



# Rural Area LDRs Update Rationale

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The purpose of this rationale document is to provide an overview of the comment and direction provided to Planning Staff to guide development of the proposed Rural Area LDRs, and to provide insight into the thought process behind various proposals. This document is broken into five sections:

1. Zoning Map
2. Proposed Zones
3. Use Standards
4. Development Options
5. Teton County Scenic Preserve Trust (TCSPT)

Each section contains a chronological overview of direction and comment provided on that topic during the following phases of the Comprehensive Plan and LDR update process:

<b>May 2012</b>	Adopted Comprehensive Plan
<b>May 2013</b>	Scoping Phase for Rural Areas Zoning
<b>August 2013</b>	Release of Rural Area Zoning Concepts Public Comment on Zoning Concepts
<b>January 2014</b>	Board of County Commissioners discussion and direction to staff on zone concepts

The intent of this document is to assist the public in evaluating the proposed LDRs in the context of the comment and direction received thus far, and to provide insight into decision-making that may assist the public in suggesting modifications to the draft. The proposed zoning districts, use standards, and development options are presented in the form of a table. The table contains a summary of the changes proposed and the rationale or thought process behind each of the changes.

## Section 1. Zoning Map

### *Comp Plan Direction on the Zoning Map (Adopted May 2012)*

- Zone for what we want to see in the future - as defined in the Character Districts

### *Scoping Phase Direction on the Zoning Map (May 2013)*

- Develop character based zoning
- Move away from zoning based on acknowledging passed approvals

### *What's Wrong with the Existing Zoning Map?*

- The community desires simple predictable zoning based on desired future character, the 6 zoning districts in the rural areas other than R-TC, NC-TC, and PUD-NC apply to less than 20 parcels each and are all designed to address some specific issue, rather than having that issue addressed in the context of the desired future character of the area.

### *Zoning Map Concepts (Release August 2013)*

- Broke Comp Plan subareas down where needed and applied a zone to whole subarea or partial subarea
- See [rural.jackson.tetonplan.com](http://rural.jackson.tetonplan.com) for map

### *Public Comment on Zoning Map Concepts*

- What will be the impacts of new zoning on BC?
- Consider applying CL zoning to all small lots, not just PUDs
- South Park
  - Northern South Park needs its own zoning that acknowledges its Comp Plan status
  - An area plan for South Park would be a better solution
  - Create an overlay designation that allows for a master plan that achieves the Comp Plan vision
  - Base zone all of Northern South Park at the Suburban density
  - Suburban PRD does not achieve community goals

### *BCC Direction on Zoning Map (January 2014)*

- Leave Spring Creek out of this process
- BC zone on 390 functions to reduce trips to Town
- Leave BC, very tolerant of existing zoning
- BC/MHP expansion can be addressed through nonconformity standards
- Why would anyone zoned MHP change their use?
- Northern South Park
  - Just use the PRD allowances
  - Town needs to be a part of the conversation
  - Public should lead a master planning effort
  - Cannot use incentive tools we have
  - Base zoning at Rural not suburban, with higher potential to come
  - Base zoning at Rural with potential for master plan

- Leave zoning as Suburban until a new tool is established

### *Proposed Rural LDRs Zoning Map (March 2015)*

The proposed zoning map applies the new Rural Character zones (R-1, R-2, and R-3) to properties in the rural areas of the County. The August 2013 zoning map concepts served as a basis for the map, but zoning assignments were adjusted to be more parcel specific and address public comment, Board direction, and the proposed purpose of each of the character zones. Zones were generally assigned based on the following logic:

- **R-1 Zone:** Applied to parcels larger than 70 acres, multiple parcels in the same ownership totaling 70 acres or more, and remote parcels
- **R-2 Zone:** Applied to parcels in the 3-70 acre range that are generally located away from Complete Neighborhoods
- **R-3 Zone:** Applied to smaller parcels located near Complete Neighborhoods
- Some small remote parcels and some large parcels nearer Complete Neighborhoods did not fit perfectly into either R-2 or R-3—in those cases Staff generally considered location and allowed uses more than parcel size. The assignment of R-2 zoning does result in some smaller parcels being granted additional floor area, but in most cases it was merely an increase from 8,000 sf to 10,000 sf, which does not result in any additional habitable floor area.

Other key features of the zoning map:

- Zoning was applied to follow parcel lines
- All lots within a single subdivision were kept in the same zone to the greatest extent practical
  - In subdivisions with large common lots with limited allowed physical development and use (e.g. Lake Creek), the common lot was zoned R-1 and the residential lots R-2
- Lands in public ownership were assigned to the Public/Semi-Public zone
- State investment lands are zoned R-1—the investment lands are intended to be developed and R-1 zoning will ensure future development is consistent with the goals of the Comp Plan and the character of surrounding lands
- PUD zoning was left in place except where there were known issues
  - Lost Creek is currently zoned PUD, but the residential lots are specifically excluded from the PUD approval, so the zoning was corrected to reflect that
  - 3 Creek is not currently depicted as PUD zoning, but its density comes from the same PUD as Dairy Subdivision and it is granted PUD status by virtue of its listing as a specially named project in Article 1.
- Rural parcels in unique areas or with unique circumstances were omitted and will be addressed in future conversations
  - Kelly, Hoback, BC-TC in Buffalo Valley, Dornan's, and the Alta "core" were excluded because the Comp Plan calls for some local convenience commercial in those areas
  - Mobile Home Park (MHP) parcels were excluded to include them in the housing discussion
  - Spring Creek and the portion of Jackson Hole Golf and Tennis in NC-SF zoning, but outside the resort, will be addressed in future resort area conversations Zoning Districts

## Section 2. Proposed Zones

### *Zoning Comp Plan Direction (Adopted May 2012)*

- Zone for what we want to see in the future - as defined in the Character Districts
- Simple and predictable - owners, neighbors, and developers should all know what to expect
- Maintain rural character - limit the density, bulk, and use of development to the historic character of 35 acre or greater parcels, less than 10,000 square feet of building, and residential/agricultural use

### *Zoning Scoping Phase Direction (May 2013)*

- Move toward character-based zoning, but continue to employ:
  - revised performance standards
  - revised use standards
- Move away from zoning based on acknowledging past approvals
- Explore cross-lot clustering based on NRO
- Explore stewardship requirements
- Review maximum density/intensity and evaluate Base Site Area applicability and definition
- Retain house size limits and review bulk and scale

### *What's Wrong with Existing Zoning?*

None of the existing zoning fully achieves the Comp Plan direction

- NC-TC (Neighborhood Conservation-Teton County) - The community desires rural character and improved natural resource protection, but NC zoning continues to allow subdivision into 3 acre lots and exempts properties from many of the current wildlife and natural resource protections.
- PUD-NC (Planned Unit Development-Neighborhood Conservation) - The community desires predictability and simplicity, but each PUD has unique requirements that have not evolved since their original approval sometime prior to 1994.
- R-TC (Rural-Teton County) - The community desires predictable standards that are based on transforming existing character into desired future character, while the Rural zone establishes a 35-acre minimum lot size and ratio of development to open space, it applies to all sizes of parcels in the rural areas of the community from less than 1 acre to over 1,000 acres.

### *Zone Concepts (Release August 2013)*

- Preservation (PR) Zone *[generally becomes R-1 in current scheme]*
  - Purpose: preserve existing undeveloped open space and agricultural character
  - Generally applies to holdings of greater than 70 acres (R-TC)
  - Physical development allowances geared toward large acreage to encourage use of holdings as a single site
  - Use allowances limited to residential, agriculture, open space, and ag accessory uses
  - Development options geared to discourage 35 acre division
- Conservation-1 (CN-1) Zone *[generally becomes R-2 in current scheme]*
  - Purpose: conserve and design already divided land to provide highest possible function for wildlife

- Generally applies to holdings of less than 70 acres located away from Complete Neighborhoods (R-TC, NC-TC)
- Physical development allowances are simplified performance standards similar to today, simplification relies on greater similarity in parcel size and location
- Use allowances limited to residential, agriculture and open space
- Development options limited to exchange of floor area for conservation, subdivision prohibited
- Conservation-2 (CN-2) Zone [*generally becomes R-3 in current scheme*]
  - Purpose: improve existing subdivisions management and design for wildlife
  - Generally applies to pre-94 subdivision near Complete Neighborhoods (NC-TC)
  - Physical development allowances are simplified performance standards similar to today, simplification relies on greater similarity in parcel size and location
  - Use allowances focused on residential and neighborhood scale institutional
  - Development options limited, subdivision prohibited
- Clustered (CL) Zone [*opted not to carry forward to current scheme*]
  - Purpose: protect open space in existing conservation subdivisions while improving design and management of development by creating a single set of standards for future redevelopment
  - Generally applies to existing PUDs and PRDs, and future proposed PRDs
  - Physical development allowances based on a multiplier of CN-2 standards, simplified over the project specific requirements currently in place
  - Use allowances focused on residential and neighborhood scale institutional/commercial
  - Development options limited, subdivision prohibited
- Other Zoning Concepts
  - Include basements in maximum scale of development because basement floor area still impacts employee housing generation and energy consumption

### *Public Comment on Zone Concepts*

- General
  - Not much difference between concept zones
  - No need to change existing zoning
  - Not going back to rural; need flexibility and focus on evolution toward future character
  - Zone names are misleading/confusing
- PR (R-1)
  - Accessory and Conditional uses should have stronger requirements for rural character consistency
  - Institutional use should/should not be allowed in rural area zones
- CN-1 (R-2)
  - How many NC-SF lots would lose subdivision potential? (45-90)
  - Institutional use should/should not be allowed in rural area zones
- CN-2 (R-3)
  - Need to allow some 10 or 5 acre zoning to transition from complete neighborhoods to rural areas
  - Least consistent with Comp Plan vision
- CL (not carried forward)
  - No need to change NC-PUD

- Rezoning will unnecessarily change the rules on existing lot owners
- Confusion over intent and application of concept with regard to PRD
- Predictability is handled by eliminating discretionary tools, this is not needed
- Inclusion of basements in maximum scale of development calculation
  - Support/oppose
  - Will force development above ground
  - Basement floor area is more energy efficient than above ground floor area

### *BCC Direction on Zones (January 2014)*

- General
  - No need to change current zoning | Changing zoning scheme is premise of Comp Plan
  - Predictability means respecting financial decision made on rules in place at time | Predictability means moving away from discretion
- PR (R-1)
  - Provide flexibility in allowed uses to keep large rural parcels intact
- CN-2 (R-3)
  - Not fair to the 45 owners affected to prohibit subdivision | Prohibiting subdivision is in community interest, consistent with Comp Plan direction
  - Why change the name from NC if so much is the same?
  - Apply natural resource standards, with relief valves/exemptions
  - Do not include schools in CN-2, neighborhoods have rights | Include schools in CN-2
  - Allow parks and community centers in CN-2
- CL (not carried forward)
  - Not comfortable changing the rules on existing PUDs
  - Focus on nonresidential components of PUDs
  - Keep exploring consolidation of various PUD standards into a single zone
  - Focus on filling holes where standards lack rather than changing rules that exist
  - Look into deferring to HOAs
- Basement inclusion in Max Scale
  - Distinguish between habitable and nonhabitable
  - Allow basements/more house on slopes
  - Basement shouldn't be larger than the house above
  - Continue to exempt but, limit habitable to 4,000 sf
  - Current regulation is fine

### *Proposed Zoning (March 2015)*

Using the zoning concepts proposed in August 2013 as a starting place, Planning Staff set out to develop new zoning districts that would be applied in rural areas of the County. Based on public comment and BCC direction that the proposed fourth zone (CL) would unnecessarily change the rules on existing PUD landowners, Staff has proposed three rural zoning districts. Key features of the proposed zones include:

- Three zones (R-1, R-2, R-3) organized by lot size and lot location either in an outlying area or in proximity to a Complete Neighborhood in response to the desire expressed in the process for multiple rural zones.

