



Board of County Commissioners - Staff Report

Subject: AMD2021-0008 & ZMA2021-0002: Workforce Home Business (WHB) and Subarea 7.2: Hog Island Home Business Rezone

Agent/Applicant: Teton County

Property Owner: Countywide & Subarea 7.2: Hog Island Home Business

Presenter: Rian Rooney, Senior Long-Range Planner

REQUESTED ACTION

This project consists of two applications: AMD2021-0008 (LDR Text Amendment) and ZMA2021-0002 (Zoning Map Amendment/Rezoning).

AMD2021-0008

Proposal to amend the Teton County Land Development Regulations (LDRs), pursuant to Section 8.7.1, to establish a new Complete Neighborhood Character Zone, called Workforce Home Business (WHB), and corresponding zoning standards. The proposed amendment would create a new section in the Land Development Regulations, Section 2.2.2. Workforce Home Business, which describes the zone's intent, physical development standards, use standards, development options, and additional zone-specific standards. The proposed amendment also updates relevant tables and references within articles 2, 4, 5, 6, and 7 of the LDRs to include the proposed WHB zone and zoning standards. The amendment also proposes standards for the Workforce Housing Incentive Program of Division 7.8.

ZMA2021-0002

Proposal to amend the Official Zoning Map, pursuant to Teton County Land Development Regulations Section 8.7.2, Zoning Map Amendment, to rezone approximately 660 acres under various ownership within Subarea 7.2: Hog Island Home Business from Neighborhood Conservation (NC-TC), Rural (R-TC), and Suburban (S-TC) to the Rural-1 (R-1), Rural-2 (R-2) and the Workforce Home Business (WHB) zone, proposed in AMD2021-0008.

BACKGROUND/DESCRIPTION

PROJECT DESCRIPTION

The FY 2022 Comprehensive Plan Work Plan includes a task to update the zoning in Comprehensive Plan Subarea 7.2: Hog Island Home Business, part of the District 7 South Highway 89 Complete Neighborhood, which also includes Subarea 7.1: South Park Business Park, to implement the desired future character for the area as described in the 2012 Jackson/Teton County Comprehensive Plan. This task is the second subarea to be proposed for rezoning as part of a larger undertaking, anticipated since 2012, to develop new Character Zones for all Complete Neighborhoods of the County to implement the Comprehensive Plan.

The proposed new zone, Workforce Home Business (WHB), was developed specifically for application to properties in Subarea 7.2 but is not limited to application in that location. If approved, the WHB zone may also be applied to other properties in the County if it is determined to be appropriate for the implementation of desired future character in those locations. If the WHB zone is adopted, an applicant may request a rezoning of their property to the WHB zone via a Zoning Map Amendment application.

The Teton County Planning and Building Services Department is proposing to rezone properties generally located within Subarea 7.2, as identified in the Comprehensive Plan, to a combination of the proposed Workforce Home Business zone, as well as to Rural-1 and Rural-2, which are existing Character Zones already in place in Rural Areas of the County.

The proposed Workforce Home Business zone and zoning map amendment is intended to allow additional opportunities for workforce residential and home business development in the subarea in a manner that is

consistent with existing character and development. The zoning is intended to recognize the value to the community of existing home businesses and local workforce residents of the Hog Island area and makes enhancements to existing zoning to encourage these characteristics. The project also seeks to protect natural resources in sensitive areas with Rural Character zoning.

The proposed zoning map amendment, attached to this staff report, reflects the following process and decisions from staff:

- Staff identified the general area for the rezoning, Subarea 7.2, utilizing the Character District and Subarea maps hosted on the [Teton County GIS](#) and represented in the Comprehensive Plan.
- Staff excluded the Munger Mountain Elementary School property (zoned P/SP), Wyoming Department of Transportation property (currently zoned NC-TC, but with an active application to be rezoned to P/SP). These public/governmental properties have different needs for institutional uses and are not required by law to follow County zoning regulations.
- Staff also excluded two properties adjacent to the school and WYDOT, owned by Teton County Weed & Pest Control District and David Hunt, both zoned Business Park (BP). The Business Park zone is the predominant zoning in Subarea 7.1: South Park Business Park, and that zoning will be evaluated when staff considers that subarea.
- Staff did not include properties on the east side of South Highway 89, which do share characteristics of the rest of the Hog Island area, including home businesses, but are not part of Subarea 7.2.
- In general, the zoning is proposed to follow property lines. On the large legacy ranch properties, owned by the Robertson and Evans families, however, two zones have been proposed due to the size of the parcels and underlying conditions of the land. The proposed zoning of the Robertson ranch parcel, located at 7675 South Highway 89, includes 49.36 acres of Workforce Home Business, adjacent to existing development on the lower slopes of Munger Mountain, and a 35-acre Rural-2 area on the upper slopes, partially in the NRO. This 35-acre area reflects the geometry of a family exempt subdivision processed through the County but not yet recorded with the County Clerk ([EXD2021-0002](#)). On the Evans ranch property, the northern portion of the property, partially in the NRO and bounded by the Snake River, is proposed for R-1 zoning, while the southern ~87 acres, within 2,000 feet of existing development and Evans Road, is proposed to be rezoned to WHB.

BACKGROUND

In 2016, Rural Character Zones (R-1, R-2, R-3) were developed for the rural areas of the County and applied via amendment to the Zoning Map. Among the changes introduced through the Rural Character Zones was a shift toward simplification of standards to offer greater predictability to residents and neighbors regarding what can be expected on a property. Part of this simplification was an attempt to improve the clarity and administration of the LDRs by setting standards based on desired future character and to move away from the complex performance-based standards in the 1994 Legacy Zones.

The Jackson/Teton County Comprehensive Plan includes a strategy, 3.2.S.1, to update zoning and LDRs within Complete Neighborhoods to achieve the desired character for Complete Neighborhoods as established in Character Districts. The first Complete Neighborhood Character Zone, Neighborhood Residential-1 (NR-1), was approved in 2021 and applied in Subarea 12.2: 390 Residential. Another goal of this process is to ultimately eliminate the Legacy Zones from the Teton County Land Development Regulations (LDRs), which reflect the community vision in 1994 or 1978, and to ensure that all active zones in the LDRs reflect the community's current vision as reflected in the 2012 Comprehensive Plan and affirmed during the 2020 update.

EXISTING CONDITIONS

The properties proposed to be rezoned are located within Subarea 7.2, as designated by the 2012 Comprehensive Plan. The subarea is designated as "Stable," meaning that significant change to the character of the area is not envisioned. The subarea has a mixed development pattern, including a combination of formal subdivisions (Hog Island Subdivision and KDC Subdivision) and family-exempt subdivisions with primarily single-family residential

primary uses and accessory home businesses, larger legacy holdings in agricultural use, and a handful of heavier industrial (gravel extraction e.g.) and public/institutional properties (WYDOT, Munger Mountain Elementary school).

The land in the southern half of the subarea is more developed than the northern half. The southern half includes most of the existing subdivision and residential development. The northern half of the subarea includes the large Evans family ranch, gravel processing operation, and some home sites.

The subject properties consist of developed residential lots ranging in size from 0.5 acres to 8.43 acres. The median lot size among lots less than or equal to 8.43 acres in the subarea is 2 acres. The mean lot size among these properties is 2.35 acres. These properties include the KDC Lane Subdivision, Hog Island Subdivision, Ross Family Tracts and additional exempt subdivisions along Evans Road, Robertson Lane and Hog Island Road. Zoning for these properties consists of legacy Neighborhood Conservation (NC-TC), Rural (R-TC), and Suburban (S-TC), which is limited to Hog Island Subdivision. These lots are characterized by detached single-family homes. The area is notable for having a prevalence of accessory home business uses compared to other areas of the County.

The WYDOT property (14.4 acres, currently zoned NC-TC) and Munger Mountain School property (20 acres, zoned Public/Semi-public) are larger and are adjacent to two Business Park-zoned properties along the highway. These four properties are excluded from the proposed zoning map amendment.

The largely undeveloped Robertson ranch and Evans ranch properties, both zoned R-TC, comprise approximately 430 acres.

The Scenic Resources Overlay (SRO) extends out along the eastern edge of the subarea from north to south, recognizing the scenic foreground and views from South Highway 89 looking west.

The Natural Resources Overlay (NRO) covers the more heavily vegetated and steeper slopes of Munger Mountain on the western edge of the subarea and the riparian areas near the Snake River to the north, as shown on the Site Map included in this staff report.

Wastewater treatment in the area is a mix of raised and buried leach fields among most of the developed properties. A sewer line to the Town of Jackson wastewater treatment plant was constructed when the Munger Mountain Elementary School was built. The school and the WYDOT facility are connected to the sewer line; no other properties in Hog Island are connected to this sewer line.

The [Teton Conservation District's Drinking Water Quality Mapping Project](#), published in January 2021, notes that fluoride concentrations in the Hog Island area are "well above recommended levels."

LOCATION

The subject properties are located within Subarea 7.2: Hog Island Home Business, which extends along the west side of South Highway 89, from Munger Mountain Road to KDC Lane.

Site Size: ~660 acres, 82 properties

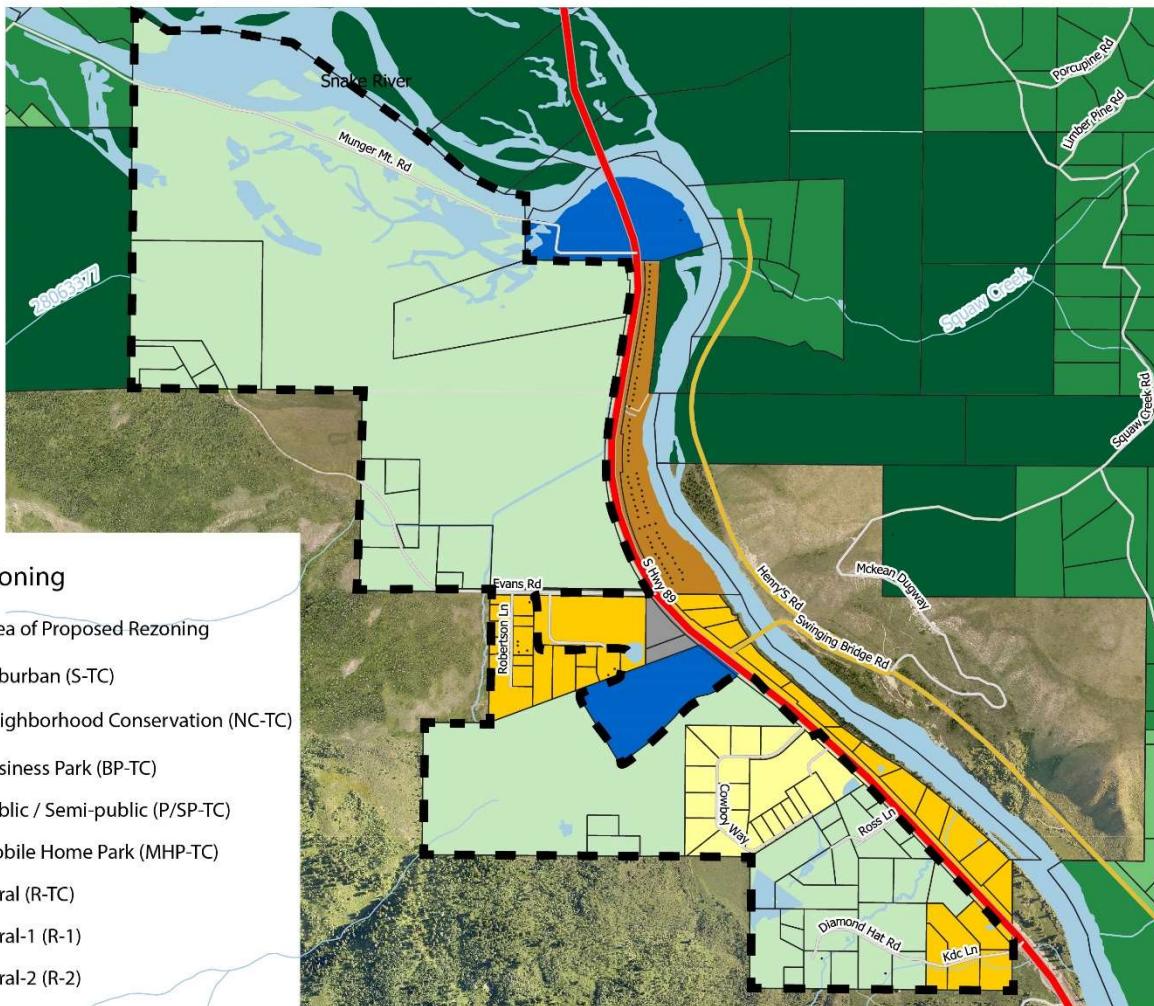
Character District: 7: South Highway 89 (Complete Neighborhood)

Subarea: 7.2: Hog Island Home Business (Stable)

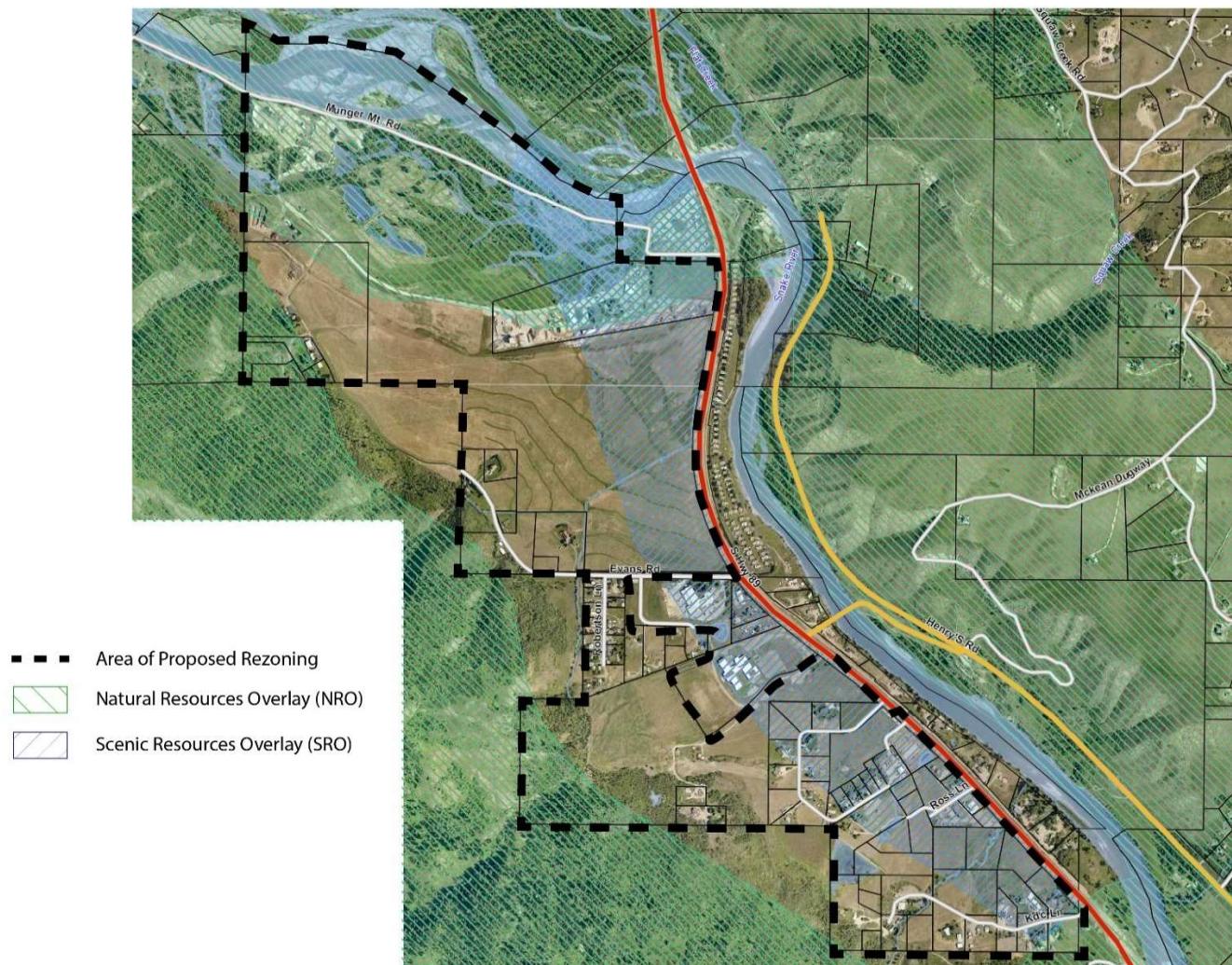
Zoning: Neighborhood Conservation (NC-TC), Suburban (S-TC), Rural (R-TC) –Teton County Legacy Zones

Overlay: Partial Natural Resources Overlay (NRO) and Partial Scenic Resources Overlay (SRO)

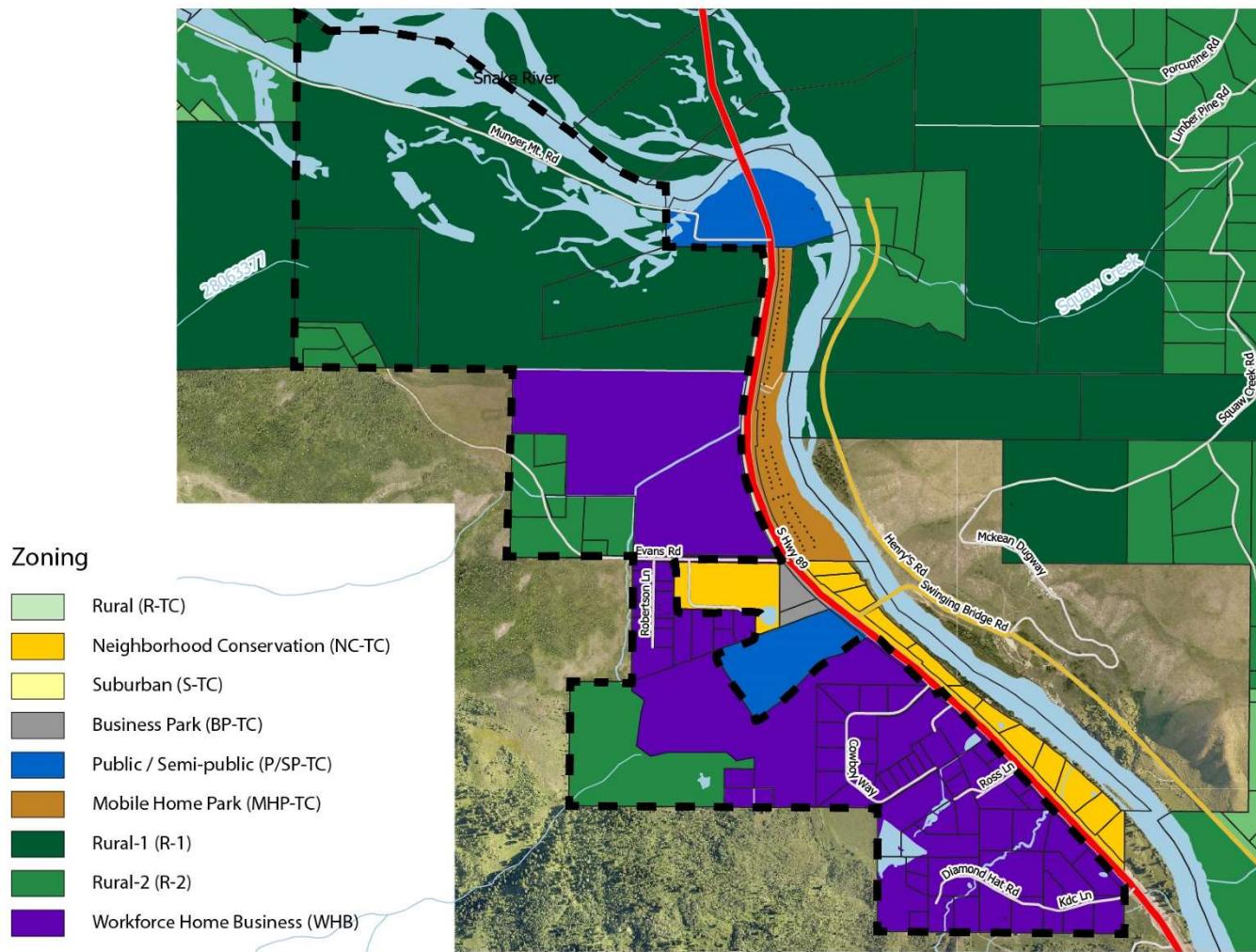
ZONING/VICINITY MAP



SITE MAP



PROPOSED ZONING MAP

**STAFF ANALYSIS**

A draft of the proposed text amendment (AMD2021-0008) and the proposed zoning map amendment (ZMA2021-0002), dated January 11, 2022, were released for public comment pursuant to the LDRs and Wyoming Statute §16-3-103. The draft text amendment and draft zoning map are attached to this staff report.

KEY ISSUES

KEY ISSUE 1: *How do the proposed Workforce Home Business (WHB) zone and proposed zoning map amendments implement the Jackson/Teton County Comprehensive Plan?*

Staff developed the WHB zone with the intention of applying it to properties in Subarea 7.2, considering the existing conditions and desired future character and vision for the subarea identified in the 2012 Comprehensive Plan. The application of new Character Zones and replacement of 1994 Legacy Zones throughout the Complete Neighborhoods of the County has been a long-anticipated goal to implement the 2012 Comprehensive Plan. This initiative is codified in the Comprehensive Plan in Strategy 3.2.S.1.

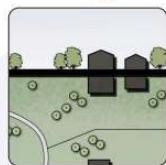
3.2.S.1:

Update zoning and land development regulations within Complete Neighborhoods to achieve the desired character for Complete Neighborhoods as established in Character Districts.

The Comprehensive Plan's Illustration of Our Vision Chapter describes the Character Defining Features of each subarea and provides direction on the future desired character, including density, form, and uses.

District 7: South Highway 89

7.2: Hog Island Home Business



Conservation Form

This STABLE Subarea is defined by families living and working in residences accompanied by a shop or small contractor yard that accommodate more intense home businesses. The goal is to preserve the long-term, working family residential character of the subarea, with residents operating businesses out of their homes as an accessory use. This subarea should not transition into an industrial area like South Park Business Park (Subarea 7.1), although the gravel and concrete and heavy government uses will continue to be appropriate. Nor should it transition into a highway commercial neighborhood like Hoback Junction (Subarea 8.4). Lots will be larger than in other Stable Subareas and contain an abundance of landscape, with shops and barns generally being larger than homes. This subarea is a part of the gateway to Jackson and includes crucial wildlife habitat at the base of Munger Mountain. As a result, development should be located and designed to protect both a scenic foreground along the highway and wildlife habitat. Wildlife permeability through development and across the highway is an important consideration in this district and building and site design should facilitate wildlife movement.



The Character Defining Features of Subarea 7.2 highlight the importance of preserving the existing character of long-term working family residential character with accessory shops and yards that accommodate more intense home businesses. While this area is unique for its mix of residential and commercial/light industrial uses, the vision for the area is to retain the existing primarily larger-lot residential character and not transform into an industrial area or a highway commercial area. The Comprehensive Plan recognizes the important value that Hog Island has served as an area for working families and home businesses that meet the service and light industrial needs of our community. Development that protects both the scenic foreground along the highway and the wildlife habitat on Munger Mountain is also encouraged.

The plan identifies Conservation Form as the characteristic development pattern and density that meets the desired character for this subarea. Conservation form is defined by residential uses with 2-story buildings and 1-5-acre lot sizes. The Comprehensive Plan also notes that "design for wildlife permeability and/or scenery" and "predominance of landscape over built form" are both special considerations of this neighborhood form.

This section also indicates that this area is a Stable part of the larger District 7 Complete Neighborhood, meaning that significant change to the existing character is not envisioned. As described in the background section, the existing development pattern is a mixture of developed and undeveloped areas. The proposed WHB zoning would allow for development of some of the large, agricultural holdings in a manner consistent with the character of existing residential development as described in Comprehensive Plan.

The current legacy Rural (R-TC) zoning in place in much of the subarea is not designed to accommodate the type of residential development and density described in the Comprehensive Plan and reflected in the developed neighborhoods of the subarea. The Workforce Home Business zoning preserves existing development rights but

also creates opportunities to further support local home businesses while adding regulations to mitigate home business impacts on neighbors and residential character. Additionally, the Workforce Home Business zone includes a new tool, the Workforce Home Business Option, which would allow for subdivision of large properties into lots as small as 3-acres with restrictions to encourage residential and home business opportunities for the local workforce and meet community and Comprehensive Plan goals. The Workforce Home Business Option is further discussed in Key Issue #3.

Below, staff has highlighted direction from Subarea 7.2's Character Defining Features that is addressed through the application of the proposed zoning map amendments.

- ***The goal is to preserve the long-term, working family residential character of the subarea, with residents operating businesses out of their homes as an accessory use.*** The WHB zoning is designed to recognize the prevalence of home businesses within the subarea and to continue to support this area as a location for local residential and home business opportunities. The WHB zone includes additional zone-specific standards for home business uses, intended to increase flexibility and viability for home businesses in this area. The Workforce Home Business Option ensures that future lots created will be occupied by the Teton County workforce via a Workforce deed-restriction.
- ***This subarea should not transition into an industrial area like South Park Business Park (Subarea 7.1), although the gravel and concrete and heavy government uses will continue to be appropriate. Nor should it transition into a highway commercial neighborhood like Hoback Junction (Subarea 8.4).*** While the WHB zone proposes additional standards to encourage accessory home businesses in the area, the zone does not allow for significant commercial or industrial primary uses. Nursery, assembly, daycare/education, outfitters, and outdoor recreation are allowed uses on sites of 35 acres or more, with a conditional use permit. On smaller sites, the primary use is limited to detached single-family and agriculture uses by-right. The proposed zoning map amendments would not rezone the WYDOT, Teton County Weed & Pest, and Teton County School District-owned properties. The Evans contractor yard and gravel pit in the north of the subarea is proposed to be rezoned to R-1 and has already been specifically identified in the LDRs as appropriate for gravel operations (see Teton County LDRs 6.1.9.F.).
- ***Lots will be larger than in other stable subareas and contain an abundance of landscape, with shops and barns generally being larger than homes.*** The proposed WHB zoning retains the general floor area and site development allowances associated with the existing NC-TC and R-TC zones, which have been effective in producing single-family residences and accessory structures to accommodate home businesses. The maximum height is 30', which allows for taller barns and shop buildings necessary for storage and accessory uses. Lastly, the Workforce Home Business Option allows for the creation of new 3-acre lots, which are large enough to accommodate the needs of a residence, home business structures, and accessory residential units, and manage external impacts on neighbors. New lots produced using the Workforce Home Business Option also limit the maximum habitable floor area of the residence to 2,500 square feet, ensuring that additional non-habitable floor area is reserved for shops and barns and that homes are not out of scale with the existing character of the area.
- ***Development should be located and designed to protect both a scenic foreground along the highway and wildlife habitat.*** The proposed zoning map amendments recognize existing parcels on the Evans family and Robertson family properties located in and adjacent to the NRO on the western and northern portions of the subarea. The zoning map amendments propose to rezone these sensitive areas to existing Rural character zones, Rural-1 and Rural-2. These rural zones do not allow for the Workforce Home Business Option, which could allow subdivision into 3 acre lots. Future subdivision in these zones would be limited to 35-acre parcels and the family exemption. These rural zones allow for the Rural-PRD, Floor Area Option, and Complete Neighborhood-PRD development options, which are designed to encourage conservation of habitat and scenic resources in exchange for development bonuses.

