

Div. 1.6. Relationship Between Regulations

1.6.1. References to Other Laws or Documents (1/1/15)

Whenever any provision of these LDRs refers to or cites a section of the Wyoming Statutes, the federal statutes, or any other document, and that section, statute, or document is later amended or superseded, these LDRs shall be deemed amended to refer to the amended section or the section that corresponds to the superseded section.

1.6.2. Certain Maximums Not Guaranteed (~~1/1/15~~ 5/1/25)

Maximum densities and intensities are not guaranteed to be achievable by the terms of these LDRs. All standards and requirements shall be met and actual achievable densities and intensities may be limited by factors such as product type, site location and configuration, natural and scenic resource limitations, or parking requirements. Maximum densities and intensities also may be limited if the infrastructure and access required to serve them impacts the natural or wildlife resources or natural and scenic resource limitations on infrastructure that access the site.

1.6.3. Conflicts within These LDRs (1/4/21)

Where provisions of these LDRs are in direct conflict, the zone-specific provision shall govern. If neither provision is zone-specific, the provision that is more specific to the characteristics of the application being reviewed shall govern. Where the text of these LDRs and examples or images may conflict, the text shall govern.

1.6.4. Conflicts with Other County Codes or Regulations (1/1/15)

If a provision of these LDRs is inconsistent with a provision found in other adopted rules or regulations of the County, the more restrictive provision shall govern.

1.6.5. Conflicts with State or Federal Law (1/1/15)

If a provision of these LDRs is inconsistent with a provision found in the law or regulations of the state or federal government, the more restrictive provision shall control, to the extent permitted by law. The County shall not be responsible for enforcing state or federal law, nor shall compliance with these LDRs absolve any responsibilities under state or federal law.

1.6.6. Conflicts with Private Agreements (1/1/15)

Nothing in these LDRs is intended to supersede, annul, or interfere with any easement, covenant, deed restriction, or other agreement between private parties, but such agreements shall not excuse a failure to comply with these LDRs. The County shall not be responsible for monitoring or enforcing private agreements.

5.1.6. Retaining Walls (5/1/25)

- b. **Outward Slope.** The ends of the berm and side of the berm facing out of the property shall meet the following standards.
 - i. **SRO.** Inside the SRO a berm shall have an outward slope no steeper than 20:1.
 - ii. **Outside the SRO**
 - a). A berm facing a side or rear lot line shall have an outward slope no steeper than 5 (horizontal) : 1 (vertical) slope.
 - b). A berm facing a front lot line shall have an outward slope no steeper than 2 (horizontal) : 1 (vertical) slope.
- c. **Maximum Height.** The maximum height of a berm at any point, as measured from the nearest point of natural grade to the top of the crown of the berm, shall be 6 feet; except that the following berms shall not exceed 10 feet.
 - i. A berm in the street yard; or
 - ii. A berm in the R-1, R-2, or R-TC zones.
- d. **Undulation.** Berms shall be shaped to emulate natural undulation in terrain rather than appear monolithic, pyramidal, or extruded. In addition, a berm facing a side or rear lot line shall meet the following standards.
 - i. The berm height shall not exceed 4 feet for a continuous berm facade width of greater than 100 feet.
 - ii. If the overall berm facade width exceeds 100 feet, at least 25% of the berm facade width shall have a height no greater than 4 feet.
- e. **Vegetation.** A berm shall be vegetated pursuant to Section 5.5.4.B.
- f. **Fencing.** Fencing is prohibited on a berm.
- g. **NRO and EA Apply.** A berm located in the NRO shall be subject to the standards of Sec. 5.2.1. and Sec. 8.2.2., regardless of zone.
- h. **Exemptions**
 - i. Site development setbacks and outward slope standards shall not apply upon mutual application by adjacent land owners.
 - ii. This Section shall not apply to temporary stockpiles.

5.1.7. Retaining Walls (5/1/25)

A. Purpose.

Retaining walls are structural elements that can create impediments for wildlife movement, restricting wildlife's ability to move between the seasonal and daily habitats that sustain them. The purpose of this Section is to create retaining walls that permit wildlife movement between these habitats. These standards require openings in tall, long walls allowing wildlife to move freely around the impediments.

B. Applicability.

1. This Section applies to all retaining walls including walls that are voluntarily proposed by an applicant or landowner and walls required by these LDRs, regardless of whether a retaining wall is a stand-alone construction project or part of a larger development.
2. All retaining walls shall comply with Section 5.7.2.B, Grading Standards.
3. The County Engineer may exempt a retaining wall from all or a portion of this Section pursuant to Section 8.8.1, Administrative Adjustment. Requests for exemptions shall meet at least one of the following criteria:
 - a. Protection of Natural Resources. The exemption is necessary to protect natural resources and avoid an environmental detriment that would be greater than the benefit provided by full compliance with these standards. A written report by a qualified environmental professional is required to justify the exemption request. The County Engineer may require that the report includes alternatives and/or mitigation that achieve the greatest overall benefit for both wildlife movement and the natural resources to be protected; or
 - b. Public Facility. The retaining wall is part of a public transportation facility proposed by a governmental agency or an emergency response; or
 - c. Length. Adjustments to the length standards of Section 5.1.7.C may be adjusted up to 20% to accommodate site specific conditions; or
 - d. Avoid Hazards. The exemption is necessary to avoid a natural hazard area (on steep or naturally unstable slopes, in avalanche paths or in other hazardous areas) where meeting the standards of this section would otherwise pose a danger to public health and safety.
4. Review. Requests for exemptions from this Section shall be sent to the Wyoming Game and Fish Department for review.

C. Length

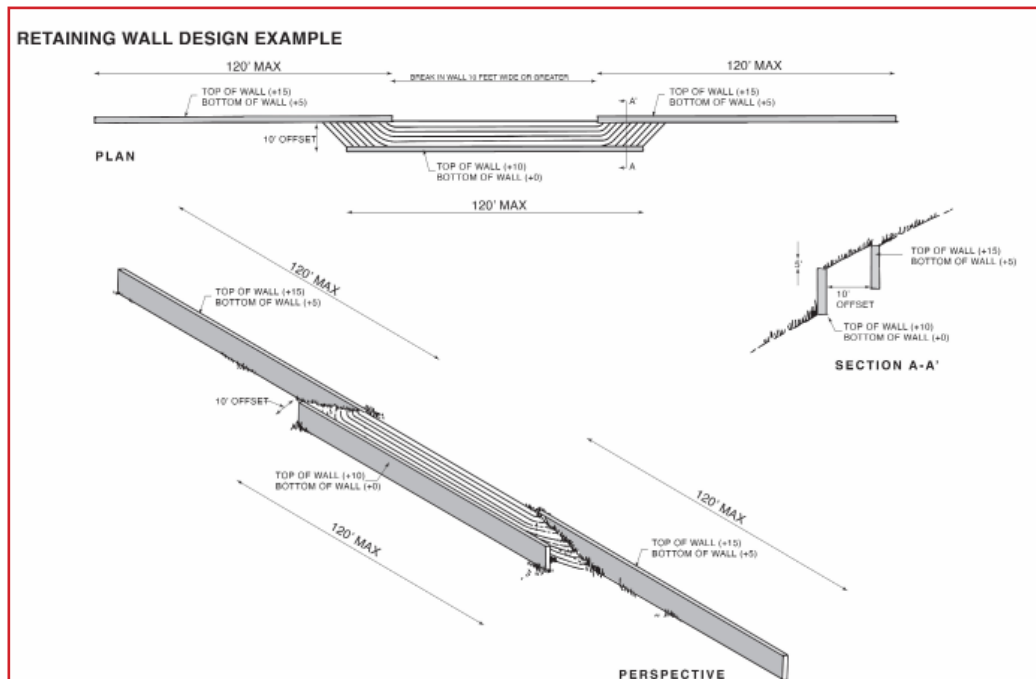
A retaining wall shall be the shortest height and length to achieve its purpose. If a retaining wall is unable to be separated into sections 120 linear feet or less, then it shall feature a staggered design per Section 5.1.7.D.1.

