

TETON COUNTY COMPREHENSIVE PLAN

AND

IMPLEMENTATION PROGRAM

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CHRONOLOGICAL INDEX OF AMENDMENTS TO THE
COMPREHENSIVE PLAN

<u>Date</u>	<u>Resolution</u>	<u>Title</u>
4-4-78	LU&DR	<u>Chapter III, Section 6.</u> <u>Regulations for Flood</u> <u>Protection District: 25-50 Year</u> <u>Flood Area and For Flood</u> <u>Protection District: Flat Creek</u> <u>Winter Flood Area</u>
4-4-78	LU&DR	<u>Chapter IV, Section 19,</u> <u>Setbacks</u>
4-4-78	LU&DR	<u>Chapter IV, Section 20.</u> <u>Coverage by Impervious Surfaces</u>
4-4-78	LU&DR	<u>Chapter VI, Section 1.</u> <u>Development Permit Required</u>
4-4-78	LU&DR	<u>Chapter IV, new Appendix A</u>
4-4-78	LU&DR	<u>Chapter VIII, Section 2.</u> <u>Building Permit Required</u>
5-16-78	LU&DR	<u>Chapter IV, new Section 26.</u> <u>Airport Safety</u>
10-17-78	LU&DR	<u>Chapter IV, Section 21.</u> <u>Maximum Building Height</u>
12-19-78	LU&DR	<u>Chapter IV, new Section 27.</u> <u>Public, County and Private Road</u> <u>Standards</u>
12-19-78	LU&DR	<u>Chapter XI, Section 1.</u> <u>Variances</u>
3-27-79	LU&DR	<u>Chapter VI, Section 1.</u> <u>Development Permit Required</u>
3-27-79	CSP	<u>Chapter I, Section 3. Purposes</u>
3-27-79	CSP	<u>Chapter II, new Section 12.</u> <u>Non-Profit Status and</u> <u>Activities</u>
3-27-79	CSP	<u>Chapter III, Section 1.</u> <u>Amendment</u>

4-17-79 LUE R-T, Teton Village Planned
Resort District

4-17-79 Description Jackson-Wilson-Teton Village
Area

4-17-79 LU&DR Chapter I, Section 7.
Definitions. Dwelling unit

4-17-79 LU&DR Chapter I, Section 7.
Definitions. Multi-family
dwellings

4-17-79 LU&DR Chapter II, Section 4.b. 4.
Authorized Uses

4-17-79 LU&DR Chapter II, delete Section 9.
Special Requirements Applicable
in R-T, Teton Village Planned
Resort District

4-17-79 LU&DR Chapter IV, Section 6.a.
Drainage

4-17-79 LU&DR Chapter IV, Section 6.g.
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4-17-79 LU&DR Chapter IV, Section 12.b.
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4-17-79 LU&DR Chapter IV, Section 12.e.
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4-17-79 LU&DR Chapter IV, Section 17.
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4-17-79 LU&DR Chapter IV, Section 18.
Maximum Density in C-V
Districts

4-17-79 LU&DR Chapter IV, Section 19.b.
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4-17-79 LU&DR Chapter IV, Section 19.f.
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4-17-79 LU&DR Chapter IV, Section 19.g.
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4-17-79 LU&DR Chapter IV, Section 19.h.
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4-17-79 LU&DR Chapter IV, Section 19.j.
Setbacks

4-17-79 LU&DR Chapter IV, Section 19.k.
Setbacks

4-17-79 LU&DR Chapter IV, Section 20.a.
Coverage by Impervious Surfaces

4-17-79 LU&DR Chapter IV, Section 20.b.
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4-17-79 LU&DR Chapter IV, Section 20.d.
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4-17-79 LU&DR Chapter IV, Section 20.e.
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4-17-79 LU&DR Chapter IV, Section 21.c.
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4-17-79 LU&DR Chapter IV, Section 23.e.
Off-Street Parking and Loading

4-17-79 LU&DR Chapter IV, Section 23.i.
Off-Street Parking and Loading

4-17-79 LU&DR Chapter IV, Section 25.d. Signs

7-3-79 LU&DR Chapter I, Section 7.
Definitions. Contiguous.

7-3-79 LU&DR Chapter X, Section 4.
Non-Conforming Sites

8-7-79 LU&DR Chapter IV, Section 19.
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8-7-79 LU&DR Chapter IV, Section 21.
Maximum Building Height

10-2-79 LU&DR Chapter IV, Section 27. Public, County and Private Road Standards

10-2-79 SBD Chapter V, Lot Division Permit

11-20-79 SBD Chapter III, Section 3.
Improvements

11-20-79 MHP new Mobile Home Park Resolution

3-18-80 LU&DR Chapter I, Section 7.
Definitions

3-18-80 LU&DR Chapter II, Section 4.a.(5).

3-18-80 LU&DR Chapter IV, Section 25. Signs

3-18-80 LU&DR Chapter VI, Section 4. Issuance of a Development Permit for Developments Meeting All Development Regulations

3-18-80 LU&DR Chapter VI, Section 5. Administrator of Planning Services' Action on Applications Requiring a Public Review

3-18-80 LU&DR Chapter VI, Section 6. Planning Commission Action on Applicants Requiring a Public Review

3-18-80 LU&DR Chapter VI, Section 7. Board of County Commissioners Action on Applications Requiring Public Review

3-18-80 LU&DR Chapter VI, Section 8. Required Considerations

3-18-80 LU&DR Chapter VI, Section 9. Required Findings

3-18-80 LU&DR Chapter VI, Section 10. Additional Required Findings for Development Permit Applications for Grading

3-18-80 LU&DR Chapter VI, Section 11. Burden of Proof for Development Permit Application for Grading

3-18-80 LU&DR Chapter VI, Section 12. Lapse of a Development Permit

3-18-80 LU&DR Chapter VI, Section 13. Revocation

5-6-80 LU&DR Chapter IV, Section 26.b. Airport Safety

7-15-80 LU&DR Chapter VIII, Section 3. Application for a Building Permit

11-6-80	LU&DR	Chapter I, Section 7. <u>Definitions.</u> Dude Ranch
5-19-81	SBD	Chapter XII, Section 3.a. <u>Enforcement</u>
5-19-81	MHP	Chapter V, Section 4.a. <u>Enforcement</u>
7-7-81	SBD	Chapter I, Section 11. <u>Definitions.</u> Lot Division
7-7-81	SBD	Chapter V, Lot Division Permit
7-7-81	SBD	Chapter VI. Administrative Provisions
10-31-81	SBD	Chapter III, Section 4. <u>Water Rights</u>
10-13-81	LU&DR	Chapter IV, Section 19. <u>Setbacks</u>
10-13-81	LU&DR	Chapter IV, Section 21.a. <u>Maximum Building Height</u>
10-13-81	LU&DR	Chapter IV, Section 25.d. <u>On-Site Signs</u>
10-13-81	LU&DR	Chapter IV, Section 25. <u>Signs</u>
10-13-81	SBD	Chapter IV, Section 2.b.(6). <u>Final Plat Contents</u>
10-13-81	LU&DR	Chapter I, Section 7. <u>Definitions.</u> Structure.
11-3-81	LU&DR	Chapter IV, Section 27. <u>Road Standards</u>
1-5-82	SAR	new Solar Access Regulations Resolution
1-19-82	SBD	Chapter V, Section 9. <u>Exemptions</u>
1-19-82	LU&DR	Chapter VIII, Section 2. <u>Building Permit Required</u>
3-16-82	LUE	Land Use Element
3-16-82	LU&DR	Chapter II, Section 1. <u>Land Use Districts</u>

3-16-82 LU&DR Chapter II, Section 4.b.(6).
Authorized Uses.

3-16-82 LU&DR Chapter II, Section 4.b.(8).
Authorized Uses.

3-16-82 LU&DR Chapter II, Section 5.
Determination of Similar Uses

3-16-82 LU&DR Chapter III, Section 6.e.
Flood Protection Districts

3-16-82 LU&DR Chapter IV, Section 12.b.
Noise Level Restrictions

3-16-82 LU&DR Chapter IV, Section 17.
Minimum Site Area

3-16-82 LU&DR Chapter IV, Section 19.d.
Setbacks

3-16-82 LU&DR Chapter IV, Section 19.e.
Setbacks

3-16-82 LU&DR Chapter IV, Section 20.a.
Coverage by Impervious Surfaces

3-16-82 LU&DR Chapter IV, Section 20.d.
Coverage by Impervious Surfaces

3-16-82 LU&DR Chapter IV, Section 21.c.
Maximum Building Height

3-16-82 LU&DR Chapter IV, Section 22.a.
Traffic Generation.

3-16-82 LU&DR Chapter IV, Section 22.b.
Traffic Generation.

3-16-82 LU&DR Chapter IV, Section 24.b.
Screening.

3-16-82 LU&DR Chapter IV, Section 25.d. (2)
Signs

3-16-82 LU&DR Chapter IV, Section 25.d.(2).a.
Signs

4-20-82 LU&DR Chapter IV, Section 19.1.
Setbacks

4-20-82 LU&DR Chapter II, Section 4.b.(5).
Authorized Uses - C-V District

4-20-82 LU&DR Chapter XII, Section 2.
Amendments

4-20-82 LU&DR Chapter VI, Section 1.
Development Permit Required

4-20-82 LU&DR Chapter VI, Section 1.a.
Development Permit Required.

4-20-82 LU&DR Chapter VI, Section 1.f.
Development Permit Required.

4-20-82 LU&DR Authorized Uses.

5-4-82 LU&DR Chapter I, Section 7.
Definitions

5-4-82 LU&DR Chapter II, Section 4.b.(1).
Authorized Uses.

5-4-82 LU&DR Chapter III, Section 6.c.
Regulations for Flood Protection District; 25-50 Year Flood Area and for Flood Protection District: Flat Creek Winter Flood Area

5-4-82 LU&DR Chapter IV, Section 19.g.
Setbacks

5-4-82 LU&DR Chapter IV, Section 19.h.
Setbacks.

5-4-82 LU&DR Chapter IV, Section 19.m.
Setbacks

5-4-82 LU&DR Chapter IV, Section 22.c.
Traffic Generation.

5-18-82 SBD Chapter I, Section 7.
Exemptions

5-18-82 SBD Chapter I, Section 8.
Consistency With Comprehensive Plan

5-18-82 SBD Chapter I, Section 9.
Conformity With Land Use and Development Regulations

5-18-82 SBD Chapter I, Section 10. Fees

5-18-82 SBD Chapter I, Section 11. Definitions

6-1-82 LU&DR Chapter IV, Section 20. Coverage by Impervious Surfaces

6-15-82 LU&DR Chapter I, Section 7. Definitions. Use

6-15-82 LU&DR Chapter II, Section 4.b.(1). Authorized Uses.

6-15-82 LU&DR Chapter III, Section 2.a. District Boundaries

6-15-82 LU&DR Chapter IV, Section 23.e. Parking Standards

6-15-82 LU&DR Chapter IV, Section 23.f.(2) Parking Standards

6-15-82 LU&DR Chapter IV, Section 23.g. Parking Standards

7-6-82 LU&DR Chapter IX. Home Occupations

8-3-82 Description Commercial center descriptions

8-3-82 LU&DR Chapter I, Section 7. Definitions. Commercial center.

9-28-82 LU&DR Chapter I, Section 7. Definitions. Bicycle and Pedestrian facilities.

9-28-82 LU&DR Chapter IV, Section 20.c. Coverage by Impervious Surfaces

9-28-82 LU&DR Chapter IV, Section 20.d. Coverage by Impervious Surfaces

9-28-82 LU&DR Chapter IV, Section 20.f. Coverage by Impervious Surfaces

11-18-82 LU&DR Chapter IV, Section 15. Fire and Explosive Hazards

5-3-83 SPE Scenic Preservation Easement

5-3-83 LU&DR Chapter II, Section 4. Authorized Uses. Similar Use Determination

10-4-83 LUE, LU&DR and SBD LUE and LU&DR Chapter I, Section 5. Interpretation, Chapter II, Section 8? Determination of Similar Uses, and Chapter II, Section 8. Special Requirements Applicable on RPJ, Jackson Planned Expansion District, and SBD Chapter I, Section 5. Interpretation

12-6-83 SBD Chapter III, Section 3.c. Improvements

1-3-84 LU&DR Chapter VI, Section 1.a.c.d.f. Development Permit Required and Chapter VII, all sections

1-24-84 LU&DR Chapter IX, Section 2. Definitions and Limitations of Home Occupation. Similar Use Determination

3-6-84 LU&DR and SBD LU&DR Chapter II Land Use Districts, Chapter IV, Performance Standards, Chapter X, Variances, and SBD Chapter III, Preliminary Plat, Chapter V, Lot Division Permit

6-19-84 BC New Building Codes Resolution

9-18-84 HMP New Highway Master Plan Resolution

10-16-84 LU&DR Chapter II, Section 4. Authorized Uses, Similar Use Determination

12-18-84 LU&DR and SBD Chapter I, Section 7. Definitions, and SBD Chapter I, Section 11. Definitions.

4-2-85 BC Chapter I, Section 6. Adoption of Technical Codes, and Section 13. Fees.

5-7-85 LU&DR Chapter II, Section 4. Authorized Uses.

6-4-85 SWF New Small Wastewater Facility Resolution

7-2-85 LU&DR Chapter VI and Chapter VIII.

9-17-85 BC Chapter I, Section 6.

10-15-85 LU&DR Chapter II and new Chapter VII (Conditional Uses).

12-3-85 SBD Chapter III, Section 3.
Improvements

3-4-86 LU&DR and MHP Miscellaneous editing changes.

4-8-86 LU&DR Chapter IV, Section 19.
Setbacks from Open Space

4-8-86 LU&DR Chapter IV, Section 19.
Setbacks from Trash Sheds

4-8-86 LU&DR Chapter IV, Section 26.
Airport Safety

4-8-86 SBD Chapter IV, Section 3.
Recordation Certificates

8-21-86 SBD Chapter IV, Section 7.
Modification of Filed Subdivision Plats

9-22-86 BD Chapter I, Section 16.
Enforcement

12-2-86 BD Chapter I, Section 6.a.(11).
Bed and Breakfast and Ranch Recreation

12-2-86 LU&DR Chapter IV, Section 20.
Impervious Surface

3-3-87 BD Chapter I, Section 6.f.
Electrical Codes.

6-16-87 LU&DR Chapter II, Section 6. and Chapter VII, Section 14.n.
Equipment Contractor Yard.

7-21-87 LU&DR Chapter IV, Section 21. Maximum Building Height

7-21-87 SBD Chapter III, Section 3.
Improvements

7-21-87 LU&DR Chapter V, Section 8. Open Space Requirements

8-4-87 BC Chapter I, Section 6.a.(3).
Fees

8-18-87 LU&DR Chapter X, Section 4. Non-Conforming Sites

9-1-87 ADR New Airport District Resolution

12-21-87 LU&DR Chapter IV, Section 25. Signs

2-15-88 LU&DR Chapter I, Section 7.
Definition of Bed and Breakfast

3-15-88 LU&DR Chapter IV, Section 25. Signs

4-5-88 LU&DR Chapter II, Section 6.
Recreational Uses

4-5-88 LU&DR Chapter VII, Section 14(f).
Specific Use Standards

6-21-88 HMP Chapter III, Section 1(g).
Road Planning - Cul-de-sac

8-23-88 LU&DR and MHP All References to Public Notices

9-28-88 GP Goals and Policies

11-1-88 LU&DR Chapter V. Clustered and Planned Unit Developments

11-1-88 SBD Subdivision Resolution Regulations - All Chapters

11-1-88 HMP Transportation Master Plan - All Chapters

12-6-88 LU&DR Horticultural Uses, Nurseries, Greenhouses, Fish Ponds

12-20-88 BC Adoption of 1988 Uniform Building, Plumbing, Electrical and Mechanical Codes

Abbreviations

ADR	Airport District Resolution	7/24/1 88-1-8
BC	Building Codes Resolution	7/24/1 88-1c-si
CSP	County Scenic Preserve Resolution	
Description	Description of the Plan	7/24/1 88-1d-s
HMP	Transportation Master Plan Resolution	
LUE	Land Use Element	
LU&DR	Land Use and Development Regulations Resolution	7/24/1 88-1e-l
MHP	Mobile Home Park Resolution	7/24/1 88-1-f
SAR	Solar Access Regulations Resolution	
SBD	Subdivision Regulations Resolution	
SPE	Scenic Preserve Element	7/24/1 88-1-g
SWF	Small Wastewater Facility Resolution	

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 eight resolutions, containing the Land Use and Development Regulations, the Subdivision Regulations, the County Scenic Preserve Trust Resolution, the Mobile Home Park Resolution, the Solar Access Regulations, the Highway Master Plan Resolution, the County Building Codes Resolution, and the Small Wastewater Facility Resolution. For simplicity, the definitions at the beginning of each resolution may also be used to interpret other resolutions when necessary.

Preparation of the original 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. Lynn 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 officials, and non-voting representatives of the National Park Service, and U.S. Fish and Wildlife Service. The Project Director was Dr. Eugene Zeisel, 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 Heritage Conservation and Recreation Service, 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 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 Act.

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.

Groundwater Categories maps classified lands as well-drained hillslopes with slightly to highly permeable soils and with groundwater levels generally more than 5 feet below the surface; well drained lands under 10 percent slope with moderately to highly permeable soils and with groundwater levels generally more than 5 feet below the surface; moderately drained, nearly level lowlands with moderately permeable soils and with groundwater levels generally 3 to 5 feet below the surface; and poorly drained, nearly level lowlands with low soil permeability and with groundwater 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 over 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.

GOALS AND POLICIES OF THE COMPREHENSIVE PLAN

Goal 1.0. To promote the economic vitality of the county by insuring that the quality of the local setting and historic western character is maintained.

1.01. Tourism is recognized as being vital to the economy of the county. It shall be the policy of the county to review all development proposals to avoid diminishing the quality of the local setting.

1.02. It is the policy of Teton County to encourage the kind of commercial development that responds to the diverse characteristics of our resident labor force.

1.03. Consideration of additional commercial uses will be evaluated in the context of the importance of maintaining the unique setting that is Jackson Hole. Our tourism-based economy is dependent on the continued protection of the valley from visual or environmental despoliation.

1.04. It is the policy of Teton County to encourage diversity of housing opportunity, especially for seasonal and service employees.

Goal 2.0. To maintain a quality environment in terms of scenic vistas, fish and wildlife habitat, and open space protection.

2.01. The county shall develop criteria to identify critical scenic areas and open spaces.

2.02. Where land is proposed to be restricted from reasonable development solely because of its scenic or wildlife value, a funding source must be identified, and the landowner compensated to the extent that the property's value is unreasonably diminished.

2.03. Ranching is an important part of the local setting, and provides a critical background to tourism. It shall be the policy of the county to encourage the continuation of ranching.

2.04. Development proposals will be reviewed to limit interference with scenic vistas, scenic highways, hillsides and hilltops, and despoliation of the visual setting.

2.05. Development will be directed away from critical wildlife habitats, and developed and sited in such a way as to afford the least possible interruption of migration routes.

2.06. Ground water, surface water, and riparian habitats shall be protected from despoliation by careful review of development proposals near streams and other natural waterways.

2.07. Ground water shall be protected from despoliation by careful review of development proposals for wastewater systems or sub-surface storage tanks.

2.08. Air Quality shall be maintained by reviewing development proposals to assure that the applicable performance standards will be met.

2.09. Environmental constraints of proposed developments shall be considered in the review of development proposals. Flood-prone areas, seismically active areas, areas with unstable soils, or landslide or avalanche-prone areas shall be considered to require special review in the project approval process.

Goal 3.0. To maintain our rural sense of community and lifestyle characterized by western history and traditions, individualism, and widespread participation in outdoor recreation activities.

3.01. To encourage only those outdoor recreation opportunities and resort developments that are traditional to Jackson Hole, or are in keeping with our setting.

Goal 4.0. To provide for a safe and efficient transportation system in the county, while maintaining the scenic setting and rural character.

4.01. It shall be the policy of the county to maintain the scenic character, and protect environmentally sensitive areas when evaluating the need for additional roadways, and when reviewing their design and placement.

4.02. Attention will be directed at encouraging development of pedestrian, bicycle, and horse travelways that are removed from conflicts with automobiles.

Goal 5.0. The county will continue to pursue progressive approaches to land development review and land use regulation in order to strive to become a model community, recognized for its spectacular setting, and the care and attention devoted to attaining it.

5.01. The planning program in Teton County shall be an open program that solicits input from all citizens through public meetings, and the use of local media to disseminate information on issues and proposed amendments or modifications to policies.

5.02. It shall be the policy to maintain an interactive planning environment, encouraging cooperation between the citizens, the county, and other governmental agencies having jurisdictions affecting the county.

5.03. Development proposals shall be examined in terms of the economic demands they place on the community. In cases that appear to have a potential negative fiscal impact on the community, the County may require that a fiscal impact analysis be prepared by the developer, with specific remedies proposed for negative impacts.

5.04. Flexible site design controls shall be encouraged, where the intent of the Land Use and Development Controls is not compromised.

5.05. The policy on the location of urban type development shall be to permit such development only when the necessary infrastructure and public services can be made available.

5.06. The clustering of development to protect open spaces and critical areas shall be encouraged.

5.07. Strip commercial development along the highways is considered inappropriate in the county.

5.08. New commercial development shall be permitted only after careful needs analysis. In addition, it will be considered and evaluated in light of its visual, environmental, and traffic impacts, as well as its suitability considering surrounding land uses.

5.09. Development proposals shall be reviewed to determine that the least possible disruption to ranching results.

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, 5 types of commercial districts, and a light industrial/distribution district. The maps also indicate designated commercial centers within which intense commercial development will be allowed. These are the land use districts:

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

RA-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 groundwater less than 3 feet below the surface, not attributable to irrigation, in the Slide Lake-Gros Ventre, Moran-Buffalo Fork, South County-Hoback, and Alta areas.

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

RA-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 groundwater less than 3 feet below the surface, not attributable to irrigation, in the Jackson-Wilson-Teton Village area.

RA-6-3(variable), Residential/Agricultural District: 1 residential unit per 6-3 acres. These lands include high terraces and low terraces with groundwater less than 3 feet below the surface where the groundwater 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 groundwater 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.)

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

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

RPJ, Jackson Planned Expansion District: All proposed uses and densities shall be determined by the Board of County Commissioners. The County Commissioners will consult with appropriate officials of the Town of Jackson in making such determinations.

RTM, Teton Village Planned Resort Multiple Family District, RTR, Teton Village Planned Resort Single Family District, and RT-CV/CL, Teton Village Planned Resort Visitor Commercial/Local Convenience Commercial District.

CR, Restricted Commercial District: Retail business, office and personal service establishments of the type permitted in the CL district but with lower densities and more restrictive performance standards. Intended to apply primarily to existing non-conforming commercial uses or to minor commercial uses within residential planned unit developments.

CT, Transition Commercial District: Office, personal service and home occupation establishments meeting residential performance standards and intended to serve as a buffer between commercial and residential districts. Not to extend more than 200 feet from any adjacent CL, CV, CG or I district.

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

CL, 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. Intended to be located within commercial centers.

CG, General Commercial District: All types of commercial establishments including commercial service and wholesale business establishments. Intended to be located within the Jackson commercial center.

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 RA 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.

Commercial development is intended to be concentrated in commercial centers in order to ensure the most efficient provision of commercial services to the public and to minimize impacts on residential areas and on the County's roadway system. These commercial centers are described in the "Description of the Plan" and on the Land Use Element maps included as parts of the Teton County Comprehensive Plan.

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 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 limits its use to agriculture, dude ranches, outdoor recreation, and similar low-intensity uses.

Compensation for scenic preservation may also come from the reduced federal income and/or estate taxes resulting from the donation of a perpetual scenic or conservation easement to a qualified body, as well as from the satisfaction of knowing that the land will be permanently protected. Scenic or conservation easements are recognized as effective tools for preserving the scenic and wildlife resources of Teton County wherever they may occur on private lands.

Therefore, voluntary donations of perpetual conservation or scenic easements, either to the County Scenic Preserve Trust or to a private, non-profit land conservation organization, are specifically recognized and endorsed as an appropriate means of implementing the local conservation and scenic preservation policies delineated in this Scenic Preservation Element, and elsewhere in the Teton County Comprehensive Plan and Implementation Program.

Because there are not likely 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 where 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. 26/89/191, the major north/south highway traversing the County, U.S. 189/191 which parallels the Hoback River, U.S. 26/187 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 purchase 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. 26/89/191 Wyoming 22 "Y" in the visitor commercial and light industrial categories. An 80-acre site on the west side of the highway opposite the Town of Jackson is proposed for industrial and general commercial uses. 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.

The only area designated for new residential development at urban densities lies south of East Gros Ventre Butte and west of U.S. 26/89/191. The uses and densities in this area shall be determined by the Board of County Commissioners. The County Commissioners will consult with appropriate officials of the Town of Jackson in making such determinations.

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. 26/89/191 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 1 unit per 3 acres.

Important exceptions are the Flat Creek winter flood area where development is limited to 1 residential unit per 6 acres, and lands with groundwater less than 3 feet below the surface, where development also is to be limited to 1 unit per 6 acres unless the water table drops below 3 feet upon removal of irrigation, in which case development at 1 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 1 residential unit per 10 acres, but there are substantial amounts of land free of environmental constraints that are suitable for development at up to 1 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 1 unit per 6 acres because of the 25-50 year frequency flood hazard and the high groundwater level. The proposed highway approach corridor would extend for a quarter mile on each side of Route 22, except for a small commercial center near the Wilson townsite, now mostly developed, which is designated for local convenience commercial uses.

Generally, 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 are designated for development at not more than 1 unit per 3 acres. In Teton Village residential densities are shown in accordance with the Land Use and Development Resolution. Commercial centers are located at Teton Village, The Aspens and at Moose. A new commercial center is proposed for the intersection of Spring Gulch Road and Sagebrush Drive.

In Spring Gulch the predominant density would not exceed 1 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 1 unit per 20 acres and 1 unit per 10 acres, but on both buttes there are significant amounts of land where development at densities as high as 1 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 26/89/191 north of Jackson.

SLIDE LAKE - GROS VENTRE AREA

In this area, development of most of the privately owned lands is to be limited to 1 residential unit per 3 acres. In portions of the area subject to environmental problems (flooding, steep slopes, unstable soils, or high groundwater), densities are proposed not to exceed 1 unit per 7.5 acres, 1 unit per 10 acres, or 1 unit per 20 acres, depending on the severity of the problem. A minor commercial center at Kelly provides local convenience services to this area.

MORAN - BUFFALO FORK AREA

Most of the land here is also designated for development at not more than 1 residential unit per 3 acres. Exceptions are lands subject to environmental constraints where the maximum density would be 1 unit per 10 acres or 1 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. The Moran Junction commercial center provides local convenience services for this area.

SOUTH COUNTY - HOBACK AREA

Here, also, development would be limited to 1 residential unit per 3 acres, except on lands with environmental problems where lower densities would prevail. Hoback Junction is designated as a visitor/local convenience commercial center. There is also an existing visitor commercial area at Astoria Hot Springs. Elsewhere, development would be limited along the frontage of U.S. 26/89/191 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 1 unit per 3 acres. Exceptions are lands subject to environmental constraints where the maximum density is 1 unit per 5 acres, 7.5 acres, 10 acres, or 20 acres, depending on the severity of the problem, and a proposed local convenience commercial center east of the Alta school.

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 Heritage Conservation and Recreation Service 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 Heritage Conservation and Recreation Service. 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 Heritage Conservation and Recreation Service.

The Service has a program of technical assistance to state and local governments and private non-profit organizations. According to a service 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 5 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 representatives 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 jurisdiction, 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 18-5-201 through 18-5-202, Wyoming Statutes, 1977, 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 groundwater resources; and by the establishment of grading regulations in order to limit or prohibit earth moving that would endanger human life or property, would cause environmental damage, or would degrade water quality.

*and are hereby
adopted as an
element...
see definition
of Comp. Plan*

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, annual, 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 statute of the State of Wyoming, then the provisions of this resolution shall govern. Notwithstanding anything herein contained to the contrary, the State Statutes provide and it is the intent of this resolution that the Planning Commission act solely as a recommending body and all final acts, determinations, and approvals, and the issuance of all permits shall be solely within the authority of the Board of County Commissioners.

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. Where a word is not defined in this section, the definitions contained in Chapter I, Section 10 of the Subdivision Regulations Resolution, or in Chapter I, Section 6 of the Highway Master Plan Resolution shall apply.

1. "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.

2. "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.

3. "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.

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

5. "Agricultural Employee Housing". Housing provided for employees of a working ranch of at least 100 acres, no such housing unit shall be used as rental property.

6. "Agriculture". Use of a site of 35 acres or more for the production of crops, livestock, or poultry, for sale, barter, trade, or home consumption, including structures and other improvements incidental to such activities.

7. "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.

8. "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.

9. "Bed and Breakfast". A single family residence that serves as a lodging facility containing not more than five (5) guest rooms, having a single kitchen, and common dining room, where the length of stay is not more than thirty (30) consecutive days per guest, and the primary entry to each guest room is from within the residence.

*Assessor
Stories
used in
IV 21-22
are not
defined*

10. "Bicycle Facilities". Bikeways, protected lanes, marked roadway shoulders, bicycle racks, lockers or similar facilities intended to provide for safe use and parking of bicycles.

11. "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.

12. "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 teepee, tent, or similar type of temporary structure.

13. "Bulk, Building or Structure". The magnitude in three dimensions of a building or structure.

14. "Burning, Active to Intensely Burning Material." A material that has a low ignition 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.

15. "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.

16. "Caretaker's Residence". A dwelling unit within a commercial or industrial district for the purpose of providing security where necessary.

17. "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.

18. "Condominium, Time-Share". A condominium ownership of a residential unit in which purchase is for interval ownership with ownership conveyed by deed/license.

*[] delete
(out of
place)*

19. "Commercial Centers". Those portions of the County which either through use or designation by the Board of County Commissioners have been included in the Teton County Comprehensive Plan to provide concentrations of commercial development intended to serve the needs of surrounding residents. }

20. "Commercial Stable". A business or buildings which provide shelter and feeding of horses for hire.

21. "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.

22. "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.

23. "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.

24. "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.

25. "Condominium, Time-Share". A condominium ownership of a residential unit in which purchase is for interval ownership with ownership conveyed by deed/license.

26. "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.

27. "Corral, Non-Agricultural". An enclosure or pen for horses, cattle, or other livestock not accessory to an agricultural use.

adjust { 28. "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.

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

30. "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.

Buy one or more land uses? { 31. "Development". Any alteration of the natural land surface, and all buildings, structures, facilities, utilities, sewage 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.

Clarify { 32. "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.

Clarify { 33. "Direct Access". For commercial uses, access to the required roadway over public or private roads which do not abut developed or potentially developable residential sites or districts.

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

35. "Dog Kennel/Breeder". A lot, building, or business in which four or more dogs are kept commercially for board, propagation, training or sale.

36. "Dude Ranch". A ranch with guest accommodations which has a lodge facility used for dining, separate from individual guest cabins with sleeping rooms sufficient to house at least one family; and also shall include barns, associated outbuildings, corrals, pastures and horses available to accommodate guests for riding activities. Typical services provided include horseback trips day and overnight, hunting guide trips, fishing trips, float trips, cook-outs, cross-country skiing, snowmobiling and other planned outdoor associated recreational activities for guests only. A dude ranch shall not operate a public cafe, a licensed bar or actively solicit one night accommodations trade. In the event of a dispute relating to the qualification of an applicant under this definition, the determination of the County Commissioners shall be final. In making such determination, County Commissioners shall examine and consider all of the surrounding circumstances; including the concepts of customary dude ranching operations in Teton County.

37. "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 RT districts a multi-family dwelling may be further subdivided into rentable rooms which do not contain a kitchen.

38. "Elevated Leach Field" A standard leach field which is constructed in fill material above the natural land surface.

39. "Equipment Contractor Yard". A site for a dirt moving and/or snow removal business including the storage, maintenance or use of graders, dumptrucks, bulldozers, backhoes, snow plows, sanding trucks, water trucks, transports, etc. It may also include the storage of supplies and materials such as culverts, sewer and water pipe, septic tanks and material such as rocks, sand and gravel; but not including cement trucks, asphalt equipment, rock crushing or screening equipment.

40. "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.

This def. limits to dirt moving or snow removal businesses - what @ construction? Why is equipment cited at all when definition is predicated on the type of business.

41. "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.

42. "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.

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

44. "Fill Slope". The slope surface of the outward margins or sides of a fill.

45. "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.

46. "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.

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

48. "Groundwater". 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.

49. "Groundwater Supply". Any artificial method of seeking groundwater.

50. "Guest House". An accessory, detached building, not exceeding 800 square feet in size, or 15 percent of the floor area of the primary structure, whichever is greater, and which is designed and used exclusively for the housing of non-paying visitors or guests of the main dwelling on the site.

51. "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.

52. "Height, Building or Structure". The vertical dimension of a building or any type of structure measured as prescribed in Chapter IV, Section 21.

* See comments
IV - 20/21

53. "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 IX.

54. "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.

} see comments
pg IX-1&2

line space

55. "Indoor Arcade". A group of five or more amusement games or other amusement machines in the same location.

56. "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.

57. "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 therefore normally in a fixed position and equipped with a sink and running water.

58. "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.

59. "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.

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

61. "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.

62. "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.

63. "Mobile Home Park". A development designed exclusively for the parking or other type of installation of mobile homes on spaces or lots offered for 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 sites or lots available on a transient basis.

64. "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.

65. "Motor Vehicle Repair Shop". A service station or other similar facility in which motor vehicle repairs are performed for hire.

66. Multi-Family Dwelling". A building containing two or more dwelling units. In the RT districts multi-family dwellings may be further subdivided into rentable rooms which do not contain a kitchen.

67. "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.

68. "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.

69. "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, or of the environmental protection district within which it is located as prescribed in Chapter III.

70. "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.

71. "Outdoor Boat or Trailer Storage". A lot on which recreational vehicles such as campers, boats, snowmobile trailers and other similar recreational equipment are stored.

72. "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.

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

74. "Pedestrian Facilities". Sidewalks, pedestrian trails, malls and similar facilities intended to provide for safe and attractive movement of pedestrians.

75. "Percolation Test". A method of testing absorption qualities.

76. "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.

77. "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.

78. "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.

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

80. "Plat Review Committee". The Committee formed by the Board of County Commissioners for the purpose of reviewing subdivision plats to ensure 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.

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

82. "Public Facility". Any publicly owned and operated use, building, or establishment such as a school, post office, fire station, courthouse.

83. "Public Water Supply". Any water supply being distributed by 20 or more service connections utilized to furnish water for human consumption either in preparing foods or beverages for inhabitants of residences or business establishments. A public water supply includes the source, treatment system, waste disposal system, distribution system, service connections, finished water storage and pumping stations.

84. "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.

85. "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.

86. "Recreational Vehicle Park". An outdoor recreation facility providing overnight accommodations in the form of spaces and hookups for recreational vehicles or camper trailers, excluding mobile homes, and providing the necessary facilities.

87. "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.

88. "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.

89. "Setback". The distance from a site boundary line, required by the provisions of Chapter IV, Section 19, 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.

90. "Setback Area". The area within a site between the site boundary and the corresponding setback line within the site.

91. "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.

92. "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 2 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.

93. "Single-Family Residence". A detached building designed for or used as a dwelling exclusively by one family as an independent housekeeping unit.

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

95. "Site Area". The total horizontal area included within the boundary lines of a site.

96. "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.

97. "Site Boundary Line, Side". The boundary line of a site extending from the front line towards the opposite or rearmost portion of the site.

98. "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.

99. "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.

100. "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.

101. "Spectator Sports Facility". A recreational facility for the purpose of holding a sporting event such as football, rodeo, polo, soccer, baseball, and other similar activities.

102. "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. A structure does not include a fence or a wall used as a fence 4 feet or less in height, or any fence not constituting a visual barrier; nor does it include mail boxes, free-standing on-site signs, light standards or poles, lines, cables, or other transmission or distribution facilities of a public utility.

103. "Structure, Principal or Main". A building or structure housing the principal use of a site or functioning as the principal use.

104. "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 18-5.303, Wyoming Statutes 1977, as amended.

105. "Tent Campground". A campground exclusively for tent camping (see campground).

106. "Tepee". A slightly tilted cone-shaped tent, supported by three or more poles, and having a smoke vent located at the apex of the cone. Historically used by North American Indians as portable housing.

107. "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.

108. "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.

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

110. "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. For non-residential structures or sites having more than one purpose, except shopping centers and similar developments, a use shall be defined as any purpose to which more than 10 percent of gross floor or site area is dedicated.

111. "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.

112. "Use, Residential". A use primarily providing living accommodations for families on a non-transient basis.

113. "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.

114. "Wastes". Any sewage, industrial waste, and all other liquid, gaseous, solid, radioactive, or other substances, which may pollute any waters of the state.

115. "Wastewater Disposal System". Any system used for the disposal of wastes either by surface or underground methods, including sewage 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.

116. "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 1977, as amended.

117. "Wildlife Migration Route". A route instinctively and consistently selected by migratory land-bound animals in their seasonal movements, as determined by the State of Wyoming Department of Game and Fish.

118. "Yurt". A circular, dome-shaped tent, portable in nature, utilized as a year 'round dwelling unit and having a tension cable located around the circumference of the structure as its major support member.

119. "Yurt Park". A development designed exclusively for the installation of yurts and/or tepees on spaces offered for rent, including all improvements and other facilities for the use of residents of such developments.

CHAPTER II
LAND USE DISTRICTS & AUTHORIZED USES

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:

RA-20	Residential/Agricultural District, 1 unit per 20 acres
RA-10	Residential/Agricultural District, 1 unit per 10 acres
RA-7.5	Residential/Agricultural District, 1 unit per 7.5 acres
RA-6	Residential/Agricultural District, 1 unit per 6 acres
RA-6/3 (Variable)	Residential/Agricultural District, 1 unit per 6-3 acres (Variable)
RA-5	Residential/Agricultural District, 1 unit per 5 acres
RA-3	Residential/Agricultural District, 1 unit per 3 acres
RPJ	Jackson Planned Expansion District
RTR	Teton Village Planned Resort Single Family District
RTM	Teton Village Planned Resort Multiple Family District
RT-CV/CL	Teton Village Planned Resort Visitor Commercial/Local Convenience Commercial District
CR	Restricted Commercial District
CT	Transition Commercial District
CV	Visitor Commercial District
CL	Local Convenience Commercial District
CG	General Commercial District
I	Light Industrial/Distribution District

Section 2. Special Provisions Applicable to RA-6/3 (Variable), Residential/Agricultural District. A development density greater than one unit per six acres, but not exceeding one unit per three 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, if the County determines by appropriate testing procedures made upon application of the owner, that the high groundwater condition is caused by irrigation practices, and that the groundwater level drops below three 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 RA-6/3 (Variable) District.

Section 3. Special Requirements Applicable in RPJ, Jackson Planned Expansion District. All proposed uses and densities shall be determined by the Board of County Commissioners. The County Commissioners will consult with appropriate officials of the Town of Jackson in making such determinations.

Section 4. District Boundaries. The boundaries of the land use districts shall be shown on the Land Use Element maps, and may be shown on the 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.

Section 5. 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," "Groundwater 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 a 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 permanent files of the County.

g. If the investigation justifies revision of the map or maps, the property owner or developers 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 6. Authorized Uses. Unless expressly prohibited by the regulations for an environmental protection district prescribed in Chapter III, the various types of land uses shall be authorized as indicated in the following table. Where a listed use is not shown as an outright or conditional use in a district, it shall be prohibited. Where a proposed use is not listed, the similar use determination procedures specified in Section 7 of this chapter shall be followed. No use or structure may be made or constructed except in conformance with all applicable county, state or federal regulations, including all performance standards and regulations contained in this resolution, and with all necessary county, state and federal permits and approvals.

TABLE OF AUTHORIZED USES BY DISTRICT

O - Outright Uses

C - Conditional Uses

RA* RPJ RTM CR CT CV* CL*CG I

AGRICULTURAL USES

Agricultural Uses	O	O	O	O	O	O	O	O
<u>General</u>								

Outright agricultural uses with structures greater than 7,500 square feet of gross floor area (GFA) shall be required to follow the development permit public review process in Chapter VI of this resolution.

RESIDENTIAL USES

Agricultural Employee								
<u>Housing***</u>	C							
<u>Bed & Breakfast</u>	C	C	C					
<u>Caretaker's Residence</u>				C	C	C	C	C
<u>Clustered Residential Development</u>	C	C						
<u>Coop Housing**</u>	C	C	O	C				
<u>Condominium (whole-owned)**</u>	O	O	O	C@				
<u>Duplex**</u>	O	O	O					
<u>Guest House</u>	O	O	O					
<u>Home Occupation (pursuant to Ch VIII)</u>	O	O	O	O	O	O	O	O
<u>Homeowner's Assoc or Serv Facility</u>	C	C	C	C		C		
<u>Mobile Home Park***/ Mobile Home Park Office (no transients)**</u>	C	C		C		C	C	
<u>Planned Unit Dev</u>	C	C						
<u>Rest Home/Nursing Home</u>	C			C				

* RTR same as RA; RT-CV/CL same as CV and CL.

** Within a clustered residential development, planned unit development or on a site large enough to allow the proposed number of units.

*** Uses that require, as a minimum, the specific standards listed in Chapter VII, Section 14.

@ Subject to density regulations.

O - Outright Uses

C - Conditional Uses

RA* RPJ RTM CR CT CV* CL*CG I

Residential Accessory

<u>Structure</u>	O	O	O	C	C	C	C	C	C
<u>Rooming or Boarding</u>									
<u>House (max 5 rental rooms)</u>	C	O			O				
<u>Single Family Residence</u>	O	O	O	C@					
<u>Townhouse**</u>	O	O	O	C@					
<u>Yurt Park**/***</u>	C	C		C		C	C		

VISITOR ACCOMMODATIONS AND SERVICES

<u>Condominium (time-share)</u>	O								
<u>Condominium/Townhouse</u>									
<u>Rental Pool</u>	C	C	O	C	C	O			
<u>Dude Ranch***</u>	C				C				
<u>Hotel, Motel and Access-</u>									
<u>sory Commercial Facilities</u>				O		O			
<u>Outfitter, Rafting Bus.</u>	C			O		O			
<u>Tent Campground/Recrea-</u>									
<u>tion Vehicle Park***</u>				C	O	O			

Outright visitor uses that exceed 500 trips per day or have structures exceeding 10,000 square feet of gross floor area (GFA) shall be required to follow the development permit public review process in Chapter VI of this resolution.

RECREATIONAL USES

<u>Bowling Alley, Indoor</u>									
<u>Skating Rink</u>							O	C	
<u>Commercial Stable***</u>	C				C			O	
<u>Community Center</u>	C	C		C	C	C	O		
<u>Drive-in Theater</u>				C		C	C		
<u>Fish Pond</u>	C	C	O	O	C	O	O	O	
<u>Golf Course, including</u>									
<u>Clubhouse, Driving Range, and associated uses</u>									
<u>operated in conjunction</u>									
<u>therewith</u>	C	C			C	C			

X amended

* RTR same as RA; RT-CV/CL same as CV and CL.

** Within a clustered residential development, planned unit development or on a site large enough to allow the proposed number of units.

*** Uses that require, as a minimum, the specific standards listed in Chapter VII, Section 14.

@ Subject to density regulations.

O - Outright Uses

C - Conditional Uses

RA* RPJ RTM CR CT CV* CL*CG I

<u>Indoor Arcade or Amusement Facility</u>					C	C	O	C
<u>Indoor Riding Arena***</u>	C				C	O	O	
<u>Public Park, Playground</u>	O	O	O	O	O	O	O	O
<u>Recreational Building or Recreational Use operated by a private non-profit agency</u>	C	C	C	C	C	C	O	C
<u>Spectator Sports Facility</u>	C	C	C	C	C	C	O	C
<u>Ski Tow or Lift & necessary related facilities</u>				C		C		
<u>Tennis, Racquet or Health Club</u>					C	C	O	C
<u>Theater (not including Drive-in)</u>					C	C	O	C

Outright recreational uses with structures exceeding 10,000 square feet of gross floor area (GFA) shall be required to follow the development permit public review process in Chapter VI of this resolution.

RETAIL COMMERCIAL USES

<u>Antique Shop</u>			C	C	O	O	
<u>Apparel Store</u>				C	O	O	
<u>Artist, Art or Photography Studio, including sales or classes</u>	O	O	O	O	O	O	
<u>Bakery Goods Store</u>	C		C	O	O		
<u>Building Equipment and Supply Sales</u>					O	O	
<u>Camera Shop</u>	O	O	O				
<u>Catalog Showroom</u>			O	O			
<u>Convenience Food Store (1 - 4 gas pumps)</u>		C	O	O			

* RTR same as RA; RT-CV/CL same as CV and CL.

** Within a clustered residential development, planned unit development or on a site large enough to allow the proposed number of units.

*** Uses that require, as a minimum, the specific standards listed in Chapter VII, Section 14.

@ Subject to density regulations.

O - Outright Uses

C - Conditional Uses

RA* RPJ RTM CR CT CV* CL*CG I

Department or Discount

<u>Store</u>				O	
<u>Drug Store</u>	C	C	O	O	
<u>Christmas Tree Sales</u>				O	
<u>Electrical Equipment</u>					
<u>Sales & Service</u>			C	O	O
<u>Farm Equipment Sales</u>					
<u>& Service</u>			O	O	O
<u>Feed Store</u>			O	O	O
<u>Food Store, Delicatessen</u>	C	C	O	O	
<u>Furniture Store</u>			C	O	
<u>Garden Supply Store</u>	C	C	C	O	O
<u>General Store (<2000</u>					
<u>Square feet GFA)</u>	C	C	O	O	
<u>Handicrafts Studio, in-</u>					
<u>cluding sales or classes</u>	O	O	O	O	O
<u>Hardware or Paint Store</u>			C	O	O
<u>Comm. horticultural uses, in-</u>					
<u>cluding nurseries, greenhouses</u>					
<u>and aquaculture</u>	C	C	O	O	O
<u>Liquor Store</u>			C	O	O
<u>Motor Vehicle, Boat or</u>					
<u>Trailer Sales & Service</u>				O	O
<u>Motor Vehicle or Boat</u>					
<u>Parts Store</u>			C	O	O
<u>Power Equipment Sales</u>					
<u>or Rental Business</u>			C	O	O
<u>Radio or Television</u>					
<u>Sales & Service</u>			C	O	C
<u>Refrigeration Equip-</u>					
<u>ment Sales & Service</u>			C	O	O
<u>Supermarket</u>				O	

* RTR same as RA; RT-CV/CL same as CV and CL.

** Within a clustered residential development, planned unit development or on a site large enough to allow the proposed number of units.

*** Uses that require, as a minimum, the specific standards listed in Chapter VII, Section 14.

@ Subject to density regulations.

Outright retail commercial uses that exceed 200 trips per day, or have structures exceeding 3,000 square feet of gross floor area (GFA) or have a property size of 2 acres or larger, shall be required to follow the development permit public review process in Chapter VI of this resolution.

O - Outright Uses

C - Conditional Uses

RA* RPJ RTM CR CT CV* CL*CG I

SERVICE COMMERCIAL USES

<u>Bank, Drive-in</u>		C	C	O	C
<u>Bank, Walk-in</u>		C	O	O	C
<u>Bar, Saloon or Pub</u>	C	C	C	O	
<u>Car Wash</u>		C	O	O	
<u>Cleaning Establishment,</u>					
<u>Laundry</u>		C	O	O	
<u>Dog Kennel/Breeder***</u>	C		C	C	
<u>Frozen Food or Cold Storage Locker</u>			O	O	
<u>Furniture Repair or Upholstery Shop</u>	C	C	C	O	O
<u>Gasoline Service Station</u>	C	C	C	O	C
<u>Gunsmith, Taxidermy Shop</u>	O	O	O	O	O
<u>Launderette</u>	C	C	C	O	O
<u>Lodge, Private Club or Fraternal Society</u>			C	O	
<u>Mini-storage Warehouse</u>			O	O	
<u>Minor Appliance Repair</u>			O	O	
<u>Mortuary, Undertaker, Funeral Home</u>			C	O	
<u>Motor Vehicle Repair Shop</u>			C	O	O
<u>Music or Dance School or Studio</u>	C	C	O	O	
<u>Outdoor Boat or Trailer Storage, more than one of each on a site***</u>	C**	C**	C	C	O
<u>Outdoor Eating and Drinking Establishment</u>			C	C	C

* RTR same as RA; RT-CV/CL same as CV and CL.

