than 4 feet. Fire escapes may extend into a side or rear yard by not more than 4 feet.

2. Maximum Scale of Development	
Individual Building (max gross FA)	
Part of single-family unit	10,000 sf
3. Building Design	
Residential Building Materials	
External surfaces shall be non-reflective	
Colors shall blend into terrain using muted colors and earthy hues - additions matching existing colors are exempt	
4. Site Development	
Site Development Setbacks (min)	
Side/Rear	1/2 the structure setback
Front	
40% of lineal frontage	1/2 the structure setback
60% of lineal frontage	structure setback
Exemptions	
Driveways providing access across street yards; and shared parking and driveways	
5. Landscaping	(Div. 5.5.)
Plant Units (min)	
Residential	1 per du
Nonresidential	1 per 1,000 sf of landscape area
Parking lot	
Residential	1 per 12 parking spaces
All other uses	1 per 8 parking spaces
6. Fencing	(Sec. 5.1.2.)
Wildlife Friendly Fencing	
Special Purpose Fencing Height (max)	
In street yard	4'
In side or rear yard	6'
Special Purpose Fencing Setback	
Any yard	0'

7. Environmental Standards	
Natural Resource Buffers (min)	(Sec. 5.1.1.)
Rivers	150'
Streams	50' or edge of riparian plant community up to 150'
Natural lakes or ponds	50' or edge of riparian plant community up to 150'
Wetland	30'
Irrigation Ditch Setback (min)	(~~7.7.~~5.10.4.D.)
Irrigation ditch	15'
Wild Animal Feeding	(Sec. 5.1.3.)
Wild animal feeding prohibited	
Natural Resource Overlay (NRO) Standards	(Sec. 5.2.1.)
Bear Conflict Area Standards	(Sec. 5.2.2.)
Bear proof trash required in Conflict Priority Area 1	
8. Scenic Standards	
Exterior Lighting	(Sec. 5.3.1.)
Light trespass prohibited.	
All lights over 600 initial lumens shall be fully shielded.	
Lumens per sf of site development (max)	1.5
Lumens per site (max)	
All fixtures	60,000
Unshielded fixtures	4,000
Light Color	≤3000 Kelvin
Scenic Resource Overlay (SRO) Standards	(Sec. 5.3.2.)
9. Natural Hazards to Avoid	
Steep Slopes	(Sec. 5.4.1.)
Development prohibited	Slopes > 30%
Areas of Unstable Soils	(Sec. 5.4.2.)
Fault Areas	(Sec. 5.4.3.)
Floodplains	(Sec. 5.4.4.)
Wildland Urban Interface	(Sec. 5.4.5.)

10. Signs	(Div. 5.6.)
Allowable Signage	
Nonresidential uses	1 rustic freestanding or 1 wall sign
Residential uses	
Lot of record < 3 acres	1 unlighted wall sign
Lot of record ≥ 3 acres	1 unlighted rustic freestanding or 1 unlighted wall sign
Home occupation/business	1 unlighted wall sign
Sign Area (max)	
Nonresidential	12 sf
Residential	
Lot of record < 3 acres	3 sf
Lot of record ≥ 3 acres	4 sf
Home occupation/business	2 sf

Sign Height (max)	
Nonresidential	6’
Residential	4’
Home occupation/business	n/a

11. Grading, Erosion Control, Stormwater	
Grading	(Sec. 5.7.2.)
Erosion Control	(Sec. 5.7.3.)
Erosion shall be controlled at all times	
Stormwater Management	(Sec. 5.7.4.)
No increase in peak flow rate or velocity across property lines	

12. Required Physical Development Permits

Physical Development	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Building Permit (Sec. 8.3.3.)	Sign Permit (Sec. 8.3.5.)	Grading Permit (Sec. 8.3.4.)
Dwelling Unit					
< 5 units			X		(Sec. 5.7.1.)
5 - 10 units		X	X		(Sec. 5.7.1.)
> 10 units	X	X	X		(Sec. 5.7.1.)
Nonresidential Floor Area					
< 3,450 sf			X		(Sec. 5.7.1.)
3,450 to 12,000 sf		X*	X		(Sec. 5.7.1.)
> 12,000 sf	X*	X*	X		(Sec. 5.7.1.)
Sign				X	(Sec. 5.7.1.)

* Not required for physical development associated with an agricultural use meeting the standards for exemption outlined in Section 6.1.3.B.

13. Infrastructure	
Transportation Facilities	(Div. ~~7.6.~~5.9.)
Access	required
Right-of-way for a Minor Local Road (min)	60’
Travel lane width for a Minor Local Road (min)	10’
Road and driveway design	also subject to Fire Protection Resolution
Required Utilities	(Div. ~~7.7.~~5.10.)

Water	Connection to public supply, installation of central supply, or evidence of individual well required
Sewer	
Connection to a public sanitary sewer required	within 500'
Small Wastewater Facility (septic) approval required	otherwise

C. Use Standards

Standards applicable to uses in the S-TC zone are provided or referenced below. Allowed uses are listed in Subsection 1. Uses that are not listed are prohibited, unless a similar use determination is made pursuant to 6.1.2.D. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the S-TC zone. This Subsection is intended to indicate all of the use standards applicable in the S-TC zone, however, all standards in Article 6. are applicable in the S-TC zone, unless stated otherwise.

1. Allowed Uses				2. Use Requirements	
Use	Permit	BSA (min)	Density (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Open Space					
Agriculture (6.1.3.B.)	Y	0 sf	n/a	n/a	exempt
Outdoor Recreation (6.1.3.C.)	C	80,000 sf	n/a	independent calculation	independent calculation
Residential					
Detached Single-Family Unit (6.1.4.B.)	Y	0 sf	1 unit per lot	2/DU	0.000017*sf + (Exp(-15.49 + 1.59*Ln(sf)))/2.176
Dormitory (E.1.) (6.1.4.F.)	C	80,000 sf	15 rooms per acre	1/bed	exempt
Group Home (E.1.) (6.1.4.G.)	C	80,000 sf	15 rooms per acre	0.5/bed	exempt
Amusement/Recreation					
Outfitter/Tour Operator (6.1.7.E.)	C	80,000 sf	n/a	independent calculation	independent calculation
Institutional					
Assembly (E.1.) (6.1.8.B.)	C	80,000 sf	n/a	independent calculation	independent calculation
Transportation/Infrastructure					
Utility Facility (6.1.10.C.)	C	80,000 sf	n/a	1/employee + 1/stored vehicle	0.000214*sf
Wireless Communication Facilities (6.1.10.D.)	6.1.10.D.	80,000 sf	n/a	1/employee + 1/stored vehicle	0.000214*sf
Accessory Uses					
Home Occupation (6.1.11.D.)	B	0 sf	n/a	n/a	exempt
Home Business (6.1.11.E.)	C	0 sf	n/a	1/DU	exempt

Y=Use allowed, no use permit required B=Basic Use Permit (Sec. ~~8.3.5.~~8.4.1.) C=Conditional Use Permit (Sec. 8.4.2.)

1. Allowed Uses				2. Use Requirements	
Use	Permit	BSA (min)	Density (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Family Home Daycare (6.1.11.F.)	B	0 sf	n/a	1/employee + 1 off-street pick-up/ drop-off	exempt
Home Daycare Center (6.1.11.G.)	C	0 sf	n/a	1/employee + 2 off-street pick-up/ drop-off	exempt
Temporary Uses					
Real Estate Sales Office (6.1.12.C.)	B	0 sf	n/a	3.3/1,000 sf	exempt
Temporary Shelter (6.1.12.D.)	B	0 sf	1 unit per lot	2/DU	exempt
Temp. Gravel Extraction and Processing (6.1.12.F.)	B	0 sf	n/a	1/employee	exempt

Y=Use allowed, no use permit required B=Basic Use Permit (Sec. ~~8.3.5.~~8.4.1.) C=Conditional Use Permit (Sec. 8.4.2.)

3. Maximum Scale of Use	
Individual Use (floor area) (max)	
Single family unit (detached)	
Habitable floor area excluding basement	8,000 sf
Gross floor area excluding basement	10,000 sf + 100 sf non-habitable FA per acre BSA over 10 acres. Not to exceed 15,000sf

4. Operational Standards	
Outside Storage	(Sec. 6.4.1.)
Refuse and Recycling	(Sec. 6.4.2.)
Trash and recycling enclosure required	>4 DUs and all nonresidential
Noise	(Sec. 6.4.3.)
Max sound level at property line	55 DBA
Vibration	(Sec. 6.4.4.)
Electrical Disturbances	(Sec. 6.4.5.)
Fire and Explosive Hazards	(Sec. 6.4.6.)
Heat and Humidity	(Sec. 6.4.7.)
Radioactivity	(Sec. 6.4.8.)

D. Development Options

Standards applicable to development options and subdivision in the S-TC zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the S-TC zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the S-TC zone, however, all standards in Article 7. are applicable in the S-TC zone, unless stated otherwise.

1. Allowed Development and Subdivision Options

Option	Lot Size (min)	Rural Area (min)	Conserv. Area (min)	Develop. Area (max)	Density (max)	Additional Floor Area (max)	Strds.
Subdivision Options							
Land Division	12,000 sf	n/a	n/a	n/a	n/a	n/a	7.2.3.
Condominium/ Townhouse	n/a	n/a	n/a	n/a	n/a	n/a	7.2.4.
Development Options							
CN-PRD*	n/a	JH: 105 ac Alta:70 ac	90% of Rural GSA	--	--	n/a	7.1.6.
CN Development Area	n/a	--	--	1 ac per 19 ac Rural GSA	1 du per 4.375 ac Rural GSA	n/a	
Reserved Rural Development Area	n/a	--	--	1 ac per 9 ac conserved	1 du per 35 ac Rural GSA	n/a	

* (JH): East of the Tetons, (Alta): West of the Tetons

2. Residential Subdivision Requirements

Schools and Parks Exactions	(Div. 7.5.)
Development Exaction	0.03 acres of land per housing unit or lot

3. ~~Infrastructure~~

~~Transportation Facilities~~	~~(Div. 7.6.)~~
~~Access~~	~~required~~
~~Right-of-way for a Minor Local Road (min)~~	~~60'~~
~~Travel lane width for a Minor Local Road (min)~~	~~10'~~
~~Road and driveway design~~	~~also subject to Fire Protection Resolution~~
~~Required Utilities~~	~~(Div. 7.7.)~~
~~Water~~	~~Connection to public supply, installation of central supply, or evidence of individual well required~~
~~Sewer~~	
~~Connection to a public sanitary sewer required~~	~~within 500'~~
~~Small Wastewater Facility (septic) approval required~~	~~otherwise~~

4. Required Subdivision and Development Option Permits					
Option	Planned Unit Development (Sec. 8.7.3.)	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Development Option Plan (Sec. 8.5.2.)	Subdivision Plat (Sec. 8.5.3.)
Land Division					
≤ 10 lots			X		X
> 10 lots		X	X		X
Condominium/Townhouse					X
Complete Neighborhood PRD		X	X		if subdivided

E. Additional Zone-specific Standards

The following standards apply in addition to all other standards applicable in the S-TC zone.

1. **Dormitory, Group Home, and Assembly Use.** Structures containing dormitory, group home, and assembly uses shall be set back 300 feet from all property lines, except property lines that are internal to a development that contains other uses in addition to the dormitory, group home, or assembly use.

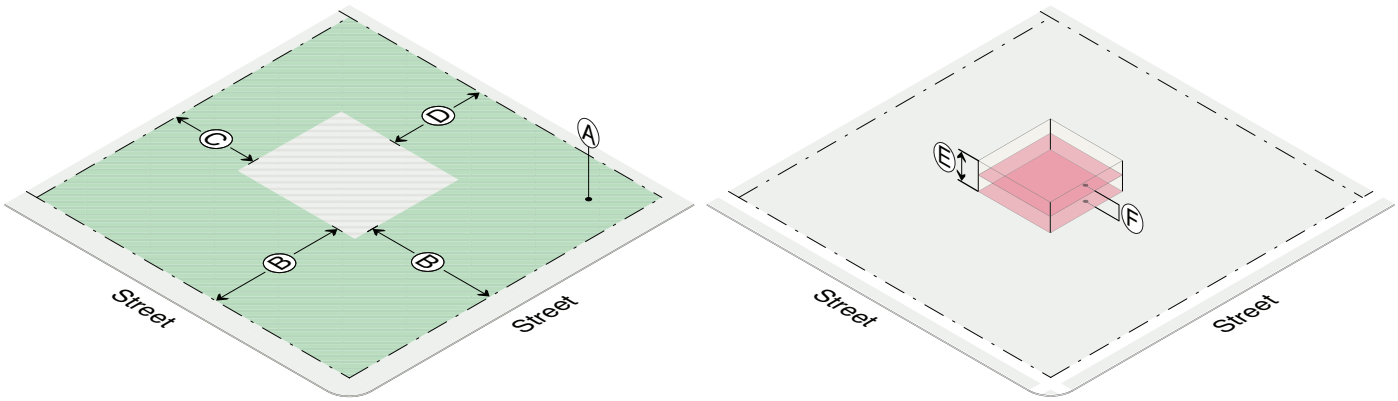
3.3.5. Rural - County (R-TC) Zone (AMD2019-0006) ~~(7/18/18)~~

A. Intent

The purpose of the Rural - County (R-TC) Zone is to provide lands for the continuation of agriculture, as well as compatible related uses, and to preserve rural character by encouraging forms of development that protect large tracts of agricultural land and natural and scenic areas.

B. Physical Development

Standards applicable to physical development in the R-TC zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the R-TC zone. This Subsection is intended to indicate all of the physical development standards applicable in the R-TC zone, however, all standards in Article 5. are applicable in the R-TC zone, unless stated otherwise.



1. Structure Location and Mass

	Ⓐ	Ⓑ	Ⓒ	Ⓓ	Ⓔ	Ⓕ
	LSR (min)	Street Setback (min)	Side Setback (min)	Rear Setback (min)	Height (max)	FAR (max)
Golf course	.90	50’	30’	40’	35’	.007
Detached single-family unit						
Lot of record < 1 ac	E.2.	25’	10’	25’	30’	E.1.
Lot of record ≥ 1 ac	E.2.	50’	30’	40’	30’	E.1.
Other principal use	.95	50’	30’	40’	35’	.007
Accessory use	See standards for primary use with which associated					
Temporary use	n/a	50’	30’	40’	30’	n/a
Individual lot within a PRD	Standards established through PRD approval					

Exceptions

Residential Side/Rear Yard Projections. Cornices, canopies, eaves, decks, porches, bay windows, chimneys, patios, and similar architectural features may encroach into a side or rear yard not more than 4 feet. Fire escapes may extend into a side or rear yard by not more than 4 feet.

FAR Exemption. The floor area of an accessory residential unit that is accessory to a nonresidential use shall be exempt from the FAR calculation for the site

2. Maximum Scale of Development	
Individual Building (gross floor area, max)	
Part of single-family unit	10,000 sf

3. Building Design	
Residential Building Materials	
External surfaces shall be non-reflective	
Colors shall blend into terrain using muted colors and earthy hues - additions matching existing colors are exempt	

4. Site Development	
Site Development Setbacks (min)	
Side/Rear	1/2 the structure setback
Front	
40% of lineal frontage	1/2 the structure setback
60% of lineal frontage	structure setback
Exemptions	
Driveways providing access across a street yard; and shared parking and driveways	

5. Landscaping	(Div. 5.5.)
Plant Units (min)	
Residential	1 per du
Nonresidential	1 per 1,000 sf of gross floor area
Parking lot	
Agriculture	exempt
All other uses	1 per 8 parking spaces

6. Fencing	(Sec. 5.1.2.)
Wildlife Friendly Fencing	
Special Purpose Fencing Height (max)	
In street yard	4'
In side or rear yard	6'
Special Purpose Fencing Setback	
Any yard	0'

7. Environmental Standards	
Natural Resource Buffers (min)	(Sec. 5.1.1.)
Rivers	150'
Streams	50' or edge of riparian plant community up to 150'
Natural lakes or ponds	50' or edge of riparian plant community up to 150'
Wetland	30'
Irrigation Ditch Setback (min)	(~~7.7.~~5.10.4.D.)
Irrigation ditch	15'
Wild Animal Feeding	(Sec. 5.1.3.)
Wild animal feeding prohibited	
Natural Resource Overlay (NRO) Standards	(Sec. 5.2.1.)
Bear Conflict Area Standards	(Sec. 5.2.2.)
Bear proof trash required in Conflict Priority Area 1	

8. Scenic Standards	
Exterior Lighting	(Sec. 5.3.1.)
Light trespass prohibited.	
All lights over 600 initial lumens shall be fully shielded.	
Lumens per sf of site development (max)	1.5
Lumens per site (max)	
All fixtures	60,000
Unshielded fixtures	4,000
Light Color	≤3000 Kelvin'
Scenic Resource Overlay (SRO) Standards	(Sec. 5.3.2.)

9. Natural Hazards to Avoid	
Steep Slopes	(Sec. 5.4.1.)
Development prohibited	Slopes > 30%
Areas of Unstable Soils	(Sec. 5.4.2.)
Fault Areas	(Sec. 5.4.3.)
Floodplains	(Sec. 5.4.4.)
Wildland Urban Interface	(Sec. 5.4.5.)

10. Signs	(Div. 5.6.)
Allowable Signage	
Nonresidential uses	1 rustic freestanding sign
Residential uses	1 unlighted rustic freestanding sign or 1 unlighted wall sign
Home occupation/business	1 unlighted wall sign
Sign Area (max)	
Nonresidential	16 sf
Residential	4 sf identifying owner and/or name of property
Home occupation/business	2 sf
Sign Height (max)	
Nonresidential	10’
Residential	4’
Home occupation/business	n/a

11. Grading, Erosion Control, Stormwater	
Grading	(Sec. 5.7.2.)
Erosion Control	(Sec. 5.7.3.)
Erosion shall be controlled at all times	
Stormwater Management	(Sec. 5.7.4.)
No increase in peak flow rate or velocity across property lines	

12. Required Physical Development Permits

Physical Development	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Building Permit (Sec. 8.3.3.)	Sign Permit (Sec. 8.3.5.)	Grading Permit (Sec. 8.3.4.)
Dwelling Unit					
< 5 units			X		(Sec. 5.7.1.)
5 - 10 units		X	X		(Sec. 5.7.1.)
> 10 units	X	X	X		(Sec. 5.7.1.)
Nonresidential Floor Area					
< 3,450 sf			X		(Sec. 5.7.1.)
3,450 to 12,000 sf		X*	X		(Sec. 5.7.1.)
> 12,000 sf	X*	X*	X		(Sec. 5.7.1.)
Sign				X	(Sec. 5.7.1.)

* Not required for physical development associated with an agricultural use meeting the standards for exemption outlined in Section 6.1.3.B.

13. Infrastructure	
Transportation Facilities	(Div. ~~7.6.~~5.9.)
Access	required
Right-of-way for a Minor Local Road (min)	60'
Travel lane width for a Minor Local Road (min)	10'
Road and driveway design	also subject to Fire Protection Resolution
Required Utilities	(Div. ~~7.7.~~5.10.)
Water	Connection to public supply, installation of central supply, or evidence of individual well required
Sewer	
Connection to a public sanitary sewer required	within 500'
Small Wastewater Facility (septic) approval required	otherwise

C. Use Standards

Standards applicable to uses in the R-TC zone are provided or referenced below. Allowed uses are listed in Subsection 1. Uses that are not listed are prohibited, unless a similar use determination is made pursuant to 6.1.2.D. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the R-TC zone. This Subsection is intended to indicate all of the use standards applicable in the R-TC zone, however, all standards in Article 6. are applicable in the R-TC zone, unless stated otherwise.

1. Allowed Uses				2. Use Requirements	
Use	Permit	BSA (min)	Density (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Open Space					
Agriculture (6.1.3.B.)	Y	0 ac	n/a	n/a	exempt
Outdoor Recreation (6.1.3.C.)	C	35 ac	n/a	independent calculation	independent calculation
Dude/Guest Ranch (6.1.3.E.)	C	35 ac		1/LU	independent calculation
Residential					
Detached Single-Family Unit (6.1.4.B.)	Y	0 ac	1 unit per lot	2/DU	0.000017*sf + (Exp(-15.49 + 1.59*Ln(sf)))/2.176
Dormitory (E.3.) (6.1.4.F.)	C	35 ac	7 rooms per acre	1/bed	exempt
Group Home (E.3.) (6.1.4.G.)	C	35 ac	7 rooms per acre	0.5/bed	exempt
Lodging					
Campground (6.1.5.D.)	C	35 ac	15 sites per acre	1/campsite + 1/7.5 campsites	independant calculation
Commercial					

Y=Use allowed, no use permit required B=Basic Use Permit (Sec. ~~8.3.5.~~8.4.1.)
C=Conditional Use Permit (Sec. 8.4.2.) S=Special Use Permit (Sec. 8.4.3.)

1. Allowed Uses				2. Use Requirements	
Use	Permit	BSA (min)	Density (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Nursery (6.1.6.H.)	C	35 ac	n/a	2/1,000 sf + 1/4,000 sf outdoor display area + 1/company vehicle + 1/employee	0.000377*sf
Amusement/Recreation					
Outfitter/Tour Operator (6.1.7.E.)	C	35 ac	n/a	independent calculation	independent calculation
Institutional					
Assembly (E.3) (6.1.8.B.)	C	35 ac	n/a	independent calculation	independent calculation
Daycare/Education (6.1.8.C.)	C	35 ac	n/a	independent calculation	exempt (see 6.3.2.C.11 and 6.3.2.C.12)
Industrial					
Gravel Extraction and Processing (6.1.9.F.)	S	35 ac	n/a	1/employee	0.000214*sf
Transportation/Infrastructure					
Utility Facility (6.1.10.C.)	C	35 ac	n/a	1/employee + 1/stored vehicle	0.000214*sf
Wireless Communication Facilities (6.1.10.D.)	6.1.10.D.	35 ac	n/a	1/employee + 1/stored vehicle	0.000214*sf
Aviation (6.1.10.E.)	C	0 sf	n/a	independent calculation	0.000214*sf
Accessory Uses					
Accessory Residential Unit (6.1.11.B.) (E.4.)	B	0 ac	see E.4.	1.25/DU	exempt
Bed and Breakfast (6.1.11.C.)	C	70 ac	n/a	0.75/LU	exempt
Home Occupation (6.1.11.D.)	B	0 ac	n/a	n/a	exempt
Home Business (6.1.11.E.)	C	0 ac	n/a	1/DU	exempt
Family Home Daycare (6.1.11.F.)	B	0 ac	n/a	1/employee + 1 off-street pick-up/drop-off	exempt
Home Daycare Center (6.1.11.G.)	C	0 ac	n/a	1/employee + 2 off-street pick-up/drop-off	exempt
Temporary Uses					
Christmas Tree Sales (6.1.12.B.)	Y	0 ac	n/a	1/1,000 sf outdoor display area + 1/employee	exempt
Real Estate Sales Office (6.1.12.C.)	B	0 ac	n/a	3.3/1,000 sf	exempt

Y=Use allowed, no use permit required B=Basic Use Permit (Sec. ~~8.3.5.~~8.4.1.)
C=Conditional Use Permit (Sec. 8.4.2.) S=Special Use Permit (Sec. 8.4.3.)

1. Allowed Uses				2. Use Requirements	
Use	Permit	BSA (min)	Density (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Temporary Shelter (6.1.12.D.)	B	0 ac	1 unit per lot	2/DU	exempt
Farm Stand (6.1.12.E.)	B	0 ac	n/a	5/1,000 sf display area	exempt
Temp. Gravel Extraction and Processing (6.1.12.F.)	B	0 ac	n/a	1/employee	exempt

Y=Use allowed, no use permit required B=Basic Use Permit (Sec. ~~8.3.5.~~8.4.1.)
C=Conditional Use Permit (Sec. 8.4.2.) S=Special Use Permit (Sec. 8.4.3.)

3. Maximum Scale of Use	
Individual Use (floor area) (max)	
Single family unit (detached)	
Habitable floor area excluding basement	8,000 sf
Gross floor area excluding basement	10,000 sf + 100 sf non-habitable FA per acre BSA over 10 acres. Not to exceed 15,000sf
Accessory residential unit	
Primary use residential	1,000 sf gross
Primary use nonresidential	850 sf habitable

4. Operational Standards	
Outside Storage	(Sec. 6.4.1.)
Refuse and Recycling	(Sec. 6.4.2.)
Trash and recycling enclosure required	>4 DUs and all nonresidential
Noise	(Sec. 6.4.3.)
Max sound level at property line	55 DBA
Vibration	(Sec. 6.4.4.)
Electrical Disturbances	(Sec. 6.4.5.)
Fire and Explosive Hazards	(Sec. 6.4.6.)
Heat and Humidity	(Sec. 6.4.7.)
Radioactivity	(Sec. 6.4.8.)

D. Development Options

Standards applicable to development options and subdivision in the R-TC zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the R-TC zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the R-TC zone, however, all standards in Article 7. are applicable in the R-TC zone, unless stated otherwise.

1. Allowed Development and Subdivision Options

Option	Lot Size (min)	Rural Area (min)	Conserv. Area (min)	Develop. Area (max)	Density (max)	Additional Floor Area (max)	Strds.
Subdivision Options							
Land Division	35 ac	n/a	n/a	n/a	n/a	n/a	7.2.3.
Development Options							
Floor Area Option	n/a	35 ac	90% of Rural GSA	n/a	2 additional ARU per 35 ac	10,000 sf per 35 ac	7.1.5.
Rural PRD	n/a	~~n/a~~>49 ac	Greater of: 70% of Rural GSA OR 49 ac	3 ac per 7 ac conserved	3 du per 35 ac	n/a	7.1.2.
CN-PRD*	n/a	JH: 105 ac Alta:70 ac	90% of Rural GSA	--	--	n/a	7.1.6.
CN Development Area	n/a	--	--	1 ac per 19 ac Rural GSA	1 du per 4.375 ac Rural GSA	n/a	
Reserved Rural Development Area	n/a	--	--	1 ac per 9 ac conserved	1 du per 35 ac Rural GSA	n/a	

* (JH): East of the Tetons, (Alta): West of the Tetons

2. Residential Subdivision Requirements

Schools and Parks Exactions	(Div. 7.5.)
Development Exaction	0.03 acres of land per housing unit or lot

3. ~~Infrastructure~~

~~Transportation Facilities~~	~~(Div. 7.6.)~~
~~Access~~	~~required~~
~~Right-of-way for a Minor Local Road (min)~~	~~60'~~
~~Travel lane width for a Minor Local Road (min)~~	~~10'~~
~~Road and driveway design~~	~~also subject to Fire Protection Resolution~~
~~Required Utilities~~	~~(Div. 7.7.)~~
~~Water~~	~~Connection to public supply, installation of central supply, or evidence of individual well required~~
~~Sewer~~	
~~Connection to a public sanitary sewer required~~	~~within 500'~~
~~Small Wastewater Facility (septic) approval required~~	~~otherwise~~

4. Required Subdivision and Development Option Permits

Option	Planned Unit Development (Sec. 8.7.3.)	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Development Option Plan (Sec. 8.5.2.)	Subdivision Plat (Sec. 8.5.3.)
Land Division					
≤ 10 lots			X		X

> 10 lots	X	X		X
Condominium/Townhouse				X
Floor Area Option			X	
Rural PRD	optional	X		if subdivided
Complete Neighborhood PRD	X	X		if subdivided

E. Additional Zone-specific Standards

The following standards apply in addition to all other standards applicable in the R-TC zone.

1. **Maximum Floor Area.** The maximum floor area of a single-family unit, including associated accessory structures, shall be calculated using the appropriate formula below. Basements are excluded from maximum floor area calculations. Maximum Scale of Development standards still apply.

BSA	Maximum Floor Area (sf)
≤ 0.11 ac	(BSA)(0.43)(43,560)
0.11-0.172 ac	(BSA-0.11)(0.2833)(43,560)+2,060
0.172-0.5 ac	(BSA-0.172)(0.124)(43,560)+2,825
>0.5 ac	(BSA-0.5)(0.032)(43,560)+4,596

   a. **Specially Named Subdivisions.** In the following named subdivisions, the result of the above calculation shall be further multiplied by the factor identified below to determine the maximum floor area.

Subdivision	Multiplier
PRDs	see FDP

2. **Maximum Site Development.** The maximum site development of a single-family unit, including associated accessory structures, shall be calculated using the appropriate formula below.

   a. **Exemptions.** The following shall be exempt from the calculation of maximum site development.

      i. Public and neighborhood pathways, flood control levees, ponds, and

      ii. Outdoor riding arenas on properties 6 acres or larger. In order to be exempt from maximum site development calculations the riding arena shall located outside the NRO and shall be an uncovered area no larger than 160 feet by 200 feet that is constructed of natural materials. Outdoor riding arenas may not have bleachers, and must be constructed of wood fencing or livestock panels no higher than 52 inches. Outdoor riding arenas shall have 12 foot wide gates at 2 ends that must remain open to allow for wildlife movement when the arena is not in use.

b. Formula

ASA	Maximum Site Development (sf)
≤ 0.1 ac	(ASA)(0.6)(43,560)
0.1-0.5 ac	(ASA-0.1)(0.31)(43,560)+2,614
0.5-3 ac	(ASA-0.5)(0.11)(43,560)+8,015
3-35 ac	(ASA-3)(0.040344)(43,560)+19,994
> 35 ac	(ASA)(0.05)(43,560)

c. **Specially Named Subdivisions.** In the following named subdivisions, the result of the above calculation shall be further multiplied by the factor identified below to determine the maximum site development.

Subdivision	Multiplier
PRDs	see FDP

3. **Dormitory, Group Home, and Assembly Use.** Structures containing dormitory, group home, and assembly uses shall be set back 300 feet from all property lines, except property lines that are internal to a development that contains other uses in addition to the dormitory, group home, or assembly use.

4. **ARU Density.** A maximum of 1 ARU shall be permitted accessory to a detached single-family unit. The maximum number of ARUs accessory to a nonresidential use shall be determined based on the definition of Accessory Use (6.1.2.B.3.).

Article 4. Special Purpose Zones

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Div. 4.2. Civic Zones 4-2

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4.4.1. All PUD Zones (1/1/17) 4-46

Div. 4.1. All Special Purpose Zones (1/1/15)

Special purpose zones are intended to provide for development and uses that are desired by the community, but not easily incorporated into the complete neighborhood and rural area zones. There are 3 types of special purpose zones:

1. Civic zones, established in Div. 4.2., accommodate public and semi-public uses that are necessary to the community and require flexibility from the standards of the complete neighborhood and rural area zones.

2. Planned Resort zones, established in Div. 4.3., provide for and guide the creation or continuation of planned development configured around a major recreational activity.

3. Planned Unit Development (PUD) zones, established in Div. 4.4., permit variation from the strict application of the zones in order to achieve specific community goals that enhance the community's implementation of the Jackson/Teton County Comprehensive Plan.

Div. 4.2. Civic Zones

Civic zones accommodate public and semi-public uses that are necessary to the community and require flexibility from the standards of the complete neighborhood and rural area zones.

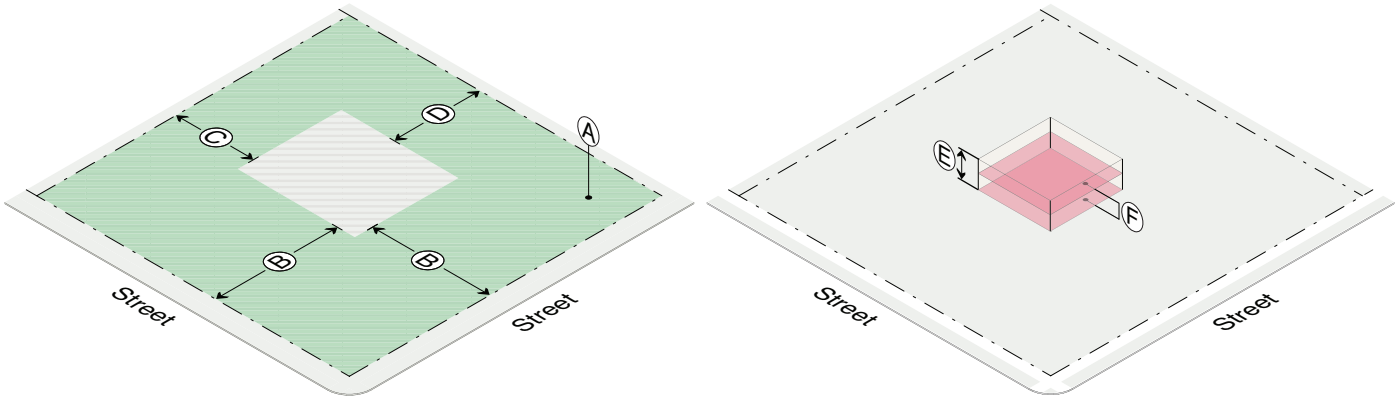
4.2.1. Public/Semi-Public - County (P/SP-TC) Zone (7/18/18)

A. Intent

The purpose of the Public/Semi-Public - County (P/SP-TC) zone is to provide locations for new and existing uses and facilities of a public or semi-public nature. Land in the P/SP-TC zone and/or facilities operated therein shall be under the control of federal, state, or local governments, or other governmental entities such as a school district or hospital district.

B. Physical Development

Standards applicable to physical development in the P/SP-TC zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the P/SP-TC zone. This Subsection is intended to indicate all of the physical development standards applicable in the P/SP-TC zone, however, all standards in Article 5. are applicable in the P/SP-TC zone, unless stated otherwise.



1. Structure Location and Mass						
	Ⓐ	Ⓑ	Ⓒ	Ⓓ	Ⓔ	Ⓕ
	LSR (min)	Street Setback (min)	Side Setback (min)	Rear Setback (min)	Height (max)	FAR (max)
Allowed use	n/a	n/a	n/a	n/a	n/a	n/a

2. Maximum Scale of Development	
not applicable	
3. Building Design	
not applicable	
4. Site Development	
not applicable	
5. Landscaping	(Div. 5.5.)
not applicable	
6. Fencing	
Wildlife Friendly Fencing	(Sec. 5.1.2.)
7. Environmental Standards	
Natural Resource Buffers (min)	(Sec. 5.1.1.)
Rivers	150’
Streams	50’ or edge of riparian plant community up to 150’
Natural lakes or ponds	50’ or edge of riparian plant community up to 150’
Wetland	30’
Irrigation Ditch Setback (min)	(7.7.4.D.)
Irrigation ditch	15’
Wild Animal Feeding	(Sec. 5.1.3.)
Wild animal feeding prohibited	
Natural Resource Overlay (NRO) Standards	(Sec. 5.2.1.)
Bear Conflict Area Standards	(Sec. 5.2.2.)
Bear proof trash required in Conflict Priority Area 1	

8. Scenic Standards	
Exterior Lighting	(Sec. 5.3.1.)
Light trespass is prohibited.	
All lights over 600 initial lumens shall be fully shielded.	
Lumens per sf of site development (max)	3
Lumens per site (max)	
All fixtures	100,000
Unshielded fixtures	5,500
Light Color	≤3000 Kelvin
Scenic Resource Overlay (SRO) Standards	(Sec. 5.3.2.)
9. Natural Hazards to Avoid	
Steep Slopes	(Sec. 5.4.1.)
Development prohibited	Slopes > 30%
Areas of Unstable Soils	(Sec. 5.4.2.)
Fault Areas	(Sec. 5.4.3.)
Floodplains	(Sec. 5.4.4.)
Wildland Urban Interface	(Sec. 5.4.5.)
10. Signs	(Div. 5.6.)
not applicable	
11. Grading, Erosion Control, Stormwater	
Grading	(Sec. 5.7.2.)
Erosion Control	(Sec. 5.7.3.)
Erosion shall be controlled at all times	
Stormwater Management	(Sec. 5.7.4.)
No increase in peak flow rate or velocity across property lines	

12. Required Physical Development Permits					
Physical Development	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Building Permit (Sec. 8.3.3.)	Sign Permit (Sec. 8.3.5.)	Grading Permit (Sec. 8.3.4.)
Dwelling Unit					
< 5 units			X		(Sec. 5.7.1.)
5 - 10 units		X	X		(Sec. 5.7.1.)
> 10 units	X	X	X		(Sec. 5.7.1.)
Nonresidential Floor Area					
< 3,450 sf			X		(Sec. 5.7.1.)
3,450 to 12,000 sf		X*	X		(Sec. 5.7.1.)
> 12,000 sf	X*	X*	X		(Sec. 5.7.1.)
Sign				X	(Sec. 5.7.1.)

* Not required for physical development associated with an agricultural use meeting the standards for exemption outlined in Section 6.1.3.B.

C. Use Standards

Standards applicable to uses in the P/SP-TC zone are provided or referenced below. Allowed uses are listed in Subsection 1. Uses that are not listed are prohibited, unless a similar use determination is made pursuant to 6.1.2.D. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the P/SP-TC zone. This Subsection is intended to indicate all of the use standards applicable in the P/SP-TC zone, however, all standards in Article 6. are applicable in the P/SP-TC zone, unless stated otherwise.

1. Allowed Uses				2. Use Requirements	
Use	Permit	BSA (min)	Density (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Open Space					
Agriculture (6.1.3.B.)	Y	0 sf	n/a	n/a	exempt
Outdoor Recreation (6.1.3.C.)	C	0 sf	n/a	independent calculation	exempt
Residential					
Dormitory (6.1.4.F.)	C	0 sf	n/a	1/bed	exempt
Group Home (6.1.4.G.)	C	0 sf	n/a	0.5/bed	exempt
Commercial					
Office (6.1.6.B.)	C	0 sf	n/a	3.3/1,000 sf	exempt
Service (6.1.6.D.)	C	0 sf	n/a	3/1,000 sf	exempt
Heavy Retail/Service (6.1.6.F.)	C	0 sf	n/a	2/1,000 sf + 3/repair bay + 1/wash bay	exempt
Mini-Storage Warehouse (6.1.6.G.)	C	0 sf	n/a	1/10 storage units + 1/employee	exempt

Y=Use allowed, no use permit required B=Basic Use Permit (Sec. 8.3.5.)
C=Conditional Use Permit (Sec. 8.4.2.) S=Special Use Permit (Sec. 8.4.3.)

1. Allowed Uses				2. Use Requirements	
Use	Permit	BSA (min)	Density (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Amusement/Recreation					
Developed Recreation (6.1.7.D.)	C	0 sf	n/a	4.5/1,000 sf	exempt
Institutional					
Assembly (6.1.8.B.)	C	0 sf	n/a	independent calculation	exempt
Daycare/Education (6.1.8.C.)	C	0 sf	n/a	independent calculation	exempt
Industrial					
Light Industry (6.1.9.B.)	C	0 sf	n/a	1/1,000 sf + 1/company vehicle	exempt
Heavy Industry (6.1.9.C.)	C	0 sf	n/a	2/1,000 sf	exempt
Disposal (6.1.9.D.)	C	0 sf	n/a	1/employee	exempt
Junkyard (6.1.9.E.)	C	0 sf	n/a	1/employee	exempt
Gravel Extraction and Processing (6.1.9.F.)	S	0 sf	n/a	1/employee	exempt
Transportation/Infrastructure					
Parking (6.1.10.B.)	C	0 sf	n/a	n/a	exempt
Utility Facility (6.1.10.C.)	C	0 sf	n/a	1/employee + 1/stored vehicle	exempt
Wireless Communication Facilities (6.1.10.D.)	6.1.10.D.	0 sf	n/a	1/employee + 1/stored vehicle	exempt
Aviation (6.1.10.E.)	C	0 sf	n/a	independent calculation	exempt
Accessory Uses					
Accessory Residential Unit (6.1.11.B.)	B	0 sf	n/a	1.25/DU	exempt
Home Occupation (6.1.11.D.)	B	0 sf	n/a	n/a	exempt
Temporary Uses					
Christmas Tree Sales (6.1.12.B.)	Y	0 sf	n/a	1/1,000 sf outdoor display area + 1/employee	exempt
Farm Stand (6.1.12.E.)	B	0 sf	n/a	5/1,000 sf display area	exempt
Temp. Gravel Extraction and Processing (6.1.12.F.)	B	0 sf	n/a	1/employee	exempt

Y=Use allowed, no use permit required B=Basic Use Permit (Sec. 8.3.5.)
C=Conditional Use Permit (Sec. 8.4.2.) S=Special Use Permit (Sec. 8.4.3.)

3. Maximum Scale of Use
not applicable

4. Operational Standards	
Outside Storage	(Sec. 6.4.1.)
Refuse and Recycling	(Sec. 6.4.2.)
Trash and recycling enclosure required	>4 DUs and all nonresidential
Noise	(Sec. 6.4.3.)
Max sound level at property line	65 DBA
Vibration	(Sec. 6.4.4.)
Electrical Disturbances	(Sec. 6.4.5.)
Fire and Explosive Hazards	(Sec. 6.4.6.)
Heat and Humidity	(Sec. 6.4.7.)
Radioactivity	(Sec. 6.4.8.)

D. Development Options

Standards applicable to development options and subdivision in the P/SP-TC zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the P/SP-TC zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the P/SP-TC zone, however, all standards in Article 7. are applicable in the P/SP-TC zone, unless stated otherwise.

1. Allowed Subdivision and Development Options						
Option	BSA (min)	Lot Size (min)	Density (max)	FAR (max)	Height (max)	Option Standards
Allowed Subdivision Options						
Land Division	n/a	n/a	n/a	determined by physical development		(Sec. 7.2.3.)
Condominium/Townhouse	n/a	n/a	n/a	determined by physical development		(Sec. 7.2.4.)
2. Residential Subdivision Requirements						
Schools and Parks Exactions						(Div. 7.5.)
Development Exaction				0.03 acres of land per housing unit or lot		
3. Infrastructure						
Transportation Facilities						(Div. 7.6.)
Access						required
Right-of-way for a Minor Local Road (min)						60’
Travel lane width for a Minor Local Road (min)						10’
Road and driveway design				also subject to Fire Protection Resolution		

Required Utilities	(Div. 7.7.)
Water	Connection to public supply, installation of central supply, or evidence of individual well required
Sewer	
Connection to a public sanitary sewer required	within 500'
Small Wastewater Facility (septic) approval required	otherwise

4. Required Subdivision and Development Option Permits					
Option	Planned Unit Development (Sec. 8.7.3.)	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Development Option Plan (Sec. 8.5.2.)	Subdivision Plat (Sec. 8.5.3.)
Land Division					
≤ 10 lots			X		X
> 10 lots		X	X		X
Condominium/Townhouse					X

E. Additional Zone-specific Standards

[Reserved for future standards]

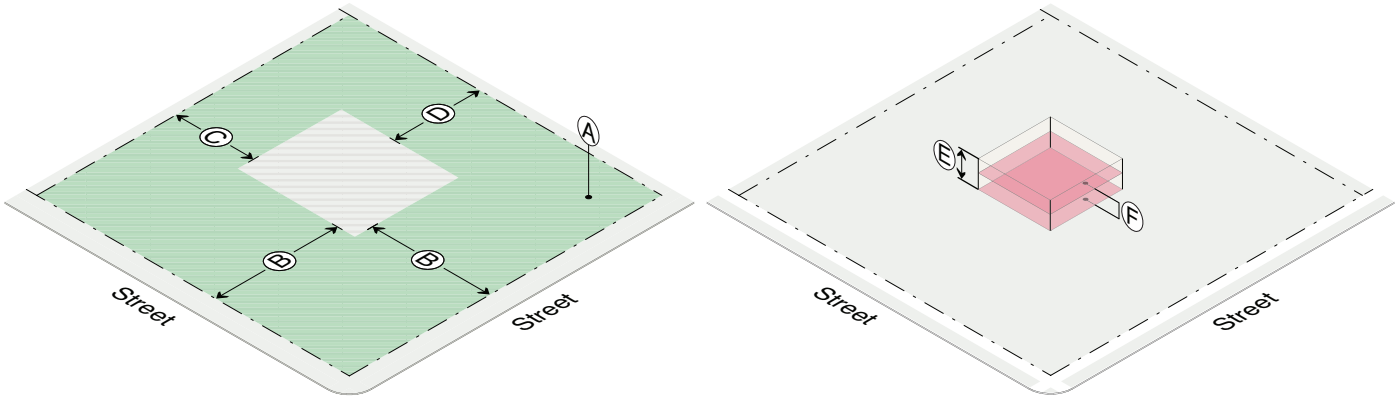
4.2.2. Park and Open Space - County (P-TC) Zone (7/18/18)

A. Intent

The purpose of the Park and Open Space - County (P-TC) zone is to designate land which is owned by the County, State or Federal agencies, special districts, or private not-for-profit corporations (as recognized under Section 501(c)(3) of the Internal Revenue Code), and whose primary purpose is to provide public recreational opportunities for residents, tourists and visitors. The P-TC zone provides for active recreational facilities or open space opportunities in these areas.

B. Physical Development

Standards applicable to physical development in the P-TC zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the P-TC zone. This Subsection is intended to indicate all of the physical development standards applicable in the P-TC zone, however, all standards in Article 5. are applicable in the P-TC zone, unless stated otherwise.



1. Structure Location and Mass						
	Ⓐ	Ⓑ	Ⓒ	Ⓓ	Ⓔ	Ⓕ
	LSR (min)	Street Setback (min)	Side Setback (min)	Rear Setback (min)	Height (max)	FAR (max)
Accessory residential unit	n/a	50’	30’	40’	30’	n/a
Other use	n/a	n/a	n/a	n/a	n/a	n/a

2. Maximum Scale of Development	
not applicable	
3. Building Design	
Residential Building Materials	
External surfaces shall be nonreflective	
Colors shall blend into terrain using muted colors and earthy hues - additions matching existing colors are exempt	
4. Site Development	
not applicable	
5. Landscaping	(Div. 5.5.)
not applicable	
6. Fencing	
Wildlife Friendly Fencing	(Sec. 5.1.2.)
7. Environmental Standards	
Natural Resource Buffers (min)	(Sec. 5.1.1.)
Rivers	150'
Streams	50' or edge of riparian plant community up to 150'
Natural lakes or ponds	50' or edge of riparian plant community up to 150'
Wetland	30'
Irrigation Ditch Setback (min)	(7.7.4.D.)
Irrigation ditch	15'
Wild Animal Feeding	(Sec. 5.1.3.)
Wild animal feeding prohibited	
Natural Resource Overlay (NRO) Standards	(Sec. 5.2.1.)
Bear Conflict Area Standards	(Sec. 5.2.2.)
Bear proof trash required in Conflict Priority Area 1	

8. Scenic Standards	
Exterior Lighting	(Sec. 5.3.1.)
Light trespass is prohibited.	
All lights over 600 initial lumens shall be fully shielded.	
Lumens per sf of site development (max)	3
Lumens per site (max)	
All fixtures	100,000
Unshielded fixtures	5,500
Light Color	≤3000 Kelvin
Scenic Resource Overlay (SRO) Standards	(Sec. 5.3.2.)
9. Natural Hazards to Avoid	
Steep Slopes	(Sec. 5.4.1.)
Development prohibited	Slopes > 30%
Areas of Unstable Soils	(Sec. 5.4.2.)
Fault Areas	(Sec. 5.4.3.)
Floodplains	(Sec. 5.4.4.)
Wildland Urban Interface	(Sec. 5.4.5.)
10. Signs	(Div. 5.6.)
not applicable	
11. Grading, Erosion Control, Stormwater	
Grading	(Sec. 5.7.2.)
Erosion Control	(Sec. 5.7.3.)
Erosion shall be controlled at all times	
Stormwater Management	(Sec. 5.7.4.)
No increase in peak flow rate or velocity across property lines	

12. Required Physical Development Permits					
Physical Development	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Building Permit (Sec. 8.3.3.)	Sign Permit (Sec. 8.3.5.)	Grading Permit (Sec. 8.3.4.)
Dwelling Unit			X		(Sec. 5.7.1.)
Nonresidential Floor Area					
< 3,450 sf			X		(Sec. 5.7.1.)
3,450 to 12,000 sf		X*	X		(Sec. 5.7.1.)
> 12,000 sf	X*	X*	X		(Sec. 5.7.1.)
Sign				X	(Sec. 5.7.1.)

* Not required for physical development associated with an agricultural use meeting the standards for exemption outlined in Section 6.1.3.B.

C. Use Standards

Standards applicable to uses in the P-TC zone are provided or referenced below. Allowed uses are listed in Subsection 1. Uses that are not listed are prohibited, unless a similar use determination is made pursuant to 6.1.2.D. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the P-TC zone. This Subsection is intended to indicate all of the use standards applicable in the P-TC zone, however, all standards in Article 6. are applicable in the P-TC zone, unless stated otherwise.

1. Allowed Uses				2. Use Requirements	
Use	Permit	BSA (min)	Density (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Open Space					
Agriculture (6.1.3.B.)	Y	0 ac	n/a	n/a	exempt
Outdoor Recreation (6.1.3.C.)	C	0 ac	n/a	independent calculation	independent calculation
Transportation/Infrastructure					
Utility Facility (6.1.10.C.)	C	0 ac	n/a	1/employee + 1/stored vehicle	0.000214*sf
Wireless Communication Facilities (6.1.10.D.)	6.1.10.D.	0 ac	n/a	1/employee + 1/stored vehicle	0.000214*sf
Accessory Uses					
Accessory Residential Unit (E.1.) (6.1.11.B.)	C	30 ac	1 unit per lot	2/DU	exempt
Home Occupation (6.1.11.D.)	B	0 ac	n/a	n/a	exempt
Temporary Uses					
Christmas Tree Sales (6.1.12.B.)	Y	0 ac	n/a	1/1,000 sf outdoor display area + 1/employee	exempt
Farm Stand (6.1.12.E.)	B	0 ac	n/a	5/1,000 sf display area	exempt
Temp. Gravel Extraction and Processing (6.1.12.F.)	B	0 ac	n/a	1/employee	exempt

Y=Use allowed, no use permit required B=Basic Use Permit (Sec. 8.3.5.) C=Conditional Use Permit (Sec. 8.4.2.)

3. Maximum Scale of Use	
Individual Use (floor area) (max)	
Accessory residential unit	
Habitable floor area	1,500 sf
Gross floor area	2,000 sf
4. Operational Standards	
Outside Storage	(Sec. 6.4.1.)
Refuse and Recycling	(Sec. 6.4.2.)
Trash and recycling enclosure required	>4 DUs and all nonresidential
Noise	(Sec. 6.4.3.)
Max sound level at property line	65 DBA
Vibration	(Sec. 6.4.4.)
Electrical Disturbances	(Sec. 6.4.5.)
Fire and Explosive Hazards	(Sec. 6.4.6.)
Heat and Humidity	(Sec. 6.4.7.)
Radioactivity	(Sec. 6.4.8.)

D. Development Options

Standards applicable to development options and subdivision in the P-TC zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the P-TC zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the P-TC zone, however, all standards in Article 7. are applicable in the P -TC zone, unless stated otherwise.

1. Allowed Subdivision and Development Options						
Option	BSA (min)	Lot Size (min)	Density (max)	FAR (max)	Height (max)	Option Standards
Allowed Subdivision Options						
Land Division	n/a	n/a	n/a	determined by physical development		(Sec. 7.2.3.)
Condominium/Townhouse	n/a	n/a	n/a	determined by physical development		(Sec. 7.2.4.)
2. Residential Subdivision Requirements						
Schools and Parks Exactions						(Div. 7.5.)
Development Exaction				0.03 acres of land per housing unit or lot		
3. Infrastructure						
Transportation Facilities						(Div. 7.6.)
Access						required
Right-of-way for a Minor Local Road (min)						60’
Travel lane width for a Minor Local Road (min)						10’
Road and driveway design				also subject to Fire Protection Resolution		

Required Utilities	(Div. 7.7.)
Water	Connection to public supply, installation of central supply, or evidence of individual well required
Sewer	
Connection to a public sanitary sewer required	within 500’
Small Wastewater Facility (septic) approval required	otherwise

4. Required Subdivision and Development Option Permits					
Option	Planned Unit Development (Sec. 8.7.3.)	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Development Option Plan (Sec. 8.5.2.)	Subdivision Plat (Sec. 8.5.3.)
Land Division					
≤ 10 lots			X		X
> 10 lots		X	X		X
Condominium/Townhouse					X

E. Additional Zone-specific Standards

The following standards apply in addition to all other standards applicable in the P-TC zone.

1. **Accessory residential unit.** An ARU is allowed only if a dwelling unit was allowed under the previous zone. Occupancy of the ARU shall be for the sole purpose of providing caretaker quarters.

Div. 4.3. Planned Resort Zones

The Planned Resort Zones provide for and guide the creation or continuation of planned development configured around a major recreational activity.

4.3.1. All Planned Resort Zones (7/18/18)

A. Purpose and Intent

The purpose of the Planned Resort Zone is to provide for a mix of recreational, retail, and service-oriented activities which has a high degree of self-containment and provides economic and other benefits to the community. The Planned Resort Zone is intended to guide the creation or continuation of a planned development configured around a major recreational activity. The intent of this development type is to:

1. Encourage recreational activities that rely on indigenous natural attributes of the area, contribute to the community's character and economy and have a long-standing, beneficial role in the community; and
2. Provide flexibility for planning and developing recreational resort facilities in a creative, efficient and coordinated manner in order to provide quality visitor experiences; and
3. Create a process in which Teton County and the Town of Jackson collaborate with landowners in planning and designing resort master plans that meet community goals and respond to the unique circumstances of the resort area; and
4. Permit resort development that contributes to expanding the winter and shoulder economic seasons; and
5. Ensure that resort plans incorporate a mix of land uses, promote alternative modes of transportation, and provide a pedestrian-oriented community in order to alleviate traffic-related impacts; and
6. Ensure resort plans are consistent with the Comprehensive Plan, and therefore, are beneficial to the community; and
7. Enable long-range planning for infrastructure, capital facilities, and community land use patterns by establishing a level of predictability in the maximum potential size and character of each resort area; and
8. Ensure a balance is maintained between tourism and community that promotes social diversity but does not cause undesired shifts away from rural, western community character; and
9. Produce resort plans that make significant contributions toward protecting attributes of the community that are considered critical to the community's long-term health, welfare, and well being.

B. Applicability

The provisions of this Division shall only apply to lands zoned Planned Resort on March 26, 2010. Only those lands described below shall be eligible for Planned Resort zoning. The intent is that a limited number of PR Zones be created and only in locations that are consistent with the Jackson/Teton County Comprehensive Plan.

1. **Snow King Ski and Summer Resort.** For the purposes of this Division, this area shall be known as "Snow King Resort" and shall encompass the property described in Sec. 4.3.2.

2. **Teton Village.** The Teton Village Resort Zone is comprised of 2 Planned Unit Developments (PUDs) known as Teton Village I and Teton Village II. For the purposes of this Division, this area in its entirety shall be known as "Teton Village" and shall encompass the property described in Sec. 4.3.3.and Sec. 4.3.4.

3. **Jackson Hole Golf and Tennis Club.** For the purposes of this Division, this area shall be known as "Golf and Tennis" and shall encompass the property described in Sec. 4.3.5.

4. **Snake River Canyon Ranch.** For the purposes of this Division, this area, formerly known as Astoria Mineral Hot Springs, shall be known as "Snake River Canyon Ranch" and shall encompass the property described in Sec. 4.3.6.

5. **Grand Targhee.** For the purposes of this Section, this area shall be known as "Grand Targhee" and shall encompass the property described in Sec. 4.3.7.

C. Legislative Act

Each Planned Resort Zone is subject to the legislative authority of the Board of County Commissioners and to the findings and procedural standards outlined in Sec. 8.7.3. An approved Planned Resort master plan shall establish the development standards for that Planned Resort Zone.

D. Findings for Approval

A Planned Resort master plan shall be approved only if all of the following findings are made.

1. **Consistency with Comprehensive Plan.** The Planned Resort master plan is consistent with the goals and objectives of the Jackson/Teton County Comprehensive Plan.

2. **Consistency with Purpose and Intent.** The Planned Resort master plan is substantially consistent with the purpose and intent of this Section, as set forth in 4.3.1.A.

3. **Affordable Workforce Housing.** The Planned Resort master plan ensures a supply of affordable workforce housing that is in accordance with the requirements for housing created by development within the Planned Resort.

4. Design Guidelines. The Planned Resort master plan contains design guidelines that

   a. establish standards for buildings, spaces, signs, and lighting within the Planned Resort;

   b. promote the design concepts set forth in F.7.; and

   c. establish a method for consistent implementation of the guidelines.

5. Transportation Element. The Planned Resort master plan contains a traffic impact analysis and transportation demand management plan that:

   a. promote multimodal forms of transportation that are consistent with the transportation goals of the Jackson/Teton County Comprehensive Plan;

   b. manage the generation of resort related traffic to avoid undermining community character and endangering the public health, safety, and welfare; and

   c. identify an equitable cost sharing plan for transportation facilities and services.

6. Capital Improvements Plan. The Planned Resort master plan contains a capital improvements plan that ensures infrastructure and essential services will be provided in an efficient and timely manner to accommodate projected resort demands.

7. Land Use Element. The Planned Resort master plan promotes land uses that support and maintain the character of the resort as specified in Sec. 4.3.2.-Sec. 4.3.7.

8. Phasing Plan. The Planned Resort master plan contains a phasing plan that ensures:

   a. development of the resort, its amenities, and public facilities necessary to serve the resort, occur in logical sequence, and

   b. an adequate monitoring program is established for determining accomplishment of proposed remedies and mitigation measures for projected impacts on the community.

9. Character Element. The Planned Resort master plan ensures the resort's development will be in keeping with the community's character and the planned character for the vicinity of the resort.

E. Procedure

A Planned Resort master plan shall be reviewed pursuant to the standard procedures set forth for review of a Planned Unit Development in Sec. 8.7.3. In addition, all Planned Resort master plans shall comply with the following procedural standards.

1. **Collaboration.** This procedure is intended to promote collaboration among landowners, Teton County, and the Town of Jackson in designing land development standards specific for each resort area. While one or more landowners may propose a Planned Resort master plan, and maintain the role of the applicant as identified herein, all landowners within a resort area are encouraged to participate in the design of the master plan. Participation of all landowners within a proposed Planned Resort Zone, however, is not required for the Board of County Commissioners to adopt a Planned Resort Zone.

2. **Purpose and Intent of Master Plan.** The purpose of a Planned Resort master plan is to establish the development standards and serve as a guide to all future development within the Planned Resort. The Planned Resort master plan is intended to be of sufficient detail to describe the amount, type, size, location, and impact of the proposed resort, but technical specifications of the proposed development, such as fully engineered plans or fully detailed architectural drawings, are not required.

3. **Submittal Components.** A Planned Resort master plan application shall include all lands in a given resort area, as listed in 4.3.1.B. The minimum requirements for a master plan application shall be established by the Planning Director and shall include, but not be limited to:

    a. Statement of Purpose

    b. Master Site Plan

    c. Dimensional Limitation Plan

    d. Design Guidelines

    e. Transportation Demand Management Plan

    f. Housing Mitigation Plan

    g. Capital Improvements Plan

    h. Land Use Plan

    i. Phasing Plan

    j. Community Services Element (optional)

4. **Joint Review by Town and County.** The County Planning Commission and the Board of County Commissioners shall receive and consider recommendations from the Town Planning Commission and Town Council regarding any Planned Resort master plan application in the County. For the same purpose, The County Planning Commission and Board of County Commissioners shall make recommendations to the Town Planning Commission and Town Council regarding any Planned Resort master plan application within the Town of Jackson.

a. Purpose. The purpose of the County's and Town's review of any Planned Resort in the other jurisdiction is to recognize the impact of resorts on neighboring jurisdictions and to provide an opportunity for cooperation in planning and mitigation of potential impacts.

b. Intent. The intent of review is for the Town Planning Commission and Town Council to have an opportunity for review and comment of a Planned Resort. The Town's role is advisory only and does not include a voting participation in review of the Planned Resort master plan.

5. Recordation. Upon approval, the Planned Resort Master Plan shall be prepared and recorded pursuant to the procedures outlined in the Sec. 8.7.3.

6. Amendment to Official Zoning Map. Approval of a Planned Resort master plan also shall constitute an amendment to the Official Zoning Map to establish the Planned Resort Zone. The public hearing notice for the Planned Resort master plan shall be accomplished so as to comply with the requirements set forth in Sec. 8.7.2.

7. Effect of Approval. After approval of a Planned Resort master plan, Physical Development and Use Permit approvals are required prior to commencement of any construction or operation of any new land use within the Planned Resort. Procedural standards for Physical Development and Use Permits are outlined in Div. 8.3. and Div. 8.4. No Physical Development or Use Permits shall be approved, unless the proposal is consistent with the Planned Resort master plan. Physical Development and Use Permits may encompass only an increment of the total resort development in accordance with an approved phasing plan.

8. Standing of Planned Resort Master Plan. An approved Planned Resort master plan, as amended, shall specify the development standards for the Planned Resort Zone. Once approved, a Planned Resort master plan shall be subject to the following standards:

a. Amendment of Master Plan. Any landowner within a Planned Resort Zone may apply for an amendment to the Planned Resort master plan. The amendment shall be reviewed and acted upon pursuant to the procedures set forth in Sec. 8.2.13. Minor deviations from a Planned Resort master plan may be approved by the Planning Director, pursuant to Sec. 8.2.13. In addition, the Planning Director may approve Minor Amendments to the Standards and Conditions for any Planned Resort in accordance with the standards of that document.

b. Expiration

i. Time-frame. A Planned Resort master plan shall expire 3 years from the date of its approval, unless a sufficient application for Final Development Plan, in accordance with the approved phasing plan, is filed with the Planning Department. A Planned Resort master plan shall expire 5 years from the date of its approval, unless there is commencement of construction or operation of land uses or activities

in accordance with the approved phasing plan. Notwithstanding, alternate time frames for expiration of a Planned Resort master plan may be established in an approved phasing plan.

ii. **Effect.** Upon expiration, approval of a Planned Resort master plan and all rights that are established by the master plan shall lapse and the County shall amend the Official Zoning Map from the Planned Resort Zone to the appropriate zone based on the direction of the Comprehensive Plan.

c. **Extension.** A Planned Resort master plan approval may be extended by the Board of County Commissioners provided a written request for extension is received at least 30 days prior to expiration of the Planned Resort master plan.

i. **Procedure.** The request for extension shall be reviewed by the Board of County Commissioners at a regularly scheduled meeting, by which time a public hearing notice shall be advertised and any necessary information pertinent to the extension request can be made available. The Planned Resort master plan shall be deemed extended until the Board of County Commissioners acts upon the request for extension.

ii. **Grounds for Extension.** The grounds for extending a Planned Resort master plan approval shall be specified by the Board and shall include, but not be limited to, the following:

a). **No Change in Conditions.** Conditions in the community have not substantially changed since the original Planned Resort master plan approval. No extension shall be granted if the Board finds that changes in the community result in the resort plan being inconsistent with the community's land use patterns, these LDRs, or the community's ability to provide infrastructure and services to accommodate the resort.

b). **Good Faith Efforts.** Activities and investments on the part of landowners within the Planned Resort demonstrate good faith efforts in pursuing the development permitted by the Planned Resort master plan.

d. **Reconsideration.** If development within a Planned Resort fails to proceed in general accordance with the approved phasing plan, the Board of County Commissioners may require reconsideration of the Planned Resort master plan and either amend the phasing plan or revoke the master plan, as appropriate.

i. **Amendment.** Amendment of the phasing plan shall be appropriate if either an acceptable alternative phasing plan that meets the standards of this Section or a development schedule acceptable to the County Commissioners for regaining compliance with the original phasing plan is presented.

ii. **Revocation.** Revocation of the master plan shall have the effect of forfeiting all rights within the Planned Resort to any further development according to the Planned Resort master plan and shall be appropriate if:

a). no material progress has been made in development of the resort for 10 consecutive years, or

b). there is substantial noncompliance with the performance objectives specified in the conditions of approval, or the monitoring program, and no agreement can be reached between representatives of the landowners within the Planned Resort or applicant of record and the Board of County Commissioners for bringing the resort development into compliance with the standards of this Section.

iii. **Procedure.** The Board of County Commissioners shall hold a public hearing, in accordance with Sec. 8.2.10. for the purpose of examining the development that has occurred within the Planned Resort and its consistency with the Planned Resort master plan. The Board of County Commissioners shall issue a determination as to whether amendment or revocation of the master plan is appropriate, in accordance with the above specified standards. Revocation of the master plan shall be accomplished by amending the resort area on the Official Zoning Map from Planned Resort Zone to an appropriate zone based on the direction of the Comprehensive Plan.

F. Standards Applying to All Planned Resorts

1. **Consistency with Comprehensive Plan.** Planned Resort master plans shall be consistent with the goals and objectives of the Jackson/Teton County Comprehensive Plan.

2. **Compliance with LDRs.** A Planned Resort master plan shall comply with the standards of these LDRs. Notwithstanding, the applicant for a Planned Resort master plan may propose, and the Board of County Commissioners may approve, alternative standards for development that are consistent with the purpose and intent of this Section. It is fully consistent with this Section that Planned Resorts may have dimensional, design, and other development standards different from those described in other sections of these LDRs due to the unique circumstances of, and community objectives for, resort development. Where a Planned Resort master plan is silent, the standards of the current zone most similar to the Planned Resort shall apply.

3. **Statement of Purpose.** The Planned Resort master plan shall have a Statement of Purpose which describes the applicant's rationale for resort expansion and the design theme of the resort development. The Statement also shall describe how the resort master plan fulfills the intents of this Section, as specified in 4.3.1.A.

4. Master Site Plan. The Planned Resort master plan shall have a Master Site Plan that clearly illustrates the proposed development and the site to the satisfaction of the Planning Director.

5. Dimensional Limitation Plan. The Planned Resort master plan shall have a Dimensional Limitation Plan, which specifies dimensional limitations necessary to achieve the design theme identified by the applicant. The plan shall include floor areas and floor area ratios, densities, landscape ratios, height, setbacks, building envelopes, etc., or other lines delineating areas on which restrictions of development are to be imposed and areas in square feet for each lot or building. Any dimensional limitations unspecified by the Planned Resort master plan shall be established by the standards applicable in the zone that existed on the property prior to the approval of the Planned Resort master plan.

6. Housing Element. The Planned Resort master plan shall have a housing element to ensure a supply of affordable workforce housing that is commensurate to the demand for housing created by development within the Planned Resort. Affordable workforce housing shall be provided pursuant to Div. 6.3.

    a. Housing Calculations. Since development of a Planned Resort may span time periods over which numbers of employees and their salaries may fluctuate, the calculations performed in developing a Housing Mitigation Plan shall use data current for the most recent full year prior to application for Planned Resort master plan.

    b. Master Plan Estimate. The amount of housing required and the locations where it will be provided, as presented in the Planned Resort master plan, shall be treated as an estimate/concept, and shall be finalized by the Planning Director as Development Plans within the Planned Resort are reviewed and acted upon. Each approved Development Plan shall establish the actual amount and location of required housing for that portion of the Planned Resort master plan.

7. Design Element. The Planned Resort master plan shall include design guidelines, and a mechanism for their implementation, that establish design parameters for both buildings and spaces in the Planned Resort. The design theme of the resort shall be defined by the applicant and be consistent with the standards of this Section. This Subsection establishes concepts that the design guidelines shall address; the design guidelines shall be evaluated as to whether or not they address these concepts, as well as character objectives for specific resorts set forth in Sec. 4.3.2.-Sec. 4.3.7. The design guidelines shall be prepared by an architect or landscape architect licensed in the State of Wyoming; preparation by a person or persons of similar expertise may be permitted by the Planning Director.

    a. General. There shall be visual continuity among the resort structures and design elements without unduly limiting variety in design. Development shall be compatible with the surrounding built and natural environment in both

scale and character. The design theme of the Planned Resort shall have an emphasis on outdoor recreational activities and create a sense of place. A sense of place is created when site planning and architecture:

i. concentrate activities and human interaction into identifiable spaces, such as a plaza or mall;

ii. assemble a built environment that connects buildings, spaces, and structures through common scale, design and materials;

iii. incorporate into the built environment the natural features and cultural heritage of the area; and

iv. produce an identifiable image that is associated with the planned resort and with Jackson Hole.

b. Architecture. Building design guidelines shall reflect:

i. the community's architectural character and themes;

ii. a human scale and pedestrian-orientation, which are created when:

a). the height of buildings does not overwhelm people walking beside the buildings; and

b). the ground level doors, windows and design features of buildings create an interesting diversity for people walking past the buildings;

iii. a built environment in keeping with the cultural and aesthetic values of the community

iv. natural attributes of the immediate vicinity

v. building materials and colors compatible with the surrounding natural and built environment.

c. Bulk and Scale. The design guidelines shall ensure the bulk and scale of individual buildings within the Planned Resort achieve compatibility with:

i. other structures within the Planned Resort when the resort development is completed;

ii. neighboring structures that are not a part of the resort; and

iii. the natural environment.

d. Signs. The design guidelines shall include a sign component that sets forth the sign theme for the Planned Resort and specifies criteria for determining permitted sign sizes, types, and locations. The guidelines shall contain prototypical examples of all types of signs, including wall, canopy, freestanding, directional, and informational signs. The flexibility extended to Planned Resorts via this Section, to propose standards for signs different

from those specified in Div. 5.6., Sign Standards, is encouraged with the purpose of having sign guidelines in keeping with the unique character and needs of the resort.

e. Lighting. The design guidelines shall include an analysis of proposed project lighting. Areas to be illuminated (parking areas, walkways, entries, etc.) shall be identified, and general standards shall be set forth. Identification of models and types of standards and fixtures is encouraged, but specific illumination plans and photometric footprints are not required. Generally, lighting shall be low-intensity, low-profile, and shielded to avoid "light pollution" and glare to off-site areas. General illumination standards are set forth in Sec. 5.3.1.

f. Site Planning

i. Orientation and Aspect. Structures and public spaces within the Planned Resort, generally, shall be arranged with views of, and access to, the principal resort recreational amenity.

ii. Entrance Features. Entrances to the Planned Resort shall create a sense of arrival. A sense of arrival is created when the entrance into the Planned Resort is easily identifiable and is consistent with the design theme of the resort.

iii. Natural Resources. The site design shall highlight the natural resources within the Planned Resort and integrate them into the layout of the resort in order to promote a connection to the natural environment. Consequently, natural features of the site, such as significant vegetation, rock outcroppings, water bodies, etc., shall be preserved and incorporated into the project design to the extent practicable.

iv. Pathways and Pedestrian Facilities. Pathways and pedestrian facilities, including access for the disabled, shall be integral components of the site design. The site shall provide an attractive, outdoor atmosphere that encourages use and reliance upon pathways and walkways.

a). Safe, Convenient, and Direct Access. Pathway and pedestrian systems shall provide safe, convenient, and direct access throughout the resort, to public lands, transit facilities, and the existing or planned community pathway system, when adjacent to the resort.

b). Pathways. Pathways shall be provided for nonmotorized transportation, except motorized wheelchairs for the disabled shall be permitted. Bicycle racks, ski racks, etc., shall be provided at various destination points within the resort.

v. Transportation Facilities. Site design shall integrate safe, convenient, and direct access to transportation services and facilities (i.e., bus shelters, information kiosks) and shall incorporate the facilities necessary for the proper functioning of the Transportation Demand Management Plan (see 8.b., below.)

vi. Circulation. The layout of local streets, alleyways, and parking lots shall be sensitive to the natural terrain and landscape. Cut and fill areas shall be minimized, and natural features of the site such as wooded areas, rock outcroppings, and waterbodies, shall be preserved to the maximum extent practical.

vii. Access. Safe vehicular access appropriate for refuse removal, recycling, emergency services, and delivery shall be provided. Service access shall not create unsafe conflicts with automobile and pedestrian access to primary destinations within the resort.

viii. Landscaping. Project landscaping, including hardscape areas, shall be consistent with the overall design theme of the resort. Use of indigenous plant materials is encouraged. Existing vegetation shall be preserved and incorporated into the design of the project to the extent practical, especially wooded areas and other significant vegetation which provides shelter or habitat for wildlife.

g. Character Objectives. Sec. 4.3.2.-Sec. 4.3.7. outline character objectives specific to each resort area that shall be incorporated into the design guidelines.

8. Transportation Element. The Planned Resort master plan shall have a transportation element to ensure that resort development does not produce an amount of vehicular traffic that undermines the community's character, and endangers the public health, safety and welfare (i.e., noise, air quality and traffic impacts.) The Planned Resort master plan shall provide an optimum mix of automobile, transit, and pathway facilities within the resort; encourage coordination of all resort transportation facilities with the County-wide transportation system; promote design and management, which encourages shifts from single-occupancy vehicle trips to multi-occupancy trips, or other transportation modes; and provide equitable cost sharing for facilities and services.

a. Traffic Impact Analysis. A traffic impact and access analysis is required. At a minimum, this analysis shall contain:

i. projections of external vehicle trips generated by the Planned Resort.

ii. analysis of levels of service (LOS) impacts on roadway system segments and intersections serving the Planned Resort; and

iii. specification of any improvements needed to roadway system segments and intersections as a result of increased traffic from the Planned Resort.

b. Transportation Demand Management Plan. The Planned Resort master plan shall include a Transportation Demand Management (TDM) Plan that demonstrates how the travel behavior of resort visitors and employees will be managed to minimize the number of vehicle trips on the roadway network resulting from the resort development. The TDM Plan will allocate a number of vehicle trips to various roadway segments, based upon

the projected traffic demand and the planned character of the roadway segments. A goal of the applicant's TDM Plan shall be to manage the transportation demands of the resort so that it is consistent with the allocation of vehicle trips to the various roadway segments that serve the Planned Resort. Potential mechanisms for managing travel behavior may include, but are not limited to:

i. increasing average vehicle occupancy

ii. shifting vehicular trips (resident and visitor) to public transit

iii. shifting vehicular trips (resident and visitor) to walking, bicycling and other nonmotorized means; and

iv. reducing vehicular trips through internal capture associated with mixed land use patterns.

c. Parking and Loading. The Planned Resort master plan shall provide parking and loading areas of sufficient amount and type to accommodate the resort's projected demand, including parking for visitors and lodging guests, waiting and loading areas for transit vehicles and their passengers, and loading areas for delivery vehicles. Parking shall be designed to encourage nonmotorized transportation, transit and high occupancy vehicle use, and discourage single-occupancy vehicle use.

9. Capital Improvements Element. The Planned Resort master plan shall have a capital improvements element to ensure that infrastructure and essential services will be provided in an efficient and timely manner to accommodate projected resort demands. Planned Resort master plans shall include a capital improvements element that identifies service providers, analyzes impacts and proposes a capital improvements plan for facilities and services needed by the resort. Such facilities and services may include, but are not limited to: transportation (including transit, parking and pathways;) potable water and wastewater treatment services; waste management (hazardous and solid;) utilities; stormwater management and snow storage facilities.

a. Identification and Acknowledgment of Service Providers. The applicant shall identify the provider of all infrastructure facilities and services included in the plan. Where services are to be provided by an entity other than the applicant, documents from the service provider shall demonstrate the commitment and ability to provide such service according to the Planned Resort master plan.

b. Impact Analysis. An impact analysis shall be performed for all facilities and services, unless waived by the Planning Director. Each impact analysis shall identify the following:

i. maximum daily peak capacity of existing facilities;

ii. current daily peak demand on existing capacity;

iii. daily peak capacity available for new development;

iv. projected daily peak demand generated by new development in the Planned Resort. When development outside of a resort is reasonably anticipated to utilize the same infrastructure system as the resort, the County Planning Department shall provide the applicant with estimated peak demand;

v. any planned improvements by other entities, such as the Town of Jackson or the Teton Village Water and Sewer District, and the timing of such improvements.

vi. any deficits in daily peak capacity potentially resulting from development within the Planned Resort--either from a strict demand standpoint or from a timing standpoint--taking into account other potential new development outside the Planned Resort.

c. Capital Improvements Program. The capital improvements plan shall be consistent with the impact analyses and specify how any deficiencies in infrastructure will be remedied or mitigated, including descriptions of the infrastructure improvements, the responsibility and sources of funding for the improvements, and the timing for completion of improvements. Concept plans for improvements shall be included in the capital improvements plan. Engineered plans shall be provided in the final development plan application for subsequent development.

10. Land Use Element. The Planned Resort development shall have a land use element that identifies the land uses within a proposed Planned Resort. The land uses shall be consistent with both the applicant's design theme and the character objectives for the resort, as specified in Sec. 4.3.2.-Sec. 4.3.7.

a. Permitted Uses. The type of development permitted within a Planned Resort shall be set forth in the Planned Resort master plan and shall be consistent with the following:

i. residential uses shall be permitted;

ii. uses necessary for operation of the resort's primary recreational activity (ski area, hot springs) shall be permitted;

iii. nonresidential uses that provide for the basic needs of the resort's lodging guests, day visitors, employees and vicinity residents shall be permitted;

iv. regional-serving commercial uses which rely upon vehicle trips from a community-wide market area rather than the Planned Resort vicinity shall be prohibited, unless they are determined by the Board of County Commissioners to be resort-related amenities;

v. commercial amusement activities that are detrimental to the outdoor, natural resource character of Teton County shall be prohibited; and

vi. special events such as music and dance festivals, art and craft shows, concerts, live theater, and similar events which are compatible with the resort and its facilities shall be permitted.

b. Amount and Type of Development. The amount and type of development in a Planned Resort master plan shall be consistent with:

i. the applicant's rationale for resort expansion and the character objectives for the resort area pursuant to Sec. 4.3.2.-Sec. 4.3.7.;

ii. the overall amount of development that can be permitted while preserving community character, as reflected in the Jackson/Teton County Comprehensive Plan and the Town and County's LDRs;

iii. the amount of infrastructure capacity that can be provided while maintaining consistency with community character goals; and

iv. providing a level of self-sufficiency within the resort, such that vehicle trips ending outside the resort are minimized.

11. Phasing Element. The Planned Resort development shall have a phasing element to ensure that development within a Planned Resort occurs in logical sequence within the Planned Resort, including amenities and necessary public service expansions. Planned Resort master plans shall contain a phasing plan that identifies the sequence of resort structures, uses and amenities, installation of infrastructure, implementation of the Transportation Demand Management Plan, Housing Mitigation Plan, and implementation of Planned Resort master plan conditions of approval.

a. Description. All structures, land use activities, mitigation strategies, and infrastructure expansions proposed, including such activities and improvements on public lands, shall be included in the phasing plan.

b. Functional Phases. Each phase shall be self-sufficient, in conjunction with existing elements of the Planned Resort, i.e., transportation and parking needs, as well as amenities for each phase, shall be satisfied within each phase and shall not be dependent upon a future phase. Each phase shall represent a logical and compact extension of infrastructure and public services. In order to develop certain improvements in logical increments that provide for economies of scale, the phasing plan may propose that improvements required for an earlier phase be provided in a later phase only if:

i. the delayed construction of the improvement does not create a negative impact or exacerbate an existing problematic condition; and

ii. financial assurance, in a form acceptable to the Board of County Commissioners, is provided, i.e., letter of credit, that the improvement required for the earlier phase will be developed within a certain time-frame, even if later phases remain undeveloped.

c. Coordinated With Public Services. Phasing shall be coordinated with the improvements schedule or capital improvements program of public or semipublic service providers, as identified in the Capital Improvements Element.

d. Relationship of Phasing to Overall Resort Plan. Phasing shall implement the stated purpose of the Planned Resort master plan, i.e., if a destination ski area is the basis for the resort plan, the ski area facilities should not be the last increment of development. Similarly, open space dedications, amenities, and required performances that mitigate the impacts of the resort shall be developed or provided in proportion to the type and amount of development in each phase.

e. Performance Objectives. The County shall establish performance objectives as part of the Planned Resort master plan approval that ensure that development within the Planned Resort achieves the required mitigation of projected impacts on the community. The resort developers shall be responsible for ensuring that proposed mitigation measures are effective.

> **EXAMPLE:** The resort approval may require vehicle trip reduction techniques in order to avoid undesired vehicle trips. Performance objectives shall be identified and incorporated into a monitoring program, described below.

f. Monitoring Program. A program for monitoring compliance with performance objectives for each phase of development shall be designed in a collaborative effort between the applicant(s) and the County, and shall be set forth in the Planned Resort master plan approval. The monitoring program shall be implemented by the applicant, or an entity that equitably represents all landowners within the Planned Resort, and will include monitoring of TDM components, affordable workforce housing developments, and other such elements as identified by the Board of County Commissioners.

   i. Program Contents. The monitoring program shall specify data collection needs, responsibility for data collection, techniques to be used in analyzing data, how the data shall be used to determine achievement of performance objectives, and the schedule for reporting to the County the results of the monitoring effort.

   ii. Program Results. Representatives of the landowners within the Planned Resort shall have 3 reporting opportunities to demonstrate achievement of performance objectives. If, by the third scheduled report, the resort has been unable to meet any specified performance objective, the Planned Resort master plan may be subject to reconsideration pursuant to E.8.d.

g. Achievement of Performance Objectives. Approval of future final development plans may be delayed until the performance objectives of the previous phases are met or a strategy for achieving them has been approved by the Board of County Commissioners.

12. Community Services Element (Optional). Resorts function as integral parts of the community by participating in civic initiatives and implementing the goals of the community. The optional community services element is intended to be a component of the Planned Resort master plan in which the benefits that the resort area provides to the community are acknowledged. Landowners within Planned Resorts are encouraged to continue with, and expand upon, programs designed to retain local access to the resort's main recreational activity and facilities. Community service programs help to maintain a balance at the resort between out-of-town visitors and the community, and contribute to the quality of life in the community. Examples of community services currently provided are:

a. hosting activities for local disabled persons;

b. hosting Parks & Recreation Department activities;

c. providing trail head access to public forest land;

d. hosting local nonprofit events, including free recreational activities and transportation;

e. offering reduced facility rates for community events and nonprofit organizations;

f. offering local appreciation and promotional reduction in activity fees; and

g. offering activity fees that are affordable to the permanent population.

13. Character Element. Each Planned Resort master plan shall have a character element to ensure that resort development is in keeping with the community's character and the planned character for the vicinity in which the resort development is located.

a. Establishment of Character. Character standards are unique to each resort area in order to recognize the differences between the individual resorts, the planned character of their neighborhoods, and the community's expectation of resort development in that vicinity. The character for each Planned Resort Zone is established in Sec. 4.3.2.-Sec. 4.3.7.

b. General. The standards specified for each Planned Resort Zone (Sec. 4.3.2.-Sec. 4.3.7.) are the minimum required, or maximum permitted, as indicated by a "no less than" or "no more than" statement. Minimum requirements may be increased in order to avoid or mitigate impacts of a specific Planned Resort master plan proposal, better achieve the character objectives for the resort, or better implement the goals and objectives of the Comprehensive Plan. Similarly, an applicant's ability to achieve the maximums permitted is dependent upon the Planned Resort master

plan's avoidance or mitigation of negative impacts on the community, its achievement of the character objectives for the resort, or its contribution toward achievement of the goals and objectives of the Comprehensive Plan.

c. **Definitions.** The following definitions shall be used when evaluating each Planned Resort Zone:

i. **Guest.** A guest is a person who is accommodated in overnight lodging facilities within the Planned Resort. The number of guests is calculated by the "average peak occupancy" of the lodging accommodations.

ii. **Average Peak Occupancy.** For the purposes of this Section, the following average peak occupancies (APOs) shall be used in calculating the capacity of guest accommodations:

a). **Hotel, Motel, or Similar Lodging Unit.** A hotel, motel, or similar lodging unit that exists as sleeping quarters only, and does not contain other types of living spaces such as a living room or kitchen, shall be assigned an APO of two.

b). **Dwelling Unit.** A dwelling unit, used for short term rental, shall be assigned an APO of four.

c). **Other.** Other lodging facilities that do not meet the definitions above shall have an APO assigned that is the sum of the number of bedrooms the lodging facility contains multiplied by two.

G. Increased Density Limited to Affordable Workforce Housing

An amendment to a Planned Resort master plan shall not increase residential density except to provide affordable workforce housing that meets the standards of Div. 6.3.

1. Rental affordable workforce housing shall be for the benefit of housing persons employed within the boundaries of the resort within which the housing is located. In the event there are no persons directly employed within the resort who qualify to rent the unit, the unit shall be first offered to other qualified households, a member of which is employed within 5 miles of the unit. If there are no such persons then the residential unit may be rented to any person employed within Teton County.

4.3.2. Snow King (1/1/15)

[Section number reserved, standards only applicable in Town]

4.3.3. Teton Village I (1/1/15)

A. Area Description

Teton Village I is one of 2 Planned Unit Developments that comprise the Teton Village Planned Resort Zone. The Teton Village Planned Resort Zone consists of those lands designated PR-TV on the Official Zoning Map. Area One is composed of that portion

of the Village that received approval as a Planned Resort before January 1, 2001, excepting there from those areas removed from Area One by that Official Zoning Map Amendment approved by the Board of County Commissioners on July 7, 2009.

B. Master Plan

Area One is governed by the Planned Unit Development-Planned Resort Master Plan titled "Teton Village Master Plan." Throughout this Section, the master plan will be referred to as the Area One Resort Master Plan.

C. Character

The character objectives for Teton Village are that it resemble a small urban village with its own sense of place. Important characteristics are:

1. a distinct center, defined both by buildings and activities;
2. a mix of land uses, varying from the tourist-oriented to the resident-oriented;
3. clear edges, defined both by buildings and open spaces, that distinguish the village from the surrounding ranch lands;
4. a continuity in building size, architecture and individual site design;
5. a pedestrian streetscape and pedestrian connections throughout the village;
6. creation of a sense of arrival;
7. a visual transition from the village to neighboring lands;
8. a community; and
9. a destination ski area.

D. Size

1. **Lodging.** The total lodging capacity within Area One shall be for no more than 5,240 guests inclusive of the lodging capacity provided by the residential developments approved as of enaction of this Section (Granite Ridge, the Replat of the Second, Third, and Fourth Filings of the Jackson Hole Ski Corporation Addition, and the Sixth, Seventh, Eighth, Ninth-Second Amendment, Tenth and Eleventh Filings of the Jackson Hole Ski Corporation Addition.) These guests shall be allocated to the commercial and residential properties at Teton Village in accordance with the approved Area One Resort Master Plan.

2. **Retail, Office, and Other Commercial Type Uses.** Within Area One, there shall be no more than 208,000 sf of retail/office or other commercial-type uses not including lodging, ski area operations, institutional or public/semipublic type development. This commercial square footage shall be allocated to the commercial lots and tracts in accordance with the approved Teton Village Master Plan.

3. **Institutional, Public and Semipublic Uses.** Twenty-seven thousand (27,000) square feet shall be constructed for development of institutional, public and semipublic uses such as religious institutions, public meeting/theatre space, and visitor's center used for non-retail purposes.

4. **Resort Support Uses.** Resort support uses shall be allowed to the extent permitted in the approved Area One Resort Master Plan, and are defined as facilities that provide amenities or that are utilized to operate the overall resort, and shall not be considered commercial uses.

E. Skier Visits

If daily skier visits exceed 9,200 skiers on more than 12 days within a season, for any 3 consecutive years, then evaluation of the Area One Resort Master Plan's remedies, mitigation measures and achievement of performance criteria as specified in the phasing plan shall be performed by the ski area operator and the Planning Director in order to ensure that the increased skier numbers are of no greater impact to the community than the number assumed when the master plan was approved. The results of the evaluation shall be presented to the Planning Commission and Board of County Commissioners. If any failure of the remedies, mitigation measures, or achievement of performance criteria as specified in the phasing plan is found, then the Area One Resort Master Plan shall be reconsidered, pursuant to 4.3.1.E.8.d.

F. Intensity

No more than 2.5 floor area ratio shall be permitted on any platted lot within the Jackson Hole Ski Corporation Additions, First Filing-Amended, Fifth Filing, Twelfth Filing, Thirteenth Filing, Fourteenth Filing, or any subsequent replat thereof. The intensity on the remainder of the nonresidentially developable lands, known as Tracts G/H, X/Y, and the maintenance parcel, shall not exceed 1.0 FAR calculated overall, regardless of subsequent subdivision of these lands.

G. Landscape Surface Area

The minimum landscape surface area provided within the Planned Resort shall be 25% of the total private land area described in 4.3.3.A., exclusive of the platted residential lands. Notwithstanding, the Board of County Commissioners may reduce the minimum landscape surface area to no less than 20% upon demonstration by the applicant that the following objectives are achieved with a reduced landscape surface area:

1. the landscape surface area creates a quality urban village design and creates public spaces for interaction and public events; and

2. the landscape surface area creates a clear boundary for the resort.

H. Environmental or Visual Analysis

If land within Teton Village Area One is within the Scenic Resources Overlay, an EA with a visual component or a Visual Resources Analysis dealing with maintenance of the scenic corridor shall be required, pursuant to the standards in Sec. 5.3.2.

I. Off-site Parking

Parking may be proposed off-site provided the Transportation element demonstrates the off-site parking serves a significant role in the Transportation Demand Management Plan.

J. Area One Platted Residential Lands

The platted residential lands included in Teton Village Area One, as described in 4.3.3.A., are included to ensure their continued relationship to the resort. The intent is that the type and intensity of development on these residential lands comply with the zone in which the residential lands are located upon enactment of this Section. Notwithstanding, Lots 171 and 172 of the Jackson Hole Ski Corporation 9th Filing owned by the Teton Village Water & Sewer District may be developed in accordance with 4.3.3.M. below.

K. Relationship to Grand Teton National Park

Programs and facilities shall be established that encourage non-motorized access into GTNP, in conjunction with National Park Service planning efforts and goals.

L. Administration

An entity or administrative organization that equitably represents Teton Village landowners, shall be created and charged with the task of administering the monitoring program portion of the Planned Resort phasing plan. Administration of the program shall include collecting and analyzing the data for evaluating achievement of the performance objectives established in the phasing plan, ensuring compliance with the performance objectives, and representing the Teton Village Planned Resort in reporting the results of the monitoring program to the County, pursuant to 4.3.1.F.11.f.

M. Teton Village Water & Sewer District

Notwithstanding the restrictions on platted residential lands set forth elsewhere in this Section, the following standards shall apply to Lots 171 and 172, and the lands described in that deed recorded in the Teton County, Wyoming Clerk's Office, Document #0415272, Book 318, Pages 1190-1192, so long as the lands are used solely to operate the Teton Village Water & Sewer District or other similar public service entity.

1. **Floor Area Ratio.** The floor area ratio shall be no more than 0.47.

2. **Landscape Surface Ratio.** The landscape surface ratio shall be no less than 0.30.

3. **Employee Housing.** Six employee housing units shall be permitted.

4.3.4. Teton Village II (1/5/15)

A. Area Description

Teton Village II is one of 2 Planned Unit Developments that comprise the Teton Village Planned Resort Zone. The Teton Village Planned Resort Zone consists of those lands designated PR-TV on the Official Zoning Map. Area 2 is composed of that portion of the Village that received approval as a Planned Resort on July 12, 2005, as amended by that Official Zoning Map Amendment approved by the Board of County Commissioners on July 7, 2009. Generally the "Character Elements" for Area 2 are identical to those for Area One, except as differentiated below.

B. Master Plan

Area 2 is governed by the Planned Unit Development-Planned Resort Master Plan, titled "Teton Village Resort Expansion Master Plan (Teton Village Area 2)." Throughout this Section, the master plan will be referred to as the Area 2 Resort Master Plan.

C. Character

The character objectives for Teton Village are that it resemble a small urban village with its own sense of place. Important characteristics are:

1. a distinct center, defined both by buildings and activities;
2. a mix of land uses, varying from the tourist-oriented to the resident-oriented;
3. clear edges, defined both by buildings and open spaces, that distinguish the village from the surrounding ranch lands;
4. a continuity in building size, architecture and individual site design;
5. a pedestrian streetscape and pedestrian connections throughout the village;
6. creation of a sense of arrival;
7. a visual transition from the village to neighboring lands;
8. a community; and
9. a destination ski area.

D. Size

1. Lodging Area 2. The total Average Peak Occupancy (APO) within the Area 2 shall be not more than 720, none of which shall be allowed on single family lots in the Teton Village South Residential Area, south of McCollister Drive.
2. Area 2 Affordable and Employee Housing. Affordable and employee housing units shall be provided within Area 2 in accordance with the Area 2 Resort Master Plan and Housing Mitigation Plan for Area 2 approved on July 12, 2005.

3. **Retail, Office, and Other Commercial Type Uses.** Within the Village Core area of Area 2, there shall be allowed 10,000 square feet of local commercial uses. In addition, within the Area 2 Village Core area there shall be allowed 25,000 square feet of commercial retail, restaurant or other "commercial-type uses" space and 35,000 square feet of office space provided that a like amount of commercial retail, restaurant or other "commercial-type uses" space, or office space, as the case may be, shall be removed from Area One for relocation to Area 2. Other "commercial-type uses" do not include lodging, ski area operations, institutional, resort support, or public/semipublic type development, which may be otherwise provided for in the approved Resort Master Plan.

4. **Institutional, Public and Semipublic Uses.** 9,500 square feet shall be constructed for development of institutional, public and semi-public uses, such as a visitor center, sheriff's substation, post office, non-profit office space and other similar uses, utilized for non-retail purposes.

5. **Resort Support Uses.** Resort support uses shall be allowed to the extent permitted in the approved Area 2 Resort Master Plan, are defined as facilities that provide amenities or that are utilized to operate the overall resort, and shall not be considered commercial uses.

E. Skier Visits

If daily skier visits exceed 9,200 skiers on more than 12 days within a season, for any 3 consecutive years, then evaluation of the Planned Resort master plan's remedies, mitigation measures and achievement of performance criteria as specified in the phasing plan shall be performed by the ski area operator and the Planning Director in order to ensure that the increased skier numbers are of no greater impact to the community than the number assumed when the Planned Resort master plan was approved. The results of the evaluation shall be presented to the Planning Commission and Board of County Commissioners. If any failure of the remedies, mitigation measures, or achievement of performance criteria as specified in the phasing plan is found, then the Planned Resort master plan shall be reconsidered pursuant to 4.3.1.E.8.d.

F. Intensity

The intensity of the development shall not exceed that specified in the adopted Area 2 Resort Master Plan.

G. Landscape Surface Area

The minimum Landscape Surface Area provided on each lot of record within Area 2 shall be as specified in the Area 2 Resort Master Plan.

H. Off-site Parking

Parking may be proposed off-site provided the Transportation element demonstrates the off-site parking serves a significant role in the Transportation Demand Management Plan.

I. Environmental or Visual Analysis

If land within Teton Village Area 2 is within the Scenic Resources Overlay, an EA with a visual component or a Visual Resources Analysis dealing with maintenance of the scenic corridor shall be required, pursuant to the standards in Sec. 5.3.2.

J. Relationship to Grand Teton National Park

Programs and facilities shall be established that encourage non-motorized access into GTNP, in conjunction with National Park Service planning efforts and goals.

K. Administration

The Owners Associations set up through the adoption and recordation of Covenants, Conditions and Restrictions shall administer the Planned Resort area. Services shall be administered by the Teton Village Improvement and Service District and other similar public service entities as designated by the approved Area 2 Resort Master Plan.

4.3.5. Jackson Hole Golf and Tennis Club (4/1/16)

A. Area Description

The Jackson Hole Golf and Tennis Club Planned Resort Zone consists of those lands designated PR-GT on the Official Zoning Map.

B. Master Plan

Golf and Tennis is governed by the Planned Unit Development-Planned Resort Master Plan, titled “2002 Amendment to the 1998 Jackson Hole Golf and Tennis Club Planned Unit Development District for Planned Resort Master Plan.” Throughout this Section, the master plan shall be referred to as Golf and Tennis Resort Master Plan.

C. Character and Design

The vision of the Jackson Hole Golf and Tennis Club is for a suburban, residential character resort development. Important characteristics are:

1. residential buildings are low and relatively small in scale;
2. residential buildings have a similar scale and character to integrate with the surrounding residential development;
3. commercial buildings will be designed to integrate well with the surrounding neighborhood and will be modest in size relative to their proposed uses;
4. clustering techniques are utilized to further reduce the density and visibility of the cabin units from existing residences;
5. incorporate land planning and landscape techniques that help screen the public’s view of the cabins;

6. the layout and structure design enhances the quality of the visitor experience by emphasizing the extraordinary natural splendor of the Teton mountain and river valley landscape;

7. the layout is pedestrian friendly, inviting people to walk or use golf carts within the resort vicinity, among open spaces, which will be shaped by buildings, but shall have a sense of openness;

8. a resort design that accommodates a number of guests similar to the population density of the surrounding vicinity; and

9. a golf course for which local access is available.

D. Size

1. Lodging. The cabins shall be available for short-term rental. They shall have the capacity to house no more than 240 guests. No short-term rental involving single-family residential lots shall be allowed. No other lodging facilities will be part of the Planned Resort.

2. Buildings

   a. No more than 25,000 square feet of space shall be devoted to a golf club and events facility, exclusive of golf course maintenance and golf cart storage facilities.

   b. No more than 3,000 square feet of space shall be devoted to administration space housed separately from the golf club and events facility.

   c. A maximum of 12,000 square feet shall be allowed for maintenance buildings.

   d. No more than 80,000 square feet total shall be devoted to cabin structures, excluding garages; no individual cabin structure shall exceed 2,800 square feet, above-ground, inclusive of garage.

   e. If market conditions warrant, a local convenience node may be included within the development. The vision is for a maximum 1,200 foot structure; however, the Board of County Commissioners may determine a greater limit on any structures approved by the Board to serve local convenience commercial uses at the time of final development plan approval for the structures.

   f. Dimensional Limitation Plan. The dimensional limitation plan is intended to control the physical characteristics of the proposed development is a follows:

Development Type	LSR (1) (min)	FAR (2) (max)	APO's (3) (max)	Meeting Space (max)	Lot Size (min)	Height (max)	Street Yard (min)	Side Yard (min)	Rear Yard (min)
Resort Lodging									
Clubhouse	n/a	n/a	n/a	4000 sf	n/a	34 ft. (6)	n/a	n/a	n/a
Cabins (4)	n/a	n/a	240	n/a	n/a	24 ft.	20 ft.	10 ft.	10 ft.
Residential Lots									
Employee and Affordable Housing	0.25	n/a	n/a	n/a	n/a	24 ft.		(5)	
Single-Family (Market) Lots	0.59	0.14	n/a	n/a	0.80 ac	18 ft.	25 ft.	20 ft.	25 ft.
Additional Uses									
Utility and Wastewater Treatment	0.40	n/a	n/a	n/a	n/a	18 ft.			
Maintenance/Admin. Building	0.25	n/a	n/a	n/a	n/a	24 ft.		(5)	
Exaction								(5)	

(1) Min. LSR or Landscape Surface Area Ratio reflects the required landscaped area for each lot, and is calculated by multiplying the ratio by the base site area of the lot.

(2) Max. FAR or Floor Area Ratio is calculated by dividing the sum of the gross floor areas of all buildings, excluding basements, by the base site area of the lot.

(3) APO determines the capacity for guest accommodations and pertains only to short-term rental of these units. It is the average number of people housed in short-term rentals at peak occupancy.

(4) Yard setbacks to apply only to the perimeter of each cabin cluster.

(5) To be determined at Final Development Plan Approval for each of these development types.

(6) The clubhouse height limitation is 34' measured per Teton County LDRs EXCEPT for those portions of the lower level of the building that will daylight because of a walk out design; said portions of the building shall not exceed 25% of the total building foundation perimeter.

E. Landscape Surface Area

The minimum landscape surface area provided within the Planned Resort shall be 50%, exclusive of the platted residential lands that existed upon enactment of this Section (the Jackson Hole Golf and Tennis Club Estates 1st, 2nd and 3rd filings.) Notwithstanding, the Board of County Commissioners may reduce the minimum landscape surface area to no less than 40% upon demonstration by the applicant that the following objectives are achieved with a reduced landscape surface area:

1. the landscape surface area enhances a suburban character, residential scale and sense of spaciousness within the Planned Resort, such that the space is not shaped by buildings;

2. the landscape surface area creates attractive garden-like pedestrian ways throughout the resort; and

3. the landscape surface area integrates the Planned Resort with the adjoining residential neighborhoods.

F. Environmental or Visual Analysis

An EA shall be performed that specifies any action necessary to mitigate impacts to wildlife, especially along the Gros Ventre River corridor, and wetlands. Notwithstanding the resort area being outside the SRO, a visual component shall be included in the EA or a Visual Resources Analysis prepared, which specifies necessary action to mitigate negative visual impacts of new development from Spring Gulch Road and surrounding residential developments. The visual component shall be prepared pursuant to the procedures and standards in Sec. 5.3.2.

G. Golf Course

The Golf Course shall remain intact as a recreational facility open to the public.

4.3.6. Snake River Canyon Ranch (1/17/17)

A. Area Description

The Snake River Canyon Ranch Planned Resort Zone consists of those lands designated PR-SR on the Official Zoning Map.

B. Master Plan

The Snake River Canyon Ranch Planned Resort Zone is governed by the Planned Unit Development—Planned Resort Master Plan titled, “Snake River Canyon Ranch Resort Master Plan.” Throughout this Section, the master plan shall be referred to as Snake River Canyon Ranch Resort Master Plan.

C. Character

The character objectives for the Snake River Canyon Ranch Resort are that it shall offer a unique hot springs recreation experience for the public while providing lodging in a rural atmosphere. Important characteristics of all areas of the Resort include:

1. identification of the Astoria Hot Springs and the surrounding park as the central recreational amenity available to the public;
2. lodging, with a residential character, located throughout the resort and not necessarily centered on the hot springs amenity;
3. presentation of a highway profile that is in scale with the mountain backdrop, has varied roof and horizontal planes that visually reduce the bulk and scale of the buildings, and a development pattern that favors ~~a~~ minimizing ~~in~~ building footprints to protect the natural resources of the site, thereby minimizing the overall visual impact of development;
4. highlight the natural features of site, retain the rural atmosphere, and protect habitat and environmentally sensitive areas; and
5. edges and boundaries that buffer natural resources.

D. Resort Character Subareas

To better achieve the overall character objectives for the Snake River Canyon Ranch Resort, three resort subareas, have been identified.

1. Area I—Astoria Hot Springs Park

   a. **Area Description.** Area I—Astoria Hot Springs Park consists of 5.2 acres, as identified on the Master Site Plan included in the Snake River Canyon Ranch Resort Master Plan.

   b. Additional Character Objectives

      i. A hot springs recreation experience designed to take advantage of the natural environmental setting and highlight the natural resources of the site; and

      ii. Ancillary park-oriented commercial uses reflective of desired rural community character of the Canyon Corridor Subarea, as identified in the Teton County Comprehensive Plan.

   c. Size

      i. **Lodging.** There are no lodging facilities or uses in this Area of the Resort.

      ii. **Buildings.** No more than 9,000 square feet of structure space shall be developed within Area I.

