



## Board of County Commissioners - Staff Report

**Subject:** ZMA2023-0001: Rural-3 Zoning Assignment Request

**Agent/Applicant:** Lori Tillemans

**Property Owner:** Lori Tillemans

**Presenter:** Erin Monroe

### **REQUESTED ACTION**

Request to amend the Official Zoning Map, pursuant to Teton County Land Development Regulations (LDR) Section 8.7.2 for a parcel of land (PIDN 22-43-15-29-2-00-001). The subject parcel is a ±0.13-acre private inholding within Grand Teton National Park, northwest of the intersection of Craighead Lane and Antelope Flats Loop Road (See Figure 1 on page 2). The parcel is currently not zoned, and the requested zoning is Rural-3 (R-3). This zoning map amendment is requested by Lori Tillemans on behalf of property owner Todd Alan Moulton.

### **DESCRIPTION & BACKGROUND**

#### ***PROJECT DESCRIPTION***

The Application is requesting that the subject parcel be assigned a zone, specifically Rural-3, as it currently does not contain any zoning. The parcel is approximately 300 feet from the nearest roadway, Craighead Lane. The parcel is surrounded by National Park land and is, therefore, a private “inholding”. The parcel is owned by Todd Alan Moulton who seeks a Teton County zoning designation.

The parcel is ±325 feet long, and ±15 feet wide. The parcel is unusually shaped as it was originally intended as a public roadway, according to National Park Service (NPS) comments which are included in this packet. The surrounding privately owned parcels are zoned Rural-3. It appears that at some point in time the roadway to access the currently existing private inholdings on the Craighead ridgeline was moved 300 feet to the east.

#### ***BACKGROUND***

In 2019, the property was conveyed to the current owner Todd Moulton after the passing of Boyd Moulton. Through the probate process, the parcel was conveyed to Boyd Moulton’s wife Inez Moulton, who then conveyed the parcel to Todd Moulton in the same year, 2019. The conveyance of the property in 2019 resulted in two recorded deeds. The recordation of the deeds in the Clerk’s Office resulted in the Assessor’s Office recognizing the subject area as a “parcel” and adding the parcel onto the County’s mapping server. Prior to this, the Assessor’s Office categorized this area as a “road”, which Mr. Boyd Moulton began paying taxes on in 1995/1996, per his request. While the parcel appears under ownership under the Boyd / Moulton family name as early as 1993 in the Clerk’s records, the 2019 deeds finally triggered this parcel to be recorded as such, without an assigned zoning designation.

Todd Cedarholm, Teton County Surveyor, was able to piece together the history of this parcel. John A. Moulton originally obtained a patent from the U.S. government in 1916 under the Homestead Act for 160 acres. In 1941 John A. Moulton and his wife, Bertha Moulton conveyed 2.5 acres to Kell Bauch and Ann Hoxatny out of the original 160 acres. When this conveyance was made in 1941, the Moulton’s made clear that they are not conveying the road, since that is the road that accesses their property. Specifically, the 1941 deed says the following,

“Less a strip of land one rod wide on the east side of said tract and running the full north and south length of it, which is ***hereby reserved for a roadway for public use.***”

In 1985 Christopher and Tamara Holder conveyed to the U.S. Government, the northern half of the same parcel that had been created in 1941. The Holders also make it clear in their deed to the U.S. Government that the conveyance does not include the strip of land 1 rod wide on the east side of the property. It is not the Holder’s property since it was held out of the 1941 conveyance, but they appear to be making it clear that the roadway is not part of the conveyance to the U.S. Government since the road is servicing other existing private inholdings.

The use of the road appears to have been abandoned at some point when the new road was built 300 feet to the east to service the private inholdings on Craighead ridge. Another explanation provided was that John Moulton was carving out the road exceptions for a future road that may have never been built or used.

Now, the parcel requires a zoning designation to align with the rest of the privately owned properties in Teton County. The need for the parcel to be assigned zoning has become more apparent and time-sensitive this year, as the owner wishes to move forward with physical development and/or use permits, which require a zoning designation for the Planning and Building Department to be able to perform a review.

### SITE DETAILS

The parcel is not currently addressed. The parcel is most identifiable by the PIDN number. The parcel is surrounded by Grand Teton National Park Service land northwest of the intersection of Craighead Lane and Antelope Flats Loop Road. The parcel runs parallel to Craighead Lane.

PIDN:	22-43-15-29-2-00-001
Site Size:	0.13 acres or 5,662.8 sf
Character District:	15 – County Periphery
Subarea:	15.1 – Large Outlying Parcels
Current Zone:	Unassigned
Overlay:	None

### ZONING/VICINITY MAP

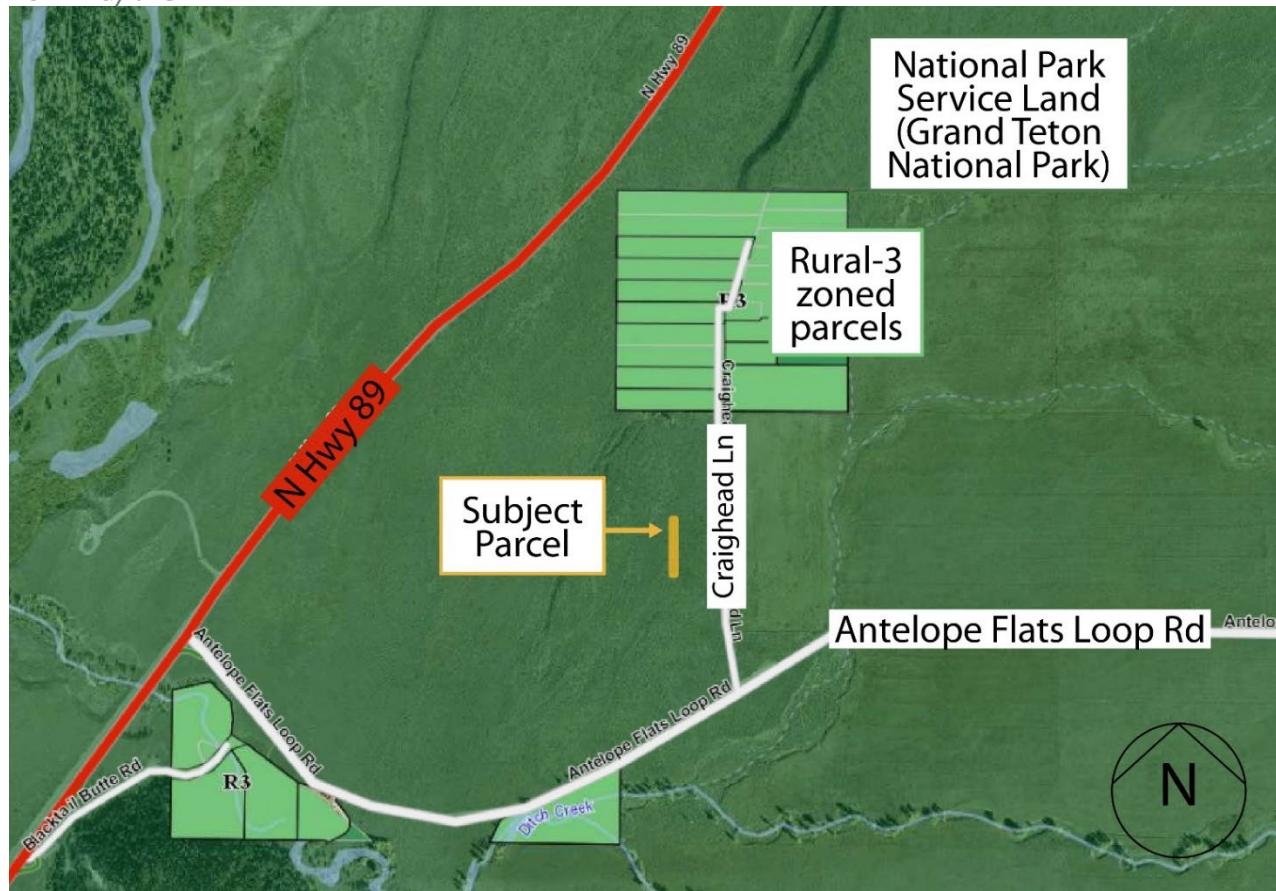


Figure 1. The subject parcel is currently un-zoned and surrounded by National Park Service land for Grand Teton National Park. The other privately owned parcels in the area are zoned Rural-3. Note that the dark green area is all National Park lands.

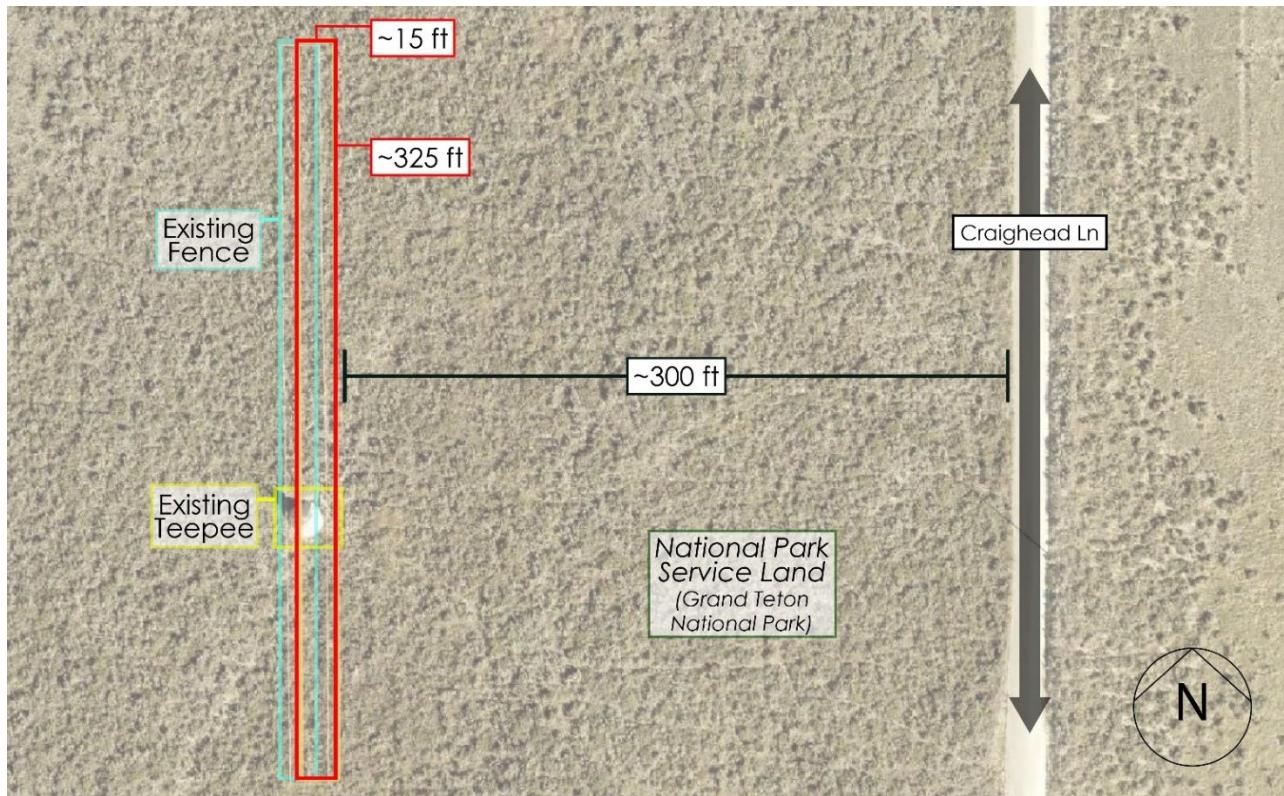
**EXISTING CONDITIONS & LOCATION**

Figure 2. Aerial photo of the subject site with callouts for the existing teepee structure, existing fence line, and distance from the nearest roadway. The parcel is separated from the roadway by NPS land by 300 feet.

There are approximately 300 feet of NPS land between the subject parcel and Craighead Lane. The parcel does not have an access road or pathway connecting it to Craighead Lane. Highlighted in Figure 2 above, the site has an existing teepee structure and fencing (which mirrors the parcel boundaries but is shifted slightly west, encroaching onto NPS land).

The existing teepee is visible from North Highway 89 to the west, and Antelope Flats Loop Road to the south. North Highway 89 is a main artery for those traveling to or from Grand Teton National Park or Bridger-Teton National Forest. Antelope Flats Loop Road is also frequented by the community and tourists as it is an access route towards Mormon Row further east, an iconic location in the Jackson Hole valley. Both roadways are diagrammed in Figure 1 above. The teepee and Grand Teton Mountain range viewshed is shown in Figure 3 and 4 below.

According to the comments submitted by the Grand Teton National Park, “*the parcel is located in a prominent location in the Antelope Flats area of Grand Teton National Park. This area provides some of the most unobstructed views of the Teton Range in the park. It is also located in core sage grouse habitat and is near elk, pronghorn, mule deer and bison migration routes.*” The condition of the vegetation is visible in Figures 3 and 4 below.



Figure 3. Photo taken on June 18, 2023, from Craighead Lane. Rainstorm clouds reduce visibility of the Grand Teton mountain-range viewshed behind the structure on the subject parcel. The on-site teepee is circled.



Figure 4. Photo taken on June 18, 2023, from Craighead Lane. Rainstorm clouds reduce visibility of the Grand Teton mountain-range viewshed behind the structure on the subject parcel. Further north on Craighead Lane, trees that separate the subject parcel from the existing residential area are visible.

