

LAND DEVELOPMENT REGULATIONS

Article III

NATURAL, SCENIC, AGRICULTURAL AND TOURISM RESOURCES.

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DIVISION 3000 FINDINGS, PURPOSE AND OVERVIEW

SECTION 3010 FINDINGS

- A. **Natural, wildlife, agricultural, and scenic resources.** The natural, wildlife, agricultural, and scenic resources found in Teton County are essential components of the community's economic base and establish the character of the community. The economic base of the County is tourism and the future success of tourism is directly linked to the community's ability to provide an enjoyable experience to people who have many alternative locations where they can vacation. The County's community character, which is largely defined by its natural, wildlife, agricultural, and scenic resources, is the foundation of the economy and the basis for over half of the jobs in both the Town and County. It is essential that these natural, wildlife, agricultural, and scenic resources be preserved and protected in these Land Development Regulations.
- B. **Tourism resources.** Tourists visit the Town and County because of the quality of the experience offered. The protection and promotion of the natural, wildlife, agricultural, and scenic resources are essential for long-term sustainable economic development. This policy extends to the protection of these resources and to the ability of the public to enjoy them. Toward this end, the location of tourists' lodging facilities is important to the ability of tourists to have access to the attractive features of the area and to assure that tourists and tourist facilities do not deleteriously impact the general functioning of the community. It is important to locate tourist facilities to enhance the quality of the experience of the tourists and to limit the deleterious impact. In order to meet these objectives, these Land Development Regulations require lodging facilities to be located in areas of the community where these objectives can be best achieved.

SECTION 3020 PURPOSE

The purpose of this Article is to (1) provide for the protection of natural, wildlife, agricultural, and scenic resources, which are an essential component of the community's economic base and establish the character of the community, and (2) determine the location and character of tourist lodging facilities to facilitate tourist access to the attractive features of the community and also to assure that tourist facilities do not adversely impact the general functioning of the community, and (3) preserve and enhance the character and attractiveness of downtown Jackson in the vicinity of the Town Square.

SECTION 3030 OVERVIEW

There are seven (7) divisions that accomplish this Article's purpose.

A. Division 3100, Environmental Analysis.

1. **Purpose.** The purpose of this Division is to coordinate the application of all resource protection standards and the standards of the Natural Resources Overlay District, Division 3200, Natural Resources Protection and Natural Resources Overlay (NRO) District, and the standards of the Scenic Resources Overlay, Division 3300, Scenic Resources Overlay (SRO) District, and agricultural preservation objectives, Division 3400, Agricultural Resources Preservation.

2. **Methodology.** This Division specifies the types of development for which an environmental analysis must be performed, the content of the environmental analysis, and the procedure by which development applications requiring the analysis are processed.

B. Division 3200, Natural Resources Protection and Natural Resources Overlay (NRO) District.

1. Natural resources protection

- a. **Individual protected resources.** This division protects the following individual natural resources:

Waterbodies
Ten (10) year floodplains
Wetlands
Mesic Habitats
Nonmesic Habitats

- b. **Protected resources defined.** The above listed resources, and their subcategories are specifically defined in this Division. The Division also specifies the mechanism used to protect the identified resources.

2. Natural Resources Overlay (NRO) District

- a. **Mapping.** The boundaries of the NRO District are shown on the Official Zoning District Map which has been adopted as part of these Land Development Regulations. These boundaries are general due both to the scale of the map and the difficulty in identifying vegetation and other land characteristics for a large area. Its purpose is to place a landowner on notice that land may be within the NRO District. A site specific analysis is required prior to development pursuant to Division 3100, Environmental Analysis, specifically to identify any NRO lands and apply the appropriate NRO standards to the development.
- b. **Purpose.** The objective of the NRO District is to protect (1) the migration routes and crucial winter ranges of elk, (2) the migration routes and crucial winter ranges of mule deer, (3) the crucial winter habitat of moose, (4) the nesting areas and winter habitat of trumpeter swans, (5) the spawning areas of cutthroat trout, and (6) the nesting areas and crucial winter habitat of bald eagles. Development is to be designed to protect the areas wildlife need to survive; therefore, development is to be kept outside of the NRO, as much as possible.

C. Division 3300, Scenic Resources Overlay (SRO) District

1. **Mapping.** The boundaries of the SRO District are shown on the Scenic Resources Overlay District Map which has been adopted as part of these Land Development Regulations. There are several Scenic Areas described in this Division, and listed below:

Moose-Wilson Road Scenic Area

Highway 22 Scenic Area

Spring Gulch Road Scenic Area

South Highway 89 Scenic Area

South Park Loop Scenic Area

Hoback Canyon Scenic Area

Teton Canyon Scenic Area

Buffalo Valley Scenic Area

The SRO District identifies a Foreground and/or a Skyline for each of the above listed Scenic Areas. Development located in these areas is regulated by Division 3300.

2. **Purpose.** The purpose of the Scenic Resources Overlay (SRO) District is to preserve and maintain the County's most frequently viewed scenic resources that are important to both its character and economy. This is done through the establishment of several Scenic Areas within the SRO District, within which the location, design, and landscaping of development is regulated, so that development preserves, maintains, and/or complements the County's important scenic resources.

D. **Division 3400, Agricultural Preservation**

1. **Purpose.** The purpose of this Division is to identify the mechanism in these Land Development Regulations that have been adopted for the purpose of promoting agricultural preservation.
2. **Summary of mechanisms.** This Division describes the following mechanism and their objective of agricultural preservation.

Rural District open space

Rural District density

Rural District permitted land uses

Exemption of regulations for agricultural uses

E. **Division 3500, Lodging Overlay (LO) District**

1. **Mapping.** The boundaries of the LO District are shown on the Official Zoning District Map which has been adopted as part of these Land Development Regulations.
2. **Purpose.** The purpose of the LO District is to provide lands within the Town which are appropriate for lodging uses, and to ensure that a balance is maintained between the

amount of lodging uses and other visitor- and resident-oriented services. (Ord. 586 § 1, 1997)

F. Division 3600, Town Square Overlay (TSO) District

1. **Mapping.** The boundaries of the TSO District are shown on the Official Zoning District Map which has been adopted as part of these Land Development Regulations.
2. **Purpose.** The purpose of the Town Square Overlay District is to provide development standards that preserve and enhance the unique character, qualities, and pedestrian-oriented environment of the Jackson Town Square and its immediate vicinity.

G. Division 2500, Planned Resort (PR) District

1. **Mapping.** The boundaries of the Planned Resort District are shown on the Official Zoning District Map. The Planned Resort District is applied to areas where resort growth is considered beneficial to the community according to the Jackson-Teton County Comprehensive Plan.
2. **Objectives of a Planned Resort District.** The PR District is to be a mixed use district configured around a resort complex. Resorts are to be well-balanced; they are to provide tourist accommodations as well as seasonal and year-round housing. The design of resorts are to be compatible with adjoining areas and are to be connected to the community at-large by roads, transit, and pathways. A portion of the resort work force, particularly seasonal employees of hotels and restaurants are to be able to find housing within the resort district. Commercial development is to provide both tourist and local convenience shopping opportunities as appropriate. (Ord. 580 § 7, 1997)

DIVISION 3100 ENVIRONMENTAL ANALYSIS

SECTION 3110 PURPOSE

This Division establishes an environmental analysis to coordinate the application of all resource protection standards and the standards of the Natural Resources Overlay, Division 3200, Natural Resources Protection and Natural Resources Overlay (NRO) District, and the standards of the Scenic Resources Overlay, Division 3300, Scenic Resources Overlay (SRO) District, and agricultural preservation objectives, Division 3400, Agricultural Resources Preservation. This Division further defines the methodology and standards for conducting the environmental analysis. The analysis shall identify the natural, scenic and agricultural resources defined in this Article and describe how the proposed development shall be designed in order to preserve these resources and to meet the standards of this Article.

SECTION 3120 APPLICABILITY

All development proposals subject to the provisions in Division 3200, Natural Resources Protection and Natural Resources Overlay (NRO) District or Division 3300, Scenic Resources Overlay (SRO) District, and any activity, including subdivision, that disturbs an area of one (1) acre or more, shall comply with the provisions of this Division unless specifically exempted below.

SECTION 3130 EXEMPTIONS

The following activities and development shall be exempt from the requirement to prepare an Environmental Analysis.

- A. **Agriculture.** Activities conducted for agricultural purposes.
- B. **Development within an approved project.** All development pursuant to a project approval already received under these Land Development Regulations.
- C. **NC District.** All development within the NC District, except new subdivisions.
- D. **Single-family home.** Development of a single-family home, so long as the following criteria are met:
 - 1. The location proposed for the single-family home is not within the NRO or the SRO; and
 - 2. The single-family home is the only residence on the individual lot or parcel or the density on the site is less than or equal to one (1) dwelling unit per thirty-five (35) acres of base site area; and
 - 3. The application for development demonstrates compliance with all setback/buffer standards specified in Division 3200, Natural Resources Protection and Natural Resources Overlay (NRO) District.
- E. **Expansion.** Expansion of an existing building or the addition of an accessory structure to a residential single-family dwelling
- F. **Land under conservation easement.** Property under a conservation easement, to a formal land trust that has a mandate to protect conservation values, for which a rigorous review and

study of the conservation values of the property has been performed as a basis for establishing the easement, may be exempt from this Section if the applicant demonstrates that the review and study satisfies the objectives of the Environmental Analysis required pursuant to this Section. In such instances the review and study completed for the conservation easement may be substituted for the Environmental Analysis.

- G. **Working Ranch Subdivision.** Working ranch subdivision pursuant to Section 2350, Working Ranch Subdivision.

SECTION 3140 GENERAL REQUIREMENTS

A. General

1. **General content.** An Environmental Analysis shall describe the existing conditions of the land, described the development proposal and the rationale for the location of proposed development, and a description of how the proposal meets all the applicable standards and objectives of this Article and the Teton County/Town of Jackson Comprehensive Plan.
2. **Site-specific content.** An Environmental Analysis for all proposed developments not otherwise exempted, shall contain the following components, as applicable to the land proposed for development and the proposed project.
 - a. **Protected resources component.** The Environmental Analysis for land containing resources protected pursuant to Section 3220, Waterbodies, Ten (10) Year Floodplains, and Wetlands, shall contain a protected resources component that includes maps and/or plans depicting the location of waterbodies, ten (10) year floodplains, wetlands, mesic and nonmesic habitats as defined in Division 3200, Natural Resources Protection and Natural Resources Overlay (NRO) District. This component also shall describe the level to which all resources are either conserved or developed, depict the setbacks/buffers of all resources for which setbacks/buffers are required, and contain a mitigation plan, if applicable.
 - b. **NRO component.** If lands within the proposed development are in the NRO District, the Environmental Analysis shall contain a wildlife component that includes a site specific analysis that identifies the location of lands serving as crucial winter habitat or migration routes protected by Section 3270, Standards for Development in the NRO District and plans identifying how the proposed development on the land complies with the standards of Division 3200, Natural Resources Protection and Natural Resources Overlay (NRO) District.
 - c. **Visual component.** If lands within the proposed development are in the SRO District, the Environmental Analysis shall contain a visual component that includes a visual analysis of the proposed development, depicts the boundaries of the Scenic Resources Overlay District and include plans identifying how the proposed development on the land complies with the standards of Division 3300, Scenic Resources Overlay (SRO) District.