2. Area II—Snake River Canyon Ranch Lodging Area

   a. **Area Description.** Area II—Snake River Canyon Ranch Lodging Area consists of seven properties totaling 88 acres, as identified on the Master Site Plan included in the Snake River Canyon Ranch Resort Master Plan.

   b. Additional Character Objectives

      i. Small-scale western character styled buildings in a rural setting; and

      ii. Identification of the Snake River Sporting Club golf course and recreational facilities as additional amenities for resort residents and guests.

   c. Size

      i. **Lodging.** A maximum of seven detached single-family residences are allocated to Area II, all of which shall be available for short-term rental.

      ii. **Buildings.** Each of the units in Area II shall be limited to a total of 10,000 square feet of floor area, 8,000 square feet of which may be habitable space.

   d. **Transfer.** A maximum of seven units allocated to Area II may be relocated within Area III.

3. Area III—Snake River Sporting Club Lodging Area

   a. **Area Description.** Area III—Snake River Sporting Club Lodging Area consists of 20.04 acres, as identified on the Master Site Plan included in the Snake River Canyon Ranch Resort Master Plan.

   b. Additional Character Objectives

      i. Clustered, small-scale, western-character styled buildings; and

      ii. Ancillary resort-supporting commercial lodging reflective of the desired rural community character of Subarea 8.3: Canyon Corridor identified in the Teton County Comprehensive Plan.

   c. Size

      i. **Lodging.** A maximum of 63 attached or detached single-family units are permitted in Area III, all of which shall be available for short-term rental.

      ii. **Buildings.** No more than 218,500 square feet of floor area may be developed in Area III.

   d. **Transfer.** A maximum of seven units allocated to Area II may be relocated within Area III. The maximum number of units within Area III, including any units transferred from Area II, shall not exceed 70 total units.

E. Recreation and Preserved Area

The recreation and preserved area shall consist of at least 101.7-acres of land, zoned Park on the Official Zoning Map, located adjacent to but not within the Snake River Canyon Ranch Resort. An open space easement shall not be requited to preserve these lands, but a minimum of 101.7 acres of open space shall be available as passive recreation area for the Astoria Hot Springs Park.

4.3.7. Grand Targhee (1/1/15)

A. Area Description

The Grand Targhee Planned Resort Zone consists of those lands designated PR-TG on the Official Zoning Map. The following areas, as depicted on the "Land Use Districts" map within the Grand Targhee Resort Master Plan, comprise the Grand Targhee Planned Resort Zone:

1. **Resort Center Plan Area.** The Resort Center Plan Area includes retail, food and beverage uses, resort services and amenities, support and services, and residential and accommodation units. There will be parking spaces for day guests and below grade parking garages associated with accommodation buildings. The Resort Center Plan Area is comprised of 36 acres.

2. **Residential and Accommodation Plan Area.** The Residential and Accommodation Plan Area is primarily for residential and accommodation uses such as single-family residences, townhouses and cabins. This area shall include open space areas for trails. The Residential and Accommodation Plan Area is comprised of 84 acres.

B. Master Plan

The Grand Targhee Planned Resort Zone is governed by the Planned Unit Development for Planned Resort master plan, titled "Grand Targhee Resort Planned Unit Development for Planned Resort." Throughout this Section, the master plan will be referred to as Grand Targhee Resort Master Plan.

C. Character and Design

The character objectives for Grand Targhee are that it resembles a clustered resort center with its own sense of place. Important characteristics are:

1. a transition in density, intensity and character from the center to adjacent Forest Service natural lands;
2. a distinct center, defined both by buildings and activities;
3. a mix of land uses, varying from a center of high intensity mixed commercial, skier amenities, accommodation and recreational uses, to lower density areas with predominantly residential/accommodation uses;
4. clear edges, defined both by buildings and open spaces, that distinguish the center from surrounding National Forest lands;
5. a continuity in building size, architecture, and individual site design;
6. a pedestrian streetscape and pedestrian connections throughout the village center;
7. creation of a sense of arrival;
8. a visitor destination with a strong sense of place; and
9. a destination ski area.

D. Size

1. **Residential.** Not more than 10% of the total permitted housing and lodging units at the Resort shall be single-family lots, and not more than 10% of the total permitted housing and lodging units at the Resort shall be cabins or townhouse units. Single-family lots and cabin lots may be located in the Resort Center Plan Area and may be rented on a short or long-term basis.
2. **Lodging.** The balance of the permitted housing and lodging units (80%) including employee housing units shall be located in the Resort Center Plan Area. Housing and lodging units located in the Resort Center Plan Area shall be designed for short term rental. All other units, except on-site employee housing units, may only be rented on a short-term basis. Owner's use of any residential

or lodging unit is not restricted. These restrictions shall be established in recorded restrictive covenants, which can only be amended with the written and recorded approval of the Teton County Board of Commissioners. The restrictive covenants shall be executed prior to recordation of the associated Final Plats.

3. **Affordable and Employee Housing.** The required number of affordable and employee housing units shall be calculated pursuant to the LDRs and in accordance with the Grand Targhee Resort Master Plan and Housing Mitigation Plan approved on February 4, 2008. Not more than 40 essential employees shall be housed on-site as required for the operation of Grand Targhee Resort and consistent with the approved Teton County emergency management plan. Employees not housed on-site shall be housed in Teton County, Idaho in accordance with the approved Grand Targhee Resort Master Plan.

4. **Retail, Office, and Other Commercial Type Uses.** Within the Grand Targhee Resort, there shall be no more than 150,000 square feet of retail/office or other commercial-type uses including resort services, amenities, and support uses. This excludes employee housing units, underground parking areas, and basements, as defined by the LDRs. This commercial square footage shall be allocated to the commercial lots and tracts in accordance with the approved Grand Targhee Resort Master Plan.

E. Skier Visits

The maximum daily skier visits measured in skiers at one time is based on existing Forest Service approvals for skier capacity on the Special Use Permit Area of the Grand Targhee Resort. The special use permit allows for 5,130 skiers at one time. It is anticipated that the skier visits will be controlled only by the Forest Service Special Use Permit.

F. Intensity

1. **Floor Area Ratio.** No more than 2.5 Floor Area Ratio (FAR) shall be permitted on any platted lot within the Resort Center Plan Area with the total plan area not to exceed 1.5 (FAR). The intensity on the remainder of the Residential and Accommodation Plan areas shall be defined by building envelopes and specific site plans based on the maximum size standards by types of residential and/or accommodation use; see Section Four, Master Site Plan and Dimensional Limitation Plan and Section Five, Land Use Element.

2. **Density.** The total residential, employee housing, and lodging units located at the Resort shall not exceed 450, with average peak occupancies (APOs) consistent with the LDRs. The total APO's for Grand Targhee Resort shall not exceed 3,500.

G. Landscape Surface Area

The minimum landscape surface area provided within the Planned Resort shall be 25%. The landscape surface area shall be calculated as per Table 4-7, Landscape Surface Ratio Calculations, of the Grand Targhee Resort Master Plan.

Notwithstanding, the Board of County Commissioners may reduce the minimum landscape surface area to no less than 20% upon demonstration by the applicant that the following objectives are achieved with a reduced landscape surface area:

1. the landscape surface area creates a quality resort center design and creates public spaces for interaction and public events; and

2. the landscape surface area creates a clear boundary for the resort.

H. Environmental Analysis

The environmental analysis in the Grand Targhee Resort Master Plan defines that no NRO or SRO are located within the Planned Resort Zone. Environmental mitigation shall include, but not be limited to:

1. Environmental mitigation shall include the acquisition of a Conservation Easement over or Fee Simple Acquisition of at least 299 acres with habitat priority ranking 6 or higher or land that would qualify for Natural Resources Overlay status, as defined by the LDRs. Land shall be preserved within a distance of 50 miles from the resort and within Teton County, Idaho and/or Teton County, Wyoming. The applicant shall also contribute stewardship costs calculated by an objective formula approved by the Planning Director to cover the cost of the baseline inventory and to ensure long-term monitoring and legal defense of any conservation easement associated with the 299 acres. Acquisition of all land shall occur commensurate with development of the Resort, which shall be defined as 25% of the total 299 acres per each of the four development phases. All acquisitions shall be subject to the approval of the Board of County Commissioners, with an emphasis on high value habitat that has development potential.

2. A voluntary environmental mitigation shall include Fee Simple Acquisition of, or the acquisition of a Conservation Easement over, at least 301 acres of land within Teton County, Wyoming, generally in the vicinity of Alta, having agricultural, habitat, open space and/or scenic values. The applicant shall also contribute stewardship costs calculated by an objective formula approved by the Planning Director to cover the cost of the baseline inventory and to ensure long-term monitoring and legal defense of any conservation easement associated with the 301 acres. Acquisition of all land shall occur commensurate with development of the Resort, which shall be defined as 25% of the total 301 acres per each of the four development phases.

I. Parking

On-site parking shall be located in structures, on-street, or in surface lots in accordance with the Grand Targhee Resort Master Plan. Off-site parking serves a significant role in the Transportation Demand Management Plan. Off-site parking will be located at a Park and Ride lot or at lots where shuttle/bus service will be provided to and from the Resort.

J. Relationship to National Forest Lands

1. Public access and public easements will be retained as stipulated to access National Forest Lands. Section Seventeen, MDP/FEIS Mitigation Measures of the Grand Targhee Resort Master Plan describes the mitigation measures that were established for the Special Use Permit Area and continue to apply to the private lands.

2. Prior to approval of the first final plat for any development in the resort, the applicant shall provide to the County confirmation from the U.S. Forest Service that the proposed amendment of the Special Use Permit Master Development Plan has been accepted for construction and that this plan conforms to the Master Plan and Standards and Conditions approved by Teton County. If conformance cannot be established, the applicant shall undertake an amendment of the Master Plan, which shall be approved prior to approval of the first plat for any development in the resort.

Div. 4.4. Planned Unit Development Zones

4.4.1. All PUD Zones (1/1/17)

A. Purpose

Planned Unit Development (PUD) zones permit variation from the strict application of the zones in order to achieve specific community goals that enhance the community's implementation of the Jackson/Teton County Comprehensive Plan. The intent of PUD zones is that large or complex developments under unified control be planned as a single, continuous project with greater design flexibility.

B. Applicability

The standards of this Section apply to:

1. Existing PUDs and other special projects listed in 1.8.2.C. of these LDRs.
2. Applications for establishment of PUD zoning.

C. Content of a PUD

A PUD is the equivalent of the zone-specific standards found in Article 2. and Article 3. A PUD is not intended to have the level of detail of a physical development plan. A PUD shall include:

1. a surveyed map of the area to which the PUD applies; and
2. a master plan that establishes the general configuration and relationship of the principal elements of the proposed development and specifies terms and conditions defining development parameters, including uses, general building types, density/intensity, resource protection, pedestrian and vehicular circulation, open space, public facilities, and phasing.

D. Development of a PUD

1. The development standards for each PUD are established by the approved PUD master plan. All physical development, use, and subdivision under the PUD shall comply with the master plan and certificate of standards.
2. Where development standards are not addressed or established in the approved PUD master plan, the development standards of the underlying zone shall apply.
3. PUD approval does not permit actual physical development or use of a site. All appropriate permits and approvals shall be obtained under the administrative procedures of these LDRs prior to any physical development, use, or subdivision of land allowed by the PUD.

E. Establishment of a New PUD

Establishment of PUD zoning shall be achieved through an application for approval of a PUD development option established in this Division. PUD applications shall be reviewed pursuant to Sec. 8.7.3.

F. Amendment of an Existing PUD or Other Special Project

An amendment to an existing PUD or other special project listed in 1.8.2.C. shall be reviewed and approved pursuant to 8.2.13.D.

G. PUD Option Schedule

The table below establishes the PUD options allowed in each zone and references the standards for each option. Any PUD option not specifically established in this Division is prohibited.

County Character Zones - PUD Options			
Complete Neighborhood Zones	Rural Area Zones		
n/a	R-1	R-2	R-3
No PUD options are allowed in the County			

County Legacy Zones - PUD Options											
Complete Neighborhood Zones					Rural Area Zones					Civic Zones	
AC-TC	AR-TC	WC	OP-TC	BP-TC	BC-TC	MHP-TC	NC-TC	S-TC	R-TC	P/SP-TC	P-TC
No PUD options are allowed in the County											

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Div. 5.1. General Environmental Standards

The purpose of this Division is to maintain healthy populations of native species and preserve and enhance water and air quality. Wildlife and natural resources are an essential component of the character of the community.

5.1.1. Waterbody and Wetland Buffers ~~(1/1/17)~~ (AMD2019-0006)

A. Purpose

This Section establishes the protection standards for waterbodies and wetlands. In order to protect the community as a whole from potential negative impacts caused by physical development and use that may affect these resources or their functions, this Section prohibits physical development and use on and within a certain distance of these resources.

B. Findings

Waterbodies and wetlands provide critical functions in controlling flood waters, providing wildlife habitat, cleansing the water resources, and contributing to the special scenic quality of Teton County.

C. Resource Definitions

1. **Waterbodies.** Waterbodies are natural features (i.e., rivers, streams, lakes) that convey or contain surface water.

    a. **River.** River means the Snake River, the Gros Ventre River, the Hoback River, or the Buffalo River.

    b. **Stream.** Stream means a body of running water that is neither one of the identified rivers nor an irrigation ditch, and has one or more of the following characteristics:

        i. **Flow Level.** Has an average annual flow of 3 cfs. or greater including return water from subirrigation practices.

        ii. **Habitat.** Provides a winter habitat for trumpeter swans or serves as a cutthroat trout spawning area.

    c. **Natural Lake/Pond.** A natural lake/pond means a body of standing water, usually at least 6 feet deep, which was created by natural processes.

2. **Riparian Plant Community.** Riparian plant communities associated with watercourses shall be delineated using Youngblood, A.P., Padgett, W.G. and Winward, A.K., “Riparian Community Type Classification of Eastern Idaho-Western Wyoming,” USDA Forest Service, Intermtn. Reg., R4-Ecol-85-01, Ogden, UT, 1985, and the U.S. Department of Interior Fish and Wildlife Service publication: “National List of Plant Species that Occur in Wetlands: Northwest (Region 9),” Biol. Rept. 88 (26.9), May 1988.

3. **Wetlands.** Wetlands are areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Identification of wetlands shall be according to the 1987 Corps of Engineers Wetlands Delineation Manual. This definition excludes irrigation induced wetlands.

D. No Development, Setbacks/Buffers Required

Due to the risk of severe negative impacts on the community at large if waterbodies and wetlands are wholly or partially developed, and the necessity to protect the natural functions of these resources, physical development and use of these resources is prohibited in most cases and a setback/buffer is required. Demonstration of compliance with wetland standards must be provided by a qualified professional.

1. **Development Prohibited.** Physical development and use in waterbodies and wetlands is prohibited except for essential facilities as specified below.

2. **Setback/Buffer Required.** All physical development and use is required to be setback from specified resources as follows:

   a. **Rivers.** 150 feet.

   b. **Streams.** Along streams, physical development and use shall be located out of the riparian plant community, but in no case shall the required setback be less than 50 feet or more than 150 feet.

   c. **Natural Lake/Pond.** Adjacent to natural lakes or ponds, physical development and use shall be located out of the riparian plant community, but in no case shall the required setback be less than 50 feet or more than150 feet.

   d. **Wetlands.** 30 feet.

   e. **Measurement.** Setbacks shall be measured from the mean high water or top of bank, whichever is farthest from the thread of the watercourse or the center of the waterbody.

   f. **Buffer.** The area protected by the setback is the "buffer" and shall remain free from physical development and use, parking, and open storage of vehicles, refuse, or any other material. Terrain disturbance for bona fide agricultural purposes as defined in Section 6.1.3.B., flood protection, wildlife habitat enhancement, or public pathways are permitted in the buffer upon receipt of applicable permits.

   g. **Land Protected by a Conservation Easement.** Land protected by a conservation easement, where proposed development density is equal to or less than one unit per 70 acres ~~or less~~ and the total acreage subject to the easement is 320 acres or more, shall be exempt from certain stream setbacks required by this Subsection. The stream setback for land under a conservation easement may vary based upon the wildlife, agricultural, and

scenic analyses performed as part of the design of the easement. Under no circumstances, however, shall the setback from streams be less than 50 feet.

3. Development of Essential Facilities

a. **Waterbodies.** Certain water dependent uses, bona fide stream restoration and enhancement, and essential road or utility crossings must be located in or adjacent to waterbodies. These may be permitted provided all physical development meet the following requirements.

i. **Flood Control, Irrigation, or Essential Crossings.** Only physical development that is essential to flood control or irrigation, bona fide stream restoration and enhancement, or essential road or utility crossings shall be permitted.

ii. **Not for Human Habitation.** Structures shall not be intended or designed for human habitation.

iii. **Minimize Negative Impacts on Wildlife.** All physical development and use shall be designed to minimize negative impacts on wildlife.

b. **Wetlands.** Wetlands may be physically developed or used under the following circumstances. Notwithstanding, receipt of a local permit does not absolve an applicant from obtaining all other State or Federal permits necessary to develop wetlands.

i. **High-Intensity Use Degrades Wetland/ Wetland Agriculture-Induced.** Where the intensity of adjoining use(s) cause the retained wetlands to become degraded habitats and the wetland area is suitable for physical development or use due to planning, location, and other factors, or where the wetland is induced by irrigation.

ii. **Necessary to Reshape Wetland to Provide Building Site.** Where, due to the shape of the lot of record and its interaction with topography, it is necessary to reshape the wetland boundary to provide a building envelope, filling up to 5% of the wetland on the lot of record, not to exceed 1 acre, is permitted.

iii. **Essential Crossings When No Alternate Site.** Essential utility and road crossings shall be permitted to impact wetlands where it is demonstrated that the proposed crossings cannot be practically located without impacting wetlands.

iv. **Wetland Impacts Require Mitigation.** When wetlands that are not irrigation induced are impacted in accordance with this Section, the following mitigation standards shall apply.

a). **All Practical Measures to Reduce Impact.** It shall be demonstrated that reasonable project modification measures have been taken to reduce wetland loss and degradation.

b). **On-Site Mitigation Wherever Practicable.** On-site mitigation shall be provided wherever practicable. Where it is demonstrated that on-site mitigation is not practicable, off-site mitigation shall be permitted. All mitigation shall be at a ratio of 2 acres of new wetland for every one acre of wetland impacted. The new wetlands shall restore lost wetland functions and values. A wetland scientist or other professional with experience in wetland creation shall prepare the Habitat Enhancement Plan, pursuant to 5.2.1.E.2.b., and shall be responsible for implementation of the plan as approved.

c). **Encroachment Into the Buffer.** Encroachment into the buffer is permitted in accordance with this Section and does not require wetland mitigation for impacts to the buffer.

d). **Wetland Replanting.** The new wetland area shall be planted with a hydric tolerant mix of seeds in suitable areas, wetland plants, and suitable seed bank soils. A wetlands biologist, or other professional with experience in wetland creation, shall certify the planting plan.

e). **Persistence.** It shall be demonstrated that the created or restored wetland will be at least as persistent as the impacted wetland system it replaces.

f). **Buffer.** Buffers in accordance with this Section shall be provided around wetlands that are created pursuant to this Subsection.

5.1.2. Wildlife Friendly Fencing (AMD2019-0006) ~~(4/1/16)~~

A. Findings

Fencing is a structural element that can create an impediment for wildlife movement, resulting in both injuries to wildlife and damage to the fencing.

B. Applicability

New fences erected after September 12, 2006 shall comply with the standards of this Section. If over 50% of the linear feet of an existing fence is replaced, the fence shall be considered “new” and shall abide by the standards of this Section. Except that the following shall be exempt from the provision of this Section:

1. Repair, or relocation of prior or existing fences associated with agricultural use meeting the standards for exemption in Section 6.1.3.B.; and

2. Fences built for new riding arenas, as defined in these LDRs.

C. Fencing Height

Fencing, for purposes other than livestock control, shall be no higher than 38 inches above the ground. Fencing for livestock control shall be no higher than 42 inches above the ground. For both of the above fence types, spacing between the top two wires or top pole/rail and adjacent wire shall be at least 12 inches.

D. Materials and Design

Fencing materials and design shall comply with the following standards:

1. Wood (or similar material) top poles, and either wood rails or wire strands are permitted as horizontal elements in fencing. The wire strands shall be smooth or twisted wire. Barbed wires may be used in the middle strands, not including the top and bottom strands, when necessary to control livestock.

2. The required fencing design includes a top level of a wood (or similar material) pole rather than wire. The bottom rail or wire strand shall be at least 16 inches above the ground.

3. The spacing of fence posts shall be on 12-foot centers unless topography prohibits this spacing. The posts shall have extra height to allow for any necessary lower or raising of the top rail. Spacing of the second and third wire shall be evenly spaced. Spacing distances may vary from 7-8 inches depending on the height of the fence.

4. ~~Buck and rail fencing shall be avoided.~~ New buck and rail or buck and wire fencing is prohibited unless approved by the Planning Director through a Special Purpose Fencing Exemption. When buck and rail fencing is necessary due to rocky or wet soil, a portion of the fence shall be laid down or constructed to a lower height, not to exceed 38 inches, to allow wildlife movement.

5. The top level of a newly constructed fence shall be flagged immediately after construction. The flagging shall be white and maintained for at least 1 year.

E. Special Purpose Fencing

Notwithstanding the provisions of this Section, the Planning Director may exempt special purpose fencing from this Section, provided the fencing meets the below standards.

> **EXAMPLE:** Examples of special purpose fencing include fencing for a dog kennel, certain types of agricultural fencing (such as bull enclosure, pig pens, sheep enclosure, fencing to secure stored livestock feed, fencing for winter livestock feeding sites, and fencing for 4-H projects), securing a construction site, swimming pool enclosure, screening of refuse facilities, recycling containers, dumpsters, and small yard enclosure.

1. Smallest area. The special purpose fencing shall encompass the smallest area necessary to achieve the purpose.

2. **Specific design.** Special purpose fencing is constructed for a particular use and requires a specific design to accomplish the purpose of the fence.

3. **Height in yards.** Special purpose fencing located in a street yard shall not exceed 4 feet in height. Special purpose fencing located in a side or rear yard shall not exceed 6 feet in height.

4. **Setback.** Special purpose fencing is not subject to a setback from property lines.

5.1.3. Wild Animal Feeding (4/1/16)

A. Findings

The feeding of those animals listed below by humans creates one or more of the following risks:

1. Attracts ungulates to residential areas, which poses a significant threat to human safety and domestic pets;

2. Attracts large predators to residential areas, which poses a significant threat to human life or domestic pets;

3. Promotes unnaturally high concentrations of animals, which in turn:

   a. Increase the potential for disease transmission,

   b. Promote overuse of certain habitats,

   c. Disrupt natural animal migration;

4. Promotes unnatural wildlife behavior, which can result in nuisance animals, which have to be relocated or destroyed, often at public expense, when they frequent residential areas or otherwise come into harmful or threatening contact with humans; and

5. Detracts from the wild spirit of the animals.

B. Intent

The intent of this Section is to protect and promote the public health, safety and welfare by:

1. Reducing the attraction of ungulates to residential areas, and thereby lessening the significant threat to human safety and domestic pets;

2. Reducing the attraction of large predators to residential areas, and thereby lessening the significant threat to human life and domestic pets;

3. Reducing unnaturally high concentrations of animals, thereby reducing the potential for disease transmission, the overuse of certain habitats, the disruption of natural animal migration, and the domestication of wild animals;

4. Discouraging unnatural wildlife behavior, thereby reducing the number of nuisance animals that have to be relocated or destroyed when they frequent residential areas or otherwise come into harmful or threatening contact with humans; and

5. Respecting the wild essence of the animals' nature.

C. Prohibition

No person shall knowingly or intentionally provide supplemental feed attractants to the following animals, unless specifically authorized by an agency of either the State of Wyoming or the United States of America: antelope, bighorn sheep, deer, elk, moose, mountain goats, bobcats, black bears, grizzly bears, mountain lions, lynx, wild bison, wolves, coyotes, foxes and raccoons.

1. **Supplemental Feed Attractants.** Supplemental attractants are any human food, pet food, hay, forage product or supplement, grain, seed or birdseed, garbage, or other attractant made available to the following animals: antelope, bighorn sheep, deer, elk, moose, mountain goats, bobcats, black bears, grizzly bears, mountain lions, lynx, wild bison, wolves, coyotes, foxes and raccoons.

D. Exemptions

A person engaged in any of the following activities is not subject to liabilities under this Section:

1. The normal feeding of livestock and/or the practice of raising crops and crop aftermath, including hay, alfalfa and grains, produced, harvested, stored or fed to domestic livestock in accordance with normal agricultural practices as defined in Section 6.1.3.B.; or

2. The cultivation of a lawn or garden, or the feedings of birds where the bird food is made unavailable to the animals specified in the prohibition of this regulation.

3. A finding that the land was taxed as agricultural land shall create a presumption that the alleged feeding is exempt from this regulation.

5.1.4. Air Quality (7/19/16)

Protection of clean air resources is a goal of the County, in order to protect the public health, welfare and general safety of the residents, the visibility in the valley and the scenic beauty of Teton County.

A. Particulate Matter

For the purposes of this Section, particulate matter is any material other than water, which is suspended in or discharged into the atmosphere in finely divided form as a liquid or solid capable of being airborne or gasborne, including dust. All uses shall conform with the following standards:

1. **Emission Rate of Particulate Matter and Dust/General.** No emissions shall exceed the allowances set forth by the U.S. Environmental Protection Agency or WYDEQ, or any other State or Federal agency having jurisdiction to limit emissions. In case of conflict, the most restrictive requirement shall govern.

2. **Ameliorate Possibility of Particulate Matter Becoming Windborne.** Emission of particulate matter from materials or products subject to becoming windborne shall be kept to a minimum by landscaping, paving, wetting, or other means as to render the surface wind resistant.

3. **Applicable to Temporary Construction Operation.** Temporary construction operations shall be subject to the requirements of this Section.

B. Toxic and Noxious Matter

For the purposes of this Section, toxic and noxious matter is any solid, liquid, or gaseous matter, including but not limited to, gases, vapors, dusts, fumes, and mists, containing properties which, by chemical means, are inherently harmful and likely to destroy life or impair health, or are capable of causing injury to the well-being of persons or damage to property. All uses shall conform with the following standards:

1. **Ambient Air Quality Standards.** The ambient air quality standards of the Wyoming Department of Environmental Quality, the U.S. Environmental Protection Agency, or any other state or federal agency having jurisdiction, shall limit the release of airborne toxic and noxious materials. In case of conflict, the most restrictive requirements shall govern.

2. **Toxic Materials Not Included in Ambient Air Quality Standards.** No emissions of toxic gases or matter shall result in any hazard to human life or health or to wildlife. The Planning Director may request that an applicant submit a statement from the Wyoming Department of Public Health that the proposed levels of toxic matter to be released will not result in any hazard to human life or health or to wildlife.

C. Smoke Emissions

All uses shall conform with the following standards:

1. **Maximum Smoke Emission.** Smoke emission from any chimney, stack, vent, opening, or combustion process, or any alterations or additions to uses or structures with existing point sources, shall meet U.S. Environmental Protection Agency source regulations designed to eliminate smoke problems.

2. **Exemptions.** The provisions above shall not apply in the case of an equipment breakdown which makes compliance not reasonably possible, and shall not apply to home fireplaces, barbecues, and burning incidental to agricultural operations and sanitary landfill operations.

D. Odorous Matter

The emissions of odorous gases or matter in such quantities as to be readily detectable, without special instruments, at any point beyond the site omitting the odor, is prohibited. Odorous matter includes, but is not limited to, odors from the accumulation of decayed matter, trash, rubbish-garbage, and manure from domestic animals and fowl, all of which is perceptible beyond the site boundary line(s) of the property where the accumulation is located. Agricultural operations meeting the standards for exemption in Section 6.1.3.B. shall be exempt as specifically related to manure from domestic animals and fowl.

5.1.5. Water Quality (1/1/15)

[Section reserved for future standards]

5.1.6. Manmade Features (AMD2019-0006) ~~(8/7/18)~~

A. Purpose

The purpose of this section is to establish design standards for the creation of manmade waterbodies, landforms, and other habitat features in order to ensure that manmade features:

1. Preserve and enhance water quality (Principle 1.2 of the Comprehensive Plan);
2. Protect wildlife from the impacts of development (Principle 1.1 of the Comprehensive Plan); and
3. Appear to be naturally occurring and are consistent with surrounding features (Principle 1.3 of the Comprehensive Plan).

B. Applicability

This Section is applicable to any manmade feature, whether proposed voluntarily or required by these LDRs, and regardless of whether creation of the feature requires a physical development permit.

1. This Section shall apply to new features and alterations to existing features, whether the existing features are natural or manmade.
2. Alteration of a nonconforming manmade feature that does not meet the standards of this Section shall be subject to the requirements of Sec. 1.9.2., Nonconforming Physical Development.
3. In addition to this Section, all standards of the LDRs pertaining to gravel extraction (Section 6.1.9.F. or 6.1.12.F.) and grading, erosion control, and stormwater management (Div. 5.7.) shall apply.

C. Manmade Waterbodies

1. **Intent.** The intent of this subsection is to preserve and enhance water quality and protect wildlife when a manmade waterbody is created.

2. Waterbody Purpose. A manmade waterbody shall serve at least one of the following purposes.

    a. Agriculture. The manmade waterbody is part of an agricultural operation.

    b. Fire Suppression. The manmade waterbody is approved by the Fire Marshal as necessary and required for fire suppression.

    c. Habitat. The manmade waterbody provides wildlife habitat pursuant to the standards of this Section.

    d. Ornamental Water Feature. The manmade waterbody is part of the architectural design of the site.

3. All Manmade Waterbodies. The following standards shall apply to all manmade waterbodies.

    a. Airport Proximity. No manmade waterbody shall be located within 10,000 feet of the Jackson Hole Airport runway.

    b. Location. A manmade waterbody shall meet all natural resource setbacks and the site development setbacks for the site.

4. Ponds. In addition to the standards applicable to all manmade waterbodies, manmade ponds shall be subject to the following standards.

    a. Exempt Ponds. The following ponds are exempt from the standards specific to ponds.

        i. Agricultural Pond. A pond that is part of an agricultural operation meeting the standards for exemption in Section 6.1.3.B.

        ii. Stormwater Management Pond. A pond that is verified by the County Engineer to have the sole purpose of stormwater management.

    b. Location. The pond shall be located at least 50 feet from any building.

        i. Maintenance, alteration, expansion, and replacement of a lawfully established building located closer than 50 feet from a lawfully established manmade pond shall comply with Section 1.9.2.B. except that:

            a). If the expansion cannot be located 50 feet from the manmade pond, the expansion shall be located no closer to the manmade pond than the closest point of the existing building; and

            b). The applicant shall mitigate additional impacts to the 50 foot buffer at a ratio of 2 sf of mitigation to 1 sf of impact.

        ii. Maintenance, alteration, expansion, and replacement of a lawfully established manmade pond located closer than 50 feet from a lawfully established building shall comply with Section 1.9.2.B.

    c. Buffer Establishment

i. A 50 foot buffer of native vegetation shall be planted along the shoreline for the purpose of protecting the water quality and the habitat value of the pond.

ii. Riparian access shall be allowed for a maximum of 10% of the shoreline.

d. **Well-Fed Ponds.** Water from a well used to fill a pond shall be pretreated through a wetland prior to entering the pond.

e. **Outfall.** The pond shall not outfall into a river, stream, or ditch unless the outfall is designed to meet the following standards.

i. The outfall shall draw from a minimum depth of 4 feet.

ii. The outfall shall discharge through a wetland sized to accommodate the nutrient load of the pond and volume of the outfall.

f. **Winter-Safe Aerators.** If installed in a pond an aerator shall meet the following standards.

i. An aerator shall be turned off from December 1 through April 15.

ii. An aerator shall be located so that the bubble trail from the aerator reaches the shoreline.

g. **Non-Plastic Liner.** If lined, the pond liner shall not include plastic material.

h. Pond Side Slopes

i. **15 Foot Shoreline Transition.** The slope from the shoreline to upland areas shall be no steeper than 5 (horizontal) : 1 (vertical) for at least 15 feet from the ordinary high water mark toward the upland area.

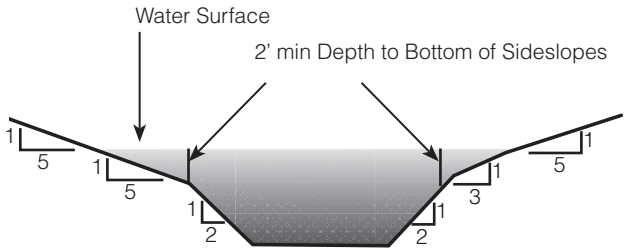
ii. **First 2 Feet of Pond Depth.** Side slopes into the pond necessary to reach a depth of 2 feet shall be designed and maintained to the following standards.

a). At least 50% of the shoreline length of the pond and any island shall have side slopes that are no steeper than 5:1.

b). All other side slopes shall be no steeper than 3:1.

c). Side slopes shall receive a minimum of 6 inches of topsoil.

iii. **Deeper Than 2 Feet.** At a depth of greater than 2 feet, side slopes shall be no steeper than 2:1.



iv. **Supplemental Water Supply.** A supplemental water supply, e.g., water from the Snake River or any other watercourse and conveyed irrigation ditches, shall be developed, if necessary, to stabilize water levels and prevent steeper grades from becoming exposed.

i. **Habitat Pond.** In addition to the standards above, a habitat pond shall meet the following standards.

i. **NRO and EA Apply.** A habitat pond located in the NRO shall be subject to the standards of Sec. 5.2.1. and Sec. 8.2.2., regardless of zone.

ii. **Shallows.** Sufficient shallows to allow the pond to effectively function as wildlife habitat shall be provided. The design shall be reviewed, at the applicant's expense, by a wildlife biologist to ensure that shallows are designed to provide safe and functional wildlife habitat, including but not limited to the following goals:

a). Ensuring safe ungulate ingress and egress

b). Planting of the aquatic bench with vegetation preferred by native waterfowl, fish, ungulates, amphibians and reptiles.

5. **Ornamental Water Feature.** In addition to the standards applicable to all manmade waterbodies, an ornamental water feature shall meet all of the following standards.

a. The entire feature shall be within 50 feet of a building on the site.

b. The feature shall be a maximum of 2 feet deep.

c. The area of the feature shall be a maximum of 1,000 square feet

d. The feature shall be lined.

e. The feature shall not outfall into a river, stream, or ditch.

f. If installed in a feature, an aerator shall be turned off from December 1 through April 15.

g. The area of the feature shall be considered site development unless the feature is used to harvest rainwater for reuse on site as irrigation.

D. Manmade Landforms

1. **Intent.** Manmade landforms are used to screen a structure, absorb sound, or reuse excavated material on site. The intent of this subsection is to establish standards to ensure that manmade landforms do not negatively impact wildlife, appear to be naturally occurring, are consistent with surrounding features. It is the intent that compliance with this subsection constitutes conformance to general natural landforms (Section 5.7.2.A.4) and minimization of cut and fill (Section 5.7.2.A.9).

2. **Berm.** A berm that is 4 feet in height or greater shall meet the following standards.

a. Location

i. A berm shall meet all natural resource setbacks.

ii. A berm shall meet side and rear site development setbacks for the site (however, a berm shall not be considered site development).

iii. A berm shall have a street setback of 5 feet for a road classified by the County Engineer as major local or greater.

b. Outward Slope. The ends of the berm and side of the berm facing out of the property shall meet the following standards.

i. SRO. Inside the SRO a berm shall have an outward slope no steeper than 20:1.

ii. Outside the SRO

a). A berm ~~in the side or rear yard~~ facing a side or rear lot line shall have an outward slope no steeper than 5 (horizontal) : 1 (vertical) slope.

b). A berm ~~in the street yard~~ facing a front lot line shall have an outward slope no steeper than 2 (horizontal) : 1 (vertical) slope.

c. Maximum Height. The maximum height of a berm at any point, as measured from the nearest point of natural grade to the top of the crown of the berm~~to the nearest point of the low-side toe~~, shall be 6 feet; except that the following berms shall not exceed 10 feet.

i. A berm in the street yard; or

ii. A berm in the R-1, R-2, or R-TC zones.

d. Undulation. Berms shall be shaped to emulate natural undulation in terrain rather than appear monolithic, pyramidal, or extruded. In addition, a berm facing a side or rear lot line shall meet the following standards.

i. The berm height shall not exceed 4 feet for a continuous berm facade width of greater than 100 feet.

ii. If the overall berm facade width exceeds 100 feet, at least 25% of the berm facade width shall have a height no greater than 4 feet.

e. Vegetation. A berm shall be vegetated pursuant to Section 5.5.4.B.

f. Fencing. Fencing is prohibited on a berm.

g. NRO and EA Apply. A berm located in the NRO shall be subject to the standards of Sec. 5.2.1. and Sec. 8.2.2., regardless of zone.

h. Exemptions

i. Site development setbacks and outward slope standards shall not apply upon mutual application by adjacent land owners.

ii. This Section shall not apply to temporary stockpiles.

Div. 5.2. Environmental Standards Applicable in Specific Areas

The purpose of this Division is to maintain healthy populations of native species by protecting crucial habitats and avoiding bear conflicts. Wildlife and natural resources are an essential component of the character of the community.

5.2.1. Natural Resources Overlay (NRO) Standards (AMD2019-0006) ~~(8/7/18)~~

A. Purpose of the NRO

The purpose of the Natural Resources Overlay (NRO) is to provide protection to the most important and sensitive natural areas throughout the Town and County that provide critical winter habitat and migration routes that are essential for survival of the elk, mule deer, moose, and trumpeter swans; nesting habitat that is essential to the survival of the bald eagle and trumpeter swan; spawning areas that are essential to the survival of the cutthroat trout; and the natural resources and bio-diversity that support wildlife populations. This is done through the establishment of the NRO, which protects these areas through standards, mitigation, and habitat enhancement.

B. Establishment of the NRO

There is hereby established the Natural Resources Overlay (NRO), which, in areas where it applies, shall overlay all zones established by these LDRs.

1. **Included within the NRO.** Included within the NRO are:

    a. the migration routes and crucial winter ranges of elk;

    b. the migration routes and crucial winter ranges of mule deer;

    c. the crucial winter habitat of moose;

    d. the nesting areas and winter habitat of trumpeter swans;

    e. the spawning areas of cutthroat trout; and

    f. the nesting areas and crucial winter habitat of bald eagles.

2. **Map of the NRO / Site Specific Analysis Is Required.** The NRO shown on the Official Zoning Map identifies, on a general scale, the locations of those areas protected by the NRO. Its purpose is to place a landowner on notice that land may be within the NRO and to assist in the general administration of this Section. A site-specific analysis of whether land is included within the NRO is required pursuant to Sec. 8.2.2.

3. **NRO Definitions.** The following definitions shall apply in the NRO.

a. Crucial Elk Migration Routes. Crucial elk migration routes are the migration routes used by elk 8 out of every 10 years to migrate from summer ranges to winter ranges. Elk migration occurs over a few days or may span several weeks, depending upon the weather and other factors.

b. Crucial Elk Winter Range. Crucial elk winter range generally consists of xeric and mesic sagebrush-grasslands, mixed shrub, mesic and xeric open grassland, and certain agricultural meadow types, that are used during winter months by elk 8 out of every 10 years. Crucial winter ranges are essential to the survival of these animals during the critical periods of winter. Elk find food and/or cover on these sites during the most inclement and difficult winter weather conditions because of their physiographic and vegetative characteristics.

c. Crucial Mule Deer Migration Routes. Crucial mule deer migration routes are used by mule deer 8 out of every 10 years to migrate from summer ranges to winter ranges. Generally, mule deer migration routes remain constant over a general area, if there is no significant human disturbance. Although specific mule deer migration routes are less common than elk migration routes, a few very important routes have been identified as crucial to Teton County mule deer.

d. Crucial Mule Deer Winter Range. Crucial mule deer winter range generally consists of xeric and mesic sagebrush-grasslands and mixed shrub types which are used during the crucial winter months by the mule deer 8 out of every 10 years. This crucial winter range is limited and occurs at low elevations where shrub scrub-grassland habitat types are located. Crucial winter range is essential to the survival of mule deer. Mule deer find food and/or cover on those sites during the most inclement and difficult winter weather conditions because of their physiographic and vegetative characteristics.

e. Crucial Moose Winter Habitat. Crucial moose winter habitat includes primarily palustrine-shrub willow and cottonwood, palustrine-forested cottonwood, highly mesic forest-cottonwood, and cottonwood/spruce, upland forest-subalpine fir habitat types, and secondarily xeric and mesic sagebrush-grasslands and mixed shrub types. These habitat types are used by moose during winter 8 out of every 10 years. Crucial winter habitat is essential to the survival of the moose. Moose find food and/or cover in these areas during the most inclement and difficult weather conditions because of their physiographic and vegetative characteristics.

f. Trumpeter Swan Nest. Trumpeter swan nest is a nest created by a trumpeter swan for the purpose of procreation and are generally found on islands or in extensive stands of emergent vegetation. The same nest site is often used repeatedly by a swan pair unless disturbance or other factors cause abandonment. A trumpeter swan nest is active when eggs have been laid in it or when a trumpeter swan is attempting to lay eggs in it. For the purposes of these LDRs, a known trumpeter swan nest shall be an active trumpeter swan nest. Important attributes of trumpeter swan nesting areas

include: proximity to feeding areas which have early ice-off and provide sufficient food for pre-nesting swan pairs; proximity to suitable nest building materials; availability and dispersion of feeding areas for cygnets 1-40 days old; and juxtaposition and interspersion of emergent vegetative cover relative to feeding areas (for concealment, escape, and as a buffer to human disturbance).

g. Trumpeter Swan Winter Habitat. Trumpeter swan winter habitat generally consists of water areas of palustrine-aquatic bed and unconsolidated shore and bottoms, with soft, sub-surface substrates of greater than 2 inches in depth, winter water depths of less than 4.3 feet, watercourse channels of 50 feet or more, and banks with little or no shrubbery or tree cover and gradual slopes. These habitats attract trumpeter swans 8 out of every 10 years. Trumpeter swan winter habitat is essential to their survival during critical winter periods. Trumpeter swans find food and/or cover in these areas during the most inclement and difficult winter weather conditions due to their hydrologic and vegetative characteristics.

h. Cutthroat Trout Spawning Areas. Cutthroat trout spawning areas generally occur in well-oxygenated waters within palustrine and upper perennial-unconsolidated shore and bottom habitat types. Preference is for cold, well-oxygenated, gravel-bottomed watercourses. Cutthroat trout build redds (gravel nests) to lay, incubate, and hatch their eggs in these areas. Redds are generally constructed in gravel substrate and range in size from 0.5 - 2.5 inches in diameter.

i. Bald Eagle Nesting Areas. Bald eagle nesting areas generally occur in uneven-aged, multi-storied stands of trees with old-growth attributes, where there are trees suitable for perching. These stands of trees are often located near waterbodies and watercourses which provide foraging opportunities. Nests are generally in one of the largest trees in the stand and in most instances are located so that the bald eagle is provided an unobstructed view of the surrounding area. Bald eagles frequently construct alternate nests within a breeding territory and may use these for nesting during other years. In the Teton County area, bald eagles select nest sites which provide maximum foraging opportunity. Generally, bald eagles return annually to nest in the same area. This is the result of a unique combination of environmental factors that make a specific nesting habitat best suited for reproduction.

j. Bald Eagle Crucial Winter Habitat. Bald eagle crucial winter habitat consists of the bald eagle nesting area, defined as the nest tree and its associated buffer and bald eagle perch and roost sites along the Snake River corridor.

k. Bald Eagle Nest. A bald eagle nest is a nest created by a bald eagle for the purpose of procreation. A pair of bald eagles may have more than one nest within its nesting territory. There are three types of bald eagle nests. An occupied nest is one in which evidence (such as fresh nest material, droppings, feathers, or prey remains in or below the nest, or the birds themselves) indicates that a pair of eagles is present. An active nest is an

occupied nest in which eggs have been laid or young eagles are present, indicating that the mated pair are actively attempting to produce young. An inactive nest is one which occurs within the nesting territory but shows no evidence of occupation. For the purpose of these LDRs, a bald eagle nest is either an occupied nest, an active nest, or an inactive nest.

C. Findings for the NRO

1. General. Teton County is internationally known for the abundant wildlife that results from the County's location in the Greater Yellowstone Ecosystem and its proximity to Grand Teton National Park, Yellowstone National Park, and the Bridger-Teton National Forest. Although all wildlife species are important, premier species with significant biological, ecological, economic, educational and aesthetic values to Teton County include elk, mule deer, moose, bald eagles, trumpeter swans, and cutthroat trout. These species and their respective habitats must be protected in order to assure their continued survival in Teton County.

2. Elk

   a. General. The elk, or "wapiti," is a large ungulate and a member of the deer family. Teton County supports one of the largest elk herds in North America (approximately 15,000 animals) and the presence of these animals attracts visitors from all over the world. A variety of consumptive and non-consumptive human activities center around the presence of elk in Teton County.

   b. Elk Migrate between Summer Range and Winter Range. Elk are known as grazers and rely primarily on grasses and some shrubs for forage. Because of their diet and the climate in Teton County, elk are migratory animals, moving between summer ranges and winter habitat.

   c. Summer Range. Elk summer ranges are extensive and occur primarily within the mountains around Teton County.

   d. Migration Required in Winter. When heavy snow accumulation occurs in the mountains, food availability is reduced within the elk's summer range, and they are forced to migrate to low elevation winter range. Migration from summer ranges to winter ranges occur over a few days or may span several weeks, depending upon the weather.

   e. Migration Routes Essential to Survival. Generally, elk migration routes remain spatially constant without human disturbance and those in Teton County that have not been significantly impacted by development or hunting pressures continue to be used by elk. These migration routes are essential to the elk's survival, because without them elk cannot migrate to their winter ranges.

   f. Crucial Winter Ranges Essential to Survival. Elk winter range is classified as either crucial or non-crucial. Crucial elk winter ranges generally consist of xeric and mesic sagebrush-grasslands, mixed shrub, mesic and xeric

open grassland, and certain agricultural meadow types that are used by the elk 8 out of every 10 years during winter months. Crucial winter ranges are essential to the survival of these animals. During the most inclement and difficult winter weather conditions elk find food and/or cover on these sites because of their physiographic and vegetative characteristics.

g. National Elk Refuge State-Operated Feedgrounds Provide Some Crucial Winter Range. A major portion of the Teton County elk herd winters on the National Elk Refuge (NER) and state-operated feedgrounds and these areas represent a portion of the crucial winter range available to elk. Because of the pressures the elk population is placing on these limited land areas, artificial feeding is necessary on all feedgrounds. Artificial feeding programs are not a perfect solution to providing crucial winter range to the elk; in fact, feedgrounds are believed to perpetuate the disease, brucellosis, which reduces the reproductive potential of this species.

h. Native Crucial Winter Ranges. In addition to the NER and state-operated feedgrounds there are native crucial elk winter ranges in Teton County. These naturally occurring winter ranges are also vitally important in maintaining the elk population in Teton County.

i. Essential to Protect Crucial Winter Range. In order to sustain elk populations at current levels, it is essential that all crucial elk winter ranges be maintained and protected; without their protection, elk could not survive the typically harsh winters common to Teton County.

3. Mule Deer

a. General. The mule deer is another large ungulate species native to Teton County. Teton County supports a relatively small population of mule deer in comparison to elk, but these animals are particularly obvious during the winter and are enjoyed by many valley residents and visitors.

b. Mule Deer Migrate between Summer and Fall Habitat to Crucial Winter Range. Mule deer are known as browsers, and rely on a variety of shrub and scrub trees for forage. Because of their diet, and the climate in Teton County and the Greater Yellowstone Ecosystem, mule deer are migratory animals, moving from summer and fall habitat to low elevation winter range. Mule deer winter ranges are classified as either crucial or non-crucial.

c. Summer Range. Mule deer summer range is widely distributed throughout Teton County in both lowland and upland areas, but primarily occurs on public lands in the mountains which surround the valley.

d. Migration to Winter Range. Heavy snow accumulation on summer ranges reduces food availability and forces mule deer to migrate to low elevation winter range. Non-crucial winter ranges are used first by mule deer until environmental conditions cause deer to move to crucial winter range.

e. Migration Routes Essential to Survival. Although mule deer rely less on traditionally used migration routes than elk, they do use the same general route while moving to and from winter ranges and between crucial and non-crucial winter ranges. These “movement corridors,” which allow unencumbered access to both crucial and non-crucial winter range, are essential to the survival of Teton County mule deer and are classified as crucial migration routes.

f. Crucial Winter Range Essential to Survival. Crucial mule deer winter range is limited and occurs at low elevations where shrub scrub-grassland habitat types are located. Crucial mule deer winter range generally consists of xeric and mesic sagebrush-grasslands and mixed shrub types that mule deer use during the crucial winter months 8 out of every 10 years. Crucial winter range is essential to the survival of these animals. Mule deer find food and/or cover on these sites during the most inclement and difficult winter weather conditions because of their physiographic and vegetative characteristics.

g. Location of Crucial Winter Range. Primary crucial winter range for mule deer in Teton County is generally confined to five areas: (1) the Gros Ventre Buttes (East and West); (2) the west slopes along WY Highway 26, 89, 189 above and to the east of South Park; (3) the Hoback Canyon; (4) the Snake River Canyon; and (5) Miller Butte and the slopes east and west of the National Elk Refuge. In addition, some mule deer are known to irregularly winter within the Snake River riparian zone, depending on the severity of the winter and/or the availability of artificial foods intentionally or unintentionally provided by humans.

h. Essential to Protect Crucial Winter Range. It is essential that crucial mule deer winter ranges be maintained and protected, because without it, mule deer could not survive the harsh, energy-demanding winters of Teton County.

4. Moose

a. General. The shiras moose is an ungulate and the largest member of the deer family. Estimates suggest that the moose population in Teton County may number as many as 2,300 animals.

b. Widely Distributed in Teton County During Summer. Moose are known as browsers and rely on a variety of woody plant species for forage. Since their arrival, the moose population has inhabited Teton County on a year-round basis. During summer months, moose are widely distributed in Teton County and exploit a wide range of habitat types found at both low and high elevations.

c. Winter Reduces Food Availability on High Elevation Summer Habitats. As winter approaches, heavy snow accumulation in high elevation summer range severely reduces food availability, forcing nearly all moose to move

to lower elevation winter range. During winter, the Teton County moose population is confined primarily to riparian areas within the valley, low elevation sub-alpine fir forests, and some shrub-land habitat types.

d. Crucial Winter Habitat Essential to Survival. Moose winter habitat is classified as either crucial or non-crucial. The crucial winter habitat includes primarily palustrine-shrub willow and cottonwood, palustrine-forested cottonwood, highly mesic forest-cottonwood and cottonwood/spruce, upland forest-subalpine fir habitat types, and secondarily xeric and mesic sagebrush-grasslands and mixed shrub types. Moose use these crucial winter habitats 8 out of every 10 years during winter months and these habitats are essential to their survival. Moose find food and/or cover in these areas during the most inclement and difficult weather conditions because of their physiographic and vegetative characteristics.

e. Essential to Protect Crucial Winter Habitat. In order to maintain the Teton County moose population at current levels, it is essential that crucial winter habitat be protected; without it, moose could not survive the harsh Teton County winters.

5. Trumpeter Swans

a. General. The trumpeter swan is the largest species of waterfowl in the world. Its pure white coloration makes it a truly striking bird to observe whether in flight or on the water.

b. Species Close to Extinction in Early 1900's. The historic commercial swan skin trade, sport hunting, and habitat loss nearly drove the trumpeter swan to extinction in the early 1900's. Although a few remnant populations persisted, including one in the Greater Yellowstone Ecosystem (of which Teton County is a part), the large-scale slaughter of these birds resulted in the disruption of traditional migration patterns.

c. Federal and State Recognition. Due to their low reproductive potential and continued threats to nesting and winter habitat, trumpeter swans are a Threatened Species under the Federal Endangered Species Act. The Wyoming Game and Fish Department presently classifies trumpeter swans as a "Priority 1 non-game management species," a designation given to species which are vulnerable to extirpation or significant population declines in Wyoming. Recent estimates indicate that less than 10,000 trumpeter swans reside in North America.

d. Teton County Part of Largest Breeding Area in Contiguous U.S. The Greater Yellowstone Ecosystem is home for the Tri-state subpopulation of trumpeter swans. It is the largest breeding area for trumpeter swans in the lower 48 states. Teton County is part of this Tri-state area (which includes Wyoming, Montana, and Idaho).

e. Present Population in Teton County. The present trumpeter swan flock found wintering in the Teton County area totals approximately 215 birds.

f. Population Breeds and Winters in Teton County. In spite of the harsh winter conditions, trumpeter swans which breed in Teton County also winter here, apparently because they have lost the knowledge of traditional migration routes to more hospitable wintering areas.

g. Viable Maintenance Requires Protection of Nesting Areas and Winter Habitat. Protection of nesting areas and winter habitat is critical to the viable maintenance of the trumpeter swan population.

h. Breeding Territories in Teton County. Thirty-one breeding territories have been identified in Teton County, but not all of these territories are used every year. In fact, the Teton County breeding pairs constitute the largest number of nesting pairs documented in the Greater Yellowstone Ecosystem since detailed records were first kept in 1981.

i. Nesting Area Most Critical to Breeding. The most critical portion of the breeding territory to the trumpeter swan is the nesting area.

j. Nesting Areas. Generally, trumpeter swans build their nests on islands or in extensive stands of emergent vegetation. The same nest site is often used repeatedly by a swan pair unless disturbance or other factors cause abandonment. Important attributes of trumpeter swan nesting areas include: proximity to feeding areas which have early ice-off and provide sufficient food for pre-nesting swan pairs; proximity to suitable nest building materials; availability and dispersion of feeding areas for cygnets 1-40 days old; and juxtaposition and interspersion of emergent vegetative cover relative to feeding areas (for concealment, escape, and as a buffer to human disturbance).

k. Essential to Protect Nest Areas. For the viable maintenance of the trumpeter swan population, it is essential that the trumpeter swan nesting areas be protected, because without its maintenance the trumpeter swan would not be able to procreate and survive.

l. Winter Swan Habitat. Because the trumpeter swan does not migrate from Teton County during winter, as waterfowl normally do, maintenance of its winter habitat is also crucial to its survival. Trumpeter swans, like other waterfowl species, require rooted aquatic vegetation for food. This vegetation grows in soft sediment along shallow stream and creek bottoms and in shallow ponds and lakes. During winter, not all aquatic features are available to trumpeter swans due to surface freezing. This limits the amount of winter habitat available to trumpeter swans. This, in combination with competition for food with other swans and waterfowl species, makes winter a very critical time for trumpeter swans.

m. Trumpeter Swan Winter Habitat. Trumpeter swan winter habitat generally consists of water areas of palustrine-aquatic bed and unconsolidated shore and bottoms, with soft, sub-surface substrates of greater than 2 inches in depth, winter water depths of less than 4.3 feet, watercourse channels of 50 feet or more, banks with little or no shrubbery or tree cover and gradual slopes, which trumpeter swans use during the crucial winter months 8 out

of every 10 years. Trumpeter swan winter habitat is essential to the survival of the animal during the critical periods of winter because the swan finds food and/ or cover in these areas during the most inclement and difficult winter weather conditions due to the habitat their hydrologic and vegetative characteristics.

n. Essential to Protect Trumpeter Swan Winter Habitat. For the viable maintenance of the trumpeter swan population, it is essential that the trumpeter swan winter habitat be maintained and protected, because without its maintenance the trumpeter swan would not survive the critical periods of winter.

6. Cutthroat Trout

a. General. The Snake River fine-spotted cutthroat trout (hereinafter "cutthroat trout") is indigenous to Teton County. It only inhabits the upper reaches of the Snake River in Wyoming and extreme eastern Idaho, Jackson Lake, and the Palisades Reservoir.

b. Economic Importance. The cutthroat trout is a sport fish which attracts many fishermen to Teton County. Without a healthy cutthroat trout population, the County would lose significant tourist dollars.

c. Development Has Affected Trout. In earlier times, it was relatively easy to maintain a strong and viable population of cutthroat trout because suitable spawning and nursery habitat could be found in most of the valley's spring-creeks. Today, however, this is not the case because of the construction and maintenance of flood control levees along the Snake River, and concomitant water quality impacts caused by ranching, irrigation, and other agricultural practices have degraded this spawning habitat.

d. Cutthroat Trout Spawning Area Limited. Today, cutthroat trout spawning in Teton County is confined to small sections of a few spring-fed creeks flowing into the Snake River.

e. Cutthroat Trout Spawning Areas. The cutthroat trout spawning sites generally fall within areas of palustrine-unconsolidated shore and bottoms and upper perennial-unconsolidated shore and bottoms. Preference is for cold, well-oxygenated, gravel-bottomed watercourses. In these areas, cutthroat trout build redds (gravel nests) to lay, incubate, and hatch their eggs. Redds are generally constructed in gravel substrate which ranges in size from 0.5 - 2.5 inches in diameter.

f. Spawning, Hatching, and Nursery. Cutthroat trout typically enter spring-creeks between March and April with the spawning occurring between March and June, depending upon the location. Fry emerge throughout late spring and early summer, and reside in the creeks throughout their first year.

g. Essential Spawning Area Be Protected. It is critical that these spawning areas be protected in order to maintain a viable population of cutthroat trout.

7. Bald Eagle

a. General. The bald eagle is part of a group of "fish eagles" distributed throughout the world. The contrasting black, white, and yellow coloration of this raptor is visually striking. An Act of Congress in 1782 officially adopted the bald eagle as the symbol of the United States, representing freedom, strength, and beauty. Although individual eagles are truly powerful and impressive birds, the species as a whole is very sensitive and susceptible to disturbance.

b. Federal Recognition. Once listed as a federally endangered species, bald eagle populations have rebounded from the brink of extinction. Although populations have steadied, the federal government continues to protect the bald eagle under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act.

c. Bald Eagle Population in GYE Is One of Most Important. The bald eagle population residing in the Greater Yellowstone Ecosystem (of which Teton County is a part) is one of the most important bald eagle breeding populations in the United States.

d. Survival of Bald Eagles. The survival of bald eagles depends, in part, on the availability of suitable habitat, the abundance of food, and reproductive success (which is closely linked to the availability of forage and the lack of disturbance).

e. Important to Protect Bald Eagle Nesting Areas. Because bald eagles are sensitive to human development and activity, especially during time of breeding and nesting, it is essential to protect bald eagle nesting areas to ensure the animal's survival.

f. Bald Eagle Nest Area. Generally, bald eagle nesting areas occur in uneven-aged, multi-storied stands of trees with old-growth attributes, where there are trees suitable for perching. These stands of trees are generally located near watercourses and waterbodies which provide foraging opportunities. Nests are generally in one of the largest trees in a given stand and, in most instances, are located so that the bird is provided an unobstructed view of the surrounding area. Bald eagles frequently construct alternate nests within a breeding territory and may use these for nesting during other years. In the Teton County area, bald eagles select nest sites which provide maximum foraging opportunity. Generally, bald eagles return annually to nest in the same area. This is the result of a unique combination of environmental factors that make a specific nest area best suited for reproduction.

g. Crucial Nesting Habitat Essential to Survival. The Snake River floodplain between Moose and Palisades Reservoir and its associated riparian zone represents crucial nesting habitat for the bald eagle. It is crucial to the survival of bald eagles in Teton County that this habitat be protected from

the impacts of development. The loss of this habitat would profoundly impact and detrimentally modify the behavior patterns of bald eagles, including their feeding, breeding, and reproductive capabilities.

h. **Spring, Summer, and Fall Habitat Occurs in Riparian Areas.** During spring, summer, and fall, bald eagles forage primarily in riparian areas for fish, waterfowl, and other prey items.

i. **Winter Habitat Is Important.** During winter, heavy snow accumulation and freezing water surfaces reduces the availability of spring, summer, and fall habitat. At these times, bald eagles forage on wild ungulate and livestock carrion, supplemented by fish and waterfowl carcasses. Ungulate carrion is readily available but sparsely distributed on ungulate winter ranges, meaning that in addition to its nesting habitat, the crucial ungulate winter ranges also become critical to the bald eagle's survival.

j. **Additional Crucial Winter Habitat Essential to Survival.** It is vital that bald eagle crucial winter habitat be protected to ensure the survival of this species in Teton County.

D. Applicability of NRO Standards

In addition to all other standards required by these LDRs, all physical development, use, development options and subdivision within the NRO shall comply with all standards of this Section, unless exempted below. Demonstration of compliance with the standards of this Section shall come from a qualified professional, even if an EA is exempt.

1. **Alterations and Additions.** Structural alterations and additions to existing structures shall be exempt from the standards of this Section.

2. **NC-TC Zoned Lands.** All physical development, use, and development options, except new subdivisions, habitat ponds, and berms, within the NC-TC zone, or within the R-1, R-2 or R-3 zones on land zoned NC-TC on March 31, 2016, shall be exempt from the standards of this Section, except that G.4., G.6., and Sec. 5.1.2. shall apply.

3. **Agricultural Operations.** Agricultural operations and uses meeting the standards for exemption outlined in Section 6.1.3.B. shall be exempt from the standards of this Section.

4. **Land in Conservation Easement.** Land protected by a conservation easement where proposed development density is equal to or less than one house per 70 acres ~~or less~~ and the total acreage subject to the easement is 320 acres or more, shall be exempt from the standards of this Section, except that G.4. and G.6. shall apply.

E. Impacting the NRO

The base site area shall not be reduced because a portion of the lot of record is in the NRO. When conflicts exist between the NRO and SRO, the standards of this Section shall have priority and be achieved to the maximum extent

~~practical~~practicable. The requirements of Sec. 5.3.2. shall receive second priority. Where densities/intensities permitted cannot be achieved by locating development outside of the NRO, then lands protected by the NRO may be impacted pursuant to the standards of this Subsection.

1. **Minimizes Wildlife Impact.** The location of the proposed development shall minimize impacts on the areas protected (e.g., crucial migration routes, crucial winter range, nesting areas). For the purposes of this standard, "minimize" is defined as locating development to avoid higher quality habitats or vegetative cover types for lesser quality habitats or vegetative cover types. Only when avoidance is not practicable due to significant topographical constraints related to the property, may higher quality habitats or vegetative cover types be impacted.

2. **Habitat Enhancement.** The developer provides mitigation and habitat enhancement for the land impacted, either on-site or off-site, on a basis of 2 acres of mitigation/habitat enhancement for every one acre of land impact.

    a. **Methods.** The method of providing the mitigation/habitat enhancement shall be, in order of priority:

        i. **On-Site, In-Kind.** Replacement of the naturally occurring habitats or vegetative cover types impacted by the proposed development on site, in an area of existing lesser quality or degraded habitat or vegetative cover type, shall be the preferred method.

        ii. **On-Site, Out-of-Kind.** If the developer can demonstrate that it is not practical to create the habitats or vegetative cover types impacted, then creation of habitats or vegetative cover types other than what is impacted shall be allowed on site if the applicant can demonstrate that greater environmental benefits would be provided. Creation of a higher-ranking cover type, as listed in F.4.a. may be one of several acceptable methods of demonstrating greater environmental benefit.

        iii. **Off-Site, In-Kind, Private Land.** Off site mitigation/habitat enhancement shall be allowed if on-site conditions do not favor successful establishment of the required habitats or vegetative cover types (improper soil conditions, hydrology, etc), or if the habitats or vegetative cover types created would be isolated or impaired by the effects of neighboring development. All off-site mitigation/habitat enhancement efforts shall be located as close to the impacted site as practicable while still replacing lost habitat functions. In addition, off-site mitigation/habitat enhancement efforts proposed under this option shall be located on private land encumbered by a conservation easement to ensure that the created habitats or vegetative cover types are not converted into developed areas in the future. If the proposed mitigation/habitat enhancement site is not currently encumbered by a conservation easement, a new conservation easement, that meets the standards of Sec. 7.3.5., Record of Conservation Area Restriction, and which is acceptable to an organization qualified to hold and enforce conservation easements, would meet this requirement. If off-

site mitigation/habitat enhancement is proposed, the applicant shall be responsible for obtaining written agreement from the owner of the proposed off-site property to allow the proposed mitigation/habitat enhancement efforts to occur.

iv. Off-Site, Out-of-Kind, Private Land. The same criteria outlined in for off-site, in-kind, private land shall apply, with the addition that the creation of habitats or vegetative cover types other than what is impacted shall be allowed off-site if the applicant can demonstrate that greater environmental benefits would be provided. Creation of a higher-ranking cover type, as listed in F.4.a. may be one of several acceptable methods of demonstrating greater environmental benefit.

b. Habitat Enhancement Plan. The applicant shall propose how they will satisfy these mitigation/habitat requirements by submitting a Habitat Enhancement Plan. The Habitat Enhancement Plan shall be prepared by a qualified wildlife biologist or landscape architect registered in the state of Wyoming and shall be submitted for review and approval concurrently with the physical development, use, development option, or subdivision application. Additional permits, such as Grading and Erosion Control or Temporary Gravel Extraction permits, may be required prior to implementation of the Habitat Enhancement Plan. The Habitat Enhancement Plan shall contain, at minimum, the following information:

i. Goals and Objectives. A specific list of the project goals and objectives, including the type and amount of habitat or vegetative cover types impacted, and the type and amount of habitat or vegetative cover types to be created. Quantifiable target conditions for created habitats or vegetative cover types (such as a percent survival rate, seedlings per acre, or percent coverage) shall be included.

ii. Methods. Description and justification of the selected method for providing mitigation/habitat enhancement.

iii. Maps. Maps of the existing and final site conditions of the habitat areas or vegetative cover types to be impacted as well as the existing and final site conditions of the habitat areas or vegetative cover types to be created.

iv. Maintenance Plan. Description of the proposed maintenance plan to ensure the successful establishment and growth of created habitats or vegetative cover types. This shall include a discussion of proposed remediation measures that will be employed if the created habitats or vegetative cover types are not growing or establishing successfully.

v. Weed Control Plan. Description of how noxious weeds will be controlled in created habitats or vegetative cover types.

vi. Monitoring Plan. The monitoring program shall consist of a qualified landowner representative conducting a site visit once annually until agreed upon project goals are met following development plan approval for the project to verify that the enhanced habitat is serving,

or will serve in a reasonable amount of time, its required biological purpose. If the representative determines that the mitigation/habitat enhancement is not achieving agreed upon mitigation/habitat enhancement objectives, the property owner shall pay the full costs for bringing the mitigated habitat or vegetative cover type into compliance.

vii. **Surety.** The applicant shall provide a bond or other financial surety to the County pursuant to Sec. 8.2.11. for required mitigation/habitat enhancement. Prior to the release of the surety, or any portion thereof, the applicant shall be required to provide, a written status report, documenting the current conditions of the created habitat efforts, to the Planning Department.

F. Vegetative Cover Type Standards

1. **Purpose.** The purpose of these standards is to establish a mechanism for protecting vegetative cover types. Vegetative cover types are divided into several subcategories and shall be protected according to their importance to wildlife and its survival.

2. **Findings.** Vegetative cover types are essential in maintaining a variety of vegetation within the community, which protects the community's character and viability as a functioning part of the Greater Yellowstone Ecosystem.

3. Resource Definitions

   a. **Mesic Cover Types.** Mesic cover types are generally moist, productive sites at lower elevations but do not include wetland communities or habitats which are treated as a separate category, pursuant to Sec. 5.1.1. The following are categories of mesic habitats:

      i. Deciduous Forest

         a). **Aspen.** Two categories are defined.

            1). **Mature.** Stand composition comprised of a dominant tree strata (greater than or equal to 25% canopy coverage) consisting of Aspen greater than 20 feet in height and with less than 10% Conifer or Narrowleaf Cottonwood species comprising the dominant strata of the canopy.

            2). **Immature.** Similar to Mature Aspen, but with the dominant strata comprised of Aspen less than 20 feet in height.

         b). **Narrowleaf Cottonwood.** Three categories of Cottonwood forest are defined.

            1). **Mature.** Stand composition consisting of a dominant tree strata (greater than or equal 25% canopy coverage) comprised of Cottonwood greater than 40 feet in height with less than 10% of the canopy coverage in the dominant strata consisting of other tree species.

2). **Medium.** Similar to Mature Narrowleaf Cottonwood, but with the dominant strata comprised of Cottonwood trees 20 - 40 feet in height.

3). **Immature.** Similar to Mature Narrowleaf Cottonwood, but with the dominant strata comprised of Cottonwood trees less than 20 feet in height.

ii. Mixed Species Forest

a). **Cottonwood/spruce.** Forest where the dominant strata (greater than or equal to 25% canopy coverage) consists of mixture of Cottonwood and Spruce; or where the forest is dominated by Cottonwoods and supports an understory or codominant strata of 10% canopy coverage of spruce of varying age classes.

b). **Other Mixed Forest.** Forest where the dominant strata (greater than or equal to 25% canopy coverage) consists of mixed species composition with two or more of the above species (i.e., Cottonwood, Aspen, and Conifer) each comprise greater than or equal to 10% of the canopy cover.

iii. **Coniferous Forest.** Forest in which the dominant strata is comprised of 25% or more of coniferous species and which does not meet the definition for any other forest cover type.

iv. Other Mesic Types

a). **Tall Forb.** Dominant vegetation (greater than or equal to 25% canopy coverage) consisting of tall forbs (e.g., Senecio, Mertensia, Heracleum, Anqelica) with trees and/or shrubs consisting of less than 10% canopy coverage.

b). **Tall Shrub.** Dominant vegetation (greater than or equal to 25% canopy coverage) consisting of tall shrubs of varying species composition such as, Prunus, Amelanchier, Crataegus, and Salix.

b. **Nonmesic Cover Types.** These are generally upland, higher elevation, lower productivity, cold-xeric habitats that occur on other than Mesic or wetland sites.

i. Deciduous Forest

a). **Aspen.** Aspen stands, as defined above, which occur on other than Mesic or wetland sites. Two categories are defined.

1). **Mature.** The dominant aspen strata is greater than or equal to 20 feet in height.

2). **Immature.** The dominant aspen strata is less than 20 feet in height. This does not include wind and ice-blasted deformed and dwarfed stands which are included under the category of Scrub in this Section.

ii. Coniferous Forest. Four cover types are defined.

a). Lodgepole Pine. Stands where Lodgepole Pine dominate (greater than or equal to 25% canopy coverage) the upper-most tree strata, in some cases to the exclusion of other species; or in mixed species stands where individually, other tree species accounts for less than 25% of the total canopy coverage in the dominant strata.

b). Subalpine Fir/Spruce. Stands where Subalpine Fir or spruce dominate (greater than or equal to 25% canopy coverage) the upper-most tree strata, in some cases to the exclusion of other species; or in mixed species stands (e.g., Lodgepole Pine, Douglas Fir, and Aspen) where individually, other tree species account for less than 25% of the total canopy coverage in the dominant strata.

c). Douglas Fir. Douglas Fir may occur in nearly pure stands of old growth or in mixed young to intermediate-age stands where Aspen, Lodgepole Pine, or other species may also be present. In the mixed stands, Douglas Fir comprise greater than or equal to 25% of the canopy coverage and the total individual coverage of Aspen, Lodgepole Pine, or other species is less than or equal to 25% of the canopy.

d). Limber Pine/Juniper. Limber Pine and/or Juniper generally occur in open, nearly pure stands. Some minor amounts of Douglas Fir or Aspen may also be present. Limber Pine and/or Juniper may occur in minor amounts in any of the above cover types. Limber Pine and/or Juniper occur in widely spaced open stands with greater than or equal to 10 trees per acre.

iii. Shrub-Grassland and Scrub

a). Tall Shrub

1). Stands dominated (greater than or equal to 25% canopy coverage) by Chokecherry, Serviceberry, Mountain Snowberry, or other tall shrubs with less than 10% tree canopy coverage present.

2). Stands dominated by Mountain Mahogany.

b). Other Shrub or Scrub Habitats

1). Mesic Shrub. Big Sagebrush, Bitterbrush and/or Shrubby Cinquefoil dominated shrub-land with bunch grasses generally codominant.

2). Xeric Shrub. Xeric, scab, shallow-soil, or heavy, clay-soil sites of low productivity dominated by generally widely-spaced, low shrubs and subshrubs, such as Artemesia spp., Eurotia, and grasses. This habitat often occurs on sites or exposures where snow cover is periodically wind-transported (blown clear.)

3). **Scrub.** Wind and ice-blasted or snow-accumulation sites that support deformed and dwarfed trees (Krummholz) and/or shrubs.

iv. **Grassland.** Area dominated by perennial grasses and low herbaceous vegetation and that do not have shrub-dominated cover type characteristics.

a). **Mesic Grassland.** Mesic grasslands are sites with a perennial grass and forb ground cover of greater than or equal than 50%. These sites are sometimes referred to as dry meadows.

b). **Xeric Grassland.** Xeric grasslands are sites with a perennial grass and forb ground cover of less than 50%, and where growth is sparse and ground cover is incomplete and lacking in many places.

c). **Disturbed Grassland.** Sites which are located adjacent to shrub-dominated areas which show a continued history of disturbance, are presently vegetated in perennial grasses and forbs, and which, over time and in the absence of further disturbance, may revert to a Sagebrush-dominated cover type. Small, scattered shrubs may be present.

c. **Wetlands.** Wetlands mean an area where water is at, near, or above the land surface long enough to support aquatic or hydrophytic vegetation and which as soils indicative of wet conditions. Three categories are defined.

i. **Emergent Wetland.** Wetlands that primarily consist of herbaceous vegetation.

ii. **Scrub-Shrub Wetland.** Wetlands that primarily consist of woody vegetation less than 20 feet tall.

iii. **Forested Wetland.** Wetlands that primarily consist of woody vegetation 20 feet tall or more.

d. **Agricultural Meadow.** An agricultural meadow is an area that has been converted from natural vegetation into pasture or hayfield and is typically utilized for the pasturing of livestock or the production of hay.

4. **Design Guidelines.** Vegetative cover types are intended to be protected through these design guidelines. Property proposed for physical development, use, development option, or subdivision that contains resources identified by this Section shall be designed to protect as many of the identified resources as possible. Open space shall be used to protect areas containing the most important identified protected resources; conversely, projects shall be designed so that development is located in areas that contain the least valuable resources. Notwithstanding, land identified as being located within the NRO and/or SRO receives the highest priority.

a. **Ordinal Ranking.** Vegetative cover types shall be protected in the group order specified below. An ordinal ranking number is given for each group of resources, 10 being the highest, or most important, 1 being the lowest, or least important.

i. **Priority 10.** Forested and scrub-shrub wetlands that meet protection standards defined in Sec. 5.1.1.

ii. **Priority 9.** Emergent wetlands that meet protection standards defined in Sec. 5.1.1.

iii. **Priority 8.** Immature Narrowleaf Cottonwood (Mesic, deciduous forest); tall shrub (other Mesic types); immature Aspen forest (Nonmesic, deciduous forest); tall shrub (Nonmesic, shrub-grassland and scrub.)

iv. **Priority 7.** Immature Aspen forest (Mesic, deciduous forest); medium Narrowleaf Cottonwood (Mesic, deciduous forest); mature Aspen (Nonmesic, deciduous forest.)

v. **Priority 6.** Mature Aspen (Mesic, deciduous forest); mature Narrowleaf Cottonwood (Mesic, deciduous forest); Cottonwood/Spruce (Mesic, mixed species forest); other mixed forest (Mesic, mixed species forest); Douglas Fir (Nonmesic, coniferous forest); Limber-Pine/Juniper (Nonmesic, coniferous forest.)

vi. **Priority 5.** Coniferous forest (Mesic); Subalpine Fir/Spruce (Nonmesic, coniferous forest); Mesic shrub (Nonmesic, shrub-grassland and scrub.)

vii. **Priority 4.** Lodgepole Pine (Nonmesic, coniferous forest); scrub (Nonmesic, shrub-grassland and scrub.)

viii. **Priority 3.** Tall forb (Mesic, other Mesic types); xeric shrub (Nonmesic, shrub-grassland and scrub); Mesic grassland (Nonmesic, grassland.)

ix. **Priority 2.** Agricultural meadow

x. **Priority 1.** Xeric grassland (Nonmesic, grassland); disturbed grassland (Nonmesic, grassland.); intensive agricultural meadow.

G. Crucial Habitat Protection Standards

1. Elk

a. **Crucial Elk Migration Routes.** No physical development, use, development option, or subdivision shall occur within crucial elk migration routes, unless the applicant can demonstrate that it can be located in such a way that it will not detrimentally affect the ability of elk to migrate from their summer ranges to their crucial winter ranges.

b. **Crucial Elk Winter Range.** No physical development, use, development option, or subdivision shall occur on crucial elk winter range, unless the applicant can demonstrate that it can be located in such a way that it will

not detrimentally affect the food supply and/or cover provided by the crucial winter range to the elk, or detrimentally affect the potential for survival of the elk using the crucial winter range.

2. Mule Deer

   a. Crucial Mule Deer Migration Routes. No physical development, use, development option, or subdivision shall occur within crucial mule deer migration routes, unless the applicant can demonstrate that if can be located within the mule deer migration route in such a way that it will not detrimentally affect the ability of mule deer to migrate from their summer ranges to their crucial winter ranges.

   b. Crucial Mule Deer Winter Range. No physical development, use, development option, or subdivision shall occur on crucial mule deer winter range, unless the applicant can demonstrate that it can be located within the mule deer crucial winter range in such a way that it will not detrimentally affect the food supply and/or cover provided by the crucial winter range to the mule deer, or detrimentally affect the potential for survival of the mule deer using the crucial winter range.

3. Crucial Moose Winter Habitat. No physical development, use, development option, or subdivision shall occur within crucial moose winter habitat, unless the applicant can demonstrate that it can be located within the moose crucial winter habitat in such a way that it will not detrimentally affect the food supply and/or cover provided by the crucial winter habitat to the moose, or detrimentally affect the potential for survival of the moose using the crucial winter habitat.

4. Trumpeter Swan

   a. Trumpeter Swan. Notwithstanding the boundaries of the NRO, no physical development, use, development option, or subdivision shall occur within a radius of 300 feet of a trumpeter swan nest.

   b. Trumpeter Swan Winter Habitat. No physical development, use, development option, or subdivision shall occur within trumpeter swan winter habitat, unless the applicant can demonstrate that it can be located within the trumpeter swan winter habitat in such a way that it will not detrimentally affect the food supply and/or cover provided by the winter habitat to the trumpeter swan, or detrimentally affect the potential for survival of the trumpeter swan using the trumpeter swan winter habitat.

5. Cutthroat Trout Spawning Areas. Notwithstanding the boundaries of the NRO, no physical development, use, development option, or subdivision shall occur within 150 feet of cutthroat trout spawning areas, unless the applicant can demonstrate that it will cause no run-off into the stream and have no detrimental effect on the water quality of the stream where the cutthroat trout spawning area is located, and cause no disturbance which would have a detrimental impact on the spawning, incubation, hatching, or rearing of cutthroat trout.

6. Bald Eagle

a. **Bald Eagle Nest Area.** Notwithstanding the boundaries of the NRO, no physical development, use, development option, or subdivision shall occur within a radius of 660 feet of a standing/occupied, active or inactive nest. This setback/buffer may be administratively varied by the Planning Director under the following circumstances:

i. **Temporary Activities.** Temporary activities (including but not limited to, the use of loud machinery, temporary gravel extraction, grading, wildland/urban interface mitigation, habitat enhancement, and on-going agricultural activities) outside of the nesting period, defined as February 1st through August 15th or as determined by the Wyoming Game and Fish Department, may be permitted within the setback/buffer. If the temporary activity requires removal of vegetation, roost trees, nest trees or screening trees, which shield the line of site to the nest, they shall be identified by a qualified wildlife biologist prior to initiating activity and preserved.

ii. **Nest Not Visible.** Where the nest would not be visible from the proposed physical development, use, development option, or subdivision, it may be permitted within the setback/buffer under the following circumstances:

a). If it can be demonstrated that locating the physical development, use, development option, or subdivision outside of the 660 foot setback/buffer is not practical, then the setback may be reduced to no less than 330 feet.

b). If the proposed physical development, use, development option, or subdivision is an alteration, expansion or addition, the proposed development may be within the 660 foot setback/buffer but no closer than the existing physical development, use, development option, or subdivision to be altered, expanded or added to.

c). When the 660 foot setback/buffer is reduced, the following standards shall apply:

1). Residential and nonresidential lots of record within the 660 foot setback/buffer shall not be increased.

2). The proposed physical development, use, development option, or subdivision shall be conducted outside the bald eagle nesting period defined as February 1st through August 15th or as determined by the Wyoming Game and Fish Department.

iii. **Nest Visible.** Where the nest would be visible from the proposed physical development, use, development option, or subdivision, development within the setback/buffer may be permitted if the following standards are met:

a). If it can be demonstrated that locating the physical development, use, development option, or subdivision outside of the 660 foot setback/buffer is not practical, then it shall not be closer to the nest than existing similar physical developments, uses, development options, or subdivisions within 660 feet of the nest and under no circumstances shall the physical development, use, development option, or subdivision be closer than 330 feet; or if the proposed physical development, use, development option, or subdivision is an alternation, expansion or addition, it may be within the 660 foot setback/buffer of the nest but no closer than the existing physical development, use, development option, or subdivision to be altered, expanded or added to; and

b). Residential and nonresidential lots of record within the 660 foot setback/buffer shall not be increased; and

c). The proposed physical development, use, development option, or subdivision within 660 foot setback/buffer will be screened with trees to shield the line of site to the nest; and

d). All physical development, use, development option, or subdivision activity is conducted outside the bald eagle nesting period, defined as February 1st through August 15th or as determined by the Wyoming Game and Fish Department.

b. Bald Eagle Crucial Winter Habitat. No physical development, use, development option, or subdivision may occur within bald eagle crucial winter habitat unless the applicant can demonstrate that the development can be located within the bald eagle crucial winter habitat in such a way that it will not detrimentally affect the food supply provided by the crucial winter habitat, or detrimentally affect the potential survival of the bald eagle using the crucial winter habitat.

c. Exemptions. The Bald Eagle standards are exempt where a bald eagle nest is established subsequent to initiating land disturbing activities pursuant to a Permit.

d. Consistency. Notwithstanding the standards provided in this Section, the goals of this Section are intended to be consistent with the current National Bald Eagle Management Guidelines and US Fish and Wildlife Service recommendations.

H. Other NRO Standards

1. Domestic Pets. Domestic pets, especially dogs, can pose a serious threat to the survival of wildlife protected in this Section by killing, injuring, and chasing wildlife. On properties in the NRO, domestic pets (e.g., dogs and cats) shall be physically restrained (i.e., leashed, chained, fenced), or accompanied by a person who has strict voice control over the animal at all times. Cats and dogs shall not be allowed to roam unaccompanied in the NRO.

5.2.2. Bear Conflict Area Standards ~~(1/1/15)~~(AMD2019-0006)

A. Purpose

The purpose of this Section is to prevent and mitigate conflicts between humans and bears in Teton County by establishing bear-attractant standards for residential and nonresidential uses according to conflict risk levels as defined herein in terms of Conflict Priority Areas (CPAs) and as delineated herein in terms of the map entitled "Teton County Bear Conflict Priority Areas" dated March 2008.

B. Establishment of Conflict Priority Areas (CPAs)

1. **Conflict Priority Area 1 (CPA1): High to Moderate Priority.** Conflict Priority Area 1 refers to areas in Teton County that overlap with, lay adjacent to, or are in close proximity to, known bear-occupied habitat and/or regular travel corridors and/or seasonal bear-use areas, as documented by empirical research or wildlife management actions and observations. Sightings and conflicts are moderately frequent to frequent in this area depending on season and natural bear food availability. Therefore, this area is a high priority area for mitigating and preventing conflicts and addressing property and human safety concerns. Areas within Conflict Priority Area 1 (CPA1) include properties any part of which lies in the area so designated on the map entitled "Teton County Bear Conflict Priority Areas," dated March 2008.

2. **Conflict Priority Area 2 (CPA2): Low Priority.** Conflict Priority Area 2 refers to areas in Teton County that are within close proximity to, or lie adjacent to, CPA1. Areas within CPA2 contain habitat that is not suitable for regular, seasonal or occasional bear occupancy and or use. Conflicts have rarely been documented or verified in CPA2 and therefore are highly unlikely, even in the most unusual of circumstances. Regardless, because Teton County is essentially within and surrounded by grizzly bear and black bear habitat, all areas within the County carry some risk of conflict. Areas within Conflict Priority Area 2 (CPA2) include properties any part of which lies in the area so designated on the map entitled, "Teton County Bear Conflict Priority Areas," dated March 2008.

3. **Updates.** The Teton County Bear Conflict Priority Area Map shall be updated as deemed necessary by the Wyoming Game & Fish Department. Such updates shall be based on black bear and grizzly bear observations, occupancy trends, and habitat quality, but shall not necessarily be revised solely due to changes in the frequency or number of conflict incidents reported in Teton County.

C. Bear Conflict Prevention Standards

1. **Standards for Conflict Priority Area 2 (CPA2).** There are no bear conflict prevention standards for properties located within CPA2.

2. **Standards for Conflict Priority Area 1 (CPA1).** Use of a property, any part of which lies in CPA1, shall comply with the following standards:

   a. Garbage

i. All residential and nonresidential uses shall be required to store trash in certified bear-resistant containers or dumpsters. If trash is transferred from the property to a trash transfer station or landfill directly by the property owner or property lessee, trash may be stored in other containers as long as those containers are housed in a bear-resistant building or enclosure at all times while on the property.

ii. All nonresidential uses conducting business as a food/drink preparation and service facility shall be required to store grease storage containers and stored foods exclusively inside bear-resistant buildings or enclosures.

b. Bird Feeders. All properties within CPA1 shall comply with the following standard from April 1 through November 30 each year. Birdfeeders shall be hung at least 10 feet from the ground, deck, railing or surface and 4 feet from any structure, tree or limb and should have a catch pan attached directly underneath the feeder that is 4 inch larger in diameter than the widest diameter of the feeder itself.

3. Bear-Resistance Standards

a. Certified Bear-Resistant Container or Dumpster. A certified "bear-resistant" container or dumpster is one that meets the "minimum structural design standards" published by the Interagency Grizzly Bear Committee (IGBC) in 1989 or has successfully passed the testing program and protocols recited in the Bear-Resistant Products Testing Program (October, 2005). A list of certified bear-resistant containers and dumpsters and the manufacturers that produce these products is available in the Teton County Planning and Building Services ~~Development~~ Department.

b. Bear-Resistant Building or Enclosure. A bear-resistant building or enclosure is one that consists of and/or contains:

i. A framed building or enclosure with hard sides and a roof constructed of hard wood, non-reflective metal or other like product reasonably designed and manufactured to withstand an intrusion by a bear; or

ii. Chain-link fencing no less than 6 feet in height, at the top of which is barbed-wire fencing angled outwards; or

iii. Functional and maintained electric fencing designed to exclude bears; or

iv. A combination of (1), (2), and/or (3) in this subparagraph B.; and

v. Functional, maintained self-latching doors/gates, or doors and gates with locks.

> **EXAMPLE:** Examples of bear-resistant enclosures include, but are not limited to, garages, metal sheds, houses, and electrified fencing designed to exclude bears or any other building designed and constructed to prevent access by bears.

Div. 5.3. Scenic Standards

The purpose of this Division is to maintain the scenic resources of the community. Scenic resources, natural landforms, and dark skies are vital to the community's natural character. Mountains moraines, meadows, and other natural viewsheds provide residents and guests with a constant reminder of their location within the Greater Yellowstone Ecosystem. Interruption of these natural forms by the built environment detracts from Teton County's scenic character and should be avoided.

5.3.1. Exterior Lighting Standards (1/1/17)

The purpose of this Section is to allow necessary and reasonable lighting of public and private property for the safety, security, and convenience of occupants and the general public, while eliminating or reducing the nuisance and hazards of light pollution, including, but not limited to: glare, light trespass, sky glow, energy waste, and negative impacts on the nocturnal environment.

A. Applicability. All exterior lighting, unless exempted below, shall comply with the regulations set forth in this Section. This includes, but is not limited to: lighting attached to structures, poles, the earth, or any other location.

1. Exempt Lighting

a. Lighting in the public right of way.

b. Open flame gas lamps.

c. Flagpole lighting that is shielded and directed downward from the top of the flagpole.

d. Underwater lighting in swimming pools and other water features

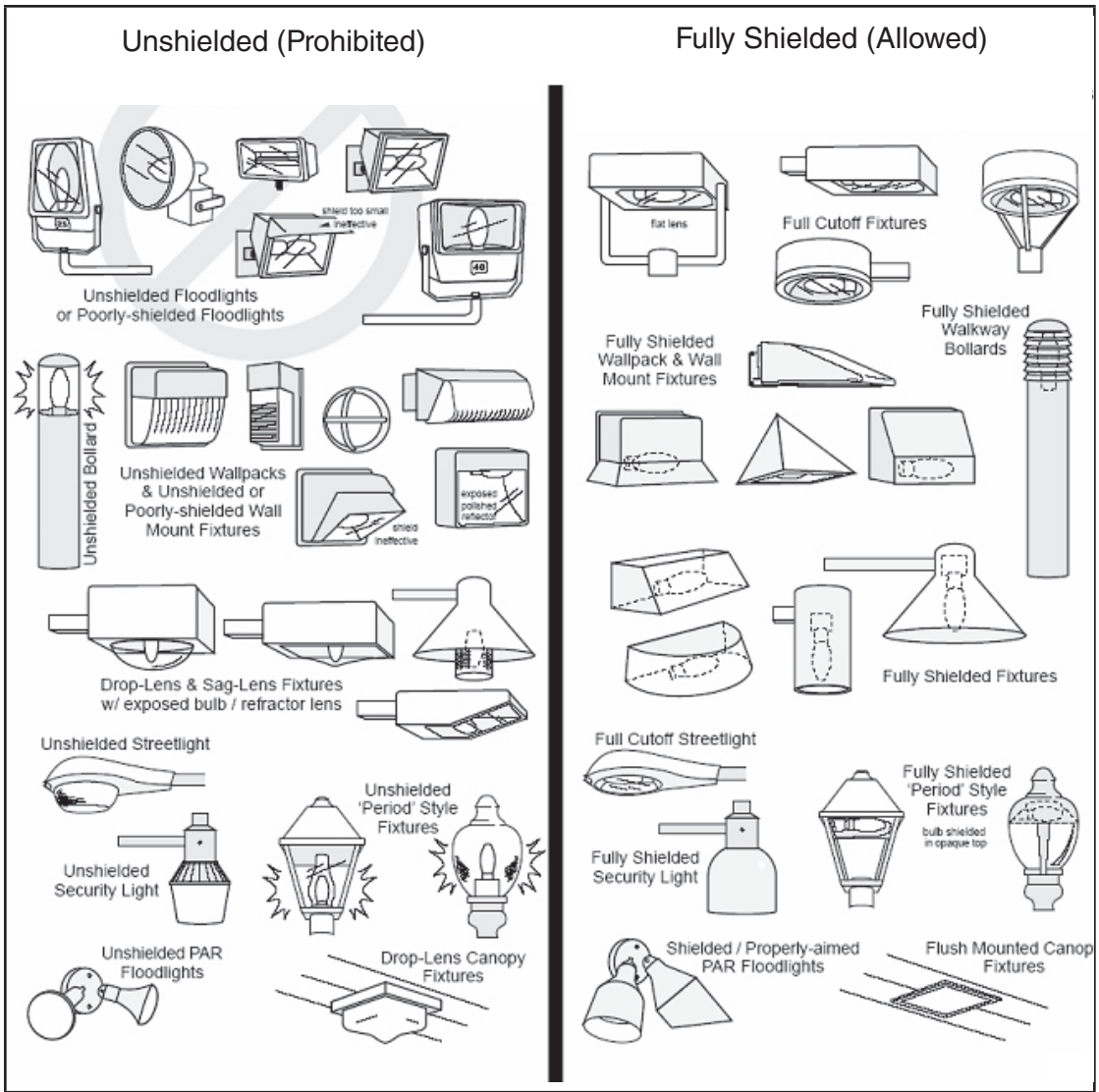
e. Lighting that is only used by emergency response personnel

f. Lighting solely for signs (lighting for signs is regulated by Div. 5.6.)

g. Lighting used primarily for agricultural purposes meeting the standards for exemption in Section 6.1.3.B.

B. Standards

1. **Fully Shielded Light Fixtures.** Any light source whose initial output exceeds 600 lumens shall be fully shielded. Any structural part of the luminaire providing full shielding shall be attached. Fixtures shall be mounted such that no light is emitted above the horizontal plane of the fixture. Light fixtures that project light above the horizontal plane of the fixture may be used where the architecture of the building restricts light above the horizontal plane. Examples of Unshielded (Prohibited) and Fully Shielded (Allowed) lights and luminaires limiting light to the horizontal plane are shown below.



Illustrations by Bob Crelin, used with permission

2. **Total Exterior Light Output.** Total exterior light output for light fixtures on a site shall not exceed the limits shown in the table below.

How much light is permitted?	All Fixtures	Unshielded Fixtures (for lights emitting fewer than 600 lumens)
Maximum lumens per sq ft of site development		
AC-TC, AR-TC, WC, OP-TC, BP-TC, BC-TC, MHP-TC, P/SP-TC, P-TC	3	Not applicable
R-1, R-2, R-3, NC-TC, S-TC, R-TC	1.5	Not applicable
Maximum lumens per site		
AC-TC, AR-TC, WC, OP-TC, BP-TC, BC-TC, MHP-TC, P/SP-TC, P-TC	100,000	5,500
R-1, R-2, R-3, NC-TC, S-TC, R-TC	60,000	4,000

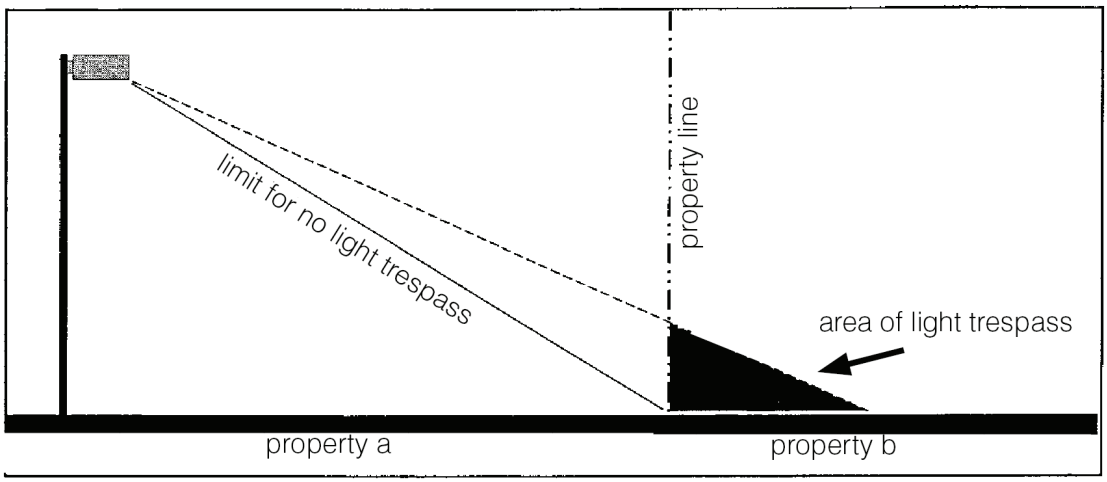
a. These lumen limits are upper limits and not a design goal; the design goal should be the lowest levels of lighting possible.

b. Individuals with visual impairments and organizations that primarily serve individuals with visual impairments (e.g. retirement communities, hospices, and hospitals) may use up to 4 times the illumination allowed by this section.

3. Light Color. Correlated color temperature of any exterior light source shall not exceed 3000 Kelvin.

> **EXAMPLE:** Many light bulb manufacturers include correlated color temperature on packaging. Where packaging does not indicate light color in Kelvins, it is often indicated in descriptive terms. Lights with a "cool" quality typically exceed 3000 Kelvin in color temperature. Light bulbs that create a more "warm" tone are typically under 3000 K..

4. Light Trespass. All lighting fixtures shall limit horizontal light levels such that no light falls onto the adjacent property as shown in the diagram below.



5. Maximum Pole Height of Light Fixture.

Zone	Maximum Pole Height of Light Fixtures
AC-TC, AR-TC, WC, OP-TC, BP-TC, BC-TC, MHP-TC, P/SP-TC, P-TC	18 feet
R-1, R-2, R-3, NC-TC, S-TC, R-TC	15 feet

6. Controls. All nonresidential lighting fixtures shall employ automatic lighting controls that extinguish exterior lighting when sufficient daylight is available. Such controls include, but are not limited to: timers, wireless remote monitoring with turn on/off capabilities, photo sensitive light controls, photoelectric switches, astronomic time switches or equivalent functions from a programmable lighting controller, building automation system or lighting energy management system, all with battery or similar backup power or device.

a. Exceptions:

i. Lighting required by Building Code

ii. Lighting necessary for public safety

iii. Lighting under canopies

iv. Lighting for tunnels, parking garages, garage entrances, and similar conditions.

7. **Lighting Reduction.** After 12:00 AM nonresidential sites shall extinguish or reduce their total exterior lighting by at least 30%.

a. Exceptions:

i. Motion activated lighting

ii. Lighting required by Building Code

iii. Lighting necessary for public safety

iv. Lighting governed by a conditional use permit in which times of operation are specifically identified

v. When the exterior lighting consists of only one luminaire

C. Prohibited Lighting

The following lighting systems are prohibited from being installed or used.

1. **Flickering or Flashing Lights.** No flickering or flashing lights shall be permitted.

2. **Searchlights.** No searchlights, laser lights, aerial lasers, or holograms are permitted.

3. **Strings of Lights.** Strings or strands of lights used to highlight a sign, perimeter of a sign, or any portion of a building are not permitted, except for holiday-type decorative lighting displayed between November 15 and January 10.

4. Lighting in which any single luminaire exceeds 20,000 initial lumens.

D. Complex Uses

1. Complex uses such as stadiums, ball diamonds, playing fields, outdoor rinks, ski areas, rodeo grounds, special events, tennis courts, construction sites, parking structures, urban parks, theme and amusement parks, ornamental and architectural lighting of bridges, public monuments, statuary and public buildings, correctional facilities, and industrial sites all have unique requirements for nighttime visibility and often have limited hours of operation. They shall be exempted from the above standards of this Section, if the below standards are met or if their lighting has been approved via issuance of a Conditional Use Permit or Special Event Permit.

2. **Maximum height.** Exterior luminaires shall not exceed a maximum post height of 60 feet.

3. **Fully Shielded.** Each luminaire shall be fully shielded in either its orientation or by landscaping to prohibit glare and light trespass to adjacent residential property and must be installed and maintained with minimum aiming angles of 25 degrees downward from the horizontal.

4. **Lights Extinguished.** Lights shall be extinguished by 10:00 PM or at the conclusion of the event, whichever is later. Lighting is not allowed to remain on overnight.

5. **Maximum lumens.** Overall site illumination for a complex use shall not exceed a total of 550,000 lumens.

5.3.2. Scenic Resources Overlay (SRO) Standards (AMD2019-0006) ~~(8/7/18)~~

A. Purpose

The purpose of the Scenic Resources Overlay (SRO) is to preserve and maintain the County's most frequently viewed scenic resources that are important to both its character and economy. This is done through the establishment of several Scenic Areas within the SRO, within which the location, design, and landscaping of physical development and use is regulated to maintain and/or complement the County's important scenic resources.

B. Establishment of the SRO

To protect important scenic resources, which are frequently seen from State highways, Spring Gulch Road, South Park Loop Road and Alta County Road, and which set an image of the rural and western ranching heritage of the County the Scenic Resources Overlay (SRO) is established.

1. **Foregrounds.** The Scenic Resources Overlay (SRO) includes the foreground of the scenic areas described below. Foreground is the open area immediately adjacent to the public road that extends back to where there is either a distinct topographic change, such as the edge of a hillside or butte, or a drop in elevation toward a river bottom, or where dense vegetation screens views to areas behind the vegetation. The Foreground provides the setting for views to distant mountain ranges and valley buttes.

2. **Skylines.** The Scenic Resources Overlay (SRO) includes all butte and hillside skylines as viewed from state highways, Spring Gulch Road, South Park Loop Road and Alta County Road. The skyline is the visual line at which the earth or vegetation and the sky appear to meet. The skyline is typically viewed as the top of a ridge, hillside, or butte.

