



Natural Resource Protection LDRs

Public Review Draft: September 28, 2018



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Div. 5.1. Water Quality and Habitat Protections

[The proposed language below will replace the existing Div. 5.1, General Environmental Standards and Div. 5.2, Environmental Standards Applicable in Specific Areas]

Sec. 5.1.1. Purpose

- A. **Purpose.** The purpose of this Division is to preserve and enhance water quality and maintain healthy populations of all native species.
1. **Water Quality.** Water quality is essential to ecosystem and public health, safety and welfare. Waterbodies, wetlands, and their buffers provide natural flood protection, sediment control, and nutrient filtration, all of which preserve and enhance water quality. This Division protects waterbodies, wetlands, and their buffers.
 2. **Healthy Populations of All Native Species.** In order for future generations to enjoy the ecosystem that exists today, the community must manage our impacts to wildlife, wildlife habitat, and wildlife migration corridors. The prevalence of wildlife that is central to our ecological, social, and economic character requires an intact ecosystem that support all native species. This Division protects all native species by protecting focal species habitat based on relative critical value and wildlife migration corridors.
- B. **Intent.** The intent of this Division is to avoid first, then minimize and mitigate impacts to water resources and habitat identified through the Habitat Valuation process (Sec. 8.2.2). It is not the intent of this Division to define the appropriate intensity of physical development, use, development option, or subdivision – that is the purpose of the Zoning Districts found in Article 2 – Article 4. This Division is intended to ensure that allowed applications avoid, then minimize and mitigate impacts to water resources and habitat.

Sec. 5.1.2. Applicability

- A. **Applicability.** The specific applicability of each section in this Division is established within the section. The Division is generally organized as follows.
1. **Countywide Protections.** The water quality protections of Sec. 5.1.3 and wildlife migration protections of Sec. 5.1.4 generally apply Countywide.
 2. **3 Levels of Habitat Protection.** Beyond the protections of Sec. 5.1.3 and Sec. 5.1.4, habitat is protected based on the value of the habitat present on the site as determined through the Habitat Valuation process (Sec. 8.2.2). Habitat with the lowest relative value is subject to the Base-Level protections of Sec. 5.1.5. Habitat with medium relative value is subject to the Mid-Level protections of Sec. 5.1.6. Habitat with the highest relative value is subject to the High-Level protections of Sec. 5.1.7.
 3. **Implementation Standards.** Sec. 5.1.8. and Sec. 5.1.9 establish standards for mitigation and manmade features that inform the implementation of Sec. 5.1.3 through Sec. 5.1.7.
- B. **Exemptions from Entire Division.** The following application types shall be exempt from the standards of this Division.
1. Agriculture use meeting the standards for exemption in Section 6.1.3.B.
 2. An application for restoration meeting the standards of Section 5.1.8.E.
 3. An application submitted prior to December 31, 2019 with a sufficient, unexpired Environmental Analysis (EA). Such applications shall instead be subject to the standards of Div. 5.1, Div. 5.2, and Sec. 8.2.2 as they existed on December 31, 2018.

- a. An EA shall not be submitted, revised, or extended after December 31, 2018.
- b. The Planning Director may require an applicant to comply with the standards of this Division and Sec. 8.2.2 if the circumstances analyzed in the EA are significantly different than the current circumstances.

C. Organization. The Division is organized as follows.

Sec. 5.1.3. Water Quality Protections

A. **Applicability.** The requirements of this section apply to all parcels regardless of Zoning or habitat value and shall be prioritized over the other protections in this Division.

B. **Avoid Impact.** Land disturbance and use is prohibited in waterbodies, wetlands, and their setbacks, except that Sec. 5.1.3.C, Minimize Impacts defines standards for exemption from this prohibition.

1. **Setbacks.** Physical development and use shall meet the following setbacks from all waterbodies and wetlands regardless of whether they are naturally occurring or manmade.

Waterbody or Wetland	Setback (min)
River	150'
Perennial Stream	100'
Intermittent Stream	50'
Lake/Pond	50'
Ephemeral Stream	30'
Wetland	30'
Ditch	15'

a. **Setback Measurement**

- i. **Greatest Applicable Setback Applies.** The greatest applicable setback shall apply to a waterbody meeting multiple waterbody definitions.
- ii. **Controlled Water.** The applicability of waterbody and wetland setbacks is based on the actual presence of water. The ability to remove water from a system does not mean that the water is not present. EXAMPLE: an irrigation induced wetland is a wetland until such time as irrigation ceases and the wetland no longer exists.
- iii. **River.** The river setback shall apply from the ordinary high-water mark of the Snake River, Gros Ventre River, Hoback River, and Buffalo Fork River. Where a levee is in place the river setback shall be measured from the top of the levee on the river side.
 - a). **Natural Channel.** The river setback shall apply to a natural channel of one of the above rivers. A natural channel is a perennial, intermittent or ephemeral watercourse of perceptible extent, with definite bed, banks and ordinary high-water mark, which naturally confines and conducts water from the thread of the river to the thread of the river.
 - b). **Remnant Channel.** The river setback shall not apply to a channel that no longer has a natural source from the river. The setback applicable to such a channel shall be the applicable stream setback depending on whether the channel is perennial, intermittent, or ephemeral. EXAMPLE: A natural channel of the Snake River was cut off from its natural source by the levee, however groundwater surfaces and flows through the historic channel seasonally during the spring. The applicable setback from the channel would be that of an intermittent stream.

