



TOWN OF JACKSON PLANNING COMMISSION AGENDA DOCUMENTATION

PREPARATION DATE: OCTOBER 28, 2016
MEETING DATE: NOVEMBER 2, 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.

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.

Suggested Review Process

The proposed 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 change can be found in that table. Staff recommends the following format for the Planning Commission's review of the proposed amendments. This format has been successfully used to review other amendments that include many different components.

1. *Staff Presentation.* (including any initial questions) Staff will not go through each of the amendments, but will highlight the general categories of the amendments and answer any clarification questions the Planning Commission has prepared.
2. *Public Comment.* As is done for any hearing the Chair will invite public comment on the proposal.
3. *Additional Questions.* Prior to discussion, staff recommends the Planning Commission ask any additional questions that have arisen out of public comment.
4. *Identify the Amendments to Discuss.* In order to make the discussion more efficient, Staff recommends the Commissioners each identify the amendments they would like to discuss, with the assumption that any amendment not discussed would be part of the Commission's recommendation of approval. Staff recommends the Planning Commission limit its consideration to the amendments proposed. Staff will maintain a list of additional items that arise, which can be addressed by the Commission at a later date, but recommends keeping the scope of this conversation limited so as not to draw out this process.
5. *Straw Poll Discussion Items.* Staff recommends the Commission then discuss each of the amendments identified and take a straw poll whether to include, include with modifications, or remove the amendments from the recommendation for approval.
6. *Motion.* Once all of the discussion items have been straw polled, the Commission will make a motion to approve the application subject to the straw polls.

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. 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.

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.

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 issue and the related rationale for each individual amendment is detailed in the attached table.

These amendments are mostly clarifications. Some codify interpretations that introduce policy or represent minor changes to policy, but the intent is that they are truly a cleanup of the LDRs and not a larger policy discussion. As a result, it is Council's expectation that staff and the Planning Commission will lead in the analysis of these amendments. Staff anticipates that Council will focus its discussion only on those issues where there is disagreement between staff and the Planning Commission.

Key Issues

KEY ISSUE 1: Evolution of the Amendment

The Town and County are reviewing this amendment in parallel. Since the Amendment was released for public review on September 7, 2016, it has been reviewed by Town and County departments, the public, and the County Planning Commission on October 24, 2016.

The attached October 28, 2016 draft includes changes to respond to departmental reviews. Staff recommends the Commission base its review on the October 28 Draft that incorporates departmental review, but has provided below, for the record, a list of the amendments in the October 28 draft that have been modified from the September 7 Draft.

- Amendment 8 modified
- Amendment 9 modified
- 9/7/16 Amendment 10 deleted
- Amendment 10 modified
- Amendment 18 modified
- Amendment 19 modified
- Amendment 20 modified
- 9/7/16 Amendment 25 deleted
- 9/7/16 Amendment 30 deleted
- Amendment 29 modified
- 9/7/16 Amendment 33 deleted
- Amendment 34 modified
- Amendment 41 modified

Public comment that staff recommends be incorporated into the amendment are included as recommended conditions of approval.

PUBLIC COMMENT

Notice of this hearing was published in the Jackson Hole News and Guide on September 7, and the hearing was postponed at the October 5 meeting. 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
Public Comment

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.

RECOMMENDATIONS / CONDITIONS OF APPROVAL

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)

SUGGESTED MOTIONS

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 and straw poll direction at this meeting.

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)
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2016 Town LDR Cleanup (P16-078)

Draft: September 7, 2016

LDR Section	Issue and Staff Recommendation	Proposed Amendment
1 1.7.6	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). 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.	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 the R-ToJ zone, and the NRO and SRO as applicable,</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>
2 1.8.2.C.1.a	The County LDRs specify that where a PUD is silent the standards of the underlying zone apply. 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 practice over the years.	1. Planned Unit Developments (PUDs) with PUD zoning. <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>
3 1.9.1.F 1.9.2.B.5 1.9.3.B.1 1.9.3.B.4	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. Staff recommends that the Town and County state the definition once in Section 1.9.1, applicable to all nonconformities, and delete the repetitions.	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> 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