3. **Map of the SRO Scenic Areas.** The foregrounds and skylines included in the Scenic Resources Overlay (SRO) are generally organized into the following Scenic Areas. These Scenic Areas are generally described below and mapped on the Official Zoning Map. Butte and hillside skylines as viewed from state

highways, Spring Gulch Road, South Park Loop Road and Alta County Road are still included in the SRO even if they are not mapped on the Official Zoning Map or included in one of following Scenic Areas.

a. Moose-Wilson Road Scenic Area. The Moose-Wilson Road Scenic Area extends along the eastern and western side of Moose-Wilson Road from Lake Creek to Grand Teton National Park. It is an important County-wide scenic resource because of the vistas it offers of the Teton, Gros Ventre, and Snake River mountain ranges, and of the West Gros Ventre Butte, which frames the area's broad and open meadows.

b. Highway 22 Scenic Area. The Highway 22 Scenic Area consists of four distinct areas. They are described below.

   i. Trail Creek Ranch. The Trail Creek Ranch portion of the Highway 22 Scenic Area extends along the north and south sides of Highway 22, from the lower reaches of Teton Pass to the western edge of Wilson. It is an important County-wide scenic resource because of the panoramic views of Teton County that it provides as well as setting the western entry to Wilson, defining Wilson as a unique and special place.

   ii. Wilson Approach. The Wilson Approach portion of the Highway 22 Scenic Area extends from the eastern edge of Wilson along the north side of Highway 22 to Highway 390 and along the south side of Highway 22 to Green Lane. It is an important County-wide scenic resource because of its broad open meadows and the unobstructed views provided to surrounding mountains, which create a dramatic sense of arrival to Wilson.

   iii. Walton Ranch/Skyline Ranch. The Walton Ranch/Skyline Ranch portion of the Highway 22 Scenic Area extends along the northern and southern portion of the Highway 22 Scenic Area from the Wilson Snake River Bridge to the West Gros Ventre Butte. The Walton Ranch portion is an important County-wide scenic resource because it provides one of the most frequently experienced vistas of meadows and pasture backed by the Teton mountain range. The Skyline Ranch portion is an important County-wide scenic resource because it provides an open space setting for views to the Snake River range.

   iv. West Gros Ventre Butte/Antelope Butte. The West Gros Ventre Butte/Antelope Butte portion of the Highway 22 Scenic Area extends along both sides of Highway 22, and includes all of the West Gros Ventre Butte on the north and all of Boyles Hill, the Indian Springs, Brown and Poodle Ranches, and Antelope Butte on the south. The views encompass imposing steep sided buttes which rise abruptly from the foreground and long views across open meadows to the Snake River range on the south.

c. Spring Gulch Road Scenic Area. The Spring Gulch Road Scenic Area extends along the eastern and western sides of Spring Gulch Road from Highway 22 to the Gros Ventre River and includes the East Gros Ventre

Butte. It is an important County-wide scenic resource because it provides a combination of scenic quality and traditional western character in a location proximate to the Town.

d. Highway 89 Scenic Area. The Highway 89 Scenic Area consists of three distinct areas. They are described below.

i. Broadway and North Highway 89 Scenic Area. The Broadway and North Highway 89 Scenic Area extends along the western boundary of the Town of Jackson from South Park Loop road on the south to the Grand Teton National Park boundary on the north, and includes all of Boyles Hill and the East Gros Ventre Butte. Views from the public roads, including Spring Gulch Road, are of the steep sided butte in the immediate foreground which provide a backdrop to the urban development of the Town of Jackson, the flat expanses of the Elk Refuge, the pastures of Spring Gulch as well as glimpses of the Teton Range in notches of the ridgelines.

ii. South Highway 89 Scenic Area. The South Highway 89 Scenic Area extends along the western side of South Highway 89 from the State of Wyoming Elk Feeding Area and Game Creek County Road, where the road rises to provide an initial sense of entry into the Jackson area to High School Road. The eastern side of South Highway 89 also is included for a distance of 1.3 miles south from High School Road. The northern and southern portions of the South Highway 89 Scenic Area are split to exclude the Rafter J subdivision, and the South Park Commercial zones. The South Highway 89 Scenic Area is an important County-wide scenic resource because of the powerful image it projects of the community with its exceptionally broad meadows and panoramic views to Rendezvous Bowl and the Snake River range. The meadows are dotted with existing development, including both ranch compounds and residential developments at varying densities, but the meadows' exceptional breadth and the location of the meadows below the highway preserves the open feel of the area and the background views.

iii. Snake River Canyon Scenic Area. The Snake River Canyon Scenic Area extends along both sides of South Highway 89 from the northern South Park Bridge to the County line and encompasses those areas which are at approximately the same or a higher elevation than the highway. More specifically, this scenic area includes the western side of South Highway 89 from the northern bridge to the US Forest Service boundary, land east of the Highway between the Snake River and Old Henry's Road, and land west of Hoback Junction on both sides of the Highway, but excluding Deer Creek and Palmer Creek subdivisions. The Scenic Area provides views of the Snake River, the east slopes of Munger Mountain and the Teton, Gros Ventre, Wyoming and Snake River Mountain ranges.

e. South Park Loop Scenic Area. The South Park Loop Road Scenic Area extends along the eastern and western sides of South Park Loop Road, from the South Park Ranches subdivision to High School Road and includes

Hufsmith Hill. It provides an important County-wide scenic resource because the road corridor is framed by cottonwood trees planted along irrigation ditches which line the road. The scenic quality of this area is dependent upon the preservation of the cottonwood corridor, which helps to filter views to development in the adjoining hay meadows. These meadows provide Foreground settings to views of Rendezvous Bowl and the Snake River range.

f. Hoback Canyon Scenic Area. The Hoback Canyon Scenic Area extends along both sides of Highway 191 beginning at the west line of the Gilgrease Foundation property, approximately 1 mile east of Hoback Junction, to the County line and encompasses those areas which are at approximately the same or a higher elevation than the highway. The scenic area provides views of the Gros Ventre and Wyoming Mountain ranges and the Hoback River.

g. Teton Canyon Scenic Area. The Teton Canyon Scenic Area extends along the south side of Alta Road from Lake Nolo to the boundary with the Targhee National Forest. It is an important County-wide scenic resource because the broad, open meadow of its Foreground is framed by a dense vegetative border, which provides the setting for vistas to the west side of the Teton range. The entire Teton Canyon Scenic Area also establishes a segment of the entry image for visitors driving or biking through Alta to Grand Targhee Resort.

h. Buffalo Valley Scenic Area. The Buffalo Valley Scenic Area extends along the northern and southern sides of US 26/287 from Moran to the Blackrock ranger station. It is an important County-wide scenic resource because it provides a classic mountain valley setting framed by the Teton range. The Buffalo Valley Scenic Area provides monumental views of the entire Teton range, as viewed across very broad, open meadows dotted with small ranch buildings. These vistas foreshadow the views which are again encountered within Grand Teton National Park, thereby integrating the Buffalo Valley Scenic Area with the image of the National Park.

C. Findings for the SRO

1. An essential component of the physical environment for which Teton County is internationally known is the scenic vistas of jagged mountains rising from broad, open meadows, which set an image of the County's rural and western ranching heritage. These scenic resources are important to both the County and Town because they serve as a cornerstone to the local economy by attracting tourists and other visitors. The scenic resources which are instrumental in the creation of the County's unique character are the vistas to the Teton, Gros Ventre, Wyoming and Snake River mountain ranges that are frequently seen by residents and travelers across wide pastures and meadows from the major public roads that enter the Town of Jackson, Wilson, Grand Teton National Park, Teton Village, Alta, and Teton Pass.

D. Applicability

1. **Foreground Standards.** All physical development, use, development options, and subdivision within the Foreground of the Scenic Areas described above shall comply with the foreground standards of 5.3.2.G.

2. **Development in Skyline.** All physical development, use, development options, and subdivision within the Skyline of the SRO shall comply with the skyline standards of 5.3.2.H.

3. Exemptions

   a. **NC-TC and R-3 Zone.** All physical development, use, and development options, except new subdivisions, within the NC-TC and R-3 zone, shall be exempt from the foreground standards of 5.3.2.G.

   b. **Remodeling or Expansion of Existing Structures.** Remodeling or expansion of structures that existed prior to May 9, 1994, shall be exempt from the foreground standards of 5.3.2.G.

   c. **Agricultural Operations.** Agricultural operations and uses meeting the standards for exemption in Section 6.1.3.B. shall be exempt from all standards of this Section.

   d. **Land in Conservation Easement.** Land protected by a conservation easement where proposed development density is equal to or less than one house per 70 acres ~~or less~~ and the total acreage subject to the easement is 320 acres or more, shall be exempt from the foreground standards of 5.3.2.G.

E. Impact on SRO

1. The base site area shall not be reduced because a portion of a lot of record is located within the SRO.

2. When conflicts exist between the NRO and SRO, the standards of Sec. 5.2.1. shall have priority and be achieved to the maximum extent ~~practical~~practicable. The requirements of this Section shall receive second priority.

F. Visual Resource Analysis

1. If a proposed physical development, use, development option, or subdivision is in the SRO, the application shall contain a visual analysis narrative, provide a photographic simulation or other comparable visual analysis of the proposed development, depict the boundaries of the SRO, compare the visual impacts of alternative site designs, if any, and include plans identifying how the proposal complies with the standards of this Section.

2. A visual resource analysis shall demonstrate and document for review the visual impact of the proposed development on surrounding designated scenic corridors and viewpoints. The analysis shall show, in accurate perspective format, what portions of the proposed development are visible from various

points along the scenic corridor or from critical viewpoints. Multiple perspectives may be required along scenic corridors to accurately reflect the appearance of the development as the viewpoint is moved along the corridor.

3. For development which is shown to be visible from the designated corridors or viewpoints, the analysis shall demonstrate, in accurate perspective format, the measures proposed to blend the development into the context of the setting. The setting shall include the view frame of the picture when viewing the development from a particular viewpoint and will typically include the backdrop of natural topography, existing vegetation as well as surrounding vegetation and structures. Development features which shall be shown to be compatible with the setting include: bulk and scale of buildings, building and roof forms, texture of materials used on the buildings, colors, and proposed plantings for screening.

G. Foreground Standards

All physical development, use, development options, and subdivision within the Foreground of the Scenic Areas described above shall comply with the following standards.

1. General Location of Structures. Physical development, use, development options ,and subdivision in the Foreground shall be sited in one or a combination of the following locations: (1) at the rear edge of the Foreground at the back of an open meadow or pasture; (2) at the side edges of the Foreground where there is an open meadow or pasture; (3) behind an existing stand of vegetation; (4) behind or built into a change in natural topography; or (5) within a pasture or meadow, clustered in the form of a ranch compound, or adjacent to or integrated into an existing ranch compound. Standards for each of these locations are as follows.

    a. Rear Edge of Foreground behind Meadow or Pasture. When located at the rear of the Foreground at the back of an open meadow or pasture, the physical development, use, development options, and subdivision shall comply with the following standards.

        i. Distance. It shall be located at the greatest possible distance from the major public road and, where applicable, it shall be located adjacent to existing development.

        ii. Edge of Meadow or Pasture. It shall be located along the rear edge of the meadow or pasture, where the meadow or pasture meets the toe of the hillside, or on a relatively less steep, lower hillside area behind the meadow.

        iii. Separate Areas. It shall be located so as to separate areas of physical development or use from natural areas and pastures and to preserve open space in the largest continuous pieces possible.

        iv. Supplementary Vegetation. Where it is located within 1,320 feet of a State Highway or County designated Scenic Road, native vegetation shall be planted to mimic either the existing species composition and pattern of growth or, traditional farm and ranchstead planting

patterns of the American west. To accomplish these goals the Planning Director will be at liberty to vary the requirements of 5.5.3.E. As with all proposed planting in Teton County, applicants are strongly advised to use endemic plant materials and consider their relative attractiveness to wildlife.

b. Side Edges of the Foreground Where There Is an Open Meadow or Pasture. When a physical development, use, development option, or subdivision is located at the side edges of the Foreground where there is an open meadow or pasture, it shall comply with the following standards.

i. Separate Areas. It shall be located so as to separate areas of physical development or use from natural areas and pastures and to preserve open space in the largest continuous pieces possible.

ii. Supplementary Vegetation. Where it is located within 1,320 feet of a State Highway or County designated Scenic Road, native vegetation shall be planted to mimic either the existing species composition and pattern of growth or, traditional farm and ranchstead planting patterns of the American west. To accomplish these goals the planning director will be at liberty to vary the requirements of 5.5.3.E. As with all proposed planting in Teton County, applicants are strongly advised to use endemic plant materials and consider their relative attractiveness to wildlife.

c. Behind Existing Stand of Vegetation. When located in the Foreground behind an existing stand of vegetation, including vegetation which has grown naturally on the site and vegetation planted as an agricultural wind row, the physical development, use, development option, or subdivision shall comply with the following standards.

i. Scale. The scale of the physical development, use, development option, or subdivision shall not interrupt or obscure the existing occurring stand of vegetation behind which it is located.

ii. Supplementary Vegetation. Where natural vegetation does not adequately screen the physical development, use, development option, or subdivision as determined by the visual analysis, native vegetation shall be planted to augment the existing vegetation and maintain the visual integrity of the view shed.

iii. Preservation of Existing Vegetation. Existing vegetation shall be preserved to the maximum extent ~~practical~~practicable.

d. Behind or Built into Natural Topographic Break. When located in the Foreground behind a natural topographic break or built into the natural topography in an earth-sheltered design, physical development, use, development option, or subdivision shall comply with the following standards.

i. Scale. Scale and height shall be subordinate to the natural change in topography.

ii. **Earth Moving.** Earth moving may be used to the minimum extent necessary to extend a naturally occurring topographic change and screen the physical development, use, development option, or subdivision, but not to create a new, man-made landform.

e. **Ranch Compound within Irrigated Pasture or Meadows.** When physical development, use, development option, or subdivision is located within an irrigated pasture or meadow in the form of a ranch compound or adjacent to or integrated into an existing ranch compound, it shall comply with the following standards.

i. **Not Preclude View of Designated Vistas.** It shall not entirely preclude views from the public road to the rear portions of the Foreground.

ii. **Clustered Design.** It shall consist of a cluster design.

iii. **Vegetation.** Native vegetation shall be planted to mimic either the existing species composition and pattern of growth or, traditional farm and ranchstead planting patterns of the American west. To accomplish these goals the Planning Director will be at liberty to vary the requirements of 5.5.3.E. As with all proposed planting in Teton County, applicants are strongly advised to use endemic plant materials and consider their relative attractiveness to wildlife.

2. **Exceptions to General Location of Structures.** If it is demonstrated that the maximum amount of density/intensity allowed for the land has been located pursuant to the general location of structures standards above, the remaining density/intensity allowed for the land shall be located at other locations, subject to the following standards:

a. **Along Front Edge of Meadow or Pasture.** To the extent practicable, it shall be located along the front edge of the meadow or pasture. To the extent possible, it should be located in proximity to similarly situated development on adjacent lands.

b. **Maintain Contiguous Open Space.** It shall be located so as to maintain the largest amount of contiguous open space practicable, in relation to the scenic view being regulated.

c. **Screening.** The physical development, use, development option, or subdivision shall be screened with native vegetation planted to mimic either the existing species composition and pattern of growth or, traditional farm and ranchstead planting patterns of the American west. To accomplish these goals the Planning Director will be at liberty to vary the requirements of 5.5.3.E. As with all proposed planting in Teton County, applicants are strongly advised to use endemic plant materials and consider their relative attractiveness to wildlife.

3. Exterior of Structures

   a. Earth Tone Materials. The exterior of all physical development, except that located and designed in the form of a ranch compound, shall be built or painted with indigenous earth tone materials.

   b. Traditional Ranch Colors. The exterior of a ranch compound shall be built or painted with indigenous earth tone materials, or shall be painted or stained using local, traditional ranch colors, which shall include shades of red or brown. Paints or stains which simulate weathered barn wood also shall be permitted.

4. Roof Materials

   a. Color that of Surrounding Natural Features. The color of all roofs shall be similar to the colors of surrounding vegetation or land features.

   b. Treat Reflective Materials. Reflective roof materials shall not be used, unless the materials are treated to eliminate reflection.

5. Earth Moving and Berms

   a. Earth Moving for Earth Sheltering. The creation of man-made land forms is prohibited in the Foreground, except that earth moving may be used in the design of a structure located along a hillside, to the extent it is necessary to create an earth sheltered design, built into and mimicking the natural topography of the land.

   b. Berms. Berms may be used to screen structures located within a meadow or pasture provided the side of the berm exposed to critical views from designated scenic roads is no steeper than 20 (horizontal) : 1 (vertical). Berms may be used to screen structures located in undulating terrain provided the berm meets the standards of Sec. 5.1.6. and is designed to appear as a naturally occurring extension of the existing topography. Berms must be planted to replicate the surrounding plant communities.

   c. Revegetation of Disturbed Areas. Lands disturbed by earth moving or berms shall be revegetated using native species which are already growing on or near the site. Top soil shall be stock piled and placed on disturbed areas. Irrigation shall be provided to the revegetated areas if it is necessary to ensure survival of native species planted.

6. Roads and Driveways

   a. Avoid Dividing Meadows and Pastures. To the maximum extent ~~practical~~practicable, roads and driveways shall be located to skirt the edge of and avoid dividing meadows and pastures. Roads and driveways shall take advantage of the screening potential of natural topography and existing vegetation. Existing roads and driveways shall be used where practical. To enhance screening, ditches may be dug parallel to roads or driveways, and a row of cottonwood trees may be planted along the roads or driveways.

b. **Soft Edges.** To the maximum extent ~~practical~~practicable, roads and driveways located around the edge of or in meadows shall be laid out with soft, curving edges and shall avoid straight line corridors which are incongruous with the natural setting.

H. Skyline Standards

The following standards shall apply to physical development, use, development options, and subdivisions within the Skyline of all buttes and hillsides viewed from state highways, Spring Gulch Road, South Park Loop Road and Alta County Road.

1. **Skyline Penetration Prohibited.** Physical development shall not penetrate the Skyline on buttes and hillsides, as viewed from State highways, Spring Gulch Road, South Park Loop Road and Alta County, except in the case of an existing lot of record where there is no other siting alternative that complies with the standards of these LDRs.

2. **Mitigation of Necessary Skyline Penetration.** In the case of an existing lot of record where no other siting alternative is available that complies with the standards of these LDRs, physical development may penetrate the Skyline on hillsides and buttes by complying with the following standards.

   a. **Pursue Variation of Regulations First.** Attempts shall first be made to obtain variance of other regulations, such as setbacks, that would enable the proposed physical development to comply with the skyline penetration prohibition.

   b. **Height.** The height of physical development shall not exceed 20 feet above original grade.

   c. **Mass.** The mass of the physical development shall be designed so as to be broken into distinct, smaller forms, which may involve repeating similar forms at a more modest scale, breaking facades and roof lines into smaller segments, or stepping the building mass into the hillside. To the maximum extent ~~practical~~practicable, buildings shall be placed down the hill or cut into the slope to minimize the skyline penetration.

   d. **Form.** The form of the physical development, particularly its roof form, shall re-create the natural form of the hillside or butte. If the natural form of a butte top Skyline that is being penetrated is flat, the building shall have a flat roof form. If the natural form of a hillside Skyline is rounded or jagged, the building shall use a hipped or similar roof form.

   e. **Exterior of Structure.** The exterior of all physical development shall be built or painted with earth tone materials or colors.

   f. **Roof Materials.** The color of all roofs shall be the color of surrounding vegetation or land features. Reflective roof materials shall not be used, unless the materials are treated to eliminate reflection.

g. Earth Moving. Physical development shall minimize the need for earth moving or disturbance to the maximum extent practicable. Earth moving on a slope to create a flat platform on which development is placed shall be prohibited. Areas disturbed for earth moving shall be revegetated using native species which are already growing on or near the site. Topsoil shall be stock piled and placed on disturbed areas. Provision shall be made for irrigation, if it is necessary to ensure survival of the indigenous species planted.

h. Landscape Screening. Physical development shall be located so as to preserve, to the maximum extent ~~practical~~practicable, existing vegetation which may help to screen its appearance. Native species shall be planted to supplement existing vegetation. Native species shall be selected from "Landscape Plant Material from the Teton County Area," a copy of which is available at the Planning Department. Native species shall be planted so as to screen at least 50% of the physical development within 3 years of its occupancy, as measured during the summer.

Div. 5.4. Natural Hazard Protection Standards

The purpose of this Division is to limit development in naturally hazardous areas. Development in hazardous areas threatens the health, safety and welfare of human inhabitants, steep slopes, poor soils, avalanche chutes, floodplains, dense forest and areas along fault lines offer unique opportunities for interaction with the environment, but when natural events do occur in these areas the results can be disastrous.

5.4.1. Steep Slopes (1/1/17)

A. Slopes in Excess of 30%

No physical development shall be permitted on natural slopes in excess of 30%.

B. Exceptions

1. **Manmade Slopes.** Physical development on manmade slopes is permitted, provided that the proposed finish grade complies with all other applicable standards of these LDRs.

2. **Small Slopes.** Physical development of isolated slopes that cover less than 1,000 square feet and have less than 10 feet of elevation change is permitted.

3. **Essential Access.** Physical development of steep slopes is permitted to provide essential access for vehicles and/or utilities when no other alternative access exists.

5.4.2. Unstable Soils (1/1/15)

No physical development, use, development option, or subdivision shall be permitted on unstable soil as determined by the County Engineer except under the following conditions:

A. Potential for Movement Only in Shallow Surface Area that Can Be Controlled

When the potential for soil movement is only in a shallow surface area and risk to the physical development can be prevented with appropriate anchoring to a solid substrate; or

B. Instability Limited

The instability is limited to localized slumpage at cuts or foundations and appropriate revegetation, drainage, and structural devices can prevent increased instability; and

C. Not in an Avalanche Chute

The proposed developed area is not in an avalanche chute.

5.4.3. Faults (1/1/15)

A. Comply with Building Code for Seismic Zone 3

All structures shall comply with the currently adopted Building Code for Seismic Zone 3. The County Engineer may require a report from a geotechnical engineer registered in the State of Wyoming if the proposed physical development is within 200 feet of a fault line and the County Engineer considers that the proposed physical development creates a dangerous situation.

B. Notification on Development Plan/Final Plat

On lots of record where a fault line exists according to fault line maps for the area, a note shall be placed on all development plans and plats stating that a Seismic Zone 3 fault line potentially subject to movement exists on the lot of record.

5.4.4. Floodplains (1/1/15)

All physical development within the floodplain shall comply with the Teton County Floodplain Management Resolution. In the event of a discrepancy in regulation between the Floodplain Management Resolution and these LDRs, the more stringent regulation shall control.

5.4.5. Wildland Urban Interface (1/1/15)

See the Teton County Fire Protection Resolution for wildland urban interface design standards that apply to physical development, use, development options, and subdivision as defined by these LDRs.

Div. 5.5. Landscaping Standards

5.5.1. Purpose (1/1/15)

A. General Purpose

The purpose of these landscaping standards is to assist in maintaining the character of the zones by providing minimum planting, buffering, and screening around and within physical development. Landscape surface area and/or plant units are required for both residential and nonresidential use based upon the zone in which the use is located.

5.5.2. Landscape Plan (1/1/15)

A. General

A landscape plan shall be submitted for review, along with the appropriate application for a physical development permit for all physical development except:

1. Detached Single-Family Units. Detached single-family units shall be exempted from the provisions of this Section, but shall be landscaped in accordance with the remaining standards of this Division.

2. Administrative Permit. The Planning Director may exempt building permit, grading permit, basic use permit, and minor development plan applications from the provisions of this Section, if sufficient information demonstrating compliance with the provisions of this Division is provided in a landscaping statement.

B. Standards

The landscape plan shall comply with the following standards.

1. Landscape Architect Required. A landscape plan shall be prepared by a landscape architect registered in the State of Wyoming.

2. Approval and Bond Required. Prior to issuance of any physical development permit that requires a landscape plan, a performance bond for completion of the approved landscape plan shall be submitted to the Planning Director pursuant to Sec. 8.2.11.

C. Requirements of Landscape Plan

The landscape plan shall include the following elements.

1. Mapping of Existing Vegetation. A map identifying all deciduous trees of 3 inches in caliper or greater, and all coniferous trees of 3 inches in caliper or greater, within an area proposed for clearing and within 25 feet of any area to be cleared. In addition, all trees or shrubs proposed to be retained and counted towards complying with the landscaping standards of this Division shall be mapped. This mapping requirement may be combined with the mapping completed pursuant to Sec. 8.2.2.

2. **Calculation to Determine Required Landscaping.** A summary of all calculations used to determine the total amount of landscaping required.

3. **Plant Schedule.** A plant schedule, identifying symbols, quantity, size, and type of all proposed landscaping and existing vegetation that is proposed for credit.

4. **Planting Plan.** The planting plan shall indicate the location of all proposed landscaping and existing landscaping that is proposed for credit.

5. **Irrigation Statement.** An irrigation statement describing how plant material will be irrigated for a minimum 2 year period or until plant establishment.

6. **Erosion Control.** A description of how erosion is to be controlled on-site, both permanently and during construction.

7. **Cost Estimates.** Cost estimates to implement the landscape plan.

5.5.3. Required Plant Units (1/1/17)

A. General

1. **Sum of All Requirements.** The plant units required shall be the sum of all of the plant units prescribed by the standards of this Section.

> **EXAMPLE:** A nonresidential development with a parking lot shall provide the plant units required for the nonresidential development and the plant units required for the parking lot.

2. **Measurement.** One plant unit shall be the minimum amount provided by any development; fractional plant units of one-half or more shall be treated as a requirement of one plant unit.

3. **Credit for Existing Vegetation.** Retention of existing vegetation is encouraged. Any retained existing plant material which satisfies, or with 5 years of growth would satisfy, the required plant units shall be counted towards satisfying the required plant units.

B. Requirements

1. **Use or development of a site shall require provision of the following number of plant units.**

Required Plant Units per Use by Zone		
	Use	
Zone	Residential	Nonresidential
R-1, R-2	n/a	
R-3	1 per 10,000 sf of floor area	
R-TC	1 per DU	1 per 1,000 sf of floor area
All Others	1 per DU	1 per 1,000 sf of required LSA

2. **Location of Plant Units in Single-Family Subdivisions.** For residential development within single-family subdivisions, the plant unit required per dwelling unit shall be located on each lot of record.

C. Parking Lot Requirements

1. **General.** All parking lots shall comply with the plant unit requirements in the table below.

Required Plant Units per Parking Space by Use and Zone				
	Use			
Zone	Agriculture	Residential	Institutional	All Other Uses
R	0	--	--	1 per 8 spaces
S	--	1 per 12 spaces	--	1 per 8 spaces
OP-TC	--	1 per 12 spaces	--	1 per 8 spaces
MHP-TC	--	--	--	1 per 8 spaces
AR-TC	--	1 per 12 spaces	1 per 12 spaces	1 per 8 spaces
AC-TC	--	--	1 per 12 spaces	1 per 8 spaces
BP-TC	--	--	--	1 per 16 spaces
BC-TC	--	--	--	1 per 12 spaces

2. **Existing Trees Can Be Counted.** Existing trees that can be preserved by leaving the area under their canopy substantially undisturbed shall count towards the plant unit requirement for parking lots.

3. **Landscape Objectives.** The primary objectives of parking lot plant units shall be:

   a. To avoid large, unbroken expanses of asphalt;

   b. To screen or soften parked vehicles as viewed from off site;

   c. To provide attractive, pleasing streetscapes; and

   d. To better define and organize vehicular and pedestrian spaces.

D. Loading Area Requirement

Two plant units per loading bay shall be provided.

E. Standard Plant Unit

This Section describes a standard landscaping element called a “plant unit.” It serves as a basic measure of plant material.

1. **Standard Plant Units.** Three standard plant unit alternatives are identified in the table below. Any one or a combination of the alternatives may be used. Some of the alternatives, however, may be required upon review of the proposed landscape plan.

EXAMPLE: Where year-round screening is needed, Alternative C may be required. Plant sizes given are minimums. All plant units shall be in scale with the development proposed, and shall be of adequate installed size to clearly achieve the purpose of the required plant units (e.g. screening, buffering, softening of structural mass, community character enhancement).

Standard Plant Unit Alternatives		
Alternative	Quantity, Size & Type of Plants Required	
A	1	3" caliper canopy tree
	6	6' – 8' large shrubs or multi-stem trees
	4	#5 container shrubs
B	2	3" caliper canopy trees
	2	6' – 8' large shrubs or multi-stem trees
	3	8' high evergreen trees
C (preferred for year-round screening)	3	6' – 8' large shrub or multi-stem trees
	3	8' high evergreen trees
	2	#5 container shrubs

2. Plant Guidelines. The following plant types are provided as guidelines:

   a. 3-Inch Caliper Canopy Tree - Cottonwood or Aspen.

   b. 6 to 8-Foot Large Shrub or Multi-Stem Trees - Chokecherry or Amur Maple.

   c. #5 Container Shrub - Dogwood or Willow.

   d. 8-Foot Evergreen - Spruce.

3. Alternative to Standard Plant Units. The Planning Director may relieve an applicant from the standard plant units pursuant to Sec. 8.8.1. if it can be demonstrated that:

   a. The design intent of the proposed project is compromised by the use of the standard plant units; and

   b. The alternative proposed meets the objectives of softening and integrating the project into the existing landscape.

4. Substitutions for Standard Plant Units. The following substitutions in plant units may be made where it is demonstrated that the substitution achieves the objectives of the standard plant unit for which it is being substituted; or the objectives of the requirement are achieved but additional plant units are required.

a. **Movable Planters.** Ten square feet of permanent or movable planters containing flowers, flowering shrubs or similar vegetation may be substituted for 4 – #5 container shrubs. Notwithstanding, moveable planters shall not be substituted for required landscaping in parking lots.

b. **Bench.** One bench seating at least 2 people, or a similar seating arrangement, may be substituted for 1 canopy tree.

c. **Bike Rack.** One bike rack designed to accommodate at least 6 bikes may be substituted for one canopy tree.

5.5.4. General Landscaping Standards (1/1/17)

A. Vegetation Required

All landscaped areas proposed for vegetation shall be planted with lawn, pasture, or native groundcover unless such vegetation is already fully established. Once landscaped, landscape areas shall be maintained to support plant life.

B. Plant Materials

1. **Approved Plant Material.** Plant material shall not be invasive as designated by the noxious weeds and pests list maintained by the Teton County Weed and Pest Control District and shall not be a noxious weed that appears on the designated list under the Wyoming Weed and Pest Control Act of 1973.

   a. **Wyoming Seed Law.** All seed used for site revegetation or restoration must be used in accordance with WS 11-12-101 – 125, certified as weed free, and acquired through a dealer licensed by the Wyoming Department of Agriculture.

   b. **Wyoming Nursery Stock Law.** All nursery stock used for site revegetation or restoration must be used in accordance with W.S. 11-9-101 – 109, accompanied by a valid health certificate, and acquired through a dealer licensed by the Wyoming Department of Agriculture.

2. **Native Vegetation.** Native groundcover shall be used beyond 200 feet of a building. All plant material should be native vegetation, which duplicates adjacent plant communities both in species composition and spatial distribution patterns.

> **EXAMPLE:** Landscaping placed on a hillside or slope should consist of plant material that is typically found on a similar hillside or slope. Similarly, landscaping plant material placed in a floodplain or drainageway should be native vegetation that is generally found in a similar floodplain or drainageway. Further, the use of native vegetation should acknowledge the relative attractiveness of certain plant species to wildlife. Responsive planting designs should therefore position plants, which are palatable to wildlife in areas where browsing damage will not affect the screening or ornamental qualities of the planting plan.

C. Removal of Existing Vegetation Prohibited

Removal of specimen trees of 3 inch caliper or greater, and removal of shrub stands and rows with an average height of 3 feet or greater is prohibited in the AC-TC, AR-TC, PRD, MHP-TC, OP-TC, BP-TC, BC-TC, and S zones except in accordance with an approved landscape plan. Removal of dead, diseased, or damaged trees and shrubs which are a potential hazard to life and property may be approved by the Planning Director. In addition, vegetation may be removed to meet fuel reduction mitigation measures required by the Fire Marshal.

D. Use of Landscaped Areas

No portion of a site required to be landscaped shall be used for the parking of vehicles or for open storage of any kind.

E. Open Space Standards

All areas of required open space that are presently covered with natural vegetation and are to remain undisturbed shall not be required to be landscaped. Areas of open space that have been disturbed, except those to be used as sports fields and other areas that are to be paved, must be restored to prior conditions, as much as feasible. In addition, adequate ground cover shall be provided so that no landscaped ground areas are exposed to erosion. Noxious weeds appearing on the designated list under the Wyoming Weed and Pest Control Act of 1973 shall be controlled.

5.5.5. Installation and Maintenance (1/1/15)

A. Irrigation

Landscape surface areas and plant units that cannot naturally be provided with adequate moisture for the types of plants installed shall be equipped with an irrigation system.

B. Phasing

Landscape plans and the installation of required plant materials may be phased consistent with the development phasing approved for a project.

C. Required Time for Completion

All landscaping shall be in place prior to occupancy. The Planning Director may allow occupancy without required landscaping in place if the landscaping will be in place within one year. In such cases the Planning Director may require submittal of a bond or other financial surety pursuant to Sec. 8.2.11. for installation of the landscaping.

D. Maintenance

All landscaping required by these LDRs shall be maintained. Maintenance shall include control of those noxious weeds that appear on the designated list under the Wyoming Weed and Pest Control Act of 1973. Maintenance shall be the responsibility of the landowner, and shall be carried out regularly so that the intent and integrity of the required landscaping is preserved. If any plant materials die or are damaged, they shall be replaced by the landowner.

Div. 5.6. Sign Standards

5.6.1. Town Sign Standards (1/1/15)

[Section number reserved, standards only apply in Town]

5.6.2. County Sign Standards (1/1/17)

A. Purpose

The purpose of this Section is to allow for the reasonable display of signage to identify and advertise products, services, and business establishments for the information and convenience of the general public. This Section sets forth standards and criteria for the fabrication, erection, and use of signs, symbols, markings, and other advertising devices in Teton County. These standards and criteria are designed to protect and promote the public health, safety, and general welfare of persons within the community. They are also designed to aid in the development and promotion of business and industry by providing sign regulations which encourage aesthetic creativity, effectiveness, and flexibility in the display and use of signs, while protecting and enhancing community character as described in the Jackson/Teton County Comprehensive Plan.

B. Applicability

1. Sign Permit. No person shall erect, alter, or relocate any sign without first obtaining a Sign Permit and meeting the standards set forth in this Section. Signs conforming to the requirements of this Section which identify a seasonal business may be removed for the seasons during which the business is not in operation, and may be reinstalled without a new sign permit.

2. Maintenance and Repainting Exempt. The repainting, changing of parts, and maintenance of signs located on the site shall not be deemed alterations requiring a Sign Permit, except for nonconforming signs as set forth in Sec. 1.9.5.

3. Exempted Signs. The following signs are not regulated by this Section and do not require a Sign Permit:

   a. Traffic Signs. All signs erected in a public right-of-way by a public agency or in a private road right-of-way for controlling or directing traffic.

   b. Political Signs.

   c. Time and Temperature Signs. The moving or changing portion of time and/or temperature signs allowed pursuant to C.3.c., providing they are kept in good repair at all times and providing that any sign containing such features conforms with all other requirements of this code.

   d. Governmental Flags. Official governmental flags of the United States, State of Wyoming, the County, or the Town and which are properly displayed, provided they do not exceed 20 square feet each, and further provided they

are not mounted on a roof or atop other signs. One corporate flag may be displayed along with a proper display of any or all of the official flags listed in this paragraph, provided it does not exceed 20 square feet.

e. Private Warning Signs. Private warning signs provided they do not exceed 3 square feet.

f. Signs on Vehicles. Signs in or upon a vehicle, provided the vehicle is not left standing in conspicuous places and used primarily as an advertising device.

g. Construction Signs. Construction signs announcing the construction of a building or project naming owners, contractors, subcontractors and architects not to exceed one sign of 24 square feet for each street frontage of the building or project.

h. Historical Signs. Historical signs for sites and/or structures designated by the Board of County Commissioners as having historical significance to the County.

i. Guidance Signs. Guidance and other informational signs authorized by the Wyoming Department of Transportation or other governmental agency.

j. Business Signs. No more than one Open/Closed and one Vacancy/No Vacancy sign, one hours of operation sign, and one credit card acceptance sign, not to exceed a total of 3 square feet in area, displayed for each business.

k. Noncommercial Signs. Signs that contain noncommercial messages that do not advertise a product or service, provided they do not exceed 20 square feet in area.

l. Statuary and Sculptures. Freestanding statuary and sculptures which are considered to be works of art and which are placed on private property clearly for the benefit and interest of the general public.

m. Mural. Murals when depicted on the sides or rear of a building or storefront, provided that the mural has no connection or advertising context to any business conducted or any product or service offered therein.

n. Real Estate Signs. Signs of real estate companies or private individuals announcing a property for sale, rent, or lease, provided that no such sign exceeds 6 square feet, and that only one sign per property per street frontage is displayed.

o. Gate or Arch Sign. A gate or arch sign situated over the primary entry of a subdivision or agricultural operation in the R-1, R-2, or R-TC; provided that the sign face does not exceed 8 square feet and that the sign provides a clearance of at least 13.5 feet from the driving surface.

p. Minor Residential Signs. Wall signs not to exceed 1 square foot in area that identify the occupants or owners of a residential property. Larger residential signs shall comply with the provisions of this Division.

q. Be Bear Aware Signs. Signs cautioning proper storage of attractants, garbage, etc. for the purpose of raising awareness and maintaining human safety in areas possessing moderate and high risks of bear conflicts (Conflict Priority Area 1), as stipulated in Sec. 5.2.2.

r. Posted Notice. Notice of a meeting or hearing that meets the standards of Section 8.2.14.C.4.

C. Allowable Signage

1. Allowable Signage by Zone

a. R-TC Zone

i. Nonresidential Uses. Each freestanding nonresidential building or complex of buildings is allowed 1 rustic freestanding sign, not to exceed 16 square feet in area or 10 feet in height.

ii. Residential Uses. 1 unlighted rustic freestanding sign not to exceed 4 feet in height; or, 1 unlighted wall sign, neither of which may exceed 4 square feet in area, identifying the owner and/or the name of the property is allowed.

iii. Home Occupations/Businesses. 1 unlighted wall sign, which may not exceed 2 square feet, identifying legal home occupations shall be allowed.

b. S-TC and NC-TC Zones

i. Nonresidential Uses. Each freestanding building or complex of buildings is allowed 1 rustic freestanding sign not to exceed 6 feet in height and 12 square feet in area, or, 1 wall sign not to exceed 12 square feet in area.

ii. Residential Uses

a). 3 Acres or More. For a residential use on a lot of record of 3 acres or more, 1 unlighted rustic freestanding sign not to exceed 4 feet in height and 4 square feet in area; or, 1 unlighted wall sign, not to exceed 4 square feet in area, identifying the owner and/or name of the property is allowed.

b). Less Than 3 Acres. For a residential use on a lot of record less than 3 acres, 1 unlighted wall sign identifying the name of the owner and/or property, not to exceed 3 square feet, is allowed.

iii. Home Occupations/Businesses. One unlighted wall sign not to exceed 2 square feet, is allowed.

c. Auto Urban Residential - County (AR-TC), Auto Urban Commercial - County (AC-TC), Wilson Commercial (WC), Business Park - County (BP-TC), Office Professional - County (OP-TC), and Business Conservation - County (BC-TC)

i. Nonresidential Uses. For nonresidential uses in the AR-TC, AC-TC, WC, BP-TC, OP-TC, and BC-TC zones, signage is permitted according to the following standards.

a). Freestanding Signs. Each freestanding building or complex of buildings is allowed 1 rustic freestanding sign at the primary entrance or street frontage, not to exceed 8 feet in height. The maximum area of the sign shall be 1 square foot for each linear foot of building facing the street, not to exceed 40 square feet.

b). Wall Signs. Each freestanding building or storefront is allowed 1 wall sign per street frontage which shall not exceed 1 square foot per 2 linear feet of building facing the street, to a maximum area of 24 square feet per sign.

c). Monument or Entry Sign. Each freestanding building or complex, having a primary or secondary entry from a street other than the street which it faces, shall be allowed one entry sign per entrance, not to exceed 4 feet in height, nor 6 square feet in area.

ii. Residential Uses

a). Less Than 8 Units. One unlighted wall sign identifying the name of the owner and/or property, not to exceed 3 square feet is permitted.

b). 8 Units or More. One rustic freestanding project identification sign not to exceed 6 feet in height and 6 square feet in area; or, one wall sign not to exceed 6 square feet in area is permitted.

iii. Home Occupations/Businesses. One unlighted wall sign not to exceed 2 square feet in area is allowed.

2. Window Signs. Signs displayed in windows of buildings or storefronts are permitted. The number of signs and their total area does not count toward the total allowable signage per zone, nor is a Sign Permit required for their display, provided the following standards are met:

a. Size Limit. Window signage may occupy no more than 25% of the area of the window in which it is displayed. In no event shall window signage exceed 16 square feet in any one window.

b. Prohibited Features of Window Signs. No window sign, or any other sign within a building or structure, shall flash, rotate, or be mechanically or electronically animated in any way so as to be visible from outside of the building or structure.

3. Special Purpose Signs

   a. Changeable Copy Signs

      i. Reader-board or changeable copy signs are permitted to be displayed by the following types of businesses.

         a). **Theaters.** Motion picture theaters and play-houses.

         b). **Convention Facilities with Liquor Licenses.** Businesses with convention facilities, and which qualify for resort liquor licenses under the Statutes of the State of Wyoming.

         c). **Fuel Stations.** Businesses which sell motor fuels at retail dispensed from pumps on premises.

      ii. Changeable copy signs may be either freestanding signs or wall signs, as permitted in the zone. The area of any changeable copy sign in its entirety shall conform to the allowable signage for the zone. Only one changeable copy sign per eligible business establishment is permitted.

   b. **Movie Poster Signs.** Motion picture theaters and retail stores whose primary business is the sale and/or rental of pre-recorded video tape and/or discs to the general public shall be permitted to display a maximum of 2 movie poster signs. Movie posters must be displayed in a display case which must be permanently affixed to the wall of the building or storefront. Movie posters shall not be affixed directly to a wall as a temporary sign. Movie poster display cases may be lighted, and shall not exceed 12 square feet in area. The area of any movie poster sign conforming to this Section shall not count toward the total signage allowed by zone.

   c. **Time and Temperature Displays.** Banks, savings and loan associations, and credit unions are permitted, in addition to signage permitted by zone, to display the correct time and air temperature for the information of the general public. Time and temperature displays are limited to 1 per eligible business establishment, and the moveable/changeable area of the display may not exceed 12 square feet. Time and temperature displays may be affixed to either freestanding or wall signs, as permitted by zone.

4. **Temporary Uses.** Signage for the temporary uses and for one-time grand openings, is permitted subject to the conditions and limitations stated herein. All signs require a Sign Permit issued by the Planning Director. Unless otherwise specified, signs must be removed immediately upon the discontinuance of the temporary use or event.

   a. **Christmas Tree Sales.** One freestanding sign, not to exceed 6 feet in height, or one wall sign, or one banner per sales lot is permitted, not to exceed 8 square feet in area.

   b. **Contractors and Real Estate Sales Offices.** In addition to the construction sign(s) exempt from this Section, one wall sign affixed to the office and not to exceed 3 square feet is permitted.

c. Public Interest Event. One freestanding sign not to exceed 6 feet in height, or one banner is permitted, neither of which may exceed 12 square feet in area. The sign or banner must be displayed on the site of the event. Up to 2 off-premises directional signs not to exceed 6 square feet each are also permitted. Signs may be displayed up to 14 days prior to the event.

d. Special Event. One freestanding sign not to exceed 6 feet in height, or one banner, neither of which may exceed 12 square feet in area, is permitted per street frontage at the site of the event. Signs may be displayed up to 14 days prior to the event.

e. Shelters. Shelters are permitted signage according to the allowable signage by zone, for residential uses in the zone in which the shelter is located.

f. Farm Stands. Farm stands are permitted one temporary sign or banner, not to exceed 6 feet in area, or, signage permanently painted on, or affixed to, a vehicle may substitute for the sign or banner.

g. Grand Openings. On a one-time basis, a business establishment shall be permitted one banner not to exceed 12 square feet, to be displayed for a period of not more than 14 calendar days.

5. Optional and Alternative Signs

a. Freestanding Signs. When the architecture of a building or complex and/or the character of the immediate area are such that a rustic freestanding sign is clearly incompatible, the Planning Director may allow a conventional freestanding sign as an alternative, provided the alternative sign meets all material and display standards.

b. Canopy Signs. Canopy signs may be substituted for wall signs, subject to approval by the Planning Director, and a Master Signage Plan if applicable. Any canopy sign must have a minimum vertical clearance of 7.5 feet from any walking surface.

c. Projecting Signs. Projecting signs that are perpendicular to a building may be substituted for wall signs, subject to approval by the Planning Director, and a Master Signage Plan if applicable. No sign face of a projecting sign may project more than 4 feet from the wall to which it is mounted. Any projecting sign must have a minimum vertical clearance of 7.5 feet from any walking surface.

D. Prohibited Signs

The following signs and types of signs are prohibited in all zones in Teton County.

1. Moving Signs. Flashing, blinking, fluttering, undulating, swinging, rotating, or otherwise moving signs, pennants, balloons, holograms, light beams, or other decorations, except time and/or temperature signs as permitted in B.3.c.

2. Moving Appurtenances. Moving mechanical or electrical appurtenances attached to a sign or otherwise intended to attract attention to a sign.

3. Rotating Beacon Lights. Rotating beacon lights.

4. Inflatable Signs. Inflatable advertising devices or signs.

5. Portable Signs. Changeable copy trailer or portable signs, either fixed or moveable.

6. Changeable Copy Signs. Changeable copy signs except as permitted in C.3.a.

7. Banners. Banners, except as explicitly permitted by this Section.

8. Off-Site Signs. All off-site, off-premise, and directional signs that advertise businesses, establishments, activities, facilities, goods, products, or services not made, produced, sold, or present on the premises or site where the sign is installed and maintained are prohibited. Those signs placed by governmental agencies for the use and benefit of a concessionaire on the concession land shall not be deemed or construed to be off-premise signs.

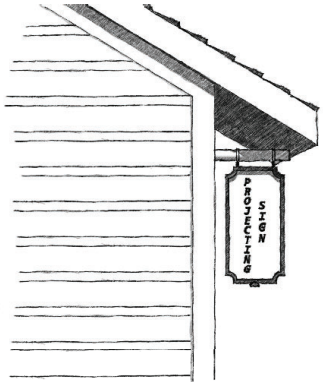
9. Signs on Motor Vehicles. No person shall park any motor vehicle or trailer on public or private property so as to be seen from the public right-of-way that has attached thereto or located thereon any sign for the purpose of advertising a product or directing people to a business activity.

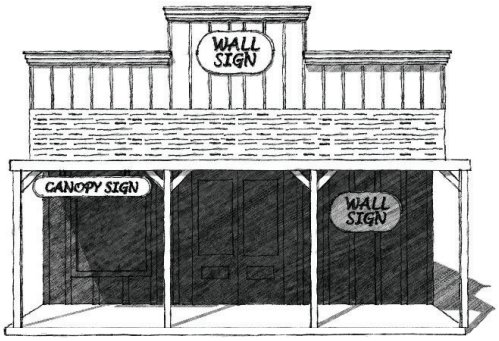
10. Neon Signs. Neon signs or valances unless inside a building or in a window and not to exceed 4 square feet, except as exempted from this Section.

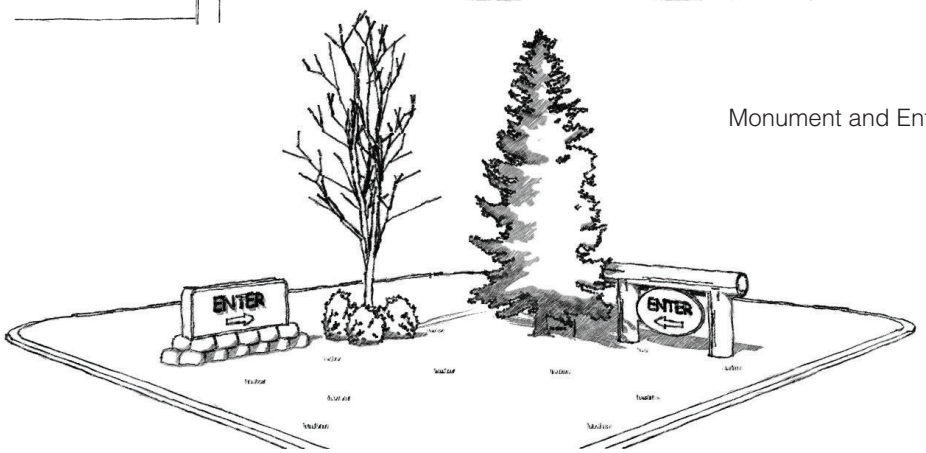
11. Internally Illuminated Signs. Signs with internal illumination of any type.

12. Strings of Lights. Strings, banks, or rows of lights used to outline or highlight a building or portion of a building, except as holiday decorations from Nov. 15 through Jan. 10.

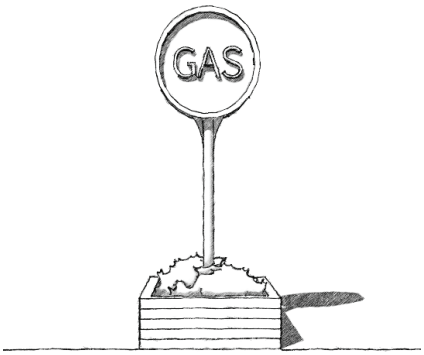
13. Other Temporary Signs. Any other device in the form of a sign which is of a temporary nature, or mobile, and not permanently affixed to a building or an upright support affixed firmly to the ground, except as permitted under C.4.





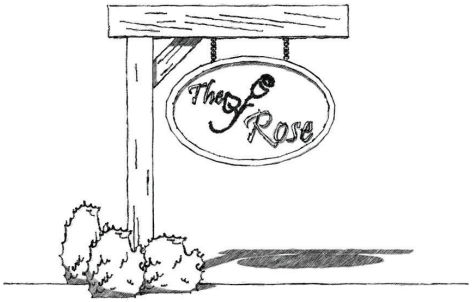


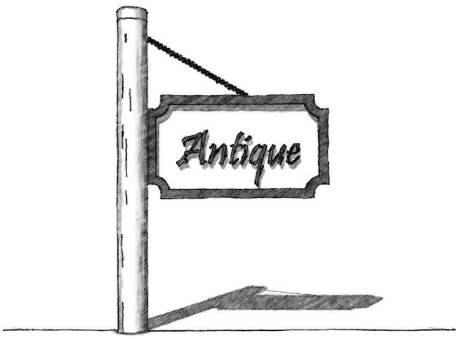
Monument and Entry Signs



Conventional Freestanding Signs

Rustic Freestanding Signs





E. Master Signage Plan

The number, sizes, and types of signs allowed by this Section are based upon the number and sizes of freestanding buildings, storefronts, and complexes of buildings. A Master Signage Plan may be required by the Planning Director to ensure compliance with the standards and requirements of this Section when multiple signs are allowed, and/or multiple tenants, businesses, or other entities occupy a single building or site.

1. **Approval of Master Signage Plan.** The Master Signage Plan is subject to approval by the Planning Director, and once approved, all individual Sign Permits shall comply therewith.

2. **Requirements.** Each Master Signage Plan shall clearly indicate the location, size, and type of each sign on the property, as well as the distribution of allowed signage among multiple tenants, businesses, or entities within a building or complex.

3. **Adjustments to Number of Wall Signs Permitted.** Subject to an approved Master Signage Plan, the number of wall signs may be increased in order to allow signage for each tenant, business, or other entity occupying a single building or storefront. In no event shall the wall sign area be increased beyond the allowable signage by zone.

4. **Optional Signs.** When optional signs are proposed pursuant to C.5., a Master Signage Plan shall clearly indicate where substitutions are proposed and that all applicable standards are met.

F. Sign Material and Display Standards

1. **Sign Materials.** Any and all materials used to construct signs, supports, or fasteners shall conform to the following standards:

   a. **Permitted Materials Generally.** Signs may be constructed of painted, stained, or carved wood, or an approved wood substitute; brick or stone; glass; metal or metallic leaf which is rust resistant, painted or anodized, or otherwise treated to prevent reflective glare.

   b. **Permitted Support Structure Materials.** Exposed metal support structures for signs including, but not limited to, posts, poles, and sign sides or edges, but which shall not be construed to include metal connecting devices such as, but not limited to, straps, chains, bolts, eye bolts, sleeves or collars used for connecting one structure or assemblage to another structure or sign, must be faced or covered with wood or stone or such other material as may be approved by the Planning Director as a reasonable, natural textured substitute.

   c. **Rustic Freestanding Signs.** Rustic freestanding signs shall be constructed of carved and/or sand blasted wood. Letters may be raised or carved and may be painted. Supports shall be of rough-hewn posts or logs, or finished logs. Fasteners may be of wrought iron, chain, or angle iron, and must be of a weathered bronze, rust, or black finish, and must be non-reflective.

2. Sign Area. The area of a sign shall be the measurement of the face of the sign that is designed to present a message or attract attention, exclusive of structural support members. The area of the sign face shall be the area of the smallest standard geometric shape, or the sum total of the areas of more than 1 standard geometric shape, that encompasses the sign face. Two sided signs shall be permitted provided that neither side exceeds the maximum allowed area and the 2 faces are back to back and are at no point farther than 2 feet from one another. Otherwise, the area of all faces shall be included in determining the area of the sign.

3. Display Standards. The display of all signs regulated by this Division shall conform to the standards of this Section. Illustrated prototypes of all types of signs permitted by this Division are shown below.

   a. No Obstruction Permitted. No sign shall obstruct a clear view to and from traffic along any street right-of-way, entrance, or exit as required by Sec. ~~7.6.~~5.9.6.

   b. No Projection within Right-of-Way. No signs, except traffic signs and similar regulatory notices, shall be allowed to project or be located within public right-of-way lines.

   c. Lighting. Signs may be unlighted or lighted externally, unless otherwise indicated in the allowable signage by zone.

   d. Shielded Spotlights. Any spotlights permitted to illuminate signs shall be shielded such that their light source cannot be seen from adjoining roads.

   e. Wall Signs Mounted on Parapets. A wall sign mounted on a parapet wall shall be mounted 6 inches or more below the top of the parapet wall.

   f. No Imitation of Traffic Signs. Signs shall not resemble, imitate, or approximate the shape, size, form, or color of traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of traffic signs, signals, or devices, nor be lighted in a way that can cause glare or impair driver visibility upon roads.

   g. No Prevention of Ingress/Egress. Signs shall not be erected, relocated, or maintained in such a way that prevents free ingress or egress from any door, window, or fire escape, and no sign shall be attached to a standpipe or fire escape.

   h. No Mounting on Natural Features. No signs shall be painted or mounted on trees. No land form or natural land feature (rocks, cliff faces, etc.) may be defaced for purposes of displaying a sign.

   i. Height and Clearance. All signs shall meet the following regulations relating to height and clearance from the ground, or from a walking or driving surface as applicable.

i. **Measurement of Freestanding Sign Height.** The height of a freestanding sign shall be measured vertically from the highest point of the sign to the ground below, except that vertical supports of a rustic freestanding sign may extend above the maximum allowed height by not more than 6 inches.

ii. **Clearance.** The clearance of a projecting freestanding, wall, canopy, or fascia sign shall be measured from the lowest edge of the overhang to the driving or walking surface below.

j. **Freestanding Sign Setback.** Any rustic freestanding sign, entry sign, or monument sign shall be set back a minimum of 2 feet from any property line.

k. **Landscaping.** The ground area around the base of all freestanding signs shall be landscaped in accordance with the requirements of these LDRs (see Div. 5.5.). The Planning Director, however, may exempt some freestanding signs from this standard where it is demonstrated that the landscaping would unduly interfere with pedestrian or vehicular traffic, interfere with traffic visibility, or for other reasons be impractical, for example, on a boardwalk.

l. **No Street Frontage.** When a freestanding building, complex, or storefront does not face a public street or approved private road, and is accessed via a pedestrian area or common parking and drive area, the linear feet of building or storefront facing the pedestrian area or common parking and drive area shall substitute for purposes of determining allowable signage.

G. Sign Construction Standards

Signs and sign structures shall be designed and constructed to resist wind and seismic forces as specified in the currently adopted building code. A building permit for the sign structure may be required. If there is any indication that the proposed structure may not resist wind, seismic forces, or other loads or stresses, a Wyoming registered engineer's certification on the sign's structural plans shall be required.

H. Dangerous or Defective Signs

1. **Removal or Repair by Owner.** Any sign, which is in a dangerous or defective condition, shall be removed or repaired by the owner of the premises or the owner of the sign. Upon failure of the owner to remove or repair a dangerous or defective sign, the Planning Director shall proceed pursuant to Div. 8.9.

2. **Removal by Planning Director.** The Planning Director shall cause the removal of any sign that endangers the public safety or a sign for which no Sign Permit has been issued.

3. **Cost of Removal.** The costs associated with the removal of a sign by the Planning Director shall be paid by the owner of the property on which the sign was located. If the cost is not paid within a reasonable time, the unpaid balance shall be considered a lien against the property. The cost of removal shall include any and all incidental expenses incurred in connection with the removal of the sign.

Div. 5.7. Grading, Erosion Control, and Stormwater Management

5.7.1. Purpose and Applicability (1/1/17)

A. Purpose

It has been determined that runoff from construction sites carries a significant amount of sediment and other pollutants to the waters of the State of Wyoming and the County. Therefore, it is the purpose of this Division to preserve natural resources; to protect the quality of the waters of the State of Wyoming and the County; and to protect and promote the health, safety, and welfare of the people to the extent practicable by minimizing the amount of sediment and other pollutants carried by runoff or discharged from construction sites to lakes, streams, and wetlands. In addition, this Division is also intended to protect the health, safety and welfare of the citizens of the County from geologic hazards which may result through improper grading practices. Invasive Species standards are intended to maintain the character and function of native habitat by reducing the spread of noxious weeds and introduction of other invasive species through grading and revegetation practices.

B. Applicability

This Division shall apply to all land disturbing activity and all excavations unless explicitly exempted. Agriculture meeting the standards for exemption in Section 6.1.3.B. is not considered a land disturbing activity, unless it disturbs natural slopes of 30% or greater.

> **EXAMPLE:** Examples of land disturbing activities include, but are not limited to, grading, topsoil removal, filling, road or drive cutting, altering or enlargement of a stream or channel, removal of streambed materials, channel clearing, ditching, drain tile laying, dredging, lagoon construction, soil and water conservation structures, and the extraction or placement of rock, sand, or gravel. Grading permits shall be reviewed and approved pursuant to Sec. 8.3.4. Also refer to the Teton Conservation District's Stormwater Pollution Prevention Plan Guide.

C. Varied Standards for Levee Construction and Maintenance

The standards of this Division may be varied as necessary to allow for construction and maintenance of flood control structures, such as levees.

D. Grading Permit Required

A grading permit shall be submitted to describe the site grading, erosion controls, and stormwater management that will be used to meet the requirements of this Division. A grading permit is required for all land disturbing activities unless explicitly exempted. There are 2 levels of grading permit.

1. **Statement Level Grading Permit.** The purpose of the statement level grading permit is to allow the County Engineer to review land disturbances that, while small in area, may impact other landowners and the environment. A statement level grading permit application for a ditch alteration shall be prepared by a professional engineer registered in the State of Wyoming or by both a land surveyor and landscape architect registered in the State of Wyoming in accordance with ~~7.7.~~5.10.4.D.

2. **Plan Level Grading Permit.** All plan level grading permit applications shall be prepared by a professional engineer or landscape architect registered in the State of Wyoming. Prior to submittal of a plan level grading permit the applicant shall have a pre-application conference pursuant to Sec. 8.2.1. A plan level grading permit application for a ditch alteration shall be prepared by a professional engineer registered in the State of Wyoming or by both a land surveyor and landscape architect registered in the State of Wyoming in accordance with ~~7.7.~~5.10.4.D.

3. **Geotechnical Report.** A geotechnical report shall be submitted with a plan level grading permit application for construction sites with existing slopes greater than 30% or when considered necessary by the County Engineer in consideration of soil type and stability and the proposed structure; the report may be waived by the County Engineer, when applicable. The report shall be prepared by a professional engineer registered in the State of Wyoming.

4. **Required Permit.** The table below establishes the type of grading permit required for various grading proposals. The required permit shall be the most rigorous requirement that applies to the proposal.

> **EXAMPLE:** A proposal that would result in 41% impervious surface coverage or more requires a Grading Plan regardless of the amount of disturbance or slope.

Required Grading Permit Submittal			
Grading Proposal	Required Grading Permit		
	Exempt	Statement Level	Plan Level
Proposed impervious surface	See below	See below	≥ 41%
Total land disturbance	See below	≥ 12,000 sf and < 1 ac	≥ 1 ac
Disturbance of slopes ≤ 5%	< 12,000 sf	≥ 12,000 sf and < 1 ac	≥ 1 ac
Disturbance of slopes > 5% & ≤ 15%	< 1,000 sf	≥ 1,000 sf and < 1 ac	≥ 1 ac
Disturbance of slopes > 15%	n/a	≤ 3,000 sf	> 3,000 sf

5. **Permit Exemptions.** Grading proposals exempt below or in the table above shall be exempt from the requirements to obtain a Grading Permit; however, all activities shall comply with the standards of this Division regardless of whether or not a permit is required. Exemptions do not apply to ditch alterations, which

are required to meet the standards of ~~7.7.~~5.10.4.D. In addition to the exemptions established in the table above, the following activities shall be exempt from the requirement to obtain a Grading Permit:

a. **Agricultural Activities.** Earthmoving operations occurring on natural slopes that are less than 30%, which are associated with an agricultural use meeting the standards for exemption in Section 6.1.3.B.

b. **Emergency Flood Control Work.** A grading permit is not required prior to earthmoving operations occurring as emergency flood control measures; however, an after-the-fact grading permit is required to document the grading completed.

6. **Stormwater Management Plan.** Regardless of the grading permit requirement or exemption, the County Engineer may require submittal of a stormwater management plan, prepared by an engineer or landscape architect licensed in the State of Wyoming, if it is necessary to determine compliance with Sec. 5.7.4. The stormwater management plan shall be approved by the County Engineer prior to any physical development.

5.7.2. Grading Standards (8/7/18)

A. General Standards

The following general standards shall be met before a grading permit is issued.

1. **Avoid Risk of Landslides.** The grading shall avoid the risk of landslides or other forms of slope failure, rock-falls, and avalanches.

2. **Not Significantly Increase Rate of Stormwater or Snowmelt Runoff.** The grading shall not significantly change the rate of stormwater or snowmelt runoff, and shall avoid or minimize the erosion of natural or constructed slopes and sediment accumulation in natural drainage channels or watercourses.

3. **Not Significantly Alter Drainage Patterns.** The grading shall not significantly alter natural drainage patterns.

4. **Conforms to General Natural Forms.** The grading shall preserve and conform to the general natural form and contours of the land surface.

5. **Preserves Natural or Established Vegetation.** The grading shall be designed to preserve natural or established vegetation as much as is practically possible.

6. **Provides for Revegetation.** The affected site area shall be revegetated as is necessary for the stabilization of disturbed surfaces with the exception of areas covered by impervious surfaces and/or structures. Revegetation plans should contain components as identified in Teton County Weed and Pest District's Revegetation Guide (www.tcweed.org/Revegetation.php).

7. **Allows Most Rapid Possible Recovery of Disturbed Lands.** The grading shall allow for the most rapid possible recovery of disturbed lands to natural or introduced vegetation.

8. Stabilizes Slope. The revegetation shall stabilize the slope and shall be compatible with native vegetation.

9. Minimizes Cut and Fill. The plan shall minimize cut and fill on a site. An application for a grading and erosion control permit shall be denied if it is determined that its issuance would result in excessive cutting and filling and that the intended structure or use would be feasible with less alteration of the natural terrain.

10. Discovery of Historic or Prehistoric Ruins and Monuments. Whenever during excavation there are uncovered, or become apparent, any historic or prehistoric ruins or monuments not previously accounted for in the issuance of a permit, all work in the immediate area shall cease until the Wyoming State Archaeologist determines what precautions shall be taken to preserve the historic or prehistoric artifacts.

11. Maintenance and Repair Measures. All graded surfaces, sedimentation basins, and other control measures necessary to meet the requirements of this Section shall be maintained by the applicant, landowner, or subsequent landowner during the period of land disturbance and land development of the site in a satisfactory manner to ensure adequate protection from erosion and to prevent nuisance conditions. Nuisance conditions include, but are not limited to, the tracking of dirt and mud onto public streets, and fugitive dust. Should any dredging or soil removal occur for the construction of temporary sedimentation basins or other control measures, such areas shall be restored when the temporary sedimentation basin or other control measures are removed.

12. Invasive Species Management. An Invasive Species Management Plan is required to be submitted as part of any Grading Permit application. The purpose of the Invasive Species Management Plan is to assist in maintaining the character and function of native habitat helping to reduce the spread of noxious weeds as defined in WS 11-5-101 - 119, and introduction of other invasive species through grading and revegetation practices (also see WS 11-9-101 - 109 and WS 11-12-101 - 125). Noxious weeds and other invasive species require prevention or control during all phases of construction to limit severe and costly infestations in the future.

    a. The Invasive Species Management Plan shall include pre-construction, active construction, and post-construction integrated control elements.

    b. Teton County Weed and Pest will review and approve a plan prepared by the applicant, or will prepare the Plan for a site given advance notice.

    c. Plans should include components identified in Teton County Weed and Pest District's Invasive Species Management publication (www.tcweed.org/LandDevelopmentWMP.php)

B. Grading Standards

All grading activities shall meet the following technical standards.

1. Removal of Organic Materials. Fill areas shall be properly prepared by removing organic materials, such as vegetation and rubbish, and any other material which is detrimental to the proper compaction of the site or not otherwise conducive to the stability of the site.

2. Site Vegetation Removal and Revegetation. The removal of existing vegetation shall not occur more than 30 days prior to the commencement of grading, and permanent revegetation shall be commenced as soon as practical after the completion of grading. Site specific native seed mixtures shall be used to revegetate all disturbed areas with the exception of lawn and landscaped areas. Mulching shall be used in order to assure vegetation growth.

3. Topsoil, Stripping, Stockpiling, and Redistribution. The existing topsoil shall be stripped and stockpiled on site for redistribution over the completed final grade.

4. Retaining Walls and Facings. All retaining walls or facings with a total vertical projection in excess of 4 feet shall be designed as structural members keyed into stable foundations capable of sustaining the design loads, and shall be designed by a professional engineer registered in the State of Wyoming.

5. Compaction on Structural Load Bearing Areas of the Site. Fills on structural load bearing areas or roadways shall be compacted to at least 95% of maximum density, as determined by the American Association of State Highway and Transportation Officials (AASHTO T99, most recent edition) and/or the American Society of Testing Materials (ASTM D698, most recent edition), or to the compaction level deemed necessary by a Wyoming registered professional engineer, considering the types of soil, groundwater infiltration and percolation, degree of slope, exposure, and other factors pertaining to slope stability.

6. Interceptor Ditches. Interceptor ditches shall be provided above all cut slopes greater than 5 feet, with a drainage area of 13,000 square feet, unless deemed unnecessary by the County Engineer taking into account vegetation, soil type, total drainage area, topography and potential rain and snow fall. Interceptor ditches may also be required when the drainage area is less than 13,000 square feet at the discretion of the County Engineer in consideration of the factors listed above. The intercepted water shall be conveyed to a stable channel or natural drainageway with adequate capacity to carry the flow.

7. Fill Slopes near Roads. On roads, fill slopes shall not be located where the base of the slope is within 15 feet horizontally of the top of an exterior or planned cut slope, except at road switchbacks.

8. Cut and Fill within Site Boundaries. The tops and toes of cut and fill slopes shall be within the property lines of the proposal, and outside of right-of-way lines and vehicular access easements. Where adjacent landowners agree to waive this requirement for all or a portion of their common boundary, an easement for the grading activity, maintenance activity and the final grading configuration shall be required for each lot of record affected. A copy of the easement(s) shall be submitted for staff review as a part of the grading approval process. Permanent easement(s) shall be recorded by the Teton County Clerk and recorded against the subject lots of record.

9. Borrowing for Fill Prohibited. Except for existing quarries, borrowing for fill shall be prohibited unless the fill material is obtained from a cut authorized by the issuance of a grading and erosion control permit obtained for some purpose other than to produce fill material.

10. Cut and Fill Slopes. Cut and fill slopes shall be graded to a slope no steeper than 2:1, or 50%, to allow for permanent revegetation or landscaping unless a retaining wall is used or a steeper slope is approved by the County Engineer. The County Engineer may require the submission of a detailed engineering report and analysis prepared by a registered State of Wyoming professional engineer relative to the safety of such cuts and fills, if necessary considering soil type, soil stability, and any proposed structures.

5.7.3. Erosion Control Standards (1/1/15)

A. Erosion Control

Erosion is to be controlled on-site, both permanently and during construction to reduce erosion and attendant pollution.

B. Design Criteria, Standards, and Specifications for Erosion Control Measures

The following standards shall apply to all grading activities during land disturbance.

1. Site Dewatering. Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, up-slope chambers, hydro-cyclones, swirl concentrators, filter fences, or other appropriate controls as determined by the County Engineer. Water may not be discharged in a manner that causes erosion of the site or receiving channels. All required State discharge permits for discharging to surface waters or groundwaters shall be obtained and applicable State requirements met prior to discharge.

2. Waste and Material Disposal. All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials, or hazardous materials) shall be properly disposed and not allowed to be carried by runoff into a receiving channel, basin, or storm sewer system. No on-site burial of construction wastes or unused materials is allowed.

3. Drain Inlet Protection. All storm drain inlets shall be protected with a straw bale, filter fabric, or equivalent barrier.

4. Site Erosion Control. The following criteria apply only to land development or land disturbing activities that result in runoff leaving the site:

    a. Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as described in this Section. Sheet flow runoff from adjacent areas greater than 13,000 square feet shall also be diverted around disturbed areas unless shown to have non-scouring velocities. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels.

b. All activities on the site shall be conducted in logical sequence to minimize the area of bare soil exposed at any one time.

c. Runoff from the entire disturbed area on the site shall be controlled by filter fences, straw bales, or equivalent control measures placed along all side slope and down slope sides of the site. If a channel or area of concentrated runoff passes through the site, filter fences shall be placed along the channel edges to reduce sediment reaching the channel.

5.7.4. Stormwater Management Standards (1/1/15)

A. General Provisions

1. Limitation of the Amount of Stormwater Runoff. No physical development, use, development option, or subdivision shall cause adjacent landowners, water courses, channels, or conduits to receive stormwater runoff from the proposed development site at a higher peak flow rate or at higher velocities than would have resulted from the same storm event occurring over the site of the proposed development, use, or subdivision with the land in its previous condition. The range of storms considered shall be the 1 year through 100 year event.

2. Limitation of the Velocity of Stormwater Runoff. Stormwater runoff shall be managed so that the velocity of flow does not cause scour or erosion. (Reference the most recent edition of the U.S. Soil Conservation Service Handbook, “Water Management and Sediment Control for Urbanizing Areas.”)

3. Stormwater Detention Basins Required. Detention basins or equivalent management facilities shall be provided within the development in order to properly limit surface runoff as set forth under this Section.

4. Timing of Stormwater Management Facility Construction. Where the physical development, use, development option, or subdivision of a site could result in danger to persons, land, or wildlife due to runoff during construction, the facilities for stormwater runoff control shall be constructed prior to any earth moving or drainage construction on the site.

5. Location. All stormwater management facilities shall be constructed within the confines of the proposed physical development, use, development option, or subdivision, except in the case of approved regional stormwater detention facilities.

6. Drainageways. The following standards shall apply to all drainageways.

   a. Preserve and Use Natural Surface Drainage System, When Possible. Retention of surface drainage in drainageways is encouraged. Natural drainageways shall be preserved and used, wherever feasible, for a natural surface drainage system.

   b. Design to Slow Time of Surface Water Concentration. The drainage shall be designed to slow the time of surface water concentration on the site and retain maximum infiltration into the ground.

c. **Design as Grassed Swales, Wetlands, or Mesic Grasslands.** Where flows permit, the channels shall be designed as grassed swales, wetlands, or mesic grasslands encouraging sheet flow.

d. **Natural Edges Using Plant Materials.** All wet basin retention ponds shall be designed to have natural edges using approved native plant materials from the lists provided in the office of the Planning Director.

e. **Restore Disturbed Area to Natural State.** Any disturbed areas shall be restored to a natural state including revegetation. The proposed restoration plan, which shall include a schedule, shall be designed by a landscape architect registered in the State of Wyoming.

f. **Contact County Engineer.** Prior to construction, improvement or alteration of drainageways, the County Engineer must be contacted and apprised in writing of the intended activity.

B. Design Requirements for Stormwater Management Facilities

1. **Storage Capacity.** All stormwater storage facilities shall be designed with sufficient capacity to maintain a post-development runoff rate that is equal to or lower than the pre-development runoff rate. The stormwater storage facilities shall be designed for the range of storms from the 1 year through 100 year storm events.

2. **Design Regulations.** All stormwater management facilities and improvements required by this Section shall comply with the following standards:

   a. **Method of Calculation.** The “rational method” shall be used to calculate peak flow rates. The “modified-rational method” shall be used to calculate volumetric requirements for drainage areas of 10 acres or less. The “Soil Conservation Service method” shall be used to calculate volumetric requirements when the drainage area is more than 10 acres. Intensity, duration, frequency data included in the table below shall be used. Calculations for sites known to have greater precipitation shall increase these figures by an appropriate amount. Data 20% greater shall be used for the Teton Village area.

Intensity-Duration-Frequency Curve Data		
	Intensity (inches/hour)	
Duration (minutes)	10 Year Storm Event Recurrence Frequency: 10%	100 Year Storm Event Recurrence Frequency: 1%
5	1.80	3.00
10	1.42	2.33
15	1.19	1.90
20	1.05	1.65
30	0.83	1.30
40	0.67	1.08
50	0.57	0.95
60	0.51	0.82
70	0.47	0.74
80	0.43	0.65
90	0.40	0.61
100	0.37	0.56
110	0.35	0.52
120	0.33	0.48

b. Outlet Control Structures. Outlet control structures shall be designed as simply as possible and shall operate automatically. They shall be designed to limit discharges into existing or planned downstream channels or conduits so as not to exceed the runoff of the site in its previous condition.

c. Spillway. Emergency overflow facilities shall be provided unless inflow is controlled to divert flows when the basin is at capacity.

d. Dry Bottom Basin. For basins designed without permanent pools:

i. Interior Drainage. Provisions must be made to facilitate interior drainage to include providing natural grades to outlet structures, longitudinal and transverse grades to perimeter drainage facilities, or the installation of subsurface drains.

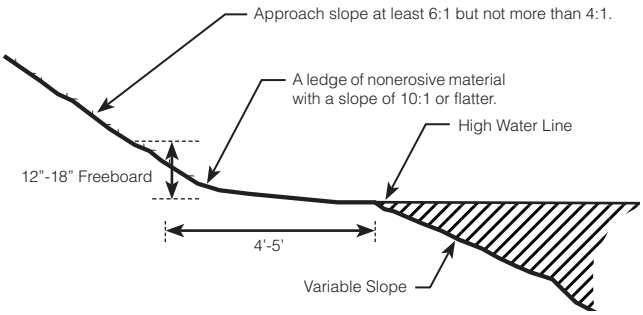
ii. Multi-Purpose Features. Dry bottom basins may be designed to serve secondary purposes for recreation, open space, or other types of use, which will not be adversely affected by occasional or intermittent flooding.

e. Wet Basins. Wet basins shall not be considered for river, stream, or lake bank buffer protection. Wet basins require a Reservoir Permit from the State Engineer's Office. For basins designed with permanent pools:

i. Depth for Fish. If fish are anticipated at least 1/4 of the area of the permanent pool must have a minimum depth of 10 feet.

ii. Facilities for Emptying. For emergency purposes, cleaning, or shoreline maintenance facilities shall be provided, or plans prepared, for the use of auxiliary equipment to permit emptying and drainage.

iii. Safety Considerations. Public access to wet basins shall be restricted by appropriately designed and constructed perimeter fences or other approved safety provisions. If access is not restricted, the wet basin shall be constructed as depicted below within approach slopes of at least 6:1 horizontal to vertical, but not more than 4:1 sloping toward the basin. A ledge shall be of non-erosive material with a slope of 10:1 or flatter. The ledge shall be 4 - 6 feet wide and slope gently toward the shore to prevent people or objects from sliding into deep water. There shall be a freeboard of no less than 12 inches above the high-water elevation on all retention basins. Alternate designs for side slopes may be considered under special circumstances where good engineering practice is demonstrated. The below illustration presents this concept.



f. Cleaning of Basins. Basins shall be designed to allow periodic cleaning and removal of sediments. Sediment traps shall be designed to permit periodic cleaning and maintenance.

g. Parking Lot Storage. Paved parking lots may be designed to provide temporary detention storage of stormwater on a portion of their surfaces. Depths of storage shall not exceed 6 inches.

h. Pollution Abatement. Where a physical development, use, development option, or subdivision will cause the introduction of new pollutants into the runoff water, adequate provision shall be made for the storage, treatment, and removal of such pollutants.

3. Inspection of Facilities. The developer's engineer or landscape architect shall be required to inspect all drainage facilities under construction and certify their compliance with approved plans. In addition the County Engineer, or the County Engineer's designated representative, may inspect all drainage facilities while under construction and after completion of construction to ensure that stormwater control facilities are being properly maintained and provided that such inspections shall be conducted during normal weekday working hours. In addition, the County may install hydrological measuring devices in drainage facilities within any development. When facilities are not constructed according to approved plans, the County has the explicit authority to compel compliance and require correction of any situation which is not according to the approved plans.

Div. 5.8. Design Guidelines (1/1/15)

[Division number reserved, standards only apply in Town]

Div. 5.9. Transportation Facility Standards

5.9.1. Purpose (1/1/15)

The purpose of this Division is to control access to public roadways in a manner that maintains the safety, capacity, and function of the roadway and to provide standards for transportation facilities, including streets, alleys, access easements, and pathways.

5.9.2. Access to Roads, Streets and Highways (1/1/15)

Direct vehicular access to collector and arterial roads shall be limited to ensure that the congestion created by turning movements is reduced to a minimum. All development shall meet the following standards:

A. Residential Uses

Lots of record for individual detached single-family units shall take direct access to or from local residential streets and may take direct access to a collector or arterial road only if no other access options exist, and only if the developer is unable to provide a street for access to a public or private local residential street, due to site limitations such as but not limited to topography and sight distances.

B. Other Residential Development

Other residential development of higher density shall take direct access to collector or arterial streets to avoid infiltration of lower density neighborhoods where available.

C. Nonresidential Uses

All nonresidential uses shall take primary access from a parking circulation aisle or drives designed to provide internal circulation within the development or for several lots of record.

1. **Direct Primary Access to Local Street.** Direct primary access to a local residential street is prohibited for nonresidential uses.

2. **Direct Primary Access to Arterial or Collector Road.** Nonresidential uses shall be permitted direct primary access to arterial or collector roads (except as provided in ~~7.6.~~5.9.2.D.)

D. Access Limited to Collector and Arterial Road

At least 300 feet shall separate access points on collector and arterial roads with posted speeds of less than 35 miles per hour (mph), and 600 feet from roads with posted speeds of 35 miles per hour (mph) or more.

E. Traffic Study Required if More than One Access Point

In instances where more than one access point is requested on any one collector or arterial road, a traffic study shall be required to demonstrate the minimum number needed. The minimum number is all that shall be permitted.

F. More than One Access Point/Designate "Right Turn Only," Wherever Possible

When more than one access point exists for a development, at least one exit shall contain a "right turn only" lane, when traffic patterns and the design layout allow it.

5.9.3. Streets, Alleys, and Easements (1/1/15)

[Section number reserved, standards only apply in Town]

5.9.4. Street and Road Standards ~~(1/1/17)~~(AMD2019-0006)

A. Purposes

These standards are enacted to protect and promote the public health, safety and welfare, to protect Teton County's priceless environmental quality and scenic beauty, and to maintain and promote the efficient, cost-effective and safe movement of persons and goods in Teton County. The requirements and procedures herein are intended to regulate and control the design and improvement of subdivisions, transportation routes, recreational pathways, and other development in the County in order to achieve the following purposes:

1. Conformance with Highway Improvement Plans. To ensure conformance and coordination of land subdivision and other development with the highway improvement plans of the County and its municipalities, the State of Wyoming and federal land management agencies.

2. Establish Standards. To encourage well-planned land subdivision and other development by establishing adequate standards for design and improvement of roadways and other pedestrian and vehicular movement systems.

3. Adequate Access. To ensure adequate access to all properties for fire, police and other vital services.

4. Cost/Benefit of Facilities. To ensure a fair and just distribution of the costs and benefits of roadways and other pedestrian and vehicular movement systems within the County.

B. Jurisdiction

The territorial jurisdiction of these standards and regulations shall include all of the unincorporated lands within Teton County, Wyoming other than National Park, National Forest, National Elk Refuge lands or other lands not under County jurisdiction for the purposes of zoning regulation.

C. Interpretation

1. In their interpretation and application, the standards and regulations of this Section shall be held to be the minimum requirements and shall apply to all roads within its territorial jurisdiction. No standard or regulation of this Section is intended to repeal, abrogate, annul, impair or interfere with any existing resolution of the County, provided that where any standard or regulation of this Section imposes more stringent regulations, requirements or limitations than are imposed by any other resolution of Teton County or any Statute of the State of Wyoming, then the standards and regulations of this Section shall govern.

2. The Teton County Engineer may grant exceptions to the standards and regulations contained in this Section pursuant to Sec. 8.8.1. in order to provide flexibility to the application of these standards and regulations and where exceptions do not materially compromise public safety. In granting an exception the County Engineer must consider the following minimum criterion:

   a. Potential land uses and traffic volumes to be served by the road at build-out; and

   b. Compatibility with adjacent roadway sections; and

   c. Effect on non-motorized facility users; and

   d. Cumulative effect if an exception to more than one standard is requested; and

   e. Effect of the exception on the safety of residents, motorists and non-motorists; and

   f. Effect on level of service; and

   g. Accident data; and

   h. Protection of resources regulated pursuant to Div. 5.1., Div. 5.2., and Div. 5.3.; and

   i. Potential mitigation measures (including but not limited to, vehicle turn-outs, warning signs, mirrors at curves, guard rails, mandatory plowing or maintenance contracts, etc.) to address excepted standards or regulations; and

   j. Comparative cost of required standard or regulation versus exception request.

3. The County Engineer shall document all exception requests in an Exception Report, which shall include a description of the exception request and relevant standards and regulations, the County Engineer's determination, any required mitigation, and the basis for the approval or the denial. All exception requests shall be stamped by a registered Wyoming professional engineer and approved by the County Engineer. The County Engineer shall seek comment from the Teton County Road ~~and~~& Levee ~~Superintendent~~Manager, Fire Chief and Planning Department in determining whether to grant or deny the exception

request. The County Engineer shall distribute all completed Exception Reports to the Teton County Road ~~and~~& Levee ~~Superintendent~~Manager, Fire Chief, the Planning and ~~Development~~Building Services Department, and the applicant.

D. Functional Classification

1. All streets and roads in the unincorporated portions of Teton County shall be classified by functional type. Such classification shall establish a hierarchy, which separates roads by function and intensity of use in order to achieve safety and efficiency in road layout and design. In addition, a road of any classification may be designated by the Board of County Commissioners as a "Scenic Road" on the basis of its particular value to the county due to the scenic nature of its route, of the adjacent lands, or of views from the roadway. Such designation shall be by amendment of the Transportation Master Plan Map.

2. As defined in these regulations, the functional class hierarchy applicable in Teton County shall consist of the following road types:

   a. Arterial

   b. Major Collector

   c. Minor Collector

   d. Major Local

   e. Minor Local

   f. Access Easement

E. Transportation Master Plan Map

The Planning Director shall maintain an official map and supporting documents describing the location, functional class, right-of-way width and applicable standards of all existing and proposed roads, roadway corridors, equestrian trails, and pathways in the County. Such map and supporting documents are considered to be a part of these regulations. Any new location for a federal, state, county, or local road, scenic road, highway corridor, equestrian trail, or bikeway not indicated on the map as of the date of these regulations, except for proposed streets, equestrian trails, and pathways within approved subdivisions or other projects, or roads on federal or state lands, shall require adoption by the Board of County Commissioners pursuant to the requirements for amendments specified in these LDRs.

F. Jurisdiction and Maintenance Responsibilities

Nothing in the above Transportation Master Plan Map shall imply acceptance by Teton County for maintenance or other purposes of any road or street. Such acceptance shall be established only in accordance with Wyoming statutory procedures for adoption or vacation of County roads. Where a highway proposed for adoption as a County road does not meet the structural or right-of-way standards applicable to its classification, such adoption may or may not be conditional upon its improvement to meet those standards, at the discretion of the Board of County Commissioners.

1. **Acceptance of Collectors.** It shall, however, be the policy of Teton County to give primary consideration for acceptance and maintenance to those roads classed as major and minor collectors.

2. **Acceptance for Specific Need/Benefit.** Arterials and most major collectors are the responsibility of the Wyoming Department of Transportation. Roads on federal lands may or may not be the responsibility of the appropriate federal agency. Local roads are normally the responsibility of developers, private citizens, homeowners' associations or special districts. The County may, at its option and by official action, accept or provide maintenance on such streets where a specific county need or benefit is shown.

G. General Standards

The following general standards shall govern the layout of roads and streets:

1. **Compatible with Transportation Master Plan.** Road, bicycle, equestrian, and pedestrian facilities and circulation patterns shall be compatible with the Teton County Transportation Master Plan.

2. **Functional Class.** Plans shall be designed and constructed in accordance with the standards of this Section.

3. **Safety.** Road layout and design shall provide for the safety of motorists, bicyclists, pedestrians, equestrians and residents of contiguous properties.

4. **Rural Roadway Level of Service.** Rural roadways shall be designed to function at level of Service D at buildout within any development, or at 20 years from construction for other roads.

5. **Urban Roadway Level of Service.** Urban roadways shall be designed to function at level of Service D at buildout within any development, or at 20 years from construction for other roads.

6. **Minimize Length.** Plans shall minimize the overall length of both County and non-County roads while adequately providing for necessary traffic movements.

7. **Access for Emergency/Service Vehicles.** All dwellings and other structures shall be accessible by emergency and service vehicles.

8. **Separate Types of Traffic.** Pedestrian, bicycle, equestrian and vehicular traffic shall be separated where desirable for safety.

9. **Limit Through Traffic.** Through traffic shall be limited on residential streets.

10. **Minimize Environmental Impact.** Road layouts shall be designed to minimize cuts, fills, excessive runoff concentrations or other environmental impacts and shall follow natural contours wherever possible.

11. **Avoid Natural Hazard Areas.** Roads shall not be constructed in 10-year flood areas, on steep or naturally unstable slopes, in avalanche paths or in other hazardous areas except where no alternative is feasible.

12. Minimize Impact on Wildlife. Roads shall be designed to minimize impacts on wildlife, significant wildlife habitat or migration routes.

13. Minimize Impact on Agriculture. Roads shall be designed to accommodate ranching activities and stock driveways.

14. Mass Transportation Facilities. Bus stops and shelters shall be located to take advantage of existing parking opportunities.

H. Development Street Design

In order to ensure safety, efficiency, residential quality, lower housing costs, and environmental protection, and to avoid over design and the confusing network of undifferentiated street types commonly found in subdivisions, all development street systems shall be laid out in accordance with generally accepted standards of the American Association of State Highway and Transportation Officials (AASHTO.) The arrangement of streets in new developments shall make provision for the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided or developed) insofar as such may be deemed necessary by the County Commissioners. The street arrangement shall be such as to cause no unnecessary hardship to owners of adjoining properties when they develop their land and seek to provide convenient access to it. Any right-of-way for arterials, major collectors, and minor collectors shall not be included within private lots, but shall be platted as a separate entity.

I. Traffic Impact Study

Proposed subdivisions or other developments which will generate more than 1,000 vehicle trips per day shall conduct a traffic impact study to determine any need for additional acceleration, deceleration, traffic, or turning lanes, signalization, or other roadway improvements on roads affected by the development. The traffic impact study shall be reviewed by the Planning Director, the County Engineer, and the County Road & Levee Manager~~Supervisor~~ and will normally include current traffic counts, projected subdivision or development traffic generation, County traffic projections for roads affected by the subdivision or development, calculated capacity of existing and proposed roadways, calculation of intersection capacities and warrants for signalization, turn lanes, channelization, etc., estimates of bicycle and pedestrian movements, and other similar elements as required by the Planning Director.

J. Design Traffic Volumes

Where average daily traffic (ADT) is referenced in this Section, traffic volumes for State and County roads shall be as described in information maintained by the Planning Director. For existing and proposed roads, ADT shall be calculated using rates derived from “Trip Generation” by the Institute of Transportation Engineers and “Trip Generation Intensity Factors” developed by the Arizona Department of Transportation and the Federal Highway Administration.

1. **Best Available Information for Trip Generation.** Where proposed uses are not included in these references or more recent information is available, traffic generation shall be determined by the Planning Director based on the best available information.

2. **Trip Generation for Residential Uses.** For residential uses the following trip generation factors are to be used per dwelling unit:

Trip Generation for Residential Uses	
Residential Uses	Trip Generation Factor
Single Family	9.5
Townhouse	7.2
Apartment	6.7
Condominiums are considered townhouse or apartment, depending on which type of design they most closely resemble.	

K. Minimum Design Standards

All roads under County jurisdiction shall conform to the standards described in the table below. Also see the Fire Protection Resolution for additional design standards.

L. Cul-De-Sac Streets

Cul-de-sac streets shall be designed to permit future access to other land ownerships where practical, and be designed and located with safety considerations in mind. All cul-de-sacs shall have a terminus consisting of a minimum outside radius of 45 feet, or a “T” or “L” layout having 60 foot legs. In steep or mountainous terrain, where excessive grading would result from a full-sized cul-de-sac, the “T” or “L” legs may be reduced to 45’ in length with the approval of the Teton County Engineer.

M. Half-Streets

Half-streets along a development boundary or within any part of a development shall not be permitted. The full right-of-way and pavement width of all classes of streets shall always be provided, except where an arterial or collector road is shown on the Highway Master Plan Map along a property boundary. In such case, minimum half-street right-of-way shall be 60 feet or one-half the required right-of-way, whichever is greater.

Minimum Planning and Design Standards****					
Functional Class	Arterials	Collectors		Local	
		Major	Minor	Major	Minor
Design Item					
Right-Of-Way Width (Feet)	150	120	80	60	60
Typical A.D.T.	over 5,000	2,000-5,000	500-2,000	200-500	20-200
Design Speed* (MPH)					
Level Terrain	60	40	35	30	25
Rolling Terrain	50	30	30	25	20
Mountainous Terrain	40	25	25	25	15
Minimum Horizontal Radius (Feet)	***	***	***	140**	100**
Intersection Separation (Feet)	2,500	600	300	125	125
Width Of Travel Lanes (Feet Per Lane)	12	12	11	10	10
Width Of Shoulders (Paved)(Feet Each Side)	8	5	4	0	0
Bike Lane Required To Be Striped	YES	YES	YES	NO	NO
On-Street Parking Allowed	NO	NO	NO	NO	NO
Width Of Pedestrian Equestrian Trail (Feet One Side)	10	10	10	0	0
Surface Type	Paved	Paved	Paved	Gravel	Gravel

* Minimum Design Speed. Except where specified otherwise in this Section, geometric design features shall at a minimum be consistent with the design speeds listed in the table in ~~7.6.~~5.9.4.N. for the appropriate terrain type, except that, unless specified otherwise by the Board of County Commissioners, design speed for designated scenic roads may be reduced by 10 mph.

** Widening on the inside of sharp curves shall be provided. Additional width equal to 400 divided by the curve radius in feet is recommended.

*** In accordance with AASHTO requirements.

**** Also see the Fire Protection Resolution for additional design standards.

N. Road Design Standards

All roads and streets in Teton County shall be designed and constructed in accordance with the policies and standards contained in this Division. Where standards are not specified, the current standards of the American Association of State Highway and Transportation Officials (AASHTO) shall be followed.

1. **Urban Road Design.** Roads located within urban areas as defined in this Section shall be designed and constructed in accordance with a comprehensive set of standards acceptable to the Planning Director. Those within 1 mile of the Town of Jackson, and within 1.5 miles of the Jackson sewer line shall conform with standards specified by the Town of Jackson.

2. **Grades.** Maximum grades for any design speed shall be those described in the table below. Also see the Fire Protection Resolution for additional standards pertaining to grade of roads.

3. **Alignment.** Switchback roads in mountainous terrain may be constructed with radii certified, by a registered Wyoming Civil Engineer, as meeting the minimum requirements of the projected traffic on the road.

4. **Super-Elevation.** Super-elevation shall not exceed 0.08 ft. per foot.

5. **Surface Types.** For each functional road class, the surface types specified in the table above, shall be the minimum requirements. Pavement structure shall be designed by a registered Wyoming Civil Engineer based upon expected traffic loads and existing soil conditions.

Maximum Grades (%)								
Type of Terrain	Design Speed (mph)							
	15	20	25	30	35	40	50	60
Flat*	7	7	7	7	7	7	6	5
Rolling**	10	10	9	9	8	8	7	--
Mountainous***	10	10	9	9	8	8	--	--

* Flat terrain refers to those lands within 10 year flood plains, and with slopes of less than 10%.

** Rolling terrain refers to those lands with slopes from 10 to 15%.

*** Mountainous terrain refers to those lands on steep or naturally unstable hillsides, and lands with slopes in excess of 15%.

For Major and Minor Local Roads, grades may be increased to 150% of the values shown above for a distance not to exceed 500 feet.

6. **Traffic Control Devices.** Signs, pavement and other markings, and traffic signal controls shall be required in accordance with the "Manual on Uniform Traffic Control Devices for Streets and Highways" (FHWA).

7. **Structures.** Bridges, culverts, walls, tunnels, and other structures shall be designed and certified by a registered Wyoming Civil Engineer as meeting the minimum requirements for the intended use, traffic load, and soil conditions. The burden of proof of the adequacy of such standards shall rest with the applicant for any development or subdivision permit.

   a. **Local Minor Bridges.** Roads of Local Minor Category (ADT of 20-200) or less require bridges designed to HS-20 criteria.

b. **Single Lane Bridges.** Single lane bridges may be constructed on roads having a total projected ADT ≤ 250 for all development, including adjacent undeveloped land, that may reasonably be expected to be accessed by the bridge; and as long as the design is safe, considering such factors as sight distance and approach gradient and as long as a clear 14 foot travel way is provided as required by the Jackson/Teton County Fire Department.

8. **Drainage.** Culverts or bridges of adequate strength shall be installed whenever natural drainages are crossed or no less often than 750 feet to transfer water to the downhill side of a road section. They shall be sized to pass the floodwaters of a storm having a two year frequency. The minimum culvert size is 18 inches. Crossings of natural drainages shall be designed and constructed to provide for the natural passage of fish when deemed appropriate by the Planning Director.

   a. **Maintain Irrigation Flow.** All stream and/or ditch crossings must be designed and constructed so as to not restrict irrigation flow to any degree.

   b. **Conformance with LDRs.** All drainage, erosion control and grading items shall be conducted in accordance with these LDRs.

9. **Access Approaches.** Approaches to County roads shall have a roadbed width of not less than 20 feet and a minimum radius at the shoulders of 15 feet. They shall have the same type of pavement as the County road being accessed from the right-of-way line to the shoulder of the County road. Appropriate culvert pipe shall be placed under the approach as directed by the County Road & Levee Manager~~Supervisor~~. In all other respects approaches shall conform with the applicable standards of the current version of the Wyoming Department of Transportation's "Rules and Regulations for Access Driveways to Wyoming State Highways".

10. **Street Name Signs.** Street name signs shall be installed at all intersections within, and entrances into, any development. Name signs at these locations shall be placed at least 7 feet above the ground, with the street names parallel to their respective streets. The letters shall be clearly readable and at least 4 inches in height for street names, and 2 inches in height for compass and street abbreviations. Street signs for each street shall be readable from both sides.

11. **Road Location within Easement.** Roadways shall be designed so that the road is constructed at least 8 feet from the edge of the easement.

O. Plans and Specifications

1. In addition to any County requirements for materials to accompany applications for development permits, subdivision permits or similar County approvals, plans and specifications for pathways or for roads other than private drives, prepared by a registered Wyoming Civil Engineer, shall be submitted to the Planning Director for review prior to construction. The technical specifications shall be those specified in this Division. If no applicable standards are established by this Division, the plans and specifications shall be designed and certified by a registered Wyoming Civil Engineer as meeting the minimum requirement of

the intended use. The burden of proof of the adequacy of such standards shall rest with the applicant and final determination shall be by the Board of County Commissioners.

2. Plans shall include typical cross-sections, plan and profile sheets, cross-section sheets indicating sections appropriately spaced in consideration of the gradient of the roadway, pavement design, calculations, and drainage plans.

P. Inspections

For subdivisions or other developments, the following inspections shall be required by County officials during construction:

1. **Plan Inspection.** A field review of the proposed roadway or bikeway when completed plans are available, prior to construction (review of development permit for construction).

2. **Staking Inspection.** A field review of slope staking, at least every 200 feet, prior to clearing and/or grading.

3. **Grading and Drainage Inspection.** A field review of grading operation and drainage installation prior to placement of any sub-base material. Check measurements shall be made of cross-section dimensions and drainage structures and soil compaction may be checked.

4. **Pavement Inspection.** A field review of pavement placement. Shall include check measurements of depths and widths.

5. **Final Construction Inspection.** A field review when all items are completed.

Q. Maintenance

Most state and federal highways are maintained by the Wyoming Department of Transportation. Other roads within National Parks and Forests are maintained by the appropriate federal agency in accord with their adopted standards and practice. Roads accepted as County roads may be maintained by the County. Otherwise, maintenance of subdivision or other roads shall be the responsibility of private individuals, homeowners' associations, improvement districts or similar entities.

5.9.5. Easements and Right-of-Way Dedication (1/1/15)

A. Road and Pathway Rights-of-Way

In any project requiring a permit, required rights-of-way for any arterial, major collector, or Pathway shown on the Transportation Master Plan Map and supporting documents, insofar as they may lie on or adjacent to the site of the proposed subdivision or development shall be dedicated to Teton County or to the State of Wyoming, as appropriate, for use as County or State roads, highways or pathways, based on the amount of demand created by the proposed development. Easement requirements beyond that demand must be acquired by the appropriate agency. Width of the required rights-of-way shall be as described in the table in

Sec. ~~7.6.~~5.9.4., and on the Transportation Master Plan Map and other supporting documents. This requirement shall include dedication of any required additional rights-of-way for existing State or County roads lying within or adjacent to the site.

1. **Required Dedication.** Where the site of a subdivision or other development is contiguous to or contains an existing or proposed arterial indicated on the Transportation Master Plan Map, the Board of County Commissioners may require dedication of additional right-of-way, to provide for access streets, bus stop or shelter locations, planting screens, walls, berms or other elements which may be necessary for adequate protection of residential properties or to afford separation of local and through traffic. The extent of participation in the easement by the developer or landowner will be determined by the demands created by proposed development.

2. **Form of Dedication.** Dedication of rights-of-way for County roads or pathways shall be in fee simple by a separate general warranty deed or quitclaim deed (when approved by the Board), by dedication on a recorded subdivision plat, or by a recorded easement, as required by the Board of County Commissioners.

3. **Dedication for State Highways.** Dedication of rights-of-way for State highways shall be in a form determined by the Wyoming Department of Transportation. In lieu of dedication to the State of Wyoming for such highways, the Board of County Commissioners may approve the dedication of such required rights-of-way to Teton County, in conformance with the requirements above for dedication of County roads, for future transfer to the State of Wyoming as required.

4. **Timing of Dedication.** Dedication of any required rights-of-way shall be completed prior to Subdivision Plat signature for any subdivision, or to issuance of the permit for any other project. However, for any permit for the master plan of a Planned Unit Development for which subdivision plats have not yet been approved or where the Board of County Commissioners determines that immediate dedication of right-of-way is not required or would disrupt continuation of agricultural activities, the required right-of-way may be set aside in a formal reservation for future dedication, including an accurate survey description of the required lands, to be recorded with the Clerk of Teton County. Where such a reservation has been recorded, it shall be binding on all future owners of the underlying property and shall so state. Such reserved right-of-way shall be dedicated to the County or State as described above upon application for Subdivision Plat signature for any subdivision including or adjacent to the right-of-way, upon the approval of any permit for construction activity on the site (other than such activity undertaken for agricultural or flood control purposes), upon its change of use from agricultural to any other use, or upon a finding by the Board of County Commissioners that the reserved right-of-way is required by the County or State for road or bikeway construction purposes.

B. Nonroad Transportation Easements

Easements provided in any subdivision or other development shall be in accordance with the following:

1. **Emergency Access Easements.** Emergency access easements shall be provided on all private streets or roads and other emergency vehicle lanes. Adequacy of such areas shall be determined by the County Sheriff and the Jackson/Teton County Fire Department.

2. **Cut and Fill Easements.** Cut and fill easements shall be provided when street or road cuts and fills are not within a street or road right-of-way.

3. **Sidewalk or Walkway Easements.** Sidewalk or walkway easements may be required to be provided when pedestrian facilities are not within a dedicated street right-of-way. Minimum easement width shall be 6 feet, though wider easements are encouraged to allow for landscaping, walkway curvature and an enhanced visual experience for pedestrians.

4. **Pathway Easements.** Pathway easements shall be provided when such facilities, when required, are not proposed to be located within a dedicated road right-of-way. Minimum easement width shall be 12 feet, though wider easements are encouraged in order to enhance the recreational experience of the user and facilitate maintenance. The amount of participation by the developer or landowner in the easement will be determined by the demand created by the proposed development.

5. **Cattle Drive Easements.** Where movement of cattle is necessary, particularly from summer range on National Forest and National Park property to private holdings in Teton County, and motor vehicle traffic levels are such that cattle movement cannot be done safely on road rights-of-way or will seriously disrupt motor vehicle traffic, cattle path easements shall be provided. Except where the Board of Commissioners has determined that such an easement shall be obtained or maintained by the County, such easements will be to private individuals or corporations and be maintained by them. Width shall be as determined by the fee simple landowner and the holder of the easement.

6. **Other Easements.** Other easements shall be provided as required by the Board to the extent that the proposed development creates a demand for such easements.

C. Easement Location

Easements shall be properly located or monumented in accordance with applicable Wyoming Statutes.

D. Construction Responsibility

Except as required otherwise by this Division, all improvements located in, on, over or under an easement shall be constructed by the appropriate agency. The underlying fee simple property owner shall not interrupt or in any way interfere with the lawful construction of improvements within the easement.

E. Maintenance Responsibility

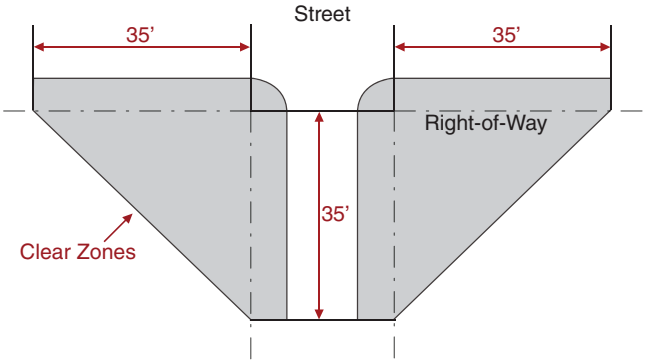
Other than County, State or Federal road easements, all easements shall be maintained by the underlying fee simple property owner and all improvements located in, on, over or under easements shall be maintained by the applicable or designated agency.

1. **No Interference.** Other improvements provided by the fee simple property owner shall not interrupt or in any way interfere with the designated and continued use and maintenance of the easements and improvements located thereon.

2. **County Maintenance.** Except for designated County roads, Teton County shall not be responsible for maintenance of easements and/or improvements thereon, unless otherwise approved by the Board of County Commissioners.

5.9.6. Clear View of Intersecting Streets (1/1/15)

No signs or other obstructions shall be permitted to be located in road rights-of-way and in the clear zones as indicated below, except required essential traffic control signs.



Div. 5.10. Required Utilities

5.10.1. Purpose (1/1/15)

The design, layout and construction of utilities shall conform with the standards of this Division. The standards for design, construction, specifications, and inspection of improvements, as prescribed in this Division, shall be in addition to the standards established by other County Departments.

5.10.2. Potable Water Supply (1/1/15)

A. Public Water Supply Reasonably Accessible

Where an approved public water supply is reasonably accessible or procurable, the applicant shall make application to the appropriate authority to connect to such water supply. If approval is granted, the applicant shall connect to the system and install water lines to make the water supply available to each lot of record within the development at its property line.

