



LDR Restructure & Administrative Procedures Update PC Hearing Summary

On July 28, 2014 the Town and County Planning Commissions met jointly to review the draft restructured and updated Land Development Regulations (LDRs) and consider recommending adoption of the draft to the Town Council and Board of County Commissioners.

Staff presented the draft restructured and updated LDRs along with Staff's recommendations on the list of proposed modifications to the draft that had been developed prior to the hearing.

Public comment was made by:

- Jeff Daugherty,
- Carla Poindexter, of the Conservation Alliance Board,
- Mary Gibson of the Conservation Alliance,
- Paul D'Amours representing a client, and
- Armond Acri of Save Historic Jackson Hole.

The Planning Commissions reviewed the proposed list of modifications to the draft presented by Staff. The planning commissioners also proposed additional modifications for consideration based on their review and public comment. Each Planning Commission made a recommendation on each proposed modification.

The Town Planning Commission concluded their hearing on July 28, voting 3-0, with commissioners Nash and Pollard absent, to recommend approval of the draft subject to the modifications they had discussed and any additional modifications recommended by Staff. Modifications first proposed at the hearing, for which Staff had not provided a recommendation, are not included as part of the Town Planning Commission's recommendation.

The County Planning Commission continued their hearing to July 29. At the conclusion of their hearing on July 29 the County Planning Commission unanimously recommended approval of the draft subject to the modifications discussed at the hearing.

Below is a table that represents each Planning Commission's recommendation with regard to each proposed modification. Only those modifications delineated as recommended for approval are included in the Planning Commission's final recommendation. The table also includes a summary of the Planning Commissions' discussion of the modifications they chose to discuss. Staff's recommendation to the Planning Commissions is included for each modification.

Recommendations are color coded. Unhighlighted modifications are recommended by Staff and both Planning Commissions. Yellow recommendations are recommended by Staff or at least one Planning Commission by not everyone. Red recommendations are not recommended by Staff or either Planning Commission. The following abbreviations are used for each recommendation.

A=Recommended (Approve) | D=Not Recommended (Deny) | T=Consider at a Later Date (Table)

| Section | Proposed Modification | Applies | Staff Recommendation | | PC Recommendation | | |
|------------------------------------|--|---------|----------------------|---|-------------------|-----|------------|
| | | | Rec. | Rationale | To J | Co. | Discussion |
| General | • Make clerical and editorial modifications that improve readability, but do not alter content | Joint | A | Staff will include the editorial changes included in the attached list of editorial changes as well as any additional edits identified during final revisions | A | A | None |
| | • Make modifications directed by legal review | Joint | A | At this time a full legal review is not complete. Staff recommends approval of a general modification to incorporate legal review. | A | A | None |
| | • Direct Staff to present a list of clean-up amendments 6 months after adoption to fix any unforeseen and unintended implications of the restructure | Joint | A | There will undoubtedly be unanticipated implications of the restructure, staff supports setting a date now to assure people such issues will be addressed. | A | A | None |
| | • Write out an acronym when it is used for first time | Joint | D | Document is not read from start to finish, therefore staff recommends a single acronyms Division (9.3) | D | D | None |
| | • Reformat to a single column for ease of web reading | Joint | A | In lieu of a separate web format, staff agrees that a single column pdf is more user friendly | A | A | None |
| | | | | | | | |
| Article 1 | | | | | | | |
| 1.1: Title | | | | | | | |
| 1.2: Authority | | | | | | | |
| 1.3: Purpose and Intent | | | | | | | |
| 1.4: Organization of LDRs | | | | | | | |
| 1.5: Applicability | | | | | | | |
| 1.6: Relation to Other Regulations | | | | | | | |
| 1.7: Establishment of Zoning | • 3: Make the digital GIS zoning map the “official” map. | Joint | A | Staff agrees that this modification should be made to codify existing policy | A | A | None |

