



Board of County Commissioners - Staff Report

Subject: AMD2016-0005: 2016 LDR Cleanup

Applicant: Teton County

Property Owner: n/a

Presenter: Alex Norton

REQUESTED ACTION

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

BACKGROUND/DESCRIPTION

PROJECT DESCRIPTION

The Land Development Regulations (LDRs) were reorganized effective January 1, 2015 to make them easier to use. At the same time a number of administrative procedures in the LDRs were updated. Then, effective April 1, 2016, 3 new zones and 2 new development options were introduced through the Rural LDR Update. And, on November 23, 2016, the Town introduced 4 new zones and other additions to the Town LDRs that necessitate changes to the organization of the County LDRs.

Even during these LDR updates, the County acknowledged that cleanup would be needed as implementation occurred in order to address unanticipated impacts. While the County did its best to avoid inconsistencies through these efforts, there have been some issues identified that need to be clarified. Furthermore, The County's direction through the annual Comprehensive Plan Work Program is to complete these cleanup amendments on a regular basis so that implementation of the LDRs remains consistent with the Comprehensive Plan and the LDRs are as clear as possible. The goals of these amendments are to:

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

Only the October 17, 2016 Draft of the proposed amendment is attached to this report. Staff and Planning Commission recommended conditions and public comment refer to the October 17 Draft. However, it should be noted that the October 17, 2016 Draft includes changes to respond to departmental reviews that occurred after the original draft of the amendment was made available for public review on September 7, 2016. Below, for the record, is the list of changes in the October 17 Draft from the September 7 Draft.

- Amendment 3 changed
- Amendment 4 changed (#5 in 9/7/16 Draft)
- Amendment 5 changed (#4 in 9/7/16 Draft)
- Amendment 6 changed
- Amendment 7 changed
- Amendment 8 added
- 9/7/16 Amendment 8 deleted
- Amendment 9 was changed
- Amendment 12 added
- Amendment 17 changed
- Amendment 21 added
- Amendment 26 changed
- Amendment 34 changed
- Amendment 35 added
- 9/7/16 Amendment 34 deleted
- 9/7/16 Amendment 37 deleted
- Amendment 38 changed
- Amendment 43 changed
- Amendment 52 added
- Amendment 53 changed
- Amendment 58 added

LOCATION

The amendment applies Countywide.

STAFF ANALYSIS

The application is composed of 68 different amendments to the LDRs, which are attached to this report in a table format. The bulk of the rationale and analysis for each amendment can be found in that table, along with staff and Planning Commission recommendations for each amendment. These amendments do not propose any large policy questions or shifts. There are some slight changes to policy to address recurring issues, but the majority of these amendments clarify existing policy and remedy inconsistencies. Planning staff, in collaboration with other departments, and the Planning Commission have reviewed and revised these amendments to improve the function of the LDRs.

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

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

KEY ISSUES

The key issues for this item relate to the conditions of approval. In the case of an LDR Text Amendment application, conditions of approval represent modifications to the proposed text of the LDRs. The text of the October 17 Draft reviewed by the Planning Commission and attached has not been revised. Instead the list of conditions of approval represent the modifications that will be made to the October 17 Draft prior to recordation of the amendments.

The first key issue addresses the condition on which the Planning Director and Planning Commission disagree. The second, third, fourth, and fifth key issues address conditions that were identified following the Planning Commission hearing. They are addressed as key issues rather than in the table, to preserve a clean record of the proposed amendments. The remainder of the recommended conditions are modifications that staff and the Planning Commission both recommend.

KEY ISSUE 1: Recommended Condition 12: Should a Mobile Home or RPT be allowed as an ARU?

Amendment #23 is a clarification that an ARU cannot be a Mobile Home. This has been the policy of the County through interpretation for years, but was not clarified in 2015 and so is included in this proposal. The amendment does not practically change the policy that has existed since 1994, when Mobile Homes were restricted to Mobile

Home Parks and use as agricultural employee housing. That 1994 restriction was most likely related to a desire to protect the character of residential areas of the community.

The Planning Commission acknowledges that Amendment #23 is intended as a clarification of existing policy, but also thinks that the community needs to think about housing options differently if we ever expect to provide more workforce housing. The PC recommends Condition 12 to allow Mobile Homes and RPTs as ARUs. The PC identified that Mobile Homes are cheaper than new construction, and believes that more ARUs would be provided if a cheaper option were available. The PC even went so far as to suggest that occupancy of RPTs should be allowed as an ARU. While the PC agreed on all points of the discussion only 2 of the 3 Planning Commissioners in attendance voted for the recommended condition. Commissioner Dunker, agreed with the Commission about changing the paradigm for providing housing, but did not believe the major policy shift represented by Condition 12 was appropriate for this LDR Cleanup application.

Staff does not recommend Condition 12. Staff does not recommend permanent occupancy of RPTs because it is inconsistent with Building Code. Staff agrees with Commissioner Dunker's dissent with regard to Mobile Homes. It may be appropriate to discuss allowing Mobile Homes as ARUs, but not through this LDR Cleanup proposal. The character implications of such a policy shift would need to be discussed zone-by-zone, which is an effort that exceeds the scope of this proposal.

KEY ISSUE 2: Recommended Condition 8: The clarification to the definition of restaurant/bar should include reciprocal clarification of the definition of retail use

Amendment #20 clarifies the definition of Restaurant/Bar use in order to distinguish a restaurant or bar from the retail sale of food or alcohol. The proposed clarification is consistent with State Statute regarding the same issue with respect to liquor licenses. The Town has approved and is in the process of adopting an equivalent set of LDR Cleanup amendments, and through that process it was identified that the definition of Retail use should also be clarified to compliment the update to the definition of Restaurant/Bar. As a result staff recommends the below change to Section 6.1.6.C.1 in addition to the amendments proposed in Amendment #20.

6.1.6.C. Retail

1. Definition. Retail is the sale of goods.

a. Includes:

- i. retail sale of antiques, souvenirs, apparel and accessories, art, books, cameras and accessories, sporting goods, hardware, liquor, home furnishings, and other general specialty merchandise
- ii. food stores, delis, health food, drug stores, bakeries
- iii. candy and ice cream/yogurt shops
- iv. video rental shops

[v. incidental seating for consumption of goods that meets the definition of Incidental Use \(6.1.2.B.2\).](#)

[b. Does Not Include:](#)

[i. Restaurant/Bar](#)

KEY ISSUE 3: Recommended Condition 9: The same references regarding the County Treasurer, trust fund, and interest, being amended in the Affordable Housing Division (Div. 7.4), also need to be amended in the Employee Housing Division (Div. 6.3).

Amendment #32 clarifies a number of references in Section 7.4.1.F.3.c. related to how affordable housing in-lieu fees are payed and processed. Equivalent references exist in 6.3.2.D.6. related to how employee housing in-lieu

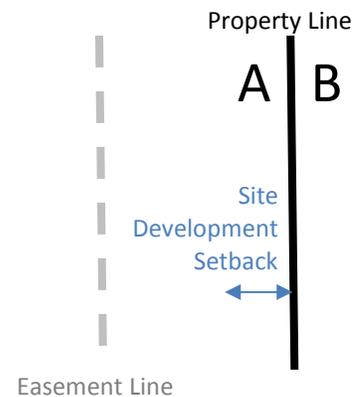
fees are paid and processed. Staff recommends the same correction be made in Division 6.3 that are proposed in Division 7.4.

KEY ISSUE 4: Recommended Condition 10: Amendment #49 should be removed from the cleanup in order to have a larger conversation about Wyo. Statute 18-5-316.

Amendment #49 was intended to acknowledge that State Statute treats 35-acre divisions slightly differently than other exempt land divisions. As a result there was some concern whether a Map of Survey could be required for a 35-acre division. Since the Planning Commission Hearing, it has come to staff's attention that a separate State Statute clearly allows a County to require a Map of Survey for a 35-acre division. At this time, staff recommends that Amendment #49 be removed from this cleanup application and be addressed at a later date in order to allow for a more detailed discussion of the relationship between the various state statutes that address the issue.

KEY ISSUE 5: Recommended Condition 11: Amendment #61 should be clarified to require that a road or driveway be setback from property line unless property on both sides of the line may take access from the road or driveway

Amendment #61 includes a clarification that a shared road or driveway within an easement is exempt from setbacks from the property line it straddles. However, George Putnam has brought to staff's attention that the proposed amendment needs further clarification. Staff agrees with Mr. Putnam that the exemption from site development setbacks should only apply in cases where properties on both sides of the property line benefit from the easement. In the adjacent example illustration an access easement is located on Property A between the property line and the easement line. If Properties A and B may both take access from the easement, the road should not have to meet setbacks from the property line. However if Property B cannot take access from the easement, the road should be set back to protect Property B. Staff recommends Condition 11 to clarify the intent of the site development exemption for roads and driveways within easements.



PLANNING COMMISSION ANALYSIS

The Planning Commission's discussion and recommendation on each of the proposed amendments is included in the attached table. Recommended Condition 12 is discussed in more detail above as the first Key Issue. The Planning Commission did not analyze recommended Conditions 8-11 because they were identified after the Planning Commission Hearing.

The Planning Commission discussed one general item related to the application – whether it is appropriate for the County to consider amendments that originated out of Town issues or amendments. Staff clarified that it is only proposing the County adopt LDRs that are relevant in the County, and that the County and Town LDRs vary where character goals vary. Ultimately, the PC reiterated support for shared organization of the County and Town LDRs.

STAKEHOLDER ANALYSIS

DEPARTMENTAL REVIEWS

The application was sent to the following departments and agencies for review. A review meeting was held on September 15 to review the application. All departmental comments from that review meeting have been incorporated into the attached table of amendments.

- County Planning Department
- County Attorney
- County Engineer
- Teton County Weed and Pest

- Town/County Housing Department

PUBLIC COMMENT

Notice of this hearing was published in the Jackson Hole News and Guide on September 14, and the hearing was postponed at the November 1 and December 6 meetings. Notice was not sent to neighbors or posted on site because there is no specific site of the proposal.

The two comments that have been received are attached. In addition, 2 comments were made at the Planning Commission Hearing, each of which was addressed by the Planning Commission.

LEGAL REVIEW

Weisman

RECOMMENDATIONS

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of **AMD2016-0005**, the 2016 LDR Cleanup, dated October 17, 2016, subject to the 11 conditions recommended below, based on the findings recommended below.

STAFF RECOMMENDED CONDITIONS OF APPROVAL

Conditions 1-7 were originally recommended by the Planning Commission. Conditions 8-10 have been identified since the Planning Commission.

1. That the allowed development area for a PRD be clarified as the lesser of the project area “minus” 49 acres “OR” 30% of the project area. (Amendment #30)
2. Clarify that additional posted notice is not required for continuation or postponement of an application. (Amendment #41)
3. That posted notice be required to be 3 ft x 4 ft. (Amendment #42)
4. That the County be required to record a release of a recorded Subdivision Improvement Agreement. (Amendment #48)
5. That the example of zoning compliance verification requests remain, but that “Environmental Analysis exemption” be deleted from the example. (Amendment #52)
6. That Hearing Officers be compensated at a rate to be determined by the Board of County Commissioners, but that that amount not be reimbursed by the applicant. (Amendment #58)
7. Make it as clear as possible that the street setback does not apply to a driveway. (Amendment #61)
8. The clarification to the definition of restaurant/bar should include reciprocal clarification of the definition of retail use as proposed in Key Issue #2 (Amendment #20)
9. The same references regarding the County Treasurer, trust fund, and interest being amended in the Affordable Housing Division (Div. 7.4) also need to be amended in the Employee Housing Division (Div. 6.3). (Amendment #32)
10. Remove Amendment #49 from the proposal.
11. Clarify Amendment #61 that a road or driveway within an easement that does not benefit the neighboring property shall meet the site development setback from the neighboring property line.