B. Water Supply Not Accessible

Where an approved public water supply is not reasonably accessible or procurable, the applicant shall, at the discretion of the Board of County Commissioners, either:

1. **Install Central Water Supply System.** Install a central water supply system and water lines to the lot line of each lot of record from wells or other approved sources in accord with the State Department of Environmental Quality, and with the approval of the County and the State Engineer, or

2. **Evidence Water Supply Available to Each Lot of Record.** Submit evidence satisfactory to the County Engineer that an adequate water supply meeting all State and County requirements is otherwise available to each lot of record in the proposed development, such as by an individual well.

C. Fire Fighting Water Supply or Fire Hydrants

The developer shall provide a fire fighting water supply or fire hydrants within the development. Such hydrants shall be of the type, size, and number and installed in such locations specified by the County Fire Protection Resolution.

5.10.3. Sanitary Sewer Systems (1/1/15)

A. Public Sanitary Sewer System Available

Where a public sanitary sewer system is located within 500 feet, and legal access is obtainable, the applicant shall connect to such sanitary sewer system and provide adequate connection lines to the property line of each lot of record.

B. Public Sanitary Sewer Not Reasonably Available

Where a public sanitary sewer is not located within 500 feet, the applicant shall install sewage disposal facilities, or lot owners shall install individual septic tanks and sewage disposal systems for each lot of record, which shall be approved by the County Sanitarian. The applicant shall furnish to the satisfaction of the County Sanitarian or State Department of Environmental Quality a report of percolation, groundwater and soils tests; these tests shall be performed in sufficient numbers and completed on the land by a licensed engineer or land surveyor indicating that a sufficient number of soils tests with results have been made in separate test holes spaced uniformly over proposed absorption field sites, and that the results of such tests indicate that percolation rates and high groundwater levels are adequate to permit the installation of the proposed type of soil absorption system without creating sanitation or pollution problems. The use of individual sewage disposal systems shall be subject to review, inspection of construction and approval of construction by the County Sanitarian. See the Teton County Small Wastewater Facilities Resolution for permit requirements and design standards.

5.10.4. Irrigation Ditch Systems and Design (1/1/15)

A. Surface Water Rights

If there are surface water rights appurtenant to the lands to be subdivided, the developer shall provide evidence that the requirements of Section 18-5-306(a)(12), Wyoming Statutes, 1977, as amended will be complied with.

B. Irrigation Water

If irrigation water is to be made available in a development, it shall be the responsibility of the developer to install an approved delivery system. Such a system shall meet minimum delivery requirements for the development and shall encompass the control of wastewater, drainage water and surface water resulting from irrigation, and protect and deliver the water rights of others using the same water source. The irrigation delivery system shall be approved by the State Engineer. The irrigation system/ditches also shall be approved by the County Sanitarian as to how it affects the operation of individual sewage disposal systems on lots of record in the immediate and adjacent areas of the development.

C. Restriction of Methods

The County may restrict the methods of irrigation to be employed in order to prevent an artificial and detrimental rise of the groundwater table under the subdivided land or adjacent lands.

D. Setbacks

1. Intent. Setbacks from irrigation ditches shall provide for the maintenance of ditches while also protecting water quality and promoting agriculturally related scenic resources and wildlife habitat.

2. General. Physical Development, including architectural projections, shall be set back a minimum of 15 feet from the top of bank of all open irrigation ditches and the centerline of all piped irrigation ditches; notwithstanding, adequate access for maintenance of the ditch shall be provided to the organized or un-organized ditch company, or any water rights owner on the ditch.

3. Exceptions. The following types of physical development are exempt from the 15 foot irrigation ditch setback. Notwithstanding, the requirements of all State Statutes applicable to irrigation ditches shall be satisfied.

   a. Maintenance of the Ditch. Maintenance of the ditch by the organized or un-organized ditch company, or any water rights owner on the ditch.

   b. Private Lateral. Development along a lateral that has no downstream users and terminates on the property being developed.

   c. Pipeline in Existing Easement. Development along a piped ditch, when the piped ditch is within a maintenance easement existing as of September 24, 2007. Notwithstanding, the physical development shall not occur within that easement.

   d. Essential Access. Ditch crossings for essential access are permitted provided that they do not obstruct the maintenance of the ditch, or historic flow of the ditch.

   e. Agriculture. Non-structural, agricultural development may encroach into the ditch setback.

   f. At Grade Paths and Roads. An at grade path or road may encroach upon demonstration to the satisfaction of the Planning Director that:

      i. it will not obstruct maintenance of the ditch;

      ii. it will not adversely impact the water quality in the irrigation ditch or irrigation system within which the irrigation ditch is a part;

      iii. it will not cause any change in the hydrology of neighboring lands; and

      iv. it will not cause safety problems for those persons using the proposed path or road.

4. Note on Development Plan/Subdivision Plat. Required setbacks from ditches shall be noted on the Development Plan and/or Subdivision Plat.

E. Irrigation Ditch Alteration

The following standards apply for any alteration of an irrigation ditch. This includes moving the irrigation ditch, enclosing the irrigation ditch, or causing any other change in the characteristics of the irrigation ditch. Notwithstanding, ditch alteration for agricultural purposes and alteration of a lateral that has no downstream water rights and terminates on the property of the alteration shall be exempt from the requirements of this Subsection.

1. **Consultation with Water Commissioner.** An applicant proposing to alter a ditch shall provide evidence that the proposed alteration has been presented to the local Water Commissioner for the district in which the alteration is proposed.

2. **Grading Permit Required.** A Grading and Erosion Control Permit prepared pursuant to Div. 5.7. is required for all ditch alterations. The permit application shall be prepared by a professional engineer registered in the State of Wyoming or by both a land surveyor and a landscape architect registered in the State of Wyoming.

3. **Restriction of Methods.** The County may restrict the methods of irrigation to be employed in order to prevent an artificial and detrimental rise of the groundwater table under the lands of the alteration or adjacent lands.

4. **Setback from Edge of Ditches.** The top of bank of all altered open ditches and the centerline of all altered piped ditches shall be set back a minimum of 15 feet from all property lines and conform to all other setback standards.

5.10.5. Other Utilities ~~(2/22/15)~~(AMD2019-0006)

A. Buried Utilities Required

All utilities shall be installed underground; except that, outside of the mapped Wildland-Urban Interface an existing above-ground fuel tank may be replaced above ground. Any relocation of existing utilities shall be buried.

B. Easements

Where utilities are not provided within a dedicated road right-of-way, easements of not less than 30 feet shall be provided for accommodating water lines, sanitary sewers and stormwater drainage. Minimum width of easements for power lines, telephone lines, and other utilities shall be 15 feet.

C. Levees

1. **Sprinkler Systems Prohibited.** Installation of sprinkler systems or other pressurized lines within the County easement for levees operated and maintained by the County or the United States Army Corps of Engineers shall be prohibited.

2. **Permitting of Modifications to Levee Structure.** Modification of levee structures, such as culverts, fences, gates, wildlife crossings/paths, plantings, or other features which require alteration of levees operated and maintained by the United States Army Corps of Engineers (USACE) must be permitted through the Walla Walla District, USACE, prior to any construction, pursuant to 33 U.S.C. 408. Modification of non-federal levees operated and maintained by the County, must be approved by the County Public Works Department with input from the USACE.

5.10.6. Fuel Storage Tanks (1/1/15)

[Section number reserved, standards only apply in Town]

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Div. 6.1. Allowed Uses

6.1.1. Use Schedule ~~(1/1/17)~~(AMD2019-0006)

The Use Schedule establishes the principal, accessory, and temporary uses allowed in each zone. The definitions and standards for each use are established in Sec. 6.1.3.-Sec. 6.1.12. and referenced in the table. Additional uses may be allowed in a zone as part of an allowed development option as specified in Div. 7.1. The permit required for each allowed use is designated using the following symbols.

A. "Y" denotes an allowed use that does not require a use permit. Physical development permits are still required as applicable.

B. "B" denotes an allowed use that requires a Basic Use Permit to be obtained pursuant to Sec. ~~8.3.5.~~8.4.1.

C. "C" denotes an allowed use that requires a Conditional Use Permit to be obtained pursuant to Sec. 8.4.2. A conditional use is generally compatible with the character of a zone but requires individual review of its configuration, density, and intensity in order to mitigate effects that may be adverse to the desired character of the zone.

D. "S" denotes an allowed use that requires a Special Use Permit to be obtained pursuant to Sec. 8.4.3. Special uses are inherently incompatible with the character of the zone, but essential to the community; and therefore some provision must be made for their existence and operation. Special uses require specified locations due to common neighborhood opposition. These locations shall be determined by a comprehensive community-wide selection process designed to identify locations that best serve the special use while minimizing the negative impacts and obtrusiveness. Special uses also require individual review of their configuration, density, and intensity in order to mitigate effects that are adverse to the desired character of the zone.

E. Permit Exemption for Emergency Response

From time to time, a use may be a necessary part of an emergency response under the Comprehensive Emergency Management Plan, implemented by Teton County Emergency Management. In such instances, the requirement for a use permit shall be waived.

> **EXAMPLE:** A heliport is an aviation use requiring a Conditional Use Permit. Temporary heliports are sometimes established in proximity to a forest fire for purposes of helicopter fire suppression. In the case of an emergency response, the requirement for a CUP is waived.

F. Use Schedule

The use schedule is established in the following tables.

County Character Zones - Allowed Uses					
USE CATEGORY	Complete Neighborhood Zones	Rural Area Zones			Def/ Stds
Specific Use	n/a	R-1	R-2	R-3	
Open Space					6.1.3.
Agriculture	--	Y	Y	Y	6.1.3.B.
Outdoor Recreation	--	C[Z]	--	--	6.1.3.C.
Dude/Guest Ranch	--	C[Z]	--	--	6.1.3.E.
Residential					6.1.4.
Detached Single-Family Unit	--	Y	Y	Y	6.1.4.B.
Attached Single-Family Unit	--	--	--	--	6.1.4.C.
Apartment	--	--	--	--	6.1.4.D.
Mobile Home	--	--	--	--	6.1.4.E.
Dormitory	--	--	--	--	6.1.4.F.
Group Home	--	--	--	--	6.1.4.G.
Lodging					6.1.5.
Conventional Lodging	--	--	--	--	6.1.5.B.
Short-Term Rental Unit	--	--	--	--	6.1.5.C.
Campground	--	C[Z]	--	--	6.1.5.D.
Commercial					6.1.6.
Office	--	--	--	--	6.1.6.B.
Retail	--	--	--	--	6.1.6.C.
Service	--	--	--	--	6.1.6.D.
Restaurant/Bar	--	--	--	--	6.1.6.E.
Heavy Retail/Service	--	C (A)[Z]	--	--	6.1.6.F.
Mini-Storage Warehouse	--	--	--	--	6.1.6.G.
Nursery	--	C[Z]	--	--	6.1.6.H.
Amusement/Recreation					6.1.7.
Amusement	--	--	--	--	6.1.7.B.
Developed Recreation	--	C[Z]	--	--	6.1.7.D.
Outfitter/Tour Operator	--	C[Z]	--	--	6.1.7.E.
Institutional					6.1.8.
Assembly	--	C[Z]	C[Z]	--	6.1.8.B.
Daycare/Education	--	C[Z]	C[Z]	--	6.1.8.C.

Y = Use allowed, no use permit required (A) = Use only allowed as an accessory use -- = Use not allowed
B = Basic Use Permit required C = Conditional Use Permit required S = Special Use Permit required
[Z] = Use also subject to zone specific standards

County Character Zones - Allowed Uses					
USE CATEGORY	Complete Neighborhood Zones	Rural Area Zones			Def/ Stds
Specific Use	n/a	R-1	R-2	R-3	
Industrial					6.1.9.
Light Industry	--	C (A)[Z]	--	--	6.1.9.B.
Heavy Industry	--	--	--	--	6.1.9.C.
Disposal	--	--	--	--	6.1.9.D.
Junkyard	--	--	--	--	6.1.9.E.
Gravel Extraction and Processing	S				6.1.9.F.
Transportation/Infrastructure					6.1.10.
Parking	--	--	--	--	6.1.10.B.
Utility Facility	--	C[Z]	C[Z]	C	6.1.10.C.
Wireless Communication Facilities					6.1.10.D.
Aviation	--	C[Z]	--	--	6.1.10.E.
Accessory Uses					6.1.11.
Accessory Residential Unit	--	B[Z]	B[Z]	B[Z]	6.1.11.B.
Bed and Breakfast	--	C	--	--	6.1.11.C.
Home Occupation	--	B	B	B	6.1.11.D.
Home Business	--	C	C	C	6.1.11.E.
Family Home Daycare	--	B	B	B	6.1.11.F.
Home Daycare Center	--	--	--	--	6.1.11.G.
Drive-In Facility	--	--	--	--	6.1.11.H.
Temporary Uses					6.1.12.
Christmas Tree Sales	--	Y	--	--	6.1.12.B.
Real Estate Sales Office	--	C	--	--	6.1.12.C.
Temporary Shelter	--	B	B	B	6.1.12.D.
Farm Stand	--	B	--	--	6.1.12.E.
Temp. Gravel Extraction and Processing	--	B	B	B	6.1.12.F.

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B = Basic Use Permit required C = Conditional Use Permit required S = Special Use Permit required
[Z] = Use also subject to zone specific standards

County Legacy Zones - Allowed Uses													
USE CATEGORY	Complete Neighborhood Zones					Rural Area Zones					Civic Zones		Def/ Stds
Specific Use	AC-TC	AR-TC	WC	OP-TC	BP-TC	BC-TC	MHP-TC	NC-TC	S-TC	R-TC	P/SP-TC	P-TC	
Open Space													6.1.3.
Agriculture	Y	--	--	Y	--	Y	--	Y	Y	Y	Y	Y	6.1.3.B.
Outdoor Recreation	C	C	--	--	C	C	--	C	C	C	C	C	6.1.3.C.
Dude/Guest Ranch	--	--	--	--	--	--	--	--	--	C	--	--	6.1.3.E.
Residential													6.1.4.
Detached Single-Family Unit	Y	Y	Y[Z]	Y	--	Y	--	Y	Y	Y	--	--	6.1.4.B.
Attached Single-Family Unit	--	--	B[Z]	--	--	C[Z]	--	--	--	--	--	--	6.1.4.C.
Apartment	--	--	B[Z]	--	--	C[Z]	--	--	--	--	--	--	6.1.4.D.
Mobile Home	--	--	--	--	--	--	B[Z]	--	--	--	--	--	6.1.4.E.
Dormitory	B	C	--	--	--	C[Z]	--	--	C[Z]	C[Z]	C	--	6.1.4.F.
Group Home	B	C	--	--	--	C[Z]	--	--	C[Z]	C[Z]	C	--	6.1.4.G.
Lodging													6.1.5.
Conventional Lodging	--	--	--	--	--	--	--	--	--	--	--	--	6.1.5.B.
Short-Term Rental Unit	--	--	--	--	--	--	--	--	--	--	--	--	6.1.5.C.
Campground	--	--	--	--	--	C	--	--	--	C	--	--	6.1.5.D.
Commercial													6.1.6.
Office	B	--	B[Z]	B	--	C	--	--	--	--	C	--	6.1.6.B.
Retail	B	--	B[Z]	--	B[Z]	C	--	--	--	--	--	--	6.1.6.C.
Service	B	--	B[Z]	B	--	C	--	--	--	--	C	--	6.1.6.D.
Restaurant/Bar	B	--	B[Z]	--	--	C	--	--	--	--	--	--	6.1.6.E.
Heavy Retail/Service	C	--	C[Z]	--	B	C	--	--	--	--	C	--	6.1.6.F.
Mini-Storage Warehouse	C	--	C[Z]	--	B	C	--	--	--	--	C	--	6.1.6.G.
Nursery	B	--	B[Z]	--	--	C	--	--	--	C	--	--	6.1.6.H.
Amusement/Recreation													6.1.7.
Amusement	C	--	C[Z]	--	--	--	--	--	--	--	--	--	6.1.7.B.
Developed Recreation	B	--	B[Z]	--	C	C	--	--	--	--	C	--	6.1.7.D.
Outfitter/Tour Operator	C	--	--	--	C	C	--	--	C	C	--	--	6.1.7.E.
Institutional													6.1.8.
Assembly	B	C	B[Z]	--	C	C	--	--	C[Z]	C[Z]	C	--	6.1.8.B.
Daycare/Education	B	--	B[Z]	C	C	C	--	--	--	C	C	--	6.1.8.C.

Y = Use allowed, no use permit required (A) = Use only allowed as an accessory use -- = Use not allowed
B = Basic Use Permit required C = Conditional Use Permit required S = Special Use Permit required
[Z] = Use also subject to zone specific standards

County Legacy Zones - Allowed Uses													
USE CATEGORY	Complete Neighborhood Zones					Rural Area Zones					Civic Zones		Def/ Stds
Specific Use	AC-TC	AR-TC	WC	OP-TC	BP-TC	BC-TC	MHP-TC	NC-TC	S-TC	R-TC	P/SP-TC	P-TC	
Industrial													6.1.9.
Light Industry	C	--	C[Z]	--	B	C	--	--	--	--	C	--	6.1.9.B.
Heavy Industry	--	--	--	--	C	--	--	--	--	--	C	--	6.1.9.C.
Disposal	--	--	--	--	C	--	--	--	--	--	C	--	6.1.9.D.
Junkyard	--	--	--	--	C	--	--	--	--	--	C	--	6.1.9.E.
Gravel Extraction and Processing	S												6.1.9.F.
Transportation/Infrastructure													6.1.10.
Parking	C	--	C[Z]	--	--	C	--	--	--	--	C	--	6.1.10.B.
Utility Facility	C	C	C[Z]	C	B	C	C	C	C	C	C	C	6.1.10.C.
Wireless Communication Facilities													6.1.10.D.
Aviation	C	--	--	--	C	C	--	--	--	C	C	--	6.1.10.E.
Accessory Uses													6.1.11.
Accessory Residential Unit	B[Z]	B[Z]	B[Z]	B[Z]	B	B[Z]	--	B[Z]	--	B	B	C[Z]	6.1.11.B.
Bed and Breakfast	--	--	--	--	--	--	--	--	--	C	--	--	6.1.11.C.
Home Occupation	B	B	B	B	B	B	B	B	B	B	B	B	6.1.11.D.
Home Business	C	C	--	C	--	C	--	C	C	C	--	--	6.1.11.E.
Family Home Daycare	B	B	B	B	B	C	B	B	B	B	--	--	6.1.11.F.
Home Daycare Center	C	C	B	C	B	C	C	C	C	C	--	--	6.1.11.G.
Drive-In Facility	C	--	--	--	--	C	--	--	--	--	--	--	6.1.11.H.
Temporary Uses													6.1.12.
Christmas Tree Sales	Y	--	Y	--	Y	Y	--	--	--	Y	Y	Y	6.1.12.B.
Real Estate Sales Office	--	B	--	--	B	--	--	--	B	B	--	--	6.1.12.C.
Temporary Shelter	B	B	B	B	--	B	B	B	B	B	--	--	6.1.12.D.
Farm Stand	B	--	B	--	--	--	--	--	--	B	B	B	6.1.12.E.
Temp. Gravel Extraction and Processing	B	B	B	B	B	B	B	B	B	B	B	B	6.1.12.F.

Y = Use allowed, no use permit required (A) = Use only allowed as an accessory use -- = Use not allowed
B = Basic Use Permit required C = Conditional Use Permit required S = Special Use Permit required
[Z] = Use also subject to zone specific standards

6.1.2. Classification of Uses (1/1/17)

A. Definition of Use

Use means the purpose for which a site or structure is occupied or maintained. There are three categories of uses: principal, accessory, and temporary.

B. Classification of Uses

1. **Principal Use.** A principal use is a use that may exist as the sole use of the property. More than one principal use may exist on a property. A principal use includes all incidental uses. Principal uses are organized into 8 categories:

    a. Open Space Uses (Sec. 6.1.3.)

    b. Residential Uses (Sec. 6.1.4.)

    c. Lodging Uses (Sec. 6.1.5.)

    d. Commercial Uses (Sec. 6.1.6.)

    e. Amusement and Recreation Uses (Sec. 6.1.7.)

    f. Institutional Uses (Sec. 6.1.8.)

    g. Industrial Uses (Sec. 6.1.9.)

    h. Transportation and Infrastructure Uses (Sec. 6.1.10.)

2. **Incidental Use.** An incidental use is a use that is commonly integrated into the operation of a principal use, even if the incidental use would be classified as a different use if it were separated. A use cannot be incidental if the principal use does not exist.

    > **EXAMPLE:** A cabinet contractor may have an office to run the business within its shop without the office being considered a separate use. As another example, a golf course may sell golf equipment as part of its operation without the pro shop being considered a separate retail use.

3. **Accessory Use.** An accessory use is a use that constitutes a minority of the use or character of the property and is secondary and subordinate to another use of the same property, but which is not an incidental use.

4. **Primary Use.** A primary use is a use to which an accessory use is accessory.

5. **Temporary Use.** A temporary use is a use established for a fixed period of time.

C. Multiple Uses

Each use listed as a separate row in the Use Schedule shall require a permit unless the use is incidental to a permitted use or the use is exempt from a permit.

D. Use Not Listed

Any use not specifically listed in the Use Schedule is expressly prohibited unless a similar use determination is made.

E. Similar Use Determination

A use not specifically listed in the Use Schedule may be considered an allowed use if the Planning Director determines the proposed use is sufficiently similar to one of the uses defined in this Division. The Planning Director's determination shall be made based upon the findings for a formal interpretation (Sec. 8.6.1.) but may be made as part of the review of a use permit application. If a use is determined to be similar, it shall be an allowed use with the same permissions and restrictions as the use to which it was determined to be similar.

F. Change of Use

A change of use consists of changing the use from a use classified in a particular row of the Use Schedule to a use classified in a different row of the Use Schedule. Except as provided elsewhere in these LDRs, the proposed use shall meet all standards of these LDRs. The required permit for the proposed use shall be obtained pursuant to the relevant procedure.

6.1.3. Open Space Uses ~~(7/18/18)~~ (AMD2019-0006)

A. All Open Space Uses

1. **Definition.** An open space use is the enjoyment or maintenance of land that occurs predominately outside of any structure.

B. Agriculture

1. **Definition.** Agriculture is the farming or ranching of land.

    a. Includes:

        i. cultivation of the soil;

        ii. production of forage, crops, or timber;

        iii. growing of ornamental or landscaping plants;

        iv. greenhouses; and

        v. rearing, feeding, and management of livestock.

2. Standards

    a. **Purpose.** The purpose of these standards is to:

        i. protect and maintain the existing and potential agricultural lands in Teton County for the purpose of perpetuating agriculture;

ii. minimize conflicts between agricultural operations and neighboring developments by encouraging protection of large, contiguous blocks of open space; and

iii. to preserve agricultural open space which is crucial to the wildlife, scenic and community values of Teton County, as outlined in the Comprehensive Plan.

b. **Active.** Agricultural land shall be actively farmed or ranched.

c. **Ancillary retail prohibited.** Retail sale of agricultural products on-site is prohibited unless permitted as a separate use.

d. **Exemptions on sites greater than 70 Acres.** The following exemptions and preservation mechanisms apply to agricultural uses on sites of 70 acres or more:

i. **Regulation Exemptions.** Agricultural uses are exempt from certain provisions of the regulations listed below. Refer to the referenced LDR section for specifics of the exemption.

a). Maximum Scale of Development for an individual building (applicable zone)

b). Maximum Building Height (applicable zone)

c). Natural Resource Buffers (Sec. 5.1.1.)

d). Wildlife Friendly Fencing (Sec. 5.1.2.)

e). Wild Animal Feeding (Sec. 5.1.3.)

f). Air Quality (Sec. 5.1.4.)

g). Manmade Waterbodies (Sec. 5.1.6.)

h). Natural Resource Overlay (NRO) Standards (Sec. 5.2.1.)

i). Exterior Lighting (Sec. 5.3.1.)

j). Scenic Resource Overlay (SRO) Standards (Sec. 5.3.2.)

k). Landscaping (Div. 5.5.)

l). Grading, Erosion Control, and Stormwater except on natural slopes of 30% or greater (Sec. 5.7.2.-Sec. 5.7.4.)

m). Temporary Gravel Extraction (6.1.12.F.)

n). Affordable Workforce Housing Standards (Div. 6.3.)

o). Operational Standards (Div. 6.4.)

ii. **Permit Exemptions.** Agricultural uses are exempt from obtaining the following permits. However, exemption from the requirement to obtain a permit does not grant exemption from any regulations. See subsection 2.d.i, above for applicable regulation exemptions.

a). Environmental Analysis (Sec. 8.2.2.)

b). Use Permits (Div. 8.4.)

c). Grading Permits except on natural slopes of 30% or greater (Sec. 5.7.1.)

d). Sketch Plan for physical development (Sec. 8.3.1.)

e). Development Plan for physical development (Sec. 8.3.2.)

C. Outdoor Recreation

1. **Definition.** Outdoor recreation is the use of land for passive or active recreational or athletic purposes that requires minimal permanent physical development relative to the open space.

a. Includes:

i. parks

ii. arboretums

iii. athletic fields not in stadiums

iv. equestrian centers

v. nordic ski trails

vi. downhill ski areas

vii. golf courses

viii. outdoor receptions (4 or more events per year, excluding non-profit events)

2. Standards

a. **Operations Plan.** An outdoor recreation use shall be subject to an operations plan approved as part of its use permit. The purpose of the operations plan is to outline management practices and techniques to mitigate the impact of the use on natural resources and neighboring properties. The operations plan shall address the following, if applicable.

i. Strategies or mitigation measures to minimize glare from night lighting;

ii. How agronomic, maintenance and other management practices associated with the use will avoid impact to natural resources;

iii. Integrated pest management and best practices for nutrient application and control;

iv. Hours of operation; and

v. A monitoring program for periodic review of compliance by federal, state or local agencies, as applicable.

> **EXAMPLE:** A golf course operations plan may include annual review of water quality and other indicators of ecological health by the Wyoming Department of Environmental Quality or the Teton Conservation District.

b. Outdoor Receptions. In order to constitute outdoor recreation use an outdoor reception shall have over 50 guests on site at one time or amplified music. Private and non-profit receptions do not constitute outdoor recreation regardless of their size.

D. [subsection deleted]

E. Dude/Guest Ranch

1. Definition. A dude or guest ranch is a ranch that provides multi-night accommodations for guests; provides a recreational activity or immediate access to recreational activities; has dining facilities on-site; and has barns, associated outbuildings, corrals, pastures, and livestock related to a working ranch and/or the recreational activity available to guests.

   a. Does Not Include:

      i. restaurant or bar catering to the general public

      ii. active solicitation of one night accommodations.

2. Standards

   a. Minimum Site Size. A dude or guest ranch site shall have a minimum of 70 acres of privately owned Gross Site Area.

   b. Maximum Number of Guests. The maximum number of guests permitted at a dude or guest ranch is equal to 1 guest per 5 acres accessible to the ranch, not to exceed 75 guests. Accessible acreage shall meet the following standards.

      i. It shall be owned, leased or subject to a recreational permit issued by a government agency.

      ii. The conservation area of another development may be considered if its conservation easement permits recreational activities.

      iii. The acreage shall be a part, or within one mile, of the ranch and guests shall have legal, non-vehicular access to the acreage.

iv. The use permit for the dude or guest ranch shall run concurrently with any lease or recreational permit. If the lease or recreational permit is renewed or extended, the use permit shall be reviewed for any effects resulting from changes to the lease or permit.

> **EXAMPLE:** A ranch with access to 80 acres would permit no more than 16 guests (80/5=16). A ranch with access to 400 acres would permit no more than 75 guests (400/5=80; maximum occupancy of 75 applies).

c. Recreational Activities. Dude or guest ranches shall provide outdoor recreational activities for their guests:

i. Activities may include, but are not limited to:

a). Horseback riding or horsepacking trips;

b). Guided hunting trips;

c). Fishing or rafting trips;

d). Cook-outs;

e). Hay-rides;

f). Cross-country skiing; and

g). Snowmobiling.

ii. Outdoor activities shall be approved as part of the Use Permit and may be restricted both in location and the time of year during which they may be conducted.

> **EXAMPLE:** If winter recreation activities are proposed, and the property contains crucial winter range for moose, the Board may impose a condition limiting winter use to a certain area of the property based on information provided in an Environmental Analysis.

d. Structures and Accommodations.

i. Lodging. Permanent buildings for lodging all guests shall be provided either in separate cabins or a main lodge. Lodging in temporary facilities, such as tents, is permitted as part of overnight recreational activities, but shall not be the primary type of accommodation.

ii. Dining Facilities. A dining facility capable of accommodating the maximum number of guests permitted at the ranch may be provided. If a common dining facility is not provided, cooking facilities shall be provided to guests as part of the lodging accommodations.

iii. Employee Housing. Accessory residential units to provide employee housing may be permitted.

iv. **Agricultural and Accessory Buildings.** Other buildings associated with a dude or guest ranch shall be actively used for the care and management of livestock kept on the property or for maintenance and operation associated with the recreational activities provided to guests.

v. **Events.** Dude or guest ranches may host receptions or special events for guests of the ranch as an ancillary use without separate permit, provided the size of the event does not exceed the permitted number of guests of the ranch.

6.1.4. Residential Uses (1/1/17)

A. All Residential Uses

1. **Definition.** A residential use is a living facility, certified under the International Residential or Building Code or by HUD, that includes permanent provision for living, sleeping, eating, cooking, and sanitation.

2. **Standards.**

   a. **No residential unit or portion of a residential unit may be rented such that occupancy is limited to less than 31 days.** Short-term rental of less than 31 days shall be considered a lodging use subject to the standards of Sec. 6.1.5. A time-share condominium is considered a residential use as long as the ownership intervals are 31 days or longer. Any ownership intervals of less duration shall be considered a lodging use.

   b. **A residential unit shall have a maximum of one kitchen.**

   c. **Occupancy of a camping unit is not a residential use.** A camping unit may only be occupied as permitted by Sec. 6.1.12.D. Temporary Shelter or Sec. 6.1.5.D. Campground.

B. Detached Single-Family Unit

1. **Definition.** A detached single-family unit is a single residential unit occupied by not more than one family having no roof, wall, or floor in common with any other residential unit or nonresidential unit, except as modified below.

   a. **Includes:**

      i. Single-family units attached to accessory residential units

      ii. Detached townhouse units

C. Attached Single-Family Unit

1. **Definition.** An attached single-family unit is a residential unit occupied by not more than one family, which is connected to at least one other dwelling unit or nonresidential unit by one or more common walls.

   a. **Includes:**

      i. Attached townhouse unit

ii. Condominium

b. Does Not Include:

i. Apartments

ii. Single-family units attached to accessory residential units

D. Apartment

1. Definition. An apartment is a single-family unit that cannot be owned as a separate, single unit.

2. Does Not Include:

a. Townhouse

b. Condominium

c. Accessory residential unit

E. Mobile Home

1. Definition. A mobile home is a movable or portable dwelling unit, built on a chassis or frame, for use with or without a permanent foundation, fabricated in an off-site location, which conforms to the applicable US Housing and Urban Development (HUD) construction and safety standards as amended, and is intended for occupancy as a single-family dwelling when connected to utility systems.

a. Includes:

i. Manufactured home

b. Does Not Include:

i. Camping Unit

ii. Homes built to meet the requirements of the International Residential or Building Code

2. Standards

a. The mobile home shall be of a color and placed or landscaped in such a way as to be visually unobtrusive.

b. The mobile home's roof shall use nonmetallic, nonreflective materials and shall have a minimum pitch of 3 in 12.

c. The mobile home shall be skirted.

F. Dormitory

1. Definition. A dormitory is a residential unit occupied by a group of unrelated people not residing as a single family.

a. Includes:

i. boarding houses or rooming houses

ii. residential facilities for students and staff of schools

iii. residential facilities associated with other types of instruction, education, training, and religious activity

2. Standards

a. **Maximum density.** For purposes of the density calculation, a room shall mean a sleeping room designed for an occupancy of no more than 2 people.

G. Group Home

1. **Definition.** A group home is a residential unit occupied by more than 6 unrelated individuals, which typically offers shelter, medical and mental health services, and other care-related services to residents.

a. Includes:

i. nursing homes and various assisted living centers

ii. group living facilities with related sheltered care facilities

iii. residential facilities for the developmentally disabled including on-site training facilities

2. Standards

a. **Maximum density.** For purposes of the density calculation, a room shall mean a sleeping room designed for an occupancy of no more than 2 people.

6.1.5. Lodging Uses ~~(1/1/17)~~ (AMD2019-0006)

A. All Lodging Uses

1. **Definition.** A lodging use is a sleeping unit or residential unit rented such that occupancy is limited to less than 31 days.

2. Establishment of Lodging Overlay (LO)

There is hereby established the Lodging Overlay (LO) which, in areas where it applies, shall overlay all other base zones established by these LDRs.

a. **Findings.** As a resort and residential community, a balance must be maintained between the amount of lodging available to visitors and concomitant visitor and resident services. The balance between these uses is necessary if the community is to retain its resident population and its attraction to visitors.

b. **Purpose.** The purpose of the LO is to provide lands which are appropriate for lodging uses, and to ensure that a balance is maintained between the amount of lodging uses and other visitor and resident-oriented uses and services.

c. **Location.** The LO shall apply to lands as identified on the Official Zoning Map.

B. Conventional Lodging

1. **Definition.** Conventional lodging is any lodging use other than those specifically defined elsewhere in this Section.

   a. **Includes:**

      i. hotels

      ii. motels

      iii. convention centers with lodging facilities

   b. **Does Not Include:**

      i. short-term rental unit

      ii. campgrounds

      iii. bed and breakfasts

      iv. dude/guest ranches

C. Short-term Rental Unit

1. **Definition.** Short-term rental means the rental of all or a portion of a residential unit such that occupancy is limited to less than 31 days.

2. **Standards**

   a. No residential unit or portion of a residential unit may be rented so as to limit occupancy to less than 31 days unless permitted for short-term rental.

   b. Developments that have been approved for short-term rentals of less than 31 days prior to May 9, 1994 will be allowed to continue such rentals in accordance with Div. 1.9. or in accordance with the PUD approval, whichever is applicable. These developments with prior approval are:

      i. The Aspens (condominiums and single-family homes);

      ii. Teton Shadows (condominiums only);

      iii. Teton Village I (condominiums and single-family homes);

      iv. Teton Village II (condominiums and townhouses);

      v. Golf Creek (condominiums only);

vi. Jackson Hole Racquet Club Resort Commercial Area (Teton Pines) (sixty-four [64] lodging units);

vii. Spring Creek Ranch (up to 200 units of the 301 dwelling units permitted); and,

viii. Crescent H "Fish Lodges" (Crescent H lot 8).

D. Campground

1. **Definition.** A campground is an establishment providing campsites for camping units that are brought to the campground for overnight or short-term use~~.~~ and said camping units leave the campground within the time limits as delineated in subsection 6.1.5.D.2.d.

   a. Does not include:

      i. lodging units

      ii. cabins

      iii. wall tents with permanent platforms

      iv. any other camping unit owned by the owner or operator of the campground and provided to visitors

2. Standards

   a. **Permanent Structures.** The campground shall be limited to the following permanent structures, which shall be solely for the occupants of the campground.

      i. a management office,

      ii. a small grocery, restaurant, or sundries store no larger than 4,000 sf,

      iii. laundry facilities,

      iv. storage facilities,

      v. sanitary facilities

      vi. outdoor or developed recreation facilities such as parks or playgrounds, or

      vii. other amenities.

   b. Site Requirements

      i. **Campsite.** A campground campsite consists of a gravel, paved, or grass area where a camping unit is parked or located, and includes associated amenities and parking.

      ii. **Bear Proof Storage.** Each campsite in the campground shall contain bear proof boxes or other bear proof storage.

iii. **Landscape Surface Area.** Landscape Surface Area in a campground includes grass camp pads, but does not include grass parking spaces.

c. **Facilities.** Restroom and shower facilities shall be required for all campgrounds based on the number of campsites and utility hook-ups at the campground.

	Toilets		Lavatories		Showers	
Number of Sites	Men	Women	Men	Women	Men	Women
30 Full Hook-up	1	1	1	1	1	1
15 Partial Hook-up or Tent	1	1	1	1	1	1

d. **Occupancy.** Campsite occupancy is limited to short-term use of less than 31 days in any 90-day period. Campground employees may be permitted to occupy a campsite for longer than 31 days. The maximum number of campsites that may be used by employees shall be determined in the campground use permit.

e. **Seasonal Limitations.** The Board may limit a campground use to a particular season or time period.

> **EXAMPLE:** On a property with crucial wildlife winter range, the Board might limit the use to times when the winter range is not in use, based on recommendations in an Environmental Analysis.

f. ~~**Ownership.** Each of the campsites located at a campground shall be owned by the same entity that owns the campground. No fractional ownership, timeshares or memberships of campsites is permitted.~~

6.1.6. Commercial Uses (1/1/17)

A. All Commercial Uses

1. **Definition.** A commercial use is the sale of goods or services.

B. Office

1. **Definition.** Office use is a professional service or other activity customarily provided in an office environment where appointments are scheduled.

a. Includes:

i. legal, accounting, investment, and financial services

ii. medical, dental, and other health services

iii. engineering, architectural, and other design services

iv. counseling and social services

v. insurance and real estate

vi. broadcast studios for television and radio

vii. administrative and sales offices for business, industry, and government, provided that only administrative, bookkeeping, and clerical types of activities are conducted on site.

C. Retail

1. **Definition.** Retail is the sale of goods.

   a. **Includes:**

      i. retail sale of antiques, souvenirs, apparel and accessories, art, books, cameras and accessories, sporting goods, hardware, liquor, home furnishings, and other general specialty merchandise

      ii. food stores, delis, health food, drug stores, bakeries

      iii. candy and ice cream/yogurt shops

      iv. video rental shops

      v. incidental seating for consumption of goods that meets the definition of Incidental Use (6.1.2.B.2.).

   b. **Does Not Include:**

      i. Restaurant/Bar

D. Service

1. **Definition.** Service is the provision of a service outside of an office environment, in a typically non-scheduled environment.

   a. **Includes:**

      i. banks, savings and loans, and credit unions

      ii. laundry and dry cleaners, including self-service laundries

      iii. beauty and barber shops

      iv. tanning and massage

      v. repair and maintenance of small appliances, TV and electronics, furniture, garments, shoes and other leather goods, including tack

      vi. gunsmithing

      vii. taxidermy

      viii. photographic studios

      ix. mortuary/funeral home

      x. pet grooming, kennels and veterinary service, with indoor runs only

E. Restaurant/Bar

1. **Definition.** A restaurant or bar is an establishment that serves food and/or beverages for seated consumption onsite.

a. Includes:

i. Micro-brewery, micro-distillery or micro-winery.

2. Standards.

a. **Breweries, distilleries and wineries are generally considered light industrial uses.** In order to be considered a restaurant/bar, a micro-brewery, micro-distillery or micro-winery must include a tasting room in which guests or customers may sample the product, and the facility must produce no more than the following beverage volumes on-site each year:

i. 15,000 barrels of fermented malt beverages;

ii. 15,000 barrels of spirituous beverages; or

iii. 100,000 gallons of vinous beverages.

F. Heavy Retail/Service

1. **Definition.** Heavy retail/service uses are retail or service uses that are of a greater intensity and impact than other retail or service uses.

a. Includes:

i. retail sales of lumber and building supplies and materials

ii. retail sales of fuels, including gasoline service stations

iii. feed and seed outlets

iv. rental and servicing of light motorized and non-motorized tools and equipment

v. motorized vehicle rental, sales, service, and repair

vi. farm implement supplies, sales and repair

vii. outdoor storage

viii. veterinary and other pet and livestock services

ix. landscaping services

x. the boarding of horses

G. Mini-Storage Warehouses

1. **Definition.** Mini-warehouse means a building or group of buildings in a compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the dead storage of a customer's goods or wares.

2. Standards

a. no sales, service, repair, or other activities shall be conducted from a storage area;

b. storage of junk, explosives, flammable materials, or other noxious or dangerous materials is specifically prohibited;

c. maximum leasable space per stall shall be 1,000 square feet;

d. pick-up or delivery by semi-tractor trailers shall be prohibited; and

e. outdoor storage shall be screened.

H. Nursery

1. Definition. Nursery means an establishment primarily engaged in the retail or wholesale sale of horticultural specialties such as flowers, shrubs and trees, intended for ornamental or landscaping purposes.

6.1.7. Amusement and Recreation Uses (4/1/16)

A. All Amusement and Recreation Uses

1. Definition. An amusement and recreation use is the provision of entertainment.

B. Amusement

1. Definition. Amusement is the provision of non-recreation entertainment.

a. Includes:

i. bowling alleys

ii. movie theaters

iii. music halls

iv. video arcades

v. miniature or putt-putt golf course

vi. pool and billiard halls

vii. shooting arcades

C. [subsection deleted]

D. Developed Recreation

1. Definition. Developed recreation is the use of a physical development for active recreation or athletic purposes.

a. Includes:

i. gymnasiums

ii. swimming pools

iii. tennis

iv. skateboarding

v. rodeos

vi. skating rinks

vii. racquetball

viii. handball courts

ix. rock climbing practice facilities

x. health and exercise clubs

E. Outfitter/Tour Operator

1. **Definition.** The base of operations for providing guides, materials, supplies, and equipment for outdoor activities.

a. Includes:

i. rafting/boat trips

ii. fishing or hunting guide operations

iii. raft and boat rental

iv. snowmobile tours

v. mountain bike tours

vi. horseback trail rides and pack trips

6.1.8. Institutional Uses (AMD2019-0006) ~~(4/1/16)~~

A. All Institutional Uses

1. **Definition.** An institutional use is the provision of a public or semi-public service by a public or private entity.

B. Assembly

1. **Definition.** An assembly use is an institutional use typically characterized by a public or semi-public gathering area.

a. Includes:

i. cemeteries

ii. ~~churches~~ places of worship

iii. community centers

iv. libraries

v. museums

vi. hospitals

vii. reception halls

C. Daycare/Education

1. **Definition.** A daycare or education use is the provision of educational instruction and/or care for part of the day.

a. **Includes:**

i. schools

ii. childcare centers

2. Standards

a. **Wyoming Statutes.** Each daycare or education use shall comply with the relevant provisions of the Wyoming Statutes and with local health, safety and fire codes.

6.1.9. Industrial Uses (AMD2019-0006) ~~(8/14/17)~~

A. All Industrial Uses

1. **Definition.** An industrial use is the manufacturing, assembly, processing, or distribution of material.

B. Light Industry

1. **Definition.** Light industry is an industrial use with relatively less impact than heavy industry.

a. **Includes:**

i. sheet metal fabrication and wood work

ii. building contractors and special trade contractors such as cabinetry, carpet and flooring, insulation, roofing, mechanical, and plumbing and heating

iii. processing and packaging of meat and game

iv. wholesale sales and distributors

v. welding and machine shops

vi. industrial laundries and laundry services

vii. food service and distribution

viii. cleaning and janitorial service and supply

C. Heavy Industry

1. **Definition.** Heavy industry is an industrial use with relatively more impact than light industry.

   a. Includes:

      i. truck and transport terminals

      ii. bulk storage and distribution facilities for fuels, explosives, pesticides, solvents, corrosives

      iii. disinfecting or pest control services

      iv. paving, excavation, hauling and other contracting services involving heavy equipment

      v. maintenance and repair of trucks and heavy equipment

      vi. lumber milling

      vii. stone, clay, and glass product manufacturing

D. Disposal

1. **Definition.** Disposal is an operation dedicated to doing away with material.

   a. Includes:

      i. sanitary landfills

      ii. sludge disposal or storage

      iii. resource recovery or recycling facilities

      iv. composting operations of a commercial scale or for commercial purposes

      v. trash compaction

      vi. transfer stations

   b. Does Not Include:

      i. hazardous waste disposal

2. Standards

   a. In addition to dimensional standards required by these LDRs, the refuse of a disposal site shall be at least 300 feet from a property line shared with an existing residential development or use.

   b. The perimeter of a disposal site shall be fenced with fencing that complies with Sec. 5.1.2.

E. Junkyard

1. **Definition.** A junkyard is a salvaging operation.

   a. Includes:

      i. the storage and sale of waste paper, rags, scrap metal, and discarded materials

      ii. the collection, dismantlement, storage, and salvage of 2 or more inoperative vehicles

      iii. the aggregate storage of man made equipment, machinery, scrap, or other used parts having a total cubic volume of 700 or more cubic feet

2. Standards

   a. In addition to dimensional standards required by these LDRs, the refuse of a junkyard shall be at least 300 feet from a property line shared with an existing residential development or use.

   b. The perimeter of a junkyard shall be fenced with fencing that complies with Sec. 5.1.2.

   c. A junkyard shall be screened or located so as to not be seen from County or State roads or a road serving a subdivision.

F. Gravel Extraction and Processing

1. **Definition.** Gravel extraction and processing is any rock quarrying or gravel removal, stockpiling, or processing.

   a. **Level One.** Any screening, crushing, gravel recycling, washing, or stockpiling of aggregate, in concert or by itself, shall constitute Level One gravel processing.

   b. **Level Two.** Any production of asphalt or similar products shall constitute Level Two gravel processing.

   c. **Level Three.** Any production of Portland cement or similar products shall constitute Level Three gravel processing.

2. **Purpose.** The purpose of this Section is to establish operational, location and general standards for gravel processors and associated extraction activities, that are designed to minimize negative impacts on the quality of Teton County, the residential values of its citizens, the recreational opportunities shared by all, and the nationally recognized environmental treasures located in and adjacent to Teton County.

3. **Permitting.** Gravel processing shall be allowed only at locations listed below, and for the processing level(s) for which said site has been designated, provided a Special Use Permit is issued. Rock/gravel extraction may be permitted in association with processing activities.

4. Location. The locations listed below have been determined by a comprehensive, County-wide selection process designed to identify locations that best serve the operational requirements of gravel processors, while minimizing the negative impacts and obtrusiveness to the County's residents, visitors, wildlife, and scenic resources. Specification of location authorizes application for a Special Use Permit only and shall, in no way, be construed as allowing a gravel processing operation without obtaining a Special Use Permit.

    a. Evans Contractor Yard and Gravel Pit shown on County Maps M-1 and O-4 and more specifically described as those portions of Sections 33 and 34, Township 40 North, Range 116 West, identified as Parcel 14 and 17 in Section 34 and Parcel 7 in Section 33 which are part of the existing gravel and contractor's yard operation with limits of said operation shown on Aerial Photo Mylar No. 15 flown on 6-13-93. All levels of gravel processing activities, as defined above, may be permitted at this location.

    b. Melody Ranch Gravel Operation located in the south half of the north half of Section 28, Township 40 North, Range 116 West, which is part of Tract 1 shown on T-Map 359N. Level One gravel processing activities, as defined above, may be permitted at this location; Levels Two and Three are prohibited.

    c. Seherr-Thoss Gravel Operation located in the west half of the southwest quarter of Section 17, the east half of the southeast quarter of Section 18, parts of the northeast quarter, north half of the southeast quarter, and southeast quarter of the northwest quarter of Section 19, of Township 40 North, Range 116 West comprised of about 300 acres. Level One gravel processing activities, as defined above, may be permitted at this location; Levels Two and Three are prohibited.

    d. Teton County Stockpile Facility located in the riparian portion of Section 24, Township 41 North, Range 117 West, identified as Tract 80, comprised of 16.3 acres. Only stockpiling is permitted.

5. Operational Standards. Gravel processing operations shall comply with the following standards. For the purposes of this Section, if the proposed gravel operation site is within a larger parcel, or parcels, owned by the same entity, then "property boundary" shall mean the property boundary between the parcel, or parcels, owned by the entity controlling the gravel operation site and any adjacent parcels that are not under the control of the same.

    a. Hours of Operation. Hours of operation, which shall include maintenance and testing of equipment that creates visual or audible impacts at the property-line, shall occur between 8:00 a.m. and 6:00 p.m., Monday through Friday and between 8:00 a.m. and noon on Saturdays. Saturday operations shall be limited to sale, pick-up, and delivery of products--no gravel processing or extraction shall be conducted on Saturdays. Notwithstanding, an extension of hours may be granted by the Board of County Commissioners based upon the applicant's proposal to exceed the standards established in this Section to mitigate the negative impacts of

gravel operations on surrounding neighbors and the standards for a Special Use Permit. Hours of operation shall not apply when the gravel operator is responding to a bona fide public emergency, i.e., flood fight.

b. Project Traffic Impacts

i. **Transportation Facility Improvements.** Projected traffic impacts shall be addressed according to AASHTO guidelines and the cost of all improvements required, on and off-site, shall be borne entirely by the applicant. The cost of additional wear and tear on County roads, as determined by the County Road & Levee Manager~~Supervisor~~, shall also be borne by the applicant. A bond or letter of credit may be required to assure payment of such expenses.

ii. **Trip Generation.** The Board of County Commissioners may establish a maximum number of truck trips allowed to enter and exit a processing location. The limit on the number of trips, and weekly rate, shall reflect the classification of the road traveled to reach a State Highway, the distance the processing location is from the State Highway, the projected impacts of the truck traffic on surrounding uses, and the demand for the processed material.

iii. **Traffic Counts.** Traffic counts at the entrance of the operation shall be performed and certified by a Wyoming Registered Engineer, and presented at the annual review of the operation's Special Use Permit for the purposes of determining the operation's impacts on local infrastructure and compliance of any trip generation limits that may be set. Said traffic counts shall be conducted in a manner set by the Board of County Commissioners.

c. **Visual Screening Measures.** Visual screening shall be required for stockpiling, parking areas, and permanent or semi-permanent equipment and structures.

i. **General.** The view from all public roads, rivers, and adjoining residential areas shall receive a minimum 50% screen provided by vegetation, topography, or other measures which ensure the unobtrusiveness of the operations.

ii. **Buildings.** All buildings' design, scale, and location shall minimize both the obtrusiveness and the conflict with the character of the surrounding area to the maximum extent ~~practical~~ practicable.

d. **Protection Against Attractive Nuisances.** The proposed Special Use shall be landscaped, bermed, fenced, or otherwise enclosed, where necessary, for health and safety protection.

e. Noise

i. **Noise Level.** All processing equipment shall be designed to prevent the noise level of the equipment from causing a perceptible increase in the average ambient noise level of the existing neighborhood; meeting

this standard may require enclosing the equipment in a building. A perceptible increase in the noise level is considered to be 3 or more decibels. The average shall be determined by measuring the existing ambient noise level at the property boundary of the gravel processor, at least five times, at regular intervals, between the hours of 8:00 a.m. and 6:00 p.m., on at least two different week days, with no gravel processing equipment in operation. Notwithstanding, the maximum noise level permitted at the property boundary shall not exceed the noise standards specified in Sec. 6.4.3. and the operator shall in no case be required to attain a noise level of less than 40 DBA at the property boundary. The owner of an adjacent property may waive the noise standard required to be met at the common property line; however, the noise standard shall then be applied at the remaining property lines of the property of said owner.

ii. Noise Study. The applicant shall submit a study determining the existing average ambient noise level, as specified above, and the projected noise level of the proposed operations, taking into account the natural topography, vegetation, the type of equipment to be used and any noise mitigation measures which the applicant proposes to include. The study shall recommend additional mitigation measures that may be necessary, and the study shall draw conclusions as to the compliance of proposed activities with these LDRs. This study shall be completed by a qualified professional with experience in the field of acoustics. The County may require that the study be reviewed by another qualified professional at the applicant's expense. Notwithstanding the outcome of the study, if a permit is issued, and the standards in these LDRs, or conditions placed on the Special Use Permit, are exceeded once the gravel operations begin, the permit may be suspended or revoked at the annual review, or other enforcement action taken pursuant to Div. 8.9.

f. Hazardous Materials. Any fuel, explosives, or other hazardous materials stored on the site shall be contained within an impoundment with a concrete floor and impermeable berms high enough to contain a spill or leak should one occur. A similar impoundment area shall be provided for any equipment or vehicle maintenance to be conducted on the site. An emergency preparedness plan shall be designed, kept on the site, and followed, as approved by the County. The plan shall specify procedures for containment and clean-up of hazardous materials spills.

g. Height. All equipment and structures shall comply with the height limit specified for the zone in which the subject property is located unless the County judges it is impractical to do so. Such judgment shall be based upon the design of equipment and the need to enclose it in a building pursuant to the noise level subsection above. For equipment or structures permitted by the County to exceed the height limit, the visual screening required shall be increased to 80%.

h. **Other Operational Standards.** The Special Use Permit may include site-specific operational standards as necessary to mitigate both on-site and off-site impacts.

i. Activities In or Near Waterbodies

i. **Controlled Watercourses.** Consistent with Restoration Study. Extraction proposed in the Snake or Gros Ventre Rivers shall be in a location and manner specified in the Restoration Study.

ii. **Uncontrolled/Natural Watercourses.** When working in uncontrolled, or naturally flowing, watercourses, the proposed operation shall be conducted in a manner that improves fisheries and waterfowl habitat. A report and recommendations from a Fisheries Biologist shall be required detailing how the proposed operation will accomplish habitat improvements and the operator shall be required to abide by the report's recommendations.

iii. **Minimum Buffer.** A minimum 50 foot buffer of natural vegetation between the water's edge and any plant site on the permitted area shall be left undisturbed subject to the operator's right to normal access to the river or stream.

iv. **Setbacks from Structures.** The County Road ~~and~~& Levee Manager ~~Supervisor~~ and the Wyoming Department of Transportation shall be contacted in reference to setback requirements from bridges, levees, and other structures for in-stream excavation activity.

v. **No Negative Impact.** No extraction shall be permitted that is deemed by the County to have a negative impact on the river, or on landowners adjacent to the river with respect to bank erosion or potential flooding. If more than one river extraction site has been approved or executed within the same vicinity as the extraction site in question, the cumulative impacts of such river extraction shall also be considered when assessing potential negative impacts on the river or on landowners adjacent to the river.

j. **Surrounding Vegetation.** Vegetation within the setbacks from the property boundary shall be preserved and supplemented, as necessary, for mitigation of negative impacts. Existing native vegetation on the operation site shall be preserved to the maximum extent possible.

k. **Water Supply.** Extraction and filling of a reservoir shall not infringe on downstream appropriator's rights as established by the State Engineer's Office.

6. **State/Federal Requirements.** Compliance with the standards of this Section and these LDRs shall not be construed to replace, supersede, or override any State or Federal requirements that may apply.

6.1.10. Transportation and Infrastructure Uses ~~(1/1/17)~~ (AMD2019-0006)

A. All Transportation and Infrastructure Uses

1. **Definition.** A transportation or infrastructure use is the use of land or water to provide for the movement or storage of vehicles, water, sewage, power, or other utilities.

B. Parking

1. **Definition.** Parking is the use of a property for parking of motor vehicles that is not ancillary to another use on-site.

    a. Includes:

        i. Surface parking

        ii. Parking structure

C. Utility Facility

1. **Definition.** A utility facility is a central component to the provision of a public or semi-public utility that requires a structure.

    a. Includes:

        i. substations for electrical, natural gas, and other similar utilities

        ii. sewage treatment plants and related septic dump facilities, and substations

        iii. water supply facilities including water tanks and treatment facilities

        iv. solid waste facilities including collection and transfer facilities

        v. broadcasting towers and dish antenna for radio and TV

    b. Does Not Include:

        i. residential satellite dishes

        ii. antennas used for the reception of television broadcast signals

        iii. transformers

        iv. junction boxes

        v. standard underground utilities such as water, sewer, natural gas, power, and telephone lines

vi. booster pumps, lift stations, and other small structures appurtenant to standard underground utilities

vii. wireless communications facilities

viii. pedestals

ix. other appurtenances that do not require a structure

2. Standards

a. Utilities listed above in 1.b. do not require a use permit. The physical development associated with them is not required to meet structure or site development setbacks if the physical development is located within an easement or lot designated for the utility proposed.

b. All utility facilities shall be located and designed to minimize negative impacts on natural resources, designated scenic areas, agricultural operations, and residential development and uses. A landscaping plan, pursuant to Div. 5.5. shall be submitted that is designed to screen the utility as viewed from roads and habitable structures.

c. Utility facilities housing equipment shall be designed with as low a profile as possible. If the surrounding uses are residential, the building style shall be compatible with the surrounding land uses.

D. Wireless Communications Facilities

1. Definition. A wireless communication facility provides communication services without physical connection.

a. Includes:

i. commercial wireless telecommunication

ii. wireless internet access

iii. unlicensed wireless services

iv. common carrier wireless exchange access services

v. temporary cell-on-wheels

vi. distributed antenna system (DAS)

2. County Standards

a. Purpose. The purpose of this Subsection is to establish general guidelines for the locating of wireless communication towers, antenna, ground equipment and related accessory structures. The purpose and intent of this Subsection are to:

i. Minimize the impacts of wireless communications facilities on surrounding land uses by establishing standards for location, structural integrity, and compatibility.

ii. Encourage the location and collocation of communications equipment on existing structures thereby minimizing new visual, aesthetic, and public safety impacts, effects upon the natural environment and wildlife, and reducing the need for additional towers.

iii. Accommodate the growing need and demand for wireless communications services.

iv. Respond to the policies embodied in the Telecommunications Act of 1996 in such a manner as not to unreasonably discriminate between providers of functionally equivalent personal wireless services or to prohibit or have the effect of prohibiting personal wireless services.

v. Establish review procedures to ensure that applications for communications facilities are reviewed for compliance with federal, state and local regulations and acted upon within a reasonable period of time as required by applicable state and federal regulations.

vi. Protect the character of the County while meeting the needs of its citizens to enjoy the benefits of communications services.

vii. The provisions of this Section are not intended to and shall not be interpreted to prohibit or to have the effect of prohibiting personal wireless services. This chapter shall not be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent personal wireless services.

b. Exempt Facilities. The following items are exempt from the standards for wireless communication facilities; notwithstanding any other provisions:

i. Satellite earth stations used for the transmission or reception of wireless communications signals with satellites, that are 1 meter (39.37 inches) or less in diameter in all residential zones and 2 meters or less in all other zones.

ii. A temporary wireless communications facility, upon the declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the Teton County designee; except that such facility must comply with all federal and state requirements. No communications facility shall be exempt from the provisions of this Section beyond the duration of the state of emergency.

iii. A government-owned communications facility erected for the purposes of installing antenna(s) and ancillary equipment necessary to provide communications for public health and safety.

iv. A temporary wireless communications facility for the purposes of providing coverage of a special event, and subject to federal and state requirements. Said communications facility may be exempt from the provisions of this Section up to one week before and after the duration of the special event.

v. Amateur radio towers solely used for licensed amateur services.

c. Permits Required. New antennas and towers shall be permitted as follows:

i. Basic Use Permit. New collocations, equipment modifications (except modifications qualifying as 8.2.13.B.2.), tower replacement/upgrades no more than 10% taller than the original tower, attached antennas, and concealed towers meeting the performance criteria require a basic use permit.

ii. Conditional Use Permit. Creation of a new non-concealed tower, concealed towers that do not meet the performance criteria, tower replacement/upgrades more than 10% taller than the original tower, or modifications to existing towers that constitute a substantial change require a conditional use permit.

d. General Requirements

i. Location Preference of New Antenna Array & New Towers. Locating a new antenna array and new tower shall be in accordance with the below preferred locating alternatives order. Where a lower ranked alternative is proposed, the applicant must file relevant information demonstrating that despite diligent efforts to adhere to the established hierarchy within the search area, higher ranked options are not technically feasible, practical or justified given the location of the proposed wireless communications facility:

a). Concealed attached antenna, collocated or combined antenna on an existing tower

b). Non-concealed attached antenna

c). Concealed freestanding tower

d). Substantial changes to an existing tower

e). Non-concealed freestanding tower

ii. Collocation, and other modifications to existing facilities pursuant to Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. §1445(a)).

a). Modifications to facilities that involve the addition, removal, and/or replacement of transmission equipment that do not substantially change the physical dimensions of an existing tower, antenna support structure or base station shall be subject to the basic use

permit requirements of c.i. Streamlined process for collocation approvals are subject to the procedures set forth for a Basic Use Permit.

b). For the purpose of this Subsection, "substantial change" means the following:

1). The mounting of the proposed antenna on the tower would increase the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or

2). The mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved (not to exceed four) or more than one new equipment shelter; or

3). The mounting of the proposed antenna would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or

4). The mounting of the proposed antenna would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.

c). Increases to height allowed by d.ii. above the existing tower shall be based on the maximum height allowed by the original approval (if applicable), not affect any tower lighting, and shall comply with 5.3.2.H. Concealed attached antennas located on a roof top, not constructed exclusively for wireless service, shall not be considered a tower or a base station and shall be limited to the maximum height approved.

d). Additional equipment shall maintain the appearance intended by the original facility, including, but not limited to, color, screening, landscaping, camouflage, concealment techniques, mounting configuration, or architectural treatment. Notwithstanding this provision, the Planning Director may approve a modification where maintaining the original design is not feasible, provided that the

applicant provides evidence demonstrating that the modification's design or configuration is necessary and is the least obtrusive means of accomplishing the objective.

iii. **Tower Replacement/Upgrade.** Existing towers may be replaced or upgraded pursuant to this Section, provided that the replacement or upgrade accomplishes a minimum of one of the following: 1) reduces the number of towers; 2) reduces the number of nonconforming towers; 3) replaces an existing tower with a new tower to improve either network functionality or structural integrity; 4) replaces an existing nonconcealed tower with a concealed tower. Replacements and upgrades are subject to the following:

a). **Setbacks.** A replacement of an existing tower shall not be required to meet new setback standards so long as the new tower and its equipment compound are no closer to any property lines or dwelling units as the tower and equipment compound being replaced, even if the old tower had nonconforming setbacks.

b). **Breakpoint Technology.** A replacement tower shall use breakpoint technology in the design.

c). **Landscaping.** At the time of replacement or upgrade, the tower equipment compound shall be brought into compliance with any applicable landscaping requirements.

iv. **Concealed & Non-concealed Attached Antenna.** Antennas may be mounted onto a support structure that is not primarily constructed for the purpose of holding attachment antennas, subject to the following standards:

a). Concealed and non-concealed attached antennas are permitted in all zones.

b). The top of the concealed attached antenna shall not extend more than 15 feet above the existing or proposed building or structure to which it is attached. Notwithstanding this provision, the height of the antenna shall not extend more than 8 feet above the maximum allowed height for a structure in the zone in which it is located.

c). Non-concealed attachments shall be allowed only on electrical transmission towers, utility poles, and existing light stanchions subject to approval by the Planning ~~& Development~~ and Building Services Department and utility company. Additional height may be allowed to accommodate the minimum safety separation necessary from electrical lines, as required by the National Electrical Safety Code and the utility provider.

d). Except for non-concealed attached antennas, feed lines and antennas shall be designed to architecturally match the façade, roof, wall, and/or structure on which they are affixed or otherwise blend with the existing structural design, color, and texture.

e). Where the proposed attached antennas do not meet the standards set forth by subsections B through D above, a Conditional Use Permit is required, with a neighbor notification radius of 1,300 feet, and a Wireless Adjustment (if applicable).

f). If an equipment compound or cabinet is proposed that is not within an existing building, the standards in ~~6.1.10.E.3.d.v.E-F~~ 6.1.10.D.2.v.e-f. shall apply.

v. **Concealed and Non-concealed Towers.** New freestanding towers are permitted in the following zones: AC-TC, BC-TC, BP-TC, NC-TC, P, PR, P/SP-TC, R-1, R-2, R-3, R-TC, S-TC, and WC. All new freestanding towers are required to be concealed unless it can be clearly demonstrated to the satisfaction of the Board of County Commissioners that a non-concealed tower will more effectively minimize visual impacts than a concealed tower. New freestanding towers are prohibited in the AR-TC, MHP-TC, OP-TC, and PUD-AH zones. All new communications towers shall be subject to the following standards:

a). **Performance Criteria for Concealed Towers.** To encourage facilities that blend well with Teton County's landscape, concealed towers that meet the following performance criteria may be processed as a Basic Use Permit. Performance criteria:

1). The concealed tower is designed to resemble the surrounding landscape and other natural features. Flagpoles or new light stanchions, or other similar man-made structures, will be processed as a Conditional Use facility.

2). A minimum of 70% of the concealed tower is screened from view by existing vegetation, topography, or other existing structures from any State Highway and all County Roads designated a Scenic Areas pursuant to 5.3.2.B.

3). Viewsheds are not significantly impacted by the proposed concealed facility.

4). The concealed tower does not extend higher than the dominant background where it is located or otherwise penetrate the skyline as defined in 5.3.2.H.

5). For proposals with a height of less than 75 feet tall that meet the performance criteria, the Planning Director shall review a photosimulation, site plan, and elevation of the proposed tower, and staff shall approve or deny a Basic Use Permit review process within two weeks after the Preapplication Conference meeting.

6). For proposals with a height of 75 feet or greater that meet the performance criteria, the final determination shall be made by the Board, at a regularly scheduled meeting within 30 days after the Preapplication Conference meeting, as to whether the application is processed as Basic Use or Conditional Use.

b). Determination of Need. No new concealed or non-concealed tower shall be permitted unless the applicant demonstrates that no existing structure or tower can accommodate the applicant's proposed use without increasing the height of the existing tower or structure or otherwise creating a greater visual impact; or that use of such existing facilities would prohibit or have the effect of prohibiting personal wireless services in the search area to be served by the proposed tower.

c). Height. New concealed towers shall be limited to the maximum height allowed in each zone, unless the performance criteria above are met. If the performance criteria are not met, then the applicant shall provide evidence that the proposed facility is designed to meet the minimum height requirement necessary for effective functioning of the provider's network, and a Wireless Adjustment to exceed the maximum height allowed in the zone shall be required.

d). Setbacks. New freestanding towers and equipment compounds shall be subject to the setbacks described below:

1). If the tower has been constructed using breakpoint design technology, the minimum setback distance shall be equal to 110% of the distance from the top of the structure to the breakpoint level of the structure, or the minimum yard setback requirements, whichever is greater.

> **EXAMPLE:** On a 100-foot tall monopole with a breakpoint at 80 feet, the minimum setback distance would be 22 feet (110% of 20 feet, the distance from the top of the monopole to the breakpoint) or the minimum yard setback requirements for that zone.

2). If the tower is not constructed using breakpoint design technology, the minimum setback distance shall be equal to the height of the proposed tower.

e). Equipment Compound and Cabinets. Cabinets may be provided within the principal building, underground, behind a screen on a rooftop, or on the ground with landscape screening as required below. Equipment compounds and cabinets shall be designed to be visually compatible with adjoining terrain and structures.

Equipment compounds shall not be used for the storage of any excess equipment or hazardous materials. No outdoor storage yards shall be allowed in a tower equipment compound.

f). **Landscaping.** The equipment compound shall be landscaped with a minimum of one plant unit per 1,000 square feet of floor area, pursuant to the standards specified in Div. 5.5. Where the landscaping requirement is not achieving the intent of screening and buffering, the landscaping requirement may be reduced or waived by the Planning Director.

g). **Signage.** Commercial messages shall not be displayed on any tower. Required noncommercial signage shall be restricted to ASR (Antenna Structure Registration Number as required by the FAA and FCC), party responsible for operation and maintenance of the facility, and any additional security and/or safety signs as applicable.

h). **Lighting.** Lighting shall be prohibited on all towers unless required by the Federal Aviation Administration (FAA). Lighting required by the FAA shall not exceed minimum standards and shall be of minimum intensity and number of flashes per minute allowed by the FAA, or shall be a dual lighting system.

i). Visibility

1). New towers shall be configured and located in a manner that shall minimize adverse effects including visual impacts on the landscape and adjacent properties.

2). Lattice towers and guyed towers are prohibited.

3). All new freestanding towers shall be designed to blend with adjacent structures and/or landscapes with specific design considerations such as architectural designs, height, scale, color, and texture.

4). If a monopine or other concealment method is proposed the applicant shall demonstrate through photosimulations the number of proposed antenna and potential collocations on the monopine, together with sufficient artificial branches to provide the appropriate concealment. All antennas on the monopine shall be covered with concealment material.

5). New antenna mounts shall be flush-mounted, unless it is demonstrated through RF propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area, will not allow for concealed design, is inconsistent with the proposed design, or reduces the ability to collocate future antenna arrays.

6). Towers shall be constructed to accommodate collocation of as many antenna arrays as feasible without causing interference, subject to the height and design of the facility and proposed mounting configuration of antennas.

j). **Mailed Notice to Neighbors.** All new towers shall require that mailed notice, meeting the standards of 8.2.14.C.2., be sent to all property owners within 1,300 feet of the land subject to the application.

e. **Application Requirements.** The following requirements are in addition to the requirements for a Basic or Conditional Use Permit.

i. Drawings

a). One set of plans at 24" x 36" and two sets of plans at 11" x 17" that include elevation views of the proposed facility.

b). The maximum height of the proposed facility, proposed and future mounting elevations of future antenna, including individual measurement of the base, the tower, and lightning rods, if applicable.

c). Access to the facility and a plan for winter access if access is not maintained in winter.

ii. A signed statement from the tower owner or tower owner's agent, agreeing to allow the collocation of wireless equipment on the proposed tower, if applicable.

iii. Compliance with American National Standards Institute (ANSI) standards for electromagnetic radiation: In order to protect the public from excessive exposure to electromagnetic radiation, the facility applicant shall certify through a written statement that the facility meets or exceeds current ANSI standards as adopted by the FCC.

iv. Prior to issuance of a building permit, a stamped or sealed structural analysis prepared by a professional engineer licensed in the State of Wyoming that the existing or proposed structure has sufficient structural integrity to support the proposed facility, and, if applicable, a statement specifying the design structural failure modes of the proposed tower.

v. The applicant shall agree in a written statement that the proposed facility complies with all FCC regulations, including, but not limited to "The Enhanced Best Practices Guide," as set forth in Appendix D of FCC 04-168 (released August 6, 2004). The applicant shall submit a statement that the application is in compliance with all FCC rules regarding interference to other radio services and the applicant shall submit a statement of compliance with all FCC rules regarding human exposure to radio frequency energy. No antenna shall be permitted to interfere with the County's public safety communications equipment.

vi. Visual Resources Analysis, pursuant to Sec. 5.3.2. regardless if the proposed wireless facility is located in the SRO or not, that includes simulated photographic evidence of the proposed facility and antenna appearance from any and all residential areas within 1,500 feet and from roadway corridors, including the facility types the applicant has considered and the impact on adjacent properties. This analysis is not required for modifications and upgrades that qualify as Minor Deviations pursuant to 8.2.13.B.2. or for collocations as permitted by d.ii.

vii. Statement certifying that no unusual sound emissions such as alarms, bells, buzzers, or the like are permitted. Emergency Generators are permitted and are exempt from noise requirements during emergencies. Sound levels shall otherwise be in compliance with Sec. 6.4.3.

viii. All other documentation, evidence, or materials necessary to demonstrate compliance with the applicable approval criteria set forth in this Section.

f. Additional Requirements for New Towers

i. A report and supporting technical data shall be submitted, demonstrating the following:

a). All potential antenna attachments, collocations, and alternative antenna configurations on existing elevated structures, including all usable utility distribution towers within the proposed service area have been examined, and found unacceptable.

b). Reasoning as to why the adequacy of alternative existing facilities or the replacement of existing facilities are not acceptable or available in meeting the applicant's need, indicating that no existing communications facility could accommodate the applicant's proposed facility, shall consist of any of the following:

1). No existing towers located within the geographic area meet the applicant's engineering requirements without increasing the height of the existing tower or structure or otherwise creating a greater visual impact, and why.

2). Existing towers do not have sufficient structural integrity to support the applicant's proposed wireless communications facilities and related equipment, and the existing facility cannot be sufficiently improved.

3). Other limiting factors that render existing wireless communications facilities unsuitable.

ii. Technical data included in the report shall include certification by a qualified professional, which qualifications shall be included, regarding service gaps, service expansions, and/or system capacity that are addressed by the proposed tower, and accompanying maps and calculations demonstrating the need for the proposed tower.

iii. A balloon test shall be required subsequent to the receipt of the photo simulations in order to demonstrate the proposed height of the tower. The applicant shall arrange to raise a colored balloon no less than 3 feet in diameter at the maximum height of the proposed tower, and within 50 horizontal feet of the center of the proposed tower. The Planning and ~~Development~~Building Services Department shall receive notice from the applicant in writing a minimum of one (1) week in advance of the test date.

iv. A radio frequency propagation plot indicating the coverage of existing antenna sites, coverage prediction of the proposed site, and designated search ring, together with a statement from the applicant's radio frequency (RF) engineer that the proposed facility's coverage or capacity potential cannot be achieved by any higher ranked alternative such as a concealed facility, attached facility, replacement facility, or collocation.

v. Prior to the submittal of a permit application, the applicant shall notify other wireless service providers, via certified mail, of the proposed freestanding tower to encourage collocation and coordination among providers. The County will provide the list of wireless service providers and the letter format at the preapplication conference.

vi. Prior to issuance of a building permit, proof of FAA compliance with Subpart C of the Federal Aviation Regulations, Part 77, and "Objects Affecting Navigable Airspace," if applicable.

g. Wireless Communications Facility Adjustment. This Section shall apply exclusively to wireless communications facilities to evaluate the necessity and compatibility of requests to exceed the height requirements under d.iv.e) and d.v.c) as part of a Conditional Use Permit. In order to authorize a wireless communications facility adjustment, the Board of County Commissioners must find that:

i. Adjustment is Necessary to Provide Reasonable Coverage or Capacity. A gap in coverage or capacity of the provider's network exists such that users are regularly unable to connect to the service network, or are regularly unable to maintain a connection; and

ii. Minimum Adjustment. The proposed facility is designed to meet the minimum height requirement necessary for effective functioning of the provider's network.

h. Supplemental Review. The County reserves the right to require a supplemental review for any Permit processed under this Section, subject to the following:

i. Where due to the complexity of the methodology or analysis required to review an application for a Permit (Basic Use or Conditional Use), the County may require the applicant to pay for a technical review by a third party expert, the costs of which shall be borne by the applicant and be in addition to other applicable fees. Schedules of current fees are listed in the Teton County Fee Schedule.

ii. Based on the results of the expert review, the approving authority may require changes to the applicant's application or submittals.

iii. The supplemental review may address any or all of the following:

a). The accuracy and completeness of the application and any accompanying documentation.

b). The applicability of analysis techniques and methodologies.

c). The validity of conclusions reached.

d). Whether the proposed communications facility complies with the provisions set forth in this Section.

e). Whether the proposed facility is designed to meet the minimum height requirement necessary for effective functioning of the provider's network.

i. Abandonment (Discontinued Use)

i. Towers, antennas, and the equipment compound shall be removed, at the owner's expense, within 180 days of cessation of use.

ii. An owner wishing to extend the time for removal or reactivation shall submit an application stating the reason for such extension. The Planning Director may extend the time for removal or reactivation up to 60 additional days upon a showing of good cause. If the tower or antenna is not removed within this time, the County may give notice that it will contract for removal within 30 days following written notice to the owner. Thereafter, the County may cause removal of the tower with costs being borne by the owner.

iii. Upon removal of the tower, antenna, and equipment compound, the development area shall be returned to its natural state and topography and vegetated consistent with the natural surroundings or consistent with the current uses of the surrounding or adjacent land at the time of removal, excluding the foundation, which shall be reduced to below finished grade.

E. Aviation

1. **Definition.** An aviation use is an area, facility, or establishment engaged in accommodating air transportation.

   a. Includes:

      i. Airports;

      ii. Heliports;

      iii. Landing Strips; and

      iv. Balloon operations providing hot air balloon flights.

2. Standards.

   a. Permanent Aviation Uses

      i. Commercial aviation shall be located at the Jackson Hole Airport, and commercial air tours shall be prohibited, with the following exceptions.

         a). High Mountain Helisking (located within the Teton Village 2 Resort and the Snake River Canyon Ranch) and Hawkins and Powers (located on Spring Gulch Road), which existed on private land on September 4, 2001, are permitted to maintain their historic volume of commercial air tours. The historic volume of commercial air tours shall be transferable to new heliport locations, provided said locations are properly approved and permitted.

         b). Balloon operations for hire are permitted at locations other than the Jackson Hole Airport when permitted as a conditional use.

      ii. Unlike other ancillary or incidental uses, private ancillary or incidental aviation uses associated with a principal use require a permit.

      iii. Permanent aviation uses shall be separated from residential uses to the extent practical.

      iv. Typical flight paths shall be identified, and must not cross residential areas or places of assembly such as schools or ~~churches~~places of worship. Approaches shall be free of towers or other hazards.

      v. Providers of overhead utilities shall be given an opportunity to review the approach corridors and plans. Any marking of utility lines in the area requested by the providers shall be done at the applicant's expense.

      vi. Aviation shall be exempt from the noise standards in Section 6.4.3.

      vii. When evaluating an application for a conditional use permit for Aviation, the Board should consider conditions related to the operational characteristics of the use, in order to minimize impacts on neighboring properties.

> **EXAMPLE:** The Board might impose a condition limiting the hours of operation for the aviation use, or might limit the times of year during which an aviation use is permitted, in order to avoid impacts to winter wildlife habitat.

viii. Any complaints about unauthorized landings of an aviation use shall be investigated. During each calendar year, should more than 4 incidents of unauthorized landings occur for which documented complaints are reported, the use permit shall be reviewed by the Teton County Planning Director, and if deemed appropriate, the matter passed on to the Board of County Commissioners, which may impose additional conditions on the permit, or revoke the permit. Aviation companies shall keep their own records of unauthorized landings and shall file reports of those landings with the Teton County Planning Office within 3 business days of the event.

b. Temporary Aviation Uses. Aviation may be temporarily permitted for the following purposes:

i. Construction or staging of construction in remote location to avoid the need to create a permanent access road

ii. Tree removal operations necessary to accomplish fuels mitigation as approved by Jackson Hole Fire/EMS

6.1.11. Accessory Uses (AMD2019-0006) ~~(7/18/18)~~

A. All Accessory Uses

1. Definition. An accessory use is a use that constitutes a minority of the use or character of the property and is secondary and subordinate to another use of the same property, but which is not an incidental use.

2. Standards

a. An accessory use may only be permitted in association with an active primary use designated for the accessory use.

b. An accessory use must be abandoned upon abandonment of its primary use.

c. An accessory use shall be subject to all dimensional limitations and other development standards applicable to its primary use unless otherwise provided in this Section.

d. A property with an accessory use shall not be subdivided in any way that results in the accessory use being owned separately from its primary use.

B. Accessory Residential Unit (ARU)

1. **Definition.** An accessory residential unit (ARU) is a dwelling unit that is secondary to a principal use of the property. The intent is that accessory residential units provide workforce housing.

   a. **Includes:**

      i. employee apartment

      ii. caretaker's quarters

      iii. mother-in-law suite

      iv. guesthouse

   b. **Does Not Include:**

      i. Mobile Home

2. **Primary Uses:**

   a. All open space uses

   b. Detached Single-Family Unit

   c. All lodging uses

   d. All commercial uses

   e. All amusement and recreation uses

   f. All institutional uses

   g. All industrial uses

3. **Standards**

   a. **Zone Specific Standards Also Apply.** In addition to the standards of this subsection, applicable standards for an ARU may also be found in Subsection C and/or E of the Section for the Zone in which the ARU is located.

   b. **Occupancy.** The occupancy of an ARU shall be restricted to persons that meet one of the following standards:

      i. The occupants shall be employed within Teton County, in accordance with ~~the~~ the Jackson/Teton County Housing Department Rules and Regulations. The mechanism, and its specific provisions, for achieving the restriction shall be acceptable to the Jackson/Teton County Housing Department ("Housing Department")~~Authority~~ and shall be enforceable by the Housing Department and/or the Jackson/Teton County Housing Authority; or

ii. The occupants shall be members of the same family occupying the primary dwelling unit, such as parents or adult children; or

iii. The occupants shall be intermittent, nonpaying guests of the family occupying the primary Detached Single-Family Unit.

c. **Use as Required Housing.** An accessory residential unit may be utilized to satisfy the requirements set forth in Div. 6.3. so long as it complies with the standards of Div. 6.3.

d. **Primary Use Is Residential.** The floor area of an ARU accessory to a residential unit shall be included in the maximum floor area/FAR and the maximum scale of development calculation for the primary dwelling unit.

e. **Rental Period.** An ARU rental period shall be a minimum of ~~90 days~~ 6 months.

f. **Outside Storage.** Only vehicles used for daily travel may be stored outside. All other possessions belonging to occupants of an accessory residential unit, such as recreational, secondary or inoperative vehicles, boats, motorcycles, canoes, kayaks, lumber and other construction materials not associated with an on-going construction project on the site, or other similar items contributing to an untidy appearance, shall be stored within an enclosed structure, such as a garage.

g. **Primary Use is Commercial.** An ARU accessory to a commercial use shall be used as workforce housing and requires a Special Restriction for Workforce Rental Housing, which shall be provided by the Housing Department and recorded on the property. The ARU shall comply with the Special Restriction for Workforce Rental Housing and the Jackson/Teton County Housing Department Rules and Regulations.

C. Bed and Breakfast

1. **Definition.** A bed and breakfast is a residential unit in which bedrooms are rented as lodging units.

2. **Primary Uses:**

   a. Detached single-family unit

3. **Standards**

   a. A bed and breakfast shall have no more than 4 lodging units (bedrooms).

   b. A bed and breakfast shall average no more than 8 persons per night during any 30 day period.

   c. No more than 2 family style meals may be provided per 24 hour period. The meals shall be for the guests of the bed and breakfast only.

   d. The owner or manager shall reside in the dwelling unit.

D. Home Occupation

1. Definition. A home occupation is an accessory nonresidential use conducted entirely within a residential unit or on-site structure accessory to the residential unit. The intent of a home occupation is to give small, local businesses a place to start. Home occupations are intended to be at a residential scale; once they grow beyond a certain size they can no longer be characterized as home occupations.

    a. Includes:

        i. professional services (e.g. accountant, physician, real estate agent)

        ii. studios (e.g. art, handcraft, music)

        iii. tailor

        iv. repair of furniture and small appliances

        v. tutoring or classes

        vi. counseling (primarily for individual persons)

2. Primary Uses:

    a. All residential uses

    b. Accessory residential unit

3. Standards

    a. A home occupation shall be operated by a person residing within the dwelling.

    b. No one residing off-site may be employed on the site of a home occupation.

    c. The area devoted to the home occupation including the area in accessory structures shall not exceed 25% of the habitable floor area of the principal dwelling unit.

    d. Tutoring and classes shall be limited to 2 students at one time.

    e. All parking shall be provided on-site, and shall be located to the rear of the structure or in another location that is visually unobtrusive.

    f. There shall be no window display or other public display of material or merchandise connected with the home occupation.

    g. No more than one wall sign, not to exceed two 2 square feet in area, shall be permitted.

E. Home Business

1. Definition. A home business is an accessory nonresidential use conducted in conjunction with a residential use, on the site of the residential use, in which employees are employed on-site. The intent of a home business is to give small, local businesses a place to start. Home businesses are intended to be at a residential scale; once they grow beyond a certain size they can no longer be characterized as home businesses.

    a. Includes:

        i. Office (6.1.6.B.)

        ii. Service (6.1.6.D.)

        iii. Contracting businesses

        iv. Schools (music, art, other)

        v. Art studios and galleries

        vi. Winery

2. Primary Uses

    a. All residential uses

    b. Accessory residential unit

3. Standards

    a. The home business shall not change the residential character of the site or adversely affect the uses permitted in the zone in which it is located.

    b. A home business shall be operated by a person residing within the dwelling.

    c. A home business shall not have more than 3 total employees.

    d. No more than 2 persons residing off-site may be employed on the site of a home business.

    e. No more than 25% of the maximum habitable floor area of the primary dwelling unit shall be occupied by the home business; however, part or all the nonhabitable floor area in permitted accessory structures may be used for the business.

    f. All vehicles and materials must be stored within buildings.

    g. All parking shall be provided on-site, and shall be located to the rear of the structure or in another location that is visually unobtrusive.

    h. There shall be no window display or other public display of material or merchandise connected with the home business.

i. No more than one wall sign, not to exceed two 2 square feet in area, shall be permitted.

j. A Home Business Winery operates for the limited purposes of processing grapes and other fruit products and manufacturing, packaging, and shipping of wine, pursuant to Wyoming Statute Section 12-4-412 (a)(ii).

i. The sale of wine produced by the Home Business Winery shall be permitted for consumption off-premises only.

ii. A Home Business Winery does not include public tours of the Home Business Winery and the sale of any other wines not manufactured by the Home Business Winery either on-premises or off-premises. Private tastings of wine produced on-premises are permitted.

iii. A Home Business Winery shall only be allowed on a parcel and/or lot of 15 acres or greater.

F. Family Home Daycare

1. **Definition.** A family home daycare is the provision of care, for hire, for part of a day, in a family setting. The intent of a family home daycare is to give small, local businesses a place to start. Family home daycares are intended to be at a residential scale; once they grow beyond a certain size they can no longer be characterized as family home daycares.

2. Primary Uses

a. All residential uses

b. Accessory residential unit

3. Standards

a. A family home daycare shall provide care for at least 3 but not more than 6 persons.

b. A family home daycare shall comply with the relevant provisions of the Wyoming Statutes and with local health, safety, and fire codes.

G. Home Daycare Center

1. **Definition.** A home daycare center is the provision of care, for hire, for part of a day, in a family setting. The intent of a home daycare center is to give small, local businesses a place to start. Home daycare centers are intended to be at a residential scale; once they grow beyond a certain size they can no longer be characterized as home daycare centers.

2. Primary Uses

a. All residential uses

b. Accessory residential unit

3. Standards

   a. A home daycare center shall provide care for at least 7 but not more than 11 persons.

   b. A home daycare center shall comply with the relevant provisions of the Wyoming Statutes and with local health, safety and fire codes.

   c. Each home daycare center shall have 35 square feet of indoor area per client (hallways or area with furniture does not qualify), and a fenced outdoor play area in the rear yard providing a minimum of 75 square feet per client. The fenced outdoor play areas shall be screened by shrubs or other vegetation if they are located within 12 feet of the property line.

   d. A home daycare center is permitted one free-standing sign not to exceed 16 square feet in area and not to exceed 10 feet in height.

H. Drive-in Facility

1. Definition. A drive-in facility is a commercial use catering to customers in vehicles.

   a. Includes:

      i. drive-in restaurants

      ii. drive-in banking facilities

      iii. drive-thru pharmacy

2. Primary Uses:

   a. Office

   b. Retail

   c. Service

   d. Restaurant

3. Standards

   a. Off-site parking is prohibited.

   b. If adjoining land is in residential use the drive-in facility shall provide a fence, wall, or evergreen hedge at least 6 feet in height; structures shall be set back from the property line at least 5 feet; and 1.5 plant units per 100 linear feet of property boundary shall be provided. Said evergreen hedge and 1.5 plant units shall be in addition to landscaping required in Div. 5.5.

   c. If adjoining land, including land separated by an alley, is in residential use, the operating time of the drive-in facility shall be limited to the hours of 6 a.m. to 10 p.m.

6.1.12. Temporary Uses ~~(8/7/18)~~ (AMD2019-0006)

A. All Temporary Uses

1. **Definition.** A temporary use is a use established for a fixed period of time.

2. Standards

   a. **Entrance and Exit/Adequate Sight Distances.** The entrance and exit locations shall have adequate sight distances to ensure safe entry and exit based on the speed of the road, as specified in Div. ~~7.6.~~5.9.

   b. **Electrical and Sanitary Inspections.** The temporary use shall pass electrical and sanitary inspections before being opened to the public.

   c. **Bond.** A bond for the cleanup and restoration of the temporary use area may be required in an amount sufficient to restore the area to its prior condition or to the condition specified by reclamation standards in this Section.

B. Christmas Tree Sale

1. **Definition.** A Christmas tree sale is the outdoor sale of evergreen trees during the Christmas holiday season.

C. Real Estate Sales Office

1. **Definition.** Real estate sales office means a structure placed on a development site and used as a sales office or meeting place only during an initial period of marketing a project for sale or lease.

2. Standards

   a. A real estate sales office use shall only be on the site of a new development and shall sell only the lots or units on the site of the development.

   b. The real estate sales office shall be removed when 75% of all lots or units in the new development have been sold, leased, or rented.

D. Temporary Shelter

1. **Definition.** Temporary shelter means a mobile home or camping unit temporarily occupied while a residential unit with a valid building permit is being constructed.

2. Standards

   a. A temporary shelter may also be permitted when fire or natural disaster has rendered an existing residential unit unfit for human habitation; provided that a building permit for rehabilitation or reconstruction is obtained within a reasonable period of time, as determined by the Board of County Commissioners.

b. The temporary shelter may be permitted for a period not to exceed one year. An extension may be granted by the Planning Director for a period not to exceed 2 additional years for good cause.

c. The temporary shelter must be connected to an adequate septic or sewage system that will serve the future residential unit.

E. Farm Stand

1. **Definition.** A farm stand means a temporary or permanent structure or vehicle used in the sale of regional farm products such as fruits, vegetables, and juices during the time of year when such products are fresh.

2. **Standards.** Farm stands shall be located in an approved parking lot, area of sidewalk where they will not disrupt pedestrian movements, or in an area set aside by the County as appropriate for temporary farm stands.

F. Temporary Gravel Extraction and Processing

1. **Definition.** Temporary gravel extraction and processing is:

   a. Gravel extraction and processing permitted mainly for project specific purposes or needs, for projects that have been reviewed and approved per 6.1.9.F. Project specific needs include the excavation of ponds where permitted pursuant to these LDRs; or

   b. Gravel extraction and processing, to include only washing and screening, for a period of 2 years or less, unless a longer period is permitted by the Board of County Commissioners pursuant to this Subsection.

2. Standards

   a. **Exemptions.** Extraction and use within an agricultural operation for agricultural purposes and incidental extraction of 1,000 cubic yards or less for incidental residential or wildlife habitat enhancement purposes shall be exempt from this Subsection.

   b. **Permitted Projects.** Listed below are the types of projects for which a temporary gravel extraction and/or processing Basic Use Permit may be obtained. Notwithstanding, no project shall qualify if it requires a Small Mining Permit from the Wyoming DEQ, unless a cooperative regulatory agreement is reached with the DEQ, or some other mechanism is offered by the applicant, to ensure the standards of this Section are met and can be subject to the continued oversight and enforcement action by the County. If an operation should ever fall outside of said jurisdiction, its Basic Use Permit shall terminate automatically and it shall cease operation immediately and complete its reclamation according to its reclamation plan and time-line.

i. Specific Private Projects. Gravel extraction and processing to provide gravel for a specific private project. The project for which the products of gravel extraction and processing will be used shall be a development or use that has been reviewed and approved. The gravel extraction and processing site must be located either:

a). on the same property as the project,

b). on a contiguous property, or

c). on a noncontiguous property only if written approval is granted from all intervening property owners.

d). Sale, barter, or gift of raw gravel for other uses is permitted so long as the extraction thereof occurs only during seasons in which improvements for the specific project are being performed and does not continue beyond the season in which improvements for the specific project are finished. Only gravel processing levels one and three, as defined in 6.1.9.F. and materials may be imported or recycled as part of the gravel processing, so long as all processed material is for the specified project only.

ii. Specific Public Projects. Gravel extraction and processing to provide gravel for a specific public project. The project for which the products of gravel extraction and processing will be used shall be a public works project sponsored by a governmental agency and reviewed and approved through an official process by the appropriate governmental agency. Sale, barter, or gift of products for other uses is permitted so long as the extraction and processing thereof occurs only during seasons in which improvements for the specific project are being performed and do not continue beyond the season in which improvements for the specific project are finished. All levels of gravel processing, as defined in 6.1.9.F. are permitted and materials may be imported or recycled as part of the gravel processing, so long as their use is for the specific project.

iii. Wildlife Habitat Enhancement Projects and Fire Ponds. For the purposes of this Section, gravel extraction to excavate or construct a pond or watercourse for wildlife habitat enhancement, or to construct a fire pond, shall be treated as an extraction and limiting processing project, as described below and shall be subject to the same permissions and restrictions stated therein.

iv. Extraction and Limited Processing on Less Than 15 acres. Gravel extraction, and the limited processing activities of washing and screening of gravel extracted on-site, on less than 15 acres does not require an associated specific private or public project for which the gravel products are to be used.

c. Operational Standards

i. Traffic and Road Impacts

a). **Infrastructure.** Projected traffic impacts shall be addressed according to AASHTO guidelines and the cost of all improvements required, on and off-site, shall be borne entirely by the applicant. A payment to compensate for the additional wear and tear on County roads, as determined by the County Road & Levee Manager ~~Supervisor~~, also may be required of the applicant.

b). **Trip Generation.** The Board of County Commissioners may establish a maximum number of truck trips allowed to enter and exit a temporary use location. The limit on the number of trips, and weekly rate, shall reflect the classification of the road traveled to reach a State Highway, the distance the processing location is from the State Highway, the projected impacts of the truck traffic on surrounding uses, and the demand for the material produced.

ii. **Hours of Operation.** Hours of operation, which shall include maintenance and testing of equipment that creates visual or audible impacts at the property-line, shall occur between 8:00 a.m. and 6:00 p.m., Monday through Friday and between 8:00 a.m. and noon on Saturdays. Saturday operations shall be limited to sale, pick-up, or delivery of products--no gravel processing or extraction shall be conducted on Saturdays. Notwithstanding, an extension of hours may be granted by the Planning Director based upon the applicant's proposal to exceed the standards established in this Section to mitigate the negative impacts of gravel operations on surrounding neighbors. Hours of operation shall not apply when the gravel operator is responding to a bona fide public emergency, i.e., flood fight.

iii. **Setbacks.** A minimum 300 foot setback from public road rights-of-way, public recreational easements, and all property lines coincident with other property owners shall be provided for any processing equipment. Written permission from adjacent property owners to reduce the required setback shall be obtained if necessary. Extraction operations shall be set back a minimum of 50 feet from all public road rights-of-way and easements, private road rights-of-way and easements, and property boundaries coincident with other property owners.

iv. **Duration.** Duration of the gravel extraction and processing shall be no longer than 2 years, not including time for reclamation, which shall be required to be completed within an additional two growing seasons. Notwithstanding, the Board of County Commissioners may permit extraction and or processing to continue for an additional 2 years, provided written notice and solicitation for comments on the proposal is mailed to all property-owners, pursuant to 8.2.14.C. and the Board of County Commissioners finds the impacts on the neighborhood to be negligible based upon the comment received from the written notice and examination of other factors including, but not limited to, the size and quality of the access road, the distance to residential structures and recreational use areas. If a specific project is phased over more than 2 years, then the gravel extraction and processing activities shall

be scheduled according to the phasing plan of the associated specific project. No extraction or processing shall be conducted during a season in which no improvements are planned or performed for the associated specific project.

v. Health and Safety Protection. The proposed gravel extraction and processing area shall be bermed, fenced, or otherwise enclosed, where necessary, for health and safety protection.

vi. Grading and Erosion Control. Requirements pursuant to Div. 5.7. shall be met. Notwithstanding, no extraction shall be permitted on slopes of greater than 15%, if the area of 15% or greater slope is 1 acre in size or larger. Practices for sediment and erosion control shall be designed, constructed and maintained to prevent additional contribution of sediment to streams, lakes, ponds, or any land outside the permit area. Where applicable, sediment and erosion control measures to prevent degradation of the environment shall consist of the utilization of proper reclamation methods and sediment control practices including, but not limited to:

a). grading the back-fill material to reduce the rate and volume of runoff;

b). retaining sediment within the pit and disturbed area; and,

c). establishing temporary vegetation or mulch on areas that will remain subject to erosion for as long as 6 months.

vii. Activities In or Near Waterbodies

a). Controlled Watercourses

1). Extraction proposed in the Snake or Gros Ventre Rivers shall be in a location and manner specified in the Restoration Study.

2). If the Restoration Study is not yet completed and approved by the County, then the following standards shall apply.

3). Extraction may be proposed in a location approved by the Planning Director and the Levee Supervisor. In no case shall a location and time of excavation be approved that may have negative impacts on endangered or threatened species, or species of special concern, as described in Teton County Wildlife-Habitat Assessment Final Report, by Biota Research and Consulting, Inc., dated July 1, 1991.

4). A report and recommendations from a Hydrologist shall be submitted detailing how the extraction can be accomplished in a manner most beneficial to the river system; the applicant shall be required to abide by the report's recommendations.

b). **Uncontrolled/Natural Watercourses.** When working in uncontrolled, or naturally flowing, watercourses, the proposed operation shall be conducted in a manner that improves fisheries and waterfowl habitat. A report and recommendations from a Fisheries Biologist shall be required detailing how the proposed operation will accomplish habitat improvements and the operator shall be required to abide by the report's recommendations.

c). **Minimum Buffer.** A minimum 50 foot border of natural vegetation between the water's edge and any plant site on the permitted area shall be left undisturbed subject to the operator's right to normal access to the river or stream. When the materials extracted are not processed after removal and no plant is located on the property, the operator shall take all necessary precautions to preserve the integrity of the river or stream bank.

d). **Setbacks from Structures.** The County Road ~~and~~& Levee Manager~~Supervisor~~ and the Wyoming Department of Transportation shall be contacted in reference to setback requirements from bridges, levees, and other structures for in-stream excavation activity.

e). **No Negative Impact.** No extraction shall be permitted that is deemed by the County to have a negative impact on the river, or on landowners adjacent to the river with respect to bank erosion or potential flooding. If more than one river extraction site has been approved or executed within the same vicinity as the extraction site in question, the cumulative impacts of such river extraction shall also be considered when assessing potential negative impacts on the river or on landowners adjacent to the river.

viii. **Cultural and Historic Sites.** If historic or prehistoric ruins or monuments are uncovered or become apparent, all work in the immediate area shall cease until the Wyoming State Archaeologist determines what precautions shall be taken to preserve the historic or prehistoric artifacts.

ix. **Access.** Adequate and available access to/from the proposed site and to/from a County road or State highway shall be shown, to the satisfaction of the Planning Director and County Attorney, and maintained, to the standard specified by the County Engineer.

x. **Site Area.** Gravel extraction and processing associated with a specific private or public project shall be limited to less than 15 acres in size, unless a cooperative regulatory agreement is reached with the DEQ in conjunction with issuance of a Small Mining Permit, or some other mechanism is offered by the applicant to ensure the standards of this Section are met for projects on larger sites. Extraction and processing projects, not associated with a specific private or public project as described above shall be limited to less than 15 acres in size.

xi. **Surrounding Vegetation.** Vegetation within the setbacks from the property boundary shall be preserved and supplemented, as necessary, for mitigation of negative impacts. Existing native vegetation on the operation site shall be preserved to the maximum extent possible.

xii. **Noise Reduction.** All operations shall comply with the standards set in Sec. 6.4.3. except for the back-up horns, which are exempt pursuant to that section. Stockpiles shall be located to maximize their benefits as noise barriers and equipment shall be located to minimize its negative noise impacts on neighbors. The circulation scheme on the site shall be designed to minimize reverse movements by vehicles utilizing back-up horns.

xiii. **Dust.** All operational areas and traffic corridors shall be sprayed with water, as often as weather conditions require, to minimize fugitive dust.

xiv. **Wildlife.** All gravel extraction and/or processing shall limit the locations and times of year that ensure no significant negative impacts to endangered species as determined by the Wyoming Game and Fish Department and the U.S. Fish and Wildlife Department, as appropriate. Proposed locations and operation times also shall minimize impacts on species of special concern, as described in Teton County Wildlife-Habitat Assessment Final Report, by Biota Research and Consulting, Inc., dated July 1, 1991.

xv. **Water Supply.** Extraction and filling of a reservoir shall not infringe on down-stream appropriator's rights as established by the State Engineer's Office.

xvi. **Hazardous Materials.** Any fuel, explosives, or other hazardous materials stored on the site shall be contained within an impoundment with a concrete floor and berms high, and impermeable, enough to contain a spill or leak should one occur. A similar impoundment shall be provided for any equipment or vehicle maintenance to be conducted on the site. An emergency preparedness plan shall be designed, kept on the site, and followed, as approved by the County. The plan shall specify procedures for containment and cleanup of hazardous materials spills.

xvii. **Extraction, Processing, and Reclamation Plan.** An extraction, processing and reclamation plan, meeting the standards of this Section, shall be provided. The plan shall restrict operations to areas of workable size so that no area is left inactive and unreclaimed for more than 60 days. Reclamation shall proceed in conjunction with extraction and shall proceed in phases over the life of the operation.

d. **Reclamation Standards.** If the landowner intends future development or use of the property where the gravel extraction or processing is proposed to take place, then the land shall be reclaimed in accordance with an approved development plan. If there is no development plan, approved or being reviewed by the County in conjunction with the proposed gravel operation, then the following standards shall apply.

i. Dry Land Area

a). **Activities Involving Land Forms.** Extraction proposed to take down landforms, such as benches, shall be designed, upon reclamation, to blend into the landforms at the edge of the operation site.

b). **Blending with Natural Contours.** Disturbed areas shall be regraded to blend into, and conform with the general natural form and contours of the adjacent areas.

c). **Revegetation.** Disturbed areas shall be revegetated with native species, predominant in the neighboring areas.

d). **Compliance with Grading Standards.** Compliance with Div. 5.7. is required.

ii. **Ponds/Water Features.** All ponds or water features created by gravel extraction shall meet the standards of Sec. 5.1.6.

Div. 6.2. Parking and Loading Standards

6.2.1. Purpose (1/1/15)

This Division establishes parking and loading standards for various uses. The standards are intended to lessen congestion on streets and to ensure an adequate supply of parking and loading spaces within a reasonable distance of development.

6.2.2. Required Parking and Loading (7/18/18)

A. Required Parking

The table below establishes the minimum required parking spaces that shall be provided for each use in these LDRs, unless otherwise specified in Subsection C.2 of a specific zone. Where a minimum requirement is not listed in the table it shall be determined by the Planning Director upon finding the proposed use has need for parking. Calculations that reference floor area shall be based on the gross floor area. Calculations that reference employees shall be based on the maximum number of employees normally on duty at any one time.

