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 & Levee Manager 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 down-stream 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 ~~(AMD2019-0006)~~ (AMD2019-0005)

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, except for wireless communications facilities (see 6.1.10.D). 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. Definitions. ~~A wireless communication facility provides communication services without physical connection.~~

a. Wireless communications facility. Equipment at a fixed location which enables wireless communications between user equipment and a communications network, including radio transceivers, antennas, wires, coaxial or fiber-optic cable or other cables, regular and backup power supplies, and comparable equipment, regardless of technological configuration, and equipment associated with wireless communications. The term does not include: (i) The structure or improvements on, under, within, or adjacent to the structure on which the equipment is collocated; (ii) Wireline backhaul facilities; or (iii) Coaxial or fiber-optic cable that is between wireless structures or utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

b. 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)

vii. small wireless facility. A type of wireless facility mounted on structures not greater than 50 feet in height on which each wireless provider's individual antenna could fit within an enclosure of no more than three cubic feet in volume, and collective antenna could fit within an

enclosure of no more than six cubic feet in volume, and for which all other wireless equipment associated with the wireless facility, whether ground-mounted or pole-mounted, is cumulatively no more than 28 cubic feet in volume, not including any: electric meter; concealment element; telecommunications demarcation box; grounding equipment; power transfer switch; cut-off switch; vertical cable run for the connection of power or other service; wireless provider antenna; or coaxial or fiber-optic cable that is immediately adjacent to or directly associated with a particular combined location, unless the cable is a wireline backhaul facility.

2. County Standards

a. **Purpose.** The purpose of this Subsection is to establish general guidelines for the locating of wireless communication towers, small wireless facilities, 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. Respond to the policies embodied in the Federal Communication Commission's Declaratory Ruling and Third Report and Order of September 27, 2018, in such a manner as to not effectively prohibit the provision of wireless services and to comply with the rules governing small wireless facilities.

vi. 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.

vii. Protect the character of the County while meeting the needs of its citizens to enjoy the benefits of communications services.

viii. 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, small wireless facilities, and towers shall be permitted as follows:

i. **Basic Use Permit.** New collocations, equipment modifications (except modifications qualifying as 8.2.13.B.2.), small wireless facilities and support poles outside a public right of way, 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. Processing Timelines for Basic Use Permit and Conditional Use Permit

i. An application for a Basic Use Permit shall be approved or denied within ninety (90) days of receipt of an application by the County, except for eligible facility request modifications and collocations, pursuant to subsection (f)ii below, and small wireless facility collocations, which shall be approved or denied within sixty (60) days of an application. The time periods herein shall be tolled while an application is incomplete. Completeness of an application and the tolling periods shall be interpreted pursuant to the Federal Communications Commission's Report and Order in Docket 13-238 released October 21, 2014, as amended and the Federal Communications Commission's Declaratory Ruling and Third Report and Order in Docket 17-79 and 17-84 released September 27, 2018 as amended.

ii. An application for a Conditional Use Permit shall be approved or denied within one hundred fifty (150) days of receipt of any application by the County. The time periods herein shall be tolled while an application is incomplete. Completeness of an application and the tolling periods shall be interpreted pursuant to the Federal Communications Commission's Report and Order in Docket 13-238 released October 21, 2014, as amended.

iii. Tolling and Sufficiency

a). Determination of Sufficiency. For all wireless communications facility applications, determination of sufficiency will occur within ten (10) days of submittal. The applicant shall receive written notice of incompleteness within ten (10) days of submittal.

b). Non-Small Wireless Facility Applications. If an application is determined incomplete and the applicant receives written notice within ten (10) days of submittal, the processing timeline, or "shot clock", for the application shall toll.

c). Small Wireless Facility Applications. If an application is determined incomplete and the applicant receives written notice within ten (10) days of submittal, the processing timeline, or "shot clock," shall reset upon submittal of supplemental information. For subsequent determinations of sufficiency, the "shot clock" shall toll if the application is determined insufficient and the applicant is notified within ten (10) days of resubmittal.

e. Fees for Small Wireless Facility Applications

a). A minimum BUP application fee of $500 shall be paid at the time of application and covers up to five (5) small wireless facilities, and an additional fee of $100 shall be assessed for each small wireless facility thereafter.

f. 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~~ between the top of the nearest existing antenna to the base of the proposed 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~~f.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, does not defeat the existing concealment technique in the view of a resonable person, 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 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.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 and is designed to be contextual in size, shape, and color with the scenic content immediately adjacent to its location. 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 and is designed to be contextual in size, shape and color with the scenic content immediately adjacent to its location.