RECOMMENDED FINDINGS

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

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

Complies. The purpose of these LDRs is to implement the Comprehensive Plan in a predictable and coordinated manner. The proposal’s implementation of the Comprehensive Plan is detailed below. Almost all of the

amendments proposed are specifically intended to clarify provisions of the LDRs in order to make the LDRs more predictable. Other amendments are intended to align the content and organization of the County and Town LDRs.

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

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

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

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

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

Complies. A number of the proposed amendment are in response to court decisions on provisions of the LDRs. The proposed amendments align the LDRs with current case law.

5. Improves implementation of the Comprehensive Plan

Policy 3.3.c: Provide predictability in land use decisions

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

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

6. Is consistent with other adopted County Resolutions

Complies. The proposed amendments are consistent with other County Resolutions.

PC RECOMMENDATION

At their October 24, 2016 meeting, the Planning Commission voted 2-1 to recommend **APPROVAL** of **AMD2016-0005**, dated October 17, 2016, subject to Conditions 1-7 recommended by staff and the additional condition recommended below, based on the findings recommended by staff, with Commissioner Duncker opposed and Commissioners Hammer and Rockey absent.

PC ADDITIONAL RECOMMENDED CONDITION OF APPROVAL

12. That mobile homes and RPTs be allowed as Accessory Residential Units (Amendment #23)

The additional condition of approval recommended by the Planning Commission is not recommended by staff. If the Board would like to incorporate the Planning Commission's recommendation into its approval, it will have to add Condition 12 to the suggested motion below.

ATTACHMENTS

- 2016 County LDR Cleanup (AMD2016-0005): October 17, 2016 Including PC Recommendation
- Public Comment

SUGGESTED MOTION

I move to **APPROVE AMD2016-0005**, dated October 17, 2016, subject to the 11 conditions recommended by staff, being able to make the findings of Section 8.7.1 as recommended by staff.



2016 County LDR Cleanup (AMD2016-0005)

October 17, 2016 Draft Including PC Recommendation

	LDR Section	Issue + Staff & PC Recommendations	Proposed Amendment
1	1.9.1.F 1.9.3.B.1 1.9.3.B.4	<p>Cumulative total expansion is defined multiple times in Division 1.9. in various Sections where the term is used related to limiting expansion or modification of a nonconformity.</p> <p>Staff recommends that the Town and County state the definition once in Section 1.9.1, applicable to all nonconformities, and delete the repetitions.</p> <p>The PC clarified that this modifications does not change any content in the Nonconformities Division.</p>	<p>1.9.1.F. Increase in Nonconformity. Except as authorized by this Division, no person shall engage in activity that increases a nonconformity. <u>Where authorized, the cumulative total of an expansion is the sum of all expansions from the date the physical development, use, development option, or subdivision became nonconforming, including all expansions under prior LDRs if the nonconformity began under prior LDRs and remains nonconforming.</u></p> <p>1.9.3.B.1. A nonconforming use may only be expanded a cumulative total of 20% in the floor area and site area occupied and/or the daily and annual duration of operation. The cumulative total is the sum of all expansions from the date the use became nonconforming, including all expansions under prior LDRs if the use became nonconforming under prior LDRs and remains nonconforming.</p> <p>1.9.3.B.4. An expansion of a use that is nonconforming because it does not have an approved CUP or SUP requires approval of a CUP or SUP upon 20% cumulative total expansion in the floor area and site area occupied and/or the daily and annual duration of operation. The cumulative total is the sum of all expansions from the date the use became nonconforming, including all expansions under prior LDRs if the use became nonconforming under prior LDRs and remains nonconforming.</p>
2	2.3.#.C.1 3.3.#.C.1	<p>The current language in the footer of the Use Schedule is potentially misleading.</p> <p>Staff recommends that the Town and County amend all references in the general use schedule and each zone to clarify that no <u>use</u> permit is required. The County has already made this clarification in some places.</p> <p>The PC had no comment on this modification.</p>	<p>[Use Schedule footer]: Y=Use allowed, no <u>use</u> permit required</p>

LDR Section	Issue + Staff & PC Recommendations	Proposed Amendment
<p>3</p> <p>2.3.1.C.1 2.3.1.E.2</p>	<p>Section 2.3.1.B.1 indicates ARUs are allowed in association with a primary residential use in the AC zone. Section 2.3.1.E.2 states ARUs are only permitted accessory to a nonresidential primary use. This contradiction existed prior to 2015, but was not remedied through the 2015 restructure.</p> <p>Staff recommends allowing ARUs accessory to all uses in the AC zone. As a result of this recommendation Sections C.1 and E.2 need to be clarified to specify the density and standards for ARUs accessory to a detached single-family unit versus ARUs accessory to a nonresidential use.</p> <p>The PC clarified that this modification would only apply in the AC zone.</p>	<p>2.3.1.C.1. [AC Zone] Accessory Residential Unit, Density (max). n/a <u>see E.2</u></p> <p>2.3.1.E.2. Accessory Residential Units. Accessory residential units are only permitted accessory to a nonresidential primary use.</p> <p><u>a. Primary use residential</u></p> <p><u>i. No more than 2 ARUs per lot are allowed.</u></p> <p><u>ii. If only one accessory residential unit is constructed on a lot, it may be attached to or detached from the primary structure.</u></p> <p><u>iii. If 2 accessory units are constructed on one lot, one shall be attached to the primary structure, the other shall be detached. The minimum separation between detached units shall be 10 feet.</u></p> <p><u>b. Primary use not residential. The maximum number of ARUs accessory to a nonresidential use shall be determined based on the definition of Accessory Use (Sec. 6.1.2.B.3).</u></p>
<p>4</p> <p>2.3.4.C.1 2.3.4.E.1 3.2.2.E.6.b.ii 3.2.3.E.3.b.ii 3.2.4.E.1.a.ii 3.3.1.C.1 3.3.1.E.6 3.3.5.C.1 3.3.5.E.4 6.1.11.B.3.ii</p>	<p>In 2015 the maximum number of ARUs allowed accessory to a nonresidential use and residential use was generally stated in the standards for all ARUs. However this created a number of contradictions with zone specific standards, so in 2015 many of the density standards were moved to zones.</p> <p>Unfortunately, in zones where ARUs are allowed accessory to both residential and nonresidential uses there is some confusion as to which standards apply.</p> <p>Staff recommends that the OP, BC, and R-TC zones be amended to address ARU density for residential primary uses and nonresidential primary uses. Staff also recommends that density be removed from the general standards in 6.1.11.B.3.c and the needed zone specific standards be added in the R-1, R-2, and R-3 zones. With these changes, ARU density will be defined zone specifically in all zones of the LDRs.</p> <p>The PC discussed the benefits and drawbacks of using the definition of accessory use to determine the appropriate number of ARUs accessory to a nonresidential use. An accessory use is defined as a use, “that constitutes a minority of the use of character of the property and is secondary and subordinate to the primary use, but is not</p>	<p>2.3.4.C.1. [OP Zone] Accessory Residential Unit, Density (max). 1 unit per lot <u>see E.1</u></p> <p>2.3.4.E.1. [OP Zone] ARU Density. <u>A maximum of 1 ARU shall be permitted accessory to a detached single-family unit. The maximum number of ARUs accessory to a nonresidential use shall be determined based on the definition of Accessory Use (Sec. 6.1.2.B.3).</u></p> <p>3.2.2.E.6.b.ii. [R-1 Zone] Density. <u>A maximum of 1 ARU shall be permitted accessory to a detached single-family unit.</u></p> <p>3.2.3.E.3.b.ii. [R-2 Zone] Density. <u>A maximum of 1 ARU shall be permitted accessory to a detached single-family unit.</u></p> <p>3.2.4.E.1.a.ii. [R-3 Zone] Density. <u>A maximum of 1 ARU shall be permitted accessory to a detached single-family unit.</u></p> <p>3.3.1.C.1. [BC Zone] Accessory Residential Unit, Density (max). 1 unit per lot <u>see E.6</u></p> <p>3.3.1.E.6. [BC Zone] ARU Density. <u>A maximum of 1 ARU shall be permitted accessory to a detached single-family unit. The maximum number of ARUs accessory to a nonresidential use shall be determined based on the definition of Accessory Use (Sec. 6.1.2.B.3).</u></p>

LDR Section	Issue + Staff & PC Recommendations	Proposed Amendment
	<p>incidental.” The PC concluded that the flexibility of the definition provides greater community benefit than trying to create specific criteria because the character of nonresidential use varies widely. For example the intensity of a firewood business is defined by noise and hours of operation while the intensity of a bed and breakfast is defined by number of rooms.</p>	<p>3.3.1.C.5. [R-TC Zone] Accessory Residential Unit, Density (max). 1 unit per lot see E.4</p> <p>3.3.1.E.4. [R-TC Zone] ARU Density. <u>A maximum of 1 ARU shall be permitted accessory to a detached single-family unit. The maximum number of ARUs accessory to a nonresidential use shall be determined based on the definition of Accessory Use (Sec. 6.1.2.B.3).</u></p> <p>6.1.11.B.3.c.ii. No more than 1 ARU shall be permitted accessory to a dwelling unit.</p>
5	<p>3.2.2.C.1 3.2.3.C.1 3.2.4.C.1</p> <p>Basements have been exempt from the calculation of the maximum habitable floor area of a single family home since 1994. In the rural LDR updates this standard was moved to a different subsection for the new zones (R-1, R-2, R-3) and the exemption was unintentionally deleted.</p> <p>Staff recommends reestablishing the exemption by making the following change in each of the new zones.</p> <p>The PC had no comment on this modification.</p>	<p>3.2.#.C.1. Detached Single-Family Unit, Scale (max). 8,000 sf habitable du <u>excluding basement</u></p>
6	<p>4.3.1.F.2</p> <p>The last sentence of Section 4.3.1.F.2 addressing the applicability of the LDRs within a Planned Resort defers to the zone that preceded the Planned Resort designation. The zone that preceded many of the Planned Resorts is not very relevant to allowances within a Planned Resort. Also, the zones that preceded the Planned Resort designation are being phased out.</p> <p>Staff recommends amending the sentence to defer to the current zone most similar to allowances of the Planned Resort.</p> <p>The PC had no comment on this modification.</p>	<p>4.3.1.F.2. ... All standards and regulations of the prior zone not altered pursuant to an approved Planned Resort master plan shall apply. Where a Planned Resort master plan is silent, the standards of the current zone most similar to the Planned Resort shall apply.</p>

7	LDR Section	Issue + Staff & PC Recommendations	Proposed Amendment
	5.1.1.C.1.e	<p>Since 1994 the LDRs have used a slightly different definition of wetland than the federal government and have incorrectly referenced the 1989 Army Corp definition for delineating wetlands. The Army Corp prohibited use of the 1989 definition in 1991, directing instead that the 1987 definition be used. The 1987 definition is less comprehensive and therefore less restrictive on landowners, and has been used, consistent with the Army Corps direction, since 1994.</p> <p>Staff recommends the Town and County update the LDRs to match the definition of wetlands used by the federal government and reflect the appropriate identification manual.</p> <p>The PC had no comment on this modification.</p>	<p>5.1.1.C.1.e. Wetlands. <u>Wetlands are areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.</u> Wetlands mean an area where water is at, near, or above the land surface long enough to support aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. <u>Identification-Determination</u> of wetlands shall be according to the <u>1987 1989 Army Corps of Engineers Wetlands Delineation Manual</u> definition of jurisdictional wetlands. This definition excludes irrigation induced wetlands</p>
	5.3.1.D.5	<p>Many complex uses do not have much site development, severely limiting their allowed lighting contrary to the intent of the provisions.</p> <p>Staff recommends the County delete the portion of the standard dependent upon site development. The Town made this clarification through its reading process.</p> <p>The PC clarified that, while it is generally supportive of a scaling lighting allowance that increases a property size increases, removing the scaling standard for ball fields and other outdoor recreation uses actually provides greater flexibility.</p>	<p>5.3.1.D.5. Maximum lumens. Overall site illumination for a complex use shall not exceed 6 lumens per square foot of site development, nor shall it exceed a total of 550,000 lumens.</p>

