TETON COUNTY COMPREHENSIVE PLAN

AND

IMPLEMENTATION PROGRAM

December 6, 1977

RULES OF PROCEDURE

OF THE

TETON COUNTY PLANNING COMMISSION

CHAPTER I

GENERAL PROVISIONS

Section 1. Authority. These rules of procedure are adopted in accordance with and authorized by §18.289.2 of the Wyoming Statutes of 1957, as amended.

Section 2. Scope. These rules of procedure shall govern the meetings and transaction of business of the Teton County Planning Commission.

Section 3. Definitions. As used in these rules:

a. Acting Chairman means the member of the Commission chosen to act as chairman in the absence of the chairman.

b. Chairman means the member of the Commission chosen to act as chairman and presiding officer by the member of the Commission.

c. Commission means the Teton County Planning Commission.

CHAPTER II

OFFICERS AND THEIR DUTIES

Section 1. The officers of the Commission shall consist of a Chairman and a Secretary.

Section 2. Chairman. The chairman of the Commission shall preside over all meetings and hearings of the Planning Commission and shall have the duties normally conferred by parlimentary usage on such officers.

Section 3. The Chairman shall be one of the citizen members of the Commission. He shall have the privilege of discussing all matters before the Commission and of voting thereon.

Section 4. Election of Chairman. The Chairman shall be elected by majority vote of the members of the Commission. The election of a chairman shall be conducted at the last regular meeting prior to the expiration of the term of the current chairman, or at a special meeting called for such purpose prior to the

expiration of the term of the current chairman. If the chairman shall resign at any time during his term of office, a new chairman shall be elected at the next regular or special meeting.

Section 5. Term. The chairman shall serve for a period of one year.

Section 6. Acting Chairman. If the chairman shall be unable to attend any regular or special meeting of the Commission, the members in attendance shall, by majority vote, elect an Acting Chairman to preside over the meeting.

Section 7. Secretary. The County Clerk shall act as Secretary to the Commission in accordance with §18.289.2 of the Wyoming Statutes of 1957, as amended.

CHAPTER III

MEETINGS

Section 1. Two regular meetings will be held on the first and third Monday of each month at 7:00 P.M., 8:00 P.M. in June, July and August in the Town Council Chambers, Jackson, Wyoming.

Section 2. A majority of the membership of the Commission (3) shall constitute a quorum, and the number of votes necessary to transact business shall be a mojority of the entire membership of the Commission (3). Any Commission member having a conflict of interest in the item of business being discussed shall not speak to the matter as a member of the Commission, but shall speak only from the floor as any other private citizen, and shall be disqualified from voting on the particular item in which he has the conflict of interest. Voting whall be viva voce (by the voice), but the Chairman or any other member of the Commission may call for a vote by show of hands. A record of the vote shall be kept as a part of the minutes.

Section 3. Special meetings may be called by the Chairman for such purposes as he may deem necessary. It shall, however, be the duty of the Chairman to call a special meeting when requested to do so in writing by a majority of the members of the Commission. The notice of such a meeting shall specify the purposes of the meeting, and no other business may be considered except by unanimous consent of the Commission. The Secretary or the Administrator of Planning Services shall notify all members of the Commission in writing in advance of such special meeting.

Section 4. All meetings shall be adjourned not later than 10:00 P.M., 11:00 P.M. in June, July and August unless extended past the hour by a quorum.

Section 5. An agenda of items to be discussed at each meeting shall be prepared by the Administrator of Planning Services and shall be forwarded by mail to each member of the Commission prior to such meeting. In preparing the agenda the Administrator of Planning Services shall consider the probable amount of discussion time which will be required for each item and shall endeavor to limit the agenda to that number of items which can reasonably be considered in the time allotted to a meeting. In the event that the requests for review exceed the available time, items shall be placed upon the agenda in the order in which they have been received at the Planning Office, and those which cannot be scheduled for the first meeting after application shall be scheduled for the next meeting for which time is available, regular or special, and the applicants so notified.

Section 6. All meetings of which official action is taken shall be open to the general public.

Section 7. Order of Business. All regular meetings of the Commission shall be conducted according to the following procedure:

a. The meeting shall be called to order by the Chairman. If the Chairman is not present, any member may call the meeting to order.

b. If the Chairman is not present, an Acting Chairman shall be chosen by vote.

c. The Chairman (Acting Chairman) may request a reading of the Commissions preceding meeting. The Secretary shall read the minutes if requested and the Chairman shall call for the adoption of the minutes as read, by motion and vote, unless corrections or additions to the minutes are moved by any member of the Commission. If corrections or additions are moved they shall be approved or rejected by vote of the Commission, after which the minutes shall be approved by motion and vote.

d. The Chairman shall bring any old or pending business before the Commission to the attention of the Commission. The Commission shall, by motion and vote, after discussion, take action upon the business, which may include but is not limited to:

    1. Approval of recommendations to the Board of County Commissioners.

    2. Postponing the matter pending receipt of further information.

e. After all old business has been considered by the Commission, the Chairman shall bring all new matters to the attention of the Commission. The Commission shall consider each matter in order of its submission to the Administrator of Planning Services, unless a different order shall be approved by the Commission on motion and vote.

f. Upon consideration of all old and new business, the Chairman shall move to adjourn the meeting.

Section 8. Special Meetings. Special Meetings of the Commission may be called by the Chairman or Acting Chairman in accordance with the provisions of §9.692.13 of the Wyoming Statutes of 1957, as amended.

a. The meeting shall be called to order by the Chairman or any member if the Chairman is absent. If the Chairman is absent, an Acting Chairman shall be chosen.

b. The secretary shall read the notice of the special meeting.

c. The Chairman shall call the attention of the Commission to the business specified in the notice of the special meeting.

d. The Commission, after due consideration and upon motion and vote, shall take action upon the business before it if action is appropriate.

e. When all matters listed in the notice for the special meeting have been considered, the Chairman shall call for adjournment.

Section 9. Order of Procedure for Conducting a Public Hearing.

a. Chairman announce purpose of hearing or meeting (read application).

b. Applicant/proponent makes presentation to Planning Commission and audience.

c. Background facts (staff report) including correspondence.

d. Persons may speak in favor of applicant/proponent:
   1. Opponent may ask questions only after addressing the chair.

e. Persons may speak in opposition to the proposal:
   1. Applicant/proponent may ask question only after addressing the chair.

f. Town, County, State or public agency shall be allowed to testify:
   1. Opponents of proponents may cross examine after addressing the chair.

g. Proponent allowed to offer rebuttal evidence.

h. Conclusion of hearing and Planning Commission shall deliberate the proposal:
   1. May make a decision listing facts from all above or postpone for additional information or for more deliberation.

CHAPTER IV

COMMITTEES

Section 1. The Chairman may appoint committees subject to approval of a majority of the members of the Commission.

CHAPTER V

AMENDMENT

Section 1. These rules of procedure may be amended on motion and vote of the Commission.

BOARD OF COUNTY COMMISSIONERS

William Ashley, Chairman
Max May
Muffy Moore

COUNTY PLANNING COMMISSION

Bob LaLonde, Chairman
Howard Hardeman
John Morgan
Phil Wilson
Barbara Zimmers

PLANNING STAFF

Dan Cowee, Administrator of Planning Services
Sue Enger, Planning Assistant
Story Clark, Planning Assistant
Norma Straughan, Secretary
Mary Lou Hansen, Typist

TETON COUNTY STUDY GROUP

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Jim Connor
Pete Hansen
Pete Karns
Clarene Law
Vince Lee
Norm Mellor
Jack Neckels
Dick Oberreit
Don Redfearn
Garvice Roby
Clarence Stearns
Jerry Tracy
Paul Von Gontard
John Wilson
Phil Wilson
Barbara Zimmers

TETON COUNTY 208 PLANNING AGENCY

William Ashley, Chairman
Tom Lamb, Vice Chairman (Town of Jackson)
Jolynn Coonce, Secretary-Treasurer
Muffy Moore
Bob LaLonde
Phil Wilson
Paul Bruun (Town of Jackson)
Skip Wright-Clark (At Large)
Don Redfearn (U.S. Fish and Wildlife Service)
Dr. Alan Galbraith (U.S. Forest Service)
Joe Schellenberger (National Park Service)

Eugene P. Zeizel, Ph.D., Project Director
Robert Ablondi, State Water Quality Specialist

LIVINGSTON AND ASSOCIATES
PARTICIPATING STAFF

Lawrence Livingston, Jr., Project Director
Jack E. Davis, Assistant Project Director
Roy H. Cofer
Ronald L. Tulis
Pam-Anela Messenger
Linda Lamond
Robert H. Twiss, Ph.D., Environmental Resources Management
Luna B. Leopold, Ph.D. and William W. Haible, Geology and Hydrology

COOPERATING AGENCIES

U.S. Geological Survey

U.S. Forest Service

U.S. National Park Service

U.S. Corps of Engineers

U.S. Soil Conservation Service

U.S. Bureau of Reclamation

U.S. Environmental Protection Agency

Wyoming Department of Environmental Quality

Wyoming Department of Economic Planning and Development

Wyoming Game and Fish Department

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INTRODUCTION

This volume contains the Teton County Comprehensive Plan and Implementation Program as adopted by the Board of County Commissioners. The Implementation Program consists of three resolutions, one containing the Land Use and Development Regulations, the revised Subdivision Resolution, and a third establishing the County Scenic Preserve Trust.

Preparation of the Comprehensive Plan and Implementation Program was financed with County funds supplemented by grants from the U.S. Environmental Protection Agency and the Nature Conservancy. The consultants primarily responsible for the work were Livingston and Associates, City and Regional Planners, of San Francisco. Collaborating with them were Dr. Robert Twiss, a specialist in environmental resources management, Dr. Luna Leopold, a specialist in geology and hydrology, and William W. Haible, Dr. Leopold's assistant. Dr. J.D. Love and Edward R. Cox of the U.S. Geological Survey provided consultation to Leopold and Haible. The U.S. Forest Service prepared a visual survey of private holdings and surrounding lands. Other federal agencies participating in the project were the National Park Service, the Soil Conservation Service, the Fish and Wildlife Service, and the Corps of Engineers. Cooperating State agencies included the Department of Environmental Quality, the Department of Economic Planning and Development, and the Game and Fish Department. Dr. Clynn Phillips of the University of Wyoming Water Resources Research Institute prepared a study of the economic impact of the proposed comprehensive plan and implementation alternatives on the County.

The County received a grant from the U.S. Environmental Protection Agency to prepare the Water Quality Management Program for the protection and preservation of water resources in the County. The funds, provided under Section 208 of the Water Pollution Control Act, were used for extensive water sampling programs on both public and private lands, studies of the future need for sewer facilities throughout the County, planning studies specifically related to water quality, and the establishment of a local office in Jackson. The federal grant was made to the Teton County 208 Planning Agency which consisted of appointed County and Town officials, and non-voting representatives of the National Park Service, and U.S. Fish and Wildlife Service. The Project Director was Dr. Eugene Zeizel, and he was assisted by Robert Ablondi, State Water Quality Specialist.

At the same time that preparation of the County's plan was in progress, the National Park Service prepared a study of alternative possibilities for expansion of Grand Teton National Park and preservation of wildlife, scenic, and recreational values in the rest of Jackson Hole, assisted

by a local advisory committee including County representatives. The Park Service planners and the County's planning consultants exchanged information and ideas, resulting in substantial agreement between the recommendations of the Park Service report, Jackson Hole Land Use Study (September, 1976), and the report on the Proposed Comprehensive Plan and Implementation Program (February, 1977). Both reports called for the establishment of a National Scenic Area within which fee title, or, more often, scenic easements would be acquired to protect the pastoral setting of Grand Teton National Park, Bridger-Teton National Forest, and the National Elk Refuge.

As of the date of this report, a bill to create a Jackson Hole Scenic Area has been introduced in the Congress--prepared by the County and sponsored by the Wyoming delegation.

Three current U.S. Forest Service projects also will complement the County's planning program. One is the Wild and Scenic Rivers Study of the Snake which was authorized by the Congress in 1975. Field work began this year and will be completed in 1979. If the Snake is designated a Wild and Scenic River, it will become possible for the Forest Service to purchase fee title or scenic easements on lands within approximately a quarter mile of the river. However, not all such lands necessarily will be purchased or subjected to scenic easements as the Wild and Scenic Rivers Act contemplates that local land use regulations also will be utilized to prevent incompatible development. Fee title acquisition is contemplated only in areas with outstanding scenic, recreational, geologic, wildlife, historic, or similar values, and where public access is contemplated. Scenic easements and local land use controls are intended to protect the balance of the corridor. The second pertinent Forest Service project is a Composite Recreation Plan for the Buffalo Fork and the Gros Ventre Rivers. If the plan is approved by the U.S. Bureau of Outdoor Recreation, purchase of scenic easements and a limited amount of fee title acquisition of adjacent private lands will be possible. The third is the Jackson Hole Land Use Plan for National Forest Lands which will be designed to interface with the National Park Service's Land Use Study, the Wild and Scenic Rivers Study, and the County's Comprehensive Plan.

In the spring of 1976 a summary report on County growth and development alternatives was published, along with a questionnaire, and distributed to every household and non-resident property owner. The report covered geology, hydrology, flooding, soils, climate, vegetation, wildlife, water quality, visual factors, population and employment growth projections, and alternative development patterns. Maps delineated land development opportunities and constraints in each portion of the County where there are private holdings. Twenty-three percent of those receiving the questionnaire responded, with a notably higher rate of response from large land owners. Results of the survey were published, along with details on the environmental studies, growth projections, and development alternatives, in a full technical report, Teton County Growth and Development Alternatives.

In the fall of 1976 a summary report on the proposed Comprehensive Plan and implementation alternatives was published, along with a questionnaire, and distributed to every registered voter and non-resident property owner in the County. The report contained statements of the goals and policies of the plan and a description of the plan. Because the Comprehensive Plan consists of a Land Use Element to be implemented primarily by regulation and a Scenic Preservation Element to be achieved primarily by purchase, these two aspects were described separately. The implementation alternatives submitted included County land use and development regulations, a system of development rights transfer, other forms of compensation to property owners, a growth control program, a federally financed National Scenic Area, and use of the federal Land and Water Conservation Fund.

Of the 5,700 summary reports with questionnaires mailed, 1,020 were returned, an 18 percent rate of response on a per person basis, but close to a 25 percent rate on a per household basis. (The latter probably is the more meaningful figure.) The questionnaire results indicated strong public acceptance of the Comprehensive Plan's proposals. From 70 to 97 percent of the respondents indicated agreement with the goals, policies, land use proposals, and scenic preservation priorities of the plan. Owners of 100 acres or more registered less strong agreement, but well over a majority (typically 60-70 percent) of this group concurred. Among implementation alternatives, 76 percent of all respondents favored environmental protection districts, 70 percent conventional zoning, and 60 percent a growth control program. Seventy-two percent favored establishing a National Scenic Area. The questionnaire results were published along with details on the proposed Comprehensive Plan and implementation alternatives and the proposed Water Quality Management Program in a second technical report, Teton County Proposed Comprehensive Plan, Implementation Alternatives, and Water Quality Management Program. This report included a Land Use Plan for the Town of Jackson and vicinity and an illustrative site plan for the proposed Jackson expansion area, neither of which will be found in this report, because they were not proposed for adoption by the County.

The results of environmental studies conducted in the initial phase of the planning process were depicted on four sets of maps that appeared in the first technical report, and are available for inspection in the Teton County Planning Office.

- Geomorphic Units maps classified lands as low gradient uplands, alluvial fans, high terraces, low terraces, flood-prone areas, bedrock slopes of 10-30 percent, bedrock slopes steeper than 30 percent, quaternary slopes potentially unstable if disturbed, and quaternary slopes probably unstable in their natural state.

- Ground Water Categories maps classified lands as well drained hillslopes with slightly to highly permeable soils and with ground water levels generally more than 5 feet below the surface; well

drained lands under 10 percent slope with moderately to highly permeable soils and with ground water levels generally more than 5 feet below the surface; moderately drained, nearly level lowlands with moderately permeable soils and with ground water levels generally 3 to 5 feet below the surface; and poorly drained, nearly level lowlands with low soil permeability and with ground water levels generally less than 3 feet below the surface.

- Flood Hazard maps classified lands as major river and stream channels and adjacent lowlands subject to spring runoff flooding once every 10 years, low terrace lands along the Snake River subject to spring runoff flooding once every 25-50 years due to possible failures in the present flood control project levees, and lands along Flat Creek frequently flooded during the winter due to stream flow diversion around ice blockage.

- Landscape Units and Vegetation maps classified lands as hillslopes with hardwood or coniferous cover, hillslopes with dense coniferous cover, exposed steeply sloping side hills, open slopes, broken slopes, river terraces and flood plains, and unvegetated fans and gently sloping areas. These maps also showed predominant types of vegetation in each area.

The maps depicting the results of the analyses of environmental conditions provided the single most important basis for the Comprehensive Plan. (A procedure was set up for checking and correcting the maps in response to property owners' claims of errors.) Population and employment projections to 1990, the target date of the plan, also were utilized, but because of the difficulty of making accurate forecasts, they were given less weight in planning decisions. The County's resident population was projected to grow from the present 7,500 to about 11,200-14,700 in 1990. The low figure was based on a 3 percent growth rate and the high figure on a 5 percent rate. In the 1970-1975 period the population grew by 5 percent annually. Assuming an average household size of 2.75 in accord with the recent national trend toward smaller families, the additional year-round population will require between 1,600 and 2,800 new housing units. Seasonal housing demand is even more difficult to project, but a figure in the 700-1,700 unit range (compared with the present 300 units) appears reasonable.

Other bases of the Comprehensive Plan and the Implementation Program were results of the two questionnaire surveys, interviews with more than half of the owners of holdings of 100 acres or more, water quality considerations identified by the Water Quality Management Program, and recommendations of the special Study Group set up by the Board of County Commissioners to investigate alternative kinds of programs that would preserve the County's essential character and preserve the scenic setting of the National Park and the National Forests while treating affected property owners equitably. The final decisions were made by the County Commissioners with the advice of the Planning Commission.

COMPREHENSIVE PLAN GOALS AND POLICIES

GOALS

- The essential character of Jackson Hole, the quality of the environment, the ranching activity, and the sense of community should be preserved.

- The local lifestyle, characterized by frontier individualism, Western informality, and widespread participation in rural outdoor recreation activities, should be preserved.

- The ranching economy of the County should be preserved and, if possible, expanded.

- The scenic setting of the National Park and the National Forests should be protected from despoliation.

- High priorities should be accorded to protection of watercourse corridors, approach road corridors, hillsides, and the ranching scene.

- The pace of growth should be limited so as to avoid excessive costs to the County of providing public facilities and services, as well as to preserve the local lifestyle and to achieve the environmental goals of the Comprehensive Plan.

- New urban development should be compact rather than scattered in order to minimize the cost of providing public facilities and services, to avoid environmental damage, and to preserve agricultural, scenic, and wildlife values.

- Residential development at urban densities should be provided in close proximity to urban services to encourage an increased supply of moderately priced housing.

- The widest possible variety of outdoor recreation activities should be made available for the enjoyment of local residents as well as visitors.

POLICIES

- Where limitations on land use and development whose purpose is to protect scenic resources result in a decline in property value, the owner should be compensated insofar as possible.

- Outside of urban areas, residential development should be located, where possible, so as not to interfere with ranching activities.

- Clustered residential development in appropriate locations should be favored over randomly scattered development. The best locations are gently sloping forested lands and high ground where clusters will not be visually prominent.

- Visitor accommodations, except for dude ranches, should be concentrated primarily in Jackson and vicinity, in Teton Village, and at a few appropriate points on highway approach routes.

- Commercial and industrial development should be concentrated primarily in Jackson and vicinity, and should not be strung out along highway approach routes where it would detract from the beauty of the natural scene.

- Surface water and ground water quality should be protected from degradation by wastewater discharges from sewer systems, treatment plants, and septic tanks, and by non-point sources such as intensive agricultural activities, mineral resource extraction, timber cutting, or sedimentation incidental to development.

- Natural vegetation should be preserved where its removal would cause slope failure, soil erosion, or significant visual damage.

- Development involving earth moving should not take place where disruption of drainage patterns impeding of stream flows, generation of excessive runoff, or erosion of stream channels would result.

- Wildlife habitats and wildlife migration routes should be protected from destruction and disruption.

- Fisheries should be protected from destruction and disruption, and opportunities for sport fishing should be maximized.

- Inharmonious uses of lands, such as mining, gravel extraction, and timber cutting, should be minimized.

- Because Jackson Hole is one of the most seismically active regions in the U.S., development should not be located in areas along recent and almost recent faults as identified by the U.S. Geological Survey.

- Development should not be located in areas subject to flooding once every ten years or more frequently. Where located in other areas subject to flood hazards, structures should be built to minimize susceptibility to damage.

- Development should not be located in areas of active landslides, naturally unstable soils, or avalanche areas.

- Steep hillsides should be protected from scarring by road building and site grading.

- Highways should not be widened to accommodate summer peak traffic volumes where environmental or visual damage would result.

- New utility lines and substations should be located where environmental and visual damage will be minimized.

- Sewage treatment plants and other public facilities should be located where they will not foster scattered development and where they will not cause environmental or visual damage.

- Solid waste disposal should be conducted in a manner that will protect surface water and ground water quality from degradation and will preserve visual values.

LAND USE ELEMENT

The Land Use Element meets the requirement of the Wyoming Land Use Planning Act which provides, "All local governments shall develop a local land use plan within their jurisdiction based upon the goals. policies, and guidelines adopted by the State Land Use Commission." The Land Use Element conforms with all of the applicable goals, policies, and guidelines for local land use planning prescribed by the State Land Use Commission. The Land Use Element depicts the locations, types, and intensities of land uses that are consistent with the County's objectives of protecting the public health and safety and preventing water pollution and other types of environmental degradation. However, the Land Use Element would not preserve the scenic setting of the National Park and the National Forests unless that purpose were achieved coincidentally with other objectives. While this is one of the most important goals of the Comprehensive Plan, it is not primarily the County's responsibility. Consequently, proposals to achieve this objective, which will depend in large measure on federal government actions, are included in a separate Scenic Preservation Element.

The amount of development shown on the Land Use Element maps in urban areas is the maximum that reasonably can be anticipated by 1990. These areas, along with the Town of Jackson, will accommodate new housing for most year-round residents and seasonal employees, visitor accommodations, retail stores, service establishments, industrial plants, distribution outlets, and public facilities. While it is difficult to forecast the demand for seasonal residential development because it is highly dependent on national economic conditions, it is safe to say that the plan provides more than enough land for this purpose as well as for homes for year-round residents who prefer to live out of town.

The Land Use Element consists of five maps: the Jackson-Wilson-Teton Village area, the Slide Lake-Gros Ventre area, the Moran-Buffalo Fork area, the South County-Hoback area, and the Alta area. The maps show districts for residential development, as well as agriculture, in nine different density classes, three types of commercial districts, and a light industrial/distribution district. These are the land use districts:

<u>R-A-20, Residential-Agricultural District:</u> 1 residential unit per 20 acres. These lands include 10 year flood areas, steep slopes (over 30 percent average gradient), and naturally unstable slopes.

R-A-10, Residential-Agricultural District: 1 residential unit per 10 acres. These lands include moderately steep and potentially unstable slopes of 15-30 percent average gradient and lands with ground water less than 3 feet below the surface, not attributable to irrigation, in the Slide Lake-Gros Ventre, Moran Junction-Buffalo Fork, South County-Hoback, and Alta areas.

R-A-7.5, Residential-Agricultural District: 1 residential unit per 7.5 acres. These lands include potentially unstable slopes of 10-15 percent average gradient.

R-A-6, Residential-Agricultural District: 1 residential unit per 6 acres. These lands include 25-50 year flood areas, the Flat Creek winter flood area, and lands with ground water less than 3 feet below the surface, not attributable to irrigation, in the Jackson-Wilson-Teton Village area.

R-A-6-3 (variable), Residential-Agricultural District: 1 residential unit per 6-3 acres. These lands include high terraces and low terraces with ground water less than 3 feet below the surface where the ground water level possibly is attributable to irrigation in the Jackson-Wilson-Teton Village area. Residential development is permitted at a density of not more than 1 unit per 6 acres, or not more than 1 unit per 3 acres if the ground water level drops below 3 feet upon the removal of irrigation. (The procedure for determining the appropriate density is prescribed in the Land Use and Development Regulations.)

R-A-5, Residential-Agricultural District: 1 residential unit per 5 acres. These lands include stable slopes of 10-15 percent average gradient.

R-A-3, Residential-Agricultural District: 1 residential unit per 3 acres. These lands include low gradient uplands, alluvial fans, high terraces, and low terraces with ground water more than 3 feet below the surface.

R-P-J, Jackson Planned Expansion District: Uses and densities conforming with the Zoning Code of the Town of Jackson, the Subdivision Ordinance of the Town of Jackson, and the Master Plan of the Town of Jackson.

R-T, Teton Village Planned Resort District: (See Land Use Element Map for land use descriptions.)

C-V, Visitor Commercial District: Commercial establishments of the type intended to provide accommodations and services for visitors.

C-L, Local Convenience Commercial District: Retail business, office, and personal service establishments of the type primarily intended to provide the day-to-day needs of local residents.

C-G, General Commercial District. All types of commercial establishments including commercial service and wholesale business establishments.

I, Light Industrial/Distribution District. Manufacturing enterprises with no nuisance features, and warehouses.

Clustered residential developments on sites of 20 acres or larger and planned unit developments on sites of 200 acres or larger are permitted in any R-A district. In a clustered residential development, a density bonus of 50 percent may be awarded if half of the site is preserved in open space. The maximum density permitted on developed portions of the site is 4 units per acre. In a planned unit development, a density bonus of 100 percent may be awarded if half of the site is preserved in open space. The maximum density permitted on developed portions of the site is 8 units per acre.

A density bonus may be granted only if the portion of the site preserved in open space is made subject to a scenic easement which is dedicated to the County Scenic Preserve or to a tax-exempt, non-profit private conservation organization, or if an undivided interest in the open space area is conveyed to a property owners association subject to appropriate deed restrictions; and if the portion of the site preserved in open space remains in agricultural use, remains a wildlife habitat or migration route, or is found by the Board of County Commissioners to yield some other benefit to the public by reason of its preservation.

A procedure for revising the Land Use Element in the future is prescribed in the Land Use and Development Regulations.

SCENIC PRESERVATION ELEMENT

The term "scenic resources" should be understood to encompass all attributes of the landscape from which visually defined values arise, including topography, rock outcrops, vegetation, lakes and streams, and wildlife. Regulations to protect life and property and to avoid environmental hazards to some extent may have the incidental effect of preserving scenic resources, but this is not always the case.

It fairly can be said that all portions of the County are rich in scenic resources and should be preserved from inharmonious development. While there is ample statutory law and judicial precedent to regulate land use and development in order to protect the public health, safety, and welfare, to prevent property loss, and to minimize environmental degradation, there are fewer legal bases for limitations that aim solely to preserve scenic values. Such regulations may be constitutional where their purpose is to safeguard scenic resources in a jurisdiction whose economy is based primarily on tourism. However, in the absence of clear legal authority, the Comprehensive Plan is based on the premise that to preserve scenic resources it will be necessary to compensate property owners who otherwise would be permitted to develop their lands.

This can be done by purchase of scenic easements. While not as high as the cost of acquiring fee title, the cost of scenic easements represents a substantial share of total property value. Their value is equal to the difference between the worth of the land for development that otherwise would be permissible and its worth subject to the restrictions of the scenic easement which typically limit its use to agriculture, dude ranches, outdoor recreation, and similar low intensity uses.

Because there are unlikely to be sufficient federal, state, or local funds available to purchase scenic easements that would fully protect all private lands that comprise the settings of the National Park and the National Forests, the Scenic Preservation Element assumes that it will be necessary to establish priorities among areas according to the degree of impact that inharmonious development would create. Priorities for purchase of easements were set on the basis of the sensitivity of various locations, the degree of control necessary to achieve the aims of the program, and the apparently best timing strategy. The ratings should not be interpreted strictly to mean that lands (or scenic easements) in the lower priority groups should not be acquired until the higher priority classifications have been exhausted. There are bound to be occasions when interests in lower priority lands should be purchased early in order to

prevent an inharmonious development or to take advantage of an attractive sale offer.

The highest priority was given to private lands in the Snake River flood plain and the Gros Ventre River flood plain because of the environmental sensitivity of these areas, because of their importance as wildlife habitats and migration routes, and because they constitute a vital part of the visitor's experience (fishing, float trips, nature walks). Because they are threatened by seriously inharmonious commercial strip development, and already have been degraded to some extent, protection of the highway approach corridors was assigned an equally high priority. The term "corridors" means lands within approximately a quarter mile on either side of the highways. The routes that would be affected are U.S. 26-89-187, the major north-south highway traversing the County; U.S. 189-187 which parallels the Hoback River; U.S. 26-287 which parallels the Buffalo Fork; and State Route 22, the Teton Pass highway. It is not proposed that scenic easements be acquired in Jackson or other urban areas.

Second priority was assigned to lowland areas close to the south boundary of the National Park that are particularly vulnerable to early development. Some of these lands now are used for ranching and consequently received a high rating for preservation. Included in the second priority classification are the lands immediately south of the Park east of the Snake River as far south as its confluence with the Gros Ventre River, the lands in Spring Gulch (between East and West Gros Ventre Buttes), and the lands between West Gros Ventre Butte and the Snake.

Of almost equal importance are the lands on East Gros Ventre Butte and West Gros Ventre Butte which are important winter range for deer. However, these lands were given third priority because they are not suitable for ranching, because their rough terrain cannot sustain as intensive development as the lowlands, and because a limited amount of carefully sited development, if served by inconspicuous access roads, would be less visually damaging than lowland development.

Lands in South Park and lands west of the Snake River, both north and south of Route 22, were assigned fourth priority primarily because of their great extent and because they are less closely associated with visits to the National Park. However, all of these areas are vital elements of the scenic beauty of Jackson Hole and are closely related to National Forest lands. The importance of their preservation should not be underestimated.

DESCRIPTION OF THE PLAN

This description of the Comprehensive Plan summarizes the proposals that are shown in detail on the Land Use Element maps and points out where the Scenic Preservation Element would significantly affect land use patterns. All references to preserving the highway approach corridors in open space assume that a National Scenic Area will be established, making funds available for puchase of scenic easements or fee title, except where they might be dedicated to the County in connection with residential development at urban densities or clustered development or planned unit development on adjoining land.

JACKSON-WILSON-TETON VILLAGE AREA

The plan does not include the Town of Jackson because it is outside of the County's jurisdiction with respect to land use and development. The Land Use Element shows the existing commercial and industrial development at the U.S. 89-187-26-Route 22 "Y" in the visitor commercial and light industrial categories. An 80-acre site across the highway from the drive-in theater in West Jackson is proposed for industrial/distribution use. The north part of the site already is devoted to this type of use, and the southwest six acres are occupied by the Town's sewage treatment plant. A campground with minimal improvements also is located on the property, but this is not the best use of the land. If the campground were to move, up to 50 acres would be available for new industrial development. A loop road off of the highway will be needed to provide adequate vehicular access.

The only area designated for new residential development at urban densities lies south of East Gros Ventre Butte, west of U.S. 26-89-187 with the South Park Road forming the western boundary of the area. The total area is approximately 540 acres. The uses and densities in this area conform to the Zoning Code of the Town of Jackson, as amended, the Subdivision Ordinance of the Town of Jackson, and the Master Plan of the Town of Jackson.

In South Park, the protected highway approach corridor called for by the Scenic Preservation Element would extend about a quarter mile on each side of U.S. 26-89-187 except for the existing commercial establishments and the Lower Valley Power and Light yard located between 2.3 and 3.1 miles south of the highway bridge over Flat Creek. These land uses are designated, respectively, as general commercial and light industrial. Except for the Snake River and Flat Creek flood plains, most of the land in South Park is designated for residential development at not more than one unit per 3 acres.

Important exceptions are the Flat Creek winter flood area where development is limited to one residential unit per 6 acres, and lands with ground water less than 3 feet below the surface, where development also is to be limited to one unit per 6 acres unless the water table drops below 3 feet upon removal of irrigation, in which case development at one unit per 3 acres would be permitted.

West of the Snake and west of Fish Creek, the predominant development pattern would be a maximum of one residential unit per 10 acres, but there are substantial amounts of land free of environmental constraints that are suitable for development at up to one unit per 3 acres.

Except for existing development on the Wilson townsite and along the Moose-Wilson Road, in the entire Wilson area, both north and south of Route 22, residential development is to be limited to one unit per 6 acres because of the 25-50 year frequency flood hazard and the high ground water level. The proposed highway approach corridor would extend for a quarter mile on each side of Route 22, save for a small area near the Wilson townsite, now mostly developed, which is designated for local convenience commercial uses.

Lands outside of the flood hazard area west of the river and lands east of the Snake north of its confluence with the Gros Ventre mainly are designated for development at not more than one unit per 3 acres. In Teton Village residential densities are shown in accordance with the Land Use and Development Resolution.

In Spring Gulch the predominant density would not exceed one unit per 3 acres. Because of steep slopes and unstable soils, development on much of East and West Gros Ventre Buttes would be limited to one unit per 20 acres and one unit per 10 acres, but on both buttes there are significant amounts of land where development at densities as high as one unit per 3 acres would be appropriate. Except for the two existing visitor commercial areas, the scenic highway approach designation would apply to the private lands on the west side of Route 26-89-187 north of Jackson.

SLIDE LAKE - GROS VENTRE AREA

In this area, development of most of the privately owned lands is to be limited to one residential unit per 3 acres. In portions of the area subject to environmental problems (flooding, steep slopes, unstable soils, or high ground water), densities are proposed not to exceed one unit per 7.5 acres, one unit per 10 acres, or one unit per 20 acres, depending on the severity of the problem.

MORAN-BUFFALO FORK AREA

Most of the land here is also designated for development at not more than one residential unit per 3 acres. Exceptions are lands subject to environmental constraints where the maximum density would be one unit per 10 acres or one unit per 20 acres. The plan proposed that a scenic corridor one quarter mile wide on each side of U.S.26-287 be preserved from intensive development, except for the Hatchet Motel area 7.5 miles east of the National Park entrance, which is designated for visitor commercial development.

SOUTH COUNTY-HOBACK AREA

Here, also, development would be limited to one residential unit per 3 acres, except on lands with environmental problems where lower densities would prevail. Existing visitor commercial areas are designated at Hoback Junction and Astoria Hot Springs. Elsewhere development would be limited along the frontage of U.S. 26-89-187 and U.S. 26-287 as proposed in the Scenic Preservation Element.

ALTA AREA

Almost all of the land in the Alta area is designated for residential development at up to one unit per 3 acres. Exceptions are lands subject to environmental constraints where the maximum density is one unit per 5 acres, 7.5 acres, 10 acres, or 20 acres, depending on the severity of the problem.

CIRCULATION

Average (year-round) daily traffic volumes now are well within the capacities of all highway routes in the County (U.S. 26-89-187, U.S. 187-189, U.S. 26-287, State Route 22, Moose-Wilson Road). In the summer months average daily traffic is up to 2.2 times the year-round figures. However, summer volumes are well within the capacities of all routes except the stretch of U.S. 26-89-187 along Broadway in Jackson where 24 hour volumes reach 75 percent of capacity and peak period volumes exceed capacity by 10 percent.

The Comprehensive Plan does not call for any new highways or the widening of any existing routes because they will have adequate year-round capacity at least to 1990 when the projected high resident population will be roughly double the present figure. Some highways will become congested in the summer months, but the

environmental damage that would be done by major widenings of these roads makes such projects unwarranted. Minor widenings, intersection improvements, channelization, and signalization will be necessary at various critical locations by 1990, but the plan does not show these details.

IMPLEMENTATION PROGRAM

The steps that must be taken to fully implement the Comprehensive Plan include actions by both the County government and the federal government. In order to implement the Land Use Element, the County must adopt the Land Use and Development Regulations and the revised Subdivision Regulations. Resolutions incorporating these measures appear in the two following sections. The Land Use and Development Regulations include the grading regulations which formerly were part of the interim Land Development Regulations adopted while the Comprehensive Plan was in preparation. Also included are water quality management regulations proposed by the County's Water Quality Management Program to supplement State public health and water quality regulations.

To implement the Scenic Preservation Element, the County must set up a County Scenic Preserve and the federal government must establish a Jackson Hole National Scenic Area. A resolution creating the County Scenic Preserve Trust appears in the third following section. Until the Congress acts and the President signs the bill, there can be no certainty that the National Scenic Area will be created. Consequently, the County must be prepared to implement the Comprehensive Plan, even if the National Scenic Area is not established. With respect to the Land Use Element, this purpose can be achieved by regulating land use, development, and subdivisions. With respect to the Scenic Preservation Element, acquisition of fee title or scenic easements, primarily by purchase, will be necessary. The magnitude of this task is far beyond the financial ability of the County, and because the primary purpose is to protect the scenic settings of the federal reservations, it is appropriate that the national government bear the bulk of the cost. Nevertheless, even if the Congress fails to act, the County need not totally abandon the goal of preserving its scenic resources. A modest preservation program can proceed under County auspices.

A scenic preserve trust should be set up to serve as a repository for open space lands and scenic easements that are dedicated in order to obtain density bonuses in clustered developments and planned unit developments. Other possible sources are dedications in connection with subdivisions and private gifts. One of the principal advantages of creating the scenic preserve trust is that it will make the County eligible to receive matching grants equal to the value of the open space lands thus preserved, from the Federal Land and Water Conservation Fund, and the grants can be used to purchase additional open space either in fee or in the form of a scenic easement.