KEY ISSUE 2: What are the main differences between the legacy Neighborhood Conservation, Suburban and Rural zones and the proposed Workforce Home Business zone as applied to the subject area?

The Workforce Home Business zone was designed to retain the floor area and density allowances provided by the existing Rural and Neighborhood Conservation zoning and to recognize and accommodate the variety of existing lot sizes in the subarea. As a result, two sets of setbacks are proposed, for properties greater than and less than 3 acres. However, where possible, the WHB zone seeks to simplify standards for clearer application, while recognizing the differences between current zones (Neighborhood Conservation, Rural, and Suburban). The Suburban zone is only present in the platted Hog Island Subdivision, where additional subdivision is prohibited, and platted setbacks override zoning setbacks. Similarly, the platted setbacks in the KDC Subdivision, zoned NC-TC, take precedence over the standards of the current and proposed zoning.

To both encourage home businesses and mitigate home business impacts on neighbors in this area, the WHB zone adds additional standards to the accessory home business use that add more flexibility for business owners while providing more clarity and accountability for the public.

The attached Zoning Comparison Table describes the differences between the standards and regulations of the existing NC-TC, S-TC, and R-TC zones and the proposed WHB zone. The most notable differences are discussed below:

- **Height.** The WHB zone sets a 30' height standard regardless of use. This is consistent with the residential height allowance in the R-TC and NC-TC zones. It increases the allowed residential height in the S-TC zone, which is limited to 24'.
- **Noise.** Recognizing the additional noise that may be associated with home business uses and the subarea's status as part of a Complete Neighborhood, the WHB zone proposes to raise the allowed maximum sound level at the property line from 55 DBA in the R-TC, NC-TC, and S-TC zones to 65 DBA. 65 DBA is the limit throughout the Town of Jackson and in other Complete Neighborhood zones in Teton County.
- **Accessory Residential Units.** The WHB zone allows 1 ARU per residential lot with a gross square footage of 1,000 sf. A second ARU is allowed if all the following standards are met:
 - The lot is 3 acres or greater.
 - The ARU is Workforce-restricted with the Jackson/Teton County Affordable Housing Department.
 - The ARU is attached to another structure.

Allowance for a second ARU, accessory to a primary residential use, is a new entitlement. The S-TC zone does not allow for any ARUs; all residential lots in the Hog Island Subdivision are less than 3 acres and would only be allowed up to 1 ARU under the proposed WHB zone.

- **Home Businesses.** The WHB zone includes zone-specific standards for accessory home business uses, in addition to the use standards described in [Section 6.1.11.E. of the LDRs](#). These additional standards are intended to recognize the higher intensity of home businesses in Hog Island and to respond to concerns and mitigate the impacts of these home businesses on the residential character of the area. When allowed in existing residential zones throughout the County, home businesses require a Conditional Use Permit (CUP), which is approved through the public hearing process and allows for the tailoring of specific conditions on the use to ensure that it is compatible with community character. In the interest of supporting home businesses in this area, staff debated allowing home businesses with a Basic Use Permit (BUP) in the WHB zone, which would allow for a faster approval process. BUPs are processed administratively by Planning staff and do not go through the public hearing process. However, due to the specific and unique nature of each home business, staff struggled to develop a set of standards that could account for and apply fairly to all home businesses and ensure that impacts are adequately mitigated. Smaller accessory nonresidential uses conducted at a residence, defined as Home Occupations in the

LDRs, have stricter standards and are permitted with a BUP review in the proposed WHB zone. Home Occupations are allowed in all County zones with a BUP.

Recognizing the needs and light industrial nature of some of the home businesses in Hog Island, the zone-specific standards proposed in the WHB zone allow for more flexibility in storage of materials and vehicles. The standards allow for outdoor storage of passenger vehicles and limited outdoor storage of materials, with standards for screening and allowed locations. In existing zones, all storage is required to be indoors. The zone-specific standards also require that a home business submit an operations plan that addresses the following:

- Hours of operation, maximum 7 am to 10 pm
- Site plan, including parking and material storage, operations, water sources
- Material storage and management, including best practices for hazardous and toxic material storage
- Noise, waste and wastewater disposal, environmental impacts, and mitigation plan
- **Subdivision.** The Workforce Home Business zone recognizes existing land division and development opportunities, but does not allow for any additional, traditional subdivision. The minimum proposed lot size for traditional land division is 35 acres. Properties proposed to be rezoned to WHB do not have the potential for further land division under existing zoning, whether NC-TC, R-TC, or S-TC, beyond family exempt subdivision and 35-acres. This is because existing properties are either too small to divide under current zoning (NC-TC-zoned properties) or are restricted from further subdivision (S-TC zoning in Hog Island Subdivision). With groundwater quality being a concern in the area, the proposed 35-acre minimum lot size would not allow for additional new lots with septic tanks other than those currently entitled. However, the WHB zone does provide for a new zone-specific development option that allows for further subdivision down to 3-acre lots with the requirement of workforce deed-restrictions for new lots, provisions for sewer connection and treatment (not traditional septic tanks), and limits on the scale of the home. This option is discussed in Key Issue #3.
- **Other Development Options.** In addition to the new Workforce Home Business Option, the WHB zone retains three additional development options currently entitled under the R-TC zoning. These options, the Complete Neighborhood-PRD, the Rural-PRD, and the Floor Area Option, provide opportunities for meaningful conservation in exchange for density and/or floor area bonuses. These development options are limited to use on larger sites and are not applicable to all properties in the proposed WHB zone.

KEY ISSUE 3: Workforce Home Business Option and Deed-Restrictions

In considering the mix of developed and undeveloped land within Subarea 7.2., staff carefully considered how additional subdivision could be entitled in a manner that would produce development consistent with the existing local, working family, residential character of the subarea as described in the Comprehensive Plan. As part of a Complete Neighborhood, subdivision of some of the large, undeveloped parcels in the subarea to residential lots of 1-5 acres is appropriate and consistent with the Comprehensive Plan direction. However, the market conditions that previously allowed for the development of Hog Island into a working family, home business neighborhood have changed. Unrestricted single-family lots large enough to support home business needs are no longer attainable to many of the locals who would otherwise use them to launch or expand small businesses. As the [2021 Year End Jackson Hole Real Estate Report](#) notes, the median listing price for residential vacant land was \$1.95 million in 2021, with only four properties actively listed for less than \$1 million. As stability of neighborhood character is a defining attribute of this subarea, methods for retention of the type of residents, services, and community character in the subarea are equally important to traditional zoning characteristics like lot size and allowed uses.

Staff believes that traditional, by-right subdivision will not produce lots that serve this community need or retain the existing character. New unrestricted, market rate, single-family lots are unlikely to serve local families and entrepreneurs. Consequently, staff's WHB zone proposal does not grant additional by-right subdivision beyond

what is currently entitled under existing zoning. Staff has created, however, a new development option, specific to the WHB zone called the Workforce Home Business Option, to allow for subdivision into 3 acre lots with the following requirements:

- **Restriction.** All net new lots created must be deed-restricted with an Affordable or Workforce restriction acceptable to the Jackson/Teton County Affordable Housing Department. The Workforce restriction does not limit an initial sales price, but it does restrict potential buyers or occupants to members of the Teton County workforce. This means that these households must earn a minimum of 75% of their income from a local business. The draft zoning language does not specify the terms of the restriction and leaves latitude for the Housing Department to work with the landowner to determine restrictions that meet community and Housing Department objectives and the needs of potential future landowners and tenants. Modifications to existing Housing Department restriction templates would need to be approved by the Board of County Commissioners. As noted in the Plan Review Committee comments from the Housing Department, there are different benefits to the Workforce ownership vs. Workforce rental restrictions that the Housing Department administers that could be more appropriate depending on the circumstances of the property owner. The Housing Department has not prepared a unique deed-restriction template specifically for these Workforce Home Business Option properties, however, if the Board determines that a special restriction is necessary to facilitate the viability of these workforce-restricted lots for local home businesses, then a new template, to be approved by the Board of County Commissioners, could be developed by the Housing Department at the Board's direction.
- **Sewer and Wastewater.** Given the documented water quality issues in Hog Island and, more generally, southern Teton County, the Workforce Home Business Option requires that new lots created with this tool either be connected to an existing sanitary sewer, or a sewage disposal facility installed by the subdivider. The installation of new individual septic tanks on these new, restricted lots is prohibited. The LDRs already require that development within 500' of an existing public sanitary sewer attempt to connect, and the presence of the sewer line running to Munger Mountain Elementary School means properties exercising this option would likely need to attempt to connect prior to pursuing a private system.
- **Limit on Habitable Floor Area.** A 3-acre lot under the proposed zoning would allow for just over 8,000 square feet of developable floor area. Most of the existing homes in the subarea are significantly smaller than 8,000 square feet, with many under 2,500 square feet. As the purpose of the WHB zone is to encourage both residential and home business opportunities in the subarea consistent with the scale and pattern of existing development, the WHB zone proposes that lots created using the WHB Option would be limited to 2,500 square feet of habitable floor area, with additional habitable floor area allowed as part of approved use permits for accessory uses.¹ 2,500 square feet is the threshold at which affordable housing mitigation fees are required for residential development in Teton County. The Planning Commission has recommended that this 2,500 square foot limit be raised to 3,000 square feet to allow for additional flexibility for larger families. This standard allows for construction of homes consistent with existing character while maintaining allowances for additional floor area to construct accessory structures, like shops, garages, and barns, to facilitate home business uses.

The Workforce Home Business Option allowance for subdivision into 3 acre lots is rooted in maintaining the stability of the existing character of the subarea and achieving opportunities for workforce housing and home

¹ "Habitable floor area is the floor area that can be used for living purposes, usually having access to heat, plumbing, and electricity. Habitable floor area includes studios, exercise rooms, offices, and similar spaces. It also includes foyers, hallways, restrooms, storage, and other common areas within a building. Habitable floor area does not include barns, garages, or unfinished attic space." Teton County Land Development Regulations Division 9.5.

business needs. Among lots less than 10 acres in the subarea, the median lot size is 2 acres, and the mean is 2.35 acres. Under the NC-TC and R-TC zoning, each residential lot can have up to 1 ARU (the 17 residential lots in the S-TC-zoned Hog Island subdivision cannot have ARUs under current zoning). The existing development pattern and entitlements have a density of approximately 1 unit per acre (1 primary residence + 1 ARU per 2 acres). The allowance for a second ARU in the WHB zone on 3 or more-acre properties is intended to maintain the density of 1 unit per acre, while providing additional opportunities for workforce and employee housing to support home businesses. A 3-acre lot size maintains the existing density proportion while providing for new lots with enough allowed floor area and site development to support home business uses with setbacks that buffer activities between neighbors. Within the subarea, [KDC Lane](#) provides an example of 3-acre lots with active home business uses that typify the character of the Hog Island area.

If fully exercised across the portions of the Robertson and Evans properties proposed to be rezoned to WHB, the Workforce Home Business Option could produce approximately 45 new 3-acre lots in the subarea. Deed-restrictions, sewer connections, and habitable floor area limitations would help to ensure that these new lots would serve as housing for the local workforce, limit impacts on local water quality, and provide the necessary space to support accessory nonresidential uses that serve the community while maintaining the existing scale and character of Hog Island.

Representatives of the Robertson family have raised concerns that the Workforce restrictions on the lots are not financially viable for the exercise of the Workforce Home Business Option. Staff has not conducted a financial analysis of Workforce-restricted 3-acre lots in this area, and a financial feasibility study was not budgeted for this project. This specific product does not exist in the County, so comparisons are not available.

KEY ISSUE 4: Workforce Housing Incentive Tools and the Community Growth Cap

The second Common Value of Community Character of the 2012 Comprehensive Plan is Growth Management. Specifically, the Comprehensive Plan states, *“to manage growth, we will not add to the overall amount of growth allowed and will direct growth into locations with the least habitat value and the most existing services.”* This growth management policy asks the community to consider the *amount, location, and type* of new development that will be allowed through zoning and other tools, given that the overall number of additional entitlements (for both units and nonresidential floor area) are limited by an overall cap on development potential, see Comprehensive Plan Policy 3.1.a.

At the beginning of 2021, the community had a pool of 2,148 units remaining to be entitled for future development allowances. Changes to the base zoning, in the form of “upzones” or “downzones” are ways that entitlements could be added or removed from the overall development potential pool. The WHB zoning as proposed does not entitle more units by-right than exist under current zoning. However, the WHB zone does propose two Workforce Housing incentive tools, which provide bonuses in the form of additional development allowances: 1) the second ARU allowance for residential primary uses and 2) the Workforce Home Business Option. Both are options that can be exercised by a property owner and have certain requirements, particularly the requirement that the extra units or lots created with these tools be restricted for Affordable or Workforce occupancy.

Because these additional entitlements are options with specific requirements, the potential development afforded by these tools will not be counted against the cap until they are exercised. This is consistent with how the Town of Jackson monitors and tracks its housing incentive bonus tools, which are codified in Division 7.8 Workforce Housing Incentive Program, of the Town of Jackson Land Development Regulations. When a property owner exercises one of these options and draws on entitlements beyond the allowance of the base zoning, those additional units are removed from the pool of remaining units at the time that they are approved. This also means, however, that these incentive tools, both in the WHB zone and in the Town of Jackson, are limited by the number of units remaining in the pool. In the future, if the pool of units has been depleted and current policies remain in place, then the incentive options would no longer be available. To codify this concept in the Teton County LDRs as it relates to the WHB incentive tools, AMD2021-0008 proposes to add language to Division 7.8. Workforce

Housing Incentive Program (currently reserved), borrowing from and consistent with the language currently in the Town of Jackson LDRs regarding this policy.

PLANNING COMMISSION ANALYSIS

The Planning Commission held a public hearing on February 14, 2022, on the LDR Text Amendment and Zoning Map Amendment applications. Four Planning Commissioners were present, with Commission Mateosky absent. Following the staff presentation, Commissioner Viehman asked for clarification on the Housing Department's restrictions, including how rentals are restricted. Staff noted that Workforce-restricted units allow for rental to qualified Teton County workforce households, but that there is no limit on the rent that can be charged. Commissioner Viehman asked why the 3-acre lots proposed under the Workforce Home Business zone are not proposed to be allowed by-right, without restrictions. Staff explained that the intent behind allowing for additional entitlements to density in the area is to allow for workforce home business and residential opportunities. Staff believes that 3-acre lots without restrictions will not be attainable to local residents and small business owners, and could likely be developed as vacation homes that do not serve the community. Commissioner Muromcew asked how the restrictions may impact a business owner's ability to house employees. Staff explained that the current Housing Department policy prohibits ownership of other residential real estate within 150 miles of Teton County, however, the ARUs allowed on the property could be used as employee rentals. Deputy County Attorney Gingery noted that this issue has been raised before but that the community generally supports this rule so that an occupant of a restricted unit does not also own real estate elsewhere that they are profiting from. He said that the Planning Commission could recommend a change to the current rules.

Commissioners Viehman and Muromcew asked about the Conditional Use Permit process for Home Business uses and why Basic Use Permit was not required instead. Staff explained with more intensive home business uses, which can vary in type and operations, it was difficult for staff to write iron clad standards to ensure that all issues and circumstances of a business could be addressed equitably as a staff level review. Staff noted that existing home businesses in the area have Conditional Use Permits and that the LDRs do allow for a Basic Use Permit for a Home Occupation, if the business wanted to get started at a smaller scale as a Home Occupation prior to expanding the Home Business with a Conditional Use Permit.

Commissioner Rockey questioned the 2,500 square foot habitable limit on residences created with the Workforce Home Business Option, raising a concern that a large family may be pressed for space with this limitation. Staff explained that the intention of the 2,500 square foot habitable limit is to encourage the development of homes that are similar in size and scale to existing character of the area while reserving additional non-habitable floor area for the development of workshops and barns to support home business needs. Staff further noted that the 2,500 square foot limit is based on the existing exemption for affordable housing mitigation fees in Teton County.

Commissioner Rockey asked what uses staff anticipates would require a higher noise allowance of 65 DBA. Staff replied that no noise measurements have been conducted in the area, however, the intention is to acknowledge that home business operations may be noisier than a purely residential, rural neighborhood and that some may already be above the current 55 DBA limit. Staff also noted that members of the public had complained about the noise impacts from construction, traffic, and truck brakes on South Highway 89.

Commissioners Lurie and Muromcew asked about water quality in the area. Commissioner Muromcew asked if all new development in the zone would require connection to sewer. Staff clarified that only lots created via the Workforce Home Business Option would be required to connect or have another sewage disposal system. Existing lots and properties not exercising this option may continue to use a traditional septic tank system. Commissioner Lurie asked if it was too early in the process to make additional water quality recommendations such as forming a wastewater district. Staff responded that the language and requirements included in the draft zoning concerning wastewater treatment were intentional, but that zoning may not be the appropriate venue for discussing creating an ISD.

Commissioner Viehman expressed support for the proposed zoning, noting that the County should incentivize development like this. She noted that existing entitlements are not going away but new options are being added.

Commissioner Rockey sought clarification that no one is obligated to have a home business on new lots created under the Workforce Home Business Option. Staff confirmed that there is no requirement for home businesses, although the intention of the zoning is to encourage them. She also noted that the Housing Department has a lot of control over this via the restriction. Deputy County Attorney Gingery stated that the Planning Commission could make a recommendation for a different habitable square footage limit than the 2,500 sf proposed by staff. He explained that the Board and Housing Department have established deed restriction templates to create consistency but noted that a different restriction template for this zone could be appropriate.

Commissioner Muromcew asked if there are other locations in the County that staff could envision applying this zone. Staff stated that one other area is directly across South Highway 89, which still has legacy zoning and a similar character. However, Subarea 7.2 does not include those properties, so they were not proposed for this rezoning.

The Planning Commissioners expressed support for raising the habitable floor area limit for properties created with the Workforce Home Business Option to 3,000 habitable square feet. Commissioner Lurie stated that she was more comfortable with the proposed 2,500 square foot limit.

The Planning Commission voted 4-0 on a recommendation for approval of AMD2021-0008, with the modification that the 2,500 habitable square foot limit for lots created with the Workforce Home Business Option be raised to 3,000 habitable square feet.

The Planning Commission voted 4-0 on a recommendation for approval of ZMA2021-0002.

STAKEHOLDER ANALYSIS

DEPARTMENTAL REVIEWS

A draft of the proposed WHB zone and Zoning Map Amendment was sent to the following departments for review. All reviews received from other departments and advisory agencies are attached.

- Teton County Engineer
- Teton County Sanitarian
- Teton County Attorney's Office
- Jackson/Teton County Affordable Housing Department
- Wyoming Department of Game and Fish
- Wyoming Department of Transportation
- Wyoming Department of Environmental Quality
- Teton County School District
- Teton Conservation District
- Teton County Weed and Pest

PUBLIC COMMENT

Notice of this hearing was mailed to property owners within the rezoning area and to property owners within 1,300 feet of the subject parcels. Planning staff hosted a neighborhood meeting to describe and kickoff the project on July 1, 2021, and an additional informational meeting on November 9, 2021, to introduce the first draft of the proposal. All written public comments received as of the publishing of this report are attached.

LEGAL REVIEW

Gingery

RECOMMENDATIONS

PLANNING DIRECTOR RECOMMENDATION

The Planning Director recommends **APPROVAL** of **AMD2021-0008**, as presented in the draft dated January 11, 2022, based on the findings recommended below.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommends **APPROVAL** of **AMD2021-0008**, as presented in the draft dated January 11, 2022, based on the findings as recommended by the Planning Director, with one condition:

1. That the maximum scale of use for lots created under the Workforce Home Business Option be 3,000 sf of habitable area.

PLANNING DIRECTOR & PLANNING COMMISSION RECOMMENDED FINDINGS

Pursuant to Section 8.7.1.C. of the Land Development Regulations, the advisability of amending the text of these LDRs is a matter committed to the legislative discretion of the Board of County Commissioners and is not controlled by any one factor. In deciding to adopt or deny a proposed LDR text amendment the Board of County Commissioners shall consider factors including, but not limited to, the extent to which the proposed amendment:

1. *Is consistent with the purposes and organization of the LDRs;*

Division 1.3: Purpose and Intent: *Based on the legislative discretion of the Board of County Commissioners, these LDRs are in accordance with the Jackson/Teton County Comprehensive Plan. Their purpose is to implement the Jackson/Teton County Comprehensive Plan and promote the health, safety, and general welfare of the present and future inhabitants of the community with the intent listed below.*

- 1.3.1. *Implement the Community Vision: Preserve and protect the area's ecosystem in order to ensure a healthy environment, community, and economy for current and future generations.*

- 1.3.2. *Implement the Common Values of Community Character*

A. Ecosystem Stewardship

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

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

B. Growth Management

1. *Direct future growth into a series of connected, Complete Neighborhoods in order to preserve critical habitat, scenery and open space in our Rural Areas.*
 2. *The Town of Jackson will continue to be the primary location for jobs, housing, shopping, educational, and cultural activities.*

C. Quality of Life

1. *Ensure a variety of workforce housing opportunities exist so that at least 65% of those employed locally also live locally.*
 2. *Develop a sustainable, vibrant, stable and diversified local economy.*
 3. *Residents and visitors will safely, efficiently, and economically move within our community and throughout the region using alternative modes of transportation.*
 4. *Timely, efficiently, and safely deliver quality services and facilities in a fiscally responsible and coordinated manner.*

- 1.3.3. *Implement the Illustration of Our Vision*

- A. *Achieve the desired future character identified for each Character District.*
 - B. *Implement the policy objectives for each Character District.*
 - C. *Achieve the character-defining features identified for each Subarea.*

- 1.3.4. *Predictable Regulations, Incentives, and Allowances*

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

- B. Ensure landowners, the public, and decision-makers know the amount, location, and type of growth to expect.
- C. Use data analysis and best practices to inform standards and implement the adaptive management philosophy of the Growth Management Program.

1.3.5. Coordination Between Jurisdictions

- A. Implement the joint Town/County Vision through coordinated, supportive actions.
- B. Maintain a common structure, format, and definitions in Town and County LDRs.

Div. 1.4. Organization of the LDRs: These LDRs constitute the County's zoning and subdivision regulations. They have two organizing principles. Primarily, they are organized by zone in order to implement and emphasize the community's character-based planning approach. Secondarily, to provide ease of use, they are organized to answer three questions:

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

Can Be Made. The WHB zone is the second Complete Neighborhood Character Zone developed for the County LDRs. The zone was developed to implement the Comprehensive Plan's Illustration of Our Vision for the Hog Island Home Business subarea and to support and enhance the character-defining features of the subarea (Workforce Housing, Wildlife Permeability, and Light Industrial Uses). The enhancements to the Home Business accessory use standards are designed to enhance predictability and to ensure clear expectations between home businesses and neighbors.

2. Improves the consistency of the LDRs with other provisions of the LDRs:

Can Be Made. The WHB zone follows the approach established by the Rural Character Zones to simplify standards for clarity and predictability. This includes switching from using Base Site Area and Adjusted Site Area to Gross Site Area in the calculation of Maximum Floor Area and Maximum Site Development. The addition of this Complete Neighborhood Character Zone to the LDRs is a step toward eliminating the remaining Legacy Zones in the LDRs and improving overall consistency among the zones.

3. Provides flexibility for landowners within standards that clearly define desired character:

Can Be Made. The WHB zone proposes additional zone-specific standards for accessory home business uses that allow for greater flexibility to meet the realistic needs of home businesses in the area. These include increased flexibility regarding storage of vehicles and materials, but with clearly defined requirements for screening and limits to maintain a residential character. Similarly, increased allowances for noise levels at the property line recognize the realities of operating a home business, but these noise allowances remain consistent with standards throughout the County and Town's Complete Neighborhood areas to ensure that noise is not a nuisance. Additionally, the enhancements to the calculations of Maximum Site Development and Maximum Floor Area in the WHB zone provide flexibility for landowners whose properties may be encumbered by easements or water. These enhancements also more clearly define how much development is allowed on a property by making it easy to calculate and by removing distinctions between properties with equal gross lot sizes.

4. Is necessary to address changing conditions or a public necessity and/or state or federal legislation:

Not applicable.

5. Improves implementation of the Comprehensive Plan; and

Can Be Made. The WHB zone is a Complete Neighborhood Character Zone designed to implement the Comprehensive Plan goals and vision. In addition to enhancing clarity and predictability of the zoning standards, the WHB zone was developed to achieve the character-defining features of the stable Subarea 7.2 and follow Comprehensive Plan policies and principles.

6. Is consistent with the other adopted County Resolutions.

Can Be Made. No apparent conflict or relationship to other County Resolutions was identified by staff in this review.

PLANNING DIRECTOR & PLANNING COMMISSION RECOMMENDATION

The Planning Director & Planning Commission recommend **APPROVAL** of **ZMA2021-0002** based on the findings recommended below.

PLANNING DIRECTOR & PLANNING COMMISSION RECOMMENDED FINDINGS

Pursuant to Section 8.7.2.C of the Land Development Regulations, the advisability of amending the Official Zoning Map is a matter committed to the legislative discretion of the Board of County Commissioners and is not controlled by any one factor. In deciding to adopt or deny a proposed zoning map amendment the Board of County Commissioners shall consider factors including, but not limited to, the extent to which the proposed amendment:

1. Is consistent with the purposes and organization of the LDRs:

Division 1.3: Purpose and Intent: Based on the legislative discretion of the Board of County Commissioners, these LDRs are in accordance with the Jackson/Teton County Comprehensive Plan. Their purpose is to implement the Jackson/Teton County Comprehensive Plan and promote the health, safety, and general welfare of the present and future inhabitants of the community with the intent listed below.

1.3.1. *Implement the Community Vision: Preserve and protect the area's ecosystem in order to ensure a healthy environment, community, and economy for current and future generations.*

1.3.2. *Implement the Common Values of Community Character*

A. *Ecosystem Stewardship*

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

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

B. *Growth Management*

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

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

C. *Quality of Life*

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

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

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

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

1.3.3. *Implement the Illustration of Our Vision*

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

B. *Implement the policy objectives for each Character District.*

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

1.3.4. *Predictable Regulations, Incentives, and Allowances*

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

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

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

1.3.5. Coordination Between Jurisdictions

- A. Implement the joint Town/County Vision through coordinated, supportive actions.
- B. Maintain a common structure, format, and definitions in Town and County LDRs.

Div. 1.4. Organization of the LDRs: These LDRs constitute the County's zoning and subdivision regulations. They have two organizing principles. Primarily, they are organized by zone in order to implement and emphasize the community's character-based planning approach. Secondarily, to provide ease of use, they are organized to answer three questions:

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

Can Be Made. The purpose of the Land Development Regulations is to implement the Jackson/Teton County Comprehensive Plan. This zoning map amendment is intended to apply the proposed new Workforce Home Business zone and existing Rural-1 and Rural-2 Character zones to properties in Subarea 7.2., which currently are zoned NC-TC, S-TC, and R-TC, which are Legacy Zones that predate the 2012 Comprehensive Plan. The WHB zone was developed and is proposed to be applied to properties in the subarea to implement the goals and vision described for the area in the Jackson/Teton Comprehensive Plan. The application of the WHB zone and other Character Zones throughout the County will eventually replace and remove the 1994 Legacy Zones, adding clarity and predictability for property owners and residents, ensuring that landowners, the public, and decisionmakers know the amount, location, and type of growth to expect.

