

Town of Jackson & Teton County, Wyoming

DIAGNOSIS OF LAND DEVELOPMENT REGULATIONS

April 17, 2013

FINAL



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1. Introduction

The Town of Jackson and surrounding Teton County have decided to update their Land Development Regulations (LDRs) in order to strengthen their ability to implement their jointly-adopted 2012 Comprehensive Plan and remove barriers to more sustainable growth in the Town and County. Since 1994, the Town and County have relied on LDRs that are performance-based, focused on mitigating specific impacts of development. These regulations currently involve substantial discretionary decision-making by elected officials, leading many stakeholders to comment that the system is inefficient, politically-driven, and time-consuming. In 2012, the Comprehensive Plan was updated to reflect changing times, and describes an updated philosophy for the LDRs as well. This philosophy is a shift towards additional predictability in the LDRs, moving from avoiding impact to describing development aspirations instead.

LDR Update

There are two components to the LDR update: the structure and the content. Structure includes the style, format, and philosophy behind the LDR; the content is the specifics of the regulations themselves.

One of the biggest shifts from the 1994 to the 2012 Comprehensive Plan is in the philosophy used to regulate development. In 2012, the community desires predictable, consistent, clear, nondiscretionary regulations. The 2012 Plan also has Character Districts that identify the form of development the community wants to see in the future, in addition to the impacts the community wishes to avoid. The adoption of this shift in philosophy implies a shift in LDR structure toward a more prescriptive code and a streamlined review model.

There are three dominant philosophies in zoning: use-based (Euclidean), performance-based, and form/character-based. Regulations are rarely pure examples of a single philosophy. Most LDRs are a combination of the three philosophies.

In 1994, the Town and County moved away from their traditional use-based zoning system to a more performance-driven system. Regulations to avoid and mitigate development impacts were added, and applied on a case-by-case basis using elected decision-maker discretion. The regulations also became more character-based with the introduction of Rural, Suburban, and Urban zones based on

the relationship of building mass to open space. The current LDRs remain heavily focused on use regulation.

As discussed above, the 2012 Comprehensive Plan directs that the LDRs move to a more prescriptive set of character standards describing intended outcomes, with less focus on flexible performance or impact mitigation standards.

Parallel Work Efforts

The Town and County are engaged in a series of additional work efforts:

- A separate consultant review and revision of the procedural elements of the LDRs; and
- A separate consultant revision of the rural area conservation subdivision and related tools.

For that reason, this diagnosis does not focus heavily on those two topics.

Amendment Process

Joint processes for each amendment are not needed because the adopted Comprehensive Plan policies and Character Districts provide the coordination between Town and County. The Town Council and

Board of County Commissioners decided in June 2012 to approach the LDR update through a series of amendments rather than a single, complete document update. This approach was adopted for its following benefits:

- Allows for adoption of individual pieces without having to wait for adoption of pieces that require additional research, technical review, or public discussion.
- Allows for more focused dialogue on each specific issue.
- Allows the community to address priority issues sooner.
- Breaks one big contract into smaller contracts that are easier to manage and more specialized to the specific needs of the community.
- Breaks one big expenditure decision into smaller expenditure decisions over time that can evolve with the process.

Diagnosis Components

This diagnosis of the existing regulations for both the Town and County provides:

- Strengths and weaknesses of the existing regulations in implementing the 2012 Comprehensive Plan;
- An approach to zoning districts and use regulation;

- An approach to chapter outline, page layout and format of the LDRs; and
- A review of the regulations under the Greater Yellowstone Framework for Sustainability.

Basis of Analysis

This diagnosis identifies opportunities for improving the existing regulations. The diagnosis will help the Town, County and consultants reach agreement on a regulatory approach before beginning the drafting process. In a sense, this diagnosis will serve as the “road map” for preparing regulatory changes. This diagnosis is based on:

- A review of the 2012 Comprehensive Plan;
- A review of the Town and County LDRs;
- Interviews and comments from staff and external stakeholders; and
- Driving and walking tours of the Town and County.

This independent analysis provides recommendations to address gaps in the current regulations. The input received from stakeholders and staff offers an invaluable local perspective on strengths and weaknesses of the existing system. Each stakeholder has insight into what is working and not working with the current regulations. By establishing an open dialogue, the consultant was able to piece together a more complete picture of

what is happening today and what the community wants to see happen in the future.

A detailed review of the 2012 Plan allows the consultant to understand and incorporate the established community vision into the policy approach of the LDRs. Review and study of plans and regulations provide the facts, but touring the community provides the context.

This diagnosis requires the consultant to read the existing provisions very literally. In other words, the technical review focuses on what the existing regulations actually “say” and not on how they have been interpreted or administered over time. While this approach can result in occasional misinterpretations of regulatory intent or established local traditions, such miscues provide valuable insight into provisions in need of clarification.

Finally, it is important to note that inconsistencies or weaknesses in the current regulations are in no way intended to reflect poorly on the drafters or administrators of the current regulations. The existing LDRs have been amended in piecemeal fashion, which has resulted in both substantive and stylistic inconsistencies between the Town and County LDRs.

Stakeholder Input

As part of obtaining background information for this project, a series of one-one interviews were conducted with people that regularly administer the

Town and County LDRs and with people that may be affected by any changes to the LDRs. These interviews were held on February 21 and 22, 2013 on the second floor of the County offices. Also, follow up phone calls were held with individuals that weren't able to attend the February meetings. Interviews were held with the following sets of stakeholders:

- Planners, Architects and Engineers;
- Real Estate Interests;
- Developers;
- Elected and Appointed Officials;
- Environmental Interests; and
- Town/County Staff.

The purpose of these interviews was to hear comments and input about code-related issues. A wide variety of issues were discussed, concerns raised, and questions asked. Notes from these sessions were carefully reviewed and the complete results are assembled at the end of this report.

During the discussions, several themes emerged including the following most common themes.

- The look, feel and overall usability of the LDRs are a continued frustration for many. Users would like to remove conflicts and inconsistencies and see greater use of graphics and tables throughout.

- Many participants were unhappy with the approval process and the length of time it takes to get a project approved, particularly in Town. In general, people would like an administrative approval option for less complicated and less controversial projects.
- The number of residential units allowed per acre in the County was discussed repeatedly. There was a lot of conversation about options that could be used to reduce the number of total units allowed in the County, and how to move some of those units into the Town.
- How to foster and encourage appropriately-scaled infill and redevelopment in Town was also a topic of discussion. The 3-story height limit in concert with the on-site parking, landscaping, lot coverage, and maximum floor area requirements are making it difficult to cost effectively redevelop existing sites in Town.
- The lack of housing options that exist in the community, particularly as it relates to providing a full spectrum of housing choices (such as townhouses or apartments) was noted by many as something that needs to be fixed.
- The Lodging Overlay and its existing and future extents was also widely discussed, along with the future form, size and character of hotels within that boundary.

Individual Property Rights

One observation: residents of the West in general, and of Jackson and Teton County specifically, have significant respect for individual property rights. This is expressed in the diversity of existing housing stock, both in housing type and quality. A beautifully-maintained historic house, a contemporary house, and a deteriorating trailer may all be found in close proximity in this community. This tolerance allows for great outcomes, but these patterns of development make regulation a bit more complex (it is easiest to create a homogeneous pattern), and therefore the simplest rules may not be the best for the community.

Next Steps

The Town and County have committed to developing a thorough understanding of the strengths and weaknesses of their current regulatory system. This helps establish a baseline against which tolerance for change, new policy and regulatory direction can be measured. In short, this diagnosis sets the stage for the conversation of how to regulate development in Jackson and Teton County in the future by identifying weaknesses in the current approach and projecting what might be possible.



2. Zoning Districts

Planned Neighborhood Form

The vision included in the 2012 Comprehensive Plan provides for stable, transitional, preservation and conservation subareas within the Town and County. The existing regulations appear to do an adequate job of reflecting the desired outcomes in three of these four areas; however, the transitional areas appear to need revised regulations that foster the desired transition.

In addition, the Plan identifies character-defining features, including neighborhood form. The current regulations appear to manage many of these types successfully, including:

- Preservation;
- Agriculture;
- Clustering;
- Habitat/Scenic;
- Conservation;
- Residential; and
- Resort/Civic.

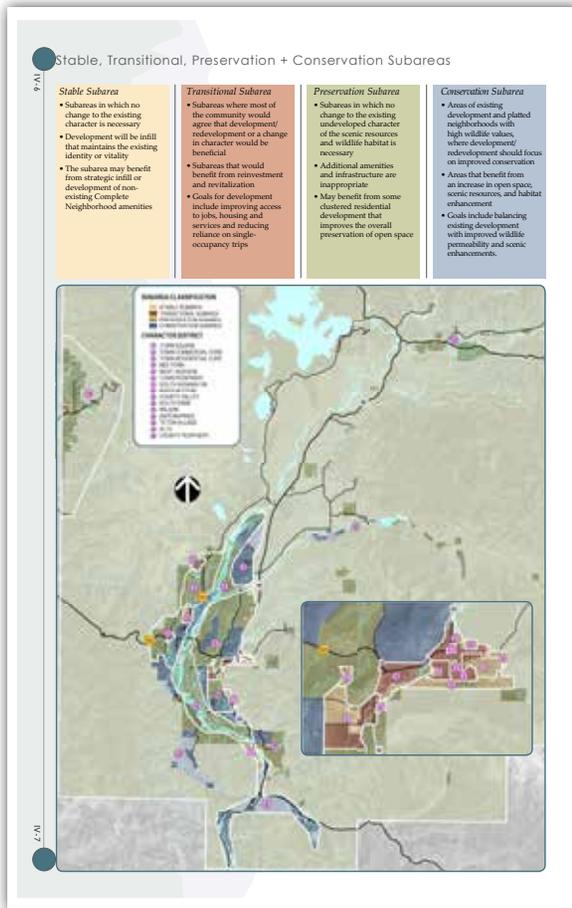
The current regulations appear to be least effective at addressing character in the following neighborhood forms:

- Village;
- Village Center; and
- Town.

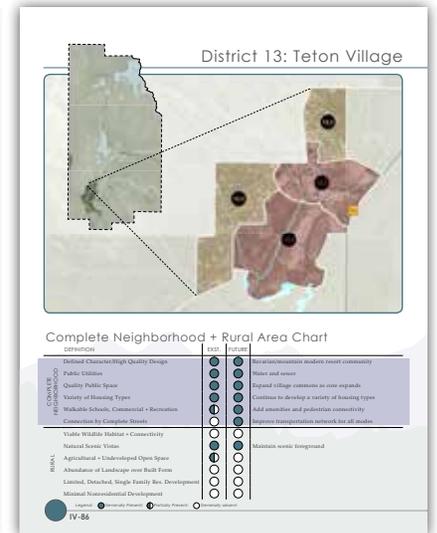
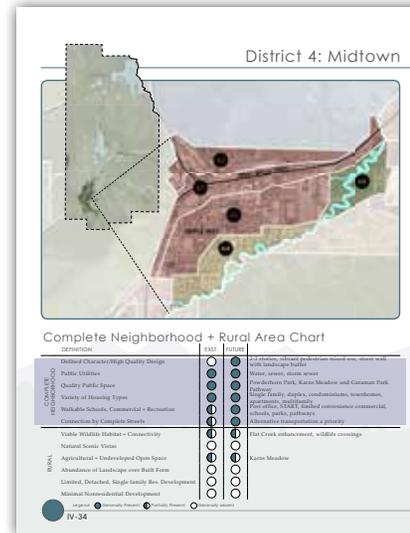
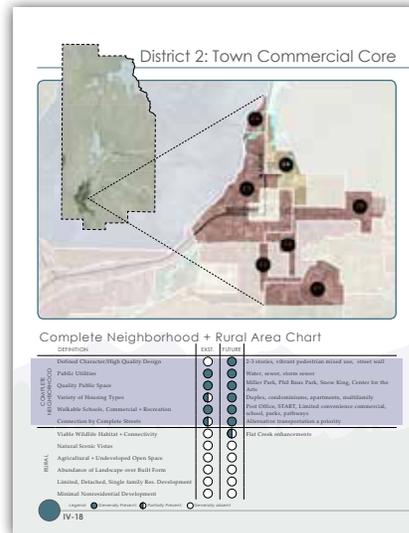
This is especially true where these areas contain transitional subareas. These subareas are primarily located in the Town of Jackson. As an example, the majority of the land in District 2: Town Commercial Core (which does not include the Town square) is considered transitional, and ranges in character from Village Form, to Village Center Form, to Town Form. Recent tools used to develop within these transitional areas have been eliminated from the available options (such as the Planned Mixed Use Development, or PMUD). Many stakeholders described the remaining tools in the LDRs as lacking adequate incentive to generate redevelopment or infill under recent economic conditions.

Key Issues

- The current LDRs cannot effectively implement many of the neighborhood forms from the 2012 Plan
- New zoning district options must create the character described in the 2012 Plan
- The zoning map should be proactively updated once new zones have been added to the LDRs
- As new zones that match existing character are added to the LDRs, the NC and BC districts should be replaced
- Current zoning for Town Square does not match the existing development pattern
- Changes to Planned Residential Development to reduce overall rural density may be appropriate
- Additional zones that create varying rural character are needed



2012 Comprehensive Plan. The jointly adopted Plan provides for stable, transitional, preservation and conservation subareas.



Transitional Areas. The LDRs do not currently have the tools in place to address the character and form recommendations of the Comprehensive Plan for many of the designated transitional areas.

Transitional areas in the County like Teton Village operate under an effective master plan process, although improving the clarity of the master plan documents should be encouraged as they are updated in the future. Other transitional County locations, such as the commercial portion of Wilson, may benefit from tools added to the LDRs to handle the fringes of the Town of Jackson.

The 2012 Comprehensive Plan also sets a goal of establishing 60% of the new units in the Town and County within complete neighborhoods. The recent situation has been the opposite, and the revised LDRs must consider options for encouraging new activity in the designated transitional areas.

Zoning District Mapping

The 2012 Comprehensive Plan provides for different character districts throughout the community. Once the Town and County have revised the kit of tools available to transform, stabilize and protect these character districts, some remapping of existing areas will be needed. It is important that this mapping take into account existing zoning, existing character (land use especially), and proposed character based on the Plan.

Without these key mapping changes, the community will not reach the Plan's goals. In some communities, the Plan is used only to guide landowner requests for change over time. This piecemeal approach is not the most effective, since some landowners will take

advantage of the process, while others will not. In the meantime, development activity may take place using existing rules that do not create the character called for in the Plan. A better result is to proactively remap, where needed. Much of the community is shown in the Plan as Stable, Conservation or Preservation. In these areas, only slight changes to the rules may be needed. In the Transitional portions of the community, significant new mapping is likely, using new tools intended to move that transformation ahead.

One important note to remember—it is not the community's job to make every private investment viable. No applicant should expect the community to "upzone" property in order to achieve their investment desires. The 2012 Plan provides the conceptual investment framework, while the LDRs provide the specific rules. Following a proactive mapping by the Town and County to match the Plan, individual changes to the zoning map should be rare and carefully considered.

“Urban” and “Suburban” Zones

At present, the development standards for the “Urban” zones allowed in the County are auto-oriented. The 2012 Plan’s emphasis on complete neighborhoods (which implies walkability for these areas), means some rethinking of how the zones allowed best serve to create and complete neighborhoods should occur. Similarly, the “Suburban” zones create a low-density pattern of development that is not compatible with the complete

neighborhood concept. While existing areas with this pattern should be retained—additional development in this form is not deemed appropriate by the Plan. This implies a reconsideration of the form of this development type as well.

Growth Balance

There is a strong sense in the community that the Town of Jackson should not simply be allowed to up-zone land for greater intensities without the County down-zoning land first. The theory is that the current entitlements represent the "carrying capacity" of the Town and County. This limitation on overall growth based on preserving existing character is holding back pro-active rezoning (remapping) in the Town, and will remain a topic of discussion as the Town moves to implement the 2012 Comprehensive Plan.

One other growth topic is the need for balance between Teton Village and the Town. The LDRs should strive for a model in which the two places are both seen as appropriate for growth. Developing in a way that is most beneficial to the entire community should remain part of the policy implemented as new regulations are drafted.

Existing Zones and the Plan

A quick analysis of existing zoning districts that have been applied in each of the 2012 Plan neighborhood forms is shown below. This analysis shows that many zoning districts are used in multiple forms—an easy illustration of the fact that new districts that are more specific to a given form are needed.

Matrix of Existing Zones and Neighborhood Form

2012 PLAN NEIGHBORHOOD FORMS	Existing Zoning Districts											
	UC	UR	AR	AC	SR	R	BC	NC	OP	RB	PR	BP
Preservation					X	X	X	X			X	
Agriculture						X	X	X				
Clustering						X	X	X			X	
Habitat/Scenic						X	X	X			X	
Conservation			X	X	X	X	X	X			X	X
Residential			X	X	X	X	X	X			X	
Village	X	X	X	X	X	X	X	X	X	X	X	X
Village Center		X	X	X	X	X		X			X	X
Town	X		X	X	X						X	
Resort/Civic			X	X		X		X			X	

Zone Purpose Statements

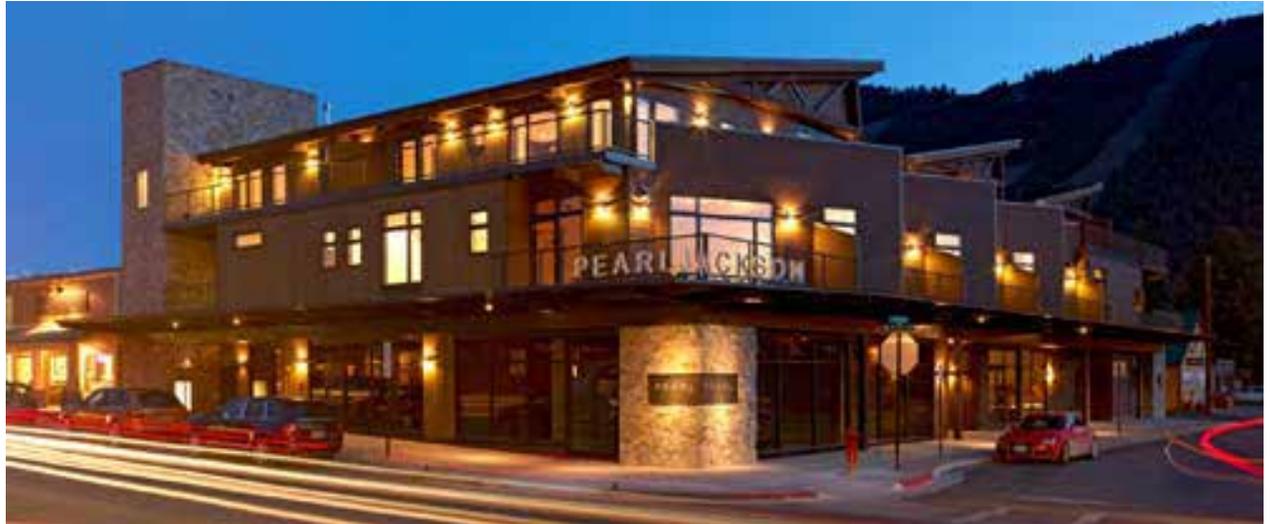
Since the adoption of the 2012 Comprehensive Plan, none of the zones in the LDRs have been rewritten. The community should take this opportunity to bring the Plan and zone intent statements into alignment by reconsidering the language of each, and creating stronger links between zone intent and the Plan's character areas.

New Districts

Housing Options

In the new economic era in which the Town and County find themselves, there has been a significant economic and demographic lifestyle change. There is a changing portion of the population moving to or visiting the region that can either no longer afford to, or no longer has the desire to, live or stay in a conventional single-family house on a large lot. There is a set of future residents and visitors that would prefer to live in a compact, walkable neighborhood with more affordable housing options beyond a conventional single-family house. At the same time, this portion of the population is looking to live in a location with little or no commute, with an abundance of nearby amenities such as coffee-shops, restaurants, arts and entertainment and a park to walk the dog. For these people, mixed use, walkable living is what it is all about.

During the stakeholder interviews, participants continually discussed a need for additional housing options to help accommodate this economic and



Housing Options. *More housing options for apartments, townhouses, and units above shops or offices would help increase the range of choices for people and help to support downtown and neighborhood commercial areas.*

demographic shift. More affordable housing options for apartments, townhouses, and units above shops or offices would help increase the range of choices for people and help to support downtown and neighborhood commercial areas year-round.

Multifamily Zones

Neither the Town or County have a good walkable multifamily zone in the current LDRs. Walkability with regard to multifamily has everything to do with how the buildings relate to the street. This means especially managing access and garage placement. A high-quality walkable streetscape is not made up of garage doors and driveways. A model for townhouses and apartments that provides for rear access garages and parking areas is needed.

Rural Options

At present, there is only one rural zone, although a variety of neighborhood forms apply in what most would consider the rural areas of the County. New districts that more accurately reflect the desired character for the various rural areas, as expressed in the 2012 Plan, must be developed and mapped in order to overcome this deficiency.

Planned Development

While base zones with appropriate standards are the most efficient mechanism for development approval, planned development can be a very effective tool for problematic sites, or to allow for special kinds of development that exceed the allowed capacity of base zones. The recent removal of planned options



Pearl/Willow. Built using the PMD, which can no longer be used.

such as the PMD within the Town (which generated some quality projects on the ground) means the LDRs no longer have adequate tools for problematic sites or additional creativity beyond that allowed by base zones. While planned development must be subject to effective decision-making criteria that help the community achieve the Plan's goals, it can also be a valuable tool for creating public benefit in trade for allowing additional creativity.

One approach that should be considered is to link the Planned Development process to one or more of the base zoning districts. The Planned Development is intended to offer dimensional flexibility for improved design. A base district is matched to the development desired, and any needed modifications

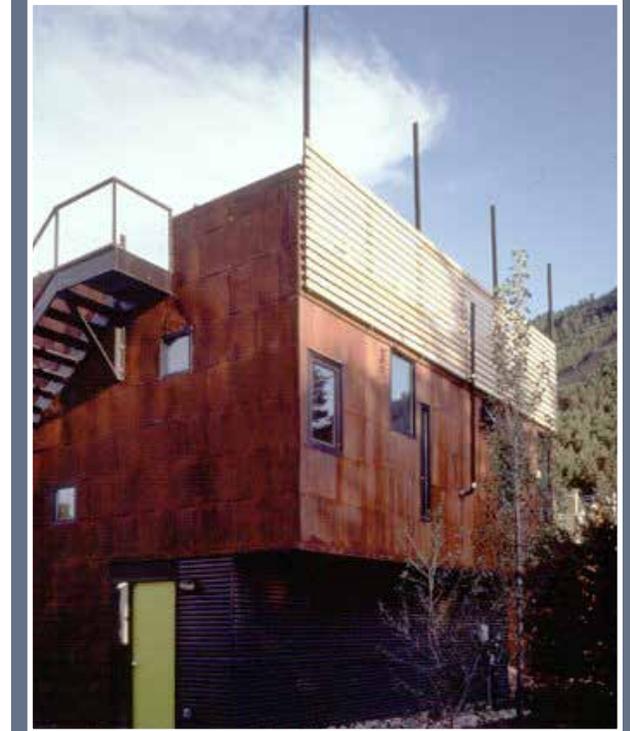
are stated in the Planned Development agreement approved by the community. This limits the length of the agreement, and allows the application of much of the LDRs to the site, instead of creating a "mini zoning ordinance" for each project. This approach can even be applied to older existing PUD's at such time as changes in the PUD are desired.

Finally, if density or intensity is an issue, Planned Development can be structured to allow only flexibility in design standards, but no additional density or intensity.

District Changes

AR District

A recent attempt to make the AR District more responsive to the current market failed in 2011. Reconsideration of the concepts of that zoning revision—which focused primarily on being able to sell the third unit separately (principal dwelling, plus guest house, plus accessory dwelling unit)—is appropriate when considering how to implement the Plan's goals. Many lots in the area currently zoned AR are deep, and some include alleys for rear access. These lots accommodate the three separate units successfully (physically, if not economically). Stakeholders questioned whether other models in this area might work as well, such as allowing a lot split for two units (similar to that currently allowed in the NC-2 District), or even a larger main house with all three units combined (a triplex).



AR Zoning. A recent attempt to make the AR District more responsive to the current market failed in 2011.

NC Zoning Expansion

Some stakeholders felt that development was easier in NC Districts. However, the NC boundaries are expressly prohibited from expansion in the text of the LDRs. If this zone is retained in the future, some consideration should be given to eliminating this restriction.

Industrial Districts

The current industrial zones also suffer from competition from other uses. Light industrial uses are intended to allow for the trades to have a location in which their trucks, trailers and other equipment are acceptable on-site. These service uses are significant job providers, and locations for such uses within walking distance of residential use make sense. Today, the zones that allow light industrial uses also allow a variety of other uses with greater ability to pay for the space. Creating a zone that caters to light industrial uses, and mapping it in appropriate locations will support job creation in proximity to available housing. It is also important to make certain that industrial uses can be reached on foot and by bicycle, not just by cars and trucks.

Mobile Home Parks

Over time, the condition of the affordable stock of housing located in existing mobile home parks has deteriorated. The introduction of a zone appropriate for retention of this level of affordability, but providing for replacement of the existing parks is needed. That means providing for at least the same density

currently on the ground in such parks. In fact, if a combination of market rate and affordable units is desired, the density of these areas must eventually be higher than the density today (in order to provide an equivalent number of replacement affordable units, plus market rate units).

Another possible tool that would work towards the elimination of existing parks would be to limit the replacement of existing units on lots or in parks that do not meet the current LDR standards. The current LDRs allow mobile home replacement for "improved structural and safety design."

Planned Residential Development

The current Planned Residential Development District allows a series of options for bonus density in rural areas. The current standards set base density at 1 unit per 35 acres, but with increased open space in permanent conservation, densities can rise to 3 units per 35 acres, 6 units per 35 acres, and even 9 units per 35 acres.

If these density bonuses are retained, they threaten the Plan's desired balance of new units constructed. These bonuses, however, are the only mechanism available to move toward clustering and away from 35-acre subdivision everywhere, an equally undesirable outcome. In fact, in today's market place, 1 unit per 35 acres is actually the highest and best use of the land. This means that under the current system and economic climate, the clustering and density bonus options are not being fully utilized

and so the County isn't achieving any significant conservation of land. Changes to the Planned Residential Development District may therefore be appropriate as part of the update to the LDRs.

Overlay Districts

Town Square Overlay District

The current Town Square Overlay District may need modification in order to meet the character intent of the Plan. If the zones that apply to the surrounding area are replaced, consideration should be given to creating a base zone that more accurately reflects the form considerations from the Plan. This is especially important since the LDRs allow much more intense development than is currently allowed around Town Square. The area is designated Stable in the 2012 Plan, but current zoning would allow significant changes. This means new regulations are required.

Lodging Overlay

No matter what the results of the current revision discussions for the boundary of the lodging overlay, there will likely be existing lodging that lies outside the boundaries of the overlay. The Town should consider new rules that would allow the redevelopment of these sites for lodging use, creating an option to substantially update these aging facilities. This does not imply that new areas should be opened up to lodging, but only that established lodging uses be given greater replacement flexibility.



Lodging Overlay. The boundaries and extent of the Lodging Overlay is currently being reconsidered by the Town.

Natural Resource Overlay Boundaries

The current natural resource overlay boundaries are derived from data that is not truly site-specific. As originally intended, the natural resource overlay boundaries were to be refined with a site-specific survey at the time of development. However, the current application of these boundaries is as a hard line, and applicants often use that line to bound their lots (some inside the overlay, other outside, but seldom crossing the line). This may, in part, be due to their depiction in the County's mapping system.

As the County moves forward to more accurately map these overlay boundaries using better science, the GIS should depict these improved lines, and they should no longer be subject to discretion in political review processes. Where possible, a mechanism for amendment of the boundaries at the technical (staff) level should be allowed.

Districts to Remove

Residential Business

The Town should consider eliminating the Residential Business (RB) District and simply using the nonconforming use rules to handle any non-residential uses in this zone.

Conservation Districts

The Neighborhood Conservation (NC-) and Business Conservation (BC) zoning districts are candidates for elimination. As new zones are created that function to provide more effectively for both stable areas and those in transition, the gradual replacement of these older tools should occur. This will require remapping once new zone text has been added to the LDRs.



3. Site Design

Building Height

The Town is extremely sensitive to the issue of building height. Three stories appears to be the tallest building height tolerated in the Town (today there are only two 4-story buildings in Town). In most commercial and mixed use zones, the height limit is 35 feet. In typical residential or office construction, floor-to-floor heights are commonly 12 feet to accommodate heating and ventilation systems. Where mixed use is desired, ground floor heights for retail often are 2 to 4 feet taller.

The end result is that a good mixed-use building with a tall retail ground floor (perhaps 16 feet) and two stories of office or residential use above (another 24 feet) does not fit within the height limit (adding up to 40 feet total). A pitched roof is also not possible given the restrictions, so all new development generates flat roofs. These zones force applicants to drop a floor (to 2 stories), squeeze the floors in (reducing the quality of the interior space), or seek a variance to increase the height. Where the Plan describes a vibrant mixed use area, the current height limit is a serious constraint.

Teton Village has been successful, in part, because of the increased height limit of 62 feet. While that height may not be appropriate in Town, a more gracious 3-story height appears to be required for mixed use buildings.

In addition to these issues, the measurement (and definition) of height in the County no longer matches that in the Town. During the revision of the LDRs, these two methods of measurement should be reconciled so that a single standards applies in the community.

Building Siting

LSR, OSR and FAR

Today, the LDRs regulate on-site parking, lot coverage, landscape surface ratio (the quantity of landscaping required on a site), open space ratio (the quantity of open space required on a site) and floor area ratio (the maximum amount of building that can occur on the site) in order to manage bulk and aesthetics of each site. The combination of ratios applied today often leads to undesirable building

Key Issues

- Current building height limits do not allow a quality mixed use building
- Height measurements for Town and County should be standardized
- Unlocking infill and redevelopment potential will require rethinking LSR, OSR, lot coverage, parking and FAR
- Large lots outside the Natural Resources Overlay should have standards for best siting of homes
- Extend the downtown parking district concepts to other complete neighborhood locations
- Improve parking standards by delinking bike parking ratios from vehicle parking, adding maximum standards for retail, and removing loading ratios
- Limit visible surface parking in walkable areas
- Require connections between new and existing development



Infill and Redevelopment. *Unlocking infill and redevelopment potential will require some rethinking of LSR, OSR, lot coverage, parking, FAR and height.*

configurations—especially in the case of tuck-under parking or other solutions for accommodating parking underneath the building. Land cost in combination with landscape and open space ratios pushes for more building height, which is unacceptable to the community. Often the result has been no redevelopment or infill activity at all.

Reconsidering how these ratios interact will be important to unlocking infill and redevelopment potential in the Town. Stakeholders suggested that a reduction of landscaped and open area, combined with increases in floor area ratio are needed to create quality mixed use projects on many redevelopment sites.

Large Lot Siting

At present, there are limited rules that apply to a 35-acre single-family lot regarding siting of the residence. Where the Natural Resource Overlay impacts the property, then resource considerations apply, but outside of this Overlay, the applicant has substantial flexibility. Given the careful consideration a subdivision of the same property would receive prior to approval, it would appear reasonable to add siting requirements for single-family homes on large lots.

Green Energy Encroachments

The growth of green options for the provision of on-site energy creates a need to review allowed encroachments, both in terms of height and setback

areas. Many communities allow rain barrels, heat pumps, geothermal systems, solar panels and other green energy options to encroach into existing setbacks, and often into height limits as well. This is intended to encourage retrofitting of existing properties already built to the original setbacks, as well as to provide flexibility for new development to accommodate these desired technologies.

Parking

Parking was a topic of discussion during the stakeholder interviews, particularly in Town. Transportation experts have widely varying opinions on transportation, traffic congestion and parking issues. Some believe that traffic congestion can only

be addressed by increasing parking requirements for off-street parking spaces, while others claim that increasing the parking supply will simply lead to more congestion. The availability of parking does influence an individual's choice to drive, walk, bike or take the bus. As the Town and County begin to focus on infill, redevelopment and complete neighborhoods, the way parking is handled is going to have to change.

Consideration should be given to expanding the downtown parking district requirements to other transitional mixed use areas that offer a similar land use and pedestrian-oriented environment as downtown. This type of treatment would clearly signal to the development community that these transition areas are the places targeted for infill and redevelopment.

Another effective mechanism for addressing parking concerns in a given area is through the allowance of shared parking. The community is already doing this; however, consideration should be given to broadening its applicability and allowing a variety of types of development and locations to utilize this method as way to reduce their total parking obligation. Other parking issues that should be considered include the following:

- Delink bicycle parking demand from vehicle parking (currently the standards are based on number of vehicle parking spaces). Require both short-term (open air racks) and long-term (covered spaces such as bike rooms or

lockers) facilities. Relate short-term ratios to clients/customers, long-term ratios to residents/employees.

- Add maximum parking requirements, specifically for large-format retail buildings.
- Reevaluate parking ratios for single-use buildings so that they are better aligned with national best practices.
- Make sure the listed uses in the parking table correspond to the use table. This will allow an easier match to occur between allowed uses and their parking requirement.
- Remove specific loading requirements. Apply standards only to the design of loading spaces, where proposed, rather than requiring a specific ratio.

Surface Parking in Walkable Areas

Enhancing walkability in the 2012 Plan's complete neighborhoods throughout the County, and especially in downtown, is key to implementing the Plan. There is a need to limit surface parking abutting the street in these areas in order to increase the amount of active uses abutting the street, and therefore the visual interest. As new parking areas are established with new development, the LDRs should ensure that parking visibility is minimized from public streets, taking advantage of the interior of blocks or multi-story structured parking to serve this purpose.

Overnight Street Parking

Stakeholders observed that one of the key restrictions on the use of on-street parking is the current approach to street plowing. At present, overnight parking on many downtown streets is not allowed. Many communities have applied a strategy that allows parking at least on one side of the street, alternating sides by day of the week. Specific snow emergency routes may also be needed, where the current practice of no parking continues so that key routes remain open even in heavy snows.

Connectivity

One of the characteristics of existing development in the County is a lack of connected subdivisions—even where they abut one another. This lack of connectivity is significantly impacting the major roads serving these developments, since vehicles cannot travel between abutting residential areas without using the major roadway network. As future development occurs, a focus on roadway connections between abutting development will reduce impacts on the major roadway system, and should be required.

Regulating Form and Character

Conventional zoning is fundamentally about keeping things apart, but in order to create complete neighborhoods, zoning must work to integrate different aspects of daily life. With proper form and character controls, a greater integration of building uses can become natural and comfortable. Land use is not ignored, but more loosely regulated using broad parameters that can respond to market economics, while also prohibiting socially or environmentally undesirable uses. While specific criteria may vary greatly from area to area, the basic issues critical to creating complete neighborhoods are fairly constant. They include:

SITING



Locating parking in front of buildings increases the cross-street distance between buildings and isolates pedestrians, creating an unattractive, possibly unsafe walking environment.

HEIGHT



A continuous roof line which does not vary from one building to the next can appear monotonous.

ELEMENTS



Blank facades tend to be monotonous, even intimidating part of the streetscape.

USE



Land uses is not ignored it is just regulated differently. Structures which have only one use tend to have less activity at street level. Activity may be limited to entry and exit.



Front setbacks of limited depth pull buildings up to the street or sidewalk. Parking setbacks ensure that cars are tucked behind buildings.



Slight variations in the roof line can create a rhythm for the street wall and add variety to the streetscape.



Functioning entrances generate activity at street level. Windows enable interaction between pedestrians and ground story spaces. Windows and doors reinforce a human scale for the street.



Variations in use within a single building can provide active uses at street level. Some uses compliment and reinforce each other.

4. Use Regulation

Consolidation of Uses

In order to simplify administration of the LDRs, consideration should be given to those elements that will be regulated as simply as possible and those which require complexity. Regulation of use is one that may provide an opportunity for simplification. Consolidating uses to a limited number of rows on the use table makes administration much easier. In addition, it allows uses to be changed in and out of existing buildings more readily. Finally, if enforcement of the LDRs in the future will continue to be limited, use restrictions may not be the most important characteristics of a development. A significant attempt to move away from the desire to over-regulate specific uses should occur.

Permitted versus Conditional Uses

Currently, the LDRs regulate uses by dividing them into permitted uses and conditional uses. The conditional uses are subjected to additional review before they are permitted. Typically these are uses that are presumed to be acceptable within a zone, but communities apply discretion to ensure they fit

their sites and surrounding context. In many cases, a review of these uses can lead to a reduction in the total number of uses subject to conditional use permitting through the application of effective use standards. The LDRs have use standards today for a variety of uses, and expanding this concept as a mechanism to convert conditional uses to permitted uses should be explored as new zones are written and existing zones revised.

Primary versus Accessory Uses

In many communities, code administrators struggle with determining allowed accessory uses in conjunction with a principal use. One simple concept that should be applied in all non-residential zones is to allow multiple principal uses on each property, provided they are all allowed within the zone. This eliminates the need to determine whether a convenience store that sells sandwiches, DVD's, and convenience goods as well as gas is a restaurant, a video store, a convenience store or a gas station. Provided all four uses are allowed in the district, then they are allowed on the site as long as all other requirements are met.

Key Issues

- Consolidate uses into broader categories with less emphasis on minor variations
- Reconsider conditional uses and apply use standards instead of discretionary review where possible
- Allow multiple principal uses except in residential areas
- Align the Town and County definition of accessory residential unit, or rename one of them
- Expand home occupations

Nonconforming Uses

Currently, the community has a high tolerance for continuing existing nonconforming uses. These uses, which complied with the regulations at one time, but are no longer allowed in the zoning district, are typically allowed to continue—but not to expand or change to another nonconforming use. The current regulations allow expansion up to 20%, which simply continues the useful life of a use previously determined to be inappropriate in its existing location. If, instead, the use is considered appropriate, then it should be mapped into a district that allows the use so that it is conforming.

Specific Uses

Accessory Residential Units

The Town and County use the term accessory residential units to mean two different things. In a consolidated LDR, this is not helpful, and a different term should be found for one or the other if they are to remain distinctly different.

Home Occupations

Many communities allow a broader range of uses as home occupations than the current LDRs permit. It is reasonable to expect that many such uses exist today, in violation of the regulations. Expansion of opportunities to incubate a small business, or to run a professional service out of a residence, improves the ability of the owner to pay their mortgage or rent, and should be encouraged.

5. Administration

Review Process

The existing LDRs are considered by many stakeholders to be overly process-intensive. The majority of approvals go up to the Town Council or County Commission, including many items often considered minor in other communities. This has led the development community to start their approval process with the elected officials, and get their approval completed on a case-by-case basis, often without regard for regulations on the books. The LDRs should be applied uniformly, and where regulations are no longer appropriate, they should be removed from the document.

The Town of Jackson Design Review Committee works from a series of guidelines that do not provide any graphic or visual cues regarding desired development. They have been working hard over the past 8 years to improve the quality of development in Jackson; however, they are may be hampered by the fact that their recommendations are only advisory.

Recent development approvals have convinced those stakeholders who watch the planning and development process closely that the Plan cannot be

implemented on the strength of its policies alone—new standards are required. One of the additional benefits of working out new, more prescriptive regulations will be improved coordination between the public works, engineering and planning departments.

Even with the existing standards, development review could be streamlined.

Level of Review

Streamlining development review is a goal in many communities. Where review is supported by clear regulations with detailed, measurable standards, review by technical staff is the most efficient route to approval. In a system like the current LDRs in Jackson and Teton County, where the application of discretion is part of almost every development approval, a slower review process is inevitable. This slower process is more expensive for both the applicant and review body, and in many communities does not generate superior results in spite of the additional time and energy.

Key Issues

- Implement the 2012 Plan concepts surrounding development review philosophy
- Reduce the reliance on elected officials applying discretion in decision-making; improve zones to match character and apply technical (staff) review
- Do not adopt new regulations the community is unwilling to enforce
- Consider adopting a stricter energy code (not part of LDRs)
- Consider adopting and enforcing a minimum housing code (not part of LDRs)

The key is to determine which elements are important to the community (in Jackson and Teton County, employee and workforce housing would be a good example) and set clear standards for the development community to provide those elements. The fundamental change in philosophy of the LDRs between the 1994 and 2012 Comprehensive Plan speaks to this issue directly, and the new LDRs need to be considered through this lens of process streamlining. As a community, we should ask ourselves what our desired outcomes are, and code for them, allowing the development community to provide those outcomes where it is economically feasible for them to do so. This does not mean that staff should necessarily be the only review body everywhere. There are certainly locations and types of projects that require discretionary decision-making. A building located on Town Square may require more review than one on East Broadway.

Enforcement of Existing Codes

Stakeholders always chide planners for considering new regulations, “when you don’t enforce the existing ones.” There is some truth to this matter. Layering on additional regulations without adequate enforcement of the existing rules is of limited utility. Prior to adopting new regulations, the implications for enforcement should be considered.

Some consideration should be given by both the Town and County to either enforcing the existing regulations, or taking them off the books. If the community does not care enough about an issue to enforce the rules, perhaps no rules are necessary!

Codes Beyond the LDRs

During our discussions with stakeholders, two key elements regarding additional codes outside of the LDRs arose. The first is a desire to see a more comprehensive and stricter energy code in place for new buildings. This is normally considered to be a part of the building code, and therefore outside of the LDRs. The next request was for improved enforcement of minimum housing code issues. This goes beyond the simpler issues of cutting the grass and towing away junk cars (which are considered nuisances) to get at the minimum basic quality of all housing within the Town and County. It is especially important to consider when a significant part of the housing demand is met through rental property. A minimum housing code focuses on safety of residents, and with its inspection program, is intended to ensure the quality of life for all residents.

6. Outline, Format & Layout

Amendment Approach

New LDR Text

The first important step in getting the LDRs to where they implement the planning thinking of the 2012 Comprehensive Plan is to prepare new text for the regulations intended that provide better outcomes to match the Plan. Jackson and Teton County have decided to modify the text in a multi-step approach, as follows:

Step One: Reformat and reorganize the effective portions of the existing regulations. Use a numbering and organizational model that provides for consistent sections between Town and County to eliminate confusion. Where a section does not apply to the County, for example, reserve that section (don't put other regulations in it) so that the two LDRs have a consistent outline. This reformat and reorganization provides the platform for additional changes, and therefore will be adopted to replace the existing LDRs.

Step Two: Modify the content of the re-adopted LDRs as needed to achieve the intended outcomes of the Plan. Specific priorities include streamlining the

review procedures, updating purpose statements to match the Plan, improving conservation subdivision in the County, and creating new zones for transitional portions of the Town.

2012 Plan Implications

The Plan's stated policy of predictability implies that terms should be defined consistently throughout the regulations, and that the format and style of the Town and County LDRs remain similar enough that a community member knows where to look for a certain regulation in either code. While individual zones will differ in their application of flexible performance standards versus predictable form standards, an updated structure for the LDRs that accommodates the various possibilities should be a joint conversation between the Town and the County.

Consistent Sections

The Town and County regulations have changed separately over time, leading to a citation for one topic in the County LDRs pointing to a completely different topic in the Town LDRs. A new model for shared regulations must be adopted that allows

Key Issues

- Improve predictability by creating consistent section numbering between Town and County
- Apply plain language drafting concepts; eliminate legalese
- Improve page layout, headers, footers and numbering for ease of use
- Add graphics and tables to enhance usability
- Use digital table of contents, cross references and hyperlinks
- Create a new outline that applies the concepts of the 2012 Plan; focus on ease of use, even when it creates additional pages

the Town and County to continue to have differing regulations, as appropriate, while retaining common standards and citations.

One of the best examples of the location of standards in multiple places is Division 4400, Residential Architectural Standards. This section includes specific setback requirements that are not found in the dimensional tables in Division 2400. In the reorganization of the LDRs, sections with similar information such as these must be brought together to improve usability. At the same time, the interplay of the two sets of standards should also be reconsidered, to eliminate any confusion.

Sample Concepts for Plain Language Drafting

- Identify and write for your audience
- Use lots of useful headings
- Write short sections
- Address separate audiences separately
- General first, exceptions later
- Use active voice (“You must . . .”)
- Use short, simple words
- Consider using illustrations
- Minimize cross-references

Source: Federal Plain Language Guidelines, March 2011

Plain Language Drafting

Legal Terminology

The trend in regulations is to eliminate outdated legal terminology in favor of a more plain language approach to drafting. Eliminating terms such as “herein”, “henceforth”, or “said” and, where possible, replacing “shall” with “must” will improve the overall readability of the LDRs. These changes may seem subtle, but when applied to the entire code, the plain language approach improves readability and comprehension. A legally-defensible set of development regulations is critical, however, even the federal government has moved to require plain language drafting of new regulations.

Footnotes

The LDRs rely heavily on footnotes accompanying tables as a means of regulation. The revision process should review all footnotes and determine how to incorporate them into the ordinance text or table itself.

Numbers in Text

Another irritant to readers is the duplication of numbers in both text and numeric form [one hundred twenty-five (125) percent verses just 125%]. This duplication came from an era in which handwritten text might be difficult to read, or later, when poorly xeroxed text became blurred. Included in this concept is the use of the % sign in place of the term “percent.”

Page Layout

The evolution of page layout software beyond basic word processing has further enhanced development regulations. Now, features such as running headers that allow the reader to quickly flip through pages of the code, and footers on each page with a date of publication or adoption, help reassure users they have the most current copy of the regulations.

Header/Footer

A continuous running header with both the section number and section title is useful when paging through an ordinance. The adoption or amendment date ensures users are up to date and looking at the same copy as staff or elected and appointed officials.

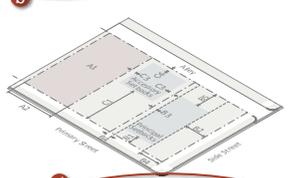
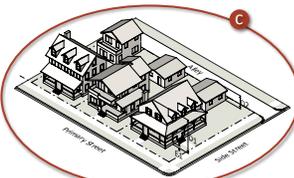
Page Numbers

When page numbers reference the Article, new pages can be inserted into the document more easily, since the entire document does not need to be reprinted, only the Article where new text is added. For example page 6-4 is the fourth page in the sixth article. Also, this method of page numbering gives the user some idea of what Article a page number is referring to.

Sample Page Layout: This sample page layout shows alternate ways to enhance the user-friendliness of the regulations.

ARTICLE 6. URBAN | Sec. 6.2 Building Types
6.2.1 Detached House

6.2.1. Detached House
A building type containing one principal dwelling unit typically located on a single lot with private yards on all four sides.

	R-1	R-2	R-4	R-6	R-10
A. Lot Dimensions					
A1 Area (min)	20,000 sf	10,000 sf	6,000 sf	4,000 sf	3,000 sf
A2 Width (min)	80'	65'	50'	45'	30'
B. Principal Building Setbacks					
B1 From primary street (min)	20'	20'	10'	10'	10'
B2 From side street (min)	20'	20'	20'	20'	20'
B3 From side lot line (min)	10'	10'	5'	5'	5'
B4 Sum of side setbacks (min)	30'	30'	15'	10'	10'
B5 From rear lot line (min)	30'	30'	20'	20'	15'
C. Accessory Structure Setbacks					
C1 From primary street (min)	50'	50'	50'	50'	50'
C2 From side street (min)	20'	20'	20'	20'	20'
C3 From side lot line (min)	5'	5'	5'	5'	5'
C4 From rear lot line (min)	5'	5'	5'	5'	5'
C4 From alley (min)	n/a	n/a	4' or 20'	4' or 20'	4' or 20'

D. Height

	R-1	R-2	R-4	R-6	R-10
D1 Principal building (max)	40'	40'	40'	40'	40'
D2 Accessory structure (max)	3 stories				
E. Ground Floor Elevation					
E1 2' or less from front property line (min)	2'	2'	2'	2'	2'
E2 More than 20' from front property line (min)	0'	0'	0'	0'	0'
F. Allowed Building Elements*					
Porch, stoop					
Balcony					

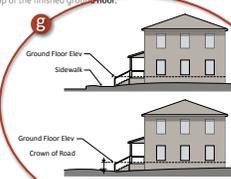
* see Sec. 6.1.11 for specific building element requirements.

6-4 | Land Use Toolkit - Zoning Code

Version 3.0 | 11/15/2010

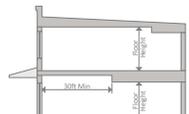
1 Measurement & Exceptions | ARTICLE 9. RULES FOR BUILDING TYPES | 9.1.4 Setbacks

B. Ground Floor Elevation
Ground floor elevation is measured from the average curb level of the adjoining street, or if no curb exists, the average level of the center crown of the street to the top of the finished ground floor.



C. Floor Height

- Floor height is measured from the top of the finished floor to the ceiling above.
- Minimum ground story height applies to the first 30 feet of the building measured inward from the street facing facade. At least 50% of the ground floor must meet the minimum height provisions.
- At least 80% of each upper story must meet the minimum upper story height provisions.



D. Height Encroachments
Any height encroachment not specifically listed is expressly prohibited except where the Planning Director determines that the encroachment is similar to a permitted encroachment listed below.

- The maximum height limits of the district do not apply to spires, bellies, cupolas, domes not intended for human occupancy, monuments, water tanks or other similar structures which, by design or function, must exceed the established height limits.
- The following accessory structures may exceed the established height limits, except when located within an Airport Overlay District, provided they do not exceed the maximum building height by more than 12 feet:
 - Chimney, flue or vent stack;
 - Deck, patio, shade structure;
 - Flagpole;
 - Garden, landscaping;
 - Parapet wall, limited to a height of four feet;
 - Rainwater collection or harvesting systems; and
 - Sustainable energy systems.
- The following accessory structures may exceed the established height limits, except when located within an Airport Overlay District, provided they do not exceed the maximum building height by more than 22 feet, do not occupy more than 25% of the roof area, and are set back at least ten feet from the edge of the roof:
 - Amateur communications tower;
 - Cooling tower;
 - Elevator penthouse or bulkhead;
 - Greenhouse;
 - Mechanical equipment;
 - Skylights;
 - Stairway access to roof; and
 - Tank designed to hold liquids.

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Land Use Toolkit - Zoning Code 9-3

- a Running header
- b Prominent titles
- c Graphics and illustrations
- d Clean, Easy to Read Tables Convey Information
- e Page Numbers reference Article
- f Adoption Date

Outline Numbering

The current approach to numbering results in a very long single number (for example, 4911). Many communities now split this number up so that it reflects the components of the code:

Example: 4.9.11

4 = Article, 9 = Division, 11 = Section

This alternative improves ease of navigation throughout the document.

Tracking Amendments

Many communities use a codification service to track amendments. These code publication companies track text changes on the community's behalf. Today, Jackson and Teton County manage their codification internally. This allows new ordinances to make their way into the code more swiftly and accurately. However, the community should consider tracking amendment of paragraphs in the same manner as the codification companies -- by including legislative history after each paragraph that is amended. For example, "(Ord. 846 § I, 2007)" means the paragraph was amended by that specific ordinance, section I, and the amendment took place in 2007. It is also possible to use commenting functions to retain legislative history that is invisible to the typical reader, yet available when viewing document comments.

- g Graphics reinforce how to measure standards
- h Consistent numbering, indented paragraphs
- i Generous use of white space
- j Running footer

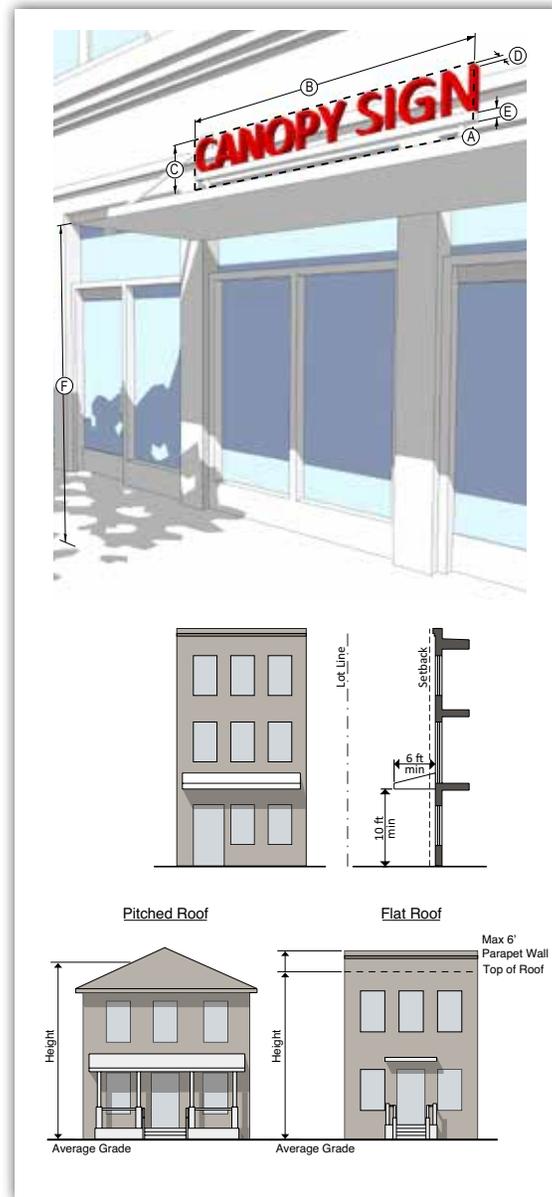
Graphics

Graphics are most helpful for illustrating standards, especially those related to measurements and zone dimensional standards. Graphics provide the opportunity to signal the quality of development the community expects. The existing development regulations make limited use of graphics. Additional graphics would make portions of the LDRs easier to understand. Possible additional graphics include the following:

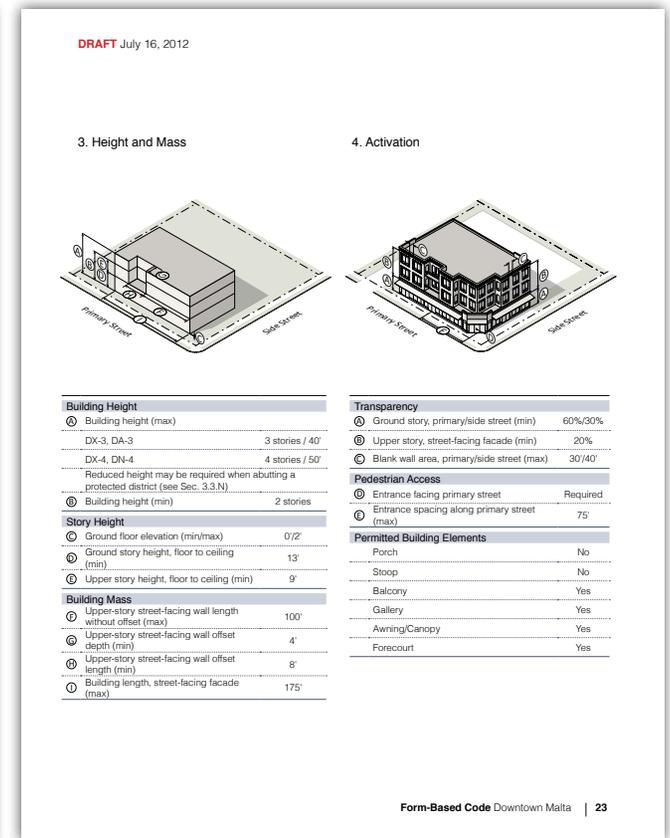
- Flow charts for procedures;
- Sign type and measurement graphics; and
- Zone dimensional standards.

Where possible, best practice concepts should be used in the illustrations and graphics as a way to broadcast sound development practices. Not that the LDRs should eliminate the words, but supplementing them with images makes access to the information more intuitive.

Note that many ordinances explicitly provide that graphics are not regulatory where they conflict with the text. Finally, to the extent possible, the ordinance graphics should have a consistent “look and feel” throughout the entire document, including colors, fonts and annotation style.



Graphics: Graphics are most helpful for illustrating requirements, especially those related to measurement of standards.



Graphics and Tables: Graphics and tables are frequently used together.

Digital Enhancements

The LDRs should take advantage of advances in document technology such as digital cross-references, tables of contents and indexing, allowing the user to click on a page number or cross-reference and jump to that section. Additionally, document navigation techniques such as thumbnails embedded in Adobe PDF documents can be useful. These digital enhancements are often just a “save as” away from the original document. Digital enhancements can also include internal interpretations embedded as comments, legislative history (including links to prior versions), and external links to items such as state statutes, external manuals and other helpful materials.

Software

The selection of software for drafting will have significant implications for the visual quality of the LDRs. While many communities continue to use Microsoft Word (MS-Word), others have turned to the flexibility of Adobe's InDesign page layout software. InDesign is not only capable of all Word's functions such as tables of contents, cross-references, automatic paragraph numbering and spell-checking, it is also highly adept at the incorporation of tables and graphics. MS-Word provides nowhere near the control of elements on a page such as the location of graphics that InDesign provides. Finally, InDesign manages long documents in multiple chapters better than MS-Word.

Possible Outline

One approach to improving the navigability of the regulations is to reorganize and consolidate the Articles. An example of what a reorganized LDR might look like is provided below. In general, Articles should be of similar length and importance. For example, if all of the zones were combined in a single Article, it would be the longest part of the document by far, so splitting it into residential, nonresidential, special and overlay zones helps manage the Article length. The naming of the Articles of the document should also be intuitive, allowing the user to understand where to start in the document.

EXISTING LAND DEVELOPMENT REGULATIONS

Article I - General Provisions

Article II - Zoning District Regulations

Article III - Natural, Scenic, Agricultural, and Tourism Resources Protection

Article IV - Development Standards

Article V - Administration

Article VI - Platting and Land Records

Article VII - Nonconformities

Article VIII - Definitions

Article IX - Enforcement

TENTATIVE OUTLINE

Article 1. General Provisions

Existing Article I. General Provisions, plus establishment of districts

Articles 2. through 11. Neighborhood Form Districts

Zoning district intent, dimensional standards, use table, parking, landscaping and nonconformities all organized based on 2012 Comprehensive Plan neighborhood forms. Repeat zones that implement more than one Article.

Article 2. Preservation

Article 3. Agriculture

Article 4. Clustering

Article 5. Habitat/Scenic

Article 6. Conservation

Article 7. Residential

Article 8. Village

Article 9. Village Center

Article 10. Town

Article 11. Resort/Civic

Article 12. Special Purpose Districts

Remaining base district standards from Article II. (R, PR, MHP, P/SP, P, PUD)

Overlay district standards from Articles II. and III. (NRO, SRO, LO, TSO)

Article 13. Street & Public Improvement Standards

Transportation, utility standards and parks and school exactions from Article IV.

Article 14. Environmental Standards

Environmental standards from Articles III and IV. (stormwater management, grading, environmental performance standards)

Article 15. Administration

Administrative provisions from Article V., VI. and IX.

Article 16. Definitions

Definitions from Article VIII.

7. Greater Yellowstone Framework

Introduction

No issue is of greater concern to people in the Greater Yellowstone Region than growth and its impact on the quality of life and the natural environment.

Due to the significant and unprecedented growth the region received prior to 2008 and the effects of such growth, there was a clear need for an objective set of regionally relevant standards for encouraging sustainable land development practices.

Responding to this need, the Yellowstone Business Partnership, with the assistance of numerous volunteers, developed the Greater Yellowstone Framework for Sustainable Development (GY-Framework). The GY-Framework is a voluntary rating system, based on the national LEED-certification model, that has been tailored specifically for the unique environment of the Greater Yellowstone Region. LEED stands for Leadership in Energy and Environmental Design. Voluntary certification provides an independent, third-party verification that a project or community meets an accepted level of environmental responsibility. The GY-Framework also

provides direction on how a project or community could improve its rating or certification by addressing categories in which they are not scoring well. The GY-Framework is organized around the following categories with scores and credits allocated based on how well a project or community achieves certain criteria:

- Project Planning and Investments;
- Land Use and Conservation;
- Biodiversity;
- Cultural and Historic Values;
- Recreation Resources;
- Built Environment;
- Public Service and Infrastructure;
- Transportation and Connectivity;
- Community Vitality; and
- Special Credit Opportunities.

Prerequisites are required for certification and prerequisites in all categories must be met. To aid in

interpretation of a credit, the intent of the credit must be met. If a strategy or policy supports the intent of the credit, then points can be awarded.

Point Certification Levels

40 - 49 Certified

50 - 59 Silver

60 - 79 Gold

80 - 100 Platinum

A full copy of the GY-Framework for both project specific certification and municipality certification can be found on the Yellowstone Business Partnership's website using the following address:

www.yellowstonebusiness.org/our_programs/growth_challenges/

Audit Summary

Implementation and certification under the GY-Framework is still in the testing phase. As part of this testing phase and as part of the Town and County LDR update, a preliminary audit using the GY-Framework has been conducted. The audit assesses the Town and County LDR's as they relate to sustainability and environmental responsibility. Other related policies and resolutions were also reviewed, including the recently adopted Town/County Comprehensive Plan, the Town's Municipal Code and the County's adopted resolutions.

The audit identifies potential areas of improvement related to sustainability, particularly as it relates to the LDR's. A summary of the audit by category for both the Town and County is provided below. A complete matrix of the audit is provided at the end of this chapter (see page 25).

Framework Category	Credit	Town	County
Project Planning and Investments	8	4	4
Land Use and Conservation	13	11	12
Biodiversity	13	12	13
Cultural and Historic Values	9	2	0
Recreation Resources	10	0	6
Built Environment	15	1	5
Public Service and Infrastructure	16	5	5
Transportation and Connectivity	10	10	10
Community Vitality	9	9	7
Special Credit Opportunities	12	3	3
Total (w/o Special Credit)	103	59	62
Total (with Special Credit)		62	65

40 = Certified 50 = Silver 60 = Gold 80 = Platinum

The Town and the County both achieved similar scores under the GY-Framework. Both did well in the Land Use and Conservation, Biodiversity, Transportation and Connectivity, and Community Vitality categories; and both did not do so well in the Project Planning and Investments, Cultural and Historic Values, Recreation Resources, Built Environment, and Public Service and Infrastructure categories.

The Town meets or exceeds all prerequisites; however, the County does not meet the Public Service and Infrastructure water metering prerequisite. The County doesn't require metering on individual wells.

Project Planning and Investments (PPI)

The Project Planning and Investments credit categories focus on ensuring that a comprehensive vision and agreed upon growth management strategy exists. Credits also seek to ensure that staff are appropriately certified or accredited on sustainability and historic preservation issues. The Town and County did reasonably well in this category as they recently updated their joint Comprehensive Plan that specifically maps and outlines future growth patterns. The County currently lacks a LEED-certified planner or engineer and a qualified historic preservationist. The Town does have a LEED-certified individual on staff.

Land Use and Conservation (LUC)

At the core of the Land Use and Conservation credits is an approach to thinking about development density. This is an opportunity to recognize those projects or communities that move beyond recent patterns that have created a system of disconnected and sprawled developments. The density credit is structured to reward projects or communities that are designed and located to limit impacts on the natural environment. Both the Town and County scored high in this category as they both have adopted plans and policies that promote higher densities in village and urban settings, while limiting densities in rural and natural areas.

Biodiversity (BD)

The goal of this credit category is to ensure biodiversity is maintained and enhanced in the Greater Yellowstone Region. Biodiversity is the variation of life forms within a given ecosystem. The headwaters of three major river systems are within the Greater Yellowstone Region—the Yellowstone, the Snake, and the Green rivers. They support renowned trout fisheries and are the lifeblood of agriculture, towns, and counties. The region's heart—Yellowstone National Park, the world's first national park—holds the planet's most diverse and intact collection of geysers and hot springs, drawing visitors from around the world. Both the Town and County scored high on biodiversity. The Town and County have had regulations in place for many years with the specific intent of protecting and enhancing the natural environment for future generations to enjoy.

Cultural and Historic Values (CHV)

The goal of this credit category is to ensure that the cultural and historic value of a community is protected for years to come. Respect for an area's historical use of land and locally available materials is critical as new development occurs. The Town and County did not score well in this category. This is not due to the fact that they do not respect the past—it has more to do with the lack of formal mandates in the LDR's and in the County's case the lack of any real applicability. The County has little need for an historic or neighborhood conservation zone or adopted preservation standards. The Town; however, is actively involved in historic preservation primarily through the Teton County Historic Preservation Board, which has jurisdiction in the County but has no formal implementing mechanism there. The Teton County Historic Preservation Board is only advisory and has limited authority but it is recognized as a competent, credible and successful commission dedicated to preserving the historic fabric and community character of Jackson and Teton County.

Recreation Resources (RR)

The Greater Yellowstone Region contains a very active population and is one of the most conducive areas in the country for active outdoor recreation. As the population in the Greater Yellowstone Region increases, the need for access to active recreation areas will also increase. The GY-Framework responds by encouraging preservation of access to high quality recreation resources. The County

scored slightly better than the Town in this category, primarily because the County is more in the business of preserving natural resources and has more opportunities for direct access to active recreational areas such as the Snake River and the Grand Tetons. The Comprehensive Plan, which applies to both the Town and County, speaks directly to the importance of enhancing and preserving access to active recreational areas. The Plan specifically states that trails, parks, pathways, dog parks and other public recreational opportunities should be pursued on Town and County lands as part of a conservation strategy.

Built Environment (BE)

The impact of the built environment on the natural ecosystem is significant, and without proper care, the built environment could harm the very attributes that inspire people to live in the Greater Yellowstone Region. The primary purpose of this credit category is to recognize and include the values of green building rating systems, including LEED, into the construction of new buildings. Surprisingly, both the Town and County did not perform well in this category. This is primarily due to the fact that neither jurisdiction requires that all new government buildings be specifically built to LEED standards, and neither have policies or incentives for developers to specifically meet or exceed LEED standards. Through the Comprehensive Plan, however, it is the Town and County's goal to achieve carbon neutral buildings by 2030. Increasing the energy efficiency

of buildings and reducing the energy used for the construction of buildings are specific goals of the Comprehensive Plan. Publicly-funded projects are intended to lead by example, and future incentives will be provided by the Town and County to reduce the energy demand of new and existing private buildings.

Public Service and Infrastructure (PSI)

Access to adequate public services and infrastructure (water, electricity, waste removal, and snow removal) helps to protect public health, safety, and the environment. The goal of the Public Service and Infrastructure credit category is to recognize best practices in the public utilities sector. Code compliance and water metering are essential and are required prerequisites. As stated previously, the County does not meet the water metering prerequisite, because the County does not require metering on individual wells.

Overall, this is a category in which both the Town and County scored equally badly. PSI 5, Water Use Efficiency was their weakest area, both received none of the 4 points available. This is primarily due to the abundance of water in the area and the lack of any real stormwater water management controls due to the fact that water percolates back into the ground very quickly. It may also be due to the fact that the Framework was derived from a model focused on individual development projects (not community-wide requirements).

Transportation and Connectivity (TC)

A major consideration for the Greater Yellowstone Region is the effectiveness of the transportation system and the overall mobility network. A well-planned transportation system and mobility network enables efficient and effective access to housing, places of work, goods and services, and recreation. It also provides regional access and connectivity, and helps promote alternatives to the automobile. Growth is creating challenges for existing networks and rising fuel costs are making conventional modes of transportation less viable. The main goal of the Transportation and Connectivity category is to increase connectivity and make alternative forms of transportation, such as transit and bicycles, viable options for people. Scores were exceptionally high in this category, both the Town and County received 10 points out of a possible 10 points. Both communities have strong policies in place that support a robust, highly connected transportation network and both communities have regulations that require or provide incentives that either encourage or require development to accommodate alternative forms of transportation.

Community Vitality (CV)

The issues addressed in the Community Vitality category focus on complete communities. If not carefully staged, new development can cause physical and social barriers to healthy and connected communities. A thriving community depends on a

diverse cross-section of inhabitants and activities. The GY-Framework promotes productive and balanced communities by awarding points for mixed use, small businesses, employment opportunities, housing diversity, affordable housing, live-work opportunities, access to public spaces, and safe walkable neighborhoods. Both the Town and County did very well in this category, both scoring maximum points. Both the Town and County have very effective affordable housing requirements and both have regulations that allow for mixed use, pedestrian-friendly development.

Special Credit Opportunities (SCO)

Special credit opportunities are intended to go beyond the LEED and GY-Framework requirements and can be used to address specific regional issues. This credit category recognizes innovations that might be specific to a project or community but are replicable by other projects or communities, sharing lessons learned and sustainable leadership, which have not been addressed in the GY-Framework. Due to the fact that both the Town and County have done exceptional work in developing and adopting the Comprehensive Plan, preparing and meeting the goals of the 10x10 Energy Efficiency Initiative and spearheading the Jackson Hole Energy Sustainability project, they each received 3 points for SCO 4 Other Innovations.

Complete Audit

A complete audit for both the Town and the County is provided on the following pages. Each audit identifies: the maximum achievable points for a credit; the actual score received for each credit; the number of points that could be achieved in the future; and a reference to the code section or policy item from which the credit was achieved.

Town of Jackson

Framework Section	Meet Prerequisite Y/N	Credits			Notes: Comp Plan / LDR / Policy Reference
		Possible	Achievable Today	Achievable in the Future	
Project Planning and Investments (PPI)					
Prerequisite 1: Asset Inventory and Spirit of Place	Y				Comprehensive Plan Vision
PPI 1: Region-Based Accredited Professional		2	1	2	--
PPI 2: Qualified Professional – Cultural Resources		2	0	2	--
PPI 3: Local/Regional Business Support		1	1	--	The Town has informal practice of hiring locals who are LEED certified. State Statute 16-6-101 through 16-6-107 regarding a 5% preference for Wyoming contractors
PPI 4: Sustainability Investments		2	2	--	Comprehensive Plan Chapter 2; PV installation w/LVE; Transit to Surrounding Communities; Mayor's Climate Protection Agreement; 10x10 Energy Efficiency Initiative, 20x20 Energy Efficiency Initiative, Jackson Hole Energy Sustainability Project, Council's Statement of Strategic Intent
PPI 5: Continuous Improvement		1	1	--	Audit conclusion and Comprehensive Plan implementation
Subtotal		8	5	8	
Land Use and Conservation (LUC)					
LUC 1: Sensitive Resources		2	2	--	Municipal Code Chapter 15.30 Flood Damage Prevention; LDR Div. 3200 Natural Resources Protection
LUC 2: Slopes		1	1	--	LDR Sec. 49160 Standards for Grading and Erosion Control
LUC 3.1: Views: Visual Quality		1	1	--	LDR Div. 4600 Signs; LDR Div. 3300 Scenic Resources Overlay; LDR Sec. 49190 Development in Hillside Areas
LUC 3.2: Views: Night Sky		1	1	--	LDR Sec. 49370 Exterior Lighting and Glare
LUC 4: Defensible Space		2	2	--	Municipal Code Chapter 15.08 International Fire Code and International Wild and Urban Interface Code; Municipal Code Chapter 15.30 Flood Damage Prevention

Town of Jackson

Framework Section	Meet Prerequisite Y/N	Credits			Notes: Comp Plan / LDR / Policy Reference
		Possible	Achievable Today	Achievable in the Future	
LUC 5: Density and Open Space		3	3	--	Comprehensive Plan Principles 3.1 and 3.2; LDR Table 2400 Schedule of Dimensional Limitations; LDR Sec. 2320 Planned Residential Development
LUC 6: Brownfield Restoration		1	0	1	--
LUC 7: Land Conservation		2	1	2	Comprehensive Plan Principles 1.4 and 3.1; Town purchases of surrounding open space
Subtotal		13	11	13	
Biodiversity (BD)					
Prerequisite 1: Co-existing With Wildlife	Y				The Town cooperates with the Teton County Conservation District on education; the Parks and Recreation department utilizes informal practices to discourage animal attractants in public parks;
BD 1: Preservation of Aquatic Resources		3	3	--	LDR Div. 3200 Natural Resources Protection
BD 2: Surface and Ground Water Conservation		3	3	--	LDR Div. 3200 Natural Resources Protection; LDR Div. 4100 Landscaping Standards; LDR Div. 4900 Stormwater Management; Municipal Code Chapter 13.12 Water Meters
BD 3: Habitat Conservation and Connectivity		2	2	--	Comprehensive Plan Policy 1.1.g; LDR Div. 3200 Natural Resources Protection
BD 4: Vegetative Management		2	2	--	LDR Div. 3200 Natural Resources Protection; LDR Div. 4100 Landscaping Standards; Teton Conservation District: www.tetonconservation.org/index.cfm?id=cost_share_program
BD 5: Habitat Restoration and Enhancement		1	1	--	Comprehensive Plan Policy 1.1.g; LDR Div. 3200 Natural Resources Protection; LDR Sec. 231300 Gravel Extraction and/or Processing
BD 6: Fence Siting and Materials		1	0	1	
BD 7: Domestic Animal Management		1	1	--	Comprehensive Plan Policy 1.4.e; Notices @trailheads; dog park; Municipal Code Title 7 Animals
Subtotal		13	12	13	
Cultural and Historic Values (CHV)					
CHV 1: Cultural Resource Conservation and Management		2	2	--	Municipal Code Sec. 15.38.20 Demolition Standards for Historic Buildings; Teton County Historic Preservation Board

Town of Jackson

Framework Section	Meet Prerequisite Y/N	Credits			Notes: Comp Plan / LDR / Policy Reference
		Possible	Achievable Today	Achievable in the Future	
CHV 2: Conservation of Cultural/Historic Structures		2	0	2	
CHV 3: Historically Appropriate New Construction		3	0	3	
CHV 4: Cultural/Historic Interpretation and Documentation		2	0	2	
Subtotal		9	2	9	
Recreation Resources (RR)					
RR 1: Carrying Capacity		2	1	2	Comprehensive Plan Policies 1.4.e, 1.1.h
RR 2: Maximizing Recreation Opportunity		2	0	2	
RR 3: Public/Private Land and River Access		2	0	2	
RR 4: Outdoor Ethics and Education		2	1	2	Comprehensive Plan Policy 1.1.h
RR 5: Rewarding Sustainable Operations		2	0	2	
Subtotal		10	2	10	
Built Environment (BE)					
BE Prerequisite 1	Y				Comprehensive Plan Principle 2.4
BE 1: Optimize Energy Performance		3	1	3	10x10 Energy Efficiency Initiative; Jackson Hole Energy Sustainability Project
BE 2.1: Green Building Programs: Participation and Compliance		1	1	--	Comprehensive Plan Principle 2.4
BE 2.2: Green Building Programs: LEED Certification		5	0	5	
BE 3.1: Waste Management: Reduce and Recycle		2	0	1	
BE 3.2: Construction Waste: Materials Efficiency		1	0	1	
BE 3.3: Construction Waste: Reuse of Organics		1	1	1	Comprehensive Plan Policy 2.4.c
BE 4: Outdoor Spaces		1	0	1	
BE 5: Size of Residential Dwellings		1	0	1	
Subtotal		15	3	14	

Town of Jackson

Framework Section	Meet Prerequisite Y/N	Credits			Notes: Comp Plan / LDR / Policy Reference
		Possible	Achievable Today	Achievable in the Future	
Public Service and Infrastructure (PSI)					
PSI Prerequisite 1: Code Compliance	Y				Municipal Code Title 13 Utilities
PSI Prerequisite 2: Water Metering	Y				Municipal Code Chapter 13.12 Water Meters
PSI 1: Shared Services: Energy/Water Efficiencies		2	1	1	LDR Div. 4800 Utility Standards; LDR Div. 4900 Stormwater Management Standards
PSI 2: Renewable Energy: Expanded Use		3	1	1	Partnership with Lower Valley Energy and their use of renewable
PSI 3: Carbon Emissions Reduction		1	1	--	Comprehensive Plan Principle 2.4
PSI 4: Electric Load/Demand Efficiency		1	0	1	
PSI 5: Water Use Efficiency		4	0	4	
PSI 6: Water Quality		2	1	1	LDR Table 2400 Schedule of Dimensional Limitations; LDR Sec. 49190 Development in Hillside Areas
PSI 7: Snow Plan		1	1	--	LDR Sec. 4230 Parking, Loading and Snow Storage Plan
PSI 8: Utility Construction and Resource Management		2	0	2	
Subtotal		16	5	12	
Transportation and Connectivity (TC)					
TC Prerequisite: Transportation Plan	Y				Comprehensive Plan Policy 7.1.a, Appendix E
TC 1: Alternative Transportation Amenities		3	3	--	Comprehensive Plan Chapter 7; Southern Teton Area Rapid Transit System (START); Pathways Master Plan; LDR Sec. 4260.M
TC 2.1: Efficient Vehicles, Fleets		2	2	--	10x10 Energy Efficiency Initiative; Purchasing practices
TC 2.2: Efficient Vehicles, Alternative Fuels		2	2	--	Jackson Hole Energy Sustainability Project CNG & Plug-in initiative
TC 3: Trails, Walkability, and Pathways		3	3	--	Comprehensive Plan Chapter 7; Pathways Master Plan
Subtotal		10	10	10	
Community Vitality (CV)					
CV Prerequisite: Community Engagement	Y				See Comprehensive Plan/LDR Update Process at jacksontetonplan.com
CV 1: Housing Diversity		3	3	--	LDR Div. 49400 Residential Affordable Housing Standards; LDR Div. 49500 Employee Housing Standards
CV 2: Mixed Use		2	2	--	Comprehensive Plan Chapters 3 & 4

Town of Jackson

Framework Section	Meet Prerequisite Y/N	Credits			Notes: Comp Plan / LDR / Policy Reference
		Possible	Achievable Today	Achievable in the Future	
CV 3: Business Employment Opportunities		2	2	--	Comprehensive Plan Chapters 3 & 4; LDR Tables 2200 & 2400; LDR Sec. 23600 Home Occupation; LDR Sec. 23700 Home Business; LDR Sec. 231400 Live/Work Units
CV 4: Public Spaces: Availability and Access		2	2	--	Comprehensive Plan Principle 4.4; Farmers Market, Old Bill's Fun Run; Center Street Closures
Subtotal		9	9	9	
Special Credit Opportunities (SCO)					
SCO 1: Exceptional LEED Performance		3	0	3	
SCO 2: Sustainable Agriculture		3	0	3	
SCO 3: Site Development for Extraction Project		3	0	3	
SCO 4: Other Innovations		3	3	--	Comprehensive Plan Chapter 2; 10x10 Energy Efficiency Initiative, 20x20 Energy Efficiency Initiative; Jackson Hole Energy Sustainability Project
Subtotal		12	3	12	
Total (without Special Credit Opportunities)		103	59	98	
Total (with Special Credit Opportunities)			62	110	

40 = Certified 50 = Silver 60 = Gold 80 = Platinum

Teton County

Framework Section	Meet Prerequisite Y/N	Credits			Notes: Comp Plan / LDR / Policy Reference
		Possible	Achievable Today	Achievable in the Future	
Project Planning and Investments (PPI)					
Prerequisite 1: Asset Inventory and Spirit of Place	Y	--	--	--	Comprehensive Plan Vision
PPI 1: Region-Based Accredited Professional	--	2	0	2	--
PPI 2: Qualified Professional – Cultural Resources	--	2	0	2	--
PPI 3: Local/Regional Business Support	--	1	1	--	County Policies 2-2.2 and 2-3.2 regarding contracting for goods and services; State Statute 16-6-101 through 16-6-107 regarding a 5% preference for Wyoming contractors
PPI 4: Sustainability Investments	--	2	2	--	Comprehensive Plan Chapter 2; PV installation w/LVE; Transit to Surrounding Communities; Mayor's Climate Protection Agreement; 10x10 Energy Efficiency Initiative, 20x20 Energy Efficiency Initiative, Jackson Hole Energy Sustainability Project, Council's Statement of Strategic Intent
PPI 5: Continuous Improvement	--	1	1	--	Audit conclusion and Comprehensive Plan implementation
Subtotal		8	4	8	
Land Use and Conservation (LUC)					
LUC 1: Sensitive Resources	--	2	2	--	Floodplain Resolution; LDR Div. 3200 Natural Resources Protection, LDR Div. 3400 Agricultural Resources Preservation
LUC 2: Slopes	--	1	1	--	LDR Sec. 49160 Standards for Grading and Erosion Control
LUC 3.1: Views: Visual Quality	--	1	1	--	LDR Div. 4600 Signs; LDR Div. 3300 Scenic Resources Overlay
LUC 3.2: Views: Night Sky	--	1	1	--	LDR Sec. 49370 Exterior Lighting and Glare
LUC 4: Defensible Space	--	2	2	--	Building Code Resolution and Fire Code Resolution; LDR Sec. 49240 Wildland Urban Interface Design Standards; LDR Div. 49300 Other Environmental Performance Standards; Comprehensive Plan Principle 3.4
LUC 5: Density and Open Space	--	3	3	--	Comprehensive Plan Principles 3.1 and 3.2; LDR Table 2400 Schedule of Dimensional Limitations; LDR Sec. 2320 Planned Residential Development
LUC 6: Brownfield Restoration	--	1	0	1	--
LUC 7: Land Conservation	--	2	2	--	Comprehensive Plan Principles 1.4 and 3.1; LDR Table 2400 Schedule of Dimensional Limitations; LDR Sec. 2320 Planned Residential Development
Subtotal		13	12	13	

Teton County

Framework Section	Meet Prerequisite Y/N	Credits			Notes: Comp Plan / LDR / Policy Reference
		Possible	Achievable Today	Achievable in the Future	
Biodiversity (BD)					
Prerequisite 1: Co-existing with wildlife	Y	--	--	--	LDR Sec. 49230 Refuse and Recycling; LDR Div. 49700 Bear Conflict Mitigation and Prevention; LDR Sec. 3230 Wild Animal Feeding
BD 1: Preservation of Aquatic Resources	--	3	3	--	LDR Div. 3200 Natural Resources Protection
BD 2: Surface and Ground Water Conservation	--	3	3	--	LDR Div. 3200 Natural Resources Protection; LDR Div. 4100 Landscaping Standards; LDR Div. 4900 Stormwater Management; LDR Table 2400 Schedule of Dimensional Limitations; LDR Sec. 2425 Maximum Site Development Standards for Residential Sites in the Rural and Neighborhood Conservation Zoning Districts
BD 3: Habitat Conservation and Connectivity	--	2	2	--	Comprehensive Plan Policy 1.1.g; LDR Div. 3200 Natural Resources Protection
BD 4: Vegetative Management	--	2	2	--	Comprehensive Plan Policy 1.1.g; LDR Div. 3200 Natural Resources Protection; LDR Div. 4100 Landscaping Standards; Teton Conservation District: www.tetonconservation.org/index.cfm?id=cost_share_program
BD 5: Habitat Restoration and Enhancement	--	1	1	--	Comprehensive Plan Policy 1.1.g; LDR Div. 3200 Natural Resources Protection; LDR Sec. 231300 Gravel Extraction and/or Processing
BD 6: Fence Siting and Materials	--	1	1	--	LDR Sec. 49220 Wildlife Friendly Fencing
BD 7: Domestic Animal Management	--	1	1	--	Comprehensive Plan Policy 1.4.e; Notices @trailheads; dog park
Subtotal		13	13	13	
Cultural and Historic Values (CHV)					
CHV 1: Cultural Resource Conservation and Management	--	2	0	2	--
CHV 2: Conservation of Cultural/Historic Structures	--	2	0	2	--
CHV 3: Historically Appropriate New Construction	--	3	0	3	--
CHV 4: Cultural/Historic Interpretation and Documentation	--	2	0	2	--
Subtotal		9	0	9	

Teton County

Framework Section	Meet Prerequisite Y/N	Credits			Notes: Comp Plan / LDR / Policy Reference
		Possible	Achievable Today	Achievable in the Future	
Recreation Resources (RR)					
RR 1: Carrying Capacity	--	2	1	2	Comprehensive Plan Policies 1.4.e, 1.1.h
RR 2: Maximizing Recreation Opportunity	--	2	2	--	LDR Div. 4300 Open Space Standards for Residential Developments
RR 3: Public/Private Land and River Access	--	2	2	--	BLM Transfer Plan, Parks and Rec maintenance of levee trails
RR 4: Outdoor Ethics and Education	--	2	1	2	Comprehensive Plan Policy 1.1.h; Trailhead signage
RR 5: Rewarding Sustainable Operations	--	2	0	2	--
Subtotal		10	6	10	
Built Environment (BE)					
BE Prerequisite 1	Y	--	--	--	Comprehensive Plan Principle 2.4
BE 1: Optimize Energy Performance	--	3	1	3	10x10 Energy Efficiency Initiative; Jackson Hole Energy Sustainability Project
BE 2.1: Green Building Programs: Participation and Compliance	--	1	1	--	Comprehensive Plan Principle 2.4
BE 2.2: Green Building Programs: LEED Certification	--	5	0	5	--
BE 3.1: Waste Management: Reduce and Recycle	--	2	1	1	Comprehensive Plan Policy 2.5.b
BE 3.2: Construction Waste: Materials Efficiency	--	1	0	1	--
BE 3.3: Construction Waste: Reuse of Organics	--	1	1	--	Comprehensive Plan Policy 2.4.c
BE 4: Outdoor Spaces	--	1	0	1	--
BE 5: Size of Residential Dwellings	--	1	1	1	No minimum house sizes exist in the LDR.
Subtotal		15	5	14	
Public Service and Infrastructure (PSI)					
PSI Prerequisite 1: Code Compliance	Y	--	--	--	When public infrastructure is installed it must meet all Federal and State standards.
PSI Prerequisite 2: Water Metering	N	--	--	--	County doesn't require metering on individual wells
PSI 1: Shared Services: Energy/Water Efficiencies	--	2	1	1	LDR Div. 4800 Utility Standards; LDR Div. 4900 Stormwater Management Standards
PSI 2: Renewable Energy: Expanded Use	--	3	1	1	Partnership with Lower Valley Energy and their use of renewable

Teton County

Framework Section	Meet Prerequisite Y/N	Credits			Notes: Comp Plan / LDR / Policy Reference
		Possible	Achievable Today	Achievable in the Future	
PSI 3: Carbon Emissions Reduction	--	1	1	--	Comprehensive Plan Principle 2.4
PSI 4: Electric Load/Demand Efficiency	--	1	0	1	--
PSI 5: Water Use Efficiency	--	4	0	4	--
PSI 6: Water Quality	--	2	1	1	Small Wastewater Facility Resolution
PSI 7: Snow Plan	--	1	1	--	LDR Sec. 4230 Parking, Loading and Snow Storage Plan
PSI 8: Utility Construction and Resource Management	--	2	0	2	--
Subtotal		16	5	12	
Transportation and Connectivity (TC)					
TC Prerequisite: Transportation Plan	Y	--	--	--	Comprehensive Plan Policy 7.1.a, Appendix E
TC 1: Alternative Transportation Amenities	--	3	3	--	Comprehensive Plan Chapter 7; Southern Teton Area Rapid Transit System (START); Pathways Master Plan; Bike parking required in LDR Sec. 2560 Standards in Wilson Commercial District; TDM required/implemented for Teton Village includes paid parking, employer bus passes, carpooling incentive
TC 2.1: Efficient Vehicles, Fleets	--	2	2	--	10x10 Energy Efficiency Initiative
TC 2.2: Efficient Vehicles, Alternative Fuels	--	2	2	--	Jackson Hole Energy Sustainability Project CNG & Plug-in initiatives
TC 3: Trails, Walkability, and Pathways	--	3	3	--	Comprehensive Plan Chapter 7; Pathways Master Plan
Subtotal		10	10	10	
Community Vitality (CV)					
CV Prerequisite: Community Engagement	Y	--	--	--	See Comprehensive Plan/LDR Update Process at www.jacksontetonplan.com
CV 1: Housing Diversity	--	3	3	--	LDR Div. 49400 Residential Affordable Housing Standards; LDR Div. 49600 Employee Housing Standards
CV 2: Mixed Use	--	2	2	--	Comprehensive Plan Principle 3.2
CV 3: Business Employment Opportunities	--	2	2	--	Comprehensive Plan Principle 3.2; LDR Tables 2200 & 2400; LDR Sec. 23600 Home Occupation; LDR Sec. 23600 Home Occupation; LDR Sec. 2550 Planned Unit Development (PUD-PR) District for Planned Resort; LDR Sec. 2560 Wilson Commercial District
CV 4: Public Spaces: Availability and Access	--	2	0	2	--
Subtotal		9	7	9	

Teton County

Framework Section	Meet Prerequisite Y/N	Credits			Notes: Comp Plan / LDR / Policy Reference
		Possible	Achievable Today	Achievable in the Future	
Special Credit Opportunities (SCO)					
SCO 1: Exceptional LEED Performance	--	3	0	3	--
SCO 2: Sustainable Agriculture	--	3	0	3	--
SCO 3: Site Development for Extraction Project	--	3	0	3	--
SCO 4: Other Innovations	--	3	3	--	Comprehensive Plan Chapter 2; 10x10 Energy Efficiency Initiative, 20x20 Energy Efficiency Initiative; Jackson Hole Energy Sustainability Project
Subtotal		12	3	12	
Total (without Special Credit Opportunities)		103	62	98	
Total (with Special Credit Opportunities)		--	65	110	

40 = Certified 50 = Silver 60 = Gold 80 = Platinum

8. Stakeholder Interviews

This Chapter brings together all input gathered during the stakeholder interviews and presents a complete list of comments organized by topic. Comments are based on the perception of interviewees and the consultant team makes no claims as to their accuracy or validity. However, even incorrect perceptions often indicate issues that could be of concern. The following general questions were asked to encourage discussion of code-related issues:

- Are the Land Development Regulations easy to use? If not, what makes them difficult?
- Are there examples of recent good and bad development created or allowed by the development regulations?
- Do the regulations work well to implement the Town and County vision?
- Does the current review system strike a good balance between the need to process applications in a timely fashion and the need to allow for public participation?
- What new or emerging issues are not adequately addressed in the current regulations?

General Background

- LDR revision in the County is really quite simple. It is in the Town where it will be intricate and difficult.
- Heavy lifting in Town needs to be done.
- Need a “real” diagnosis. Not enough time or resources has been allocated for this audit – 90% of the success of updating the LDRs depends heavily on the amount of upfront effort provided.
- Someone needs to prepare a more substantial diagnostic – lay out what it really takes – and what it costs.
- Prior to 1994 doing a lot of bigger subdivisions, not doing that anymore, nothing over 10 units these days.
- The 70’s were not kind to Jackson.
- Captain Bob – always on the radio – reminds people that you only have to live here one minute and you can vote.
- Running red lights – it’s a suggestion. More focused on speeding – all the revenue from tickets goes to the state.
- 2 private schools – Teton Science Schools (Journey School) and the Community School.
- Teton Village – long range planning vision underway.
- Teton Village Master Plan 1 doesn’t make sense. The second Master Plan is a lot better.
- Snow King Mountain is ripe for redevelopment.
- Change is bad. “When do you think it was the best here?” – people always say, “The day I moved here.”
- We have to take a leap of faith.
- The Town needs to sit back and get out of the way.
- How can we expand people’s vision for what the Town can be?
- Nobody knows how to do mixed use here.
- Never look to what other communities are doing.
- Planning Commissioners and Council members encouraged to go to Smart Growth conferences, too few go.

- Biggest issue is in the Town, not the County – people will resist the charge for increased density.

LDR Structure and Format

- New LDRs – Town/County relationship – table of contents like a fuse box – some sections will be shared and others reserved until they are needed. Some sections will have to be amended jointly.
- LDRs need to be illustrated.
- Need flexibility in terms of use; don't know what people are doing, live-works units are great example of flexibility – can easily adapt to changes in market conditions.
- Live-work an option in town (separated from the concept of mixed use because units are internally connected).
- There are a set of new live-work units that look over Broadway that are doing well – contains the office of Stephen Dynia Architects.
- Cannot read the text of the LDR and be confident of the rules.
- Need glossary with better defined terms.
- Approval checklist needed.
- Too many overlays - Lodging, NRO, Wildlife, and Steep Slope – the LDR needs to be better organized.
- The current LDRs are dense.
- Do not put important requirements in footnotes.
- There are a lot of code barriers to business growth.
- Competing interests – code requires developer to plant trees and shrubs and Parks and Recreation is cutting them down to improve crime and safety issues.
- Walmart looked at the K-mart site but wouldn't meet the requirements so they pulled out.
- Overall, the regulations are too restrictive and too complex.
- There is no overall design to the LDRs – patched, amended, written by committee.
- The LDRs need to be more clear and concise, have to have a hard copy – badly managed online. Why no index? Would make it easier to find things.
- LDR policy issues have been interpreted by staff but not folded into the code – policy on how to determine square footage needs to be made consistent among departments.
- LDRs are too complicated for a Town this size
- Footnotes in tables, height changes as little as 2 feet between zones.
- 1994 Comprehensive Plan and LDRs written by

committee – not user friendly, dense.

- The 1994 Comprehensive Plan/LDR adopted jointly by the Town/County. The two planning commissions took over the process and tinkered with the Plan/LDRs. The Zoning Map reflected a past era, not the future.
- 1994 LDRs all about where you should not develop – was not proactive about determining future development patterns or character areas.
- Current LDRs adopted in 1994.
- 1994 LDRs – Elected officials dumbed down the Planning Commission version – got too specific.

2012 Comprehensive Plan

- Comprehensive Plan: 60% of new units in complete neighborhoods, 40% in the County. The current LDRs are the opposite, more growth in the County and less in complete neighborhoods.
- Complete neighborhoods (Town of Jackson, Wilson, Teton Village, Aspens/Pines)
- Wilson is complete neighborhood – in 2008, made some zoning changes along the strip and the first time we went to implement the changes we got sued.
- Have been pushing for years to have a maximum lot size in Wilson.
- There is a major disconnect between the recently adopted Comprehensive Plan and the Town/County zoning maps.

- Next step should be to develop a conceptual zoning map – use that map to guide the organization of the LDRs – upzone and downzone as called for in the Comprehensive Plan.
- Walgreen's didn't match the vision of the Comprehensive Plan – walkable, pedestrian-oriented; zoning does not match the vision either – nothing could be done to require a great project – need to make sure the street matches the desired character and land use – Broadway not very walkable. Couldn't require a mix of uses.
- Comprehensive Plan character area doesn't match the Walgreen's proposal (would rather have had a two-story building with housing integrated).
- Favorite thing about the Comprehensive Plan is design of the document. It will be easy to make surgical changes over time.
- Found the new Comprehensive Plan very easy to use – character districts make it easy to see the vision for the future.
- One problem with the Comprehensive Plan was the perception that someone was “pulling a fast one.”
- Character districts – visions that weren't grounded in reality – don't look like what is on the ground – this scared people.

- What was drawn in Comprehensive Plan cannot be achieved on the ground under the LDRs.
- LDRs are counter-productive to the Comprehensive Plan's goals.

Approval Process

- Discretion vs. non-discretion is going to be a challenge.
- The LDR needs to be aware of developer decision points. The LDR needs to speak to developers at key decision points so they can make informed decisions before getting too far in.
- Need someone local to help you through the approval process.
- Pre-application meeting was supposed to be just that – a meeting to conceptually discuss your project. It has gotten a lot more complicated, more and more information is required up front, which increases the preliminary costs.
- Town Council approves a development permit – a 2-year approval process, closer to Town Square is more difficult.
- Problems with non-profit/institutional uses – not going through the same process as everybody else, getting through the process more expeditiously.

- Would like to see more of by-right approval process – not doing anything that isn't by-right from now on. Frustrated with the current approval process. Need more predictability.
- Don't want to go to the Town Council for every approval.
- Takes a lot of time – should take 3 months
- Canyon Club – when it started going through the approval process it was the 3rd golf course, when it finally got it approved it was the 5th. Today it is failing.
- Pearl and Willow building was approved as a PMUD (Planned Mixed Use Development) – The PMUD has been taken out of the LDR.
- There is a real disconnect between public works and engineering. Would be nice to have some base standards in the LDR – streets, sidewalks, libraries and utilities.
- Process heavy – amazed how much stuff goes to the elected officials. Too much flexibility, too unpredictable.
- Concerned by the number of conditional use permits. More things should be administrative. Cultural, that's how it has always been done.

- This is how it works. Have project; do not look at the regulations, does not matter if the regulations do not allow it. Go talk to elected official and get your project approved on a case-by-case basis. Everybody is aware it is a problem but it still continues.
- Elected officials feel beat up. They feel backed into a corner so they look at projects on a case-by-case basis.
- Lots of “contract zoning” – get your zoning changed as you get your development approved.
- Overburdened staff – don’t have time to think proactively.
- Should be more administrative changes that do not require a public hearing.
- Resort District (Teton Village) – final plan goes to approval by Planning Director – sketch plan requires a public hearing.
- Too much information required on plats.
- Town/County staff are great to work with – very approachable – very complimentary. Have the attitude of let’s get it done.
- Lack of strong leadership from Planning Department in past years.
- Sufficiency review – 2 weeks is the right amount of time. Do not like calling to remind staff that

the 2-week deadline has passed – definition of “sufficient” between County and Town is very different.

- Last couple of years – public input fairly well balanced.
- Public participation needs to be improved.
- Public process – there is a good balance between neighborhoods and the greater good of the community.
- Intent not clear – some of the language in the LDR when enforced literally does not make sense.
- Enforcement still in “wild west” mode – too much stuff in yards, junk, substandard housing.
- Not tolerated at the Aspens or Teton Village (resort)
- Change in enforcement mindset will require redevelopment in Town, attracting a different demographic.

Design Review

- Design review process is broken.
- You make presentation, few questions, then all about them, back turned – no interaction.
- Had the most success with the Design Review Committee when there is a back and forth.

- The Design Review Committee is relatively new (only been around for 8 years). Uses a set of design guidelines. No pictures, all text.
- Creating a great street starts with good design – we should be more concerned about the public realm.
- The Design Review Commission denied Walgreen’s, Planning and Council approved anyway.
- Series of decisions over time by people who are uneducated on design.
- “Pedestrian realm” is a new concept for people.

Town/County Density

- Planned Residential Development (PRD) has the following densities:
 - » Base – 1 unit per 35 acres
 - » Multipliers – 3/35, 6/35 and 9/35
 - » More units requires more on-site open space
- Cannot reduce below 1/35 (set by state).
- In 2009 state changed subdivision exemptions. Everything already chopped up into 35-acre lots. Need to incentivize people out of the 1/35 acres.
- Net zero (based on concept of carrying capacity) - Town cannot add additional units until the County reduces their number of entitlements.

- Density bonus in the County: 3/35, 6/35 and 9/35. Planning should eliminate the 6/35 and 9/35 options.
- Not found any other useful models out there – do know there is no single model. If there were a good model we would be using it.
- Under the 1/35 acre statute, 10 acres could be in a river with only 25 acres remaining on land.
- Need effective siting criteria for a house on a 35-acre lot.
- Need to get back to clustering.
- Need tools to make it tough to build out in the County.
- Conservation Alliance working on a study – alternatives for the PRD – there should be a whole range of solutions.
- Flex zoning proposal:
 - » Leave the numbers the same – rezone the transitional areas, keep the underlying intensities.
 - » Keep a bank of units extinguished in the County.
 - » No monetary value, you want additional units you take them from the bank.
 - » Entitlements are not vested – if you don't build it goes back to the bank.

- South Park, unspoken vision is for multifamily.
- Not happy with how South Park was dealt with – should not be that way.
- Interconnectivity of neighborhoods a big deal – cannot drive between Melody Ranch and Rafter-J without getting back out on the main road. All private roads – should condemn and take them back. Tried to get connectivity in the Comprehensive Plan but it was removed.

Height

- 35 feet / 4 stories does not work – 42 feet or 45 feet would work better.
- There are only two four-story buildings in Jackson.
- 4-stories is a bad word in Jackson.
- Teton Village raised the height limit to 62 feet.
- Height vs. employee housing – the 2- or 3- story height limit is getting in the way of making it easier to provide the required employee housing units – need a little bit more height to make the numbers work.
- Where to measure height from is a problem. Final grade? No graphics to help? Terrible.
- Tinker with 3-story maximum height. 16-foot ground story with 12-foot upper-stories would work better. Town includes parapet walls in the maximum height limit – flat roofs work well.

- Town not getting a good product on hillsides. The way height is measured on hillsides in the Town is causing house and garage towers. County has better method for measuring height.
- 28-foot height very low – generates flat roofs.
- DRD proposed regulation created a huge fight over 4 stories – not worth tackling again.

LDR Specific Regulations

- The Conservation Districts reflected a past era (Neighborhood Conservation and Business Conservation), basically acknowledged the 1978 rules that were on the ground.
- AC zoning – applied in the County, didn't work.
- Plats – difficult to move a lot line on plat – have to file a new plat – should be a better way. Very messy, complicated and expensive.
- Nothing in the LDR prevents demolitions – leaves missing teeth – the Wort Hotel recently knocked down a building to provide surface parking closer to their facility.
- Offices – Landscape Surface Ratio (LSR) and required parking work against pedestrian types of development – can cause odd building configurations – raised building with parking underneath.

- OSR/LSR – what counts, what does not? Is a raised planting bed OK? Pervious paving does not count.
- High LSR's are a problem.
- FAR very restrictive.
- Need to reduce the LSR, pump up the FAR to achieve in-town density.
- Neighborhood Conservation –Two Family (NC-2) can do some positive things, allows a better mix of housing types.
- Difference in terminology in use between the Town and County – this can be confusing – accessory residential units can mean different things between the Town and County.
- Accessory Residential Units (ARUs) – problem with the definition and how it relates to the term “guest house.”
 - » More a problem in County – not everybody wants to rent their guest house.
 - » Building code issues – can build a home office, cannot have a bed in it or have to have a kitchen.
 - » Family compound – can have one 10,000 square foot house but you cannot have five detached smaller cabins that have the same amount of square footage.
- Housing Authority/Teton County/Building Department each has a different way to measure square footage. County from outside edge, which is difficult for a log home – need one consistent definition so you can easily replicate the same number (use building code definition).
- Problem with definition of basement – getting sued over the definition. 16,000 square foot home, 8,000 square feet above ground and 8,000 square feet below ground in the basement.
- Extension of final development plan – LDR states a written request must be made to the Board; however, a letter is not sufficient, also needs some sort of written application by staff. The staff component is not in the code anywhere – confusing.
- Table 2400 is the heart of the problem.
- Why does PUD in the AR District have to be 3 contiguous lots? Why not simply 7,500 square feet (as opposed to 22,500 square feet)?
- Why 10-foot side yards, which are unusable?
- Nonconforming lots – LDR makes it difficult to build on.
 - » Min lot area is 7,500 square feet. There are many lots smaller than 7,500 square feet out there.
 - » Minimum side yard for an in-town lot is 10 feet. Too large.

Town Core/Lodging Overlay

- Lodging Overlay – revising boundary, eliminating 35,000 square foot footprint – will be the key to redeveloping Downtown.
- Lodging Overlay very contentious – looking to expand boundary to include the Virginian Lodge (currently nonconforming) and another parcel on Broadway just outside of current boundary – could be an opportunity to eliminate the 35,000 square foot limit – instead focus more on character and form.
- Could allow hotels outside of the overlay to redevelop.
- Lodging Overlay – not mixed use. Suburban buildings in an urban place.
- Take the church out of the Lodging Overlay.
- Virginian Lodge ripe for redevelopment. OK to redevelop existing hotel if not in the overlay.
- Add state-owned land on North Cache to Lodging Overlay. Do not want it to become a Walmart.
- Temporarily close off Center Street around Town Square in the summer.

Parking

- Parking requirements are an issue – existing Town parking garage is underutilized.
- Parking requirements are a problem in Town.
 - » Commercial building, office parked 3/1,000 – have to work in required parking, can't ever reach the allowed FAR – have to leave entitlements on the table.
 - » Cannot get to the FAR because we had to park it.
 - » Needed a variance to park in a setback. Not for reduced parking.
 - » No off-site parking provision. All parking must be on-site.
 - » Commercial core – there are a lot of parking credits and grandfathered uses – not much problem there.
 - » Parking credits exist for older buildings downtown.
 - » LDR allows for shared parking for employee housing.
 - » In some areas you get credit for on-street parking.
- Parking drives everything – there is a downtown parking overlay (one more overlay).
- Smiths and Albertson's – parked to meet the

code requirements – can pay a fee-in lieu for parking – it is something like \$17,500 a space – very expensive.

- Would like to see less surface parking in the Downtown core.
 - » On-street parking on Pearl is not appropriate.
 - » Parking as a principal use should not be allowed.
- Parking regulations are an area of opportunity.
- Cannot park on the street overnight in the winter.
- Parking is offered as the problem with using smaller lots.
- PMUD created good underground parking.
- Reviewed the recent Quality Inn & Suites 49'er – has a sea of parking in front building– did provide a landscape strip to try and reduce the impact of the parking.

Housing

- Affordable/employee housing
 - » Residential required to provide affordable housing - there is a fee-in-lieu for residential.
 - » Commercial required to provide employee housing – has to be on-site – no fee in-lieu.
 - » New Walgreen's had to provide 3 employee residential units – would not integrate them

into the principal building – could not force them to. In a separate building – increases the street wall. Strange place for residential units in a Walgreen's parking lot.

- » The on-site requirement sometimes stops development, and then there are no new jobs.
- No incentive to build 1-bedroom 500-square foot units.
- Kelly/Willow \$1.1 mil, 3 units – Vacation Rental by Owner (VRBO).
- NC-SF - Boise Cascade homes (mail order) with no alleys.
- No more than 3 unrelated in a house has helped. Although code enforcement isn't very effective.
- There is no minimum housing code for existing residential buildings.
- East Jackson, great example of some contemporary residential – mix of market rate and affordable.
- Daisy Bush – East Jackson – the kind of new development that works in Jackson.
- \$600 per bedroom is about the going rate. No incentive to redevelop when making good rental income.
- There is size limit for a house of 10,000 square feet (doesn't include a basement).

- Jackson is more condo than you think.
- Town missing some types of housing product.
 - » Pearl/Jackson – PMUD – prospective buyer did not like that you had to enter the residential property by going through the commercial component.
 - » What are people looking for in Jackson? Something like the Cody House condominiums at Teton Village - high-end condo, contemporary, efficient, low maintenance – missing in Jackson.
 - » The Gill addition is getting new single-family houses – and east Jackson.
- NC-2 allows lot split on a single lot (not allowed in AR), but still requires a homeowners association, which works against infill.
- Don't have a decent zone for high-density apartments, requires a large chunk of land in existing ordinance.
- We need a good multi-family zone – units have to be rear-loaded.
- Would like to see elimination of old trailers, 60's-70's homes with poor construction.
- Need more housing choice, modern energy code.
- Aspens is a good project, well-designed with a variety of unit types, even has a grocery.

AR Zoning

- AR zoning tried to make 3 units on a single lot by-right failed at 3rd reading at Town Council. Would have allowed the back unit to be sold off as a separate unit.
- AR zoning – 50 x 150 lots – very deep – alley served – perfect for rear-accessed alley units.
- AR has not worked – offers a variety of product.
 - » Allows 3 units on a single lot.
 - » Turned accessory units into rental properties.
 - » 70% of the homes owned by outside investors.
 - » Would rather see a triplex – all the units in a single building.
- The AR changes were about trying to take a broken zone and fix it. If you don't have a primary owner you are going to create problems.
- AR recent proposal lost at last minute.
 - » People had a hard time understanding the proposal.
 - » Worried about small (800 SF) units, up to 300 lots affected.
 - » Would have been a big boost for the construction industry.
 - » Should try again with new Town Council.

- » Should offer two options in AR.
- » Cottage houses (as previously proposed); OR
- » NC-2 style lot split.
- Need to eliminate footnote in Table 2200 that limits expansion of AR District.

Economics

- A 35-acre lot sells for between \$2 to \$4 million. Hard to equate with values in Town.
- TDR won't work – economics between County and Town is unusual.
- Rafter-J Ranch \$500K and up, Melody Ranch \$700K and up.
- What does the market want that the regulations don't allow? Hotels? Still in recovery, nobody pushing to build anything.
- Provide jobs to attract and maintain the younger population – stop the brain drain.
- Missed opportunities – no good jobs – losing our young talent.
- Jackson is 23rd in the nation for citizens with advanced degrees.
- Land to building cost ratio in Jackson is 80% land / 20% building.
- Teton Village and Town of Jackson have a symbiotic relationship – they both need each

other. They are competing for the same number of tourists.

- Four Seasons is the biggest hotel in the state at Teton Village.
- A real estate transfer tax would make sense.
- A market analysis not part of the discussion.
- Jackson does not really have a professional office park. Have recently looked for space for their office.
- Conditional uses and special uses – where to put industrial. Not enough industrial space in the Town. Non-industrial uses going into industrial parks – these uses should not be allowed.
- Running out of space for the service industry.
- Decisions often based on aesthetics alone, with no sense of economic impacts.

Environmental

- 20,000 acres of 70,000 acres (private land) in conservation.
- Started the Natural Resource Technical Advisory Board – model to help provide for science-based/fact-based land use decisions.
- Natural Resource Overlay (NRO) – prime wildlife habitats area. If the NRO is straddling your property then you cannot build anywhere in the NRO. But if the NRO covers your entire property

then there are siting requirements. Trick is to plat your lot either entirely in the NRO or entirely out of the NRO.

- NRO boundary is supposed to be a soft line – triggers an assessment to determine exact boundary – staff treats it as a hard line.
- Anti-growth: Conservation Alliance, Save Historic Jackson Hole (formed because the Conservation Alliance was too liberal).
- Rebalance some of the habitat/vegetation priorities.
- Wildlife urban interface and the building official are sometimes at odds – can only be one fireplace – however if you pay \$5,000 you can build as many as you like.
- The LDR needs to step up in the sustainability world.
- Was in favor of the Energy Sustainability Code – voted for it – but it makes things a lot more complicated. Should be required at Certificate of Occupancy and not at building permit as it is done today. Implementation has not been seamless.
- Town or County has no problem with emerging energy issues such as geothermal. In fact they are both very aggressive with sustainability issues.