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 proposed facility mirrors an evergreen tree indigenous to Wyoming with sufficient number of "faux" branches and foliage to conceal all external antenna, panels, trays, cables, support rods, crossbars, port holes, splitters, couplers and attenuators and any other equipment external to the tower mast, which shall be painted or have applied material to simulate tree bark indigenous to the area. "Faux" branches shall commence at 20 feet above ground level (AGL) and surround the tower in a multi-dimensional pyramid shape pattern to the top of the tower, with branches and foliage material in length, width and depth sufficient to obscure physical view of the tower, antenna elements and brackets. Antenna wraps shall be used on all type of antenna. Panel antennas, remote radio units or any other non-panel type antenna or other equipment may not be used without first demonstrating the concealment elements that will be used for such antenna. ~~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). Other concealment methods shall demonstrate through photosimulations the number of proposed antenna and potential collocations and proposed concealment methodology. All antenna shall be covered with concealment material.

6). 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.

7). 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 requiring a Conditional Use Permit 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.

g. **Small Wireless Facilities.** The following requirements are specific to small wireless facilities installed outside a public right-of-way.

i. **Location Preference of New Small Wireless Facilities.** Locating a new small wireless facility 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). Collocated on an existing pole or support structure

b). A new pole, following the design standards below in g.vi.

ii. **Undergrounding.** Wires, cables, and other facilities that are not required to be above ground in order to be functional shall be located underground.

iii. **Design Standards Applicable to all Small Wireless Facilities**

a). A small wireless facility must be technically capable of servicing a minimum of four (4) wireless service providers with like technical facilities through the use of neutral host antenna.

b). Small wireless facilities should not be readily noticed.

c). All equipment not located underground, including electric meters, should be located on or within the support structure unless prohibited by the owner of the support structure, in which case an alternative power meter box must be approved by the Planning Director.

d). To the maximum extent possible, a small wireless facility and associated equipment and cables located on the exterior of a pole or support structure shall be enclosed in a shroud or enclosure painted to match the existing structure color;

e). All small wireless facilities shall be constructed out of or finished with nonreflective materials (visible exterior surfaces only).

f). Each individual antenna shall be located entirely within a shroud enclosure of not more than three (3) cubic feet in volume. All antennas associated with the small wireless facility shall not exceed a combined space of six (6) cubic feet and shall, to the greatest extent possible, be neutral host antennas.

g). Equipment Cabinets

1). May be placed above ground if designed to be visually compatible with adjoining terrain and structures and concealed with landscape screening;

2). Any ground-mounted equipment cabinet shall be secured to a concrete foundation or slab with a breakaway design in the event of collisions and shall not exceed three feet in height, unless special conditions exist that would result in the cabinet encroaching into a sidewalk or to within two feet of a road.

iv. Design Standards Applicable to all Small Wireless Facilities Located on Poles

a). Integrated Design Consideration. Small wireless facilities, including equipment associated with the small wireless facility, shall be integrated into the pole and generally shall be installed in a manner minimizing the visual impact.

b). Facilities Located on Metal Poles

1). Cable runs should be inside of the pole to the maximum extent practicable;

2). Equipment associated with the small wireless facility should, where practicable, be enclosed at the base of the wireless support structure in a space not more than 24 inches in diameter and not more than five feet eight inches in height; and

3). Poles used for collocation shall be designed to separate different pole users, such as through dual chamber or tri-chamber design.

c). Antennas

1). The diameter of the antenna or antenna enclosure should generally not exceed the diameter of the top of the wireless support structure pole, and to the maximum extent practical, should appear as a seamless vertical extension of the pole.

2). In no case shall the maximum diameter of the shroud be wider than one and one- half (1.5) times the diameter of the top of the pole.

3). Where maximum shroud diameter exceeds diameter of the top of the pole, the shroud shall be tapered to meet the top of the pole.

4). Unless technologically infeasible or otherwise appropriate based on neighborhood context, all antenna shall be mounted to the top of the wireless support structure pole, aligned with the centerline of the structure.