- d. **Agricultural component.** An environmental analysis shall contain an agricultural component that identifies the location of agricultural land and describes related agricultural operations, such as irrigation practices, that occur on the land.
- 3. **Recommendations.** An Environmental Analysis shall contain recommendations for mitigating any negative impacts of the proposed development on the natural and scenic resources. The analysis also shall contain recommendations for resolving conflicting objectives when the Environmental Analysis identifies areas where such conflicts exist.
- 4. **Priorities.** In reviewing and approving, approving within conditions, or denying an application that contains lands impacted by both the NRO District and the SRO District, the following standards apply.
 - a. **Densities/Intensities.** The density/intensity permitted by Table 2400, Schedule of Dimensional Limitations, shall be permitted.
 - b. **Conflict.** When conflicts exist between the NRO District and SRO District that impact densities/intensities, the standards of Section 3270, Standards for Development in the NRO District, shall have priority, and shall be achieved to the maximum extent practical. The requirements of Division 3300, Scenic Resources Overlay (SRO) District shall receive second priority.
- 5. **Professional consultant(s) required.** The Environmental Analysis shall be prepared by one (1) or more consultants hired by the Town. The developer of the project that requires the analysis shall pay the cost of preparation of the analysis. The chosen professionals shall have expertise in the subject of the Environmental Analysis based on education, professional certifications, experience in the field, and their understanding of these Land Development Regulations, the Jackson/Teton County Comprehensive Plan, and the goals and objectives thereof. Additional professional consultant(s) may be hired by the developer to review and comment on the Environmental Analysis.
- B. **Selection of consultant(s).** The Town shall maintain a list of qualified professional consultants. The developer of a project that requires an environmental analysis shall select one (1) or more individuals from the list of certified consultants to prepare the analysis. The Town also can select a consultant from the same list to review the work of the developer's consultant. In these instances, the Town's consultant shall be paid by the Town.

SECTION 3150 PROCEDURE

- A. **Concurrent review.** The environmental analysis shall be consolidated and considered with the review necessary to obtain the first development permit for the proposed development for which the analysis is conducted.
- B. **Review of applications.** The submission of an application for, determination of its sufficiency, staff review of, and notice and scheduling of a public hearing, if applicable, for an application for development on land subject to the standards of Article III, Natural, Scenic, Agricultural, and Tourism Resources Protection, shall be in accordance with Section 5120, Provisions of General Applicability.

DIVISION 3200 NATURAL RESOURCES PROTECTION AND NATURAL RESOURCES OVERLAY (NRO) DISTRICT

SECTION 3210 FINDINGS AND PURPOSE FOR RESOURCE PROTECTION OF WATERBODIES, FLOODPLAINS, WETLANDS, AND MESIC AND NONMESIC HABITATS

- A. **Findings.** Waterbodies and wetlands provide critical functions in controlling flood waters, providing wildlife habitat, cleansing the water resources and contributing to the special scenic quality of the Town of Jackson. Preserving the ten (10) year floodplain protects against the loss of life and property during flood events. Mesic and nonmesic habitats, furthermore, are essential in maintaining a variety of vegetation within the community, which protects the community's character and viability as a functioning part of the Greater Yellowstone Ecosystem.
- B. **Purpose.** The purpose of Section 3220, Waterbodies, Ten (10) Year Floodplains, and Wetlands is to define critical resources, establish protection standards for waterbodies, floodplains and wetlands.

SECTION 3220 WATERBODIES, TEN (10) YEAR FLOODPLAINS, AND WETLANDS

- A. **Purpose.** This Section establishes the protection standards for waterbodies, floodplains, and wetlands. In order to protect the community as a whole from potential negative impacts caused by development that may affect these resources or their functions, this Section prohibits development on and within a certain distance of these resources.
- B. **Resource definitions**
1. **Waterbodies.** Waterbodies means natural features (i.e., rivers, streams, lakes) that convey or contain surface water.
 - a. **River.** River means the Snake River, the Gros Ventre River, the Hoback River, or the Buffalo River.
 - b. **Stream.** Stream means a body of running water that is neither one of the identified rivers nor an irrigation ditch, and has one (1) or more of the following characteristics:
 - (1) **Flow level.** Has an average annual flow of three (3) cfs. or greater including return water from subirrigation practices.
 - (2) **Habitat.** Provides a winter habitat for trumpeter swans or serves as a cutthroat trout spawning area.
 - c. **Natural lake/pond.** A natural lake/pond means a body of standing water, usually at least six (6) feet deep, that was created by natural processes.
 - d. **Riparian plant community.** Riparian plant communities associated with watercourses in the Town of Jackson, shall be delineated using Youngblood, A.P., Padgett, W.G. and Winward, A.K., "Riparian Community Type Classification of Eastern Idaho-Western Wyoming," USDA Forest Service, Intermt. Reg., R4-Ecol-

85-01, Ogden, UT, 1985, and the U.S. Department of Interior Fish and Wildlife Service publication: "National List of Plant Species that Occur in Wetlands: Northwest (Region 9)," Biol. Rept. 88 (26.9), May 1988.

2. **Floodplains.** Floodplains mean the land which is subject to a ten (10) percent or greater chance of flooding in any given year. Flooding is defined as the rapid accumulation or runoff of surface waters from any source.
 3. **Wetlands.** Wetlands mean an area where water is at, near, or above the land surface long enough to support aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. Determination of wetlands in the Town shall be according to the 1989 Army Corps of Engineers definition of jurisdictional wetlands. This definition excludes irrigation induced wetlands.
- C. **No development, setbacks/buffers required.** Due to the risk of severe negative impacts on the community at large if waterbodies, floodplains, and wetlands are wholly or partially developed, and the necessity to protect the natural functions of these resources, development of these resources is prohibited in most cases and a setback/buffer is required.
1. **Development prohibited.** Development in waterbodies, the ten (10) year floodplain, and wetlands is prohibited except for essential facilities as specified in 3, below.
 2. **Setback/buffer required.** All development is required to be setback from specified resources as follows:
 - a. **Rivers.** 150 feet.
 - b. **Streams general.** Along streams not specified below, development shall be located out of the riparian plant community, but in no case shall the required setback be less than fifty (50) feet nor more than one hundred-fifty (150) feet.
 - c. **Streams, specific.** Development shall be setback from streams in the Town of Jackson as specified below:
 - (1) **Cache Creek.** 20 feet.
 - (2) **Flat Creek.**
 - (a) North of the westerly extension of the southern ROW line of Hansen Avenue. 25 feet.
 - (b) South of the westerly extension of the southern ROW line of Hansen Avenue. 50 feet.
 - d. **Natural lake/pond.** Adjacent to natural lakes or ponds, development shall be located out of the riparian plant community, but in no case shall the required setback be less than fifty (50) feet nor more than one hundred-fifty (150) feet.
 - e. **Wetlands.** 30 feet.

- f. **Measurement.** Setbacks shall be measured from the mean high water or top of bank, whichever is farthest from the thread of the watercourse or the center of the waterbody.
- g. **Buffer.** The area protected by the setback is the "buffer" and shall remain free from development, parking, open storage of vehicles, refuse, or any other material. Terrain disturbance for bona fide agricultural purposes, flood protection, wildlife habitat enhancement, or pathways are permitted in the buffer upon receipt of applicable permits.
- h. **Land protected by a conservation easement.** Land protected by a conservation easement where proposed development density is one (1) house per seventy (70) acres or less and the total acreage subject to the easement is three hundred twenty (320) acres or more shall be exempt from certain stream setbacks required by this subsection. The stream setback for land under a conservation easement may vary based upon the wildlife, agricultural and scenic analyses performed as part of the design of the easement. Under no circumstances, however, shall the setback from streams be less than fifty (50) feet.

3. **Development of essential facilities**

- a. **Waterbodies and floodplains.** Certain water dependent uses must be located in or adjacent to waterbodies and/or in floodplains. These may be permitted provided all structures meet the following requirements.
 - (1) **Flood control, irrigation, or essential crossings.** Only structures which are essential to flood control or irrigation or essential road or utility crossings shall be permitted.
 - (2) **Not for human habitation.** Structures in the floodplain shall not be intended or designed for human habitation.
 - (3) **Elevation of structures and utilities.** Any generally horizontal element that is not part of the support structure shall be at least two (2) feet above the one hundred (100) year flood elevation. All service and utility connections, such as electrical and heating equipment, water, sewer, electric, or gas, shall be similarly located.
 - (4) **Floodway.** Except for crossings for access, no structures shall intrude into the floodway.
 - (5) **Minimum obstruction of flood waters.** Structures shall be constructed and placed on the site so as to cause an increase of less than one (1) foot in flood height and offer minimum obstruction to the flow of flood waters. Any increase in flood height shall be confined to the subject property and shall cause no increase in flood height on adjacent properties.

- (6) **Compliance with Floodplain Resolution.** All development within the floodplain shall comply with the Chapter 15.30, Flood Damage Prevention, Municipal Code of the Town of Jackson. In the event of a discrepancy in regulation between the Floodplain Resolution/Chapter 15.30 and these Land Development Regulations, the more stringent regulation shall control.
- (7) **Minimize negative impacts on wildlife.** All development shall be designed to minimize negative impacts on wildlife.
- (8) **Fills in floodplains.** Fills or deposition of materials in floodplains may be allowed provided the following standards are met:
- (a) Fill shall be allowed only for essential crossings, water dependent uses, or flood control.
 - (b) No fill shall be in the floodway or within twenty (20) feet of the floodway.
 - (c) Fill or other materials shall be protected against erosion by riprap, vegetative cover, sheet piling, or bulkhead sufficient to prevent erosion.
 - (d) Fill shall be clean and compacted to minimize erosion potential.
- b. **Wetlands.** Wetlands may be developed under the following circumstances. Notwithstanding, receipt of a local permit for developing wetlands does not absolve a developer from obtaining all other State or Federal permits necessary to develop wetlands.
- (1) **High-intensity use degrades wetland/ wetland agriculture-induced.** Where the intensity of adjoining use(s) cause the retained wetlands to become degraded habitats and the wetland area is suitable for development due to planning, location, and other factors, or where the wetland is induced by agricultural irrigation.
 - (2) **Necessary to reshape wetland to provide building site.** Where, due to parcel shape and interaction with topography, it is necessary to reshape the wetland boundary to provide a building envelope. Filling up to five (5) percent of the wetland on the parcel, not to exceed one (1) acre, is permitted.
 - (3) **Essential crossings when no alternate site.** Essential utility and road crossings shall be permitted to impact wetlands where it is demonstrated that the proposed crossings cannot be practically located without impacting wetlands.
 - (4) **Wetland impacts require mitigation.** When wetlands are impacted in accordance with subsections (1), (2) or (3) above, the following mitigation standards shall apply.

