



TOWN OF JACKSON TOWN COUNCIL AGENDA DOCUMENTATION

PREPARATION DATE: NOVEMBER 10, 2016
MEETING DATE: NOVEMBER 21, 2016

SUBMITTING DEPARTMENT: PLANNING
DEPARTMENT DIRECTOR: TYLER SINCLAIR
PRESENTER: ALEX NORTON

SUBJECT: **ITEM P16-078:** (2016 LDR CLEANUP) AMENDMENT OF VARIOUS SECTIONS THROUGHOUT THE LAND DEVELOPMENT REGULATIONS, PURSUANT TO SECTION 8.7.1, LDR TEXT AMENDMENTS, TO ADDRESS A VARIETY OF ISSUES IDENTIFIED SINCE ADOPTION OF THE JANUARY 1, 2015 LAND DEVELOPMENT REGULATIONS.

APPLICANT: TOWN OF JACKSON

STATEMENT/PURPOSE

Amendment of various Sections throughout the Land Development Regulations, pursuant to Section 8.7.1, LDR Text Amendments, to address a variety of issues identified since adoption of the January 1, 2015 Land Development Regulations.

APPLICABLE REGULATIONS

The regulations proposed for amendment are detailed in the attached table.

- Section 8.7.1 LDR Text Amendment (findings)

LOCATION

The amendments apply Townwide.

BACKGROUND

The Land Development Regulations (LDRs) were reorganized effective January 1, 2015 to make them easier to use. At the same time, a number of updates were approved to the administrative procedures in the LDRs. At this same November 21 meeting, Council is scheduled to consider 3rd reading of the District 2 LDRs that would create 4 new zones, remove 3 zones, and amend various provisions of the Town LDRs. In addition, effective April 1, 2016, 3 new zones and 2 new development options were introduced to the County LDRs through the Rural LDR Update. Some of those amendments necessitate changes to the organization of the Town LDRs.

While the Town did its best to avoid inconsistencies through these efforts, there have been some issues identified that need to be clarified. Also, during the LDR Update process the Town acknowledged that cleanup would be needed as implementation occurred in order to address unanticipated impacts.

PROJECT DESCRIPTION

The Town's direction through the annual Comprehensive Plan Work Program is to complete these cleanup amendments on a regular basis so that implementation of the LDRs remains consistent with the Comprehensive Plan and the LDRs are as clear as possible. The goals of these amendments are to:

- Make the LDRs more internally consistent;
- Ensure the structure of the County and Town LDRs is consistent;
- Incorporate into the Town LDRs improvements the County has previously adopted; and
- Address issues that reoccur and need to be addressed in a timely manner, rather than wait to address them as part of a larger LDR update effort.

STAFF ANALYSIS

The application is composed of 51 different amendments to the LDRs, which are attached to this report in a table format. The bulk of the rationale and analysis for each amendment can be found in that table, along with staff and Planning Commission recommendations for each amendment. These amendments do not propose any large policy questions or shifts. There are some slight changes to policy to address recurring issues, but the majority of these amendments clarify existing policy and remedy inconsistencies. Planning staff, in collaboration with other departments, and the Planning Commission have reviewed and revised these amendments to improve the function of the LDRs.

Staff recommends the following format for the Council's review of the proposed amendments. This format has been successfully used to review other amendments that include many different components, and was embraced by the Planning Commission to efficiently review this application.

1. *Staff Presentation.* Staff will not go through each of the amendments, but will highlight the general categories of the amendments and discuss the amendments where the staff and Planning Commission recommendations vary.
2. *Public Comment.* As is done for any hearing the Mayor will invite public comment on the proposal. Once public comment is closed, Staff will answer any additional questions that arise during public comment.
3. *Identify the Amendments to Discuss.* In the Key Issues section below, Staff has recommended two amendments for Council to discuss. Beyond those two issues, Staff recommends the Mayor and Councilors each identify the amendments they would like to discuss, consenting to any amendment not discussed as part of Council's approval. Staff recommends Council limit its consideration to the amendments proposed. Staff will maintain a list of additional items that arise, which can be addressed at a later date, but recommends keeping the scope of this conversation limited so as not to draw out this process.
4. *Straw Poll Discussion Items.* Staff recommends Council then discuss each of the amendments identified and take a straw poll whether to include, include with modifications, or remove the amendments from the approval motion.
5. *Motion.* Once all of the discussion items have been straw polled, Council will make a motion to approve the application subject to the straw polls.

Key Issues

The key issues for this item relate to two conditions of approval recommended by the Planning Commission that the Planning Director does not recommend.

KEY ISSUE 1: Lot Coverage

Amendment #6 in the attached table proposes to add back into the LDRs the lot coverage standard for the NC zone that was errantly deleted on January 1, 2015. Maximum lot coverage is the limit on the size of the footprint of the building. Instead, the Planning Commission recommends deleting all lot coverage standards throughout the LDRs (PC recommended condition of approval #5). The Planning Commission rationale is that minimum lot coverage is superfluous given Landscape Surface Ratio minimums and Floor Area Ratio maximums.

While staff agrees that minimum lot coverage may be unnecessary in some zones, staff is not comfortable wholly deleting it from the LDRs without further study of the implications. The intent of a lot coverage standard is to ensure that the entire Floor Area Ratio allowed on a lot is not built in a single story. Especially in PUDs, lot coverage is an important standard to ensure that the allowed floor area is not spread over the whole site as a single story. Staff continues to recommend reinstatement of the NC lot coverage standard that was inadvertently deleted. Staff recommends addressing the Planning Commission's concerns through the Town zoning update that will begin in the New Year.

KEY ISSUE 2: Incidental Use

Amendment #16 in the attached table proposes to codify the Planning Director's existing interpretation that an incidental use cannot exist until the principal use to which it is incidental exists. The best example of this is a detached garage on a residential lot. When a house exists on the lot, the garage is incidental to the house. However, if a house does not exist on the lot the garage is just a storage building as a standalone use, which is prohibited in a residential zone. It is practically impossible to make a landowner build a house or stop using a standalone garage in order to bring such a situation into compliance. So, it has been the Planning Director's policy to not allow for a standalone would-be-incidental use unless the principal use exists or is also under construction.

The Planning Commission does not agree with the Planning Director's interpretation and recommends that LDRs be amended to clearly reverse the Planning Director's interpretation, and allow for the permitting of standalone uses typically incidental to a principal use allowed in the zone, even if the principal use does not exist on the site (PC recommended condition of approval #6). While the Planning Commission only discussed examples on residential lots, their direction would impact all zones and situations of potential incidental use.

The Planning Director does not recommend the Planning Commission's condition of approval, finding that the Planning Commission approach is unenforceable. For many years the Planning Director tried to allow flexibility with regard to this issue, only to find the intent of the standard being abused. As a result the Planning Director recommends codifying the current interpretation to make sure it is clear.

PLANNING COMMISSION REVIEW

The Planning Commission's discussion and recommendation on each of the proposed amendments is included in the attached table. Recommended conditions 5 and 6 are discussed in more detail above as Key Issues.

STAFF FINDINGS

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

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

Complies. The purpose of these LDRs is to implement the Comprehensive Plan in a predictable and coordinated manner. The proposal's implementation of the Comprehensive Plan is detailed below. Almost all of the amendments proposed are specifically intended to clarify provisions of the LDRs in order to make the LDRs more predictable. Other amendments are intended to align the content and organization of the County and Town LDRs.

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

Complies. Many of the proposed amendments are intended to improve consistency between provisions of the LDRs. Many of the issues being addressed through the proposed amendments are unintended inconsistencies resulting from the 2015 Reorganization.

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

Complies. Some of the proposed amendments are about more clearly defining the standards that matter most to the community, while at the same time removing unnecessary standards in order to provide landowners flexibility while still protecting desired character.

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

Not Applicable. The proposed amendments do not respond to changing conditions, necessity, or legislation.

5. *Improves implementation of the Comprehensive Plan*

Policy 3.3.c: Provide predictability in land use decisions

The community desires predictability in the future land use decisions that will implement this Plan. The most predictable way to achieve our Vision is by allowing and/or requiring the type of development that is desired as a base right. Where incentives are required to achieve desired character, they should be performance-based. Performance-based incentives should be limited and have clearly defined intended public benefits and ties to indicators to evaluate effectiveness. While discretionary land use tools provide additional flexibility, they may not provide sufficient predictability and thus may not be appropriate for managing growth and development in the community.

Complies. The primary purpose of these amendments is to implement Policy 3.3.c. While the amendments address a wide range of Comprehensive Policies, the amendments' primary purpose is improving the predictability of land use decisions by clarifying unintended issues in the LDRs. By regularly "cleaning up" the LDRs, the Town will clearly codify interpretations so that the LDRs remain the predictable standards implementing the Comprehensive Plan.

6. *Is consistent with other adopted Town Ordinances*

Complies. The proposed amendments are consistent with other Town Ordinances.

STAKEHOLDER ANALYSIS

Departmental Reviews

This application was sent to the following departments for their review. A meeting was held on September 15 to discuss any comments. All comments have been incorporated into the attached October 28 Draft of the proposal.

