



Board of County Commissioners - Staff Report

Subject: AMD2020-0004 & ZMA2020-0003: Neighborhood Residential-1 (NR-1) and Subarea 12.2 Rezone

Agent/Applicant: Teton County

Property Owner: Countywide & Subarea 12.2 - 390 Residential

Presenter: Rian Rooney, Associate Long-Range Planner

REQUESTED ACTION

This project consists of two applications: AMD2020-0004 (LDR Text Amendment) and ZMA2020-0003 (Zoning Map Amendment/Rezoning).

AMD2020-0004

Proposal to amend the Teton County Land Development Regulations (LDRs), pursuant to Section 8.7.1, to establish a new Complete Neighborhood Character Zone, called Neighborhood Residential-1 (NR-1), and corresponding zoning standards. The proposed amendment would create a new section in the Land Development Regulations, Section 2.2.1. Neighborhood Residential-1, which describes the zone's intent, physical development standards, use standards, development options, and additional zone-specific standards. The proposed amendment also updates relevant tables and references within articles 2, 4, 5, 6, 7, 8, and 9 of the LDRs to include the proposed NR-1 zone.

ZMA2020-0003

Proposal to amend the Official Zoning Map, pursuant to Teton County Land Development Regulations Section 8.7.2, Zoning Map Amendment, to rezone approximately 180 acres under various ownership within Subarea 12.2 390 Residential from Neighborhood Conservation (NC-TC), Business Conservation (BC-TC), and Rural (R-TC) to the Neighborhood Residential-1 (NR-1) zone, proposed in AMD2020-0004.

BACKGROUND/DESCRIPTION

PROJECT DESCRIPTION

The FY 2021 Comprehensive Plan Work Plan includes a task to update the zoning in Comprehensive Plan Subarea 12.2: 390 Residential, part of the District 12 Aspens/Pines Complete Neighborhood, to implement the desired future character for the area as described in the 2012 Jackson/Teton County Comprehensive Plan. This task, while focused on Subarea 12.2, is the first part of a larger undertaking, which has been anticipated since 2012, to develop new Character Zones for all Complete Neighborhoods of the County to implement the Comprehensive Plan.

The proposed new zone, Neighborhood Residential-1 (NR-1), was developed specifically for application to properties in Subarea 12.2 but is not limited to application in that location. If approved, the NR-1 zone may also be applied to other properties in the County if it is determined to be appropriate for the implementation of desired future character in those locations. If the zone is adopted, an applicant may request a rezoning of their property to the NR-1 zone via a Zoning Map Amendment application.

The Teton County Planning and Building Services Department is proposing to rezone properties generally located within Subarea 12.2: 390 Residential, as identified in the Comprehensive Plan, to the Neighborhood Residential-1 zone. The NR-1 zone preserves many of the NC-TC zoning standards, which is the predominant zoning for parcels located in the subject area, and does not propose to substantially modify existing density or intensity of use.

BACKGROUND

In 2016, Rural Character Zones (R-1, R-2, R-3) were developed for the rural areas of the County and applied via amendment to the Zoning Map. Among the changes introduced through the Rural Character Zones was a shift toward simplification of standards to offer greater predictability to residents and neighbors regarding what can be expected on a property. Part of this simplification was an attempt to improve the clarity and administration of

the LDRs by setting standards based on desired future character and to move away from the complex performance-based standards in the 1994 Legacy Zones.

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

EXISTING CONDITIONS

The properties proposed to be rezoned are located within Subarea 12.2, as designated by the 2012 Comprehensive Plan. The subarea is designated as "Stable," meaning that significant change to the character of the area is not envisioned. The subarea is largely already developed and consists primarily of single-family residential homes and lots which are zoned Neighborhood Conservation (NC-TC), a legacy zone from 1994. In addition to the residential properties, there are seven properties within the area that are zoned Business Conservation (BC-TC), a legacy zone which allows nonresidential uses. One of these properties, 2780 N Moose-Wilson Road (Fireside Resort), is split-zoned (contains two zones) BC-TC and R-TC. The Millward Redevelopment, an affordable housing project developed in 2003 using the County's now-retired Affordable Housing Planned Unit Development tool (PUD-AH), is also located in the south of the subarea and is zoned PUD. The Millward Redevelopment is regulated by the Rules and Regulations and Development Plan under which the development was approved. It is not included in the proposed rezoning at this time, as reflected in the March 9, 2021 zoning map and discussed in Key Issue #6. Some properties on the periphery of Subarea 12.2 were already rezoned to Rural-3 during the rural area rezone on April 1, 2016. The properties that were rezoned to R-3 are not included in this rezone proposal.

The subject properties consist of lots ranging in size from 0.32 acres to 10 acres, with a median lot size of 1.05 acres and a mean lot size of 1.8 acres. The development pattern in the south of the subarea is generally denser single-family residential with smaller lot sizes but includes some larger lots and nonresidential uses along Highway 390. The development pattern in the north includes larger single-family residential lots with some nonresidential uses along Highway 390 beyond the entrance to the Aspens.

Some of the subject properties, in the north and the south of the subarea, lie within the Natural Resource Overlay (NRO) as shown on the Site Map included in this report. Wastewater treatment in the area is a mix of raised and buried leach fields and connections to the Wilson Sewer District and Aspens Pines Sewer District.

Many of the nonresidential uses active in the subject area were established before adoption of the 1994 Land Development Regulations, when these properties were originally rezoned to Business Conservation. The Business Conservation zone is intended to recognize existing nonresidential uses and allow them to continue but limit the expansion of those uses.

LOCATION

The subject properties are located within Subarea 12.2: 390 Residential, which extends along the east side of Moose-Wilson Road (Highway 390) approximately from Lily Lake Drive to Cheney Lane and to the north across Moose-Wilson Road from Kennel Lane to Raintree Road. The Aspens and Teton Pines are not part of this rezoning proposal.

Site Size: ~180 acres, 91 properties

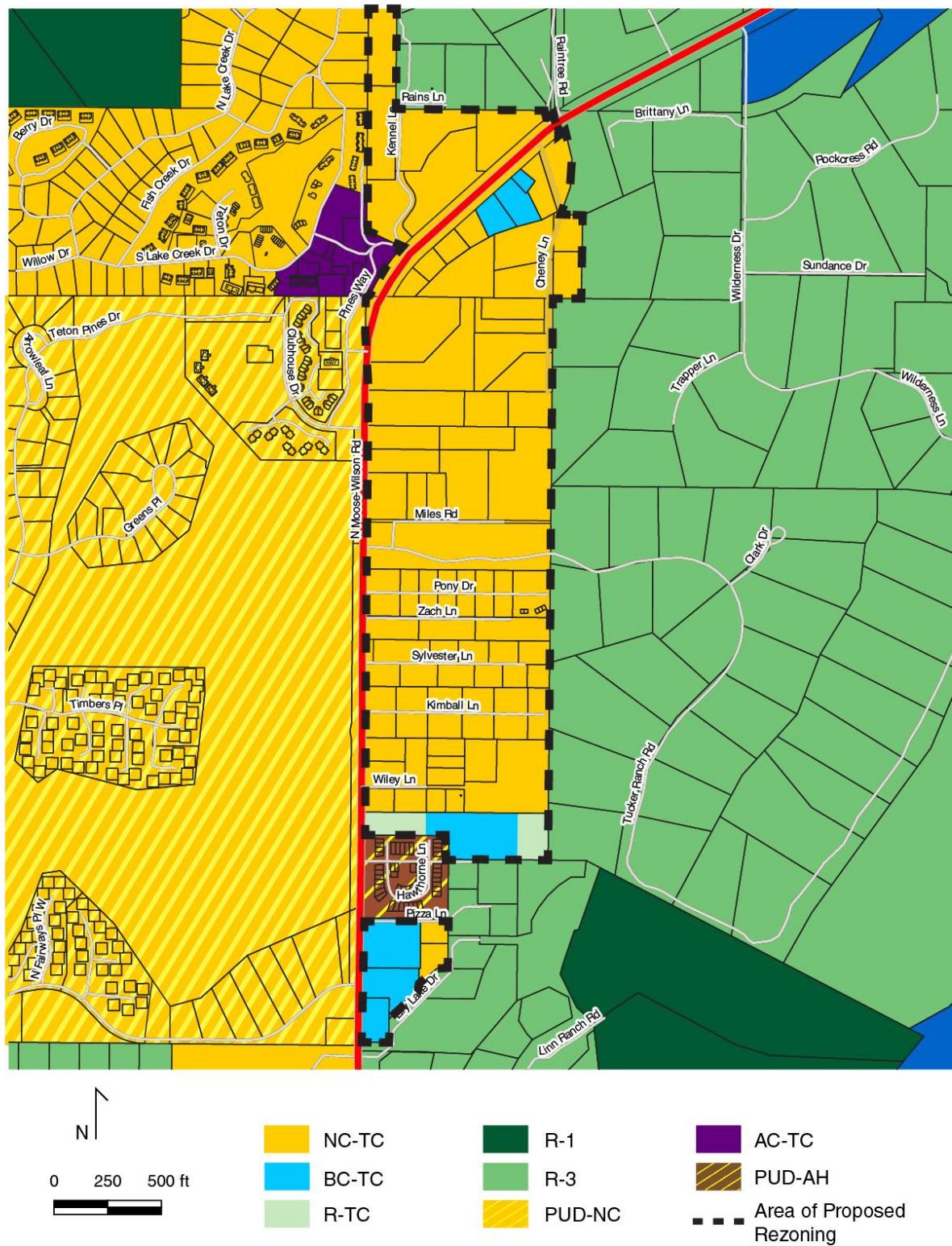
Character District: 12: Aspens/Pines (Complete Neighborhood)

Subarea: 12.2: 390 Residential (Stable)

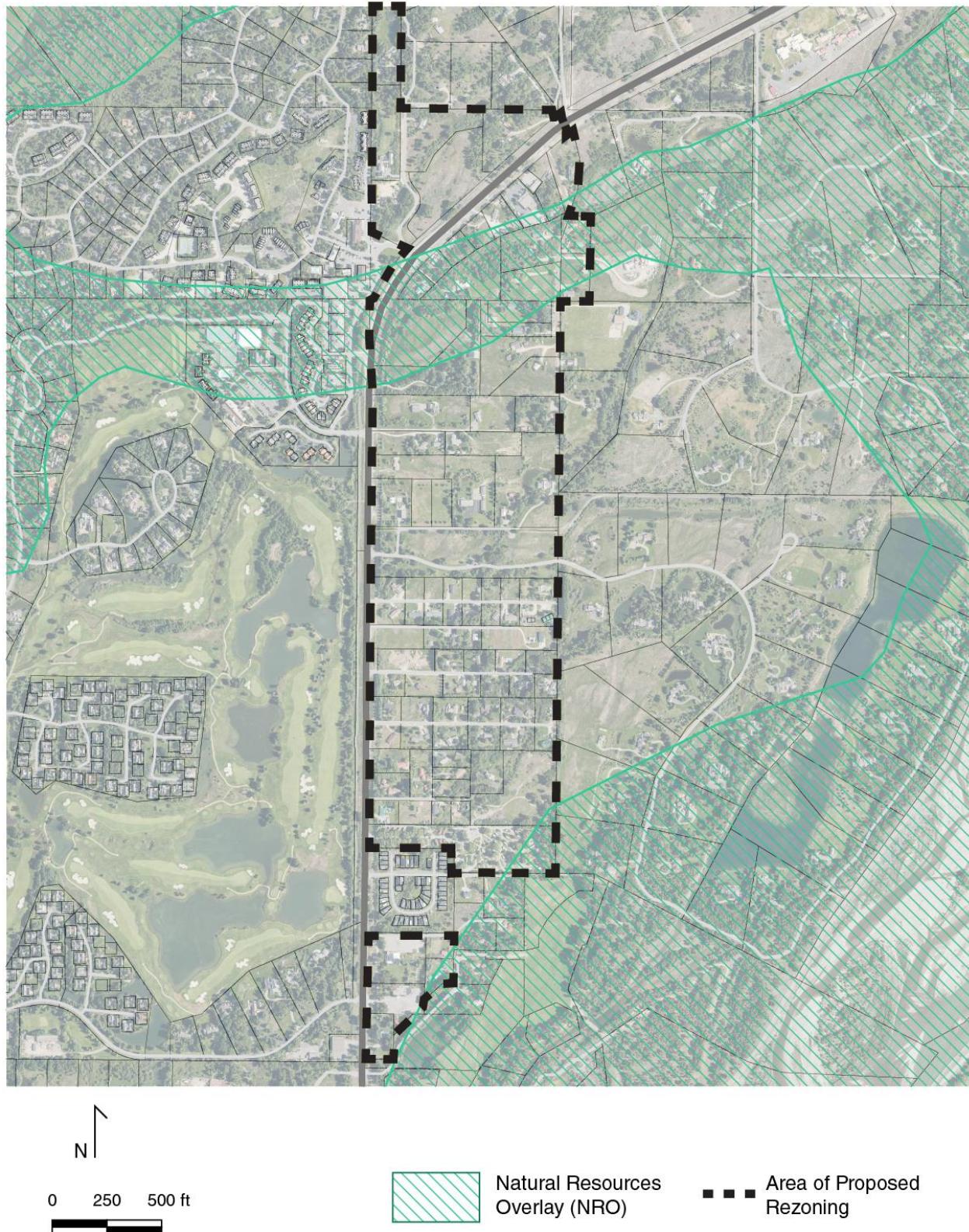
Zoning: Neighborhood Conservation (NC-TC), Business Conservation (BC-TC), Rural (R-TC)
-Teton County Legacy Zones

Overlay: Partial Natural Resources Overlay (NRO)

ZONING/VICINITY MAP



SITE MAP



STAFF ANALYSIS

A draft of the proposed text amendment (AMD2020-0004) and the proposed zoning map amendment (ZMA2020-0003), dated February 17, 2021, were released for public comment pursuant to the LDRs and Wyoming Statute §16-3-103. The draft text amendment, dated February 17, 2021, is attached to this staff report. Staff released a new draft of the proposed zoning map, dated March 9, 2021, which is attached to this staff report.

KEY ISSUES

KEY ISSUE 1: How does the proposed Neighborhood Residential-1 zone and zoning map amendment implement the Jackson/Teton County Comprehensive Plan?

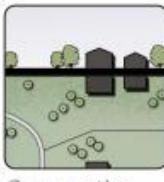
Staff developed the NR-1 zone with the intention of applying it to properties in Subarea 12.2, considering the existing conditions and desired character and vision for the subarea identified in the 2012 Comprehensive Plan. The application of new Character Zones and replacement of 1994 Legacy Zones throughout the Complete Neighborhoods of the County has been a long-anticipated goal to implement the 2012 Comprehensive Plan. This initiative is codified in the Comprehensive Plan in Strategy 3.2.S.1.

3.2.S.1: Update zoning and land development regulations within Complete Neighborhoods to achieve the desired character for Complete Neighborhoods as established in Character Districts.

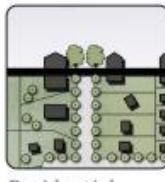
The Comprehensive Plan's Illustration of Our Vision Chapter describes the Character Defining Features of each subarea and provides direction on the future desired character.

District 12: Aspens/Pines

12.2: 390 Residential



Conservation Form



Residential Form

This largely developed STABLE Subarea is characterized primarily by detached single family homes, including homes occupied long-term by the workforce. In the future, the denser development in

the southern portion of the subarea should be designed to better blend into this character. Non-residential development should be directed into the Aspens/Pines Commercial Core (Subarea 12.1) to the extent possible. Enhancements to the district should include increased wildlife permeability and improvements to the connectivity within the subarea and to other subareas of the district. Highway access should be consolidated to the extent possible to minimize congestion on the highway and enhance the sense of community within the subarea. Year-round pedestrian connections should be established to the existing pathway across the highway that connects to the commercial core.



The Character Defining Features of Subarea 12.2: 390 Residential identify Conservation and Residential Form as the development pattern that meets the desired character for this subarea. Conservation and Residential Form are both characterized by residential uses with 2 story development. The Conservation Form is associated with 1–5-acre lot sizes and the Residential Form with ± 1 acre lot sizes. The Comprehensive Plan notes that “design for wildlife permeability and/or scenery” and “predominance of landscape over built form” are both special considerations for these neighborhood forms.

The Comprehensive Plan also indicates that this subarea is a Stable part of the larger District 12 Complete Neighborhood, meaning that no change to the existing character is necessary. The predominant existing zoning, NC-TC, has been generally successful in achieving the desired character for the area. The proposed NR-1 zoning maintains many of the residential development standards present in the NC-TC zoning.

Zoning regulations are just one of the land use and planning tools available to implement and achieve the Comprehensive Plan vision. Some of the desired enhancements to Subarea 12.2 cannot be achieved through zoning regulations over private property, including highway access consolidation and pedestrian connections across the highway. Below, staff has highlighted direction from Subarea 12.2’s Character Defining Features that is addressed through the application of the NR-1 zone.

- ***Non-residential development should be directed into the Aspens/Pine Commercial Core (Subarea 12.1) to the extent possible.*** The proposed zoning map amendment would rezone nonresidential properties from BC-TC and R-TC to NR-1. The new NR-1 zone primarily allows single-family residential use and does not permit new nonresidential primary uses (except Wireless Communications Facilities, Utility Facilities, and Agriculture). Under the proposed zoning map amendment, existing commercial uses in the subject area would become lawfully nonconforming and subject to the nonconformity standards of the LDRs, Div. 1.9. These uses would be permitted to continue to operate as they have been and would follow the nonconformity standards in the LDRs, which limit expansion, until the uses are discontinued. If the uses are discontinued, future uses on these properties would not be permitted to reestablish as commercial uses and would be required to conform to the permitted uses in the NR-1 zone. Key Issue #3 further discusses the impacts of the NR-1 zoning on BC-TC-zoned properties in Subarea 12.2.

The current NC-TC zone allows Outdoor Recreation uses with a Conditional Use Permit. Outdoor Recreation uses include, among others, athletic fields, equestrian centers, outdoor reception sites, golf courses and ski areas. The NR-1 zone does not allow for Outdoor Recreation uses, which are better suited to the rural areas of the County where the allowance of these uses can help to facilitate the preservation of open space.

- ***Enhancements to the district should include increased wildlife permeability and improvements to the connectivity within the subarea and to other subareas of the district.*** The proposed NR-1 zone largely maintains the existing regulations over site development found in the NC-TC zone, ensuring that existing wildlife permeability in the area is preserved. The NR-1 zone does add some site development and floor area flexibility for landowners whose properties are encumbered with easements, in a manner consistent with the enhancements introduced with the Rural Character Zones in 2016 for clarity and ease of use. Additionally, the NR-1 zone includes a maximum site development ratio (SDR) of 0.4, ensuring that all future development will maintain a predominance of landscape over built form. The application of the NR-1 zone to parcels with existing commercial uses will generally result in a reduction in site development if or when those properties are redeveloped. New land division (subdivision) is limited in the NR-1 zone with a minimum lot size of 3 acres, thus preserving much of the existing wildlife permeability associated with current lot sizes and development. Connectivity was not addressed through the zoning, as the greatest impediment to connectivity in the subarea is Highway 390, which is under the jurisdiction and control of the Wyoming Department of Transportation. Additional enhancements and protections for wildlife permeability will be considered on a Countywide scale through updates to the natural resource LDRs in the future.

KEY ISSUE 2: What are the main differences between the existing Neighborhood Conservation zone and the proposed Neighborhood Residential-1 zone as applied to the subject area?

One challenge that staff encountered during the development of the NR-1 zone was balancing the desire for simple, clear standards and preserving existing physical development regulations and restrictions from the NC-TC zone. The NC-TC zone, for example, includes five separate equations to calculate Maximum Site Development. The proposed NR-1 zone simplifies that to two equations and a maximum site development ratio. On the other hand, the NR-1 zone, as proposed, includes separate setback requirements for lots <3 and ≥ 3 acres, which follows the added complexity of the NC-TC zoning. Staff determined that further simplification of standards could result in physical development regulations that, while not drastically different from what currently exists, might be less effective at implementing the Comprehensive Plan vision for this subarea.

The Comprehensive Plan provides direction to enhance wildlife permeability in Subarea 12.2, and wildlife permeability is a character defining feature of other legacy-zoned subareas in the County where the NR-1 could potentially be applied. Staff explored a variety of ways to regulate development to better enhance wildlife permeability through the zoning, but ultimately decided that the best approaches for these enhancements were either beyond the scope of zoning or would be better addressed through Countywide amendments to the LDRs. With these considerations in mind, staff chose to maintain many of the setback and physical development standards as they exist under the NC-TC zoning. The rationale for this was that lots ≥ 3 acres would continue to be held to more restrictive setback standards to maintain the wildlife permeability benefits achieved with the existing regulations rather than give up those standards for the less restrictive ones, which seemed to run counter to the direction to preserve and enhance wildlife permeability. Similarly, the proposed maximum site development closely follows the existing NC-TC site development allowances, and staff chose to retain two formulas rather than simplify to one formula, which would have allowed slight increases in site development for lots greater than 3 acres.

The attached NC-TC vs. NR-1 LDR Review Checklist compares the standards and regulations of the existing Neighborhood Conservation (NC-TC) zone to the proposed Neighborhood Residential-1 (NR-1). The most notable differences are discussed below:

- **Maximum Site Development and Maximum Floor Area.** Consistent with Comprehensive Plan goals and Purpose and Intent of the LDRs, the proposed NR-1 zoning uses Gross Site Area, i.e., the gross size of a lot, to calculate both Maximum Site Development and Maximum Floor Area. This shift is consistent with the County's other Character Zones, which seek to ensure that calculation of development allowances is clear for property owners and neighbors to enhance predictability and clarity. This shift in method of calculation also allows some flexibility for properties which are encumbered by right-of-way easements, bodies of water, slopes, or previously committed open space. Encumbrance of lots with road easements is a common feature in this subarea where multiple residential access roads extend from Highway 390 into the neighborhood. The NR-1 zone does not change the NC-TC zone's maximum site development and maximum floor area allowances for residential properties where these conditions are not applicable.
- **Allowed Uses.** Outdoor Recreation is not an allowed use in the NR-1 zone. Outdoor Recreation uses are not appropriate for residential neighborhoods with relatively small lot sizes and are more appropriate for rural areas of the County where Outdoor Recreation uses can help landowners maintain the viability of open space on properties with large amounts of acreage (over 35 acres for example). The NR-1 zone also allows Accessory Residential Units (ARUs) that are accessory to nonresidential primary uses. ARUs are not allowed for nonresidential uses in the NC-TC zone. Because the NR-1 zone is proposed to be applied to some nonresidential properties with BC-TC zoning, which allows ARUs for these uses, staff chose to include that allowance in the NR-1 zone.
- **Land Division.** The NR-1 zone sets a clear and predictable standard of 3-acre minimum lot size for land division. This is a shift from the NC-TC regulation, which references the 1978 Land Use Map to determine minimum lot size, but the shift does not constitute a significant change in potential development or density in the subarea. For more discussion of Land Division, see Key Issue #4.

KEY ISSUE 3: How does the proposed amendment impact Business Conservation (BC-TC) zoned properties?

The Comprehensive Plan's Illustration of Our Vision Chapter describes the following direction for nonresidential uses in Subarea 12.2: "*Non-residential development should be directed into the Aspens/Pine Commercial Core (Subarea 12.1) to the extent possible.*" Zoning cannot direct a use to move to a different location or force a property owner to close and reestablish across the road. Nor is it staff's intention to impair the operations of lawfully established private businesses in operation. The Business Conservation-zoned properties in the subject area generally have active commercial uses that are not allowed under the proposed NR-1 zoning, including Office, Light Industrial, Retail & Restaurant. Under the proposed zoning map amendment, these uses would become nonconforming. Once these uses become nonconforming, they are subject to the nonconformity standards of the Land Development Regulations, Division 1.9, which are intended to allow these uses to continue until they are discontinued but not to allow them to expand significantly. If those nonconforming uses are discontinued, they would not be permitted to reestablish under the nonconformity standards. The nonconformity standards do allow for a nonconforming use to change to a different nonconforming use of lesser intensity through a Conditional Use Permit application.

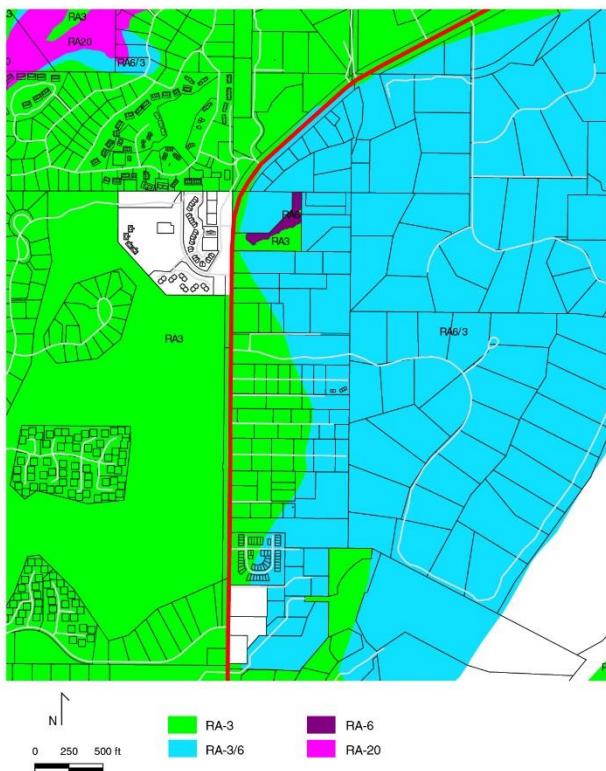
The current Business Conservation zoning standards (BC-TC) are similar to the nonconformity standards in that they are intended to recognize existing development but place limits on its expansion. In fact, the BC-TC zone appears to have been developed as an alternative to nonconformity. The stated intent of the BC-TC zone is to "*provide for the continuation of existing commercial development where the expansion of nonresidential use into a commercial node is considered inappropriate. The BC-TC zone recognizes existing business uses as conforming but requires a Conditional Use Permit for any change to another nonresidential use.*" Both the nonconformity standards and the BC-TC standards allow for expansion of up to 20%, but the limits on the expansion differ between the two standards. The difference in impact between the nonconformity standards and the Business Conservation standards on each nonresidential property depends on the specifics of each property, but the nonconformity standards are, in general, stricter than the BC-TC allowances. Possibly the most significant difference between the nonconformity standards and the existing BC-TC standards is that nonresidential uses that presently exist in the subarea, if eventually discontinued, would not be permitted to reestablish in the future under the nonconformity standards. Like the nonconformity standards, the existing BC-TC zone requires that to change to a new, allowed nonresidential use the property owner must obtain a Conditional Use Permit; under the Conditional Use Permit review process, one of the required findings is that the proposed use is compatible with the desired future character of the area.

The proposed NR-1 zone would allow for Accessory Residential Units that are accessory to nonresidential uses. ARUs accessory to nonresidential uses are allowed under the current BC-TC zoning. The inclusion of this standard in the NR-1 zone, a zone which in general does not allow nonresidential uses, was intended to allow nonresidential uses that may become nonconforming through rezoning to maintain the allowance to develop ARU(s).

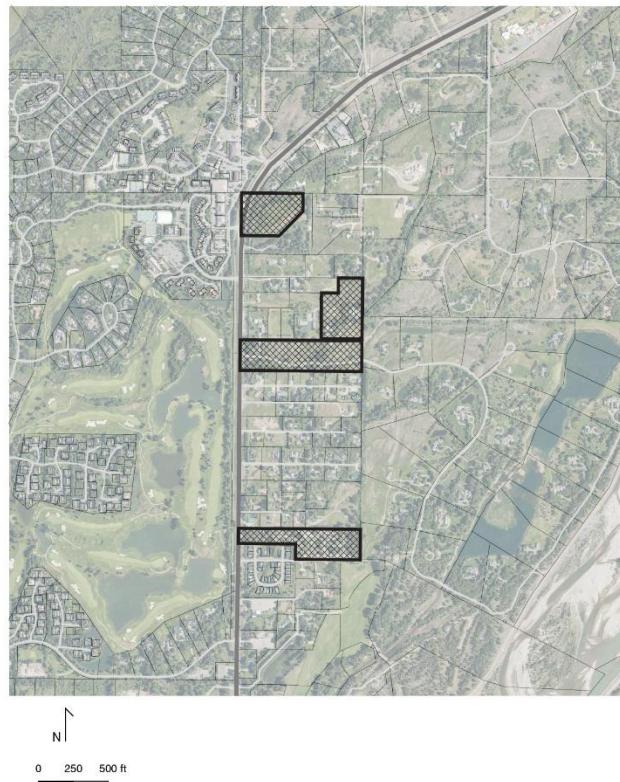
One significant challenge in the approach developed by staff to allow these properties to become nonconforming in use is that, in many cases, the physical development (e.g. structure size and shape, site development etc.) on the property is closely related to the current or recent nonresidential use. If the nonresidential uses on these properties were discontinued, most would likely need to be demolished and redeveloped to construct conforming single-family residential homes because the physical development on these properties is incompatible with residential uses. For example, it may be difficult to convert a restaurant to a residence, due to the layout and design of the building.

The attached BC-TC vs. NR-1 LDR Checklist compares the standards and regulations of the existing Business Conservation (BC-TC) zone to the proposed Neighborhood Residential-1 (NR-1).

KEY ISSUE 4: Land Division and Changes to Overall Growth Potential in Area



Existing Land Use Map Showing RA Zones in Vicinity of Rezone



Properties subject to NR-1 rezone that are larger than 6 acres and would be eligible to subdivide.

Minimum lot size required for land division in the NC-TC zone is currently determined by the 1978 Land Use Map found on the [Teton County online GIS](#). The NC-TC zone is the only zone in the LDRs that still references this map to determine land division regulations. The 1978 Land Use Map established rules for minimum lot size for land division based on slopes and ground water, classified with "RA Zones" ranging from a minimum lot size of 3 acres to a minimum lot size of 20 acres. Subarea 12.2 consists of RA-3 and RA-6/3. RA-3 requires a 3-acre minimum lot size. RA-6/3 requires a professional groundwater measurement to determine the depth of the groundwater on the property. If groundwater is within 3' of the surface, minimum lot size is 6 acres; if it is deeper than 3', minimum lot size is 3 acres. The BC-TC zone has a minimum lot size for land division of 4 acres.

Staff determined that a 3-acre minimum lot size, as proposed in the NR-1 zone, for land division is appropriate for this location, following the direction of the Comprehensive Plan for the subarea and considering the goals of protecting water quality, maintaining wildlife permeability, and limiting additional traffic impacts in the area. While the area is in the vicinity of the Wilson Sewer District and the Aspens Sewer District, many properties in the area are on individual septic systems and connection of any future lots to sewers cannot be guaranteed. The LDRs require that owners of new land divisions and development located within 500' of a public sewer attempt to connect to the sewer. With groundwater quality a concern in the County, a 3-acre minimum lot size limits potential increase in septic facilities in the area. Research and discussions with Wyoming Game & Fish Department indicated that larger lot sizes and limiting density are also key elements in supporting wildlife permeability.

Under the proposed NR-1 zoning, with a minimum lot size of 3 acres, only four of the subject properties would be eligible to divide because they are over 6 acres. Among those four, one is the 10-acre parcel owned by the Tucker Ranch Homeowners Association, which is unlikely to be developed, and one is the 7.69-acre Fireside Resort property located at 2780 N Moose Wilson Road, which is already connected to a sewer line. The shift in land

division regulations from NC-TC to NR-1 should simplify an onerous and unpredictable standard and will not result in significant changes in the overall growth and land division potential in the subarea.

KEY ISSUE 5: The Complete Neighborhood Planned Residential Development (CN-PRD)

Since release of the draft zone language on February 17, 2021, staff has received public comment and departmental review comments regarding including the Complete Neighborhood Planned Residential Development (CN-PRD) tool as an allowed development option in the NR-1 zone. Inclusion of the CN-PRD would allow properties zoned NR-1 to be potential receiving areas, called Complete Neighborhood development areas, for the added development allowance provided by the tool. The CN-PRD was developed during the updates to the rural LDRs in 2015-2016 as a tool to facilitate the permanent preservation of open space in rural areas of the county in exchange for increased development allowances in complete neighborhood areas identified as appropriate for growth.¹ The CN-PRD tool utilizes a transfer of development rights to redirect growth out of rural areas and into complete neighborhood areas, a principle which is at the core of the 2012 Comprehensive Plan.

The CN-PRD standards state that the complete neighborhood development area, or the receiving area, will be in a location identified in the Comprehensive Plan as a Stable or Transitional subarea. However, a site or property is not eligible to receive the additional development unless it is explicitly zoned to allow the CN-PRD as a development option. Presently only the R-1, R-2, R-TC and S-TC zones allow the CN-PRD development option, zones which are not present in the rezoning subject area (except for the Fireside Resort property, which is partially zoned R-TC). No Complete Neighborhood zones currently allow the CN-PRD, although some properties within stable and transitional subareas of complete neighborhoods are presently zoned R-TC and S-TC.

Staff opted to not include the CN-PRD tool as a development option in the NR-1 zone at this time. The Comprehensive Plan includes a strategy, 3.1.S.6., to review and evaluate how to encourage the use of the CN-PRD and other tools for transferring development potential from Preservation and Conservation subareas to Complete Neighborhood subareas. Staff believes that this evaluation should be considered as a separate project that looks at County zoning comprehensively and should be addressed in conjunction with or following the development of the remaining Complete Neighborhood Character Zones in the County.

KEY ISSUE 6: March 9th Draft Zoning Map and the Millward Redevelopment

On February 17, 2021, staff released an initial proposed zoning map for Subarea 12.2 to rezone properties in the area to NR-1. Staff used the following logic to determine the subject properties of the initial proposal:

- Staff identified the general area for the rezoning, utilizing the Character District and Subarea maps hosted on the [Teton County GIS](#) and represented in the Comprehensive Plan
- Staff excluded all properties that had already been rezoned in 2016 to Character Zones to implement the Comprehensive Plan. Some properties on the periphery of the subarea were zoned R-3 during this process.
- Staff left out properties in the Aspens, Aspens Commercial Area, and Teton Pines, as they are in Subareas 12.1 & 12.3. and will be addressed separately in the future.
- The proposed zoning was applied to follow property lines.
- Staff proposed to add NR-1 as the base zoning for the Millward Redevelopment PUD because it does not currently have a base zoning. It currently has PUD zoning. The proposed zoning was represented as PUD-NR-1.

On March 9, 2021, staff proposed a new draft of the zoning map, which leaves the Millward Redevelopment out of the proposed rezoning. This change is recommended because staff cannot at this time guarantee that the application of the NR-1 zone as a base zone will not have unintended impacts on the development rights of the 50 lots in the Millward Redevelopment. The Millward Redevelopment was created in 2003 using the Planned Unit

¹ See Teton County LDRs Section 7.1.6. for the Complete Neighborhood PRD Standards.

Development-Affordable Housing (PUD-AH) tool that existed in the County LDRs at the time. Generally, PUDs in the County are recognized as conforming by the LDRs and were created and are regulated under their own PUD standards.² PUDs often are recognized on the Zoning Map with PUD zoning and some underlying base zoning (e.g. PUD-NC), signaling that the property was developed as a Planned Unit Development and that specific PUD standards apply. Section 1.8.2.C. of the LDRs states that when a property is zoned PUD, “*the standards of the PUD shall apply except where the PUD is silent, in which case the standards of the underlying zoning shall apply.*”

The Millward Redevelopment currently has PUD zoning but does not have underlying zoning; it is labelled PUD-AH on the zoning map. The PUD-AH tool which was used to create the Millward Redevelopment is no longer in the LDRs, however, the PUD-AH tool was designed to require the establishment of Rules and Regulations that control dimensional and development standards for each individual project. In this way, the PUD-AH should be fully regulated and controlled by the Rules and Regulations created with project approval. Therefore, staff’s intention with the initial zoning map proposal was to simply establish an underlying zone for the Millward Redevelopment, under the belief that the Rules and Regulations would fully account for and regulate all development allowances. However, upon further consideration, staff believes that applying the NR-1 zone, a single-family residential zone, to a denser affordable housing development could produce unintended consequences for property owners within the Millward Redevelopment if the Rule and Regulations are determined to be silent on something in the future. To prevent this, staff is instead recommending that, for now, the Millward Redevelopment remain zoned PUD without underlying zoning. Staff will revisit applying underlying zoning for the Millward Redevelopment as they work through developing Character Zones or LDR updates for the remaining County Complete Neighborhood Districts, some of which also include PUDs.