## STAFF ANALYSIS

This Zoning Map Amendment (ZMA) application includes information regarding the owner's future plans to construct *"a modest single-family residence and required parking"* on the site. However, this ZMA is only analyzing the requested Rural-3 zoning on the currently un-zoned parcel. Any discussion of future uses or development on the site will be considered with the relevant development and use permit applications in the future.

## KEY ISSUES

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### KEY ISSUE 1: Is Rural-3 the best zoning option for the subject parcel?

Staff finds that Rural-3 (R-3) is the most suitable zoning designation for the subject parcel. Rural-3 is one of three rural zoning designations that support the implementation of the Comprehensive Plan. Rural-3 is appropriate for rural parcels that are below 3 acres. The surrounding privately owned parcels within this area are also zoned Rural-3. Figure 5 below is a high-level review that demonstrates the suitability of Rural-3 over the other zoning options available in Teton County.

Zone	Suitability for Subject Parcel
<b>Complete Neighborhood Character Zones</b>	
Neighborhood Residential (NR-1)	<b>Not Suitable.</b>
Workforce Home Business (WHB)	According to the Comprehensive Plan the parcel is not in a "Complete Neighborhood". It is a "Preservation" area, which is a type of Rural Area. Therefore, these zones would not be appropriate for the site.
<b>Complete Neighborhood Legacy Zones</b>	
Auto Urban Commercial – County (AC-TC)	<b>Not Suitable.</b>
Auto Urban Residential – County (AR-TC)	According to the Comprehensive Plan the parcel is not in a "Complete Neighborhood". It is a "Preservation" area, which is a type of Rural Area. Therefore, these zones would not be appropriate for the site.
Wilson Commercial (WC)	
Office Professional – County (OP-TC)	
Business Park (BP-TC)	Legacy Zones are intended to be phased out, so applying these zones to a parcel would be contrary to the Comprehensive Plan.
<b>Rural Area Character Zones</b>	
Rural-1 (R-1)	<b>Suitable.</b>
Rural-2 (R-2)	According to the Comprehensive Plan the parcel is a "Preservation" subarea, which is a type of "Rural Area".
<b>Rural-3 (R-3)</b>	Character Zones are character-based and established to implement the Comprehensive Plan.  Rural-3 encompasses rural parcels and neighborhoods which are 6 acres or less. The subject parcel is 0.13 acres and therefore would require the rural zoning designation for the smallest parcels.  <b>Rural-3 is the most suitable for the subject parcel.</b>
<b>Rural Area Legacy Zones</b>	
Business Conservation – County (BC-TC)	<b>Not suitable.</b>
Mobile Home Park – County (MHP-TC)	Legacy Zones are intended to be phased out, so applying these zones to a parcel would be contrary to the Comprehensive Plan.
Neighborhood Conservation – County (NC-TC)	
Suburban – County (S-TC)	
Rural-County (R-TC)	

**KEY ISSUE 2: Rural-3 Standards as applied to the subject parcel.**

Figure 6 below outlines the standards that would be applicable to the parcel if this request for Rural-3 zoning is approved. Notably, this is a high-level review that outlines the *maximum* uses and development options for the parcel based only on the parcel acreage and the proposed Rural-3 zoning standards. In practice, the 15 ft by 325 ft dimensions of the subject parcel will make the development options limited and complicated.

Rural-3 (Proposed)		Summary
<b>Environmental Standards</b>	Environmental standards are applicable (3.2.4.B.3)	The site is not in the NRO or SRO overlay and therefore does not need to comply with the standards.  The proposed Rural-3 zoning would introduce environmental regulations to the parcel. These include wildlife feeding, bear resistant trash container, and wildlife friendly fencing standards.
<b>Maximum Floor Area</b>	4,081 sf	The proposed Rural-3 zoning would allow a maximum floor area of approximately 4,081sf. This is dependent upon what types of future approvals could be granted on this site.
<b>Maximum Site Development (sf)</b>	6,241 sf	The proposed Rural-3 zoning would allow a maximum site development allowance of 6,241 sf. This is dependent upon what types of future approvals could be granted on this site.
<b>Minimum Street Setback</b>	25 ft	The proposed Rural-3 zoning would require a 25-foot setback from the parcel boundary which faces the road. The subject parcel will have complicated development potential because 25 feet is approximately 10 feet greater than the dimension of the parcel, therefore it is dependent upon the types of approvals that could be granted on this site.
<b>Side Setbacks</b>	10 ft	The proposed Rural-3 zoning would require a 10-foot setback on both sides of the parcel.
<b>Rear Setback</b>	10 ft	The proposed Rural-3 zoning would require a 10-foot setback from the rear parcel boundary. In combination with the street setback requirement, this requires a sum of 35 feet in front and behind any development, which is approximately 20 feet greater than the depth of the parcel. Again, development potential will be dependent upon the types of approvals that could be granted here.
<b>Parking Requirement</b>	Agriculture: None  Detached Single-Family: 2  Accessory Residential Unit: 1.25	The proposed Rural-3 zoning would require 2 parking spaces for either a temporary shelter or detached single-family use. For an accessory residential unit, an additional 1.25 parking spots would be required.

Rural-3 (Proposed)		Summary
	Gravel Extraction / Processing: 1 per employee  Temporary Shelter: 2  <i>(See LDRs for comprehensive list of parking requirements per use for Rural-3)</i>	
<b>Total Maximum Lumens</b>	0.5 x sf of site development	The proposed Rural-3 zoning would allow one-half lumen per square foot of site development.
<b>Overall Height Maximum</b>	37.5 ft	The proposed Rural-3 zoning would allow up to 37.5 feet of height.
<b>Affordable Housing Impacts</b>	All of the primary R-3 uses, other than Agriculture, have housing mitigation requirements.	The proposed Rural-3 zoning would introduce use-based Affordable Housing mitigation requirements.
<b>Allowed Uses</b>	+ Agriculture + Detached Single-Family + Gravel Extraction / Processing + Utility Facility Wireless Communications + Wireless Communications + Accessory Residential Unit + Home Occupation + Home Business + Family Home Daycare + Temporary Shelter + Temporary Gravel Extraction	The proposed Rural-3 zoning would introduce the listed allowed uses on the parcel. This includes agriculture, residential, industrial, transportation/infrastructure, accessory, and temporary uses.

Figure 6. Summary of Rural-3 zoning standards.

## **STAKEHOLDER ANALYSIS**

### **DEPARTMENTAL REVIEWS**

The application was sent to the following departments and agencies for review. All reviews and comments are attached. The applicant has also provided written responses to the reviews, which are attached to this staff report.

- National Park Service, Grand Teton National Park (comments attached)
- Teton Conservation District (comments attached)
- Wyoming Game and Fish (comments attached)
- Teton County & Jackson Fire and Emergency Management Services (no comments)
- Teton County Road and Levee Department (no comments)
- Wyoming Department of Transportation (no comments)

## **PUBLIC COMMENT**

Notice of this hearing was mailed to property owners within 800 feet of the subject parcel on September 21, 2023, and was posted on the site on October 13, 2023. No public comments have been received as of the publishing of this report are attached.

A neighborhood meeting was held by the applicant on July 20, 2023, prior to the scheduling of public hearings on the proposal.

## **LEGAL REVIEW**

Chief Deputy County Attorney Gingery

## **RECOMMENDATIONS**

### **PLANNING DIRECTOR RECOMMENDATION**

The Planning Director recommends **APPROVAL** of **ZMA2023-0001**, application received April 19, 2023, based on the factors of Section 8.7.2.C below.

### **PLANNING COMMISSION RECOMMENDATION**

At its October 23, 2023, meeting, the Planning Commission unanimously recommended **APPROVAL** of **ZMA2023-0001**, with Commissioner Rockey absent. The discussion by Commissioners touched on a few points, primarily the purpose of the parcel and if zoning assignment was necessary or appropriate.

The first question was if un-zoned privately owned parcels are required to be zoned, posed by Commissioner Lurie. To this, County Attorney Mr. Gingery referenced Land Development Regulation Section 1.7.6 which states the following.

*Change of Jurisdiction. When land changes jurisdiction by transfer, trade, or sale from state or federal agencies to a private landowner, the land shall be assigned to an appropriate zone, pursuant to the procedure of Sec. 8.7.2., prior to any physical development, use, development option, or subdivision of the land.*

While in this case it does not appear that there was a change of jurisdiction, the County only recently became aware that the parcel existed separately from the National Park Service Land, as described in the "Background" section of the Staff Report on page 1. Therefore, this standard indicated to Staff that zoning was appropriate.

Commissioner Lurie also inquired about how the parcel became a private parcel when it was "reserved for public use", per the first page of the Staff Report. Mr. Gingery reviewed the history as outlined in the Staff Report. This included that the parcel was originally intended to be reserved for a public roadway. However, the roadway was ultimately built 300 feet east (Craighead Lane).

Mr. Gingery reminded the Commissioners that at this time they are not analyzing the developability of the parcel, simply which zone to assign to the un-zoned parcel.

Commissioner Nielson then asked a follow-up question, if roadways are zoned in Teton County or if they take on the zone of the parcels they are on. Mr. Gingery indicated that private roads are zoned throughout the county, with zoning that matches the adjacent parcels.

Chairperson Muromcew summarized the conversation as a question of if the parcel needs to be zoned. Mr. Muromcew remarked that because it was designated as a public road, but was never used as a public road, and the owners have been paying property taxes on it, then it may be amenable to zone it.

Finally, the Planning Commissioners moved forward with a vote, which resulted in a 4-0 (Rocket absent) recommendation for approval.

## PLANNING DIRECTOR RECOMMENDED FACTORS

Pursuant to Section 8.7.2.C of the Land Development Regulations, the advisability of amending the Official Zoning Map is a matter committed to the legislative discretion of the Board of County Commissioners. There are factors listed in Section 8.7.2.C for the Board to consider but the decision is not controlled by any one factor. In deciding to adopt or deny a proposed zoning map amendment the Board of County Commissioners shall consider factors including, but not limited to, the extent to which the proposed amendment:

### 1. Factor 1: Is consistent with the purposes and organization of the LDRs (8.7.2.C.1):

Division 1.3: Purpose and Intent: Based on the legislative discretion of the Board of County Commissioners, these LDRs are in accordance with the Jackson/Teton County Comprehensive Plan. Their purpose is to implement the Jackson/Teton County Comprehensive Plan and promote the health, safety, and general welfare of the present and future inhabitants of the community with the intent listed below.

#### 1.3.1. *Implement the Community Vision: Preserve and protect the area's ecosystem in order to ensure a healthy environment, community, and economy for current and future generations.*

#### 1.3.2. *Implement the Common Values of Community Character*

##### A. *Ecosystem Stewardship*

1. *Maintain healthy populations of all native species and preserve the ability of future generations to enjoy the quality natural, scenic, and agricultural resources that largely define our community character.*

2. *Consume less nonrenewable energy as a community in the future than we do today.*

##### B. *Growth Management*

1. *Direct future growth into a series of connected, Complete Neighborhoods in order to preserve critical habitat, scenery and open space in our Rural Areas.*

2. *The Town of Jackson will continue to be the primary location for jobs, housing, shopping, educational, and cultural activities.*

##### C. *Quality of Life*

1. *Ensure a variety of workforce housing opportunities exist so that at least 65% of those employed locally also live locally.*

2. *Develop a sustainable, vibrant, stable and diversified local economy.*

3. *Residents and visitors will safely, efficiently, and economically move within our community and throughout the region using alternative modes of transportation.*

4. *Timely, efficiently, and safely deliver quality services and facilities in a fiscally responsible and coordinated manner.*

#### 1.3.3. *Implement the Illustration of Our Vision*

A. *Achieve the desired future character identified for each Character District.*

B. *Implement the policy objectives for each Character District.*

C. *Achieve the character-defining features identified for each Subarea.*

#### 1.3.4. *Predictable Regulations, Incentives, and Allowances*

A. *Ensure standards are consistently applied to similar applications and circumstances.*

B. *Ensure landowners, the public, and decision-makers know the amount, location, and type of growth to expect.*

C. *Use data analysis and best practices to inform standards and implement the adaptive management philosophy of the Growth Management Program.*

#### 1.3.5. *Coordination Between Jurisdictions*

A. *Implement the joint Town/County Vision through coordinated, supportive actions.*

B. *Maintain a common structure, format, and definitions in Town and County LDRs.*

Div. 1.4. Organization of the LDRs: These LDRs constitute the County's zoning and subdivision regulations. They have two organizing principles. Primarily, they are organized by zone in order to implement and emphasize the community's character-based planning approach. Secondarily, to provide ease of use, they are organized to answer three questions:

- What can be built or physically developed?
- What uses are allowed?
- How can the land be developed or subdivided?

**Can be made.**

The proposal applies a suitable Character Zone to the subject parcel which contributes to the implementation of the Community Vision and the Comprehensive Plan. This zoning designation also contributes to the Character District and Subarea vision, as it would allow for rural use and development opportunities. The proposal ensures predictability because all privately owned parcels are expected and required to have a zoning designation, which the subject parcel otherwise does not have.

2. Factor 2: Improves implementation of the desired future character defined in the Illustration of Our Vision chapter of the Comprehensive Plan (8.7.2.C.2):

**Can be made.**

The subject parcel sits within Comprehensive Plan Character District County Periphery and Subarea 15.1 Large Outlying Parcels. The Comprehensive Plan describes Character District 15 County Periphery as "overwhelmingly rural". Future development and use of the site "should remain rural in character, with a focus on preservation of wildlife habitat, wildlife movement corridors, scenic vistas, agriculture and open space, while responding private property rights." The Comprehensive Plan describes Subarea 15.1 Large Outlying Parcels as "characterized by open space and rural character" and "large lots and isolated smaller lot subdivisions surrounded by public land."