- iv. **Stream.** The stream setback shall apply from the ordinary high-water mark of a perennial, intermittent or ephemeral watercourse of perceptible extent, with definite bed, banks and ordinary high-water mark, which confines and conducts natural source water from a discreet upland location. A stream may also conduct apportioned water, but does not conduct only apportioned water.
 - a). **Perennial Stream.** A perennial stream conducts water year-round. EXAMPLE: Fish Creek and Flat Creek are perennial streams.
 - b). **Intermittent Stream.** An intermittent stream conducts water seasonally on an annual basis. EXAMPLE: A foothill stream that flows each spring during snow-melt, but is dry each fall is a intermittent stream.
 - c). **Ephemeral Stream.** An ephemeral stream only conducts water in response to an event such as a flood. EXAMPLE: A low angle stream that flows during periods of rapid snow-melt, which do not occur seasonally, but occur often enough to create a perceptible ordinary high-water mark is an ephemeral stream. A bioswale designed to naturally treat stormwater may be an ephemeral stream. However, a manmade channel to convey stormwater, such as a gutter or borrow ditch is not an ephemeral stream.
 - v. **Lake/Pond.** The lake/pond setback shall apply from the ordinary high-water mark of a body of standing water.
 - vi. **Wetland.** The wetland setback shall apply from the edge of the identified wetland. The wetland setback shall apply to any wetland regulated by the Army Corp of Engineers and any wetland not regulated by the Army Corp of Engineers that is greater than 100 square feet.
 - a). Identification of wetlands shall be according to the current Federal Manual for Identifying and Delineating Jurisdictional Wetland used by the Army Corps of Engineers.
 - b). An Aquatic Resources Inventory (ARI) is only required for an application for land disturbance or use within 60 feet of an identified wetland.
 - c). Wetland identification shall be completed by a qualified professional as defined by Subsection 8.2.2.D, with the required work experience being in wetland delineation using the current Federal Manual.
 - vii. **Ditch.** Any manmade or natural channel utilized to convey apportioned surface water flows, diverted from any man-made or natural source water, for the specific purpose of, and/or as a direct result of, beneficial use and as adjudicated by the State Engineers Office. Ditches are subject to the standards of Section 7.7.4.D.
- C. **Minimize Impact.** Land disturbance and use may be located in waterbodies, wetlands and their setbacks, subject to these minimization standards.
- 1. **Restoration or Enhancement.** A waterbody or wetland restoration or enhancement project, as defined in Sec. 5.1.8., may impact the waterbody or wetland that is the subject of the project.
 - 2. **Emergency Public Works.** Emergency public works such as emergency flood control or emergency bridge replacement may impact waterbodies, wetlands, and their buffers; however every effort should be made to minimize impact based on the below order of impact standards for essential impacts.

3. **Nonconforming Buildings.** Maintenance, alteration, expansion, and replacement of a nonconformity to a waterbody or wetland setback shall comply with Div. 1.9. except that if a building expansion cannot be located to meet the setback, the expansion shall be located no closer to the waterbody or wetland than the closest point of the existing building.
4. **Essential Impact.** Utilities, access, and development areas may be located in a waterbody, wetland, or setback if such location is essential, subject to the following standards.
 - a. **Access.** The access shall be:
 - i. Essential public or private vehicular access; or
 - ii. A public pathway; or
 - iii. A natural material pathway for pedestrian riparian access or pedestrian crossing of the waterbody or wetland to access the rest of the property.
 - b. **Essential Location.** Location in a waterbody, wetland or setback is essential when:
 - i. A development area equal to the maximum site development allowed on the site cannot be located without impacting the waterbody, wetland or setback. A second development area is not essential; or
 - ii. The utility, access, or development area must functionally be located within the waterbody, wetland, or setback. EXAMPLE: A boat ramp must be located in the river and river setback. Appropriate minimization of impacts to the river will occur through review of the CUP for the boat ramp.
 - c. **Order of Impact.** When the location of a utility, access, or development area in a waterbody, wetland, or setback is essential, the impact shall be minimized by locating the impact based on the following standards.
 - i. **Minimum Impact.** Allowed impact is limited to the minimum area necessary.
 - a). Crossings shall be perpendicular to the waterbody or wetland, and shall be designed using best management practices to limit impact to the natural function of the waterbody or wetland. EXAMPLE: A buried culvert stream crossing allows more natural function of the stream than a raised culvert.
 - b). The maximum development area that can be created by impacting a waterbody, wetland, or setback that is equal in size to the maximum site development allowed on the site.
 - ii. **Impact the Setback First.** A waterbody setback or wetland setback shall be impacted prior to impacting the waterbody or wetland itself. EXAMPLE: A development area does not exist on the near side of a wetland that bifurcates a property. The minimum impact is a development area expansion into the setback, rather than a crossing of the wetland.
 - iii. **Underground Impact First.** The impact shall occur in the following order of priority:
 - a). Underground utility.
 - b). Access.
 - c). Site Development other than access.

EXAMPLE: A development area does not exist on the near site of wetland that bifurcates a property. The minimum impact is to locate underground utilities in the wetland setback in order to locate the building and parking area outside of the setback.

- D. **Mitigate Impact.** For every 1 sf of waterbody, wetland, or setback within the limits of a land disturbance or use, 2 sf of mitigation shall be provided pursuant to Section 5.1.8.
1. **Mitigate In-Kind.** Waterbody or wetland impacts shall be mitigated by the creation or restoration of the resource impacted. Setback impacts shall be mitigated by buffer establishment, which is the planting or natural regeneration of native vegetation, within the resource setback, where native vegetation does not exist.
 2. **Exemption.** The following shall be exempt from mitigation.
 - a. **Restoration or Enhancement.** A waterbody or wetland restoration or enhancement project, as defined in Sec. 5.1.8.
 - b. **Improves a Nonconformity.** An expansion of a physical development or use that is designed to reduce stormwater impacts to water quality below the existing situation, when the existing physical development or use is nonconforming to a waterbody or wetland setback.

Sec. 5.1.4. Protection of Wildlife Migration

- A. **Applicability.** The requirements of this section apply to all parcels regardless of Zoning or habitat value.
- B. **Migration Corridors and Stopover Areas.** Subsection reserved.
- C. **Wildlife Friendly Fencing.** [no change to existing Sec. 5.1.2] New fences erected after September 12, 2006 shall comply with the standards of this Section. If over 50% of the linear feet of an existing fence is replaced, the fence shall be considered “new” and shall abide by the standards of this Section.
1. **Exemptions.** The following shall be exempt from the provision of this Section.
 - a. Repair, or relocation of prior or existing fences associated with agricultural use meeting the standards for exemption in Section 6.1.3.B.; and
 - b. Fences built for new riding arenas, as defined in these LDRs.
 2. **Fencing Height.** Fencing, for purposes other than livestock control, shall be no higher than 38 inches above the ground. Fencing for livestock control shall be no higher than 42 inches above the ground. For both of the above fence types, spacing between the top two wires or top pole/rail and adjacent wire shall be at least 12 inches.
 3. **Materials and Design.** Fencing materials and design shall comply with the following standards:
 - a. Wood (or similar material) top poles, and either wood rails or wire strands are permitted as horizontal elements in fencing. The wire strands shall be smooth or twisted wire. Barbed wires may be used in the middle strands, not including the top and bottom strands, when necessary to control livestock.
 - b. The required fencing design includes a top level of a wood (or similar material) pole rather than wire. The bottom rail or wire strand shall be at least 16 inches above the ground.
 - c. The spacing of fence posts shall be on 12-foot centers unless topography prohibits this spacing. The posts shall have extra height to allow for any necessary lower or raising of the top rail. Spacing of

the second and third wire shall be evenly spaced. Spacing distances may vary from 7-8 inches depending on the height of the fence.