LDR Section	Issue + Staff & PC Recommendations	Proposed Amendment															
9 5.4.1	<p>The LDRs prohibit development of slopes greater than 30%. While we encourage applicants to provide the most accurate data possible on the slopes of a site, a precise survey identifies many little slopes of greater than 30% that are just boulders, hills or holes, but are not really the steep slopes we are trying to protect. The digital elevation model created in 2016 emphasizes this issue, where it used to be an infrequent issue in years past.</p> <p>Staff recommends limiting the applicability of slope development prohibition to slopes with at least 10' of elevation change and at least 1,000 sf in area. These thresholds are consistent with established grading and erosion control thresholds in Division 5.7. Implementing this change requires a slight change in organization, but does not change the existing exception for grading on steep slopes to provide essential access.</p> <p>The PC clarified that there are no changes to the allowance for essential access; that B.3 is only shown as a change because of reorganization.</p>	<p>5.4.1. Steep Slopes</p> <p>A. Slopes in Excess of 30%. No physical development shall be permitted on natural slopes in excess of 30%, except to provide essential access for vehicles and/or utilities when no other alternative access exists.</p> <p>B. <u>Exceptions</u></p> <p><u>1. Manmade Slopes.</u> Physical development on manmade slopes is permitted, provided that the proposed finish grade complies with all other applicable standards of these LDRs.</p> <p><u>2. Small Slopes.</u> <u>Physical development of isolated slopes that cover less than 1,000 square feet and have less than 10 feet of elevation change is permitted.</u></p> <p><u>3. Essential Access.</u> <u>Physical development of steep slopes is permitted</u> to provide essential access for vehicles and/or utilities when no other alternative access exists.</p>															
10 5.5.3	<p>As part of the District 2 zoning updates the Town moved away from organizing the landscaping requirements by use.</p> <p>Staff recommends that the County do the same.</p> <p>The PC had no comment on this modification.</p>	<p>B. Residential Requirements</p> <p>1. Number of Residential Plan Units. <u>All new residential development shall provide one plant unit per dwelling unit. Use or development of a site shall require provision of the following number of plant units.</u></p> <table border="1" data-bbox="886 1266 1406 1524"> <thead> <tr> <th data-bbox="886 1266 1029 1304">Zone</th> <th data-bbox="1029 1266 1192 1304">Residential</th> <th data-bbox="1192 1266 1406 1304">Nonresidential</th> </tr> </thead> <tbody> <tr> <td data-bbox="886 1304 1029 1341">R-1, R-2</td> <td colspan="2" data-bbox="1029 1304 1406 1341">n/a</td> </tr> <tr> <td data-bbox="886 1341 1029 1379">R-3</td> <td colspan="2" data-bbox="1029 1341 1406 1379"><u>1 per 10,000 sf of floor area</u></td> </tr> <tr> <td data-bbox="886 1379 1029 1451">R-TC</td> <td data-bbox="1029 1379 1192 1451"><u>1 per DU</u></td> <td data-bbox="1192 1379 1406 1451"><u>1 per 1,000 sf of floor area</u></td> </tr> <tr> <td data-bbox="886 1451 1029 1524"><u>All others</u></td> <td data-bbox="1029 1451 1192 1524"><u>1 per DU</u></td> <td data-bbox="1192 1451 1406 1524"><u>1 per 1,000 sf of required LSA</u></td> </tr> </tbody> </table> <p>2. Location of Residential Plant Units</p> <p><u>in</u> Single-Family Subdivisions. For residential development within single-family subdivisions, the plant unit required per dwelling unit shall be located on each lot of record.</p> <p>b. All Other Development. For all other residential development the location of the plant units shall be anywhere within the development lot of record pursuant to the purpose of this Division.</p> <p>EXAMPLE: The plant units may be located along the periphery of a cluster of units and not necessarily on</p>	Zone	Residential	Nonresidential	R-1, R-2	n/a		R-3	<u>1 per 10,000 sf of floor area</u>		R-TC	<u>1 per DU</u>	<u>1 per 1,000 sf of floor area</u>	<u>All others</u>	<u>1 per DU</u>	<u>1 per 1,000 sf of required LSA</u>
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LDR Section	Issue + Staff & PC Recommendations	Proposed Amendment
		<p>the individual lots, or it may be located around a potentially high use open space or park within the subdivision.</p> <p>C. Nonresidential Requirements. For nonresidential development, plant units shall be provided at a rate of one plant unit per 1,000 square feet of required landscaped surface area, except in the R-TC zone where landscaping shall be provided at a rate of one plant unit per 1,000 square feet of gross floor area.</p>
11	<p>5.5.4.B.1 5.7.1.A 5.7.2.A.6 5.7.2.A.12</p> <p>The Teton County Weed and Pest District proposes that the LDRs direct applicants for a grading permit to the Weed and Pest guidelines and best practices in order to encourage better compliance with State Statute. Weed and Pest’s proposal would require invasive species management to be part of any grading permit because land disturbance is often when invasive species, whether aquatic or noxious weeds, are introduced. Compliance with State statute regarding invasive species is required, and Weed and Pest will develop an Invasive Species Management Plan for the applicant for free. The purpose of the LDR is put the applicant for a Grading Permit on notice of the State Statute and direct the application to the Teton County Weed and Pest District for assistance.</p> <p>Staff recommends that the County include the Weed and Pest District’s proposed clarification.</p> <p>The PC had no comment on this modification.</p>	<p>5.5.4.B.1. Approved Plant Material ...</p> <p><u>a. Wyoming Seed Law. All seed used for site revegetation or restoration must be used in accordance with WS 11-12-101 – 125, certified as weed free, and acquired through a dealer licensed by the Wyoming Department of Agriculture.</u></p> <p><u>b. Wyoming Nursery Stock Law. All nursery stock used for site revegetation or restoration must be used in accordance with W.S. 11-9-101 – 109, accompanied by a valid health certificate, and acquired through a dealer licensed by the Wyoming Department of Agriculture.</u></p> <p>5.7.1.A. ... <u>Invasive Species standards are intended to maintain the character and function of native habitat by reducing the spread of noxious weeds and introduction of other invasive species through grading and revegetation practices.</u></p> <p>5.7.2.A.6. Provides for Revegetation. The affected site area shall be revegetated as is necessary for the stabilization of disturbed surfaces with the exception of areas covered by impervious surfaces and/or structures. <u>Revegetation plans should contain components as identified in Teton County Weed and Pest District’s Revegetation Guide (www.tcweed.org/Revegetation.php).</u></p> <p>5.7.2.A.12. <u>Invasive Species Management. An Invasive Species Management Plan is required to be submitted as part of any Grading Permit application. The purpose of the Invasive Species Management Plan is to assist in maintaining the character and function of native habitat helping to reduce the spread of noxious weeds as defined in WS 11-5-101 - 119, and introduction of other invasive species through grading and revegetation practices (also see WS 11-9-101 - 109 and WS 11-12-101 - 125). Noxious weeds and other invasive species require prevention or control during all phases of construction to limit severe and costly infestations in the future.</u></p>

LDR Section	Issue + Staff & PC Recommendations	Proposed Amendment																														
		<p><u>a. The Invasive Species Management Plan shall include pre-construction, active construction, and post-construction integrated control elements.</u></p> <p><u>b. Teton County Weed and Pest will review and approve a plan prepared by the applicant, or will prepare the Plan for a site given advance notice.</u></p> <p><u>c. Plans should include components identified in Teton County Weed and Pest District’s Invasive Species Management publication (www.tcweed.org/LandDevelopmentWMP.php)</u></p>																														
12	<p>5.6.2.B.3.b The County Attorney recommends that all political signs be exempt from sign standards. The PC had no comment on this modification.</p>	<p>5.6.2.B.3.b. Political Signs. Political signs pertaining to a specific election, which are displayed not earlier than 30 days prior to the election and which are removed by the candidate or property owner who placed the sign within 5 days after the election.</p>																														
13	<p>6.1.1.F The use schedule itself does not have a subsection under Section 6.1.1. making it awkward to reference. Staff recommends the Town and County designate the Use Schedule as Section 6.1.1.F. The PC had no comment on this modification.</p>	<p>6.1.1.F. <u>Use Schedule. The use schedule is established in the following tables.</u></p>																														
14	<p>6.1.1.F In each zone there is a notation for uses that have zone specific standards in addition to the generally applicable standards for the use. However, there is no such notation in the Use Schedule in Article 6. Staff recommends that the Town and County add such an indication to assist LDR users looking to locate a specific use. The PC had no comment on this modification.</p>	<p>6.1.1.F [Use Schedule footer]: ^z = <u>Use also subject to zone specific standards</u> <u>Add superscript to all applicable uses e.g.:</u></p> <table border="1" data-bbox="873 1138 1495 1360"> <thead> <tr> <th data-bbox="873 1138 1166 1176">Use Category</th> <th colspan="3" data-bbox="1166 1138 1386 1176">Zone</th> <th data-bbox="1386 1138 1495 1176">Def/ Stds</th> </tr> <tr> <th data-bbox="873 1176 1166 1213">Specific Use</th> <th data-bbox="1166 1176 1235 1213">R-1</th> <th data-bbox="1235 1176 1305 1213">R-2</th> <th data-bbox="1305 1176 1386 1213">R-3</th> <th data-bbox="1386 1176 1495 1213"></th> </tr> </thead> <tbody> <tr> <td data-bbox="873 1213 1166 1251">Open Space</td> <td data-bbox="1166 1213 1235 1251"></td> <td data-bbox="1235 1213 1305 1251"></td> <td data-bbox="1305 1213 1386 1251"></td> <td data-bbox="1386 1213 1495 1251">6.1.3</td> </tr> <tr> <td data-bbox="873 1251 1166 1289">Agriculture</td> <td data-bbox="1166 1251 1235 1289">Y</td> <td data-bbox="1235 1251 1305 1289">Y</td> <td data-bbox="1305 1251 1386 1289">Y</td> <td data-bbox="1386 1251 1495 1289">6.1.3.B</td> </tr> <tr> <td data-bbox="873 1289 1166 1327">Outdoor Recreation</td> <td data-bbox="1166 1289 1235 1327">C^z</td> <td data-bbox="1235 1289 1305 1327">--</td> <td data-bbox="1305 1289 1386 1327">--</td> <td data-bbox="1386 1289 1495 1327">6.1.3.C</td> </tr> <tr> <td data-bbox="873 1327 1166 1360">Dude/Guest Ranch</td> <td data-bbox="1166 1327 1235 1360">C^z</td> <td data-bbox="1235 1327 1305 1360">--</td> <td data-bbox="1305 1327 1386 1360">--</td> <td data-bbox="1386 1327 1495 1360">6.1.3.D</td> </tr> </tbody> </table>	Use Category	Zone			Def/ Stds	Specific Use	R-1	R-2	R-3		Open Space				6.1.3	Agriculture	Y	Y	Y	6.1.3.B	Outdoor Recreation	C ^z	--	--	6.1.3.C	Dude/Guest Ranch	C ^z	--	--	6.1.3.D
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15	<p>6.1.2.B.2 The issue is whether a barn or garage can be built without a house on a lot in a residential zone. Until there is a residential use of the property the barn or garage is the principal use and prohibited in some zones, however this is not specifically clear in the LDRs. Staff recommends the Town and County clarify that the principal use must exist before any use can be considered incidental to it. The PC had no comment on this modification.</p>	<p>6.1.2.B.2. Incidental Use. An incidental use is a use that is commonly integrated into the operation of a principal use, even if the incidental use would be classified as a different use if it were separated. <u>A use cannot be incidental if the principal use does not exist.</u></p> <p>EXAMPLE: A cabinet contractor may have an office to run the business within its shop without the office being considered a separate use. As another example, a golf course may sell golf equipment as part of its operation without the pro shop being considered a separate retail use.</p>																														