Required Parking		
Use	Parking Spaces	Queuing Spaces
Open Space Uses		
Agriculture	n/a	
Outdoor recreation	independent calculation	
Dude/Guest ranch	1 per LU	
Residential Uses		
Detached single-family unit	2 per DU	
Attached single-family unit	2 per DU +0.5 per DU if ≥ 3 units served by lot	
Apartment	2 per DU +0.5 per DU if ≥ 3 units served by lot	
Mobile home	2 per DU	
Dormitory	1 per bed	
Group home	0.5 per bed	
Lodging Uses		
Conventional lodging	0.75 per LU + 1 per 150 sf assembly area	
Short-term rental	2 per LU	
Campground	1 per campsite +1 per 7.5 campsites	
Commercial Uses		
Office	3.3 per 1,000 sf	
Retail	4.5 per 1,000 sf	
Service	3 per 1,000 sf	
Restaurant/Bar	1 per 55 sf dining area + 1 per 30 sf bar area	
Heavy retail/Service	2 per 1,000 sf + 3 per repair bay + 1 per wash bay	2 per wash bay
Mini-storage warehouse	1 per 10 storage units + 1 per employee	

Required Parking		
Use	Parking Spaces	Queuing Spaces
Nursery	2 per 1,000 sf + 1 per 4,000 sf outdoor display area + 1 per employee	
Amusement/Recreation Uses		
Amusement	1 per 30 sf seating area or independent calculation	
Developed recreation	4.5 per 1,000 sf	
Outfitter/Tour operator	independent calculation	
Institutional Uses		
Assembly	independent calculation	
Daycare/Education	independent calculation	
Industrial Uses		
Light industry	1 per 1,000 sf + 1 per company vehicle	
Heavy industry	2 per 1,000 sf + 1 per company vehicle	
Disposal	1 per employee	
Junkyard	1 per employee	
Gravel extraction/processing	1 per employee	
Infrastructure Uses		
Parking	n/a	
Utility facility	1 per employee + 1 per stored vehicle	
Wireless communication facility	1 per employee + 1 per stored vehicle	
Aviation	independent calculation	
Accessory Uses		
Accessory residential unit	1.25 per DU	
Bed and breakfast	0.75 per LU	
Home occupation	n/a	
Home business	1 per employee	
Family home daycare	1 per employee	1 off-street for pick-up
Home daycare center	1 per employee	2 off-street for pick-up
Drive-in facility	n/a	3 per service lane
Temporary Uses		
Christmas tree sales	1 per 1,000 sf outdoor display area + 1 per employee	
Real estate sales office	3.3 per 1,000 sf	
Temporary shelter	2 per DU	
Farm stand	5 per 1,000 sf display area	
Temporary gravel extraction	1 per employee	

1. **Administrative Adjustment.** The Planning Director may establish a lesser parking requirement pursuant to the procedure of Sec. 8.8.1. based on information from reliable sources that demonstrates a lesser standard is workable due to anticipated parking demand and alternative transportation services available.

2. **Change of Use.** An applicant for a change of use shall only be required to additionally provide the difference between the parking requirement of the existing use and proposed use, regardless of the actual parking that exists.

B. Shared Parking

If two or more uses occupy a site or structure, the required parking, queuing and loading shall be the additive total for each individual use unless the Planning Director determines uses are compatible for sharing parking based on the following standards.

1. **Residential and Nonresidential Uses.** A percentage of the parking spaces required for nonresidential uses may be considered shared with on-site residential uses in accordance with the table below, and the extent to which:

   a. The residential use provides on-site affordable workforce housing; and

   b. The location and design of the development enhances the shared parking function.

Percentage of Nonresidential Parking Spaces that May Be Shared		
Nonresidential Use	Affordable Workforce Housing or ARU	Other Residential Use
Retail	100%	25%
Office	100%	75%
Restaurant/Bar	100%	20%
Service	100%	25%
All Industrial Uses	100%	75%
Other nonresidential uses	100%	20%

2. **Other Compatible Uses.** Notwithstanding the standard percentages established in the table above, reductions in total parking requirements between and among any uses may be granted in one or more of the following circumstances:

   a. When it is intended that patrons frequent more than one use in a single trip (example: lodging and restaurant)

   b. When operating hours are substantially different (example: movie theater and office)

   c. When peak trip generation characteristics are substantially different (example: lodging and retail)

C. Required Disability Parking

All nonresidential uses and residential uses served by a parking lot shall provide parking spaces in the parking lot for use by motor vehicles which transport disabled persons in accordance with the following standards.

1. **Requirement.** The required number of disability parking spaces is set forth in the table below. In addition, 1 disability space shall also be provided for each dwelling unit that is designed for occupancy by the physically disabled.

Required Disability Parking Spaces	
Parking Spaces Provided	Disability Spaces Required
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
>200	6 + 1 per 100 parking spaces provided

2. **Counts Toward Required Parking.** Those parking spaces required for the disabled by this Subsection shall count toward fulfilling the total parking requirement of this Division.

3. **Location.** Parking spaces provided for use by disabled persons shall be located on-site, off-street, and as close as possible to an entrance which allows such persons to enter and leave the parking area and building without assistance.

4. **Dimensions.** Parking spaces provided for use by disabled persons shall be a minimum of 8 feet wide by 20 feet long with an adjacent parallel access aisle 5 feet wide. The adjacent parallel access aisle may be shared by 2 disability parking spaces. One in every eight 8 disability spaces shall have an access aisle which is a minimum of 8 feet wide (rather than 5 feet) and shall be signed "Van Accessible."

5. **Posted and Marked.** Disability parking spaces shall be posted and marked with both a ground-mounted sign and pavement marking which includes the international symbol for barrier-free environments and a statement informing the public that the parking space is reserved for use by disabled persons.

D. Required Bicycle Parking

All nonresidential uses shall provide on-site parking spaces for use by non-motorized vehicles.

1. **Standard.** One bicycle parking space shall be provided for every 10 vehicle spaces required.

2. **Required Facilities.** Bicycle parking requirements shall be fulfilled through the installation of lockers, racks, or equivalent structures in or upon which a bicycle may be locked by the user. All racks shall be securely anchored to the ground or building surface. Racks shall be designed to accommodate U-shaped locks.

3. **Location.** Bicycle parking shall be located in a clearly designated, safe and convenient location. A safe parking location is defined as a location whereby activity around bicycle parking is easily observable, conveniently located to the bicyclist's destination, and adequately separated from motor vehicles and pedestrians. Surfaces around bicycle parking facilities shall be maintained, mud, and dust free.

E. Required Loading

A structure, or a complex of structures, which contains uses that require deliveries or shipments, shall provide off-street loading facilities that are designed so as not to interfere with any emergency or disability access. An application shall address how the specific loading needs of the proposed use are being addressed.

6.2.3. Location of Required Parking (1/1/15)

A. On-site, Off-street

Unless a shared parking agreement is approved, all parking spaces, aisles, and turning areas shall be located off-street and entirely within the boundaries of the land served.

1. **Residential Uses.** For all residential uses all off-street parking shall be located within 150 feet of the structure the parking is to serve.

B. Off-Site, Off-Street

Required parking may be provided off-site with the approval of a shared parking agreement. The off-site parking shall be within 1,000 feet of the use it serves as measured along an established pedestrian route. A deed restriction may be required to ensure the off-site parking is permanent.

C. Parking Areas Shall Not Encroach

All parking spaces, aisles, and turning areas shall not encroach on any road or other public right-of-way. No parked vehicle shall encroach into any road or public right-of-way.

6.2.4. Maintenance of Off-Street Parking and Loading (1/1/15)

A. General

All off-street parking and loading areas shall be maintained adequately for all weather use and be properly drained.

B. Storage Prohibited

Off-street parking spaces shall be available for the parking of operable passenger automobiles of the residents, customers, patrons, and employees of the use for which they are required by this Division. The storage of inoperable vehicles or materials, or the parking of delivery trucks in such spaces shall be prohibited.

C. Display of Vehicles for Sale

Vehicles shall not be displayed for sale in nonresidential parking areas except licensed bona-fide automobile dealerships, and excepting casual display by vehicle owners who are employees or patrons present on the premises at the times of such display.

D. Repair Work Prohibited

No repair work that renders the vehicle inoperable for more than 24 hours shall be permitted on off-street parking or loading facilities.

E. Snow Storage Prohibited

The storage of plowed snow for more than 48 hours is prohibited in required off-street parking and loading areas.

6.2.5. Off-Street Parking and Loading Design Standards (1/1/15)

All off-street parking and loading facilities shall meet the following design standards:

A. Surface and Drainage

1. **Compaction and Drainage.** Parking and loading areas, aisles, and access drives shall be compacted and paved or surfaced in conformity with applicable specifications to provide a durable surface, shall be graded and drained so as to dispose of surface water runoff without damage to private or public land, roads, or alleys, and shall conform with any additional standards for drainage prescribed by these LDRs, or other applicable regulations and standards.

2. **Paving Required.** Outdoor, off-street parking and loading areas, aisles and access drives shall be paved, except for the uses listed below, in which case parking areas, aisles and access drives may be gravel.

    a. Detached single-family unit.

    b. Uses in the BP-TC, R-1, R-2, R-3, NC-TC, S-TC, and R-TC where the Planning Director determines there is no need to delineate required parking, loading or access areas.

3. **Landscape Islands.** Parking lots shall include landscaped islands to avoid large expanses of asphalt and shall be screened from off-site, or their view substantially filtered by vegetation.

B. Access and Circulation Standards

1. **Unobstructed Access.** Each required parking space shall have unobstructed access from a road or alley, or from an aisle or drive connecting with a road or alley except for approved tandem parking.

2. Tandem Parking. Tandem parking (one vehicle parking directly behind another) is not permitted, and shall not be credited toward meeting any parking requirement of this Division except for residential uses not exceeding 4 units on one lot, provided that the tandem parking spaces are assigned to the same residential unit.

3. Backing onto Roads and Public Streets Prohibited. Except for parking facilities serving detached single-family residential lots and parking facilities accommodating 4 vehicles or less, all off-street parking spaces shall open directly onto a parking aisle and be designed so that it will not be necessary for vehicles to back out into any road or public street.

4. Traffic Interference Prohibited. All off-street parking and loading facilities shall be designed with access to a street or alley in one or more locations which cause the least interference with traffic movements.

5. Nonresidential Use Access Drive Width. Access drives to nonresidential uses shall have a minimum width of 15 feet for drives posted as one-way, or 24 feet for two-lane and 36 feet for three-lane drives.

6. Access Drive Intersections. Intersections of parking lot aisles shall be at least 40 feet from a curb cut.

C. Snow Storage Standards

All parking and loading areas shall comply with the following snow storage standards.

1. General. Adequate on-site snow storage areas shall be developed to accommodate snow removed from off-street parking and loading areas or the removal of snow from elsewhere on the site.

2. If Snow Is to Be Removed, Location of Snow Repository Site. If the snow is to be physically removed from the site, an adequate location of the proposed snow repository site shall be identified in writing, and permission from the landowner of the snow repository site shall be provided, in a form satisfactory to the Planning Director.

3. On-Site Snow Storage Standards for Parking and Loading Area. If an off-site snow repository is not used, adequate on-site snow storage shall be provided using the following standards:

    a. A minimum site area representing 2.5% of the total required off-street parking and loading area, inclusive of aisles and access drives, shall be provided as the snow storage area.

    b. Adequate drainage of the snow storage area shall be provided to accommodate snowmelt, and no snowmelt shall drain onto contiguous lands.

c. Required yards and open space may be used to accommodate the required snow storage area, including landscaped areas properly designated for snow storage. However, stored snow shall not restrict access and circulation, nor create a visual obstruction for motorists and pedestrians.

D. Parking Facility Dimensions

1. Parking Space Dimensions

a. **Width.** A parking space shall be a minimum of 9 feet in width.

b. **Length**

i. **Standard Parking Space.** A standard parking space shall be 20 feet in length.

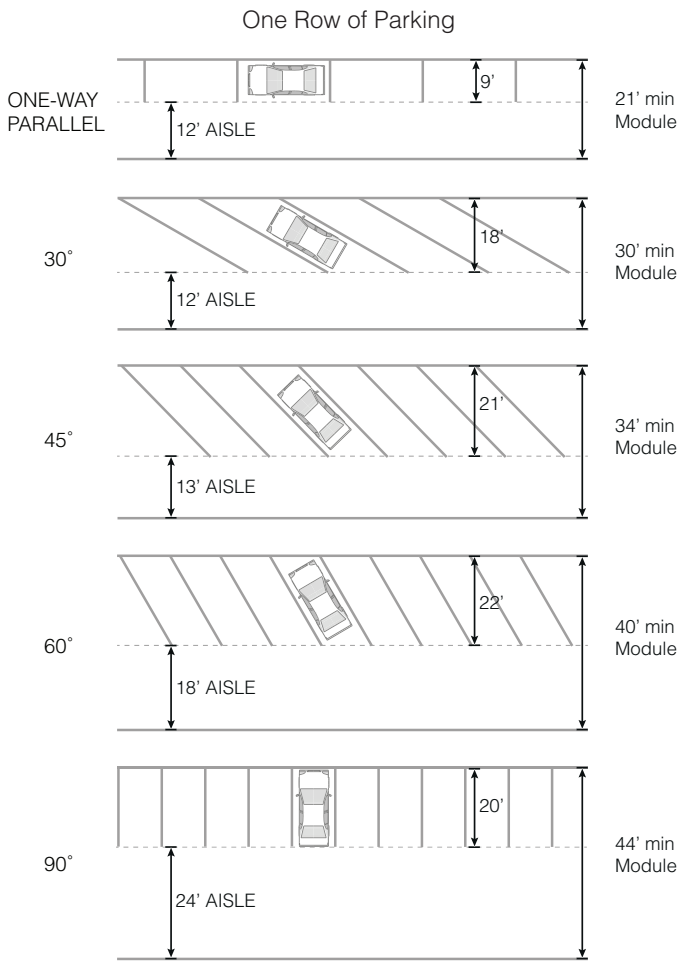
ii. **Over Hang With Wheel Stop.** The length of parking spaces may be reduced to 18 feet, including wheel stop, if an additional space of 2 feet in length is provided for the front overhang of the car, provided that an overhang shall not reduce the width of an adjacent walkway to less than 4 feet in width.

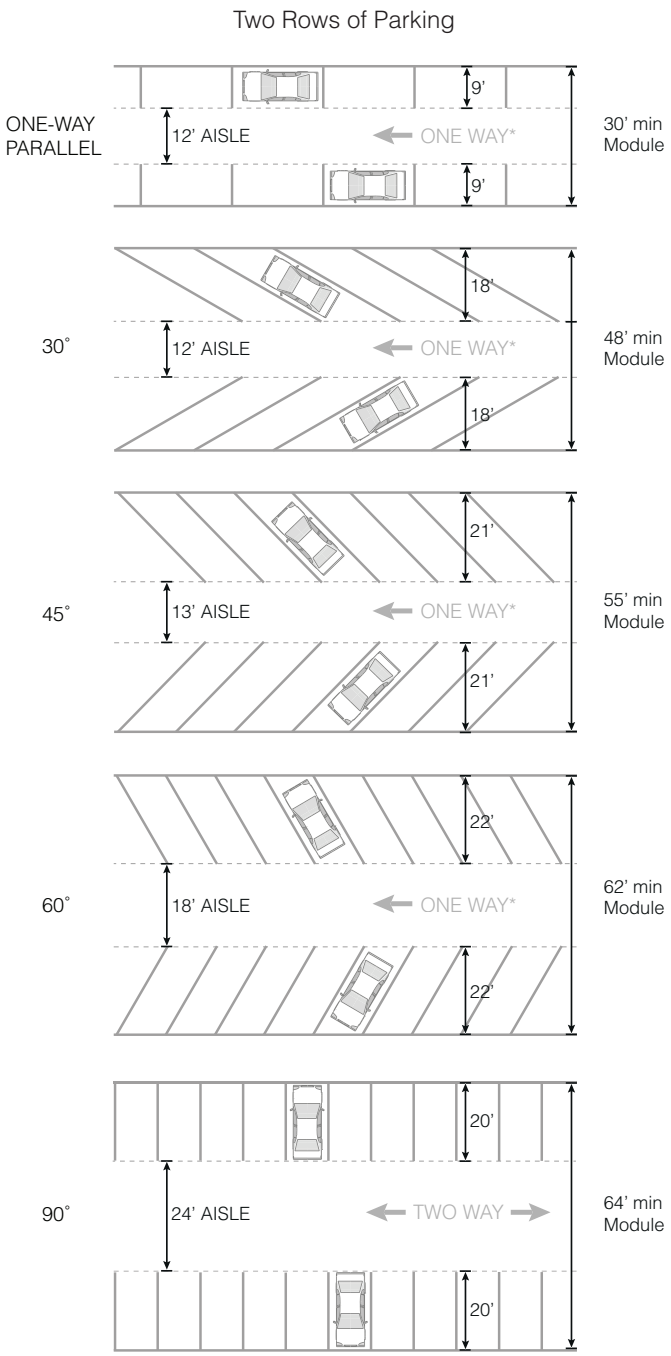
c. **Vertical Clearance.** Parking spaces shall have a vertical clearance of at least 7 feet.

d. **Garage Space Dimensions.** When a garage or accessory structure provides parking spaces to satisfy the requirements of this Division, a minimum area 10 feet in width and 20 feet in length shall be provided per required parking space. Said space shall remain unencumbered and available for parking as long as it is credited against the parking requirement.

2. **Parking Module Dimensions.** The table below specifies the minimum widths for parking rows, aisles, and modules. The figures below illustrate the standards.

Minimum Dimensions for Parking Modules					
	Space Angle				
	Parallel	30º	45º	60º	90º
Single Row of Parking					
Parking Space Depth	9’	18’	21’	22’	20’
Drive Aisle Width	12’	12’	13’	18’	24’
Total Module Width	21’	30’	34’	40’	44’
Two Rows of Parking					
Parking Space Depth	9’	18’	21’	22’	20’
Drive Aisle Width	12’	12’	13’	18’	24’
Total Module Width	30’	48’	55’	62’	64’





*Increase to 24' if two-way.

3. Gravel Area Dimensions. The minimum size of a gravel parking area shall be 10% larger than required of a paved area.

4. Queuing Space Design Standards. Queuing spaces shall be a minimum of 20 feet in length and 10 feet in width. All required queuing shall be contained on-site, shall not encroach into any public right-of-way, and shall not be designed so as to block entry or exit from other on-site parking.

Div. 6.3. Affordable Workforce Housing Standards

6.3.1. Purpose and Findings (7/18/18)

A. Purpose

The purpose of these affordable workforce housing standards is to ensure that affordable workforce housing is provided to the local workforce by employee generating development proportionate with the need for affordable workforce housing it creates.

B. Legislative Findings

In adopting this Section, the Board of Teton County Commissioners finds:

1. **A local workforce is a defining feature of community character.** An essential component of the community character and social, economic, and political fabric of Teton County and the Town of Jackson over the years is the presence of those persons and families that work in the community, live in the community, attend schools in the community, worship in the community, and vote in the community. Maintenance of a local workforce is key to a balanced and sustainable local economy and resilient level of critical service provision.

2. **Supply of local workforce housing is limited by affordability.** One of the primary factors that historically allowed this special community character in Teton County and the Town of Jackson is that, until the mid-1990s, the cost of housing was affordable to those persons living and working in the community. Beginning in the mid-1980s, a significant second home market emerged in Jackson Hole. These home buyers came from different parts of the country and had substantially higher incomes than the local workforce. They have contributed to a dramatic increase in land and construction costs in the community, resulting in a substantial increase in the price of housing. This increase in housing prices, when coupled with slightly increasing or static local workforce wages (accounting for inflation), has made market-rate housing unaffordable to most of the local workforce, forcing many to move outside the community. Review of state and national census and other wage and labor data demonstrate this trend.

    a. In 1986, median sales prices of homes ($90,000) in Teton County and the Town of Jackson were on target with the affordable housing price for a median income household ($90,667). From that point in time forward, housing prices have increased so that they no longer align with what is affordable to median income households.

    b. By 2000, the median sales price ($565,000) was nearly 3 times the price that was affordable to a median income household ($196,333).

    c. In 2007, the median sales price ($1,075,000) was approximately 4 times the price affordable to a median income household ($270,000).

d. While the Great Recession had an impact on housing prices, even during the downturn housing was never affordable to most of the workforce. In 2012, the median sales price of housing ($853,150) was more than 2.6 times the price that is affordable to a median income household ($320,667).

e. By 2016, the affordability gap had returned to pre-Great Recession levels with the median sales price ($1,130,000) at 3.95 times the price that is affordable to a median income household ($286,000).

3. **Local housing supply has not been added at the same rate as local jobs.** In conjunction with the decrease in affordability, there is a shortage of local workforce housing because job growth has outpaced housing growth. Since 2000, jobs have grown at an annual rate of 2.1% while the nubmer of housing units has only grown at an annual rate of 1.6%.

4. **As a result, the percentage of the workforce living locally has declined.** These phenomena have resulted in a number of persons employed in the community and their families being forced to move outside the community, to places like Teton County, Idaho and Lincoln County, Wyoming. Estimates indicate that in 1986 approximately 91% of the workforce lived locally. In 1995 this number had decreased to approximately 80%. By 2005 it was 68%. By 2015, it was estimated only 58% of the workforce resided locally.

5. **The decline in the local workforce has resulted in a deterioration of community character.** This decline in the percentage of the workforce living locally has resulted in an impairment of the social, economic, and political fabric of the community, along with the community's character. Estimates indicate this problem will continue to worsen in the future, unless additional housing is provided within price and rental ranges that are affordable to the workforce. More specifically:

   a. A local workforce household is more likely to reinvest socially, civically, and economically in the community. As a greater percentage of the workforce commutes, their children no longer attend schools in the community, they no longer worship in the community, and they no longer express their ideas at the ballot box.

   b. A local workforce results in a more balanced and sustainable local economy and resilient provision of critical services. As the community becomes more reliant on commuters it also becomes more susceptible to weather events that adversely impact the local economy and the provision of critical community services.

   c. A local workforce also results in a healthier ecosystem. A commuter workforce generates more traffic than a local workforce, which results in greater impact to wildlife and the environment in general.

   d. The lack of local affordable workforce housing opportunities will result in the loss of generational continuity. If there are few housing opportunities available that are affordable to the workforce, there is little chance

children who grow up in the community can raise their own families in the community, and continue to support and participate in the civic and social life of the community which they have been a part of their entire lives.

6. **As a result the community set a workforce housing goal.** To address the impacts from this loss of the local workforce, in 2012 Teton County and the Town of Jackson set a goal In the Jackson/Teton County Comprehensive Plan to ensure a variety of workforce housing opportunities exist in the community so that at least 65% of those employed locally live locally.

7. **To implement this goal, development must provide mitigation for the need for affordable workforce housing it creates.** To assist in the implementation of this goal, these standards require employee generating development to provide affordable workforce housing proportionate to the need it creates.

8. **For these reasons,** these affordable workforce housing standards, are hereby adopted by the Board of County Commissioners.

C. Technical support

The technical support and analysis upon which these affordable workforce housing standards are established is based upon The Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013), as amended, which is incorporated herein by reference.

D. Authority

The Board of County Commissioners has the authority to adopt these affordable workforce housing standards in accordance with Section 18-5-202, Wyoming Statutes, and such other authorities and provisions that are established in the statutory and common law of the State of Wyoming.

6.3.2. Applicability (AMD2019-0006) ~~(7/18/18)~~

These affordable workforce housing standards apply to any employee generating development, unless exempted below.

A. Employee Generating Development

Employee generating development is a new building or use not currently in existence, as further defined below.

1. **Existence.** For the purpose of this standard existance shall mean a building or use existing on February 21, 1995, or the building or use legally established since that date with the highest affordable workforce housing requirement. The burden of identifying the existing building or use shall be the responsibility of the landowner. The landowner shall provide the Planning Director photos, permits, licenses, records, or other documentation that establishes the existing building or use.

EXAMPLE: On December 18, 1995 the use of a property was a restaurant/bar. In 2000 the use of the property changed to a retail. In 2010 the use of the property changed to office. The exiting use for the purpose of this standard is restaurant/bar because restaurant/bar use has the highest affordable workforce housing requirement of the legal uses since December 18, 1995.

EXAMPLE: An office space built as permitted in 2004 is considered existing for the purpose of this standard, regardless of the employee mitigation provided in 2004.

a. This definition of existence shall not apply to an attached single-family unit (6.1.4.C.) or apartment (6.1.4.D.) for which housing mitigation has not been provided. (It shall apply to other residential uses.)

EXAMPLE: An existing apartment building built prior to 1995 is being razed to build a new apartment building. Because the apartment building being razed did not provide any affordable housing mitigation when it was built, the new apartment building would be subject to this Division as though the apartment building being razed did not exist.

2. Other types of development. This division only applies to new building and use. A non-building physical development, development option, or subdivision is not employee generating development and not subject to this Division, except that Sec. 4.3.1.F.6 requires a Planned Resort Master Plan to include an estimation of the affordable workforce housing that will be required for the entire resort and a housing mitigation plan for the entire resort.

EXAMPLE: This Division does not apply to an application for a single-family subdivision. This Division will be applied to each lot in the subdivision at the time a building permit is submitted.

B. Approved Unbuilt Development

1. Approval prior to February 21, 1995. Employee generating development approved prior to February 21, 1995 which has not yet been developed shall also be subject to this Division upon submittal of any required application to complete the development.

EXAMPLE: There is no “credit” for an existing vacant lot. A subdivision completed in 1992 approved construction of a detached single-family unit on each of the lots in the subdivision. Upon application for a building permit to build a unit on one of the lots in the subdivision, this Division shall apply.

> **EXAMPLE:** A Planned Unit Development approved in 2004 allows commercial and residential development on a site, but does not include a specific housing mitigation plan outlining the required number of affordable and employee housing units. Upon application for a development plan, building permit, or use permit under that PUD this Division shall apply.

2. Substantial amendment to prior approval. In addition, this Division shall apply to all employee generating development not completed under an existing approval when that existing approval is substantially amended, regardless of whether the amendment applies to the entire uncompleted portion of the approval, and regardless of the approved Housing Mitigation Plan (or Housing Mitigation Agreement). A substantial amendment is any amendment that would increase the amount of affordable workforce housing required.

> **EXAMPLE:** A Sketch Plan was approved for a 3 building development and included a Housing Mitigation Plan. Only 1 building has been built, and only the required housing associated with the built building has been provided. An amendment to the Sketch Plan is proposed to increase the size of 1 of the unbuilt buildings. The amount of affordable workforce housing required to approve the amendment would be equal to the current requirement for both unbuilt buildings.

C. Exemptions

The following are exempt from the standards of this Division.

1. Housing Department Unit. A residential unit subject to a deed restriction administered by the Housing Department.

2. Other Workforce Housing. A residential unit subject to a deed restriction administered by the Jackson Hole Community Housing Trust or Habitat for Humanity of the Greater Teton Area.These units are subject to the Jackson/ Teton County Housing Department Rules and Regulations Section 2-3 Livability Standards.

3. Historic Building. Use of a building included on the Teton County Historical Preservation Board (TCHPB) list of historically significant properties, or that is otherwise deemed in writing by the TCHPB to be historically significant. In addition, if a historic building is used in its historic location, floor area elsewhere on the site equal to the amount of historic floor area used on-site is also exempt.

> **EXAMPLE:** A 2,000 square foot historic cabin being converted into a restaurant would be exempt from this Division. If the historic cabin has not been moved and is being used as a restaurant in its historic location, another 2,000 square feet of floor area elsewhere on the site are also exempt from this division. If the historic cabin has been relocated from another location, only the cabin itself is exempt.

4. **Affordable Workforce Housing Unit.** A residential unit subject to a deed restriction administered by the Housing Department, Jackson Hole Community Housing Trust, or Habitat for Humanity of the Greater Teton Area. (This exemption shall not apply to an occupancy restriction as defined in the Housing Department Rules and Regulations.)

5. **Agriculture.** An agriculture use (6.1.3.B.).

6. **2,500 sf ~~Local Occupancy~~ Detached Single-Family Unit.** A detached single-family unit (6.1.4.B.) of 2,500 square feet or less. Upon expansion of such a unit beyond 2,500 sf, this Division shall apply to the entire ~~expansion~~ unit.

   > **EXAMPLE:** An 1,800 sf detached single-family unit would be exempt from this Section. A proposal to add 900 sf to the unit would result in a requirement of 0.027 affordable workforce housing units ((0.000017 * 2,700 + Exp(-15.49 + 1.59*Ln(2,700))/2.176) - (0.000017 * 1,800 + Exp(-15.49 + 1.59*Ln(1,800))/2.176) = 0.027).

7. **Replacement after Damage by Natural Disaster.** Replacement of an attached single-family unit (6.1.4.C.) or apartment (6.1.4.D.) that is demolished or destroyed by a natural disaster or through any manner not willfully accomplished by the owner, regardless of the extent of the demolition or destruction. The replacement shall be complete, or an application to complete shall be sufficient, within 18 months of the date of destruction.

8. **Mobile Home.** A mobile home (6.1.4.E.) or mobile home park (Sec. 7.1.4.).

9. **Dormitory.** A dormitory (6.1.4.F.).

10. **Group Home.** A group home (6.1.4.G.).

11. **Daycare.** A daycare or early childhood education use.

12. **Education.** A private school meeting the definition of Wyo. Stat. §21-4-101.

13. **Accessory Use.** An accessory use (Sec. 6.1.11.).

14. **Temporary Use.** A temporary use (Sec. 6.1.12.).

15. **Public/Semi-Public Zone.** Employee generating development in the public/semi-public zone.

16. **Alta Reduction.** Employee generating development west of the Tetons shall only be required to provide 25% of the amount of affordable workforce housing calculation pursuant to Sec. 6.3.3.

6.3.3. Amount of Affordable Workforce Housing Required

(AMD2019-0006) ~~(7/18/18)~~

A. Requirement

Any employee generating development to which this Division applies shall provide at least the amount of affordable workforce housing determined by the following calculations. The calculations vary by the use being proposed and are the function of the size of the proposal. The calculations are based on the analysis found in the Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013), as amended, and assume an affordable workforce housing unit houses 1.8 local employees.

Required Affordable Workforce Housing	
Use	Affordable Workforce Housing Units Required
Detached Single-Family Unit (6.1.4.B.) (Non-Local Occupancy, A.8.)	0.000017 * sf + (Exp(-15.49 + 1.59*Ln(sf)))/2.176
Detached Single-Family Unit (6.1.4.B.) (Local Occupancy, A.8.)	0.000017 * sf + (Exp(-16.14 + 1.59*Ln(sf)))/ 2.176
Attached Single-Family Unit (6.1.4.C.), Apartment (6.1.4.D.) (Non-Local Occupancy, A.8.)	0.000017 * sf + (Exp(-14.17 + 1.59*Ln(sf)))/ 2.176
Attached Single-Family Unit (6.1.4.C.), Apartment (6.1.4.D.) (Local Occupancy, A.8.)	0.000017 * sf + (Exp(-14.82 + 1.59*Ln(sf)))/ 2.176
Conventional Lodging (6.1.5.B.), Short-Term Rental Unit (6.1.5.C.)	0.204 * room
Office (6.1.6.B.)	0.000431 * sf
Retail (6.1.6.C.), Service (6.1.6.D.), Nursery (6.1.6.H.), Amusement (6.1.7.B.)	0.000377 * sf
Restaurant/Bar (6.1.6.E.)	0.001045 * sf
Mini-Storage Warehouse (6.1.6.G.)	0.000011 * sf
Heavy Retail/Service (6.1.6.F.), Industrial Uses (Sec. 6.1.9.), Transportation/Infrastructure Uses (Sec. 6.1.10.)	0.000214 * sf

1. **Schedule and Calculator Available.** A schedule of the requirement for employee generating development of various sizes and a calculator to use in determining the requirement are both available in the Administrative Manual. The residential requirement is a logarithmic equation because there is an exponential relationship between the size of a unit and the number of operations and maintenance employees generated. In the residential requirement equations, "Exp(x)" describes an exponential function, or e to the power of x. Inversely, "ln(x)" describes the natural logarithm of x.

2. **Use Not Listed.** For uses not listed, the Planning Director shall either find a use comparable to the proposed employee generating development and utilize the comparable calculation, or require the applicant to conduct an independent calculation pursuant to 6.3.3.B. to determine the requirement.

3. Expansion. In the case of an expansion to an existing building or use (6.3.2.A.1), the amount of affordable workforce housing required shall be calculated based on the difference between the requirement for the proposed and existing employee generating development.

> **EXAMPLE:** A 5,000 sf office building proposing to add 1,500 sf would be required to provide 0.646 affordable workforce housing units (0.000431 * 6,500 - 0.000431 * 5,000 = 0.646). A 3,000 sf detached single family home proposing to add 500 sf would be required to provide 0.017 affordable workforce housing units ((0.000017 * 3,500 + Exp(-15.49 + 1.59*Ln(3,500))/2.176) - (0.000017 * 3,000 + Exp(-15.49 + 1.59*Ln(3,000))/2.176) = 0.017).

4. Change of Use. In the case of a change of use, the amount of affordable workforce housing required shall be the difference between the requirement for the proposed use and the requirement for the existing use (6.3.2.A.1).

> **EXAMPLE:** A proposal to use a 2,000 sf retail space as an office would be required to include 0.108 affordable workforce housing units (0.000431 * 2,000 - 0.000377 * 2,000 = 0.108).

5. Unknown Use. For the development of floor area with an unknown use, the allowed use in the zoning district with the greatest need for affordable workforce housing shall be used, except that Restaurant/Bar use shall only be required in association with a Restaurant/Bar use permit.

6. Sf. In the calculations “sf” is equal to the habitable floor area (in square feet), including basement, of each residential, lodging, or nonresidential unit.

   a. The calculation for a multi-unit building shall be the sum of the calculation for each unit.

   b. Common hallways, entryways, stairways, and other circulation areas in buildings with multiple residential or nonresidential units, that are not within any individual unit, shall not be included in the calculation.

7. Room. In the calculations “room” is equal to a single lodging room. In the case of a conventional lodging or short-term rental with multiple bedrooms per unit, the number of rooms used in the calculation shall be the number of bedrooms, not the number of units.

8. Local Occupancy Restriction. The calculation for non-local occupancy shall be applied to all residential uses. In order to utilize the local occupancy calculation, a restriction shall be placed on the unit that requires compliance with the occupancy qualification requirement of the Housing Department Rules and Regulations. Placement of an affordable restriction or workforce restriction on a unit, as defined in the Housing Department Rules and Regulations, shall exempt the unit from any requirement pursuant to 6.3.2.C.1. However, 6.3.2.C.1 does not apply to an occupancy restriction placed to utilize the local occupancy calculation.

EXAMPLE: An applicant proposing to build 3 – 1,000 square foot attached single-family units would be required to provide 0.108 affordable workforce housing units (3 * (0.000017 * 1,000 + Exp(-14.17 + 1.59*Ln(~~3,500~~1,000))/2.176) = 0.108). If a workforce restriction is placed on the units, they are exempt from the requirements of this Section. If an occupancy restriction is placed on the units, 0.081 affordable workforce housing units would be required (3 * (0.000017 * 1,000 + Exp(-14.82 + 1.59*Ln(~~3,500~~1,000))/2.176) = 0.081).

9. **Removal of a Voluntary Restriction.** An affordable, workforce, or occupancy restriction voluntarily placed on a unit may be removed. In order to remove such a restriction, the affordable workforce housing required on the date of the removal shall be provided. In the case of removal of an occupancy restriction the affordable workforce housing requirement shall be calculated as a change of use from local to non-local occupancy.

10. **Update Requirement Regularly.** The determination of need for affordable workforce housing shall be evaluated and updated at least every 5 years to account for changes in the economic and demographic trends in the community. Updates shall be based on update to The Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013), as amended.

B. Independent Calculation

Where applicable, an independent calculation shall establish the amount of affordable workforce housing required. The intent of the independent calculation is to identify a requirement for an industry that is proportional to the demand for affordable workforce housing that industry generates, where the general circumstances surveyed in the Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013), as amended, do not represent unique circumstances of the industry. The independent calculation is not intended to be business specific.

1. Applicability

   a. **Applicant option.** An applicant may elect to prepare an independent calculation of the required affordable workforce housing if the applicant believes the nature, timing, or location of the proposed employee generating development is likely to create less need for affordable workforce housing than otherwise required in this Section.

   b. **Unspecified use.** The Planning Director may require an independent calculation of the need created for required affordable workforce housing if:

      i. A calculation for the proposed use is not established in Sec. 6.3.3.A.; or

      ii. A proposed use does not rely on floor area; or

      iii. The proposl is a Planned Resort estimating housing need pursuant to Sec. 4.3.1.F.6; or

iv. The Planning Director finds the employee generating development to be unique from the general circumstances surveyed in The Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013), as amended.

2. **Calculation Methodology.** An independent calculation shall use the methodology used in the Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013) to generate the calculations in 6.3.3.A. That methodology is represented by the following equation:

Requirement (units per sf/room) = [A/30/X*Y] + [B/X*Y] + [C/X*Y] + [D/X*Y]

a. A = the number of construction workers needed to construct one sf or room of the use.

b. B = the post-construction workers needed to operate one sf/room of the use. In the case of residential development these are the operations and maintenance employees such as landscapers, trash collectors, and property managers. In the case of nonresidential development these are the employees who work at the use.

c. C = the number of fire and emergency medical personnel needed to serve one sf/room of the use.

d. D = the number of law enforcement personnel needed to serve one sf/room of the use.

e. 30 = the 30 year average career of a construction worker.

f. X = the average number of workers in the household of an employee in a specific industry.

g. Y = the percentage of workers in a specific industry that cannot afford market housing.

3. **Calculation Values.** The values in the Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013), as amended, shall be used in the independent calculation except pursuant to the following standards.

a. **Values that may be altered.** In the equation for independent calculation an alternate value shall only be used for A, B, or the X and Y values associated with an altered A or B.

b. **Alternate values.** The alternate value proposed shall be calculated using:

i. Generally recognized principles and methods of impact analysis; and

ii. Verifiable local information and data; and

iii. Data that is industry specific rather than business specific; and

iv. In the case of B, the year-round (including dual seasonal), post-construction occupancy of the space.

EXAMPLE: A space that is leased to a raft guiding operation in the summer and snowmobile guiding operation in the winter. For a space that size, a raft guiding operation averages 10 employees and a snowmobile guiding operation averages 7 employees. "B" for that use of that space = 7.

6.3.4. Type of Affordable Workforce Housing Required (7/18/18)

The affordable workforce housing required by this Division shall comply with the following requirements to ensure its affordability and livability.

A. Unit Types Allowed

A required affordable or workforce housing unit shall be a detached single-family unit (6.1.4.B.), attached single-family unit (6.1.4.C.), apartment (6.1.4.D.), or accessory residential unit (6.1.11.B.). No other residential or lodging unit type shall be required affordable workforce housing.

B. Affordability

1. **Restriction.** Each affordable or workforce housing unit shall be subject to one of the following restrictions.

   a. **Less than 50% of Median Income.** An affordable rental restriction, as defined in the Housing Department Rules and Regulations, ensuring affordability for households making 50% of family median income or less.

   b. **50%-80% of Median Income.** An affordable rental restriction, as defined in the Housing Department Rules and Regulations, ensuring affordability for households making above 50% up to 80% of family median income.

   c. **80%-120% of Median Income.** An affordable rental or affordable ownership restriction, as defined in the Housing Department Rules and Regulations, ensuring affordability for households making above 80% up to 120% of family median income.

   d. **120%-200% of Median Income.** A workforce rental or workforce ownership restriction, as defined in the Housing Department Rules and Regulations, for households making above 120% up to 200% of family median income.

2. **Allocation of restrictions.** The above restrictions shall be allocated to the required units in the following order. For requirements above 7 units, the order of allocation shall repeat. A fractional requirement shall be the last allocated.

Allocation of Affordability Restrictions				
Units Required	< 50%	50% - 80%	80% - 120%	120% - 200%
1	0	0	1	0
2	1	0	1	0
3	1	0	2	0
4	1	1	2	0

5	1	1	3	0
6	2	1	3	0
7	2	1	3	1

a. The Housing Director may adjust the restriction allocation in accordance with the procedure of Sec. 8.8.1. and the following standards.

i. The adjustment shall not reduce the required number of units.

ii. The restriction allocation shall meet the following distribution.

Distribution of Affordability Restrictions	
Affordability Restriction	% of Requried Units
< 50%	At least 25%
50% - 80%	At least 19%
80% -120%	No more than 43%
120% - 200%	No more than 13%

3. **Allocation of restrictions by unit size.** To the maximum extent practicable, the allocation of restrictions shall be evenly distributed across all unit sizes.

C. Unit Size - Allocation of Bedrooms Per Unit

The size of the required units, in number of bedrooms, shall be determined in the following order. For requirements above 7 units, the order of allocation shall repeat. A fractional requirement shall be the last allocated.

Allocation of Number of Bedrooms			
Units Required	1 Bedroom or Studio	2 Bedroom	3 Bedroom
1	0	1	0
2	1	1	0
3	1	2	0
4	2	2	0
5	2	2	1
6	3	2	1
7	3	3	1
*Assumed Employees per Unit	1.45	2.0	2.1

1. **Administrative Adjustment.** The Housing Director may adjust the bedroom allocation in accordance with the procedure of Sec. 8.8.1. and the following standards.

a. The adjustment shall not reduce the required number of units.

b. The maximum number of bedrooms in any unit shall be 3.

c. The bedroom mix shall serve the needs of the local workforce.

d. The bedroom allocation shall provide housing for a total number of workers equal to the required number of units times 1.8 workers per unit. The number of workers housed through the proposed bedroom allocation shall be calculated using the employees per unit assumed in the above table.

D. Required Components of Livability

Each required affordable or workforce housing unit shall include, at a minimum, the components of livability required by the Housing Department Rules and Regulations.

E. Compliance with Rules and Regulations

Each required affordable or workforce housing unit shall comply with the Housing Department Rules and Regulations.

1. The Jackson/Teton County Affordable Housing Department is responsible for administration of any affordable or workforce housing units established in accordance with this Division, as well as other housing units it is directed to administer by the Board of County Commissioners.

2. To assist in the administration of this Division, the Town and County have adopted the Jackson/Teton County Housing Department Rules and Regulations, which authorize the Housing Department to:

   a. Manage and oversee all affordable and workforce housing units.

   b. Enforce livability standards.

   c. Administer the marketing of the units.

   d. Establish rules for qualifying renters and buyers, and administer selection of renters and buyers.

   e. Establish rules for and monitor the units to ensure applicants, renters, and sellers comply with the requirements of this Division and the Rules and Regulations. The Rules and Regulations also include rules addressing:

      i. Renter and buyer non-compliance, which include but are not limited to requirements for disqualification and prosecution for fraud.

      ii. Seller non-compliance (for initial or subsequent sales), which include but are not limited to issuance of an affidavit affecting title and prosecution for fraud.

      iii. Housing Department reimbursement by the renter, seller, or applicant, for any attorney's fees and other costs associated with the Department's compliance enforcement.

6.3.5. Method for Providing ~~Requried~~ Required Affordable Workforce Housing ~~(7/18/18)~~ (AMD2019-0006)

A. Standards Applicable to All Methods

Regardless of the method used to provide the affordable workforce housing required, each required affordable or workforce housing unit provided shall comply with the following standards.

1. **Type.** Each required affordable or workforce housing unit shall meet the standards of Sec. 6.3.4., as well as all other standards of these LDRs and the Housing Department Rules and Regulations.

2. **Location.** Each required unit shall be located in the Town of Jackson or in Teton County east of the Tetons, and shall be in an area determined suitable for affordable workforce housing.

3. **Phasing.** If the employee generating development is approved for phases, the required affordable workforce housing shall be provided in proportion to the phases of the employee generating development. The phasing plan shall be established in the Housing Mitigation Agreement. The phasing plan shall require a recalculation of the amount of affordable workforce housing required at each phase.

4. **Deed Restriction.** To ensure compliance with the standards of this Division, the property of each affordable workforce housing unit and the property of the employee generating development shall both be subject to a deed restriction and a Housing Mitigation Agreement. More specifically:

    a. **Deed restriction.** The property of the affordable workforce housing unit and the property of the employee generating development shall be subject to a deed restriction, in perpetuity, in a form established and approved by the Housing Department, and included in the Rules and Regulations.

    b. **Housing Mitigation Agreement.** The property of the affordable workforce housing unit and the property of the employee generating development shall also be subject to a Housing Mitigation Agreement which shall be recorded against the property of the employee generating development in a form acceptable to the County Attorney.

B. Preferred Methods

Each employee generating development subject to the requirements of this Division shall provide the required affordable workforce housing by one or a combination of the methods identified below, in order of priority. Alternate methods shall not be proposed.

1. Construction of required affordable workforce housing on the site of the employee generating development, or off-site. Below are LDRs intended to facilitate construction of required affordable workforce housing.

    a. **FAR exemption for affordable or workforce housing units.** Applies in the WC zone, see the applicable zone.

b. **FAR increases for more units.** Applies in the AR zone, see the applicable zone.

c. **FAR exemption for ARUs accessory to a nonresidential use.** Applies in the AC, WC, OP, BP, R-1, R-2, R-3, BC, and R zones, see the applicable zone.

d. **Shared parking between nonresidential use and affordable workforce housing.** Applies in all zones, see Sec. 6.2.2.B.1.

2. Conveyance of land for affordable workforce housing.

3. Utilization of a banked affordable or workforce housing unit.

4. Restriction of an existing residential unit as an affordable workforce housing.

5. Payment of an in-lieu fee.

C. Priority Method Impracticable

A required affordable or workforce housing unit shall be provided through the highest priority method practicable. A lower priority method may be used upon making the following findings for each higher priority method.

1. **Less than One Unit.** An in-lieu fee may be paid for an affordable workforce housing requirement of less than one unit.

   a. **Exception for change to short-term rental.** In buildings approved under the affordable workforce housing standards in place since July 18, 2018, change of use of a unit from attached-single family or apartment to short-term rental shall be mitigated by construction of the required housing regardless of the amount of the requirement.

2. **On-Site Provision Impractical.** On-site provision of the required affordable workforce housing:

   a. Does not comply with other Town, County, State, or Federal laws; or

   b. Is unreasonable due to lack of infrastructure, inappropriate soils, or other site conditions.

3. **Off-site methods not reasonably available.** A good faith effort to provide the required affordable workforce housing off-site, is unsuccessful due to infrastructure, regulatory (either Town, County, State or Federal), or other site constraints of the land, or due to the price at which the land was available for sale. Conditions relevant to these constraints include but are not limited to factors like:

   a. No off-site options are for sale that would support affordable workforce housing at an economically feasible density to provide the amount of affordable workforce housing required.

   b. The inability to provide the needed infrastructure (e.g., roads, water supply, sewage disposal, telephone, electricity and gas) for the development of available off-site locations.

D. Standards Applicable to Specific Methods

In addition to the standards applicable to all methods, the following shall also apply to the specific method used for the provision of affordable workforce housing.

1. Construction. Construction of required affordable workforce housing shall comply with the following standards.

   a. Timing. Unless an alternate phasing plan is established in the Housing Mitigation Agreement, each required affordable housing unit shall be reviewed and constructed pursuant to the following standards. If an alternate phasing plan is established, the Housing Mitigation Agreement shall include financial assurances that the construction will occur.

      i. Each required affordable or workforce housing unit constructed shall receive a certificate of occupancy prior to the granting of the applicable certificate of occupancyor use permit for the employee generating development. If the Planning Director approves a performance bond pursuant to Sec. 8.2.11. to meet this requirement, the financial assurance shall be reviewed and updated annually.

      ii. The application to construct the affordable workforce housing shall be sufficient in order for an application for a building permit or use permit for employee generating development to be determined sufficient.

      iii. The approval process for the employee generating development shall occur concurrent with the approval process of the required affordable workforce housing development.

      > **EXAMPLE:** An employee generating development proposes off-site required affordable workforce housing of a scale that requires a development plan. The development plan for the employee generating development shall not be approved until the development plan for the required affordable workforce housing is approved.

2. Conveyance of Land. Conveyance of land for affordable workforce housing shall comply with the following standards.

   a. Acceptance. Land conveyed shall only be approved and accepted at the discretion of the Board of County Commissioners, regardless of the decision maker on the application for the employee generating development.

   b. Conveyance. The conveyance shall utilize the County deed template.

   c. Timing. Land conveyance shall occur concurrently with approval of the development plan, use permit, or building permit, whichever occurs first, unless a different time of conveyance is established in the Housing Mitigation Agreement. If a different time is established, the Housing Mitigation Agreement shall include financial assurances that land conveyance will occur.

d. **Amount.** Land conveyed shall be in an amount that allows for economically feasible construction of at least the amount of affordable workforce housing required under the zoning applicable to the land, at the time of conveyance. The value of the land conveyed shall also be at least equal to the in-lieu fee that would be required.

e. **Confirmation of fair market value.** The fair market value of the land conveyed shall be confirmed at the time of conveyance. Fair market value shall be net of any customary real estate commission for the sale of land.

f. **Clear title.** Land conveyed shall have clear title, physical and legal access, and be free of any liens.

g. **Onsite Infrastructure.** Land conveyed shall be fully ready for development and ready for construction, with roads, water supply, sewage disposal, telephone, electricity and gas (if available), and other basic services in place to the property line of the land, as applicable. If this cannot be demonstrated, the applicant shall post a bond in accordance with Sec. 8.2.11., to complete the improvements. (In no event shall the bonded improvements be completed more than one year after the date of conveyance of the land to the County.)

h. **Suitability.** Where there is concern about the suitability of soils or other site conditions to support affordable workforce housing, a soils report and/or other reports shall be prepared by an engineer or other consultant deemed qualified by the Board of County Commissioners, at the applicant's expense, stipulating the land is suitable for the type of construction contemplated, stating any special construction techniques necessary for its development.

i. Use of conveyed land

   i. Land conveyed shall be used for the development of affordable workforce housing units, and when accepted by the Board of Teton County Commissioners shall be conveyed to the Jackson/Teton County Housing Authority for that purpose.

   ii. Where it is determined by the Board of County Commissioners and Town Council that the goals of providing affordable workforce housing will be better met through sale of the conveyed land, the conveyed land may be sold by the Jackson/Teton County Housing Authority.

   iii. Proceeds from the sale of conveyed land shall be placed in the interest-bearing Affordable Housing Fund. Proceeds from the sale of conveyed land, and any interest accrued from the sale, shall be used for development of affordable workforce housing that meets the standards of this Division, within a reasonable period of time after deposit into the fund.

3. Banked Units

a. Banking of a unit. A voluntarily restricted affordable or workforce housing unit may be banked if it complies with the following standards.

i. The voluntarily restricted unit shall not be tied to any requirement in these LDRs.

ii. The deed restriction shall be approved by the Housing Department.

iii. The deed restriction shall identify the unit as a banked unit and require re-recording of the restriction to associate the unit with the employee generating development that utilizes the banked unit.

iv. The unit shall be banked for a maximum of 20 years.

b. Utilization of a banked unit. Utilization of a banked unit to fulfill an affordable workforce housing requirement shall comply with the following.

i. The banked unit shall have a deed restriction that complies with Sec. 6.3.4. (The deed restriction on a banked unit may be amended, if approved by the Housing Department, to meet this requirement.)

ii. Prior to granting of the applicable certificate of occupancy, or use permit for the employee generating development, the deed restriction on the banked unit shall be re-recorded to reference the employee generating development it is mitigating. At the same time, the Housing Mitigation Agreement identifying use of the banked unit shall be recorded against the property of the employee generating development.

4. Restriction of an existing unit. Restriction of an existing residential unit as an affordable workforce housing unit shall comply with the following standards.

a. Condition. The unit shall have been maintained to the standards required by the Rules and Regulations.

b. Timing. A restriction approved by the Housing Department shall be placed on the existing unit prior to the granting of the applicable certificate of occupancy or use permit for the employee generating development.

5. Payment of an in-lieu fee. Payment of a fee in-lieu for affordable workforce housing shall comply with the following standards.

a. Amount. The amount of the in-lieu fee shall be proportionate to the need created by the development as established in Sec. 6.3.3. based on the Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013), as amended. The in-lieu fee amounts shall vary by affordability restriction and number of bedrooms. The current in-lieu fee amounts are included in the Administrative Manual.

b. Fractional amount. If a fraction of an affordable workforce housing unit is required, the same fraction of the in-lieu fee amount shall be required.

c. Update. The Board of County Commissioners shall update the fee in-lieu amount annually, by Resolution, based on the cost of developing the required affordable workforce housing and the resale value of the required affordable workforce housing.

i. The cost of development shall be provided by the Housing Director to reflect the full development cost of habitable floor area, including land and non-habitable floor area, based on recent past development.

ii. Unit sizes shall be assumed to be

a). 1 Bedroom/Studio: 650 sf habitable

b). 2 Bedroom: 900 sf habitable

c). 3 Bedroom: 1,150 sf habitable

iii. The maximum sales and rental prices shall be as established by the Housing Department annually pursuant to the Rules and Regulations.

iv. The capitalization rate for rental units shall be assumed to be eight percent (8%).

d. Timing. The in-lieu fee shall be paid prior to the granting of the applicable certificate of occupancy or use permit for the employee generating development, whichever occurs first.

e. Payment. In-lieu fees collected shall be immediately deposited into the interest-bearing Affordable Housing Fund.

f. Use of Fees. In-lieu fees, and any interest accrued from in-lieu fees, shall be used for the development of affordable workforce housing that meets the standards of this Division.

g. Refund of in-lieu fees

i. Clawback. In-lieu fees shall be refunded at the below levels if the required affordable workforce housing is provided by a higher priority method within 2 years.

a). Provision within 1 year. If the required affordable workforce housing is provided by a higher prior method within 1 year of the payment of the in-lieu fee, 97% of the in-lieu fee shall be refunded.

b). Provision within 2 years. If the required affordable workforce housing is provided by a higher prior method within 2 years of the payment of the in-lieu fee, 95% of the in-lieu fee shall be refunded.

ii. Seven year limit. In-lieu fees shall be refunded upon written request by the current owner of the employee generating development for which in-lieu fees are paid, if the fees are not expended within 7 years from the date the fees are paid.

a). Notwithstanding this provision, if the Board of County Commissioners earmarks the fees for expenditure on a specific affordable workforce housing project, then the Board of County Commissioners may extend the time period by up to 3 additional years.

b). In-lieu fee payments shall be deemed expended on the basis that the first payment in shall be the first payment out.

c). The written request shall be submitted to the Planning Director within 1 year from the end of the seventh year, or 1 year from the end of the extended refund time period.

iii. **Expired approval or permit.** An in-lieu fee required for an employee generating development for which approval has expired shall be refunded upon a written request from the current owner of the property for which the fee was paid. Such request shall be submitted to the Planning Director within 3 months of the date of the expiration.

iv. **Written request.** In all instances where a refund of an in-lieu fee is available, the current owner must submit proof of ownership of the property and proof of payment of the in-lieu fee.

6.3.6. Housing Mitigation Plan and Housing Mitigation Agreement (7/18/18)

A. Housing Mitigation Plan

An application for employee generating development shall demonstrate compliance with, or exemption from, this Division through a Housing Mitigation Plan.

1. **Part of application.** The Housing Mitigation Plan shall be a required component of a sufficient application for the employee generating development.

2. **Review and decision.** The decision maker on the application, for which the Housing Mitigation Plan is a part, shall review and make a decision on the Housing Mitigation Plan as part of the review of the application, except that only the Board of County Commissioners can accept a proposal to convey land.

3. **Contents of Mitigation Plan.** The Housing Mitigation Plan shall be in the form of the Housing Mitigation Plan template provided in the Administrative Manual and include the following.

   a. **Applicability.** A statement that the requirements of this Division apply, or the proposed employee generating development is exempt from this Division in accordance with Sec. 6.3.2., along with an explanation why.

   b. **Calculation of Requirement.** Calculation of the amount of required affordable workforce housing created by the employee generating development in accordance with Sec. 6.3.3.

   c. **Tabulation of unit types.** Demonstration how the unit types required by Sec. 6.3.4. will be provided.

d. **Proposed method of provision.** The method (or combination of methods) by which affordable workforce housing is to be provided in accordance with Sec. 6.3.5. The method of provision proposed shall include the following, as applicable.

i. Findings to justify that higher priority methods are impracticable (e.g., construction of affordable workforce housing, on-site or off-site) if they are not used.

ii. Location of the proposed units, if applicable.

iii. The time by which the units or another method of mitigation will be provided.

iv. A completed Housing Department Deed Restriction Worksheet for each unit.

v. Demonstration of compliance with the standards of Sec. 6.3.5.D. for the specific method(s) proposed.

vi. In the case of construction of units, the application number(s) for the permit(s) to construct the units.

vii. In the case of a conveyance of land:

a). A topographic and boundary survey of the land to be conveyed.

b). An analysis of the residential development allowed on the land by the current zoning.

c). Evidence that on-site infrastructure needed for development is on the site, or when it will be provided by the person conveying the land.

d). A title report on the land demonstrating clear title, physical and legal access, any liens, easements, and other information necessary to fully describe the legal status of the land to be conveyed.

e). An appraisal of the fair market value of the land.

f). Any additional information or studies determined by the Planning Director to be necessary to demonstrate compliance with Sec. 6.3.5.D.2.

viii. In the case of restriction of an existing unit, the certificate of occupancy for the unit, and an inspection of the maintenance of the unit to the standards of the Rules and Regulations completed by a qualified professional inspector.

ix. In the case of payment of an in-lieu fee, calculation of the in-lieu fee amount.

B. Housing Mitigation Agreement

As a condition of approval of the employee generating development, the owner of the property on which the employee generating development is proposed shall enter into a Housing Mitigation Agreement with the County. The Housing Mitigation Agreement shall include: the approved Housing Mitigation Plan; all terms and conditions of the approval of the Housing Mitigation Plan; and all applicable deed restrictions.

1. In signing the agreement, the applicant agrees to comply with the terms and conditions of the approved Housing Mitigation Plan and the Housing Mitigation Agreement.
2. The requirement for a Housing Mitigation Agreement may be waived if the required affordable workforce housing is provided prior to approval of the employee generating development.
3. The Housing Mitigation Agreement shall be recorded against the property of the employee generating development.
4. The Housing Mitigation Agreement shall be in a form acceptable by the County Attorney.
5. The Housing Mitigation Agreement shall be amended only in accordance with its original approval.

Div. 6.4. Operational Standards

6.4.1. Outside Storage ~~(7/19/16)~~ (AMD2019-0006)

All uses shall conform with the following standards; except that, agricultural operations meeting the standards for exemption in Section 6.1.3.B. shall be exempt from all standards of this Division.

A. Use of ~~Front~~ Street Yards

The use of the ~~front yard (~~street yard~~)~~ of a residential use for the storage of boats, snowmobiles, trailers, RVs, and similar motor vehicles and equipment is prohibited.

B. Storage of Structures

The storing of structures of any kind is prohibited, including mobile or manufactured homes which are abandoned, unoccupied or not connected to a legal sewage disposal facility.

C. Storage on Vacant Property

For the purpose of this subsection, lots of record that are normally kept and maintained as part of a residential site that includes multiple lots of record shall not be considered vacant property, provided vehicles, equipment, or materials, stored theron are owned, supervised, and controlled by an occupant of the residence.

1. Vehicles

   a. The storage of any abandoned vehicle for more than 30 consecutive days on vacant property, which presents a threat to the health or safety of the public, is prohibited.

   b. A vehicle (as defined in Wyo. Stat. §31-13-101(a)(ix)) shall be presumed to be abandoned if it is in an inoperable condition and is not currently registered.

2. Equipment and Materials

   a. The storage of equipment or materials for more than 30 consecutive days on vacant property, which presents a threat to the health or safety of the public, is prohibited.

   b. Temporary storage of equipment or materials for the purpose of construction staging is not prohibited if authorized or permitted.

D. Outdoor Display

The organized outdoor display of goods for sale in association with a nonresidential use is allowed, provided it is contained on private property.

6.4.2. Refuse and Recycling (7/1916)

All uses shall conform with the following standards; except that, agricultural operations meeting the standards for exemption in Section 6.1.3.B. shall be exempt from all standards of this Division.

A. Definition

Refuse includes but is not limited to, the accumulation of materials, debris, garbage, waste recyclables, decayed matter, carcasses, other scrap or junk materials, combustible materials, waste petroleum or other chemical product or solid waste, commercial or household appliances, and household or commercial building parts and fixtures.

B. Refuse and Recycle Facilities

1. **Storage Facilities.** Residential and nonresidential uses shall provide containers or dumpsters to store all refuse and recyclable items accumulated between regularly scheduled transfers from the site.

2. **Containers and Dumpsters to be Bear Resistant.** Containers and dumpsters used to store refuse and recyclable items shall comply with Sec. 5.2.2.

3. **Containers and Dumpsters to be Screened.** For nonresidential uses and residential uses of 4 or more units, refuse and recycle containers and dumpsters shall be stored in a building or screened on all sides to prevent viewing from adjoining streets and properties.

    a. **Screening Materials.** Screening shall consist of landscaping, earth berms, fencing or walls built of materials and finishes that are compatible with surrounding structures. Chain-link fences with solid slats are prohibited for purposes of screening. The Planning Director may waive the required setbacks if earth berms, fencing, or walls are determined by the Director to be the most appropriate screening type and it is impossible for the earth berm, fence, or wall to meet the required setbacks without unnecessarily constraining the owner's property.

    b. **Bear Resistant Enclosure.** A bear resistant outdoor enclosure may be designed and constructed to also function as screening.

4. **Temporary Dumpsters at Construction Sites.** Temporary dumpsters placed at active construction sites are exempt from the standards outlined in Sec. 5.2.2. provided only construction materials are placed in the dumpster.

5. **Locations of Dumpsters and Enclosures.** Dumpsters and outdoor enclosures shall be located to:

    a. Not impair vehicular access, parking or loading areas;

    b. Not interfere with clear visibility at site entrances and exits;

    c. Not interfere with snow removal operations or snow storage areas;

d. Provide adequate access for collection equipment;

e. Not encroach into easements for utilities, vehicular or pedestrian access, or designated open space or conservation areas; and

f. Allow shared use by multiple businesses, tenants or owners when placed in developments containing multiple occupants.

6. **Compactors.** Outdoor trash compactors shall be fully compliant with the definition of bear resistant refuse container or enclosure as stipulated in Sec. 5.2.2. No trash is to be exposed, doors must be kept closed at all times when not in use, and the area around the compactor shall be clean and free of debris.

6.4.3. Noise (7/19/16)

All uses shall conform with the following standards; except that, agricultural operations meeting the standards for exemption in Section 6.1.3.B. shall be exempt from all standards of this Division.

A. Maximum Noise

Noises shall not exceed the maximum sound levels prescribed in the table below, beyond the site boundary lines, except that when a nonresidential activity is contiguous to a zone with a lower maximum, the lower maximum shall govern.

Noise Level Restrictions	
Zone	Maximum Permitted Sound Level
R-1, R-2, R-3, R-TC, S-TC, NC-TC, OP-TC	55 DBA
All other zones	65 DBA

B. Exceptions

1. **General.** Noises of vehicles, home appliances, and chain saws in private use, occasionally used safety signals, warning signals, emergency pressure relief valves, and temporary construction operations shall be exempt from the requirements of this Section.

2. **Limited Exception/Limited Interval of Time/One Day.** The maximum permitted sound level may be exceeded by 10 DBA for a single period, not to exceed 15 minutes, in any one day.

3. **Impact Noises.** For the purposes of this Section, impact noises are those noises whose peak values are more than 6 DBA higher than the values indicated on the sound level meter, and are of short duration, such as the noise of a forging hammer or punch press. For impact noises, the maximum permitted sound level may be exceeded by 10 DBA.

C. Measurement

Noise shall be measured with a sound level meter meeting the standards of the American National Standards Institute (ANSI S1.4-1983) “American Standard Specification for General Purpose Sound Level Meters.” The instrument shall be set to the A-weighted response scale and the meter to the slow response.

Measurements shall be conducted in accord with ANSI S1.2-1983 "American Standard Method for the Physical Measurement of Sound" (or most current standards). Measurements may be made at any point along a site boundary line.

6.4.4. Vibration (7/19/16)

[Section number reserved, standards only apply in Town]

6.4.5. Electrical Disturbances (7/19/16)

A. No use or activity shall be permitted which creates electrical disturbances (electromagnetic radiation) that affect the operation of any equipment, such as radio, television, or wireless communication interference, beyond the boundaries of the site; except that, agricultural operations meeting the standards for exemption in Section 6.1.3.B. shall be exempt from all standards of this Division.

6.4.6. Fire and Explosive Hazards (1/1/15)

A. Compliance with Fire Codes

All manufacture, possession, storage, transportation and use of hazardous materials which include explosives and blasting agents, flammable and combustible liquids, liquified petroleum gas, and hazardous chemicals shall be required to comply with the fire codes adopted by the State of Wyoming and the County.

B. Structural Storage Facilities

Structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids and gases, or other toxic materials which could be hazardous to public health or safety, shall be located at elevations above maximum possible flood levels in 100-year flood areas and in the Flat Creek winter flood area.

6.4.7. Heat and Humidity (4/1/16)

All uses shall conform with the following standards; except that, agricultural operations meeting the standards for exemption in Section 6.1.3.B. shall be exempt from all standards of this Division.

A. Intense Heat Conducted within Enclosed Building

Any activity producing intense heat shall be conducted within an enclosed building in such a manner as not to raise the temperature of the air, soil, groundwater, or surface water beyond any property boundary line.

B. Humidity From Cooling Towers Controlled so Not Create Ice Hazard

Increases in humidity in the form of steam or moist air from cooling towers shall be controlled so that they do not create an ice hazard. Cooling towers shall be controlled by either reheating the plume or using a closed system.

6.4.8. Radioactivity (1/1/15)

A. Maximum Concentration of Radioactivity

Maximum permissible concentrations for radioactivity that can be released shall be subject to the regulations of the State of Wyoming, the U.S. Atomic Energy Commission, and any other federal agency having jurisdiction. In the case of conflict, the most restrictive requirements shall govern.

B. Storage of Radioactive Material

Radioactive materials shall be stored in fireproof containers made of steel or concrete, and shall not be stored in containers made of lead or other low melting metals or alloys unless completely encased in steel.

C. Medical Sources of Radiation Residues

Medical sources of radiation residues, such as X-ray machines, gamma and neutron sources, and pharmaceutical isotopes which are used for diagnostic and therapeutic purposes, shall be permitted when located within a hospital, clinic, medical or dental office, or medical research facility.

D. Other Uses of Radiation

Other uses of radioactive materials shall be limited to measuring, gauging, analytical and calibration devices, such as tracer elements in X-ray and similar apparatus, medical applications, and in connection with the processing and preservation of food.

6.4.9. Other Prohibitions (7/19/16)

The following are prohibited.

A. Active or passive discharge of effluent from any cesspool, septic tank, drain field or sewage disposal system upon the surface of the ground as determined by the Teton County Sanitarian.

B. Refrigeration units, iceboxes, household or commercial appliances, or similar containers without adequate provisions made to prevent entry into, or without having removed all latches, catches, locking devices, or the door thereof, so that escape from the interior may be had.

C. Hazardous or unsecured openings of abandoned cisterns, well pits, sewage treatment systems, or shafts that present a danger to the public from entrapment or collapse.

D. Failure to secure areas, buildings, mobile homes, abandoned construction projects, or places against unauthorized access where such access threatens the health or safety of individuals.

E. Storage, stacking or arrangement of material or equipment in a manner that constitutes a fire hazard to inhabited buildings or adjacent property as determined by the Teton County Fire Marshal.

F. Construction debris not properly contained on a construction project.

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Div. 7.1. Development Option Standards

7.1.1. Development Options Schedule (4/1/16)

The tables below establish the development options allowed in each zone. The standards for each development option are established in this Division. The density and intensity requirements for each development option are located in the standards for the zone, found in Article 2.-Article 4. The thresholds for permitting allowed development options are also established by zone.

County Character Zones - Development Options				
	Complete Neighborhood Zones	Rural Area Zones		
Option	n/a	R-1	R-2	R-3
Rural PRD (7.1.2.)	--	DEV*	DEV*	--
Mobile Home Park (7.1.4.)	--	--	--	--
Floor Area Option (7.1.5.)	--	DOP	DOP	--
CN-PRD (7.1.6.)	--	SKC	SKC	--

Key: SKC = Sketch Plan required DEV = Development Plan required DOP = Development Option Plan required
-- = Development option prohibited * = Sketch Plan optional

County Legacy Zones - Development Options												
	Complete Neighborhood Zones					Rural Area Zones					Civic Zones	
Option	AC-TC	AR-TC	WC	OP-TC	BP-TC	BC-TC	MHP-TC	NC-TC	S-TC	R-TC	P/SP-TC	P
Rural PRD (7.1.2.)	--	--	--	--	--	--	--	--	--	DEV*	--	--
Mobile Home Park (7.1.4.)	--	--	--	--	--	--	P	--	--	--	--	--
Floor Area Option (7.1.5.)	--	--	--	--	--	--	--	--	--	DOP	--	--
CN-PRD (7.1.6.)	--	--	--	--	--	--	--	--	SKC	SKC	--	--

Key: P = Development option allowed with appropriate permit -- = Development option prohibited
SKC = Sketch Plan required DEV = Development Plan required DOP = Development Option Plan required
* = Sketch Plan optional

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7.1.2. Rural Area Planned Residential Development (Rural PRD) (7/18/18)

A. Intent

1. **Purpose.** The purpose of the Rural PRD is to encourage conservation of open space and clustering of development by granting more density in exchange for clustering and permanently conserved open space. The goal of the Rural PRD is to provide a rural area landowner with a subdivision option that is better for wildlife, scenery, and/or agriculture than just selling individual 35 acre tracts.

2. **Location.** Each Rural PRD includes a conservation area and one or more development areas that are entirely outside the conservation area. The Rural PRD is the appropriate tool when locating both the conservation area and clustered development area(s) in a rural area of the community, as identified in the Illustration of Our Vision chapter of the Comprehensive Plan.

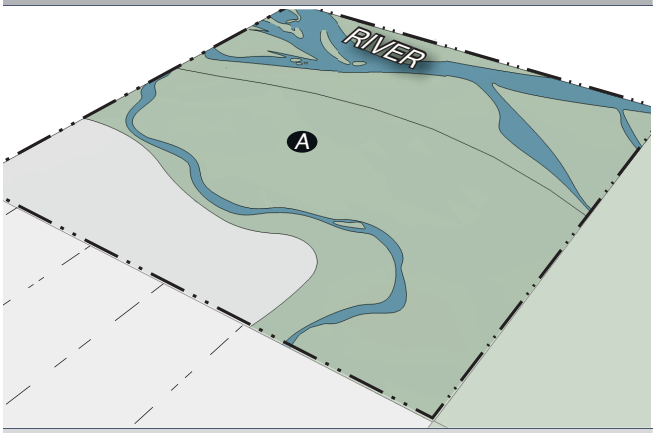
3. **Comprehensive Plan.** The Rural PRD is primarily based on the Comprehensive Plan direction of Policy 1.4.c.

4. **Applicable Zones.** The Rural PRD may be used in the R-1, R-2, and R-TC zones.

B. Required Conservation Area

The conservation area shall meet the standards of Div. 7.3. in addition to the standards of this Section.

1. Scale



Minimum Gross Site Area		
Conservation area GSA (min)	Greater of:	A
Conservation area GSA	49 ac	
PRD GSA in conservation area	OR 70%	

2. **Conservation Value.** At least one of the conservation values listed below shall be a protected conservation value identified pursuant to Subsection 7.3.2.A..
   a. Wildlife
   b. Scenic
   c. Agriculture

3. **Noncontiguous PRD.** The site of a Rural PRD may be noncontiguous pursuant to the rules for measurement in Section 9.4.4..

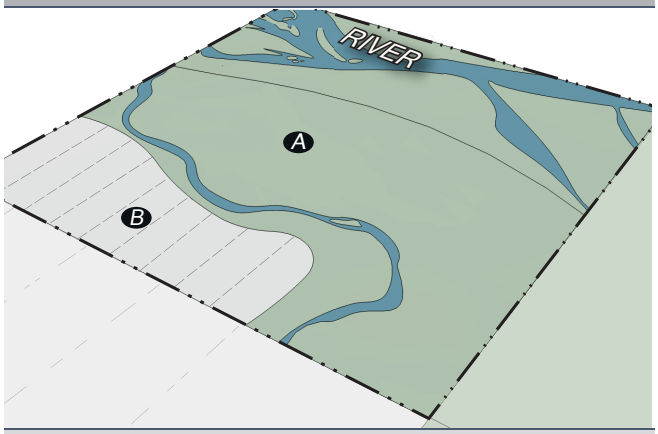
4. **Already Conserved Land.** Land already under conservation easement shall not count toward the calculation of allowed dwelling units per PRD GSA in Subsection C.1. unless the dwelling units are already allowed by the conservation easement.

> **EXAMPLE:** A 1970s conservation easement reserves 2, 3-acre homesites on 55 acres. The base R1 zoning does not allow 2 units without approval of a PRD. The existing conservation easement may be used in a PRD application for the 2 units allowed by the easement, but may not be used to propose more than 2 units.

C. Development Area Standards

Nothing in this Section shall preclude the permanent reduction, through conservation easement, of the development potential allowed in a development area.

1. Scale



Development Area		
Development Area (max)	Lesser of:	B
Development Area GSA	PRD GSA minus 49 ac.	
PRD GSA in development area	OR 30%	
# of development areas : PRD GSA (max)	1 : 70 ac	
Dwelling units : PRD GSA (max)	3 : 35 ac	
Dwelling Unit Within a Rural PRD		
Floor area (max)	10,000 sf	
Site Development (max)	25,410 sf	
Lot Within a Rural PRD		
Street setback (min)		
Public Road	50’	
Private Road	30’	
Non-street setback (min)		
Structure	30’	
Site Development	15’	

EXAMPLE: A Rural PRD on 100 acres would require a minimum of 70 acres of conservation area and be allowed a maximum of 30 acres of development area (30:70 = 3:7). Eight principal residential units (3 * 100 / 35 = 8.57) would be allowed in the development area.

2. **Location.** The development area shall be located adjacent to existing development when existing development abuts the Rural PRD site, unless better protection of the conservation value(s) would be achieved in another location.

3. **Access across conservation area.** Access to a development area that crosses a conservation area shall be counted as conservation area in calculation of the maximum development area.

4. **Physical Development Standards.** Except as modified in this Section, the physical development standards applicable in the zone shall apply in a Rural PRD development area.

5. **Use Standards.** Except as modified in this Section, the use standards applicable in the zone shall apply in a Rural PRD development area.

   a. **Allowed Uses.** In addition to the uses allowed in the zone of the Rural PRD, on lots in the development area of a Rural PRD all residential uses are allowed.

   EXAMPLE: The 8 units allowed in the previous example could be any combination of residential uses defined in Section 6.1.4. so long as each unit has only one kitchen.

   b. **Maximum Scale of Residential Use.** A residential unit shall not exceed 8,000 square feet of habitable floor area.

6. **Development Option Standards.** Except as modified in this subsection, the development option and subdivision standards applicable in the zone shall apply in a Rural PRD development area.

   a. **Condominium/Townhouse.** Condominium or townhouse subdivision is a permitted subdivision option as part of a Rural PRD.

   b. **Density Allowed without Subdivision.** The density allowed by a Rural PRD does not have to be subdivided into separate lots. However, approval of a Development Plan for a Rural PRD shall vest subdivision of the allowed density once the conservation easement is recorded.

7.1.3. Urban Cluster Development (UCD) (1/1/15)

[Section number reserved, standards only apply in Town]

7.1.4. Mobile Home Park ~~(1/1/15)~~(AMD2019-0006)

Mobile Home Parks shall meet the following standards. Mobile Home Parks may be proposed in the MHP-TC or as a Planned Residential Development. Existing Mobile Home Parks proposed for expansion or redevelopment in the MHP-TC zone, shall only be required to comply with 7.1.4.A.

A. **Existing Mobile Home Parks in the MHP-TC.** Existing mobile home parks within the MHP-TC zone shall be allowed to continue, expand, and redevelop, provided the standards in this Subsection are met.

1. **Density.** The number of units in an existing mobile home park in the MHP-TC shall not be limited.

2. **Area.** Each mobile home within an expansion area or redeveloped park shall have a lot or pad land area that equals or exceeds the average size of a mobile home lot or pad in the existing mobile home park, not including open space areas clearly heretofore undeveloped. Land that typically serves as yard area between mobile homes shall be included in the existing land area per individual mobile homes, unless the area between two particular mobile homes is clearly in excess of the average, to the extent that another mobile home could be located there.

3. **Impervious Surface.** The impervious coverage per mobile home lot or pad in the expansion area or redeveloped park shall be equal to or less than the average amount of impervious coverage per mobile home lot or pad in the existing park.

4. **Yards.** Each mobile home within the expansion area or redeveloped park shall have yards that equal or exceed the average yards for the mobile homes in the existing park. ~~Front~~Street, side, and rear yards in the expansion area or redeveloped park shall equal or exceed the average ~~front~~street, side, and rear yards respectively.

B. General Mobile Home Park Dimensional Requirements

1. **Area Requirements.** A lot for a single wide unit shall be at least 3,300 square feet in area and a lot for a double wide unit shall be at least 5,000 square feet in area if common recreational open area is provided pursuant to this Section. If no common recreational open area is to be provided, the above stated area requirements shall be increased to 3,800 and 5,500 square feet respectively.

2. **Replacement of Single Unit Lot with Doublewide Unit.** If any lot in a Mobile Home Park is initially designed to accommodate a single unit, it shall not be replaced by a doublewide unit unless all applicable setbacks and spacing between units are met, and the stand is modified to accept the double wide unit.

3. **Side to Side Spacing.** There shall be a minimum 20 feet side-to-side spacing between units.

4. End to Side Spacing. There shall be a minimum 15 feet end-to-side spacing between units.

5. End to End Spacing. There shall be a minimum ten 10 feet end-to-end spacing between units.

6. Contiguous to Other Lot of Record. On any lot in a Mobile Home Park site which is contiguous to another lot of record not in the Mobile Home Park, the unit shall be set back a minimum of 25 feet from the boundary line contiguous to the other lot of record.

7. Contiguous to Internal Streets. A unit shall be set back a minimum of 25 feet from an internal street or road.

8. Additions and Alterations. Any additions or alterations made to a mobile home unit, including porches, awnings, and overhangs, shall not exceed an area of one hundred 160 square feet, shall be set back a minimum distance of fifteen 15 feet from an adjacent mobile home, conform in color with the existing unit, and be of suitable material.

9. Limits of Mobile Home Space. The limits of each mobile home space shall be marked on the ground with monuments placed at each corner.

10. Adequate Support for Placement. The area of the mobile home stand shall be improved to provide adequate support for the placement of the mobile home.

11. Skirting. Skirting of mobile homes is mandatory and shall be accomplished within 60 days of placement and installation of the mobile home.

12. Height. Mobile homes, including any additions, shall not exceed 18 feet in height.

13. Accessory Structures. Accessory structures, such as storage buildings, shall not exceed one story or fifteen 15 feet in height, whichever is greater.

14. Storage Buildings. Storage buildings and structures may be provided adjacent to individual mobile homes to accommodate seasonal equipment, outdoor furniture, and other large or bulky possessions not normally stored within the mobile home unit. Such structures shall not be used as a living unit and shall not exceed two hundred fifty 250 square feet of space.

C. Access, Traffic Circulation, and Parking

1. Internal Streets. Internal streets and walkways within the mobile home park shall be privately owned, built, and maintained, and shall be designed for safe and convenient access to all stands and parking spaces, and to facilities for common use of Mobile Home Park residents.

2. Internal Streets to Each Stand. An internal street shall be provided to each stand. The street shall be a minimum of 24 feet in width. The internal street shall be continuous and connect with other streets in the Mobile Home park or with

public streets or shall be provided with a cul-de-sac having an outside roadway diameter of at least 100 feet, and a street property line diameter of at least 125 feet. No cul-de-sac shall exceed 500 feet in length.

3. Drives. All drives, including the private access to the site, shall be surfaced with a minimum of 4 inches of crushed aggregate.

4. Parking Lot. The common parking lot or guest parking lot shall be surfaced with a minimum of 4 inches of crushed aggregate.

5. Lot. Each mobile home lot shall be provided with two parking spaces thereon.

6. Guest Parking Space. A minimum of 1 guest parking space shall be maintained for every 3 mobile home lots for the purpose of guest parking. No mobile home lot shall be more than three 300 feet from such guest parking lot.

7. Internal Streets. Internal streets shall be maintained free of cracks, holes, and other hazards.

8. Street Intersections. Street intersections generally shall be at right angles for a distance of 75 feet from the point of intersection of the centerlines of intersecting streets; a right angle shall be maintained as nearly as possible with consideration for topography and the Mobile Home Park design. There shall be no intersections of streets at angles of less that 60 degrees.

9. Intersecting Streets form Jog. Where the centerlines of intersecting streets are offset to form a jog, the minimum distance between the centerlines of the offset intersecting streets shall be 100 feet.

10. Alignment and Grade of Streets Adapted to Topography. The alignment and grades of all internal streets shall be properly adapted to the topography of the Mobile Home Park and shall provide for safety of traffic and pedestrian movement, satisfactory surface and groundwater drainage, and the proper functioning of sanitary and storm sewer systems.

11. Access to Public Street. A Mobile Home Park shall have an entrance drive from a public street or highway and access to individual homes shall be from the internal roadway.

12. Entrance in Relation to Public Street Intersection. Mobile Home Park entrance drives shall not be located closer than 150 feet to intersections of public streets or highways. The entrance drive shall be at least 30 feet in width, except that the minimum width shall be at least 40 feet if the drive is divided by a landscaped median.

13. Right of Way for Public Street. Where a public street is planned, a 60 foot right-of-way shall be maintained.

D. Common Recreational Open Area Standards

Mobile Home Parks shall comply with the standards below:

1. Common Recreational Open Area. A minimum of 300 square feet of recreational open area per mobile home unit shall be provided on portions of the Mobile Home Park site, which are free from hazards that are incompatible with the purposes of recreational areas. The common recreational open area shall be

located so as to minimize hazards to users from traffic and drivers and shall be located so as to be conveniently accessible to all residents of the Mobile Home Park.

2. **Permitted Uses.** Common recreational open area shall not include drives, parking areas, storage areas, service areas, or areas required for setbacks, but may include playgrounds, swimming pools, tennis courts, pathways, and other outdoor recreation facilities.

3. **Location and Minimum Size.** The common recreational open area shall be provided in one or more locations within the Mobile Home Park, unless the individual lots meet the larger lot sizes as stated in this Section. The minimum size of each required common recreational open area, if applicable, shall be 5,000 square feet.

4. **Maintenance.** Maintenance of common recreational open area shall be the responsibility of the manager.

5. **Landscaping.** All common recreational open area and other common open area shall be landscaped.

E. Landscaping Standards

1. **Setbacks and Landscaping.** Where a Mobile Home Park is contiguous to a public street, there shall be a minimum setback of 25 feet from the right-of-way line that shall be landscaped in accordance with the requirements of Div. 5.5.

2. **Landscape Area.** There shall be a landscape area of 10 feet along all other boundaries to be landscaped according to the requirements of Div. 5.5.

F. Landscaping of Unpaved Areas

Unpaved areas between mobile homes shall be landscaped with lawns or other appropriate ground cover, and shall be maintained.

1. **Watering Systems.** Sprinklers, hose bibs, or other suitable types of watering systems shall be provided for all landscaped open spaces.

2. **Hose Bibs.** Each mobile home space shall be provided with hose bibs.

G. Maintenance

Maintenance of all landscaping, except that on individual mobile home spaces, shall be the responsibility of the management in rental Mobile Home Parks.

H. Water and Sewer Connections

If a proposed Mobile Home Park will generate over 2,000 gallons of wastewater per day, or require over 2,000 gallons of water per day, as determined by the County Engineer, approval is required from the Wyoming Department of Environmental Quality. If the wastewater generated or water required will be less than 2,000 gallons per day, approval of the County Engineer is required.

7.1.5. Floor Area Option (7/18/18)

A. Intent

1. **Purpose.** The purpose of the Floor Area Option is to achieve conservation and stewardship of rural parcels on which landscape level clustering is not achievable, or whose owners are willing to relinquish subdivision rights in exchange for additional floor area. The intent of the Floor Area Option is that the stewardship, permanence, and additional limitations on development and use of the conservation area are of greater benefit to the conservation goals of the community than the impacts of the additional floor area.

2. **Location.** The Floor Area Option is primarily intended for use on properties that cannot be subdivided but are large enough to provide conservation value to the community.

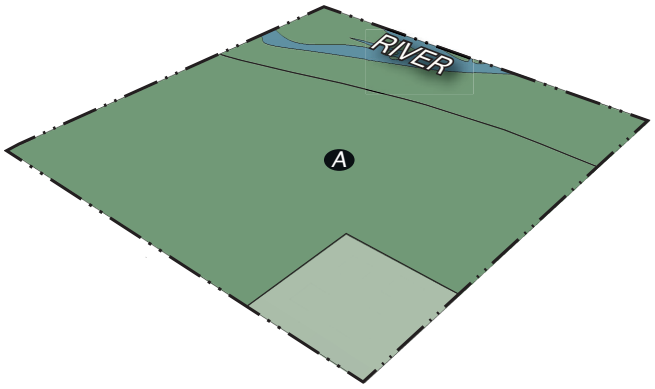
3. **Comprehensive Plan.** The Floor Area Option is primarily based on the Comprehensive Plan direction of Policy 1.4.c.

4. **Applicable Zones.** The Floor Area Option may be used in the R-1, R-2, and R-TC zones.

B. Required Conservation Area

The conservation area shall meet the standards of Div. 7.3. in addition to the standards of this Section.

1. Scale



Minimum Gross Site Area		
Project GSA (min)	35 ac	
GSA in conservation area (min)	90%	A

2. **Conservation Value.** At least one of the conservation values listed below shall be a protected conservation value identified pursuant to Subsection 7.3.2.A..
   a. Wildlife
   b. Scenic
   c. Agriculture

3. **Noncontiguous Floor Area Option.** The site of a Floor Area Option may be noncontiguous pursuant to the rules for measurement in Section 9.4.4.

4. **Development Area Included.** The reserved development area may be included in the conservation easement, as determined by the holder of the conservation easement. However, the standards of Div. 7.3. shall only apply outside of the development area. Allowances within the development area are established in SubsectionC.

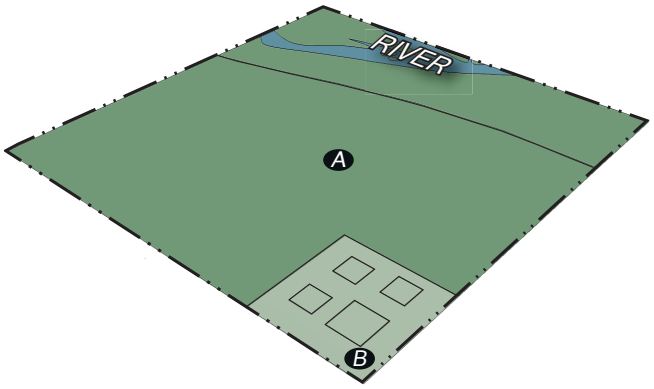
5. **Already Conserved Land.** Land already under conservation easement shall not count toward the calculation of additional floor area or ARUs per GSA in Subsection C.1. unless the development is already allowed by the conservation easement.

> **EXAMPLE:** A 1970s conservation easement reserves a 8,000 sf home and 5,000 sf guesthouse on 55 acres. The base R1 zoning does not allow the reserved development without approval of a Floor Area Option. The existing conservation easement may be used in a Floor Area Option application for the development reserved by the easement, but may not be used to propose additional development.

C. Development Area Standards

Nothing in this Section shall preclude the permanent reduction, through conservation easement, of the development potential allowed in a development area.

1. Scale



Development Area		
GSA in development area (max)	10%	B
Development area GSA : Conservation area GSA (max)	1 : 9	B : A
Additional Floor Area		
Additional floor area (max)	10,000 sf per 35 ac GSA	(C.3.a.)
Additional ARUs		
Additional ARUs (max)	2 ARUs per 35 ac GSA	(C.4.b.)

EXAMPLE. A 40 acre site utilizing a Floor Area Option can reserve a maximum of 4 acres in development area (40 * 10% = 4, 4:36 = 1:9).

2. Access across conservation area. Access to a development area that crosses a conservation area shall be counted as conservation area in calculation of the maximum development area.

3. Physical Development Allowance. Except as modified in this Section, the physical development standards applicable in the zone shall apply to the Floor Area Option development.

   a. Additional Floor Area. Allowed additional floor area is in addition to the floor area allowed on the site in the absence of an approved Floor Area Option.

EXAMPLE. A 40 acre site in the R-2 zone is allowed 13,000 sf of floor area by-right. With approval of a Floor Area Option the same site would be allowed 24,428 sf (13,000 + 10,000*40/35).

   b. Construction. Best practices shall be utilized to minimize the impact of construction within the development area on the protected conservation value(s) of the conservation area.

4. Use Allowance. Except as modified in this Section, the use standards applicable in the zone shall apply to the Floor Area Option development.

   a. Conditional use of additional floor area. The amount of additional floor area that can be used by a conditional use shall be established through the CUP in order to consistently limit intensity through the use and development option permits.

   b. Additional Accessory Residential Units. Allowed additional ARUs are in addition to the ARUs allowed on the site in the absence of an approved Floor Area Option. However, all ARUs on a site with an approved Floor Area Option shall be subject to the following standards:

      i. The maximum scale of an ARU, including basement, shall be 5,000 square feet of gross floor area.

      ii. The floor area of an ARU in a Floor Area Option shall not be included in the maximum scale of the detached single-family unit to which it is accessory.

EXAMPLE. A 40 acre site in the R-2 zone is allowed 1 ARU, which may not exceed 1,000 sf, within an allowance of 13,000 sf of gross floor area of which 8,000 may be habitable. With approval of a Floor Area Option the same site would be allowed 3 ARUs (1 + 2*40/35), none of which may exceed 5,000 sf, within an allowance of 24,428 sf of gross floor area.

5. Development Option Standards. Except as modified in this Section, the development option standards applicable in the zone shall apply to the Floor Area Option development.

6. Affordable Workforce Housing. An ARU of greater than 1,000 square feet of habitable floor area shall be subject to the affordable workforce housing requirements of Div. 6.3.

7.1.6. Complete Neighborhood Planned Residential Development (CN-PRD) ~~(7/18/18)~~ (AMD2019-0006)

A. Intent

1. **Purpose.** The purpose of the CN-PRD is to encourage conservation and preservation of rural areas of the community in exchange for additional development in complete neighborhood areas identified as appropriate for growth. The goal of the CN-PRD is to provide a conservation incentive that conserves rural areas while also reducing the amount of development potential in those areas.

2. **Location.** Each CN-PRD contains a rural area that includes the required conservation area and may also include reserved rural development areas. Each CN-PRD also contains one or more development areas in a complete neighborhood. Rural areas and complete neighborhoods are identified in the Illustration of Our Vision chapter of the Comprehensive Plan.

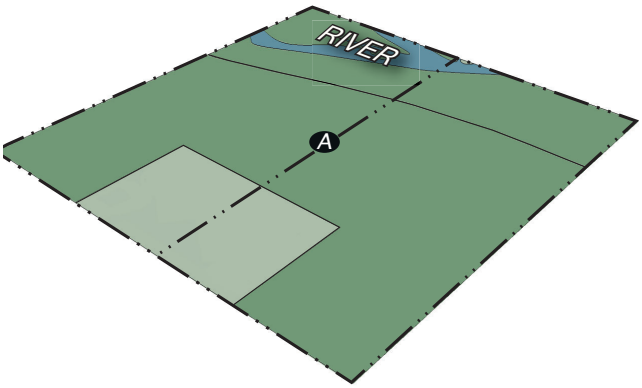
3. **Comprehensive Plan.** The CN-PRD is primarily based on the Comprehensive Plan direction of Policies 1.4.a. and 1.4.c.

4. **Applicable Zones.** The CN-PRD may be used in the R-1, R-2, R-TC, S-TC, and PR zones as further defined in this Section.

B. Required Conservation Area

The conservation area shall meet the standards of Div. 7.3. in addition to the standards of this Section.

1. Scale



Minimum Gross Site Area		
Rural GSA (min)		
East of Teton Range (JH)	105 ac	
West of Teton Range (Alta)	70 ac	
Rural GSA in conservation area (min)	90%	A

2. **Location.** The conservation area shall be located in the R-1, R-2, or R-TC zone.

3. **Noncontiguous PRD.** The conservation area may be noncontiguous pursuant to the rules for measurement in Section 9.4.4..

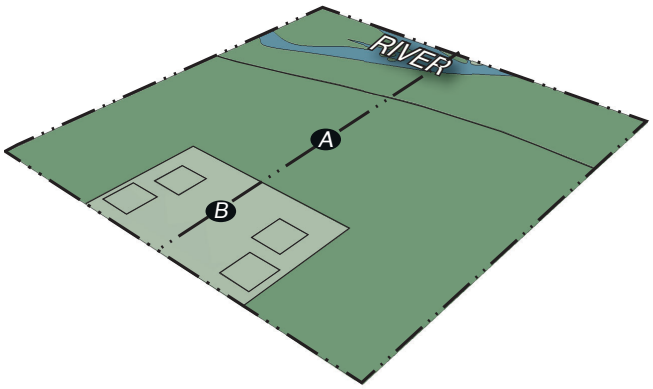
4. **Conservation Value.** At least one of the conservation values listed below shall be a protected conservation value identified pursuant to Subsection 7.3.2.A..
   a. Wildlife
   b. Scenic
   c. Agriculture

5. **Already Conserved Land.** Land already under conservation easement shall not count toward the calculation of allowed CN dwelling units per Rural GSA in Subsection D.1..; and shall not count toward the calculation of allowed Rural dwelling units per Rural GSA in Subsection C.1. unless the dwelling units are already allowed by the conservation easement.

C. Reserved Rural Development Area

The following standards apply to development areas reserved within the rural area of a CN-PRD. Nothing in this Section shall preclude the permanent reduction, through conservation easement, of the development potential allowed in a development area.

1. Scale



Reserved Rural Development Areas		
Rural GSA in development area (max)	10%	B
Rural development area GSA : Conservation area GSA (max)	1 : 9	B : A
Detached single-family unit : Rural GSA (max)	1 du : 35 ac	

EXAMPLE. A CN-PRD with 665 acres of rural area could reserve a maximum of 66.5 acres of development area (665 * 10% = 66.5) for development of a maximum of 19 units (665/35 = 19) in the rural area.

2. Access across conservation area. Access to a development area that crosses a conservation area shall be counted as conservation area in calculation of the maximum rural development area.

3. Development areas included in easement. Any development area reserved in the rural area may be included in the conservation easement, as determined by the holder of the conservation easement. However, the standards of Division 7.3 shall only apply outside of the reserved rural development area.

4. Clustering. Development areas do not have to be on the same lot of record, but shall be located to maximize the conservation value of the conservation area as a whole.

EXAMPLE. The 19 units from the previous example could be distributed among 19 lots of record, or all included within a single lot of record. The location of the reserved development areas would be designed as a whole to provide better functioning conservation area than development of each of the 19 units individually; however this does not necessarily mean that all development areas must be contiguous.

5. Physical Development Allowance. The physical development standards applicable in the zone shall apply in a reserved rural development area.

6. Use Allowance. Except as modified in this subsection, the use standards applicable in the zone shall apply in a reserved rural development area.

   a. Allowed Uses. Allowed uses in a reserved rural development area are listed in this subsection; all other uses are prohibited.

      i. Agriculture

      ii. Detached Single-Family Unit

      iii. Accessory Residential Unit

      iv. Home Occupation

EXAMPLE. Each of the 19 units from the previous examples would be allowed accessory residential unit and home occupation uses consistent with the standards of the zone, but other accessory uses otherwise allowed in the zone would be prohibited.

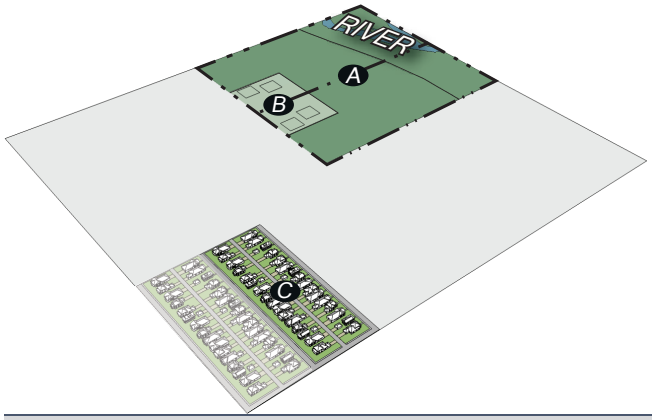
7. Development Option Standards. Except as modified in this Section, the development option and subdivision standards applicable in the zone shall apply to the reserved development area.

   a. Timing of Affordable Workforce Housing. The housing required by Div. 6.3. shall not be required prior to development of the reserved rural development area, but shall be fulfilled in full at the time the complete neighborhood development area is developed.

D. Complete Neighborhood Development Area

The following standards apply to development areas located in a complete neighborhood as part of a CN-PRD.

1. Scale of CN Development Area



Complete Neighborhood Development Areas		
CN development area GSA : Rural GSA (max)	1 : 19	C : A
CN dwelling units : Rural GSA (max)	1 du : 4.375 ac	

2. **Additional Density.** The density allowed in the complete neighborhood development area shall be in addition to the base density allowed in the complete neighborhood development area.

> **EXAMPLE.** A CN-PRD with 665 acres of rural area could identify a maximum of 35 acres in a complete neighborhood (665/19 = 35) for development of a maximum of 152 units (665/4.375 = 152) in addition to the units allowed in the complete neighborhood by base zoning.

3. **Location.** The complete neighborhood development area shall be located in an area identified in the Illustration of Our Vision chapter of the Comprehensive Plan as a Stable or Transitional subarea.

4. **Assurance.** Concurrent with the recording of the conservation easement for the conservation area of the CN-PRD, the additional density to be located in a complete neighborhood by approval of the CN-PRD shall be described and quantified in a notarized document signed by the Planning Director and ~~filed~~recorded with the County Clerk. Upon recordation of such document the development rights identified therein shall become vested.

E. Sketch Plan.

The Sketch Plan application required for a CN-PRD shall meet the following standards.

1. **Conservation design.** It shall include conceptual design of the conservation area, including the location of any reserved rural development areas.

2. **Development area location.** It shall identify the boundaries of the complete neighborhood development area.

3. **Density.** It shall identify the density assigned to the development area(s) as a result of the CN-PRD.

4. **CN development area design.** It may, but does not have to, include conceptual design of the complete neighborhood development area.

   a. If it does not, a separate Sketch Plan for the complete neighborhood development area shall be required prior to submittal of a Development Plan for that area.

   b. Whenever the Sketch Plan application for development of the complete neighborhood development area is submitted it shall meet the following standards.

      i. The applicant shall concurrently propose a rezone of the development area, pursuant to Section 8.7.2.., to a zone that currently exists in the Town or County or a new zone proposed pursuant to Section 8.7.1. as an amendment to the text of the LDRs.

      ii. Future physical development, use, development options, and subdivision in the complete neighborhood development area will be reviewed subject to the standards of the proposed zone. The zone shall be consistent with the density of the complete neighborhood development area.

Div. 7.2. Subdivision Standards

This Division contains the development standards required for subdivision, such as requirements for new roads, water and sewer infrastructure, utilities, parks, and other physical improvements necessary to safely serve newly subdivided property and minimize impacts on existing community services and infrastructure. See Sec. 8.5.3. for the procedure to subdivide property.

7.2.1. Subdivision Types Schedule (4/1/16)

The tables below establish the subdivision types allowed in each zone. The standards for all subdivisions and each subdivision type are established in this Division. The density and intensity requirements for each subdivision type are located in the standards for the zone, found in Article 2.-Article 4. The thresholds for permitting allowed subdivision are also established by zone.

County Character Zones - Subdivision Types					
	Complete Neighborhood Zones	Rural Area Zones			
	n/a	R-1	R-2	R-3	Standards
Land Division	--	P	P	P	7.2.3.
Condominium/Townhouse	--	--	--	--	7.2.4.

Key: P = Development option allowed with appropriate permit -- = Development option prohibited

County Legacy Zones - Subdivision Types													
	Complete Neighborhood Zones					Rural Area Zones					Civic Zones		
	AC-TC	AR-TC	WC	OP-TC	BP-TC	BC-TC	MHP-TC	NC-TC	S-TC	R-TC	P/SP-TC	P-TC	Standards
Land Division	P	P	P	P	P	P	--	P	P	P	P	P	7.2.3.
Condominium/ Townhouse	P	P	P	P	P	P	--	--	P	--	P	P	7.2.4.

Key: P = Development option allowed with appropriate permit -- = Development option prohibited

7.2.2. Standards Applicable to all Subdivision (1/1/15)

All subdivision shall comply with the following standards.

A. Subdivision Improvements

1. Developer Responsibility

The construction of the following improvements shall be the responsibility of the developer and shall be provided for in a Subdivision Improvements Agreement, which shall be approved with each plat. The Subdivision Improvements Agreement shall be provided in a manner which is consistent with adopted standards. No improvements shall be made until required plans, profiles, and specifications are submitted and approved for the following:

a. Roads, streets, alleys, sidewalks, and pathways, in accordance with the adopted standards;

b. Street signs and street lights;

c. Community wastewater treatment system or connection to an existing community wastewater treatment system, if proposed;

d. Community water supply, storage and distribution system or connection to an existing community water supply system, if proposed;

e. Water supply for firefighting purposes;

f. A storm drainage system and/or irrigation system, as required;

g. Utilities, such as telephone, cable TV, electric and gas services. All utilities shall be installed underground. Where applicable, utilities shall be in place prior to street or alley surfacing. Aboveground facilities necessary to serve underground facilities, other installation of peripheral overhead electrical transmission and distribution feeder lines, or other installation of either temporary or peripheral overhead communications, distance, trunk or feeder lines may be allowed;

h. Permanent reference monuments and monument boxes;

i. Park improvements to include parking, lawns, sprinkler/watering systems, and landscaping; and

j. Landscaping, screening, and parks improvements.

2. Permits Required

No construction of required improvements shall commence until after approval of all required physical development permits.

3. Installation

The time specified for the completion of the required improvements shall not exceed 12 months from the date the subdivision was approved or as specified in a phasing plan reviewed and approved by as part of the plat application.

4. Professional Engineer

All improvements shall be designed by a professional engineer licensed to do such work in the State of Wyoming.

5. Oversize and Off-Site Improvements

The Board of County Commissioners may require installation and construction of utilities, pavement and other land improvements in excess of subdivision design needs, to assure adequate service to future development areas. Such oversize improvement requirements shall be determined by the Board of County Commissioners. Such requirements shall be subject to the following standards:

a. The subdivider shall be required to pay for only that part of the construction costs for the arterial streets, trunk sewers or water lines that are necessitated by and are serving the proposed subdivision, as determined by the County Engineer. The County Engineer and subdivider shall mutually establish a proportionally distributed cost sharing arrangement that considers other persons who will benefit from such oversized improvements constructed to ultimately service the surrounding area.

b. If streets or utilities are not available or adequate for services at the boundary of a proposed subdivision, the subdivider may be required to obtain necessary easements or rights-of-way and construct and pay for any extensions necessary to connect the proposed subdivision to adequate utility lines.