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|------------------------------|--|---------|----------------------|--|------|-------------------|---|--|
| | | | Rec. | Rationale | To J | Co. | Discussion | |
| | • 5.C: Standard should be improvement of environmental OR scenic protection not environmental AND scenic protection because they might be mutually exclusive | Joint | D | Staff believes that are instances when it is important and possible to protect both environmental and scenic resources. The standards elsewhere in the LDRs cover conflicts between wildlife and scenic resources. By defining “scenic views” as recommended in the table of edits it will be clear when each protection applies | D | D | None | |
| | • 6: Keep current LDR text regarding Public/Semi-Public to Rural when rezoned for private use | | n/a | Modification first proposed at hearing in response to public comment | D | D | Jointly Discussed 7/28. After Staff explained that the purpose of the proposal was to retain Rural as the default zoning but avoid duplicative public hearings, the Planning Commissions agreed with the proposed language. | |
| 1.8: Transitional Provisions | • 2.C: List all PUDs | Joint | T | Staff recommends the existing language in order to allow for recognition of old PUDs that are not currently identified by Staff. This may be an item to address at a later date. | T | T | None | |
| | • 2.C: For existing NC-PUDs, the standards of the NC-TC should apply unless the NC-TC standards are in conflict with the approval agreement of the PUD, in which case the allowance established by the PUD shall apply | | A | Staff agrees that many historic PUDs have few standards that are actually part of the basis for approval, for example smaller lot size and 10,000 square feet of building per lot in exchange for open space maybe the extent of a PUD approval basis. As a result, the NC-TC should apply to PUD lots unless the basis of approval of the PUD specifically sets a different standard. This is consistent with current practice. | A | | None | |

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| | | | Rec. | Rationale | To J | Co. | Discussion | |
| | • 2.C: References to sections in old LDRs should apply to the updated equivalent sections in current LDRs if the provision was intended to change as the LDRs change | Joint | A | Staff agrees that it should be clear that where a PUD references a specific LDR provision, that provision should continue to apply under the new organization. | A | A | None | |
| | • 3.A: Delete, not needed, 8.2.13 covers it – better to have one place, one time | | | Staff agrees that it is best to keep the amendment standards in a single location | | | None | |
| 1.9: Nonconformities | • 1.A: Remove reference to not encouraging perpetuation. These were valid uses before any regulation; why not encourage them to remain? | Joint | D | Staff believes that because a nonconformity is inconsistent with the current regulations it is inconsistent with the desired future character. If the development or use should be encouraged to remain it should be allowed and not be a nonconformity at all. | D | A | Jointly Discussed 7/28. The County Planning Commission believes nonconformities should be encouraged to perpetuate. The Town Planning Commission agrees with the policy of not encouraging nonconformities that are inconsistent with desired future character. | |
| | • 2: Regulation of nonconforming physical development should be stricter than regulation of nonconforming use. | | | Modification first proposed at hearing | | | Jointly Discussed 7/28. The County Planning Commission believes that LDRs with a form based focus should more lenient nonconforming use allowances than nonconforming physical development allowances. The Town Planning Commission does not believe the modification is necessary. | |
| | • 2.B: Clarify the allowance of 50% modification over 5-years. | Joint | A | Staff agrees that the examples can be clarified. | A | A | Jointly Discussed 7/28. The Planning Commissioners were confused by the examples used, but support the policy as explained by Staff. | |

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| | | | Rec. | Rationale | ToJ | Co. | Discussion | |
| | • 3.B.1: Return to allowing 20% expansion of a nonconforming use | Joint | D | Staff believes that allowing 20% expansion is contrary to the overall goal of moving toward the desired future character. Staff believes that the standard should be 10% or less expansion except in certain circumstances where another specific community goal is achieved. Those specific circumstances should be defined by zone | A | A | Jointly Discussed 7/28. The Planning Commissions believe that without any specific reason to make the standard 10% instead of 20%, it should remain 20%. | |
| | • 3.C: Allow conversion from one nonconforming use to a less intense nonconforming use | | | Staff believes that allowing conversion from one nonconforming use to another, less-intense nonconforming use is contrary to the overall goal of moving toward desired future character. Staff believes that a binary choice between the nonconforming use and a compliant use is more likely to result in the desired future character sooner, and is more predictable for the community than discretionary review of whether the new use is less intense. | | | | |
| | • 3.E.1: Introduce 5 year time period for measuring renovation similar to nonconforming physical development standards in 2.B | Joint | A | Staff agrees that a time period should be placed on the definition of renovation and repair to protect the owner and the applicant. | A | A | None | |
| | • 3.F: Include exempt division in abandonment of nonconforming use by subdivision | | | Staff agrees that it should be clear that exempt land division also constitute abandonment of a nonconforming use | | | None | |
| 1.10: Severability | | | | | | | | |
| Article 2 | | | | | | | | |
| 2.1: All CN Zones | | | | | | | | |