2. Improves implementation of the desired future character defined in the Illustration of Our Vision chapter of the Comprehensive Plan:

Can Be Made. As discussed in Key Issue #1, application of the WHB, R-1, and R-2 zone to the subject properties improves implementation of the desired future character for Subarea 7.2. The WHB zone recognizes the subarea's stable character and allows for additional flexibility and entitlements to ensure that future development in the subarea supports the stability of that character. The R-1 and R-2 zones help preserve wildlife permeability and natural and scenic resource protection within sensitive areas of the subarea.

3. Is necessary to address changing conditions or a public necessity; and

Not applicable. This zoning map amendment is proposed to implement the direction and vision established in the 2012 Jackson/Teton County Comprehensive Plan and affirmed during the 2020 Comprehensive Plan Update. The proposal replaces the 1994 Legacy Zoning in place over most properties in Subarea 7.2 with new Character Zoning that was developed based on the Comprehensive Plan.

4. Is consistent with the other adopted County Resolutions.

Can Be Made. Staff finds that the proposal is consistent with other County Resolutions.

ATTACHMENTS

- Draft WHB Zone, dated January 11, 2022
- Draft Complete Redline of proposed LDR text amendment, dated January 11, 2022
- Draft proposed Zoning Map, dated January 11, 2022
- WHB Zoning Comparison Table
- Departmental Reviews
- Public Comment

SUGGESTED MOTIONS

LDR Text Amendment AMD2021-0008

I move to **APPROVE AMD2021-0008**, as presented in the draft dated January 11, 2022, to establish the Workforce Home Business (WHB) zone in Section 2.2.2 of the LDRs, being able to make the findings of LDR Section 8.7.1. as recommended by the Planning Director & Planning Commission.

Planning Commission's Suggested Condition:

1. That the maximum scale of use for Workforce Home Business Option lots be raised from 2,500 to 3,000 habitable square feet.

Zoning Map Amendment ZMA2021-0002

I move to **APPROVE ZMA2021-0002**, as presented in the draft zoning map dated January 11, 2022, to rezone the subject properties from Neighborhood Conservation, Suburban, and Rural to Workforce Home Business, Rural-1, and Rural-2, being able to make the findings of LDR Section 8.7.2 as recommended by the Planning Director & Planning Commission.

2.2.2. Workforce Home Business (WHB)

(AMD2021-0008)

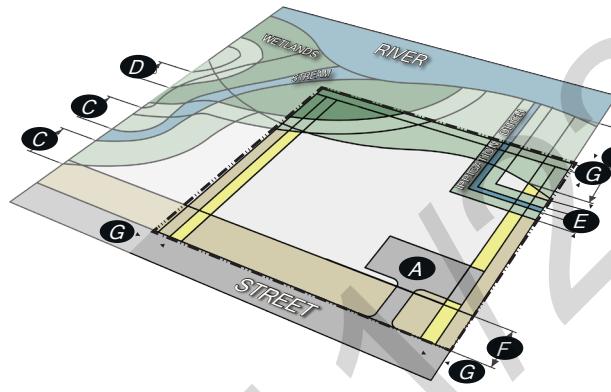
A. Intent

- Desired Future Character.** Future development and use that occurs in the Workforce Home Business (WHB) zone should allow for the exercise of property rights in a way that facilitates opportunities for workforce home businesses in a residential setting. Detached single-family residential is the preferred primary use with accessory home business uses and accessory residential units. Lots shall be large enough to accommodate more intense home business uses and accessory outbuildings while also providing for wildlife permeability and an abundance of landscape over built form.
- Existing Character.** The Workforce Home Business zone generally encompasses areas within Comprehensive Plan Subarea 7.2: Hog Island Home Business and includes a mix of developed residential lots with home businesses and larger agricultural holdings.
- Comprehensive Plan.** The Workforce Home Business zone is based primarily on Subarea 7.2 in 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)	GSA(0.11) + 5,619 sf	A
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Site Development Location

Wildlife Habitat	See NRO	(Sec. 5.2.1.)
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Scenic Viewsheds	See SRO	(Sec. 5.3.2.)
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Waterbodies/Wetlands		(Sec. 5.1.1.)
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River Setback(min)	150'	B
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Stream/Lake/Pond Setback(min)	50' - 150'	C
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Wetland Setback (min)	30'	D
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Irrigation Ditch		(7.7.4.D.)
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Irrigation Ditch Setback (min)	15'	E
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Street Setback (min. except driveway across street yard)		F
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GSA < 3 ac	25'	
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GSA ≥ 3 ac	50'	
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Side/Rear Setback (min)		G
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GSA < 3 ac	10'	
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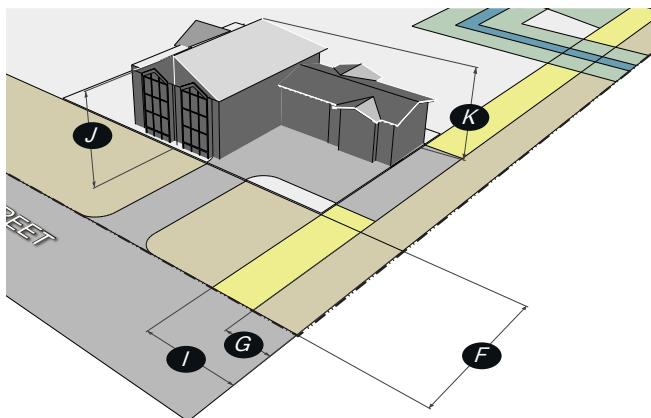
GSA ≥ 3 ac	20'	
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Landscaping	(Div. 5.5.)	
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per 10,000 sf floor area	1 pu	
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Parking lot	1 pu per 8 spaces	
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2. Structure Standards



Structure Location

Street Setback (min)	F
GSA < 3 ac	25'
GSA ≥ 3 ac	50'
Side/Rear Setback (min)	I
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	
GSA ≤ 10 ac	GSA(0.032) + 3,900 sf
Not to Exceed	10,000 sf
GSA > 10 ac	(GSA ac - 10)100 sf + 10,000 sf
Not to Exceed	15,000 sf
Single building (max)	10,000 sf
Hospital, Religious Institution, Daycare or School	Maximum determined by CUP

Structure Height [\(Sec. 9.4.9.\)](#)

Height: Any point (max)	30'	J
Height: Overall (max)	37.5'	K

Scenic Standards

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

Wildlife Friendly Fencing	Required	(Sec. 5.1.2.)
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Exterior Materials

External surfaces	Non-reflective
Colors	Earth tones

3. Environmental

Wild animal feeding	(Sec. 5.1.3.)
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Bear proof trash	(Sec. 5.2.2.)
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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
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Lumens per site (max)	
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All fixtures	60,000
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Unshielded fixtures	4,000
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Light Color	≤3000 Kelvin
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5. Natural Hazards to Avoid

Steep Slopes [\(Sec. 5.4.1.\)](#)

Development prohibited	Slopes >30%
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Unstable Soils

Fault Areas

Floodplains

Wildland Urban Interface

6. Signs

Allowed Signs (max)	Area (max)	Height (max)
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1 rustic freestanding or wall sign		
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Nonresidential	12 sf	6'
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Residential (unlighted)	4 sf	4'
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1 wall sign per home occupation/home business	2 sf	n/a
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7. Grading, Erosion, Stormwater

Grading [\(Sec. 5.7.2.\)](#)

Erosion Control [\(Sec. 5.7.3.\)](#)

Erosion shall be controlled at all times

Stormwater Management [\(Sec. 5.7.4.\)](#)

No increase in peak flow rate or velocity across property lines

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

9. Infrastructure						
Transportation Facilities (Div. 7.6.)						
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)	Connect to public sanitary sewer					
Workforce Home Business Option (E.4.)	Connect to sanitary sewer or provide sewage disposal facility					

C. Use

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

1. Allowed Uses					2. Use Requirements	
Use	Permit	GSA (min)	Density (max)	Scale (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Open Space						
Agriculture (6.1.3.B.)	Y	n/a	n/a	n/a	n/a	exempt
Outdoor Recreation (6.1.3.C.)	C	35 ac	n/a	n/a	independent calculation	independent calculation
Residential						
Detached Single-Family (6.1.4.B.)	Y	n/a	1/lot	8,000 sf habitable excluding basement & E.4.	2/du	0.000017*sf + (Exp(-15.49 + 1.59*Ln(sf)))/2.176
Commercial						
Nursery	C	35 ac	n/a	n/a	2/1,000 sf + 1/4,000 sf outdoor display area +1/comp- any vehicle + 1/employee	0.000188*sf

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.)

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.)
Amusement/Recreation						
Outfitter/Tour Operator (6.1.7.E.)	C	35 ac	n/a	n/a	independent calculation	independent calculation
Institutional						
Assembly (out of NRO) (6.1.8.B. & E.1.)	C	35 ac	n/a	n/a	independent calculation	independent calculation
Daycare/Education (out of NRO) (6.1.8.C. & E.1.)	C	35 ac	n/a	n/a	independent calculation	exempt (see 6.3.2.C.11 and 6.3.2.C.12)
Industrial						
Gravel Extraction/Processing (6.1.9.F.)	S	see 6.1.9.F.			1/employee	0.000107*sf
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.2.)	B	see 6.1.11.B. & E.2.			1.25/du	exempt
Home Occupation (6.1.11.D.)	B	n/a	1/du	25% of habitable du sf	n/a	exempt
Home Business (6.1.11.E. & E.3.)	C	n/a	1/du	25% of habitable du sf	1/employee & E.3.	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						
Christmas Tree Sales (6.1.12.B.)	Y	n/a	n/a	n/a	1/1,000 sf outdoor display area + 1/ employee	exempt
Real Estate Sales Office (6.1.12.C.)	B	n/a	n/a	n/a	3.3/1,000 sf	exempt
Temporary Shelter (6.1.12.D.)	B	n/a	1/lot	n/a	2/du	exempt
Farm Stand (6.1.12.E.)	B	n/a	n/a	n/a	5/1,000 sf display area	exempt
Temp. Gravel Extraction (6.1.12.F.)	B	n/a	n/a	15 ac	1/employee	exempt

Y=Use allowed, no use permit required

B=Basic Use Permit (Sec. 8.4.1)

C=Conditional Use Permit (Sec. 8.4.2.)

S=Special Use Permit (Sec. 8.4.3.)

1. Allowed Uses					2. Use Requirements	
Use	Permit	GSA (min)	Density (max)	Scale (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
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	65 DBA
Vibration	(Sec. 6.4.4.)
Electrical Disturbances	(Sec. 6.4.5.)
Fire and Explosive Hazards	(Sec. 6.4.6.)
Heat and Humidity	(Sec. 6.4.7.)
Radioactivity	(Sec. 6.4.8.)

D. Development Options and Subdivision

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

1. Allowed Development and Subdivision Options						
Option	Lot Size (min)	Rural Area (min)	Conserv. Area (min)	Develop. Area (max)	Density (max)	Additional Floor Area (max) Strds.
Subdivision Options						
Land Division	35 ac	--	--	--	--	-- (7.2.3.)
Development Options						
WHD Option	3 ac	--	--	--	1 du and 2 ARU per 3 ac	-- (7.8.2 & E.4.)
CN-PRD*	n/a	JH: 105 ac Alta: 70 ac	90% of Rural GSA	--	--	n/a (7.1.6.)
CN Development Area	n/a	--	--	1 ac per 19 ac Rural GSA	1 du per 4.375 ac Rural GSA	n/a
Reserved Rural Development Area	n/a	--	--	1 ac per 9 ac conserved	1 du per 35 ac Rural GSA	n/a
Floor Area Option	n/a	35 ac	90% of Rural GSA	n/a	2 additional ARU per 35 ac	10,000 sf per 35 ac (7.1.5.)
Rural PRD	n/a	>49 ac	Greater of: 70% of Rural GSA OR 49 ac	3 ac per 7 ac conserved	3 du per 35 ac	n/a (7.1.2)

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

2. Residential Subdivision Requirements	
Parks Exactions	(Sec. 7.5.2.)
Exaction land (min)	0.02 acres per housing unit or lot
School Exactions	
Exaction land (min)	0.01 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			X		X
Workforce Home Business Option		optional	X		X
Complete Neighborhood PRD		X	X		if subdivided
Floor Area Option				X	
Rural PRD		optional	X		if subdivided

E. Additional Zone-specific Standards

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

1. Conditional Uses.

- a. Setbacks for the conditional use shall be established through the CUP process to ensure compatibility of conditional use with surrounding context and character and to mitigate impacts of use on natural resources and/or neighboring residences.
- b. Prohibited in the NRO. Conditional institutional uses are prohibited within the NRO.

2. Accessory Residential Unit (ARU)

- a. **ARU Restriction and Floor Area Exemption.** Any ARU that is subject to an affordable or workforce deed restriction acceptable to the Jackson/Teton County Affordable Housing Department shall be exempt from FAR, maximum floor area calculation, and scale of use maximums associated with the primary use.
- b. 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.** One ARU shall be permitted accessory to a detached single family unit. A second ARU shall be permitted accessory to a detached single-family unit provided the following standards are met.
 - a). **Gross Site Area.** Gross Site Area shall be at least 3 acres.
 - b). **Attached.** At least one of the ARUs shall be attached to another structure on the site.

- c). **Restriction.** One of the ARUs shall be subject to an affordable or workforce rental restriction acceptable to the Jackson/Teton County Affordable Housing Department.
- d). **Limit on Incentive.** Approval of a second ARU shall not increase the amount of residential development allowed in the Town and County above the amount allowed and planned for since 1994, see Sec. 7.8.2.
- c. **Primary use non-residential.**
 - i. **Maximum Scale.** An ARU accessory to a non-residential use shall not exceed 850 sf of gross floor area including basement floor area.
 - ii. The floor area of an ARU accessory to a non-residential use shall be exempt from FAR and maximum floor area calculations.
 - iii. **Restriction.** The unit shall be subject to a deed-restriction administered by the Jackson/Teton County Affordable Housing Department and recorded with the County Clerk.
 - iv. **Density.** The maximum number of ARUs accessory to a nonresidential use shall be determined based on the definition of Accessory Use (6.1.2.B.3.).
- 3. **Home Business.** The following standards apply to accessory home business uses, in addition to the standards in 6.1.11.E. Where standards are in conflict, these zone-specific standards shall apply.
 - a. **Operations Plan.** A home business use shall be subject to an operations plan approved as part of its use permit. The purpose of the operations plan is to outline business operations to provide clarity and predictability regarding the impacts of the home business on neighborhood character. Amendments to an operations plan qualifying as minor deviations (8.2.13.B.2.) may be approved by the Planning Director. The operations plan shall address the following, if applicable:
 - i. How the proposed use will comply with the standards of this section (E.3.) and 6.1.11.E.,
 - ii. Anticipated noise, waste and wastewater disposal, and environmental impacts and mitigation plan,
 - iii. Site plan, including locations of screening, parking, storage, business operations and water sources,
 - iv. Parking and vehicle storage,
 - v. Material storage and management, including locations, maximum quantities, types and compositions of materials, and best practices for hazardous and toxic material storage,
 - vi. Hours of operation.
 - b. **Hours of Operation.** Hours of operation shall be established through the CUP process and shall not exceed 7:00 am to 10:00 pm.
 - c. **Storage.** Vehicles and materials associated with the business shall be stored in structures or screened according to the following standards.
 - i. **Materials.**
 - a). Outdoor area occupied by stored materials shall not exceed 2,000 sf and shall be designated as part of the operations plan and use permit approval.
 - b). Maximum height of materials stored outdoors shall not exceed 3 feet.

- c). Materials shall not be stored within setbacks and shall be located in a way that is visually unobtrusive from the road and adjoining parcels.
- d). Materials stored outdoors shall be screened with native landscaping.
- e). Hazardous materials shall be stored on an impermeable surface, such as a concrete pad, to prevent spilled materials from entering groundwater.
- f). Hazardous materials shall not be stored inside of a structure that is attached to a dwelling unit.

- ii. **Commercial Vehicles.**
 - a). Passenger vehicles, including mini-vans, pick-up trucks and SUVs, may be stored in outdoor parking areas, designated as part of the operations plan, located to the rear of a structure or in another location that is visually unobtrusive.
 - b). Designated parking areas shall be screened with native landscaping.
 - c). All other commercial vehicles shall be stored inside of buildings overnight and when not in use.

4. **Subdivision and Development Options**

- a. **Workforce Home Business Option.** This incentive tool shall allow for subdivision of land to a higher density than allowed by the base land division allowance in order to produce restricted lots intended to accommodate the needs of home businesses.
 - i. **Applicability.** The following standards apply to any new lot created with the Workforce Home Business Option.
 - a). One designated new lot of record may be exempt from the restriction, use, scale of use, and wastewater standards below.
 - b). Additionally, except as modified in this Section, all subdivision standards and requirements of Article 7 shall apply.
 - ii. **Minimum Lot Size.** All new lots of record shall have a 3 acre minimum lot size.
 - iii. **Restriction.** New lots shall be subject to an affordable or workforce deed restriction acceptable to the Jackson/Teton County Housing Department and recorded with the County Clerk at the time of subdivision. One new lot may remain unrestricted if the lot to be subdivided is unrestricted.
 - iv. **Use.** The principal use shall be detached-single family residential.
 - v. **Maximum Scale of Residential Use.** The principal residential use shall not exceed 2,500 square feet of habitable floor area, excluding basement floor area, except that additional habitable floor area for accessory home occupation, home business, family home daycare and home daycare center uses with approved use permits shall be allowed. In all cases, the maximum habitable floor area, excluding basement floor area, shall not exceed 8,000 sf.
 - vi. **Wastewater.** The subdivider shall connect new lots to a public sanitary sewer or install a sewage disposal facility reviewed by the County Sanitarian or the Wyoming Department of Environmental Quality for wastewater treatment. Individual septic tanks shall be prohibited. The proposed sewage treatment system shall be submitted for initial review prior to approval of the Development Plan.
 - vii. **Limits on Incentive.** Approval of any new lot shall not increase the amount of residential development allowed in the Town and County above the amount allowed and planned for since 1994, see Sec. 7.8.2.

Article 2. Complete Neighborhood Zones

Div. 2.1. All Complete Neighborhood Zones (1/1/15)	2-2
Div. 2.2. Complete Neighborhood Character Zones.....	2-2
2.2.1. Neighborhood Residential-1(NR-1) (5/3/21)	2-4
2.2.2. <u>Workforce Home Business (WHB) (AMD2021-0008)</u>	2-10
Div. 2.3. Complete Neighborhood Legacy Zones.....	2-18
2.3.1. Auto Urban Commercial - County (AC-TC) Zone (1/4/21)	2-18
2.3.2. Auto Urban Residential - County (AR-TC) Zone (1/4/21)	2-27
2.3.3. Wilson Commercial (WC) Zone (1/4/21)	2-33
2.3.4. Office Professional - County (OP-TC) Zone (1/4/21)	2-44
2.3.5. Business Park - County (BP-TC) Zone (1/4/21)	2-50

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

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

- A. Neighborhood Residential-1 (NR-1)
- B. [Workforce Home Business \(WHB\)](#)

2.2.2. Workforce Home Business (WHB)

(AMD2021-0008)

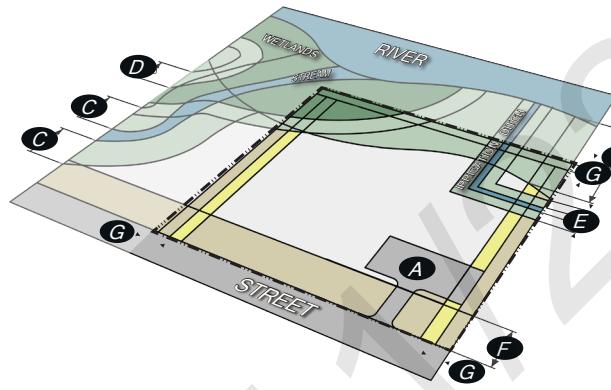
A. Intent

- Desired Future Character.** Future development and use that occurs in the Workforce Home Business (WHB) zone should allow for the exercise of property rights in a way that facilitates opportunities for workforce home businesses in a residential setting. Detached single-family residential is the preferred primary use with accessory home business uses and accessory residential units. Lots shall be large enough to accommodate more intense home business uses and accessory outbuildings while also providing for wildlife permeability and an abundance of landscape over built form.
- Existing Character.** The Workforce Home Business zone generally encompasses areas within Comprehensive Plan Subarea 7.2: Hog Island Home Business and includes a mix of developed residential lots with home businesses and larger agricultural holdings.
- Comprehensive Plan.** The Workforce Home Business zone is based primarily on Subarea 7.2 in 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) $GSA(0.11) + 5,619 \text{ sf}$ A

Site Development Location

Wildlife Habitat See NRO (Sec. 5.2.1)

Scenic Viewsheds See SRO (Sec. 5.3.2)

Waterbodies/Wetlands (Sec. 5.1.1)

River Setback(min) 150' B

Stream/Lake/Pond 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

$GSA < 3 \text{ ac}$ 25' G

$GSA \geq 3 \text{ ac}$ 50' G

Side/Rear Setback (min) G

$GSA < 3 \text{ ac}$ 10' G

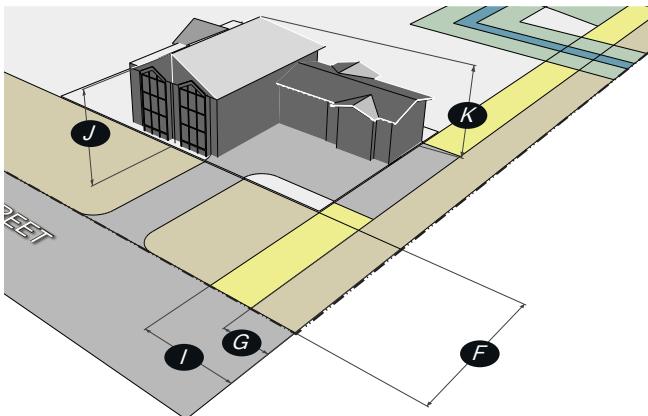
$GSA \geq 3 \text{ ac}$ 20' G

Landscaping (Div. 5.5.)

per 10,000 sf floor area 1 pu

Parking lot 1 pu per 8 spaces

2. Structure Standards



Structure Location

Street Setback (min)	F
GSA < 3 ac	25'
GSA ≥ 3 ac	50'
Side/Rear Setback (min)	I
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	
GSA ≤ 10 ac	GSA(0.032) + 3,900 sf
Not to Exceed	10,000 sf
GSA > 10 ac	(GSA ac - 10)100 sf +10,000 sf
Not to Exceed	15,000 sf
Single building (max)	10,000 sf
Hospital, Religious Institution, Daycare or School	Maximum determined by CUP

Structure Height

Height: Any point (max)	30'	J
Height: Overall (max)	37.5'	K

Scenic Standards

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

Wildlife Friendly Fencing	Required	(Sec. 5.1.2.)
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Exterior Materials

External surfaces	Non-reflective
Colors	Earth tones

3. Environmental

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

Light trespass is prohibited.	(Sec. 5.3.1.)
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All lights over 600 initial lumens shall be fully shielded.

Lumens per sf of site development (max)	1.5
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Lumens per site (max)	
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All fixtures	60,000
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Unshielded fixtures	4,000
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Light Color	≤3000 Kelvin
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5. Natural Hazards to Avoid

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

Allowed Signs (max)	Area (max)	Height (max)
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1 rustic freestanding or wall sign		
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Nonresidential	12 sf	6'
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Residential (unlighted)	4 sf	4'
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1 wall sign per home occupation/home business	2 sf	n/a
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7. Grading, Erosion, Stormwater

Grading	(Sec. 5.7.2.)
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Erosion Control	(Sec. 5.7.3.)
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Erosion shall be controlled at all times

Stormwater Management	(Sec. 5.7.4.)
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No increase in peak flow rate or velocity across property lines

8. Required Physical Development Permits

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

9. Infrastructure

Transportation Facilities

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

Water (required)	Connection to public supply, installation of central supply, or evidence of individual well
Sewer (required)	Connect to public sanitary sewer
0-500' from public sanitary sewer	
Workforce Home Business Option (E.4.)	Connect to sanitary sewer or provide sewage disposal facility

C. Use

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

1. Allowed Uses					2. Use Requirements	
Use	Permit	GSA (min)	Density (max)	Scale (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Open Space						
Agriculture (6.1.3.B.)	Y	n/a	n/a	n/a	n/a	exempt
Outdoor Recreation (6.1.3.C.)	C	35 ac	n/a	n/a	independent calculation	independent calculation
Residential						
Detached Single-Family (6.1.4.B.)	Y	n/a	1/lot	8,000 sf habitable excluding basement & E.4.	2/du	0.000017*sf + (Exp(-15.49 + 1.59*Ln(sf)))/2.176
Commercial						
Nursery	C	35 ac	n/a	n/a	2/1,000 sf + 1/4,000 sf outdoor display area +1/comp- any vehicle + 1/employee	0.000188*sf

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.)

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.)
<u>Amusement/Recreation</u>						
<u>Outfitter/Tour Operator (6.1.7.E.)</u>	C	35 ac	n/a	n/a	independent calculation	independent calculation
<u>Institutional</u>						
<u>Assembly (out of NRO) (6.1.8.B. & E.1.)</u>	C	35 ac	n/a	n/a	independent calculation	independent calculation
<u>Daycare/Education (out of NRO) (6.1.8.C. & E.1.)</u>	C	35 ac	n/a	n/a	independent calculation	exempt (see 6.3.2.C.11 and 6.3.2.C.12)
<u>Industrial</u>						
<u>Gravel Extraction/Processing (6.1.9.F.)</u>	S	see 6.1.9.F.		1/employee		0.000107*sf
<u>Transportation/Infrastructure</u>						
<u>Utility Facility (6.1.10.C.)</u>	C	n/a	n/a	n/a	1/employee + 1/ stored vehicle	0.000107*sf
<u>Wireless Communications</u>	see 6.1.10.D.		1/employee + 1/ stored vehicle		0.000107*sf	
<u>Accessory Uses</u>						
<u>Accessory Residential Unit (6.1.11.B., E.2.)</u>	B	see 6.1.11.B. & E.2.		1.25/du		exempt
<u>Home Occupation (6.1.11.D.)</u>	B	n/a	1/du	25% of habitable du sf	n/a	exempt
<u>Home Business (6.1.11.E. & E.3.)</u>	C	n/a	1/du	25% of habitable du sf	1/employee & E.3.	exempt
<u>Family Home Daycare (6.1.11.F.)</u>	B	n/a	1/du	care for 3-6 persons	1/employee + 1 off-street pick-up/ drop-off	exempt
<u>Home Daycare Center (6.1.11.G.)</u>	C	n/a	n/a	care for 7-11 persons	1/employee + 2 off-street pick-up/ drop-off	exempt
<u>Temporary Uses</u>						
<u>Christmas Tree Sales (6.1.12.B.)</u>	Y	n/a	n/a	n/a	1/1,000 sf outdoor display area + 1/ employee	exempt
<u>Real Estate Sales Office (6.1.12.C.)</u>	B	n/a	n/a	n/a	3.3/1,000 sf	exempt
<u>Temporary Shelter (6.1.12.D.)</u>	B	n/a	1/lot	n/a	2/du	exempt
<u>Farm Stand (6.1.12.E.)</u>	B	n/a	n/a	n/a	5/1,000 sf display area	exempt
<u>Temp. Gravel Extraction (6.1.12.F.)</u>	B	n/a	n/a	15 ac	1/employee	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.)