Since passage of the Federal Land and Water Conservation Fund Act in 1965, this fund has been the principal source of financing for federal, state, and local recreation and open space preservation projects. The Fund is administered by the U.S. Bureau of Outdoor Recreation in the Interior Department. At least 40 percent of the fund is allocated to federal agencies which must use the money for land acquisition. The balance may be used for grants to the states (not more than 10 percent to any one state) to be expended for recreation and open space preservation projects on a 50-50 matching basis. These grants may be used for land acquisition or improvements. The projects are required to conform with the Statewide Comprehensive Outdoor Recreation Plan.

Currently $600 million, the Land and Water Conservation Fund will be increased to $900 million in fiscal 1979 and subsequent years through fiscal 1989 according to the terms of a 1977 act of Congress. Currently the State of Wyoming receives $2.7 million annually from the Land and Water Conservation Fund. The State's share will increase to $3.3 million in 1979, and $3.8 million in 1980 and subsequent years through 1989, for a total of $41.3 million.

In the past, there have been relatively few instances where scenic easement purchases or gifts have been eligible for matching grants from the Bureau of Outdoor Recreation. In these cases, scenic easement purchases have been matched with grants where the easement permits public access or where the easement is for the benefit of adjoining publicly owned land used for recreation. Private gifts of scenic easements also have been matched where the easement is for the benefit of an adjoining public recreation site. These limitations on matching grants for scenic easements will be liberalized under the new legislation, according to the Bureau of Outdoor Recreation.

The Bureau has a program of technical assistance to state and local governments and private non-profit organizations. According to a Bureau spokesman, it would be willing to assist the County to obtain private gifts of scenic easements and to establish a permanent open space trust.

To best serve the County's interest, as well as the national interest, the Jackson Hole National Scenic Area Act should include provisions that will accomplish the following aims:

- Establish a National Scenic Area for the purpose of preserving and enhancing the scenic, wildlife, recreational, ecologic, hydrologic, historic, and agricultural values of Jackson Hole.

- Authorize the expenditure of sufficient federal funds to accomplish this purpose by acquiring fee title or scenic easements in strategically located or particularly vulnerable privately owned lands, with scenic easement acquisition to be favored except in instances where the

purpose of the act can be achieved only by fee title acquisition. Fee title acquisition should be limited to a maximum of five percent of the total.

- Authorize that the funds may be expended by the National Park Service, the Forest Service, or the Fish and Wildlife Service, depending in each instance on whether the National Park, the National Forest, or the National Elk Refuge is primarily benefited by the acquisition, and limit the use of the funds to accomplishing the purpose of the act.

- Include in the National Scenic Area as eligible for acquisition all privately owned lands in the County, although it is not intended that scenic easements or fee title to most of these lands be acquired.

- Create an advisory National Scenic Area Commission with a membership including representatvies of the National Park Service, the Forest Service, the Fish and Wildlife Service, the State of Wyoming, Teton County, the Town of Jackson, and the public. The public members should represent both local and national interests.

- Give the County adequate representation on the Commission, and recognize the role of the County's Comprehensive Plan and Implementation Program in regulating land use and development and achieving scenic preservation in Jackson Hole.

- Charge the Commission with responsibility for designating lands where fee title or scenic easements should be acquired to accomplish the purposes of the act, and for submitting recommendations on these designations to the Department of the Interior and the Department of Agriculture.

- Charge the Commission with responsibility for reviewing all proposed public and private actions related to acquisition, development, construction, or otherwise altering the natural character of the lands in Jackson Hole that would significantly affect accomplishment of the purposes of the act, and for submitting recommendations based on such reviews to the federal, state or local governmental entity having jurisdiction over the proposed action. When such a review results in a recommendation that a proposed private action not be taken, the Commission should be authorized to recommend acquisition of fee title or a lesser interest by the governmental entity having jursisdiction, in order to block the action.

LAND USE AND DEVELOPMENT REGULATIONS RESOLUTION

CHAPTER I

GENERAL

Section 1. Title. This resolution shall be known as the Land Use and Development Regulations of Teton County, Wyoming.

Section 2. Authority. The Land Use and Development Regulations of Teton County, Wyoming are authorized by Sections 18-289.1 through 18-289.24, Wyoming Statutes, 1957, as amended.

Section 3. Purposes. In the interest of protecting the public health, safety, and welfare and protecting Teton County's priceless environmental quality and scenic beauty, and in the interest of maintaining and promoting a healthy economy, and in the interest of maintaining and enriching the human environment for both residents and visitors to Teton County, the County has adopted a Comprehensive Plan and Implementation Program. The Comprehensive Plan contains a Land Use Element which depicts the locations, types, and intensities of land uses that are consistent with the objectives of protecting the public health, safety, and welfare, and preventing water pollution and other types of environmental degradation. These regulations are enacted for the purpose of implementing the Land Use Element by the establishment of land use districts which regulate the type and intensity of land uses; by the establishment of performance standards which regulate physical development of the lands in order to promote the stability of existing land uses and to protect them from inharmonious influences and harmful intrusions, and to ensure that uses and structures enhance their sites and are harmonious with the natural beauty of the County's setting; by the establishment of environmental protection districts which impose limitations on the development of certain lands where specific environmental constraints are present in order to protect human life and property from natural hazards, to prevent environmental damage, and to maintain or improve the high quality of the surface water and ground water resources; and by the establishment of grading regulations in order to limit or to prohibit earth moving that would endanger human life or property, would cause environmental damage, or would degrade water quality.

Section 4. Jurisdiction. The territorial jurisdiction of the Land Use and Development Regulations shall include all of the unincorporated lands within Teton County, Wyoming.

Section 5. Interpretation. In their interpretation and application, the provisions of this resolution shall be held to be minimum requirements. No provision of this resolution is intended to repeal, abrogate, annul, impair, or interfere with any existing resolution of the County, provided that where any provision of this resolution imposes more stringent regulations, requirements, or limitations than is imposed by any other resolution of Teton County or any statue of the State of Wyoming, then the provisions of this resolution shall govern.

Section 6. Fees. The Board of County Commissioners shall set by resolution a schedule of fees for processing the various applications prescribed by this resolution. All required fees shall be paid at the time of filing, and processing of an application shall not commence until the fee is paid.

Section 7. Definitions. For the purposes of this resolution, certain words and terms are defined in this section. Words used in the present tense include the future, words in the singular number include the plural, and words in the plural number include the singular, unless the natural construction of the wording indicates otherwise. The word "shall" is mandatory and not directory.

a. Accessory building. A building or structure which is incidental or subordinate to the main building on the same site, or the use of which is incidental or subordinate to the use of the site or the use of the main building on the site. An accessory building that is attached or joined to a main building, and shares a common wall therewith, shall be deemed part of the main building.

b. Accessory commercial facilities. Accessory eating, drinking, or retail business establishments located within the main building on the same site, not occupying more than 20 percent of the floor area of the main building, and not containing a separate outdoor entrance except for that which may be needed for public safety or for the delivery of goods and services, provided that accessory dining areas may be located on an outdoor deck, porch, or terrace.

c. Accessory use. A use of a building or site, or a portion of a building or site, which is incidental or subordinate to the principal use conducted on or occupying the site.

d. Administrator of Planning Services. All references to "Administrator of Planning Services" and "Administrator" mean the Administrator of Planning Services of Teton County.

e. Agriculture. Use of a site of 20 acres or more for the production or crops, livestock, or poultry, for sale, barter, trade, or home consumption, including structures and other improvements incidental to such activities.

f. Apartment. A room or suite of rooms in a multi-family dwelling containing two or more such units, occupied or suitable for occupancy as the residence for one family. The term does not include a townhouse or condominium.

g. Bank. The natural or man-made slope immediately bordering the channel of a river, stream, or creek containing and/or confining the normal water flow.

h. Board of County Commissioners. All references to "Board of County Commissioners" and "Board" and "the County" mean the Board of County Commissioners of Teton County.

i. Building. Any structure having a roof supported by columns or walls or any other enclosed structure, designed or used for the housing or enclosure of persons, animals, chattels, or property of any kind, but not including a tepee, tent, or similar type of temporary structure.

j. Bulk, building or structure. The magnitude in three dimensions of a building or structure.

k. Burning, active to intensely burning material. A material that has a low ignitition temperature, burns with a high degree of activity, and is consumed rapidly, such as sawdust, powdered magnesium, pyroxylin, ammonium nitrate, and other solids with similar burning characteristics.

l. Campground. An outdoor recreation facility providing overnight visitor accommodations in the form of tent sites and trailer sites, and having no permanent structures other than a management office, storage facilities, and sanitary facilities.

m. Clustered residential development. A residential development designed as a complete and integrated unit in which the dwelling units are concentrated on the portion of the site most suitable for development, and within which prescribed minimum standards for site area, setbacks, and the bulk and spacing of buildings may be modified to achieve preservation of open space areas of 50 percent or more of the total acreage.

n. Common open space area. An open space area within a mobile home park or other type of residential development provided for the exclusive recreational use of the residents of such development and their guests.

o. Comprehensive Plan and Implementation Program. The Teton County Comprehensive Plan and Implementation Program, including all of the elements thereof, adopted by the Board of County Commissioners on December 6, 1977.

p. Community wastewater treatment system. A privately owned and operated system, other than a municipal sewage treatment plant, for the collection and treatment of wastewater generated by the dwelling units and accessory uses in a subdivision, clustered residential development, planned unit development, or other type of development.

q. Condominium. An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a building on such real property. The term also applies to a unit in a multi-family dwelling within which each individual unit is intended for separate purchase along with an interest in common in the site on which the multi-family dwelling is located.

r. Contiguous. Adjoining and having a common boundary; not separated by a State, Federal highway or County road or major watercourse, such as the Snake River, the Hoback River, the Gros Ventre River and the Buffalo Fork River.

s. Corral, non-agricultural. An enclosure or pen for horses, cattle, or other livestock not accessory to an agricultural use.

t. Critical wildlife habitat. That area which is present in minimum amounts and is the determining factor in the potential for wildlife population maintenance and/or growth, as determined by the State of Wyoming Department of Game and Fish.

u. Cut slope. Any slope surface in soil or bedrock material created by man by the removal of such material below the natural land surface.

v. Density. The number of dwelling units of any type, including mobile homes, on the site of any development, expressed as the number of units per acre, taking into account the total area of the land contained within the exterior boundaries of the site.

w. Development. Any alteration of the natural land surface, and all buildings, structures, facilities, utilities, sewerage and drainage works, roads, other paved areas, landscaping, and any other site improvements placed on the land to accommodate the use of a site, except for an agricultural use.

x. Development Master Plan. A plan of a large development which encompasses an entire site under one or more ownerships, which is designed to accommodate one or more land uses, the development of which may be phased, and which could include planned unit development, clustered residential development, planned commercial development, and development in the Jackson Planned Expansion Area.

y. Directory Sign. A sign identifying the name and/or address of a subdivision or development including for commerical or industrial subdivisions or developments, the name, address and/or profession or occupation of an occupant or group of occupants.

z. Dude Ranch. A ranch or a portion of a ranch used as a vacation resort.

aa. Dwelling Unit. A building or a portion of a building containing one or more rooms, a separate bathroom, and a single kitchen, designed for occupancy by one family for living or sleeping purposes, including non-paying guests and persons employed on the premises, not including guest houses. In the R-T Districts a multi-family dwelling may be further subdivided into rentable rooms which do not contain a kitchen.

bb. Elevated leach field. A standard leach field which is constructed in fill material above the natural land surface.

cc. Evapotranspiration bed. An excavated area which contains an impervious liner or soil layer on the bottom, a bedding of aggregate, a series of distribution lines, and a layer of sand and top soil used for the disposal of liquid from a septic tank.

dd. Existing use or structure. Any use of a site, including any building or other structure thereon which is located on the site at any given point in time, whether or not the use or structure conforms with the provisions of this resolution.

ee. Family. An individual or two or more persons related by blood, marriage, or adoption, excluding domestic servants, living together as a single housekeeping unit, or a group of not more than six unrelated persons living together in a dwelling unit used as a single housekeeping unit.

ff. Fill. Any rock, sand, gravel, or other material produced by grading or excavation deposited on the land surface by man.

gg. Fill slope. The slope surface of the outward margins or sides of a fill.

hh. Floor area, gross. The total horizontal area in square feet of all floors within the exterior walls of a building, including habitable or usable basement or attic spaces, but not including vent shafts, unroofed inner courts, or unusable areas below ground or in attics.

ii. Gradient. The steepness, in terms of angle from the horizontal, or in terms of percent, of a slope measured in a prescribed direction up or down the slope. For a road, the gradient is measured as the steepness along the centerline thereof.

jj. Grading. Cutting or otherwise distributing the soil mantle by mechanical means so as to permanently change the existing landform. The terms includes grading done for exploratory purposes.

kk. Ground water. Any water, including hot water and geothermal steam, under the surface of the land or the bed of any stream, lake, reservoir, or other body of surface water, including water that has been exposed to the surface by an excavation, such as a gravel pit or some other type of mining operation.

ll. Ground water supply. Any artificial method of seeking ground water.

mm. Guest house. An accessory, detached building, not exceeding 800 square feet in size which is designed and used exclusively for the housing of non-paying visitors or guests of the main dwelling on the site.

nn. Habitat. An area which, for reasons of natural food supply, shelter, isolation, insulation, or other physical or ecological characteristic, is uniquely suited to the life and growth of particular forms of wildlife, and consistently is used as the living place of such wildlife either permanently or seasonally.

oo. Height, building or structure. The vertical dimension of a building or any type of structure measured as prescribed in Chapter IV, Section 21, page 71.

pp. Home occupation. The conduct of an art or profession, the offering of a service, the conduct of a business, or the handcraft manufacture of products in a dwelling or on the site of a dwelling, which is incidental and secondary to the use of the dwelling or site for dwelling purposes, in accord with the regulations prescribed in Chapter VIII, page 100.

qq. Hotel. A building or part thereof containing completely furnished individual guest rooms or suites, occupied on a transient basis, where lodging with or without meals is provided for compensation, and in which no provision is made for cooking in any individual room or suite.

rr. Institutional use. A privately operated use of a semi-public type such as a church, convent or monastery, day-care center or nursing home, philanthropic or eleemosynary foundation, non-profit library, art gallery or museum, and similar types of establishments.

ss. Kitchen. A room or a portion of a room in a structure, designed and used for the purpose of preparing meals, and containing the necessary appliances therefor normally in a fixed position and equipped with a sink and running water.

tt. Landscaped area. The portion of a site containing planted areas and plant materials, including trees, shrubs, ground cover, and other types of vegetation, together with decorative elements such as walks, benches, terraces, and the like, suitable for ornamenting or screening the site or a use on the site.

uu. Loading area. The portion of a site developed for the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and related landscaped areas.

vv. Local access street. A street which, because of its design and location with respect to other streets, and its limited continuity, is used primarily for access to abutting properties.

ww. Lot. A parcel of subdivided land which is shown on a duly approved and recorded subdivision map, or other legal map.

xx. Maintenance. Repair work on a structure, including painting, carpentry, glazing, and the reinforcement or replacement of defective parts, including roofs, foundations, structural members, and the like, but not including an addition or enlargement, or a replacement of the structure.

yy. Mobile home. A pre-constructed structure, having, or at one time having, axles and wheels capable of being pulled, towed, or hauled over public streets, and constructed in such a manner as will permit occupancy thereof as a residence.

zz. Mobile home park. A development designed exclusively for the parking or other type of installation of mobile homes on spaces or lots offered for sale or rent, including all improvements, buildings, structures, recreation areas, or other facilities for the use of the residents of such development, but not including any mobile home site or lot available on a transient basis.

aaa. Motel. A building or portion thereof or a group of attached or detached structures containing completely furnished individual guest rooms or suites, occupied on a transient basis for compensation, with garage or parking facilities provided, and in which more than 60 percent of the guest rooms and suites are without kitchens.

bbb. Multi-family dwellings. A building containing two or more dwelling units. In the R-T districts multi-family dwelling may be further subdivided into rentable rooms which do not contain a kitchen.

ccc. Non-conforming site. A site which was lawfully created prior to the effective date of this resolution which does not conform with the site area requirements for the district in which it is located or for the use occupying the site as prescribed in Chapter IV, page 49.

ddd. Non-conforming structure. A structure which was erected or under construction prior to the effective date of this resolution which does not conform with any applicable performance standard for structures prescribed in Chapter IV, page 49.

eee. Non-conforming use. The use of a structure or site which was established prior to the effective date of this resolution which does not conform with the use regulations of the land use district within which it is located as prescribed in Chapter II, page 33, or of the environmental protection district within which it is located as prescribed in Chapter III, page 41.

fff. On-site sign. A sign which directs attention to an occupancy, business commodity,service or activity conducted, produced, sold or offered only on the site where the sign is located.

ggg. Outfitter. An establishment providing services, materials, supplies, and equipment for horseback trips, hunting, fishing, rafting, and other types of outdoor recreation, not including a commercial structure.

hhh. Parcel. A contiguous area of land, subdivided or unsubdivided, in a single ownership.

iii. Percolation test. A method of testing absorption qualities.

jjj. Performance standard. Any of the physical requirements related to the establishment of a use on a site or in a structure thereon or the conduct of such use, or related to the preparation of a site and the construction of a building thereon, as prescribed in Chapter IV, page 49.

kkk. Place of public assembly. A building or portion of a building designed and intended for use for activities, programs, events, performances, or meetings before an assembled audience, such as a theater, auditorium, lecture hall, gymnasium, church sanctuary, and similar types of facilities.

lll. Planned unit development. A residential development on a site of 200 acres or more designed as a complete, integrated unit in which the dwelling units are concentrated on the portion of the site most suitable for development, and within which prescribed minimum standards for site area, setbacks, and the bulk and spacing of buildings may be modified to achieve preservation of open space areas of 50 percent or more of the total acreage.

mmm. Planning Commission. All references to "Planning Commission" and "Commission" mean the Planning Commission of Teton County.

nnn. Plat Review Committee. The committee formed by the Board of County Commissioners for the purpose of reviewing subdivision plats to insure that subdivision plats comply with Wyoming Statutes, County subdivision requirements, and accepted land surveying practices. The Committee is composed of the County Attorney, a licensed surveyor not employed by the subdivider, a representative of the local abstract or title company, and an ex-officio member of the County Commissioners.

ooo. Pre-existing. Any condition related to a use, site or structure that was in existence as of the effective date of this resolution.

ppp. Public facility. Any publicly owned and operated use, building, or establishment such as a school, post office, fire station, court house.

qqq. Public water supply. Any water supply being distributed by ten or more service connections utilized to furnish water for human consumption either in preparing foods or beverages for inhabitants of residences or business establishments.

rrr. Quarry. An excavation or open pit from which building materials, such as rock, gravel, and sand are extracted by earth moving or dredging operations. The term does not include mineral extraction by mining.

sss. Ranch. An establishment on a site of 20 acres or more used for the production or maintenance of crops, hay or livestock including structures or other improvements incidental to such activities.

ttt. Resort. A building or group of associated buildings containing accommodation units for visitors consisting of individual guest rooms, suites, or separate dwelling units, with related dining facilities and other types of accessory facilities including private recreation facilities, operated under a single management which provides the occupants thereof with customary hotel services and facilities.

uuu. Septic tank. A water tight tank which receives sewage.

vvv. Service station. An establishment offering for sale gasoline, oil, minor accessories, and minor repair services for the operation of motor vehicles, but not including painting, body work, steam cleaning, or major repairs.

www. Setback. The distance from a site boundary line, required by the provisions of Chapter IV, Section 19, page 65, measured as prescribed in the same section, which establishes the permitted location of uses, structures, buildings, or paved areas and other impervious surfaces on the site.

xxx. Setback area. The area within a site between the site boundary and the corresponding setback line within the site.

yyy. Sign. A device, fixture, surface or structure of any kind or character, made of any material whatsoever, displaying letters, words, text, illustrations, symbols, forms, patterns, colors, textures, shadows, or lights, or any other illustrative or graphic display designed, constructed or placed on the ground, on a building, canopy, wall, post, or structure of any kind, in a window, or on any other object for the purpose of advertising, identifying, or calling visual attention to any place, building, firm, enterprise, profession, business, service, product, commodity, person, or activity whether located on the site, in any building on the site, or in any other location. The term "placed" includes constructing, erecting, posting, painting, printing, tacking, nailing, gluing, sticking, sculpting, carving, or otherwise fastening, affixing, or making visible in any manner whatsoever.

zzz. Sign area. The area of a sign having an integral part of a building, wall, awning, canopy, marquee, or other part of a structure as its background shall be the area enclosed within the shortest line drawn to include all letters, designs, tubing, direct illumination sources, or other components of the sign, including all intervening and enclosed open spaces. The area of all other signs shall be the largest cross-sectional area measured to a line encompassing all portions of the sign, including background and tubing but excluding supporting posts without attached lighting. In computing the area of a sign having more than one face, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area.

aaaa. Single family residence. A detached building designed for or used as a dwelling exclusively by one family as an independent housekeeping unit.

bbbb. Site. A parcel of land devoted to or intended for a use, or occupied by a structure or group of structures.

cccc. Site area. The total horizontal area included within the boundary lines of a site.

dddd. Site boundary line, front. The boundary line of a site adjoining a road, highway, or private drive not including a driveway which provides primary access to the site.

eeee. Site boundary line, side. The boundary line of a site extending from the front line towards the opposite or rearmost portion of the site.

ffff. Site boundary line, rear. The boundary line of a site extending between the side lines and forming the boundary of the site opposite the front line.

gggg. Slope angle. The angle of any slope in soil or bedrock material, natural or man-made, as measured up or down from the horizontal in a vertical plane that is perpendicular to a level line across the slope.

hhhh. Slope length. The distance measured along a slope in soil or bedrock material, natural or man-made, from the base of the slope to its top, or where the slope angle changes, measured in a vertical plane that is perpendicular to a level line across the slope.

iiii. Small wastewater facilities. Any sewerage system, disposal system and treatment works for a single family house or a single mobile home unit.

jjjj. Standard leach field. A series of excavated trenches 3 feet or less in width which contain a bedding of aggregate and distribution lines used for the disposal of liquid flowing from a septic tank.

kkkk. Structure. Anything that is built or constructed and requires a fixed location on the ground including a building or edifice of any kind or any piece of work artificially built up or composed of parts, including signs, but not including a fence or a wall used as a fence four feet or less in height or any fence not constituting a visual barrier, mail boxes, light standards or poles, lines, cables, or other transmission or distribution facilities of a public utility.

llll. Structure, principal or main. A building or structure housing the principal use of a site or functioning as the principal use.

mmmm. Subdivision. A division of a lot, tract, or parcel of land into three or more lots, plots, sites, or other divisions of land for the purpose, whether immediate or future, of sale or building development or redevelopment. The term includes "subdivide" and any derivative thereof, but does not include a division of land for agricultural purposes into two or more parcels none of which is smaller than 20 acres or any land division expressly exempted by Section 18-289.12 of Chapter 176, Session Laws of Wyoming, 1975.

nnnn. Subsurface disposal system. Any system such as a leach field, elevated leach field, or evapotranspiration bed which discharges wastes underground.

oooo. Townhouse. A dwelling unit in a building containing two or more such units, each attached one to the other and each designed for or used as the residence of a single family and containing separate entrances directly from the outdoors. The term does not include apartment.

pppp. Transient basis. Occupancy of a hotel or motel unit or other type of visitor accommodation for short-term periods, generally not less than one night or more than nine months.

qqqq. Unit. One of any of the types of dwellings authorized by the provisions of this resolution.

rrrr. Use. The purpose for which a site or structure is arranged, designed, intended, constructed, erected, moved, altered, or enlarged, or for which either a site or structure is or may be occupied or maintained.

ssss. Use, non-residential. A use which does not provide a permanent place of residence except as may be incidental to the principal use, and except for a care facility.

tttt. Use, residential. A use primarily providing living accommodations for families on a non-transient basis.

uuuu. Utility installation. Any structure, building, or facility of a public utility, such as an electric sub-station, water tank or tower, transmission tower, or other such distribution facility.

vvvv. Wastes. Any sewerage, industrial waste, and all other liquid, gaseous, solid, radioactive, or other substances, which may pollute any waters of the State.

wwww. Waste water disposal system. Any system used for the disposal of wastes either by surface or underground methods, including sewerage systems, treatment works, conduits, storm sewers, pumping stations, force mains, all other constructions, devices, appurtenances and facilities used for collecting or conducting wastes to an ultimate point for treatment or disposal.

xxxx. Wildlife. Big game animals, fur bearing animals, predatory animals, predacious birds, protected birds, game birds, migratory birds, game fish, and small game animals as defined in Section 23.1-1 of the Wyoming Statutes of 1957, as amended.

yyyy. Wildlife migration route. A route instinctively and consistently selected by migratory land-bound animals in their seasonal movements, as determined by State of Wyoming, Department of Game and Fish.

CHAPTER II

LAND USE DISTRICTS

Section 1. Land Use Districts. The land use districts and maximum densities for residential uses therein established by this resolution shall be designated as follows:

R-A-20	Residential-Agricultural District, 1 unit per 20 acres.
R-A-10	Residential-Agricultural District, 1 unit per 10 acres.
R-A-7.5	Residential-Agricultural District, 1 unit per 7.5 acres.
R-A-6	Residential-Agricultural District, 1 unit per 6 acres.
R-A-6-3 (Variable)	Residential-Agricultural District, 1 unit per 6-3 acres (variable).
R-A-5	Residential-Agricultural District, 1 unit per 5 acres.
R-A-3	Residential-Agricultural District, 1 unit per 3 acres.
R-P-J	Jackson Planned Expansion District.
R-T	Teton Village Planned Resort District.
C-V	Visitor Commercial District.
C-L	Local Convenience Commercial District.
C-G	General Commercial District.
I	Light Industrial/Distribution District.

Section 2. District Boundaries. The boundaries of the land use districts shall be shown on the Land Use Element maps, and may be shown on larger-scale, more detailed maps on file in the County offices. Where any uncertainty exists as to the boundary of a district shown on the maps, the following regulations shall govern:

a. Where a boundary line is indicated as following a road or highway, it shall be construed as following the right-of-way line thereof.

b. Where a boundary line follows or coincides approximately with a lot line or property ownership line, it shall be construed as following the lot line or property ownership line.

c. Where a boundary line is not indicated as following a road and does not follow or coincide approximately with a lot line or property ownership line, the boundary line shall be determined by scaled measurement of the Land Use Element map or of a larger-scale, more detailed map on file in the County offices.

d. Where further uncertainty exists, in response to a written application or on its own motion, the Board of County Commissioners, upon recommendation of the Planning Commission, shall determine the location of the boundary in question giving due consideration to the location indicated on the map, the environmental data maps, and the purposes of this resolution as prescribed in Chapter I, page 20.

Section 3. Procedure for Revising Boundaries of Land Use Districts. The boundaries of the land use districts established by this resolution are derived from environmental data maps on file with the County including "Interpretive Data: Geology/Hydrology","Geomorphic Units", "Ground Water Categories", and "Flood Hazards" maps. In the event that the accuracy of the data shown on an environmental data map that would affect a boundary of a land use district is questioned, the land use district boundaries may be revised on the basis of new authoritative data made available in accord with the following procedure:

a. A notice of the purported discrepancy shall be filed with the Administrator of Planning Services.

b. From a list of qualified specialists in the appropriate field established by the Board of County Commissioners, the property owner or developer may select and retain a person or firm to make an impartial technical investigation of the condition at issue. Alternately, a specialist or firm not on the official list may be selected, provided that the investigator's qualifications are approved in advance by the Board.

c. If the investigator concludes that revision of the map or maps is justified, his report containing the specific technical information on which the conclusion is based, and showing the location of the revised boundary, shall be filed with the Administrator of Planning Services.

d. If the Administrator of Planning Services determines that the report on the investigation is complete and meets the requirements of this section, he shall revise the map or maps in question to show the changes justified by the investigation. If the information obtained by the investigation is too detailed to show at the scale

of the map or maps, an appropriate notation making reference to the report shall be appended to the map.

e. If there is any question as to the completeness of the report or the validity of the information contained therein, the Board of County Commissioners shall be notified, and the map or maps shall not be revised unless the Board so orders following its review of the report on the investigation.

f. A copy of the report on the investigation shall be placed in the permanent files of the County.

g. If the investigation justifies revision of the map or maps, the property owner or developer may be reimbursed by the County for the cost of the investigation up to an amount approved by the Board of County Commissioners.

Nothing in this section shall be deemed to provide authority for any change or amendment of the boundary of any land use district or environmental protection district, or of any environmental data map, other than for the purpose of correcting an error or attaining greater accuracy.

Section 4. Authorized Uses. Unless expressly prohibited by the regulations for an environmental protection district prescribed in Chapter III, page 41,the following types of uses shall be authorized:

a. In any land use district, not requiring development permit:

(1) Agricultural uses.
(2) Single family residences, except clustered developments or planned unit developments, subject to the issuance of a residential building permit.
(3) Guest houses, subject to the issuance of a residential building permit.
(4) Home occupations, subject to the issuance of a home occupation permit.
(5) Incidental and accessory structures on the same site that are for the exclusive use of residents and their guests or that are necessary for the operation of a permitted use, subject to the issuance of a residential building permit.

b. Subject to the issuance of a development permit (secured in the manner prescribed in Chapter VI, page 89:

(1) In any land use district:

Public facilities.
Institutional uses.
Utilities installations.

(2) In any R-A, Residential-Agricultural District:

Clustered residential developments.
Planned unit developments.
Mobile home parks.
Dude ranches.
Outfitters.
Commercial stables.
Ski tows.
Other privately owned outdoor recreation facilities.

(3) In the R-P-J, Jackson Planned Expansion District, subject to the provisions of Section 8 of this Chapter, planned developments which may include the following:

Townhouses.
Apartments.
Condominiums.
Mobile home parks.

(4) In the R-T, Teton Village Planned Resort District, planned developments which may include the following:

A. R-T-R, Teton Village Residential:
Single family residential subject to the issuance of a residential building permit.
Guest houses subject to the issuance of a residential building permit.
Incidental and accessory structures on the same site that are for the exclusive use of residents and their guests, including ski lifts.

B. R-T-M, Teton Village Multi-family:
Duplexes.
Apartment houses.
Rooming houses.
Boarding houses.
Pensions (a boarding house).
Cooperative housing.
Multiple dwellings.
Food and other appropriate services for owners and guests of the above accommodations, including ski lifts.

C. R-T-CV/CL, Teton Village Commercial:
All uses authorized under the CV/CL Districts, including ski lifts.

(5) In the C-V, Visitor Commercial District, commercial establishments of the type intended to provide accommodations and services for visitors to the County, such as the following:

Hotels, motels and resorts.
Restaurants.
Accessory commercial facilities as defined in Chapter I, page 21.

Service stations.
Campgrounds.

(6) In the C-L, Convenience Commercial District, retail business, office, and personal service establishments of the type primarily intended to meet the day-to-day needs of local residents, such as the following:

Banks and small business offices.
Food stores, bakery goods stores, and delicatessens.
General stores, hardware stores, drug stores, and feed and fuel stores.
Medical, dental, and other types of professional offices.
Personal service establishments, such as beauty and barber shops, shoe repair shops, launderettes and the like.
Restaurants.
Service stations.

(7) In the C-G, General Commercial District, any use authorized for the C-V and C-L Districts, and commercial service and wholesale business establishments, such as the following:

Apparel manufacture.
Bowling alleys.
Cleaning establishments.
Electrical equipment sales and service.
Farm equipment sales and service.
Frozen food lockers and cold storage.
Gunsmiths.
Launderies.
Motor vehicle sales and service, parts, and repair garages.
Nurseries and garden supplies.
Offices.
Printing and publishing.
Radio and television sales and service.
Radio and television studios
Refrigeration equipment sales and service.
Repair shops, including glass, heating and ventilating, plumbing and the like.
Veterinarians and kennels.
Wholesale business establishments, not including warehouses.
Other general commercial or commercial service establishments of a similar character determined by the Board of County Commissioners to be appropriate in the district.

(8) In the I, Light Industrial/Distribution District, light industrial, warehousing and distribution, and heavy commercial uses of a type that generally are free of nuisance features, such as the following:

Apparel, ceramic products, cutlery, electrical supplies and furniture manufacture.
Appliance and electrical equipment assembly.
Building equipment and supplies.

Communications and testing equipment assembly.
Construction equipment storage, including contractors' yards.
Dairy products plants.
Food products processing, canning, and packing, not including fish or meat products, located not closer than 1,000 feet to any R District.
Freight forwarding terminals.
Laboratories.
Lumber yards.
Machine shops.
Sheet metal shops.
Sporting goods manufacture.
Warehousing, wholesaling, and distribution.
Wood working shops, including only incidental mill work in a completely enclosed structure.
Other light industrial, distribution, or heavy commercial establishments of a similar character determined by the Board of County Commissioners to be appropriate in the district.

Section 5. Determination of Similar Uses. In order to permit uses of a similar character to those prescribed in Section 4 of this Chapter as permitted in the C-L, C-G, and I districts, the Planning Commission, on its own initiative or upon written request, shall determine whether a use not specifically listed as an authorized use should be an authorized use on the basis of its similarity to uses specifically listed and its appropriateness in the district. The following procedure shall be employed to determine whether the characteristics of a particular use not listed are sufficiently similar to those of listed uses to justify a finding that the use should be authorized in the C-L, C-G, or I district:

a. The Administrator of Planning Services, at the request of the Planning Commission or written request of any person for a determination under this Section, shall investigate the characteristics of the proposed use, and shall transmit a report to the Planning Commission advising in what respects the proposed use is similar to authorized uses in the same land use district, or in what respects the proposed use would not be similar to authorized uses, or would be similar to uses authorized only in other districts.

b. After receipt of the report, the Planning Commission may determine the proposed use to be of similar character to uses authorized in the same land use district, and appropriate in the district, if it finds that the proposed use will not be substantially different in its size, operations, impacts, and other characteristics from uses authorized in the same district. The Planning Commission shall state the basis for its determination. If the determination is confirmed by affirmative vote of the Board of County Commissioners, the use thereafter shall be an authorized use in the same district.

Section 6. Conformity with District Regulations. Except as provided in Chapter IX, page 102, no site or structure shall be used or designated for use for any purpose or in any manner other than in conformity with the regulations of the land use district in which the site or structure is located.

Except provided in Chapter IX, page 102, no structure shall be erected, and no existing structure or use shall be moved, altered, or enlarged except in conformity with the regulations of the land use district in which the structure or use is located.

No site in one ownership at the time of enactment of this resolution or at any time thereafter shall be reduced in any manner below the minimum area prescribed for the land use district in which the site is located.

Section 7. Special Provisions Applicable to R-A-6-3 (Variable), Residential-Agricultural District. A development density greater than 1 unit per 6 acres, but not exceeding 1 unit per 3 acres, may be authorized, subject to a density bonus that may be approved for a clustered residential development or a planned unit development in accord with the provisions of Chapter V, page 85, if the County determines by appropriate testing procedures made upon application of the owner, that the high ground water condition is caused by irrigation practices, and that the ground water level drops below 3 feet upon the removal of irrigation, subject to the following exceptions:

a. No such testing shall be required for a development which is served by a sewer connected with a municipal wastewater treatment system or a community wastewater treatment system.

b. No such testing shall be required for a clustered residential development or a planned unit development in which none of the units will be located on the portion of the site in the R-A-6-3 (Variable) District.

Section 8. Special Requirements Applicable in R-P-J, Jackson Planned Expansion District. The following regulations shall apply in the R-P-J, Jackson Planned Expansion District:

a. All proposed uses and densities shall conform with the Zoning Code of the Town of Jackson, as amended, the Subdivision Ordinance of the Town of Jackson, and the Master Plan of the Town of Jackson.

CHAPTER III

ENVIRONMENTAL PROTECTION DISTRICTS

Section 1. Environmental Protection Districts. The environmental protection districts established by this resolution shall be designated as follows:

Flood Protection District: 10 Year Flood Area.

Flood Protection District: 25-50 Year Flood Area.

Flood Protection District: Flat Creek Winter Flood Area.

Ground Water Protection District: Depth Less than 3 Feet.

Ground Water Protection District: Depth 3-5 Feet.

Hillside Protection District: Steep or Naturally Unstable.

Hillside Protection District: Moderately Steep or Potentially Unstable.

Watercourse Protection District.

Section 2. District Boundaries. The boundaries of the environmental protection districts shall be as follows:

a. The boundaries of the environmental protection districts, except for the Watercourse Protection District, shall be shown on the Environmental Protection District Maps.

b. The boundaries of the Watercourse Protection District shall include:

(1) All private lands within 150 feet of the top of each bank of the Snake, Gros Ventre, Hoback, and Buffalo Fork Rivers.

(2) All private lands within 50 feet of the top of each bank of all other streams or creeks, including any channelized section created to prevent bank erosion or to stabilize the watercourse, but not including ditches or canals created to contain irrigation waters.

Section 3. Procedure for Revising Boundaries of Environmental Protection Districts. The boundaries of the environmental protection districts established by this resolution are derived from environmental data maps on file with the County including "Interpretive Data: Geology/Hydrology", "Geomorphic Units", "Ground Water Categories", and "Flood Hazards" maps. In the event that the accuracy of the data shown on an environmental data map that would affect a boundary of an environmental protection district is questioned, environmental protection district boundaries may be revised on the basis of new authoritative data made available in accord with the following procedures:

a. A notice of the purported discrepancy shall be filed with the Administrator of Planning Services.

b. From a list of qualified specialists in the appropriate field established by the Board of County Commissioners, the property owner or developer may select and retain a person or firm to make an impartial technical investigation of the condition at issue. Alternately, a specialist or firm not on the official list may be selected, provided that the investigator's qualifications are approved in advance by the Board.

c. If the investigator concludes that revision of the map or maps is justified,his report containing the specific technical information on which the conclusion is based, and showing the location of the revised boundary, shall be filed with the Administrator of Planning Services.

d. If the Administrator of Planning Services determines that the report on the investigation is complete and meets the requirements of this section, he shall revise the map or maps in question to show the changes justified by the investigation. If the information obtained by the investigation is too detailed to show at the scale of the map or maps, an appropriate notation making reference to the report shall be appended to the map.

e. If there is any question as to the completeness of the report or the validity of the information contained therein, the Board of County Commissioners shall be notified; and the map or maps shall not be revised unless the Board so orders following its review of the report on the investigation.

f. A copy of the report on the investigation shall be placed in the permanent files of the County.

g. If the investigation justifies revision of the map or maps, the property owner or developer may be reimbursed by the County for the cost of the investigation up to an amount approved by the Board of County Commissioners.