PLANNING COMMISSION ANALYSIS

The Planning Commission held a public hearing on March 22, 2021 to discuss the LDR text amendment and Zoning Map proposals. All five Planning Commissioners were present. Following the staff presentation, commissioners expressed concern about the impacts of nonconformity on the Business Conservation-zoned properties. Commissioner Muromcew noted that he didn’t think a “one size fits all” zoning approach to the area was appropriate and that the easiest solution would be to exclude the business uses from the rezone. Chair Mateosky asked about the other BC-TC-zoned properties in the County and whether it would make sense to address them all at once. Staff responded that BC-TC properties were left out of the Rural Rezone and so they do have to be revisited in the future if the County wants to move on from Legacy Zones. Staff noted that the desired future character in each subarea may differ, but that an alternative approach could be to consider all the BC-TC zoned properties as a separate project.

Commissioner Lurie asked Deputy County Attorney Gingery for input on possibility of takings claims. Mr. Gingery described the process in the LDRs for property owners to make a claim and determine if there is a taking, called the Beneficial Use Determination.

Commissioner Muromcew asked what can be done through the LDRs to address water quality. Staff noted that minimum lot size for land division was the main way that this proposed zoning would address water quality, specifically by limiting the number of potential new future septic systems in the area. Staff also stated that major changes to the LDRs addressing water quality were not part of this NR-1 zone or zoning map amendment. Mr. Gingery described how connection to a sewer district can be cost-prohibitive for some homeowners and that many lots in the area are not connected to sewer.

Commissioner Lurie asked if there was any way to offset costs to connect to sewer districts, including cost sharing. Noting that wildlife permeability is a character defining feature of Subarea 12.2, Commissioner Lurie also expressed concerns about the dissolution of the Natural Resources Technical Advisory Board and adopting the amendment without knowing how natural resources and wildlife would be addressed through future strategies.

² See Teton County LDRs Section 1.8.2.C. for more information on how the LDRs recognize PUDs.

Ryan Hostetter, Principal Long-Range Planner, stated that she was working on Natural Resources LDR updates, beginning with fences and wildlife feeding.

Commissioner Muromcew asked how the proposed zoning would impact existing multi-family residential uses. Staff explained that multi-family residential is not currently allowed in the Neighborhood Conservation zone and any properties with multi-family use in the NC zone are already nonconforming and would continue to be under the NR-1 zone.

The commissioners expressed support for the new zone but a preference to remove the BC-TC-zoned properties from the zoning map amendment.

The Planning Commission voted 4-0 to recommend AMD2020-0004 for approval as proposed, with Commissioner Lurie abstaining.

The Planning Commission voted 4-0, with Commissioner Lurie abstaining, to recommend approval of ZMA2020-0003 with the following condition:

1. *Remove all BC-TC-zoned properties from the proposed zoning map amendment.*

STAKEHOLDER ANALYSIS

DEPARTMENTAL REVIEWS

A draft of the proposed NR-1 zone and Zoning Map Amendment was sent to the following departments for review. All reviews received from other departments and advisory agencies are attached.

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

PUBLIC COMMENT

Notice of this hearing was mailed to property owners within the rezoning area and to property owners within 800 feet of the subject parcels and within 1,300 feet of the partially R-TC-zoned parcel. Planning staff hosted a neighborhood meeting to describe the project on August 12, 2020 and an additional informational meeting on February 25, 2021 to introduce the proposal. All written public comments received as of the publishing of this report are attached.

LEGAL REVIEW

Gingery

RECOMMENDATIONS

PLANNING DIRECTOR RECOMMENDATION

The Planning Director recommends **APPROVAL** of **AMD2020-0004**, as presented in the draft dated February 17, 2021 based on the findings recommended below.

PLANNING COMMISSION RECOMMENDATION

At its March 22, 2021 meeting, the Planning Commission voted 4-0 to recommend **APPROVAL** of **AMD2020-0004**, as presented in the draft dated February 17, 2021, to establish the Neighborhood Residential-1 (NR-1) zone in

Section 2.2.1 of the LDRs, being able to make the findings of LDR Section 8.7.1. as recommended by the Planning Director.

PLANNING DIRECTOR AND PLANNING COMMISSION RECOMMENDED FINDINGS

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

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

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

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

1.3.2. Implement the Common Values of Community Character

A. Ecosystem Stewardship

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

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

B. Growth Management

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

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

C. Quality of Life

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

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

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

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

1.3.3. Implement the Illustration of Our Vision

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

B. Implement the policy objectives for each Character District.

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

1.3.4. Predictable Regulations, Incentives, and Allowances

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

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

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

1.3.5. Coordination Between Jurisdictions

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

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

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

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

Can Be Made. The NR-1 zone is the first Complete Neighborhood Character Zone developed for the County LDRs. The zone was developed to implement the Illustration of Our Vision chapter's desired future character for in the Aspens/Pines Complete Neighborhood and to maintain and enhance the character-defining features specifically of Subarea 12.2. The zone is also designed to enhance predictability in the application of standards to ensure clear expectations for landowners and the general public.

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

Can be Made. The NR-1 zone follows the approach established by the Rural Character Zones to simplify standards for clarity and predictability. This includes switching from using Base Site Area and Adjusted Site Area to Gross Site Area in the calculation of Maximum Floor Area and Maximum Site Development. The addition of this Complete Neighborhood Character Zone to the LDRs is the first step toward eliminating the remaining Legacy Zones in the LDRs and improving overall consistency of the zones.

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

Can Be Made. The enhancements to the calculations of Maximum Site Development and Maximum Floor Area in the NR-1 zone provide flexibility for landowners whose properties may be encumbered by easements or water. These enhancements also more clearly define how much development is allowed on a property by making it easy to calculate and by removing distinctions between properties with equal gross lot sizes. The clear standard of a 3-acre minimum lot size also more clearly defines the desired character in the zone.

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

Not applicable.

5. Improves implementation of the Comprehensive Plan; and

Can Be Made. The NR-1 zone is a Complete Neighborhood Character Zone designed to implement the Comprehensive Plan goals and vision. In addition to enhancing clarity and predictability of the zoning standards, the NR-1 zone is based on achieving the character defining features of the stable Subarea 12.2. The NR-1 zone may also be applied to other areas in the County in the future.

6. Is consistent with the other adopted County Resolutions.

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

PLANNING DIRECTOR RECOMMENDATION

The Planning Director recommends **APPROVAL** of **ZMA2020-0003** based on the findings recommended below.

PLANNING COMMISSION RECOMMENDATION

At its March 22, 2021 meeting, the Planning Commission voted 4-0 to recommend **APPROVAL** of **ZMA2020-0003**, as presented in the draft zoning map dated March 9, 2021 to rezone the subject properties to Neighborhood Residential-1, being able to make the findings of LDR Section 8.7.2 as recommended by the Planning Director, with the following condition:

1. Remove all BC-TC-zoned properties from the proposed zoning map amendment.

PLANNING DIRECTOR & PLANNING COMMISSION RECOMMENDED FINDINGS

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

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

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

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

1.3.2. Implement the Common Values of Community Character

A. Ecosystem Stewardship

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

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

B. Growth Management

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

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

C. Quality of Life

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

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

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

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

1.3.3. Implement the Illustration of Our Vision

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

B. Implement the policy objectives for each Character District.

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

1.3.4. Predictable Regulations, Incentives, and Allowances

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

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

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

1.3.5. Coordination Between Jurisdictions

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

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

Div. 1.4. Organization of the LDRs: *These LDRs constitute the County's zoning and subdivision regulations. They have two organizing principles. Primarily, they are organized by zone in order to implement and emphasize the*

community's character-based planning approach. Secondarily, to provide ease of use, they are organized to answer three questions:

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

Can Be Made. The purpose of the Land Development Regulations is to implement the Jackson/Teton County Comprehensive Plan. This zoning map amendment is intended to apply the new Neighborhood Residential-1 zone to properties in Subarea 12.2 which currently are zoned NC-TC, BC-TC, and R-TC, Legacy Zones that predate the 2012 Comprehensive Plan. The NR-1 zone was developed and is proposed to be applied to the subject properties to implement the goals and vision described for the area in the Jackson/Teton Comprehensive Plan. The application of the NR-1 zone and other new Character Zones throughout the County will eventually replace and remove the 1994 Legacy Zones, adding clarity and predictability for property owners and residents, ensuring that landowners, the public and decisionmakers know the amount, location, and type of growth to expect.

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

Can Be Made. As discussed in Key Issue #1, application of the NR-1 zone to the subject properties improves implementation of the desired future character for Subarea 12.2. The NR-1 zone recognizes the Subarea as Stable and maintains and establishes clear standards to ensure the preservation of wildlife permeability and a Conservation and Residential development pattern.

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

Not applicable. This zoning map amendment is proposed to implement the direction and vision established in the 2012 Jackson/Teton County Comprehensive Plan and affirmed during the 2020 Comprehensive Plan Update. The proposal replaces the 1994 Legacy Zoning in Subarea 12.2 with new Character Zoning that was developed based on the current Comprehensive Plan.

4. Is consistent with the other adopted County Resolutions.

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

ATTACHMENTS

- Draft LDR Text Amendment, dated February 17, 2021
- Draft proposed Zoning Map, dated March 9, 2021
- NC-TC vs. NR-1 LDR Review Checklist
- BC-TC vs. NR-1 LDR Review Checklist
- Departmental Reviews
- Public Comment

SUGGESTED MOTIONS

LDR Text Amendment AMD2020-0004

I move to **APPROVE AMD2020-0004**, as presented in the draft dated February 17, 2021, to establish the Neighborhood Residential-1 (NR-1) zone in Section 2.2.1 of the LDRs, being able to make the findings of LDR Section 8.7.1. as recommended by the Planning Director and Planning Commission.

Zoning Map Amendment ZMA2020-0003

I move to **APPROVE ZMA2020-0003**, as presented in the draft zoning map dated March 9, 2021 to rezone the subject properties from Neighborhood Conservation, Business Conservation, and Rural to Neighborhood Residential-1, being able to make the findings of LDR Section 8.7.2 as recommended by the Planning Director and Planning Commission.

Optional Condition of Approval:

- 1. Remove all BC-TC-zoned properties from the proposed zoning map amendment.*

AMD2020-0004: February 17, 2021 Draft

Article 2. Complete Neighborhood Zones

Div. 2.1. All Complete Neighborhood Zones (1/1/15)	2-2
Div. 2.2. Complete Neighborhood Character Zones (1/1/15AMD2020-0004)	
2.2.1. Neighborhood Residential-1(NR-1)(AMD2020-0004)	2-4
Div. 2.3. Complete Neighborhood Legacy Zones	2-9
2.3.1. Auto Urban Commercial - County (AC-TC) Zone (1/4/21)	2-9
2.3.2. Auto Urban Residential - County (AR-TC) Zone (1/4/21)	2-18
2.3.3. Wilson Commercial (WC) Zone (1/4/21)	2-24
2.3.4. Office Professional - County (OP-TC) Zone (1/4/21)	2-35
2.3.5. Business Park - County (BP-TC) Zone (1/4/21)	2-41

Div. 2.1. All Complete Neighborhood Zones (1/1/15)

Complete neighborhood zones are intended to enhance the locations in the community that are most appropriate for use and development into the most desirable places to live, work, and play. There are 2 types of complete neighborhood zones:

1. Character zones, established in [Div. 2.2.](#), are character-based and established to implement the Comprehensive Plan;
2. Legacy zones, established in [Div. 2.3.](#), are carried forward from the previous LDRs, and it is the intent that they will be phased out over time as character zones are adopted and applied.

Div. 2.2. Complete Neighborhood Character Zones

[\(1/1/15AMD2020-0004\)](#)

[\[Reserved for future zones\]](#)

[Character zones, established in Div. 2.2, are character-based and established to implement the Comprehensive Plan.](#)

- A. [Neighborhood Residential-1 \(NR-1\)](#)



2.2.1. Neighborhood Residential-1(NR-1) (AMD2020-0004)

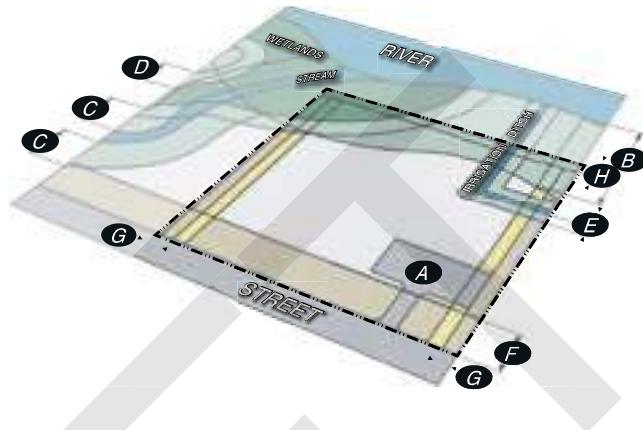
A. Intent

- Desired Future Character.** Future development and use that occurs in the Neighborhood Residential-1 (NR-1) zone should allow for the exercise of property rights in a way that allows for wildlife permeability and the preservation of open space to provide a predominance of landscape over built form. Detached single-family residential is the preferred use. This zone is intended for Stable neighborhoods where increased residential density is not intended.
- Existing Character.** The Neighborhood Residential-1 zone generally encompasses neighborhoods within Complete Neighborhood Districts with lots of 5 acres and less that are used for a single-family dwelling.
- Comprehensive Plan.** The Neighborhood Residential-1 zone is based primarily on the vision for conservation and residential subareas identified in the Illustration of Our Vision chapter of the Comprehensive Plan.

B. Physical Development

Standards applicable to physical development are provided in this subsection. Where a cross-reference is listed see the referenced division or section for additional standards. All standards in Article 5 are applicable unless stated otherwise.

1. Site Development Standards



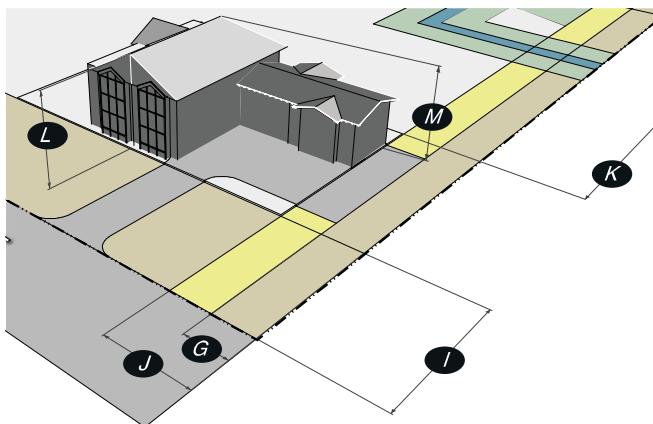
Site Development Amount

Site Development (max)

GSA < 3 ac	GSA(0.11) + 5,619 sf	A
GSA ≥ 3 ac	GSA(0.04) + 15,007 sf	
Not to exceed	0.4 SDR (9.4.6.E)	

Site Development Location

Wildlife Habitat	See NRO	(Sec. 5.2.1)
Scenic Viewsheds	See SRO	(Sec. 5.3.2.)
Waterbodies/Wetlands		(Sec. 5.1.1)
River Setback(min)	150'	B
Stream/Lake/Pond Setback(min)	50' - 150'	C
Wetland Setback (min)	30'	D
Irrigation Ditch		(7.7.4.D)
Irrigation Ditch Setback (min)	15'	E
Street Setback (min. except driveway across street yard)		F
GSA < 3 ac	12.5'	
GSA ≥ 3 ac	25'	
Side Setback (min)		G
GSA < 3 ac	5'	
GSA ≥ 3 ac	15'	
Rear Setback (min)		H
GSA < 3 ac	12.5'	
GSA ≥ 3 ac	20'	
Landscaping		(Div. 5.5.)
per 10,000 sf floor area	1 pu	
Parking lot	1 pu per 8 spaces	



2. Structure Standards

Structure Location

Street Setback (min)

<u>GSA < 3 ac</u>	25'	I
<u>GSA ≥ 3 ac</u>	50'	

Side Setback (min)

<u>GSA < 3 ac</u>	10'	J
<u>GSA ≥ 3 ac</u>	30'	K

Rear Setback (min)

<u>GSA < 3 ac</u>	25'
<u>GSA ≥ 3 ac</u>	40'

Eaves, canopies, decks, and other architectural projection that clear 9' above finish grade may extend 4' into a setback

Scale of Development

<u>Floor area</u>	
<u>Maximum</u>	<u>GSA(0.032) + 3,900 sf</u>
<u>Not to exceed</u>	<u>10,000 sf</u>

<u>Single building (max)</u>	<u>10,000 sf</u>
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Structure Height

<u>Height: Any point (max)</u>	<u>30'</u>	L
<u>Height: Overall (max)</u>	<u>37.5'</u>	M

Scenic Standards

<u>RE: Scenic viewsheds</u>	<u>See SRO</u>	<u>(Sec. 5.3.2.)</u>
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Fencing

<u>Wildlife Friendly Fencing</u>	<u>Required</u>	<u>(Sec. 5.1.2.)</u>
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Exterior Materials

<u>External surfaces</u>	<u>Non-reflective</u>
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<u>Colors</u>	<u>Earth tones</u>
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3. Environmental

<u>Wild animal feeding</u>	<u>(Sec. 5.1.3.)</u>
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<u>Bear proof trash</u>	<u>(Sec. 5.2.2.)</u>
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4. Exterior Lighting

<u>Light trespass is prohibited.</u>	
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<u>All lights over 600 initial lumens shall be fully shielded.</u>	
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<u>Lumens per sf of site development (max)</u>	<u>1.5</u>
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<u>Lumens per site (max)</u>	
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<u>All fixtures</u>	<u>60,000</u>
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<u>Unshielded fixtures</u>	<u>4,000</u>
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<u>Light Color</u>	<u>≤3000 Kelvin</u>
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5. Natural Hazards to Avoid

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

<u>Allowed Signs (max)</u>	<u>Area (max)</u>	<u>Height (max)</u>
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<u>1 rustic freestanding or wall sign</u>	<u>4 sf</u>	<u>4'</u>
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<u>1 wall sign per home occupation/home business</u>	<u>2 sf</u>	<u>n/a</u>
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7. Grading, Erosion, Stormwater

<u>Grading</u>	<u>(Sec. 5.7.2.)</u>
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<u>Erosion Control</u>	<u>(Sec. 5.7.3.)</u>
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<u>Erosion shall be controlled at all times</u>	
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<u>Stormwater Management</u>	<u>(Sec. 5.7.4.)</u>
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<u>No increase in peak flow rate or velocity across property lines</u>	
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8. Required Physical Development Permits

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

9. Infrastructure

Transportation Facilities

Access	Required
Right-of-way for a minor local road (min)	60'
Travel lane width for minor local road	10'
Road and driveway design	Also subject to Fire Protection Resolution

Required Utilities

Water (required)	Connection to public supply, installation of central supply, or evidence of individual well
Sewer (required)	0-500' from public sanitary sewer

Connect to public sanitary sewer

C. Use

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

1. Allowed Uses					2. Use Requirements	
Use	Permit	GSA (min)	Density (max)	Scale (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Open Space						
Agriculture (6.1.3.B.)	Y	n/a	n/a	n/a	n/a	exempt
Residential						
Detached Single-Family (6.1.4.B.)	Y	n/a	1/lot	8,000 sf habitable excluding basement	2/du	0.000017*sf + (Exp(-15.49 + 1.59*Ln(sf)))/2.176
Transportation/Infrastructure						
Utility Facility (6.1.10.C.)	C	n/a	n/a	n/a	1/employee + 1/ stored vehicle	0.000107*sf
Wireless Communications		see 6.1.10.D.			1/employee + 1/ stored vehicle	0.000107*sf
Accessory Uses						
Accessory Residential Unit (6.1.11.B., E.1.)	B	n/a	see 6.1.11.B. & E.1.		1.25/du	exempt
Home Occupation (6.1.11.D.)	B	n/a	1/du	25% of du sf	n/a	exempt

Y=Use allowed, no use permit required

B=Basic Use Permit (Sec. 8.4.1) C=Conditional Use Permit (Sec. 8.4.2.) S=Special Use Permit (Sec. 8.4.3.)

1. Allowed Uses					2. Use Requirements	
Use	Permit	GSA (min)	Density (max)	Scale (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Home Business (6.1.11.E.)	C	n/a	1/du	25% of habitable du sf	1/du	exempt
Family Home Daycare (6.1.11.F.)	B	n/a	1/du	care for 3-6 persons	1/employee + 1 off-street pick-up/drop-off	exempt
Home Daycare Center (6.1.11.G.)	C	n/a	n/a	care for 7-11 persons	1/employee + 2 off-street pick-up/drop-off	exempt
Temporary Uses						
Temporary Shelter (6.1.12.D.)	B	n/a	1/lot	n/a	2/du	exempt
Temp. Gravel Extraction (6.1.12.F.)	B	n/a	n/a	15 ac	1/employee	exempt
Special Event (6.1.12.G)	Y	n/a	n/a	3 events/year	n/a	exempt

Y=Use allowed, no use permit required

B=Basic Use Permit (Sec. 8.4.1) C=Conditional Use Permit (Sec. 8.4.2.) S=Special Use Permit (Sec. 8.4.3.)

3. Operational Standards	
Outside Storage	(Sec. 6.4.1.)
Refuse and Recycling	(Sec. 6.4.2.)
Trash and recycling enclosure required	
Noise	(Sec. 6.4.3.)
Max sound level at property line	55 DBA
Vibration	(Sec. 6.4.4.)
Electrical Disturbances	(Sec. 6.4.5.)
Fire and Explosive Hazards	(Sec. 6.4.6.)
Heat and Humidity	(Sec. 6.4.7.)
Radioactivity	(Sec. 6.4.8.)

D. Development Options and Subdivision

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

1. Allowed Development and Subdivision Options		
Option	Lot Size (min)	Strds.
Subdivision Options		
Land Division	3 ac	(7.2.3. & E.2.)
Development Options	none	

2. Residential Subdivision Requirements

Schools and Parks Exactions

(Div. 7.5.)

Exaction land (min)

0.03 acres per housing unit or lot

3. Infrastructure

Transportation Facilities

(Div. 7.6.)

Required Utilities

(Div. 7.7.)

4. Permits Required

<u>Physical Development</u>	<u>Planned Unit Development</u> (Sec. 8.7.3.)	<u>Sketch Plan</u> (Sec. 8.3.1.)	<u>Development Plan</u> (Sec. 8.3.2.)	<u>Development Option Plan</u> (Sec. 8.5.2.)	<u>Subdivision Plat</u> (Sec. 8.5.3.)
<u>Land Division</u>					
<u>≤ 10 lots</u>			X		X
<u>> 10 lots</u>	X		X		X

E. Additional Zone-specific Standards

The following standards apply in addition to all other standards applicable in the NR-1 zone.

1. Accessory Residential Unit (ARU)

a. Primary use residential

- i. Maximum Scale. An ARU accessory to a residential use shall not exceed 1,000 sf of gross floor area including basement floor area.
- ii. Density. A maximum of 1 ARU shall be permitted accessory to a detached single-family unit.

b. Primary use non-residential. An ARU accessory to a non-residential use shall not exceed 850 sf of gross floor area including basement floor area. The floor area of an ARU accessory to a non-residential use shall be exempt from FAR and maximum floor area calculations.

2. Subdivision

a. Double or Reverse Frontage. Double or reverse frontage lots or buildings shall be prohibited, except where necessary to limit vehicular access to arterial roads or highways; or to provide separation of development from through traffic; or to overcome specific disadvantages of topography or other natural features of the site.

Div. 4.4. Planned Unit Development Zones

4.4.1. All PUD Zones ([1/1/17AMD2020-0004](#))

A. Purpose

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

B. Applicability

The standards of this Section apply to:

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

C. Content of a PUD

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

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

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

D. Development of a PUD

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

E. Establishment of a New PUD

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

F. Amendment of an Existing PUD or Other Special Project

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

G. PUD Option Schedule

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

County Character Zones - PUD Options			
Complete Neighborhood Zones		Rural Area Zones	
n/a	NR-1	R-1	R-2
R-3			

No PUD options are allowed in the County

County Legacy Zones - PUD Options											
Complete Neighborhood Zones					Rural Area Zones					Civic Zones	
AC-TC	AR-TC	WC	OP-TC	BP-TC	BC-TC	MHP-TC	NC-TC	S-TC	R-TC	P/SP-TC	P-TC
No PUD options are allowed in the County											

Div. 5.2. Environmental Standards Applicable in Specific Areas

The purpose of this Division is to maintain healthy populations of native species by protecting crucial habitats and avoiding bear conflicts. Wildlife and natural resources are an essential component of the character of the community.

5.2.1. Natural Resources Overlay (NRO) Standards ([AMD2020-00041/4/21](#))

A. Purpose of the NRO

The purpose of the Natural Resources Overlay (NRO) is to provide protection to the most important and sensitive natural areas throughout the Town and County that provide critical winter habitat and migration routes that are essential for survival of the elk, mule deer, moose, and trumpeter swans; nesting habitat that is essential to the survival of the bald eagle and trumpeter swan; spawning areas that are essential to the survival of the cutthroat trout; and the natural resources and bio-diversity that support wildlife populations. This is done through the establishment of the NRO, which protects these areas through standards, mitigation, and habitat enhancement.

B. Establishment of the NRO

There is hereby established the Natural Resources Overlay (NRO), which, in areas where it applies, shall overlay all zones established by these LDRs.

1. **Included within the NRO.** Included within the NRO are:
 - a. the migration routes and crucial winter ranges of elk;
 - b. the migration routes and crucial winter ranges of mule deer;
 - c. the crucial winter habitat of moose;
 - d. the nesting areas and winter habitat of trumpeter swans;
 - e. the spawning areas of cutthroat trout; and
 - f. the nesting areas and crucial winter habitat of bald eagles.
2. **Map of the NRO / Site Specific Analysis Is Required.** The NRO shown on the Official Zoning Map identifies, on a general scale, the locations of those areas protected by the NRO. Its purpose is to place a landowner on notice that land may be within the NRO and to assist in the general administration of this Section. A site-specific analysis of whether land is included within the NRO is required pursuant to [Sec. 8.2.2](#).
3. **NRO Definitions.** The following definitions shall apply in the NRO.

- a. **Crucial Elk Migration Routes.** Crucial elk migration routes are the migration routes used by elk 8 out of every 10 years to migrate from summer ranges to winter ranges. Elk migration occurs over a few days or may span several weeks, depending upon the weather and other factors.
- b. **Crucial Elk Winter Range.** Crucial elk winter range generally consists of xeric and mesic sagebrush-grasslands, mixed shrub, mesic and xeric open grassland, and certain agricultural meadow types, that are used during winter months by elk 8 out of every 10 years. Crucial winter ranges are essential to the survival of these animals during the critical periods of winter. Elk find food and/or cover on these sites during the most inclement and difficult winter weather conditions because of their physiographic and vegetative characteristics.
- c. **Crucial Mule Deer Migration Routes.** Crucial mule deer migration routes are used by mule deer 8 out of every 10 years to migrate from summer ranges to winter ranges. Generally, mule deer migration routes remain constant over a general area, if there is no significant human disturbance. Although specific mule deer migration routes are less common than elk migration routes, a few very important routes have been identified as crucial to Teton County mule deer.
- d. **Crucial Mule Deer Winter Range.** Crucial mule deer winter range generally consists of xeric and mesic sagebrush-grasslands and mixed shrub types which are used during the crucial winter months by the mule deer 8 out of every 10 years. This crucial winter range is limited and occurs at low elevations where shrub scrub-grassland habitat types are located. Crucial winter range is essential to the survival of mule deer. Mule deer find food and/or cover on those sites during the most inclement and difficult winter weather conditions because of their physiographic and vegetative characteristics.
- e. **Crucial Moose Winter Habitat.** Crucial moose winter habitat includes primarily palustrine-shrub willow and cottonwood, palustrine-forested cottonwood, highly mesic forest-cottonwood, and cottonwood/spruce, upland forest-subalpine fir habitat types, and secondarily xeric and mesic sagebrush-grasslands and mixed shrub types. These habitat types are used by moose during winter 8 out of every 10 years. Crucial winter habitat is essential to the survival of the moose. Moose find food and/or cover in these areas during the most inclement and difficult weather conditions because of their physiographic and vegetative characteristics.
- f. **Trumpeter Swan Nest.** Trumpeter swan nest is a nest created by a trumpeter swan for the purpose of procreation and are generally found on islands or in extensive stands of emergent vegetation. The same nest site is often used repeatedly by a swan pair unless disturbance or other factors cause abandonment. A trumpeter swan nest is active when eggs have been laid in it or when a trumpeter swan is attempting to lay eggs in it. For the purposes of these LDRs, a known trumpeter swan nest shall be an active trumpeter swan nest. Important attributes of trumpeter swan nesting areas include: proximity to feeding areas which have early ice-off and provide sufficient food for pre-nesting swan pairs; proximity to suitable nest building

materials; availability and dispersion of feeding areas for cygnets 1-40 days old; and juxtaposition and interspersion of emergent vegetative cover relative to feeding areas (for concealment, escape, and as a buffer to human disturbance).

- g. **Trumpeter Swan Winter Habitat.** Trumpeter swan winter habitat generally consists of water areas of palustrine-aquatic bed and unconsolidated shore and bottoms, with soft, sub-surface substrates of greater than 2 inches in depth, winter water depths of less than 4.3 feet, watercourse channels of 50 feet or more, and banks with little or no shrubbery or tree cover and gradual slopes. These habitats attract trumpeter swans 8 out of every 10 years. Trumpeter swan winter habitat is essential to their survival during critical winter periods. Trumpeter swans find food and/or cover in these areas during the most inclement and difficult winter weather conditions due to their hydrologic and vegetative characteristics.
- h. **Cutthroat Trout Spawning Areas.** Cutthroat trout spawning areas generally occur in well-oxygenated waters within palustrine and upper perennial-unconsolidated shore and bottom habitat types. Preference is for cold, well-oxygenated, gravel-bottomed watercourses. Cutthroat trout build redds (gravel nests) to lay, incubate, and hatch their eggs in these areas. Redds are generally constructed in gravel substrate and range in size from 0.5 - 2.5 inches in diameter.
- i. **Bald Eagle Nesting Areas.** Bald eagle nesting areas generally occur in uneven-aged, multi-storied stands of trees with old-growth attributes, where there are trees suitable for perching. These stands of trees are often located near waterbodies and watercourses which provide foraging opportunities. Nests are generally in one of the largest trees in the stand and in most instances are located so that the bald eagle is provided an unobstructed view of the surrounding area. Bald eagles frequently construct alternate nests within a breeding territory and may use these for nesting during other years. In the Teton County area, bald eagles select nest sites which provide maximum foraging opportunity. Generally, bald eagles return annually to nest in the same area. This is the result of a unique combination of environmental factors that make a specific nesting habitat best suited for reproduction.
- j. **Bald Eagle Crucial Winter Habitat.** Bald eagle crucial winter habitat consists of the bald eagle nesting area, defined as the nest tree and its associated buffer and bald eagle perch and roost sites along the Snake River corridor.
- k. **Bald Eagle Nest.** A bald eagle nest is a nest created by a bald eagle for the purpose of procreation. A pair of bald eagles may have more than one nest within its nesting territory. There are three types of bald eagle nests. An occupied nest is one in which evidence (such as fresh nest material, droppings, feathers, or prey remains in or below the nest, or the birds themselves) indicates that a pair of eagles is present. An active nest is an occupied nest in which eggs have been laid or young eagles are present, indicating that the mated pair are actively attempting to produce young. An

inactive nest is one which occurs within the nesting territory but shows no evidence of occupation. For the purpose of these LDRs, a bald eagle nest is either an occupied nest, an active nest, or an inactive nest.

C. Findings for the NRO

1. **General.** Teton County is internationally known for the abundant wildlife that results from the County's location in the Greater Yellowstone Ecosystem and its proximity to Grand Teton National Park, Yellowstone National Park, and the Bridger-Teton National Forest. Although all wildlife species are important, premier species with significant biological, ecological, economic, educational and aesthetic values to Teton County include elk, mule deer, moose, bald eagles, trumpeter swans, and cutthroat trout. These species and their respective habitats must be protected in order to assure their continued survival in Teton County.
2. **Elk**
 - a. **General.** The elk, or "wapiti," is a large ungulate and a member of the deer family. Teton County supports one of the largest elk herds in North America (approximately 15,000 animals) and the presence of these animals attracts visitors from all over the world. A variety of consumptive and non-consumptive human activities center around the presence of elk in Teton County.
 - b. **Elk Migrate between Summer Range and Winter Range.** Elk are known as grazers and rely primarily on grasses and some shrubs for forage. Because of their diet and the climate in Teton County, elk are migratory animals, moving between summer ranges and winter habitat.
 - c. **Summer Range.** Elk summer ranges are extensive and occur primarily within the mountains around Teton County.
 - d. **Migration Required in Winter.** When heavy snow accumulation occurs in the mountains, food availability is reduced within the elk's summer range, and they are forced to migrate to low elevation winter range. Migration from summer ranges to winter ranges occur over a few days or may span several weeks, depending upon the weather.
 - e. **Migration Routes Essential to Survival.** Generally, elk migration routes remain spatially constant without human disturbance and those in Teton County that have not been significantly impacted by development or hunting pressures continue to be used by elk. These migration routes are essential to the elk's survival, because without them elk cannot migrate to their winter ranges.
 - f. **Crucial Winter Ranges Essential to Survival.** Elk winter range is classified as either crucial or non-crucial. Crucial elk winter ranges generally consist of xeric and mesic sagebrush-grasslands, mixed shrub, mesic and xeric open grassland, and certain agricultural meadow types that are used by the elk 8 out of every 10 years during winter months. Crucial winter ranges

are essential to the survival of these animals. During the most inclement and difficult winter weather conditions elk find food and/or cover on these sites because of their physiographic and vegetative characteristics.

- g. **National Elk Refuge State-Operated Feedgrounds Provide Some Crucial Winter Range.** A major portion of the Teton County elk herd winters on the National Elk Refuge (NER) and state-operated feedgrounds and these areas represent a portion of the crucial winter range available to elk. Because of the pressures the elk population is placing on these limited land areas, artificial feeding is necessary on all feedgrounds. Artificial feeding programs are not a perfect solution to providing crucial winter range to the elk; in fact, feedgrounds are believed to perpetuate the disease, brucellosis, which reduces the reproductive potential of this species.
- h. **Native Crucial Winter Ranges.** In addition to the NER and state-operated feedgrounds there are native crucial elk winter ranges in Teton County. These naturally occurring winter ranges are also vitally important in maintaining the elk population in Teton County.
- i. **Essential to Protect Crucial Winter Range.** In order to sustain elk populations at current levels, it is essential that all crucial elk winter ranges be maintained and protected; without their protection, elk could not survive the typically harsh winters common to Teton County.

3. Mule Deer

- a. **General.** The mule deer is another large ungulate species native to Teton County. Teton County supports a relatively small population of mule deer in comparison to elk, but these animals are particularly obvious during the winter and are enjoyed by many valley residents and visitors.
- b. **Mule Deer Migrate between Summer and Fall Habitat to Crucial Winter Range.** Mule deer are known as browsers, and rely on a variety of shrub and scrub trees for forage. Because of their diet, and the climate in Teton County and the Greater Yellowstone Ecosystem, mule deer are migratory animals, moving from summer and fall habitat to low elevation winter range. Mule deer winter ranges are classified as either crucial or non-crucial.
- c. **Summer Range.** Mule deer summer range is widely distributed throughout Teton County in both lowland and upland areas, but primarily occurs on public lands in the mountains which surround the valley.
- d. **Migration to Winter Range.** Heavy snow accumulation on summer ranges reduces food availability and forces mule deer to migrate to low elevation winter range. Non-crucial winter ranges are used first by mule deer until environmental conditions cause deer to move to crucial winter range.
- e. **Migration Routes Essential to Survival.** Although mule deer rely less on traditionally used migration routes than elk, they do use the same general route while moving to and from winter ranges and between crucial and non-crucial winter ranges. These "movement corridors," which allow

unencumbered access to both crucial and non-crucial winter range, are essential to the survival of Teton County mule deer and are classified as crucial migration routes.

- f. **Crucial Winter Range Essential to Survival.** Crucial mule deer winter range is limited and occurs at low elevations where shrub scrub-grassland habitat types are located. Crucial mule deer winter range generally consists of xeric and mesic sagebrush-grasslands and mixed shrub types that mule deer use during the crucial winter months 8 out of every 10 years. Crucial winter range is essential to the survival of these animals. Mule deer find food and/or cover on these sites during the most inclement and difficult winter weather conditions because of their physiographic and vegetative characteristics.
- g. **Location of Crucial Winter Range.** Primary crucial winter range for mule deer in Teton County is generally confined to five areas: (1) the Gros Ventre Buttes (East and West); (2) the west slopes along WY Highway 26, 89, 189 above and to the east of South Park; (3) the Hoback Canyon; (4) the Snake River Canyon; and (5) Miller Butte and the slopes east and west of the National Elk Refuge. In addition, some mule deer are known to irregularly winter within the Snake River riparian zone, depending on the severity of the winter and/or the availability of artificial foods intentionally or unintentionally provided by humans.
- h. **Essential to Protect Crucial Winter Range.** It is essential that crucial mule deer winter ranges be maintained and protected, because without it, mule deer could not survive the harsh, energy-demanding winters of Teton County.