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.)
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	
<u>Outside Storage</u>	(Sec. 6.4.1.)
<u>Refuse and Recycling</u>	(Sec. 6.4.2.)
<u>Trash and recycling enclosure required</u>	
<u>Noise</u>	(Sec. 6.4.3.)
<u>Max sound level at property line</u>	65 DBA
<u>Vibration</u>	(Sec. 6.4.4.)
<u>Electrical Disturbances</u>	(Sec. 6.4.5.)
<u>Fire and Explosive Hazards</u>	(Sec. 6.4.6.)
<u>Heat and Humidity</u>	(Sec. 6.4.7.)
<u>Radioactivity</u>	(Sec. 6.4.8.)

D. Development Options and Subdivision

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

1. Allowed Development and Subdivision Options							
Option	Lot Size (min)	Rural Area (min)	Conserv. Area (min)	Develop. Area (max)	Density (max)	Additional Floor Area (max)	Strds.
<u>Subdivision Options</u>							
Land Division	35 ac	=	=	=	=	=	(7.2.3.)
<u>Development Options</u>							
WHD Option	3 ac	=	=	=	1 du and 2 ARU per 3 ac	=	(7.8.2 & E.4.)
CN-PRD*	n/a	JH: 105 ac Alta: 70 ac	90% of Rural GSA	=	=	n/a	(7.1.6.)
CN Development Area	n/a	=	=	1 ac per 19 ac Rural GSA	1 du per 4.375 ac Rural GSA	n/a	
Reserved Rural Development Area	n/a	=	=	1 ac per 9 ac conserved	1 du per 35 ac Rural GSA	n/a	
Floor Area Option	n/a	35 ac	90% of Rural GSA	n/a	2 additional ARU per 35 ac	10,000 sf per 35 ac	(7.1.5.)
Rural PRD	n/a	>49 ac	Greater of: 70% of Rural GSA OR 49 ac	3 ac per 7 ac conserved	3 du per 35 ac	n/a	(7.1.2)

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

2. Residential Subdivision Requirements

<u>Parks Exactions</u>	(Sec. 7.5.2.)
Exaction land (min)	0.02 acres per housing unit or lot
<u>School Exactions</u>	(Sec. 7.5.3.)
Exaction land (min)	0.01 acres per housing unit or lot
3. Infrastructure	
<u>Transportation Facilities</u>	(Div. 7.6.)
<u>Required Utilities</u>	(Div. 7.7.)

4. Permits Required

<u>Physical Development</u>	<u>Planned Unit Development</u> (Sec. 8.7.3.)	<u>Sketch Plan</u> (Sec. 8.3.1.)	<u>Development Plan</u> (Sec. 8.3.2.)	<u>Development Option Plan</u> (Sec. 8.5.2.)	<u>Subdivision Plat</u> (Sec. 8.5.3.)
Land Division			X		X
Workforce Home Business Option		optional	X		X
Complete Neighborhood PRD		X	X		if subdivided
Floor Area Option				X	
Rural PRD	optional		X		if subdivided

E. Additional Zone-specific Standards

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

1. Conditional Uses.

- a. Setbacks for the conditional use shall be established through the CUP process to ensure compatibility of conditional use with surrounding context and character and to mitigate impacts of use on natural resources and/or neighboring residences.
- b. Prohibited in the NRO. Conditional institutional uses are prohibited within the NRO.

2. Accessory Residential Unit (ARU)

- a. ARU Restriction and Floor Area Exemption. Any ARU that is subject to an affordable or workforce deed restriction acceptable to the Jackson/Teton County Affordable Housing Department shall be exempt from FAR, maximum floor area calculation, and scale of use maximums associated with the primary use.
- b. 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. One ARU shall be permitted accessory to a detached single family unit. A second ARU shall be permitted accessory to a detached single-family unit provided the following standards are met.
 - a). Gross Site Area. Gross Site Area shall be at least 3 acres.
 - b). Attached. At least one of the ARUs shall be attached to another structure on the site.

- c. Restriction. One of the ARUs shall be subject to an affordable or workforce rental restriction acceptable to the Jackson/Teton County Affordable Housing Department.
- d. Limit on Incentive. Approval of a second ARU shall not increase the amount of residential development allowed in the Town and County above the amount allowed and planned for since 1994, see Sec. 7.8.2.
- c. Primary use non-residential.
 - i. Maximum Scale. An ARU accessory to a non-residential use shall not exceed 850 sf of gross floor area including basement floor area.
 - ii. The floor area of an ARU accessory to a non-residential use shall be exempt from FAR and maximum floor area calculations.
 - iii. Restriction. The unit shall be subject to a deed-restriction administered by the Jackson/Teton County Affordable Housing Department and recorded with the County Clerk.
 - iv. Density. The maximum number of ARUs accessory to a nonresidential use shall be determined based on the definition of Accessory Use (6.1.2.B.3.).
- 3. Home Business. The following standards apply to accessory home business uses, in addition to the standards in 6.1.11.E. Where standards are in conflict, these zone-specific standards shall apply.
 - a. Operations Plan. A home business use shall be subject to an operations plan approved as part of its use permit. The purpose of the operations plan is to outline business operations to provide clarity and predictability regarding the impacts of the home business on neighborhood character. Amendments to an operations plan qualifying as minor deviations (8.2.13.B.2.) may be approved by the Planning Director. The operations plan shall address the following, if applicable:
 - i. How the proposed use will comply with the standards of this section (E.3.) and 6.1.11.E..
 - ii. Anticipated noise, waste and wastewater disposal, and environmental impacts and mitigation plan.
 - iii. Site plan, including locations of screening, parking, storage, business operations and water sources.
 - iv. Parking and vehicle storage.
 - v. Material storage and management, including locations, maximum quantities, types and compositions of materials, and best practices for hazardous and toxic material storage.
 - vi. Hours of operation.
 - b. Hours of Operation. Hours of operation shall be established through the CUP process and shall not exceed 7:00 am to 10:00 pm.
 - c. Storage. Vehicles and materials associated with the business shall be stored in structures or screened according to the following standards.
 - i. Materials.
 - a). Outdoor area occupied by stored materials shall not exceed 2,000 sf and shall be designated as part of the operations plan and use permit approval.
 - b). Maximum height of materials stored outdoors shall not exceed 3 feet.

- c). Materials shall not be stored within setbacks and shall be located in a way that is visually unobtrusive from the road and adjoining parcels.
- d). Materials stored outdoors shall be screened with native landscaping.
- e). Hazardous materials shall be stored on an impermeable surface, such as a concrete pad, to prevent spilled materials from entering groundwater.
- f). Hazardous materials shall not be stored inside of a structure that is attached to a dwelling unit.
- ii. Commercial Vehicles.
 - a). Passenger vehicles, including mini-vans, pick-up trucks and SUVs, may be stored in outdoor parking areas, designated as part of the operations plan, located to the rear of a structure or in another location that is visually unobtrusive.
 - b). Designated parking areas shall be screened with native landscaping.
 - c). All other commercial vehicles shall be stored inside of buildings overnight and when not in use.

4. Subdivision and Development Options

- a. Workforce Home Business Option. This incentive tool shall allow for subdivision of land to a higher density than allowed by the base land division allowance in order to produce restricted lots intended to accommodate the needs of home businesses.
 - i. Applicability. The following standards apply to any new lot created with the Workforce Home Business Option.
 - a). One designated new lot of record may be exempt from the restriction, use, scale of use, and wastewater standards below.
 - b). Additionally, except as modified in this Section, all subdivision standards and requirements of Article 7 shall apply.
 - ii. Minimum Lot Size. All new lots of record shall have a 3 acre minimum lot size.
 - iii. Restriction. New lots shall be subject to an affordable or workforce deed restriction acceptable to the Jackson/Teton County Housing Department and recorded with the County Clerk at the time of subdivision. One new lot may remain unrestricted if the lot to be subdivided is unrestricted.
 - iv. Use. The principal use shall be detached-single family residential.
 - v. Maximum Scale of Residential Use. The principal residential use shall not exceed 2,500 square feet of habitable floor area, excluding basement floor area, except that additional habitable floor area for accessory home occupation, home business, family home daycare and home daycare center uses with approved use permits shall be allowed. In all cases, the maximum habitable floor area, excluding basement floor area, shall not exceed 8,000 sf.
 - vi. Wastewater. The subdivider shall connect new lots to a public sanitary sewer or install a sewage disposal facility reviewed by the County Sanitarian or the Wyoming Department of Environmental Quality for wastewater treatment. Individual septic tanks shall be prohibited. The proposed sewage treatment system shall be submitted for initial review prior to approval of the Development Plan.
 - vii. Limits on Incentive. Approval of any new lot shall not increase the amount of residential development allowed in the Town and County above the amount allowed and planned for since 1994, see Sec. 7.8.2.

Article 4. Special Purpose Zones

Div. 4.1. All Special Purpose Zones (1/1/15)	4-2
Div. 4.2. Civic Zones	4-2
4.2.1. Public/Semi-Public - County (P/SP-TC) Zone (1/4/21)	4-3
4.2.2. Park and Open Space - County (P-TC) Zone (1/4/21)	4-9
Div. 4.3. Planned Resort Zones	4-14
4.3.1. All Planned Resort Zones (1/4/21)	4-14
4.3.2. Snow King (1/1/15)	4-30
4.3.3. Teton Village I (1/1/15)	4-30
4.3.4. Teton Village II (1/5/15)	4-34
4.3.5. Jackson Hole Golf and Tennis Club (1/4/21)	4-36
4.3.6. Snake River Canyon Ranch (1/4/21)	4-39
4.3.7. Grand Targhee (1/4/21)	4-41
Div. 4.4. Planned Unit Development Zones	4-46
4.4.1. All PUD Zones (5/3/21AMD2021-0008)	4-46

Div. 4.4. Planned Unit Development Zones

4.4.1. All PUD Zones ([5/3/21AMD2021-0008](#))

A. Purpose

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

B. Applicability

The standards of this Section apply to:

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

C. Content of a PUD

A PUD is the equivalent of the zone-specific standards found in [Article 2](#), and [Article 3](#).

A PUD is not intended to have the level of detail of a physical development plan. A PUD shall include:

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

D. Development of a PUD

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

E. Establishment of a New PUD

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

F. Amendment of an Existing PUD or Other Special Project

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

G. PUD Option Schedule

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

County Character Zones - PUD Options				
Complete Neighborhood Zones		Rural Area Zones		
NR-1	WHD	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												

Article 5. Physical Development Standards Applicable in All Zones

Div. 5.1. General Environmental Standards.....	5-2
5.1.1. Waterbody and Wetland Buffers (1/4/21)	5-2
5.1.2. Wildlife Friendly Fencing (12/8/21)	5-5
5.1.3. Wild Animal Feeding (4/1/16)	5-9
5.1.4. Air Quality (7/19/16)	5-10
5.1.5. Water Quality (1/1/15).....	5-12
5.1.6. Manmade Features (1/4/21).....	5-12
Div. 5.2. Environmental Standards Applicable in Specific Areas	5-17
5.2.1. Natural Resources Overlay (NRO) Standards (5/3/21).....	5-17
5.2.2. Bear Conflict Area Standards (1/4/21).....	5-38
Div. 5.3. Scenic Standards	5-40
5.3.1. Exterior Lighting Standards (5/3/21AMD2021-0008)	5-40
5.3.2. Scenic Resources Overlay (SRO) Standards (5/3/21).....	5-44
Div. 5.4. Natural Hazard Protection Standards	5-55
5.4.1. Steep Slopes (1/1/17).....	5-55
5.4.2. Unstable Soils (1/1/15).....	5-55
5.4.3. Faults (1/1/15).....	5-56
5.4.4. Floodplains (1/1/15).....	5-56
5.4.5. Wildland Urban Interface (1/1/15)	5-56
Div. 5.5. Landscaping Standards	5-57
5.5.1. Purpose (1/1/15).....	5-57
5.5.2. Landscape Plan (1/1/15)	5-57
5.5.3. Required Plant Units (5/3/21AMD2021-0008)	5-58
5.5.4. General Landscaping Standards (1/1/17).....	5-61
5.5.5. Installation and Maintenance (1/1/15)	5-62
Div. 5.6. Sign Standards.....	5-63
5.6.1. Town Sign Standards (1/1/15).....	5-63
5.6.2. County Sign Standards (1/1/17).....	5-63
Div. 5.7. Grading, Erosion Control, and Stormwater Management	5-75
5.7.1. Purpose and Applicability (1/1/17)	5-75
5.7.2. Grading Standards (8/7/18)	5-77
5.7.3. Erosion Control Standards (1/1/15).....	5-80
5.7.4. Stormwater Management Standards (1/1/15).....	5-81
Div. 5.8. Design Guidelines (1/1/15).....	5-85

Div. 5.3. Scenic Standards

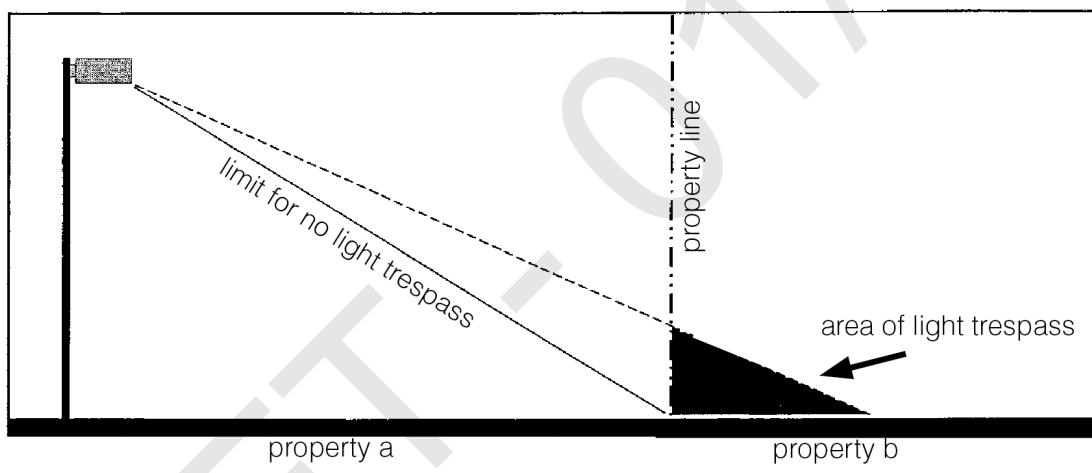
The purpose of this Division is to maintain the scenic resources of the community.

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 (5/3/21AMD2021-0008)

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.

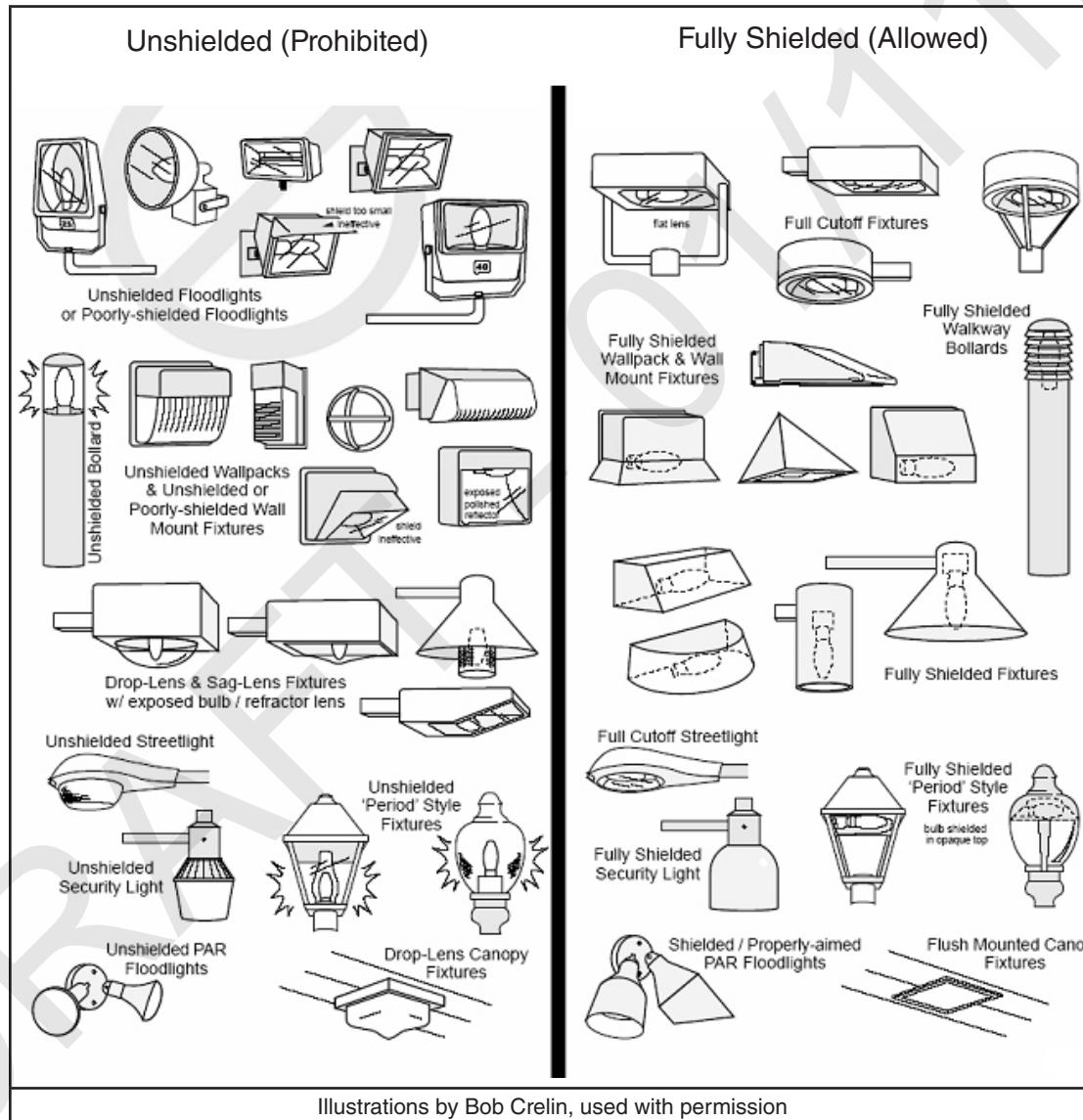
1. Exempt Lighting

- Lighting in the public right of way.
- Open flame gas lamps.
- Flagpole lighting that is shielded and directed downward from the top of the flagpole.
- Underwater lighting in swimming pools and other water features
- Lighting that is only used by emergency response personnel
- 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.



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
R-1, R-2, R-3, NR-1, <u>WHD</u> , NC-TC, S-TC, R-TC	1.5
Maximum lumens per site	
AC-TC, AR-TC, WC, OP-TC, BP-TC, BC-TC, MHP-TC, P/SP-TC, P-TC	100,000
R-1, R-2, R-3, NR-1, <u>WHD</u> , NC-TC, S-TC, R-TC	60,000

- 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, <u>WHD</u> , 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,

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 (5/3/21AMD2021-0008)

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.

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

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

C. Parking Lot Requirements

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

Zone	Use			
	Agriculture	Residential	Institutional	All Other Uses
R	0	--	--	1 per 8 spaces
NR-1	--	--	--	1 per 8 spaces
<u>WHB</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>1 per 8 spaces</u>
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.

1. **Standard Plant Units.** Three standard plant unit alternatives are identified in the table below. Any one or a combination of the alternatives may be used. Some of the alternatives, however, may be required upon review of the proposed landscape plan.

Article 6. Use Standards Applicable in All Zones

Div. 6.1. Allowed Uses	6-2
6.1.1. Use Schedule (5/3/21AMD2021-0008)	6-2
6.1.2. Classification of Uses (1/4/21).....	6-7
6.1.3. Open Space Uses (1/4/21)	6-9
6.1.4. Residential Uses (1/1/17)	6-14
6.1.5. Lodging Uses (1/4/21)	6-16
6.1.6. Commercial Uses (1/1/17).....	6-19
6.1.7. Amusement and Recreation Uses (4/1/16).....	6-22
6.1.8. Institutional Uses (1/4/21).....	6-23
6.1.9. Industrial Uses (1/4/21).....	6-26
6.1.10. Transportation and Infrastructure Uses (5/3/21AMD2021-0008)	6-32
6.1.11. Accessory Uses (3/9/20).....	6-53
6.1.12. Temporary Uses (1/4/21).....	6-60
Div. 6.2. Parking and Loading Standards	6-68
6.2.1. Purpose (1/1/15).....	6-68
6.2.2. Required Parking and Loading (7/18/18)	6-68
6.2.3. Location of Required Parking (1/1/15)	6-72
6.2.4. Maintenance of Off-Street Parking and Loading (1/1/15).....	6-72
6.2.5. Off-Street Parking and Loading Design Standards (5/3/21AMD2021-0008)	6-73
Div. 6.3. Affordable Workforce Housing Standards.....	6-78
6.3.1. Purpose and Findings (7/18/18).....	6-78
6.3.2. Applicability (1/4/21)	6-80
6.3.3. Amount of Affordable Workforce Housing Required (1/5/21)	6-83
6.3.4. Type of Affordable Workforce Housing Required (7/18/18)	6-88
6.3.5. Method for Providing Required Affordable Workforce Housing (5/3/21AMD2021-0008)	6-90
6.3.6. Housing Mitigation Plan and Housing Mitigation Agreement (7/18/18).....	6-97
Div. 6.4. Operational Standards	6-100
6.4.1. Outside Storage (1/4/21)	6-100
6.4.2. Refuse and Recycling (7/19/16).....	6-101
6.4.3. Noise (5/3/21)	6-102
6.4.4. Vibration (7/19/16).....	6-103
6.4.5. Electrical Disturbances (7/19/16).....	6-103
6.4.6. Fire and Explosive Hazards (1/1/15)	6-103
6.4.7. Heat and Humidity (4/1/16)	6-103
6.4.8. Radioactivity (1/1/15).....	6-104
6.4.9. Other Prohibitions (7/19/16)	6-104

Div. 6.1. Allowed Uses

6.1.1. Use Schedule ([5/3/21AMD2021-0008](#))

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.

County Character Zones - Allowed Uses						
USE CATEGORY	Complete Neighborhood Zones		Rural Area Zones			Def/ Stds
Specific Use	NR-1	W _{HB}	R-1	R-2	R-3	
Open Space						6.1.3.
Agriculture	Y	Y	Y	Y	Y	6.1.3.B.
Outdoor Recreation	--	C ^z	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	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	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	C ^z	--	--	6.1.7.E.
Institutional						6.1.8.
Assembly	--	C ^z	C ^z	C ^z	--	6.1.8.B.
Daycare/Education	--	C ^z	C ^z	C ^z	--	6.1.8.C.

Y = Use allowed, no use permit required (A) = Use only allowed as an accessory use -- = Use not allowed

B = Basic Use Permit required C = Conditional Use Permit required S = Special Use Permit required

^z = Use also subject to zone specific standards

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

- 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 (5/3/21AMD2021-0008)

A. All Transportation and Infrastructure Uses

1. **Definition.** A transportation or infrastructure use is the use of land or water to provide for the movement or storage of vehicles, water, sewage, power, or other utilities.

B. Parking

1. **Definition.** Parking is the use of a property for parking of motor vehicles that is not ancillary to another use on-site.
 - a. **Includes:**
 - i. Surface parking
 - ii. Parking structure

C. Utility Facility

1. **Definition.** A utility facility is a central component to the provision of a public or semi-public utility that requires a structure.
 - a. **Includes:**
 - i. substations for electrical, natural gas, and other similar utilities
 - ii. sewage treatment plants and related septic dump facilities, and substations
 - iii. water supply facilities including water tanks and treatment facilities

- iv. solid waste facilities including collection and transfer facilities
- v. broadcasting towers and dish antenna for radio and TV

b. Does Not Include:

- i. residential satellite dishes
- ii. antennas used for the reception of television broadcast signals
- iii. transformers
- iv. junction boxes
- v. standard underground utilities such as water, sewer, natural gas, power, and telephone lines
- vi. booster pumps, lift stations, and other small structures appurtenant to standard underground utilities
- vii. wireless communications facilities
- viii. pedestals
- ix. other appurtenances that do not require a structure

2. Standards

- a. Utilities listed above in 1.b. do not require a use permit, except for wireless communications facilities (see 6.1.10.D). The physical development associated with them is not required to meet structure or site development setbacks if the physical development is located within an easement or lot designated for the utility proposed.
- b. All utility facilities shall be located and designed to minimize negative impacts on natural resources, designated scenic areas, agricultural operations, and residential development and uses. A landscaping plan, pursuant to Div. 5.5. shall be submitted that is designed to screen the utility as viewed from roads and habitable structures.
- c. Utility facilities housing equipment shall be designed with as low a profile as possible. If the surrounding uses are residential, the building style shall be compatible with the surrounding land uses.

D. Wireless Communications Facilities

1. **Definitions.** A wireless communication facility provides communication services without physical connection.

- a. **Wireless communications facility.** Equipment at a fixed location which enables wireless communications between user equipment and a communications network, including radio transceivers, antennas, wires, coaxial or fiber-optic cable or other cables, regular and backup power supplies, and comparable equipment, regardless of technological

configuration, and equipment associated with wireless communications. The term does not include: (i) The structure or improvements on, under, within, or adjacent to the structure on which the equipment is collocated; (ii) Wireline backhaul facilities; or (iii) Coaxial or fiber-optic cable that is between wireless structures or utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

b. **Includes:**

- i. commercial wireless telecommunication
- ii. wireless internet access
- iii. unlicensed wireless services
- iv. common carrier wireless exchange access services
- v. temporary cell-on-wheels
- vi. distributed antenna system (DAS)
- vii. **small wireless facility.** A type of wireless facility mounted on structures not greater than 50 feet in height on which each wireless provider's individual antenna could fit within an enclosure of no more than three cubic feet in volume, and collective antenna could fit within an enclosure of no more than six cubic feet in volume, and for which all other wireless equipment associated with the wireless facility, whether ground-mounted or pole-mounted, is cumulatively no more than 28 cubic feet in volume, not including any: electric meter; concealment element; telecommunications demarcation box; grounding equipment; power transfer switch; cut-off switch; vertical cable run for the connection of power or other service; wireless provider antenna; or coaxial or fiber-optic cable that is immediately adjacent to or directly associated with a particular combined location, unless the cable is a wireline backhaul facility.

2. **County Standards**

- a. **Purpose.** The purpose of this Subsection is to establish general guidelines for the locating of wireless communication towers, small wireless facilities, antenna, ground equipment and related accessory structures. The purpose and intent of this Subsection are to:
 - i. Minimize the impacts of wireless communications facilities on surrounding land uses by establishing standards for location, structural integrity, and compatibility.
 - ii. Encourage the location and collocation of communications equipment on existing structures thereby minimizing new visual, aesthetic, and public safety impacts, effects upon the natural environment and wildlife, and reducing the need for additional towers.