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|-------------------------|---|---------|----------------------|---|-------------------|------|
| | | | Rec. | Rationale | ToJ | Co. |
| 2.2: Character CN Zones | | | | | | |
| 2.3: Legacy CN Zones | | | | | | |
| County 2.3.1: AC-TC | | | | | | |
| County 2.3.2: AR-TC | | | | | | |
| County 2.3.3: WC-TC | | | | | | |
| County 2.3.4: OP-TC | | | | | | |
| County 2.3.5: BP-TC | | | | | | |
| Town 2.3.1: TS | | | | | | |
| Town 2.3.2: UC | | | | | | |
| Town 2.3.3: UC-2 | | | | | | |
| Town 2.3.4: UR | | | | | | |
| Town 2.3.5: AC-TOJ | | | | | | |
| Town 2.3.6: AR-TOJ | • B.2: Clarify that ARU max limit is for habitable floor area | Town | A | Staff agrees that this is consistent with the current regulations and should be fixed | A | None |
| Town 2.3.7: OP-TOJ | | | | | | |
| Town 2.3.8: OP-2 | | | | | | |
| Town 2.3.9: BP-R | | | | | | |
| Town 2.3.10: BP-TOJ | | | | | | |
| Town 2.3.11: BC-TOJ | | | | | | |
| Town 2.3.12: RB | | | | | | |

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|--------------------------------|---|---------|----------------------|--|-------------------|-----|--|
| | | | Rec. | Rationale | ToJ | Co. | Discussion |
| Town 2.3.13: MHP-TOJ | | | | | | | |
| Town 2.3.14: NC-TOJ | | | | | | | |
| Town 2.3.15: NC-2 | | | | | | | |
| Town 2.3.16: S-TOJ | | | | | | | |
| Article 3 | | | | | | | |
| 3.1: All Rural Area Zones | | | | | | | |
| 3.2: RA Character Zones | | | | | | | |
| 3.3: Legacy RA Zones | | | | | | | |
| County 3.3.1: BC-TC | <ul style="list-style-type: none"> D.1: Allow condo/townhouse subdivision. This might be the only economically feasible way to get some of these projects built. | County | D | Staff believes that allowance of condominium or townhouse subdivision will perpetuate the existence of these areas as nonresidential uses contrary to the desired future character for the area, which is that they be more consistent with the surrounding residential character. | | A | County Discussed 7/28. The County Planning Commission does not believe the County should regulate ownership. |
| County 3.3.2: MHP-TC | | | | | | | |
| County 3.3.3: NC-TC | | | | | | | |
| County 3.3.4: S-TC | | | | | | | |
| County 3.3.5: R-TC | | | | | | | |
| Town 3.3.1: R-TOJ | | | | | | | |
| Article 4 | | | | | | | |
| 4.1: All Special Purpose Zones | | | | | | | |
| 4.2.1: P/SP-TC | | | | | | | |

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|---|--|---------|----------------------|---|-----|-------------------|--|--|
| | | | Rec. | Rationale | ToJ | Co. | Discussion | |
| 4.2.2: P-TC | | | | | | | | |
| 4.3: Planned Resort Zones | | | | | | | | |
| 4.4.1: All PUD Zones | | | | | | | | |
| 4.4.2: PUD-TOJ | | | | | | | | |
| Article 5 | | | | | | | | |
| 5.1: General Environmental Standards | • 1: Demonstration of compliance with wetland standards must be provided by a qualified professional | Joint | A | Staff agrees that this modification should be made to codify existing policy. | A | A | Jointly Discussed 7/28. The County Planning Commission asked for clarification of the current wetland regulations and implementation policy. | |
| | • 1.D.3.a: Allow bona fide stream restoration and enhancement in waterbodies | Joint | A | Staff agrees that this modification should be made to codify existing policy. | A | A | None | |
| 5.2: Environmental Standards for Specific Areas | • 1: Demonstration of compliance must come from a qualified professional even if an EA is exempt | Joint | A | Staff agrees that this modification should be made to codify existing policy. | A | A | None | |
| 5.3: Scenic Standards | • 1.B.1 (Town): amend to be same as County – "...meets all other requirements of these LDRs." Delete the rest. | Town | A | Staff agrees that a handbook should not be referenced and that lighting plans should not be referred to Town Council. | A | | None | |
| 5.4: Natural Hazard Protection | | | | | | | | |
| 5.5: Landscaping Standards | • 2.B.1: Exempt all development plans other than major/large plans from requirement of Landscape Architect stamp | Joint | n/a | Modification first proposed at hearing. | A | A | Jointly Discussed 7/28. The Planning Commissioners believe that a Landscape Architect is unnecessary except on the largest projects. | |
| 5.6: Sign Standards | | | | | | | | |
| 5.7: Grading, Erosion, Stormwater | • 1.D.5.b: Require an after-the-fact permit for flood fighting | Joint | A | Staff agrees that this modification should be made to codify existing policy. | A | A | None | |

