AMD2020-0004: February 17, 2021 Draft

Article 2. Complete Neighborhood Zones

DRAFT

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

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

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

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

Div. 2.2. Complete Neighborhood Character Zones

(~~1/1/15~~AMD2020-0004)

~~[Reserved for future zones]~~

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

A. Neighborhood Residential-1 (NR-1)

DRAFT

PAGE INTENTIONALLY LEFT BLANK

DRAFT

2.2.1. Neighborhood Residential-1(NR-1) (AMD2020-0004)

A. Intent

1. **Desired Future Character.** Future development and use that occurs in the Neighborhood Residential-1 (NR-1) zone should allow for the exercise of property rights in a way that allows for wildlife permeability and the preservation of open space to provide a predominance of landscape over built form. Detached single-family residential is the preferred use. This zone is intended for Stable neighborhoods where increased residential density is not intended.

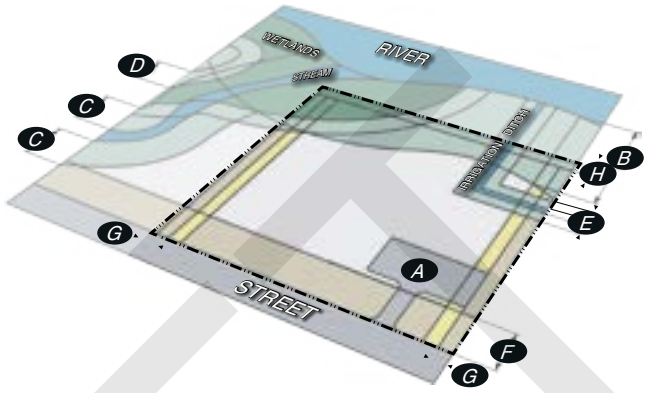
2. **Existing Character.** The Neighborhood Residential-1 zone generally encompasses neighborhoods within Complete Neighborhood Districts with lots of 5 acres and less that are used for a single-family dwelling.

3. **Comprehensive Plan.** The Neighborhood Residential-1 zone is based primarily on the vision for conservation and residential subareas identified in the Illustration of Our Vision chapter of the Comprehensive Plan.

B. Physical Development

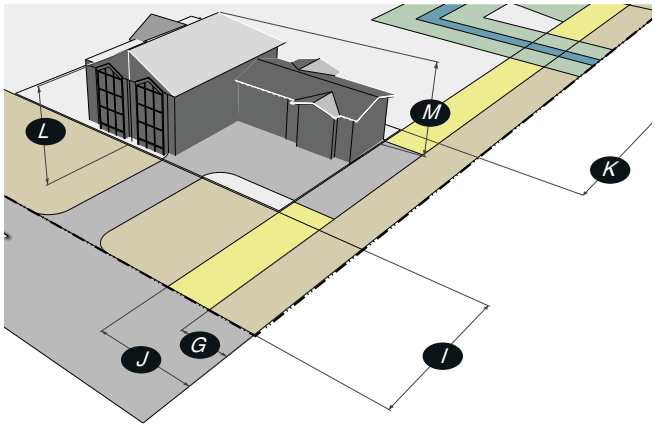
Standards applicable to physical development are provided in this subsection. Where a cross-reference is listed see the referenced division or section for additional standards. All standards in Article 5 are applicable unless stated otherwise.

1. Site Development Standards



Site Development Amount		
Site Development (max)		A
GSA < 3 ac	GSA(0.11) + 5,619 sf	
GSA ≥ 3 ac	GSA(0.04) + 15,007 sf	
Not to exceed	0.4 SDR (9.4.6.E.)	
Site Development Location		
Wildlife Habitat	See NRO	(Sec. 5.2.1.)
Scenic Viewsheds	See SRO	(Sec. 5.3.2.)
Waterbodies/Wetlands		(Sec. 5.1.1.)
River Setback(min)	150’	B
Stream/Lake/Pond Setback(min)	50’ - 150’	C
Wetland Setback (min)	30’	D
Irrigation Ditch		(7.7.4.D.)
Irrigation Ditch Setback (min)	15’	E
Street Setback (min. except driveway across street yard)		F
GSA < 3 ac	12.5’	
GSA ≥ 3 ac	25’	
Side Setback (min)		G
GSA < 3 ac	5’	
GSA ≥ 3 ac	15’	
Rear Setback (min)		H
GSA < 3 ac	12.5’	
GSA ≥ 3 ac	20’	
Landscaping	(Div. 5.5.)	
per 10,000 sf floor area	1 pu	
Parking lot	1 pu per 8 spaces	

DRAFT



2. Structure Standards		
Structure Location		
Street Setback (min)		I
GSA < 3 ac	25’	
GSA ≥ 3 ac	50’	
Side Setback (min)		J
GSA < 3 ac	10’	
GSA ≥ 3 ac	30’	K
Rear Setback (min)		
GSA < 3 ac	25’	
GSA ≥ 3 ac	40’	
Eaves, canopies, decks, and other architectural projection that clear 9’ above finish grade may extend 4’ into a setback		
Scale of Development		
Floor area		
Maximum	GSA(0.032) + 3,900 sf	
Not to exceed	10,000 sf	
Single building (max)	10,000 sf	
Structure Height		(Sec. 9.4.9.)
Height: Any point (max)	30’	L
Height: Overall (max)	37.5’	M
Scenic Standards		
RE: Scenic viewsheds	See SRO	(Sec. 5.3.2.)
Fencing		
Wildlife Friendly Fencing	Required	(Sec. 5.1.2.)
Exterior Materials		
External surfaces	Non-reflective	
Colors	Earth tones	

3. Environmental	
Wild animal feeding	(Sec. 5.1.3.)
Bear proof trash	(Sec. 5.2.2.)
4. Exterior Lighting	**(Sec. 5.3.1.)**
Light trespass is prohibited.	
All lights over 600 initial lumens shall be fully shielded.	
Lumens per sf of site development (max)	1.5
Lumens per site (max)	
All fixtures	60,000
Unshielded fixtures	4,000
Light Color	≤3000 Kelvin
5. Natural Hazards to Avoid	
Steep Slopes	**(Sec. 5.4.1.)**
Development prohibited	Slopes >30%
Unstable Soils	**(Sec. 5.4.2.)**
Fault Areas	**(Sec. 5.4.3.)**
Floodplains	**(Sec. 5.4.4.)**
Wildland Urban Interface	**(Sec. 5.4.5.)**
6. Signs	**(Sec. 5.6.2.)**

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

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

DRAFT

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

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

C. Use

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

1. Allowed Uses					2. Use Requirements	
Use	Permit	GSA (min)	Density (max)	Scale (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Open Space						
Agriculture (6.1.3.B.)	Y	n/a	n/a	n/a	n/a	exempt
Residential						
Detached Single-Family (6.1.4.B.)	Y	n/a	1/lot	8,000 sf habitable excluding basement	2/du	0.000017*sf + (Exp(-15.49 + 1.59*Ln(sf)))/2.176
Transportation/Infrastructure						
Utility Facility (6.1.10.C.)	C	n/a	n/a	n/a	1/employee + 1/ stored vehicle	0.000107*sf
Wireless Communications	see 6.1.10.D.				1/employee + 1/ stored vehicle	0.000107*sf
Accessory Uses						
Accessory Residential Unit (6.1.11.B., E.1.)	B	n/a	see 6.1.11.B. & E.1.		1.25/du	exempt
Home Occupation (6.1.11.D.)	B	n/a	1/du	25% of habitable du sf	n/a	exempt

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

DRAFT

1. Allowed Uses					2. Use Requirements	
Use	Permit	GSA (min)	Density (max)	Scale (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Home Business (6.1.11.E.)	C	n/a	1/du	25% of habitable du sf	1/du	exempt
Family Home Daycare (6.1.11.F.)	B	n/a	1/du	care for 3-6 persons	1/employee + 1 off-street pick-up/drop-off	exempt
Home Daycare Center (6.1.11.G.)	C	n/a	n/a	care for 7-11 persons	1/employee + 2 off-street pick-up/drop-off	exempt
Temporary Uses						
Temporary Shelter (6.1.12.D.)	B	n/a	1/lot	n/a	2/du	exempt
Temp. Gravel Extraction (6.1.12.F.)	B	n/a	n/a	15 ac	1/employee	exempt
Special Event (6.1.12.G)	Y	n/a	n/a	3 events/ year	n/a	exempt

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

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

D. Development Options and Subdivision

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

1. Allowed Development and Subdivision Options		
Option	Lot Size (min)	Strds.
Subdivision Options		
Land Division	3 ac	(7.2.3. & E.2.)
Development Options	none	

DRAFT

2. Residential Subdivision Requirements	
Schools and Parks Exactions	(Div. 7.5.)
Exaction land (min)	0.03 acres per housing unit or lot
3. Infrastructure	
Transportation Facilities	(Div. 7.6.)
Required Utilities	(Div. 7.7.)

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

E. Additional Zone-specific Standards

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

1. Accessory Residential Unit (ARU)

   a. Primary use residential

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

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

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

2. Subdivision

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

DRAFT

Div. 4.4. Planned Unit Development Zones

4.4.1. All PUD Zones (~~1/1/17~~AMD2020-0004)

A. Purpose

Planned Unit Development (PUD) zones permit variation from the strict application of the zones in order to achieve specific community goals that enhance the community's implementation of the Jackson/Teton County Comprehensive Plan. The intent of PUD zones is that large or complex developments under unified control be planned as a single, continuous project with greater design flexibility.

B. Applicability

The standards of this Section apply to:

1. Existing PUDs and other special projects listed in 1.8.2.C. of these LDRs.
2. Applications for establishment of PUD zoning.

C. Content of a PUD

A PUD is the equivalent of the zone-specific standards found in Article 2. and Article 3. A PUD is not intended to have the level of detail of a physical development plan. A PUD shall include:

1. a surveyed map of the area to which the PUD applies; and
2. a master plan that establishes the general configuration and relationship of the principal elements of the proposed development and specifies terms and conditions defining development parameters, including uses, general building types, density/intensity, resource protection, pedestrian and vehicular circulation, open space, public facilities, and phasing.

D. Development of a PUD

1. The development standards for each PUD are established by the approved PUD master plan. All physical development, use, and subdivision under the PUD shall comply with the master plan and certificate of standards.
2. Where development standards are not addressed or established in the approved PUD master plan, the development standards of the underlying zone shall apply.
3. PUD approval does not permit actual physical development or use of a site. All appropriate permits and approvals shall be obtained under the administrative procedures of these LDRs prior to any physical development, use, or subdivision of land allowed by the PUD.

DRAFT

E. Establishment of a New PUD

Establishment of PUD zoning shall be achieved through an application for approval of a PUD development option established in this Division. PUD applications shall be reviewed pursuant to Sec. 8.7.3.

F. Amendment of an Existing PUD or Other Special Project

An amendment to an existing PUD or other special project listed in 1.8.2.C. shall be reviewed and approved pursuant to 8.2.13.D.

G. PUD Option Schedule

The table below establishes the PUD options allowed in each zone and references the standards for each option. Any PUD option not specifically established in this Division is prohibited.

County Character Zones - PUD Options			
Complete Neighborhood Zones	Rural Area Zones		
~~n/a~~NR-1	R-1	R-2	R-3
No PUD options are allowed in the County			

County Legacy Zones - PUD Options											
Complete Neighborhood Zones					Rural Area Zones					Civic Zones	
AC-TC	AR-TC	WC	OP-TC	BP-TC	BC-TC	MHP-TC	NC-TC	S-TC	R-TC	P/SP-TC	P-TC
No PUD options are allowed in the County											

DRAFT

Div. 5.2. Environmental Standards Applicable in Specific Areas

The purpose of this Division is to maintain healthy populations of native species by protecting crucial habitats and avoiding bear conflicts. Wildlife and natural resources are an essential component of the character of the community.

5.2.1. Natural Resources Overlay (NRO) Standards (AMD2020-0004~~1/4/21~~)

A. Purpose of the NRO

The purpose of the Natural Resources Overlay (NRO) is to provide protection to the most important and sensitive natural areas throughout the Town and County that provide critical winter habitat and migration routes that are essential for survival of the elk, mule deer, moose, and trumpeter swans; nesting habitat that is essential to the survival of the bald eagle and trumpeter swan; spawning areas that are essential to the survival of the cutthroat trout; and the natural resources and bio-diversity that support wildlife populations. This is done through the establishment of the NRO, which protects these areas through standards, mitigation, and habitat enhancement.

B. Establishment of the NRO

There is hereby established the Natural Resources Overlay (NRO), which, in areas where it applies, shall overlay all zones established by these LDRs.