The proposed Rural-3 zone implements the desired character that the Character District and Subarea calls for because it is a Character Zone, which is intended to implement the Comprehensive Plan. The proposed Rural-3 zoning also allows for rural residential development that is focused on wildlife permeability and open space. Below is a list of the policy objectives under Character District 15: County Periphery and the review of compliance with the subject rezone request.

Common Value 1: Ecosystem Stewardship

1.1.c: Design for wildlife permeability.

Rural-3 has a focus on wildlife permeability, has setback requirements between 10 and 25 feet to ensure movement areas between structures, and would introduce requirements such as prohibitions on wildlife feeding, requirements for bear resistant trash containers, and wildlife friendly fencing design to the subject parcel.

1.1.b: Protect wildlife from the impacts of development.

Assigning Rural-3, or a zoning designation in general, to the parcel will introduce the requirement for all on-site development and uses to be reviewed for compliance with environmental and wildlife standards.

1.2.a: Buffer waterbodies, wetlands, and riparian areas from development.

Assigning Rural-3 zoning to the subject parcel will introduce waterbody and wetland setback requirements.

1.3.b: Maintain expansive hillside and foreground vistas.

Assigning Rural-3 zoning to the subject parcel will introduce height maximums to the site.

1.4.a: Encourage non-development conservation of wildlife habitat.

Assigning Rural-3 zoning to the subject parcel neither encourages nor hinders non-development conservation of wildlife habitat. Assigning a zoning designation will introduce development regulation requirements to the parcel.

1.4.b: Conserve agricultural land and agriculture.

The site is not currently agricultural land and is likely too small to ever be operated for an agricultural purpose.

1.4.c: Encourage rural development to include quality open space.

Assigning Rural-3 zoning to the subject parcel neither encourages nor hinders quality open space on the site. Assigning a zoning designation will introduce development regulation requirements to the parcel, such as setback requirements, which aids in open space preservation.

Common value 2: Growth Management

3.1.b: Direct development toward suitable Complete Neighborhood subareas

Rural-3 is a rural and low-density zoning designation and is not intended for a Complete Neighborhood subarea, as the parcel is not within a Complete Neighborhood.

3.1.c: Maintain rural character outside of Complete Neighborhoods.

The parcel is in a rural area, for which Rural-3 zoning is intended. The proposed Rural-3 designation would introduce regulations that are appropriate for parcels that are outside of Complete Neighborhoods.

3.3.d: Strive not to export impacts to other jurisdictions in the region.

The proposed Rural-3 designation does not impact other jurisdictions in the region.

Common Value 3: Quality of Life

7.2.d: Reduce wildlife and natural and scenic resource transportation impacts.

Assigning Rural-3 zoning to the subject parcel will introduce development regulation and review requirements to the parcel. This will aid in minimizing wildlife and scenic impacts.

*3. Factor 3: Is necessary to address changing conditions or a public necessity (8.7.2.C.3); and*

**Not Applicable.**

The proposal is not related to current conditions, but rather the regulatory requirement for all privately owned parcels in Teton County to be assigned a zoning designation. Rural-3 specifically implements the vision of the Comprehensive Plan and the LDRs. Further, a zoning designation is needed for the property owner to pursue further use or development applications.

*4. Factor 4: Is consistent with the other adopted County Resolutions (8.7.2.C.4).*

**Not Applicable.**

The County Resolutions, as listed below, do not have implications for the subject zoning proposal.

- Adopted Open Space Resolution
- Affordable and Employee Housing In-Lieu Fee Resolution
- Fee Waiver Policy Resolution
- Floodplain Management Resolution

- Jackson Hole Airport Resolution
- Small Wastewater Facility Regulations
- Solar Access Regulations Resolution
- Special Events Resolutions

### **ATTACHMENTS**

- Application (submitted on April 19, 2023)
- Neighborhood meeting summary (submitted on July 27, 2023)
- Planning Review Committee (PRC) comments
- Applicant response to PRC comments (submitted on November 13, 2023)
- Neighborhood mailed notice: letter & mailing list (sent on September 21, 2023)
- Photo of site posting (submitted on October 12, 2023)
- Planning Commission Packet (heard on October 23, 2023)

### **SUGGESTED MOTION**

I move to **APPROVE ZMA2023-0001**, application received April 19, 2023, to assign Rural-3 zoning to the subject parcel, being able to make the factors of approval of LDR Section 8.7.2.

### **Zoning Map Amendment-Narrative and Findings of Fact**

The owner of the property seeks to zone the property to a Rural-3 (R-3) zoning designation. The property is currently unzoned. The R-3 zoning designation is consistent with surrounding properties on Antelope Flats Loop Road and Craighead Lane that are likewise zoned R-3. Pursuant to Teton County's Land Development Regulations ("LDRS"), Section 8.7.2(C), the Board of County Commissioners shall consider factors including, but not limited to, the extent to which the proposed zoning amendment:

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

This proposed zoning map amendment is consistent with the purposes and organization of the LDRs. The purpose of the LDRs is to implement the Jackson/Teton County Comprehensive Plan and promote the health, safety and general welfare of the present and future inhabitants of the community. See LDRs, Division 1.3. The Comprehensive Plan designates this Property as being within District 15: County Periphery, and Sub-Area 15.1-Large Outlying Parcels. A priority of this character area is to preserve wildlife habitat and connectivity, while respecting private property rights. The property here is only 0.13 acres. The owner intends to use a portion of the Property for a modest single-family residence and required parking, while keeping the balance of the property in its current state to preserve wildlife habitat and connectivity. This is consistent with the vision of the character area and Comprehensive Plan, and by zoning an unzoned property and bringing said property within the scope of the LDRs, the County is protecting the health, safety and general welfare of present and future inhabitants of the community. As noted above, the R-3 zoning is consistent with the zoning and development surrounding the property. Moreover, the R-3 zone seems appropriate as it generally encompasses lots of 6 acres and less that are used for a single-family dwelling, as will be the case here. See LDRs, Section 3.2.4(A)(2).

**2. Improves implementation of the desired future character defined in the Illustration of Our Vision chapter of the Comprehensive Plan.**

As noted above, the Comprehensive Plan designates this Property as being within District 15: County Periphery, and Sub-Area 15.1-Large Outlying Parcels. A priority of this character area is to preserve wildlife habitat and connectivity, while respecting private property rights. The property here is only 0.13 acres. The owner intends to use a portion of the Property for a modest single-family residence and required parking, while keeping the balance of the property in its current state to preserve wildlife habitat and connectivity. The proposed zoning is also consistent with surrounding properties on Antelope Flats Loop Road and Craighead Lane, which are likewise designated as being within District 15: County Periphery, and Sub-Area 15.1-Large Outlying Parcels in the Comprehensive Plan.

**3. Is necessary to address changing conditions or a public necessity.**

The property is unzoned today. The owner would like to utilize its private property rights while respecting that the property is located in a rural and largely undeveloped area of the County. The proposed R-3 zoning is consistent with surrounding zoning in this area.

**4. Is consistent with other adopted County Resolutions.**

The proposed zoning amendment is consistent with other adopted County Resolutions.

**ZMA 2023-001**  
**Neighborhood Meeting Summary**

**Location:**

Craighead Lane, adjacent to subject property.

**Date and Time:**

July 20, 2023, 6 pm

**People/Entities Noticed:**

Chris Neubecker, Teton County Planning Department  
Derek Craighead, Trustee, Derek Johnson Craighead Revocable Trust  
Shirley Craighead  
Sophie Craighead, Trustee Sophie Engelhard Craighead Revocable Trust  
Palmer "Chip" Jenkins, Grand Teton National Park

**Attendees:**

Stefan Fodor, Fodor Law Office, counsel for applicant  
Charlie Craighead  
Lisa Craighead  
Lyle McReynolds  
Bob Haynam  
Jeremy Barnum, Grand Teton National Park

**Notices:**

Attached

**Photo Of posted notice:**

Previously provided

**Meeting Summary:**

1. The Zoning Map Amendment process was discussed in terms of the application, timing, and process before the Planning Commission and Board of County Commissioners.
2. Physical Development, while not part of the ZMA was also discussed and centered on the applicant's potential future plans to place a tiny home on the property.
3. Access through the National Park was discussed with Jeremy Barnum addressing the fact that the park believed the property was dedicated as a roadway.
4. Past efforts of purchase of the property by the park were discussed.



United States Department of the Interior

NATIONAL PARK SERVICE  
GRAND TETON NATIONAL PARK  
P.O. BOX 170  
MOOSE, WY 83012-0170



June 26, 2023

Erin Monroe, Associate Long Range Planner  
Teton County Planning & Building Services  
200 S. Willow Street  
Jackson, WY 83001

Dear Erin Monroe:

Thank you for the opportunity to provide comment on behalf of Grand Teton National Park regarding permit application ZMA2023-0001 requesting that a currently un-zoned parcel, 22-43-15-29-2-00-001, that is surrounded by National Park Service land be assigned Rural-3 zoning.

The aforementioned parcel is located in a prominent location in the Antelope Flats area of Grand Teton National Park. This area provides some of the most unobstructed views of the Teton Range in the park. It is also located in core sage grouse habitat and is near elk, pronghorn, mule deer and bison migration routes. The protection of these migration routes and habitat areas is a critical wildlife conservation priority for the State of Wyoming, Teton County, and the National Park Service.

The National Park Service respects the rights of private property owners and works closely with private landowners within and adjacent to the park to provide them appropriate access to their lands. Per the Grand Teton National Park Act of 1950 (64 Stat. 849) the location and use of such rights-of-way shall be subject to such regulations as may be prescribed by the Secretary of the Interior.

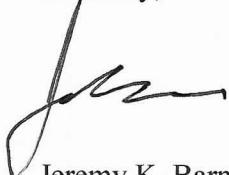
The park's understanding is that the parcel was originally intended for a public road, not for the development of structures, and therefore we have been advised that vehicular access to the property would not be allowed under the statutes and regulations governing the park unless there is a road constructed on it.

Given the extremely narrow nature of the parcel (15 feet wide), any site development or structure construction on the parcel would make the appropriate setbacks from park land for the preservation of wildlife habitat and national park viewsheds virtually impossible.

Were the county to rezone the parcel and grant a variance from its Land Development Regulations for site development on the parcel, the National Park Service would evaluate a right-of-way to the parcel that would incur the least amount of impacts to the surrounding park land, natural resources, and visitors. This would include National Environmental Policy Act and National Historic Preservation Act compliance work to determine the level of impacts to park natural and cultural resources. Design and construction of a right-of-way would be the responsibility of the landowner and would be authorized and regulated through a special use permit from the National Park Service.

Again, thank you for the opportunity to comment on this matter. Please contact me should you need further information.

Sincerely,



Jeremy K. Barnum  
Chief of Staff  
Grand Teton National Park  
John D. Rockefeller, Jr. Memorial Parkway



## WYOMING GAME AND FISH DEPARTMENT

5400 Bishop Blvd. Cheyenne, WY 82006  
Phone: (307) 777-4600 Fax: (307) 777-4699  
wgfd.wyo.gov

**GOVERNOR**  
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Rusty Bell

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May 25, 2023

WER 4522.14

Teton County Planning & Building Services  
Teton County Land Development Regulation Zoning Map Amendment  
Application ZMA2023-0001  
Teton County

Erin Monroe  
Associate Long Range Planner  
Teton County Planning & Building Services  
200 S. Willow Street  
Jackson, WY 83001  
emonroe@tetoncountywy.gov

Dear Ms. Monroe,

The staff of the Wyoming Game and Fish Department (Department) has reviewed the proposed zoning map amendment located in Section 29, T43N, R115W. The Department is statutorily charged with managing and protecting all Wyoming wildlife (W.S. 23-1-103). Pursuant to our mission, we offer the following comments for your consideration.

The proposed effort is to assign Rural-3 zoning to a currently un-zoned parcel in Teton County, approximately 1.7 miles northeast of Moose. The parcel is uniquely shaped, at approximately 15 feet wide and 330 feet long (0.13 acres) and is completely surrounded by Grand Teton National Park (GTNP). There is currently no direct road access to the parcel, with the nearest road located approximately 300 feet to the east. Developments within parcels zoned as Rural-3 in Teton County include requirements for wildlife friendly fencing, bear resistant trash containers, a ban on wildlife feeding, and other building considerations that may minimize impacts to wildlife. Teton County has requested the Department provide an overview of wildlife or natural resource impacts if the parcel is assigned Rural-3 zoning and development is pursued.

**Sage-Grouse Executive Order 2019-3** - The parcel is located within the Jackson Core Area and is therefore subject to compliance with Wyoming's Sage-Grouse Executive Order 2019-3. If zoning is approved, any proposed development should be analyzed for compliance using the Density and Disturbance Calculation Tool. Department personnel are available to discuss compliance requirements if desired.

**General Wildlife Considerations** - In addition to sage-grouse, the parcel is within the distribution of 74 Wyoming Species of Greatest Conservation Need and is within suitable habitat for moose, elk, antelope, mule deer, and bison. Use by most of these species is concentrated during fall, early

Erin Monroe  
May 25, 2023  
Page 2 of 3 – WER 4522.14

winter, and spring seasons. The area of this parcel is within known movement routes for radio-collared elk.