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| | | | Rec. | Rationale | To J Co. | Discussion | | |
| 5.8: Design Guidelines | | | | | | | | |
| Article 6 | | | | | | | | |
| 6.1.1: Use Schedule | • Use Table (County): Gravel Extraction should reference the list of sites in Section 6.1.9.F instead of placing S in specific zones | County | A | Staff agrees this is a clearer way of addressing where gravel extraction and processing is allowed. | | A | None | |
| 6.1.2: Classification of Uses | | | | | | | | |
| 6.1.3: Open Space Uses | <ul style="list-style-type: none"> • A.1: Include scale as part of the definition of open space uses. For example, agriculture as the only use of the property versus a greenhouse in a residential neighborhood, a couple of horses, chickens, etc. behind the main house. • B.3.g: Only apply 30% slope standard for agriculture to natural slopes to sync with the rest of the regulations | Joint | D | Staff believes this is handled through the definitions of principal and incidental use and believes that scale should be a standard established by zone rather than a part of the definition. | D | D | County Discussed 7/29. Staff explained the move away from defining agriculture as 70 acres, and instead creating 70 acre (or other) standards as applicable. Staff will ensure no 70 acre limits were lost in the shuffle. | |
| 6.1.4: Residential Uses | <ul style="list-style-type: none"> • A.2: Add a standard that only one kitchen is allowed per residential unit | Joint | A | Staff agrees that this modification should be made to codify existing policy. | A | A | County Discussed 7/29. Staff clarified the definition of kitchen and the existing policy. | |
| 6.1.5: Lodging Uses | | | | | | | | |
| 6.1.6: Commercial Uses | <ul style="list-style-type: none"> • F: Separate Heavy Retail and Heavy Service into two uses | Joint | A | Staff agrees this will improve organization of the use regulations especially with regard to how retail and service are discussed separately elsewhere in the regulations. | A | A | None | |

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| | | | Rec. | Rationale | ToJ | Co. | Discussion | |
| | • F: Include outdoor storage in the Heavy Service use category | Joint | A | Staff agrees that outdoor storage as a principal use should be identified in a use category and that heavy service is the appropriate use category. | A | A | None | |
| 6.1.7: Amusement & Rec. Uses | | | | | | | | |
| 6.1.8: Institutional Uses | • Definitions need to include private uses of the same character | Joint | A | Staff agrees that use definitions should not be dependent upon ownership; they should be based on operational characteristics. | A | A | None | |
| | • Add a use for things like the Raptor Center – conservation/ecosystem stewardship/research institution category | Joint | D | Staff believes that such a use would be too fine-grained a category, and addressing every use at such a detailed level will make the regulations too cumbersome. Uses such as the Raptor Center are most appropriately addressed through a determination of similar use. | D | D | None | |
| 6.1.9: Industrial Uses | • D.2.b & E.2.b: wildlife friendly fence standard is inconsistent with purpose of perimeter fence requirement | County | T | Staff agrees, however this may be an item to address at a later date. | | A | County Discussed 7/29. The County Planning Commission believes this is a time sensitive fix because of the trash transfer station project. | |
| | • D: Composting should be allowed as an accessory use where gravel extraction is allowed as it uses the same equipment, same erosion control mechanisms, scales, etc. Commercially, it is not feasible on BP lots | County | T | Staff believes that amendments to industrial use standards and where they are allowed is beyond the scope of this update. This may be an item to address at a later date. | | A | County Discussed 7/29. The County Planning Commission believes this would be an improvement that would be easy enough to take care of now, but is wary of scope creep for this LDR restructure process. | |

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| | | | Rec. | Rationale | ToJ | Co. | Discussion | |
| 6.1.10: Transportation /Utility Uses | <ul style="list-style-type: none"> Address minor utilities such as pump houses, electrical boxes, etc. and exempt them from use permits and certain regulations such as setbacks | Joint | A | Staff agrees that the regulations should address minor utilities to clarify what permits are needed and how the regulations apply to their installation. | A | A | None | |
| 6.1.11: Accessory Uses | <ul style="list-style-type: none"> D.3: Add child limit of 10 for education or daycare home occupation | Joint | A | Staff agrees this modification should be made to limit the impacts of home daycares and home schools. The proposed limit is consistent with the existing Town regulations and State statute. | A | A | None | |
| | <ul style="list-style-type: none"> E.1.a: Return to existing LDR text regarding Light Industry and Heavy Service uses that are allowed as Home Businesses | Joint | n/a | Modification first proposed at hearing in response to public comment. | D | | County Discussed 7/29. Staff explained that the current LDRs allow some Light Industry and Heavy Service uses as home business but not all, while the proposed LDRs would allow all Light Industry and Heavy Service as home business. The County Planning Commission is interested in evaluating the zones in which home business is allowed and may place additional limitations on home business in some zones, but agreed with Staff's overall rationale for the proposed definition. The Town Planning Commission made no recommendation on this modification as Staff had not provided a recommendation for the Town Planning Commission to reference prior to its action. | |