5). Antennas shall be generally cylindrical in shape and completely housed within a cylindrical shroud that is capable of accepting paint to match the wireless support structure.

v. Design Standards Applicable to Small Wireless Facilities Collocated on Existing Poles

a). To the maximum extent practicable, all small wireless facilities, associated equipment and cabling shall be completely concealed from view within an enclosure or buried.

b). Where equipment cannot reasonably be incorporated into the base of the pole in accordance with iv.b.2. above or buried, it may be installed within an equipment enclosure mounted to the pole or a ground-mounted cabinet physically independent from the pole.

c). Pole-mounted Equipment Enclosures

1). Shall not protrude more than eighteen (18) inches beyond the face of the pole to the outermost portion of the enclosure.

2). Should be installed as flush to the pole as practicable. In no case shall an enclosure be installed more than four inches from the wireless support structure pole.

3). Where multiple enclosures are proposed on a wireless support structure pole, the enclosures shall be grouped as closely together as possible on the same side of the pole.

4). Small wireless facility equipment enclosures should be the smallest size practicable to house the necessary facilities and equipment.

5). Small wireless facility equipment enclosures shall be cylindrical or rectangular in shape and should generally be no wider than the maximum outside diameter of the pole to which it is attached, to the maximum extent practicable.

6). The shroud enclosure shall be securely strapped to the wireless support structure pole using stainless steel banding straps.

vi. Design Standards Applicable to Small Wireless Facilities on New Poles. If an applicant proposes to install a new pole to support a small wireless facility, the following standards shall apply.

a). Pole design shall be cylindrical and shall match the aesthetics of existing utility poles and streetlights, if any, installed adjacent to the pole; and together with the small wireless facility components shall be sized to be visually pleasing.

1). For a pole to be considered visually pleasing, the transition between the equipment cabinet and upper pole should be considered.

2). The equipment associated with the small wireless facility shall be enclosed at the base of the pole in a space not more than 24 inches in diameter and not more than five feet eight inches in height, provided that a separate equipment cabinet or vault not exceeding 28 cubic feet in size may be used if the equipment cannot reasonably be contained in the space allowed.

3). A decorative transition shall be installed over the equipment cabinet upper bolts, or decorative base cover shall be installed to match the equipment cabinet size and shall taper between different pole sizes.

4). The upper pole shall be scaled to 0.5 to 0.75 the size of the equipment cabinet, with a 10-inch minimum outer diameter at the widest portion of the pole.

5). All hardware connections shall be hidden from view.

6). No horizontal flat spaces greater than 1.5 inches shall exist on the equipment cabinet to prevent cups, trash, and other objects from being placed on the equipment cabinet.

7). Each pole component shall be architecturally compatible to create a cohesive aesthetic.

8). The pole shall be made of steel and shall be painted with earth tone color(s) to match the scenic context of the pole.

b). The pole shall not be located within 100 feet of the apron of a fire station or other adjacent emergency service facility.

c). The pole shall be placed in alignment with existing trees, utility poles, and streetlights.

d). The pole shall be located such that it in no way impedes, obstructs, or hinders the usual pedestrian or vehicular travel, affects public safety, obstructs vehicular traffic viewsheds of pedestrian movement, obstructs the legal access to or use of a right-of-way or easement, violates applicable law, violates or conflicts with right-of-way design standards and specifications (Div. 7.6), violates the Federal Americans with Disabilities Act of 1990, or in any way creates a risk to public health, safety, or welfare.

e). The pole shall not be required to meet structure or site development setbacks if located within a utility easement or private right-of-way.

f). The pole shall be located at intersecting property lines when practicable.

g). The pole shall be located a minimum of 15 feet away from trees or outside of the tree drip line, whichever is greater, to prevent disturbance within the critical root zone of any tree.

h). The pole shall be located at least 5 feet away from the widest part of an alley or drive approach, including any flare associated with the approach.

i). The pole shall not be installed between the perpendicular extension of the primary street-facing wall plane of any single or two-family residence and the street.

j). The pole shall not be located in-front of store front windows, primary walkways, primary entrances or exits, or in such a way that it would impede a delivery to the building.

vii. Height

a). Poles. The height of a pole hosting a small wireless facility, including the wireless facility, measured from the base of the structure shall not exceed the lesser of:

1). A new pole shall not exceed thirty feet (30') in height.

2). An existing pole used for collocation of a small wireless facility may, on only one occasion, be increased by up to ten feet (10') to allow for the attachment of the antenna together with any approved concealment feature.