(As amended April 4, 1978)

h. Nothing in this section shall be deemed to provide authority for any change or amendment of the boundary of any land use district or environmental protection district, or of any environmental data map, other than for the purpose of correcting an error or attaining greater accuracy.

Section 4. Conformity with District Regulations. Except as provided in Chapter IX, page 102, no site or structure shall be used or designated for use for any purpose or in any manner other than in conformity with the regulations of the environmental protection district in which the site or structure is located.

Except as provided in Chapter IX, page 102, no structure shall be erected and no existing structure or use shall be moved, altered, or enlarged except in conformity with the regulations of the environmental protection district in which the structure or use is located.

Section 5. Regulations for Flood Protection District: 10 Year Flood Area. The following regulations shall apply:

a. All types of permanent structures, mobile homes, septic tanks, wastewater treatment plants, electric substations, and other utility structures shall be prohibited.

b. Roads shall be permitted only where essential to provide access to properties, and shall be required to cross a watercourse at such an angle as will minimize disturbance of the floodway and shall utilize piers and bridging rather than fill. No groins, riprap, or channel alterations that could divert or direct flood flows shall be permitted, except those expressly approved by the U.S. Corps of Engineers or other governmental agency with jurisdiction over flood control.

c. Excavations and fills shall be limited to the minimum amount necessary to permit road access, except where such excavations and fills are part of a flood control project.

d. Waste materials from construction shall not be deposited.

e. No structural storage facilities for chemicals, explosives, buoyant materials, flammable liquid and gases, or other toxic materials which could be hazardous to public health or safety shall be permitted.

Section 6. Regulations for Flood Protection District: 25-50 Year Flood Area and for Flood Protection District: Flat Creek Winter Flood Area. The following regulations shall apply:

a. No emergency facilities such as hospitals, fire houses, sheriff's substations, or power plants shall be permitted.

b. No utilities installations shall be permitted except for power and telephone poles, and underground utilities.

c. No roads shall be permitted except for local access streets and private roads.

d. No schools, institutions, or other places of public assembly shall be permitted.

e. No intensive non-residential development such as hotels, motels, resorts, and commercial structures shall be permitted. No commercial structures except C-L uses in C-L Districts shall be permitted. (Subject to a map change as prescribed in Chapter XI, Section 2, page 109.)

f. Structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids and gases, or other toxic materials which could be hazardous to public health or safety, shall be located at elevations above maximum possible flood levels.

g. No density bonuses for planned unit developments or clustered residential developments shall be permitted.

h. No mobile home parks shall be permitted.

i. All development shall conform to the requirements set forth in Appendix A to this resolution, in addition to all other requirements established by this resolution.

Section 7. Regulations for Ground Water Protection District: Depth Less than 3 Feet. The following regulations shall apply:

a. No septic tanks with standard leach fields and no wastewater treatment facilities, unless engineered to prevent ground water pollution, shall be permitted.

b. All water supply lines and sewer lines shall be engineered and installed in a manner that will prevent infiltration and avoid contamination of ground water.

Section 8. Regulations for Ground Water Protection District: Depth 3-5 Feet. The following regulations shall apply:

a. No septic tanks with standard or raised leach fields shall be permitted, except in conformity with the results of engineering tests made on the site at the location of each proposed leach field. The report on the engineering tests shall contain specific recommendations on the installation techniques necessary to ensure that each

leach field will function properly and will not cause ground water pollution, and a specific recommendation on the distance that shall be required between the leach field and any other leach field.

Section 9. Regulations for Hillside Protection District: Steep or Naturally Unstable. The following regulations shall apply:

a. All grading activities shall conform to the regulations of Chapter VI, page 89. However, no slope in excess of 30 percent and no slope that is naturally unstable shall be disturbed by grading, except for roads that are essential to provide access to properties or essential for fire control.

b. In addition to the material required to be submitted for approval of grading for roads and site preparation prescribed in Chapter VI page 89, a report by a registered Wyoming engineer containing recommendations on grading and construction techniques that should be utilized to prevent any form of slope failure, to minimize disruption of the natural vegetation and soil, and to prevent excessive stormwater and snowmelt runoff shall be required where the slope exceeds 15 percent, and may be required by the Board of County Commissioners where the slope is between 10 and 15 percent.

c. No quarrying shall be permitted.

d. No development shall be permitted on any portion of a site that is inaccessible without constructing a road on a slope steeper than 30 percent or a naturally unstable slope, unless access can not be provided in any other way, and provided that the road is engineered and constructed to County specifications for safety.

e. For the construction of single family dwellings, temporary sedimentation basins, or silt traps, of adequate design shall be installed in conjunction with the initial grading operations and maintained throughout the construction period to remove sedimentation from runoff waters during development.

f. No development shall be permitted on any portion of a site with a slope in excess of 30 percent, or on landslides or bedrock slumps, on talus slopes or rockfall slopes, on colluvium, on lacustrine deposits either at the surface or overlain by other deposits, or in avalanche paths.

g. No development shall be located within 500 feet of a recent or almost recent fault as identified by the U.S. Geological Survey, except in conformity with the results of a geologic investigation. The report on the geologic investigation shall indicate any portion of the site where development should be prohibited in the interest of safety.

Section 10. Regulations for Hillside Protection District: Moderately Steep or Potentially Unstable. The following regulations shall apply:

a. All grading activities shall conform to the regulations of Chapter VI, page 89. However, no slope in excess of 30 percent and no slope that is naturally unstable shall be disturbed by grading, except for roads that are essential to provide access to properties or essential for fire control.

b. In addition to the material required to be submitted for approval of grading for roads and site preparation prescribed in Chapter VI, page 89, a report by a registered Wyoming engineer containing recommendations on grading and construction techniques that should be utilized to prevent any form of slope failure to minimize disruption of the natural vegetation and soil, and to prevent excessive stormwater and snowmelt runoff shall be required where the slope exceeds 15 percent, and may be required by the Board of County Commissioners where the slope is between 10 and 15 percent.

c. No quarrying shall be permitted.

d. No development shall be permitted on any portion of a site that is inaccessible without constructing a road on a slope steeper than 30 percent or a naturally unstable slope, unless access can not be provided in any other way, and provided that the road is engineered and constructed to County specifications for safety.

e. For the construction of single family dwellings, temporary sedimentation basins, including debris basins, desilting basins, or silt traps, of adequate design shall be installed in conjunction with the initial grading operations and maintained throughout the construction period to remove sedimentation from runoff waters during development.

f. No development shall be permitted on any portion of a site with a slope in excess of 30 percent, or on landslides or bedrock slumps, or talus slopes or rockfall slopes, on colluvium, on lacustrine deposits at the surface or overlain by other deposits, or in avalanche paths.

g. No development shall be permitted on any portion of a site that is inaccessible without constructing a road on a slope steeper than 30 percent or a naturally unstable slope, unless access can not be provided in any other way, and provided that the road is engineered and constructed to County specifications for safety.

Section 11. Regulations for Watercourse Protection District. The following regulations shall apply:

a. Unless constructed with a water-tight lining, no sewage treatment lagoon or other concentrated on-site wastewater disposal facility shall be permitted.

b. No structure or clearing of vegetation shall be permitted that would disrupt a wildlife habitat, wildlife migration route, or fishery except where necessary for a road or a utility crossing. Where a structure or clearing is essential, it shall be limited to the minimum area that is feasible. In addition, the setback requirements of Chapter IV, Section 19, page 65 shall apply.

c. Dredging and stream channel alterations shall be prohibited except where part of a flood protection project or channel stabilization project authorized by the County, or where authorized by a permit issued by the U.S. Corps of Engineers.

d. Where grading is essential to a development project, land alterations, including any road that must parallel a watercourse to provide access to properties, shall be located as far from the watercourse as is feasible.

e. Permanent fills with the exception of dikes shall not be located so that stormwater runoff will carry sediment into any river, stream, or creek, shall not be located closer than 50 feet to a defined bank of a river, stream, or creek, and shall not be constructed in a manner that will allow sediment to run off onto adjoining property.

f. Damage to existing vegetation within 50 feet of any river, stream or creek shall be minimized except where necessary for road or utility crossings, and for drainage structures required by these regulations. Where damage or removal of existing vegetation cannot be avoided, permanent revegetation or landscaping shall be required. Removal of the vegetation shall not occur more than 30 days prior to the commencement of grading. Permanent revegetation or landscaping shall be commenced on the construction site as soon as practical after achieving final grades and utility emplacements.

g. Waste materials from construction shall not be deposited.

h. Groins and flood gates necessary for irrigation purposes shall be installed and managed in accord with guidelines set by the U.S. Corps of Engineers, the State Department of Game and Fish, and the State Board of Control.

Section 12. Properties in More than One Environmental Protection District. Where a site is located in more than one environmental protection district, all applicable regulations for each district within which the site is located shall apply, provided that if the regulations are inconsistent or conflicting, the regulations which impose the more stringent requirement or limitation shall govern.

CHAPTER IV

PERFORMANCE STANDARDS

Section 1. Conformity with Performance Standards Required. All proposed uses or structures, including the enlargement of an existing use or structure and including the replacement of an existing use or structure except as authorized by Chapter IX, page 102,shall conform with the applicable performance standards, as prescribed in this chapter.

Section 2. Public Water Supply. The construction, installation, modification or operation of any public water supply system shall comply with all requirements and standards established by the Wyoming Department of Environmental Quality as authorized in Article 3 of the 1973 Wyoming Environmental Quality Act. The latest edition of the "Recommended Standards for Water Works" by the Great Lakes-Upper Mississippi River Board of State Sanitary Engineers shall serve as standards for the review and approval of plans and specifications for public water supply systems. A copy of all engineering reports, plans, and specifications required by the Department of Environmental Quality shall be submitted to the County Sanitarian in conjunction with the proposed development.

The developer, owner, or other responsible party, shall furnish the County Sanitarian information which specifies who will be responsible for the maintenance and operation of the water supply facilities, how and when the facilities will be modified to accommodate future growth, and how this responsibility will be transferred upon change of ownership prior to the approval of the project.

Copies of the results of chemical, physical, bacteriological, and radiological samples required by the Wyoming Department of Health and Social Services shall be submitted to the County Sanitarian.

Section 3. Ground Water Supply. Any individual, municipality, company, or other entity that intends to beneficially utilize ground water must comply with the latest "Regulations and Instructions" established by the Wyoming State Engineer's Office. For well systems, these regulations include an "Application for Permit to Appropriate Ground Water" which must be approved by the State Engineer before commencing construction and a "Statement of Completion and Description of Well" after the project is completed.

A copy of the "Statement of Completion and Description of Well" and, where possible, drill cuttings from the well shall be submitted to the County Sanitarian.

In addition, all new wells shall comply with minimum construction standards specified in the Wyoming State Engineer's Office Regulations and Instructions.

Section 4. Wastewater Disposal System. The construction, installation, modification or operation of any sewerage system, treatment works, disposal system or other facility capable of causing or contributing to pollution shall comply with all requirements and standards established by the Wyoming Department of Environmental Quality as authorized in Article 3 of the 1973 Wyoming Environmental Quality Act. The latest edition of the "Recommended Standards for Sewage Works" by the Great Lakes-Upper Mississippi River Board of State Sanitary Engineers shall serve as guidelines for the review and approval of plans and specifications. A copy of all engineering reports, plans, and specifications required by the Department of Environmental Quality shall be submitted to the County Sanitarian in conjunction with the proposed development. The developer, owner, or other responsible party, shall furnish the County Sanitarian information which specifies who will be responsible for the maintenance and operation of the wastewater treatment facilities, how and when the facilities will be modified to accommodate future growth, and how this responsibility will be transferred upon change of ownership prior to the approval of the project.

Wastewater disposal systems which utilize some type of subsurface disposal method may be required to meet additional standards for separation between wells and surface water established by Teton County.

Copies of all operational and water quality monitoring data required by the Department of Environmental Quality shall be submitted to the County Sanitarian.

Section 5. Small Wastewater Facility. The County Sanitarian or his designated representative with approval from the Wyoming Department of Environmental Quality shall be responsible for the administration and inspection of construction, installation or modification of small wastewater facilities in Teton County.

The following regulations shall supplement the regulations prescribed by the Wyoming Department of Environmental Quality in Chapter III of the 1976 Wyoming Water Quality Rules and Regulations, or other regulations which pertain to small wastewater facilities, and shall take precedence over any State standard that imposes a lesser requirement for disposal systems installed subsequent to the effective date of this resolution.

a. The following inspections by the County Sanitarian or his designated representative shall be required:

(1) A preliminary site investigation prior to the issuance of a permit, including an evaluation of the depth to ground water, the location of the percolation test holes, soils which extend three feet below the bottom of the proposed leach field trench, and surface water runoff.

(2) A construction inspection after the issuance of the permit and before the disposal system is covered with backfill.

(3) At the request of the owner, a periodic operation inspection after the disposal system is completed, once every year for mechanical systems and once every three years for standard septic tank systems.

b. In areas where the seasonal high ground water is more than 10 feet below the ground surface, the minimum separation distances for septic tanks and leach fields shall conform with State standards. Where percolation rates are less than 20 minutes per inch, the County may require that the minimum separation distances between the septic tank or leach field and water wells, suction lines, or water courses shall be increased.

In areas where the seasonal high ground water is 10 feet or less below the ground surface, the minimum separation distances shall be increased as follows:

(1) 250 feet from any water supply well.

(2) 250 feet from any negative pressure line.

(3) 100 feet from any stream or water course.

c. In all areas, the minimum distance between any point of a leach field and any other leach field shall be 50 feet.

d. Leach field trenches shall not be located within 500 feet of the top or sides or within 100 feet of the base of any area known to be naturally unstable, unless specific engineering information is provided justifying a reduction of these distances, and shall not be located on slopes with a gradient steeper than 20 percent.

e. Prior to receiving a permit to construct a disposal system, the owner or developer shall provide the County with the following information:

(1) Percolation test results conducted as prescribed in U.S. Public Health Publication No. 525 incorporating a minimum of two test holes on the proposed leach field site.

(2) The depth to seasonal high ground water.

(3) Soil characteristics 3 feet below the proposed leach field trench.

(4) Additional data required by the County Sanitarian or his designated representative in areas where geologic or other natural constraints prevail.

f. A standard leach field disposal system shall not be permitted where the seasonal high ground water is 4 feet or less below the bottom of the leach field trench, or where rock formations or other impervious strata are present at a depth of 4 feet or less below the proposed leach field.

g. Rooftop drains and runoff from other sources shall not be connected to a septic tank or leach field.

h. All disposal systems which utilize a leach field shall be required to reserve an additional leach field area on the site equal in size to the leach field intended for initial use.

i. The size of an evapotranspiration bed shall be determined on the basis of theevaporation rate at the site, which shall not exceed 0.10 gallons per square foot per day.

j. If any state or local agency, organization, or person notifies the County of a suspected malfunction, the County Sanitarian or his designated representative shall make an on-site investigation. If the malfunction is verified, the County shall notify the owner and/or occupant of the malfunction and shall require an approved positive action plan for correction of the malfunction. The County shall set the time limit for completion of the remedial action.

Section 6. Drainage. Developments shall be designed in such a manner as to assure minimum disruption of natural drainage, and drainage facilities shall be adequate to compensate for any unavoidable disruption to the extent that the development shall not result in stormwater or snowmelt runoff that could cause flooding, ponding, or any other flood hazard endangering persons, property, or wildlife, and to prevent or minimize soil erosion, sediment production, and sediment pollution. The site of a proposed development shall be prepared in a manner that will maximize percolation and infiltration of precipitation into the ground and will minimize direct surface runoff into adjoining streets, watercourses, or properties.

The following standards for site drainage shall apply:

a. The released rate of stormwater and snowmelt runoff leaving each site after development shall not significantly exceed the predevelopment rate for the site in its natural state for intensities of precipitation from 1 to 50 year frequencies for a 24 hour storm

event. In situations where this is not possible, the Board of County Commissioners shall require a registered Wyoming engineer to certify that through proper storm water engineering procedures the proposed development will not cause flooding, ponding, or any flood hazard endangering persons, property, or wildlife, and will prevent soil erosion, sediment production, and sediment pollution. In cases of single family residences, the Board of County Commissioners may require a registered Wyoming engineer to certify that through proper storm water engineering procedures the proposed development will not cause flooding, ponding, or any flood hazard endangering persons, property, or wildlife, and will prevent soil erosion, sediment production, and sediment pollution.

b. Water runoff shall be managed so that the velocity of flow does not exceed the permissible velocities listed in the current U. S. Soil Conservation Service Handbook, "Water Management and Sediment Control for Urbanizing Areas."

c. Natural watercourses draining areas greater than 20 acres shall be preserved in their natural state, except for road crossings which may be bridged or culverted. Road crossings shall be designed at least to pass the water flow from a 50 year, 24 hour storm event.

d. Alteration of land in developed areas shall be conducted in such a manner that natural drainage patterns are not altered. No restrictions or barriers shall be placed in drainageways or their flood plains without first obtaining a development permit from the County.

e. Where development of a site could result in danger to persons, property, or wildlife by flash runoff during construction, the facilities for storm water runoff control shall be constructed prior to any earth moving or drainage construction on the site. Otehrwise, the drainage system shall be completed and made operational at the earliest possible time during construction.

f. Interceptor ditches shall be provided above all cut slopes, and the intercepted water shall be conveyed to a stable channel or natural drainageway with adequate capacity to carry the flow. Tops of cut and fill slopes shall be rounded to promote revegetation.

g. Roads, curbs, gutters, and borrow pits shall be designed so that water is prevented from flowing off the roadway or right-of-way in an uncontrolled manner, and so that water is prevented from collecting and ponding for more than 24 hours in an uncontrolled manner.

h. The County shall reserve the right to install hydrological measuring devices in drainageways within any development, at public expense.

Section 7. Erosion Control. Developments shall be designed in such a manner as to minimize the erosion of soil into watercourses. The following standards shall apply:

a. During development and construction, adequate protective measures such as hydro-seeding, berms, interceptor ditches, subsurface drains, terraces, and sediment traps shall be used to minimize erosion of the cut faces of excavations or the sloping surfaces of fills by surface or ground water. Specific measures for erosion control to be used shall be determined by a registered Wyoming engineer subject to approval by the Board of County Commissioners.

b. Permanent fills with the exception of protective dikes shall not be located so that storm water runoff will carry sediment into any river, stream, or creek, and shall not be located closer than 50 feet to a defined bank of a river, stream, or creek, and shall not be constructed in a manner that will allow sediment to runoff onto adjoining property.

c. Land shall be developed in increments of workable size which can be completed suring a single construction season. Erosion and sediment control measures shall be coordinated with the sequence of grading, and the entire schedule and sequence of grading and construction operation shall be specified in the grading plan submitted with the application for a development permit.

d. For construction of a single family residence on a site located in a Hillside Protection District, temporary sedimentation basins, including debris basins, desilting basins, or silt traps, of adequate design shall be installed in conjunction with the initial grading operations and maintained throughout the construction period to remove sedimentation from runoff waters during development.

e. Damage to existing vegetation within 50 feet of any river, stream, or creek shall be minimized except where necessary for road or utility crossings, and for drainage structures required by these regulations. Where damage or removal of existing vegetation cannot be avoided, permanent revegetation or landscaping shall be required. Removal of the vegetation shall not occur more than 30 days prior to the commencement of grading. Permanent revegetation or landscaping shall be commenced on the construction site as soon as practical after schieving final grades and utility emplacements.

f. Waste materials from construction shall not be temporarily or permanently stored in locations where they would cause suffocation of root systems of trees to be preserved. Temporary storage of such materials shall not occur for periods exceeding 6 months without the installation of proper sediment control measures such as temporary vegetative cover or other effective methods. Waste materials from construction shall not be deposited within a 10 year flood area, within 150 feet of a river, or within 50 feet of a creek or stream.

g. Culverts and other types of storm water runoff points discharging into natural stream channels shall be designed to prevent erosion of the natural bed and bank material of the stream channel.

h. Borrow pits or roadside drainage ditches shall be stabilized by revegetation with grasses, or with gravel of at least one inch diameter.

i. Permanent sediment catchment basins or other types of sediment retention facilities shall be required wherever necessary to prevent discharge of sediment into stream channels. The sediment basins shall be designed by a registered Wyoming engineer to allow sufficient storage for sediment and periodic removal of the accumulated sediment for disposal according to a regular maintenance schedule.

Section 8. Grading Standards. The following standards shall apply:

a. Plans for development and construction shall minimize cut and fill on a site. An application for a development permit may be denied if it is determined that its issuance would result in excessive cutting and filling and that the intended structure or use would be feasible with less alteration of the natural terrain.

b. Land shall be developed in increments of workable size which can be completed during a single construction season. Grading and construction operations shall be coordinated with the sequence of erosion and sedimentation control measures and the entire schedule and sequence of grading and construction operations shall be specified in the grading plan submitted with the application for a development permit

c. For the construction of single family dwellings on sites located in a Hillside Protection District, temporary sedimentation basins, including debris basins, desilting basins, or silt traps, of adequate design shall be installed in conjunction with the initial grading operations and maintained throughout the construction period to remove sediment from runoff waters during development.

d. Fill areas shall be prepared by removing organic material, such as vegetation and rubbish, and any other material which is determined by the soils engineer to be detrimental to proper compaction or otherwise not conducive to stability.

e. All retaining walls or facings with a total vertical projection in excess of three feet shall be designed as structural members keyed into stable foundations capable of sustaining the design loads, including an adequate safety factor.

f. Fills on structural bearing areas or roadways shall be compacted to at least 95 percent of maximum density, as determined by the American Association of State Highway and Transportation Officials (AASHTO T99) and/or the American Society of Testing

Materials (ASTM D698), or to the compaction level needed, considering the types of soil, ground water infiltration and percolation, degree of slope, exposure, and other factors pertaining to slope stability.

g. Cut and fill slopes shall be no steeper than 25° (46.6%) Where necessary, subsurface drainage shall be provided to prevent gravitational slope failure. Drainage and erosion control standards outlined in Sections 6 and 7 of this chapter shall apply to all cut and fill slopes.

h. On roads, fill slopes shall not be located where the base of the slope is within 15 feet horizontally of the top of an existing or planned cut slope, except at road switchbacks.

i. Tops and toes of cut and fill slopes shall be set back from site boundaries a distance of five feet plus one-half of the vertical height of the cut or fill slope, but not more than a vertical distance of 25 feet shall be required.

j. Except for existing quarries, borrowing for fill shall be prohibited unless the material is obtained from a cut authorized by a development permit for grading obtained for some purpose other than to produce fill material.

k. Maximum efforts shall be made to conserve and utilize topsoil that is removed during construction for later use on areas requiring revegetation or landscaping.

l. Removal of existing vegetation shall not occur more than 30 days prior to the commencement of grading, and permanent revegetation shall be commenced as soon as practical after the completion of grading. Revegetation shall be accomplished in stages during grading to minimize exposure of graded areas to the elements. Timing of grading operations shall be scheduled with due consideration to the season so that revegetation can become established as rapidly as possible.

m. Cut and fill slopes with a height greater than 3 feet in soils classified by the U.S. Soil Conservation Service as having moderate or severe hazards for roads, streets, and buildings, shall be graded to a slope no steeper than 25° (46.6%) to allow for permanent revegetation or landscaping unless an adequate retaining wall is utilized.

n. The developer shall be fully responsible for any destruction of native vegetation that is intended to be retained, and shall bear responsibility for actions of his own employees and for actions of subcontractors from the first day of construction until the completion of the project. The developer shall be responsible for replacing such destroyed vegetation.

o. Whenver during excavation there are uncovered or become apparent any historic or prehistoric ruins or monuments not previously accounted for in the development permit, all work in the immediate area shall cease until the Wyoming State Archeologist shall determine what precautions should be taken to preserve the historic or prehistoric artifacts.

p. The owner of any property on which grading or other work has been performed pursuant to a development permit granted under the provisions of this resolution shall continuously maintain and repair all graded surfaces and erosion control facilities, revegetated areas, and/or ground cover installed as part of the grading activity.

Section 9. Air Contaminants. The following regulations shall apply:

a. For the purposes of this section, particulate matter is any material other than water which is suspended in or discharged into the atmosphere in finely divided form as a liquid or solid capable of being airborne or gasborne, and dust is solid particulate matter capable of being airborne or gasborne. All uses shall conform with the following standards:

(1) The total emission rate of particulate matter and dust from all sources within the boundaries of a site shall meet the requirements of the Wyoming Department of Environmental Quality, the provisions of Article 2 of the Wyoming Environmental Quality Act of 1973, Wyoming Statutes, Chapter 9.1, the requirements of the U.S. Environmental Protection Agency, and of any other state or federal agency having jurisdiction. In case of conflict, the most restrictive requirements shall govern.

(2) Emission of particulate matter from all sources shall be included in the maximum amount permitted for a single site as prescribed by the requirements of the agencies cited in Paragraph (1).

(3) Emission of particulate matter from materials or products subject to becoming windborne shall be kept to a minimum by landscaping, paving, oiling, wetting, or other means so as to render the surface wind resistant.

(4) Temporary construction operations shall be subject to the requirements of this section.

b. For the purposes of this section, toxic and noxious matter is any solid, liquid, or gaseous matter, including but not limited to gases, vapors, dusts, fumes, and mists, containing properties which by chemical means are inherently harmful and likely to destroy life

or impair health, or capable of causing injury to the well-being of persons or damage to property. All uses shall conform with the following standards:

(1) The ambient air quality standards of the Wyoming Department of Environmental Quality, the U.S. Environmental Protection Agency, or any other state or federal agency having jurisdiction shall limit the release of airborne toxic and noxious materials. In case of conflict, the most restrictive requirements shall govern.

(2) When toxic materials are not included in the ambient air quality standards of any of the agencies listed in Paragraph (1), the release of such materials shall not exceed 1/40 of the threshold limit value across site boundary lines of those toxic materials currently listed in the Threshold Limit Values adopted by the American Conference of Governmental Industrial Hygienists. Unless otherwise stated, the measurement of all toxic and noxious matter shall be at ground level or habitable elevation, and shall be the average of a 24 hour sampling period. The Board of County Commissioners may request that an applicant submit a statement from the Wyoming Department of Public Health that the proposed levels of toxic matter to be released will not result in any hazard to human life or health, or to wildlife.

c. Smoke emission shall be measured by use of the Ringelmann Chart which is described in the U.S. Bureau of Mines Information Circular 7718 on which are illustrated graduated shades of gray for use in estimating the light-obscuring capacity of smoke. All uses shall conform with the following standards:

(1) Smoke emission shall not exceed Ringelmann No. 0 (clear) from any chimney, stack, vent, opening, or combustion process, provided that smoke of a shade not to exceed Ringelmann No. 1 shall be permitted for up to three minutes total in any one eight-hour period. In order to meet this requirement, all new potential point sources and any alterations or additions to uses or structures with existing point sources, shall be required to install appropriate control equipment meeting U.S. Environmental Protection Agency source regulations designed to eliminate smoke problems.

(2) The density of smoke shall be measured at the point of emission, except that when the point of emission cannot be readily observed, it may be measured at an observable point on the plume nearest the point of emission.

(3) The provisions of Paragraphs (1) and (2) shall not apply in the case of an equipment breakdown which makes compliance not reasonably possible, and shall not apply to home fireplaces, barbeques, and burning incidental to agricultural operations and sanitary landfill operations.

d. No activity or operation at any time shall cause the discharge of odorous matter in such concentrations as to be detectable at any point beyond the site boundary lines when diluted in the ratio of one volume of odorous air to two volumes of clean air. The odor threshold shall be measured either at the ground level or habitable elevation in accord with the American Society for Testing and Materials (ASTM d1391-57) "Standard Method for Measurement of Odor in Atmosphere (Dilution Method)".

Section 10. Heat and Humidity. The following regulations shall apply:

a. Any activity producing intense heat shall be conducted within an enclosed building in such a manner as not to raise the temperature of the air beyond any site boundary line.

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

Section 11. Glare. Illumination levels shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye, utilizing the standard spectral luminous efficiency curve adopted by the International Commission on Illumination. All uses shall conform with the following standards:

a. Any operation or activity producing glare shall be conducted so that direct or indirect illumination from the source of light shall not cause illumination in excess of 0.2 footcandles beyond any site boundary line.

b. Flickering and intrinsically bright sources of illumination, even if meeting the standard for glare prescribed in Subsection a, shall be controlled by shielding or aiming the light source away from roads and nearby sites.

c. Reflective roofs and sidings shall not be permitted with the esception of solar heating devices.

Section 12. Noise. Noise shall be measured with a sound level meter meeting the standards of the American National Standards Institute (ANSI S1.4-1961) "American Standard Specification for General-Purpose Sound Level Meters". The instrument shall be set to the A-weighted response scale and the meter to the slow response.

Measurements shall be conducted in accord with ANSI S1.2-1962 "American Standard Method for the Physical Measurements of Sound." Measurements may be made at any point along a district boundary or site boundary line. All uses shall conform with the following standards:

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

b. Noises shall not exceed the maximum sound levels prescribed in the following table beyond the site boundary lines except that in a C or I district abutting an R district, the R district standard shall govern.

NOISE LEVEL RESTRICTIONS

Land Use District	Maximum Permitted Sound Level
R-A, R-P-J	55 dBA
C-V, C-L, C-G, or I	65 dBA

c. The levels prescribed in Subsection b may be exceeded by 10 dBA for a single period, not to exceed 15 minutes, in any one day, except in R districts.

d. For the purposes of this section, impact noises are those noises whose peak values are more than 6 dBA higher than the values indicated on the sound level meter, and are of short duration, such as the noise of a forging hammer or punch press. For impact, noises, the values prescribed in Subsection b, increased by 10 dBA, shall govern except in R districts.

e. In R-T-R, R-T-M, and R-T CV/CL land use districts in Teton Village, except when related to emergency conditions, snow removal, snow control, or for the purpose of construction between the hours of 8:00 a.m. and 6:00 p.m., no person shall operate any type of vehicle, machine, or device, or carry on any other activity which shall create excessive noise. When related to a vehicle with a manufacturer's gross weight rating of 10,000 pounds or more, excessive noise shall mean any sound which exceeds 88 decibles. When related to all other sounds from whatever source, excessive noise shall mean any sound which exceeds 80 decibles between 8:00 a.m. and 8:00 p.m. and 60 decibles between 8:00 p.m. and 8:00 a.m. Such sounds shall be measured from a distance of 25 feet from its source, or if the sound is located on private property, at a distance of 15 feet from the property line of the property on which the sound is located.

Section 13. Vibration. For the purposes of this section, vibration refers to ground transmitted oscillations. Earthborne vibrations are measured with a seismograph or accelerometer. With the portable seismograph, the earth

vibrations are measured in three mutually perpendicular directions (one vertical and two horizontal). The three motions are added vectorially, and the resultant maximum vibration given as a single number. Steady state vibrations are earthborne oscillations that are continuous, with discrete pulses that occur at or more frequently than 100 times per minute. The frequency is the number of oscillations per second of vibration. Impact vibrations are earthborne oscillations occurring in discrete pulses at less than 100 pulses per minute. All uses shall conform with the following standards:

a. Vibration shall be measured at the site boundary lines. Except for temporary construction operations, agricultural activities, and blasting for avalanche control, no activity shall cause or create a displacement in excess of the permitted steady state vibration displacement for the frequencies prescribed in the following table:

MAXIMUM PERMITTED STEADY STATE VIBRATION DISPLACEMENT

Frequency (cycles per second)	Vibration Displacement (inches)
10 and below	.0008
10-20	.0005
20-30	.0003
30-40	.0002
40 and over	.0001

b. For impact vibrations, the maximum permitted vibration displacement shall be twice that permitted for steady state vibrations.

c. For temporary construction operations occurring between the hours of 7:00 a.m. and 7:00 p.m., steady state vibrations and impact vibrations shall not exceed twice the permitted displacement for permanent operations.

d. In no instance, except for temporary construction operations, shall an activity be permitted which creates a vibration beyond the boundaries of the site of the activity sufficient to cause a displacement of .003 of 1 inch.

Section 14. Electrical Disturbances. No use or activity shall be permitted which creates electrical disturbances (electromagnetic radiation) that affect the operation of any equipment, such as radio and television interference, beyond the boundaries of the site.

Section 15. Fire and Explosive Hazards. The following regulations shall apply:

a. Materials or products which decompose by detonation shall be handled, stored, utilized, or manufactured in accord with the National Fire Code published by the National Fire Protection Association ("Code for the Manufacture, Transportation, Storage and Use of Explosives and Blasting Agents", National Fire Protection Association No. 495-1970).

b. Storage, utilization, or manufacture of solid materials or products ranging from active burning to intense burning shall be permitted, provided that such materials or products are stored, manufactured, or utilized in fire-resistant and fire-protected buildings or spaces having fire-resistive construction of no less than two hours and protected by an automatic fire extinguishing system. This provision shall not apply to the storage of firewood.

c. Storage, utilization, or manufacture of flammable liquids or gases which produce flammable or explosive vapors shall be permitted only in accord with the standards prescribed in the following tables, except that the storage of finished products in original sealed containers of 55 gallons or less shall be unrestricted.

STORAGE CAPACITY OF FLAMMABLE LIQUIDS

Flash Point*	Above Ground	Below Ground
Less than 70°F	5,000 gallons	10,000 gallons
70-200°F	20,000 gallons	40,000 gallons

* The flash point is the temperature at which sufficient vapor is given off at the surface of the liquid to propagate a flame when a small pilot light is placed near the surface.

STORAGE CAPACITY OF FLAMMABLE GASES

Above ground	150,000 SCF*
Below ground	300,000 SCF*

* Standard Cubic Feet at 60°F and 29.92 inches Hg.

d. Structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids and gases, or other toxic materials which could be hazardous to public health or safety, shall not be located in 10 year flood areas, and shall be located at elevations above maximum possible flood levels in 25-50 year flood areas and in the Flat Creek winter flood area.

Section 16. Radioactivity. The following regulations shall apply:

a. Maximum permissible concentrations for radioactivity that can be released shall be subject to the regulations of the State of Wyoming, the U.S. Atomic Energy Commission, and any other federal agency having jurisdiction. In the case of conflict, the most restrictive requirements shall govern.

b. Radioactive materials shall be stored in fireproof containers made of steel or concrete, but shall not be stored in containers made of lead or other low melting metals or alloys unless completely encased in steel.

c. Medical sources of radiation residues, such as X-ray machines, gamma and neutron sources, and pharmaceutical isotopes which are used for diagnostic and therapeutic purposes,shall be permitted when located within a hospital, clinic, medical or dental office, or medical research facility. Other uses of radioactive materials shall be limited to measuring, gauging, and calibration devices, such as tracer elements in X-ray and similar apparatus, and in connection with the processing and preservation of food.

Section 17. Minimum Site Area. Except in clustered developments, planned unit developments, the minimum site area in each land use district shall be as prescribed in the following table:

MINIMUM SITE AREA BY LAND USE DISTRICT

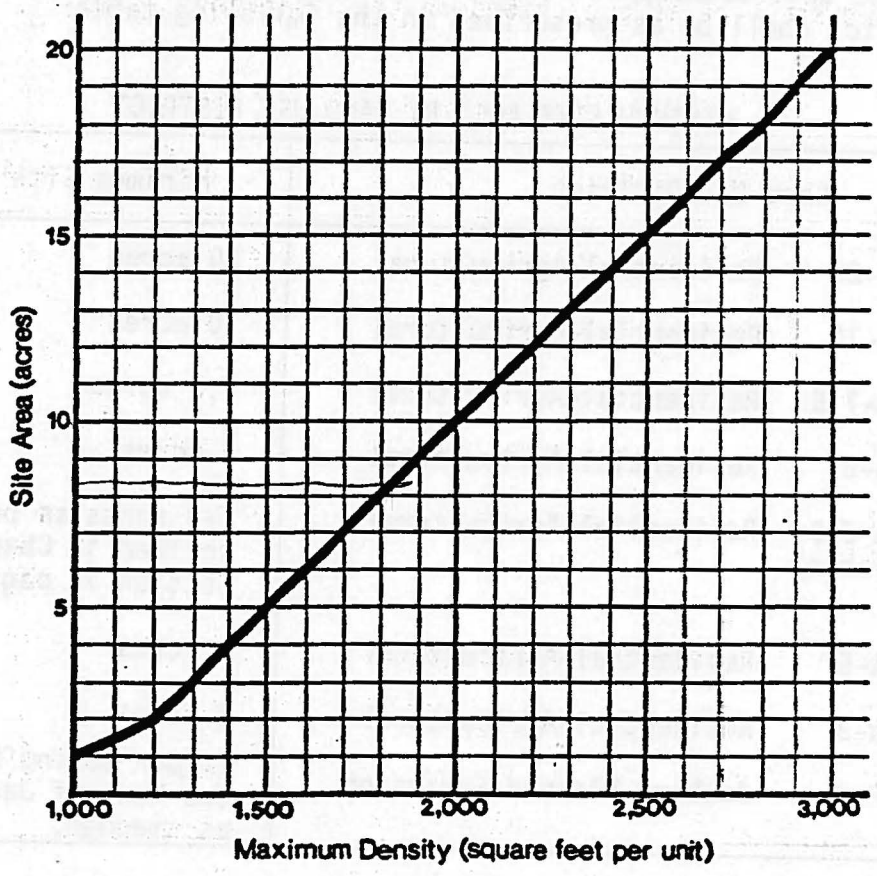
Land Use District		Minimum Site Area
R-A-20	Residential-Agricultural	20 acres
R-A-10	Residential-Agricultural	10 acres
R-A-7.5	Residential-Agricultural	7.5 acres
R-A-6	Residential-Agricultural	6 acres
R-A-6-3 (Variable)	Residential-Agricultural	6-3 acres as prescribed in Chapter II Section 7, page 39.
R-A-5	Residential-Agricultural	5 acres
R-A-3	Residential-Agricultural	3 acres
R-P-J	Jackson Planned Expansion	As per Zoning Code of the Town of Jackson, as amended.