The Department supports Teton County's Land Development Regulations regarding the use of wildlife-friendly fencing, bear resistant trash containers, banning wildlife feeding, and minimizing and shielding external lighting. We offer the following additional considerations if the zoning is approved and development is pursued on the parcel:

- Prevent domestic pets, especially dogs and cats, from roaming at large given they can harass and kill birds and mammals.
- Communicate to the landowner that wildlife inhabits and/or moves through the area. As such, it is very likely that wildlife may damage ornamental shrubs, trees, fences, and/or homes. The Department will not accept compensation claims for damages caused by wildlife.
- Avoid providing food sources for big game or carnivores.
- The landowner should be aware that an Elk Reduction Program occurs within GTNP in this area which is jointly managed with Department. Licensed elk hunters are active on GTNP lands in the area from approximately November through mid-December.

**Prevent the spread of noxious weeds and invasive annual grasses** - Noxious weeds and invasive annual grasses (IAGs) can cause significant harm to the ecosystem when introduced. Ground disturbing activities can create an environment that facilitates establishment by unwanted plants. They significantly reduce the quality of wildlife habitat and their presence increases the probability of catastrophic wildfire. The potential economic impacts to the State of Wyoming are severe, and once these species become established eradication is difficult and costly. Prevention of establishment remains the best way to keep Wyoming's habitats free of noxious weeds and IAGs.

The most significant known threat in Teton County is from cheatgrass but elsewhere in Wyoming medusahead and ventenata are also of concern. To prevent the spread of noxious weeds and IAGs if development is pursued, the Department recommends:

- Prevent introduction and establishment by cleaning vehicles and equipment prior to movement to the site during construction.
- Develop and implement a plan to assess, treat, and monitor for noxious weeds and invasive plants. Consider coordinating with the Teton County Weed and Pest District to facilitate plan implementation and for additional resources.

Thank you for the opportunity to comment. If you have any questions or concerns please contact Cheyenne Stewart, Jackson Region Wildlife Management Coordinator, at (307) 249-5810.

Sincerely,

Erin Monroe  
May 25, 2023  
Page 3 of 3 – WER 4522.14



Will Schultz  
Habitat Protection Supervisor

WS/rc/kgb

cc: U.S. Fish and Wildlife Service  
Chris Wichmann, Wyoming Department of Agriculture



Erin Monroe, Associate Long Range Planner  
Teton County Planning and Building  
PO Box 1727  
200 South Willow Street  
Jackson, WY 83001

June 8, 2023

RE: ZMA2023-0001

Dear Erin,

Thank you for the opportunity to review and comment on ZMA2023-0001 regarding the rezone of the Grand Teton National Park inholding PIDN 22-43-15-29-2-00-001. The Teton Conservation District (TCD) is reviewing this application to provide natural resource information and suggest opportunities to reduce potential impacts. This review is not based on permitting compliance. TCD staff did not conduct a site visit, but we are generally familiar with the property and surrounding area.

TCD staff are not familiar enough with the zoning process to know the implications of zoning for a unique parcel like this, especially, given the lack of access to the roadway. Because this parcel is bounded by Grand Teton National Park, TCD encourages Teton County, WY to proceed in close coordination with the Park.

This site and more generally, this vicinity, has high-quality sagebrush habitat known to support sage grouse, migrating ungulates, and many other sagebrush obligates. Taking advantage of opportunities to retain these habitat values is ideal.

The limited spatial extent of this parcel provides little opportunity to create defensible space per the Wildland Urban Interface designation. Wildfire fire can move rapidly in sagebrush plant communities and this parcel is downwind of the highway, which presents a potential ignition source. This could be a consideration for the landowner as they envision structural opportunities to limit ignition potential.

Please do not hesitate to contact us with any questions.

Carlin Girard  
Executive Director

*Conserving our natural resources – air, land, water, vegetation, and wildlife*

420 W. Pearl Ave.

307/733-2110 P

P.O. Box 1070

307/733-8179 F

Jackson, Wyoming 83001

[Carlin@tetonconservation.org](mailto:Carlin@tetonconservation.org)

# FODOR LAW OFFICE, PC



November 13, 2023

Erin Monroe, Associate Long Range Planner  
Teton County Planning and Building Services  
Sent via email only: [emonroe@tetoncountywy.gov](mailto:emonroe@tetoncountywy.gov)

Re: Applicant response to PRC comments ZMA2023-001

Dear Erin:

Below please find the applicants response to preliminary PRC comments received as of August 2, 2023 on the above ZMA application. Should additional comments be made, kindly forward those to me so the applicant may have an opportunity to respond to those comments.

The June 26, 2023 letter from Grand Teton National Park Chief of Staff Jeremy Barnum states “[T]he parks understanding is that the parcel was originally intended for a public road, not for the development of structures, and therefore we have been advised that vehicular access to the property would not be allowed under the statutes and regulations governing the park unless there is a road constructed on it”. This reservation was brought up at and reflected in the neighborhood meeting summary by Mr. Barnum.

First, whether the assertion is correct or not, it has no bearing on the ZMA. LDR Section 8.7.2.C lists several, non-exclusive factors for approval, namely:

1. Is consistent with the purposes and organization of the LDRS;
2. Improves implementation of the desired future character defined in the Illustration of Our Vision chapter of the Comprehensive Plan;
3. Is necessary to address changing conditions or a public necessity; and
4. Is consistent with other adopted County Resolutions.

Nowhere in the LDRs is access, or lack thereof, a condition to approval of a Zoning Map Amendment. If we were to accept this line of reasoning, any property without access would be denied a zoning map amendment simply if they did not have access. This approach cannot stand. Access, or lack thereof is not the issue at this stage of the proceedings before the County. The applicant is simply seeking a zoning designation from the County.

Moreover, from our review, there is nothing in the Grand Teton National Park Act of 1950 (the “Act”) (which Mr. Barnum was kind enough to supply) that supports the park’s position concerning access. Section 4 of the Act governs access, subpart A states that the Secretary of the Interior *shall* designate and open rights-of-way over and across Federal land within the exterior boundary of the park for movement of persons and property to or from private lands within the exterior boundary of the park. It is important to recall that the park was once private property. Its formation was a negotiated agreement codified in the Act which specifically reserved the rights of private property owners to access their properties within the park. There is nothing in the enabling legislation that caveats these pre-existing rights on the designation of those private lands. Once the ZMA is approved, we will be addressing the issue of access directly with Grand Teton National Park through Mr. Barnum. As he stated in his letter, page 2, were the county to rezone the parcel and grant a variance from the DLRs, the parks service would evaluate a right-of-way to the parcel that would incur the least amount of impacts to the surrounding park land, natural resources and visitors.

The May 25, 2023 letter from Wyoming Game and Fish is, likewise, informative and helpful, but does not have bearing on the LDR findings necessary for a ZMA.

The June 8, 2023 letter from the Teton Conservation District is also informative, but does not have bearing on the LDR findings necessary for a ZMA.

I look forward to reviewing any additional comments received by your office. Should you have any questions with respect to the above, please let me know.

Regards,



Fodor Law Office, PC  
Stefan J. Fodor

Cc: Client  
L. Tillemans



## PLANNING & BUILDING

Building Division  
Code Enforcement  
Long-Range Planning  
Planning Division

September 21, 2023

**RE: Notice to Neighbors of a Proposal to Assign Rural-3 (R-3) Zoning to 0.13 acres Northwest of the intersection at Craighead Lane and Antelope Flats Loop Road (ZMA2023-0001)**

Dear Property Owner:

This letter serves as notice of upcoming public hearings regarding an application from Todd Moulton (property owner), requesting an amendment to the Teton County Zoning Map to zone approximately 0.13 acres in Subarea 15.1: County Periphery of the Comprehensive Plan, to Rural-3 (R-3). The parcel is currently not zoned. Please refer to the back of this notice for additional location information.

You are receiving this letter as a property owner within 800 feet of the rezoning proposal. Wyoming State Statute, Sections 18-5-102, provides the County with the authority to process and approve zoning map amendments. You were previously sent notice of the required neighborhood meeting which the applicant held on July 20, 2023.

The rezone application has been scheduled for public hearing before the Teton County Planning Commission on October 23, 2023, at 6:00 p.m., where a recommendation to the Board of County Commissioners will be made regarding the proposed zoning map amendment. This meeting will be held in the Commissioners' Chambers located in the County Administration Building at 200 S. Willow Street in Jackson, Wyoming. Subsequently, a public hearing before the Board of County Commissioners will be held on November 21, 2023, at 9:00 a.m. at the same location. The Board of County Commissioners will decide on the proposal at this time. Both meetings are open to the public, and you are welcome to attend and provide public comment.

Interested parties may obtain a hard copy of the proposed zoning map amendment at the Teton County Planning Division office at 200 S. Willow St., Jackson, WY, or may request a copy via email from [emonroe@tetoncountywy.gov](mailto:emonroe@tetoncountywy.gov). The staff report will be made available by the Thursday prior to each public hearing. Staff reports outline the key issues, determining factors for approval, as well as the Planning Director's recommendation.

If there are any questions regarding the proposal or to submit public comment, please contact [emonroe@tetoncountywy.gov](mailto:emonroe@tetoncountywy.gov) or call (307) 733-3959. Public comment must be received no later than October 15, 2023, to be included in the Planning Commission staff report. Written comments may also be submitted to the Teton County Planning Director, P.O. Box 1727, Jackson, WY 83001. Thank you for your attention.

Sincerely,

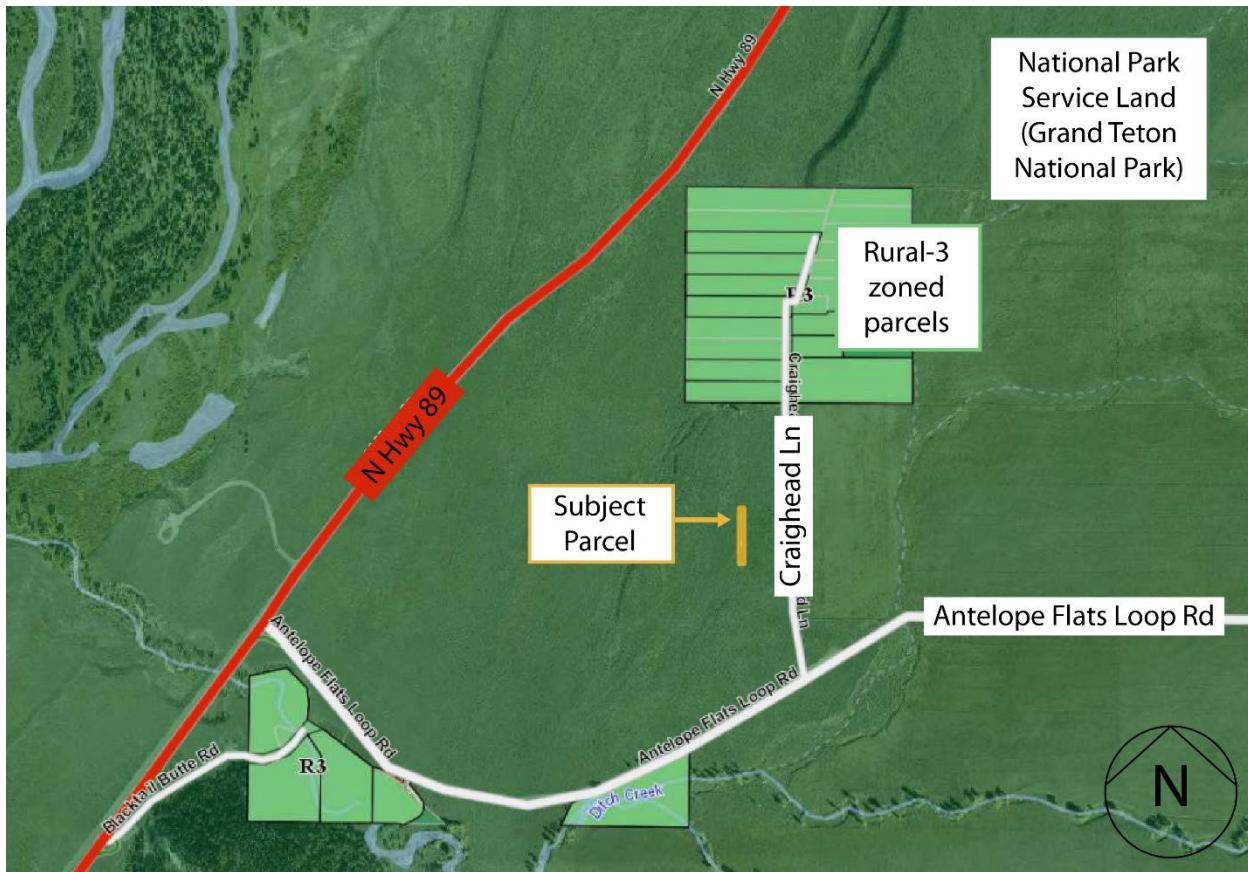
Erin Monroe  
Associate Long-Range Planner



## PLANNING & BUILDING

Building Division  
Code Enforcement  
Long-Range Planning  
Planning Division

### Vicinity Map



Parcel ID Number (PIDN):	22-43-15-29-2-00-001
Current Zoning:	None
Proposed Zoning:	Rural-3
Comprehensive Plan Subarea:	15.1 County Periphery, Large Outlying Parcels

