

2019-2020 County LDR Cleanup (AMD2019-0006)

Draft: June 1st, 2020

Introduction

Teton County staff consistently strive to improve the LDRs by making note of errors, clarifying points of confusion, and addressing unintended consequences. The LDR Cleanup is an initiative to amend the LDRs to institute those corrections, keep the LDRs up-to-date, and ensure compliance with legal changes and rulings at the state and federal levels. Major policy changes are not addressed in the LDR Cleanup and are reserved for separate, individual review.

A Guide to Proposed Changes

This document serves as a guide to the changes that have been proposed in this version of the LDR Cleanup and is meant to accompany the redlined version of the LDRs showing all proposed changes. The guide divides corrections into 5 categories:

- 1. Typos & Corrections.** These are insubstantial changes for misspellings and typos, incorrect internal references, resolving unintentional omissions, and updating language for consistency.
- 2. Clarification.** These updates are meant to clarify the text of LDRs without making any policy changes. These types of changes may reference state statutes that inform the regulation in question, enhance organization of the LDRs, rephrase existing language to clarify intent, or add language to close loopholes or clarify areas that are vague.
- 3. Compliance.** These updates reflect legal rulings, changes to state or federal law, or directives from other entities that impact our LDRs. They do indicate potential changes in policy.
- 4. Codification of Existing Practice.** These changes are meant to incorporate existing practice and policy into the text of the LDRs for transparency and clarity. These changes do not indicate a shift in policy.
- 5. Policy.** These changes are distinct changes in policy that are being introduced in this LDR text amendment.

The tables below list, whenever possible and useful, the sections and divisions in which the stated changes occur, a description of the change or issue, and the proposed text to be amended if it is brief enough to be included. In cases where changes are more significant or difficult to snapshot in a single cell, there is direction to turn to the redlined copy to see all the changes. When proposed text is included in the tables below, proposed text is signified with *italics*, while existing text is not italicized.

Redlined Version of the LDRs

Note that the accompanying redlined version of the LDRs uses four notations to signify changes. Text that has been removed is denoted with a ~~red & strikethrough~~; text that had been added is denoted with red & underline; text that has been removed from its current location but not deleted is marked with ~~blue & strikethrough~~; and text that has been rearranged to a new location or new division entirely is marked with blue& underline.

Because changes have not yet been adopted and displaying the redlined changes increases the length of the document, page numbers, arrangement and formatting may not reflect the final, adopted version. Similarly, dates of update have not yet been changed, but will be adjusted upon adoption. Hyperlinks within the document will also be updated and corrected upon adoption.