6. Certificate of Completion and Release of Responsibility

a. Prior to Acceptance. The County shall not have any responsibility with respect to any road, or other improvement, notwithstanding the use of the same by the public, unless the road or other improvement has been formally accepted by the County in the manner required by law.

b. Request for Certification. Upon completion of the improvements, the subdivider may request, in writing, a certificate of completion and release of responsibility from the Planning Director.

c. Responsibility to Maintain. Upon issuance of the certificate and release, all responsibility for the improvements shall be assumed by the maintaining party.

d. Record Drawings. Prior to the approval of any completed improvements, record drawings and specifications for streets, water, sewer, drainage, and other facilities must be submitted to the County Engineer. The plans shall be submitted on 24 inches by 36 inches mylar and shall be accompanied by two sets of prints. The plans shall show the detailed location of all utilities including service lines to lots. A permanent benchmark shall be described on each sheet. The plans shall also be submitted electronically utilizing Autocad® or a compatible dxf format file.

e. **Certification.** The following certification by the project engineer shall appear on the face of the record drawings:

> I certify that these plans were prepared under my direct supervision and control, that they accurately represent the referred to improvements as they have been constructed in the field, and that the improvements as installed conform to the requirements of the Department of Environmental Quality, the State Highway Department, Teton County, and other applicable agencies.
>
> Engineer_____
>
> Wyoming P.E. No._____

7.2.3. Land Division Standards (1/1/15)

All divisions of land shall comply with the standards of this Section in addition to the standards applicable to all subdivision. Except that, condominium and townhouse subdivisions shall be subject to the standards of Sec. 7.2.4.

7.2.4. Condominium and Townhouse Subdivisions (1/1/15)

Condominium and townhouse subdivisions shall comply with the following standards in addition to the standards applicable to all subdivision.

A. Final Plat Required.

Condominium and townhouse subdivisions shall require approval of a Subdivision Plat pursuant to Sec. 8.5.3.

B. Site Compliance

Conformity of the physical development and use of a lot of record to be subdivided into townhouse or condominium lots will continue to be determined based on the boundary of the site to be subdivided, not the boundaries of the resultant townhouse lots or condominium units.

C. Townhouse Subdivision

Townhouse subdivision is the subdivision of land around the base of a unit that is intended to separate ownership of the units in a development while still retaining the character of a single, integrated development. A Townhouse subdivision shall be exempt from the minimum lot size requirement if the following standards are met.

1. **Common Element Interest Required.** A lot of record may be subdivided into lots of less than the minimum lot size for the zone if each resultant lot retains an undivided interest in common elements of the lot of record.

2. **Maximum Lot Size.** A townhouse lot shall not exceed 125% of the area of footprint of the approved unit.

3. **Building Official Review.** The building official shall review and approve the proposed location of the townhouse lots.

Div. 7.3. Conservation Area Standards

7.3.1. Purpose and Applicability (4/1/16)

A. Purpose and Intent

The purpose of this Division is to establish standards for required conservation areas. The intent is to prioritize the use of certain best practices to ensure that a required conservation area achieves the community's goals for ecosystem stewardship identified in the Comprehensive Plan.

B. Applicability

This Division shall apply to any physical development, use, or development option that requires a conservation area.

C. Coordination

The prospective conservation easement holder should be involved in the process of conservation value identification and establishment of baseline inventory so that the conservation area configuration and inventory meets the needs of the easement holder as well as the requirements of these LDRs.

> **EXAMPLE:** The land trust that will hold the conservation easement for a conservation area with wildlife value should be involved in the EA pre-application conference and alternatives analysis to ensure the habitat inventory and development area location meets its requirements as well as the standards of these LDRs.

7.3.2. Conservation Value Identification (4/1/16)

A. Conservation Values

Any of the conservation values listed below that are present in the conservation area shall be identified and protected by the conservation easement recorded pursuant to Sec. 7.3.4.

a. **Wildlife.** Where wildlife habitats identified by Sec. 5.2.1. or Sec. 5.1.1. exist, protection of wildlife, wildlife habitat, and wildlife permeability shall be a conservation value.

b. **Scenic.** Where scenic vistas identified by Sec. 5.3.2. exist, protection of those scenic vistas shall be a conservation value.

c. **Agriculture.** Where active agriculture exists, protection of agricultural use of the site shall be a conservation value.

d. **Recreation/Access.** If no other conservation value exists on the site, provision of public access and recreation shall be a conservation value. Granting of public access to a conservation area is not required when public access is not a protected conservation value.

B. Baseline Inventory

A baseline inventory of the conditions, features, and characteristics that define each of the identified conservation values shall be established. The baseline inventory shall be established by submittal of one of the following studies for each conservation value identified; however the options of this Subsection do not exempt analysis required by these LDRs. The study establishing the baseline inventory shall be submitted as part of the application requiring a conservation area.

1. **Wildlife Values.** When wildlife is a conservation value:

    a. The Environmental Analysis required by Subsection 8.2.2.B.; OR

    b. A habitat inventory as described in Subsection 8.2.2.F.2., prepared by an environmental professional.

2. **Scenic Values.** When scenic is a conservation value:

    a. The visual resource analysis required by Subsection 5.3.2.D.; OR

    b. A visual resource analysis volunteered by that applicant prepared pursuant to Subsection 5.3.2.F.

3. **Other Value.** When agriculture or recreation/access is a conservation value: a baseline analysis of the values of the conservation area provided by the applicant.

7.3.3. Conservation Area Configuration (4/1/16)

A. Conservation Value Prioritization

1. When configuring a required conservation area, the identified conservation values shall be prioritized in the order listed in Subsection 7.3.2.A. with wildlife as the highest priority.

2. The prioritization of values used to configure a required conservation area is not required to be included or enforced in the conservation easement recorded pursuant to Sec. 7.3.4.

B. Configuration

A conservation area, and the associated development areas, shall be configured to meet the following standards.

1. **Configuration.** The perimeter to area ratio of the conservation area shall be minimized to avoid decreased conservation value because the conservation area is small, isolated, fragmented, and/or extends into a development area.

2. **Conservation on Multiple Lots.** A conservation area may cover multiple parcels or lots of record. In such a case, the conservation area on each parcel or lot of record shall meet the following standards

    a. It shall be large enough to contribute to the conservation value of the conservation area.

b. Contiguous parcels making up a conservation area shall not be separated by fencing or otherwise visually or functionally separated, except as may naturally occur or as permitted by the reserved uses set forth in the conservation easement.

c. The reserved use provisions in the conservation easement shall be based upon the conservation values identified and shall not vary solely according to parcel or ownership boundaries.

3. **Clustering.** Development areas should not to be surrounded by conservation area on all sides, and should be located adjacent to existing development if possible. Where possible, access should not cross conservation area.

> **EXAMPLE :** A square development area located adjacent to a developed neighboring property so only 3 sides border the conservation area, is an obvious example of a regular shape that is not entirely surrounded and provides a clean delineation between development area and conservation area. A star shaped development area would have 5 fingers extending into the conservation area with no possibility of avoiding the conservation area surrounding the entire development area while also bringing 5 fingers of conservation area into the development area, which would limit the conservation value of those portions of the conservation area. The star shaped development area adds 3 times more perimeter to the conservation area than the square shaped development area.

C. Connect Conservation Areas

The following criteria shall be considered in the configuration of the conservation area.

1. Connection to any adjacent, existing conservation areas.

2. The protection of the protected conservation value(s) identified in Subsection 7.3.2.A.

3. Potential value that might result from future conservation of adjacent property.

> **EXAMPLE :** A property with value as a north-south migration corridor is subject to a development option that requires conservation area. To the north is a property under conservation easement, to the south is a property that is not. In configuring the required conservation area the applicant shall consider: connection to the existing conservation easement, maximization of the wildlife value and the migration corridor, and linking that corridor to the point on the south boundary that best facilitates wildlife movement should the property to the south be placed under conservation easement in the future.

D. Deviation

1. **Applicability.** Deviation from the following standards is permitted to meet the standards of this Section in order to allow improved landscape level conservation across property lines.

   a. Div. 5.1.. General Environmental Standards

b. Div. 5.2.. Environmental Standards Applicable in Specific Areas

c. Subsection 7.3.3.B.Configuration

2. **Process.** The deviation shall be approved through the Administrative Adjustment process identified in Section 8.8.1..

7.3.4. Conservation Area Allowances (4/1/16)

A. Stewardship and Restoration

Stewardship and restoration that enhances the conservation value(s) of the conservation area shall be allowed in the reasonable discretion of the grantee of the conservation easement or as expressly reserved in the conservation easement.

B. Consistent with Conservation Value

Any physical development, use, development option, or subdivision allowed in a conservation area shall be consistent with the protected conservation value(s) identified for the conservation area.

1. Physical Development

a. **Construction Schedule.** Physical development activities that are allowed in the conservation area shall be scheduled to limit impacts to the protected conservation value(s) of the conservation area.

b. **Limit Temporary Impacts.** Physical impacts from temporary physical development or use shall be avoided to the extent practical through use of areas planned for permanent physical development or use. A temporary impact that cannot be avoided shall be restored consistent with the protected conservation value(s) of the conservation area.

> **EXAMPLE:** Construction access across a conservation area to a development area shall follow the planned permanent access, rather than a secondary or alternate route. However, where burying of utilities cannot be accomplished under an area of permanent development the temporary physical development shall be reclaimed to the native state that existed prior to the disturbance.

2. Use

a. **Existing Conditional Use.** Review of a proposed conservation area on the site of an existing conditional use may include review of the Conditional Use Permit to evaluate the cumulative impact of all permitted uses and development options on the site's open space as compared to the use of the site at its base residential density.

b. **Wildlife.** When wildlife is a protected conservation value the following shall be considered.

i. **Domestic Pets.** The impact of domestic pets on wildlife.

ii. **Chemical Use.** Limited chemical use in order to minimize unnecessary and negative side effects on wildlife. This shall not be read to restrict the use of chemicals in support of agriculture or control of noxious weeds.

iii. **Motorized Vehicles.** The effects on wildlife in determining off-road use of motorized vehicles.

c. **Grazing.** Grazing shall be managed to maintain vegetation for wildlife foraging and avoid overgrazing.

d. **Recreation.** Recreation shall be managed to be consistent with, and reduce impacts to, the protected conservation value(s).

7.3.5. Record of Conservation Area Restriction(AMD2019-0006)~~(4/1/16)~~

The physical development, use, develop options, and subdivision of a required conservation area shall be restricted in perpetuity by a conservation easement, within the meaning of the Wyoming Uniform Conservation Easement Act (Wyo. Stat. § 34-1-201 et. seq.), ~~filed~~recorded with the County Clerk, and enforceable by a 'qualified organization' within the meaning of Internal Revenue Code section 170(h)(3). The conservation easement may be in such format as the qualified organization and the landowner may agree, provided that the following restrictions and provisions are included in the conservation easement:

A. A legal description of the conservation area.

B. Reference to the approved development permit and the additional development potential received.

C. Statement of the protected conservation value(s) of the conservation area and any secondary conservation values; as well as the public benefit provided by the conservation area.

D. An inventory of the conservation area conditions, features, and characteristics contributing to the identified conservation values.

E. The affirmative right of the Grantee to conduct active monitoring of conservation values to ensure those values are successfully protected and maintained over time and to enforce those restrictions when necessary.

F. Specification of the physical development, use, development options, and subdivision allowed in the conservation area; which shall comply with these LDRs, but may be less permissive.

G. Prohibition of all physical development, use, development options, and subdivision not specifically allowed in the conservation area; and specification of other rights relinquished by the restriction.

H. Grantor notice to the Planning Director of any amendment to the conservation easement.

Div. 7.4. [deleted] (7/18/18)

[Division number reserved, original Division deleted]

Div. 7.5. Development Exaction Standards

7.5.1. Development Exactions (1/7/20)

[Section number reserved, original Section deleted]

7.5.2. Park Exactions (1/7/20)

Purpose and Findings

1. **Purpose.** The purpose of the Park Exaction is to ensure that new subdivisions include adequate land for parks and recreation in order to maintain the parks and recreation level of service in the community as growth occurs.

2. Legislative Finding of Impact and Benefit

    a. Parks and recreation services benefit the health of the environment and the community. Parks protect natural resources in developed areas and recreational services are important to the physical health of community members of all ages.

    b. In addition, the community has adopted a policy to provide public recreation opportunities on Town and County lands as way to reduce the impact of growth on surrounding federal lands with greater habitat and scenic value.

    c. Parks and recreation level of service is commonly measured by acres of parks per capita.

        i. The national median for communities with a population between 20,000 and 49,999 is 9.6 acres of parks per 1,000 residents. (2019 NRPA Agency Performance Review)

        ii. In 2016, the Jackson/Teton County community has 7.0 acres of parks per 1,000 residents.

    d. As growth occurs, population grows. From 2002 to 2018 the annual growth rate for residential units in Jackson and Teton County was 1.6%. Over that same period the population of Teton County grew at an annual growth rate of 1.4%, mirroring the growth in development.

    e. If acres of park land do not grow as population grows, parks and recreation level of service will decrease.

    f. As a result, the Board of County Commissioners finds that new residential development in Teton County needs to include land for new parks and hereby adopts this park exaction.

A. Applicability

The requirements of this Section shall apply to any new lot of record that allows residential use.

1. Includes

    a. A new platted lot that allows residential use.

    b. An existing residential unit platted as a townhouse or condominium unit, for which an exaction has not already been provided.

    c. Construction of one or more residential units on a lot of record that was created through exempt land division.

2. Does Not Include

    a. Construction of one or more residential units on a lot of record created prior the adoption of a mandatory land dedication.

    b. Construction of one or more residential units on a lot of record for which a mandatory land dedication has already been provided.

    c. Boundary Adjustment (Sec. 8.5.5) that does not result in any new lots of record.

    d. New lots of record with voluntary Affordable Housing or Workforce Housing deed restrictions as defined by the Housing Department Rules and Regulations.

EXAMPLE: A parcel that was created prior to 1978 is subdivided into 3 lots – the exaction applies to the 2 new lots being created, but not the pre-existing lot of record. An apartment building is built on an existing, conforming lot of record – no exaction applies because no subdivision is proposed. An existing apartment building is condominiumized – the exaction is applied to each condominium unit. A lot of record is created through exempt land division – the exaction for the lot is due at the time of building permit unless the exaction is paid at the time of exempt land division..

B. Requirement

Each applicable subdivision in Teton County, as defined in Section 7.5.2.B above, shall provide land to Teton County in an amount equal to 0.02 acres per new lot of record.

EXAMPLE: A subdivision creating 50 new lots of record shall dedicate 1 acre to Teton County (50 x 0.02 = 1)

1. General Formula. The General Formula that yields the requirement is based on the Teton County target level of service and the average number of residents per dwelling unit constructed in Teton County.

a. Teton County Level of Service. The median amount of parks per capita for a community the size of Jackson/Teton County is 9.6 acres per 1,000 residents. Teton County has maintained a target level of service of 9 acres per 1,000 residents since at least 1986.

b. Residents per Dwelling Unit. The US Census estimates that were 12,510 residents in the unincorporated County in 2017. The Planning Department counts 5,648 dwelling units in the unincorporated County in 2017.

c. Calculation. Based on the above factors the requirement is calculated according to the below table

	Town	County	Total
2017 Population (source: 2017 ACS 5-Year Estimate)	10,423	12,510	22,923
2017 Dwelling Units (source: Planning Department data)	4,704	5,648	10,352
2017 Residents per Unit	2.21	2.21	2.21
Parks Target (acres per 1,000 residents)	9	9	9
Park Acre per Dwelling Unit (acres)	0.0199	0.0199	0.0199

2. Update. The inputs into the general formula should be updated at least every 5 years.

3. Independent Calculation. An independent calculation may be submitted that provides alternate values for either component of the general formula. The independent calculation may be approved by the Board of County Commissioners in a public hearing if the alternate values:

a. Utilize verifiable local data and generally recognized principles and methods of impact analysis; and

b. Rely on characteristics of the project type rather than the specific project.

C. Provision and Use of Requirement

1. Dedication of Land. The first priority for fulfilling the requirement of this Section is the dedication of land.

a. Identification. The land to be dedicated for parks shall be identified in the Development Plan application for any subdivision to which this Section applies.

b. Criteria. The proposed dedication shall meet the following criteria. If the criteria cannot be met anywhere on the site, a fee-in-lieu of dedication shall be required pursuant to Section D.2, below.

i. Size. The proposed dedication shall be at least 1 acre, unless otherwise found by the Board of County Commissioners to implement the Parks and Recreation Strategic Plan. The applicant shall be allowed to provide a dedication of less than 1 acre through payment of an in-lieu fee pursuant to Section D.2, below.

ii. Suitability. The proposed dedication shall not include private yards, streets, parking areas not intended for park use, streetscape or landscape buffers, median strips, major utility easements over 30 feet wide, oil or gas well sites or setbacks, stormwater detention or water quality ponds deeper than 5 feet or with slopes steeper than 5:1, mine shafts or associated setbacks.

iii. Infrastructure. Dedicated land shall be ready for development with roads, water supply, sewage disposal, telephone, electricity, gas (if available), and other basic services as applicable provided to the property line or guaranteed pursuant to Sec. 8.2.11. In no event shall the services be provided more than 1 year after the date of conveyance of the land to the County.

c. Acceptance. The land shall be acceptable to Teton County at the discretion of Teton County.

i. County Review. The Board of County Commissioners shall review acceptability on the basis of compatibility with the Comprehensive Plan and Parks and Recreation Strategic Plan.

ii. Suitability. Where there is concern about the suitability of soils or other site conditions to support parks and recreation facilities, a report shall be prepared by a consultant deemed qualified by the County, at the applicant's expense, stipulating whether the land is suitable for the type of construction contemplated and stating any special construction techniques that will be necessary.

d. Dedication. The land shall be dedicated to Teton County.

i. Timing. The dedication shall occur at the time the subdivision Plat is recorded.

ii. Conveyance. The conveyance shall utilize the County deed template.

iii. Clear Title. Land conveyed shall have clear title, physical and legal access, and be free of any liens.

2. Payment of In-Lieu Fee. Where land meeting the requirements of Section D.1 cannot be provided as part of a subdivision, a fee-in-lieu of land dedication shall be paid.

a. Amount. The fee-in-lieu shall be equal to the required acreage multiplied by the median, per-acre, market land value (not including improvements) most recently established by the Teton County Assessor for private land in Teton County. The median, per-acre, market land value shall be available in the Teton County Planning Department.

b. Timing

i. **Subdivision.** In the case of a subdivision, the in-lieu fee shall be calculated and paid at the time the Plat is recorded.

ii. **Nonconforming Lot.** In the case of a lot of record created nonconforming to this Section, the in-lieu fee shall be calculated and paid at the time the first building permit on the property is issued.

c. Use of Fee

i. **Fund.** Collected in-lieu fees shall be immediately deposited into an interest-bearing fund specifically designated for the requirements of this Section.

ii. Refund of Fee

a). **Unused Fees.** An in-lieu fee that is not used by Teton County within 7 years of collection shall be refunded upon request by the current owner of the lot for which the fee was paid. Notwithstanding, if the County earmarks the fees for expenditure on a specific project, the Board of County Commissioners may extend the time period by 3 additional years. Fees shall be considered used on a first-paid, first-used basis. The request shall be provided in writing to the Planning Director within 1 year of the end of the seventh year.

b). **Expired Approval.** An in-lieu fee paid for an approval which has expired shall be refunded upon request by the current owner of the lot for which the fee was paid. The request shall be provided in writing to the Planning Director within 3 months of the expiration.

3. **Credit for a Private Park.** Where private open space for park and recreational purposes is provided in a proposed subdivision, and such space is to be privately owned and maintained by the future residents of the subdivision, the acreage of such areas may be credited against the requirement of this Section, if the Board of County Commissioners determines that such a credit is in the public interest.

4. **Use of Dedication.** The land or fee shall be used by Teton County for necessary parks and recreation facilities, which may include, but are not limited to, parks, recreation facilities, parks and recreation maintenance facilities, trails, pathways, and open space.

7.5.3. School Exactions (1/7/20)

A. Purpose and Findings

1. **Purpose.** The purpose of the School Exaction is to ensure that new subdivisions include adequate land for the provision of public education so that the level of service provided by Teton County School District can be maintained.

2. Legislative Finding of Impact and Benefit

   a. Enrollment in Teton County School District has grown as the number of dwelling units in Teton County has grown. Since at least 2002, enrollment in Teton County School District has grown at the same annual rate (1.6%) as the number of dwelling units in Teton County (1.6%).

   b. An increase in students requires an increase in school capacity. Teton County School District schools have capacity limits. As enrollment grows, schools have to expand to provide additional capacity.

   c. As a result, the growth in the number of dwelling units in Teton County has necessitated growth in school capacity. Continued growth will necessitate additional school capacity.

   d. Additional school capacity requires land dedicated to school function, which includes, but is not limited to, school buildings, support facilities, open space and recreation areas, and housing for employees and their families.

   e. With only one School District in Teton County any school land in Teton County benefits the entire School District. A new elementary school in one part of the School District frees capacity in other parts of the School District, benefiting the new development regardless of the development's location. Similarly, a centralized middle or high school benefits a development regardless of its location within the School District.

   f. As a result, the Board of County Commissioners finds that new development in Teton County needs to include land for new schools, and hereby adopts this school exaction.

B. Applicability

The requirements of this Section shall apply to any new lot of record that allows residential use.

1. Includes

   a. A new platted lot that allows residential use.

   b. An existing residential unit platted as a townhouse or condominium unit, for which an exaction has not been provided.

   c. Construction of one or more residential units on a lot of record that was created through exempt land division.

2. Does Not Include

   a. Construction of one or more residential units on a lot of record created prior the adoption of a mandatory land dedication.

   b. Construction of one or more residential units on a lot of record for which a mandatory land dedication has already been provided.

   c. Boundary Adjustment (Sec. 8.5.5) that does not result in any new lots of record.

   d. New lots of record with voluntary Affordable Housing or Workforce Housing deed restrictions as defined by the Housing Department Rules and Regulations.

EXAMPLE: A parcel that was created prior to 1978 is subdivided into 3 lots – the exaction applies to the 2 new lots being created, but not the pre-existing lot of record. An apartment building is built on an existing, conforming lot of record – no exaction applies because no subdivision is proposed. An existing apartment building is condominiumized – the exaction is applied to each condominium unit. A lot of record is created through exempt land division – the exaction for the lot is due at the time of building permit unless the exaction is paid at the time of exempt land division.

C. Requirement

Each applicable subdivision in Teton County, as defined in Section 7.5.2.B above, shall provide land to Teton County School District in an amount equal to 0.01 acres per new lot of record.

EXAMPLE: A subdivision creating 50 new lots of record shall dedicate 0.5 acres to Teton County School District (50 x 0.01 = 0.5).

1. General Formula. The General Formula that yields the requirement is based on Teton County School District configuration, acres per school established in the Wyoming School Facilities Commission, School Design Guidelines, February 2010 (or as amended), and school aged children per dwelling unit, as defined below.

   a. School Configuration. Teton County School District uses a school configuration that relies on geographically distributed elementary schools and centralized middle and high schools.

   b. Acres Per School. The Wyoming Schools Facility Commission has established the following general site size requirements.

      i. Elementary School. 4 acres plus 1 acre for every 100 students

      ii. Middle School. 10 acres plus 1 acre for every 100 students

      iii. High School. 20 acres plus 1 acre for every 100 students

c. School Children per Dwelling Unit. Of the 2,862 students enrolled in Teton County School District in 2017, 1,457 lived in Town and 1,405 lived in unincorporated Teton County. In 2017, Teton County reported 5,648 dwelling units in unincorporated Teton County. 1,405/5,648=0.25 students per dwelling unit.

d. Calculation. Based on the above factors the requirement is calculated according to the below table

	Rural Elementary	Neighborhood Elementary	Middle	High	Total
2018 TCSD Enrollment	117	1,284	710	769	2,880
Number of Schools	3	4	1	1	
Required Acres	12	28.84	17.10	27.69	85.63
Total Acres per Student					0.0297
Students per Dwelling Unit					0.25
Acres per Dwelling Unit					0.0074
Note: for the purpose of calculating required acres, Summit High School was not considered a second school, however Summit enrollment was included in the high school enrollment					

2. Update. The inputs into the general formula should be updated at least every 5 years.

3. Independent Calculation. An independent calculation may be submitted that provides alternate values for any of the three components of the general formula. The independent calculation may be approved by the Board of County Commissioners in a public hearing if the alternate values:

a. Utilize verifiable local data and generally recognized principles and methods of impact analysis; and

b. Rely on characteristics of the project type rather than the specific project.

D. Provision and Use of Requirement

1. Dedication of Land. The first priority for fulfilling the requirement of this Section is the dedication of land.

a. Identification. The land to be dedicated for schools shall be identified in the Development Plan application for any subdivision to which this Section applies.

b. Criteria. The proposed dedication shall meet the following criteria. If the criteria cannot be met anywhere on the site, a fee-in-lieu of dedication shall be required pursuant to Section D.2, below.

i. **Size.** The proposed dedication shall be at least 1 acre, unless otherwise found acceptable by the Teton County School District. The applicant shall be allowed to provide a dedication of less than 1 acre through payment of an in-lieu fee pursuant to Section D.2, below.

ii. **Infrastructure.** Dedicated land shall be ready for development with roads, water supply, sewage disposal, telephone, electricity, gas (if available), and other basic services as applicable provided to the property line or guaranteed pursuant to Sec. 8.2.11. In no event shall the services be provided more than 1 year after the date of conveyance of the land to the County.

c. **Acceptance.** The land shall be acceptable to both Teton County and the Teton County School District. Acceptability to each jurisdiction shall be at the discretion of that jurisdiction.

i. **County Review.** The Board of County Commissioners shall review acceptability on the basis of compatibility with the Comprehensive Plan.

ii. **School District Review.** The Teton County School District shall review acceptability on the basis of the utility of the land for School District function.

iii. **Suitability.** Where there is concern about the suitability of soils or other site conditions to support School District functions, a report shall be prepared by a consultant deemed qualified by the County and School District, at the applicant's expense, stipulating whether the land is suitable for the type of construction contemplated and stating any special construction techniques that will be necessary.

d. **Dedication.** The land shall be dedicated to Teton County School District.

i. **Timing.** The dedication shall occur at the time the subdivision Plat is recorded.

ii. **Conveyance.** The conveyance shall of a form acceptable to Teton County School District.

iii. **Clear Title.** Land conveyed shall have clear title, physical and legal access, and be free of any liens.

2. **Payment of In-Lieu Fee.** Where land meeting the requirements of Section D.1 cannot be provided as part of a subdivision, a fee-in-lieu of land dedication shall be paid.

a. **Amount.** The fee-in-lieu shall be equal to the required acreage multiplied by the median, per-acre, market land value (not including improvements) most recently established by the Teton County Assessor for private land in Teton County. The median, per-acre, market land value shall be available in the Teton County Planning Department.

b. **Timing**

i. Subdivision. In the case of a subdivision the in-lieu fee shall be calculated and paid at the time the Plat is recorded.

ii. Nonconforming Lot. In the case of a lot of record created nonconforming to this Section, the in-lieu fee shall be calculated and paid at the time the first building permit on the property is issued.

c. Use of Fee

i. Fund. In-lieu fees shall be collected by Teton County and immediately deposited into an interest-bearing fund specifically designated for the requirements of this Section.

ii. Distribution. Teton County shall distribute the fees from the fund to Teton County School District within 30 days of receipt of a request. The request shall be submitted to the County Commissioners' Administrator and shall be approved if it is for a school facilities project, as defined below in Section D.3.

iii. Refund of Fee

a). Unused Fees. An in-lieu fee that is not requested by Teton County School District within 7 years of collection shall be refunded upon request by the current owner of the lot for which the fee was paid. Notwithstanding, if the Teton County School District earmarks the fees for expenditure on a specific project, the Board of County Commissioners may extend the time period by 3 additional years. Fees shall be considered used on a first-paid, first-used basis. The request shall be provided in writing to the Planning Director within 1 year of the end of the seventh year.

b). Expired Approval. An in-lieu fee paid for an approval which has expired shall be refunded upon request by the current owner of the lot for which the fee was paid. The request shall be provided in writing to the Planning Director within 3 months of the expiration.

3. Use of Dedication. The land or fee shall be used by the School District for necessary school facilities, which may include, but are not limited to, school buildings, support facilities, open space and recreation areas, and housing for employees and their families.

a. Housing Restriction. If the School District uses dedicated land or funds for housing, the housing shall have a deed restriction that limits occupancy to School District employees and their families. The deed restriction may also allow the School District to allow occupancy by other members of the Teton County workforce as defined by the Housing Department Rules and Regulations.

Div. 7.6. ~~Transportation Facility Standards~~

7.6.1. ~~Purpose (1/1/15)~~

~~The purpose of this Division is to control access to public roadways in a manner that maintains the safety, capacity, and function of the roadway and to provide standards for transportation facilities, including streets, alleys, access easements, and pathways.~~

7.6.2. ~~Access to Roads, Streets and Highways (1/1/15)~~

~~Direct vehicular access to collector and arterial roads shall be limited to ensure that the congestion created by turning movements is reduced to a minimum. All development shall meet the following standards:~~

A. ~~Residential Uses~~

~~Lots of record for individual detached single-family units shall take direct access to or from local residential streets and may take direct access to a collector or arterial road only if no other access options exist, and only if the developer is unable to provide a street for access to a public or private local residential street, due to site limitations such as but not limited to topography and sight distances.~~

B. ~~Other Residential Development~~

~~Other residential development of higher density shall take direct access to collector or arterial streets to avoid infiltration of lower density neighborhoods where available.~~

C. ~~Nonresidential Uses~~

~~All nonresidential uses shall take primary access from a parking circulation aisle or drives designed to provide internal circulation within the development or for several lots of record.~~

1. ~~**Direct Primary Access to Local Street.** Direct primary access to a local residential street is prohibited for nonresidential uses.~~

2. ~~**Direct Primary Access to Arterial or Collector Road.** Nonresidential uses shall be permitted direct primary access to arterial or collector roads (except as provided in 7.6.2.D.)~~

D. ~~Access Limited to Collector and Arterial Road~~

~~At least 300 feet shall separate access points on collector and arterial roads with posted speeds of less than 35 miles per hour (mph), and 600 feet from roads with posted speeds of 35 miles per hour (mph) or more.~~

E. ~~Traffic Study Required if More than One Access Point~~

~~In instances where more than one access point is requested on any one collector or arterial road, a traffic study shall be required to demonstrate the minimum number needed. The minimum number is all that shall be permitted.~~

F. ~~More than One Access Point/Designate "Right Turn Only," Wherever Possible~~

~~When more than one access point exists for a development, at least one exit shall contain a "right turn only" lane, when traffic patterns and the design layout allow it.~~

7.6.3. ~~Streets, Alleys, and Easements (1/1/15)~~

~~[Section number reserved, standards only apply in Town]~~

7.6.4. ~~Street and Road Standards (1/1/17)~~

A. ~~Purposes~~

~~These standards are enacted to protect and promote the public health, safety and welfare, to protect Teton County's priceless environmental quality and scenic beauty, and to maintain and promote the efficient, cost-effective and safe movement of persons and goods in Teton County. The requirements and procedures herein are intended to regulate and control the design and improvement of subdivisions, transportation routes, recreational pathways, and other development in the County in order to achieve the following purposes:~~

1. ~~Conformance with Highway Improvement Plans. To ensure conformance and coordination of land subdivision and other development with the highway improvement plans of the County and its municipalities, the State of Wyoming and federal land management agencies.~~

2. ~~Establish Standards. To encourage well-planned land subdivision and other development by establishing adequate standards for design and improvement of roadways and other pedestrian and vehicular movement systems.~~

3. ~~Adequate Access. To ensure adequate access to all properties for fire, police and other vital services.~~

4. ~~Cost/Benefit of Facilities. To ensure a fair and just distribution of the costs and benefits of roadways and other pedestrian and vehicular movement systems within the County.~~

B. ~~Jurisdiction~~

~~The territorial jurisdiction of these standards and regulations shall include all of the unincorporated lands within Teton County, Wyoming other than National Park, National Forest, National Elk Refuge lands or other lands not under County jurisdiction for the purposes of zoning regulation.~~

C. ~~Interpretation~~

1. ~~In their interpretation and application, the standards and regulations of this Section shall be held to be the minimum requirements and shall apply to all roads within its territorial jurisdiction. No standard or regulation of this Section is intended to repeal, abrogate, annul, impair or interfere with any existing resolution of the County, provided that where any standard or regulation of this~~

~~Section imposes more stringent regulations, requirements or limitations than are imposed by any other resolution of Teton County or any Statute of the State of Wyoming, then the standards and regulations of this Section shall govern.~~

2. ~~The Teton County Engineer may grant exceptions to the standards and regulations contained in this Section pursuant to Sec. 8.8.1. in order to provide flexibility to the application of these standards and regulations and where exceptions do not materially compromise public safety. In granting an exception the County Engineer must consider the following minimum criterion:~~

   a. ~~Potential land uses and traffic volumes to be served by the road at build-out; and~~

   b. ~~Compatibility with adjacent roadway sections; and~~

   c. ~~Effect on non-motorized facility users; and~~

   d. ~~Cumulative effect if an exception to more than one standard is requested; and~~

   e. ~~Effect of the exception on the safety of residents, motorists and non-motorists; and~~

   f. ~~Effect on level of service; and~~

   g. ~~Accident data; and~~

   h. ~~Protection of resources regulated pursuant to Div. 5.1., Div. 5.2., and Div. 5.3.; and~~

   i. ~~Potential mitigation measures (including but not limited to, vehicle turn-outs, warning signs, mirrors at curves, guard rails, mandatory plowing or maintenance contracts, etc.) to address excepted standards or regulations; and~~

   j. ~~Comparative cost of required standard or regulation versus exception request.~~

3. ~~The County Engineer shall document all exception requests in an Exception Report, which shall include a description of the exception request and relevant standards and regulations, the County Engineer's determination, any required mitigation, and the basis for the approval or the denial. All exception requests shall be stamped by a registered Wyoming professional engineer and approved by the County Engineer. The County Engineer shall seek comment from the Teton County Road and& Levee SuperintendentManager, Fire Chief and Planning Department in determining whether to grant or deny the exception request. The County Engineer shall distribute all completed Exception Reports to the Teton County Road and& Levee SuperintendentManager, Fire Chief, the Planning and DevelopmentBuilding Services Department, and the applicant.~~

D. ~~Functional Classification~~

1. ~~All streets and roads in the unincorporated portions of Teton County shall be classified by functional type. Such classification shall establish a hierarchy, which separates roads by function and intensity of use in order to achieve safety and efficiency in road layout and design. In addition, a road of any classification may be designated by the Board of County Commissioners as a "Scenic Road" on the basis of its particular value to the county due to the scenic nature of its route, of the adjacent lands, or of views from the roadway. Such designation shall be by amendment of the Transportation Master Plan Map.~~

2. ~~As defined in these regulations, the functional class hierarchy applicable in Teton County shall consist of the following road types:~~

   a. ~~Arterial~~

   b. ~~Major Collector~~

   c. ~~Minor Collector~~

   d. ~~Major Local~~

   e. ~~Minor Local~~

   f. ~~Access Easement~~

E. ~~Transportation Master Plan Map~~

~~The Planning Director shall maintain an official map and supporting documents describing the location, functional class, right-of-way width and applicable standards of all existing and proposed roads, roadway corridors, equestrian trails, and pathways in the County. Such map and supporting documents are considered to be a part of these regulations. Any new location for a federal, state, county, or local road, scenic road, highway corridor, equestrian trail, or bikeway not indicated on the map as of the date of these regulations, except for proposed streets, equestrian trails, and pathways within approved subdivisions or other projects, or roads on federal or state lands, shall require adoption by the Board of County Commissioners pursuant to the requirements for amendments specified in these LDRs.~~

F. ~~Jurisdiction and Maintenance Responsibilities~~

~~Nothing in the above Transportation Master Plan Map shall imply acceptance by Teton County for maintenance or other purposes of any road or street. Such acceptance shall be established only in accordance with Wyoming statutory procedures for adoption or vacation of County roads. Where a highway proposed for adoption as a County road does not meet the structural or right-of-way standards applicable to its classification, such adoption may or may not be conditional upon its improvement to meet those standards, at the discretion of the Board of County Commissioners.~~

1. ~~**Acceptance of Collectors.** It shall, however, be the policy of Teton County to give primary consideration for acceptance and maintenance to those roads classed as major and minor collectors.~~

2. ~~**Acceptance for Specific Need/Benefit.** Arterials and most major collectors are the responsibility of the Wyoming Department of Transportation. Roads on federal lands may or may not be the responsibility of the appropriate federal agency. Local roads are normally the responsibility of developers, private citizens, homeowners' associations or special districts. The County may, at its option and by official action, accept or provide maintenance on such streets where a specific county need or benefit is shown.~~

G. ~~General Standards~~

~~The following general standards shall govern the layout of roads and streets:~~

1. ~~**Compatible with Transportation Master Plan.** Road, bicycle, equestrian, and pedestrian facilities and circulation patterns shall be compatible with the Teton County Transportation Master Plan.~~

2. ~~**Functional Class.** Plans shall be designed and constructed in accordance with the standards of this Section.~~

3. ~~**Safety.** Road layout and design shall provide for the safety of motorists, bicyclists, pedestrians, equestrians and residents of contiguous properties.~~

4. ~~**Rural Roadway Level of Service.** Rural roadways shall be designed to function at level of Service D at buildout within any development, or at 20 years from construction for other roads.~~

5. ~~**Urban Roadway Level of Service.** Urban roadways shall be designed to function at level of Service D at buildout within any development, or at 20 years from construction for other roads.~~

6. ~~**Minimize Length.** Plans shall minimize the overall length of both County and non-County roads while adequately providing for necessary traffic movements.~~

7. ~~**Access for Emergency/Service Vehicles.** All dwellings and other structures shall be accessible by emergency and service vehicles.~~

8. ~~**Separate Types of Traffic.** Pedestrian, bicycle, equestrian and vehicular traffic shall be separated where desirable for safety.~~

9. ~~**Limit Through Traffic.** Through traffic shall be limited on residential streets.~~

10. ~~**Minimize Environmental Impact.** Road layouts shall be designed to minimize cuts, fills, excessive runoff concentrations or other environmental impacts and shall follow natural contours wherever possible.~~

11. ~~**Avoid Natural Hazard Areas.** Roads shall not be constructed in 10-year flood areas, on steep or naturally unstable slopes, in avalanche paths or in other hazardous areas except where no alternative is feasible.~~

12. ~~**Minimize Impact on Wildlife.** Roads shall be designed to minimize impacts on wildlife, significant wildlife habitat or migration routes.~~

13. ~~**Minimize Impact on Agriculture.** Roads shall be designed to accommodate ranching activities and stock driveways.~~

14. ~~**Mass Transportation Facilities.** Bus stops and shelters shall be located to take advantage of existing parking opportunities.~~

H. ~~Development Street Design~~

~~In order to ensure safety, efficiency, residential quality, lower housing costs, and environmental protection, and to avoid over design and the confusing network of undifferentiated street types commonly found in subdivisions, all development street systems shall be laid out in accordance with generally accepted standards of the American Association of State Highway and Transportation Officials (AASHTO.) The arrangement of streets in new developments shall make provision for the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided or developed) insofar as such may be deemed necessary by the County Commissioners. The street arrangement shall be such as to cause no unnecessary hardship to owners of adjoining properties when they develop their land and seek to provide convenient access to it. Any right-of-way for arterials, major collectors, and minor collectors shall not be included within private lots, but shall be platted as a separate entity.~~

I. ~~Traffic Impact Study~~

~~Proposed subdivisions or other developments which will generate more than 1,000 vehicle trips per day shall conduct a traffic impact study to determine any need for additional acceleration, deceleration, traffic, or turning lanes, signalization, or other roadway improvements on roads affected by the development. The traffic impact study shall be reviewed by the Planning Director, the County Engineer, and the County Road & Levee ManagerSupervisor and will normally include current traffic counts, projected subdivision or development traffic generation, County traffic projections for roads affected by the subdivision or development, calculated capacity of existing and proposed roadways, calculation of intersection capacities and warrants for signalization, turn lanes, channelization, etc., estimates of bicycle and pedestrian movements, and other similar elements as required by the Planning Director.~~

J. ~~Design Traffic Volumes~~

~~Where average daily traffic (ADT) is referenced in this Section, traffic volumes for State and County roads shall be as described in information maintained by the Planning Director. For existing and proposed roads, ADT shall be calculated using rates derived from "Trip Generation" by the Institute of Transportation Engineers and "Trip Generation Intensity Factors" developed by the Arizona Department of Transportation and the Federal Highway Administration.~~

1. ~~**Best Available Information for Trip Generation.** Where proposed uses are not included in these references or more recent information is available, traffic generation shall be determined by the Planning Director based on the best available information.~~

2. ~~Trip Generation for Residential Uses. For residential uses the following trip generation factors are to be used per dwelling unit:~~

Trip Generation for Residential Uses	
Residential Uses	Trip Generation Factor
Single Family	9.5
Townhouse	7.2
Apartment	6.7
Condominiums are considered townhouse or apartment, depending on which type of design they most closely resemble.	

K. ~~Minimum Design Standards~~

~~All roads under County jurisdiction shall conform to the standards described in the table below. Also see the Fire Protection Resolution for additional design standards.~~

L. ~~Cul-De-Sac Streets~~

~~Cul-de-sac streets shall be designed to permit future access to other land ownerships where practical, and be designed and located with safety considerations in mind. All cul-de-sacs shall have a terminus consisting of a minimum outside radius of 45 feet, or a "T" or "L" layout having 60 foot legs. In steep or mountainous terrain, where excessive grading would result from a full-sized cul-de-sac, the "T" or "L" legs may be reduced to 45' in length with the approval of the Teton County Engineer.~~

M. ~~Half-Streets~~

~~Half-streets along a development boundary or within any part of a development shall not be permitted. The full right-of-way and pavement width of all classes of streets shall always be provided, except where an arterial or collector road is shown on the Highway Master Plan Map along a property boundary. In such case, minimum half-street right-of-way shall be 60 feet or one-half the required right-of-way, whichever is greater.~~

Minimum Planning and Design Standards****					
Functional Class	Arterials	Collectors		Local	
		Major	Minor	Major	Minor
Design Item					
Right-Of-Way Width (Feet)	150	120	80	60	60
Typical A.D.T.	over 5,000	2,000-5,000	500-2,000	200-500	20-200
Design Speed* (MPH)					
Level Terrain	60	40	35	30	25
Rolling Terrain	50	30	30	25	20
Mountainous Terrain	40	25	25	25	15
Minimum Horizontal Radius (Feet)	***	***	***	140**	100**
Intersection Separation (Feet)	2,500	600	300	125	125
Width Of Travel Lanes (Feet Per Lane)	12	12	11	10	10
Width Of Shoulders (Paved)(Feet Each Side)	8	5	4	0	0
Bike Lane Required To Be Striped	YES	YES	YES	NO	NO
On-Street Parking Allowed	NO	NO	NO	NO	NO
Width Of Pedestrian Equestrian Trail (Feet One Side)	10	10	10	0	0
Surface Type	Paved	Paved	Paved	Gravel	Gravel

* Minimum Design Speed. Except where specified otherwise in this Section, geometric design features shall at a minimum be consistent with the design speeds listed in the table in 7.6.4.N. for the appropriate terrain type, except that, unless specified otherwise by the Board of County Commissioners, design speed for designated scenic roads may be reduced by 10 mph.

** Widening on the inside of sharp curves shall be provided. Additional width equal to 400 divided by the curve radius in feet is recommended.

*** In accordance with AASHTO requirements.

**** Also see the Fire Protection Resolution for additional design standards.

N. ~~Road Design Standards~~

~~All roads and streets in Teton County shall be designed and constructed in accordance with the policies and standards contained in this Division. Where standards are not specified, the current standards of the American Association of State Highway and Transportation Officials (AASHTO) shall be followed.~~

1. ~~**Urban Road Design.** Roads located within urban areas as defined in this Section shall be designed and constructed in accordance with a comprehensive set of standards acceptable to the Planning Director. Those within 1 mile of the Town of Jackson, and within 1.5 miles of the Jackson sewer line shall conform with standards specified by the Town of Jackson.~~

2. ~~**Grades.** Maximum grades for any design speed shall be those described in the table below. Also see the Fire Protection Resolution for additional standards pertaining to grade of roads.~~

3. ~~**Alignment.** Switchback roads in mountainous terrain may be constructed with radii certified, by a registered Wyoming Civil Engineer, as meeting the minimum requirements of the projected traffic on the road.~~

4. ~~**Super-Elevation.** Super-elevation shall not exceed 0.08 ft. per foot.~~

5. ~~**Surface Types.** For each functional road class, the surface types specified in the table above, shall be the minimum requirements. Pavement structure shall be designed by a registered Wyoming Civil Engineer based upon expected traffic loads and existing soil conditions.~~

Maximum Grades (%)								
Type of Terrain	Design Speed (mph)							
	15	20	25	30	35	40	50	60
Flat*	7	7	7	7	7	7	6	5
Rolling**	10	10	9	9	8	8	7	--
Mountainous***	10	10	9	9	8	8	--	--

* Flat terrain refers to those lands within 10 year flood plains, and with slopes of less than 10%.

** Rolling terrain refers to those lands with slopes from 10 to 15%.

*** Mountainous terrain refers to those lands on steep or naturally unstable hillsides, and lands with slopes in excess of 15%.

For Major and Minor Local Roads, grades may be increased to 150% of the values shown above for a distance not to exceed 500 feet.

6. ~~**Traffic Control Devices.** Signs, pavement and other markings, and traffic signal controls shall be required in accordance with the "Manual on Uniform Traffic Control Devices for Streets and Highways" (FHWA).~~

7. ~~**Structures.** Bridges, culverts, walls, tunnels, and other structures shall be designed and certified by a registered Wyoming Civil Engineer as meeting the minimum requirements for the intended use, traffic load, and soil conditions. The burden of proof of the adequacy of such standards shall rest with the applicant for any development or subdivision permit.~~

   a. ~~**Local Minor Bridges.** Roads of Local Minor Category (ADT of 20-200) or less require bridges designed to HS-20 criteria.~~

b. ~~Single Lane Bridges. Single lane bridges may be constructed on roads having a total projected ADT ≤ 250 for all development, including adjacent undeveloped land, that may reasonably be expected to be accessed by the bridge; and as long as the design is safe, considering such factors as sight distance and approach gradient and as long as a clear 14 foot travel way is provided as required by the Jackson/Teton County Fire Department.~~

8. ~~Drainage. Culverts or bridges of adequate strength shall be installed whenever natural drainages are crossed or no less often than 750 feet to transfer water to the downhill side of a road section. They shall be sized to pass the floodwaters of a storm having a two year frequency. The minimum culvert size is 18 inches. Crossings of natural drainages shall be designed and constructed to provide for the natural passage of fish when deemed appropriate by the Planning Director.~~

   a. ~~Maintain Irrigation Flow. All stream and/or ditch crossings must be designed and constructed so as to not restrict irrigation flow to any degree.~~

   b. ~~Conformance with LDRs. All drainage, erosion control and grading items shall be conducted in accordance with these LDRs.~~

9. ~~Access Approaches. Approaches to County roads shall have a roadbed width of not less than 20 feet and a minimum radius at the shoulders of 15 feet. They shall have the same type of pavement as the County road being accessed from the right-of-way line to the shoulder of the County road. Appropriate culvert pipe shall be placed under the approach as directed by the County Road & Levee ManagerSupervisor. In all other respects approaches shall conform with the applicable standards of the current version of the Wyoming Department of Transportation's "Rules and Regulations for Access Driveways to Wyoming State Highways".~~

10. ~~Street Name Signs. Street name signs shall be installed at all intersections within, and entrances into, any development. Name signs at these locations shall be placed at least 7 feet above the ground, with the street names parallel to their respective streets. The letters shall be clearly readable and at least 4 inches in height for street names, and 2 inches in height for compass and street abbreviations. Street signs for each street shall be readable from both sides.~~

11. ~~Road Location within Easement. Roadways shall be designed so that the road is constructed at least 8 feet from the edge of the easement.~~

O. ~~Plans and Specifications~~

1. ~~In addition to any County requirements for materials to accompany applications for development permits, subdivision permits or similar County approvals, plans and specifications for pathways or for roads other than private drives, prepared by a registered Wyoming Civil Engineer, shall be submitted to the Planning Director for review prior to construction. The technical specifications shall be those specified in this Division. If no applicable standards are established by this Division, the plans and specifications shall be designed and certified by a registered Wyoming Civil Engineer as meeting the minimum requirement of~~

~~the intended use. The burden of proof of the adequacy of such standards shall rest with the applicant and final determination shall be by the Board of County Commissioners.~~

2. ~~Plans shall include typical cross-sections, plan and profile sheets, cross-section sheets indicating sections appropriately spaced in consideration of the gradient of the roadway, pavement design, calculations, and drainage plans.~~

P. ~~Inspections~~

~~For subdivisions or other developments, the following inspections shall be required by County officials during construction:~~

1. ~~Plan Inspection. A field review of the proposed roadway or bikeway when completed plans are available, prior to construction (review of development permit for construction).~~

2. ~~Staking Inspection. A field review of slope staking, at least every 200 feet, prior to clearing and/or grading.~~

3. ~~Grading and Drainage Inspection. A field review of grading operation and drainage installation prior to placement of any sub-base material. Check measurements shall be made of cross-section dimensions and drainage structures and soil compaction may be checked.~~

4. ~~Pavement Inspection. A field review of pavement placement. Shall include check measurements of depths and widths.~~

5. ~~Final Construction Inspection. A field review when all items are completed.~~

Q. ~~Maintenance~~

~~Most state and federal highways are maintained by the Wyoming Department of Transportation. Other roads within National Parks and Forests are maintained by the appropriate federal agency in accord with their adopted standards and practice. Roads accepted as County roads may be maintained by the County. Otherwise, maintenance of subdivision or other roads shall be the responsibility of private individuals, homeowners' associations, improvement districts or similar entities.~~

7.6.5. ~~Easements and Right-of-Way Dedication (1/1/15)~~

A. ~~Road and Pathway Rights-of-Way~~

~~In any project requiring a permit, required rights-of-way for any arterial, major collector, or Pathway shown on the Transportation Master Plan Map and supporting documents, insofar as they may lie on or adjacent to the site of the proposed subdivision or development shall be dedicated to Teton County or to the State of Wyoming, as appropriate, for use as County or State roads, highways or pathways, based on the amount of demand created by the proposed development. Easement requirements beyond that demand must be acquired by the appropriate agency. Width of the required rights-of-way shall be as described in the table in Sec. 7.6.4.,~~

~~and on the Transportation Master Plan Map and other supporting documents. This requirement shall include dedication of any required additional rights-of-way for existing State or County roads lying within or adjacent to the site.~~

1. ~~**Required Dedication.** Where the site of a subdivision or other development is contiguous to or contains an existing or proposed arterial indicated on the Transportation Master Plan Map, the Board of County Commissioners may require dedication of additional right-of-way, to provide for access streets, bus stop or shelter locations, planting screens, walls, berms or other elements which may be necessary for adequate protection of residential properties or to afford separation of local and through traffic. The extent of participation in the easement by the developer or landowner will be determined by the demands created by proposed development.~~

2. ~~**Form of Dedication.** Dedication of rights-of-way for County roads or pathways shall be in fee simple by a separate general warranty deed or quitclaim deed (when approved by the Board), by dedication on a recorded subdivision plat, or by a recorded easement, as required by the Board of County Commissioners.~~

3. ~~**Dedication for State Highways.** Dedication of rights-of-way for State highways shall be in a form determined by the Wyoming Department of Transportation. In lieu of dedication to the State of Wyoming for such highways, the Board of County Commissioners may approve the dedication of such required rights-of-way to Teton County, in conformance with the requirements above for dedication of County roads, for future transfer to the State of Wyoming as required.~~

4. ~~**Timing of Dedication.** Dedication of any required rights-of-way shall be completed prior to Subdivision Plat signature for any subdivision, or to issuance of the permit for any other project. However, for any permit for the master plan of a Planned Unit Development for which subdivision plats have not yet been approved or where the Board of County Commissioners determines that immediate dedication of right-of-way is not required or would disrupt continuation of agricultural activities, the required right-of-way may be set aside in a formal reservation for future dedication, including an accurate survey description of the required lands, to be recorded with the Clerk of Teton County. Where such a reservation has been recorded, it shall be binding on all future owners of the underlying property and shall so state. Such reserved right-of-way shall be dedicated to the County or State as described above upon application for Subdivision Plat signature for any subdivision including or adjacent to the right-of-way, upon the approval of any permit for construction activity on the site (other than such activity undertaken for agricultural or flood control purposes), upon its change of use from agricultural to any other use, or upon a finding by the Board of County Commissioners that the reserved right-of-way is required by the County or State for road or bikeway construction purposes.~~

B. ~~Nonroad Transportation Easements~~

~~Easements provided in any subdivision or other development shall be in accordance with the following:~~

1. ~~**Emergency Access Easements.** Emergency access easements shall be provided on all private streets or roads and other emergency vehicle lanes. Adequacy of such areas shall be determined by the County Sheriff and the Jackson/Teton County Fire Department.~~

2. ~~**Cut and Fill Easements.** Cut and fill easements shall be provided when street or road cuts and fills are not within a street or road right-of-way.~~

3. ~~**Sidewalk or Walkway Easements.** Sidewalk or walkway easements may be required to be provided when pedestrian facilities are not within a dedicated street right-of-way. Minimum easement width shall be 6 feet, though wider easements are encouraged to allow for landscaping, walkway curvature and an enhanced visual experience for pedestrians.~~

4. ~~**Pathway Easements.** Pathway easements shall be provided when such facilities, when required, are not proposed to be located within a dedicated road right-of-way. Minimum easement width shall be 12 feet, though wider easements are encouraged in order to enhance the recreational experience of the user and facilitate maintenance. The amount of participation by the developer or landowner in the easement will be determined by the demand created by the proposed development.~~

5. ~~**Cattle Drive Easements.** Where movement of cattle is necessary, particularly from summer range on National Forest and National Park property to private holdings in Teton County, and motor vehicle traffic levels are such that cattle movement cannot be done safely on road rights-of-way or will seriously disrupt motor vehicle traffic, cattle path easements shall be provided. Except where the Board of Commissioners has determined that such an easement shall be obtained or maintained by the County, such easements will be to private individuals or corporations and be maintained by them. Width shall be as determined by the fee simple landowner and the holder of the easement.~~

6. ~~**Other Easements.** Other easements shall be provided as required by the Board to the extent that the proposed development creates a demand for such easements.~~

C. ~~Easement Location~~

~~Easements shall be properly located or monumented in accordance with applicable Wyoming Statutes.~~

D. ~~Construction Responsibility~~

~~Except as required otherwise by this Division, all improvements located in, on, over or under an easement shall be constructed by the appropriate agency. The underlying fee simple property owner shall not interrupt or in any way interfere with the lawful construction of improvements within the easement.~~

E. ~~Maintenance Responsibility~~

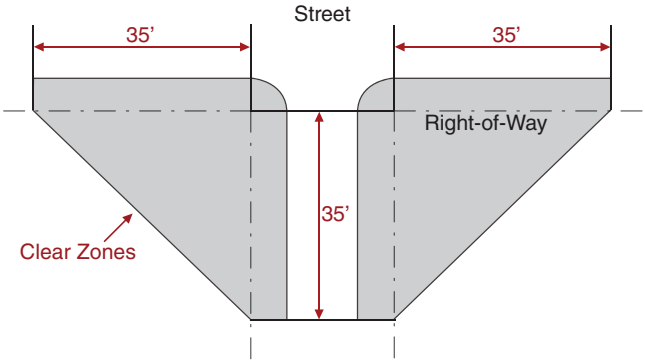
~~Other than County, State or Federal road easements, all easements shall be maintained by the underlying fee simple property owner and all improvements located in, on, over or under easements shall be maintained by the applicable or designated agency.~~

1. ~~**No Interference.** Other improvements provided by the fee simple property owner shall not interrupt or in any way interfere with the designated and continued use and maintenance of the easements and improvements located thereon.~~

2. ~~**County Maintenance.** Except for designated County roads, Teton County shall not be responsible for maintenance of easements and/or improvements thereon, unless otherwise approved by the Board of County Commissioners.~~

7.6.6. ~~Clear View of Intersecting Streets (1/1/15)~~

~~No signs or other obstructions shall be permitted to be located in road rights-of-way and in the clear zones as indicated below, except required essential traffic control signs.~~



Div. 7.7. ~~Required Utilities~~

7.7.1. ~~Purpose (1/1/15)~~

~~The design, layout and construction of utilities shall conform with the standards of this Division. The standards for design, construction, specifications, and inspection of improvements, as prescribed in this Division, shall be in addition to the standards established by other County Departments.~~

7.7.2. ~~Potable Water Supply (1/1/15)~~

A. ~~Public Water Supply Reasonably Accessible~~

~~Where an approved public water supply is reasonably accessible or procurable, the applicant shall make application to the appropriate authority to connect to such water supply. If approval is granted, the applicant shall connect to the system and install water lines to make the water supply available to each lot of record within the development at its property line.~~

B. ~~Water Supply Not Accessible~~

~~Where an approved public water supply is not reasonably accessible or procurable, the applicant shall, at the discretion of the Board of County Commissioners, either:~~

1. ~~**Install Central Water Supply System.** Install a central water supply system and water lines to the lot line of each lot of record from wells or other approved sources in accord with the State Department of Environmental Quality, and with the approval of the County and the State Engineer, or~~

2. ~~**Evidence Water Supply Available to Each Lot of Record.** Submit evidence satisfactory to the County Engineer that an adequate water supply meeting all State and County requirements is otherwise available to each lot of record in the proposed development, such as by an individual well.~~

C. ~~Fire Fighting Water Supply or Fire Hydrants~~

~~The developer shall provide a fire fighting water supply or fire hydrants within the development. Such hydrants shall be of the type, size, and number and installed in such locations specified by the County Fire Protection Resolution.~~

7.7.3. ~~Sanitary Sewer Systems (1/1/15)~~

A. ~~Public Sanitary Sewer System Available~~

~~Where a public sanitary sewer system is located within 500 feet, and legal access is obtainable, the applicant shall connect to such sanitary sewer system and provide adequate connection lines to the property line of each lot of record.~~

B. ~~Public Sanitary Sewer Not Reasonably Available~~

~~Where a public sanitary sewer is not located within 500 feet, the applicant shall install sewage disposal facilities, or lot owners shall install individual septic tanks and sewage disposal systems for each lot of record, which shall be approved by the County Sanitarian. The applicant shall furnish to the satisfaction of the County Sanitarian or State Department of Environmental Quality a report of percolation, groundwater and soils tests; these tests shall be performed in sufficient numbers and completed on the land by a licensed engineer or land surveyor indicating that a sufficient number of soils tests with results have been made in separate test holes spaced uniformly over proposed absorption field sites, and that the results of such tests indicate that percolation rates and high groundwater levels are adequate to permit the installation of the proposed type of soil absorption system without creating sanitation or pollution problems. The use of individual sewage disposal systems shall be subject to review, inspection of construction and approval of construction by the County Sanitarian. See the Teton County Small Wastewater Facilities Resolution for permit requirements and design standards.~~

7.7.4. ~~Irrigation Ditch Systems and Design (1/1/15)~~

A. ~~Surface Water Rights~~

~~If there are surface water rights appurtenant to the lands to be subdivided, the developer shall provide evidence that the requirements of Section 18-5-306(a)(12), Wyoming Statutes, 1977, as amended will be complied with.~~

B. ~~Irrigation Water~~

~~If irrigation water is to be made available in a development, it shall be the responsibility of the developer to install an approved delivery system. Such a system shall meet minimum delivery requirements for the development and shall encompass the control of wastewater, drainage water and surface water resulting from irrigation, and protect and deliver the water rights of others using the same water source. The irrigation delivery system shall be approved by the State Engineer. The irrigation system/ditches also shall be approved by the County Sanitarian as to how it affects the operation of individual sewage disposal systems on lots of record in the immediate and adjacent areas of the development.~~

C. ~~Restriction of Methods~~

~~The County may restrict the methods of irrigation to be employed in order to prevent an artificial and detrimental rise of the groundwater table under the subdivided land or adjacent lands.~~

D. ~~Setbacks~~

1. ~~Intent. Setbacks from irrigation ditches shall provide for the maintenance of ditches while also protecting water quality and promoting agriculturally related scenic resources and wildlife habitat.~~

2. ~~**General.** Physical Development, including architectural projections, shall be set back a minimum of 15 feet from the top of bank of all open irrigation ditches and the centerline of all piped irrigation ditches; notwithstanding, adequate access for maintenance of the ditch shall be provided to the organized or un-organized ditch company, or any water rights owner on the ditch.~~

3. ~~**Exceptions.** The following types of physical development are exempt from the 15 foot irrigation ditch setback. Notwithstanding, the requirements of all State Statutes applicable to irrigation ditches shall be satisfied.~~

   a. ~~**Maintenance of the Ditch.** Maintenance of the ditch by the organized or un-organized ditch company, or any water rights owner on the ditch.~~

   b. ~~**Private Lateral.** Development along a lateral that has no downstream users and terminates on the property being developed.~~

   c. ~~**Pipeline in Existing Easement.** Development along a piped ditch, when the piped ditch is within a maintenance easement existing as of September 24, 2007. Notwithstanding, the physical development shall not occur within that easement.~~

   d. ~~**Essential Access.** Ditch crossings for essential access are permitted provided that they do not obstruct the maintenance of the ditch, or historic flow of the ditch.~~

   e. ~~**Agriculture.** Non-structural, agricultural development may encroach into the ditch setback.~~

   f. ~~**At Grade Paths and Roads.** An at grade path or road may encroach upon demonstration to the satisfaction of the Planning Director that:~~

      i. ~~it will not obstruct maintenance of the ditch;~~

      ii. ~~it will not adversely impact the water quality in the irrigation ditch or irrigation system within which the irrigation ditch is a part;~~

      iii. ~~it will not cause any change in the hydrology of neighboring lands; and~~

      iv. ~~it will not cause safety problems for those persons using the proposed path or road.~~

4. ~~**Note on Development Plan/Subdivision Plat.** Required setbacks from ditches shall be noted on the Development Plan and/or Subdivision Plat.~~

E. ~~Irrigation Ditch Alteration~~

~~The following standards apply for any alteration of an irrigation ditch. This includes moving the irrigation ditch, enclosing the irrigation ditch, or causing any other change in the characteristics of the irrigation ditch. Notwithstanding, ditch alteration for agricultural purposes and alteration of a lateral that has no downstream water rights and terminates on the property of the alteration shall be exempt from the requirements of this Subsection.~~

1. ~~**Consultation with Water Commissioner.** An applicant proposing to alter a ditch shall provide evidence that the proposed alteration has been presented to the local Water Commissioner for the district in which the alteration is proposed.~~

2. ~~**Grading Permit Required.** A Grading and Erosion Control Permit prepared pursuant to Div. 5.7. is required for all ditch alterations. The permit application shall be prepared by a professional engineer registered in the State of Wyoming or by both a land surveyor and a landscape architect registered in the State of Wyoming.~~

3. ~~**Restriction of Methods.** The County may restrict the methods of irrigation to be employed in order to prevent an artificial and detrimental rise of the groundwater table under the lands of the alteration or adjacent lands.~~

4. ~~**Setback from Edge of Ditches.** The top of bank of all altered open ditches and the centerline of all altered piped ditches shall be set back a minimum of 15 feet from all property lines and conform to all other setback standards.~~

7.7.5. ~~Other Utilities (2/22/15)~~

A. ~~Buried Utilities Required~~

~~All utilities shall be installed underground; except that, outside of the Wildland-Urban Interface an existing above-ground fuel tank may be replaced above ground.~~

B. ~~Easements~~

~~Where utilities are not provided within a dedicated road right-of-way, easements of not less than 30 feet shall be provided for accommodating water lines, sanitary sewers and stormwater drainage. Minimum width of easements for power lines, telephone lines, and other utilities shall be 15 feet.~~

7.7.6. ~~Fuel Storage Tanks (1/1/15)~~

~~[Section number reserved, standards only apply in Town]~~

Div. 7.8. Workforce Housing Incentive Program (1/1/17)

[Division number reserved, standards only apply in Town]

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Div. 8.1. General

8.1.1. Purpose and Intent (1/1/15)

The purpose of this Article is to establish uniform procedures for the administration of these LDRs. The general objectives to be achieved through these procedures are to:

A. Ensure compliance with the purpose and provisions of these LDRs;

B. Ensure equitable processing of all applications;

C. Protect the health, safety, and welfare of current and future residents of the community;

D. Ensure conformance and coordination of physical development, use, development options, and subdivision with the public improvement and other plans of the community;

E. Ensure well organized and uniform land records to facilitate the physical development, use, development options, and subdivision of land; and

F. Safeguard the interests of the public, landowners, and developers.

8.1.2. Organization of Procedures (1/1/15)

The administrative procedures in this article are grouped into three categories.

A. Common Procedural Standards (Div. 8.2.)

Division 8.2 establishes the generally applicable procedural standards utilized in the application review processes.

B. Specific Review Processes (Div. 8.3.-Div. 8.8.)

Divisions 8.3-8.8 establish the review processes for applications submitted pursuant to these LDRs. For each application the purpose, applicability, and findings for approval of the application are established. The steps of the review process for each application are also established in a flow chart that identifies the timing and standards that apply. The applications are organized into 6 groups.

1. Physical Development Permits (Div. 8.3.) These applications seek to permit the physical development allowed in Subsection B of each zone (Articles 2-4).
2. Use Permits (Div. 8.4.). These applications seek to permit the uses allowed in Subsection C of each zone (Articles 2-4).
3. Development Option and Subdivision Permits (Div. 8.5.). These applications seek to permit the development options and subdivision allowed in Subsection D of each zone (Articles 2-4).
4. Interpretations of the LDRs (Div. 8.6.). These applications seek to clarify the applicability of a provision of these LDRs or the compliance of a site with these LDRs.
5. Amendments to the LDRs (Div. 8.7.). These applications seek to amend the text of the LDRs, the Official Zoning Map, or both.
6. Relief from the LDRs (Div. 8.8.). These applications seek to relieve the applicant from a provision or interpretation of these LDRs.

C. Enforcement Actions (Div. 8.9.)

Division 8.9 establishes the procedures and standards for enforcement of violations of these LDRs.

8.1.3. Additional Resources (1/1/15)

A. Administrative Manual

The Planning Director is authorized to prepare an administrative manual to assist in the processing and review of applications and the administration of these LDRs. A copy shall be maintained on the County website and in the Planning Department and made available for the public to review during normal business hours. The administrative manual may include:

1. A fee schedule adopted by resolution of the Board of County Commissioners;
2. Application submittal requirements;
3. Additional details on application review procedures; and
4. Other similar details of LDR administration that implement these LDRs.

B. Fee Schedule

A fee schedule shall be established and may be revised from time to time by the Board of County Commissioners. The purpose of each fee in the fee schedule is to defray the costs of processing the application.

8.1.4. Informal Discussion (1/1/15)

Staff is available to answer questions about these LDRs. Discussion by staff is meant to assist in the facilitation of implementation of these LDRs, but is in no way binding on the County.

8.1.5. Summary of Procedures (1/1/15)

The below table summarizes the review process for each application type. The full detail and requirements for each application process can be found in Div. 8.2.-Div. 8.7.

Summary of Application Review Processes					
	Pre-Submittal	Submittal	Review	Decision	Post-Decision
Physical Development Permits (Div. 8.3.)					
Sketch Plan	PAP, EA*, Nmtg	X	Staff, PRC, [PC]	[BCC]	DP
Development Plan	PAP, EA*, Nmtg*	X	Staff, PRC, [PC]	[BCC]	BP, GP, S/D
Building Permit	PAP*, EA*	X	Staff, PRC*	BO	
Grading Permit	PAP*, EA*	X	Staff, PRC*	Eng	
Sign Permit		X	Staff, PRC*	PD	
Use Permits (Div. 8.4.)					
Basic Use Permit	EA*	X	Staff, PRC*	PD	
Conditional Use Permit	PAP, EA*, Nmtg*	X	Staff, PRC*, [PC]	[BCC]	
Special Use Permit	PAP, EA*, Nmtg	X	Staff, PRC*, [PC]	[BCC]	Yrly Rev.
Development Option/Subdivision Permits (Div. 8.5.)					
Development Option Plan	PAP, EA*	X	Staff, PRC*	PD	
Subdivision Plat	DP	X	Staff, PRC	[BCC]	
Exempt Land Division		X	Staff, PRC*	PD	
Boundary Adjustment	ZCV	X	Staff, PRC	PD or [BCC]	
Interpretations of the LDRs (Div. 8.6.)					
Formal Interpretation		X	Staff, PRC*	PD or Eng	
Zoning Compliance Verification		X	Staff, PRC*	PD	
Amendments to the LDRs (Div. 8.7.)					
LDR Text Amendment	PAP*, Nmtg*	X	Staff, PRC*, [PC]	[BCC]	
Zoning Map Amendment	PAP, Nmtg	X	Staff, PRC*, [PC]	[BCC]	
Planned Unit Development	PAP, EA*, Nmtg	X	Staff, PRC, [PC]	[BCC]	DP, BP, GP, S/D
Relief from the LDRs (Div. 8.8.)					
Administrative Adjustment		X	Staff, PRC*	PD	
Variance		X	Staff, PRC*, [PC]	[BCC]	
Appeal of Administrative Decision		X	HO*	[BCC]	
Beneficial Use Determination		X	HO	[BCC]	
Enforcement (Div. 8.9.)					
Revocation or Suspension of Permit		X		[BCC]	
Abatement of Violation		X	HO*	[BCC]	

X = required | * = Optional or Sometimes Required | [ ] = Public Hearing Required
PAP = Pre-application Conference | Nmtg = Neighborhood Meeting | EA = Environmental Analysis | DP = Development Plan
PRC = Plan Review Committee | PC = Planning Commission | HO = Hearing Officer
PD = Planning Director | Eng = County Engineer | BO = Building Official | BCC = Board of County Commissioners
BP = Building Permit | GP = Grading Permit | S/D = Subdivision Plat

Div. 8.2. Common Procedural Standards

This Division establishes the review standards common to many of the processes established in this article. The applicability of these common procedures to specific processes is established in Div. 8.3.-Div. 8.9. These common procedures are organized in the same chronological manner in which they occur in the review process.

Pre-Submittal	» Pre-application Conference (Sec. 8.2.1.) » Environmental Analysis (Sec. 8.2.2.) » Neighborhood Meeting (Sec. 8.2.3.)
Submittal	» Submittal (Sec. 8.2.4.) » Determination of Sufficiency (Sec. 8.2.5.)
Review	» Staff Review and Recommendation (Sec. 8.2.6.) » Planning Commission Recommendations (Sec. 8.2.7.)
Decision	» All Decisions (Sec. 8.2.8.) » Planning Director and County Engineer Decisions (Sec. 8.2.9.) » Board of County Commissioners Decisions (Sec. 8.2.10.)
Post-Decision	» Performance Bonds and Guarantees (Sec. 8.2.11.) » Permit Issuance (Sec. 8.2.12.) » Amendment of Permits or Approvals (Sec. 8.2.13.)
General	» All Public Hearings (Sec. 8.2.14.)

PRE-SUBMITTAL

8.2.1. Pre-application Conference (1/1/15)

A. Purpose

The purpose of the pre-application conference is to identify the standards and procedures of these LDRs that would apply to a potential application prior to preparation of the final proposal and to identify the submittal requirements for the application. The intended outcome is that the applicant and the County each understand the anticipated key issues to be evaluated in review of the proposal.

B. Applicability

See Div. 8.3.-Div. 8.8. for the processes that require a pre-application conference. A required pre-application conference shall be held with staff.

C. Optional Conferences

A pre-application conference may be requested for any application. For applications that require public hearing, an additional pre-application conference may be requested with the Planning Commission, or Board of County Commissioners.

D. Timing

A pre-application conference shall be held prior to the submittal of an application. A potential applicant shall initiate a request for a pre-application conference pursuant to Sec. 8.2.4. The pre-application conference shall be scheduled for a date acceptable to the requester that is within 60 days of receipt of the request.

E. Conference Focus

At the pre-application conference, the applicant and representatives of the County shall discuss the potential proposal to identify the standards and procedures that would apply to the proposal. Applicable LDR provisions not identified at the pre-application conference or amended following the pre-application conference are still applicable to the proposal. The level of detail of the County's review will match the level of detail contained in the materials submitted with the request for the pre-application conference. The pre-application conference is intended as a means of facilitating the application review process; discussions at the meeting and the written summary of the meeting are not binding on the County.

F. Conference Summary

The pre-application conference requester shall be provided a written summary of the pre-application conference within 14 days of its completion.

G. Expiration

A pre-application conference only satisfies a pre-application conference requirement if the application for which it is required is submitted within 12 months of the pre-application conference.

8.2.2. Environmental Analysis (EA) (8/7/18)

A. Purpose

The purpose of an Environmental Analysis (EA) is to coordinate the application of all natural resource protection standards through identification of the natural resources on a site. An EA review does not result in application approval, it results in recommended natural resource protections for an application.

B. Applicability

Unless exempted below, physical development, use, development options, and subdivision subject to Div. 5.1. or Div. 5.2. shall complete an EA in accordance with the requirements of this Section.

1. Exemptions

   a. **Agriculture.** Activities conducted for agricultural purposes meeting the standards for exemption in Section 6.1.3.B.

   b. **Previous Approval.** Physical development, use, development options, and subdivision that has received approval in accordance with the LDRs.

c. NC-TC. All development located within the NC-TC zone, or within the R-1, R-2 or R-3 zones on land zoned NC-TC on March 31, 2016, except new subdivision, habitat ponds, and berms.

d. Detached Single-Family Dwelling. Physical development of a detached single-family dwelling if:

i. The proposed location is not within the NRO;

ii. It is the only dwelling unit on the lot of record, or the density on the site is less than or equal to one dwelling unit per 35 acres of base site area; and

iii. Compliance with all setback and buffer standards in Div. 5.1. and Div. 5.2. is demonstrated.

e. Expansion. Expansion of an existing building or the addition of an accessory structure within the impact area of the existing building.

f. Conservation Easement. Land subject to a conservation easement held by a formal land trust that has a mandate to protect conservation values, for which a rigorous review and study of the conservation values of the land has been performed as a basis for establishing the easement, if the applicant demonstrates that the review and study satisfies the objectives of the EA. In such instances the review and study completed for the conservation easement may be substituted for the EA.

g. Other. The Planning Director may waive the requirement for an EA if the development complies with the following:

i. The lot of record is outside the NRO and the application demonstrates compliance with all setback and buffer standards in Div. 5.1. and Div. 5.2.; or

ii. The lot of record is in the NRO but is also in an area that has well-documented habitat information where additional physical development, use, development options and subdivision is anticipated to have minimal additional negative impacts to animal species protected by Sec. 5.2.1. While an EA is not required for lands meeting this exemption, development on such lands shall still be subject to certain standards for development determined appropriate by the Planning Director or the Board of County Commissioners.

C. Professional Preparation

An EA shall be prepared by an environmental professional with expertise in the subject of environmental sciences based on education, professional certifications, experience in the field, and their understating of these LDRs, the Jackson/Teton County Comprehensive Plan, and the goals and objectives thereof.

1. For the following applications the environmental professional shall be hired by the applicant:

a. Building permit;

b. Grading permit;

c. Basic use permit; or

d. Development option plan.

2. For the following applications the environmental professional shall be hired by Teton County at the cost of the applicant pursuant to the process for identifying, selecting, and compensating a qualified EA consultant established in the Administrative Manual:

a. Sketch plan;

b. Development plan;

c. Conditional use permit;

d. Special use permit; or

e. Planned Unit Development.

3. For applications with a County hired consultant, the applicant may hire an additional environmental professional to submit the applicant's own EA and/or review and comment on the EA prepared by the Teton County contracted EA consultant. The applicant's chosen environmental professional shall provide documentation of qualifications upon the request of the Planning Director.

D. Substantial Changes

When changes are made to the proposal after the EA has been completed, so that the accuracy of the EA is significantly compromised, the Planning Director may require that the applicant provide updated analysis data to address the changes.

E. Expiration

1. An EA that is completed 3 or more years before the submittal of the associated application shall not be considered current and shall not meet the requirements of this Section.

2. Notwithstanding the standard above, the Planning Director may require a wholly new or amended EA for EAs that are less than 3 years old if the standards or circumstances analyzed have been altered significantly.

3. The Planning Director may extend the expiration date of an EA beyond 3 years if:

a. No significant development has occurred in the vicinity of the proposed development that would significantly alter wildlife patterns or habitat; and

b. There have been no other significant changes that render the analysis and conclusions in the EA outdated or inaccurate.

F. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete the each step before moving to the step below.

Environmental Analysis

EA PRE-APPLICATION CONFERENCE	Conference within 60 days of request; summary within 14 days of conference	1. The EA consultant shall have an EA pre-application conference with staff. The purpose of the EA pre-application conference is to complete the EA checklist. It shall not take place until the applicant can accurately represent the scale, type and location of the proposed development. The meeting shall be conducted pursuant to Sec. 8.2.1.
HABITAT INVENTORY AND DEVELOPMENT IMPACT ASSESSMENT		2. The habitat inventory and development impact assessment composed of the information identified in the EA checklist shall be submitted by the EA consultant. It is only after the Habitat Inventory and Development Impact Assessment for the proposed development have been reviewed by staff that alternative site designs can be accurately identified.
ALTERNATIVES ANALYSIS MEETING		3. The EA consultant shall have an alternatives analysis meeting with staff. The purpose of the alternative analysis meeting is to identify alternative site designs to be analyzed in the EA.
SUBMITTAL	Within 12 months of completion of pre-application conference summary	4. The EA consultant shall submit the full EA composed of the information identified in the EA checklist pursuant to Sec. 8.2.4. When required, a habitat enhancement plan shall be submitted and reviewed with the physical development, use, or development option permit application. In the case of a Sketch Plan review, the habitat enhancement plan shall be conceptual, with a completed habitat enhancement plan submitted with a later physical development permit.
SUFFICIENCY DETERMINATION	Within14 days of submittal	5. Staff shall determine sufficiency of the EA submittal pursuant to Sec. 8.2.5. Once the EA is determined sufficient, the physical development, use, or development option permit application may be submitted.
STAFF REVIEW AND RECOMMENDATION		6. Staff shall review the EA and make a recommendation to the Planning Director pursuant to Sec. 8.2.6.
PLANNING DIRECTOR RECOMMENDATION	Sketch Plan: recommendation within 60 days of sufficiency Other Permit: recommendation within 45 days of sufficiency	7. Based on the data and analyses contained in the EA, the Planning Director shall recommend a site design from the analyzed alternatives that best meets the applicable standards and objectives of Div. 5.1., Div. 5.2. and the Jackson/Teton County Comprehensive Plan. This recommendation may combine elements from each of the alternative site designs. The Planning Director may also recommend conditions of approval for the project based on the content of the EA.

NO

YES

8.2.3. Neighborhood Meeting (1/1/15)

A. Purpose

The purpose of the neighborhood meeting is to inform neighbors and other interested parties about the layout and potential impacts of a physical development, use, development option, or subdivision that is to be proposed. It is equally intended to provide the applicant an opportunity to hear comments and concerns about the proposal early enough in the review process to allow for modifications to the proposal to minimize adverse impacts.

B. Applicability

See Div. 8.3.-Div. 8.8. for the processes that require a neighborhood meeting. A neighborhood meeting is encouraged, but not required, before submittal of any other application that is subject to a public hearing, especially where significant impacts to the surrounding neighborhood are likely or where significant controversy is anticipated.

C. Notice

Notice of the neighborhood meeting shall state the time and place of the meeting and general nature of the development proposal.

1. **Mailed Notice.** The applicant shall mail notice of the neighborhood meeting at least 10 days in advance of the meeting to the Planning Director and all persons to whom mailed notice of the public hearing on the application is required by Sec. 8.2.14.
2. **Posted Notice.** The applicant shall post and maintain notice of the neighborhood meeting on the land subject to the application. The posted notice shall meet the standards established in 8.2.14.C.4.

D. Conduct of Meeting

1. **Time and Place.** The meeting shall be held at a place that is convenient and accessible to neighbors residing in close proximity to the land subject to the application.
2. **Conduct.** At the meeting, the applicant shall explain the proposal in sufficient detail to allow attendees to understand its general density, intensity, location, relationship to surrounding lands, appearance, and any other relevant issues. The applicant shall also listen to questions and concerns neighbors raise about the application.
3. **Staff Attendance.** Staff may attend the meeting for the purpose of advising attendees about applicable provisions of the LDRs and the Jackson/Teton County Comprehensive Plan, but shall not facilitate or become involved in discussions concerning the advantages or disadvantages of the development proposal.

SUBMITTAL

8.2.4. Application Submittal (1/1/17)

A. Authority to Submit

Unless expressly stated otherwise in these LDRs, applications reviewed under these LDRs shall be submitted by the owner, contract purchaser, or any other person having a recognized property interest in the land of the proposal.

1. The application may be submitted instead by a person authorized by a letter or document signed by the owner, contract purchaser, or other person having a recognized property interest in the land of the proposal.
2. If there are multiple owners, contract purchasers, or other persons authorized to submit the application, all such persons shall sign the application or a letter or document consenting to the application.

B. Application Acceptance

Applications required by these LDRs shall be submitted to the Planning Department in hard copy and electronically, as practicable, in a form provided by the Planning Department and shall be accompanied by:

1. The applicable fee required by the fee schedule maintained in the Administrative Manual; and
2. Sufficient information to determine compliance with these LDRs as determined pursuant to Sec. 8.2.5.

C. Application Examination

Any person may examine an application and any submitted supporting or opposing materials and reviews at any time during normal business hours at the Planning Department, upon reasonable request. Copies of materials shall be made available upon reasonable notice, at cost.

D. Application Consolidation

The application review process is intended to encourage efficient processing. Applicants are encouraged to consolidate the review of concurrent applications for a single site to the extent practical. Appropriate application consolidation will be established at the pre-application conference or by the Planning Director and may include the waiver of overlapping application requirements. The Planning Director may require application consolidation where the information from one application is necessary to review the compliance of another application.

E. Revisions

If an application is modified after it is declared sufficient, updated digital and hard copies that identify the changes shall be submitted to the Planning Department along with a cover memo that explains all changes.

F. Significant Modifications

If at any point during the review of an application the Planning Director deems that revisions to the application are significant enough to render previous reviews incomplete or obsolete, the Planning Director may declare that the revision is a resubmittal or a new application and declare the original application withdrawn. Such a declaration resets all review deadlines and processes, and the Planning Director may assess a new application fee.

G. Nonresponsive

If at any point during the review of an application the applicant is nonresponsive to the requirements of the review process for 180 days, the application shall be considered withdrawn.

H. Withdrawal

An applicant shall have the right to withdraw an application at any time prior to the decision on the application.

8.2.5. Determination of Sufficiency (1/1/15)

A. Sufficiency Review

Within 14 days of the submittal of the hard copy of an application, staff shall determine if it is sufficient. A sufficient application is one that:

1. Includes the information and materials identified at the pre-application conference or in the application checklist established by the Planning Director in the Administrative Manual; and
2. Contains such information and materials in sufficient detail to determine compliance with these LDRs.

B. Determined Insufficient

Upon determining an application is insufficient, a written notice shall be mailed to the applicant specifying the application's deficiencies. No further action shall be taken on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies within 60 days, the application shall be considered withdrawn. If staff fails to notify the applicant of any deficiencies within 14 days of submittal of the application, the application shall be considered sufficient.

C. Determined Sufficient

Upon determining an application is sufficient, staff shall notify the applicant and begin review of the application's compliance with these LDRs. Staff may request additional materials during review as needed to determine compliance with these LDRs.

REVIEW

8.2.6. Staff Review and Recommendation (1/1/15)

A. Review

Staff shall review a sufficient application for compliance with these LDRs. Staff shall consider:

1. The application and relevant support materials;
2. EA recommendations if applicable;
3. Any specific analyses or plans (such as a visual resource analysis or housing mitigation plan) required by these LDRs;
4. Public comment; and
5. Plan Review Committee comments.

B. Distribution to Plan Review Committee

An application under review shall be distributed to all appropriate staff and review agencies for review and comment.

1. Depending on the magnitude and content of the application, it may be reviewed by any or all of the Plan Review Committee (Sec. 8.10.2.), as well as other County staff, and state and federal agencies.
2. The applicant shall provide digital or hard copies of the application as required for review. If the copies are not provided within 7 days of an application being declared sufficient, counting of days against required timelines shall be suspended until the copies are provided.

C. Response to Technical Review

Staff shall notify the applicant of all issues and technical errors identified in the review. The applicant shall respond to issues raised and correct all technical errors.

D. Public Comment

Written public comment on the application shall be collected by staff, transmitted to the applicant, and included with the application materials to be available for public inspection.

E. Staff Report

Staff shall prepare a staff report that describes the conclusions of the review of whether the application complies with these LDRs.

1. **Recommendation.** The staff report shall include a recommended decision on the application based on the findings for the specific application being reviewed and the standards of Sec. 8.2.8. The staff report shall clearly state the factors considered in making the recommendation and the findings for the recommendation.

2. **Distribution.** The staff report shall be provided to the applicant as well as the appropriate advisory body, decision-making body, or County official making the decision; and made available for public review.

3. **Timing.** The staff report for a public hearing shall be completed and distributed at least 4 days prior to the public hearing.

8.2.7. Planning Commission Recommendation (1/1/15)

A. A public hearing shall be held pursuant to Sec. 8.2.14. for applications subject to a recommendation by the Planning Commission as established in Div. 8.3.-Div. 8.8. At the public hearing, the Planning Commission shall consider the application, the relevant support materials, staff report, and any public comments.

B. In the case of a physical development, use, or development option permit application, the Planning Commission may confer at the hearing with the applicant on changes deemed advisable to comply with these LDRs.

C. At the conclusion of the public hearing, the Planning Commission shall provide a recommended decision on the application based on the findings for the specific application being reviewed and the standards of Sec. 8.2.8.

D. The Planning Commission's recommendation shall clearly state the factors considered in making the recommendation and the findings for the recommendation.

DECISION

8.2.8. All Decisions (1/1/15)

A. Timing

All decisions shall be made within the timelines established in these LDRs but as promptly as possible in consideration of the public interest.

B. Notification of Decision

Within 14 days of the decision on an application, the applicant shall be notified in writing of the decision, findings for the decision, and expiration of the decision. A copy of the decision shall be made available at the offices of the Planning Department for review during normal business hours.

C. Conditions of Approval

1. **Authority.** A decision-maker may impose conditions of approval on permits and approvals to ensure compliance with the standards of these LDRs.

2. **Nexus and Proportionality.** The conditions of approval shall be related in both content and magnitude to the anticipated impacts of the proposal.

3. **Statement of Conditions.** All conditions of approval imposed on any permit or approval shall be expressly set forth in the permit or approval.

D. Effect of Approval

1. **General.** Approval of an application in accordance with these LDRs authorizes only the proposed physical development, use, development option, subdivision, interpretation, amendment, or relief as set forth in the permit or approval.

2. Dependant Applications. In the event that one permit or approval is a prerequisite to another permit or approval, that permit shall not be acted upon until all required approvals are obtained, and approval of one application does not necessarily guarantee approval of any subsequent application.

3. Additional Permits. The applicant shall secure all permits and approvals required by other local, state or federal agencies prior to executing a proposed action approved under these LDRs. Approval under these LDRs shall not guarantee or imply approval of other permits.

E. Expiration

Upon expiration of an approval, all rights established by the approval shall lapse and the site shall thereafter be subject to the current LDRs. The expiration time period shall not be extended by transfer of ownership.

F. Limitation on Similar Applications

1. Denied Application. If an application requiring a public hearing is denied, no substantially similar application may be submitted within one year after the date of the decision unless the decision-making body waives this time limit pursuant to the following standards.

   a. An authorized person may submit a written request for waiver of the time limit, along with a fee to defray the cost of processing the request, to the Planning Director who shall transmit the request to the decision-making body.

   b. The decision-making body may grant a waiver of the time limit only on a finding by two-thirds of its membership that the landowner or agent has demonstrated that the new application to be submitted is materially different from the prior application or that the prior denial was based on a material mistake of fact.

2. Withdrawn Application. If an application requiring a public hearing is withdrawn after notification of the public hearing is provided, but before a decision on the application, no substantially similar application may be submitted within 6 months after the date of withdrawal.

8.2.9. Planning Director and County Engineer Decisions (1/1/15)

A. For applications subject to a decision by the Planning Director or County Engineer as established in Div. 8.3.-Div. 8.8., the County official shall consider the application, the relevant support materials, staff report, and any public comments.

B. Within the timeframe established for the application, the County official shall decide on the application based on the findings for the specific application being reviewed and the standards of Sec. 8.2.8.

C. If an application that would generally be subject to a decision by a County official will have significant local and community impacts that warrant public review, the County official may require the application be reviewed by the appropriate advisory bodies and decided upon by the appropriate decision-making body.

D. The County official may mail notice of any application, utilizing the standards of 8.2.14.C., if the County official deems that review of the application would benefit from neighborhood comment or the neighborhood should be alerted to the application.

8.2.10. Board of County Commissioners Decisions (1/1/15)

A. A public hearing shall be held pursuant to Sec. 8.2.14., All Public Hearings for applications subject to a decision by the Board of County Commissioners as established in Div. 8.3.-Div. 8.8. At the public hearing, the Board of County Commissioners shall consider the application, the relevant support materials, staff report, advisory board recommendations, and any public comments.

B. In the case of a physical development, use, development option, or subdivision permit application, the Board of County Commissioners may confer at the hearing with the applicant on changes deemed advisable to comply with these LDRs.

C. At the conclusion of the public hearing, the Board of County Commissioners shall decide on the application based on the findings for the specific application being reviewed and the standards of Sec. 8.2.8.

D. The decision shall not be considered final until findings of fact, conclusions of law and an order executing the decision is signed by the decision-making body pursuant to the following standards. No action reliant on the decision shall be authorized until the decision is finalized. Procedural requirements and timelines referencing decisions shall be applicable from the date the decision is finalized.

1. Decisions on the following applications do not require findings of fact, conclusions of law, and order executing the decision.

    a. Legislative amendments to the text of the LDRs or Official Zoning Map, including PUD applications.

    b. Technical approvals such as subdivision plats.

2. The findings of fact, conclusions of law, and order executing the decision shall be considered in a public hearing at the next regularly scheduled meeting of decision-making body following the decision.

3. A draft of the findings of fact, conclusions of law, and order executing the decision shall be provided to the applicant and the decision-making body at least 7 days prior to the hearing.

POST-DECISION

8.2.11. Performance Bonds and Guarantees (1/1/17)

A. Purpose

As a condition for issuing a permit or approval an applicant may be required to post a financial assurance that required construction or installation of improvements, performance of duties, or other financial duty is completed following the issuance.

B. Amount

The financial assurance shall be at least 125% of the cost to complete the improvements, implement the plan, or complete other work approved as part of the permit or approval. The cost shall be identified in the form of an estimate approved by the Planning Director. The Planning Director may require that the estimate be prepared by a professional engineer, landscape architect, or other professional licensed or certified to practice in the State of Wyoming. The amount of the financial assurance required may be reviewed and adjusted from time to time by the Planning Director.

C. Acceptable Types of Financial Assurance

The applicant shall provide one of the following types of financial assurances in a form that is acceptable to the Planning Director.

1. Surety Bonds. A deposit with the County Treasurer of a good and sufficient performance bond in a form made available by the Planning Director or otherwise determined acceptable by the County Attorney.
2. Escrow Deposit of Cash or Certified Funds. A deposit with the County Treasurer of cash or certified funds.
3. Irrevocable Letter of Credit. A deposit with the County Treasurer of an irrevocable letter of credit in a form made available by the Planning Director or otherwise determined acceptable by the County Attorney.
4. Other Types of Security. An applicant may provide other financial assurance by other methods or instruments as approved by the County Attorney.

D. Financial Assurance Agreement

Unless exempted by the Planning Director, whenever financial assurance is required, the applicant shall enter into a Financial Assurance Agreement in a form acceptable to the County Attorney. In the case of subdivision improvements this agreement shall take the form of a Subdivision Improvements Agreement.

E. Warranty

Unless exempted by the Planning Director, all public improvements and required mitigation shall be warranted by the applicant for a period of two 2 years following completion and final inspection of all such improvements or work.

F. Duration

The financial assurance shall remain in effect until the Planning Director has determined the required action has been completed in accordance the financial assurance agreement or other terms of the assurance. If applicable, the financial assurance shall remain in effect through the warranty period.

G. Release of Financial Assurance

As the required actions are taken, the applicant may apply for a full or partial release of the financial assurance in accordance with this Section and the Financial Assurance Agreement. Upon verification that the required action has been completed in accordance the financial assurance agreement or other terms of the assurance, the Planning Director may authorize the County Treasurer to release

a portion or all of the assurance, provided that the amount retained for financial assurance shall not be less than 125% of the remaining cost to complete the action. The Planning Director may require that a professional engineer, landscape architect, or other professional licensed or certified to practice in the State of Wyoming certify completion of the action.

H. Drawing on Financial Assurance

If the Planning Director determines that the applicant will not complete any or all of the required actions, the Planning Director shall draw and expend from the financial assurance such funds as necessary to complete the required actions. This may include time and expenses incurred by County employees; in which case, each employee shall be billed at an hourly rate commensurate with the employee's skills and experience in the employee's field. In addition to, and not in-lieu of the foregoing, if an applicant defaults on its obligations under any order by or agreement with the County, the County shall be entitled to all remedies available to it by law or in equity, including but not limited to, the remedies described in these LDRs and the Financial Assurance Agreement with the applicant.

8.2.12. Issuance and ~~Filing~~ Recordation ~~(1/1/15)~~(AMD2019-0006)

A. Permits Issuance

An approved physical development, use, development option, interpretation, or relief shall not commence or be acted upon until the permit is issued.

1. Within 14 days of fulfillment of all conditions of approval that must be met prior to permit issuance, the Planning Director shall issue the permit to the applicant, and make a copy available at the offices of the Planning Department for review during normal business hours.
2. The permit shall include any outstanding conditions of approval.

B. ~~Filing~~Recordation of an Approval

An approved plat, exempt land division, boundary adjustment or amendment shall not take effect until the proper documents enacting the approval are ~~filed~~recorded with the County Clerk.

8.2.13. Amendment of Permits or Approvals ~~(1/1/17)~~(AMD2019-0006)

A. Amendment not Applicable

1. **Application Type Cannot be Amended.** The following permits or approvals cannot be amended due to the nature of the findings for approval: Formal Interpretations; Zoning Compliance Verifications; LDR Text Amendments; Zoning Map Amendments; all Relief from the LDRs; exempt land divisions; and Boundary Adjustments. A change to one of these approvals shall be achieved through application for a new approval.
2. **Completed Permit.** A physical development permit or development option plan for which all approved development has been completed shall not be amended. Redevelopment of such a development shall be achieved through application for a new approval.

B. Physical Development Permit, Use Permit, and Development Option Plan Amendment

1. **General.** All changes to an approved physical development permit, use permit, or development option plan not qualifying as minor deviations shall be considered amendments and shall be reviewed subject to the current procedures and standards of these LDRs.

   a. The threshold for review of the amendment shall be based on the net change of density or intensity, not the gross intensity of the initial approval, with the following exceptions.

      i. The Planning Director may elevate the threshold for review in the case of incremental amendments that total a larger change.

      ii. The Planning Director may waive the requirement for a Sketch Plan where the proposed amendment remains consistent with the original Sketch Plan approval.

   b. A condition of approval placed on a permit or approval by a decision-making body shall be amended by that body at a public hearing held pursuant to Sec. 8.2.14.

   c. Review of an amendment shall be limited to the proposed change. Nonchanging portions of the approval shall only be affected as explicitly required by Div. 1.9. or another portion of these LDRs.

2. **Minor Deviations.** Authorized minor deviations from an approved physical development permit, use permit, or development option plan are changes that appear necessary in light of technical or engineering considerations first discovered during development or use that were not reasonably anticipated during the initial approval process. A minor deviation may be approved by the Planning Director pursuant to the process for a Zoning Compliance Verification (Sec. 8.6.2.) upon finding that it:

   a. Complies with the standards of the current LDRs;

   b. Does not include reductions in the amount of conservation area set aside or required resource protection; and

   c. Does not include increases in the amount of building floor area.

C. Subdivision Plat Amendment

1. **Applicability.** A recorded plat may be amended through the vacation process as authorized by state statute. Any vacation or amendment to a recorded plat shall be subject to the standards of this Subsection. This includes the following corrections.

   a. **Incorrect or Erroneous Survey.** Where the exterior boundaries of the subdivision must be changed due to an incorrect or erroneous survey, or an omission of a strip of land between the subdivision boundary and an aliquot part or right-of-way line, an amended plat is required.

b. **Omission of Easements.** Where the approved plat omits easements for sewer, water, or utility lines, or access easements to the subdivision or to lots of the subdivision, or through the subdivision to adjoining lands, an amended plat is required.

2. **Exemptions.** The following plat amendments shall be exempt from the standards of this Section.

   a. **Boundary Adjustment.** A partial vacation of a plat to achieve a boundary adjustment as defined in Sec. 8.5.5. shall be subject to the standards of Sec. 8.5.5.

   b. **Minor Typographical Errors or Omissions.** In cases of minor typographical errors or omissions on a plat such as a distance or bearing or a necessary signature, the professional land surveyor shall file an affidavit stating the corrections to be made, or reference an additional affidavit to be filed by the person where a signature was omitted. The County Clerk shall mark the changes or corrections, or reference the filed affidavit(s) on the original plat in reproducible pencil. If the corrections or changes required are greater than 5 in number, an amended plat shall be ~~filed~~recorded and approved in accordance with this Section.

3. **Complete Vacation.** Pursuant to Wyo. Stat. § 34-12-108, ~~C~~complete vacation of a recorded plat shall be accomplished by the ~~filing~~recordation of an affidavit with the County Clerk signed by all of the owners of land to be vacated from the plat. The effect of ~~filing~~recording such an affidavit shall be to rescind the original plat and merge the lots, thereby reverting the land to its configuration as it existed prior to the subdivision.

4. **Plat Amendment.** A plat amendment is authorized by State statute as a vacation for the purpose of resubdivision and shall meet the following standards:

   a. An application for a new plat shall be submitted and reviewed pursuant to the standards of Sec. 8.5.3.;

   b. The Planning Director may require a new or amended development plan be approved prior to further processing of the application for a new plat if the Planning Director determines that the new plat does not conform to an approved development plan;

   c. The new plat shall carry the name of the original subdivision, followed by “Amended” or “Second Amended”, etc;

   d. The certificate of owners on the new plat shall have a clause vacating the original plat, signed by all owners of land contained within the plat; and

   e. If there is more than one owner of the vacated plat, instruments shall be recorded conveying ownership of the newly created individual lots of record resulting from the replat.

5. **Partial Vacation Without Replat.** Vacation of one or more building envelopes, notes, a lot line for the purpose of combining one or more lots, or a private road or utility easement does not require a new plat provided the following additional standards are met.

a. **Instrument Required.** Pursuant to Wyo. Stat. § 34-12-108, ~~A~~an instrument shall be ~~filed~~recorded with the County Clerk stating that the partial vacation does not abridge or destroy any rights and privileges of other proprietors in the plat. The instrument shall include:

i. Acknowledgment by all parties affected by the vacation; and

ii. Acknowledgment by the Board of County Commissioners.

b. **Annotation.** Pursuant to Wyoming Statutes Section 34-12-110, the County Clerk shall make appropriate annotation on the plat referencing the vacated envelopes, notes, easements or lot lines for the purpose of lot combinations. The County Clerk shall also make a reference on said plat to the volume and page in which the required instrument of partial vacation is recorded.

c. **Building Envelope Vacation.** The Board of County Commissioners may require that a map, prepared by a land surveyor registered in the State of Wyoming, of the vacated building envelopes be ~~filed~~recorded with the County Clerk concurrently with the required partial vacation instrument. In this event, the partial vacation instrument shall include a reference to said building envelope map.

i. **Future Revisions.** Proposed changes to the building envelopes shown on any required building envelope map shall be approved by the Planning Director, provided that any such proposed change does not abridge or destroy any of the rights and privileges of other proprietors in the plat. The proposed change shall be reviewed pursuant to the standards of B.2.

d. **Lot Combination.** If a lot line is to be vacated for the purpose of combining one or more lots, the required partial vacation instrument shall include language stating that the combined lots shall be treated as one for all purposes under these LDRs and cannot be resubdivided without receiving subdivision approval under the LDRs in effect at that time.

D. PUD Amendment

An amendment to an existing PUD or other special project listed in 1.8.2.C. shall be reviewed and approved pursuant to Sec. 8.7.3.

1. **PUD Option Available.** An amendment to an existing PUD shall, to the maximum extent practicable, meet the standards for the PUD option found in Article 4.

2. **PUD Option No Longer Available.** An amendment to an existing PUD or other special project identified in 1.8.2.C. for which the original PUD option is no longer available shall:

a. Improve the implementation of the desired future character of the area identified in the Jackson/Teton County Comprehensive Plan;

b. Comply with the requirements of the underlying base zoning to the maximum extent practicable;

c. Complies with the standards of the Natural Resource Overlay (NRO) and Scenic Resources Overlay (SRO), if applicable; and

d. Not adversely impact public facilities and services, including transportation, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.

3. **Abandonment.** An existing PUD or other special project identified in 1.8.2.C. may be abandoned by:

a. An amendment of the zoning on the site to a zone in these LDRs pursuant to Sec. 8.7.2.; or

b. Approval of a PUD option found in Article 4.

GENERAL

8.2.14. All Public Hearings ~~(1/1/17)~~(AMD2019-0006)

A. Applicability

The following standards apply to all required public hearings. See Div. 8.3.-Div. 8.9. for the steps in the review processes that require a public hearing.

B. Scheduling

A required public hearing to review an application shall be scheduled for a regularly scheduled meeting or a meeting specially called for the review.

1. The initial public hearing on an application, whether it is advisory or for the purposes of making a decision, shall be held within 90 days of the date that the application is determined sufficient.

2. Each additional required public hearings, whether it is advisory or for the purposes of making a decision, shall be held within 60 days of the conclusion of the previous public hearing.

3. The applicant may waive these limits upon written notice to the Planning Director, as long as the public hearing complies with all other requirements of this Section.

C. Notice

The Planning Director shall be responsible for providing the following public notification.

1. **Notice Content.** All required public notice shall contain the following information:

a. The type of application;

b. A short description of the proposal;

c. The address, legal description, and a general description of the location of the land subject to the application;

d. The location, address, date, and time of the public hearing;

e. Where and when the application may be examined; and

f. Contact information for reviewing staff.

