

**ARTICLE III**

**NATURAL, SCENIC, AGRICULTURAL, AND TOURISM**

**RESOURCES PROTECTION - TETON COUNTY**

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**RESOURCES PROTECTION**

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**ARTICLE III**  
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**RESOURCES PROTECTION**

**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 six (6) 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 Resource 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
  - b. **Protected resources defined.** The above listed resources, and their subcategories are specifically defined in this Division. The Division also specifies the mechanisms 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 compliments the County's important scenic resources.

**D. Division 3400, Agricultural Preservation**

1. **Purpose.** The purpose of this Division is to identify the mechanisms 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 mechanisms 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 County 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.

**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.

## **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 environmental analysis shall identify, as applicable to meet the standards of this Article, the natural, scenic and agricultural resources defined in 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 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 within the impact area of the existing building.
- 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.
- H. **Other, at discretion of Planning Director.** The Planning Director may waive the requirement for an Environmental Analysis for development that meets the following criteria:
1. Parcel is outside the NRO and the SRO; and
  2. Application for development demonstrates compliance with all setback/buffer standards specified in Division 3200, Natural Resources Protection and Natural Resources Overlay (NRO) District; and
  3. Application for development clearly preserves natural resources in accordance with the ordinal ranking given in the Mesic and Nonmesic Habitats Appendix to Article III.
  4. Parcel is in NRO but also in an area that has well-documented habitat information and where additional development of the property is anticipated to have minimal additional negative impacts to animal species protected by Article III. While no EA is required for properties meeting this exemption, development on such properties shall still be subject to certain conditions of approval, as deemed appropriate by the Board of County Commissioners.

## SECTION 3140. CONTENT OF ENVIRONMENTAL ANALYSIS

- A. **General content.** An Environmental Analysis for all proposed developments not otherwise exempted, shall contain one or more of the requirements contained in this section depending on the basis for the need for the EA (e.g., a property that is only in the SRO is only required to provide a visual analysis). The level of detail for each requirement shall correspond to the quality and quantity of the property's wildlife habitat, scenic resources, and agricultural resources, as well as correspond to the amount, location, and type of use of the proposed development. All projects requiring an EA shall be provided by the Planning Director with an "Environmental Analysis Checklist" that will specify the submittal requirements for each project based on the standards of this Article.
1. **Habitat inventory**



- a. **Site conditions.** General description of existing site conditions, both human made and natural, including slopes, hydrology, fault lines, and other important natural attributes;
- b. **Vegetative covertypes.** Description and map of property's vegetative covertypes, including maps and/or plans depicting the location of mesic, and nonmesic habitats as defined in Division 3200, Natural Resources Protection and Natural Resources Overlay (NRO) District; Map(s) should include aerial photography and at least one aerial map that shows neighboring properties within at least 2,640 feet (1/2 mile) of the property;
- c. **Protected resources.** Description and map containing resources protected pursuant to Section 3220, Waterbodies, Ten (10) Year Floodplains, and Wetlands,
- d. **Habitats protected by NRO.** Descriptions and maps that identify the locations of lands serving as critical winter habitat, spawning areas, or migration routes protected by Section 3270, Standards for Development in the NRO District
- e. **Habitat ranking.** A summary shall be provided that ranks the importance of the vegetative covertypes according to the ordinal ranking system in the Mesic and Nonmesic Habitat Appendix in Article III. Notwithstanding, other factors that may compromise or enhance the importance of these habitat types (e.g., artificial obstacles, degraded conditions) shall be identified and considered in ranking the relative importance of the property's habitat types.
- f. **Habitat summary.** A summary of critical findings related to the protected wildlife habitats and protected water features present on the property.