- Building
- Legal
- Public Works

- Housing Department

Public Comment

Notice of the Planning Commission hearing was published in the Jackson Hole News and Guide on September 7, and that hearing was postponed at the October 5 meeting. No public comment was given at the November 2 Planning Commission Hearing. Notice of this hearing was published in the Jackson Hole News and Guide on November 2. Notice was not sent to neighbors or posted on site because there is no specific site of the proposal.

The one comment that has been received is attached.

ATTACHMENTS

- 2016 Town LDR Cleanup (P16-078): October 28, 2016 Draft Including PC Recommendation
- Public Comment

FISCAL IMPACT

None.

STAFF IMPACT

Staff estimates that it has spent about 150 hours on these amendments.

LEGAL REVIEW

Complete.

RECOMMENDATION

The Planning Director recommends approval of P16-078, dated October 28, 2016, subject to the following conditions of approval:

1. Clarify that posted notice is not required for continued or postponed meetings. (Amendment #33)
2. Posted notice be required to be 3 ft x 4 ft. (Amendment #34)
3. The Town be required to record a release of a recorded Subdivision Improvement Agreement. (Amendment #40)
4. Clarify that the street setback does not apply to a driveway. (Amendment #48)

On November 2, 2016, the Planning Commission voted 4-0 to recommend approval of the P16-078, dated October 28, 2016, based on the findings recommended by staff, subject to the 4 conditions recommended by staff and the 2 additional conditions listed below, with Commissioner Farmer absent.

5. Delete all lot coverage standards (Amendment #6)
6. Strike Amendment #16 and instead amended the LDRs to clearly reverse the Planning Director's interpretation, and allow for the permitting of standalone uses typically incidental to a principal use allowed in the zone, even if the principal use does not exist on the site.

The two additional conditions of approval recommended by the Planning Commission are not recommended by the Planning Director. If Council would like to incorporate the Planning Commission's recommendation into its approval, it will have to add Conditions 5 and 6 to the suggested motion below.

SUGGESTED MOTION

I move to approve P16-078, dated October 28, 2016, based upon the findings presented in the staff report that pursuant to Section 8.7.1.C of the Land Development Regulations the application 1) Is consistent with the purposes and organization of the LDRs; 2) Improves the consistency of the LDRs with other provisions of the LDRs; 3) Provides flexibility for landowners within standards that clearly define desired character; 4) Is necessary to address changing conditions, public necessity, and/or state or federal legislation; 5) Improves implementation of the Comprehensive Plan; and 6) Is consistent with other adopted Town Ordinances, subject to the following condition of approval.

1. Clarify that posted notice is not required for continued or postponed meetings. (Amendment #33)
2. Posted notice be required to be 3 ft x 4 ft. (Amendment #34)
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2016 Town LDR Cleanup (P16-078)

October 28, 2016 Draft Including PC Recommendation

	LDR Section	Issue and Staff Recommendation	Proposed Amendment
1	1.7.6	<p>The LDRs adopted in 2015 require that a property transferred from public to private ownership must first be zoned rural through a public process with a predetermined outcome, before a public process can be held where the appropriate zoning can be discussed. The County removed this requirement as part of its Rural LDR Updates (in part because the Rural zone was largely being removed).</p> <p>Staff recommends that the Town take the same approach as the County and simply require a public process to determine the appropriate zone for a parcel coming into private ownership. Applicability of the NRO and SRO are site specific analyses that are required at the time of application for development or use and do not need to be completed to determine zoning.</p> <p>The PC had no comment on this amendment.</p>	<p>1.7.6. Change of Jurisdiction. When land changes jurisdiction by transfer, trade, or sale from state or federal agencies to a private landowner, the land shall be assigned to <u>an appropriate zone</u>, pursuant to the procedure of Sec. 8.7.2., <u>prior to any physical development, use, development option, or subdivision of the land.</u></p>
2	1.8.2.C.1.a	<p>The County LDRs specify that where a PUD is silent the standards of the underlying zone apply.</p> <p>Staff recommends that the Town adopt the same standard so there is no ambiguity as to the applicable standards when a PUD is silent. This clarification would codify the Town's longstanding practice.</p> <p>The PC clarified that some PUDs do not address all standards of the LDRs (for example maybe a PUD does not have any landscaping standards) and that it is in those cases where the underlying zoning would apply.</p>	<p>1. Planned Unit Developments (PUDs) with PUD zoning.</p> <p><u>a. The standards of the PUD shall apply except where the PUD is silent, in which case the standards of the underlying zoning shall apply.</u></p>

	LDR Section	Issue and Staff Recommendation	Proposed Amendment
3	1.9.1.F 1.9.2.B.5 1.9.3.B.1 1.9.3.B.4	<p>Cumulative total expansion is defined multiple times in Division 1.9. in various Sections where the term is used related to limiting expansion or modification of a nonconformity.</p> <p>Staff recommends that the Town and County state the definition once in Section 1.9.1, applicable to all nonconformities, and delete the repetitions.</p> <p>The PC had no comment on this amendment.</p>	<p>1.9.1.F. Increase in Nonconformity. Except as authorized by this Division, no person shall engage in activity that increases a nonconformity. <u>Where authorized, the cumulative total of an expansion is the sum of all expansions from the date the physical development, use, development option, or subdivision became nonconforming, including all expansions under prior LDRs if the nonconformity began under prior LDRs and remains nonconforming.</u></p> <p>1.9.2.B.5. Required Compliance for Non-Building Nonconformities. In addition to the above standards, a nonconforming physical development that is not a building shall be brought into compliance with all applicable standards of these LDRs upon cumulative expansion of greater than 20% of the total floor area or use on a site. Except that, a non-building physical development that is nonconforming with an LDR that protects a public right-of-way shall be brought into compliance will all applicable standards of these LDRs upon cumulative expansion of greater than 5% of the floor area or use on a site. The cumulative total is the sum of all expansions on the site from the date the physical development became nonconforming, including all expansions under prior LDRs if the physical development became nonconforming under prior LDRs and remains nonconforming.</p> <p>1.9.3.B.1. A nonconforming use may only be expanded a cumulative total of 20% in the floor area and site area occupied and/or the daily and annual duration of operation. The cumulative total is the sum of all expansions from the date the use became nonconforming, including all expansions under prior LDRs if the use became nonconforming under prior LDRs and remains nonconforming.</p> <p>1.9.3.B.4. An expansion of a use that is nonconforming because it does not have an approved CUP or SUP requires approval of a CUP or SUP upon 20% cumulative total expansion in the floor area and site area occupied and/or the daily and annual duration of operation. The cumulative total is the sum of all expansions from the date the use became nonconforming, including all expansions under prior LDRs if the use became nonconforming under prior LDRs and remains nonconforming.</p>

