

# Article 8. Administrative Procedures

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## Div. 8.1. General

### 8.1.1. Purpose and Intent (1/1/15)

The purpose of this Article is to establish uniform procedures for the administration of these LDRs. The general objectives to be achieved through these procedures are to:

- A. Ensure compliance with the purpose and provisions of these LDRs;
- B. Ensure equitable processing of all applications;
- C. Protect the health, safety, and welfare of current and future residents of the community;
- D. Ensure conformance and coordination of physical development, use, development options, and subdivision with the public improvement and other plans of the community;
- E. Ensure well organized and uniform land records to facilitate the physical development, use, development options, and subdivision of land; and
- F. Safeguard the interests of the public, landowners, and developers.

### 8.1.2. Organization of Procedures (1/1/15)

The administrative procedures in this article are grouped into three categories.

#### A. Common Procedural Standards (Div. 8.2.)

Division 8.2 establishes the generally applicable procedural standards utilized in the application review processes.

#### B. Specific Review Processes (Div. 8.3.-Div. 8.8.)

Divisions 8.3-8.8 establish the review processes for applications submitted pursuant to these LDRs. For each application the purpose, applicability, and findings for approval of the application are established. The steps of the review process for each application are also established in a flow chart that identifies the timing and standards that apply. The applications are organized into 6 groups.

1. **Physical Development Permits (Div. 8.3.)** These applications seek to permit the physical development allowed in Subsection B of each zone (Articles 2-4).
2. **Use Permits (Div. 8.4.)** These applications seek to permit the uses allowed in Subsection C of each zone (Articles 2-4).
3. **Development Option and Subdivision Permits (Div. 8.5.)** These applications seek to permit the development options and subdivision allowed in Subsection D of each zone (Articles 2-4).
4. **Interpretations of the LDRs (Div. 8.6.)** These applications seek to clarify the applicability of a provision of these LDRs or the compliance of a site with these LDRs.
5. **Amendments to the LDRs (Div. 8.7.)** These applications seek to amend the text of the LDRs, the Official Zoning Map, or both.
6. **Relief from the LDRs (Div. 8.8.)** These applications seek to relieve the applicant from a provision or interpretation of these LDRs.

**C. Enforcement Actions (Div. 8.9.)**

Division 8.9 establishes the procedures and standards for enforcement of violations of these LDRs.

**8.1.3. Additional Resources (1/1/15)**

**A. Administrative Manual**

The Planning Director is authorized to prepare an administrative manual to assist in the processing and review of applications and the administration of these LDRs. A copy shall be maintained on the County website and in the Planning Department and made available for the public to review during normal business hours. The administrative manual may include:

1. A fee schedule adopted by resolution of the Board of County Commissioners;
2. Application submittal requirements;
3. Additional details on application review procedures; and
4. Other similar details of LDR administration that implement these LDRs.

**B. Fee Schedule**

A fee schedule shall be established and may be revised from time to time by the Board of County Commissioners. The purpose of each fee in the fee schedule is to defray the costs of processing the application.

**8.1.4. Informal Discussion (1/1/15)**

Staff is available to answer questions about these LDRs. Discussion by staff is meant to assist in the facilitation of implementation of these LDRs, but is in no way binding on the County.

### 8.1.5. Summary of Procedures (1/1/15)

The below table summarizes the review process for each application type. The full detail and requirements for each application process can be found in [Div. 8.2.-Div. 8.7.](#)