4. Moose

- a. **General.** The shiras moose is an ungulate and the largest member of the deer family. Estimates suggest that the moose population in Teton County may number as many as 2,300 animals.
- b. **Widely Distributed in Teton County During Summer.** Moose are known as browsers and rely on a variety of woody plant species for forage. Since their arrival, the moose population has inhabited Teton County on a year-round basis. During summer months, moose are widely distributed in Teton County and exploit a wide range of habitat types found at both low and high elevations.
- c. **Winter Reduces Food Availability on High Elevation Summer Habitats.** As winter approaches, heavy snow accumulation in high elevation summer range severely reduces food availability, forcing nearly all moose to move to lower elevation winter range. During winter, the Teton County moose population is confined primarily to riparian areas within the valley, low elevation sub-alpine fir forests, and some shrub-land habitat types.

- d. **Crucial Winter Habitat Essential to Survival.** Moose winter habitat is classified as either crucial or non-crucial. The crucial winter habitat includes primarily palustrine-shrub willow and cottonwood, palustrine-forested cottonwood, highly mesic forest-cottonwood and cottonwood/spruce, upland forest-subalpine fir habitat types, and secondarily xeric and mesic sagebrush-grasslands and mixed shrub types. Moose use these crucial winter habitats 8 out of every 10 years during winter months and these habitats are essential to their survival. Moose find food and/or cover in these areas during the most inclement and difficult weather conditions because of their physiographic and vegetative characteristics.
- e. **Essential to Protect Crucial Winter Habitat.** In order to maintain the Teton County moose population at current levels, it is essential that crucial winter habitat be protected; without it, moose could not survive the harsh Teton County winters.

5. Trumpeter Swans

- a. **General.** The trumpeter swan is the largest species of waterfowl in the world. Its pure white coloration makes it a truly striking bird to observe whether in flight or on the water.
- b. **Species Close to Extinction in Early 1900's.** The historic commercial swan skin trade, sport hunting, and habitat loss nearly drove the trumpeter swan to extinction in the early 1900's. Although a few remnant populations persisted, including one in the Greater Yellowstone Ecosystem (of which Teton County is a part), the large-scale slaughter of these birds resulted in the disruption of traditional migration patterns.
- c. **Federal and State Recognition.** Due to their low reproductive potential and continued threats to nesting and winter habitat, trumpeter swans are a Threatened Species under the Federal Endangered Species Act. The Wyoming Game and Fish Department presently classifies trumpeter swans as a "Priority 1 non-game management species," a designation given to species which are vulnerable to extirpation or significant population declines in Wyoming. Recent estimates indicate that less than 10,000 trumpeter swans reside in North America.
- d. **Teton County Part of Largest Breeding Area in Contiguous U.S.** The Greater Yellowstone Ecosystem is home for the Tri-state subpopulation of trumpeter swans. It is the largest breeding area for trumpeter swans in the lower 48 states. Teton County is part of this Tri-state area (which includes Wyoming, Montana, and Idaho).
- e. **Present Population in Teton County.** The present trumpeter swan flock found wintering in the Teton County area totals approximately 215 birds.
- f. **Population Breeds and Winters in Teton County.** In spite of the harsh winter conditions, trumpeter swans which breed in Teton County also winter here, apparently because they have lost the knowledge of traditional migration routes to more hospitable wintering areas.

- g. **Viable Maintenance Requires Protection of Nesting Areas and Winter Habitat.** Protection of nesting areas and winter habitat is critical to the viable maintenance of the trumpeter swan population.
- h. **Breeding Territories in Teton County.** Thirty-one breeding territories have been identified in Teton County, but not all of these territories are used every year. In fact, the Teton County breeding pairs constitute the largest number of nesting pairs documented in the Greater Yellowstone Ecosystem since detailed records were first kept in 1981.
- i. **Nesting Area Most Critical to Breeding.** The most critical portion of the breeding territory to the trumpeter swan is the nesting area.
- j. **Nesting Areas.** Generally, trumpeter swans build their nests on islands or in extensive stands of emergent vegetation. The same nest site is often used repeatedly by a swan pair unless disturbance or other factors cause abandonment. Important attributes of trumpeter swan nesting areas include: proximity to feeding areas which have early ice-off and provide sufficient food for pre-nesting swan pairs; proximity to suitable nest building materials; availability and dispersion of feeding areas for cygnets 1-40 days old; and juxtaposition and interspersion of emergent vegetative cover relative to feeding areas (for concealment, escape, and as a buffer to human disturbance).
- k. **Essential to Protect Nest Areas.** For the viable maintenance of the trumpeter swan population, it is essential that the trumpeter swan nesting areas be protected, because without its maintenance the trumpeter swan would not be able to procreate and survive.
- l. **Winter Swan Habitat.** Because the trumpeter swan does not migrate from Teton County during winter, as waterfowl normally do, maintenance of its winter habitat is also crucial to its survival. Trumpeter swans, like other waterfowl species, require rooted aquatic vegetation for food. This vegetation grows in soft sediment along shallow stream and creek bottoms and in shallow ponds and lakes. During winter, not all aquatic features are available to trumpeter swans due to surface freezing. This limits the amount of winter habitat available to trumpeter swans. This, in combination with competition for food with other swans and waterfowl species, makes winter a very critical time for trumpeter swans.
- m. **Trumpeter Swan Winter Habitat.** Trumpeter swan winter habitat generally consists of water areas of palustrine-aquatic bed and unconsolidated shore and bottoms, with soft, sub-surface substrates of greater than 2 inches in depth, winter water depths of less than 4.3 feet, watercourse channels of 50 feet or more, banks with little or no shrubbery or tree cover and gradual slopes, which trumpeter swans use during the crucial winter months 8 out of every 10 years. Trumpeter swan winter habitat is essential to the survival of the animal during the critical periods of winter because the swan finds

food and/ or cover in these areas during the most inclement and difficult winter weather conditions due to the habitat their hydrologic and vegetative characteristics.

- n. **Essential to Protect Trumpeter Swan Winter Habitat.** For the viable maintenance of the trumpeter swan population, it is essential that the trumpeter swan winter habitat be maintained and protected, because without its maintenance the trumpeter swan would not survive the critical periods of winter.

6. Cutthroat Trout

- a. **General.** The Snake River fine-spotted cutthroat trout (hereinafter “cutthroat trout”) is indigenous to Teton County. It only inhabits the upper reaches of the Snake River in Wyoming and extreme eastern Idaho, Jackson Lake, and the Palisades Reservoir.
- b. **Economic Importance.** The cutthroat trout is a sport fish which attracts many fishermen to Teton County. Without a healthy cutthroat trout population, the County would lose significant tourist dollars.
- c. **Development Has Affected Trout.** In earlier times, it was relatively easy to maintain a strong and viable population of cutthroat trout because suitable spawning and nursery habitat could be found in most of the valley's spring-creeks. Today, however, this is not the case because of the construction and maintenance of flood control levees along the Snake River, and concomitant water quality impacts caused by ranching, irrigation, and other agricultural practices have degraded this spawning habitat.
- d. **Cutthroat Trout Spawning Area Limited.** Today, cutthroat trout spawning in Teton County is confined to small sections of a few spring-fed creeks flowing into the Snake River.
- e. **Cutthroat Trout Spawning Areas.** The cutthroat trout spawning sites generally fall within areas of palustrine-unconsolidated shore and bottoms and upper perennial-unconsolidated shore and bottoms. Preference is for cold, well-oxygenated, gravel-bottomed watercourses. In these areas, cutthroat trout build redds (gravel nests) to lay, incubate, and hatch their eggs. Redds are generally constructed in gravel substrate which ranges in size from 0.5 - 2.5 inches in diameter.
- f. **Spawning, Hatching, and Nursery.** Cutthroat trout typically enter spring-creeks between March and April with the spawning occurring between March and June, depending upon the location. Fry emerge throughout late spring and early summer, and reside in the creeks throughout their first year.

g. **Essential Spawning Area Be Protected.** It is critical that these spawning areas be protected in order to maintain a viable population of cutthroat trout.

7. **Bald Eagle**

a. **General.** The bald eagle is part of a group of “fish eagles” distributed throughout the world. The contrasting black, white, and yellow coloration of this raptor is visually striking. An Act of Congress in 1782 officially adopted the bald eagle as the symbol of the United States, representing freedom, strength, and beauty. Although individual eagles are truly powerful and impressive birds, the species as a whole is very sensitive and susceptible to disturbance.

b. **Federal Recognition.** Once listed as a federally endangered species, bald eagle populations have rebounded from the brink of extinction. Although populations have steadied, the federal government continues to protect the bald eagle under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act.

c. **Bald Eagle Population in GYE Is One of Most Important.** The bald eagle population residing in the Greater Yellowstone Ecosystem (of which Teton County is a part) is one of the most important bald eagle breeding populations in the United States.

d. **Survival of Bald Eagles.** The survival of bald eagles depends, in part, on the availability of suitable habitat, the abundance of food, and reproductive success (which is closely linked to the availability of forage and the lack of disturbance).

e. **Important to Protect Bald Eagle Nesting Areas.** Because bald eagles are sensitive to human development and activity, especially during time of breeding and nesting, it is essential to protect bald eagle nesting areas to ensure the animal’s survival.

f. **Bald Eagle Nest Area.** Generally, bald eagle nesting areas occur in uneven-aged, multi-storied stands of trees with old-growth attributes, where there are trees suitable for perching. These stands of trees are generally located near watercourses and waterbodies which provide foraging opportunities. Nests are generally in one of the largest trees in a given stand and, in most instances, are located so that the bird is provided an unobstructed view of the surrounding area. Bald eagles frequently construct alternate nests within a breeding territory and may use these for nesting during other years. In the Teton County area, bald eagles select nest sites which provide maximum foraging opportunity. Generally, bald eagles return annually to nest in the same area. This is the result of a unique combination of environmental factors that make a specific nest area best suited for reproduction.

g. **Crucial Nesting Habitat Essential to Survival.** The Snake River floodplain between Moose and Palisades Reservoir and its associated riparian zone represents crucial nesting habitat for the bald eagle. It is crucial to the survival of bald eagles in Teton County that this habitat be protected from

the impacts of development. The loss of this habitat would profoundly impact and detrimentally modify the behavior patterns of bald eagles, including their feeding, breeding, and reproductive capabilities.

- h. **Spring, Summer, and Fall Habitat Occurs in Riparian Areas.** During spring, summer, and fall, bald eagles forage primarily in riparian areas for fish, waterfowl, and other prey items.
- i. **Winter Habitat Is Important.** During winter, heavy snow accumulation and freezing water surfaces reduces the availability of spring, summer, and fall habitat. At these times, bald eagles forage on wild ungulate and livestock carrion, supplemented by fish and waterfowl carcasses. Ungulate carrion is readily available but sparsely distributed on ungulate winter ranges, meaning that in addition to its nesting habitat, the crucial ungulate winter ranges also become critical to the bald eagle's survival.
- j. **Additional Crucial Winter Habitat Essential to Survival.** It is vital that bald eagle crucial winter habitat be protected to ensure the survival of this species in Teton County.

D. Applicability of NRO Standards

In addition to all other standards required by these LDRs, all physical development, use, development options and subdivision within the NRO shall comply with all standards of this Section, unless exempted below. Demonstration of compliance with the standards of this Section shall come from a qualified professional, even if an EA is exempt.

- 1. **Alterations and Additions.** Structural alterations and additions to existing structures shall be exempt from the standards of this Section.
- 2. **NC-TC Zoned Lands.** All physical development, use, and development options, except new subdivisions, habitat ponds, and berms, within the NC-TC zone, or within the NR-1, R-1, R-2 or R-3 zones on land zoned NC-TC on March 31, 2016, shall be exempt from the standards of this Section, except that G.4., G.6., and Sec. 5.1.2. shall apply.
- 3. **Agricultural Operations.** Agricultural operations and uses meeting the standards for exemption outlined in Section 6.1.3.B. shall be exempt from the standards of this Section.
- 4. **Land in Conservation Easement.** Land protected by a conservation easement where proposed development density is equal to or less than one house per 70 acres and the total acreage subject to the easement is 320 acres or more, shall be exempt from the standards of this Section, except that G.4. and G.6. shall apply.

E. Impacting the NRO

The base site area shall not be reduced because a portion of the lot of record is in the NRO. When conflicts exist between the NRO and SRO, the standards of this Section shall have priority and be achieved to the maximum extent practicable. The

Div. 5.3. Scenic Standards

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

Scenic resources, natural landforms, and dark skies are vital to the community's natural character. Mountains, moraines, meadows, and other natural viewsheds provide residents and guests with a constant reminder of their location within the Greater Yellowstone Ecosystem. Interruption of these natural forms by the built environment detracts from Teton County's scenic character and should be avoided.

5.3.1. Exterior Lighting Standards (1/1/17AMD2020-0004)

The purpose of this Section is to allow necessary and reasonable lighting of public and private property for the safety, security, and convenience of occupants and the general public, while eliminating or reducing the nuisance and hazards of light pollution, including, but not limited to: glare, light trespass, sky glow, energy waste, and negative impacts on the nocturnal environment.

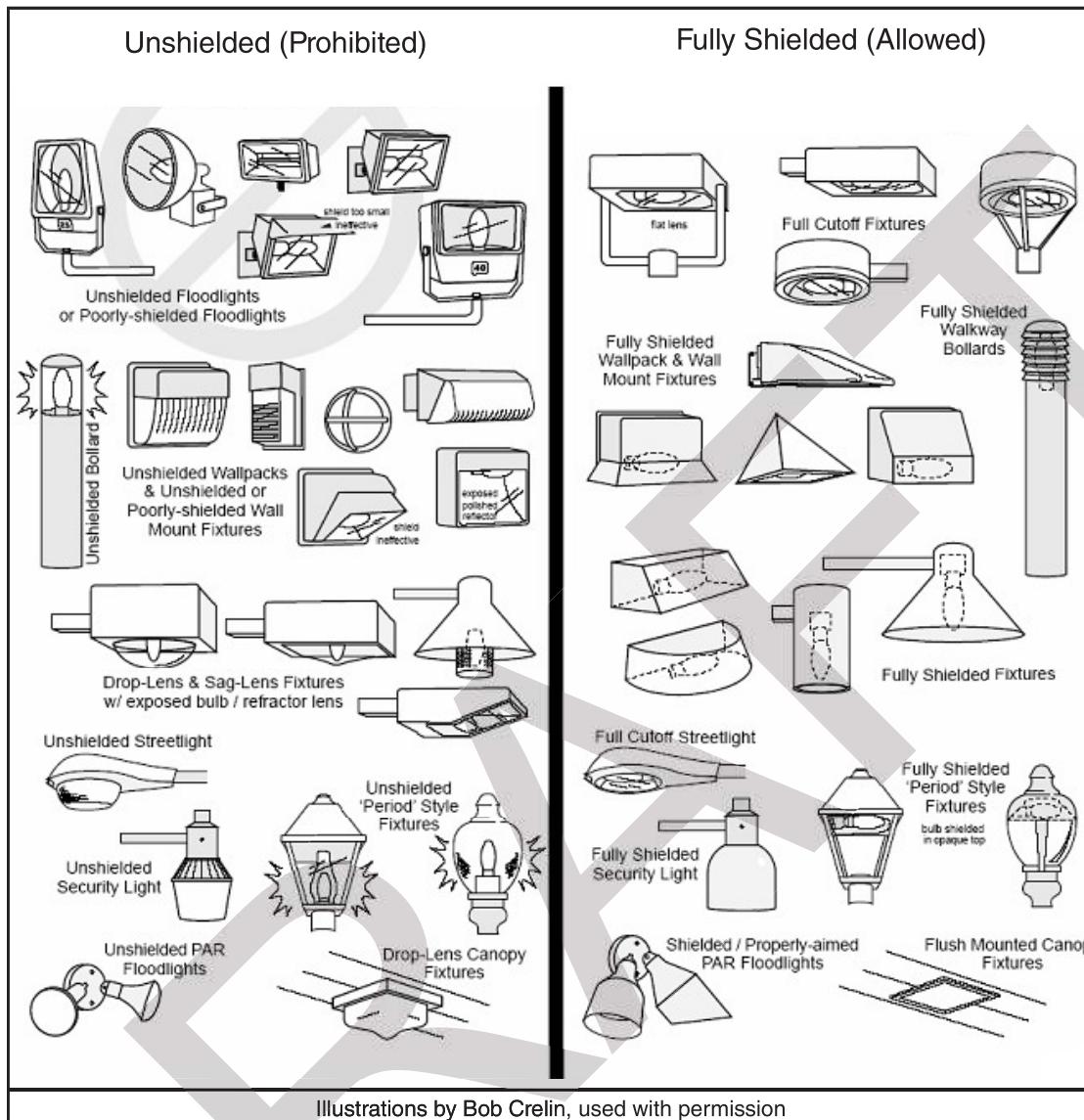
A. Applicability. All exterior lighting, unless exempted below, shall comply with the regulations set forth in this Section. This includes, but is not limited to: lighting attached to structures, poles, the earth, or any other location.

1. Exempt Lighting

- a. Lighting in the public right of way.
- b. Open flame gas lamps.
- c. Flagpole lighting that is shielded and directed downward from the top of the flagpole.
- d. Underwater lighting in swimming pools and other water features
- e. Lighting that is only used by emergency response personnel
- f. Lighting solely for signs (lighting for signs is regulated by [Div. 5.6.](#))
- g. Lighting used primarily for agricultural purposes meeting the standards for exemption in [Section 6.1.3.B.](#)

B. Standards

1. Fully Shielded Light Fixtures. Any light source whose initial output exceeds 600 lumens shall be fully shielded. Any structural part of the luminaire providing full shielding shall be attached. Fixtures shall be mounted such that no light is emitted above the horizontal plane of the fixture. Light fixtures that project light above the horizontal plane of the fixture may be used where the architecture of the building restricts light above the horizontal plane. Examples of Unshielded (Prohibited) and Fully Shielded (Allowed) lights and luminaires limiting light to the horizontal plane are shown below.



2. **Total Exterior Light Output.** Total exterior light output for light fixtures on a site shall not exceed the limits shown in the table below.

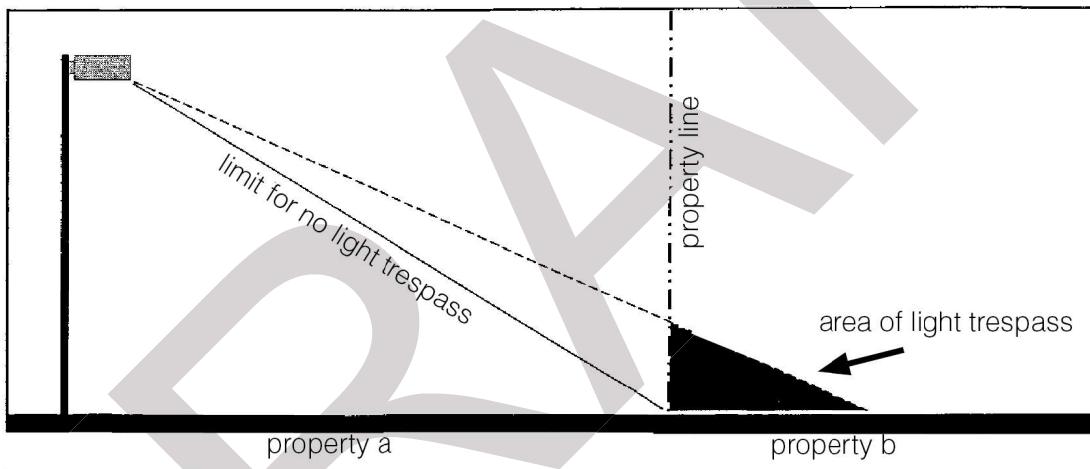
How much light is permitted? All Fixtures	Unshielded Fixtures (for lights emitting fewer than 600 lumens)
Maximum lumens per sq ft of site development	
AC-TC, AR-TC, WC, OP-TC, BP-TC, BC-TC, MHP-TC, P/SP-TC, P-TC	3
R-1, R-2, R-3, <u>NR-1</u> , NC-TC, S-TC, R-TC	1.5
Maximum lumens per site	
AC-TC, AR-TC, WC, OP-TC, BP-TC, BC-TC, MHP-TC, P/SP-TC, P-TC	100,000
R-1, R-2, R-3, <u>NR-1</u> , NC-TC, S-TC, R-TC	60,000
	5,500
	4,000

- a. These lumen limits are upper limits and not a design goal; the design goal should be the lowest levels of lighting possible.
- b. Individuals with visual impairments and organizations that primarily serve individuals with visual impairments (e.g. retirement communities, hospices, and hospitals) may use up to 4 times the illumination allowed by this section.

3. **Light Color.** Correlated color temperature of any exterior light source shall not exceed 3000 Kelvin.

EXAMPLE: Many light bulb manufacturers include correlated color temperature on packaging. Where packaging does not indicate light color in Kelvins, it is often indicated in descriptive terms. Lights with a “cool” quality typically exceed 3000 Kelvin in color temperature. Light bulbs that create a more “warm” tone are typically under 3000 K..

4. **Light Trespass.** All lighting fixtures shall limit horizontal light levels such that no light falls onto the adjacent property as shown in the diagram below.



5. **Maximum Pole Height of Light Fixture.**

Zone	Maximum Pole Height of Light Fixtures
AC-TC, AR-TC, WC, OP-TC, BP-TC, BC-TC, MHP-TC, P/SP-TC, P-TC	18 feet
R-1, R-2, R-3, <u>NR-1</u> , NC-TC, S-TC, R-TC	15 feet

6. **Controls.** All nonresidential lighting fixtures shall employ automatic lighting controls that extinguish exterior lighting when sufficient daylight is available. Such controls include, but are not limited to: timers, wireless remote monitoring with turn on/off capabilities, photo sensitive light controls, photoelectric switches, astronomic time switches or equivalent functions from a programmable lighting controller, building automation system or lighting energy management system, all with battery or similar backup power or device.

a. Exceptions:

- i. Lighting required by Building Code
- ii. Lighting necessary for public safety
- iii. Lighting under canopies
- iv. Lighting for tunnels, parking garages, garage entrances, and similar conditions.

7. **Lighting Reduction.** After 12:00 AM nonresidential sites shall extinguish or reduce their total exterior lighting by at least 30%.

a. Exceptions:

- i. Motion activated lighting
- ii. Lighting required by Building Code
- iii. Lighting necessary for public safety
- iv. Lighting governed by a conditional use permit in which times of operation are specifically identified
- v. When the exterior lighting consists of only one luminaire

C. Prohibited Lighting

The following lighting systems are prohibited from being installed or used.

- 1. **Flickering or Flashing Lights.** No flickering or flashing lights shall be permitted.
- 2. **Searchlights.** No searchlights, laser lights, aerial lasers, or holograms are permitted.
- 3. **Strings of Lights.** Strings or strands of lights used to highlight a sign, perimeter of a sign, or any portion of a building are not permitted, except for holiday-type decorative lighting displayed between November 15 and January 10.
- 4. Lighting in which any single luminaire exceeds 20,000 initial lumens.

D. Complex Uses

- 1. Complex uses such as stadiums, ball diamonds, playing fields, outdoor rinks, ski areas, rodeo grounds, special events, tennis courts, construction sites, parking structures, urban parks, theme and amusement parks, ornamental and architectural lighting of bridges, public monuments, statuary and public buildings, correctional facilities, and industrial sites all have unique requirements for nighttime visibility and often have limited hours of operation. They shall be exempted from the above standards of this Section, if the below standards are met or if their lighting has been approved via issuance of a Conditional Use Permit or Special Event Permit.

2. **Maximum height.** Exterior luminaires shall not exceed a maximum post height of 60 feet.
3. **Fully Shielded.** Each luminaire shall be fully shielded in either its orientation or by landscaping to prohibit glare and light trespass to adjacent residential property and must be installed and maintained with minimum aiming angles of 25 degrees downward from the horizontal.
4. **Lights Extinguished.** Lights shall be extinguished by 10:00 PM or at the conclusion of the event, whichever is later. Lighting is not allowed to remain on overnight.
5. **Maximum lumens.** Overall site illumination for a complex use shall not exceed a total of 550,000 lumens.

5.3.2. Scenic Resources Overlay (SRO) Standards (1/4/21AMD2020-0004)

A. Purpose

The purpose of the Scenic Resources Overlay (SRO) is to preserve and maintain the County's most frequently viewed scenic resources that are important to both its character and economy. This is done through the establishment of several Scenic Areas within the SRO, within which the location, design, and landscaping of physical development and use is regulated to maintain and/or complement the County's important scenic resources.

B. Establishment of the SRO

To protect important scenic resources, which are frequently seen from State highways, Spring Gulch Road, South Park Loop Road and Alta County Road, and which set an image of the rural and western ranching heritage of the County the Scenic Resources Overlay (SRO) is established.

1. **Foregrounds.** The Scenic Resources Overlay (SRO) includes the foreground of the scenic areas described below. Foreground is the open area immediately adjacent to the public road that extends back to where there is either a distinct topographic change, such as the edge of a hillside or butte, or a drop in elevation toward a river bottom, or where dense vegetation screens views to areas behind the vegetation. The Foreground provides the setting for views to distant mountain ranges and valley buttes.
2. **Skalines.** The Scenic Resources Overlay (SRO) includes all butte and hillside skylines as viewed from state highways, Spring Gulch Road, South Park Loop Road and Alta County Road. The skyline is the visual line at which the earth or vegetation and the sky appear to meet. The skyline is typically viewed as the top of a ridge, hillside, or butte.
3. **Map of the SRO Scenic Areas.** The foregrounds and skylines included in the Scenic Resources Overlay (SRO) are generally organized into the following Scenic Areas. These Scenic Areas are generally described below and mapped on the Official Zoning Map. Butte and hillside skylines as viewed from state

highways, Spring Gulch Road, South Park Loop Road and Alta County Road are still included in the SRO even if they are not mapped on the Official Zoning Map or included in one of following Scenic Areas.

- a. **Moose-Wilson Road Scenic Area.** The Moose-Wilson Road Scenic Area extends along the eastern and western side of Moose-Wilson Road from Lake Creek to Grand Teton National Park. It is an important County-wide scenic resource because of the vistas it offers of the Teton, Gros Ventre, and Snake River mountain ranges, and of the West Gros Ventre Butte, which frames the area's broad and open meadows.
- b. **Highway 22 Scenic Area.** The Highway 22 Scenic Area consists of four distinct areas. They are described below.
 - i. **Trail Creek Ranch.** The Trail Creek Ranch portion of the Highway 22 Scenic Area extends along the north and south sides of Highway 22, from the lower reaches of Teton Pass to the western edge of Wilson. It is an important County-wide scenic resource because of the panoramic views of Teton County that it provides as well as setting the western entry to Wilson, defining Wilson as a unique and special place.
 - ii. **Wilson Approach.** The Wilson Approach portion of the Highway 22 Scenic Area extends from the eastern edge of Wilson along the north side of Highway 22 to Highway 390 and along the south side of Highway 22 to Green Lane. It is an important County-wide scenic resource because of its broad open meadows and the unobstructed views provided to surrounding mountains, which create a dramatic sense of arrival to Wilson.
 - iii. **Walton Ranch/Skyline Ranch.** The Walton Ranch/Skyline Ranch portion of the Highway 22 Scenic Area extends along the northern and southern portion of the Highway 22 Scenic Area from the Wilson Snake River Bridge to the West Gros Ventre Butte. The Walton Ranch portion is an important County-wide scenic resource because it provides one of the most frequently experienced vistas of meadows and pasture backed by the Teton mountain range. The Skyline Ranch portion is an important County-wide scenic resource because it provides an open space setting for views to the Snake River range.
 - iv. **West Gros Ventre Butte/Antelope Butte.** The West Gros Ventre Butte/Antelope Butte portion of the Highway 22 Scenic Area extends along both sides of Highway 22, and includes all of the West Gros Ventre Butte on the north and all of Boyles Hill, the Indian Springs, Brown and Poodle Ranches, and Antelope Butte on the south. The views encompass imposing steep sided buttes which rise abruptly from the foreground and long views across open meadows to the Snake River range on the south.
- c. **Spring Gulch Road Scenic Area.** The Spring Gulch Road Scenic Area extends along the eastern and western sides of Spring Gulch Road from Highway 22 to the Gros Ventre River and includes the East Gros Ventre

Butte. It is an important County-wide scenic resource because it provides a combination of scenic quality and traditional western character in a location proximate to the Town.

- d. **Highway 89 Scenic Area.** The Highway 89 Scenic Area consists of three distinct areas. They are described below.
 - i. **Broadway and North Highway 89 Scenic Area.** The Broadway and North Highway 89 Scenic Area extends along the western boundary of the Town of Jackson from South Park Loop road on the south to the Grand Teton National Park boundary on the north, and includes all of Boyles Hill and the East Gros Ventre Butte. Views from the public roads, including Spring Gulch Road, are of the steep sided butte in the immediate foreground which provide a backdrop to the urban development of the Town of Jackson, the flat expanses of the Elk Refuge, the pastures of Spring Gulch as well as glimpses of the Teton Range in notches of the ridgelines.
 - ii. **South Highway 89 Scenic Area.** The South Highway 89 Scenic Area extends along the western side of South Highway 89 from the State of Wyoming Elk Feeding Area and Game Creek County Road, where the road rises to provide an initial sense of entry into the Jackson area to High School Road. The eastern side of South Highway 89 also is included for a distance of 1.3 miles south from High School Road. The northern and southern portions of the South Highway 89 Scenic Area are split to exclude the Rafter J subdivision, and the South Park Commercial zones. The South Highway 89 Scenic Area is an important County-wide scenic resource because of the powerful image it projects of the community with its exceptionally broad meadows and panoramic views to Rendezvous Bowl and the Snake River range. The meadows are dotted with existing development, including both ranch compounds and residential developments at varying densities, but the meadows' exceptional breadth and the location of the meadows below the highway preserves the open feel of the area and the background views.
 - iii. **Snake River Canyon Scenic Area.** The Snake River Canyon Scenic Area extends along both sides of South Highway 89 from the northern South Park Bridge to the County line and encompasses those areas which are at approximately the same or a higher elevation than the highway. More specifically, this scenic area includes the western side of South Highway 89 from the northern bridge to the US Forest Service boundary, land east of the Highway between the Snake River and Old Henry's Road, and land west of Hoback Junction on both sides of the Highway, but excluding Deer Creek and Palmer Creek subdivisions. The Scenic Area provides views of the Snake River, the east slopes of Munger Mountain and the Teton, Gros Ventre, Wyoming and Snake River Mountain ranges.
- e. **South Park Loop Scenic Area.** The South Park Loop Road Scenic Area extends along the eastern and western sides of South Park Loop Road, from the South Park Ranches subdivision to High School Road and includes

Hufsmith Hill. It provides an important County-wide scenic resource because the road corridor is framed by cottonwood trees planted along irrigation ditches which line the road. The scenic quality of this area is dependent upon the preservation of the cottonwood corridor, which helps to filter views to development in the adjoining hay meadows. These meadows provide Foreground settings to views of Rendezvous Bowl and the Snake River range.

- f. **Hoback Canyon Scenic Area.** The Hoback Canyon Scenic Area extends along both sides of Highway 191 beginning at the west line of the Gilgrease Foundation property, approximately 1 mile east of Hoback Junction, to the County line and encompasses those areas which are at approximately the same or a higher elevation than the highway. The scenic area provides views of the Gros Ventre and Wyoming Mountain ranges and the Hoback River.
- g. **Teton Canyon Scenic Area.** The Teton Canyon Scenic Area extends along the south side of Alta Road from Lake Nolo to the boundary with the Targhee National Forest. It is an important County-wide scenic resource because the broad, open meadow of its Foreground is framed by a dense vegetative border, which provides the setting for vistas to the west side of the Teton range. The entire Teton Canyon Scenic Area also establishes a segment of the entry image for visitors driving or biking through Alta to Grand Targhee Resort.
- h. **Buffalo Valley Scenic Area.** The Buffalo Valley Scenic Area extends along the northern and southern sides of US 26/287 from Moran to the Blackrock ranger station. It is an important County-wide scenic resource because it provides a classic mountain valley setting framed by the Teton range. The Buffalo Valley Scenic Area provides monumental views of the entire Teton range, as viewed across very broad, open meadows dotted with small ranch buildings. These vistas foreshadow the views which are again encountered within Grand Teton National Park, thereby integrating the Buffalo Valley Scenic Area with the image of the National Park.

C. Findings for the SRO

- 1. An essential component of the physical environment for which Teton County is internationally known is the scenic vistas of jagged mountains rising from broad, open meadows, which set an image of the County's rural and western ranching heritage. These scenic resources are important to both the County and Town because they serve as a cornerstone to the local economy by attracting tourists and other visitors. The scenic resources which are instrumental in the creation of the County's unique character are the vistas to the Teton, Gros Ventre, Wyoming and Snake River mountain ranges that are frequently seen by residents and travelers across wide pastures and meadows from the major public roads that enter the Town of Jackson, Wilson, Grand Teton National Park, Teton Village, Alta, and Teton Pass.

D. Applicability

1. **Foreground Standards.** All physical development, use, development options, and subdivision within the Foreground of the Scenic Areas described above shall comply with the foreground standards of 5.3.2.G.
2. **Development in Skyline.** All physical development, use, development options, and subdivision within the Skyline of the SRO shall comply with the skyline standards of 5.3.2.H.
3. **Exemptions**
 - a. **NC-TC, NR-1, and R-3 Zone.** All physical development, use, and development options, except new subdivisions, within the NC-TC, NR-1, and R-3 zone, shall be exempt from the foreground standards of 5.3.2.G.
 - b. **Remodeling or Expansion of Existing Structures.** Remodeling or expansion of structures that existed prior to May 9, 1994, shall be exempt from the foreground standards of 5.3.2.G.
 - c. **Agricultural Operations.** Agricultural operations and uses meeting the standards for exemption in Section 6.1.3.B. shall be exempt from all standards of this Section.
 - d. **Land in Conservation Easement.** Land protected by a conservation easement where proposed development density is equal to or less than one house per 70 acres and the total acreage subject to the easement is 320 acres or more, shall be exempt from the foreground standards of 5.3.2.G.

E. Impact on SRO

1. The base site area shall not be reduced because a portion of a lot of record is located within the SRO.
2. When conflicts exist between the NRO and SRO, the standards of Sec. 5.2.1. shall have priority and be achieved to the maximum extent practicable. The requirements of this Section shall receive second priority.

F. Visual Resource Analysis

1. If a proposed physical development, use, development option, or subdivision is in the SRO, the application shall contain a visual analysis narrative, provide a photographic simulation or other comparable visual analysis of the proposed development, depict the boundaries of the SRO, compare the visual impacts of alternative site designs, if any, and include plans identifying how the proposal complies with the standards of this Section.
2. A visual resource analysis shall demonstrate and document for review the visual impact of the proposed development on surrounding designated scenic corridors and viewpoints. The analysis shall show, in accurate perspective format, what portions of the proposed development are visible from various

2. **Calculation to Determine Required Landscaping.** A summary of all calculations used to determine the total amount of landscaping required.
3. **Plant Schedule.** A plant schedule, identifying symbols, quantity, size, and type of all proposed landscaping and existing vegetation that is proposed for credit.
4. **Planting Plan.** The planting plan shall indicate the location of all proposed landscaping and existing landscaping that is proposed for credit.
5. **Irrigation Statement.** An irrigation statement describing how plant material will be irrigated for a minimum 2 year period or until plant establishment.
6. **Erosion Control.** A description of how erosion is to be controlled on-site, both permanently and during construction.
7. **Cost Estimates.** Cost estimates to implement the landscape plan.

5.5.3. Required Plant Units (AMD2020-0004 1/1/17)

A. General

1. **Sum of All Requirements.** The plant units required shall be the sum of all of the plant units prescribed by the standards of this Section.

EXAMPLE: A nonresidential development with a parking lot shall provide the plant units required for the nonresidential development and the plant units required for the parking lot.

2. **Measurement.** One plant unit shall be the minimum amount provided by any development; fractional plant units of one-half or more shall be treated as a requirement of one plant unit.
3. **Credit for Existing Vegetation.** Retention of existing vegetation is encouraged. Any retained existing plant material which satisfies, or with 5 years of growth would satisfy, the required plant units shall be counted towards satisfying the required plant units.

B. Requirements

1. Use or development of a site shall require provision of the following number of plant units.

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

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

C. Parking Lot Requirements

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

Required Plant Units per Parking Space by Use and Zone				
Zone	Use			
	Agriculture	Residential	Institutional	All Other Uses
R	0	--	--	1 per 8 spaces
<u>NR-1</u>	--	--	--	<u>1 per 8 spaces</u>
<u>NC-TC</u>	--	--	--	<u>1 per 8 spaces</u>
S	--	1 per 12 spaces	--	1 per 8 spaces
OP-TC	--	1 per 12 spaces	--	1 per 8 spaces
MHP-TC	--	--	--	1 per 8 spaces
AR-TC	--	1 per 12 spaces	1 per 12 spaces	1 per 8 spaces
AC-TC	--	--	1 per 12 spaces	1 per 8 spaces
BP-TC	--	--	--	1 per 16 spaces
BC-TC	--	--	--	1 per 12 spaces

2. **Existing Trees Can Be Counted.** Existing trees that can be preserved by leaving the area under their canopy substantially undisturbed shall count towards the plant unit requirement for parking lots.