- Focus on desired future character and standards that work toward that goal, rather than focus on preserving the 1978 development vision.
- Move toward character-based zoning rather than performance standards. Performance standards add complexity to calculations or ignore character differences between areas. Utilizing character zones means the regulations are not as well suited for the very largest and very smallest properties in a zone, but simplifies the calculation of allowances for everyone else.
- A switch from basing development allowances on Base Site Area or Adjusted Site Area to basing them on Gross Site Area—provides greater predictability and reduced upfront costs for owners and developers, also reflects that with little subdivision potential in the rural areas, Base Site Area is less important. Base Site Area focuses on whether an area is developable, while Gross Site Area focuses on the ratio of open space to development, which is the focus of the rural areas.
- Physical development allowances have been simplified by zone, but are not drastically different than what is permitted today. The biggest impact will be on the very smallest and very largest lots in a zone, but these lots are appropriately handled with variances.
- Character-based zoning allows for similar use characteristics with more size flexibility. Zone-specific standards ensure that although a use may be allowed in several zones, the scale and location of the use are specific to the character of each zone.
- Base subdivision allowance of 1/35 is similar across all three zones.

The table below summarizes the proposed zoning districts and the rationale behind each proposal. In order to implement the proposed zones, updates will be required to other generally applicable sections of the LDRs and to certain County Legacy Districts that will remain in some areas of the County. Those changes are also tracked in the table below.

Tables comparing the proposed zoning districts to the existing legacy districts are available for those who wish to compare existing and proposed zoning more directly. Those tables are available here:

- [R-1 Zoning District Comparison](#)
- [R-2 Zoning District Comparison](#)
- [R-3 Zoning District Comparison](#)
- [PUD Zoning Comparison](#)

LDR	Summary of Changes	Rationale
<b>Article 1. General Provisions</b>		
Div. 1.1-1.6	No changes proposed.	Not affected by proposed Rural LDRs.
Div. 1.7 Establishment of Zones	No changes to Sections 1.7.1-1.7.5. See below for changes to 1.7.6.	Not affected by proposed Rural LDRs.
1.7.6 Change of Jurisdiction	Updated to require that land transferring from state or federal to private ownership be assigned to an appropriate zone pursuant to Sec. 8.7.2, rather than default to R-TC.	Land transferring from public to private ownership was previously required to be zoned R-TC upon transfer. The move from one rural zoning district to three means that the property to be transferred should be evaluated to determine which of the zoning districts is most appropriate, depending on the location and size of the parcel.
Div. 1.8 Transitional Provisions	No changes to Sections 1.8.1 and 1.8.3-1.8.6. See below for changes to 1.8.2.	Not affected by proposed Rural LDRs.
1.8.2 Approved Permits and Approvals	Changed Subsection 1.8.2.C dealing with PUDs and other special projects to eliminate references to PUD-NC.	PUD-NC zoned properties will be rezoned as part of this proposal to PUD with an appropriate underlying zone (R-1, R-2, R-3). These properties will no longer reference NC as the base zone, and the language has been updated accordingly.
Div. 1.9 Nonconformities	No changes to Sections 1.9.1-1.9.2 and 1.9.4-1.9.5. See below for changes to 1.9.3.	Not affected by proposed Rural LDRs.
1.9.3 Nonconforming Uses	Changed Subsection 1.9.3.B.4 regarding the threshold for obtaining a CUP or SUP for a nonconforming use that has no approved CUP or SUP.	Uses that were nonconforming due to lack of an approved CUP or SUP previously had to obtain a CUP or SUP if an expansion or enlargement required a Development Plan. Floor area ratios and maximum scale of a single building in the proposed rural zones limit structures to 10,000 square feet, resulting in no need for a public hearing on structural development, and thus no requirement for a Development Permit. As a result, the threshold for obtaining a CUP or SUP needed to be updated – changed to triggering upon 20% expansion or enlargement, which

		is consistent with limits on expansion of nonconforming uses generally.
Div. 1.10 Severability	No changes proposed.	Not affected by proposed Rural LDRs.
<b>Article 2. Complete Neighborhood Zones</b>		
Div. 2.1 All Complete Neighborhood Zones	No changes proposed.	Not affected by proposed Rural LDRs.
Div. 2.2 Complete Neighborhood Character Zones	No changes proposed.	Not affected by proposed Rural LDRs.
Div. 2.3 Complete Neighborhood Legacy Zones		
2.3.1 AC-TC	Updated 2.3.1.C to reflect consolidation of Aviation uses. Updated 2.3.1.D to eliminate PRD.	Heliport, an allowed uses in AC-TC, was consolidated into Aviation which is permitted with a CUP. With modifications proposed to Rural PRD, that tool no longer makes sense in this context.
2.3.2 AR-TC	Updated 2.3.2.D to eliminate PRD.	With modifications proposed to Rural PRD, that tool no longer makes sense in this context.
2.3.3 WC	No changes proposed.	Not affected by proposed Rural LDRs.
2.3.4 OP-TC	Updated 2.3.4.D to eliminate PRD.	With modifications proposed to Rural PRD, that tool no longer makes sense in this context.
2.3.5 BP-TC	Updated 2.3.5.C to reflect re-categorization of Outdoor Recreation as an Open Space use and consolidation of Aviation uses.	No change in allowed uses. Simply reflects re-organization and consolidation of uses. Heliport and Airport were consolidated into Aviation—permitted with a CUP.
<b>Article 3. Rural Area Zones</b>		
<b>Div. 3.1 All Rural Area Zones</b>		
3.1.1. Character Zones	Added proposed zones to list.	Proposed rural zoning districts are character-based zones.
3.1.2. Legacy Zones	Updated list with legacy zones.	Addition of character zones makes distinguishing between character and legacy zones important.

Div. 3.2 Rural Area Character Zones		
3.2.1. Rules Applicable to All Rural Area Character Zones	Reserved for future standards.	No changes now, but serves as a placeholder for future standards.
3.2.2. Rural-1 (R-1)		
A. Purpose	Establishes the general intent, location and lot size of the zone.	Purpose of the R-1 zone is to capture large, contiguous open spaces located away from Complete Neighborhoods. Approximately 90% of the properties in this zone are in holdings of 70 acres or more. Intent of including a purpose and general location and size for the zone is to inform future proposed zone changes or LDR amendments.
B. Physical Development		
1. Lot Standards	Establishes lot and site design standards including site development, setbacks, and landscaping.	Listing lot standards and site design considerations first encourages users to design to the site, rather than making a site fit a design. Worked toward simplification and predictability, as directed in the Comp Plan. Site Development maximum replaces Landscape Surface Ratio because most are interested in the maximum that can be built, not the minimum to be left natural. Inclusion of natural resource setbacks puts all site design considerations in a single place for ease of reference. Natural and scenic resource standards are unaffected by this amendment. EA and NRO/SRO standards apply as they do in the R-TC zone, meaning that properties currently zoned NC-TC in this zone will lose exemptions – this is consistent with the Comp Plan direction for these areas. Other standards generally reflect existing R-TC zone. Distinction between side and rear setbacks doesn't make sense in a rural context and has been eliminated. Minimum setbacks have been reduced to allow for voluntary clustering, but there is no maximum setback. The allowance for one development area per 70 applies to

		properties that are utilizing floor area or density from another property to encourage clustering of that development. Plant unit requirements have been eliminated as most rural parcels are heavily vegetated—if a particular use needs additional screening it can be addressed in the use permit; if landscaping or mitigation is needed for development in the NRO, it can be addressed in the Environmental Analysis.
2. Structure Standards	Establishes standards for scale of development, setbacks, height and scenic.	The Floor Area Ratio standard allows for about 10,000 sf on 35 acres, consistent with the direction in the Comp Plan. Maximum single building size is intended to apply a single bulk and scale standard to all uses—this standard is more limiting on non-residential than the current regulations, which is consistent with direction in the Comp Plan to limit properties to historic agricultural character. Agriculture is exempt. Height standards reflect the current R-TC residential allowance, but an exemption is provided for structures that are part of an agricultural use (exemption found in agriculture use standards). Including the height at any point and the overall height standards is intended to make a single easy reference given the number of sloping sites and the frequency with which both standards are applicable. Other standards are preview references have not been affected by this amendment.
3. Environmental	Preview of other applicable LDR standards. No changes proposed.	Intent is for ease of reference.
4. Exterior Lighting	Preview of other applicable LDR standards. R-1 specific exterior lighting standards are new.	Intent is for ease of reference. Used existing R-TC residential standards to establish exterior lighting for the R-1, but eliminated use distinction because of the Comp Plan goal of simplicity and zone purpose of minimal impact. Agricultural uses qualify for an exemption from

		exterior lighting height—exemption found in agricultural use standards.
5. Natural Hazards to Avoid	Preview of other applicable LDR standards.	Intent is for ease of reference. Development prohibited on slopes > 25% is the existing R-TC standard—inclusion of some NC-TC properties in R-1 means some properties will lose the ability to disturb slopes up to 30%.
6. Signs	Preview of other applicable LDR standards. R-1 specific sign standards are new.	Intent is for ease of reference. Used existing R-TC nonresidential allowance to establish the sign standards and eliminated the use distinction given the larger size of these properties.
7. Grading, Erosion, Stormwater	Preview of other applicable LDR standards.	Intent is for ease of reference. No changes proposed with this amendment.
8. Required Physical Development Permits	Establishes permit thresholds for the R-1 zone.	With an FAR of 0.007 and a maximum single building of 10,000 sf there is no need for a public hearing on any structural development. Consistent with the Comp Plan direction for simplification and predictability. Fencing and sign requirements were added in to make the table more user-friendly.
<b>C. Use</b>		
1. Allowed Uses	Agriculture and single-family detached residential remain by-right primary uses. Dorm, Group Home, Campground, Assembly, Daycare/Education, and Home Daycare no longer permitted. Aviation reflects consolidation of Airport, Heliport, Landing Strip, Balloon Operation and Temporary Helicopter Tree Removal. Replaced Cottage Industry with Heavy Retail/Service and Light Industry allowed but only if accessory to Agriculture. Ag Employee Housing no longer a stand-alone use—instead permitted through ARU standards. Switched from Base Site Area to Gross Site Area for minimum area requirement.	Most uses permitted in R-TC remain allowed uses, other than listed exceptions. Properties formerly zoned NC-TC or S-TC that are zoned R-1 will see some expansion in allowed uses. Allowed uses are those that require limited physical development relative to the open space, including agriculture, in order to preserve rural open space character as directed in the Comp Plan. The intent is that the benefit to the community of the open space is worth the additional use of these rural areas. Allowing 1/35 density without requiring subdivision increases the chances of future conservation. Added maximum density for some uses to ensure that a site has adequate gross site

	Allow 1 single-family unit per 35 acres, rather than 1 per parcel. Established maximum density and maximum scale of use standards for some uses.	area to support each allowed use while maintaining minimal development relative to the open space, consistent with the intent to allow uses that maintain the open space character. Added maximum scale of use standards for some uses in order to ensure consistency with rural character—most scale of use standards were added as zone-specific standards (see E. below).
2. Use Requirements	Carried over from current regulations. Aviation represents several consolidated uses—assigned independent calculations for parking and employee housing.	Most parking and employee housing requirements reflect no changes from the current regulations. Exception is Aviation—in the R-1 it will never be commercial other than a commercial balloon operation, and all will be CUPs, so assigned independent calculation so requirements can be determined case-by-case through the CUP.
3. Operational Standards	Carried forward from current regulations. No changes proposed.	Preview of other applicable LDR standards for ease of reference.
<b>D. Development Options and Subdivision</b>		
1. Allowed Development and Subdivision Options	Preserves 35 acre minimum lot size for subdivision from current regulations. Table reflects new development options—Rural PRD, Floor Area Option and CN-PRD.	Preview of development options—see Sections 7.1.2., 7.1.5., and 7.1.6. for more information.
2. Residential Subdivision Requirements	Carried forward current regulations with no proposed changes.	Preview of other applicable LDRs for easy reference.
3. Infrastructure.	Carried forward current regulations.	Preview of other applicable LDRs for easy reference.
4. Permits Required	Carried forward subdivision permit requirement. Previews permit requirements for proposed development options—Rural PRD, Floor Area Option, CN-PRD.	See Sections 7.1.2., 7.1.5. and 7.1.6. for rationale for permitting requirements for development options.
<b>E. Additional Zone-Specific Standards</b>		