Summary of Application Review Processes					
	Pre-Submittal	Submittal	Review	Decision	Post-Decision
<b>Physical Development Permits (Div. 8.3.)</b>					
Sketch Plan	PAP, EA*, Nmtg	X	Staff, PRC, [PC]	[BCC]	DP
Development Plan	PAP, EA*, Nmtg*	X	Staff, PRC, [PC]	[BCC]	BP, GP, S/D
Building Permit	PAP*, EA*	X	Staff, PRC*	BO	
Grading Permit	PAP*, EA*	X	Staff, PRC*	Eng	
Sign Permit		X	Staff, PRC*	PD	
<b>Use Permits (Div. 8.4.)</b>					
Basic Use Permit	EA*	X	Staff, PRC*	PD	
Conditional Use Permit	PAP, EA*, Nmtg*	X	Staff, PRC*, [PC]	[BCC]	
Special Use Permit	PAP, EA*, Nmtg	X	Staff, PRC*, [PC]	[BCC]	Yrly Rev.
<b>Development Option/Subdivision Permits (Div. 8.5.)</b>					
Development Option Plan	PAP, EA*	X	Staff, PRC*	PD	
Subdivision Plat	DP	X	Staff, PRC	[BCC]	
Exempt Land Division		X	Staff, PRC*	PD	
Boundary Adjustment	ZCV	X	Staff, PRC	PD or [BCC]	
<b>Interpretations of the LDRs (Div. 8.6.)</b>					
Formal Interpretation		X	Staff, PRC*	PD or Eng	
Zoning Compliance Verification		X	Staff, PRC*	PD	
<b>Amendments to the LDRs (Div. 8.7.)</b>					
LDR Text Amendment	PAP*, Nmtg*	X	Staff, PRC*, [PC]	[BCC]	
Zoning Map Amendment	PAP, Nmtg	X	Staff, PRC*, [PC]	[BCC]	
Planned Unit Development	PAP, EA*, Nmtg	X	Staff, PRC, [PC]	[BCC]	DP, BP, GP, S/D
<b>Relief from the LDRs (Div. 8.8.)</b>					
Administrative Adjustment		X	Staff, PRC*	PD	
Variance		X	Staff, PRC*, [PC]	[BCC]	
Appeal of Administrative Decision		X	HO*	[BCC]	
Beneficial Use Determination		X	HO	[BCC]	
<b>Enforcement (Div. 8.9.)</b>					
Revocation or Suspension of Permit		X		[BCC]	
Abatement of Violation		X	HO*	[BCC]	

X = required | \* = Optional or Sometimes Required | [ ] = Public Hearing Required

PAP = Pre-application Conference | Nmtg = Neighborhood Meeting | EA = Environmental Analysis | DP = Development Plan

PRC = Plan Review Committee | PC = Planning Commission | HO = Hearing Officer

PD = Planning Director | Eng = County Engineer | BO = Building Official | BCC = Board of County Commissioners

BP = Building Permit | GP = Grading Permit | S/D = Subdivision Plat

## Div. 8.2. Common Procedural Standards

This Division establishes the review standards common to many of the processes established in this article. The applicability of these common procedures to specific processes is established in [Div. 8.3.-Div. 8.9.](#) These common procedures are organized in the same chronological manner in which they occur in the review process.

Pre-Submittal	<ul style="list-style-type: none"> <li>» Pre-application Conference (<a href="#">Sec. 8.2.1.</a>)</li> <li>» Natural Resource Assessment (<a href="#">Sec. 8.2.2.</a>)</li> <li>» Neighborhood Meeting (<a href="#">Sec. 8.2.3.</a>)</li> </ul>
Submittal	<ul style="list-style-type: none"> <li>» Submittal (<a href="#">Sec. 8.2.4.</a>)</li> <li>» Determination of Sufficiency (<a href="#">Sec. 8.2.5.</a>)</li> </ul>
Review	<ul style="list-style-type: none"> <li>» Staff Review and Recommendation (<a href="#">Sec. 8.2.6.</a>)</li> <li>» Planning Commission Recommendations (<a href="#">Sec. 8.2.7.</a>)</li> </ul>
Decision	<ul style="list-style-type: none"> <li>» All Decisions (<a href="#">Sec. 8.2.8.</a>)</li> <li>» Planning Director and County Engineer Decisions (<a href="#">Sec. 8.2.9.</a>)</li> <li>» Board of County Commissioners Decisions (<a href="#">Sec. 8.2.10.</a>)</li> </ul>
Post-Decision	<ul style="list-style-type: none"> <li>» Performance Bonds and Guarantees (<a href="#">Sec. 8.2.11.</a>)</li> <li>» Permit Issuance (<a href="#">Sec. 8.2.12.</a>)</li> <li>» Amendment of Permits or Approvals (<a href="#">Sec. 8.2.13.</a>)</li> </ul>
General	<ul style="list-style-type: none"> <li>» All Public Hearings (<a href="#">Sec. 8.2.14.</a>)</li> </ul>

## PRE-SUBMITTAL

### 8.2.1. Pre-application Conference (1/1/15)

#### A. Purpose

The purpose of the pre-application conference is to identify the standards and procedures of these LDRs that would apply to a potential application prior to preparation of the final proposal and to identify the submittal requirements for the application. The intended outcome is that the applicant and the County each understand the anticipated key issues to be evaluated in review of the proposal.