LDR Section	Issue and Staff Recommendation	Proposed Amendment										
		<p>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>										
<p>4 2.3.#.B.4 2.3.#.B.10 3.3.#.B.4 3.3.#.B.10.</p>	<p>The District 2 LDRs introduced 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. Staff recommends that the Town amend those standards in each Legacy Zone to be consistent with the new definitions.</p>	<table border="1"> <tr> <td colspan="2" data-bbox="946 1308 1533 1344">2.3.#.B.4, 3.3.#.B.4</td> </tr> <tr> <td data-bbox="946 1348 1198 1381">Curb Cut (max)</td> <td data-bbox="1201 1348 1533 1381">40% of lineal lot frontage</td> </tr> <tr> <td colspan="2" data-bbox="946 1386 1533 1421">2.3.#.B.10, 3.3.#.B.10</td> </tr> <tr> <td colspan="2" data-bbox="946 1425 1533 1461">Sign Area</td> </tr> <tr> <td data-bbox="946 1465 1242 1610">Total sign area (max)</td> <td data-bbox="1245 1465 1533 1610">3 sf per linear-ft of building frontage street facade <u>width</u> up to 150 sf</td> </tr> </table>	2.3.#.B.4, 3.3.#.B.4		Curb Cut (max)	40% of lineal lot frontage	2.3.#.B.10, 3.3.#.B.10		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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LDR Section		Issue and Staff Recommendation	Proposed Amendment				
5	2.3.11.C.1 2.3.11.E.5	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, but acknowledging the existing intensity on such sites. 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.	2.3.11.C.1				
			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>	
			<p><u>2.3.11.E.5. 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>				
6	2.3.14.B.1	In the 2015 reorganization of the LDRs the minimum lot coverage standard in the Neighborhood Conservation (NC) zone got lost. Staff recommends that the Town re-establish the NC minimum lot size requirement.	2.3.14.B.1				
				Lot Coverage (max)			
			<u>Allowed use</u>	<u>.32</u>	<u>n/a</u>		
7	4.2.2.C.1 6.1.1.E 6.1.10.D.3.d.6	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. Staff recommends that the Town allow new wireless facilities in the Park (P-ToJ) zone.	4.2.2.C.1				
			Use	Permit			
			Wireless Communication Facilities				
			<u>Major</u>		<u>C</u>		
			6.1.1.E				
				P-ToJ			
			Wireless Communication Facilities				
			Major		<u>C</u>		
			<u>6.1.10.D.3.d.6.iv). Park and Open Space – Town (P-ToJ)</u>				

	LDR Section	Issue and Staff Recommendation	Proposed Amendment
8	4.3.1.E.8.b.ii 4.3.1.E.8.d.iii	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. Staff recommends the Town also change its references to an appropriate zone, rather than a zone that might no longer be a part of the LDRs.	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 based on the direction of the Comprehensive Plan.</u> 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 based on the direction of the Comprehensive Plan</u> the zoning district that existed prior to approval of the Planned Resort master plan.
9	5.1.1.C.1.f	Since 1994 the LDRs 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. Staff recommends the Town and County update the LDRs to reflect the appropriate definition.	5.1.1.C.1.e. Wetlands. 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. Determination of wetlands shall be according to the 1987 <u>1989</u> Army Corps of Engineers definition of jurisdictional wetlands. This definition excludes irrigation induced wetlands
10	5.3.2.D.3	The purpose of the Scenic Resources Overlay (SRO) is to preserve the County's viewsheds from impact by physical development. The issue is that temporary impact is by definition a short-term impact that is remedied in a fixed period of time and does not cause a lasting impact to the County's viewsheds. Staff recommends the Town an County exempt temporary physical development and use from the standards of the SRO.	5.3.2.D.3. <u>e. Temporary Impacts. Temporary physical development and use that does not impact scenic skylines or foregrounds for longer than 1 year is exempt from the standards of this Section.</u>