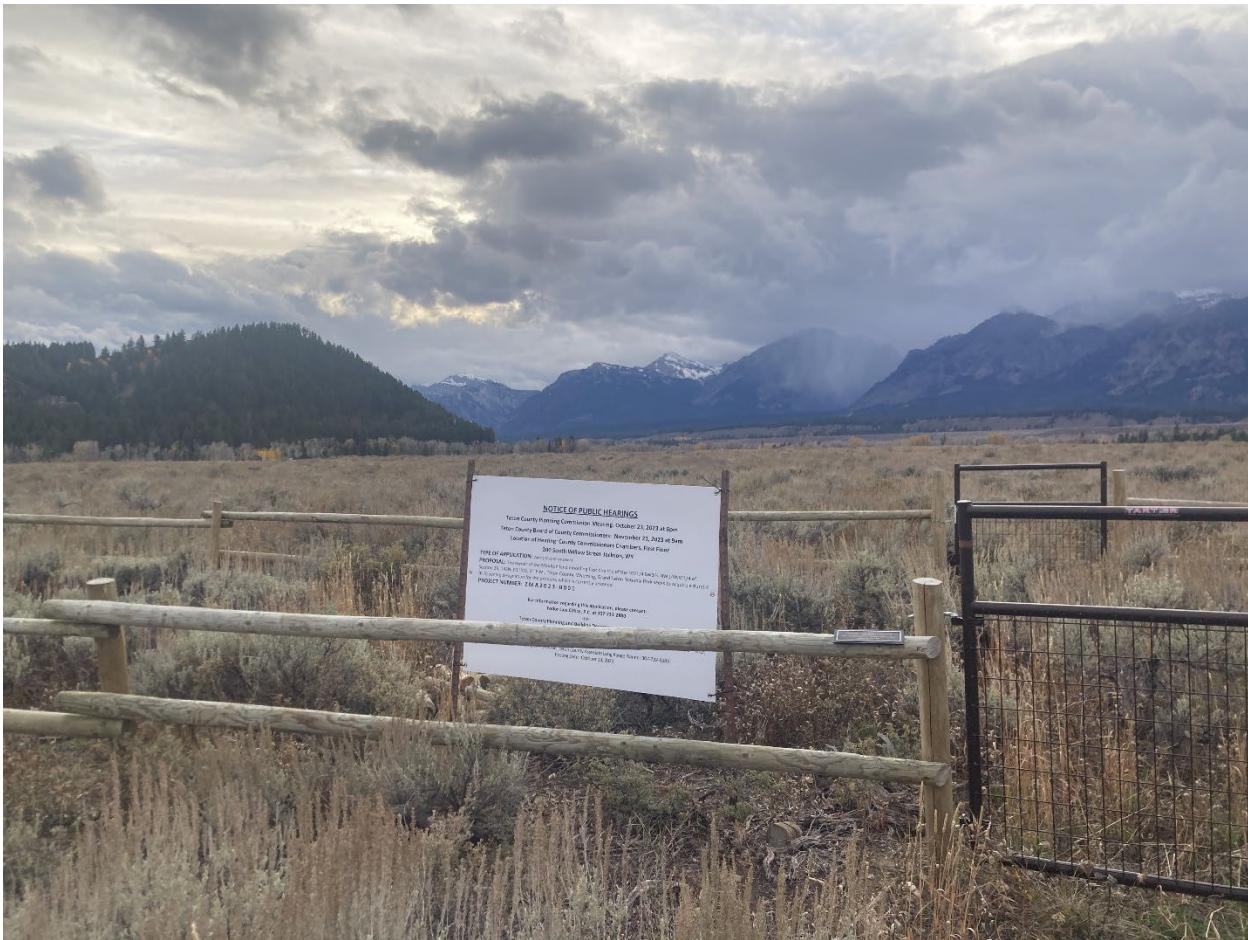
ZMA2023-0001 Public hearings (PC + BCC) mailing list (property owners within 800 feet of the subject parcel)

---

Addressee	Address Line 1	Address Line 2
Sophie Engelahrd Craighead	P.O. Box 160	Kelly, WY 83011
Shirley Craighead	P.O. Box 1	Moose, WY 83012
Derek Craighead	P.O. Box 160	Kelly, WY 83011
Grand Teton National Park	P.O. Box 170	Moose, WY 83012

ZMA2023-0001 Photos of on-site posted notice on October 12, 2023

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## Planning Commission - Staff Report

**Subject:** ZMA2023-0001: Rural-3 Zoning Request  
**Agent/Applicant:** Lori Tillemans & Stefan Fodor  
**Property Owner:** Todd Alan Moulton  
**Presenter:** Erin Monroe

### **REQUESTED ACTION**

Request to amend the Official Zoning Map, pursuant to Teton County Land Development Regulations (LDR) Section 8.7.2 for PIDN 22-43-15-29-2-00-001. The subject parcel is a ±0.13-acre private inholding within Grand Teton National Park, northwest of the intersection of Craighead Lane and Antelope Flats Loop Road (See Figure 1 on page 3). The parcel is currently not zoned, and the requested zoning is Rural-3 (R-3). This zoning map amendment is requested by Lori Tillemans and Stefan Fodor on behalf of property owner Todd Alan Moulton.

### **DESCRIPTION & BACKGROUND**

#### ***PROJECT DESCRIPTION***

The Application is requesting that the subject parcel be assigned a zone, specifically Rural-3 as it currently does not contain any zoning. The parcel is approximately 300 feet from the nearest roadway, Craighead Lane. The parcel is surrounded by National Park land and is therefore a private "inholding". The parcel is owned by Todd Alan Moulton who seeks a formal Teton County zoning designation to be allowed to pursue development and use of the site.

The parcel is ±325 feet long, and ±15 feet wide. The parcel is unusually shaped as it was originally intended as a public roadway, according to National Park Service (NPS) comments which are included in this packet. The surrounding privately owned parcels are zoned Rural-3. It appears that at some point in time the roadway to access the currently existing private inholdings on the Craighead ridgeline was moved 300 feet to the east.

#### ***BACKGROUND***

In 2019, the property was conveyed to current owner Todd Moulton after the passing of Boyd Moulton. Judge Day of the 9<sup>th</sup> Judicial District signed an order for the distribution of the property to Boyd Moulton's wife Inez Moulton, who then conveyed the parcel to Todd Moulton. The conveyance of the property in 2019 resulted in two recorded deeds. The recordation of the deeds in the Clerk's Office resulted in the Assessor's Office recognizing the subject area as a "parcel" and adding the parcel onto the Counties mapping server. Prior to this, the Assessor's Office categorized this area as a "road", which Mr. Boyd Moulton began paying taxes on in 1995/1996, per his request. While the parcel appears under ownership under the Boyd / Moulton family name as early as 1993 in the Clerk's records, the 2019 deeds finally triggered this parcel to be recorded as such, without an assigned zoning designation.

Todd Cedarholm, Teton County Surveyor, was able to piece together the history of this parcel. John A. Moulton originally obtained a patent from the U.S. government in 1916 under the Homestead Act for 160 acres. In 1941 John A. Moulton and his wife, Bertha Moulton conveyed 2.5 acres to Kell Bauch and Ann Hoxatny out of the original 160 acres. When this conveyance was made in 1941, the Moulton's make clear that they are not conveying the road, since that is the road that accesses their property. Specifically, the 1941 deed says the following,

"Less a strip of land one rod wide on the east side of said tract and running the full north and south length of it, which is ***hereby reserved for a roadway for public use.***"

In 1985 Christopher and Tamara Holder conveyed to the U.S. Government, the northern half of the same parcel that had been created in 1941. The Holders also make it clear in their deed to the U.S. Government that the conveyance does not include the strip of land 1 rod wide on the east side of the property. It is not the Holder's property since it was held out of the 1941 conveyance, but they appear to be making it clear that the roadway is

not part of the conveyance to the U.S. Government since the road is servicing other existing private inholdings. The use of the road appears to have been abandoned at some point when the new road was built 300 feet to the east to service the private inholdings on Craighead Ridge.

Now, the parcel requires a zoning designation to align with the rest of the privately owned properties in Teton County. The need for the parcel to be assigned zoning has become more apparent and time sensitive this year, as the owner wishes to move forward with physical development and/or use permits, which require a zoning designation for the Planning and Building Department to be able to perform a review.

### SITE DETAILS

The parcel is not currently addressed. The parcel is most identifiable by the PIDN number. The parcel is surrounded by Grand Teton National Park Service land northwest of the intersection of Craighead Lane and Antelope Flats Loop Road. The parcel runs parallel to Craighead Lane.

PIDN:	22-43-15-29-2-00-001
Site Size:	0.13 acres or 5,662.8 sf
Character District:	15 – County Periphery
Subarea:	15.1 – Large Outlying Parcels
Current Zone:	Unassigned
Overlay:	None

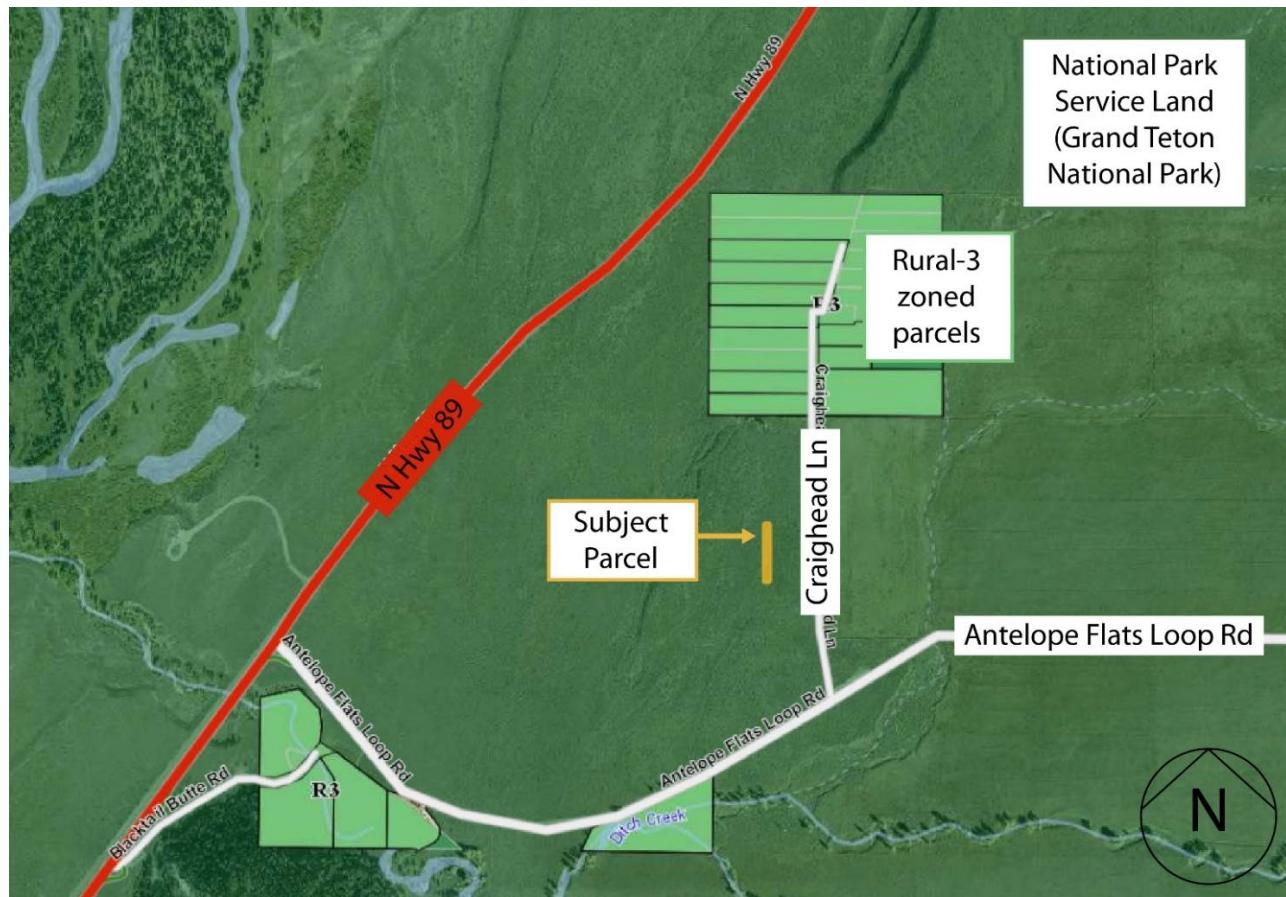


Figure 1. The subject parcel is currently un-zoned and surrounded by National Park Service land for Grand Teton National Park. The other privately owned parcels in the area are zoned Rural-3. Note that the dark green area is all National Park lands.