	LDR Section	Issue + Staff & PC Recommendations	Proposed Amendment
16	<p>6.1.3.B.2.i.a) 5.3.1.A.1.g 5.7.1.B.</p>	<p>One agricultural exemption is no longer applicable in the final version of the Rural LDRs. Two others need clearer reference to the standards for exemption in the sections where the exemption is located.</p> <p>Staff recommends the County clarify these agricultural exemption references.</p> <p>The PC had no comment on this modification.</p>	<p>6.1.3.B.2.i.a). Maximum number of development areas (applicable zone)</p> <p>5.3.1.A.1.g. Lighting used primarily solely for agricultural purposes <u>meeting the standards for exemption in Section 6.1.3.B.</u></p> <p>5.7.1.B. Applicability. This Division shall apply to all land disturbing activity and all excavations unless explicitly exempted. <u>Agriculture meeting the standards for exemption in Section 6.1.3.B. is not considered a land disturbing activity, unless it disturbs natural slopes of 30% or greater.</u></p>
17	<p>6.1.4.A.1 6.1.4.A.2.c 6.1.4.E.1.b 6.1.5.D.1 6.1.5.D.2.b.i 6.1.12.D.1 9.5.C</p>	<p>The LDRs currently rely on the definition of residential use as a facility providing <u>permanent</u> provision for living, sleeping, eating, cooking, and sanitation to prohibit camping on a property as a means of occupation. The Town LDRs prior to 2015 contained a more explicit prohibition.</p> <p>Staff recommends that the Town and County make it clear that camping units can only be occupied in campgrounds or pursuant to the standards for a temporary shelter that require a residential unit be under construction. Staff also recommends that the Town and County take this opportunity to clarify that a residential unit must be certified under building code or by HUD (mobile home). Any unit that is not so certified is considered a camping unit.</p> <p>Staff recommends this clarification to avoid any confusion about “RPTs” or other units. It simplifies the definition of various units, while occupancy of camping units is regulated in the Residential Use (6.1.4.A), Campground (6.1.5.D), and Temporary Shelter (6.1.12.D) sections of the LDRs.</p> <p>The PC discussed this modification together with Modification #23, but only recommended changes to Modification #23. The PC supports the clarification that an RPT is no different from another RV.</p>	<p>6.1.4.A.1. Definition. A residential use is a living facility, <u>certified under the International Residential or Building Code or by HUD</u>, that includes permanent provision for living, sleeping, eating, cooking, and sanitation.</p> <p>6.1.4.A.2.c. Occupancy of a camping unit is not a residential use. A camping unit may only be occupied as permitted by Sec. 6.1.12.D. Temporary Shelter or Sec. 6.1.5.D. Campground.</p> <p>6.1.4.E.1.b. [Mobile Home] Does Not Include:</p> <ul style="list-style-type: none"> i. Conventional Camping Unit ii. Recreational Park Trailer iii. Homes built to meet the requirements of the International Residential <u>or Building Code</u> <p>6.1.5.D.1. Definition. A campground is an establishment providing campsites for <u>camping units accommodations such as tents, recreational vehicles, campers, or trailers</u> that are brought to the campground for overnight or short-term use.</p> <p>a. Does not include:</p> <ul style="list-style-type: none"> i. lodging units ii. Recreational Park Trailers (RPTs) iii. cabins iv. wall tents with permanent platforms v. any other <u>camping unit permanent or semi-permanent structures or sleeping units</u> owned by the owner or operator of the campground and provided to visitors <p>6.1.5.D.2.b.i. Campsite. A campground campsite consists of a gravel, paved, or grass area where a Conventional Camping Unit <u>or tent</u> is parked or</p>

LDR Section	Issue + Staff & PC Recommendations	Proposed Amendment
		<p>located, and includes associated amenities and parking.</p> <p>6.1.12.D.1. Definition. Temporary shelter means a mobile or manufactured home or conventional camping unit temporarily occupied while a residential unit with a valid building permit is being constructed.</p> <p>9.5.C. Conventional Camping Unit. Conventional Camping Units include recreational vehicles, campers, trailers, motorhomes, <u>tents, yurts, tepees</u>, or other <u>shelter that is not certified under the International Residential or Building Code or by HUD.</u> vehicles which are: built on a single chassis; 400 square feet or less when measured at the largest horizontal projections; self-propelled or permanently towable by a light duty truck; and designed primarily not to be used as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. Conventional Camping Unit does not include Mobile/Manufactured Homes <u>certified by HUD</u> or Recreational Park Trailers.</p>
18	<p>6.1.5.C.2.c Short-term rental is the lodging use of a residential unit. There are a number of standards in the LDRs that vary by use, and are unclear as to how they apply to a short-term rental unit that is approved for both lodging and residential use. As part of updating the Lodging Overlay, the Town clarified that the stricter standard shall apply in order to make sure impacts are mitigated.</p> <p>Staff recommends the County make the same clarification.</p> <p>The PC had no comment on this modification.</p>	<p>6.1.5.C.2.c. <u>A short-term rental unit shall be subject to the stricter of the two standards when residential and nonresidential standards would apply.</u></p> <p><u>EXAMPLE: A short-term rental unit is subject to residential affordable housing requirements rather than nonresidential employee housing requirements.</u></p>

	LDR Section	Issue + Staff & PC Recommendations	Proposed Amendment
19	6.1.6.E	<p>With the rise in craft brewing and distilling and the incorporation of local production into restaurants and bars, there is a need to define a line at which the brewing/distilling operation is incidental to a restaurant/bar use and when it is a separate industrial use. The Town adopted a defining line that relies on industry definitions and works for local brew pubs.</p> <p>Staff recommends the County make the same clarification.</p> <p>The PC had no comment on this modification.</p>	<p>6.1.6.E. Restaurant/Bar</p> <p>1. Definition. A restaurant or bar is an establishment oriented to the serving of food and/or beverages. <u>a. Includes: Micro-brewery, micro-distillery or micro-winery.</u></p> <p><u>2. Standards.</u> <u>a. Breweries, distilleries and wineries are generally considered light industrial uses. In order to be considered a restaurant/bar, a micro-brewery, micro-distillery or micro-winery must include a tasting room in which guests or customers may sample the product, and the facility must produce no more than the following beverage volumes on-site each year:</u> <u>1. 15,000 barrels of fermented malt beverages;</u> <u>2. 15,000 barrels of spirituous beverages; or</u> <u>3. 100,000 gallons of vinous beverages.</u></p>
20	6.1.6.E.1	<p>The definition of retail use includes delis and bakeries. The definition of restaurant/bar is an establishment oriented to the serving of food and/or beverages. There is a need to define the difference between the two uses related to parking and employee housing standards that vary by use.</p> <p>Staff recommends a threshold related to onsite consumption. Accommodating onsite consumption is what increases the employee need per square foot and changes the nature of the parking requirement. Accommodations for onsite consumption is also central to the State's definition of a restaurant (as it relates to liquor licensing).</p> <p>The PC had no comment on this modification.</p>	<p>6.1.6.E. Restaurant/Bar</p> <p>1. Definition. A restaurant or bar is an establishment <u>that serves oriented to the serving of food and/or beverages for seated consumption onsite.</u></p>
21	6.1.9.F	<p>The Wyoming Supreme Court has ruled that with regard to regulation of gravel extraction and processing (6.1.9.F) the County cannot regulate matters regulated by the State.</p> <p>The County Attorney recommends all standards related to matters regulated by the state be deleted from the LDRs.</p> <p>The PC discussed the purpose of defining a Level 1 gravel operation if the County is deferring to the State, which is that the County does not defer to the State for all standards and if Seherr-Thoss wants to expand to a Level 2 operation he would need</p>	<p>6.1.9.F.2. Purpose. The purpose of this Section is to establish operational,-location,-reclamation and general standards for gravel processors and associated extraction activities, that are designed to minimize negative impacts on the quality of Teton County, the residential values of its citizens, the recreational opportunities shared by all, and the nationally recognized environmental treasures located in and adjacent to Teton County.</p> <p>6.1.9.F.4. Location. ...</p> <p><u>c. Seherr-Thoss Gravel Operation located in the west half of the southwest quarter of Section 17, the east half of the southeast quarter of Section 18, parts of the northeast quarter, north half of the southeast</u></p>

LDR Section	Issue + Staff & PC Recommendations	Proposed Amendment
	<p>a County permit for County standards in addition to his State permit.</p>	<p><u>quarter, and southeast quarter of the northwest quarter of Section 19, of Township 40 North, Range 116 West comprised of about 300 acres. Level One gravel processing activities, as defined above, may be permitted at this location; Levels Two and Three are prohibited.</u></p> <p>6.1.9.F.5. Operational Standards. ...</p> <p><u>a. DEQ Permits. ... [delete entire subsection]</u></p> <p><u>d. Setbacks. ... [delete entire subsection]</u></p> <p><u>i. Dust. ... [delete entire subsection]</u></p> <p><u>j. Odor. ... [delete entire subsection]</u></p> <p><u>k. Wildlife. ... [delete entire subsection]</u></p> <p><u>n. Extraction. ... [delete entire subsection]</u></p> <p><u>o. Grading and Erosion/Sediment Control. ... [delete entire subsection]</u></p> <p><u>p.ii. Prior to approval of Restoration Study. ... [delete entire subsection]</u></p> <p><u>q. Cultural and Historic Sites. ... [delete entire subsection]</u></p> <p><u>r. Access. ... [delete entire subsection]</u></p> <p><u>s. Site Area. ... [delete entire subsection]</u></p> <p><u>v. Extraction, Processing, and Reclamation Plan. ... [delete entire subsection]</u></p> <p><u>w. Reclamation Plan and Bond. ... [delete entire subsection]</u></p> <p>6.1.9.F.6. State/Federal Requirements. Compliance with the standards of this Section and these LDRs shall not be construed to replace, supersede, or override any State or Federal requirements that may apply. <u>Reclamation Standards. ... [delete entire subsection except 6.19.F.6.g]</u></p>
22	<p>6.1.10.D.2.f.iv A statement certifying that no unusual sounds are permitted is required generally for all wireless communications facilities in Section 6.1.10.D.2.e.vii then again for new towers is a subsequent section for additional standards applicable to new towers.</p> <p>Staff recommends deleting the repetitive statement in the section.</p> <p>The PC had no comment on this modification.</p>	<p>6.1.10.D.2.f.iv. Statement certifying that no unusual sound emissions such as alarms, bells, buzzers, or the like are permitted. Emergency Generators are permitted and are exempt from noise requirements during emergencies. Sound levels shall otherwise be in compliance with Sec. 6.4.3.</p>

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23	6.1.11.B.1	<p>The definition of ARU is currently unclear as to whether a mobile home can be placed on a property as an ARU. The LDRs in place prior to 2015 were clearer that mobile homes cannot be used as ARUs.</p> <p>Staff recommends the Town and County clarify that an ARU cannot be a mobile home.</p> <p>The PC discussed this modification along with Modification #17. The majority (2-1) of Commission believes that providing housing solutions means taking a different approach, and that Mobile Homes, RPTs, and RVs should be allowed as Accessory Residential Units.</p>	<p><u>b. Does Not Include:</u></p> <p><u>i. Mobile Home</u></p>
24	6.1.11.B.3	<p>An LDR user looking for ARU standards in Article 6 will not find the maximum size or other standards that vary by zone.</p> <p>Staff recommends that the Town and County add direction in Article 6 to alert the user that such standards can be found in the Section for the Zone in which the ARU will be located.</p> <p>The PC had no comment on this modification.</p>	<p><u>6.1.11.B.3.a. Zone Specific Standards Also Apply. In addition to the standards of this subsection, applicable standards for an ARU may also be found in Subsection C and/or E for the Section of the Zone in which the ARU is located.</u></p> <p>[will cascade numbering in the rest of 6.1.11.B.3]</p>
25	6.2.2.A	<p>Section 6.2.2.A, which establishes the general parking requirements, does not reference that zone specific exceptions to the parking standards may apply. The Town clarified this omission.</p> <p>Staff recommends the County make the same clarification.</p> <p>The PC had no comment on this modification.</p>	<p>6.2.2.A. Required Parking. The table below establishes the minimum required parking spaces that shall be provided for each use in these LDRs, <u>unless otherwise specified in Subsection C.2 of a specific zone....</u></p>

