

## **Board of County Commissioners - Staff Report**

**Subject:** AMD2020-0001: LDR Text Amendment for Outdoor Reception Sites

**Agent/Applicant:** Teton County

**Property Owner:** n/a; County-wide

**Presenter:** Kristi Malone, Senior Long-Range Planner

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### **REQUESTED ACTION**

Proposal to amend the Teton County Land Development Regulations (LDRs), pursuant to Section 8.7.1, to update standards of Division 6.1. Allowed Uses that regulate outdoor reception events and to update any references to outdoor reception events that occur throughout LDRs, as necessary.

### **BACKGROUND/DESCRIPTION**

#### ***PROJECT DESCRIPTION***

The Board of County Commissioners (BCC) requested that Planning Staff prepare an amendment to the Teton County Land Development Regulations (LDRs) to better define the permits required and standards applicable to special events that take place outdoors. With the growing interest in outdoor festivals occurring on private land within Teton County, the BCC has expressed a need to revisit land use standards for outdoor events. This proposed LDR text amendment is comprised of three revisions:

- Add “Special Event” as a Temporary Use. This addition is intended to clarify that a Special Event Compliance Certificate must be issued by the County Commissioners’ Administrator for any event to occur in Teton County that meets the definition of “Special Event” as defined in County Resolution 17-033. It also distinguishes between a temporary special event use and an outdoor reception site use. This is not a change in County standards; this is codification of current standards into the text of the LDRs.
- For outdoor reception sites, clarify the definition of “private” and “non-profit” event exemptions. This also is not a change in County standards; exemptions for private and non-profit events are currently represented in the LDR section for Outdoor Receptions. This amendment defines the type of events that qualify as private or non-profit.
- For outdoor reception sites, expand the threshold for the requirement to obtain a Conditional Use Permit to include a single event annually that exceeds 300 attendees or an event that proposes on-site overnight camping as an incidental component of the primary reception site use. This amendment proposes a change to the LDRs that would require more Outdoor Reception sites to obtain a Conditional Use Permit—those that are large in number of attendees or incorporate overnight camping as a component?

#### ***EXISTING CONDITIONS***

Currently, two regulatory tools are in place to administer standards for outdoor events: the LDR use standards for outdoor recreation specific to outdoor reception sites and County Resolution 17-033 for Special Events. The LDRs are administered by the Planning Department and the Board of County Commissioners. The Special Events Resolution is administered by the Teton County Commissioners’ Administrative Office and the Board of County Commissioners. While the LDRs focus on land use in the context of intensity of use and implementing the Jackson/Teton County Comprehensive Plan, the Resolution focuses on public health, safety and welfare tied to a specific event. For example, the LDRs may regulate environmental, scenic and neighborhood impacts of continued use of an outdoor reception site and the Special Events Resolution may regulate law enforcement, fire safety, and food and alcohol distribution associated with a singular outdoor event. Additionally, while the LDRs require permits based on findings for approval made at the discretion of the Planning Director or Board of County Commissioners, the Resolution requires filing of a notice of special event and receipt of a Special Event Compliance Certificate based on review by various County departments. The Certificate can be withheld if the County

Commissioner's Administrator determines the special event to be an unmitigated nuisance or if compliance with standards of the reviewing departments (Sheriff, Emergency Management, Fire Marshal, County Clerk, Parks & Recreation, Code Compliance, Environmental Health, and Road Supervisor) cannot be met.

Per the LDRs currently in effect, Outdoor Receptions are identified as an Open Space use under the Outdoor Recreation category. Outdoor Receptions are allowed with an approved Conditional Use Permit in the R-1, AC, AR, BP, BC, NC, S, R, P/SP, and P zones but a site only qualifies as an Outdoor Reception use if four or more events are held on one site per year. This threshold exempting sites from obtaining a Conditional Use Permit if only conducting three or fewer events per year was deliberately included in the LDRs to alleviate application requirements and encourage preservation of open space by allowing occasional events to occur. With the recent increase in the number of large events that propose higher intensity incidental components such as on-site camping in the County, reconsideration of the threshold for requiring a Conditional Use Permit is warranted.

### **HISTORICAL LDRS**

This reconsideration of standards benefits from an analysis of how outdoor event uses have been regulated by the LDRs historically. Under the LDRs that became effective in 1994, "Special Event" was defined as a Temporary Use allowed by right in all zones except Neighborhood Recreation. Temporary uses were required to provide adequate entrance and exit sight distances, pass electrical and sanitary inspections, and bond for the cost of cleanup and restoration of the site. A Special Event permit was required to be obtained from the Teton County Sheriff's Department including approval of a parking plan. By definition, a "Special Event" included, "outdoor gatherings, auctions, art sales, bake sales, carnivals, circuses, outdoor concerts, races, or rodeos that occur infrequently." The Special Event permit was analogous to the Special Event Compliance Certificate that is required today.

Additionally, "Receptions/Events" were classified as a separate Recreation use only allowed in the Rural zone with an approved Conditional Use Permit and much more detailed standards and requirements. By definition "Receptions/Events" included, "both indoor and outdoor sites rented on a regular or seasonal basis for public and private gatherings. Types of uses may include weddings, corporate events, retreats, community events, private parties and family gatherings/reunions. Reception/events do not include private parties hosted at a private home not renting their property to a third party specifically for the use of the reception/event site." (LDR Section 2220.B.5.d, 1994).

The "Reception/Events" use section of the 1994 LDRs also included a lengthy introduction focused on the purpose of this use: "The purpose of allowing Reception/Event sites on large open tracts of land is to support and encourage continued agricultural conservation of open space, while providing standards to mitigate potential negative impacts to neighboring property owners. Protecting open space via agriculture preserves the County's scenic, wildlife and agricultural values. The repurposing of existing agricultural buildings to be used for indoor Reception/Event sites is encouraged to protect the historic western character of the community and is consonant with the goal of limiting development in the rural areas of the County." (LDR Section 23460, 1994).

In the reformatted LDRs that became effective January 1, 2015, the "Receptions/Events" use was reclassified as an Accessory Use only allowed in the Rural zone with a Conditional Use Permit approved under a primary Agricultural use. "Special Event" as a temporary use was removed from the LDRs.

### **LOCATION**

N/A; applies County-wide.

### **STAFF ANALYSIS**

A draft of the proposed text amendment is included as an attachment to this report.

## ***KEY ISSUES***

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### ***KEY ISSUE 1: What are the pros and cons of the proposed amendment?***

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**Pros:** Approval of this amendment on outdoor events will benefit the administration of land use standards and the implementation of the Comprehensive Plan in the following ways:

- Additional clarity on activity that requires a Special Event Compliance Certificate and activity that requires a Conditional Use Permit; including “Special Event” as a Temporary use and referencing the threshold for when a Special Event Compliance Certificate is required distinguishes separate uses and provides transparency and connectivity of requirements for users.
- Additional clarity on requirements for different types of outdoor events; not only can the user better distinguish between a Special Event and an Outdoor Reception site, but definitions for “private” and “non-profit” event types will be provided for easier evaluation of permitting requirements
- Land use decisions in a public forum; with more Outdoor Reception sites required to obtain a Conditional Use Permit, more public noticing of outdoor events will occur and public comment can be considered in a public forum.
- A Conditional Use Permit provides distinct findings for approval upon which a decision can be made.
- For applicants and landowners that host large outdoor events annually but fall under the frequency threshold of four or more events per year, obtaining a Conditional Use Permit may provide consistency and assurance for continued annual events.
- Facilitates the Special Event Compliance Certificate to act as a health and safety clearing house prior to individual events by separating intensity of use considerations into the Conditional Use Permit process.
- Incidental components of outdoor events, such as temporary camping, can be reviewed in the context of a Conditional Use Permit for the event site rather than a use permit for permanent operation of the use, such as a campground, on the site.

**Cons:** The following impacts may result from approval of this amendment:

- Adding a “Special Event” temporary use that references County Resolution 17-033 and the requirement to obtain a Compliance Certificate outside the requirements of the LDRs may cause confusion as to the regulatory effect of each document.
- Expanding the threshold requirement for when a Conditional Use Permit is required places an additional burden on landowners and event operators who currently are not required to obtain a Conditional Use Permit.