- d. Buck and rail fencing shall be avoided. When buck and rail fencing is necessary due to rocky soil, a portion of the fence shall be laid down or constructed to a lower height, not to exceed 38 inches, to allow wildlife movement.
- e. The top level of a newly constructed fence shall be flagged immediately after construction. The flagging shall be white and maintained for at least 1 year.

- 4. **Special Purpose Fencing.** Notwithstanding the provisions of this Section, the Planning Director may exempt special purpose fencing from this Section, provided the fencing meets the below standards.

EXAMPLE: Examples of special purpose fencing include fencing for a dog kennel, certain types of agricultural fencing (such as bull enclosure, pig pens, sheep enclosure, fencing to secure stored livestock feed, fencing for winter livestock feeding sites, and fencing for 4-H projects), securing a construction site, swimming pool enclosure, screening of refuse facilities, recycling containers, dumpsters, and small yard enclosure.

- a. **Smallest Area.** The special purpose fencing shall encompass the smallest area necessary to achieve the purpose.
- b. **Specific Design.** Special purpose fencing is constructed for a particular use and requires a specific design to accomplish the purpose of the fence.
- c. **Height in Yards.** Special purpose fencing located in a street yard shall not exceed 4 feet in height. Special purpose fencing located in a side or rear yard shall not exceed 6 feet in height.
- d. **Setback.** Special purpose fencing is not subject to a setback from property lines

Sec. 5.1.5. Base-Level Habitat Protection

- A. **Applicability.** This Section shall apply when at least one of the following criteria is met.

- 1. The parcel of the application has a Gross Site Area of 3 acres or less.
- 2. The limits of land disturbance or use are in the AC, AR, WC, OP, or BP zone
- 3. The limits of land disturbance or use are in PR zone and the application is not a PUD application subject to Sec. 8.7.3.
- 4. The parcel of the application has no habitat value greater than 7 as identified on the Countywide Habitat Value Map (Sec. 8.2.2.C.1).
- 5. The limits of land disturbance or use have no habitat value greater than 7 as identified by a Field Verified Habitat Map (Sec. 8.2.2.C.2).
- 6. The limits of land disturbance or use are within an existing development area and do not expand the existing development area.

- B. **Location.** There are no additional locational requirements based on habitat.

- C. **Conditional Uses.** Habitat protection shall not be a primary consideration in the evaluation of the appropriateness of a conditional use.

Sec. 5.1.6. Mid-Level Habitat Protection

- A. **Applicability.** This section shall apply when Sec. 5.1.5 cannot be applied and at least one of the following criteria is met.
1. The parcel of the application is a platted lot with a Gross Site area of 10 acres or less.
 2. The limits of land disturbance or use have no habitat value greater than 14 as identified by a Field Verified Habitat Map (Sec. 8.2.2.C.2).
 3. The limits of land disturbance or use are within the development area of a conservation easement and have no habitat value greater than 14 as identified by the Countywide Habitat Value Map (Sec. 8.2.2.C.1).
 4. The limits of land disturbance or use for the development area have no habitat value greater than 14 as identified by a Field Verified Habitat Map (Sec. 8.2.2.C.2), and the limits of land disturbance for the access are less than half of the maximum site development allowed on the site.
- B. **Water Quality Protection.** Prior to application of the standards of this Section, the standards of Sec. 5.1.3. shall be applied.
- C. **Location.** The limits of a land disturbance or use shall be located in the lowest value habitat patch identified on a Field Verified Habitat Map (Sec. 8.2.2.C.2).
1. If the lowest value habitat identified on a Field Verified Habitat Map is 7 or less, Sec. 5.1.5 shall apply. If the limits of land disturbance include habitat subject to Sec. 5.1.5 and this Section, the sections shall be applied to the area corresponding to the habitat value. **EXAMPLE:** A development area is mostly located in habitat with a value of 7 or less, but extends slightly into habitat with value 10, and the access crosses habitat with value 10. This Section would apply to the limits of disturbance of the extension and access.
 2. If there are multiple habitat patches of lowest value on site, land disturbance shall be located in the smallest patch, taking into account the extension of the habitat patches up to 0.25 miles beyond the property boundary.
 3. The limits of a land disturbance or use may be located in a patch without the lowest value if:
 - a. Sec. 5.1.3 Water Quality Protections prohibits the location; or
 - b. Federal or State protections of a species prohibits the location; or
 - c. A natural hazard identified in Div. 5.4 (Slopes, Unstable Soils, Faults, Floodplains, Wildland Urban Interface) prohibits the location; or
 - d. A building envelope, subdivision covenant, or other restriction outside of these LDRs that was put in place prior to January 1, 2019 prohibits the location; or
 - e. A Functional Assessment is completed pursuant to the standards of Sec. 8.2.2, in which case the Sec. 5.1.6 High-Level Protections shall apply; or
 - f. The limits of the land disturbance or use do not entirely fit within the lowest value habitat patch based on a development area equal to the maximum site development for the site, in which case the following options shall apply.
 - i. The development area shall be located primarily within the smallest, lowest value habitat patch, but may extend into the smallest, lowest value adjacent habitat patch until the development

area is equal to the maximum site development for the site. Access shall follow the route of least habitat value.

- ii. The development area shall be located primarily within the smallest, lowest value habitat patch, but may extend into the smallest, lowest value adjacent habitat patch until the development area is equal to the maximum site development for the site. Access shall follow a path that has less impact by:
 - a). Avoiding fragmentation of patches larger than 0.5 acres; and
 - b). Having a lesser impact than option i. as calculated by multiplying the disturbance of each access option by the value of the habitat(s) disturbed.
- iii. The development area and access shall be located to:
 - a). Disturb less higher value habitat than option ii.; or
 - b). Have a lesser impact than option i. or ii. as calculated by:
 - 1). Multiplying the total disturbance of each option by the value of the habitat(s) disturbed; and
 - 2). Avoiding fragmentation of patches larger than 0.5 acres.

D. **Conditional Uses.** Habitat protection shall be a primary consideration in the evaluation of the appropriateness of a conditional use.

E. **Required Mitigation.** For every 1 sf of habitat within the limits of a land disturbance or use, 2 sf of mitigation shall be provided pursuant to Section 5.1.8. Except that, the following shall be exempt from mitigation.

1. A development area of less than 0.5 acres or half the allowed site development, whichever allowance is greater. If this exemption does not apply, the entire land disturbance or use area shall be mitigated.
 - a. A development area that is expanded so that it is no longer exempt shall mitigate for the entire expansion.