<p>1. Outdoor Rec, Nursery, Developed Rec, Outfitter, Aviation</p>	<p>New zone-specific standards for certain conditional uses.</p>	<p>Intent is to provide standards that ensure certain conditional uses are compatible with rural character, and to provide guidance in the development of appropriate conditions for the CUP.</p>
<p>2. Heavy Retail/Service and Light Industry</p>	<p>New zone-specific standards for these conditional uses to ensure they are permitted only accessory to agriculture and that the zone-specific standards for the other conditional uses also apply.</p>	<p>These two uses (or limited sub-uses in these categories) were previously permitted in rural areas as Cottage Industry. Consolidation of uses resulted in a move away from creating zone-specific uses and toward zone-specific standards for uses allowed generally. The zone-specific standards ensure that these uses will be compatible with rural character.</p>
<p>3. Accessory Residential Units</p>	<p>Maximum scale of an ARU for residential carried over from current regulations. Added maximum scale for nonresidential, to ensure nonresidential ARUs proposed in conjunction with allowed conditional uses have a standard. Added ARU standards for ARUs associated with a primary agricultural use to replace Ag Employee Housing.</p>	<p>Consolidation of uses resulted in a move away from creating zone-specific uses and toward zone-specific standards for uses allowed generally. Ag Employee Housing was a zone-specific ARU use. Replaced with ARU standards for ARUs associated with agriculture. Did not alter allowed density or occupancy requirements associated with agricultural employee housing—just carried over into ARU standards.</p>
<p><b>3.2.3. Rural-2 (R-2)</b></p>		
<p>A. Purpose</p>	<p>Establishes the general intent, location and lot size of the zone.</p>	<p>Purpose of the zone is to capture those parcels that have already made use of the 35 acre exemption and sold, or are already too small to take advantage of the 35 acre exemption under state statute. The intent is to encourage clustering and lot combination.</p>
<p><b>B. Physical Development</b></p>		
<p>1. Lot Standards</p>	<p>Establishes lot and site design standards including site development, site development and structural setbacks, and landscaping.</p>	<p>Listing lot standards and site design considerations first encourages users to design to the site, rather than making a site fit a design. Site Development maximum replaces Landscape Surface Ratio because most are interested in the maximum that can be built, not the minimum to be left</p>

		<p>natural. Single site development standard based on current standard for lots in the 3-35 acre range as approximately 80% of lots in the zone meet this criteria. Inclusion of natural resource setbacks puts all site design considerations in a single place for ease of reference. Natural and scenic resource standards are unaffected by this amendment. EA and NRO/SRO standards apply as they do in the R-TC zone, meaning that properties currently zoned NC-TC in this zone will lose exemptions – this is consistent with the Comp Plan direction for these areas. Other standards generally reflect existing R-TC zone. Distinction between side and rear setbacks doesn't make sense in a rural context and has been eliminated. Minimum setbacks have been reduced to allow for voluntary clustering, but there are no maximum setbacks. The allowance for one development area ensures clustering of development to avoid impacts to open space and preserve rural character. Plant unit requirements have been eliminated as most rural parcels are heavily vegetated – if a particular use needs additional screening it can be addressed in the use permit; if landscaping or mitigation is needed for development in the NRO, it can be addressed in the EA.</p>
<p>2. Bulk and Form Standards</p>	<p>Establishes standards for scale of development, height and scenic.</p>	<p>Floor area allowance simplified per Comp Plan direction from several equations to a straight 10,000 sf regardless of lot size. This gives about 870 properties an increase over what they could obtain today, but simply returns them to their 2006 right. Of those 870, approximately 500 are large enough that they would have had the right to 8,000 sf under current LDRs, so this proposal is only granting those properties additional non-habitable floor area. Maximum single building standard is repetitive with a</p>

		10,000 sf floor area allowance, but is important to address nonconformities and the Floor Area Option. Height standards reflect the current R-TC and NC-TC residential allowance with a single standard due to lack of nonresidential uses in the zone. Including the height at any point and the overall height standards is intended to make a single easy reference given the number of sloping sites and the frequency with which both standards are applicable.
3. Environmental	Preview of other applicable LDR standards. No changes proposed.	Intent is for ease of reference.
4. Exterior Lighting	Preview of other applicable LDR standards. R-2 specific exterior lighting standards are new.	Intent is for ease of reference. Used existing R-TC residential standards to establish exterior lighting for the R-2, but eliminated use distinction because the Comp Plan goal of simplicity and the zone goal of minimal impact.
5. Natural Hazards to Avoid	Preview of other applicable LDR standards.	Intent is for ease of reference. By applying R-TC slope standards to the R-2 zone, properties previously zoned NC-TC will lose the ability to disturb slopes up to 30%.
6. Signs	Preview of other applicable LDR standards. R-2 specific sign standards are new.	Intent is for ease of reference. Used existing R-TC/NC-TC standard for residential lots over 3 acres due to the size of the properties in the zone.
7. Grading, Erosion, Stormwater	Preview of other applicable LDR standards. No changes proposed.	Intent is for ease of reference.
8. Required Physical Development Permits	Establishes permit thresholds for the R-2 zone.	With a maximum floor area of 10,000 sf, there is no need for a public hearing for any structural development. Increases predictability and simplifies the process. Fencing and sign requirements were added in to make the table more user-friendly.
<b>C. Use</b>		
1. Allowed Use	Agriculture and single-family detached residential remain by-right primary uses. Most non-residential	Nonresidential uses are limited in the R-2 zone because the lots are both smaller and more remote—limiting uses

	uses, other than utilities are prohibited. Allowed 1/35 density rather than 1 unit per lot.	may encourage lot consolidation and protection of open space. The intent is to not attract users/visitors or more intense development to this zone.
2. Use Requirements	Carried forward from current regulations.	No changes proposed.
3. Operational Standards	Carried forward from current regulations.	Preview of other applicable LDR standards for ease of reference.
<b>D. Development Options and Subdivision</b>		
1. Allowed Development and Subdivision Options	Preserves 35 acre minimum lot size for subdivision from current regulations. Table reflects new development option—Floor Area Option.	Preview of development options—see Section 7.1.5. for more information. Eliminated current NC subdivision rights—Comp Plan direction is to focus on future vision rather than past allowances and rural character areas call for lot consolidation and clustering, not further subdivision.
2. Residential Subdivision Requirements	Carried forward current regulations.	Preview of other applicable LDRs for easy reference.
3. Infrastructure	Carried forward current regulations.	Preview of other applicable LDRs for easy reference.
4. Permits Required	Carried forward subdivision permit requirement. Previews permit requirements for proposed development options—Floor Area Option.	See Section 7.1.5 for rationale for permitting requirements for development options.
E. Additional Zone-Specific Standards	Maximum scale of an ARU carried forward from existing regulations.	No changes proposed.
<b>3.2.4. Rural-3 (R-3)</b>		
A. Purpose	Establishes the general intent, location and lot size of the zone.	Zone composed of smaller lots and parcels near Complete Neighborhoods. The purpose statement represents a shift from preserving the development pattern established in 1978 toward the future vision for these areas, consistent with direction provided in the Comp Plan.
B. Physical Development		

<p>1. Lot Standards</p>	<p>Establishes lot and site design standards including site development, site development and structural setbacks, and landscaping.</p>	<p>Listing lot standards and site design considerations first encourages users to design to the site, rather than making a site fit a design. The existing site development standard, which is based on a series of equations based on lot size, is replaced with a single equation in order to simplify and increase predictability, the standard used is the current .5-3 trend line because with a switch to Gross Site Area most parcels are over .5 acres –about 36% are over 3 acres, but these parcels will see an increase in potential. Inclusion of natural resource setbacks puts all site design considerations in a single place for ease of reference. Natural and scenic resource standards are unaffected by this amendment. EA and NRO/SRO exemptions for the NC-TC will also apply in the R-3 zone. Other site development standards generally reflect existing standards for NC-TC lots &lt; 3 acres – standards don't require cross-lot clustering, but the current NC-TC standards for lots &gt; 3 acres discourage it, which is not the intent of this zone. Landscaping standards have been simplified to remove use distinction. 10,000 sf basis for landscaping requirement is appropriate given the size of the lots in this zone and also equates to a single-family unit.</p>
<p>2. Bulk and Form Standards</p>	<p>Establishes standards for scale of development, height and scenic.</p>	<p>Floor area allowance reflects the current R-TC/NC-TC standard for lots 0.5-10acres, with a simplified equation. The lots in the R-3 zone range from 1-6 acres and approximately 95% of the lots in this zone are larger than 0.5 acres, so pretty much all of the lots in this zone fall into this range. Kept maximum scale of a single building standard in case there are any nonconformities. Height standards reflect the current R-TC and NC-TC residential allowance with a single standard due to limited</p>

		nonresidential uses in the zone. Including the height at any point and the overall height standards is intended to make a single easy reference given the number of sloping sites and the frequency with which both standards are applicable.
3. Environmental	Preview of other applicable LDR standards.	Intent is for ease of reference.
4. Exterior Lighting	Preview of other applicable LDR standards. R-3 specific exterior lighting standards are new.	Intent is for ease of reference. Used existing R-TC residential standards to establish exterior lighting for the R-3, but eliminated use distinction because the Comp Plan goals of simplicity and minimal impact.
5. Natural Hazards to Avoid	Preview of other applicable LDR standards.	Intent is for ease of reference. Application of R-TC standard for steep slopes to the R-3 zone means any properties formerly zoned NC-TC lose the right to disturb slopes up to 30%.
6. Signs	Preview of other applicable LDR standards. R-3 specific sign standards are new.	Intent is for ease of reference. Used existing NC-TC standard for residential lots over 3 acres because the goal is residential character and the standard for lots < 3 acres was just 1 sf in sign size smaller—so making it consistent with R-2 seemed simplest.
7. Grading, Erosion, Stormwater	Preview of other applicable LDR standards.	Intent is for ease of reference.
8. Required Physical Development Permits	Establishes permit thresholds for the R-3 zone.	With a maximum floor area of 10,000 sf, there is no need for a public hearing for any structural development which simplifies process and increases predictability. Fencing and sign requirements were added in to make the table more user-friendly.
<b>C. Use</b>		
1. Allowed Use	Agriculture and single-family detached residential remain by-right primary uses. Dormitory, Group Home and Campgrounds no longer permitted. Outdoor Recreation, Developed Recreation,	Allowed uses are consistent with NC-TC to maintain residential character. Properties formerly zoned R-TC or BC-TC will see a reduction in allowed uses. Outdoor Rec, Developed Rec, Assembly and Daycare/Education uses

	Assembly, and Daycare/Education uses and utility uses are permitted.	are permitted with neighborhood scale standards in order to make these types of services and facilities available to rural neighborhoods or the community without attracting outside traffic that will change the character of the neighborhood.
2. Use Requirements	Carried forward from current regulations.	Preview of other applicable LDR standards for ease of reference.
3. Operational Standards	Carried forward from current regulations.	Preview of other applicable LDR standards for ease of reference.
<b>D. Development Options and Subdivision</b>		
1. Allowed Development and Subdivision Options	No subdivision or development options permitted.	Due to existing small lot size, further subdivision or development options are not appropriate in this zone. Eliminated current NC subdivision rights—Comp Plan direction is to focus on future vision rather than past allowances and rural character areas call for lot consolidation and clustering, not further subdivision.
2. Residential Subdivision Requirements	Carried forward current regulations.	Preview of other applicable LDRs for easy reference.
3. Infrastructure.	Carried forward current regulations.	Preview of other applicable LDRs for easy reference.
4. Permits Required	Carried forward subdivision permit requirement.	Preview of other applicable LDRs for easy reference.
E. Additional Zone-Specific Standards	Added neighborhood scale standards for Outdoor and Developed Rec and for Assembly and Daycare/Education Uses.	Purpose of these uses in this district is to serve the residents of the neighborhood or the broader community at a scale that is consistent with the neighborhood. The standards are not strict limits, but are intended to provide guidance to the Board in evaluating the proposal and crafting conditions that ensure the use is compatible with the character of the area.