1. **Included within the NRO.** Included within the NRO are:
    a. the migration routes and crucial winter ranges of elk;
    b. the migration routes and crucial winter ranges of mule deer;
    c. the crucial winter habitat of moose;
    d. the nesting areas and winter habitat of trumpeter swans;
    e. the spawning areas of cutthroat trout; and
    f. the nesting areas and crucial winter habitat of bald eagles.
2. **Map of the NRO / Site Specific Analysis Is Required.** The NRO shown on the Official Zoning Map identifies, on a general scale, the locations of those areas protected by the NRO. Its purpose is to place a landowner on notice that land may be within the NRO and to assist in the general administration of this Section. A site-specific analysis of whether land is included within the NRO is required pursuant to Sec. 8.2.2.
3. **NRO Definitions.** The following definitions shall apply in the NRO.

DRAFT

a. Crucial Elk Migration Routes. Crucial elk migration routes are the migration routes used by elk 8 out of every 10 years to migrate from summer ranges to winter ranges. Elk migration occurs over a few days or may span several weeks, depending upon the weather and other factors.

b. Crucial Elk Winter Range. Crucial elk winter range generally consists of xeric and mesic sagebrush-grasslands, mixed shrub, mesic and xeric open grassland, and certain agricultural meadow types, that are used during winter months by elk 8 out of every 10 years. Crucial winter ranges are essential to the survival of these animals during the critical periods of winter. Elk find food and/or cover on these sites during the most inclement and difficult winter weather conditions because of their physiographic and vegetative characteristics.

c. Crucial Mule Deer Migration Routes. Crucial mule deer migration routes are used by mule deer 8 out of every 10 years to migrate from summer ranges to winter ranges. Generally, mule deer migration routes remain constant over a general area, if there is no significant human disturbance. Although specific mule deer migration routes are less common than elk migration routes, a few very important routes have been identified as crucial to Teton County mule deer.

d. Crucial Mule Deer Winter Range. Crucial mule deer winter range generally consists of xeric and mesic sagebrush-grasslands and mixed shrub types which are used during the crucial winter months by the mule deer 8 out of every 10 years. This crucial winter range is limited and occurs at low elevations where shrub scrub-grassland habitat types are located. Crucial winter range is essential to the survival of mule deer. Mule deer find food and/or cover on those sites during the most inclement and difficult winter weather conditions because of their physiographic and vegetative characteristics.

e. Crucial Moose Winter Habitat. Crucial moose winter habitat includes primarily palustrine-shrub willow and cottonwood, palustrine-forested cottonwood, highly mesic forest-cottonwood, and cottonwood/spruce, upland forest-subalpine fir habitat types, and secondarily xeric and mesic sagebrush-grasslands and mixed shrub types. These habitat types are used by moose during winter 8 out of every 10 years. Crucial winter habitat is essential to the survival of the moose. Moose find food and/or cover in these areas during the most inclement and difficult weather conditions because of their physiographic and vegetative characteristics.

f. Trumpeter Swan Nest. Trumpeter swan nest is a nest created by a trumpeter swan for the purpose of procreation and are generally found on islands or in extensive stands of emergent vegetation. The same nest site is often used repeatedly by a swan pair unless disturbance or other factors cause abandonment. A trumpeter swan nest is active when eggs have been laid in it or when a trumpeter swan is attempting to lay eggs in it. For the purposes of these LDRs, a known trumpeter swan nest shall be an active trumpeter swan nest. Important attributes of trumpeter swan nesting areas include: proximity to feeding areas which have early ice-off and provide sufficient food for pre-nesting swan pairs; proximity to suitable nest building

DRAFT

materials; availability and dispersion of feeding areas for cygnets 1-40 days old; and juxtaposition and interspersion of emergent vegetative cover relative to feeding areas (for concealment, escape, and as a buffer to human disturbance).

g. Trumpeter Swan Winter Habitat. Trumpeter swan winter habitat generally consists of water areas of palustrine-aquatic bed and unconsolidated shore and bottoms, with soft, sub-surface substrates of greater than 2 inches in depth, winter water depths of less than 4.3 feet, watercourse channels of 50 feet or more, and banks with little or no shrubbery or tree cover and gradual slopes. These habitats attract trumpeter swans 8 out of every 10 years. Trumpeter swan winter habitat is essential to their survival during critical winter periods. Trumpeter swans find food and/or cover in these areas during the most inclement and difficult winter weather conditions due to their hydrologic and vegetative characteristics.

h. Cutthroat Trout Spawning Areas. Cutthroat trout spawning areas generally occur in well-oxygenated waters within palustrine and upper perennial-unconsolidated shore and bottom habitat types. Preference is for cold, well-oxygenated, gravel-bottomed watercourses. Cutthroat trout build redds (gravel nests) to lay, incubate, and hatch their eggs in these areas. Redds are generally constructed in gravel substrate and range in size from 0.5 - 2.5 inches in diameter.

i. Bald Eagle Nesting Areas. Bald eagle nesting areas generally occur in uneven-aged, multi-storied stands of trees with old-growth attributes, where there are trees suitable for perching. These stands of trees are often located near waterbodies and watercourses which provide foraging opportunities. Nests are generally in one of the largest trees in the stand and in most instances are located so that the bald eagle is provided an unobstructed view of the surrounding area. Bald eagles frequently construct alternate nests within a breeding territory and may use these for nesting during other years. In the Teton County area, bald eagles select nest sites which provide maximum foraging opportunity. Generally, bald eagles return annually to nest in the same area. This is the result of a unique combination of environmental factors that make a specific nesting habitat best suited for reproduction.

j. Bald Eagle Crucial Winter Habitat. Bald eagle crucial winter habitat consists of the bald eagle nesting area, defined as the nest tree and its associated buffer and bald eagle perch and roost sites along the Snake River corridor.

k. Bald Eagle Nest. A bald eagle nest is a nest created by a bald eagle for the purpose of procreation. A pair of bald eagles may have more than one nest within its nesting territory. There are three types of bald eagle nests. An occupied nest is one in which evidence (such as fresh nest material, droppings, feathers, or prey remains in or below the nest, or the birds themselves) indicates that a pair of eagles is present. An active nest is an occupied nest in which eggs have been laid or young eagles are present, indicating that the mated pair are actively attempting to produce young. An

DRAFT

inactive nest is one which occurs within the nesting territory but shows no evidence of occupation. For the purpose of these LDRs, a bald eagle nest is either an occupied nest, an active nest, or an inactive nest.

C. Findings for the NRO

1. General. Teton County is internationally known for the abundant wildlife that results from the County's location in the Greater Yellowstone Ecosystem and its proximity to Grand Teton National Park, Yellowstone National Park, and the Bridger-Teton National Forest. Although all wildlife species are important, premier species with significant biological, ecological, economic, educational and aesthetic values to Teton County include elk, mule deer, moose, bald eagles, trumpeter swans, and cutthroat trout. These species and their respective habitats must be protected in order to assure their continued survival in Teton County.

2. Elk

   a. General. The elk, or "wapiti," is a large ungulate and a member of the deer family. Teton County supports one of the largest elk herds in North America (approximately 15,000 animals) and the presence of these animals attracts visitors from all over the world. A variety of consumptive and non-consumptive human activities center around the presence of elk in Teton County.

   b. Elk Migrate between Summer Range and Winter Range. Elk are known as grazers and rely primarily on grasses and some shrubs for forage. Because of their diet and the climate in Teton County, elk are migratory animals, moving between summer ranges and winter habitat.

   c. Summer Range. Elk summer ranges are extensive and occur primarily within the mountains around Teton County.

   d. Migration Required in Winter. When heavy snow accumulation occurs in the mountains, food availability is reduced within the elk's summer range, and they are forced to migrate to low elevation winter range. Migration from summer ranges to winter ranges occur over a few days or may span several weeks, depending upon the weather.

   e. Migration Routes Essential to Survival. Generally, elk migration routes remain spatially constant without human disturbance and those in Teton County that have not been significantly impacted by development or hunting pressures continue to be used by elk. These migration routes are essential to the elk's survival, because without them elk cannot migrate to their winter ranges.

   f. Crucial Winter Ranges Essential to Survival. Elk winter range is classified as either crucial or non-crucial. Crucial elk winter ranges generally consist of xeric and mesic sagebrush-grasslands, mixed shrub, mesic and xeric open grassland, and certain agricultural meadow types that are used by the elk 8 out of every 10 years during winter months. Crucial winter ranges

DRAFT

are essential to the survival of these animals. During the most inclement and difficult winter weather conditions elk find food and/or cover on these sites because of their physiographic and vegetative characteristics.

g. National Elk Refuge State-Operated Feedgrounds Provide Some Crucial Winter Range. A major portion of the Teton County elk herd winters on the National Elk Refuge (NER) and state-operated feedgrounds and these areas represent a portion of the crucial winter range available to elk. Because of the pressures the elk population is placing on these limited land areas, artificial feeding is necessary on all feedgrounds. Artificial feeding programs are not a perfect solution to providing crucial winter range to the elk; in fact, feedgrounds are believed to perpetuate the disease, brucellosis, which reduces the reproductive potential of this species.

h. Native Crucial Winter Ranges. In addition to the NER and state-operated feedgrounds there are native crucial elk winter ranges in Teton County. These naturally occurring winter ranges are also vitally important in maintaining the elk population in Teton County.

i. Essential to Protect Crucial Winter Range. In order to sustain elk populations at current levels, it is essential that all crucial elk winter ranges be maintained and protected; without their protection, elk could not survive the typically harsh winters common to Teton County.

3. Mule Deer

a. General. The mule deer is another large ungulate species native to Teton County. Teton County supports a relatively small population of mule deer in comparison to elk, but these animals are particularly obvious during the winter and are enjoyed by many valley residents and visitors.

b. Mule Deer Migrate between Summer and Fall Habitat to Crucial Winter Range. Mule deer are known as browsers, and rely on a variety of shrub and scrub trees for forage. Because of their diet, and the climate in Teton County and the Greater Yellowstone Ecosystem, mule deer are migratory animals, moving from summer and fall habitat to low elevation winter range. Mule deer winter ranges are classified as either crucial or non-crucial.

c. Summer Range. Mule deer summer range is widely distributed throughout Teton County in both lowland and upland areas, but primarily occurs on public lands in the mountains which surround the valley.

d. Migration to Winter Range. Heavy snow accumulation on summer ranges reduces food availability and forces mule deer to migrate to low elevation winter range. Non-crucial winter ranges are used first by mule deer until environmental conditions cause deer to move to crucial winter range.

e. Migration Routes Essential to Survival. Although mule deer rely less on traditionally used migration routes than elk, they do use the same general route while moving to and from winter ranges and between crucial and non-crucial winter ranges. These “movement corridors,” which allow

DRAFT

unencumbered access to both crucial and non-crucial winter range, are essential to the survival of Teton County mule deer and are classified as crucial migration routes.

f. Crucial Winter Range Essential to Survival. Crucial mule deer winter range is limited and occurs at low elevations where shrub scrub-grassland habitat types are located. Crucial mule deer winter range generally consists of xeric and mesic sagebrush-grasslands and mixed shrub types that mule deer use during the crucial winter months 8 out of every 10 years. Crucial winter range is essential to the survival of these animals. Mule deer find food and/or cover on these sites during the most inclement and difficult winter weather conditions because of their physiographic and vegetative characteristics.

g. Location of Crucial Winter Range. Primary crucial winter range for mule deer in Teton County is generally confined to five areas: (1) the Gros Ventre Buttes (East and West); (2) the west slopes along WY Highway 26, 89, 189 above and to the east of South Park; (3) the Hoback Canyon; (4) the Snake River Canyon; and (5) Miller Butte and the slopes east and west of the National Elk Refuge. In addition, some mule deer are known to irregularly winter within the Snake River riparian zone, depending on the severity of the winter and/or the availability of artificial foods intentionally or unintentionally provided by humans.

h. Essential to Protect Crucial Winter Range. It is essential that crucial mule deer winter ranges be maintained and protected, because without it, mule deer could not survive the harsh, energy-demanding winters of Teton County.

4. Moose

a. General. The shiras moose is an ungulate and the largest member of the deer family. Estimates suggest that the moose population in Teton County may number as many as 2,300 animals.

b. Widely Distributed in Teton County During Summer. Moose are known as browsers and rely on a variety of woody plant species for forage. Since their arrival, the moose population has inhabited Teton County on a year-round basis. During summer months, moose are widely distributed in Teton County and exploit a wide range of habitat types found at both low and high elevations.

c. Winter Reduces Food Availability on High Elevation Summer Habitats. As winter approaches, heavy snow accumulation in high elevation summer range severely reduces food availability, forcing nearly all moose to move to lower elevation winter range. During winter, the Teton County moose population is confined primarily to riparian areas within the valley, low elevation sub-alpine fir forests, and some shrub-land habitat types.