3). For a modified pole, thirty feet (30') above ground level together with the minimum antenna height necessary for one antenna contained within any approved concealment feature.

b). Antennas and other equipment collocated on non-pole support structures shall not extend above the maximum allowed height for a structure in the zone in which they are located.

h. **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, notarized statement from the tower or pole owner or tower or pole owner's agent, agreeing to allow the collocation of wireless equipment on the proposed tower or pole, 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. For new small wireless facilities on new poles, an affidavit or attestation from a Wyoming state licensed engineer that proposed pole structure, pedestals and foundations, if applicable, meet or exceed IBC Structural Design Criteria, and are structurally competent to carry load, shear and any other stresses. For collocation of small wireless facilities, an industry-standard analysis indicating that the structure on which the wireless facility will be mounted will safely support the load.

vi. 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 by a professional engineer licensed in the State of Wyoming 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.

vii. 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.

viii. 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.

ix. All other documentation, evidence, or materials necessary to demonstrate compliance with the applicable approval criteria set forth in this Section.

i. 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 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.

j. 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.

k. 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.

l. Abandonment (Discontinued Use)

i. Towers, poles, small wireless facilities, 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, pole, small wireless facility, 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 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.

8.4.1. Basic Use Permit (BUP) ~~(AMD2019-0006)~~(AMD2019-0005)

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.