- (a) **All practical measures to reduce impact.** It shall be demonstrated that reasonable project modification measures have been taken to reduce wetland loss and degradation.
- (b) **On-site mitigation wherever possible.** On-site mitigation shall be provided wherever possible. All on-site mitigation shall be at a ratio of one and one-half (1.5) acres of new wetland for every one (1) acre of wetland filled. All off-site mitigation shall be at a ratio of two and one half (2.5) acres of new wetland for every one (1) acre filled. There must also be a demonstration that these new wetlands will restore lost wetland functions and values.
- (c) **Wetland replanting.** The new wetland area shall be planted with a hydric tolerant mix of seeds in suitable areas, wetland plants, and suitable seed bank soils. A wetlands biologist, or other professional with experience in wetland creation, shall certify the planting plan.
- (d) **Persistence.** It shall be demonstrated that the created or restored wetland will be at least as persistent as the impacted wetland system it replaces.
- (e) **Buffer.** Buffers in accordance with this Section shall be provided around wetlands that are created pursuant to this Subsection.

SECTION 3230 RESERVED

SECTION 3240 FINDINGS AND PURPOSE OF NATURAL RESOURCES OVERLAY (NRO) DISTRICT

A. Findings

1. **General.** Teton County is internationally known for the abundant wildlife that results from the County's location in the Greater Yellowstone Ecosystem and its proximity to Grand Teton National Park, Yellowstone National Park, and the Bridger-Teton National Forest. Although all wildlife species are important, premier species with significant biological, ecological, economic, educational and aesthetic values to Teton County include elk, mule deer, moose, bald eagles, trumpeter swans, and cutthroat trout. These species and their respective habitats must be protected in order to assure their continued survival in Teton County.
2. **Elk**
 - a. **General.** The elk, or "wapiti," is a large ungulate and a member of the deer family. Teton County supports one of the largest elk herds in North America (approximately 15,000 animals) and the presence of these animals attracts visitors from all over the world. A variety of consumptive and non-consumptive human activities center around the presence of elk in Teton County.

- b. **Elk migrate between summer range and winter range.** Elk are known as grazers and rely primarily on grasses and some shrubs for forage. Because of their diet and the climate in Teton County, elk are migratory animals, moving between summer ranges and winter habitat.
- c. **Summer range.** Elk summer ranges are extensive and occur primarily within the mountains around Teton County.
- d. **Migration required in winter.** When heavy snow accumulation occurs in the mountains, food availability is reduced within the elk's summer range, and they are forced to migrate to low elevation winter range. Migration from summer ranges to winter ranges occur over a few days or may span several weeks, depending upon the weather.
- e. **Migration routes essential to survival.** Generally, elk migration routes remain spatially constant without human disturbance and those in Teton County that have not been significantly impacted by development or hunting pressures continue to be used by elk. These migration routes are essential to the elk's survival, because without them elk cannot migrate to their winter ranges.
- f. **Crucial winter ranges essential to survival.** Elk winter range is classified as either crucial or non-crucial. Crucial elk winter ranges generally consist of xeric and mesic sagebrush-grasslands, mixed shrub, mesic and xeric open grassland, and certain agricultural meadow types that are used by the elk eight (8) out of every ten (10) years during winter months. Crucial winter ranges are essential to the survival of these animals. During the most inclement and difficult winter weather conditions elk find food and/or cover on these sites because of their physiographic and vegetative characteristics.
- g. **National Elk Refuge State-operated feedgrounds provide some crucial winter range.** A major portion of the Teton County elk herd winters on the National Elk Refuge (NER) and state-operated feedgrounds and these areas represent a portion of the crucial winter range available to elk. Because of the pressures the elk population is placing on these limited land areas, artificial feeding is necessary on all feedgrounds. Artificial feeding programs are not a perfect solution to providing crucial winter range to the elk; in fact, feedgrounds are believed to perpetuate the disease, brucellosis, which reduces the reproductive potential of this species.
- h. **Native crucial winter ranges.** In addition to the NER and state-operated feedgrounds there are native crucial elk winter ranges in Teton County. These naturally occurring winter ranges are also vitally important in maintaining the elk population in Teton County.
- i. **Essential to protect crucial winter range.** In order to sustain elk populations at current levels, it is essential that all crucial elk winter ranges be maintained and

protected; without their protection, elk could not survive the typically harsh winters common to Teton County.

3. Mule Deer

- a. **General.** The mule deer is another large ungulate species native to Teton County. Teton County supports a relatively small population of mule deer in comparison to elk, but these animals are particularly obvious during the winter and are enjoyed by many valley residents and visitors.
- b. **Mule deer migrate between summer and fall habitat to crucial winter range.** Mule deer are known as browsers, and rely on a variety of shrub and scrub trees for forage. Because of their diet, and the climate in Teton County and the Greater Yellowstone Ecosystem, mule deer are migratory animals, moving from summer and fall habitat to low elevation winter range. Mule deer winter ranges are classified as either crucial or non-crucial.
- c. **Summer range.** Mule deer summer range is widely distributed throughout Teton County in both lowland and upland areas, but primarily occurs on public lands in the mountains which surround the valley.
- d. **Migration to winter range.** Heavy snow accumulation on summer ranges reduces food availability and forces mule deer to migrate to low elevation winter range. Non-crucial winter ranges are used first by mule deer until environmental conditions cause deer to move to crucial winter range.
- e. **Migration routes essential to survival.** Although mule deer rely less on traditionally used migration routes than elk, they do use the same general route while moving to and from winter ranges and between crucial and non-crucial winter ranges. These "movement corridors," which allow unencumbered access to both crucial and non-crucial winter range, are essential to the survival of Teton County mule deer and are classified as crucial migration routes.
- f. **Crucial winter range essential to survival.** Crucial mule deer winter range is limited and occurs at low elevations where shrub scrub-grassland habitat types are located. Crucial mule deer winter range generally consists of xeric and mesic sagebrush-grasslands and mixed shrub types that mule deer use during the crucial winter months eight (8) out of every ten (10) years during winter months. Crucial winter range is essential to the survival of these animals. Mule deer find food and/or cover on these sites during the most inclement and difficult winter weather conditions because of their physiographic and vegetative characteristics.
- g. **Location of crucial winter range.** Primary crucial winter range for mule deer in Teton County is generally confined to five areas: (1) the Gros Ventre Buttes (East and West); (2) the west slopes along WY Highway 26, 89, 189 above and to the east of South Park; (3) the Hoback Canyon; (4) the Snake River Canyon; and (5) Miller

Butte and the slopes east and west of the National Elk Refuge. In addition, some mule deer are known to irregularly winter within the Snake River riparian zone, depending on the severity of the winter and/or the availability of artificial foods intentionally or unintentionally provided by humans.

- h. **Essential to protect crucial winter range.** It is essential that crucial mule deer winter ranges be maintained and protected, because without it, mule deer could not survive the harsh, energy-demanding winters of Teton County.

4. **Moose**

- a. **General.** The shiras moose is an ungulate and the largest member of the deer family. Estimates suggest that the moose population in Jackson Hole may number as many as two thousand three hundred (2,300) animals.
- b. **Widely distributed in Teton County during summer.** Moose are known as browsers and rely on a variety of woody plant species for forage. Since their arrival, the moose population has inhabited Teton County on a year-round basis. During summer months, moose are widely distributed in Teton County and exploit a wide range of habitat types found at both low and high elevations.
- c. **Winter reduces food availability on high elevation summer habitats.** As winter approaches, heavy snow accumulation in high elevation summer range severely reduces food availability, forcing nearly all moose to move to lower elevation winter range. During winter, the Teton County moose population is confined primarily to riparian areas within the valley, low elevation subalpine fir forests, and some shrub-land habitat types.
- d. **Crucial winter habitat essential to survival.** Moose winter habitat is classified as either crucial or non-crucial. The crucial winter habitat includes primarily palustrine-shrub willow and cottonwood, palustrine-forested cottonwood, highly mesic forest-cottonwood and cottonwood/spruce, upland forest-subalpine fir habitat types, and secondarily xeric and mesic sagebrush-grasslands and mixed shrub types. Moose use these crucial winter habitats eight (8) out of every ten (10) years during winter months and these habitats are essential to their survival. Moose find food and/or cover in these areas during the most inclement and difficult weather conditions because of their physiographic and vegetative characteristics.
- e. **Essential to protect crucial winter habitat.** In order to maintain the Teton County moose population at current levels, it is essential that crucial winter habitat be protected; without it, moose could not survive the harsh Teton County winters.

5. **Trumpeter Swans**

- a. **General.** The trumpeter swan is the largest species of waterfowl in the world. Its pure white coloration makes it a truly striking bird to observe whether in flight or on the water.