DRAFT

d. Crucial Winter Habitat Essential to Survival. Moose winter habitat is classified as either crucial or non-crucial. The crucial winter habitat includes primarily palustrine-shrub willow and cottonwood, palustrine-forested cottonwood, highly mesic forest-cottonwood and cottonwood/spruce, upland forest-subalpine fir habitat types, and secondarily xeric and mesic sagebrush-grasslands and mixed shrub types. Moose use these crucial winter habitats 8 out of every 10 years during winter months and these habitats are essential to their survival. Moose find food and/or cover in these areas during the most inclement and difficult weather conditions because of their physiographic and vegetative characteristics.

e. Essential to Protect Crucial Winter Habitat. In order to maintain the Teton County moose population at current levels, it is essential that crucial winter habitat be protected; without it, moose could not survive the harsh Teton County winters.

5. Trumpeter Swans

a. General. The trumpeter swan is the largest species of waterfowl in the world. Its pure white coloration makes it a truly striking bird to observe whether in flight or on the water.

b. Species Close to Extinction in Early 1900's. The historic commercial swan skin trade, sport hunting, and habitat loss nearly drove the trumpeter swan to extinction in the early 1900's. Although a few remnant populations persisted, including one in the Greater Yellowstone Ecosystem (of which Teton County is a part), the large-scale slaughter of these birds resulted in the disruption of traditional migration patterns.

c. Federal and State Recognition. Due to their low reproductive potential and continued threats to nesting and winter habitat, trumpeter swans are a Threatened Species under the Federal Endangered Species Act. The Wyoming Game and Fish Department presently classifies trumpeter swans as a "Priority 1 non-game management species," a designation given to species which are vulnerable to extirpation or significant population declines in Wyoming. Recent estimates indicate that less than 10,000 trumpeter swans reside in North America.

d. Teton County Part of Largest Breeding Area in Contiguous U.S. The Greater Yellowstone Ecosystem is home for the Tri-state subpopulation of trumpeter swans. It is the largest breeding area for trumpeter swans in the lower 48 states. Teton County is part of this Tri-state area (which includes Wyoming, Montana, and Idaho).

e. Present Population in Teton County. The present trumpeter swan flock found wintering in the Teton County area totals approximately 215 birds.

f. Population Breeds and Winters in Teton County. In spite of the harsh winter conditions, trumpeter swans which breed in Teton County also winter here, apparently because they have lost the knowledge of traditional migration routes to more hospitable wintering areas.

DRAFT

g. Viable Maintenance Requires Protection of Nesting Areas and Winter Habitat. Protection of nesting areas and winter habitat is critical to the viable maintenance of the trumpeter swan population.

h. Breeding Territories in Teton County. Thirty-one breeding territories have been identified in Teton County, but not all of these territories are used every year. In fact, the Teton County breeding pairs constitute the largest number of nesting pairs documented in the Greater Yellowstone Ecosystem since detailed records were first kept in 1981.

i. Nesting Area Most Critical to Breeding. The most critical portion of the breeding territory to the trumpeter swan is the nesting area.

j. Nesting Areas. Generally, trumpeter swans build their nests on islands or in extensive stands of emergent vegetation. The same nest site is often used repeatedly by a swan pair unless disturbance or other factors cause abandonment. Important attributes of trumpeter swan nesting areas include: proximity to feeding areas which have early ice-off and provide sufficient food for pre-nesting swan pairs; proximity to suitable nest building materials; availability and dispersion of feeding areas for cygnets 1-40 days old; and juxtaposition and interspersion of emergent vegetative cover relative to feeding areas (for concealment, escape, and as a buffer to human disturbance).

k. Essential to Protect Nest Areas. For the viable maintenance of the trumpeter swan population, it is essential that the trumpeter swan nesting areas be protected, because without its maintenance the trumpeter swan would not be able to procreate and survive.

l. Winter Swan Habitat. Because the trumpeter swan does not migrate from Teton County during winter, as waterfowl normally do, maintenance of its winter habitat is also crucial to its survival. Trumpeter swans, like other waterfowl species, require rooted aquatic vegetation for food. This vegetation grows in soft sediment along shallow stream and creek bottoms and in shallow ponds and lakes. During winter, not all aquatic features are available to trumpeter swans due to surface freezing. This limits the amount of winter habitat available to trumpeter swans. This, in combination with competition for food with other swans and waterfowl species, makes winter a very critical time for trumpeter swans.

m. Trumpeter Swan Winter Habitat. Trumpeter swan winter habitat generally consists of water areas of palustrine-aquatic bed and unconsolidated shore and bottoms, with soft, sub-surface substrates of greater than 2 inches in depth, winter water depths of less than 4.3 feet, watercourse channels of 50 feet or more, banks with little or no shrubbery or tree cover and gradual slopes, which trumpeter swans use during the crucial winter months 8 out of every 10 years. Trumpeter swan winter habitat is essential to the survival of the animal during the critical periods of winter because the swan finds

DRAFT

food and/ or cover in these areas during the most inclement and difficult winter weather conditions due to the habitat their hydrologic and vegetative characteristics.

n. Essential to Protect Trumpeter Swan Winter Habitat. For the viable maintenance of the trumpeter swan population, it is essential that the trumpeter swan winter habitat be maintained and protected, because without its maintenance the trumpeter swan would not survive the critical periods of winter.

6. Cutthroat Trout

a. General. The Snake River fine-spotted cutthroat trout (hereinafter "cutthroat trout") is indigenous to Teton County. It only inhabits the upper reaches of the Snake River in Wyoming and extreme eastern Idaho, Jackson Lake, and the Palisades Reservoir.

b. Economic Importance. The cutthroat trout is a sport fish which attracts many fishermen to Teton County. Without a healthy cutthroat trout population, the County would lose significant tourist dollars.

c. Development Has Affected Trout. In earlier times, it was relatively easy to maintain a strong and viable population of cutthroat trout because suitable spawning and nursery habitat could be found in most of the valley's spring-creeks. Today, however, this is not the case because of the construction and maintenance of flood control levees along the Snake River, and concomitant water quality impacts caused by ranching, irrigation, and other agricultural practices have degraded this spawning habitat.

d. Cutthroat Trout Spawning Area Limited. Today, cutthroat trout spawning in Teton County is confined to small sections of a few spring-fed creeks flowing into the Snake River.

e. Cutthroat Trout Spawning Areas. The cutthroat trout spawning sites generally fall within areas of palustrine-unconsolidated shore and bottoms and upper perennial-unconsolidated shore and bottoms. Preference is for cold, well-oxygenated, gravel-bottomed watercourses. In these areas, cutthroat trout build redds (gravel nests) to lay, incubate, and hatch their eggs. Redds are generally constructed in gravel substrate which ranges in size from 0.5 - 2.5 inches in diameter.

f. Spawning, Hatching, and Nursery. Cutthroat trout typically enter spring-creeks between March and April with the spawning occurring between March and June, depending upon the location. Fry emerge throughout late spring and early summer, and reside in the creeks throughout their first year.

DRAFT

g. Essential Spawning Area Be Protected. It is critical that these spawning areas be protected in order to maintain a viable population of cutthroat trout.

7. Bald Eagle

a. General. The bald eagle is part of a group of "fish eagles" distributed throughout the world. The contrasting black, white, and yellow coloration of this raptor is visually striking. An Act of Congress in 1782 officially adopted the bald eagle as the symbol of the United States, representing freedom, strength, and beauty. Although individual eagles are truly powerful and impressive birds, the species as a whole is very sensitive and susceptible to disturbance.

b. Federal Recognition. Once listed as a federally endangered species, bald eagle populations have rebounded from the brink of extinction. Although populations have steadied, the federal government continues to protect the bald eagle under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act.

c. Bald Eagle Population in GYE Is One of Most Important. The bald eagle population residing in the Greater Yellowstone Ecosystem (of which Teton County is a part) is one of the most important bald eagle breeding populations in the United States.

d. Survival of Bald Eagles. The survival of bald eagles depends, in part, on the availability of suitable habitat, the abundance of food, and reproductive success (which is closely linked to the availability of forage and the lack of disturbance).

e. Important to Protect Bald Eagle Nesting Areas. Because bald eagles are sensitive to human development and activity, especially during time of breeding and nesting, it is essential to protect bald eagle nesting areas to ensure the animal's survival.

f. Bald Eagle Nest Area. Generally, bald eagle nesting areas occur in uneven-aged, multi-storied stands of trees with old-growth attributes, where there are trees suitable for perching. These stands of trees are generally located near watercourses and waterbodies which provide foraging opportunities. Nests are generally in one of the largest trees in a given stand and, in most instances, are located so that the bird is provided an unobstructed view of the surrounding area. Bald eagles frequently construct alternate nests within a breeding territory and may use these for nesting during other years. In the Teton County area, bald eagles select nest sites which provide maximum foraging opportunity. Generally, bald eagles return annually to nest in the same area. This is the result of a unique combination of environmental factors that make a specific nest area best suited for reproduction.

g. Crucial Nesting Habitat Essential to Survival. The Snake River floodplain between Moose and Palisades Reservoir and its associated riparian zone represents crucial nesting habitat for the bald eagle. It is crucial to the survival of bald eagles in Teton County that this habitat be protected from

DRAFT

the impacts of development. The loss of this habitat would profoundly impact and detrimentally modify the behavior patterns of bald eagles, including their feeding, breeding, and reproductive capabilities.

h. **Spring, Summer, and Fall Habitat Occurs in Riparian Areas.** During spring, summer, and fall, bald eagles forage primarily in riparian areas for fish, waterfowl, and other prey items.

i. **Winter Habitat Is Important.** During winter, heavy snow accumulation and freezing water surfaces reduces the availability of spring, summer, and fall habitat. At these times, bald eagles forage on wild ungulate and livestock carrion, supplemented by fish and waterfowl carcasses. Ungulate carrion is readily available but sparsely distributed on ungulate winter ranges, meaning that in addition to its nesting habitat, the crucial ungulate winter ranges also become critical to the bald eagle's survival.

j. **Additional Crucial Winter Habitat Essential to Survival.** It is vital that bald eagle crucial winter habitat be protected to ensure the survival of this species in Teton County.

D. Applicability of NRO Standards

In addition to all other standards required by these LDRs, all physical development, use, development options and subdivision within the NRO shall comply with all standards of this Section, unless exempted below. Demonstration of compliance with the standards of this Section shall come from a qualified professional, even if an EA is exempt.

1. **Alterations and Additions.** Structural alterations and additions to existing structures shall be exempt from the standards of this Section.

2. **NC-TC Zoned Lands.** All physical development, use, and development options, except new subdivisions, habitat ponds, and berms, within the NC-TC zone, or within the NR-1, R-1, R-2 or R-3 zones on land zoned NC-TC on March 31, 2016, shall be exempt from the standards of this Section, except that G.4., G.6., and Sec. 5.1.2. shall apply.

3. **Agricultural Operations.** Agricultural operations and uses meeting the standards for exemption outlined in Section 6.1.3.B. shall be exempt from the standards of this Section.

4. **Land in Conservation Easement.** Land protected by a conservation easement where proposed development density is equal to or less than one house per 70 acres and the total acreage subject to the easement is 320 acres or more, shall be exempt from the standards of this Section, except that G.4. and G.6. shall apply.

E. Impacting the NRO

The base site area shall not be reduced because a portion of the lot of record is in the NRO. When conflicts exist between the NRO and SRO, the standards of this Section shall have priority and be achieved to the maximum extent practicable. The

DRAFT

Div. 5.3. Scenic Standards

The purpose of this Division is to maintain the scenic resources of the community. Scenic resources, natural landforms, and dark skies are vital to the community's natural character. Mountains moraines, meadows, and other natural viewsheds provide residents and guests with a constant reminder of their location within the Greater Yellowstone Ecosystem. Interruption of these natural forms by the built environment detracts from Teton County's scenic character and should be avoided.

5.3.1. Exterior Lighting Standards (~~1/1/17~~AMD2020-0004)

The purpose of this Section is to allow necessary and reasonable lighting of public and private property for the safety, security, and convenience of occupants and the general public, while eliminating or reducing the nuisance and hazards of light pollution, including, but not limited to: glare, light trespass, sky glow, energy waste, and negative impacts on the nocturnal environment.

A. Applicability. All exterior lighting, unless exempted below, shall comply with the regulations set forth in this Section. This includes, but is not limited to: lighting attached to structures, poles, the earth, or any other location.