## 2. **Development impact assessment**

- a. **Description of proposed development.** This shall include accurate locations of all proposed structures, driveways, and other development, including estimates on the amount of clearing and grading of land. A description of all proposed uses on the property shall also be provided;
- b. **Setbacks/Buffers.** Map showing all required setbacks/buffers and compliance with all required setbacks/buffers;
- c. **Habitat Impact Assessment.** Assessment of the short and long term impacts of proposed development to resources protected by Division 3200, Natural Resources Protection and Natural Resources Overlay (NRO) District. This assessment shall, at minimum, include maps, and/or supporting evidence, that depict the locations of the following:
  - (1) Areas rendered unusable by the proposed development (i.e., impervious surface and other fully developed areas) for species protected under Division 3200 (i.e., protected species) of this Article;
  - (2) Areas impacted, degraded, or fragmented to the extent that they will no longer support long-term utilization by protected species;

- (3) Areas that will be unaffected by the proposed development so that the current quality of the wildlife habitat is maintained;
  - (4) Areas that will be enhanced as wildlife habitat relative to current conditions;
  - (5) Areas where the proposed development poses a threat to the water quality of any rivers, streams, water bodies, or wetlands protected by this Article.
  - (6) Locations where protected species may be displaced to by the proposed development and the suitability of those areas for continued survival of the affected species;
- d. **Project vicinity impact statement.** An analysis of critical wildlife habitat and other environmental information within at least 2,640 feet (1/2 mile) of property proposed for development. Due to topographical and ecological variations (e.g., river corridors, mountains), the Planning Director can extend or reduce the 1/2 mile zone in certain areas to correlate with these variations so that the project vicinity zone may not be a perfect circle. This analysis shall summarize how existing development in the half-mile vicinity zone - including the zone's undeveloped potential - when combined with the proposed development, would foreseeably sustain, alter, or negatively affect the area's wildlife patterns for species protected by this Article, and surface and groundwater.
- e. **Endangered plant and vertebrate species.** A list of all known and suspected endangered plants and vertebrates (e.g., birds, fish, amphibians, mammals) shall be provided. In addition, habitat descriptions shall be provided for any identified endangered species and compliance with all applicable federal and state laws protecting identified species shall be demonstrated.
- f. **Alternative site design analysis.** Alternative site designs shall be developed by the consultant and Planning Director that shall be based on habitat-based considerations only; visual impacts to the landowner or potential effects on the market value of the property are not to be considered for this purpose. The impacts of development to protected resources shall be addressed for each alternative. At minimum, the following information shall be provided:
- (1) Analysis that compares the degree to which the selected alternative site designs avoid and minimize negative impacts to protected resources to the impacts of the proposed site design;
  - (2) Identification of locations for major types of potentially permitted development (e.g., guesthouses, barns, gazebos, etc.) that are not part of the development proposal;
  - (3) Recommendations related to the human uses of the property, including, but not limited to, ATV use, livestock grazing, outdoor lighting, cross-country skiing, pet control, bear conflicts, and fencing.
- g. **Recommendation by Planning Director of preferred development site design.** The Planning Director shall recommend a site design from the analyzed alternatives that

best meets the applicable standards and objectives of this Article and the Jackson/Teton County Comprehensive Plan. This recommendation may combine elements from each of the alternative site designs. The Planning Director may also recommend conditions of approval for the project based on the content of the EA.

3. **Analysis of required open space.** When a proposed development has required open space, the Environmental Analysis shall consider how well the proposed open space meets the standards of Division 4300, Open Space Standards for Residential Development.
4. **Habitat enhancement plan.** Identification of any habitat enhancement plan(s) as specified by Section 3270.H. Impact on NRO District Lands.
5. **Progress report.** The Planning Director may require the EA consultant to provide one or more progress reports during the development of an EA. Progress reports shall be used primarily on large projects to receive and respond to information and recommendations in the preliminary stages of an EA. Progress reports shall summarize the consultant's actions and important preliminary conclusions related to the EA.
6. **Environmental Analysis in digital form.** The mapping components of the EA shall be submitted in a digital form that is compatible with the County's Geographic Information Systems (GIS) program. The Planning Director may waive this requirement when no practical technical alternative exists to comply with this requirement.
7. **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 narrative of the proposed development, provides a photographic simulation or other comparable visual analysis of the proposed development, depicts the boundaries of the Scenic Resources Overlay District, compares the visual impacts of alternative site designs, if any, proposed in the wildlife component of the EA, and include plans identifying how the proposed development on the land complies with the standards of Division 3300, Scenic Resources Overlay (SRO) District. The visual analysis shall also assess the development's visual impacts as viewed from adjacent river corridors where present. The visual analysis may be done by someone other than the consultant for the Environmental Analysis (e.g., by a Wyoming licensed landscape architect) if approved by the Planning Director. Such approval shall not change the requirements of the visual analysis.
8. **Agricultural component.** An environmental analysis shall contain an agricultural component that identifies the location of agricultural land and describes related agricultural operation, such as irrigation practices, that occur on the land.
9. **Priorities.** In reviewing and approving, approving with 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 District shall receive second priority.