D. Design Standards

1. Staggered Wall Design Standards. A staggered design may be required by the County Engineer regardless of length to improve wildlife permeability.
 - a. In the event that an area of over 120 linear feet requires a retaining wall, the design shall include as many breaks in the retaining wall as is feasible, but at minimum one break for every 120 linear feet of wall. Each break shall be at least 10 feet wide.

5.1.6. Retaining Walls (5/1/25)

- b. A staggered retaining wall stepped down a slope shall maintain a horizontal separation between walls that is no less than 10 feet.
- c. Breaks in the retaining wall, and the separation between staggered retaining walls, shall be revegetated with Teton County native vegetation.
- d. If retaining walls are required on both sides of a roadway or driveway, breaks in the retaining walls on the opposite sides shall be aligned across from or near one another to the greatest extent practical.
- e. See the illustration below for an example of a plan and elevation of a staggered retaining wall.



2. Materials.

- a. Retaining walls shall be constructed of solid material with a solid top designed to prevent wildlife limbs from being entrapped.
- b. Material that could cause an animal to be trapped or entangled shall be prohibited.
- c. Wire used in a gabion wall or similar design shall be designed and maintained to avoid loose or gaping wire that may entangle an ungulate or other wildlife.
- d. Gabion walls shall be topped with a solid material like wood or stone.
- e. Any material determined to be hazardous to wildlife by a qualified wildlife biologist and/or Wyoming Game and Fish shall be prohibited.

3. Land Disturbance and Vegetation Clearing. Land disturbance and vegetation clearing for retaining wall construction and/or repair shall be the minimum necessary to construct or repair the retaining wall or accomplish the staggered wall design. Any land disturbance shall be revegetated and maintained with native vegetation similar to the surrounding vegetative cover types and shall comply with the requirements of Division 5.7.

Div. 5.4. Natural Hazard Protection Standards

The purpose of this Division is to limit development in naturally hazardous areas. Development in hazardous areas threatens the health, safety and welfare of human inhabitants. Steep slopes, poor soils, avalanche chutes, floodplains, dense forest and areas along fault lines offer unique opportunities for interaction with the environment, but when natural events do occur in these areas the results can be disastrous.

5.4.1. Steep Slopes (~~1/1/17~~ 5/1/25)

A. Slopes in Excess of 30%

No physical development shall be permitted on natural slopes in excess of 30%.

B. Exceptions

1. **Manmade Slopes.** Physical development on manmade slopes is permitted, provided that the proposed finish grade complies with all other applicable standards of these LDRs.
2. **Small Slopes.** Physical development of isolated slopes that cover less than 1,000 square feet and have less than 10 feet of elevation change is permitted.
3. **Essential Access.** Physical development of steep slopes is permitted to provide essential access for vehicles and/or utilities when no other alternative access exists. Where no alternative access is available, impact to the steep slope shall be minimized. There shall be consideration of alternative development sites to reduce the linear impact of the driveway, road and/or utility access. Where retaining walls are necessary to provide essential access, compliance with Sec. 5.1.7 is also required.

5.4.2. Unstable Soils (1/1/15)

No physical development, use, development option, or subdivision shall be permitted on unstable soil as determined by the County Engineer except under the following conditions:

A. Potential for Movement Only in Shallow Surface Area that Can Be Controlled

When the potential for soil movement is only in a shallow surface area and risk to the physical development can be prevented with appropriate anchoring to a solid substrate; or

B. Instability Limited

The instability is limited to localized slumpage at cuts or foundations and appropriate revegetation, drainage, and structural devices can prevent increased instability; and

C. Not in an Avalanche Chute

The proposed developed area is not in an avalanche chute.

Div. 5.7. Grading, Erosion Control, and Stormwater Management

5.7.1. Purpose and Applicability (~~1/1/17~~ 5/1/25)

A. Purpose

It has been determined that runoff from construction sites carries a significant amount of sediment and other pollutants to the waters of the State of Wyoming and the County. Therefore, it is the purpose of this Division to preserve natural resources; to protect the quality of the waters of the State of Wyoming and the County; and to protect and promote the health, safety, and welfare of the people to the extent practicable by minimizing the amount of sediment and other pollutants carried by runoff or discharged from construction sites to lakes, streams, and wetlands. In addition, this Division is also intended to protect the health, safety and welfare of the citizens of the County from geologic hazards which may result through improper grading practices. Invasive Species standards are intended to maintain the character and function of native habitat by reducing the spread of noxious weeds and introduction of other invasive species through grading and revegetation practices.

B. Applicability

This Division shall apply to all land disturbing activity and all excavations unless explicitly exempted. Agriculture meeting the standards for exemption in Section 6.1.3.B. is not considered a land disturbing activity, unless it disturbs natural slopes of 30% or greater.

EXAMPLE: Examples of land disturbing activities include, but are not limited to, grading, topsoil removal, filling, road or drive cutting, altering or enlargement of a stream or channel, removal of streambed materials, channel clearing, ditching, drain tile laying, dredging, lagoon construction, soil and water conservation structures, and the extraction or placement of rock, sand, or gravel. Grading permits shall be reviewed and approved pursuant to Sec. 8.3.4. Also refer to the Teton Conservation District's Stormwater Pollution Prevention Plan Guide.

C. Varied Standards for Levee Construction and Maintenance

The standards of this Division may be varied as necessary to allow for construction and maintenance of flood control structures, such as levees.

D. Grading Permit Required

A grading permit shall be submitted to describe the site grading, erosion controls, and stormwater management that will be used to meet the requirements of this Division. A grading permit is required for all land disturbing activities unless explicitly exempted. There are 2 levels of grading permit.

5.7.1. Purpose and Applicability (1/1/17 5/1/25)

1. **Statement Level Grading Permit.** The purpose of the statement level grading permit is to allow the County Engineer to review land disturbances that, while small in area, may impact other landowners and the environment. A statement level grading permit application for a ditch alteration shall be prepared by a professional engineer registered in the State of Wyoming or by both a land surveyor and landscape architect registered in the State of Wyoming in accordance with 7.7.4.D.
2. **Plan Level Grading Permit.** All plan level grading permit applications shall be prepared by a professional engineer or landscape architect registered in the State of Wyoming. Prior to submittal of a plan level grading permit the applicant shall have a pre-application conference pursuant to Sec. 8.2.1. A plan level grading permit application for a ditch alteration shall be prepared by a professional engineer registered in the State of Wyoming or by both a land surveyor and landscape architect registered in the State of Wyoming in accordance with 7.7.4.D.
3. **Geotechnical Report.** A geotechnical report shall be submitted with a plan level grading permit application for construction sites with existing slopes greater than 30% or when considered necessary by the County Engineer in consideration of soil type and stability and the proposed structure; the report may be waived by the County Engineer, when applicable. The report shall be prepared by a professional engineer registered in the State of Wyoming.
4. **Required Permit.** The table below establishes the type of grading permit required for various grading proposals. The required permit shall be the most rigorous requirement that applies to the proposal.

EXAMPLE: A proposal that would result in 41% impervious surface coverage or more requires a Grading Plan regardless of the amount of disturbance or slope.