- b. **Species close to extinction in early 1900's.** The historic commercial swan skin trade, sport hunting, and habitat loss nearly drove the trumpeter swan to extinction in the early 1900's. Although a few remnant populations persisted, including one in the Greater Yellowstone Ecosystem (of which Jackson Hole is a part), the large-scale slaughter of these birds resulted in the disruption of traditional migration patterns.
- c. **Federal and State recognition.** Due to their low reproductive potential and continued threats to nesting and winter habitat, trumpeter swans are a Threatened Species under the Federal Endangered Species Act. The Wyoming Game and Fish Department presently classifies trumpeter swans as a "Priority 1 non-game management species," a designation given to species which are vulnerable to extirpation or significant population declines in Wyoming. Recent estimates indicate that less than ten thousand (10,000) trumpeter swans reside in North America.
- d. **Teton County part of largest breeding area in contiguous U.S.** The Greater Yellowstone Ecosystem is home for the Tri-state subpopulation of trumpeter swans. It is the largest breeding area for trumpeter swans in the lower forty-eight (48) states. Teton County is part of this Tri-state area (which includes Wyoming, Montana, and Idaho).
- e. **Present population in Teton County.** The present trumpeter swan flock found wintering in the Jackson Hole area totals approximately two hundred and fifteen (215) birds.
- f. **Population breeds and winters in Teton County.** In spite of the harsh winter conditions, trumpeter swans which breed in Teton County also winter here, apparently because they have lost the knowledge of traditional migration routes to more hospitable wintering areas.
- g. **Viable maintenance requires protection of nesting areas and winter habitat.** Protection of nesting areas and winter habitat is critical to the viable maintenance of the trumpeter swan population.
- h. **Breeding territories in Teton County.** Thirty-one (31) breeding territories have been identified in Teton County, but not all of these territories are used every year. In fact, the Teton County breeding pairs constitute the largest number of nesting pairs documented in the Greater Yellowstone Ecosystem since detailed records were first kept in 1981.
- i. **Nesting area most critical to breeding.** The most critical portion of the breeding territory to the trumpeter swan is the nesting area.
- j. **Nesting areas.** Generally, trumpeter swans build their nests on islands or in extensive stands of emergent vegetation. The same nest site is often used repeatedly by a swan pair unless disturbance or other factors cause abandonment. Important attributes of trumpeter swan nesting areas include: proximity to feeding areas which have early

ice-off and provide sufficient food for pre-nesting swan pairs; proximity to suitable nest building materials; availability and dispersion of feeding areas for cygnets 1-40 days old; and juxtaposition and interspersed of emergent vegetative cover relative to feeding areas (for concealment, escape, and as a buffer to human disturbance).

- k. **Essential to protect nest areas.** For the viable maintenance of the trumpeter swan population, it is essential that the trumpeter swan nesting areas be protected, because without its maintenance the trumpeter swan would not be able to procreate and survive.
- l. **Winter swan habitat.** Because the trumpeter swan does not migrate from Teton County during winter, as waterfowl normally do, maintenance of its winter habitat is also crucial to its survival. Trumpeter swans, like other waterfowl species, require rooted aquatic vegetation for food. This vegetation grows in soft sediment along shallow stream and creek bottoms and in shallow ponds and lakes. During winter, not all aquatic features are available to trumpeter swans due to surface freezing. This limits the amount of winter habitat available to trumpeter swans. This, in combination with competition for food with other swans and waterfowl species, makes winter a very critical time for trumpeter swans.
- m. **Trumpeter swan winter habitat.** Trumpeter swan winter habitat generally consists of water areas of palustrine-aquatic bed and unconsolidated shore and bottoms, with soft, sub-surface substrates of greater than two (2) inches in depth, winter water depths of less than four and three-tenths (4.3) feet, watercourse channels of fifty (50) feet or more, banks with little or no shrubbery or tree cover and gradual slopes, which trumpeter swans use during the crucial winter months eight (8) out of every ten (10) years. Trumpeter swan winter habitat is essential to the survival of the animal during the critical periods of winter because the swan finds food and/ or cover in these areas during the most inclement and difficult winter weather conditions due to their hydrologic and vegetative characteristics.
- n. **Essential to protect trumpeter swan winter habitat.** For the viable maintenance of the trumpeter swan population, it is essential that the trumpeter swan winter habitat be maintained and protected, because without its maintenance the trumpeter swan would not survive the critical periods of winter.

6. **Cutthroat trout**

- a. **General.** The Snake River fine-spotted cutthroat trout (hereinafter "cutthroat trout") is indigenous to Teton County. It only inhabits the upper reaches of the Snake River in Wyoming and extreme eastern Idaho, Jackson Lake, and the Palisades Reservoir.
- b. **Economic importance.** The cutthroat trout is a sport fish which attracts many fishermen to Teton County. Without a healthy cutthroat trout population, the County would lose significant tourist dollars.

- c. **Development has affected trout.** In earlier times, it was relatively easy to maintain a strong and viable population of cutthroat trout because suitable spawning and nursery habitat could be found in most of the valley's spring-creeks. Today, however, this is not the case because of the construction and maintenance of flood control levees along the Snake River, and concomitant water quality impacts caused by ranching, irrigation, and other agricultural practices have degraded this spawning habitat.
- d. **Cutthroat trout spawning area limited.** Today, cutthroat trout spawning in Teton County is confined to small sections of a few spring-fed creeks flowing into the Snake River.
- e. **Cutthroat trout spawning areas.** The cutthroat trout spawning sites generally fall within areas of palustrine-unconsolidated shore and bottoms and upper perennial-unconsolidated shore and bottoms. Preference is for cold, well-oxygenated, gravel-bottomed watercourses. In these areas, cutthroat trout build redds (gravel nests) to lay, incubate, and hatch their eggs. Redds are generally constructed in gravel substrate which ranges in size from one-half (0.5) to two and one-half (2.5) inches in diameter.
- f. **Spawning, hatching, and nursery.** Cutthroat trout typically enter spring-creeks between March and April with the spawning occurring between March and June, depending upon the location. Fry emerge throughout late spring and early summer, and reside in the creeks throughout their first year.
- g. **Essential spawning area be protected.** It is critical that these spawning areas be protected in order to maintain a viable population of cutthroat trout.

7. Bald eagle

- a. **General.** The bald eagle is part of a group of "fish eagles" distributed throughout the world. The contrasting black, white, and yellow coloration of this raptor is visually striking. An Act of Congress in 1782 officially adopted the bald eagle as the symbol of the United States, representing freedom, strength, and beauty. Although individual eagles are truly powerful and impressive birds, the species as a whole is very sensitive and susceptible to disturbance. Special attention must be given to this species' needs to prevent its extinction.
- b. **Federal and State recognition.** Bald eagles have dwindled throughout their range from a once widely distributed species to a few sparsely scattered populations. Bald eagles are protected by several pieces of legislation including the Federal Endangered Species Act, the Bald Eagle Protection Act, and the Migratory Bird Treaty and are classified as threatened or endangered in all forty-eight contiguous states.
- c. **Bald eagle population in GYE is one of most important.** The bald eagle population residing in the Greater Yellowstone Ecosystem (of which Teton County is a part) is one of the most important bald eagle breeding populations in the United States.

- d. **Survival of bald eagles.** The survival of bald eagles depends, in part, on the availability of suitable habitat, the abundance of food, and reproductive success (which is closely linked to the availability of forage and the lack of disturbance).
- e. **Important to protect bald eagle nesting areas.** Because bald eagles are sensitive to human development and activity, especially during time of breeding and nesting, it is essential to protect bald eagle nesting areas to ensure the animal's survival.
- f. **Bald eagle nest area.** Generally, bald eagle nesting areas occur in uneven-aged, multi-storied stands of trees with old-growth attributes, where there are trees suitable for perching. These stands of trees are generally located near watercourses and waterbodies which provide foraging opportunities. Nests are generally in one of the largest trees in a given stand and, in most instances, are located so that the bird is provided an unobstructed view of the surrounding area. Bald eagles frequently construct alternate nests within a breeding territory and may use these for nesting during other years. In the Teton County area, bald eagles select nest sites which provide maximum foraging opportunity. Generally, bald eagles return annually to nest in the same area. This is the result of a unique combination of environmental factors that make a specific nest area best suited for reproduction.
- g. **Crucial nesting habitat essential to survival.** The Snake River floodplain between Moose and Palisades Reservoir and its associated riparian zone represents crucial nesting habitat for the bald eagle. Over forty (40) percent of the young birds successfully fledged in the Wyoming portion of the Snake River Unit are produced in the section between Moose and the South Park Bridge. It is crucial to the survival of bald eagles in Jackson Hole that this habitat be protected from the impacts of development. If it is not, it would profoundly impact and detrimentally modify the behavior patterns of bald eagles, including their feeding, breeding, and reproductive capabilities.
- h. **Spring, summer, and fall habitat occurs in riparian areas.** During spring, summer, and fall, bald eagles forage primarily in riparian areas for fish, waterfowl, and prey items.
- i. **Winter habitat is important.** During winter, heavy snow accumulation and the freezing of water surfaces reduces the availability of spring, summer, and fall habitat. At these times, bald eagles rely on wild ungulate and livestock carrion, supplemented by fish and waterfowl carcasses for forage. Ungulate carrion is readily available but sparsely distributed on ungulate winter ranges, meaning that in addition to its nesting habitat, the crucial ungulate winter ranges also become critical to the bald eagle's survival.
- j. **Additional crucial winter habitat essential to survival.** It is vital that bald eagle crucial winter habitat be protected to ensure the survival of this species in Teton County.

- B. **Purpose.** The purpose of the Natural Resources Overlay (NRO) District is to protect and maintain (1) the migration routes and crucial winter ranges of elk, (2) the migration routes and crucial winter ranges of mule deer, (3) the crucial winter habitat of moose, (4) the nesting areas and winter habitat of trumpeter swans, (5) the spawning areas of cutthroat trout, (6) the nesting areas and crucial winter habitat of bald eagles, and (7) the natural resources and biodiversity that supports the wildlife population. This is done through the establishment of the Natural Resources Overlay (NRO) District, which protects these areas through development standards, mitigation, and habitat enhancement.

SECTION 3250 ESTABLISHMENT OF NATURAL RESOURCE OVERLAY (NRO) DISTRICT

- A. **General.** There is hereby established the Natural Resource (NRO) Overlay District, which, in areas where it applies, shall overlay all other base zoning districts established by these Land Development Regulations. Included within the NRO District are (1) the migration routes and crucial winter ranges of elk, (2) the migration routes and crucial winter ranges of mule deer, (3) the crucial winter habitat of moose, (4) the nesting areas and winter habitat of trumpeter swans, (5) the spawning areas of cutthroat trout, and (6) the nesting areas and crucial winter habitat of bald eagles.
- B. **NRO District Definitions.** The following definitions shall apply in the NRO District.
1. **Crucial elk migration routes.** Crucial elk migration routes are the migration routes used by elk eight (8) out of every ten (10) years to migrate from summer ranges to winter ranges. Elk migration occurs over a few days or may span several weeks, depending upon the weather and other factors.
 2. **Crucial elk winter range.** Crucial elk winter range generally consists of xeric and mesic sagebrush-grasslands, mixed shrub, mesic and xeric open grassland, and certain agricultural meadow types, that are used during winter months by elk eight (8) out of every ten (10) years. Crucial winter ranges are essential to the survival of these animals during the critical periods of winter. Elk find food and/or cover on these sites during the most inclement and difficult winter weather conditions because of their physiographic and vegetative characteristics.
 3. **Crucial mule deer migration routes.** Crucial mule deer migration routes are used by mule deer eight (8) out of every ten (10) years to migrate from summer ranges to winter ranges. Generally, mule deer migration routes remain constant over a general area, if there is no significant human disturbance. Although specific mule deer migration routes are less common than elk migration routes, a few very important routes have been identified as crucial to Teton County mule deer.
 4. **Crucial mule deer winter range.** Crucial mule deer winter range generally consists of xeric and mesic sagebrush-grasslands and mixed shrub types which are used during the crucial winter months by the mule deer eight (8) out of every ten (10) years. This crucial winter range is limited and occurs at low elevations where shrub scrub-grassland habitat types are located. Crucial winter range is essential to the survival of mule deer. Mule deer

find food and/or cover on those sites during the most inclement and difficult winter weather conditions because of their physiographic and vegetative characteristics.