3. **Landscape Objectives.** The primary objectives of parking lot plant units shall be:

- To avoid large, unbroken expanses of asphalt;
- To screen or soften parked vehicles as viewed from off site;
- To provide attractive, pleasing streetscapes; and
- To better define and organize vehicular and pedestrian spaces.

D. Loading Area Requirement

Two plant units per loading bay shall be provided.

E. Standard Plant Unit

This Section describes a standard landscaping element called a "plant unit." It serves as a basic measure of plant material.

Div. 6.1. Allowed Uses

6.1.1. Use Schedule ([1/4/21AMD2020-0004](#))

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

- A. "Y" denotes an allowed use that does not require a use permit. Physical development permits are still required as applicable.
- B. "B" denotes an allowed use that requires a Basic Use Permit to be obtained pursuant to [Sec. 8.4.1.](#)
- C. "C" denotes an allowed use that requires a Conditional Use Permit to be obtained pursuant to [Sec. 8.4.2.](#) A conditional use is generally compatible with the character of a zone but requires individual review of its configuration, density, and intensity in order to mitigate effects that may be adverse to the desired character of the zone.
- D. "S" denotes an allowed use that requires a Special Use Permit to be obtained pursuant to [Sec. 8.4.3.](#) Special uses are inherently incompatible with the character of the zone, but essential to the community; and therefore some provision must be made for their existence and operation. Special uses require specified locations due to common neighborhood opposition. These locations shall be determined by a comprehensive community-wide selection process designed to identify locations that best serve the special use while minimizing the negative impacts and obtrusiveness. Special uses also require individual review of their configuration, density, and intensity in order to mitigate effects that are adverse to the desired character of the zone.
- E. **Permit Exemption for Emergency Response**

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

EXAMPLE: A heliport is an aviation use requiring a Conditional Use Permit.

Temporary heliports are sometimes established in proximity to a forest fire for purposes of helicopter fire suppression. In the case of an emergency response, the requirement for a CUP is waived.

F. Use Schedule

The use schedule is established in the following tables.

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

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

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

^z = Use also subject to zone specific standards

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

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

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

^z = Use also subject to zone specific standards

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 ^z	Y	--	Y	--	Y	Y	Y	--	--	6.1.4.B.
Attached Single-Family Unit	--	--	B ^z	--	--	C ^z	--	--	--	--	--	--	6.1.4.C.
Apartment	--	--	B ^z	--	--	C ^z	--	--	--	--	--	--	6.1.4.D.
Mobile Home	--	--	--	--	--	--	B ^z	--	--	--	--	--	6.1.4.E.
Dormitory	B	C	--	--	--	C ^z	--	--	C ^z	C ^z	C	--	6.1.4.F.
Group Home	B	C	--	--	--	C ^z	--	--	C ^z	C ^z	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 ^z	B	--	C	--	--	--	--	C	--	6.1.6.B.
Retail	B	--	B ^z	--	B ^z	C	--	--	--	--	--	--	6.1.6.C.
Service	B	--	B ^z	B	--	C	--	--	--	--	C	--	6.1.6.D.
Restaurant/Bar	B	--	B ^z	--	--	C	--	--	--	--	--	--	6.1.6.E.
Heavy Retail/Service	C	--	C ^z	--	B	C	--	--	--	--	C	--	6.1.6.F.
Mini-Storage Warehouse	C	--	C ^z	--	B	C	--	--	--	--	C	--	6.1.6.G.
Nursery	B	--	B ^z	--	--	C	--	--	--	C	--	--	6.1.6.H.
Amusement/Recreation													6.1.7.
Amusement	C	--	C ^z	--	--	--	--	--	--	--	--	--	6.1.7.B.
Developed Recreation	B	--	B ^z	--	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 ^z	--	C	C	--	--	C ^z	C ^z	C	--	6.1.8.B.
Daycare/Education	B	--	B ^z	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

^z = 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 ^z	--	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 ^z	--	--	C	--	--	--	--	C	--	6.1.10.B.
Utility Facility	C	C	C ^z	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 ^z	B ^z	B ^z	B ^z	B	B ^z	--	B ^z	--	B	B	C ^z	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

^z = Use also subject to zone specific standards

- v. **No Negative Impact.** No extraction shall be permitted that is deemed by the County to have a negative impact on the river, or on landowners adjacent to the river with respect to bank erosion or potential flooding. If more than one river extraction site has been approved or executed within the same vicinity as the extraction site in question, the cumulative impacts of such river extraction shall also be considered when assessing potential negative impacts on the river or on landowners adjacent to the river.
- j. **Surrounding Vegetation.** Vegetation within the setbacks from the property boundary shall be preserved and supplemented, as necessary, for mitigation of negative impacts. Existing native vegetation on the operation site shall be preserved to the maximum extent possible.
- k. **Water Supply.** Extraction and filling of a reservoir shall not infringe on downstream appropriator's rights as established by the State Engineer's Office.

6. **State/Federal Requirements.** Compliance with the standards of this Section and these LDRs shall not be construed to replace, supersede, or override any State or Federal requirements that may apply.

6.1.10. Transportation and Infrastructure Uses (1/4/21AMD2020-0004)

A. All Transportation and Infrastructure Uses

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

B. Parking

1. **Definition.** Parking is the use of a property for parking of motor vehicles that is not ancillary to another use on-site.

a. **Includes:**

- i. Surface parking
- ii. Parking structure

C. Utility Facility

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

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

b. Does Not Include:

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

2. Standards

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

D. Wireless Communications Facilities

1. **Definitions.** A wireless communication facility provides communication services without physical connection.
 - a. **Wireless communications facility.** Equipment at a fixed location which enables wireless communications between user equipment and a communications network, including radio transceivers, antennas, wires, coaxial or fiber-optic cable or other cables, regular and backup power supplies, and comparable equipment, regardless of technological

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

b. **Includes:**

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

2. **County Standards**

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

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

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

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

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

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

e. **General Requirements**

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

- 1). The mounting of the proposed antenna on the tower would increase the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation between the top of the nearest existing antenna to the base of the proposed antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or
- 2). The mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved (not to exceed four) or more than one new equipment shelter; or
- 3). The mounting of the proposed antenna would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or
- 4). The mounting of the proposed antenna would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.

- c). Increases to height allowed by e.ii. above the existing tower shall be based on the maximum height allowed by the original approval (if applicable), not affect any tower lighting, and shall comply with 5.3.2.H. Concealed attached antennas located on a roof top, not constructed exclusively for wireless service, shall not be considered a tower or a base station and shall be limited to the maximum height approved.
- d). Additional equipment shall maintain the appearance intended by the original facility, including, but not limited to, color, screening, landscaping, camouflage, concealment techniques, mounting configuration, or architectural treatment. Notwithstanding this provision, the Planning Director may approve a modification where maintaining the original design is not feasible, provided that the applicant provides evidence demonstrating that the modification's design or configuration is necessary, does not defeat the existing concealment technique in the view of a reasonable person, and is the least obtrusive means of accomplishing the objective.

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

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

v. **Concealed and Non-concealed Towers.** New freestanding towers are permitted in the following zones: AC-TC, BC-TC, BP-TC, NC-TC, NR-1, P, PR, P/SP-TC, R-1, R-2, R-3, R-TC, S-TC, and WC. All new freestanding towers are required to be concealed unless it can be clearly demonstrated to the satisfaction of the Board of County Commissioners that a non-concealed tower will more effectively minimize visual impacts than a concealed tower. New freestanding towers are prohibited in the AR-TC, MHP-TC, OP-TC, and PUD-AH zones. All new communications towers shall be subject to the following standards:

- a). **Performance Criteria for Concealed Towers.** To encourage facilities that blend well with Teton County's landscape, concealed towers that meet the following performance criteria may be processed as a Basic Use Permit. Performance criteria:
 - 1). The concealed tower is designed to resemble the surrounding landscape and other natural features and is designed to be contextual in size, shape, and color with the scenic content immediately adjacent to its location. Flagpoles or new light stanchions, or other similar man-made structures, will be processed as a Conditional Use facility.
 - 2). A minimum of 70% of the concealed tower is screened from view by existing vegetation, topography, or other existing structures from any State Highway and all County Roads designated a Scenic Areas pursuant to 5.3.2.B.
 - 3). Viewsheds are not significantly impacted by the proposed concealed facility.
 - 4). The concealed tower does not extend higher than the dominant background where it is located or otherwise penetrate the skyline as defined in 5.3.2.H.
 - 5). For proposals with a height of less than 75 feet tall that meet the performance criteria, the Planning Director shall review a photosimulation, site plan, and elevation of the proposed tower, and staff shall approve or deny a Basic Use Permit review process within two weeks after the Preapplication Conference meeting.

6). For proposals with a height of 75 feet or greater that meet the performance criteria, the final determination shall be made by the Board, at a regularly scheduled meeting within 30 days after the Preapplication Conference meeting, as to whether the application is processed as Basic Use or Conditional Use.

b). **Determination of Need.** No new concealed or non-concealed tower shall be permitted unless the applicant demonstrates that no existing structure or tower can accommodate the applicant's proposed use without increasing the height of the existing tower or structure or otherwise creating a greater visual impact; or that use of such existing facilities would prohibit or have the effect of prohibiting personal wireless services in the search area to be served by the proposed tower.

c). **Height.** New concealed towers shall be limited to the maximum height allowed in each zone, unless the performance criteria above are met. If the performance criteria are not met, then the applicant shall provide evidence that the proposed facility is designed to meet the minimum height requirement necessary for effective functioning of the provider's network, and a Wireless Adjustment to exceed the maximum height allowed in the zone shall be required.

d). **Setbacks.** New freestanding towers and equipment compounds shall be subject to the setbacks described below:

- 1). If the tower has been constructed using breakpoint design technology, the minimum setback distance shall be equal to 110% of the distance from the top of the structure to the breakpoint level of the structure, or the minimum yard setback requirements, whichever is greater.

EXAMPLE: On a 100-foot tall monopole with a breakpoint at 80 feet, the minimum setback distance would be 22 feet (110% of 20 feet, the distance from the top of the monopole to the breakpoint) or the minimum yard setback requirements for that zone.

- 2). If the tower is not constructed using breakpoint design technology, the minimum setback distance shall be equal to the height of the proposed tower.

e). **Equipment Compound and Cabinets.** Cabinets may be provided within the principal building, underground, behind a screen on a rooftop, or on the ground with landscape screening as required below. Equipment compounds and cabinets shall be designed to be visually compatible with adjoining terrain and structures. Equipment compounds shall not be used for the storage of any excess equipment or hazardous materials. No outdoor storage yards shall be allowed in a tower equipment compound.

- f). **Landscaping.** The equipment compound shall be landscaped with a minimum of one plant unit per 1,000 square feet of floor area, pursuant to the standards specified in Div. 5.5. Where the landscaping requirement is not achieving the intent of screening and buffering, the landscaping requirement may be reduced or waived by the Planning Director.
- g). **Signage.** Commercial messages shall not be displayed on any tower. Required noncommercial signage shall be restricted to ASR (Antenna Structure Registration Number as required by the FAA and FCC), party responsible for operation and maintenance of the facility, and any additional security and/or safety signs as applicable.
- h). **Lighting.** Lighting shall be prohibited on all towers unless required by the Federal Aviation Administration (FAA). Lighting required by the FAA shall not exceed minimum standards and shall be of minimum intensity and number of flashes per minute allowed by the FAA, or shall be a dual lighting system.
- i). **Visibility**
 - 1). New towers shall be configured and located in a manner that shall minimize adverse effects including visual impacts on the landscape and adjacent properties and is designed to be contextual in size, shape and color with the scenic content immediately adjacent to its location.
 - 2). Lattice towers and guyed towers are prohibited.
 - 3). All new freestanding towers shall be designed to blend with adjacent structures and/or landscapes with specific design considerations such as architectural designs, height, scale, color, and texture.
 - 4). If a monopole is proposed the applicant shall demonstrate through photosimulations the proposed facility mirrors an evergreen tree indigenous to Wyoming with sufficient number of "faux" branches and foliage to conceal all external antenna, panels, trays, cables, support rods, crossbars, port holes, splitters, couplers and attenuators and any other equipment external to the tower mast, which shall be painted or have applied material to simulate tree bark indigenous to the area. "Faux" branches shall commence at 20 feet above ground level (AGL) and surround the tower in a multi-dimensional pyramid shape pattern to the top of the tower, with branches and foliage material in length, width and depth sufficient to obscure physical view of the tower, antenna elements and brackets. Antenna wraps shall be used on all type of antenna. Panel antennas, remote radio units or any other non-panel type antenna or other equipment may not be used without first demonstrating the concealment elements that will be used for such antenna.

- 5). Other concealment methods shall demonstrate through photosimulations the number of proposed antenna and potential collocations and proposed concealment methodology. All antenna shall be covered with concealment material.
- 6). New antenna mounts shall be flush-mounted, unless it is demonstrated through RF propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area, will not allow for concealed design, is inconsistent with the proposed design, or reduces the ability to collocate future antenna arrays.
- 7). Towers shall be constructed to accommodate collocation of as many antenna arrays as feasible without causing interference, subject to the height and design of the facility and proposed mounting configuration of antennas.

j). **Mailed Notice to Neighbors.** All new towers requiring a Conditional Use Permit shall require that mailed notice, meeting the standards of 8.2.14.C.2., be sent to all property owners within 1,300 feet of the land subject to the application.

f. **Small Wireless Facilities.** The following requirements are specific to small wireless facilities installed outside a public right-of-way.

- i. **Location Preference of New Small Wireless Facilities.** Locating a new small wireless facility shall be in accordance with the below preferred locating alternatives order. Where a lower ranked alternative is proposed, the applicant must file relevant information demonstrating that despite diligent efforts to adhere to the established hierarchy within the search area, higher ranked options are not technically feasible, practical or justified given the location of the proposed wireless communications facility:
 - a). Collocated on an existing pole or support structure
 - b). A new pole, following the design standards below in f.vi.
- ii. **Undergrounding.** Wires, cables, and other facilities that are not required to be above ground in order to be functional shall be located underground.
- iii. **Design Standards Applicable to all Small Wireless Facilities**
 - a). A small wireless facility must be technically capable of servicing a minimum of four (4) wireless service providers with like technical facilities through the use of neutral host antenna.
 - b). Small wireless facilities should not be readily noticed.

C. Display of Vehicles for Sale

Vehicles shall not be displayed for sale in nonresidential parking areas except licensed bona-fide automobile dealerships, and excepting casual display by vehicle owners who are employees or patrons present on the premises at the times of such display.

D. Repair Work Prohibited

No repair work that renders the vehicle inoperable for more than 24 hours shall be permitted on off-street parking or loading facilities.

E. Snow Storage Prohibited

The storage of plowed snow for more than 48 hours is prohibited in required off-street parking and loading areas.

6.2.5. Off-Street Parking and Loading Design Standards

(1/1/15AMD2020-0004)

All off-street parking and loading facilities shall meet the following design standards:

A. Surface and Drainage

1. **Compaction and Drainage.** Parking and loading areas, aisles, and access drives shall be compacted and paved or surfaced in conformity with applicable specifications to provide a durable surface, shall be graded and drained so as to dispose of surface water runoff without damage to private or public land, roads, or alleys, and shall conform with any additional standards for drainage prescribed by these LDRs, or other applicable regulations and standards.
2. **Paving Required.** Outdoor, off-street parking and loading areas, aisles and access drives shall be paved, except for the uses listed below, in which case parking areas, aisles and access drives may be gravel.
 - a. Detached single-family unit.
 - b. Uses in the BP-TC, R-1, R-2, R-3, NR-1, NC-TC, S-TC, and R-TC where the Planning Director determines there is no need to delineate required parking, loading or access areas.
3. **Landscape Islands.** Parking lots shall include landscaped islands to avoid large expanses of asphalt and shall be screened from off-site, or their view substantially filtered by vegetation.

B. Access and Circulation Standards

1. **Unobstructed Access.** Each required parking space shall have unobstructed access from a road or alley, or from an aisle or drive connecting with a road or alley except for approved tandem parking.

D. Required Components of Livability

Each required affordable or workforce housing unit shall include, at a minimum, the components of livability required by the Housing Department Rules and Regulations.

E. Compliance with Rules and Regulations

Each required affordable or workforce housing unit shall comply with the Housing Department Rules and Regulations.

1. The Jackson/Teton County Affordable Housing Department is responsible for administration of any affordable or workforce housing units established in accordance with this Division, as well as other housing units it is directed to administer by the Board of County Commissioners.
2. To assist in the administration of this Division, the Town and County have adopted the Jackson/Teton County Housing Department Rules and Regulations, which authorize the Housing Department to:
 - a. Manage and oversee all affordable and workforce housing units.
 - b. Enforce livability standards.
 - c. Administer the marketing of the units.
 - d. Establish rules for qualifying renters and buyers, and administer selection of renters and buyers.
 - e. Establish rules for and monitor the units to ensure applicants, renters, and sellers comply with the requirements of this Division and the Rules and Regulations. The Rules and Regulations also include rules addressing:
 - i. Renter and buyer non-compliance, which include but are not limited to requirements for disqualification and prosecution for fraud.
 - ii. Seller non-compliance (for initial or subsequent sales), which include but are not limited to issuance of an affidavit affecting title and prosecution for fraud.
 - iii. Housing Department reimbursement by the renter, seller, or applicant, for any attorney's fees and other costs associated with the Department's compliance enforcement.

6.3.5. Method for Providing Required Affordable Workforce Housing ([AMD2020-00041/4/21](#))

A. Standards Applicable to All Methods

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

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

B. Preferred Methods

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

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

- d. Shared parking between nonresidential use and affordable workforce housing. Applies in all zones, see Sec. 6.2.2.B.1.
- 2. Conveyance of land for affordable workforce housing.
- 3. Utilization of a banked affordable or workforce housing unit.
- 4. Restriction of an existing residential unit as an affordable workforce housing.
- 5. Payment of an in-lieu fee.

C. Priority Method Impracticable

A required affordable or workforce housing unit shall be provided through the highest priority method practicable. A lower priority method may be used upon making the following findings for each higher priority method.

- 1. **Less than One Unit.** An in-lieu fee may be paid for an affordable workforce housing requirement of less than one unit.
 - a. **Exception for change to short-term rental.** In buildings approved under the affordable workforce housing standards in place since July 18, 2018, change of use of a unit from attached-single family or apartment to short-term rental shall be mitigated by construction of the required housing regardless of the amount of the requirement.
- 2. **On-Site Provision Impractical.** On-site provision of the required affordable workforce housing:
 - a. Does not comply with other Town, County, State, or Federal laws; or
 - b. Is unreasonable due to lack of infrastructure, inappropriate soils, or other site conditions.
- 3. **Off-site methods not reasonably available.** A good faith effort to provide the required affordable workforce housing off-site, is unsuccessful due to infrastructure, regulatory (either Town, County, State or Federal), or other site constraints of the land, or due to the price at which the land was available for sale. Conditions relevant to these constraints include but are not limited to factors like:
 - a. No off-site options are for sale that would support affordable workforce housing at an economically feasible density to provide the amount of affordable workforce housing required.
 - b. The inability to provide the needed infrastructure (e.g., roads, water supply, sewage disposal, telephone, electricity and gas) for the development of available off-site locations.

D. Standards Applicable to Specific Methods

In addition to the standards applicable to all methods, the following shall also apply to the specific method used for the provision of affordable workforce housing.

- d. Provide adequate access for collection equipment;
- e. Not encroach into easements for utilities, vehicular or pedestrian access, or designated open space or conservation areas; and
- f. Allow shared use by multiple businesses, tenants or owners when placed in developments containing multiple occupants.

6. **Compactors.** Outdoor trash compactors shall be fully compliant with the definition of bear resistant refuse container or enclosure as stipulated in Sec. 5.2.2. No trash is to be exposed, doors must be kept closed at all times when not in use, and the area around the compactor shall be clean and free of debris.

6.4.3. Noise (7/19/16AMD2020-0004)

All uses shall conform with the following standards; except that, agricultural operations meeting the standards for exemption in Section 6.1.3.B. shall be exempt from all standards of this Division.

A. Maximum Noise

Noises shall not exceed the maximum sound levels prescribed in the table below, beyond the site boundary lines, except that when a nonresidential activity is contiguous to a zone with a lower maximum, the lower maximum shall govern.

Noise Level Restrictions	
Zone	Maximum Permitted Sound Level
R-1, R-2, R-3, <u>NR-1</u> , R-TC, S-TC, NC-TC, OP-TC	55 DBA
All other zones	65 DBA

B. Exceptions

1. **General.** Noises of vehicles, home appliances, and chain saws in private use, occasionally used safety signals, warning signals, emergency pressure relief valves, and temporary construction operations shall be exempt from the requirements of this Section.
2. **Limited Exception/Limited Interval of Time/One Day.** The maximum permitted sound level may be exceeded by 10 DBA for a single period, not to exceed 15 minutes, in any one day.
3. **Impact Noises.** For the purposes of this Section, impact noises are those noises whose peak values are more than 6 DBA higher than the values indicated on the sound level meter, and are of short duration, such as the noise of a forging hammer or punch press. For impact noises, the maximum permitted sound level may be exceeded by 10 DBA.

C. Measurement

Noise shall be measured with a sound level meter meeting the standards of the American National Standards Institute (ANSI S1.4-1983) "American Standard Specification for General Purpose Sound Level Meters." The instrument shall be set to the A-weighted response scale and the meter to the slow response.

Measurements shall be conducted in accord with ANSI S1.2-1983 "American Standard Method for the Physical Measurement of Sound" (or most current standards). Measurements may be made at any point along a site boundary line.

6.4.4. Vibration (7/19/16)

[Section number reserved, standards only apply in Town]

6.4.5. Electrical Disturbances (7/19/16)

- A. No use or activity shall be permitted which creates electrical disturbances (electromagnetic radiation) that affect the operation of any equipment, such as radio, television, or wireless communication interference, beyond the boundaries of the site; except that, agricultural operations meeting the standards for exemption in Section 6.1.3.B. shall be exempt from all standards of this Division.

6.4.6. Fire and Explosive Hazards (1/1/15)

A. Compliance with Fire Codes

All manufacture, possession, storage, transportation and use of hazardous materials which include explosives and blasting agents, flammable and combustible liquids, liquified petroleum gas, and hazardous chemicals shall be required to comply with the fire codes adopted by the State of Wyoming and the County.

B. Structural Storage Facilities

Structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids and gases, or other toxic materials which could be hazardous to public health or safety, shall be located at elevations above maximum possible flood levels in 100-year flood areas and in the Flat Creek winter flood area.

6.4.7. Heat and Humidity (4/1/16)

All uses shall conform with the following standards; except that, agricultural operations meeting the standards for exemption in Section 6.1.3.B. shall be exempt from all standards of this Division.

A. Intense Heat Conducted within Enclosed Building

Any activity producing intense heat shall be conducted within an enclosed building in such a manner as not to raise the temperature of the air, soil, groundwater, or surface water beyond any property boundary line.

B. Humidity From Cooling Towers Controlled so Not Create Ice Hazard

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

Div. 7.1. Development Option Standards

7.1.1. Development Options Schedule (4/1/16AMD2020-0004)

The tables below establish the development options allowed in each zone. The standards for each development option are established in this Division. The density and intensity requirements for each development option are located in the standards for the zone, found in [Article 2](#)-[Article 4](#). The thresholds for permitting allowed development options are also established by zone.

County Character Zones - Development Options						
Option	Complete Neighborhood Zones			Rural Area Zones		
	n/aNR-1			R-1	R-2	R-3
Rural PRD (7.1.2.)		--		DEV*	DEV*	--
Mobile Home Park (7.1.4.)	--			--	--	--
Floor Area Option (7.1.5.)	--			DOP	DOP	--
CN-PRD (7.1.6.)	--			SKC	SKC	--

Key: SKC = Sketch Plan required DEV = Development Plan required DOP = Development Option Plan required
-- = Development option prohibited * = Sketch Plan optional

County Legacy Zones - Development Options												
Option	Complete Neighborhood Zones				Rural Area Zones				Civic Zones			
	AC-TC	AR-TC	WC	OP-TC	BP-TC	BC-TC	MHP-TC	NC-TC	S-TC	R-TC	P/SP-TC	P
Rural PRD (7.1.2.)	--	--	--	--	--	--	--	--	--	DEV*	--	--
Mobile Home Park (7.1.4.)	--	--	--	--	--	--	P	--	--	--	--	--
Floor Area Option (7.1.5.)	--	--	--	--	--	--	--	--	--	DOP	--	--
CN-PRD (7.1.6.)	--	--	--	--	--	--	--	--	SKC	SKC	--	--

Key: P = Development option allowed with appropriate permit -- = Development option prohibited
SKC = Sketch Plan required DEV = Development Plan required DOP = Development Option Plan required
* = Sketch Plan optional

Div. 7.2. Subdivision Standards

This Division contains the development standards required for subdivision, such as requirements for new roads, water and sewer infrastructure, utilities, parks, and other physical improvements necessary to safely serve newly subdivided property and minimize impacts on existing community services and infrastructure. See [Sec. 8.5.3.](#) for the procedure to subdivide property.

7.2.1. Subdivision Types Schedule (4/1/16AMD2020-0004)

The tables below establish the subdivision types allowed in each zone. The standards for all subdivisions and each subdivision type are established in this Division. The density and intensity requirements for each subdivision type are located in the standards for the zone, found in [Article 2.-Article 4.](#) The thresholds for permitting allowed subdivision are also established by zone.

County Character Zones - Subdivision Types							
	Complete Neighborhood Zones			Rural Area Zones			
	NR-1n/a			R-1	R-2	R-3	Standards
Land Division	P--			P	P	P	7.2.3.
Condominium/Townhouse	--			--	--	--	7.2.4.

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

County Legacy Zones - Subdivision Types													
	Complete Neighborhood Zones					Rural Area Zones				Civic Zones			
	AC	TC	AR	TC	WC	OP	TC	BP	TC	BC	TC	MHP-	P/SP-
Land Division	P	P	P	P	P	P	P	--	--	P	P	TC	P/SP-TC
Condominium/Townhouse	P	P	P	P	P	P	P	--	--	P	--	P-TC	7.2.4.

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

C. Optional Conferences

A pre-application conference may be requested for any application. For applications that require public hearing, an additional pre-application conference may be requested with the Planning Commission, or Board of County Commissioners.

D. Timing

A pre-application conference shall be held prior to the submittal of an application. A potential applicant shall initiate a request for a pre-application conference pursuant to Sec. 8.2.4. The pre-application conference shall be scheduled for a date acceptable to the requester that is within 60 days of receipt of the request.

E. Conference Focus

At the pre-application conference, the applicant and representatives of the County shall discuss the potential proposal to identify the standards and procedures that would apply to the proposal. Applicable LDR provisions not identified at the pre-application conference or amended following the pre-application conference are still applicable to the proposal. The level of detail of the County's review will match the level of detail contained in the materials submitted with the request for the pre-application conference. The pre-application conference is intended as a means of facilitating the application review process; discussions at the meeting and the written summary of the meeting are not binding on the County.

F. Conference Summary

The pre-application conference requester shall be provided a written summary of the pre-application conference within 14 days of its completion.

G. Expiration

A pre-application conference only satisfies a pre-application conference requirement if the application for which it is required is submitted within 12 months of the pre-application conference.

8.2.2. Environmental Analysis (EA) (8/7/18AMD2020-0004)

A. Purpose

The purpose of an Environmental Analysis (EA) is to coordinate the application of all natural resource protection standards through identification of the natural resources on a site. An EA review does not result in application approval, it results in recommended natural resource protections for an application.

B. Applicability

Unless exempted below, physical development, use, development options, and subdivision subject to Div. 5.1, or Div. 5.2, shall complete an EA in accordance with the requirements of this Section.

1. Exemptions

- a. **Agriculture.** Activities conducted for agricultural purposes meeting the standards for exemption in Section 6.1.3.B.
- b. **Previous Approval.** Physical development, use, development options, and subdivision that has received approval in accordance with the LDRs.

- c. **NC-TC.** All development located within the NC-TC zone, or within the NR-1, R-1, R-2 or R-3 zones on land zoned NC-TC on March 31, 2016, except new subdivision, habitat ponds, and berms.
- d. **Detached Single-Family Dwelling.** Physical development of a detached single-family dwelling if:
 - i. The proposed location is not within the NRO;
 - ii. It is the only dwelling unit on the lot of record, or the density on the site is less than or equal to one dwelling unit per 35 acres of base site area; and
 - iii. Compliance with all setback and buffer standards in Div. 5.1. and Div. 5.2. is demonstrated.
- e. **Expansion.** Expansion of an existing building or the addition of an accessory structure within the impact area of the existing building.
- f. **Conservation Easement.** Land subject to a conservation easement held by a formal land trust that has a mandate to protect conservation values, for which a rigorous review and study of the conservation values of the land has been performed as a basis for establishing the easement, if the applicant demonstrates that the review and study satisfies the objectives of the EA. In such instances the review and study completed for the conservation easement may be substituted for the EA.
- g. **Other.** The Planning Director may waive the requirement for an EA if the development complies with the following:
 - i. The lot of record is outside the NRO and the application demonstrates compliance with all setback and buffer standards in Div. 5.1. and Div. 5.2.; or
 - ii. The lot of record is in the NRO but is also in an area that has well-documented habitat information where additional physical development, use, development options and subdivision is anticipated to have minimal additional negative impacts to animal species protected by Sec. 5.2.1. While an EA is not required for lands meeting this exemption, development on such lands shall still be subject to certain standards for development determined appropriate by the Planning Director or the Board of County Commissioners.

C. Professional Preparation

An EA shall be prepared by an environmental professional with expertise in the subject of environmental sciences based on education, professional certifications, experience in the field, and their understanding of these LDRs, the Jackson/Teton County Comprehensive Plan, and the goals and objectives thereof.

- 1. For the following applications the environmental professional shall be hired by the applicant:
 - a. Building permit;
 - b. Grading permit;
 - c. Basic use permit; or
 - d. Development option plan.

2. For the following applications the environmental professional shall be hired by Teton County at the cost of the applicant pursuant to the process for identifying, selecting, and compensating a qualified EA consultant established in the Administrative Manual:
 - a. Sketch plan;
 - b. Development plan;
 - c. Conditional use permit;
 - d. Special use permit; or
 - e. Planned Unit Development.
3. For applications with a County hired consultant, the applicant may hire an additional environmental professional to submit the applicant's own EA and/or review and comment on the EA prepared by the Teton County contracted EA consultant. The applicant's chosen environmental professional shall provide documentation of qualifications upon the request of the Planning Director.

D. Substantial Changes

When changes are made to the proposal after the EA has been completed, so that the accuracy of the EA is significantly compromised, the Planning Director may require that the applicant provide updated analysis data to address the changes.

E. Expiration

1. An EA that is completed 3 or more years before the submittal of the associated application shall not be considered current and shall not meet the requirements of this Section.
2. Notwithstanding the standard above, the Planning Director may require a wholly new or amended EA for EAs that are less than 3 years old if the standards or circumstances analyzed have been altered significantly.
3. The Planning Director may extend the expiration date of an EA beyond 3 years if:
 - a. No significant development has occurred in the vicinity of the proposed development that would significantly alter wildlife patterns or habitat; and
 - b. There have been no other significant changes that render the analysis and conclusions in the EA outdated or inaccurate.

F. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete the each step before moving to the step below.

D. Minimum Site Area

Minimum site area is the minimum gross site area or minimum base site area, as specified, required to permit a use or development option. On sites in more than one zone, the entire site may be used to meet minimum site area requirements in either zone. On sites with multiple uses or development options, the entire site may be used to meet minimum site area requirements for each use or development option.

9.4.5. Floor Area (1/1/15)

Floor area is the area of all floors interior to an enclosed building that have at least 5 feet of clearance between floor and ceiling. Floor area shall be measured to the exterior face of the structural members of the wall. Roofed architectural recesses and open covered porches are not considered interior to the building. A building with at least 50% of its perimeter open to the outside shall not be considered enclosed.

9.4.6. Density/Intensity ([1/4/24AMD2020-0004](#))

The following standards shall apply to the calculation of maximum density, maximum floor area, minimum landscape surface area, and maximum site development.

A. General

1. **Split Zoning.** On sites in multiple zones, calculations shall be based on the base site area, or gross site area in ~~rural~~ character zones ([Div. 2.2.](#), [Div. 3.2.](#)), in each zone.
2. **Mixed Use.** On sites with multiple uses, the base site area, or gross site area in ~~rural~~ character zones ([Div. 2.2.](#), [Div. 3.2.](#)), shall be prorated to determine the allowed density/intensity of each use.

EXAMPLE: On a base site area of 30,000 square feet with an FAR of 0.3 for a single family unit, a 3,000 square foot single family unit would occupy 10,000 square feet of the base site area ($3,000/.3 = 10,000$), leaving 20,000 square feet of base site area left to calculate the remaining maximum floor area for other uses on the property.

B. Maximum Density

Unless stated otherwise for a specific provision of these LDRs, density is calculated by dividing the number of units by the base site area, or gross site area in ~~rural~~ character zones ([Div. 2.2.](#), [Div. 3.2.](#)).

EXAMPLE: 3 units on 35 acres of base site area is a density of 0.086 units/acre ($3/35 = .086$).

C. Floor Area Ratio (FAR)/Maximum Floor Area

1. The maximum floor area (see [Sec. 9.4.5.](#) for definition of Floor Area) allowed on a site shall be the maximum gross floor area not including basement floor area, as defined in [Sec. 9.5.B.](#)

2. The site area used to calculate maximum floor area shall be:
 - a. Gross Site Area in Character Zones ([Div. 2.2.](#) & [Div. 3.2.](#)); and
 - b. Base Site Area in Legacy Zones ([Div. 2.3.](#) & [Div. 3.3.](#)).
3. Unless otherwise defined in these LDRs, the maximum allowed floor area above grade is calculated by multiplying the allowed FAR by the applicable site area. Inversely, FAR is calculated by dividing the gross floor area above grade by the applicable site area

EXAMPLE: On a site area of 24,000 square feet a building with 8,000 square feet of gross floor area where 2,000 square feet was in the basement would have an FAR of .25 $((8,000-2,000)/24,000 = .25)$.

D. Landscape Surface Ratio (LSR)/Minimum Landscape Surface Area

The landscape surface ratio (LSR) is calculated by dividing the landscape surface area by the base site area, or gross site area in **rural** character zones ([Div. 2.2.](#), [Div. 3.2.](#)). However, for properties that include private or public road easements, no site development within the road easement shall count against the required LSR.

EXAMPLE: A property that has 6,000 square feet of landscape surface area and a base site area of 24,000 square feet has an LSR of .25 $(6,000/24,000 = .25)$. Unless otherwise defined in these LDRs, the minimum required amount of landscape surface area is calculated by multiplying the required LSR by the base site area (see [Sec. 9.5.L.](#) for definition of Landscape Surface Area). Facilities specifically permitted in [Sec. 5.5.3.](#), public and neighborhood pathways, and flood control levees are excluded from landscape surface ratio and minimum landscape surface area calculations.

E. Site Development Ratio (SDR)/Maximum Site Development

The site development ratio (SDR) is calculated by dividing the site development by the adjusted site area, or gross site area in **rural** character zones ([Div. 2.2.](#), [Div. 3.2.](#)). However, for properties that include private or public road easements, no site development within the road easement shall count against the maximum site development allowance.

EXAMPLE: A property that has 12,000 square feet of site development and an adjusted site area of 24,000 square feet has an SDR of .5 $(12,000/24,000 = .5)$. Unless otherwise defined in these LDRs, the maximum allowed site development is calculated by multiplying the required SDR by the adjusted site area (see [Sec. 9.5.S](#) for definition of Site Development).