2. **Mailed Notice.** Notice of a public hearing on an application shall be mailed at least 30 days prior to the public hearing.
   a. The notice shall be mailed to:
      i. The owner(s) of the land subject to the application and designated agent(s); and
      ii. Landowners within 800 feet of the land subject to the application, or if the land subject to the application is zoned R-TC, landowners 1,300 feet of the land subject to the application.
   b. The applicant shall pay a fee to the Planning Department for any mailing in excess of 25 notices.
3. **Notice in Newspaper.** Each public hearing on an application shall be advertised in the legal notice section of a newspaper of general circulation in the County no less than 15 days ~~and no more than 30 days~~ prior to the date of the public hearing. Except that, a public hearing on a decision to amend the LDRs shall be advertised no less than 30 days prior to the Planning Commission public hearing date and 45 days prior to Board of County Commissioners public hearing date, pursuant to Wyo. Stat. § 16-3-103 .
4. **Posted Notice.** The applicant shall post and maintain notice of the public hearing on the land subject to the application. The posted notice shall meet the following standards.
   a. **Content.** The posted notice shall contain the notice content required by Subsection 1 above, except the description of the location of the land subject to the application. A template is available in the Administrative Manual.
   b. **Timing.** The notice shall be posted for at least 10 days prior to the hearing, and shall be removed within 5 days following the hearing. The applicant shall notify staff of the date posted and date removed.
   c. **Size.** The notice shall be 3 ft by 4 ft.
   d. **Location and Legibility.** A notice shall be placed along each front lot line so as to be legible from each access point to the site. The notice may be mounted to a building. If the notice is freestanding, it should be set back 2 ft from any lot line or access easement.
   e. **Sign Permit Exempt.** The notice shall be exempt from the standards of Div. 5.6. and shall not be lighted.
5. **Requested Notice.** Any person who makes a written request shall be provided notification of all public hearings upon payment of the costs of the processing and mailing of the notification.
6. **Postponed or Continued Hearing.** Additional notice is not required when a hearing is postponed or continued to a date certain.

D. Conduct

Required public hearings shall be conducted in accordance with the rules of procedure adopted by the body holding the hearing and the following standards.

1. **Rights of All Persons.** Any interested person may appear at a public hearing and

submit evidence, either individually or as a representative of an organization. Upon request of the Chairperson, anyone representing an organization shall present written evidence of their authority to speak on behalf of the organization in regard to the matter under consideration. Each person who appears at a public hearing shall be identified, state his/her physical address, and if appearing on behalf of an organization, state the name of the organization.

2. Order of Proceedings. The order of the proceedings shall be established by the body conducting the hearing.

3. Exclusion of Information. The chairperson conducting the public hearing may exclude information that the chairperson finds to be irrelevant, immaterial or unduly repetitious. In the event any statements or information are excluded, the person offering such statements or information shall have an opportunity to make an offer of proof in regard to such statements or information for the record. Such offer shall be made at the public hearing.

4. Continuance of Public Hearing. The body conducting the public hearing may, on its own motion or at the request of any person, continue the public hearing to a fixed date, time and place.

    a. An applicant shall have the right to request and be granted one continuance. All subsequent continuances shall be granted at the discretion of the body conducting the public hearing only upon good cause shown.

    b. The running of all established time periods between steps of the review process shall be suspended during any continuance.

    c. If the body conducting the public hearing continues the hearing on the application so that the applicant can provide additional information, and the applicant fails to respond to the request within 60 days, the application shall be considered withdrawn.

    d. In the event the applicant demands in writing that action be taken on a continued application, the body that continued the matter shall complete the public hearing and take action at the next regular meeting, for which the noticing requirements of this Section can be met, following receipt of the written demand.

5. Remand of Application. The body conducting the public hearing may remand the application to staff or an advisory body for further review of new information or specified issues or concerns first identified during the public hearing on the application.

    a. The running of all established time periods between steps of the review process shall be reset to the step in the process to which the application is remanded.

b. In the event the applicant demands in writing that action be taken on a remanded application, the body that remanded the matter shall complete the public hearing and take action at the next regular meeting for which the noticing requirements of this Section can be met following receipt of the written demand.

6. Record

a. The body conducting the public hearing shall record the public hearing by any appropriate means, including transcription or audio-recording.

b. The written or taped record of oral proceedings, including testimony and statements of personal opinions, the minutes of the Secretary, the application, exhibits and papers submitted in any proceeding before the decision-making body, the staff report, the recommendation of any advisory body, the Jackson/Teton County Comprehensive Plan, these LDRs, and the decision of the decision-making body shall constitute the record.

c. A copy of the public hearing record may be acquired by any person upon request and payment of a fee to cover the cost of duplication of the record.

8.2.15. Miscellaneous Planning Requests (AMD2019-0006)

A. Purpose

The purpose of a miscellaneous planning request is to make a formal request to the Planning Department for research, review, exemption or other information that is not included in other formal review processes detailed in Article 8.

B. Applicability

Specifically, but not exclusively, a miscellaneous planning request shall be applicable for the following situations.

1. A planner of the day research request.
2. A fee waiver request.
3. A special purpose fencing exemption.
4. A review of a required annual monitoring report.
5. An environmental analysis exemption request.

C. Findings

In order to issue a waiver or exemption resulting from a miscellaneous planning request, the Planning Director shall find that the circumstance in question:

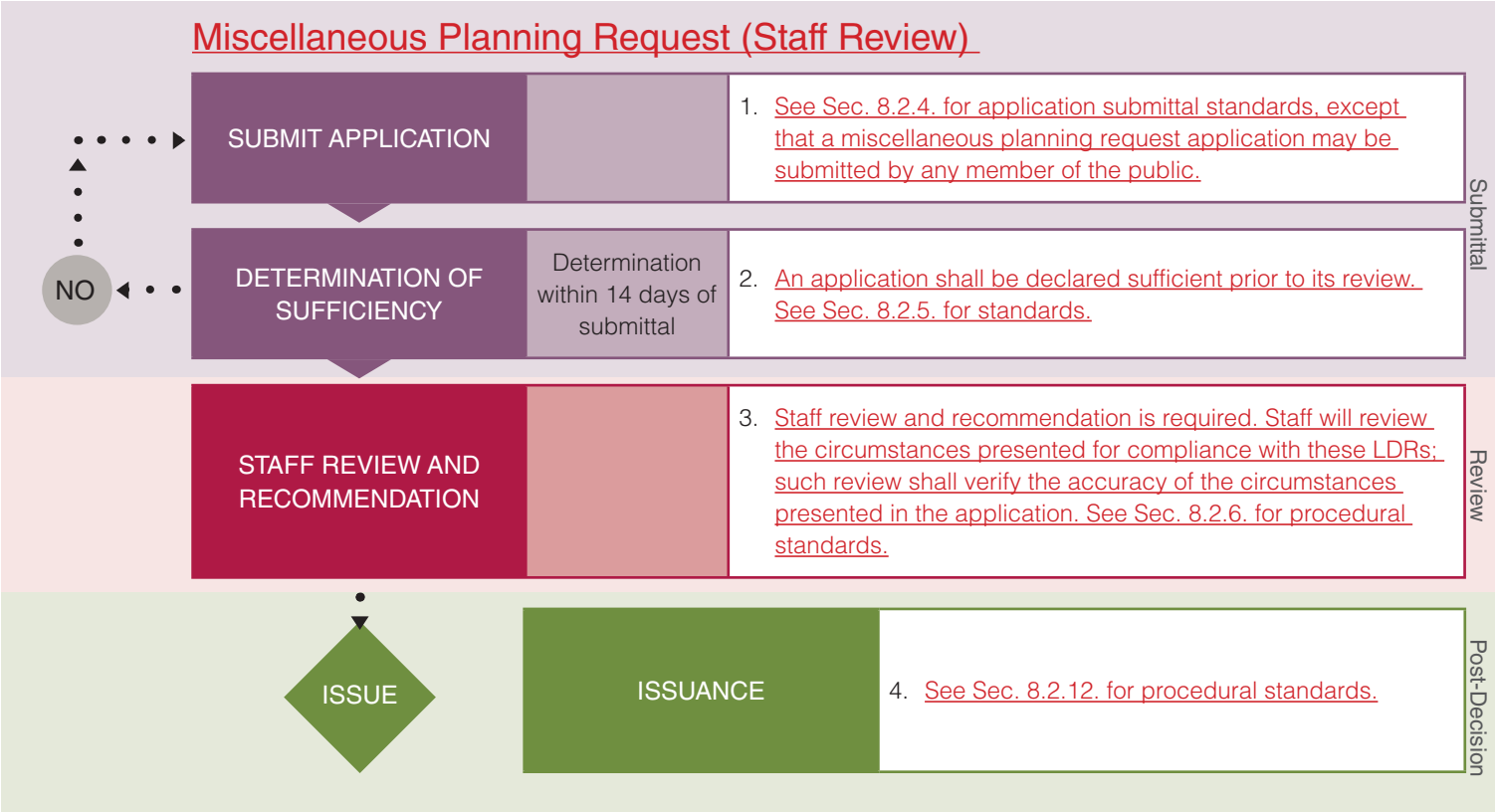
1. Is in substantial conformance with all relevant standards of these LDRs and other County Resolutions; and
2. Complies with all standards or conditions of any prior applicable permits or approvals.

D. Effect

A miscellaneous planning request shall only apply to the circumstances reviewed and will only be as detailed as the information provided in the request. A miscellaneous planning request only reviews or exempts the standards specified in the request and does not guarantee approval of any application.

E. Review Process

All steps and deadlines in one of the following charts are required, depending on the type of request, unless noted otherwise. An applicant must complete each step before moving to the step below.



Miscellaneous Planning Request (Public Hearings)

Submittal

SUBMIT APPLICATION		1. See Sec. 8.2.4. for application submittal standards, except that a miscellaneous planning request application may be submitted by any member of the public.
DETERMINATION OF SUFFICIENCY	Determination within 14 days of submittal	2. An application shall be declared sufficient prior to its review. See Sec. 8.2.5. for standards.

NO

Review

STAFF REVIEW AND RECOMMENDATION		3. Staff review and recommendation is required. Staff will review the circumstances presented for compliance with these LDRs; such review shall verify the accuracy of the circumstances presented in the application. See Sec. 8.2.6. for procedural standards.
PLANNING COMMISSION RECOMMENDATION (IF NECESSARY)	Hearing within 90 days of sufficiency	4. For certain miscellaneous planning requests, including but not limited to some fee waiver requests, some monitoring reports, and some amendments to conditions of approval, the Planning Commission will review at a public hearing and issue a recommendation. See Sec. 8.2.7. for procedural standards specific to PC recommendation and Sec. 8.2.14. for procedural standards general to all public hearings.

Decision

BOARD OF COUNTY COMMISSIONERS DECISION	Hearing within 60 days of PC recommendation	5. For certain miscellaneous planning requests, including but not limited to some fee waiver requests, some monitoring reports, and some amendments to conditions of approval, the Board of County Commissioners shall review the application at a public hearing and approve, approve with conditions, or deny the application based on the findings of this Section. See Sec. 8.2.9. for procedural standards specific to BCC decisions, Sec. 8.2.14. for procedural standards general to all public hearings, and Sec. 8.2.8. for standards general to all decisions.

DENY

Post-Decision

ISSUE

ISSUANCE	6. See Sec. 8.2.12. for procedural standards.

Div. 8.3. Physical Development Permits

Physical development permits provide for the review of proposed construction, land disturbance, and other physical development to ensure it complies with the standards of these LDRs. Physical development permits allow a finite amount of development and are active until that development is complete or the permit has expired. Conditions on physical development permits should not relate to operational characteristics of the physical development. This Division establishes 5 permit types for the review of physical development.

A. Sketch Plan (Sec. 8.3.1.)

For the largest and most complex projects, a sketch plan is required prior to review of a development plan.

B. Development Plan (Sec. 8.3.2.)

A development plan is required prior to application for a building permit or grading permit for larger projects that require public review.

C. Building Permit (Sec. 8.3.3.) or Grading Permit (Sec. 8.3.4.)

A building permit and grading permit is required before any physical development occurs. For small projects these are the only permits needed.

D. Sign Permit (Sec. 8.3.5.)

A sign permit is required prior to erection of any sign, independent of any other permits or approvals.

8.3.1. Sketch Plan ~~(1/1/15)~~(AMD2019-0006)

A. Purpose

The purpose of a sketch plan is to publicly review a large physical development or development option for general consistency with these LDRs at a preliminary, conceptual level of detail before the development is fully designed. The objectives of the sketch plan review are:

1. Identification of the opportunities to achieve the desired future character for the site;
2. Identification of development related issues to be addressed through the development plan;
3. Discussion of alternative site designs that may better implement these LDRs; and
4. Identification of natural and scenic resource protected by these LDRs.

B. Applicability

1. Physical development that requires a sketch plan is identified in the standards for each zone. See Article 2.-Article 4. for zone standards.
2. A sketch plan application within a Planned Unit Development (PUD) must include all land in the PUD.

C. Findings for Approval

A sketch plan shall be approved upon finding the application:

1. Is consistent with the desired future character described for the site in the Jackson/Teton County Comprehensive Plan;
2. Achieves the standards and objective of the Natural Resource Overlay (NRO) and Scenic Resources Overlay (SRO), if applicable;
3. Does not have significant impact on public facilities and services, including transportation, potable water and wastewater facilities, parks, schools, police, fire, and EMS facilities;
4. Complies with all relevant standards of these LDRs and other County Resolutions as can be determined by the level of detail of a sketch plan; and
5. Is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.

D. Effect of Approval

Sketch plan approval permits the submittal of a development plan; it does not permit actual physical development or subdivision of land.

E. Expiration

A sketch plan shall expire 2 years after the date of approval except under one of the following circumstances:

1. A sufficient development plan application to implement the sketch plan is submitted and approval of the development plan is being pursued in good faith;
2. An approved development plan is being implemented;
3. In the case of a phased development, not more than 2 years have passed since the issuance of a certificate of occupancy for physical development approved by the sketch plan; or
4. An alternate expiration is set through the approval of the sketch plan.

F. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete ~~the~~ each step before moving to the step below.

Sketch Plan

Pre-Submittal

PRE-APPLICATION CONFERENCE		1. A pre-application conference is required. See Sec. 8.2.1. for procedural standards.
ENVIRONMENTAL ANALYSIS (MAYBE)	EA must be sufficient prior to submittal	2. An environmental analysis may be required. See Sec. 8.2.2. for applicability and procedural standards.
NEIGHBORHOOD MEETING		3. A neighborhood meeting is required. See Sec. 8.2.3. for procedural standards.

Submittal

SUBMIT APPLICATION	Must submit within 1 year of pre-ap conference	4. See Sec. 8.2.4. for application submittal standards.
DETERMINATION OF SUFFICIENCY	Determination within 14 days of submittal	5. An application shall be declared sufficient prior to its review. See Sec. 8.2.5. for standards.

NO

Review

STAFF REVIEW AND RECOMMENDATION		6. Staff review and recommendation is required. See Sec. 8.2.6. for procedural standards.
PLANNING COMMISSION RECOMMENDATION	Hearing within 90 days of sufficiency	7. Planning Commission review at a public hearing and recommendation is required. See Sec. 8.2.7. for procedural standards specific to PC recommendation and Sec. 8.2.14. for procedural standards general to all public hearings.

Decision

BOARD OF COUNTY COMMISSIONERS DECISION	Hearing within 60 days of PC recommendation FOF/COL at next regular meeting after hearing	8. The Board of County Commissioners shall review the application at a public hearing and approve, approve with conditions, or deny the application based on the findings of this Section. See Sec. 8.2.10. for procedural standards specific to BCC decisions, Sec. 8.2.14. for procedural standards general to all public hearings, and Sec. 8.2.8. for standards general to all decisions.

DENY

APPROVE

Post-Decision

PERMIT ISSUANCE	9. The sketch plan must be issued prior to submittal of a development plan application. See Sec. 8.2.12. for procedural standards.
AMENDMENT OF APPROVAL	10. An issued sketch plan may be amended pursuant to the procedural standards of Sec. 8.2.13.

8.3.2. Development Plan (AMD2019-0006)~~(4/1/16)~~

A. Purpose

The purpose of a development plan is to review a physical development or development option that is large and complex enough to benefit from a public review at a sufficient level of detail to determine compliance with these LDRs prior to preparation of final construction or plat documents.

B. Applicability

Physical development and development options that require a development plan are identified in the standards for each zone. See Article 2.-Article 4. for zone standards.

C. Findings for Approval

A development plan shall be approved upon finding the application:

1. Is consistent with the desired future character described for the site in the Jackson/Teton County Comprehensive Plan;
2. Achieves the standards and objective of the Natural Resource Overlay (NRO) and Scenic Resources Overlay (SRO), if applicable;
3. Does not have significant impact on public facilities and services, including transportation, potable water and wastewater facilities, parks, schools, police, fire, and EMS facilities;
4. Complies with all relevant standards of these LDRs and other County Resolutions; and
5. Is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.

D. Effect of Approval

Approval of a development plan permits submittal of a building permit, subdivision plat, or other application to complete the proposed development; it does not permit actual physical development or constitute subdivision of land.

E. Expiration

A development plan shall expire 18 months after the date of approval except under one of the following circumstances. The applicable circumstances shall be established in the notice of decision on the application.

1. In the case of physical development, a building permit for the entire development is issued and the certificate of occupancy for the building permit is issued within 3 years of issuance of the building permit;
2. In the case of a subdivision, a subdivision plat has been recorded with the County Clerk;
3. In the case of a development option, the action required to entitle the development option, such as the recording of a conservation easement for a development option requiring conservation area, has been taken;
4. In the case of a phased development, all phases are in compliance with the approved phasing plan, or not more than 18 months has passed since completion of the previous phase and the current phase is in compliance with an applicable above criteria; or
5. An alternate expiration is set through the approval of the development plan.

F. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete ~~the~~ each step before moving to the step below.

Development Plan

Pre-Submittal

PRE-APPLICATION CONFERENCE		1. A pre-application conference is required. See Sec. 8.2.1. for procedural standards.
ENVIRONMENTAL ANALYSIS (MAYBE)	EA must be sufficient prior to submittal	2. An environmental analysis may be required. See Sec. 8.2.2. for applicability and procedural standards.
NEIGHBORHOOD MEETING (OPTIONAL)		3. A neighborhood meeting is optional. See Sec. 8.2.3. for procedural standards.

Submittal

SUBMIT APPLICATION	Must submit within 1 year of pre-ap conference	4. See Sec. 8.2.4. for application submittal standards.
DETERMINATION OF SUFFICIENCY	Determination within 14 days of submittal	5. An application shall be declared sufficient prior to its review. See Sec. 8.2.5. for standards.

NO

Review

STAFF REVIEW AND RECOMMENDATION		6. Staff review and recommendation is required. See Sec. 8.2.6. for procedural standards.
PLANNING COMMISSION RECOMMENDATION	Hearing within 90 days of sufficiency	7. Planning Commission review at a public hearing and recommendation is required. See Sec. 8.2.7. for procedural standards specific to PC recommendation and Sec. 8.2.14. for procedural standards general to all public hearings.

Decision

BOARD OF COUNTY COMMISSIONERS DECISION	Hearing within 60 days of PC recommendation FOF/COL at next regular meeting after hearing	8. The Board of County Commissioners shall review the application at a public hearing and approve, approve with conditions, or deny the application based on the findings of this Section. See Sec. 8.2.10. for procedural standards specific to BCC decisions, Sec. 8.2.14. for procedural standards general to all public hearings, and Sec. 8.2.8. for standards general to all decisions.

DENY

APPROVE

Post-Decision

BOND	9. A performance bond may be required prior to issuance of the permit. See Sec. 8.2.11. for procedural standards.
PERMIT ISSUANCE	10. The development plan must be issued prior to submittal of a building permit, grading permit, or subdivision plan application. See Sec. 8.2.12. for procedural standards.
AMENDMENT OF APPROVAL	11. An issued development plan may be amended pursuant to the procedural standards of Sec. 8.2.13.

8.3.3. Building Permit (AMD2019-0006)~~(1/1/15)~~

A. Purpose

The purpose of a building permit review is to ensure that proposed physical development of a structure complies with these LDRs and adopted building codes.

B. Applicability

Physical development that requires a building permit is identified in the standards for each zone, unless exempted by the County Building Code Resolution. See Article 2.-Article 4. for zone standards.

C. Findings for Approval

A building permit shall be approved upon finding the application:

1. Complies with all relevant standards of these LDRs and all other County Resolutions;
2. Complies with the County Building Code Resolution; and
3. Is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.

D. Effect

Approval of a building permit allows for the construction of a structure.

E. Expiration

The expiration of a building permit is established in the County Building Code Resolution.

F. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete ~~the~~ each step before moving to the step below.

Building Permit

Pre-Submittal

PRE-APPLICATION CONFERENCE (OPTIONAL)		1. A pre-application conference is optional. See Sec. 8.2.1. for procedural standards.
ENVIRONMENTAL ANALYSIS (MAYBE)	EA must be sufficient prior to submittal	2. An environmental analysis may be required. See Sec. 8.2.2. for applicability and procedural standards.

Submittal

SUBMIT APPLICATION		3. See Sec. 8.2.4. for application submittal standards.
DETERMINATION OF SUFFICIENCY	Determined at submittal meeting	4. An application shall be declared sufficient prior to its review. See Sec. 8.2.5. for procedural standards except that sufficiency shall be determined at a submittal meeting that must be pre-scheduled with the Building Department.

NO

Review

STAFF REVIEW AND RECOMMENDATION		5. Staff review and recommendation is required. The Building Official shall only approve a building permit that staff has verified meets, or meets with conditions, these LDRs. The Planning Director may require a certificate of placement from a land surveyor licensed in the State of Wyoming in order to ensure accurate placement of the permitted structure. See Sec. 8.2.6. for procedural standards.

Decision

BUILDING OFFICIAL DECISION		6. The Building Official shall approve, approve with conditions, or deny the application based on compliance with the County Building Code Resolution. See the County Building Code Resolution for procedural standards.

DENY

APPROVE

Post-Decision

BOND (MAYBE)		7. A performance bond may be required prior to issuance of the permit. See Sec. 8.2.11. for procedural standards.
PERMIT ISSUANCE	See County Building Code Resolution	8. The building permit must be issued prior to commencement of construction. See Sec. 8.2.12. for procedural standards.
AMENDMENT OF APPROVAL		9. An issued building permit may be amended pursuant to the County Building Code Resolution.

8.3.4. Grading Permit (AMD2019-0006)~~(1/1/17)~~

A. Purpose

The purpose of a grading permit is to ensure that proposed land disturbance includes required erosion control and stormwater management and complies with all other standards of these LDRs.

B. Applicability

Physical development that requires a grading permit is identified in Div. 5.7.

C. Findings for Approval

A grading permit shall be approved upon finding the application:

1. Complies with the standards of Div. 5.7.;
2. Complies with all other relevant standards of these LDRs and all other County Resolutions; and
3. Is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.

D. Permit Conditions

All grading permits shall require the permittee to:

1. Notify the County Engineer 48 hours prior to commencing any land disturbing activity;
2. Notify the County Engineer of completion of erosion control measures within 2 calendar days after their installation;
3. Obtain permission in writing from the County Engineer prior to modifying the grading and erosion control plan;
4. Install all control measures as identified in the approved grading and erosion control plan;
5. Maintain all road drainage systems, stormwater drainage systems, erosion control measures, and other facilities identified in the grading and erosion control plan;
6. Repair the erosion damage to adjoining surfaces and drainageways resulting from land developing or disturbing activities;
7. Inspect the erosion control measures after each rain and at least once each week and make needed repairs;
8. Allow the County Engineer to enter the site for the purpose of inspecting compliance with the erosion control plan or for performing any work necessary to bring the site into compliance with the erosion control plan; and
9. Keep a copy of the erosion control plan on the site.

E. Expiration

A grading permit shall expire one year after the date of approval except under one of the following circumstances:

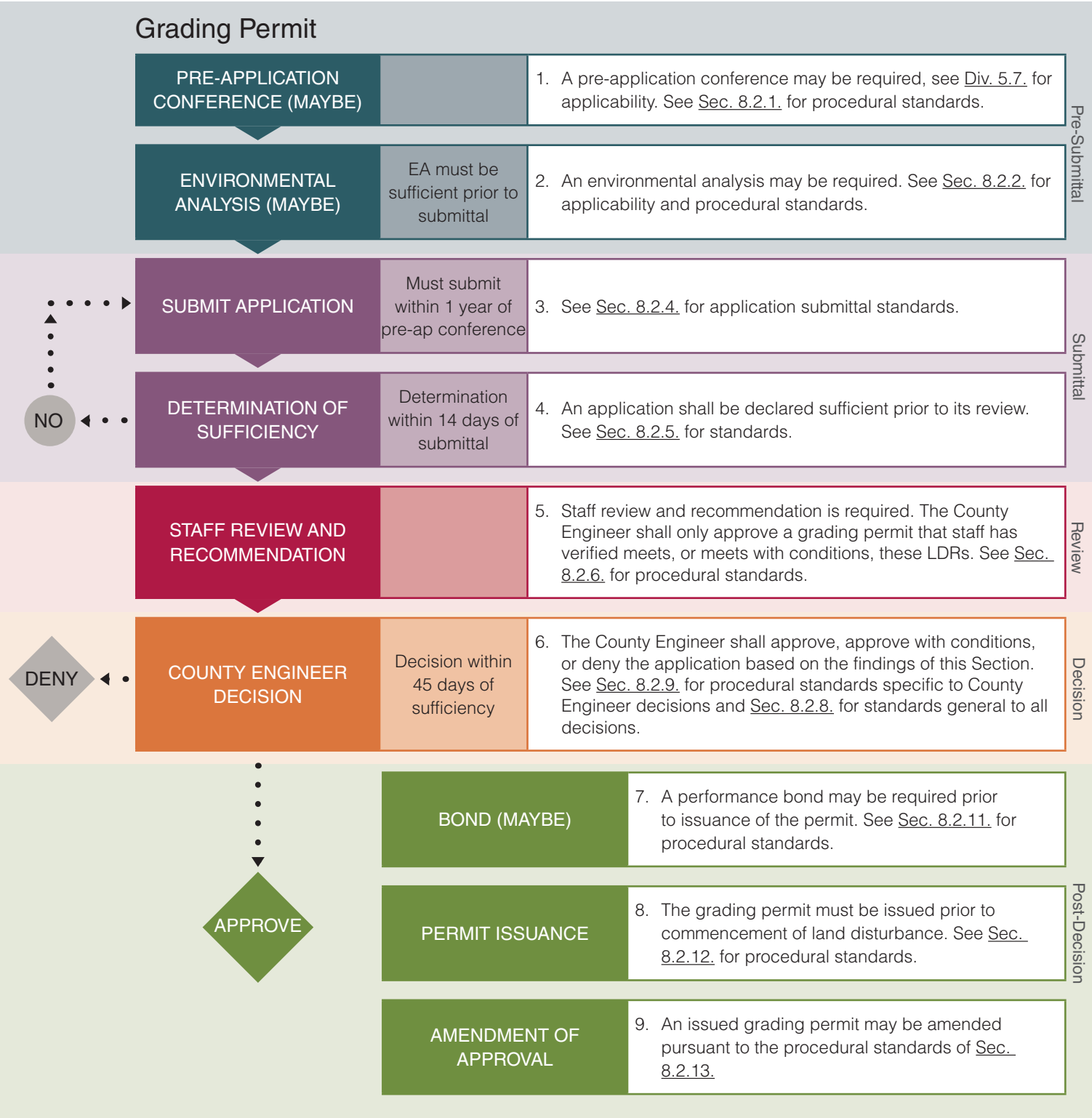
1. The grading permit is associated with a building permit or other construction authorization, in which case, it shall be valid as long as the building permit or other construction authorization is valid; or
2. An alternate expiration is set through the approval of the grading permit.

F. Inspection

Grading plans required to be prepared by a professional engineer or landscape architect shall also require inspection and certification of compliance by the same design professional.

G. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete ~~the~~ each step before moving to the step below.


Grading Permit
PRE-APPLICATION CONFERENCE (MAYBE)
1. A pre-application conference may be required, see Div. 5.7. for applicability. See Sec. 8.2.1. for procedural standards.
ENVIRONMENTAL ANALYSIS (MAYBE)
EA must be sufficient prior to submittal
2. An environmental analysis may be required. See Sec. 8.2.2. for applicability and procedural standards.
Pre-Submittal
SUBMIT APPLICATION
Must submit within 1 year of pre-ap conference
3. See Sec. 8.2.4. for application submittal standards.
NO
DETERMINATION OF SUFFICIENCY
Determination within 14 days of submittal
4. An application shall be declared sufficient prior to its review. See Sec. 8.2.5. for standards.
Submittal
STAFF REVIEW AND RECOMMENDATION
5. Staff review and recommendation is required. The County Engineer shall only approve a grading permit that staff has verified meets, or meets with conditions, these LDRs. See Sec. 8.2.6. for procedural standards.
Review
DENY
COUNTY ENGINEER DECISION
Decision within 45 days of sufficiency
6. The County Engineer shall approve, approve with conditions, or deny the application based on the findings of this Section. See Sec. 8.2.9. for procedural standards specific to County Engineer decisions and Sec. 8.2.8. for standards general to all decisions.
Decision
APPROVE
BOND (MAYBE)
7. A performance bond may be required prior to issuance of the permit. See Sec. 8.2.11. for procedural standards.
PERMIT ISSUANCE
8. The grading permit must be issued prior to commencement of land disturbance. See Sec. 8.2.12. for procedural standards.
AMENDMENT OF APPROVAL
9. An issued grading permit may be amended pursuant to the procedural standards of Sec. 8.2.13.
Post-Decision

8.3.5. Sign Permit ~~(1/1/15)~~(AMD2019-0006)

A. Purpose

The purpose of a sign permit is to ensure that all signs are in compliance with Div. 5.6.

B. Applicability

All signs require a sign permit unless exempted in Div. 5.6.

C. Findings for Approval

A sign permit shall be approved upon finding the application:

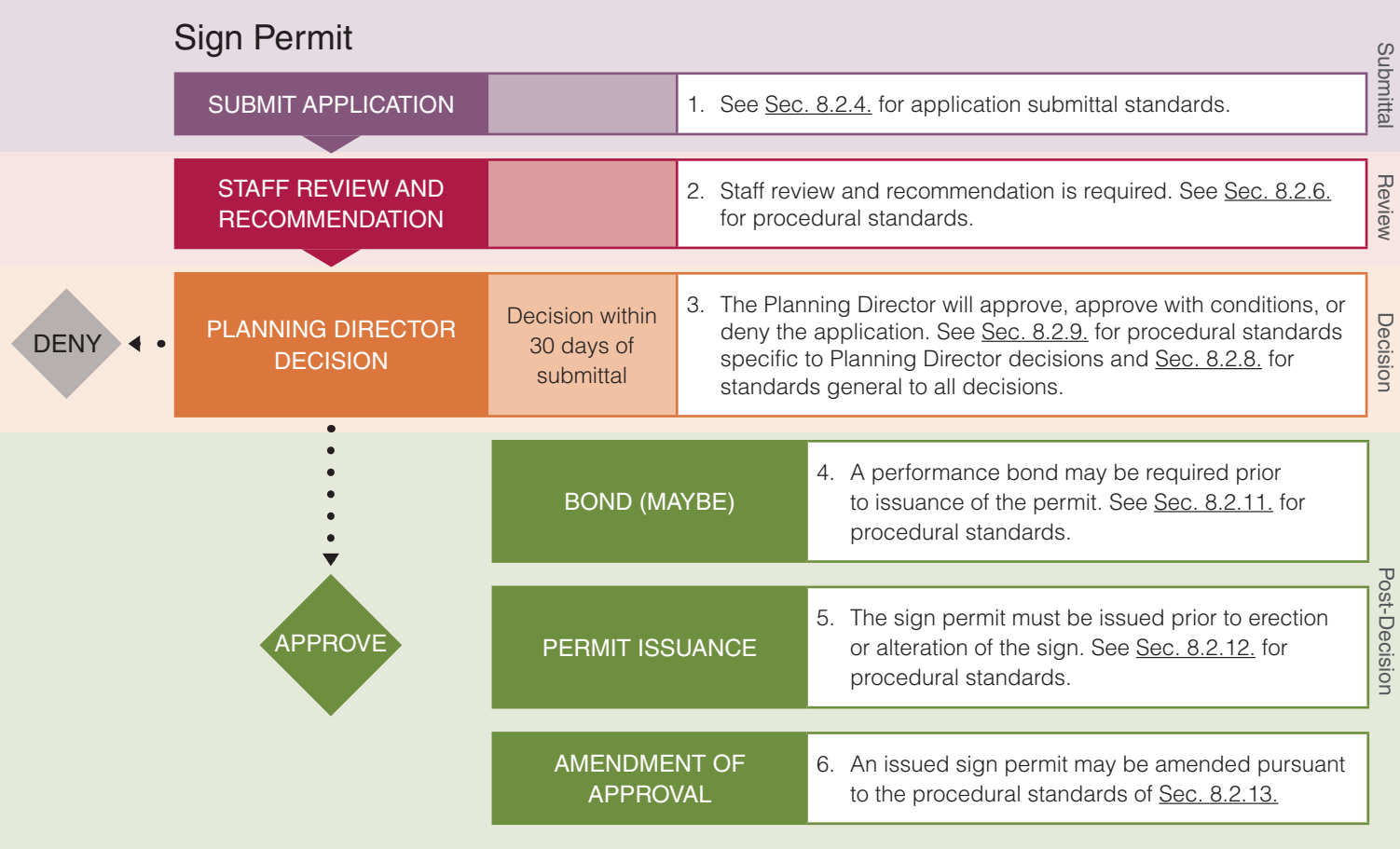
1. Complies with the standards of Div. 5.6.;
2. Complies with all other relevant standards of these LDRs and all other County Resolutions; and
3. Is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.

D. Permit Expiration

A sign permit shall expire one year after the date of approval unless the sign has been erected or altered pursuant to the permit.

E. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete ~~the~~ each step before moving to the step below.



Div. 8.4. Use Permits

A use permit is a review process to ensure that the use of a property complies with these LDRs and that the impacts of the use are mitigated. Use permits run with a property and are valid as long as the use remains in operation. Conditions on use permits are often ongoing and apply throughout the life of the permit. There are 3 types of use permits in these LDRs.

A. Basic Use Permit (Sec. 8.4.1.)

A basic use permit (BUP) permits uses that are allowed by right, but require administrative review to ensure compliance with the standards of these LDRs.

B. Conditional Use Permit (Sec. 8.4.2.)

A conditional use permit (CUP) permits a use that is generally compatible with the character of a zone, but requires project specific conditions to limit and mitigate potential adverse impacts.

C. Special Use Permit (Sec. 8.4.3.)

A special use permit (SUP) permits a use that is incompatible with the character of all zones, but is an essential service of the community and must be located somewhere under specific conditions to mitigate adverse impacts.

8.4.1. Basic Use Permit (BUP) (AMD2019-0006)~~(1/1/17)~~

A. Purpose

The purpose of a basic use permit is to ensure compliance with the standards of these LDRs for uses that are compatible with the character of the zone in which they are proposed.

B. Applicability

Uses that require a basic use permit are identified in the standards for each zone. See Article 2.-Article 4. for zone standards.

C. Findings for Approval

A basic use permit shall be approved upon finding the application:

1. Complies with the use specific standards of Div. 6.1. and the zone;
2. Complies with all other relevant standards of these LDRs and all other County Resolutions; and
3. Is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.

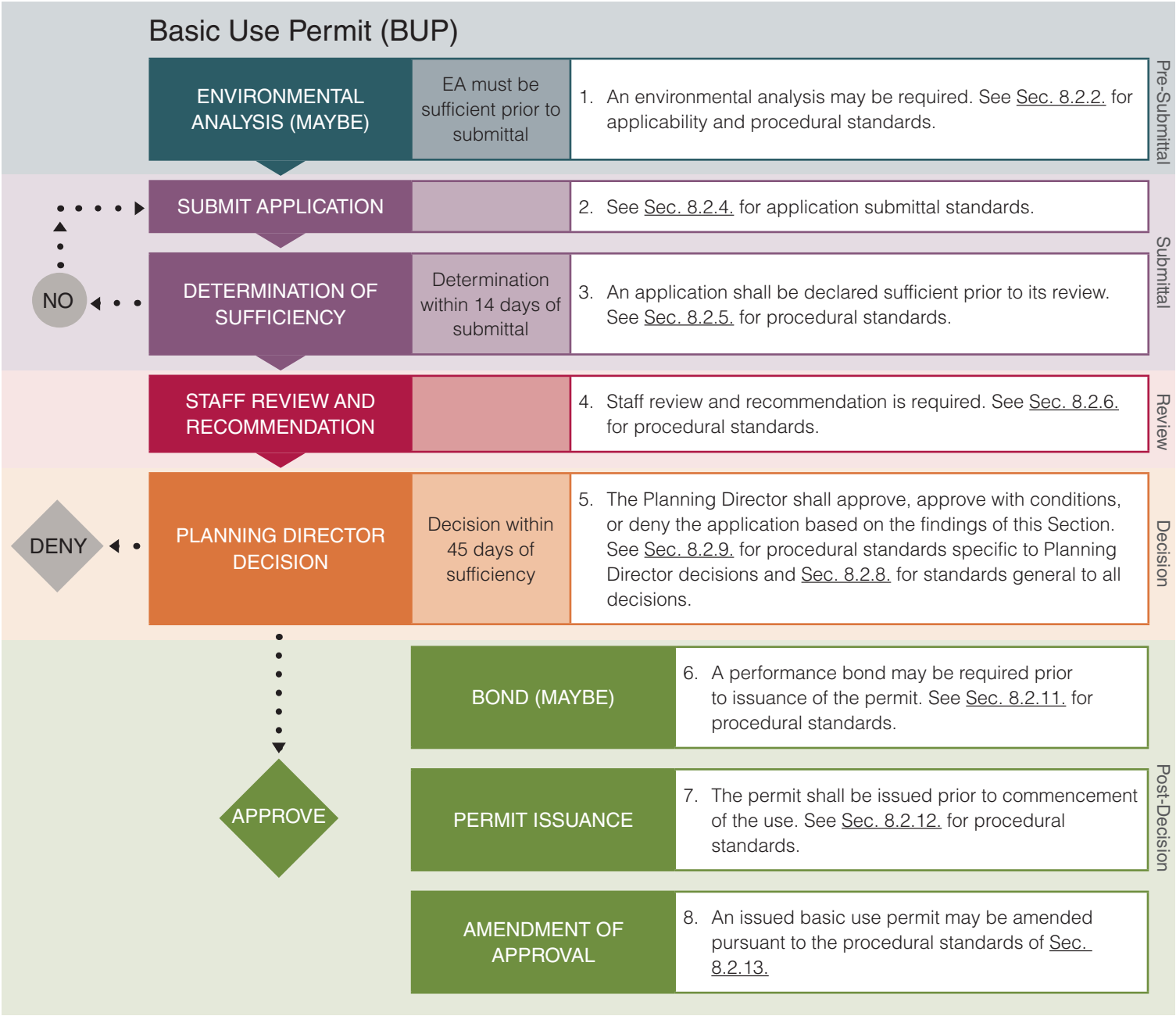
D. Permit Expiration

A basic use permit shall expire one year after 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 basic use permit.

E. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete ~~the~~ each step before moving to the step below.


Basic Use Permit (BUP)
ENVIRONMENTAL ANALYSIS (MAYBE)
EA must be sufficient prior to submittal
1. An environmental analysis may be required. See Sec. 8.2.2. for applicability and procedural standards.
Pre-Submittal
SUBMIT APPLICATION
2. See Sec. 8.2.4. for application submittal standards.
NO
DETERMINATION OF SUFFICIENCY
Determination within 14 days of submittal
3. An application shall be declared sufficient prior to its review. See Sec. 8.2.5. for procedural standards.
Submittal
STAFF REVIEW AND RECOMMENDATION
4. Staff review and recommendation is required. See Sec. 8.2.6. for procedural standards.
Review
DENY
PLANNING DIRECTOR DECISION
Decision within 45 days of sufficiency
5. The Planning Director shall approve, approve with conditions, or deny the application based on the findings of this Section. See Sec. 8.2.9. for procedural standards specific to Planning Director decisions and Sec. 8.2.8. for standards general to all decisions.
Decision
APPROVE
BOND (MAYBE)
6. A performance bond may be required prior to issuance of the permit. See Sec. 8.2.11. for procedural standards.
PERMIT ISSUANCE
7. The permit shall be issued prior to commencement of the use. See Sec. 8.2.12. for procedural standards.
AMENDMENT OF APPROVAL
8. An issued basic use permit may be amended pursuant to the procedural standards of Sec. 8.2.13.
Post-Decision

8.4.2. Conditional Use Permit (CUP) ~~(1/1/15)~~(AMD2019-0006)

A. Purpose

The purpose of a conditional use permit is to individually and publicly review the configuration, density, and intensity of a use that is generally compatible with the character of a zone, but requires additional, site-specific conditions to limit and mitigate effects that may be adverse to the desired character of the zone.

B. Applicability

Uses that require a conditional use permit are identified in the standards for each zone. See Article 2.-Article 4. for zone standards.

C. Findings for Approval

A conditional use permit shall be approved upon finding the application:

1. Is compatible with the desired future character of the area;
2. Complies with the use specific standards of Div. 6.1. and the zone;
3. Minimizes adverse visual impacts;
4. Minimizes adverse environmental impacts;
5. Minimizes adverse impacts from nuisances;
6. Minimizes adverse impacts on public facilities;
7. Complies with all other relevant standards of these LDRs and all other County Resolutions; and
8. Is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.

D. Expiration

A conditional use permit shall expire one year after 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.

E. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete ~~the~~ each step before moving to the step below.

Conditional Use Permit (CUP)

Pre-Submittal	PRE-APPLICATION CONFERENCE		1. A pre-application conference is required. See Sec. 8.2.1. for procedural standards.
	ENVIRONMENTAL ANALYSIS (MAYBE)	EA must be sufficient prior to submittal	2. An environmental analysis may be required. See Sec. 8.2.2. for applicability and procedural standards.
	NEIGHBORHOOD MEETING (OPTIONAL)		3. A neighborhood meeting is optional. See Sec. 8.2.3. for procedural standards.
Submittal	SUBMIT APPLICATION	Must submit within 1 year of pre-ap conference	4. See Sec. 8.2.4. for application submittal standards.
	DETERMINATION OF SUFFICIENCY	Determination within 14 days of submittal	5. An application shall be declared sufficient prior to its review. See Sec. 8.2.5. for standards.
Review	STAFF REVIEW AND RECOMMENDATION		6. Staff review and recommendation is required. See Sec. 8.2.6. for procedural standards.
	PLANNING COMMISSION RECOMMENDATION	Hearing within 90 days of sufficiency	7. Planning Commission review at a public hearing and recommendation is required. See Sec. 8.2.7. for procedural standards specific to PC recommendation and Sec. 8.2.14. for procedural standards general to all public hearings.
Decision	BOARD OF COUNTY COMMISSIONERS DECISION	Hearing within 60 days of PC recommendation FOF/COL at next regular meeting after hearing	8. The Board of County Commissioners shall review the application at a public hearing and approve, approve with conditions, or deny the application based on the findings of this Section. At the request of the applicant a CUP may be approved on a temporary basis in order to determine the nature of the use and its potential adverse impacts. See Sec. 8.2.10. for procedural standards specific to BCC decisions, Sec. 8.2.14. for procedural standards general to all public hearings, and Sec. 8.2.8. for standards general to all decisions.
Post-Decision	BOND (MAYBE)		9. A performance bond may be required prior to issuance of the permit. See Sec. 8.2.11. for procedural standards.
	PERMIT ISSUANCE		10. The permit shall be issued prior to commencement of the use. See Sec. 8.2.12. for procedural standards.
	AMENDMENT OF APPROVAL		11. An issued conditional use permit may be amended pursuant to the procedural standards of Sec. 8.2.13.

NO

DENY

APPROVE

8.4.3. Special Use Permit (SUP) (AMD2019-0006)~~(1/1/15)~~

A. Purpose

The purpose of a special use permit is to individually and publicly review the configuration, density, and intensity of a use that is inherently incompatible with the character of all zones, but essential to the community and therefore some provision must be made for its existence and operation. Special uses require additional, site-specific conditions to limit and mitigate effects that may be adverse to the desired character of the zone.

B. Applicability

Uses that require a special use permit are identified in the standards for each zone. See Article 2.-Article 4. for zone standards.

C. Findings for Approval

A special use permit shall be approved upon finding the application:

1. Is an appropriate site for the use in consideration of a comprehensive community -wide location study for the use;
2. Will not constitute a substantial physical hazard to a neighboring property;
3. Will not have a significant adverse effect on publicly-owned land;
4. Minimizes adverse environmental and visual impacts to the extent possible, considering the nature and essential existence of the use;
5. Will not damage or contaminate a public, private, residential, or agricultural water supply source;
6. Complies with all standards imposed on it by all other applicable regulatory agencies;
7. Complies with all relevant standards of these LDRs and other County Resolutions; and
8. Is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.

D. Expiration

A special use permit shall expire one year after 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 SUP.

E. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete ~~the~~ each step before moving to the step below.

Special Use Permit (SUP)

Pre-Submittal

PRE-APPLICATION CONFERENCE		1. A pre-application conference is required. See Sec. 8.2.1. for procedural standards.
ENVIRONMENTAL ANALYSIS (MAYBE)	EA must be sufficient prior to submittal	2. An environmental analysis may be required. See Sec. 8.2.2. for applicability and procedural standards.
NEIGHBORHOOD MEETING		3. A neighborhood meeting is required. See Sec. 8.2.3. for procedural standards.

Submittal

SUBMIT APPLICATION	Must submit within 1 year of pre-ap conference	4. See Sec. 8.2.4. for application submittal standards. Review of a SUP application may occur concurrently with an application to amend the text of the LDRs to identify the proposed site as an appropriate site for the use.
DETERMINATION OF SUFFICIENCY	Determination within 14 days of submittal	5. An application shall be declared sufficient prior to its review. See Sec. 8.2.5. for standards.

NO

Review

STAFF REVIEW AND RECOMMENDATION		6. Staff review and recommendation is required. See Sec. 8.2.6. for procedural standards.
PLANNING COMMISSION RECOMMENDATION	Hearing within 90 days of sufficiency	7. Planning Commission review at a public hearing and recommendation is required. See Sec. 8.2.7. for procedural standards specific to PC recommendation and Sec. 8.2.14. for procedural standards general to all public hearings.

Decision

BOARD OF COUNTY COMMISSIONERS DECISION	Hearing within 60 days of PC recommendation FOF/COL at next regular meeting after hearing	8. The Board of County Commissioners shall review the application at a public hearing and approve, approve with conditions, or deny the application based on the findings of this Section. See Sec. 8.2.10. for procedural standards specific to BCC decisions, Sec. 8.2.14. for procedural standards general to all public hearings, and Sec. 8.2.8. for standards general to all decisions.

DENY

APPROVE

Post-Decision

BOND	9. A performance bond may be required prior to issuance of the permit. See Sec. 8.2.11. for procedural standards.
PERMIT ISSUANCE	10. The permit shall be issued prior to commencement of the special use. See Sec. 8.2.12. for procedural standards.
AMENDMENT OF APPROVAL	11. An issued special use permit may be amended pursuant to the procedural standards of Sec. 8.2.13.

Div. 8.5. Development Option and Subdivision Permits

Development option permits provide for the review of an amount or type of development that is not allowed by a zone's base physical development and use standards. Development option permits are intended to permit a specific change to the amount or type of development otherwise allowed under the base requirements of these LDRs, but which requires certain standards to be met. Subdivision permits provide for the review of modifications to property configuration. Subdivision permits are intended to ensure orderly land records and the provision of adequate infrastructure, open space, and other requirements for the health, safety and welfare of the community.

Development option and subdivision permits do not permit actual physical development or change the zoning of a property. Conditions on development option and subdivision permits should relate to achievement of the development option or subdivision; they should not be on-going and create new standards for a property that have the effect of a LDR text amendment or zoning map amendment that should be processed pursuant to Div. 8.7.

This Division includes 4 review processes.

A. Development Option Plan (Sec. 8.5.2.)

Development option plan review is for development options that are allowed by right under specific circumstances. A development option plan does not require review at public hearing, but does require review of compliance with the development option standards before physical development and use permits can be reviewed. For larger developments that would benefit from public review, the development plan and sketch plan processes of Div. 8.3. are utilized instead of the development option plan.

B. Subdivision Plat (Sec. 8.5.3.)

Subdivision Plat review is a technical review of all divisions of land or airspace to ensure that property is being properly divided and conveyed. The subdivision plat process relies upon the development plan and sketch plan processes of Div. 8.3. to ensure the configuration of the subdivision complies with these LDRs.

C. Exempt Land Division (Sec. 8.5.4.)

The exempt land division procedure is for applicants seeking exemption under Wyo. Stat. § 18-5-303.

D. Boundary Adjustment (Sec. 8.5.5.)

The boundary adjustment procedure ensures that the adjustment of property lines results in property configurations that comply with the standards of these LDRs.

8.5.1. Sale or Transfer of Land (1/1/15)

No owner or agent of an owner of any land shall transfer, sell, agree to sell, or negotiate a binding agreement to sell any land by reference to, exhibition of, or by the use of a plat or map of subdivision or boundary adjustment before such plat or map has been approved and recorded in the applicable manner prescribed in this Division. The description of such lot or parcel by metes and bounds in the instrument of transfer or the documents used in the process of selling or transferring shall not exempt the transaction from the provisions of this Division. Notwithstanding the foregoing, in the case of condominium or townhouse type developments, an owner may enter into binding agreements to sell lots or units subsequent to approval of a development plan. Conveyance of individual lots or units, however, shall not occur until approval and recordation of the plat.

8.5.2. Development Option Plan ~~(AMD2019-0006)(4/1/16)~~

A. Purpose

The purpose of a development option plan is to review a development option that requires a determination of compliance with these LDRs prior to preparation of physical development, use, or subdivision permit applications, but does not require public review.

B. Applicability

Development options that require a development option plan are identified in the standards for each zone. See Article 2.-Article 4. for zone standards.

C. Findings for Approval

A development option plan shall be approved upon finding the application:

1. Is consistent with the desired future character described for the site in the Jackson/Teton County Comprehensive Plan;
2. Achieves the standards and objectives of the Natural Resource Overlay (NRO) and Scenic Resources Overlay (SRO), if applicable;
3. Complies with all relevant standards of these LDRs and other County Resolutions; and
4. Is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.

D. Effect of Approval

Approval of a development option plan permits submittal of a building permit, use permit, subdivision plat, or other application to complete the proposed development; it does not permit actual physical development or constitute subdivision of land.

E. Expiration

A development plan shall expire 18 months after the date of approval except under one of the following circumstances. The applicable circumstances shall be established in the notice of decision on the application.

1. In the case of a subdivision, a subdivision plat has been recorded with the County Clerk;
2. In the case of a development option, the action required to entitle the development option, such as the recording of a conservation easement for a development option requiring conservation area, has been taken; or
3. An alternate expiration is set through the approval of the development plan.

F. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete ~~the~~ each step before moving to the step below.

Development Option Plan

PRE-APPLICATION CONFERENCE		1. A pre-application conference is required. See Sec. 8.2.1. for procedural standards.	Pre-Submittal
ENVIRONMENTAL ANALYSIS (MAYBE)	EA must be sufficient prior to submittal	2. An environmental analysis may be required. See Sec. 8.2.2. for applicability and procedural standards.	Pre-Submittal
SUBMIT APPLICATION	Must submit within 1 year of pre-ap conference	3. See Sec. 8.2.4. for application submittal standards.	Submittal
DETERMINATION OF SUFFICIENCY	Determination within 14 days of submittal	4. An application shall be declared sufficient prior to its review. See Sec. 8.2.5. for standards.	Submittal
STAFF REVIEW AND RECOMMENDATION		5. Staff review and recommendation is required. See Sec. 8.2.6. for procedural standards.	Review
PLANNING DIRECTOR DECISION	Decision within 90 days of sufficiency	6. The Planning Director shall approve, approve with conditions, or deny the application based on the findings of this Section. See Sec. 8.2.9. for procedural standards specific to Planning Director decisions and Sec. 8.2.8. for standards general to all decisions.	Decision
BOND (MAYBE)		7. A performance bond may be required prior to issuance of the permit. See Sec. 8.2.11. for procedural standards.	Post-Decision
PERMIT ISSUANCE		8. The permit must be issued prior to submittal of any physical development, use, or subdivision permit application reliant on the development option plan. See Sec. 8.2.12. for procedural standards.	Post-Decision
AMENDMENT OF APPROVAL		9. An issued development option plan may be amended pursuant to the procedural standards of Sec. 8.2.13.	Post-Decision

NO

DENY

APPROVE

8.5.3. Subdivision Plat (AMD2019-0006)~~(1/1/17)~~

A. Purpose

The purpose of the subdivision plat procedure is to ensure that the subdivision of land and airspace complies with the standards of these LDRs and state statute, and to ensure:

1. Orderly land records;
2. Proper recordation of land ownership and property owner association records; and
3. Provision of rights-of-way for streets and utility easements.

B. Applicability

Any division of land or airspace, including condominium and townhouse subdivisions, shall comply with this Section, unless it:

1. Meets of definition of an exempt land division pursuant to Sec. 8.5.4.;
2. Constitutes a Boundary Adjustment pursuant to Sec. 8.5.5.; or
3. Is one of the following divisions of property, which are not considered division of land or airspace.
   a. A division in interest which is created by a lien, mortgage, deed of trust, or any other security instrument, easements and rights-of-way;
   b. A division in interest which is created by the acquisition of an interest in land in the name of the husband and wife or other persons in joint tenancy or as tenants in common, and the interest shall be deemed for purposes of this Subsection as only one interest; and
   c. The sale or disposition of separate parcels of land that were separate when lawfully created or conveyed and which have not been combined by a recorded instrument of conveyance signed by all of the owners.

C. Findings

A plat shall be approved upon ~~a~~ finding the proposed plat:

1. Is in substantial conformance with an approved development plan or development option plan or is a condominium or townhouse subdivision of existing physical development;
2. Complies with the standards of this Section.
3. Complies with the subdivision standards of Div. 7.2.; and
4. Complies with all other relevant standards of these LDRs and other County Resolutions.

D. Plat Content

1. A plat shall contain all requirements of Wyo. Stat. § 18-5-306 and § 34-12-103.
2. A plat shall contain notice of a mapped fault line pursuant to Sec. 5.4.3.B.
3. A plat may contain notes that effect transfer of rights and property or provide warning of nuisance.
4. A plat shall not include:
   a. Depiction of improvements;
   b. Notes designating zoning district, setbacks, right to subdivision, or any other standard under these LDRs that is subject to change at the legislative discretion of the Board of County Commissioners.

E. Subdivision Improvements Agreement

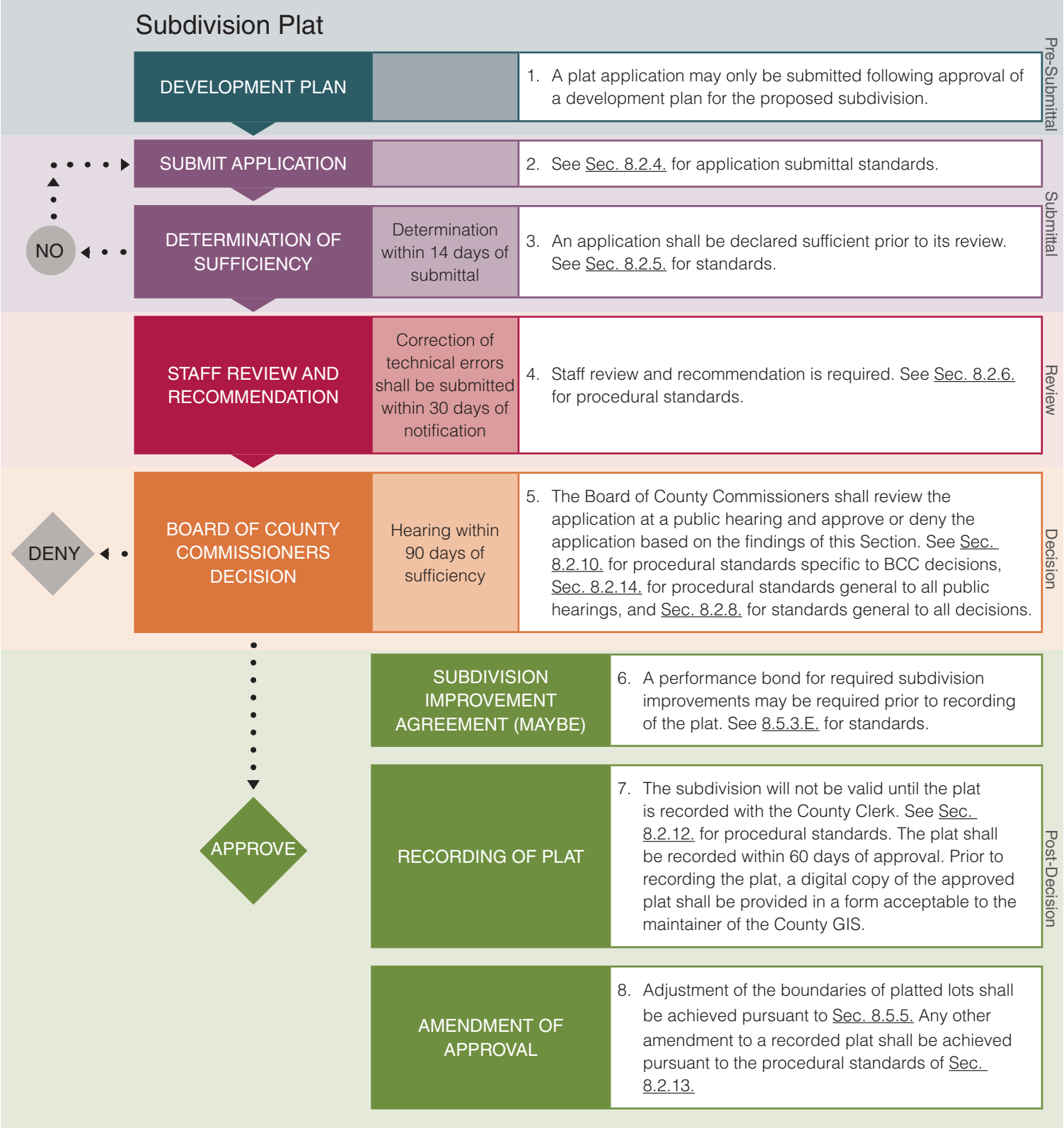
Where financial assurance is required for the installation of required subdivision improvements, the standards of Sec. 8.2.11. shall apply with the following modifications:

1. **Contract.** The Financial Assurances Agreement required shall be a Subdivision Improvements Agreement contract executed on a form provided by the Planning Director. The standard contract shall, among other things, specify that the required improvements be installed within the time stated, in accordance with the approved plans and the requirements of the County Engineer, and, where applicable, the requirements of the Wyoming Department of Environmental Quality. The contract shall be reviewed and approved by the County Attorney; and shall be recorded against the property by the subdivider. The County shall record a release of the contract upon installation of the required subdivision ~~imporvements~~improvements.
2. **Tap and Capacity Fees.** The amount of the financial assurance shall include any tap, capacity, or other fees that would be required to be paid as part of the installation of the improvement.
3. **Release of Financial Assurance.** A full or partial release of the financial assurance does not

constitute certification of compliance with the standards of these LDRs or any applicable code or other requirement, or release the responsibility of the subdivider.

F. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete ~~the~~ each step before moving to the step below.



8.5.4. Exempt Land Division (AMD2019-0006)~~(1/1/17)~~

A. Purpose

The purpose of the exempt land division procedure is for the Planning Director to verify that a claimed exempt land division is compliant with the standards of Wyo. Stat. § 18-5-303 and not intended to evade Sec. 8.5.3.

B. Applicability

The following divisions of land are exempt from the requirements of Sec. 8.5.3. by Wyo. Stat. § 18-5-303. However, as authorized by the same statute, they shall comply with the standards of this Section prior to recording deeds, records of survey, contracts for deeds, or other types of instruments with the County Clerk.

1. A division which creates cemetery lots.
2. A division which is created by the sale or other disposition of land to the state of Wyoming or any political subdivision thereof.
3. A division which may be created by any court of this state pursuant to the law of eminent domain, by operation of law, or by order of any court in this state, except that this paragraph shall not exempt a partition of real property pursuant to Wyo. Stat. § 1-32-101 through 1-32-122 from compliance with this article if the division would otherwise be subject to the provisions of this article.
4. A division which affects railroad rights-of-way.
5. A division which is a sale or other disposition of land for agricultural purposes or affects the alignment of property lines for agricultural purposes.
6. A division of land creating a parcel 5 acres or less for the purpose of establishing unmanned communication facilities, compressor stations, metering stations, fiber optic booster stations, or similar unmanned facilities.
7. The sale or other disposition of land where the parcels involved are 35 acres or larger, subject to the requirement that ingress and egress and utility easements shall be provided to each parcel by binding and recordable easements of not less than 40 feet in width to a public road unless specifically waived by the grantee or transferee in a binding and recordable document.
8. A division of land made outside of a platted subdivision for the purpose of a single gift or sale to a member of the landowner's immediate family, subject to the following requirements:
   a. A member of the immediate family is limited to any person who is a natural or adopted child, stepchild, spouse, sibling, grandchild, grandparent or parent of the landowner;
   b. The purpose of the division is to provide for the housing, business or agricultural needs of the grantee;
   c. ~~The land shall have been titled in the name of the grantor for a period of not less than 5 years prior to the division and parcels created under this paragraph shall be titled in the name of the immediate family member for whom the division is made for a period of not less than one year unless such parcels are subject to involuntary transfer including, but not limited to, foreclosure, death, judicial sale, condemnation or bankruptcy;~~ The land shall have been titled in the name of the grantor, or in the name of a trust controlled by the grantor, for a combined period of not less than ten (10) years prior to the division and parcels created under this paragraph shall be titled in the name of the immediate family member for whom the division is made for a period of not less than five (5) years unless such parcels are subject to involuntary transfer including, but not limited to, foreclosure, death, judicial sale, condemnation or bankruptcy;
   d. No parcel smaller than 5 acres created under this paragraph shall be further divided except in compliance with Sec. 8.5.3.; and
   e. Where the landowner is a ~~corporation~~business entity and 80% of the shares are held by individuals related by blood or marriage, the sale or gift may be made subject to the provisions of this Section to an immediate family member of any shareholder who has owned at least 5% of the outstanding shares for at least 5 years continuously before the date of the sale or gift.

C. Effect

This Section shall exempt applicable divisions of land from the procedural standards of Sec. 8.5.3. However, the resultant parcels shall not be exempt from the other standards of these LDRs.

D. Recorded Documents

Prior to recording deeds, contracts for deeds, or other types of instruments with the County Clerk, the following documents shall be recorded with the County Clerk:

1. A map of survey;

2. A certificate acknowledged by all owners of record stating the division is exempted from review as a subdivision under Wyo. Stat. § 18-5-303; and

3. A certificate acknowledged by the Planning Director that states that the division is exempt pursuant to Wyo. Stat. § 18-5-303 and this Section.

4. If applicable, an instrument acceptable to the Planning Director that limits the use of the property to those purposes allowed under Wyo. Stat. § 18-5-303 for the claimed exemption.

E. Findings

A claimed exempt land division shall be found eligible if:

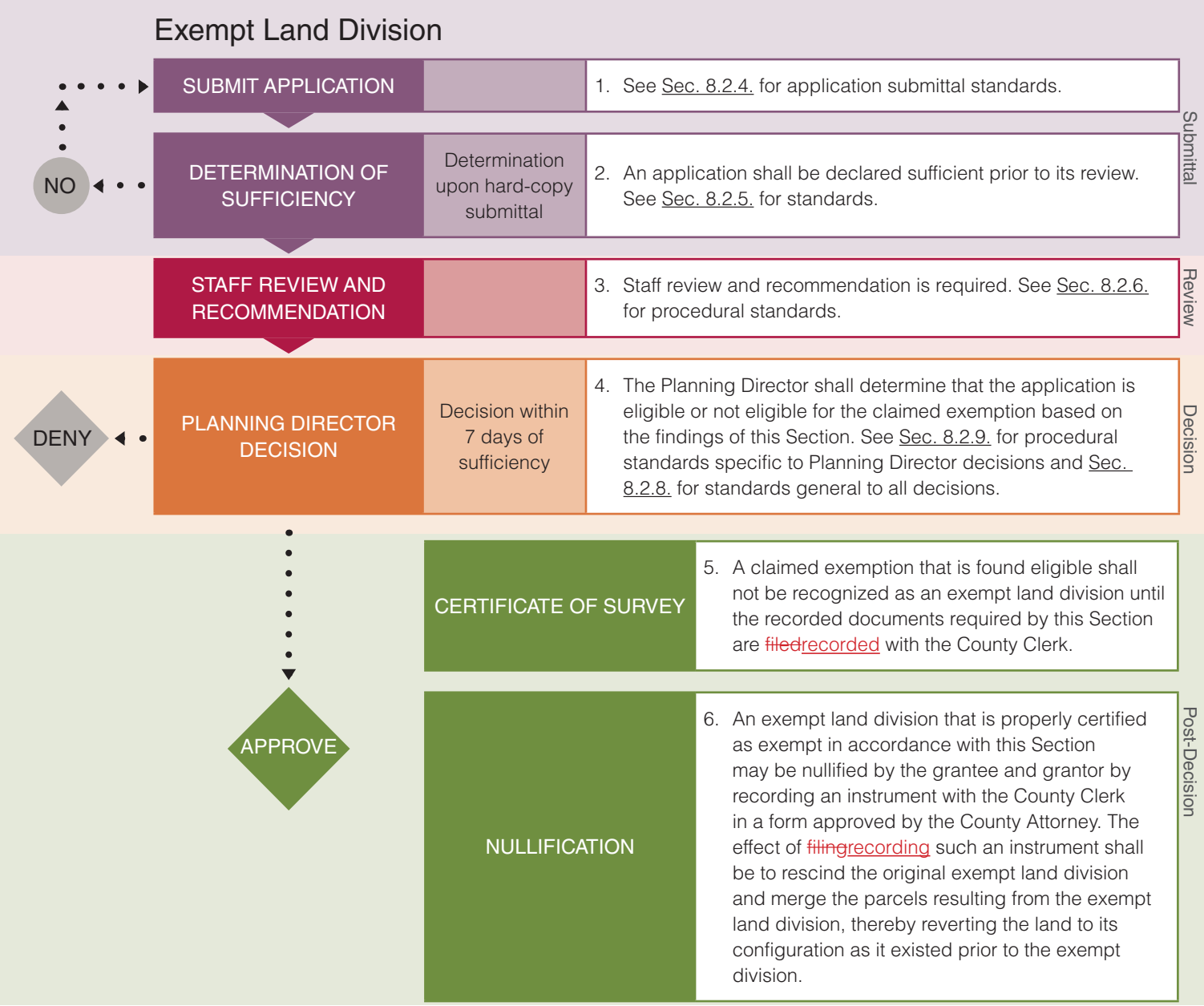
1. The application meets the applicability standards of this Section;

2. The required documents to be recorded are acceptable; and

3. The application is not intended to evade Sec. 8.5.3.

F. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete ~~the~~ each step before moving to the step below.



8.5.5. Boundary Adjustment (AMD2019-0006)~~(1/1/17)~~

A. Purpose

The purpose of the boundary adjustment process is to ensure that the adjustment of property lines results in property configurations that comply with the standards of these LDRs.

B. Applicability

The adjustment of boundaries between lots of record that involves the division of a portion of one property so that the divided portion can be completely merged into an adjacent property shall be exempt from the standards of Sec. 8.5.3., but shall comply with the standards of this Section or Sec. 8.5.4. Specifically, but not exclusively, this Section shall be applicable in the following situations.

1. The conveyance of a parcel from a public agency to a private party that owns land contiguous to the conveyed public land shall be treated as a boundary adjustment to the contiguous private land and not as the creation of a separate, legal, buildable lot of record.

2. The remedying of an encroachment, setback violation, bona fide boundary dispute, or similar circumstance through boundary adjustment shall comply with the standards of this Section.

3. A change in the lot configuration and/or roadway location in a limited part of a platted subdivision that does not abridge or destroy any of the rights and privileges of other landowners or others who have an interest in the plat shall be reviewed as a boundary adjustment; otherwise the change in configuration of a platted subdivision shall comply with the standards of 8.2.13.C.

C. Recorded Documents

Adjustment of the boundaries between unplatted lots requires the recordation of different documents from the adjustment of the boundaries between platted lots.

1. **Unplatted Parcels.** In order to adjust the boundaries between unplatted lots of record the following documents shall be recorded with the County Clerk.

    a. **Map of Survey.** A map of survey of the new configuration of the lots of record shall be recorded. The map of survey shall contain a certificate of Surveyor, Certificate of Owners, and Certificate of Acceptance of Mortgagees signed by all holders of mortgages of the properties being adjusted. Each of the certificates shall be appropriately acknowledged and comply with the applicable sections of state statute.

    b. **Conveyance of Parcels.** An acceptable instrument, which shall totally merge the divided portions with and combine them into the adjoining lots of record so that no additional lots of record are created, and the resulting lots of record shall be established as single lots of record for all purposes.

2. **Platted Lots.** In order to adjust the boundaries between platted lots, or a platted lot and an unplatted parcel, the following documents shall be recorded with the County Clerk.

a. **Plat.** A new plat shall be recorded for the lots with adjusted boundaries. The new plat shall meet the following standards.

   i. The content of the new plat shall meet the standards of 8.5.3.D.

   ii. The Subdivision Improvement Agreement shall be updated as needed pursuant to the standards of 8.5.3.E.

   iii. The Certificate of Owners on the new plat shall have a clause vacating the area to be reconfigured that is signed by all owners of record of the lots involved.

   iv. All mortgagees shall acknowledge the replat.

   v. If only one subdivision is involved, the name shall be the name of the original subdivision, followed by a numerical designation. The resulting (new) lots shall be numbered consecutively with numbers different from the original subdivision. If 2 or more neighboring subdivisions are involved, the new plat shall have a name materially different than any of the original plats.

   vi. An adjusted unplatted parcel is not required to become a part of the subdivision, however the new configuration of the unplatted parcel shall be shown on the plat, to the satisfaction of the County Surveyor.

b. **Conveyance of Platted Lots.** If there is more than one owner of the vacated portion of the plat, instruments shall be recorded conveying ownership of the individual lots of record resulting from the replat.

c. **Conveyance of Unplatted Parcels.** An instrument acceptable to the County Attorney and the County Surveyor shall be recorded to establish a newly adjusted unplatted parcel.

D. Findings

A boundary adjustment shall be approved upon finding that:

1. No additional lots of record are created;
2. Each of the resulting lots of record complies with the zone in which it is located as approved through a zoning compliance verification;
3. The applicability and required document provisions of this Section are met;
4. The application complies with all other relevant standards of these LDRs and other County Resolutions; and
5. The application is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.

E. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete ~~the~~ each step before moving to the step below.

Boundary Adjustments

Pre-Submittal

ZONING COMPLIANCE VERIFICATION		1. A zoning compliance verification shall be approved for the proposed configuration of each lot of record that would result from the boundary adjustment. See Sec. 8.6.2. for standards and procedures.

Submittal

SUBMIT APPLICATION	Must submit within 60 days of ZCV	2. See Sec. 8.2.4. for application submittal standards.
DETERMINATION OF SUFFICIENCY	Determination within 14 days of submittal	3. An application shall be declared sufficient prior to its review. See Sec. 8.2.5. for standards.

NO

Review

STAFF REVIEW AND RECOMMENDATION	Correction of technical errors shall be submitted within 30 days of notification	4. Staff review and recommendation is required. See Sec. 8.2.6. for procedural standards.

Decision

PLANNING DIRECTOR DECISION	Decision within 60 days of sufficiency.	5. If the application proposes adjustment of the boundaries between unplatted parcels, the Planning Director shall approve or deny the application based on the findings of this Section. See Sec. 8.2.9. for procedural standards specific to Planning Director decisions and Sec. 8.2.8. for standards general to all decisions.

DENY

OR

BOARD OF COUNTY COMMISSIONERS DECISION	Hearing within 90 days of sufficiency	6. If the application proposes adjustment of the boundaries between platted lots or a platted lot and unplatted parcel, the Board of County Commissioners shall review the application at a public hearing and approve or deny the application based on the findings of this Section. See Sec. 8.2.10. for procedural standards specific to BCC decisions, Sec. 8.2.14. for procedural standards general to all public hearings, and Sec. 8.2.8. for standards general to all decisions. In addition to the notice requirements of Sec. 8.2.14., notice of the hearing shall be sent to all proprietors in the plat to be partially vacated and replatted.

DENY

Post-Decision

APPROVE

BOND (MAYBE)	7. A performance bond may be required prior to recording of the new plat or map of survey executing the boundary adjustment. See Sec. 8.2.11. for procedural standards. If the bond is associated with a Subdivision Improvement Agreement, see also 8.5.3.D.
RECORDING OF BOUNDARY ADJUSTMENT	8. The adjusted boundary configuration will not be valid until the applicable required documents are recorded with the County Clerk. Prior to recording the required documents, a digital copy of the approved map or plat shall be provided in a form acceptable to the maintainer of the County GIS.

Div. 8.6. Interpretations of the LDRs

Interpretations of the LDRs are made throughout the review of all permit applications. These interpretations are incorporated and finalized through the processes described in other divisions of this Article and do not require a separate process. However, there are times when a clarification on the meaning of the LDRs is needed independent of an application. This Division outlines the process for 2 types of independent interpretations:

A. Formal Interpretations (Sec. 8.6.1.)

A formal interpretation provides a written answer to a specific question of how a provision of these LDRs is applied;

B. Zoning Compliance Verification (Sec. 8.6.2.)

A zoning compliance verification is a moment-in-time analysis of the compliance of a specific property with all or certain provisions of these LDRs.

8.6.1. Formal Interpretations (AMD2019-0006)~~(1/1/15)~~

A. Purpose

The purpose of a formal interpretation is to provide a written answer to a specific question on the application of a provision of these LDRs or the boundaries or classifications of the Official Zoning Map independent from any other review procedure. A formal interpretation provides consistency in the implementation of these LDRs.

B. Applicability

A formal interpretation may be requested to interpret any provision of these LDRs or boundary or classification of the Official Zoning Map. The Planning Director may require a different application to be filed if an interpretation should be evaluated in the context of a full application rather than as a separate question.

C. Findings

In making a formal interpretation the Planning Director shall consider the following:

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.

D. Official Record

The Planning Director shall maintain a record of all formal interpretations rendered pursuant to this Section. This record shall be available for public inspection in the Planning Department during normal business hours.

E. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete ~~the~~ each step before moving to the step below.

Formal Interpretations

SUBMIT APPLICATION		1. See Sec. 8.2.4. for application submittal standards, except that application for a formal interpretation may be submitted by any landowner or resident of the County.	Submittal
STAFF REVIEW AND RECOMMENDATION		2. Staff review and recommendation is required. See Sec. 8.2.6. for procedural standards.	Review
PLANNING DIRECTOR DECISION	Decision within 60 days of submittal	3. The Planning Director shall make the formal interpretation based on the findings of this Section. See Sec. 8.2.9. for procedural standards specific to Planning Director decisions and Sec. 8.2.8. for standards general to all decisions.	Decision
ISSUE	ISSUANCE	4. See Sec. 8.2.12. for procedural standards.	Post-Decision

8.6.2. Zoning Compliance Verification (ZCV) (AMD2019-0006)~~(1/1/17)~~

A. Purpose

The purpose of a zoning compliance verification is to determine in writing if all or a portion of a property is in compliance with these LDRs at a specific point in time.

B. Applicability

A zoning compliance verification may be requested for any property, portion of a property, or attribute of a property's physical development, use, development options, or subdivision.

> **EXAMPLE:** Examples of zoning compliance verification requests include, but are not limited to: a determination of the current development potential on a site, identification of any apparent nonconformities on a site, review of a wetland delineation prior to application submittal, and visual resource analysis that informs application submittal but is not dependent upon application information for review.

C. Findings

In order to issue a zoning compliance verification the Planning Director shall find that the property, portion of the property, or attribute of the property in question:

1. Is in substantial conformance with all relevant standards of these LDRs and other County Resolutions; and
2. Complies with all standards or conditions of any prior applicable permits or approvals.

D. Effect

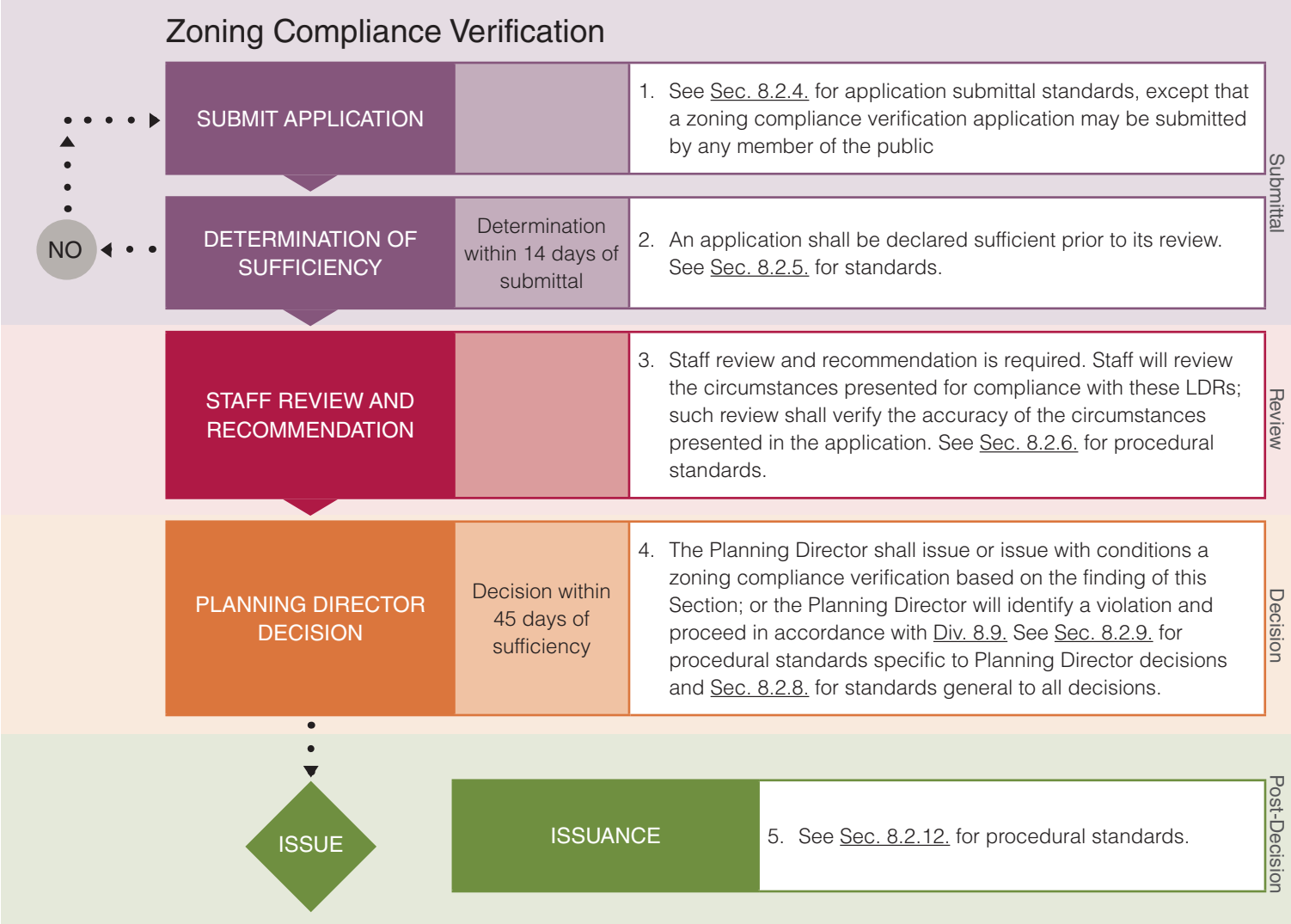
A zoning compliance verification shall only apply to the circumstances reviewed and will only be as detailed as the information provided in the request. A zoning compliance verification does not permit any physical development, use, development option, or subdivision, nor does it guarantee approval of any application.

E. Expiration

A zoning compliance verification shall only verify zoning compliance at the time it is issued.

F. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete ~~the~~ each step before moving to the step below.


Zoning Compliance Verification
SUBMIT APPLICATION
1. See Sec. 8.2.4. for application submittal standards, except that a zoning compliance verification application may be submitted by any member of the public
NO
DETERMINATION OF SUFFICIENCY
Determination within 14 days of submittal
2. An application shall be declared sufficient prior to its review. See Sec. 8.2.5. for standards.
Submittal
STAFF REVIEW AND RECOMMENDATION
3. Staff review and recommendation is required. Staff will review the circumstances presented for compliance with these LDRs; such review shall verify the accuracy of the circumstances presented in the application. See Sec. 8.2.6. for procedural standards.
Review
PLANNING DIRECTOR DECISION
Decision within 45 days of sufficiency
4. The Planning Director shall issue or issue with conditions a zoning compliance verification based on the finding of this Section; or the Planning Director will identify a violation and proceed in accordance with Div. 8.9. See Sec. 8.2.9. for procedural standards specific to Planning Director decisions and Sec. 8.2.8. for standards general to all decisions.
Decision
ISSUE
ISSUANCE
5. See Sec. 8.2.12. for procedural standards.
Post-Decision

Div. 8.7. Amendments to the LDRs

Amending the LDRs is a matter committed to the legislative discretion of the Board of County Commissioners. There are 3 types of amendments to the LDRs:

A. LDR Text Amendments that change the language in the LDRs;

B. Zoning Map Amendments that change the zoning classification of a property and therefore the applicable LDRs; and

C. Planned Unit Developments that establish a development-specific zoning classification and standards for a site.

8.7.1. LDR Text Amendment (AMD2019-0006)~~(1/1/15)~~

A. Purpose

The purpose of an LDR text amendment is to publicly review a change to these LDRs to ensure that it improves implementation of the Jackson/Teton County Comprehensive Plan or address other health, safety, or welfare issues in the community.

B. Applicability

All LDR text amendments shall be reviewed pursuant to this Section, which is adopted pursuant to the Wyoming Administrative Procedures Act.

C. Findings

The advisability of amending the text of these LDRs is a matter committed to the legislative discretion of the Board of County Commissioners and is not controlled by any one factor. In deciding to adopt or deny a proposed LDR text amendment the Board of County Commissioners shall consider factors including, but not limited to, the extent to which the proposed amendment:

1. Is consistent with the purposes and organization of the LDRs;
2. Improves the consistency of the LDRs with other provisions of the LDRs;
3. Provides flexibility for landowners within standards that clearly define desired character;
4. Is necessary to address changing conditions, public necessity, and/or state or federal legislation;
5. Improves implementation of the Comprehensive Plan; and
6. Is consistent with other adopted County Resolutions.

D. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete ~~the~~ each step before moving to the step below.

LDR Text Amendment

Pre-Submittal

PRE-APPLICATION CONFERENCE (OPTIONAL)

1. A pre-application conference is optional. See Sec. 8.2.1. for procedural standards.

NEIGHBORHOOD MEETING (OPTIONAL)

2. A neighborhood meeting is optional, but suggested if the text amendment will have localized effect. See Sec. 8.2.3. for procedural standards.

Submittal

SUBMIT APPLICATION

3. See Sec. 8.2.4. for application submittal standards except that an LDR text amendment may be proposed by the Board of County Commissioners, Planning Commission, Planning Director, or any member of the public. Review of a text amendment shall not occur concurrently with review of any physical development, basic use, conditional use, development option, or subdivision permit application reliant on the proposed text amendment.

DETERMINATION OF SUFFICIENCY

Determination within 14 days of submittal

4. An application shall be declared sufficient prior to its review. See Sec. 8.2.5. for standards.

NO

Review

STAFF REVIEW AND RECOMMENDATION

5. Staff review and recommendation is required. See Sec. 8.2.6. for procedural standards. Letter in file from County Attorney's Office demonstrating compliance with the Wyoming Regulatory Takings Act (Wyo. Stat. § 9-5-301 et seq.).

PLANNING COMMISSION RECOMMENDATION

Hearing within 90 days of sufficiency

6. Planning Commission review at a public hearing and recommendation is required. See Sec. 8.2.7. for procedural standards specific to PC recommendation and Sec. 8.2.14. for procedural standards general to all public hearings.

Decision

BOARD OF COUNTY COMMISSIONERS DECISION

Hearing within 60 days of PC recommendation

7. The Board of County Commissioners shall review the application at a public hearing and approve, approve with conditions, or deny the application based on the findings of this Section. See Sec. 8.2.9. for procedural standards specific to BCC decisions, Sec. 8.2.14. for procedural standards general to all public hearings, and Sec. 8.2.8. for standards general to all decisions.

DENY

APPROVE

Post-Decision

~~FILING~~RECORDING OF AMENDMENT

8. The text amendment shall not take effect until it is ~~filed~~recorded with the County Clerk. See Sec. 8.2.12. for procedural standards.

8.7.2. Zoning Map Amendment (AMD2019-0006)~~(1/1/15)~~

A. Purpose

The purpose of zoning map amendment is to publicly review a change to the Official Zoning Map to ensure that it improves implementation of the Jackson/Teton County Comprehensive Plan or address other health, safety, or welfare issues in the community.

B. Applicability

All zoning map amendments shall be reviewed pursuant to this Section, which is adopted pursuant to the Wyoming Administrative Procedures Act.

C. Findings for Approval

The advisability of amending the Official Zoning Map is a matter committed to the legislative discretion of the Board of County Commissioners and is not controlled by any one factor. In deciding to adopt or deny a proposed zoning map amendment the Board of County Commissioners shall consider factors including, but not limited to, the extent to which the proposed amendment:

1. Is consistent with the purposes and organization of the LDRs;
2. Improves implementation of the desired future character defined in the Illustration of Our Vision chapter of the Comprehensive Plan;
3. Is necessary to address changing conditions or a public necessity; and
4. Is consistent with the other adopted County Resolutions.

D. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete ~~the~~ each step before moving to the step below.

Zoning Map Amendment

Pre-Submittal

PRE-APPLICATION CONFERENCE	Conference must be held within 1 year of submittal	1. A pre-application conference is required. See Sec. 8.2.1. for procedural standards.
NEIGHBORHOOD MEETING		2. A neighborhood meeting is required. See Sec. 8.2.3. for procedural standards.

Submittal

SUBMIT APPLICATION	Must submit within 1 year of pre-ap conference	3. See Sec. 8.2.4. for application submittal standards except that, a zoning map amendment may be proposed by the Board of County Commissioners, Planning Commission, Planning Director, or any other member of the public. Review of a zoning map amendment shall not occur concurrently with review of any physical development, use, development option, or subdivision permit application reliant on the proposed zoning map amendment.
DETERMINATION OF SUFFICIENCY	Determination within 14 days of submittal	4. An application shall be declared sufficient prior to its review. See Sec. 8.2.5. for standards.

NO

Review

STAFF REVIEW AND RECOMMENDATION		5. Staff review and recommendation is required. See Sec. 8.2.6. for procedural standards. Letter in file from County Attorney's Office demonstrating compliance with the Wyoming Regulatory Takings Act (Wyo. Stat. § 9-5-301 et seq.).
PLANNING COMMISSION RECOMMENDATION	Hearing within 90 days of sufficiency	6. Planning Commission review at a public hearing and recommendation is required. See Sec. 8.2.7. for procedural standards specific to PC recommendation and Sec. 8.2.14. for procedural standards general to all public hearings.

Decision

BOARD OF COUNTY COMMISSIONERS DECISION	Hearing within 60 days of PC recommendation	7. The Board of County Commissioners shall review the application at a public hearing and approve, approve with conditions, or deny the application based on the findings of this Section. See Sec. 8.2.10. for procedural standards specific to BCC decisions, Sec. 8.2.14. for procedural standards general to all public hearings, and Sec. 8.2.8. for standards general to all decisions.

DENY

Post-Decision

APPROVE

~~FILING~~RECORDING OF AMENDMENT	8. The zoning map amendment shall not take effect until it is ~~filed~~recorded with the County Clerk. See Sec. 8.2.12. for procedural standards.

8.7.3. Planned Unit Development (PUD)

(AMD2019-0006)~~(1/1/17)~~

A. Purpose

A planned unit development is established by a zoning map amendment to rezone land to a planned unit development zoning classification that is defined by a master plan and certificate of standards. The purpose of the planned unit development process is to publicly review the proposed master plan to ensure that they enhance the implementation of the desired future character for the land of the proposal beyond what could be achieved by base zoning.

B. Applicability

Development options that require planned unit development review and approval are identified in the standards for each zone. See Article 2.-Article 4. for zone standards. PUDs shall be reviewed pursuant to the procedures and standards of this Section, which is adopted pursuant to the Wyoming Administrative Procedures Act.

C. Consolidation of Applications

A PUD shall be reviewed concurrently with the initial physical development permit application required for the proposal.

> **EXAMPLE:** If the density or intensity of the project requires a sketch plan, the PUD application shall be reviewed concurrently with the sketch plan application.

D. Findings for Approval

The advisability of amending the Official Zoning Map to include a planned unit development classification is a matter committed to the legislative discretion of the Board of County Commissioners and is not controlled by any one factor. In deciding to adopt or deny a proposed planned unit development the Board of County Commissioners shall consider:

1. The extent to which the PUD enhances the implementation of the desired future character for the land of the proposal beyond what could be achieved by base zoning;
2. The findings for the applicable PUD option found in Article 4.;
3. The applicable findings for the amendment of an existing PUD or other special project found in 8.2.13.D.;
4. The findings of Sec. 8.7.1.; and
5. The findings of Sec. 8.7.2.

E. Effect

Approval of a PUD constitutes a zoning map amendment that has the effect of applying the master plan as the zone-specific standards for the site. Approval of a PUD does not permit actual physical development or use of the site, nor does it constitute subdivision of land.

F. Expiration

1. **Expiration.** A PUD shall expire if the physical development permit with which it was approved expires except under one of the following circumstances:
   a. The PUD option in Article 4. establishes an alternative expiration; or
   b. An alternate expiration is set through the approval of the PUD.
2. **Effect of Expiration.** Upon expiration, all rights established by the master plan shall become null and void. The County shall amend the Official Zoning Map pursuant Sec. 8.7.2. from PUD to the zone that existed on the land prior to the PUD approval. If the prior zone no longer exists, the Planning Director shall propose the appropriate zone in which to place the land.

G. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete ~~the~~ each step before moving to the step below.

Planned Unit Development (PUD)

Pre-Submittal

PRE-APPLICATION CONFERENCE		1. A pre-application conference is required. See Sec. 8.2.1. for procedural standards.
ENVIRONMENTAL ANALYSIS (MAYBE)	EA must be sufficient prior to submittal	2. An environmental analysis may be required. See Sec. 8.2.2. for applicability and procedural standards.
NEIGHBORHOOD MEETING		3. A neighborhood meeting is required. See Sec. 8.2.3. for procedural standards.

Submittal

SUBMIT APPLICATION	Must submit within 1 year of pre-ap conference	4. See Sec. 8.2.4. for application submittal standards.
DETERMINATION OF SUFFICIENCY	Determination within 14 days of submittal	5. An application shall be declared sufficient prior to its review. See Sec. 8.2.5. for standards.

NO

Review

STAFF REVIEW AND RECOMMENDATION		6. Staff review and recommendation is required. See Sec. 8.2.6. for procedural standards. Letter in file from County Attorney's Office demonstrating compliance with the Wyoming Regulatory Takings Act (Wyo. Stat. § 9-5-301 et seq.).
PLANNING COMMISSION RECOMMENDATION	Hearing within 90 days of sufficiency	7. Planning Commission review at a public hearing and recommendation is required. See Sec. 8.2.7. for procedural standards specific to PC recommendation and Sec. 8.2.8. for procedural standards general to all public hearings.

Decision

BOARD OF COUNTY COMMISSIONERS DECISION	Hearing within 60 days of PC recommendation	8. The Board of County Commissioners shall review the application at a public hearing and approve, approve with conditions, or deny the application based on the findings of this Section. See Sec. 8.2.10. for procedural standards specific to BCC decisions, Sec. 8.2.14. for procedural standards general to all public hearings, and Sec. 8.2.8. for standards general to all decisions.

DENY

APPROVE

Post-Decision

~~FILING~~RECORDING OF AMENDMENT	9. The PUD shall not take effect until the zoning map amendment is ~~filed~~recorded with the County Clerk. See Sec. 8.2.12. for procedural standards. Designation of a PUD zone classification on the Official Zoning Map shall reference the approval of the PUD.
AMENDMENT OF APPROVAL	10. A ~~filed~~recorded PUD may be amended pursuant to the procedural standards of Sec. 8.2.13.

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Div. 8.8. Relief from the LDRs

At times the strict application of these LDRs to a specific site inadvertently impedes the applicant's ability to realize the community's desired future character. In such instances relief may be sought from the strict application. There are 4 types of relief processes in this Division:

A. An Administrative Adjustment allows for minor relief from the LDRs where a public review is not necessary to determine that the protection afforded the community is upheld.

B. A variance is a larger relief from the LDRs that is a public review of the balance between the protections afforded the community by the LDRs and the hardship they place on the applicant.

C. An appeal allows for the challenge of an administrative decision.

D. A Beneficial Use Determination is a non-judicial remedy for a landowner to seek relief when the landowner believes the application of these LDRs constitutes a "takings" under the United States or Wyoming Constitution.

8.8.1. Administrative Adjustment (AMD2019-0006)~~(1/1/17)~~

A. Purpose

The purpose of an administrative adjustment is to allow minor adjustments to certain requirements and numerical standards in these LDRs based on specific review standards. The intent is to provide relief when application of a standard creates practical difficulties in advancement of Comprehensive Plan goals or zoning district purposes.

B. Applicability

An application may be made for administrative adjustment of the following standards of the LDRs.

1. Landscape Surface Ratio and site development may be adjusted up to 20%.
2. Structure setbacks, not including setbacks from natural resources, may be adjusted up to 20%.
3. Site development setbacks, not including setbacks from natural resources, may be adjusted up to 20%.
4. Fencing height and setbacks may be adjusted up to 20%.
5. Grade of developable slopes may be adjusted up to 20%.
6. Wildlife friendly fencing may be adjusted as allowed by 5.1.2.E.
7. Standard plant units may be adjusted as allowed by 5.5.3.E.3.
8. Parking requirement may be adjusted as allowed by 6.2.2.A.1.
9. Conservation area configuration may be adjusted as allowed by 7.3.3.D.
10. Street and road standards may be adjusted as allowed by ~~7.6.~~5.9.4.C.

C. Findings

An administrative adjustment shall be approved upon finding the application:

1. Complies with the applicability standards of this Section;
2. Either:
   a. Compensates for some unusual constraint of the site or proposal that is not shared by landowners generally, or
   b. Better protects natural and scenic resources, or
   c. Better supports the purpose of the zone;
3. Is consistent with the purpose of the zone and the desired future character for the area described in the Comprehensive Plan;
4. Will not pose a danger to the public health or safety; and
5. The site is not subject to a series of incremental administrative adjustments that circumvent the purpose of this Section.

D. Effect

Issuance of an administrative adjustment shall not ensure the approval of any other application. The decision on an administrative adjustment cannot be reversed by the Board of County Commissioners through review of an associated permit application. The decision on an administrative adjustment can only be reversed through an appeal pursuant to Sec. 8.8.3.

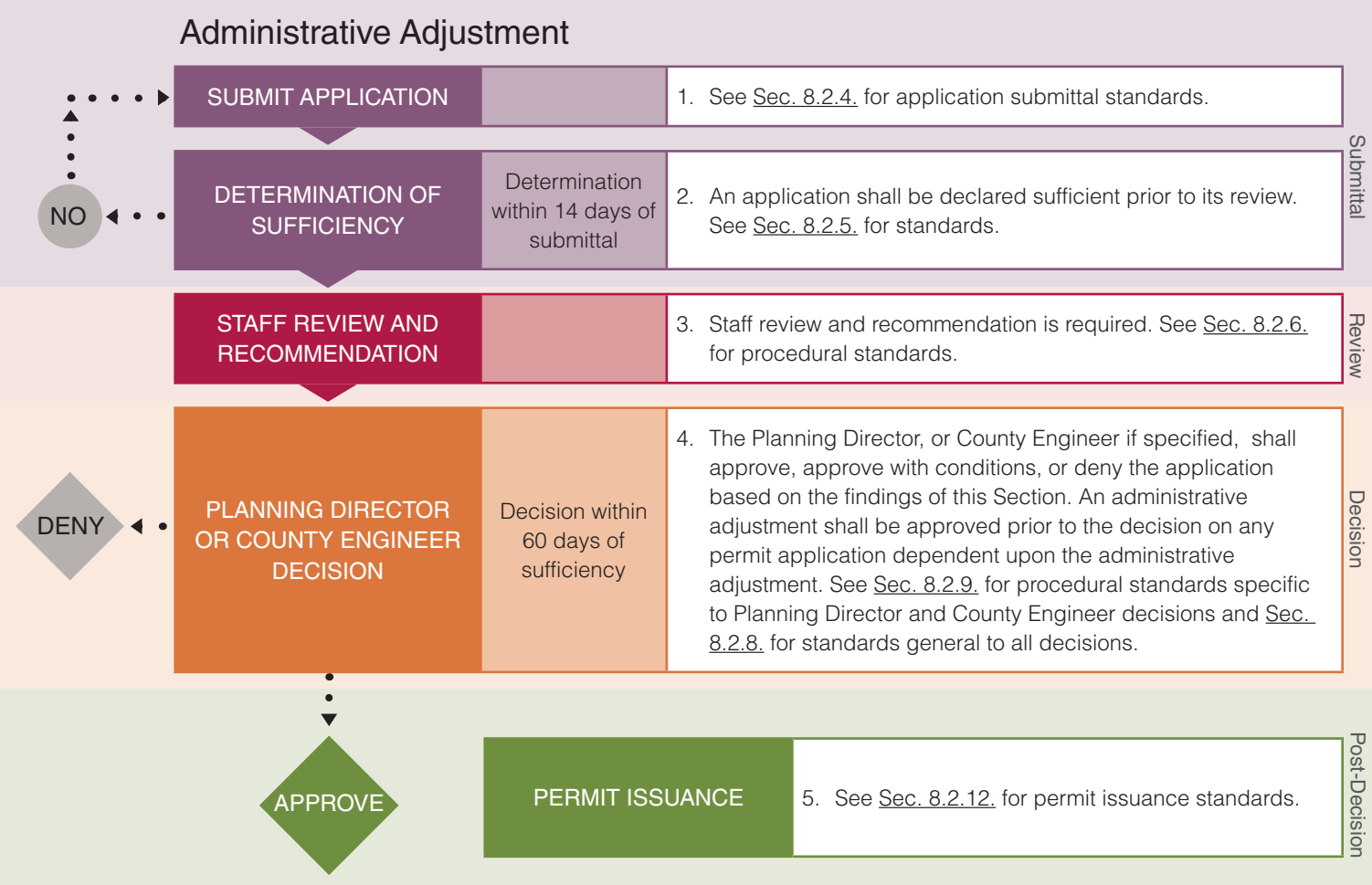
E. Expiration

An administrative adjustment shall expire one year after the date of approval except under one of the following circumstances:

1. The physical development, use, development option, or subdivision enabled by the administrative adjustment is in review or implementation; or
2. An alternate expiration is set through the approval of the administrative adjustment.

F. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete ~~the~~ each step before moving to the step below.


Administrative Adjustment
SUBMIT APPLICATION
1. See Sec. 8.2.4. for application submittal standards.
NO
DETERMINATION OF SUFFICIENCY
Determination within 14 days of submittal
2. An application shall be declared sufficient prior to its review. See Sec. 8.2.5. for standards.
Submittal
STAFF REVIEW AND RECOMMENDATION
3. Staff review and recommendation is required. See Sec. 8.2.6. for procedural standards.
Review
DENY
PLANNING DIRECTOR OR COUNTY ENGINEER DECISION
Decision within 60 days of sufficiency
4. The Planning Director, or County Engineer if specified, shall approve, approve with conditions, or deny the application based on the findings of this Section. An administrative adjustment shall be approved prior to the decision on any permit application dependent upon the administrative adjustment. See Sec. 8.2.9. for procedural standards specific to Planning Director and County Engineer decisions and Sec. 8.2.8. for standards general to all decisions.
Decision
APPROVE
PERMIT ISSUANCE
5. See Sec. 8.2.12. for permit issuance standards.
Post-Decision

8.8.2. Variance (AMD2019-0006)~~(1/1/17)~~

A. Purpose

The purpose of a variance is to allow a specific deviation from these regulations that is not contrary to the desired future character for the site when, due to special circumstances of the land, strict application of these regulations would result in undue and unique hardship.

B. Applicability

A variance may be sought for any standard of these LDRs unless the variance would:

1. Increase maximum density, FAR, or maximum scale of development;
2. Allow a prohibited sign;
3. Allow a prohibited use or allow additional expansion of a nonconforming use;
4. Reduce the requirements of a development option (e.g. required conservation area, minimum lot size, unit type mix);
5. Reduce a requirement where an option for independent calculation of the requirement exists (e.g. housing, development exactions); or
6. Reduce the threshold for review of an application.

C. Findings for Approval

A variance shall be approved upon finding:

1. There are special circumstances or conditions which are peculiar to the land or building for which the variance is sought that do not apply generally to land or buildings in the neighborhood;
2. The special circumstances and conditions have not resulted from any willful modification of the land or building;
3. The special circumstances and conditions are such that the strict application of the regulation sought to be varied would create a hardship on the applicant far greater than the protection afforded to the community;
4. The variance sought is the minimum variance necessary to provide balance between the purpose of the regulation sought to be varied and its impact on the applicant;
5. The granting of the variance will not be injurious to the neighborhood surrounding the land where the variance is proposed, and is otherwise not detrimental to the public welfare; and
6. The granting of the variance is consistent with the general purpose and intent of these LDRs.

D. Effect

Issuance of a variance shall not ensure the approval of any other application. A variance is unique to the special circumstances identified in the findings and does not create precedent. A variance approved for a specific development or use shall only apply to that development or use.