Required Grading Permit Submittal			
Grading Proposal	Required Grading Permit		
	Exempt	Statement Level	Plan Level
Proposed impervious surface	See below	See below	≥ 41%
Total land disturbance	See below	≥ 12,000 sf and < 1 ac	≥ 1 ac
Disturbance of slopes ≤ 5%	< 12,000 sf	≥ 12,000 sf and < 1 ac	≥ 1 ac
Disturbance of slopes > 5% & ≤ 15%	< 1,000 sf	≥ 1,000 sf and < 1 ac	≥ 1 ac
Disturbance of slopes > 15%	n/a	≤ 3,000 sf	> 3,000 sf

5. **Permit Exemptions.** Grading proposals ~~exempt~~ listed below or in the table above shall be exempt from the requirements to obtain a Grading Permit; however, all activities shall comply with the standards of this Division regardless of whether or not a permit is required. Exemptions do not apply to ditch alterations, which

are required to meet the standards of 7.7.4.D. ~~In addition to the exemptions established in the table above, the following activities shall be exempt from the requirement to obtain a Grading Permit:~~

- a. **Agricultural Activities.** Earthmoving operations occurring on natural slopes that are less than 30%; ~~and which are associated with an agricultural use meeting meet~~ the standards for exemption in Section 6.1.3.B.2.d.
 - b. **Emergency ~~Flood Control~~ Work.** A grading permit is not required prior to earthmoving operations occurring as emergency flood control measures, emergency installation of temporary retaining walls in response to landslides, or other instances of emergency work necessary to protect from imminent threat to public safety; however, an after-the-fact grading permit application is required as soon as reasonably practicable to document the grading completed. If the work is determined to not meet the Land Development Regulations, it may have to be modified or removed to become permittable.
6. **Stormwater Management Plan.** Regardless of the grading permit requirement or exemption, the County Engineer may require submittal of a stormwater management plan, prepared by an engineer or landscape architect licensed in the State of Wyoming, if it is necessary to determine compliance with Sec. 5.7.4. The stormwater management plan shall be approved by the County Engineer prior to any physical development.

5.7.2. Grading Standards ~~(8/7/18~~ 5/1/25)

A. General Standards

The following general standards shall be met before a grading permit is issued.

1. **Avoid Risk of Landslides.** The grading shall avoid the risk of landslides or other forms of slope failure, rock-falls, and avalanches.
2. **Not Significantly Increase Rate of Stormwater or Snowmelt Runoff.** The grading shall not significantly change the rate of stormwater or snowmelt runoff, and shall avoid or minimize the erosion of natural or constructed slopes and sediment accumulation in natural drainage channels or watercourses.
3. **Not Significantly Alter Drainage Patterns.** The grading shall not significantly alter natural drainage patterns.
4. **Conforms to General Natural Forms.** The grading shall preserve and conform to the general natural form and contours of the land surface.
5. **Preserves Natural or Established Vegetation.** The grading shall be designed to preserve natural or established vegetation as much as is practically possible. Where retaining walls longer than 120 continuous linear feet are necessary for development, compliance with Section 5.1.7. is required.

6. **Provides for Revegetation.** The affected site area shall be revegetated as is necessary for the stabilization of disturbed surfaces with the exception of areas covered by impervious surfaces and/or structures. Revegetation plans should contain components as identified in Teton County Weed and Pest District's Revegetation Guide (www.tcweed.org/Revegetation.php).
7. **Allows Most Rapid Possible Recovery of Disturbed Lands.** The grading shall allow for the most rapid possible recovery of disturbed lands to natural or introduced vegetation.
8. **Stabilizes Slope.** The revegetation shall stabilize the slope and shall be compatible with native vegetation.
9. **Minimizes Cut and Fill.** The plan shall minimize cut and fill on a site. An application for a grading and erosion control permit shall be denied if it is determined that its issuance would result in excessive cutting and filling and that the intended structure or use would be feasible with less alteration of the natural terrain. Where retaining walls longer than 120 continuous linear feet are necessary for development, including constructing a transportation facility, additional grading shall be permitted to allow for wildlife permeability and to comply with the standards of Section 5.1.7.
10. **Discovery of Historic or Prehistoric Ruins and Monuments.** Whenever during excavation there are uncovered, or become apparent, any historic or prehistoric ruins or monuments not previously accounted for in the issuance of a permit, all work in the immediate area shall cease until the Wyoming State Archaeologist determines what precautions shall be taken to preserve the historic or prehistoric artifacts.
11. **Maintenance and Repair Measures.** All graded surfaces, sedimentation basins, and other control measures necessary to meet the requirements of this Section shall be maintained by the applicant, landowner, or subsequent landowner during the period of land disturbance and land development of the site in a satisfactory manner to ensure adequate protection from erosion and to prevent nuisance conditions. Nuisance conditions include, but are not limited to, the tracking of dirt and mud onto public streets, and fugitive dust. Should any dredging or soil removal occur for the construction of temporary sedimentation basins or other control measures, such areas shall be restored when the temporary sedimentation basin or other control measures are removed.
12. **Invasive Species Management.** An Invasive Species Management Plan is required to be submitted as part of any Grading Permit application. The purpose of the Invasive Species Management Plan is to assist in maintaining the character and function of native habitat helping to reduce the spread of noxious weeds as defined in WS 11-5-101 - 119, and introduction of other invasive species through grading and revegetation practices (also see WS 11-9-101 - 109 and WS 11-12-101 - 125). Noxious weeds and other invasive species require prevention or control during all phases of construction to limit severe and costly infestations in the future.

- a. The Invasive Species Management Plan shall include pre-construction, active construction, and post-construction integrated control elements.
 - b. Teton County Weed and Pest will review and approve a plan prepared by the applicant, or will prepare the Plan for a site given advance notice.
 - c. Plans should include components identified in Teton County Weed and Pest District's Invasive Species Management publication (www.tcweed.org/LandDevelopmentWMP.php)
13. Natural Resources Assessment. Grading shall not occur unless a natural resources assessment has been approved. An application that proposes grading may be elevated per Section 8.2.9.C.

B. Grading Standards

All grading activities shall meet the following technical standards.

1. **Removal of Organic Materials.** Fill areas shall be properly prepared by removing organic materials, such as vegetation and rubbish, and any other material which is detrimental to the proper compaction of the site or not otherwise conducive to the stability of the site.
2. **Site Vegetation Removal and Revegetation.** The removal of existing vegetation shall not occur more than 30 days prior to the commencement of grading, and permanent revegetation shall be commenced as soon as practical after the completion of grading. Site specific native seed mixtures shall be used to revegetate all disturbed areas with the exception of lawn and landscaped areas. Mulching shall be used in order to assure vegetation growth.
3. **Topsoil, Stripping, Stockpiling, and Redistribution.** The existing topsoil shall be stripped and stockpiled on site for redistribution over the completed final grade.
4. **Retaining Walls and Facings.** All retaining walls or facings with a total vertical projection in excess of 4 feet shall be designed as structural members keyed into stable foundations capable of sustaining the design loads, and shall be designed by a professional engineer registered in the State of Wyoming.
5. **Compaction on Structural Load Bearing Areas of the Site.** Fills on structural load bearing areas or roadways shall be compacted to at least 95% of maximum density, as determined by the American Association of State Highway and Transportation Officials (AASHTO T99, most recent edition) and/or the American Society of Testing Materials (ASTM D698, most recent edition), or to the compaction level deemed necessary by a Wyoming registered professional engineer, considering the types of soil, groundwater infiltration and percolation, degree of slope, exposure, and other factors pertaining to slope stability.
6. **Interceptor Ditches.** Interceptor ditches shall be provided above all cut slopes greater than 5 feet, with a drainage area of 13,000 square feet, unless deemed unnecessary by the County Engineer taking into account vegetation, soil type, total drainage area, topography and potential rain and snow fall. Interceptor ditches may also be required when the drainage area is less than 13,000 square

Div. 7.6. Transportation Facility Standards

7.6.1. Purpose (~~1/1/15~~ 5/1/25)

The purpose of this Division is to control access to public roadways in a manner that maintains the safety, capacity, and function of the roadway and to provide standards for transportation facilities that include roads, including streets, alleys, driveways, access easements, ~~and or~~ pathways.