F. Minimum Lot Size

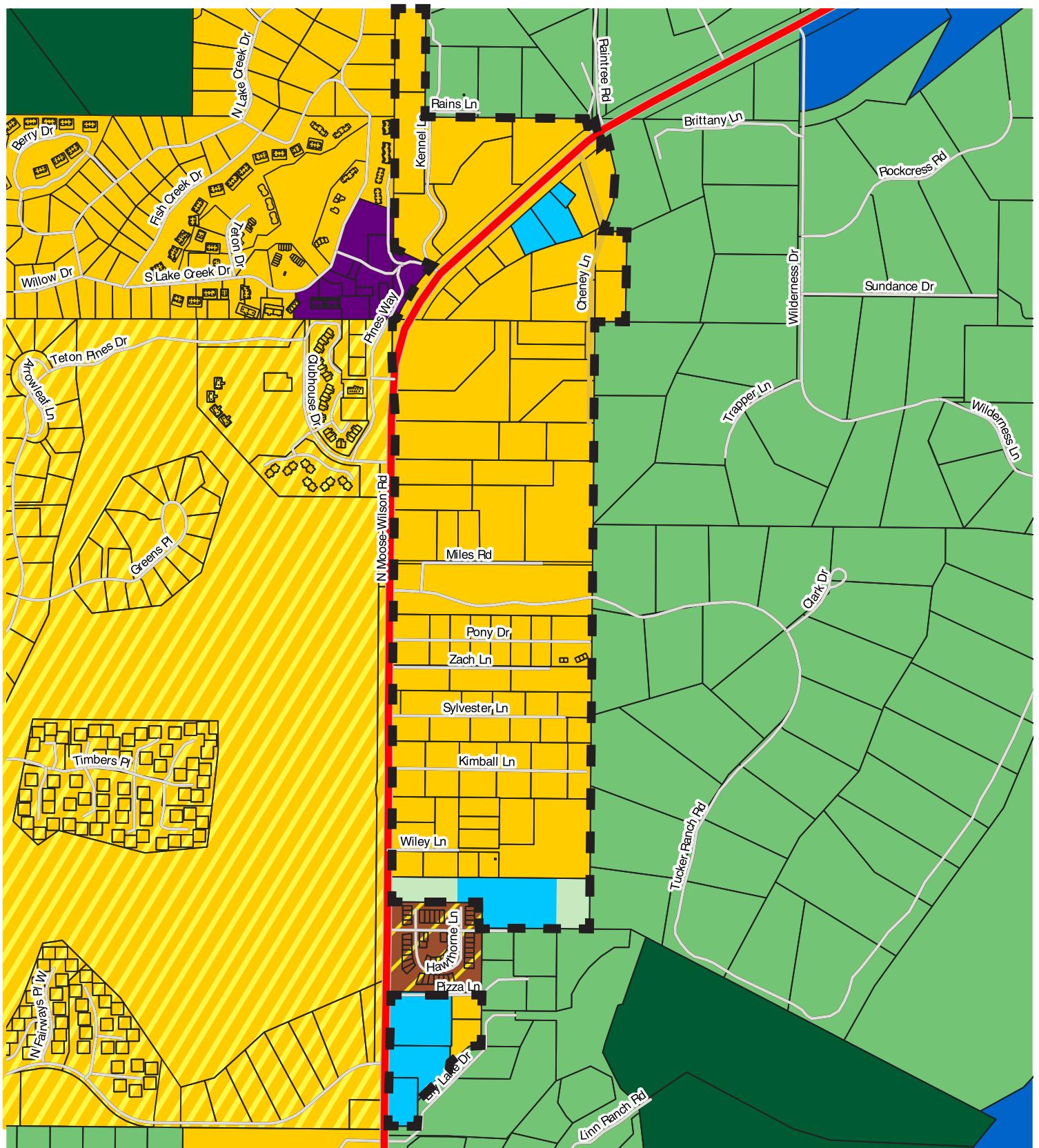
Minimum lot size means the required minimum gross site area of a newly created lot of record, including remnant parcels.

ZMA2020-0003: 390 Residential Rezone

Draft Zoning Map Amendments

DRAFT: March 9, 2021

Current Zoning



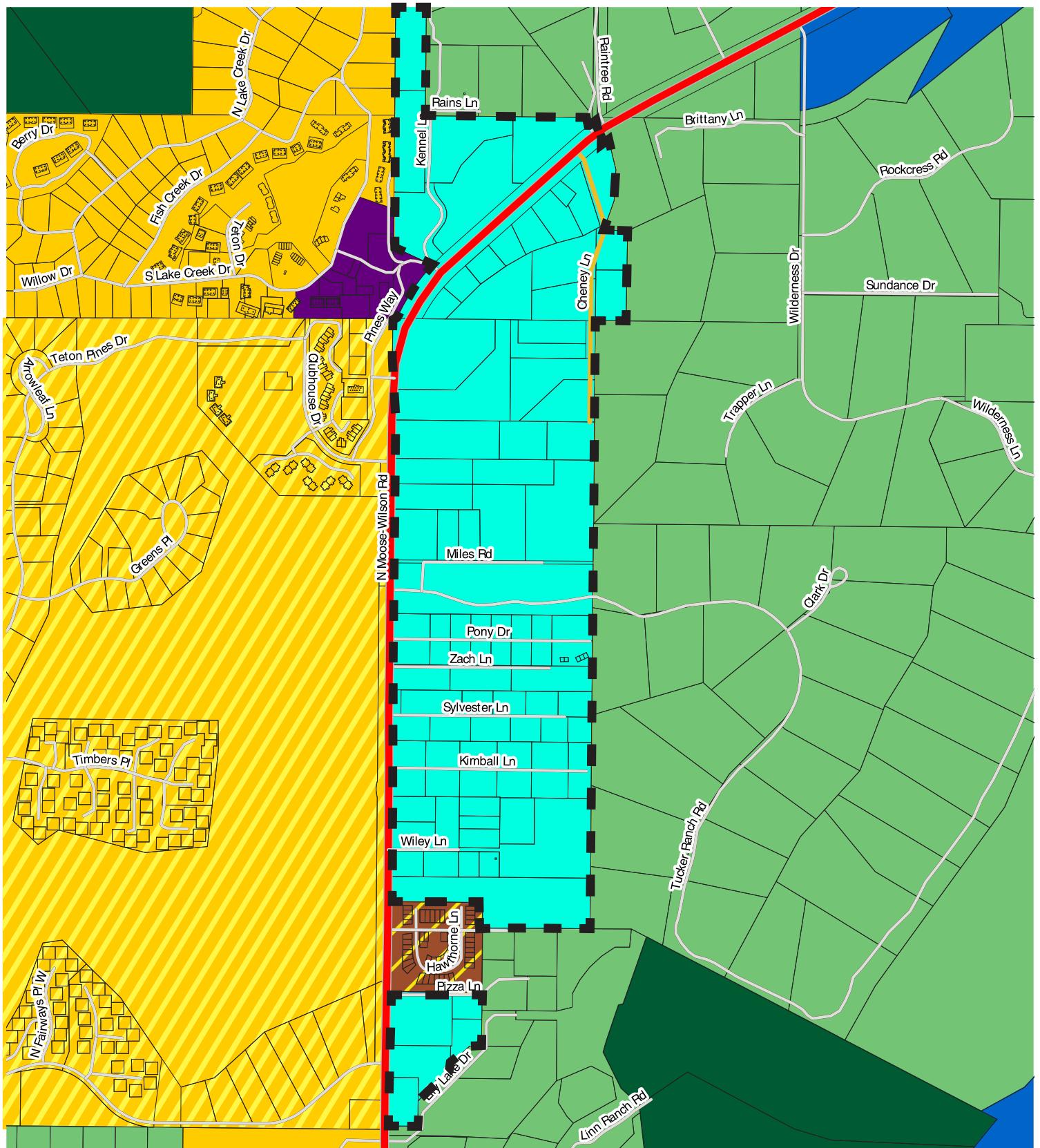
0 250 500 ft

NC-TC
BC-TC
R-TC

R-1
R-3
PUD-NC

AC-TC
PUD-AH
Area of Proposed Rezoning

Proposed Zoning Map Amendments



0 250 500 ft

	NC-TC		R-1		AC-TC
	Proposed NR-1		R-3		P/SP-TC
	PUD-NC		PUD-NC	Area of Proposed Rezoning	



LDR Review Checklist - NR-1 vs. NC-TC

Application: ZMA2020-0003

Purpose: Complete Neighborhood Rezones: Subarea 12.2 390 Residential (Comparison of Neighborhood Conservation-Teton County Legacy Zone (NC-TC) and Proposed Neighborhood Residential (NR-1) Character Zone)

Applicant: Teton County

Property Owner: Multiple

Reviewer: Rian Rooney

Recommendation: not applicable **Date:** 3/15/2021

Notes:

SITE DESCRIPTION

Address: n/a

Type: Other Metes & Bounds

Lot: n/a

PIDN: n/a

Subarea: 12.2 390 Residential (Stable)

Zone: Neighborhood Conservation (NC)

Overlay: Partial Natural Resources Overlay (NRO)

Comments:

SITE AREA

Gross Site Area (GSA): Approx. 180 acres

Comments:

PHYSICAL DEVELOPMENT (§ ZONE.B, ARTICLE 5)				
	NR-1 Standard	NC Standard	Notes	Proposed Result
Location of Development in Natural Resources				
River Setback (min) (§ 5.1.1)	150'	150'	Applies to all County zones	No change
Stream Setback (min) (§ 5.1.1)	50-150'	50-150'	Applies to all County zones	No change
Pond Setback (min) (§ 5.1.1)	50-150'	50-150'	Applies to all County zones	No change
Wetland Setback (min) (§ 5.1.1)	30'	30'	Applies to all County zones	No change
Ditch Setback (min) (§ 7.7.4.D)	15'	15'	Applies to all County zones	No change
Elk Habitat (5.2.1.G.1)	Properties zoned NC in 2016 exempt	NC zone exempt	Zoned NC in 2016 = exempt	No change
Mule Deer Habitat (5.2.1.G.2)	Properties zoned NC in 2016 exempt	NC zone exempt	Zoned NC in 2016 = exempt	No change
Moose Habitat (5.2.1.G.3)	Properties zoned NC in 2016 exempt	NC zone exempt	Zoned NC in 2016 = exempt	No change
Swan Habitat (5.2.1.G.4)	300' setback to nest; no dev in winter habitat	300' setback to nest; no dev in winter habitat	Applies to all County zones	No change
Trout Spawning (5.2.1.G.5)	150' setback to spawning area	150' setback to spawning area	Applies to all County zones	No change
Bald Eagle Habitat (5.2.1.G.6)	660' setback to nest; no dev in crucial winter habitat	660' setback to nest; no dev in crucial winter habitat	Applies to all County zones	No change
Vegetative Cover (5.2.1.F)	Properties zoned NC in 2016 exempt	NC zone exempt	Zoned NC in 2016 = exempt	No change
Environmental Analysis (8.2.2)	Properties zoned NC in 2016 exempt	NC zone exempt	Zoned NC in 2016 = exempt	No change
Comments:				
<ul style="list-style-type: none"> • Current NRO Exemption: NC-TC Zoned Lands. All physical development, use, and development options, except new subdivisions, habitat ponds, and berms, within the NC-TC zone, or within the R-1, R-2 or R-3 zones on land zoned NC-TC on March 31, 2016, shall be exempt from the standards of this Section, except that G.4., G.5., G.6., and Sec. 5.1.2. shall apply • Current EA Exemption: NC-TC. All development located within the NC-TC zone, or within the R-1, R-2 or R-3 zones on land zoned NC-TC on March 31, 2016, except new subdivision, habitat ponds, and berms. • A portion of this subarea is in the NRO 				

PHYSICAL DEVELOPMENT (§ ZONE.B, ARTICLE 5)				
	NR-1 Standard	NC Standard	Notes	Proposed Result
Scenic Resources Overlay (5.3.2)				
Foreground (5.3.2.G)	All physical development, use and development options, except new subdivisions are exempt from the proposed zone.	All physical development, use and development options, except new subdivisions are exempt from the NC-TC zone.		No change
Skyline (5.3.2.H)	Physical development shall not penetrate the Skyline on buttes and hillsides, as viewed from State highways, Spring Gulch Road, South Park Loop Road and Alta County, except in the case of an existing lot of record where there is no other siting alternative that complies with the standards of these LDRs.	Physical development shall not penetrate the Skyline on buttes and hillsides, as viewed from State highways, Spring Gulch Road, South Park Loop Road and Alta County, except in the case of an existing lot of record where there is no other siting alternative that complies with the standards of these LDRs.	Applies to all County Zones	No change

Comments: This subarea is not in the SRO or on a ridgeline

PHYSICAL DEVELOPMENT (§ ZONE.B, ARTICLE 5)				
	NR-1 Standard	NC Standard	Notes	Proposed Result
Site Development (§ Zone.B)				
Site Development (max)	<p>GSA<3 acres: GSA(0.11) + 5,619 sf</p> <p>GSA ≥ 3 acres: GSA(0.04) + 15,007 sf</p> <p>Maximum Site Development Ratio: 0.4</p>	<p>Single Family Unit Residential: See notes below.</p> <p>Nonresidential Uses: LSR = 0.95; written another way: (ASA)(43,560)(0.05)</p>	<p>Shift from calculation based on Adjusted Site Area to Gross Site Area. Gross Site Area is focused on relationship of open space and development.</p> <p>County Character Zones are moving toward GSA-based calculations to increase predictability and clarity.</p>	<p>Potential for small increase in site development potential for residential properties with existing vehicular access easements, levees, rivers and streams, and lakes or ponds greater than 1 acre.</p>
Street Setback (min)	GSA < 3 acres: 12.5' GSA≥ 3 acres: 25' except driveway across street yard	<p>Lot < 3 acres: 40% @ 12.5' and 60% @ 25' except driveways, shared parking, shared driveways</p> <p>Lot ≥ 3 acres: 40% @ 25' and 60% @ 50' except driveways, shared parking, shared driveways</p>	<p>This simplification was proposed to increase clarity of the regulations. Minimum setback is retained.</p>	<p>Clearer standard with more flexibility. For lots less than 3 acres, street setback is now entirely 12.5', rather than 40% of the lot at 12.5' and 60% at 25'. For 3+ acre lots, standard is 25'.</p>
Side Setback (min)	GSA < 3 ac: 5' GSA ≥ 3 ac: 15'	<p>Lot < 3 acres: 5' except shared parking, shared driveways</p> <p>Lot ≥ 3 acres: 15' except shared parking, shared driveways</p>	--	No change
Rear Setback (min)	GSA < 3 ac: 12.5' GSA ≥ 3 ac: 20'	<p>Lot < 3 acres: 12.5' except shared parking, shared driveways</p> <p>Lot ≥ 3 acres: 20' except shared parking, shared driveways</p>	--	No change

PHYSICAL DEVELOPMENT (§ ZONE.B, ARTICLE 5)

	NR-1 Standard	NC Standard	Notes	Proposed Result
Landscaping (min)	1 plant unit / 10,000 sf of floor area Parking lot: 1 pu per 8 spaces	Residential: 1 plant unit per dwelling unit Nonresidential: 1 per 1,000 sf of landscape area. Parking Lot: 1 per 8 parking spaces		No change for residential uses. Impact on nonresidential uses may vary, but nonresidential primary uses are limited in this zone and require conditional use permits.

Comments: • **NC-TC Maximum Site Development.** The maximum site development of a single-family unit, including associated accessory structures, shall be calculated using the appropriate formula below:

ASA	Maximum Site Development (sf)
≤ 0.1 ac	(ASA)(0.6)(43,560)
0.1-0.5 ac	(ASA-0.1)(0.31)(43,560)+2,614
0.5-3 ac	(ASA-0.5)(0.11)(43,560)+8,015
3-35 ac	(ASA-3)(0.040344)(43,560)+19,994
> 35 ac	(ASA)(0.05)(43,560)

PHYSICAL DEVELOPMENT (§ ZONE.B, ARTICLE 5)				
	NR-1 Standard	NC Standard	Notes	Proposed Result
Structure Dimensions (§ Zone.B)				
Street Setback (min)	GSA < 3 ac: 25' GSA ≥ 3 acs: 50'	Residential SFD: Lot < 3 acres: 25' Lot ≥ acres: 50' Other Principal Use: 50'	--	No change for residential single family dwellings. Other, limited principal uses would follow same standards that apply to single family dwellings.
Side Setback (min)	GSA < 3 ac: 10' GSA ≥ 3 ac: 30'	Residential SFD: Lot < 3 acres: 10' Lot ≥ 3 acres: 30' Other Principal Use: 30'	--	No change for residential single family dwellings. Other, limited principal uses would follow same standards that apply to single family dwellings.
Rear Setback (min)	GSA < 3 acres: 25' GSA ≥ 3 acres: 40'	Residential SFD: Lot < 3 acres: 25' Lot ≥ 3 acres: 40' Other Principal Use: 40'	--	No change for residential single family dwellings. Other principal uses would follow same standards that apply to single family dwellings.
Architectural Projections	Eaves, canopies, decks, and other architectural projection that clear 9' above finished grade may extend 4' into a setback	Architectural projections of buildings such as chimneys, eaves, outside stairways, covered balconies, uncovered decks, and uncovered porches may extend into a required setback by not more than 6 feet	This shift tightens the existing broad allowance for encroachment into structural setbacks and is consistent with the architectural projection rules developed for other County Character zones.	Architectural projections are limited from 6' to 4' into a required setback. These projections must also clear 9' above finished grade.
Point Height (max)	30'	30' for single family dwelling unit 40' for other principal use		Nonresidential uses allowed height is reduced from 40' to 30'. The intention is to better blend non-residential uses (though rare) into the area and simplify standards.

PHYSICAL DEVELOPMENT (§ ZONE.B, ARTICLE 5)				
	NR-1 Standard	NC Standard	Notes	Proposed Result
Overall Height (max)	37.5'	37.5' for single family dwelling unit 50' for other principal use	Slope is not a factor in this subarea	Non-residential uses height allowance is decreased from 50' to 37.5'
Roof & siding Materials	External surfaces: non-reflective Colors: earth tones	External surfaces shall be non-reflective. Colors shall blend into terrain using muted colors and earthy hues - additions matching existing colors are exempt		Change in language, but no meaningful change in standard

Comments:

Structure Scale (§ Zone.B)

Building:

PHYSICAL DEVELOPMENT (§ ZONE.B, ARTICLE 5)

	NR-1 Standard	NC Standard	Notes	Proposed Result
Above Grade Floor Area (sf)	10,000 sf	10,000 sf	Click here to enter text.	No change
Basement Floor Area (sf)	n/a	n/a		No change
Site Total				
Above Grade Floor Area (sf)	GSA(0.032) + 3,900sf	Residential: See comments below for calculation of Maximum Floor Area. Nonresidential: Maximum Floor Area: (BSA)(43,560)(0.007)	Shift to Gross Site Area is consistent with goals of predictability and clarity for County Character zones. This change should make it easier and more time and cost-efficient for property owners to see how much can be built on a property.	Potential for small increase in floor area for properties with existing road easements, levees, rivers and streams, and lakes or ponds greater than 1 acre, open space easements.
Basement Floor Area (sf)	n/a	n/a		No change

Comments:

1. **Maximum Floor Area.** The maximum floor area of a single-family unit, including associated accessory structures, shall be calculated using the appropriate formula below. Basements are excluded from maximum floor area calculations. Maximum Scale of Development Standards still apply.

BSA	Maximum Floor Area (sf)
≤ 0.11 ac	(BSA)(0.43)(43,560)
0.11-0.172 ac	(BSA-0.11)(0.2833)(43,560)+2,060
0.172-0.5 ac	(BSA-0.172)(0.124)(43,560)+2,825
>0.5 ac	(BSA-0.5)(0.032)(43,560)+4,596

PHYSICAL DEVELOPMENT (§ ZONE.B, ARTICLE 5)				
	NR-1 Standard	NC Standard	Notes	Proposed Result
Exterior Lighting (5.3.1)				
Unshielded Lumens (max)	4,000	4,000	Click here to enter text.	No change
Total Lumens (max)	60,000 or 1.5(site dev) whichever is less	60,000 or 1.5(site dev) whichever is less	Click here to enter text.	No change
Light Trespass	Prohibited	Prohibited	Click here to enter text.	No change
Other Physical Dev. Standards				
Wildlife Friendly Fencing (§ 5.1.2)	Yes. Special Purpose: 4' in street yard, 6' in side or rear yard	Yes. Special Purpose: 4' in street yard, 6' in side or rear		No change
Wildlife Feeding (§ 5.1.3)	Prohibited	Prohibited	Click here to enter text.	No change
Bear Resistance (§ 5.2.2)	Bear proof trash required in Conflict Priority Area 1	Bear proof trash required in Conflict Priority Area 1		No change
Steep Slopes (§ 5.4.1)	Development prohibited slopes >30%	Development prohibited slopes >30%		No change
Unstable Soils (§ 5.4.2)	See County Standards	See County Standards		No change
Fault Areas (§ 5.4.3)	See County Standards	See County Standards		No change
Floodplains (§ 5.4.4)	See County Standards	See County Standards		No change
WUI (§ 5.4.5)	See Teton County Fire Protection Resolution	See Teton County Fire Protection Resolution		No change
Signs (§ 5.6.2)	1 rustic unlighted freestanding or unlighted wall sign; For home occupation/home business: 1 unlighted wall sign	Nonresidential: 1 rustic freestanding or wall sign Residential: <3 acres: 1 unlighted wall sign; >3 acres 1 unlighted wall sign or 1 rustic unlighted freestanding sign Home occupation/business: 1 unlighted wall sign	Click here to enter text.	All uses regardless of lot size may have 1 unlighted rustic freestanding or unlighted wall sign. Nonresidential uses may not have lighted signs. Residential uses on lots <3 acres may have a rustic free standing or wall sign.
Grading (§ 5.7.2)	County Standards	County Standards		No change
Erosion Control (§ 5.7.3)	County Standards	County Standards		No change
Stormwater (§ 5.7.4)	County Standards	County Standards		No change
Comments:				

USE (§ ZONE.C, ARTICLE 6)				
	NR-1 Standard	NC Standard	Notes	Proposed Result
Allowed Use (§ Zone.C.1): Detached Single-Family Unit				
Site Area (min) (§ Zone.C.1)	n/a	0 sf	--	No change
Density (max) (§ Zone.C.1)	1 unit per lot	1 unit per lot	--	No change
Scale (max) (§ Zone.C.1)				
Habitable Floor Area	8,000 sf excluding basement	8,000 sf excluding basement	Click here to enter text.	No change
Gross Floor Area	10,000 sf	10,000 sf + 100 sf non-habitable FA per acre BSA over 10 acres. Not to exceed 15,000sf	There are no lots in the subarea with a BSA of 10 acres.	Lots above 10 acres that could previously exceed 10,000 sf Gross Floor Area are now limited to 10,000 max sf. No change for lots smaller than 10 acres.
Allowed Use (§ Zone.C.1): Accessory Residential Unit				
Site Area (min) (§ Zone.C.1)	n/a	0 sf		No change
Density (max) (§ Zone.C.1)	Primary Residential Use: 1 per single family dwelling unit Primary Nonresidential Use: Can vary based on primary use.	1 per dwelling unit; ARUs not allowed for nonresidential primary uses.	The nonresidential uses existing in this subarea are generally zoned BC, which allows for ARUs for nonresidential uses. These rights would be maintained	No change for Primary Residential Uses. Allowance for ARUs for nonresidential uses
Scale (max) (§ Zone.C.1)	Primary Residential Use: 1,000 sf gross floor area Primary Nonresidential Use: 850 sf gross floor area	Primary Residential Use: 1,000 sf gross floor area		No change for Primary Residential Uses. Any ARU accessory to a primary nonresidential use would be limited to 850 sf
Use Standards (§ 6.1, § Zone.E.)				
Difference in Allowed Uses:	Removed Outdoor Recreation Use. ARUs are accessory to residential or nonresidential primary uses.	ARUs are limited to primary residential uses.		Outdoor Recreation has been removed as an allowed, conditional use. All other allowed uses are the same.

USE (§ ZONE.C, ARTICLE 6)				
	NR-1 Standard	NC Standard	Notes	Proposed Result
Parking (§ Zone.C.2, Div. 6.2)				
Required Parking (min)	2/du, 1.25/ARU	2/du, 1.25/ARU		No change
Parking Location	Off street, on-site	Off street, on-site	Click here to enter text.	No change
Required Loading (min)	n/a; res use	n/a; res use	Click here to enter text.	No change
Loading Location	n/a; res use	n/a; res use	Click here to enter text.	No change
Comments:				
Affordable Workforce Housing (§ Zone.C.3, Div. 6.3)				
Employees Housed (min)	County Rates	County Rates		No change
Housing Method	Restriction of units or fee in lieu	Restriction of units or fee in lieu		No change
Comments:				
Operational Standards				
Outside Storage (§ 6.4.1)	County standards	County standards		No change
Refuse and Recycling (§ 6.4.2)	County standards	County standards		No change
Noise (§ 6.4.3)	55 DBA at property line	55 DBA at property line	Click here to enter text.	No change
Vibration (§ 6.4.4)	N/A	N/A		N/A
Electrical Disturbance (§ 6.4.5)	County standards	County standards		No change
Fire/Explosive Hazard (§ 6.4.6)	County standards	County Standards		No change
Heat/Humidity (§ 6.4.7)	County standards	County standards		No change
Radioactivity (§ 6.4.8)	County standards	County standards		No change
Other Prohibitions (§ 6.4.9)	County standards	County standards		No change
Comments:				

DEVELOPMENT OPTION & SUBDIVISION (§ ZONE.D, ARTICLE 7)				
	NR-1 Standard	NC Standard	Notes	Proposed Result
Development or Subdivision Option (§ Zone.D.1): Land Division				
Lot Size (min)	3 acres	3 or 3/6 acres. Depends on location of property on RA map and measurement of depth of groundwater	Comp Plan neighborhood desired form is 1-5 acres	Any subdivision would require 3 acre minimum lots. This is consistent with the current requirement for many of the lots in the subarea. Others, which previously had a 3/6 minimum acre standard would no longer require a measurement of the groundwater to determine minimum lot size for subdivision.
Rural Area (min)	n/a	n/a	n/a	n/a
Conservation Area (min)	n/a	n/a	n/a	n/a
Development Area (max)	n/a	n/a	n/a	n/a
Density (max)	n/a	n/a	n/a	n/a
Additional Floor Area (max)	n/a	n/a	n/a	n/a
Comments:				
Development or Subdivision Option (§ Zone.D.1): Floor Area Option (7.1.5)				
Lot Size (min)	n/a	n/a	n/a	Not allowed in either zone
Rural Area (min)	n/a	n/a	n/a	Not allowed in either zone
Conservation Area (min)	n/a	n/a	n/a	Not allowed in either zone
Development Area (max)	n/a	n/a	n/a	Not allowed in either zone
Density bonus (max)	n/a	n/a	n/a	Not allowed in either zone
Additional Floor Area (max)	n/a	n/a	n/a	Not allowed in either zone
Comments:				

DEVELOPMENT OPTION & SUBDIVISION (§ ZONE.D, ARTICLE 7)				
	NR-1 Standard	NC Standard	Notes	Proposed Result
Development or Subdivision Option (§ Zone.D.1): Rural PRD (7.1.2)				
Lot Size (min)	n/a	n/a	n/a	Not allowed in either zone
Rural Area (min)	n/a	n/a	n/a	Not allowed in either zone
Conservation Area (min)	n/a	n/a	n/a	Not allowed in either zone
Development Area (max)	n/a	n/a	n/a	Not allowed in either zone
Density (max)	n/a	n/a	n/a	Not allowed in either zone
Additional Floor Area (max)	n/a	n/a	n/a	Not allowed in either zone

Comments:

Development or Subdivision Option (§ Zone.D.1): CN-PRD (7.1.6)				
	NR-1 Standard	NC Standard	Notes	Proposed Result
Lot Size (min)	n/a	n/a	--	n/a
Rural Area (min)	n/a	n/a	--	n/a
Conservation Area (min)	n/a	n/a	--	n/a
Development Area (max)	n/a	n/a	--	n/a
Density (max)	n/a	n/a	--	n/a
Additional Floor Area (max)	n/a	n/a	--	n/a

Comments:

Schools and Parks Exactions (Div. 7.5)				
	NR-1 Standard	NC Standard	Notes	Proposed Result
Required Land (min)	0.03 acre per subdivision or unit	0.03 acre per subdivision or unit	--	No change
Exaction Method	Land dedication or fee in lieu	Land dedication or fee in lieu	--	No change

Comments:

DEVELOPMENT OPTION & SUBDIVISION (§ ZONE.D, ARTICLE 7)				
	NR-1 Standard	NC Standard	Notes	Proposed Result
Transportation and Utilities				
Access (§ 7.6.2)	Required	Required		No change
Road Standards (§ 7.6.4)	Right of way for a Minor Local Road: 60' Travel Lane width for a Minor Local Road: 10'	Right of way for a Minor Local Road: 60' Travel Lane width for a Minor Local Road: 10'		No change
Easement Dedication (§ 7.6.5)	County Standards	County Standards		No change
Intersection Clear View (§ 7.6.6)	County Standards	County Standards		No change
Potable Water (§ 7.7.2)	Connection to public supply, installation of central supply or evidence of individual well required	Connection to public supply, installation of central supply or evidence of individual well required		No change
Wastewater Treatment (§ 7.7.3)	Connection to public sanitary sewer required within 500'. Otherwise SWF septic approval required	Connection to public sanitary sewer required within 500'. Otherwise SWF septic approval required		No change
Irrigation/Water Rights (§ 7.7.4)	County Standards	County Standards		No change
Utility Burial/Easement (§ 7.7.5)	County Standards	County Standards		No change
Comments:				



LDR Review Checklist - NR-1 vs. BC-TC

Application: ZMA2020-0003

Purpose: Complete Neighborhood Rezones: Subarea 12.2 390 Residential (Comparison of Business Conservation-Teton County Legacy Zone (BC-TC) and Proposed Neighborhood Residential (NR-1) Character Zone)

Applicant: Teton County

Property Owner: Multiple

Reviewer: Rian Rooney

Recommendation: not applicable **Date:** 3/15/2021

Notes:

SITE DESCRIPTION

Address: n/a

Type: Other Metes & Bounds

Lot: n/a

PIDN: n/a

Subarea: 12.2 390 Residential (Stable)

Zone: Business Conservation (BC)

Overlay: Partial Natural Resources Overlay (NRO)

Comments:

SITE AREA

Gross Site Area (GSA): Approx. 18 acres

Comments: 7 properties in proposed rezone

PHYSICAL DEVELOPMENT (§ ZONE.B, ARTICLE 5)				
	NR-1 Standard	BC Standard	Notes	Proposed Result
Location of Development in Natural Resources				
River Setback (min) (§ 5.1.1)	150'	150'	Applies to all County zones	No change
Stream Setback (min) (§ 5.1.1)	50-150'	50-150'	Applies to all County zones	No change
Pond Setback (min) (§ 5.1.1)	50-150'	50-150'	Applies to all County zones	No change
Wetland Setback (min) (§ 5.1.1)	30'	30'	Applies to all County zones	No change
Ditch Setback (min) (§ 7.7.4.D)	15'	15'	Applies to all County zones	No change
Elk Habitat (5.2.1.G.1)	No development, use within Crucial Migration Routes and Winter Range.	No development, use within Crucial Migration Routes and Winter Range.		No change
Mule Deer Habitat (5.2.1.G.2)	No development, use etc. within Crucial Migration Routes and Winter Range.	No development, use etc. within Crucial Migration Routes and Winter Range.		No change
Moose Habitat (5.2.1.G.3)	No development, use etc. within Crucial Winter Habitat.	No development, use etc. within Crucial Winter Habitat.	Click here to enter text.	No change
Swan Habitat (5.2.1.G.4)	300' setback to nest; no dev in winter habitat	300' setback to nest; no dev in winter habitat	Click here to enter text.	No change
Trout Spawning (5.2.1.G.5)	150' setback to spawning area	150' setback to spawning area	Applies to all County zones	No change
Bald Eagle Habitat (5.2.1.G.6)	660' setback to nest; no dev in crucial winter habitat	660' setback to nest; no dev in crucial winter habitat	Applies to all County zones	No change
Vegetative Cover (5.2.1.F)	See 5.2.1.F.	See 5.2.1.F	-	No change
Environmental Analysis (8.2.2)	Required	Required	Click here to enter text.	No change

Comments: • A portion of this subarea is in the NRO

PHYSICAL DEVELOPMENT (§ ZONE.B, ARTICLE 5)				
	NR-1 Standard	BC Standard	Notes	Proposed Result
Scenic Resources Overlay (5.3.2)				
Foreground (5.3.2.G)	All physical development, use and development options, except new subdivisions are exempt from the proposed zone.	See 5.3.2.G.		NR-1-zoned properties are exempt from many of the foreground standards.
Skyline (5.3.2.H)	Physical development shall not penetrate the Skyline on buttes and hillsides, as viewed from State highways, Spring Gulch Road, South Park Loop Road and Alta County, except in the case of an existing lot of record where there is no other siting alternative that complies with the standards of these LDRs.	Physical development shall not penetrate the Skyline on buttes and hillsides, as viewed from State highways, Spring Gulch Road, South Park Loop Road and Alta County, except in the case of an existing lot of record where there is no other siting alternative that complies with the standards of these LDRs.	Applies to all County Zones	No change

Comments: This subarea is not in the SRO or on a ridgeline

PHYSICAL DEVELOPMENT (§ ZONE.B, ARTICLE 5)				
	NR-1 Standard	BC Standard	Notes	Proposed Result
Site Development (§ Zone.B)				
Site Development (max)	GSA<3 acres: GSA(0.11) + 5,619 sf GSA ≥ 3 acres: GSA(0.04) + 15,007 sf Maximum Site Development Ratio: 0.4	Single Family Residential: See notes below. Nonresidential Uses: LSR= 0.30; written another way: (ASA)(43,560)(0.7)	County Character Zones are moving toward GSA-based calculations to increase predictability and clarity.	For single family residential uses, site development is the same with potential for increase commensurate with land encumbered by easement or water. For nonresidential uses, site development is limited to the allowance for single family residences. Maximum site development allowed decreases.
Street Setback (min)	GSA < 3 acres: 12.5' GSA ≥ 3 acres: 25' except driveway across street yard	Nonresidential Uses: 40% @ 10' and 60% @ 20' except driveways, shared parking, shared driveways		Nonresidential setback shifts from 10'(40%)/20'(60%) to 12.5'.
Side Setback (min)	GSA < 3 ac: 5' GSA ≥ 3 ac: 15'	Nonresidential: 5'	--	No change for lots less than 3 acres. Increase to 15' for lots greater than 3 acres.
Rear Setback (min)	GSA < 3 ac: 12.5' GSA ≥ 3 ac: 20'	Nonresidential: 10'	--	Proposed rear setback is more restrictive; 12.5' and 20', depending on lot size.
Landscaping (min)	1 plant unit / 10,000 sf of floor area Parking lot: 1 pu per 8 spaces	Residential: 1 plant unit per dwelling unit Nonresidential: 1 per 1,000 sf of landscape area. Parking Lot: 1 per 12 parking spaces		No change for residential uses. Impact on nonresidential uses varies, but is generally a less strict requirement. Parking lot requirement is stricter.

Comments: • **BC-TC Maximum Site Development.**

Residential: The maximum site development of a single-family unit, including associated accessory structures, shall be calculated using the appropriate formula below:

PHYSICAL DEVELOPMENT (§ ZONE.B, ARTICLE 5)

NR-1 Standard	BC Standard	Notes	Proposed Result
ASA			Maximum Site Development (sf)
≤ 0.1 ac			(ASA)(0.6)(43,560)
0.1-0.5 ac			(ASA-0.1)(0.31)(43,560)+2,614
0.5-3 ac			(ASA-0.5)(0.11)(43,560)+8,015
3-35 ac			(ASA-3)(0.040344)(43,560)+19,994
> 35 ac			(ASA)(0.05)(43,560)

Nonconformity: Existing site development beyond the allowance would become lawfully nonconforming and would not be permitted to expand further.

Setbacks: For simplicity, only BC-TC setback standards for nonresidential uses are listed. NR-1 setbacks follow standards for single family residential established in NC-TC and BC-TC zones.

PHYSICAL DEVELOPMENT (§ ZONE.B, ARTICLE 5)				
	NR-1 Standard	BC Standard	Notes	Proposed Result
Structure Dimensions (§ Zone.B)				
Street Setback (min)	GSA < 3 ac: 25' GSA ≥ 3 acs: 50'	Nonresidential: 20'	--	Proposed setbacks are more restrictive for nonresidential uses.
Side Setback (min)	GSA < 3 ac: 10' GSA ≥ 3 ac: 30'	Nonresidential: 10'	--	No change for nonresidential uses on lots less than 3 acres. More restrictive for larger properties.
Rear Setback (min)	GSA < 3 acres: 25' GSA ≥ 3 acres: 40'	Nonresidential: 20'	--	Proposed setbacks are more restrictive for nonresidential uses.
Architectural Projections	Eaves, canopies, decks, and other architectural projection that clear 9' above finished grade may extend 4' into a setback	Fire escapes may extend into a side or rear yard by not more than 4 feet		See language for differences.
Point Height (max)	30'	Nonresidential: 26'		Proposed NR-1 would increase the height allowance for nonresidential uses to 30'
Overall Height (max)	37.5'	Nonresidential: 32.5'	Slope is not a factor in this subarea, so this does not apply.	Proposed NR-1 would increase the maximum height allowance for nonresidential uses to 37.5'
Roof & siding Materials	External surfaces: non-reflective Colors: earth tones	External surfaces shall be non-reflective. Colors shall blend into terrain using muted colors and earthy hues - additions matching existing colors are exempt		Change in language, but no meaningful change in standard

Comments: **Setbacks:** For simplicity, only BC-TC setback standards for nonresidential uses are listed. NR-1 setbacks follow standards for single family residential established in NC-TC and BC-TC zones.