- B. **Professional consultant(s) required.** The Environmental Analysis shall be prepared by one (1) or more professionals hired by the developer. 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. Chosen professionals shall also provide documentation of their qualifications upon the request of the Planning Director.

### 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.
- C. **Environmental Checklist and submission of development application.** In addition to the review procedures required in Section 5120, Provisions of General Applicability, an EA consultant shall have two (2) meetings with the Planning Director prior to submittal of a Final Development Plan. The first meeting shall be for the purpose of completing the Environmental Checklist (except for the identification of alternative site designs: see below). This meeting shall not take place until the applicant can accurately represent the scale, type, and location of the proposed development.

The purpose of the second meeting is for the Planning Director and consultant to identify alternative site designs for analysis as required by Section 3140.A.2.f. This second meeting shall not take place until the EA consultant has completed, at minimum, the Habitat Inventory and Development Impact Assessment for the proposed development; it is only after these two items have been reviewed that alternative site designs can be accurately identified. Once the EA consultant has completed the alternative site design analysis, the analysis and all other required elements of the EA shall be submitted with the development application.

According to Section 3140.A.2.g, Recommendation of Preferred Development Site Design, the Planning Director shall provide a recommended site design based on the data and analyses contained in the EA. This recommendation shall be provided after the sufficiency determination for the project but prior to a staff recommendation to the Planning Commission.

- D. **Methodology.** A statement summarizing the methodology used to produce the Habitat Inventory and Development Impact Assessment shall be provided. This shall include, for example, the number, date, and duration of visits to the site, sources of relevant information (written and verbal), and outline of analytical process and major assumptions used to assess and compare the development impacts of the project.

- E. **Substantial changes.** When substantial changes are made to the proposed development after the Environmental Analysis has been completed, so that the accuracy of the EA is significantly compromised, the Planning Director may require that the applicant provide updated analysis data to address the changes.
- F. **Expiration of EA.** An EA that is completed three (3) or more years before the date of a development application submittal shall not be considered current and shall not meet the requirement of this Article. Notwithstanding this standard, the Planning Director may require a wholly new or amended EA for EA's that are less than three years old if recent development in the vicinity of the proposed projects has occurred so that wildlife patterns and habitat have been altered significantly. Alternatively, the Planning Director may extend the expiration date of an EA beyond three years where 1) No significant development has occurred in the vicinity of the proposed development that would significantly alter wildlife patterns or habitat, and 2) there have been no other significant changes that render the analysis and conclusions in the EA outdated or inaccurate.

**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 Teton County. Preserving the ten (10) year floodplain protects against the loss of life and property during flood events. Mesic and nonmesic habitats, as described in the Appendix, 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 and 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 sub-irrigation 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 Teton County/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, Intermtn. 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, as identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, The Flood Insurance Study for Teton County, dated May 4, 1989. The Flood Insurance Study is on file at the Planning Office in the Teton County Courthouse, Jackson, Wyoming.
  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 County 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. **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.
  - d. **Wetlands.** 30 feet.
  - e. **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.
  - f. **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.
  - g. **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 and essential road or utility crossings 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) **Compliance with Floodplain Management Resolution.** All development permitted within the floodplain pursuant to this Section shall comply with the Teton County Floodplain Management Resolution. In the event of a discrepancy in regulation between the Floodplain Management Resolution and these Land Development Regulations, the more stringent regulation shall control.