	LDR Section	Issue + Staff & PC Recommendations	Proposed Amendment
26	6.2.5.A 9.1.5.P	<p>The standards for design of parking lots and loading areas require pavement of all parking areas unless they serve a single family dwelling. This standard often does not make sense for nonresidential uses in rural areas and often does not make sense in the Business Park for industrial uses with heavy machinery.</p> <p>Staff recommends adding an exemption that the Planning Director may exempt paving in the BP and residential zones if delineation of parking is not needed. Staff also recommends moving the definition of pavement to Article 9 because it is a term used in multiple sections of the LDRs.</p> <p>The PC had no comment on this modification.</p>	<p>6.2.5.A. Surface and Drainage</p> <p><u>14.</u> Compaction and Drainage. Parking and loading areas, aisles, and access drives shall be compacted and paved or surfaced in conformity with applicable specifications to provide a durable surface, shall be graded and drained so as to dispose of surface water runoff without damage to private or public land, roads, or alleys, and shall conform with any additional standards for drainage prescribed by these LDRs, or other applicable regulations and standards.</p> <p><u>21.</u> Paving Required. Outdoor, off-street parking and loading areas, aisles and access drives shall be paved, except <u>for the uses listed below, in which case</u> parking areas, aisles and access drives may be gravel.</p> <p><u>a.</u> Detached single-family unit.</p> <p><u>b. Uses in the BP-TC, R-1, R-2, R-3, NC-TC, S-TC, and R-TC where the Planning Director determines there is no need to delineate required parking, loading or access areas.</u></p> <p>3. Landscape Islands. ...</p> <p>9.1.5.P. Pavement. 6.2.5.A.2. Paving Standards. Paved parking and loading areas, aisles and access drives shall be paved with <u>Pavement shall be</u> concrete, grasscrete, paving blocks, asphalt, or another all-weather surface <u>other than gravel.</u></p>
27	6.2.6	<p>The Town deleted the content of this Section.</p> <p>Staff recommends the Town and County delete the section entirely since a placeholder is no longer needed to retain a consistent organization.</p> <p>The PC had no comment on this modification.</p>	<p>6.2.6. Parking and Loading Standards in the Downtown Parking District (1/1/15) {Section number reserved, standards only apply in Town}</p>
28	6.3 7.4 Other	<p>With the change in organizational structure, references to the Housing Authority need to be evaluated and updated to reference the Housing Department or Joint Housing Authority.</p> <p>Staff recommends the Town and County update applicable references to the Housing Authority to reference the appropriate entity under the new organizational structure. Amendments to the content of the housing requirements are scheduled to begin in 2017.</p> <p>The PC had no comment on this modification.</p>	<p>6.3, 7.4, Other Sections as applicable [(as applicable) <u>Housing Department/Housing Director/Housing Manager/Housing Authority-Teton County Housing Authority</u>]</p>

	LDR Section	Issue + Staff & PC Recommendations	Proposed Amendment												
29	6.3.2.B.10	<p>The P/SP zone exempts all uses from employee housing requirements, however the Employee Housing Section does not include the P/SP exemption in the list of exemptions.</p> <p>Staff recommends that the Town and County add the P/SP exemption to the Employee Housing section.</p> <p>The PC discussed the rationale for the exemption of exempting of one public service while provide another; acknowledging throughout the discussion that the modification was just addressing an inconsistency and not changing any policy.</p>	<p>6.3.2.B.10. P/SP Uses. Any use in the P/SP zone is <u>exempt from the standards of this Division.</u></p>												
30	7.1.2.C.1	<p>Section 7.1.2.B.1 has a “greater of” standard for the minimum conservation area in a PRD, but Section 7.1.2.C.1 does not have an equivalent “lesser of” standard for the reciprocal maximum development area. Staff recommends inserting the needed “lesser of” standard. Section 7.1.2.C.1 also includes a ratio representation of the same information.</p> <p>Staff recommends deleting that representation to avoid confusion.</p> <p>The PC supported Ms. Paolucci-Rice’s comment and recommends that the standard be clarified as the lesser of the project area “minus” 49 acres “OR” 30% of the project area.</p>	<p>7.1.2.C.1. ...</p> <table border="1" data-bbox="873 680 1521 903"> <thead> <tr> <th colspan="2" data-bbox="873 680 1521 718">Development Area</th> </tr> </thead> <tbody> <tr> <td data-bbox="873 718 1218 751">Development Area GSA (max)</td> <td data-bbox="1218 718 1521 751">Lesser of</td> </tr> <tr> <td data-bbox="873 751 1218 785"><u>Development Area GSA</u></td> <td data-bbox="1218 751 1521 785"><u>PRD GSA – 49 ac.</u></td> </tr> <tr> <td data-bbox="873 785 1218 819">PRD GSA in development area</td> <td data-bbox="1218 785 1521 819">30%</td> </tr> <tr> <td data-bbox="873 819 1218 852">Development area GSA:</td> <td data-bbox="1218 819 1521 852">3 : 7</td> </tr> <tr> <td colspan="2" data-bbox="873 852 1521 886">Conservation area GSA (max)</td> </tr> </tbody> </table>	Development Area		Development Area GSA (max)	Lesser of	<u>Development Area GSA</u>	<u>PRD GSA – 49 ac.</u>	PRD GSA in development area	30%	Development area GSA:	3 : 7	Conservation area GSA (max)	
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31	7.1.6.D	<p>The example following Section 7.1.6.D.2 does not match the standard.</p> <p>Staff recommends updating the example to match the standard.</p> <p>The PC had no comment on this modification, but did express interest in reevaluating the CN-PRD in the future if it is not being used.</p>	<p>7.1.6.D. ...</p> <p>EXAMPLE. A CN-PRD with 665 acres of rural area could identify a maximum of 35 acres in a complete neighborhood ($665/19 = 35$) for development of a maximum of <u>152 units</u> ($665/4.375 = 152$) 166 units ($665/4 = 166.25$) in addition to the units allowed in the complete neighborhood by base zoning.</p>												

	LDR Section	Issue + Staff & PC Recommendations	Proposed Amendment																	
32	7.4.1.F.3.c.vi 7.4.1.F.3.c.vii	<p>The LDRs regarding payment of fees in-lieu of affordable housing incorrectly state how the money is handled. The payment is made to the County, not the County Treasurer. It is placed into an interest bearing fund, but not a “trust” fund. Finally the County is not a bank and does not set interest rates or track interest accrual like a bank, so a fee cannot be refunded “with interest”.</p> <p>Staff recommends deleting the inaccurate language.</p> <p>The PC had no comment on this modification.</p>	<p>7.4.1.F.3.c.vi. Time of Payment and Use of Funds. Payment of the in-lieu fee shall be made to the County Treasurer concurrently with the approval of the development plan for the project, unless other arrangements are made, with financial assurances.</p> <p>7.4.1.F.3.c.vi.a). Interest Bearing Account. The County Treasurer shall transfer the funds to an interest bearing trust fund.</p> <p>7.4.1.F.3.c.vii.d). Refunds for Expired Permits. Any payment for a project for which a building permit has expired, due to non-commencement of construction, shall be refunded with interest if a request for refund is submitted to the County Planning Director within 3 months of the date of the expiration of the building permit. All requests shall be accompanied by proof that the applicant is the current owner of the property and a copy of the dated receipt issued for payment of the fee.</p>																	
33	7.5.1.D	<p>Section 7.5.1.D regarding when school and parks exactions are due still references the old subdivision review process that did not include an Exempt Land Division review.</p> <p>Staff recommends updating the reference to the current process of Exempt Land Division review.</p> <p>The PC had no comment on this modification.</p>	<p>7.5.1.D. Time of Payment for Exempt Other Divisions. For all Exempt Land Divisions (Sec. 8.5.4.) other divisions of land created after July 6, 1993 without review by the County, i.e., 35 acres or larger tracts that are not reviewed and approved by the County as a subdivision, the fee shall be due upon issuance of any building permit for a habitable structure.</p>																	
34	7.6.4.C.2.h	<p>The criterion for natural resource review of a road exception request incorrectly references the pre-2015 LDR organization.</p> <p>Staff recommends correcting the reference.</p> <p>The PC had no comment on this modification.</p>	<p>7.6.4.C.2.h. Protection of resources regulated pursuant to Div. 5.1., Div. 5.2., and Div. 5.3. Article III; and</p>																	
35	7.6.4.M	<p>The surface types of HIGH, INT., and LOW are not defined anywhere in the LDRs.</p> <p>Staff recommends replacing those definitions with a requirements for pavement if applicable.</p> <p>The PC had no comment on this modification.</p>	<p>7.6.4.M. ...</p> <table border="1" data-bbox="873 1402 1521 1539"> <thead> <tr> <th data-bbox="873 1402 1013 1465" rowspan="2">Functional Class</th> <th data-bbox="1013 1402 1133 1465">Arterials</th> <th colspan="2" data-bbox="1133 1402 1321 1465">Collectors</th> <th colspan="2" data-bbox="1321 1402 1521 1465">Local</th> </tr> <tr> <th data-bbox="1013 1465 1133 1486"></th> <th data-bbox="1133 1465 1224 1486">Major</th> <th data-bbox="1224 1465 1321 1486">Minor</th> <th data-bbox="1321 1465 1412 1486">Major</th> <th data-bbox="1412 1465 1521 1486">Minor</th> </tr> </thead> <tbody> <tr> <td data-bbox="873 1486 1013 1539">Surface Type</td> <td data-bbox="1013 1486 1133 1539">HIGH <u>Pa ved</u></td> <td data-bbox="1133 1486 1224 1539">HIGH <u>Paved</u></td> <td data-bbox="1224 1486 1321 1539">HIGH <u>Paved</u></td> <td data-bbox="1321 1486 1412 1539">INT. G <u>ravel</u></td> <td data-bbox="1412 1486 1521 1539">LOW <u>Gravel</u></td> </tr> </tbody> </table>	Functional Class	Arterials	Collectors		Local			Major	Minor	Major	Minor	Surface Type	HIGH <u>Pa ved</u>	HIGH <u>Paved</u>	HIGH <u>Paved</u>	INT. G <u>ravel</u>	LOW <u>Gravel</u>
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	LDR Section	Issue + Staff & PC Recommendations	Proposed Amendment		
36	7.8	<p>The Town added a Division to monitor workforce housing incentives. Its purpose is to implement the Housing Action Plan and January JIM direction to count housing incentives against buildout once they are actually approved, rather than through a hypothetical buildout projection. The intent is that this will encourage more workforce housing to be built without jeopardizing the community's growth management goals.</p> <p>At this time staff recommends adding just a placeholder for the Division to acknowledge its existence and maintain the same table of contents as Town. When the County considers adding a tool utilizing the approach the standards can be added.</p> <p>The PC expressed support for coordination of the Town and County LDR structure.</p>	<p>Div. 7.8. Workforce Housing Incentive Program [Division number reserved, standards only apply in Town]</p>		
37	8.2.2.F.7	<p>An Environmental Analysis (EA) may need review by Wyoming Game and Fish, the Army Corps of Engineers, Teton Conservation District, or other outside agencies prior to the Planning Director's recommendation. The current 30 day timeframe for a Planning Director recommendation does not allow sufficient time for outside agency review.</p> <p>Staff recommends increasing the timeframe for the Planning Director's recommendation to 45 days to give outside agencies 3 weeks to review and give staff 2 weeks to consider the outside reviews and issue a recommendation.</p> <p>The PC had no comment on this modification.</p>	<p>8.2.2.F.7</p> <table border="1" data-bbox="873 856 1516 1125"> <tr> <td data-bbox="873 856 1182 1125" style="background-color: #2c5e8c; color: white; text-align: center; vertical-align: middle;"> PLANNING DIRECTOR RECOMMENDATION </td> <td data-bbox="1182 856 1516 1125" style="background-color: #d9e1f2; text-align: center; vertical-align: middle;"> Sketch Plan: recommendation within 60 days of sufficiency Other Permit: recommendation within 45 30 days of sufficiency </td> </tr> </table>	PLANNING DIRECTOR RECOMMENDATION	Sketch Plan: recommendation within 60 days of sufficiency Other Permit: recommendation within 45 30 days of sufficiency
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38	8.2.4.B	<p>More and more review and processing of applications is done electronically.</p> <p>Staff recommends the Town and County update the submittal standards to include a requirement for both hard copy and electronic submittal.</p> <p>The PC had no comment on this modification.</p>	<p>8.2.4.B. Application Acceptance. Applications required by these LDRs shall be submitted to the Planning Department in hard copy and or electronically, <u>as practicable</u>, in a form provided by the Planning Department and shall be accompanied by:</p> <ol style="list-style-type: none"> 1. The applicable fee required by the fee schedule maintained in the Administrative Manual; 2. A hard copy of the application (which may be submitted separately in the case of an electronic submittal); and <u>2</u>3. Sufficient information to determine compliance with these LDRs as determined pursuant to Sec. 8.2.5. 		