Structure Scale (§ Zone.B)				
Building:				

PHYSICAL DEVELOPMENT (§ ZONE.B, ARTICLE 5)

	NR-1 Standard	BC Standard	Notes	Proposed Result
Above Grade Floor Area (sf)	10,000 sf	Single Family Residential: 10,000 sf Nonresidential: 6,000 sf	Click here to enter text.	Increase in maximum allowed structure size for nonresidential uses from 6,000 to 10,000 sf.
Basement Floor Area (sf)	n/a	n/a		No change
Site Total				
Above Grade Floor Area (sf)	GSA(0.032) + 3,900sf	Single Family Residential: See comments below for calculation of Maximum Floor Area. Nonresidential: Expansion of 20% <u>OR</u> Lots < or = 4 ac: 0.1 FAR Lots > 4 ac: 0.05 FAR, whichever is greater.	Shift to Gross Site Area is consistent with goals of predictability and clarity for County Character zones.	For single family residential uses, floor area maximum is the same with potential for increase commensurate with land encumbered by easement or water. For nonresidential uses, floor area maximum varies depending on existing floor area in 1994 and lot size, but proposed maximum is, in general, more restrictive.
Basement Floor Area (sf)	n/a	n/a		No change

Comments: • **BC-TC Maximum Floor Area.**

Residential: The maximum site development of a single-family unit, including associated accessory structures, shall be calculated using the appropriate formula below:

1. **Maximum Floor Area.** The maximum floor area of a single-family unit, including associated accessory structures, shall be calculated using the appropriate formula below. Basements are excluded from maximum floor area calculations. Maximum Scale of Development Standards still apply.

BSA	Maximum Floor Area (sf)
≤ 0.11 ac	(BSA)(0.43)(43,560)
0.11-0.172 ac	(BSA-0.11)(0.2833)(43,560)+2,060
0.172-0.5 ac	(BSA-0.172)(0.124)(43,560)+2,825
>0.5 ac	(BSA-0.5)(0.032)(43,560)+4,596

Nonresidential Floor Area: BC-TC floor area allowances permit a 20% expansion of the floor area that existed on the property in 1994, even if it exceeds the listed FAR.

- **Nonconformity:** Existing floor area beyond the allowance would become lawfully nonconforming and would not be permitted to expand further.

PHYSICAL DEVELOPMENT (§ ZONE.B, ARTICLE 5)				
	NR-1 Standard	BC Standard	Notes	Proposed Result
Exterior Lighting (5.3.1)				
Unshielded Lumens (max)	4,000	5,500	Click here to enter text.	Proposed NR-1 maximum is more restrictive.
Total Lumens (max)	60,000 or 1.5(site dev) whichever is less	100,000 or 3(site dev) whichever is less	Click here to enter text.	Proposed NR-1 maximum is more restrictive.
Light Trespass	Prohibited	Prohibited	Click here to enter text.	No change

Comments:

Other Physical Dev. Standards				
Wildlife Friendly Fencing (§ 5.1.2)	Yes. Special Purpose: 4' in street yard, 6' in side or rear yard	Yes. Special Purpose: 4' in street yard, 6' in side or rear		No change
Wildlife Feeding (§ 5.1.3)	Prohibited	Prohibited	Click here to enter text.	No change
Bear Resistance (§ 5.2.2)	Bear proof trash required in Conflict Priority Area 1	Bear proof trash required in Conflict Priority Area 1		No change
Steep Slopes (§ 5.4.1)	Development prohibited slopes >30%	Development prohibited slopes >30%		No change
Unstable Soils (§ 5.4.2)	See County Standards	See County Standards		No change
Fault Areas (§ 5.4.3)	See County Standards	See County Standards		No change
Floodplains (§ 5.4.4)	See County Standards	See County Standards		No change
WUI (§ 5.4.5)	See Teton County Fire Protection Resolution	See Teton County Fire Protection Resolution		No change
Signs (§ 5.6.2)	1 rustic unlighted freestanding or unlighted wall sign; For home occupation/home business: 1 unlighted wall sign	Nonresidential: 1 freestanding sign per building 1 wall sign per frontage for each building or storefront 1 monument or entry sign per entrance other than frontage	Click here to enter text.	Proposed NR-1 standards would reduce the number and type of signs allowed on the site. Existing signs that become nonconforming would follow the nonconformity standards of the LDRs.
Grading (§ 5.7.2)	County Standards	County Standards		No change
Erosion Control (§ 5.7.3)	County Standards	County Standards		No change
Stormwater (§ 5.7.4)	County Standards	County Standards		No change

Comments:

USE (§ ZONE.C, ARTICLE 6)				
	NR-1 Standard	BC Standard	Notes	Proposed Result
Allowed Use (§ Zone.C.1): Detached Single-Family Unit				
Site Area (min) (§ Zone.C.1)	n/a	0 sf	--	No change
Density (max) (§ Zone.C.1)	1 unit per lot	1 unit per lot	--	No change
Scale (max) (§ Zone.C.1)				
Habitable Floor Area	8,000 sf excluding basement	8,000 sf excluding basement	Click here to enter text.	No change
Gross Floor Area	10,000 sf	10,000 sf + 100 sf non-habitable FA per acre BSA over 10 acres. Not to exceed 15,000sf	There are no lots in the subarea with a BSA of 10 acres.	Lots above 10 acres that could previously exceed 10,000 sf Gross Floor Area are now limited to 10,000 max sf. No change for lots smaller than 10 acres.
Allowed Use (§ Zone.C.1): Accessory Residential Unit				
Site Area (min) (§ Zone.C.1)	n/a	0 sf		No change
Density (max) (§ Zone.C.1)	Primary Residential Use: 1 per single family dwelling unit Primary Nonresidential Use: Varies based on primary use.	Use: 1 per single family dwelling unit Primary Nonresidential Use: Varies based on primary use.		No change
Scale (max) (§ Zone.C.1)	Primary Residential Use: 1,000 sf gross floor area Primary Nonresidential Use: 850 sf gross floor area	Primary Residential Use: 1,000 sf gross floor area Primary Nonresidential Use: 850 sf habitable floor area	ARUs accessory to a nonresidential use do not count against floor area maximum	No change for Primary Residential Uses. Maximum ARU size for nonresidential uses shifts from 850sf habitable to 850sf gross.
Use Standards (§ 6.1, § Zone.E.)				
Difference in Allowed Uses:	BASIC: +Family Home Daycare (BC requires a CUP)	CONDITIONAL: + Outdoor Rec + Attached Single-family unit, Apartment, and Dormitory + Campground + Office, Retail, Service, Restaurant/Bar, Heavy Retail/Service,		Nonresidential uses are generally not allowed in the NR-1 zone. The BC-TC zone generally requires a CUP to change to another allowed use. Under the nonconformity standards, a nonconforming use

USE (§ ZONE.C, ARTICLE 6)				
	NR-1 Standard	BC Standard	Notes	Proposed Result
		Mini-Storage Warehouse, Nursery + Developed Recreation and Outfitter/Tour Operator +Daycare/Educatio n +Light Industry +Parking and Aviation + Drive-In Facility with		can apply for a CUP to change to another unallowed use of lesser intensity.

Parking (§ Zone.C.2, Div. 6.2)

Required Parking (min)	2/du, 1.25/ARU	2/du, 1.25/ARU; varies for nonresidential uses		No change
Parking Location	Off street, on-site	Off street, on-site	Click here to enter text.	No change
Required Loading (min)	n/a; res use	n/a; res use	Click here to enter text.	No change
Loading Location	n/a; res use	n/a; res use	Click here to enter text.	No change

Comments:

Affordable Workforce Housing (§ Zone.C.3, Div. 6.3)

Employees Housed (min)	County Rates	County Rates		No change
Housing Method	Restriction of units or fee in lieu	Restriction of units or fee in lieu		No change

Comments:

Operational Standards

Outside Storage (§ 6.4.1)	County standards	County standards		No change
Refuse and Recycling (§ 6.4.2)	County standards	County standards		No change
Noise (§ 6.4.3)	55 DBA at property line	65 DBA at property line	If nonresidential activity is contiguous to a zone with lower maximum then lower maximum shall govern.	Functionally no change for subject properties because they are adjacent to NC-TC zone.
Vibration (§ 6.4.4)	N/A	N/A		N/A
Electrical Disturbance (§ 6.4.5)	County standards	County standards		No change
Fire/Explosive Hazard (§ 6.4.6)	County standards	County Standards		No change
Heat/Humidity (§ 6.4.7)	County standards	County standards		No change
Radioactivity (§ 6.4.8)	County standards	County standards		No change
Other Prohibitions (§ 6.4.9)	County standards	County standards		No change

Comments:

DEVELOPMENT OPTION & SUBDIVISION (§ ZONE.D, ARTICLE 7)				
	NR-1 Standard	BC Standard	Notes	Proposed Result
Development or Subdivision Option (§ Zone.D.1): Land Division				
Lot Size (min)	3 acres	4 acres	Comp Plan neighborhood desired form is 1-5 acres	Shift from 4 acres to 3 acre minimum lot size for subdivision.
Rural Area (min)	n/a	n/a	n/a	n/a
Conservation Area (min)	n/a	n/a	n/a	n/a
Development Area (max)	n/a	n/a	n/a	n/a
Density (max)	n/a	n/a	n/a	n/a
Additional Floor Area (max)	n/a	n/a	n/a	n/a
Comments:				
Development or Subdivision Option (§ Zone.D.1): Condominium/Townhouse				
Lot Size (min)	n/a	n/a		Not allowed in NR-1 zone.
Density (max)	n/a	n/a		Not allowed in NR-1 zone.
Floor Area (max)	n/a	Determined by physical development.		Not allowed in NR-1 zone.
Comments:				
Development or Subdivision Option (§ Zone.D.1): CN-PRD (7.1.6)				
Lot Size (min)	n/a	n/a	--	n/a
Rural Area (min)	n/a	n/a	--	n/a
Conservation Area (min)	n/a	n/a	--	n/a
Development Area (max)	n/a	n/a	--	n/a
Density (max)	n/a	n/a	--	n/a
Additional Floor Area (max)	n/a	n/a	--	n/a
Comments:				
Schools and Parks Exactions (Div. 7.5)				
Required Land (min)	0.03 acre per subdivision or unit	0.03 acre per subdivision or unit	--	No change
Exaction Method	Land dedication or fee in lieu	Land dedication or fee in lieu	--	No change
Comments:				

DEVELOPMENT OPTION & SUBDIVISION (§ ZONE.D, ARTICLE 7)				
	NR-1 Standard	BC Standard	Notes	Proposed Result
Transportation and Utilities				
Access (§ 7.6.2)	Required	Required		No change
Road Standards (§ 7.6.4)	Right of way for a Minor Local Road: 60' Travel Lane width for a Minor Local Road: 10'	Right of way for a Minor Local Road: 60' Travel Lane width for a Minor Local Road: 10'		No change
Easement Dedication (§ 7.6.5)	County Standards	County Standards		No change
Intersection Clear View (§ 7.6.6)	County Standards	County Standards		No change
Potable Water (§ 7.7.2)	Connection to public supply, installation of central supply or evidence of individual well required	Connection to public supply, installation of central supply or evidence of individual well required		No change
Wastewater Treatment (§ 7.7.3)	Connection to public sanitary sewer required within 500'. Otherwise SWF septic approval required	Connection to public sanitary sewer required within 500'. Otherwise SWF septic approval required		No change
Irrigation/Water Rights (§ 7.7.4)	County Standards	County Standards		No change
Utility Burial/Easement (§ 7.7.5)	County Standards	County Standards		No change
Comments:				

Departmental Reviews

From: [Amy Ramage](#)
To: [Rian Rooney](#)
Cc: [Heather Overholser](#); [Ted VanHolland](#)
Subject: Re: PRC Request AMD2020-0004 and ZMA2020-0003
Date: Sunday, March 14, 2021 9:41:48 PM

Hi Rian,
I apologize I've missed both of your deadlines on this PRC request! If it's not too late, I offer the following limited comments:

While there is limited potential for additional subdivision, and therefore limited concern for water quality related to additional density in this particular NR-1 area, there is likely opportunity to connect legacy septic systems to public sewer when they reach the end of their useful lives and need replacing. This may become more important in other future areas considered for NR-1 that have more potential to create density. I believe the desire to accomplish this is likely better handled within LDRs and other wastewater master planning to incentivize connection to public sewers, however I would be happy to talk in more detail with you if there are ideas that may be considered within this zoning effort.

As the project manager in preparing the Teton County wildlife crossing master plan, I also encourage any measures within zoning means to maximize and incentivize wildlife permeability and to discourage accidentally creating vegetated areas that are palatable or provide cover near roadways. I defer to Game and Fish staff on the details related to this. It is particularly important along this corridor on Hwy 390.

Thanks,

Amy Ramage, PE
Teton County Engineer

On Mar 8, 2021, at 9:09 AM, Rian Rooney <rrooney@tetoncountywy.gov> wrote:

Good morning Amy,
Just a friendly reminder to send me any comments on these proposals by Friday of this week at the latest.
Thanks!

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

From: Rian Rooney
Sent: Thursday, February 18, 2021 3:00 PM
To: Amy Ramage <aramage@tetoncountywy.gov>
Subject: PRC Request AMD2020-0004 and ZMA2020-0003

Amy,

Following up on our conversation from a few weeks ago about the rezoning effort across from the Aspens, I've formally released the public review draft of the new zone, called Neighborhood Residential-1 (NR-1), and the proposed amendments to the zoning map to apply it in "Subarea 12.2: 390 Residential," as identified in the Comprehensive Plan. This whole project is technically two separate applications that will be reviewed one after the other at the same hearings:

1. AMD2020-0004 – The amendment to our Land Development Regulations (LDRs), to create the NR-1 Zone
2. ZMA2020-0003 – The amendment to the zoning map to apply the NR-1 zoning to about 180 acres on the east side of Highway 390 (and to a few properties to the north near the Aspens Commercial area)

Considering that the NR-1 zone could be applied to other areas of the County in the future, I am requesting any formal comments you have on the proposed NR-1 zone itself, as well as comments on its specific application as proposed in this area of the County. In the end, we opted not to include an additional street setback for structures along Highway 390 at this time, as there is already about a 50' easement from the edge of the road to the end of the WYDOT easement, and then an additional setback of 25' or 50' for structures from that easement line, depending on lot size. Following our initial conversations, we were also interested in considering separate vegetation regulations for high traffic areas, but decided against including those in the NR-1 zoning standards. Instead, they will be something else that we consider, perhaps at a Countywide level, as we work through updates to our natural resources regulations. The minimum lot size for new lots created through land division is 3 acres, so this change will not trigger many additional subdivision opportunities in this subarea (there are 4 lots that are 6 acres or more in this area). And finally, the allowed uses in the new zone are limited primarily to single-family residential, similar to the uses currently allowed in the NC zone, which is the dominant zoning in the area. The commercial properties along Highway 390, currently zoned BC, are proposed to be rezoned to NR-1 as well and would generally be allowed to continue to operate as nonconforming uses until they are discontinued.

I've attached the draft zoning language and draft zoning map amendments. I have also sent these to Ted and Aly Courtemanch for comments. Please send any formal comments on the proposals (AMD2020-0004 and ZMA2020-0003) to me by Friday, March 5th. In the meantime please feel free to contact me with any questions.

Thank you,

Rian Rooney

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



ENGINEERING

Ted Van Holland, PE, Environmental Permitting Engineer

March 11, 2021

TO: Rian Rooney; Associate Long Ranch Planner

RE: ZMA 2020-0003/ AMD 2020-0004

Rian:

I have reviewed the above reference proposed amendments to the Teton County Land Development Regulations. We had previously discussed the map amendment in a virtual meeting, and you showed me where the new zone would initially apply, and the context surrounding it. My considerations about that centered on issues of irrigation ditch routing, high groundwater, water supply, and wastewater disposal. It appeared that little if any additional subdivision would result, and no new lots smaller than 3 acres would result if this zoning change were adopted. I regard the proposed zoning in this vicinity to not present an increased concern over the issues I considered.

The required utilities, where shown, should omit the additional comments next to Water (required), because the description in 7.7 is more complete, and the reader should see that full description to avoid an incomplete impression. I suggest that an additional listing under required utilities be made to similarly address irrigation ditches and surface water supply. This will provide more clarity that proper consideration be given to this prevalent feature in the area of present focus, as well as many similar areas.

Respectfully,
Ted Van Holland, PE
Teton County Engineering Department



MEMORANDUM

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

From: Stacy Stoker
Housing Manager, Teton County Housing Department

Re: AMD2020-0004-
Amendment to LDRs to create NR-1 Zone
ZMA2020-0003-
Amendment to the zoning map

Date: March 5, 2021

The Housing Department recommends that the NR-1 Zone include a CNPRD tool with a gradient density bonus for property owners who are transferring development rights and building deed restricted workforce housing.

The reference to non-residential ARUs should include that non-residential ARUs are required to record a deed restriction in accordance with the Housing Department Rules and Regulations.

Thank you for the opportunity to review this application. Please contact me with any questions.

From: [Alyson Courtemanch](#)
To: [Rian Rooney](#)
Subject: Re: PRC Review Request AMD2020-0004 + ZMA2020-0003
Date: Saturday, March 6, 2021 4:35:12 PM

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Hi Rian,

Thank you for the opportunity to review this. I do not have any comments.

Thanks,
Aly

On Fri, Feb 19, 2021 at 12:39 PM Alyson Courtemanch <alyson.courtemanch@wyo.gov>
wrote:

Thanks, Rian! Will take a look and let you know if we have any comments by March 5.

On Thu, Feb 18, 2021 at 2:33 PM Rian Rooney <rrooney@tetoncountywy.gov> wrote:

Hello Aly,

Thanks again for connecting with Ryan and me the other week about wildlife permeability and zoning the other week. I've released the public review draft of the new zone, called Neighborhood Residential (NR-1), and the proposed update to the zoning map to apply the NR-1 zoning in Subarea 12.2 (as described in the Comprehensive Plan). This is whole project is technically two separate applications that will be reviewed one after the other:

1. AMD2020-0004 – The amendment to our Land Development Regulations (LDRs), to create the NR-1 Zone
2. ZMA2020-0003 – The amendment to the zoning map to apply the NR-1 zoning to about 180 acres on the east side of Highway 390 (and to a few properties to the north near the Aspens Commercial area)

Since the presence of certain species of wildlife and wildlife permeability are defining features of the area, I wanted to ensure that you had the opportunity to offer formal comments on the proposal. In the end, we opted not to include an additional street setback for structures along Highway 390 at this time, as there is already about a 50' easement from the edge of the road to the end of the WYDOT easement, and then an additional setback of 25' or 50' for structures from that easement line, depending on lot size. We were also interested in considering separate vegetation regulations for high traffic areas, but decided against including those in the NR-1 zoning standards. Instead, they will be something else that we consider, perhaps at a Countywide level, as we work through updates to our natural resources regulations. The minimum lot size for new lots created through land division is 3 acres, so this change will not trigger many additional subdivision opportunities in this subarea (there are 4 lots that are 6 acres or more in this area). And finally, the allowed uses in the new zone are limited primarily to single-family residential, similar to the uses currently allowed in the NC zone, which is the dominant

zoning in the area. The commercial properties along Highway 390, currently zoned BC, are proposed to be rezoned to NR-1 as well and would generally be allowed to continue to operate as nonconforming uses until they are discontinued.

I've attached the draft zoning language and draft zoning map amendments. Please send any formal comments on the proposal to me by Friday, March 5th. In the meantime please feel free to contact me with any questions.

Thank you,

Rian Rooney

Associate Long Range Planner

Teton County Planning & Building Services

PO Box 1727 | 200 S. Willow Street

Jackson, WY 83001

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--
Aly Courtemanch, Wildlife Biologist
Wyoming Game & Fish Department
420 North Cache
P.O. Box 67
Jackson, WY 83001
office: (307) 249-5807 (direct line)
cell: (307) 730-2806

--
Aly Courtemanch, Wildlife Biologist
Wyoming Game & Fish Department
420 North Cache
P.O. Box 67

Jackson, WY 83001
office: (307) 249-5807 (direct line)
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of public business, is subject to the Wyoming Public Records
Act and may be disclosed to third parties.

From: [Darin Kaufman](#)
To: [Rian Rooney](#)
Cc: [Keith Compton](#)
Subject: Re: Review and Comment Request AMD2020-0004 and ZMA2020-0003
Date: Thursday, February 25, 2021 1:29:02 PM

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Rian,

Thank you for the opportunity to comment.

WYDOT has no objections for the proposed zone changes and offers the following suggestions and recommendations for consideration:

- With respect to street, driveway, and structure setbacks please reference WYDOT's Access Manual whenever in proximity of a state highway (i.e. WY 390).
- I am not certain if the rest of the comments below are applicable or not to the zone amendment, but please take under advisement as development occurs:
 -
 - As properties develop - Please consider language for the development or preservation of right-of-way of an internal and/or area roadway network that minimizes the reliance and pressure on the surrounding major roadway system (including state highways). Potentially vehicle trips can be made internally without reentering and not concentrate traffic on major roadways. In this specific case, a suggestion may be to extend Cheney Lane south (or another north-south alignment) for limits of proposed map amendment linking with Lily Lake Drive or somewhere near, to create a frontage/backage road that connects all the individual access drives and serves properties internally parallel to WY 390. There may be an opportunity in this area to consolidate existing highway access that will preserve the highway's capacity, distribute vehicle trips at lower levels, and minimize potential vehicle conflicts.
 - Consider zoning language that has a condition that provides goods and services internally as properties develop to minimize external trips.
 - Complete pathway system on the east side of WY 390. Grade separated pedestrian crossings of WY 390 should be incorporated.
 - WYDOT would like to reserve the right to review future site specific plans and its impact on the adjacent highway system (i.e. WY 390).
 - The neighborhood plan will not direct or influence WY 390 design now and in the future. WY 390 is within WYDOT's purview.

If you have any questions or concerns, please let me know. Please disregard any topics above that may not be applicable to your request.

Thanks,
Darin Kaufman, P.E., PTOE
WYDOT District 3 Traffic Engineer
3200 Elk Street
Rock Springs, WY 82902
Office: 307.352.3034

Cell: 307.389.0235

On Fri, Feb 19, 2021 at 11:59 AM Rian Rooney <trooney@tetoncountywy.gov> wrote:

Hello Darin and Bob,

As part of the Teton County Planning Dept. project to develop new Complete Neighborhood Character Zones to implement the 2012 Jackson/Teton County Comprehensive Plan, Long-Range Planning has begun by evaluating Subarea 12.2 390 Residential (part of the Aspens/Pines Complete Neighborhood District 12). I've formally released a public review draft of a new zone for the Land Development Regulations, called Neighborhood Residential-1 (NR-1), our first Complete Neighborhood Character Zone, as well as the proposed amendments to the zoning map to apply it in Subarea 12.2: 390 Residential, as identified in the Comprehensive Plan. This whole project is technically two separate applications that will be reviewed one after the other at the same hearings:

1. AMD2020-0004 – The amendment to our Land Development Regulations (LDRs), to create the NR-1 Zone
2. ZMA2020-0003 – The amendment to the zoning map to apply the NR-1 zoning to about 180 acres on the east side of Highway 390 (and to a few properties to the north near the Aspens Commercial area). The proposed new zoning map rezones primarily NC-TC lots and 7 BC-TC and R-TC lots to NR-1.

Because this Subarea is adjacent to State Highway 390, I thought that you may be interested in seeing the proposal and providing comments. Considering that the NR-1 zone could be applied to other areas of the County in the future, I am requesting any formal comments the Teton Conservation District has on the proposed NR-1 zone itself, as well as comments on its specific application as proposed in this area of the County.

I've attached the draft zoning language and draft zoning map amendments. You can also visit the project page here: jactetonplan.com/390rezone to read more about the project. Please send any formal comments on the proposals (AMD2020-0004 and ZMA2020-0003) to me by Friday, March 5th. In the meantime please feel free to contact me with any questions.

Thank you,

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



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From: [Lily Barkau](#)
To: [Rian Rooney](#)
Cc: [James Brough](#); [Nicole Twing](#)
Subject: Re: Opportunity for Review and Comment - Teton County Planning AMD2020-0004 and ZMA2020-0003
Date: Monday, March 8, 2021 9:42:03 AM

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As this appears to be more associated with zoning at this time, the Groundwater Section would not have any comments.

Lily
Lily R. Barkau
Groundwater Section Manager, Water Quality Division
200 W. 17th St. 2nd Floor
Cheyenne, WY 82002
Phone: 307-777-7072
Fax: 307-635-1784
lily.barkau@wyo.gov



On Mon, Mar 8, 2021 at 9:19 AM Rian Rooney <rrooney@tetoncountywy.gov> wrote:

James, Lily and Nicole,

This is just a friendly reminder to please send any additional comments, if you have any, on this proposal to me by the end of this week. Thank you for your time and the review.

Best,

Rian Rooney

Associate Long Range Planner

Teton County Planning & Building Services

PO Box 1727 | 200 S. Willow Street

Jackson, WY 83001

From: Rian Rooney
Sent: Monday, February 22, 2021 10:28 AM
To: James Brough <james.brough@wyo.gov>
Cc: Lily Barkau <lily.barkau@wyo.gov>; Nicole Twing <nicole.twing@wyo.gov>
Subject: RE: Opportunity for Review and Comment - Teton County Planning AMD2020-0004 and ZMA2020-0003

James,

The area in question for this rezone is outside of the Aspens and Teton Pines developments, generally across Highway 390, where there has been a history of primarily single-family residential development on a variety of lot sizes. This area is largely already developed. I understand that some of the homes there are connected to the Wilson Sewer District, while others are on individual septic systems. As proposed, the new zoning does not greatly increase the potential for new lots and development in the area (4 new lots would be eligible to be created through land division, one of which already looks to have a sewer connection). The requirements of our Land Development Regulations already require and will continue to require that any new lot or new development within 500' of a public sewer attempt to connect. However, my understanding is that connection to the Wilson Sewer District or Aspens/Pines Sewer District cannot be guaranteed and I do not know the current status of their capacity. I did also send this application to Suzanne Lagerman from Nelson Engineering, who works with Wilson Water and Sewer, and Ted VanHolland, County Sanitarian, for comments.

Since this proposal is not for a subdivision or development project, but just a change in the zoning, I do not believe that a Chapter 23 is required at this time. If subdivision were to be proposed in the area (unlikely because the area is already developed), then a separate application would be submitted and we would share that application with your team for review as well.

Let me know if you have further questions. Thank you for the review.

Best,

Rian Rooney

Associate Long Range Planner

Teton County Planning & Building Services

PO Box 1727 | 200 S. Willow Street

Jackson, WY 83001



From: James Brough <james.brough@wyo.gov>

Sent: Monday, February 22, 2021 9:15 AM

To: Rian Rooney <rrooney@tetoncountywy.gov>

Cc: Lily Barkau <lily.barkau@wyo.gov>; Nicole Twing <nicole.twing@wyo.gov>

Subject: Re: Opportunity for Review and Comment - Teton County Planning AMD2020-0004 and ZMA2020-0003

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Rian,

I forwarded your email to Lily and Nicole with DEQ's Groundwater Section. With regard to zoning and potential development, there are basically two scenarios for residential sewage options. First, can they connect to a centralized sewer collection and wastewater treatment system? The Aspens and Teton Pines area is served by an existing centralized wastewater system. DEQ wants to be assured that the centralized wastewater system has adequate capacity to serve potential development. DEQ also monitors the performance of centralized wastewater systems to ensure compliance with national treatment standards.

Second, several areas within Teton County still rely upon onsite septic systems. For new subdivisions, DEQ requires a Chapter 23 review that addresses the adequacy and safety of both potable water and sewage options. As part of the Chapter 23 review, groundwater quality with respect to both pathogens and nitrates is modeled. For each subdivision review, DEQ prepares a recommendation letter for the county commissioners and states whether or not DEQ has adverse recommendations or not. DEQ also states whether or not enhanced or additional treatment is required for onsite septic systems.

For Teton County, DEQ applications are typically prepared by professional engineering firms within the county which ensures familiarity with the county's vision, goals and restraints.

James S. Brough, P.E.
Northwest District Engineer
Water Quality Division

510 Meadowview Drive
Lander, WY 82520
307-335-6961 (office)
307-332-7726 (fax)
james.brough@wyo.gov

On Fri, Feb 19, 2021 at 12:09 PM Rian Rooney <rrooney@tetoncountywy.gov> wrote:

Dear James,

As part of the Teton County Planning Dept. project to develop new Complete Neighborhood Character Zones to implement the 2012 Jackson/Teton County Comprehensive Plan, Long-Range Planning has begun by evaluating Subarea 12.2 390 Residential (part of the Aspens/Pines Complete Neighborhood District 12). I've formally released a public review draft of a new zone for the Land Development Regulations, called Neighborhood Residential-1 (NR-1), our first Complete Neighborhood Character Zone, as well as the proposed amendments to the zoning map to apply it in Subarea 12.2: 390 Residential, as identified in the Comprehensive Plan. This whole project is technically two separate applications that will be reviewed one after the other at the same hearings:

1. AMD2020-0004 – The amendment to our Land Development Regulations (LDRs), to create the NR-1 Zone
2. ZMA2020-0003 – The amendment to the zoning map to apply the NR-1 zoning to about 180 acres on the east side of Highway 390 (and to a few properties to the

north near the Aspens Commercial area). The proposed new zoning map rezones primarily NC-TC lots and 7 BC-TC and R-TC lots to NR-1.

Because this zoning involves land division allowances (minimum 3 acre lot size for new land division) and water quality is an issue in Teton County, I thought that you may be interested in seeing the proposal and providing comments. Considering that the NR-1 zone could be applied to other areas of the County in the future, I am requesting any formal comments you have on the proposed NR-1 zone itself, as well as comments on its specific application as proposed in this area of the County.

I've attached the draft zoning language and draft zoning map amendments. You can also visit the project page here: jacksontetonplan.com/390rezone to read more about the project. Please send any formal comments on the proposals (AMD2020-0004 and ZMA2020-0003) to me by Friday, March 5th. In the meantime please feel free to contact me with any questions.

Thank you,

Rian Rooney

Associate Long Range Planner

Teton County Planning & Building Services

PO Box 1727 | 200 S. Willow Street

Jackson, WY 83001

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**Teton
Conservation
District
Est. 1946**

February 5, 2021

Rian Rooney, Associate Long Range Planner
Teton County Planning and Development
PO Box 1727, 200 South Willow Street
Jackson, WY 83001

RE: ZCV2020-0047

Dear Mr. Rooney,

Thank you for the opportunity to review and comment on the Draft Zoning Map Amendment (ZMA2020-0003), for lands on the eastern portion of State Highway 390. The Teton Conservation District (TCD) staff does not interpret the legal merits of this proposed Zoning Amendment, but instead will evaluate the proposed changes from a natural resource perspective. TCD staff did conduct a site visit and are generally familiar with the natural resources of the area. The following comments will focus on wildlife permeability and water quality.

Wildlife Permeability

As proposed, there are two conflicting elements within the NR-1 Zone's development criteria, which can be found in the draft Land Development Recommendations (February 17, 2021 Draft). Specifically, wildlife permeability and open space are listed as two of the three elements of the purpose of the proposed zoning. Based upon information gleaned from the open house (February 25th, 2021), proposed NR-1 development criteria, however, reduces wildlife permeability through changes to the following Land Development Regulation elements: decreased setback requirements, increased allowable development footprints, and decreased allowable lot sizes.

TCD encourages County Planning Staff to consider how wildlife permeability will be assessed under the current set of proposed NR-1 development standards, given that they will allow for potential development that would then reduce wildlife permeability. Establishing criteria to assess adequacy of movement corridors, and requiring applicants to depict these corridors could help achieve concurrent goals. Effective wildlife permeability occurs, and therefore should be assessed, at a neighborhood scale, but is strongly influenced by actions of individual landowners. TCD welcomes opportunities to help landowners mitigate barriers to wildlife connectivity.

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



Water Quality

As proposed, there are three elements of the proposed NR-1 development criteria that reduce groundwater protections related to wastewater contamination: 1) decreasing allowable lot size to 3 acres, 2) increasing developable area, 3) eliminating groundwater depth as a factor in decision making for determining allowable lot sizes. The proposed and existing sewer hook up criteria, requiring a good faith effort to hook up to sewer when development occurs within 500 ft of an existing sewer line, is a good start but does not compensate for the existing increases in potential wastewater loading, nor does it guarantee sewer hookups or groundwater protection.

TCD would encourage Teton County to rethink its approach to creating new zoning areas, which have more predictable and protective measures for water. Specifically, Teton County could follow these steps to ensure sewer development and groundwater protection.

- 1) Procure sewer volume and connection agreements with special districts for the proposed development zone.
- 2) Require sewer hookups within the entire zone at the time of redevelopment or septic failure.
- 3) Provide funding cost-share for sewer mains, so that individual homeowners do not have to shoulder costs for community sewer infrastructure.

TCD applauds Teton County's continued steps towards achieving the Comprehensive Plan vision, with a commitment to simplification of development regulations and standards.

Thank you for the opportunity to provide input on the proposed NR-1 Zone. Please do not hesitate to contact us with questions.

Sincerely,

Carlin Girard
Water Resources Specialist and Associate Director

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

From: slagerman@nelsonengineering.net
To: Rian Rooney
Subject: RE: Opportunity for Review and Comment - Teton County Planning AMD2020-0004 and ZMA2020-0003
Date: Friday, February 26, 2021 2:12:24 PM
Attachments: [Connection and Use Agreement - WWT Facilities.pdf](#)
[Exhibit Proposed Zone NR-1.pdf](#)

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

Hi Rian,

Thank you for the opportunity to comment on behalf of the Wilson Sewer District. As you know, the goal of the District from its inception has been to protect the groundwater (and source of drinking water) in the Wilson area of Teton County from contamination from septic disposal of wastewater, and the District is pleased to see proposed regulations that align with that goal.

The District is operating under the terms of the attached connection and use agreement with the Town of Jackson. This agreement allows the District to permit connections within its boundary without regular Town input. However, when a potential user *outside* of the boundary requests sewer service, the District needs special approval from the Town. The District was notified on February 18, 2021 that the Town will not allow any additional outside connections via the Wilson sewer system. Please note that there is one request that was submitted to the Town prior to this notification that will be heard at the March 15th Town Council meeting.

The proposed NR-1 zone includes properties that are served by the Aspens Pines and Wilson Sewer District but also a fair number of parcels that are outside of the boundaries of both districts (please see attached exhibit). Although the District supports the language on page 2-6, under 2.2.1.B.9 "Required Utilities (Div. 7.7.)" requiring connection to public sanitary sewer when 0-500' from a public sanitary sewer system, under the present circumstances, it would be difficult, if not impossible, to enforce. The District simply cannot commit to serving those properties at this time.

Some other considerations would be that the sewer line along Cheney Lane is a privately-owned line (but the owner is open to connections); some owners on the north end of the zone may have to bore the highway to get to the sewer main (if connecting to the Wilson sewer system), which is costly; and I've run into the issue of whether the 500' requirement is measured from the dwelling itself or the property line (it's my understanding that legally the measurement is to the dwelling). Perhaps the language could be crafted to require sewer connection for a dwelling located within 500' of sanitary sewer, if permitted by the owner of the facilities.

I hope that's all helpful to you, and again, thank you for allowing the Wilson Sewer District to review and comment. Feel free to contact me directly with any follow-up questions.

Sincerely,
Suzanne Lagerman

Suzanne Lagerman
Project Engineer

Nelson Engineering
P.O. Box 1599
Jackson, WY 83001
307-733-2087 ext 143

From: Rian Rooney <rrooney@tetoncountywy.gov>
Sent: Monday, February 22, 2021 8:19 AM
To: slagerman@nelsonengineering.net
Subject: Opportunity for Review and Comment - Teton County Planning AMD2020-0004 and ZMA2020-0003

Dear Suzanne,

As part of the Teton County Planning Dept. project to develop new Complete Neighborhood Character Zones to implement the 2012 Jackson/Teton County Comprehensive Plan, Long-Range Planning has begun by evaluating Subarea 12.2: 390 Residential (part of the Aspens/Pines Complete Neighborhood District 12). I've formally released a public review draft of a new zone for the Land Development Regulations, called Neighborhood Residential-1 (NR-1), our first Complete Neighborhood Character Zone, as well as the proposed amendments to the zoning map to apply it in Subarea 12.2: 390 Residential, as identified in the Comprehensive Plan. This whole project is technically two separate applications that will be reviewed one after the other at the same hearings:

1. AMD2020-0004 – The amendment to our Land Development Regulations (LDRs), to create the NR-1 Zone
2. ZMA2020-0003 – The amendment to the zoning map to apply the NR-1 zoning to about 180 acres on the east side of Highway 390 (and to a few properties to the north near the Aspens Commercial area). The proposed new zoning map rezones primarily NC-TC lots and 7 BC-TC and R-TC lots to NR-1.