Typos & Corrections

	Sections	Description of Change	Count
1	1.8.2.C.3, 7.1.6.D, 7.3.5, 8.2.12, 8.2.13.C.2.B, 8.2.13.C.3, 8.2.13.C.5.a, 8.2.13.C.5.c, 8.5.4, 8.7.1, 8.7.2, 8.7.3	Documents are "recorded" with County Clerk when they are being added to land records. Change "filed" to "recorded"	20
2	2.3.1, 2.3.2, 2.3.3, 2.3.4, 2.3.5, 3.2.4, 3.3.1, 3.3.2, 3.3.3, 3.3.4, 3.3.5, 4.2.1, 4.2.2, 6.1.1, 9.3.2	Basic Use Permit (BUP) frequently listed incorrectly as Sec. 8.3.5. Should be 8.4.1	15
3	2.3.1, 2.3.3, 2.3.5, 3.3.1, 9.5	Update references from Sec. 6.1.7.C to 6.1.7.D ("Developed Recreation")	5
4	2.3.2.B., 3.3.2.E., 3.3.4.B., 6.4.1.A., 7.1.4.A	Change "Front Yard" to "Street Yard" to be consistent with rest of LDRs	10
5	3.2.2, 3.2.3, 3.2.4.	Development options tables say Sec. 7.1.6 for all entries. Update to say 7.1.5 for Floor Area Options, 7.1.2. for Rural PRD, 7.2.3. for Land Division Standards	3
6	3.2.2, 3.2.3, 3.3.5	Add 49-acre minimum rural area for Rural PRD standards under the Allowed Development and Subdivision Options table for zones: R-1, R-2, R-TC	3
7	3.2.3.D.4	In the Permits Required Chart in Rural 2 Zone, add a row for Rural PRD permits. It should match the Rural 1 requirement	1
8	4.3.1.F, 5.2.1.E, 5.3.2.E., 5.3.2.G., 5.3.2.H, 6.1.9.F.	Update instances of "Maximum Extent Practical" to "Maximum Extent Practicable" to be consistent with term used throughout LDRs	9
9	4.3.6.C.3, 4.3.6.D.2, 4.3.6.D.3	Update the descriptions of the Snake River Canyon Ranch Area II and Area III to be in alignment with DOP2020-0001. Correct grammatical typo in 4.3.6.C.3	1
10	5.2.2, 5.9.4. (formerly 7.6.4), 6.1.10	Update Naming: "Planning and Development Dept." and "Planning & Development Department" to "Planning and Building Services Department"	4
11	5.9.4. (formerly 7.6.4.), 6.1.9., 6.1.12, 8.10.2	Update Naming: "County Road Supervisor," "County Road and Levee Supervisor," "County Road and Levee Superintendent" to "County Road & Levee Manager"	9
12	6.1.3.B.d.i	Add "Manmade Waterbodies (Sec. 5.1.6.)" to list of agricultural exemptions	1
13	6.1.8, 6.1.10	Change "Church" to "Place of worship"	2
14	6.1.10.D.2.d.iv.f	Incorrect reference to other standards in the LDRs. Change 6.1.10.E.3.d.v.E-F to 6.1.10.D.2.v.e-f.	1
15	6.3.3.A.	Errors in example	2
16	6.3.5.	Typos	4
17	8.3.1.F., 8.3.2.F, 8.3.3.F., 8.3.4.G, 8.3.5.E, 8.4.1.E, 8.4.2.E, 8.4.3.E., 8.5.2.F., 8.5.3.C, 8.5.3.F, 8.5.4.F., 8.5.5.E, 8.6.1.E, 8.6.2.F, 8.7.1.D, 8.7.2.D., 8.7.3.G., 8.8.1.F, 8.8.2.F, 8.8.4.G.	Typos: remove extra article ("the", "a")	21
18	8.5.3.E.	Typo	1
19	9.4.8.C.	Typo in street setback definition. Change "of" to "or"	1
20	9.5.	Relocate Kelvin Temperature Chart graphic to below "Correlated color temperature" definition.	1

Clarification

Section	Description of Change	Proposed Text
21	1.6.3	Clarification that text of the LDRs rules over any examples or illustrations. <i>Where the text of these LDRs and examples or images may conflict, the text shall govern.</i>
22	5.1.1.D.2, 5.1.2.D.4, 5.3.2.D.3.	Current language describing minimum density requirements within conservation easements is ambiguous and can be misinterpreted. This modification clarifies that language.
23	5.1.2.D.	Clarify standards and process for use of buck and rail fencing. <i>New buck and rail or buck and wire fencing is prohibited unless approved by the Planning Director through a Special Purpose Fencing Exemption.</i> 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.
24	5.1.6.D	Clarify conflicts within the berm regulations and more clearly define how to measure berm height.
25	New Divisions 5.9. & 5.10.; 7.6. & 7.7. (Removed); 2.3.1, 2.3.2, 2.3.3., 2.3.4, 2.3.5, 3.2.2., 3.2.3., 3.2.4., 3.3.1., 3.3.2., 3.3.3., 3.3.4., 3.3.5., 4.2.1., 4.2.2.; other links throughout LDRs	Relocate Div. 7.6 Transportation Facility Standards & Div. 7.7 Required Utilities to new Divisions 5.9. & 5.10. to clarify that these standards apply to physical development beyond only Subdivisions and Development Options. Update the corresponding charts in applicable zones in Articles 2, 3 & 4 to reflect this change. Update references to section 7.6 and 7.7. throughout the LDRs to 5.9 and 5.10.
26	5.10.5.A (formerly 7.7.5.A)	Clarify that relocating or moving utilities counts as "installation" and, therefore, that they should be buried. Add that the Wildland-Urban Interface is mapped. <i>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.</i>

27	6.1.5.C	Separately list Teton Village 1 and Teton Village 2 under Short Term Rental Section because they are separate PUDs with different governing master plan documents.	See subsection for complete changes.
28	6.3.2.C.2	Add a sentence clarifying that Other Workforce Housing units are subject to Housing Department Rules and Regulations' Livability Standards.	<i>These units are subject to the Jackson/Teton County Housing Department Rules and Regulations Section 2-3 Livability Standards.</i>
29	6.3.2.C.6	Remove "Local Occupancy", replace "expansion" with "unit."	2,500 sf 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 unit.
30	6.3.3.A.1	Define $\exp()$ [e^X] and $\ln()$ [natural log] functions, which are used in Affordable Workforce Housing Requirement calculation	<i>In the residential requirement equations, "Exp(x)" describes an exponential function, or e to the power of x. Inversely, "In(x)" describes the natural logarithm of x.</i>
31	8.2.13.C.	Reference Wyoming Statute 34-12-108 in Complete and Partial Vacations standards, regarding the recording of an affidavit with the County Clerk	See 8.2.13.C.
32	8.2.14.C.3	Reference Wyoming Administrative Procedure Act in noticing requirements	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.
33	8.9.5.A.	Clarification of the Nuisance LDRs as they relate to farm and ranch operations	<i>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</i>