MINIMUM SITE AREA BY LAND USE DISTRICT (cont.)

Land Use District		Minimum Site Area
R-T-R R-T-M		As per Teton County Land Use Element Maps
R-T-CV/CL		Not specified
C-V	Visitor Commercial	1 acre
C-L	Local Convenience Commercial	Not specified
C-G	General Commercial	Not specified
I	Light Industrial/Distribution	Not specified

Section 18. Maximum Density in C-V Districts. In C-V districts, the maximum density for visitor accommodations shall not exceed the figures prescribed in the following graph, calculated on the basis of the site area per guest room. In a suite, each bedroom shall be deemed to be a separate guest room. There shall be no maximum density for visitor accommodations in R-T-CV/CL districts.

MAXIMUM DENSITY FOR VISITOR ACCOMMODATIONS IN C-V DISTRICTS



*(As amended April 4, 1978)
**(As amended April 17, 1979)

Section 19. Setbacks. Required setbacks shall be measured horizonally from the front, side, or rear site boundary line as appropriate to the measurement, to a line parallel thereto at the nearest point of a structure or an impervious surface on the site.

Where a site abuts a road or highway having only a portion of its required width dedicated or reserved for roadway purposes, the setback shall be measured from the line establishing the additional width required for roadway purposes.

Where a site abuts an easement for access or a private access road is located within the boundary lines of the site, the setback shall be measured from the easement or from the private road. On a site which is not rectangular or approximately rectangular in shape, the required setbacks shall be measured in a manner prescribed by the Administrator of Planning Services.

The following regulations shall apply:

a. Underground installations such as septic tank systems and wells, walks, driveways, uncovered decks 4 feet or less above the ground, and retaining walls 4 feet or less in height may be located in a required setback area for structures. In addition, architectural projections of buildings such as chimneys, eaves, stairway landings, outside stairways and uncovered balconies, decks, and porches may extend into a required setback area for structures not more than 6 feet.

b. All buildings and structures shall be set back at least 50 feet from streams and creeks and 150 feet from major rivers.
** In the R-T districts there shall be no minimum setbacks from streams or creeks, but no development shall cause pollution to the water quality of such stream or creek.

* c. All buildings and structures, except in the R-T districts, shall be set back at least 50 feet from any site or portion thereof preserved as open space which is dedicated in perpetuity or in fee to the Scenic Preserve Trust of Teton County or to a tax-exempt or non-profit foundation.

(As amended April 4, 1978)
(As amended August 7, 1979)

d. In R-A districts, the setbacks for all buildings and structures shall not be less than the minimum distances prescribed by the following:

MINIMUM SETBACK REQUIREMENTS FOR BUILDINGS IN R-A DISTRICTS

LOT SIZE	FRONT SETBACK (feet)	REAR SETBACK (feet)	SIDE SETBACK (feet each side)
Three acres and greater	50	40	30
Less than three acres	25	25	10

e. In R-A districts, except for driveways, gardens and landscaped areas, and except for underground installations such as septic tank systems and wells, setback areas for buildings and structures shall be left undisturbed for the minimum distances from the site boundary lines prescribed in the following table.

The balance of the required setback area may be paved, provided that the total amount of impervious surface on the site does not exceed the standard prescribed in Section 20 of this chapter.

(As amended April 17, 1979)
(As amended August 7, 1979)

MINIMUM SETBACK REQUIREMENTS FOR PAVED AREAS IN R-A DISTRICTS

LOT SIZE	FRONT SETBACK (feet)	REAR SETBACK (feet)	SIDE SETBACK (feet each side)
Three acres and greater	25	20	15
Less than three acres	12.5	15	5

f. In the R-P district, the setbacks for all buildings and structures shall not be less than the following minimum distances:

(1) All buildings and structures shall be located at least 20 feet from any road, except the minimum distance shall be 50 feet for a building or structure on a site abutting a U. S. or State highway. The 10 feet, or 25 feet if abutting a U. S. or State highway, closest to the road shall be left undisturbed and the natural vegetation maintained, or the setbcak area may be landscaped with new plant materials and maintained. The balance of the required setback area may be paved, provided that the total amount of impervious surface on the site does not exceed the standard prescribed in Section 20 of this chapter.

(2) Single family residences shall have minimum front and reat setbacks of 20 feet and minimum side setbacks of 10 feet on each side.

(3) The minimum distance between separate buildings in townhouse, condominium, and apartment developments shall be 10 feet for buildings one story or 15 feet in height, 15 feet for buildings two stories or 25 feet in height, and 20 feet

for buildings three stories or 35 feet in height. The requirement for the tallest building among adjacent buildings of varying heights shall govern. Measurements shall be made between the two closest points on buildings, including architectural features such as eaves. In no case shall a building within a townhouse, condominium, or apartment development be located closer than 20 feet to any road or site boundary line.

g. In C-V districts, the front setback for all buildings and structures shall be 50 feet, the rear setback shall be 25 feet, and the side setbacks shall be 20 feet. Except for driveways and landscaped areas, and except for underground installations such as septic tank systems and wells, the setback areas shall be left undisturbed for a distance not less than one-half the minimum setback in the portion of the setback closest to the site boundary line. The balance of the required setback area may be paved, provided that the total amount of impervious surface on the site does not exceed the standard prescribed in Section 20 of this chapter.

In the R-T-CV district minimum front, side and rear setbacks shall be 10 feet, except where such property is on the exterior boundary of the R-T district, in which case the setback from neighboring private property shall be 20 feet.

h. In the C-L, C-G, and I districts, the front setback for all buildings and structures shall be a minimum of 50 feet. There shall be no setback requirements along rear and side boundary lines except as follows:

(1) Where a rear or side boundary line abuts a road, there shall be a rear and/or side setback of not less than 20 feet.

(2) Where a rear or side boundary line adjoins a boundary line of a residential, institutional, or visitor commercial use, there shall be a rear and/or side setback of not less than 20 feet.

Except for driveways and landscaped areas, and except for underground installations such as septic tank systems and wells, the setback areas shall be left undisturbed for a distance not less than one-half the minimum setback in the portion of the setback closest to the site boundary line or road. The balance of the required setback area may be paved, provided that the total amount of impervious surface on the site does not exceed the standard prescribed in Section 20 of this chapter.

In the R-T-CL district minimum front, side, and rear setbacks shall be 10 feet, except where such property is on the exterior boundary of the R-T district, in which case the setback from neighboring private property shall be 20 feet.

i. On sites of single family residences, a fence not exceeding four feet in height may be constructed anywhere within the required front setback, and a fence not exceeding six feet in height may be constructed within all other required setbacks. On sites of all other uses, locations and heights of fences shall be as authorized by the development permit. This provision shall only apply to fences that constitute visual barriers.

j. In the R-T-R district the front and rear setbacks shall be 30 feet, and side setbacks shall be 20 feet.

k. In the R-T-M district the front and side setbacks shall be 20 feet, and rear setbacks shall be 15 feet, except where such property is on the exterior boundary of the R-T district, in which case the setback from neighboring private property shall be 20 feet.

Section 20. Coverage by Impervious Surfaces. Impervious surfaces are those which cover the ground and do not permit the percolation of rainfall and snowmelt into the soil, thereby resulting in a volume of stormwater runoff greater than that when the area was in its undisturbed natural state. Impervious surfaces include building roofs, paved or unpaved parking areas and driveways, paved patios and terraces, swimming pools, and similar improvements. The following regulations shall apply:

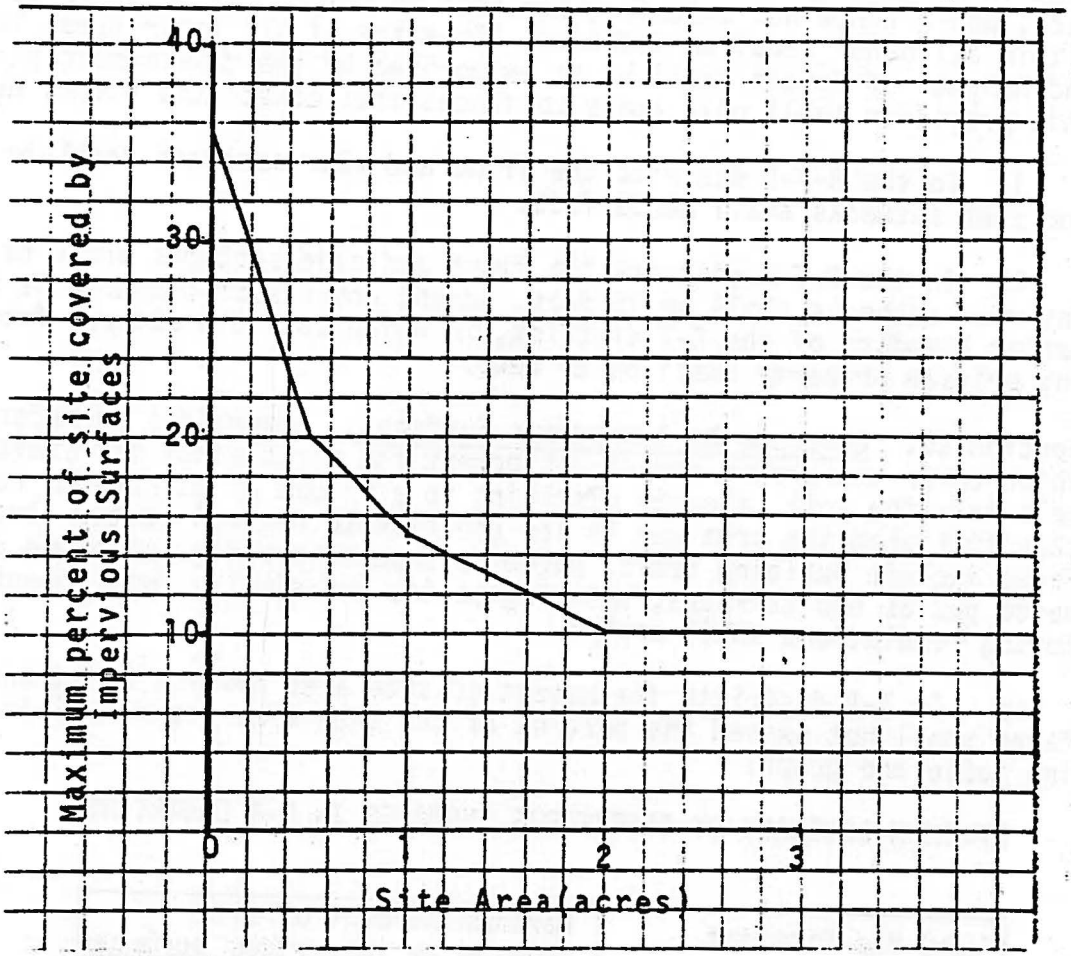
a. In R-A districts the amount of site area covered by impervious surfaces shall not exceed the percent of the site area prescribed in the following table and graph:

MAXIMUM COVERAGE BY IMPERVIOUS SURFACES IN R-A DISTRICTS

Land Use District	Maximum percent of site covered by impervious surfaces
R-A-20	2.5
R-A-10	5.0
R-A-7.5	5.5
R-A-6	6.0
R-A-6-3 (Variable)	*
R-A-5	7.0
R-A-3	10.0

*If the maximum site area is 6 acres, the maximum percent shall be the same as for R-A-6; if the minimum site area is 3 acres, the maximum percent shall be the same as for R-A-3.

MAXIMUM COVERAGE BY IMPERVIOUS SURFACES IN R-A AND R-T-R DISTRICTS FOR NON-CONFORMING SITES SMALLER THAN 3 ACRES



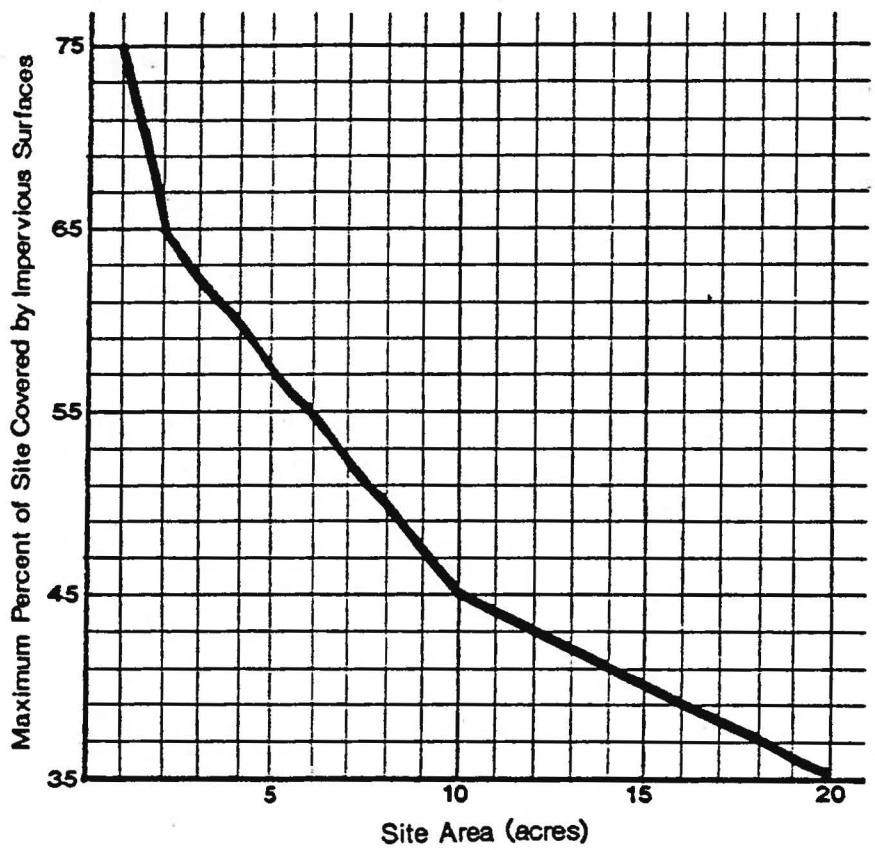
b. In the R-P-J district the amount of site area covered by impervious surfaces shall not exceed 40 percent of the total site area, and the following regulations shall apply:

(1) On sites of single family residences of one acre or less, there shall be no more than two accessory buildings with an aggregate area of 400 square feet. A garage attached to a residence and designed as an integral part of the building shall not be considered an accessory building.

(2) The length of any single building shall not exceed 150 feet. This measurement shall be the greatest horizontal dimension of any wall of the building. For buildings with wall indentations, the measurement shall be between the two farthest points along the same horizontal wall plane.

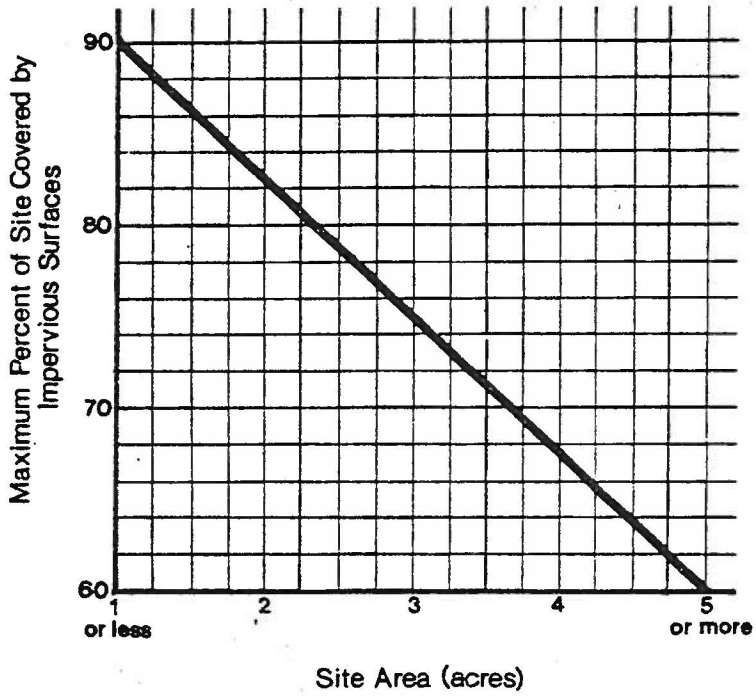
c. In C-V districts, the amount of site area covered by impervious surfaces shall not exceed the percent of the site area prescribed in the following graph.

MAXIMUM COVERAGE BY IMPERVIOUS SURFACES IN C-V DISTRICTS



d. In C-L, C-G, R-T C-V/C-L and I districts the amount of site area covered by impervious surfaces shall not exceed the percent of the site area prescribed in the following graph.

MAXIMUM COVERAGE BY IMPERVIOUS SURFACES
IN THE C-L, C-G, R-T C-V/C-L AND I
DISTRICTS



e. The maximum amount of site area covered by impervious surfaces for all buildings and structures in the R-T-M district shall not exceed 75 per cent provided that the project conforms to Chapter IV, Section 6, paragraph a.

Section 21. Maximum Building Height. The height of a structure shall be measured vertically at any cross section of the building from original grade to the high point of the building at the cross section.

The height of a fence or wall shall be measured vertically at any cross section of the structure from finished grade to the high point of the structure at the cross section. The following regulations for maximum building height shall apply:

a. Projections such as towers, spires, cupolas, chimneys, water tanks, flagpoles, monuments, radio, television and citizen band and amateur aerials and antennas, transmission towers, fire towers, solar panels and similar structures and mechanical appurtenances not used for human occupancy are not subject to the provisions of this section.

b. For purposes of this section, story shall be defined at that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar, or unused underfloor space is more than six (6) feet above original grade for more than 50 percent of the total perimeter, or is more than twelve (12) feet above original grade at any point, such basement, cellar or unused underfloor space shall be considered a story. A mezzanine floor (an intermediate floor) placed within any story or room shall not be considered a story if the area of the mezzanine floor does not exceed 33.3 percent of the total floor area of the story or room within which it is placed.

c. The maximum heights of buildings and structures shall not exceed the heights prescribed in the following table, except that roof-top heating and air-conditioning equipment large vent stacks, elevator penthouses, and similar features may be permitted to extend beyond the maximum height as prescribed in Subsection (a) of this section.

MAXIMUM BUILDING HEIGHTS

	Primary Building		Accessory Building	
Land Use District	Stories	Feet	Stories	Feet
R-A	2	30	2	25
R-P-J single family residence**	2	25	1	20
R-T-R single family residence	-	35	-	--
R-P-J multifamily**	2	25	1	20
R-T-M multifamily	3	38	-	--
R-T C-V/C-L	-	50	-	--
C-V (sites 5 acres or more)	3	35	2	20
C-V (sites less than 5 acres)	2	25	1	15
C-L	2	25	1	15
C-G	2	25	1	15
I	2	25	1	15

**Building heights as approved by the Zoning Code of the Town of Jackson as amended.

Section 22. Traffic Generation. The following regulations shall apply:

a. In R-A districts, non-residential uses, except for agricultural uses and schools, that typically will generate more than 10 vehicle trips per day per acre of site area shall either front on or have direct access to a U.S. or State highway or County road. If the site has direct access to a U.S. or State highway or County road, the direct access road may not be used to provide access to the proposed non-residential use if it serves any residential sites.

The following table shall be used as the guide for determining the number of vehicle trips per acre per day that typically will be generated by land uses, unless the applicant demonstrates to the satisfaction of the Administrator of Planning Services that a greater or lesser number of trips typically will be generated by a proposed land use.

TYPICAL NUMBER OF VEHICLE TRIPS PER DAY PER ACRE ACCORDING TO LAND USE TYPES

Land Use	Typical Vehicle Trips Per Acre Per Day
Residential, 1 unit per acre	9
Residential, 5 units per acre	45
Residential, 8 units per acre	72
Residential, 12 units per acre	84
Residential, 15 units per acre	105
Motel with restaurant	220
Offices, 25 employees per acre	90
Offices, 175 employees per acre	600
Shopping center	1,000
Distribution outlet, 25 employees per acre	60
Industrial plant, 40 employees per acre	150
Institutional use: low intensity, 25 persons per acre	50
Institutional use: medium intensity, 75 persons per acre	150
Institutional use: high intensity, 300 persons per acre	300

b. In R-P-J, R-T, C-V, C-L, C-G, and I districts non-residential uses, except for schools, that typically will generate more than 25 vehicle trips per day per acre of site area, shall either front on or have direct access to a U.S. or State highway, or County road. The table in Subsection a shall be used as the guide for determining the typical number of vehicle trips per day per acre that will be generated by various types of land uses, unless the applicant demonstrates to the satisfaction of the Administrator of Planning Services that a greater or lesser number of trips typically will be generated by a proposed land use.

Section 23. Off-Street Parking and Loading. Off-street parking and loading spaces shall be provided for any new building or use established, for any addition or enlargement of an existing building or use, or for any change of use of any building or the manner in which any use is conducted, subject to the following regulations.

a. Facilities used for off-street parking and loading on the effective date of this resolution shall not be reduced in capacity to less than the number of spaces prescribed in this section, or reduced in area to less than the minimum standards prescribed in this section.

b. For additions to or enlargements of any existing building or use, or any change of use or manner of operation that would increase the number of parking spaces required, the additional parking shall be required only for such addition, enlargement, or change and not for the entire building or use.

c. All off-street parking and loading facilities required by this section for 10 or more vehicles shall be constructed and maintained in accord with the minimum standards for such facilities prescribed herein, and shall be maintained free of accumulated snow or other materials preventing full use and occupancy of such facilities, except for temporary periods of short duration in the event of heavy snowfall.

d. If, in the application of the parking requirements of this section, a fractional number is obtained, one parking space shall be provided for a fraction of one-half or more, and no parking space shall be required for a fraction less than one-half. Where the loading requirements of this section are based on units of floor area (square feet), the requirement shall apply to a major fraction of a unit of floor area but not to a minor fraction thereof.

e. Off-street parking spaces shall be provided in accord with the following schedule.

OFF-STREET PARKING SPACES REQUIRED

Land Use	Parking Requirements
* Single family residences	2 spaces for each unit
* Townhouses & apartments	2 spaces for each unit
* Boarding & lodging houses	1 space for each lodger
** Hotels ** Motels ** Resorts	1 space for each guest room (in a suite, each bedroom shall constitute a separate guest room), plus 1 space for each three employees, plus 1 space for each five restaurant seats, plus 1 space for each 500 square feet of accessory commercial space.
Day nurseries	1 space for each employee, plus 1 space for each ten children
Elementary & intermediate schools	1 space for each employee, plus 1 space for each 40 square feet of floor area used for seating in the school auditorium, gymnasium, or other similar place of assembly
High schools	1 space for each eight students at ultimate enrollment, plus 1 space for each employee
Churches or other permanent buildings used primarily for religious purposes	1 space for each 40 square feet of floor area used for seating in the main sanctuary or other principal place of assembly
Libraries, museums, art galleries and similar uses	1 space for each 400 square feet of gross floor area
Hospitals, nursing homes and similar uses	1 space for each 2 beds
Places of public assembly, including theaters	1 space for each 4 seats, if seats are fixed, or 1 space for each 40 square feet of floor area of assembly rooms
*** Retail stores, food, drug, variety stores and similar establishments	1 space for each 200 square feet of gross floor area

* R-T-R and R-T-M districts one space per living unit and one space per each additional rentable subdivision of any living unit.

** R-T-M and R-T C-V/C-L districts 1.5 parking spaces for each two rooms.

*** R-T-M and R-T C-V/C-L districts one parking space for each 1,000 square feet of commercial space.

Repair shops, retail stores which handle only bulk merchandise and similar enterprises	1 space for each 400 square feet of gross floor area
Offices, banks and similar uses	1 space for each 200 square feet of gross floor area
* Restaurants	1 space for each five restaurant seats
** Bars, cocktail lounges	1 space for each three seats and stools
Mortuaries, funeral homes	1 space for each 30 square feet of floor area of assembly rooms, plus 1 space per employee, plus 1 space for each vehicle owned by the establishment
Bowling alleys Pool halls	5 spaces for each alley, 2 spaces for each billiard table
Motor vehicle sales Auto repair shops	1 space for each 800 square feet of gross floor area
Public buildings other than schools and administrative offices	1 space for each employee, plus 1 space for each 500 square feet of gross floor area
Wholesaling Warehousing	1 space for each 800 square feet of gross floor area, plus 1 space for each company vehicle
Manufacturing and other industrial uses	1 space for each 600 square feet of gross floor area, plus 1 space for each company vehicle
Mobile home parks	2 space for each mobile home
Park and recreational uses	1 space for each 10,000 square feet of play-field or other active recreation area, plus 1 space for each acre of passive recreation area
Ski areas	As determined by the Board of County Commissioners
Any use not listed	Parking requirement to be determined by the Board of County Commissioners

* R-T-M and R-T C-V/C-L districts one parking space for each 20 restaurant seats.

** R-T-M and R-T C-V/C-1 districts one parking space for each 12 seats or stools

f. Standards for off-street parking shall be as follows:

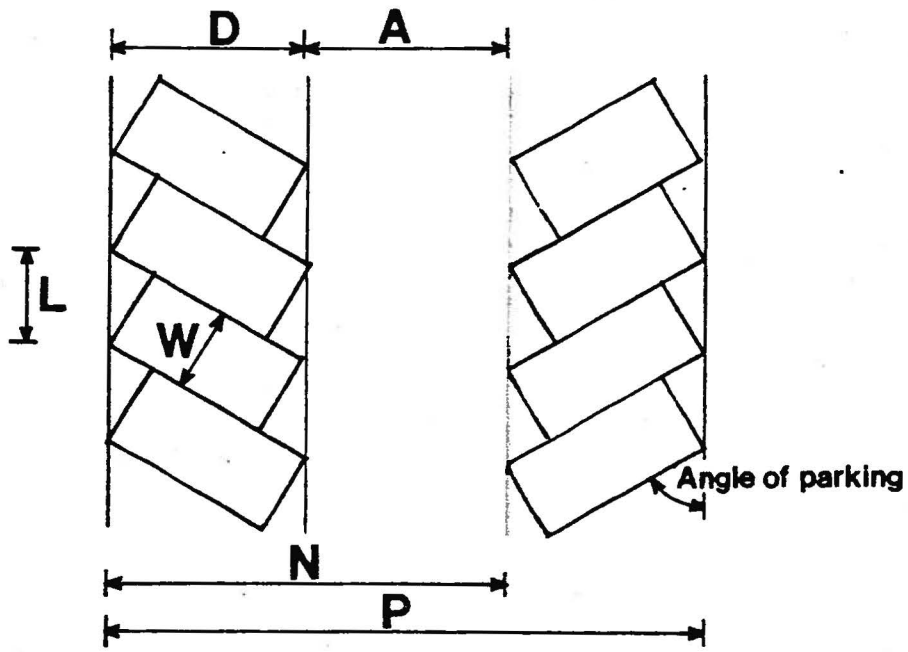
(1) Parking spaces, aisles, and turning areas shall be entirely within lot lines and shall not encroach on any road or other public right of way. No parked vehicle shall overhang any road or public right of way. Except for parking facilities serving single family residences and parking facilities accommodating less than four vehicles, off-street parking areas shall be designed so that it will not be necessary for vehicles to back into any road or public right of way.

(2) The minimum dimensions of off-street parking facilities shall be as prescribed in the following table, except that a parking space located in a garage or carport shall not be less than 20 feet in length and 10 feet in width. Access drives shall be a minimum of 10 feet wide if the drive is one-way, and a minimum of 19 feet wide if the drive is two-way.

MINIMUM OFF-STREET PARKING DIMENSIONS

Angle of Parking	W Stall Width	L-Curb Length Per Car	D Stall Depth	A Minimum Aisle Width	N	P	Sq. Feet Per Car
0°	9'	23'	9'	12'*	21'	30'	483
0°	10'	23'	10'	12'*	22'	32'	506
30°	9'	18'	17'4"	11'*	28' 4"	45'8"	510
30°	10'	20'	18' 3"	11'*	29' 3"	47'6"	585
45°	9'	12'9"	19'10"	13'*	32'10"	52'8"	420
45°	10'	14'2"	20' 6"	13'*	33" 6"	54'	490
60°	9'	10'5"	21'	18'*	39'	60'	407
60°	10'	11'6"	21'6"	18'*	39' 6"	61'	455
90°	9'	9'	19'	24'	43'	62'	387
90°	10'	10'	19'	24'	43'	62'	430

* For one-way aisles only: minimum width for two-way aisles shall be 19 feet.



(3) 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, without moving another vehicle.

(4) The parking area, aisles, and access drives shall be compacted and paved or surfaced in conformity with County specifications so as to provide a durable surface and shall be so graded and drained as to dispose of surface water without damage to private or public property, roads, or alleys, and shall conform with any additional standards for drainage prescribed in Section 6 of this chapter.

(5) No off-street parking space shall be located on a portion of the site which may be required to be left undisturbed or landscaped as prescribed in Section 19 of this chapter.

g. Not less than 20 percent of the entire parking area may be required to be landscaped, in conformity with the following standards:

(1) Landscaped borders not less than 10 feet in depth may be required at all edges of parking lots. Existing natural vegetation, if adequate, can be applied towards this requirement.

(2) All required landscaped areas shall be maintained.

h. Any exterior lighting shall be shielded so as not to shine directly on adjacent sites. Lighting fixtures shall not exceed 10 feet in height.

i. Off-street loading berths shall be provided in accordance with the following schedule:

OFF-STREET LOADING BERTHS REQUIRED

Use	Loading Requirement
Hotels, motels and resorts with over 10,000 square feet total floor area, including accessory uses	One loading berth
Professional and business offices, banks and financial institutions with over 10,000 square feet total floor area	One loading berth
Retail stores, personal services, repair shops, restaurants, bars, and all other commercial or service uses with over 2,000 square feet total floor area	One loading berth for buildings up to 10,000 square feet total floor area, plus one additional berth for each 5,000 square feet total floor area in excess of 10,000 square feet
Any uses not listed, if such uses require the recurring receipt or distribution of goods or equipment by truck	One loading berth, plus additional berths prescribed by the Board of County Commissioners upon determination of need
R-T C-V/C-L districts	One loading berth per lot

j. Standards for off-street loading shall be as follows:

(1) All off-street loading berths shall be located on the same lot as the use served. Off-street loading berths shall be provided in addition to required off-street parking and shall not be located within accessways or aisles.

(2) Each required loading berth shall be not less than 12 feet wide, 25 feet long, and if enclosed and/or covered, 14 feet high. Adequate turning and maneuvering space shall be provided within the lot lines.

(3) Accessways not less than 10 feet or more than 20 feet in width shall connect all loading berths to a road or alley. Such accessways may coincide with accessways to parking facilities.

Section 24. Screening. The following regulations shall apply:

a. The Board of County Commissioners may require screening and landscaping for the following types of uses and activities:

(1) All service areas, commercial areas, outdoor sales and storage, drying yards, garbage cans, trash storage areas, parking lots, service stations, and outdoor business activities may be screened from public view from adjacent roads and other public areas in all land use districts. Screening may not be required in R-A districts if any of such uses or activities is accessory to a residential use and is located at least 250 feet from the nearest road or other public area.

(2) In the R-P-J, R-T, C-V, C-L, C-G, and I districts, the uses and activities prescribed in (1) also may be screened from view from adjacent R districts and residential sites, unless such uses or activities are accessory to a single family residence.

b. Screening may be accomplished by one of the following methods:

(1) By completely enclosing the use or activity in a structure.

(2) By use of a fence or wall at least six feet high.

(3) By use of dense, closely spaced evergreen trees and shrubs or other natural flora which shall be at least 4 feet in height at the time of installation.

(4) By any other method deemed appropriate by the Board of County Commissioners.

Section 25. Signs. The following regulations shall apply:

a. The provisions of this section shall not apply to the following signs, and the areas of such signs shall not be included in calculating permitted sign areas prescribed in this section.

(1) Directional or informational signs, such as those indicating access to parking lots, not exceeding 5 square feet in area, bearing no advertising message, and located entirely on the site to which the sign is appurtenant.

(2) Signs not exceeding 1 square foot in area erected for the convenience of the public, such as signs identifying rest rooms, public telephones, walkways, and similar features or facilities.

(3) Memorial signs or tablets, names of buildings, and dates of erection when cut into the surface of a wall of the building, or projecting not more than 2 inches.

(4) Traffic or other signs erected and maintained by governmental agencies, signs required by law, legal notices, and temporary, emergency, or non-commercial signs authorized by the Board of County Commissioners.

(5) Signs erected and maintained by public utility companies, which serve to protect public safety, or which indicate the location of underground facilities or of public telephones.

(6) One unlighted real estate sign not exceeding 6 square feet in area, located entirely on the site to which the sign is appurtenant, provided that the sign is removed within 15 days after the close of escrow, rental, or lease has been accomplished.

b. The following signs shall be prohibited:

(1) Signs identifying a use, facility, service, or activity which are not located on the site, except for signs erected and maintained by governmental agencies.

(2) Signs identifying a product which is not produced, sold, or manufactured on the site where the sign is located.

(3) Signs which advertise or otherwise direct attention to an occupancy, business, commodity, service, or activity which occurs or is conducted, produced, sold, or offered elsewhere than on the site where the sign is located.

c. The following types of on-site signs shall be prohibited:

(1) Roof-mounted signs or any sign extending above the roof of the highest building, whether the sign be attached to the building or free-standing.

(2) Flashing or animated signs except for barber poles.

(3) Gas-filled light tubes when used for direct illumination or when the light tubes are exposed to public view.

(4) Signs which do not meet the following standards for glare (with illumination levels measured with a photoelectric photometer having a spectral response similar to that of the human eye and utilizing the standard spectral luminous efficiency curve adopted by the International Commission on Illumination):

(a) Any operation or activity producing glare shall be conducted so that direct or indirect illumination from the source of light shall not cause illumination in excess of 0.2 footcandles beyond any site boundary line.

(b) Flickering and intrinsically bright sources of illumination, even if meeting the standard for glare prescribed in Subsection (a), shall be controlled by shielding or aiming the light source away from roads and nearby sites.

(5) Wall signs which project more than 18 inches beyond the face of the building to which attached.

d. On-site signs shall be permitted in all land use districts subject to the following limitations:

(1) Signs identifying uses in R-A and R-P-J districts shall be subject to the following regulations:

(a) Signs shall conform with the standards prescribed in the following table:

SIGN LIMITATIONS FOR USES IN THE R-A AND R-P-J DISTRICTS

Use	Maximum Number of Signs	Maximum Total Area of Signs	Maximum Height of Free-Standing Signs
Churches	1	20 sq. ft.	8 feet
Schools	1	20 sq. ft.	8 feet
Public Facilities	1	20 sq. ft.	8 feet
Institutional Uses	1	20 sq. ft.	8 feet
Construction or Development	1 per road frontage	32 sq. ft.	8 feet
Uses not listed	As recommended by the Planning Commission and determined by the Board of County Commissioners.		

(b) Signs shall be unlighted or indirectly lighted, but a sign located on the site of a residential use or on a site adjoining or across a road from an R district or a residential use, shall not be lighted between the hours of 12:00 midnight and 6:00 a.m.

(2) On-site signs as defined in Chapter I, page 27, on residential sites in R-A and R-P-J districts shall comply with the following regulations:

(a) Signs identifying the owner or the name of the property shall not exceed 6 square feet in area and shall not be lighted.

(b) Signs identifying home occupations shall not exceed 6 square feet in area and shall not be lighted.

(c) On the site of a mobile home park one unlighted or indirectly lighted sign not exceeding 24 square feet in area shall be permitted. The sign shall be set back a minimum distance of 25 feet from all property lines. Free-standing signs shall not exceed 8 feet in height.

(d) All other signs, except those prescribed in Subsections (1) and (3) shall be prohibited.

(3) On-site directory signs identifying a subdivision, clustered devopment or planned unit development shall be permitted in RA districts, subject to the following regulations:

(a) One free standing directory sign identifying the name of the subdivision or development located not closer than 25 feet to any road or other public area and not to exceed 32 square feet in area. Included in or attached to the sign may be an additional 1 square foot area for each name and/or address of the occupants of said subdivision or development up to a maximum of 16 square feet for this purpose.

(b) Except for a sign mounted on a gate arch entrance, no free standing sign shall exceed 10 feet in height.

(c) Signs shall be unlighted or indirectly lighted.

(4) On-site signs in the R-T-R and R-T-M districts shall comply with the following regulations:

(a) A sign advertising the premise for sale or rent or open for inspection shall not exceed 6 square feet.

(b) A sign identifying the owner or occupant of a residential lot shall not exceed 3 square feet.

(5) On-site signs in C-V districts shall be permitted, subject to the following regulations:

(a) A maximum of 2 signs shall be permitted for hotels, motels and resorts, provided that not more than 1 sign is free-standing and does not exceed 10 feet in height. The area of a free-standing sign shall not exceed 1 square foot for each 2 linear feet of frontage of the building(s) up to a maximum of 25 square feet. The area of any other type of sign shall not exceed 1 square foot for each linear foot of frontage of the building(s) up to a maximum of 50 sqaure feet. The total area for 2 signs shall not exceed 75 square feet and no sign need be less than 20 sqaure feet in area. Signs shall be inlighted or indirectly lighted.