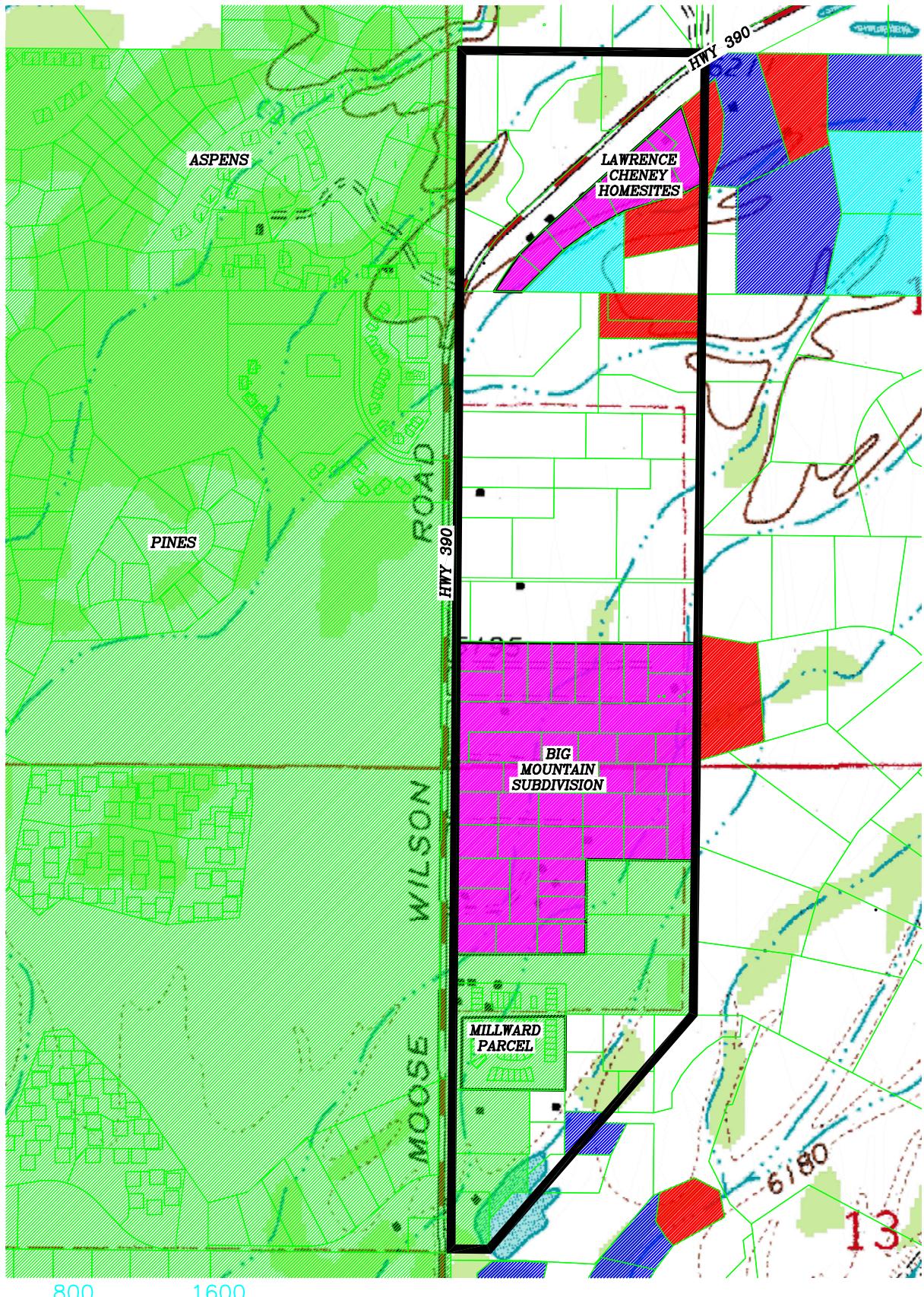
Because of the proximity of this Subarea to the Wilson Sewer District, I thought that you may be interested in seeing the proposal and providing comments.

I've attached the draft zoning language and draft zoning map amendments. You can also visit the project page here: jacksonetonplan.com/390rezone to read more about the project. Please send any formal comments on the proposals (AMD2020-0004 and ZMA2020-0003) to me by Friday, March 5th. In the meantime please feel free to contact me with any questions.

Thank you,

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

Correspondence, including e-mail, to and from employees of Teton County, in connection with the transaction of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.



DRAWING NO
EXHIBIT

TITLE
WILSON SEWER DISTRICT
CONTRACTING FOR SEWER SERVICE
PENDING SERVICE CONTRACTS
SERVED BY ASPENS PINES
PARCELS WITH RECENT SWF PERMITS

**NELSON
ENGINEERING**

P.O. BOX 1599, JACKSON WYOMING (307) 733-2087

DATE	2/22/21	REV.
SURVEYED	-	
DRAWN	SLL	
CHECKED	SLL	
APPROVED	RRN	

PUBLIC COMMENT



Matt Kim-Miller
Partner
Phone 307.734.4504
mwkimmiller@hollandhart.com

March 15, 2021

BY EMAIL

Teton County Planning Commissioners
C/O Rian Rooney
Associate Long Range Planner
<rrooney@tetoncountywy.gov>
<planningcom@tetoncountywy.gov>

CC: Keith Gingery
Chief Deputy County Attorney – Civil
<kgingery@tetoncountywy.gov>

Re: Proposed Rezoning of Rendezvous Holdings' Parcels at 3570, 3600 and 3610 Moose Wilson Road (Highway 390)

Dear Planning Commissioners:

We represent Rendezvous Holdings, LLC which owns three parcels where Highway 390 curves to the northeast, across from the Aspens. These parcels are currently zoned Business Conservation (BC) and Neighborhood Conservation (NC). They are depicted below.

The BC zoned parcel is currently used for various commercial uses: offices for twenty staff members, laundry operations for various rental operations in the County, general maintenance for the rental operations (including things like furniture and vehicle repair), storage for those operations, employee housing, retail sales, parking for a snow removal company and related parking. Previously, the BC zoned parcel had been used for a restaurant, offices for various types of businesses, and residential / employee housing, as we understand it. The two NC zoned parcels are used for employee housing. We understand that some of the other NC-zoned properties in this row are also used for employee housing.



All of these parcels will be zoned into nonconforming status in the proposed “Neighborhood Residential (NR-1)” zoning. The new zoning does not allow any commercial uses. And, the new zoning’s sole allowed residential use is for a detached single family on a 3-

acre parcel, as opposed to these parcels, which are less than one acre and are effectively apartment housing.

The eight parcels along this curve are fundamentally different from all other property in the proposed rezone area: this is a commercial node dominated by Highway 390, which is and has been used for commercial uses and employee housing. These eight parcels (i.e., the parcels from 3520 Moose Wilson to Cheney Lane) are much like the Calico – Q Roadhouse node at the southern portion of the proposed rezone area. These properties have been, for decades, commercial or employee housing.

There are a number of reasons that these parcels are used for commercial and employee housing, which factors can be seen by viewing the pictures of these properties on **Exhibit A**:

- They are small parcels that front on a busy highway that will be expanded to four lanes in the future. The acreage of these NC parcels is critical to understand them as well—they range from 0.7 to just over an acre, which means that their uses cannot be significantly set back from the highway.
- They have high voltage power lines that dominate the viewscape.
- They have been, historically, part of the commercial node that includes the Aspens across the highway.

As a result, Rendezvous Holdings, LLC requests the following: These eight parcels should be zoned to allow a mix of commercial and higher density residential uses. They should be considered as part of the Aspens commercial and higher-density housing area, and their existing commercial and effectively multifamily uses should be recognized and encouraged. Their unique highway-adjacent characteristics make them different from other parcels in the proposed rezone, and those characteristics result in a need for different zoning.

Zoning is the combination of two, sometimes competing, factors: (i) what vision does the community have for an area as a whole, and (ii) what are the on-the-ground realities of the parcels that are involved. The proposed zoning seeks to elevate the Comprehensive Plan to the status of zoning, at the expense of the realities of these parcels. For example, the general “vision” of the Comprehensive Plan is being applied uniformly to the entire area without an acknowledgement that there are differences between its various subsegments. That is not permissible.¹ The rezone seeks to zone 155 acres as if it were all the same type of property—this area is not homogenous.

¹ As stated in the recent case of *Asphalt Specialties Co., Inc. v. Laramie County Planning Commission*, 2021 WY 19, “The legislature has mandated that each county adopt a countywide, or comprehensive, land use plan, statutorily defined as “any written statement of land use policies, goals and objectives adopted by local governments.” Wyo. Stat. Ann. § 9-8-301(c), (d)(i) (LexisNexis 2019). “Such plans shall relate to an explanation of the methods for implementation, however, these plans shall not require any provisions for zoning.” Wyo. Stat. Ann. § 9-8-301(d)(i). Thus, we have recognized that “[a] comprehensive plan is generally a prerequisite for the adoption of zoning resolutions.” *Ford*, 924 P.2d at 95. . . . Zoning, on the other hand, is statutorily defined as “a form of regulatory control granted to local governments which may be used to guide and develop specific allowable land use.” Wyo. Stat. Ann. § 9-8-301(d)(ii). In other words, “[z]oning is the process that a community employs to legally control

The County's 2012 Comprehensive Plan has two relevant goals for this area, which is the 390 Residential Subarea, aka Subarea 12.2:

- “Characterized primarily by detached single family homes, including homes occupied long-term by the workforce.”
- “Non-residential development should be directed into the Aspens/Pines Commercial Core (Subarea 12.1) to the extent possible.”

As with all general planning, these statements are not—and *cannot be*—absolutes. These goals are “*primarily*” detached single family, and resulting in “*non-residential development*” being west of the highway, “*to the extent possible*.” The Comprehensive Plan rightly acknowledges that the zoning adopted in light of its vision is not and cannot be an absolute.

Where there is existing commercial development, those nodes should be recognized. Where parcels are best suited for higher-density residential, that should be recognized. Particularly for parcels that are nowhere near the proposed zonings’ 3-acre minimum and are right along the Highway.

Zoning must not be “unduly restrictive or excessive” in order to meet minimum due process requirements. 1 Rathkopf’s The Law of Zoning and Planning § 3:19 (4th ed.). The County must consider the existing business uses and potential multifamily uses, in order for a rezoning to be supportable, by being in service of the health, safety and welfare of the County. 1 Rathkopf’s The Law of Zoning and Planning § 3:6 (4th ed.). If considered, it is clear that these parcels are different from the parcels down, for example, south on Cheney Lane.

Zoning, both on its face *and as applied to a specific parcel* must be reasonable. Meaning: the specific context of the properties involved must be considered by the zoning authority. The U.S. Supreme Court addressed a similar situation in *Nectow v. City of Cambridge*, 277 U.S. 183 (1928). In that case, part of the plaintiff’s land was zoned for residential and the balance was zoned either industrial or unrestricted. In the vicinity of the plaintiff’s land were a motor assembly plant, a soap factory, and railroad tracks. The Court found that including a portion of the plaintiff’s property in a residential district was “not indispensable” to the general zoning plan and the residential zoning restriction had “no foundation in reason and is merely,” as applied to this specific land, an “arbitrary or irrational exercise of the [police] power.” *Id.* at 187-188.

Finally, there are both equal protection and takings issues at hand.

These highway adjacent parcels are no different than the commercial and multifamily Aspens parcels across the street. “An equal protection question arises where an ordinance distinguishes, not between future uses and existing uses, as in the case of nonconforming uses

the use which may be made of property and the physical configuration of development upon the tracts of land located within its jurisdiction.” Ford, 924 P.2d at 94 (citing 1 Patrick J. Rohan, *Zoning and Land Use Controls* § 1.02[1] (1991)). . . .

Comprehensive plans “lack the legal effect of zoning laws and cannot be equated with comprehensive zoning in legal significance.” *Crouthamel*, 951 P.2d at 838 (citing Ford, 924 P.2d at 95).” (emphasis added).

validly established prior to the ordinance or its amendment, but where the ordinance exempts from its restrictions similar lands or land uses.” 1 Rathkopf’s The Law of Zoning and Planning § 4:10 (4th ed.).

While a mere decrease in value of a parcel (which will occur if these parcels are downzoned to NR-1), is not alone “deemed a sufficient ground for finding the regulation arbitrary and unreasonable, it should be noted that the nature and extent of a private owner's loss resulting from regulation is an important factor for analysis under the generally accepted tests for confiscation discussed elsewhere herein.” 1 Rathkopf’s The Law of Zoning and Planning § 3:16 (4th ed.).

Very truly yours,

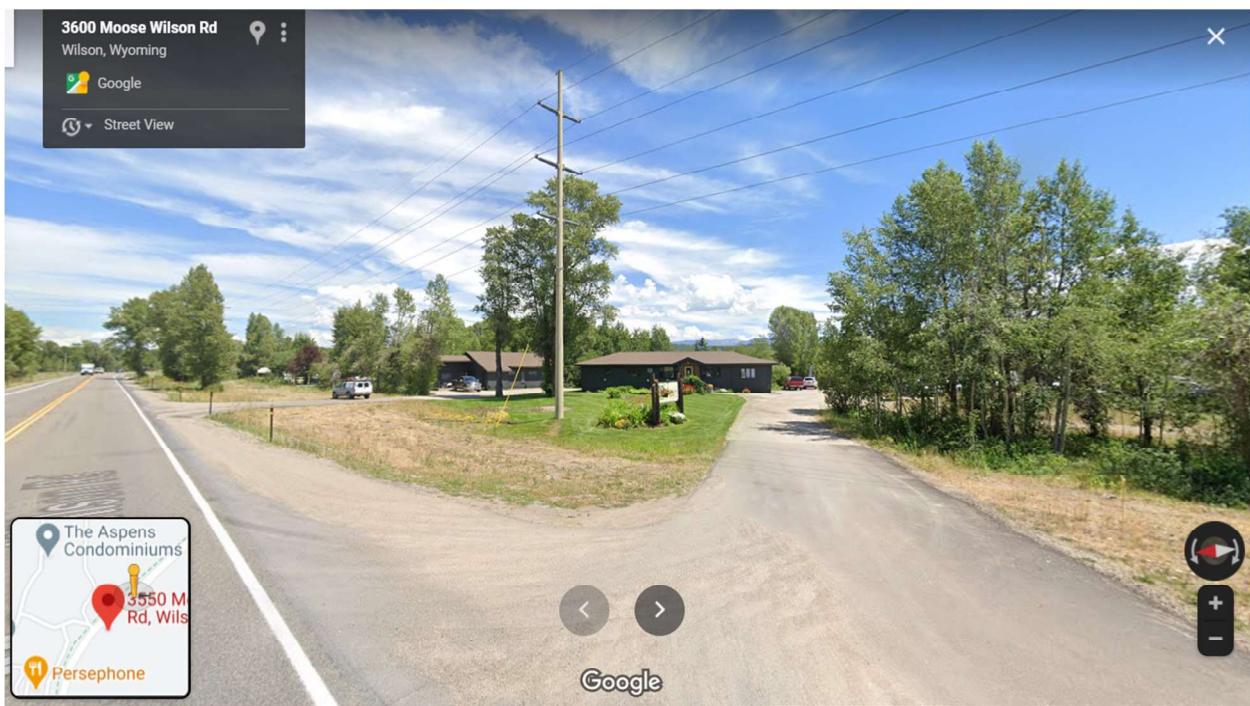


Matt Kim-Miller
Partner
of Holland & Hart LLP

MK:sps

EXHIBIT A

DEPICTIONS OF THE PARCELS ALONG THE HIGHWAY CURVE





16384582_v2



Manning Legal Services, LLC.

Richard A. Manning Jr., J.D., M.B.A., LLM.

Admitted: Wyoming, Arizona, US Federal Dist. Court, 10th Circuit, US Tax Court

March 15, 2021

Teton County Commissioners
P.O. Box 3594
Jackson, WY 83001

Via email: commissioners@tetoncountywy.gov

RE: East Highway 390 re-zoning efforts

Dear Commissioners,

I represent the owners of 3650 Highway 390, better known as the RAM Construction properties, located within the geographic area of affected by the proposed rezoning of the residential areas of properties on the east side of Highway 390. The owners, my parents, and their predecessors in interest, my grandparents, have owned and utilized their property for business purposes since 1971. That property has been used as the base of operations for RAM Construction since 1971 in a light industrial and office capacity. The property continues to be used in a similar capacity through the operation of my father's metal fabrication and mechanic shop operations on the back half of the property, and the use by Jackson Hole Mountain Resort's tenancy of the front half of the property.

We are writing to object to the proposed rezoning of the property, to the extent that the proposed language includes a provision that will automatically strip the commercial use of the property if such use is not continued for a period of 12 months. Given the extraordinary circumstances our country and this county just went through and is continuing to go through, it is not hard to envision circumstances under which one of these properties might go without a use in conformity with this provision for the proposed time period. One need only look to the old "Vista Grande" or "Q Roadhouse" property for an example of this. Under the provisions as proposed, the owners of that property would have been stripped of their right to continue to utilize their property as a restaurant, even though that property has been used in that capacity for the greater part of the last 50 years. This County, while all recognize has the right to promulgate regulations regarding the zoning of property, does not have the right to unilaterally strip a property owner of its rights for use, particularly of a historic use. To do so amounts to a taking under the constitutions of the US and Wyoming. We strongly urge this Board to reconsider inclusion of the language in this provision.

The basic premise that this proposed rezoning is based upon is flawed, at least with respect to our property and those two properties directly adjacent to it. While surrounding properties have traditionally been used as residential, historically, this property has been used for business purposes for nearly 50 years. The directly adjacent properties, directly north and directly south, specifically the properties currently hosting Westbank Anglers and Rendezvous Mountain Rentals respectively, have similarly been occupied and used for commercial

Wyoming
PO Box 1908 – 1228 US Hwy 89
Jackson, WY 83001

Arizona
925 S. Cottontail Ct.
Apache Junction, AZ 85119

Telephone: (307) 733-9738
Fax: (480) 452-1347
E-Mail: info@jhwy-law.com

purposes for substantially all of the same period. The County, through the development of the LDRs, has treated and continues to treat these three properties, and all business conservation zone properties in the county, as if these business uses are nonconforming outliers within the respective communities. However, each and every BC zoned property predates even the 1978 LDRs, and this County has never taken the time, nor expended the resources, to properly classify these commercial properties correctly. The County cannot continue to push these various properties aside as a non-priority. We have been through three separate efforts to zone the properties of the county, 1978, 1994, and recently with the modifications in 2018 with no consideration of these historic and continuing uses. And now we have yet another effort to modify the zoning that applies to at least six (6) of the (to my knowledge) thirteen (13) BC zoned properties, without ever once trying to find a proper, permanent zoning for these properties. We strongly urge the County to consider proper zoning for the BC zoned properties, treating each as the historically commercial property that it is.

We are aware of similar communications from other BCs zoned property owners. We join those other property owners who have already expressed their objection to these rezoning provisions and raise the question before this Board regarding proper commercial zoning for the BC zoned properties throughout the County.

Cordially,

/s/ *Richard A. Manning Jr.*

Richard Manning Jr.
Attorney at Law

cc Rian Rooney
 Rick Manning
 Teri Manning

HAWKS & ASSOCIATES, LC

ATTORNEYS AT LAW

March 12, 2021

VIA HAND DELIVERY AND EMAIL

Teton County Board of Commissioners
P.O. Box 1727
200 South Willow Street
Jackson, WY 83001
commissioners@tetoncountywy.gov

Teton County Planning Commission
P.O. Box 1727
200 South Willow Street
Jackson, WY 83001
planningcom@tetoncountywy.gov
rrooney@tetoncountywy.gov

RE: NOTICE TO NEIGHBORS OF A PROPOSAL TO REZONE PROPERTIES IN SUBAREA 12.2: 390 RESIDENTIAL (ZMA2020-0003)

Dear Members of the Board of County Commissioners and Planning Commission:

I have been retained to represent WYVAN 2500 Moose Wilson, LLC, a Wyoming limited liability company and WYVAN VRT 2550, LLC, a Wyoming limited liability company (collectively “WYVAN”) in connection with the above proposed Zone Map Amendment. WYVAN owns the properties located at 2500 and 2550 North Highway 390, Wilson, Wyoming and commonly known as the “Vista Grande” or “Q Roadhouse” site (the “Property”). The Property is, and since 1994, has been zoned Business Conservation or BC. The Teton County Planning Department now proposes to downzone the BC properties in Subarea 12.2:390 to a new zone classification titled Neighborhood Residential-1 (NR-1). If passed, this downzone would downzone the Property from a legally zoned and conforming use to a non-conforming use.

Importantly, prior to the County’s adoption of the 1994 Land Development Regulations, the BC zoned properties were existing non-confirming uses that the County elected to zone BC thereby making them legal conforming uses. Any new use or change of use in the BC zone would require a conditional use permit but because the restaurant operation at 2550 North Highway 390 preceded the 1994 Land Development Regulations, a conditional use permit was not and never has been required for its operation. If the downzone were approved and the current use stopped for more than one year, the Property would revert to residential use only and the currently entitled commercial use would be terminated. The proposed downzone, while seemingly innocent on its face, would amount to a regulatory taking cloaked as an effort to rezone the east side of North Highway 390 to residential.

CHRISTOPHER HAWKS, PC

199 EAST PEARL AVENUE • SUITE 103 • P.O. Box 4430 • JACKSON, WY 83001 • 307.733.9437 • FAX 866.220.6681

HAWKS & ASSOCIATES, LC

ATTORNEYS AT LAW

Moreover, the proposed rezone will substantially interfere with my client's investment backed expectations for the Property and the rezone will not benefit the public or the North Highway 390 neighbors. Although the Comprehensive Plan states "Non-residential use should be consolidated to the commercial core on the west side of the road to the extent possible" the commercial core at the Aspens and Teton Pines (the only commercial cores on the west side of North Highway 390) are fully built out and there is no remaining development entitlement in those zones. The Comprehensive Plan's recommendation would be impossible to implement without creating a new commercial core on the west side of North Highway 390. The proposed downzone will ultimately eliminate the current BC uses as there is nowhere for them to exist in the current commercial core on the west side of North Highway 390. Planning Staff has no reasonable justification to support the downzone and there is no rational basis for doing so, other than to implement uniform zoning on the east side of North Highway 390.

While selectively downzoning the east side of North Highway 390 might make for a consistent zoning map in that corridor, thought needs to be given to the financial impact on the subject properties, along with the destruction of investment backed expectations. WYVAN, for example, is a new owner of the Property and currently, with a conditional use permit, could make numerous different commercial uses of the Property and importantly, can choose a use to provide the highest return on investment. Downzoning the Property to NR-1 will ultimately destroy all investment backed expectations my client has in the Property. Moreover, making the Property a nonconforming use will frustrate the ability, for example, to obtain traditional bank financing because banks do not want to lend against collateral that is a nonconforming use. The nonconforming status is a red flag designation that must be disclosed any time the Property is sold and will no doubt devalue the property. The downzone would additionally preclude WYVAN from building the Property to its maximum development potential which is a tangible and calculable loss of rights and expectation.

Calico Restaurant and the restaurants that operated out of 2550 North Highway 390 (Vista Grande, The Q, and Roadhouse) have served the Highway 390 corridor for approximately ninety years combined. The Fireside Resort provides valuable camping and RV accommodations to transient guests that are otherwise virtually non-existent in Teton County. In addition to significantly damaging my client's rights and expectations and devaluing the Property, the proposed downzone will eliminate irreplaceable commercial services that are vital to both residents and visitors of Jackson Hole.

For the foregoing reasons, my client respectfully requests that the Planning Commission recommend to the Board of County Commissioners that ZMA2020-0003 be denied and that the Board of County Commissioners deny the same.

CHRISTOPHER HAWKS, PC

199 EAST PEARL AVENUE • SUITE 103 • P.O. Box 4430 • JACKSON, WY 83001 • 307.733.9437 • FAX 866.220.6681

HAWKS & ASSOCIATES, LC

ATTORNEYS AT LAW

Sincerely,



Christopher Hawks, P.C.
Hawks & Associates LC

cc: Grant van Rooyen
 Heidi Diemar
 John Belkin

CHRISTOPHER HAWKS, PC

199 EAST PEARL AVENUE • SUITE 103 • P.O. Box 4430 • JACKSON, WY 83001 • 307.733.9437 • FAX 866.220.6681

Rian Rooney

From: Sean M. Burke <Sean@BurkeArgos.com>
Sent: Sunday, March 14, 2021 1:08 PM
To: Rian Rooney; Kristi Malone
Cc: Kristin Combs
Subject: SubArea 12.2 -390 Residential Rezone

Follow Up Flag: Follow up
Flag Status: Flagged

[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.]

Hello, Mr. Rooney,
Thank you and the other members of the Board for all the work you have done in the rezoning project for SubArea 12.2. We own the log cabins at 2620 Lily Lake Drive and have been closely following your efforts and my wife, Monica, and I just want to applaud you and the other members for all the hard work that has been done and for your goals in protecting the wildlife and the environment in our very special area.
We look forward to following your efforts through this process.
Very truly yours,
Sean and Monica Burke

Sean M. Burke

Burke | Argos
9210 Irvine Center Drive
Irvine, California 92618
(949) 644-3434
(949) 644-3433 (Fax)
Sean@BurkeArgos.com
www.BurkeArgos.com

BURKE-ARGOS
TRIAL ATTORNEYS



From: [Rian Rooney](#)
To: [Jeff](#)
Subject: RE: Subarea 12.2 - 390 LDR's
Date: Thursday, March 4, 2021 8:42:00 AM

Jeff,

Thank you for your comments and questions. The Teton County Conservation District undertook a mapping study of wastewater treatment throughout the County in 2018 – the results of that project are available on the online GIS portal here:

https://maps.greenwoodmap.com/tetonwy/mapserver/map#zcr=6.192550448268418/2423756.78394699/1430036.8515167418/0&lyrs=treat.state_fed.water,tojcorp.Roads.ownership.placelabels. On

the layer options panel on the right, you can also toggle sewer lines on and off. Because the groundwater is relatively highly in the area, staff's proposal has been to limit the number of additional lots that can be created through land division by establishing a 3 acre minimum lot size for new lots, and therefore limit the number of additional septic systems in the area. Only 4 lots would be eligible to divide under these regulations, including the Tucker Ranch Homeowners Association parcel (which is unlikely to be developed) and the Fireside Resort property, which is already connected to sewer. That leaves two properties, that could potentially divide and, if they do not connect to sewer, install septic tanks if new homes are built on them.

The 500' sewer connection rule is a standard throughout the LDRs and is not specific to this zone. I have circulated the proposed zoning to the County Sanitarian for review and comments. If you have additional questions about septic tank placement and review, I encourage you to reach out to the County Engineering Department directly for information about that process, at engineer@tetoncountywy.gov or 307-733-3317.

Regarding consideration of the rest of the Highway 390 area, Planning staff is aware of the larger issues along that corridor and will be looking closely at the Aspens and Teton Pines area zoning in the future. Additionally, the new Integrated Transportation Plan includes an action item to "Create a comprehensive corridor plan for Highway 390 that will balance highway speed, wildlife protection, and community character." To view the ITP, click here:

<http://jacksonetonplan.com/DocumentCenter/View/1711/Jackson-Teton-Integrated-Transportation-Plan-Technical-Update-Adopted-December-2020?bidId=>

Best,

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

From: Jeff <jjvanee@cs.com>

Sent: Monday, March 1, 2021 2:10 PM
To: Rian Rooney <rrooney@tetoncountywy.gov>
Subject: Subarea 12.2 - 390 LDR's

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I watched the recorded February 25, 2021 meeting on developing LDR's for Subarea 12.2 along highway 390. While my initial reaction is that the proposed revisions are not highly significant and will not appreciably change the present character of the area across from Teton Pines and the Aspens, I have a few questions and concerns.

I live in the Aspens.

Increasingly, concerns are being expressed throughout the valley with the quality of our groundwater, drinking water, and surface waters. It is becoming increasingly clear that the location and operation of septic tanks is a threat to our sole source aquifer and drinking water. Apparently, there has been some consideration given to the depth to groundwater in Subarea 12.2 in the development of properties. How that translates into the protection of our groundwater, I do not know?

I could not ascertain from the recording of the February 25 meeting to what extent consideration is being given to the protection of water quality in the groundwater aquifer. A question was posed as to whether properties would be hooking up to a sewer system. The response was that if the property was within 500 feet of a sewer line, they would be required to hook up. Where are the existing septic tanks, water wells, and sewer lines in the area? How many more septic tanks may be placed in the area with the LDR modifications being proposed? Should there be criteria for where a septic tank may be placed in property that may be developed with consideration being given to the quality of groundwater in the area and nearby water wells?

Existing septic tanks are already posing problems in Jackson Hole. A poorly placed and operated septic tank may contaminate someone's water well. A proposal to increase development and density in an area may exacerbate the growing contamination problems we are seeing in many areas of the valley. I urge the planning department to consider this aspect more thoroughly.

There were a few questions and some discussion on highway 390. It appears to me that the proposed additional development that may come from modifications to the LDR's will be limited; nevertheless, increased development along 390 will have consequences for wildlife and transportation along 390. Already, people are having problems crossing 390 to get to the bike path. Already, there are issues with wildlife in the area. Already, people are having problems exiting and entering on to 390. It is not clear how highway 390 will be developed and managed. I would urge the planning department to try to consider all of the pieces together, at the same time you focus on any individual area like Subarea 12.2. What happens on both sides of 390 and on 390 itself will have profound impacts on the area in the future.

Jeff van Ee

From: [Alex Norton](#)
To: [Rian Rooney](#)
Subject: 390 Rezone Comment
Date: Monday, March 1, 2021 10:06:38 AM

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Rian,

Excellent work on the 390 rezone. I have two suggestions.

First, consider enabling the CN-PRD in the proposed zone. The Aspens is a complete neighborhood and subarea 12.2 has an existing gradient of densities, with available infrastructure, and low habitat value relative to other subareas. Subarea 12.2 is the perfect area to incent community benefiting, landscape-level conservation while still maintaining a stable future character. If a developer has to apply for a rezone to do a CN-PRD in 12.2, they will just apply for an upzone instead of incorporating conservation.

Second, consider simplifying the maximum scale and setback requirements. The minimum lot size is 3 acres and the standards must address a 3 acre or larger lot, especially so that the zone might be used in other character districts. However, the average lot in Subarea 12.2 is 1 acre and individual lot maximums might be a simpler way to address the larger lots of the future while focusing on the typical lot that exists today. A goal of the 2015 restructure and 2016 rural rezone was to simplify the overly complex variable ratios of the 1994 performance regulations.

Thanks for your work and consideration of these ideas. Let me know if you have any questions.

Alex

--

Alex Norton, AICP
Principal, OPS Strategies
307-690-9892
PO Box 1349, Jackson, WY 83001

PETER F. MOYER

LAW OFFICES

P.O. BOX 3682

JACKSON, WYOMING 83001

(307) 733-7795

(307) 733-7754 FAX

e-mail: pmoyer@wyoming.com

PETER F. MOYER
MEMBER: WYOMING BAR
FORMER MEMBER: NEW YORK BAR

PHYSICAL ADDRESS:
50 KING ST., SUITE 203
JACKSON, WYOMING 83001

February 22, 2021

Village Road Coalition
and
Interested Parties

RE: Proposed County Zoning Change--
Village Road Corridor

Numerous people have put heart and soul into the protection of Village Road wildlife, traffic concerns, and the protection of valued old time local neighborhoods which have existed there for many decades. The last thing needed was an upzone creating more density.

When the Teton County Comprehensive Plan was revised back in 2012, some on the Teton County Planning staff pushed very hard to create a “complete neighborhood” “growth node” for high future population growth in the Aspens/Village Road area. That met very strong resistance, and the area instead was designated by County elected leadership as “stable” and “neighborhood conservation”. Extreme caution is particularly important nowadays due to accelerating “remote workplace” trends as people leave cities around the world, to live and work in beautiful remote locations such as Jackson Hole.

I have reviewed the February 17 draft zoning amendments prepared by Rian Rooney and others on the County Planning Staff, working with Keith Gingery. Keith, Rian and I discussed the proposed changes last Thursday.

I believe that they have done an excellent job in trying their best to honor wildlife, traffic and conservation of neighborhood concerns of so many regarding this critical Village Road corridor.

Keith and Rian are to be commended. So are the many dedicated citizens whose input has been--and continues to be--so extraordinary and so effective.


Peter F. Moyer

PFM:md

Enclosure

cc w/encl:

(to obtain copies of February 17 County staff proposals)

Natalia Macker, Greg Epstein, Mark Newcomb, Luther Propst, Mark Barron;

Renee Seidler, Jackson Hole Wildlife Foundation; Keith Gingery, Esq., Deputy County Attorney; Rian Rooney, County Deputy Long Range Planner

PETER F. MOYER

LAW OFFICES

P.O. BOX 3682

JACKSON, WYOMING 83001

(307) 733-7795

(307) 733-7754 FAX

e-mail: pmoyer@wyoming.com

PETER F. MOYER
MEMBER: WYOMING BAR
FORMER MEMBER: NEW YORK BAR

PHYSICAL ADDRESS:
50 KING ST., SUITE 203
JACKSON, WYOMING 83001

January 18, 2021

Teton County Commissioners
Jackson, Wyoming

RE: Teton Village Road (Route 390)
County Staff Upzoning Push

Dear Natalia, Mark N., Luther,
Greg and Mark B:

Your planning staff apparently is persisting in its aggressive effort to effectively upzone about one mile of the Teton Village Road corridor. At a time when the County, the Mountain Resort, our premier wildlife conservation organization and the Village Road community are working in the opposite direction, to limit and control increased traffic and other adverse growth impacts in this critical big game wildlife habitat area.

The aggressive County staff upzoning posture dates back to the 2012 Comprehensive Plan review process, when Alex Norton was on the County staff and pushed very hard to upzone the Aspens/Village Road area, as "node" for high future growth. There was intensive resistance, and the revised County Comprehensive Plan instead designated the area as "stable".

Now the County staff is attempting to upzone on the pretext of settling a lawsuit which was ably defended by Keith Gingery. Ironic--that lawsuit derived from a Jamie MacKay subdivision upzoning approval by Alex Norton on the County staff, but vacated as improper by our Teton County District Court, in a decision affirmed by the Wyoming Supreme Court. I represented the neighbors who prevailed. I can vouch for the fact that current County staff pr on the need for upzoning is pure hype without merit. I understand that Jamie MacKay has been seeking to get involved in the zoning settlement, as a party to the current lawsuit.

I have great respect for you and your responsible conservation leadership. Please do the right thing and stop this County staff destabilizing upzoning effort.

Best regards,



Peter F. Moyer

Page 2
Teton County Commissioners
January 18, 2021

PFM:md
cc: Renee Seidler, JHWF,
 Village Road Coalition
 Keith Gingery, Esq.
 Kim Springer
 Jayne Ottman
 Rian Rooney, County Staff
 Interested Parties

→ Mark N., Natalia,
Luther, Ryan,
Keith
See R2

PETER F. MOYER
MEMBER: WYOMING BAR
FORMER MEMBER: NEW YORK BAR

PETER F. MOYER
LAW OFFICES
P.O. BOX 3682
JACKSON, WYOMING 83001
(307) 733-7795
(307) 733-7754 FAX
e-mail: pmoyer@wyoming.com

PHYSICAL ADDRESS: Peter
50 KING ST., SUITE 203
JACKSON, WYOMING 83001

August 26, 2020

Teton County Commissioners
Jackson, Wyoming

RE: Proposed County Upzoning
Of The Village Road Corridor

Dear Natalia, Greg, Mark N.,
Luther and Mark B:

The County Staff has repeatedly assured highly concerned Village Road members and others that the proposed new zoning for the 390 corridor is merely a “re-zoning” not an “upzoning” for this area, which has been “*identified as a Stable subarea and this is why you should not expect significant changes to the density or intensity of use and development as part of this rezone*”. A current review is supposedly required due to a lawsuit brought by one of our neighbors.

Fine words of reassurance. But simply not true:

County Commissioners’ 2021 Work Plan. A copy of the July 2020 work plan is enclosed. It provides for 500 hours of the long range County planner’s time over the next seven months, for an Aspens Character District using “*applicable Town zoning as a starting point to create new County zones that preserve and enhance the character of the Subarea*.”

Town zoning and any Town Council control within the 390 corridor are totally inappropriate. This corridor lies miles outside of the Town of Jackson and the Town Council’s jurisdiction, under your control not theirs. We get to vote for you, but not for Jim Stanford et al!