	LDR Section	Issue and Staff Recommendation	Proposed Amendment
11	5.4.1	<p>The LDRs prohibit development of slopes greater than 30%. 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 30% 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. 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.</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.</u> NC-ToJ Zone. 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.</u> Manmade Slopes. 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.</u> Small Slopes. Physical development is permitted on slopes that cover less than 1,000 square feet and have less than 4 feet of elevation change.</p> <p><u>4.</u> Essential Access. Physical development of steep slopes is permitted to provide essential access for vehicles and/or utilities when no other alternative access exists.</p> <p>C-D. Standards in Hillside Areas. ...</p>

	LDR Section	Issue and Staff Recommendation	Proposed Amendment
12	5.5.4.B.1 5.7.1.A 8.7.2.A.6 5.7.2.A.12	The Teton County Weed and Pest District proposes that the LDRs direct applicants 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 applicant to the Teton County Weed and Pest District for assistance. Staff recommends that the Town include the Weed and Pest District's proposed clarification.	5.5.4.B.1. Approved Plant Material ... <u>a. Wyoming Seed Law. 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> <u>b. Wyoming Nursery Stock Law. 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> 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/Revegetation.php).</u>
13	6.1.1.E	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. 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.	6.1.1.E. <u>Permit Exemption for Emergency Response. From time to time, a use may be a necessary part of an emergency response under the Comprehensive Emergency Management Plan, implemented by Teton County Emergency Management. In such instances, the requirement for a use permit shall be waived.</u> <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>
14	6.1.1.F	The use schedule itself does not have a subsection under Section 6.1.1. making it awkward to reference. Staff recommends the Town and County designate the Use Schedule as Section 6.1.1.E.	6.1.1.F. <u>Use Schedule. The use schedule is established in the following tables.</u>
15	6.1.1.F 2.2.#.C.1 2.3.#.C.1 3.3.#.C.1	The current language in the footer of the Use Schedule is potentially misleading. 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.	Y=Use allowed, no <u>use</u> permit required

	LDR Section	Issue and Staff Recommendation	Proposed Amendment
16	6.1.1. F	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. Staff recommends that the Town and County add such an indication to assist LDR users looking to locate a specific use.	6.1.1.F. Use Schedule footer: <u>F = Use also subject to zone specific standards</u> <u>[Add superscript to all applicable uses]</u>
17	6.1.2.B.2	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. Staff recommends the Town and County clarify that the principal use must exist before any use can be considered incidental to it.	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>
18	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. e 5.7.1.B 6.1.12.F.2.a 6.4.4.A 8.2.2.B.1. a	As part of the Rural LDR Updates the County updated the definition of agriculture. 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 the 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.	6.1.3.B.1.a.ii. production of forage, crops, <u>or timber</u> ; 6.1.3.B.2. Standards a. <u>Purpose. The purpose of these standards is to:</u> <u>i. protect and maintain the existing and potential agricultural lands in Teton County 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> a b. <u>Active.</u> Agricultural land shall be actively farmed or ranched. b c. <u>Ancillary retail prohibited.</u> Retail sale of agricultural products on-site is prohibited unless permitted as a separate use. <u>d. Exemptions. The following exemptions apply to agricultural uses:</u> <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> <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</u>

LDR Section	Issue and Staff Recommendation	Proposed Amendment
		<p><u>exempt from obtaining the following permits. However, exemption from the requirement to obtain a permit does not grant exemption from any regulations. See 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>
19 6.1.3.C 6.1.7.C	As part of the Rural LDR Updates the County consolidated the various outdoor recreation uses	<p><u>6.1.3.C. Outdoor Recreation</u></p> <p>1. Definition. Outdoor recreation is the use of</p>

LDR Section	Issue and Staff Recommendation	Proposed Amendment
	<p>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). 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 to 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 that the Town can benefit from if the outdoor reception business begins to impact Town.</p>	<p>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> <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;</u> <u>ii. Hours of operation; and</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> <p><u>1. Definition. A downhill ski area is a slope used</u></p>

	LDR Section	Issue and Staff Recommendation	Proposed Amendment
			<p>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>
20	6.1.4.A.2.c	The LDRs currently rely on the definition of residential use as a permanent living facility to prohibit camping on a property as a means of occupation. The Town LDRs prior to 2015 contained a more explicit prohibition. Staff recommends that the Town and County make it clear that temporary dwellings can only be occupied in campgrounds or pursuant to the standards for a temporary shelter that require a permanent structure be under construction.	6.1.4.A.2.c. A conventional camping unit, tent, or other temporary dwelling is not a residential use and may only be occupied as permitted by Sec. 6.1.12.D. Temporary Shelter. Camping and campground use are prohibited in the Town.
21	6.1.6.E.1	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. Staff recommends a threshold related to 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).	6.1.6.E. Restaurant/Bar 1. Definition. A restaurant or bar is an establishment that serves oriented to the serving of food and/or beverages <u>for consumption onsite.</u>
22	6.1.8.B.1.a.vii	To clearly define reception uses the County included reception hall in the list of uses included under the definition of Assembly Use. Staff recommends the Town make the same inclusion for consistency and given the growing reception industry.	6.1.8.B.1.a.vii. <u>reception halls</u>
23	6.1.11.B.1.b	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. Staff recommends the Town and County clarify that an ARU cannot be a mobile home.	6.1.11.B.1.b. <u>Does Not Include:</u> <u>i. Mobile Home</u>

	LDR Section	Issue and Staff Recommendation	Proposed Amendment
24	6.1.11.B.3.a	An LDR user looking for ARU standards in Article 6 will not find the maximum size or other standards that vary by zone. 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>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>
25	6.2.5.A	The standards for design of parking lots and loading areas require pavement of all parking areas unless they serve a single family dwelling. This standard often does not make sense for sites taking access of a non-paved alley and often does not make sense in the Business Park for industrial uses with heavy machinery. Staff recommends adding an exemption for alley access unless paving is needed to stripe the surface so that parking and access requirements can be met.	<p>6.2.5.A. Surface and Drainage</p> <p><u>14.</u> Compaction and Drainage. Parking and loading areas, aisles, and access drives shall be compacted and paved or surfaced in conformity with applicable specifications to provide a durable surface, shall be graded and drained so as to dispose of surface water runoff without damage to private or public land, roads, or alleys, and shall conform with any additional standards for drainage prescribed by these LDRs, or other applicable regulations and standards.</p> <p><u>21.</u> Paving Required.</p> <p><u>a.</u> Outdoor, off-street parking and loading areas, aisles and access drives shall be paved, unless exempted below. except</p> <p><u>i.</u> Parking areas, aisles and access drives for detached single-family units which may be gravel.</p> <p><u>ii.</u> <u>Parking and loading areas, aisles and access drives taking access of an alley may be gravel unless pavement is necessary to delineate required parking, loading or access areas.</u></p> <p>b2. <u>Paving Standards. Paved parking and loading areas, aisles and access drives shall be paved with Pavement shall be</u> concrete, grasscrete, paving blocks, asphalt, or another all weather surface <u>other than gravel.</u></p> <p>3. Landscape Islands. ...</p>
26	6.2.6	The Town deleted the content of this Section. Staff recommends the Town and County delete the section entirely since a placeholder is no longer needed to retain a consistent organization.	6.2.6. [deleted] (8/3/16, Ord. 1125)

LDR Section	Issue and Staff Recommendation	Proposed Amendment			
27 6.3 7.4 Other	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. 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.	6.3, 7.4, Other Sections as applicable [(as applicable) Housing Department/Housing Director/Housing Manager/Housing Authority Teton County Housing Authority]			
28 6.3.1.B	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. Staff recommends that the Town and County add the P/SP exemption to the Employee Housing section.	6.3.1.B. 10. P/SP Uses. Any use in the P/SP zone is exempt from the standards of this Division.			
29 7.1.5 7.1.6	The County added 2 conservation development options. Staff suggests the Town insert placeholders for all of the Sections added to maintain organizational consistency.	Sec. 7.1.5. Floor Area Option [Section number reserved, standards only apply in County] Sec. 7.1.6. Complete Neighborhood Planned Residential Development (CN-PRD) [Section number reserved, standards only apply in County]			
30 8.#.#.X	Each Section in Divisions 8.3-8.9 establishes a review process, including deadlines, for a specific application or enforcement action. Prior to 2015 there was a general standard that an applicant could waive any deadline, in 2015 that waiver was only applied to the timeline between sufficiency and the first public hearing on an application. Staff recommends that the Town and County re-formalize the ability of the applicant to waive any deadline on staff.	8.#.#.X Review Process. All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete the each step before moving to the step below. An applicant may waive any Town deadline.			
31 8.2.2.F.7	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. 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.	8.2.2.F.7 <table border="1" data-bbox="954 1360 1523 1667"> <tr> <td data-bbox="954 1360 1263 1667" rowspan="2">PLANNING DIRECTOR RECOMMENDATION</td> <td data-bbox="1263 1360 1523 1524">Sketch Plan: recommendation within 60 days of sufficiency</td> </tr> <tr> <td data-bbox="1263 1524 1523 1667">Other Permit: recommendation within 45 30 days of sufficiency</td> </tr> </table>	PLANNING DIRECTOR RECOMMENDATION	Sketch Plan: recommendation within 60 days of sufficiency	Other Permit: recommendation within 45 30 days of sufficiency
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32 8.2.4.B	More and more review and processing of applications is done electronically. Staff recommends the Town and County update the submittal standards to include a requirement for both hard copy and electronic submittal.	8.2.4.B. Application Acceptance. Applications required by these LDRs shall be submitted electronically and or in hard copy to the Planning Department...			

	LDR Section	Issue and Staff Recommendation	Proposed Amendment
33	8.2.4.D	The LDRs generally encourage consolidation of applications for efficiency in review and assurance that reviewers and decision makers have all relevant information. However, there are some applications that must proceed subsequent applications, in order to ensure the public review process established in the LDRs. Staff recommends the Town and County clarify that the general sentiment does not supersede any specific procedure requirements.	D. Application Consolidation. The application review process is intended to encourage efficient processing. Applicants are encouraged to consolidate the review of concurrent applications for a single site to the extent practical, <u>except as prohibited elsewhere in these LDRs.</u> ...
34	8.2.11.D	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. Staff recommends the Town and County make the requirement consistent in both Sections.	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.
35	8.2.13.B.1.a	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. 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.	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> <ul style="list-style-type: none"> <u>i) However,</u> The Planning Director may elevate the threshold for review in the case of incremental amendments that total a larger change. <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>
36	8.2.14.C.4.b.	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. 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.	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>

	LDR Section	Issue and Staff Recommendation	Proposed Amendment																																																								
37	8.2.14.C.4.c	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. Staff recommends making the standard more flexible to allow owners to create posted notice that meets the intent without prescribing a specific dimension.	8.2.14.C.4.c. Size. The notice shall be <u>legible from the adjacent roadway 4 ft by 4 ft.</u>																																																								
38	8.2.14.C.4.f 5.6.1.B.4.j	The posted notice standards do not specify an exemption from the Sign Standards of Division 5.6. Staff recommends the Town and County clarify that posted notice is exempt from all but the materials standards generally applicable to signs.	8.2.14.C.4.f. <u>Sign Permit Exempt. Except as related to materials, the notice shall be exempt from the standards of Div. 5.6.</u> 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>																																																								
39	8.3.4.G.6 8.4.1.F.5 8.6.2.F.4	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. 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.	<table border="1" data-bbox="954 684 1528 793"> <tr> <td data-bbox="954 684 1263 793">TOWN ENGINEER DECISION</td> <td data-bbox="1263 684 1528 793">Decision within 45 30 days of sufficiency</td> </tr> </table> <table border="1" data-bbox="954 848 1528 953"> <tr> <td data-bbox="954 848 1263 953">PLANNING DIRECTOR DECISION</td> <td data-bbox="1263 848 1528 953">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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40	8.5.3.C.1 2.3.#.D.4 3.3.#.D.4	There is currently ambiguity whether subdivision of an existing building into condominiums or townhomes should require a development plan prior to plat. Staff does 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. 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..	8.5.3.C. Findings. A plat shall be approved upon a finding the proposed plat: 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> ... 2.3.#.D.4, 3.3.#.D.4 <table border="1" data-bbox="954 1220 1495 1457"> <thead> <tr> <th data-bbox="954 1220 1101 1251">Option</th> <th data-bbox="1101 1220 1263 1251">Sketch Plan</th> <th data-bbox="1263 1220 1425 1251">Dev. Plan</th> <th data-bbox="1425 1220 1495 1251">Plat</th> </tr> </thead> <tbody> <tr> <td colspan="4" data-bbox="954 1262 1495 1293"><u>Land Division-Any Subdivision</u></td> </tr> <tr> <td data-bbox="954 1293 1101 1325"><u>≤ 10 lots</u></td> <td data-bbox="1101 1293 1263 1325"></td> <td data-bbox="1263 1293 1425 1325">X</td> <td data-bbox="1425 1293 1495 1325">X</td> </tr> <tr> <td data-bbox="954 1325 1101 1356"><u>≤ 10 units</u></td> <td data-bbox="1101 1325 1263 1356"></td> <td data-bbox="1263 1325 1425 1356"></td> <td data-bbox="1425 1325 1495 1356"></td> </tr> <tr> <td data-bbox="954 1356 1101 1388"><u>≤ 10 lots</u></td> <td data-bbox="1101 1356 1263 1388">X</td> <td data-bbox="1263 1356 1425 1388">X</td> <td data-bbox="1425 1356 1495 1388">X</td> </tr> <tr> <td data-bbox="954 1388 1101 1419"><u>≤ 10 units</u></td> <td data-bbox="1101 1388 1263 1419"></td> <td data-bbox="1263 1388 1425 1419"></td> <td data-bbox="1425 1388 1495 1419"></td> </tr> <tr> <td colspan="4" data-bbox="954 1419 1495 1451"><u>Condominium/Townhouse</u></td> </tr> <tr> <td colspan="4" data-bbox="954 1451 1495 1482"><u>X</u></td> </tr> </tbody> </table> <table border="1" data-bbox="954 1482 1495 1640"> <thead> <tr> <th data-bbox="954 1482 1101 1514">Option</th> <th data-bbox="1101 1482 1263 1514"></th> <th data-bbox="1263 1482 1425 1514">Dev. Plan</th> <th data-bbox="1425 1482 1495 1514">Plat</th> </tr> </thead> <tbody> <tr> <td colspan="4" data-bbox="954 1514 1495 1545"><u>Land Division</u></td> </tr> <tr> <td colspan="4" data-bbox="954 1545 1495 1577"><u>Any Subdivision</u></td> </tr> <tr> <td data-bbox="954 1577 1101 1608"></td> <td data-bbox="1101 1577 1263 1608"></td> <td data-bbox="1263 1577 1425 1608">X</td> <td data-bbox="1425 1577 1495 1608">X</td> </tr> <tr> <td colspan="4" data-bbox="954 1608 1495 1640"><u>Condominium/Townhouse</u></td> </tr> <tr> <td colspan="4" data-bbox="954 1640 1495 1671"><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>				Option		Dev. Plan	Plat	<u>Land Division</u>				<u>Any Subdivision</u>						X	X	<u>Condominium/Townhouse</u>				<u>X</u>			
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41	8.5.3.D.1	The section specifying plat content requirements incorrectly references Wyoming Statute 18-5-303. Staff recommends the Town and County correct the reference to 18-5-306.	8.5.3.D.1. A plat shall contain all requirements of Wyo. Stat. § 18-5- 306 303 and § 34-12-103.																																																								
42	8.5.3.D.2	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. Staff recommends that the Town and County cross-reference this requirement in the section containing plat content requirements.	8.5.3.D.2. <u>A plat shall contain notice of a mapped fault line pursuant to Sec. 5.4.3.B.</u>																																																								

	LDR Section	Issue and Staff Recommendation	Proposed Amendment
43	8.5.3.E.1	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. Staff recommends that the Town and County require a Subdivision Improvement Agreement be recorded against the property.	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>
44	8.5.4.D	The current standards for an exempt land division require a recording of a certificate of survey, which not a term with common meaning. 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.	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: 1. A map certificate -of survey; that includes: <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 <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.

	LDR Section	Issue and Staff Recommendation	Proposed Amendment
45	<p>8.7.3.F 4.3.1.E.5 4.4.1.C.2 3 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.GH.9</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 the Sketch Plan 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. Staff recommends the Town and County delete reference to a certificate of standards.</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>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 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.GH.9 [delete reference to certificate of standards]</p>
46	<p>8.8.1.G.3 8.8.4.G.3 8.9.4.F.2</p>	<p>The process of designating a Hearing Officer should be informed by the duties and responsibilities of a Hearing Officer. 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>8.8.1.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>
47	<p>8.8.2.E.</p>	<p>As the expiration standards for a Variance currently read, a phased development that requires a variance could run into unintended expiration issues. 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>8.8.2.E. Expiration. A variance shall expire one year after the date of approval except under one of the following circumstances:</p> <ol style="list-style-type: none"> 1. The physical development, use, development option, or subdivision permit enabled by the variance is under review or implementation; <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 3. Another expiration has been set through the approval of the variance.

	LDR Section	Issue and Staff Recommendation	Proposed Amendment
48	9.3.2	The abbreviation GSA is used for Gross Site Area in the District 2 zones, but was not added to the list of abbreviations. Staff recommends the Town add it to the list of abbreviations.	9.3.2. Common Abbreviations. The abbreviations provided below have the following meanings: ... <u>GSA: Gross Site Area (9.4.4.A)</u>
49	9.4.6.C	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. 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.	9.4.6.C. Floor Area Ratio (FAR)/Maximum Floor Area. <u>1. The maximum floor area</u> (see Sec. <u>9.4.5. 9.5.F.</u> 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> <u>2. The site area used to calculate maximum floor area shall be:</u> <u>a. gross site area in Character Zones (Div. 2.2 & Div. 3.2.), and</u> <u>b. the base site area in Legacy Zones (Div. 2.3 & Div. 3.3).</u> <u>3. Unless otherwise defined in these LDRs, the maximum allowed floor area above grade is calculated by multiplying the allowed FAR by the applicable base site area. Inversely, FAR is calculated by dividing the habitable floor area above grade by the applicable site area.</u> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;">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 $((8,000-2,000)/24,000 = .25)$.</div>
50	9.4.6.F 9.5.L	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. Staff recommends the Town and County move the definition of minimum lot size to the section defining rules of measuring density/intensity.	9.4.6.F. <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> 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>

	LDR Section	Issue and Staff Recommendation	Proposed Amendment
51	9.4.8.E.2 9.4.8.H	Staff also recommends the Town and County reduce the setback from a driveway easement to 5 feet. 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. 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.	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> <u>9.4.8.H. Site Development Setback Exemption. Site development setbacks shall not apply from lot lines to road or driveway development when the lot line is within the easement.</u>
52	9.5	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. Staff recommends the Town and County cross reference all standards defined by rules of measurement in the definitions Division.	9.5 <u>[add reference to all terms defined by a rule for measurement in Division 9.4]</u>
53	9.5.P	A recent 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. 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.	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, fence, wall, or other site development or accessory structures ; 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.
54	9.5.S	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. Staff recommends the Town and County amend the definition of site to clarify that intent.	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>

	LDR Section	Issue and Staff Recommendation	Proposed Amendment
55	9.5.S	Due to a recent inquiry into the applicability of site development requirements to agricultural cultivation of soil, staff recommends the Town and County clarify that agricultural cultivation is not counted as site development.	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>

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

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