** Within a clustered residential development, planned unit development or on a site large enough to allow the proposed number of units.

*** Uses that require, as a minimum, the specific standards listed in Chapter VII, Section 14.

@ Subject to density regulations.

O - Outright Uses

C - Conditional Uses

RA* RPJ RTM CR CT CV* CL*CG I

Photo Processing

Business

Repair Shops, including
Glass, Plumbing, Heat-
ing, Ventilation and the
like

C C O O

Restaurant, Fast Food
or Drive-in

C O O

Restaurant, Low Turnover
Sit-down

C C O C

Shoe Repair Shop
Veterinary Clinic

O O O O C
C O O

Outright service commercial uses that exceed 500 trips per day or have structures exceeding 5,000 square feet of gross floor area (GFA) or have a property size of 2 acres or larger shall be required to follow the development permit public review process in Chapter VI of this resolution.

OFFICE OR PROFESSIONAL USES

Government Office

C C C C O C

Individual Small Business
Office, no more than eight
employees

O O C O O O

Medical, Dental, Legal,
Engineering, and other
types of professional
office

O O C O O C

Office Building, more than
one business

C C C O C

Radio or Television Studio

O O

Temporary (less than two
years) Real Estate Office
in a legally recorded
subdivision

C C

* RTR same as RA; RT-CV/CL same as CV and CL.

** Within a clustered residential development, planned unit development or on a site large enough to allow the proposed number of units.

*** Uses that require, as a minimum, the specific standards listed in Chapter VII, Section 14.

e Subject to density regulations.

Outright office or professional uses that exceed 200 trips per day or have structures exceeding 3,000 square feet of gross floor area (GFA) or have a property size of 2 acres or larger shall be required to follow the development permit public review process in Chapter VI of this resolution.

O - Outright Uses

C - Conditional Uses

RA* RPJ RTM CR CT CV* CL*CG I

INDUSTRIAL USES

<u>Airport, Heliport***</u>	C	C	C
<u>Apparel Manufacture</u>		C	O
<u>Appliance or Electrical Assembly, Equipment</u>		O	O
<u>Asphalt Hot Mix Plant</u>	C	C	C
<u>Bulk Storage & Distribution</u>		C	C
<u>Facility for Fuels, Explosives, Pesticides and other commodities which, for public safety, should not be located in densely populated areas</u>	C		C
<u>Ceramic Product, Cutlery, Electrical Supply, Furniture or similar manufacturing</u>			O
<u>Communications or Testing</u>			
<u>Equipment Assembly</u>			O
<u>Concrete Batch Plant</u>	C	C	C
<u>Dairy Products Plant</u>			O
<u>Energy/Recovery Systems</u>	C		O
<u>Eqpmnt Contractor Yd***</u>	C		O
<u>Food Products, Processing, Canning or Packing</u>			C
<u>Freight Forwarding Terminal</u>			O

* RTR same as RA; RT-CV/CL same as CV and CL.

** Within a clustered residential development, planned unit development or on a site large enough to allow the proposed number of units.

*** Uses that require, as a minimum, the specific standards listed in Chapter VII, Section 14.

@ Subject to density regulations.

O - **Outright Uses**

C - **Conditional Uses**

RA* RPJ RTM CR CT CV* CL*CG I

Government Storage or

Repair Facility

C O

Laboratory

C C O

Lumber Mill

C

O

Lumber Yard

O O

Log Home Manufacturing

C

O

Machine or Sheet Metal

Shop

O O

Oil, Gas or Thermal Energy

Exploration or Production

Facilities

C

C

Plumbing, Roofing, Electrical or Similar Contractor

Shop

C O O

Printing and Publishing

C O O

Rock Quarry, Gravel Pit,

Rock Crushing, Screening,

Washing/Stockpiling***

C

C C C C

Scrap Metal or Used

Materials Processing,

Handling and Storage

Facility

C

Sporting Goods Manufacture

C O

Utility, Heavy Construction or Contractor

Storage Yard

O

Warehousing or Distribution

O

Welding Shop

O O

Wholesale Business

other than a warehouse

O O

Woodworking Shop

C

C C O

* RTR same as RA; RT-CV/CL same as CV and CL.

** Within a clustered residential development, planned unit development or on a site large enough to allow the proposed number of units.

*** Uses that require, as a minimum, the specific standards listed in Chapter VII, Section 14.

④ Subject to density regulations.

Outright industrial uses which exceed 100 trips per day or have structures exceeding 10,000 square feet of gross floor area (GFA) or have a property size of 3 acres or larger shall be required to follow the development permit public review process in Chapter VI of this resolution.

O - Outright Uses

C - Conditional Uses

RA* RPJ RTM CR CT CV* CL*CG I

PUBLIC/INSTITUTIONAL USES

<u>Cemetery</u>	C						
<u>Church, Temple or</u>							
<u>Synagogue</u>	C	C	C	C	C	O	
<u>Day Care Center or Nursery</u>							
<u>School (12 or more</u>							
<u>children)</u>	C	C	O	O	O	C	
<u>Fire Station, Police</u>							
<u>Station</u>	C	C	C	C	C	O	O
<u>Half-way House, Youth De-</u>							
<u>tention Center***</u>	C	C				C	
<u>Hospital***</u>	C	C			C	C	
<u>Library, Museum or Art</u>							
<u>Museum</u>	C	C	C	C	C	O	O
<u>Limited Retail or Service</u>							
<u>Uses Accessory to a Church,</u>							
<u>Hospital, School or Similar</u>							
<u>Institution</u>	C	C	C	C	C	O	
<u>Post Office</u>	C	C	C	C	O	O	O
<u>Private School/College</u>	C	C	C	C	C	C	C
<u>Public School/College</u>	C	C	C	C	C	C	C
<u>Rest Home, Sanitarium,</u>							
<u>Nursing Home, Clinic***</u>	C	C			C	O	

Outright public institutional uses which exceed 200 trips per day or have structures exceeding 3,000 square feet of gross floor area (GFA) shall be required to follow the development permit public review process in Chapter VI of this resolution.

* RTR same as RA; RT-CV/CL same as CV and CL.

** Within a clustered residential development, planned unit development or on a site large enough to allow the proposed number of units.

*** Uses that require, as a minimum, the specific standards listed in Chapter VII, Section 14.

@ Subject to density regulations.

O - Outright Uses

C - Conditional Uses

RA* RPJ RTM CR CT CV* CL*CG I

UTILITY USES

Overhead Transmission Lines (excepting 7200 volts or below)	C	C	C	C	C	C	C	C	C
<u>Power Plant</u>	C	C	C	C	C	C	C	C	C
Radio, Microwave or Tele- vision Transmission									
<u>Facility</u>	C						C	C	
Refuse Collection or <u>Storage Shed</u>	O	O	O	O	O	O	O	O	O
Refuse Disposal Area conducted under a land- fill or sanitary method	C						C	C	
Sewage Disposal, Water Supply, Water Treatment <u>or similar facility</u>	C	C	C	C	C	C	O	O	
Solar Energy Collector for <u>Commercial Purposes</u>	C	C	C	C	C	C	C	C	C
Utility Installation such as Electrical Substation, Gas Regulating Station, Water Pump Station or <u>Lift Station</u>	C	C	C	C	C	C	C	O	O

* RTR same as RA; RT-CV/CL same as CV and CL.

** Within a clustered residential development, planned unit
development or on a site large enough to allow the
proposed number of units.

*** Uses that require, as a minimum, the specific standards
listed in Chapter VII, Section 14.

@ Subject to density regulations.

but is suggested to be substantially similar, then

to determine whether the proposed use shall be considered a permitted use.

Section 7. Determination of Similar Uses. If a proposed use is not listed in Section 6 of this chapter, the following procedure shall be employed. The purpose of this procedure is to determine whether the characteristics of the proposed use are sufficiently similar to the listed uses to justify a finding that the use should be authorized as an outright use or as a conditional use.

a. The Administrator of Planning Services, at the request of the Board of Commissioners, 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 and recommendations 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. Upon receipt of the report and recommendations, the Planning Commission shall hold a public review with 30-day public notice and 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 and make its recommendation to the Board of County Commissioners. The Board of County Commissioners, after having reviewed the recommendation of the Planning Commission and the aforesaid considerations shall hold a public review with a 30-day public notice and shall determine if the use thereafter shall be an authorized use in the same district and if so authorized whether the use shall be an outright or a conditional use. Certain land uses by their very nature tend to be incompatible with other land uses in the same land use district but may be found acceptable in certain circumstances when conditioned in a manner to protect abutting landowners and to preserve the character of the area.

c. If the Board of County Commissioners make a positive determination, the use shall thereafter be included in the Table of Authorized Uses contained in Section 6 of this chapter.

Section 8. Conformity With District Regulations. Except as provided in this chapter and in Chapter IX, 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. Where a parcel of land lies within both residential and non-residential districts, each part shall be regulated as if it were a separate parcel, in accordance with the regulations of the appropriate district. Where there is a combined district and the use is allowed in both districts (e.g. CV/CL, CG/I), the least restrictive district regulations shall be applied.

Except as provided in this chapter and in Chapter IX, 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, except

that, where the subdivision of a parcel along the boundary of a commercial or industrial district would result in the creation of a nonconforming residential, commercial or industrial lot (or lots), such subdivision may be allowed if approved by the Board of Commissioners in conformance with the variance procedures described in Chapter XI of this resolution.

In addition to any conditions which may be prescribed for any permit approved by the Board of Commissioners, the structure, use, division of property or any action permitted shall also be subject to all other procedures, permits and requirements of this and all other applicable resolutions and regulations of the County. In the event of any conflict between the provisions of a permit condition and any other permit or requirement, the more restrictive provision shall prevail.

In the case of an existing use or structure classified in Section 6 as a conditional use, any change in use or in lot area, or alteration of structure, shall conform with the requirements of this chapter dealing with conditional uses.

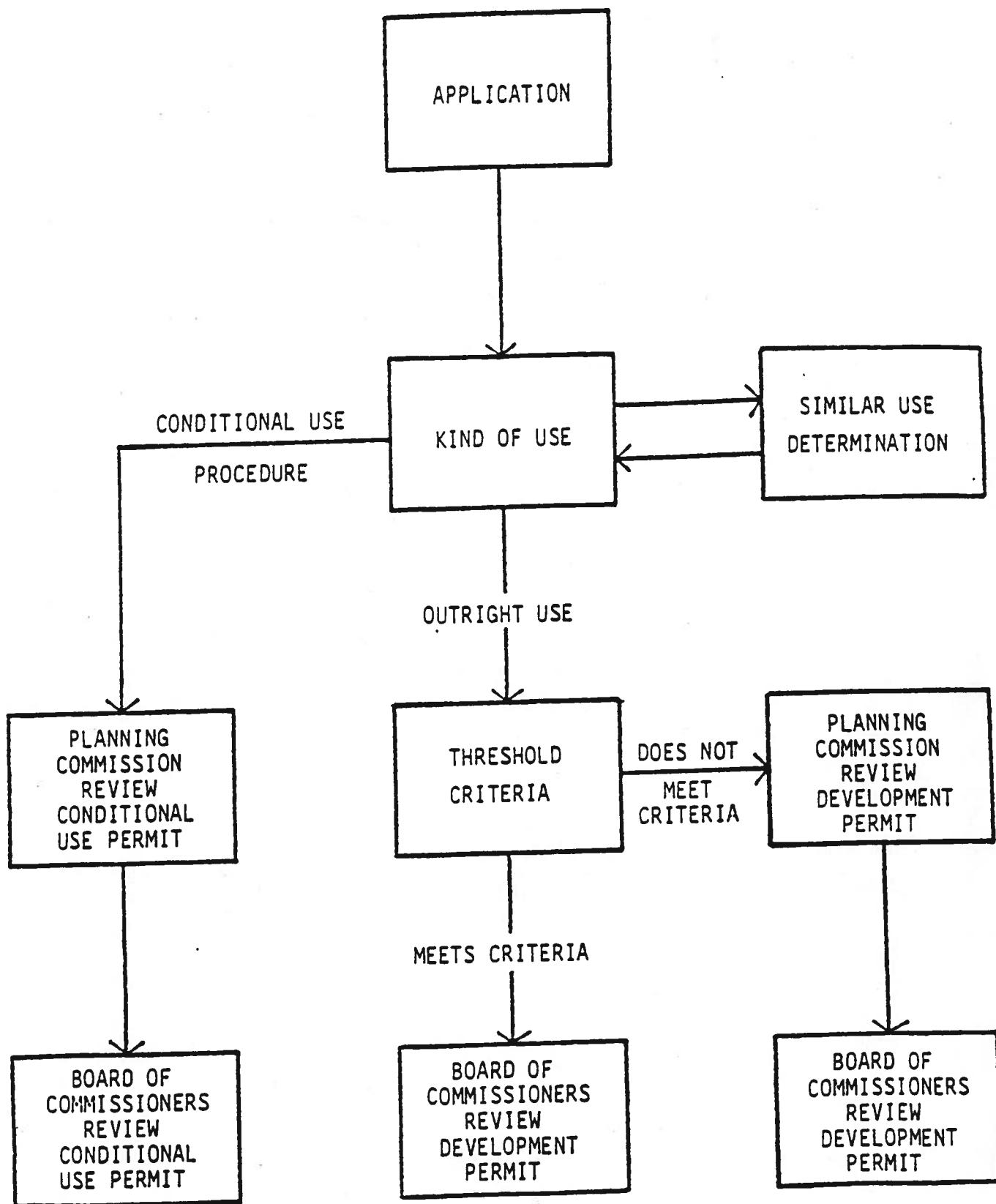
In the case of an existing use or structure classified in Section 6 as a conditional use, any change in use or in lot area, or alteration of structure, shall conform with the requirements of this chapter dealing with conditional uses.

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In the case of an existing use or structure classified in Section 6 as a conditional use, any change in use or in lot area, or alteration of structure, shall conform with the requirements of this chapter dealing with conditional uses.

PROCEDURE FOR DETERMINING TYPE
OF USE PERMIT REQUIRED



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

Groundwater Protection District: Depth Less Than 3 Feet

Groundwater 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 district, 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 Unit," "Groundwater Categories," and "Flood Hazards" maps. In the event that the accuracy of the data shown on an environmental 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.
- 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 X, 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 X, 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 road shall be permitted except for residential collector, subcollector and access streets or private drives, except that existing roads may be maintained or improved.
- 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 CR uses in CR districts shall be permitted. (Subject to a map change as prescribed in Chapter XII, Section 2.)
- 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 Chapter IV, Section 28 of this resolution, in addition to all other requirements established by this resolution.

Section 7. Regulations for Groundwater 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 groundwater 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 groundwater.

Section 8. Regulations for Groundwater 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 groundwater 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. 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, 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. 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, 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 cannot 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. No sewage treatment lagoon or subsurface disposal system shall be permitted. Unless constructed with a water tight lining, no other wastewater disposal system 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, 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 X, 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. Wyoming Department of Environmental Quality Rules and Regulations, Chapters III, XI, and XII 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. Groundwater Supply. Any individual, municipality, company, or other entity that intends to beneficially utilize groundwater 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 Groundwater" 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 sewage 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. Wyoming Department of Environmental

Quality Rules and Regulations, Chapters III, XI, and XII 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.

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, pursuant to the Small Wastewater Facility Resolution.

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 stormwater 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 stormwater 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 stormwater runoff control shall be constructed prior to any earth moving or drainage construction on the site. Otherwise, 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 groundwater. 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 stormwater 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 run off onto adjoining property.

c. Land shall be developed in increments of workable size which can be completed during 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. Except 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 achieving 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 stormwater 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 1 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. Except 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 3 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 soils, groundwater 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 degrees (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 5 feet plus one-half of the vertical height of the cut or fill slope, but not more than a horizontal 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 degrees (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. Whenever 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 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 or 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 foot candles 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 exception 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
RA, RPJ, CR and CT	55 dBA
CV, CL, CG, 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 RTR, RTM, and RT 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 decibels. When related to all other sounds from whatever source, excessive noise shall mean any sound which exceeds 80 decibels between 8:00 a.m. and 8:00 p.m. and 60 decibels 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. All manufacture, possession, storage, transportation and use of hazardous materials which include explosives and blasting agents, flammable and combustible liquids, liquified petroleum gas, and hazardous chemicals shall be required to comply with the fire codes as adopted by the State of Wyoming.

b. 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 and planned unit developments or as allowed by Chapter II, Section 6, the minimum site area in each land use district shall be as prescribed in the following table: *In no situations shall those RA-20 lands located between the levies or between the banks of major streams be used in calculation of site area.*

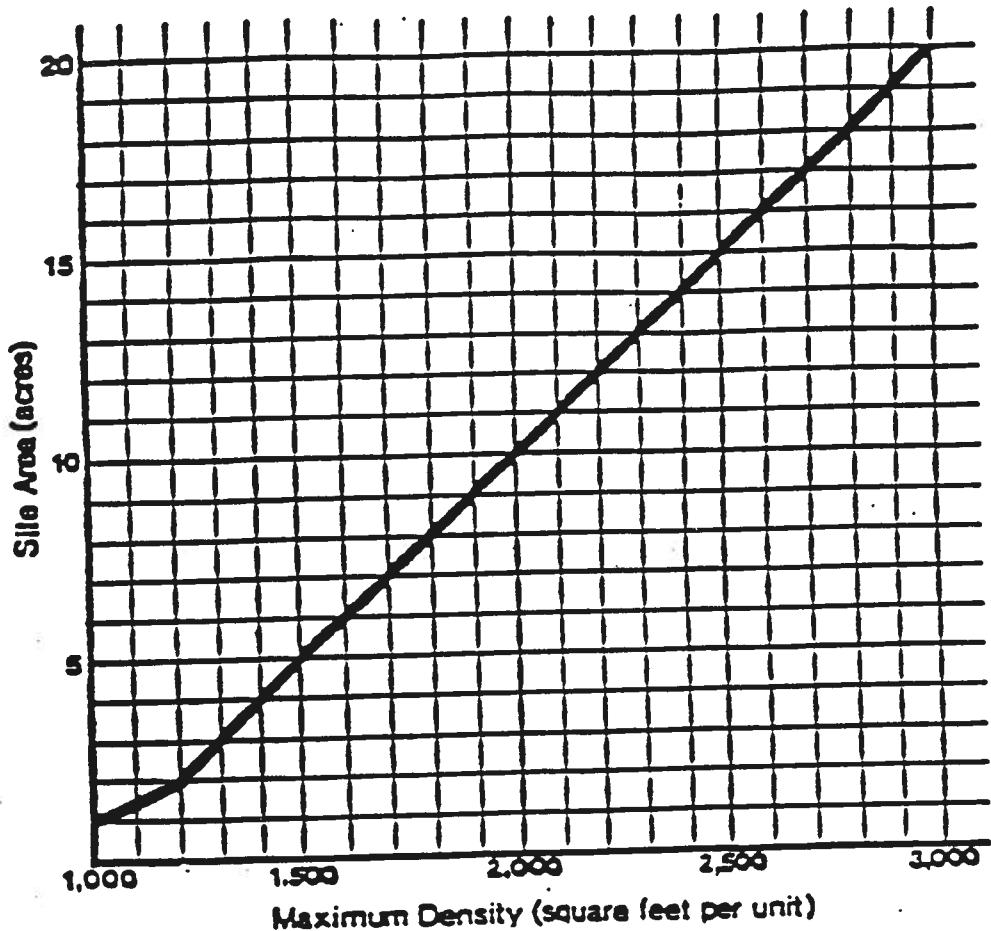
MINIMUM SITE AREA BY LAND USE DISTRICT

Land Use District	Minimum Site Area	
RA-20	Residential/Agricultural	20 acres
RA-10	Residential/Agricultural	10 acres
RA-7.5	Residential/Agricultural	7.5 acres
RA-6	Residential/Agricultural	6 acres
RA-6/3	Residential/Agricultural (Variable)	6-3 acres as prescribed in Chapter II, Section 7
RA-5	Residential/Agricultural	5 acres
RA-3	Residential/Agricultural	3 acres
RPJ	Jackson Planned Expansion	As per zoning code of the Town of Jackson, as amended
RTR		As per Teton County Land Use Element Maps
RTM		
RT-CV/CL		Not specified
CR	Restricted Commercial	As required for RA uses (except existing non-conforming uses)
CT	Transition Commercial	1 acre*
CV	Visitor Commercial	1 acre
CL	Local Convenience Commercial	Not specified
CG	General Commercial	Not specified
I	Light Industrial/Distribution	Not specified

*except no minimum with public or community sewer and water, or existing non-conforming lots in commercial centers.

Section 18. Maximum Density in CV Districts. In CV 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 RT-CV/CL districts.

MAXIMUM DENSITY FOR VISITOR ACCOMMODATIONS IN CV DISTRICTS



1 unit for every X value of site area

Section 19. Setbacks. Required setbacks shall be measured horizontally 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. Non-conforming setbacks shall be measured horizontally from the front, side, or rear site boundary line as appropriate to the measurement, to a line parallel thereto to all points 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 right-of-way width dedicated or reserved for roadway purposes, or contains or abuts a road or highway proposed by the Teton County Highway Master Plan, setbacks shall be measured from the line establishing the additional width required for right-of-way purposes. Right-of-way width shall be as required by the Teton County Highway Master Plan Resolution and supporting maps and documents. Where a lot containing 6 acres or less, which was in existence prior to September 18, 1984, contains land required for additional right-of-way purposes, required setbacks adjacent to such additional right-of-way may be reduced by a distance equal to the width of the additional right-of-way or one-half of the required setback, whichever is less.

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, but not within any area required for additional right-of-way for roads or bikeways proposed by the Teton County Highway Master Plan. 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 RT 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. Except for residences and accessory structures on lots in subdivisions approved before September 18, 1984, or on lots of 6 acres or less in existence prior to that date, all buildings, structures and signs shall be setback at least 150 feet from the right-of-way of any road designated as a scenic road by the Board of County Commissioners. This setback width may be adjusted, depending on the characteristics of the adjacent lands, by the Board of County Commissioners after a public review.

d. In RA and CT 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 RA AND CT DISTRICTS

Lot Size	Front Setback (feet)	Rear Setback (feet)	Side Setback (feet each side)
3 acres and greater	50	40	30
Less than 3 acres	25	25	10

e. In RA and CT districts, except for access 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. In CT districts there shall be no minimum paved area setbacks from side and rear lot lines adjacent to CV, CL, CG or I districts.

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.

MINIMUM SETBACK REQUIREMENTS FOR PAVED AREAS IN RA AND CT DISTRICTS*

Lot Size	Front Setback (feet)	Rear Setback (feet)	Side Setback (feet each side)
3 acres and greater	25	20	15
Less than 3 acres	12.5	15	5

*except that in CT districts there shall be no minimum paved area setbacks from side and rear lot lines adjacent to CV, CL, CG or I districts.

f. In the RPJ 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 setback 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 rear 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 CV 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 access 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 no 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 RT-CV/CL district minimum front, side, and rear setbacks shall be 10 feet, except where such property is on the exterior boundary of the RT district, in which case the setback from neighboring private property shall be 20 feet.

h. In the CR, CL, CG and I districts, the front setback for all buildings and structures shall be a minimum of 50 feet. Where a rear or side boundary line abuts a road or 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. Otherwise, rear and side setback requirements in the CR districts shall be the same as for RA districts and there shall be no other rear and side setback requirements in CL, CG and I districts.

Except for access 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 RT-CV/CL district minimum front, side, and rear setbacks shall be 10 feet, except where such property is on the exterior boundary of the RT 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 4 feet in height may be constructed anywhere within the required front setback, and a fence not exceeding 6 feet in height may be constructed within all other required setbacks. On sites of all other uses, location 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 RTR district, the front and rear setbacks shall be 30 feet, and side setbacks shall be 20 feet.

k. In the RTM district, the front and side setbacks shall be 10 feet, and rear setbacks shall be 15 feet, except where such property is on the exterior

boundary of the RT district, in which case the setback from neighboring private property shall be 20 feet.

1. Front setbacks for service stations in the CR, CL, CV, and CG districts shall be 20 feet to pump islands. An overhead canopy, affixed or not affixed to the main structure, may project up to 10 feet beyond the pump island, but shall be no less than 10 feet from the front property line. All other setbacks shall be regulated by paragraphs g and h of this section.

A canopy, as used in this paragraph, is defined as a structure affixed to the ground and used for shelter over the pump islands and adjacent driveway areas, and is open on all sides if free-standing or three sides if connected to the main service station structure. Canopies shall not be included in determining sign size for the service station. If at any time the pump islands are removed, or the use of the station changes, all canopies will be required to meet the setbacks regulated by paragraphs g and h of this section.

m. In CL, CG, CV and I districts, internal driveways may extend into required undisturbed setback areas a distance not to exceed 12 feet, provided that such driveways shall have at least intermediate type pavement, as defined in Section 27 of this chapter, and that the remaining setback area shall be suitably landscaped, in accordance with the definition in Chapter I Section 7, as may be required by the Administrator.

n. Within a cluster residential development or a planned unit development the setbacks between any residential lot and any land to be preserved as open space shall be equal to the rear yard setback for the lot.

o. In RA districts trash sheds shall be permitted within a required setback provided:

(1) No shed shall be located so that it blocks vehicular vision or creates other safety hazards.

(2) All such trash sheds will require a building permit.

(3) A maintenance agreement shall be submitted with the building permit application.

(4) No trash shed located within any required setback may exceed two hundred (200) square feet in area.

(5) No trash shed may exceed a height of ten (10) feet.

(6) The access to any approved trash shed shall be improved to the same standards as the road from which it is accessed.

(7) Any trash shed which is adjacent to a county right-of-way must file for a permit to construct driveway access with the County Road Department.

(8) No trash sheds shall be permitted within a county right-of-way.

Section 20. Coverage by Impervious Surfaces. Impervious surfaces are those which cover the ground and do not permit the percolation of rainfall and

APPROVED BLANKET SETBACK VARIATIONS

COTTONWOOD PARK

Corner Creek Phase One and Phase One-A

Single Family & Duplex: -Corner Creek Lane - 10 feet
-Front - 10 feet
-Rear - 10 feet
-Side - 0 feet (minimum distance 20 feet between single family buildings on adjoining lots.)

Townhouses, Clusters & Apartments:

-Corner Creek Lane - 10 feet
-All other lot boundaries not a project boundary - 0 feet (provided that buildings on adjoining lots meet current fire resistive requirements of the Uniform Building Code, current edition, at the time of plan review.)
-Between Buildings on the same lot - 0 feet (provided that buildings on adjoining lots meet current fire resistive requirements of the Uniform Building Code, current edition, at the time of plan review.)

Project Boundaries:

-Exterior - Varied (all buildings and structures shall be located so that the setback area equals or exceeds the area that would result from a uniform 20 foot setback.)

Corner Creek Phase One-B

Single Family: -Corner Creek Lane - 10 feet
-Front - 10 feet
-Rear - 10 feet
-Side - 0 feet (minimum distance of 20 feet between single family buildings on adjoining lots.)
-Garage doors facing onto streets will be no closer than 20.0 feet from the edge of the road pavement.

Project Boundaries: -Exterior - varied (all buildings and structures shall be located so that the setback area equals or exceeds the area that would result from a uniform 20 foot setback.)

Corner Creek Phase Two

Single Family & Duplex:

- Corner Creek Lane, Cedar Loop, Daisy Lane, & Lilac Lane - 15 feet.
- Front - 15 feet, except 20 feet to garage doors facing the street.
- Rear - 10 feet
- Side - 0 feet (minimum distance 20 feet between single family buildings on adjoining lots.)

Multiple Family Units:

- Corner Creek Lane - 15 feet
- All other lot boundaries not a project boundary - 0 feet (provided that buildings on adjoining lots meet current fire resistive requirements of the Uniform Building Code, current edition, at the time of plan review.)

Project Boundaries:

- Exterior - varied (all buildings and structures shall be located so that the setback area equals or exceeds the area that would result from a uniform 20 foot setback.)

rainfall & Section 20: Coverage by Impervious Surfaces. Impervious surfaces are those which cover the ground and do not permit the percolation of 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, except that any portion of a site contained in a roadway easement serving two or more lots shall be deleted from any calculations of impervious surface coverage. The following regulations shall apply:

a. In RA and RTR districts, the amount of site area covered by impervious surfaces shall not exceed the percent of site area prescribed in the following table and graph. In CT districts, the allowable impervious surface coverage shall be twice that prescribed for the adjacent RA district.

MAXIMUM COVERAGE BY IMPERVIOUS SURFACES IN RA DISTRICTS

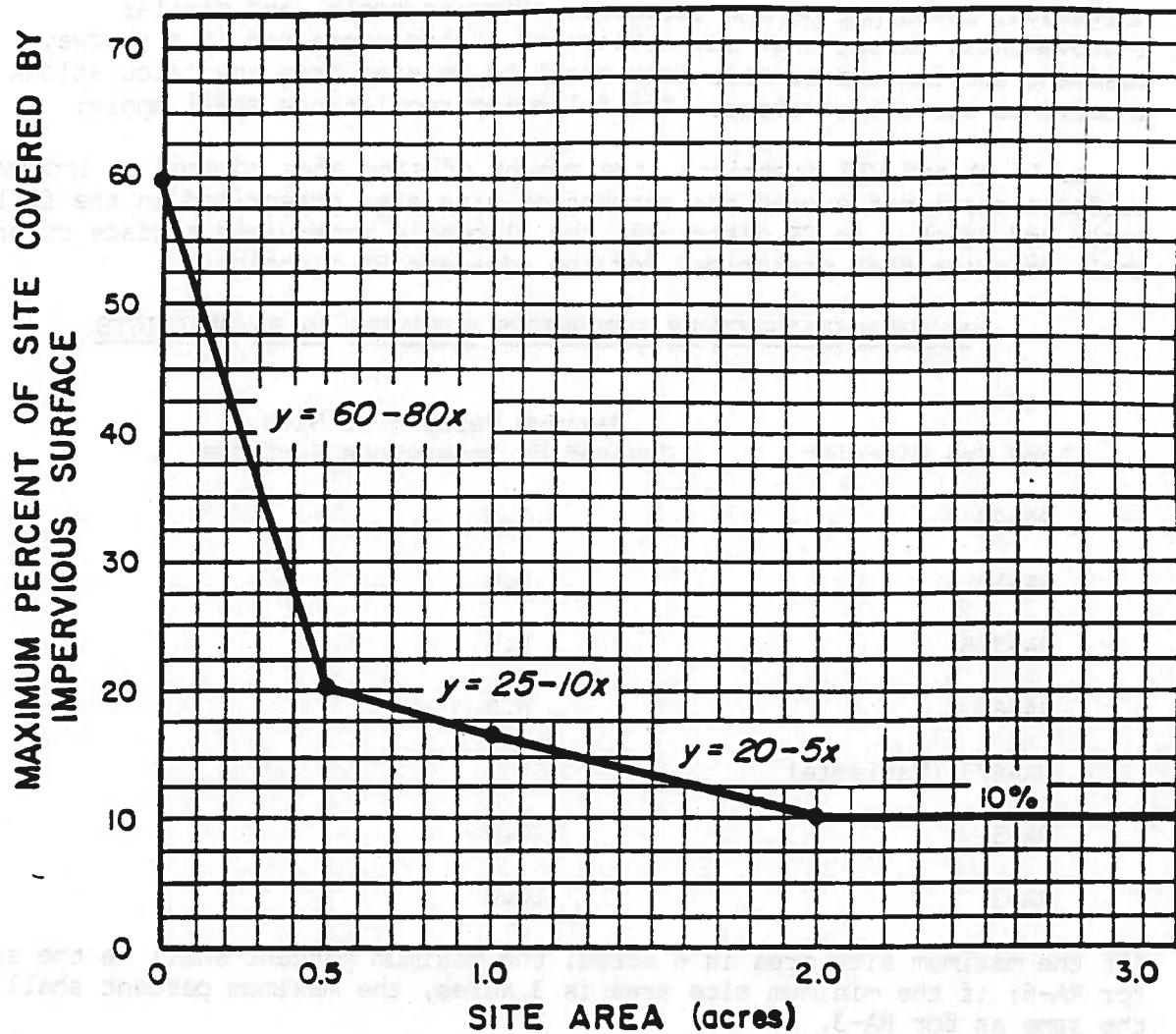
Land Use District	Maximum Percent of Site Covered by Impervious Surfaces
RA-20	2.5
RA-10	5.0
RA-7.5	5.5
RA-6	6.0
RA-6/3 (Variable)	*
RA-5	7.0
RA-3	10.0

*If the maximum site area is 6 acres, the maximum percent shall be the same as for RA-6; if the minimum site area is 3 acres, the maximum percent shall be the same as for RA-3. (amend) ABRA 3/12

maximum coverage area for stormwater management shall not exceed 10% of the total site area, except for areas where the maximum coverage area is 6 acres or less, the maximum coverage area shall not exceed 6% of the total site area.

maximum coverage area for stormwater management shall not exceed 10% of the total site area, except for areas where the maximum coverage area is 6 acres or less, the maximum coverage area shall not exceed 6% of the total site area.

MAXIMUM COVERAGE BY IMPERVIOUS SURFACES IN RA AND RTR
DISTRICTS FOR NON-CONFORMING SITES SMALLER THAN 3 ACRES



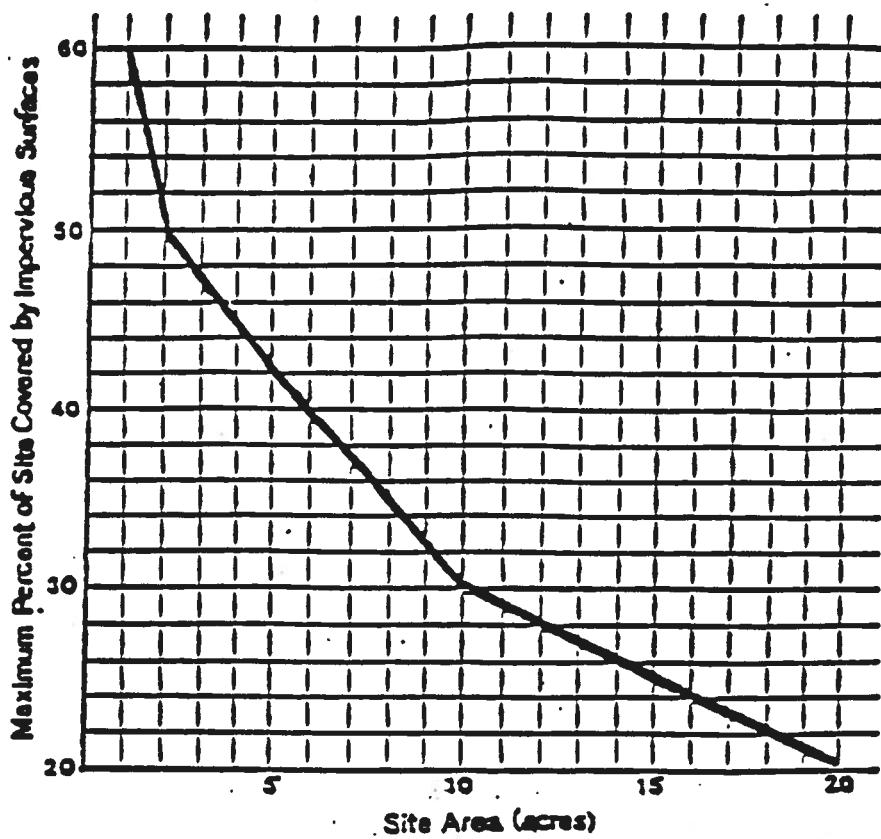
b. In the RPJ district, the amount of site area covered by impervious surfaces shall not exceed 40 percent of the total site area, and the following regulations shall apply:

(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.

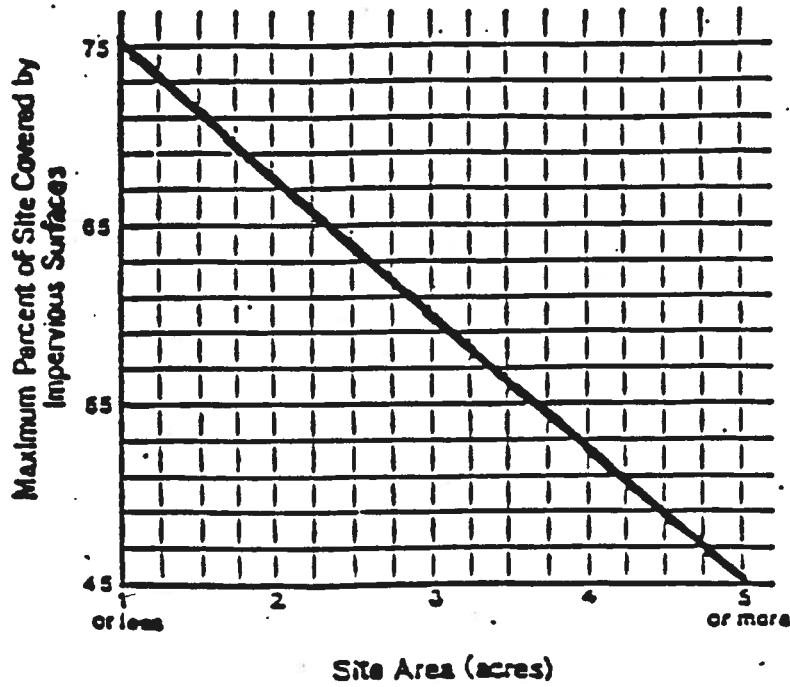
c. In CV districts, the amount of site area covered by impervious surfaces shall not exceed the percent of the site area prescribed in the following graph.

MAXIMUM COVERAGE BY IMPERVIOUS SURFACES IN CV DISTRICTS



d. In CL, CG, RT-CV/CL, CV/CL 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. In CR districts, the allowable impervious surface coverage shall be one-half that prescribed in the following graph.

MAXIMUM COVERAGE BY IMPERVIOUS SURFACES IN THE
CL, CG, RT, CV/CL AND I DISTRICTS



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

f. In any commercial or industrial district, impervious surface coverage may be increased in conformance with the following requirements:

(1) For every square foot of landscaping provided, as defined in Chapter I Section 7 of this resolution, an additional square foot of developed site area, to a maximum of 5 percent of site area, may be allowed.

(2) If screening is provided, as described in Section 24 of this chapter, up to 3 percent of additional developed site area may be allowed.

(3) If pedestrian or bicycle facilities are provided, as defined in Chapter I Section 7 of this resolution, up to 2 percent of additional developed site area may be allowed. *no 827*

(4) If parking facilities and internal driveways are paved to intermediate surface standards, as described in Section 27 of this chapter, up to 5 percent of additional developed site area may be allowed, provided that the site complies with the drainage standards included in Section 6 of this chapter.

should not be any section but to the max sections **Section 21. Maximum Building Height.** The height of a structure shall be measured vertically at any cross section of the building from original grade, or from the finished grade of an approved grading plan, excepting minor swales, depressions or other irregularities occurring within the footprint of the building, as determined by the Planning Administrator, 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, flag poles, monuments, radio, television and citizen band and amateur aerials and antennas, transmission towers, fire towers, and similar structures and mechanical appurtenances not used for human occupancy may be exempt from the provisions of this section unless the County Commissioner responsible for approving the appropriate permit shall at his/her own discretion require a permit application to be reviewed for exemption from the height regulations by the entire Board of County Commissioners at a regularly scheduled meeting.

b. For purposes of this section, story shall be defined as 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.

on next page -
accessory stories -
what are they?

Land Use District	<u>MAXIMUM BUILDING HEIGHTS</u>			
	Primary Building Stories	Feet	Accessory Building Stories	Feet
RA	2	30	2	25
RPJ single family residence	2	25	1	20
RTR single family residence	-	35	-	--
RPJ multi-family*	2	25	1	20
RTM multi-family	3	38	-	--
RT CV/CL	-	50	-	--
CT and CR	2	30	2	25
CV (sites 5 acres or more)	3	35	2	20
CV (sites less than 5 acres)	2	25	1	15
CL	2	25	1	15
CG	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 RA, RPJ, RT-CV/CL, CR, CT and CV districts, non-residential uses, except for schools, agricultural uses or uses allowed as part of a planned unit development, 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.

Table III-A of the Teton County Highway Master Plan Resolution 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.

b. In CG, 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. Table III-A of the Teton County Highway Master Plan Resolution 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.

c. Any access from a CR, CV, CL, CG or I use to a U.S. or state highway or county road shall be designed and constructed in conformance with the intersection design criteria of the Teton County Highway Master Plan Resolution. In addition, where traffic generated by a proposed use warrants, a developer may be required to provide traffic controls or roadway improvements as determined by the Administrator, State Highway Department or County Road Supervisor.

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 ten 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 "Off-Street Parking Requirements" table. In addition, where a structure or site contains multiple uses, parking requirements for each use shall be applied, except that for shopping centers where uses are not known, the shopping center standards may be applied. Corridors, malls, entranceways, restrooms, office space up to 10 percent of a non-office structure, employee lounges or similar areas in single use structures shall be included in any gross floor area (GFA) parking calculations for that use. In mixed-use structures, they may be included at the lowest standard applicable to any use comprising more than 10 percent of the structure. Any office, warehouse or cold storage space over 10 percent of a non-office, warehouse or cold storage structure shall require parking at the standards applicable respectively to

those uses. Where more than one shift is operated, employee parking shall be calculated as the total number of employees on the two largest shifts, or as 1.5 times the maximum employees on the largest shift, whichever is greater. Where "caretaker" residences are provided, required parking shall be calculated at single family residential standards. Parking requirements for home occupations shall be in addition to any residential requirements. Any development permit may include as a condition of approval that, should approved parking become inadequate, additional parking may be required by the Board of County Commissioners at a later date.

OFF-STREET PARKING REQUIREMENTS

Land Use

RESIDENTIAL

Single family residence

Parking Requirements

2 spaces per unit (guest house units included)

Townhouse or apartment

2.5 spaces per unit or 1.5 spaces per bedroom, whichever is greater

Boarding or lodging house

1.5 spaces for each lodger

Mobile home

2.5 spaces per unit

VISITOR ACCOMMODATIONS

Hotel, motel or resort

1 space per guest room (in a suite, each bedroom shall constitute a separate guest room), plus 1 space for each 3 employees, plus 1 space per 500 square feet of accessory commercial space

Convention facility

In addition to the above requirements, 1 space per 30 square feet of assembly rooms

EDUCATIONAL

Day nursery

1 space per employee, plus 1 space per 10 children

Elementary or intermediate school

1 space per employee, plus 1 space per 3 seats or per 30 square feet of floor area used for seating or per 6 feet of bench length in the school auditorium, gymnasium, or other similar place of assembly

High school	1 space per employee. Also 1 space per 8 students at ultimate enrollment or 1 space per 3 seats or per 30 square feet of floor area used for seating, or per 6 feet of bench length in the school auditorium, gymnasium, or other similar place of assembly, whichever is greater
College, vocational school or adult education	1 space per 3 seats in classrooms
INSTITUTIONAL	
Church or other permanent structure used primarily for religious purposes	1 space per 4 seats or 1 space per 30 square feet of floor area used for seating in the main sanctuary, whichever is greater
Museum, art gallery or similar use	2.5 spaces per 1000 square feet of GFA*
Library	2.5 spaces per 1000 square feet of reading room plus 1 space per employee
Place of public assembly, including theater	1 space per 3 seats, if seats are fixed, or 1 space per 30 square feet of floor area of assembly rooms
Hospital, nursing home and similar institutional use	1 space per employee plus 1 space per 4 beds
Club or association	20 spaces per 1000 square feet of GFA
COMMERCIAL	
Convenience food store	13 spaces per 1000 square feet of GFA
Retail bakery, delicatessen	10 spaces per 1000 square feet of GFA
Supermarket	6 spaces per 1000 square feet of GFA
Drug store, liquor store	8 spaces per 1000 square feet of GFA
Supermarket/discount store, general store, auto supply store	6 spaces per 1000 square feet of GFA
Discount store	5 spaces per 1000 square feet of GFA
Department store, furniture store, antique shop	4 spaces per 1000 square feet of GFA
Radio, TV, appliance, refrigerator or electrical equipment sales	4 spaces per 1000 square feet of GFA

Hardware, paint store	3.5 spaces per 1000 square feet of GFA
Building material, home improvement, garden supply store, wholesale business, outfitter	2.5 spaces per 1000 square feet of GFA plus 1 space per employee plus 1 space for each company vehicle
Repair shop, including glass, radio and TV, small appliance etc., radio and TV stations	2 spaces per 1000 square feet of GFA plus 1 space per employee plus 1 space for each company vehicle
Catalog showroom, commercial printing and publishing	2 spaces per 1000 square feet of GFA plus 1 space per employee
Nursery, feed or fuel dealer	2 spaces per 1000 square feet of GFA plus 1 space for each company vehicle
Gunsmith, taxidermist, shoe repair shop, auto or farm equipment dealer	2 spaces per 1000 square feet of GFA
Gas station, auto repair shop	1.5 spaces per 1000 square feet of GFA or 4 spaces per service bay, whichever is greater
Car wash	1 space per employee plus sufficient onsite area for 6 waiting vehicles per bay
Commercial stable	1 space per employee plus 1 space per 4 stalls
Mini-storage warehouse	1 space per employee plus 1 space per 10 storage units
Beauty or barber shop	2 spaces per chair plus 1 space per employee
Laundromat	1 space per washer or dryer plus 1 space per employee
Commercial laundry, dry cleaner	1 space per employee, 1 space for each company vehicle, plus 6 spaces per 1000 square feet of customer service area
Other free-standing retail	6 spaces per 1000 square feet of GFA
Shopping center (if uses are not calculated separately):	7 spaces per 1000 square feet of GFA
under 50,000 sq. ft.	

50-100,000 sq. ft.	6 spaces per 1000 square feet of GFA
over 100,000 sq. ft.	5 spaces per 1000 square feet of GFA
Fast food restaurant	25 spaces per 1000 square feet of GFA
Sit-down restaurant	15 spaces per 1000 square feet of GFA or 1 space per 3 restaurant seats plus 1 space per employee, whichever is greater
Bar, cocktail lounge	10 spaces per 1000 square feet of GFA or 1 space per 2 seats or stools plus 1 space per employee, whichever is greater
Mortuary, funeral home	1 space per 30 square feet of floor area of assembly rooms, plus 1 space per employee plus 1 space for each vehicle owned by the establishment

INDUSTRIAL

Contractors' shop, including plumbing, heating, ventilation, electrical, roofing, general, etc.	1 space per shop based employee, 1 space for each company vehicle, plus 1 space per 1000 square feet of GFA
Commercial bakery (not retail)	1 space per employee, 1 space for each company vehicle, plus 1 space per 2000 square feet of GFA
General manufacturing	2.5 spaces per 1000 square feet of GFA or *
Warehouse, distribution outlet	1.5 spaces per 1000 square feet of GFA or *
Truck terminal, cold storage, frozen food locker	2 spaces per 1000 square feet of GFA or *
Other industrial	*

* 1 space per employee, plus 1 space for each company vehicle, plus 1 space per 5000 square feet of GFA visitor parking, whichever is greater.