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| | | | Rec. | Rationale | ToJ | Co. | Discussion |
| | • E.3: Add child limit of 15 for education or daycare home business | Joint | A | Staff agrees this modification should be made to limit the impacts of home daycares and home schools. The proposed limit is consistent with the existing Town regulations and State statute. | A | A | None |
| | • E.3: Add a standard referencing review of traffic impacts as part of the CUP | Joint | A | Staff agrees that this modification should be made to codify existing policy. | A | A | None |
| 6.1.12: Temporary Uses | | | | | | | |
| 6.2: Parking Standards | | | | | | | |
| 6.3: Employee Housing Reqs. | | | | | | | |
| 6.4: Operational Standards | • 9.A: Public restrooms are required by the IBC in quantities based on use. I would strike discussion of required facilities and just put "in accordance with the IBC" does the 20% requirement in b tie in with the IBC? | Town | A | Staff agrees that removing this section from the LDRs at this time is consistent with current practice to defer to the building code. | A | | None |
| 7.1.1: Development Option Schedule | | | | | | | |
| 7.1.2: PRD | | | | | | | |
| 7.1.3: UCD | | | | | | | |
| 7.1.4: Mobile Home Park | | | | | | | |
| 7.2: Subdivision Standards | | | | | | | |
| 7.3: Open Space Standards | | | | | | | |

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|-----------------------------------|---|---------|----------------------|--|-------------------|-----|--|
| | | | Rec. | Rationale | To J | Co. | Discussion |
| 7.4: Affordable Housing Standards | | | | | | | |
| 7.5: Development Exactions | | | | | | | |
| 7.6: Transportation Facilities | | | | | | | |
| 7.7: Required Utilities | | | | | | | |
| Article 8 | | | | | | | |
| 8.1: General | • Delegate more authority to the County PC | County | D | The County Attorney's office does not believe that Statute allows the BCC to delegate decision making authority to the County PC. | | D | None. |
| | • Staff does not have the authority to issue any permits. | County | D | The County Attorney's office believes that because any permit issued by the Planning Director is appealed to the BCC prior to going to court that the Planning Director may issue permits. | | D | None. |
| | • Seek opportunities to decrease need for experts and simplify the review process | Joint | n/a | Modification first proposed at hearing in response to public comment. | | T | County Discussed 7/29. The Planning Commission is interested in looking at the process thresholds zone by zone to eliminate the procedural requirements on minor projects. The Town Planning Commission made no recommendation on this modification as Staff had not provided a recommendation for the Town Planning Commission to reference prior to its action. |
| 8.2: Common Procedures | | | | | | | |

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| | | | Rec. | Rationale | To J | Co. | Discussion |
| 8.2.1: Pre-application Conference | | | | | | | |
| 8.2.2: Environmental Analysis | • C.2: Remove requirement in County for EA consultant for intermediate development plans | County | n/a | Modification first proposed at hearing in response to public comment. | | A | County Discussed 7/28. The County Planning Commission believes this is good step toward streamlining the process. |
| 8.2.3: Neighborhood Meeting | • C.2: Provide minimum standards for posted notice | Joint | A | Staff agrees that the minimum standards for posted notice should be specified. In addition, an example or template could be included in the Administrative Manual. | A | A | None. |
| | • D.2: Delete reference to applicant informing public about review process. That is planning department's job. | Joint | A | Staff agrees that the applicant should not be tasked with informing the public about the review process. | A | A | None. |
| | • E: Remove requirement for summary of neighborhood meeting | Joint | n/a | Modification first proposed at hearing in response to public comment. | | A | County Discussed 7/29. The County Planning Commission believes that the applicant should not be any more responsible for putting words in the public's mouth than staff. The Town Planning Commission made no recommendation on this modification as Staff had not provided a recommendation for the Town Planning Commission to reference prior to its action. |
| 8.2.4: Application Submittal | • Make allowance for electronic submittal, but require hard copy | Joint | A | Staff agrees. | A | A | None. |
| 8.2.5: Determination of Sufficiency | | | | | | | |