5. **Crucial moose winter habitat.** Crucial moose winter habitat includes primarily palustrine-shrub willow and cottonwood, palustrine-forested cottonwood, highly mesic forest-cottonwood, and cottonwood/spruce, upland forest-subalpine fir habitat types, and secondarily xeric and mesic sagebrush-grasslands and mixed shrub types. These habitat types are used by moose during winter eight (8) out of every ten (10) years. Crucial winter habitat is essential to the survival of the moose. Moose find food and/or cover in these areas during the most inclement and difficult weather conditions because of their physiographic and vegetative characteristics.
6. **Trumpeter swan nest.** Trumpeter swan nest is a nest created by a trumpeter swan for the purpose of procreation and are generally found on islands or in extensive stands of emergent vegetation. The same nest site is often used repeatedly by a swan pair unless disturbance or other factors cause abandonment. A trumpeter swan nest is active when eggs have been laid in it or when a trumpeter swan is attempting to lay eggs in it. For the purposes of these Land Development Regulations, a known trumpeter swan nest shall be an active trumpeter swan nest. Important attributes of trumpeter swan nesting areas include: proximity to feeding areas which have early ice-off and provide sufficient food for pre-nesting swan pairs; proximity to suitable nest building materials; availability and dispersion of feeding areas for cygnets 1-40 days old; and juxtaposition and interspersion of emergent vegetative cover relative to feeding areas (for concealment, escape, and as a buffer to human disturbance).
7. **Trumpeter swan winter habitat.** Trumpeter swan winter habitat generally consists of water areas of palustrine-aquatic bed and unconsolidated shore and bottoms, with soft, sub-surface substrates of greater than two (2) inches in depth, winter water depths of less than four and three-tenths (4.3) feet, watercourse channels of fifty (50) feet or more, and banks with little or no shrubbery or tree cover and gradual slopes. These habitats attract trumpeter swans eight (8) out of every ten (10) years. Trumpeter swan winter habitat is essential to their survival during critical winter periods. Trumpeter swans find food and/or cover in these areas during the most inclement and difficult winter weather conditions due to their hydrologic and vegetative characteristics.
8. **Cutthroat trout spawning areas.** Cutthroat trout spawning areas generally occur in well-oxygenated waters within palustrine and upper perennial-unconsolidated shore and bottom habitat types. Preference is for cold, well-oxygenated, gravel-bottomed watercourses. Cutthroat trout build redds (gravel nests) to lay, incubate, and hatch their eggs in these areas. Redds are generally constructed in gravel substrate and range in size from one-half (0.5) to two and one-half (2.5) inches in diameter.
9. **Bald eagle nesting areas.** Bald eagle nesting areas generally occur in uneven-aged, multi-storied stands of trees with old-growth attributes, where there are trees suitable for perching. These stands of trees are often located near waterbodies and watercourses which provide foraging opportunities. Nests are generally in one of the largest trees in the

stand and in most instances are located so that the bald eagle is provided an unobstructed view of the surrounding area. Bald eagles frequently construct alternate nests within a breeding territory and may use these for nesting during other years. In the Teton County area, bald eagles select nest sites which provide maximum foraging opportunity. Generally, bald eagles return annually to nest in the same area. This is the result of a unique combination of environmental factors that make a specific nesting habitat best suited for reproduction.

10. **Bald eagle crucial winter habitat.** Bald eagle crucial winter habitat consists of the bald eagle nesting area plus elk crucial winter ranges, mule deer crucial winter ranges, and moose crucial winter habitat.
11. **Bald eagle nest.** A bald eagle nest is a nest created by a bald eagle for the purpose of procreation. A pair of bald eagles may have more than one (1) nest within its nesting territory. There are three (3) types of bald eagle nests. An occupied nest is one in which evidence (such as fresh nest material, droppings, feathers, or prey remains in or below the nest, or the birds themselves) indicates that a pair of eagles is present. An active nest is an occupied nest in which eggs have been laid or young eagles are present, indicating that the mated pair are actively attempting to produce young. An inactive nest is one which occurs within the nesting territory but shows no evidence of occupation. For the purpose of these Land Development Regulations, a bald eagle nest is either an occupied nest, an active nest, or an inactive nest.

C. NRO District Map

1. **General.** The general location of (1) migration routes and crucial winter ranges of elk, (2) migration routes and crucial winter ranges of mule deer, (3) crucial winter habitat of moose, (4) nesting areas and winter habitat of trumpeter swans, (5) spawning areas of cutthroat trout, and (6) nesting areas and crucial winter habitat of bald eagles are identified on the Natural Resources Overlay (NRO) District Map, which is incorporated herein by reference.
2. **General NRO District Map/site specific analysis is required.** The NRO District Map is a general map that identifies, on a general scale, the locations of those areas protected by the NRO District. Its purpose is to place a landowner on notice that land may be within the NRO District and to assist in the general administration of this Division. A site-specific analysis of whether land is included within the NRO District is required pursuant to Division 3100, Environmental Analysis, prior to the review of the first application for development permit for that land (except for applications for amendments to the Official Zoning District Map).

SECTION 3260 APPLICABILITY

- A. **Development in NRO.** In addition to all other standards required by these Land Development Regulations, all development within the NRO District shall comply with the standards of this Division, unless exempted in Section 3260.B, Exemptions.

B. Exemptions

1. **Alterations and additions.** Structural alterations and additions to existing structures shall be exempt from Section 3270, Standards for Development in the NRO District.
2. **NC District lands.** All development, except new subdivisions, within the NC District shall be exempt from Section 3270, Standards for Development in the NRO District, except that subsection 3270.I, Fencing shall apply.
3. **Agricultural operations.** Agricultural operations and uses shall be exempt from Section 3270, Standards for Development in the NRO District.
4. **Land in conservation easement.** Land protected by a conservation easement where proposed development density is one (1) house per seventy (70) acres or less and the total acreage subject to the easement is three hundred twenty (320) acres or more, shall be exempt from the development standards of Section 3270, Standards for Development in the NRO District, except for Section 3270.E, Trumpeter Swan, and Section 3270.G, Bald Eagle.

SECTION 3270 STANDARDS FOR DEVELOPMENT IN THE NRO DISTRICT

A. **General.** All development located within the NRO District shall comply with the standards established in this Section, unless exempted in Section 3260.B, Exemptions.

B. Elk

1. **Crucial elk migration routes.** No development shall occur within crucial elk migration routes, unless the developer can demonstrate that the development can be located in such a way that it will not detrimentally affect the ability of elk to migrate from their summer ranges to their crucial winter ranges.
2. **Crucial elk winter range.** No development shall occur on crucial elk winter range, unless the developer can demonstrate that the development can be located in such a way that it will not detrimentally affect the food supply and/or cover provided by the crucial winter range to the elk, or detrimentally affect the potential for survival of the elk using the crucial winter range.

C. Mule deer

1. **Crucial mule deer migration routes.** No development shall occur within crucial mule deer migration routes, unless the developer can demonstrate that the development can be located within the mule deer migration route in such a way that it will not detrimentally affect the ability of mule deer to migrate from their summer ranges to their crucial winter ranges.
2. **Crucial mule deer winter range.** No development shall occur on crucial mule deer winter range, unless the developer can demonstrate that the development can be located within the mule deer crucial winter range in such a way that it will not detrimentally affect the food supply and/or cover provided by the crucial winter range to the mule deer,

or detrimentally affect the potential for survival of the mule deer using the crucial winter range.

- D. **Crucial moose winter habitat.** No development shall occur within crucial moose winter habitat, unless the developer can demonstrate that the development can be located within the moose crucial winter habitat in such a way that it will not detrimentally affect the food supply and/or cover provided by the crucial winter habitat to the moose, or detrimentally affect the potential for survival of the moose using the crucial winter habitat.
- E. **Trumpeter swan**
1. **Trumpeter swan.** Notwithstanding the boundaries of the NRO, no development shall occur within a radius of three hundred (300) feet of a trumpeter swan nest.
 2. **Trumpeter swan winter habitat.** No development shall occur within trumpeter swan winter habitat, unless the developer demonstrate that the development can be located within the trumpeter swan winter habitat in such a way that it will not detrimentally affect the food supply and/or cover provided by the winter habitat to the trumpeter swan, or detrimentally affect the potential for survival of the trumpeter swan using the trumpeter swan winter habitat.
- F. **Cutthroat trout spawning areas.** Notwithstanding the boundaries of the NRO, no development shall occur within one hundred fifty (150) feet of cutthroat trout spawning areas, unless the developer can demonstrate that the development will cause no run-off into the stream and have no detrimental affect on the water quality of the stream where the cutthroat trout spawning area is located, and cause no disturbance which would have a detrimental impact on the spawning, incubation, hatching, or rearing of cutthroat trout.
- G. **Bald eagle**
1. **Bald eagle nest area.** Notwithstanding the boundaries of the NRO, no development shall occur within a radius of four hundred (400) meters of a standing/occupied, active or inactive nest, unless either an "incidental taking" permit is received pursuant to 16 U.S.C. § 1531, *et. seq.*, the Federal Endangered Species Act, or a statement of no jeopardy is received from the U.S. Fish and Wildlife Service.
 2. **Bald eagle crucial winter habitat.** No development may occur within bald eagle crucial winter habitat unless either an "incidental taking" permit is received pursuant to 16 U.S.C. § 1531, *et. seq.*, the Federal Endangered Species Act, or a statement of no jeopardy is received from the U.S. Fish and Wildlife Service.
- H. **Impact on NRO District lands.** The base site area, computed pursuant to Section 2460, Maximum Gross Density/Intensity Calculation, shall not be reduced because a portion of the lot, parcel or tract is in the NRO. Where densities/intensities permitted by Table 2400, Schedule of Dimensional Limitations, cannot be achieved by locating development outside of the NRO, then lands protected by Section 3250, Establishment of Natural Resources Overlay (NRO) District, may be impacted pursuant to the standards of this Subsection.