7.6.2. Access to Roads, Streets and Highways (1/1/15)

Direct vehicular access to collector and arterial roads shall be limited to ensure that the congestion created by turning movements is reduced to a minimum. All development shall meet the following standards:

A. Residential Uses

Lots of record for individual detached single-family units shall take direct access to or from local residential streets and may take direct access to a collector or arterial road only if no other access options exist, and only if the developer is unable to provide a street for access to a public or private local residential street, due to site limitations such as but not limited to topography and sight distances.

B. Other Residential Development

Other residential development of higher density shall take direct access to collector or arterial streets to avoid infiltration of lower density neighborhoods where available.

C. Nonresidential Uses

All nonresidential uses shall take primary access from a parking circulation aisle or drives designed to provide internal circulation within the development or for several lots of record.

1. **Direct Primary Access to Local Street.** Direct primary access to a local residential street is prohibited for nonresidential uses.
2. **Direct Primary Access to Arterial or Collector Road.** Nonresidential uses shall be permitted direct primary access to arterial or collector roads (except as provided in 7.6.2.D.)

D. Access Limited to Collector and Arterial Road

At least 300 feet shall separate access points on collector and arterial roads with posted speeds of less than 35 miles per hour (mph), and 600 feet from roads with posted speeds of 35 miles per hour (mph) or more.

E. Traffic Study Required if More than One Access Point

In instances where more than one access point is requested on any one collector or arterial road, a traffic study shall be required to demonstrate the minimum number needed. The minimum number is all that shall be permitted.

F. More than One Access Point/Designate “Right Turn Only,” Wherever Possible

When more than one access point exists for a development, at least one exit shall contain a “right turn only” lane, when traffic patterns and the design layout allow it.

7.6.3. Streets, Alleys, and Easements (1/1/15)

[Section number reserved, standards only apply in Town]

7.6.4. Street and Road Standards (~~1/4/21~~ 5/1/25)

A. Purposes

These standards are enacted to protect and promote the public health, safety and welfare, to protect Teton County's priceless environmental quality and scenic beauty, and to maintain and promote the efficient, cost-effective and safe movement of persons and goods in Teton County. The requirements and procedures herein are intended to regulate and control the design and improvement of subdivisions, transportation routes, recreational pathways, and other development in the County in order to achieve the following purposes:

1. **Conformance with Highway Improvement Plans.** To ensure conformance and coordination of land subdivision and other development with the highway improvement plans of the County and its municipalities, the State of Wyoming and federal land management agencies.
2. **Establish Standards.** To encourage well-planned land subdivision and other development by establishing adequate standards for design and improvement of roadways and other pedestrian and vehicular movement systems. However, standards for transportation facilities shall not be used to justify the maximum density or intensity of a development. The achievable density or intensity shall be determined by other standards in these LDR and then the appropriate road shall be designed to serve the achievable density or intensity.
3. **Adequate Access.** To ensure adequate access to all properties for fire, police and other vital services.
4. **Cost/Benefit of Facilities.** To ensure a fair and just distribution of the costs and benefits of roadways and other pedestrian and vehicular movement systems within the County.
5. **Protect the Ecosystem.** To locate and design transportation facilities that are sensitive to the environmental context in which they are located and which minimize impact to natural resources, wildlife and wildlife habitat.

B. Jurisdiction

The territorial jurisdiction of these standards and regulations shall include all of the unincorporated lands within Teton County, Wyoming other than National Park, National Forest, National Elk Refuge lands or other lands not under County jurisdiction for the purposes of zoning regulation.

C. Interpretation

1. ~~In their interpretation and application, the standards and regulations of this Section shall be interpreted and applied to create context sensitive designs for transportation facilities that will protect the natural and wildlife resources regulated by Div. 5.1, Div. 5.2, and Div. 5.3, and avoid natural hazards regulated by Div. 5.4. To accommodate context sensitive transportation facilities, these standards and regulations provide flexibility to the Teton County Engineer to grant exceptions to minimize environmental and wildlife impacts while providing for safe and functional movement of vehicles and nonmotorized travelers. held to be the minimum requirements and shall apply to all roads within its territorial jurisdiction. No standard or regulation of this Section is intended to repeal, abrogate, annul, impair or interfere with any existing resolution of the County, provided that where any standard or regulation of this Section imposes more stringent regulations, requirements or limitations than are imposed by any other resolution of Teton County or any Statute of the State of Wyoming, then the standards and regulations of this Section shall govern.~~
2. The Teton County Engineer may grant exceptions to the standards and regulations contained in this Section pursuant to Sec. 8.8.1. when the exceptions allow a transportation facility appropriately scaled to the transportation demand of a proposed development or accommodate a context sensitive design that protects the natural and wildlife resources that are regulated by these regulations, provided the in order to provide flexibility to the application of these standards and regulations and where exceptions do not materially compromise public safety. In granting an exception the County Engineer must consider the following minimum criterion:
 - a. Potential land uses and traffic volumes to be served by the road at build-out; and
 - b. Compatibility with adjacent roadway sections; and
 - c. Effect on non-motorized facility users; and
 - d. Cumulative effect if an exception to more than one standard is requested; and
 - e. Effect of the exception on the safety of residents, motorists and non-motorists; and
 - f. Effect on level of service; and
 - g. Accident data; and
 - h. Protection of the natural and wildlife resources regulated pursuant to Div. 5.1., Div. 5.2., and Div. 5.3. and the natural hazards regulated by Div. 5.4; and

- i. Potential mitigation measures (including but not limited to, vehicle turn-outs, warning signs, mirrors at curves, guard rails, mandatory plowing or maintenance contracts, etc.) to address excepted standards or regulations; and
 - j. Comparative cost of required standard or regulation versus exception request.
3. Based on the Natural Resources Assessment, the County Engineer may require exceptions, and applications for development permits may request exceptions for the County Engineer's review. The County Engineer shall document all exception requests in an Exception Report, which shall include a description of the exception request and relevant standards and regulations, the County Engineer's determination, any required mitigation, and the basis for the ~~approval or the denial~~ Engineer's decision. All exception requests from an applicant shall be stamped by a registered Wyoming professional engineer and approved by the County Engineer. The County Engineer shall seek comment from the Teton County Road & Levee Manager, Fire Chief and Planning Department in determining whether to grant or deny the exception request. The County Engineer shall distribute all completed Exception Reports to the Teton County Road & Levee Manager, Fire Chief, the Planning and Building Services Department, and the applicant.
 4. The County Engineer's approval of an exception shall establish the standards to which a transportation facility shall be designed and constructed for the subject development.
 5. These standards and regulations shall apply to all roads within Teton County's jurisdiction. No standard or regulation of this Section is intended to repeal, abrogate, annul, impair or interfere with any existing resolution of the County, provided that where any standard or regulation of this Section imposes more stringent regulations, requirements or limitations than are imposed by any other resolution of Teton County or any Statute of the State of Wyoming, then the standards and regulations of this Section shall govern.

D. Functional Classification

1. All streets and roads in the unincorporated portions of Teton County shall be classified by functional type. Such classification shall establish a hierarchy, which separates roads by function and intensity of use in order to achieve safety and efficiency in road layout and design. In addition, a road of any classification may be designated by the Board of County Commissioners as a "Scenic Road" on the basis of its particular value to the county due to the scenic nature of its route, of the adjacent lands, or of views from the roadway. Such designation shall be by amendment of the Transportation Master Plan Map.
2. As defined in these regulations, the functional class hierarchy applicable in Teton County shall consist of the following road types:
 - a. Arterial

- b. Major Collector
- c. Minor Collector
- d. Major Local
- e. Minor Local
- f. Access Easement

E. Transportation Master Plan Map

The Planning Director shall maintain an official map and supporting documents describing the location, functional class, right-of-way width and applicable standards of all existing and proposed roads, roadway corridors, equestrian trails, and pathways in the County. Such map and supporting documents are considered to be a part of these regulations. Any new location for a federal, state, county, or local road, scenic road, highway corridor, equestrian trail, or bikeway not indicated on the map as of the date of these regulations, except for proposed streets, equestrian trails, and pathways within approved subdivisions or other projects, or roads on federal or state lands, shall require adoption by the Board of County Commissioners pursuant to the requirements for amendments specified in these LDRs.