- (4) **Minimize negative impacts on wildlife.** All development shall be designed to minimize negative impacts on wildlife.
- (5) **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. WILD ANIMAL FEEDING** (AMD 01-0015)

A. **Findings.** The feeding of those animals recited in Section 3230.D below by humans creates one or more of the following risks:

- 1. attracts ungulates to residential areas, which poses a significant threat to human safety and domestic pets;
- 2. attracts large predators to residential areas, which poses a significant threat to human life or domestic pets;
- 3. promotes unnaturally high concentrations of animals, which in turn:
  - (a) increase the potential for disease transmission,
  - (b) promote overuse of certain habitats,
  - (c) disrupt natural animal migration;
- 4. promotes unnatural wildlife behavior, which can result in nuisance animals, which have to be relocated or destroyed, often at public expense, when they frequent residential areas or otherwise come into harmful or threatening contact with humans; and
- 5. detracts from the wild spirit of the animals.

B. **Intent.** The intent of this section is to protect and promote the public health, safety and welfare by 1) reducing the attraction of ungulates to residential areas, and thereby lessening the significant threat to human safety and domestic pets; 2) reducing the attraction of large predators to residential areas, and thereby lessening the significant threat to human life and domestic pets; 3) reducing unnaturally high concentrations of animals, thereby reducing the potential for disease transmission, the overuse of certain habitats, the disruption of natural animal migration, and the domestication of wild animals; 4) discouraging unnatural wildlife behavior, thereby reducing the number of nuisance animals that have to be relocated or destroyed when they frequent residential areas or otherwise come into harmful or threatening contact with humans; and 5) respecting the wild essence of the animals' nature.

**C. Definitions.**

1. **Supplemental feed attractants.** Supplemental attractants are any human food, pet food, hay, forage product or supplement, grain, seed or birdseed, garbage, or other attractant made available to the following animals: antelope, bighorn sheep, deer, elk, moose, mountain goats, bobcats, black bears, grizzly bears, mountain lions, lynx, wild bison, wolves, coyotes, foxes and raccoons.
2. **Agricultural.** For the purposes of this section “agricultural” means the science or art of cultivating the soil, producing crops and raising livestock.

D. **Prohibition.** No person shall knowingly or intentionally provide supplemental feed attractants to the following animals, unless specifically authorized by an agency of either the State of Wyoming or the United States of America: antelope, bighorn sheep, deer, elk, moose, mountain goats, bobcats, black bears, grizzly bears, mountain lions, lynx, wild bison, wolves, coyotes, foxes and raccoons.

E. **Exemptions.** A person engaged in any of the following activities is not subject to liabilities under this section:

1. The normal feeding of livestock and/or the practice of raising crops and crop aftermath, including hay, alfalfa and grains, produced, harvested, stored or fed to domestic livestock in accordance with normal agricultural practices; or
2. The cultivation of a lawn or garden, or the feedings of birds where the bird food is made unavailable to the animals specified in paragraphs C and D of this regulation.

A finding that the land was taxed as agricultural land shall create a presumption that the alleged feeding is exempt from this regulation.

## 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. 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. 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 sub-alpine 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 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 interspersion 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 bio-diversity 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 interspersed 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. Map of the Natural Resource Overlay (NRO) District**

1. **General.** The NRO District is shown on the Official Zoning District Map. The NRO District of the Official Zoning District Map includes 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.
2. **General NRO District /site specific analysis is required.** The NRO District shown on the Official Zoning District Map 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 Section 3140.A., 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 subsections 3270.E.1, Trumpeter swan, 3270.G, Bald eagle, and 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 Nest and Habitat Restrictions, and Section 3270.G, Bald Eagle Nest and Habitat Restrictions.

## 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, Natural Resources Overlay (NRO) District, may be impacted pursuant to the standards of this subsection.