Sec. 5.1.7. High-Level Habitat Protection

A. **Applicability.** This Section shall apply when Sec. 5.1.5 and Sec. 5.1.6 do not apply.

B. **Location.** A land disturbance or use shall be located to have the least habitat impact as identified by a Functional Assessment completed pursuant to Sec. 8.2.2.C.

C. **Single Development Area.** A parcel developed subject to this Section shall only have 1 development area.

D. **Conditional Uses.** Principal conditional uses are prohibited, except that the following use types may be considered, with habitat protection as the primary consideration in the evaluation of the appropriateness of the principal conditional use.

1. Open Space Uses (Sec. 6.1.3)
2. Amusement/Recreation Uses (Sec. 6.1.7)
3. Utility Facility (Sec. 6.1.10.C)
4. Conditional Uses in the P/SP Zone

- E. **Required Mitigation.** For every 1 sf of habitat within the limits of a land disturbance or use, 2 sf of mitigation shall be provided pursuant to Section 5.1.8. Except that, the following shall be exempt from mitigation.
1. A development area of less than 0.5 acres or half the allowed site development, whichever ever allowance is greater. If this exemption does not apply, the entire land disturbance or use area shall be mitigated.
 - a. A development area that is expanded so that it is no longer exempt shall mitigate for the entire expansion.

Sec. 5.1.8. Mitigation Standards

- A. **Applicability.** This Section shall apply to any mitigation required by this Division.
- B. **Amount.** The amount of required mitigation is established in Sec. 5.1.3 – Sec. 5.1.7.
1. **Mitigation for New Impact.** Mitigation shall be calculated based on new disturbance, existing disturbance shall not be included in the mitigation calculation.
 2. **Credit for Already Provided Mitigation.** Mitigation provided pursuant to a Federal or State agency, or prior LDRs, shall be credited toward the mitigation requirement under these LDRs, even if the mitigation does not meet the standards of this Section.
 3. **Credit for Reclaimed Disturbance.** Land disturbance reclaimed as native vegetation shall be credited toward the required mitigation for the disturbance.
 4. **Double Mitigation for Violation.** Double mitigation is required for unpermitted impacts.
- C. **Increase Habitat Value.** Mitigation shall improve the habitat value on the site of the mitigation pursuant to the standards below.
1. Habitat value shall be determined based on the highest level of Habitat Valuation completed for the site. If no Field Verified Habitat Map or Functional Assessment has been completed for the site, the Countywide Habitat Value Map shall be used to determine habitat value.
 2. Mitigation shall increase the size of an existing habitat patch, new habitat shall not be introduced.
 3. Mitigation shall be designed to reduce the edge to area ratio of the habitat patch being enlarged, if possible.
 4. Mitigation shall be designed to be natural viable after some period of maintenance. The landowner required to provide the mitigation shall monitor the viability of the mitigation and certify to the County when the mitigation is naturally viable.
 5. Viability of the mitigation shall be guaranteed for 5 years past the date it is certified to be naturally viable.
- D. **Preferred Method.** Mitigation required by this Division shall be provided by one or a combination of the methods identified below. The methods are listed in order of priority, and the highest priority method shall be used unless it is impractical or the mitigation requirement specifies a method of mitigation. Alternate methods shall not be proposed.
1. On-site restoration, meeting the standards of Sec. 5.1.8.E, of the largest, highest value habitat patch that is degraded.

2. On-site enhancement, meeting the standards of Sec. 5.1.8.F, of the largest, highest value habitat patch.
3. Off-site restoration, meeting the standards of Sec. 5.1.8.E, or enhancement, meeting the standards of Sec. 5.1.8.F, of habitat at least as valuable as the habitat impacted.
 - a. If the impacted habitat was valued by a Functional Assessment, the habitat value from the Field Verified Habitat Map that preceded the Functional Assessment shall be used to review this standard.

E. **Habitat Restoration.** In order to be considered habitat restoration a project must meet the following standards.

1. **Existing Site Degraded.** The existing site is degraded, meaning it is unable to support the species that would naturally be present.
2. **Return to Natural State.** The project shall be designed to establish a defined, indigenous historical state in a manner that emulates the function, diversity and dynamics of the specific ecosystem. Projects shall be designed to move a degraded biological community toward greater structural and functional complexity that characterizes an intact ecosystem.
3. **Adaptive Management.** The project is a process of monitoring and adaptive attempts to achieve function so that sustainable, significant improvements in ecological structure (species richness and interaction complexity) and processes are achieved. Ecosystems are naturally dynamic.
4. **Stream Restoration.** All stream restoration projects must follow the minimum WYDEQ Clean Water Act Section 401 Certification, BMPs, and monitoring standards. In order to be considered mitigation, a stream restoration project must demonstrate functional lift pursuant to the WY Stream Quantification Tool.

EXAMPLE: Reestablishment of stream and aquatic resource functions to a ditch that was formerly a remnant, relic or side channel is habitat restoration. Reduction of lateral and vertical erosion rates to reference conditions appropriate for the stream type is habitat restoration. Reversion to a community of native species from domesticated or nonindigenous communities is habitat restoration.

F. **Habitat Enhancement.** In order to be considered habitat enhancement a project must meet the following standards.

1. **Existing Habitat.** The project shall enhance an existing habitat, not change the habitat into a new habitat. Creation shall only occur pursuant to Sec. 5.1.9. Manmade Features.
2. **Improvement.** The project shall result in an improvement in species richness and complexity of interaction and processes over time.
3. **Longevity.** The improvement achieved shall be naturally viable and not be temporary and reliant on human support to avoid reversion to the pre-enhancement condition.

G. **Habitat Mitigation Plan**

1. An application that requires mitigation pursuant to this Division shall include a Habitat Mitigation Plan.
2. The Mitigation Plan shall be prepared by a qualified professional as defined by Subsection 8.2.2.D.
3. The Mitigation Plan shall:
 - a. Quantify the amount of habitat impacted by habitat value; and

- b. Calculate the required mitigation; and
- c. Document how a habitat patch meets the definition of degraded, if applicable; and
- d. Detail the method and design of the proposed mitigation; and
- e. Detail why a higher priority mitigation method is impractical, if applicable; and
- f. Include the monitoring plan and metrics for determining natural viability; and
- g. Estimate the cost of installing and maintaining the mitigation until such time as it is naturally viable. A bond for the installation and maintenance of the mitigation may be required pursuant to Sec. 8.2.11.

Sec. 5.1.9. Standards for Manmade Features

A. **Applicability.** This Section is applicable to any manmade feature, whether proposed voluntarily or required by these LDRs, and regardless of whether creation of the feature requires a physical development permit.