F. Jurisdiction and Maintenance Responsibilities

Nothing in the above Transportation Master Plan Map shall imply acceptance by Teton County for maintenance or other purposes of any road or street. Such acceptance shall be established only in accordance with Wyoming statutory procedures for adoption or vacation of County roads. Where a highway proposed for adoption as a County road does not meet the structural or right-of-way standards applicable to its classification, such adoption may or may not be conditional upon its improvement to meet those standards, at the discretion of the Board of County Commissioners.

1. **Acceptance of Collectors.** It shall, however, be the policy of Teton County to give primary consideration for acceptance and maintenance to those roads classed as major and minor collectors.
2. **Acceptance for Specific Need/Benefit.** Arterials and most major collectors are the responsibility of the Wyoming Department of Transportation. Roads on federal lands may or may not be the responsibility of the appropriate federal agency. Local roads are normally the responsibility of developers, private citizens, homeowners' associations or special districts. The County may, at its option and by official action, accept or provide maintenance on such streets where a specific county need or benefit is shown.

G. General Standards

The following general standards shall govern the layout of roads and streets:

1. **Compatible with Transportation Master Plan.** Road, bicycle, equestrian, and pedestrian facilities and circulation patterns shall be compatible with the Teton County Transportation Master Plan.

2. **Functional Class.** Plans shall be designed and constructed in accordance with the standards of this Section.
3. **Safety.** Road layout and design shall provide for the safety of motorists, bicyclists, pedestrians, equestrians and residents of contiguous properties.
4. **Rural Roadway Level of Service.** Rural roadways shall be designed to function at level of Service D at buildout within any development, or at 20 years from construction for other roads.
5. **Urban Roadway Level of Service.** Urban roadways shall be designed to function at level of Service D at buildout within any development, or at 20 years from construction for other roads.
6. **Minimize Length.** Plans shall minimize the overall length of both County and non-County roads while adequately providing for necessary traffic movements.
7. **Access for Emergency/Service Vehicles.** All dwellings and other structures shall be accessible by emergency and service vehicles.
8. **Separate Types of Traffic.** Pedestrian, bicycle, equestrian and vehicular traffic shall be separated where desirable for safety.
9. **Limit Through Traffic.** Through traffic shall be limited on residential streets.
10. **Minimize Environmental Impact.** ~~Road layouts~~ Transportation facilities shall be located and designed to minimize cuts, fills, excessive runoff concentrations or other environmental impacts and shall follow natural contours wherever possible. Proposed retaining walls shall comply with Section 5.1.7.
11. **Avoid Natural Hazard Areas.** ~~Roads~~ Transportation facilities shall not be constructed in 10-year flood areas, on steep or naturally unstable slopes, in avalanche paths or in other hazardous areas except where no alternative is feasible.
12. **Minimize Impact on Wildlife.** ~~Roads~~ Transportation facilities shall be designed to minimize impacts on wildlife, significant wildlife habitat or migration routes. Alternative alignments and/or designs may be required and analyzed for transportation facilities that would impact the wildlife resources regulated by Div. 5.2. Proposed retaining walls shall comply with Section 5.1.7.
13. **Minimize Impact on Agriculture.** Roads shall be designed to accommodate ranching activities and stock driveways.
14. **Mass Transportation Facilities.** Bus stops and shelters shall be located to take advantage of existing parking opportunities.
15. **Context Sensitive Design.** A proposed transportation facility that will impact the natural and wildlife resources regulated by Div. 5.1., Div. 5.2., scenic resources identified in Div. 5.3., or will involve natural hazards regulated by Div. 5.4., shall be located and designed to minimize impact to their natural context. Minimizing impacts and avoiding hazards that are described in 7.6.4 G.10. through G.13., shall be a priority in locating and designing the facility to create the least impact

while serving the needs of the proposed development. The County Engineer's authority to grant exceptions to Street and Road Standards as permitted by Section 7.6.4.C, may be used to achieve context sensitive designs.

EXAMPLE: Context sensitive design may consider single lane road with pull outs versus two lanes, reduced lane widths or curve radii, steeper road grade for short distances, and retaining walls versus sloping hillside.

16. Coordinated Review. As part of the PRC process, an application for a transportation facility that will impact the natural or wildlife resources regulated by Div. 5.1, the Mid- or High- Tiers of the NRO, or involve natural hazards regulated by Div. 5.4., shall receive a coordinated review by the Planning, Engineering and Fire Departments for the purpose of identifying a context sensitive location and design that create the least impact on the resources or hazards.

H. Development Street Design

In order to ensure safety, efficiency, residential quality, lower housing costs, and environmental protection, and to avoid over design and the confusing network of undifferentiated street types commonly found in subdivisions, all development street systems shall be laid out in accordance with generally accepted standards of the American Association of State Highway and Transportation Officials (AASHTO.)

The arrangement of streets in new developments shall make provision for the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided or developed) insofar as such may be deemed necessary by the County Commissioners. The street arrangement shall be such as to cause no unnecessary hardship to owners of adjoining properties when they develop their land and seek to provide convenient access to it. Any right-of-way for arterials, major collectors, and minor collectors shall not be included within private lots, but shall be platted as a separate entity.

I. Traffic Impact Study

Proposed subdivisions or other developments which will generate more than 1,000 vehicle trips per day shall conduct a traffic impact study to determine any need for additional acceleration, deceleration, traffic, or turning lanes, signalization, or other roadway improvements on roads affected by the development. The traffic impact study shall be reviewed by the Planning Director, the County Engineer, and the County Road & Levee Manager and will normally include current traffic counts, projected subdivision or development traffic generation, County traffic projections for roads affected by the subdivision or development, calculated capacity of existing and proposed roadways, calculation of intersection capacities and warrants for signalization, turn lanes, channelization, etc., estimates of bicycle and pedestrian movements, and other similar elements as required by the Planning Director.

J. Design Traffic Volumes

Where average daily traffic (ADT) is referenced in this Section, traffic volumes for State and County roads shall be as described in information maintained by the Planning Director. For existing and proposed roads, ADT shall be calculated using

rates derived from “Trip Generation” by the Institute of Transportation Engineers and “Trip Generation Intensity Factors” developed by the Arizona Department of Transportation and the Federal Highway Administration.

1. **Best Available Information for Trip Generation.** Where proposed uses are not included in these references or more recent information is available, traffic generation shall be determined by the Planning Director based on the best available information.
2. **Trip Generation for Residential Uses.** For residential uses the following trip generation factors are to be used per dwelling unit:

Trip Generation for Residential Uses	
Residential Uses	Trip Generation Factor
Single Family	9.5
Townhouse	7.2
Apartment	6.7
Condominiums are considered townhouse or apartment, depending on which type of design they most closely resemble.	

K. Minimum Design Standards

All roads under County jurisdiction shall conform to the standards described in the table below. Also see the Fire Protection Resolution for additional design standards.

L. Cul-De-Sac Streets

Cul-de-sac streets shall be designed to permit future access to other land ownerships where practical, and be designed and located with safety considerations in mind. All cul-de-sacs shall have a terminus consisting of a minimum outside radius of 45 feet, or a “T” or “L” layout having 60 foot legs. In steep or mountainous terrain, where excessive grading would result from a full-sized cul-de-sac, the “T” or “L” legs may be reduced to 45’ in length with the approval of the Teton County Engineer.