			<i>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.</i>
34	8.9.6.A.	Clarify Civil Remedies for enforcement and cite Wyoming Statute.	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).
35	9.4.6.D.	Added language to the Landscape Surface Ratio standards to exempt site development in private or public road easements from the calculation of the LSR to address an issue that emerged from the shift from Base Site / Adjusted Site Area to Gross Site Area in a previous amendment.	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.). <i>However, for properties that include private or public road easements, no site development within the road easement shall count against the required LSR.</i>
36	9.4.6.E.	Added language to the Site Development Ratio standards to exempt site development in private or public road easements from the calculation of maximum site development to address an issue that emerged from the shift from Base Site / Adjusted Site Area to Gross Site Area in a previous amendment.	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.). <i>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.</i>
37	9.4.9.A.	Clarify Height of Any Point diagram and labelling.	See 9.4.9.A
38	9.4.9.B.	Clarify Labelling of Overall Height of a Stepped Structure Diagrams and add Example caption to clarify that this example shows a violation.	See 9.4.9.B.

39	9.4.10. & 9.4.17.	Move lot line and yard definitions and rules into 9.4. and out of 9.5. to be like setbacks.	See 9.4.10 and 9.4.17.
40	9.4.10.B. (Formerly in 9.5)	Update front lot line definition to be in line with "street yard" and "setback" definitions.	Front lot line means the street lot line <i>or</i> the lot line across which access is taken.
41	9.5.	Add "standalone entry gate" to definition of "Structure"	Structure means any building, bridge, fence, pole, tower, deck, liquid storage tank, gazebo, pier, dam, culvert, satellite dish, personal wireless telecommunication facilities, <i>standalone entry gate</i> , or other construction or erection greater than 4 feet in height.

Compliance

Section	Description of Change	Proposed Text
42	5.10.5 (formerly 7.7.5)	<p>At request of U.S. Army Corps of Engineers, add prohibition of sprinklers on levee easements and clarify permitting requirements for modifications to levee structures.</p> <p><i>Section 5.10.5.C.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.</i></p> <p><i>Section 5.10.5.C.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.</i></p>
43	6.1.5.D	<p>Address campground regulations based on court ruling. Remove ownership provision (6.1.5.D.2.f).</p> <p><i>6.1.5.D.1 Definition</i> A campground is an establishment providing campsites for camping units that are brought to the campground for overnight or short-term lease <i>and said camping units leave the campground within the time limits as delineated in subsection 6.1.5.D.2.d.</i></p>
44	8.5.4.B.8.	<p>Update Exempt Land Division standards to align with new WY State Statute</p> <p>See 8.5.4.B.8.</p>
45	8.7.1, 8.7.2, 8.7.3	<p>Reference Wyoming Regulatory Takings Act in LDR text amendment process</p> <p><i>Letter in file from County Attorney's Office demonstrating compliance with the Wyoming Regulatory Takings Act (Wyo. Stat. § 9-5-301 et seq.).</i></p>

Codification of Existing Practice

	Section	Description of Change	Proposed Text
46	8.2.15. (New Section)	Addition of Miscellaneous Planning Requests to Article 8, laying out procedure.	See section for text.
47	8.9.2	Add a subsection 8.9.2.G to state that, at the discretion of the Planning Director, new permits will not be issued for properties until existing violations are remedied.	<i>G. New Permits</i> <i>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.</i>

Policy

	Section	Description of Change	Proposed Text
48	6.1.11.B.	Clarification that all commercial ARUs are Workforce Housing and require a Workforce Rental Restriction provided by the Housing Department. Update minimum rental period from 90 days to 6 months to be compatible with the restriction.	See subsection for complete changes.
49	8.2.14.C.	In order to allow for public noticing for corresponding PC and BCC meetings to occur at the same time, remove noticing time maximum (currently 30 days) for public hearings on applications.	See 8.2.14.C.3.