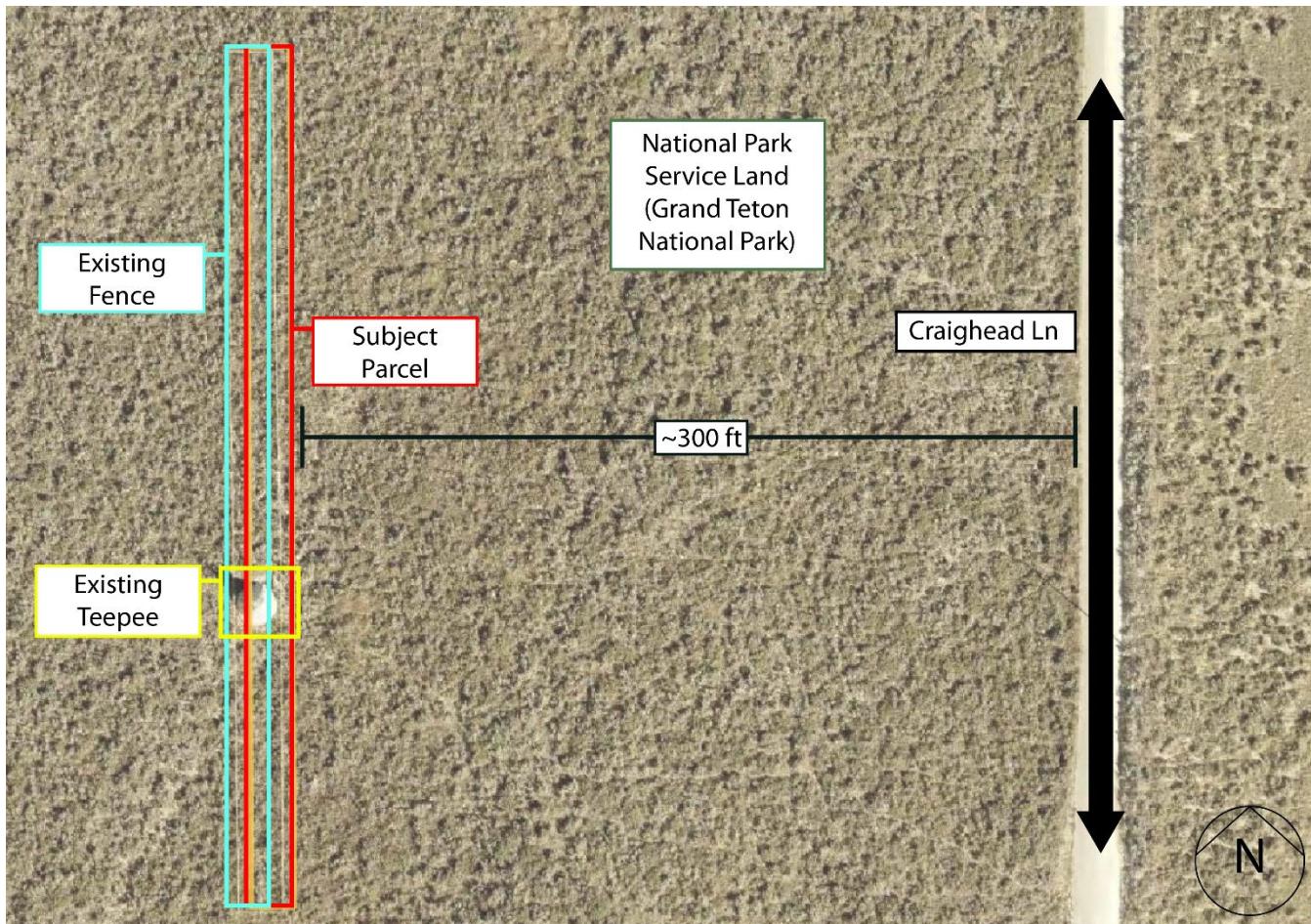
**EXISTING CONDITIONS & LOCATION**

Figure 2. Aerial photo of the subject site with callouts for the existing teepee structure, existing fence line, and distance from the nearest roadway. The parcel is separated from the roadway by NPS land by 300 feet.

There is approximately 300 feet of NPS land between the subject parcel and Craighead Lane. The parcel does not have an access road or pathway connecting it to Craighead Lane. Highlighted in Figure 2 above, the site has an existing teepee structure and fencing (which mirrors the parcel boundaries but is shifted slightly west, encroaching onto NPS land).

The existing teepee is visible from North Highway 89 to the west, and Antelope Flats Loop Road to the south. North Highway 89 is a main artery for those traveling to or from Grand Teton National Park or Bridger-Teton National Forest. Antelope Flats Loop Road is also frequented by the community and tourists as it is an access route towards Mormon Row further east, an iconic location in the Jackson Hole valley. Both roadways are diagrammed in Figure 1 above. The teepee and Grand Teton Mountain range viewshed is shown in Figure 3 and 4 below.

According to the comments submitted by the Grand Teton National Park, “*the parcel is located in a prominent location in the Antelope Flats area of Grand Teton National Park. This area provides some of the most unobstructed views of the Teton Range in the park. It is also located in core sage grouse habitat and is near elk, pronghorn, mule deer and bison migration routes.*” The condition of the vegetation is visible in Figure 3 and 4 below.



Figure 3. Photo taken on June 18, 2023, from Craighead Lane. Rainstorm clouds reduce visibility of the Grand Teton mountain-range viewshed behind the structure on the subject parcel. The on-site teepee is circled.



Figure 4. Photo taken on June 18, 2023, from Craighead Lane. Rainstorm clouds reduce visibility of the Grand Teton mountain-range viewshed behind the structure on the subject parcel. Further north on Craighead Lane, trees that separate the subject parcel from the existing residential area are visible.

## STAFF ANALYSIS

This Zoning Map Amendment (ZMA) application includes information regarding the owner's future plans to construct *"a modest single-family residence and required parking"* on the site. However, this ZMA is only analyzing the requested Rural-3 zoning on the currently un-zoned parcel. Any discussion of future uses or development on the site will be considered with the relevant development and use permit applications in the future.

## KEY ISSUES

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### KEY ISSUE 1: Is Rural-3 the best zoning option for the subject parcel?

Staff finds that Rural-3 (R-3) is the most suitable zoning designation for the subject parcel. Rural-3 is one of three rural zoning designations that support the implementation of the Comprehensive Plan. Rural-3 is appropriate for rural parcels that are below 3 acres. The surrounding privately owned parcels within this area are also zoned Rural-3. Figure 5 below is a high-level review that demonstrates the suitability of Rural-3 over the other zoning options available in Teton County.

Zone	Suitability for Subject Parcel
<b>Complete Neighborhood Character Zones</b>	
Neighborhood Residential (NR-1)	<b>Not suitable.</b>
Workforce Home Business (WHB)	According to the Comprehensive Plan the parcel is not in a "Complete Neighborhood". It is a "Preservation" area, which is a type of Rural Area. Therefore, these zones would not be appropriate for the site.
<b>Complete Neighborhood Legacy Zones</b>	
Auto Urban Commercial – County (AC-TC)	<b>Not suitable.</b>
Auto Urban Residential – County (AR-TC)	According to the Comprehensive Plan the parcel is not in a "Complete Neighborhood". It is a "Preservation" area, which is a type of Rural Area. Therefore, these zones would not be appropriate for the site.
Wilson Commercial (WC)	
Office Professional – County (OP-TC)	
Business Park (BP-TC)	Legacy Zones are intended to be phased out, so applying these zones to a parcel would be contrary to the Comprehensive Plan.
<b>Rural Area Character Zones</b>	
Rural-1 (R-1)	<b>Suitable.</b>
Rural-2 (R-2)	According to the Comprehensive Plan the parcel is a "Preservation" subarea, which is a type of "Rural Area".
<b>Rural-3 (R-3)</b>	Character Zones are character-based and established to implement the Comprehensive Plan.  Rural-3 encompasses rural parcels and neighborhoods which are 6 acres or less. The subject parcel is 0.13 acres and therefore would require the rural zoning designation for the smallest parcels.  <b>Rural-3 is the most suitable for the subject parcel.</b>
<b>Rural Area Legacy Zones</b>	
Business Conservation – County (BC-TC)	<b>Not suitable.</b>
Mobile Home Park – County (MHP-TC)	Legacy Zones are intended to be phased out, so applying these zones to a parcel would be contrary to the Comprehensive Plan.
Neighborhood Conservation – County (NC-TC)	
Suburban – County (S-TC)	
Rural-County (R-TC)	

Figure 5. Summary of the suitability of all Teton County zoning categories for the subject site.

**KEY ISSUE 2: Rural-3 Standards as applied to the subject parcel.**

Figure 6 below outlines the standards that would be applicable to the parcel if this request for Rural-3 zoning is approved. Notably, this is a high-level review that outlines the *maximum* uses and development options for the parcel based only on the parcel acreage and the proposed Rural-3 zoning standards. In practice, the 15 ft by 325 ft dimensions of the subject parcel will make the development options complicated and limited.

Rural-3 (Proposed)		Summary
<b>Environmental Standards</b>	Environmental standards are applicable (3.2.4.B.3)	The site is not in the NRO or SRO overlay and therefore does not need to comply with the standards.  The proposed Rural-3 zoning would introduce environmental regulations to the parcel. These include wildlife feeding, bear resistant trash container, and wildlife friendly fencing standards.
<b>Maximum Floor Area</b>	4,081 sf	The proposed Rural-3 zoning would allow a maximum floor area of approximately 4,081sf. This is dependent upon what types of future approvals could be granted on this site.
<b>Maximum Site Development (sf)</b>	6,241 sf	The proposed Rural-3 zoning would allow a maximum site development allowance of 6,241 sf. This is dependent upon what types of future approvals could be granted on this site.
<b>Minimum Street Setback</b>	25 ft	The proposed Rural-3 zoning would require a 25-foot setback from the parcel boundary which faces the road. The subject parcel will have complicated development potential because 25 feet is approximately 10 feet greater than the dimension of the parcel, therefore it is dependent upon the types of approvals that could be granted on this site.
<b>Side Setbacks</b>	10 ft	The proposed Rural-3 zoning would require a 10-foot setback on both sides of the parcel.
<b>Rear Setback</b>	10 ft	The proposed Rural-3 zoning would require a 10-foot setback from the rear parcel boundary. In combination with the street setback requirement, this requires a sum of 35 feet in front and behind any development, which is approximately 20 feet greater than the depth of the parcel. Again, development potential will be dependent upon the types of approvals that could be granted here.
<b>Parking Requirement</b>	Agriculture: None  Detached Single-Family: 2  Accessory Residential Unit: 1.25	The proposed Rural-3 zoning would require 2 parking spaces for either a temporary shelter or detached single-family use. For an accessory residential unit, an additional 1.25 parking spots would be required.

Rural-3 (Proposed)		Summary
	Gravel Extraction / Processing: 1 per employee  Temporary Shelter: 2  <i>(See LDRs for comprehensive list of parking requirements per use for Rural-3)</i>	
<b>Total Maximum Lumens</b>	0.5 x sf of site development	The proposed Rural-3 zoning would allow one-half lumen per square foot of site development.
<b>Overall Height Maximum</b>	37.5 ft	The proposed Rural-3 zoning would allow up to 37.5 feet of height.
<b>Affordable Housing Impacts</b>	All of the primary R-3 uses, other than Agriculture, have housing mitigation requirements.	The proposed Rural-3 zoning would introduce use-based Affordable Housing mitigation requirements.
<b>Allowed Uses</b>	+ Agriculture + Detached Single-Family + Gravel Extraction / Processing + Utility Facility Wireless Communications + Wireless Communications + Accessory Residential Unit + Home Occupation + Home Business + Family Home Daycare + Temporary Shelter + Temporary Gravel Extraction	The proposed Rural-3 zoning would introduce the listed allowed uses on the parcel. This includes agriculture, residential, industrial, transportation/infrastructure, accessory, and temporary uses.

Figure 6. Summary of Rural-3 zoning standards.

## **STAKEHOLDER ANALYSIS**

### **DEPARTMENTAL REVIEWS**

The application was sent to the following departments and agencies for review. All reviews and comments are attached. The applicant has also provided written responses to the reviews, which are attached to this staff report.

- National Park Service, Grand Teton National Park (comments attached)
- Teton Conservation District (comments attached)
- Wyoming Game and Fish (comments attached)
- Teton County & Jackson Fire and Emergency Management Services (no comments)
- Teton County Road and Levee Department (no comments)
- Wyoming Department of Transportation (no comments)

## **PUBLIC COMMENT**

Notice of this hearing was mailed to property owners within 800 feet of the subject parcel on September 21, 2023, and was posted on the site on October 13, 2023. No public comments have been received as of the publishing of this report are attached.

A neighborhood meeting was held by the applicant on July 20, 2023, prior to the scheduling of public hearings on the proposal.

## **LEGAL REVIEW**

Chief Deputy County Attorney Gingery

## **RECOMMENDATIONS**

### **PLANNING DIRECTOR RECOMMENDATION**

The Planning Director recommends **APPROVAL** of **ZMA2023-0001**, application received April 19, 2023, based on the findings recommended below.

### **PLANNING DIRECTOR RECOMMENDED FACTORS OF APPROVAL**

Pursuant to Section 8.7.2.C of the Land Development Regulations, the advisability of amending the Official Zoning Map is a matter committed to the legislative discretion of the Board of County Commissioners and is not controlled by any one factor. In deciding to adopt or deny a proposed zoning map amendment the Board of County Commissioners shall consider factors of approval including, but not limited to, the extent to which the proposed amendment:

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

*Division 1.3: Purpose and Intent: Based on the legislative discretion of the Board of County Commissioners, these LDRs are in accordance with the Jackson/Teton County Comprehensive Plan. Their purpose is to implement the Jackson/Teton County Comprehensive Plan and promote the health, safety, and general welfare of the present and future inhabitants of the community with the intent listed below.*

*1.3.1. Implement the Community Vision: Preserve and protect the area's ecosystem in order to ensure a healthy environment, community, and economy for current and future generations.*

*1.3.2. Implement the Common Values of Community Character*

*A. Ecosystem Stewardship*

*1. Maintain healthy populations of all native species and preserve the ability of future generations to enjoy the quality natural, scenic, and agricultural resources that largely define our community character.*

*2. Consume less nonrenewable energy as a community in the future than we do today.*

*B. Growth Management*

*1. Direct future growth into a series of connected, Complete Neighborhoods in order to preserve critical habitat, scenery and open space in our Rural Areas.*

*2. The Town of Jackson will continue to be the primary location for jobs, housing, shopping, educational, and cultural activities.*

*C. Quality of Life*

*1. Ensure a variety of workforce housing opportunities exist so that at least 65% of those employed locally also live locally.*

*2. Develop a sustainable, vibrant, stable and diversified local economy.*

*3. Residents and visitors will safely, efficiently, and economically move within our community and throughout the region using alternative modes of transportation.*

*4. Timely, efficiently, and safely deliver quality services and facilities in a fiscally responsible and coordinated manner.*

*1.3.3. Implement the Illustration of Our Vision*

- A. Achieve the desired future character identified for each Character District.
- B. Implement the policy objectives for each Character District.
- C. Achieve the character-defining features identified for each Subarea.