- iii. Accommodate the growing need and demand for wireless communications services.
- iv. Respond to the policies embodied in the Telecommunications Act of 1996 in such a manner as not to unreasonably discriminate between providers of functionally equivalent personal wireless services or to prohibit or have the effect of prohibiting personal wireless services.
- v. Respond to the policies embodied in the Federal Communication Commission's Declaratory Ruling and Third Report and Order of September 27, 2018, in such a manner as to not effectively prohibit the provision of wireless services and to comply with the rules governing small wireless facilities.
- vi. Establish review procedures to ensure that applications for communications facilities are reviewed for compliance with federal, state and local regulations and acted upon within a reasonable period of time as required by applicable state and federal regulations.
- vii. Protect the character of the County while meeting the needs of its citizens to enjoy the benefits of communications services.
- viii. The provisions of this Section are not intended to and shall not be interpreted to prohibit or to have the effect of prohibiting personal wireless services. This chapter shall not be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent personal wireless services.

b. **Exempt Facilities.** The following items are exempt from the standards for wireless communication facilities; notwithstanding any other provisions:

- i. Satellite earth stations used for the transmission or reception of wireless communications signals with satellites, that are 1 meter (39.37 inches) or less in diameter in all residential zones and 2 meters or less in all other zones.
- ii. A temporary wireless communications facility, upon the declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the Teton County designee; except that such facility must comply with all federal and state requirements. No communications facility shall be exempt from the provisions of this Section beyond the duration of the state of emergency.
- iii. A government-owned communications facility erected for the purposes of installing antenna(s) and ancillary equipment necessary to provide communications for public health and safety.
- iv. A temporary wireless communications facility for the purposes of providing coverage of a special event, and subject to federal and state requirements. Said communications facility may be exempt from the provisions of this Section up to one week before and after the duration of the special event.

- v. Amateur radio towers solely used for licensed amateur services.
- c. **Permits Required.** New antennas, small wireless facilities, and towers shall be permitted as follows:
 - i. **Basic Use Permit.** New collocations, equipment modifications (except modifications qualifying as 8.2.13.B.2.), small wireless facilities and support poles outside a public right of way, tower replacement/upgrades no more than 10% taller than the original tower, attached antennas, and concealed towers meeting the performance criteria require a basic use permit.
 - ii. **Conditional Use Permit.** Creation of a new non-concealed tower, concealed towers that do not meet the performance criteria, tower replacement/upgrades more than 10% taller than the original tower, or modifications to existing towers that constitute a substantial change require a conditional use permit.
- d. **Processing Timelines for Basic Use Permit and Conditional Use Permit**
 - i. An application for a Basic Use Permit shall be approved or denied within ninety (90) days of receipt of an application by the County, except for eligible facility request modifications and collocations, pursuant to subsection (f)ii below, and small wireless facility collocations, which shall be approved or denied within sixty (60) days of an application. The time periods herein shall be tolled while an application is incomplete. Completeness of an application and the tolling periods shall be interpreted pursuant to the Federal Communications Commission's Report and Order in Docket 13-238 released October 21, 2014, as amended and the Federal Communications Commission's Declaratory Ruling and Third Report and Order in Docket 17-79 and 17-84 released September 27, 2018 as amended.
 - ii. An application for a Conditional Use Permit shall be approved or denied within one hundred fifty (150) days of receipt of any application by the County. The time periods herein shall be tolled while an application is incomplete. Completeness of an application and the tolling periods shall be interpreted pursuant to the Federal Communications Commission's Report and Order in Docket 13-238 released October 21, 2014, as amended.
- iii. **Tolling and Sufficiency**
 - a). **Determination of Sufficiency.** For all wireless communications facility applications, determination of sufficiency will occur within ten (10) days of submittal. The applicant shall receive written notice of incompleteness within ten (10) days of submittal.

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

e. **General Requirements**

- i. **Location Preference of New Antenna Array & New Towers.** Locating a new antenna array and new tower shall be in accordance with the below preferred locating alternatives order. Where a lower ranked alternative is proposed, the applicant must file relevant information demonstrating that despite diligent efforts to adhere to the established hierarchy within the search area, higher ranked options are not technically feasible, practical or justified given the location of the proposed wireless communications facility:
 - a). Concealed attached antenna, collocated or combined antenna on an existing tower
 - b). Non-concealed attached antenna
 - c). Concealed freestanding tower
 - d). Substantial changes to an existing tower
 - e). Non-concealed freestanding tower
- ii. Collocation, and other modifications to existing facilities pursuant to Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (47 U.S.C. §1445(a)).
 - a). Modifications to facilities that involve the addition, removal, and/or replacement of transmission equipment that do not substantially change the physical dimensions of an existing tower, antenna support structure or base station shall be subject to the basic use permit requirements of c.i. Streamlined process for collocation approvals are subject to the procedures set forth for a Basic Use Permit.
 - b). For the purpose of this Subsection, “substantial change” means the following:

- 1). The mounting of the proposed antenna on the tower would increase the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation 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 reasonable person, and is the least obtrusive means of accomplishing the objective.

- iii. **Tower Replacement/Upgrade.** Existing towers may be replaced or upgraded pursuant to this Section, provided that the replacement or upgrade accomplishes a minimum of one of the following: 1) reduces the number of towers; 2) reduces the number of nonconforming towers; 3) replaces an existing tower with a new tower to improve either network functionality or structural integrity; 4) replaces an existing nonconcealed tower with a concealed tower. Replacements and upgrades are subject to the following:
 - a). **Setbacks.** A replacement of an existing tower shall not be required to meet new setback standards so long as the new tower and its equipment compound are no closer to any property lines or dwelling units as the tower and equipment compound being replaced, even if the old tower had nonconforming setbacks.
 - b). **Breakpoint Technology.** A replacement tower shall use breakpoint technology in the design.
 - c). **Landscaping.** At the time of replacement or upgrade, the tower equipment compound shall be brought into compliance with any applicable landscaping requirements.
- iv. **Concealed & Non-concealed Attached Antenna.** Antennas may be mounted onto a support structure that is not primarily constructed for the purpose of holding attachment antennas, subject to the following standards:
 - a). Concealed and non-concealed attached antennas are permitted in all zones.
 - b). The top of the concealed attached antenna shall not extend more than 15 feet above the existing or proposed building or structure to which it is attached. Notwithstanding this provision, the height of the antenna shall not extend more than 8 feet above the maximum allowed height for a structure in the zone in which it is located.
 - c). Non-concealed attachments shall be allowed only on electrical transmission towers, utility poles, and existing light stanchions subject to approval by the Planning and Building Services Department and utility company. Additional height may be allowed to accommodate the minimum safety separation necessary from electrical lines, as required by the National Electrical Safety Code and the utility provider.
 - d). Except for non-concealed attached antennas, feed lines and antennas shall be designed to architecturally match the façade, roof, wall, and/or structure on which they are affixed or otherwise blend with the existing structural design, color, and texture.

- e). Where the proposed attached antennas do not meet the standards set forth by subsections B through D above, a Conditional Use Permit is required, with a neighbor notification radius of 1,300 feet, and a Wireless Adjustment (if applicable).
- f). If an equipment compound or cabinet is proposed that is not within an existing building, the standards in 6.1.10.D.2.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, WHB, 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.

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

(5/3/21AMD2021-0008)

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, WHB, 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.

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 (5/3/21AMD2021-0008)

A. Standards Applicable to All Methods

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

1. **Type.** Each required affordable or workforce housing unit shall meet the standards of Sec. 6.3.4., as well as all other standards of these LDRs and the Housing Department Rules and Regulations.
2. **Location.** Each required unit shall be located in the Town of Jackson or in Teton County east of the Tetons, and shall be in an area determined suitable for affordable workforce housing.
3. **Phasing.** If the employee generating development is approved for phases, the required affordable workforce housing shall be provided in proportion to the phases of the employee generating development. The phasing plan shall be established in the Housing Mitigation Agreement. The phasing plan shall require a recalculation of the amount of affordable workforce housing required at each phase.
4. **Deed Restriction.** To ensure compliance with the standards of this Division, the property of each affordable workforce housing unit and the property of the employee generating development shall both be subject to a deed restriction and a Housing Mitigation Agreement. More specifically:
 - a. **Deed restriction.** The property of the affordable workforce housing unit and the property of the employee generating development shall be subject to a deed restriction, in perpetuity, in a form established and approved by the Housing Department, and included in the Rules and Regulations.
 - b. **Housing Mitigation Agreement.** The property of the affordable workforce housing unit and the property of the employee generating development shall also be subject to a Housing Mitigation Agreement which shall be recorded against the property of the employee generating development in a form acceptable to the County Attorney.

B. Preferred Methods

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

1. Construction of required affordable workforce housing on the site of the employee generating development, or off-site. Below are LDRs intended to facilitate construction of required affordable workforce housing.
 - a. **FAR exemption for affordable or workforce housing units.** Applies in the WC zone, see the applicable zone.
 - b. **FAR increases for more units.** Applies in the AR zone, see the applicable zone.
 - c. **FAR exemption for ARUs accessory to a nonresidential use.** Applies in the AC, WC, OP, BP, R-1, R-2, R-3, NR-1, WHB, BC, and R zones, see the applicable zone.

Article 7. Development Option and Subdivision Standards Applicable in All Zones

Div. 7.1. Development Option Standards	7-3
7.1.1. Development Options Schedule (5/3/21AMD2021-0008).....	7-3
7.1.2. Rural Area Planned Residential Development (Rural PRD) (7/18/18AMD2021-0008).....	7-5
7.1.3. Urban Cluster Development (UCD) (1/1/15).....	7-7
7.1.4. Mobile Home Park (1/4/21)	7-7
7.1.5. Floor Area Option (7/18/18AMD2021-0008).....	7-11
7.1.6. Complete Neighborhood Planned Residential Development (CN-PRD) (1/4/21AMD2021-0008).....	7-13
Div. 7.2. Subdivision Standards	7-16
7.2.1. Subdivision Types Schedule (5/3/21AMD2021-0008).....	7-16
7.2.2. Standards Applicable to all Subdivision (1/1/15).....	7-17
7.2.3. Land Division Standards (1/1/15).....	7-19
7.2.4. Condominium and Townhouse Subdivisions (1/1/15).....	7-19
Div. 7.3. Conservation Area Standards	7-20
7.3.1. Purpose and Applicability (4/1/16)	7-20
7.3.2. Conservation Value Identification (4/1/16).....	7-20
7.3.3. Conservation Area Configuration (4/1/16).....	7-21
7.3.4. Conservation Area Allowances (4/1/16)	7-23
7.3.5. Record of Conservation Area Restriction (1/4/21)	7-24
Div. 7.4. [deleted] (7/18/18)	7-25
Div. 7.5. Development Exaction Standards	7-25
7.5.1. Development Exactions (1/6/20)	7-25
7.5.2. Park Exactions (1/6/20)	7-25
7.5.3. School Exactions (1/6/20).....	7-30
Div. 7.6. Transportation Facility Standards	7-35
7.6.1. Purpose (1/1/15).....	7-35
7.6.2. Access to Roads, Streets and Highways (1/1/15)	7-35
7.6.3. Streets, Alleys, and Easements (1/1/15).....	7-36
7.6.4. Street and Road Standards (1/4/21)	7-36
7.6.5. Easements and Right-of-Way Dedication (1/1/15).....	7-45
7.6.6. Clear View of Intersecting Streets (1/1/15).....	7-48
Div. 7.7. Required Utilities	7-49
7.7.1. Purpose (1/1/15).....	7-49
7.7.2. Potable Water Supply (1/1/15).....	7-49
7.7.3. Sanitary Sewer Systems (1/1/15)	7-49
7.7.4. Irrigation Ditch Systems and Design (1/1/15)	7-50
7.7.5. Other Utilities (1/4/21)	7-52
7.7.6. Fuel Storage Tanks (1/1/15)	7-53

Div. 7.8. Workforce Housing Incentive Program (1/1/17).....	7-53
<u>7.8.1. Intent (AMD2021-0008)</u>	<u>7-53</u>
<u>7.8.2. Cumulative Limit on Incentives (AMD2021-0008)</u>	<u>7-53</u>
<u>7.8.3. Deed Restricted Housing Exemption (AMD2021-0008).....</u>	<u>7-53</u>
<u>7.8.4. Workforce Housing Floor Area Bonus (AMD2021-0008).....</u>	<u>7-53</u>

DRAFT - 01/11/22

Div. 7.1. Development Option Standards

7.1.1. Development Options Schedule (5/3/21AMD2021-0008)

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						
Option	Complete Neighborhood Zones			Rural Area Zones		
	NR-1	WHD	R-1	R-2	R-3	
Rural PRD (7.1.2.)	--	DEV*	DEV*	DEV*	--	--
Mobile Home Park (7.1.4.)	--	--	--	--	--	--
Floor Area Option (7.1.5.)	--	DOP	DOP	DOP	DOP	--
CN-PRD (7.1.6.)	--	SKC	SKC	SKC	SKC	--
<u>Workforce Home Business Option (2.2.2.E.4.)</u>	--	DEV*	--	--	--	--

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												
Option	Complete Neighborhood Zones					Rural Area Zones				Civic Zones		
	AC	TC	AR	TC	WC	OP	BP	TC	BC	TC	MHP- 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	--
<u>Workforce Home Business Option (2.2.2.E.4.)</u>	--	--	--	--	--	--	--	--	--	--	--	--

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

SKC = Sketch Plan required DEV = Development Plan required DOP = Development Option Plan required

* = Sketch Plan optional

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DRAFT - 01/11/22

7.1.2. Rural Area Planned Residential Development (Rural PRD) (7/18/18AMD2021-0008)

A. Intent

- Purpose.** The purpose of the Rural PRD is to encourage conservation of open space and clustering of development by granting more density in exchange for clustering and permanently conserved open space. The goal of the Rural PRD is to provide a rural area landowner with a subdivision option that is better for wildlife, scenery, and/or agriculture than just selling individual 35 acre tracts.
- Location.** Each Rural PRD includes a conservation area and one or more development areas that are entirely outside the conservation area. The Rural PRD is the appropriate tool when locating both the conservation area and clustered development area(s) in a rural area of the community, as identified in the Illustration of Our Vision chapter of the Comprehensive Plan.
- Comprehensive Plan.** The Rural PRD is primarily based on the Comprehensive Plan direction of Policy 1.4.c.
- Applicable Zones.** The Rural PRD may be used in the R-1, R-2, WHD, and R-TC zones.

B. Required Conservation Area

The conservation area shall meet the standards of Div. 7.3. in addition to the standards of this Section.

1. Scale



Minimum Gross Site Area

Conservation area GSA (min)	Greater of:	A
Conservation area GSA		49 ac
PRD GSA in conservation area		OR 70%

- Conservation Value.** At least one of the conservation values listed below shall be a protected conservation value identified pursuant to Subsection 7.3.2.A.
 - Wildlife
 - Scenic
 - Agriculture
- Noncontiguous PRD.** The site of a Rural PRD may be noncontiguous pursuant to the rules for measurement in Section 9.4.4.
- Already Conserved Land.** Land already under conservation easement shall not count toward the calculation of allowed dwelling units per PRD GSA in Subsection C.1. unless the dwelling units are already allowed by the conservation easement.

EXAMPLE: A 1970s conservation easement reserves 2, 3-acre homesites on 55 acres. The base R1 zoning does not allow 2 units without approval of a PRD. The existing conservation easement may be used in a PRD application for the 2 units allowed by the easement, but may not be used to propose more than 2 units.

7.1.5. Floor Area Option (7/18/18AMD2021-0008)

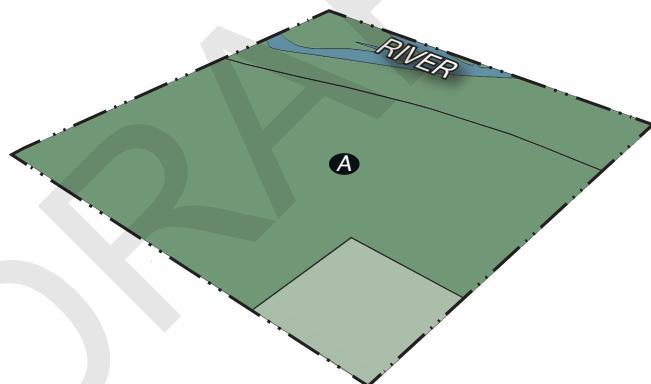
A. Intent

- Purpose.** The purpose of the Floor Area Option is to achieve conservation and stewardship of rural parcels on which landscape level clustering is not achievable, or whose owners are willing to relinquish subdivision rights in exchange for additional floor area. The intent of the Floor Area Option is that the stewardship, permanence, and additional limitations on development and use of the conservation area are of greater benefit to the conservation goals of the community than the impacts of the additional floor area.
- Location.** The Floor Area Option is primarily intended for use on properties that cannot be subdivided but are large enough to provide conservation value to the community.
- Comprehensive Plan.** The Floor Area Option is primarily based on the Comprehensive Plan direction of Policy 1.4.c.
- Applicable Zones.** The Floor Area Option may be used in the R-1, R-2, WHD, and R-TC zones.

B. Required Conservation Area

The conservation area shall meet the standards of Div. 7.3. in addition to the standards of this Section.

1. Scale



Minimum Gross Site Area

Project GSA (min)	35 ac
GSA in conservation area (min)	90%

- Conservation Value.** At least one of the conservation values listed below shall be a protected conservation value identified pursuant to Subsection 7.3.2.A.
 - Wildlife
 - Scenic
 - Agriculture
- Noncontiguous Floor Area Option.** The site of a Floor Area Option may be noncontiguous pursuant to the rules for measurement in Section 9.4.4.
- Development Area Included.** The reserved development area may be included in the conservation easement, as determined by the holder of the conservation easement. However, the standards of Div. 7.3. shall only apply outside of the development area. Allowances within the development area are established in Subsection C.
- Already Conserved Land.** Land already under conservation easement shall not count toward the calculation of additional floor area or ARUs per GSA in Subsection C.1. unless the development is already allowed by the conservation easement.

EXAMPLE: A 1970s conservation easement reserves a 8,000 sf home and 5,000 sf guesthouse on 55 acres. The base R1 zoning does not allow the reserved development without approval of a Floor Area Option. The existing conservation easement may be used in a Floor Area Option application for the development reserved by the easement, but may not be used to propose additional development.

7.1.6. Complete Neighborhood Planned Residential Development (CN-PRD)

(1/4/21AMD2021-0008)

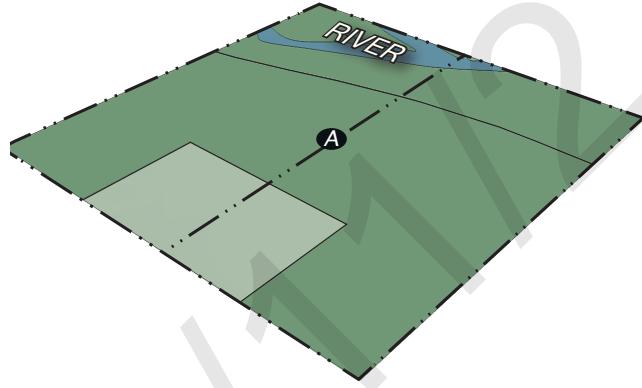
A. Intent

- Purpose.** The purpose of the CN-PRD is to encourage conservation and preservation of rural areas of the community in exchange for additional development in complete neighborhood areas identified as appropriate for growth. The goal of the CN-PRD is to provide a conservation incentive that conserves rural areas while also reducing the amount of development potential in those areas.
- Location.** Each CN-PRD contains a rural area that includes the required conservation area and may also include reserved rural development areas. Each CN-PRD also contains one or more development areas in a complete neighborhood. Rural areas and complete neighborhoods are identified in the Illustration of Our Vision chapter of the Comprehensive Plan.
- Comprehensive Plan.** The CN-PRD is primarily based on the Comprehensive Plan direction of Policies 1.4.a. and 1.4.c.
- Applicable Zones.** The CN-PRD may be used in the R-1, R-2, WHD, R-TC, S-TC, and PR zones as further defined in this Section.

B. Required Conservation Area

The conservation area shall meet the standards of Div. 7.3. in addition to the standards of this Section.

1. Scale



Minimum Gross Site Area

Rural GSA (min)	
East of Teton Range (JH)	105 ac
West of Teton Range (Alta)	70 ac
Rural GSA in conservation area (min)	90% A

- Location.** The conservation area shall be located in the R-1, R-2, or R-TC zone.
- Noncontiguous PRD.** The conservation area may be noncontiguous pursuant to the rules for measurement in Section 9.4.4.
- Conservation Value.** At least one of the conservation values listed below shall be a protected conservation value identified pursuant to Subsection 7.3.2.A.
 - Wildlife
 - Scenic
 - Agriculture
- Already Conserved Land.** Land already under conservation easement shall not count toward the calculation of allowed CN dwelling units per Rural GSA in Subsection D.1.; and shall not count toward the calculation of allowed Rural dwelling units per Rural GSA in Subsection C.1. unless the dwelling units are already allowed by the conservation easement.

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 (5/3/21AMD2021-0008)

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	WHD	R-1	R-2	R-3	Standards
Land Division		P	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			
					MHP-					P/SP-			
	AC-TC	AR-TC	WC	OP-TC	BP-TC	BC-TC	TC	NC-TC	S-TC	R-TC	TC	P-TC	Standards
Land Division	P	P	P	P	P	P	--	P	P	P	P	P	7.2.3.
Condominium/Townhouse	P	P	P	P	P	P	--	--	P	--	P	P	7.2.4.

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

7.7.6. Fuel Storage Tanks (1/1/15)

[Section number reserved, standards only apply in Town]

Div. 7.8. Workforce Housing Incentive Program (1/1/17)

[Division number reserved, standards only apply in Town]

7.8.1. Intent (AMD2021-0008)

This Division establishes incentives for the development of workforce housing. Because not every landowner will use the incentives, this Division manages growth by limiting the actual (rather than a projected) use of the incentives. Sec. 7.8.2. establishes the limit on the cumulative use of the incentives over time.

7.8.2. Cumulative Limit on Incentives (AMD2021-0008)

Use of an incentive in this Division is prohibited if the application would increase the amount of residential development allowed in the Town and County above the amount allowed and planned for since 1994.

- A. The amount of residential development allowed in the Town and County is reported annually in the Jackson/Teton County Comprehensive Plan Indicator Report. Current and past Indicator Reports can be found at www.jacksontetonplan.com.
- B. A residential unit shall be added to the amount of residential development allowed in the Town and County upon its initial approval using an incentive in this Division.
- C. A residential unit approved using an incentive in this Division shall be subtracted from the amount of residential development allowed in the Town and County upon expiration, revocation, or extinguishment of the approval.

7.8.3. Deed Restricted Housing Exemption (AMD2021-0008)

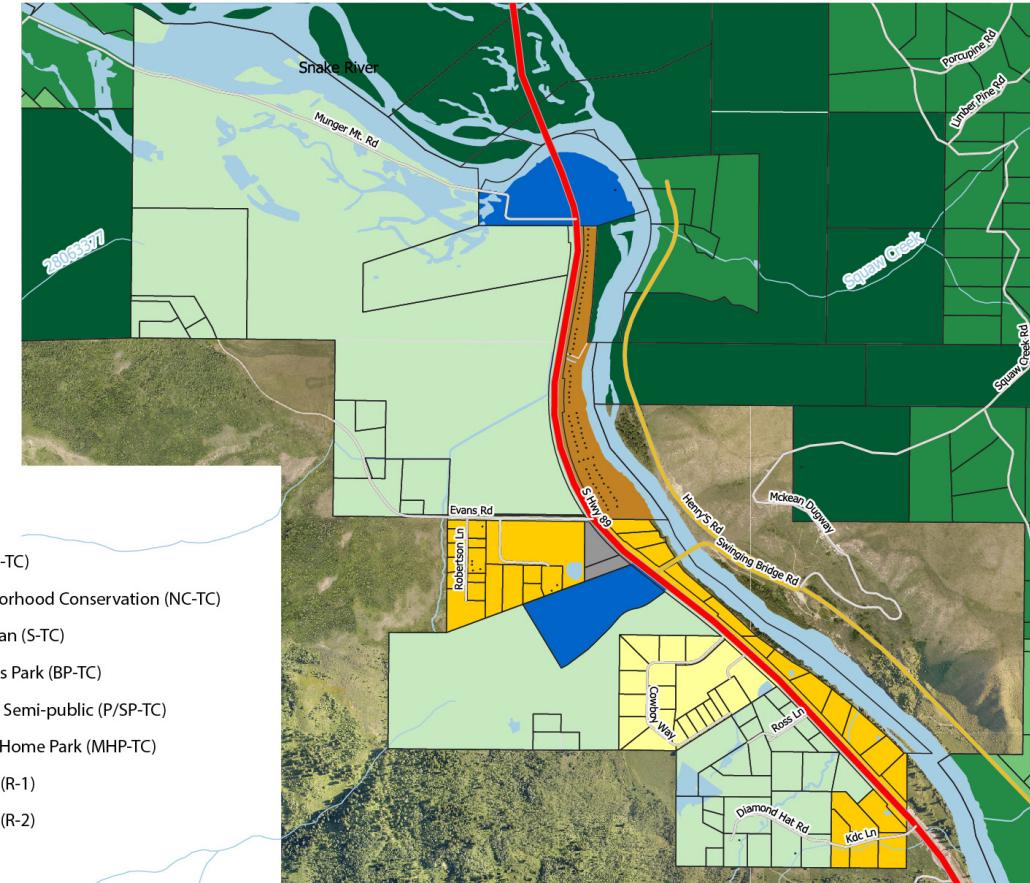
[Section number reserved, standards only apply in Town]

7.8.4. Workforce Housing Floor Area Bonus (AMD2021-0008)

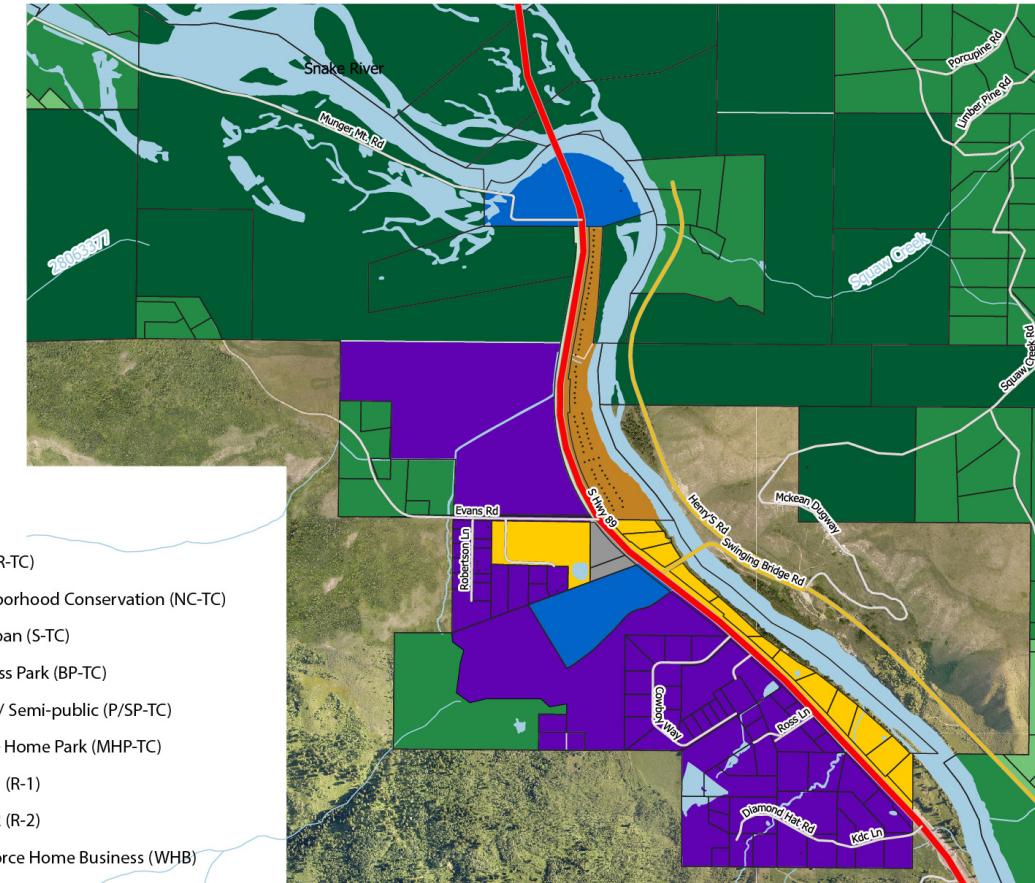
[Section number reserved, standards only apply in Town]