	LDR Section	Issue and Staff Recommendation	Proposed Amendment												
4	2.3.#.B.4 2.3.#.B.10 3.3.#.B.4 3.3.#.B.10.	<p>The District 2 LDRs introduce new definitions of lot frontage and building frontage. Those terms used to be used in an undefined way in the definition of sign area and maximum curb cut.</p> <p>Staff recommends that the Town amend those standards in each Legacy Zone to be consistent with the new definitions.</p> <p>The PC clarified that this amendment does not change the content of the LDRs, it improves clarity by using the definition introduced with the District 2 LDRs.</p>	<p>2.3.#.B.4, 3.3.#.B.4</p> <table border="1" data-bbox="872 170 1528 210"> <tr> <td>Curb Cut (max)</td> <td>40% of lineal lot frontage</td> </tr> </table> <p>2.3.#.B.10, 3.3.#.B.10</p> <table border="1" data-bbox="872 262 1528 405"> <tr> <td colspan="2">Sign Area</td> </tr> <tr> <td>Total sign area (max)</td> <td>3 sf per linear-ft of building frontage-street facade <u>width</u> up to 150 sf</td> </tr> </table>	Curb Cut (max)	40% of lineal lot frontage	Sign Area		Total sign area (max)	3 sf per linear-ft of building frontage-street facade <u>width</u> up to 150 sf						
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5	2.3.11.C.1 2.3.11.E. <u>5</u>	<p>The purpose of the Business Conservation (BC) zone is to allow business that existed in 1994 to continue without expanding the area into a commercial node. Many nonresidential uses are allowed with a Conditional Use Permit (CUP), but multifamily residential is not allowed. As part of the Rural LDR Updates, the County allowed multifamily residential use in the BC as a step toward the surrounding residential character, while acknowledging the existing intensity on such sites.</p> <p>Staff recommends that the Town also allow multifamily residential use in the BC zone as a way to both encourage housing and encourage a shift toward residential character in areas not appropriate for commercial growth.</p> <p>The PC had no comment on this amendment.</p>	<p>2.3.11.C.1</p> <table border="1" data-bbox="872 646 1528 829"> <thead> <tr> <th>Use</th> <th>Permit</th> <th>BSA (min)</th> <th>Density (max)</th> </tr> </thead> <tbody> <tr> <td><u>Attached Single Family Unit (6.1.4.C, E.5)</u></td> <td><u>C</u></td> <td><u>0 sf</u></td> <td><u>n/a</u></td> </tr> <tr> <td><u>Apartment (6.1.4.C, E.5)</u></td> <td><u>C</u></td> <td><u>0 sf</u></td> <td><u>n/a</u></td> </tr> </tbody> </table> <p>2.3.11.E.5. <u>Residential Use. Change of use to a conditional residential use shall meet the following standards.</u></p> <p><u>a. Nonresidential use abandoned. Conditional residential use shall be the only use permitted on the BC site; all nonresidential use shall be abandoned.</u></p> <p><u>b. Density/Intensity. The conditional residential use shall have an intensity less than the intensity of the existing non-residential use. The determination of the level of intensity shall include consideration of traffic generated (amounts and type), impact on access, parking demand, proposed level of activity, operational characteristics, and other potentially adverse impacts on neighboring lands.</u></p>	Use	Permit	BSA (min)	Density (max)	<u>Attached Single Family Unit (6.1.4.C, E.5)</u>	<u>C</u>	<u>0 sf</u>	<u>n/a</u>	<u>Apartment (6.1.4.C, E.5)</u>	<u>C</u>	<u>0 sf</u>	<u>n/a</u>
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6	2.3.14.B.1	<p>In the 2015 reorganization of the LDRs the maximum lot coverage standard in the Neighborhood Conservation (NC) zone got lost.</p> <p>Staff recommends that the Town re-establish the NC maximum lot coverage requirement.</p> <p>The PC recommends that instead of adding a lot coverage maximum to the NC, the Town delete lot coverage maximums from all other zones, finding them superfluous given Landscape Surface Ratio minimums and Floor Area Ratio maximums.</p>	<p>2.3.14.B.1</p> <table border="1" data-bbox="872 1396 1271 1543"> <tr> <td></td> <td>Lot Coverage (max)</td> </tr> <tr> <td><u>Allowed use</u></td> <td><u>.32 n/a</u></td> </tr> </table>		Lot Coverage (max)	<u>Allowed use</u>	<u>.32 n/a</u>								
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	LDR Section	Issue and Staff Recommendation	Proposed Amendment																
7	4.2.2.C.1 6.1.1.F 6.1.10.D.3.d.6	<p>Park (P-ToJ) zoned lands often have opportunities for new wireless facilities such as lighting and are most often owned by the Town. The Public/Semi-Public (P/SP-ToJ) zone already allows new wireless facilities.</p> <p>Staff recommends that the Town allow new wireless facilities in the Park (P-ToJ) zone.</p> <p>The PC had no comment on this amendment.</p>	<p>4.2.2.C.1</p> <table border="1" data-bbox="878 170 1419 317"> <tr> <td>Use</td> <td>Permit</td> </tr> <tr> <td colspan="2">Wireless Communication Facilities</td> </tr> <tr> <td>Minor</td> <td>B</td> </tr> <tr> <td>Major</td> <td>C</td> </tr> </table> <p>6.1.1.F</p> <table border="1" data-bbox="878 369 1419 516"> <tr> <td></td> <td>P-ToJ</td> </tr> <tr> <td colspan="2">Wireless Communication Facilities</td> </tr> <tr> <td>Minor</td> <td>B</td> </tr> <tr> <td>Major</td> <td>C</td> </tr> </table> <p>6.1.10.D.3.d.6.iii). <u>Park and Open Space – Town (P-ToJ)</u></p>	Use	Permit	Wireless Communication Facilities		Minor	B	Major	C		P-ToJ	Wireless Communication Facilities		Minor	B	Major	C
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8	4.3.1.E.8.b.ii 4.3.1.E.8.d.iii	<p>The Planned Resort section of the LDRs defers back to the zone that existed prior the designation of the Planned Resort. As those zone are removed from the LDRs, a different reference is needed. The County addressed this issue as part of the Rural LDR Update.</p> <p>Staff recommends the Town also change its references to an appropriate zone as defined by the zoning map amendment process and findings, rather than a zone that might no longer be a part of the LDRs.</p> <p>The PC clarified that the amendment does not create a new process that will catch anyone by surprise, it merely clarifies what would happen if an expiration or revocation occurred.</p>	<p>4.3.1.E.8.b.ii. Effect. Upon expiration, approval of a Planned Resort master plan shall become null and void, and all rights that are established by the master plan shall expire <u>and the Town shall amend the Official Zoning Map from the Planned Resort Zone to the appropriate zone pursuant to process and findings of Sec. 8.7.2.</u></p> <p>4.3.1.E.8.d.iii. Procedure. ... Revocation of the master plan shall be accomplished by amending the resort area on the Official Zoning District Map from Planned Resort Zone to <u>an appropriate zone pursuant to process and findings of Sec. 8.7.2 the zoning district that existed prior to approval of the Planned Resort master plan.</u></p>																
9	5.1.1.C.1.f	<p>Since 1994 the LDRs have used a slightly different definition of wetland than the federal government and have incorrectly referenced the 1989 Army Corp definition for delineating wetlands. The Army Corp prohibited use of the 1989 definition in 1991, directing instead that the 1987 definition be used. The 1987 definition is less comprehensive and therefore less restrictive on landowners, and has been used, consistent with the Army Corps direction, since 1994.</p> <p>Staff recommends the Town and County update the LDRs to match the definition of wetlands used by the federal government and reflect the appropriate identification manual.</p> <p>The PC had no comment on this amendment.</p>	<p>5.1.1.C.1.f. Wetlands. <u>Wetlands are areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.</u> Wetlands mean an area where water is at, near, or above the land surface long enough to support aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. <u>Identification-Determination</u> of wetlands shall be according to the <u>1987 1989 Army Corps of Engineers Wetlands Delineation Manual definition of jurisdictional wetlands.</u> This definition excludes irrigation induced wetlands</p>																

	LDR Section	Issue and Staff Recommendation	Proposed Amendment
10	5.4.1	<p>The LDRs prohibit development of slopes greater than 25%. While we encourage applicants to provide the most accurate data possible on the slopes of a site, a precise survey identifies many little slopes of greater than 25% that are just boulders, hills or holes, but are not really the steep slopes we are trying to protect. The digital elevation model created in 2016 emphasizes this issue, where it used to be an infrequent issue in years past.</p> <p>Staff recommends limiting the applicability of slope development prohibition to slopes with at least 4' of elevation change and at least 1,000 sf in area. These thresholds are consistent with established grading and erosion control thresholds in Division 5.7. Implementing this change requires a slight change in organization, but does not change the existing exception for grading on steep slopes to provide essential access or the current hillside standards.</p> <p>The PC had no comment on this amendment.</p>	<p>5.4.1. Steep Slopes</p> <p>A. Slopes in Excess of 25%. No physical development shall be permitted on natural slopes in excess of 25%, except to provide essential access for vehicles and/or utilities when no other alternative access exists, and except in the NC-ToJ Zone.</p> <p>B. <u>Exceptions</u></p> <p><u>1. NC-ToJ Zone.</u> In the NC-ToJ Zone, no physical development shall be permitted on natural slopes in excess of 30%, except to provide essential access for vehicles and/or utilities when no other alternative access exists.</p> <p><u>2. Manmade Slopes.</u> Physical development on manmade slopes is permitted, provided that the proposed finish grade complies with all other applicable standards of these LDRs.</p> <p><u>3. Small Slopes.</u> <u>Physical development of isolated slopes that cover less than 1,000 square feet and have less than 10 feet of elevation change is permitted.</u></p> <p><u>4. Essential Access.</u> <u>Physical development of steep slopes is permitted</u> to provide essential access for vehicles and/or utilities when no other alternative access exists.</p> <p>C-D. Standards in Hillside Areas. ...</p>
11	5.5.4.B.1 5.7.2.A.6	<p>The Teton County Weed and Pest District proposes that the LDRs direct applicants for a grading permit to the Weed and Pest guidelines and best practices in order to encourage better compliance with State Statute. . The purpose of the LDR is put the applicant for a Grading Permit on notice of the State Statute and direct the application to the Teton County Weed and Pest District for assistance.</p> <p>Staff recommends that the Town include the Weed and Pest District's proposed clarification.</p> <p>The PC had no comment on this amendment.</p>	<p>5.5.4.B.1. Approved Plant Material ...</p> <p><u>a. Wyoming Seed Law.</u> <u>All seed used for site revegetation or restoration must be used in accordance with WS 11-12-101 - 125 certified as weed free and acquired through a dealer licensed by the Wyoming Department of Agriculture.</u></p> <p><u>b. Wyoming Nursery Stock Law.</u> <u>All nursery stock used for site revegetation or restoration must be used in accordance with W.S. 11-9-101 through 109 accompanied by a valid health certificate and acquired through a dealer licensed by the Wyoming Department of Agriculture.</u></p> <p>5.7.2.A.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. <u>Revegetation plans should contain components as identified in Teton County Weed and Pest District's Revegetation Guide (www.tcweed.org/education-resources/land-development/).</u></p>