**1.3.4. Predictable Regulations, Incentives, and Allowances**

- A. Ensure standards are consistently applied to similar applications and circumstances.
- B. Ensure landowners, the public, and decision-makers know the amount, location, and type of growth to expect.
- C. Use data analysis and best practices to inform standards and implement the adaptive management philosophy of the Growth Management Program.

**1.3.5. Coordination Between Jurisdictions**

- A. Implement the joint Town/County Vision through coordinated, supportive actions.
- B. Maintain a common structure, format, and definitions in Town and County LDRs.

**Div. 1.4. Organization of the LDRs:** These LDRs constitute the County's zoning and subdivision regulations. They have two organizing principles. Primarily, they are organized by zone in order to implement and emphasize the community's character-based planning approach. Secondarily, to provide ease of use, they are organized to answer three questions:

- What can be built or physically developed?
- What uses are allowed?
- How can the land be developed or subdivided?

**Can be made.**

The proposal applies a suitable Character Zone to the subject parcel which contributes to the implementation of the Community Vision and the Comprehensive Plan. This zoning designation also contributes to the Character District and Subarea vision, as it would allow for rural use and development opportunities. The proposal ensures predictability because all privately owned parcels are expected and required to have a zoning designation, which the subject parcel otherwise does not have.

**2. Improves implementation of the desired future character defined in the Illustration of Our Vision chapter of the Comprehensive Plan:**

**Can be made.**

The subject parcel sits within Comprehensive Plan Character District County Periphery and Subarea 15.1 Large Outlying Parcels. The Comprehensive Plan describes Character District 15 County Periphery as "overwhelmingly rural". Future development and use of the site "should remain rural in character, with a focus on preservation of wildlife habitat, wildlife movement corridors, scenic vistas, agriculture and open space, while responding private property rights." The Comprehensive Plan describes Subarea 15.1 Large Outlying Parcels as "characterized by open space and rural character" and "large lots and isolated smaller lot subdivisions surrounded by public land."

The proposed Rural-3 zone implements the desired character that the Character District and Subarea calls for because it is a Character Zone, which is intended to implement the Comprehensive Plan. The proposed Rural-3 zoning also allows for rural residential development that is focused on wildlife permeability and open space. Below is a list of the policy objectives under Character District 15: County Periphery and the review of compliance with the subject rezone request.

**Common Value 1: Ecosystem Stewardship**

**1.1.c: Design for wildlife permeability.**

Rural-3 has a focus on wildlife permeability, has setback requirements between 10 and 25 feet to ensure movement areas between structures, and would introduce requirements such as wildlife feeding, bear resistant trash containers, and wildlife friendly fencing to the subject parcel.

1.1.b: Protect wildlife from the impacts of development.

Assigning Rural-3, or a zoning designation in general, to the parcel will introduce the requirement for all on-site development and uses to be reviewed for compliance with environmental and wildlife standards.

1.2.a: Buffer waterbodies, wetlands, and riparian areas from development.

Assigning Rural-3 zoning to the subject parcel will introduce waterbody and wetland setback requirements, which otherwise the parcel is not subject to.

1.3.b: Maintain expansive hillside and foreground vistas.

Assigning Rural-3 zoning to the subject parcel will introduce height maximums to the site, which otherwise the parcel is not subject to.

1.4.a: Encourage non-development conservation of wildlife habitat.

Assigning Rural-3 zoning to the subject parcel neither encourages nor hinders non-development conservation of wildlife habitat. Assigning a zoning designation will introduce development regulation requirements to the parcel.

1.4.b: Conserve agricultural land and agriculture.

The site is not currently agricultural land and is likely too small to ever be operated for an agricultural purpose.

1.4.c: Encourage rural development to include quality open space.

Assigning Rural-3 zoning to the subject parcel neither encourages nor hinders quality open space on the site. Assigning a zoning designation will introduce development regulation requirements to the parcel, such as setback requirements, which aids in open space preservation.

Common value 2: Growth Management

3.1.b: Direct development toward suitable Complete Neighborhood subareas

Rural-3 is a rural and low-density zoning designation and is not intended for a Complete Neighborhood subarea, as the parcel is not within a Complete Neighborhood.

3.1.c: Maintain rural character outside of Complete Neighborhoods.

The parcel is in a rural area, for which Rural-3 zoning is intended. The proposed Rural-3 designation would introduce regulations that are appropriate for parcels that are outside of Complete Neighborhoods.

3.3.d: Strive not to export impacts to other jurisdictions in the region.

The proposed Rural-3 designation does not impact other jurisdictions in the region.

Common Value 3: Quality of Life

7.2.d: Reduce wildlife and natural and scenic resource transportation impacts.

Assigning Rural-3 zoning to the subject parcel will introduce development regulation and review requirements to the parcel. This will aid in minimizing wildlife and scenic impacts.

*3. Is necessary to address changing conditions or a public necessity; and*

**Not Applicable.**

The proposal is not related to current conditions, but rather the regulatory requirement for all privately owned parcels in Teton County to be assigned a zoning designation. Rural-3 specifically implements the vision of the Comprehensive Plan and the LDRs. Further, a zoning designation is needed for the property owner to pursue further use or development applications.

*4. Is consistent with the other adopted County Resolutions.*

**Not Applicable.**

The County Resolutions, as listed below, do not have implications for the subject zoning proposal.

- Adopted Open Space Resolution
- Affordable and Employee Housing In-Lieu Fee Resolution
- Fee Waiver Policy Resolution
- Floodplain Management Resolution
- Jackson Hole Airport Resolution
- Small Wastewater Facility Regulations
- Solar Access Regulations Resolution
- Special Events Resolutions

**ATTACHMENTS**

- Application (submitted on April 19, 2023)
- Neighborhood meeting summary (submitted on July 27, 2023)
- Departmental reviews
- Neighborhood mailed notice: letter & mailing list (sent on September 21, 2023)
- Photo of site posting (submitted on October 12, 2023)

**SUGGESTED MOTION**

I move to recommend **APPROVAL** of **ZMA2023-0001**, application received April 19, 2023, to assign Rural-3 zoning to the subject parcel, being able to make the factors of approval of LDR Section 8.7.2 as recommended by the Planning Director.

### **Zoning Map Amendment-Narrative and Findings of Fact**

The owner of the property seeks to zone the property to a Rural-3 (R-3) zoning designation. The property is currently unzoned. The R-3 zoning designation is consistent with surrounding properties on Antelope Flats Loop Road and Craighead Lane that are likewise zoned R-3. Pursuant to Teton County's Land Development Regulations ("LDRS"), Section 8.7.2(C), the Board of County Commissioners shall consider factors including, but not limited to, the extent to which the proposed zoning amendment:

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

This proposed zoning map amendment is consistent with the purposes and organization of the LDRs. The purpose of the LDRs is to implement the Jackson/Teton County Comprehensive Plan and promote the health, safety and general welfare of the present and future inhabitants of the community. See LDRs, Division 1.3. The Comprehensive Plan designates this Property as being within District 15: County Periphery, and Sub-Area 15.1-Large Outlying Parcels. A priority of this character area is to preserve wildlife habitat and connectivity, while respecting private property rights. The property here is only 0.13 acres. The owner intends to use a portion of the Property for a modest single-family residence and required parking, while keeping the balance of the property in its current state to preserve wildlife habitat and connectivity. This is consistent with the vision of the character area and Comprehensive Plan, and by zoning an unzoned property and bringing said property within the scope of the LDRs, the County is protecting the health, safety and general welfare of present and future inhabitants of the community. As noted above, the R-3 zoning is consistent with the zoning and development surrounding the property. Moreover, the R-3 zone seems appropriate as it generally encompasses lots of 6 acres and less that are used for a single-family dwelling, as will be the case here. See LDRs, Section 3.2.4(A)(2).

**2. Improves implementation of the desired future character defined in the Illustration of Our Vision chapter of the Comprehensive Plan.**

As noted above, the Comprehensive Plan designates this Property as being within District 15: County Periphery, and Sub-Area 15.1-Large Outlying Parcels. A priority of this character area is to preserve wildlife habitat and connectivity, while respecting private property rights. The property here is only 0.13 acres. The owner intends to use a portion of the Property for a modest single-family residence and required parking, while keeping the balance of the property in its current state to preserve wildlife habitat and connectivity. The proposed zoning is also consistent with surrounding properties on Antelope Flats Loop Road and Craighead Lane, which are likewise designated as being within District 15: County Periphery, and Sub-Area 15.1-Large Outlying Parcels in the Comprehensive Plan.

**3. Is necessary to address changing conditions or a public necessity.**

The property is unzoned today. The owner would like to utilize its private property rights while respecting that the property is located in a rural and largely undeveloped area of the County. The proposed R-3 zoning is consistent with surrounding zoning in this area.

**4. Is consistent with other adopted County Resolutions.**

The proposed zoning amendment is consistent with other adopted County Resolutions.

**ZMA 2023-001**  
**Neighborhood Meeting Summary**

**Location:**

Craighead Lane, adjacent to subject property.

**Date and Time:**

July 20, 2023, 6 pm

**People/Entities Noticed:**

Chris Neubecker, Teton County Planning Department  
Derek Craighead, Trustee, Derek Johnson Craighead Revocable Trust  
Shirley Craighead  
Sophie Craighead, Trustee Sophie Engelhard Craighead Revocable Trust  
Palmer "Chip" Jenkins, Grand Teton National Park

**Attendees:**

Stefan Fodor, Fodor Law Office, counsel for applicant  
Charlie Craighead  
Lisa Craighead  
Lyle McReynolds  
Bob Haynam  
Jeremy Barnum, Grand Teton National Park

**Notices:**

Attached

**Photo Of posted notice:**

Previously provided

**Meeting Summary:**

1. The Zoning Map Amendment process was discussed in terms of the application, timing, and process before the Planning Commission and Board of County Commissioners.
2. Physical Development, while not part of the ZMA was also discussed and centered on the applicant's potential future plans to place a tiny home on the property.
3. Access through the National Park was discussed with Jeremy Barnum addressing the fact that the park believed the property was dedicated as a roadway.
4. Past efforts of purchase of the property by the park were discussed.



United States Department of the Interior

NATIONAL PARK SERVICE  
GRAND TETON NATIONAL PARK  
P.O. BOX 170  
MOOSE, WY 83012-0170



June 26, 2023

Erin Monroe, Associate Long Range Planner  
Teton County Planning & Building Services  
200 S. Willow Street  
Jackson, WY 83001

Dear Erin Monroe:

Thank you for the opportunity to provide comment on behalf of Grand Teton National Park regarding permit application ZMA2023-0001 requesting that a currently un-zoned parcel, 22-43-15-29-2-00-001, that is surrounded by National Park Service land be assigned Rural-3 zoning.

The aforementioned parcel is located in a prominent location in the Antelope Flats area of Grand Teton National Park. This area provides some of the most unobstructed views of the Teton Range in the park. It is also located in core sage grouse habitat and is near elk, pronghorn, mule deer and bison migration routes. The protection of these migration routes and habitat areas is a critical wildlife conservation priority for the State of Wyoming, Teton County, and the National Park Service.

The National Park Service respects the rights of private property owners and works closely with private landowners within and adjacent to the park to provide them appropriate access to their lands. Per the Grand Teton National Park Act of 1950 (64 Stat. 849) the location and use of such rights-of-way shall be subject to such regulations as may be prescribed by the Secretary of the Interior.

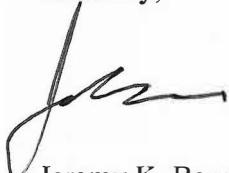
The park's understanding is that the parcel was originally intended for a public road, not for the development of structures, and therefore we have been advised that vehicular access to the property would not be allowed under the statutes and regulations governing the park unless there is a road constructed on it.

Given the extremely narrow nature of the parcel (15 feet wide), any site development or structure construction on the parcel would make the appropriate setbacks from park land for the preservation of wildlife habitat and national park viewsheds virtually impossible.

Were the county to rezone the parcel and grant a variance from its Land Development Regulations for site development on the parcel, the National Park Service would evaluate a right-of-way to the parcel that would incur the least amount of impacts to the surrounding park land, natural resources, and visitors. This would include National Environmental Policy Act and National Historic Preservation Act compliance work to determine the level of impacts to park natural and cultural resources. Design and construction of a right-of-way would be the responsibility of the landowner and would be authorized and regulated through a special use permit from the National Park Service.

Again, thank you for the opportunity to comment on this matter. Please contact me should you need further information.