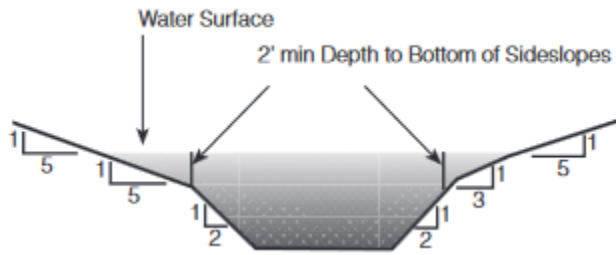
- 1. This Section shall apply to new features and alterations to existing features, whether the existing features are natural or manmade.
- 2. Alteration of a nonconforming manmade feature that does not meet the standards of this Section shall be subject to the requirements of Sec. 1.9.2., Nonconforming Physical Development.
- 3. In addition to this Section, all standards of the LDRs pertaining to gravel extraction (Section 6.1.9.F. or 6.1.12.F.) and grading, erosion control, and stormwater management (Div. 5.7.) shall apply.

B. **Manmade Waterbodies**

- 1. **Intent.** The intent of this subsection is to preserve and enhance water quality and protect wildlife when a manmade waterbody is created.
- 2. **Waterbody Purpose.** A manmade waterbody shall serve at least one of the following purposes.
 - a. **Agriculture.** The manmade waterbody is part of an agricultural operation.
 - b. **Fire Suppression.** The manmade waterbody is approved by the Fire Marshal as necessary and required for fire suppression.
 - c. **Habitat.** The manmade waterbody provides wildlife habitat pursuant to the standards of this Section and is designed by a qualified professional as defined in Sec. 8.2.2.D.
 - d. **Ornamental Water Feature.** The manmade waterbody is part of the architectural design of the site.
- 3. **All Manmade Waterbodies.** The following standards shall apply to all manmade waterbodies.
 - a. **Airport Proximity.** No manmade waterbody shall be located within 10,000 feet of the Jackson Hole Airport runway.
 - b. **Location.** A manmade waterbody shall meet all natural resource setbacks and the site development setbacks for the site.
- 4. **Ponds and Streams.** In addition to the standards applicable to all manmade waterbodies, manmade ponds and streams shall be subject to the following standards.
 - a. **Exempt Ponds.** The following ponds are exempt from the standards specific to ponds.

- i. **Agricultural Pond.** A pond that is part of an agricultural operation meeting the standards for exemption in Section 6.1.3.B.
- ii. **Stormwater Management Pond.** A pond that is verified by the County Engineer to have the sole purpose of stormwater management.
- b. **Location.** The pond or stream shall be located to comply with the setback standards of Sec. 5.1.3.
- c. **Buffer Establishment**
 - i. A 50 foot buffer of native vegetation shall be planted along the shoreline for the purpose of protecting the water quality and the habitat value of the pond or stream. In the case of a habitat enhancement to an existing ditch, the buffer shall be 15 feet.
 - ii. Riparian access shall be allowed for a maximum of 10% of the shoreline.
- d. **Well-Fed.** Water from a well, used to fill a pond or stream shall be pretreated through a wetland prior to entering the pond or stream.
- e. **Outfall.** The pond or stream shall not outfall into a river, stream, or ditch unless the outfall is designed to meet the following standards.
 - i. The outfall shall discharge through a wetland sized to accommodate the nutrient load of the pond and volume of the outfall.
 - ii. A pond outfall shall draw from a minimum depth of 4 feet.
- f. **Non-Plastic Liner.** If lined, the liner shall not include plastic material.
- g. **Winter-Safe Aerators.** If installed in a pond, an aerator shall meet the following standards.
 - i. An aerator shall be turned off from December 1 through April 15.
 - ii. An aerator shall be located so that the bubble trail from the aerator reaches the shoreline.
- h. **Pond Side Slopes**
 - i. **15 Foot Shoreline Transition.** The slope from the shoreline to upland areas shall be no steeper than 5 (horizontal) : 1 (vertical) for at least 15 feet from the ordinary high water mark toward the upland area.
 - ii. **First 2 Feet of Pond Depth.** Side slopes into the pond necessary to reach a depth of 2 feet shall be designed and maintained to the following standards.
 - a). At least 50% of the shoreline length of the pond and any island shall have side slopes that are no steeper than 5:1.
 - b). All other side slopes shall be no steeper than 3:1.
 - c). Side slopes shall receive a minimum of 6 inches of topsoil.

- iii. **Deeper Than 2 Feet.** At a depth of greater than 2 feet, side slopes shall be no steeper than 2:1.



- iv. **Supplemental Water Supply.** A supplemental water supply, e.g., water from the Snake River or any other watercourse and conveyed irrigation ditches, shall be developed, if necessary, to stabilize water levels and prevent steeper grades from becoming exposed.
- v. **Habitat Pond.** In addition to the standards above, the shallows of a habitat pond shall be designed to provide safe and functional wildlife habitat, including but not limited to the following goals:
- Ensuring safe ungulate ingress and egress
 - Planting of the aquatic bench with vegetation preferred by native waterfowl, fish, ungulates, amphibians and reptiles.
5. **Ornamental Water Feature.** In addition to the standards applicable to all manmade waterbodies, an ornamental water feature shall meet all of the following standards.
- The entire feature shall be within 50 feet of a building on the site.
 - The feature shall be a maximum of 2 feet deep.
 - The area of the feature shall be a maximum of 1,000 square feet
 - The feature shall be lined.
 - The feature shall not outfall into a river, stream, or ditch.
 - If installed in a feature, an aerator shall be turned off from December 1 through April 15.
 - The area of the feature shall be considered site development unless the feature is used to harvest rainwater for reuse on site as irrigation.

C. Manmade Landforms

- Intent.** Manmade landforms are used to screen a structure, absorb sound, or reuse excavated material on site. The intent of this subsection is to establish standards to ensure that manmade landforms do not negatively impact wildlife, appear to be naturally occurring, are consistent with surrounding features. It is the intent that compliance with this subsection constitutes conformance to general natural landforms (Section 5.7.2.A.4) and minimization of cut and fill (Section 5.7.2.A.9).
- Berm.** A berm that is 4 feet in height or greater shall meet the following standards.
 - Location**
 - A berm shall meet all natural resource setbacks.