	LDR Section	Issue + Staff & PC Recommendations	Proposed Amendment
39	8.2.11.D	<p>The installation of subdivision improvements such as roads and utilities often occurs after the plat is approved. Financial assurance that those improvements are complete is required. Section 8.5.3.E.1 requires that the financial insurance take the form of a Subdivision Improvements Agreement. Section 8.2.11.D only states that the assurance may be a Subdivision Improvements Agreement.</p> <p>Staff recommends the Town and County make the requirement consistent in both Sections.</p> <p>The PC had no comment on this modification.</p>	<p>8.2.11.D. Financial Assurance Agreement. Unless exempted by the Planning Director, whenever financial assurance is required, the applicant shall enter into a Financial Assurance Agreement in a form acceptable to the County Attorney. In the case of subdivision improvements this agreement shall may take the form of a Subdivision Improvements Agreement.</p>
40	8.2.13.B.1.a	<p>The purpose of a Sketch Plan is to review the general consistency of a physical development with the LDRs before the details of the physical development are designed, looking at opportunities and alternatives that better implement the Comp Plan and LDRs. In some cases the amendment to an approved physical development plan is so large it would trigger a new Sketch Plan, but the purposes of a Sketch Plan are irrelevant because the high level review is already complete.</p> <p>For example, a Sketch Plan is approved for two buildings in the Business Park totaling 25,000 sf. A Development Plan is approved for the buildings, but prior to building permit for the 13,000 sf building the applicant wants to make changes that require amendment of the approved Development Plan. A net change affecting 13,000 sf would require a whole new Sketch Plan based on the current language. However staff believes it should be reviewed against the original Sketch Plan, unless the Sketch Plan requires amendment.</p> <p>Staff recommends that the Town and County grant the Planning Director the ability to waive the Sketch Plan requirement in such cases. This would only apply to amendments to active approvals, any new development or redevelopment would still be subject to the Sketch Plan thresholds.</p> <p>The PC had no comment on this modification.</p>	<p>8.2.13.B.1.a. The threshold for review of the amendment shall be based on the net change of density or intensity, not the gross intensity of the initial approval, <u>with the following exceptions.</u></p> <p><u>i) However, The Planning Director may elevate the threshold for review in the case of incremental amendments that total a larger change.</u></p> <p><u>ii) The Planning Director may waive the requirement for a Sketch Plan where the proposed amendment remains consistent with the original Sketch Plan approval.</u></p>

	LDR Section	Issue + Staff & PC Recommendations	Proposed Amendment
41	8.2.14.C.4.b	<p>The LDRs that went into effect on January 1, 2015 include a requirement that the applicant post notice of the public hearings on an application on the site of the application.</p> <p>In order to ensure compliance with this standard so that the due process we've established is followed, staff recommends the Town and County require the application to notify staff when the notice is posted.</p> <p>The PC supported Ms. Paolucci-Rice's comment and recommends that this standard clarify that posted notice is not required for continued or postponed meetings.</p>	<p>8.2.14.C.4.b. Timing. The notice shall be posted for at least ten (10) days prior to the hearing, and shall be removed within five (5) days following the hearing. <u>The applicant shall notify staff of the date posted and date removed.</u></p>
42	8.2.14.C.4.c	<p>The size requirement for posted notice of 4 ft by 4 ft has proven difficult for property owners. Most plotters do not print a dimension greater than 3ft. Also some road easements are large enough that a larger sign is needed for it to be legible.</p> <p>Staff recommends making the standard more flexible to allow owners to create posted notice that meets the intent without prescribing a specific dimension.</p> <p>The PC supports Scott Pierson's comment at the meeting that a dimension provides good clarity and recommends that the dimension should be 3 ft x 4 ft to accommodate plotters and so signs can be loaded in vehicles.</p>	<p>8.2.14.C.4.c. Size. The notice shall be <u>legible from the adjacent roadway 4 ft by 4 ft.</u></p>
43	8.2.14.C.4.e 5.6.2.B.3. <u>r</u>	<p>The posted notice standards do not specify an exemption from the Sign Standards of Division 5.6.</p> <p>Staff recommends the Town and County clarify that posted notice is exempt from all standards generally applicable to signs, and maintain the requirement that they not be lighted.</p> <p>The PC had no comment on this modification.</p>	<p>8.2.14.C.4.e. Materials Sign Permit Exempt. The notice shall <u>be exempt from the meet the materials</u> standards of Div. 5.6. and shall not be lighted.</p> <p>5.6.2.B.3.<u>r. Posted Notice. Notice of a meeting or hearing that meets the standards of Section 8.2.14.C.4.</u></p>

LDR Section	Issue + Staff & PC Recommendations	Proposed Amendment																																					
44 8.3.4.G.6 8.4.1.F.5 8.6.2.F.4	<p>Requiring a decision within 30 days of sufficiency does not allow time for review by outside agencies, or Environmental Analysis when such review is necessary.</p> <p>Staff recommends increasing the timeframe for the Planning Director’s Decision to 45 days to allow outside agencies 3 weeks to review and still give staff 2 weeks to compile all reviews and make a recommendation.</p> <p>The PC had no comment on this modification.</p>	<p>8.3.4.G.6</p> <table border="1" data-bbox="873 170 1446 279"> <tr> <td>COUNTY ENGINEER DECISION</td> <td>Decision within 45 30 days of sufficiency</td> </tr> </table> <p>8.4.1.F.5 and 8.6.2.F.4</p> <table border="1" data-bbox="873 331 1446 441"> <tr> <td>PLANNING DIRECTOR DECISION</td> <td>Decision within 45 30 days of sufficiency</td> </tr> </table>	COUNTY ENGINEER DECISION	Decision within 45 30 days of sufficiency	PLANNING DIRECTOR DECISION	Decision within 45 30 days of sufficiency																																	
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45 8.5.3.C.1 2.3.#.D.4 3.2.#.D.4 3.3.#.D.4	<p>There is currently ambiguity whether subdivision of an existing building into condominiums or townhomes should require a development plan prior to plat. Staff does not find any benefit from a development plan review in such cases. If the building is nonconforming it cannot be subdivided; otherwise subdivision requires remedy of any nonconformities. If a use permit is required to change use from apartment to attached single family, the review of the proposal will occur through the use permit application. The physical development already exists.</p> <p>Staff recommends that the Town and County clarify in each zone that condominium/ townhouse subdivision requires only a final plat, and reference in the findings for final plat that a separate development plan is not needed to divide and existing building.</p> <p>The PC had no comment on this modification.</p>	<p>8.5.3.C. Findings. A plat shall be approved upon a finding the proposed plat:</p> <p>1. Is in substantial conformance with an approved development plan or development option plan <u>or is a condominium or townhouse subdivision of existing physical development;</u>...</p> <p>2.3.#.D.4, 3.3.#.D.4</p> <table border="1" data-bbox="873 821 1516 1077"> <thead> <tr> <th>Option</th> <th>Sketch Plan</th> <th>Dev. Plan</th> <th>Plat</th> </tr> </thead> <tbody> <tr> <td>Land Division Any Subdivision</td> <td></td> <td></td> <td></td> </tr> <tr> <td>≤ 10 lots</td> <td></td> <td></td> <td></td> </tr> <tr> <td>≤ 10 units</td> <td></td> <td>X</td> <td>X</td> </tr> <tr> <td>≤ 10 lots</td> <td>X</td> <td>X</td> <td>X</td> </tr> <tr> <td>≤ 10 units</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Condominium/Townhouse</td> <td></td> <td></td> <td>X</td> </tr> </tbody> </table> <p>3.2.#.D.4</p> <table border="1" data-bbox="873 1129 1516 1239"> <thead> <tr> <th>Option</th> <th>Dev. Plan</th> <th>Plat</th> </tr> </thead> <tbody> <tr> <td>Land Division Any Subdivision</td> <td>X</td> <td>X</td> </tr> <tr> <td>Condominium/Townhouse</td> <td></td> <td>X</td> </tr> </tbody> </table>	Option	Sketch Plan	Dev. Plan	Plat	Land Division Any Subdivision				≤ 10 lots				≤ 10 units		X	X	≤ 10 lots	X	X	X	≤ 10 units				Condominium/Townhouse			X	Option	Dev. Plan	Plat	Land Division Any Subdivision	X	X	Condominium/Townhouse		X
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46 8.5.3.D.1	<p>The section specifying plat content requirements incorrectly references Wyoming Statute 18-5-303.</p> <p>Staff recommends the Town and County correct the reference to 18-5-306.</p> <p>The PC had no comment on this modification.</p>	<p>8.5.3.D.1. A plat shall contain all requirements of Wyo. Stat. § 18-5-306 303 and § 34-12-103.</p>																																					
47 8.5.3.D.2	<p>Section 5.4.3.B requires that a note be placed on all development plans and plats if a lot includes a mapped fault line.</p> <p>Staff recommends that the Town and County cross-reference this requirement in the section containing plat content requirements.</p> <p>The PC had no comment on this modification.</p>	<p>8.5.3.D.2. <u>A plat shall contain notice of a mapped fault line pursuant to Sec. 5.4.3.B.</u></p>																																					