1. Exempt Lighting

   a. Lighting in the public right of way.

   b. Open flame gas lamps.

   c. Flagpole lighting that is shielded and directed downward from the top of the flagpole.

   d. Underwater lighting in swimming pools and other water features

   e. Lighting that is only used by emergency response personnel

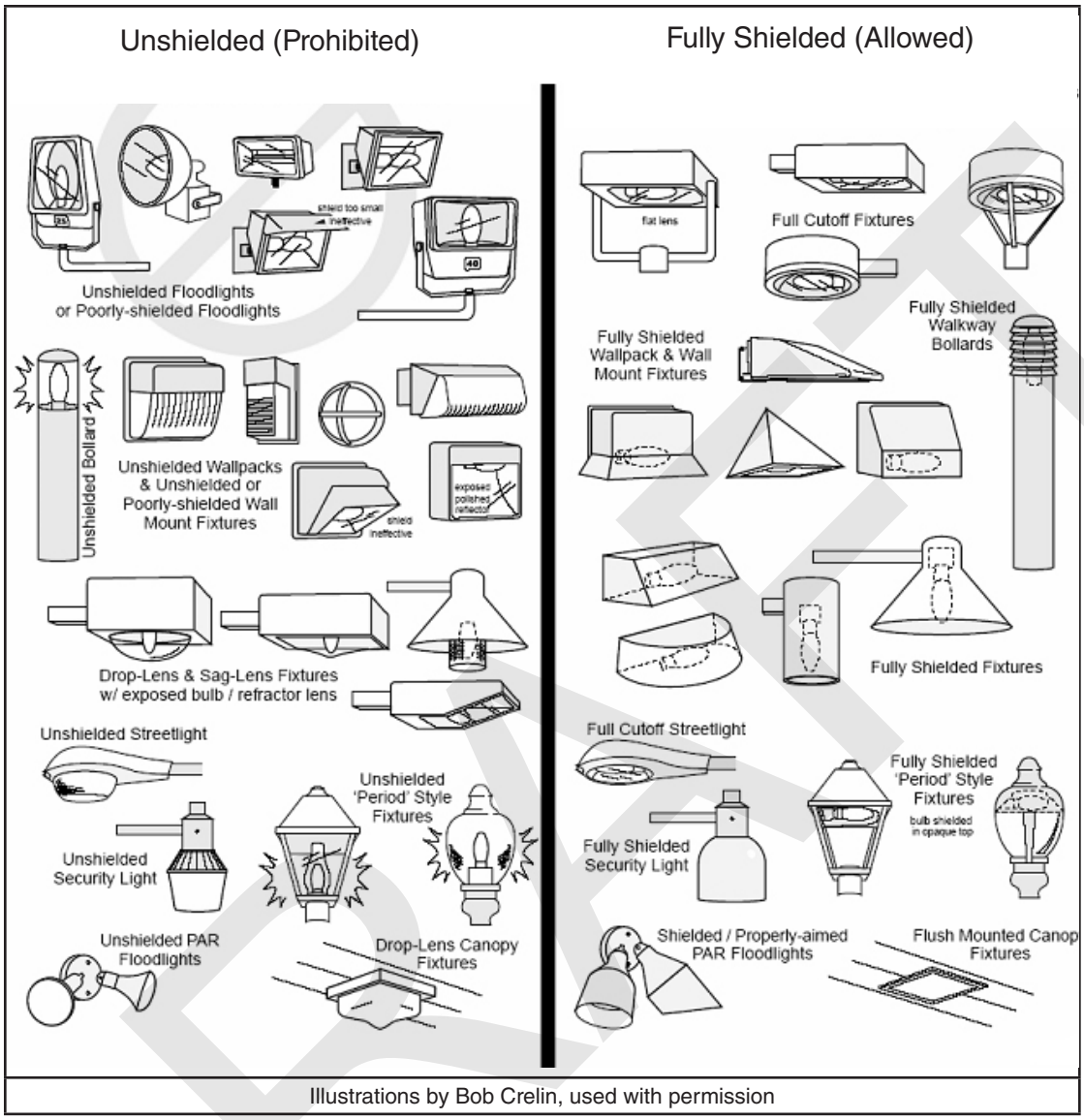
   f. Lighting solely for signs (lighting for signs is regulated by Div. 5.6.)

   g. Lighting used primarily for agricultural purposes meeting the standards for exemption in Section 6.1.3.B.

B. Standards

1. **Fully Shielded Light Fixtures.** Any light source whose initial output exceeds 600 lumens shall be fully shielded. Any structural part of the luminaire providing full shielding shall be attached. Fixtures shall be mounted such that no light is emitted above the horizontal plane of the fixture. Light fixtures that project light above the horizontal plane of the fixture may be used where the architecture of the building restricts light above the horizontal plane. Examples of Unshielded (Prohibited) and Fully Shielded (Allowed) lights and luminaires limiting light to the horizontal plane are shown below.

DRAFT



Illustrations by Bob Crelin, used with permission

2. **Total Exterior Light Output.** Total exterior light output for light fixtures on a site shall not exceed the limits shown in the table below.

How much light is permitted?	All Fixtures	Unshielded Fixtures (for lights emitting fewer than 600 lumens)
Maximum lumens per sq ft of site development		
AC-TC, AR-TC, WC, OP-TC, BP-TC, BC-TC, MHP-TC, P/SP-TC, P-TC	3	Not applicable
R-1, R-2, R-3, NR-1, NC-TC, S-TC, R-TC	1.5	Not applicable
Maximum lumens per site		
AC-TC, AR-TC, WC, OP-TC, BP-TC, BC-TC, MHP-TC, P/SP-TC, P-TC	100,000	5,500
R-1, R-2, R-3, NR-1, NC-TC, S-TC, R-TC	60,000	4,000

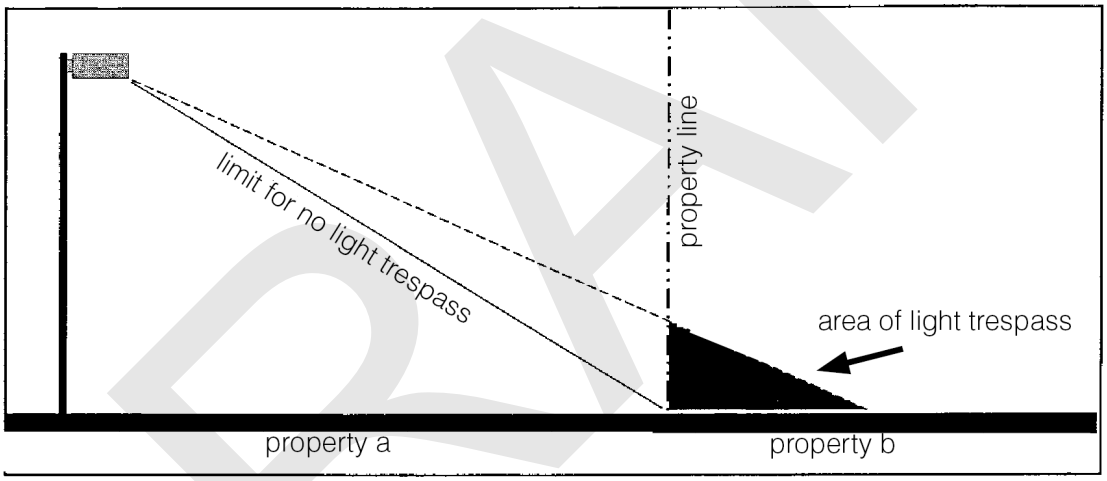
a. These lumen limits are upper limits and not a design goal; the design goal should be the lowest levels of lighting possible.

b. Individuals with visual impairments and organizations that primarily serve individuals with visual impairments (e.g. retirement communities, hospices, and hospitals) may use up to 4 times the illumination allowed by this section.

3. Light Color. Correlated color temperature of any exterior light source shall not exceed 3000 Kelvin.

> **EXAMPLE:** Many light bulb manufacturers include correlated color temperature on packaging. Where packaging does not indicate light color in Kelvins, it is often indicated in descriptive terms. Lights with a "cool" quality typically exceed 3000 Kelvin in color temperature. Light bulbs that create a more "warm" tone are typically under 3000 K..

4. Light Trespass. All lighting fixtures shall limit horizontal light levels such that no light falls onto the adjacent property as shown in the diagram below.



5. Maximum Pole Height of Light Fixture.

Zone	Maximum Pole Height of Light Fixtures
AC-TC, AR-TC, WC, OP-TC, BP-TC, BC-TC, MHP-TC, P/SP-TC, P-TC	18 feet
R-1, R-2, R-3, NR-1, NC-TC, S-TC, R-TC	15 feet

6. Controls. All nonresidential lighting fixtures shall employ automatic lighting controls that extinguish exterior lighting when sufficient daylight is available. Such controls include, but are not limited to: timers, wireless remote monitoring with turn on/off capabilities, photo sensitive light controls, photoelectric switches, astronomic time switches or equivalent functions from a programmable lighting controller, building automation system or lighting energy management system, all with battery or similar backup power or device.

DRAFT

a. Exceptions:

i. Lighting required by Building Code

ii. Lighting necessary for public safety

iii. Lighting under canopies

iv. Lighting for tunnels, parking garages, garage entrances, and similar conditions.

7. Lighting Reduction. After 12:00 AM nonresidential sites shall extinguish or reduce their total exterior lighting by at least 30%.

a. Exceptions:

i. Motion activated lighting

ii. Lighting required by Building Code

iii. Lighting necessary for public safety

iv. Lighting governed by a conditional use permit in which times of operation are specifically identified

v. When the exterior lighting consists of only one luminaire

C. Prohibited Lighting

The following lighting systems are prohibited from being installed or used.

1. Flickering or Flashing Lights. No flickering or flashing lights shall be permitted.

2. Searchlights. No searchlights, laser lights, aerial lasers, or holograms are permitted.

3. Strings of Lights. Strings or strands of lights used to highlight a sign, perimeter of a sign, or any portion of a building are not permitted, except for holiday-type decorative lighting displayed between November 15 and January 10.

4. Lighting in which any single luminaire exceeds 20,000 initial lumens.

D. Complex Uses

1. Complex uses such as stadiums, ball diamonds, playing fields, outdoor rinks, ski areas, rodeo grounds, special events, tennis courts, construction sites, parking structures, urban parks, theme and amusement parks, ornamental and architectural lighting of bridges, public monuments, statuary and public buildings, correctional facilities, and industrial sites all have unique requirements for nighttime visibility and often have limited hours of operation. They shall be exempted from the above standards of this Section, if the below standards are met or if their lighting has been approved via issuance of a Conditional Use Permit or Special Event Permit.

DRAFT

2. **Maximum height.** Exterior luminaires shall not exceed a maximum post height of 60 feet.

3. **Fully Shielded.** Each luminaire shall be fully shielded in either its orientation or by landscaping to prohibit glare and light trespass to adjacent residential property and must be installed and maintained with minimum aiming angles of 25 degrees downward from the horizontal.

4. **Lights Extinguished.** Lights shall be extinguished by 10:00 PM or at the conclusion of the event, whichever is later. Lighting is not allowed to remain on overnight.

5. **Maximum lumens.** Overall site illumination for a complex use shall not exceed a total of 550,000 lumens.

5.3.2. Scenic Resources Overlay (SRO) Standards (~~1/4/21~~AMD2020-0004)

A. Purpose

The purpose of the Scenic Resources Overlay (SRO) is to preserve and maintain the County's most frequently viewed scenic resources that are important to both its character and economy. This is done through the establishment of several Scenic Areas within the SRO, within which the location, design, and landscaping of physical development and use is regulated to maintain and/or complement the County's important scenic resources.

B. Establishment of the SRO

To protect important scenic resources, which are frequently seen from State highways, Spring Gulch Road, South Park Loop Road and Alta County Road, and which set an image of the rural and western ranching heritage of the County the Scenic Resources Overlay (SRO) is established.

1. **Foregrounds.** The Scenic Resources Overlay (SRO) includes the foreground of the scenic areas described below. Foreground is the open area immediately adjacent to the public road that extends back to where there is either a distinct topographic change, such as the edge of a hillside or butte, or a drop in elevation toward a river bottom, or where dense vegetation screens views to areas behind the vegetation. The Foreground provides the setting for views to distant mountain ranges and valley buttes.

2. **Skylines.** The Scenic Resources Overlay (SRO) includes all butte and hillside skylines as viewed from state highways, Spring Gulch Road, South Park Loop Road and Alta County Road. The skyline is the visual line at which the earth or vegetation and the sky appear to meet. The skyline is typically viewed as the top of a ridge, hillside, or butte.