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| | | | Rec. | Rationale | To J | Co. | Discussion |
| 8.2.6: Staff Review & Rec. | • D: Limit Staff's requirement to report public comment to only written public comment so onus isn't on staff to represent verbal public comment | Joint | A | Staff should only be responsible for passing along written public comment so that Staff is not placed in the position of having to put words in the mouth of a member of the public. | A | A | None. |
| | • E.3: Staff report distribution timing should match when BCC and Council reports are actually distributed. | | | Staff agrees that this modification should be made to codify existing policy. | | | County Discussed 7/29. The County Planning Commission comfortable with 4 or 5 days for packet review. |
| 8.2.7: PC & DRC Recommendation | • DRC review should not be a public hearing. Meeting can be open to the public, but it is a technical review. It would be more appropriately classified with staff/PRC review and under those timelines. | Town | A | Staff agrees that this modification should be made to codify existing policy. | A | A | None. |
| | • E: There should be standards for remands similar to continuances, to provide the applicant the ability to call the question. | | | Staff agrees that the remand language should be accompanied by a standard that the applicant may request a decision be made in-lieu of a remand. | | | None. |
| 8.2.8: All Decisions | | | | | | | |
| 8.2.9: PD & Eng. Decisions | | | | | | | |
| 8.2.10: BOA/Council/BCC Decisions | • E: There should be standards for remands similar to continuances, to provide the applicant the ability to call the question. | Joint | A | Staff agrees that the remand language should be accompanied by a standard that the applicant may request a decision be made in-lieu of a remand. | A | A | None. |
| 8.2.11: Performance Bonds | | | | | | | |
| 8.2.12: Issuance and Filing | | | | | | | |

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| 8.2.13: Amendment of Approvals | • B: Amending a condition of approval placed on permit by an elected or appointed body should only be amended by that body, with public notice to the neighbors. | Joint | A | Staff agrees that conditions on permits placed by elected or appointed bodies are the body requiring certain changes to the application in order to find that it meets the LDRs. Such requirements should only be amended with notice of the same neighbors that were noticed for the original decision; however such amendments should not have to go through the entire approval process. | A | A | None. | |
| | • C: Move plat amendment standards to 8.5.3 and/or 8.5.5 as applicable so that plat standards are not in so many places. | | | Staff and the County Surveyor recommend that this modification be made to make the plat amendment standards easier to find. | | | A | A |
| 8.2.14: All Public Hearings | • B.1: Shorten length of time to first public hearing to 90 days. | Joint | A | Staff agrees that the period of time for the first public hearing could be shortened to 90 days. | A | A | None. | |
| | • C.4: Provide minimum standards for posted notice. | | | Staff agrees that the minimum standards for posted notice should be specified. In addition an example or template could be included in the Administrative Manual. | | | A | A |
| 8.3: Physical Dev. Permits | | | | | | | | |
| 8.3.1: Sketch Plan | • B: Add requirement that a sketch plan for PUD must include entire PUD area. | Joint | A | Staff agrees that the sketch plan for PUD should include the entire PUD area. The sketch plan does not have to be submitted concurrently with the master plan, but when the sketch plan is submitted it should be comprehensive so that it does not have to be continually amended to change road alignments or make other changes. | A | A | County Discussed 7/29. The County Planning Commission agrees with Staff, but focused its conversation on the need to make a culture change to treat sketch plans more appropriately because it has become too detailed. | |

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| | | | Rec. | Rationale | To J | Co. | Discussion | |
| | <ul style="list-style-type: none"> • F: Once BCC approves sketch plan, subsequent reviews only go to PC. | Joint | D | Staff and the County Attorney believe that statute does not authorize the County Planning Commission to make final decisions. Further, Staff believes there is a purpose to the multistep process. If the process seems too cumbersome now it is likely a function of needed updates to the process thresholds not the processes themselves; however staff recommends updating the process thresholds zone by zone to reflect character considerations. | D | D | County Discussed 7/29. The County Planning Commission discussed the proposed modification as well as having the Development Plan only go to the BCC. Ultimately the Planning Commission determined the process is good, but the thresholds need to be amended. | |
| 8.3.2: Development Plan | | | | | | | | |
| 8.3.3: Building Permit | <ul style="list-style-type: none"> • F.5: Clarify that the Building Official may only approve a building permit with zoning compliance verification of the building permit by Staff. | Joint | A | Staff agrees that this modification should be made to codify existing policy. | A | A | None. | |
| 8.3.4: Grading Permit | <ul style="list-style-type: none"> • F.5: Clarify that the Engineer may only approve a grading permit with zoning compliance verification of the grading permit by Staff. | Joint | A | Staff agrees that this modification should be made to codify existing policy. | A | A | None. | |
| 8.3.5: Sign Permit | | | | | | | | |
| 8.4: Use Permits | | | | | | | | |
| 8.4.1: Basic Use Permit | <ul style="list-style-type: none"> • D: Include physical development permit expiration clause similar to CUP. | Joint | A | Staff agrees. | A | A | None. | |
| 8.4.2: Conditional Use Permit | <ul style="list-style-type: none"> • D.2: Expiration should be tied to Sketch Plan or Development Plan in addition to Building Permit or Grading Permit. | Joint | A | Staff agrees. | A | A | None. | |