(b) For all other commercial uses in C-V districts, 1 sign per establishment shall be permitted. Free-standing signs shall not exceed 8 feet in height and 1 square foot for each 2 linear feet of frontage of the buildings up to a maximum of 25 square feet. The area of any other type of sign shall not exceed 1 square foot for each linear foot of frontage of the buildings up to a maximum of 50 square feet. No sign need be less than 20 square feet in area. Permitted signs may be lighted directly or indirectly, but when a lighted sign is located on a site adjoining or across a road from an R district or a residential site, it shall not be lighted between the hours of 12:00 midnight and 6:00 A.M.

(c) In the R-T C-V district, 2 signs identifying the name, service and business or occupation of the owner or occupant, which shall be attached to the building below the roof line, shall not exceed 40 square feet each. One accessory sign of not more than 6 square feet shall be permitted for each separate business conducted on such lot. A sign advertising the premise for sale or rent or open for inspection shall not exceed 6 square feet. A sign identifying the owner or occupant of a residential lot shall not exceed 3 square feet.

(6) On-site signs in C-L, C-G and I districts shall be permitted subject to the following regulations:

(a) One sign, not exceeding 16 square feet, designating the premises for sale, rent or lease shall be permitted.

(b) In the C-L district, not more than 2 signs, shall be located on the site of each business establishment. One sign may be free-standing, the total area of which shall not exceed 1 square foot for each 2 linear feet of frontage of the buildings up to a maximum of 25 square feet. The area of any other type of sign shall not exceed 1 square foot for each linear foot of frontage of the buildings up to a maximum of 50 square feet. No 2 signs may exceed 75 square feet in area and no sign need be less than 20 square feet in area.

(c) In the C-G and I districts, not more than 2 signs, shall be located on the site of each business establishment. One sign may be free-standing, the total area of which shall not exceed 1 square foot for each 2 linear feet of frontage of the buildings up to a maximum of 35 square feet. The area of any other type of sign shall not exceed 1 square foot for each linear foot of frontage of the buildings up to a maximum of 75 square feet. No sign need be less than 20 square feet in area and no 2 signs may exceed 100 square feet in area.

(d) No free-standing sign in a C-L, C-G or I district shall exceed 10 feet in height.

(e) In the R-T C-L districts 2 signs identifying the name, service and business or occupation of the owner or occupant, which shall be attached to the building below the roof line, shall not exceed 40 square feet each. One accessory sign of not more than 6 square feet shall be permitted for each separate business conducted on such lot. A sign advertising the premise for sale or rent or open for inspection shall not exceed 6 square feet. A sign identifying the owner or occupant of a residential lot shall not exceed 3 square feet.

(7) One free-standing on-site directory sign identifying a commercial or

industrial subdivision or development shall be permitted in C-L, C-G and I districts subject to the following regulations:

(a) Signs as described under Section 25 (6) (b) and (c) will not be permitted if a directory sign is installed.

(b) The total area of the sign shall not exceed 75 square feet. Included in or attached to the sign may be an additional 1 square foot area for each name and/or address of the occupants of said subdivision or development to a maximum of 16 square feet for this purpose.

(c) Each individual business establishment in the commercial or industrial subdivision or development shall have no more than one sign, which shall be attached to the building and shall not exceed 15 square feet.

Note: In computing the area of a sign having more than 1 face, the area of all faces shall be included in determining the area of the sign, except that where 2 such faces are placed back to back and are at no point more than 2 feet from one another, the area of the sign shall be taken as the area of one face if the 2 faces are of equal area, or as the area of the larger face if the 2 faces are of unequal area.

Section 26. Airport Safety. In order to prevent the creation or establishment of structures which would constitute hazards or obstructions to aircraft operating to, from, or in the vicinity of the Jackson Hole Airport and in order to design developments in such a way as to minimize the adverse effects due to airport traffic, the Board of County Commissioners may suggest the following guidelines for development located within the "airport approach zone", "airport transition zone", or "airport conical zone", as depicted on the Hazard Zoning Map in the Federal Aviation Administration Advisory Circular AC No. 150/5190-3A "Model Airport Hazard Zoning Ordinance", dated September 19, 1972:

a. Structures exempted in Section 21 of this chapter shall not exceed the heights depicted in the Hazard Zoning Map referenced above for the applicable zone.

b. Subdivision plats, as defined in the Teton County Subdivision Resolution, shall be annotated in such a way as to indicate the immediate proximity to an existing airport. Immediate proximity is defined as a two (2) mile area measured from any point on the center line of the runway.

Section 27. Public, County and Private Road Standards. Roads in Teton County, Wyoming, which are neither federal nor state highways, are classified in the following categories: county roads, public roads, and private roads. A county road is a road constructed in accordance with the public road standards, which has been officially designated as a county road by the Board of County Commissioners, and accepted for maintenance and snow removal by the Board of County

Commissioners. A public road is a roadway, constructed in accordance with the standards in this section, which is dedicated to the use of the public, but which is not an official county road and not maintained by the county. A private road is a road constructed in accordance with the standards in this section, which is not dedicated to the use of the public. No road is eligible for consideration as a county road by the Board of County Commissioners unless it meets all county standards for public and county roads.

a. Public Road Standards. Public roads shall be designed and constructed in accordance with the following standards:

(1) Design Traffic Volumes. Highways shall be designed for specific traffic volumes as determined in accordance with Chapter IV, Section 22, Traffic Generation, of the Teton County Comprehensive Plan dated December 6, 1977. The developed average daily traffic, developed ADT, or future design hourly volume, DHV, will be the basis for design.

(2) Design Speed. Geometric design features shall be consistent with a design speed selected as appropriate for conditions. Low design speeds are generally applicable to highways with winding alignment in rolling or mountainous terrain or where environmental conditions dictate. High speed designs are generally applicable to highways in level terrain, or where other environmental conditions are favorable.

TABLE I - MINIMUM DESIGN SPEEDS

Type of Terrain	Minimum Design Speeds in MPH for Design Volumes of					
	Developed ADT* under 50	Developed ADT 50-250	Developed ADT 250-400	Developed ADT 400-750 DHV 100-200	DHV* 200-400	DHV 400 and over
Level	40	40	50	50	50	50
Rolling	30	30	40	40	40	40
Mountainous	20	20	20	30	30	30

*NOTE: Developed ADT is the annual average daily traffic expected after completion. DHV is the design hourly volume for the future design year, normally the 30th highest hourly volume about 20 years after completion.

Level terrain is that condition where highway sight distances, as governed by both horizontal and vertical restrictions, are generally long and could be made to be so without construction difficulty or major expense.

Rolling terrain is that condition where the natural slopes consistently rise above and fall below the highway grade line and where occasional steep slopes offer some restriction to normal highway horizontal and vertical alignment.

Mountainous terrain is that condition where longitudinal and transverse changes in the elevation of the ground with respect to a highway are abrupt and where the roadbed is obtained by frequent benching or side hill excavation.

(3) Sight Distance. Minimum stopping sight distance shall be as shown in Table 2. Criteria for measuring sight distance, both vertical and horizontal, are as follows: for stopping sight distance, height of eye, 3.75 feet, and height of object, 4.5 feet.

Table 2

MINIMUM SIGHT DISTANCES IN FEET

Design Speed, mph	20	30	40	50	60
Stopping sight distance:					
Minimum Stopping Sight Distance, feet	150	200	275	350	475
K value for:*					
Crest vertical curve	16	28	55	85	160
Sag vertical curve	24	35	55	75	105
Desirable Stopping Sight Distance, feet	150	200	300	450	650
K value for:*					
Crest vertical curve	16	28	65	145	300
Sag vertical curve	24	35	60	100	155
Passing sight distance:					
Passing distance, feet					
2-lane		1100	1500	1800	2100
K value for:*					
Crest vertical curve		365	686	985	1340

*NOTE: K value is a coefficient by which the algebraic difference in grade may be multiplied to determine the length in feet of the vertical curve which will provide minimum sight distance.

(4) Grades. Maximum grades are measured in percent in Table 3.

TABLE 3

MAXIMUM GRADES

Type of Terrain	Design Speed MPH				
	20	30	40	50	60
Flat	7	7	7	6	5
Rolling	10	9	8	7	6
Mountainous	10	9	8	7	

(5) Alignment. Alignment between control points should be to as high a standard as is commensurate with the topography, terrain, the design traffic, and the reasonably obtainable right-of-way. Sudden changes between curves of widely different radii or between long tangents and sharp curves should be avoided. Where crest vertical curves and horizontal curves occur at the same location, there should be above-minimum sight distance design to assure that the horizontal curve is visible as drivers approach.

Depending on the maximum superelevation value, the maximum curvature for different design speeds is to be as shown in Table 4.

TABLE 4

MAXIMUM DEGREE OF CURVE AND
MINIMUM RADIUS FOR DIFFERENT VALUES
OF MAXIMUM SUPERELEVATION

Design Speed	Maximum e*	Minimum Radius (Rounded)	Max. Degree of Curve (Rounded)
20	.08	110	53.5
30	.08	250	23.0
40	.08	460	12.5
50	.08	760	7.5
60	.08	1140	5.0

*Note: e = rate of roadway superelevation, foot per foot

(6) Travelled Way Crown. Crown and cross slopes shall be shown in Table 5.

TABLE 5

NORMAL PAVEMENT OR
SURFACING CROSS SLOPES

Surface Type	Range in Rate of Cross Slope	
	Inch per foot	Foot per Foot
High	1/8 - 1/4	.01 - .02
Intermediate	3/16 - 3/8	.015 -.03
Low	1/4 - 1/2	.02 - .04

High type pavements are those that retain smooth riding qualities and good non-skid properties in all weather under heavy traffic volumes and loadings, with little maintenance. Bituminous or Portland Cement concrete.

Intermediate type pavements are those designed to retain smooth riding qualities and good non-skid properties in all weather, but under lighter loads and lesser traffic volumes. Surface treatments.

Low type surfaces are those with surface treated earth surfaces and those with loose surfaces such as gravel.

(7) Superelevation. For rural highways where snow and ice conditions prevail, the superelevation should not be more than 0.08 feet per foot.

(As amended December 19, 1978)

Superelevation runoff is the length of highway needed to accomplish the change in cross slope from a normal crown section to a fully superelevated section.

Minimum lengths of runoff are shown in Table 6. Adjustments in design runoff lengths may be necessary for smooth riding, surface drainage, and good appearance.

Table 6

MINIMUM LENGTH FOR SUPERELEVATION RUNOFF FOR 2-LANE PAVEMENTS

Superelevation Rate	L—Length of runoff in feet for design speed, MPH, of:				
	20	30	40	50	60
Foot per foot					
.02	50	100	125	150	175
.04	50	100	125	150	175
.06	50	110	125	150	175
.08	50	145	170	190	215
.10	50	180	210	240	270
.12	50	215	250	290	325

(8) Number of Lanes. The number of lanes shall be sufficient to accommodate the design volume. For rural local roads, normally capacity conditions do not govern and two lanes are appropriate. Where more than two lanes are warranted to accommodate design traffic, determinations are to be made as indicated in the "Design Standards for Highways Other than Freeways."

(9) Width of Surfacing, Shoulder and Roadway. Minimum width of surfacing and of graded shoulder for various traffic volumes and design speed shall be as shown in Table 7.

Graded shoulder width is measured from the edge of surfacing(pavement) to the point of intersection of shoulder slope and side slope. Where a guardrail is used, the graded width of shoulder should be increased by 2 feet. In mountainous terrain or sections with heavy earthwork, the graded width of shoulder in cuts may be decreased 2 feet.

The minimum roadway width is the direct sum of the surfacing and graded shoulder widths shown on Table 7:

TABLE 7

MINIMUM WIDTH OF SURFACING AND GRADED SHOULDER

Design Speed, MPH	Width in Feet for Design Volume of: Developed ADT Less Than 50	Developed ADT 50-250	Developed ADT 250-400	Developed ADT 400-750 DHV 100-200	DHV 200-400	DHV 400 & Over
	Width of Surfacing					
20	20	20	20	20	22	24
30	20	20	20	20	22	24
40	20	20	20	20	22	24
50	20	20	20	22	24	24
60	20	20	22	22	24	24
	Width of Graded Shoulder					
All	2	4	4	6	8	8

Note: Design volume in terms of mixed traffic. For design speeds of 50 mph or less, surfacing widths that are two feet narrower may be used on minor roads with few trucks.

Typical Grading Sections are detailed in a separate 24 inch x 36 inch sheet, and are considered to be a part of these standards.*

(10) Surface Types:

Developed ADT less than 250	Developed ADT 250 - 400	Developed ADT Greater than 400 and DHV 100 - 200
Low Type	Intermediate Type	High Type
Gravel	Bituminous Surface Treatments	Bituminous or Portland Cement Concrete

Pavement structure to be designed by a registered Wyoming engineer based on soil conditions and expected traffic loads.

(11) Horsetrails and Bikeways: All county roads and public roads with a developed ADT greater than 400 shall provide room for a graded dirt horsetrail within the right-of-way at least 10 feet wide and a paved bike trail at least 6 feet wide.

* Note: Copies are available in the Teton County Planning Office or County Clerk's Office.

(12) Structures. The structural design of bridges, culverts, walls, tunnels, and other structures shall be in accord with Standard Specifications for Highway Bridges, current addition of American Association of State Highway Officials, or published and accepted standards, copies of which shall accompany the submission. The burden of proof of the adequacy of such standards shall rest with the applicant.

Except as otherwise indicated herein, the dimensional design of structures shall be in accord with this publication.

The minimum design loading for bridges shall be H-15 on local roads with developed ADT volumes under 400. Where these volumes are 400 or greater, the minimum design loading shall be HS-20.

The clear roadway widths for new and reconstructed bridges shall be as shown in Table 8.

TABLE 8

CLEAR ROADWAY WIDTHS
FOR NEW AND RECONSTRUCTED BRIDGES

Design Speed	ADT Volume	Minimum Clear Roadway Width of Bridge
50 MPH and over	750 or Greater	Approach Roadway Width
50 MPH and over	Under 750	Pavement Width +6'
Under 50 MPH	400 or Greater	Pavement Width +6'
Under 50 MPH	Under 400	Pavement Width +4'

Notes: (1) Where the approach roadway is surfaced for the full crown width that surfaced width should be carried across structures.
(2) On highways with a developed ADT over 750, bridges with a total length over 100 feet may be constructed with a minimum clear roadway width of the surfacing width plus six feet.

(13) Right-of-Way Width. A minimum right-of-way width of 60 feet shall be required. Additional width may be required in areas of high cut or fill slopes.

(14) Side Slopes. Side slopes shall be as shown on the standard cross-section details, subject to flattening if warranted by soil stability limitations.

(15) Intersection Design. The location of intersections should be carefully selected to avoid steep profile grades and to insure that there is adequate approach sight distance to the intersection. An intersection should not be located on a short crest vertical curve, just beyond a short crest vertical curve, or a sharp horizontal curve. Where there is no practical alternative to such a location, the approach sight distance on each leg should be checked carefully. Where necessary, cut slopes

should be flattened and horizontal and vertical curves lengthened to provide additional sight distance. There should be sufficient sight distance to permit a passenger vehicle on the minor leg of the intersection to cross the travelled way without requiring the through approaching traffic to slow down. As a general rule, there should be a minimum of 6 to 7 seconds available to the driver crossing the through lanes. On this basis, the suggested corner sight distance for each design speed would be as follows:

TABLE 9
SUGGESTED CORNER SIGHT DISTANCE AT INTERSECTIONS

Design Speed, MPH	Minimum Corner Intersection Sight Distance, In Feet*
60	600
50	500
40	400
30	300
20	200

*Note: Corner sight distance measured from a point on the minor road at least 15 feet from the edge of the major road pavement and measured from a height of eye of 3.75 feet on the minor road to a height of object of 4.5 feet on the major road. See Fig. VIII-5, Page 398, "A Policy on Geometric Design of Rural Highways."

Intersection should be designed with a corner radius of the pavement or surfacing that is adequate for the larger vehicles anticipated; usually, a minimum edge radius of 50 feet is applicable. Where turning volumes are significant, consideration should be given to speed-change lanes and channelization.

It is desirable that intersecting streets meet at approximately a 90 degree angle. The alignment design should be adjusted so as to avoid an angle or intersection of less than 60 degrees. Closely spaced offset intersections are undesirable.

The area where vehicles store while waiting to enter the intersection shall be designed with a grade of less than two percent (2%), sloping away from the road being intersected for a distance of at least 40 feet, measured from the outer edge of the shoulder of the road being intersected.

(As amended December 19, 1978)

(16) Traffic Control Devices. Signs, pavement, and other markings and traffic signal controls are required in accordance with the manual on Uniform Traffic Control Devices on All Highways.

(17) Drainage, Erosion Control and Grading. These items shall be conducted in accordance with Chapter IV, Section 6 - Drainage, Section 7 - Erosion Control, and Section 8 - Grading, of the Teton County Comprehensive Plan dated December 6, 1977.

(18) Turnarounds. A road open at one end only must have a special turning area at the closed end. This turning area may be of a L, T, or circular shape with dimensions as appropriate for the types of vehicles expected. The commonly used circular form should have a minimum outside surfaced radius of 45 feet.

Generally, such dead-end roads should not be over 1,000 feet in length.

(19) Provision for Utilities. Public utility facilities shall be located within a ten-foot strip at the extreme edge of the overall right-of-way strip. Conduits shall be installed for future utility crossings of the roadway when deemed necessary by the county road supervisor and/or utility companies.

(20) Plans and Specifications. Plans and specifications for roads proposed as Public Roads shall be prepared by a registered Wyoming engineer and submitted for county review prior to construction. The technical specifications shall be the then current edition of the Wyoming Highway Department "Specifications for Road and Bridge Construction," or published and accepted standards, copies of which shall accompany the submission. The burden of proof of the adequacy of such standards shall rest with the applicant.

Plans shall include typical cross-section, plan and profile sheets, cross-section sheets indicating sections every 200 feet along the roadway, pavement design, calculations, and drainage plans.

(21) Fences. Fences along the road right-of-way shall be constructed and maintained along the right-of-way line by the adjoining landowner. In no instance shall such fences or other improvements be constructed within the right-of-way.

(22) Inspections. The following inspections shall be performed by county officials during construction:

a. Plan Inspection - a field review of the proposed roadway when completed plans are available.

b. Staking Inspection - a field review of slope staking, at least every 200 feet, prior to clearing and/or grading.

(As amended December 19, 1978)

c. Grading and Drainage Inspection - a field review of grading operation and drainage installation prior to placement of any sub-base material. Check measurements shall be made of cross-section dimensions and drainage structures and soil compaction may be checked.

d. Pavement Inspection - A field review of pavement placement. Shall include check measurements of depths and widths.

e. Final Construction Inspection - A field review when all items complete. After punch-list items are corrected, the year guarantee period will begin. At this time, the developer's performance bond, letter of credit, or cash escrow shall be released by the county.

f. Final Guarantee Period Inspection - Within one year after the date of final construction inspection, any items requiring additional work shall be corrected to the satisfaction of the county. The county may then consider the road for acceptance.

b. Private Road Standards are the same as Public Road Standards with the following modifications:

(1) TABLE 10

MAXIMUM GRADES

Type of Terrain	Design Speed MPH				
	20	30	40	50	60
Flat	7	7	7	6	5
Rolling	10	9	8	7	6
Mountainous	10	9	8	7	

Note: For highways with ADT's below 250, grades of less than 500' in length may be increased to 150% of the value shown.

(2) Width of Surfacing, Shoulder and Roadway. Highways serving less than 10 residences may have a total surfacing width of 18 feet.

(3) Horsetrails and bikeways. There are no requirements for these facilities on private roads.

(4) Right-of-Way Widths. Right-of-way widths in connection with clustered or planned unit development subdivisions shall be based on published and accepted standards, copies of which shall accompany the submission. The burden of proof of the adequacy of such standards shall rest with the applicant.

(As amended December 19, 1978)
(As amended October 2, 1979)

(5) Plans and Specifications. Plans and specifications pro-proposed as private roads shall comply with the requirements of the Teton County Comprehensive Plan dated December 6, 1977.

(6) Inspections. The following inspections shall be performed by county officials during construction:

a. Plan Inspection - A field review of the proposed roadway when completed plans are available.

b. Staking Inspection - A field review of slope staking, at least every 200 feet, prior to clearing and/or grading.

c. Grading and Drainage Inspection - A field review of grading operation and drainage installation prior to placement of any sub-base material. Check measurements shall be made of cross-section dimensions and drainage structures and soil compaction may be checked.

d. Pavement Inspection - A field review of pavement placement. Shall include check measurements of depths and widths.

e. Final Construction Inspection - A field review when all items are complete. After punch-list items are corrected, the developer's performance bond, letter of credit or cash escrow shall be released by the county.

c. County Road Standards. County Road Standards are the same as Public Road Standards with the following modification:

(1) Surface Type. All County roads shall have a bituminous or portland cement concrete surface. The pavement structure shall be designed by a registered Wyoming engineer based upon soil conditions and expected traffic loads and satisfy specifications set forth in the current edition of the Wyoming Highway Department's "Specifications for Road and Bridge Construction."

CHAPTER V

CLUSTERED RESIDENTIAL DEVELOPMENT AND PLANNED UNIT DEVELOPMENT

Section 1. Purposes. This chapter is inteded to encourage clustering of residential development to achieve preservation of open space and scenic areas and consequently the protection of wildlife migration routes and habitats and encouragement of ranching activities. It is also the intent of this chapter to encourage compact rather than randomly scattered development and to encourage concentration of development on the portion of the site most suitable for development and where development will be least visually prominent.

Section 2. Where Permitted. Subject to the issuance of a development permit, in accord with the provisions of Chapter VI, page 89, planned unit development or clustered residential development may be permitted in any R-A Residential-Agricultural District.

Section 3. Maximum Number of Units. The maximum number of units that may be contained in a clustered residential development or in a planned unit development shall be determined as follows:

a. A clustered residential development may contain as many units as would be permitted on the entire site by the density limitations prescribed for the land use district or districts within which the site is located. Where open space is permanently preserved, a cluster development may contain as many additional units as are authorized by the bonus provisions of Section 6 of this chapter.

b. A planned unit development may contain as many units as would be permitted on the entire site by the density limitations prescribed for the land use district or districts within which it is located. Where open space is permanently preserved, a planned unit development may contain as many additional units as are authorized by the bonus provisions of Section 7 of this chapter.

Section 4. Sites in More than One Land Use District. Where the site of a proposed clustered residential development or a planned unit development is located in more than one land use district, the following regulations shall apply:

a. The maximum number of units on the site shall be the sum of the number of units that are permitted by the density limitations prescribed for each separate land use district within which the respective portions of the site are located, without regard to the authorized density bonus.

b. If a portion of the site is located in an R-A-6-3 (Variable) Residential-Agricultural District, and all of the units are to be located on a portion of the site within which a density of 1 unit per 3 acres would be permitted by the land use district regulations, a credit of 1 unit per 3 acres may be claimed for the portion of the site in the R-A-6-3 (Variable) District in determining the maximum number of units that may be permitted on the entire site.

c. Provided that sufficient land area is available to meet the standards prescribed in Section 8 of this chapter, the development shall be located on the portion of the site on which the greater density would be permitted by the land use district regulations. If sufficient land area is not available to locate all of the development there, then as much of the development as the Board of County Commissioners may determine, at its discretion, to be sufficient shall be located on that portion of the site.

Section 5. Wastewater Treatment. Connection with a municipal wastewater treatment system, where avilable, or a community wastewater treatment system shall be required to serve a clustered residential development or a planned unit development, provided that for small clustered developments or for portions of a planned unit development containing small concentrations of development on sites free of ground water problems, individual or shared septic tank systems meeting all required standards of installation shall be permitted if authorized by the County Sanitarian or the Wyoming Department of Environmental Quality.

Section 6. Density Bonus for Clustered Residential Development. Except where the site is located in a 25-50 Year Flood Protection District, a density bonus not exceeding a total of 50 percent more units than otherwise would be permitted by the land use district regulations may be authorized in a clustered residential development subject to the following conditions:

a. To qualify for a density bonus, the site shall be a minimum of 20 acres in area.

b. Not less than 50 percent of the site shall be permanently preserved as open space.

c. The density on the developed portions of the site shall not exceed 4 units per acre.

Section 7. Density Bonus for Planned Unit Development. Except where the site is located in a 25-50 Year Flood Protection District, a density bonus not exceeding a total of 100 percent more units than otherwise would be permitted by the land use district regulations may be authorized in a planned unit development subject to the following conditions:

a. To qualify for a density bonus, the site shall be a minimum of 200 acres in area.

b. To qualify for a density bonus, not less than 50 percent of the site shall be permanently preserved as open space.

c. The density on the developed portion of the site shall not exceed 8 units per acre.

Section 8. Open Space Requirements. In order to qualify for a density bonus as prescribed in Sections 6 and 7 of this chapter, the permanently preserved open space shall conform with the following requirements:

a. Portions of the site devoted to required setbacks, roads, drives, parking areas, gardens, cut or fill slopes, sewage treatment lagoons, or other disturbed areas, except for ground surfaces that are disturbed to accommodate agricultural activities or for a flood control project, shall not be counted as credit for a density bonus.

b. The portion of the site preserved as open space shall remain in agricultural use or in its undisturbed natural state, shall remain a wildlife habitat or migration route, or specifically shall be found by the Board of County Commissioners to yield some other benefit to the public by reason of its preservation.

c. The portion of the site preserved as open space and for which credit for a density bonus is given shall be specifically described by an acceptable survey, and shall be made subject to a scenic easement which is dedicated in perpetuity to the Scenic Preserve Trust of Teton County or to a tax-exempt, non-profit foundation, or shall be dedicated in fee to the Scenic Preserve Trust or to a tax-exempt, non-profit foundation.

d. In lieu of provisions for dedication prescribed in Subsection c, subject to approval by the Board of County Commissioners, an undivided interest in the open space area for which credit for a density bonus is given may be conveyed to an association of property owners within the clustered residential development or the planned unit development, subject to deed restrictions limiting the uses of the open space area to those prescribed in Subsection b.

Section 9. Development Standards. Clustered developments and planned unit developments shall conform with the performance standards of Chapter IV, page 49 and with the following standards:

a. Development shall be concentrated in areas of heaviest tree cover on sites where tree cover exists, provided that such siting does not conflict with any of the wildlife and habitat protection standards prescribed in Chapter VI, Sections 8-9, pages 94-96, and except where it would be necessary to construct an access road

across slopes greater than 30 percent or to construct an access road within the site exceeding 1,000 feet in length to conform with the standard.

b. Any building, structure, drive, or parking area shall be set back from the land to be preserved in open space for a distance not less than 50 feet.

c. Setbacks for all buildings and other impervious surfaces shall be the same as those prescribed for R-A districts in Chapter IV, Section 19, page 65. When the site of a development is located in more than one land use district, the setback requirements for that district where the development is actually sited shall govern. When the site of the development itself, excluding the area to be preserved in open space, is located in more than one land use district, the more stringent setback requirements shall govern.

d. The distance between separate buildings in a development shall conform with the following regulations:

(1) A distance of 30 feet shall be provided between a single family residence and any other residential building of any type.

(2) For townhouses, condominiums, apartments, and detached accessory buildings, including those accessory to single family residences, there shall be a minimum distance between buildings of 10 feet for buildings one story or 15 feet in height, 15 feet for buildings two stories or 25 feet in height, and 20 feet for buildings three stories or 35 feet in height. When buildings have varying heights, the distance requirement for the tallest building shall govern.

e. The length of any single building shall not exceed 150 feet. This measurement shall be the greatest horizontal dimension of any exterior wall of the building. For buildings with wall indentations, the measurement shall be between the two farthest points along the same horizontal wall plane.

f. The maximum height of buildings and structures shall be the same as those prescribed for R-A districts in Chapter IV, Section 21, page 71.

g. Not more than one-half of the total length of the periphery of the open space to be preserved shall abut any portion of the land on which the development itself is located.

h. The layout of a development shall be designed to minimize the length of internal roads and driveways and to minimize their intrusion on pedestrian areas and recreation areas.

CHAPTER VI

DEVELOPMENT PERMITS

Section 1. Development Permit Required. All proposed uses and structures including enlargement and replacement of an existing use or structure shall conform with applicable performance standards as prescribed in Chapter IV, page 49, with the regulations, where applicable, of any environmental protection district as prescribed in Chapter III, page 41, and with the land use district regulations prescribed in Chapter II, page 33.

In any area designated as 25-50 year flood area,or the Flat Creek winter flood area, or on existing subdivided lots within the 10 year flood plain, all land subdivision, development, construction, grading, paving, site improvement, proposed new construction or substantial improvement of existing structures, including the placement of prefabricated and mobile homes, shall be subject to review as prescribed in this chapter and shall conform to the requirements set forth in Appendix A on Page 112a, in addition to all other requirements established by this chapter, and shall be authorized only upon the granting of a development permit. Within said flood areas development, subdivision, or use which is otherwise exempt from development permit requirements under the provisions of this section shall be subject to review under the requirements set forth in Appendix A to the Land Development Regulations and shall be authorized only after the requirements in Appendix A have been satisfied.

All land subdivisions, development, construction, grading, paving, mining site improvements, and all proposed uses and structures shall be subject to review as prescribed in this chapter and shall be authorized only upon the granting of a development permit provided that the following uses and activities be exempt:

a. Additions to existing structures not exceeding 25 percent of the floor area of such structures. Subsequent additions, which, together with earlier additions, increase the floor area of the original structure by more than 25 percent, shall not be exempt.

b. Agricultural uses and earth moving incidental to agriculture.

c. Single family residences, or any expansion or enlargement thereof, except clustered developments or planned unit developments, subject to a residential building permit.

d. Guest houses, subject to a residential building permit.

e. Home occupations, subject to a home occupation permit.

f. Incidental and accessory structures on the same site that are for the exclusive use of residents and their guests, or that are necessary for the operation of a permitted use.

g. Grading activity provided that:

(1) Natural slope angles are less than 6° (10.5 percent).

(2) Cut slope and fill slope angles are less than 20° (36.4 percent).

(3) Cut slope or fill slope lengths are less than 5 feet.

(4) Any roads included in the operation have a design gradient of less than 4° (7 percent).

* h. All grading in conjunction with the construction of a single family residence, accessory building, or expansion thereof, provided that the additional findings in the affirmative for grading in Section 9 of this Chapter can be made.

Section 2. Pre-Application Conference. A pre-application conference shall be required. The conference shall be scheduled upon request to the Administrator of Planning Services. In addition to the applicant or his representative and the Administrator, participants in the conference may include a member or members of the Planning Commission and representatives of any public agency that may have an interest in or be affected by the proposed development. The purpose of the conference shall be to discuss informally the nature of the proposed development, its conformity with the Comprehensive Plan and the elements thereof, its relationship to surrounding development, any site condition that may require special consideration or treatment and the information that will be required to be submitted with the application as prescribed in Section 3 of this chapter.

Section 3. Filing Requirements. The application for a development permit and, where applicable, the development permit application for a development master plan approval shall be filed with the Administrator of Planning Services on the prescribed form. The application shall be accompanied by the required processing fee, and by documents, maps, plans, and other material containing the following information as determined by the Administrator to be applicable:

a. The name and address of the owner or applicant, and a statement that the applicant, if not the owner, is authorized by the owner to make application and act as agent for the owner.

(as amended April 4, 1978)

b. A legal description, address, or other information necessary to identify the site.

c. A description of the precise nature of the proposed use and of the characteristics of its operation.

d. A site plan, drawn to scale, showing the proposed layout of buildings and other structures, off-street parking and off-street loading areas, other paved areas, driveways and roads, landscaped areas, open space areas to remain in their natural state, and sign locations. Where applicable, the site plan shall show the locations of entrances and exits and the direction of traffic flow into and out of off-street parking and off-street loading areas, and areas for turning and maneuvering motor vehicles.

e. Provisions for water supply, electric service, and wastewater disposal, including a permit approving plans for wastewater disposal where applicable from the County Sanitarian or the Department of Environmental Quality, a copy of any engineering report on the proposed wastewater treatment system required by the provisions of Chapter IV, Sections 4-5, page 50, and a map of the locations of proposed septic tank leach fields included in the proposed development.

f. Provisions for stormwater and snowmelt runoff drainage.

g. Building plans and elevations of all structures, except single family residences, sufficiently detailed to show the general appearance of the proposed buildings, including the location of any sign to be mounted on any portion of a building or having any portion of a building as an integral part of the sign background, and the location and design of any other proposed sign.

h. A tabulation of the total area of all impervious surfaces.

i. Where applicable, proposed parks, playgrounds, and public facilities sites, and other open spaces or structures intended for private use in common by residents of the development, or for public use.

j. Where applicable, a landscape plan showing the locations of existing trees and other natural features to be retained on the site, and showing the design of landscaped areas and the varieties of plant materials to be planted therein and provisions for maintenance.

k. Where applicable, evidence that the proposed development will not interfere with existing agricultural water rights, and that provision has been made to ensure access to agricultural water supplies for maintenance.

m. Regardless of natural slope angles, cut and fill angles and lengths, or proposed road design gradient, detailed plans of all grading operations to be conducted in preparing the site, including the toe and top of graded or fill slopes, slope gradients and heights, and indications of the natural vegetation to be removed, provisions for replanting and maintaining slopes, and erosion control measures to be incorporated in the grading operations.

n. An application for a development permit for grading, not exempted by Section lg of this chapter, shall include the following information in addition to filling requirements a through m of this section:

(1) When required by the County, a topographic map of the proposed grading at a scale of 1 inch equals 100 feet, or larger, showing the location of any geologic fault, landslide or bedrock slump, active talus formation or rockfall slope, colluvium, lacustrine deposits, avalanche path, and areas of flooding within 500 feet of the proposed grading.

(2) Plans and sections of each type of grading feature proposed at a scale of 1 inch equals 4 feet, or larger, showing slope angles and dimensions of cut and fill slopes, and showing any engineering works such as retaining walls, drainage facilities, or similar features, together with a written analysis of provisions for the control of stormwater and snowmelt runoff, erosion, and sediment production.

(3) Graphic or descriptive information on any engineering technique or other measure proposed to minimize any adverse effect or hazard resulting from any of the geologic or flood conditions shown on the topographic map prescribed in Subsection(1)of this section.

(4) Plans for revegetation as necessary for stabilization of all disturbed surfaces except for roads and other areas proposed to be covered with impervious surfaces and/or structures.

(5) A timetable for completion of all phases of grading and revegetation.

(6) When required by the County, a bond or letter of credit in an amount equal to the applicant's estimated cost of the engineering works prescribed in Subsection (2) of this section, and the revegetation prescribed in Subsection (4) of this section.

o. For a proposed development in the R-A-6-3 (Variable) District in which a density in excess of 1 unit per 6 acres is proposed, evidence of the results of tests proving that high ground water conditions were caused by irrigation and that the ground water level has dropped upon the removal of irrigation, in accord with the provisions of Chapter II, Section 7, page 39.

p. For a proposed development in the R-P-J, Jackson Planned Expansion District,or the R-T, Teton Village Planned Resort District, or for a clustered development or a planned unit development, a tabulation of the total land area proposed for each type of residential use, and a tabulation of the number and type of units and the density thereof.

q. For a proposed development in a hillside protection district, a tabulation of the total area of the site with average slopes in the ranges of 10.1-15 percent, 15.1-30 percent, and over 30 percent, accompanied by topographic information sufficient to support the tabulation,and evidence that the site of the proposed use is not located on a landslide or bedrock slump, on talus slopes or rockfall slopes, on colluvium, or lacustrine deposits either at the surface or overlain by other deposits, or in an avalanche path.

r. For a clustered development or planned unit development special provisions incorporated in the site plan intended to preserve or protect a wildlife habitat or migration route, if applicable.

s. For a clustered development or planned unit development in which a density bonus is claimed, the boundaries of the open space area or easement proposed to be dedicated, and the agency to which the dedication will be made.

t. A statement of any proposed variance.

u. Any additional material that the Board may require or the applicant may choose to submit pertinent to the application.

Section 4. Issuance of a Development Permit for Developments Meeting all Development Regulations. The Administrator of Planning Services shall review the application and the materials submitted therewith and, if they are found to be complete, shall accept the application and fee. As part of the application, the applicant shall be required to provide the names and addresses of adjoining property owners to the Administrator 10 days prior to the Board of County Commissioners regularly scheduled meeting. The Administrator shall review the application and its conformance with the performance standards, the development permit required considerations, and the development permit required findings. The Administrator shall then provide proper notification to the adjoining property owners of the review of the application before the Board of County Commissioners. If the development permit application is found to be clearly in compliance with all the above regulations, the Administrator shall recommend that the County Commissioners approve the application and grant the permit, grant the permit subject to modifications and conditions or deny the permit. Upon the approval of the application by the County Commissioners, the Administrator shall issue the permit. This section only applies to applications for projects clearly meeting all development permit regulations and shall not be construed to apply to subdivision developments, developments requiring variances, land classification changes or expansion of non-conforming uses and structures. These would require a public review.

Section 5. Administrator of Planning Services' Action on Applications Requiring a Public Review. Administrator of Planning Services shall review the application and the material submitted therewith, and if they are found to be complete, shall accept the application and fee. Within 30 days the Administrator shall prepare a report covering compliance with all requirements of the regulations contained in this resolution that are applicable to the proposed development. The Administrator shall submit the application, the material submitted therewith, and his report to the Planning Commission no later than 10 days before the next regularly scheduled meeting of the Commission.

Section 6. Planning Commission Action on Applicants Requiring a Public Review. The Planning Commission shall review the application, the supporting material, and the report of the Administrator of Planning Services, and, at its option, may request review by any qualified professional person, or by any public agency that may be affected by or interested in the proposed development. The Commission shall hold

a public review on the application. Within 30 days after the review, the Commission shall recommend to the Board of County Commissioners that it grant the development permit, grant the permit subject to such modifications and conditions as the Commission deems necessary to justify its making the findings prescribed in Section 9 and if applicable, Section 10 of this chapter, or deny the permit. The Commission's recommendation shall take into account the considerations prescribed in Section 8 of this chapter. Before recommending that a development permit be granted, the Commission shall make the findings prescribed in Section 9 and, if applicable, Section 10 of this chapter.