OFFICE

Medical office	13 spaces per 1000 square feet of GFA
Walk-in bank	12 spaces per 1000 square feet of GFA
Drive-in bank	9 spaces per 1000 square feet of GFA
Engineering, surveyor's office	6 spaces per 1000 square feet of GFA

General office, government office, veterinary hospital

5 spaces per 1000 square feet of GFA

RECREATION

Bowling alley, pool hall

5 spaces per alley, 2 spaces per billiard table, plus 1 space per employee

Amusement center

10 spaces per 1000 square feet of GFA

Amusement park

1 space per 1000 square feet of patron serving site area

Miniature golf course

1 space per 2 holes plus 1 space per employee

Golf driving range or rifle range

1 space per 10 linear feet of driving or firing line plus 1 space per employee

Golf course

3 spaces per hole, plus any spaces required for restaurant, lounge or other commercial facilities

Tennis court

2 spaces per court

Tennis club, court club

3 spaces per 1000 square feet of GFA

Health club, fitness center

1 space per exercise station, 4 spaces per sauna or similar facility, 4 spaces per 1000 square feet of other activity area plus 1 space per employee

Swimming pool

1 space per 100 square feet of pool, plus 1 space per employee

Skating rink

1 space per 50 square feet of rink or floor area

Commercial riding arena, equestrian center

1 space per 4 stalls, plus 1 space per 2000 square feet of riding area, plus 1 space per employee

Spectator sports facility

1 space per 3 seats, or 1 space per 30 square feet of floor area used for seating, or 1 space per 6 feet of bench length, whichever is appropriate

Ski area

2 spaces per chair plus spaces for two times the capacity of any tram or gondola lift

Park or recreation area	1 space per 10,000 square feet of play field or other active recreation area, plus 1 space per acre of passive recreation area
TETON VILLAGE	
Single family, townhouse, apartment, boarding or lodging house	In RTR and RTM districts, 1 space per living unit and 1 space per additional rentable subdivision of any living unit
Parking shall expand commensurate with new additions to the hotel, ski lift and employee base as follows:	
Hotel or motel rooms	In RTM and RT CV/CL districts, 1 space for each 2 rooms plus 1 space for each 2 employees
All other retail or service commercial establishments	1 space for every 2 employees
Expansion of lift facilities	1 space for every 7 units/of *CCC
ANY USE NOT LISTED	Parking requirements to be determined by the Board of County Commissioners

*CCC or Comfortable Carrying Capacity is defined as the maximum level of utilization of a ski area (the number of skiers that can be accommodated at any given time) which guarantees a pleasant recreational experience while at the same time preserving the quality of the environment. The Ski Corp. shall contact Sno-Engineering Inc. in order to calculate the ski area Comfortable Carrying Capacity. The current CCC is 3300 (June 1987).

*NOTE: GFA = Gross Floor Area

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

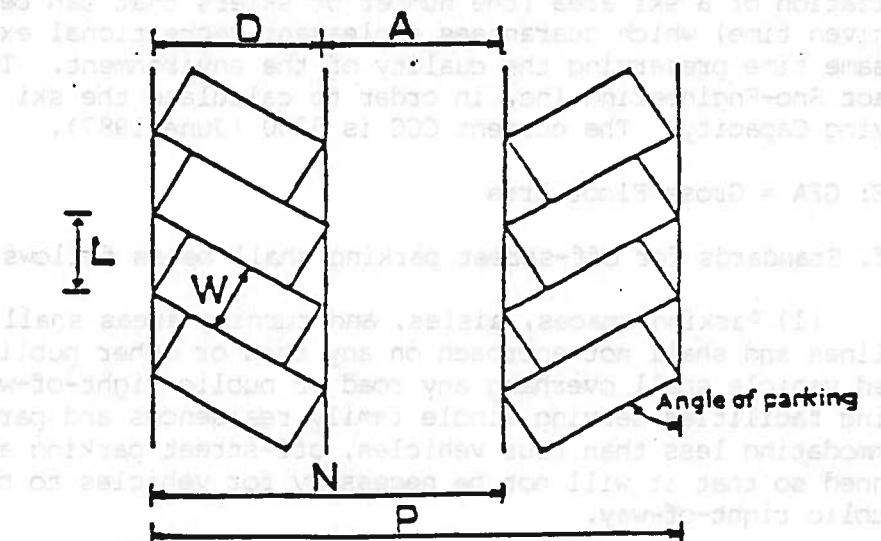
(1) Parking spaces, aisles, and turning areas shall be entirely within lot lines and shall not encroach on any road or other public right-of-way. No parked vehicle shall overhang any road or public right-of-way. Except for parking facilities serving single family residences and parking facilities accommodating 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 paved 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. Dimensions for unpaved parking facilities shall be increased by 10 percent. Access drives in commercial or industrial districts shall have a minimum width of 15 feet to state or federal highways or 10 feet to all other roads for posted one-way drives, or 30 and 19 feet respectively for two-way drives for a distance of not less than 50 feet back from the highway right-of-way.

MINIMUM PAVED OFF-STREET PARKING DIMENSIONS

Angle of Parking	W Stall Width	L-Curb Length Per Car	D Stall Depth	A Minimum Aisle Width	N	P
0 Degrees	9'	23'	9'	12'*	21'	30'
0 Degrees	10'	23'	10'	12'*	22'	32'
30 Degrees	9'	18'	17'4"	11'*	28'4"	45'8"
30 Degrees	10'	20'	18'3"	11'*	29'3"	47'6"
45 Degrees	9'	12'9"	19'10"	13'*	32'10"	52'8"
45 Degrees	10'	14'2"	20'6"	13'*	33'6"	54'
60 Degrees	9'	10'5"	21'	18'*	39'	60'
60 Degrees	10'	11'6"	21'6"	18'*	39'6"	61'
90 Degrees	9'	9'	19'	24'	43'	62'
90 Degrees	10'	10'	19'	24'	43'	62'

* 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. Parking areas may be required to be landscaped, in conformity with the following standards, as a condition of any development or subdivision permit.

(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

<u>Use</u>	<u>Loading Requirement</u>
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 include the recurring receipt or distribution of goods or equipment by truck	One loading berth, plus require additional berths prescribed by the Board of County Commissioners upon determination of need
RT CV/CL districts	One loading berth per lot

i. 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 RA 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 RPJ, RT-CV/CL, CV, CL, CG and I districts, the uses and activities prescribed in (1) also may be screened from view from adjacent RA districts and residential sites, unless such uses or activities are accessory to a single family residence.

b. In CR and CT districts, all service areas, outdoor sales and storage, garbage cans, trash storage areas and other outdoor business activities shall be screened from public view from roads, other public areas, residential or institutional properties and any RA districts.

c. 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 6 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.

Section 25. Signs. The purpose of these sign provisions is to permit the necessary signs for safety, public convenience, and identification without impairing the residential environment of the County, including visual qualities. The following regulations shall apply:

a. **Sign Permit Required.** To ensure adherence to these regulations, and to protect property owners from costly construction errors, no one may construct, erect, alter or relocate any sign without first obtaining a permit, except as specifically excluded below. The change in lettering on an existing sign does not require a permit. This does not include off-site signs, which are provided for in Section 25. h.(1)(a) below. The sign permit shall be issued through the Teton County Planning Office. Dimensioned drawings of the sign, and its location relative to property lines, must accompany the permit request. There is no fee for the sign permit.

Once a sign permit is issued, it shall be unlawful to change, modify, alter or deviate from the terms of the permit without obtaining a new permit in the manner provided herein.

b. **Exempted Signs.** 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 hours of operation, credit card acceptance or access to parking lots, not exceeding six (6) square feet in area, bearing no advertising message, and located entirely on the site to which the sign refers. Total square footage, not to exceed six (6) square feet per acre, proportionally calculated, may be permitted through the sign permit procedures (Section 25. a.), without affecting other permitted sign area calculations. The minimum size permitted on any site need not be less than six (6) square feet.

(2) 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 two (2) inches.

(3) Traffic or other signs erected and maintained by governmental agencies, signs required by law, legal notices, and temporary, emergency or non-commercial signs.

(4) 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.

(5) One unlighted real estate sign not exceeding six (6) square feet in area located entirely on the site to which the sign refers, provided that the sign is removed within seven (7)

days after the sale, or the rental or lease has been accomplished.

(6) One (1) each United States and/or Wyoming on-site flag(s), provided that such flag(s) do not exceed twenty (20) square feet in size each. Such flag(s) shall not be roof mounted nor mounted on top of other signs. Additional national or state flags can be requested in situations where lot frontage, visibility and other site factors are relevant, through the variance procedures, Section 25. d.(5), and h., below.

(7) Temporary political campaign signs not exceeding six (6) square feet. Such signs must be on private property, be erected no more than thirty (30) days before, and be removed within seven (7) days following the election for which they were erected.

(8) Temporary banners indicating a non-commercial special public or community event, such as a fair, carnival, or festival, providing that such banner is not erected more than two (2) weeks prior to the event, and are removed no later than three (3) days after the event. Banners extending over street rights-of-way require approval of the Teton County Planning Office.

c. Prohibited Signs.

(1) Off-site signs identifying a use, product, facility, service, or activity not manufactured or located on the site where the sign is located.

(2) Any sign extending above the top of the roof of the building, whether the sign be attached to the building or free standing.

(3) Flashing signs, or signs which appear to flash or twinkle, or animated signs, or those signs with visible motion.

(4) Gas-filled light tubes, such as neon, when the light tubes are exposed to public view, except vacancy signs for motels. Neon or similar signs inside of building are regulated only as provided in f.(2), below.

(5) Signs that incorporate projected images or emit sound.

(6) Strings of bulbs, other than holiday decorations.

(7) Gas or hot air balloons used for advertising or to direct attention to a particular piece of property.

(8) Banners, pennants, or streamers, except as provided for in Section 25. b.(10).

(9) Illuminated signs shall be so shaded, shielded or directed that the light intensity or brightness from any sign does not adversely affect the surrounding or facing premises, nor does it adversely affect the safe vision of operators of vehicles moving on public or private streets or parking areas.

(10) Wall-mounted signs that project more than eighteen (18) inches in thickness beyond the face of the building to which they are attached, or that project into a public way or across property lines.

(11) Vehicles used as signs, not including the customary and incidental use of signs or logos on commercial vehicles used as such in normal business operations.

(12) Signs mounted on towable foundations, trailers, or originally designed and constructed to be towed behind a motor vehicle.

d. Permitted signs. The following on-site signs shall be permitted, only upon issuance of a sign permit, as described in Section 25. a.:

(1) Permitted on-site signs in the RA, PRJ, CR and CT Districts:

<u>Use</u>	<u>Max Number of Signs</u>	<u>Max Total Area of Signs</u>	<u>Max Height of Free-Standing Signs</u>
Churches	1	20 Sq Ft	8 Ft
Schools	1	20 Sq Ft	8 Ft
Public Facilities	1	20 Sq Ft	8 Ft
Institutional Uses	1	20 Sq Ft	8 Ft
Permitted CR and CT Uses	1	20 Sq Ft	8 Ft
Construction or Development	1 per road frontage	32 Sq Ft	8 Ft

gate Arch Directory signs are permitted to exceed 10' in height.

(a) 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., unless the establishment is open for business.

(2) Permitted on-site signs in the RA and RPJ District:

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

(b) Signs identifying home occupations not exceeding six (6) square feet in area and not lighted.

(c) On the site of a mobile home park, one (1) unlighted or indirectly lighted sign not exceeding twenty-four (24) square feet in area. The sign shall be set back a minimum distance of twenty-five (25) feet from all property lines. Free-standing signs shall not exceed eight (8) feet in height.

(d) On-site directory signs identifying a subdivision, clustered, development or planned unit development, provided:

(i) There shall be no more than one (1) free-standing directory sign identifying the name of the subdivision or development located not closer than twenty-five (25) feet to any road or other public area and not exceeding thirty-two (32) square feet in area. Included in or attached to the sign may be an additional one (1) square foot area for each name and/or address of the occupants of said subdivision or development up to a maximum of sixteen (16) square feet for this purpose.

(ii) No free-standing directory sign shall exceed ten (10) feet in height, except for signs mounted on gate arch entrances.

(iii) Directory signs shall be unlighted or indirectly lighted.

(3) Permitted on-site signs in the RTR and RTM districts:

(a) A sign advertising the premises for sale or rent or open for inspection, not exceeding six (6) square feet.

(b) A sign identifying the owner or occupant of a residential lot, not exceeding three (3) square feet.

(4) Permitted on-site signs in CV districts:

(a) A maximum of two (2) signs shall be permitted for hotels, motels and resorts, provided that not more than one (1) sign is free-standing and does not exceed ten (10) feet in height. The area of a free-standing sign shall not exceed one (1) square foot for each two (2) linear feet of frontage of the building(s), up to a maximum of twenty-five (25) square feet. The area of any other type of sign shall not exceed

one (1) square foot for each linear foot of frontage of the building(s) up to a maximum of fifty (50) square feet. The total area for two signs shall not exceed seventy-five (75) square feet, and no sign need be less than twenty (20) square feet in area. Signs shall be unlighted or indirectly lighted.

(b) For all other commercial uses in CV districts, one sign per establishment shall be permitted. Free-standing signs shall not exceed eight (8) feet in height and one (1) square foot for each two (2) linear feet of frontage of the buildings up to a maximum of twenty-five square feet. The area of any other type of sign shall not exceed one (1) square foot for each linear foot of frontage of the buildings, up to a maximum of fifty (50) square feet. No sign need be less than twenty (20) square feet in area.

(5) Permitted on-site signs in the RT-CV/CL district:

(a) In the RT-CV/CL district, not more than two 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, and which shall not exceed forty (40) square feet each.

(b) One accessory sign of not more than six (6) square feet shall be permitted for each separate business conducted on such lot.

(c) A sign advertising the premises for sale or rent or open for inspection not exceeding six (6) square feet.

(d) A sign identifying the owner or occupant of a residential lot not exceeding six (6) square feet.

(6) Permitted on-site signs in CL, CG, and I districts:

(a) One (1) sign, not exceeding sixteen (16) square feet, designating the premises for sale, rent or lease.

(b) In the CL district, not more than two (2) signs located on the site of each business establishment. ~~one sign may be free standing, and one on the building, the total area of which shall not exceed one (1) square foot for each two (2) linear feet of frontage of the buildings, up to a maximum of twenty-five (25) square feet. No two signs may exceed seventy-five (75) square feet in area. No sign need be less than twenty (20) square feet in area.~~ *The sign attached to the building may not exceed 20 ft. standing the free size.*

(c) In the CG and I districts, not more than two signs located on the site of each business establishment. One

sign may be free standing, the total area of which shall not exceed one (1) square foot for each two (2) linear feet of frontage of building up to a maximum of thirty-five (35) square feet. The area of any other type of sign shall not exceed one (1) square foot for each linear foot of frontage of the buildings, up to a maximum of seventy-five (75) square

feet. No sign need be less than twenty (20) square feet in area and no two signs may exceed 100 square feet in area.

(d) In the CL, CG and I districts, one free-standing on-site directory sign identifying a commercial or industrial subdivision or development shall be permitted subject to the following regulations:

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

(ii) 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 fifteen (15) square feet.

(iii) No free-standing sign in a CL, CG, or I district shall exceed ten (10) feet in height, *except gate-arch directory signs.*

e. Method of Computing Area.

(1) 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 (2) feet from one another, 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.

(2) Signs inside of buildings will not be considered in the sign area calculation, providing that signs in windows do not exceed 25% of the glass area they are painted on or mounted or affixed to. For signs in windows, such as neon, the sign area shall be considered that of the tubes and not include the void areas between.

(3) In computing the square foot area of signs in the CV, CG and I districts, the total linear feet of frontage of the building can only be used one time. This is done by using the total linear feet of frontage for a free-standing sign or for any other type of permitted sign, or by using the total linear feet of frontage for a combination of a free-standing sign and any other type of sign.

f. Maintenance. All signs shall be maintained in a safe, presentable and good structural condition at all times, including the replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of said sign. The owner of a sign, and the owner of the property on which it is located, shall be responsible for

maintenance of the sign. Any sign not maintained shall be considered abandoned. (See i, below.)

g. Setbacks. Signs are permitted within required yards or setbacks, except in clear vision areas, as described below:

(1) No sign shall be erected or placed in such manner as to materially impede vision between a height of two and one half (2 1/2) and ten (10) feet above the centerline grades of an intersecting street or alley in a triangular area bounded by the roadway or street lines of corner lots or drives, and a line joining points on said roadway or drive lines thirty-five (35) feet from the point of intersection.

h. Nonconforming Signs. Signs which are legally nonconforming shall be subject to the requirements of Chapter X, Nonconforming Uses, Sites and Structures. When the advertised use, service, or product advertised on an off-site sign expires for one year, The off-site sign shall no longer be permitted, and shall be removed. An exception are signs that are legally nonconforming billboards with changing advertisements, in which cases the nonconforming exemption shall expire when such a billboard is without an advertising message for one year.

i. Abandoned Signs. The advertising surface of all permanent and temporary signs must be removed once the activity it is advertising ceases to exist. Signs applicable to a business temporarily suspended because of a change in ownership or management shall not be deemed abandoned unless the advertised business remains closed for a period of one year. An abandoned sign is prohibited and shall be removed by the owner of the premises within thirty (30) days of receiving official notice from the county to do so.

j. Variances. In situations where unique circumstances prevail, be they of design or site constraints, the Planning Commission and Board of County Commissioners shall be empowered to consider a variance of these sign regulations, providing that such variance meets the finding as listed in Chapter XI, Variances.

CHAPTER V

PLANNED UNIT DEVELOPMENT

Section 1. Purposes. The purposes of Chapter V, Planned Unit Development Regulations are:

- a. To encourage total planning of institutional, commercial, industrial, and large residential developments consistent with the adopted goals and policies of the Teton County Comprehensive Plan.
- b. To encourage innovative design, and the application of sound design principles.
- c. To preserve open space in meaningful amounts at carefully selected locations.
- d. To permit clustering and similar design solutions that afford the opportunity to protect scenic areas and wildlife habitats and migration routes.
- e. To permit developments to be planned so as to provide the least possible disruption to ranching activities.
- f. To encourage compact, rather than scattered, development.
- g. To provide an opportunity for development where site constraints or other factors prevent the development from making the required findings for a subdivision.

Section 2. Where Permitted. Residential Planned Unit Developments are permitted in any RA or RPJ Land Use District. Commercial Planned Unit Developments are required to be located in the CR, CT, CV, CL, and CG districts. Industrial Planned Unit Developments are required to be located in the I district. Institutional Planned Unit Developments are permitted in the Land Use Districts which allow them either as an outright use, or as a conditional use.

Larger PUDs in RA or RPJ districts having a substantial number of residential units may be considered as Mixed Use PUDs where commercial uses are proposed within the development to service the needs of the future residents of the development or other developments in the vicinity. The commercial uses so approved will be specifically limited to those shown on the PUD Final Master Plan.

Section 3. Use of Planned Unit Development Required. Planned Unit Developments are required for:

a. Development of all new institutional, commercial and industrial projects, or subdivision of any commercial or industrial property.

b. Developments that contain multiple family structures.

c. Residential and commercial developments that are inappropriate for standard subdivision development due to site constraints, or other factors.

d. Subdivisions in the Town of Jackson Planned Expansion Area (RPJ Land Use District) involving lots of less than three (3) acres.

Section 4. Relationship to Other Regulations. The uniqueness of each proposal for a Planned Unit Development may require that specifications and other design features of the proposal may be subject to modification from the specifications established in the Land Use and Development Regulations, the Subdivision Regulations, and other companion documents such as the Transportation Master Plan, adopted by Teton County. The required findings of the Subdivision Regulations shall also be met. In such cases, and in order to provide for exceptional design that furthers the goals of the plan and clearly meets the findings of Section 9, (b) of this Chapter, some modifications to the requirements may be requested, but in no case shall such modifications result in a lessening of the protection of the land, the environment, neighboring property owners, etc. provided for by such requirements. Such modifications shall be incorporated as part of the approval of the Final Master Plan of Planned Unit Development by the Teton County Board of Commissioners, and therefore, variances of the applicable regulations shall not be required.

When the subdivision of land is involved, Final Subdivision approval will be concurrent with Final Master Plan approval. The requirement for a Preliminary Plat is relieved by the Planned Unit Development process.

Section 5. Relationship to Conditional Uses. Uses that are permitted only with Conditional Use Permits, under the provisions of Chapter II, Section 6, Authorized Uses, of this resolution, are considered to have met all requirements of said permit by gaining approval under the Planned Unit Development process. The specific use standards of Chapter VII, Section 14 shall apply.

Section 6. Relationship to Development Permits. Development permits shall not be required for construction activities conducted in direct agreement with an approved Final Master Plan for a Planned Unit Development. Building permits and Grading Permits subject to the review of the Planning Office shall be required.

Section 7. Staging. The Board of County Commissioners may elect to permit staging of the development within a reasonable time, and may make reasonable extension thereof. Staging plans will be reviewed to determine what the consequences of construction will be if only some of the stages are completed.

Section 8. Noncommencement of Construction. In the event that substantial construction of the Planned Unit Development has not commenced within one year of project approval, the Board of County Commissioners shall review the project and determine if it be permitted to be continued as approved, or that the approval be revoked. Thereafter, such review shall be conducted by the Board of County Commissioners at intervals of not less than 12 months, or more than 18 months.

Section 9. Density Bonuses. The base residential density shall be the sum of the base densities of the various tracts in the PUD. A density bonus may be granted in some circumstances as described below.

For developments proposing preservation of open space in excess of 50 percent, additional bonuses may be considered as provided for under b., below.

a. To qualify for a density bonus, a minimum of 50 percent of the total acreage must be dedicated to open space, as per Section 10, below. Less than 50 percent of a tract may be considered if it immediately abuts existing lands that have been set aside as open space or conservation easements. Parcels of less than 20 acres may be considered for a bonus under these conditions also. For developments proposing preservation of open space in excess of 50 percent, additional bonuses may be considered as provided for under b., below.

b. Density bonuses may be applied for, but are discretionary, based on how well the design solution:

- (1) Maximizes the percent of open space preserved;
- (2) Maximizes the quality of the open space for scenic and wildlife values;
- (3) Minimizes the negative impacts on the open space in the development, and those open areas adjoining it;
- (4) Minimizes the negative impacts on the scenic and wildlife values of Teton County.

A density bonus beyond the base density may be granted in accordance with the following table, calculated for all acreage:

<u>ACRES</u>	<u>MAXIMUM BONUS ALLOWED</u>				
Less than 20	No bonus, except as provided for in Section 9.a. above.				
	PERCENT LEFT IN OPEN SPACE				
	50	60	70	80	90+
	<u>MAXIMUM BONUS</u>				
20- 60	50%	60%	75%	90%	100%
61-100	60%	75%	90%	105%	125%
101-160	75%	90%	105%	125%	150%
161-200	90%	110%	130%	150%	175%
201 and over	100%	125%	150%	175%	200%

Section 10. Open Space Requirements. Open Space proposed to be provided for the purpose of gaining a density bonus shall be in accordance with the provisions of this section.

a. Dedicated open space shall remain in agricultural use, or in it's natural state. Specially designed landscaped, non-structural outdoor recreation areas, such as golf courses or cross-country ski trails are eligible for consideration of a bonus.

b. Portions of the developed portion of the site devoted to required setbacks, roads and road easements, drives, parking areas, cut or fill slopes, sewage treatment lagoons, or other disturbed areas shall not be counted as open space used to calculate a residential density bonus.

c. Areas being used for ranching or agricultural activities are permitted to be considered for residential density bonuses.

d. The open space portion of large residential lots may be considered if it is determined that their arrangement and design conform to the requirements of 9.b., above.

e. The portion of the site preserved as open space for purposes of receiving a residential density bonus shall be specifically described by an acceptable survey, and shall be made subject to a conservation easement which is dedicated in perpetuity, or be transferred to the Scenic Preserve Trust, or to a tax-exempt, non-profit entity dedicated to this purpose, as approved by the Board of County Commissioners. It is specifically the intent that the open space so dedicated shall no longer be available for development for purposes other than those specified in the instrument of transfer.

f. Open space may, in special instances, be provided at a non-contiguous location if the Board of County Commissioners

determines that the location of the proposed open space meets the intent of the County's goals and policies regarding open space, and that the development is designed so as to protect open space values, and the developed portion of the land is deemed appropriate at its proposed location.

g. In planned unit developments utilizing noncontiguous tracts for the purpose of receiving a density bonus, the bonus shall be calculated separately for each tract.

Section 11. Development Standards. Planned Unit Developments shall conform with the performance standards of Chapter IV of this resolution, and the Transportation Master Plan Resolution, except where modified below:

a. Clustering of residential units shall be permitted, provided that the net density of the developed portion of the site does not exceed a maximum of 8 dwelling units per acre for one or two family dwellings, or a maximum of 16 dwelling units per acre for multiple family dwellings.

b. Setbacks for buildings and paved areas, as prescribed in Chapter IV, Section 19, shall apply to the periphery of the site only. Interior standards shall be developed as part of the Master Plan for development.

c. Separation between buildings shall be a minimum distance of 20 feet for all single story buildings. The distance between buildings shall increase one foot for each foot of increase of height above 15 feet, with the taller building used as the determining factor. Non-inhabited, accessory structures are not subject to this requirement.

d. Architectural design, when established by the Board of County Commissioners to be an integral part of it's Master Plan approval, shall be made part of the Master Plan approval, and all building permit applications shall be in conformity with said architectural design.

Section 12. Application process. The application for a Planned Unit Development shall conform to the following four step procedure except Institutional, Commercial, and Industrial Developments.

- .Having fewer than 10,000 square feet of floor area in any one structure,
- .Having no more than one habitable structure, or,
- .Having less than three acres of site area.

Institutional, Commercial, and Industrial developments meeting these criteria shall complete three of the four steps:

Preapplication Conference,
Preliminary Master Plan, and,
Final Master Plan.

Detailed requirements for each submittal are contained on the Checklists found at the end of this chapter. Each submittal shall be made to the Administrator of Planning Services in the prescribed format. The Administrator shall determine at the Preapplication Conference if any checklist items for the Master Plans may be eliminated for the Institutional, Commercial, and Industrial projects specified above. The Administrator shall review the materials submitted, and if found to be complete, shall accept the submittal and fee. If the submittal is found to be complete, the Administrator shall prepare a report and submit it and the application to the Planning Commission for review within thirty days.

a. FIRST: a PREAPPLICATION CONFERENCE shall be held with the planning staff. The purpose of the conference shall be to determine the amount of information that the planning office will require, design concerns the staff may have about the site, and on and off-site impacts the staff will want to see addressed. For major developments, or developments involving areas of special concerns, the applicant or the Administrator of Planning Services may elect to hold the preapplication conference before the Planning Commission and/or the Board of County Commissioners to solicit their input and concerns. The applicant should be prepared to discuss his general development intent, proposed uses, density, intensity, general arrangement of uses on the site, and general circulation theme. A simple sketch plan of major assemblages of uses and a circulation theme is required for the preapplication conference. The Administrator shall determine which public agencies will review the plan. At a minimum, the Sheriff, Fire Department, and Conservation District shall review the plan. The Required Findings of the Subdivision Regulations will be reviewed at the Preapplication Conference.

b. SECOND: After the preapplication conference a CONCEPT PLAN shall be required. The Planning Commission shall review the concept plan and its supporting materials. Within thirty days the Commission shall recommend approval to the Board of County Commissioners, recommend disapproval, or table the request for additional information, different design solutions, or different categories of uses. The Board of County Commissioners, considering the recommendation of the Planning Commission, shall review the application and approve, disapprove, or table the proposal for specific additional information or solutions. Conditions of approval may be attached by either the Planning Commission or the Board of County Commissioners.

c. THIRD: Upon approval of a concept plan, a PRELIMINARY MASTER PLAN shall be prepared. The Planning Commission shall review the preliminary plan and it's supporting materials. Within thirty days the Commission shall recommend approval, recommend disapproval, or table the request for additional information, different design solutions, or different categories of uses. Conditions of approval may be attached.

d. FOURTH: A FINAL MASTER PLAN shall be prepared. Any application for a Final Master Plan approval must conform to the density, bulk, intensity, use, and general arrangement and theme of the approved Preliminary Master Plan. Modifications to the plan beyond such conformity shall require that an AMENDED PRELIMINARY MASTER PLAN first be reviewed by the Planning Commission and approved by the Board of County Commissioners. Phasing or staging, if proposed, must be indicated. Final approval may be granted by stage in accordance with the overall staging plan. The Planning Commission shall review the plan and it's supporting materials. Within thirty days the Commission shall recommend approval to the Board of County Commissioners, recommend disapproval, or table the request for additional information, different design solutions, or different categories of uses. The Board of County Commissioners, considering the recommendation of the Planning Commission, shall review the application and approve, disapprove, or table the proposal for specific additional information or solutions. Conditions of approval may be attached by either the Planning Commission or the Board of County Commissioners.

(1) A FINAL PLAT OF SUBDIVISION shall accompany the submittal of the Final Master Plan, where division of land for sale is involved in the Final Master Plan. At any time a sale of land within the Final Master Plan is proposed, a Final Plat shall be prepared and approved by the Board of County Commissioners prior to such sale. The Final Plat shall be prepared in compliance with the Subdivision Regulations requirements, and shall be subject to all reviews and procedures of those requirements for Final Plats.

All transfers of ownership within the area of the Approved Final Master Plan will first require review to assure that responsibilities for remaining improvements or other conditions of approval have been adequately addressed, and be so certified by the Administrator, except in cases of sale of single family homes or home sites.

(2) On projects not preparing a Final Plat, a survey of all lands used for development and calculation of densities shall be submitted.

Section 13. Filing of approved master plans. Final Plats of Planned Unit Developments will be recorded in accordance with the requirements of the Subdivision Regulations. The Approved Final Master Plan shall be filed with the Planning Office, and marked as

the Official File Copy. All conditions of approval shall be attached to the Approved Final Master Plan Official File Copy. The conditions of approval shall also be included, together with a description of the property, in an affidavit to be recorded with the County Clerk. The County Planning Office shall prepare the affidavit in a form acceptable to the County Attorney. The applicant shall be responsible for recording fees as determined by the County Clerk.

CHECKLIST FOR CONCEPT MASTER PLAN
FOR PLANNED UNIT DEVELOPMENT

(1) Name, address, and phone number of the applicant, and his interest in the development. Also, if different from the applicant, the name, address, and phone number of a contact person for the project.

(2) Name and address of the owner of the property, if different than the applicant, proof of ownership, and written consent to the filing of the application.

(3) The existing Land Use Districts on the property, and the present uses of the property and surrounding properties.

(4) A list of all property owners adjoining, or across any roadways or streams from the property, as shown by current tax records. An index map shall accompany the list, showing the location of each property listed for each owner.

(5) A written statement generally describing the development, and its relationship to surrounding properties and uses. The statement shall include the planning objectives for the project, and the rationale governing their choices and approaches. The statement shall include responses to the required findings of Chapter VI, Section 8 of this resolution.

(6) A conceptual site plan, showing locations of uses, general circulation theme, and locations of open space.

(7) A tabulation of proposed uses, densities, and, for institutional, commercial, and industrial developments, the square footage of each use in each structure. If a commercial structure includes speculative space, it should be so stated, and a use assumed for calculating parking demand.

(8) A written statement describing the approaches proposed to avoid disruption of wildlife habitats and migration routes.

(9) A written statement describing the approach proposed to preserve open space, including the rationale used to select the location and arrangement of the open space. How unique and scenic areas and scenic vistas shall be protected shall be included in the discussion.

(10) A written statement addressing specifically how the development proposes to minimize its impact on neighboring agricultural or ranching activities.

(11) A location map.

(12) Total trip generation projected for the development, calculated in accordance with Chapter III, Section 1, d. of the Transportation Master Plan Resolution.

(13) General description of special signage themes, if any, proposed for the development, including entry and directional signs.

(14) Any proposed variances from the requirements of this resolution.

(15) Any additional information that the Administrator of Planning Services feels is necessary at this point to adequately understand the project and its impacts.

CHECKLIST FOR PRELIMINARY MASTER PLAN
FOR PLANNED UNIT DEVELOPMENT

(1) A written statement responding to conditions and concerns voiced by the Planning Commission and the County Commission in their review of the project.

(2) The name, address, and telephone number of the applicant, and his interest in the development. Also, if different from the applicant, the name, address, and phone number of a project contact person.

(3) The name and address of the property owner, and his written consent to the filing of the Preliminary Master Plan.

(4) Names, addresses, telephone numbers, seals (where appropriate), and signatures of all professional consultants participating in the development. If a special consultant was used for a particular segment, that segment should be identified at this point.

(5) Location map, drawn to scale.

(6) For plans proposing subdivision of land, the required findings of Chapter II, Section 2 of the Subdivision Regulations Resolution shall be responded to in writing, and the Requirements for Improvements, Chapter III, Section 3 of that resolution shall be complied with, except as modified by this chapter.

(7) A USGS Quadrangle map, 7.5 minute series covering an area at least 1/4 mile from the site in all directions, with lands currently set aside for open space or preservation easements shown.

(8) A list of the names and addresses of all property owners within 500 feet of the site, and a written statement that they were notified by mail of the application for approval. A copy of the notification must be included. At a minimum, the notification must include the names of the owner, developer, and applicant, a contact person and their phone number, the general nature and size of the development, and what approximate time schedule for approval and construction is proposed.

(9) A list of the public agencies that have been sent a copy of the Preliminary Master Plan, as was determined at the Preapplication Conference.

(10) A legal description of the property, or the description used on the deed.

(11) A map of the site with dimensions of all property lines shown to the nearest foot. If a survey has not yet been conducted, the dimensions and acreages must note that they are estimated. Any approval gained on estimated distances or acreages will be adjusted, where appropriate, upon receipt of a certified survey plat at the Final Master Plan Stage. The property map and parcel number shall be indicated, as well as the street address, if appropriate.

(12) Date, north point, and graphic scale.

(13) The plan shall be prepared at a scale of not less than 1"=100'. In large developments, the Administrator of Planning Services shall be consulted to determine if a smaller scale is

permitted. The administrator will base his decision of a smaller scale on the practicalities of the reproduction process, and the detail necessary to conduct staff reviews.

(14) Existing Land Use District Classification of the site, as well as any change proposed as part of the application, and documentation supporting the request for change.

(15) Existing topography map, with contour intervals shown as follows for the areas proposed to be developed:

<u>Existing Slope</u>	<u>Contour Interval</u>
Less than 10 percent	2 foot
10-20 percent	5 foot
20-30 percent	10 foot
Over 30 percent	20 foot

Areas of proposed grading shall have contour intervals of 2 foot shown. On generally flat sites spot elevations may be substituted, so long as the locations permit adequate review of the proposed development.

(16) Soils map, based upon data from the United States Soil Conservation Service, including USSCS descriptions of the soil suitability characteristics for construction.

(17) Hydrology map, including flood prone areas, whether regulated or unregulated, clearly depicting the 25- 50 year flood areas, and the 100 year flood areas. All water bodies, including streams and ditches shall be shown, and agricultural water rights addressed. Wetlands and marshes shall be shown. If construction activity is proposed in any wetland, marsh, or live stream area, the applicant shall include a written statement that the United States Army Corps of Engineers 404 Permit requirements shall be complied with in construction.

(18) Existing physical features map, depicting above ground geological formations or features, existing roadways, all existing easements, subsurface or above ground utility lines, wells, septic systems, and locations of existing trees.

(19) Composite map, indicating development suitability based on physical features of the site, classified as having few, moderate, or severe limitations. Wildlife habitats and migration routes and amenities, such as unique areas or scenic vistas, shall also be shown.

(20) Arrangement of uses and, except for single family houses, structures on the site. A tabular data table must identify the use and size of each structure, and the parking required and provided for each use. Parking requirements shall be as given in Chapter IV, Section 23 of this resolution.

(21) Proposed vehicular and pedestrian circulation elements, including streets, right-of-ways, driveways, ingress and egress points, parking and loading spaces, access isles, sidewalks, walkways and pathways. A tabular data table shall include the

total acreage of each element, and traffic volumes and movements, as per Chapter III, Section 1, d. of the Transportation Master Plan Resolution.

(22) Land proposed to be dedicated for school, park, or other public purpose, if applicable, as well as land proposed to be dedicated for right of way, if applicable.

(23) Location of trash or garbage collection points, with description of screening proposed.

(24) Proposed means of providing water and treating wastewater. Where community or shared systems are proposed, the proposed location of the systems and their distribution network shall be shown.

(25) Proposed grading theme map, showing areas of major cut or fill. Generalized stormwater management themes shall be discussed, and major detention or retention structures shown.

(26) A general statement addressing signage and lighting for the development.

(27) Preliminary landscaping, screening, and fencing plan, including general areas to be landscaped, and typical cross section and elevation drawings of proposed buffer areas. Types of plant materials, size, and spacing should be generally described.

(28) A general statement of any special provision intended for the covenants, grants of easements, or other restrictions to be imposed upon activities or uses.

(29) For developments proposed to be developed in phases, a phasing plan shall be shown. This plan shall address grading phasing, access and parking phasing, as well as structure and use phasing. Phased developments shall be designed to provide for an acceptable design solution at the completion of each phase, should subsequent phases not be developed.

(30) A list of any variances requested from any applicable section of the Land Use and Development Regulations.

C

CHECKLIST FOR FINAL MASTER PLAN
FOR PLANNED UNIT DEVELOPMENT

(1) A FINAL GRADING PLAN shall be submitted, prepared at a scale of not less than 1"=100', and, for the area proposed to be developed, a topographic map prepared as follows:

<u>Existing Slope</u>	<u>Contour Interval</u>
Less than 10 percent	2 foot
10-20 percent	5 foot
20-30 percent	10 foot
Over 30 percent	20 foot

Any areas proposed to be graded shall use 2 foot intervals. Existing and proposed grades shall be shown. The grading plan shall be prepared in full compliance with Chapter IV, Section 8, and Chapter VI, Sections 9 and 10 of this resolution.

(2) AN EROSION CONTROL PLAN shall be prepared in compliance with Chapter IV, Sections 6 and 7 of this resolution.

(3) A LANDSCAPE PLAN shall be submitted, showing the location of existing vegetation and the identification of the major plant species contained in the areas indicated. The location, number, size at planting, and species of all proposed ornamental and screen plants shall be shown. The methods for irrigating, if applicable, and maintaining the plants shall be discussed on the plan.

(4) A FINAL SITE PLAN shall be submitted, showing the location and size of all structures and improvements proposed, except that single family structures may show the building envelopes for those structures. Building elevations shall be shown for all proposed structures. All parking areas, roadways, amenity areas, and proposed site improvements shall be shown. A tabular data table shall also be included on the plan, identifying the use of each structure, the square footage of the use, and the number of parking spaces provided for that structure.

(5) A Final Plat of Subdivision shall be submitted when required, as provided for in Section 12.d. of this resolution.

(6) A copy of the instrument prepared to CONVEY OPEN SPACE shall be included.

CHAPTER VI

DEVELOPMENT AND USE PERMITS

Section 1. Development Permit Required. All proposed uses and structures, including enlargement and replacement of an existing use or structure, shall conform with the regulations and performance standards contained in Chapters II, III and IV of this resolution, and in the Teton County Highway Master Plan Resolution and supporting maps and documents.

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 Chapter IV of this resolution, 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 permit requirements under the provisions of this section shall be subject to review under the requirements set forth in the Land Use and Development Regulations and shall be authorized only after the requirements in Chapter IV Section 28 have been satisfied.

No such section

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 and building permit where required provided that the following uses and activities be exempt:

a. Non-residential structures, additions or accessory structures containing less than 1000 square feet of gross floor area subject to a building permit.

b. Change of use of an existing structure subject to a development use permit. (The development use permit application is reviewed by the Administrator of Planning Services. If the application is found to be in compliance with all of the above regulations the Administrator shall recommend that a member of the Board of 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.) This procedure does not require a public review nor a review by the entire Board of Commissioners.

c. Agricultural uses and earth moving incidental to agriculture.

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

e. Guest houses, subject to a building permit.

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

g. Incidental and accessory structures on residential sites that are for the exclusive use of residents and their guests, subject to a building permit.

h. Grading activity provided that:

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

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

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

(4) Only private drives with a design gradient of less than 4 degrees (7 percent), or private drives serving only one residence, are included in the project.

i. 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 or grading in Section 10 of this chapter can be made.

j. Those commercial, industrial, institutional, multi-family residential, and grading proposals that are determined by the Administrator to meet all performance standards, and are further determined to not constitute such local or community-wide impacts as to be subject to public review to meet the purposes of the Land Use and Development Regulations. This exception cannot apply to new commercial, industrial, or institutional developments, but rather only to modifications or additions to existing uses on a site.

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, and site conditions 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.

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 if 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 4-6, 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.

l. Where applicable, a traffic impact study as described in Chapter II of the Highway Master Plan.

Chap III 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.

1.h.? n. An application for a development permit for grading, not exempted by Section 1.g. of this chapter, shall include the following information in addition to filing requirements a. through l. 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 any engineering works such as retaining walls, showing slope angle and dimensions of cut and fill slopes, and 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 RA-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 groundwater conditions were caused by irrigation and that the groundwater level has dropped upon the removal of irrigation, in accord with the provisions of Chapter II, Section 7.

s/b Chap III, Sec 3?

p. For a proposed development in the RPJ, Jackson Planned Expansion District, or the RTM, Teton Village Planned Resort Multiple Family 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 to 15 percent, 15.1 to 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, or 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 fifteen (15) days prior to the Board of County Commissioners' regularly scheduled meeting. The Administrator shall review the application and its conformance with the performance standards, 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 Board of County Commissioners, the Administrator of Planning Services 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 development, developments requiring variances, land classification changes or expansion of non-conforming uses and structures. These would require a public review. *See Sec. 1j for in house permit App*

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 ten (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 thirty (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 8 and, if applicable, Section 9 of this chapter, or deny the permit. Before recommending that a development permit be granted, the Commission shall make the findings prescribed in Section 8 and, if applicable, Section 9 of this chapter.

Section 7. Board of County Commissioners' Action on Applications Requiring a Public Review. Within ten (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 ten (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 8 and, if applicable, Section 9 of this chapter, or deny the permit. Before granting the development permit, the Board shall make the findings prescribed in Section 8 and, if applicable, Section 9 of the chapter.

Section 8. 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.
- e. The proposed use will not have a significant adverse impact on air quality, water quality, or fire safety.
- 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 and complies with all applicable requirements and standards of the Teton County Highway Master Plan Resolution and supporting maps and documents.

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 or fisheries.

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 9. 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:

Sec 8
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 10. Burden of Proof for Development Permit Applications for Grading. The burden of proving to the Planning Commission and 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 11. 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 12. 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.

CHAPTER VII

CONDITIONAL AND TEMPORARY USE PERMITS

Section 1. Conditional Use Permit Procedures - Approval Required. Certain land uses by their very nature tend to be incompatible with other land uses in the same land use district but may be found acceptable in certain circumstances when conditioned in a manner to protect abutting landowners and to preserve the character of the area. Conditional uses listed in Section 6 of Chapter II may only be permitted following a review by the Planning Commission and final approval and authorization by the Board of County Commissioners subject to the provisions set out in this chapter.

Section 2. Filing Requirements. An application for a conditional use shall be filed with the Administrator of Planning Services on the prescribed form a minimum of fifteen (15) working days before the first public hearing at which it may be reviewed. The application shall be accompanied by the required processing fee, and by any documents, maps, plans and other material determined by the Administrator to be applicable, including, but not limited to, the following:

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

b. The land use classification in which the property is located and a legal description, address and any other information necessary to identify the site;

c. A statement of the precise nature of the proposed use, including hours of operation, number of employees, traffic generated, type of structures involved as well as a specific description of the activities proposed to take place on the site;

d. A location map, drawn to scale, showing the surrounding land uses;

e. A site plan drawn at a scale and including a degree of detail appropriate to the complexity of the proposed use as determined by the Administrator of Planning Services. Such site plan shall show all existing and proposed features on the site and within 200 feet of the site, including site boundaries, setbacks, building locations and heights, parking areas, other graded or paved areas, driveways and roads, landscaped areas, water features, topography, open space areas to remain in their undisturbed natural state and any other physical features pertinent to the application;

f. A sketch drawing of building elevations and floor plans sufficiently detailed to show the dimensions and general appearance of the proposed buildings;

g. 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, location, type and size of landscaped areas, the varieties of plant materials to be planted therein, any proposed fencing and provisions for maintenance;

h. A statement, including any appropriate maps or plans, of how the applicant proposes to meet the performance standards of this chapter for particular uses, and of this resolution for uses in general, as well as any other plans or actions proposed by the applicant to mitigate the impact of the proposed use on surrounding properties;

i. Areas for snow storage and provisions for stormwater and snowmelt drainage;

j. Plans of all grading operations to be conducted in preparing the site, including the slope gradients and elevations;

k. The names and last known addresses of the recorded legal owners of all properties adjoining the site, including those on the opposite side of any street or road.

l. Locations and types (i.e., state highway, town street, etc.) of roads along with rights-of-way to be dedicated to be used to gain access to the proposed site, and any appropriate approvals as required by the State Highway Department or County Road Department; and

m. Any additional material as the Administrator may require or the applicant may choose to submit pertinent to the application.

Section 3. 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, along with his recommendations, no later than ten (10) days before their earliest convenient regularly scheduled meeting.

Section 4. Planning Commission Action. The Planning Commission shall review the application and supporting materials, 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 allow the proposed use subject to the minimum performance standards of this chapter and of this resolution, allow the proposed use subject to those minimum standards as well as additional conditions or modifications, or deny the proposed use for failure to meet the locational or performance findings prescribed in Sections 2 and 3 of this chapter.

Section 5. 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 regularly scheduled meeting the Board shall hold a public review. Within 30 days after the review, the Board shall allow the proposed use subject to the minimum performance standards of this chapter and of this resolution, allow the proposed use subject to those minimum standards as well as additional conditions or modifications, or deny the proposed use for failure to meet the locational or performance findings contained in Sections 2 and 3 of this chapter. Upon approval of the conditional use permit, the Administrator of Planning Services shall issue a permit subject to any conditions approved by the Board.

Section 6. In Conjunction With a Variance Application. Any variance requested under the procedures prescribed by Chapter XI of this resolution may be considered at the same public hearings as the request for approval of the conditional use to which they would apply.

Section 7. Notice of Public Review. Notice of any public review required for a conditional use permit or an amended conditional use permit, shall be published in accordance with the requirements of Chapter XII of this resolution. The Administrator shall provide proper notification of such hearing to the recorded legal owners of all properties adjoining the site, including those on the opposite side of any street or road at least 10 days in advance of the meeting.

Section 8. Re-Application After Denial or Revocation of Permit. Following the denial or revocation of a conditional use permit, no application for a conditional use permit for the same or substantially the same use on the same site shall be filed within one year from the date of denial or revocation, except on grounds of new evidence or proof of change of conditions found to be valid by the Administrator.

Section 9. Expiration of a Conditional Use Permit. A conditional use 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 (for one year only) is granted by the Board of County Commissioners prior to the expiration date.

When a conditional use has commenced before the expiration date of the conditional use permit, the permit shall remain in effect so long as the use for which it was issued remains in operation. A conditional use permit shall be transferable to subsequent owners of a site provided that there is no significant change in the character of the site or of the use. Any conditions attached to the permit shall continue to be binding on subsequent owners of the site.

Section 10. Amendment of a Conditional Use Permit. The enlargement or alteration of a use, or of the structures and facilities occupied by a use, which was previously allowed by a conditional use permit, shall require a conditional use permit amendment. Such an amendment shall be obtained following the same procedures required for a conditional use permit as listed above, except that the Administrator may submit the application directly to the Board of County Commissioners for public review at their next regularly scheduled meeting if the proposed amendment is deemed minor by the Administrator.

No amendment shall be considered which does not involve the enlargement or alteration of a use, or of the structures and facilities occupied by a use, except on grounds of new evidence or proof of change of conditions found to be valid by the Administrator.

Section 11. Requirement for Performance Bond. As a condition for granting a conditional use permit pursuant to the applicable provision of this chapter, the applicant may be required to post a performance bond in an amount

sufficient to ensure completion of the project or required improvements, including landscaping or any required off-site improvements. In such case the applicant 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 ensure the actual construction of such project or improvements, within such period as may be determined by the Board, in a satisfactory manner. Upon completion of the improvements, the applicant shall call for inspection by the Administrator of Planning Services. If inspection shows that the condition requirements have been met in the completion of such improvements, the security shall be released within seven (7) days of the time of inspection. If the security provided by the applicant is not released, refusal to release and the reasons therefore shall be given to the applicant in writing within seven days of the time of inspection.