	LDR Section	Issue and Staff Recommendation	Proposed Amendment																																									
12	6.1.1.E	<p>The County LDRs used to have use specific use permit exemptions for emergency response. As part of its Rural LDRs Update, the County consolidated those exemptions and granted a single emergency response exemption from use permits.</p> <p>Staff recommends that the Town adopt the same exemption as the County for consistency and in order to clarify the Town’s approach to accommodating emergency response.</p> <p>The PC had no comment on this amendment.</p>	<p>6.1.1.E. <u>Permit Exemption for Emergency Response.</u> <u>From time to time, a use may be a necessary part of an emergency response under the Comprehensive Emergency Management Plan, implemented by Teton County Emergency Management. In such instances, the requirement for a use permit shall be waived.</u></p> <p><u>EXAMPLE: A heliport is an aviation use requiring a Conditional Use Permit. Temporary heliports are sometimes established in proximity to a forest fire for purposes of helicopter fire suppression. In the case of an emergency response, the requirement for a CUP is waived.</u></p>																																									
13	6.1.1.F	<p>The use schedule itself does not have a subsection under Section 6.1.1. making it awkward to reference.</p> <p>Staff recommends the Town and County designate the Use Schedule as Section 6.1.1.F.</p> <p>The PC had no comment on this amendment.</p>	<p>6.1.1.F. <u>Use Schedule.</u> <u>The use schedule is established in the following tables.</u></p>																																									
14	6.1.1.F 2.2.#.C.1 2.3.#.C.1 3.3.#.C.1	<p>The current language in the footer of the Use Schedule and table of allowable uses in each zone is potentially misleading.</p> <p>Staff recommends that the Town and County amend all references in the general use schedule and each zone to clarify that no <u>use</u> permit is required. The County has already made this clarification in some places.</p> <p>The PC had no comment on this amendment.</p>	<p>[Use Schedule and Allowed Uses footers] Y=Use allowed, no <u>use</u> permit required</p>																																									
15	6.1.1.F	<p>In each zone there is a notation for uses that have zone specific standards in addition to the generally applicable standards for the use. However, there is no such notation in the Use Schedule in Article 6.</p> <p>Staff recommends that the Town and County add such an indication to assist LDR users looking to locate a specific use.</p> <p>The PC had no comment on this amendment.</p>	<p>6.1.1.F [Use Schedule footer]: <u>z = Use also subject to zone specific standards</u> <u>Add superscript to all applicable uses e.g.:</u></p> <table border="1" data-bbox="867 1365 1534 1625"> <thead> <tr> <th data-bbox="867 1365 1101 1402">Use Category</th> <th colspan="4" data-bbox="1101 1365 1409 1402">Zone</th> <th data-bbox="1409 1365 1534 1402" rowspan="2">Def/ Stds</th> </tr> <tr> <th data-bbox="867 1402 1101 1440">Specific Use</th> <th data-bbox="1101 1402 1179 1440">DC</th> <th data-bbox="1179 1402 1256 1440">CR-1</th> <th data-bbox="1256 1402 1334 1440">CR-2</th> <th data-bbox="1334 1402 1409 1440">OR</th> </tr> </thead> <tbody> <tr> <td data-bbox="867 1440 1101 1478">Commercial Uses</td> <td data-bbox="1101 1440 1179 1478"></td> <td data-bbox="1179 1440 1256 1478"></td> <td data-bbox="1256 1440 1334 1478"></td> <td data-bbox="1334 1440 1409 1478"></td> <td data-bbox="1409 1440 1534 1478">6.1.6</td> </tr> <tr> <td data-bbox="867 1478 1101 1516">Office</td> <td data-bbox="1101 1478 1179 1516">B</td> <td data-bbox="1179 1478 1256 1516">B</td> <td data-bbox="1256 1478 1334 1516">B</td> <td data-bbox="1334 1478 1409 1516">B</td> <td data-bbox="1409 1478 1534 1516">6.1.6.B</td> </tr> <tr> <td data-bbox="867 1516 1101 1554">Retail</td> <td data-bbox="1101 1516 1179 1554">B</td> <td data-bbox="1179 1516 1256 1554">B</td> <td data-bbox="1256 1516 1334 1554">B</td> <td data-bbox="1334 1516 1409 1554">B^z</td> <td data-bbox="1409 1516 1534 1554">6.1.6.C</td> </tr> <tr> <td data-bbox="867 1554 1101 1591">Service</td> <td data-bbox="1101 1554 1179 1591">B</td> <td data-bbox="1179 1554 1256 1591">B</td> <td data-bbox="1256 1554 1334 1591">B</td> <td data-bbox="1334 1554 1409 1591">B^z</td> <td data-bbox="1409 1554 1534 1591">6.1.6.D</td> </tr> <tr> <td data-bbox="867 1591 1101 1625">Restaurant/Bar</td> <td data-bbox="1101 1591 1179 1625">B</td> <td data-bbox="1179 1591 1256 1625">B</td> <td data-bbox="1256 1591 1334 1625">B</td> <td data-bbox="1334 1591 1409 1625">--</td> <td data-bbox="1409 1591 1534 1625">6.1.6.E</td> </tr> </tbody> </table>	Use Category	Zone				Def/ Stds	Specific Use	DC	CR-1	CR-2	OR	Commercial Uses					6.1.6	Office	B	B	B	B	6.1.6.B	Retail	B	B	B	B ^z	6.1.6.C	Service	B	B	B	B ^z	6.1.6.D	Restaurant/Bar	B	B	B	--	6.1.6.E
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	LDR Section	Issue and Staff Recommendation	Proposed Amendment
16	6.1.2.B.2	<p>The issue is whether a barn or garage can be built without a house on a lot in a residential zone. Until there is a residential use of the property the barn or garage is the principal use and prohibited in some zones, however this is not specifically clear in the LDRs.</p> <p>Staff recommends the Town and County clarify that the principal use must exist before any use can be considered incidental to it.</p> <p>The PC recommends that the definition of incidental use instead be amended to allow the construction of a garage, gazebo, or other would-be-incidental use prior to construction of a home.</p>	<p>6.1.2.B.2. Incidental Use. An incidental use is a use that is commonly integrated into the operation of a principal use, even if the incidental use would be classified as a different use if it were separated. <u>A use cannot be incidental if the principal use does not exist.</u></p> <p>EXAMPLE: A cabinet contractor may have an office to run the business within its shop without the office being considered a separate use. As another example, a golf course may sell golf equipment as part of its operation without the pro shop being considered a separate retail use.</p>
17	6.1.3.B.1.a.ii 6.1.3.B.2 6.1.3.B.3 5.1.1.D.2.g 5.2.1.E.3 5.3.2.D.3.ε 5.7.1.B 6.1.12.F.2.a 6.4.4.A 8.2.2.B.1.a	<p>As part of the Rural LDR Updates the County updated the definition of agriculture.</p> <p>Staff recommends the Town update its definition to align with the County’s. Staff also recommends that the Town delete some of its references to agricultural exemptions. These exemptions are included in the County LDRs to encourage large land owners to maintain open space through agriculture. However, the exemptions are not appropriate when applied to an urban agriculture operation that would be proposed in Town. The County requires 70 acres to qualify for the exemptions, the Town does not have sites of that size.</p> <p>The PC had no comment on this amendment.</p>	<p>6.1.3.B.1.a.ii. production of forage, crops, <u>or timber</u>;</p> <p>6.1.3.B.2. Standards</p> <p>a. <u>Purpose. The purpose of these standards is to:</u></p> <ul style="list-style-type: none"> <u>i. protect and maintain the existing and potential agricultural lands for the purpose of perpetuating agriculture;</u> <u>ii. minimize conflicts between agricultural operations and neighboring developments by encouraging protection of large, contiguous blocks of open space; and</u> <u>iii. to preserve agricultural open space which is crucial to the wildlife, scenic and community values of Teton County, as outlined in the Comprehensive Plan.</u> <p>ab. <u>Active.</u> Agricultural land shall be actively farmed or ranched.</p> <p>bc. <u>Ancillary retail prohibited.</u> Retail sale of agricultural products on-site is prohibited unless permitted as a separate use.</p> <p><u>d. Exemptions. The following exemptions apply to agricultural uses:</u></p> <ul style="list-style-type: none"> <u>i. Regulation Exemptions. Agricultural uses are exempt from certain provisions of the regulations listed below. Refer to the referenced LDR section for specifics of the exemption.</u> <ul style="list-style-type: none"> <u>a). Grading, Erosion Control, and Stormwater except on natural slopes of 25% or greater (Sec 5.7.2-5.7.4)</u> <u>b). Employee Housing Requirements (Sec 6.3.1)</u> <u>ii. Permit Exemptions. Agricultural uses are exempt from obtaining the following permits. However, exemption from the requirement to obtain a permit does not grant exemption from any regulations. See</u>

LDR Section	Issue and Staff Recommendation	Proposed Amendment
		<p><u>subsection 2.d.i, above for applicable regulation exemptions.</u></p> <p><u>a). Grading Permits except on natural slopes of 25% or greater (Sec. 5.7.1)</u></p> <p>6.1.3.B.3. Preservation [delete entire subsection]</p> <p>5.1.1.D.2.g. Buffer. The area protected by the setback is the “buffer” and shall remain free from physical development and use, parking, and open storage of vehicles, refuse, or any other material. Terrain disturbance for bona fide agricultural purposes, flood protection, wildlife habitat enhancement, or public pathways are permitted in the buffer upon receipt of applicable permits.</p> <p>5.2.1.D.3. Agricultural Operations. Agricultural operations and uses shall be exempt from the standards of this Section.</p> <p>5.3.2.D.3.c. Agricultural Operations. Agricultural operations and uses shall be exempt from all standards of this Section.</p> <p>5.7.1.B. Applicability. This Division shall apply to all land disturbing activity and all excavations unless explicitly exempted. <u>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 25% or greater.</u></p> <p>6.1.12.F.2.a. Exemptions. Extraction and use within an agricultural operation for agricultural purposes and Incidental extraction of 1,000 cubic yards or less for incidental residential or wildlife habitat enhancement purposes shall be exempt from this Subsection.</p> <p>6.4.4.A. General. Vibration shall be measured at the site boundary line. Except for temporary construction operations, agricultural activities, and blasting for avalanche control, no activity shall cause or create a displacement for the frequencies prescribed in the table below.</p> <p>8.2.2.B.1.a. Agriculture. Activities conducted for agricultural purposes.</p>