#### B. Applicability

See [Div. 8.3.-Div. 8.8.](#) for the processes that require a pre-application conference. A required pre-application conference shall be held with staff.

**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. Natural Resources Assessments (5/1/25)****A. Purpose**

The purpose of the Natural Resources Assessment is to coordinate the application of all natural resource protection standards through identification of the natural resources on the site. The Natural Resources Assessment will accurately determine the resources present on a subject property including but not limited to Waterbody and Wetland Protections, Terrestrial Habitats, Protected Species, Crucial Habitats, wildlife movement corridors and existing and planned wildlife crossings. The Natural Resources Assessment does not result in application approval, it results in recommended natural resources protections associated with an application for use or physical development.

**B. Intent**

The intent of this Natural Resources Assessments process is to provide the landowner or applicant with a transparent and predictable process while also preserving and protecting the area's ecosystem as directed by the Jackson/Teton County Comprehensive Plan. The process is intended to provide the greatest level of

assessment to properties with the most natural resources present and lesser levels of assessment to properties with fewer natural resources present. Furthermore, the process includes mechanisms whereby the Planning Director may adapt the assessment level based on the natural resources present on the property.

### C. Applicability

Unless exempted below, all physical development, use, development options, and subdivision shall complete a Natural Resources Assessment 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. **Enhancement and Restoration.** An application for habitat enhancement or restoration meeting the standards of Section 5.1.1. and Section 5.2.2 that is a stand alone project and not associated with development impacts.
- c. **Conservation Easement Development Area .** An application within a development area established by a recorded conservation easement. In such instances where the review and study completed for the conservation easement fulfills the requirements of the Natural Resources Assessments process per the Planning Director's decision, the conservation easement documentation may be substituted for the required Natural Resources Assessment based on tier level. This exemption applies only to land subject to a recorded conservation easement held by a formal land trust that has a mandate to protect conservation values, and for which a rigorous review and study of the conservation values of the land has been performed as a basis for establishing the easement, and for which specific development areas have been established. The applicant shall demonstrate that the review and study satisfy the objectives of the Natural Resources Assessment based on the property's Tiered NRO protections level
- d. **Board of County Commissioner Approved Plats.** Regardless of Natural Resource Overlay Tier, a lot within an existing platted subdivision which has been approved by the Board of County Commissioners that either has a Board approved building envelope, or the lot gross site area is equal to or less than 2 acres shall follow the Base Tier Desktop Checklist process.
- e. **Planned Resorts.** Development within all Planned Resort Zones as listed in Sec. 4.3.1 which follow an approved Master Plan. Any amendments to the Master Plans that have the potential to impact protected resources shall be reviewed under the current NRO regulations, and the environmental analysis shall be amended as necessary to reflect project changes.
- f. **Emergency Work.** Emergency work such as emergency flood control or emergency infrastructure replacement or repair. Prior notification to the Floodplain Administrator is required for flood fight activities including the location of the activities in the floodway and floodplain. After-the-fact natural resource assessment and other applicable permits shall be documented for the work completed, and submitted to the Planning Director for review.



- g. **Previous Natural Resource Approval.** An application submitted prior to [LDR adoption date], 2025 with a sufficient, not expired Environmental Analysis (EA) or Zoning Compliance Verification (ZCV) for Environmental Standards.
  - i. The Planning Director may deny this exemption and require a previously approved EA or ZCV to comply with the standards of this Section if the circumstances analyzed in the EA or ZCV are significantly different than the current circumstances or if current regulations require a higher level of assessment and analysis than previously required.
- h. **NC-TC Zoned Lands.** All physical development, use, and development options, except new subdivisions, within land zoned NC-TC on March 31, 2016, which fall within the High Tier, shall be treated as if located within the Natural Resources Overlay Mid Tier.