- ii. A berm shall meet side and rear site development setbacks for the site (however, a berm shall not be considered site development).
 - iii. A berm shall have a street setback of 5 feet for a road classified by the County Engineer as major local or greater.
- b. **Outward Slope.** The ends of the berm and side of the berm facing out of the property shall meet the following standards.
 - i. **SRO.** Inside the SRO a berm shall have an outward slope no steeper than 20:1.
 - ii. **Outside the SRO**
 - a). A berm in the side or rear yard shall have an outward slope no steeper than 5 (horizontal) : 1 (vertical) slope.
 - b). A berm in the street yard shall have an outward slope no steeper than 2 (horizontal) : 1 (vertical) slope.
- c. **Maximum Height.** The maximum height of a berm at any point, as measured to the nearest point of the low-side toe, shall be 6 feet; except that the following berms shall not exceed 10 feet.
 - i. A berm in the street yard; or
 - ii. A berm in the R-1, R-2, or R-TC zones.
- d. **Undulation.** Berms shall be shaped to emulate natural undulation in terrain rather than appear monolithic, pyramidal, or extruded. In addition, a berm facing a side or rear lot line shall meet the following standards.
 - i. The berm height shall not exceed 4 feet for a continuous berm facade width of greater than 100 feet.
 - ii. If the overall berm facade width exceeds 100 feet, at least 25% of the berm facade width shall have a height no greater than 4 feet.
- e. **Vegetation.** A berm shall be vegetated pursuant to Section 5.5.4.B.
- f. **Fencing.** Fencing is prohibited on a berm.
- g. **Exemptions**
 - i. Site development setbacks and outward slope standards shall not apply upon mutual application by adjacent land owners.
 - ii. This Section shall not apply to temporary stockpiles

6.4. Operational Standards

[Existing Division for ongoing operational standards that are often outside a use permit. Wildlife Feeding and Air Quality standards are proposed be added to this Division because they are a better fit with the other standards of the Division and the enforcement options in the Division. The existing Sec. 6.4.9 will become Sec. 6.4.11.]

Sec. 6.4.9. Wildlife Feeding

[The proposed language below will replace the existing Sec. 5.1.3, Wild Animal Feeding and Sec. 5.2.2, Bear Conflict Area Standards]

- A. **Purpose.** The purpose of this Section is to prevent and mitigate conflicts between humans and wildlife in Teton County by establishing wildlife feeding and bear-attractant standards for residential and nonresidential uses.
- B. **Intent.** The intent of this Section is to protect and promote the public health, safety and welfare by:
1. Reducing the attraction of ungulates and large carnivores to residential areas, and thereby lessening the significant threat to human safety and domestic pets;
 2. Reducing unnaturally high concentrations of animals, thereby reducing the potential for disease transmission, the overuse of certain habitats, the disruption of natural animal migration, and the domestication of wild animals;
 3. Discouraging unnatural wildlife behavior, thereby reducing the number of nuisance animals that have to be relocated or destroyed when they frequent residential areas or otherwise come into harmful or threatening contact with humans; and
 4. Respecting the wild essence of the animals' nature.
- C. **Agriculture Exemption.** Agriculture use as defined in Sec. 6.1.3.B. shall be exempt from this Section, except that this Section shall apply to ornamental and landscaping plants.
- D. **Standards**
1. **Supplemental Feeding Prohibited.** No person shall knowingly or intentionally provide supplemental feed attractants to the following animals, unless specifically authorized by an agency of either the State of Wyoming or the United States of America: antelope, bighorn sheep, deer, elk, moose, mountain goats, bobcats, black bears, grizzly bears, mountain lions, lynx, wild bison, wolves, coyotes, foxes and raccoons. Supplemental attractants are any human food, pet food, hay, forage product or supplement, grain, seed or birdseed, garbage, or other attractant made available to the animals listed above.
 2. **Landscaping.** Ornamental and landscaping plants, whether required or planted voluntarily, shall not be attractive to the animals listed above unless located 200 feet from all structures and roads.
 3. **Bird Feeders.** From April 1 through November 30 each year, a birdfeeder shall be hung at least 10 feet from the ground, deck, railing or surface and 4 feet from any structure, tree or limb and should have a catch pan attached directly underneath the feeder that is 4 inches larger in diameter than the widest diameter of the feeder itself.
 4. **Bear-Resistance Standards**
 - a. **Bear-Resistant Container Required.** Beginning 1/1/2020, all trash shall be stored in a certified bear-resistant container or dumpster.
 - i. A certified bear-resistant container or dumpster is one that meets the "minimum structural design standards" published by the Interagency Grizzly Bear Committee (IGBC) in 1989 or has successfully passed the testing program and protocols recited in the Bear-Resistant Products Testing Program (October, 2005). A list of certified bear-resistant containers and dumpsters and

the manufacturers that produce these products is available in the Teton County Planning and Development Department.

- ii. If trash is transferred from the property to a trash transfer station or landfill directly by the property owner or property lessee, trash may be stored in another container as long as the container is stored in a bear-resistant building or enclosure at all times while on the property.

b. Bear-Resistant Building or Enclosure Required

- i. The following attractants shall be stored exclusively inside bear-resistant buildings or enclosures.
 - a). Grease storage containers and stored foods for a nonresidential use food/drink preparation and service.
 - b). All backyard chicken operations including chicken food storage.
- ii. A bear-resistant building or enclosure is one that consists of and/or contains:
 - a). A framed building or enclosure with hard sides and a roof constructed of hard wood, non-reflective metal or other like product reasonably designed and manufactured to withstand an intrusion by a bear; or
 - b). Chain-link fencing no less than 6 feet in height, at the top of which is barbed-wire fencing angled outwards; or
 - c). Functional and maintained electric fencing designed to exclude bears; or
 - d). A combination of the above; and
 - e). Functional, maintained self-latching doors and gates, or doors and gates with locks.

EXAMPLE: Examples of bear-resistant enclosures include, but are not limited to, garages, metal sheds, houses, and electrified fencing designed to exclude bears or any other building designed and constructed to prevent access by bears.

Sec. 6.4.10. Air Quality

[Current Sec. 5.1.4 moved with no change to content]

Protection of clean air resources is a goal of the County, in order to protect the public health, welfare and general safety of the residents, the visibility in the valley and the scenic beauty of Teton County.

A. Particulate Matter. For the purposes of this Section, particulate matter is any material other than water, which is suspended in or discharged into the atmosphere in finely divided form as a liquid or solid capable of being airborne or gasborne, including dust. All uses shall conform with the following standards:

- 1. Emission Rate of Particulate Matter and Dust/General.** No emissions shall exceed the allowances set forth by the U.S. Environmental Protection Agency or WYDEQ, or any other State or Federal agency having jurisdiction to limit emissions. In case of conflict, the most restrictive requirement shall govern.
- 2. Ameliorate Possibility of Particulate Matter Becoming Windborne.** Emission of particulate matter from materials or products subject to becoming windborne shall be kept to a minimum by landscaping, paving, wetting, or other means as to render the surface wind resistant.