3. **Map of the SRO Scenic Areas.** The foregrounds and skylines included in the Scenic Resources Overlay (SRO) are generally organized into the following Scenic Areas. These Scenic Areas are generally described below and mapped on the Official Zoning Map. Butte and hillside skylines as viewed from state

DRAFT

highways, Spring Gulch Road, South Park Loop Road and Alta County Road are still included in the SRO even if they are not mapped on the Official Zoning Map or included in one of following Scenic Areas.

a. Moose-Wilson Road Scenic Area. The Moose-Wilson Road Scenic Area extends along the eastern and western side of Moose-Wilson Road from Lake Creek to Grand Teton National Park. It is an important County-wide scenic resource because of the vistas it offers of the Teton, Gros Ventre, and Snake River mountain ranges, and of the West Gros Ventre Butte, which frames the area's broad and open meadows.

b. Highway 22 Scenic Area. The Highway 22 Scenic Area consists of four distinct areas. They are described below.

   i. Trail Creek Ranch. The Trail Creek Ranch portion of the Highway 22 Scenic Area extends along the north and south sides of Highway 22, from the lower reaches of Teton Pass to the western edge of Wilson. It is an important County-wide scenic resource because of the panoramic views of Teton County that it provides as well as setting the western entry to Wilson, defining Wilson as a unique and special place.

   ii. Wilson Approach. The Wilson Approach portion of the Highway 22 Scenic Area extends from the eastern edge of Wilson along the north side of Highway 22 to Highway 390 and along the south side of Highway 22 to Green Lane. It is an important County-wide scenic resource because of its broad open meadows and the unobstructed views provided to surrounding mountains, which create a dramatic sense of arrival to Wilson.

   iii. Walton Ranch/Skyline Ranch. The Walton Ranch/Skyline Ranch portion of the Highway 22 Scenic Area extends along the northern and southern portion of the Highway 22 Scenic Area from the Wilson Snake River Bridge to the West Gros Ventre Butte. The Walton Ranch portion is an important County-wide scenic resource because it provides one of the most frequently experienced vistas of meadows and pasture backed by the Teton mountain range. The Skyline Ranch portion is an important County-wide scenic resource because it provides an open space setting for views to the Snake River range.

   iv. West Gros Ventre Butte/Antelope Butte. The West Gros Ventre Butte/Antelope Butte portion of the Highway 22 Scenic Area extends along both sides of Highway 22, and includes all of the West Gros Ventre Butte on the north and all of Boyles Hill, the Indian Springs, Brown and Poodle Ranches, and Antelope Butte on the south. The views encompass imposing steep sided buttes which rise abruptly from the foreground and long views across open meadows to the Snake River range on the south.

c. Spring Gulch Road Scenic Area. The Spring Gulch Road Scenic Area extends along the eastern and western sides of Spring Gulch Road from Highway 22 to the Gros Ventre River and includes the East Gros Ventre

DRAFT

Butte. It is an important County-wide scenic resource because it provides a combination of scenic quality and traditional western character in a location proximate to the Town.

d. Highway 89 Scenic Area. The Highway 89 Scenic Area consists of three distinct areas. They are described below.

i. Broadway and North Highway 89 Scenic Area. The Broadway and North Highway 89 Scenic Area extends along the western boundary of the Town of Jackson from South Park Loop road on the south to the Grand Teton National Park boundary on the north, and includes all of Boyles Hill and the East Gros Ventre Butte. Views from the public roads, including Spring Gulch Road, are of the steep sided butte in the immediate foreground which provide a backdrop to the urban development of the Town of Jackson, the flat expanses of the Elk Refuge, the pastures of Spring Gulch as well as glimpses of the Teton Range in notches of the ridgelines.

ii. South Highway 89 Scenic Area. The South Highway 89 Scenic Area extends along the western side of South Highway 89 from the State of Wyoming Elk Feeding Area and Game Creek County Road, where the road rises to provide an initial sense of entry into the Jackson area to High School Road. The eastern side of South Highway 89 also is included for a distance of 1.3 miles south from High School Road. The northern and southern portions of the South Highway 89 Scenic Area are split to exclude the Rafter J subdivision, and the South Park Commercial zones. The South Highway 89 Scenic Area is an important County-wide scenic resource because of the powerful image it projects of the community with its exceptionally broad meadows and panoramic views to Rendezvous Bowl and the Snake River range. The meadows are dotted with existing development, including both ranch compounds and residential developments at varying densities, but the meadows' exceptional breadth and the location of the meadows below the highway preserves the open feel of the area and the background views.

iii. Snake River Canyon Scenic Area. The Snake River Canyon Scenic Area extends along both sides of South Highway 89 from the northern South Park Bridge to the County line and encompasses those areas which are at approximately the same or a higher elevation than the highway. More specifically, this scenic area includes the western side of South Highway 89 from the northern bridge to the US Forest Service boundary, land east of the Highway between the Snake River and Old Henry's Road, and land west of Hoback Junction on both sides of the Highway, but excluding Deer Creek and Palmer Creek subdivisions. The Scenic Area provides views of the Snake River, the east slopes of Munger Mountain and the Teton, Gros Ventre, Wyoming and Snake River Mountain ranges.

e. South Park Loop Scenic Area. The South Park Loop Road Scenic Area extends along the eastern and western sides of South Park Loop Road, from the South Park Ranches subdivision to High School Road and includes

DRAFT

Hufsmith Hill. It provides an important County-wide scenic resource because the road corridor is framed by cottonwood trees planted along irrigation ditches which line the road. The scenic quality of this area is dependent upon the preservation of the cottonwood corridor, which helps to filter views to development in the adjoining hay meadows. These meadows provide Foreground settings to views of Rendezvous Bowl and the Snake River range.

f. Hoback Canyon Scenic Area. The Hoback Canyon Scenic Area extends along both sides of Highway 191 beginning at the west line of the Gilgrease Foundation property, approximately 1 mile east of Hoback Junction, to the County line and encompasses those areas which are at approximately the same or a higher elevation than the highway. The scenic area provides views of the Gros Ventre and Wyoming Mountain ranges and the Hoback River.

g. Teton Canyon Scenic Area. The Teton Canyon Scenic Area extends along the south side of Alta Road from Lake Nolo to the boundary with the Targhee National Forest. It is an important County-wide scenic resource because the broad, open meadow of its Foreground is framed by a dense vegetative border, which provides the setting for vistas to the west side of the Teton range. The entire Teton Canyon Scenic Area also establishes a segment of the entry image for visitors driving or biking through Alta to Grand Targhee Resort.

h. Buffalo Valley Scenic Area. The Buffalo Valley Scenic Area extends along the northern and southern sides of US 26/287 from Moran to the Blackrock ranger station. It is an important County-wide scenic resource because it provides a classic mountain valley setting framed by the Teton range. The Buffalo Valley Scenic Area provides monumental views of the entire Teton range, as viewed across very broad, open meadows dotted with small ranch buildings. These vistas foreshadow the views which are again encountered within Grand Teton National Park, thereby integrating the Buffalo Valley Scenic Area with the image of the National Park.

C. Findings for the SRO

1. An essential component of the physical environment for which Teton County is internationally known is the scenic vistas of jagged mountains rising from broad, open meadows, which set an image of the County's rural and western ranching heritage. These scenic resources are important to both the County and Town because they serve as a cornerstone to the local economy by attracting tourists and other visitors. The scenic resources which are instrumental in the creation of the County's unique character are the vistas to the Teton, Gros Ventre, Wyoming and Snake River mountain ranges that are frequently seen by residents and travelers across wide pastures and meadows from the major public roads that enter the Town of Jackson, Wilson, Grand Teton National Park, Teton Village, Alta, and Teton Pass.

DRAFT

D. Applicability

1. **Foreground Standards.** All physical development, use, development options, and subdivision within the Foreground of the Scenic Areas described above shall comply with the foreground standards of 5.3.2.G.

2. **Development in Skyline.** All physical development, use, development options, and subdivision within the Skyline of the SRO shall comply with the skyline standards of 5.3.2.H.

3. Exemptions

   a. **NC-TC, NR-1, and R-3 Zone.** All physical development, use, and development options, except new subdivisions, within the NC-TC, NR-1, and R-3 zone, shall be exempt from the foreground standards of 5.3.2.G.

   b. **Remodeling or Expansion of Existing Structures.** Remodeling or expansion of structures that existed prior to May 9, 1994, shall be exempt from the foreground standards of 5.3.2.G.

   c. **Agricultural Operations.** Agricultural operations and uses meeting the standards for exemption in Section 6.1.3.B. shall be exempt from all standards of this Section.

   d. **Land in Conservation Easement.** Land protected by a conservation easement where proposed development density is equal to or less than one house per 70 acres and the total acreage subject to the easement is 320 acres or more, shall be exempt from the foreground standards of 5.3.2.G.

E. Impact on SRO

1. The base site area shall not be reduced because a portion of a lot of record is located within the SRO.

2. When conflicts exist between the NRO and SRO, the standards of Sec. 5.2.1. shall have priority and be achieved to the maximum extent practicable. The requirements of this Section shall receive second priority.

F. Visual Resource Analysis

1. If a proposed physical development, use, development option, or subdivision is in the SRO, the application shall contain a visual analysis narrative, provide a photographic simulation or other comparable visual analysis of the proposed development, depict the boundaries of the SRO, compare the visual impacts of alternative site designs, if any, and include plans identifying how the proposal complies with the standards of this Section.

2. A visual resource analysis shall demonstrate and document for review the visual impact of the proposed development on surrounding designated scenic corridors and viewpoints. The analysis shall show, in accurate perspective format, what portions of the proposed development are visible from various

DRAFT

2. **Calculation to Determine Required Landscaping.** A summary of all calculations used to determine the total amount of landscaping required.

3. **Plant Schedule.** A plant schedule, identifying symbols, quantity, size, and type of all proposed landscaping and existing vegetation that is proposed for credit.

4. **Planting Plan.** The planting plan shall indicate the location of all proposed landscaping and existing landscaping that is proposed for credit.

5. **Irrigation Statement.** An irrigation statement describing how plant material will be irrigated for a minimum 2 year period or until plant establishment.

6. **Erosion Control.** A description of how erosion is to be controlled on-site, both permanently and during construction.

7. **Cost Estimates.** Cost estimates to implement the landscape plan.

5.5.3. Required Plant Units (AMD2020-0004 ~~1/1/17~~)

A. General

1. **Sum of All Requirements.** The plant units required shall be the sum of all of the plant units prescribed by the standards of this Section.

> **EXAMPLE:** A nonresidential development with a parking lot shall provide the plant units required for the nonresidential development and the plant units required for the parking lot.

2. **Measurement.** One plant unit shall be the minimum amount provided by any development; fractional plant units of one-half or more shall be treated as a requirement of one plant unit.

3. **Credit for Existing Vegetation.** Retention of existing vegetation is encouraged. Any retained existing plant material which satisfies, or with 5 years of growth would satisfy, the required plant units shall be counted towards satisfying the required plant units.

B. Requirements

1. **Use or development of a site shall require provision of the following number of plant units.**

Required Plant Units per Use by Zone		
	Use	
Zone	Residential	Nonresidential
R-1, R-2	n/a	
R-3, NR-1	1 per 10,000 sf of floor area	
R-TC	1 per DU	1 per 1,000 sf of floor area
All Others	1 per DU	1 per 1,000 sf of required LSA

DRAFT

2. **Location of Plant Units in Single-Family Subdivisions.** For residential development within single-family subdivisions, the plant unit required per dwelling unit shall be located on each lot of record.

C. Parking Lot Requirements

1. **General.** All parking lots shall comply with the plant unit requirements in the table below.

Required Plant Units per Parking Space by Use and Zone

	Use			
Zone	Agriculture	Residential	Institutional	All Other Uses
R	0	--	--	1 per 8 spaces
NR-1	--	--	--	1 per 8 spaces
NC-TC	--	--	--	1 per 8 spaces
S	--	1 per 12 spaces	--	1 per 8 spaces
OP-TC	--	1 per 12 spaces	--	1 per 8 spaces
MHP-TC	--	--	--	1 per 8 spaces
AR-TC	--	1 per 12 spaces	1 per 12 spaces	1 per 8 spaces
AC-TC	--	--	1 per 12 spaces	1 per 8 spaces
BP-TC	--	--	--	1 per 16 spaces
BC-TC	--	--	--	1 per 12 spaces

2. **Existing Trees Can Be Counted.** Existing trees that can be preserved by leaving the area under their canopy substantially undisturbed shall count towards the plant unit requirement for parking lots.

3. **Landscape Objectives.** The primary objectives of parking lot plant units shall be:

   a. To avoid large, unbroken expanses of asphalt;

   b. To screen or soften parked vehicles as viewed from off site;

   c. To provide attractive, pleasing streetscapes; and

   d. To better define and organize vehicular and pedestrian spaces.

D. Loading Area Requirement

Two plant units per loading bay shall be provided.

E. Standard Plant Unit

This Section describes a standard landscaping element called a “plant unit.” It serves as a basic measure of plant material.