#### D. Tiered Natural Resources Overlay

The Countywide Tiered Natural Resources Overlay is established and adopted as part of these LDRs, incorporated into these LDRs by reference, and made a part hereof. The Tiered Natural Resources Overlay is located on the Teton County MapServer. The Tiered Natural Resources Overlay is a landscape-level tool that establishes the initial level of Natural Resources Assessments (i.e. Base-, Mid- or High Tier) and therefore the applicable section of these regulations to follow for proposed development.

1. **Origin.** The methods used to produce the Tiered Natural Resource Overlay map can be found in the "Focal Species Habitat Mapping for Teton County, WY" report (Smith and Remlinger, 2017), the "Focal Species Habitat Mapping for Teton County, WY: Report Addendum" (EcoConnect, 2018) and "Focal Species Habitat Mapping for Teton County, WY: Second Report Addendum" (EcoConnect, 2024).
2. **Update.** The Tiered Natural Resources Overlay should be evaluated every 5-10 years or as required per the Jackson/ Teton County Comprehensive Plan. An update will be conducted if significant, new information is available.

#### E. Level of Natural Resources Assessment

There are three levels of natural resources assessments that correspond to the Base-, Mid- and High Tier resource protections (Sec. 5.2.1.D - 5.2.1.-F). Each level of assessment builds on and incorporates the requirements of lower levels. For instance, the requirements of a Mid Tier assessment are inclusive of the requirements for a Base Tier checklist.

1. **Desktop Checklist.** A Desktop Checklist is required for Base Tier Natural Resource Assessments prior to the submittal of a physical development permit. A Desktop Checklist shall analyze and incorporate all relevant publicly available resources on Teton County's MapServer and as identified by the Natural Resources Checklist. A Desktop Checklist shall be conducted by either the landowner or a qualified environmental professional. A site visit is not always required at this level of assessment but may be deemed necessary by the qualified environmental professional (Sec. 8.2.2.G) or as required by the Planning Director.

- a. **Documentation.** A Desktop Checklist shall detail the natural resources found on the property and those on neighboring properties for which development setbacks and resource protections apply. Documentation submitted shall include:
    - i. Natural Resources Checklist inclusive of description of natural resources present, proposed impacts to natural resources, resources consulted and a memo detailing the property as needed; and
    - ii. Map showing natural resources, setbacks and proposed development; and
    - iii. Photo documentation of the site including any the resources noted within the Natural Resources Checklist on the property and the proposed development site.
2. **Environmental Review.** An Environmental Review inclusive of a site visit by a qualified environmental professional (Sec. 8.2.2.G) is required for Mid Tier Natural Resource Assessments. An Environmental Review is intended to demonstrate that the proposed development will avoid or minimize impacts to the highest value natural resources and habitat patches on the parcel to the greatest extent possible.
  - a. **Documentation.** An Environmental Review will result in a thorough analysis of the natural resources found on the property inclusive of those listed in Teton County's Natural Resource Checklist. This analysis will be inclusive of a 1/4 mile vicinity analysis around the property and detail the natural resources and those on neighboring properties for which development setbacks and resource protections apply. Documentation submitted shall include:
    - i. The Natural Resources Environmental Review shall include a site visit by the qualified environmental professional and result in the documentation detailed in the Environmental Review.
    - ii. Environmental Review report detailing the property's natural resources, impacts to the natural resources on the property, and list of sources referenced in the review; and
    - iii. Maps showing natural resources, setbacks, and any proposed development and/or site disturbance including utilities and road or access improvements; and
    - iv. Photo documentation of the site including the resources noted within the Natural Resources Checklist on the property and within the proposed development site.
3. **Environmental Analysis.** An environmental analysis inclusive of a site visit by a qualified environmental professional (Sec. 8.2.2.G) is required for High Tier Natural Resource Analysis. An environmental analysis is intended to demonstrate that the proposed development will avoid or minimize impacts to the highest value natural resources on the parcel to the greatest extent practicable. Properties subject to the Tiered NRO's High Tier will inherently have

more natural resources on the property and therefore will require more detailed analysis of the natural resources present and the ecological processes at work on the property and in concert with those in the property's vicinity.