- 3. Applicable to Temporary Construction Operation.** Temporary construction operations shall be subject to the requirements of this Section.
- B. Toxic and Noxious Matter.** For the purposes of this Section, toxic and noxious matter is any solid, liquid, or gaseous matter, including but not limited to, gases, vapors, dusts, fumes, and mists, containing properties which, by chemical means, are inherently harmful and likely to destroy life or impair health, or are capable of causing injury to the well-being of persons or damage to property. All uses shall conform with the following standards:
- 1. Ambient Air Quality Standards.** The ambient air quality standards of the Wyoming Department of Environmental Quality, the U.S. Environmental Protection Agency, or any other state or federal agency having jurisdiction, shall limit the release of airborne toxic and noxious materials. In case of conflict, the most restrictive requirements shall govern.
 - 2. Toxic Materials Not Included in Ambient Air Quality Standards.** No emissions of toxic gases or matter shall result in any hazard to human life or health or to wildlife. The Planning Director may request that an applicant submit a statement from the Wyoming Department of Public Health that the proposed levels of toxic matter to be released will not result in any hazard to human life or health or to wildlife.
- C. Smoke Emissions.** All uses shall conform with the following standards:
- 1. Maximum Smoke Emission.** Smoke emission from any chimney, stack, vent, opening, or combustion process, or any alterations or additions to uses or structures with existing point sources, shall meet U.S. Environmental Protection Agency source regulations designed to eliminate smoke problems.
 - 2. Exemptions.** The provisions above shall not apply in the case of an equipment breakdown which makes compliance not reasonably possible, and shall not apply to home fireplaces, barbecues, and burning incidental to agricultural operations and sanitary landfill operations.
- D. Odorous Matter.** The emissions of odorous gases or matter in such quantities as to be readily detectable, without special instruments, at any point beyond the site omitting the odor, is prohibited. Odorous matter includes, but is not limited to, odors from the accumulation of decayed matter, trash, rubbish-garbage, and manure from domestic animals and fowl, all of which is perceptible beyond the site boundary line(s) of the property where the accumulation is located. Agricultural operations meeting the standards for exemption in Section 6.1.3.B. shall be exempt as specifically related to manure from domestic animals and fowl.

8.2. Common Procedural Standards

[Existing Division]

Sec. 8.2.2. Habitat Valuation

[The proposed language below will replace the existing Sec. 8.2.2, Environmental Analysis]

- A. Purpose.** The purpose of the habitat valuation is to accurately determine the applicable sections of Div. 5.1, Water Quality and Habitat Protections.
- B. Applicability**
1. Unless exempted below, the following application types shall include a Habitat Valuation.
 - a. Physical development and development option applications in Div. 8.3.
 - b. Use applications in Div. 8.4.

- c. Development Option Plan (Sec. 8.5.2)
- d. Boundary Adjustment (Sec. 8.5.5)
- e. Planned Unit Development (Sec. 8.7.3)

2. The following are exempt from Habitat Valuation.

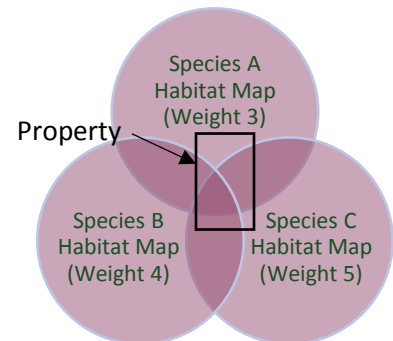
- a. Agriculture use meeting the standards for exemption in Section 6.1.3.B.
- b. An application for restoration meeting the standards of Section 5.1.8.E.
- c. Land disturbance or use that is within an existing development area and does not expand the existing development area.
- d. An application within a development area established by a recorded conservation easement. In such a case the applicability of Sec. 5.1.5 – Sec. 5.1.7 shall be determined by the Countywide Habitat Value Map.
- e. Emergency public works such as emergency flood control or emergency bridge replacement.
- f. Essential utilities, as defined by Sec. 5.1.3.C.4, which are installed to an existing physical development or use.
- g. An application to implement a prerequisite approval. Example: a building permit that already has development plan and sketch plan approval.
- h. An application submitted prior to December 31, 2019 with a sufficient, not expired Environmental Analysis (EA).
 - i. An EA shall not be submitted, revised, or extended after December 31, 2018.
 - ii. The Planning Director may require an applicant to comply with the standards of this Section if the circumstances analyzed in the EA are significantly different than the current circumstances.

C. **Levels of Habitat Valuation.** There are 3 levels of habitat valuation, the necessity of each level is determined by the value of the habitat found in the previous level. Subsection 8.2.2.F establishes the outcomes from the findings at each level and the process for moving through the levels. This Subsection establishes the standards for each level.

1. **Level 1 - Countywide Habitat Value Map.** The Countywide Habitat Value Map is established and adopted as part of these LDRs, incorporated into these LDRs by reference, and made a part hereof. The Countywide Habitat Value Map is located on the Teton County Mapserver at <https://maps.greenwoodmap.com/tetonwy/mapserver/>.
 - a. **Origin.** The Countywide Habitat Value Map was produced based on Focal Species Habitat Mapping for Teton County, WY (Alder, 2017), and Focal Species Habitat Mapping for Teton County, WY: Report Addendum (EcoConnect, 2018).
 - b. **Update.** The Countywide Habitat Value Map shall be evaluated and update at least every 5 years.
2. **Level 2 - Field Verified Habitat Map.** A Field Verified Habitat Map shall be produced pursuant to the following standards.
 - a. It shall be produced by a qualified professional as defined by Subsection 8.2.2.D.

- b. It shall include all land on the property of the application.
- c. It shall be comprised of independent, non-overlapping habitat patches. The habitat patches shall be identified in the following order.
 - i. Waterbodies, wetlands and their setbacks shall be mapped as defined in Sec. 5.1.3.
 - ii. Other habitat patches shall be identified and valued using the methodology established in Focal Species Habitat Mapping for Teton County, WY (Alder, 2017).
 - a). The species habitat maps that make up the Focal Species Habitat Map shall be confirmed or corrected. The Focal Species Habitat Map is available on the Teton County Mapserver at <https://maps.greenwoodmap.com/tetonwy/mapserver/>. Example: A species habitat model is based on a certain slope, aspect, and vegetation combination. The professional producing the Field Verified Habitat Map finds that the vegetation input used in the Focal Species Habitat Map is not the actual vegetation on the ground. As a result that species habitat map would be corrected as part of the Field Verified Habitat Map.
 - b). The confirmed and/or corrected species habitat maps shall be overlaid to identify habitat patches on the property. Each habitat patch is described by the list of species habitat maps overlaid in that patch.
 - c). The habitat value of each patch shall be determined by summing the species habitats in the patch after applying the weights assigned to each species habitat in Focal Species Habitat Mapping for Teton County, WY (Alder, 2017).