M. Half-Streets

Half-streets along a development boundary or within any part of a development shall not be permitted. The full right-of-way and pavement width of all classes of streets shall always be provided, except where an arterial or collector road is shown on the Highway Master Plan Map along a property boundary. In such case, minimum half-street right-of-way shall be 60 feet or one-half the required right-of-way, whichever is greater.

Minimum Planning and Design Standards****					
Functional Class	Arterials	Collectors		Local	
		Major	Minor	Major	Minor
Design Item					
Right-Of-Way Width (Feet)	150	120	80	60	60
Typical A.D.T.	over 5,000	2,000-5,000	500-2,000	200-500	20-200
Design Speed* (MPH)					
Level Terrain	60	40	35	30	25
Rolling Terrain	50	30	30	25	20
Mountainous Terrain	40	25	25	25	15
Minimum Horizontal Radius (Feet)	***	***	***	140**	100**
Intersection Separation (Feet)	2,500	600	300	125	125
Width Of Travel Lanes (Feet Per Lane)	12	12	11	10	10
Width Of Shoulders (Paved)(Feet Each Side)	8	5	4	0	0
Bike Lane Required To Be Striped	YES	YES	YES	NO	NO
On-Street Parking Allowed	NO	NO	NO	NO	NO
Width Of Pedestrian Equestrian Trail (Feet One Side)	10	10	10	0	0
Surface Type	Paved	Paved	Paved	Gravel	Gravel

* Minimum Design Speed. Except where specified otherwise in this Section, geometric design features shall at a minimum be consistent with the design speeds listed in the table in 7.6.4.N. for the appropriate terrain type, except that, unless specified otherwise by the Board of County Commissioners, design speed for designated scenic roads may be reduced by 10 mph.

** Widening on the inside of sharp curves shall be provided. Additional width equal to 400 divided by the curve radius in feet is recommended.

*** In accordance with AASHTO requirements.

**** Also see the Fire Protection Resolution for additional design standards.

N. Road Design Standards

All roads and streets in Teton County shall be designed and constructed in accordance with the policies and standards contained in this Division. Where standards are not specified, the current standards of the American Association of State Highway and Transportation Officials (AASHTO) shall be followed.

7.6.4. Street and Road Standards (1/4/21) 5/1/25)

1. **Urban Road Design.** Roads located within urban areas as defined in this Section shall be designed and constructed in accordance with a comprehensive set of standards acceptable to the Planning Director. Those within 1 mile of the Town of Jackson, and within 1.5 miles of the Jackson sewer line shall conform with standards specified by the Town of Jackson.
2. **Grades.** Maximum grades for any design speed shall be those described in the table below. Also see the Fire Protection Resolution for additional standards pertaining to grade of roads.
3. **Alignment.** Switchback roads in mountainous terrain may be constructed with radii certified, by a registered Wyoming Civil Engineer, as meeting the minimum requirements of the projected traffic on the road.
4. **Super-Elevation.** Super-elevation shall not exceed 0.08 ft. per foot.
5. **Surface Types.** For each functional road class, the surface types specified in the table above, shall be the minimum requirements. Pavement structure shall be designed by a registered Wyoming Civil Engineer based upon expected traffic loads and existing soil conditions.

Type of Terrain	Maximum Grades (%)							
	Design Speed (mph)							
	15	20	25	30	35	40	50	60
Flat*	7	7	7	7	7	7	6	5
Rolling**	10	10	9	9	8	8	7	--
Mountainous***	10	10	9	9	8	8	--	--

* Flat terrain refers to those lands within 10 year flood plains, and with slopes of less than 10%.

** Rolling terrain refers to those lands with slopes from 10 to 15%.

*** Mountainous terrain refers to those lands on steep or naturally unstable hillsides, and lands with slopes in excess of 15%.

For Major and Minor Local Roads, grades may be increased to 150% of the values shown above for a distance not to exceed 500 feet.

6. **Traffic Control Devices.** Signs, pavement and other markings, and traffic signal controls shall be required in accordance with the "Manual on Uniform Traffic Control Devices for Streets and Highways" (FHWA).
7. **Structures.** Bridges, culverts, walls, tunnels, and other structures shall be designed and certified by a registered Wyoming Civil Engineer as meeting the minimum requirements for the intended use, traffic load, and soil conditions. The burden of proof of the adequacy of such standards shall rest with the applicant for any development or subdivision permit.
 - a. **Local Minor Bridges.** Roads of Local Minor Category (ADT of 20-200) or less require bridges designed to HS-20 criteria.

- b. **Single Lane Bridges.** Single lane bridges may be constructed on roads having a total projected ADT ≤ 250 for all development, including adjacent undeveloped land, that may reasonably be expected to be accessed by the bridge; and as long as the design is safe, considering such factors as sight distance and approach gradient and as long as a clear 14 foot travel way is provided as required by the Jackson/Teton County Fire Department.
- 8. **Drainage.** Culverts or bridges of adequate strength shall be installed whenever natural drainages are crossed or no less often than 750 feet to transfer water to the downhill side of a road section. They shall be sized to pass the floodwaters of a storm having a two year frequency. The minimum culvert size is 18 inches. Crossings of natural drainages shall be designed and constructed to provide for the natural passage of fish when deemed appropriate by the Planning Director.
 - a. **Maintain Irrigation Flow.** All stream and/or ditch crossings must be designed and constructed so as to not restrict irrigation flow to any degree.
 - b. **Conformance with LDRs.** All drainage, erosion control and grading items shall be conducted in accordance with these LDRs.
- 9. **Access Approaches.** Approaches to County roads shall have a roadbed width of not less than 20 feet and a minimum radius at the shoulders of 15 feet. They shall have the same type of pavement as the County road being accessed from the right-of-way line to the shoulder of the County road. Appropriate culvert pipe shall be placed under the approach as directed by the County Road & Levee Manager. In all other respects approaches shall conform with the applicable standards of the current version of the Wyoming Department of Transportation's "Rules and Regulations for Access Driveways to Wyoming State Highways".
- 10. **Street Name Signs.** Street name signs shall be installed at all intersections within, and entrances into, any development. Name signs at these locations shall be placed at least 7 feet above the ground, with the street names parallel to their respective streets. The letters shall be clearly readable and at least 4 inches in height for street names, and 2 inches in height for compass and street abbreviations. Street signs for each street shall be readable from both sides.
- 11. **Road Location within Easement.** Roadways shall be designed so that the road is constructed at least 8 feet from the edge of the easement.

O. Plans and Specifications, Alternatives

- 1. In addition to any County requirements for materials to accompany applications for development permits, subdivision permits or similar County approvals, plans and specifications for pathways or for roads other than private drives, prepared by a registered Wyoming Civil Engineer, shall be submitted to the Planning Director for review prior to construction. The technical specifications shall be those specified in this Division. If no applicable standards are established by this Division, the plans and specifications shall be designed and certified by a registered Wyoming Civil Engineer as meeting the minimum requirement of

the intended use. The burden of proof of the adequacy of such standards shall rest with the applicant and final determination shall be by the Board of County Commissioners.

2. Plans shall include typical cross-sections, plan and profile sheets, cross-section sheets indicating sections appropriately spaced in consideration of the gradient of the roadway, pavement design, calculations, and drainage plans.
3. Potential alternative locations, alignments, or designs, or the demonstration of the absence of such alternatives, shall be submitted by the applicant for transportation facilities proposed to impact the natural or wildlife resources regulated by Div 5.1, the Mid- to High- Tiers of the NRO, or involve natural hazards regulated by Div. 5.4. Alternatives also may be identified by staff or other PRC reviewers. For purposes of a comprehensive discussion of potential alternatives, if the essential access provisions of Section 5.1.1.D.3 or 5.1.1.B.3 are engaged, a neighborhood meeting as described in Section 8.2.3, Neighborhood Meeting, may be required by the Planning Director or County Engineer.