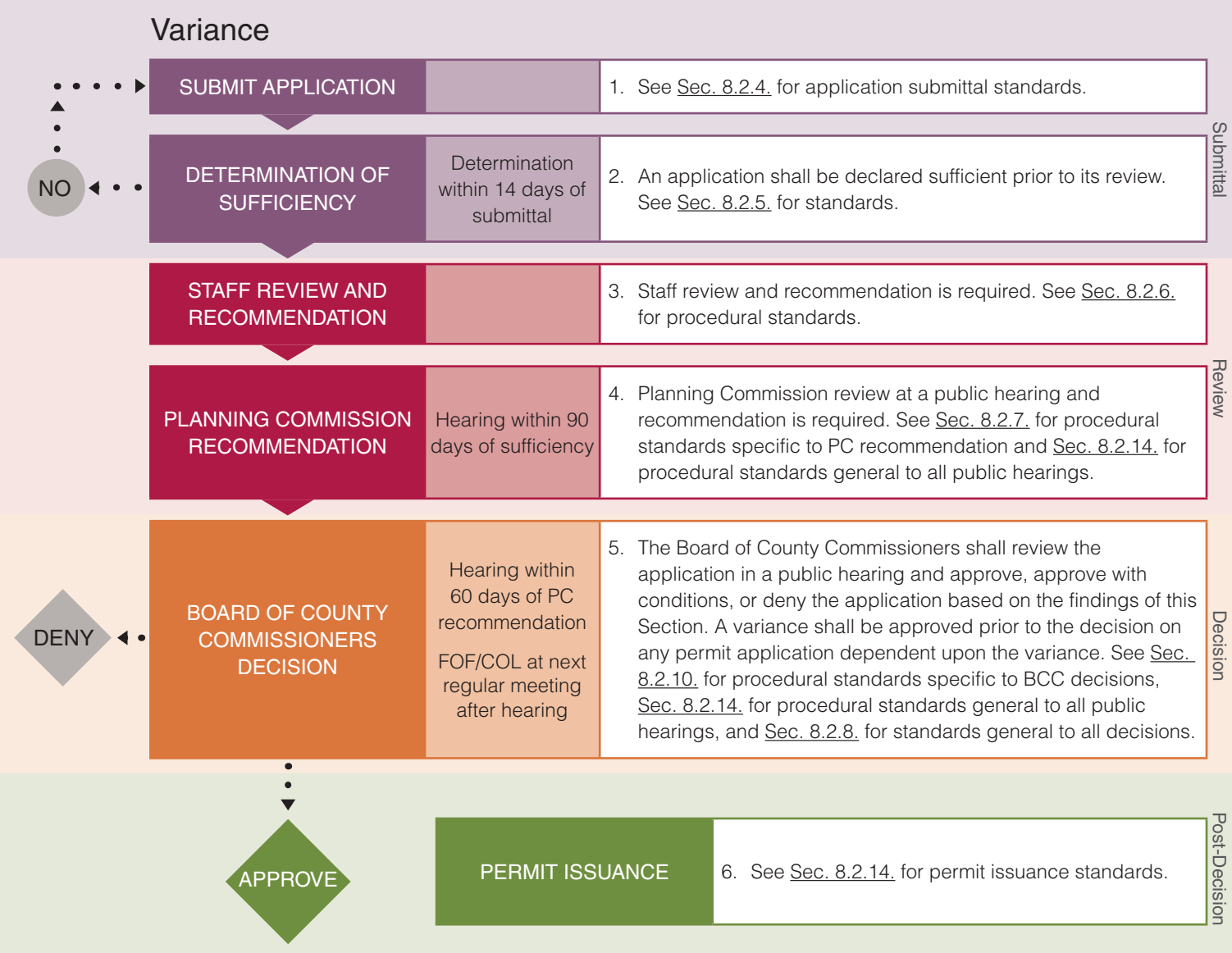
E. Expiration

A variance shall expire one year after the date of approval except under one of the following circumstances:

1. The use, physical development, development option, or subdivision permit enabled by the variance is under review or implementation; or
2. In the case of a phased development, not more than one year has passed since the completion of a physical development, development option, or subdivision, or initiation of a use, enabled by the variance; or
3. Another expiration has been set through the approval of the variance.

F. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete ~~the~~ each step before moving to the step below.


Variance
SUBMIT APPLICATION
1. See Sec. 8.2.4. for application submittal standards.
NO
DETERMINATION OF SUFFICIENCY
Determination within 14 days of submittal
2. An application shall be declared sufficient prior to its review. See Sec. 8.2.5. for standards.
Submittal
STAFF REVIEW AND RECOMMENDATION
3. Staff review and recommendation is required. See Sec. 8.2.6. for procedural standards.
PLANNING COMMISSION RECOMMENDATION
Hearing within 90 days of sufficiency
4. Planning Commission review at a public hearing and recommendation is required. See Sec. 8.2.7. for procedural standards specific to PC recommendation and Sec. 8.2.14. for procedural standards general to all public hearings.
Review
DENY
BOARD OF COUNTY COMMISSIONERS DECISION
Hearing within 60 days of PC recommendation
FOF/COL at next regular meeting after hearing
5. The Board of County Commissioners shall review the application in a public hearing and approve, approve with conditions, or deny the application based on the findings of this Section. A variance shall be approved prior to the decision on any permit application dependent upon the variance. See Sec. 8.2.10. for procedural standards specific to BCC decisions, Sec. 8.2.14. for procedural standards general to all public hearings, and Sec. 8.2.8. for standards general to all decisions.
Decision
APPROVE
PERMIT ISSUANCE
6. See Sec. 8.2.14. for permit issuance standards.
Post-Decision

8.8.3. Appeal of a Final Agency Action (12/17/18)

A. Purpose

The purpose is to allow an aggrieved party to appeal a final agency action to the Board of County Commissioners for a review of whether the final agency action complies with these LDRs.

B. Standing

An appeal may only be filed by an aggrieved party and may only be for a final agency action. For the purpose of determining standing the following definitions shall apply.

1. **Aggrieved Party.** An aggrieved party is a person or corporate entity with a legally recognizable interest affected by the final agency action. The interest shall be:
   a. Definite and tangible;
   b. Substantial, immediate, and pecuniary; and
   c. Exceed the general interest in the community good shared by all persons.
2. **Final Agency Action.** A final agency action is a decision or interpretation of these LDRs by the Planning Director, County Engineer, Housing Director or other agency of the County, which:
   a. Is formally documented; and
   b. Leaves nothing further to be accomplished.

> **EXAMPLE:** A Pre-application conference summary or environmental analysis recommendation is not a final agency action because it does not permit any physical development and is only a step in the approval process. A Zoning Compliance Verification establishing a nonconforming use is a final agency action because it allows continuance of the use even though no permit is required. Denial of a Basic Use Permit application is a final agency action because it leaves nothing further to be accomplished in review of the application.

C. Stay

A determination by the Board of County Commissioners that an appellant has standing shall stay all further action related to the subject appeal, unless a stay would cause imminent peril to life or land. A stay shall not take effect until the Board determines the appellant has standing.

D. Standard of Review

An appeal shall be reviewed under the following standards.

1. The final agency action on appeal is presumed correct.
2. The appellant has the burden to overcome the presumption, which burden shall be met by the preponderance of the evidence standard of review.
3. The record on appeal shall include, but is not limited to:
   a. The formally documented final agency action;

b. The application and supporting materials;

c. The staff report and/or other plans, documents, reports, and studies considered in taking the final agency action;

d. Any minutes, transcripts, or record of the meetings held to consider and make the decision;

e. The Jackson/Teton County Comprehensive Plan;

f. These LDRs; and

g. Other relevant County resolutions, documents, and records.

4. Where conflicting evidence exists, the appeal is limited to determining what evidence or testimony bears the greatest credibility in terms of documentation and qualifications.

5. The decision rendered on an appeal shall not be based on hardships or special conditions; it shall be based solely on:

a. The standards for an appeal established in this Section;

b. The record on appeal;

c. The recommendation of the Hearing Officer (if applicable);

d. Briefs submitted by representatives of the appellant, the agency on appeal, applicant for the final agency action on appeal, and the owner of the land subject to the final agency action on appeal; and

e. The arguments made, oral testimony provided, and evidence admitted at the hearing.

E. Findings for Remand

The final agency action shall be remanded to the agency on appeal upon making one or more of the following findings:

1. The agency made an error in measuring or interpreting the proposal's compliance with a standard;

2. The agency misunderstood how to apply a standard;

3. The agency made the decision based on a standard not contained in these LDRs or other appropriate ordinance, regulation, or state law;

4. The agency incorrectly applied a standard that is more strict or broad than the standard established in these LDRs; or

5. The agency misinterpreted a provision in the LDRs, based on the standards for interpretations established in Sec. 8.6.1.

F. Effect

The final decision rendered on the appeal shall not permit any physical development, use, development option, or subdivision that has not been approved pursuant to these LDRs and shall not ensure approval of any future application.

G. Rules of Procedure

Appeals shall be governed by the contested case rules adopted by the County pursuant to the Wyoming Administrative Procedures Act.

H. Review Process

All steps and deadlines in the following chart are required unless noted otherwise.
An applicant must complete each step before moving to the step below.

Appeal of a Final Agency Action

PETITION FOR APPEAL	Must be filed within 30 days of the date stated on the final agency action	1. A petition for appeal shall be filed with the County Clerk as a contested case. The petition shall include, as an appendix, the formally documented final agency action. If the appellant is not the owner of the land subject to the final agency action on appeal, the appellant shall provide notice of the petition to the owner via hand delivery or mail.	Submittal
STANDING DETERMINATION	Determination within 20 days from the date the petition was filed	2. The Board of County Commissioners shall review the petition at a public hearing and determine that the appellant is an aggrieved person appealing a final agency action as those terms are defined in this Section, or that the appellant lacks standing. A determination of lack of standing shall result in automatic dismissal of the petition.	
TRANSMITTAL OF RECORD	File record within 30 days of determination of standing	3. The record on appeal and all additional documentation and pleadings shall be filed with the County Clerk. The agency on appeal is not required to answer the petition. The date an appellant is determined to have standing shall be the date the appeal is considered a contested case.	
DESIGNATION OF PRESIDING OFFICER	Designation within 45 days of determination of standing	4. The Board of County Commissioners shall act as a quasi-judicial reviewing appellate body and shall, at a public hearing, designate either a Hearing Officer or the Chair to preside over the appeal. See Sec. 8.10.8. for duties and responsibilities of a Hearing Officer. The County Attorney may represent the Board or the agency on appeal, but not both.	Review
HEARING	Hearing within 120 days after determination of standing	5. The Board of County Commissioners shall schedule the hearing and provide notice of the hearing to the appellant, agency on appeal, applicant for the final agency action on appeal, and owner of the land subject to the final agency action on appeal. The designated presiding officer shall set the briefing schedule and conduct the hearing, with the Board of County Commissioners present. The sworn testimony and evidence shall be based on the record on appeal and pertain to the standards established in this Section. The hearing shall be recorded but is not required to be transcribed. Should a party desire to have a court reporter or interpreter, such costs will be borne by that party.	
BOARD OF COUNTY COMMISSIONERS DECISION	Decision within 60 days of hearing	6. The Board of County Commissioners' deliberations shall occur in public as part of the hearing and may not occur in executive session. The Board shall affirm that the agency properly evaluated the application and interpreted and applied the standards, or remand the application based on the findings of this Section.	Decision
ISSUANCE OF DECISION		7. The final decision rendered on the appeal shall be in the form of a Findings of Fact, Conclusions of Law, and Order approved by the Board of County Commissioners at a public hearing. It shall be filed with the County Clerk and shall end the contested case proceeding. The County Clerk shall mail the Order to all named parties.	Post-Decision

8.8.4. Beneficial Use Determination (AMD2019-0006) ~~(1/1/17)~~

A. Purpose

The intent of the County is that every landowner in the unincorporated County enjoy an economically beneficial use of their land. The procedures set forth in this Section are intended to permit landowners who believe they have been deprived of economically beneficial use of their land to apply to the County for relief from application of these LDRs sufficient to provide an economically beneficial use of the land.

B. Applicability

If a landowner is of the opinion that the decisions on the appropriate physical development, use, development option, or subdivision applications has denied economically beneficial use of that landowner's land, then the procedures of this Section shall be used prior to seeking relief from the courts in order that any denial of economically beneficial use of land may be remedied through a non-judicial forum.

C. Findings

In determining if a landowner is deprived of an economically beneficial use of land, the following factors shall be taken into account.

1. Economically Beneficial Use. The uses of the land as provided by these LDRs, and the uses of land in relation to the uses provided similarly situated lands. For the purposes of this Section, "economically beneficial use" means the opportunity to make a return equivalent to that which would have been received from a conservative financial investment. Transitory economic issues shall not be relevant to this determination.
2. Diminution in Value. The market value of the land, as established by the comparable sales approach, prior to adoption of the regulations that caused the landowner to apply for relief shall be compared to the market value of the land, as established by the comparable sales approach, with the regulations as applied. Market value of the land prior to the adoption of the regulations that caused the landowner to apply for relief shall constitute its highest and best use one day prior to the effective date of the regulations that caused the landowner to apply for relief, or the date of purchase of the land, whichever is later; and any other land value/appraisal information that the applicant would like considered. All appraisals shall be proposed by qualified licensed appraisers, and shall follow the best professional practices as established by the profession. A mere diminution in market value is not sufficient to support a determination of denial of economically beneficial use.
3. External Costs. The amount or nature of any subsidy that may be required by the County, neighbors, purchasers, tenants, or the public at large if the uses allowed under these LDRs are modified; and any other adverse effects on the County and its residents.
4. Current State of the Law. The state of the law established by the United States Supreme Court, the 10th Circuit Federal Court of Appeals, and the Wyoming Supreme Court relevant to these standards.

D. Granting of Relief

If the finding is that a landowner has been deprived economically beneficial use of land or is otherwise entitled to relief in accordance with to the standards of this Section, relief shall be granted.

1. General. In granting relief, any legally available incentive or measure reasonably necessary to offset any substantial economic hardship may be adopted, and such incentives may be conditioned upon approval of specific development plans. If there is a finding that the denial of the application would create a substantial economic hardship, additional relief to provide an appropriate increase in market value or other benefit or return to the applicant sufficient to offset the substantial economic hardship may be considered. The types of incentives include, but are not limited to:

    a. An amendment of the Official Zoning Map to a more appropriate classification, issuance of an administrative adjustment, issuance of a conditional use permit, issuance of a variance, approval of a development plan (public or administrative), or other appropriate land-use regulatory action that will enable the applicant to realize a reasonable return on the land;

    b. An opportunity to cluster development on other land;

    c. A waiver of permit fees;

    d. Development finance assistance;

    e. Approval of development on some portion of the land; or

    f. Acquisition of all or a portion of the land at market value.

2. Minimum Increase. In granting relief, the landowner shall be given the minimum increase in use, intensity, or other possible concessions from these LDRs in order to permit an economically viable use of the land, or a use that is determined to be required by law. The highest use, or even an average or generally reasonable expectation, is not required or intended as the appropriate remedy. The following guidelines shall be used for determining the minimum economically viable use of land and, therefore, the amount of relief to be granted a landowner in order to reach that minimum.

    a. No Governmental Subsidy. A minimum economically viable use of the land should be one that does not have any governmental subsidy attached to the long-term safe occupation of the land. If such a subsidy is needed, then that should be reflected by lowering the use or intensity that is considered a minimum economically viable use on a market valuation basis.

    b. Common Use. A use common to the County, although it may not involve further development of the land, is considered an economically viable use. Attention shall also be given to land uses that are considered to be the lowest intensity in the County but which uses still provide for occupation and living within the County. These land uses, as well, shall be considered economically viable uses.

c. **Actual Condition of Land Considered.** The actual condition of the land shall be considered. The reality of limited development potential, given the natural condition of the land, shall not be attributed to the regulations applied to the land. If the land is such that it cannot safely accommodate development with normal grading and clearing practices, this fact shall lower the intensity of use that is considered a minimum economically viable use.

d. **Potential for Damages.** The potential for damages to either residents or land shall be assessed in determining economically viable use. The need for a governmental subsidy to future landowners shall be considered, and the cost of such subsidies shall be deducted from the otherwise established minimum economically viable use.

e. **Only Investment Backed Expectations Considered.** Expectations shall, in general, not be considered. Only reasonable expectations backed by investments as recognized by the current state of the law shall be considered.

f. **Current State of the Law.** The current state of law established by the United States Supreme Court, the 10th Circuit Federal Court of Appeals, and the Wyoming Supreme Court, relevant to the granting of relief.

E. Effect

The beneficial use determination shall not permit any physical development, use, development option, or subdivision that has not been approved pursuant to these LDRs and shall not ensure approval of any future application.

F. Rules of Procedure

A beneficial use determination shall be governed by the contested case rules adopted by the County pursuant to the Wyoming Administrative Procedures Act.

G. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete ~~the~~ each step before moving to the step below.

Beneficial Use Determination

SUBMIT APPLICATION		1. See Sec. 8.2.4. for application submittal standards except that a beneficial use determination shall be submitted by the landowner or a representative of the landowner.	Submittal
TRANSMITTAL OF RECORD		2. The Planning Director shall transmit to the County Clerk the appeal for a beneficial use determination. All additional documentation of the beneficial use determination process shall be filed with the County Clerk.	
APPOINTMENT OF HEARING OFFICER	Appointment within reasonable time of submittal	3. The Board of County Commissioners shall appoint a Hearing Officer to conduct a hearing on the application. See Sec. 8.10.8. for duties and responsibilities of a Hearing Officer.	
HEARING	Date set within 30 days of HO appointment	4. The Hearing Officer shall set a date for the hearing and provide notice of the hearing to the applicant. The sworn testimony and evidence shall pertain to whether the applicant has been deprived economically beneficial use of the land and the degree of relief needed to provide the landowner with and economically beneficial use of the land pursuant to the standards of this Section.	Review
HEARING OFFICER RECOMMENDATION	Recommendation within reasonable time after close of hearing	5. The Hearing Officer shall prepare recommended findings of fact and a proposed order. The recommendation of the Hearing Officer shall be in writing and detail the basis of the conclusions from the record of the hearing. The recommended findings as to whether the land is provided economically beneficial use shall be based on: a. the evidence submitted; and b. The standards of this Section. If the Hearing Officer finds that the applicant has been denied economically beneficial use, then the hearing officer shall recommend: a. A use that permits an economically beneficial use and results in a minimum change to these LDRs as it applies to the subject land, in accordance with the standards set forth in this Section; or b. Other relief as is determined appropriate.	
BOARD OF COUNTY COMMISSIONERS DECISION	Hearing within reasonable time after HO recommendation	6. At a public hearing, the Board of County Commissioners shall approve, attach conditions to, modify, or reverse the recommended findings of fact and proposed order of the Hearing Officer. If the Board of County Commissioners attaches conditions to, modifies, or reverses the recommended findings of fact or proposed order, it shall do so only where the record of the hearing indicates that the Hearing Officer is unsupported by the record or that the proposed order is not in conformance with the standards of this Section. See Sec. 8.2.14. for procedural standards general to all public hearings and Sec. 8.2.8. for standards general to all decisions.	Decision
FILING OF DECISION		7. The final beneficial use determination shall be filed with the County Clerk pursuant to the rules of procedure established in this Section.	Post-Decision

Div. 8.9. Enforcement

This Division establishes procedures by which the County seeks to ensure compliance with the provisions of these LDRs and obtain corrections for LDR violations. It also sets forth the remedies and penalties that apply to violations of these LDRs. The provisions of this Section are intended to encourage the voluntary correction of violations, where possible.

8.9.1. General (1/1/15)

A. Authority

The provisions of these LDRs shall be enforced by the Board of County Commissioners through its authority to abate any violations and enjoin and restrain any person violating these LDRs in accordance with state law.

8.9.2. Violations (AMD2019-0006)~~(7/19/16)~~

A. Compliance Required

Compliance with all provisions of these LDRs is required by all persons owning, developing, dividing, managing, using, or occupying land or structures. Failure to comply with a standard, requirement, prohibition, or limitation imposed by these LDRs, or the terms or conditions of any permit, approval, or authorization granted in accordance with these LDRs, shall constitute a violation of these LDRs punishable as provided in this Division.

B. Inspection

The Planning Director shall gain permission prior to entering onto land within the County to inspect suspected violations of these LDRs.

C. Responsible Persons

The owner, tenant, or occupant of any land or structure, and an architect, engineer, builder, contractor, agent, or any other person who participates in, assists, directs, creates, or maintains a situation that constitutes a violation of these LDRs, may be held responsible for the violation and be subject to the remedies and penalties set forth in this Section.

D. Failure to Obtain a Permit

1. If a person commences a physical development, use, development option, or subdivision for which a permit or approval is required without having first obtained the required permit or approval, such person shall pay twice the fee for the permit or approval.

2. The payment of such fees shall not relieve the person from fully complying with the requirements of these LDRs, nor does it guarantee approval of the permit or application, or preclude enforcement of a violation.

3. The provisions of this Section do not apply to emergency work if there is, or would have been, an unreasonable delay in obtaining the permit.

E. Separate Offenses

Any person violating any provisions of these LDRs is guilty of a separate offense for each and every day during any portion of which any violation of any provision of these LDRs is committed, continued, or permitted by any such person and shall be punished by a fine of not more than $750 for each offense per Wyo. Stat. §18-5-206 or $100.00 for each offense if a nuisance violation is ordered and the violation continues per Wyo. Stat. §18-2-101 (viii).

F. Violations

Activities that constitute a violation include, but are not limited to, the following:

1. Development of land or a structure without first obtaining all appropriate permits or development approvals, and complying with their terms and conditions;
2. Occupation or use of land or a structure without first obtaining all appropriate permits or development approvals, and complying with their terms and conditions;
3. Subdivision of land without first obtaining all appropriate permits or development approvals required to engage in subdivision (or an exemption), and complying with their terms and conditions;
4. Excavation, grading, cutting, clearing, or undertaking any land disturbing activity without first obtaining all appropriate permits and development approvals, and complying with their terms and conditions;
5. Disturbing any protected wildlife habitat or scenic views in violation of these LDRs;
6. Disturbing any landscaped area or vegetation required to be protected or maintained by these LDRs;
7. Installing, creating, erecting, altering, or maintaining any sign without first obtaining the appropriate permits or development approvals, and complying with their terms and conditions;
8. Failing to remove any sign installed, created, erected, or maintained in violation of these LDRs, or for which the permit has expired;
9. Creating, expanding, replacing, or changing any nonconformity except in compliance with these LDRs;
10. Reducing or diminishing the requirements for development, design, or dimensional standards below the minimum required by these LDRs;
11. Increasing the intensity or density of development, except in accordance with the standards of these LDRs; or
12. Through any act or omission, failing to comply with any other provisions, procedures, or standards as required by these LDRs.

G. New Permits

At the discretion of the Planning Director, no new permits may be issued for a parcel until any existing violations associated with said parcel are remedied. The sole exception to this rule will be permits issued pursuant to 8.9.2.D.1 for the purposes of remedying the violation.

8.9.3. Revocation or Suspension of Permit (1/1/15)

A. Purpose

The purpose of revoking or suspending a permit or approval is to remove a previously granted permit or approval where the terms of the approval are not being met.

B. Applicability

Revocation or suspension of any permit or approval issued in accordance with these LDRs shall be made under the procedures and standards of this Section.

C. Findings

A permit or approval shall be revoked or suspended if any of the following findings is made:

1. The permit or approval was issued on the basis of erroneous or misleading information or misrepresentation; or
2. The physical development, use, development option, or subdivision, violates the terms or conditions of the permit or approval.

D. Rules of Procedure

A revocation proceeding shall be governed by the contested case rules adopted by the County pursuant to the Wyoming Administrative Procedures Act.

E. Process

All steps and deadlines in the following chart are required unless noted otherwise. A step must be completed before moving to the step below.

Revocation or Suspension of Permit

INITIATION BY PLANNING DIRECTOR

1. If the Planning Director determines there are reasonable grounds for the revocation or suspension of a permit or approval based on the findings of this Section, the Planning Director shall set a public hearing on the potential violation before the Board of County Commissioners.

NOTIFICATION — Notice sent at least 30 days prior to hearing

2. The Planning Director shall notify the permittee of the date, time, and location of the public hearing pursuant to the contested case rules adopted by the County pursuant to the Wyoming Administrative Procedures Act. The notification shall also state the grounds for the revocation or suspension of the permit.

Submittal

BOARD OF COUNTY COMMISSIONERS DECISION — Decision within 30 days after close of hearing

3. The Board of County Commissioners shall revoke, suspend, or maintain the permit following conduct of a public hearing on the proposed revocation or suspension in accordance with the rules of procedure established in this Section. At the public hearing, the Planning Director shall present evidence into the record and explain the grounds for the revocation or suspension. The permittee or the permittee's representative shall then be provided and opportunity to respond and to enter testimony and evidence into the record in support of the permittee. The testimony of any other interested person shall also be heard. See Sec. 8.2.8. for standards general to all decisions.

Decision

REVOKE

CUMULATIVE REMEDY

4. The Board of County Commissioners' right to revoke or suspend permits or approvals, as provided in this Section, shall be cumulative to any other remedy provide by law.

Post-Decision

8.9.4. Abatement of Violations (1/1/17)

A. Purpose

Violations of these LDRs may be abated at the election of the Planning Director. This procedure shall not be the sole remedy available, and the County may enforce these LDRs in any manner provided by law.

B. Applicability

Abatements of violations of these LDRs shall be made under the procedures and standards of this Section.

C. Findings

An Order to Abate shall be issued if there is:

1. Competent, substantial evidence that a violation of these LDRs does exist; and
2. Sufficient cause to evict or relocate an illegal use or rehabilitate, demolish, remove or repair an illegal development.

D. Effect

If an Order to Abate is issued it shall mean that the land or development is in violation of these LDRs and the illegal activity shall be discontinued and rehabilitated, repaired, removed, or demolished in the manner and means specifically set forth in the Order to Abate.

E. Rules of Procedure

An abatement proceeding shall be governed by the contested case rules adopted by the County pursuant to the Wyoming Administrative Procedures Act.

F. Process

All steps and deadlines in the following chart are required unless noted otherwise. A step must be completed before moving to the step below.

Abatement of Violations

Submittal

NOTICE TO ABATE		1. If the Planning Director identifies a violation of these LDRs, the Planning Director may mail a Notice to Abate to the landowner stating the provisions of these LDRs being violated and setting forth a reasonable period of time for the landowner to abate and correct the violation.
DESIGNATION OF PRESIDING OFFICER		2. In the event the landowner fails to comply with the Notice to Abate, the Board of County Commissioners shall designate a Hearing Officer or the chair of the Board of County Commissioners to conduct a Hearing to Abate. See Sec. 8.10.8. for duties and responsibilities of a Hearing Officer.

Review

HEARING TO ABATE	Date set within 30 days of HO appointment	3. The Board of County Commissioners shall schedule the hearing. The Planning Director shall provide notice of the Hearing to Abate to the landowner by certified mail, return receipt requested, at least 14 days prior to the date of the hearing. The notice shall be substantially in the format set forth in the Administrative Manual. The designated presiding officer shall conduct the hearing with the Board of County Commissioners present en banc.
HEARING OFFICER RECOMMENDATION	Recommendation within 30 days of hearing	4. If, after the conclusion of the hearing, the Board of County Commissioners finds that an Order to Abate shall be issued, the Hearing Officer shall prepare a recommended Order to Abate outlining findings and specifying the nature of the violation, the method of abatement, and the time within which the abatement shall be commenced and completed. The Hearing Officer shall provide the landowner a copy of the recommended Order to Abate, by mail, on the day the recommended order is forwarded to the Board of County Commissioners for a final decision.

Decision

BOARD OF COUNTY COMMISSIONERS DECISION	Hearing within 30 days of HO recommendation. Decision within 30 days after close of hearing	5. The Board of County Commissioners shall make a final decision on whether to issue an Order to Abate following conduct of a public hearing. The Planning Director shall provide the landowner notice of the hearing by certified mail, return receipt requested, a minimum of 14 calendar days prior to the date of the hearing. At the hearing, the Board of County Commissioners shall provide the landowner or the landowner's representative and the Planning Director an opportunity to make statements about the record established in the Hearing to Abate and the recommended Order to Abate. The Board of County Commissioners shall then review the record and recommended Order to Abate. Continuances of the hearing may be granted by the Board of County Commissioners on request of the landowner, for good cause shown. See Sec. 8.2.8. for standards general to all decisions.

Post-Decision

ABATE

CUMULATIVE REMEDY	6. The County's right to abate a violation of these LDRs, as provided in this Section, shall be cumulative to any other remedy provide by law.

8.9.5. Nuisance ~~(7/19/16)~~(AMD2019-0006)

A. Applicability

A nuisance is a use or act of a property which constitutes an unreasonable interference with the quality of life, health, safety or welfare of Teton County citizens that has been declared by the Board of County Commissioners to be a threat to health or safety and may be abated or remedied as outlined in this Section upon issuing Nuisance Order by the Board of County Commissioners. This procedure shall not be the sole remedy available, and the County may enforce these LDRs in any manner provided by law, including injunction, mandamus, or abatement. Pursuant to Wyo. Stat. §18-2-101(a)(viii), any farm or ranch operations meeting the Wyoming Right to Farm and Ranch Act standards shall be exempt from all standards of this Section. A farm or ranch operation shall not be found to be a nuisance by reason of that operation if that farm or ranch conforms to generally accepted agricultural management practices and existed before a change in the land use adjacent to the farm or ranch land and the farm or ranch operation would not have been a nuisance before the change in land use or occupancy occurred. A farm or ranch for purposes in this section is defined by Wyo. Stat. §11-44-102.

B. Nuisance Violations

Enforcement of a nuisance violation of these LDRs shall follow the procedures and standards of this Section. Violation of the following standards are nuisances:

1. Sec. 5.1.4. Air Quality
2. Div. 6.4. Operational Standards

C. Findings for a Nuisance Order

A Nuisance Order may be issued by the Board of County Commissioners if all of the following 3 findings are met:

1. Proof based on a preponderance of the evidence standard that a nuisance exists, as defined above; and
2. Sufficient cause to evict or relocate the nuisance; and
3. The nuisance poses a threat to the health or safety of persons in Teton County.

D. Content

If a Nuisance Order is issued it shall state the specific provision(s) of the LDRs in violation, and shall set forth a reasonable period of time for the landowner and/or occupant to abate and correct the violation.

E. Effect

If a Nuisance Order is issued it shall mean that the land or development is in violation of these LDRs and the prohibited activity shall be corrected, abated, discontinued and rehabilitated, repaired, removed, or demolished in the manner and means as required and/or specifically set forth in the Nuisance Order.

F. Process

All steps and deadlines in the following chart are required unless noted otherwise. A step must be completed before moving to the step below.

Nuisance

NOTICE OF NUISANCE VIOLATION — *Submittal*

1. If the Planning Director identifies a nuisance violation of these LDRs, the Planning Director may mail a Notice of Nuisance Violation to the landowner and/or occupant citing the specific provision(s) of these LDRs in violation to be abated and corrected within a reasonable period of time.

PRESENTATION OF VIOLATION — *Review*

2. Should the violation not be abated within the time period given by the Planning Director, the Planning Director may recommend to the Board of County Commissioners for its consideration of a Nuisance Order to be heard at the Board's next regular meeting with notice of the meeting date and time provided to the landowner and/or occupant.

NUISANCE ORDER — *Decision*

3. If after consideration the Board of County Commissioners finds a nuisance violation of these LDRs, the Board of County Commissioners may approve and issue a Nuisance Order.
   - The Nuisance Order shall be provided and served in accordance with the Wyoming Rules of Civil Procedure upon the landowner and/or occupant.
   - The Nuisance Order shall be filed with the Clerk of District Court.
   - The Nuisance Order shall be posted by Teton County in a conspicuous place upon the property.

RESPONSE TO NUISANCE ORDER — Within 20 days after Nusance Order is served

4. The owner/occupant shall answer or object to the Nuisance Order. Based on the owner/occupant's response:
   - If nuisance is abated, no further action is required.
   - If no answer or objection is filed and served on Teton County, the Nuisance Order shall become a final Order, declaring the site a nuisance and fix a time and place when the Order shall be enforced.
   - The owner or occupant of the property may file with the Clerk of District Court and serve upon the Board of County Commissioners, an answer or objection denying the existence of the allegations of nuisance violation in the Nuisance Order.

DISTRICT COURT HEARING AND FINAL ORDER — Within 20 days after Response to Nuisance Order

5. The District Court shall hold a hearing. The District Court may sustain all or any part of the Nuisance Order and shall issue a final Order and fix a time and date within which all or part of the final Order shall be enforced.

ABATE — *Post-Decision*

CUMULATIVE REMEDY

6. The County's right to abate a violation of these LDRs, as provided in this Section, shall be cumulative to any other remedy provide by law.

8.9.6. Other Remedies ~~(1/1/15)~~(AMD2019-0006)

A. Civil Remedies

The County shall have the right to enforce the provisions of these LDRs under any remedy provided under Wyoming law, including by injunction~~.~~, abatement, or by civil fine as stated in Wyo. Stat. §18-2-101(a)(viii).

B. Criminal Remedies

Any person violating any provisions of these LDRs shall be subject to all criminal penalties authorized by the State of Wyoming for such violation, including upon conviction, a fine and imprisonment, or both, and payment of all costs and expenses involved in prosecuting the offense.

Div. 8.10. Duties and Responsibilities

The following County bodies and staff shall have the following powers and responsibilities in administering and reviewing applications under the LDRs.

8.10.1. Planning Director (1/1/15)

A. Creation and Appointment

The Planning Director shall be the agency head of the Planning Department and shall be appointed by and serve at the pleasure of the County Commissioners' Administrator.

B. Jurisdiction, Authority, and Duties

In addition to the jurisdiction, authority, and duties which may be conferred upon the Planning Director by other provisions of the County Regulations, and the Board of County Commissioners, the Planning Director shall have the following jurisdiction, authorities, and duties under these LDRs:

1. To administer the pre-submittal requirements of these LDRs pursuant to Sec. 8.2.1.-Sec. 8.2.3.;
2. To receive applications under these LDRs pursuant to Sec. 8.2.4.-Sec. 8.2.5.;
3. To coordinate review and recommendation under these LDRs pursuant to Sec. 8.2.6.-Sec. 8.2.7.;
4. To administer post-decision requirements of these LDRs pursuant to Sec. 8.2.11.-Sec. 8.2.13.;
5. To ensure that adequate public notice is provided for public hearings on applications under these LDRs pursuant to Sec. 8.2.14.;
6. To review, consider, and decide the following permit applications:
   a. sign permit pursuant to Sec. 8.3.5.,
   b. basic use permit pursuant to Sec. 8.4.1.,
   c. development option plan pursuant to Sec. 8.5.2.,
   d. exempt land division pursuant to Sec. 8.5.4., and
   e. administrative adjustment pursuant to Sec. 8.8.1.;
7. To review, consider, and decide the following requests for interpretation:
   a. formal interpretation pursuant to Sec. 8.6.1., and
   b. zoning compliance verification pursuant to Sec. 8.6.2.;
8. To review consider, and decide on the zoning compliance of the following applications:
   a. building permit pursuant to Sec. 8.3.3. and
   b. grading permit pursuant to Sec. 8.3.4.;

9. To review, consider, and recommend a decision to the Planning and Zoning Commission and/or Board of County Commissioners on the following applications:
   a. sketch plan pursuant to Sec. 8.3.1.,
   b. development plan pursuant to Sec. 8.3.2.,
   c. conditional use permit pursuant to Sec. 8.4.2.,
   d. special use permit pursuant to Sec. 8.4.3.,
   e. subdivision plat pursuant to Sec. 8.5.3., and
   f. variance pursuant to Sec. 8.7.2.;
10. To initiate or review, consider, and recommend to the Board of County Commissioners a decision on the following legislative applications:
   a. LDR text amendments pursuant to Sec. 8.7.1.,
   b. Zoning Map amendment pursuant to Sec. 8.7.2.,
   c. Planned Unit Development pursuant to Sec. 8.7.3.;
11. To initiate actions to revoke permits where the physical development, use, or development option is not in compliance with the terms and conditions of the permit;
12. To initiate requests to the County Attorney to institute proceedings against the violators of these LDRs;
13. To undertake the day to day administration of the LDRs;
14. To serve as the Secretary to the Planning and Zoning Commission pursuant to the terms of the LDRs;
15. To review the effectiveness of these LDRs and the Official Zoning Map in implementing the Comprehensive Plan; and
16. To take such other action and perform such other duties as may be provided for in the LDRs.

C. Delegation

Any authority or duty of the Planning Director may be delegated to a professional-level employee of the Planning Department by the Planning Director, unless specified otherwise by these LDRs.

8.10.2. Plan Review Committee(AMD2019-0006) ~~(1/1/17)~~

A. Purpose

The purpose of the Plan Review Committee (PRC) is to advise and assist the Planning Director in reviewing, making recommendations, and deciding applications by providing technical assistance regarding compliance with the LDRs.

B. Composition

The PRC consists of representatives of federal, state and local agencies who oversee regulations that are related to physical development, use, development options, and subdivision. The exact members of the PRC may vary from application to application, depending on the nature and magnitude of the application. Potential PRC members are listed below, however the Planning Director may alter or expand the list if an application warrants other technical expertise.

1. County Engineer
2. County Surveyor
3. County Clerk
4. Building Official
5. Fire Marshal
6. County Sanitarian
7. Teton County Conservation District
8. Parks and Recreation Department
9. Pathways Coordinator
10. START
11. Sheriff's Department
12. Integrated Solid Waste and Recycling
13. Jackson/Teton County Affordable Housing Department
14. Teton County Road and Levee ~~Supervisor~~ Manager
15. Teton County Public Health
16. Teton County Scenic Preserve Trust
17. Teton County Weed and Pest
18. Teton County School District
19. Town of Jackson
20. Wyoming Department of Game and Fish
21. Wyoming Department of Transportation
22. Wyoming Department of Environmental Quality
23. US Army Corps of Engineers
24. US Fish and Wildlife Service
25. National Forest Service
26. National Park Service

8.10.3. County Engineer (1/1/15)

In addition to the jurisdiction, authority, and duties, which may be conferred upon the County Engineer by other provisions of the County Regulations and the Board of County Commissioners, the County Engineer shall have the following authority and duties under these LDRs:

A. To advise and provide technical assistance to the Planning Director, Planning and Zoning Commission, and Board of County Commissioners in regard to the engineering issues which may arise during implementation of these LDRs;

B. To review, consider, decide, and enforce all grading permit applications, and to otherwise enforce all provisions of these LDRs relating to grading, erosion control, and stormwater management;

C. To review, consider, and decide the following applications, as specified in these LDRs:

1. minor deviation pursuant to 8.2.13.B.2.,
2. grading permit pursuant to Sec. 8.3.4.,
3. formal interpretation pursuant to Sec. 8.6.1.,
4. zoning compliance verification pursuant to Sec. 8.6.2., and
5. administrative adjustment pursuant to Sec. 8.8.1.; and

D. To prepare, promulgate, and, as necessary, periodically revise standard drawings and details for public improvements within Teton County.

8.10.4. Design Review Committee (1/1/15)

[Section number reserved, committee only exists in Town]

8.10.5. Planning and Zoning Commission (1/1/15)

A. Establishment and Purpose

There is hereby established a Teton County Planning and Zoning Commission, pursuant to Section 18-5-202, Wyoming Statutes.

B. Powers and Duties

In addition to the powers and duties which may be conferred upon the Planning and Zoning Commission by other provisions of the County Regulations and the Board of County Commissioners, the Planning and Zoning Commission shall have the following powers and duties under the provisions of the LDRs.

1. To hear requested pre-application conferences pursuant to Sec. 8.2.1.;
2. To hear, consider, and recommend to the Board of County Commissioners a decision on the following applications:
   a. sketch plan pursuant to Sec. 8.3.1.,
   b. development plan pursuant to Sec. 8.3.2.,
   c. conditional use permit pursuant to Sec. 8.4.2.,

d. special use permit pursuant to Sec. 8.4.3., and

e. variance pursuant to Sec. 8.8.2.;

3. To initiate or hear, consider, and recommend to the Board of County Commissioners a decision on the following legislative applications:

a. LDR text amendments pursuant to Sec. 8.7.1.,

b. Zoning Map amendment pursuant to Sec. 8.7.2., and

c. Planned Unit Development pursuant to Sec. 8.7.3.;

4. To hear, consider and recommend to the Town Council a decision on applications for Planned Resorts in the Town;

5. To make studies of the resources, possibilities and needs of the County and to report its findings and recommendations, with reference thereto, from time to time, to the Board of County Commissioners; and

6. To make its special knowledge and expertise available upon written request and authorization of the Board of County Commissioners to any official, department, board, commission or agency of the Town, County, State or Federal Governments.

C. Membership

The qualifications, appointment, terms of office and procedures for filling vacancies on the Planning and Zoning Commission are set forth in Section 18-5-202 (a), Wyoming Statutes.

1. Officers.

a. **Chairperson and vice-chairperson.** At an annual organizational meeting, the members of the Planning and Zoning Commission shall elect a Chairperson and Vice-Chairperson from among its members. The Chairperson and Vice-Chairperson's term shall be for one year. No member shall serve as Chairperson for more than 2 consecutive terms. The Chairperson shall administer oaths, shall be in charge of all proceedings before the Planning and Zoning Commission and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the Planning and Zoning Commission. In the absence of the Chairperson, the Vice-Chairperson shall act as Chairperson.

b. **Secretary.** The Planning Director shall serve as Secretary of the Planning and Zoning Commission. The Secretary shall keep minutes of all proceedings, which minutes shall be a summary of all proceedings before the Planning and Zoning Commission, which shall include the vote of all members upon every question, and be attested to by the Secretary. The minutes shall be approved by a majority of the Planning and Zoning Commission members voting. In addition, the Secretary shall maintain all records of Planning and Zoning Commission meetings, hearings, proceedings, and the correspondence of the Planning and Zoning Commission.

2. **Compensation.** The members of the Planning and Zoning Commission shall

serve without compensation, but may be reimbursed for such travel, mileage and/or per diem expenses as may be authorized by the Board of County Commissioners.

D. Staff

The Planning Department shall be available to provide professional assistance to the Planning and Zoning Commission, at the direction of the Planning Director.

E. Quorum and voting

The presence of 3 or more members of the Planning and Zoning Commission shall constitute a quorum of the Planning and Zoning Commission necessary to take action and transact business. All actions shall require a simple majority vote of the members of the quorum present.

F. Meetings

1. General. Meetings of the Planning and Zoning Commission shall be held on the second and fourth Monday of each month to deal with matters properly before the Planning and Zoning Commission.
2. Special meetings. A special meeting may be called by the Chairperson or at the request of 3 members of the Planning and Zoning Commission by giving adequate notice, as required by state statute, to each member and to each newspaper, radio, or television station requesting a notice. The notice shall specify the time, place and business to be transacted, and no other business shall be conducted.
3. Location. All Planning and Zoning Commission meetings shall be held in the County Commissioners' Chambers, or such other place within the County accessible to the public, as designated by the Chairperson pursuant to the notice requirements for a special meeting. Notwithstanding, Planning and Zoning Commission meetings may be held outside of the County in a place accessible to the public for development applications impacting lands within the County that are west of the Teton Range.
4. Meetings open to public. All meetings and public hearings of the Planning and Zoning Commission shall be open to the public in a place accessible to the public.

G. Rules of procedure

The Planning and Zoning Commission shall, by a majority vote of the entire membership, adopt rules of procedure for the transaction of business, and shall keep a record of meetings, resolutions, findings, and determinations. The Planning and Zoning Commission may provide for transcription of such hearings and proceedings, or portions of hearings and proceedings, as may be deemed necessary.

8.10.6. Board of Adjustment (1/1/15)

[Section number reserved, board only exists in Town]

8.10.7. Board of County Commissioners (1/1/15)

In addition to any authority granted the Board of County Commissioners by general or special law, the Board of County Commissioners shall have the following authority and duties under the provisions of the LDRs:

A. To hear requested pre-application conferences pursuant to Sec. 8.2.1.;

B. To hear, consider, and decide on the following applications:

1. sketch plan pursuant to Sec. 8.3.1.,
2. development plan pursuant to Sec. 8.3.2.,
3. conditional use permit pursuant to Sec. 8.4.2.,
4. special use permit pursuant to Sec. 8.4.3., and
5. subdivision plat pursuant to Sec. 8.5.3.; and
6. variance pursuant to Sec. 8.8.2.;

C. To initiate or hear, consider, and decide the following legislative applications:

1. LDR text amendment pursuant to Sec. 8.7.1.,
2. Zoning Map amendment pursuant to Sec. 8.7.2., and
3. Planned Unit Development pursuant to Sec. 8.7.3.;

D. To hear, consider and recommend to the Town Council a decision on applications for Planned Resorts in the Town;

E. To hear, consider, and decide the following contested cases:

1. appeal of an administrative decision pursuant to Sec. 8.8.3.,
2. beneficial use determination pursuant to Sec. 8.8.4.,
3. revocation or suspension of a permit pursuant to Sec. 8.9.3., and
4. abatement of a violation pursuant to Sec. 8.9.4.;

F. To designate and appoint a Hearing Officer to assist in the hearing and consideration of contested cases as the Board of County Commissioners may deem appropriate; and

G. To take such other action not delegated to the Planning and Zoning Commission, Hearing Officer or heads of County departments, as the Board of County Commissioners may deem desirable and necessary to implement the provisions of the Comprehensive Plan and the LDRs.

8.10.8. Hearing Officer (1/1/17)

A. Creation and Appointment

The Board of County Commissioners may appoint one or more Hearing Officers to assist in the hearing and consideration of contested cases, such matters as may be required under any provision of these LDRs, or as may be determined to be

appropriate by the Board of County Commissioners from time to time. Such Hearing Officers shall serve at the pleasure of the Board of County Commissioners for such period as is determined by the Board of County Commissioners.

B. Compensation

Hearing Officers shall be compensated at a rate to be determined by the Board of County Commissioners.

C. Conflict of interest

A Hearing Officer shall, for a period of one year from the date of termination as holder of such office, not act as agent or attorney in any proceeding, application or other matter before any decision-making body of the County in any matter involving land that was the subject of a proceeding which was pending during the time served as a Hearing Officer.

D. Minimum Qualifications

A Hearing Officer shall have the following minimum qualifications:

1. Hold an active license to practice law in the State of Wyoming;
2. Knowledge of administrative, environmental, and land use planning law and procedures;
3. Familiarity with these LDRs; and
4. Hold no other appointive or elective public office or position in the County government during the period of appointment.

E. Duties

A Hearing Officer shall have the following duties:

1. To assist the Board of County Commissioners in the hearing and consideration of the following contested cases as the Board of County Commissioners may deem appropriate:
   a. appeal of an administrative decision pursuant to Sec. 8.8.3.,
   b. beneficial use determination pursuant to Sec. 8.8.4.,
   c. revocation or suspension of a permit pursuant to Sec. 8.9.3., and
   d. abatement of a violation pursuant to Sec. 8.9.4.;
2. To conduct fact-finding hearings on such matters as may be requested by the Board of County Commissioners;
3. To perform such other tasks as the Board of County Commissioners may assign;
4. Provide counsel to the Board of County Commissioners in the event that the County Attorney is representing another party in the particular matter; and
5. In all cases, render to the Board of County Commissioners a written report containing a summary of the statements and information given and findings and recommendations regarding the specific standards applicable to the particular matter.

8.10.9. County Attorney (1/1/15)

In addition to the jurisdiction, authority and duties which may be conferred upon the County Attorney by law, and the Board of County Commissioners, the County Attorney shall have the following authority and duties under the LDRs:

A. To review and approve as to form all written findings of fact and conclusions of law and resolutions drafted by the Planning Director, Planning and Zoning Commission, or Board of County Commissioners in connection with any requirement of the LDRs;

B. To review and approve as to form all proposed new regulations or amendments to these LDRs, all Development Agreements, easements, declarations of covenants, letters of credit, performance guarantees or other such documentation in connection with any requirement of the LDRs; and

C. To advise the Planning Director, Planning and Zoning Commission, and/or Board of County Commissioners in regard to legal issues that may arise during implementation of the LDRs.

D. To enforce the provisions of the LDRs.

8.10.10. Housing Director (7/18/18)

In addition to the jurisdiction, authority, and duties, which may be conferred upon the Jackson/Teton County Affordable Housing Director by other provisions of the County Regulations and the Board of County Commissioners, the Housing Director shall have the following authority and duties under these LDRs:

A. To advise and provide technical assistance to the Planning Director, Planning and Zoning Commission, and Board of County Commissioners in regard to the housing issues which may arise during implementation of these LDRs; and

B. To review, consider, and decide the following applications, where the Housing Director or Department is identified as the decision maker:

1. minor deviation pursuant to 8.2.13.B.2.

2. formal interpretation pursuant to Sec. 8.6.1.

3. zoning compliance verification pursuant to Sec. 8.6.2. and

4. administrative adjustment pursuant to Sec. 8.8.1.

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Div. 9.1. Purpose (1/1/15)

The purpose of this Article is to provide rules of construction and definitions for words, terms, and phrases important to the application of these LDRs and that require clarification beyond the definitions in a common dictionary.

Div. 9.2. Rules of Construction

9.2.1. Purpose (1/1/15)

The purpose of this Division is to provide clear and consistent rules of construction for words, terms, and phrases necessary for the application of these LDRs.

9.2.2. Word Usage (7/18/18)

The provisions and rules of this Division shall be observed and applied when interpreting these LDRs, except when the context clearly requires otherwise.

A. The words “shall” or “must” are mandatory, which means that the referenced action or standard is required.

B. The word “may” is permissive, which means that the referenced action or standard is optional.

C. The word “should” is permissive but directory, which means that the referenced action or standard is strongly encouraged.

D. Words used or defined in one tense or form shall include other tenses and derivative forms.

E. Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.

F. The masculine gender shall include the feminine, and the feminine gender shall include the masculine.

G. The word “person” includes individuals, firms, corporations, associations, trusts, and any other similar entities.

H. The word “Town” shall mean Town of Jackson, Wyoming.

I. The word “County” shall mean Teton County, Wyoming.

J. The phrase “Comprehensive Plan” shall mean the Jackson/Teton County Comprehensive Plan. It includes all text and all accompanying maps, charts, and explanatory materials adopted as part of the Jackson/Teton County Comprehensive Plan and any amendments thereto.

K. The word “Attorney” or “County Attorney” shall mean the Teton County Attorney.

L. The words “Building Code” shall mean all codes adopted in the Building Code Resolution.

M. The word “Council” or “Town Council” shall mean the Town of Jackson Town Council.

N. The words “Planning and Zoning Commission” or “Planning Commission” shall mean the Teton County Planning and Zoning Commission.

O. The words “Planning Department” or “County Planning Department” shall mean the Teton County Planning Department.

P. The words “County Clerk” shall mean the Teton County Clerk.

Q. The word “State” shall mean the State of Wyoming.

R. The words “County Commissioners” or the phrase “Board of County Commissioners” shall mean the Teton County Board of County Commissioners.

S. The words “Planning Director” or “County Planning Director” shall mean the Teton County Planning Director or designee.

T. The word “Staff” shall mean the staff of the Teton County Planning Department.

U. The words “County Engineer” shall mean the Teton County Engineer or designee.

V. The words “Building Official” shall mean the Teton County Building official or designee.

W. The words “Housing Director” shall mean the Jackson/Teton County Affordable Housing Director.

X. The words “Housing Department” shall mean the Jackson/Teton County Affordable Housing Department.

Div. 9.3. Abbreviations

9.3.1. Purpose (1/1/15)

The purpose of this Division is to provide abbreviations for terms and phrases that are commonly used in these LDRs.

9.3.2. Common Abbreviations (4/1/16)

The abbreviations provided below have the following meanings:

ac	Acre
ARU	Accessory Residential Unit (6.1.11.B.)
ASA	Adjusted Site Area (9.4.4.C.)
BSA	Base Site Area (9.4.4.B.)
BUP	Basic Use Permit (~~8.3.5.~~8.4.1.)
CUP	Conditional Use Permit (8.4.2.)
du	Dwelling Unit
EA	Environmental Analysis (8.2.2.)
FA	Floor area (9.4.5.)
FAA	Federal Aviation Administration
FAR	Floor Area Ratio (9.4.6.C.)
FCC	Federal Communications Commission
FEMA	Federal Emergency Management Agency
FOF/COL	Findings of Fact, Conclusions of Law, and Order Executing a Decision
ft	Feet
GSA	Gross Site Area (9.4.4.A.)
HUD	U.S. Department of Urban Housing and Development
LDRs	Land Development Regulations
LO	Lodging Overlay (6.1.5.A.2.)
lu	Lodging unit
LSR	Landscape Surface Ratio (9.4.6.D.)
max	Maximum
min	Minimum
NRO	Natural Resources Overlay (5.2.1.)
PRD	Planned Residential Development (7.1.2)
pu	plant unit (5.5.3.E.)
SRO	Scenic Resources Overlay (5.3.2.)
sq. ft. or sf	Square Feet

SUP	Special Use Permit (8.4.3.)
WYDEQ	Wyoming Department of Environmental Quality
WYDOT	Wyoming Department of Transportation

Div. 9.4. Rules of Measurement

9.4.1. Purpose (1/1/15)

The purpose of this Division is to provide clear and consistent rules of measurement for development requirements and standards in these LDRs.

9.4.2. Timing (1/1/15)

A. Counting Days

The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or legal holiday observed by the County, that day shall be excluded. The end of a day shall be 5:00 P.M., local time.

1. The word “day” shall mean one calendar day, unless otherwise stated in these LDRs.
2. The word “week” shall mean 7 days.
3. The word “month” shall mean a calendar month.
4. The word “year” shall mean a calendar year.

9.4.3. Calculations (1/1/15)

A. Rounding

Calculations shall not be rounded. Fractional results of calculations shall be interpreted as set forth in this Section.

B. Maximums

Unless stated otherwise for a specific provision of these LDRs, maximum limits shall only allow the whole number result of a calculation.

> **EXAMPLE:** A calculation of maximum density yielding 3.8 dwelling units shall permit a maximum of 3 dwelling units.

C. Minimums

Unless stated otherwise for a specific provision of these LDRs, minimum requirements shall require the next whole number.

> **EXAMPLE:** A parking requirement of 7.8 spaces shall require 8 spaces.

9.4.4. Site Area (4/1/16)

A. Gross Site Area

Gross site area is the area of the lot of record or site as determined by a certified boundary survey.

1. Noncontiguous Sites. The gross site area may equal the total area of 2 or more noncontiguous sites provided the following standards are met:

    a. The location of development that results from the transfer of density/intensity from one noncontiguous site to another shall be consistent with areas designated for development in the Comprehensive Plan;

    b. Infrastructure shall be available, or can be constructed, to sufficiently serve the proposed development; and

    c. Open space that results from the transfer of density/intensity from one noncontiguous site to another shall accomplish the objectives of open space preservation described in these LDRs and the Comprehensive Plan.

B. Base Site Area

Base site area is used to calculate many of the fundamental requirements of the LDRs, such as density, landscape surface ratio, and floor area ratio. Base site area is equal to gross site area minus the following:

1. All land within existing road easements and public road rights-of-way;
2. All land between levees or banks of rivers and streams;
3. All land within lakes or ponds, when the sum of the surface area of the ponds and/or lakes exceeds one acre;
4. All land which has been previously committed as permanent open space in accordance with the standards of these or prior LDRs; and
5. 50% of land with natural slopes greater than 30%.

C. Adjusted Site Area

Adjusted site area is used to calculate maximum site development and lot coverage. Adjusted site area is gross site area minus the following:

1. All land within existing vehicular access easements;
2. All land between levees or banks of rivers and streams; and
3. All land within lakes or ponds, when the sum of the surface area of the ponds and/or lakes exceeds one acre.

D. Minimum Site Area

Minimum site area is the minimum gross site area or minimum base site area, as specified, required to permit a use or development option. On sites in more than one zone, the entire site may be used to meet minimum site area requirements in either zone. On sites with multiple uses or development options, the entire site may be used to meet minimum site area requirements for each use or development option.

9.4.5. Floor Area (1/1/15)

Floor area is the area of all floors interior to an enclosed building that have at least 5 feet of clearance between floor and ceiling. Floor area shall be measured to the exterior face of the structural members of the wall. Roofed architectural recesses and open covered porches are not considered interior to the building. A building with at least 50% of its perimeter open to the outside shall not be considered enclosed.

9.4.6. Density/Intensity ~~(1/1/17)~~(AMD2019-0006)

The following standards shall apply to the calculation of maximum density, maximum floor area, minimum landscape surface area, and maximum site development.

A. General

1. Split Zoning. On sites in multiple zones, calculations shall be based on the base site area, or gross site area in rural character zones (Div. 3.2.), in each zone.

2. Mixed Use. On sites with multiple uses, the base site area, or gross site area in rural character zones (Div. 3.2.), shall be prorated to determine the allowed density/intensity of each use.

> **EXAMPLE:** On a base site area of 30,000 square feet with an FAR of 0.3 for a single family unit, a 3,000 square foot single family unit would occupy 10,000 square feet of the base site area (3,000/.3 = 10,000), leaving 20,000 square feet of base site area left to calculate the remaining maximum floor area for other uses on the property.

B. Maximum Density

Unless stated otherwise for a specific provision of these LDRs, density is calculated by dividing the number of units by the base site area, or gross site area in rural character zones (Div. 3.2.).

> **EXAMPLE:** 3 units on 35 acres of base site area is a density of 0.086 units/acre (3/35 = .086).

C. Floor Area Ratio (FAR)/Maximum Floor Area

1. The maximum floor area (see Sec. 9.4.5. for definition of Floor Area) allowed on a site shall be the maximum gross floor area not including basement floor area, as defined in Sec. 9.5.B.

2. The site area used to calculate maximum floor area shall be:

   a. Gross Site Area in Character Zones (Div. 2.2. & Div. 3.2.); and

   b. Base Site Area in Legacy Zones (Div. 2.3. & Div. 3.3.).

3. Unless otherwise defined in these LDRs, the maximum allowed floor area above grade is calculated by multiplying the allowed FAR by the applicable site area. Inversely, FAR is calculated by dividing the gross floor area above grade by the applicable site area

> **EXAMPLE:** On a site area of 24,000 square feet a building with 8,000 square feet of gross floor area where 2,000 square feet was in the basement would have an FAR of .25 ((8,000-2,000)/24,000 = .25).

D. Landscape Surface Ratio (LSR)/Minimum Landscape Surface Area

The landscape surface ratio (LSR) is calculated by dividing the landscape surface area by the base site area, or gross site area in rural character zones (Div. 3.2.). However, for properties that include private or public road easements, no site development within the road easement shall count against the required LSR.

> **EXAMPLE:** A property that has 6,000 square feet of landscape surface area and a base site area of 24,000 square feet has an LSR of .25 (6,000/24,000 = .25). Unless otherwise defined in these LDRs, the minimum required amount of landscape surface area is calculated by multiplying the required LSR by the base site area (see Sec. 9.5.L. for definition of Landscape Surface Area). Facilities specifically permitted in Sec. 5.5.3., public and neighborhood pathways, and flood control levees are excluded from landscape surface ratio and minimum landscape surface area calculations.

E. Site Development Ratio (SDR)/Maximum Site Development

The site development ratio (SDR) is calculated by dividing the site development by the adjusted site area, or gross site area in rural character zones (Div. 3.2.). However, for properties that include private or public road easements, no site development within the road easement shall count against the maximum site development allowance.

> **EXAMPLE:** A property that has 12,000 square feet of site development and an adjusted site area of 24,000 square feet has an SDR of .5 (12,000/24,000 = .5). Unless otherwise defined in these LDRs, the maximum allowed site development is calculated by multiplying the required SDR by the adjusted site area (see Sec. 9.5.S for definition of Site Development).

F. Minimum Lot Size

Minimum lot size means the required minimum gross site area of a newly created lot of record, including remnant parcels.

9.4.7. Maximum Scale of Development (1/1/15)

A. Use

Calculation of the maximum scale of an individual instance of a use shall include basement floor area unless otherwise stated for a specific provision of these LDRs.

B. Building

Calculation of the maximum scale of an individual building shall exclude basement floor area unless otherwise stated for a specific provision of these LDRs.

9.4.8. Setback ~~(1/1/17)~~(AMD2019-0006)

A setback is a measure of the shortest horizontal distance between a physical development or use and the feature from which it is being set back.

A. Setback Runs Parallel to Feature

A required setback shall be applied parallel to the length of the feature from which the setback is required.

B. Minimum Setback

Unless otherwise defined in these LDRs, a setback shall be the minimum distance between a physical development or use and a certain feature.

C. Street Setback

A street setback shall be measured to any road right-of-way, roadway, vehicular access easement, additional width required for right-of-way purpose as established in the Teton County Transportation Master Plan, ~~of~~ or property line from which access is taken.

D. Driveway Setback

The minimum setback from a driveway easement shall be 5 feet, but shall not reduce the side or rear yard setback as measured to a lot line.

E. Side Setback

A side setback shall be measured to any side lot line.

F. Rear Setback

A rear setback shall be measured to any rear lot line.

G. Site Development Setback Exemption

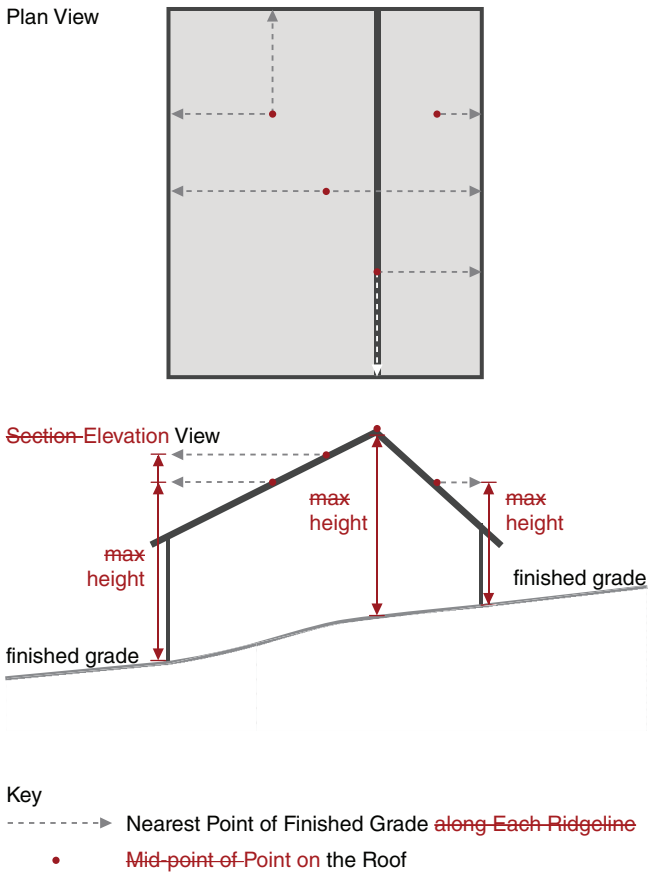
Site development setbacks shall not apply from a lot line to a road or driveway when the lot line is within an easement and properties on both sides of the lot line benefit from the easement.

9.4.9. Height ~~(1/1/15)~~ (AMD2019-0006)

A. Height of Any Point

The height of a building or structure is the vertical dimension measured from any point on the exterior of the building or structure to the nearest point of finished grade.

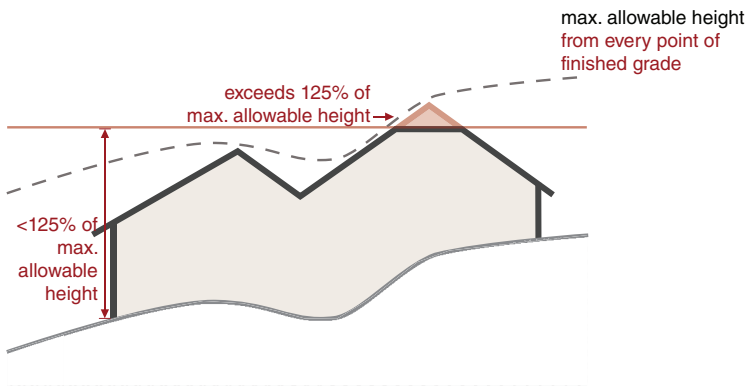
> **EXAMPLE:** In the diagram below the nearest point of finished grade is indicated by the white or gray arrows. Note the examples of points that are equidistant to finished grade on 2 sides of the house; height of such a point will be determined by the lower finished grade.



B. Overall Height of a Stepped Structure

In addition, on a sloped site where the height of the structure is stepped up the slope, the vertical dimension measured from the overall highest point of the building or structure to the overall lowest point of finished grade adjacent to the structure shall not exceed 125% of the maximum allowable height, measured from any point as described in 9.4.9.A.

EXAMPLE: The diagram below shows a stepped structure that is compliant with maximum allowable height, as measured from any point on the roof, but is in violation of the overall height limit for a stepped structure (125% of the maximum allowable height, as measured from the highest point of the building to the lowest point of finished grade). Both measurements of height apply.



C. Exceptions

No part of any building or structure may exceed the maximum allowable height except for the following:

1. Chimneys, vents, and roof-top mechanical equipment such HVAC systems, provided that the maximum height is not exceeded by more than 4 feet; or
2. Antenna used for the reception of television broadcast signals.

9.4.10. ~~Rear~~ Lot Line ~~Designation~~ ~~(1/1/17)~~ (AMD2019-0006)

A lot line is a line bounding a lot of record which divides one lot of record from another lot of record or from a street

~~On sites with multiple frontages, the Planning Director may apply the rear setback to lot lines opposite the frontages as applicable. The remaining lot lines shall receive side setbacks.~~

A. Street Lot Line

Street lot line means a lot line contiguous with a road right-of-way or roadway.

B. Front Lot Line

Front lot line means the street lot line ~~unless no street lot line exists in which case it means~~ or the lot line across which access is taken.

C. Rear Lot Line

Rear lot line means a lot line opposite a street or front lot line. A nonrectangular lot of record or lot of record with multiple street lot lines may not have a rear lot line or may have multiple rear lot lines. ~~See also Sec. 9.4.10. regarding designation of rear lot lines.~~

1. Rear Lot Line Designation. On sites with multiple frontages, the Planning Director may apply the rear setback to lot lines opposite the frontages as applicable. The remaining lot lines shall receive side setbacks.

D. Side Lot Line

Side lot line means any lot line other than a street, front, or rear lot line.

9.4.11. Street Facade (1/1/17)

[Section number reserved, standards only apply in Town]

9.4.12. Stepback (1/1/17)

[Section number reserved, standards only apply in Town]

9.4.13. Story Height (1/1/17)

[Section number reserved, standards only apply in Town]

9.4.14. Transparency (1/1/17)

[Section number reserved, standards only apply in Town]

9.4.15. Blank Wall Area (1/1/17)

[Section number reserved, standards only apply in Town]

9.4.16. Pedestrian Access (1/1/17)

[Section number reserved, standards only apply in Town]

9.4.17. Yard (AMD2019-0006)

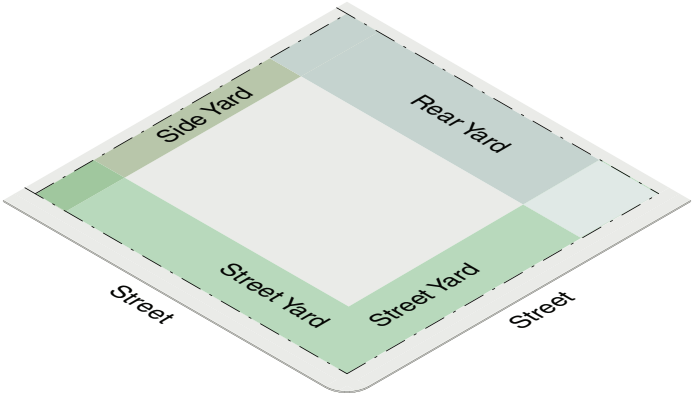
A. Street Yard

Street yard means the area between a road right-of-way, roadway, vehicular access easement, additional width required for right-of-way purpose as established in the Teton County Transportation Master Plan, or lot line from which access is taken and

the minimum street setback extending the full length of the right-of-way, roadway, easement, or lot line. The street yard may overlap with a side or rear yard. Where yards overlap, the standards for each yard apply.

B. Rear Yard

Rear yard means the area between the rear lot line and the minimum rear setback



extending the length of the rear lot line. The rear yard may overlap with a street or side yard. Where yards overlap, the standards for each yard apply.

C. Side Yard

Side yard means the area between the side lot line and the minimum side setback extending the length of the side lot line. The side yard may overlap with a street or rear yard. Where yards overlap, the standards for each yard apply.

Div. 9.5. Defined Terms

When used in these LDRs, the following terms shall have the following meanings:

A (7/18/18)

Accessory Residential Unit. See 6.1.11.B.

Accessory Structure. An accessory structure is a separate structure that is secondary and subordinate to another structure on the same property.

Accessory Use. See 6.1.2.B.3.

Adjoining. See "Contiguous."

Adjusted Site Area. See 9.4.4.C.

Affordable Housing Unit. An affordable housing unit is a unit subject to an Affordable Ownership or Affordable Rental deed restriction as defined in the Housing Department Rules and Regulations.

Affordable Workforce Housing Unit. Affordable workforce housing is workforce housing that costs 30% or less of the occupant household's gross income. When used in reference to a requirement to provide affordable workforce housing, the standards for the units required to be provided are established by Div. 6.3. See also "affordable housing unit" and "workforce housing unit", which are specific types of deed-restricted units.

Agriculture. See 6.1.3.B.

Alley. An access way, no more than 30 feet wide, which provides a means of public access to contiguous property that is not intended for general traffic circulation.

Amusement Use. See 6.1.7.B.

Antenna Array. A single or group of antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.

Antenna Support Structure. A structure that is primarily constructed for the purpose of holding antennas but on which one or more antennas may be mounted, including buildings, water tanks, pole signs, billboards, church steeples, and electric power transmission towers.

Antenna. Any apparatus used for the transmission and/or reception of radio frequency energy, including, but not limited to, omni-directional antenna (whip), directional antenna (panel), microcell, and parabolic antenna (dish). Antenna does not include support structures, utility structures, or towers.

Apartment. See 6.1.4.D.

Arterial Road. See, "Road, Arterial."

Assembly. See 6.1.8.B.

Attached Single-Family Unit. See 6.1.4.C.

Aviation. See 6.1.10.E..

Awning. Awning means a roof-like cover that projects from and is supported by the wall of a building for the purpose of shielding a doorway or window from the elements.

B (7/18/18)

Bank (Stream/River/Ditch). Bank means the natural or man-made slope immediately bordering the channel of a river, stream, or creek containing and/or confining the normal water flow. See also "Top of Bank"

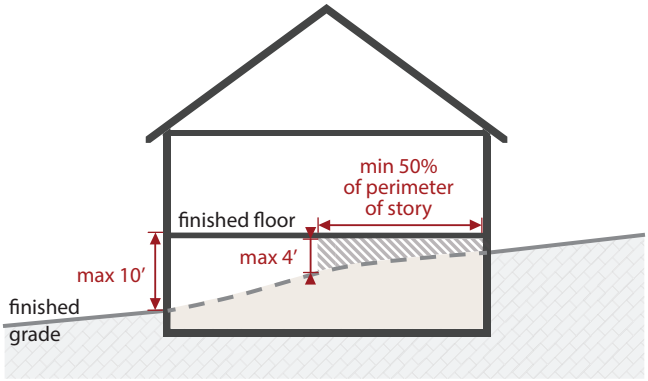
Banked unit. A residential unit, on which a deed restriction approved by the Housing Department has been voluntarily placed, which may be utilized within 20-years of placement of the restriction as required housing for employee generating development.

Bar. See 6.1.6.E.

Base Site Area. See 9.4.4.B.

Base Station. A facility or structure consisting of radio transceivers, antennas, coaxial cable, a regular and backup power supply, and other associated electronics, including a structure that currently supports or houses an antenna, transceiver, or other associated equipment that constitutes part of the base station, and encompasses such equipment in any technological configuration, including distributed antenna systems and small cells.

Basement. A basement is any story for which the finish floor of the story above is less than 4 feet above finished grade for at least 50% of the perimeter of the story and at no point greater than 10 feet above finished grade.



Bed and Breakfast. See 6.1.11.C.

Bedroom. Bedroom means a room, including a den or unfinished room, in a dwelling unit that is marketed and designed for sleeping, or otherwise has potential to function primarily for sleeping.

Berm. Berm means a man-made landform, typically built as an earth mound, located so as to screen a structure or property from view and/or to provide sound relief from a nearby road.

Breakpoint Technology. The engineering design of a monopole wherein a specified point on the monopole is designed to have stresses concentrated so that the point is at least 5% more susceptible to failure than any other point along the monopole so that in the event of a structural failure of the monopole, the failure will occur at the breakpoint rather than at the base plate, anchor bolts, or any other point on the monopole.

Buffer (Natural Resource). The area between a natural resource and the minimum natural resource setback extending the full length of the natural resource.

Building Envelope. A building envelope means the area of a lot of record within which all physical development shall occur.

Building Footprint. The building footprint is the area of the foundation; eaves, overhangs, decks, cantilevers and other projections are not included.

Building. Building means any structure having a roof supported by columns or walls; any enclosed structure, including tarpaulin structures, designed or used for the housing or enclosure of persons, animals, chattels, or property of any kind; or any attached appurtenance thereto, but not including an advertising sign board, fence, tepee, tent, or similar type of temporary structure.

Bulk. Bulk is a spatial dimension of magnitude and refers to the scale, height, floor area, and footprint of a building.

C (1/1/17)

Caliper. The diameter of a tree trunk measured 4.5 feet above the natural grade at the base of the tree.

Campground. See 6.1.5.D.

Canopy Tree. Canopy tree means a deciduous shade or specimen tree, such as aspen, cottonwood, golden willow, or ash.

Canopy. Canopy means the uppermost spreading branchy layer of trees. Canopy also means an ornamental roof-like structure, cantilevered or supported by posts or pillars and having open sides.

Changeable Copy Sign (Manual). See “Sign, Changeable Copy.”

Christmas Tree Sales. See 6.1.12.B.

Collector Road. See, “Road, Collector.”

Collocation. The mounting or installation of an antenna or antennas on an existing tower, building, or structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Combined Antenna. An antenna or an antenna array designed and utilized to provide services for single or multiple wireless providers utilizing more than one frequency band or spectrum, for the same or similar type of services.

Commercial Air Tour. A commercial air tour is any flight conducted for compensation or hire in a powered aircraft where the purpose of the flight is sightseeing.

Commercial. See Sec. 6.1.6.

Common Open Area. Common open area means land within or related to a development which is designed or intended for the common active or passive use and enjoyment of the residents of the development. Common open area shall include: (a) land which is not individually owned and is not dedicated for public use for streets and other similar common facilities, or (b) land which is individually owned, provided it is located outside of an identified building envelope and has been located adjacent to and made a part of other common open areas, to the maximum extent possible, to form a continuous area of open space. Common open area may include such complimentary structures and improvements as are necessary and appropriate for its intended use, provided that fences shall not be installed so as to divide individual and common open areas from one another.

Concealed. A tower, ancillary structure, or equipment compound that is not readily identifiable as such, and is designed to be aesthetically compatible with existing and proposed building(s) and uses on a site. There are 2 types of concealed facilities: 1) Antenna Attachments, including painted antenna and feed lines to match the color of a building or structure, faux windows, dormers or other architectural features that blend with an existing or proposed building or structure and 2) Freestanding. Freestanding concealed towers usually have a secondary, obvious function, which may include church steeple, windmill, bell tower, clock tower, light stanchion, flagpole with or without a flag, or tree.

Conditional Use. See 6.1.1.C.

Condominium. Condominium means an estate in real property consisting of an undivided interest in common in a portion of a lot of record together with a separate interest in space in a building on such real property.

Conservation Area. A conservation area is land under conservation easement that meets the standards of Div. 7.3..

Conservation Easement. A conservation easement is an agreement between a landowner and a land trust or government that invests in the land trust or government the power to constrain the landowner's rights to use and develop the land in order to achieve identified conservation purposes such as preservation of habitat, scenery, or agriculture. A conservation easement is a permanent interest in real property that runs with the land.

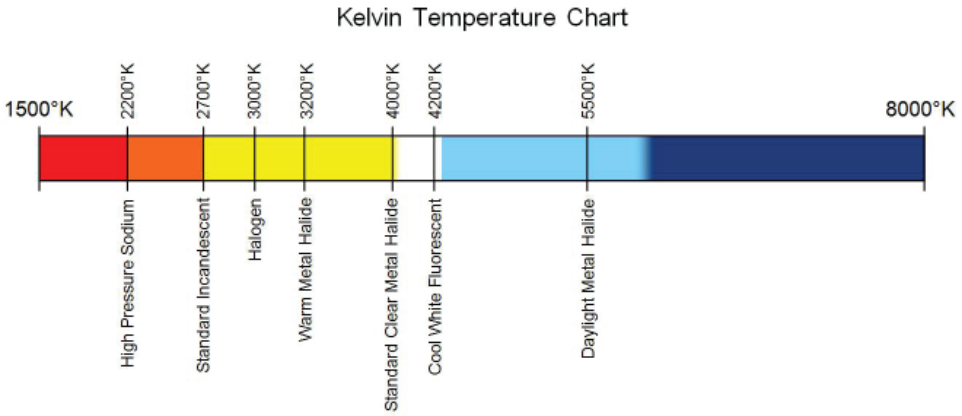
Construction Sign. See, "Sign, Construction."

Contiguous. Contiguous means having a common border with.

Camping Unit. Camping Units include recreational vehicles, campers, trailers, motorhomes, tents, yurts, tepees, or other shelter that is not certified under the International Residential or Building Code or by HUD. Camping Unit does not include Mobile Homes certified by HUD.

Conventional Lodging. See 6.1.5.B.

Correlated color temperature. Correlated color temperature indicates the 'warmth' or the 'coolness' of a light's appearance (see image below). Color temperature is generally indicated on light bulb packaging. Specifically, correlated color temperature is defined as the absolute temperature of a blackbody radiator whose chromaticity most nearly resembles that of the light source.



Cut Slope. Cut slope means any slope surface in soil or bedrock material created by man by the removal of soil or bedrock materials below the natural land surface.

D ~~(1/1/17)~~ (AMD2019-0006)

Daycare. See 6.1.8.C.

Daycare, Family Home. See 6.1.11.F.

Daycare, Home Center. See 6.1.11.G.

Dedication. Dedication means the transfer of property interests by the owner to another person. The transfer may be of fee simple interest or of a less than fee simple interest, including an easement. Dedication is not complete unless the party to which the interest is dedicated accepts the dedication.

Density. See 9.4.6.B.

Detached Single-Family Unit. See 6.1.4.B.

Detention Basin. A detention basin is a covered or uncovered reservoir designed to hold an excessive accumulation of stormwater or snowmelt so as to reduce peak flow in a stormwater or snowmelt drainage system.

Developed Recreation. See 6.1.7.~~C~~D.

Developer. Developer means a recognized legal or beneficial owner of a lot of record proposed for inclusion in a development or use, including a lessee, optionee, or contract purchaser.

Development Area. A development area is a contiguous area in which all physical development, utilities, and non-native landscaping is located. Driveways and utility lines may extend out of a development area to provide access to the development area.

Development Option. A development option is any division of a lot of record into 2 or more lots of record; adjustment of the boundaries of lots of record; entitlement of uses or densities not allowed through approval of only a physical development permit and/or use permit; and any other approval that changes the allowed physical development or use of a site.

Development. Development means any physical development, development option or subdivision. Development does not mean use if the use does not require any physical development or development option.

Disposal. See 6.1.9.D.

Ditch, Irrigation. See, "Irrigation Ditch."

Dormitory. See 6.1.4.F.

Drainage. Drainage means the removal of surface water or groundwater from land by drains, grading, or other means. Drainage, sometimes referred to in terms of stormwater management, also includes the control of runoff to minimize erosion and sedimentation during and after development, and includes the means necessary for water supply preservation or prevention or alleviation of flooding.

Drainageway. A drainageway is a watercourse identified by the presence of an intermittent flow, or a swale whose drainage area is a minimum of 5 acres.

Drive-In Facility. See 6.1.11.H.

Driveway. Driveway means a private access way serving 2 or fewer single-family units or deeded lots.

Dude Ranch. See 6.1.3.E.

Dwelling Unit. A dwelling unit is a unit used residentially and is also known as a residential unit. See Sec. 6.1.4. for a definition of residential use.

E (7/18/18)

Earth Sheltered Design. Earth sheltered design means a building whose mass is built fully or partly below the land surface, or which sits above natural grade but has been covered with earth so that at least 50% of the perimeter of the building is concealed from view.

Easement. Easement means a less than fee interest in land, which provides a person other than the owner of the land certain rights over that land, or any designated part of that land, for the purposes specified.

Education. See 6.1.8.C.

Employee generating development. Employee generating development is a new building or use not currently in existence, as further defined by Sec. 6.3.2.A. It is a term describing development that requires provision of affordable workforce housing pursuant to Div. 6.3., unless exempt in that Division.

Employee Housing. 1) A unit subject to an Employee Housing restriction as defined in the Housing Department Rules and Regulations, such units were required by Division 6.3 as it existed prior to July 18, 2018. 2) A unit occupied by an employee of a business on the site.

Equipment Cabinet. Any structure above the base flood elevation including cabinets, shelters, pedestals, and other similar structures and used exclusively to contain radio or other equipment necessary for the transmission or reception of wireless communications signals.

Equipment Compound. The fenced-in area surrounding the ground-based wireless communications facility including the areas inside or under a tower's framework and ancillary structures such as equipment necessary to operate the antenna on the structure that is above the base flood elevation including cabinets, shelters, pedestals, and other similar structures.

Erosion. Erosion means the detachment and movement of soil, sediment, or rock fragments by water, wind, ice, and/or gravity.

Excavation. Excavation means any act by which organic matter, earth, sand, gravel, rock, or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed, as well as the resulting conditions.

Existing Use or Development. Existing use or development means any use or development of a site, which is located on the site at a given point in time, whether or not the use or development conforms with the provisions of these LDRs.

F ~~(1/1/17)~~ (AMD2019-0006)

Facade. A facade is a building's elevation, as viewed in a single plane parallel to a referenced lot line.

Facade Width. Facade width is the linear width of the building elevation, measured in a single plane parallel to the referenced lot line.

Face, Building. See, "Building Face."

Fair Market Value. The price that land will bring in a competitive and open market under all conditions of fair sale, the buyer and seller each prudently knowledgeable, and assuming the price is not affected by undue stimulus.

Family. Family means one or more individuals related by blood, marriage, adoption, or guardianship, or not more than 6 individuals not so related, occupying a dwelling unit and living as a single housekeeping unit.

Family Home Daycare. See 6.1.11.F.

Farm Stand. See 6.1.12.E.

Fascia. Fascia means a band located at the top edge of a building, but below the actual roofline and above the building wall. Fascia material is typically of a different type than either the actual roof or the building wall.

Fault Line. Fault line means all geologic faults indicated on the Geological Quadrangle Maps covering Teton County, published by the U.S. Geological Survey.

Feed Lines. Cables used as the interconnecting media between the transmission/ receiving base station and the antenna.

Fill Slope. Fill slope means the surface of the outward margins or sides of a fill.

Fill. Fill means rock, soil, sand, gravel, or other earth material deposited by man, whether submerged or not, which is commonly used for leveling, back-filling, or otherwise preparing a site for development or construction.

Finished Grade. See, "Grade, Finished."

Flag. Flag means a device generally made of flexible materials, such as cloth, paper, or plastic, displayed individually on poles or as groups on poles, strings, or wires.

Flashing Sign. See "Sign, Flashing."

Flood. See Teton County Floodplain Management Resolution.

Floodplain. See Teton County Floodplain Management Resolution.

Floor Area Ratio. See 9.4.6.C.

Floor Area. See Sec. 9.4.5.

Floor Area, Gross. See, "Gross Floor Area."

Floor Area, Habitable. See, "Habitable Floor Area."

Flush-Mounted. Any antenna or antenna array attached directly to the face of the support structure or building in a manner that permits mechanical beam tilting if necessary but such that no portion of the antenna extends above the height of the support structure or building.

Frontage. Frontage means a lot line contiguous with a road right-of-way or roadway. (synonymous with "Lot Line, Street")

~~**Front Lot Line.** See, "Lot Line, Front."~~

Front Yard. ~~See, "Yard, Street."~~ Street yard. See 9.4.17.A.

G (1/1/17)

Garage. Garage means a building or floor area within a building intended to be used for the parking or storage of motor vehicles.

Glare. Glare means lighting entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.

Grade, Finished. Finished grade means the final elevation of the ground surface after physical development that has been permitted pursuant to these LDRs. The term "finished grade" may also mean natural grade when no terrain alteration is proposed, or where otherwise applicable. Fill which is not necessary to achieve positive drainage or slope stabilization, or which is otherwise proposed clearly to manipulate the measurement of another standard of these LDRs, shall not be considered finished grade.

Grade, Natural. Natural grade means the elevation of the ground surface in its natural state before physical development.

Gradient. Gradient means the steepness, in terms of angle from the horizontal or in terms of percent, of a slope measured in a prescribed direction up or down the slope. For a road, the gradient is measured as the steepness along the centerline.

Gravel Extraction and Processing, Temporary. See 6.1.12.F.

Gravel Extraction and Processing. See 6.1.9.F.

Gross Floor Area. Gross floor area is the total of all habitable and non-habitable floor area in a structure on all levels. Gross floor area includes basements, and partial levels such as lofts, mezzanines, and interior balconies. It also includes foyers, hallways, restrooms, storage, and other common areas within a building.

Gross Site Area. See 9.4.4.A.

Groundwater. Groundwater means any water, including hot water and geothermal steam, under the surface of the land.

Group Home. See 6.1.4.G.

Guest Ranch. See 6.1.3.E.

H (1/1/17)

Habitable Floor Area. Habitable floor area is the floor area that can be used for living purposes, usually having access to heat, plumbing, and electricity. Habitable floor area includes studios, exercise rooms, offices, and similar spaces. It also includes foyers, hallways, restrooms, storage, and other common areas within a building. Habitable floor area does not include barns, garages, or unfinished attic space.

Heavy Industry. See 6.1.9.C.

Heavy Retail/Service. See 6.1.6.F.

Height, Building. See Sec. 9.4.9.

Home Business. See 6.1.11.E.

Home Daycare Center. See 6.1.11.G.

Home Occupation. See 6.1.11.D.

I (1/1/15)

Impervious surface. Impervious surfaces mean a surface which does not absorb water.

> **EXAMPLE:** Examples of impervious surfaces include, but not are not limited to: buildings (including roofed areas but excluding eaves that over-hang a pervious surface), structures, parking areas, loading areas, driveways, roads, sidewalks, and any areas of concrete, asphalt, or significantly compacted material which prevents water absorption.

Industrial Use. See Sec. 6.1.9.

Industry, Heavy. See 6.1.9.C.

Industry, Light. See 6.1.9.B.

Incidental Use. See 6.1.2.B.2.

Infrastructure. Infrastructure means public facilities necessary to serve development, including, but not limited to roads, potable water supply facilities, sewage disposal facilities, drainage facilities, electric facilities, natural gas facilities, telephone facilities and cable television facilities.

Institutional Use. See Sec. 6.1.8.

Irrigation Ditch. An irrigation ditch is a man-made ditch constructed for the purpose of land irrigation. Irrigation ditches shall not include naturally formed drainageways.

J (1/1/15)

Junkyard. See 6.1.9.E.

K (1/1/15)

Kitchen. A kitchen is a room or portion of a room devoted to the preparation or cooking of food for a person or a family living independently of any other family, which contains a sink and a stove or oven powered by either natural gas, propane or 220-V electric hook-

up. A wet bar, consisting of no more than a refrigerator, sink, and microwave, or similar facility that is a homeowner convenience and is not intended to function as the cooking facility for a separate dwelling unit shall not be considered a kitchen facility.

L ~~(1/1/17)~~ (AMD2019-0006)

Land Disturbing Activity. A land disturbing activity is any manmade change to the land surface, including removing vegetative cover, excavating, filling, and grading. The tending of gardens and agricultural activities are not land disturbing activity.

Land. Land means all land or water surfaces, whether public or private, including lots of record or other ownership categories and all rights – surface, subsurface, or air – that may be attached or detached from the land.

Landscape Surface Area. Landscape surface area is the area of a site that is covered by natural vegetation, trees, or landscaped areas such as turf grass, planted trees and shrubs, mulch, or xeriscape. Any area of a site meeting the definition of site development is not landscape surface area.

Landscape Surface Ratio. See 9.4.6.D.

Landscaping, Required. Required landscaping includes required landscape surface area and required plant units.

Light Industry. See 6.1.9.B.

Loading Area or Space. The portion of a site developed for the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and related landscaped areas.

Local Road. See, "Road, Local."

Lodging. See Sec. 6.1.5.

Lot Area. Lot area means the gross site area of a lot of record.

~~**Lot Line, Front.** Front lot line means the street lot line unless no street lot line exists in which case it means the lot line across which access is taken.~~

~~**Lot Line, Rear.** Rear lot line means a lot line opposite a street or front lot line. A non-rectangular lot of record or lot of record with multiple street lot lines may not have a rear lot line or may have multiple rear lot lines. See also Sec. 9.4.10. regarding designation of rear lot lines.~~

~~**Lot Line, Side.** Side lot line means any lot line other than a street, front, or rear lot line.~~

~~**Lot Line, Street.** Street lot line means a lot line contiguous with a road right-of-way or roadway.~~

Lot Line. ~~A line bounding a lot of record which divides one lot of record from another lot of record or from a street.~~ See Sec. 9.4.10.

Lot of Record. Any validly recorded platted lot, parcel, or tract of land for which the deed is on record with the Teton County Clerk, and which complied with all applicable laws, ordinances, and regulations on the date of its creation.

Lot Size, Minimum. See 9.4.6.F.

Lot. An area of land that is shown on a duly approved and recorded subdivision map.

Lumen. Lumen is a measure of light emission. Lumen measurements are commonly indicated on light bulb packaging. Specifically, a lumen is the amount of light emitted per second in a unit solid angle of one steradian from a uniform source of one candela.

Luminaire. Luminaire means a complete lighting fixture, consisting of a lamp, or lamps and ballast(s) (when applicable), together with the parts designed to distribute the light from the fixture (i.e., reflector, lens, diffuser), to position and protect the fixture, and to connect the fixture to the power supply.

M (1/1/17)

Maintenance (Sign). Sign maintenance means the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not change or alter the basic copy design, or structure of the sign.

Maximum Extent Practicable. Maximum extent practicable means no feasible or practical alternative exists, as determined by Staff, and all possible efforts to comply with the LDRs and minimize potential harmful or adverse impacts have been undertaken by the applicant. Economic considerations may be taken into account but shall not be the overriding factor determining “maximum extent practicable.”

Maximum. See 9.4.3.B.

Mean High Water. Mean high water means the average of the elevation achieved each year by the water level of a water course during the month of June. Mean high water should not to be construed as a flood elevation.

Minimum Site Area. See 9.4.4.D.

Minimum. See 9.4.3.C.

Mini-Storage Warehouse. See 6.1.6.G.

Mobile Home Park. See Sec. 7.1.4.

Mobile Home. See 6.1.4.E.

N (1/1/15)

Native Species. Native species means vegetation which is indigenous to, and is commonly found in, landscapes in the Town of Jackson and Teton County which have never been disturbed. A list of native species is available at the Planning Department.

Natural Grade. See "Grade, Natural."

Natural Topographic Break. Natural topographic break means any naturally occurring change in relief on land such as a mound, knoll, hill, bank, ridge, or terrace, or an area sloping away from a flat grade, which creates a recessed area capable of screening development.

Neon Sign. See, "Sign, Neon."

Non-Concealed. A wireless communications facility that has not been treated, camouflaged, or disguised to blend with the setting and is readily identifiable.

Nonconforming or Nonconformity. See Div. 1.9.

Nursery. See 6.1.6.H.

O (4/1/16)

Office. See 6.1.6.B.

Off-Site. Located neither on the land that is the subject of the application nor on a contiguous portion of a street or other right-of-way.

On-Site. Located on the land that is the subject of the application.

Open Space (Use). See Sec. 6.1.2.

Outdoor Recreation. See Sec. 6.1.3.

Outfitter. See 6.1.7.E.

P (1/1/17)

Parcel. Parcel means unplatted property that is described by metes and bounds, or any public land surveys, or aliquot parts, or lot or tract designations not recognized as lawfully platted.

Parking (Use). See 6.1.10.B.

Parking Lot. Parking lot means 4 or more adjacent parking spaces.

Pathway. Pathway means a facility designed for non-motorized travel intended for the use of bicyclists, pedestrians, equestrians, and cross-country skiers.

Pavement. Pavement shall be concrete, grasscrete, paving blocks, asphalt, or another all weather surface other than gravel.

Performance Bond. Performance bond means a financial guarantee to ensure that all improvements, facilities, or work required by these LDRs will be completed in compliance with these LDRs, and the approved plans and specifications of a development.

Person. Person means an individual or group of individuals, corporation, partnership, association, municipality, or state agency.

Personal Wireless Service. Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined in the Telecommunications Act of 1996.

Physical Development. Physical development means any of the following activities that alter the natural character of the land and for which a permit may be required pursuant to the LDRs: the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure, fence, wall, or other site development; any grading, clearing, excavation, dredging, filling or other movement of land; any mining, paving, or drilling operations; or the storage, deposition, or excavation of materials. Physical development does not include the use of land that does not involve any of the above listed activities.

Planned Residential Development, Rural. See Sec. 7.1.2.

Planned Residential Development, Complete Neighborhood (CN). See Sec. 7.1.6.

Primary Use. See 6.1.2.B.4.

Principal Use. See 6.1.2.B.1.

Plat. Plat means the legally recorded drawing depicting the subdivision of land into 2 or more lots.

Public Sanitary Sewer. See "Wastewater Treatment System, Public."

Public Water Supply. See "Water Supply, Public."

R– ~~(4/1/16)~~ (AMD2019-0006)

Ranch Compound. Ranch compound means a cluster of structures built in traditional ranch forms commonly found on ranches in Teton County.

Real Estate Sales Office. See 6.1.12.C.

~~**Rear Lot Line.** See, "Lot Line, Rear."~~

~~**Rear Yard.** See, "Yard, Rear."~~

Recorded. Recorded means formally indexed and abstracted in the official records of the Teton County Clerk. Recorded does not include documents that are merely filed.

Required Landscaping. See, "Landscaping, Required."

Residential Street. Residential street means a local road serving residential uses.

Residential. See Sec. 6.1.4.

Restaurant. See 6.1.6.E.

Retail (Use). See 6.1.6.C.

River. See Sec. 5.1.1.

Road, Arterial. Arterial road means a road, which is intended to provide for travel between or within communities or to and from collector roads. Access is controlled so that only significant land uses may take direct access to these streets. For the purposes of these LDRs, arterial roads are identified as arterials on the Official Town County Highway Map.

Road, Collector. Collector road means a road, which is intended to connect local roads to arterial roads.

Road, Local. Local road means a road, which is intended to provide access to contiguous lands.

Runoff. Runoff means the rainfall, snowmelt, or irrigation water flowing over the ground surface.

S ~~(1/1/17)~~ (AMD2019-0006)

Scale of Building, Maximum. See 9.4.7.B.

Scale of Use, Maximum. See 9.4.7.A.

Search Ring. A geographic area designated by a wireless provider or operator for a new base station, produced in accordance with generally accepted principles of wireless engineering.

Sedimentation. Sedimentation means the deposition of soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a result of erosion.

Service. See 6.1.6.D.

Setback. See Sec. 9.4.8.

Shelter, Temporary. See 6.1.12.D.

Short-Term Rental Unit. See 6.1.5.C.

~~**Side Lot Line.** See, "Lot Line, Side."~~

~~**Side Yard.** See, "Yard, Side."~~

Sign. Sign means any object, device, display, structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, religious group, product service, event, or location by any means including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include merchandise and pictures or models of products or services incorporated in a window display, works of art which in no way identify a product, or score boards located on athletic fields. See Div. 5.6. for standards applicable to Signs.

Site Area, Adjusted. See 9.4.4.C.

Site Area, Base. See 9.4.4.B.

Site Area, Gross. See 9.4.4.A.

Site Area, Minimum. See 9.4.4.D.

Site Development. Site development is the area of the site that is physically developed; it is generally the inverse of landscape surface area. Site development includes the area of the site that is covered by buildings, structures, impervious surfaces, porches, decks, terraces, patios, driveways, walkways, parking areas, and regularly disturbed areas such as corrals, outdoor storage, and stockpiles. Site development does not include cultivation of the soil for agricultural use.

Site Development, Maximum. See 9.4.6.E.

Site. Site means the entire area of the land on which a use or development is existing or proposed. A site may be a portion of a lot of record or may include multiple lots of record.

Skyline. Skyline means the visual line at which the earth or vegetation and the sky appear to meet. It is typically viewed as the top, crest, or peak of a ridge, hillside, or butte.

Slope, Natural. See, "Grade, Natural."

Slope. Slope means the relationship of the change in the vertical measurement to the change in the horizontal measurement, usually written as a ratio or a percentage.

Small Wastewater Treatment System. See "Wastewater Treatment System, Small."

Special Use. See 6.1.1.D.

Stream. See Sec. 5.1.1.

~~**Street Lot Line.** See, "Lot Line, Street."~~

~~**Street Yard.** See, "Yard, Street."~~

Structure. Structure means any building, bridge, fence, pole, tower, deck, liquid storage tank, gazebo, pier, dam, culvert, satellite dish, personal wireless telecommunication facilities, standalone entry gate, or other construction or erection greater than 4 feet in height.

Subdivision Improvement. Subdivision improvement means any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for the needs of the subdivision such as: streets, alleys, pedestrian walks or paths, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, utility and energy services.

Subdivision. Subdivision means any division of a building, plat, or lot of record into 2 or more parts by means of platting in accordance with the procedures and standards of Sec. 8.5.3. or exempt land division in accordance with the procedures and standards of Sec. 8.5.4. Subdivision includes a division of a building or lot of record for purposes of creating condominiums or townhomes.

Swale. Swale means a linear depression in the land's surface in which sheet runoff would collect and form a temporary watercourse. A swale with a drainage area of 5 acres or more is considered a drainageway.

T (1/1/15)

Temporary Gravel Extraction and Processing. See 6.1.12.F.

Temporary Shelter. See 6.1.12.D.

Temporary Use. See 6.1.2.B.5.

Thread Channel. A line running through the low point of a river or stream with running water.

Time-Share Ownership. Time-share ownership means ownership of a unit in which purchase is for interval ownership with ownership conveyed by deed/license.

Top of Bank. The elevation of the top of bank shall be determined by the observed high water mark, or one foot above the maximum discharge elevation of an outlet control structure that controls the water elevation of a body of water.

Tour Operator. See 6.1.7.E.

Tower (Communications). A structure that is built for the sole or primary purpose of supporting equipment for the transmission and/or reception of radio frequency signals or other wireless communications or meteorological device, and usually consisting of an antenna or antenna array, transmission cables, equipment cabinets, and their associated facilities, including, but not limited to, monopoles, lattice towers, guyed towers, and self-supporting towers.

Tower Base. The foundation, usually concrete, on which the tower and other support equipment are situated. For measurement calculations, the tower base is that point on the foundation reached by dropping a perpendicular from the geometric center of the tower.

Tower Height. The vertical distance measured from finished grade to the highest point of the tower, including any antenna or other equipment affixed thereto.

Tower Site. The current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.

Townhouse. Townhouse means a single-family unit, including the ground beneath the unit, with a single unit going from ground to roof.

U (1/1/15)

Unlicensed Wireless Services. Unlicensed wireless service means the offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services.

Unstable Soil. Unstable soil means soil subject to slippage, creep, landslide, avalanche, bedrock slump, talus, rockfall, colluvium, and lacustrine deposits, either at the surface or overlain by other deposits, or subject to other movements as indicated by the Land Stability Maps of Teton County, site specific geotechnical reconnaissance studies, or any other technically competent source.

Urban Cluster Development. See Sec. 7.1.3.

Use, Accessory. See 6.1.2.B.3.

Use, Conditional. See 6.1.1.C.

Use, Incidental. See 6.1.2.B.2.

Use, Primary. See 6.1.2.B.4.

Use, Principal. See 6.1.2.B.1.

Use, Special. See 6.1.1.D.

Use, Temporary. See 6.1.2.B.5.

Use. See 6.1.2.A.

Utility Facility. See 6.1.10.C.

W (7/18/18)

Wastewater Treatment System, Community. Community wastewater treatment system means a privately owned and operated system, other than a municipal sewage treatment plant, for the collection and treatment of wastewater generated by the dwelling units and accessory uses in a development.

Wastewater Treatment System, Public. Public wastewater treatment system (or sanitary sewer) means a wastewater disposal system, other than small wastewater treatment system, approved by the State, County, or Town, and maintained by a public or private agency authorized to operate such system.

Wastewater Treatment System, Small. Small wastewater treatment system means a sewage system, disposal system, or treatment works having simple hydrologic and engineering needs which is intended for wastes originating from a single residential unit serving no more than 4 families, or which distributes 2,000 gallons or less of domestic sewage per day.

Water Supply, Public. Public water supply means a water supply being distributed by 20 or more service connections used to furnish water for human consumption either in preparing foods or beverages for inhabitants of residences or for the use of business establishments. A public water supply includes the source, treatment system, distribution system, service connections, finished water storage, and pumping stations.

Wireless Communication Facilities. See 6.1.10.D.

Workforce Housing Unit. A workforce housing unit is a unit subject to a Workforce Ownership or Workforce Rental deed restriction as defined in the Housing Department Rules and Regulations. See also "workforce housing", which is the broader definition of the concept of workforce housing as it is used in the Jackson/Teton County Comprehensive Plan.

Workforce Housing. Workforce housing is market and deed-restricted housing occupied by people working locally who would otherwise commute from outside the community. See also "workforce housing unit", which is a specific type of deed-restricted unit.

Y ~~(1/1/15)~~ (AMD2019-0006)

Yard. See Sec. 9.4.17.

Yard, Front. Street yard. See~~, "Yard, Street."~~9.4.17.A.

~~**Yard, Rear.** Rear yard means the area between the rear lot line and the minimum rear setback extending the length of the rear lot line. The rear yard may overlap with a street or side yard. Where yards overlap, the standards for each yard apply.~~

~~**Yard, Side.** Side yard means the area between the side lot line and the minimum side setback extending the length of the side lot line. The side yard may overlap with a street or rear yard. Where yards overlap, the standards for each yard apply.~~

~~**Yard, Street.** Street yard means the area between a road right-of-way, roadway, vehicular access easement, additional width required for right-of-way purpose as established in the Teton County Transportation Master Plan, or lot line from which access is taken and the minimum street setback extending the full length of the right-of-way, roadway, easement, or lot line. The street yard may overlap with a side or rear yard. Where yards overlap, the standards for each yard apply.~~

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