

# 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>						<b>6.1.3.</b>
Agriculture	--		Y	Y	Y	<b>6.1.3.B.</b>
Outdoor Recreation	--		C <sup>z</sup>	--	--	<b>6.1.3.C.</b>
Dude/Guest Ranch	--		C <sup>z</sup>	--	--	<b>6.1.3.E.</b>
<b>Residential</b>						<b>6.1.4.</b>
Detached Single-Family Unit	--		Y	Y	Y	<b>6.1.4.B.</b>
Attached Single-Family Unit	--		--	--	--	<b>6.1.4.C.</b>
Apartment	--		--	--	--	<b>6.1.4.D.</b>
Mobile Home	--		--	--	--	<b>6.1.4.E.</b>
Dormitory	--		--	--	--	<b>6.1.4.F.</b>
Group Home	--		--	--	--	<b>6.1.4.G.</b>
<b>Lodging</b>						<b>6.1.5.</b>
Conventional Lodging	--		--	--	--	<b>6.1.5.B.</b>
Short-Term Rental Unit	--		--	--	--	<b>6.1.5.C.</b>
Campground	--		C <sup>z</sup>	--	--	<b>6.1.5.D.</b>
<b>Commercial</b>						<b>6.1.6.</b>
Office	--		--	--	--	<b>6.1.6.B.</b>
Retail	--		--	--	--	<b>6.1.6.C.</b>
Service	--		--	--	--	<b>6.1.6.D.</b>
Restaurant/Bar	--		--	--	--	<b>6.1.6.E.</b>
Heavy Retail/Service	--		C (A) <sup>z</sup>	--	--	<b>6.1.6.F.</b>
Mini-Storage Warehouse	--		--	--	--	<b>6.1.6.G.</b>
Nursery	--		C <sup>z</sup>	--	--	<b>6.1.6.H.</b>
<b>Amusement/Recreation</b>						<b>6.1.7.</b>
Amusement	--		--	--	--	<b>6.1.7.B.</b>
Developed Recreation	--		C <sup>z</sup>	--	--	<b>6.1.7.D.</b>
Outfitter/Tour Operator	--		C <sup>z</sup>	--	--	<b>6.1.7.E.</b>
<b>Institutional</b>						<b>6.1.8.</b>
Assembly	--		C <sup>z</sup>	C <sup>z</sup>	--	<b>6.1.8.B.</b>
Daycare/Education	--		C <sup>z</sup>	C <sup>z</sup>	--	<b>6.1.8.C.</b>

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	
Industrial						6.1.9.
Light Industry	--		C (A) <sup>z</sup>	--	--	6.1.9.B.
Heavy Industry	--		--	--	--	6.1.9.C.
Disposal	--		--	--	--	6.1.9.D.
Junkyard	--		--	--	--	6.1.9.E.
Gravel Extraction and Processing			S			6.1.9.F.
Transportation/Infrastructure						6.1.10.
Parking	--		--	--	--	6.1.10.B.
Utility Facility	--		C <sup>z</sup>	C <sup>z</sup>	C	6.1.10.C.
Wireless Communication Facilities						6.1.10.D.
Aviation	--		C <sup>z</sup>	--	--	6.1.10.E.
Accessory Uses						6.1.11.
Accessory Residential Unit	--		B <sup>z</sup>	B <sup>z</sup>	B <sup>z</sup>	6.1.11.B.
Bed and Breakfast	--		C	--	--	6.1.11.C.
Home Occupation	--		B	B	B	6.1.11.D.
Home Business	--		C	C	C	6.1.11.E.
Family Home Daycare	--		B	B	B	6.1.11.F.
Home Daycare Center	--		--	--	--	6.1.11.G.
Drive-In Facility	--		--	--	--	6.1.11.H.
Temporary Uses						6.1.12.
Christmas Tree Sales	--		Y	--	--	6.1.12.B.
Real Estate Sales Office	--		C	--	--	6.1.12.C.
Temporary Shelter	--		B	B	B	6.1.12.D.
Farm Stand	--		B	--	--	6.1.12.E.
Temp. Gravel Extraction and Processing	--		B	B	B	6.1.12.F.
Special Event	--		Y	Y	Y	6.1.12.G.

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

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

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

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

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

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

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

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

<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 Receptions.** 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.

- x. **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).