P. Inspections

For subdivisions or other developments, the following inspections shall be required by County officials during construction:

1. **Plan Inspection.** A field review of the proposed roadway or bikeway when completed plans are available, prior to construction (review of development permit for construction).
2. **Staking Inspection.** A field review of slope staking, at least every 200 feet, prior to clearing and/or grading.
3. **Grading and Drainage Inspection.** A field review of grading operation and drainage installation prior to placement of any sub-base material. Check measurements shall be made of cross-section dimensions and drainage structures and soil compaction may be checked.
4. **Pavement Inspection.** A field review of pavement placement. Shall include check measurements of depths and widths.
5. **Final Construction Inspection.** A field review when all items are completed.

Q. Maintenance

Most state and federal highways are maintained by the Wyoming Department of Transportation. Other roads within National Parks and Forests are maintained by the appropriate federal agency in accord with their adopted standards and practice. Roads accepted as County roads may be maintained by the County. Otherwise, maintenance of subdivision or other roads shall be the responsibility of private individuals, homeowners' associations, improvement districts or similar entities.

2. **Distribution.** The staff report shall be provided to the applicant as well as the appropriate advisory body, decision-making body, or County official making the decision; and made available for public review.
3. **Timing.** The staff report for a public hearing shall be completed and distributed at least 4 days prior to the public hearing.

8.2.7. Planning Commission Recommendation (1/1/15)

- A. A public hearing shall be held pursuant to Sec. 8.2.14. for applications subject to a recommendation by the Planning Commission as established in Div. 8.3.-Div. 8.8. At the public hearing, the Planning Commission shall consider the application, the relevant support materials, staff report, and any public comments.
- B. In the case of a physical development, use, or development option permit application, the Planning Commission may confer at the hearing with the applicant on changes deemed advisable to comply with these LDRs.
- C. At the conclusion of the public hearing, the Planning Commission shall provide a recommended decision on the application based on the findings for the specific application being reviewed and the standards of Sec. 8.2.8.
- D. The Planning Commission's recommendation shall clearly state the factors considered in making the recommendation and the findings for the recommendation.

DECISION

8.2.8. All Decisions (~~1/1/15~~ 5/1/25)

A. Timing

All decisions shall be made within the timelines established in these LDRs but as promptly as possible in consideration of the public interest; however, notwithstanding established timelines, grading permits associated with developments that also require a building or use permit shall be reviewed concurrently with the associated permit application and the decision to approve or deny the grading permit shall be determined concurrently with the decision on the associated permit.

B. Notification of Decision

Within 14 days of the decision on an application, the applicant shall be notified in writing of the decision, findings for the decision, and expiration of the decision. A copy of the decision shall be made available at the offices of the Planning Department for review during normal business hours.

C. Conditions of Approval

1. **Authority.** A decision-maker may impose conditions of approval on permits and approvals to ensure compliance with the standards of these LDRs.
2. **Nexus and Proportionality.** The conditions of approval shall be related in both content and magnitude to the anticipated impacts of the proposal.
3. **Statement of Conditions.** All conditions of approval imposed on any permit or approval shall be expressly set forth in the permit or approval.

D. Effect of Approval

1. **General.** Approval of an application in accordance with these LDRs authorizes only the proposed physical development, use, development option, subdivision, interpretation, amendment, or relief as set forth in the permit or approval.
2. **Dependant Applications.** In the event that one permit or approval is a prerequisite to another permit or approval, that permit shall not be acted upon until all required approvals are obtained, and approval of one application does not necessarily guarantee approval of any subsequent application.
3. **Additional Permits.** The applicant shall secure all permits and approvals required by other local, state or federal agencies prior to executing a proposed action approved under these LDRs. Approval under these LDRs shall not guarantee or imply approval of other permits.

E. Expiration

Upon expiration of an approval, all rights established by the approval shall lapse and the site shall thereafter be subject to the current LDRs. The expiration time period shall not be extended by transfer of ownership.

F. Limitation on Similar Applications

1. **Denied Application.** If an application requiring a public hearing is denied, no substantially similar application may be submitted within one year after the date of the decision unless the decision-making body waives this time limit pursuant to the following standards.
 - a. An authorized person may submit a written request for waiver of the time limit, along with a fee to defray the cost of processing the request, to the Planning Director who shall transmit the request to the decision-making body.
 - b. The decision-making body may grant a waiver of the time limit only on a finding by two-thirds of its membership that the landowner or agent has demonstrated that the new application to be submitted is materially different from the prior application or that the prior denial was based on a material mistake of fact.
2. **Withdrawn Application.** If an application requiring a public hearing is withdrawn after notification of the public hearing is provided, but before a decision on the application, no substantially similar application may be submitted within 6 months after the date of withdrawal.

8.2.9. Planning Director and County Engineer Decisions (1/1/15)

- A. For applications subject to a decision by the Planning Director or County Engineer as established in Div. 8.3.-Div. 8.8., the County official shall consider the application, the relevant support materials, staff report, and any public comments.
- B. Within the timeframe established for the application, the County official shall decide on the application based on the findings for the specific application being reviewed and the standards of Sec. 8.2.8.

- C. If an application that would generally be subject to a decision by a County official will have significant local and community impacts that warrant public review, the County official may require the application be reviewed by the appropriate advisory bodies and decided upon by the appropriate decision-making body.
- D. The County official may mail notice of any application, utilizing the standards of 8.2.14.C., if the County official deems that review of the application would benefit from neighborhood comment or the neighborhood should be alerted to the application.
- E. Grading permit approvals shall be issued concurrently with any associated building and/or use permit to ensure grading and excavation does not commence prior to the approval of associated structural permits or use permits unless the grading permit conforms to an approved phasing plan that allows the building or use permit to be issued later.

8.2.10. Board of County Commissioners Decisions (1/1/15)

- A. A public hearing shall be held pursuant to Sec. 8.2.14., All Public Hearings for applications subject to a decision by the Board of County Commissioners as established in Div. 8.3.-Div. 8.8. At the public hearing, the Board of County Commissioners shall consider the application, the relevant support materials, staff report, advisory board recommendations, and any public comments.
- B. In the case of a physical development, use, development option, or subdivision permit application, the Board of County Commissioners may confer at the hearing with the applicant on changes deemed advisable to comply with these LDRs.
- C. At the conclusion of the public hearing, the Board of County Commissioners shall decide on the application based on the findings for the specific application being reviewed and the standards of Sec. 8.2.8.
- D. The decision shall not be considered final until findings of fact, conclusions of law and an order executing the decision is signed by the decision-making body pursuant to the following standards. No action reliant on the decision shall be authorized until the decision is finalized. Procedural requirements and timelines referencing decisions shall be applicable from the date the decision is finalized.
 - 1. Decisions on the following applications do not require findings of fact, conclusions of law, and order executing the decision.
 - a. Legislative amendments to the text of the LDRs or Official Zoning Map, including PUD applications.
 - b. Technical approvals such as subdivision plats.
 - 2. The findings of fact, conclusions of law, and order executing the decision shall be considered in a public hearing at the next regularly scheduled meeting of decision-making body following the decision.
 - 3. A draft of the findings of fact, conclusions of law, and order executing the decision shall be provided to the applicant and the decision-making body at least 7 days prior to the hearing.

8.3.4. Grading Permit (~~1/4/21~~ 5/1/25)

A. Purpose

The purpose of a grading permit is to ensure that proposed land disturbance includes required erosion control and stormwater management and complies with all other standards of these LDRs.

B. Applicability

Physical development that requires a grading permit is identified in Div. 5.7.