Draft Zoning Map Amendment (ZMA2021-0002)
Subarea 7.2: Hog Island Home Business

January 11, 2022



Existing Zoning



Proposed Zoning

Zone Comparison Table: Workforce Home Business (WHB) Proposal

January 11, 2022

	Proposed New Zone: Workforce Home Business (WHB)	Rural (R-TC)	Neighborhood Conservation (NC-TC)	Suburban (S-TC) [Hog Island Subdivision]	Impact in Subarea 7.2: Hog Island Home Business
How much can I build? (Bulk / Form)					
Site Development					
How to Calculate	Site development potential is based on the gross (total) acreage of your property. No survey is required to calculate your potential. GSA = Gross Site Area	Site Development potential is based on the gross (total) acreage of your property minus those areas that are not developable. To calculate your potential, you will need to use a survey or the GIS to estimate your Adjusted Site Area. Adjusted Site Area (ASA) = Total Acres – Acres in vehicular easements and water			This change should make it easier and more time and cost-efficient for you to see how much area you can develop on your property.
Maximum Allowed Site Development	GSA(0.11)(43,560) + 5,619 sf	Residential lots 0.5-3 ac: (ASA-0.5)(0.11)(43,560)+8,015 Residential Lots 3-35 ac: (ASA-3) (0.040344) (43,560) +19,994 Residential Lots > 35 ac: (ASA)(0.05)(43,560) Other Principal Use: (ASA)(43,560)(0.05)	ASA*43,560*0.6		NC-TC and R-TC. For residential lots without road easements or bodies of water, Site Development Max will stay the same. If your property has road easement or water then you site development maximum will increase with the amount of site area occupied by these elements. S-TC. Allowed site development will decrease from 40% of the lot (minus easements and water) to be consistent with NC and R zoning and neighboring character.
Floor Area					
How to Calculate	Floor area potential is based on the gross (total) acreage of your property. No survey is required to calculate your potential. GSA = Gross Site Area	Floor area potential is based on the gross (total) acreage of your property minus those areas that are not developable. To calculate your potential, you need to use a survey or the County GIS to estimate your Base Site Area. Base Site Area (BSA) = Total Acres – Acres in road easements, water, previously committed open space and 50% of land in steep slopes			This change should make it easier and more time and cost-efficient for you to see how much you can build on your property.
Maximum Floor Area	Lots ≤ 10 ac: GSA(0.032)(43,560) + 3,900 sf; Not to exceed 10,000 sf Lots > 10 ac: (GSA ac - 10)100 sf +10,000 sf; Not to exceed 15,000 sf	Residential Lots > 0.5 ac: (BSA-0.5)(0.032)(43,560)+4,596 Other Principal Use: (BSA)(43,560)(0.007)	Residential Use: (BSA)(43,560)(0.35) Other Principal Use: (BSA)(43,560)(0.30)		NC-TC and R-TC Residential lots without any road easements, water, committed open space or slopes, Floor Area Max will stay the same. If your property has road easements, water etc. on it then your floor area maximum will increase with the amount of site area occupied by these elements. S-TC Floor area maximum will decrease from 10,000 sf, depending on lot size, to an allowance consistent with the R and NC zones in the subarea.
Other					
Maximum Building Size	10,000 sf Hospital, Religious Institution, Daycare or School determined by CUP	Single-Family Unit: 10,000 sf	Single-Family Unit: 10,000 sf		No change in the maximum size of a residential structure.
Height	30'	Residential: 30' Other Uses: 35'	Residential: 30' Other Uses: 40'	Agriculture: 40' Residential or Other Use: 24'	NC-TC and R-TC. No change for residential uses. S-TC. Residential height maximum increased from 24' to 30'. Qualifying agricultural uses are exempt from height requirements.
Where can I build? (Location)					
Site Dev. Location					

	Proposed New Zone: Workforce Home Business (WHB)	Rural (R-TC)	Neighborhood Conservation (NC-TC)	Suburban (S-TC) [Hog Island Subdivision]	Impact in Subarea 7.2: Hog Island Home Business
Natural resource setbacks	Rivers: 150' Streams/Ponds: 50'-150' Wetlands: 30'	Rivers: 150' Streams/Ponds: 50'-150' Wetlands: 30'			No change.
Natural Resources Overlay / Scenic Resources Overlay	Not affected by this proposal.	Not affected by this proposal.			
Street Setback (min)	<3 ac: 25' ≥ 3 ac: 50'	½ the structural setback for 40% of lineal lot frontage; structural setback for 60% of lineal lot frontage			Front setbacks would be equal for structure and site development, with exemption for driveways.
Side Setback (min)	<3 ac: 10' ≥ 3 ac: 20'	<1 ac: 5' ≥ 1 ac: 15'	<3 ac: 5' ≥ 3 ac: 15'	5'	Side setbacks increase to encourage more space between neighboring lots.
Rear Setback (min)	<3 ac: 10' ≥ 3 ac: 20'	<1 ac: 12.5' ≥ 1 ac: 20'	<3 ac: 12.5' ≥ 3 ac: 20'	15'	No increase in rear setbacks.
Slope development prohibited	> 30%	> 25%	> 30%	> 30%	Uniform standard of prohibited development on slopes greater than 30%.
Structure Location					
Structure Setbacks			*Structure setbacks for platted properties in KDC Subdivision and will not change with proposed zoning.	*Structure setbacks for platted properties in Hog Island Subdivision and will not change with proposed zoning.	
Street Setback (min)	<3 ac: 25' ≥ 3 ac: 50'	<1 ac: 25' ≥ 1 ac: 50'	<3 ac: 25' ≥ 3 ac: 50'	25'	No increase in street setbacks.
Side Setback	<3 ac: 25' ≥ 3 ac: 40'	<1 ac: 10' ≥ 1 ac: 30'	<3 ac: 10' ≥ 3 ac: 30'	10'	Greater side setbacks provide additional buffer and space between neighboring development.
Rear	<3 ac: 25' ≥ 3 ac: 40'	<1 ac: 25' ≥ 1 ac: 40'	<3 ac: 25' ≥ 3 ac: 40'	30'	No increase in rear setbacks.
What can I do? (Uses)					
Primary Uses					
By-Right	• Agriculture • Single-Family Residential	• Agriculture • Single-Family Residential			No change
Basic	None	None			No change
Conditional	• Outdoor Recreation • Nursery • Outfitter/Tour Operator • Assembly • Daycare/Education • Utility Facility • Wireless Facility	• Outdoor Recreation • Dude/Guest Ranch • Dormitory • Group Home • Campground • Nursery • Outfitter/Tour Operator • Assembly • Daycare/Education • Utility Facility • Wireless Facility • Aviation	• Outdoor Recreation • Utility Facility • Wireless Facility	• Outdoor Recreation • Dormitory • Group Home • Outfitter • Assembly • Utility Facility • Wireless Facility	Properties less than 35 acres are limited to agriculture, single-family residential, and wireless and utility facility primary uses. Properties 35 acres or greater would be allowed some conditional uses that are consistent with the character of the area and require significant site area.
Accessory Uses					

	Proposed New Zone: Workforce Home Business (WHB)	Rural (R-TC)	Neighborhood Conservation (NC-TC)	Suburban (S-TC) [Hog Island Subdivision]	Impact in Subarea 7.2: Hog Island Home Business
Basic	<ul style="list-style-type: none"> Accessory Residential Unit Home Occupation Family Home Daycare 	<ul style="list-style-type: none"> Accessory Residential Unit Home Occupation Family Home Daycare 	<ul style="list-style-type: none"> Accessory Residential Unit Home Occupation Family Home Daycare 	<ul style="list-style-type: none"> Home Occupation Family Home Daycare 	NC-TC and R-TC. No change. S-TC. Accessory residential unit (ARU) is a new allowed use.
Conditional	<ul style="list-style-type: none"> Home Business Home Daycare Center 	<ul style="list-style-type: none"> Home Business Home Daycare Center Bed & Breakfast 	<ul style="list-style-type: none"> Home Business Home Daycare Center 	<ul style="list-style-type: none"> Home Business Home Daycare Center 	Bed and Breakfast is not an allowed use in WHB zone. This use is only allowed on 70+ acre sites in R-TC zone.
Scale of Use (max)					
Detached Single-Family Unit	Habitable (not basement): 8,000 sf Gross (not basement): 10,000 sf + 100 sf per ac GSA over 10 acres; not to exceed 15,000 sf	Habitable (not basement): 8,000 sf Gross (not basement): 10,000 sf + 100 sf per ac BSA over 10 acres; not to exceed 15,000 sf			No meaningful change. Maximums scale for lots over 10 acres may increase minimally based on the conditions of the site (presence of water or road easements).
Accessory Residential Unit (ARU)					
Primary use residential	Density: <3 ac, 1/du \geq 3 ac, 2/du, with restriction Gross: 1,000 sf	Density: 1 / lot Gross: 1,000 sf	Density: 1 / lot Gross: 1,000 sf	Prohibited	Proposed zone would allow up to 2 ARUs accessory to a single-family dwelling on lots of 3 acres or more.
Primary use non-residential	Density: accessory density Gross: 850 sf	Density: accessory density Habitable: 850 sf	prohibited	Prohibited	ARUs accessory to a nonresidential use are allowed. These ARUs must be workforce restricted.
Home Business Use	Zone-specific standards, including operations plan, allowance for outdoor storage	Standards of 6.11.E. All storage required in structures.	Standards of 6.11.E All storage required in structures.	Standards of 6.11.E All storage required in structures.	WHB zone adds zone-specific standards that add flexibility but require an operations plan to achieve predictability.
Additional Standards					
Lighting	60,000 lumens / site maximum	60,000 lumens / site maximum			No change
Noise – Max Sound Level at Property Line	65 DBA	55 DBA	55 DBA	55 DBA	Allowed sound level at property line increased to 65 DBA to reflect nature of accessory home business character.
Signs	Nonresidential: 1 rustic freestanding or wall sign (12 sf, 6') Residential: 1 rustic freestanding or wall sign (4 sf, 4') Home Business / Home Occupation: One wall sign (2 sf)	Nonresidential: 1 rustic freestanding or wall sign (12 sf, 6') Residential: 1 rustic freestanding or wall sign (4 sf, 4') Home Business / Home Occupation: One wall sign (2 sf)	Nonresidential: 1 rustic freestanding or wall sign (12 sf, 6') Residential: <3 acres – 1 wall sign, \geq 3 ac – 1 rustic freestanding or wall sign (4 sf, 4') Home Business / Home Occupation: One wall sign (2 sf)		No meaningful change. Properties <3 acres zoned NC or S would be able to have a rustic freestanding sign.
Can I subdivide? (Development Options)					
Subdivision & Development Options	<ul style="list-style-type: none"> Land Division WHB Option CN-PRD Rural-PRD Floor Area Option 	<ul style="list-style-type: none"> Land Division CN-PRD Rural-PRD Floor Area Option 	<ul style="list-style-type: none"> Land Division 	<ul style="list-style-type: none"> Land Division Condo/Townhouse (not feasible in Hog Island Subdivision) CN-PRD (not allowed in Hog Island Subdivision) 	Proposed zone adds the Workforce Home Business Option tool. Retains other development options focused on conservation (apply only to sites over 35 ac).
Land Division					

	Proposed New Zone: Workforce Home Business (WHB)	Rural (R-TC)	Neighborhood Conservation (NC-TC)	Suburban (S-TC) [Hog Island Subdivision]	Impact in Subarea 7.2: Hog Island Home Business
Lot Size (min)	35 ac	35 ac	Varies (3 ac – 20 ac). No additional land division permitted in this subarea.	12,000 sf No additional land division permitted in this subarea.	Existing property rights define the maximum density by traditional subdivision. No increase or decrease in land division potential.
Workforce Home Business Option					
Purpose	<ul style="list-style-type: none"> Allows subdivision with required deed-restriction and advance wastewater treatment / sewer connection 	n/a			Allows for subdivision into 3 acre lots with the requirement of workforce deed-restriction and sewer connection or advanced wastewater treatment.
Density (max)	1 SFD + 2 ARUs / 3 acres	n/a			n/a
Floor Area Option					
Purpose	Non-subdivision option allows for additional ARUs and floor area density on a single parcel for conservation easement	Non-subdivision option allows for additional ARUs and floor area density on a single parcel for conservation easement	n/a		Only applicable for lots of 35 acres or greater.
Project Area (min)	35 ac	35 ac	n/a		n/a
Open Space (min)	90% of project area	90% of project area	n/a		n/a
Density (max)	+ 2 additional ARU per 35 ac	+ 2 additional ARU per 35 ac	n/a		n/a
Floor Area (max)	+ 10,000 sf per 35 ac	+ 10,000 sf per 35 ac	n/a		n/a
Complete Neighborhood PRD					
Purpose	<ul style="list-style-type: none"> Allows subdivision in exchange for a conservation easement Density based on where the development is located 1 du / 35 ac is retained in the rural area 	<ul style="list-style-type: none"> Allows subdivision in exchange for a conservation easement Density based on where the development is located 1 du / 35 ac is retained in the rural area 	n/a	<ul style="list-style-type: none"> Allows subdivision in exchange for a conservation easement Density based on where the development is located 1 du / 35 ac is retained in the rural area 	Only applicable for 105+ acre sites.
Rural Area (min)	105 ac	105 ac	n/a	105 ac	n/a
Development Area (max)	CN Development Area: 1 ac/19 ac of rural area Reserved Rural Development Area: 1 ac / 9 ac conserved (10% of rural area)	CN Development Area: 1 ac/19 ac of rural area Reserved Rural Development Area: 1 ac / 9 ac conserved (10% of rural area)	n/a	CN Development Area: 1 ac/19 ac of rural area Reserved Rural Development Area: 1 ac / 9 ac conserved (10% of rural area)	n/a
Density (max)	CN Development Area: 1 du / 4.375 ac of rural area Reserved Rural Development Area: 1 du / 35 ac of rural area	CN Development Area: 1 du / 4.375 ac of rural area Reserved Rural Development Area: 1 du / 35 ac of rural area	n/a	CN Development Area: 1 du / 4.375 ac of rural area Reserved Rural Development Area: 1 du / 35 ac of rural area	n/a
Rural PRD					

	Proposed New Zone: Workforce Home Business (WHB)	Rural (R-TC)	Neighborhood Conservation (NC-TC)	Suburban (S-TC) [Hog Island Subdivision]	Impact in Subarea 7.2: Hog Island Home Business
Purpose	Allows subdivision in exchange for a conservation easement	Allows subdivision in exchange for a conservation easement	n/a		Only applicable for 49+ acre sites.
Open Space (min)	49 ac	49 ac	n/a	n/a	
Development Area (max)	3 ac / 7 ac conserved	3 ac / 7 ac conserved	n/a	n/a	
Density (max)	3 du / 35 ac	3 du / 35 ac	n/a	n/a	

Departmental Reviews



MEMORANDUM

To: Rian Rooney
Senior Long Range Planner, Teton County Planning and Building

From: Kristi Malone
Housing Supply Specialist, Jackson/Teton County Affordable Housing Department

Re: AMD2021-0008: Amendment to LDRs to create Workforce Home Business (WHB) Zone
ZMA2021-0002: Amendment to the zoning map for Subarea 7.2 Hog Island Home Business

Date: January 3, 2022

Thank you for the opportunity to review and comment on the creation of a new County complete neighborhood zone and its proposed application in Subarea 7.2 Hog Island Home Business.

The Housing Department supports the use of innovative zoning tools, like the proposed Workforce Home Business Option, that incentivize the production of permanently deed-restricted affordable workforce housing, and that are also crafted to promote the desired future character of the subareas to which these tools are made available. As designed, offering a development benefit for the creation of 3-acre lots of record in exchange for a Workforce or Affordable deed restriction of the resulting lots helps implement the Comprehensive Plan's objectives for housing our workforce locally while maintaining the character of the Hog Island area and respecting the existing parameters of the growth management program. Likewise, application of the ARU bonus provides more flexibility for small businesses to house workers locally. It is imperative that Workforce or Affordable restrictions be applied in exchange for the proposed development option and ARU bonuses to effectively work as incentive tools.

Our team would like to further discuss the practicality of applying either rental or ownership restriction types on the bonus lots/dwelling units to better align with the interests of the landowners and tenants advantaged by these tools. For example, the ownership restriction prevents ownership of any other residential land within 150 miles, which may be an obstacle for home businesses that own multiple rental properties to house their employees.

To facilitate the opportunity for home businesses to operate locally with locally-housed employees, you may consider reducing the review process for Home Businesses in this zone from a Conditional Use Permit to a Basic Use Permit that includes a detailed operations plan for administrative review and decision.

I noticed that section D.1 of the draft standards for the Workforce Home Business zone reference LDR Sec. 7.8.2 for standards on the Workforce Home Business development option. Understandably, you may still

be working on formatting since the County currently does not have any development options for housing, but I would appreciate reviewing the draft text if you do create a new section 7.8.2.

Please feel free to contact me with any questions.

Rian Rooney

From: Darin Kaufman <darin.kaufman@wyo.gov>
Sent: Wednesday, December 22, 2021 9:07 AM
To: Rian Rooney
Cc: Keith Compton
Subject: Re: PRC Request Hog Island Home Business Zoning

[NOTICE: This message originated outside of the Teton County's mail system -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Rian,
Thank you for the opportunity to comment.
WYDOT has no objections for the proposed new LDR Workforce Home Business (WHB) zone and zoning map change..

General -

For any new utility connections within WYDOT right-of-way, the utility companies/owner shall obtain the necessary M-54 utility license via the new on-line permitting process, MainStar, located at <https://usa.maintstar.co/Wyoming/Logon.aspx>. Currently WYDOT requires any utility company needing access to the MainStar system to contact the local District Office for the license or permit, or to email dot.utilities@wyo.gov to set up your login credentials.

WYDOT Utilities Section can be found at the following link:
http://www.dot.state.wy.us/home/engineering_technical_programs/utilities_section.html

The splitting of property does not increase access rights to state highways; new direct access to US 89 must be minimized and access to newly created parcels must be provided internally from within the subdivision. Access via WY 391 or other lower functioning roadways should be the first option considered for adjacent property development.

Existing and pre-existing 24/7 operations & conditions along state highway facilities and on state properties, that are or will be adjacent to WHB zoning, will not be subject to or exempt from the following referenced zoning language. Mitigation (i.e. screening) for such items as storage of vehicles outside, vibration, noise and visual impacts, hours of operation, lighting, outside material storage, wildlife fencing, etc...(this list may not be entirely inclusive) shall be at the cost of the abutting property owner (WHB) development.

Specific to Hog Island -

Access to the state highway will be subject to rules and regulations of WYDOT's Access Manual. The TCSD (Munger Mtn Elementary School) property was created with an access easement shared with the adjacent Hog Island properties. The access easement's intent is that it will be utilized for internal trips, and to minimize back and forth trips on US 89. It is not unexpected that a Traffic Impact Study will be required with WYDOT's access permitting process.

There is an existing sewer line in the area that the Hog Island development should consider connecting to.

If you have any questions or concerns please let me know.

Thank you.
Darin Kaufman, P.E., PTOE

WYDOT District 3 Traffic Engineer
3200 Elk Street
Rock Springs, WY 82902
Office: 307.352.3034
Cell: 307.389.0235

On Fri, Dec 10, 2021 at 4:34 PM Rian Rooney <rrooney@tetoncountywy.gov> wrote:

Bob and Darin,

As part of the County project to develop new Complete Neighborhood Character Zones to implement the Comprehensive Plan, Teton County Long-Range Planning has developed a draft new zoning map and new zone, called Workforce Home Business (WHB), for the Hog Island area, specifically Comprehensive Plan Subarea 7.2: Hog Island Home Business. This whole project is technically two separate applications that will be reviewed together at the same hearings:

1. AMD2021-0008 – The amendment to our Land Development Regulations (LDRs), to create the Workforce Home Business zone.
2. ZMA2021-0002 – The amendment to the zoning map to apply the WHB zone, as well as R-2 and R-1 (existing Rural Zones), in the subarea.

Considering that the WHB zone could be applied to other areas of the County in the future, I am requesting any formal comments you have on the proposed WHB zone itself, as well as comments on the specific application of the zone and the R-1 and R-2 zones to Hog Island, as proposed in the zoning map amendment. A few items to note that may interest WYDOT:

- The proposal does not propose to change the zoning of the WYDOT parcel at 1040 Evans Road and does not currently reflect requested zoning map amendment for that parcel, as that request has not yet been approved by the Board of County Commissioners
- Existing subdivision allowances and rights are maintained, i.e. traditional 35 acre divisions remain allowed when properties are large enough to accommodate them
- However, the WHB Zone includes a “Workforce Home Business” development option that would allow for subdivision down to 3 acre lots if certain criteria are met, including a requirement that new lots are deed-restricted
 - a. If fully exercised, the option could produce 40-50 new single-family lots with up to 2 accessory residential units
- All lots in the zone greater than or equal to 3 acres can have a second ARU accessory to a single family dwelling, however the second ARU is required to have a workforce restriction. Restricted ARUs are exempt from floor area maximums, but are still limited to 1,000 sf each (residential primary use) or 850 sf (nonresidential primary use)

I've attached the draft zoning language and draft zoning map amendment. Please send any formal comments on the proposal to me by Wednesday, December 29, 2021. In the meantime please feel free to contact me with any questions.

Thank you for your review,

Rian Rooney

Associate Long Range Planner
Teton County Planning & Building Services
PO Box 1727 | 200 S. Willow Street
Jackson, WY 83001

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E-Mail to and from me, in connection with the transaction of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.



WYOMING GAME AND FISH DEPARTMENT

5400 Bishop Blvd. Cheyenne, WY 82006
Phone: (307) 777-4600 Fax: (307) 777-4699
wgfd.wyo.gov

GOVERNOR
MARK GORDON
DIRECTOR
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January 14, 2022

RE: Hog Island Home Business Rezoning

Rian Rooney
Associate Long Range Planner
Teton County Planning & Building Services
PO Box 1727 | 200 S. Willow Street
Jackson, WY 83001

Dear Mr. Rooney,

We are in receipt of Teton County's request for comments regarding the proposal to develop new Complete Neighborhood Character Zones to implement the Comprehensive Plan, specifically the Workforce Home Business (WHB) zone for the Hog Island area (Comprehensive Plan Subarea 7.2: Hog Island Home Business).

Our concerns specific to the Hog Island area continue to focus on maintaining and promoting permeability and unrestricted wildlife movement. The east slopes of Munger Mountain and the area of the Bridger-Teton National Forest that adjoins Hog Island serve as crucial elk and moose winter range and also contain big game parturition areas.

Specifically, we stress the importance of maintaining the unrestricted ability of wildlife, especially big game, to move unhindered in that portion of the Hog Island area that interfaces with the Bridger-Teton National Forest. This interface will likely become more important as animals learn to navigate through the underpass on Highway 189-191 as they migrate to and from various seasonal ranges. The proposed maintenance of R-1 and R-2 zoning along the Bridger-Teton National Forest boundary, and the associated 35-acre minimum lot sizes, should assist in enhancing this permeability and movement.

The areas proposed for WHB zoning are either already developed, or are areas where large ungulate occupation is not desired and/or actively discouraged due to concerns of elk commingling with livestock and or depredation of stored hay. Still, permeability is important in these areas to allow animals to safely and easily exit the area, or not become entrapped in the first place. Therefore, we support the inclusion of wildlife-friendly fencing in these areas.

In general terms, we are not opposed to the creation of a new zone such as the proposed WHB. We would however, have concerns of down-sizing to 3-acre parcels in other locations that contain important wildlife habitats such as crucial winter range, parturition areas, and movement corridors. Maintenance of large parcels, and particularly the 35-acre minimum lot size, can be especially important. Such evaluations can only be made on a case-by-case basis.

Thank you for the opportunity to comment, and please reach out to me if you have additional questions.



Doug McWhirter
Wildlife Management Coordinator

Rian Rooney

From: Dave Gustafson
Sent: Monday, January 10, 2022 7:11 AM
To: Rian Rooney
Subject: RE: PRC Request - Hog Island Home Business Rezoning

Hi Rian,

Road & Levee has no comment or concern on the proposed development. Hope you had a great holiday!

Dave

From: Rian Rooney <rrooney@tetoncountywy.gov>
Sent: Monday, January 3, 2022 8:21 AM
To: Dave Gustafson <dgustafson@tetoncountywy.gov>
Subject: RE: PRC Request - Hog Island Home Business Rezoning

Good morning Dave,

Just following up on this. I see that you are out of the office until the 10th. If you would like to provide any comments when you return, please send them my way.

Best,

Rian Rooney
Senior Long Range Planner
Teton County Planning & Building Services
PO Box 1727 | 200 S. Willow Street
Jackson, WY 83001

From: Rian Rooney
Sent: Monday, December 13, 2021 3:15 PM
To: Dave Gustafson <dgustafson@tetoncountywy.gov>
Subject: RE: PRC Request - Hog Island Home Business Rezoning

Dave,

My apologies, I meant to say "any comments that TC Road & Levee may have".
Thanks!

Rian Rooney
Senior Long Range Planner
Teton County Planning & Building Services
PO Box 1727 | 200 S. Willow Street

From: Rian Rooney
Sent: Monday, December 13, 2021 3:14 PM
To: Dave Gustafson <dgustafson@tetoncountywy.gov>
Subject: PRC Request - Hog Island Home Business Rezoning

Dave,

As part of the Teton County project to develop new Complete Neighborhood Character Zones to implement the community's Comprehensive Plan, Teton County Long-Range Planning has developed a draft new zoning map and new zone, called Workforce Home Business (WHB), [for the Hog Island area](#), specifically Comprehensive Plan Subarea 7.2: Hog Island Home Business. This rezoning is in addition to and apart from the other zoning applications that I may have sent to you in recent months in the Hog Island area (WYDOT and the Robertson property). This whole project is technically two separate applications that will be reviewed together at the same hearings:

1. AMD2021-0008 – The amendment to our Land Development Regulations (LDRs), to create the Workforce Home Business zone.
2. ZMA2021-0002 – The amendment to the zoning map to apply the WHB zone, as well as R-2 and R-1 (existing Rural Zones), in the subarea.