DRAFT

Div. 6.1. Allowed Uses

6.1.1. Use Schedule (~~1/4/21~~AMD2020-0004)

The Use Schedule establishes the principal, accessory, and temporary uses allowed in each zone. The definitions and standards for each use are established in Sec. 6.1.3.-Sec. 6.1.12. and referenced in the table. Additional uses may be allowed in a zone as part of an allowed development option as specified in Div. 7.1. The permit required for each allowed use is designated using the following symbols.

A. "Y" denotes an allowed use that does not require a use permit. Physical development permits are still required as applicable.

B. "B" denotes an allowed use that requires a Basic Use Permit to be obtained pursuant to Sec. 8.4.1.

C. "C" denotes an allowed use that requires a Conditional Use Permit to be obtained pursuant to Sec. 8.4.2. A conditional use is generally compatible with the character of a zone but requires individual review of its configuration, density, and intensity in order to mitigate effects that may be adverse to the desired character of the zone.

D. "S" denotes an allowed use that requires a Special Use Permit to be obtained pursuant to Sec. 8.4.3. Special uses are inherently incompatible with the character of the zone, but essential to the community; and therefore some provision must be made for their existence and operation. Special uses require specified locations due to common neighborhood opposition. These locations shall be determined by a comprehensive community-wide selection process designed to identify locations that best serve the special use while minimizing the negative impacts and obtrusiveness. Special uses also require individual review of their configuration, density, and intensity in order to mitigate effects that are adverse to the desired character of the zone.

E. Permit Exemption for Emergency Response

From time to time, a use may be a necessary part of an emergency response under the Comprehensive Emergency Management Plan, implemented by Teton County Emergency Management. In such instances, the requirement for a use permit shall be waived.

> **EXAMPLE:** A heliport is an aviation use requiring a Conditional Use Permit. Temporary heliports are sometimes established in proximity to a forest fire for purposes of helicopter fire suppression. In the case of an emergency response, the requirement for a CUP is waived.

F. Use Schedule

The use schedule is established in the following tables.

DRAFT

County Character Zones - Allowed Uses					
USE CATEGORY	Complete Neighborhood Zones	Rural Area Zones			Def/ Stds
Specific Use	NR-1~~n/a~~	R-1	R-2	R-3	
Open Space					6.1.3.
Agriculture	~~--~~Y	Y	Y	Y	6.1.3.B.
Outdoor Recreation	--	C[Z]	--	--	6.1.3.C.
Dude/Guest Ranch	--	C[Z]	--	--	6.1.3.E.
Residential					6.1.4.
Detached Single-Family Unit	~~--~~Y	Y	Y	Y	6.1.4.B.
Attached Single-Family Unit	--	--	--	--	6.1.4.C.
Apartment	--	--	--	--	6.1.4.D.
Mobile Home	--	--	--	--	6.1.4.E.
Dormitory	--	--	--	--	6.1.4.F.
Group Home	--	--	--	--	6.1.4.G.
Lodging					6.1.5.
Conventional Lodging	--	--	--	--	6.1.5.B.
Short-Term Rental Unit	--	--	--	--	6.1.5.C.
Campground	--	C[Z]	--	--	6.1.5.D.
Commercial					6.1.6.
Office	--	--	--	--	6.1.6.B.
Retail	--	--	--	--	6.1.6.C.
Service	--	--	--	--	6.1.6.D.
Restaurant/Bar	--	--	--	--	6.1.6.E.
Heavy Retail/Service	--	C (A)[Z]	--	--	6.1.6.F.
Mini-Storage Warehouse	--	--	--	--	6.1.6.G.
Nursery	--	C[Z]	--	--	6.1.6.H.
Amusement/Recreation					6.1.7.
Amusement	--	--	--	--	6.1.7.B.
Developed Recreation	--	C[Z]	--	--	6.1.7.D.
Outfitter/Tour Operator	--	C[Z]	--	--	6.1.7.E.
Institutional					6.1.8.
Assembly	--	C[Z]	C[Z]	--	6.1.8.B.
Daycare/Education	--	C[Z]	C[Z]	--	6.1.8.C.

Y = Use allowed, no use permit required (A) = Use only allowed as an accessory use -- = Use not allowed
B = Basic Use Permit required C = Conditional Use Permit required S = Special Use Permit required
[Z] = Use also subject to zone specific standards

DRAFT

County Character Zones - Allowed Uses					
USE CATEGORY	Complete Neighborhood Zones	Rural Area Zones			Def/ Stds
Specific Use	NR-1~~n/a~~	R-1	R-2	R-3	
Industrial					6.1.9.
Light Industry	--	C (A)[Z]	--	--	6.1.9.B.
Heavy Industry	--	--	--	--	6.1.9.C.
Disposal	--	--	--	--	6.1.9.D.
Junkyard	--	--	--	--	6.1.9.E.
Gravel Extraction and Processing	S				6.1.9.F.
Transportation/Infrastructure					6.1.10.
Parking	--	--	--	--	6.1.10.B.
Utility Facility	--C	C[Z]	C[Z]	C	6.1.10.C.
Wireless Communication Facilities					6.1.10.D.
Aviation	--	C[Z]	--	--	6.1.10.E.
Accessory Uses					6.1.11.
Accessory Residential Unit	--B[Z]	B[Z]	B[Z]	B[Z]	6.1.11.B.
Bed and Breakfast	--	C	--	--	6.1.11.C.
Home Occupation	--B	B	B	B	6.1.11.D.
Home Business	--C	C	C	C	6.1.11.E.
Family Home Daycare	--B	B	B	B	6.1.11.F.
Home Daycare Center	--C	--	--	--	6.1.11.G.
Drive-In Facility	--	--	--	--	6.1.11.H.
Temporary Uses					6.1.12.
Christmas Tree Sales	--	Y	--	--	6.1.12.B.
Real Estate Sales Office	--	C	--	--	6.1.12.C.
Temporary Shelter	--B	B	B	B	6.1.12.D.
Farm Stand	--	B	--	--	6.1.12.E.
Temp. Gravel Extraction and Processing	--B	B	B	B	6.1.12.F.
Special Event	--Y	Y	Y	Y	6.1.12.G

Y = Use allowed, no use permit required (A) = Use only allowed as an accessory use -- = Use not allowed
B = Basic Use Permit required C = Conditional Use Permit required S = Special Use Permit required
[Z] = Use also subject to zone specific standards

DRAFT

County Legacy Zones - Allowed Uses													
USE CATEGORY	Complete Neighborhood Zones					Rural Area Zones					Civic Zones		Def/ Stds
Specific Use	AC-TC	AR-TC	WC	OP-TC	BP-TC	BC-TC	MHP-TC	NC-TC	S-TC	R-TC	P/SP-TC	P-TC	
Open Space													6.1.3.
Agriculture	Y	--	--	Y	--	Y	--	Y	Y	Y	Y	Y	6.1.3.B.
Outdoor Recreation	C	C	--	--	C	C	--	C	C	C	C	C	6.1.3.C.
Dude/Guest Ranch	--	--	--	--	--	--	--	--	--	C	--	--	6.1.3.E.
Residential													6.1.4.
Detached Single-Family Unit	Y	Y	Y^Z	Y	--	Y	--	Y	Y	Y	--	--	6.1.4.B.
Attached Single-Family Unit	--	--	B^Z	--	--	C^Z	--	--	--	--	--	--	6.1.4.C.
Apartment	--	--	B^Z	--	--	C^Z	--	--	--	--	--	--	6.1.4.D.
Mobile Home	--	--	--	--	--	--	B^Z	--	--	--	--	--	6.1.4.E.
Dormitory	B	C	--	--	--	C^Z	--	--	C^Z	C^Z	C	--	6.1.4.F.
Group Home	B	C	--	--	--	C^Z	--	--	C^Z	C^Z	C	--	6.1.4.G.
Lodging													6.1.5.
Conventional Lodging	--	--	--	--	--	--	--	--	--	--	--	--	6.1.5.B.
Short-Term Rental Unit	--	--	--	--	--	--	--	--	--	--	--	--	6.1.5.C.
Campground	--	--	--	--	--	C	--	--	--	C	--	--	6.1.5.D.
Commercial													6.1.6.
Office	B	--	B^Z	B	--	C	--	--	--	--	C	--	6.1.6.B.
Retail	B	--	B^Z	--	B^Z	C	--	--	--	--	--	--	6.1.6.C.
Service	B	--	B^Z	B	--	C	--	--	--	--	C	--	6.1.6.D.
Restaurant/Bar	B	--	B^Z	--	--	C	--	--	--	--	--	--	6.1.6.E.
Heavy Retail/Service	C	--	C^Z	--	B	C	--	--	--	--	C	--	6.1.6.F.
Mini-Storage Warehouse	C	--	C^Z	--	B	C	--	--	--	--	C	--	6.1.6.G.
Nursery	B	--	B^Z	--	--	C	--	--	--	C	--	--	6.1.6.H.
Amusement/Recreation													6.1.7.
Amusement	C	--	C^Z	--	--	--	--	--	--	--	--	--	6.1.7.B.
Developed Recreation	B	--	B^Z	--	C	C	--	--	--	--	C	--	6.1.7.D.
Outfitter/Tour Operator	C	--	--	--	C	C	--	--	C	C	--	--	6.1.7.E.
Institutional													6.1.8.
Assembly	B	C	B^Z	--	C	C	--	--	C^Z	C^Z	C	--	6.1.8.B.
Daycare/Education	B	--	B^Z	C	C	C	--	--	--	C	C	--	6.1.8.C.

Y = Use allowed, no use permit required (A) = Use only allowed as an accessory use -- = Use not allowed
B = Basic Use Permit required C = Conditional Use Permit required S = Special Use Permit required
^{Z} = Use also subject to zone specific standards

DRAFT

County Legacy Zones - Allowed Uses													
USE CATEGORY	Complete Neighborhood Zones					Rural Area Zones					Civic Zones		Def/ Stds
Specific Use	AC-TC	AR-TC	WC	OP-TC	BP-TC	BC-TC	MHP-TC	NC-TC	S-TC	R-TC	P/SP-TC	P-TC	
Industrial													6.1.9.
Light Industry	C	--	C[Z]	--	B	C	--	--	--	--	C	--	6.1.9.B.
Heavy Industry	--	--	--	--	C	--	--	--	--	--	C	--	6.1.9.C.
Disposal	--	--	--	--	C	--	--	--	--	--	C	--	6.1.9.D.
Junkyard	--	--	--	--	C	--	--	--	--	--	C	--	6.1.9.E.
Gravel Extraction and Processing							S						6.1.9.F.
Transportation/Infrastructure													6.1.10.
Parking	C	--	C[Z]	--	--	C	--	--	--	--	C	--	6.1.10.B.
Utility Facility	C	C	C[Z]	C	B	C	C	C	C	C	C	C	6.1.10.C.
Wireless Communication Facilities													6.1.10.D.
Aviation	C	--	--	--	C	C	--	--	--	C	C	--	6.1.10.E.
Accessory Uses													6.1.11.
Accessory Residential Unit	B[Z]	B[Z]	B[Z]	B[Z]	B	B[Z]	--	B[Z]	--	B	B	C[Z]	6.1.11.B.
Bed and Breakfast	--	--	--	--	--	--	--	--	--	C	--	--	6.1.11.C.
Home Occupation	B	B	B	B	B	B	B	B	B	B	B	B	6.1.11.D.
Home Business	C	C	--	C	--	C	--	C	C	C	--	--	6.1.11.E.
Family Home Daycare	B	B	B	B	B	C	B	B	B	B	--	--	6.1.11.F.
Home Daycare Center	C	C	B	C	B	C	C	C	C	C	--	--	6.1.11.G.
Drive-In Facility	C	--	--	--	--	C	--	--	--	--	--	--	6.1.11.H.
Temporary Uses													6.1.12.
Christmas Tree Sales	Y	--	Y	--	Y	Y	--	--	--	Y	Y	Y	6.1.12.B.
Real Estate Sales Office	--	B	--	--	B	--	--	--	B	B	--	--	6.1.12.C.
Temporary Shelter	B	B	B	B	--	B	B	B	B	B	--	--	6.1.12.D.
Farm Stand	B	--	B	--	--	--	--	--	--	B	B	B	6.1.12.E.
Temp. Gravel Extraction and Processing	B	B	B	B	B	B	B	B	B	B	B	B	6.1.12.F.
Special Event	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	6.1.12.G

Y = Use allowed, no use permit required (A) = Use only allowed as an accessory use -- = Use not allowed
B = Basic Use Permit required C = Conditional Use Permit required S = Special Use Permit required
[Z] = Use also subject to zone specific standards

DRAFT

v. **No Negative Impact.** No extraction shall be permitted that is deemed by the County to have a negative impact on the river, or on landowners adjacent to the river with respect to bank erosion or potential flooding. If more than one river extraction site has been approved or executed within the same vicinity as the extraction site in question, the cumulative impacts of such river extraction shall also be considered when assessing potential negative impacts on the river or on landowners adjacent to the river.

j. **Surrounding Vegetation.** Vegetation within the setbacks from the property boundary shall be preserved and supplemented, as necessary, for mitigation of negative impacts. Existing native vegetation on the operation site shall be preserved to the maximum extent possible.

k. **Water Supply.** Extraction and filling of a reservoir shall not infringe on downstream appropriator's rights as established by the State Engineer's Office.