| Section | Proposed Modification | Applies | Staff Recommendation | | | PC Recommendation | | |
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| | | | Rec. | Rationale | To J | Co. | Discussion | |
| 8.4.3: Special Use Permit | • D: Include physical development permit expiration clause similar to CUP. | Joint | A | Staff agrees. | A | A | None. | |
| 8.5: Dev. Option/Subdivision Permits | | | | | | | | |
| 8.5.1: General | | | | | | | | |
| 8.5.2: Minor Development Plan | | | | | | | | |
| 8.5.3: Subdivision Plat | • Add a section detailing what is required on a plat (statute references) and what doesn't belong on a plat (warnings of nuisance are ok, but should focus on things that effect transfer of property or rights – not planning entitlements). | Joint | A | Staff and the County Surveyor recommend this language to avoid inappropriate language on plats that lead to unnecessary plat amendments. | A | A | None. | |
| 8.5.4: Exempt Land Division | • B.7: Should not apply to 35 acre exemptions. • F.2 & F.4: Sufficiency should be over-the-counter. Review should be within a week. | County | D | Staff believes that concerns about the process should be addressed by streamlining the process, but recommends that all exempt divisions meet the standards of the process. | | D | County Discussed 7/29. The County Planning Commission discussed the process and determined that the benefits of record keeping are worth the process if it is streamlined. | |
| | | Joint | A | Staff agrees that the review period should be shorter to improve turnaround of such applications. There is a limited volume and the review is limited to ensuring the proper documents are submitted and certain basic standards are not circumvented. | A | A | None. | |

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| | | | Rec. | Rationale | To J Co. | Discussion | | |
| 8.5.5: Boundary Adjustment | • Do not apply minimum lot size to family subdivision. Relying on minimum zoning eviscerates the family subdivision to State standards in rural, rendering the family subdivision allowance useless. | County | D | Staff recommends continuing to apply minimum lot size in all zones with no exemption for family subdivision. The intent of the family subdivision is to exempt families from the subdivision process, not zoning standards. | T | County Discussed 7/29. The County Planning Commission is interested in developing a family exemption type development option as part of the housing conversation to allow for lesser minimum lot size for a bona-fide family housing situation. | | |
| | • Add that the first residential unit constructed on a family subdivision parcel shall be a primary residence for the family member to which the parcel was gifted. | | | The County cannot add a standard for a subdivision exemption created by the State, if it is allowed by the State the County must allow it. | | D | None. | |
| 8.6: Interpretations | • Add reliance language to address interpretations before pre-application and protection of investment backed expectations | Joint | D | Staff does not recommend adding language solidifying informal interpretations. It is Staff's general policy to stand by what is told to applicants, however Staff does not always know the context of the question asked, and no informal answer of Staff constitutes an amendment of the regulations. | D | D | None. | |
| 8.6.1: Formal Interpretation | • B: Add language that the Planning Director may require an application be filed if an interpretation should be handled in the context of an application rather than as a separate question. | Joint | A | Staff believes that the formal interpretation should not be used to answer a question out of context that should be answered in the context of an application. | A | A | None. | |