<b>Div. 3.3 Rural Area Legacy Zones</b>		
3.3.1. Business Conservation-County (BC-TC)	Replaced Heliport with Aviation.	Zone will still exist in some places in the County. Change require because heliport was consolidated with other Aviation uses.
3.3.2. Mobile Home Park-County (MHP-TC)	No change.	Zone will remain, to be discussed at a later date in the context of workforce housing options.
3.3.3. Neighborhood Conservation-County (NC-TC)	Outdoor Recreation still permitted as a Conditional Use, but is re-categorized as an Open Space Use. Helicopter Tree Removal deleted.	This zone will still exist in some places in the County, particularly in some Complete Neighborhoods. Deletion of Helicopter Tree Removal reflects consolidation with other Aviation uses. Aviation is not permitted in NC generally, so Helicopter Tree Removal is no longer an allowed use in this zone.
3.3.4. Suburban-County (S-TC)	Rural PRD prohibited, CN-PRD allowed.	Zone will still exist in some places in the County. The S-TC zone in northern South Park is an obvious candidate for the complete neighborhood PRD (7.1.6) so it was added. With modification of the Rural PRD, that tool no longer makes sense in the S-TC.
3.3.5. Rural-County (R-TC)	Outdoor Recreation still permitted as a Conditional Use, but is re-categorized as an Open Space Use. Reflects consolidation of Ski Area, Golf Course and Outdoor Recreation. Aviation is allowed as a Conditional Use. Cottage industry removed. Floor Area Option and CN-PRD permitted.	This zone will still exist in some areas of the County, particularly in Hog Island. Changes to the allowed uses in this zone were required as a result of the proposed consolidation of uses. Aviation allows for Heliport, Landing Strip and Balloon Operations, which were all allowed in this zone previously. R-TC will lose the right to a cottage industry use, but it was only used once since 1994 so until a new standard is written it should not have an impact. The Floor Area Option and CN-PRD were added to give option for their use.
<b>Article 4. Special Purpose Zones</b>		
Div. 4.1 All Special Purpose Zones	No changes proposed.	Not affected by proposed Rural LDRs.

<b>Div. 4.2 Civic Zones</b>		
4.2.1 P/SP-TC	Updated 4.2.1.C to delete Golf Course. Deleted Heliport, Airport and Landing strip and allowed Aviation.	No changes to allowed uses. Reflects overall consolidation of uses. Golf Course consolidated with Outdoor Rec. Heliport, Airport and Landing Strip consolidated into Aviation.
4.2.2 P-TC	Updated 4.2.2.C to delete Golf Course and Downhill Ski Area. Deleted Amusement/Recreation heading.	No changes to allowed uses. Reflects overall consolidation of uses. Golf Course and Ski Area consolidated into Outdoor Rec. Amusement/Recreation heading no longer needed because Outdoor Rec was reclassified as an Open Space use.
<b>Div. 4.3 Planned Resort Zones</b>		
4.3.1 All Planned Resort Zones	Revised standards regarding effect of expiration of a Planned Resort master plan—expiration of a plan results in a rezone to the appropriate zone based on Comp Plan direction.	The standard previously had the effect of returning the property to the zone that was in place prior to the master plan. Previous zones are not necessarily consistent with Comp Plan direction for these areas, so this standard was revised to ensure that the zoning applied matches the direction the Comp Plan.
4.3.2-4.3.7	No changes proposed.	Not affected by proposed Rural LDRs.
<b>Div. 4.4 Planned Unit Development Zones</b>	Updated PUD Option Schedule to reflect proposed rural zones. No change to allowances.	No PUD options are allowed in the County, in either Legacy or Character zones, which is consistent with the current regulations.
<b>Article 5. Physical Development Standards Applicable in All Zones</b>		
<b>Div. 5.1 General Environmental Standards</b>	No changes proposed except to those sections listed below.	
5.1.1 Waterbody and Wetland Buffers	Added reference to definition of agriculture in the exemptions for disturbance within the buffer.	Provides a definition for agriculture in this context by referencing 6.1.3. Consistent with direction to clarify agricultural exemptions.
5.1.2 Wildlife Friendly Fencing	Clarified exemption for agricultural fences.	Provides a definition for agriculture in this context by referencing 6.1.3. Consistent with direction to clarify agricultural exemptions.

5.1.3 Wild Animal Feeding	Clarified exemption for agriculture.	Provides a definition for agriculture in this context by referencing 6.1.3. Consistent with direction to clarify agricultural exemptions.
Div. 5.2 Environmental Standards Applicable in Specific Areas		
5.2.1 NRO Standards	Added NRO Standard exemption for R-3. Clarified exemption for agriculture.	Given the small lot sizes and existing development patterns and the purpose and intent of the R-3 zone, NRO is proposed to apply in the R-3 the same way it currently applies in NC-TC. Ag exemption additions provide a definition for agriculture in this context by referencing 6.1.3. Consistent with direction to clarify agricultural exemptions.
5.2.2 Bear Conflict Area Standards	No changes proposed.	Not affected by proposed Rural LDRs.
Div. 5.3 Scenic Standards		
5.3.1 Exterior Lighting Standards	Added proposed R-1, R-2, and R-3 standards to the table. Added an exemption to the height limitation on exterior lighting for agriculture.	Rationale for exterior lighting standards provided in the zones above. Provides a definition for agriculture in this context by referencing 6.1.3. Consistent with direction to clarify agricultural exemptions.
5.3.2 SRO Standards	Added SRO Standard exemption for R-3. Clarified exemption for agriculture.	Given the small lot sizes and existing development patterns, SRO is proposed to apply in the R-3 the same way it currently applies in NC-TC. Ag exemption additions provide a definition for agriculture in this context by referencing 6.1.3. Consistent with direction to clarify agricultural exemptions.
Div. 5.4 Natural Hazard Protection Standards	No changes proposed.	Not affected by proposed Rural LDRs.
Div. 5.5. Landscaping Standards	No changes proposed except to those sections listed below.	

5.5.3 Required Plant Units	Added landscaping requirement for parking lots in the R-3 zone.	Rationale for zone-specific requirements provided in zones above.
Div. 5.6 Sign Standards	No changes proposed.	Not affected by proposed Rural LDRs.
Div. 5.7 Grading, Erosion Control and Stormwater	No changes proposed except to those sections listed below.	
5.7.1 Purpose and Applicability	Clarified exemption for agriculture.	Provides a definition for agriculture in this context by referencing 6.1.3. Consistent with direction to clarify agricultural exemptions.
Div. 5.8 Design Guidelines	No changes proposed.	Not affected by proposed Rural LDRs.
<b>Article 8. Administrative Procedures</b>		
Div. 8.1 General	No changes proposed.	Not affected by proposed Rural LDRs.
Div. 8.2 Common Procedural Standards	No changes proposed except to those sections listed below.	
8.2.2 EA	Added R-3 to list of EA exemptions. Deleted Helicopter Tree Removal exemption.	Due to purpose and intent of the R-3 zone, applied existing NC exemption to R-3. Consolidation of uses moves Helicopter Tree Removal to Aviation—exemption of Aviation from an EA is not appropriate.
8.2.13 Amendment of Permits or Approvals	Changed all references to “open space” to “conservation area.”	Reflects updates to 7.3 Conservation Area Standards (which was previously titled 7.3 Open Space Standards).
Div. 8.3 Physical Development Permits	No changes proposed except to those sections listed below.	
8.3.2 Development Plan	Changed all references to “open space” to “conservation area.”	Reflects updates to 7.3 Conservation Area Standards (which was previously titled 7.3 Open Space Standards).
Div. 8.4 Use Permits	No changes proposed.	Not affected by proposed Rural LDRs.
Div. 8.5 Development Option and Subdivision Permits	No changes proposed except to those sections listed below.	
8.5.2 Development Option Plan	Changed all references to “open space” to “conservation area.”	Reflects updates to 7.3 Conservation Area Standards (which was previously titled 7.3 Open Space Standards).
Div. 8.6 Interpretations of the LDRs	No changes proposed.	Not affected by proposed Rural LDRs.

Div. 8.7 Amendments to the LDRs	No changes proposed.	Not affected by proposed Rural LDRs.
Div. 8.8 Relief from the LDRs	No changes proposed except to those sections listed below.	
8.8.1 Administrative Adjustment	Added adjustment of a conservation area pursuant to 7.3.2.D to the list of applicable standards.	Allows an adjustment to be granted to achieve better conservation area design, consistent with the standards in Div. 7.3.
8.8.2 Variance	Changed all references to “open space” to “conservation area.”	Reflects updates to 7.3 Conservation Area Standards (which was previously titled 7.3 Open Space Standards).
Div. 8.9 Enforcement	No changes proposed.	Not affected by proposed Rural LDRs.
Div. 8.10 Duties and Responsibilities	No changes proposed.	Not affected by proposed Rural LDRs.

## Section 3. Use Standards

### *Comp Plan Direction on Rural Uses (Adopted May 2012)*

- Remove barriers to agriculture - make continuation of agriculture easy for landowners so that they continue to steward that open space
- Seek non-development conservation - strive for conservation that does not require entitlement incentives

### *Scoping Phase Direction (May 2013)*

- Retain/support agricultural assessment
- Review agriculture allowances and standards
- Review ag exemptions
- Review ag accessory uses
- Review allowed uses and standards
- Do not develop an ag resource overlay
- Do not pursue ag support organizations

### *What's Wrong with Existing Zoning*

- The current agricultural exemptions, allowances, and protections have served the community well. However, improvements to the agriculture promotion policies could be made to make it easier for agriculture operation to build the storage structures they need and clarify the definition of agriculture.

### *Rural Use Concepts (Release July 2013)*

- Enhance agriculture promotion tools by:
  - separating the definition of agriculture from exemption thresholds,
  - clarifying the applicability of provisions to the entire agricultural site, and
  - making agricultural accessory uses easier
- No special subdivision option, have to use PRD

### *Public Comment on Rural Use Concepts (July-December 2013)*

- Agriculture can't have any barriers to continuation, it doesn't generate enough money
- Need a better transition/buffer between agriculture and residential uses
- Strongly supported as consistent with Comp Plan
- Raise threshold for exemptions
- Address balance of exemptions and accessory uses with desired character
- Enforce wildlife-friendly fencing

### *BCC Direction on Rural Uses (January 2014)*

- Explore dividing institutional into multiple uses
- Allow ARUs to be rented anywhere they are allowed

- Keep large rural parcel intact
- Leave ag exemptions at 70 acres
- Exempt ag employee housing

### *Proposed Rural LDRs (March 2015)*

Based on public comment and Board of County Commissioners direction, staff proposed changes to the existing use standards. Key features of the proposed use changes include:

- Focus on consolidating like uses and simplifying use standards, consistent with direction in the Comp Plan
- Worked to eliminate standards that were repetitive of other sections of the LDRs or written in response to a specific project
- Shift toward allowing an existing use in a particular zone with zone-specific, character-based standards, rather than creating a new use just for that zone (e.g. Cottage Industry was just limited Heavy Retail/Service and Light Industry allowed on large, rural parcels, so Cottage Industry was eliminated and replaced by Heavy Retail/Service and Light Industry allowed when accessory to Agriculture with zone-specific standards).
- Added character-based standards for some uses to ensure that where they occur in or adjacent to neighborhoods, they operate at a neighborhood scale
- Increased the threshold for agricultural exemptions to 140 acres to ensure that the open space protected is worth the exemptions
- A switch from basing use allowances on Base Site Area to basing them on Gross Site Area—provides greater predictability and reduced upfront costs for owners and developers because they won't need to have a professional survey in order to determine allowances

The table below summarizes the proposed changes to the use standards and the rationale behind each proposal. In order to implement the proposed changes to the use standards and the proposed zones, updates will be needed to other use standards in Article 6. Those are also reflected in the table below.