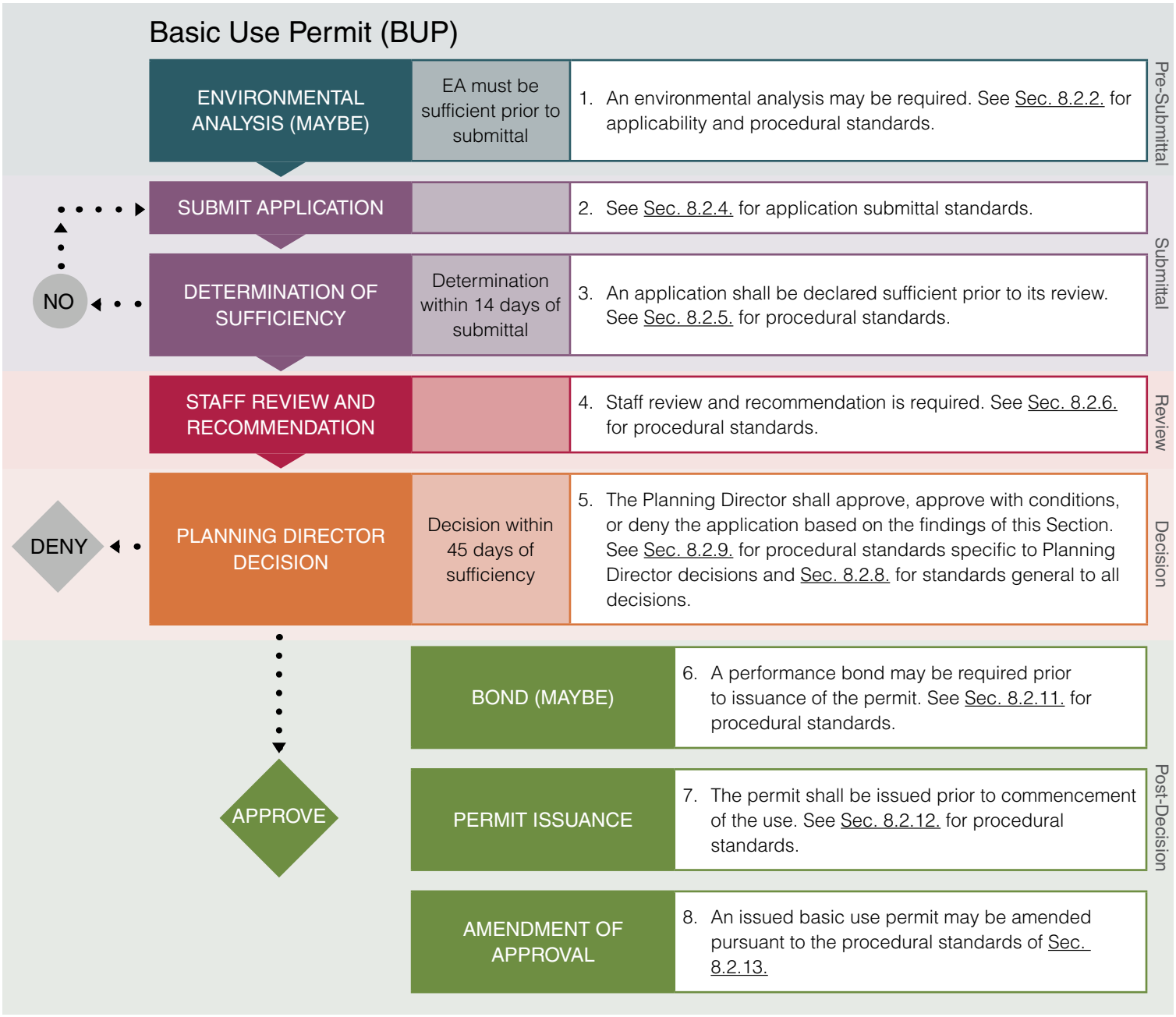
D. Permit Expiration

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. For timelines related to Wireless Communications Facilities, see 6.1.10.D. An applicant must complete 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) (AMD2019-0005)~~(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

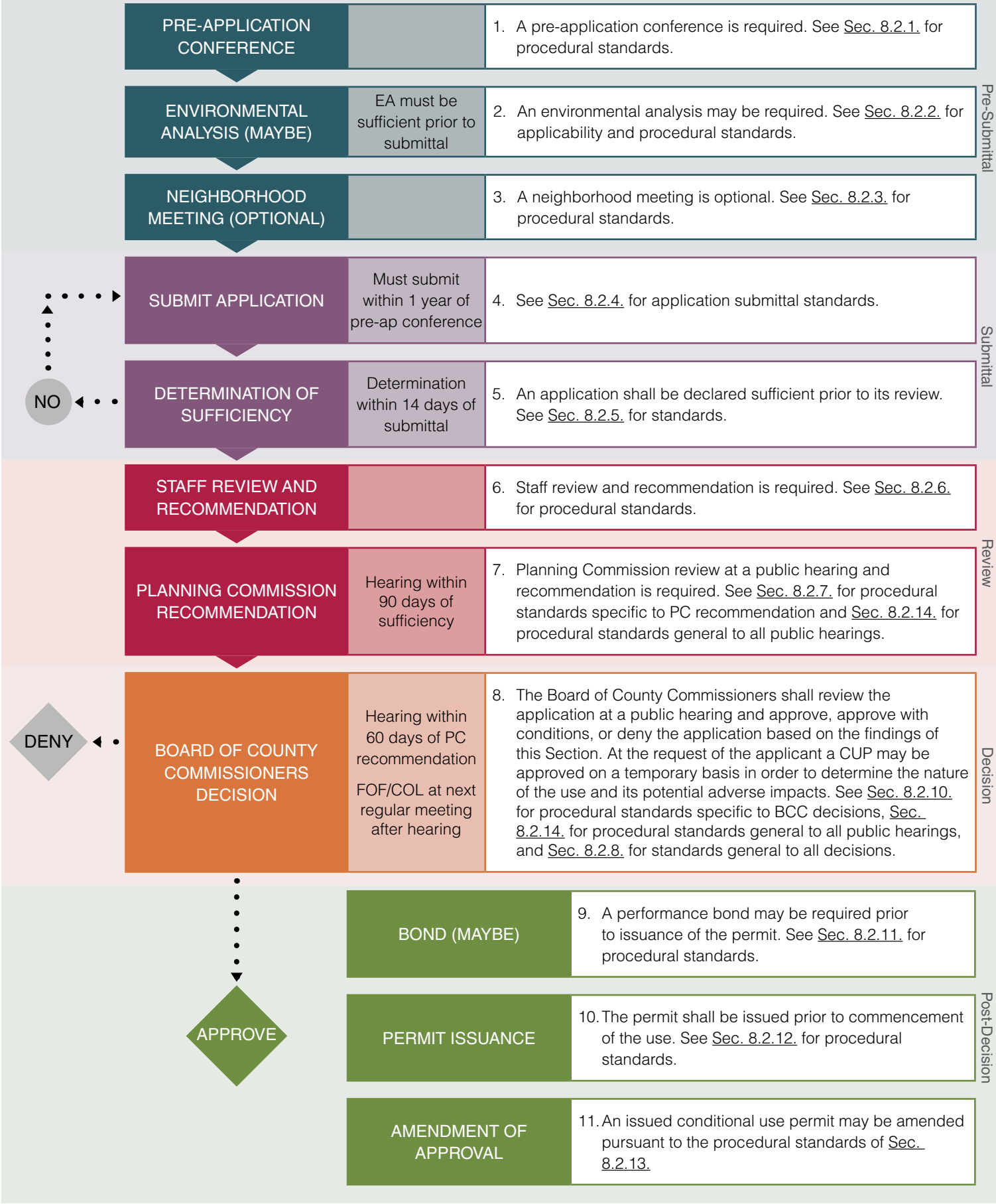
A conditional use permit shall expire one year after the date of approval except under one of the following circumstances:

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. For timelines related to Wireless Communications Facilities, see 6.1.10.D. An applicant must complete each step before moving to the step below.

Conditional Use Permit (CUP)



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)~~(AMD2019-0005)

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"

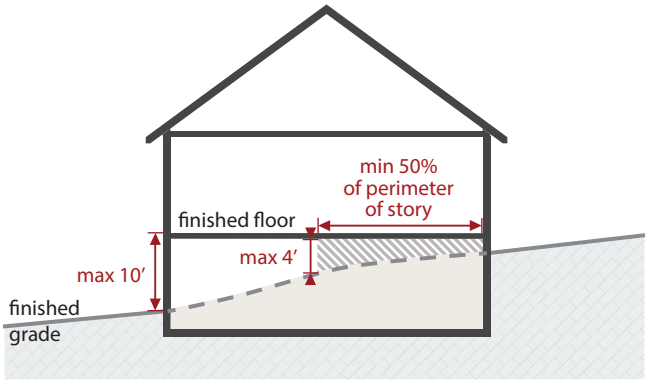
Banked unit. A residential unit, on which a deed restriction approved by the Housing Department has been voluntarily placed, which may be utilized within 20-years of placement of the restriction as required housing for employee generating development.

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.~~ A structure or electronic equipment utilized by a wireless communication provider(s) for the transmission and reception of radio signals which is not on or part of a tower.

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)~~(AMD2019-0005)

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 with existing communications equipment for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Collocation (Small Wireless Facilities). The mounting or installation of an antenna or antennas on an existing pole, 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, base station 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.

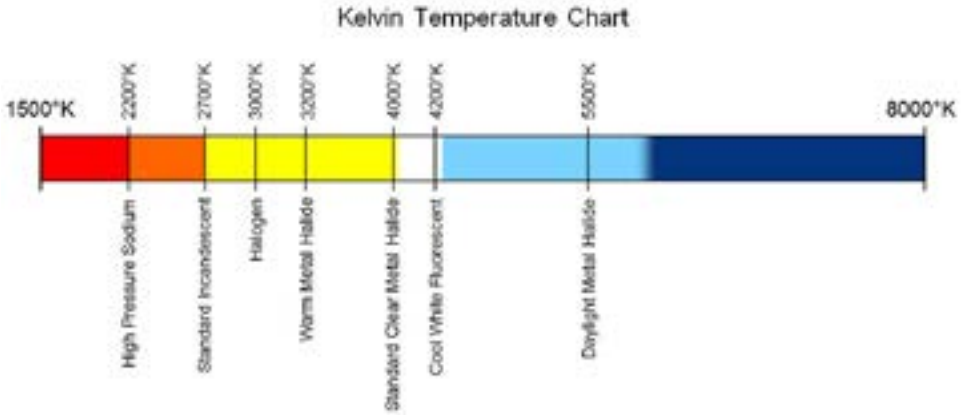
Construction Sign. See, "Sign, Construction."

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 (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.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)~~(AMD2019-0005)

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.

Eligible Support Structure. An existing tower or base station as defined herein.

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 (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 Yard. 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 (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. 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)~~(AMD2019-0005)

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."

Neutral Host Antenna. A small wireless facility using an antenna or an antenna array designed and utilized to provide services for more than one (1) wireless provider, or a single wireless provider utilizing more than one (1) frequency band or spectrum, for the same or similar type of services.

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)~~(AMD2019-0005)

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.

Pole. A pole, such as a utility, lighting, traffic, or similar pole made of wood, concrete, metal or other material.

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 (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.

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 ~~(AMD2019-0006)~~ (AMD2019-0005)

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.

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."

Small Wireless Facility. See 6.1.10.D.

Special Use. See 6.1.1.D.

Stream. See Sec. 5.1.1.

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)~~(AMD2019-0005)

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, and not including poles.

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.