Section 12. Exemption From Conditional Use Permit Requirements. Minor electrical substations, water pump stations, water tanks, sewage lift stations, sewage treatment plants or similar utility facilities, when thoroughly reviewed and approved as part of a planned unit or clustered residential development, shall be exempt from the fees and provisions for conditional uses required by this chapter. Other facilities or uses within a planned unit or clustered residential development may be similarly exempted by the Board of County Commissioners upon a specific request by the applicant submitted to the Administrator of Planning Services. The Administrator shall submit the request and his recommendations to the Board, which shall review the request and make a determination at its next regularly scheduled meeting.

Section 13. Required Findings. In addition to any other applicable standards contained in this resolution or required by county, state or federal regulations, a proposed conditional use shall be required to meet certain findings listed below, as well as any specific performance standards required by Section 3 of this chapter. No conditional use permit may be issued until the Board of County Commissioners finds that the following standards will be met by the proposed use on the proposed site.

a. The proposed use shall be consistent with the purposes and intent of the Teton County Comprehensive Plan and shall comply with the standards of the land use district in which it is located, except as those standards may have been modified in authorizing the conditional use, or by grant of a variance.

b. The proposed use shall be designed to be compatible in terms of scale, bulk and general appearance with adjacent land uses and with existing and potential uses in its general area. For public, institutional or other non-residential uses allowed in residential districts, the proposed use should be in a residential-type building.

c. The proposed use shall provide for the avoidance of significant adverse impacts on the surrounding area with regard to trash, odors, noise, glare, vibration, air and water pollution and other health and safety factors or environmental disturbances.

d. The proposed use shall be compatible with the pattern of existing developed land uses in the vicinity and shall not permanently injure the appropriate future use of neighboring property.

e. The proposed use shall not be such as to create a nuisance to other properties, or their occupants, in the vicinity or a hazard to public health, safety or welfare.

f. The proposed use shall not have a significant adverse impact on public facilities or services or require a significant uncompensated increase in public expenditures for roads, schools, water and sewer facilities, police and fire protection or other public facilities or services.

g. The proposed use shall not have a significant adverse effect upon traffic, with particular reference to congestion, automotive and pedestrian safety and convenience, traffic flow and control, access, maneuverability and removal of snow from streets and parking areas.

h. The proposed use shall not produce traffic volumes which would exceed the capacity of public or private roads in the area or elsewhere in the County. Where such capacities would be exceeded, the Board of County Commissioners may approve the use provided that the applicant bears the cost of improvements required to provide adequate street and road capacities.

i. Any vehicle access to proposed off-street parking areas and drive-in facilities shall be designed to minimize conflicts between vehicular, bicycle and pedestrian traffic and to minimize impacts on adjacent properties and on public or private roads. In addition, any resulting commercial and truck traffic shall not use a residential street nor create a hazard to a developed residential area.

j. The proposed use shall not conflict with the regulations of any environmental protection district and shall provide adequate measures to minimize and control any potential environmental problems or adverse impacts on wildlife habitat or migration routes.

k. The proposed use shall not disrupt the scenic setting of the National Park or the National Forests or areas designated in the Scenic Preservation Element of the Teton County Comprehensive Plan.

l. 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.

m. 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 or fisheries.

n. No element of the proposed use will intrude on or present a barrier to wildlife migration, movement, routes, calving, fawning, or nesting areas.

o. Development will be limited to those portions of the site having the least wildlife habitat value.

p. The physical configuration of the development will be such that it does not encircle any areas of high wildlife habitat value.

q. Developed and open space areas are designed to retain and enhance existing and potential wildlife habitats.

r. The proposed use will not interfere with existing agricultural water rights, and provisions have been made to ensure access to agricultural water supplies for maintenance. 15

Section 14. Specific Use Standards and Requirements. The following is a list of conditional uses which require specific standards in addition to those standards and procedures found in Sections 1 and 2 of this chapter, Chapter IV of this resolution, and any other appropriate regulations. Before any of the following conditional uses can be considered for public review, they shall meet the standards listed in this section. These uses are denoted with a triple asterisk (****) in the TABLE OF AUTHORIZED USES BY DISTRICT found in Chapter II, Section 6 of this resolution.

a. Commercial Stables:

- (1) All commercial stables shall occupy a minimum of ten (10) acres.
- (2) Any animal enclosure shall be set back from streams and residential lots to provide adequate health and safety protection.
- (3) Landscaping or some other adequate screening shall be provided between the stables and residential units.

b. Mobile Home Parks:

- (1) All mobile home parks shall be in a clustered residential development or planned unit development.
- (2) A mobile home park may only be permitted on a site where the mobile homes will not be visible from a state highway, or Spring Gulch, Fall Creek, or Fish Creek County roads.
- (3) Mobile home parks shall be authorized only upon the granting of a mobile home park permit subject to the regulations prescribed in the mobile home park resolution.
- (4) Mobile home parks shall be screened from view with appropriate landscaping.
- (5) The density shall not exceed the density of the district in which the mobile home park is located.
- (6) There shall not be more than five (5) nor less than four (4) units per acre.

c. Agricultural Employee Housing:

- (1) Agricultural employee housing shall only be permitted on a working ranch practicing agriculture.
- (2) The minimum size of any ranch on which agricultural housing shall be permitted is 100 acres.
- (3) The occupant of any agricultural employee housing shall be employed by the operator of the ranch and shall work on the ranch.

d. Dude Ranch:

(1) No dude ranch shall exceed seventy-five (75) guest units.

e. Tent Campground and Recreational Vehicle Park:

(1) All campgrounds shall, at a minimum, meet the requirements in the most recently adopted State Campground Standards.

(2) The campground or RV park shall have its boundary clearly defined by fencing, landscaping, screening, or berming to keep campers off adjoining private properties and in such a way as to be visually compatible with surrounding properties.

f. Dog Kennel or Breeder:

(1) Indoor accommodations shall be provided for all dogs kept in kennels.

(2) The setback for the use or any structure from any boundary abutting a residential district shall be an adequate distance to mitigate ~~noise impacts~~ ^{X Amended} and in no case less than 200 feet.

g. Outdoor Boat or Trailer Storage:

(1) A setback of 50 feet shall be required from any boundary abutting a residential district.

(2) A site obscuring fence and/or equivalent screening shall be erected or grown between the storage area and any residential area.

(3) Storage area shall be within a clustered residential development, planned unit development or platted subdivision.

h. Rock Quarry, Gravel Pit, Rock Crushing, Screening, Washing and Stockpiling:

(1) A fence shall be required for safety purposes where necessary.

(2) All rock quarry or gravel operations shall have sufficient setbacks to protect adjoining uses from excessive noise, dust, visual impacts and to protect the health and safety of the general public.

(3) A visual screen shall be required where necessary.

(4) Before any permit is issued for a rock quarry or gravel pit operation, a detailed plan shall be approved describing the method of site restoration along with a time table to be approved by the County Commissioners.

(5) No operations are permitted which would deface any butte, mountainside, or any other natural feature which would damage the scenic beauty of the County unless the operation is for the protection of the public health, safety and general welfare.

(6) Operations shall be considered abandoned if:

(a) On-site mining or processing is not carried out continuously for two (2) years at any location covered by the permit; or

(b) If the operator does not demonstrate his intention to resume operations and keep his bond in force more than one (1) year after operations have ceased. A new permit shall be required prior to further excavation or processing.

(7) Reclamation shall proceed in such a way that the natural storm drainage, where it enters and leaves the premises shall be altered only to the least degree necessary to carry out excavation and related activities. Any alteration of the natural storm drainage should not adversely affect public roads or neighboring uses.

(8) Restoration shall proceed in a continuous manner and shall be subject to review and approval at each annual inspection and at the end of the permit period. The following standards shall apply:

(a) Topsoil grading and planting of the area designated for restoration during the permit period shall be completed before a mining permit is renewed.

(b) Overburden shall not be removed for an area larger than that mined in one year.

(c) Where ground cover or other planting is indicated on the approved reclamation plan, the planting shall be made in areas where excavation is completed and land is not being used for material storage, before further overburden is removed.

(9) To ensure that operators abide by the regulations and reclamation standards set forth in this chapter or any other applicable standards, bond and insurance shall be posted in the amount prescribed by the County Commissioners.

(10) When topsoil is removed, sufficient arable soil shall be set aside on the site for respreading over the excavated area. These overburdened stockpiles shall be used to minimize the effects of wind or water erosion upon public roads, streams, or adjacent land uses.

i. Airport, Heliport:

(1) Any airport or heliport must meet Federal Aviation Administration (FAA) standards.

(2) Any site frequently used by helicopters must comply with FAA standards for heliport.

i. Hospital, Rest Homes, Sanitarium, Nursing Home or Clinic:

(1) A hospital, rest home, sanitarium, nursing home or clinic and customary accessory structures shall be set back from each property line abutting a residential district at least one hundred (100) feet.

(2) Any hospital or sanitarium shall be located within six (6) road miles of ambulance, fire, and police facilities.

(3) The area of the site shall be at least five (5) acres.

k. Halfway House, Youth Detention Center:

(1) Any halfway house or youth detention center shall be located within six (6) road miles of ambulance, fire, and police facilities.

l. Indoor Riding Arena:

(1) All structures shall be set back a minimum of 100 feet from any property line.

(2) No indoor riding arena shall be permitted within any scenic area as described in the Scenic Preservation Element of the Comprehensive Plan. However, if the arena cannot be seen from the roadway, it may be considered.

(3) The area of the lot shall be at least five (5) acres.

m. Yurt Parks:

(1) All yurt parks shall be in a clustered residential development or a planned unit development.

(2) All yurt parks shall comply with the most recently adopted State of Wyoming regulations for mobile home parks and campgrounds.

(3) All yurt structures shall meet construction, electrical, and sanitary standards as established by Teton County.

(4) There shall be a minimum of 20 feet of open space between yurts and a 25 foot setback from any road. There shall also be a 25 foot setback from all property lines.

(5) Two parking spaces, having 200 square feet each shall be provided for each yurt dwelling unit. An additional one space for every three (3) yurt dwelling units shall be required for guest parking. All required parking may be provided on a single lot.

(6) Yurt parks shall be screened from adjoining land uses. Screening may include trees, berms or other landscaping which adequately screens the yurt park.

(7) Yurt parks shall not be located within any scenic area as described in the Scenic Preservation Element of the Comprehensive Plan; nor shall any yurt park be located within sight of any state highway or any of the following Teton County roads: Fall Creek Road, Spring Gulch Road or Fish Creek Road.

(8) Yurts within a yurt park shall be clustered on the site with a density of not less than three units per acre and not greater than six units per acre.

n. Equipment Contractor Yard:

(1) A setback of 50 feet shall be required from any boundary abutting a residential district. All impervious surfaces must meet the 50 foot setback, however, storage of equipment and materials would be held to 25 feet from the property line.

(2) All equipment, material and supplies in connection with the use shall be screened from any neighboring residential area, county road, or state and/or federal highway or other adjoining areas as deemed appropriate.

(3) Site must have appropriate access which does not significantly interfere with other uses.

Section 15. Temporary Use Permit. From time to time the Board of County Commissioners may find a need to issue permits for temporary activities which serve some obvious public purpose or contribute to the general welfare of the community. In such cases a temporary use permit may be granted by the Board after a public review in accordance with the following procedures:

Section 16. Typical Uses Which May Be Approved. The type of use for which a temporary use permit may be approved shall be at the discretion of the Board of County Commissioners, but would typically include such activities as temporary food services, public concerts or similar events, art or handicrafts fairs, circuses, horse races, livestock shows or auctions or similar activities, particularly when undertaken by public or non-profit organizations. A temporary use permit shall be allowed for a set period of time as approved by the Board of County Commissioners.

Section 17. Filing Requirements. An application for a temporary use permit shall be filed with the Administrator of Planning Services on the prescribed form a minimum of fifteen (15) working days before the Board of County Commissioners meeting at which it may be reviewed. The application shall be accompanied by the required processing fee and by any documents, maps, plans and other material determined by the Administrator to be applicable, including, but not limited to, the following:

a. The name and address of the property owner and the applicant, and a statement, signed by the owner, 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 and any other information necessary to identify the site, along with a copy of the latest recorded deed.

c. A statement of the precise nature of the proposed use, including hours of operation, number of employees, traffic generated, parking facilities proposed, type of temporary or permanent structures involved as well as a specific description of the activities proposed to take place on the site.

d. A sketch plan of the site indicating the location of any temporary or permanent structures, parking areas, driveways, roads, water features, sanitation facilities, fences or any other features pertinent to the application.

e. The names and last known addresses of the legal owners of all properties adjoining the site, including those on the opposite side of any street or road.

f. A statement, including any appropriate maps, plans or documents, of how the applicant proposes to meet the performance standards, rules, regulations and laws of Teton County, the State of Wyoming and the United States of America which are pertinent to the proposed use, including the applicable Comprehensive Plan regulations, liquor license laws, sales tax, income tax withholding and workmen's compensation requirements, sanitation and health and safety requirements.

g. Such additional material as the Administrator may require or the applicant may choose to submit pertinent to the application.

Section 18. Administrator of Planning Services Action. The Administrator of Planning Services shall review the application and supporting materials for conformance with the Comprehensive Plan and shall submit copies of the application materials to the Sheriff's Department, Fire Department, County Sanitarian and County Clerk for their review and comment. Copies shall also be sent, where appropriate, to the Wyoming Highway Department, Highway Patrol, U.S. Forest Service or other county, state or federal agencies. Said agencies shall be allowed ten (10) days for their review and comment, after which the Administrator may submit the application and any comments received, along with his own comments and recommendations, to the Board of County Commissioners for review at their next regularly scheduled public meeting.

Section 19. Board of County Commissioners Action. After receipt of the application, supporting documents and materials and comments, the Board shall hold a public review. In reviewing the application, the Board shall consider the required findings for conditional uses in Sections 2 and 3 of this chapter. Within 30 days after the review, the Board shall allow the proposed temporary use, allow the use subject to conditions or modifications, or deny the proposed use.

Section 20. Issuance of a Temporary Use Permit. In approving a temporary use permit application, the Board may specify conditions which must be met before the permit may be issued by the Administrator and become effective. The Administrator shall issue the permit only when he has determined that such conditions have been met. Should the Administrator be unable to make a clear determination, the Board of County Commissioners shall make the final determination. Where no such conditions have been attached, the Administrator shall issue the permit upon its approval by the Board.

Section 21. Notice of Public Review. Notice of the public review shall be published in accordance with the requirements of Chapter XI of this resolution. In addition, the Administrator shall provide proper notification of such hearing to the recorded legal owners of all properties adjoining the site, including those on the opposite side of any street or road.

Section 22. Re-Application After Denial or Revocation of Permit. Following the denial or revocation of a temporary use permit, no application for a temporary use permit for the same or substantially the same site shall be filed within one year from the date of denial or revocation, except on

grounds of new evidence or proof of change of conditions found to be valid by the Administrator.

Section 23. Effective Period of a Temporary Use Permit. In approving a temporary use permit, the Board of County Commissioners shall specify the period during which it shall be in effect. However, in no case shall the effective period exceed ninety (90) days, and in no case shall more than one such permit be issued for substantially the same use and location during any calendar year. A use proposed to extend beyond a 90 day period shall require a development, building and use and/or conditional use permit as appropriate.

Section 24. Requirement for Performance Bond. As a condition for granting a temporary use permit, the applicant may be required to post a performance bond in an amount sufficient to ensure conformity with all of the applicable county, state or federal regulations and with any conditions imposed, particularly conditions recommended by the Sheriff's and Fire Departments, County Sanitarian or County Clerk. In addition, proof of adequate insurance and other items may also be required. Where financial assurances are required, the applicant shall file with the County Clerk a surety or cash bond or other collateral suitable to the County Commissioners, in an amount specified by the Board. Within seven days of the expiration of the temporary use permit, the County Clerk shall release that portion of the bond or other financial assurance which has not been required by the County to carry out the conditions of the permit or the requirements of county, state or federal regulations regarding the use.

Section 25. Exemption From Comprehensive Plan Regulations. A temporary use upon recommendation from the Administrator and public review by the Board of County Commissioners, may be exempted from any requirements of the Teton County Comprehensive Plan, such as allowed uses, impervious surface coverage, parking requirements, etc., specifically considered in the public review, provided that no such exemption may be made which would endanger the public health, safety or welfare or would violate the purposes and intent of the Comprehensive Plan. A temporary use permit shall be denied if the clear intent of the application is merely to avoid compliance with the Comprehensive Plan or other county, state or federal regulations.

Section 26. Revocation of a Conditional or Temporary Use Permit. The Board of County Commissioners, after a recommendation from the Planning Commission, may revoke or modify any conditional or temporary use permit. Such revocation or modification shall be made on any one or more of the following grounds.

- a. That the approval was obtained by fraud;
- b. That the use for which such approval was granted has been abandoned;
- c. That the permit granted is being exercised contrary to the terms or conditions of such approval or in violation of any statute, resolution, code, law or regulation of Teton County, the State of Wyoming or the United States of America; or
- d. That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety.

Individuals who are aggrieved may petition the Board by letter to initiate revocation proceedings. Before a conditional or temporary use permit may be revoked or modified, public reviews shall be held by the Planning Commission and Board of County Commissioners following the same procedures required by this chapter for the initial consideration of the conditional or temporary use permit application. In addition to revocation of such permits, the Board may resort to any other remedy allowed by law for violation of this resolution.

CHAPTER VIII

BUILDING PERMIT

Section 1. Purposes. This chapter is intended to ensure that each new or expanded use of a residential or non-residential structure and that each new residential or non-residential structure or alteration of a residential or non-residential structure complies with all applicable provisions of this resolution, complies with all applicable provisions of the County Building Codes Resolution and provides the County with a record of each new or expanded use of a structure.

Section 2. Building Permit Required. A building permit shall be required prior to the erection, construction, enlargement, alteration, repairing, moving, improvement, removing, converting or demolishing of any structure or accessory structure including structures in planned unit developments and clustered residential developments and incidental and accessory structures on the same site or that are necessary for the operation of a permitted use.

Conformity with applicable performance standards as prescribed in Chapter IV, with the regulations of applicable environmental protection district regulations as prescribed in Chapter III, and with the land use regulations prescribed in Chapter II, shall also be required.

Any grading activities necessary for the above permitted uses and not exempted by Chapter VI, Section 1g, shall require a development permit.

Conformity with the flood hazard area development requirements, as set forth in Chapter IV, Section 28 of this resolution, shall also be required.

Section 3. Application for a Building Permit. Application for a building permit shall be filed with the County Building Official 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 recreational vehicle on the site for which a building permit for a single family residential structure is being granted. Use of a mobile home or recreational vehicle may be authorized for a period not exceeding twelve (12) months, provided that construction of the residential structure authorized by the building permit is commenced and diligently pursued to completion during that time. Not more than twelve (12) months following the issuance of the 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 twelve (12) 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 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 a Building Permit. Following the approval of the small wastewater facility by the County Sanitarian (where applicable), and following the review of the building permit application by the County Building Official, the Administrator of Planning Services shall recommend that the Board of 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 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 Building Permit. A building permit shall lapse and become null and void six (6) months following the date on which it was issued, unless prior to the expiration date construction is commenced and diligently pursued toward completion or unless an application for extension is granted by the Board of County Commissioners prior to the date of expiration as prescribed in the County Building Codes Resolution.

CHAPTER IX
HOME OCCUPATION PERMIT

Section 1. Home Occupation Permit. A home occupation, as defined and limited in Section 2 of this chapter, may be authorized in any land use district, subject to the issuance of a home occupation permit and fulfillment of all conditions of such permit. Only one home occupation may be permitted for any residential site.

Section 2. Definitions and Limitations of Home Occupation.

a. 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 on a residential site, which is incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof or adversely affect the uses permitted in the residential district of which it is a part.

b. The following uses shall not be considered home occupations and shall not be permitted in residential districts:

PROHIBITED USES

Animal hospital or veterinary clinic
Antique shop
Auto repair shop
Barber shop or beauty parlor
Clinic or hospital
Construction firm or contractor equipment storage
Dance school or studio (over 2 students)
Day care center or nursery school (over 11 children)
Dentist, physician or veterinarian - principal office
Dog kennel or breeder
Fish or bait sales
Funeral director, mortuary or undertaker
Furnace repair, heating, plumbing or refrigeration shop
Glass repair or painter's shop
Laboratory, taxidermy shop
Nursery or garden shop
Painting of vehicles, trailers or boats
Photo processing business
Private clubs
Private schools with organized classes over 2 students
Renting of trailers
Repair shop or service establishment except repair of minor appliances, typewriters, cameras, watches or similar small items

Restaurant

Sale or display of merchandise other than agricultural produce raised on the premises

Shoe repair shop

Upholstery shop

c. Subject to the limitations imposed by Section 3 of this chapter and any conditions which may be imposed by the Board of County Commissioners, a home occupation permit may be granted for the following uses:

PERMITTED USES

(These are typical examples of uses which often can be conducted within the limits of the restrictions established in this chapter but should not be considered an exhaustive listing of possible permitted uses.)

Non-principal office of an accountant, architect, engineer, surveyor, dentist, physician, veterinarian, lawyer, insurance agent, real estate agent or similar profession

Art, handcraft, music, photography, or similar studio
(no sales or classes over 2 students)

Day care center or nursery school (1 to 11 children)

Dressmaker, seamstress or tailor

Repairing of furniture, minor appliances, typewriters, cameras or similar small items

Rooming or boarding house (not more than 2 persons, neither of whom is a transient)

Selling produce raised on the premises

Telephone sales or order taking

Tutor (no more than 2 students at a time)

Psychotherapy counseling service

d. In order to determine uses of a similar character to those permitted or prohibited in this section, the procedure outlined in Chapter II, Section 5. Determination of Similar Uses, shall be followed for home occupations in all districts, and such uses shall thereafter be permitted or prohibited home occupations.

Section 3. Performance Standards for Home Occupations. All proposed home occupation uses, including the enlargement of an existing use or structure, or the replacement of an existing use or structure, except as authorized by Chapter X, shall conform with the performance standards prescribed in this chapter as well as all other applicable laws and regulations of Teton County and of the State of Wyoming.

a. The home occupation shall comply with all applicable performance standards prescribed for the district.

b. In no case shall areas specifically designed, constructed or set aside for use in a home occupation exceed 25% of the floor area of the principal dwelling or 500 square feet, whichever is smaller, except for the letting of rooms to roomers or boarders.

c. Home occupations should be conducted primarily within the principal residential structure and garage. Any other accessory structure used should be of a style and construction compatible with the residential character of the district.

d. The home occupation shall not have or require a separate septic tank or leach field, or significantly increase or alter the effluent entering an existing septic system so that its proper functioning is adversely affected.

e. The home occupation shall be conducted in conjunction with the use of the dwelling unit as a home by the occupant thereof, and in no way shall the appearance of the structure be altered or the occupation be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting or the emission of sounds, noises, vibrations, etc.

f. No use shall require internal or external construction features or the use of electrical, mechanical or other equipment that would change the fire rating of the structure or in any way significantly increase the fire danger to the occupants of the dwelling or to other properties or residents in the area.

g. Signs shall be limited to one unlighted sign of no more than 6 square feet and shall conform with all provisions of Chapter IV, Section 25. Signs.

h. No storage or display of materials, goods, supplies or equipment related to the operation of the home occupation shall be visible from the outside of any structure located on the premises.

i. No stock-in-trade may be kept other than products manufactured on the premises or incidental supplies necessary for or consumed in the conduct of such home occupation.

j. To the extent that there is any sale of any item related to a home occupation by the permittee as seller, delivery of that item to the buyer shall occur primarily off the premises. Samples may be kept but not sold on the premises. Agricultural produce raised on the premises, as well as items commonly

collected or traded and occasionally sold by hobbyists, such as coins, stamps, antiques, etc. may be considered exempt from these provisions when all other conditions are met.

k. The number of employees, other than the inhabitants of the primary dwelling, shall not exceed one.

l. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.

m. Any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard. Number of spaces required shall be determined by the Administrator and the Board of County Commissioners.

n. No commercial vehicle type shall be used in connection with the home occupation, used for delivery of goods to or from the premises, or parked on the property.

o. No home occupation shall require an increase in the use of any one or more public utilities (including water, sewer, electricity, telephone, garbage collection, etc.) which would adversely affect other residents, require expenditures by the County or public utilities greater than the average for other residences in the area or adversely affect the ability of the County or public utilities to provide services to other residents.

p. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists.

q. Electrical or mechanical equipment which creates visible or audible interference in radio or television receivers or causes fluctuations in line voltage outside the dwelling unit or which creates noise not normally associated with residential uses shall be prohibited.

r. Such other conditions or limitations as may be recommended by the Administrator and imposed by the Board of County Commissioners to protect nearby residences.

Section 4. 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 existing

residential use, the nature of the home occupation and any other information deemed necessary by the Administrator.

Section 5. 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 6. 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 X

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 reestablishment 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 or a multiple family dwelling and a single family dwelling 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 dwelling units used on a transient basis. In no case shall the property be divided into more parcels than there are existing dwelling units or multiple family dwellings and, in each case, one of said dwelling units or multiple family dwellings 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 sale 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.

CHAPTER XI

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 CV districts, setbacks, coverage by impervious surfaces, maximum building height, traffic generation, off-street parking and loading, screening, signs, and road standards) and to minimum lot size as allowed by Chapter II, Section 6 (division of parcels along commercial or industrial district boundary lines).

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) 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 site shall be filed within one year from the date of denial or revocation.

CHAPTER XII

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 provisions of the Teton County Comprehensive Plan, or 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 materials 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 the 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 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. Any person, owner, agent, etc., against whom the County's violation enforcement procedure has commenced for a violation of this resolution, shall not be permitted to apply for a permit to construct or a variance related to the alleged violation until the violation enforcement proceedings have been finally determined by the proper authority.

b. The County shall have the authority to inspect any site and review the construction or maintenance of improvements to ensure 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 judgement 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.

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 18-5-201 and 18-5-301, et seq., Wyoming Statutes, 1977, 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, except for Town of Jackson, 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 ensure the ability of the County and other public agencies and utilities to provide necessary services and facilities.
- c. To provide for an adequate infrastructure of improvements reasonably required by the residents of the subdivision.
- d. To encourage well-planned subdivisions by establishing environmentally adequate standards for design and improvement thereof.
- e. To improve land records by establishing standards for surveys and plats.

f. To safeguard the interests of the public, the property owner, and the subdivider.

g. To ensure equitable processing of all subdivision proposals by establishing uniform procedures and standards.

Section 4. Jurisdiction. The territorial jurisdiction 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. Notwithstanding anything herein contained to the contrary, the state statutes provide and it is the intent of this resolution that the Planning Commission act solely as a recommending body and all final acts, determinations, and approvals, and the issuance of all permits shall be solely within the authority of the Board of County Commissioners.

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 compliance with the requirements of this resolution have been demonstrated. A subdivision permit may be transferred upon sale of the subdivision.

Section 7. Exemptions. Unless the division of land has the effect of evading the intent and purpose of these regulations and the Comprehensive Plan, or the method of sale is adopted for the purpose of evading the provisions of this resolution, a subdivision permit shall not be required for the following:

a. The subdivision of land for, and the sale of cemetery lots;

b. The sale of land to the State of Wyoming or any political subdivision thereof;

c. The sale of land for agricultural purposes;

- d. Land located within incorporated cities or towns;
- e. The sale of land where the parcels involved in the sale are thirty-five (35) acres or larger;
- f. Railroad right-of-way;
- g. Alignment of property lines for agricultural purposes;
- h. The sale of any parcel of land which may be shown as one (1) of the lots of a subdivision for which a plat has been recorded in the Office of the Clerk of Teton County;
- i. Any other land division expressly exempted by Section 18-5-303 of Wyoming Statutes, 1977, as amended.
- j. Minor boundary adjustments necessitated by encroachments, setback violations, bona fide boundary disputes or similar circumstance necessitating such adjustment.
 - (1) In the case of parcels of land not within a platted subdivision, a minor boundary adjustment shall be exempt provided that the divided portion is totally merged into the adjacent parcel so that the adjusted parcel shall be considered a single parcel for all purposes; subject to review by the Administrator of Planning Services and approval by a County Commissioner.
 - (2) In the case of minor boundary adjustments in a platted subdivision, the procedures for partial vacation of plat described in Chapter IV, Section 7 shall be followed.
- k. An adjustment of a boundary of a parcel for the purpose of combining portions thereof to an adjacent parcel or site.
 - (1) In the case of parcels of land not within a platted subdivision, an adjustment of a boundary shall be exempt provided that, immediately after such combination, both parcels or sites are conforming; and further, provided that the divided portion be totally merged into the adjacent parcel so that the adjusted parcel shall be considered a single parcel for all purposes; subject to review by the Administrator of Planning Services and approval by a County Commissioner.
 - (2) In the case of an adjustment of a boundary of a parcel within a platted subdivision for the purposes of combining portions thereof to an adjacent lot or unsubdivided parcel, provided that the adjusted parcels shall be conforming, the procedures for partial vacation of plat described in Chapter IV, Section 7 shall be followed.

1. The splitting off of a parcel of land which is smaller in size than the land use district in which it is located allows, for conveyance to a qualified non-profit organization in connection with the overall conveyance of a perpetual conservation easement in order to make the easement appurtenant; provided that the parcel so conveyed in fee is subject to the same conservation easement restrictions as the adjoining property from which the parcel is severed.

Section 8. 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 Implementation Program and any applicable element thereof.

Section 9. Conformity With County Regulations. A subdivision plat shall conform with all applicable regulations prescribed by the Land Use and Development Regulations Resolution and the Transportation Master Plan Resolution of Teton County, Wyoming and any supporting maps and documents.

Section 10. 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 the application, 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. The word "shall" is mandatory and not discretionary. Where a word is not defined in this section, the definitions contained in Chapter I, Section 7 of the Land Use and Development Regulations Resolution or in Chapter I, Section 6 of the Transportation Master Plan Resolution of Teton County, Wyoming shall apply.

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

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.

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 and effective January 1, 1978, as subsequently amended.

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.

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.

Development master plan. A plan of a 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.

Easement. A non-possessory interest held by one entity in land of another whereby the first entity is accorded partial use of such land for a specific purpose.

Final plat. A plat of a subdivision which meets the requirements of Chapter IV of these regulations and Wyoming statutes.

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.

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 and effective January 1, 1978 as subsequently amended.

Lot. A parcel of subdivided land which is shown on a duly approved and recorded subdivision plat.

Owner. A 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.

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

Parcel Division. The division of a parcel of land into two parcels, provided that the parcel has not been subject to a Lot Division after October 11, 1979.

Planned Unit Development. A development designed as a complete, integrated unit in which the uses are clustered or concentrated in a way that results in lot sizes smaller than the minimum specified in the base Land Use District, as well as:

a. Developments of all institutional, commercial, and industrial projects having over 10,000 square feet in one structure, more than one habitable structure, or site area in excess of three acres.

b. Developments that contain multi-family structures.

c. Subdivisions in the Town of Jackson Planned Expansion Area (RPJ Land Use District) involving lots of less than three (3) acres.

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

Preliminary plat. A plat showing the design of a proposed subdivision, the existing conditions in and around it, and the proposed improvements in accordance with the requirements of Chapter III of this Resolution.

Plat Review Committee. A committee formed by the Board of County Commissioners for the purpose of reviewing subdivision plats to ensure that subdivision plats comply with Wyoming Statutes, County subdivision, County subdivision requirements, and accepted land surveying practices. The committee shall be composed of the County Surveyor, or in the case of a conflict of interest, a registered Wyoming Professional Land Surveyor who practices regularly in Teton County, Wyoming, and an appointed representative of a local abstract or title company. From time to time, other members may be added, such as the County Attorney, when deemed necessary by the Administrator of Planning to provide complete review of proposed subdivision plats.

Sell or sale. Includes sale, contract to sell, lease, assignment, auction, award by lottery, or any other offer or solicitation of any offer to do any of the foregoing, concerning a subdivision or any part of a subdivision.

Subdivider. The person or persons responsible for any subdivision, including the landowner and any persons authorized by the owner to lay out or otherwise accomplish the subdivision.

Subdivision. A division of a lot, tract, parcel or other unit of land into three (3) or more lots, plots, units, sites or other subdivisions of land for the immediate or future purpose of sale, building development or redevelopment, for residential, recreational, industrial, commercial or public uses, or the subdivision of a parcel of land which has been subject to Parcel Division or Lot Division after October 11, 1979 into two or more lots.

The word "subdivide" or any derivative thereof shall have reference to the term subdivision, including mobile home and condominium subdivisions, the creation of which constitutes a subdivision of land. (See Parcel Division and Subdivision.)

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.

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.

Water supply, public. Any water supply being distributed by 20 or more service connections utilized to furnish water for human consumption either in preparing foods or beverages for inhabitants of residences or business establishments. A public water supply includes the source, treatment system, waste disposal system, distribution system, service connections, finished water storage and pumping stations.

CHAPTER II

PROCEDURAL REQUIREMENTS

Section 1. Required Procedures. The procedures prescribed in this chapter shall be followed in securing a subdivision permit or a lot division permit, in accordance with Wyoming State Statutes, 18-5-306 through 18-5-310, 1977, as amended.

a. Lot Divisions. Lot divisions shall follow all procedures prescribed below for a Major Subdivisions with exception of the preliminary plat procedures, and the requirement for provision of improvements. The Lot Division procedure may be used once for the division of a parcel. Any further subdivision of a parcel or the subdivision of a parcel created by a lot division after October 11, 1979 shall be considered a Major Subdivision.

b. Major Subdivision. Major subdivisions shall follow the procedures prescribed below.

Section 2. Pre-application Conference.

a. A pre-application conference shall be required for all subdivisions. 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 Administrator may elect to hold the pre-application conference before the Planning Commission and the Board of County Commissioners when he determines such review is called for by the proposal. 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 conditions 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. The applicant shall present written responses to the following required findings for subdivisions:

(1) The proposed subdivision has been designed to meet the intent of the goals and policies of the Comprehensive Plan, and will be consistent with all of the applicable elements.

(2) The proposed subdivision has been designed in conformance with all applicable provisions of the Land Use and Development Regulations and the Transportation Master Plan of Teton County.

(3) That streets and roads are designed to existing standards of the county, and where applicable, the Wyoming Highway Department. Factors included are right of way width, surface width, surface type, gradient, radius, signage, and intersection design.

(4) That the subdivision will not be detrimental to the health, safety, comfort, convenience, and public welfare of neighboring properties, and will not be incompatible with the surrounding area.

(5) The proposed subdivision is compatible with and subordinate to the scenic and rural character of the area.

(6) That the subdivision will not conflict with existing easements, or render other properties in the area reasonably inaccessible.

(7) That the design of the subdivision provides for adequate fire, police, and other emergency vehicle access.

(8) The proposed subdivision location and design is such that it will not have significant adverse impact on wildlife habitat, wildlife migration routes, or fisheries.

(9) 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.

(10) The proposed subdivision is consistent with the purposes of this resolution.

(11) The proposed subdivision is consistent with the provisions of Sections 18-5-301 through 18-5-307, Wyoming Statutes, 1977, as amended.

Upon completion of the Pre-application conference, a Preliminary plat shall be prepared and submitted by the applicant to the County Fire Department, County Sheriffs's Department, and the Teton County Conservation District, as well as any other public agency as determined by the Planning Administrator. Public agencies shall be given twelve (12) working days following receipt of the request for review in which to submit comments.

b. Approval of a Planned Unit Development Master Plan in accord with Chapter V of the Land Use and Development Regulations Resolution shall be a prerequisite for approval of the final plat of any Planned Unit Development.

Section 3. Filing Requirements, Preliminary Plat.

a. The 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 and the required processing fee shall be accompanied by as many copies of the preliminary plat and the accompanying material prescribed in Chapter III as may be required by the Administrator. The applicant shall also submit responses from those public agencies as determined by the Planning Administrator during the pre-application conference. Prior to the Planning Commission meeting at which the preliminary plat is to be reviewed, the applicant shall submit proof of publication of the Notice of Intent to Subdivide as required by Wyoming statutes.

b. 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. The Administrator of Planning Services shall transmit a copy of the proposed preliminary plat, the Conservation District report, and the percolation tests to the County Sanitarian for his review and comments.

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.

c. Planning Commission Action. The Planning Commission shall review the application, the preliminary plat, the report of the Administrator of Planning Services, 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 Chapter II, Section 2 of this resolution, or deny the application. Before recommending that the preliminary plat be approved, the Commission shall make the findings prescribed in Chapter II, Section 2 of this chapter.

d. Board of County Commissioners' Action. Within ten 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 Chapter II, Section 2 of this chapter, or deny the application. Before approving the preliminary plat, the Board shall make the findings prescribed in Chapter II, Section 2 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. The amount of land provided by the subdivider within the easement or use area shall be determined by the need generated by the proposed subdivision, the remainder of the easement or use area shall be acquired by the County, or other applicable entities by fee or other methods acceptable to the subdivider.

e. Denial of Approval, Re-application. 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 re-apply for preliminary plat approval, provided that all deficiencies that caused the original application to be denied have been substantially corrected.

Section 4. Filing Requirements, Final Plat. Major subdivisions shall comply with the following provisions:

a. Within one year of the date of approval of a preliminary plat by the Board of County Commissioners, the applicant shall file a final plat with the Administrator of Planning Services and shall have the final plat approved by the Board of County Commissioners and recorded in the Office of the Teton County Clerk within fifteen (15) months of the approval of the preliminary plat. The plat shall be prepared in accordance with the provisions of Chapter IV, and ten (10) copies of the final

plat containing all of the required certifications shall be filed with the Administrator of Planning Services, and as many copies of the accompanying material prescribed in Chapter IV as shall be required by the Administrator, an engineer's estimate of cost of all improvements, an estimate of current raw land value, and any covenants and/or road maintenance agreements.

b. 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, or, in the case of a minor subdivision, conformity with the design concept revised as a result of the pre-application conference, and shall prepare a report thereon. Upon completion of the review and the report thereon, the Administrator shall transmit the plat and report to the Planning Commission no later than ten (10) days prior to their next regularly scheduled meeting.

c. 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, or, in the case of a minor subdivision, conformity with the design concept revised as a result of the pre-application conference, 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.

d. 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 Committee 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 subdivision permit when the final plat is recorded.

e. Plat Review Committee Action. After acceptance of the Final Plat by the Board of County Commissioners the Administrator of Planning Services shall transmit copies of the final plat and all appurtenant documents to the Plat Review Committee. The Plat Review Committee shall review the plat for compliance with Wyoming Statutes, conformance with good platting procedure from the standpoint of legal land surveying practice, and review the proposed name to ensure it will not conflict or cause confusion with any plat already of record. Within fifteen days after

receiving the plat, the Plat Review Committee shall transmit written comments and/or requirements to the project's surveyor and to the Planning Administrator.

The subdivider shall then submit one (1) copy of the revised plat and the original mylar or a photographic reproduction of the revised Final Plat containing all pertinent signatures, notaries, and seals, the original and one copy of all easements, affidavits, declarations, and other pertinent documents in recordable form, as well as all fees including recording, exaction and letters of credit to the Planning Administrator no later than five (5) days preceding the Board of County Commissioners meeting on which the signature of Final Plat has been scheduled.

f. Recordation. Following the signature of the Final Plat by the Board of County Commissioners the plat shall be delivered to and recorded by the County Clerk.

Section 5. Subdivision Permit. Following the recording of the Final Plat in the office of the Teton County Clerk, a subdivision permit shall be issued by the Board of County Commissioners.

a. Lapse of a 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.

b. 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 misrepresentations or material omissions made to the Planning Commission or the Board.

CHAPTER III

PRELIMINARY PLAT

Section 1. Preliminary Plat Contents. The preliminary plat shall be drawn at a scale of at least 1 inch equals 200 feet, or scale approved by Planning Administrator, and shall show the following information:

- a. A title block located in the lower right-hand corner of the sheet showing the name of the proposed subdivision and its location by section, township and range.
- b. 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 and platted roads or highways in the vicinity, at least within 1/4 mile of the proposed subdivision, and other pertinent information. The vicinity map may be separate from the preliminary plat.
- c. The names and addresses of the owner, subdivider if other than the owner, and the surveyor or other person that prepared the plat in bold letters.
- d. The date of preparation, north point, scale, and contour interval. If the plat is based on a survey, the date of the survey.
- e. The location of the nearest horizontal and vertical control monuments.
- f. The boundary of the proposed subdivision and the total acreage thereof.
- g. All adjoining 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 unplatte parts of the subdivider's land shall be shown. The street system of the proposed subdivision shall be reviewed in consideration of existing official maps.
- h. The location, width, functional class and names of all existing streets within 200 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.

i. The location of all wells, proposed, active, or abandoned, and of all reservoirs within the proposed subdivision and to a distance of at least 100 feet beyond the boundaries of the subdivision.

j. Existing sewers, water mains, culverts, or other underground facilities within the proposed subdivision and to a distance of at least 100 feet beyond the boundaries of the subdivision indicating pipe sizes, grades, manholes, and exact location.

k. Existing ditches, canals, natural drainage channels, and open waterways and proposed realignments thereof.

l. Boundary lines of adjacent parcels of unsubdivided land, showing ownership where possible.

m. Contours, existing and finished, at vertical intervals of not more than 5 feet, or not more than 10 feet where the natural slope exceeds 15 percent, or not more than 2 feet in areas susceptible to a 100-year flood, provided that property corner elevations shall be adequate for land which has an average 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.

n. 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.

o. 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.

p. The layout and functional class 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.

q. Lot lines, numbers, dimensions, and area in square feet or acres, as appropriate, for each lot. All lots shall be numbered progressively in accord with Section 34-12-102 Wyoming Statutes 1977, as amended.

r. 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.

s. Building setback lines required by the provisions of Chapter IV, Section 19 of the Land Use and Development Regulations.

t. Proposed easements for bikeways, pedestrian facilities, utilities, drainage, or other purposes identified by intended use.

u. 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, Sections 4 and 5 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. The following drawings, statements and other data shall be filed along with the preliminary plat:

a. A statement of the method by which the applicant proposes to provide water supply and wastewater treatment systems, illustrated by appropriate plans and drawings, if applicable, and any engineering analysis required by the provisions of Chapter IV of the Land Use and Development Regulations. If no domestic water source and/or public sewage disposal system is proposed by the subdivider, the preliminary plat shall be annotated in bold letters with the statements, "NO PROPOSED DOMESTIC WATER SOURCE" and/or "NO PROPOSED PUBLIC SEWAGE DISPOSAL SYSTEM".

b. If the subdivider proposes to make any streets or roadways private, then the subdivider shall submit a written certification that the roadways within the subdivision shall remain private and the Board shall be under no obligation to repair, maintain or accept any dedication of such road to the public use. In addition, the preliminary plat shall be annotated in bold letters with the statement, "NO PUBLIC MAINTENANCE OF STREETS OR ROADS".

c. For a proposed subdivision in the RA-6/3 (Variable) District in which lot sizes will be less than 6 acres, evidence of results of tests proving that the high groundwater conditions were caused by irrigation and that the groundwater level has dropped upon the removal of irrigation, in accord with the provisions of Chapter II, Section 7 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. Composite map, indicating development suitability based on physical features of the site, classified as having few, moderate, or severe limitations. Wildlife habitats and migration routes and amenities, such as unique areas or scenic vistas, shall also be shown.

g. 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.

h. Copies of any agreements with adjacent property owners relevant to the proposed subdivision.

i. Base flood elevation data as indicated on the current Teton County Federal Flood Insurance Administration maps, if appropriate.

j. Subdivision plats located within the Jackson Hole Airport zones, as defined in the Jackson Hole Airport 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 centerline of the runway.

k. Evidence that the applicant or owner can convey merchantable title.

l. Evidence that the applicant has published a notice of his intent to subdivide once each week for two (2) weeks within thirty (30) days prior to filing his application.

m. Certification by the applicant that all property owners within 250 feet of the property boundaries have been notified by mail of the proposed subdivision, and a list submitted of those notified.

n. Subdividers shall furnish the County Sanitarian a report of percolation tests completed on the property by a registered professional 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 County Sanitarian.

o. Typical cross-sections and proposed gradients of all streets, designed to comply with the requirements in the Transportation Master Plan.

p. Such additional material as the Administrator may determine to be necessary during the pre-application conference and/or the applicant may choose to submit pertinent to the application.

Section 3. Design Standards and Requirements. Subdivisions shall comply with the following standards and requirements:

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. All subdivision proposals in flood-prone areas shall be consistent with the need to minimize flood damage.

b. The design and layout of streets, whether public or private, shall conform with the requirements of the Teton County Transportation Master Plan Resolution and supporting maps and documents.

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 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. Some land use districts do not have minimum site requirements. In those cases, performance standards, i.e., setback standards, parking and loading standards, etc., would dictate the minimum site area. Where the subdivision of a parcel along the boundary of a commercial or industrial district would result in the creation of a non-conforming residential, commercial or industrial lot (or lots), such subdivision may be allowed if approved by the Board

of Commissioners in conformance with the variance procedures described in Chapter VI of this resolution.

d. For hillside subdivisions of land having slopes of ten percent or greater, the following criteria shall be used in designing lots:

(1) Prepare a contour map at a vertical interval of not more than 5 feet, or not more than 10 feet where the natural slope exceeds 15 percent. 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 registered land surveyor or registered 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."

(2) From the contour map, prepare a slope map using the following slope classifications:

<u>SLOPE</u>	<u>LAND USE CLASSIFICATION</u>
0% - 10%	RA-3
10% - 15%	RA-5/RA-7.5
15% - 30%	RA-10
30% and greater	RA-20

(3) 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

(4) The total number of proposed lots shall not exceed the base density allowable based on the slope map information.

(5) Each lot shall contain no less than eighty (80) percent of a dwelling unit, provided that the overall number of subdivision lots equal the number of dwelling units.

e. Remnants of land with an area less than 100 percent of a dwelling unit in a subdivision shall not be permitted, except as provided for in Section 3,d.(5), above.

f. Any lot created by a subdivision shall be served by an access easement of not less than 60 feet of width, extending from the dedicated right-of-way.

g. Each lot shall have a minimum lot frontage of one hundred (100) feet on the street, or thirty five (35) feet minimum frontage when the frontage is on a cul-de-sac, except where one or two lots are served by a private drive.

h. The Board of County Commissioners shall require a mandatory dedication of land or fees in lieu of land for parks, playgrounds, schools and similar public purposes for all subdivisions of land. This dedication is in addition to any open space provided for the purpose of receiving a density bonus within a Planned Unit Development.

(1) The location of dedicated land shall be shown on the preliminary subdivision plat and other documents deemed appropriate by the Board of County Commissioners. The land to be dedicated shall be of suitable size and shape, topography and geology, and offer proper location and adequate road access, as determined by the Board of County Commissioners. The amount of land to be dedicated shall be .03 acres per housing unit.

(2) If the Board of County Commissioners determines that, due to the size of the proposed subdivision or other factors, suitable sites for parks and schools cannot be dedicated, payment of a fee in lieu of land dedication shall be required. The fee shall be in the amount of the land to be dedicated, as estimated by the applicant, and determined by the Board of County Commissioners on the basis of the average fair market value for raw land. This shall mean the average fair market value per acre of all of the acreage involved at the time of final plat or master plan map approval, disregarding the effects of the proposed subdivision platting and the improvements, if any, which are the subject of the subdivision plat or the final master plan map.

If the value of such land cannot be determined to the satisfaction of the Board of County Commissioners and the subdivider, such value shall be determined by a three-member board of land appraisers, with one member each selected by and at the expense of the County and the subdivider, and one selected by the other two, at the expense of the subdivider.

In cases where a subdivision is phased, this value shall be determined and recorded in the minutes of the Board of County Commissioners and be adjusted each year to reflect the change in the Consumer Price Index for All Urban Consumers (CPI-U) U.S. city average, for the previous one-year period.