Section 7. Board of County Commissioners' Action on Applications Requiring a Public Review. Within 10 days after the action of the Planning Commission, its findings and recommendation shall be transmitted to the Board of County Commissioners. At its next regularly scheduled meeting at least 10 days following receipt of the Planning Commission's findings and recommendation, the Board shall approve the design and grant the development permit, grant the permit subject to such modifications and conditions as the Board deems necessary to justify its making the findings prescribed in Section 9 and, if applicable, Section 10, of this chapter, or deny the permit. The Board's decision shall take into account the considerations prescribed in Section 8 of this chapter. Before granting a development permit, the Board shall make the findings prescribed in Section 9 and, if applicable, Section 10 of this chapter.

Section 8. Required Considerations. The following considerations shall be taken into account in the review of a development permit application by the Planning Commission and the Board of County Commissioners:

a. Conformity with applicable goals and policies of the Comprehensive Plan.

b. Potential effects on air quality and water quality.

c. Potential effects on population growth and distribution.

d. Potential effects on utilities, schools, parks and recreation facilities, and other public facilities.

e. Potential effects on fire safety.

f. Potential effects on traffic, with particular reference to noise, congestion, automotive and pedestrian safety and convenience, traffic flow and control, vehicle maneuverability, and snow removal.

g. Potential effects on the character of the area in which the use is to be located, including possible intrusion on privacy in residential areas, and the scale and bulk of the use in relation to neighboring uses.

h. Potential effects on the County's scenic resources.

i. Potential effects on wildlife habitats, wildlife migration routes, and fisheries.

Section 9. Required Findings. Before recommending or granting a development permit, the Planning Commission and the Board of County Commissioners shall make the following findings:

a. The proposed use does not conflict with goals and policies of the Comprehensive Plan.

b. The proposed use is consistent with the Land Use Element.

c. The proposed use will meet required performance standards.

d. The proposed use will conform with applicable environmental district regulations. — none

e. The proposed use will not have a significant adverse impact on air quality or water quality.

f. Existing utilities and public facilities are adequate to serve the proposed use.

g. The proposed use will not cause traffic congestion or safety hazards.

h. The proposed use will not interfere significantly with traffic flow, vehicle maneuverability, or snow removal.

i. The proposed use will not have any significant adverse impact on neighboring properties that are either developed or undeveloped.

j. The proposed use will not have any significant adverse impact on the County's scenic resources.

k. The proposed use will not significantly adversely affect wildlife with respect to the site's vegetation or water resources in supplying food, water, cover, nesting, or other needs of wildlife.

l. No element of the proposed use, including buildings, drives, pedestrian walkways, and recreation areas, will intrude on watercourses, bogs, lakes, or other areas that are critical wildlife habitats.

m. No element of the proposed use will intrude on or present a barrier to wildlife migration, movement, routes, calving, fawning, or nesting areas.

n. Development will be limited to those portions of the site having the least wildlife habitat value.

o. The physical configuration of the development will be such that it does not encircle any areas of high wildlife habitat value.

p. Developed and open space areas are designed to retain and enhance existing and potential wildlife habitats.

q. The proposed use will not interfere with existing agricultural water rights, and provision has been made to ensure access to agricultural water supplies for maintenance.

Section 10. Additional Required Findings for Development Permit Applications for Grading. Before acting on a development permit application for grading not exempted by Section 1 g of this chapter, the Planning Commission and Board of County Commissioners shall make the following findings in addition to the findings prescribed in Section 9 of this chapter:

a. The grading will avoid the risk of landslides or other forms of slope failure, rockfalls, and avalanches.

b. The grading will not change the rate of stormwater or snowmelt runoff, and will avoid or minimize the erosion of natural or constructed slopes and sediment accumulation in natural drainage channels or watercourses.

c. The grading will not significantly alter natural drainage patterns.

d. The grading preserves and conforms with the natural form and contours of the land surface.

e. The grading is designed to preserve natural or established vegetation as much as possible.

f. The grading will allow the most rapid possible recovery of disturbed lands to natural or introduced vegetation.

g. The revegetation as planned will stabilize the slope and will be compatible with native vegetation.

Section 11. Burden of Proof for Development Permit Applications for Grading. The burden of proving to the Planning Commission and the Board of County Commissioners that the proposed grading will be accomplished in a manner that the findings prescribed in Section 9 of this chapter can be made shall be on the applicant. For any proposed grading where the natural slope angle exceeds 15 degrees (26.8 percent), or the cut or fill slope angle exceeds 25 degrees (46.6 percent) or the cut slope or fill slope length exceeds 15 feet, or the design gradient of any road exceeds 6 degrees (10.5 percent), such proof shall be in the form of a certification by an engineer licensed by the State of Wyoming. When located in the Hillside Protection District: Moderately Steep or Potentially Unstable, a report by a registered Wyoming engineer containing recommendations on grading and construction techniques that should be utilized to prevent any form of slope failure, to minimize disruption of the natural vegetation and soil, and to prevent excessive stormwater and snowmelt runoff shall be required where the slope exceeds 15 percent, and may be required by the Board of County Commissioners where the slope is between 10 and 15 percent.

Section 12. Lapse of a Development Permit. A development permit shall lapse and shall become null and void one year following the date on which it was issued, unless prior to the expiration date construction or development is commenced and diligently pursued toward completion, unless the use or occupancy for which the permit was granted is commenced within one year, or unless an application for renewal is granted prior to the expiration date.

Section 13. Revocation. Upon violation of any applicable provision of this resolution or if a development permit is granted subject to a condition or conditions, upon failure to comply with the condition or conditions, the permit shall be suspended automatically. Within 60 days of the suspension of the development permit, the County Commissioners shall hold a public review thereon, and if not satisfied that the regulation or condition is being complied with, may revoke the development permit or take such action as it deems necessary to ensure compliance with the regulation or condition.

(as amended April 4, 1978)
(as amended July 15, 1980)

CHAPTER VII

RESIDENTIAL BUILDING PERMIT

Section 1. Purposes. This chapter is intended to ensure that each new or expanded use of a residential structure and that each new residential structure or alteration of a residential structure complies with all applicable provisions of this resolution, and to provide the County with a record of each new or expanded use of a residential structure.

Section 2. Residential Building Permit Required. A residential building permit shall be required prior to the erection, moving, alteration, or enlargement of any single family residence, including single family residences in planned unit developments or clustered residential developments, guest houses, and mobile homes in mobile home parks, or prior to the commencement of a new use or a change in use of any single family residential structure.

Conformity with applicable performance standards as prescribed in Chapter IV, page 49, with the regulations of applicable environmental protection district regulations as prescribed in Chapter III, page 41, and with the land use regulations prescribed in Chapter II, page 33, shall also be required.

Any grading activities necessary for the above permitted uses and not exempted by Chapter VI, Section 1g, page 89, require a development permit.

Conformity with the flood hazard area development requirements, as set forth in Appendix A to this resolution, shall also be required.

Section 3. Application for a Residential Building Permit. Application for a residential building permit shall be filed with the Administrator of Planning Services on the prescribed form. Where applicable, the applicant must also file a Small Wastewater Facility Permit application with the County Sanitarian.

In addition, the Board of County Commissioners may permit the temporary use of a mobile home or recreation vehicle on the site for which the residential building permit is being granted. Use of a mobile home or recreation vehicle may be authorized for a period not exceeding 12 (twelve) months, provided that construction of the structure authorized by the residential building permit is commenced and diligently pursued to completion during that time. Not more than 12 months following the issuance of the residential building permit, the mobile home must be removed from the site, or the recreational vehicle must cease being occupied as a residential dwelling and stored. However, the Board of County Commissioners may grant additional periods of time to allow the use of a mobile home or recreational vehicle not to exceed 12 (twelve) months in a given period and not to exceed two (2) extensions. The extensions may be granted provided that the construction of the structure authorized by the residential building permit is commenced and diligently pursued to completion during that time. Once the extension of time has lapsed, the mobile home must be removed from the site, or the recreational vehicle must cease being occupied as a residential dwelling and stored."

Section 4. Issuance of the Residential Building Permit. Following the approval of the Small Wastewater Facility Permit by the County Sanitarian (where applicable), and following the review of the Residential Building Permit Application by the Administrator of Planning Services, the Administrator shall recommend that the County Commissioners approve the application and grant the permit, grant the permit subject to modifications and conditions, or deny the permit. Upon approval of the application by the County Commissioners, the Administrator shall issue the permit.

NOTE: A water well permit is not required for the issuance of a residential building permit. However, if a water well is to be constructed, the Regulations and Instructions of the Wyoming State Engineer's Office must be complied with.

Section 5. Lapse of a Residential Building Permit. A residential building permit shall lapse and become null and void one year following the date on which it was issued, unless prior to the expiration date construction is commenced and diligently pursued toward completion, or unless the use for which the permit was granted is commenced within one year, or unless an application for renewal is granted by the Board of County Commissioners prior to the expiration date.

CHAPTER VIII

HOME OCCUPATION PERMIT

Section 1. Home Occupation Permit. A home occupation may be authorized in any land use district subject to the issuance of a home occupation permit.

Section 2. Definitions and Limitations of Home Occupation. A home occupation shall be defined as the conduct of an art or profession, the offering of a service, the conduct of a business, or the handcraft manufacture of products in a dwelling or on the site of a dwelling, which is incidental and secondary to the use of the dwelling or site for dwelling purposes. The home occupation shall be subject to the following limitations:

a. If conducted within a dwelling, the total floor area used for the home occupation shall not exceed one-fourth of the floor area of the dwelling or exceed 500 square feet. If conducted in a separate structure, the structure shall clearly be accessory to the dwelling, and shall have no separate septic tank and leach field.

b. The number of employees, other than inhabitants of the dwelling, shall not exceed one.

c. There shall be no stock-in-trade other than products manufactured on the premises.

d. The home occupation shall comply with all applicable performance standards prescribed for the district.

e. The home occupation shall not cause a significant increase in pedestrian, automobile, or truck traffic in the vicinity.

Section 3. Application for a Home Occupation Permit. The application for a home occupation permit shall be filed with the Administrator of Planning Services on the prescribed form. The application shall include information pertaining to the nature of the home occupation including the following:

a. Hours of operation.

b. Equipment or machinery to be used.

c. Number of employees

d. Anticipated number of customers or clients on a daily basis.

Section 4. Issuance of a Home Occupation Permit. Following the review of the home occupation permit application by the Administrator of Planning Services, the Administrator shall recommend that the Board of County Commissioners approve the application and grant the permit if the home occupation is in accordance with the requirements of this chapter and will not adversely impact other uses in the vicinity, or he shall recommend that the Board of County Commissioners grant the permit subject to modification and conditions, or deny the permit. Upon approval of the application by the Board of County Commissioners,the Administrator shall issue the permit.

Section 5. Revocation. Upon violation of any applicable provision of this resolution, or if a home occupation permit is granted subject to a condition or conditions, upon failure to comply with the condition or conditions, the permit shall be suspended automatically. Within 60 days of the suspension of the home occupation permit, if not satisfied that the condition is being complied with, the Board of County Commissioners may revoke the permit or take such action as it deems necessary to ensure compliance with the condition.

CHAPTER IX

NON-CONFORMING USES, SITES, AND STRUCTURES

Section 1. Purposes. This chapter is intended to limit the number and extent of non-conforming uses and structures by prohibiting or limiting their enlargement, their re-establishment after abandonment, and their restoration after substantial destruction. While permitting non-conforming uses, structures, and other site improvements to continue, the chapter is intended to limit enlargement, alteration, restoration, or replacement which would increase the discrepancy between existing conditions and the performance standards and other regulations prescribed by this resolution.

Section 2. Continuance. Non-conforming uses, sites, and structures lawfully established prior to the effective date of this resolution may continue, subject to the limitations prescribed in this chapter. Uses, sites, structures, and other site improvements lawfully existing prior to the effective date of this resolution may continue, subject to any limitations prescribed in any permits or regulations under which they were authorized.

Section 3. Non-Conforming Uses. The use of a site or structure lawfully established prior to the effective date of this resolution which does not conform with the use regulations prescribed by this resolution for the land use district or the environmental protection district in which it is located may be continued.

Section 4. Non-Conforming Sites. Subject to the provisions of Section 5 of this chapter, sites lawfully established prior to the effective date of this resolution which do not conform with the site area requirements prescribed by this resolution for the land use district in which they are located may be continued and shall be deemed legally established building sites, but no such site shall be further reduced in area. However, in cases where a non-conforming site has been improved with two or more single family dwellings prior to January 1, 1978, the site may be further divided subject to the provisions of Chapter IV and the provisions of the Teton County Subdivision Resolution. This exception does not include mobile home lots, sites or parks, hotels, motels, cottages, guest houses, dude ranches or any other dwelling units used on a transient basis. In no case shall the property be divided into more parcels than there are existing dwelling units and, in each case, one of said dwelling units must be located on each parcel.

Section 5. Use of Non-Conforming Sites. Subject to the provisions of this chapter, any use authorized by the regulations of the district may be allowed on a site having an area less than the minimum prescribed for the land

use district in which it is located or on a site having an area less than the minimum prescribed by the performance standards for the proposed use, if the following conditions apply:

a. The site is shown on a duly approved and recorded subdivision map, or a deed or valid contract of sales was recorded prior to the date of enactment of this resolution, or a properly verified and documented unrecorded deed or contract of sale executed prior to the date of enactment of this resolution; or

b. The site is located in a subdivision that conformed with all legal requirements at the time it was created.

c. If the site is located in an environmental protection district, access can be provided in a manner that is in compliance with the regulations of the district within which it is located.

d. A water supply system and a wastewater disposal system conforming with all County and State requirements can be provided.

e. In all other respects, the site shall be subject to the regulations of the land use district and the environmental protection district in which it is located, and to all applicable performance standards.

Section 6. Non-Conforming Structures and Site Improvements. Structures and other site improvements lawfully established prior to the effective date of this resolution which do not conform with applicable performance standards or regulations prescribed by this resolution may be continued, provided that such structures or site improvements may be enlarged only in accord with the following limitations:

a. Structures or other site improvements which do not conform with requirements for setbacks, distances between buildings, building bulk, coverage by impervious surfaces, portion of site area to remain undisturbed, or building height, may be enlarged provided that the enlargement does not further increase the discrepancy between the structure or other improvement and the applicable performance standard, and provided that the addition fully conforms with the performance standards applicable to such addition.

b. Structures which do not conform with density regulations may be enlarged only if the enlargement does not result in the creation of additional units, and the enlarged structure conforms with all applicable performance standards.

c. Structures or site improvements which do not conform with off-street parking and loading requirements of this resolution may be enlarged, provided that the parking and loading requirements for such enlargement shall be fully satisfied, and that the discrepancy between the existing off-street parking and loading facilities and the standards prescribed by this resolution shall not be increased.

Section 7. Maintenance and Repairs. Non-conforming uses, structures, and site improvements may be maintained and repaired as necessary for safe, convenient, or efficient operation or use, provided that no such maintenance or repair shall result in an enlargement except as provided in Sections 6 and 8 of this chapter, and provided that no such maintenance or repair shall increase the discrepancy between the use, structure, or site improvement and the performance standards prescribed by this resolution.

Section 8. Enlargement or Expansion of Non-Conforming Uses. A non-conforming use shall be allowed to enlarge or expand no more than 20 percent in floor area for a structure or, in those cases not involving structures, no more than 10 percent in site area as existing on the effective date of this resolution, subject to the application and issuance of a development permit.

Section 9. Destruction of Non-Conforming Uses and Structures. If a non-conforming structure or use is destroyed by any cause to an extent exceeding 50 percent and is not restored or the use is not resumed within one year from the date of destruction, a future structure or use on the site shall be in full conformity with the applicable use regulations and performance standards prescribed by this resolution, subject to the application and issuance of a development permit or residential building permit, whichever applies.

The Board of County Commissioners may, at their discretion, extend authorization for a non-conforming use beyond a one year period, upon request.

The percentage of destruction will be defined as the ratio of the estimated cost of restoration to the original condition over the estimated cost of duplicating the entire structure or use. Estimates of cost shall be reviewed and confirmed by the Administrator of Planning Services.

Section 10. Discontinuance. Any non-conforming use which is discontinued for a period of one year, regardless of any intent to resume operation or use, shall not be resumed thereafter, and any future use of the site or structures or other improvements thereon shall conform with the requirements of this resolution.

The Board of County Commissioners may, at their discretion, extend authorization for a non-conforming use beyond a one year period, upon request.

(as amended December 19, 1978 *)

CHAPTER X

VARIANCES

Section 1. Purposes and Limitations. In order to prevent or to lessen such practical difficulties and unnecessary physical hardships inconsistent with the purposes of this resolution as would result from strict or literal interpretation and enforcement of certain of the regulations of this resolution, the Board of County Commissioners is empowered to grant variances. The procedure is intended to resolve practical difficulties or unnecessary physical hardships which may result from the size, shape, or dimensions of a site or the location of existing structures thereon; from topographic or physical conditions on the site or in the immediate vicinity; or from physical limitations, road locations, or traffic conditions in the immediate vicinity. Cost or inconvenience to the applicant of strict or literal compliance with a regulation may be given consideration, but shall not be the sole reason for granting a variance.

*Variances may be granted only with respect to regulations prescribed in Chapter IV(Performance Standards), Sections 18 through 25 [and 27, which are maximum density in C-V districts, setbacks, coverage by impervious surfaces, maximum building height, traffic generation, off-street parking and loading, screening, signs and road standards.]

Section 2. Exceptions. The Board of County Commissioners upon recommendation of the County Sanitarian or his designated representative may vary Chapter IV(Performance Standards), Section 5 (Small Wastewater Facility), page 50, without adherence to Sections 3-10 of this chapter, when enforcement will cause undue hardship or when proof is provided by the applicant and approved by the Board of County Commissioners upon recommendation of the County Sanitarian or his designated representative that the proposed disposal system will not cause contamination or pollution.

Such application for a variance of small wastewater facilities shall be filed with the County Sanitarian or his designated representative. No variance shall be granted by the Board of County Commissioners in violation of the State regulations.

Section 3. Filing Requirements. The application for a variance shall be filed with the Administrator of Planning Services on the prescribed form. The application shall be accompanied by the required processing fee, and by documents, maps, plans, and other material containing the following information as determined by the Administrator to be applicable:

a. The name and address of the owner or applicant, and a statement that the applicant, if not the owner, is authorized by the owner to make application and act as agent for the owner.

b. A legal description, address, or other information necessary to identify the site.

c. A statement of the precise nature of the variance requested, the performance standard or other regulation involved, and the practical difficulty or unnecessary physical hardship inconsistent with the purposes of this resolution that would result from strict or literal interpretation and enforcement of the specified performance standard or regulation.

d. A site plan drawn at a scale and including a degree of detail appropriate to the complexity of the requested variance, as determined by the Administrator of Planning Services, showing all existing and proposed features on the site, and on adjoining sites if necessary, pertinent to the requested variance, including site boundaries, setbacks, building locations and heights, parking areas, other graded or paved areas, driveways and roads, landscaped areas, and open space areas to remain in their undisturbed natural state, topography, and any other physical feature pertinent to the application.

e. Such additional material as the Administrator may require or the applicant may choose to submit pertinent to the application and the findings prerequisite to the granting of a variance.

Section 4. Administrator of Planning Services Action. The Administrator of Planning Services shall review the application and the material submitted therewith, and if they are found to be complete, shall accept the application and fee, and shall refer the application and materials to the Planning Commission no later than 10 days before the next regularly scheduled meeting of the Commission.

Section 5. Planning Commission Action. The Planning Commission shall review the application and the supporting material, and shall hold a public review thereon. Within 30 days after the review, the Commission shall recommend to the Board of County Commissioners that it grant the variance, grant the variance subject to such modifications and conditions as the Commission deems necessary to justify its making the findings prescribed in Section 8 of this chapter, or deny the variance. The Commission's recommendation shall take into account the considerations prescribed in Section 7 of this chapter. Before recommending that a variance be granted, the Commission shall make the findings prescribed in Section 8 of this chapter.

Section 6. Board of County Commissioners Action. Within 10 days after the action of the Planning Commission, its findings and recommendation shall be transmitted to the Board of County Commissioners. At its next regularly scheduled meeting at least 10 days following receipt of the Planning Commission's findings and recommendation, the Board shall hold a public review. Within 30 days after the review, the Board shall grant the variance, grant the variance subject to such modifications and conditions as the Board deems necessary to justify its making the findings prescribed in Section 8 of this chapter, or deny the variance. The Board's decision shall take into account the considerations prescribed in Section 7 of this chapter. Before granting a variance, the Board shall make the findings prescribed in Section 8 of this chapter.

Section 7. Required Considerations. Review of a variance application by the Planning Commission and the Board of County Commissioners shall be done on a case by case basis. The following considerations shall be taken into account:

a. The relationship of the requested variance to other existing or potential uses and structures in the vicinity.

b. The degree to which relief from the strict or literal interpretation and enforcement of the specified performance standard or regulation is necessary to achieve comparability and uniformity of treatment among sites in the vicinity, or to attain the purpose of this resolution without grant of special privilege.

c. The effect of the requested variance on the distribution of population, public facilities and utilities, traffic, public safety, air quality, and water quality.

d. The effect of the requested variance on the character of the surrounding area, including possible intrusion on privacy in residential areas, and the scale and bulk of structures in relation to neighboring structures.

e. The effect of the requested variance on the County's scenic and wildlife resources.

Section 8. Required Findings. Before recommending or granting a variance, the Planning Commission and Board of County Commissioners shall make the following findings

a. Granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the same land use district, in the vicinity, or elsewhere in the County.

b. Granting of the variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

c. The variance is warranted for one or more of the following reasons:

(1) Strict or literal interpretation and enforcement of the specified performance standard or regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the purposes of this resolution.

(2) Exceptional or extraordinary circumstances or conditions applicable to the site of the variance that do not apply generally to other properties in the same land use district.

(3) Strict or literal interpretation and enforcement of the specified performance standard or regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same land use district.

Section 9. Lapse of a Variance. A variance shall lapse and become null and void one year following the date on which the variance was granted, unless prior to the expiration date construction or development is commenced and diligently pursued toward completion. However, the Board of County Commissioners may in its discretion extend authorization for an additional six months on request.

Section 10. Revocation. A variance granted subject to a condition or conditions shall be suspended automatically upon failure to comply with the condition or conditions. Within 60 days of the suspension of the variance, if not satisfied that the condition is being complied with, the Board of County Commissioners may revoke the variance or take such action as it deems necessary to ensure compliance with the condition.

Section 11. New Applications. Following the denial or revocation of a variance, no application for a variance for the same or substantially the same use on the same or substantially the same site shall be filed within one year from the date of denial or revocation.

CHAPTER XI

ADMINISTRATION

Section 1. Public Review. When the provisions of this resolution require that a public review be held on any matter, such review shall be conducted in the following manner:

a. Notice of the review shall be published in a newspaper of general circulation in the County not less than 10 days nor more than 30 days prior to the date of the review.

b. Reviews shall be conducted in such a manner as to afford an applicant or petitioner and any interested party the opportunity to submit exceptions to the record, contentions, statements in support of or opposing the matter being reviewed, and arguments with respect to the issues entailed, provided that the Planning Commission and the Board of County Commissioners may limit the taking of evidence not previously submitted and made a matter of record.

Section 2. Amendments. The regulations prescribed in this resolution and the boundaries of any land use district may be amended by the Board of County Commissioners in accord with the following procedure:

a. An amendment of the regulations or a change of district boundaries may be initiated by the Board of County Commissioners or by the Planning Commission. A change of district boundaries may be initiated by the owner or authorized agent of the owner of the property for which a change of district boundaries is proposed.

b. The application for a change of district boundaries shall be filed with the Administrator of Planning Services on the prescribed form. The application shall be accompanied by the required processing fee, and by documents, maps, and other material containing the following information as determined by the Administrator to be applicable:

(1) The name and address of the owner or applicant, and a statement that the applicant, if not the owner, is authorized by the owner to make application and act as agent for the owner.

(2) A legal description, address, or other information necessary to identify the area, property, or site if a change of district boundaries is being proposed.

(3) A description of the precise nature of the proposed change of district boundaries, and any pertinent information that may assist the Planning Commission and the Board of County Commissioners in their review of the application.

(4) A scale drawing of the area, property, or site, and the surrounding area for a distance of at least 500 feet from each boundary of the area, property, or site, showing the district boundary change being requested, and indicating the location of all roads and property lines, and the names and last known addresses of the recorded legal owners of all properties shown on the drawing.

(5) Such additional material as the Administrator may require or the applicant may choose to submit pertinent to the application and the finding prerequisite to the approval of the application.

c. The Administrator shall review the application and the material submitted therewith, and if they are found to be complete, shall accept the application and fee. Within 30 days, the Administrator shall prepare a report covering consistency of the proposed district boundary change with the Comprehensive Plan and the purposes of this resolution. The Administrator shall submit the application, the material submitted therewith, and his report to the Planning Commission no later than 10 days before th next regularly scheduled meeting of the Commission.

d. The Planning Commission shall review the application, the supporting material, and the report of the Administrator, and at its option, may request review by any qualified professional person, or by any public agency that may be affected by or interested in the proposed change of district boundaries.

The Commission shall hold a public review of the application. Within 45 days after the review, the Commission shall recommend to the Board of County Commissioners that it grant the application, provided that the Commission first makes the specific finding that the change of district boundaries is consistent with the goals and policies of the Comprehensive Plan and the purposes of this resolution, or shall recommend that the application be denied. The Commission shall transmit its recommendation, together with a report on the public review and its deliberations and findings,to the Board of County Commissioners.

e. The Planning Commission shall hold a public review of an amendment of the regulations or a change of district boundaries that is initiated by the Commission or by the Board of County Commissioners. The Commission may request a report on the proposed amendment or change of boundaries by the Administrator and/or may request review by any qualified professional person, or by any public agency that may be affected. Within 45 days, the Commission shall recommend to the Board that it amend the regulations or change the

district boundaries, provided that it first makes the specific finding that the amendment or the change of boundaries is consistent with the goals and policies of the Comprehensive Plan and the purposes of this resolution, or shall recommend that the regulations not be amended or that the district boundaries not be changed. The Commission shall transmit its recommendation, together with a report on the public review and its deliberations and findings, to the Board.

f. At its next regularly scheduled meeting at least 10 days following receipt of the Planning Commission's findings and recommendations, the Board of County Commissioners shall hold a public review on any proposed amendment of the regulations or change of district boundaries. Within 45 days after the review, the Board shall initiate enactment of a resolution amending the regulations or changing the district boundaries, or it shall reject the proposal, or, in the case of an application for a change of district boundaries, shall deny the application.

Section 3. Enforcement. The Board of County Commissioners, through the County and Prosecuting Attorney or any other duly authorized enforcement official, shall enforce the provisions of this resolution.

a. All officials, departments, and employees of the County vested with the authority or duty to issue permits, certificates, or licenses shall comply with the provisions of this resolution and shall issue no permit, certificate, or license which conflict with the provisions of this resolution. Any permit, certificate, or license issued in conflict with the provisions of this resolution shall be null and void.

b. The County shall have the authority to inspect any site and review the construction or maintenance of improvements to insure conformance with the regulations of this resolution, provided that such inspections be conducted during weekday working hours.

c. Whomever, being the owner or the agent of the owner of any land located within the unincorporated area of Teton County develops or uses such land in violation of any of the provisions of this resolution, or any amendment thereto, shall be fined not more than one hundred dollars ($100) for each offense. Each day's continuance of any violation is a separate offense.

d. This resolution shall be enforceable by the County by injunctive action, in addition to all other remedies at law or in equity.

Section 4. Validity.

a. If any provision of this resolution is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:

(1) The effect of such decision shall be limited to that provision or those provisions which are expressly stated in the decision to be invalid; and

(2) Such decision shall not affect, impair, or nullify this resolution as a whole or any other part thereof, but the rest of this resolution shall continue in full force and effect.

b. If the application of any provision of this resolution to any area, property, or site is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:

(1) The effect of such decision shall be limited to that area, property, or site immediately involved in the controversy, action, or proceeding in which the judgment or decree of invalidity was rendered; and

(2) Such decision shall not affect, impair, or nullify this resolution as a whole or the application of any provision thereof to any other area, property, or site.

Section 5. Burden of Proof. The applicant for any permit required by the Land Use and Development Regulations Resolution shall have the burden of proving to the Planning Commission and the Board of County Commissioners that the proposed use or development complies with all applicable requirements established by the Land Use and Development Regulations Resolution.

Section 6. Effective Date. This resolution shall be in full force and effect from the effective date of adoption by the Board of County Commissioners in compliance with applicable State law.

(as amended April 4, 1978)

APPENDIX A

All development within the identified flood hazard areas in Teton County shall conform to the following requirements in addition to all other requirements established by the Comprehensive Plan:

Section 1. All new construction and substantial improvements (including the placement of prefabricated buildings and mobile homes) shall:

a. Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure;

b. Be constructed with materials and utility equipment resistant to flood damage; and

c. Be constructed by methods and practices that minimize flood damage.

Section 2. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

Section 3. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters, and on site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Section 4. All necessary permits have been received from those governmental agencies from which approval is required by state and federal law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.

Section 5. All proposed subdivision shall:

a. Be consistent with the need to minimize flood damage within the flood-prone area;

b. Have all public utilities and facilities such as sewer, gas, electircal and water systems located and constructed to minimize or eliminate flood damage;

c. Have adequate drainage provided to reduce exposure to flood hazards.

SUBDIVISION REGULATIONS RESOLUTION

CHAPTER I

GENERAL PROVISIONS

Section 1. Title. This resolution shall be known as the Subdivision Regulations of Teton County, Wyoming.

Section 2. Authority. The Subdivision Regulations of Teton County, Wyoming are authorized by Section 18-289.1, Wyoming Statutes, 1957, as amended.

Section 3. Purposes. In the interest of protecting the public health, safety, and welfare and protecting Teton County's priceless environmental quality and scenic beauty, and in the interest of maintaining and promoting a healthy economy, and in the interest of maintaining and enriching the human environment for both residents and visitors to Teton County, the County has adopted a Comprehensive Plan and Implementation Program. These regulations are enacted for the purpose of implementing the Comprehensive Plan by the establishment of requirements and procedures to regulate and control the design and improvement of all subdivisions of land within the County to ensure that they are consistent with the goals and policies of the Comprehensive Plan and to achieve the following additional purposes:

a. To ensure conformance and coordination of land subdivision plans with and among the public improvement plans of the County and its municipalities.

b. To encourage well planned subdivision by establishing environmentally adequate standards for design and improvement thereof.

c. To improve land records by establishing standards for surveys and maps.

d. To safeguard the interests of the public, the property owner, and the subdivider.

e. To ensure equitable processing of all subdivision proposals by establishing uniform procedures and standards.

Section 4. Jurisdiction. The territorial jursidiction of the Subdivision Regulations shall include all of the unincorporated lands within Teton County, Wyoming.

Section 5. Interpretation. In their interpretation and application, the provisions of this resolution shall be held to be minimum requirements. No provision of this resolution is intended to repeal, abrogate, annul, impair, or interfere with any existing resolution of the County, except as is specifically repealed by adoption of this resolution, provided that where any provision of this resolution imposes more stringent regulations, requirements, or limitations than is imposed by any other resolution of Teton County or any statute of the State of Wyoming, then the provisions of this resolution shall govern.

Section 6. Subdivision Permit Required. No person shall subdivide land located in Teton County, or commence construction of a subdivision, or commence the development of a subdivision without securing a subdivision permit in the manner prescribed in this resolution. Such subdivision permit shall be signed by the Board of County Commissioners indicating approval of the subdivision. No subdivision permit shall be issued unless and until the requirements of this resolution have been complied with. A subdivision permit may be transferred upon sale of the subdivision.

Section 7. Consistency with Comprehensive Plan. Approval of a subdivision plat and the issuance of a subdivision permit therefore pursuant to this resolution shall be based on a finding that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the Comprehensive Plan and any applicable element thereof.

Section 8. Conformity with Land Use and Development Regulations. A subdivision plat shall conform with all applicable regulations prescribed by the Land Use and Development Resolution of Teton County.

Section 9. Fees. The Board of County Commissioners shall set by resolution a schedule of fees for processing the application for a subdivision permit prescribed by this resolution. The required fee shall be paid at the time of filing, and processing of the application shall not commence until the fee is paid.

Section 10. Definitions. For the purposes of this resolution, certain words and terms are defined in this section. Words used in the present tense include the future, words in the singular number include the plural, and words in the plural number include the singular, unless the natural construction of the wording indicates otherwise. The word "shall" is mandatory and not directory.

a. Administrator of Planning Services. All references to "Administrator of Planning Services" and "Administrator" mean the Administrator of Planning Services of Teton County.

b. Board of County Commissioners. All references to "Board of County Commissioners" and "Board", and "the County" mean the Board of County Commissioners of Teton County.

c. Clustered residential development. A residential development designed as a complete, integrated unit in which the dwelling units are concentrated on the portion of the site most suitable for development, and within which prescribed minimum standards for site area, setbacks, and the bulk and spacing of buildings may be modified to achieve preservation of open space areas of 50 percent or more of the total acreage.

d. Collector street. A street which carries traffic from minor streets to the major street system, including the principal entrance streets of a subdivision, and the primary circulating streets within such subdivision.

e. Comprehensive Plan and Implementation Program. The Teton County Comprehensive Plan and Implementation Program, including all of the elements thereof, adopted by the Board of County Commissioners on December 6, 1977.

f. Community wastewater treatment plant. A privately owned and operated system, other than a municipal sewage treatment plant, for the collection and treatment of wastewater generated by all of the dwelling units or other type of development in a subdivision.

g. Development master plan. A plan of a large development which encompasses an entire site under one or more ownerships, which is designed to accommodate one or more land uses, the development of which may be phased, and which could include planned unit development, clustered residential development, planned commercial development, and development in the Jackson Planned Expansion Area.

h. Easement. Land set aside or over which a liberty, privilege, or advantage in land, existing distinct from the ownership of the land, is granted to the public, or to some particular person or part of the public.

i. Final plat. A map of a subdivision which has been accurately surveyed, and such survey marked on the ground so that streets, blocks, lots, and other divisions thereof can be identified.

j. Improvements. All such facilities, utilities, sewage and drainage works, and street work to be constructed or installed by the subdivider in and upon streets, easements, and other rights of way, as are necessary for the general use of residents in the subdivision and for local traffic and drainage needs, and are required as prerequisites to the approval of a final plat and the acceptance of the land dedicated therewith.

k. Lot division. A subdivision resulting in the creation of two lots in which no improvements are required, and in which no dedication of land is required.

l. Land Use and Development Regulations. The Land Use and Development Regulations of Teton County adopted by the Board of County Commissioners on December 6, 1977.

m. Lot. A parcel of subdivided land which is shown on a duly approved and recorded subdivision map, or other legal map.

n. Major street. A street which serves or is intended to serve as a major trafficway, and which is designated on an official map as a controlled access highway, major street, parkway, or by an equivalent term suitable to identify streets comprising the basic structure of the street plan.

o. Minor street. A street which is supplementary to a collector or major street, which is of limited continuity and which serves or is intended to serve the local needs of a neighborhood.

p. Owner. A natural person, firm, association, partnership, private corporation, public or semi-public corporation, or any combination thereof, in which full right of title to real property is vested.

q. Parcel. A continguous area of land, subdivided or unsubdivided, in a single ownership.

r. Planned unit development. A residential development on a site of 200 acres or more designed as a complete, integrated unit in which the dwelling units are concentrated on the portion of the site most suitable for development, and within which prescribed minimum standards for site area, setbacks, and the bulk and spacing of buildings may be modified to achieve preservation of open space areas of 50 percent of the total acreage.

s. Planning Commission. All references to "Planning Commission" and "Commission" mean the Planning Commission of Teton County.

t. Preliminary plat. A map showing the design of a proposed subdivision, the existing conditions in and around it, and the proposed improvements.

u. Subdivision. A division of a lot, tract, or parcel of land into three or more lots, plots, sites, or other divisions of land for the purpose, whether immediate or future, of sale or building development or redevelopment. The term includes "subdivide" and any derivative thereof, but does not include a division of land for agricultural purposes into two or more parcels none of which is smaller than 20 acres or any land division expressly exempted by Section 18-289.12 of Wyoming Statutes, 1957, as amended.

v. Subdivision permit. A permit indicating approval of the final plat of a subdivision by the Board of County Commissioners, issued upon authorization by the Board at the time a final plat is recorded.

w. Wastewater treatment system. Any type of system designed and installed for the purpose of collecting and treating wastewater generated by one or more dwelling units or other uses.

x. Water supply, public. A system of water supply distributed by 10 or more service connections for purposes of human consumption and sanitation or other household or business uses.

CHAPTER II

PROCEDURAL REQUIREMENTS

Section 1. Required Procedures. The procedures prescribed in this chapter shall be followed in securing a subdivision permit, provided that for a lot division, the procedures and provisions of Chapter V, page 85, shall apply.

Section 2. Pre-Application Conference. A pre-application conference shall be required. The conference shall be scheduled upon written request to the Administrator of Planning Services. In addition to the applicant or his representative and the Administrator, participants in the conference may include a member or members of the Planning Commission and representatives of any public agency that may have an interest in or be affected by the proposed subdivision. The purpose of the conference shall be to discuss informally the proposed subdivision concept, its conformity with the Comprehensive Plan, its relationship to surrounding development, any site condition that may require special consideration or treatment, and the requirements of this resolution and of the Land Use and Development Regulations that would be applicable.

Section 3. Filing Requirements, Preliminary Plat. Application for preliminary plat approval shall be filed with the Administrator of Planning Services on the prescribed form which shall contain the name and address of the owner or applicant, and a statement that the applicant, if not the owner, is authorized by the owner to make application and act as agent for the owner. The application shall be accompanied by as many copies of the preliminary plat and the accompanying material prescribed in Chapter III, page 41, as may be required by the Administrator, and the required processing fee.