LDR	Summary of Changes	Rationale
<b>Article 6. Use Standards Applicable in All Zones</b>		
<b>Division 6.1. Allowed Uses</b>		
6.1.1. Use Schedule	Added 6.1.1.E.	Provides an exemption from use permit requirements in the event of emergency response.
	See zones for changes to allowed and prohibited uses.	
6.1.2. Classification of Uses	No changes proposed.	Affects all zones.
6.1.3. Open Space Uses		
A. All Open Space Uses		
B. Agriculture	Added timber/timbering to the definition of agriculture to match the state definition. New purpose section reflects consolidation of preservation, findings, and purpose found in the current standards. Reorganized the exemptions and mechanisms for preservation. Eliminated agricultural assessments. Eliminated rural zone open space standards. Eliminated policy statements regarding promotion of agriculture and retention of leases. Deleted permitted uses which were a repeat of the use schedule. Added site area necessary to qualify for exemptions and increased it from 70 acres to 140 acres. Clearly delineated permit exemptions and regulation exemptions.	Definition affects all zones. Much of the information in the preservation, findings, and purpose sections were policy statements contained in the Comprehensive Plan, because the LDRs are a regulatory document and policy direction that doesn't contain standards makes it more complicated to use and apply the LDRs. Agricultural assessments are a function of WY Statute, not the LDRs, and are no longer mentioned in this document but will not be affected by any changes to the LDRs. The rural open space standards conflict with new open space standards. The increase in site area necessary for agricultural exemptions is to help achieve protection of open space called for in the Comp Plan—140 acres represents the threshold at which the exemptions and accessory uses become worth the open space protection. Clearly delineated the exemptions in response to Comp Plan direction for predictability and to public comment. Not reflected in this section, but in response to public comment the definition of "site" in Article 9 will be updated to ensure that it is clear multiple lots or parcels can be used to meet the threshold for agricultural exemptions, with certain limitations.

C. Downhill Ski Area	Subsection deleted.	Ski Area was incorporated into Outdoor Recreation use.
C. Outdoor Recreation	Outdoor Rec reclassified as an open space use. Ski Area and Golf Course were consolidated into Outdoor Rec. Outdoor receptions were added to the definition of Outdoor Recreation (partially replacing Reception/Event). Golf Course and Outdoor Rec standards were combined. Management plan required for golf courses was generalized to apply to all Outdoor Rec uses. Eliminated all standards that were repetitive of other LDRs or findings for approval of a Conditional Use Permit, as well as any standard that was an application requirement addressed in Article 8. Eliminated standards that were written in response to a particular project and too specific to be applied generally. Annual monitoring requirements eliminated.	Reflects overall move toward simplification and consolidation of uses. Reclassification is based on the character of outdoor recreation uses being more consistent with other Open Space uses with limited physical development than with the other Amusement uses, which require extensive physical development. Ski Areas had no standards, so incorporating them into Outdoor Rec gives them some standards. Consolidation of outdoor receptions into this use occurred in order to avoid uses that were specific to certain zones—consistent with the move toward general uses with zone-specific standards. Simplification of standards intended to provide guidance and considerations for conditions and let the CUP process work as it should—conditions should be based on a site-specific analysis, not written into the LDRs. Annual monitoring reports are not an efficient use of staff or Board time—the Board always has the right to reconsider or revoke a CUP if conditions are not being met.
D. Golf Course	Subsection deleted.	Golf Course was incorporated into Outdoor Recreation use.
E. Dude/Guest Ranch	No change in the definition. Minimum site size now based on gross site area rather than base site area. Eliminated language about counting of restricted open space. Reorganized and clarified acreage formula and maximum occupancy, and added an example. Combined the allowed activities for dude and guest ranches and eliminated the requirement for a minimum number of horses. Eliminated reference to WY Game and Fish guidelines and replaced with general condition guidance.	Minimum site size being based on gross site area is consistent with the move toward gross site area throughout the proposed rural LDRs. Language about restricted open space isn't necessary if using gross site area. The minimum horse requirement standard didn't serve a purpose, as any ranch not meeting it could simply have been permitted as a guest ranch instead. Simplification of standards intended to provide guidance and considerations for conditions and let the CUP process work as it should—conditions should be based on a site-specific analysis, not written into the LDRs. For example,

		there may be other agencies or information that guide appropriate conditions besides WY Game and Fish— shouldn't be limited to a specific agency.
6.1.4. Residential Uses	No changes proposed.	Affects all zones.
6.1.5. Lodging Uses		
A. All Lodging Uses	No changes proposed.	Affects all zones.
B. Conventional Lodging	No changes proposed.	Affects all zones.
C. Short-term Rental Unit	No changes proposed.	Affects all zones.
D. Campground	RPTs no longer permitted. Eliminated RPTs from definition of campground and deleted all standards for RPTs. Eliminated language about rounding of fractional requirements for utilities. Changed winter closure to seasonal limitations. Eliminated requirement for monitoring programs.	Eliminated RPTs from definition of a campground as RPTs constitute permanent lodging, which is not encouraged by the Comp Plan outside of the lodging overlay. A campground now requires the guests to bring their own accommodations. Fractional requirements are now addressed in Rules of Measurement. Simplification of standards intended to provide guidance and considerations for conditions and let the CUP process work as it should— conditions should be based on a site-specific analysis, not written into the LDRs. Monitoring programs are not an efficient use of staff, BCC or public time—the BCC always has the right to reconsider or revoke a CUP if conditions are not being met.
6.1.6. Commercial Uses	No changes proposed.	Affects all zones.
6.1.7. Amusement and Recreation Uses		
A. All Amusement and Recreation Uses	No changes proposed.	Affects all zones.
B. Amusement	No changes proposed.	Affects all zones.
C. Outdoor Recreation	Subsection moved.	Re-categorized as an Open Space Use. See 6.1.3.
D. Developed Recreation	No changes proposed.	Affects all zones.
E. Outfitter/Tour Operator	No changes proposed.	Affects all zones.

F. Balloon Operation	Subsection deleted.	Consolidated uses – Balloon Operation becomes Aviation. See 6.1.10.
6.1.8. Institutional Uses		
A. All Institutional Uses	No changes proposed.	Affects all zones.
B. Assembly	Added reception halls to the definition of an assembly use.	Reception/Event use split with outdoor receptions becoming part of Outdoor Recreation and indoor receptions/reception halls becoming an Assembly Use – consistent with the move away from creating new separate uses for a certain zone and toward general uses with zone-specific standards. See 6.1.1. for where uses are permitted.
C. Daycare/Education	No changes proposed.	Affects all zones.
6.1.9. Industrial Uses		
6.1.10. Transportation and Infrastructure Uses		
A. All Transportation and Infrastructure Uses	No changes proposed.	Affects all zones.
B. Parking	No changes proposed.	Affects all zones.
C. Utility Facility	No changes proposed.	Affects all zones.
D. Wireless Communications Facilities	No changes proposed.	Affects all zones.
E. Aviation	New use category reflecting consolidation of Heliport, Airport, Landing Strip, Balloon Operations and Temporary Helicopter Tree Removal. No changes to the existing limitations on commercial aviation and air tours. Commercial balloon operations permitted outside of the airport with a CUP. Consolidated and simplified standards from each use to apply generally to aviation.	All uses had fairly similar and limited standards except Helicopter Tree Removal, which had very specific standards written in response to a single project. The simplification of standards is consistent with the rest of the rural LDRs, which try to leave specific conditions to the CUP process. Left the current commercial restrictions and allowances in place.
E. Heliport	Subsection deleted.	Consolidated into Aviation. See 6.1.10.E. above

F. Airport	Subsection deleted.	Consolidated into Aviation. See 6.1.10.E.
G. Landing Strip	Subsection deleted.	Consolidated into Aviation. See 6.1.10.E.
6.1.11. Accessory Uses		
A. All Accessory Uses	No changes proposed.	Affects all zones.
B. Accessory Residential Unit	No changes proposed.	Affects all zones.
C. Bed and Breakfast	No changes proposed.	Affects all zones.
D. Home Occupation	No changes proposed.	Affects all zones.
E. Home Business	No changes proposed.	Affects all zones.
F. Family Home Daycare	No changes proposed.	Affects all zones.
G. Home Daycare Center	No changes proposed.	Affects all zones.
H. Drive-In Facility	No changes proposed.	Affects all zones.
I. Agricultural Employee Housing	Subsection deleted.	Agricultural Employee Housing has been consolidated with ARU use, with zone-specific standards to preserve the current density and occupancy requirements associated with Ag Employee Housing. See 3.2.2.E above for more information.
J. Cottage Industry	Subsection deleted.	Replaced with Heavy Retail/Service and Light Industry allowed in the R-1 with zone-specific standards. See 3.2.2. for more information.
K. Reception/Event	Subsection deleted.	Split and consolidated—outdoor receptions are part of Outdoor Recreation; indoor reception halls are part of Assembly.
Div. 6.2 Parking and Loading Standards	No changes proposed, except to those sections listed below.	
6.2.2 Required Parking and Loading	Updated Required Parking table to reflect consolidation and reorganization of rural uses—deleted golf course, ski area, heliport, airport, landing strip, balloon operation, agricultural employee housing, cottage industry, reception/event, and helicopter tree removal.	All of these uses were consolidated into other uses and no longer need separate parking requirements. See Div. 6.1 above for more information on use consolidation.

Div. 6.3 Employee Housing Requirements	No changes proposed.	Affects all zones and not impacted by the proposed Rural LDRs.
Div. 6.4 Operational Standards	No changes proposed, except to those sections listed below.	
6.4.3 Noise	Added R-1, R-2, and R-3 to Noise Level Restrictions table.	See zones for rationale on noise limitations.

## Section 4. Conservation Development Options

### *Comp Plan Direction on Conservation Development Options (Adopted May 2012)*

- Achieve better conservation than 1 unit per 35 base zoning
- Better clustering of development to protect habitat and habitat connectivity
- Better stewardship of undeveloped open space
- Limit overall development potential in the community to existing levels
- Direct development out of rural areas and into complete neighborhoods

### *Scoping Phase Direction on Conservation Development Options (May 2013)*

- Review and update the non-subdivision PRD
- Review and update the subdivision PRD
- Review and update the noncontiguous PRD
- Implement the idea of an enhanced PRD that gives a greater bonus for better conservation or development design
- Review base site area and other natural resource performance standards
- Explore stewardship requirements

### *What's Wrong with Existing Conservation Development Options?*

The existing development option is not being widely utilized and some of the developments allowed by the current option would not achieve the Comp Plan direction. There is currently a single conservation development option - the PRD (Planned Residential Development) which grants a density bonus in exchange for permanently protected open space. The PRD can be used 3 different ways:

- Non-subdivision PRD - This is the most popular use of the PRD and really the only one used in the past 10 years. It accounts for over half of all PRDs and about half of the open space generated by all PRDs. However, using the tool requires fitting conservation subdivision standards to a completely different goal - construction of a larger guesthouse or family compound.
- Subdivision PRD - This PRD option has only been used once in the past 10 years. While there are options for a 3, 6, or 9 times density bonus, 20 of the 23 PRD subdivisions have used the 3 times density bonus. While the community desires rural character and conservation of 1 unit per 35 acres or better, a PRD subdivision allows division of a 35 acre parcel into 3 lots.
- Noncontiguous PRD - This PRD option has only been used once. While the single use allowed for the transfer of units from a sensitive area to a more appropriate location, the current tool still leads to construction of new units in rural areas, rather than Complete Neighborhoods.

### *Conservation Development Concepts (Release July 2013)*

- General
  - All conservation development should be better for wildlife than 1 per 35
    - Question is whether the additional development is worth the conservation
  - Stewardship standards introduced as part of the open space standards
- Guesthouse Bonus

- Community gains conservation easement, landowner gains additional floor area and larger guest accommodations
  - Conservation easement over entire property including building envelope
  - 5,000 sf extra floor area per 35 acres, 1 additional guesthouse of up to 5,000 sf per 35 acres
  - 35 acre threshold if primary conservation value is wildlife or access/recreation
  - 70 acre threshold if primary conservation value is scenic or ag
  - No additional site coverage or building envelopes
  - Affordable housing based on floor area (as opposed to counting the additional guesthouses as units)
- Rationale:
  - Ecological research suggests that the impact on wildlife from additional floor area is less than from additional density
  - Separates the subdivision and non-subdivision tools so each can have tailored standards that make each more likely to be used
- Subdivision PRD (Rural Development Area)
  - Community gains undeveloped open space, landowner gains right to subdivide a rural area at greater density than 1 per 35
    - 75% OSR
    - 3x density (times 1 per 35)
    - 140 acre minimum threshold
    - Single development area sited to maximize primary conservation value
    - Affordable housing, exactions, and infrastructure requirements apply
    - Rezone to CL required
  - Rationale
    - Reduces subdivision potential in rural areas, while leaving some option
    - Should have been described as the Rural PRD, describing where the development was occurring, rather than the subdivision PRD because that is really the difference between the 2 PRD options
    - 140 acre minimum with 75% open space will result in large enough areas of open space to limit development impact on wildlife (roughly ¼ mile in a “normal” scenario)
- Noncontiguous PRD (Complete Neighborhood Development Area)
  - Community gains conservation easement and greater clustering with no increase in development density or intensity in the rural area, landowner gains right to develop additional units in a complete neighborhood
    - 90% of project in open space
    - 9x density (times 1 per 35), 1 per 35 may remain in rural area, rest must be developed in complete neighborhood
    - 140 acre minimum threshold
    - Improved clustering in rural area with conservation easement over entire rural area
    - Affordable housing, exactions, and infrastructure requirements apply
  - Rationale
    - Gives bigger bonus for developing units in the right place
    - 140 acre threshold used to address landowner desire to work in pieces

- Right to leave 1/35 based on the idea that a conservation easement with some clustering of 1 per 35 is better than 1 per 35 with no clustering and no conservation easement and that development in a CN where development is appropriate is a worthy quid-pro-quo
- Should have been described as the Complete Neighborhood PRD, describing where the development was occurring, rather than the noncontiguous PRD because that is really the difference between the 2 PRD options

### *Public Comment on Conservation Development Concepts (July-December 2013)*

- General
  - If the development isn't desired by the landowner it's not an incentive
  - Conservation easements are desirable because they provide:
    - Permanency
    - Management
    - Consolidation of physical development and use
    - Voluntary compliance
  - Conservation easements are not worth any additional development
  - 1 per 35 is not that bad for wildlife
  - Introduce rating system to ensure quality conservation
  - Need conservation easement standards to make projects with Jackson Hole Land Trust easier
  - Need a tool for 1-to-1 transfer
- Guesthouse Bonus
  - Least support of any incentive as better than 1 per 35
  - Rewards 35-acre development
  - Impact on housing not worth the conservation
  - This is the only tool producing easements
  - Don't make unnecessary changes
  - Don't reduce the allowed development
  - Landowner wants flexibility in design
  - The more cross-lot clustering the better
- Subdivision PRD (Rural Development Area)
  - A managed subdivision is better than an unmanaged 35-acre development
  - More options yield more easements
  - Allow flexibility in design
  - Increase the open space ratio
  - Reduce/increase the threshold
  - Fewer PRDs is fine for wildlife, but bad for scenic protection
- Noncontiguous PRD (Complete Neighborhood Development Area)
  - Make transfer as easy as possible, give options
  - When receiving areas get maxed out more will be identified, leading to sprawl
  - PPLP is better for encouraging transfers
  - Will work if multiplier is set where people will use it
  - Reduce/increase threshold
  - Not better than 1 per 35 if you leave 1 per 35 in conservation area

## *BCC Direction on Conservation Development Concepts (January 2014)*

- General
  - No direction on what conservation development was better than 1 per 35
  - Stewardship requirements
    - Concerned about baseline, not one-size-fits-all
    - Unsure about TCSPT as a default and the resources required
    - Conservation is key, need to establish minimum standards before granting bonus
    - Work with JHLT on requirements
    - Don't over-regulate, stick to baseline standards
    - Simpler not more complicated, don't be our own barrier
- Guesthouse Bonus
  - Don't put easement over entire parcel (no public benefit for private burden) | Put easement over entire parcel to provide permanence and limit use/development beyond LDRs
  - Investigate difference in applicability between BSA and GSA
  - If it simplifies things it is good, leave it as is if the amendment doesn't make it easier
- Subdivision PRD (Rural Development Area)
  - 3x should be 2x
  - Like 140 acre threshold
  - Creating unrealistic expectations if we don't set the tool at a level we will approve
  - Threshold too high, sum of a series of smaller easements is fine
  - Standards on use of open space are more important than standards on size of open space
  - 3 per 35 undermines Comp Plan vision
  - 3x should be 4x, (remember JHLT saying 4x is the sweet spot)
  - Explore timing of affordable housing requirement
  - 140 isn't going to happen
  - Less than 140 has a history of protecting habitat, which should not be ignored
- Noncontiguous PRD (Complete Neighborhood Development Area)
  - Don't need to set a multiplier if you use a PUD master plan approach
  - Trying to get away from 3 per 35 in riparian
  - Fear is that this will increase total buildout, keep overall impact smaller
  - Upzone/downzone with 6x/9x density is the better way to transfer
  - We've already committed to the development in Complete Neighborhoods so why not use it to get conservation
  - Need economic model
  - Upzone is inherently bad

## *Proposed Rural LDRs (March 2015)*

Based on the feedback on the development option concepts, Planning Staff has refined those concepts into three new development options—the Floor Area Option, the Rural PRD, and the Complete Neighborhood PRD (CN-PRD). Key features of the proposed development options include:

- Focus on achieving a better development pattern than 1/35 and on the use of conservation easements to obtain voluntary restriction of development rights and additional stewardship of rural lands

- Separation of a subdivision and non-subdivision density bonus options
- Shift from additional density based on the size of the project to additional density based on placing development in the desired location
- Use of Gross Site Area instead of Base Site Area in the calculation of available density to avoid penalizing properties with riparian lands and slopes since those areas are important for protection
- Slight reduction in the density available when development is located in a rural area (from 3x Base Site Area to about 2x Gross Site Area)
- Maintain the 9x density available under current regulations if the density is located in a Complete Neighborhood with the ability to retain 1 unit per 35 acres in the rural area as an economic incentive
- Updates to the Required Open Space standards:
  - Encourage better coordination with easement holders
  - Require identification of a principle conservation value for the open space so that the easement holder isn't trying to manage a single piece of land for competing purposes
  - Encourage contiguous areas of open space designed to maximize connectivity with adjacent protected open space and areas that may be protected in the future

LDR	Summary of Changes	Rationale
<b>Article 7. Development Option and Subdivision Standards Applicable in All Zones</b>		
<b>Division 7.1. Development Option Standards</b>		
7.1.1. Development Option Schedule		
County Character Zones	Added development option allowances and permitting thresholds for the R-1, R-2 and R-3 zones.	Rural PRDs are allowed in the R-1 zone with a development plan, but a sketch plan is optional if a landowner wants to entitle the units conceptually and grant the conservation easement without doing a full design of the development area. A CN-PRD is allowed in R-1 zone with a Sketch Plan—conceptual approval of quid-pro-quo specifics is necessary before moving forward with final plans and most projects will be in the 18+ unit range due to thresholds. Not allowing Rural PRD in the R-2 zone means that someone with enough acreage to meet the threshold to pursue a Rural PRD would have to rezone to R-1 first, however this is unlikely given the properties in the R-2. Floor Area Option is allowed in R-1 and R-2 with an administrative Development Option Plan—making it easy encourages the incentive to be used.
County Legacy Zones	Added new development options (Rural PRD, Floor Area Option and CN-PRD) and permitting thresholds for legacy districts. Deleted old PRD development options	Old PRD development options in the AC-TC, AR-TC, OP-TC, S-TC and R-TC zones were deleted because the PRD has been amended and they were no longer consistent with the purpose of either the Rural or CN PRD. A PRD had never been done in the AC-TC, AR-TC, or OP-TC. New conservation development options were applied to the S-TC and R-TC as appropriate. Rural PRD and CN-PRD are permitted in R-TC at the same thresholds as the R-1 zone because R-TC will still exist in large quantity in Hog Island. Floor Area Option is allowed in R-TC with a Development Option Plan—these parcels could

		previously make use of the 3/35 PRD option to achieve a large guesthouse and allowing Floor Area Option preserves that opportunity. CN-PRD is allowed in S-TC because portions of northern South Park are not being rezoned at this time.
7.1.2 Planned Residential Development	Section deleted.	Replaced with Rural PRD, Floor Area Option and Complete Neighborhood PRD development options.
7.1.2. Rural Area Planned Residential Development (Rural PRD)	New section.	
A. Intent	New subsection.	
1. Purpose	New subsection.	Rationale is to give rural area landowners a subdivision option that is better than 1/35, consistent with Comp Plan direction to achieve better conservation than 1/35 base zoning.
2. Location	Conservation and development in rural areas.	Shifts the focus from granting additional density based on the size of the project to granting density based on the location of the development.
3. Comp Plan	New subsection.	Establishes the relationship of this option to policy direction in the Comp Plan.
B. Conserved Area	New subsection.	
1. Scale	New standard for minimum site area.	Minimum site area threshold ensures a minimum amount of open space so the conservation is worth the additional density based on the direction to do better than 1 unit/35 acres. Focuses on conservation area rather than overall project size because conservation area is what is most important.
2. Configuration	New standards for location and separate lot.	The location standard ensures we don't place limited Complete Neighborhood areas appropriate for growth in conservation. Requirement to place the open space on a separate lot avoids backyard easements that are difficult

		to steward and enforce and makes future administration of lots easier for owners and staff—focus is on better stewardship, consistent with the Comp Plan.
3. Principal Conservation Value	New standard limiting principal conservation values that can be claimed in a Rural PRD.	Rationale is to avoid large recreation and access easements in rural areas as the basis for a density bonus. Prioritization handled in 7.3. Conservation Area Standards.
4. Prohibitions	New standard prohibiting use of conservation area to entitle another development option.	Prevents using the same conservation area to entitle multiple density bonuses. Also prohibits using the conservation area to entitle density beyond that approved in the original PRD approval—if an owner has enough open space to entitle four units and only seeks approval for two, that owner may not come back and seek approval for the remaining two at a later time.
C. Development Area Standards	New subsection.	
1. Scale	New standards establishing size of development areas in a Rural PRD and physical development standards for lots within Rural PRD Development Areas.	The 1 acre development to 3 acre open space ratio is equivalent to a 75% open space ratio and yields 4 acre lots at maximum density. Maximum number of development areas serves as a definition of clustering to ensure contiguous open space and better protect habitat and habitat connectivity. Allowing 10,000 sf of floor area as a set number increases predictability and provides incentive not to maximize development area. The maximum site development standard equates to a distribution of the R-1 site development for the whole PRD across each lot in the PRD. Setback standards match the R-1 zoning district, and are smaller to encourage clustering.
2. Location	New standard for location of development area.	Purpose of this standard is to implement Comprehensive Plan language regarding locating next to existing development.

3. Physical Development Standards	New standard.	Clarifying that physical development standards applicable in the zone will apply.
4. Use Standards	New standard clarifying that use standards applicable in the zone will apply, but with specific modifications to the standards for allowed uses, residential density and scale of residential use.	Allowing all residential uses is consistent with the current PRD regulations. The maximum residential density standard is roughly equivalent to the current 3 units/35 acres when you factor in the use of gross site area rather than base site area. Maximum scale of residential use clarifies that 8,000 sf of habitable floor area applies regardless of the zone or allowed use.
5. Development Option Standards	New standard clarifying that development options and subdivision standards applicable in the zone apply within the Rural PRD. Separate PRD subdivision standards have been eliminated. Provided option to propose off-site affordable housing first.	The current regulations have some limited subdivision standards that apply only to PRDs. More comprehensive subdivision standards are needed that can be applied generally, so for now these limited standards have been removed, so that they can be replaced with general and comprehensive standards later. Exception for affordable housing standards allows a developer to propose off-site housing without first demonstrating that on-site is impractical, in order to encourage the provision of workforce housing in more affordable locations and make the process for provision of conservation less onerous.
7.1.3. Urban Cluster Development	No changes proposed.	Affects other zones.
7.1.4. Mobile Home Park	No changes proposed.	Affects other zones.
7.1.5. Floor Area Option	New section.	
A. Intent	New subsection establishing purpose, location and Comp Plan basis for the option.	Separates non-subdivision option from subdivision. Shifts focus toward achieving better conservation and stewardship on parcels where landscape level clustering isn't possible, consistent with Comp Plan direction. Rationale for the option is that a structure has less impact on wildlife than density, so trading floor area has little

		additional natural impact over the 1 unit/35 acre standard. While the community benefits from the permanency and stewardship of the conservation easement.
B. Required Conservation Area	New subsection.	
1. Scale	New standards.	Minimum site area based on gross rather than base because gross site area includes rivers/riparian areas and the Floor Area Option is about granting development in exchange for conservation of open space and riparian areas, not about limiting development based on developable area. Minimum open space based on the principal conservation value. With adjustment from base site area to gross, minimum open space required with a principal conservation value for wildlife is about the same as today's PRD standard. Wildlife has the lowest threshold because floor area has minimal impact on wildlife and conservation easement provides stewardship, permanence, and additional use and development restrictions. Larger areas are needed to achieve scenic or agricultural purposes.
2. Configuration.	New standard requiring development area to be included in the easement.	Leaving holes in the conservation easement defeats the permanence of the quid-pro-quo and the additional restrictions on use and development contained in the easement, so inclusion of the development area in the easement is required.
3. Principal Conservation Value	New standard limiting principal conservation values that can be claimed in a Floor Area Bonus.	Rationale is to avoid large recreation and access easements in rural areas as the basis for a density bonus. Prioritization handled in 7.3. Open Space Standards.
4. Prohibitions	New standard prohibiting use of open space to entitle another development option.	Purpose is to achieve permanence and continue to tie the owner of the development to the owner of the open space for greater stewardship as directed in the Comp Plan.

C. Development Area Standards	New subsection.	
1. Scale	New standards for size and number of development areas, physical development and ARUs.	3.5 acre standard is consistent with the average size of development areas established in recent EAs and PRDs. Limit on number of development areas ensures clustering. Maximum floor area is a slight reduction from what is permitted under current LDRs, but is consistent with what applicants have sought historically. ARU standards allow for two ARUs per 35 acres in addition to the base ARU allowance, and allows flexibility in how the owner uses the additional floor area to develop a family compound, which is the most common desire of owners.
2. Physical Development Allowance	New standards.	Clarifies that additional floor area is in addition to the floor area allowed in absence of the Floor Area Option.
3. Use Allowance	New standard clarifying that the use standards applicable in the zone will apply, with modifications to allowed uses and ARUs.	Makes it clear that unlisted uses are prohibited. The 5,000 sf ARU limitation is a reduction from the 10,000 sf you would obtain today through a 2-unit PRD, but the reduced size is intended to reduce the bulk of single buildings while allowing for the development of a family compound.
4. Development Option Standards	New standard clarifying that development options and subdivision standards applicable in the zone apply within the Floor Area Option, with a modification to the affordable housing standard.	Larger ARUs are not new units, but they will have an employee generation impact, so they should be counted against the habitable floor area on the property for purposes of determining affordable housing requirements.
7.1.6. Complete Neighborhood Planned Residential Development (CN-PRD)	New section.	
A. Intent	New subsection	

1. Purpose	New subsection.	Providing an incentive that conserves rural areas and reduces development in those areas by relocating development to complete neighborhoods as directed in the Comp Plan.
2. Location	Describes the location of open space and development areas in a CN-PRD.	Shifts focus from density in exchange for project size to density in exchange for development in the right location—a complete neighborhood.
3. Comp Plan	Establishes the relationship to the Comp Plan.	The purpose of the incentive is to implement Comp Plan direction.
B. Required Conservation Area	New subsection	
1. Scale	Establishes standards for minimum site area.	Minimum site area standard is to obtain a minimum amount of open space so that the conservation is worth the density to meet the goal of better than 1/35 – 70 acres of open space subject to a conservation easement and stewardship in exchange for 15-17 units in the right location.
2. Configuration	Establishes standards for location of conservation area and inclusion of development areas in the easement.	Location of open space avoids conservation of limited areas appropriate for growth. Development area inclusion in the easement ensures that the reserved development areas are better conserved and managed in perpetuity.
3. Principal Conservation Value	New standard limiting principal conservation values that can be claimed in a CN-PRD.	Rationale is to avoid large recreation and access easements in rural areas as the basis for a density bonus. Prioritization handled in 7.3. Open Space Standards.
4. Prohibitions in Conservation Area	New standard prohibiting use of open space to entitle another development option.	Prevents using the same conservation area to entitle multiple density bonuses. Also prohibits using the conservation area to entitle density beyond that approved in the original PRD approval—if an owner has enough open space to entitle four units and only seeks approval for two, that owner may not come back and seek approval for the remaining two at a later time.

C. Reserved Rural Development Area Standards	New subsection	
1. Scale	Establishes standards for development areas reserved in the rural area and for density in those development areas.	Purpose of the reserved development area is to provide economic incentive to pursue the CN-PRD. Clustering standard forces the design to occur at the landscape level but acknowledges that requiring houses to be right next to each other will limit the utility of the tool. Maximum size of a development area at 3.5 acres is approximately double the allowed site development, but allows for some flexibility to avoid protected resources within a designated development area. Density standard does not change density in the open space, but in combination with the clustering, easement and active stewardship is better than 1/35.
2. Clustering	New standard.	Acknowledges applicants may want to place development areas on separate lots of record, but aims to achieve project scale clustering.
3. Physical Development Allowance	New standard.	Clarifies that other physical development standards applicable in the zone apply within the PRD.
4. Use Allowance	New standard.	Limits uses allowed in a reserved rural development area, to ensure development in rural areas is consistent with the purpose of the zone and the development option.
5. Development Option Standards	New standard.	Clarifies that development option and subdivision standards applicable in the zone apply within the PRD.
D. Complete Neighborhood Development Area		
1. Scale	New standard.	Ratio of Development Area to Conserved Area serves as a maximum lot size provision and ensures that the developer chooses a denser zoning or leaves density on

		the table. Maximum density standard provides predictability for the community regarding the number of units obtained in exchange for the open space. The standard is roughly equivalent to 1 unit per 50x150 lot accounting for roads and some public space. For reference, if all of northern South Park were developed at this density, the resulting density would be equivalent to the Cottonwood Park area as envisioned in the Comp Plan.
2. Location	New standard.	Ensures the additional density is located in an area identified for additional density in the Comp Plan, and not in a rural area.
3. Assurance	New requirement.	This document is the inverse of the conservation easement—the conservation easement provides certainty for the community that the conservation area is protected before density is granted. The purpose of the assurance document is to provide certainty for the developer that the complete neighborhood area is entitled to at least the density approved in the CN-PRD and that the density won't be lost through a rezone once the conservation easement is in place.
4. Sketch Plan Requirements	New requirement.	Intent is to allow flexibility in timing. The community interest is in the open space, and this requirement allows for evaluation of the conservation area design. It also establishes where the additional density will be located and what the density will be, but it allows the developer to delay full design of the complete neighborhood portion of the project until a later date.
5. Development Area Design	New requirement.	Requiring a rezone, to either an existing or proposed zoning district, serves to set a development pattern and density based on fully developed regulations, rather than a PUD or Sketch Plan, neither of which have the same

		longevity. Future use and development is established by the applicable zoning, limiting the amount of information that has to be tracked over time.
<b>Division 7.2. Subdivision Standards</b>	No changes proposed.	Affects all zones.
<b>Division 7.3. Conservation Area Standards</b>		
7.3.1. Purpose and Applicability	New section	
A. Purpose and Intent	New language.	Intent statement focuses on best practices to meet the goals outlined in the Comp Plan.
B. Applicability	New standard.	Standards are only applicable to required conservation area associated with physical development, use, or a development option. At this time, there are no requirements for conservation area in association with physical development or uses, but left that possibility available for future consideration.
C. Environmental Analysis (EA)	New standard.	Purpose is to ensure the habitat inventory and site analysis guide the design of the open space and project in all cases, and ensure that conservation values are identified first in order to evaluate principal values.
D. Coordination	New standard encouraging coordination with future easement holder.	Intent of this standard is to involve the easement holder in development of the EA, alternatives and easement document early, so the developer doesn't get caught in the middle of a 3-way negotiation.
7.3.2. Open Space Configuration	New section.	
A. Principal Conservation Value	New subsection.	Replaces the current approach that every part of the open space should have some public benefit. New goal is to identify a principal value for the entirety of the open space

		and design the open space comprehensively for that value to achieve better landscape level conservation.
1. Value Prioritization	New subsection establishes the order of priority for conservation values.	Wildlife and natural resources are prioritized over scenic in the Comp Plan, which moves protection of waterbodies and wetlands in front of scenic values in the prioritization scheme. Recreation/access value still includes pathways, but eliminates the specific call-out for them.
2. Secondary Values	New subsection.	Secondary values may be identified, but they can only be protected to the extent compatible with the principal value—avoids competing values that cancel each other out when open space is managed for all at once.
B. Contiguous and Unfragmented	New subsection.	Gives direction on clustering and contiguous open space.
1. Contiguity	New subsection addressing contiguous open space.	Idea is to give applicants and reviewers metrics to reference without establishing hard standards. Example establishes a spectrum on which applicants/reviewers can decide where to draw the line.
2. Clustering	New subsection addressing clustering.	See rationale for Contiguity above.
C. Connect Conservation Areas	New subsection establishing prioritization for configuration of the open space relative to adjacent properties.	Idea is to look beyond the property lines and design the conservation area to determine the most functional design on a landscape-level basis. Greatest benefit is obtained from first connecting to adjacent protected conservation area, then configuring the conservation area to maximize conservation values on the property itself, and then attempting to connect to other areas that are not yet protected open space but may be in the future.
D. Deviation	New subsection offering deviation from 5.1 and 5.2. and 7.3.2.A.2	Intent is to avoid situations where ordinal rankings (habitat values), specific resource protection standards, or conservation value priorities get in the way of good design across lot lines to achieve landscape-level conservation. This is handled use the process and findings

		for the Administrative Adjustment in considering the deviation. In the case of a project reviewed by the BCC the Planning Director may have the BCC review the adjustment along with the rest of the application.
7.3.3. Open Space Allowances		
A. Stewardship and Restoration	New subsection.	Need to ensure the easement assures these affirmative rights.
B. Consistent with Conservation Value	New subsection.	Ensures that any physical development, use, development option or subdivision that occurs is compatible with the principal conservation value.
1. Physical Development	New subsection.	Establishes best practice standards for physical development allowed in the conservation area, including construction management and limitations on temporary impacts.
2. Use	New subsection.	Establishes best practice standards for use of the conservation area.
7.3.4. Record of Open Space Restriction	Updated current language.	Eliminated redundancies. Removed provisions that will be handled by attorneys and easement holders, including legal description and notice requirements. Added provisions to require a stewardship monitoring plan—currently monitoring is mostly compliance based, but truly effective easements are monitored to ensure the conservation values are being successfully preserved over time. Changed the requirement for approval of easement amendments from a BCC to a Planning Director responsibility—many easements do not go to the BCC. If it’s a TCSPT easement, the BCC will review the amendment in their capacity as the TCSPT board. If the amendment is to an easement held by another entity, the review is to ensure compliance with the development

		option standards. This can be elevated if necessary. Added provision to specify amendment and transfer procedures to help ensure the restriction is maintained in perpetuity.
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## Section 5. Teton County Scenic Preserve Trust (TCSPT)

### *Comp Plan Direction on TCSPT (Adopted May 2012)*

- Seek non-development conservation - strive for conservation that does not require entitlement incentives
- Explore permanent funding for open space

### *Scoping Phase Direction on TCSPT (May 2013)*

- Review and update the TCSPT
- Support donated conservation easements and private land trusts
- Explore a purchase of development rights program
- Do not explore a funding source at this time

### *What's Wrong with the Existing TCSPT Structure?*

- Teton County Scenic Preserve Trust (TCSPT) - The TCSPT has been reduced to a skeleton operation in the past few years. It CANNOT currently:
  - accept new conservation easements,
  - explore funding for open space acquisition,
  - coordinate with private land trusts on stewardship,
  - provide public education, or
  - pursue any other non-regulatory conservation effort identified by the community

### *TCSPT Concept (Release July 2013)*

- More active TCSPT
  - Update Scenic Preserve Trust Resolutions
  - 1 FTE
  - Open space acquisition
    - Create strategic plan with Board
    - Explore one-time and long term funding sources
    - Review/negotiate new easements
  - Education
    - Landowners with easements
    - HOAs on possible stewardship efforts,
    - Public on best practices
  - Coordination
    - Work with other land trusts on acquisition opportunities
    - Work with other agencies to promote increased conservation
  - Stewardship
    - Manage contracted on-site stewardship
    - Administer easement questions and amendments

### *Public Comment on TCSPT Concept (July-December 2013)*

- Opinion on benefit polarized
- Leave easements to the JHLT
- Don't force taxpayers to support TCSPT
- TCSPT is needed to support open space in Comp Plan interest
- Don't abdicate open space review to JHLT

### *BCC Direction on TCSPT Concept (January 2014)*

- JHLT desires aren't desired by PRD developers which limits the # of PRDs
- Nervous about competing with JHLT
- Explore outsourcing whole program to TSS
- Don't need to ramp it up
- Don't worry about education, waste of time to try and change CC&Rs
- Support tool, but TCSPT has not been good stewards, needs more resources
- If JHLT doesn't want an easement why would TCSPT?

### *Proposed Rural LDRs (March 2015)*

Although public comment and BCC direction on the future of the TCSPT remains polarized, staff believes that a functioning TCSPT is important to achievement of the overall goals of the Comprehensive Plan and rural LDRs and that the TCSPT should be preserved as an entity capable of accepting conservation easements, at a minimum. The community and the Board may want to consider expanded functions for the TCSPT in the future, if resources allow. In order to accomplish those aims, staff has proposed the following:

- Update the TCSPT resolution, which has not been significantly amended since 1989, to reflect the current Comprehensive Plan
- Consolidate the two resolutions related to the TCSPT—the Scenic Resources Resolution and the Resolution Governing Conservation Easement Amendments— and incorporate some separate policies to ensure that all administrative procedures associated with the TCSPT are located in a single document
- Clarify the purpose of the TCSPT established in the resolution to ensure that it serves as an entity capable of accepting conservation easements required as part of a development option allowed by the LDRs
- Create placeholders in the purpose and findings portions of the resolution that would allow for expansion of the role of the TCSPT in the future if community interest and County resources allow for:
  - Active acquisition of open space easements that meet goals beyond those open space standards required for a development
  - Development of an education or outreach program to work with citizens, landowners and owners associations to improve stewardship of open space that is not under easement
  - Coordination with other public or private organizations to pursue funding or acquire open space for protection

Changes proposed to the TCSPT resolution are summarized in the table below.

Section	Summary of Changes	Rationale
<b>Open Space Resources Resolution</b>		
Chapter 1: General Provisions		
Section 1: Title	Reflects consolidation and amendment of the two existing scenic resolutions.	Ensures all information pertaining to the TCSPT is located in a single resolution.
Section 2: Authority	No changes.	Carried forward from the existing Scenic Resources Resolution.
Section 3: Purpose	Updated language throughout to reflect the current Comp Plan. Eliminated distinction between the TCSPT and the Open Space Resources Program. All references to “scenic resources” have been changed to a more general “open space resources” to reflect the broader goals of the Comp Plan (this change has been made throughout the document, but is not noted again in each section below).	This section contained specific references to previous comprehensive plans and focused entirely on scenic resources. The language has been updated to include references to the current Comp Plan and the focus has been broadened to reflect other open space values, including wildlife habitat, scenic resources, and agricultural western heritage. The TCSPT is formally re-established as the entity in which open space property and easements are vested. The Scenic Resources Resolution formerly established both the TCSPT and the Scenic Resources Preservation Program — which was a separate committee charged with identifying and evaluating properties for acquisition by the TCSPT as open space. The Scenic Resources Preservation Program never functioned as intended. This proposal eliminates the distinction between the two entities by listing evaluation and acquisition of open space as a purpose of the TCSPT itself. The wording of the purpose statement allows flexibility for the TCSPT to take on active open space acquisition and education and outreach in the future, if community interest and resources allow.

Section 4: Jurisdiction	Eliminated references to the Open Space Resources Program. Added the Town of Jackson.	Allows the TCSPT to accept easements on lands within the Town of Jackson for flexibility. Certain types of recreation easements may be appropriate within Town but would not necessarily be of interest to private land trusts.
Section 5: Interpretation	No changes.	Carried forward from current Scenic Resources Resolution.
Section 6: Definitions	Updated to eliminate terms that were not referenced elsewhere in the resolution, and to ensure definitions match current usages in the Comp Plan and LDRs, where appropriate.	Definition of agriculture updated to match the LDRs, which resulted in elimination of the requirement for 35 acres and that it be “commercial” production. PUD was replaced with a definition of Development Option. Updated Scenic Easement so that it discusses Open Space Easements more generally. Updated the definition of Subdivision to match the current LDRs. Dwelling Unit and Land and Water Conservation Fund were eliminated as those terms were not used elsewhere in the resolution.
Chapter 2: Scenic Resources Preservation Program	Chapter deleted.	This chapter focused on establishment of a separate committee to identify and evaluate lands for acquisition of property rights on private land to protect scenic resources. This separate committee has never operated as intended, primarily because the Jackson Hole Land Trust began to take on more easements and essentially de-facto fulfilled some of the functions of this committee. The evaluation and selection criteria established in this chapter no longer reflect the current Comp Plan and need to be updated. Staff has proposed assignment of this separate role to the TCSPT. Some provisions of this chapter have been distributed throughout the draft resolution, and are noted where applicable.
Chapter 2: County Scenic Preserve Trust	Change in chapter number reflects deletion of the original Scenic Resources Preservation Program.	

Section 1: Designation of the Scenic Preserve Trust	Updated language to reflect the current Comp Plan.	Broadened focus from scenic to open space more generally. Left the remainder of this section unchanged.
Section 2: Board of Trustees	No changes.	Carried forward from current Scenic Resources Resolution.
Section 3: Acquisition of Interests in Real Property	Reflects a consolidation of Sections 3 and 4 of the Scenic Resources Resolution.	This section establishes that the TCSPT may acquire interests in property to protect open space and the methods by which it may do so. Condensing these into a single section eliminated some repetition.
Section 4: Acquisition Methods	Deleted.	Consolidated with Section 3, above.
Section 4: Selection Criteria	Establishes criteria by which the TCSPT determines whether to accept or acquire open space property or easements.	For easements associated with a Development Option, this section refers to the LDRs. A placeholder has been created to allow the TCSPT to establish criteria for acceptance of easements or acquisition of open space lands for other reasons, apart from the LDRs, should this be a desire in the future.
Section 5: Open Space Easement Criteria	New section.	The form and content of an open space easement was not previously established in the Scenic Resources Resolution, but a separate resolution was adopted regarding amendment of easements. The addition of some basic criteria increases predictability. The criteria were based on the list of requirements for open space restrictions found in the LDRs, but were broadened and generalized in the event the TCSPT accepts easements for other reasons in the future.
Section 5: Authorized Uses	Section deleted.	This section was deleted and its content was re-distributed into Sections 6 and 7 of the proposed resolution.
Section 6: Authorized Uses—Scenic Resources Preservation Program	Section deleted.	Content re-distributed into Sections 6 and 7 of the proposed resolution.

Section 6: Rights of the Grantor	Reflects a portion of the old Section 5: Authorized Uses and of the old Chapter 2 regarding use of lands obtained through the Scenic Resources Preservation Program. Updated to reflect the new Comp Plan.	Establishes the rights related to use and development that the grantor may retain in an open space easement, or that may be permitted on lands owned by the TCSPT.
Section 7: Rights of the Grantee	Reflects the second half of the old Section 5: Authorized Uses. Updated some terms to reflect current language.	Specifies how the TCSPT may use and manage lands. Maintenance was changed to stewardship. Surveillance was updated to Monitoring.
Section 7: Purchases	Became Section 11.	See below.
Section 8: Collection of Stewardship Fees	Currently Section 10 of the Scenic Resources Resolution. Moved up to follow provisions regarding easements, since this happens concurrently with the granting of the easement.	No changes to the current content, other than to change "scenic" to "open space" where required.
Section 8: Grant Applications	Became Section 12.	See below.
Section 9: Easement Amendments	New section reflecting incorporation of the Resolution Governing Conservation Easement Amendments directly into this document. Only change to content is to change the term "conservation easement" to "open space easement" for consistency with the remainder of the document.	Purpose is to consolidate all information and policies related to the TCSPT into a single location for ease of reference.
Section 10: Easement Transfers	New section incorporating criteria from a separate transfer policy into this document.	Purpose is to consolidate all information and policies related to the TCSPT into a single location for ease of reference.
Section 10: Collection of Stewardship Fees	Section moved.	See Section 8, above.
Section 11: Purchases	Changed references to scenic to more general open space.	Carried forward from current Scenic Resources Resolution.
Section 12: Grant Applications	Changed references to scenic to more general open space.	Carried forward from current Scenic Resources Resolution.
Section 13: Outreach and Coordination	New section.	Serves as a placeholder should the TCSPT wish to engage in these activities in the future.

Section 14: Nonprofit Status and Activities	No changes.	Carried forward from current Scenic Resources Resolution.
Section 15: Administrative Procedures	New section.	Authorizes TCSPT, or its designee, to establish standard procedures such as forms or templates, noticing provisions, strategic plans, etc. Administrative activities of the TCSPT are handled primarily through the Planning Department currently, but this section is intended to centralize and standardize those procedures in the future.
Chapter 3: Administrative Provisions for this Resolution	Former Chapter 4 of the Scenic Resources Resolution. No changes other than to the title, which was altered to differentiate administration of the resolution from administration of the TCSPT	Establishes procedures for amending the resolution and effective date.
Chapter 4: Administrative Provisions	Became Chapter 3.	See above.