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### ***KEY ISSUE 2: What review process and required findings for large events are proposed in this AMD?***

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Like outdoor reception sites that hold events four or more times a year, approval of this amendment would require single events with upwards of 300 attendees to obtain an approved Conditional Use Permit. The exemption for private and non-profit events will remain in the LDRs but events that qualify as private or non-profit will be better defined.

A conditional use is generally compatible with the character of a zone but requires individual review of its configuration, density, and intensity in order to mitigate effects that may be adverse to the desired character of the zone.

A Conditional Use Permit (CUP) shall be approved upon finding the application:

1. Is compatible with the desired future character of the area;
2. Complies with the use specific standards of Div. 6.1. and the zone;
3. Minimizes adverse visual impacts;

4. Minimizes adverse environmental impacts;
5. Minimizes adverse impacts from nuisances;
6. Minimizes adverse impacts on public facilities;
7. Complies with all other relevant standards of these LDRs and all other County Resolutions; and
8. Is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.

Planning Staff finds the existing CUP review process to be robust and comprehensive enough to integrate standards specific to large-scale outdoor events. The maximum review time for a Conditional Use Permit application per the LDRs is 164 days or approximately five to six months.

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*KEY ISSUE 3: What alternative amendments should be considered?*

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When tasked with this amendment request from the Board of County Commissioners regarding regulation of outdoor events, staff began with a wide exploration of alternatives to address the request and narrowed options to best suit the issues of interest to the Board.

The additional thresholds for the requirement to obtain a Conditional Use Permit could be adjusted. The proposed amendment requires a Conditional Use Permit at events larger than 300 attendees or that include overnight camping. The number of attendees could be increased or decreased and the consideration to allow overnight camping could be removed or other incidental uses typically associated with outdoor events could be added.

A more complex alternative could be moving administration of the Special Event Compliance Certificate into the LDRs. This would provide consistent administration of use standards for outdoor events regardless of their qualifications as a single special event or a frequently used outdoor reception site. However, the current oversight of individual special events by the Teton County Commissioners' Administrative Office provides balanced and dedicated correspondence with all County departments to ensure that compliance with all applicable requirements are met. If this responsibility were transferred to the Planning Department, it would be an increase in workload for the Planning Department to build a coordinated process with other reviewing departments.

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*KEY ISSUE 4: Should delayed effective date be considered?*

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Since approval of this amendment would extend the requirement to obtain a Conditional Use Permit to more outdoor events sites than is currently required, the Board may consider delaying the effective date of this amendment so that events already scheduled to occur in the next few months will not be unexpectedly burdened by the CUP requirement. If we consider that the Conditional Use Permit process takes up to 5-6 months, an appropriate effective date would be November 2020. This effective date can be added to an affirmative motion if desired by the Board.

## **PLANNING COMMISSION ANALYSIS**

The County Planning Commission met on April 13, 2020 and voted 5-0 to recommend approval of this LDR amendment with the condition that the threshold for a single event to be required to obtain a Conditional Use Permit be reduced from 300 attendees to 175 attendees.

- Commissioner Rockey spoke to concerns she had with some of the language, which she felt could be tightened up. She noted the Conditional Use Permit, CUP, was a great way to increase transparency of land use reviews. Ms. Rockey suggested dropping the threshold for number of attendees from 300 to a lower number, like 150 to 200 people. She also suggested that non-profit events not be exempted and instead be captured in the CUP requirement.
- Commissioner Lurie agreed with Commissioner Rockey's thoughts regarding threshold for number of attendees. Ms. Lurie stated the threshold is a considerable crowd for agricultural areas and feels a lower

number is appropriate. She suggested that all impacts of large events be treated the same by removing the exemptions for private and non-profit events.

- Commissioner Muromcew stated that he also supports a lower threshold. He asked planning staff if neighbors are notified of a CUP application. Kristi Malone clarified that a CUP application requires public hearing, with public notice mailed to neighbors 30 days in advance of the first public hearing. She also noted that notification on the CUP application and public hearings is required to be placed in the JH News & Guide as a legal notice.
- Commissioner Esnard agreed with the lower threshold, and suggested 175 people, including non-profit events. He expressed concerns about property rights for private events and suggested that the fees could be reduced for non-profits.
- Commissioner Mateosky questioned limiting the threshold if the number could be considered arbitrary. He also noted that he would not support eliminating exemptions for non-profits or private events.
- Discussion among Commissioners on definition of non-profit and whether it should include requirement to be 501(c)(3) organization.

## **STAKEHOLDER ANALYSIS**

### ***PUBLIC COMMENT***

Since the proposed amendment is not specific to a single site or localized area, there was no requirement for neighborhood meetings, posted notice nor neighborhood notices. This item was noticed in the legal section of the JH News and Guide as required by the LDRs. Public comment received by Planning Staff as of the publication of this staff report on April 27, 2020 is attached to this report.

At the April 13, 2020 Planning Commission meeting, the following public comment was made via phone:

- Mickey Babcock (landowner next to Fire in the Mountains event site): supports the application and found some comments very informative. She said there was opportunity to strengthen the language.

## **LEGAL REVIEW**

Graham

## **RECOMMENDATIONS**

### ***PLANNING COMMISSION RECOMMENDATION***

The Teton County Planning Commission recommends APPROVAL of AMD2020-0001, as presented in the draft dated April 6, 2020 with the condition that the threshold for number of attendees be reduced from 300 to 175, based on the findings recommended below.

### ***PLANNING DIRECTOR RECOMMENDATION***

The Planning Director recommends **APPROVAL** of **AMD2020-0001**, as presented in the draft dated April 6, 2020, with no conditions based on the findings recommended below.

### ***PLANNING COMMISSION & PLANNING DIRECTOR RECOMMENDED FINDINGS***

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

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

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

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

*1.3.2. Implement the Common Values of Community Character*

*A. Ecosystem Stewardship*

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

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

*B. Growth Management*

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

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

*C. Quality of Life*

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

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

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

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

*1.3.3. Implement the Illustration of Our Vision*

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

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

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

*1.3.4. Predictable Regulations, Incentives, and Allowances*

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

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

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

*1.3.5. Coordination Between Jurisdictions*

*A. Implement the joint Town/County Vision through coordinated, supportive actions.*

*B. Maintain a common structure, format, and definitions in Town and County LDRs.*

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

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



**Can Be Made.** Clarifying and distinguishing use allowances in the County facilitates ease of use for applicants and provides better predictability for landowners and neighbors. Bringing large outdoor events into the conditional use standards retains allowance of the use but provides individual review of intensity of use impacts to ensure compatibility with the desired future character of the neighborhood pursuant to Comprehensive Plan directives. The amendment is consistent with the organization of the LDRs by adding a “Special Event” temporary use within the existing use table structure and by expanding the threshold for a conditional use using the existing process and findings for a Conditional Use Permit.

*2. Improves the consistency of the LDRs with other provisions of the LDRs;*

**Can Be Made.** Defined terms, clear direction on use standards and permitting requirements, and expanded thresholds for conditional uses improve consistent application of the LDRs.

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

**Can Be Made.** This amendment retains LDR use allowances by zone for outdoor reception sites but adds a level of scrutiny through the Conditional Use Permit process to ensure that the proposed type and scale of large events is appropriate for the desired character of the area. The Planning Commission recommends reducing the threshold for single events to qualify as an Outdoor reception that requires a Conditional Use Permit from 300 attendees (as proposed by Planning Staff) to 175 attendees. Reasoning for this recommendation was based on an evaluation of the intensity of use for a single event that may impact desired character of a character District or Subarea.

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

**Can Be Made.** In the past few years, Teton County has seen an increased interest in private landowners hosting large events that often incorporate live music, camping, various food and drink vendors, and other entertainment amenities that may increase the overall intensity of use for the site. Recognizing that the use impacts of these events are temporary, the scale of singular events occurring annually or seasonally are cause for revisiting applicable standards.