	LDR Section	Issue + Staff & PC Recommendations	Proposed Amendment
48	8.5.3.E.1	<p>Subdivision Improvement Agreements are not currently required to be filed against the property. As a result a prospective buyer is less aware of the Agreement and the tracking of the Agreement is less formally documented.</p> <p>Staff recommends that the Town and County require a Subdivision Improvement Agreement be recorded against the property.</p> <p>The PC supports Ms. Paolucci-Rice’s comment and recommends that the County should be required to record a release of the Agreement once it has been satisfied.</p>	<p>8.5.3.E.1. Contract. ... The contract shall be reviewed and approved by the County Attorney; <u>and shall be recorded against the property by the subdivider.</u></p>
49	8.5.4.B	<p>The 35-acre Subdivision Exemption under state statute is under a different subsection than the other subdivision exemptions. As a result, staff recommends that the standards of Section 8.5.4 be optional for 35-acre divisions, while they are required for other exempt divisions.</p> <p>The proposed amendment achieves this recommendation by slightly reorganizing the Section.</p> <p>The PC had no comment on this modification.</p>	<p>8.5.4.B. Applicability The following divisions of land are exempt from the requirements of Sec. 8.5.3. by Wyo. Stat. § 18-5-303.</p> <p><u>1. Standards Optional.</u> The sale or other disposition of land where the parcels involved are 35 acres or larger, subject to the requirement that ingress and egress and utility easements shall be provided to each parcel by binding and recordable easements of not less than 40 feet in width to a public road unless specifically waived by the grantee or transferee in a binding and recordable document <u>may comply with the standards of this Section.</u></p> <p><u>2. Standards Required. The following exempt land divisions</u> However, as authorized by the same statute, they shall comply with the standards of this Section prior to recording deeds, records of survey, contracts for deeds, or other types of instruments with the County Clerk, as authorized by Wyo. Stat. § 18-5-303.</p> <p>a. 1. ... b. 2. ... c. 3. ... d. 4. ... e. 5. ... f. 6. ... 7. g. 8. ...</p>

	LDR Section	Issue + Staff & PC Recommendations	Proposed Amendment
50	8.5.4.D	<p>The current standards for an exempt land division require a recording of a certificate of survey, which not a term with common meaning.</p> <p>Staff recommends that the Town and County amend the standard to require a map of survey. The map will improve land records and clarify the intent of the metes and bounds description where it may be ambiguous without review of the proposed parcels.</p> <p>The PC had no comment on this modification.</p>	<p>D. Recorded Documents. Prior to recording deeds, records of survey, contracts for deeds, or other types of instruments with the County Clerk, the following documents shall be recorded with the County Clerk:</p> <p>1. A map certificate of survey; that includes:</p> <p>2a. A certificate acknowledged by all owners of record stating the division is exempted from review as a subdivision under Wyo. Stat. § 18-5-303; and</p> <p>3b. A certificate acknowledged by the Planning Director that states that the division is exempt pursuant to Wyo. Stat. § 18-5-303 and this Section.</p>
51	8.5.5.B	<p>Adjustment of the boundaries between 35-acre parcels, which results in parcels that are not less than 35 acres, has always been treated as a 35-acre Exemption, not a boundary adjustment.</p> <p>Staff recommends adding a reference to Exempt Land Divisions that makes it clear that if an application meets the standards for exempt land division a Boundary Adjustment is not required.</p> <p>The PC had no comment on this modification.</p>	<p>8.5.5.B. Applicability. The adjustment of boundaries between lots of record that involves the division of a portion of one property so that the divided portion can be completely merged into an adjacent property shall be exempt from the standards of Sec. 8.5.3., but shall comply with the standards of this Section <u>or Sec. 8.5.4.</u> Specifically, but not exclusively, this Section shall be applicable in the following situations. ...</p>
52	8.6.2.B	<p>The County Attorney has advised staff to use the Zoning Compliance Verification (ZCV) process more narrowly in light of recent appeals and lawsuits.</p> <p>Staff recommends deleting the example that broadens the applicability of the ZCV so that the applicability can be construed more narrowly.</p> <p>The PC supports Matt Kim-Miller’s comment at the meeting that deleting the example does not serve to narrow the applicability of the ZCV. The PC has generally found the examples in the LDRs helpful in understanding the LDRs. However, the PC also supports staff’s concerns about the use of a ZCV to determine an Environmental Analysis exemption. As a result the PC recommends that the example remain but that Environmental Analysis exemption be deleted from the example.</p>	<p>8.6.2.B. Applicability. A zoning compliance verification may be requested for any property, portion of a property, or attribute of a property’s physical development, use, development options, or subdivision.</p> <p>EXAMPLE: Examples of zoning compliance verification requests include, but are not limited to: a determination of the current development potential on a site, identification of any apparent nonconformities on a site, review of a wetland delineation or Environmental Analysis exemption prior to application submittal, and visual resource analysis that informs application submittal but is not dependent upon application information for review.</p>

	LDR Section	Issue + Staff & PC Recommendations	Proposed Amendment
53	<p>8.7.3.F 8.7.3.GH.9 4.4.1.C.2-3 4.3.1.E.5 4.4.1.D.1 4.4.1.D.2 8.7.3.A 8.7.3.E 8.7.3.FG.2</p>	<p>Reference to a certificate of standards for an approved PUD ties back to previous procedures. Now that the LDRs clarify that a PUD is a zoning map amendment to apply a Master Plan to the property as its zoning, all conditions of approval require information be included in the master plan prior to recordation. The general layout of the PUD is the Sketch Plan required concurrent with the PUD application. As a result recordation of a certificate of standards is no longer needed in addition to the master plan.</p> <p>Staff recommends the Town and County delete reference to a certificate of standards. Staff also recommends that the master plan not be recorded with the Clerk. Master Plans will be maintained in the Planning Department.</p> <p>The PC had no comment on this modification.</p>	<p>8.7.3.F. Certificate of Standards. The certificate of standards shall detail the PUD conditions of approval and the development standards to be applied within the PUD, as well as any other standards, conditions, or agreements pertaining to future development or responsibilities of landowners within the PUD. The Planning Director shall prepare the affidavit in a form acceptable to the County Attorney.</p> <p>8.7.3.GH.9. The PUD shall not take effect until the zoning map amendment is, master plan, and certificate of standards are filed with the County Clerk. See Sec. 8.2.12. for procedural standards. Designation of a PUD zone classification on the Official Zoning Map shall reference the approval of the PUD.</p> <p>4.4.1.C.2. a master plan that establishes the general configuration and relationship of the principal elements of the proposed development <u>and specifies terms and conditions defining development parameters</u>, including uses, general building types, density/intensity, resource protection, pedestrian and vehicular circulation, open space, public facilities, and phasing; and 3. a certificate of standards document specifying terms and conditions defining development parameters, providing for environmental mitigation, and outlining how public facilities will be provided to serve the PUD.</p> <p>4.3.1.E.5, 4.4.1.D.1, 4.4.1.D.2, 8.7.3.A, 8.7.3.E, 8.7.3.FG.2 [delete reference to certificate of standards]</p>
54	8.8.1.B.1	<p>The list of standards that may be adjusted by Administrative Adjustment includes Landscape Surface Ratio (LSR). However in many zones the standard for LSR is actually expressed as maximum site development, which is the inverse of minimum LSR.</p> <p>Staff recommends including site development in the list to clarify that an Administrative Adjustment is applicable regardless of how the standard is quantified.</p> <p>The PC had no comment on this modification.</p>	<p>8.8.1.B.1. Landscape Surface Ratio <u>and site development</u> may be adjusted up to 20%.</p>

	LDR Section	Issue + Staff & PC Recommendations	Proposed Amendment
55	8.8.1.F.4	<p>Section 7.6.4.C.2 grants the County Engineer the ability to adjust road standards (formerly known as a road exception request) pursuant to the procedures for administrative adjustment in Section 8.8.1.</p> <p>Staff recommends the County amend Section 8.8.1. to clarify that in such cases it is the County Engineer making the decision.</p> <p>The PC had no comment on this modification.</p>	<p>8.8.1.F.4</p> <p style="text-align: center;">PLANNING DIRECTOR OR COUNTY ENGINEER DECISION</p> <p>4. The Planning Director, <u>or County Engineer if specified</u>, shall approve, approve with conditions, or deny the application based on the findings of this Section. An administrative adjustment shall be approved prior to the decision on any permit application dependent upon the administrative adjustment. See Sec. 8.2.9. for procedural standards specific to Planning Director <u>and County Engineer</u> decisions and Sec. 8.2.8. for standards general to all decisions.</p>
56	8.8.3.G.3 8.8.4.G.3 8.9.4.F.2	<p>The process of designating a Hearing Officer should be informed by the duties and responsibilities of a Hearing Officer.</p> <p>Staff recommends referencing Sec. 8.10.8, which establishes a Hearing Officer’s duties and responsibilities, wherever appointment of a Hearing Officer is part of a procedure.</p> <p>The PC had no comment on this modification.</p>	<p>8.8.3.G.3, 8.8.4.G.3, 8.9.4.F.2</p> <p>... <u>See Sec. 8.10.8 for duties and responsibilities of a Hearing Officer.</u></p>
57	8.8.2.E.	<p>As the expiration standards for a Variance currently read, a phased development that requires a variance could run into unintended expiration issues. For example, in the case of river setback for three structures, the current LDRs could be read to require that all three structures must be under development within a year, making it impossible to phase the development.</p> <p>Staff recommends that the Town and County include a variance expiration standard for phased development rather than place the burden on each applicant for phased implementation to propose his/her own phasing plan. The standard recommended by staff is based on the standard for sketch plan expiration related to phased projects.</p> <p>The PC had no comment on this modification.</p>	<p>E. Expiration. A variance shall expire one year after the date of approval except under one of the following circumstances:</p> <ol style="list-style-type: none"> 1. The physical development, use, development option, or subdivision permit enabled by the variance is under review or implementation; <u>2. In the case of a phased development, not more than one year has passed since the completion of a physical development, development option, or subdivision, or initiation of a use, enabled by the variance;</u> or 3. Another expiration has been set through the approval of the variance.

	LDR Section	Issue + Staff & PC Recommendations	Proposed Amendment
58	8.10.8.B	<p>The Wyoming Administrative Procedures Act prohibits requiring that an appellant compensate the County for a Hearing Officer.</p> <p>Staff originally recommended deleting the requirement entirely.</p> <p>The PC supports Deputy County Attorney Weisman’s comments at the meeting and recommends that only the second part of the requirement, “which amount shall be reimbursed to the County by the applicant,” be deleted.</p>	<p>8.10.8.B. Compensation. Hearing Officers shall be compensated at a rate to be determined by the Board of County Commissioners, which amount shall be reimbursed to the County by the applicant.</p>
59	9.4.11-16	<p>The Town added a number of Rules of Measurement related to the form standards adopted for the Downtown zoning.</p> <p>Staff suggests the County insert placeholders for all of the Sections added to ensure the Town and County regulations do not use one Section number for different topics.</p> <p>The PC had no comment on this modification.</p>	<p>Sec. 9.4.11. Street Facade [Section number reserved, standards only apply in Town]</p> <p>Sec. 9.4.12. Stepback [Section number reserved, standards only apply in Town]</p> <p>Sec. 9.4.13. Story Height [Section number reserved, standards only apply in Town]</p> <p>Sec. 9.4.14. Transparency [Section number reserved, standards only apply in Town]</p> <p>Sec. 9.4.15. Blank Wall Area [Section number reserved, standards only apply in Town]</p> <p>Sec. 9.4.16. Pedestrian Access [Section number reserved, standards only apply in Town]</p>

	LDR Section	Issue + Staff & PC Recommendations	Proposed Amendment
60	9.4.6.C	<p>Allowed floor area is commonly discussed with reference to a basement exemption. However the rules for measurement of maximum floor area do not reference basement explicitly.</p> <p>Staff recommends that the Town and County explicitly include the basement exemption in the rules for calculating maximum floor area and reorganize the definition to be clearer.</p> <p>The PC had no comment on this modification.</p>	<p>9.4.6.C. Maximum Floor Area/Floor Area Ratio (FAR)</p> <p><u>1. The maximum floor area</u> (see Sec. <u>9.4.5. 9.5.F.</u> for definition of Floor Area) <u>allowed on a site shall be the maximum gross floor area not including basement floor area, as defined in Sec. 9.5.B.</u></p> <p><u>2. The site area used to calculate maximum floor area shall be:</u></p> <p><u>a.</u> gross site area in Character Zones (Div. 2.2. & Div. 3.2.), <u>and</u></p> <p><u>b.</u> the base site area <u>in Legacy Zones (Div. 2.3 & Div. 3.3).</u></p> <p><u>3.</u> Unless otherwise defined in these LDRs, the maximum allowed floor area <u>above grade</u> is calculated by multiplying the allowed FAR by the <u>applicable base</u> site area. <u>Inversely,</u> FAR is calculated by dividing the gross floor area above grade <u>by the applicable site area.</u></p> <p>EXAMPLE: On a base-site area of 24,000 square feet a building with 8,000 square feet of gross floor area where 2,000 square feet is in the basement would have an FAR of .25 $((8,000-2,000)/24,000 = .25)$.</p>