Considering that the WHB zone could be applied to other areas of the County in the future, I am requesting any formal comments the Wyoming Department of Environmental Quality may have on the proposed WHB zone itself, as well as comments on the specific application of the WHB zone and the R-1 and R-2 zones to Hog Island, as proposed in the zoning map amendment. A few items to note that may interest you:

- Private lands on the northern and western portions of the subarea, many within the Natural Resources Overlay, have been assigned Rural-1 and Rural-2 zoning, which allows for only 35 acre subdivision (see the green and dark green on the proposed map)
- Existing subdivision allowances and rights are maintained throughout the whole subarea, i.e. traditional 35 acre divisions remain allowed when properties are large enough to accommodate them. Smaller lots that have already been divided cannot be further divided with traditional land division under current or proposed zoning.
- However, the WHB Zone includes a “Workforce Home Business” development option that would allow for subdivision down to 3 acre lots if certain criteria are met, including a requirement that new lots are deed-restricted and either connect to a public sanitary sewer or have another advanced wastewater treatment solution
 - a. If fully exercised and developed, the option could produce 40-50 new single-family lots with up to 2 accessory residential units
- In response to concerns about the mix of light industrial home business and residential uses in the area, we have attempted to write specific home business standards that require identification of well sites and proposed impacts as part of an operations plan that would be reviewed with the Conditional Use Permit application.
- All lots in the zone greater than or equal to 3 acres can have a second ARU accessory to a single family dwelling, however the second ARU is required to have a workforce restriction.

I've attached the draft zoning language and draft zoning map amendment. Please send any formal comments on the proposal to me by Wednesday, December 29, 2021. In the meantime please feel free to contact me with any questions.

<< File: Workforce Home Business Draft Zoning and Map.pdf >>

Thank you for your review.

Best,

Rian Rooney
Senior Long Range Planner
Teton County Planning & Building Services
PO Box 1727 | 200 S. Willow Street
Jackson, WY 83001



**Teton
Conservation
District
Est. 1946**

Rian Rooney, Associate Long Range Planner
Teton County Planning & Building Services
PO Box 1727 | 200 S. Willow Street
Jackson, WY 83001

December 27, 2021

RE: ZMA2021-0003

Dear Mr. Rooney,

Thank you for the opportunity to review and comment on the applications to amend Land Development Regulations (LDR) to create the Workforce Home Business zone (AMD2021-0008), and to amend the zoning map to apply the Workforce Home Business zone, as well as other zones, into the Hog Island area (ZMA2021-0002).

The TCD staff does not interpret whether applications are in conflict with LDRs but generally notes deficiencies and provides best management practice suggestions. TCD staff did not conduct a site visit but are generally familiar with the natural resources of the property and area.

Voluntary recommendations

Invasive species:

The potential scale of development in the Hog Island subarea presents the possibility of both import and export of large amounts of materials, including invasive species. It is recognized that invasive species regulation at the county level currently exists for parcel scale development, such as requiring an Invasive Species Management Plan as part of a Grading and Erosion Control Permit Application. However, there may be an opportunity to cooperate with Teton County Weed & Pest District in planning for impacts, throughout the construction process, at the subarea scale. Examples could include utilization of weed free products, such as forage and gravel, and other products where available, or prioritizing weed treatment in advance of large disturbances.

Management of hazardous and toxic materials:

The Hog Island subarea currently has a mix of residential, light and moderate industrial uses. These mixed uses mean various materials will be stored, transported, and utilized within the subarea, and will be in close proximity to public and private drinking water wells. It is recommended that policies addressing spill prevention, control, and countermeasure are developed for industrial uses. This topic is important in the context of the known water quality and quantity issues in this subarea, and the enhanced need to protect the existing water resources.

Conserving our natural resources – air, land, water, vegetation, and wildlife



Wastewater management:

The draft regulation (p. 4 of 9) reads, under 'Required Utilities', that the Workforce Home Business Option shall 'Connect to sanitary sewer or advanced wastewater treatment'. It is recommended that sanitary sewer is greatly emphasized given proximity to this option, with advanced wastewater treatment being allowed only when needed. This recommendation aligns with the Town of Jackson Resolution 21-28, a resolution establishing water and sewer connection policies, which prioritizes Sewer connections to Workforce Housing.

Water rights:

TCD recommends proactively addressing the issue of how to manage water rights on agricultural lands that may be subdivided as part of these, or future, applications. Specifically, where lands with existing water use for agricultural irrigation will transition away from agriculture. Large acreage parcels that are traditionally irrigated for hay production, transitioning into a residential subdivision often leave ditch easements, ditch maintenance expectations and costs, and beneficial uses of water in legal limbo. Several alternatives exist in this type of scenario, including no action, verifying appropriate ditch easement recordation, changes to the beneficial use of the water rights, or, if no other alternative, abandoning of water rights. It is recommended a change of use be sought. Abandonment of water rights is not recommended.

Thank you for the opportunity to provide comment.

Sincerely,



Carlin Girard
Executive Director

Conserving our natural resources – air, land, water, vegetation, and wildlife

Rian Rooney

From: Kathy Clay
Sent: Tuesday, December 28, 2021 12:07 PM
To: Rian Rooney
Subject: RE: PRC Request - Hog Island Home Business Rezoning

Good Day Rian: At this stage, this is still a 30,000 foot view, I'd say. Couple of comments at this point:

- Fire department access may be waived in lieu of fire sprinkling for all occupiable structures
- All structures will be reviewed under the International Wildland Urban Interface Code.

That's it, for now. Have a great week!

Kathy Clay
Battalion Chief Fire Marshal
Jackson Hole Fire/EMS
(desk) 307-732-8506
Facebook JHFireEMS
www.jhfire-ems.org



From: Rian Rooney <rrooney@tetoncountywy.gov>
Sent: Monday, December 13, 2021 3:12 PM
To: Kathy Clay <kclay@tetoncountywy.gov>
Subject: PRC Request - Hog Island Home Business Rezoning

Kathy,

As part of the Teton County project to develop new Complete Neighborhood Character Zones to implement the community's Comprehensive Plan, Teton County Long-Range Planning has developed a draft new zoning map and new zone, called Workforce Home Business (WHB), [for the Hog Island area](#), specifically Comprehensive Plan Subarea 7.2: Hog Island Home Business. This rezoning is in addition to and apart from the other zoning applications that I have sent to you in recent months in the Hog Island area (WYDOT and the Robertson property). This whole project is technically two separate applications that will be reviewed together at the same hearings:

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2. ZMA2021-0002 – The amendment to the zoning map to apply the WHB zone, as well as R-2 and R-1 (existing Rural Zones), in the subarea.

Considering that the WHB zone could be applied to other areas of the County in the future, I am requesting any formal comments you may have on the proposed WHB zone itself, as well as comments on the specific application of the WHB zone and the R-1 and R-2 zones to Hog Island, as proposed in the zoning map amendment. A few items to note that may interest you:

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- However, the WHB Zone includes a “Workforce Home Business” development option that would allow for subdivision down to 3 acre lots if certain criteria are met, including a requirement that new lots are deed-restricted and either connect to a public sanitary sewer or have another advanced wastewater treatment solution
 - a. If fully exercised and developed, the option could produce 40-50 new single-family lots with up to 2 accessory residential units
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I've attached the draft zoning language and draft zoning map amendment. Please send any formal comments on the proposal to me by Wednesday, December 29, 2021. In the meantime please feel free to contact me with any questions.

<< File: Workforce Home Business Draft Zoning and Map.pdf >>

Thank you,

Rian Rooney
Senior Long Range Planner
Teton County Planning & Building Services
PO Box 1727 | 200 S. Willow Street
Jackson, WY 83001



TETON COUNTY WEED & PEST CONTROL DISTRICT
7575 SOUTH HIGHWAY 89 JACKSON, WY 83001
307.733.8419 **FAX** 307.733.0983
www.TCWEED.ORG

February 4, 2022

Teton County Planning Department
c/o Rian Rooney

Dear Rian,

The Teton County Weed and Pest District (TCWP) has reviewed the provided materials for the Rezoning Amendment (ZMA2021-0002) and Land Development Regulation Amendment (AMD2021-0008).

There are no objections to the proposed zoning plan; however, future developments may increase the potential for the introduction or spread of invasive species. Parcel owners within areas where proposed zoning would increase density should manage invasive species prior to any development.

Landowners may contact Teton County Weed & Pest to create an invasive species inventory and management plan.

Sincerely,

Lesley Beckworth
Landowner Programs Coordinator
Teton County Weed and Pest District
307-733-8419
Lbeckworth@tcweed.org

Rian Rooney

From: Ted VanHolland
Sent: Monday, February 7, 2022 1:37 PM
To: Amy Ramage; Rian Rooney
Subject: RE: PRC Request - Hog Island Home Business Rezoning

Amy, Rian,

I think this improves upon the previous version in the ways we talked about. I'll be interested to hear what PC says about this, but I think you hit all the engineering concerns.

Thanks,

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From: Amy Ramage <aramage@tetoncountywy.gov>
Sent: Monday, February 7, 2022 11:10 AM
To: Rian Rooney <rrooney@tetoncountywy.gov>; Ted VanHolland <tvanholland@tetoncountywy.gov>
Subject: RE: PRC Request - Hog Island Home Business Rezoning

Rian,

Thank you for continuing to follow up with us on this. Ted, I believe how we left this is that perhaps you could write up your comments from 12/23 in the email string below in a more formal memo that would be suitable to attach as comment to the staff report to the Boards. If Rian has covered your concerns in his documents in his 1/12 email, perhaps it is not needed. I defer to you, Ted, on how you would like to weigh in.

Thanks,
Amy

From: Rian Rooney <rrooney@tetoncountywy.gov>
Sent: Monday, February 7, 2022 8:34 AM
To: Amy Ramage <aramage@tetoncountywy.gov>; Ted VanHolland <tvanholland@tetoncountywy.gov>
Subject: RE: PRC Request - Hog Island Home Business Rezoning

Good morning Amy and Ted,

Just following up one last time. If you are unable to provide anything for this Planning Commission packet (due this afternoon), I would still accept comments for the Board hearing next month.

Thanks!

Rian Rooney
Senior Long Range Planner
Teton County Planning & Building Services
PO Box 1727 | 200 S. Willow Street
Jackson, WY 83001

From: Rian Rooney
Sent: Tuesday, February 1, 2022 10:51 AM
To: Amy Ramage <aramage@tetoncountywy.gov>; Ted VanHolland <tvanholland@tetoncountywy.gov>
Subject: RE: PRC Request - Hog Island Home Business Rezoning

Amy and Ted,
Just following up on this. If you would like to provide formal comments, I will need them by Monday, February 7 at the very latest, for inclusion in the packet for the Planning Commission.
Thanks again for your help with this.
Best,

Rian Rooney
Senior Long Range Planner
Teton County Planning & Building Services
PO Box 1727 | 200 S. Willow Street
Jackson, WY 83001

From: Rian Rooney
Sent: Wednesday, January 12, 2022 10:21 AM
To: Amy Ramage <aramage@tetoncountywy.gov>; Ted VanHolland <tvanholland@tetoncountywy.gov>
Subject: RE: PRC Request - Hog Island Home Business Rezoning

Amy and Ted,
Thank you both for the conversation last week, and Ted thanks for the follow up call. I've refined this draft and released for public review. Planning Commission is scheduled for February 14 and BCC for March 15. If you would like to provide formal PRC comments to me and the commissions, please send them by January 31 so that I can include them in the packet and staff report.

I have attempted to address the issue of sewer connection and system review (prior to development plan), as well as put the onus on the applicant to provide information with their operations plan on how their home business will deal with chemical and material storage, management and disposal (rather than crafting a whole new slate of regulations). You will see that there are two standards regarding material storage that are requirements, regarding impermeable surfaces and storage in structures that contain dwelling units.

Please reach out with any questions.

<< File: Workforce Home Business Draft 011122.pdf >> << File: ZMA2021-0002 Zoning Map Amendment 011122.pdf >>
Thanks again!

Rian Rooney
Senior Long Range Planner
Teton County Planning & Building Services
PO Box 1727 | 200 S. Willow Street
Jackson, WY 83001

From: Amy Ramage <aramage@tetoncountywy.gov>
Sent: Thursday, December 30, 2021 8:26 AM
To: Ted VanHolland <tvanholland@tetoncountywy.gov>; Rian Rooney <rrooney@tetoncountywy.gov>
Subject: RE: PRC Request - Hog Island Home Business Rezoning

I'll plan to join. Thank you!

From: Ted VanHolland <tvanholland@tetoncountywy.gov>
Sent: Wednesday, December 29, 2021 3:34 PM
To: Rian Rooney <rrooney@tetoncountywy.gov>
Cc: Amy Ramage <aramage@tetoncountywy.gov>
Subject: RE: PRC Request - Hog Island Home Business Rezoning

Rian,
Works for me. Not sure if Amy wants to attend on this one.
I'll block out that time in my schedule.

From: Rian Rooney <rrooney@tetoncountywy.gov>
Sent: Wednesday, December 29, 2021 2:44 PM
To: Ted VanHolland <tvanholland@tetoncountywy.gov>
Cc: Amy Ramage <aramage@tetoncountywy.gov>
Subject: RE: PRC Request - Hog Island Home Business Rezoning

Thanks, Ted. I'd be interested in listening in to that presentation.
As for discussion of the zoning and your comments, would 11 am on Monday (1/3) work for you?

Rian Rooney
Senior Long Range Planner
Teton County Planning & Building Services
PO Box 1727 | 200 S. Willow Street
Jackson, WY 83001

From: Ted VanHolland <tvanholland@tetoncountywy.gov>
Sent: Wednesday, December 29, 2021 10:36 AM
To: Rian Rooney <rrooney@tetoncountywy.gov>; Amy Ramage <aramage@tetoncountywy.gov>
Subject: RE: PRC Request - Hog Island Home Business Rezoning

Rian,

I should have time next week. We're actually going to arrange a presentation from the owner of one company that manufactures and markets an advanced on-site system in the next week or so. We will be inviting other interested parties into this, but you might benefit from the discussion, too. It won't be an open-to-the-public affair, so more casual and Q&A oriented. I'll make sure you get included in the scheduling/invitation list.

But we can also meet just as staff and discuss this aspect of your proposed zone. Let me know when suits you.

Thanks,

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From: Rian Rooney <rrooney@tetoncountywy.gov>
Sent: Wednesday, December 29, 2021 9:47 AM
To: Ted VanHolland <tvanholland@tetoncountywy.gov>; Amy Ramage <aramage@tetoncountywy.gov>
Subject: RE: PRC Request - Hog Island Home Business Rezoning

Ted,

I greatly appreciate you taking a look and providing these comments. I already had noted that I wanted to have a conversation with you about this "advanced treatment" language / idea; and I figured you would flag it. Do you have any free time next week to have a call and discuss (maybe an hour or so)? Let me know what works for you.

And happy new year!

Rian Rooney
Senior Long Range Planner
Teton County Planning & Building Services
PO Box 1727 | 200 S. Willow Street
Jackson, WY 83001

From: Ted VanHolland <tvanholland@tetoncountywy.gov>

Sent: Thursday, December 23, 2021 12:04 PM

To: Rian Rooney <rrooney@tetoncountywy.gov>; Amy Ramage <aramage@tetoncountywy.gov>

Subject: RE: PRC Request - Hog Island Home Business Rezoning

Rian,

I have taken some time this morning to review this proposed zone. I am doing so with the Hog Island vicinity in mind, and it would help to understand the broader implications of this zone if you had some other potential areas of application as examples. I'll also note that I have not spent a lot of time looking into what is allowed in the several zones that currently comprise the area that would be covered under this new proposed zone. Lastly, I'll emphasize that I see a lot of good planning going into this proposed zone, and the issues I'll discuss are only the relatively few areas I see need to address. Given these caveats, I will simply go in order of issues I see as I encountered them in the draft:

1. Required Utilities to include "Advanced Treatment"; this is not defined in the LDRs nor the SWF regs. What are the specific goals to be achieved? NSF 40 is one rating that is often sought by manufacturers of advanced treatment. Some have disinfection, using UV treatment, others not. I have hesitated to define this term in the SWF regs for this very reason. I think we should be careful with this one. The WYDEQ would need to review any proposed on-site system prior to subdivision. That has been squarely in practice, as to when it gets shoehorned into the sketch/dev/sd steps. I'd say DEV at the latest. Perhaps write that in.
2. Industrial uses are limited to gravel, but I would think that would be inappropriate in a home business setting, given heavy equipment, dump trucks, noise and dust, as well as visually incongruent. Other light industrial uses seem appropriate to me, as long as their wastewater (for some, e.g. meat processing and others that generate untypical waste strengths and compositions) is considered specifically during CUP.
3. The operational plan requirement does not indicate what criteria the plan must achieve. I've seen staff, PC and BCC struggle with interpreting such open ended "requirements". Even a narrative about harmony with the nearby residential uses would provide some sense of what the applicant must demonstrate, other than "well, here's our plan, and that's all that's asked for." Applicants and consultants will render this rather meaningless unless more specific criteria are listed.
4. Toxic material is not the same (a subset, actually) of hazardous material for outside storage. And, some hazardous substances are more appropriately stored outside (strong oxidizers, and compressed flammable gases), and they could also be toxic. Perhaps this should also prohibit storage of petroleum products unless they were covered under the WYDEQ storage tank program, which does apply to above-ground tanks above a certain size (500gal?). We really shouldn't regulate smaller tanks, anyway.
5. Visually unobtrusive; that's a landmine. I think my little blue sports car is visually appealing, while my wife thinks it's a visually nuisance, especially with the hood open and the wheels off. I get what you're getting at, but how can this be better explained so that it can be evaluated & enforced. Who gets to decide?
6. The workforce housing subdivision allowance seems like a good tool to encourage that community benefit. It should still require an evaluation of the water and sewer systems per WYDEQ ch.23, or similar by TC when the division proposes 5 or fewer lots.

Sorry to be blunt with my comments. Please imagine I worded everything more diplomatically, because I know how hard it is to write regs and have folks dump on them. See also this past Tuesday's BCC hearing on the SWF regs. If you would like my help in crafting new language per my comments above, I'm very willing, but have to find some time.

Happy Holidays,

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From: Rian Rooney <rrooney@tetoncountywy.gov>

Sent: Friday, December 10, 2021 4:52 PM

To: Amy Ramage <aramage@tetoncountywy.gov>; Ted VanHolland <tvanholland@tetoncountywy.gov>

Subject: PRC Request - Hog Island Home Business Rezoning

Amy and Ted,

As part of the County project to develop new Complete Neighborhood Character Zones to implement the Comprehensive Plan, Teton County Long-Range Planning has developed a draft new zoning map and new zone, called Workforce Home Business (WHB), for the Hog Island area, specifically Comprehensive Plan Subarea 7.2: Hog Island Home Business. This rezoning is in addition to and apart from the other zoning applications that I have sent to you in recent months in the Hog Island area (WYDOT and the Robertson property). This whole project is technically two separate applications that will be reviewed together at the same hearings:

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Considering that the WHB zone could be applied to other areas of the County in the future, I am requesting any formal comments you have on the proposed WHB zone itself, as well as comments on the specific application of the zone and the R-1 and R-2 zones to Hog Island, as proposed in the zoning map amendment. A few items to note that may interest you:

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I've attached the draft zoning language and draft zoning map amendment. Please send any formal comments on the proposal to me by Wednesday, December 29, 2021. In the meantime please feel free to contact me with any questions.

<< File: Workforce Home Business Draft Zoning and Map.pdf >>

Thank you for the review,

Rian Rooney
Associate Long Range Planner
Teton County Planning & Building Services
PO Box 1727 | 200 S. Willow Street
Jackson, WY 83001

Rian Rooney

From: Floren Poliseo <FPoliseo@jacksonwy.gov>
Sent: Monday, January 3, 2022 4:08 PM
To: Rian Rooney; Tyler Sinclair; Johnny Ziem
Subject: RE: PRC Request - Hog Island Home Business Rezoning

Rian,

Here are some questions/input from Town Public Works perspective. I had admittedly forgotten to close the loop on this one last week, so thanks for reminding us. As Tyler has been a little closer to this effort already, he is going to follow up with you in a phone call. Let us know if you need any clarifications or have other questions after that.

1. There this isn't an immediate issue in terms of our current ability to consider new connections and present to Council for decision, but the sewer connection requirement/options should match the recommended updates to County LDRs/code. Staff's recommendation on this specific connection would be to create a District and if that is not proposed then we'd want to know how they intend to meet long-term maintenance and replacement needs. More generally, moving forward we will likely get asked by applicants what "another advanced wastewater treatment solution" as an alternate option might be. I realize the intent may be to simply provide some flexibility to any applicant team to find an atypical but viable solution that meets DEQ requirements, but any example system type that might qualify, or defined criteria, would be helpful to know. (I also realize this may be a question better suited for staff or the consultants later, through the County's water quality planning process currently underway.)
2. This specific up-zone was not accounted for in our 1800 FAR bonus workforce units or the additional 570 anywhere-in-the-valley CN-PRD units that were included in the Capacity Study. We would need to know which "bag" it's coming out of since we need to retain a net-zero with any up-zoning. Related, I understand from Tyler that the ARUs in the County ordinarily don't count toward the CN-PRD cap. But we would need to account for all additional units here (including the ARUs) for our capacity considerations.

Thanks,
Floren

From: Floren Poliseo
Sent: Monday, January 3, 2022 9:26 AM
To: Rian Rooney <rrooney@tetoncountywy.gov>; Tyler Sinclair <tsinclair@jacksonwy.gov>; Johnny Ziem <jziem@jacksonwy.gov>
Subject: RE: PRC Request - Hog Island Home Business Rezoning

Rian,

Public Works/Engineering compiled some input, and someone will circle back once we can discuss with Tyler. I wasn't sure if he had other items to include so we can offer a consolidated response. I realize this was due last week and apologize for not prodding more on my end to complete in time. Will try to get back to you this afternoon!

Hope you had a happy new year weekend!
-Floren

From: Rian Rooney <rrooney@tetoncountywy.gov>

Sent: Monday, January 3, 2022 8:19 AM

To: Tyler Sinclair <tsinclair@jacksonwy.gov>; Johnny Ziem <jziem@jacksonwy.gov>; Floren Poliseo <FPoliseo@jacksonwy.gov>

Subject: RE: PRC Request - Hog Island Home Business Rezoning

EXTERNAL EMAIL from rrooney@tetoncountywy.gov. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

I am following up to see if you all would like to provide any formal comment on the draft Workforce Home Business zoning for the Hog Island area, particularly as it relates to sewer. Let me know if you have any questions.

Thank you,

Rian Rooney
Senior Long Range Planner
Teton County Planning & Building Services
PO Box 1727 | 200 S. Willow Street
Jackson, WY 83001

From: Rian Rooney

Sent: Monday, December 13, 2021 3:22 PM

To: Tyler Sinclair <tsinclair@jacksonwy.gov>; Johnny Ziem <jziem@jacksonwy.gov>; Floren Poliseo <FPoliseo@jacksonwy.gov>

Subject: PRC Request - Hog Island Home Business Rezoning

Tyler, Johnny, and Floren,

As part of the Teton County project to develop new Complete Neighborhood Character Zones to implement the community's Comprehensive Plan, Teton County Long-Range Planning has developed a draft new zoning map and new zone, called Workforce Home Business (WHB), [for the Hog Island area](#), specifically Comprehensive Plan Subarea 7.2: Hog Island Home Business. This rezoning is in addition to and apart from the other zoning applications that I have sent to you in recent months in the Hog Island area (WYDOT and the Robertson property). This whole project is technically two separate applications that will be reviewed together at the same hearings:

1. AMD2021-0008 – The amendment to our Land Development Regulations (LDRs), to create the Workforce Home Business zone.
2. ZMA2021-0002 – The amendment to the zoning map to apply the WHB zone, as well as R-2 and R-1 (existing Rural Zones), in the subarea.

Considering that the WHB zone could be applied to other areas of the County in the future, I am requesting any formal comments from the Town of Jackson that you may have on the proposed WHB zone itself, as well as comments on the specific application of the WHB zone and the R-1 and R-2 zones to Hog Island, as proposed in the zoning map amendment. A few items to note that may interest you:

- Private lands on the northern and western portions of the subarea, many within the Natural Resources Overlay, have been assigned Rural-1 and Rural-2 zoning, which allows for only 35 acre subdivision (see the green and dark green on the proposed map)
- Existing subdivision allowances and rights are maintained throughout the whole subarea, i.e. traditional 35 acre divisions remain allowed when properties are large enough to accommodate them. Smaller lots that have already been divided cannot be further divided with traditional land division under current or proposed zoning.
- However, the WHB Zone includes a “Workforce Home Business” development option that would allow for subdivision down to 3 acre lots if certain criteria are met, including a requirement that new lots are deed-restricted and either **connect to a public sanitary sewer** or have another advanced wastewater treatment solution

a. If fully exercised and developed, the option could produce 40-50 new single-family lots with up to 2 accessory residential units

- In response to concerns about the mix of light industrial home business and residential uses in the area, we have attempted to write specific home business standards that require identification of well sites and proposed impacts as part of an operations plan that would be reviewed with the Conditional Use Permit application.
- All lots in the zone greater than or equal to 3 acres can have a second ARU accessory to a single family dwelling, however the second ARU is required to have a workforce restriction.

I've attached the draft zoning language and draft zoning map amendment. Please send any formal comments on the proposal to me by Wednesday, December 29, 2021. In the meantime please feel free to contact me with any questions.
 << File: Workforce Home Business Draft Zoning and Map.pdf >>

As always, thank you for your review and comments.

Best,

Rian Rooney
 Senior Long Range Planner
 Teton County Planning & Building Services
 PO Box 1727 | 200 S. Willow Street
 Jackson, WY 83001

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Public Comment

From: [Mark Newcomb](#)
To: [Rian Rooney](#)
Cc: [Matt Faupel](#)
Subject: Fwd: Hog Island WHB
Date: Monday, January 31, 2022 5:41:46 AM

Thanks for sharing your thoughts Matt.

Rian,

Looks like this accidentally went to Ryan H.....

Thank you,
Mark Newcomb
Teton County, Wyoming Commission
mnewcomb@tetoncountywy.gov
(307) 413-9690

Begin forwarded message:

From: Matt Faupel <matt.faupel@compass.com>
Subject: Hog Island WHB
Date: January 30, 2022 at 9:17:23 AM MST
To: rhostetter@tetoncountywy.gov, April Norton
<ahnorton@tetoncountywy.gov>, commissioners@tetonwyo.org

Rian -

Thank you for your time a couple of weeks ago discussing the WHB proposal for Hog Island. I am excited the County is looking to do something down in this area to help the local business owner and preserve the district as non-2nd home. There are a few things I feel need to be addressed in order to make the zone work --> actually get used.

- CUP process - the CUP process is way too tenuous, 6-12 months to get a use approved. This is way too long of a due diligence period in a sale - a seller will opt for a deal that has certainty much sooner. This will apply to a sale without a restriction or one with. A business owner should not have to wait that long. If the zone is pro-business, we need to change the chart to having a number of the Conditional Uses become Basic Use Permit.
- Ownership of other property within 150 miles (Workforce restriction) - you have to expect a business owner owns other property - rentals, investment property, their own house - this needs to be removed.
- Property subject to Workforce Restriction - there should be some accomodation to the land owner - if they develop and restrict, then sell a portion of the business but retain a small part and still own the land but also have some investment income, they will no longer qualify to live there as their income will no longer be 75% locally sourced. We have to think about the restriction and the owner differently.
- Appreciation cap - you have to assume the first sale of these properties will

be as vacant land, or with just a house on it. The common method of allowing capital improvement is a cost approach which will likely be too low for an owner to move forward with. If I buy a piece of land and in 2 years I add a few buildings and restrict it, I want to have a basis of market value at the time, not my land acquisition cost + CPI then only cost for the improvements, audited by a department.