Section 4. Administrator of Planning Services Action. The Administrator of Planning Services shall review the application and the preliminary plat submitted therewith, and if they are found to be complete, shall accept the application and fee. If in the opinion of the Administrator, the preliminary plat contains land that may be needed for a public utility, park, school, or other public facility, he shall within three days transmit a copy of the plat to the appropriate public agency together with a request for its comments to be returned within 30 days. Copies of the plat shall be transmitted to the County Fire Department and the Teton County Conservation District, and may be transmitted to any other public agency that may be affected by the proposed subdivision. Within 30 days,

the Administrator shall prepare a report covering compliance with all requirements of the regulations contained in this resolution that are applicable to the proposed subdivision. The Administrator shall submit the application, the preliminary plat, his report, and any comments received from any public agency to which the plat was referred to the Planning Commission no later than 10 days before the next regularly scheduled meeting of the Commission.

Section 5. Planning Commission Action. The Planning Commission shall review the application, the preliminary plat, the report of the Administrator of Planning Services, and any comments on the proposed subdivision received from a public agency. At its option, the Commission may request review by any qualified professional person, and may conduct such investigations, examinations, tests, and site evaluations as it deems necessary to verify the information contained in the application or shown on the plat. The applicant shall grant the Commission or its agent permission to enter upon his land for these purposes.

The Commission shall hold a public review of the application. Within 30 days after the review, the Commission shall recommend to the Board of County Commissioners that it approve the preliminary plat, approve the preliminary plat subject to such modifications and conditions as the Commission deems necessary to justify its making the findings prescribed in Section 7 of this chapter, or deny the application. Before recommending that the preliminary plat be approved, the Commission shall make the findings prescribed in Section 7 of this chapter.

Section 6. Board of County Commissioners Action. Within 10 days after the action of the Planning Commission, its findings and recommendation shall be transmitted to the Board of County Commissioners. At its next regularly scheduled meeting at least 10 days following receipt of the Planning Commission's findings and recommendation, the Board shall hold a public review. Within 30 days after the review, the Board shall approve the preliminary plat, approve the preliminary plat subject to such modifications and conditions as the Board deems necessary to justify its making the findings prescribed in Section 7 of this chapter, or deny the application. Before approving the preliminary plat, the Board shall make the findings prescribed in Section 7 of this chapter.

As a condition of approval of a preliminary plat, the Board may require the dedication of land for streets, parks, playgrounds, or other public uses, provided that acceptance of dedication of proposed public lands shall be made only by the Board, and approval of a preliminary plat shall not be deemed an acceptance of dedication.

Section 7. Required Findings. Before recommending approval or approving a preliminary plat, the Planning Commission and Board of County Commissioners shall make the following findings:

a. The proposed subdivision does not conflict with the goals and policies of the Comprehensive Plan, and will be consistent with all applicable elements thereof.

b. The proposed subdivision conforms with all applicable provisions of the Land Use and Development Regulations of Teton County.

c. The proposed subdivision will not cause traffic congestion or safety hazards.

d. The proposed subdivision will not have any significant adverse impact on neighboring properties that are either developed or undeveloped.

e. The proposed subdivision will not have any significant adverse impact on County's scenic resources.

f. The proposed subdivision will not have any significant adverse impact on wildlife habitat, wildlife migration route, or fishery.

g. The proposed subdivison will not interfere with existing agricultural water rights, and that provision has been made to ensure access to agricultural water supplies for maintenance.

h. The proposed subdivision is consistent with the purposes of this resolution.

i. The proposed subdivision is consistent with the provisions of Sections 18.289.10 through 18.289.24, Wyoming Statutes, 1957, as amended.

Section 8. Denial of Approval, Reapplication. When an application for preliminary plat approval is denied, the applicant shall be provided with a written statement prepared by the Administrator of Planning Services containing the specific reasons for such denial. The applicant may reapply for preliminary plat approval, provided that the application shall include an affidavit that all deficiencies that caused the original application to be denied have been corrected.

Section 9. Filing Requirements, Final Plat. Within one year of the date of approval of a preliminary plat by the Board of County Commissioners, the applicant shall have a final plat prepared in accord with the provisions of Chapter IV, page 130, and shall file with the Administrator of Planning Services an original tracing and four copies of the final plat containing all of the required

certifications, together with an application for a subdivision permit on the prescribed form, as many copies of the accompanying material prescribed in Chapter IV, page130, as shall be required by the Administrator, and the processing fee.

Section 10. Administrator of Planning Services Action. Upon acceptance of the final plat containing all of the required certifications, the accompanying materials, and fee, and within 10 days thereafter, the Administrator of Planning Services shall review the final plat for conformity with the approved preliminary plat and any conditions of approval thereof, and shall prepare a report thereon. Upon completion of the review and the report thereon, the Administrator shall transmit the map and report to the Planning Commission.

Section 11. Planning Commission Action. At its next regularly scheduled meeting following receipt of the final plat and the report of the Administrator of Planning Services, the Planning Commission shall consider the final plat and the report thereon, and if it finds that the plat conforms with the approved preliminary plat and complies with all requirements of this resolution, shall recommend to the Board of County Commissioners that the final plat be approved, and that a subdivision permit be granted.

Section 12. Board of County Commissioners Action. At its next regularly scheduled meeting following receipt of the Planning Commission's recommendation, the Board of County Commissioners shall review the recommendation, and if it finds the final plat to be in order, shall accept the final plat, shall transmit the final plat to the Plat Review Committe for a 30 day review, shall take such action as is necessary to accept offers of dedication of land or easements as appropriate to the particular circumstances, and shall authorize the issuance of a subdivison permit when the final plat is recorded.

Section 13. Recordation. Following approval of the final plat by the Board of County Commissioners, the applicant shall file the original tracing of the final plat bearing all of the required signatures with the County Clerk, and shall pay all recording fees. Upon the filing of the final plat for recordation, a subdivision permit shall be issued by the Board of County Commissioners.

Section 14. Lapse of Subdivision Permit. Except where the bonding mechanism approved by the County sets a longer time period, a subdivision permit shall lapse and shall become null and void one year following the date on which it was issued, unless prior to the expiration date, construction of required improvements is commenced and diligently pursued to completion, provided that if application is made for an extension prior to the expiration date and just

cause is shown for the requested extension, the Board of County Commissioners may grant the extension for a period determined by the Board to be reasonable.

Section 15. Revocation. The Board of County Commissioners may revoke a subdivision permit upon failure to comply with the conditions of approval of a final plat, upon violation of any of the provisions of this resolution, or for fraudulent representations or material omissions made to the Planning Commission or the Board.

CHAPTER III

PRELIMINARY PLAT

Section 1. Preliminary Plat Contents. The preliminary plat for a subdivision shall contain the following information:

a. Descriptive information in a title block located in the lower right hand corner of the sheet showing the following:

(1) The number and name or other designation of the proposed subdivision.

(2) A vicinity map showing the location of the subdivision, including the address, if applicable, and the section, township and range, the names of adjoining subdivisions, existing roads or highways in the vicinity, and other pertinent information.

(3) The names and addresses of the owner, subdivider if other than the owner, and the surveyor or other person that prepared the plat.

(4) The date of preparation, northpoint, scale, and contour interval. If the plat is based on a survey, the date of the survey.

b. The preliminary plat shall be drawn at a scale of at least 1 inch equals 200 feet, and shall show the following information on existing conditions:

(1) The location of the nearest horizontal and vertical control monuments.

(2) The boundary of the proposed subdivision and the total acreage thereof.

(3) All property under the control of the subdivider, even though only a portion is being subdivided. Where the plat covers only a part of the subdivider's land, a sketch of the prospective street system of the unplatted parts of the subdivider's land shall be shown. The street system of the proposed subdivision shall be considered in the light of existing official maps.

(4) The location, width, and names of all existing streets within two hundred feet of the proposed subdivision and of all prior platted streets or other public ways, utility rights of way or easements, parks and other public open spaces, permanent buildings and structures, houses, or permanent easements, and section and incorporation lines within and adjacent to the proposed subdivision.

(5) The location of all wells, proposed, active, or abandoned, and of all reservoirs within the proposed subdivision and to a distance of at least one hundred feet beyond the boundaries of the subdivision.

(6) Existing sewers, water mains, culverts, or other underground facilities within the proposed subdivision and to a distance of at least one hundred feet beyond the boundaries of the subdivision indicating pipe sizes, grades, man-holes, and exact location.

(7) Existing ditches, canals, natural drainage channels, and open waterways, and proposed realignments thereof.

(8) Boundary lines of adjacent parcels of unsubdivided land, showing ownership where possible.

(9) Contours, existing and finished, at vertical intervals of not more than five feet, or not more than ten feet where the natural slope exceeds 15 percent, provided that property corner elevations shall be adequate for land which has a gradient of 3 percent or less. High water levels, where known, of all watercourses and any area subject to flooding shall be indicated in the same datum as for the contour elevations.

(10) The location of any potentially hazardous area located on or adjoining the proposed subdivision, and the boundaries and identification of any environmental protection district prescribed by the Land Use and Development Regulations, within which the subdivision is wholly or partially located.

(11) The boundaries and identification of the land use district prescribed by the Land Use and Development Regulations within which the proposed subdivision is wholly or partially located.

c. The following information on the proposed subdivision shall be shown:

(1) The layout of proposed streets, including side lines, widths, dimensions, and crosswalks, identified by present or proposed names and numbers, and the lines of all proposed easements identified by purpose.

(2) Lot lines, numbers, dimensions, and area in square feet or acres, as appropriate, for each lot.

(3) Parcels or lots intended to be dedicated or reserved for public use, including any open space area intended to be dedicated as a scenic easement or in fee, and any open space area to be retained for the use of property owners in the subdivision.

(4) Building setback lines required by the provisions of Chapter IV, page 130, of the Land Use and Development Regulations.

(5) Proposed easements for utilities, drainage, or other purposes identified by intended use.

(6) When determined to be necessary by the County Sanitarian, where the proposed wastewater treatment system consists of septic tanks and leach fields, the location of two leach field sites, one for immediate use and one to be held in reserve for future use, shall be shown on each lot in accord with the provisions of Chapter IV, page 130, of the Land Use and Development Regulations. Where a community wastewater treatment system is to be provided, the site of the treatment facility shall be shown.

Section 2. Drawings, Statements and Other Data to Accompany Preliminary Plat. As determined to be necessary by the Administrator of Planning Services, based on the size and complexity of the proposed subdivision, the following drawings, statements, and other data shall be filed along with the preliminary plat:

a. Typical cross sections and proposed gradients of all streets.

b. A statement of the method by which the applicant proposes to provide water supply and wastewater treatment systems, illustrated by appropriate plans and drawings, and any engineering analysis required by the provisions of Chapter IV, page 49, of the Land Use and Development Regulations.

c. For a proposed subdivision in the R-A-6-3 (Variable) District in which lot sizes will be less than six acres, evidence of results of tests proving that the high ground water conditions were caused by irrigation and that the ground water level has dropped upon the removal of irrigation, in accord with the provisions of Chapter II, Section 7, page 39, of the Land Use and Development Regulations.

d. A statement of the method by which the applicant proposes to handle stormwater and snowmelt drainage, including provisions for erosion control, illustrated by appropriate plans and drawings.

e. For a proposed subdivision in a hillside protection district, evidence that each lot will contain a building site not located on a landslide or bedrock slump, on talus slopes or rockfall slopes, on colluvium, on lacustrine deposits either at the surface or overlain by other deposits, or in an avalanche path.

f. Where applicable, evidence that the proposed subdivision will not interfere with existing agricultural water rights, and that provision has been made to ensure access to agricultural water supplies for maintenance.

g. Copies of any agreements with adjacent property owners relevant to the proposed subdivision.

h. Such additional material as the Administrator may require or the applicant may choose to submit pertinent to the application and the findings prerequisite to the approval of a preliminary plat prescribed in Chapter II, Section 7, page 120.

Section 3. Improvements. All subdivisions shall provide for the following improvements and comply with the following standards:

a. Standards for design, construction, specification, and inspection of improvements as prescribed in this section shall conform with the standards established by the appropriate County department, provided that such standards shall be approved by the Board of County Commissioners.

b. The design and layout of streets shall conform with the following requirements:

(1) The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided) insofar as such may be deemed necessary by the County Commissioners. The street arrangement shall be such as to cause no unnecessary hardship to owners of adjoining properties when they plat their land and seek to provide convenient access to it.

(2) Minor streets shall approach major or collector streets at an angle of not less than 80 degrees.

(3) Half streets along a subdivision boundary or within any part of a subdivision shall not be permitted.

(4) Standard street sections for all proposed streets, whether public or private, shall conform with standards adopted by the Board.

c. The design and layout of lots shall conform with the following requirements:

(1) The lot arrangement and design shall be such that each lot will provide satisfactory and desirable sites for buildings, and be properly related to topography and to existing requirements.

(2) The minimum area of each lot shall be as prescribed by provisions of the Land Use and Development Regulations for the land use district within which the proposed subdivision is located, or for the intended use of the lot, whichever is applicable. Specific land use classifications do not have minimum site requirements. In those cases, performance standards would dictate site area; i.e., setback standards, parking and loading standards, etc.

For hillside subdivisions the following criteria may be used in designing lots:

(a) Prepare a five-foot contour interval map. The map shall be certified as complying with the following standard of the United States National Map Accuracy Standard, revised June 17, 1947, by the licensed land surveyor or licensed engineer presenting or preparing the map:

"Vertical accuracy, as applied to contour maps on all publication scales, shall be such that not more than 10 percent of the elevations tested shall be in error more than one-half the contour interval. In checking elevations taken from the map, the apparent vertical error may be decreased by assuming a horizontal displacement within the permissible horizontal error for a map of that scale."

(b) From the contour map prepare a slope map using the following slope classifications:

0% - 10%	RA-3
10% - 15%	RA-5/RA-7.5
15% - 30%	RA-10
30% and greater	RA-20

(c) From the slope map measure the acreage in each category and divide by the land use classification (RA-3, RA-5, RA-7.5, RA-10, RA-20) to establish the base density allowable under the Comprehensive Plan. For example, assuming there are 100 acres to be subdivided, the formula for ascertaining maximum density in each classification would be as follows:

15 acres RA-3	=	15 divided by 3	=	5 dwelling sites
10 acres RA-5	=	10 divided by 5	=	2 dwelling sites
15 acres RA-7.5	=	15 divided by 7.5	=	2 dwelling sites
20 acres RA-10	=	20 divided by 10	=	2 dwelling sites
40 acres RA-20	=	40 divided by 20	=	2 dwelling sites

Total allowable density . . . . . 13 dwelling sites

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

(e) Each lot shall contain 100% of a dwelling unit. Example:

2.5 acres in RA-5	=	50%
2 acres in RA-10	=	20%
6 acres in RA-20	=	30%
Total 10.5 acres	=	100%

(3) Each lot shall abut on a public street, private street, or private access right-of-way, or on a street which has become public by right of use.

(4) Remnants of land with an area less than 100% of a dwelling unit in a subdivision shall not be permitted.

(5) Approval of the development permit for a master plan in accord with Chapter VI, page 89, of the Land Use and Development Regulations Resolution shall be a prerequisite for approval of the preliminary plat in the following cases in order to demonstrate that the design and layout of all lots in the subdivision are appropriate for the intended use:

(a) Where a subdivision is proposed to accommodate a use other than a single-family residential development.

(b) Where a planned unit development or clustered residential development is proposed.

(c) Where a subdivision with lots smaller than three acres is proposed to be located in the R-P-J Jackson Planned Expansion District.

(d) For any other developments which the Planning Commission or the Board of County Commissioners deem a development master plan necessary.

(6) Consideration shall be given to suitable sites for schools, parks, playgrounds and other public facilities, and for open space areas. Any provision for such sites and open space areas shall be shown on the preliminary plat in order that it may be determined when, and in what manner, such areas will be dedicated to, or acquired by, the appropriate public agency.

d. Provisions for utilities shall include the following:

(1) Where an approved public water supply is reasonably accessible or procurable, the subdivider shall install water lines or shall contract with the local water distributing agency to make the water supply available to each lot within the subdivision. Such installation or contract shall include laterals to the property line of each lot.

(2) Where an approved public water supply is not reasonably accessible or procurable, the subdivider shall, at the discretion of the County Commissioners, either:

(a) Install a central water supply system and water lines from wells or other approved sources in accord with the requirements of the Department of Environmental Quality and with the approval of the County and the State Engineer; or

(b) Submit evidence that adequate water supply and quality meeting all State requirements will be accessible to each lot in the proposed subdivision.

(3) Where a public sanitary sewer system is within 500 feet, or in the opinion of the County Commissioners is close enough to require a connection, the subdivider shall connect, when deemed feasible, with such sanitary system and provide adequate connection lines to the property line of each lot.

(4) Where a public sanitary sewer system is not reasonably accessible, the subdivider shall obtain approval from the County and the Department of Environmental Quality to install sewage treatment facilities, or for the individual septic tanks and sewage disposal systems for each lot.

Subdividers shall furnish the Department of Environmental Quality a report of percolation tests completed on the property by a licensed engineer or land surveyor indicating that a sufficient number of percolation tests have been made in separate test holes spaced uniformly over proposed absorption field sites, and that the results of such tests indicate that percolation rates are adequate to permit the installation of the proposed type of soil absorption system without creating sanitation or pollution problems. The design and construction of all individual sewage

disposal systems shall be subject to inspection and approval of the Board of Quality Commissioners and State Department of Environmental Quality officials.

(5) The Board of County Commissioners may require the subdivider to dispose of stormwater if such provision is deemed necessary. If easements are required across abutting property to permit drainage of the subdivision, it shall be the responsibility of the subdivider to acquire such easements.

(6) Easements not less than 10 feet in width shall be provided in the subdivision for water lines, sewer mains, drainage, power lines and other utilities when required by the Board of County Commissioners.

e. All public and private streets, drives and other access rights-of-way shall be graded in accordance with the development permit for grading, if required by the provisions of Chapter VI, page 89, of the Land Use Development Regulations, and shall be surfaced in accordance with the standards, rules and regulations of Teton County.

f. The provision of fire hydrants may be required. Such hydrants shall be of the type, size and number, and installed in such locations as determined by the County Commissioners based on consultation with the County Fire Department.

g. Where subdivision streets parallel contiguous property of other owners, the subdivider may, upon approval of the Board of County Commissioners, retain a protection strip not less than one foot in width between the street and adjacent property, provided that an agreement, approved by the County Attorney, has been made by the subdivider contracting to deed to the then owners of the contiguous property the one foot or larger protection strip for a consideration named in the agreement, such consideration to be not more than the fair cost of land in the protection strip, the street improvements properly chargeable to the contiguous property, plus the value of one-half of the land in the street at the time of agreement, together with interest at a fair rate from the time of agreement until the time of the subdivision of such contiguous property. One copy of the agreement shall be submitted by the County Attorney to the Planning Commission prior to approval of the final plat. Protection strips shall not be permitted at the end of, or within the boundaries of, a public street or proposed street, or within any area intended for future public use.

h. Where the subdivision is contiguous to land used for ranching or agriculture, or to grazing permit land under the management of any federal or State agency, a fence suitable for restraining cattle shall be constructed on the subdivision boundary.

CHAPTER IV

FINAL PLAT

Section 1. Preparation. The final plat shall be prepared by a registered land surveyor. It shall be clearly and legibly drawn on approved tracing linen with water proof black India ink. Sheet size and format of the final plat shall conform with Section 33-366, Wyoming Statutes, 1957, as amended. Wherever possible, north shall be at the top of the plat. The scale of the plat shall be not less than 1 inch equals 100 feet.

Section 2. Contents. The final plat shall conform with the approved preliminary plat, and shall contain all of the information required thereon, except for contour lines.

a. The following additional information shall be included:

(1) The name of the subdivision, as approved by the Planning Commission, and the location of the subdivision, contained in a title block at the lower right hand corner of the sheet.

(2) Accurate angular and lineal dimensions for all lines, angles, and curves used to describe boundaries, streets, alleys, easements, areas to be reserved for public use, and other important features.

(3) An identification system for all lots and blocks and names of streets. Lot lines shall show dimensions in feet and hundredths. All lots shall be numbered consecutively in accord with Section 34-113, Wyoming Statutes, 1957, as amended.

(4) Perimeter subdivision lines shall be accurately related by distance and bearings to established roads or street lines, or 1/16 section corners, and closure shall be one foot in 5,000 feet.

(5) True angles and distances to the nearest established street lines or official monuments, which shall be accurately described in the plat and shown by appropriate symbol.

(6) Radii, internal angles, points and curvatures, tangent bearings, and the lengths of all arcs.

(7) The accurate location of all monuments and fire hydrants to be installed, shown by the appropriate symbol, and of all United States, State, County or other official bench marks, monuments, or triangulation stations in or adjacent to the property.

(8) Each lot corner shall be monumented with permanent markers. Descriptions of all monuments found or set shall be shown either by legend or separate description.

(9) Accurate boundaries and legal descriptions of any easement or area to be dedicated for public use, with the purpose indicated thereon, and of any area to be reserved by deed or covenant for the common use of all property owners.

(10) Where it is proposed that streets be constructed on property controlled by a public agency or utility company, approval of the location, improvement, and maintenance of such streets shall be obtained from the public agency or utility company and entered on the final plat in a form approved by the County Attorney.

b. The standard forms of the following shall be included:

(1) Description of land to be included in the subdivision described in Certificate of Surveyor or Certificate of Owner.

(2) Certificate of Surveyor signed by a Land Surveyor registered under the laws of the State of Wyoming.

(3) Certificate of Owner in accord with Section 34-114, Wyoming Statutes, 1957, as amended.

(4) Acknowledgements of Certificate of Surveyor and Certificate of Owner.

(5) Certificate of Approval of the County of Teton, and incorporated towns if the subdivision is within one mile of incorporated limits in accord with Section 34-114, Wyoming Statutes, as amended.

Section 3. Certification. No final plat of a subdivision shall be approved by the Board of County Commissioners without receiving a statement signed by the County Engineer, or other authorized individuals, certifying that the enumerated improvements, consistent with the design standards, meet the minimum requirements of all resolutions of the County, that they comply with all applicable standards of the Federal, State, and County governments with respect to the standards, rules, and regulations for subdivisions approved by the Board, which standards, rules, and regulations are hereby incorporated in this resolution by reference.

Section 4. Improvements Security. The subdivider shall file with the County Clerk a surety or cash bond, letter of credit, or other collateral suitable to the County Commissioners, in an amount specified by the Board to assure the actual construction of such improvements, within such period as may be determined by the Board, in a satisfactory manner. Upon completion of the improvements, the subdivider shall call for inspection by the County Engineer. Inspection shall be made within five days of the date of the request. If inspection shows that County standards have been met in the completion of such improvements, the security shall be released within seven days of the time of inspection. If the security provided by the subdivider is not released, refusal to release and the reasons therefore shall be given to the subdivider in writing within seven days of the time of the inspection.

Section 5. Inspection. Appropriate agencies and departments of the County shall inspect or cause to be inspected all street improvements, fire hydrants, water supply and sewage disposal systems. and buildings incidental thereto, in the course of construction, installation, or repair. Excavation for fire hydrants and water and sewer mains and laterals shall not be covered or backfilled until such installation shall have been approved by the Board of County Commissioners. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the inspector.

(As amended October 2, 1979)

CHAPTER V
LOT DIVISION PERMIT

Section 1. Lot Division Permit Required. A lot division permit is required where a division of land results in the creation of no more than two lots and where adequate access is provided as described in the Land Use and Development Regulations Resolution, Chapter IV, Performance Standards, Section 27, Public, County and Private Road Standards, and provided the land sought to be divided was not, itself, the subject of a lot division subsequent to the effective date hereof. No improvements are required and no dedication of land is required. However, the application shall be subject to the review and design approval as prescribed in this chapter and shall conform with all other applicable requirements as established by this resolution. Where the land sought to be divided was, itself, the subject of a lot division subsequent to the effective date hereof, this chapter shall not be applicable, but provisions of all the remaining chapters of the Subdivision Regulations Resolution shall be applicable, and the lot division shall be treated, in all respect, as though it were a subdivision.

Section 2. Pre-Application Conference. A pre-application conference may be required. The conference shall be scheduled upon request of the Administrator of Planning Services. In addition to the applicant or his representative and the Administrator, participants in the conference may include a member or members of the Planning Commission, and representatives of any public agency that may have an interest in, or be affected by, the proposed lot division. The purpose of the conference shall be to discuss informally the proposed lot division, its conformity with the Comprehensive Plan, and the requirements of this resolution and of the Land Use and Development Regulations that would be applicable. The Administrator of Planning Services shall also indicate to the applicant any materials necessary to be submitted for consideration of the lot division permit in addition to the prescribed application form and lot division map.

Section 3. Filing Requirements. Within six months of the date of the pre-application conference, the applicant shall file with the Administrator of Planning Services the following information and materials in the required quantity and the processing fee:

a. The name and address of the owner or applicant, and a statement that the applicant, if not the owner, is authorized by the owner to make application and act as agent for the owner, and a legal description, address, or other information necessary to identify the site, shall be included and submitted on the prescribed form.

b. The original tracings and three copies of the lot division survey map which shall be clearly and legibly drawn on approved tracing linen with waterproof black India ink. Sheet size and format of the final plat shall conform with Section 33-366, Wyoming Statutes, 1957, as amended. Wherever possible, north shall be at the top of the plat. The scale of the map shall be not less than one inch equals 100 feet. Where applicable, the map shall include the following information and standard forms:

(1) The location of the division, contained in a title block at the lower right hand corner of the sheet.

(2) Accurate angular and linear dimensions for all lines, angles and curves used to describe boundaries, streets, alleys, easements, areas to be reserved for public use and other important features.

(3) Perimeter subdivision lines shall be accurately related by distance and bearings to established roads or street lines or 1/16 section corners, and closure shall be one foot in 5,000 feet.

(4) True angles and distances to the nearest established street lines or official monuments, which shall be accurately described in the map and shown by appropriate symbol.

(5) Radii, internal angles, points and curvatures, tangent bearings and the lengths of all arcs.

(6) The accurate location of all monuments to be installed, shown by the appropriate symbol, and of all United States, State, County or other official bench marks, monuments or triangulation stations in or adjacent to the property.

(7) Each lot corner shall be monumented with permanent markers. Descriptions of all monuments found or set shall be shown either by legend or separate description.

(8) Accurate boundaries and legal descriptions of any easement or area to be dedicated for public use, with the purpose indicated thereon, and of any area to be reserved by deed or covenants for the common use of all property owners.

(9) Certificate of Surveyor signed by a land surveyor registered under the laws of the State of Wyoming.

(10) Acknowledgments of Certificate of Surveyor.

(11) The statement ALL FURTHER DIVISION OF EITHER PARCEL DESCRIBED IN THIS MAP SHALLREQUIRE FULL COMPLIANCE WITH ALL SUBDIVISION REGULATIONS IN EFFECT IN TETON COUNTY shall be placed in bold capital letters in a conspicuous location.

c. Any other information or materials deemed necessary by the Administrator of Planning Services at the pre-application conference.

Section 4. Administrator of Planning Services' Action. Upon acceptance of the map containing all of the required certifications, the accompanying materials, the filing fee, and the completed Lot Division Permit Application, the Administrator of Planning Services shall review the lot division map for conformity with all requirements of this resolution and the Land Use and Development Regulations Resolution. Upon review of the Lot Division Permit Application, the Administrator of Planning Services shall recommend the County Commissioners approve the application and grant the permit; grant the permit subject to modifications and conditions; or deny the permit.

Section 5. Board of County Commissioners' Action. The Board of County Commissioners shall delegate the responsibility of approving the lot split applications to at least one County Commissioner. Following the recommendation of the Administrator of Planning Services, the responsible County Commissioner shall review the recommendation, and if finding the lot division map and application to be in order shall direct the Administrator of Planning Services to issue the permit following recordation of the original tracing with the County Clerk. The County Commissioner responsible for approving the lot division permit shall have the authority at his own discretion to require a lot division permit application to be reviewed by the entire Board of County Commissioners at a regularly scheduled meeting.

Section 6. Recordation. Following approval of the final map by the Board of County Commissioners, the applicant shall file the original tracing of the final map with the Teton County Clerk and shall pay all filing fees.

CHAPTER VI

ADMINISTRATIVE PROVISIONS

Section 1. Exceptions. Wherein the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of the Subdivision Regulations would result in extraordinary hardships to the subdivider because of unusual topography, or other such not self-inflicted condition, or that these conditions would result in inhibiting the achievement of the objectives of these regulations, the Planning Commission may recommend, and Board of County Commissioners may vary, modify, or waive the requirements so that substantial justice may be done and the public interest secured, provided that such exception, modification, or waiver will not have the effect of nullifying the intent and purpose of these regulations and the Comprehensive Plan. In no case shall any exception, modification, or waiver be more than a minimum necessary easing of the requirements.

Request for exception shall be processed in the following manner:

a. The request for an exception to the requirements of these regulations shall be included in the application for approval of a preliminary plat, and shall be subject to such additional processing fee as set by the fee schedule.

b. The Planning Commission shall consider the requested exception at the public review of the preliminary plat, and a specific recommendation on the exception shall be contained in the Planning Commission's report to the Board of County Commissioners.

c. The Board of County Commissioners shall consider the requested exception at the Board's public review of the preliminary plat, and the Board's action on the preliminary plat shall include its action on the exception.

d. In addition to the findings prescribed in Chapter II, Section 7, page 130, related to the preliminary plat, a recommendation by the Planning Commission that an exception be approved, and an action by the Board granting the exception shall be based on findings by the Commission and by the Board that granting of the exception will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity or elsewhere in the County.

e. In acting on an exception, the Commission or the Board may prescribe such conditions as either body determines to be necessary to achieve the purposes of the standards or requirements so affected.

Section 2. Public Review. When the provisions of this resolution require that a public review be held on any matter, such review shall be conducted in the following manner:

a. Notice of the review shall be published in a newspaper of general circulation in the County not less than 10 days nor more than 30 days prior to the date of the review.

b. Reviews shall be conducted in such a manner as to afford an applicant or petitioner and any interested party the opportunity to submit exceptions to the record, contentions, statements in support of or opposing the matter being reviewed, and arguments with respect to the issues entailed, provided that the Planning Commission and the Board of County Commissioners may limit the taking of evidence to evidence not previously submitted and made a matter of record.

Section 3. Enforcement. The Board of County Commissioners, through the County and Prosecuting Attorney or any other duly authorized enforcement official, shall enforce the provisions of this resolution:

a. All officials, departments, and employees of the County vested with the authority or duty to issue permits, certificates, or licenses shall comply with the provisions of this resolution and shall issue no permit, certificate, or license which conflicts with the provisions of this resolution. Any permit, certificate, or license issued in conflict with the provisions of this resolution shall be null and void.

b. Whomever, being the owner or agent of the owner of any land located within the unincorporated area of Teton County subdivides or uses such land in violation of the provisions of this resolution, or any amendment thereto, shall be fined not more than one hundred dollars ($100) for each offense. Each day's continuance of any violation is a separate offense.

c. This resolution shall be enforceable by the County by injunctive action, in addition to all other remedies at law or in equity.

d. A violation shall not be construed to include a subdivision lawfully in existence as of the effective date of this resolution, and it shall not be necessary to secure a permit allowing such continuance, provided that an addition to or change of any existing subdivision shall conform with all of the provisions of this resolution.

Section 4. Validity.

a. If any provision of this resolution is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:

(1) The effect of such decision shall be limited to that provision or those provisions which are expressly stated in the decision to be invalid; and

(2) Such decision shall not affect, impair, or nullify this resolution as a whole or any other part thereof, but the rest of this resolution shall continue in full force and effect.

b. If the application of any provision of this resolution to any tract of land is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:

(1) The effect of such decision shall be limited to that tract of land immediately involved in the controversy, action, or proceeding in which the judgment or decree of invalidity was rendered; and

(2) Such decision shall not affect, impair, or nullify this resolution as a whole or the application of any provision thereof to any other tract of land.

Section 5. Burden of Proof. The applicant for any permit required by the Subdivision Regulations Resolution shall have the burden of proving to the Planning Commission and the Board of County Commissioners that the proposed use or development complies with all applicable requirements established by the Subdivision Regulations Resolution.

Section 6. Effective Date. This resolution shall be in full force and effect from the effective date of adoption by the Board of County Commissioners in compliance with applicable State law.

*(As amended March 27, 1979)

COUNTY SCENIC PRESERVE RESOLUTION

CHAPTER I

GENERAL PROVISIONS

Section 1. Title. This resolution shall be known as the Scenic Preserve Trust of Teton County, Wyoming.

Section 2. Authority. The Scenic Preserve Trust of Teton County, Wyoming, is authorized by Sections 18-289.1 through 18-289.9, Wyoming Statutes, 1957, as amended.

Section 3. Purposes. In the interest of protecting the public health, safety, and welfare and protecting Teton County's priceless environmental quality and scenic beauty, and in the interest
* of maintaining and enriching the human environment for both residents and visitors to Teton County, the County has adopted a Comprehensive Plan and Emplementation Program. The Comprehensive Plan contains a Scenic Preservation Element which specifically calls for the preservation of the County's scenic resources, which encompass all attributes of the landscape from which visually defined values arise, including topography, rock outcrops, vegetation, lakes and streams, and wildlife. The Scenic Preservation Element sets priorities, in general terms, for the acquisition of fee title or lesser interests in certain privately owned open space lands for the purpose of preserving the County's scenic resources. In order to assist in implementing the Scenic Preservation Element of the Comprehensive Plan, the Board of County Commissioners hereby establishes the Scenic Preserve Trust of Teton County and prescribes provisions for the vesting of real property rights in the Trust and regulations for the administration of the Trust.

Section 4. Jurisdiction. The territorial jurisdiction of the Scenic Preserve Trust of Teton County shall include all of the unincorporated lands within Teton County, Wyoming.

Section 5. Interpretation. Where any provision of this resolution imposes more stringent regulations, requirements, or limitations than imposed by any other resolution of Teton County or any statute of the State of Wyoming, then the provisions of this resolution shall govern.

Section 6. Definitions. For purposes of this resolution, certain words and terms are defined in this section. Words used in the present tense include the future, words in the singular number include the plural, and words in the plural number include the singular, unless the natural construction of the wording indicates otherwise. The word "shall" is mandatory and not directory.

a. Agriculture. Use of a site of 20 acres or more for the commercial production of crops, livestock, or poultry, including structures and other improvements incidental to such activities.

b. Clustered residential development. A residential development designed as a complete, integrated unit in which the dwelling units are concentrated on the portion of the site most suitable for development, and within which prescribed minimum standards for site area, setbacks, and the bulk and spacing of buildings may be modified to achieve preservation of open space areas of 50 percent or more of the total acreage.

c. Dedication. Transfer of any interest in land or improvements thereon by the owner to Teton County without compensation being paid by the County.

d. Dwelling unit. A building or a portion of a building containing one or more rooms, a separate bathroom, and a single kitchen, designed for occupancy by one family for living or sleeping purposes, including non-paying guests and persons employed on the premises.

e. Fee simple title. An estate in real property that is absolute and without any limitation with respect to ownership.

f. Land and Water Conservation Fund. The fund established by the U.S. Land and Water Conservation Act of 1965 as amended, administered by the Bureau of Outdoor Recreation, Department of the Interior.

g. Less-than-fee interest. A non-possessory interest in real property, such as an easement, which confers on the owner thereof a right to use the property for a specific purpose which is not inconsistent with the rights of the owner of the underlying fee, or which gives the owner of the less-than-fee interest the right to prevent the owner of the fee from making certain uses of his land. For the purposes of this resolution, a less-than-fee interest must be granted in perpetuity and must run with the land.

h. Open space land. Land remaining unused and in its natural state, or land used for agriculture, grazing, outdoor recreation, or other open space uses, provided that at least 90 percent of the land area of the parcel remains in its natural state, undisturbed

by clearing, grading, compacting, or construction of improvements, except for ground surfaces that are disturbed to accommodate agricultural activities or a flood control project.

i. Outdoor recreation. Any outdoor sport, pastime, or activity pursued for personal enjoyment that does not involve alteration of more than 2 percent of the land area of the parcel from its natural state by clearing, grading, compacting, or construction of improvements.

j. Parcel. A contiguous area of land, subdivided or unsubdivided, in a single ownership.

k. Planned unit development. A residential development on a site of 200 acres or more designed as a complete, integrated unit in which the dwelling units are concentrated on the portion of the site most suitable for development, and within which prescribed minimum standards for site area, setbacks, and the bulk and spacing of buildings may be modified to achieve preservation of open space areas of 50 percent or more of the total acreage.

l. Scenic easement. An easement or restriction running with the land and granted in perpetuity, whereby the owner of the underlying fee relinquishes to the owner of the easement the right to alter the natural state of the land, the right to construct improvements, and the right to make any except certain uses of the land as prescribed in the instrument evidencing the easement. The terms of the easement may prescribe exceptions for agricultural uses and other open space uses.

m. Scenic Preserve Trust. The Scenic Preserve Trust of Teton County established by this resolution.

n. Statewide Comprehensive Outdoor Recreation Plan. The Outdoor Recreation Plan of the State of Wyoming that is required to qualify the State to receive grants from the Federal Land and Water Conservation Fund, in accord with the U.S. Land and Water Conservation Fund Act of 1965 as amended.

o. Subdivision. A division of a lot, tract, or parcel of land into three or more lots, plots, sites, or other divisions of land for the purpose, whether immediate or future, of sale or building development or redevelopment. The term includes "subdivide" and any derivative thereof, but does not include a division of land for agricultural purposes into two or more parcels none of which is smaller than 20 acres or any land division expressly exempted by Section 18-289.12 of Chapter 176, Session Laws of Wyoming, 1975.

p. Trust. The Scenic Preserve Trust of Teton County established by this resolution.

q. Trustees. The governing body of the Scenic Preserve Trust of Teton County.