- a. **Documentation.** An environmental analysis will result in a thorough analysis of the natural resources found on the property inclusive of those listed in Teton County's Natural Resource Checklist. This analysis will be inclusive of a 1/2 mile buffer around the property and shall detail the natural resources and those on neighboring properties for which development setbacks and resource protections apply. Documentation submitted shall include
  - i. **Site Visit.** The natural resources Environmental Analysis shall include a site visit by the qualified environmental professional and result in the professionally prepared documentation detailed in the Environmental Analysis.
  - ii. Environmental Analysis report inclusive of description of natural resources present, proposed impacts to natural resources, resources consulted and relevant information detailing the property's natural resources, condition and ecological processes; and
  - iii. Maps showing natural resources, setbacks, and any proposed development and/or site disturbance including utilities and road or access improvements; and
  - iv. Photo documentation of major resources on the property and any proposed development and/or site disturbance areas including utilities and road or access improvements; and
  - v. **Alternatives Analysis.** In instances where multiple development scenarios could be considered, an alternatives analysis may be conducted comparing development scenarios based on proposed impacts, fragmentation and natural resources affected. The Planning Director may require an alternatives analysis if there are multiple suitable development areas on the site. If an alternatives analysis is to be conducted, the qualified environmental professional shall first hold an Alternatives Analysis Meeting with staff. The purpose of the Alternatives Analysis Meeting is to identify alternative site designs to be analyzed in the EA with the goal of minimizing impacts to the maximum extent.

#### F. Adjustment to Level of Natural Resources Assessments.

1. The level of natural resources assessment will be confirmed at a pre-application conference. While pre-application conferences are not required for a Base-level assessment, an adjustment to the level of natural resources assessment from a Base Tier checklist to a higher level would require a pre-application conference.
2. The applicant or agent may request an adjustment to the level of natural resources assessment after a pre-application conference. This adjustment must be based on a rationale related to concern for protecting natural resources on the property. If a natural resource inventory demonstrates that a proposed development location is in the least impactful location, then a request may be made to change the assessment to a lower level of assessment. The Natural

Resource Protections standards applicable to original level (Mid or High) will continue to apply. Only the level of Natural Resources Assessment and resulting documentation requirements will change.

3. The applicant may request to change the assessment to a higher level of assessment under any scenario.
4. If new, natural resource information or conditions become known the Planning Director may increase the level of Natural Resources Assessment required at any point in the assessment process.

**G. Qualified Environmental Professional.**

1. A Natural Resources Assessment at the Mid Tier and High Tier shall be prepared by a professional with the following qualifications. A Natural Resources Assessment at the Base Tier may be prepared by the applicant or a qualified environmental professional. Preparation by a qualified environmental professional may be required for Base Tier at the Planning Director's discretion when a higher level of information or more detail is needed.
2. A qualified environmental professional is someone with expertise in the subject of environmental sciences based on, professional certifications, or education and experience in the field and their understanding of these LDRs, the Jackson/Teton County Comprehensive Plan, and the goals and objectives thereof.
  - a. **Certification.** The environmental professional shall be certified as a Professional Wetland Scientist, Professional Ecologist, Wildlife Biologist, or Fisheries Biologist.
  - b. **Education and Experience.** The environmental professional shall have:
    - i. **A M.S. or M.A.** or equivalent degree in biology, botany, environmental studies, fisheries, soil science, wildlife, range management or a related field; or
    - ii. **A B.S., B.A.,** or equivalent degree in biology, botany, environmental studies, fisheries, soil science, wildlife, range management or a related field; and 2 years of related work experience; or
    - iii. **5 years of related work experience.**

**H. Review.** A Natural Resources Environmental Review (Sec. 8.2.2.E.2) and Environmental Analysis (Sec. 8.2.2.E.3) may be reviewed by appropriate Plan Review Committee members per the request of Teton County Planning Director.