18	<p>6.1.3.C 6.1.7.C 2.3.#.C.1 3.3.#.C.1 4.2.#.C.1 6.2.2.A</p>	<p>As part of the Rural LDR Updates, the County consolidated the various outdoor recreation uses with similar standards (outdoor recreation, golf course, downhill ski area) into a single use and moved it into the Open Space Uses section (6.1.3).</p> <p>Staff recommends the Town make the same consolidation and reorganization in order to maintain consistency and simplify the Town LDRs. The change will be content neutral in the Town with the exception of adding outdoor receptions to the list of outdoor recreation uses and providing standards for such receptions. The County has a lot of experience with outdoor receptions from which the Town can benefit if the outdoor reception business begins to impact Town.</p> <p>The PC had no comment on this amendment.</p>	<p><u>6.1.3.C. Outdoor Recreation</u></p> <p>1. Definition. Outdoor recreation is the use of land for passive or active recreational or athletic purposes that requires minimal permanent physical development relative to the open space.</p> <p>a. Includes:</p> <ul style="list-style-type: none"> i. parks ii. arboretums iii. athletic fields not in stadiums iv. equestrian centers v. nordic ski trails <u>vi. downhill ski areas</u> <u>vii. outdoor receptions (4 or more events per year, excluding non-profit events)</u> <p>b. Does Not Include:</p> <ul style="list-style-type: none"> i. Golf course ii. Downhill Ski Slopes <p>2. Standards</p> <p><u>a. Operations Plan. An outdoor recreation use shall be subject to an operations plan approved as part of its use permit. The purpose of the operations plan is to outline management practices and techniques to mitigate the impact of the use on natural resources and neighboring properties. The operations plan shall address the following, if applicable.</u></p> <ul style="list-style-type: none"> <u>i. Strategies or mitigation measures to minimize glare from night lighting; and</u> <u>ii. Hours of operation.</u> <p>a. All Zones. In all zones, outdoor recreation uses shall only be permitted subject to a use management plan. The use management plan shall ensure that outdoor recreational uses are designed to minimize any glare from night lighting into residential areas, and that the hours of operation of potentially noisy uses which might disrupt a residential area are limited.</p> <p>b. NRO. For land within the Natural Resources Overlay, the use management plan shall comply with the following:</p> <ul style="list-style-type: none"> i. Limitation of Access During Eagle Nesting. Access to the protective radius around a bald eagle nest shall be limited to times of the year when eagles are not nesting. ii. River and Stream Bank Buffers for Trumpeter Swans. River and stream bank buffers for trumpeter swans shall be 2 times that required in Sec. 5.1.1. and Sec. 5.2.1. <p><u>6.1.3.C. Downhill Ski Area</u></p>
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LDR Section	Issue and Staff Recommendation	Proposed Amendment
		<p>1. Definition. A downhill ski area is a slope used for downhill skiing for a fee.</p> <p>a. Includes: facilities associated with the downhill ski area that may be located on a mountain such as:</p> <p>i. lifts and trams,</p> <p>ii. operational and maintenance facilities,</p> <p>iii. trails,</p> <p>iv. restaurants or warming areas, and</p> <p>v. ski schools.</p> <p>6.1.7.C. [subsection deleted] Outdoor Recreation</p>
19	<p>6.1.4.A.1 6.1.4.A.2.c 6.1.4.E.1.b 6.1.12.D.1 9.5.C</p> <p>The LDRs currently rely on the definition of residential use as a facility providing permanent provision for living, sleeping, eating, cooking, and sanitation to prohibit camping on a property as a means of occupation. The Town LDRs prior to 2015 contained a more explicit prohibition.</p> <p>Staff recommends that the Town and County make it clear that camping units can only be occupied in campgrounds or pursuant to the standards for a temporary shelter that require a residential unit be under construction. Staff also recommends that the Town and County take this opportunity to clarify that a residential unit must be certified under building code or by HUD (mobile home). Any unit that is not so certified is considered a camping unit.</p> <p>Staff recommends this clarification to avoid any confusion about “RPTs” or other units. It simplifies the definition of various units, while occupancy of camping units is regulated in the Residential Use (6.1.4.A) and Temporary Shelter (6.1.12.D) sections of the LDRs.</p> <p>The PC had no comment on this amendment.</p>	<p>6.1.4.A.1. Definition. A residential use is a living facility, <u>certified under the International Residential or Building Code or by HUD</u>, that includes permanent provision for living, sleeping, eating, cooking, and sanitation.</p> <p>6.1.4.A.2.c. <u>Occupancy of a camping unit is not a residential use. A camping unit may only be occupied as permitted by Sec. 6.1.12.D. Temporary Shelter.</u></p> <p>6.1.4.E.1.b. [Mobile Home] Does Not Include:</p> <p>i. Conventional Camping Unit</p> <p>ii. Recreational Park Trailer</p> <p>iii. Homes built to meet the requirements of the International Residential <u>or Building Code</u></p> <p>6.1.12.D.1. Definition. Temporary shelter means a mobile or manufactured home or conventional camping unit temporarily occupied while a residential unit with a valid building permit is being constructed.</p> <p>9.5.C. Conventional Camping Unit. <u>Conventional</u> Camping Units include recreational vehicles, campers, trailers, motorhomes, <u>tents, yurts, tepees,</u> or other <u>shelter that is not certified under the International Residential or Building Code or by HUD.</u> vehicles which are: built on a single chassis; 400 square feet or less when measured at the largest horizontal projections; self-propelled or permanently towable by a light duty truck; and designed primarily not to be used as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. Conventional Camping Unit does not include Mobile/Manufactured Homes <u>certified by HUD or Recreational Park Trailers.</u></p>

	LDR Section	Issue and Staff Recommendation	Proposed Amendment
20	6.1.6.C.1 6.1.6.E.1	<p>The definition of retail use includes delis and bakeries. The definition of restaurant/bar is an establishment oriented to the serving of food and/or beverages. There is a need to define the difference between the two uses related to parking and employee housing standards that vary by use.</p> <p>Staff recommends a threshold related to seated onsite consumption. Accommodating onsite consumption is what increases the employee need per square foot and changes the nature of the parking requirement. Accommodations for onsite consumption is also central to the State’s definition of a restaurant (as it relates to liquor licensing).</p> <p>The PC had no comment on this amendment.</p>	<p>6.1.6.C. Retail</p> <p>1. Definition. Retail is the sale of goods.</p> <p>a. Includes:</p> <ul style="list-style-type: none"> i. retail sale of antiques, souvenirs, apparel and accessories, art, books, cameras and accessories, sporting goods, hardware, liquor, home furnishings, and other general specialty merchandise ii. food stores, delis, health food, drug stores, bakeries iii. candy and ice cream/yogurt shops iv. video rental shops <u>v. incidental seating for consumption goods that meets the definition of Incidental Use (6.1.2.B.2).</u> <p><u>b. Does Not Include:</u></p> <ul style="list-style-type: none"> <u>i. Restaurant/Bar</u> <p>6.1.6.E. Restaurant/Bar</p> <p>1. Definition. A restaurant or bar is an establishment <u>that serves oriented to the serving of food and/or beverages for seated consumption onsite.</u></p>
21	6.1.8.B.1.a.vii	<p>To clearly define reception uses the County included reception hall in the list of uses included under the definition of Assembly Use.</p> <p>Staff recommends the Town make the same inclusion for consistency and given the growing reception industry.</p> <p>The PC had no comment on this amendment.</p>	6.1.8.B.1.a.vii. <u>reception halls</u>
22	6.1.11.B.1.b	<p>The definition of ARU is currently unclear as to whether a mobile home can be placed on a property as an ARU. The LDRs in place prior to 2015 were clearer that mobile homes cannot be used as ARUs.</p> <p>Staff recommends the Town and County clarify that an ARU cannot be a mobile home.</p> <p>The PC had no comment on this amendment.</p>	6.1.11.B.1.b. <u>Does Not Include:</u>
23	6.1.11.B.3.a	<p>An LDR user looking for ARU standards in Article 6 will not find the maximum size or other standards that vary by zone.</p> <p>Staff recommends that the Town and County add direction in Article 6 to alert the user that such standards can be found in the Section for the Zone in which the ARU will be located.</p> <p>The PC had no comment on this amendment.</p>	<p>6.1.11.B.3.a. <u>Zone Specific Standards Also Apply. In addition to the standards of this subsection, applicable standards for an ARU may also be found in Subsection C and/or E for the Section of the Zone in which the ARU is located.</u></p> <p>[will cascade numbering in the rest of 6.1.11.B.3]</p>