CHAPTER II

SUBSTANTIVE PROVISIONS

Section 1. Scenic Preserve Trust. The Scenic Preserve Trust shall be the repository for certain interests in real property owned by Teton County, Wyoming, for the purpose of implementing the Scenic Preservation Element of the Teton County Comprehensive Plan, and otherwise assisting in the preservation of the County's scenic resources. The interests in real property which constitute the assets of the Trust may be fee simple title to such property, scenic easements in such property, or such other less-than-fee interests in such property as are consistent with the purposes of this resolution.

The Trust also shall be the repository of any moneys, securities, or negotiable instruments received by the Trust from any public agency or private person or corporation for the purpose of acquiring interests in real property, and of any interest, dividends, rents, or other income paid to the Trust. Such moneys, securities, and negotiable instruments shall be assets of the Trust until such time as they are expended, or converted to cash and expended, on acquisition of interests in real property which shall then become assets of the Trust.

Section 2. Board of Trustees. The Scenic Preserve Trust shall be governed by a Board of Trustees. The members of the Board of Trustees shall be the members of the Board of County Commissioners of Teton County.

Section 3. Acquisition of Interests in Real Property. The Scenic Preserve Trust may acquire by purchase, gift, devise, or bequest, title to, or any interest in, or rights in real property, including land and water, that will cause the County's scenic resources to be preserved in accord with the purposes of this resolution.

Section 4. Acquisition Methods. To acquire interests in real property, the Scenic Preserve Trust may utilize any method of acquisition that is legally permissable under the Constitution and Statutes of the State of Wyoming, including but not limited to the following methods:

a. Acquisition by purchase, including outright purchase or purchase in installments.

b. Acquisition by transfer of title to the Scenic Preserve Trust from Teton County, the Town of Jackson, the State of Wyoming, or any agency of the United States government.

c. Acquisition by means of a gift or bequest from a private person, corporation, foundation, or other private entity.

d. Acquisition by means of dedication to the Scenic Preserve Trust of open space land that is part of a parcel on which a clustered residential development or a planned unit development is approved by the County.

e. Acquisition by means of dedication to the Scenic Preserve Trust of open space land which is part of a parcel on which a subdivision is approved by the County.

Section 5. Authorized Uses. Lands owned in fee by the Scenic Preserve Trust, or on which the Trust owns a scenic easement or any other less-than-fee interest, may be used for agriculture, grazing, outdoor recreation, and other open space uses, provided that at least 90 percent of the area of the parcel remains undisturbed by clearing, grading, compacting, or construction of buildings, roads, parking areas, or other improvements; except that land may be cleared for use in cultivating crops or grazing livestock.

The terms of scenic easements or other less-than-fee interests owned by the Scenic Preserve Trust shall limit the authorized uses of the land to those open space uses prescribed in this section.

Section 6. Leases. Lands owned in fee by the Scenic Preserve Trust may be leased to the grantor or to any other public agency or private person or corporation, provided that the terms of the lease limit the use of the land to those open space uses prescribed in Section 5 of this chapter.

All rents, and other income from such leases that shall accrue to the Scenic Preserve Trust shall become assets of the Trust, and shall be expended only for the following purposes:

a. To acquire interests in real property in order to cause the scenic resources of the County to be preserved.

b. To have performed necessary maintenance of open space lands owned by the Trust.

c. To take necessary steps to ensure that the terms of scenic easements or other less-than-fee interests in the trust are not violated.

Section 7. Purchases. The Scenic Preserve Trust is hereby authorized to purchase land in fee and to purchase scenic easements or other less-than-fee interests in real property in order to cause the scenic resources of the County to be preserved, utilizing for this purpose any moneys that are assets of the Trust, provided that sufficient funds shall be retained in the Trust to pay the current costs of necessary maintenance of lands owned in fee and the costs of ensuring, when necessary, that the terms of scenic easements or other less-than-fee interests owned by the Trust are not violated.

Section 8. Grant Applications. The Scenic Preserve Trust is hereby authorized to make applications for grants of funds to the State of Wyoming, to agencies of the United States government, to private foundations, individuals, and corporations, and to other possible sources of funds to be used to acquire interests in real property in order to cause the scenic resources of the County to be preserved.

In order to qualify the Trust for grants from the Federal Land and Water Conservation Fund, in accord with the U.S. Land and Water Conservation Fund Act of 1965 as amended, the Trustees shall take all steps necessary to ensure that the proposals of the Scenic Preservation Element of Teton County Comprehensive Plan are incorporated into the Statewide Comprehensive Outdoor Recreation Plan of the State of Wyoming.

In order to determine the amounts of matching grant funds from the Federal Land and Water Conservation Fund that the Scenic Preserve Trust is entitled to apply for, the Trustees are hereby authorized to have necessary appraisals made of the values of lands owned in fee and of scenic easements and other less-than-fee interests in real property owned by the Trust.

Section 9. Maintenance of Fee Title Lands. The Trustees of the Scenic Preserve Trust are hereby authorized to expend assets of the Trust for the purpose of necessary maintenance of lands owned in fee by the Trust, provided that no land, scenic easement, or other less-than-fee interest in real property shall be sold to raise funds for this purpose.

Section 10. Surveillance of Scenic Easements. The Trustees are hereby authorized to expend assets of the Trust, if necessary, for the purpose of ensuring that the terms of scenic easements or other less-than-fee interests in real property owned by the Trust are not violated, and for taking necessary actions, including payment of attorneys' fees and court costs, to secure the rights of the Trust, provided that no land, scenic easement, or less-than-fee interest in real property shall be sold to raise funds for these purposes.

*(as amended March 27, 1979)

Section 11. Sale or Transfer of Interests in Real Property. No land, scenic easement, or other less-than-fee interest in real property owned by the Scenic Preserve Trust shall be sold or transferred unless the proceeds of the sale or transfer are utilized to acquire other lands or interests in real property of at least equal market value and which are of at least equal worth in accomplishing the purposes of this resolution.

No land, scenic easement, or other less-than-fee interest in real property owned by the Trust shall be traded unless the land or other interest in real property received in the trade is of at least equal market value and is of at least equal worth in accomplishing the purposes of this resolution.

* Section 12. Non-Profit Status and Activities. All lands, interest in lands, funds or other assets received by the Trust, shall be held, managed, administered and disposed of only in accordance with the provisions of this resolution. No part of the assets of this Trust shall inure or be payable to or for the benefit of any private individual, and no substantial part of the activities of this Trust shall be the carrying on of propaganda or otherwise attempting to influence legislation. No part of the activities of this Trust shall be the participation in, or the intervention in any political campaign on behalf of any candidate for public office.

Upon dissolution, the assets of the Trust shall be disposed of in a manner consistent with the purposes of the Trust, and any transfer or other conveyance of any property interests of the Trust shall be made to such organization or organizations, organized and operated exclusively for charitable, educational or scientific purposes, as shall at the time qualify as exempt organizations under the provisions of the Internal Revenue Code.

In addition to the foregoing, the Trust shall not engage in any activity that would prevent the Trust from qualifying (and continuing to qualify) as an exempt organization under the provisions of the Internal Revenue Code.

*(Amended March 27, 1979)

CHAPTER III

ADMINISTRATIVE PROVISIONS

* Section 1. Amendment. After study and recommendation by the Planning Commission, and public hearings held in accordance with law, this resolution may be amended by the Board of County Commissioners, provided, however, that no amendment shall authorize the trustees to conduct the affairs of this Trust in any manner or for any purpose contrary to the provisions of Section 501(c)(3) of the Internal Revenue Code of 1954 as now in force or afterwards amended.

Section 2. Validity. If any provision of this resolution is declared to be invalid by a decision of a court of competent jurisdiction, it is hereby declared to be the legislative intent that:

a. The effect of such decision shall be limited to that provision or those provisions which are expressly stated in the decision to be invalid; and

b. Such decision shall not affect, impair, or nullify this resolution as a whole or any part thereof, but the rest of this resolution shall continue in full force and effect.

Section 3. Effective Date. This resolution shall be in effect from the date of adoption by the Board of County Commissioners of Teton County, Wyoming.

AMENDMENT TO THE COMPREHENSIVE PLAN

TETON COUNTY, WYOMING

NOVEMBER 20, 1979

SUBDIVISION REGULATIONS RESOLUTION, CHAPTER III, PRELIMINARY PLAT, SECTION 3, IMPROVEMENTS.

ADOPTION OF NEW MOBILE HOME PARK RESOLUTION.

(As adopted November 20, 1979)

MOBILE HOME PARK RESOLUTION

CHAPTER I

GENERAL PROVISIONS

Section 1. Title. This resolution shall be known as the Mobile Home Park Regulations of Teton County, Wyoming.

Section 2. Authority. The Mobile Home Park Regulations of Teton County, Wyoming, are authorized by Sections 18-5-201 through 18-5-207, Wyoming Statutes, 1977, as amended.

Section 3. Purpose. This chapter is enacted to promote public health, safety and general welfare of the citizens within the County, safeguarding the best interest of the public, the landowner, the mobile home resident, the mobile home park developer and the investor; encouraging and promoting well-planned mobile home parks by establishing adequate standards for design and construction, recognizing that a mobile home is a unique type of high density residential use which deserves special consideration due to its impact upon the community, and its roads and utilities.

Section 4. Jurisdiction. The territorial jurisdiction of the Mobile Home Park Regulations shall include all of the unincorporated lands within Teton County.

Section 5. Interpretation. In their interpretation and application, the provisions of this resolution shall be held to be minimum requirements. No provision of this resolution is intended to repeal, abrogate, annul, impair or interfere with any existing resolution of the County, except as is specifically repealed by adoption of this resolution, provided that where any provision of this resolution imposes more stringent regulations, requirements or limitations than are imposed by any other resolution of Teton County, or any statute of the State of Wyoming, then the provisions of this resolution shall govern. The placement and installation of mobile homes in the unincorporated portions of the County shall be an authorized use only in mobile home parks.

Section 6. Mobile Home Park Permit Required. No person shall develop a mobile home park located in Teton County, or commence construction of a mobile home park therein; provided, however, that an existing mobile home park may expand pursuant to the provisions hereof, and provided that such mobile home park expansion area complies with the standards contained herein.

Section 7. State of Wyoming Mobile Home Park Permit. No mobile home park permit shall be issued by the Board of County Commissioners until the requirements of the State of Wyoming "General and Special Standards Governing Mobile Home Parks, Travel Trailers, Truck Campers and Tenting Units" have been met, and a valid permit has been issued by the State Health Officer.

Section 8. Consistency with Comprehensive Plan. Approval of a mobile home park, and the issuance of a mobile home park permit therefore pursuant to this resolution, shall be based on a finding that the proposed mobile home park, together with the provisions for its design and improvement, is consistent with the Comprehensive Plan and all applicable elements thereof.

Section 9. Conformity with Land Use and Development Regulations. A mobile home park shall conform with all applicable regulations prescribed by the Land Use and Development Resolution of Teton County.

Section 10. Fees. The Board of County Commissioners shall set by resolution a schedule of fees for processing the application for a mobile home park permit prescribed by this resolution. The required fee shall be paid at the time of filing, and processing of the application shall not commence until the fee is paid.

Section 11. Definitions. For the purposes of this resolution, certain words and terms are defined in this section. Words used in the present tense include the future; words in the singular number include the plural; and words in the plural number include the singular, unless the natural construction of the wording indicates otherwise.

a. Mobile Home Accessory Building or Structure: A building or structure which is an addition to, or supplements the facilities provided in, a mobile home. It is not a self-contained, separate, habitable building or structure. Examples are awnings, cabanas, ramadas, storage structures, carports, fences, windbreakers or porches.

b. Access Street: Streets designed to carry vehicular traffic from a mobile home park to a public street or highway system.

c. Administrator of Planning Services: All references to "Administrator of Planning Services" and "Administrator" mean the Administrator of Planning Services of Teton County.

d. Arterial Street: Fast and heavy traffic street of considerable continuity and used primarily as a traffic artery for intercommunication among large areas.

e. Anchor: Any device at the mobile home stand designed for the purpose of securing a mobile home to the ground.

f. Awning: A shade structure supported by posts or columns and partially supported by a mobile home installed, erected or used on a mobile home lot.

g. Board of County Commissioners: All references to "Board of County Commissioners" and "Board" and "the County" mean the Board of County Commissioners of Teton County.

h. Building: Any structure having a roof supported by columns or walls or any other enclosed structure designed or used for the housing of persons, animals, chattels or property of any kind, but not including tepee, tent or similar type of temporary structure.

i. Carport: An awning or shade structure for a vehicle or vehicles which may be free-standing or partially supported by a mobile home.

j. Collector Street: A street which carries traffic from minor streets to the major street system.

k. Commission: Refers to the Planning Commission of Teton County, Wyoming.

l. Common Open Space Area: An open space area within a mobile home park or other type of residential development provided for the exclusive recreational use of the residents of such development and their guests.

m. Comprehensive Plan and Implementation Program: The Teton County Comprehensive Plan and Implementation Program, including all of the elements thereof, adopted by the Board of County Commissioners on December 6, 1977.

n. Contiguous: Adjoining and having a common boundary; not separated by a State, Federal highway or County road or major watercourse, such as the Snake River, the Hoback River, the Gros Ventre River or the Buffalo Fork River.

o. Cul-de-sac or Dead-end Street: A minor street with only one outlet.

p. Dense Landscaping: The portion of a site containing planted areas and plant materials, including trees, shrubs, ground cover and other types of vegetation. The landscaping must be healthy vegetation installed at a minimum of four feet in height, and two to five feet on center.

q. Drive: The passageway for vehicular traffic to the individual mobile home stand from the interior access. All drives shall have access to an interior access within the mobile home park.

r. Dwelling Unit: A building or a portion of a building containing one or more rooms, a separate bathroom, and a single kitchen, designed for occupancy by one family for living or sleeping purposes, including non-paying guests and persons employed on the premises, not including guest houses.

s. Easement: Land set aside over which a liberty, privilege or advantage in land, existing distinct from the ownership of the land, is granted to the public or some particular person or part of the public.

t. Existing Mobile Home Park: A mobile home park existing prior to the adoption of this resolution consisting of 20 spaces or more designed exclusively for the parking or other type of installation of mobile homes.

u. Family: An individual or two or more persons related by blood, marriage, adoption, excluding domestic servants, living together as a single housekeeping unit, or a group of not more than six unlreated persons living together in a single dwelling unit as a single housekeeping unit.

v. Height, Building or Structure: The height of a structure shall be measured vertically at any cross section of the building from original grade to the high point of the building at the cross section.

w. Landscaping: Planting and continued maintenance of suitable plant materials or a combination of plant materials with minimum areas of paving, gravel or otherwise dust-free materials with an adequate irrigation system. (Refer also to definition of dense landscaping.)

x. Manager: The owner or duly authorized person who maintains all managerial functions of the mobile home park.

y. Minor Street: A street used primarily for access to the abutting properties, also referred to as an internal street.

z. Mobile Home: A detached single-family dwelling, having a chassis capable of being transported, and designed for a long-term occupancy, which is equipped with appliances and electrical and sanitary systems which function independently of auxiliary facilities so that only simple utility connections are needed.

aa. Mobile Home Park: A development designed exclusively for the parking or other type of installation of mobile homes on spaces offered for rent, including all improvements, buildings, structures, recreational areas or other facilities for the use of the residents of such development, but not including any mobile home site or lot available on a transient basis.

bb. Mobile Home Space: A plot of ground within a mobile home park designed for the accommodation of one mobile home.

cc. Mobile Home Stand: That part of the mobile home space which has been reserved for the placement of a mobile home.

dd. Off-Street Parking Space: An area for the parking of automobiles which does not include a public street but has a convenient access to it.

ee. Patios: A private recreational area which adjoins a dwelling, either open or enclosed.

ff. Person: An individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, municipality or any other political subdivision of the state, or any interstate body or any other legal entity.

gg. Ramada: Any free-standing roof or shade structure installed or erected above an occupied mobile home or any portion thereof.

hh. Recreational Vehicle: A vacation trailer or other vehicular or portable unit which is either self-propelled or towed, or is carried by a motor vehicle, and which is intended for human occupancy and is designed for vacation or recreational purposes but not residential use.

ii. Screening: Refer to definition of landscaping.

jj. Setback: The area extending across the full length of a lot from the lot line to the nearest exterior wall of the mobile home closest to the particular lot line. In measuring a distance from a lot line to the nearest exterior wall of a mobile home, the distance shall be measured by a horizontal straight line perpendicular to the applicable lot line. Exterior wall shall mean the furthest projection of the mobile home (inclusive of additions).

kk. Sign: A device, fixture, surface or structure of any kind or character, made of any material whatsoever, displaying letters, words, text, illustrations, symbols, forms, patterns, colors, textures, shadows, or lights, or any other illustrative or graphic display designed, constructed or placed on the ground, on a building, canopy, wall, post or structure of any kind, in a window, or on any other object for the purpose of advertising, identifying, or calling visual attention to any place, building, firm, enterprise, profession, business, service, product, commodity, person or activity, whether located on the site, in any building on the site, or in any other location. The term "placed" includes constructing, erecting, posting, painting, printing, tacking, nailing, gluing, sticking, sculpting, carving or otherwise fastening, affixing, or making visible in any manner whatsoever.

ll. Site: A parcel of land devoted to, or intended for, a use or occupied by a structure or group of structures.

mm. Skirting: Materials which are weatherproof, rigid, durable and finished in a manner compatible with appearance of mobile home to enclose all areas between lower edge of the outside walls of a mobile home and the ground.

nn. Street: A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.

oo. Storage Facility: A structure located on a mobile home lot which is designed and used solely for the storage and use of personal equipment and possessions of the mobile home occupants.

pp. Structure: Anything built or constructed which requires a fixed location on the ground, including a building or edifice of any kind or any piece of work artificially built up or composed of parts, including signs, but not including a fence or wall used as a fence four feet or less in height, or any fence not constituting a visual barrier, mail boxes, light standards or poles, lines, cables or other transmission or distribution facilities of a public utility.

qq. Transient Basis: Occupancy of a mobile home unit or other type of visitor accommodation for short-term periods, generally not less than one night nor more than six months.

rr. Use: The purpose for which land or building or mobile home is arranged, designed or intended, or for which either land or building or mobile home is or may be occupied or maintained.

ss. Utility Trailer: A vehicle without motive power to be used for carrying personal property but not to be used for habitation.

CHAPTER II

MOBILE HOME PARK REQUIREMENTS

Section 1. Requirements. Expansion of a mobile home park within the unincorporated boundaries of Teton County shall be done in compliance with the following requirements:

a. Basic minimum requirements:

(1) Existing mobile home parks may only expand on properties contiguous to the existing park.

(2) Area requirement - single wide mobile home: Each space shall provide a minimum of 5,000 square feet of lot area. The minimum lot width shall be 50 feet.

(3) Area requirement - double wide mobile home: Each space shall provide a minimum of 6,000 square feet of lot area. The minimum lot width shall be 60 feet.

b. Open space requirements:

(1) If the site is initially designed to accommodate a single unit, it shall not be replaced by a double wide unit unless all applicable setbacks and spacing between units are met.

(2) There shall be a minimum five feet front setback between the unit wall and the 10 foot landscaped strip.

(3) There shall be a minimum 20 feet side-to-side spacing between units.

(4) There shall be a minimum 15 feet end-to-side spacing between units.

(5) There shall be a minimum 10 feet end-to-end spacing between units.

(6) There shall be a landscape easement along both sides of the interior roads within the mobile home park of 10 feet. This line will also be one of the property lines for mobile home sites.

(7) Any portion of a mobile home park site which abuts a residential dwelling site shall be setback a minimum distance of 25 feet from the site boundary line abutting the residential site.

(8) Any portion of a mobile home park site which abuts any other use shall be setback a minimum distance of 10 feet from the site boundary line abutting that use.

(9) Where a mobile home park abuts any street, it shall be setback a minimum of 25 feet from the street right-of-way line.

(10) On corner lots where the two intersecting streets are within the park (privately owned), there shall be a setback of five feet on both sides from the landscape easement. (See Section 4.)

(11) The aggregate area occupied by a mobile home and its accessory structures shall not exceed 60 percent of the area of the mobile home space.

c. Mobile home space and unit standards: The limits of each mobile home space shall be marked on the ground with monuments placed at each corner.

d. Mobile home stand:

(1) The area of the mobile home stand shall be improved to provide adequate support for the placement of the mobile home.

(2) Skirting of mobile homes is mandatory and shall be accomplished within 60 days of placement and installation of the mobile home.

(3) Additions to a mobile home may be permitted subject to conformance with setback standards, and the condition that the addition conforms in color with the existing unit and of a suitable material.

(4) No structure in a mobile home park shall exceed 18 feet in height. Accessory structures, such as storage buildings, shall not exceed one story, or 15 feet, in height.

(5) Storage facilities may be provided to accommodate seasonal equipment, outdoor furniture and other large or bulky possessions not normally stored within the mobile home unit. Such structure shall not be used as a living unit and shall not exceed 250 square feet of space.

Section 2. <u>Access, Traffic Circulation and Parking</u>.

a. Internal streets within the mobile home park shall be privately owned, built and maintained, and shall be designed for safe and convenient

access to all stands and parking spaces and to facilities for common use of park residents.

b. All internal streets shall be constructed in accordance with the road standards for Teton County, Chapter IV, Section 27, Teton County Land Use Resolution, excepting item a(13).

c. Each mobile home site shall be provided with two parking spaces having 200 square feet each, and shall be constructed in accordance with the off-street parking and loading standards for Teton County, Chapter IV, Section 23, Teton County Land Use Resolution.

d. A minimum of one space, having a minimum of 200 square feet, shall be maintained for every two mobile home spaces for the purpose of guest parking. No mobile home space shall be more than 300 feet from such guest parking lot. The guest parking area shall be constructed in accordance with off-street parking and loading standards for Teton County, Chapter IV, Section 23, Teton County Land Use Resolution.

e. Internal streets shall be maintained free of cracks, holes and other hazards at the expense of the mobile home park owner.

f. Internal street intersections shall generally be at right angles, and for a distance of 75 feet from the point of intersection and along the centerlines of intersecting streets a right angle shall be maintained as nearly as possible with consideration for topography and the mobile home park design. No intersections of streets at angles less than 80 degrees shall be approved.

g. Where the centerlines of intersecting internal streets are off-set to form a jog, the minimum distance between the points of intersections of the centerlines of the off-set intersecting streets shall be 100 feet.

h. The alignment and grade of all such streets shall be properly adapted to the topography of the mobile home park and shall provide for safety of traffic movement, satisfactory surface and groundwater drainage, and the proper functioning of sanitary and storm sewer systems.

i. A mobile home park shall have an entrance drive from a public street or highway and access to individual homes shall be from the internal roadway.

j. Mobile home park entrance drives shall not be located closer than 150 feet to intersections of public streets. The entrance drive shall be at least 40 feet in width except the minimum width shall be 50 feet if the drive is divided by a landscaped median. The entrance drive shall extend into the mobile home park a minimum of 100 feet.

Section 3. Open Space.

a. A minimum of 300 square feet of common recreational open space per mobile home unit shall be provided on portions of the site which are free from hazards not compatible with the purposes of recreational areas. The common recreational open space shall be located so as to minimize hazards to users from traffic on drives, and shall be located so as to be conveniently accessible to all residents of the mobile home park.

b. Common recreational open space shall not include drives, parking areas, storage areas, service areas or areas required for setbacks, but may include playgrounds, swimming pools, tennis courts and other outdoor recreational facilities.

c. The common recreational open space may be provided in one or more locations within the mobile home park. The minimum size of each required common recreational space shall be 5,000 square feet, except for mobile home parks containing two to eight spaces a minimum size of 2,500 square feet of common recreational space shall be provided, and except for mobile home parks containing nine to sixteen spaces a minimum size of 2,500 square feet plus an additional 300 square feet for each additional space over nine of common recreational open space shall be provided.

d. Maintenance of common recreational open space shall be the responsibility of the manager.

e. All common recreational open space, and other common open space, shall be landscaped and maintained. The owner, occupant, tenant and the respective agent of each, if any, shall be jointly and severally responsible for the maintenance of all landscaping. Landscaping shall be maintained in a good condition at least equal to the original installation and shall be kept free from refuse and debris. Any dead vegetation and landscaping material shall be promptly replaced with healthy, living plantings.

Section 4. Landscaping Standards.

a. A louvered fence not less than six feet in height or dense landscaping not less than four feet in height shall be installed within the required setback along each street, residential site or other use which abuts the site. Plant species shall be compatible with adjacent natural vegetation. The balance of the required setback area shall be left undisturbed, and its natural vegetation maintained or landscaped with new plant materials which are compatible with the area. Landscaped areas shall be maintained, and maintenance shall be the responsibility of the owner.

b. Unpaved areas between mobile homes shall be landscaped with lawns or other appropriate ground cover and maintained.

c. Suitable types of watering systems shall be provided for all landscaped open spaces.

d. Maintenance of all landscaping, except that on individual mobile home spaces, shall be the responsibility of the management in rental mobile home parks.

e. Minimum size of trees at the time of planting shall be four feet above ground level. Dead trees shall be replaced within one year.

Section 5. Lighting and Signs.

a. Street lighting - Lighting shall be designed to produce a minimum of 0.1 footcandle throughout the street system. Potentially hazardous locations, such as major street intersections, shall be illuminated with a minimum of 0.3 footcandle.

b. One unlighted or indirectly lighted sign not exceeding 24 square feet in area shall be permitted on the site of a mobile home park. The sign shall be set back a minimum distance of 25 feet from all property lines. Free-standing signs shall not exceed eight feet in height.

c. Street signs shall be erected at all street intersections within the mobile home park identifying street names.

Section 6. Utilities.

a. Each mobile home shall be provided with hook-ups for electricity, water, sewer and telephone.

b. Utility lines and equipment shall be located and constructed in conformity with good engineering and construction practices, and in compliance with all applicable laws, resolutions or codes of the United States, the State of Wyoming and Teton County, Wyoming, including this resolution, and in conformity with the reasonable requirements of the utility companies providing services to the mobile home park.

c. All utility easements shall be a minimum of 10 feet in width and shall provide convenient ingress and egress for construction and maintenance vehicles. Utilities may be constructed within the interval street right-of-way.

d. In all new mobile home parks utilities shall be installed underground.

Section 7. Public Water Supply Required. Each mobile home space within a mobile home park shall be provided with a connection to a public water supply. The construction, installation, modification or operation of any public water supply system shall comply with all requirements and standards established by the Wyoming Department of Environmental Quality as authorized in Article 3 of the 1973 Wyoming Environmental Quality Act. The latest edition of the "Recommended Standards for Water Works" by the Great Lakes/Upper Mississippi River Board of State Sanitary Engineers shall serve as standards for the review and approval of plans and specifications for public water supply systems. A copy of all engineering reports, plans and specifications required by the Department of Environmental Quality shall be submitted to the Teton County Sanitarian in conjunction with the proposed development. The developer, owner or other responsible party shall furnish the Teton County Sanitarian information which specifies who will be responsible for the maintenance and operation of the water supply facility; how and when the facility will be modified to accommodate future growth; and how this responsiblity will be transferred upon change of ownership, prior to approval of the project.

Section 8. Connection to Sanitary Sewer System Required. Each mobile home space within a mobile home park shall be provided with a connection to a sanitary sewer system. The construction, installation, modification or operation of any sewer system, treatment works, disposal system or other facility capable of causing or constributing to pollution shall comply with all requirements and standards established by the Wyoming Department of Environmental Quality as authorized in Article 3 of the 1973 Wyoming Environmental Quality Act. The latest edition of the "Recommended Standards for Sewage Works" by the Great Lakes/Upper Mississippi River Board of State Sanitary Engineers shall serve as guidelines for the review and approval of plans and specifications. A copy of all engineering reports, plans and specifications required by the Department of Environmental Quality shall be submitted to the Teton County Sanitarian in conjunction with the proposed development. The developer, owner or other responsible party shall furnish the Teton County Sanitarian information which specifies who will be responsible for the maintenance and operation of the wastewater treatment facility; how and when the facility will be modified to accommodate future growth; and how this responsibility will be transferred upon change of ownership, prior to the approval of the project.

Section 9. Electrical. An electrical outlet supplying 220 volts capable of providing 100 amperes or more of current shall be provided for each mobile home space. The installation shall comply with all State and local electrical regulations.

Section 10. Disposal of Refuse. The storage, collection and disposal of refuse in the mobile home park shall be so managed as to create no health hazards, rodent harborage, insect breeding areas, accident hazards or air pollution. All refuse shall be stored in fly-tight, water-tight, rodent-proof containers.

Section 11. Fire Protection. The Teton County Fire Warden, or his designated assistant, shall review all mobile home park permits for fire safety. Depending upon the mobile home park's proximity to a municipal water supply, stream, pond or other water source, the Fire Warden may require the mobile home park to provide hydrants, dry hydrants or other reasonable fire protection equipment. Each mobile home park shall provide a Fire Department connection to the water supply system which meets the specifications established by the Teton County Fire Warden. The connection shall be clearly marked for easy identification by the Fire Department. Smoke detectors capable of emitting a warning signal in the case of a fire shall be installed in all new mobile homes in mobile home parks.

Section 12. Snow Removal. It shall be the obligation of the owner or manager to provide an open throughway on all internal streets for sufficient fire protection purposes and proper ingress and egress of residents within the mobile home park.

CHAPTER III

MANAGEMENT RESPONSIBILITIES

Section 1. Responsibilities of the Management or Owner.

a. The person to whom a permit for a mobile home park is issued shall provide adequate supervision to maintain the mobile home park in compliance with this resolution, and to keep its facilities and equipment in good repair and sanitary condition. The management shall notify the residents of their duties and responsibilities under this resolution.

b. The management shall maintain a register containing a record of all mobile homes.

c. The management shall be available to the park residents via prominently posted notice containing the name, address and telephone number of said management.

d. It shall be the responsibility of the management of the mobile home park to provide, plant and maintain landscaping required by this resolution.

CHAPTER IV

PROCEDURAL REQUIREMENTS

Section 1. Required Procedures. The procedures prescribed in this chapter shall be followed in securing a mobile home permit.

Section 2. Pre-application Conference. A pre-application conference shall be required. The conference shall be scheduled upon written request to the Administrator of Planning Services. In addition to the applicant, or his representative, and the Administrator, participants in the conference may include a member or members of the Planning Commission and representatives of any public agency that may have an interest in, or be affected by, the proposed mobile home park. The purpose of the conference shall be to discuss informally the proposed mobile home park concept, its conformity with the Comprehensive Plan, its relationship to surrounding development, any site condition that may require special consideration or treatment, and the requirements of this resolution.

Section 3. Filing Requirements, Mobile Home Park Permit. Application for a mobile home park permit approval shall be filed with the Administrator of Planning Services on the prescribed form which shall contain the name and address of the owner or applicant, and a statement that the applicant, if not the owner, is authorized by the owner to make application and act as agent for the owner. The application shall be accompanied by a copy of the plot plan and the accompanying material as prescribed in Chapter V, and the required processing fee.

Section 4. Administrator of Planning Services' Action. The Administrator of Planning Services shall review the application, and the material submitted therewith, and if they are found to be complete, shall accept the application and fee. Within 30 days the Administrator shall prepare a report covering compliance with all requirements of the regulations contained in this resolution which are applicable to the proposed mobile home park. The Administrator shall submit the application, the material submitted therewith, and his report to the Planning Commission no later than ten days before the next regularly scheduled meeting of the Commission.

Section 5. Planning Commission Action. The Planning Commission shall review the application, the supporting material, and the report of the Administrator of Planning Services, and, at its option, may request review by any qualified professional person, or by any public agency that may be affected by, or interested in, the proposed development. The Commission shall hold a public review on the application. Within 30 days after the review, the Commission shall recommend to the Board of County Commissioners

that it grant the mobile home park permit, grant the permit subject to such modifications and conditions as the Commission deems necessary, or deny the permit.

Section 6. Board of County Commissioners' Action. Within ten days after the action of the Planning Commission, its findings and recommendations shall be transmitted to the Board of County Commissioners. At its next regularly scheduled meeting at least ten days following receipt of the Planning Commission's findings and recommendations, the Board shall hold a public review. Within 30 days after the review, the Board shall approve the design and grant the mobile home park permit, grant the permit subject to such modifications and conditions as the Board deems necessary, or deny the permit.

Section 7. Required Findings. Before recommending approval or approving a mobile home park, the Planning Commission and Board of County Commissioners shall make the following findings:

a. The proposed mobile home park does not conflict with the goals and policies of the Comprehensive Plan and will be consistent with all applicable elements thereof.

b. The proposed mobile home park conforms with all applicable provisions of the Land Use and Development Regulations of Teton County.

c. The proposed mobile home park will not cause traffic congestion or safety hazards.

d. The proposed mobile home park will not have any significant adverse impact on neighboring properties which are either developed or undeveloped.

e. The proposed mobile home park will not have any significant adverse impact on the County's scenic resources.

f. The proposed mobile home park will not have any significant adverse impact on wildlife habitat, wildlife migration routes or fisheries.

g. The proposed mobile home park will not interfere with existing agricultural water rights, and that provision has been made to insure access to agricultural water supplies for maintenance.

h. The proposed mobile home park is consistent with the purposes of this resolution.

Section 8. Revocation. The Board of County Commissioners may revoke a mobile home park permit upon failure to comply with the conditions of approval, upon violation of any of the provisions of this resolution, or for fradulent representations or material omissions made to the Planning Commission or the Board of County Commissioners.

shall comply with the provisions of this resolution, and shall issue no permit, certificate or license which conflicts with the provisions of this resolution. Any permit, certificate or license issued in conflict with the provisions of this resolution shall be null and void.

b. The County shall have the authority to inspect any site and review the construction or maintenance of improvements to insure conformance with the requirements of this resolution, provided that such inspections are conducted during weekday working hours.

c. Whomever, being the owner or the agent of the owner of any land located within the unincorporated area of Teton County, develops or uses such land in violation of any of the provisions of this resolution, or any amendment thereto, shall be fined not more than $100.00 for each offense. Each day's continuance of any violation is a separate offense.

d. This resolution shall be enforceable by the County by injunctive action, in addition to all other remedies at law or in equity.

Section 5. Validity.

a. If any provision of this resolution is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:

(1) The effect of such decision shall be limited to that provision or those provisions which are expressly stated in the decision to be invalid; and

(2) Such decision shall not affect, impair or nullify this resolution as a whole or any other part thereof, but the rest of this resolution shall continue in full force and effect.

b. If the application of any provision of this resolution to any area, property or site is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:

(1) The effect of such decision shall be limited to that area, property or site immediately involved in the controversey, action or proceeding in which the judgment or decree of invalidity was rendered; and

(2) Such decision shall not affect, impair or nullify this resolution as a whole or the application of any provision thereof to any other area, property or site.

CHAPTER V

ADMINISTRATION

Section 1. Administration. It shall be unlawful for any person to construct a mobile home park unless a valid permit has been issued by Teton County in the name of the person for the specific construction, reconstruction, alteration or extension proposed.

Section 2. Applications. All applications for permits shall contain the following:

a. Name and address of the applicant.

b. Location map and legal description of the mobile home park certified by a land surveyor registered in the State of Wyoming.

c. Complete engineering plans and specifications of the proposed mobile home park, at a scale of one inch equals 100 feet, including, but not limited to:

(1) The area dimension and boundaries of the mobile home park site.

(2) Contours, at vertical intervals of not more than five feet, or not more than ten feet where the natural slope exceeds 15 percent, provided that property corner elevations shall be adequate for land which has a gradient of three percent or less.

(3) The number, location and size of all mobile home spaces.

(4) The location and width of roadways, walkways and parking spaces.

(5) The location of water and sewer lines and riser pipes.

(6) Plans and specifications of the water supply, refuse and sewage disposal facilities.

(7) The location of all proposed buildings and central storage areas, including floor plans and elevations.

(8) The location and plans of the lighting and electrical systems, telephone and cable television.

(9) The location and plans of the recreational and open space.

(10) The location and plans for all landscaping showing all plant material existing and proposed with required information as to location, type, size and quality.

(11) The location of storm drains and catch basins.

(12) Other material deemed to be necessary by the Administrator of Planning Services.

d. The applicant must complete all construction within two years after approval of permit. If construction is not completed within two years, the permit is automatically invalid, and the applicant must file for a new permit. Any extension of time for construction may be granted by the Board of County Commissioners if justified upon formal request by the applicant. The applicant may schedule his construction development in stages whereby each stage will be applicable to the two year construction limit.

Section 3. Guarantee of Improvements.

a. No permit to construct shall be issued until the developer has submitted, and the Board of County Commissioners has accepted, a mobile home park performance bond or escrow collateral or acceptable letter of credit, to guarantee that the following improvements as shown on the final plans and related documents shall be constructed in a manner approved by the Board of County Commissioners which is consistent with sound construction and local practice.

b. As improvements are completed, the developer may apply to the Board of County Commissioners for a release of part, or all, of the bond, escrow collateral or letter of credit deposited with said County Commissioners. Upon inspection and approval, the County Commissioners shall release said bond, escrow collateral or letter of credit. If the County Commissioners determine that any such improvements are not constructed in substantial compliance with specifications, it shall furnish the developer a list of specific deficiencies and shall be entitled to withhold the bond, escrow collateral or letter of credit sufficient to insure substantial compliance. If the County Commissioners determine that the developer will not construct the improvement or improvements in accordance with the specifications, the County Commissioners shall contract to have the improvements completed.

Section 4. Enforcement. The Board of County Commissioners, through the County and Prosecuting Attorney, or any other duly authorized enforcement official, shall enforce the provisions of this resolution.

a. All officials, departments and employees of the County vested with the authority or duty to issue permits, certificates or licenses