Sincerely,



Jeremy K. Barnum  
Chief of Staff  
Grand Teton National Park  
John D. Rockefeller, Jr. Memorial Parkway



Erin Monroe, Associate Long Range Planner  
Teton County Planning and Building  
PO Box 1727  
200 South Willow Street  
Jackson, WY 83001

June 8, 2023

RE: ZMA2023-0001

Dear Erin,

Thank you for the opportunity to review and comment on ZMA2023-0001 regarding the rezone of the Grand Teton National Park inholding PIDN 22-43-15-29-2-00-001. The Teton Conservation District (TCD) is reviewing this application to provide natural resource information and suggest opportunities to reduce potential impacts. This review is not based on permitting compliance. TCD staff did not conduct a site visit, but we are generally familiar with the property and surrounding area.

TCD staff are not familiar enough with the zoning process to know the implications of zoning for a unique parcel like this, especially, given the lack of access to the roadway. Because this parcel is bounded by Grand Teton National Park, TCD encourages Teton County, WY to proceed in close coordination with the Park.

This site and more generally, this vicinity, has high-quality sagebrush habitat known to support sage grouse, migrating ungulates, and many other sagebrush obligates. Taking advantage of opportunities to retain these habitat values is ideal.

The limited spatial extent of this parcel provides little opportunity to create defensible space per the Wildland Urban Interface designation. Wildfire fire can move rapidly in sagebrush plant communities and this parcel is downwind of the highway, which presents a potential ignition source. This could be a consideration for the landowner as they envision structural opportunities to limit ignition potential.

Please do not hesitate to contact us with any questions.

Carlin Girard  
Executive Director

*Conserving our natural resources – air, land, water, vegetation, and wildlife*

420 W. Pearl Ave.

307/733-2110 P

P.O. Box 1070

307/733-8179 F

Jackson, Wyoming 83001

[Carlin@tetonconservation.org](mailto:Carlin@tetonconservation.org)



## WYOMING GAME AND FISH DEPARTMENT

5400 Bishop Blvd. Cheyenne, WY 82006  
Phone: (307) 777-4600 Fax: (307) 777-4699  
wgfd.wyo.gov

**GOVERNOR**  
Mark Gordon  
**DIRECTOR**  
Brian R. Nesvik  
**COMMISSIONERS**  
Ralph Brokaw-President  
Richard Ladwig-Vice President  
Mark Jolovich  
Ashlee Lundvall  
Kenneth D. Roberts  
John Masterson  
Rusty Bell

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May 25, 2023

WER 4522.14

Teton County Planning & Building Services  
Teton County Land Development Regulation Zoning Map Amendment  
Application ZMA2023-0001  
Teton County

Erin Monroe  
Associate Long Range Planner  
Teton County Planning & Building Services  
200 S. Willow Street  
Jackson, WY 83001  
emonroe@tetoncountywy.gov

Dear Ms. Monroe,

The staff of the Wyoming Game and Fish Department (Department) has reviewed the proposed zoning map amendment located in Section 29, T43N, R115W. The Department is statutorily charged with managing and protecting all Wyoming wildlife (W.S. 23-1-103). Pursuant to our mission, we offer the following comments for your consideration.

The proposed effort is to assign Rural-3 zoning to a currently un-zoned parcel in Teton County, approximately 1.7 miles northeast of Moose. The parcel is uniquely shaped, at approximately 15 feet wide and 330 feet long (0.13 acres) and is completely surrounded by Grand Teton National Park (GTNP). There is currently no direct road access to the parcel, with the nearest road located approximately 300 feet to the east. Developments within parcels zoned as Rural-3 in Teton County include requirements for wildlife friendly fencing, bear resistant trash containers, a ban on wildlife feeding, and other building considerations that may minimize impacts to wildlife. Teton County has requested the Department provide an overview of wildlife or natural resource impacts if the parcel is assigned Rural-3 zoning and development is pursued.

**Sage-Grouse Executive Order 2019-3** - The parcel is located within the Jackson Core Area and is therefore subject to compliance with Wyoming's Sage-Grouse Executive Order 2019-3. If zoning is approved, any proposed development should be analyzed for compliance using the Density and Disturbance Calculation Tool. Department personnel are available to discuss compliance requirements if desired.

**General Wildlife Considerations** - In addition to sage-grouse, the parcel is within the distribution of 74 Wyoming Species of Greatest Conservation Need and is within suitable habitat for moose, elk, antelope, mule deer, and bison. Use by most of these species is concentrated during fall, early

Erin Monroe  
May 25, 2023  
Page 2 of 3 – WER 4522.14

winter, and spring seasons. The area of this parcel is within known movement routes for radio-collared elk.

The Department supports Teton County's Land Development Regulations regarding the use of wildlife-friendly fencing, bear resistant trash containers, banning wildlife feeding, and minimizing and shielding external lighting. We offer the following additional considerations if the zoning is approved and development is pursued on the parcel:

- Prevent domestic pets, especially dogs and cats, from roaming at large given they can harass and kill birds and mammals.
- Communicate to the landowner that wildlife inhabits and/or moves through the area. As such, it is very likely that wildlife may damage ornamental shrubs, trees, fences, and/or homes. The Department will not accept compensation claims for damages caused by wildlife.
- Avoid providing food sources for big game or carnivores.
- The landowner should be aware that an Elk Reduction Program occurs within GTNP in this area which is jointly managed with Department. Licensed elk hunters are active on GTNP lands in the area from approximately November through mid-December.

**Prevent the spread of noxious weeds and invasive annual grasses** - Noxious weeds and invasive annual grasses (IAGs) can cause significant harm to the ecosystem when introduced. Ground disturbing activities can create an environment that facilitates establishment by unwanted plants. They significantly reduce the quality of wildlife habitat and their presence increases the probability of catastrophic wildfire. The potential economic impacts to the State of Wyoming are severe, and once these species become established eradication is difficult and costly. Prevention of establishment remains the best way to keep Wyoming's habitats free of noxious weeds and IAGs.

The most significant known threat in Teton County is from cheatgrass but elsewhere in Wyoming medusahead and ventenata are also of concern. To prevent the spread of noxious weeds and IAGs if development is pursued, the Department recommends:

- Prevent introduction and establishment by cleaning vehicles and equipment prior to movement to the site during construction.
- Develop and implement a plan to assess, treat, and monitor for noxious weeds and invasive plants. Consider coordinating with the Teton County Weed and Pest District to facilitate plan implementation and for additional resources.

Thank you for the opportunity to comment. If you have any questions or concerns please contact Cheyenne Stewart, Jackson Region Wildlife Management Coordinator, at (307) 249-5810.

Sincerely,

Erin Monroe  
May 25, 2023  
Page 3 of 3 – WER 4522.14



Will Schultz  
Habitat Protection Supervisor

WS/rc/kgb

cc: U.S. Fish and Wildlife Service  
Chris Wichmann, Wyoming Department of Agriculture



## PLANNING & BUILDING

Building Division  
Code Enforcement  
Long-Range Planning  
Planning Division

September 21, 2023

**RE: Notice to Neighbors of a Proposal to Assign Rural-3 (R-3) Zoning to 0.13 acres Northwest of the intersection at Craighead Lane and Antelope Flats Loop Road (ZMA2023-0001)**

Dear Property Owner:

This letter serves as notice of upcoming public hearings regarding an application from Todd Moulton (property owner), requesting an amendment to the Teton County Zoning Map to zone approximately 0.13 acres in Subarea 15.1: County Periphery of the Comprehensive Plan, to Rural-3 (R-3). The parcel is currently not zoned. Please refer to the back of this notice for additional location information.

You are receiving this letter as a property owner within 800 feet of the rezoning proposal. Wyoming State Statute, Sections 18-5-102, provides the County with the authority to process and approve zoning map amendments. You were previously sent notice of the required neighborhood meeting which the applicant held on July 20, 2023.

The rezone application has been scheduled for public hearing before the Teton County Planning Commission on **October 23, 2023, at 6:00 p.m.**, where a recommendation to the Board of County Commissioners will be made regarding the proposed zoning map amendment. This meeting will be held in the Commissioners' Chambers located in the County Administration Building at 200 S. Willow Street in Jackson, Wyoming. Subsequently, a public hearing before the Board of County Commissioners will be held on **November 21, 2023, at 9:00 a.m.** at the same location. The Board of County Commissioners will decide on the proposal at this time. Both meetings are open to the public, and you are welcome to attend and provide public comment.

Interested parties may obtain a hard copy of the proposed zoning map amendment at the Teton County Planning Division office at 200 S. Willow St., Jackson, WY, or may request a copy via email from [emonroe@tetoncountywy.gov](mailto:emonroe@tetoncountywy.gov). The staff report will be made available by the Thursday prior to each public hearing. Staff reports outline the key issues, determining factors for approval, as well as the Planning Director's recommendation.

If there are any questions regarding the proposal or to submit public comment, please contact [emonroe@tetoncountywy.gov](mailto:emonroe@tetoncountywy.gov) or call (307) 733-3959. Public comment must be received no later than October 15, 2023, to be included in the Planning Commission staff report. Written comments may also be submitted to the Teton County Planning Director, P.O. Box 1727, Jackson, WY 83001. Thank you for your attention.

Sincerely,

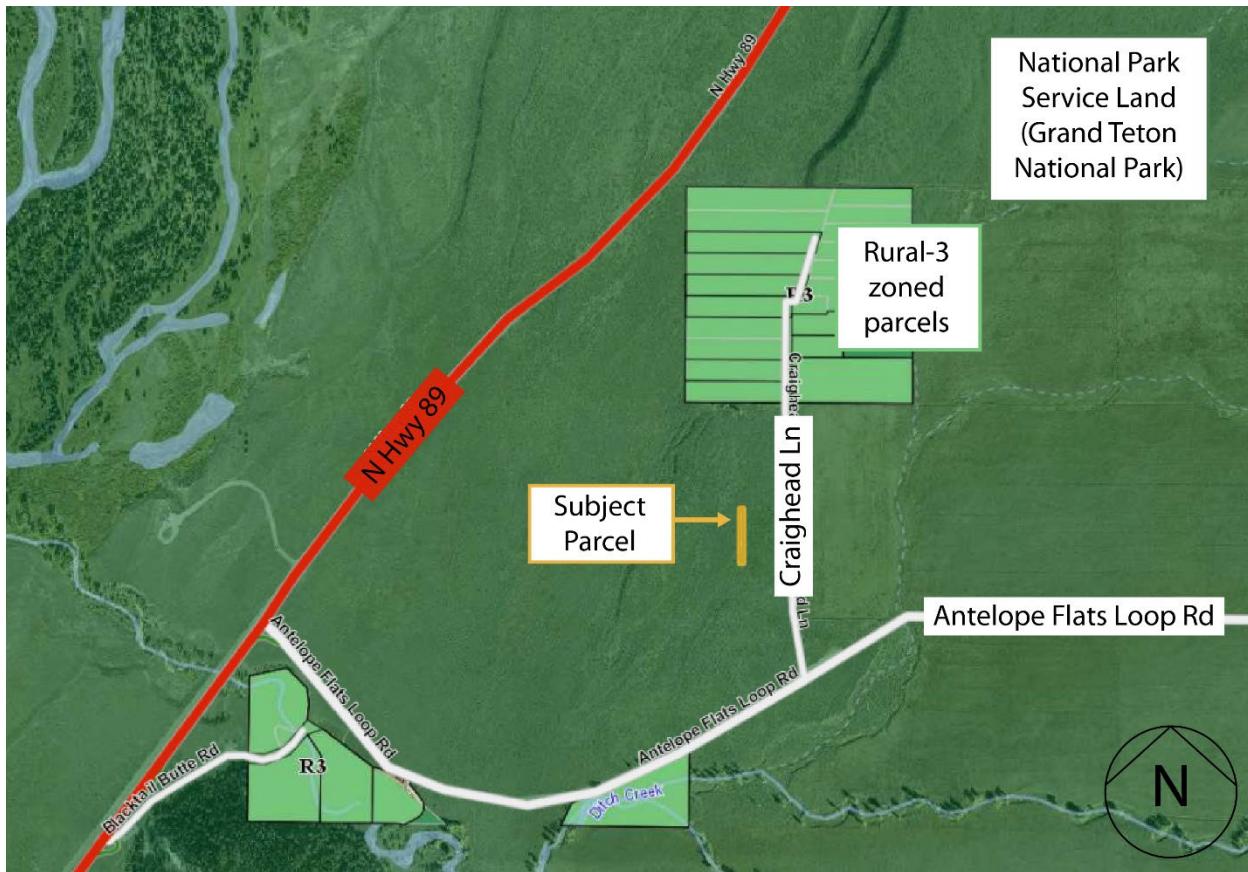
Erin Monroe  
Associate Long-Range Planner



## PLANNING & BUILDING

Building Division  
Code Enforcement  
Long-Range Planning  
Planning Division

### Vicinity Map



Parcel ID Number (PIDN):	22-43-15-29-2-00-001
Current Zoning:	None
Proposed Zoning:	Rural-3
Comprehensive Plan Subarea:	15.1 County Periphery, Large Outlying Parcels

ZMA2023-0001 Public hearings (PC + BCC) mailing list (property owners within 800 feet of the subject parcel)

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Addressee	Address Line 1	Address Line 2
Sophie Engelahrd Craighead	P.O. Box 160	Kelly, WY 83011
Shirley Craighead	P.O. Box 1	Moose, WY 83012
Derek Craighead	P.O. Box 160	Kelly, WY 83011
Grand Teton National Park	P.O. Box 170	Moose, WY 83012

ZMA2023-0001 Photos of on-site posted notice on October 12, 2023

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