Lawsuit. What is the rationale for this disruptive and de-stabilizing County effort? In her email to me, Kristi Malone stated as follows: “*Due to a lawsuit against the County from one of your neighbors that alleges existing zoning to be unconstitutional because it is based on 1978 land use concerns and not the current Comprehensive Plan, the Board of County Commissioners has prioritized rezoning in your neighborhood so that land use standards can be planned rather than mandated by the Court*”.

I read that entire District Court case file and and also checked with Keith Gingery. The complaint was filed by a Miami Beach, Florida resident (William Hirshberg) who is not a neighbor. Through his Pennsylvania lawyer he sued the County and Mark Menolascino, a local who was a defendant not a plaintiff.

Keith did an outstanding job for the County in defending and later settling the lawsuit. It certainly was not a matter of the local Court mandating new, revisited land use standards for the 390 corridor as claimed by your staff (see above). Instead it involved the split of a small parcel and the case was settled not mandated by the Court.

Keith's concern was a sewer treatment issue back in 1978, but he confirmed that other factors such as wildlife concerns could be used to justify current Teton Village Road zoning (rural and neighborhood conservation) without rezoning the corridor.

Moreover, the current zoning in the Aspens area does not simply date back to 1978 without later in-depth analysis of applicable community goals. Many of us remember well the very vigorous debate during the 2012 Comprehensive Plan review, when the County staff was pushing for high growth "nodes" in Wilson and the Aspens area. Wildlife concerns, traffic concerns, oldtime neighborhood impacts--all were expressed and led to the critical STABLE designation with protective zoning preserved. That was in 2012 not 1978.



Peter F. Moyer

Enclosures (proposed residential rezone area, 2020 work authorization, 2015 letter)

cc w/encl: Village Road Coalition
 Interested Parties
 Keith Gingery, Esq.
 Kristi Malone

PETER F. MOYER
LAW OFFICES
P.O. BOX 3682
JACKSON, WYOMING 83001
(307) 733-7795
(307) 733-7754 FAX
e-mail: pmoyer@wyoming.com

PETER F. MOYER
MEMBER: WYOMING BAR
FORMER MEMBER: NEW YORK BAR

PHYSICAL ADDRESS:
50 KING ST., SUITE 203
JACKSON, WYOMING 83001

August 10, 2020

To: Village Road Coalition
and
Interested Parties

RE: Proposed County Upzoning
Of the Village Road Corridor

Numerous people have put heart and soul into the protection of Village Road wildlife, and the protection of valued local neighborhoods which have existed there for many decades.

When the Teton County Comprehensive Plan was revised back in 2012, some on the Teton County Planning staff pushed very hard to create a “complete neighborhood” “growth node” for high future population growth in the Aspens/Village Road area. That met very strong resistance, and the area instead was designated by County elected leadership as “stable” and “neighborhood conservation”.

The County staff is now proposing a massive “Complete Neighborhood” upzoning of a much larger Village Road corridor, as reflected in the attached notice which arrived in the mail recently.

This irresponsible County staff proposal is coming at a time of major disruption, when the need for neighborhood stability, and for vision and responsible County leadership, have become more important than ever. Extreme caution is particularly important nowadays due to accelerating “remote workplace” trends as people leave cities around the world, to live and work in beautiful remote locations such as Jackson Hole.


Peter F. Moyer

PFM:md

Enclosure

cc: Natalia Macker, Greg Epstein, Mark Newcomb, Luther Propst, Mark Barron

Rian Rooney

From: Rian Rooney
Sent: Friday, February 26, 2021 1:22 PM
To: Tom Reedy
Subject: RE: 390 Residential New Zoning

Tom,

That property was not included in this rezoning initiative. If NR-1 were to be applied there – and to be clear I am not saying that it will be or won't be, we haven't even formally looked at it yet – it would be a 3 acre minimum lot size for new land division, so, doing some quick math: 21 acres / 3 acres = 7 lots, each would be allowed 1 single family residential unit. That is the same number of lots currently allowed on that property under the current NC-TC zoning (legacy zoning we are working to move away from in the County).

Hope that helps.

Best,

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



From: Tom Reedy <tjr@tjreedy.com>
Sent: Friday, February 26, 2021 1:11 PM
To: Rian Rooney <rrooney@tetoncountywy.gov>
Subject: Re: 390 Residential New Zoning

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Rian,

Thanks again for the detailed response.

There is one additional question after reading your response and the slide deck.

I don't see any specific discussion of how many homes could be built on the Bar J land based on the new zoning. Greatly appreciated if you could let me know.

Thanks Rian !

Tom

Thomas J. Reedy

On Feb 26, 2021, at 2:01 PM, Rian Rooney <rrooney@tetoncountywy.gov> wrote:

Tom,

Sorry for the delay in responding to you, I was waiting to get my presentation video up before replying but it's taking a while due to file size. I've attached the Powerpoint presentation for now. The video should be up by the end of the day.

Regarding your questions:

- 1) The area is already largely built out and is identified in the Comprehensive Plan as "Stable," so very little change is being proposed. Because zoning just sets the regulations and parameters for development, any resulting change will not be immediate but depends on individual property owners making individual development choices. As far as residential properties are concerned, the changes proposed are, more than anything, a simple update to streamline the clarity and ease of use of the regulations and to provide a little flexibility for landowners who have properties that are partly encumbered with easements. I go through this in the presentation if you want more information on how that works. For what it's worth, this shift to allow more flexibility is already in place in the R-3 zoning, which is what is in place in Willowbrook currently. As far as the few nonresidential properties that are in the area, those are currently proposed to also be rezoned to this new NR-1 zone, where the primary allowed use is single-family residential. That will have the effect of making these nonresidential uses legally nonconforming; they will be permitted to continue operations and use as they have been, and there are standards in the Land Development Regulations (LDRs) that describe standards for nonconforming properties. In the long run, if they or subsequent owners choose to discontinue those uses, new uses of those properties and development will have to comply with the NR-1 regulations and allowed uses.
- 2) I do not anticipate any direct or indirect impacts on Willowbrook as a result of this proposal. Potential density in the 390 Residential subareas (12.2 in the Comp Plan), is not increasing in any meaningful way.

Let me know if other questions come up.

Best,

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

<image001.jpg>

From: Tom Reedy <tir@tjreedy.com>
Sent: Friday, February 26, 2021 7:36 AM

To: Rian Rooney <rrooney@tetoncountywy.gov>

Subject: 390 Residential New Zoning

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Rian,

Nice job on the 390 call last night- very interesting.

By way of background, my family and I have a home in Willowbrook.

I had a previous commitment but was able to join the 390 Residential Meeting for some of the call and have some follow up questions.

- 1) What are the highlights and significant issues in the proposed 390 new zoning. If adopted, what will change and what will remain the same.
- 2) Willowbrook- are there any direct or indirect impacts on the Willowbrook area if/ when the new zoning is implemented

Lastly, as I was only able to attend a part of the meeting when will the recording be posted.

Thanks,

All the best,

Tom

Thomas J. Reedy

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<390 Informational Meeting_022521.pptx>

From: [Rian Rooney](#)
To: olauslinnstudios@gmail.com
Cc: [Kristi Malone](#)
Subject: RE: Checking in on my District 12.2 Rezone Questions - ZMA2020-003
Date: Wednesday, September 30, 2020 2:06:00 PM

Hello Olaus,

I am the Associate Long-Range Planner at Teton County and am managing this project moving forward. Our apologies for the delay in responding to your initial email.

Before I answer your specific questions, I wanted to point out some additional facts about this project for clarification:

- The term “Complete Neighborhood” is not a zoning designation; it is the designation for the Comprehensive Plan District (District 12) in which the land subject to this zoning update exists. District 12 was designated a Complete Neighborhood with the adoption of the Comprehensive Plan in 2012, and no change to the Complete Neighborhood Status of the district is being proposed.
- In 2012, every District of the County and Town was designated as either a “Complete Neighborhood” or “Rural Area.” All of the zoning for Rural Area Districts was already updated in 2016, and now the County is systematically undertaking the process of rezoning Complete Neighborhood Districts, which currently have zoning dating back to the 1994 Land Development Regulations.
- This process is beginning with Subarea 12.2: 390 Residential, which with subareas 12.1: Aspens/Pines Commercial Core and 12.3 Aspens/Pines Residential, comprises the District 12 Complete Neighborhood: Aspens/Pines. Staff recognizes that there are distinctions and differences between Subarea 12.2 and the Aspens/Pines areas, which is why we are addressing zoning for Subarea 12.2 individually.

Regarding your questions:

1. The district and subarea boundaries in the Comprehensive Plan are not hard, and border areas between districts or subareas will be examined closely and contextually to determine appropriate zoning. The subarea boundary is not proposed to change as a result of this process – the boundary that you see now will remain the same, unless at some point the Comprehensive Plan is amended to change the district boundaries. Assigned zoning, on the other hand, does have fixed geometry and boundaries. The parcels that you have identified all appear to have already been rezoned in their entirety as part of the County-wide rezone of Rural Districts in 2016. (They have an R-3 zoning designation.) As such, I would not expect the zoning for these parcels to change again during this process.
2. The Comp Plan considers all of District 12 – that is, the 390 Residential Area and the Aspens/Pines areas together – a Complete Neighborhood. As such, the 390 Residential subarea may not be fully “complete” in its own right. The Comp Plan identifies this subarea as “stable,” meaning that the effects of any changes to the zoning will be limited and that no change to the character of the area is necessary. Furthermore, the Comp Plan identifies the “neighborhood form” for this area as “Residential” and “Conservation.” We are currently researching zoning strategies to enhance wildlife permeability, but I do not have anything

specific to share at this moment. Regarding pedestrian bridge and/or wildlife tunnels, these are enhancements that, while interesting and consistent with some of the ideas in the Comp Plan, are outside of the scope of zoning. The Teton County Public Works Department is currently analyzing strategies to reduce wildlife-vehicle collisions along Highway 390. It is also noteworthy that Highway 390 is a state road and is controlled by WYDOT, and the County is limited in what it can do in the state right-of-way. We are also welcoming any ideas from the community for consideration of how land use regulations could improve ecosystem stewardship and quality of life in the neighborhood.

3. As mentioned, the Comp Plan identifies this subarea as stable. I do not anticipate that the zoning that will be proposed will cause significant changes to the properties or impact the HOA operations.

I am also providing the [link](#) to our Long-Range Planning page for this project. I will be updating it with more information as the project progresses. Thank you for your comments and questions. Feel free to send along any additional ideas about what you would like to see out of this rezoning process.

Best,

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

From: Olaus Linn <olauslinnstudios@gmail.com>
Sent: Monday, September 21, 2020 6:05 PM
To: Kristi Malone <kmalone@tetoncountywy.gov>
Subject: Checking in on my District 12.2 Rezone Questions - ZMA2020-003

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

Hi Kristi,

I sent the below text from an email I sent originally on August 12th following the Zoom meeting about this issue. I don't believe that I've seen a response from you yet, although apologies if you did send something and I missed it. My family has had several meetings since that call and we're very interested to hear from you on these questions.

Original August 12th email:

My name is Olaus Linn, and I'm a member of the Linn Family. We homesteaded here in 1904 and we still have a decent chunk of that original land. Our ranch borders the proposed complete neighborhood, and in fact much of the land included in that was purchased from us at one time or another. We actually share covenants and an HOA with several of the lots along Lily Lake Drive (named after Lily Linn, who was my grandma). As a group we're very interested in the proposed rezone, although I'm not communicating on behalf of any other family members right now, just myself. My wife and I own [LINN Parcel A](#) and live there.

I'd like to ask you a couple questions to try and get a clearer picture of things. I attended the neighborhood meeting today via Zoom and was not too surprised to hear the general shape of the position of many of our neighbors. I share a lot of their concerns about traffic speed and congestion, and particularly the impact of those things on wildlife, but I don't necessarily agree that any and all rezoning changes would be bad. I'm interested in hearing your thoughts and ideas for how to make this area more "complete" and what that looks like long-term.

- 1) From the map provided in the letters we all got, and from the map in the PDF online, it looks like the neighborhood boundary does encompass parts of our ranch - particularly LINN Parcel OS, Parcel L, Lot 3, and Lot E ([link to all of these](#) selected on GIS). Will the final designation of the neighborhood boundary cross lot lines like this or follow property boundaries exactly? Will lots partially included in the neighborhood be considered as being fully in the neighborhood, or only the sections inside the boundary line?
- 2) I have read the comp plan, the LDRs, and the PDF detailing the plan for District 12, but I still can't fully see what the long-range vision is for how to make this chunk of the area around 390 "complete". The documents mention things like making the area more pedestrian-friendly, walkable, preserving character, preserving wildlife corridors, etc. What are some actual specific ideas you have for things that you would like to eventually see? Could they include things like a pedestrian bridge or tunnel, wildlife crossings, and easements in order to connect dead-end roads to allow for movement away from the Village Road?
- 3) Most of the properties that border us to the west (the residents of Lily Lake Drive) are part of our Linn Ranch HOA. What effects - if any - do you see the complete neighborhood rezone having on those properties, and how might that affect our HOA operations?

Thanks for your time Kristi. You've got a huge job to do there and I appreciate the work you all put in. Please add my email to your list of folks who would like to stay informed about this rezone project, and definitely feel free to shoot me any questions you may have about how things came to be the way they are out here on the Village Road. I can certainly get those answers from my father or aunts/uncles. They have seen almost all of these subdivisions get created and houses get built.

Thank you,
Olaus

--



Olaus Linn
Owner / Creative Director

307.690.3796
@olauslinn
sharpeyedeer.com

Dear Kristi,

I'm sorry I couldn't participate in the August neighborhood meeting, but I did listen to the majority of it through the County website. Unfortunately, I'm still confused and have more questions than before.

How many lots in the rezone are the 3 acres (or larger) parcels Keith Gingery referred to? He implied the rezone is coming from complaints from these landowners? Did these landowners buy their property with the assumption they could change the zoning? This was the case with Jamie McKay and I suspect with Hirshberg? I remember talking to you about this parcel but I'm guilty of still not understanding the zoning nuances.

How can those of us living in the riparian corridor and the NRO be compared to those near the highway or how can we be rezoned without jeopardizing the very special wildlife habitat that the Comp plan prioritizes.

After listening to the long meeting my biggest questions are unanswered:

1. What are the nuts and bolts differences in the rezone?
2. If we own 2 acres will we be allowed to subdivide into two one acre lots? If so, this is a huge upzone and would be a significant change. We've been held to building on 10% of our property due to the NRO.

3. Will people with 3 acres be allowed to subdivide into 3 parcels? Or more?
4. Does someone who owns land bordering 390 have the same zoning as those of us close to the river in the NRO?
5. I'm unclear if the goal is for everyone in the project area to be zoned Neighborhood Conservation?
6. What doesn't comply with the current plan?

As you know the area under review is a mishmash of different size lots including the high density Milward Development which was promised to be the exception.

I heard two points loud and clear: the rezone needs to match the 2012 Comp plan and the rezone won't change the character or be noticed. Those might not be the exact words but the essence of what I heard over and over. I also heard there will be "no significant upzone" and "the area may benefit from strategic infill". I don't know how to make sense of these opposing comments.

I'm guilty of not having read the Comp Plan from cover to cover but not for lack of interest, I'm engaged with many issues in Teton County, most of which are on our public lands.

I believe you want to be transparent, but I didn't hear one person who commented who seemed to understand the implications of the upzone. I assume that's because it means different things to each landowner depending on the size of their lot? And how about location? We live closer to the Snake

River than many in John Dodge, shouldn't this riparian corridor share zoning regulations?

I apologize for my ignorance and don't mean to sound like a broken record. Once I understand more, I will send comments and suggestions. The exponential growth and traffic on 390 are serious issues. I used to be able to count on allowing just 15 minutes to get to the library for work from Pizza Lane but no longer, the return trip is even more challenging to plan for and I don't see it improving. It's critical to integrate the road issues with future housing growth.

Sincerely,

Kim Springer
307-413-1530

Rian Rooney

From: Kristi Malone
Sent: Friday, September 18, 2020 5:14 PM
To: Natalia Macker
Cc: Chris Neubecker; Rian Rooney
Subject: RE: Comp Plan Subarea 12.2 390 Residential

Hi Natalia,

Thanks for inquiring on this one as we have gotten a ton of response and questions from that neighborhood as well. Probably the best resource is the project page on the long-range website:

<https://www.jacksontetonplan.com/334/Subarea-122---390-Residential-Rezone>

I posted what the approved FY21 Work Plan says for the project, a short video presentation I put together for the neighborhood meeting we held, and the full meeting video from the neighborhood meeting. At this point, we are reviewing comments, Comp Plan and zoning possibilities before making any formal proposal of a new zone. I think the biggest challenge so far has been the "rumor mill" effect. Everyone seems to have misconstrued this zoning update which likely will incorporate very few changes as some kind of "upzone." As you know, the alternative to updating the zoning is dealing with a court case that could put zoning-based density limitations at risk in general so this project is a priority for us and should be a priority for landowners in the neighborhood. Terminology has also been a problem. "Complete Neighborhood" is their Comp Plan District classification from 2012 (as opposed to Rural Area), but a lot of public comment confuses that term with a new zoning designation—which it is not.

Let me know if you would like to discuss. This is the very first step of the project so I appreciate all the interest and communication from landowners and we are doing our best to focus public comment into solution-oriented contributions to developing an appropriate new zone for the area. I also have spoken to Jayne at length on the phone about this project. I copied Rian on this email as well since he will be taking the rezone through the formal review process. We are happy to help you any way we can.

Thanks and enjoy your weekend,

Kristi Malone

*Senior Long-Range Planner
Teton County & Town of Jackson
PO Box 1727 / 200 S. Willow St.
Jackson, Wyoming
307-733-3959*

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From: Natalia Macker <NMacker@tetoncountywy.gov>
Sent: Friday, September 18, 2020 3:24 PM
To: Chris Neubecker <cneubecker@tetoncountywy.gov>; Kristi Malone <kmalone@tetoncountywy.gov>
Subject: FW: Comp Plan Subarea 12.2 390 Residential

Hi Chris & Kristi –

Are there any staff materials that have been distributed to this public on this issue? I've gotten two phone calls and just wanted to have a bit more education.

Apologies if you've already sent!
Thank you,
Natalia

Natalia D. Macker
Chairwoman
Teton County Commission

nmacker@tetoncountywy.gov
307.732.8406 (direct)
307.413.6413 (mobile)
www.tetoncountywy.gov

From: Jayne Ottman <jottman50@gmail.com>
Date: Wednesday, September 9, 2020 at 11:40 AM
To: Board Of County Commissioners <commissioners@tetoncountywy.gov>, County Planning Commission <planningcom@tetoncountywy.gov>, Kristi Malone <kmalone@tetoncountywy.gov>
Subject: Comp Plan Subarea 12.2 390 Residential

Sept 7, 2020

Re: Subarea 12.2 390 Residential Complete Neighborhood re-zoning

Dear Chairwoman Ms. Macker and Commissioners Greg Epstein, Mark Newcomb, Luther Propst and Mark Barron:
and County Planning Commission: Glendon Esnard, Karen Rockey, Susan Lurie, Alex Muromcew, Kasey Mateosky

Thank you for taking time to read our letter.

Hopefully you will provide us answers.

I can be reached by phone at 307-690-1025 or jottman50@gmail.com

I copied the adopted version of TC's 2020 comp plan Vision statement(s) below.

It's a lofty and beautifully written piece but I can only state that in the Proposed Rezone of Subarea 12.2: 30 Residential, **these appear to be in direct conflict.**

Becky Hawkins and I, along with neighbors Schreiber, Springer, Burke, Balint, Felton and Pederson are adamantly against the proposed upzoning from NC to Complete Neighborhood. This proposal will extend the subarea along the east side of #390 from the Rains property to Cheney Lane down to our properties which border the Linn Ranch.

"Our Vision is founded in our Greater Yellowstone Ecosystem context and strengthened by our commitment to optimizing three Common Values of Community Character. Just like braided strands within a rope create its core, appreciation of the ecosystem in all aspects of our life is only as strong as our commitment to all three of our Common Values. [ADDED GRAPHIC] CV1: Ecosystem Stewardship - As ecosystem stewards, we will ensure the health of all native species by avoiding habitat impact and fragmentation, maintaining water quality, and limiting our contribution to climate change. CV2: Growth Management - To manage growth, we will not add to the overall amount of growth allowed and will direct growth into locations with the least habitat value and the most existing services."

When will the county planners and commissioners stop implementing zoning changes to accommodate certain individuals who threaten with lawsuits?

When is enough, enough?

This proposed zoning contradicts the protections for an NRO as written in the Comprehensive plan for 2020. Adding density contaminates water quality, vegetation, migration routes and results in climate change impact from fossil fuel consumption with increased traffic.

Our neighborhood was conveniently left out for access to any sewer/water system since 2003 when the Millward project was built despite our numerous attempts to hook into their lines. We are now landlocked out and the costs of tearing up roads, parking lots and driveways along with paying for sewer upgrades makes this prohibitive. More density will increase groundwater contamination. We all have wells.

Will any increased development be required to hook into a sewer system? We are downstream of these areas and will be affected the most.

Much of our land is in the NRO as are other neighbors.

Directing growth (density) in these fragile NRO areas which provide prime winter habitat for so much wildlife in the area is fraught with contradiction. Every one of our properties offer crucial winter vegetation for the survival of moose, mule deer, nesting bald eagles and herons, great horned owls and migratory birds including raptors. The only time the eagles vacated their nest was when the Millward Affordable Housing Project was built, a sure sign they were disturbed by encroachment and activity. They returned a year later and have been here ever since.

Designating us a complete neighborhood zone would significantly reduce any possibility for wildlife survival or repopulation of the species.

History:

Shortly after the Millward Project was approved TCC and Planning Director assured us we wouldn't have additional density since Millward was the most densely populated subdivision in the county at the time.

Then- Deb and Art Davis sold the KOA to Jamie Mackay who transformed the campground into a year-round residence while at the same time, moved 27 illegal RPT's on the acreage.

We watched in horror as he illegally dug trenches and laid gas lines for propane to each of his RPT's including outdoor "fire rings", and then hooked up to electrical, water and sewer without permits. Despite numerous calls from us and neighbors to the county building inspection officer (Mark Antrobus) and compliance officer (a woman), this debacle continued without any county oversight. So not only did we get more density (27 new homes), we are still at risk for gas line explosions that were not permitted until after the fact (state and county). And we also question why no electrical or water/sewer permits were granted until after the utilities were in.

Then- Makay illegally subdivided the Davis' acreage into two lots.

The county is now in a legal battle with Mark Hirschberg's estate with the threat if we don't impose zoning to accommodate his density request, a WY judge will.

I ask, why was this court threat ignored for 4 years by our County attorney and planning staff? And why wasn't the zoning change addressed at that time?

A more thoughtful plan could have been implemented without the knee-jerk reaction we are seeing today that negatively impacts so many of us, but more importantly, our "valued wildlife".

We don't want to be lumped into zoning like the Aspens. We don't want additional homes or rentals, gyms, grocery stores, sidewalks, swimming pools, golf courses and numerous commercial buildings. Increased density would seriously harm and possibly eliminate the species that rely on the NRO and our unique neighborhood characteristics that allow for mammal and bird movement year round. We look very different than the homes on the west side of #390.

***and why isn't Tucker Ranch or John Dodge in this new zoning proposal? It appears that decisions are being made for those of us who are working class and live in less expensive neighborhoods. I see this as blatant structural racism-in other words, dump the growth on those who make less money but leave the rich neighborhoods alone as it is proven that they have money and will sue if they don't get their way. We intend to explore this more thoroughly.*

As I type this, the 6th moose was killed on #390; struck by a vehicle. We are sickened with the continued slaughter of these animals because of reckless speeding/texting and distracted drivers and increased density along this corridor. Is this really the area for increased density?

We have a large population of raptors -osprey, northern harriers, accipiters, hawks of all kinds, falcons and vultures who perch on our tall cottonwood trees overlooking the open space next to us to hunt. The Snake River is steps away and the osprey and eagles regularly are seen with fish in their talons as they often perch here to feast on their catch.

And the migratory birds who come thru here have a safe nesting area to call home the months they are here. Most of us have planted native species that support them including bushes and trees from which to build nests and that offer vegetation that provides food for them like Hawthorne, service berries and dogwood to name a few.

We all plant bee and butterfly friendly flowers/shrubs to help support these diminishing populations. We pull or dig noxious weeds and carefully maintain the understories here to support ground mammal habitat. We plow or shovel paths in the winter in between houses or roadways in order for animals to access winter forage that would otherwise have snowbanks too high to get over. We work hard at keeping animals off the road, especially in the winter and have developed a phone network when we spot animals so humans will avoid leaving their house and any dog is put inside.

The Burkes, Pederson's and Feltons have large areas of wetlands and ponds making it ideal for moose habitat. Moose are seen regularly year-round there and depend on these lands to support them and their offspring. Herons are seen daily in the ponds. Baby moose learn how to feed on the bottoms of these ponds as witnessed by so many of us each year.

We have had WYG&F guide us on best practices to support wildlife. Also, the Raptor Center staff and area wildlife biology experts. We all take the wildlife here very seriously.

This is our neighborhood. And we and the migratory animals and birds who roam thru here seem to like it also.

This is NOT a place to upzone to Complete Neighborhood, to build sidewalks, have commercial businesses, additional rentals, shops, more houses accompanied by cars, traffic, human sewage, contaminated surface water all with human encroachment. This is NOT the area to do this.

We've paid the price of having one of the highest densities the county back in 2003 with the Millward Project and the seemingly endless encroachment from the Fireside.

The promise from the County Commissioners and Planning Department 20 years ago not to increase density has eroded. We adhere to and respect the zoning rules while many of these rules have hugely impacted the lives and livelihoods of some of our neighbors.

We feel duped.

We should not be zoned a Complete Neighborhood.

We'd call that a "Complete Mistake".

Why isn't this "forgotten neighborhood of 7 homes", with many of us in the NRO and adjacent to R-3 zoned land, zoned Rural or protected?

And I ask you this-will taxes go up because of this zoning change? If so, then it's a sneaky way to increase revenue. And while I'm on the subject of too many cars on #390, why the heck don't you consider a much cheaper option to help drivers SEE animals on the road-LIGHTS that can be attached to the already power poles on either side of the road. Much less expensive than overpass that will not work because of driveways and the poles and power sources are already there....it's nearly impossible to see animals at night...why not get a bid to install downlighting along both sides of the road.? I bet it's a lot cheaper than an overpass.

Thank you,

Jayne Ottman and Becky Hawkins

Jayne Ottman

PO Box 433
Jackson, WY 83001
307-690-1025
jottman50@gmail.com

From: [Donald Gervais](#)
To: [Meredith Landino](#)
Cc: [Rian Rooney](#); [Kristi Malone](#)
Subject: Re: West side of Teton Village Road, Long Term Planning
Date: Wednesday, August 12, 2020 5:03:21 PM

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Thank you!

Don Gervais

On Aug 12, 2020, at 3:17 PM, Meredith Landino <meredith.landino@jhsir.com> wrote:

Thank you!



Meredith Landino
Sales Associate, Jackson Hole Sotheby's International Realty
TOP PRODUCER 2018
[307-690-8028](tel:307-690-8028) | meredith.landino@jhsir.com
www.meredithlandinorealestate.com
185 W. Broadway Jackson, WY 83001



****if you are on Instagram, consider following me
@jhreal estate _meredithlandino, for Jackson Hole Real Estate updates,
Community Events and JH Inspiration!

From: Rian Rooney <rrooney@tetoncountywy.gov>
Sent: Wednesday, August 12, 2020 3:16 PM
To: Meredith Landino <meredith.landino@jhsir.com>; Donald Gervais <[dolandgervais@gmail.com](mailto:donaldgervais@gmail.com)>
Cc: Kristi Malone <kmalone@tetoncountywy.gov>
Subject: RE: West side of Teton Village Road, Long Term Planning

Meredith and Don,

If you are interested in the Zoom presentation today, the information to join is below:

<image002.png>

Best,

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

From: Kristi Malone <kmalone@tetoncountywy.gov>
Sent: Wednesday, August 12, 2020 12:52 PM
To: Meredith Landino <meredith.landino@jhsir.com>; Donald Gervais <donaldgervais@gmail.com>; Rian Rooney <rrooney@tetoncountywy.gov>
Subject: RE: West side of Teton Village Road, Long Term Planning

Hi Meredith,

Thanks for your interest in this project. This rezone is just part of the phased county-wide rezone of all properties to better implement the 2012 Comprehensive Plan (same initiative as the 2016 County-wide rural area rezone but we are now moving on to Complete Neighborhood Areas). Limited to Subarea 12.2 which is shown here:

<>

Kristi Malone

*Senior Long-Range Planner
Teton County & Town of Jackson
PO Box 1727 / 200 S. Willow St.
Jackson, Wyoming
307-733-3959*

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From: Meredith Landino <meredith.landino@jhsir.com>
Sent: Wednesday, August 12, 2020 12:43 PM
To: Donald Gervais <donaldgervais@gmail.com>; Kristi Malone <kmalone@tetoncountywy.gov>; Rian Rooney <rrooney@tetoncountywy.gov>
Subject: West side of Teton Village Road, Long Term Planning

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Hi Rian and Kristi,

I'd like to introduce you to Don Gervais, CC'd above.

Don, please meet Kristi and Rian, Teton County Long-term Planning Extraordinaires.

Kristi and Rian, we are specifically interested in how the LDR's are changing on the Teton Village Road. I understand there is a Zoom call at 4 pm today regarding the East side of the road.

Can you share more about what is happening on the West side, specifically with Bar J Chuckwagon, Earl Hardman's lot, and others on that west and south side?

This is somewhat time-sensitive, so we appreciate anything you can share today. We'd both love an invite to the Zoom call as well:)

Please let us know the best way to communicate about the West side; email, Zoom, conference call?

Thank you in advance,
Meredith Landino

photo



Meredith Landino

Sales Associate, Jackson Hole Sotheby's International Realty

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[307-690-8028](tel:307-690-8028) | meredith.landino@jhsir.com

www.meredithlandinorealestate.com

185 W. Broadway Jackson, WY 83001



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From: [Kris Lunde](#)
To: [Kristi Malone](#)
Cc: [Karen Lunde](#)
Subject: Neighborhood Rezone on the Westbank
Date: Wednesday, August 12, 2020 7:44:24 PM

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Hi Kristi, Kris Lunde here from 2840 Wiley Lane. Thanks for the opportunity to be informed and be somewhat involved. I came to the zoom meeting a little late and wanted to hear your presentation before commenting.

I concur completely with all my neighbors' concerns and would like to add 2 points that may have been made before I got home.

First, I'm a small business owner that fully understands the need for housing for our workforce. Rezoning to 1 acre lots obviously will have minimal impact in meeting that need, but will greatly impact the strain on our infrastructure. We have 4 kids, all raised here on Wiley, all attended WES, JHMS and JHHS (the youngest is a sophomore). We are well aware of the impact of a household on the limited infrastructure, as our kids were involved in many activities including sports and jobs throughout there youth. I believe increasing density will only strain it more.

This leads to my 2nd point which is the lawsuit that states some "out of date" zoning from 1978 needs to be revised. I couldn't agree more! Since the infrastructure hasn't really changed since 1978 and the density has increased dramatically,

we need to lower the density by increasing lot sizes not decreasing them.

That's probably an unreasonable solution, but a real argument/discussion in regards to rezoning.

Thanks again Kristi for all your work in this.

Kris Lunde
307-690-8581

From: [Susan Critzer](#)
To: [Kristi Malone](#)
Subject: Comments on Sub Area 12.2 Zoom call today
Date: Wednesday, August 12, 2020 5:29:35 PM

[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.]

My name is Susan Critzer. I spoke at the meeting today, but wanted to follow up with written comments.

My husband and I live at 3975 Pony Drive. Our lot abuts the Village road and backs onto the Tucker Ranch entry open space. We bought our home in 2006. In the past 14 years we have seen substantial changes to our neighborhood. The traffic on the village road has of course increased substantially, as well as the seemingly routine traffic snarls caused by accidents. It routinely takes me up to 5 minutes to cross the village road to the bike path safely. And many of the vehicles are construction workers going to Teton Village etc. But the changes go beyond that. The number of vehicles in and out of the Tucker Ranch community have increased substantially- many more resident and visitor vehicles as well as countless daily construction and service vehicles such as cleaning, gardening, etc. Even the number of residents and vehicles on Pony has increased substantially. New homes are under construction on Zach and on Sylvester. Our one remaining empty lot on Pony was purchased and 2 rental properties were built on it- one "main" house and one ARU. Another home built an ARU on the north side of the road as a worker rental. With the current value of land and rental rates, several additional homeowners are contemplating building ARU's for long term rental income. All of this is allowed within current zoning, and in many ways can help with the worker housing shortage so I do not object or want to try to prevent it. That is what we signed up for when we bought our home.

Despite being right on the village road, in our yard we actually see more wildlife that we used to. I think it is because other vacant lots in the "neighborhood" have been built on and the animals have had to adjust accordingly. We frequently see elk, deer, and moose. We have also had black bear, coyotes, fox, and mountain lion captured on our back yard game cam.

My big point is that the neighborhood is seeing substantial infilling that current zoning allows, and will continue to do so I am sure. I think that even that level of density could affect the safety of those of us that live here as well as the wildlife. I think it would be inadvisable to exacerbate the situation by making any changes that would allow even more density as you consider the rezoning.

Thank you for listening.

Susan Critzer

From: [Peter Moyer](#)
To: [Sherrie Y. Jern](#)
Cc: [Carla Watsabaugh](#); [Kristi Malone](#); [Robin Moyer](#); [Mercedes Huff](#); [Mike Cottingham](#); [Linda Williams](#)
Subject: Re: Subarea 12.2:390 Residential Rezone
Date: Wednesday, August 12, 2020 2:09:29 PM

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I agree!
Peter

Sent from my iPad

On Aug 12, 2020, at 1:20 PM, Sherrie Y. Jern <jern3660@gmail.com> wrote:

Carla. What a thoughtful and excellent letter. Sherrie Jern

On Wednesday, August 12, 2020, Carla Watsabaugh <frogglady44@gmail.com> wrote:

Will you please share my letter with all concerned parties and read aloud?

My name is Carla Watsabaugh and I have lived on 390 for 50 years. In the past 15 years I have witnessed an alarming change in our area. I agree wholeheartedly with the issues Sherrie Jern has brought to your attention. All who live out here deal with them daily. I will try not to belabor them.

We have reached what I consider crisis proportions. We are choking to death out here. The traffic and accidents are at an all time high. Wildlife deaths are on the increase in spite of continuous efforts of concerned residents to keep them safe. At certain times of the day I am unable to get out onto the highway. 4 accidents in the last week have prevented me from leaving my road. Yesterday's accident involving a cyclist might have been fatal. The Village Road Coalition helped instigate the lowering of the speed limit on 390 to 35 MPH at night. Lately, that speed limit has been abused by taxi drivers, construction trucks, workers and tourists. Our emergency response capabilities have been extremely hampered by our inability to move traffic. I am at a loss why those responsible for planning and development are so unaware of the issues we are facing

out here. Jackson Hole is overflowing and we keep adding more developments.

My husband was born here as were our two daughters. They will never own anything in this valley. One has moved to Boise and the other rents in the Valley. If they have been shut out by prices and shortages, perhaps outsiders and others may have to suffer the same. Money is driving the destruction of Jackson Hole. If planners don't see the ruination, we're doomed.

COVID-19 has changed our world. Jackson Hole has become a refuge and I don't look for that to change anytime soon. This will not be our last pandemic. Leaders, planners and regular folks must begin to change how they do things, how they think, how they plan and provide for the future. How they protect their communities. This pandemic is not just a blip. We will experience many more of different origins. Unfortunately, this may become a way of life.

This plan is not thought out, it is not responsible, it is not safe, it is not in the best interest of a natural wildlife corridor we are trying to protect. Even if the upzone is not considered right now, you are opening future floodgates that could prove catastrophic. Working hard on a Comprehensive Plan isn't a reason to include something that will never be appropriate....not now, not in the future.

Carla Watsabaugh
Wilson, WY

From: [Robin Moyer](#)
To: [Kristi Malone](#)
Subject: Aspens neighborhood rezoning
Date: Thursday, August 13, 2020 8:29:04 AM

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Good morning Kristi,

In reviewing emails from yesterday, who is the landowner that is suing the county on the unconstitutional zoning which is the basis for your review? Also what is the name of the website where we can follow this process?

Thank you ,
Robin Moyer

Due to a lawsuit against the County from one of your neighbors that alleges existing zoning to be unconstitutional because it is based on 1978 land use concerns and not the current Comprehensive Plan, the Board of County Commissioners has prioritized rezoning your neighborhood so that land use standards can be planned rather than mandated by the Court.

Robin Moyer
rwigtonmoyer@gmail.com
cell 307 690 8320