(3) The land or fees in lieu of land required under this section shall be dedicated or paid to the County prior to final plat approval and signature by the Board of County Commissioners, provided that the subdivider may deliver to the County a letter of credit in the amount of the fee to be paid so long as the letter of credit is callable one year from issuance and is otherwise acceptable to the County Commissioners. The letter of credit may be extended on an annual basis at the discretion of the Board of County Commissioners in such amounts as it may require.

(4) The land and fees received under these provisions shall be used for the purpose of acquiring developable land for parks and schools and the development and construction of park, playground, school and similar public purpose facilities to serve the area in which the subdivision is located. Fees paid in lieu of land dedication shall be deposited in a special fund to be used for acquisition and development of parks, playgrounds, schools and similar public purpose facilities.

(5) Where private open space for park and recreational purposes is provided in a proposed subdivision, and such space is to be privately owned and maintained by the future residents of the subdivision, the acreage of such areas may be credited against the requirement for dedication of land or payment of fees in lieu thereof, if the Board of County Commissioners determines that it is in the public interest to do so.

(6) If the subdivider can establish to the satisfaction of the Board of County Commissioners that, due to circumstances unique to the proposed subdivision, a park, playground, school and other similar public purpose land dedication requirement other than that which would be determined under the above formula is justified, an alternative dedication requirement may be imposed by the Board of County Commissioners.

(7) Any lands dedicated hereunder shall be used only for the purposes stated herein, as amended from time to time. In the event of formal abandonment the land shall be reconveyed to the subdivider upon payment of a sum equivalent to the fee in lieu of dedication he would have otherwise been required to pay or, in the event such reconveyance is declined, shall be conveyed to the association of owners of lots in the subdivision or similar agency for a management and development in a manner in keeping with the surrounding neighborhood.

i. All subdivision proposals shall have public utilities and facilities, such as, sewer, electrical and water systems, located and constructed to minimize flood damage.

j. 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.

k. 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.

l. Water Rights. All subdivisions shall comply with the following requirements:

(1) The applicant's engineer or surveyor shall certify as to whether or not water rights are attached to the land and the status of the rights.

(2) In the event that a subdivision is proposed for lands that have valid water rights, the subdivider shall supply evidence regarding the disposition of the water resource as follows:

(a) Abandonment of water rights: The subdivider shall petition for voluntary abandonment to the State Board of Control if the water right is adjudicated or to the State Engineer if the water right is unadjudicated.

(b) Transfer of water rights: The subdivider shall petition the State Board of Control or the State Engineer for change in use, point of use or point of diversion which would remove the water right from the proposed subdivided lands and allow it to be transferred, without loss of priority, to other lands in his ownership if the petition were granted by the Board of Control or the State Engineer.

(c) Retention of water rights: The subdivider shall submit an irrigation plan for retention of water rights together with a certificate as to the accuracy and workability of the plan by a professional engineer or land surveyor registered in the State of Wyoming. This proposal also shall include a petition to the Board of Control or the State Engineer for change in use, change in place of use, change in point of diversion or means of conveyance, if applicable, and shall include the following:

(i) All ditches that serve the lots of the subdivision shall have adequate easements to allow for the

installation and maintenance of ditches and proposed ditches, in no case shall such easements be less than fifteen (15) feet from the mean high water line on each side of the ditch.

(ii) The subdivider shall indicate on the deed and plat as to whom is responsible for the development of the ditches and laterals.

(iii) The subdivider shall submit evidence that the irrigation plan has been submitted to the State Engineer.

(iv) If the proposed subdivision is in an irrigation district or is served by a ditch, irrigation company or association or is served by an unorganized ditch, the subdivider shall submit evidence that the proper district, company, association or individuals have had the opportunity to review and present recommendations relative to the proposed subdivision. The proper company, association or individual shall have 45 days to review the plan as verified by receipt of certified mail.

The subdivider shall further provide for the orderly use of water and maintenance of the ditch and appurtenant facilities by the appointment of a water steward. The water steward shall work with the lot owners concerning their use of water, and act as spokesman for the lot owners in dealing with other land owners outside of the property concerning the use of water. The water steward shall further act to resolve disputes between owners, both within and between owners within and outside of the subdivision involving the quantity of water being used, diversion methods, or other matters relating to the use of water, providing any decision shall be consistent with state water law, if relevant. The subdivider shall also establish a mechanism to provide the necessary funds to maintain the ditch.

(v) The subdivider shall specifically state on the plat and on all offers and solicitations relative to the subdivision his intent to comply with this section and that the seller does not warrant to the purchaser that he shall have any rights to the natural flow of any stream within or adjacent to the proposed subdivision. He shall further state that the Wyoming law does not recognize any riparian right to the continued natural flow of a stream or river for persons living on the banks of the stream or river.

(vi) The Board of County Commissioners shall not grant final plat approval until the applicant irrevocably agrees not to withdraw his petition (as provided for herein) or the petition is actually acted upon by the State Engineer or Board of Control. Failure to comply with this section shall constitute grounds for revocation of the permit to subdivide.

m. **Roadway Maintenance.** The subdivider shall provide a mechanism to assure that roadways within his subdivision are assured adequate funds for maintenance.

Section 4. Improvements. All major subdivisions shall provide the following improvements and utilities:

a. 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.

b. Where an approved public water supply is not reasonably accessible or procurable, the subdivider shall, at the discretion of the County Commissioners, either:

(1) 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

(2) Submit evidence that adequate water supply and quality meeting all state requirements will be accessible to each lot in the proposed subdivision.

c. 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.

d. 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.

e. All public and private streets, drives and other access rights-of-way shall be constructed in accordance with the development permit for grading, if required by the provisions of Chapter VI of the Land Use and Development Regulations, and shall be surfaced in accordance with the standards, rules and regulations of the Teton County Transportation Master Plan.

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 Board of County Commissioners based on consultation with the County Fire Department.

g. 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.

h. The subdivider shall provide adequate electrical power service to each lot within the subdivision.

i. The subdivider shall provide telephone service to each lot within the subdivision.

j. All on-site utility lines shall be under ground.

CHAPTER IV

FINAL PLAT

Section 1. Preparation. Subdivisions, and Planned Unit Developments involving the subdivision of land shall be required to submit and record a Final Plat. The Final Plat shall be prepared by a registered professional land surveyor. It 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 33-29-139 (a), Wyoming Statutes 1977, 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 an approved preliminary plat, or approved Planned Unit Development preliminary master plan, and shall contain all of the information required thereon, except for contour lines and the functional class of streets. The following additional information shall be included:

a. 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.

b. Accurate angular and lineal dimensions for all lines, angles and curves used to describe boundaries, streets, alleys, easements, areas to be dedicated for public use, and other important features.

c. An identification system for all lots and blocks and names of streets. Lot lines shall show dimensions in feet and hundreds. All lots shall be numbered progressively in accordance with Section 34-12-102, Wyoming Statutes 1977, as amended.

d. 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 a minimum of 1 foot in 5,000 feet.

e. 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.

f. Radii, internal angles, points and curvatures, tangents, tangent bearings, chords, chord bearings, and the lengths of all arcs.

g. 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.

h. Each lot corner shall be monumented or witnessed with permanent markers as required by Wyoming Statutes, 1977 as amended, and/or in accordance with the rules and regulations of the State Board of Registration for Professional Engineers and Professional Land Surveyors. In any case, markers shall incorporate the Professional Land Surveyor's Registration number. Descriptions of all monuments found or set shall be shown either by legend or separate description.

i. 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.

j. 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.

k. 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 Professional Land Surveyor registered under the laws of the State of Wyoming.

(3) Certificate of Owner in accordance with Section 34-12-103, Wyoming Statutes 1977, as amended.

(4) Acknowledgments 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 1 mile of incorporated limits in accord with Section 34-12-103, Wyoming Statutes 1977, as amended.

(6) Certificate of the accuracy and workability of a water rights distribution and conveyance system in accordance with Chapter III, Section 3. c. of this resolution signed by a Land Surveyor or Engineer registered under the laws of the State of Wyoming.

1. Unless minimum lot sizes, or other restrictions prohibit further subdivision, a statement shall be placed on the final plat stating "THIS SUBDIVISION MAY BE SUBJECT TO FURTHER DIVISIONS".

m. Statements regarding provisions for water, wastewater and road maintenance in bold letters.

Section 3. Recordation Certificates. Prior to recording the final plat, the subdivider or surveyor of the subdivision shall submit evidence that certified land corner recordation certificates, as applicable, have been filed in the office of the County Clerk in accordance with Wyoming Statutes, 1977, as amended, 36-11-101, et seq.

Section 4. 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 5. 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 final construction inspection by the County. If such inspection shows that all applicable County standards appear to have been met in the completion of such improvements, as determined by the Administrator in consultation with the County Road Supervisor and Engineer, the Security shall be released within thirty (30) days. Otherwise, any further work required to meet County standards shall be performed by the subdivider before any of the security may be released.

Section 6. 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 Administrator. 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. Street and bikeway improvements shall be inspected for conformance with the requirements of the Teton County Transportation Master Plan Resolution. The Administrator or appropriate agency representative shall prepare a written inspection report detailing acceptance of work items, or, in the case of items not accepted, detailing the reasons for not accepting them. This report shall be prepared within five working days after the inspection.

Section 7. Modifications of Recorded Subdivision Plats. In order to correct, revise, modify, vacate or otherwise change subdivision plats of record in the Office of the County Clerk the following procedures shall be followed:

a. Minor typographical or similar errors. In cases where a typographical error was made upon a plat or a significant omission was made such as a key measurement or signature, an affidavit stating the correction to the plat shall be filed by the registered professional land surveyor who signed the plat. In cases of a missing signature, the person is required to sign the plat.

Upon the filing of the affidavit the County Clerk shall mark the changes upon the record linen plat in reproducible pencil together with a reference to the recorded affidavit.

If there are more than six typographical errors, an amended plat shall be filed with the County Clerk after a review and approval by the Administrator of Planning Services. At the Administrator's discretion a review by the Plat Review Committee may be required.

b. Amended plats to correct errors. In the cases similar to the following, where there is a major error in the subdivision, an amended plat shall be required:

(1) The division of the section was incorrectly done and the correct division of the section changes the exterior boundaries of the subdivision.

(2) There are numerous errors, typographical or otherwise and omissions (six or more) in the filed plat which require an amended plat for clarity.

(3) The plat omitted a strip of land between a legal one-sixteenth line and a highway right-of-way that should have been included within the perimeter. The revisions would change lot lines, areas, access, etc.

(4) The plat omitted easements for sewer, water and utility lines.

c. Vacation of Plats. Vacations of plat are permitted as authorized by Wyoming State Statutes, 34-12-106, et seq., 1977, as amended.

(1) Complete vacation of existing plat. Vacation of an existing plat shall be accomplished by the filing of an affidavit with the County Clerk signed by all of the owners of property within the plat. Upon vacation of the plat the several owners shall have an undivided interest in the property unless the affidavit or other instrument specifically designates other particular interests within the new subdivision.

(2) Vacation of plat for the purpose of filing an amended plat. An amended plat shall be required to effect a change in the configuration of any part of a subdivision plat, materially affecting all or substantially all lot owners. All lot owners are required to sign the plat and thereby consent to the change. The plat shall carry the name of the original subdivision followed by "Amended" or "Second Amended" or "Third Amended," etc.

A request for an amended plat shall comply with the procedure as established in Section 4 of Chapter II Procedural Requirements for final plat review of this resolution.

(3) Partial vacation. Partial vacation is usually done for the purpose of changing lot design in a small part of the subdivision or for the relocation of a roadway that only affects a small part of the subdivision. For this situation the area to be redesigned is vacated and a new subdivision plat made of record. The Certificate of Owners on the new plat would have a clause vacating the area being redesigned and must be signed by all owners of record of the lots involved. If there is more than one owner of the vacated property and it is subdivided again, an instrument is needed to convey ownership to individual parcels. Upon recordation, the County Clerk shall vacate the part of the previous plat that is included in the new plat. This procedure would be followed in the case of either increasing or decreasing the number of lots in the partly vacated area. Also it would be followed in a case where parts of two adjoining subdivisions were to be vacated and a new design desired. In this case an unrelated name would be chosen for the subdivision. In all other cases the name of the subdivision would be for example, "Aspen Hill II Subdivision" or "III" or "IV" if the original subdivision was "Aspen Hill Subdivision." The lot numbers should be different from the original subdivision and could start at 200, 201, etc.

If the new plat appears in the opinion of the Administrator to be a simple design with no apparent impacts and with minimal changes then the new plat shall comply with the procedures as established in Chapter II, Section 4, Filing Requirements, Final Plat, of this resolution. If the plat has major changes in the opinion of the Administrator creating new impacts on roads, water, sewer, easements or neighboring properties then the new plat shall comply with the procedures as established in applicable provisions of Chapter II Procedural Requirements, of this resolution.

CHAPTER V

LOT DIVISIONS

Section 1. Parcel Division Permit Required. Except where specifically exempted herein, a parcel division permit is required where a division of land results in the creation of no more than two parcels or lots; provided that the land sought to be divided was not, itself, the subject of a parcel division or lot division subsequent to October 11, 1979 (the effective date of the Lot Division Amendment to the Subdivision regulations Resolution). Adequate access shall be provided as described herein (Section 4. Access) and in the Teton County Transportation Master Plan Resolution and supporting maps and documents, and 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 parcel division or lot division subsequent to October 11, 1979, this chapter shall not be applicable, but provisions of all the remaining chapters of the Subdivision Regulations Resolution shall be applicable, and the parcel division shall be treated, in all respects, 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 parcel division. The purpose of the conference shall be to discuss informally the proposed parcel division, its conformity with the Comprehensive Plan, 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 parcel division permit in addition to the prescribed application form and parcel division plat.

Section 3. Filing Requirements. Within 6 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. Evidence that the applicant or owner can convey merchantable title.

c. Evidence that adequate access from a dedicated road to the parcel division is provided by easements of record and that the access complies with the requirements of the Transportation Master Plan.

d. Certification of the applicant's engineer or surveyor regarding the status of water rights on the property. In the event that a parcel division is proposed for lands that have valid water rights, the applicant shall supply evidence regarding the disposition of the water resource as described in Chapter III, Section 3., k. of this Resolution.

e. Certification by the applicant that all property owners within 250 feet of the parcel boundaries have been notified of the proposed parcel division and a list of those notified.

f. Estimate of raw land value for the payment of exaction fees in lieu of dedication of land for parks, playgrounds, schools and similar public purposes as described in Chapter III, Section 3., g. of this resolution.

g. Metes and bounds descriptions of each parcel created by the parcel division together with descriptions of the access and utility easements to each of the parcels from a dedicated road and descriptions of any easements or sight or record either of benefit to or located on each parcel.

h. Three copies of the parcel division survey map. The parcel division survey map shall be clearly and legibly drawn on approved media with waterproof black India ink or shall be a photographic reproduction of the reproducible. Sheet size and format of the final plat shall conform with Section 33-29-111, Wyoming Statutes, 1977, as amended. Wherever possible, north shall be at the top of the map. The scale of the map shall not be less than 1 inch equals 100 feet, except with the approval of the County Surveyor and Administrator of Planning Services. 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) A vicinity map showing the location of the division, including the section, township and range, the names of adjoining subdivisions, existing roads or highways in the vicinity, and other pertinent information.

(3) Accurate angular and lineal dimensions for all lines, angles, and curves used to describe boundaries, streets, alleys, easements of record including access and utility easements to the parcels from a dedicated road.

(4) An identification system for both parcels. Identification of all easements of record by recordation information and width. Parcel lines shall show dimensions in feet and hundredths.

(5) Perimeter lines shall be accurately related by distance and bearings to established roads or street lines or 1/16 section corners, and closure shall be 1 foot in 5,000 feet.

(6) 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.

(7) Radii, internal angles, points and curvatures, tangent bearings and the lengths of all arcs.

(8) 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.

(9) Each parcel corner and right-of-way line shall be monumented with permanent markers. Descriptions of all monuments found or set shall be shown either by legend or separate description.

(10) Certificate of Surveyor signed by a land surveyor registered under the laws of the State of Wyoming.

(11) Certificate of Owner in accord with Section 34-12-103, Wyoming Statutes, 1977, as amended.

(12) Acknowledgments of Certificate of Surveyor and Certificate of Owner.

(13) The statement "ANY FURTHER DIVISION OF EITHER PARCEL DESCRIBED IN THIS MAP SHALL REQUIRE FULL COMPLIANCE WITH ALL SUBDIVISION REGULATIONS IN EFFECT IN TETON COUNTY" shall be placed in bold capital letters in a conspicuous location.

i. Any other information or materials deemed necessary by the Administrator of Planning Services at the pre-application conference.

Section 4. Access and Improvements. Adequate road right-of-way and utility easements, as specified by the Teton County Transportation Master Plan Resolution and supporting maps and documents, shall be established, and recorded at time of deed

transfer, providing access and utility service to any parcel, and the same shall be for the benefit of all the land divided and any and all persons acquiring ownership of property within the divided land. Said easement shall be perpetual and shall provide that it may not be modified or abandoned without the written consent of Teton County.

Section 5. Administrator of Planning Services' Action.

Upon acceptance of the map of survey containing all of the required certifications, the accompanying materials, the filing fee, and the completed Parcel Division Permit Application, the Administrator of Planning Services shall review the parcel division map for conformity with all requirements of this resolution and the Land Use and Development Regulations Resolution. Upon review of the Parcel Division Permit Application, the Administrator of Planning Services shall transmit the parcel division map to the County Surveyor for a 10-day review. Following receipt of the County Surveyor's report and the corresponding changes being made on the parcel division map, 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 6. Board of County Commissioners' Action. The Board of County Commissioners shall delegate the responsibility of approving the parcel division 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 parcel division plat and application in order shall direct the Administrator of Planning Services to issue the permit. The County Commissioner responsible for approving the parcel division permit shall have the authority at the Commissioner's own discretion to require a parcel division permit application to be reviewed by the entire Board of County Commissioners at the next regularly scheduled meeting. Should the County Commissioner responsible for approving the parcel division permit decide to deny the parcel division request, the applicant may appeal the action within 30 days to the entire Board of County Commissioners for their action.

Section 7. Recordation Certificates. Prior to filing the final plat of the parcel division, the subdivider or surveyor of the division shall submit evidence that certified land corner recordation certificates, as applicable, have been or will be recorded in the office of the County Clerk in accordance with Wyoming Statutes annotated 36-11-110.

Section 8. Filing. Following approval of the parcel division map of survey by the Board of County Commissioners, the applicant shall file the original tracing of the final map or a

photographic reproduction with the Teton County Clerk and shall pay all filing fees and exaction fees.

Section 9. Variances. Variances, as provided for in Chapter VI of this Resolution, may be granted only with respect to regulations prescribed in Section 3. Filing Requirements and Section 4. Access and Improvements; and as described in Chapter III, Section 3c(2). A variance request shall comply with the requirements of Chapter VI Administrative Provisions of this resolution.

CHAPTER VI

ADMINISTRATIVE PROVISIONS

Section 1. Variances. Where, in 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 applicant because of unusual topography, or other such non 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.

a. 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:

(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 site.

(3) A statement of the precise nature of the variance requested, the regulation involved, and the extraordinary hardship inconsistent with the purposes of this resolution that would result from strict or literal interpretation and enforcement of the specified regulation.

(4) 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.

(5) 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.

b. 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.

c. 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 Subsection (e) of this section, or deny the variance. Before recommending that a variance be granted, the Commission shall make the findings prescribed in Subsection (e) of this section.

d. 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 the 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 Subsection (e) of this section, or deny their variance. Before granting the variance, the Board shall make the findings prescribed in Subsection (e) of this Section.

In acting on a variance, the Commission or Board may prescribe such conditions as either body determines to be necessary to achieve the purposes of the standards or requirements so affected.

e. Required findings. Before recommending or granting a variance, the Planning Commission and Board of County Commissioners shall make the following findings:

(1) Granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity, or elsewhere in the County.

(2) 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.

(3) The variance is warranted for one or more of the following reasons:

(a) Strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the purposes of this resolution.

(b) 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.

(c) Strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same land use district.

f. Lapse of a variance. A variance shall lapse and become null and void 1 year following the date on which the variance was granted, unless prior to the expiration date a subdivision or parcel division plat is filed or development is commenced and diligently pursued toward completion. However, the Board of County Commissioners may, in its discretion, extend authorization for an additional 6 months on request.

g. 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.

h. New applications. Following the denial or revocation of a variance, no application for a variance for the same or substantially the same site shall be filed within one year from the date of denial or revocation.

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 14 days nor more than 30 days prior to the date of the review by the Board of County Commissioners.

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 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. Any person, owner, agent, etc., against whom the County's violation enforcement procedure has commenced for a violation of this resolution, shall not be permitted to apply for a permit to construct or a variance related to the alleged violation until the violation enforcement proceedings have been finally determined by the proper authority.

b. Whoever, 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 or parcel division 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 judgement 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.

SCENIC RESOURCES RESOLUTION

CHAPTER 1: GENERAL PROVISIONS

Section 1: Title.

This resolution shall be known as the Scenic Resources Resolution of Teton County, Wyoming.

Section 2: Authority.

The Scenic Resources Resolution of Teton County, Wyoming is authorized by Sections 18-5-201 through 18-5-207, Wyoming Statutes 1977, as amended.

Section 3: Purposes.

In the interest of protecting the public health, safety and welfare; in the interest of protecting Teton County's priceless environmental quality and scenic beauty; in the interest of maintaining and enriching the human environment for both residents and visitors to Teton County; and in the interest of maintaining and enhancing Teton County's economy, of which the tourism sector is prominent, the County has adopted a Comprehensive Plan and Implementation Program.

The Comprehensive Plan contains a Scenic Preservation Element which specifically calls for the preservation of the County's scenic resources. Scenic resources encompass all attributes of the landscape from which visually defined values arise including, but not limited to, topography, rock outcrops, vegetation, lakes and streams, panoramic views, and wildlife.

The existence of wildlife is important to the scenic resources of the County since it is the presence of wildlife in their natural habitat for people to view that makes Jackson Hole a special place to live and visit. Since wildlife is considered to be a part of the County's scenic resources, this resolution is intended to also encompass the maintenance and preservation of wildlife critical habitat in order to preserve and enhance wildlife populations in Teton County.

The Board of County Commissioners hereby establishes a Scenic Resources Preservation Program for the purposes of identifying, evaluating, and proposing for acquisition, scenic resource property in Teton County.

Further, the Board of County Commissioners reaffirms the establishment of the Scenic Preserve Trust of Teton County as the entity in which real property rights are vested and the property maintained according to the regulations for the administration of

the Trust. The Trust shall also be charged with administering and maintaining property acquired by the County via the Scenic Resources Preservation Program. The properties and rights in property acquired by this program, however, shall be under a different set of administrative and managerial rules as set forth in the County Scenic Preserve Trust Chapter of this resolution.

Section 4: Jurisdiction.

The territorial jurisdiction of the Scenic Resources Preservation Program and the Scenic Preserve Trust of Teton County shall include all of the unincorporated private 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, the word "may" is permissive.

Agriculture: Use of a site of 35 acres or more for the commercial production of crops, livestock, or poultry, including structures and other improvements incidental to such activities.

Dedication: Transfer of any interest in land or improvements thereon by the owner to Teton County without compensation being paid by the County.

Dwelling Unit: A building or 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 nonpaying guests and persons employed on the premises.

Fee Simple Title: An estate in real property that is absolute and without any limitation with respect to ownership.

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.

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 the land. For the purposes of this resolution, a less-than-fee interest must be granted in perpetuity and must run with the land.

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 open space 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.

Outdoor Recreation: Any outdoor sport, pastime, or activity pursued for personal enjoyment that does not involve significant alteration of the parcel from its natural state by clearing, grading, compacting, or construction of improvements.

Parcel: A coterminous area of land, subdivided or unsubdivided, in a single ownership.

Planned Unit Development: A development designed as a complete, integrated unit in which the structures 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 or to achieve superior design.

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 use of the land, except certain uses, as prescribed in the instrument evidencing the easement. The terms of the easement may prescribe exceptions for very limited residential use, agricultural uses, and other open space uses.

Scenic Preserve Trust: The Scenic Preserve Trust of Teton County established by this resolution.

Scenic Resources Preservation Committee: The Scenic Resources Preservation Committee of Teton County established by this resolution.

Scenic Resources Preservation Program: The Scenic Resources Preservation Program of Teton County established by this resolution.

Subdivision: A division of a lot, tract, parcel or other unit of land into three (3) or more lots, plots, units, sites or other subdivisions of land for the immediate or future purpose of sale, building development or redevelopment, for residential, recreational, industrial, commercial or public uses, or the subdivision of a parcel of land which has been subject to Parcel Division or Lot Division after October 11, 1979 into two or more lots.

Trust: The Scenic Preserve Trust of Teton County established by this resolution.

Trustees: The governing body of the Scenic Preserve Trust of Teton County.

CHAPTER II

SCENIC RESOURCES PRESERVATION PROGRAM

Section 1: Purpose.

The purpose of this Chapter is to adopt the recommendations of the Open Space Task Group's report to the Board of County Commissioners dated October 12, 1988, and establish a scenic resources preservation program, as recommended by the Open Space Task Group report. The Open Space Task Group's report is hereby incorporated into the Teton County Comprehensive Plan as a history and antecedent to this Chapter.

The Scenic Resources Preservation Program is in response to the County's concern that areas with specific qualities in the County be preserved in as close to a natural state or their current state as possible. Since such privately owned lands do offer benefits to the public, their protection warrants the use of public funds. Thus, the Scenic Resources Preservation Program is established to provide a mechanism whereby property may be proposed for preservation, the evaluation of the property and proposal for expenditure of public monies, and the actual acquisition of property or rights on privately held property for the public welfare.

Section 2: Scenic Resources Preservation Committee.

A Scenic Resources Preservation Committee is hereby established and shall be the entity to which proposals for the Scenic Resources Preservation Program are submitted. The Committee shall consist of seven members: the County Administrator of Planning Services and six residents appointed by the Board of County Commissioners of Teton County and the Town of Jackson. The County shall appoint three members and the Town shall appoint three. The Committee, after review and consideration of proposals in accordance with this resolution, shall recommend to the Board of County Commissioners property for acquisition or protection and the method by which the property or rights in property should be acquired.

The Board of County Commissioners, however, shall have the authority to approve, modify, or reject proposals and shall have the sole authority to encumber the County in a binding agreement for acquisition of property or rights on property.

Section 3: Methods of Acquisition or Protection.

The Scenic Resources Preservation Committee shall employ a spectrum of options for acquiring or preserving scenic resources. These options include, but shall not be limited to, fee simple purchase of land to the purchase of development rights on land.

The method recommended to be used shall be determined on a case-by-case basis.

Flexibility in the method used is of utmost importance for both the County and the landowner involved. Although the Scenic Preservation Trust will be charged with administering and maintaining lands or rights in land acquired via this Chapter, the administration and maintenance of these lands or rights in land are less strictly bound than those lands obtained by the Scenic Preserve Trust itself. For example, lands or rights in land obtained by the County via this Chapter are not precluded from being leased back to a rancher or from being resold with restrictions. Thus, each arrangement for purchase of land or rights on land is potentially different from any other in order to ensure tailoring of the agreement to the needs and benefit of the County's present and future generations.

Section 4: Types of Areas to be Considered for the Scenic Resources Preservation Program.

The preservation program shall focus on the "core" or "center" of Jackson Hole, which shall be defined as the valley floor bounded on the north by Grand Teton National Park and on the south by Bridger-Teton National Forest. Other areas of the County contain important scenic resources, but may be more appropriately protected by the Federal government or private, nonprofit organizations as they are national park or national forest inholdings.

The preservation program may be further limited to scenic vistas along state highways and Spring Gulch Road, and to critical wildlife habitat in order to keep the amount of land area being considered to a manageable amount as set forth in the Scenic Resources Element.

Section 5: Selection Criteria.

The Scenic Resources Committee and the Board of County Commissioners shall use the following criteria to evaluate land parcels for eligibility in the Scenic Resources Preservation Program. Since property proposed for acquisition or protection in the program must either be involved in a scenic vista from a highway, or it must be an area of critical wildlife habitat, evaluation criteria are set forth under these two categories.

a. Primary Criteria.

(1) Highway Scenic Vistas.

(a) The property possesses outstanding scenic values.

(b) The property is in active ranching or other low intensity agricultural use.

(c) Much of the property remains in a relatively natural, undisturbed condition.

(d) The property is situated such that its development would obstruct or diminish scenic views or would interfere with views across already protected open space.

(e) Preservation of the property would increase the protection of existing natural areas or enhance the linking of open space areas.

(f) The property would preserve the unique natural characteristics of the County, including unusual land forms or those with significant scenic values.

(g) The property is of sufficient size and has appropriate agricultural characteristics so that it is likely to remain in ranching if protected.

b. Critical Wildlife Habitat.

(1) The property is critical wildlife habitat and/or a known wildlife migration route.

(2) The property provides habitat supporting threatened or endangered species.

(3) The property is important deer, elk, or moose winter range.

(4) The property borders or affects the integrity of a significant river or creek, especially those designated as Class I waters by the Wyoming Environmental Quality Council.

(5) The property is of sufficient size that its conservation resources are likely to remain intact, even if adjacent properties are developed.

(6) The property would enhance the wildlife habitat value of existing adjacent open space areas.

Section 6: Procedure for Proposal and Consideration for Acquisition or Protection.

The procedure for proposal and consideration for acquisition or protection shall be the same for both categories of property--scenic highway vistas and critical wildlife habitat. This procedure also applies regardless of the method of acquisition contemplated.

a. Initiation of a Proposal.

Any private landowner, individual, group, or organization, or the County may initiate an acquisition proposal; however, the proposing entity must obtain the consent of the property-owner before a proposal may be initiated. In order to initiate a proposal, the property must first qualify for consideration according to the following criteria:

(1) The property must lie within the area of Jackson Hole defined as bounded on the North by Grand Teton National Park and on the South by Bridger-Teton National Forest. Proposals for land located in other areas of the County may be considered on a limited matching basis.

(2) The property must offer a scenic vista along a State highway or Spring Gulch Road, or provide critical wildlife habitat.

b. Consideration of Proposal by the Scenic Resources Committee.

Each proposal for the Scenic Resources Preservation Program shall be directed to the Scenic Resources Committee for evaluation. The Committee shall determine the eligibility of the property for consideration by applying the criteria as set forth in Section 4 of this Chapter. In the case of critical wildlife habitat, the committee shall also seek input from the Wyoming Game and Fish Department concerning the importance of the area to wildlife.

c. Appraisal of Proposed Property.

If a parcel is determined by the Scenic Resources Committee to be eligible for the Scenic Resources Protection Program, then the Committee shall request the Board of County Commissioners of Teton County to authorize an appraisal of the property.

d. Cost/Benefit Analysis.

Once the Board of County Commissioners has approved an appraisal of proposed property, and the appraisal is completed, the Committee shall evaluate the costs and benefits of the proposal and the value to the public of the proposal, by employing the following criteria. If the Committee has more than one proposal before it, then the Committee shall also prioritize the proposals according to the following criteria.

(1) Availability and price of the property.

(2) The property shares a boundary with, or is in close proximity to Bridger-Teton National Forest, the National

Elk Refuge, Grand Teton National Park, a Wyoming Game and Fish elk feed-ground or other public preserve.

(3) The property is adjacent to or in close proximity to private land that is already permanently protected or that is likely to be protected in the foreseeable future.

(4) The property is subject to development pressure and/or likely conversion in land use.

(5) Cooperating entities agree to provide matching funds for the acquisition cost of the land.

e. Committee Recommendations to the Board of County Commissioners.

In a private session with the Board of County Commissioners of Teton County, the Scenic Resources Committee shall make its recommendation regarding a particular proposal. The recommendation shall include a maximum price and any restrictions the Committee feels are necessary on the proposal.

f. Action by the Board of County Commissioners.

The Board of County Commissioners shall consider the evaluation decisions of the Scenic Resources Committee and the proposal in light of the evaluation criteria set forth in this Chapter. The Board of County Commissioners shall have the authority to approve, amend, or reject proposals recommended by the Scenic Resources Committee.

g. Negotiations with the Property-Owner.

The Board of County Commissioners shall bear the responsibility of negotiating with a landowner for the property. The Commissioners shall have the authority to make decisions on price, terms, and land use restrictions. The negotiations may be made in executive session and the Commissioners may bring in outside advisers.

Landowners are under no obligation to participate in the Scenic Resources Preservation Program. Therefore, under no circumstances shall condemnation of private property be a method by which the County obtains property for the Scenic Resource Preservation Program.

h. Public Hearing.

If a purchase agreement is reached between the landowner and the Board of County Commissioners, a public hearing shall be held. The proposal shall be presented to the public and public comment shall be solicited. The Board of County Commissioners,

after due consideration of public sentiment, shall vote to approve or reject the proposal.

Only willing buyer-seller agreements shall be conducted in the Scenic Resources Preservation Program. Under no circumstances may the public expect property to be condemned in order to obtain it for the Program.

CHAPTER III

COUNTY SCENIC PRESERVE TRUST

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, as amended, and otherwise assisting in the preservation of the County's scenic resources and wildlife habitat.

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, development rights of such property, or such other less-than-fee interests in such property as are consistent with the purposes of this resolution.

The Trust 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 permissible 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, including the Scenic Resources Preservation Program, the Town of Jackson, the State of Wyoming, or any agency of the United States government.

c. Acquisition by means of 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 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.

f. Acquisition by deposit of land acquired by the County via the Scenic Resources Preservation Program.

Section 5: Authorized Uses--All Lands Other Than Scenic Resources Preservation Program Lands.

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, except as provided in Section 6 of this resolution, may be used for agriculture, 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.

a. 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 this Section.

assets of the Trust; such income shall be expended only for the following purposes:

(1) To acquire interests in real property in order to cause the scenic resources of the County to be preserved.

(2) To have performed necessary maintenance of open space lands owned by the Trust.

(3) To take necessary steps to ensure that the terms of scenic easements or other less-than-fee interests in the Trust are not violated.

c. 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 land 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 (except as provided in Section 6 of this Resolution).

d. 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 attorney's 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.

e. 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 6: Authorized Uses--Scenic Resources Preservation Program.

Since a spectrum of options in protecting scenic resources

Since a spectrum of options in protecting scenic resources ranging from fee simple purchase of land to the purchase of development rights on land are contemplated for use in the Scenic Resources Preservation Program, and each proposal will be a unique agreement between the County and the landowner(s) involved, the authorized uses on such property may widely vary. The agreements for purchase, however, shall be in accordance with the intent of this Resolution that the scenic resources of the County be protected and no agreement for purchase or treatment of the land thereafter should severely compromise this goal.

Flexibility is very important regardless of which method or methods of acquisition are pursued. The Teton County Commissioners shall be able to participate with other government or private entities in the acquisition of scenic or conservation easements, and responsibility for the land or rights in land acquired may not necessarily pass on to the Scenic Preserve Trust. The County may want to purchase a parcel and lease it back to the owner or resell it with restrictions; they may even agree to permit limited homesite development.

Thus, the charge of the Scenic Preserve Trust with respect to lands acquired via the Scenic Resources Preservation Program will be determined by the specific sale agreement of each unique property.

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.

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 for the purposes of applying for grants.

Section 9: Nonprofit 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 and assignments of the Trust as set forth in this resolution. 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.

CHAPTER IV
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 the Scenic Preserve Trust in any manner for any purpose contrary to the provisions of Section 501(c)(3) of the Internal Revenue Code of 1954, as 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. This resolution was officially adopted by the Board of County Commissioners at their August 15, 1989 meeting.

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. A mobile home park permit shall be required prior to the construction, enlargement, alteration, or improvement of a mobile home park.

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 County Regulations. A mobile home park shall conform with all applicable regulations prescribed by the Land Use and Development Regulations Resolution and the Highway Master Plan Resolution of Teton County, Wyoming shall apply.

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. Where a word is not defined in this section, the definitions contained in Chapter I, Section 7 of the Land Use and Development Regulations Resolution, or Chapter I, Section 7 of the Highway Master Plan Resolution of Teton County, Wyoming.

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.

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

Anchor. Any device at the mobile home stand designed for the purpose of securing a mobile home to the ground.

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.

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.

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.

Carport. An awning or shade structure for a vehicle or vehicles which may be free-standing or partially supported by a mobile home.

Commission. Refers to the Planning Commission of Teton County, Wyoming.

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.

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.

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.

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 4 feet in height, and 2 to 5 feet on center.

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.

Dwelling unit. A building or 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.

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.

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.

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 6 unrelated persons living together in a single dwelling unit as a single housekeeping unit.

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.

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.)

Manager. The owner or duly authorized person who maintains all managerial functions of the mobile home park.

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.

Mobile home park. A development designed exclusively for the parking or other type of installation of mobile homes on spaces or lots offered for 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 sites or lots available on a transient basis.

Mobile home space. A plot of ground within a mobile home park designed for the accommodation of one mobile home.

Mobile home stand. That part of the mobile home space which has been reserved for the placement of a mobile home.

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.

Patios. A private recreational area which adjoins a dwelling, either open or enclosed.

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 of any other legal entity.

Ramada. Any free-standing roof or shade structure installed or erected above an occupied mobile home or any portion thereof.

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.

Screening. Refer to definition of landscaping.

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).

Sign. A device, fixture, surface or structure of any kind or character, made of any material whatsoever, displaying letters, words, 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.

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

Skirting. Materials which are weatherproof, rigid, durable and finished in a manner compatible with appearance of a mobile home to enclose all areas between the lower edge of the outside walls of a mobile home and the ground.

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.

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.

Transient basis. Occupancy of a mobile home unit or other type of visitor accommodation for a short-term period, generally not less than 1 night nor more than 6 months.

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.

Utility trailer. A vehicle without motive power to be used for carrying personal property but not to be used for habitation.

Utility trailer. A vehicle without motive power to be used for carrying personal property but not to be used for habitation.

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. The construction or expansion of a mobile home park within the unincorporated boundaries of Teton County shall be done in compliance with the requirements in Chapter VII of the Land Use and Development Regulations and the following:

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 5 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 set back 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 set back 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 set back 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 5 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. Access, Traffic Circulation and Parking.

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 streets shall be laid out, designed and constructed in accordance with the regulations and specifications contained in the Teton County Highway Master Plan Resolution and supporting maps and documents.

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, Land Use and Development Regulations.

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, Land Use and Development Regulations.

e. Internal streets shall be maintained free of cracks, holes, and other hazards at the expense of the mobile home park owner.

f. 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.

g. 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 2 to 8 spaces a minimum size of 2,500 square feet of common recreational space shall be provided, and except for mobile home parks containing 9 to 16 spaces a minimum size of 2,500 square feet plus an additional 300 square feet for each additional space over 9 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 6 feet in height or dense landscaping not less than 4 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 4 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 8 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. Wyoming Department of Environmental Quality Rules and Regulations, Chapters III, XI, and XII 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 responsibility 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 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. Wyoming Department of Environmental Quality Rules and Regulations, Chapters III, XI, and XII 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 posting 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. In addition to the procedures prescribed in Chapter VII of the Land Use and Development Regulations, the procedures prescribed in this chapter shall be followed in securing a mobile home park 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 10 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. Notice of the review of

applications shall be published in a newspaper of general circulation in the County not less than 14 days nor more than 30 days prior to the date of the review. 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 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 Commissioner'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 and conforms with all applicable requirements and standards of the Teton County Highway Master Plan Resolution and supporting maps and documents.

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 ensure 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 fraudulent representations or material omissions made to the Planning Commission or the Board of County Commissioners.

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 5 feet, or not more than 10 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.

(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 the 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 ensure 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 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. Any person, owner, agent, etc., against whom the County's violation enforcement procedure has commenced for a violation of this resolution, shall not be permitted to apply for a permit to construct or a variance related to the alleged violation until the violation enforcement proceedings have been finally determined by the proper authority.

b. The County shall have the authority to inspect any site and review the construction or maintenance of improvements to ensure conformance with the requirements of this resolution, provided that such inspections are conducted during weekday working hours.

c. Whoever, 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 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 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 judgement 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.

SOLAR ACCESS REGULATIONS RESOLUTION

CHAPTER I

GENERAL PROVISIONS

Section 1. Title. This resolution shall be known as the Solar Access Regulations of Teton County, Wyoming.

Section 2. Authority. The Solar Access Regulations are authorized by Sections 34-22-101 through 34-22-106, Wyoming Statutes, 1981.

Section 3. Purposes. This resolution is enacted to promote public health, safety and general welfare of the citizens of Teton County, and to safeguard the best interest of the public and the landowner by encouraging the use of solar energy through registration of the right to solar access as a property right.

Section 4. Jurisdiction. The territorial jurisdiction of the Solar Access 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, 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. Fees. The Board of County Commissioners shall set by resolution a schedule of fees for processing the application for a solar access permit prescribed by this resolution. The required fee shall be paid at the time of filing, and processing the application shall not commence until the fee is paid.

Section 7. Definitions. For the purpose 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.

Solar collector. One of the following which is capable of collecting, storing, or transmitting at least 25,000 BTU's on a clear winter solstice day.

(1) A wall, clerestory, or skylight window designed to transmit solar energy into a structure for heating purposes.

(2) A greenhouse attached to another structure and designed to provide part or all of the heating load for the structure to which it is attached.

(3) A trombe wall, drum wall, or other wall or roof structural element designed to collect and transmit solar energy into a structure.

(4) A photovoltaic collector designed to convert solar energy into electric energy.

(5) A plate-type collector designed to use solar energy to heat air, water, or other fluids for use in hot water or space heating, or other applications.

(6) A massive structural element designed to collect solar energy and transmit it to internal spaces for heating.

Solar right. A property right to an unobstructed line-of-sight path from a solar collector to the sun which permits radiation from the sun to impinge directly on the solar collector. The extent of the solar right shall be described by that illumination provided by the path of the sun on the winter solstice day which is put to a beneficial use or otherwise limited by this act.

Winter Solstice Day. The solstice on or about December 21st which marks the beginning of winter in the northern hemisphere and is the time when the sun reaches its southernmost point.

CHAPTER II

SOLAR RIGHTS

Section 1. Solar Rights. The beneficial use of solar energy is a property right, and as such shall be freely transferable within the bounds of law. Beneficial use shall be the basis, the measure, and the limit of the solar right, except as otherwise provided by written contract. If the amount of solar energy which a solar user can beneficially use varies with the season of the year, then the extent of the solar right shall vary likewise.

Section 2. Restrictions on Solar Rights. There shall be no solar rights to radiation of the sun before 9:00 a.m. or after 3:00 p.m. Mountain Standard Time on a winter solstice day. No solar right attaches to a solar collector, or portion of a solar collector, which would be shaded by a hypothetical 10-foot wall located at the property line, on a winter solstice day. A solar right which is not applied to a beneficial use for a period of 5 years or more, shall be deemed abandoned and without priority. Solar collectors shall be located on the solar user's property so as not to unreasonably or unnecessarily restrict the uses of neighboring property.

Section 3. Priority of Solar Rights. A solar right vests on the date that a solar permit is granted. Priority in time shall have the better right, except as provided in this resolution. Structures and vegetation existing before the establishment of a solar right shall have priority. No solar right shall attach to a portion of a solar collector which is shaded by pre-existing structures or vegetation.

CHAPTER III

SOLAR ACCESS PERMITS

Section 1. Solar Access Permit Required. A solar access permit shall be required before a solar right may be established. A solar permit shall be granted to any proposed or existing solar collector which complies with this resolution.

Section 2. Application for a Solar Access Permit. Application for a solar access permit shall be filed with the Administrator of Planning Services on the prescribed form. The application shall include information pertaining to the solar collector including the following:

- a. Legal description of the site.
- b. Names and addresses of adjacent property owners.
- c. Description of type of solar collector.
- d. Map with a Certificate of Surveyor signed by a Land Surveyor registered under the laws of the State of Wyoming, which shows the following:
 - (1) Property boundaries.
 - (2) Location of solar collector on property.
 - (3) Vertical and horizontal orientation of solar collector.
 - (4) Size of solar collector.
 - (5) Height and location of existing structures and vegetation which could affect the solar right.

Section 3. Issuance of Solar Access Permit. Following the review of the solar access 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 conditions and modifications; or deny the permit. Upon approval of the application by the County Commissioners, the Administrator shall issue the permit.

Section 4. Certification of Beneficial Use. Within two years following issuance of a solar access permit, the permittee may request certification of beneficial use. The Administrator

of Planning Services shall verify and certify the type and date of beneficial use on the prescribed form.

Section 5. Recordation. Following approval and issuance of the solar access permit, and of the certificate of beneficial use, the applicant shall record the permit and the certificate in the Office of the Clerk of Teton County pursuant to Wyoming Statute 34-22-106, and shall pay all recording fees.

Section 6. Lapse of a Solar Access Permit. A solar access permit shall lapse and become null and void two years following the date on which it was granted unless the solar collector is put to beneficial use within that time.

CHAPTER IV
ADMINISTRATIVE PROVISIONS

Section 1. Amendments. The regulations prescribed in this resolution may be amended by the Board of County Commissioners in accordance with the procedures prescribed in Chapter XI, Section 2 of the Teton County Land Use and Development Regulations.

Section 2. 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 judgement 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 3. 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.

CHAPTER I
TRANSPORTATION MASTER PLAN RESOLUTION

Section 1. Title. This resolution shall be known as the Transportation Master Plan of Teton County, Wyoming.

Section 2. Authority. The Transportation Master Plan of Teton County, Wyoming is authorized by Sections 1-26-101, 18-2-101, 18-3-504, 18-5-201 through 18-5-207, 24-1-101 through 24-1-131, and 18-5-301 through 18-5-315, Wyoming Statutes, 1977, as amended.

Section 3. Purposes. This resolution is enacted to protect and promote the public health, safety and welfare, to protect Teton County's priceless environmental quality and scenic beauty, and to maintain and promote the efficient, cost-effective and safe movement of persons and goods in Teton County. The requirements and procedures herein are intended to regulate and control the design and improvement of subdivisions, transportation routes, recreational pathways, and other development in the County in order to achieve the following purposes:

a. To ensure conformance and coordination of land subdivision and other development plans with the highway improvement plans of the County and its municipalities, the state of Wyoming and federal land management agencies.

b. To encourage well-planned land subdivision and other development by establishing adequate standards for design and improvement of roadways and other pedestrian and vehicular movement systems.

c. To ensure adequate access to all properties for fire, police and other vital services.

d. To ensure a fair and just distribution of the costs and benefits of roadways and other pedestrian and vehicular movement systems within the county.

Section 4. Jurisdiction. The territorial jurisdiction of the Transportation Master Plan shall include all of the unincorporated lands within Teton County, Wyoming other than National Park, National Forest, National Elk Refuge lands or other lands not under County jurisdiction for the purposes of general government.

Section 5. Interpretation. In their interpretation and application, the provisions of this resolution shall be held to be the minimum requirements and shall apply to all roads within

its territorial jurisdiction. 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 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.

Section 6. 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. Where a word is not defined in this section, the definitions contained in Chapter I, Section 7 of the Land Use and Development Regulations Resolution, or in Chapter I, Section 11 of the Subdivision Regulations Resolution of Teton County, Wyoming shall apply.

Arterial. A highway which provides for high speed inter-city and inter-county travel and which, along with major and minor collectors, comprises part of the basic structure of Teton County's road system.

Average daily traffic (ADT). The average total number of vehicles traversing a section of roadway (in one or both directions as specified) during a 24-hour day which is typical of a specified month, season, year or other time period.

Berm. A long mound of earth, either natural or man-made, running parallel to a road or highway. Height may range from 5 to 50 feet and a maximum side slope of 2:1 must normally be maintained for stability. Often used as an aesthetic feature or noise barrier along heavily-used roads.

Bike lane. An on-street treatment in which separate auto and bicycle travel lanes are designated visually by signs and street markings.

Bike route. A street or system of streets or other facilities with signs warning motorists to anticipate bicycles and indicating to cyclists a desirable routing because of low traffic volumes, good grade profiles, a possibility of scenic views or continuity to activity centers. Most commonly implies streets in mixed usage, but may include segments of various types of exclusive bicycle facilities or shared pedestrian facilities.