1. **Minimizes wildlife impact.** The location of the proposed development minimizes impact on the area protected (e.g., crucial migration routes, crucial winter range, nesting areas), to the maximum extent possible.
 2. **Habitat enhancement.** The developer provides mitigation and habitat enhancement for the land impacted, either on-site or off-site, on a basis of two (2) acres of mitigation/habitat enhancement for every one (1) acre of land impact. This shall be completed pursuant to a mitigation/enhancement plan, which includes a monitoring program.
- I. **Fencing.** Fencing is a structural element with which wildlife has particular difficulty as it creates a serious impediment to wildlife movement throughout the County. Use of fencing shall be minimized; if fencing is built, however, the following regulations shall apply.
1. **Design.** The design of all fencing outside the immediate vicinity of a residential structure shall comply with the standards set forth in the document Fencing for Wildlife Access, Teton County, May 1988, which is available in the Planning Office.
 2. **Agricultural operations.** Fencing for agricultural operations shall be exempt from this subsection.

DIVISION 3300 SCENIC RESOURCES OVERLAY (SRO) DISTRICT

SECTION 3310 FINDINGS AND PURPOSE

- A. **Findings.** An essential component of the physical environment for which Teton County is internationally known is the scenic vistas of jagged mountains rising from broad, open meadows, which set an image of the County's rural and western ranching heritage. These scenic resources are important to both the County and Town because they serve as a cornerstone to the local economy by attracting tourists and other visitors. The scenic resources which are instrumental in the creation of the County's unique character are the vistas to the Teton, Gros Ventre, Wyoming and Snake River mountain ranges that are frequently seen by residents and travellers across wide pastures and meadows from the major public roads that enter the Town of Jackson, Wilson, Grand Teton National Park, Teton Village, Alta, and Teton Pass.
- B. **Purpose.** The purpose of the Scenic Resources Overlay (SRO) District is to preserve and maintain the County's most frequently viewed scenic resources that are important to both its character and economy. This is done through the establishment of several Scenic Areas within the SRO District, within which the location, design, and landscaping of development is regulated, so that development preserves, maintains, and/or compliments the County's important scenic resources.

SECTION 3320 LOCATION AND GENERAL STRUCTURE OF THE SCENIC RESOURCE OVERLAY (SRO) DISTRICT

- A. **Scenic Areas.** The Scenic Resources Overlay (SRO) District consists of the following Scenic Areas, to protect important scenic resources that are frequently seen from the County's public roads which set an image of the rural and western ranching heritage of the County. These Scenic Areas are generally described in Section 3320.A.1. - 3320.A.8.
1. **Moose-Wilson Road Scenic Area.** The Moose-Wilson Road Scenic Area extends along the eastern and western side of Moose-Wilson Road from Lake Creek to the Grand Teton National Park. It is an important County-wide scenic resource because of the vistas it offers of the Teton, Gros Ventre, and Snake River mountain ranges and of the West Gros Ventre Butte which frame the area's broad and open meadows.
 2. **Highway 22 Scenic Area.** The Highway 22 Scenic Area consists of four (4) distinct areas. They are described below.
 - a. **Trail Creek Ranch.** The Trail Creek Ranch portion of the Highway 22 Scenic Area extends along the north and south sides of Highway 22, from the lower reaches of Teton Pass to the western edge of Wilson. It is an important County-wide scenic resource because of the panoramic views of Jackson Hole that it provides as well as setting the western entry to Wilson, defining Wilson as a unique and special place.
 - b. **Wilson Approach.** The Wilson Approach portion of the Highway 22 Scenic Area extends along the north and south sides of Highway 22, from the eastern edge of Wilson to the Snake River. It is an important County-wide scenic resource because of

its broad open meadows and the unobstructed views provided to surrounding mountains, which create a dramatic sense of arrival to Wilson.

- c. **Walton Ranch/Skyline Ranch.** The Walton Ranch/Skyline Ranch portion of the Highway 22 Scenic Area extends along the northern and southern portion of the Highway 22 Scenic Area from the Wilson Snake River Bridge to the West Gros Ventre Butte. The Walton Ranch portion is an important County-wide scenic resource because it provides one of the most frequently experienced vistas of meadows and pasture backed by the Teton mountain range. The Skyline Ranch portion is an important County-wide scenic resource because it provides an open space setting for views to the Snake River range.
 - d. **West Gros Ventre Butte/Antelope Butte.** The West Gros Ventre Butte/Antelope Butte portion of the Highway 22 Scenic Area extends along both sides of Highway 22 and includes all of the West Gros Ventre Butte on the north and all of Boyles Hill, the Indian Springs, Brown and Poodle Ranches and Antelope Butte on the south. The views encompass imposing steep sided buttes which rise abruptly from the foreground and long views across open meadows to the Snake River range on the south.
3. **Spring Gulch Road Scenic Area.** The Spring Gulch Road Scenic Area, extends along the eastern and western sides of Spring Gulch Road from Highway 22 to the Gros Ventre River and includes the East Gros Ventre Butte. It is an important County-wide scenic resource because it provides a combination of scenic quality and traditional western character in a location proximate to the Town.
 4. **Highway 89 Scenic Area.** The Highway 89 Scenic Area consists of three (3) distinct areas. They are described below.
 - a. **Broadway and North Highway 89 Scenic Area.** The Broadway and North Highway 89 Scenic Area includes all of the East Gros Ventre Butte. Views from the public roads, including Spring Gulch Road, are of the steep sided butte in the immediate foreground which provide a backdrop to the urban development of the Town of Jackson, the flat expanses of the Elk Refuge, the pastures of Spring Gulch as well as glimpses of the Teton Range in notches of the ridgelines.
 - b. **South Highway 89 Scenic Area.** The South Highway 89 Scenic Area extends along sides of South Highway 89, beginning near the State of Wyoming Elk Feeding Area, where the road rises to provide an initial sense of entry into the Jackson area, and ends at High School Road. The northern and southern portions of the South Highway 89 Scenic Area are split to exclude the Rafter J subdivision, and the South Park Commercial districts. The South Highway 89 Scenic Area is an important County-wide scenic resource because of the powerful image it projects of the community with its exceptionally broad meadows and panoramic views to Rendezvous Bowl and the Snake River range. The meadows are dotted with existing development, including both ranch compounds and residential developments at varying densities, but the

meadows' exceptional breadth and the location of the meadows below the highway preserves the open feel of the area and the background views.

- c. **Snake River Canyon Scenic Area.** The Snake River Canyon Scenic Area extends along both sides of South Highway 89 from the South Park Bridge to the County line and encompasses those areas which are at approximately the same or a higher elevation than the highway. The Scenic Area provides views of the Snake River, the east slopes of Munger Mountain and the Teton, Gros Ventre, Wyoming and Snake River Mountain ranges.
 5. **South Park Loop Scenic Area.** The South Park Loop Road Scenic Area extends along the eastern and western sides of South Park Loop Road, from the north edge of South Park Ranches to High School Road and includes Hufsmith Hill. It provides an important County-wide scenic resource because the road corridor is framed by cottonwood trees planted along irrigation ditches which line the road. The scenic quality of this area is dependent upon the preservation of the cottonwood corridor, which helps to filter views to development in the adjoining hay meadows. These meadows provide Foreground settings to views of Rendezvous Bowl and the Snake River range.
 6. **Hoback Canyon Scenic Area.** The Hoback Canyon Scenic Area extends along both sides of Highway 191 beginning at the west line of the Gilgrease Foundation property, approximately 1 mile east of Hoback Junction, to the County line and encompasses those areas which are at approximately the same or a higher elevation than the highway. The scenic area provides views of the Gros Ventre and Wyoming Mountain ranges and the Hoback River.
 7. **Teton Canyon Scenic Area.** The Teton Canyon Scenic Area extends along the south side of Alta Road from Lake Nolo to the boundary with the Targhee National Forest. It is an important County-wide scenic resource because the broad, open meadow of its Foreground is framed by a dense vegetative border, which provides the setting for vistas to the west side of the Teton range. The entire Teton Canyon Scenic Area also establishes a segment of the entry image for visitors driving or biking through Alta to Grand Targhee Resort.
 8. **Buffalo Valley Scenic Area.** The Buffalo Valley Scenic Area extends along the northern and southern sides of US 26/287 from Moran to Blackrock. It is an important County-wide scenic resource because it provides a classic mountain valley setting framed by the Teton range. The Buffalo Valley Scenic Area provides monumental views of the entire Teton range, as viewed across very broad, open meadows dotted with small ranch buildings. These vistas foreshadow the views which are again encountered within Grand Teton National Park, thereby integrating the Buffalo Valley Scenic Area with the image of the National Park.
- B. **Foreground.** Most of the Scenic Areas consist of a Foreground, which is the relatively flat, open area immediately adjacent to the public road that extends back to where there is either a distinct topographic change, such as the edge of a hillside or butte, or a drop in elevation

toward a river bottom, or where dense vegetation screens views to areas behind the vegetation. The Foreground provides the setting for views to distant mountain ranges and valley buttes.

C. **Skyline.** The Skyline is the visual line at which the earth or vegetation and the sky appear to meet. The Skyline is typically viewed as the top of a ridge, hillside or butte.

D. **SRO District Map**

1. **Foreground.** The location of the Foreground for the Moose-Wilson Road Scenic Area, the Highway 22 Scenic Area, the Spring Gulch Road Scenic Area, Broadway and North Highway 89, the South Highway 89 Scenic Area, the South Park Loop Scenic Area, the Teton Canyon Scenic Area, and the Buffalo Valley Scenic Area are identified on the Scenic Resources Overlay (SRO) District Map, which is incorporated herein by reference. A copy of the SRO District Map is located at the office of the Planning Director and may be reviewed during normal business hours.
2. **Skyline.** The Skyline is described in Subsection C above and is contained in the Scenic Areas identified on the SRO District Map, which is incorporated herein by reference.
3. **Buttes.** The location of the East and West Gros Ventre Buttes, Antelope Butte, Boyles Hill and Hufsmith Hill are identified on the SRO District Map, which is incorporated herein by reference.

SECTION 3330 APPLICABILITY

A. **Development in Foreground of Scenic Areas.** All development within the Foreground of the Scenic Areas described above shall comply with the standards in Section 3350, Scenic Area Foreground Development Standards.

B. **Development in Skyline of Scenic Areas.** All development within the Skyline of a Scenic Area shall comply with the standards of Section 3360, Skyline Development Standards.

C. **Exemptions**

1. **NC District.** All development, except new subdivisions, within the NC District shall be exempt from the provisions of this Division except for Section 3360, Skyline Development Standards which shall apply.
2. **Remodeling or expansion of existing structures.** Remodeling or expansion of structures that existed prior to November 9, 1994 (the adoption date of these Land Development Regulations), shall be exempt from the provisions of this Division except for Section 3360, Skyline Development Standards which shall apply.
3. **Agricultural operations.** Agricultural operations and uses shall be exempt from the Section 3350, Scenic Area Foreground Development Standards and Section 3360, Skyline Development Standards.
4. **Land in conservation easement.** Land protected by a conservation easement where proposed development density is one (1) house per seventy (70) acres or less and the total acreage subject to the easement is three hundred twenty (320) acres or more, shall be

exempt from the development standards of this section except for Section 3360, Skyline Development Standards.