1. **Minimizes wildlife impact.** Based on the data and recommendations in the Environmental Analysis, the location of the proposed development shall minimize impacts on the areas protected (e.g., crucial migration routes, crucial winter range, nesting areas). For the purposes of this standard, “minimize” is defined as locating development to *avoid* higher quality habitats for lesser quality habitats. Only when avoidance is not possible due to significant topographical constraints related to the property, may higher quality habitats be impacted.
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. The monitoring program shall consist of a qualified County representative conducting a site visit three (3) years after development plan approval for the project to verify that the enhanced habitat is serving, or will serve in a reasonable amount of time, its required biological purpose. The landowner shall grant access to their property to this County representative, provided that the County representative gives the landowner twenty-four (24) hour prior notice of the inspection. If the County representative determines that the habitat enhancement is not

performing to the approved standard, the property owner shall have one year to bring the habitat enhancement into compliance and shall pay the full costs for the compliance. The applicant shall provide a bond or other financial surety to the County equal to 125% of the estimated cost of the required mitigation.

- 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.
- J. **Domestic pets.** Domestic pets, especially dogs, can pose a serious threat to the survival of wildlife protected in this Article by killing, injuring, and chasing wildlife. On properties in the NRO, domestic pets (e.g., dogs and cats) should be physically restrained (i.e., leashed, chained, fenced), or accompanied by a person who has strict voice control over the animal at all times. Cats and dogs should not be allowed to roam unaccompanied in the NRO.

## 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 complements 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. **Map of the Scenic Resource Overlay (SRO) District**
  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 Official Zoning District Map.
  2. **Skyline.** The Skyline is described in Subsection C. above and is contained in the Scenic Areas identified on the Official Zoning District Map.
  3. **Buttes.** The location of the East and West Gros Ventre Buttes, Antelope Butte, Boyles Hill and Hufsmith Hill are identified on the Official Zoning District Map.
  4. **Snake River Canyon Scenic Area.** The location of the Snake River Canyon Scenic Area is described in Section 3320.A.4.c.

## 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 May 9, 1994, 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 Section 3030.G, 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. Top soil 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 Teton County 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) development of 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.
- Working ranch subdivision
  - 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 slopes in excess of thirty (30) percent.
- F. **Stated policy to encourage agriculture.** Ranching is an important part of the local setting, and provides a critical background to tourism. Teton County 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. **Ensure retention of grazing and access to USFS lands.** The County 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 County 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 County 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 County 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. (Amended 6/17/97)
- B. **Existing lodging uses outside the LO.** All lodging uses legally established prior to May 9, 1994 which are located outside 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.
- C. **Exemptions.** Dude ranches, bed and breakfasts, and campgrounds are exempt from the lodging overlay.

#### **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 FAR for the UC District shall apply to all lodging uses within the AC Zoning District. These dimensional limitations are established in Table 2400, Schedule of Dimensional Limitations, and apply to all uses within the LO District.
- C. **Underlying zone district standards.** All development standards of the underlying zone district, as specified in these Land Development Regulations, shall apply to all uses, including lodging uses, within the LO District.

**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. Part of the tourism economy of Teton County and the Town of Jackson is the attraction to “the last and best of the Old West.” 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 and AC 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 .05.

- 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 and Accessory Commercial Apartments are permitted subject to limited use review.
  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 Events
  3. **Conditional uses.** Only Indoor Commercial Amusement uses may be permitted by issuance of a Conditional use permit.

## **MESIC AND NONMESIC HABITATS APPENDIX**

A. **Purpose.** This Appendix is to establish a mechanism for protecting mesic and nonmesic habitats. Mesic habitats and nonmesic habitats are divided into several subcategories and should be protected according to their importance to wildlife and its survival. Protecting these habitats to a certain extent ensures maintenance of 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. **Resource definitions.**

1. **Mesic habitats.** Mesic habitats are generally moist, productive sites at lower elevations but do not include wetland communities or habitats which are treated as a separate category. The following are categories of mesic habitats:

a. **Deciduous forest**

(1) **Aspen.** Two categories are defined.

(a) **Mature.** Stand composition comprised of a dominant tree strata (greater than or equal to twenty-five [25] percent canopy coverage) consisting of aspen greater than twenty (20) feet in height and with less than ten (10) percent conifer or narrowleaf cottonwood species comprising the dominant strata of the canopy.