| Section | Proposed Modification | Applies | Staff Recommendation | | PC Recommendation | | |
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| | | | Rec. | Rationale | To J | Co. | Discussion |
| | <ul style="list-style-type: none"> C: Include a finding for consideration of previous interpretations of similar circumstances | Joint | A | Staff agrees that while the Planning Director is not required to honor past interpretations such a finding will ensure that the Planning Director considers past interpretations and clarifies why the interpretation has changed, or what circumstances are different. | A | A | None. |
| 8.6.2: Zoning Compliance Verification | | | | | | | |
| 8.7: Amendments to the LDRs | | | | | | | |
| 8.7.1: LDR Text Amendment | | | | | | | |
| 8.7.2: Zoning Map Amendment | | | | | | | |
| 8.7.3: Planned Unit Development | <ul style="list-style-type: none"> F: Do not require recordation of affidavit against property, it clouds the title, no other zoning regulations are recorded against property, the zoning map provides notice of the applicable regulations | Joint | A | Staff agrees that the zoning of a property should not be recorded against the title of property in the case of a PUD anymore than any other zone. | A | A | None. |
| 8.8: Relief from the LDRs | | | | | | | |
| 8.8.1: Administrative Relief | <ul style="list-style-type: none"> D: Should only be reversible by appeal, if the Planning Director thinks it's a variance request he should elevate it pursuant to B | Joint | A | Staff agrees. | A | A | None. |

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| | | | Rec. | Rationale | ToJ | Co. | Discussion | |
| | <ul style="list-style-type: none"> Allow public comment on administrative relief | Joint | D | Staff believes that the applicability of the administrative relief should be set so that the community is comfortable with Staff making the determination. When such is the case, Staff should not be considering public comment to make a discretionary decision. Because the public cannot influence the decision, staff does not believe it is appropriate to ask for comment. | D | D | None. | |
| 8.8.2: Variance | <ul style="list-style-type: none"> D: Any variance approved for specific development or use should only apply to that development or use. E.4 (County): Delegate County Planning Commission as Board of Adjustment | Joint | A | Staff agrees this should be clarified. | A | A | None. | |
| 8.8.3: Appeal | <ul style="list-style-type: none"> E.6 (County): Delegate County Planning Commission as Board of Adjustment | County | D | The County Attorney does not believe that Statute allows such delegation. | | D | None. | |
| 8.8.4: Beneficial Use Determination | | | | | | | | |
| 8.9: Enforcement | <ul style="list-style-type: none"> (County) needs new enforcement tools introduced—possibly to levee a fine 2.C: Only the owner should be held responsible | County | T | The current regulations include broad language that allows the County to use any enforcement tool available by Statute. This may be an item to address at a later date. | | T | None. | |
| | | Joint | D | Staff believes that there are cases where other parties may also be held responsible for violations and that the language should not prohibit pursuing violations against the other parties as well. | D | D | None. | |

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| | | | Rec. | Rationale | To J | Co. | Discussion | |
| 9.1: Purpose | | | | | | | | |
| 9.2: Rules of Construction | | | | | | | | |
| 9.3: Abbreviations | <ul style="list-style-type: none"> • Add BSA (Base Site Area) and ASA (Adjusted Site Area) | Joint | A | Staff agrees. | | | A | A |
| 9.4: Rules of Measurement | <ul style="list-style-type: none"> • 5.C: Maybe daylight basements on slopes should be included in the FAR. • 7.A.3 (County): delete requirement of a street yard setback from a garage door • 8: Limit overall height allowance on “sloped sites” to naturally sloped sites. | Joint | T | Staff believes FAR is a bulk and scale regulation that should only apply to above ground floor area. This may be an item to address at a later date. | | | T | T |
| | | County | A | Staff agrees that this standard should be deleted in order to clarify application of the street yard setback standards. | | | | A |
| | | Joint | D | Staff does not see a need for this modification given that grade may not be manipulated for the purposes of altering height measurements. | | | D | D |
| 9.5: Definitions | <ul style="list-style-type: none"> • Move standard specific definitions to the section of the standard if they aren't used or referenced elsewhere in the LDRs (ie signs, celltowers, campgrounds) • Need definition of undeveloped space to go with definition of required open space. E.g., are golf courses considered developed? Landscaping? Or is it strictly a building footprint? | Joint | A | Staff agrees that this will improve the organization of the document. | | | A | A |
| | | Joint | D | There are no standards related to undeveloped open space and staff does not recommend defining a term that is not used anywhere in the document. | | | D | D |

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| | | | Rec. | Rationale | ToJ | Co. | Discussion | |
| | • Bank : Add reference to ditches. Move the discussion of the elevation of the bank to rules for measurements from top of bank. | Joint | A | Staff agrees that the definition should reference ditches and that “top of bank” should be its own definition or be included in the rules for measurement. | A | A | None. | |
| | • Gross floor area: unneeded, it is the same as “floor area”, combine content | | | While it is redundant, staff believes it is useful to have gross floor area to distinguish from habitable floor area. The definition of floor area may be more appropriate under rules of measurement. | | | | |
| | • Yards (all): State that the standards for each yard apply where the yards overlap and improve graphic. | | | Staff agrees that this will clarify the application of the LDRs. | | | | |