SECTION 3340 PROCEDURE

A. **Environmental Analysis.** An Environmental Analysis, pursuant to Division 3100, Environmental Analysis, shall be prepared and contain a visual analysis component. The visual analysis component shall demonstrate compliance with the standards of this Division.

B. **Review of applications.** There are no special or additional procedures required for development proposals on lands that are within the SRO District. The submission of an application for, determination of its sufficiency, staff review of, and notice and scheduling of a public hearing (if relevant) for an application for development on land in the SRO District shall comply with the procedures for the first development permit application. The Environmental Analysis shall be submitted as part of the first development permit application.

C. **Impact on SRO District lands.** The base site area, computed pursuant to Section 2460, Maximum Gross Density/Intensity Calculation, shall not be reduced because a portion of a lot, tract or parcel is located within the SRO.

SECTION 3350 SCENIC AREA FOREGROUND DEVELOPMENT STANDARDS

All development within the Foreground of the Scenic Areas described above shall comply with the following standards.

A. **General location of structures.** Development in the Foreground shall be sited in one or a combination of the following locations: (1) at the rear edge of the Foreground at the back of an open meadow or pasture; (2) at the side edges of the Foreground where there is an open meadow or pasture; (3) behind an existing stand of vegetation; (4) behind or built into a change in natural topography; or (5) within a pasture or meadow, clustered in the form of a ranch compound, or adjacent to or integrated into an existing ranch compound. Standards for each of these locations are as follows.

1. **Development located at rear edge of Foreground behind meadow or pasture.** When located at the rear of the Foreground at the back of an open meadow or pasture, the development shall comply with the following standards.
 - a. **Distance.** It shall be located at the greatest possible distance from the major public road and, where applicable, it shall be located adjacent to existing development.
 - b. **Edge of meadow or pasture.** It shall be located along the rear edge of the meadow or pasture, where the meadow or pasture meets the toe of the hillside, or on a relatively less steep, lower hillside area behind the meadow.
 - c. **Separate developed areas.** It shall be located so as to separate areas which are developed from natural areas and pastures and to preserve open space in the largest continuous pieces possible.
 - d. **Supplementary vegetation.** Where the proposed development is located within 1,320 feet of a State Highway or County designated Scenic Road, native vegetation shall be planted to mimic either the existing species composition and pattern of

growth or, traditional farm and ranchstead planting patterns of the American west. To accomplish these goals the planning director will be at liberty to vary the requirements of Section 4150.B, Standard Plant Units. As with all proposed planting in Teton County, applicants are strongly advised to use endemic plant materials and consider their relative attractiveness to wildlife.

2. **Development at the side edges of the Foreground where there is an open meadow or pasture.** When development is located at the side edges of the Foreground where there is an open meadow or pasture, the development shall comply with the following standards.
 - a. **Separate developed areas.** It shall be located so as to separate areas which are developed from natural areas and pastures and to preserve open space in the largest continuous pieces possible.
 - b. **Supplementary vegetation.** Where the proposed development is located within 1,320 feet of a State Highway or County designated Scenic Road, native vegetation shall be planted to mimic either the existing species composition and pattern of growth or, traditional farm and ranchstead planting patterns of the American west. To accomplish these goals the planning director will be at liberty to vary the requirements of Section 4150.B, Standard Plant Units. As with all proposed planting in Teton County, applicants are strongly advised to use endemic plant materials and consider their relative attractiveness to wildlife.
3. **Development located behind existing stand of vegetation.** When located in the Foreground behind an existing stand of vegetation, including vegetation which has grown naturally on the site and vegetation planted as an agricultural wind row, the development shall comply with the following standards.
 - a. **Scale of development.** The scale of the development shall not interrupt or obscure the existing occurring stand of vegetation behind which it is located.
 - b. **Supplementary vegetation.** Where natural vegetation does not adequately screen the development as determined by the visual analysis, native vegetation shall be planted to augment the existing vegetation and maintain the visual integrity of the view shed.
 - c. **Preservation of existing vegetation.** Existing vegetation shall be preserved to the maximum extent practical.
4. **Development behind or built into natural topographic break.** When located in the Foreground behind a natural topographic break or built into the natural topography in an earth-sheltered design, development shall comply with the following standards.
 - a. **Scale.** Scale and height shall be subordinate to the natural change in topography.
 - b. **Earth moving.** Earth moving may be used to the minimum extent necessary to extend a naturally occurring topographic change and screen the development, but not to create a new, man-made landform.

5. **Ranch compound within irrigated pasture or meadows.** When development is located within an irrigated pasture or meadow in the form of a ranch compound or adjacent to or integrated into an existing ranch compound, it shall comply with the following standards.
 - a. **Not preclude view of designated vistas.** It shall not entirely preclude views from the public road to the rear portions of the Foreground.
 - b. **Clustered design.** It shall consist of a cluster design.
 - c. **Vegetation.** Native vegetation shall be planted to mimic either the existing species composition and pattern of growth or, traditional farm and ranchstead planting patterns of the American west. To accomplish these goals the planning director will be at liberty to vary the requirements of Section 4150.B, Standard Plant Units. As with all proposed planting in Teton County, applicants are strongly advised to use endemic plant materials and consider their relative attractiveness to wildlife.

B. Exceptions to general location of structures. If it is demonstrated that the maximum amount of density/intensity for the land permitted by Table 2400, Schedule of Dimensional Limitations, has been located pursuant to the standards of Section 3350.A, General Location of Structures, the remaining density/intensity allowed pursuant to Table 2400, Schedule of Dimensional Limitations, shall be located at other locations, subject to the following standards:

1. **Along front edge of meadow or pasture.** To the extent practicable, it shall be located along the front edge of the meadow or pasture. To the extent possible, it should be located in proximity to similarly situated development on adjacent lands.
2. **Maintain contiguous open space.** It shall be located so as to maintain the largest amount of contiguous open space practicable, in relation to the scenic view being regulated.
3. **Screening of development.** The development shall be screened with native vegetation planted to mimic either the existing species composition and pattern of growth or, traditional farm and ranchstead planting patterns of the American west. To accomplish these goals the planning director will be at liberty to vary the requirements of Section 4150.B, Standard Plant Units. As with all proposed planting in Teton County, applicants are strongly advised to use endemic plant materials and consider their relative attractiveness to wildlife.

C. Exterior of structures

1. **Earth tone materials.** The exterior of all development, except that located and designed in the form of a ranch compound, shall be built or painted with indigenous earth tone materials.
2. **Traditional ranch colors.** The exterior of a ranch compound shall be built or painted with indigenous earth tone materials, or shall be painted or stained using local, traditional ranch colors, which shall include shades of red or brown. Paints or stains which simulate weathered barn wood also shall be permitted.

D. Roof materials

1. **Color that of surrounding natural features.** The color of all roofs shall be similar to the colors of surrounding vegetation or land features.
2. **Treat reflective materials.** Reflective roof materials shall not be used, unless the materials are treated to eliminate reflection.

E. Earth moving and berms

1. **Earth moving for earth sheltering.** The creation of man-made land forms is prohibited in the Foreground, except that earth moving may be used in the design of a structure located along a hillside, to the extent it is necessary to create an earth sheltered design, built into and mimicking the natural topography of the land.
2. **Berms.** Berms may be used to screen structures located within a meadow or pasture provided the side of the berm exposed to critical views from designated scenic roads rises at no greater than a five percent (5%) grade. Berms may be used to screen structures located in undulating terrain provided the berm is designed to appear as a naturally occurring extension of the existing topography. Berms must be planted to replicate the surrounding plant communities.
3. **Revegetation of disturbed areas.** Lands disturbed by earth moving or berms shall be revegetated using native species which are already growing on or near the site. Top soil shall be stock piled and placed on disturbed areas. Irrigation shall be provided to the revegetated areas if it is necessary to ensure survival of native species planted.

F. Roads and driveways

1. **Avoid dividing meadows and pastures.** To the maximum extent practical, roads and driveways shall be located to skirt the edge of and avoid dividing meadows and pastures. Roads and driveways shall take advantage of the screening potential of natural topography and existing vegetation. Existing roads and driveways shall be used where practical. To enhance screening, ditches may be dug parallel to roads or driveways, and a row of cottonwood trees may be planted along the roads or driveways.
2. **Soft edges.** To the maximum extent practical, roads and driveways located around the edge of or in meadows shall be laid out with soft, curving edges and shall avoid straight line corridors which are incongruous with the natural setting.

SECTION 3360 SKYLINE DEVELOPMENT STANDARDS

The following standards shall apply to development within the Skyline of all butte tops viewed from state highways, Spring Gulch Road and Alta County Road.

- A. **Skyline penetration prohibited.** Development shall not penetrate the Skyline on buttes and hillsides, as viewed from any public road, except in the case of an existing lot where there is no other siting alternative that complies with the standards of these Land Development Regulations.

- B. **Mitigation of necessary Skyline penetration.** In the case of an existing lot where, if no other siting alternative is available that complies with the standards of these Land Development Regulations, development may penetrate the Skyline on hillsides and buttes by complying with the following standards.
1. **Pursue variation of regulations first.** Attempts shall first be made to obtain variance of other regulations, such as setbacks, that would enable the proposed structures to comply with the provisions of Section 3360.A, Skyline penetration prohibited.
 2. **Height.** The height of development shall not exceed twenty (20) feet above original grade.
 3. **Mass.** The mass of the development shall be designed so as to be broken into distinct, smaller forms, which may involve repeating similar forms at a more modest scale, breaking facades and roof lines into smaller segments, or stepping the building mass into the hillside. To the maximum extent practical, buildings shall be placed down the hill or cut into the slope to minimize the skyline penetration.
 4. **Form.** The form of the development, particularly its roof form, shall re-create the natural form of the hillside or butte. If the natural form of a butte top Skyline that is being penetrated is flat, the building shall have a flat roof form. If the natural form of a hillside Skyline is rounded or jagged, the building shall use a hipped or similar roof form.
 5. **Exterior of structure.** The exterior of all development shall be built or painted with earth tone materials or colors.
 6. **Roof materials.** The color of all roofs shall be the color of surrounding vegetation or land features. Reflective roof materials shall not be used, unless the materials are treated to eliminate reflection.
 7. **Earth moving.** Development shall minimize the need for earth moving or disturbance to the maximum extent practical. Earth moving on a slope to create a flat platform on which development is placed shall be prohibited. Areas disturbed for earth moving shall be revegetated using native species which are already growing on or near the site. Topsoil shall be stock piled and placed on disturbed areas. Provision shall be made for irrigation, if it is necessary to ensure survival of the indigenous species planted.
 8. **Landscape screening.** Development shall be located so as to preserve, to the maximum extent practical, existing vegetation which may help to screen its appearance. Indigenous vegetation shall be planted to supplement existing vegetation. Indigenous vegetation shall be selected from "Landscape Plant Material from the Teton County Area," a copy of which is available at the Town of Jackson Planning Department. Indigenous vegetation shall be planted so as to screen at least fifty (50) percent of the development within three (3) years of its occupancy, as measured during the summer.