1. Plan Review Committee (Sec.8.10.2) members may be invited to participate in the pre- application conference and/ or review proposed development pre-application conference documents to provide input early in the natural resources assessment process.

**I. Expiration.** All levels of Natural Resource Assessments (Desktop Checklist, Environmental Review, and Environmental Analysis) shall be valid for 3 years from the date of documentation review by Planning Staff.

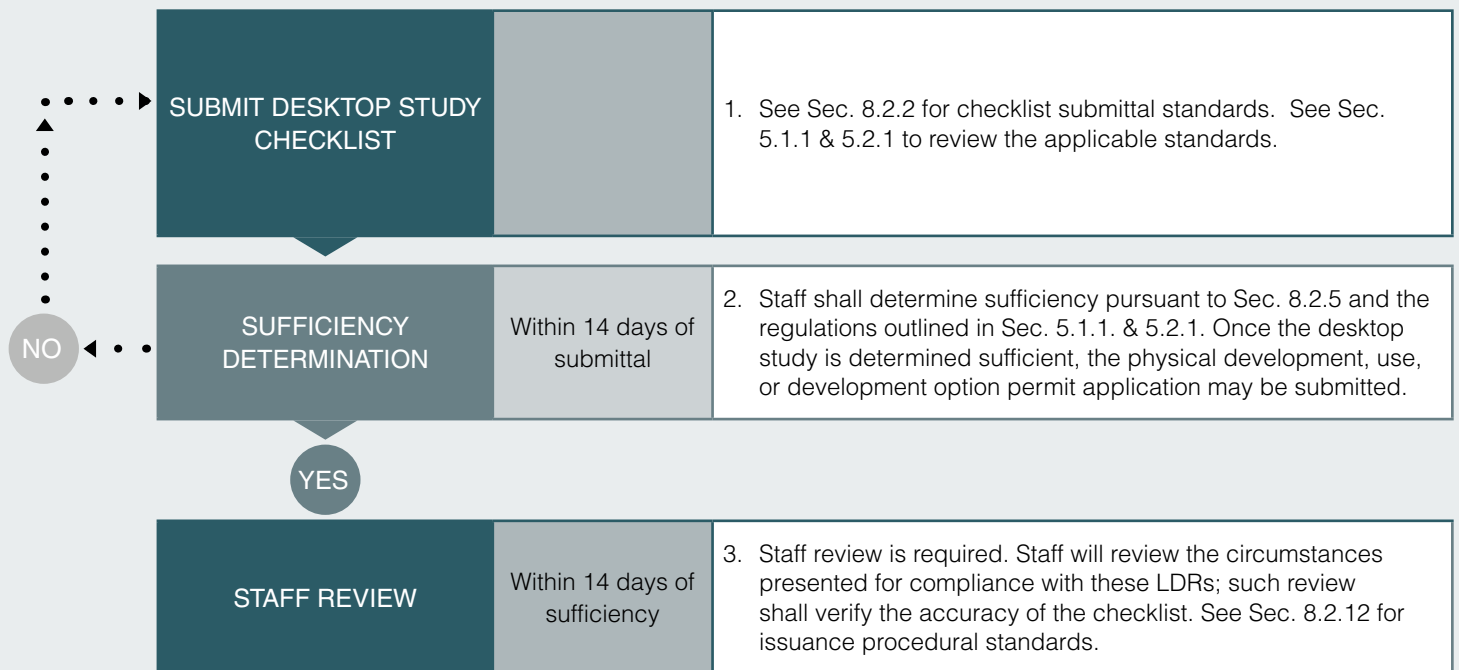
1. The Planning Director may extend the validity of a Natural Resource Assessment if there have been no significant changes to the site conditions or development proposal.

2. The Planning Director may require an update to the Natural Resources Assessment if there are updates to the development proposal but site conditions have not substantially changed. This update would verify that site conditions had not changed substantially and would re-assess the proposed development impacts.
3. The Planning Director may require a new Natural Resources Assessment at any time prior to development due to changes with the natural resources on the property or due to updated Land Development Regulations which would impact the result of the project.