C. Findings for Approval

A grading permit shall be approved upon finding the application:

1. Complies with the standards of Div. 5.7.;
2. Complies with all other relevant standards of these LDRs and all other County Resolutions; and
3. Is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.

D. Permit Conditions

All grading permits shall require the permittee to:

1. Notify the County Engineer 48 hours prior to commencing any land disturbing activity;
2. Notify the County Engineer of completion of erosion control measures within 2 calendar days after their installation;
3. Obtain permission in writing from the County Engineer prior to modifying the grading and erosion control plan;
4. Install all control measures as identified in the approved grading and erosion control plan;
5. Maintain all road drainage systems, stormwater drainage systems, erosion control measures, and other facilities identified in the grading and erosion control plan;
6. Repair the erosion damage to adjoining surfaces and drainageways resulting from land developing or disturbing activities;
7. Inspect the erosion control measures after each rain and at least once each week and make needed repairs;

8. Allow the County Engineer to enter the site for the purpose of inspecting compliance with the erosion control plan or for performing any work necessary to bring the site into compliance with the erosion control plan; and
9. Keep a copy of the erosion control plan on the site.

E. Expiration

A grading permit shall expire one year after the date of approval except under one of the following circumstances:

1. The grading permit is associated with a building permit or other construction authorization, in which case, it shall be valid as long as the building permit or other construction authorization is valid; or
2. An alternate expiration is set through the approval of the grading permit.

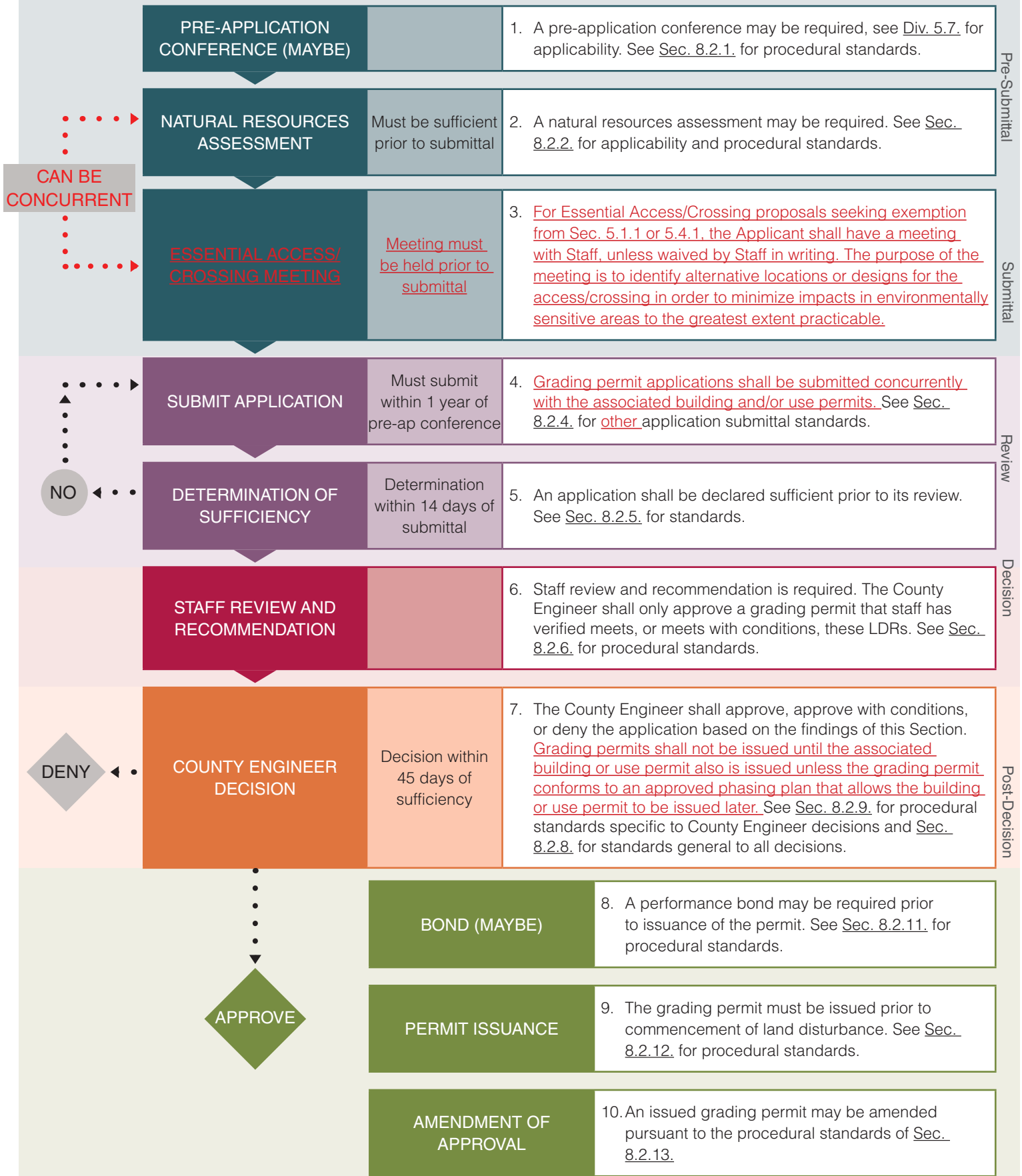
F. Inspection

Grading plans required to be prepared by a professional engineer or landscape architect shall also require inspection and certification of compliance by the same design professional.

G. Review Process

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

Grading Permit



8.8.1. Administrative Adjustment ~~(1/4/21~~ 5/1/25)

A. Purpose

The purpose of an administrative adjustment is to allow minor adjustments to certain requirements and numerical standards in these LDRs based on specific review standards. The intent is to provide relief when application of a standard creates practical difficulties in advancement of Comprehensive Plan goals or zoning district purposes.

B. Applicability

An application may be made for administrative adjustment of the following standards of the LDRs.

1. Landscape Surface Ratio and site development may be adjusted up to 20%.
2. Structure setbacks, not including setbacks from natural resources, may be adjusted up to 20%.
3. Site development setbacks, not including setbacks from natural resources, may be adjusted up to 20%.
4. Fencing height and setbacks may be adjusted up to 20%.
5. Grade of developable slopes may be adjusted up to 20%.
6. Wildlife friendly fencing may be adjusted as allowed by 5.1.2.E.
7. Standard plant units may be adjusted as allowed by 5.5.3.E.3.
8. Parking requirement may be adjusted as allowed by 6.2.2.A.1.
9. Conservation area configuration may be adjusted as allowed by 7.3.3.D.
10. Street and road standards may be adjusted as allowed by 7.6.4.C.
11. Retaining wall length may be adjusted up to 20% to accommodate site specific circumstances.

C. Findings

An administrative adjustment shall be approved upon finding the application:

1. Complies with the applicability standards of this Section;
2. Either:
 - a. Compensates for some unusual constraint of the site or proposal that is not shared by landowners generally, or
 - b. Better protects natural and scenic resources, or
 - c. Better supports the purpose of the zone;
3. Is consistent with the purpose of the zone and the desired future character for the area described in the Comprehensive Plan;
4. Will not pose a danger to the public health or safety; and
5. The site is not subject to a series of incremental administrative adjustments that circumvent the purpose of this Section.

D. Effect

Issuance of an administrative adjustment shall not ensure the approval of any other application. The decision on an administrative adjustment cannot be reversed by the Board of County Commissioners through review of an associated permit application. The decision on an administrative adjustment can only be reversed through an appeal pursuant to Sec. 8.8.3.

E. Expiration

An administrative adjustment shall expire one year after the date of approval except under one of the following circumstances:

1. The physical development, use, development option, or subdivision enabled by the administrative adjustment is in review or implementation; or
2. An alternate expiration is set through the approval of the administrative adjustment.

F. Review Process

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