	LDR Section	Issue and Staff Recommendation	Proposed Amendment
24	6.2.6	<p>The Town is deleting the content of this Section.</p> <p>Staff recommends the Town and County delete the section entirely since a placeholder is no longer needed to retain a consistent organization.</p> <p>The PC had no comment on this amendment.</p>	<p>6.2.6. [deleted] (8/3/16, Ord. 1125)</p>
25	6.3 7.4 7.5.3	<p>With the change in organizational structure, references to the Housing Authority need to be evaluated and updated to reference the Housing Department or Joint Housing Authority.</p> <p>Staff recommends the Town and County update applicable references to the Housing Authority to reference the appropriate entity under the new organizational structure. Amendments to the content of the housing requirements are scheduled to begin in 2017.</p> <p>The PC had no comment on this amendment.</p>	<p>6.3, 7.4, Other Sections as applicable [(as applicable) <u>Housing Department/Housing Director/Housing Manager/Housing Authority-Teton County Housing Authority</u>]</p>
26	6.3.1.C	<p>The P/SP zone exempts all uses from employee housing requirements, however the Employee Housing Section does not include the P/SP exemption in the list of exemptions.</p> <p>Staff recommends that the Town and County add the P/SP exemption to the Employee Housing section.</p> <p>The PC had no comment on this amendment.</p>	<p><u>6.3.1.C.10. P/SP Uses. Any use in the P/SP zone is exempt from the standards of this Division.</u></p>
27	7.1.5 7.1.6	<p>The County added 2 conservation development options as part of the Rural LDR Update.</p> <p>Staff suggests the Town insert placeholders for all of the Sections added to maintain organizational consistency.</p> <p>The PC had no comment on this amendment.</p>	<p><u>Sec. 7.1.5. Floor Area Option</u> [Section number reserved, standards only apply in County]</p> <p><u>Sec. 7.1.6. Complete Neighborhood Planned Residential Development (CN-PRD)</u> [Section number reserved, standards only apply in County]</p>

	LDR Section	Issue and Staff Recommendation	Proposed Amendment		
28	8.2.2.F.7	<p>An Environmental Analysis (EA) may need review by Wyoming Game and Fish, the Army Corps of Engineers, Teton Conservation District, or other outside agencies prior to the Planning Director’s recommendation. The current 30 day timeframe for a Planning Director recommendation does not allow sufficient time for outside agency review.</p> <p>Staff recommends increasing the timeframe for the Planning Director’s recommendation to 45 days to give outside agencies 3 weeks to review and give staff 2 weeks to consider the outside reviews and issue a recommendation.</p> <p>The PC clarified that the Town has not incorporated any of the County requirements regarding publicly hired EA consultants, and that this amendment has no other effect than extending the review time.</p>	<p>8.2.2.F.7</p> <table border="1" data-bbox="873 170 1523 436"> <tr> <td data-bbox="873 170 1182 436">PLANNING DIRECTOR RECOMMENDATION</td> <td data-bbox="1182 170 1523 436"> <p>Sketch Plan: recommendation within 60 days of sufficiency</p> <p>Other Permit: recommendation within 45 30 days of sufficiency</p> </td> </tr> </table>	PLANNING DIRECTOR RECOMMENDATION	<p>Sketch Plan: recommendation within 60 days of sufficiency</p> <p>Other Permit: recommendation within 45 30 days of sufficiency</p>
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29	8.2.4.B	<p>More and more review and processing of applications is done electronically.</p> <p>Staff recommends the Town and County update the submittal standards to include a requirement for both hard copy and electronic submittal.</p> <p>The PC had no comment on this amendment.</p>	<p>8.2.4.B. Application Acceptance. Applications required by these LDRs shall be submitted to the Planning Department in hard copy <u>and</u> or electronically, <u>as practicable</u>, in a form provided by the Planning Department and shall be accompanied by:</p> <ol style="list-style-type: none"> 1. The applicable fee required by the fee schedule maintained in the Administrative Manual; 2. A hard copy of the application (which may be submitted separately in the case of an electronic submittal); and <u>2</u>3. Sufficient information to determine compliance with these LDRs as determined pursuant to Sec. 8.2.5. 		
30	8.2.11.D	<p>The installation of subdivision improvements such as roads and utilities often occurs after the plat is approved. Financial assurance that those improvements are complete is required. Section 8.5.3.E.1 requires that the financial insurance take the form of a Subdivision Improvements Agreement. Section 8.2.11.D only states that the assurance may be a Subdivision Improvements Agreement.</p> <p>Staff recommends the Town and County make the requirement consistent in both Sections.</p> <p>The PC had no comment on this amendment.</p>	<p>8.2.11.D. Financial Assurance Agreement. Unless exempted by the Planning Director, whenever financial assurance is required, the applicant shall enter into a Financial Assurance Agreement in a form acceptable to the Town Attorney. In the case of subdivision improvements this agreement shall <u>may</u> take the form of a Subdivision Improvements Agreement.</p>		

	LDR Section	Issue and Staff Recommendation	Proposed Amendment
31	8.2.13.B.1.a	<p>The purpose of a Sketch Plan is to review the general consistency of a physical development with the LDRs before the details of the physical development are designed, looking at opportunities and alternatives that better implement the Comp Plan and LDRs. In some cases the amendment to an approved physical development plan is so large it would trigger a new Sketch Plan, but the purposes of a Sketch Plan are irrelevant because the high level review is already complete.</p> <p>For example, a Sketch Plan is approved for two buildings in the AC zone totaling 35,000 sf. A Development Plan is approved for the buildings, but prior to building permit for the 20,000 sf building the applicant wants to make changes that require amendment of the approved Development Plan. A net change affecting 20,000 sf would require a whole new Sketch Plan based on the current language. However staff believes it should be reviewed against the original Sketch Plan, unless the Sketch Plan requires amendment.</p> <p>Staff recommends that the Town and County grant the Planning Director the ability to waive the Sketch Plan requirement in such cases. This would only apply to amendments to active approvals, any new development or redevelopment would still be subject to the Sketch Plan thresholds.</p> <p>The PC had no comment on this amendment.</p>	<p>8.2.13.B.1.a. The threshold for review of the amendment shall be based on the net change of density or intensity, not the gross intensity of the initial approval, <u>with the following exceptions.</u></p> <p><u>i) However,</u> The Planning Director may elevate the threshold for review in the case of incremental amendments that total a larger change.</p> <p><u>ii) The Planning Director may waive the requirement for a Sketch Plan where the proposed amendment remains consistent with the original Sketch Plan approval.</u></p>
32	8.2.14.C.4.b.	<p>The LDRs that went into effect on January 1, 2015 include a requirement that the applicant post notice of the public hearings on an application on the site of the application.</p> <p>In order to ensure compliance with this standard so that the due process we've established is followed, staff recommends the Town and County require the application to notify staff when the notice is posted.</p> <p>The PC had no comment on this amendment.</p>	<p>8.2.14.C.4.b. Timing. The notice shall be posted for at least ten (10) days prior to the hearing, and shall be removed within five (5) days following the hearing. <u>The applicant shall notify staff of the date posted and date removed.</u></p>