Bikeway or bike path. General terms denoting bicycle facilities off the roadway surface, though not necessarily out of the roadway right-of-way.

a. **Class I bikeway.** A completely separated facility designed exclusively for the movement of bicycles, with a minimum easement of 12 feet. Crossflows by pedestrians, horses, and motorists are minimized.

b. **Class II bike lane.** A facility restricted by pavement markings or other devices to exclusive or semi-exclusive use by bicycles. Travel by motor vehicles or pedestrians is not allowed. Vehicle parking is prohibited, although breakdown parking may be allowed, as are crossflows by motorists and pedestrians.

c. **Class III bike route.** A shared facility designated as such by signs placed on vertical posts or stenciled on the pavement. Any bicycle facility which shares its through-traffic lanes with moving or parked motor vehicles or with pedestrians is considered a Class III facility.

Class. Functional class or classification as described in the Teton County Transportation Master Plan Resolution.

Capacity. The maximum number of vehicles which has a reasonable expectation of passing over a given section of a lane or a roadway in one direction (or in both directions for a 2-lane or multi-lane highway) during a given time period under prevailing roadway and traffic conditions.

Channelization. The separation or regulation of conflicting traffic movements into definite paths of travel by use of pavement markings, raised islands or other suitable means, to facilitate the safe and orderly movement of traffic, both vehicular and pedestrian.

Corridor. The generally linear area served by a major road facility. Also, the approximate location of a proposed major road facility intended to serve future traffic development in a generally linear area.

County road. A road which has been officially designated as a County road by the Board of County Commissioners in conformance with Wyoming statutes.

Cul-de-sac or dead-end street. A street with only one outlet.

Deceleration lane. A speed change lane for the purpose of enabling a vehicle that is to make an exit turn from a roadway to slow to a safe speed after it has left the main stream of faster-moving traffic.

Design speed. A speed selected for purposes of design and correlation of those features of a highway, such as curvature,

superelevation, and sight distance, upon which the safe operation of vehicles is dependent.

Design volume. The traffic volume selected for purposes of design and correlation of those features of a highway, such as number of lanes, access control, signalization and intersection treatments, upon which proper functioning of the highway is dependent.

Developer. The person or persons responsible for any development, project or subdivision, including the landowner and any persons authorized by the landowner to construct or otherwise accomplish the development, project or subdivision.

Driveway. A private access way not serving more than two single family dwellings, nor more than two deeded lots.

Easement. A non-possessing interest held by one entity in land of another whereby the first entity is accorded partial use of such land for a specific purpose.

Equestrian Trail. A completely separated facility designed exclusively for the riding of horses, with a minimum 12 foot easement width, and a dirt or low level surfacing. Crossflows by pedestrians, bicycles, and vehicles are minimized.

Function. As applied to roads, the primary purpose for which a road is built or maintained, and for which trips on that road are made. Used as a basis for determining design speed, access control and other roadway design factors.

Highway. A general term denoting a government owned and maintained travelway for purposes of vehicular travel, including the entire area within the right-of-way. For the purposes of this resolution, the term is interchangeable with "street" or "road".

Level of Service. A condition of stable traffic flow classified by the amount of delay or inconvenience experienced by the motorist.

a. Level of Service A. This is a condition of free flow, accompanied by low volumes and high speeds.

b. Level of Service B. This is a condition of stable flow, with speeds beginning to be restricted somewhat by traffic conditions.

c. Level of Service C. This is still stable flow, but the speeds and maneuverability are more closely controlled by the higher traffic volumes.

d. Level of Service D. Service approaches unstable flow, with tolerable operating speeds being maintained, but considerably affected by changes in operating conditions.

e. Level of Service E. This level represents the operation of a roadway at full capacity. Flow is unstable, perhaps with stoppages of short durations, and speeds generally not in excess of 30 miles per hour.

f. Level of Service F. This level usually results from strings of vehicles backing up from restrictions downstream in the traffic flow. In the extreme, both speed and volumes drop to zero.

Local Road. A street within a residential subdivision or neighborhood intended to carry a small amount of residential traffic to higher classes or streets. Direct residential access is allowed, but it is not intended for thru traffic. Local roads are classified as major and minor, as per the usage and surfacings as shown in Table III-A of this resolution.

Major Collector. A road which serves to collect or distribute traffic between the arterial highway network and major residential, commercial, industrial or recreational areas. It may also provide for connectivity between sections of the arterial roadway network.

Minor Collector. A road which serves to collect or distribute traffic from the arterial and major collector highway network to residential and minor commercial, industrial or recreational areas. Does not generally provide for connectivity between higher functional classifications of roads.

Parking bay. A parking lane which extends for only a limited distance along the edge of a roadway.

Parking lane. An auxiliary lane primarily for the parking of vehicles.

Pedestrian facility. A completely separated facility designed exclusively for pedestrian use, with a minimum easement width of 6 feet. Crossflows by vehicles, bicycles, and horses are minimized.

Private driveway. See definition for driveway.

Private road. A road which is not dedicated to, and maintained by, the federal, state, county, or local government.

Project. A subdivision or any development requiring approval of a development permit by the Board of County Commissioners.

Right-of-way. A general term denoting land, property or interest therein, usually in a strip, acquired for or devoted to transportation purposes.

Road. A general term denoting a travelway for purposes of vehicular travel, including the entire area within the right-of-way. Normally applied in rural areas. For the purposes of this Transportation Plan, the term is interchangeable with "street" or "highway".

Roadbed. The structure of a highway facility required for movement of motor vehicle traffic, including the travel lanes and other paved surfaces, shoulders, subgrade, any fill required or any other element required to support the roadway.

Roadway. That portion of a road which includes any travel, turn, deceleration, parking or breakdown lanes, shoulders, shoulder bike lanes and curb and gutter sections.

Scenic road. A road, or portion of road, of any functional class which has been officially designated by the Board of County Commissioners as one having particular value to the public for the scenic nature of its route, of the adjacent lands or of views from the roadway, and is subject to special design criteria considerations.

Shoulder. That portion of a roadway, either paved or graded, between the outer edge of the through traffic lanes and the curb and gutter structure in urban areas, or the point of intersection of the slope lines at the outer edge of the roadway and the fill, ditch or median slope in rural areas. Used for the accommodation of parked or stopped vehicles, for emergency use, for bike lanes and for lateral support and protection of pavement edges.

Street. A general term denoting a travelway for purposes of vehicular travel, including the entire area within the right-of-way, normally applied within neighborhoods or urban areas. For the purposes of this resolution, the term is interchangeable with "road" or "highway".

Subdivider. The person or persons responsible for any subdivision, including the landowner and any persons authorized by the owner to lay out or otherwise accomplish the subdivision.

Superelevation. The pavement cross slope used on curved portions of roadways to counteract centrifugal forces, expressed as a ratio of feet of rise per horizontal foot across the roadway.

Surface Types. The type of pavement or surface treatment applied to a roadway, classified as:

a. High-type pavements that retain smooth riding qualities and good non-skid properties in all weather under heavy traffic volumes and loadings, with little maintenance, such as bituminous or portland cement.

b. Intermediate-type pavements designed to retain smooth riding qualities and good non-skid properties in all weather, but under lighter loads and lesser traffic volumes than high-type surfaces. Typical surfacing is chip and seal.

c. Low-type surfaces are those with crushed gravel surfaces.

Traffic lane. A strip of roadway intended to accommodate a single line of moving vehicles.

Traffic Study. A study projecting the trip generation characteristics and route assignments of a proposed development.

Urban. Commercial or industrial districts and certain lands within planned unit developments or the Jackson Planned Expansion (RPJ) District.

Volume. The number of vehicles that pass over a given section of a lane or a roadway during a specified time period. Volume can be expressed in terms of daily traffic or annual traffic, as well as on an hourly basis.

CHAPTER II

TRANSPORTATION MASTER PLAN

Section 1. Functional Classification. All streets and roads in the unincorporated portions of Teton County shall be classified by functional type. Such classification shall establish a hierarchy which separates roads by function and intensity of use in order to achieve safety and efficiency in road layout and design. In addition, a road of any classification may be designated by the Board of County Commissioners as a "Scenic Road" on the basis of its particular value to the county due to the scenic nature of its route, of the adjacent lands or of views from the roadway. Such designation shall be by amendment of the Transportation Master Plan Map described in Section 2 of this chapter.

As defined in Chapter I, Section 6 of this resolution, the functional class hierarchy applicable in Teton County shall consist of the following road types:

1. Arterial
2. Major Collector
3. Minor Collector
4. Major Local
5. Minor Local

Section 2. Transportation Master Plan Map. The Administrator of Planning Services shall maintain an official map and supporting documents describing the location, functional class, right-of-way width and applicable standards of all existing and proposed roads, roadway corridors, equestrian trails, and bikeways in the County. Such map and supporting documents are considered to be a part of this resolution. Any new location for a federal, state, county, or local road, scenic road, highway corridor, equestrian trail, or bikeway not indicated on the map as of the date of this resolution, except for proposed streets, equestrian trails, and bikeways within approved subdivisions or other projects, or roads on federal or state lands, shall require adoption by the Board of County Commissioners pursuant to the requirements for amendments specified in Chapter V. Section 2 of this resolution.

Section 3. Jurisdiction and Maintenance Responsibilities. Nothing in the above Transportation Master Plan Map shall imply acceptance by Teton County for maintenance or other purposes of any road or street. Such acceptance shall be established only in accordance with Wyoming statutory procedures for adoption or vacation of County roads. Where a highway proposed for adoption as a County road does not meet the structural or right-of-way standards applicable to its classification, such adoption may or

may not be conditional upon its improvement to meet those standards, at the discretion of the Board of County Commissioners.

It shall, however, be the policy of Teton County to give primary consideration for acceptance and maintenance to those roads classed as major and minor collectors.

Arterials and most major collectors are the responsibility of the Wyoming Highway Department. Roads on federal lands may or may not be the responsibility of the appropriate federal agency. Local roads are normally the responsibility of developers, private citizens, homeowners' associations or special districts. The County may, at its option and by official action, accept or provide maintenance on such streets where a specific county need or benefit is shown.

COLLECTOR ROADS

Arterials and most major collectors are the responsibility of the Wyoming Highway Department. Roads on federal lands may or may not be the responsibility of the appropriate federal agency. Local roads are normally the responsibility of developers, private citizens, homeowners' associations or special districts. The County may, at its option and by official action, accept or provide maintenance on such streets where a specific county need or benefit is shown.

Collector roads are roads which are designed to collect traffic from surrounding roads to major roads.

The majority of roads in Teton County fall into this category. It is the responsibility of the county to maintain these roads to a standard which is consistent with safety.

The county is responsible for the maintenance of roads which are not maintained by the county.

Local roads fall into two categories: roads which are not maintained by the county and roads which are maintained by the county.

Local roads which are not maintained by the county are those which are not maintained by the county.

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CHAPTER III
ROAD STANDARDS

Section 1. Road Planning.

a. Planning principles. The following basic principles shall govern the layout of roads and streets:

(1) Road, bicycle, equestrian, and pedestrian facilities and circulation patterns shall be compatible with the Teton County Transportation Master Plan.

(2) Plans shall reflect the hierarchy of road types established in Chapter II, Section 1 of this resolution.

(3) Road layout and design shall provide for the safety of motorists, bicyclists, pedestrians, equestrians and residents of abutting properties.

(4) Rural roadways shall be designed to function at level of Service B at buildout within any subdivision, or at 20 years from construction for other roads.

(5) Urban roadways shall be designed to function at level of Service C at buildout within any subdivision, or at 20 years from construction for other roads.

(6) Plans should minimize the overall length of both County and non-County roads while adequately providing for necessary traffic movements.

(7) All dwellings and other structures shall be accessible by emergency and service vehicles.

(8) Pedestrian, bicycle, equestrian and vehicular traffic should be separated where desirable for safety.

(9) Through traffic should be limited on residential streets.

(10) Road layouts shall be designed to minimize cuts, fills, excessive runoff concentrations or other environmental impacts and should follow natural contours wherever possible.

(11) Roads shall not be constructed in 10-year flood areas, on steep or naturally unstable slopes, in avalanche paths or in other hazardous areas except where no alternative is feasible.

(12) Roads shall be designed to minimize impacts on wildlife, significant wildlife habitat or migration routes.

(13) Roads should be designed to accommodate ranching activities and stock driveways where feasible.

(14) Bus stops and shelters should be located to take advantage of existing parking opportunities whenever possible.

b. Subdivision street design. In order to ensure safety, efficiency, residential quality, lower housing costs and environmental protection, and to avoid over design and the confusing network of undifferentiated street types commonly found in subdivisions, all subdivision street systems shall be laid out in accordance with generally accepted standards approved by the Administrator of Planning Services. 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. Any right-of-way for arterials, major collectors, and minor collectors shall not be included within private lots, but shall be platted as a separate entity.

c. Traffic Impact Study. Proposed subdivisions or other developments which will generate more than 1000 vehicle trips per day shall conduct a traffic impact study to determine any need for additional acceleration, deceleration traffic, or turning lanes, signalization, or other roadway improvements on roads affected by the development. The traffic impact study shall be reviewed by the Administrator of Planning Services and the County Road Supervisor and will normally include current traffic counts, projected subdivision or development traffic generation, County traffic projections for roads affected by the subdivision or development, calculated capacity of existing and proposed roadways, calculation of intersection capacities and warrants for signalization, turn lanes, channelization, etc., estimates of bicycle and pedestrian movements, and other similar elements as required by the Administrator.

d. Design traffic volumes. Where average daily traffic (ADT) is referenced in this resolution, traffic volumes for state and county roads shall be as described in information maintained by the Administrator of Planning Services. For existing and proposed roads, ADT shall be calculated using rates derived from "Trip Generation" by the Institute of Transportation Engineers and "Trip Generation Intensity Factors" developed by the Arizona Department of Transportation and the Federal Highway Administration.

Where proposed uses are not included in these references or more recent information is available, traffic generation shall be determined by the Administrator based on the best available information.

For residential uses the following trip generation factors are to be used per dwelling unit:

Single Family	9.5
Townhouse	7.2
Apartment	6.7

Condominiums are considered townhouse or apartment, depending on which type of design they most closely resemble.

e. All roads under County jurisdiction shall conform to the standards described in Table III-A.

f. Cul-de-sac streets. Cul-de-sac streets should be designed to permit future access to other land ownerships where practical, and be designed and located with safety considerations in mind. All cul-de-sacs shall have a terminus consisting of a minimum outside radius of 45 feet, or a "T" or "L" layout having 60 foot legs.

g. Half-streets. Half-streets along a subdivision boundary or within any part of a subdivision shall not be permitted. The full right-of-way and pavement width of all classes of streets shall always be provided, except where an arterial or collector road is shown on the Highway Master Plan Map along a property boundary. In such case, minimum half-street right-of-way shall be 60 feet or 1/2 the required right-of-way, whichever is greater.

Half-street right-of-way shall be provided on all property boundaries and within any part of a subdivision. The full right-of-way and pavement width of all classes of streets shall always be provided, except where an arterial or collector road is shown on the Highway Master Plan Map along a property boundary. In such case, minimum half-street right-of-way shall be 60 feet or 1/2 the required right-of-way, whichever is greater.

TABLE III-A
MINIMUM PLANNING AND DESIGN STANDARDS

<u>Functional Class:</u>	<u>ARTERIALS</u>	<u>COLLECTORS</u>		<u>LOCAL</u>	
		<u>Major</u>	<u>Minor</u>	<u>Major</u>	<u>Minor</u>
<u>DESIGN ITEM:</u>					
Right-of-way Width (feet)	150	120	80	60	60
Typical A.D.T.	over	2,000- 5,000	500- 5,000	200- 2,000	20- 200
Design Speed (mph) *					
-level terrain	60	40	35	30	25
-rolling terrain	50	30	30	25	20
-mountainous terrain	40	25	25	25	15
Intersection Separation (feet)	2,500	600	300	125	125
Width of Travel Lanes (feet per lane)	12	12	11	11	10
Width of Shoulders(paved) (feet each side)	8	5	5	0	0
Bike lane required to be striped	*	*	*		
On-Street Parking Allowed	NO	NO	NO	NO	NO
Width of Pedestrian/Equestrian Trail (feet one side)	10	10	10	0	0
Surface Type	HIGH	HIGH	HIGH	INT.	LOW

* Minimum design speed. Except where specified otherwise in this resolution, geometric design features shall at a minimum be consistent with the design speeds listed in Table III-B for the appropriate terrain type, except that, unless specified otherwise by the Board of County Commissioners, design speed for designated scenic roads may be reduced by 10 m.p.h.

Section 2. Road Design Standards. All roads and streets in Teton County shall be designed and constructed in accordance with the policies and standards contained in this resolution. Where

standards are not specified, the current standards of the American Association of State Highway and Transportation Officials (AASHTO) shall be followed.

Roads located within urban areas as defined in this resolution shall be designed and constructed in accordance with a comprehensive set of standards acceptable to the Administrator of Planning Services. Those within the RPJ District, within 1 mile of the Town of Jackson, and within 1 1/2 miles of the Jackson sewer line shall conform with standards specified by the Town of Jackson.

a. Grades. Maximum grades for any design speed shall be those described in the following table:

TABLE III-B

MAXIMUM GRADES (%)

Type of Terrain	Design Speed (MPH)							
	15	20	25	30	35	40	50	60
Flat	7	7	7	7	7	7	6	5
Rolling	10	10	9	9	8	8	7	6
Mountainous	10	10	9	9	8	8	7	-

Flat terrain refers to those lands within RA-3, RA-6/3 and RA-6 Districts, 10 year flood plains, and less than 10% slopes.

Rolling terrain refers to those lands within RA-5 and RA-7.5 Districts, and lands with slopes from 10 to 15%.

Mountainous terrain refers to those lands within RA-10 Districts or Hillside Protections : Steep or Naturally unstable, and lands with slopes in excess of 15%.

For Major and Minor Local Roads, grades may be increased to 150 percent of the values shown above for a distance not to exceed 500 feet.

b. Alignment. Switchback roads in mountainous terrain may be constructed with radii certified by a registered Wyoming Civil Engineer.

c. Superelevation. Superelevation shall not exceed .08 ft. per foot.

d. Surface Types. For each functional road class, the surface types specified in Table III-A shall be the minimum requirements. Pavement structure shall be designed by a registered Wyoming Civil Engineer based upon expected traffic loads and existing soil conditions.

e. Traffic Control Devices. Signs, pavement and other markings, and traffic signal controls shall be required in accordance with the "Manual on Uniform Traffic Control Devices for Streets and Highways" (FHWA).

f. Structures. Bridges, culverts, walls, tunnels, and other structures shall be designed by a registered Wyoming Civil Engineer in accordance with published and accepted standards. The burden of proof of the adequacy of such standards shall rest with the applicant for any development or subdivision permit.

The minimum design loading for bridges shall conform to AASHTO Standard Specification for Highway Bridges Standard H-15 on all roads which may require access for fire protection purposes. All other bridges shall be designed to an HS-20 loading.

g. Side slopes. Side slopes shall be as shown on the "Typical Grading Sections" cross-section details.

h. Drainage. Culverts or bridges of adequate strength shall be installed whenever natural drainages are crossed or no less often than 750 feet to transfer water to the downhill side of a road section. They shall be sized to pass the floodwaters of a storm having a two-year frequency. The minimum culvert size is 18 inches. Crossings of natural drainages shall be designed and constructed to provide for the natural passage of fish when deemed appropriate by the Administrator of Planning Services.

All stream and/or ditch crossings must be designed and constructed so as to not restrict irrigation flow to any degree.

All drainage, erosion control and grading items shall be conducted in accordance with the regulations of Chapter IV, Sections 6, 7 and 8 of the Land Use and Development Regulations Resolution of Teton County.

i. Access Approaches. Approaches to County roads shall have a roadbed width of not less than 20 feet and a minimum radius at the shoulders of 15 feet. They shall have the same type of pavement as the County road being accessed from the right-of-way line to the shoulder of the County road. Appropriate culvert pipe shall be placed under the approach as directed by the County Road Supervisor. In all other respects approaches shall conform with the applicable standards of the

current version of the Wyoming Highway Department's "Rules and Regulations for Access Driveways to Wyoming State Highways".

j. Street name signs. Street name signs shall be installed at all intersections within, and entrances into, any subdivision. Name signs at these locations shall be placed at least 7 feet above the ground, with the street names parallel to their respective streets. The letters shall be clearly readable and at least 4 inches in height for street names, and 2 inches in height for compass and street abbreviations. Street signs for each street shall be readable from both sides.

k. Roadways shall be designed so that the road is constructed at least 10 feet from the edge of the easement or as necessary for snow removal.

Section 3. Plans and Specifications. In addition to any County requirements for materials to accompany applications for development permits, subdivision permits or similar County approvals, 3 copies of plans and specifications for bikeways or for roads other than private drives, prepared by a registered Wyoming Civil Engineer, shall be submitted to the Administrator for review prior to construction. The technical specifications shall be those specified in this resolution, 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 and final determination shall be by the Board of County Commissioners.

Plans shall include typical cross-sections, plan and profile sheets, cross-section sheets indicating sections appropriately spaced in consideration of the gradient of the roadway, pavement design, calculations, and drainage plans.

Section 4. Inspections. For subdivisions or other developments, the following inspections may be required by County officials during construction:

a. Plan inspection. A field review of the proposed roadway or bikeway 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 completed. After any deficiencies are corrected and all County standards appear to have been met, a portion of the improvements security may be released as provided in Chapter IV, Section 6 of the Teton County Subdivision Regulations Resolution.

Section 5. Maintenance. Most state and federal highways are maintained by the Wyoming Highway Department. Other roads within National Parks and Forests are maintained by the appropriate federal agency in accord with their adopted standards and practice. Roads accepted as County roads may be maintained by the County. Otherwise, maintenance of subdivision or other roads shall be the responsibility of private individuals, homeowners' associations, improvement districts or similar entities.

CHAPTER IV

EASEMENTS AND RIGHT-OF-WAY DEDICATION

Section 1. Road and Bikeway Rights-of-Way. In any subdivision or other development project requiring a Teton County Development Permit, required rights-of-way for any arterial, major collector, or Class I bikeway shown on the Transportation Master Plan Map and supporting documents, insofar as they may lie on or adjacent to the site of the proposed subdivision or project shall be dedicated to Teton County or to the State of Wyoming, as appropriate, for use as County or State roads, highways or bikeways, based on the amount of demand created by the proposed development. Easement requirements beyond that demand must be acquired by the appropriate agency. Width of the required rights-of-way shall be as described in Table III-A of this resolution and on the Transportation Master Plan Map and other supporting documents. This requirement shall include dedication of any required additional rights-of-way for existing State or County roads lying within or adjacent to the site.

Where the site of a subdivision or other project abuts or contains an existing or proposed arterial indicated on the Transportation Master Plan Map, the Board of County Commissioners may require dedication of additional right-of-way, to provide for access streets, bus stop or shelter locations, planting screens, walls, berms or other elements which may be necessary for adequate protection of residential properties or to afford separation of local and through traffic. The extent of participation in the easement by the developer or landowner will be determined by the demands created by proposed development.

Dedication of rights-of-way for County roads or bikeways shall be in fee simple by a separate general warranty deed or quitclaim deed (when approved by the Board), by dedication on a recorded subdivision plat, or by a recorded easement, as required by the Board of County Commissioners.

Dedication of rights-of-way for State highways shall be in a form determined by the Wyoming Highway Department. In lieu of dedication to the State of Wyoming for such highways, the Board of County Commissioners may approve the dedication of such required rights-of-way to Teton County, in conformance with the requirements above for dedication of County roads, for future transfer to the State of Wyoming as required.

Dedication of any required rights-of-way shall be completed prior to final plat signature for any subdivision, or to issuance of the development permit for any other project. However, for any development permit for the master plan of a planned unit development for which subdivision plats have not yet been

approved or where the Board of County Commissioners determines that immediate dedication of right-of-way is not required or would disrupt continuation of agricultural activities, the required right-of-way may be set aside in a formal reservation for future dedication, including an accurate survey description of the required lands, to be recorded with the Clerk of Teton County. Where such a reservation has been recorded, it shall be binding on all future owners of the underlying property and shall so state. Such reserved right-of-way shall be dedicated to the County or State as described above upon application for final plat signature for any subdivision including or adjacent to the right-of-way, upon the approval of any development permit for construction activity on the site (other than such activity undertaken for agricultural or flood control purposes), upon its change of use from agricultural to any other use, or upon a finding by the Board of County Commissioners that the reserved right-of-way is required by the County or State for road or bikeway construction purposes.

Section 2. Non-Road Transportation Easements. Easements provided in any subdivision or other development shall be in accordance with the following:

- a. Emergency access easements. Emergency access easements shall be provided on all private streets or roads and other emergency vehicle lanes. Adequacy of such areas shall be determined by the County Sheriff and the County Fire Department.
- b. Cut and fill easements. Cut and fill easements shall be provided when street or road cuts and fills are not within a street or road right-of-way.
- c. Sidewalk or pathway easements. Sidewalk or pathway easements may be required to be provided when pedestrian facilities are not within a dedicated street right-of-way. Minimum easement width shall be six (6) feet, though wider easements are encouraged to allow for landscaping, pathway curvature and an enhanced visual experience for pedestrians.
- d. Bikeway or equestrian trail easements. Bikeway and equestrian trail easements shall be provided when such facilities, when required, are not proposed to be located within a dedicated road right-of-way. Minimum easement width shall be twelve (12) feet, though wider easements are encouraged in order to enhance the recreational experience of the user and facilitate maintenance. The amount of participation by the developer or landowner in the easement will be determined by the demand created by the proposed development.
- e. Cattle drive easements. Where movement of cattle is necessary, particularly from summer range on National Forest and

National Park property to private holdings in Jackson Hole, and motor vehicle traffic levels are such that cattle movement cannot be done safely on road rights-of-way or will seriously disrupt motor vehicle traffic, cattle path easements should be provided. Except where the Board of Commissioners has determined that such an easement should be obtained or maintained by the County, such easements will be to private individuals or corporations and be maintained by them. Width should be as determined by the fee simple landowner and the holder of the easement.

f. Other easements. Other easements shall be provided as required by the Board to the extent that the proposed development creates a demand for such easements.

Section 3. Easement Location. Easements shall be properly located or monumented in accordance with applicable Wyoming Statutes.

Section 4. Construction Responsibility. Except as required otherwise by this resolution, all improvements located in, on, over or under an easement shall be constructed by the appropriate agency. The underlying fee simple property owner shall not interrupt or in any way interfere with the lawful construction of improvements within the easement.

Section 5. Maintenance Responsibility. Other than county, state or federal road easements, all easements shall be maintained by the underlying fee simple property owner and all improvements located in, on, over or under easements shall be maintained by the applicable or designated agency.

Other improvements provided by the fee simple property owner shall not interrupt or in any way interfere with the designated and continued use and maintenance of the easements and improvements located thereon.

Except for designated County roads, Teton County shall not be responsible for maintenance of easements and/or improvements thereon, unless otherwise approved by the Board.

CHAPTER V

ADMINISTRATION

Section 1. Variances. Where, in the case of a particular subdivision or other development, including roadway construction, it can be shown that strict compliance with the requirements of Chapters III or IV of this resolution would result in extraordinary hardships to the applicant because of unusual topography or other such not self-inflicted condition, or that such conditions would result in inhibiting the achievement of the objectives of these regulations, the Planning Commission may recommend, and the Board of County Commissioners may vary, modify or waive the requirements so that substantial justice may be done and the interests of the County be secured, provided that such exception, modification or waiver will not have the effect of nullifying the intent and purpose of this resolution or the Comprehensive Plan. In no case shall any exception, modification or waiver be more than a minimum necessary easing of the requirements.

a. Filing requirements. The application for a variance shall be filed with the Administrator of Planning Services on the prescribed form and 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:

(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 site.

(3) A statement of the precise nature of the variance requested, the regulation involved, and the extraordinary hardship inconsistent with the purposes of this resolution that would result from strict or literal interpretation and enforcement of the specified regulation.

(4) 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 pertinent to the requested variance, including property and right-of-way boundaries, building locations, other graded or paved areas, driveways and roads, topography, and any other physical feature pertinent to the application.

(5) 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.

b. 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.

c. Planning Commission action. The Planning Commission shall review the application and 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 Subsection e of this section, or deny the variance. Before recommending that a variance be granted, the Commission shall make the findings prescribed in Subsection e of this section.

d. 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 Subsection e of this section, or deny the variance. Before granting the variance, the Board shall make the findings prescribed in Subsection e of this section.

In acting on a variance, the Commission or Board may prescribe such conditions as either body determines to be necessary to achieve the purposes of the standards or requirements so affected.

e. Required findings. Before recommending or granting a variance, the Planning Commission and Board of County Commissioners shall make the following findings:

(1) Granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity, or elsewhere in the County.

(2) Granting of the variance will not be detrimental to health, safety, or welfare, or materially injurious to properties or improvements in the area.

(3) The variance is warranted for one or more of the following reasons:

(a) Strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the purposes of this resolution.

(b) 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.

(c) Strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of the privileges enjoyed by owners of other properties in the same land use district.

f. 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 a subdivision or lot division plat is filed 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.

g. 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.

h. New applications. Following the denial or revocation of a variance, no application for the same or substantially the same variance shall be filed within one year from the date of denial or revocation.

Section 2. Amendments. The regulations prescribed in this resolution and the road locations shown on the Transportation Master Plan Map may be amended by the Board of County Commissioners in accord with the procedure specified by Chapter XI, Section 2 of the Land Use and Development Regulations of Teton County, Wyoming.

Section 3. 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 14 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 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 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. Any person, owner, agent, etc., who is cited for a violation of this resolution shall not be permitted to apply for a permit to construct or a variance until the cited violation has been determined to be corrected by the proper authority.

b. This resolution shall be enforceable by the County in 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 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 judgement 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 6. Burden of Proof. The applicant for any permit required by the Comprehensive Plan 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 Transportation Master Plan Resolution.

Section 7. 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.

COUNTY BUILDING CODES RESOLUTION

CHAPTER I

GENERAL PROVISIONS

Section 1. Title. This resolution shall be known as the County Building Codes Resolution of Teton County, Wyoming.

Section 2. Authority. The County Building Codes Resolution of Teton County is authorized by Sections 18-5-201 through 18-5-207, W.S., (1977), as amended.

Section 3. Purpose. This chapter is enacted to provide for the enforcement of the Teton County Comprehensive Master Plan and implementing resolutions and minimum requirements to safeguard life or limb, health, and the public safety and welfare and the protection of property by regulating and controlling the construction, alteration, removal, demolition, equipment, materials, use and occupancy of all buildings and structures within the unincorporated portions of Teton County and for the placing and maintenance therein of the electrical wiring and appliances, plumbing and gas installations.

Section 4. Jurisdiction. The territorial jurisdiction of this chapter 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, or regulation of any of its departments, then the provisions of this resolution shall govern.

All of the nationally recognized model codes upon which this resolution is based are comprehensive and flexible and make provision for the use of all safe materials or methods of construction. Consequently, there are construction materials and practices other than referred to in this code which may be adequate for the purposes intended. These other methods represent either seldom used, or new systems or performance type systems which require individual consideration by the professional architect or engineer based on either test data or engineering analysis and are therefore not included herein.

Section 6. Adoption of Technical Codes. In order to carry out the purposes set forth above, each of the following technical codes, (except for portions thereof specifically excluded by the County Commissioners from time to time) are hereby adopted by reference:

a. The 1988 Uniform Building Code with appendix and Building Code Standards, as referenced, as adopted and published by the International Conference of Building Officials, amended as follows:

(1) UBC Section 303(a) Amended - Permit Issuance.

(a) Issuance. The application, plans, specifications, computations and other data filed by an applicant for permit shall be reviewed by the Building Official. Such plans may be reviewed by other departments of this jurisdiction to verify compliance with any applicable laws under their jurisdiction. If the Building Official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this code and other pertinent laws and ordinances, and that the fees specified in Section 304 have been paid, he shall recommend the issuance of a permit by the Board of County Commissioners. When the Board of County Commissioners issues the permit where plans are required, the Building Official shall endorse in writing or stamp the plans and specifications "APPROVED." Such approved plans and specifications shall not be changed, modified or altered without authorizations from the Building Official, and all work shall be done in accordance with approved plans.

The Building Official may recommend issuance of a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holder of such permit shall proceed at his own risk without assurance that the permit for the entire building or structure will be granted.

(2) UBC Section 303(d) - Amended.

(d) Expiration. Every permit issued by the Building Official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within one year from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one half the amount required for a new

permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

Any permittee holding an unexpired permit may apply for an extension of the time within which he may commence work under that permit when he is unable to commence work within the time required by this section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

(3) UBC Section 304(b) Amended - Plan Review Fee.

(b) Plan Review Fee. When a plan or other data are required to be submitted by subsection (b) for Section 302, a fee for plan review shall be paid at the time of submitting plans and specifications for review. Said fee shall be 65 percent of the building permit fee as shown in Table No. 3-A.

The plan review fees specified in this subsection are separate from the permit fees specified in Section 304 (a) and are in addition to the permit fees.

EXCEPTIONS:

1. All buildings required by state law to be submitted to the State Fire Marshal's Office for plan review shall be required to pay a plan check fee to Teton County equal to the difference between the 65 percent plan check fee (as provided by the UBC) and the fee required by the State Fire Marshal's Office.

2. No Plan Review Fee shall be required for single family homes or associated structures, i.e. garages, sheds or barns. A non-refundable deposit shall be made at the time of plan submittal; this deposit shall be equivalent to twenty (20) percent of the building permit fee and be credited toward the total building permit fee.

When plans are changed so as to require additional plan review an additional deposit may be charged at the rate shown in Table No. 3-A.

(4) UBC Table No. 3-A Amended - Building Permit Fees.

TOTAL VALUATION	FEE
\$1.00 - \$500	\$10.00
\$501 - \$2,000	\$10.00 for the first \$500 plus \$1.50 for each additional \$100 or fraction thereof, to and including \$2,000.
\$2,001 - \$25,000	\$32.50 for the first \$2,000 plus \$6.00 for each additional \$1,000 or fraction thereof, to and including \$25,000.
\$25,001 - \$50,000	\$170.50 for the first \$25,000 plus \$4.50 for each additional \$1,000 or fraction thereof, to and including \$50,000.
\$50,001 - \$100,000	\$283.00 for the first \$50,000 plus \$3.00 for each additional \$1,000 or fraction thereof, to and including \$100,000.
\$100,001 and up	\$433.00 for the first \$100,000 plus \$2.50 for each additional \$1,000 or fraction thereof.

OTHER INSPECTION FEES:

Inspections outside of normal business hours (minimum charge - 2 hours)	\$15.00/hour
Reinspection fee assessed under provisions of Section 305(g)	\$15.00/each
Inspections for which no fee is specifically indicated (minimum charge - 30 minutes)	\$15.00/hour
Additional plan review required by changes, additions or revisions to approved plans (minimum charge - 30 minutes)	\$15.00/hour

(5) UBC Section 409 Amended - Height of Building.

The height of a building shall be measured vertically at any cross section of the building from original grade to high point of the building at the cross section. Roof-top heating and air-conditioning equipment, large vent stacks, elevator penthouses, chimneys and similar features may be permitted to extend beyond the maximum height as prescribed.

(6) UBC Section 1204 Amended - Window Wells.

(a) Where escape or rescue windows required by this section occur below grade, window wells shall be provided to service such windows. Wells shall be in all cases at least as wide as the rough opening size of the window, but in no case less than three (3) feet in width. A clear space shall be provided in front of the window of not less than three (3) feet. The depth of the well shall be at least six (6) inches below the sill of the window. The upper edge of the well shall be at least six (6) inches above surrounding grade.

Grates and covers for window wells shall be installed in such a manner that no special knowledge or tools are required to remove them.

(7) Appendix Chapter 1, Division 1, Section 110(b) Amended.

Plans for compliance shall be submitted and approved within 6 months and not more than 18 months from notification of violation by the administrative authority. Work shall be completed within 6 months thereafter except that the administrative authority may allow up to a maximum of 18 months to be complete work or the building shall be vacated until made to conform.

(8) UBC Appendix Chapter 12, Division 1, Requirements for Group R, Division 3 Occupancies - Deleted.

(9) UBC Appendix Chapter 70 - Excavation and Grading - Amended.

Section 7002 - Scope - This chapter sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments; establishes the administrative procedure for issuance of permits; provides for approval of plans and inspection of grading construction. This chapter is to be used in conjunction with the Teton County Comprehensive Plan. In case of conflict, the most restrictive shall apply, as determined by the administrative authority.

(10) UBC Appendix Chapter 70, Section 7007 - Grading Fees - Delete.

b. The 1988 Edition of the Uniform Fire Code and Fire Code Standards, as referenced, as published by the International Conference of Building Officials and the Western Fire Chiefs Association adopted with the following changes:

(1) Article 4. "Permits and Certificates" - delete entire Article.

(2) Article 11 - General Precautions Against Fire -
Division 1 - Incinerators and Open Burning - Amended.

Section 11.105 (c) - Residential Type - Residential incinerators shall be constructed of brick, concrete hollow tile or other fire-resistive material other than metal, with a completely enclosed combustion chamber and shall be equipped with a permanently attached spark arrestor.

EXCEPTION: Residential Incinerators may be constructed of metal provided:

1. Metal is a minimum of 1/8 inch in thickness.
2. Combustion chambers are lined with fire brick a minimum of four (4) inches in thickness.
3. Doors are tight fitting.
4. Spark arresters have been added which meet requirements of Section 11.105 (d).
5. The location and construction has been approved by the Chief.

(3) Article 14 - Fire Alarm Systems - Amended.

Section 14.104 (c) - Group R, Division 1 Occupancies

EXCEPTION:

3. A fire alarm system need not be installed in existing hotels/motels not more than two stories in height, when each individual dwelling unit or guest room has a direct exit to a public way, exit court, yard, exterior stairway or exterior exit balcony; each sleeping room is provided with an approved smoke detector; and approved smoke detectors are installed in storage rooms, laundry rooms, furnace rooms and similar locations.

Section 14.105 - Special Provisions - (d) Secondary (Standby) Power. When required by the Chief, fire alarm systems shall be provided with secondary (standby) power meeting the requirements of UFC Standards 14-1, Section 2-3.4.2.

(4) Article 80 - Hazardous Materials - Amended.

Section 80.101 - Scope.

EXCEPTION:

3. The aggregate quantity of non-flammable solid and non-flammable or non-combustible liquid hazardous materials

permitted within a single control area of a Group B, Division 2 retail sales occupancy may exceed the exempt amounts specified in Division III, Tables 80.306-A, 80.309-A, 80.310-A, 80.312-A, 80.314-A and 80.315-A. The maximum allowable quantity in pounds or gallons permitted in a single control area of a retail sales occupancy shall be the amount obtained by multiplying the exempt amount specified in the Division III exempt amount tables by the following density factor, then by multiplying that product by the square footage of the area. The maximum aggregate floor area for hazardous material retail display or storage over which the density factor may be applied shall not exceed 1,500 square feet per control area.

<u>Hazard Classification</u>	<u>Density Factor</u>
<u>Physical Hazards</u>	
Class 4	NOT PERMITTED
Class 3	0.075
Class 2	0.006
Class 1	0.003
<u>Health Hazards</u>	
All	0.0013

The area of storage or display shall also comply with the following requirements:

- (a) Display of solids shall not exceed 200 pounds per square foot of floor area actually occupied by the solid merchandise.
- (b) Display of liquids shall not exceed 20 gallons per square foot of floor area actually occupied by the liquid merchandise.
- (c) Display height shall not exceed 6 feet.
- (d) Individual containers less than 5 gallons or less than 25 pounds shall be stored on pallets, racks or shelves.
- (e) Storage racks and shelves shall be in accordance with provisions of Section 80.301(i).
- (f) Containers shall be approved for the use intended.
- (g) Individual containers shall not exceed 100 pounds or 5 gallons capacity.
- (h) Incompatible materials shall be separated in accordance with provisions of Section 80.301(n).
- (i) Floors shall be in accordance with the provisions of Section 80.301(z).

(j) Aisles 4 feet in width shall be maintained on three sides of the display area.

(k) Hazard identification signs shall be provided in accordance with the provisions of Section 80.104(e) .

4. A maximum quantity of 200 pounds of solid or 20 gallons of liquid Class 3 oxidizers may be permitted in I, M and R occupancies, when such materials are necessary for maintenance purposes or operation of equipment. The oxidizers shall be stored in approved containers and in a manner approved by the Chief.

(5) TABLE 80.306-A, footnotes 1 and 2 -

¹No exempt amounts of Class 4 oxidizers are permitted in Group R occupancies or offices or retail sales portions of Group B occupancies.

²No exempt amount of Class 4 oxidizers are permitted in Group A, E, I or M occupancies or in classrooms of Group B occupancies unless storage is within a hazardous material storage cabinet containing no other storage.

c. The 1988 Edition of the Uniform Fire Code Appendix I-A as published by the International Conference of Building Officials and the Western Fire Chiefs Association and amended as follows:

(1) "Basement Access to Sprinkler Protection" (Delete entire section).

(2) "Standpipes" (Delete entire section).

d. The 1988 Edition of the Uniform Fire Code Appendix I-C, "Stairway Identification", as published by the International Conference of Building Officials and the Western Fire Chiefs Association.

e. The 1985 Uniform Mechanical Code as published by the International Conference of Building Officials and by the International Association of Plumbing and Mechanical Officials and amended as follows:

TABLE NO. 3-A - MECHANICAL PERMIT FEES

Unit Fee Schedule:

1.	For the installation and relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliances, up to and including 100,000 Btu/h	\$5.00
2.	For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliances over 100,000 Btu/h	\$6.50
3.	For the installation or relocation of each floor furnace, including vent	\$4.00
4.	For the installation or relocation of each suspended heater, recessed wall heater or floor-mounted unit heater	\$4.00
5.	For the installation, relocation or replacement of each appliance vent installed and not included in an appliance permit	\$3.00
6.	For the repair of, alteration of, or addition to each heating appliance, refrigeration unit, cooling unit, absorption, or each heating, cooling, absorption unit, or evaporative cooling system, including installation of controls regulated by this code	\$3.00
7.	For the installation or relocation of each boiler or compressor to and including three horsepower, or each absorption system to and including 100,000 Btu/h	\$5.00
8.	For the installation or relocation of each boiler or compressor over three horsepower to and including 15 horsepower, or each absorption system over 100,000 Btu/h to and including 500,000 Btu/h	\$7.50
9.	For the installation or relocation of each boiler or compressor over 15 horsepower to and including 30 horsepower, or each absorption system over 500,000 Btu/h to and including 1,000,000 Btu/h	\$10.00

10. For the installation or relocation of each boiler or compressor over 30 horsepower to and including 50 horsepower, or for each absorption system over 1,000,000 Btu/h to and including 1,750,000 Btu/h \$12.50

11. For the installation or relocation of each boiler or refrigeration compressor over 50 horsepower, or each absorption system over 1750,000 Btu/h \$15.00

12. For each air-handling unit to and including 10,000 cubic feet per minute, including ducts attached thereto \$3.00
 Note: This fee shall not apply to an air handling unit which is a portion of a factory assembled appliance, cooling unit, evaporative cooler or absorption unit for which a permit is required elsewhere in this code.

13. For each air-handling unit over 10,000 cfm \$5.00

14. For each evaporative cooler other than portable type \$3.00

15. For each ventilation fan connected to a single duct \$2.00

16. For each ventilation system which is not a portion of any heating or air conditioning system authorized by a permit \$3.00

17. For the installation of each hood which is served by mechanical exhaust, including the ducts for such hood \$3.00

18. For the installation or relocation of each domestic type incinerator \$5.00

19. For the installation or relocation of each commercial-type or industrial-type incinerator \$20.00

20. For each appliance or piece of equipment regulated by this code but not classed in other appliance categories, or for which no other fee is listed in this code \$3.00

21. N/A See Plumbing Code

Other Inspection Fees:

1.	Inspections outside of normal business hours (minimum charge - 2 hours)	\$15.00/hr
2.	Reinspection fee assessed under provisions Section 305(f)	\$15.00ea
3.	Inspections for which no fee is specifically indicated (minimum charge - one-half hour)	\$15.00/hr
4.	Additional plan review required by changes, additions or revisions to approved plans (minimum charge - one-half hour)	\$15.00/hr

f. The 1988 Uniform Plumbing Code as adopted and published by the International Association of Plumbing and Mechanical Officials and amended as follows:

Section 1004 - Materials

(a) Water pipe and fittings shall be of brass copper, cast iron, galvanized malleable iron, galvanized wrought iron, galvanized steel or other approved materials. Asbestos-cement, CPVC, PB, PE, or PVC water pipe manufactured to recognized standards may be used for cold water distribution systems outside a building. CPVC water pipe and tube may be used for hot and cold water distribution systems within the building. All materials used in the water supply system, except valves and similar devices shall be of like material, except where otherwise approved by the Administrative Authority."

EXCEPTION: PB tubing may be used within the building in non-potable water piping systems such as hydronic heating systems. A positive separation shall be maintained between these systems and any potable water.

Section 20.7

SCHEDULE OF FEES

For each plumbing fixture or trap or set of fixtures on one trap (including water, drainage piping and backflow protection thereof)	\$2.00
For each building sewer and each trailer park sewer	\$5.00
Rainwater systems - per drain (inside building)	\$2.00
For each water heater and/or vent	\$2.00

For each gas piping system of one (1) to four (4) outlets	\$2.00
For each gas piping system of five (5) or more, per outlet	\$.50
For each industrial waste pre-treatment interceptor, including its trap and vent, excepting kitchen type grease interceptors functioning as fixture traps	\$2.00
For installation, alteration or repair of water piping and/or water treating equipment	\$2.00
For repair or alteration of drainage or vent piping	\$2.00
For each lawn sprinkler system on any one meter, including backflow protection devices thereof	\$2.00
For vacuum breakers or backflow protective devices on tanks, vats, etc., or for installation on unprotected plumbing fixtures, including necessary water piping - one (1) to four (4)	\$2.00
Five (5) or more, each	\$.50

g. The 1987 National Electric Code as adopted and published by the National Fire Protection Association and amended as follows:

TABLE OF FEES

New Residential Buildings and Additions:

The following fees shall include all wiring and electrical equipment in or on each building, or other electrical equipment on the same premises constructed at the same time.

For new multi-family residential buildings (apartments and condominiums) having three or more living units not including the area of garages, carports and other noncommercial automobile storage areas constructed at the same time, per square foot. \$0.02

For new single-family and two-family residential buildings not including the area of garages, carports and other minor accessory buildings constructed at the same time, per square foot. \$0.025

For other types of residential occupancies and alterations, and modifications to existing residential buildings, use the Unit Fee Schedule.

New Commercial Buildings and Additions:

The following shall include all wiring and electrical equipment in or on each building or other electrical equipment on the same premises constructed at the same time.

For new commercial buildings with services of 600V or less and not over 200 amperes in rating, per square foot.	\$0.03
For new commercial buildings with services of 600V or less and not over 200 amperes to 1000 amperes in rating, per square foot.	\$0.05
For new commercial buildings with services of 600V or less and over 1000 amperes in rating, per square foot.	\$0.10

For alterations and modifications to existing commercial buildings, see Unit Fee Schedule.

UNIT FEE SCHEDULE

Receptacles, Switch and Lighting Outlets:

For receptacles, switch, lighting or other outlets at which current is used or controlled except services, feeders and meters.	
First 20, each	\$0.50
Additional outlets, each	\$0.30

Note: For multi-outlet assemblies, each five feet or fraction thereof may be considered as one outlet.

Lighting Fixtures:

For lighting fixtures, sockets or other lamp-holding devices:	
First 20, each	\$0.50
Additional fixtures, each	\$0.30
For pole or platform-mounted lighting fixtures, each	\$0.50

For theatrical-type lighting fixtures or assemblies, each \$0.50

Residential Appliances:

For fixed residential appliances or receptacle outlets for same, including wall-mounted electric ovens; counter-mounted cooking tops; electric ranges, self-contained room, console, or through-wall air conditioners; space heaters; food waste grinders; dishwashers; washing machines; water heaters; clothes dryers; or other motor-operated appliances not exceeding one horsepower (HP) in rating, each \$2.00

Note: For other types of air conditioners and other motor-driven appliances having larger electrical ratings, see Power Apparatus.