DIVISION 3400 AGRICULTURAL RESOURCES PRESERVATION

SECTION 3410 FINDINGS AND PURPOSE

- A. **Findings.** Ranching and farming are agricultural uses that formed the original basis for the communities in Teton County. A large part of the private lands in Teton County are still used in agriculture. Agriculture is crucial to the wildlife and scenic qualities, and western atmosphere of Teton County, and therefore to the tourist-based economy. Every major wildlife species in Teton County is dependent on habitat provided by ranch lands. Any view of a major scenic vista in Teton County from highways or roads, encompasses an agricultural scene in the foreground. Maintaining agricultural lands is the most efficient and inexpensive method to preserve open space which is crucial to the wildlife and scenic resources. The ranchers will keep their land undeveloped and unpopulated, control trespassing and poaching, maintain waterways and water rights, and manage vegetation, all without any expense to the public. In all areas of the County, the agricultural industry is threatened with extinction by residential and second home development due to the current basis of Teton County's economy-tourism. Ironically, the attraction for visitors in Teton County is the scenic and wildlife benefits of open space created by agricultural operations; the very operations that are threatened by increasing tourism and development. The County must protect agriculture in order to preserve the very foundation of the communities in Teton County as well as their precious wildlife and scenic resources.
- B. **Purpose.** The purpose of this division is to protect and maintain the existing and potential agricultural lands in Jackson Hole for the purpose of perpetuating agriculture in Jackson Hole and preserving agricultural open space which is crucial to the wildlife, scenic and community values of Jackson Hole. This is particularly done through the mechanisms in these Land Development Regulations that have been adopted for the purpose of promoting agricultural preservation.

SECTION 3420 SUMMARY OF MECHANISMS TO PROMOTE AGRICULTURAL PRESERVATION

- A. **Agricultural assessment.** By Wyoming Statute, agricultural uses in Teton County do not pay property taxes on the market value of land upon which they are located. If they did, agriculture in Teton County would have disappeared long ago. Agricultural assessments are a conscious decision in order to retain agriculture for as long as possible.
- B. **Rural District open space.** Developments in the Rural District are required to provide either fifty (50) percent or seventy (70) percent open space. If the property proposed for development has an existing agricultural operation, or a land owner wishes to establish an agricultural operation, on the portion of the property proposed as open space, agriculture is an accepted, and encouraged, use of the required open space. It is an objective of these Land Development Regulations that developments in the Rural District preserve as much open space as practical. The open space should be configured to maximize continued or future agricultural use.
- C. **Rural District density.** Developments in the Rural District are kept at a low density for mainly two reasons. One is that residential development and agriculture are generally

incompatible. New neighbors harass a rancher's livestock or leave a gate open and the rancher's livestock sometimes graze on a neighbor's yard or are otherwise considered a nuisance. The more the permitted form of development can either prevent or mitigate such conflicts, the more likely it is that agricultural operations can continue. Developments in the Rural District shall be compatible with agricultural operations. The County will minimize the conflicts between agricultural operations and neighboring developments by (among other things): (1) encouraging protection of contiguous open space; (2) encouraging the protection of large blocks of open space; and (3) developing an aggressive program to educate Teton County residents about ranching operations and ways to minimize potential conflicts.

- D. **Rural District permitted land uses.** Certain uses generally compatible with agricultural uses have been permitted in the Rural District in order to provide opportunities for agricultural families to diversify their income base, yet retain their primary way of life-agriculture. The following uses have been permitted in the Rural District, in many cases, specifically to promote agriculture.

Agricultural employee housing

Mobile homes

Nurseries

Bed and breakfasts

Dude ranches

Agricultural support and service uses

Campgrounds

Outdoor recreational uses

Home businesses

Cottage industries

- E. **Exemption of regulations for agricultural uses.** Agricultural uses, unlike other nonresidential uses, need no development permits to operate. Agricultural uses are also exempt from grading regulations, except on natural slopes in excess of thirty (30) percent. (Ord. 902 § 1, 2009.)

- F. **Stated Policy to Encourage Agriculture.** Ranching is an important part of the local setting, and provides a critical background to tourism. Teton County and the Town of Jackson shall adopt a policy on the significant public values of agriculture in Teton County and shall further foster, promote and encourage agriculture and defend and protect agricultural operations from encroaching development.

- G. The County and Town will work with the Forest Service to ensure retention of grazing leases and access rights for ranchers in Teton County.

DIVISION 3500 LODGING OVERLAY (LO) DISTRICT

SECTION 3510 FINDINGS AND PURPOSE

- A. **Findings.** As a resort and residential community, the Town requires that a balance be maintained between the amount of lodging available to visitors and concomitant visitor and resident services. The balance between these uses is necessary if the Town is to retain its resident population and its attraction to visitors.
- B. **Purpose.** The purpose of the LO District is to provide lands within the Town which are appropriate for lodging uses, and to ensure that a balance is maintained between the amount of lodging uses and other visitor- and resident-oriented uses and services.

SECTION 3520 ESTABLISHMENT OF LODGING OVERLAY (LO) DISTRICT

- A. **General.** There is hereby established the Lodging Overlay (LO) District which, in areas where it applies, shall overlay all other base zoning districts established by these Land Development Regulations.

SECTION 3530 APPLICABILITY

- A. **Location.** The LO District shall apply to lands as identified on the Official Zoning District Map.
- B. **Existing lodging uses outside the Lodging Overlay (LO).** All lodging uses legally established prior to November 9, 1994 (date of adoption) which are located outside of the LO shall be allowed to continue either as a nonconforming use in accordance with Article VII, Nonconformities, or as an existing use in accordance with Section 2430, Standards in the Business Conservation (BC) District. Notwithstanding the floor area limitations in Article VII and Section 2430 and in Table 2400, Schedule of Dimensional Limitations, lodging facilities outside the LO shall be permitted to expand a maximum of ten (10) percent in gross floor area for the purpose of adding amenities or support facilities. The additions shall not add lodging rooms. This ten (10) percent limitation applies cumulatively to all additions since November 9, 1994. (Ord. 831 §2, 2006)
- C. **Repealed** (Ord. 586 § 2, 1997; Ord. 523 § 1; 1996)

SECTION 3540 STANDARDS FOR DEVELOPMENT IN THE LO DISTRICT

- A. **Uses.** All uses that are permitted, permitted as a conditional use, or permitted by limited review in the underlying zone district according to Table 2200, Use Schedule, shall remain as permitted uses, conditional uses, or uses permitted by limited review within the LO District.
- B. **Dimensional limitations.** The dimensional limitations for lodging uses in the LO District shall be subject to the dimensional limitations of the underlying zone district, except that the dimensional standards for the UC-2 district shall apply to commercial lodging uses on properties designated AC/LO on the official zoning map. For properties designated UC-2/LO, the maximum FAR for commercial lodging uses shall be .80, with all other standards of the UC-2 district remaining in effect. These dimensional limitations are established in Table 2400, Schedule of Dimensional Limitations.

DIVISION 3600 TOWN SQUARE OVERLAY (TSO) DISTRICT

SECTION 3610 FINDINGS AND PURPOSE

- A. **Findings.** An essential component of the tourism environment for Teton County and the Town of Jackson is the Town Square and the commercial environment that has developed in the immediate vicinity of the Square. This area is important to both the County and the Town because the character of the area is the cornerstone of tourism commercial activity in the community. Development around the Town Square has been directed in the past to promote an old-time western atmosphere; the tourism economy of Teton County and the Town of Jackson are, in part, dependent upon maintaining this atmosphere.
- B. **Purpose.** The purpose of the Town Square Overlay District is to provide development standards that preserve and enhance the unique character, qualities, and pedestrian-oriented environment of the Jackson Town Square and its immediate vicinity.

SECTION 3620 ESTABLISHMENT OF THE TOWN SQUARE OVERLAY (TSO) DISTRICT

- A. **General.** There is hereby established the Town Square Overlay (TSO) District which, in areas where it applies, shall overlay all other base zoning districts established by these Land Development Regulations.
- B. **Location.** The location of the TSO District is identified on the Official Zoning District Map.

SECTION 3630 APPLICABILITY

- A. **Development in TSO.** In addition to all other standards required by these Land Development Regulations, all development within the TSO District shall comply with the standards of this Division.

SECTION 3640 STANDARDS FOR DEVELOPMENT IN THE TSO DISTRICT

- A. **General.** All development within the TSO shall comply with the standards established for the UC District and Section 4520, Architectural Standards in the UC, UC-2, AC and OP Districts, except as modified by this Section.
- B. **Dimensional limitations.** All dimensional limitations found in Table 2400, Schedule of Dimensional Limitations, for the Urban Commercial (UC) District shall apply except as follows:
1. **Floor area ratio (FAR.)** The maximum gross FAR shall be 1.83.
 2. **Landscape surface ratio (LSR.)** The minimum LSR shall be .00. (Ord. 631 § 1, 1999)
- C. **Permitted uses.** Notwithstanding the permissions and restrictions listed in Table 2200, Use Schedule, only the following uses shall be permitted in the TSO:
1. **Residential uses.** No primary residential uses are permitted in the TSO; Accessory Residential Units are permitted subject to development plan review and the standards in Table 2400, Schedule of Dimensional Limitations, and in Section 2370.D.2, Maximum living area. (Ord. 624 § 2, 1999)

2. **Outright nonresidential uses.** Only the following nonresidential uses are permitted as outright uses in the TSO:
 - a. Office
 - b. Commercial Retail
 - c. Services
 - d. Restaurant
 - e. Public Interest Events
3. **Conditional uses.** Only the following nonresidential may be permitted by issuance of a Conditional Use Permit.
 - a. Indoor Commercial Amusement
 - b. Commercial Lodging
 - c. Bed and Breakfast
 - d. Residential Short-Term Rental(Ord. 784 § 1, 2004)

DIVISION 3700 RESORT OVERLAY (RO) DISTRICT
Repealed (Ord. 580 § 8, 1997)