	LDR Section	Issue and Staff Recommendation	Proposed Amendment				
33	8.2.14.C.4.c	<p>The size requirement for posted notice of 4 ft by 4 ft has proven difficult for property owners. Most plotters do not print a dimension greater than 3ft. Also some road easements are large enough that a larger sign is needed for it to be legible.</p> <p>Staff recommends making the standard more flexible to allow owners to create posted notice that meets the intent without prescribing a specific dimension.</p> <p>The PC had no comment on this amendment.</p>	<p>8.2.14.C.4.c. Size. The notice shall be <u>legible from the adjacent roadway 4 ft by 4 ft.</u></p>				
34	8.2.14.C.4.e 5.6.1.B.4.j	<p>The posted notice standards do not specify an exemption from the Sign Standards of Division 5.6.</p> <p>Staff recommends the Town and County clarify that posted notice is exempt from all standards generally applicable to signs, and maintain the requirement that they not be lighted.</p> <p>The PC had no comment on this amendment.</p>	<p>8.2.14.C.4.e. Materials Sign Permit Exempt. The notice shall <u>be exempt from the meet the materials</u> standards of Div. 5.6. and shall not be lighted.</p> <p>5.6.1.B.4.j. <u>Posted Notice. Notice of a meeting or hearing that meets the standards of Section 8.2.14.C.4.</u></p>				
35	8.3.4.G.6 8.4.1.F.5 8.6.2.F.4	<p>Requiring a decision within 30 days of sufficiency does not allow time for review by outside agencies, or Environmental Analysis when such review is necessary.</p> <p>Staff recommends increasing the timeframe for the Planning Director’s Decision to 45 days to allow outside agencies 3 weeks to review and still give staff 2 weeks to compile all reviews and make a recommendation.</p> <p>The PC confirmed that an Environmental Analysis, if required, is reviewed concurrently with these applications.</p>	<p>8.3.4.G.6</p> <table border="1" data-bbox="873 978 1450 1087"> <tr> <td style="background-color: #f4a460; color: white; text-align: center;">TOWN ENGINEER DECISION</td> <td style="text-align: center;">Decision within 45 30 days of sufficiency</td> </tr> </table> <p>8.4.1.F.5 and 8.6.2.F.4</p> <table border="1" data-bbox="873 1140 1450 1249"> <tr> <td style="background-color: #f4a460; color: white; text-align: center;">PLANNING DIRECTOR DECISION</td> <td style="text-align: center;">Decision within 45 30 days of sufficiency</td> </tr> </table>	TOWN ENGINEER DECISION	Decision within 45 30 days of sufficiency	PLANNING DIRECTOR DECISION	Decision within 45 30 days of sufficiency
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	LDR Section	Issue and Staff Recommendation	Proposed Amendment																												
36	8.5.3.C.1 2.3.#.D.4 3.3.#.D.4 4.2.#.D.4	<p>There is currently ambiguity whether subdivision of an existing building into condominiums or townhomes should require a development plan prior to plat. Staff does not find any benefit from a development plan review in such cases. If the building is nonconforming it cannot be subdivided; otherwise subdivision requires remedy of any nonconformities. If a use permit is required to change use from apartment to attached single family, the review of the proposal will occur through the use permit application. The physical development already exists.</p> <p>Staff recommends that the Town and County clarify in each zone that condominium/ townhouse subdivision requires only a final plat, and reference in the findings for final plat that a separate development plan is not needed to divide and existing building.</p> <p>The PC had no comment on this amendment.</p>	<p>8.5.3.C. Findings. A plat shall be approved upon a finding the proposed plat:</p> <p>1. Is in substantial conformance with an approved development plan or development option plan <u>or is a condominium or townhouse subdivision of existing physical development</u>;</p> <p>2.3.#.D.4, 3.3.#.D.4, 4.2.#.D.4</p> <table border="1" data-bbox="885 401 1421 640"> <thead> <tr> <th data-bbox="885 401 1031 436">Option</th> <th data-bbox="1031 401 1177 436">Sketch Plan</th> <th data-bbox="1177 401 1323 436">Dev. Plan</th> <th data-bbox="1323 401 1421 436">Plat</th> </tr> </thead> <tbody> <tr> <td colspan="4" data-bbox="885 436 1421 472"><u>Land Division-Any Subdivision</u></td> </tr> <tr> <td data-bbox="885 472 1031 508"><u>≤ 10 lots</u></td> <td data-bbox="1031 472 1177 508"></td> <td data-bbox="1177 472 1323 508">X</td> <td data-bbox="1323 472 1421 508">X</td> </tr> <tr> <td data-bbox="885 508 1031 543"><u>≤ 10 units</u></td> <td data-bbox="1031 508 1177 543"></td> <td data-bbox="1177 508 1323 543"></td> <td data-bbox="1323 508 1421 543"></td> </tr> <tr> <td data-bbox="885 543 1031 579"><u>≤ 10 lots</u></td> <td data-bbox="1031 543 1177 579">X</td> <td data-bbox="1177 543 1323 579">X</td> <td data-bbox="1323 543 1421 579">X</td> </tr> <tr> <td data-bbox="885 579 1031 615"><u>≤ 10 units</u></td> <td data-bbox="1031 579 1177 615"></td> <td data-bbox="1177 579 1323 615"></td> <td data-bbox="1323 579 1421 615"></td> </tr> <tr> <td colspan="3" data-bbox="885 615 1323 640"><u>Condominium/Townhouse</u></td> <td data-bbox="1323 615 1421 640"><u>X</u></td> </tr> </tbody> </table>	Option	Sketch Plan	Dev. Plan	Plat	<u>Land Division-Any Subdivision</u>				<u>≤ 10 lots</u>		X	X	<u>≤ 10 units</u>				<u>≤ 10 lots</u>	X	X	X	<u>≤ 10 units</u>				<u>Condominium/Townhouse</u>			<u>X</u>
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37	8.5.3.D.1	<p>The section specifying plat content requirements incorrectly references Wyoming Statute 18-5-303.</p> <p>Staff recommends the Town and County correct the reference to 18-5-306.</p> <p>The PC had no comment on this amendment.</p>	8.5.3.D.1. A plat shall contain all requirements of Wyo. Stat. § 18-5- 306 303 and § 34-12-103.																												
38	8.5.3.D. <u>2</u>	<p>Section 5.4.3.B requires that a note be placed on all development plans and plats if a lot includes a mapped fault line.</p> <p>Staff recommends that the Town and County cross-reference this requirement in the section containing plat content requirements.</p> <p>The PC had no comment on this amendment.</p>	8.5.3.D. <u>2</u> . <u>A plat shall contain notice of a mapped fault line pursuant to Sec. 5.4.3.B.</u>																												
39	8.5.3.E.1	<p>Subdivision Improvement Agreements are not currently required to be filed against the property. As a result a prospective buyer is less aware of the Agreement and the tracking of the Agreement is less formally documented.</p> <p>Staff recommends that the Town and County require a Subdivision Improvement Agreement be recorded against the property.</p> <p>The PC had no comment on this amendment.</p>	8.5.3.E.1. Contract. ... The contract shall be reviewed and approved by the Town Attorney; <u>and shall be recorded against the property by the subdivider.</u>																												

	LDR Section	Issue and Staff Recommendation	Proposed Amendment
40	8.5.4.D	<p>The current standards for an exempt land division require a recording of a certificate of survey, which is not a term with common meaning.</p> <p>Staff recommends that the Town and County amend the standard to require a map of survey. The map will improve land records and clarify the intent of the metes and bounds description where it may be ambiguous without review of the proposed parcels.</p> <p>The PC had no comment on this amendment.</p>	<p>8.5.4.D. Recorded Documents. Prior to recording deeds, records of survey, contracts for deeds, or other types of instruments with the County Clerk, the following documents shall be recorded with the County Clerk:</p> <p>1. A <u>map certificate</u> of survey; that includes:</p> <p><u>2a.</u> A certificate acknowledged by all owners of record stating the division is exempted from review as a subdivision under Wyo. Stat. § 18-5-303; and</p> <p><u>3b.</u> A certificate acknowledged by the Planning Director that states that the division is exempt pursuant to Wyo. Stat. § 18-5-303 and this Section.</p>
41	<p>8.7.3.F—8.7.3.<u>GH.9</u></p> <p>4.4.1.C.2-3</p> <p>4.3.1.E.5</p> <p>4.4.1.D.1</p> <p>4.4.1.D.2</p> <p>8.7.3.A</p> <p>8.7.3.E</p> <p>8.7.3.FG.2</p>	<p>Reference to a certificate of standards for an approved PUD ties back to previous procedures. Now that the LDRs clarify that a PUD is a zoning map amendment to apply a Master Plan to the property as its zoning, all conditions of approval require information be included in the master plan prior to recordation. The general layout of the PUD is defined by the Sketch Plan that is required concurrent with the PUD application. As a result recordation of a certificate of standards is no longer needed in addition to the master plan.</p> <p>Staff recommends the Town and County delete reference to a certificate of standards.</p> <p>The PC had no comment on this amendment.</p>	<p>8.7.3.F. Certificate of Standards. The certificate of standards shall detail the PUD conditions of approval and the development standards to be applied within the PUD, as well as any other standards, conditions, or agreements pertaining to future development or responsibilities of landowners within the PUD. The Planning Director shall prepare the affidavit in a form acceptable to the Town Attorney.</p> <p>8.7.3.<u>GH.9.</u> The PUD shall not take effect until the zoning map amendment is published in a newspaper of general circulation and the master plan and certificate of standards are filed with the County Clerk. See Sec. 8.2.12. for procedural standards. Designation of a PUD zone classification on the Official Zoning Map shall reference the approval of the PUD. The zoning map amendment shall not be published until it has been read and approved at 3 public hearings.</p> <p>4.4.1.C.2. a master plan that establishes the general configuration and relationship of the principal elements of the proposed development <u>and specifies terms and conditions defining development parameters</u>, including uses, general building types, density/intensity, resource protection, pedestrian and vehicular circulation, open space, public facilities, and phasing;and</p> <p>3. a certificate of standards document specifying terms and conditions defining development parameters, providing for environmental mitigation, and outlining how public facilities will be provided to serve the PUD.</p> <p>4.3.1.E.5, 4.4.1.D.1, 4.4.1.D.2, 8.7.3.A, 8.7.3.E, 8.7.3.FG.2, 8.7.3.<u>GH.9</u></p> <p>[delete reference to certificate of standards]</p>