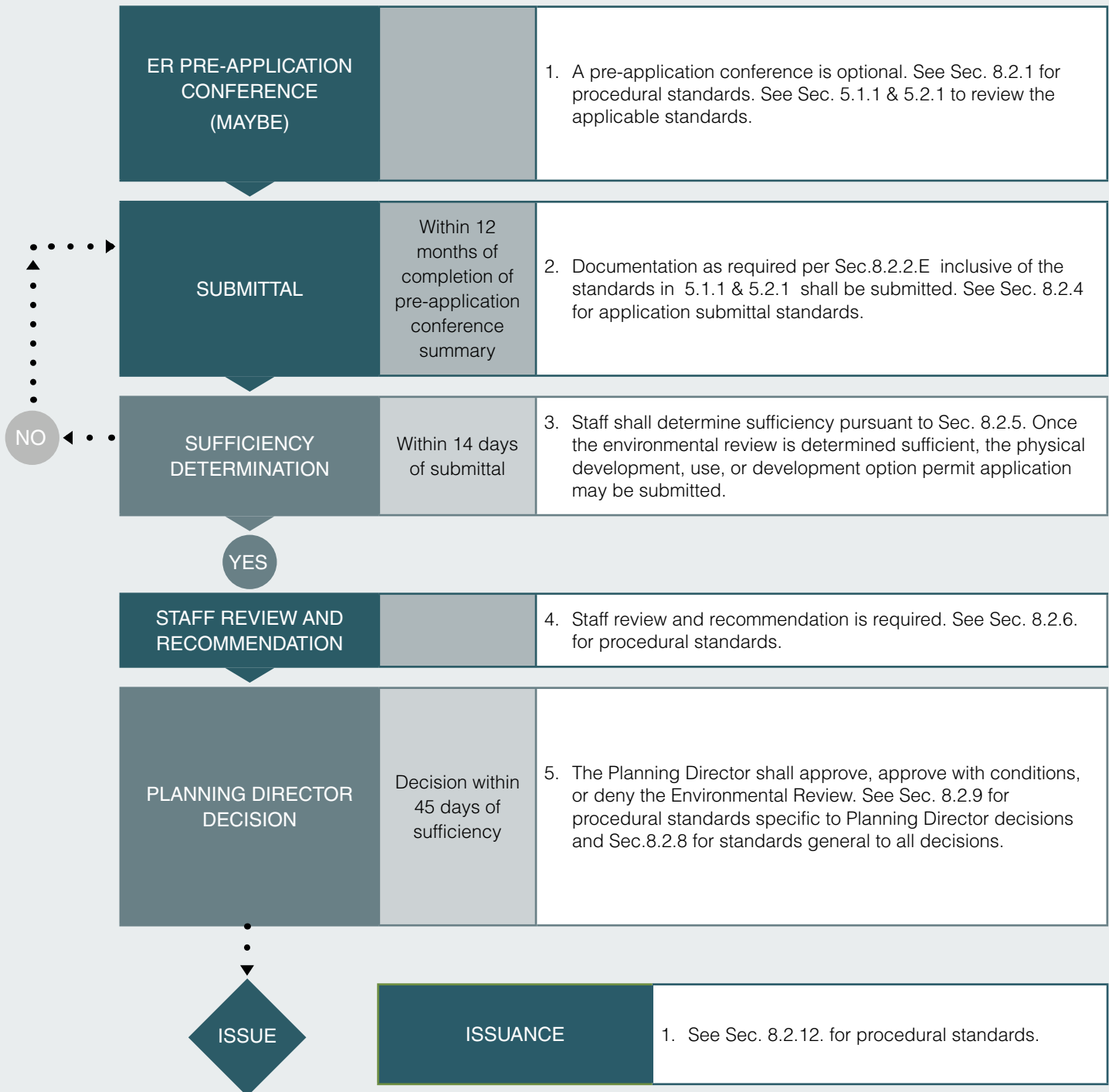
**J. Review Process.**

All steps and deadlines in one of the following charts, dependent on Natural Protection Resource Level, are required unless noted otherwise. An applicant must complete each step of the required process before moving to the step below.

## Desktop Checklist (Base Tier Resource Protection)



## Environmental Review (Mid Tier Resource Protection)



## Environmental Analysis (High Tier Resource Protection)