61	<p>9.4.8 9.4.10 9.5.L 3.2.2.B.1-2 3.2.3.B.1-2 3.2.4.B.1-2</p>	<p>The Town clarified the rules for measuring setbacks so that they apply to setbacks other than just building setbacks (i.e. fence setbacks or site development setbacks). As part of this clarification, the Town moved the rules for designating street lot lines to its own section.</p> <p>Staff recommends the County make the same clarifications.</p> <p>Staff also recommends the Town and County reduce the setback from a driveway easement to 5 feet. A driveway is defined in the LDRs as an access serving only 1 or 2 single family units. Since 1994 at least a 25 foot setback (or the street setback if it was greater) has been required from driveway easements. The purpose of a setback from a street or access is for safety, snow storage, and street character. Because only 2 units can access off of a driveway, staff believes the purpose of a setback from an accessway can be achieved in 5 feet.</p> <p>Staff also recommends that the Town and County clarify that a road or driveway built within an easement is not subject to site development setbacks from property lines straddled by the easement.</p> <p>The PC supports Ms. Paolucci-Rice’s comment and recommends that staff make it as clear as possible that the street setback does not apply to a driveway. Otherwise the PC clarified that the rest of the changes were content neutral improvements to organization.</p>	<p>9.4.8. Setback. A setback is a measure of the <u>shortest</u> horizontal distance between a physical development or use and the feature from which it is being set back.</p> <p><u>A. Setback Runs Parallel to Feature. A required setback shall be</u> applied parallel to the length of the feature <u>from which the setback is required.</u></p> <p><u>B. Minimum Setback.</u> Unless otherwise defined in these LDRs, <u>a setback shall be</u> the minimum distance between a physical development or use and a certain feature. <u>shall be the minimum setback</u></p> <p><u>C. Street Setback</u></p> <p><u>1. Multiple Street Frontages [moved]</u></p> <p><u>1. Point of Measurement.</u> A street setback shall be measured from a structure to any road right-of-way, roadway, vehicular access easement, additional width required for right-of-way purpose as established in the Teton County Transportation Master Plan, or property line from which access is taken.</p> <p>2. Driveway Setback. The minimum setback from a structure to a driveway easement shall be <u>5 feet, but shall not reduce the side or rear yard setback as measured to a lot line the street setback or 25 feet, whichever is less.</u></p> <p>DB. Side Setback. A side setback shall be measured from a structure to any side lot line.</p> <p>EC. Rear Setback. A rear setback shall be measured from a structure to any rear lot line.</p> <p><u>F. Site Development Setback Exemption. Site development setbacks shall not apply from a lot line to a road or driveway when the lot line is within an easement.</u></p> <p><u>9.4.10. Rear Lot Line Designation.</u> On sites with multiple street frontages, the street setback shall be applied along all street frontages. After the street setback is determined, the Planning Director may apply the rear setback to lot lines opposite the street frontages as applicable. The remaining lot lines shall receive side setbacks.</p> <p>9.5.L. Lot Line, Rear. Rear lot line means a lot line opposite a street or front lot line. A nonrectangular lot of record or lot of record with multiple street lot lines may not have a rear lot line or may have multiple rear lot lines. <u>See also Sec. 9.4.10 regarding designation of rear lot lines.</u></p> <p>3.2.2.B.1-2, 3.2.3.B.1-2, 3.2.4.B.1-2</p>
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LDR Section	Issue + Staff & PC Recommendations	Proposed Amendment
		Rear/Side Non-Street Setback (min) ...
62 9.5	<p>Division 9.4 establishes the rules for measurement of various standards in the LDRs. These rules for measurement are the definition of the terms, but LDR users that are not used the LDR organization still look for the definitions in Division 9.5 where other terms are defined.</p> <p>Staff recommends the Town and County cross reference all standards defined by rules of measurement in the definitions Division.</p> <p>The PC had no comment on this modification.</p>	<p>9.5 <u>[add reference to all terms defined by a rule for measurement in Division 9.4]</u></p>
63 9.5.B	<p>The terms “building face” and “building frontage” are not used in the County LDRs. The Town has deleted the terms out of its LDRs, where they are no longer used.</p> <p>Staff recommends the County make the same deletion.</p> <p>The PC had no comment on this modification.</p>	<p>Building Face. Building face means all window and wall areas of a building in one plane, facade, or elevation.</p> <p>Building Frontage. Building frontage is the linear width of the building elevation, parallel to the street lot line.</p>
64 9.5.F	<p>The Town revised its definition of “façade”. The new definition works with the County’s use of the term.</p> <p>Staff recommends the County revise its definition for consistency with the Town’s.</p> <p>The PC clarified that this change would have no practical effect on the County LDRs, and supported the concept of consistent definitions in the Town and County LDRs whenever possible.</p>	<p>Facade. The exterior wall and related roof elements of a building. <u>A facade is a building’s elevation, as viewed in a single plane parallel to a referenced lot line.</u></p>
65 9.5.F 9.5.L	<p>The Town clarified its definition and use of the term “frontage” to be consistent throughout the LDRs. Part of this clarification was the definition of the term “façade width”.</p> <p>Staff recommends the County make a similar clarification throughout the County LDRs.</p> <p>The PC had no comment on this modification.</p>	<p>Replace references to “street frontage” and “lot frontage” with “frontage” through LDRs.</p> <p>Replace references to “building frontage” with “façade” or “façade width” as appropriate throughout the LDRs</p> <p>9.5.F <u>Facade Width. Facade width is the linear width of the building elevation, measured in a single plane parallel to the referenced lot line.</u></p> <p><u>Frontage. Frontage means a lot line contiguous with a road right-of-way or roadway. (synonymous with “Lot Line, Street”)</u></p> <p>9.5.L <u>Lot Frontage. The length of the front lot line.</u></p>

	LDR Section	Issue + Staff & PC Recommendations	Proposed Amendment
66	9.5.P	<p>A recent interpretation request identified that nonstructural physical development, such as fence or deck less than 4 feet in height, is not obviously included in the definition of Physical Development.</p> <p>Staff recommends that the definition be clarified so that there is no ambiguity for future applicants as to the applicability of physical development setbacks and other physical development standards.</p> <p>The PC discussed the example of a fence that is less than 4 ft tall and therefore not a structure, but for which it should be clear that wetland and river setbacks still apply.</p>	<p>9.5.P. Physical Development. Physical development means any of the following activities that alter the natural character of the land and for which a permit may be required pursuant to the LDRs: the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings, structure, fence, wall, or other site development or accessory structures; any grading, clearing, excavation, dredging, filling or other movement of land; any mining, paving, or drilling operations; or the storage, deposition, or excavation of materials. Physical development does not include the use of land that does not involve any of the above listed activities.</p>
67	9.5.S	<p>The term “site” is used throughout the LDRs to indicate that a site may be a portion of a lot of record or multiple lots of record.</p> <p>Staff recommends the Town and County amend the definition of site to clarify that intent.</p> <p>The PC clarified that this modification codifies the broader definition of “site” discussed throughout the Rural LDR Update.</p>	<p>9.5.S. Site. Site means the entire area included in the legal description of the land on which a use or development is existing or proposed. <u>A site may be a portion of a lot of record or may include multiple lots of record.</u></p>
68	9.5.S	<p>A recent inquiry asked about the applicability of site development requirements to agricultural cultivation of soil.</p> <p>Staff recommends the Town and County clarify that agricultural cultivation is not counted as site development.</p> <p>The PC discussed that cultivation of the soil is a subset of the broader definition of agricultural use. But the PC concluded that agricultural use cannot be broadly exempt because there is site development associated with agricultural use that is clearly intended to be included in the definition of site development.</p>	<p>9.5.S. Site Development. Site development is the area of the site that is physically developed; it is generally the inverse of landscape surface area. Site development includes the area of the site that is covered by buildings, structures, impervious surfaces, porches, decks, terraces, patios, driveways, walkways, parking areas, and regularly disturbed areas such as corrals, outdoor storage, and stockpiles. <u>Site development does not include cultivation of the soil for agricultural use.</u></p>

Alex Norton

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

Hi Alex,

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

- Item 30, proposed amendment to LDR Section 7.1.2.C.1
For clarity in giving the Development Area GSA (max) instead of the wording "PRD GSA-49 ac" use the wording "PRD GSA minus 49 acres"
- Item 41, proposed amendment to LDR Section 8.2.14.C.4.b
The section should clarify that the first posted notice is sufficient in the event of a postponement or continuation of a meeting.
Interested parties would have attended or followed the outcome of the initial hearing and therefore be advised of any continuation or postponement.
It should also clarify that even in the event of a postponement or a continuation the sign is to be removed within 5 days of the initial hearing.
- Item 48, proposed amendment to LDR Section 8.5.3.E.1
While I disagree that subdivision improvement agreements should be recorded, if the County chooses to make that a requirement, to avoid clouding title to properties
for years, it is important that there is also a requirement that upon the satisfaction of the conditions of the agreement a document be recorded stating that fact.

Item 61, proposed amendment to LDR Section 9.4.8.C.1 and 2. To assure that there is no confusion regarding setbacks from driveway easements (which are vehicular access easements) revise the wording of Section C.1. to add "or driveway setback" as follows:

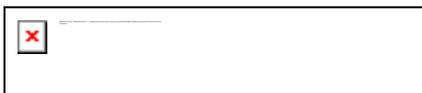
"1. Point of Measurement. A street or driveway setback shall be"

Best Regards,
Francesca

Francesca Paolucci-Rice

Senior Project Manager

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Alex Norton

From: George Putnam <george@plwllc.com>
Sent: Friday, December 09, 2016 9:57 AM
To: Alex Norton
Subject: AMD2016-0005:2016 LDR Cleanup...

Alex,

Thanks for discussing some of the details of the proposed LDR cleanup amendments. Following are some additional comments and suggestions:

Revision #9, Section 5.4.1 Steep Slopes – as we discussed the suggested addition of *5.4.1.B.2 Small Slopes* could benefit from greater clarity to avoid future confusion as to how this should be mapped and presented to the County for review. Some form of diagram or picture could help clarify things and promote consistency in how this is interpreted. In reading this, are *all* isolated areas meeting the criteria of 1,000 sq. ft. and having less than 10ft of elevation change would allowed for development? What defines isolated?

Revision #47, Section 8.5.3.D.2 – While I understand the cross reference to Section 5.4.3.B – I might suggest this requirement would be better captured under Section 4.3.4 of the Administrative Manual– or at least added there as well to avoid confusion of being in one place and not another.

Revision #61, The addition of Section 9.4.8.F – Site Development Setback Exemption may be misinterpreted as proposed in cases where you have a road or driveway within an easement where a lot/parcel line also forms one side of the easement and the easement does not benefit both parties adjacent to the lot line. The issue is where an owner on the property not benefitted by the easement or using a road/driveway may want to keep a neighbor's road/driveway the required site development setback from his/her lot line. Section 7.6.4.N.11, **Road Location within easement** appears to address this as it requires 8 feet of separation from the roadway and easement line. It would be helpful to avoid this being overlooked or misinterpreted if there were some reference to the street and road standards here.

A suggested clarification could be adding something to the effect of **G. Notwithstanding F. above, setbacks in Division 7.6.4 Street and Road Standards apply**

Thanks for your consideration.

-George

George Putnam, GISP
VP of Operations

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