6. **State/Federal Requirements.** Compliance with the standards of this Section and these LDRs shall not be construed to replace, supersede, or override any State or Federal requirements that may apply.

6.1.10. Transportation and Infrastructure Uses (~~1/4/21~~AMD2020-0004)

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

DRAFT

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

DRAFT

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.

DRAFT

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.

DRAFT

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.

DRAFT

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. 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:

DRAFT

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 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 e.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.

DRAFT

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.

DRAFT

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.e.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, NR-1, 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.

DRAFT

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.

DRAFT

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 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.

DRAFT

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.

f. 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 f.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.

DRAFT

C. Display of Vehicles for Sale

Vehicles shall not be displayed for sale in nonresidential parking areas except licensed bona-fide automobile dealerships, and excepting casual display by vehicle owners who are employees or patrons present on the premises at the times of such display.

D. Repair Work Prohibited

No repair work that renders the vehicle inoperable for more than 24 hours shall be permitted on off-street parking or loading facilities.

E. Snow Storage Prohibited

The storage of plowed snow for more than 48 hours is prohibited in required off-street parking and loading areas.

6.2.5. Off-Street Parking and Loading Design Standards

(~~1/1/15~~AMD2020-0004)

All off-street parking and loading facilities shall meet the following design standards:

A. Surface and Drainage

1. **Compaction and Drainage.** Parking and loading areas, aisles, and access drives shall be compacted and paved or surfaced in conformity with applicable specifications to provide a durable surface, shall be graded and drained so as to dispose of surface water runoff without damage to private or public land, roads, or alleys, and shall conform with any additional standards for drainage prescribed by these LDRs, or other applicable regulations and standards.

2. **Paving Required.** Outdoor, off-street parking and loading areas, aisles and access drives shall be paved, except for the uses listed below, in which case parking areas, aisles and access drives may be gravel.

    a. Detached single-family unit.

    b. Uses in the BP-TC, R-1, R-2, R-3, NR-1, NC-TC, S-TC, and R-TC where the Planning Director determines there is no need to delineate required parking, loading or access areas.

3. **Landscape Islands.** Parking lots shall include landscaped islands to avoid large expanses of asphalt and shall be screened from off-site, or their view substantially filtered by vegetation.

B. Access and Circulation Standards

1. **Unobstructed Access.** Each required parking space shall have unobstructed access from a road or alley, or from an aisle or drive connecting with a road or alley except for approved tandem parking.

DRAFT

D. Required Components of Livability

Each required affordable or workforce housing unit shall include, at a minimum, the components of livability required by the Housing Department Rules and Regulations.

E. Compliance with Rules and Regulations

Each required affordable or workforce housing unit shall comply with the Housing Department Rules and Regulations.

1. The Jackson/Teton County Affordable Housing Department is responsible for administration of any affordable or workforce housing units established in accordance with this Division, as well as other housing units it is directed to administer by the Board of County Commissioners.

2. To assist in the administration of this Division, the Town and County have adopted the Jackson/Teton County Housing Department Rules and Regulations, which authorize the Housing Department to:

    a. Manage and oversee all affordable and workforce housing units.

    b. Enforce livability standards.

    c. Administer the marketing of the units.

    d. Establish rules for qualifying renters and buyers, and administer selection of renters and buyers.

    e. Establish rules for and monitor the units to ensure applicants, renters, and sellers comply with the requirements of this Division and the Rules and Regulations. The Rules and Regulations also include rules addressing:

        i. Renter and buyer non-compliance, which include but are not limited to requirements for disqualification and prosecution for fraud.

        ii. Seller non-compliance (for initial or subsequent sales), which include but are not limited to issuance of an affidavit affecting title and prosecution for fraud.

        iii. Housing Department reimbursement by the renter, seller, or applicant, for any attorney's fees and other costs associated with the Department's compliance enforcement.

6.3.5. Method for Providing Required Affordable Workforce Housing (AMD2020-00041/4/21)

A. Standards Applicable to All Methods

Regardless of the method used to provide the affordable workforce housing required, each required affordable or workforce housing unit provided shall comply with the following standards.

DRAFT

1. **Type.** Each required affordable or workforce housing unit shall meet the standards of Sec. 6.3.4., as well as all other standards of these LDRs and the Housing Department Rules and Regulations.

2. **Location.** Each required unit shall be located in the Town of Jackson or in Teton County east of the Tetons, and shall be in an area determined suitable for affordable workforce housing.

3. **Phasing.** If the employee generating development is approved for phases, the required affordable workforce housing shall be provided in proportion to the phases of the employee generating development. The phasing plan shall be established in the Housing Mitigation Agreement. The phasing plan shall require a recalculation of the amount of affordable workforce housing required at each phase.

4. **Deed Restriction.** To ensure compliance with the standards of this Division, the property of each affordable workforce housing unit and the property of the employee generating development shall both be subject to a deed restriction and a Housing Mitigation Agreement. More specifically:

    a. **Deed restriction.** The property of the affordable workforce housing unit and the property of the employee generating development shall be subject to a deed restriction, in perpetuity, in a form established and approved by the Housing Department, and included in the Rules and Regulations.

    b. **Housing Mitigation Agreement.** The property of the affordable workforce housing unit and the property of the employee generating development shall also be subject to a Housing Mitigation Agreement which shall be recorded against the property of the employee generating development in a form acceptable to the County Attorney.

B. Preferred Methods

Each employee generating development subject to the requirements of this Division shall provide the required affordable workforce housing by one or a combination of the methods identified below, in order of priority. Alternate methods shall not be proposed.

1. Construction of required affordable workforce housing on the site of the employee generating development, or off-site. Below are LDRs intended to facilitate construction of required affordable workforce housing.

    a. **FAR exemption for affordable or workforce housing units.** Applies in the WC zone, see the applicable zone.

    b. **FAR increases for more units.** Applies in the AR zone, see the applicable zone.

    c. **FAR exemption for ARUs accessory to a nonresidential use.** Applies in the AC, WC, OP, BP, R-1, R-2, R-3, NR-1, BC, and R zones, see the applicable zone.

DRAFT

d. **Shared parking between nonresidential use and affordable workforce housing.** Applies in all zones, see Sec. 6.2.2.B.1.

2. Conveyance of land for affordable workforce housing.

3. Utilization of a banked affordable or workforce housing unit.

4. Restriction of an existing residential unit as an affordable workforce housing.

5. Payment of an in-lieu fee.

C. Priority Method Impracticable

A required affordable or workforce housing unit shall be provided through the highest priority method practicable. A lower priority method may be used upon making the following findings for each higher priority method.

1. **Less than One Unit.** An in-lieu fee may be paid for an affordable workforce housing requirement of less than one unit.

   a. **Exception for change to short-term rental.** In buildings approved under the affordable workforce housing standards in place since July 18, 2018, change of use of a unit from attached-single family or apartment to short-term rental shall be mitigated by construction of the required housing regardless of the amount of the requirement.

2. **On-Site Provision Impractical.** On-site provision of the required affordable workforce housing:

   a. Does not comply with other Town, County, State, or Federal laws; or

   b. Is unreasonable due to lack of infrastructure, inappropriate soils, or other site conditions.

3. **Off-site methods not reasonably available.** A good faith effort to provide the required affordable workforce housing off-site, is unsuccessful due to infrastructure, regulatory (either Town, County, State or Federal), or other site constraints of the land, or due to the price at which the land was available for sale. Conditions relevant to these constraints include but are not limited to factors like:

   a. No off-site options are for sale that would support affordable workforce housing at an economically feasible density to provide the amount of affordable workforce housing required.

   b. The inability to provide the needed infrastructure (e.g., roads, water supply, sewage disposal, telephone, electricity and gas) for the development of available off-site locations.

D. Standards Applicable to Specific Methods

In addition to the standards applicable to all methods, the following shall also apply to the specific method used for the provision of affordable workforce housing.

DRAFT

d. Provide adequate access for collection equipment;

e. Not encroach into easements for utilities, vehicular or pedestrian access, or designated open space or conservation areas; and

f. Allow shared use by multiple businesses, tenants or owners when placed in developments containing multiple occupants.

6. **Compactors.** Outdoor trash compactors shall be fully compliant with the definition of bear resistant refuse container or enclosure as stipulated in Sec. 5.2.2. No trash is to be exposed, doors must be kept closed at all times when not in use, and the area around the compactor shall be clean and free of debris.

6.4.3. Noise (~~7/19/16~~AMD2020-0004)

All uses shall conform with the following standards; except that, agricultural operations meeting the standards for exemption in Section 6.1.3.B. shall be exempt from all standards of this Division.

A. Maximum Noise

Noises shall not exceed the maximum sound levels prescribed in the table below, beyond the site boundary lines, except that when a nonresidential activity is contiguous to a zone with a lower maximum, the lower maximum shall govern.

Noise Level Restrictions	
Zone	Maximum Permitted Sound Level
R-1, R-2, R-3, NR-1, R-TC, S-TC, NC-TC, OP-TC	55 DBA
All other zones	65 DBA

B. Exceptions

1. **General.** Noises of vehicles, home appliances, and chain saws in private use, occasionally used safety signals, warning signals, emergency pressure relief valves, and temporary construction operations shall be exempt from the requirements of this Section.

2. **Limited Exception/Limited Interval of Time/One Day.** The maximum permitted sound level may be exceeded by 10 DBA for a single period, not to exceed 15 minutes, in any one day.

3. **Impact Noises.** For the purposes of this Section, impact noises are those noises whose peak values are more than 6 DBA higher than the values indicated on the sound level meter, and are of short duration, such as the noise of a forging hammer or punch press. For impact noises, the maximum permitted sound level may be exceeded by 10 DBA.

C. Measurement

Noise shall be measured with a sound level meter meeting the standards of the American National Standards Institute (ANSI S1.4-1983) “American Standard Specification for General Purpose Sound Level Meters.” The instrument shall be set to the A-weighted response scale and the meter to the slow response.

DRAFT

Measurements shall be conducted in accord with ANSI S1.2-1983 "American Standard Method for the Physical Measurement of Sound" (or most current standards). Measurements may be made at any point along a site boundary line.

6.4.4. Vibration (7/19/16)

[Section number reserved, standards only apply in Town]

6.4.5. Electrical Disturbances (7/19/16)

A. No use or activity shall be permitted which creates electrical disturbances (electromagnetic radiation) that affect the operation of any equipment, such as radio, television, or wireless communication interference, beyond the boundaries of the site; except that, agricultural operations meeting the standards for exemption in Section 6.1.3.B. shall be exempt from all standards of this Division.

6.4.6. Fire and Explosive Hazards (1/1/15)

A. Compliance with Fire Codes

All manufacture, possession, storage, transportation and use of hazardous materials which include explosives and blasting agents, flammable and combustible liquids, liquified petroleum gas, and hazardous chemicals shall be required to comply with the fire codes adopted by the State of Wyoming and the County.

B. Structural Storage Facilities

Structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids and gases, or other toxic materials which could be hazardous to public health or safety, shall be located at elevations above maximum possible flood levels in 100-year flood areas and in the Flat Creek winter flood area.

6.4.7. Heat and Humidity (4/1/16)

All uses shall conform with the following standards; except that, agricultural operations meeting the standards for exemption in Section 6.1.3.B. shall be exempt from all standards of this Division.

A. Intense Heat Conducted within Enclosed Building

Any activity producing intense heat shall be conducted within an enclosed building in such a manner as not to raise the temperature of the air, soil, groundwater, or surface water beyond any property boundary line.

B. Humidity From Cooling Towers Controlled so Not Create Ice Hazard

Increases in humidity in the form of steam or moist air from cooling towers shall be controlled so that they do not create an ice hazard. Cooling towers shall be controlled by either reheating the plume or using a closed system.

DRAFT

Div. 7.1. Development Option Standards

7.1.1. Development Options Schedule (~~4/1/16~~AMD2020-0004)

The tables below establish the development options allowed in each zone. The standards for each development option are established in this Division. The density and intensity requirements for each development option are located in the standards for the zone, found in Article 2.-Article 4. The thresholds for permitting allowed development options are also established by zone.