(b) **Immature.** Similar to (a), Mature, above, but with the dominant strata comprised of aspen less than twenty (20) feet in height.

(2) **Narrowleaf cottonwood.** Three categories of cottonwood forest are defined.

(a) **Mature.** Stand composition consisting of a dominant tree strata (greater than or equal to twenty-five [25] percent canopy coverage) comprised of cottonwood greater than forty (40) feet in height with less than ten (10) percent of the canopy coverage in the dominant strata consisting of other tree species.

(b) **Medium.** Similar to (a), Mature, above, but with the dominant strata comprised of cottonwood trees twenty (20) to forty (40) feet in height.

(c) **Immature.** Similar to (a), Mature, above, but with the dominant strata comprised of cottonwood trees less than twenty (20) feet in height.

b. **Mixed species forest**

(1) **Cottonwood/spruce.** Forest where the dominant strata (greater than or equal to twenty-five [25] percent canopy coverage) consists of mixture of cottonwood and spruce; or where the forest is dominated by cottonwood trees and supports an understory or codominant strata of ten (10) percent canopy coverage of spruce of varying age classes.

- (2) **Other mixed forest.** Forest where the dominant strata (greater than or equal to twenty-five [25] percent canopy coverage) consists of mixed species composition with two or more of the above species (i.e., cottonwood, aspen, and conifer) each comprise greater than or equal to ten (10) percent of the canopy cover.
      - c. **Coniferous forest.** Forest in which the dominant strata is comprised of twenty-five (25) percent or more of coniferous species and which does not meet the definition for any other forest cover type.
      - d. **Other mesic types**
        - (1) **Tall forb.** Dominant vegetation (greater than or equal to twenty-five [25] percent canopy coverage) consisting of tall forbs (e.g., *Senecio*, *Mertensia*, *Heracleum*, *Anjelica*) with trees and/or shrubs consisting of less than ten (10) percent canopy coverage.
        - (2) **Tall shrub.** Dominant vegetation (greater than or equal to twenty-five [25] percent canopy coverage) consisting of tall shrubs of varying species composition such as, *Prunus*, *Amelanchier*, *Crataegus*, and *Salix*.
2. **Nonmesic habitats.** These are generally upland, higher elevation, lower productivity, cold-xeric habitats that occur on other than mesic or wetland sites.
  - a. **Deciduous forest**
    - (1) **Aspen.** Aspen stands, as defined above, which occur on other than mesic or wetland sites. Two categories are defined.
      - (a) **Mature.** The dominant aspen strata is greater than or equal to twenty (20) feet in height.
      - (b) **Immature.** The dominant aspen strata is less than twenty (20) feet in height. This does not include wind and ice-blasted deformed and dwarfed stands which are included under the category of Scrub in this Appendix.
  - b. **Coniferous forest.** Four cover types are defined.
    - (1) **Lodgepole pine.** Stands where lodgepole pine dominate (greater than or equal to twenty-five [25] percent canopy coverage) the upper-most tree strata, in some cases to the exclusion of other species; or in mixed species stands where individually, other tree species accounts for less than twenty-five (25) percent of the total canopy coverage in the dominant strata.
    - (2) **Subalpine fir/spruce.** Stands where subalpine fir or spruce dominate (greater than or equal to twenty-five [25] percent canopy coverage) the upper-most tree strata, in some cases to the exclusion of other species; or in mixed species stands (e.g., lodgepole pine, Douglas fir, and aspen) where individually, other tree species account for less than twenty-five (25) percent of the total canopy coverage in the dominant strata.