	LDR Section	Issue and Staff Recommendation	Proposed Amendment
42	8.8.2.E.	<p>As the expiration standards for a Variance currently read, a phased development that requires a variance could run into unintended expiration issues. For example, in the case of street setback for three structures, the current LDRs could be read to require that all three structures must be under development within a year, making it impossible to phase the development.</p> <p>Staff recommends that the Town and County include a variance expiration standard for phased development rather than place the burden on each applicant for phased implementation to propose his/her own phasing plan. The standard recommended by staff is based on the standard for sketch plan expiration related to phased projects.</p> <p>The PC had no comment on this amendment.</p>	<p>8.8.2.E. Expiration. A variance shall expire one year after the date of approval except under one of the following circumstances:</p> <p>1. The physical development, use, development option, or subdivision permit enabled by the variance is under review or implementation;</p> <p><u>2. In the case of a phased development, not more than one year has passed since the completion of a physical development, development option, or subdivision, or initiation of a use, enabled by the variance;</u> or</p> <p><u>3</u>2. Another expiration has been set through the approval of the variance.</p>
43	8.8.3.G.3 8.8.4.G.3 8.9.4.F.2	<p>The process of designating a Hearing Officer should be informed by the duties and responsibilities of a Hearing Officer.</p> <p>Staff recommends referencing Sec. 8.10.8, which establishes a Hearing Officer's duties and responsibilities, wherever appointment of a Hearing Officer is part of a procedure.</p> <p>The PC had no comment on this amendment.</p>	<p>8.8.3.G.3, 8.8.4.G.3, 8.9.4.F.2 ... <u>See Sec. 8.10.8 for duties and responsibilities of a Hearing Officer.</u></p>
44	9.3.2	<p>The abbreviation GSA is used for Gross Site Area in the District 2 zones, but was not added to the list of abbreviations.</p> <p>Staff recommends the Town add it to the list of abbreviations.</p> <p>The PC had no comment on this amendment.</p>	<p>9.3.2. Common Abbreviations. The abbreviations provided below have the following meanings: ...</p> <p><u>GSA: Gross Site Area (9.4.4.A)</u></p>

	LDR Section	Issue and Staff Recommendation	Proposed Amendment
45	9.4.6.C	<p>Allowed floor area is commonly discussed with reference to a basement exemption. However the rules for measurement of maximum floor area do not reference basement explicitly.</p> <p>Staff recommends that the Town and County explicitly include the basement exemption in the rules for calculating maximum floor area and reorganize the definition to be clearer.</p> <p>The PC had no comment on this amendment.</p>	<p>9.4.6.C. Floor Area Ratio (FAR)/Maximum Floor Area.</p> <p><u>1. The maximum floor area</u> (see Sec. 9.4.5, 9.5.F. for definition of Floor Area) <u>allowed on a site shall be the maximum habitable floor area not including basement floor area, as defined in Sec. 9.5.B.</u></p> <p><u>2. The site area used to calculate maximum floor area shall be:</u></p> <p><u>a.</u> gross site area in Character Zones (Div. 2.2. & Div. 3.2.), <u>and</u></p> <p><u>b.</u> the base site area <u>in Legacy Zones (Div. 2.3 & Div. 3.3).</u></p> <p><u>3.</u> Unless otherwise defined in these LDRs, the maximum allowed floor area <u>above grade</u> is calculated by multiplying the allowed FAR by the <u>applicable base</u> site area. <u>Inversely</u>, FAR is calculated by dividing the habitable floor area above grade <u>by the applicable site area.</u></p> <p>EXAMPLE. On a base-site area of 24,000 square feet a building with 8,000 square feet of habitable floor area where 2,000 square feet is in the basement would have an FAR of .25 $((8,000-2,000)/24,000 = .25)$.</p>
46	9.4.6.G 9.5.L	<p>Minimum Lot Size is the standard used to calculate density in many residential zones, but its definition is currently found in the Defined Terms Division, instead of the Rules of Measurement Division.</p> <p>Staff recommends the Town and County move the definition of minimum lot size to the section defining rules of measuring density/intensity.</p> <p>The PC had no comment on this amendment.</p>	<p>9.4.6.G. <u>Minimum Lot Size. Minimum lot size means the required minimum gross site area of a newly created lot of record, including remnant parcels.</u></p> <p>9.5.L. Lot Size, Minimum. <u>See Sec. 9.4.6.F Minimum lot size means the required minimum gross site area of a newly created lot of record, including remnant parcels.</u></p>

	LDR Section	Issue and Staff Recommendation	Proposed Amendment
47	9.4.8.E.2 9.4.8.H	<p>A driveway is defined in the LDRs as an access serving only 1 or 2 single family units. Since 1994 at least a 25 foot setback (or the street setback if it was greater) has been required from driveway easements. The purpose of a setback from a street or access is for safety, snow storage, and street character. Because only 2 units can access off of a driveway, staff believes the purpose of a setback from an accessway can be achieved in 5 feet.</p> <p>Staff recommends the Town and County reduce the setback from a driveway easement to 5 feet.</p> <p>Staff also recommends that the Town and County clarify that a road or driveway built within an easement is not subject to site development setbacks from property lines straddled by the easement.</p> <p>The PC clarified that a driveway setback is measured from a driveway easement.</p>	<p>9.4.8.E.2. Driveway Setback. The minimum setback from a structure to a driveway easement shall be <u>5 feet, but shall not reduce the side or rear yard setback as measured to a lot line the street setback or 25 feet, whichever is less.</u></p> <p><u>9.4.8.H. Site Development Setback Exemption. Site development setbacks shall not apply from a lot line to a road or driveway when the lot line is within an easement.</u></p>
48	9.5	<p>Division 9.4 establishes the rules for measurement of various standards in the LDRs. These rules for measurement are the definition of the terms, but LDR users that are not used the LDR organization still look for the definitions in Division 9.5 where other terms are defined.</p> <p>Staff recommends the Town and County cross reference all standards defined by rules of measurement in the definitions Division.</p> <p>The PC had no comment on this amendment.</p>	<p>9.5 <u>[add reference to all terms defined by a rule for measurement in Division 9.4]</u></p>
49	9.5.P	<p>A recent County interpretation request identified that nonstructural physical development, such as fence or deck less than 4 feet in height, is not obviously included in the definition of Physical Development.</p> <p>Staff recommends that the definition be clarified so that there is no ambiguity for future applicants as to the applicability of physical development setbacks and other physical development standards.</p> <p>The PC had no comment on this amendment.</p>	<p>9.5.P. Physical Development. Physical development means any of the following activities that alter the natural character of the land and for which a permit may be required pursuant to the LDRs: the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings, structure, <u>fence, wall, or other site development or accessory structures</u>; any grading, clearing, excavation, dredging, filling or other movement of land; any mining, paving, or drilling operations; or the storage, deposition, or excavation of materials. Physical development does not include the use of land that does not involve any of the above listed activities.</p>

	LDR Section	Issue and Staff Recommendation	Proposed Amendment
50	9.5.S	<p>The term “site” is used throughout the LDRs to indicate that a site may be a portion of a lot of record or multiple lots of record.</p> <p>Staff recommends the Town and County amend the definition of site to clarify that intent.</p> <p>The PC had no comment on this amendment.</p>	<p>9.5.S. Site. Site means the entire area included in the legal description of the land on which a use or development is existing or proposed. <u>A site may be a portion of a lot of record or may include multiple lots of record.</u></p>
51	9.5.S	<p>A recent County inquiry asked about the applicability of site development requirements to agricultural cultivation of soil.</p> <p>Staff recommends the Town and County clarify that agricultural cultivation is not counted as site development.</p> <p>The PC had no comment on this amendment.</p>	<p>9.5.S. Site Development. Site development is the area of the site that is physically developed; it is generally the inverse of landscape surface area. Site development includes the area of the site that is covered by buildings, structures, impervious surfaces, porches, decks, terraces, patios, driveways, walkways, parking areas, and regularly disturbed areas such as corrals, outdoor storage, and stockpiles. <u>Site development does not include cultivation of the soil for agricultural use.</u></p>

Alex Norton

From: Francesca Paolucci-Rice <fpr@jorgensenassociates.com>
Sent: Friday, October 21, 2016 9:22 AM
To: Alex Norton
Cc: Bill Resor; jwells@shootingstarjh.com; Brenda Wylie; Jon Wylie; Amberley Goodchild Baker; Rich Bloom
Subject: Comments on Proposed LDR Amendments

Hi Alex,

Thanks for discussing with me yesterday my questions regarding the proposed amendments. Based on our conversation, follows are my suggested revisions.

- Item 30, proposed amendment to LDR Section 7.1.2.C.1
For clarity in giving the Development Area GSA (max) instead of the wording “PRD GSA-49 ac” use the wording “PRD GSA minus 49 acres”
 - Item 41, proposed amendment to LDR Section 8.2.14.C.4.b
The section should clarify that the first posted notice is sufficient in the event of a postponement or continuation of a meeting.
Interested parties would have attended or followed the outcome of the initial hearing and therefore be advised of any continuation or postponement.
It should also clarify that even in the event of a postponement or a continuation the sign is to be removed within 5 days of the initial hearing.
 - Item 48, proposed amendment to LDR Section 8.5.3.E.1
While I disagree that subdivision improvement agreements should be recorded, if the County chooses to make that a requirement, to avoid clouding title to properties
for years, it is important that there is also a requirement that upon the satisfaction of the conditions of the agreement a document be recorded stating that fact.
- Item 61, proposed amendment to LDR Section 9.4.8.C.1 and 2. To assure that there is no confusion regarding setbacks from driveway easements (which are vehicular access easements) revise the wording of Section C.1. to add “or driveway setback” as follows:

“1. Point of Measurement. A street or driveway setback shall be”

Best Regards,
Francesca

Francesca Paolucci-Rice

Senior Project Manager

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