- FAR - the FAR for 3 acres is about 8,100 sqft. Even exempting the ARUs, this is not enough FAR for someone needing a decent sized shop, etc. A good incentive would be to make the FAR 10,000 sqft + the exempted ARUs.
- This is an excellent landing area for historic structures - you should have an exemption for those against the "1 ARU shall be attached" if that is the case.
- The main residence capped at 2,500 sqft (+basement) is too onerous to expect a business owner to leave their larger home somewhere in town and go down there to develop their shop and Home Business.
- There should not be a restriction on renting ANY of the structures - the main residence or any of the ARUs (referring to the difference between an ownership and rental Workforce Restriction). An owner needs to be able to use it how he wants so long as the occupant qualifies so the restriction should be written that way.

There is the thought that a number of the concerns above can be addressed by Department or Commissioner approval, ie, a "variance" or exception. This will not work as it costs time to get through the process and leaves uncertainty - both the enemies of policy (see my CUP comment), we need to make as much by-right as possible. As I mentioned, this idea is a great one but has to incentivize the private sector to make it work. I would hate to see it turn into a 2nd home neighborhood in 10 years.

Thanks for your time.

matt

please note my new email address matt.faupel@compass.com

Matt Faupel

ASSOCIATE BROKER

M: 307.690.0204

Email: matt.faupel@compass.com

www.grahamfaupelmendenhall.com

Graham-Faupel-Mendenhall & Associates

Compass Jackson Hole

PO Box 4897 | 80 W Broadway | Jackson, WY 83001

Exclusive REALM Members



Teton County Planners and Commissioners, thank you for considering my comments on the rezoning proposal for Hog Island “Workforce Home Business.”

Before the mid 1960s, the remote private lands, lying along the east slope of Munger Mountain running to the west banks of the Snake River, consisted of 5 isolated working ranches. The access was via a swinging bridge built in 1938. This is now what is referred to as Hog Island.

Relevant to the discussion of rezoning, in the 1960s the Wyoming Highway Department rerouted US Highway 89 to the west side of the river. Until that time the highway location had been on what is now named Henry's Road. Upon completion, the new highway cut through 4 of the 5 working ranches. It disrupted the viability and operating logistics of these ranches. Much of the development you see on Hog Island today is the result of the highway severing these ranches. The ranch owners found it necessary to parcel the severed land for land sales.

This set an important land use benchmark. These parcels represent the initial Hog Island land use which are currently labeled as Neighborhood Conservation. They now serve as residential and base properties for many small businesses and local service providers. They represent the character of the Hog Island community. These small businesses and service providers add to the fabric of the greater community and contribute greatly to the economy and the local economic multiplier.

Addressing the rezoning proposal of Workforce Home Business for the area, I have some concerns. The rezoning proposal seems arbitrary by design. It creates winners and losers by using the highway to delineate between Neighborhood Conservation and proposed Workforce Home Business. On one side, land has free market property rights; on the other side, if approved, property rights will be encumbered with future deed restrictions, plus forcing owners to partner with a governing entity and comply to the ruling control of the Jackson / Teton Housing Department. This is governing over-reach.

As a neighborhood, it makes sense to consider the whole of Hog Island as those lands described above. I suggest keeping the zoning as currently platted and labeled. For any future development, use what is now labeled **Neighborhood Conservation** as the foundation of the zoning / land use, and allow County land use regulations to manage development standards, and let private Home Owners Associations govern their properties under their CC&Rs. This is more cohering, and a much better fit for the community character and current land owners.

As an alternative or another option for the remaining undeveloped Ag-lands, consider the concept of building a development-rights banking system allocating transferable rural development rights. This would be more equitable for rural land owners and not extinguish values with deed restrictions. It would provide the rural land owner a means of access to portions of the equity in the property while leaving it as Ag-lands and open space. This would benefit the community with a tool to locate development needs closer to existing infrastructure, and a benefit for wildlife by preserving habitat.

Again, encumbering Hog Island platted and rural Ag lands with the proposed Home Business zoning seems arbitrary and unfair. Over the years these residents have contributed to the community. They deserve good faith consideration regarding any future restrictions affecting their properties. I see no incentive for these landowner to accept encumbering their investment by surrendering future free market property rights via deed restrictions and having to partner with and grant an interest in their real estates management and control to the Jackson/Teton Housing Department.

Thank you, Steve Robertson

Meeting At Lane Ross Residence w/Ben Ellis

March 6, 2012

Ryan - These notes and highlights were from an opening speech I presented during the March 6th meeting.

The three families represented here tonight essentially own all developable property remaining in District 7.2, better known as Hog Island.

To our own disadvantage, our families have pretty much remained silent during past planning efforts that first began in the late 70s.

The resulting zoning and strict regulation to which we have subsequently been bound has left a bad taste in our mouths, more often than not over the last three decades.

This time around, we would like our voices to be heard.

I believe representatives from each of these families have been outspoken and active in the current planning process.

However, in reviewing the Planning Commission Certified vision for our district, it appears our input has been ignored.

Without LDRs and other planning tools available upon which to judge the “live/work” designation, it is difficult to dissect the ramifications of the proposed zoning and form a true opinion.

However, statements and conclusions found in the County’s vision for District 7.2 would make it seem our district will once again be pigeon-holed, highly regulated, and development options extremely restricted.

One common value noted is to locate nonresidential development to complete neighborhoods, when we were told throughout our discussions with planners that the district would likely be deemed a complete neighborhood. 7.2 is was indeed deemed a Complete Neighborhood, which I have commented on during the current process, including the present lack of ANY commercial.

The statement that “Multiple residential units per lot, industrial, office, retail, or community convenience uses are not the envisioned future character of this district” seems to leave little room for imagination of what might be allowed.

It is also noted that the district should not transition into a commercial neighborhood similar to Hoback Junction.

I did a quick comparison of District 7.2 to the county region served by Hoback and discovered through the County GIS that the approximate number of single family homes occupied year round that the Hoback hub currently serves is 221.

The number of similar homes that could presently be served if a hub were located near the centroid of District 7.2 is 257.

Comparing distances from the most remote areas of each area to the centroid, it was found that Hoback exhibited an average of 5.0 miles while District 7.2 would average 3.0 miles. This would indicate substantially more sprawl exists in the Hoback region as opposed to Hog Island.

Based on these figures, it appears some type of community convenience is already warranted on Hog Island.

Since this is one of the few areas in the county that additional development could occur, and considering a total developable area on the order of 500 acres between all families present, future growth will most definitely warrant some type of community convenience, among other amenities.

One of the overriding comments I made during meetings with the county was that the development potential should not arbitrarily be limited due to lacking infrastructure.

If higher densities and/or uses can be proven feasible through scientific study or implementation of infrastructure, development in District 7.2 should not be restricted to a singular, unyielding option noted in the comp plan.

Rian Rooney

From: Rian Rooney
Sent: Thursday, December 16, 2021 4:02 PM
To: Della Walsh
Cc: Monty Evans; blcook@bresnan.net
Subject: RE: Hog Island Zoning Follow Up

Della,
Thank you for these comments. I will share them with the Planning Director.

I do wish to note that it is the County's intention to remove and replace the existing Rural-TC legacy zoning that is currently in place across the ranch and some remaining areas in the County. The draft map that I produced in November shows our newer rural zoning over the existing home sites (Rural-2) and the northern part of the ranch (Rural-1), with the southern portion of the ranch in the new, draft Workforce Home Business zone. The differences between the new rural zoning (Rural-1 and Rural-2) and the Rural-TC legacy zoning are small. Similarly, the Workforce Home Business Zone (WHB) retains the existing floor area, site development, and use allowances that exist under the current R-TC, but also adds some additional options that can be exercised by the property owner, if they wish to. There is no requirement that the property owner do so. Agriculture and Single-Family Residential both remain by-right uses in Rural-1, Rural-2 and WHB. As proposed in the November draft, the zoning should have no impact on the operations of the gravel operation nor the ranch.

We are still refining the draft, and I am happy to answer any questions that come up. I will also be sure to alert you when a revised draft has been released.

Best,

Rian Rooney
Senior Long Range Planner
Teton County Planning & Building Services
PO Box 1727 | 200 S. Willow Street
Jackson, WY 83001

From: Della Walsh <dellajwalsh@gmail.com>
Sent: Wednesday, December 15, 2021 9:45 AM
To: Rian Rooney <rrooney@tetoncountywy.gov>
Cc: Monty Evans <montyhogisland@gmail.com>; blcook@bresnan.net
Subject: Re: Hog Island Zoning Follow Up

[NOTICE: This message originated outside of the Teton County's mail system -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Hi Ryan,
Thank you for the emails and information in regards to the proposed Hog Island zoning. Please be advised that our family is not interested in our property being rezoned under the Hog Island Subarea 7.2 home business proposal. We would like our property to be exempt from this and have it remain under the current zoning.

Sincerely,
Della Walsh, Monty Evans and Betty Cook

Sent from my iPhone

On Dec 7, 2021, at 4:35 PM, Rian Rooney <rrooney@tetoncountywy.gov> wrote:

Della,

I hope you are doing well and are enjoying the holiday season. I am reaching out to see if you have had a chance to review the draft zoning proposal materials for Hog Island or if you have any questions so far. I put a presentation together on the proposal that can be rewatched on the [project page here](#). We are continuing to refine some of this proposal and are interested in reactions and feedback from the community. Please reach out if you have any questions or comments. I am happy to find a time to meet or schedule a phone call if that would be helpful.

Best,

Rian Rooney
Associate Long Range Planner
Teton County Planning & Building Services
PO Box 1727 | 200 S. Willow Street
Jackson, WY 83001

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Rian Rooney

From: Rian Rooney
Sent: Monday, November 15, 2021 10:08 AM
To: Rosi de Haan
Subject: RE: Subarea 7.2: Hog Island Home Business - Zoning Proposal Presentation + Updates

Rosi,

Yes, feel free to call this week: 307-732-8508 for my direct line.

Regarding Conditional Use Permits, at present both with current zoning and with the proposed WHB, a home business would require approval and issuance of a Conditional Use Permit, which goes through the public review process with both the Planning Commission and the Board of County Commissioners. That is not proposed to change.

For ARUs, current policy and proposed policy is that an applicant would seek a Basic Use Permit, which is an administrative review by our planning staff here at the office, but does not go through the public hearing process and neighbors do not receive a mailed notice for these Basic Use Permit reviews. To build a structure on a property, one must get a building permit, issued through our Building Division and reviewed by our planning staff as well for compliance with the Planning regulations. There are no changes with regard to those processes between the new and the proposed.

The provision that a home business could be accessory to an ARU is allowed county-wide where home businesses are permitted at present. This is not a proposed change. This situation would also have to go through the Conditional Use Permit process in order to lawfully establish the home business. Note that there is a limit set that only 25% of habitable floor area of the dwelling unit (whether ARU or Detached Single Family Unit) can be allocated to a home business, however, nonhabitable floor area in accessory structures can also be used for home businesses.

Best,

Rian Rooney
Associate Long Range Planner
Teton County Planning & Building Services
PO Box 1727 | 200 S. Willow Street
Jackson, WY 83001

From: Rosi de Haan <RosideHaan@charter.net>
Sent: Friday, November 12, 2021 11:43 AM
To: Rian Rooney <rrooney@tetoncountywy.gov>
Subject: RE: Subarea 7.2: Hog Island Home Business - Zoning Proposal Presentation + Updates

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Rian:

Thank you for all that information. I will probably call next week, if that is possible.

Just one clarification: You talk about Home business as a conditional use permit. Are you talking about the current zoning? Will there be a conditional use permit requirement once the zoning changes to WHB? Will the neighbors still be asked for comment under the new zoning? Because if not, then I would prefer, that the zoning stays as is. Is that still a possibility?

Am I correct that under both zonings NC and WHB one need a permit to run a home business and a permit to have an ARU? One cannot just put a building on the property, correct? Or are there differences between the zonings with that respect?

Also, it seems crazy that once there is an ARU on the property, that that renter can start his/her own business on that property as well. Can that provision be taken out? Is this also allowed under the current zoning or just under WHB?

Thank you for your patience, all this is a bit confusing to me and my neighbors are asking me about all this.

Regards
Rosi

From: Rian Rooney [<mailto:rrooney@tetoncountywy.gov>]
Sent: Friday, November 12, 2021 10:37 AM
To: Rosi de Haan <RosideHaan@charter.net>
Subject: RE: Subarea 7.2: Hog Island Home Business - Zoning Proposal Presentation + Updates

Good morning Rosi,

Thank you for these comments and questions. I'll try my best to answer each below:

1. **Home Business.** A requirement of the “home business” use, which is authorized through a Conditional Use Permit granted by the Board of County Commissioners, is that the home business must be operated by a person residing within the dwelling. The property could not be rented out for a business use to someone who does not work on site. However, if someone is a renter in an ARU on the site (or rents the property for their residence but does not own it), then that person could also be eligible to apply for a use permit for a home business. Additionally, the standards require that no more than 2 people residing off-site may be employed at the home business.
2. **Campground.** Campgrounds are not proposed to be an allowed use in the WHB zone. Campground is currently an allowed use in the R-TC (Rural) zone, requiring a Conditional Use Permit and a minimum of 35 acres. The zoning as proposed would eliminate campground as an allowed use.
3. **Code Compliance.** If you would like to report a code compliance issue, I encourage you to contact our Planning Director, Chris Neubecker (cneubecker@tetoncountywy.gov), who is covering code compliance while our department seeks to re-staff the position (we lost our Code Compliance Officer this fall, but have received authorization to hire 2 new officers).
4. **Hours of Operation.** Currently allowed home business uses do not require that hours of operation be set during the Conditional Use Permit review process. The intention of this standard is to require that hours of operations be set during the review (which includes a public hearing with the Board of County Commissioners). The current standards set an absolute maximum of 7 am to 10 pm, but the idea is that specific hours could be set for each individual permit depending on the specifics of the business operations and the neighborhood context. The benefit of the Conditional Use Permit process is that it can address that specificity. Neighbor input would be considered as public comment by the Board of County Commissioners and Planning Commission during the Conditional Use Permit review process.
5. **Differences between NC-TC and WHB.**

- a. **Site Development and Floor Area.** Generally the same – properties may receive a small bonus commensurate with any land currently encumbered by road easements. If you have questions on this, it may be easier to discuss over the phone.
- b. **Structure Setbacks (where structures are located on a lot).** Front and rear setbacks would stay the same. Side setbacks would increase to be equal to rear setbacks. For lots under 3 acres, this means an increase from 10' to 25'. Existing structures that do not comply with the standard would be recognized as lawfully nonconforming, however, new structures would have to follow this new standard.
- c. **Site Development Setbacks (hardscape / nonpermeable area on lot).** These are the same for the rear, but side setback would increase to equal rear from 5' to 12.5' (half the structure setback). Front setback would equal the front structure setback (25') – current requirements in the NC zone are that 60% of the frontage is 25' while 40% could be setback half to 12.5'. The idea here is to push parking and other hardscape out of the front yard.
- d. **ARU Incentive Bonus.** In exchange for deed-restricting the ARU for the workforce, an ARU could be exempt from the floor area maximum allowed on a property. This could mean an additional 1,000 sf of floor area that could be built on a lot less than 3 acres. As you identified, this would still be limited to just 1 total ARU on lots < 3 acres and up to two on lots > 3 acres.
- e. **Home Business Standards.** The home business standards that I addressed in the presentation would be a shift: 1. Requiring an operations plan, with hours of operation set and a parking and storage plan, 2. Allowing for up to 2,000 sf of designated outdoor storage for materials (screened), 3. Allowing for outdoor storage of passenger commercial vehicles in designated parking areas (screened).
- f. **Noise Allowance.** Allowed noise under the LDRs would increase (measured at the property line) from 55 DBA to 65 DBA.

Hope this helps as a start. Thank you for your feedback. As I mentioned in the presentation, this is a first draft and it is helpful to receive reactions and feedback as I work to refine these standards for a second draft.

Best,

Rian Rooney
 Associate Long Range Planner
 Teton County Planning & Building Services
 PO Box 1727 | 200 S. Willow Street
 Jackson, WY 83001

From: Rosi de Haan <RosideHaan@charter.net>
Sent: Thursday, November 11, 2021 11:19 AM
To: Rian Rooney <rrooney@tetoncountywy.gov>
Subject: RE: Subarea 7.2: Hog Island Home Business - Zoning Proposal Presentation + Updates

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Good morning Rian,

I just watched your presentation from last Tuesday. Thank you.

I have a few questions:

Does rezoning to WHB mean, that you can rent out some of your property to another business, or does it have to be the property owners business? Also, are you allowed to run a campground? This is all happening right now.

Also, I like the fact that you have a cut off of 3 acres for the additional ARU. Some property owners in the neighborhood already have so many barns, sheds and storage units and garages on their property that I support this requirement. Also the more ARUs, the more water usage and the more noise and activity. If you have a house and 2 ARUs, you have at least 3 -6 cars and at least 3 dogs. The density just gets too high.

Furthermore, I am concerned about noise and I think equipment should be stored inside. Parking areas should also be screened. Imagine your neighbor runs a business right next to a residential home and they store all their equipment and trucks right next to your bedroom. Every day all the trucks start in the morning and the fumes get over to your house and you have to look at all their stuff. Equipment is not stored inside there are possible oil leaks with ground contamination issues. In the winter everything is covered with tarps and everything just looks terrible. So I would think if someone would want to run a business the direct neighbors input should be considered.

Lastly, business operations hours from 7 am to 10 pm sounds crazy to me. You won't be able to sit outside at night without someone running forklifts and equipment. How about 7 am – 5 pm?

Could you help me understand what the exact differences between NC-TC and WHB are? The chart online is not clear to me.

THANK YOU SO MUCH for taking the time to address my issues.

Rosi de Haan
Robertson Ln.
Jackson, Wyoming

From: Rian Rooney [mailto:rrooney@tetoncountwy.gov]
Sent: Wednesday, November 10, 2021 9:42 AM
To: Rosi de Haan <RosideHaan@charter.net>
Subject: RE: Subarea 7.2: Hog Island Home Business - Zoning Proposal Presentation + Updates

Hello Rosi,
I am in the process of uploading a recording of last night's presentation. It takes a little while, but I will let you know once it's up. Afterward, I'd be happy to discuss and answer questions.
Best,

Rian Rooney
Associate Long Range Planner
Teton County Planning & Building Services
PO Box 1727 | 200 S. Willow Street
Jackson, WY 83001

From: Rosi de Haan <RosideHaan@charter.net>
Sent: Wednesday, November 10, 2021 9:41 AM
To: Rian Rooney <rrooney@tetoncountwy.gov>
Subject: RE: Subarea 7.2: Hog Island Home Business - Zoning Proposal Presentation + Updates

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Good morning Rian,

I missed the webinar yesterday. Your letter said, that there would be a recording available. I did not see it yet.

I do not understand what the rezoning implicates. What would be different from what it is now? Maybe you can help me make sense of this.

Thank you.

Regards
Rosi de Haan

From: Rian Rooney [<mailto:rrooney@tetoncountywy.gov>]
Sent: Thursday, October 28, 2021 11:27 AM
Cc: Ryan Hostetter <rhostetter@tetoncountywy.gov>
Subject: Subarea 7.2: Hog Island Home Business - Zoning Proposal Presentation + Updates

Good morning,

Teton County Planning Staff would like to invite you to a virtual presentation of an initial zoning proposal for Subarea: 7.2: Hog Island Home Business. Since the kickoff meeting in July, we have been working to develop draft zoning standards and have appreciated the conversations and input you've shared with us. We are now looking forward to presenting an initial proposal and continuing these conversations. Please join us **Tuesday, November 9, 2021, at 6pm** for a presentation. This presentation will be held virtually on Zoom. If you are unable to attend or would like additional information following the presentation, Teton County Planning Staff will be available for follow up meetings to discuss the proposal in the weeks after the presentation.

Zoom Webinar Information

November 9, 2021 at 6 pm

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/82892359325>

Or One tap mobile :

US: +13462487799,,82892359325# or +16699006833,,82892359325#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782 or +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592

Webinar ID: 828 9235 9325

Updates regarding additional planning and zoning applications in the Hog Island area:

[ZMA2021-0001](#) and [AMD2021-0001](#). These applications from the Robertson Family to rezone approximately 50 acres of their property at 7675 South Highway 89 from Rural County to a newly proposed zone have been postponed until spring 2022.

[ZMA2021-0003](#). The Wyoming Department of Transportation has submitted a zoning map amendment for their parcel, located at 1040 E Evans Road, to rezone from Neighborhood Conservation (a single-family residential zone) to Public/Semi-Public. Their stated intention is to build 28 employee housing units on the western side of the property. I will send out an email when the Planning Commission hearing on this item has been scheduled.

Best,

Rian Rooney
Associate Long Range Planner
Teton County Planning & Building Services
PO Box 1727 | 200 S. Willow Street
Jackson, WY 83001

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Rian Rooney

From: David Nalley <david@steamway.com>
Sent: Tuesday, October 5, 2021 8:54 AM
To: Rian Rooney
Subject: Re: Hog Island Robertson Ranch Rezoning Hearing Postponed

Follow Up Flag: Follow up
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Hi Rian,
Thank you for your time.

As you and I have already talked, which I enjoyed very much, Thank You. I thought it might be good to share in writing to the commissioners and any other party, after running Nalley Steamway for 20 years with a "conditional use" on 690 E Simpson St. 2 blocks from the Hospital on a 1/4 acre lot, I understand "compressed" and experienced crowded bickering. Then in 2000 we moved Nalley Steamway to the 3 acre lot on KDC Ln. with similar neighbors, and have completed our 21st year on KDC Ln, 21 years of peace and quiet.

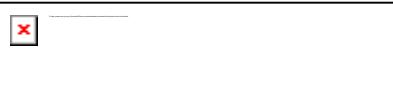
I feel very strongly about a few things, 1: Quality of life is important to all, 2: this "Hog Island" area is a nice place to allow the services so much needed in the valley to exist. 3: The larger lots of 3 acres is just enough to keep the peace, two acres would be a bare minimum.

I have been concerned with other qualities of life, our water quality and traffic. The county was quick to point out how enclosing a mezzanine on the 7930 Ross Ln. building I built would impact the infrastructure of our community, probably a true statement, and if it is, it would be true, the infrastructure is impacted by packing people for the sole reason of "more money". I'm sorry to be so bold. I believe the water quality and traffic are an important consideration...and kind of obvious. :)

It is getting crowded no matter where I travel, our past commissioners set up the rules we have today, of 3 acre lots to keep some quality of life we all invested in years ago.

I spent about 90 days agonizing over my conclusion and getting objective input from people unrelated to our neighborhood, I wish life in Jackson was more affordable, but it is not and making it more crowded is not a good thing to do. I am always available for what little value I offer to help the Commissioners serving today. Thank you for serving

David Nalley
Cell (307) 690-4002



On Mon, Sep 27, 2021 at 11:11 AM Rian Rooney <rrooney@tetoncountywy.gov> wrote:
Good morning,

I am reaching out to the Hog Island Rezone Project email list to share that the applications for a rezoning of the Robertson Ranch (AMD2021-0001 and ZMA2021-0001), submitted to the Teton County Planning Department by Y2 Consultants on behalf of the Robertson family, have been requested to be postponed to the November 8, 2021 Planning Commission hearing for consideration. The applications had originally been scheduled to be heard by the Planning Commission on September 27, 2021 (tonight) and by the Board of County Commissioners on October 19, 2021. At tonight's hearing, the Planning Commission will formally move to postpone the application to the November 8, 2021 hearing. No public comment will be taken on the applications at tonight's meeting. The items will also be postponed from the October 19, 2021 Board of County Commissioners hearing to a future date. I will reach out to this email list to share information on that postponement when a date has been set.

The agenda for tonight's Planning Commission meeting can be viewed [here](#).

Please contact me with any questions.

Best,

Rian Rooney
Associate Long Range Planner
Teton County Planning & Building Services
PO Box 1727 | 200 S. Willow Street
Jackson, WY 83001

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From: [Randy Shacket](#)
To: [Rian Rooney](#)
Subject: Hog Island Rezone
Date: Tuesday, June 29, 2021 10:06:16 PM

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To whom this may concern:

Hi, I am a homeowner in the Hog Island area. Specifically 850 Hog Island Rd. I am very disappointed I can't get out of work to attend the meeting, but I want to be involved and informed of current happenings and future plans for the area. I'm sure many of my questions will be addressed in the meeting, but because I can't be there, I hope you can take the time to answer them through email. Some of my questions and concerns may be based around rumors, and bad information, so please feel free to clear up anything I seem to be misinformed on.

The main issue at hand, commercial zoning:

I support this completely. I see that measure causing property values to go up (do you agree?). I see this area as somewhat of a no man's land just outside Jackson needing to be put to better use. I wonder, does this measure include commercial residential buildings such as apartments? If so, it is important to me that there are height regulations, parking and storage regulations, design regulations (such as less metal, and more wood and other natural products and colors), and most importantly light pollution regulations. That is important to me to apply to any business because I am already bothered by the lights that come from the back of the WYDOT building (is there anything we can do about that? possibly dim them or angle them down?). It is important to me that we do not add any power or telephone poles. I would request all utilities be run underground. It is also important to me that no commercial uses create a permeating smell. Weather that includes heavy livestock or production of anything that could give off an unpleasant smell or degrade air quality. How will this change affect my property taxes and insurance? What other costs could I expect to be affected by this zoning change? Also, I was wondering if there are any proposals or specific plans as far as where exactly storefronts or shopping centers might be located? I mean, where's the Walmart going to go if this gets approved?

Next, I would like to talk about changes that should be included in the rezoning statutes. First of all, I have heard rumors that when the new school was being put in, running city sewer and water to the Hog Island residential areas was a possibility. Please describe to me the details of that. I have heard people were misinformed about how much out of pocket they would have to pay to make this happen. I think that as this area grows, the county or state should fund this to eliminate leech fields and poor ground water quality affecting the health of residents. Not to mention, most of these septic systems are very old and unmaintained causing more leeching in to the well water than people may realize. I support a project that brings clean treated water and properly managed sewage to the area.

Next, I would like to talk about residential building and lot splitting regulations. The lot that my house sits on is 2.7 acres. My house was built in the 1950s. The law states that if i want to build anything else on my property, I am limited to 1,000 square feet and not even allowed to

do an unfinished basement (am i correct about the basement?). First of all, there's no reason I shouldn't be allowed to build a guest house with a basement. The footprint is the same. Why not allow me to add a little more space for storage or to finish off at a later time? I think if apartments and rentals are going to be allowed to pop up everywhere, I should be allowed to build a townhouse or rentable space on my property regardless if there is already a house on my property or not. And I think, either way, 1,000 square feet is not fair. I should be allowed to build at least a 1500-1800 square foot house on my property to help Jackson with the housing crisis and to help me afford the rising cost of homeownership here in Jackson. Furthermore, If the guest house regulations can't be revised, then i think you should change the regulations that determine eligibility to lot splitting. correct me if i'm wrong, but as the current zoning rule states, nothing under 7 acres can be divided. I think that I should be allowed to split my 2.7 acre property to create a living space for another jackson family and a profit for me instead of having all this unusable land. I just want to see development be fair across the board. If some developer buys a 30 acre farm and gets to split it all up into half acre parcels, i expect the same opportunity on my land.

Anyways, thank you for taking the time to read my comments, concerns, and ideas about making this special area of Jackson better. I look forward to hearing back from you to get a better understanding of what is possible for the future.

Feel free to call me as well: 970-333-9990

Thanks,
Randy

Shacket Construction LLC