- (3) **Douglas fir.** Douglas fir may occur in nearly pure stands of old growth or in mixed young to intermediate-age stands where aspen, lodgepole pine, or other species may also be present. In the mixed stands, Douglas fir comprise greater than or equal to twenty-five (25) percent of the canopy coverage and the total individual coverage of aspen, lodgepole pine, or other species is less than or equal to twenty-five (25) percent of the canopy.
  - (4) **Limber pine/juniper.** Limber pine and/or juniper generally occur in open, nearly pure stands. Some minor amounts of Douglas fir or aspen may also be present. Limber pine and/or juniper may occur in minor amounts in any of the above cover types. Limber pine and/or juniper occur in widely spaced open stands with greater than or equal to ten (10) trees per acre.
- c. **Shrub-grassland and scrub.**
- (1) **Tall shrub**
    - (a) Stands dominated (greater than or equal to twenty-five [25] percent canopy coverage) by chokecherry, serviceberry, mountain snowberry, or other tall shrubs with less than ten (10) percent tree canopy coverage present.
    - (b) Stands dominated by mountain mahogany.
  - (2) **Other shrub or scrub habitats**
    - (a) **Mesic shrub.** Big sagebrush, bitterbursh and/or shrubby cinquefoil dominated shrub-land with bunch grasses generally codominant.
    - (b) **Xeric shrub.** Xeric, scab, shallow-soil, or heavy, clay-soil sites of low productivity dominated by generally widely-spaced, low shrubs and subshrubs, such as *Artemesia spp.*, *Eurotia*, and grasses. This habitat often occurs on sites or exposures where snow cover is periodically wind-transported (blown clear.)
    - (c) **Scrub.** Wind and ice-blasted or snow-accumulation sites that support deformed and dwarfed trees (krummholz) and/or shrubs.
- d. **Grassland.** Area dominated by perennial grasses and low herbaceous vegetation and that do not have shrub-dominated cover type characteristics.
- (1) **Mesic grassland.** Mesic grasslands are sites with a perennial grass and forb ground cover of greater than or equal than fifty (50) percent. These sites are sometimes referred to as dry meadows.
  - (2) **Xeric grassland.** Xeric grasslands are sites with a perennial grass and forb ground cover of less than fifty (50) percent. Growth is sparse and ground cover is incomplete and lacking in many places.

- (3) **Disturbed grassland.** Sites which are located adjacent to shrub-dominated areas which show a continued history of disturbance, are presently vegetated in perennial grasses and forbs, and which, over time and in the absence of further disturbance, may revert to a sagebrush-dominated cover type. Small, scattered shrubs may be present.
- C. **Development design guidelines.** Mesic and nonmesic habitats are intended to be protected through development design guidelines. Property proposed for development that contains resources identified by this Appendix should be designed to protect as many of the identified resources as possible. Open space should be used to protect areas containing the most important identified protected resources; conversely, projects should be designed so that development is located in areas that contain the least valuable resources. Notwithstanding, land identified as being located within the NRO and/or SRO receives the highest priority.
1. **Ordinal ranking.** The resources defined in this Appendix shall be protected in the group order specified below. An ordinal ranking number is given for each group of resources, 10 being the highest, or most important, 1 being the lowest, or least important.
    - a. **Priority - 8.** Immature narrowleaf cottonwood (mesic, deciduous forest); tall shrub (other mesic types); immature aspen forest (nonmesic, deciduous forest); tall shrub (nonmesic, shrub-grassland and scrub.)
    - b. **Priority - 7.** Immature aspen forest (mesic, deciduous forest); medium narrowleaf cottonwood (mesic, deciduous forest); mature aspen (nonmesic, deciduous forest.)
    - c. **Priority - 6.** Mature aspen (mesic, deciduous forest); mature narrowleaf cottonwood (mesic, deciduous forest); cottonwood/spruce (mesic, mixed species forest); other mixed forest (mesic, mixed species forest); Douglas fir (nonmesic, coniferous forest); limber-pine/juniper (nonmesic, coniferous forest.)
    - d. **Priority - 5.** Coniferous forest (mesic); subalpine fir/spruce (nonmesic, coniferous forest); mesic shrub (nonmesic, shrub-grassland and scrub.)
    - e. **Priority - 4.** Lodgepole pine (nonmesic, coniferous forest); scrub (nonmesic, shrub-grassland and scrub.)
    - f. **Priority - 3.** Tall forb (mesic, other mesic types); xeric shrub (nonmesic, shrub-grassland and scrub); mesic grassland (nonmesic, grassland.)
    - g. **Priority - 1.** Xeric grassland (nonmesic, grassland); disturbed grassland (nonmesic, grassland.)