Nonresidential Appliances:

For residential appliances and self-contained factory-wired, nonresidential appliances not exceeding one horsepower (HP), kilowatt (KW) or kilovolt-ampere (KVA), in rating including medical and dental devices; food, beverage, and ice cream cabinets; illuminated show cases; drinking fountains; vending machines; laundry machines; or other similar types of equipment, each \$2.00

Note: For other types of air conditioners and other motor-driven appliances having larger electrical ratings, see Power Apparatus.

Power Apparatus:

For motors, generators, transformers, rectifiers, synchronous converters, capacitors, industrial heating, air conditioners and heat pumps, cooking or baking equipment and other apparatus, as follows:

Rating in horsepower (HP), kilowatts (KW) kilovolt-amperes (KVA), or kilovolt-amperes reactive (KVAR):

Up to and including 1, each \$2.00

Over 1 and not over 10, each \$5.00

Over 10 and not over 50, each \$10.00

Over 50 and not over 100, each	\$20.00
Over 100, each	\$30.00

Note:

1. For equipment or appliances having more than one motor, transformer, heater, etc., the sum of the combined ratings may be used.

2. These fees include all switches, circuit breakers, contactors, thermostats, relays and other directly related control equipment.

h. Installation Guidelines for Residential-Type Chimney and Solid Fuel Burning Appliances as promulgated by the Jackson/Teton County Fire Department.

i. For buildings in the 65 to 70 ldn contours as depicted on the Noise Exposure Map for Jackson Hole Airport, additional measures are recommended to achieve a 25db noise reduction. These measures appear in Chapter V, Section 5 of the Jackson Hole Airport Resolution.

Section 7. Building Official. The "building official" or "administrative authority" as referred to in the various codes of publications adopted in the proceedings section, as the officer charged with the administration and enforcement of such codes, is hereby defined and declared to be the County Building Official, except that, with regard to the Uniform Fire Code the Administrative Chief of the Jackson-Teton County Fire Department shall be the "Chief of the Fire Department" and may designate from his department a qualified fire inspector.

Section 8. Building Official--Appointment; Term of Office; Compensation. The Building Official shall be appointed by the Board of County Commissioners of Teton County, acting in consultation with the Building Committee, and shall serve at the pleasure of the Board of County Commissioners at such compensation as may from time to time be fixed by the Board.

Section 9. Building Official--Qualifications. The Building Official shall be qualified to interpret the various building codes and to check plans and specifications against code requirements and may be required to have minimum experience in one or more of the building trades or general building construction.

Section 10. Building Official Duties. The Building Official shall be under the direct supervision of the Administrator of Planning Services and shall act as a Deputy County Planner insofar as it relates to inspections for and

enforcement of the County Land Use and Development Regulations, as well as the County Subdivision Regulations and in making all inspections set forth in the technical codes adopted herein. The Building Official shall perform such other duties as may be assigned to him by the Administrator of Planning Services from time to time.

Section 11. Building Committee. There is hereby established a Building Committee to consist of seven (7) members, one of whom shall be a County employee, designated by the County Commissioners, serving an indefinite term at the pleasure of the County Commissioners, five (5) of whom shall be appointed by the County Commissioners from the following trades or professions: one plumber, one master electrician, one general contractor, one licensed architect and one registered engineer. In addition, the Administrative Chief of the County Fire Department shall be a member of the Board. The terms of the trade members appointed by the County Commissioners shall be for three (3) years; except that the initial appointment shall be made for shorter terms to ensure that 2 of the 7 terms shall expire each year thereafter and that there will always be a hold-over member from one of the trades or professions. The committee shall meet at least once regularly each month. The committee shall organize itself by electing from its number a chairman, a vice-chairman and a secretary whose duties shall be ordinarily associated with such offices. The committee shall establish its own regular meeting date, written rules for the procedure and conduct of its business.

Section 12. Building Committee to Act as Advisory Board. The Building Committee shall act as an Advisory Board to the County Commissioners, and the Building Official and the "Chief" of the Fire Department, and when any contractor feels aggrieved by the rulings of the Building Official on matters not clearly stated in the codes adopted or of other questions that may arise from time to time not covered by such codes, the building trades and professional members of the committee shall act as a Board of Appeals.

In addition to the foregoing, the Building Committee shall consult with and advise the County Commissioners with regard to the standard performance to which the inspector shall be held and such other matters relating to the employment and performance of the Building Official as the County Commissioners shall deem fit.

Section 13. Fees. The Board of County Commissioners shall set, by resolution, a schedule of fees and the time and manner of payment of the fees.

Section 14. Certificate of Occupancy. No building or structure allowed under the jurisdiction of this chapter shall be used or occupied, and no change in the existing use of a building

or structure or portion thereof shall be made until the Building Official has issued a certificate of occupancy therefore in the manner provided and at the times set forth in the technical codes adopted above.

Section 15. Contractor Registration and Compliance. No development permit or building permit or certificate of occupancy shall be issued by Teton County until all contractors or subcontractors involved in the project for which such permit or certificate has been applied shall have produced satisfactory proof of compliance with all applicable state laws, rules, and regulations, including but not limited to worker's compensation laws, unemployment securities laws, motor vehicle and drivers licensure and registration laws, sales and use tax laws and contractor licensure laws (if applicable), and shall have qualified to do business in the State of Wyoming. The Building Official shall require the registration of all contractors and subcontractors and shall establish ways and means of establishing proof of compliance with the foregoing.

Section 16. Enforcement. It shall be the duty of the County Building Official and Chief of the Fire Department to enforce the provisions of this resolution and to make inspections and tests hereunder.

In addition to the provisions contained within the technical codes adopted, relating to enforcement, and all of the provisions of Article XII, Section 3 of the Land Use and Development Regulations relating to enforcement, and, specifically, any person who violates the provisions of this resolution shall be fined not more than \$100 for each offense. Each day's continuance of any violation is also a separate offense.

Section 17. Effective Date/Expiration. Except for Section 15 relating to contractor registration and compliance (which shall be effective immediately), this resolution, and all technical codes adopted shall become effective on the first day of January, 1989. Unless readopted by the Board of County Commissioners at a regular public meeting, after at least forty-five (45) days prior notice by publication, this County Building Codes Resolution shall automatically expire on December 31, 1990.

SMALL WASTEWATER FACILITY RESOLUTION

TETON COUNTY REGULATIONS FOR A PERMIT TO CONSTRUCT, INSTALL OR MODIFY SMALL WASTEWATER FACILITIES AND RELATED DESIGN STANDARDS

Section 1. Authority. This regulation is promulgated pursuant to the Wyoming Environmental Quality Act, W.S. 35-11-101 through W.S. 35-11-1207. Specifically, W.S. 35-11-301 stipulates that no person, except when permit authorized, shall: construct, install, modify or operate any small wastewater facility. W.S. 35-11-304 stipulates that to the extent requested, authority to enforce and administer W.S. 35-11-301(a)(iii) shall be delegated to qualifying municipalities, water and sewer district or counties.

Section 2. Purpose. The purpose of these regulations is to prevent, reduce and eliminate pollution and enhance the waters of the State of Wyoming and to protect the health, safety and welfare of the environment and its inhabitants by ensuring that the design and construction of small wastewater systems meet the purpose of the Environmental Quality Act.

Section 3. Applicability. These regulations shall apply to all small wastewater systems as defined in Section 5 of these regulations within Teton County.

Section 4. Intent. The design and construction standards included in these regulations are directed toward conventional small wastewater systems. These standards impose limiting values of design for which a construction, installation or modification permit application and plans and specifications can be evaluated by the County Sanitarian.

The terms "shall" and "must" are used when practice is sufficiently standardized to permit specific delineation of requirements or when safeguarding public health or protection of water quality justifies such definite action. Other terms, such as "should", "recommend", and "preferred" indicate desirable procedures or methods which allow deviations provided the purpose of these regulations can be accomplished.

Wherever County Sanitarian is used it shall mean County Sanitarian or his designated representative.

Section 5. Definitions. The following definitions supplement those definitions contained in Section 35-11-103 of the Wyoming Environmental Quality Act.

Absorption system means a system constructed under the surface of the ground which receives and distributes effluent from a pretreatment device effectively filtering the effluent through soil or media.

Aerobic unit means a covered, water-tight receptacle which receives wastewater. The unit removes settleable solids, floatable material, and a part of soluble organic matter by the use of aerobic biological treatment.

Building drain means the building drain is that part of the lowest piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning 2 feet (.6 meters) outside the building wall.

Building sewer means the building sewer is that part of the horizontal piping of a drainage system which extends from the end of the building drain and conveying it to the septic tank or other on-site sewage disposal facility.

Cesspool means a covered pit into which raw sewage is discharged for final disposal by leaching into the surrounding porous soil. Cesspools are not allowed under these regulations.

Distribution box means a water-tight structure which receives liquid effluent from a septic tank and distributes such effluent in equal portions into two or more pipes leading to the disposal area.

Domestic sewage means the liquid- and water-borne wastes derived from the ordinary living processes, free from industrial wastes, and of such character as to permit satisfactory disposal without special treatment.

Dosing system means the system of tanks, pumps or siphons, and piping located between the septic tank and soil absorption system which is intended to apply a large quantity of settled wastewater to the absorption system in a short period of time.

Hydrogeological study means a study of the occurrence, distribution, quality and movement of the shallowest groundwater of the state and the potential impact of wastewaters on the groundwater.

Impermeable soil means any soil which has a percolation rate greater than 60 minutes per inch.

Permit means written authorization issued by the County Sanitarian, duly executed which authorizes the permittee to

construct, install, or modify the facilities as set forth in these regulations.

Privy means a covered pit into which only urine and fecal material are discharged for final disposal by leaching into the surrounding soil or by hauling to an approved disposal site. Greywater or toilet carriage water may not be discharged into a privy.

Pump tank means a tank in which the dosing pumps or siphons are installed.

Seasonal high groundwater table is the highest elevation reached by the groundwater during the wet season of the year (usually spring or early summer).

Septic tank means a liquid-tight receptacle which receives for storage and digestion, raw sewage from a building sewer, and which has been designed and constructed so as to retain the solids and to allow the liquids to discharge through a secondary system of piping into a disposal area.

Small wastewater system means any sewerage system, disposal system or treatment works having simple hydrologic and engineering needs which is intended for wastes originating from a single residential unit serving no more than four families or which distributes 2000 gallons or less of domestic sewage per day.

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 6. Prohibitions. No person shall, except when authorized by permit issued pursuant to these regulations:

a. Construct, install, or modify any small wastewater system.

b. Construct, install, or modify any small wastewater system in non-compliance with the terms and conditions of an issued permit.

c. Construct, install, or modify a small wastewater system with a permit that has expired or has been suspended or revoked.

d. Discharge wastes into any small wastewater system which is inconsistent with the type and or quantity of wastes for which the facility is designed.

Section 7. Permit Required; Control of Construction, Installation and Modification Permits; Responsibility on Issued Permits; Exemptions.

a. Construction, installation, or modification of small wastewater facilities shall be allowed only in accordance with the terms and conditions of permits issued pursuant to the provisions of these regulations.

b. No construction, installation or modification of a small wastewater system shall be allowed unless a permit to construct, install or modify has been obtained from the County Sanitarian.

c. The issuance of a permit to construct does not relieve the permittee of its responsibility to properly plan, design, construct, operate and maintain the facility described in the application and permit conditions.

Section 8. Application Requirements. The following procedures will be followed in applying for a permit:

a. Any person who proposes to construct, install or modify a facility required to be permitted under Section 6 shall submit a written application on forms provided by the County Sanitarian.

b. The applications for a permit to construct, install or modify must be accompanied by plans, specifications, design data or other pertinent information covering the project, and any additional information required by the County Sanitarian.

c. All plans and specifications must conform to common engineering practices and include the following:

(1) Plans for small wastewater systems shall contain the following:

(a) A title showing the name of the owner and the location of the project; a north arrow and drawing scale; and the name and seal or signature of the designing engineer (except on the plans for a single residential unit designed by the owner).

(b) Datum used shall be indicated.

(c) A site plan showing topography of the site, boundaries of the project and property nearby wells and waterlines, waterways, buildings, septic tank and drainfield, including all dimensions and isolation distances.

(d) Detailed drawings both plan and cross-section of septic tank and disposal field.

(e) Location of percolation test holes and soil test pit(s).

(f) Percolation test data.

(2) Specifications for small wastewater systems shall include the following:

(a) The identification of the type, size and strength of construction materials.

(b) The type, size, strength, operating characteristics, rating or requirements and installation procedures for all mechanical and electrical equipment.

d. All the plans and specifications must conform to the minimum design standards identified in Sections 17 through 31.

Section 9. Application Processing Procedures. All permit applications received will be processed in the following manner:

a. The County Sanitarian shall review each application and take final action within 15 days from the date the application is received.

b. Incomplete applications will not be processed. The County Sanitarian shall promptly notify the applicant of the deficiencies in the submitted permit application package.

c. All plans and specifications must meet or exceed minimum design standards and these regulations.

d. Applications for a modification of an existing permitted facility to increase the capability to treat, hold, or dispose of wastes may be approved requiring only the modification needed to meet the minimum design standards. Facilities not in compliance with these regulations will require additional modifications to other portions of the facility to bring the facility into compliance with these regulations.

e. Each application must be submitted with all supporting data necessary for review. Processing of the application with respect to recommendations or required changes will be done in

accordance with the provisions or required changes will be done in accordance with the provisions of applicable statutes, rules and regulations.

f. The County Sanitarian shall promptly notify the applicant of the final action taken on the application. If the conditions of the permit are different from the proposed application submitted by the applicant for review, the notification shall include reasons for the changes made.

g. If, upon review of an application, the County Sanitarian determines that a permit is not required, the County Sanitarian shall notify the applicant of this determination. Such notification shall constitute final action on the application.

h. If, upon review of an application, the County Sanitarian determines that a permit should not be granted, the County Sanitarian shall notify the applicant the permit denial and state the reasons for denial.

i. If the applicant is dissatisfied with the permit conditions or denial of any permit issued by the County Sanitarian, he may request a hearing in accordance with Section 13.c.

Section 10. Construction and Operation in Compliance with Issued Permit. The permittee shall:

a. Conduct all construction, installation, or modification of any facility permitted consistent with the terms and conditions of the permit. Unauthorized changes, deviations or modifications will be a violation of the permit. A new application or amended application must be filed with the County Sanitarian to obtain modification of a permit. No modification shall be implemented until a new or modified permit has been issued or a waiver given pursuant to Subsection b.

b. Requests for authorization to utilize materials and/or procedures different from those specified in the terms of the issued permit. Such requests shall be directed to the County Sanitarian. A waiver may be granted if materials and/or procedures specified in the permit cannot be obtained or accomplished and alternative materials and procedures meet minimum standards. In order to prevent undue delay during construction, the County Sanitarian may grant a waiver orally, upon oral request, provided that this oral request is followed by a written request within five days. Any changes shall be noted on the permit.

c. Conduct the operation in accordance with statements, representations, and procedures presented in the complete

application and supporting documents, as accepted and authorized by the County Sanitarian.

d. Notify the County Sanitarian at least 24 hours prior to backfilling of system. The County Sanitarian will perform a final inspection of the installation to ensure compliance with these regulations. The compliance section of the permit will then be signed. If the applicant does not notify the County Sanitarian following actions may be taken or required by the County Sanitarian.

- (1) digging up the system to show compliance with these regulations;
- (2) revocation of the permit;
- (3) legal action; or
- (4) all of the above.

Section 11. Duration and Termination of Permits; Transfer of Permits.

a. The duration of construction, installation or modification permits will be variable, but shall not exceed two years from the date of issuance. The expiration date will be recorded on each permit issued. Those permits issued without a specified expiration date will be in force no more than one year from date of issuance.

b. Permits will be issued only to the official applicant of record, who must be the owner of the permitted facility or his designated agent. A statement authorizing the applicant to act as agent for owner must accompany the application. The permit will be issued to the owner for only the type of construction of record and shall be automatically terminated:

- (1) Within 60 days after sale or exchange of the facility unless application for transfer is received pursuant to Subsection (c) of this section.
- (2) When construction is completed. Except that conditions included in the permit will remain in effect throughout the life of the facility.
- (3) Upon issuance of a new, renewed or modified permit.
- (4) Upon written request of the permittee.

c. Permits shall be transferred to new owners by the submittal as a written request from the new owner to the County Sanitarian. The County Sanitarian shall act within 15 days after receipt of the request.

d. Any conditions established in a construction, installation or modification permit will be automatically transferred to the new owner whenever a transfer of ownership of the facility occurs.

Section 12. Renewal of a Permit. A permit may be renewed where construction has not been completed by contacting the County Sanitarian stating that there will not be any changes in the plans for construction, installation, or modification of a permitted facility no less than 30 days prior to the expiration date of the permit.

Section 13. Denial of a Permit.

a. The County Sanitarian may deny a permit for any of the following reasons:

(1) The application is incomplete or does not meet applicable minimum design and construction standards as specified in these regulations.

(2) The project, if constructed, will cause violation of applicable state surface or groundwater standards.

(3) The project does not comply with applicable state and local water quality management plans as specified in Section 16 of these regulations.

(4) No new small wastewater system shall be approved for a building to which connection to a sanitary sewer is required by the Teton County Comprehensive and Implementation Program.

(5) Other justifiable reasons.

b. If the County Sanitarian proposes to deny issuance of a permit, the applicant shall be notified of the intent to deny and the reason for denial.

c. In the case of the denial or conditioning of a permit by the County Sanitarian, the applicant, if he so desires, may request a hearing before the Board of County Commissioners. A request for hearing shall be made in writing within 20 days of notification of the denial to the County Sanitarian and shall state the grounds for the request. Any hearing shall be conducted pursuant to the regulations of Teton county. The Board

of County Commissioners may not issue a waiver from the design standards of these regulations.

Section 14. Modification of a Permit. Either before construction is completed upon a permitted small wastewater system, or during the review of a proposed facility application, the County Sanitarian may, for good cause, modify a construction permit.

a. When reviewing an application or before construction on a facility is completed, the County Sanitarian may modify a permit due to the following reasons:

(1) existing, unknown or changing site conditions which would prevent construction and resultant operation from complying with these regulations; or

(2) receipt of additional information; or

(3) incomplete application on review items where the applicant agrees with the modification; or

(4) review items not in compliance with minimum standards where the applicant agrees with the modification; or

(5) any other reason necessary to effectuate applicable statutes, standards or regulations.

b. The County Sanitarian shall notify the permittee of the intent to modify the permit.

c. Such notification shall include the proposed modification and the reasons for modification and time frame to have modifications constructed, installed or operational. Modification requirements shall be implemented before construction, installation, or modification of a facility is completed.

d. The modification shall become final within 20 days from the date of such notice unless within that time the permittee requests a hearing before the Board of County Commissioners. Such request for hearing shall be made in writing to the County Sanitarian and shall state the grounds for the request. Any hearing held shall be conducted pursuant to the regulations of Teton County.

e. A copy of the modified permit shall be forwarded to the permittee as soon as the modification becomes effective.

Section 15. Suspension or Revocation of a Permit.
The County Sanitarian may suspend or revoke a permit before

construction, installation or modification of a facility is completed for the reasons set forth below, in item b.

a. Before a permit may be suspended or revoked, the permittee shall be given an opportunity to show compliance with all lawful requirements for the retention of the permit.

b. The County Sanitarian shall notify the permittee of its intent to suspend or revoke the permit in the event that it becomes necessary due to:

- (1) non-compliance with the terms of the permit; or
- (2) unapproved modifications in design or construction; or
- (3) false information submitted in the application; or
- (4) changing site conditions which would result in violations of applicable regulations; or
- (5) non-compliance with any requirements of these regulations; or
- (6) any other reason necessary to effectuate applicable statutes, standards or regulations.

c. The notification shall include the reasons for suspension or revocation.

d. The suspension or revocation shall become final 20 days from the date of such notice unless within that time the permittee requests a hearing before the Board of County Commissioners. Such a request for hearing shall be made in writing to the County Sanitarian and shall state the grounds for the request. Any hearing held shall be conducted pursuant to the applicable regulations.

Section 16. Compliance With State and Local Water Quality Management Plans. No permit may be issued for any facility which is in conflict with an approved water quality management plan prepared under Sections 303, 208 and/or 201 of the Federal Clean Water Act, as amended or the Teton County Comprehensive Plan and Implementation Program.

Section 17. Facilities and Systems not Specifically Covered by These Standards. This section is provided to encourage new technology and equipment and provide a process for evaluation and permitting of designs which deviate from these regulations. The construction of innovative facilities and processes not in compliance with these regulations will be permitted provided that

the facility, when constructed, can operate meeting the purpose of these regulations.

a. Each application for a permit to construct a facility not in compliance with these regulations shall be evaluated jointly by the County Sanitarian and the Department of Environmental Quality, Water Quality Division on a case-by-case basis using the best available technology. The following information should be included with the application:

(1) Data obtained from a full scale, comparable installation which demonstrates the acceptability of the design and/or,

(2) data obtained from a pilot plant operated under the design condition for a sufficient length of time to demonstrate the acceptability of the design and/or,

(3) data obtained from a theoretical evaluation of the design which demonstrates a reasonable probability of the facility meeting the design objectives; and

(4) an evaluation of the flexibility of making corrective changes to the constructed facility in the event it does not function as planned.

b. If an applicant wishes to construct a pilot plant to provide the data necessary to show the design will meet the purpose of the act, a permit to construct must be obtained.

Section 18. Design Flows. The sewerage system, treatment works and disposal system shall have a minimum absorption area based on the minimum peak design flows listed in Table 1.

TABLE 1

Quantities of Domestic Sewage Flows

Type of Establishment Flow (gallons per day per ____)

Residential Units

Single Family Dwellings	150/bedroom
Multiple Family Dwelling (with laundry)	150/bedroom
Multiple Family Dwelling (no laundry)	120/bedroom
Cottages	50/persons
Mobile Home Parks	350/home*

Commercial Facilities

Airports (without restaurants) 4/passenger
Bar 3/patron

Bathhouses and swimming pools	10/persons
Campgrounds(indiv sewer outlets avail)	100/sites
Campgrounds (service building only)	75/sites
Church (no food service or dishwashing)	7/seat
Country club	100/member
Factories (domestic waste only)	30/employee
Hospital (domestic waste only)	200/bed
Motels	80/double bed 40/single bed
Office building	30/employee
Rest home	100/resident
Schools:	
Boarding	100/res. student
Day (no gyms, cafeterias or showers)	15/student
Service stations (domestic waste only)	10/vehicle servd
Shopping center	2/parking space
Store, retail	30/employee
Theaters:	
Movie	5/seat
Drive-in	15/vehicle space
Warehouses	30/employee

*Must consider flow into the soil absorption system from mobile homes where taps are allowed to run to prevent freezing.

Section 19. Isolation.

a. The isolation distances listed below apply when domestic wastewater is the only wastewater present and the flow is less than 2000 gallons per day (gpd). The minimum isolation distance (in feet) shown in Table 2 shall be maintained.

TABLE 2

From	To Septic Tank Or Equivalent	To Absorption System
Wells (includes neighboring wells)	50	100
Property lines	10	10
Bldg Foundation(w/o fndation drains)	5	10
Bldg Foundation(w/foundation drains)	5	25
Potable Water Pipes	25	25
Septic Tank		10
Stream or Surface		
Body of Water (including seasonal and intermittent)	50	50

b. Location. Absorption systems shall not be located beneath buildings, parking lots, roadways or other similarly compacted areas.

c. Watercourse protection district. No sewage treatment lagoon or subsurface disposal system shall be permitted. Unless constructed with a watertight lining, no other wastewater disposal system should be permitted.

Section 20. Site Suitability.

a. Soil exploration. Soil exploration to a minimum depth of 4 feet below the bottom of the proposed absorption system shall be made to provide information on subsoil conditions.

b. Soil Evaluation.

(1) No less than three percolation tests shall be run in the proposed absorption system location. The percolation tests shall be performed in accordance with Appendix A. The type of soil encountered at the percolation test location shall be specified.

(2) An evaluation of the soil texture by a person experienced in soils classification, may be used to estimate the percolation rate, but at least one percolation test shall be performed.

c. Groundwater protection and bedrock or impermeable soil separation.

(1) For single family homes, the depth to bedrock or impermeable soil must be at least 4 feet from the bottom of the absorption system stone and the natural ground surface. The depth to seasonally high groundwater must be at least 4 feet from the bottom of the absorption system stone and at least 2 feet from the natural ground surface.

(2) For all systems other than single family homes up to 2000 gallons per day, the depth to bedrock or impermeable soil must be at least 4 feet from the natural ground surface. The depth to seasonally high groundwater must be at least 4 feet from the bottom of the absorption system stone and at least 2 feet from the natural ground surface. Also, a minimum of 3 feet of unsaturated soil shall be maintained between the bottom of the absorption system stone and the estimated groundwater mound imposed on the seasonally high groundwater table. The height of the groundwater mound may be estimated from Figures 1 through 6. The average daily flow should be used and may be estimated as 0.6 times the flow determined from Table 1.

d. Excessively permeable soils. Soils having a percolation rate of 1 minute per inch or less are unsuitable for subsurface sewage disposal. These soils may be used if a 6-inch layer of soil having a percolation rate of 5 minutes per inch or

greater is placed between the leach system stone and the existing soil. The soil absorption system shall be sized based on the percolation rate of the fill material.

e. Sloping ground installations.

(1) Absorption systems shall not be located in an area where the natural slope is steeper than stated below. The following are the maximum permissible slopes on which an absorption system may be constructed.

Percolation Rate (min/inch)	Maximum Slope*
Faster than 5	25%
6-45	20%
46-60	15%

*Flatter slopes may be required where the effluent may surface downslope.

(2) All absorption systems must be located at least 15 feet from the top of any break in slope which exceeds the maximum allowed in Subsection 1 above.

f. Innovative designs. If systems cannot meet the criteria under this section and can still meet the purpose of these regulations they will be evaluated under the procedures outlined in Section 17.

Section 21. Building Sewer Pipes.

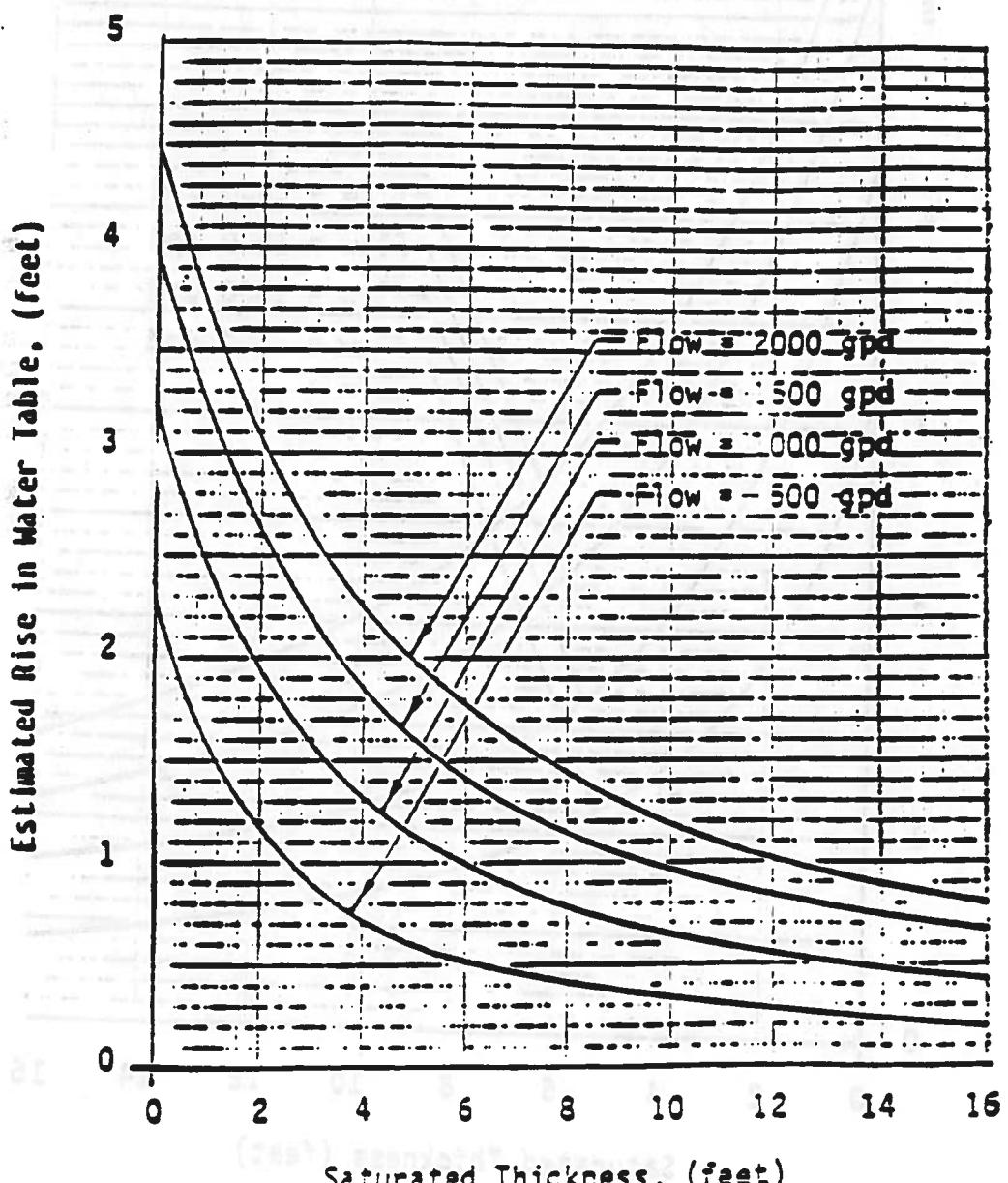
a. Building drain pipe. All building drain pipe shall comply with the standards published in the Uniform Plumbing Code - 1982 or other locally approved, nationally recognized plumbing code.

b. Building sewer pipe. All building sewers shall be installed in accordance with the Uniform Plumbing Code -1982 or other locally approved nationally recognized plumbing code. In the absence of an approved plumbing code, the building sewer shall comply with the following:

(1) Material. Polyvinyl Chloride (PVC), Acrylonitrile - Butadiene - Styrene (ABS), cast or ductile iron, portland cement, or vitrified clay pipe shall be used for sewer pipes. The septic tank inlet and outlet pipes shall be cast or ductile iron or schedule 40 PVC and shall extend past the septic tank excavation to solid ground.

"Saturated Thickness": Distance between the seasonally high groundwater table and the underlying impervious layer, such as; clay, bedrock, or soils with a significantly lower permeability.

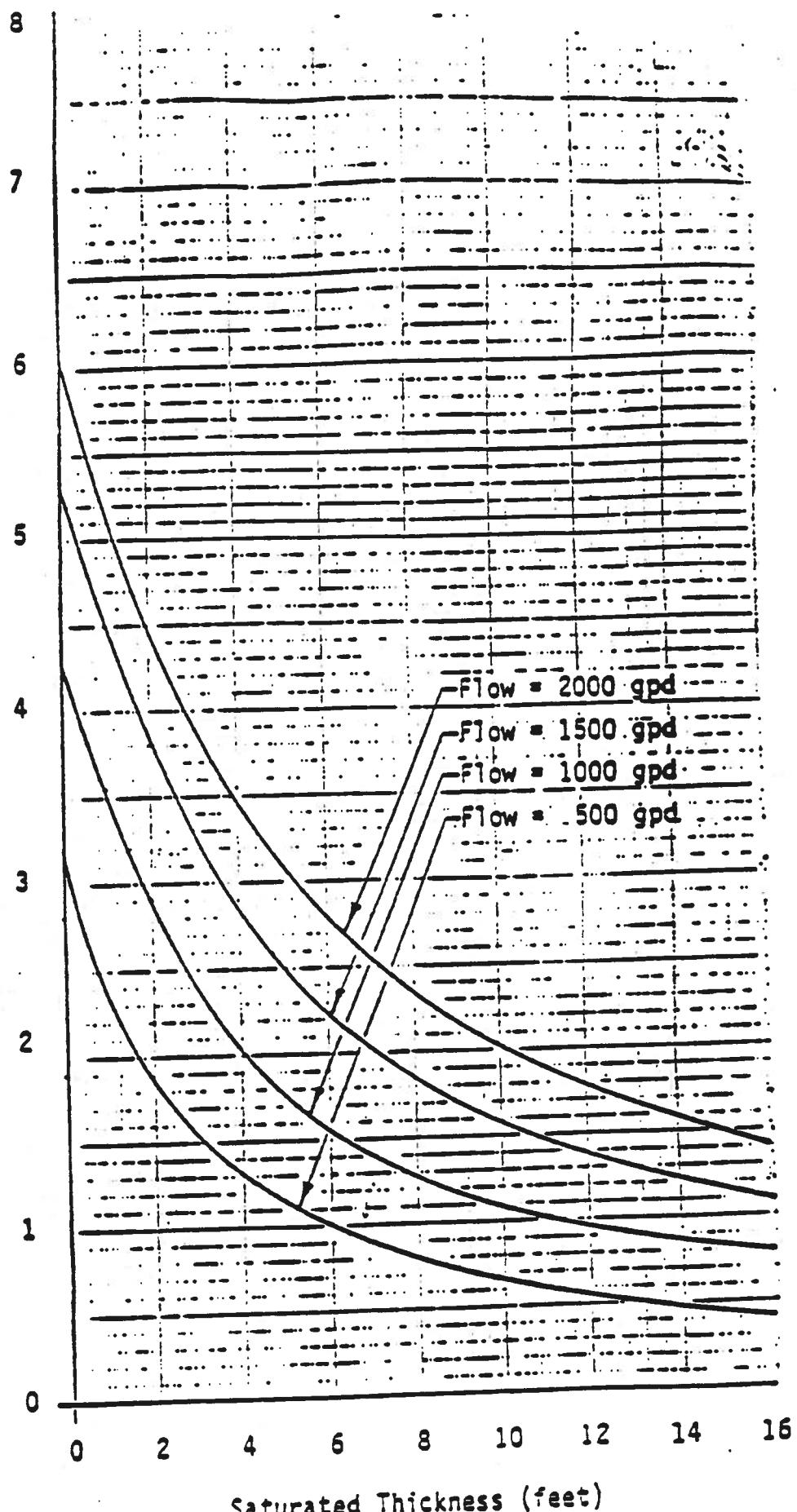
"Estimated Rise in Water Table": The estimated distance the water table will rise at the center of the absorption system above the initial water table when the indicated flow is applied daily.



BASED ON A SOIL PERCOLATION RATE = 10 min/inch

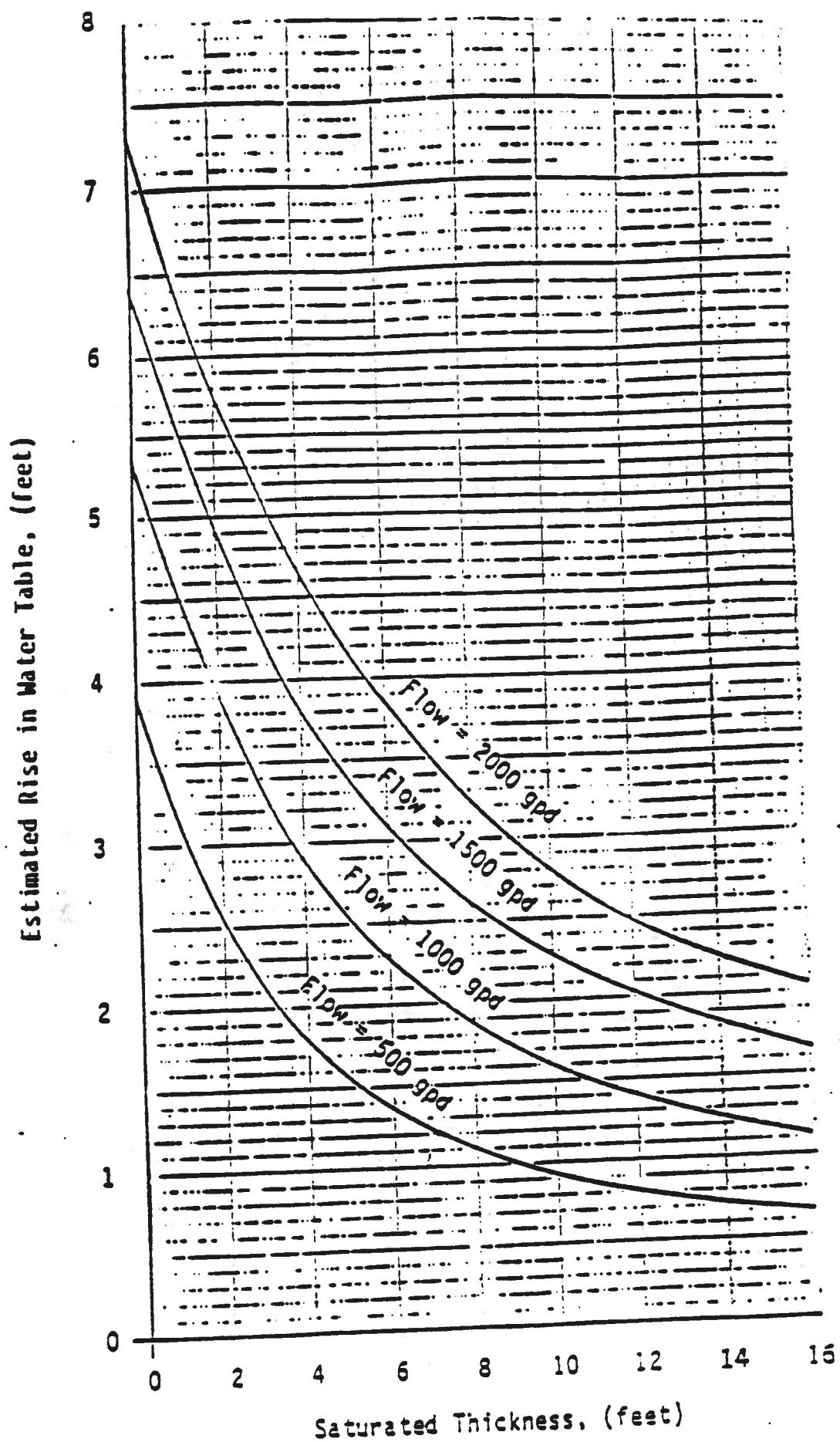
FIGURE 1

Estimated Rise in Water Table, (feet)



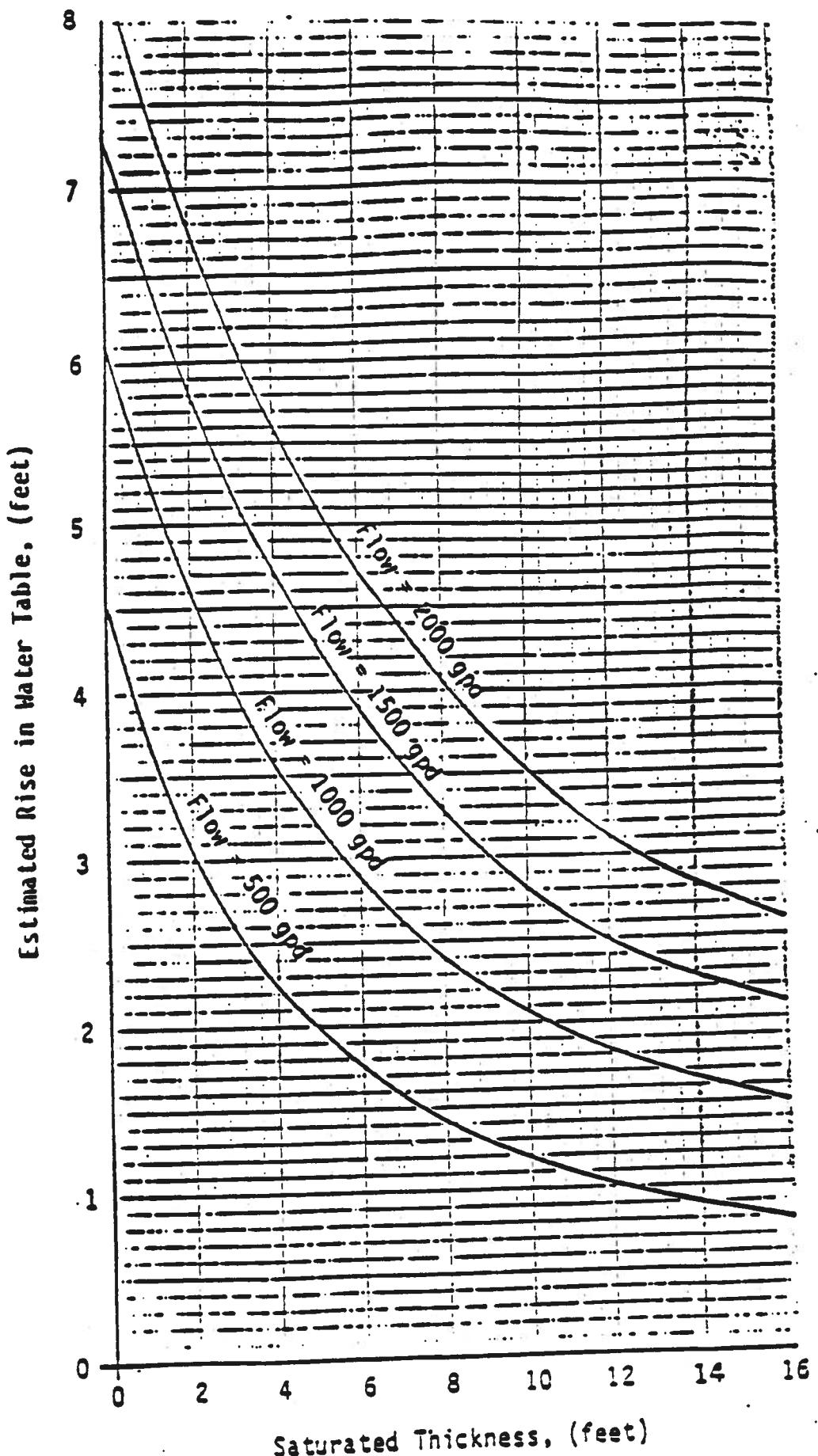
BASED ON A SOIL PERCOLATION RATE = 20 min/inch

FIGURE 2



BASED IN A SOIL PERCOLATION RATE = 30 min/inch

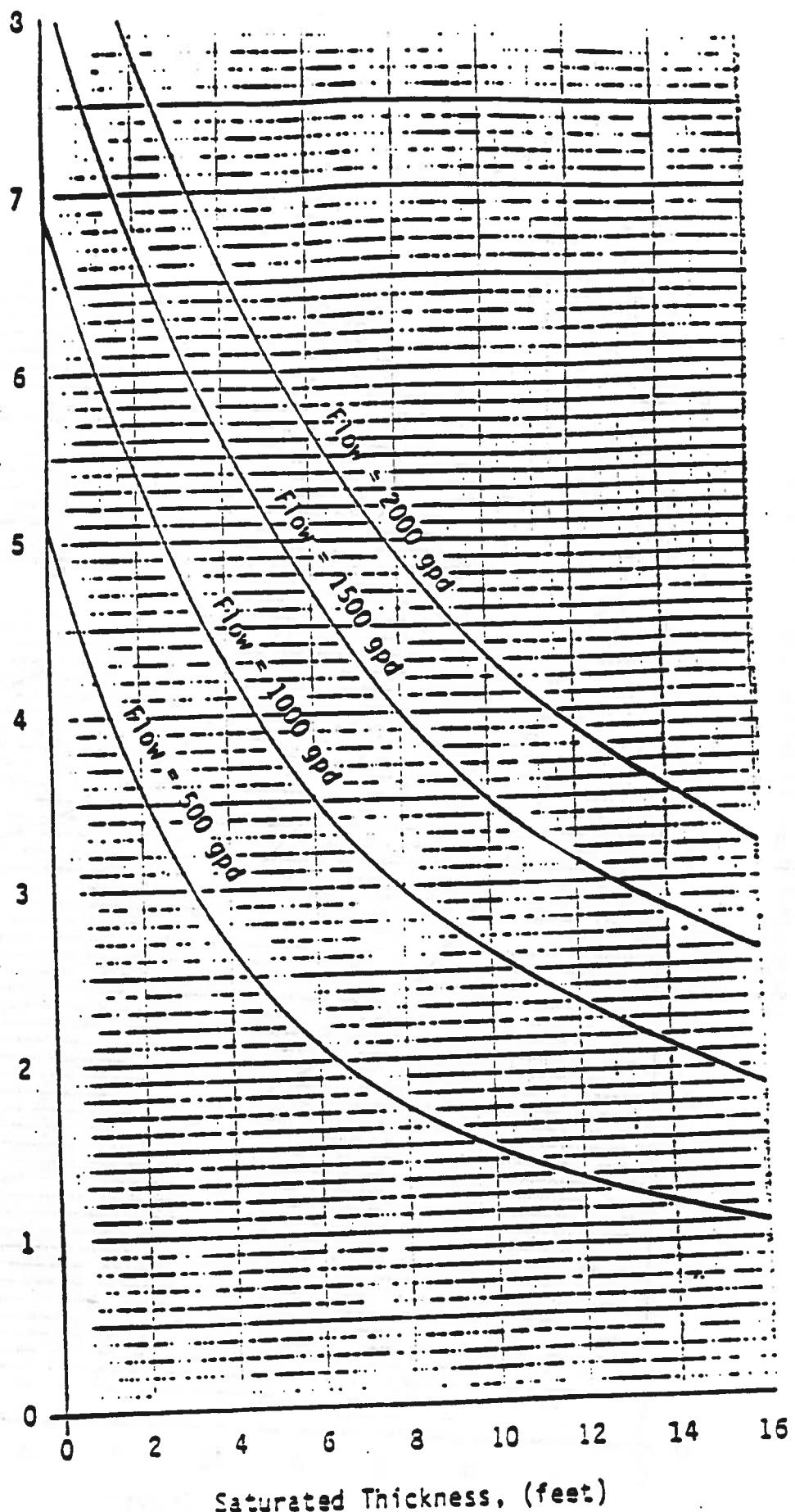
FIGURE 3



BASED ON A SOIL PERCOLATION RATE = 40 min/inch

FIGURE 4

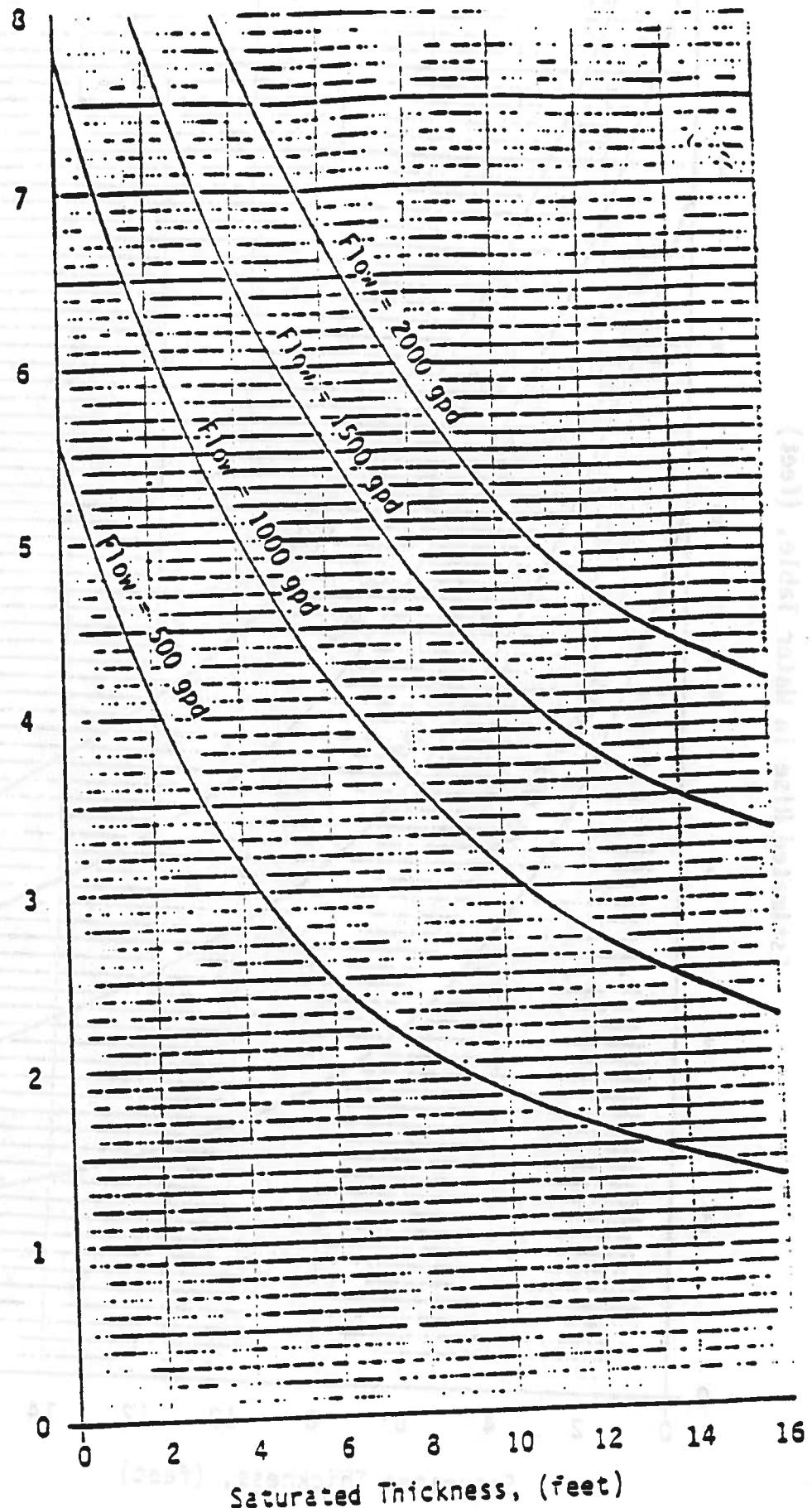
Estimated Rise in Water Table, (feet)



BASED ON A SOIL PERCOLATION RATE = 50 min/inch

FIGURE 5

Estimated Rise in Water Table, (feet)



BASED ON A SOIL PERCOLATION RATE = 60 min/inch

FIGURE 6

Absorption System Load, $\text{gallons/square foot/day}$

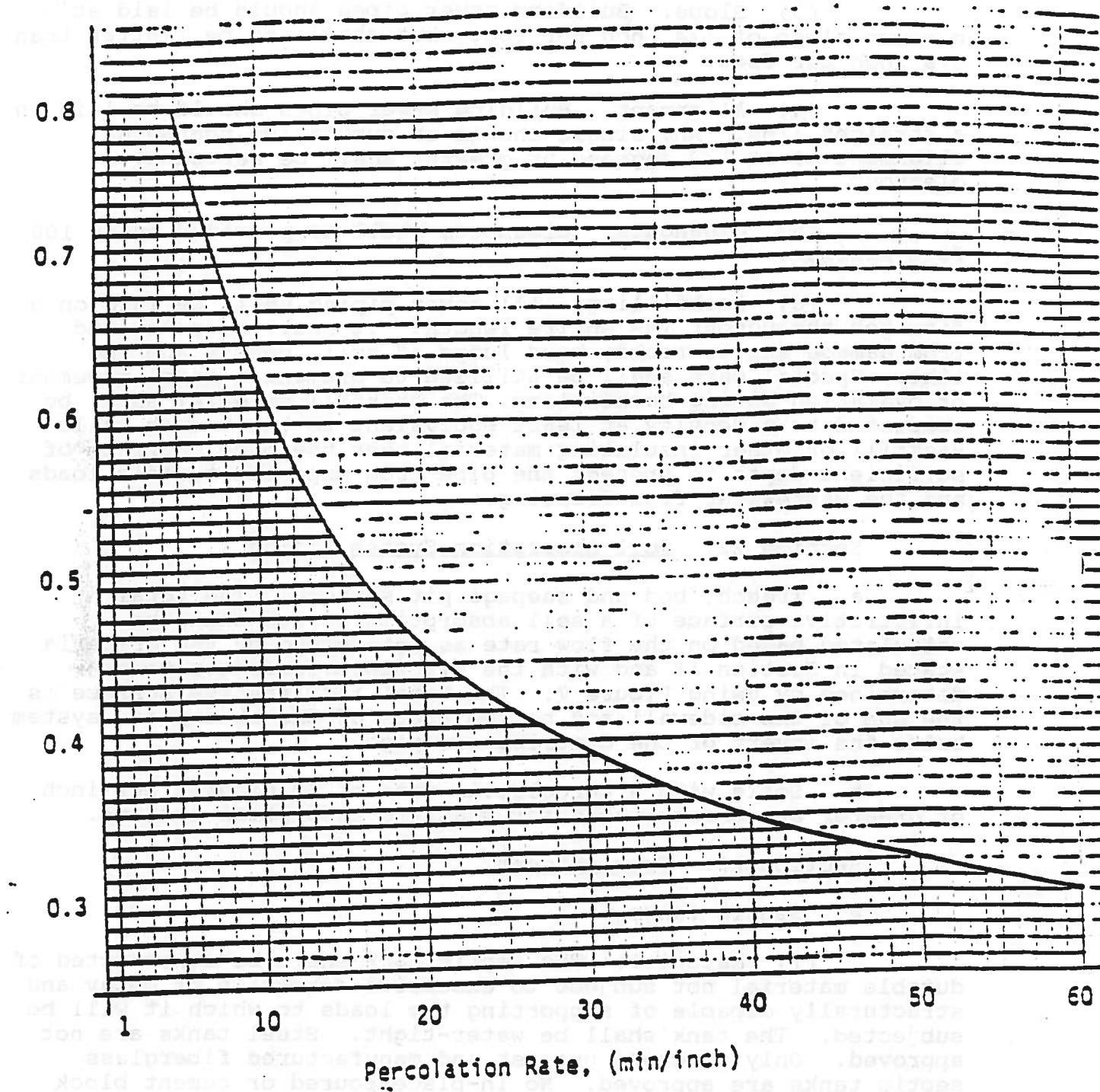


FIGURE 7

(2) Size. Building sewer pipes shall not be smaller than 4 inches in diameter. They shall be sized to handle the peak hourly flow from the building.