County Character Zones - Development Options				
	Complete Neighborhood Zones	Rural Area Zones		
Option	~~n/a~~NR-1	R-1	R-2	R-3
Rural PRD (7.1.2.)	--	DEV*	DEV*	--
Mobile Home Park (7.1.4.)	--	--	--	--
Floor Area Option (7.1.5.)	--	DOP	DOP	--
CN-PRD (7.1.6.)	--	SKC	SKC	--

Key: SKC = Sketch Plan required DEV = Development Plan required DOP = Development Option Plan required
-- = Development option prohibited * = Sketch Plan optional

County Legacy Zones - Development Options												
	Complete Neighborhood Zones					Rural Area Zones					Civic Zones	
Option	AC-TC	AR-TC	WC	OP-TC	BP-TC	BC-TC	MHP-TC	NC-TC	S-TC	R-TC	P/SP-TC	P
Rural PRD (7.1.2.)	--	--	--	--	--	--	--	--	--	DEV*	--	--
Mobile Home Park (7.1.4.)	--	--	--	--	--	--	P	--	--	--	--	--
Floor Area Option (7.1.5.)	--	--	--	--	--	--	--	--	--	DOP	--	--
CN-PRD (7.1.6.)	--	--	--	--	--	--	--	--	SKC	SKC	--	--

Key: P = Development option allowed with appropriate permit -- = Development option prohibited
SKC = Sketch Plan required DEV = Development Plan required DOP = Development Option Plan required
* = Sketch Plan optional

DRAFT

Div. 7.2. Subdivision Standards

This Division contains the development standards required for subdivision, such as requirements for new roads, water and sewer infrastructure, utilities, parks, and other physical improvements necessary to safely serve newly subdivided property and minimize impacts on existing community services and infrastructure. See Sec. 8.5.3. for the procedure to subdivide property.

7.2.1. Subdivision Types Schedule (~~4/1/16~~AMD2020-0004)

The tables below establish the subdivision types allowed in each zone. The standards for all subdivisions and each subdivision type are established in this Division. The density and intensity requirements for each subdivision type are located in the standards for the zone, found in Article 2.-Article 4. The thresholds for permitting allowed subdivision are also established by zone.

County Character Zones - Subdivision Types					
	Complete Neighborhood Zones	Rural Area Zones			
	NR-1~~n/a~~	R-1	R-2	R-3	Standards
Land Division	P~~--~~	P	P	P	7.2.3.
Condominium/Townhouse	--	--	--	--	7.2.4.

Key: P = Development option allowed with appropriate permit -- = Development option prohibited

County Legacy Zones - Subdivision Types													
	Complete Neighborhood Zones					Rural Area Zones					Civic Zones		
	AC-TC	AR-TC	WC	OP-TC	BP-TC	BC-TC	MHP-TC	NC-TC	S-TC	R-TC	P/SP-TC	P-TC	Standards
Land Division	P	P	P	P	P	P	--	P	P	P	P	P	7.2.3.
Condominium/ Townhouse	P	P	P	P	P	P	--	--	P	--	P	P	7.2.4.

Key: P = Development option allowed with appropriate permit -- = Development option prohibited

DRAFT

C. Optional Conferences

A pre-application conference may be requested for any application. For applications that require public hearing, an additional pre-application conference may be requested with the Planning Commission, or Board of County Commissioners.

D. Timing

A pre-application conference shall be held prior to the submittal of an application. A potential applicant shall initiate a request for a pre-application conference pursuant to Sec. 8.2.4. The pre-application conference shall be scheduled for a date acceptable to the requester that is within 60 days of receipt of the request.

E. Conference Focus

At the pre-application conference, the applicant and representatives of the County shall discuss the potential proposal to identify the standards and procedures that would apply to the proposal. Applicable LDR provisions not identified at the pre-application conference or amended following the pre-application conference are still applicable to the proposal. The level of detail of the County's review will match the level of detail contained in the materials submitted with the request for the pre-application conference. The pre-application conference is intended as a means of facilitating the application review process; discussions at the meeting and the written summary of the meeting are not binding on the County.

F. Conference Summary

The pre-application conference requester shall be provided a written summary of the pre-application conference within 14 days of its completion.

G. Expiration

A pre-application conference only satisfies a pre-application conference requirement if the application for which it is required is submitted within 12 months of the pre-application conference.

8.2.2. Environmental Analysis (EA) (~~8/7/18~~AMD2020-0004)

A. Purpose

The purpose of an Environmental Analysis (EA) is to coordinate the application of all natural resource protection standards through identification of the natural resources on a site. An EA review does not result in application approval, it results in recommended natural resource protections for an application.

B. Applicability

Unless exempted below, physical development, use, development options, and subdivision subject to Div. 5.1. or Div. 5.2. shall complete an EA in accordance with the requirements of this Section.

1. Exemptions

a. **Agriculture.** Activities conducted for agricultural purposes meeting the standards for exemption in Section 6.1.3.B.

b. **Previous Approval.** Physical development, use, development options, and subdivision that has received approval in accordance with the LDRs.

DRAFT

c. **NC-TC.** All development located within the NC-TC zone, or within the NR-1, R-1, R-2 or R-3 zones on land zoned NC-TC on March 31, 2016, except new subdivision, habitat ponds, and berms.

d. **Detached Single-Family Dwelling.** Physical development of a detached single-family dwelling if:

i. The proposed location is not within the NRO;

ii. It is the only dwelling unit on the lot of record, or the density on the site is less than or equal to one dwelling unit per 35 acres of base site area; and

iii. Compliance with all setback and buffer standards in Div. 5.1. and Div. 5.2. is demonstrated.

e. **Expansion.** Expansion of an existing building or the addition of an accessory structure within the impact area of the existing building.

f. **Conservation Easement.** Land subject to a conservation easement held by a formal land trust that has a mandate to protect conservation values, for which a rigorous review and study of the conservation values of the land has been performed as a basis for establishing the easement, if the applicant demonstrates that the review and study satisfies the objectives of the EA. In such instances the review and study completed for the conservation easement may be substituted for the EA.

g. **Other.** The Planning Director may waive the requirement for an EA if the development complies with the following:

i. The lot of record is outside the NRO and the application demonstrates compliance with all setback and buffer standards in Div. 5.1. and Div. 5.2.; or

ii. The lot of record is in the NRO but is also in an area that has well-documented habitat information where additional physical development, use, development options and subdivision is anticipated to have minimal additional negative impacts to animal species protected by Sec. 5.2.1. While an EA is not required for lands meeting this exemption, development on such lands shall still be subject to certain standards for development determined appropriate by the Planning Director or the Board of County Commissioners.

C. Professional Preparation

An EA shall be prepared by an environmental professional with expertise in the subject of environmental sciences based on education, professional certifications, experience in the field, and their understating of these LDRs, the Jackson/Teton County Comprehensive Plan, and the goals and objectives thereof.

1. For the following applications the environmental professional shall be hired by the applicant:

a. Building permit;

b. Grading permit;

c. Basic use permit; or

d. Development option plan.

DRAFT

2. For the following applications the environmental professional shall be hired by Teton County at the cost of the applicant pursuant to the process for identifying, selecting, and compensating a qualified EA consultant established in the Administrative Manual:

    a. Sketch plan;

    b. Development plan;

    c. Conditional use permit;

    d. Special use permit; or

    e. Planned Unit Development.

3. For applications with a County hired consultant, the applicant may hire an additional environmental professional to submit the applicant's own EA and/or review and comment on the EA prepared by the Teton County contracted EA consultant. The applicant's chosen environmental professional shall provide documentation of qualifications upon the request of the Planning Director.

D. Substantial Changes

When changes are made to the proposal after the EA has been completed, so that the accuracy of the EA is significantly compromised, the Planning Director may require that the applicant provide updated analysis data to address the changes.

E. Expiration

1. An EA that is completed 3 or more years before the submittal of the associated application shall not be considered current and shall not meet the requirements of this Section.

2. Notwithstanding the standard above, the Planning Director may require a wholly new or amended EA for EAs that are less than 3 years old if the standards or circumstances analyzed have been altered significantly.

3. The Planning Director may extend the expiration date of an EA beyond 3 years if:

    a. No significant development has occurred in the vicinity of the proposed development that would significantly alter wildlife patterns or habitat; and

    b. There have been no other significant changes that render the analysis and conclusions in the EA outdated or inaccurate.

F. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete the each step before moving to the step below.

DRAFT

D. Minimum Site Area

Minimum site area is the minimum gross site area or minimum base site area, as specified, required to permit a use or development option. On sites in more than one zone, the entire site may be used to meet minimum site area requirements in either zone. On sites with multiple uses or development options, the entire site may be used to meet minimum site area requirements for each use or development option.

9.4.5. Floor Area (1/1/15)

Floor area is the area of all floors interior to an enclosed building that have at least 5 feet of clearance between floor and ceiling. Floor area shall be measured to the exterior face of the structural members of the wall. Roofed architectural recesses and open covered porches are not considered interior to the building. A building with at least 50% of its perimeter open to the outside shall not be considered enclosed.

9.4.6. Density/Intensity (~~1/4/21~~AMD2020-0004)

The following standards shall apply to the calculation of maximum density, maximum floor area, minimum landscape surface area, and maximum site development.

A. General

1. **Split Zoning.** On sites in multiple zones, calculations shall be based on the base site area, or gross site area in ~~rural~~ character zones (Div. 2.2., Div. 3.2.), in each zone.

2. **Mixed Use.** On sites with multiple uses, the base site area, or gross site area in ~~rural~~ character zones (Div. 2.2., Div. 3.2.), shall be prorated to determine the allowed density/intensity of each use.

> **EXAMPLE:** On a base site area of 30,000 square feet with an FAR of 0.3 for a single family unit, a 3,000 square foot single family unit would occupy 10,000 square feet of the base site area (3,000/.3 = 10,000), leaving 20,000 square feet of base site area left to calculate the remaining maximum floor area for other uses on the property.

B. Maximum Density

Unless stated otherwise for a specific provision of these LDRs, density is calculated by dividing the number of units by the base site area, or gross site area in ~~rural~~ character zones (Div. 2.2., Div. 3.2.).

> **EXAMPLE:** 3 units on 35 acres of base site area is a density of 0.086 units/acre (3/35 = .086).

C. Floor Area Ratio (FAR)/Maximum Floor Area

1. The maximum floor area (see Sec. 9.4.5. for definition of Floor Area) allowed on a site shall be the maximum gross floor area not including basement floor area, as defined in Sec. 9.5.B.

DRAFT

2. The site area used to calculate maximum floor area shall be:

   a. Gross Site Area in Character Zones (Div. 2.2. & Div. 3.2.); and

   b. Base Site Area in Legacy Zones (Div. 2.3. & Div. 3.3.).

3. Unless otherwise defined in these LDRs, the maximum allowed floor area above grade is calculated by multiplying the allowed FAR by the applicable site area. Inversely, FAR is calculated by dividing the gross floor area above grade by the applicable site area

> **EXAMPLE:** On a site area of 24,000 square feet a building with 8,000 square feet of gross floor area where 2,000 square feet was in the basement would have an FAR of .25 ((8,000-2,000)/24,000 = .25).

D. Landscape Surface Ratio (LSR)/Minimum Landscape Surface Area

The landscape surface ratio (LSR) is calculated by dividing the landscape surface area by the base site area, or gross site area in ~~rural~~ character zones (Div. 2.2., Div. 3.2.). However, for properties that include private or public road easements, no site development within the road easement shall count against the required LSR.

> **EXAMPLE:** A property that has 6,000 square feet of landscape surface area and a base site area of 24,000 square feet has an LSR of .25 (6,000/24,000 = .25). Unless otherwise defined in these LDRs, the minimum required amount of landscape surface area is calculated by multiplying the required LSR by the base site area (see Sec. 9.5.L. for definition of Landscape Surface Area). Facilities specifically permitted in Sec. 5.5.3., public and neighborhood pathways, and flood control levees are excluded from landscape surface ratio and minimum landscape surface area calculations.

E. Site Development Ratio (SDR)/Maximum Site Development

The site development ratio (SDR) is calculated by dividing the site development by the adjusted site area, or gross site area in ~~rural~~ character zones (Div. 2.2., Div. 3.2.). However, for properties that include private or public road easements, no site development within the road easement shall count against the maximum site development allowance.

> **EXAMPLE:** A property that has 12,000 square feet of site development and an adjusted site area of 24,000 square feet has an SDR of .5 (12,000/24,000 = .5). Unless otherwise defined in these LDRs, the maximum allowed site development is calculated by multiplying the required SDR by the adjusted site area (see Sec. 9.5.S for definition of Site Development).

F. Minimum Lot Size

Minimum lot size means the required minimum gross site area of a newly created lot of record, including remnant parcels.

DRAFT