*5. Improves implementation of the Comprehensive Plan; and*

**Can Be Made.** The Vision presented in the Comprehensive Plan integrates a balance of all three community values: ecosystem stewardship, growth management, and quality of life. Clarifications and defined terms in the LDRs allow for simplified implementation and use of this regulatory tool. The Conditional Use Permit process provides a framework for evaluating a proposed use with balanced consideration of Comp Plan implementation.

*6. Is consistent with the other adopted County Resolutions.*

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

## **ATTACHMENTS**

- Draft Amendment dated April 6, 2020
- Resolution 17-033 Special Events
- Public Comment
- Application (physical copy available upon request)

## **SUGGESTED MOTION**

I move to **APPROVE AMD2020-0001**, as presented in the draft dated April 6, 2020 with a revision to reduce the threshold for number of attendees from 300 to 175, to update standards of Division 6.1. Allowed Uses that regulate outdoor reception events, being able to make the findings of Section 8.7.2 as recommended by the Planning Commission and Planning Director.

# Attachment 1: Draft Amendment (4/6/2020)

## Article 6. Use Standards Applicable in All Zones

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## Div. 6.1. Allowed Uses

### 6.1.1. Use Schedule (1/1/17)

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

- A. “Y” denotes an allowed use that does not require a use permit. Physical development permits are still required as applicable.
- B. “B” denotes an allowed use that requires a Basic Use Permit to be obtained pursuant to Sec. 8.3.5.
- C. “C” denotes an allowed use that requires a Conditional Use Permit to be obtained pursuant to Sec. 8.4.2. A conditional use is generally compatible with the character of a zone but requires individual review of its configuration, density, and intensity in order to mitigate effects that may be adverse to the desired character of the zone.
- D. “S” denotes an allowed use that requires a Special Use Permit to be obtained pursuant to Sec. 8.4.3. Special uses are inherently incompatible with the character of the zone, but essential to the community; and therefore some provision must be made for their existence and operation. Special uses require specified locations due to common neighborhood opposition. These locations shall be determined by a comprehensive community-wide selection process designed to identify locations that best serve the special use while minimizing the negative impacts and obtrusiveness. Special uses also require individual review of their configuration, density, and intensity in order to mitigate effects that are adverse to the desired character of the zone.

#### E. Permit Exemption for Emergency Response

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

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

#### F. Use Schedule

The use schedule is established in the following tables.

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

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

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

<sup>z</sup> = Use also subject to zone specific standards

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

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

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<sup>z</sup> = Use also subject to zone specific standards

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

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

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

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<sup>z</sup> = Use also subject to zone specific standards

## 6.1.2. Classification of Uses (1/1/17)

### A. Definition of Use

Use means the purpose for which a site or structure is occupied or maintained.

There are three categories of uses: principal, accessory, and temporary.

### B. Classification of Uses

1. **Principal Use.** A principal use is a use that may exist as the sole use of the property. More than one principal use may exist on a property. A principal use includes all incidental uses. Principal uses are organized into 8 categories:
  - a. Open Space Uses ([Sec. 6.1.3.](#))
  - b. Residential Uses ([Sec. 6.1.4.](#))
  - c. Lodging Uses ([Sec. 6.1.5.](#))
  - d. Commercial Uses ([Sec. 6.1.6.](#))
  - e. Amusement and Recreation Uses ([Sec. 6.1.7.](#))
  - f. Institutional Uses ([Sec. 6.1.8.](#))
  - g. Industrial Uses ([Sec. 6.1.9.](#))
  - h. Transportation and Infrastructure Uses ([Sec. 6.1.10.](#))
2. **Incidental Use.** An incidental use is a use that is commonly integrated into the operation of a principal use, even if the incidental use would be classified as a different use if it were separated. A use cannot be incidental if the principal use does not exist.

**EXAMPLE:** A cabinet contractor may have an office to run the business within its shop without the office being considered a separate use. As another example, a golf course may sell golf equipment as part of its operation without the pro shop being considered a separate retail use.

3. **Accessory Use.** An accessory use is a use that constitutes a minority of the use or character of the property and is secondary and subordinate to another use of the same property, but which is not an incidental use.
4. **Primary Use.** A primary use is a use to which an accessory use is accessory.
5. **Temporary Use.** A temporary use is a use established for a fixed period of time.

### C. Multiple Uses

Each use listed as a separate row in the Use Schedule shall require a permit unless the use is incidental to a permitted use or the use is exempt from a permit.



#### D. Use Not Listed

Any use not specifically listed in the Use Schedule is expressly prohibited unless a similar use determination is made.

#### E. Similar Use Determination

A use not specifically listed in the Use Schedule may be considered an allowed use if the Planning Director determines the proposed use is sufficiently similar to one of the uses defined in this Division. The Planning Director's determination shall be made based upon the findings for a formal interpretation (Sec. 8.6.1.) but may be made as part of the review of a use permit application. If a use is determined to be similar, it shall be an allowed use with the same permissions and restrictions as the use to which it was determined to be similar.

#### F. Change of Use

A change of use consists of changing the use from a use classified in a particular row of the Use Schedule to a use classified in a different row of the Use Schedule. Except as provided elsewhere in these LDRs, the proposed use shall meet all standards of these LDRs. The required permit for the proposed use shall be obtained pursuant to the relevant procedure.

### 6.1.3. Open Space Uses (~~7/18/18~~ -- AMD2020-0001)

#### A. All Open Space Uses

1. **Definition.** An open space use is the enjoyment or maintenance of land that occurs predominately outside of any structure.

#### B. Agriculture

1. **Definition.** Agriculture is the farming or ranching of land.

- a. **Includes:**

- i. cultivation of the soil;
    - ii. production of forage, crops, or timber;
    - iii. growing of ornamental or landscaping plants;
    - iv. greenhouses; and
    - v. rearing, feeding, and management of livestock.

2. **Standards**

- a. **Purpose.** The purpose of these standards is to:

- i. protect and maintain the existing and potential agricultural lands in Teton County for the purpose of perpetuating agriculture;

- ii. minimize conflicts between agricultural operations and neighboring developments by encouraging protection of large, contiguous blocks of open space; and
  - iii. to preserve agricultural open space which is crucial to the wildlife, scenic and community values of Teton County, as outlined in the Comprehensive Plan.
- b. **Active.** Agricultural land shall be actively farmed or ranched.
- c. **Ancillary retail prohibited.** Retail sale of agricultural products on-site is prohibited unless permitted as a separate use.
- d. **Exemptions on sites greater than 70 Acres.** The following exemptions and preservation mechanisms apply to agricultural uses on sites of 70 acres or more:
  - i. **Regulation Exemptions.** Agricultural uses are exempt from certain provisions of the regulations listed below. Refer to the referenced LDR section for specifics of the exemption.
    - a). Maximum Scale of Development for an individual building (applicable zone)
    - b). Maximum Building Height (applicable zone)
    - c). Natural Resource Buffers ([Sec. 5.1.1.](#))
    - d). Wildlife Friendly Fencing ([Sec. 5.1.2.](#))
    - e). Wild Animal Feeding ([Sec. 5.1.3.](#))
    - f). Air Quality ([Sec. 5.1.4.](#))
    - g). Natural Resource Overlay (NRO) Standards ([Sec. 5.2.1.](#))
    - h). Exterior Lighting ([Sec. 5.3.1.](#))
    - i). Scenic Resource Overlay (SRO) Standards ([Sec. 5.3.2.](#))
    - j). Landscaping ([Div. 5.5.](#))
    - k). Grading, Erosion Control, and Stormwater except on natural slopes of 30% or greater ([Sec. 5.7.2.-Sec. 5.7.4.](#))
    - l). Temporary Gravel Extraction ([6.1.12.F.](#))
    - m). Affordable Workforce Housing Standards ([Div. 6.3.](#))
    - n). Operational Standards ([Div. 6.4.](#))
  - ii. **Permit Exemptions.** Agricultural uses are exempt from obtaining the following permits. However, exemption from the requirement to obtain a permit does not grant exemption from any regulations. See subsection 2.d.i, above for applicable regulation exemptions.

- a). Environmental Analysis (Sec. 8.2.2.)
- b). Use Permits (Div. 8.4.)
- c). Grading Permits except on natural slopes of 30% or greater (Sec. 5.7.1.)
- d). Sketch Plan for physical development (Sec. 8.3.1.)
- e). Development Plan for physical development (Sec. 8.3.2.)

## C. Outdoor Recreation

1. **Definition.** Outdoor recreation is the use of land for passive or active recreational or athletic purposes that requires minimal permanent physical development relative to the open space.

a. **Includes:**

- i. parks
- ii. arboretums
- iii. athletic fields not in stadiums
- iv. equestrian centers
- v. nordic ski trails
- vi. downhill ski areas
- vii. golf courses

- viii. outdoor receptions (~~4 or more events per year, excluding non-profit events~~) ÷ To constitute outdoor recreation use, an outdoor reception site shall

- a). Host 4 or more events per year with over 50 guests on site at one time or with amplified music; or,
- b). Host 1 or more events with over 300 guests on site at one time or cumulatively over consecutive days; or,
- c). Host temporary overnight camping as an incidental use component of the primary outdoor reception event.
- d). Private and non-profit receptions do not constitute outdoor recreation regardless of their size. A private event is defined as a gathering not open to the public hosted at a private home not renting their property to a third party specifically for the use of the reception/event site. A non-profit event is defined as an event where admission and event amenities are free to attendees or where all money generated by ticket and event amenity sales is donated to a charitable fund or organization.

## 2. Standards

- a. **Operations Plan.** An outdoor recreation use shall be subject to an operations plan approved as part of its use permit. The purpose of the operations plan is to outline management practices and techniques to mitigate the impact of the use on natural resources and neighboring properties. The operations plan shall address the following, if applicable.
  - i. Strategies or mitigation measures to minimize glare from night lighting;
  - ii. How agronomic, maintenance and other management practices associated with the use will avoid impact to natural resources;
  - iii. Integrated pest management and best practices for nutrient application and control;
  - iv. Hours of operation; and
  - v. A monitoring program for periodic review of compliance by federal, state or local agencies, as applicable.

**EXAMPLE:** A golf course operations plan may include annual review of water quality and other indicators of ecological health by the Wyoming Department of Environmental Quality or the Teton Conservation District.

- b. ~~Outdoor Reception. In order to constitute outdoor recreation use an outdoor reception shall have over 50 guests on site at one time or amplified music. Private and non-profit receptions do not constitute outdoor recreation regardless of their size.~~

## D. [subsection deleted]

## E. Dude/Guest Ranch

1. **Definition.** A dude or guest ranch is a ranch that provides multi-night accommodations for guests; provides a recreational activity or immediate access to recreational activities; has dining facilities on-site; and has barns, associated outbuildings, corrals, pastures, and livestock related to a working ranch and/or the recreational activity available to guests.
  - a. **Does Not Include:**
    - i. restaurant or bar catering to the general public
    - ii. active solicitation of one night accommodations.

## 2. Standards

- a. **Minimum Site Size.** A dude or guest ranch site shall have a minimum of 70 acres of privately owned Gross Site Area.

- b. **Maximum Number of Guests.** The maximum number of guests permitted at a dude or guest ranch is equal to 1 guest per 5 acres accessible to the ranch, not to exceed 75 guests. Accessible acreage shall meet the following standards.
  - i. It shall be owned, leased or subject to a recreational permit issued by a government agency.
  - ii. The conservation area of another development may be considered if its conservation easement permits recreational activities.
  - iii. The acreage shall be a part, or within one mile, of the ranch and guests shall have legal, non-vehicular access to the acreage.
  - iv. The use permit for the dude or guest ranch shall run concurrently with any lease or recreational permit. If the lease or recreational permit is renewed or extended, the use permit shall be reviewed for any effects resulting from changes to the lease or permit.

**EXAMPLE:** A ranch with access to 80 acres would permit no more than 16 guests ( $80/5=16$ ). A ranch with access to 400 acres would permit no more than 75 guests ( $400/5=80$ ; maximum occupancy of 75 applies).

- c. **Recreational Activities.** Dude or guest ranches shall provide outdoor recreational activities for their guests:
  - i. Activities may include, but are not limited to:
    - a). Horseback riding or horsepacking trips;
    - b). Guided hunting trips;
    - c). Fishing or rafting trips;
    - d). Cook-outs;
    - e). Hay-rides;
    - f). Cross-country skiing; and
    - g). Snowmobiling.
  - ii. Outdoor activities shall be approved as part of the Use Permit and may be restricted both in location and the time of year during which they may be conducted.

**EXAMPLE:** If winter recreation activities are proposed, and the property contains crucial winter range for moose, the Board may impose a condition limiting winter use to a certain area of the property based on information provided in an Environmental Analysis.

- d. **Structures and Accommodations.**

- i. **Lodging.** Permanent buildings for lodging all guests shall be provided either in separate cabins or a main lodge. Lodging in temporary facilities, such as tents, is permitted as part of overnight recreational activities, but shall not be the primary type of accommodation.
- ii. **Dining Facilities.** A dining facility capable of accommodating the maximum number of guests permitted at the ranch may be provided. If a common dining facility is not provided, cooking facilities shall be provided to guests as part of the lodging accommodations.
- iii. **Employee Housing.** Accessory residential units to provide employee housing may be permitted.
- iv. **Agricultural and Accessory Buildings.** Other buildings associated with a dude or guest ranch shall be actively used for the care and management of livestock kept on the property or for maintenance and operation associated with the recreational activities provided to guests.
- v. **Events.** Dude or guest ranches may host receptions or special events for guests of the ranch as an ancillary use without separate permit, provided the size of the event does not exceed the permitted number of guests of the ranch.

#### 6.1.4. Residential Uses (1/1/17)

##### A. All Residential Uses

- 1. **Definition.** A residential use is a living facility, certified under the International Residential or Building Code or by HUD, that includes permanent provision for living, sleeping, eating, cooking, and sanitation.
- 2. **Standards.**
  - a. **No residential unit or portion of a residential unit may be rented such that occupancy is limited to less than 31 days.** Short-term rental of less than 31 days shall be considered a lodging use subject to the standards of Sec. 6.1.5. A time-share condominium is considered a residential use as long as the ownership intervals are 31 days or longer. Any ownership intervals of less duration shall be considered a lodging use.
  - b. **A residential unit shall have a maximum of one kitchen.**
  - c. **Occupancy of a camping unit is not a residential use.** A camping unit may only be occupied as permitted by Sec. 6.1.12.D. Temporary Shelter or Sec. 6.1.5.D. Campground.

##### B. Detached Single-Family Unit

- 1. **Definition.** A detached single-family unit is a single residential unit occupied by not more than one family having no roof, wall, or floor in common with any other residential unit or nonresidential unit, except as modified below.
  - a. **Includes:**



### 6.1.12. Temporary Uses (8/7/18)

#### A. All Temporary Uses

1. **Definition.** A temporary use is a use established for a fixed period of time.
2. **Standards**
  - a. **Entrance and Exit/Adequate Sight Distances.** The entrance and exit locations shall have adequate sight distances to ensure safe entry and exit based on the speed of the road, as specified in Div. 7.6.
  - b. **Electrical and Sanitary Inspections.** The temporary use shall pass electrical and sanitary inspections before being opened to the public.
  - c. **Bond.** A bond for the cleanup and restoration of the temporary use area may be required in an amount sufficient to restore the area to its prior condition or to the condition specified by reclamation standards in this Section.

#### B. Christmas Tree Sale

1. **Definition.** A Christmas tree sale is the outdoor sale of evergreen trees during the Christmas holiday season.

#### C. Real Estate Sales Office

1. **Definition.** Real estate sales office means a structure placed on a development site and used as a sales office or meeting place only during an initial period of marketing a project for sale or lease.
2. **Standards**
  - a. A real estate sales office use shall only be on the site of a new development and shall sell only the lots or units on the site of the development.
  - b. The real estate sales office shall be removed when 75% of all lots or units in the new development have been sold, leased, or rented.

#### D. Temporary Shelter

1. **Definition.** Temporary shelter means a mobile home or camping unit temporarily occupied while a residential unit with a valid building permit is being constructed.
2. **Standards**
  - a. A temporary shelter may also be permitted when fire or natural disaster has rendered an existing residential unit unfit for human habitation; provided that a building permit for rehabilitation or reconstruction is obtained within a reasonable period of time, as determined by the Board of County Commissioners.

- b. The temporary shelter may be permitted for a period not to exceed one year. An extension may be granted by the Planning Director for a period not to exceed 2 additional years for good cause.
- c. The temporary shelter must be connected to an adequate septic or sewage system that will serve the future residential unit.

#### E. Farm Stand

- 1. **Definition.** A farm stand means a temporary or permanent structure or vehicle used in the sale of regional farm products such as fruits, vegetables, and juices during the time of year when such products are fresh.
- 2. **Standards.** Farm stands shall be located in an approved parking lot, area of sidewalk where they will not disrupt pedestrian movements, or in an area set aside by the County as appropriate for temporary farm stands.

#### F. Temporary Gravel Extraction and Processing

- 1. **Definition.** Temporary gravel extraction and processing is:
  - a. Gravel extraction and processing permitted mainly for project specific purposes or needs, for projects that have been reviewed and approved per 6.1.9.F. Project specific needs include the excavation of ponds where permitted pursuant to these LDRs; or
  - b. Gravel extraction and processing, to include only washing and screening, for a period of 2 years or less, unless a longer period is permitted by the Board of County Commissioners pursuant to this Subsection.
- 2. **Standards**
  - a. **Exemptions.** Extraction and use within an agricultural operation for agricultural purposes and incidental extraction of 1,000 cubic yards or less for incidental residential or wildlife habitat enhancement purposes shall be exempt from this Subsection.
  - b. **Permitted Projects.** Listed below are the types of projects for which a temporary gravel extraction and/or processing Basic Use Permit may be obtained. Notwithstanding, no project shall qualify if it requires a Small Mining Permit from the Wyoming DEQ, unless a cooperative regulatory agreement is reached with the DEQ, or some other mechanism is offered by the applicant, to ensure the standards of this Section are met and can be subject to the continued oversight and enforcement action by the County. If an operation should ever fall outside of said jurisdiction, its Basic Use Permit shall terminate automatically and it shall cease operation immediately and complete its reclamation according to its reclamation plan and time-line.

- i. **Specific Private Projects.** Gravel extraction and processing to provide gravel for a specific private project. The project for which the products of gravel extraction and processing will be used shall be a development or use that has been reviewed and approved. The gravel extraction and processing site must be located either:
    - a). on the same property as the project,
    - b). on a contiguous property, or
    - c). on a noncontiguous property only if written approval is granted from all intervening property owners.
    - d). Sale, barter, or gift of raw gravel for other uses is permitted so long as the extraction thereof occurs only during seasons in which improvements for the specific project are being performed and does not continue beyond the season in which improvements for the specific project are finished. Only gravel processing levels one and three, as defined in 6.1.9.F. and materials may be imported or recycled as part of the gravel processing, so long as all processed material is for the specified project only.
  - ii. **Specific Public Projects.** Gravel extraction and processing to provide gravel for a specific public project. The project for which the products of gravel extraction and processing will be used shall be a public works project sponsored by a governmental agency and reviewed and approved through an official process by the appropriate governmental agency. Sale, barter, or gift of products for other uses is permitted so long as the extraction and processing thereof occurs only during seasons in which improvements for the specific project are being performed and do not continue beyond the season in which improvements for the specific project are finished. All levels of gravel processing, as defined in 6.1.9.F. are permitted and materials may be imported or recycled as part of the gravel processing, so long as their use is for the specific project.
  - iii. **Wildlife Habitat Enhancement Projects and Fire Ponds.** For the purposes of this Section, gravel extraction to excavate or construct a pond or watercourse for wildlife habitat enhancement, or to construct a fire pond, shall be treated as an extraction and limiting processing project, as described below and shall be subject to the same permissions and restrictions stated therein.
  - iv. **Extraction and Limited Processing on Less Than 15 acres.** Gravel extraction, and the limited processing activities of washing and screening of gravel extracted on-site, on less than 15 acres does not require an associated specific private or public project for which the gravel products are to be used.
- c. **Operational Standards**
- i. **Traffic and Road Impacts**

- a). **Infrastructure.** Projected traffic impacts shall be addressed according to AASHTO guidelines and the cost of all improvements required, on and off-site, shall be borne entirely by the applicant. A payment to compensate for the additional wear and tear on County roads, as determined by the County Road Supervisor, also may be required of the applicant.
  - b). **Trip Generation.** The Board of County Commissioners may establish a maximum number of truck trips allowed to enter and exit a temporary use location. The limit on the number of trips, and weekly rate, shall reflect the classification of the road traveled to reach a State Highway, the distance the processing location is from the State Highway, the projected impacts of the truck traffic on surrounding uses, and the demand for the material produced.
- ii. **Hours of Operation.** Hours of operation, which shall include maintenance and testing of equipment that creates visual or audible impacts at the property-line, shall occur between 8:00 a.m. and 6:00 p.m., Monday through Friday and between 8:00 a.m. and noon on Saturdays. Saturday operations shall be limited to sale, pick-up, or delivery of products--no gravel processing or extraction shall be conducted on Saturdays. Notwithstanding, an extension of hours may be granted by the Planning Director based upon the applicant's proposal to exceed the standards established in this Section to mitigate the negative impacts of gravel operations on surrounding neighbors. Hours of operation shall not apply when the gravel operator is responding to a bona fide public emergency, i.e., flood fight.
- iii. **Setbacks.** A minimum 300 foot setback from public road rights-of-way, public recreational easements, and all property lines coincident with other property owners shall be provided for any processing equipment. Written permission from adjacent property owners to reduce the required setback shall be obtained if necessary. Extraction operations shall be set back a minimum of 50 feet from all public road rights-of-way and easements, private road rights-of-way and easements, and property boundaries coincident with other property owners.
- iv. **Duration.** Duration of the gravel extraction and processing shall be no longer than 2 years, not including time for reclamation, which shall be required to be completed within an additional two growing seasons. Notwithstanding, the Board of County Commissioners may permit extraction and or processing to continue for an additional 2 years, provided written notice and solicitation for comments on the proposal is mailed to all property-owners, pursuant to 8.2.14.C. and the Board of County Commissioners finds the impacts on the neighborhood to be negligible based upon the comment received from the written notice and examination of other factors including, but not limited to, the size and quality of the access road, the distance to residential structures and recreational use areas. If a specific project is phased over more than 2 years, then the gravel extraction and processing activities shall

be scheduled according to the phasing plan of the associated specific project. No extraction or processing shall be conducted during a season in which no improvements are planned or performed for the associated specific project.

- v. **Health and Safety Protection.** The proposed gravel extraction and processing area shall be bermed, fenced, or otherwise enclosed, where necessary, for health and safety protection.
- vi. **Grading and Erosion Control.** Requirements pursuant to Div. 5.7. shall be met. Notwithstanding, no extraction shall be permitted on slopes of greater than 15%, if the area of 15% or greater slope is 1 acre in size or larger. Practices for sediment and erosion control shall be designed, constructed and maintained to prevent additional contribution of sediment to streams, lakes, ponds, or any land outside the permit area. Where applicable, sediment and erosion control measures to prevent degradation of the environment shall consist of the utilization of proper reclamation methods and sediment control practices including, but not limited to:
  - a). grading the back-fill material to reduce the rate and volume of runoff;
  - b). retaining sediment within the pit and disturbed area; and,
  - c). establishing temporary vegetation or mulch on areas that will remain subject to erosion for as long as 6 months.
- vii. **Activities In or Near Waterbodies**
  - a). **Controlled Watercourses**
    - 1). Extraction proposed in the Snake or Gros Ventre Rivers shall be in a location and manner specified in the Restoration Study.
    - 2). If the Restoration Study is not yet completed and approved by the County, then the following standards shall apply.
    - 3). Extraction may be proposed in a location approved by the Planning Director and the Levee Supervisor. In no case shall a location and time of excavation be approved that may have negative impacts on endangered or threatened species, or species of special concern, as described in Teton County Wildlife-Habitat Assessment Final Report, by Biota Research and Consulting, Inc., dated July 1, 1991.
    - 4). A report and recommendations from a Hydrologist shall be submitted detailing how the extraction can be accomplished in a manner most beneficial to the river system; the applicant shall be required to abide by the report's recommendations.

- b). **Uncontrolled/Natural Watercourses.** When working in uncontrolled, or naturally flowing, watercourses, the proposed operation shall be conducted in a manner that improves fisheries and waterfowl habitat. A report and recommendations from a Fisheries Biologist shall be required detailing how the proposed operation will accomplish habitat improvements and the operator shall be required to abide by the report's recommendations.
  - c). **Minimum Buffer.** A minimum 50 foot border of natural vegetation between the water's edge and any plant site on the permitted area shall be left undisturbed subject to the operator's right to normal access to the river or stream. When the materials extracted are not processed after removal and no plant is located on the property, the operator shall take all necessary precautions to preserve the integrity of the river or stream bank.
  - d). **Setbacks from Structures.** The County Road and Levee Supervisor and the Wyoming Department of Transportation shall be contacted in reference to setback requirements from bridges, levees, and other structures for in-stream excavation activity.
  - e). **No Negative Impact.** No extraction shall be permitted that is deemed by the County to have a negative impact on the river, or on landowners adjacent to the river with respect to bank erosion or potential flooding. If more than one river extraction site has been approved or executed within the same vicinity as the extraction site in question, the cumulative impacts of such river extraction shall also be considered when assessing potential negative impacts on the river or on landowners adjacent to the river.
- viii. **Cultural and Historic Sites.** If historic or prehistoric ruins or monuments are uncovered or become apparent, all work in the immediate area shall cease until the Wyoming State Archaeologist determines what precautions shall be taken to preserve the historic or prehistoric artifacts.
- ix. **Access.** Adequate and available access to/from the proposed site and to/from a County road or State highway shall be shown, to the satisfaction of the Planning Director and County Attorney, and maintained, to the standard specified by the County Engineer.
- x. **Site Area.** Gravel extraction and processing associated with a specific private or public project shall be limited to less than 15 acres in size, unless a cooperative regulatory agreement is reached with the DEQ in conjunction with issuance of a Small Mining Permit, or some other mechanism is offered by the applicant to ensure the standards of this Section are met for projects on larger sites. Extraction and processing projects, not associated with a specific private or public project as described above shall be limited to less than 15 acres in size.



- xi. **Surrounding Vegetation.** Vegetation within the setbacks from the property boundary shall be preserved and supplemented, as necessary, for mitigation of negative impacts. Existing native vegetation on the operation site shall be preserved to the maximum extent possible.
  - xii. **Noise Reduction.** All operations shall comply with the standards set in Sec. 6.4.3, except for the back-up horns, which are exempt pursuant to that section. Stockpiles shall be located to maximize their benefits as noise barriers and equipment shall be located to minimize its negative noise impacts on neighbors. The circulation scheme on the site shall be designed to minimize reverse movements by vehicles utilizing back-up horns.
  - xiii. **Dust.** All operational areas and traffic corridors shall be sprayed with water, as often as weather conditions require, to minimize fugitive dust.
  - xiv. **Wildlife.** All gravel extraction and/or processing shall limit the locations and times of year that ensure no significant negative impacts to endangered species as determined by the Wyoming Game and Fish Department and the U.S. Fish and Wildlife Department, as appropriate. Proposed locations and operation times also shall minimize impacts on species of special concern, as described in Teton County Wildlife-Habitat Assessment Final Report, by Biota Research and Consulting, Inc., dated July 1, 1991.
  - xv. **Water Supply.** Extraction and filling of a reservoir shall not infringe on down-stream appropriator's rights as established by the State Engineer's Office.
  - xvi. **Hazardous Materials.** Any fuel, explosives, or other hazardous materials stored on the site shall be contained within an impoundment with a concrete floor and berms high, and impermeable, enough to contain a spill or leak should one occur. A similar impoundment shall be provided for any equipment or vehicle maintenance to be conducted on the site. An emergency preparedness plan shall be designed, kept on the site, and followed, as approved by the County. The plan shall specify procedures for containment and cleanup of hazardous materials spills.
  - xvii. **Extraction, Processing, and Reclamation Plan.** An extraction, processing and reclamation plan, meeting the standards of this Section, shall be provided. The plan shall restrict operations to areas of workable size so that no area is left inactive and unreclaimed for more than 60 days. Reclamation shall proceed in conjunction with extraction and shall proceed in phases over the life of the operation.
- d. **Reclamation Standards.** If the landowner intends future development or use of the property where the gravel extraction or processing is proposed to take place, then the land shall be reclaimed in accordance with an approved development plan. If there is no development plan, approved or being reviewed by the County in conjunction with the proposed gravel operation, then the following standards shall apply.

i. **Dry Land Area**

- a). **Activities Involving Land Forms.** Extraction proposed to take down landforms, such as benches, shall be designed, upon reclamation, to blend into the landforms at the edge of the operation site.
- b). **Blending with Natural Contours.** Disturbed areas shall be regraded to blend into, and conform with the general natural form and contours of the adjacent areas.
- c). **Revegetation.** Disturbed areas shall be revegetated with native species, predominant in the neighboring areas.
- d). **Compliance with Grading Standards.** Compliance with Div. 5.7. is required.

- ii. **Ponds/Water Features.** All ponds or water features created by gravel extraction shall meet the standards of Sec. 5.1.6.

G. **Special Events**

- 1. **Definition.** An event with over 50 guests on site at one time or with amplified music.
- 2. **Standards**
  - a. Hosting four or more Special Events per year qualifies as an Outdoor Reception site. See applicable permitting requirements and standards for Outdoor receptions in Sections 6.1.1 and 6.1.3.C.
  - b. Any public gathering of more than 50 guests on site at one time requires obtainment of a Special Event Compliance Certificate from the Teton County Commissioners' Administration Office (Teton County Resoultion 17-033).

## ATTACHMENT 2:

### RESOLUTION 17-033

#### (Special Events Resolution)

**WHEREAS**, various types of events, herein referred to collectively as "**Special Events**", within Teton County, place additional or unique demands upon law enforcement, fire protection, and emergency service personnel of Teton County; create hazardous traffic conditions and cause obstructions to traffic; create conditions which are public nuisances; create conditions which constitute sanitation and other health problems; and

**WHEREAS**, the Board of Commissioners of Teton County, acting to protect and safeguard the public health, safety and general welfare, is authorized, among other things, to take general charge of the supervision, management and control of all county and county managed properties; county and public roads, including the regulation of the same and prohibition of processions or assemblages on said roads; and is authorized to abate nuisances and to create rules and regulations for the prevention of disease and for the promotion of public safety; and is authorized to prevent the obstruction of highways and bridges; to regulate and license the distribution of food through the Teton District Board of Health, per the **Teton District Food Safety Rule**; to regulate, prohibit and license the sale of **alcoholic** beverages; to provide for fire protection; and, generally, to provide for the enforcement of the laws of the State of Wyoming and the resolutions of the County Commissioners of Teton County; and

**WHEREAS**, the Board of County Commissioners of Teton County feels that it is necessary to enact a resolution providing law enforcement and other agencies advance notice of the occurrence of such special events including knowledge of responsible parties sponsoring the same, so that appropriate action can be taken by the appropriate authorities of the County in the event of the occurrence of such **Special Events**;

**NOW, THEREFORE, BE IT RESOLVED**, that the following provisions of this resolution shall govern in all cases provided for herein:

1. **REQUIREMENT OF NOTICE**. Any person sponsoring any **Special Event**, as defined herein, in the unincorporated portion of Teton County shall **give notice** of the intention to hold such **Special Event** to the parties, in the manner, and within the time set forth herein.

**COPY**

2. DEFINITIONS. As used herein the following words shall have the following meanings:

- a. "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.
- b. "Sponsor" shall mean the party which organizes, sponsors, conducts, creates, facilitates, sets up, or coordinates a special event.
- c. "Parade" means any march or procession consisting of people, animals or vehicles, or a combination thereof, except funeral processions, upon any public street, county road, or state highway, which does not comply with normal and usual traffic regulations or controls.
- d. "Nuisance" shall mean anything or condition defined as a nuisance or public nuisance by Wyo. Stat. §18-2-115 and Teton County Land Development Regulation 8.9.5, or any condition or event where the noise, music, crowds, odors, and disturbances resulting therefrom substantially interfere with the enjoyment of property by occupants in the neighborhood, or any event which public resources (fire, law enforcement, ambulance, etc.) are unable to provide adequate support or the ability to provide support is diminished because of location, traffic, multiple events, size of event, etc..
- e. "Special Event" means any of the following
  - i. Any **parade or special event** which is held outside the corporate limits of any city or town on a county road or state highway but cannot comply with all applicable traffic statutes. This shall include, but not be limited to, parades, fairs, exhibitions, motion picture filming, bicycle races and foot races.
  - ii. Any **public gathering** of more than **50** guests on site at one time that meets any one of these 5 conditions:
    - 1. The size and or conduct of the event will create **adverse impact to public safety** through diminished access to: normal law enforcement, buildings, structures, fire hydrants and fire apparatus access roads or unduly interfere with

proper fire and police protection or public safety services of any kind at the event or in the areas contiguous to it

2. **Substantial interruption of the safe and orderly movement of traffic** on or any unusually heavy traffic upon, or any **substantial change in traffic patterns** of, or any interference or obstruction of, or **stopping and standing or parking on any state, county or public highway, road, street or right-of-way** or any usage of any of the same other than ordinary vehicular traffic.
3. **Substantial impact to the Jackson/Teton County Pathways system** that will cause an interruption of the safe and orderly movement of pedestrians and cyclists on the pathway system, including but not limited to, parades, fairs, exhibitions, motion picture filming, bicycle races and foot races.
4. In light of the number and concentration of persons, animals and vehicles at such event there are **insufficient restrooms or other sanitation facilities** unless special provisions are made therefore, including but not limited to the use of **portable toilets, etc.**
5. **Alcoholic beverages** will be provided to the participants or spectators under circumstances requiring the issuance, by the County, of a **temporary malt beverage permit or catering permit** or other license or permit to dispense alcoholic beverages.
6. Any event on county owned land.

3. **NOTICE OF SPECIAL EVENT.** The notice required to be filed, by any person sponsoring any special event shall set forth the following information:

a. **All Events**

- i. The name, address and telephone number of the sponsor of

the special event.

- ii. If the special event is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization.
- iii. The name, address and telephone number of the person who will be **responsible** for the conduct of the special event conducted.
- iv. The **date** when the special event is to be.
- v. In the event of any **parades** or other special events utilizing highways, roads or streets, the starting point, **route** and termination point of the same and whether any county roads or state highways will need to be temporarily closed pursuant to Wyo. Stat. §24-1-106.
- vi. The approximate **number of persons** who, and animals and vehicles which, will be involved in such event; and a description of the same.
- vii. The hours when such event will **start** and **terminate**.
- viii. A statement as to whether the event will occupy all or any portion of the **route of any highway**, road, street, or pathway proposed to be traversed.
- ix. The **nature of the event**, specifying all activities expected to be associated therewith.
- x. Whether **alcoholic beverages** will be sold and, if so, by whom, and the type of permit or license authorizing the sale of such alcoholic beverages.
- xi. Whether food and/or any type of beverages will be sold at the event.
- xii. The approximate **number of volunteers or staff** working at the event.
- xiii. The **location** and **capacity** of any **parking** areas to be utilized.
- xiv. The location, **number** and **capacity** of any **restrooms** or other sanitation facilities to be utilized.
- xv. The location, **number** and **capacity** of any **trashcans** or



other disposal facilities to be utilized.

- xvi. If the special event is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall file a communication, in writing, from the person proposing to hold the event authorizing the applicant to apply for the permit on its behalf.
  - xvii. Whether or not **sound amplification** will be utilized and the nature of the same.
  - xviii. Whether or not **fireworks** will be utilized and a description of the same.
  - xix. The **location** and **type** of any **emergency medical facilities or personnel** to be utilized or made available.
  - xx. A detailed **plan for traffic control, parking attendants** or control or **crowd control personnel** intended to be utilized.
  - xxi. Permission from landowner.
  - xxii. If county lands or properties managed by the County are anticipated to be used in the event including, but not limited to, parks, pathways, roads, buildings; approval from the County for such use.
  - xxiii. If pathways are to be utilized for a race, walk, or bike event, the applicant will need to provide crossing guards or arrange for crossing guards at locations designated by the county.
4. The Board of County Commissioners reserves the right to also require a communications plan, security plan, medical plan and safety plan should they feel the amount of people at the event warrants the additional information.
5. **FILING.** A notice of special event shall be made in writing on a form approved and furnished online by Teton County Commissioners' Administration Office of Teton County and shall:
- a. Be filed not less than 45 days before the date upon which it is proposed to conduct the Special Event.
6. **NOTICE TO COUNTY AND OTHER OFFICIALS.** Immediately upon the

receipt of such notice, the staff of Teton County shall send a copy thereof to the following.

- a. Sheriff
- b. Emergency Management Coordinator
- c. Fire Marshal
- d. County Clerk
- e. Parks & Recreation Director
- f. Code Compliance Officer
- g. Environmental Health Division
- h. County Road Supervisor.

7. NOTICE DOES NOT CONSTITUTE APPROVAL. Receipt of the aforesaid notice of a Special Event or failure to enjoin the happening of such Special Event or otherwise regulate or control it by the County Commissioners of Teton County, or any of the other aforesaid agencies, including the Teton County Sheriff's Office, shall not constitute an approval on the part of any of the same of the Special Event nor make any of the same a co-sponsor thereof or liable for any claims, damages, suits, costs or expenses arising therefrom. In addition to the foregoing **neither the giving of the notice required herein, nor the failure on the part of any of the aforesaid agencies to forbid or enjoin the same or to otherwise regulate or control the same shall constitute a release of any person from liability for the violation of any law, statute or regulation of any state, local or municipal body or agency.**

8. All permits required by the respective agencies will be issued independently by each agency, i.e. Alcoholic Liquor Catering Permit from County Clerk, Food Permit from Teton County Environmental Health, etc.. Once all independent permits have been issued and all agencies that needed to be notified have signed off on the special event, the County Commissioner's Administrator shall issue a Special Event Compliance Certificate, based on the information provided by applicant.

9. The Special Event shall be denied by the County Commissioner's Administrator if any of the following are found:

- a. The special event constitutes a nuisance as defined by this resolution and the applicant is unable to mitigate the impacts of

the nuisance satisfactorily to Teton County.

b. Requirements of this resolution are not met.

10. A denial of a Special Event Compliance Certificate may be reviewed by the Board of County Commissioners if requested by the applicant within 5 days of the denial being issued by the County Commissioner's Administrator. The request for review shall be made to the County Commissioner's Administrator. Review by the Board of County Commissioners of the denial of the special event is not a contested case and shall not be reviewed under the provisions of the Wyoming Administrative Procedures Act.

11. Four or more outdoor receptions on the same site per calendar year (excluding non-profit events) must comply with Teton County Land Development Regulations 6.1.3.C

12. ENFORCEMENT. The Board of County Commissioners of Teton County, acting through the County and Prosecuting Attorney or any other duly authorized enforcement official, shall enforce the provisions of this resolution.

13. All officials, departments and employees of the County of Teton 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 to any sponsor failing to meet the requirements of this resolution.

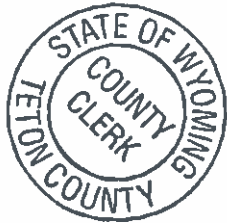
14. This resolution shall be enforceable by injunctive action, in addition to all other remedies at law or in equity.

15. VALIDITY. 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:

- 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 other part thereof, but the rest of this resolution shall continue in full force and effect
- c. 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 the applicable state law.

PASSED, APPROVED AND ADOPTED on this 11 day of September.  
2017.

BOARD OF COUNTY COMMISSIONERS  
OF TETON COUNTY, WYOMING



  
Mark Newcomb, Chair

Attest:

  
Sherry L. Daigle, Teton County Clerk

# ATTACHMENT 3: PUBLIC COMMENT

**From:** [Mickey Babcock](#)  
**To:** [County Planning Commission](#)  
**Cc:** [Board Of County Commissioners](#); [Chris Neubecker](#); [Kristi Malone](#); [Alyssa Watkins](#); [Mickey Babcock](#)  
**Subject:** AMD-2020-001  
**Date:** Wednesday, April 08, 2020 3:00:20 PM

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esteemed planning commissioners-

on april 13, you will have the opportunity to review and vote upon an AMD2020-001: LDR text amendment for outdoor reception sites.

i believe this amendment provides clear, balanced, and enforceable tools with which the BCC and staff can evaluate applications for large-scale events in the rural areas of teton county *with regard to the comprehensive plan...* tools which are not currently available.

i encourage your vote of approval of AMD-2020-001.

thank you for your service to teton county.

mickey babcock  
25650 evergreen lane  
moran, WY 83013  
307-730-8207/c

**From:** [Debra Patla](#)  
**To:** [County Planning Commission](#)  
**Cc:** [Chris Neubecker](#)  
**Subject:** LDR amendment for outdoor special events  
**Date:** Saturday, April 11, 2020 11:07:58 AM

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

Dear Commissioners,

I urge you to support the amendment (AMD2020-0001) for events in rural areas. Our County and neighborhoods are suffering from large, loud attractions that flood quiet residential areas with multitudes of visitors and strangers. This spot-commercialization is risky, particularly in remote places such as Buffalo Valley, where we cannot count on 24-hour law enforcement, and where the Forest Service has been obliged to try to accommodate hundreds of event campers on top of peak-summer tourism.

Under the current system, County staff and elected officials seem to feel obliged to allow festival-type events on dude ranches, even where the events are in glaring contrast to established uses and public safety. These events have been allowed even when they are regarded by local residents as such as an extreme nuisance that they flee their homes during the event, or stay home and try to shut out the noise and odors while hoping they can protect their property from throngs of people in various and extreme stages of inebriation and excitement. This anything-goes policy cannot be a good way to govern and protect our County.

Please support the amendment, and strengthen it if possible.

Debra Patla  
Moran, WY

## Kristi Malone

---

**From:** Kelly Ryan  
**Sent:** Friday, April 10, 2020 8:04 AM  
**To:** Kristi Malone  
**Subject:** Fw: LDR amendment

Public Comment.

**Kelly K Ryan**  
**Office Assistant**  
**Teton County Planning and Building**  
**PO Box 1727**  
**Jackson, WY 83001**  
**(Ph)307-733-3959**  
**kryan@tetoncountywy.gov**

**IMPORTANT NOTICE:** The Teton County Planning and Building Services Department office is closed temporarily to the public to protect against the spread of the Coronavirus (COVID-19). However, building permits and other planning applications are still being accepted and processed, and building inspections will still be provided until further notice. If you have questions or need information from us, please call or email and we will be happy to help you.

If you have a meeting scheduled with our staff, please contact us to make alternate arrangements. Please see the Planning and Building Services Department's website for more details on how to submit your application and for other important information. Also, please check the website frequently for updates.

---

**From:** Katie Matthies <katiematthies@gmail.com>  
**Sent:** Thursday, April 9, 2020 5:58 PM  
**To:** County Planning Commission <planningcom@tetoncountywy.gov>  
**Subject:** LDR amendment

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

Sending this email to voice my support of the proposed LDR amendment. Now is the perfect opportunity to address this issue which seriously needs to be dealt with. I sincerely hope that you will approve the amendment, I would love to see something actually accomplished towards this end. The proposed amendment is balanced, fair, and enforceable.

I particularly like the stated "Is compatible with the desired future character of the area."

Thank you all for your continued hard work on this issue -

Katie Matthies

## Kristi Malone

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**From:** Mickey Babcock <mickeybabcock@me.com>  
**Sent:** Tuesday, April 14, 2020 1:42 PM  
**To:** Kristi Malone  
**Cc:** Mickey Babcock; Chris Neubecker  
**Subject:** thank you and questions

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hello kristi-

thank you for your (and your team's) work in getting AMD-2020-001 prepared and shepherded through the planning commission review and vote. i am deeply grateful to you all. while there are some items that might be polished, this seems like a very good start to some solid changes. my sense is that the planning commissioners are interested in *transparency* (noticing, process, equity) and *impact* (upon natural resources, neighborhood character) with regard to special permits for events on private lands.

so that i understand the proposed amendment's parameters, i'd like to ask a few questions and would appreciate your feedback or any framework to make this information simple. this will help me communicate this information to my neighbors in BV as well as other interested community members.

if i am a landowner and wish to hold a special event on my property, what is the permit process?

what are the parameters of the special permit (per AMD-2020-001)?

how is this new process different from previous process for applications/special permits for events on private property?

can you share how you used FITM as your case study to develop the amendment?

thank you so much!



## Kristi Malone

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**From:** Richard Bloom <richbloom.jh@gmail.com>  
**Sent:** Thursday, April 16, 2020 10:51 AM  
**To:** Kristi Malone  
**Cc:** Chris Neubecker  
**Subject:** AMD 2020-0001 Special Events

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

Kristi - good morning.

Per my phone message yesterday. I also tried to get hold of you this morning.

I just noticed the new AMD that came out of Monday's Planning Commission review which is addressing the unfortunate rural impacts from large singular events such as those that have occurred in Buffalo Valley over the past summers.

I am trying to connect with you on a question of how the Board of County Commissioners initiated AMD 2020-0001(Special Events) intersects with non-profit "receptions" - specifically large public events as many non-profits have which may include some modest food service (is this considered an "event amenity"?). Typically that "amenity" is achieved by an invited food vendor who has a trailer to offer tacos or perhaps beer - but they manage their own receipts - but do not charge the non-profit to have the amenity available purely as a public convenience to that non-profit event.

The relevant section in your AMD is: *A non-profit event is defined as an event where admission and event amenities are free to attendees or where all money generated by ticket and event amenity sales is donated to a charitable fund or organization.*

It is the second portion that will prove problematic to several non-profits depending how it is applied: *or where all money generated by ticket and event amenity sales is donated to a charitable fund or organization.*

For example at Teton Raptor Center (TRC) where as you know I serve on their board - in the past when we held Raptor Fest on site - we would augment the event by inviting a few food vendors. Most times they did not charge us anything - and they ran their own receipts. Nothing flowed through to the TCR in most cases. If given a specific vendor relationship - perhaps a small portion of the proceeds would pass through. But certainly not *"all money generated by ...event amenity sales..."*

Likewise Teton Science Schools in past events (at the Jackson Campus) had vendors such as Everest MoMo Shack food vendor provide modest food to support either the past Annual Fundraising Auction event or their annual Maker Fair event. Again the food vendor provide the "amenity" at no cost to the non-profit organization - but managed their own receipts and costs.

In a similar manner I know the Jackson Hole Land Trust for example at R Park holds various annual events and at one I went to they had Cafe Geneva provide food in their food truck. Again receipts and costs are generally covered by the vendor with no pass through to the non-profit.

So: Does this sort of situation trigger the need for a full blown CUP given your draft AMD language? I would trust not. If it does - I would ask that you reconsider the language in this section before it goes to the Board of County Commissioners as I am sure planning did not intend for this application of the amended LDR section to trigger these unintended consequences.

Certainly non-profit organizations need to still comply with the Special Event Resolution process for large events - but not the new burdensome CUP process - which is appropriate (and needed) for large singular commercial events.

When you have a moment can you give me a call at 307-690-5273 or provide an email reply?

Thanks - Rich