(3) Slope. Building sewer pipes should be laid at a minimum slope of 1/4 inch per foot, but shall not be flatter than 1/8 inch per foot.

(4) Alignment. Building sewer pipes should be laid in a straight line. Any single change or cumulative change of alignment of 22-1/2 degrees or greater shall be served by a cleanout.

(5) Cleanouts. Cleanouts shall be provided every 100 feet maximum.

(6) Backfilling. All sewer piping shall be laid on a firm bed throughout its entire length. It shall be protected from damage due to rocks, hard lumps of soil, debris and the like. Special care shall be utilized to prevent lateral movement or ovalation during backfilling. The backfill material shall be compacted to a density at least equivalent to the trench walls. Backfill or other insulating material over the pipe shall be of sufficient depth to protect the pipe from expected traffic loads and the wastewater from freezing.

Section 22. Soil Absorption System Sizing.

a. Trench, bed and seepage pit systems. The total infiltrative surface of a soil absorption system shall be calculated based on the flow rate as determined by the criteria stated in Section 18 and with the allowable loading rate as determined by using Figure 7. The total infiltrative surface is the sum of the sidewall and bottom areas of the absorption system below the invert of the distribution pipe.

b. Soils with a percolation rate of 60 minutes per inch or greater are unacceptable for standard absorption systems.

Section 23. Pretreatment.

a. Septic tanks.

(1) Material. The septic tank shall be constructed of durable material not subject to excessive corrosion or decay and structurally capable of supporting the loads to which it will be subjected. The tank shall be water-tight. Steel tanks are not approved. Only concrete precast and manufactured fiberglass septic tanks are approved. No in-place poured or cement block tanks will be approved.

(2) Size.

(a) Residential units serving no more than 4 families. Minimum liquid volume of septic tanks shall be 1000 gallons for residences through 4 bedroom capacity. Additional capacity of 250 gallons per bedroom shall be provided for each bedroom over 4.

(b) Commercial/industrial units. Septic tanks shall have a minimum effective liquid capacity sufficient to provide at least 36 hour retention at peak flow or 1000 gallons, whichever is greater.

(3) Configuration.

(a) The septic tank shall have a length to width ratio of no less than 2 to 1, or be so partitioned as to provide protection against short circuiting of flow. The water depth shall be no less than 4 feet nor greater than 6 feet. The septic tank inlet shall be provided with a tee or baffle. The outlet shall be provided with a tee or baffle that extends into the middle third of the water depth to prevent floating or settled solids from carrying over into the disposal field or bed. The inlet pipe shall be at least 3 inches higher than the outlet pipe.

(b) If the septic tank is partitioned, the volume of the first compartment must be at least 50 percent of the total required volume. The partition shall allow venting of the tank.

(c) The outlet elevation shall be designed to provide a distance of 20 percent of the liquid depth between the top of the liquid and the bottom of the septic tank cover for scum storage.

(4) Access. A manway access shall be provided to each compartment of the septic tank for inspection and cleaning. The manway access shall have a minimum opening of 20 inches in the least dimension. Both inlet and outlet devices shall be accessible. A cleanout having a minimum diameter of 6 inches shall be provided in each tank compartment and shall extend to the ground surface and be capped.

(5) Installation. The septic tank shall be placed on a level grade and a firm bedding to prevent settling.

(6) Locations shall meet the requirements of Section 19 a. and c.

b. Aerobic units. Aerobic treatment units can be used as a pretreatment device for a single residential unit serving no

more than four families provided the unit carried the seal of testing and approval from the National Sanitation Foundation (NSF) for the NSF Standard No. 40 - 1978. The unit shall be sized based on the flow quantities stated in Section 18. No reduction in the sizing of soil absorption systems or the final treatment systems shall be permitted if an aerobic unit is used instead of a septic tank. A maintenance agreement with a qualified maintenance firm must be shown for the life of the unit.

Section 24. Dosing systems following the septic tank.

a. Pumping systems for flow up to 2000 gallons per day.

(1) Pump tank. Where only one pump is provided, the pump tank shall have the minimum volume as required in Table 3 below. The tank shall comply with the material requirements for septic tanks. The pump tank shall be vented. The vent shall have a downward turn that terminates at least 12 inches above ground and shall be provided with a screen. The pump tank shall have an access manhole provided with an opening at least 20 inches in least dimension.

TABLE 3
Pump Tank

Volume (gallons) Required Between

AVERAGE FLOWS (gallons per day)	"OFF" & "ON" SWITCH	"ON" & "ALARM" SWITCH	"ALARM" SWITCH & TANK INLET	PUMP CAPACITY (gpm)
0-499	100	50	200	10
500-999	200	100	400	20
1000-1499	300	100	600	30
1500-2000	400	100	800	40

(2) Pumps.

(a) Sizing. The pump shall have a flow rate of at least 10 gallons per minute when installed. The pressure loss (feet of head) of the system can be calculated by adding: the elevation difference between the discharge outlet at the soil absorption system and the low water level in the pump tank; and the friction losses incurred in the pressure transfer pipe and distribution piping. Table 4 may be used to estimate the head loss of the pipe when pumping 10 gallons per minute and using plastic pipe.

TABLE 4

Head Loss
(for 10 gallons per minute)

Diameter (inches)	Head Loss per 100 feet of pipe (in feet)
1	12
1 1/4	4
1 1/2	2

(b) Installation/removal. The pump shall be installed in the tank so that it can be removed without entering the tank. This can be accomplished by (1) looping the pipe up near the access manhole with a pipe union provided at the top of the loop, (2) using a quick disconnect sliding coupler, or (3) using a pitless adapter. Chains, cable, or piping can be used to lift the pump out of the tank if designed for this loading. Setting the pump on an 8-inch block minimizes the transfer of any solids that may enter the pump tank.

(c) Electrical controls. The electrical control system for the wastewater pump shall consist of a "pump off" switch, a "pump on" switch, and a "high water alarm" switch which shall be located to provide the necessary volumes as stated in Table 3. All electrical controls (pump electrical cord, switches, etc.) shall comply with the National Electrical Code - 1981, Class 1, Group D, Division 1 locations. All openings around the cables or cords entering the tank shall be sealed.

(3) Pressure transfer pipe. The pressure transfer piping between the tank and the leach system shall be designed to drain after each pump cycle to prevent freezing. This can be accomplished by either eliminating the check valve at the pump or by providing a weak hole in the pipe in the tank. If the pipe is long, the tank shall be enlarged by the volume of the pipe to accommodate the volume of liquid drained from the pipe.

b. Siphons. Where automatic siphons are used, they shall be designed to empty the siphon tank in less than 20 minutes. The siphon tank shall be sized in accordance with Subsection 24.a.1. above.

Section 25. Distribution Boxes.

a. General. When a distribution box is used it shall be provided with a means of access and shall be installed between the tank and disposal area. Distribution boxes shall be

watertight and constructed of concrete or other durable material. They shall be designed to accommodate the necessary distribution piping leading to the disposal area to provide equal distribution of sewage liquids.

b. Distributing piping. The inlet piping to the distribution box shall be at least 1 inch above the outlet pipes.

c. The distribution box shall be of a construction approved by the County Sanitarian.

Section 26. Subsurface Treatment and Disposal Systems.

a. General requirements.

(1) Replacement area. An area shall be designated and shown on the plans for future installation of a replacement absorption system. If a trench system is used, the replacement area may include the area between the trenches if sufficient spacing has been provided. At least 3 feet of undisturbed soil

shall remain between the existing and replacement trench side walls.

(2) Protection. Effort shall be made to protect the natural absorptive properties of the soil. Soil absorption systems shall not be installed during adverse weather or soil conditions. Rain, severely cold temperatures, or excessively moist soils are considered adverse weather or soil conditions. All smeared or compacted surfaces shall be restored to their original infiltrative conditions prior to placement of the stone.

(3) Runoff. Surface runoff shall be diverted around or away from all soil absorption systems.

(4) Stone. Soil absorption system stone shall be sized between 1/2 inch to 2-1/2 inches. At least 2 inches of stone shall be placed over the distribution pipe, and at least 12 inches of stone shall be placed under and beside the distribution piping. A minimum of 12 inches of stone shall be placed between a seepage pit wall and structural liner. The stone shall be free from sand, silt and clay.

(5) Gravity pipe. All plastic gravity absorption system pipes shall have a minimum diameter of 4 inches and shall conform to ASTM standard D2729. Piping in all horizontally constructed absorption systems shall be laid with the holes centered around the vertical axis at the bottom of the pipe. All field tile pipe shall be spaced 1/4 inch apart. Piping in horizontally constructed absorption systems shall have a maximum slope of 3 inches per 100 feet. It is recommended that the ends of drain

field pipe shall be capped or hooked together to form a complete circuit.

(6) Pressure pipe. All pressure distribution piping shall be designed to withstand the anticipated pressures with a safety factor of two, provide uniform application of the wastewater, and have non-clogging orifices.

(7) Distribution box. If a distribution box is used, it shall be installed to provide uniform distribution of the wastewater and shall be placed so that it will not be subject to frost heave and in accordance with Section 25.

(8) Stone cover. A suitable cover such as untreated building paper, filter cloth, or straw shall be placed over the stone prior to backfilling the system. If straw is used, the uncompacted depth should be 6 to 8 inches.

(9) Earth cover. A minimum of 12 inches of earth shall be placed over the absorption system stone. The earth shall be permeable soil that will allow aeration of the system and will support the growth of grass. The earth cover shall be graded to ensure that water will not pond on the surface.

(10) Levelness. The bottom of soil absorption systems and each segment of a sidehill system shall be level.

(11) Location. It shall meet the requirements of Section 19 a. and c.

b. Special requirements for seepage pits. If a structural lining is needed to support stone in a seepage pit, it shall be constructed of durable material not subject to excessive corrosion or decay and structurally capable of supporting the loads to which it will be subjected. The lining shall be perforated or otherwise designed to allow the passage of wastewater. Seepage pits shall be separated by a minimum distance equal to 3 times their diameter.

c. Special requirements for mounded systems.

(1) Sizing.

(a) The infiltrative surface between the stone and the fill material shall be sized based on the flow rate as determined by Section 18 and the allowable loading rate as determined by Figure 7 of Section 22 for the percolation rate of the fill. The total infiltrative surface is the sum of the sidewall and bottom areas of the stone-soil interface below the distribution pipe.

(b) The interface area between the fill soil and the native soil shall be sized based on the infiltration rate of the native soil as determined by Figure 7 of Section 22 but shall not be smaller than a system designed to the requirements of Subsection 2 below.

(2) Grade. The finished grade shall extend at least 3 feet horizontally beyond the stone and then be sloped to the parent soil at a grade no steeper than four horizontal to one vertical.

(3) Fill soil. The fill soil that is placed between the native soil and the stone shall have a minimum percolation rate of 5 minutes per inch. Topsoil shall be placed over the mound to promote vegetative cover.

(4) Preparation. All trees, roots, and other organic matter shall be removed from the area to be occupied by the mound.

d. Special requirements for trench systems. An undisturbed soil column shall be maintained between trench sidewalls. The minimum horizontal separation distance shall be 3 feet or 1.25 times the vertical depth of the trenches, whichever is greater.

e. Special requirements for serial sidehill trench or bed systems.

(1) Separation. A minimum of 3 feet of undisturbed soil shall be maintained between adjacent trench or bed side walls.

(2) Levelness. The bottom of each serial trench or bed system shall be level.

(3) Overflow. The overflow pipe between serial leach systems shall be set no higher than the mid-point of the upstream distribution pipe. The overflow pipe shall not be perforated.

f. Special requirements for bed systems. The distribution system piping shall be spaced no more than 10 feet apart.

Section 27. Evapotranspiration Beds.

a. Sizing. The area of evapotranspiration beds shall be determined using the following formula:

$$A = \frac{586 \times Q}{PET - P}$$

where:

Area = Area of the evapotranspiration bed at the ground surface in square feet

Q = Average daily sewage flow, gallons per day,
(0.6 times the flow determined from Table 1)

PET = Potential evapotranspiration rate in inches per year

P = Annual precipitation rate in inches per year

b. Construction.

(1) If an impervious barrier is necessary for the protection of groundwater it shall be installed between the evapotranspiration bed and the native soil. It shall be a polyvinyl chloride sheet with a minimum thickness of 20 mils or equivalent. A 3 inch layer of sand shall be placed under and over the liner.

(2) The bottom 12 inches of the bed shall be filled with clean stone 1/2 to 2-1/2 inches in diameter.

(3) Perforated pipe complying with Section 26 a.5. shall be placed in the stone.

(4) Four inches of pea gravel (less than 1/4-inch in diameter) or durable filter cloth shall be placed over the stone.

(5) A 24-inch uniform sand layer in the size range of D50 (0.10mm) shall be placed on top of the pea gravel or filter cloth.

(6) A 6-inch layer of sandy topsoil shall be placed on top of the evapotranspiration bed.

(7) The bed should be vegetated with small shrubs and/or grasses such as fescue, brome, or alfalfa.

(8) The evapotranspiration bed shall be placed at a depth sufficient to prevent surcharging of the septic tank.

c. Location. The location of evaporative beds shall meet the requirements of Section 19 a. and c.

Section 28. Holding tanks.

a. Uses. Holding tanks shall not be used for residential systems when other alternative systems are available, except on a temporary, seasonal or intermittent basis, or when used to correct a failed subsurface disposal system when other alternatives are unavailable. Use of holding tanks for new construction is prohibited. Where holding tanks are allowed, they shall be sized on the basis of 7 days storage at the flow rate determined from Table 1.

b. Acceptance. A letter of verification from the receiving agency, denoting acceptance of the wastewater generated shall be submitted with the plans.

c. Location. The location and construction of holding tanks shall meet the requirements in Sections 19 a. and c. and Section 23 a.1. respectively.

d. Vent. Each holding tank shall be provided with a 2-inch minimum diameter vent ending in a return elbow above final grade. The vent shall terminate at least 30 feet from any door, window, or fresh air inlet. The vent should be screened.

e. Alarm. All holding tanks shall be equipped with a high water level alarm. The device shall be an audible alarm or an indoor illuminated alarm. The alarm level shall be placed at 3/4 the depth of the tank.

f. Pump out. A 6-inch pump out pipe which extends to the surface shall be provided. It shall be capped at all times.

Section 29. Privies.

a. General requirements.

(1) All privies shall be designed and constructed to prevent access by flies and rodents.

(2) If indoor plumbing is installed, the greywater disposal method shall meet the requirements of Sections 18 through 28. The minimum design flow for greywater shall be obtained from Table 1 with a reduction of 33 percent allowed for the elimination of black wastes.

(3) The privy shall consist of a water tight vault and an outhouse building.

(4) The minimum size of a vaulted privy is to be not less than 500 gallons. Steel privies are not permitted.

c. Isolation. The isolation requirements for privies shall comply with Section 19 a. and c. for absorption systems.

d. Soil exploration. Soil exploration to a minimum depth of 4 feet below the bottom of the proposed vault shall be made to provide information on subsoil condition.

e. Groundwater and bedrock separation. The depth to seasonally high groundwater shall be sufficient to prevent floatation of an empty watertight vault, and at least 4 feet from the bottom of an unlined vault.

f. Sizing. Vaults shall have a minimum capacity of 500 gallons per riser and shall be a minimum of 4.5 feet deep.

g. Construction.

(1) The vault shall be constructed and installed to resist breakage and damage imposed by frost heave, uplift pressures from a fluctuating water table, loads imposed by the outhouse building and soils, and damage that may be caused by vandalism or rough cleaning procedures. The vault shall be constructed to prevent access by flies.

(2) Materials used for vault construction shall be resistant to alkali attack, hydrogen sulfide gas, and other corrosive elements associated with decomposing waste.

(3) A clean-out manhole shall be installed and shall have a minimum opening of 20 inches in the least dimension. The manhole shall be located outside of the outhouse building and be equipped with a tight-fitting secure cover.

(4) The vault shall be ventilated to a point outside and above the outhouse building. The outhouse building shall have a set of vents installed near the floor on two opposite sides of the building and a roof vent that has a rain cap. All vents shall be screened.

h. Vault additives. No chemical or biological additive shall be placed in the vault that may adversely effect the operation of a sewage treatment facility where the vault waste will ultimately be disposed or that may adversely impact the quality of the groundwater as specified in Chapter VIII, "Quality Standards for Groundwater of Wyoming."

Section 30. Chemical Toilets.

a. General requirements. Chemical toilets shall only be used only during periods of construction and shall only be used in the containment of body wastes. Chemical or port-a-potty toilets are not approved for use once the residence is completed, even if only used seasonally.

b. Greywater. If indoor plumbing is installed, a separate greywater disposal is required and shall meet the requirements of Sections 18 through 28. The minimum design flows for greywater shall be obtained from Table 1 with a reduction of 33 percent allowed for the elimination of blackwater wastes.

c. Disposal. All chemical toilet wastes shall be disposed of at an approved wastewater facility. A letter of verification from the receiving agency, denoting acceptance of the wastewater generated shall be submitted with the plans. These wastes shall not be discharged into a soil absorption system.

d. Construction. Chemical toilets shall be constructed and installed to resist breakage or damage from routine usage. Outdoor chemical toilets shall be adequately stabilized and secured to prevent overturning. Materials used shall be resistant to the sewage wastes and the chemicals encountered. The holding compartment of the toilet shall be constructed to prevent accessibility by the public and by flies and rodents.

e. Additives. No chemical or biological additive shall be placed in the toilet that may adversely affect the operation of a sewage treatment facility where the toilet waste will ultimately be disposed or that may adversely impact the quality of the groundwater as specified in Chapter VIII, "Quality Standards for Groundwater of Wyoming."

Section 31. Small Waste Stabilization Ponds.

a. General requirements.

(1) The use of this section for small waste stabilization ponds applies only to those systems defined as small wastewater systems. All other treatment systems shall meet the requirements of Part B or Part C of Chapter XI of the Wyoming Water Quality Rules and Regulations as applicable.

(2) Small waste stabilization ponds shall only be constructed in soils where the percolation rate exceeds 60 minutes per inch and the soil is at least 1 foot thick on both the sides and bottom of the pond. If the 60 minute per inch percolation rate cannot be obtained, a sufficient clay shall be

incorporated into the top foot of soil until the 60 minute per inch percolation rate cannot be obtained, a sufficient clay shall be incorporated into the top foot of soil until the 60 minute per inch percolation rate is reached. An artificial impermeable liner of 20 mils in thickness may be substituted.

b. Isolation. The isolation distances shall meet the requirements for absorption systems as specified in Section 19 a. and c.

c. Groundwater protection and bedrock or impermeable soil separation.

(1) For single family homes, the depth to seasonally high groundwater shall be at least 4 feet from the bottom of pond.

(2) For all "small wastewater systems" other than single family homes, a minimum of 3 feet of unsaturated soil shall be maintained between the bottom of the pond and the estimated groundwater mound imposed on the seasonally high groundwater table. The height of the groundwater mound can be estimated from Figures 1-6, Section 20 in conjunction with the average daily sewage flow.

d. Sizing.

(1) The area of the lagoon shall be calculated based on the following formula:

$$A = \frac{584 \times Q}{(365 \times S) + (E - P)} \times 1.30$$

where:

A = Area of the lagoon at the 5 foot water level in square feet

Q = Average daily sewage flow (0.6 times the flow determined from Table 1)

S = Soil permeability in inches per day
"S" cannot be greater than 0.25 inches per day
"S" shall equal zero for an artificial liner or for bedrock

E = Annual evaporation rate in inches per year

P = Annual precipitation rate in inches per year

(2) A minimum water level of at least 2 feet shall be maintained in the pond at all times, including start-up.

(3) A minimum free board of 2 feet shall be provided between the lowest embankment berm and the maximum water level. The maximum water level shall not be less than 5 feet.

e. Construction requirements.

(1) The slopes of the inside dikes shall not be steeper than three horizontal to one vertical nor flatter than four horizontal to one vertical. The slopes of the outside dikes shall not be steeper than three horizontal to one vertical and shall not allow surface runoff to enter the pond.

(2) All organic material and debris shall be removed from the pond site prior to construction.

(3) All fill material shall consist of impervious material that is well compacted and free of rocks, frozen soil, or other large material.

(4) The minimum top width of the dike shall be 8 feet.

(5) The pond area shall be enclosed with a 6 foot high fence which has a maximum opening of 6 inches. The fence shall be topped with two strands of barb-wire. An access gate shall be provided for maintenance equipment. The gate shall provide the security equivalent to the fence.

(6) A minimum of one sign shall be placed on each side of the pond and shall be attached to the fence. The sign shall describe the facility and advise against trespassing.

Section 32. Validity Clause. If any section, subsection, sentence, clause, or phrase of these rules and regulations is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of these rules and regulations.

Section 33. 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. Any person, owner, agent, etc., against who the County's violation of this resolution, shall not be permitted to apply for a permit to construct of a variance related to the alleged violation until the violation enforcement proceedings have been finally determined by the proper authority.

b. The County shall have the authority to inspect any site and review the construction or maintenance of improvements to ensure 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 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.

APPENDIX A

Percolation Test Procedure

Section 1. Location. The percolation test holes shall be spaced uniformly over the proposed absorption field site. A minimum of 3 test holes are required.

Section 2. Preparation. A 12-inch hole shall be dug or bored to the proposed depth of the absorption field. The walls shall be vertical. To expose a natural soil surface, the sides and bottom shall be scraped with a sharp pointed instrument and the loose material shall be removed from the hole. Coarse sand or gravel shall be placed in the bottom of the hole to prevent it from scouring and sealing.

Section 3. Presoaking. The purpose of presoaking is to have the water conditions in the soil reach a stable condition similar to that which exists during continual wastewater application. The minimum time of presoaking varies with soil conditions but must be sufficiently long so that the water seeps away at a constant rate. The following presoaking instructions are usually sufficient to obtain a constant rate.

a. In sandy soils, place 12 inches of water in the hole and allow it to seep away. Fill the hole again with 12 inches of water and if the water seeps away in 10 minutes or less, it indicates that the soil is excessively permeable and requirements in Section 20.d. of these regulations shall be followed. If the water remains after 10 minutes, additional saturation is necessary. Refer to Section 3.b. below.

b. In other soils, maintain 12 inches of water in the hole for at least 4 hours. After the 4 hours of water contact, allow the soil to swell for 12 hours before starting the percolation rate measurement as stated in Section 4 below.

Section 4. Percolation Rate Measurement. The water level should be adjusted to 6 inches above the gravel initially and after each time interval measurement when necessary.

a. In other soils, establish a fixed reference point and measure the drop in water level at constant intervals. The water level drop should be measured to the nearest 1/8 of an inch. The test may be terminated when the water drop is consistent for 3 consecutive measurements.

b. The percolation rate for each hole is calculated as follows:

Time Interval (minutes)	Final Water Level Drop (inches)
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If only 3 to 5 percolation tests are performed, the design percolation rate for the absorption system is the slowest rate from all the holes tested. If 6 or more percolation tests are performed, the design percolation rate for the absorption system is the average of all holes tested as determined by the above formula.

JACKSON HOLE AIRPORT RESOLUTION

CHAPTER I

GENERAL

Section 1. Title. This resolution shall be known as the Jackson Hole Airport Regulations of Teton County, Wyoming. Chapters 2 through 4 of this resolution shall be known as the Jackson Hole Airport Height Regulations. Chapter 5 of this resolution shall be known as the Jackson Hole Airport Noise Regulations.

Section 2. Authority. The Jackson Hole Airport Regulations of Teton County, Wyoming are authorized by Sections 10-5-301, 18-5-201 through 18-5-207, Wyoming Statutes, 1977, as amended.

Section 3. Purposes. This resolution is enacted to protect and promote the public health, safety and welfare by avoiding obstructions to aircraft at the Jackson Hole Airport. It is hereby found that an obstruction has the potential for endangering the lives and property of users of Jackson Hole Airport and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of Jackson Hole Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of Jackson Hole Airport and the public investment therein. Accordingly, it is declared:

a. That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by Jackson Hole Airport;

b. That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented;

c. That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation; and

d. That the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds acquire land or interest in land. This resolution is also intended to protect and promote the public health and general welfare by

notification to affected persons of the existence of noise from airport operations, and by the recommendations of measures which may be undertaken to reduce the impact of that noise on persons living in the proximity of the airport.

Section 4. Jurisdiction. The territorial jurisdiction of the height regulations of the Jackson Hole Airport Resolution shall include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Jackson Hole Airport. Such zones are shown on Jackson Hole Airport Zoning Map consisting of one sheet, prepared by Barnard Dunkelberg Company, Inc. dated July 1986, which is attached to this resolution and made a part hereof. The territorial jurisdiction of the noise regulations shall include all lands within 65 and 70 ldn contours as depicted on the Noise Exposure Map of the Jackson Hole Airport as recorded in the real property records in the office of the Clerk of 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, 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. 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. Where a word is not defined in this section, the definitions contained in Chapter I, Section 7 of the Land Use and Development Regulations Resolution, in Chapter I, Section 10 of the Subdivision Regulations Resolution, or in Chapter I, Section 6 of the Highway Master Plan Resolution of Teton County, Wyoming shall apply.

Airport. For the purposes of this resolution, "airport" shall mean the Jackson Hole Airport.

Approach surface. A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Chapter II, Section 2 of this resolution. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

Conical surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet. Hazard to air navigation. An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

Height, airport zones. The vertical dimension of a building, structure, or object of natural growth near the Jackson Hole Airport; the datum shall be mean sea level elevation unless otherwise specified.

Horizontal surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

Nonconforming use, airport zones. Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this resolution or an amendment thereto.

Nonprecision instrument runway. A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

Obstruction. Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Chapter II, Section 2 of this resolution.

Person. An individual firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or similar representative of any of them.

Precision instrument runway. A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), Microwave Landing System (MLS), or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved Jackson Hole Airport layout plan or any other planning document.

Primary surface. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface is set forth in Chapter II, Section 1 of this resolution. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Runway. A defined area on an airport prepared for landing and take-off of aircraft along its length. Structure, airport zones. An object, including a mobile object, constructed or installed by man, including but without limitation buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

Transitional surfaces. These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven feet (7') horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

Tree, airport zones. Any object of natural growth.

Utility runway. A runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.

Visual runway. A runway intended solely for the operation of aircraft using visual approach procedures.

CHAPTER II

AIRPORT ZONES AND HEIGHT AND USE LIMITATIONS

Section 1. Airport Zones. In order to carry out the provisions of this resolution, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Jackson Hole Airport. Such zones are shown on Jackson Hole Airport Zoning Map consisting of one sheet, prepared by Barnard Dunkelberg and Company, Inc., dated July, 1986, which is attached to this resolution and made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are defined as follows:

a. Precision Instrument Runway Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway. Although the Approach Zone is established by a point 50,000 feet beyond the primary surface, this resolution in no way attempts to impose restrictions beyond a point six miles (31,680 feet) from the end of the runway.

b. Runway Larger Than Utility With A Visibility Minimum Greater Than 3/4 Mile Nonprecision Instrument Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

c. Transition Zones. Transition zones are hereby established adjacent to each instrument and non-instrument runway and approach zone as indicated on the zoning maps.

d. Horizontal Zone For Instrument and Non-instrument Runway. This zone is hereby established by swinging arcs of 5,000 feet radii for all non-instrument runways and 10,000 feet for all instrument runways from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

e. Conical Zone For Instrument And Non-instrument Runway. This zone is hereby established as the area that commences at the

periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet. The conical zone does not include the instrument and non-instrument approach zones and transition zones and horizontal zone.

Section 2. Airport Zone Height Limitations. Except as otherwise provided in this resolution, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this resolution to a height in excess of the applicable height herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

a. Precision Instrument Runway Approach Zone. Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.

b. Runway Larger Than Utility With A Visibility Minimum Greater Than 3/4 Mile Nonprecision Instrument Approach Zone. Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

c. Transition Zone. Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface, and extending to a height of one hundred fifty (150) feet above the airport elevation of 6,451 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Further, where the precision instrument runway approach zone projects through and beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of five thousand (5,000) feet from the edge of the instrument approach zone measured at right angles to the extended runway centerline.

d. Horizontal Zone. Established at one hundred fifty (150) feet above the established airport elevation of 6,451 feet above mean sea level.

e. Conical Zone. Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal and at

one hundred fifty (150) feet above the airport elevation and extending to a height of three hundred fifty (350) feet above the airport elevation.

f. Excepted Height Limitation. Nothing in this resolution shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 feet above the surface of the land. The Land Use and Development Resolution Chapter IV Section 21. Maximum Building Height further restricts primary and accessory building heights.

Section 3. Use Restriction. Notwithstanding any other provisions of this resolution, no use may be made of land or water within any zone established by this resolution in such a manner as to create electrical interference with navigational signals or radio communications between the Jackson Hole Airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the Jackson Hole Airport, impair visibility in the vicinity of the Airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the Airport.

Section 4. Nonconforming uses. The regulations prescribed in this resolution shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this resolution or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this resolution, and is diligently pursued.

Marking and Lighting. Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance hereon of such markers and lights as shall be deemed necessary by the Airport Board to indicate to the operators of aircraft in the vicinity of the Airport the presence of such Airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Board.

Nonconforming Uses Abandoned or Destroyed. Whenever the Board of County Commissioners determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

CHAPTER III

BUILDING PERMITS

Section 1. Permit Required. Except as specifically provided in Section 4a, b, and c of this chapter, no material change shall be made in the use of land, no structure shall be erected or otherwise established and no tree shall be planted in any zone hereby created unless a building permit therefore shall have been applied for and granted.

Section 2. Application for a Permit. Applications for permits shall be made to the Board of County Commissioners upon a building permit application. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. Application for action by the Board of County Commissioners shall be forthwith transmitted to the Airport Board by the Administrator of Planning Services.

Section 3. Issuance of a Permit. Following a review of the permit application, the Administrator of Planning Services shall recommend that the Board of 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. No permit for a use inconsistent with the height provisions of this resolution shall be granted unless a variance has been approved in accordance with Chapter IV Section 1 of this resolution.

No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this resolution or any amendments thereto or than it is when the application for a permit is made.

Obstruction Marking and Lighting. Any permit granted may, if such action is deemed advisable to effectuate the purpose of this resolution and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and light as may be necessary. If deemed proper by the Board of County Commissioners, this condition may be modified to require the owner to permit Teton County, at its own expense, to install, operate, and maintain the necessary markings and lights.

Section 4. Exceptions. Nothing contained in any of the following exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this resolution except as set forth in Chapter II Section 2f.

- a. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
- b. In areas lying within the limits of the approach zones but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
- c. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

CHAPTER IV
HEIGHT VARIANCES AND ADMINISTRATION

Section 1. Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property not in accordance with the regulations prescribed in this resolution may apply to the Board of County Commissioners for a variance from such regulations.

Applications for variances shall be made upon a form published for that purpose. Variance applications shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that literal application or enforcement of the regulations will result in unnecessary hardship and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of the resolution. In addition, the administrative sections of the variance provisions in Land Use and Development Regulations Resolution, Chapter XI Sections 4 through 11, shall apply.

Additionally, no applications for variance to the requirements of this resolution may be considered by the Board of County Commissioners unless a copy of the application has been furnished to the Airport Board by the Administrator of Planning Services for advice as to the aeronautical effects of the variance. If the Airport Board does not respond to the application within thirty (30) days after receipt, the Board of County Commissioners may act on its own to grant or deny said application.

Obstruction Marking and Lighting. Any variance granted may, if such action is deemed advisable to effectuate the purpose of this resolution and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Board of County Commissioners, this condition may be modified to require the owner to permit Teton County, at its own expense, to install, operate, and maintain the necessary markings and lights.

Section 2. Enforcement. The Board of County Commissioners, through the County and Prosecuting Attorney or 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 shall comply with the provisions of this resolution and shall issue no permit which conflicts with the provisions of this resolution. Any permit issued in conflict with the provisions of this resolution shall be null and void. Any person, owner, agent, etc., against whom the County's violation enforcement procedure has commenced for a violation of this resolution shall not be permitted to apply for a permit to construct or a variance related to the alleged violation until the violation enforcement proceedings have been finally determined by the proper authority.

b. The County shall have the authority to inspect any site and review the construction or maintenance of improvements to ensure conformance with the regulations of this resolution, provided that such inspections be conducted during weekday working hours.

c. Whoever, 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 3. 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 judgement 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 4. Burden of Proof. The applicant for any permit required by the Jackson Hole Airport Resolution shall have the burden of proving to the Planning Commission and to the Board of County Commissioners that the proposed use or development complies with all applicable requirements established by the Jackson Hole Airport Resolution.

Section 5. 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.

CHAPTER V
AIRPORT NOISE EXPOSURE

Section 1. Interpretation. The provisions of this chapter dealing with noise are separate and not affected by the requirements of Chapters 2 through 4 dealing with airport height restrictions.

Section 2. Purpose. In order to promote the design of developments in such a way as to minimize the adverse effects of noise from airport traffic, the following regulations and guidelines shall be used for development located within the 65 and 70 ldn contours (as depicted on the Noise Exposure Map for Jackson Hole Airport, submitted in accordance with FAR part 150), and to provide public notice of noise impacts to be expected within such contours.

Section 3. Noise Exposure Map. The Noise Exposure Map for the Jackson Hole Airport, depicting the 65 and 70 ldn contours, and any updates thereof, shall be recorded in the real property records of the office of the Clerk of Teton County. The airport manager shall file the noise exposure map.

Section 4. Subdivision Plats. Where any part of a subdivision is to be located within 2 miles of the centerline of the runway of the Airport, subdivision plats, as defined in the Teton County Subdivision Resolution, shall be annotated to indicate the immediate proximity to the Airport.

Section 5. Recommended Noise Reduction Measures. Structures shall be constructed to all the applicable codes enforced by the County at the time of construction. In addition measures are recommended to achieve a 25db noise reduction. Such measures may include the following:

- a. Minimum 1/2 inch plywood or gypsum sheathing applied continuously to the exterior side of wood studding;
- b. All operable windows be hinged-type sash or double-hung sash;
- c. Roof sheathing be a minimum 1/2 inch thick continuous plywood or gypsum board; roof sheathing be covered with overlapping and airtight building paper;
- d. Mechanical ventilation be provided of a type and design to provide adequate environmental comfort with all doors and windows closed during all seasons; window and through the wall ventilation are not to be used; and

e. Vent ducts connecting the interior space to the outdoors or attic space should contain at least a five-foot internal duct lining plus one lined 90 degree elbow. Duct lining should be one inch minimum coated glass fiber duct liner.

FLOODPLAIN MANAGEMENT RESOLUTION

Section 1: Statutory Authorization.

The Legislature of the State of Wyoming has in the Wyoming Statutes, 1977, as amended, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of County Commissioners of Teton County, Wyoming does ordain as follows:

a. Findings of fact.

The flood hazard areas of Teton County are subject to periodic inundation which results in threats to loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated, or otherwise protected from damage also contribute to the flood loss.

b. Statement of purpose.

The purpose of this resolution is to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to accomplish the following:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

(6) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

(7) Ensure that potential buyers are notified that property is in an area of special flood hazard; and,

(8) Ensure that those who occupy the areas of special flood hazards assume responsibility for their actions.

c. Methods of reducing flood losses.

In order to accomplish the purposes of this resolution, methods and provisions for accomplishing the following shall be adopted:

(1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

(4) Controlling filling, grading, dredging, and other development which may increase flood damage; and,

(5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

Section 2: Definitions.

Unless specifically defined below, words or phrases used in this resolution shall be interpreted so as to give them the meaning they have in common use and to give this resolution its most reasonable application.

Appeal: A request for a review of the Administrator of Planning's interpretation of any provisions of this resolution or a request for a variance.

Area of Special Flood Hazard: The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Basement: The lowest level of a building which must be located with the floor above the 100 year flood elevation. This does not include areas used exclusively for parking of vehicles, limited storage, or building access which meet the FEMA requirements as contained in 44 CFR 60.3.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal waters, or (2) the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM): The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study: The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot above base flood elevation.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this resolution.

Mobile Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. This term also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

Mobile Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale.

New Construction: Structures for which the "start of construction" commenced on or after the effective date of this resolution.

Start of Construction: The date a building permit is issued, provided the actual start of construction, substantial improvement, repair, reconstruction, placement, or other improvement is within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a mobile home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Structure: A walled and roofed building or mobile home that is principally above ground.

Substantial Improvement: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either: (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: (1) any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Variance: A grant of relief from the requirements of this resolution which permits construction in a manner that would otherwise be prohibited by this resolution.

Section 3: General provisions.

a. Lands to which this resolution applies.

This resolution shall apply to all areas of special flood hazards within the jurisdiction of Teton County, Wyoming.

b. Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, The Flood Insurance Study for Teton County, dated May 4, 1989, with an accompanying Flood Insurance Rate Map (FIRM) is hereby adopted by reference and declared to be a part of this resolution. The Flood Insurance Study and FIRM are on file at the Planning Office in the Teton County Courthouse, Jackson, Wyoming.

c. Compliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this resolution and other applicable regulations.

d. Abrogation and greater restrictions.

This resolution is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this resolution and another resolution, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

e. Interpretation.

In the interpretation and application of this resolution, all provisions shall be:

(1) considered as minimum requirements;

(2) liberally construed in favor of the governing body; and,

(3) deemed neither to limit nor repeal any other powers granted under Wyoming State Statutes.

f. Warning and disclaimer of liability.

The degree of flood protection required by this resolution is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This resolution does not imply that

land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This resolution shall not create liability on the part of Teton County, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this resolution or any administrative decision lawfully made thereunder.

Section 4: Administration.

a. Establishment of development permit or building permit.

A development permit or a building permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.A. Application for a development permit or a building permit shall be made on forms furnished by the Teton County Planning Office.

(1) The following information shall be required:

(a) Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;

(b) Elevation in relation to mean sea level to which any structure has been flood-proofed;

(c) Certification by a Wyoming registered professional engineer or architect that the flood-proofing methods for any nonresidential structure meet the flood-proofing criteria in Section 5.B.2; and

(d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(2) The following information may be required:

(a) Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; and

(b) Existing or proposed structures, fill, storage of materials, and drainage facilities, and their location.

b. Designation of the administrator of planning.

The Administrator of Planning is hereby appointed to administer and implement this resolution by granting or denying development permit applications in accordance with its provisions.

C. Duties and responsibilities of the Administrator of Planning.

Duties of the Administrator of Planning shall include, but not be limited to the following:

(1) Permit review.

(a) Review all development permits to determine that the permit requirements of this resolution have been satisfied.

(b) Review all development permits to determine that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required.

(c) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 5.C.1 are met.

(2) Use of other base flood data.

When base flood elevation data has not be provided in accordance with Section 3.B, Basis for Establishing the Areas of Special Flood Hazard, the Administrator of Planning shall obtain, review, and reasonably use any base flood elevation and floodway data available from any Federal, State, or other source as criteria for requiring that new construction, substantial improvements, or other development are administered in accordance with Section 5.B, Specific Standards.

(3) Information to be obtained and maintained.

(a) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

(b) For all new or substantially improved flood-proofed structures:

(1) Verify and record the actual elevation (in relation to mean sea level) to which the structure has been flood-proofed.

(2) Maintain the flood-proofing certifications required in Section 4.A.1.c.

(c) Maintain for public inspection all records pertaining to the provisions of this resolution.

(4) Alteration of watercourses.

(a) Notify adjacent communities and the Wyoming Emergency Management Agency prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(b) Require that maintenance is provided within the altered or relocated portion of said watercourse so that flood-carrying capacity is not diminished.

(5) Interpretation of FIRM boundaries.

Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 4.D.

d. Variance procedure.

(1) Appeal board.

(a) The Board of County Commissioners of Teton County, Wyoming shall hear and decide appeals and requests for variances from the requirements of this resolution.

(b) The Teton County Board of County Commissioners shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Administrator of Planning in the enforcement or administration of this resolution.

(c) Those aggrieved by the decision of the Board of County Commissioners or any taxpayer, may appeal such decisions to the District Court of Teton County as provided in the Wyoming Statutes, 1977, as amended.

(d) In passing upon such applications, the Board of County Commissioners shall consider all technical evaluations, all relevant factors, standards specified in other sections of this resolution, and the following:

(1) the danger that materials may be swept onto other lands to the injury of others;

(2) the danger to life and property due to flooding or erosion damage;

(3) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;

(4) the importance of the services provided by the proposed facility to the community;

(5) the necessity to the facility of a waterfront location, where applicable;

(6) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(7) the compatibility of the proposed use with the existing and anticipated development;

(8) the relationship of the proposed use to the Comprehensive Plan and Implementation Program of Teton County and floodplain management program for that area;

(9) the safety of access to the property in times of flood for ordinary and emergency vehicles;

(10) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

(11) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets and bridges.

(e) Upon consideration of the factors of Section 4.D.1.d, and the purposes of this resolution, the Board of County Commissioners may attach such conditions to the granting of variances as it deems necessary to further the purposes of this resolution.

(f) The Administrator of Planning shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency.

(2) Conditions for variances.

(a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base level, providing items 1-11 in Section 4.D.1.d. have been fully considered. As the lot size increases beyond the one-half acre,

the technical justifications required for issuing the variance increase.

(b) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.

(c) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(e) Variances shall only be issued upon the following:

(1) a showing of good and sufficient cause;

(2) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extra-ordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 4.D.1.d. or conflict with existing local laws or resolutions.

(f) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk from the reduced lowest floor elevation.

Section 5: Provisions for flood hazard reduction.

a. General standards.

In all areas of special flood hazards, the following standards are required:

(1) Anchoring.

(a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure and capable of resisting the

hydrostatic and hydrodynamic loads as projected by a Wyoming registered engineer.

(b) All mobile homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. Specific requirements may be:

(1) over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with mobile homes less than 50 feet long requiring one additional tie per side.

(2) frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than 50 feet long requiring four additional ties per side;

(3) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and

(4) any additions to the mobile home be similarly anchored.

(2) Construction materials and methods.

(a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(c) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(3) Utilities.

(a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood