



Rural LDR Update: Directed Final Modifications

Below is the Board of County Commissioners direction on a list of modifications to the July 15, 2015 rural area LDRs and zoning map. The Board’s direction has resulted in the November 20, 2015 rural area LDRs and zoning map. The below table includes a proposed modification, recommendations from staff and the Planning Commission, Board discussion from prior to July 15, and the Board’s final direction as of October 22. In some cases staff had to make slight changes to the proposed modification to implement the intent consistently with the entirety of the LDRs and the Board’s direction. In such cases staff noted its actions below the Board’s direction.

The proposed modifications are organized into two groups based on how they were discussed by the Board. The first group are key issue policy questions that impact implementation of the primary Comprehensive Plan goals of the rural area LDR updates. The rest of the modifications are detailed modifications that are more numerous, but not as consequential to high level Comprehensive Plan implementation. The proposed modification list includes all modifications proposed by a member of the public since release of the July 15 rural area LDRs and zoning map. Each modification is presented in redline format, the redlined language represents modification to the July 15 rural LDRs. For context of a proposed redline modification please reference the Section of the proposed modification in the July 15 rural LDRs, which can be found on the “Rural LDR Update” page of www.jacksontetonplan.com.

To see the final result of implementation of all approved modifications please see the November 20 rural LDRs and zoning map on the “Rural LDR Update” page of www.jacksontetonplan.com.

Key Issue Modifications

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Proposed Modification			Staff Recommendation		PC Recommendation		Previous BCC Direction		Final Direction	
#	Sec.	Modification	Rec	Discussion	Rec	Discussion	Dir	Discussion	Dir	Discussion
A1	3.2.4.D.1	Amend 3.2.4.D.1.Land Division to read: "Lot Size (min): 35 15 ac"	D	The Comprehensive Plan does not support base development potential at a greater density than 1 unit per 35 acres. Density of greater than 1 unit per 35 acres should be directed into complete neighborhoods or accompany conservation that achieves a better result for wildlife, scenery, and open space than 1 unit per 35 acre development. The Board did discuss the lack of comment on this issue, but no Commissioner or PC member proposed reducing the minimum lot size.	-	none	-	none	D	The Board agreed with staff’s analysis that development potential at a greater density than 1 unit per 35 acres and adding subdivision potential to rural zones are not consistent with the Comprehensive Plan.
A2	3.2.3.D.1 3.2.4.D.1	Add two more rural zones so that you don't make lots less than 35 acres nonconforming with regard to lot size		Adding subdivision potential in the rural zones is contrary to the direction of the Comprehensive Plan. Increased development potential is only to come in a manner that improves conservation. Being nonconforming with regard to lot size does not limit the development or use of the property. Both the Board and PC discussed additional zones at some point in their conversation but each ultimately returned to 3 rural zones with no zone having a minimum lot size less than 35 acres, consistent with the Comp Plan vision.						
A3	3.2.2.D.1 3.2.3.D.1 3.2.4.D.1	Insert allowances for housing development in rural areas		Development of housing incentives is out of the scope of the rural LDR effort and is better discussed as part of the housing LDRs. That said the Comprehensive Plan identifies the complete neighborhoods as the appropriate place to provide housing, not the rural areas. Opportunities for housing are better sought through the Town residential zoning effort which is to begin soon.						

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B1	7.1.2.B.1	Delete 7.1.2.B.1 and let the minimum threshold be determined by the allowed density as it is today (effectively resulting in a minimum conservation area of 16.33 acres)	D	Staff's proposal was a minimum of 105 acres of conservation area to balance the impacts of increased density in rural areas. This minimum would create 1/4 to 1/2 mile corridors of open space throughout the rural areas if the Rural PRD were to be used on all holdings. Such corridors are the width at which large ungulates do not feel impact from development. Because Staff does not think these units will produce much conservation, and does not believe the conservation produced will balance the impacts, Staff continues to recommend that a greater threshold be required in order to use the density bonus.	A	The Planning Commission feels strongly that the 3x PRD has been an effective tool and that it should be kept until we find out that the new tools are preferred. The Planning Commission does think the change to Gross Site Area should apply to the existing PRD. Practically this would mean a minimum of 16.33 acres of conservation area. Keeping the existing 3x subdivision PRD represents a reduction of 2,450 units to be transferred out of rural areas of the community. While the community could still meet its 60/40 goal, it would lose 140 units that could be allocated for workforce housing versus the Board's direction.	D	The BCC does not support retaining the existing PRD, however they did provide direction to modify the Rural-PRD. The BCC directed staff to modify the Rural PRD to a 3x multiplier and minimum 70 acres of conserved area. The BCC supported the Jackson Hole Land Trust's position in June that this density and open space balance represents "better than 1 per 35". The Board's direction would result in 2,590 units being transferred out of the rural areas of the community.	D	The Board determined that a minimum conservation area of 49 acres was the threshold at with a 3x density bonus was better than 1 per 35 development without conservation. In addition to the edit to 7.1.2.B.1 staff also made the necessary change to references in the R-1 and R-TC and enabled the Rural-PRD in the R-2 because the minimum conservation area is now achievable in the R-2 and the intent of the modification was to make the Rural-PRD more widely available.
		Amend 7.1.2.B.1. Minimum Gross Site Area to read: "GSA permanently conserved (min): 70 49 ac "	D	See above modification for discussion of staff's position on this issue. This new recommendation is intended to ensure a landowner with 70 acres can use the tool because the current rural LDRs would require greater than 70 acres to use the PRD. While staff understands the purpose of the proposed modification, to ensure an owner with 2 - "35s" can do a PRD, staff would note that of the 1,400 parcels 35 acres or greater only 94 (6%) are between 35 and 35.5 acres. Meaning that two 35s usually equal more than 70 acres, enabling a PRD. A related issue is that lowering the threshold to 49 acres increases the allowed development in rural areas by 50 units versus the Board's direction, meaning 50 fewer units directed toward complete neighborhoods. While the community will still meet its 60/40 goal those units represent 50 fewer units that could be used to meet the community's goal of housing 65% of the workforce locally. Staff continues to recommend a larger threshold. However, staff would note that if the intent of the Board is to make the PRD available to more landowners by reducing the threshold to 49 acres of conservation area, staff would assume the Board also intends to allow the Rural PRD in the R2 zone where it is currently prohibited because there are no holdings greater than 70 acres.	-	none	-	none	A	

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B2	7.1.5.B.1	Amend 7.1.5.B.1. <i>Minimum Gross Site Area</i> to read: "GSA permanently conserved (min): 35 ac Principal Cons. Value: GSA permanently conserved (min) Wildlife: 35 ac Scenic: 70 ac Agriculture: 140 ac"	A	The original intent of the proposal was to ensure that all Floor Area Options would do "better than 1 per 35" for their principal conservation value. However, with the proposed amendments to the principal conservation value standards that are supported by staff, these thresholds are less applicable. Each Floor Area Option will still be better than 1 per 35 in the protection it does provide for any wildlife or scenic values.	-	none	-	none	A	The Board amended the principal conservation value standards as discussed below and therefore agreed that only one conservation area threshold was needed for the Floor Area Option. In addition to the modification to 7.1.5.B.1, staff also made the necessary changes to references in the R-1, R-2, R-TC.
B3	7.1.2.B.4 7.1.5.B.4 7.1.6.B.4	Amend 7.1.2.B.4 and 7.1.5.B.4.a and 7.1.6.B.4 to allow nonresidential uses in conservation area	A	Staff did not provide a recommendation prior to the Board's direction on this specific topic because the Board's direction evolved out of a tangential conversation. Staff recommends that the site area used for a conservation development option also be available to be counted as gross site area for a nonresidential use allowed by the zone, if the conservation easement allows such a use. The conservation development option is a bonus on top of the base allowance in exchange for permanent conservation. To take away the allowed nonresidential use of the property reduces the bonus to a trade-off of rights that would make the conservation development option less attractive to the landowner. Staff recommends continuing to have a standard that addresses "double-dipping" between conservation development options, but would support the proposed modification to allow nonresidential use in a conservation area.	-	none	D	The BCC directed that the LDRs be clarified to specify that site area necessary to allow a particular use cannot also be used to entitle another use or a development option (i.e. no "double dipping")	D	The Board remained consistent in its direction that conservation area used to entitle a conservation development option cannot be counted as site area for a nonresidential use.
		Delete 7.1.5.B.4.a	D		-		D			
C1	7.1.6.D.2 7.1.6.D.3 7.1.6.E.2	Add a "CN Transition Overlay" in areas near complete neighborhoods where CN-PRD density could be received.	D	Staff believes that identification of additional receiving areas would require amendment of the Comprehensive Plan. Much of the focus of the Comp Plan process was on identifying the proper locations for increased density and the appropriate linkages tied to that density. Much was made of whether the conservation tied to density could come from other areas of the community, and so Staff believes the Comp Plan's discussion on the issue is explicit.	D	The Planning Commission did not see any purpose in discussing the location of density again, when it is clear in the Comp Plan. However, two of five Planning Commissioners felt strongly such an allowance would provide more opportunity for quality conservation.	D	The BCC did not direct staff to identify additional receiving areas, agreeing with the staff and PC recommendations.	D	The Board agreed with staff, PC and its previous direction that identifying additional receiving areas would not be consistent with the Comprehensive Plan. However, some Commissioners requested that staff ensure that the CN-PRD tool is considered by Town as part of their residential zoning discussion.

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		<p>Amend 7.1.6.D.3 to read: "Assurance. Concurrent with the recording of the conservation easement for the associated conservation area of the CN-PRD, an assurance shall be filed that ensures that the complete neighborhood development area applicant is entitled to at least the density approved through the CN-PRD regardless of future zoning whether a complete neighborhood site has been identified."</p> <p>Delete 7.1.6.E.2</p>	D	<p>These modifications cannot function without additional receiving areas. Because the community has more rural areas to potentially protect than receiving areas, the bank of units proposed by the commenter cannot be created because we would run out of places to potentially utilize them. The County cannot commit to a quid-pro-quo granting of development rights if it cannot assure that the development rights can be built in the future, and given the growth management limitations of the Comp Plan, the County cannot guarantee CN-PRD rights to every landowner. In the initial scoping phase of this process the Board directed staff not to pursue a bank type TDR system for exactly this reason – we did not identify the receiving areas to support it. Additionally the Board was not interested (and nor is the proposer of this modification) in the County administering a program where unit values were set by the County and all upzones had to be purchased from the bank, directly linking increased complete neighborhood development to conservation. Staff developed the CN-PRD knowing that the limitation would be the receiving areas and that one of the limitations of its use would be the need for a receiving area partnership. But to allow for banking without identification of a receiving area is not consistent with the Comp Plan.</p>	-	none	-	none	D	<p>The Board agreed with staff's recommendation that this modification cannot function without additional receiving areas.</p>

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C2	7.1.6.B.1	Amend 7.1.6.B.1. <i>Minimum Gross Site Area</i> to read: "GSA permanently conserved (min): 70 æ 35 ac "	D	In 2013 staff presented the concept of allowing the CN-PRD with a minimum of 35 acres of conservation area. The community reaction was that the benefits of the conservation were not greater than impacts from the additional development unless some measure of clustering was achieved in the rural area. As a result staff proposed a 70 acre minimum, which requires more clustering than would be achieved if each 35 acre parcel were considered individually. In May and June 2015 the PC and Board discussed raising the threshold to 140 acres, but never discussed reducing it as currently proposed. The PC recommendation and Board direction was that a 70 acre minimum represented the appropriate balance of conservation benefit and increased development. Staff understands the argument for reducing the threshold to 35 acres – the tradeoff is conservation in rural areas for development in an area that is appropriate for development. However, staff continues to recommend the 70 acre minimum that evolved out of the community conversation about the appropriate balance because it provides the additional benefit of clustering.	-	none	-	none	M	Because of concerns about identifying too many “sending areas”, the Board directed Staff to increase the threshold to 105 acres east of the Tetons, but leave the threshold at 70 acre minimum in Alta, based on the current thresholds for the 6x PRD. In addition to the modification to 7.1.6.B.1, staff also made the necessary changes to references in the R-1, R-2, S-TC, and R-TC.
C3	7.1.6.B.3	Delete 7.1.6.B.3	D	While staff recognizes the intent of trying to maximize the value of the conservation achieved through the CN-PRD, staff believes that additional requirements will limit the use of the tool. Staff recommends that the tool be kept as simple as possible to encourage its use as an incentive. Staff recommends the proposal to return the language from the March 6 draft.	D	Planning Commission asked for clarification from staff on how prioritization of natural resource areas might work logistically, but ultimately agreed with staff's recommendation that the extra complexity might limit the use of the CN-PRD tool.	D	The BCC directed staff to tie the CN-PRD conservation area to the new, tiered NRO, although there was concern about reducing the likelihood of a CN-PRD.	D	The Board agreed with Staff's recommendation that public accesses does not provide enough benefit to entitle a CN-PRD, but that wildlife, scenic, or agriculture does. Based on the Board's direction on principal conservation values, staff modified the language slightly and applied the modification to the equivalent language in the Rural PRD and FAO.
		Revise 7.1.6.B.3 to read: " Principal Conservation Value. The conservation values listed below may be the principal conservation value. A value not listed shall not be the principal conservation value. a. Wildlife b. Scenic c. Agriculture "	A		A		D			
		Amend 7.1.6.B.3 to include the evaluation program outlined at http://savehistoricjacksonhole.org/2015/08/sjhj-comments-on-proposed-rural-ldrs/	D		D		D			

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C4	7.1.6.D.1	Amend 7.1.6.D.1. Complete Neighborhood Development Areas to read: "CN residential units : Conserved area GSA (max): 1 du : 4 4.375 ac"	D	Staff recommends sticking with the ratio proposed. Complete Neighborhoods are the location where we are supposed to add density and the character of that density will be limited by the vision for the particular complete neighborhood. Slightly increasing the ratio of conservation might result in a little more conservation per CN-PRD unit, but at the cost of making the tool more complicated and less likely to be used. Conversely, with a limited amount of receiving area, increasing the financial incentive only serves to decrease the amount of conservation that will be generated by the CN-PRD. Public comment has stated that in its current design the tool might not drive a conservation project, but it will help a conservation project succeed. Staff is comfortable with the balance that represents.	-	none	-	none	A	The Board agreed with proposed modification to hold the multiplier for the CN-PRD to the equivalent of the current 9x multiplier. In addition to the modification to 7.1.6.B.1, staff also made the necessary changes to references in the R-1, R-2, S-TC, and R-TC.
		Amend 7.1.6.D.1. Complete Neighborhood Development Areas to increase the financial incentive for a CN-PRD	D						D	
C5	7.1.6.E.4	Relocate 7.1.6.E.b.i as Subsection B for emphasis and replace to read: "If a proposed CN-PRD includes the creation of a development area within a complete neighborhood, the final approval for the proposal shall not be considered complete unless the land within the complete neighborhood wherein a development area is proposed to be located is first rezoned to a zoning category appropriate for the development proposed to be located within such development area. Such rezoning shall comply with all statutory and local regulatory requirements and procedures for rezonings. In the event that a rezoning to accommodate the development proposed to be located within such development area is not approved, the applicant shall have sixty (60) days to resubmit the CN-PRD application to include a configuration and location for the development area that does not require a rezoning or that otherwise complies with the recommendations that may have been made during such rezoning process; otherwise the proposed CN-PRD shall be considered to have been disapproved."	D	The rezone does not have to occur concurrently with the CN-PRD it can happen at the time of development of the complete neighborhood. Staff continues to recommend this section of the regulations be located where it is and that the conservation be allowed prior to design of the receiving area.	-	none	-	none	D	The Board agreed with staff's recommendation that the rezone should be allowed to occur following the conservation.

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D1	3.2.2.C.1	Revise GSA (min) for nonresidential uses to 140 70 ac.	D	Staff continues to believe that commercial and institutional uses are only appropriate in rural areas if they achieve the Comp Plan goal of doing better than 1 per 35. Staff does not believe that a business on 35 is better than a residence on 35 in terms of the impacts to rural character. Staff continues to recommend a 140 acre site area to provide unused open space in conjunction with the commercial use, in balance Comp Plan goals with increased impact.	D	The Planning Commission believes that commercial and institutional uses are consistent with rural character and to provide business opportunities in the County for businesses that require larger sites.	D	The BCC agrees with Staff that the threshold needs to be higher than 35 acres to do "better than 1 per 35", and after discussion of 140 versus 70 acres concluded that 140 acres represents the proper balance between increased intensity and maintained open space.	D	The Board remained consistent in its direction that 140 acres represents the proper balance between intensity and open space.
		Revise GSA (min) for nonresidential uses to 140 35 ac.	D		A		D		D	
		Amend the GSA (min) for Bed and Breakfast to: 140 n/a	D	The Board and PC did not discuss bed and breakfast specifically, nor did they raise any issue with the bed and breakfast requirement as they reviewed the use issues. Staff continues to recommend a large site area under the same rationale as other uses especially because of the community's lodging goal that visitors stay near visitor services to limit transportation and wildlife impacts.	-	none	-	none	D	
D2	3.2.1.A.2	Revise 3.2.1.A.2 to read: "Minimum Site Area. In rural character zones the Gross Site Area shall only apply to a single residential use's minimum Gross Site Area. However, the total Gross Site Area of a site may be used as the minimum Gross Site Area required for each of the uses allowed on the site... " and updated the associated example.	D	Staff does not support the proposed language. Staff agrees with the Board's direction that multiple nonresidential uses should not be able to use the same gross site area. The "better than 1 per 35" rationale for nonresidential use in the rural zone does not hold if there are many nonresidential uses on a single 140 acre site. The remedy for the example provided by Bill Resor of an outdoor recreation use that varies by summer and winter is a single CUP for the 140 acres that evaluates the overall intensity of the two different iterations of the use.	-	none	D	The BCC directed that the LDRs be clarified to specify that site area necessary to allow a particular use cannot also be used to entitle another use or a development option (i.e. no "double dipping")	A*	The Board agreed with the concept of allowing multiple nonresidential uses to count the same site area, but directed staff to include a CUP standard that would guide case-by-case evaluation of the cumulative impact of multiple nonresidential uses on the same 140 acres vs. the impact of development of 1 unit per 35 acres. Staff inserted the language in the R-1 and R-2 because it is a more appropriate location relevant to the CUP review process and the R-3 no longer allows principal conditional uses.

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D3	3.2.2.C.1 3.2.2.E.2 3.2.3.C.1 3.2.3.E.2	Delete 3.2.2.E.2.b and 3.2.3.E.2.b and remove reference in 3.2.2.C.1 and 3.2.3.C.1	D	Staff supports using the NRO to limit the uses allowed in rural areas. This is an evolution of the use of the NRO that staff believes is consistent with the Comprehensive Plan vision to protect wildlife habitat and movement corridors in rural areas of the community. In rural areas limiting development based on the relative value of habitat implements the stewardship ethic of the Comp Plan. Staff notes that these standards will be reviewed again in the near future when the NRO standards are updated. As tiered NRO standards are developed allowances tied to the NRO will have to be revised, and by that time the community will have some experience with this standard. Staff also notes that the Board may want to review the specific uses that are prohibited in the NRO (see 3.2.2.C.1 on pages 3-6 and 3-7 and 3.2.3.C.1 on page 3-16) as the Board has not yet reviewed them individually.	-	none	D	The BCC directed Staff to limit use based on location in the NRO.	M	The Board directed staff to remove the prohibition of outdoor recreation in the NRO, but continue to prohibit campground and institutional use in the NRO. Staff made the necessary changes to allow outdoor recreation in the NRO in the R-1, but no changes were needed to the R-2. Staff did note while making the changes in the R-1 that the prohibition of Aviation in the NRO in 3.2.2.E.2.b was not referenced in 3.2.2.C.1 and inserted the reference.
D4	3.2.2.E.2 3.2.3.E.2	Delete 3.2.2.E.2 in favor of use specific requirements in Article 6	D	Staff supports the Planning Commission recommendation. It supports the Comprehensive Plan goals of predictability by focusing on identifying the side boards we care about so that no matter what the use the landowner and neighbor can anticipate the level of intensity. This was the approach taken by Staff in the March 6, 2015 draft, and based on the PC recommendation would continue to be the approach as Staff implements other recommendations.	D	The Planning Commission believes that identifying the impacts to be mitigated should be the role of the CUP standards, with flexibility for the landowner in designing the mitigation. The PC supported regulating use by zone in order to achieve consistency and the desired character.	D	The BCC supported regulation by zone. However, the BCC directed staff to include minimum thresholds to define the impacts to be mitigated. The BCC was supportive of the development of CUP thresholds and standards, using the existing reception/event site standards as guidelines.	D	The Board remained consistent in its direction that use intensity should be regulated by zone and include some thresholds.
		Revise CUP standards to include intensity considerations, but not thresholds	A		A		D			
E1	7.3.1.A	Amend 7.3.1.A to read: "The purpose of this Division is to establish standards for required conservation areas. The intent is to require prioritize the use of certain best practices to ensure that a required conservation area achieves the community's goals for ecosystem stewardship identified in the Comprehensive Plan.	A	Staff supports the proposed modification consistent with its support of the rest of the modifications packaged in this key issue.	-	none	-	none	A	The Board agreed with the proposed modification and the overall approach of encouraging and identifying best practices rather than requiring them.
E2	7.3.2.B.3	Amend 7.3.2.B.3 to read: "3. Clustering. Where possible, development areas, should not to be surrounded by conservation area on all sides, and should be located adjacent to existing development if possible. Where possible, access should not cross conservation area. "	D	Staff supports the reordering of the 'where possible' clause, but does not support deletion of an 'if possible, should' statement. It is not a requirement and staff believes it may be appropriate in some cases were development is located near existing development.	-	none	-	none	D	The Board agreed with staff that the language is already recommending rather than requiring.

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E3	7.3.2.C	Amend 7.3.2.C to read: "A The following criteria shall be considered in the configuration of the conservation area shall be configured based on the following prioritization. 1. A conservation area shall first be configured to ensure Connection to any adjacent, existing conservation areas. 2. Second, the conservation area shall be configured to maximize The protection of the principal conservation value(s) identified in Subsection 7.3.2.A. 3. The final consideration in configuring a conservation area shall be maximizing Potential conservation values that could might result from potential future conservation of adjacent property." and update the example to remove mandatory prioritization.	A	Staff supports the language to consider rather than absolutely prioritize. The prioritization concept was proposed by WCS and staff believes that WCS would agree that consideration is what is important to allow for some flexibility and not deter potential conservation.	-	none	-	none	A	The Board agreed with the proposed modification and the overall approach of encouraging and identifying best practices rather than requiring them.
E4	7.3.3.A	Amend 7.3.3.A to read: "Stewardship and restoration that enhances the conservation value(s) of the conservation area shall be allowed in the reasonable discretion of the grantee of the conservation easement or as expressly reserved in the conservation easement."	A	Staff agrees with the proposed modification as furthering the intent of the requirement without boxing the grantor or grantee of the conservation easement into a corner on a stewardship project issue.	-	none	-	none	A	The Board agreed with the proposed modification.
	7.3.3.B.1	Delete 7.3.3.B.1.c	A	Given staff's support for the removal of the principal conservation value, except in conservation area configuration, this standard is no longer applicable. For now, staff recommends relying on the wildlife friendly fencing standards in Section 5.1.2. Wildlife friendly fencing will be reviewed comprehensively as part of the natural resource LDR update that will begin upon completion of this effort.	-	none	-	none	A	The Board agreed with the proposed modification.

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	7.3.3.B.2	Amend 7.3.3.B.2 to read: " a. Principal value Wildlife. When wildlife is the principal one of the conservation values, the following standards shall be considered apply . i. Domestic Pets. Free-roaming domestic pets shall be prohibited Impact of domestic pets to wildlife on all or portions of the property. ii. Chemical Use. Chemical use may shall be limited to activities related to control of non-native species and ecological restoration in order to minimize unnecessary and negative side effects on wildlife. This shall not be read to restrict the use of chemicals in support of agricultural and ranching use values of the property. iii. Motorized Vehicles. The effects on wildlife in determining off-road use of motorized vehicles use shall be limited to travel on designated access ways. b. Grazing. Grazing shall be managed to maintain vegetation for wildlife foraging and avoid overgrazing. c. Recreation. Recreation shall be managed to minimize be in harmony with and reduce the impacts to the principal conservation values." and delete example	A	Staff supports the modification of this language to consideration as it ensure the best practices are considered but does not preclude a special circumstance.	-	none	-	none	A*	The Board agreed with the proposed modification and the overall approach of encouraging and identifying best practices rather than requiring them; however, the Board also wanted to ensure control of noxious weeds was allowed. In addition to the Board's noxious weeds addition to the proposed language, Staff also made slight edits to the proposed language for the purpose of clarity.
E5	7.3.4.E	Amend 7.3.4.E to read: " Establishment of a stewardship plan including The affirmative right of Grantee to conduct active monitoring of conservation values to ensure those values are successfully protected and maintained over time and to enforce those restrictions when necessary. Delete 7.3.4.H	A	The County's consultant WCS originally proposed the stewardship plan requirement to ensure that the conservation easement holder was being proactive about stewardship not just monitoring and enforcing. If this will limit conservation and is not a provision the Jackson Hole Land Trust desires in its easements, staff is comfortable softening the requirement.	-	none	-	none	A	The Board agreed with the proposed modification.
F1	3.2.2.B.1 3.2.3.B.1	Delete 'Development areas (max)' subsection of 3.2.2.B.1 and 3.2.3.B.1.	D	The purpose of this standard is to require development on a site to be located in a single area rather than sprawl over an entire site. Throughout the best practice advice provided by our consultants from WCS, they emphasized the importance of clustering wherever it can be achieved. While some sites in the R2 might be dense enough that the requirement is not applicable, those sites will likely be small enough that a single development area make sense given the maximum site development.	-	none	-	none	A	The Board agreed with the proposed modification due to concerns over nonconformities and property rights.
F2	7.1.2.C.1	Amend 7.1.2.C.1.Development Area to delete: " # of development areas - Conserved GSA (max): 1 - 70 ac... "	D	Requiring clustering is the most proven method of limiting impact on wildlife at a landscape level. The importance of clustering	-	none	-	none	D	The Board agreed with staff that the R-PRD should require clustering.

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Proposed Modification		Staff Recommendation		PC Recommendation		Previous BCC Direction		Final Direction		
#	Sec.	Modification	Rec	Discussion	Rec	Discussion	Dir	Discussion	Dir	Discussion
	7.1.5.C.1	Amend 7.1.5.C.1.Development Area to delete: " # of development areas - Conserved GSA (max): 1... "	D	was emphasized by our consultants from WCS. The clustering achieved by a conservation development option plays into the balance of the benefit of the conservation versus the impact of the density. While the commenters feel flexibility is needed to encourage the conservation development option tools to be uses, based on the research and advice of WCS staff believes that clustering requirements are needed to provide the conservation benefit that offsets the impacts of the development bonus.	-		-		A	The Board agreed with the proposed modification that the FAO should not require clustering in order to provide design flexibility that will encourage use of the option.
F3	7.1.2.C.2	Delete 7.1.2.C.2	D	While the WCS research and advice would indicate that in most instances the best location will be adjacent to existing development, the bottom modification still allows for that conclusion to be made where applicable. Staff can support the additional language, but does not support deleting the requirement for the same reasons staff does not support deleting the clustering requirement in the Rural PRD and Floor Area Option.	-	none	-	none	D	The Board agreed with the approach of considering another location consistent with their approach of encouraging and identifying best practices rather than requiring them.
	7.1.2.C.2	Amend 7.1.2.C.2 to read: "Location. The development area shall be located adjacent to existing development when existing development abuts the Rural PRD site, unless the protection of the principal conservation value(s) would be better achieved by another location. "	A		-		-		A	
G1	5.2.1.D.2 8.2.2.B.1	Delete 5.2.1.D.2 and 8.2.2.B.1.c.	A*	Staff continues to recommend that this issue be evaluated as an interim measure because all EA and NRO standards are scheduled for update following this rural LDR update. Staff's proposal in March to minimize the change through the rural LDR update and hold the conversation until the EA and NRO standards are updated was to apply the exemption to the NC and R3 zones. This would have the effect of applying EA/NRO standards to 476 larger NC properties currently exempt, while newly exempting 500 smaller properties (mostly zoned R-TC), without affecting any properties not included in the rural LDR updates.	D	Planning Commission recommends an exemption from EA/NRO requirements for lots less than or equal to 6 acres, as well as for any previously platted lots.	D	The BCC asked some questions for clarification of the current exemptions, but was generally in agreement with the PC's recommendation regarding EA exemptions. This will have the effect of applying EA/NRO standards to 107 larger NC properties currently exempt, while newly exempting 2,459 parcels, some of which are not in rural areas.	M	The Board directed that rather than interim measures that involve any change, EA exemptions should remain tied to NC zoning, and the regulations should refer back to previous zoning for purposes of determining exemptions. The language staff inserted is based on an effective date April 1, 2016, if that effective date changes the language will have to be adjusted accordingly.

Non-Key Issue Modifications

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Proposed Modification			Staff Recommendation		PC Recommendation		Previous BCC Direction		Final Direction	
#	Sec.	Modification	Rec	Discussion	Rec	Discussion	Dir	Discussion	Dir	Discussion
1	1.6.6	Insert a disclaimer on building permit applications that CC&Rs may also apply.	NA	Section 1.6.6 of the LDRs already identifies that private standards may apply, but that the County is not responsible for enforcing them. Staff will look at the building permit application, which can be amended by the Planning Director.	-	none	-	none	NA	Not flagged for specific discussion, the Board agreed with staff's recommendation.
2	1.9.1	Waive nonconforming standards for nonconformities that have existed since prior to 1978	T	This modification is best considered during the revisit of the nonconforming standards which is schedule for the Planning Commissions in October and the Board and Council in November.	-	none	-	none	T	Not flagged for specific discussion, the Board agreed with staff's recommendation.
3	3.1.1	Insert language recognizing property rights into each zone's description of character	D	Based on the Board's direction and PC recommendation staff added 'property rights' language to the purpose statement of each zone. Staff did not add such language in Policy 3.1.1, which is intended to briefly convey the relationship between the rural character zones. The proposed change is unnecessary, but would not change the meaning of character descriptions. The property rights recognized are established through the allowances and prohibitions within the zone.	-	none	-	none	D	Not flagged for specific discussion, the Board agreed with staff's recommendation.
4	3.2.2.A.1	Amend 3.2.2.A.1 to read: "...designed to allow for property rights in a way that has minimal balances impact on wildlife and scenery."	D	Staff agrees that the term 'minimal' should only be used in standards when the goal is to limit an allowance to the least possible	-	none	-	none	D	Not flagged for specific discussion, the Board agreed with staff's recommendation.
		Amend 3.2.2.A.1 to read: "Development, use, and conservation that occurs in the R1 should be located and designed to allow for property rights in a way that has minimal impact on substantially protects wildlife, wildlife habitat connectivity, wildlife movement, and scenery, and preserves the historic western character of the community by supporting the continuation of ranching and agricultural practices. Development and use that result in better conservation of wildlife habitat, and scenery, and ranching and agricultural resources than can be achieved by single-family development of 35 acre parcels is encouraged."	A*	impact. However, in an intent statement use of the term minimal is more appropriate. Use of the term 'balance' does not convey the community's vision, as determined in the Comprehensive Plan, for the preservation subareas in the R1 zone. Staff recommends the 'protection' language instead. Staff supports language about scenery and agriculture related to protection, but Policy 1.4.c of the Comp Plan only talks about incentives that are better for wildlife than 1 per 35, so staff would limit language in the last sentence to wildlife.	-	none	-	none	A*	
5	3.2.2.A.2	Amend 3.2.2.A.2 to read: "The R1 zone generally consists of large holdings outside of complete neighborhoods where the opportunity exists for use of property in sites that are greater than 70 acres even if property rights allow use of the property as multiple smaller sites. "	D	Staff does not agree that this statement is inappropriate. It is an important explanation of why holdings are considered instead of individual lot size and is an accurate description of existing opportunities. It does nothing to diminish any property rights, but helps future readers and interpreters understand what characteristics to use in identifying potential R1 land.	-	none	-	none	D	Not flagged for specific discussion, the Board agreed with staff's recommendation.

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6	3.2.2.B.1 3.2.2.B.2 3.2.3.B.1 3.2.3.B.2 7.1.2.C.1	Revise 3.2.2.B.1 and 3.2.3.B.1 to read: "Site Development Location: Street Setback (min. except driveway across street yard): 25' Public Road: 50' Private Road: 25' Non-Street Setback (min): 5' 15' " Revise 3.2.2.B.2 and 3.2.3.B.2 to read: "Structure Location: Street Setback (min) 25' Public Road: 50' Private Road: 30' Non-Street Setback (min): 10' 30' " Amend 7.1.2.C.1.Lot Within a Rural PRD Development Area to read: "Street Setback (min): 25' Public Road: 50' Private Road: 25' "	A*	Staff can support the 50' setback from public roads as a preservation of rural scenic character. Staffs only recommended revision is that the 25' site development setback from private roads in the R1 and R2 when the structure setback is 30' doesn't match a standard approach, staff would recommend 30' for the site development setback as well.	-	none	-	none	A*	The Board approved staff's recommendation. In addition to the proposed modifications, staff also applied the non-street setbacks in the Rural PRD.
7	3.2.2.B.2	Revise 3.2.2.B.2.Scale of Development to read: "Floor Area Ratio (max) GSA < 35 ac: 10,000 sf GSA ≥ 35 ac: GSA (.007) ..."	A	Staff agrees that this is a clarification	-	none	-	none	A	Not flagged for specific discussion, the Board agreed with staff's recommendation.
8	3.2.2.B.2 3.2.3.B.2 3.2.4.B.2	Delete 3.2.2.B.2.Exterior Materials and Amend 3.2.3.B.2.Exterior Materials and 3.2.4.B.2.Exterior Materials to delete: " Colors: Earth tones "	D	This standard is consistent with the requirement of earth toned colors that has been in the regulations since at least 1994.	-	none	-	none	D	Not flagged for specific discussion, the Board agreed with staff's recommendation.

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9	3.2.2.B.5 3.2.3.B.5 3.2.4.B.5	Amend each B.5 subsection to read: "Development prohibited: Slopes > 25% 30%"	D	Staff continues to support a move to a uniform standard throughout the County of prohibiting development on naturally steep slopes, and is comfortable with either a 25% or 30% standard. According to the County Engineer the slope stability concerns vary widely depending on the geology of the slope and there is no magic to 25% versus 30%, it is still very site dependent. However, the Comp Plan direction is generally that steep slopes should be avoided, and all natural resources should be protected, which does not support relaxing the regulations in rural areas. Today the threshold in the NC zone is 30% and in all other zones it is 25%. There are about 100 NC parcels for which the inability to develop on slopes between 25% and 30% impacts the development area of the property significantly. Arguments about existing development being nonconforming are largely moot because existing development will have manmade slopes in the area surrounding the existing development and therefore not be nonconforming. In the case of a desired addition to an existing development surrounded by 28% slopes, an applicant would certainly have a strong case for administrative relief which would allow for development of up to 30% slopes even if the standard were set a 25%.	-	none	-	none	A	The Board agreed with need for a uniform standard and chose 30% to limit nonconformities and because there was no clear engineering or safety rationale for using 25% instead of 30%. In addition to making the modification in the proposed Rural zones, staff revised Section 5.4.1 to make the slope standard 30% for the entire County in order to create the consistent standard desired by the Board, and also made necessary modifications in all existing zones.
10	3.2.2.C.2	Insert Parking standard of: "0.75 per LU" and Employee Housing standard of: "exempt"	A	In every zone the parking and employee housing requirements established in Article 6 are referenced for the allowed uses. Staff accidentally omitted the B&B requirements from the R1 use table.	-	none	-	none	A	The Board agreed with staff's recommendation to correct the oversight.
11	3.2.2.E	Amend 3.2.2.E.3.a to read: "... the ratio of tent sites to RV sites shall be at least 1:3.	A	The proposed modification was staff's understanding of the Board's intent, but the proposed words were omitted from the draft.	-	none	A	The BCC directed staff to require a mix of tent and RV sites to encourage family friendliness. It is staff's understanding that the intent was to require a minimum number of tent sites to ensure the entire campground is not RV sites	A	Not flagged for specific discussion, the Board agreed with staff's recommendation.
12	3.2.2.E 3.2.3.E	Insert: "Rural ROW. A road serving a density of 1 unit per 35 acres or less shall require an easement of 30 feet."	T	The statutory granting of a 30 foot access has to do with ensuring access, the County's 60 foot easement requirement is triggered when subdividing. The two provisions have different purposes and are only in conflict in that the State's relief does not entitle subdivision under the County's regulations. The proper time to address the issue is when the road standards are updated.	A	Planning Commission recommends accepting this modification now, rather than tabling the discussion for the update of the road standards, but clarifying the modification such that it applies only to base zoning, not to additional subdivision that may be proposed.	T	The BCC agreed with staff's recommendation.	T	Not flagged for specific discussion, the Board agreed with staff's recommendation.
13	3.2.2.E.2	Amend 3.2.2.E.2.a.i to read: "The cumulative impact of all permitted uses on the site's open space values."	A	Staff identified this potentially confusing language through conversations. Deleting the word 'value' avoids confusion with the standards in 7.3.2.A.	-	none	-	none	A	Not flagged for specific discussion, the Board agreed with staff's recommendation. The same modification was also made to 3.2.3.E.2.

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14	3.2.2.E.2 3.2.3.E.2	<p>Revise d.ii to read: "Setbacks for the use shall be established through the CUP process, and may vary for daily staff functions and public events, and for indoor and outdoor activities."</p> <p>Revise e.i to read: "An outdoor use public event that is located less than 300 feet from a property line to an occupied or vacant residential site that is not a part of the conditional use shall be limited to hours of operation of 9:00 a.m. to 9:00 p.m. Hours of staff activities shall be established through the CUP process."</p> <p>Revise e.ii to read: Uses other than those regulated by Subsection e.i above, shall be limited to hours of operation of 9:00 a.m. to 11:00 p.m. Hours for staff activities shall be established through the CUP process."</p>	A*	<p>The BCC directed staff to set thresholds for nonresidential CUP impacts in the R1 and R2 that were based on the standards for receptions. The BCC did not discuss how such standards might specifically impact other nonresidential uses. Staff continues to support CUP standards that identify impacts but leave thresholds to be determined by the CUP process. The proposed modification addresses the largest impacts, public events, directly but allows for some flexibility in day-to-day operation of a use other than a reception.</p> <p>The revision staff recommends is deleting the provision that only applies the hours of operation to special events outside the CUP. Such events are not regulated by the LDRs so applying a standard to the in the LDRs does not make sense. The intent of the Board was to limit the hours of outdoor events, so staff recommends deleting that provision.</p>	-	none	-	none	A*	The Board agreed with an updated recommendation from staff that all the proposed language needed was additional commas.
15	3.2.2.E.5	<p>Amend 3.2.2.E.5.b.ii to read: "Density/Intensity. Floor area in an ARU accessory to a non-residential use is exempt from FAR and maximum floor area calculations.</p> <p>a) 850 sf Units. The number of ARUs with habitable floor area of 850 sf or less is limited only by the requirement that the ARUs be accessory to the principal use.</p> <p>b) Larger Units. A maximum of 1 ARU larger than 850 sf of habitable floor area is allowed per 35 acres of gross site area of non-residential use. This allowed ARU density is in addition to the base density of allowed principal residential use."</p>	A	<p>The proposed modification would allow any nonresidential use in the R1 the same flexibility currently afforded agriculture use. This is consistent with the general approach to nonresidential use in the R1, which is to view all nonresidential uses similar to agriculture, as a way to keep open space undeveloped.</p>	-	none	-	none	A	The Board agreed with staff based on positive implications of this modification for employee housing.
16	3.2.2.E.5 3.2.3.E.3	<p>Amend 3.2.2.E.5.a.i and 3.2.3.E.3.a to read: "An ARU accessory to a residential use shall not exceed 1,000 sf of gross floor area including basement floor area."</p>	T	<p>The inclusion of basements in the maximum scale ARUs associated with residential use is consistent across all zones and is intended to ensure that the ARU is of a livable, but modest, affordable size. The issue has been discussed through at least 2 previous amendment conversations, and is better discussed through the housing LDR updates than applying a rural specific standard.</p>	-	none	-	none	T	Not flagged for specific discussion, the Board agreed with staff's recommendation.

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17	3.2.3.A.1	Amend 3.2.3.A.1 to read: "...designed to allow for property rights in a way that minimizes balances impacts to wildlife, habitat connectivity, and scenery."	D	See above discussion about 3.2.2.A.1. Staff recommends the 'protection' language be used.	-	none	-	none	D	Not flagged for specific discussion, the Board agreed with staff's recommendation.
		Amend 3.2.3.A.1 to read: "Desired Future Character. Development, use and conservation that occurs in the R2 should be located and designed to allow for property rights that minimizes impacts to substantially protect wildlife, wildlife habitat connectivity wildlife movement , and scenery, and preserves the historic western character of the community by supporting the continuation of ranching and agricultural practices . Existing property rights define the maximum density of the R2 and clustering of development and combination of lots is encouraged. Residential and/or agricultural use is preferred, but institutional uses with a rural character that require a large site may be compatible."	A						A	
18	3.2.3.B.2	Amend 3.2.3.B.2. <i>Scale of Development</i> to read: "Floor Area (max) 10,000-sf GSA < 35 ac: 10,000 sf GSA ≥ 35 ac: GSA (.007)... "	D	Staff does not support the proposed modification. One of the primary differences between the R1 and R2 is the allowed floor area. An FAR is used in R1 to encourage that large holdings be used as a single site rather than split into 35s. The R2 zone is characterized by properties that are already split into 35s. The R2 staff believes the appropriate allowance is 10,000 sf of floor area with the Floor Area Option available to achieve additional floor area in exchange for conservation. The proposed modification would reduce the carrot for the Floor Area Option. The Board did not discuss this modification in June, but did direct staff to prohibit the "Peet" allowance (next modification) in order to encourage conservation through the Floor Area Option.	-	none	-	none	D	The Board approved the reinstatement of Peet rather than an implementation of a 0.007 FAR in order to address smaller lots, but still distinguish between R1 and R2.
19	3.2.3.B.2	Revise Floor area (max) to allow an additional 100 sf of non-habitable floor area per acre over 10 acres	D	Staff continues to support removal of the "Peet" allowance because the original purpose of "Peet" was to avoid having to permit subdivision through the PRD, just to build a barn. Now that the Floor Area Option is separate from the subdivision PRD options the "Peet" amendment is no longer needed. The effect of the removal varies by lot size. For the 325 R-2 parcels between 10 and 35 acres the omission represents a decrease in allowable floor area of 0-2,500 sf. For properties over 35 acres removal of "Peet" means that to get additional floor area, conservation is required.	A	The Planning Commission discussed the original purpose of this allowance and believes the Floor Area Option requires too many hurdles. This extra non-habitable floor area should be by-right.	D	The BCC agreed with staff's recommendation to remove the "Peet Amendment" in order to encourage more use of the Floor Area Option.	A	

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20	3.2.3.C.1	Allow Heavy Retail/Service (horse boarding) in R-2	D	The BCC did not discuss Heavy Service Horse boarding directly, but did provide broad direction to prohibit commercial uses in the R2 and deferred to that broad direction for any specific use discussed. The PC did the same Staff does not support adding this use to the R2. That said, there is an undefined line between and agricultural horse boarding operation which would be allowed in the R2 and the more intense, veterinary type horse boarding operation identified as Heavy Service. The commenter may be allowed to achieve his goal as an agriculture use, depending on the operation.	-	none	-	none	D	The Board discussed the implications for existing businesses and relationship of this use to western character and ultimately agreed with staff's recommendation.
21	3.2.3.E.3	Revise subsection b to read: "b. Primary use non-residential. i. Unit Type. The following residential uses are permitted as unit types for an ARU associated with a primary nonresidential use: a) Detached single-family b) Apartment c) Mobile Home d) Dormitory ii. Density/Intensity. An ARU accessory to a non-residential use shall not exceed 850 sf of gross floor area including basement floor area. the floor area of an ARU accessory to a non-residential use shall be exempt from FAR and maximum floor area calculations."	A	The only nonresidential uses allowed in the R2 are institutional uses on sites of at least 35 acres. These uses are allowed acknowledging that there are certain community needs that can only be met on larger, rural sites. Allowing flexibility in the type of ARUs allowed is consistent with purpose of allowing for these institutional uses because it provides flexibility housing employees of such uses.	-	none	-	none	A	Not flagged for specific discussion, the Board agreed with staff's recommendation.

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22	3.2.4.B.1	Revise 3.2.4.B.1.Site Development (max) for GSA<0.5 ac to be more similar to the allowance for lots 0.5-3 acres without allowing 100% development of smaller sites.	A	The BCC direction on mapping R3 was to include all lots of 3-6 acres or less, regardless of location. As a result, about 1,100 additional parcels of various sizes were added to the R3. The BCC also directed staff to ensure the R3 maximum site development standard did not allow the entire site to be developed. In response staff was unable to devise a single site development standard that worked for the range of parcel sizes and defaulted back to the current NC and Rural standard. In 2006 when maximum site development was adopted to replace impervious surface, a few specially named subdivisions were given multipliers due to their small lot size, existing development, and the open space associated with the subdivision. The value of the multiplier was based on existing development. With the new administrative adjustment provision these lots could get a 20% increase in site development. That 20% increase would be equal to the multiplier for about half of the specially named subdivisions, but would be less than the multiplier for the other half. Staff does not recommend continuing the practice of specially named subdivisions, but staff is not opposed to increasing the allowed site development in the R3 on lots less than 0.5 acres.	-	none	-	none	A	The Board agreed with staff's recommendation after further explanation by staff. Staff applied the standard for lots of 0.5-3 acres to lots less than 0.5 acres because at about 0.225 acres (usually larger) site development setbacks govern site development rather than the site development equation. Smaller lots get an increase, but the increase is no greater than the largest multipliers that currently apply.
23	3.2.4.C.1	Prohibit Home Daycare Center in the R3	D	Staff continues to believe that home daycares are consistent with neighborhood character. Home schools are allowed as a home business in the R3 and staff believes schools and daycares have similar impacts and character.	D	The Planning Commission recommended allowing home day care center in the R3 with a 6 acre minimum lot size to allow opportunities while still providing neighborhood protection through larger lot size.	D	The BCC discussed home uses and moved away from a minimum lot size requirement for lots near Complete Neighborhoods and toward development of a set of CUP standards and thresholds that ensures compatibility with neighborhood character. The BCC further directed that Home Daycare Center also be allowed in the R3 subject to the neighborhood protections.	A	The Board discussed home uses and home use standards generally and decided to prohibit larger Home Daycare Centers in the R3 due to concerns about impacts, but flagged the issue as needing discussion in complete neighborhoods. In addition to deleting Home Day Care Center from 3.2.4.C.1, staff also deleted 3.2.4.E.2 and made the necessary changes to the use table in Article 6.
24	3.2.4.E	Add a standard in 3.2.4.E that all home uses be limited to 3 employees total, with 1 employee allowed to live off-site	D	The point of having different standards for home occupation and home business is to all allow a more intense home use with a Conditional Use Permit (Home Business) and allow a less intense home use with a Basic Use Permit. If the Board is interested in implementing the commenter's intent staff would advise that the technically better approach is to prohibit Home Business, but the Board specifically directed staff to allow Home Business in the R3 as a CUP.	-	none	-	none	D	The Board agreed with staff that a spectrum of intensity for home uses is appropriate.

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25	5.6.2.B.3	Amend 5.6.2.B.3.o to read: "A gate or arch sign situated over the primary entry to a ranch or other agricultural operation exceeding 200 acres in total contiguous area subdivision or agricultural operation in the R-1, R-2, or R-TC; provided that the sign face does not exceed 8 square feet and that the sign provides a clearance of at least 13.5 feet from the driving surface."	A	Staff proposed this modification to address an number of existing subdivision arch or gate signs in the R2 zone that need replacement for various reasons. Staff believes these signs are consistent with rural character but does not think they should proliferate for every individual property. The proposed modification accommodates existing subdivision arch signs without fundamentally changing the allowed signage in rural areas.	-	none	-	none	A	Not flagged for specific discussion, the Board agreed with staff's recommendation.
26	6.1.3.B.2	Amend 6.1.3.B.2.d to read: "Exemptions on sites greater than 140 70 Acres. The following exemptions and preservation mechanisms apply to agricultural uses on sites of 140 70 acres or more:"	D	While the Comp Plan clearly supports provisions that allow for the continuation of agriculture, staff believes that the site area kept open by agricultural use is the same concept as the site area kept open by another rural use and recommends that the ag exemption threshold be set at the same 140 acre level as the allowance for nonresidential uses in the R1. Ag use would continue to be allowed on a site of any size, but the exemptions would only be granted in the instance of a significant amount of open space.	A	Planning Commission is supportive of a 70 acre threshold for agricultural exemptions to encourage and promote agriculture and for consistency with other use thresholds recommended by the Planning Commission.	D	Some commissioners were interested in seeing an analysis of how many properties would be impacted by this change, but the BCC was generally supportive of the proposed threshold for agricultural exemptions of 140 acres. There are about 90 holdings of 70-140 acres. Staff originally proposed 140 acres to be consistent with the other standards for nonresidential uses and development options that preserve significant open space, since that original proposal some of those thresholds have been lessened.	A	The Board agreed with the proposed modification to leave agricultural exemptions at the current LDR threshold of 70 acres.
27	6.1.3.B.2 6.4	Amend 6.1.3.B.2.d.i and Division 6.4 to exempt agricultural operations from the standards of Division 6.4.	A	The standards of Division 6.4 are intended to protect neighbors from impacts. At times agricultural operations cannot meet these standards, and it has always been the policy of the community to protect agricultural operations from treatment like other residential and nonresidential uses.	-	none	-	none	A	The Board agreed with codifying and clarifying additional exemptions for agriculture. Staff did not apply the exemption to Explosive or Radioactive Materials standards due to the health and safety implications.
28	6.1.3.B.2	Amend 6.1.3.B.2.d.ii to add: "Sketch Plan for physical development" and "Development Plan for physical development"	A	This is consistent with the existing exemption. While it will likely be unnecessary given the new permit thresholds for rural zones, it ensures no agricultural operations have to go through a planning process for physical development.	-	none	-	none	A	Not flagged for specific discussion, the Board agreed with staff's recommendation. In addition to the modification to 6.1.3.B.2.d.ii staff also made the references in all legacy zones.
29	6.1.3.C.1	Revise 6.1.3.C.1.a.vii to read: "outdoor receptions (4 or more events per year) excluding non-profit events)" Add 6.1.3.C.2.b to read: "Outdoor Receptions. In order to constitute outdoor recreation use an outdoor reception shall have over 50 guests on site at one time or amplified music. Private and non-profit receptions do not constitute outdoor recreation regardless of their size."	A	In applying the current standards staff believes there is a need for a defined threshold for when an outdoor reception CUP is needed and when the event only requires a special events permit from the Sherriff. Setting that threshold as proposed will achieve that purpose. Staff also supports clarifying that private parties do not constitute outdoor recreation use. Non-profit events can certainly have a large impact, but they have not been the cause of conflict with neighbors to date. If non-profit events become an issue this standard can be revisited.	-	none	-	none	A	Not flagged for specific discussion, the Board agreed with staff's recommendation.

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30	6.1.10.E	Insert a subsection identifying the existing Fall Creek Ranch and Melody Ranch landing strips as conforming, but requiring the CUP standards be met in the case of 20% expansion	D	There is no need for such language, in fact the proposed approach would actually be more restrictive than application of the nonconforming standards because the nonconforming standards allow 20% expansion. Nonconforming standards only apply in the case of expansion, they do not require any action for the existing situation. In the case of the existing landing strips, each would be able to become conforming by applying for a CUP at the time of expansion. The one regulation that might hinder future maintenance of the landing strip has to with renovation and repair of a nonconforming use. Staff believes the more appropriate time to address that issue is through the revisiting of the nonconforming regulations scheduled for this fall.	-	none	-	none	A	The Board agreed with proposal to make these two specific instances of an aviation use conforming. Staff made the change in the R1 as each are in the R1 (although the Melody Ranch strip is also in a PUD) and it is the zoning district use permit they lack not a standard of aviation use.
31	6.1.11.A	Amend 6.1.11.A.2.a to read: "An accessory use may only be permitted in association with an active, conforming primary use designated for the accessory use."	T	Staff does not recommend a modification that applies specifically to nonconforming uses in the rural area zones. A modification that would apply to all zones discussed as part of the upcoming 6-month check-in on the LDR restructure would be a more appropriate time to reevaluate the standard prohibiting accessory uses to a nonconforming use.	A	Planning Commission is supportive of this modification to allow nonconforming uses an ARU, but requested that the modification be changed such that it applies only to the proposed rural zones, rather than all zones.	T	The BCC discussed the implications of this modification and specific examples before agreeing with staff's recommendation to evaluate this modification as part of the 6-month check-in on the LDR restructure. This item is included in the revisit of the nonconforming standards scheduled for the October 12 PC Hearing and November 2 BCC Hearing	T	Not flagged for specific discussion, the Board agreed with staff's recommendation and its previous direction.
32	6.1.11.E 6.1.11.F	Add 6.1.11.E.3.k to read: "A home business school shall have a maximum of 6 students." Add 6.1.11.F.3.c to read: "A family home daycare shall be operated by a person residing within the dwelling."	T	Consolidation of the family home daycare and home occupation standards and consolidation of the home daycare center and home business standards was proposed as part of the LDR restructure, but was removed from that effort prior to adoption. If the Board is interested in revisiting that conversation staff recommends addressing it in the revisit of the LDR restructure. Specifying that a person is not an LLC is better handled through an employee limit rather than modifying the general usage of the term 'person'. If the Board has concerns about intensity of home business use in the R3, it could prohibit home business in the R3.	-	none	-	none	T	After discussion of home uses and home use standards more generally, the Board agreed with staff's recommendation to table the issue as it applies beyond the R3 zone.
33	7.1.2 7.1.5 7.1.6	Update all references to 'open space conserved' and 'conserved area' to the term 'conservation area' which is defined in Article 9.	A	Staff supports this clarification.	-	none	-	none	A	Not flagged for specific discussion, the Board agreed with staff's recommendation.
34	7.1.2 7.1.5 7.1.6	Update all references to 'zone' to 'underlying zone'	D	None of the conservation development options include a zone change, so there is no underlying zone, just the zone of the PRD.	-	none	-	none	D	Not flagged for specific discussion, the Board agreed with staff's recommendation.
35	7.1.2 7.1.5 7.1.6	Insert in Subsection A of each conservation development option a list of the zones in which the development option is available	A	This is duplicative of information in the zones, but helpful for an LDR user starting from the conservation development option standards.	-	none	-	none	A	Not flagged for specific discussion, the Board agreed with staff's recommendation.

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36	7.1.2.A.1 7.1.5.A.1 7.1.6.A.1	Amend each purpose statement to include balance of conservation with property rights	D	Staff does not understand the request. Each purpose statement explicitly describes the balance of the additional property rights the landowner would gain in exchange for conservation.	-	none	-	none	D	Not flagged for specific discussion, the Board agreed with staff's recommendation.
37	7.1.2.B	Amend 7.1.2.B to read: "A Rural PRD shall consist of two areas: a conservation area and a development area. The open space conserved conservation area shall meet the standards of Division 7.3 in addition to the standards of this Section and shall contain no part of the development area. The development area shall be that portion of the land subject to the Rural PRD in which development pursuant to the provisions of this Section 7.1.2 is approved."	A*	First sentence is stated in 7.1.2.A.1 and doesn't need to be restated, but the additional definition can be added and should probably be added in subsection A.1 rather than B. The statement that the conservation area and development area are mutually exclusive in the Rural PRD adds clarity and should be added as its own subsection of B.	-	none	-	none	A*	After clarification from staff on purpose of the modification, the Board agreed with staff's recommendation.
38	7.1.2.B.1	Insert a minimum gross site area for the Rural PRD based on allowance	D	Staff does not recommend inclusion of a minimum PRD gross site area unless the Board determines that the 3 per 35 density should determine the PRD threshold as proposed in modification B1. In that case a minimum PRD standard would clarify applicability of the standard. If a greater threshold is desired, staff recommends only regulating minimum open space so as not to preclude projects because they cannot maximize their development area. For example, in the Conservation Easement Enhancement Redline it is proposed that there be a minimum PRD GSA of 70 acres and a minimum conservation area of 49 acres. This precludes a 50 acre project with 49 acres of conservation area and 1 acre of development area, but allows a 70 acre project with the same 49 acres of conservation area and 21 acres of development area. If a greater PRD threshold is established, staff recommends regulating conservation area not gross project area.	-	none	-	none	D	The Board discussed the implications of the proposed modification and agreed with staff's recommendation to make the PRD available to more properties.
		Amend 7.1.2.B.1. Minimum Gross Site Area to include: "PRD GSA (min): 70 ac								
39	7.1.2.B.1 7.1.2.C.1	Amend 7.1.2.B.1. Minimum Gross Site Area to include: "% PRD GSA in Conservation Area (min): 70%" Amend 7.1.2.C.1. Development Area to read: " Development area GSA: Conserved GSA (max): 1:2 % PRD GSA in Development Area (max): 30%..."	D	Staff does not recommend expressing conservation area and development area standards as a percentage of PRD size unless there is a minimum PRD size, which staff does not recommend (see previous modification). With a minimum conservation area requirement staff believes a ratio of conservation area to development area is easier to use based on experience with the housing regulation. Percentages work well when the applicant is considering the total gross site area, ratios work better when discussing the amount of each part that makes up the whole.	-	None	-	none	D	The Board agreed with staff recommendation to express this standard as a ratio, but requested a clear example be added to the LDRs, and also directed staff to ensure that the density bonuses and amount of open space when expressed as a ratio are equivalent to the Board's understanding of the tool when expressed in percentages. Staff updated the allowed development area standards to be expressed as both a ratio and a percentage.

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40	7.1.2.B.3	Amend 7.1.2.B.3 to read: "Noncontiguous PRD. The site of a Rural PRD may be noncontiguous pursuant to A noncontiguous PRD is a Rural PRD pursuant to the provisions of this Section 7.1.2, except that the land area comprising the PRD is made up of two or more noncontiguous parcels. A single application for approval of a noncontiguous Rural PRD shall be filed, signed by the record owners of all parcels subject to the application, or their duly designated agents. The applicant for a noncontiguous PRD shall demonstrate to the reasonable satisfaction of the Planning Director and the organization proposed to hold the conservation easement over the conservation area pursuant to Section 7.3.4, that the noncontiguous PRD will result in net aggregate conservation of the principal conservation value(s) of the parcels included in the proposal superior to that which would result from designation of each separate parcel as an independent Rural PRD. A noncontiguous PRD shall comply with the rules for measurement in Section 9.4.4."	D	The first sentence is unnecessary. The second sentence is covered by administrative procedures. The third sentence is covered by 9.4.4, except that the negotiation with the conservation easement holder is not regulated by the LDRs, the easement must be recorded in order to permit the PRD, other than that the LDRs to no regulate the private transaction.	-	none	-	none	D	The Board agreed with staff after explanation that noncontiguous development is defined elsewhere in the LDRs.
41	7.1.2.B.2	Delete 7.1.2.B.2 and 7.1.5.B.2	D	Staff supports the proposed modifications to these sections that retains the use of prioritized conservation values in PRD design, while removing them for the purpose of conservation easement enforcement. Staff appreciates that some landowners will be less likely to put their land in conservation if they have to prioritize wildlife. Yet if the land is in conservation and the PRD is designed to protect wildlife, the wildlife will still be protected to a greater extent than they would be a 1 unit per 35 acres without a conservation easement at all.	-	none	-	none	D	The Board agreed with staff's approach of not allowing public access as justification of PRD. The language was also inserted where appropriate in the CN-PRD.
	7.1.5.B.2	Amend 7.1.2.B.2 and 7.1.5.B.2 to read: "One of the conservation values listed below shall be the principal conservation value pursuant to Section 7.3.2.A."	A						A	
	7.3.2.A	Amend 7.1.2.B.2 to read: "Principal Conservation Values. One or more of the conservation values listed below shall be the principal conservation value(s). The principal conservation value(s) shall be determined by the applicant and the organization proposed to hold the conservation easement pursuant to Section 7.3.4, subject to review and approval by the Planning Director."	D						D	
		Revise 7.3.2.A to read: "Principal Conservation Values. A Principal conservation values shall be identified from the list below for all required conservation areas." and revise the rest of the Division to allow for more than one principal conservation value.	D						D	

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		<p>Revise 7.3.2.A to read: "Conservation Value Identification and Prioritization-Principal Conservation Value. A principal Conservation values shall be identified from the prioritized list below for all required conservation areas.</p> <p>1. Any of the conservation values listed below that are present in the conservation area shall be identified and protected by the conservation easement recorded pursuant to Sec. 7.3.4.</p> <p>2. The prioritization of values used to configure a required conservation area is not required to be included or enforced in the conservation easement recorded pursuant to Sec. 7.3.4.</p> <p>3. Value Prioritization. When configuring a required conservation area identifying the principal conservation value, the following prioritization shall apply.</p> <p>a. Wildlife. Where wildlife habitats identified protected by Sec. 5.2.1. or Sec. 5.1.1. exist on the site in the conservation area, protection of wildlife, wildlife habitat, and wildlife permeability shall be prioritized in configuring the conservation area the principal conservation value.</p> <p>b. Scenic. Unless a higher priority exists on the site, where scenic vistas identified protected by Sec. 5.3.2. exist in the conservation area, protection of those scenic vistas shall be prioritized in configuring the conservation area the principal conservation value.</p> <p>c. Agriculture. Unless a higher priority exists on the site, where active agriculture exists in the conservation area, protection of agricultural use of the site shall be prioritized in configuring the conservation area the principal conservation value.</p> <p>d. Recreation/Access. Unless a higher priority exists on the site, provision of public access and recreation shall be prioritized in configuring the conservation area the principal conservation value. Granting of public access to or across a conservation area is not required when public access is not the principal a protected conservation value.</p> <p>2. Secondary Values. Secondary conservation values from the list above may be identified, but shall be protected only to the extent compatible with the principal conservation value." and revise the rest of the Division to allow for more than one principal conservation value.</p>	A						A	

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42	7.1.2.B.4 7.1.5.B.4 7.1.6.B.4	Amend 7.1.2.B.4 and 7.1.5.B.4.a and 7.1.6.B.4 to replace undefined 'density/intensity increase'	A	Staff agrees with the comment that the term 'density/intensity increase' should be replaced by terminology that is defined in the LDRs so that the provision accurately conveys the concept of no "double-dipping" in terms of using conservation area for more than one conservation development bonus	-	none	-	none	A	The Board agreed with staff's recommendation that the modification will be addressed through modifications 43, 51, and 55.

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43	7.1.2.B.4	<p>Replace 7.1.2.B.4 to read: "Prohibitions. Conservation areas existing on the date of the adoption of this Regulation or in the future, and any land subject to a conservation easement granted independently from the requirements of these LDRs whether existing or in the future, shall not be used to contribute to or otherwise support a Rural PRD pursuant to this Section 7.1. 2, except as provided below</p> <p>a. Existing Conservation Easements. Any unexercised rights to establish a principal dwelling and any related division right ("development rights"), reserved in any conservation easement, whether existing at the time of the adoption of this Ordinance or existing in the future, and regardless of whether required by the provisions of these LDRs, may be transferred to another parcel provided (i) all affected parcels are made subject to a Rural PRD or CN-PRD, (ii) no density credit for such new Rural PRD or CN-PRD may be allowed for the parcel subject to such conservation easement except for the development rights expressly retained therein, and (iii) that such conservation easement shall be amended to permanently extinguish on the parcel subject to such conservation easement the right to use any and all such transferred development rights.</p> <p>b. Existing Rural PRD or Existing CN-PRD. Nothing in this Section 7.1.2 shall preclude the permanent reduction in development potential reserved in any approved Rural PRD, or in any approved CN-PRD (but only with respect to subdivision potential reserved in a development area that is not part of a complete neighborhood), provided that such reduction is accomplished by (i) the complete extinguishment of some or all such development potential by the grant of a conservation easement meeting the requirements of Section 7.3.4; or (ii) by the permanent transfer of some or all such development potential to another parcel as part of the creation of a new Rural PRD or new CN-PRD pursuant to the provisions of this Division 7.1. In the case of any such transfer pursuant to proviso (ii), the reduction in density on the existing Rural PRD or CN-PRD shall be made permanent by a conservation easement meeting the standards of Section 7.3.4."</p>	A*	Staff supports the intent of the proposed modification to specifically lay out how an existing conservation easement may be used to support a Rural PRD and believes the intent of the commenter matches the current application of the LDRs. However, staff recommends rewording the provision to make it more readable.	-	none	-	none	A*	The Board agreed with staff's recommendation supporting the intent of the proposed modification, but identifying the need for editing.

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44	7.1.2.B.5 7.1.5.B.5 7.1.6.B.5	Insert 7.1.2.B.5, 7.1.5.B.5, and 7.1.6.B.5 that reads: "Allowances. Allowances within the conserved area are established by Subsection 7.3.3."	D	Reference to Division 7.3 is provided in the introduction to Sections 7.1.2.B, 7.1.5.B, 7.1.6.B.	-	none	-	none	D	Not flagged for specific discussion, the Board agreed with staff's recommendation.
45	7.1.2.C.1	Amend 7.1.2.C.1.Lot Within a Rural PRD Development Area to read: "Site Development (max): 38,115 sf 25,410 sf"	A	The rationale behind this standard was to distribute the maximum site development for the whole site of a PRD across the maximum density so as to simplify the standard and discourage maximizing the development area just for scale of development. However, staff neglected in July to update the standard to reflect the new density directed by the BCC. This modification would apply the new PRD standards to the original rationale.	-	none	-	none	A	The Board requested additional explanation and the agreed with staff's recommendation.
46	7.1.2.C.1	Amend 7.1.2.C.1 to read: "Dwelling Unit Within a Rural PRD Floor Area (max): 10,000 sf Site Development (max): 25,410 sf Lot Within a Rural PRD Development Area Floor Area (max): 10,000 sf Site Development (max): 38,115 sf Street Setback (min)..."	A	Staff supports this clarification.	-	none	-	none	A	Not flagged for specific discussion, the Board agreed with staff's recommendation. Staff also updated the side/rear setbacks consistent with direction from modification 6.
47	7.1.2.C.5	Amend 7.1.2.C.5.b to read: "Density Allowed without Subdivision. The density allowed by a Rural PRD does not have to be subdivided into separate lots. However, approval of a Development Plan for a Rural PRD shall permit subdivision of the allowed density for as long as the conservation area is conserved once the conservation easement is recorded. "	A	Staff proposed this modification to clarify that there is not anticipated to be a circumstance when the conservation area would become unconserved.	-	none	-	none	A	The Board agreed with the proposed modification to clarify.
48	7.1.2.C.5	Amend 7.1.2.C.5.c to read: "Method for Providing Affordable Housing. A Rural PRD may provide required affordable housing on-site, but does not have to demonstrate that on-site housing is impractical in order to propose off-site housing. The remaining provisions of Section 7.4.1.F. shall apply.	A	Staff supports the clarification. Associated comments and questions raised in public comment are already addressed in Section 7.4.1. and do not need to be repeated in this subsection.	-	none	-	none	A	Not flagged for specific discussion, the Board agreed with staff's recommendation.
49	7.1.5.A.2	Amend 7.1.5.A.2 to read: "Location. The Floor Area Option is designed intended for use on properties a parcel that cannot be subdivided, but are or whose owners are willing to relinquish existing subdivision rights in exchange for qualifying for the Floor Area Option, provided that the parcel is large enough to provide conservation value to the community. "	A*	The original purpose of this provision is to explain to future users of the regulations that this was really designed with the smaller parcel without subdivision potential in mind. With reduction in Rural PRD threshold that may be less appropriate, but the proposed language is probably more appropriately placed in A.1 with the purpose statement, because it does not really describe location or parcel size.	-	none	-	none	A*	Not flagged for specific discussion. The Board agreed with staff's recommendation.

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50	7.1.5.B.3	Amend 7.1.5.B.3 to read: "Development Area Included. The reserved development area shall may be included in the conservation easement as determined by the holder of the conservation easement and based on site specific analysis. However, the standards of Division 7.3 shall only apply outside of the development area. Allowances within the development area are established in Subsection C." and amend conservation area minimums and development area maximums accordingly	A	Staff supports the comments that including the conservation area in the easement is not always the best practice and flexibility should be provided. This will mean that staff will have to make changes to the way the conservation area minimum and development area maximum are presented. These changes will not change the requirements, just how they are presented.	-	none	-	none	A	The Board agreed with the proposed modification to give the landowner and conservation easement holder flexibility. Staff did not include the "conservation easement holder" language because it is unnecessary as a regulation of the County.

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51	7.1.5.B.4	<p>Renumber 7.1.5.B.4.b as 7.1.5.B.5 and Replace 7.1.5.B.4.a to read: "Conservation areas existing on the date of the adoption of this Ordinance or created in the future, and any land subject to a conservation easement granted independently from the requirements of these LDRs whether existing or in the future, shall not be used to contribute to or otherwise support a Floor Area Option development pursuant to this Section 7.1.5, except as provided below.</p> <p>a. Existing Conservation Easements. Any unexercised right to subdivide a parcel reserved in any conservation easement, whether existing at the time of the adoption of this Ordinance or existing in the future, may be extinguished in exchange for the grant of additional floor area and/ or additional accessory residential units pursuant to this Section 7.1.5, provided (i) such parcel is made subject to the provisions of this Section (ii) no additional floor area or additional accessory residential units may be allowed for the parcel subject to such conservation easement except for the subdivision rights expressly retained therein, and (iii) that such conservation easement shall be amended to permanently extinguish on the parcel subject to such conservation easement the right to use any subdivision rights exchanged for the grant of additional floor area or additional accessory residential units pursuant to this Section 7.1.5.</p> <p>b. Existing Rural PRD or Existing CN-PRD. Nothing in this Division 7.1 shall preclude the permanent reduction in subdivision potential reserved in any approved Rural PRD, or in any approved CN-PRD (but only with respect to subdivision potential reserved in a development area that is not part of a complete neighborhood) provided that such reduction is accomplished by the complete extinguishment of all subdivision potential reserved in such Rural PRD or CN-PRD by the grant of a conservation easement meeting the requirements of Section 7.3.4."</p>	A*	Staff supports the intent of the proposed modification to specifically lay out how an existing conservation easement may be used to support a Floor Area Option and believes the intent of the commenter matches the current application of the LDRs. However, staff recommends rewording the provision to make it more readable.	-	none	-	none	A*	The Board agreed with staff's recommendation. See Modification #43 for discussion.
52	7.1.5.C.1	<p>Amend 7.1.5.C.1.Development Area to read: "Development area GSA : Conserved GSA (max): 1 : 10 % PRD GSA in Development Area (max): 10%"</p>	A	If the In the case of the Floor Area Option, staff agrees that the percentage of the project gross site area is the best way to convey the maximum development area requirement.	-	none	-	none	A	Not flagged for specific discussion. The Board agreed with staff's recommendation. Staff included both percentage and ratio statement of the allowed development area.

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53	7.1.6.B.1	Amend 7.1.6.B.1. <i>Minimum Gross Site Area</i> to read: "Rural GSA permanently conserved (min): 70 ac"	A	Staff supports the comments that including the conservation area in the easement is not always the best practice and flexibility should be provided. This will mean that staff will have to make changes to the way the conservation area minimum and development area maximum are presented. These changes will not change the requirements, just how they are presented. Staff agrees that the language in 7.1.6.C should be clarified, but does not think the exact language proposed conveys that the standards apply to the rural development areas, so staff will reword the provision.	-	none	-	none	A*	Agreed with flexibility numbers will have to change based on other direction Staff included both percentage and ratio statement of the allowed development area. Staff did not include the "conservation easement holder" language because it is unnecessary as a regulation of the County.
	7.1.6.B.2		A						D	
	7.1.6.C	Amend 7.1.6.B.2.b to read: "Development areas included. Any development area reserved in the conservation area shall may be included in the conservation easement as determined by the holder of the conservation easement and based on site specific analysis. However, the standards of Division 7.3 shall only apply outside of the reserved development area. Allowances within the reserved development area are established in Subsection C."	D							
		Amend 7.1.6.B.2.b to read: "Development areas included excluded. Any development area reserved in the conservation area shall be included in the conservation easement. However, the standards of Division 7.3 shall only apply outside of the reserved development area. Allowances within the reserved development area are established in Subsection C The development area of any CN-PRD shall be excluded from the conservation area."								
		Amend 7.1.6.C to read "The following standards requirements apply to development areas reserved within the conservation area of a CN-PRD .	A*							
	Amend 7.1.6.C.1. <i>Reserved Rural Development Areas</i> to read: " Reserved development area GSA : Conserved GSA % of Rural GSA in Rural development area (max): 1:10 10% Detached single-family unit : Conserved Rural GSA (max): 1 du : 35 ac"	A								
54	7.1.6.B.2	Insert 7.1.6.B.2.c that reads: "Noncontiguity. The conserved area is not required to be contiguous."	A	The proposed modification is consistent with the direction the Board provided staff with regard to the Rural-PRD to make it clear that noncontiguous application is possible.	-	none	-	none	A	Not flagged for specific discussion. The Board agreed with staff's recommendation. Staff used the language from 7.1.2.B for consistency.

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55	7.1.6.B.4	<p>Replace 7.1.6.B.4 to read: "Conservation areas existing on the date of the adoption of this Ordinance or created in the future, and any land subject to a conservation easement granted independently from the requirements of these LDRs, whether existing or in the future, shall not be used to contribute to or otherwise support a CN-PRD development pursuant to this Section 7.1.6, except as provided below.</p> <p>a. Existing Conservation Easements. Any unexercised rights to establish a principal dwelling and any related division right ("development rights"), reserved in any conservation easement, whether existing at the time of the adoption of this Ordinance or existing in the future, and regardless of whether required by the provisions of these LDRs, may be transferred to another parcel provided (i) all affected parcels are made subject to a Rural PRD or CN-PRD, (ii) no density credit for such new Rural PRD or CN-PRD may be allowed for the parcel subject to such conservation easement except for the development rights expressly retained therein, and (iii) that such conservation easement shall be amended to permanently extinguish on the parcel subject to such conservation easement the right to use any and all such transferred development rights.</p> <p>b. Existing Rural PRD or Existing CN-PRD Nothing in this Section 7.1.6 shall preclude the permanent reduction in development potential reserved in any approved Rural PRD, or in any approved CN-PRD (but only with respect to subdivision potential reserved in a development area that is not part of a complete neighborhood), provided that such reduction is accomplished by (i) the complete extinguishment of some or all such development potential by the grant of a conservation easement meeting the requirements of Section 7.3.4; or (ii) by the permanent transfer of some or all such development potential to another parcel as part of the creation of a new Rural PRD or new CN-PRD pursuant to the provisions of this Division 7.1. In the case of any such transfer pursuant to proviso (ii), the reduction in density on the existing Rural PRD or CN-PRD shall be made permanent by a conservation easement meeting the standards of Section 7.3.4."</p>	A*	Staff supports the intent of the proposed modification to specifically lay out how an existing conservation easement may be used to support a CN-PRD and believes the intent of the commenter matches the current application of the LDRs. However, staff recommends rewording the provision to make it more readable.	-	none	-	none	A*	The Board agreed with staff's recommendation. See Modification #43 for discussion.

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56	7.1.6.C	Throughout subsection specify discussion of rural development areas to distinguish from the complete neighborhood development area.	A	The proposed modification adds clarity.	-	none	-	none	A	Not flagged for specific discussion. The Board agreed with staff's recommendation.
57	7.1.6.D	Insert a new 7.1.6.D.2 to read: " Additional Density. The density allowed in the complete neighborhood development area by the CN-PRD shall be in addition to the base density allowed in the complete neighborhood development area. " and update example to demonstrate.	A	This was staff's intent, but upon conversation with landowners and representatives it is apparent clarifying text is needed.	-	none	-	none	A	Not flagged for specific discussion. The Board agreed with staff's recommendation.
58	7.1.6.D.3	Amend 7.1.6.D.3 to read: "Assurance. Concurrent with the recording of the conservation easement for the associated conservation area of the CN-PRD, an assurance shall be filed that ensures that the complete neighborhood development area is entitled to at least the density approved through the CN-PRD regardless of future zoning any density to be located in a complete neighborhood pursuant to terms of approval of an approved CN-PRD shall be described and quantified in a notarized document signed by the Planning Director and recorded among the land records of the Office of the Teton County Clerk. Upon recordation of such document the development rights identified therein shall become vested."	A*	Staff agrees that the standard could use some additional specificity, but the exact language proposed in unnecessarily repetitive.	-	none	-	none	A*	Not flagged for specific discussion. The Board agreed with staff's recommendation.
59	7.3.	Throughout the Division replace 'priority conservation value' with 'principal conservation value' for consistency.	A	Staff supports this clarification.	-	none	-	none	A	The Board agreed with the proposed modification.

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60	7.3.1.C 7.3.1.D 7.3.2.A	<p>Delete 7.3.1.C and 7.3.1.D</p> <p>Add 7.3.2.A.3 to read: "Baseline Inventory. A baseline inventory of the conditions, features, and characteristics that define the conservation values shall be established. The baseline conservation values shall be established by submittal of one of the following as part of the application requiring a conservation area.</p> <p>a. Wildlife Values. When wildlife is a conservation value:</p> <p>i. The Environmental Analysis required by Subsection 8.2.2.B; OR</p> <p>ii. A habitat inventory as described in Subsection 8.2.2.F.2, prepared by an environmental professional; OR</p> <p>iii. A baseline of the wildlife values of the conservation area provided by the prospective conservation easement holder.</p> <p>b. Scenic Values. When scenic is a conservation value:</p> <p>i. The visual resource analysis required by Subsection 5.3.2.D; OR</p> <p>ii. A visual resource analysis volunteered by that applicant prepared pursuant to Subsection 5.3.2.F; OR</p> <p>iii. A baseline analysis of the scenic values of the conservation area provided by the prospective conservation easement holder.</p> <p>c. Other Value. When agriculture or recreation/access is a conservation value: a baseline analysis of the values of the conservation area provided by the prospective conservation easement holder</p> <p>d. Coordination. When baseline values are established through a process of these LDRs, the prospective conservation easement holder should be involved in the process so that the inventory meets the needs of the easement holder as well as the requirements of these LDRs.</p> <p>EXAMPLE: The land trust that will hold the conservation easement for a conservation area with wildlife value should be involved in the EA pre-application conference and alternatives analysis to ensure the habitat inventory and development area location meets its requirements as well as the standards of these LDRs."</p>	A*	The purpose of this modification is to clarify the role of the EA in a PRD, which is not clear in the current regulations. This change also incorporates some of the clarifying language proposed in modification 61.	-	none	-	none	A*	The Board approved this modification as part of its discussion of the Jackson Hole Land Trusts proposed modifications to Division 7.3.

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61	7.3.1.D	Amend 7.3.1.D to read: "The organization that will permanently steward the hold the conservation easement required by Section 7.3.4 for any conservation area should be involved in the preparation of the habitat inventory and identification of development areas, but in any event such inventory and identification shall be subject to the prior review and approval of such organization, to ensure that the EA and conservation area meet the standards of all parties involved established by this Division 7.3 and the standards of the organization." Amend 7.3.1.D to read: "The organization that will hold the conservation easement required by Section 7.3.4 for any permanently steward the conservation area should be involved in the preparation of the habitat inventory and identification of the conservation areas and the development areas, but in any event such inventory and identification shall be subject to the prior review and approval of such organization development alternatives to ensure that the EA and conservation area meet the standards of all parties involved the organization."	A*	Staff recommends the reorganization and language proposed above, but will incorporate these recommendations as well.	-	none	-	none	A*	The Board approved staff's new discussion of EA and baseline with these incorporated
62	7.3.2.B	Amend 7.3.2.B to be titled: " Contiguous and Unfragmented Configuration... "	A	Staff supports this clarification.	-	none	-	none	A	The Board agreed with the proposed modification.
63	7.3.2.B.1	Amend 7.3.2.B.1 to be titled: " Contiguity Configuration... "	A	Staff supports this clarification.	-	none	-	none	A	The Board agreed with the proposed modification.
64	7.3.2.B.1	Amend 7.3.2.B.1 to read: "The perimeter to area ratio of the conservation area shall be minimized to avoid conservation areas with decreased decreasing the conservation values of the conservation areas because they are small, isolated, fragmented, and/or extend into a development area	A	Staff supports this clarification.	-	none	-	none	A	The Board agreed with the proposed modification.
65	7.3.2.B.2	Amend 7.3.2.B.2 to read: "Conservation on Multiple Lots. A conservation area may be cover multiple lots parcels of record. In the case of a noncontiguous Rural PRD such parcels may be noncontiguous. In such a each case, the conservation area on each lot of record each parcel comprising a conservation area shall meet the following standards..."	D	Staff recommends the top modification. While the definition of 'lot of record' includes 'parcel' the modification provides clarity.	-	none	-	none	D	The Board agreed with staff's recommendation to use the Land Trust's (bottom) proposed modification.
		Amend 7.3.2.B.2 to read: "A conservation area may be cover multiple parcels or lots of record. In such a case, the conservation area on each parcel or lot of record shall meet the following standards..."	A						A	

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66	7.3.2.B.2	Amend 7.3.2.B.2.b to read: " # Contiguous parcels making up a conservation area shall be not be fenced apart separated by fencing or otherwise visually or functionally separate from the rest of the conservation area separated, except as may naturally occur. "	A	Staff recommends the top modification. It provides for logically fencing that might be needed. The additional clause added in the lower modification renders the rest of the requirement moot.	-	none	-	none	D	The Board agreed with the Land Trust's (bottom) proposed modification.
		Amend 7.3.2.B.2.b to read: " # Contiguous parcels making up a conservation area shall be not be fenced apart separated by fencing or otherwise visually or functionally separate from the rest of the conservation area separated, except as may naturally occur or as permitted per reserved uses set forth in the conservation easement document. "	D						A	
67	7.3.2.B.2	Amend 7.3.2.B.2.c to read: " The entire conservation area shall be subject to the same use provisions The reserved use provisions in the conservation easement shall be based upon the conservation values identified and shall not vary solely according to parcel or ownership boundaries."	A	Staff supports this clarification.	-	none	-	none	A	The Board agreed with the proposed modification.
68	7.3.2.D	Define 'landscape level conservation'	A	Staff supports this clarification.	-	none	-	none	A	The Board agreed with the proposed modification. In looking at the rest of the sentence, Staff believes the definition is contained in the context of the sentence as the intent is conservation across property lines, which is stated in the standard.

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69	7.3.4	<p>Amend 7.3.4 to read: "A required conservation area shall be restricted in perpetuity through a real property right, recorded with the County Clerk, granted to an organization qualified and dedicated to preserving the conservation values of the conservation area in perpetuity. (such organization often have instrument templates or samples) by a conservation easement, within the meaning of the Wyoming Uniform Conservation Easement Act (Sections 34-1-201 through 34-1-207 of the Statutes of Wyoming) imposing restrictions on the use of the conservation area recorded among the land records of the Teton County Clerk's Office, and enforceable by a 'qualified organization' within the meaning of Internal Revenue Code section 170(h)(3). The conservation easement shall be reviewed and approved by the Planning Director, in addition to the governing body of the qualified organization, and the Planning Director's signature shall be affixed to the conservation easement prior to recordation, to evidence such review and approval.</p> <p>The conservation easement shall be recorded among the land records of the Teton County Clerk prior to the issuance of any physical development permit. At the time of recordation of the conservation easement the applicant shall have provided, to the satisfaction of the qualified organization, for the payment of such reasonable fees for the monitoring and enforcement of the restrictions contained in the conservation easement as such organization typically requests of landowners contributing conservation easements not required by the provisions of these Regulations.</p> <p>At minimum, the restriction shall contain the following The conservation easement may be in such format as the qualified organization and the landowner may agree, provided that the following restrictions and provisions are included in the conservation easement:"</p>	A*	Staff supports the additional rigor of the statutory references to ensure a true land trust. Staff will work with the two versions of the proposed language to develop the best fit with the rest of the LDRs. Staff will leave out any language requiring stewardship fees as that is between the applicant and grantee of the conservation easement.	-	none	-	none	A*	The Board agreed with staff's recommendation that the repetitive language and standards handled elsewhere in the LDRs are not needed.

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		Amend 7.3.4 to read: "A required conservation area shall be restricted in perpetuity through a real property right, recorded with the County Clerk, granted to an organization qualified and dedicated to preserving the conservation values of the conservation area in perpetuity. (such organization often have instrument templates or samples) by a conservation easement, within the meaning of the Wyoming Uniform Conservation Easement Act (Sections 34-1-201 through 34-1-207 of the Statutes of Wyoming). The conservation easement shall impose restrictions on the use of the conservation area, shall be recorded among the land records of the Teton County Clerk's Office, and shall be enforceable by a "qualified organization" within the meaning of Internal Revenue Code section 170(h)(3). The conservation easement shall be reviewed and approved by the Planning Director, in addition to the governing body of the qualified organization. At minimum, the restriction shall contain the following The conservation easement may be in such format as the qualified organization and the landowner may agree, provided that the following restrictions and provisions are included in the conservation easement:"								
70	7.3.4.B	Amend 7.3.4.B to read: " Quantification of the additional development potential achieved as a result of the required conservation area Reference to the development option permit and the additional development potential received."	A	Staff supports this clarification.	-	none	-	none	A	The Board agreed with the proposed modification.
71	7.3.4.D	Amend 7.3.4.D to read: "An inventory of the conservation area conditions, features, and characteristics from which the conservation values was established contributing to the identified conservation values."	A	Staff supports this clarification.	-	none	-	none	A	The Board agreed with the proposed modification.
72	7.3.4.F	Amend 7.3.4.F to read: "Specification of the allowed development and physical development, uses in the, development options, and subdivision allowed in the conservation area, which shall comply with these LDRs, but may be less permissive."	D	Staff does not support the modification because it would be inconsistent with the terminology used throughout the rest of the LDRs	-	none	-	none	D	The Board agreed with staff's recommendation.
73	7.3.4.G	Amend 7.3.4.G to read: "Prohibition of all physical development, use, development options, and subdivision not specifically allowed in the conservation area ; and specification of other rights relinquished by the restriction."	A	Staff supports this clarification.	-	none	-	none	A	The Board agreed with the proposed modification.

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74	7.3.4.I	Revise 7.3.4.I to read: " Planning Director approval Grantor notice to the Planning Director of any amendment to the restriction conservation easement."	A	Staff supports the proposed modification. The purpose of the provision is to ensure that an easement is not amended in such a way that it violates the PRD. Notice of amendment allows the Planning Director to alert a third party land trust of any issues without usurping any of their independence.	-	none	-	none	A	The Board agreed with the proposed modification.
75	map	Zone all Crescent H 35s R1 for consistency throughout the subdivision	A	Staff generally tried to keep subdivisions in the same zone. All of the Crescent H tracts west of Fall Creek Road are R1, but some of the tracts east of the road are R2 even though they are subject to the same CC&Rs. Staff supports consistency of zoning throughout the development.	-	none	-	none	A	The Board discussed whether consistency with R1 or consistency with R2 was appropriate; and ultimately agreed with the proposed modification that R1 was appropriate.
76	map	Zone Jesse Combs's holding R1 consistent with adjacent Crescent H zoning	D	While the BCC did not direct Mr. Combs's holding specifically, it did discuss this issue explicitly, supporting staff's recommendation on the issue. Staff continues to support its original recommendations that R1 zoning be reserved for holdings of greater than 70 acres where the opportunity exists to do "better than 1 per 35", and that R2 owners be encouraged to use the Floor Area Option, rather than allowing additional floor area by right. That said, in the Crescent H, Mosquito Creek area there a number of large parcels - some of which meet the R1 criteria, others of which do not.	-	none	-	none	D	The Board compared this modification to the previous modification and agreed with staff's recommendation.
77	map	Zone the Rafter J storage lot PUD-BP	A	Staff agrees with the proposed modification to provide consistent character in the area of the storage site. The BP zone is consistent with the use allowed by the PUD and would therefore make an appropriate underlay. The adjacent area, currently zoned P/SP, was formerly zoned BP and contains many light industrial uses consistent with BP zone character. In fact, the only non-P/SP parcel in the area is the Cottonwood Park storage area which is zoned BP.	-	none	-	none	A	Not flagged for specific discussion. The Board agreed with staff's recommendation.
78	map	Remove the 1 acre conservation piece associated with the Hardeman Barn from this effort	A	Staff generally tried to zone 1 acre conservation properties consistently with the land they are associated. The proposed modification is consistent with that methodology.	-	none	-	none	A	Not flagged for specific discussion. The Board agreed with staff's recommendation.
79	map	Zone Sage Meadows PUD-R3.	A	The majority of the Sage Meadow subdivision is on the border between Character District 10 and Character District 7, so Staff originally left it out of the process to be addressed at a later date. However, given the developed and restricted nature of the property staff supports the proposed modification. It would not be appropriate to consider Sage Meadows as part of the Character District 7 discussion.	-	none	-	none	A	Not flagged for specific discussion. The Board agreed with staff's recommendation.

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80	map	Add a zone that is consistent with West Gros Ventre Butte subdivisions	D	One of the fundamental directions of the rural LDR updates was to move away from zoning based on past approvals to zoning based on future character. Staff continues to support this approach as the direction in the Comp Plan and does not recommend the proposed modification.	D	The Planning Commission believes the location of a parcel under 35 acres should be an important factor in the allowed use and therefore the zoning distinction, but was not concerned about the specifics of past subdivisions.	D	The BCC originally directed staff to build on the PC concept of location to include acknowledgment of existing character to try to avoid nonconformities. However, in the end they focused primarily on existing character and density to draw the zoning map, directing staff to identify R1 based on 70+ acre holdings, R2 based on parcels of 3-6 acres or larger which are generally not platted, and R3 based on parcel 3-6 acres or smaller which are generally platted.	D	Not flagged for specific discussion. The Board agreed with staff's recommendation.
81	map	Remove 'P/SP' zoning from currently unzoned lands	D	The purpose of the proposed P/SP zoning is to apply process to federal and state lands that currently have no required process. While the local government may not be able to deny a federal or state project, the LDRs do ask that the federal and state government come through the process. The P/SP zone establishes that process by requiring a CUP. With no zoning, not even a process can be applied.	-	none	-		M	The Board directed staff to leave previously unzoned lands unzoned, and to apply the appropriate rural district to any currently zoned public lands. There were a few previously zoned lands that had been transferred to the National Park or Forrest to which no zoning was applied. There were also a few previously unzoned lands now in private ownership that were zoned. Highway and County road rights-of-way were left zoned P/SP as were School District Properties and Levees. Redtop Meadows and C-V and the South Park Boat Ramp were also left zoned P/SP. All BLM parcels (except the recently developed South Park Boat Ramp) were zoned for consistency even though some were previously unzoned since many will be soon transferred to the County. Also, all School Sections were zoned, even though some were previously unzoned, because of their purpose and for consistency.
82	map	Zone all of Riva Ridge R1	A	Staff agrees with the commenter that the five Riva Ridge properties zone R2 are surrounded by R1 in all directions and given that the other portion of the subdivision is in R1 staff can support rezoning the whole area R1.	-	none	-	none	A	The Board agreed with the proposed modification consistent with its direction on modification 76.
83	map	Zone 'picnic point' R1	D	The 'Picnic Point' area is mostly 10 acre parcels with one 35 acre property, but only about half of the 35 acre property is on the bench out of the river so the general character of the area is 10-15 acres consistent with the criteria for the R2 zone	-	none	-	none	D	The Board agreed with staff's recommendation.
84	general	Make the LDRs easier for a layperson to use without an attorney or land planner	A	Without specific examples it is difficult, but staff will make it revisions as easy as possible for the lay reader to understand.	-	none	-	none	A	Not flagged for specific discussion. The Board agreed with staff's recommendation.
85	general	Ensure consistency of terminology	A	Some specific examples are cited, staff will search for others.	-	none	-	none	A	Not flagged for specific discussion. The Board agreed with staff's recommendation.

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86	general	Ensure thorough application of approved modifications	A	Some modifications will have effects on other areas of the LDRs not cited in this table. Some modifications will affect the wording of another modification. Staff will ensure each modification is applied in all necessary areas of the LDRs. This may mean some of the redline language is altered slightly, but such edits will be content neutral.	-	none	-	none	A	Not flagged for specific discussion. The Board agreed with staff's recommendation.