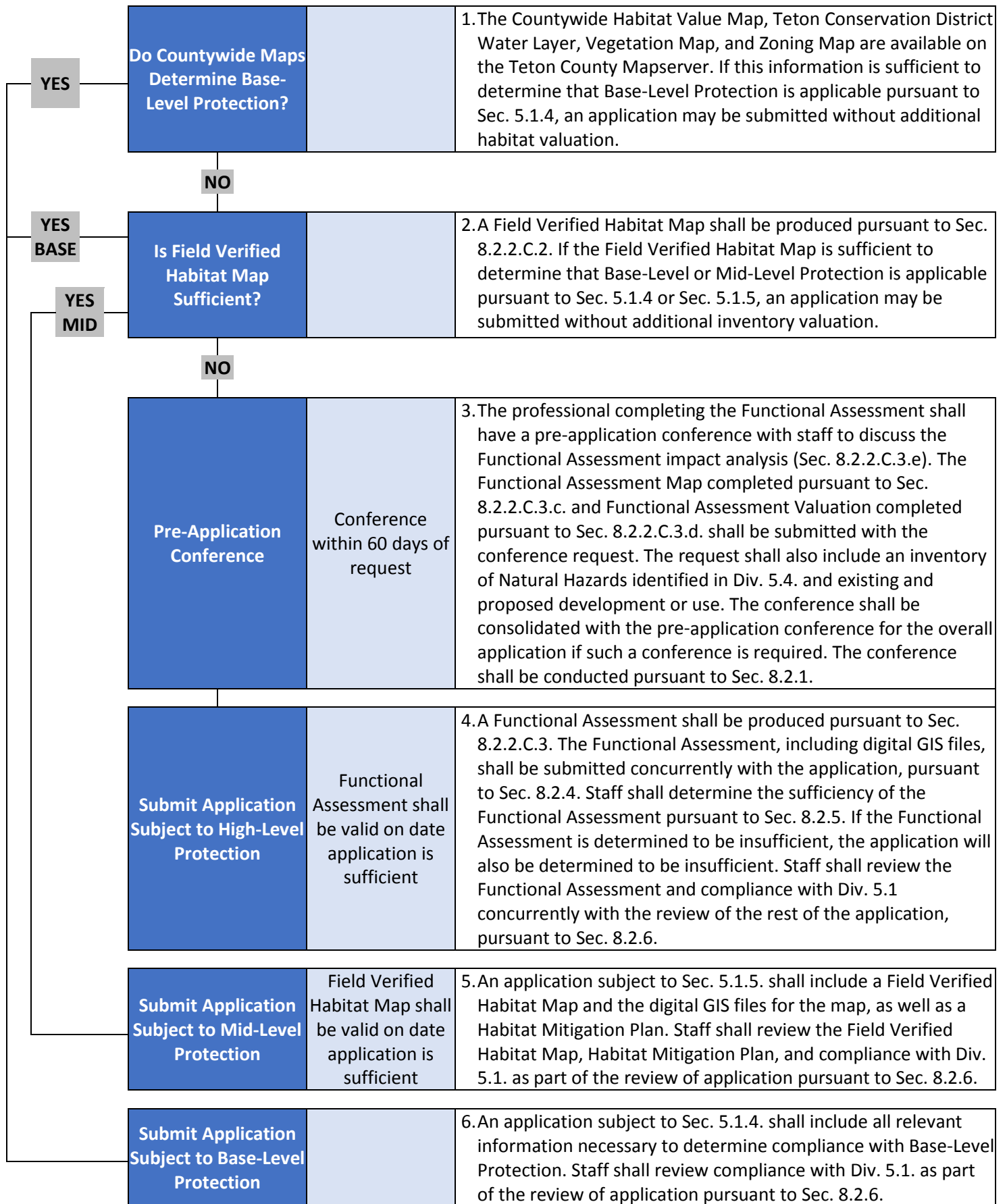
Example: The property at right has 6 habitat patches within its boundary. Working clockwise from North, the patch suitable for Species A only, has a value of 3. The patch suitable for Species A and C has a value of 8. The patch suitable for Species C only, has a value of 5. The patch suitable for Species B and C has a value of 9. The patch suitable for Species A, B, and C has a value of 12. The patch suitable for Species A and B has a value of 7.



- 3. **Level 3 - Functional Assessment.** A Functional Assessment shall be produced pursuant to the following standards.
 - a. It shall be produced by a qualified professional as defined by Subsection 8.2.2.D.
 - b. It shall include all land within 0.5 miles of the property of the application. This requirement does not permit trespass. Land not on the property of the application shall be assessed using available digital data.
 - c. It shall include a Functional Assessment Map of independent, non-overlapping habitat patches. The habitat patches shall be identified in the following order.
 - i. The Field Verified Habitat Map shall be extended to all land within 0.5 miles of the property using available water and wetland information and the Focal Species Habitat Map.
 - ii. Other habitat considerations shall be overlaid, including:
 - a). Habitat of species with Federal or State Protection.

- b). Migration corridors and stopover areas.
 - c). Patches of forest, shrub, or grassland overstory greater than 0.5 acres, considering extension of the patch outside the study area. EXAMPLE: A forest overstory of hundreds of acres shall be overlaid on the map. A grassland meadow of 0.4 acres, internal to that forest overstory, shall not be mapped.
 - iii. Each habitat patch shall be described by the list of species habitat maps and other habitat considerations overlaid in that patch. The definitions used to generate the other habitat considerations shall be fully documented so that a third party could replicate the location of the habitat consideration.
 - d. Each habitat patch shall be assigned a relative value. The valuation shall be documented.
 - i. The valuation of each patch shall consider each of the below criteria.
 - a). Water and wetland protections in Sec. 5.1.3.
 - b). Federal or State protection status.
 - c). Importance for migration and stopover.
 - d). Fragmentation of patches of forest, shrub, and grassland overstory greater than 0.5 acres. Large patches with small edge to area ratios are the most valuable.
 - e). The Field Verified Habitat Map value of the patch.
 - ii. The valuation shall include a ranking and a scale that is appropriate for the site. The Functional Assessment scale will not be comparable to the scale of the Countywide Habitat Value Map and Field Verified Habitat Map because the additional considerations of the Functional Assessment are not considered in Focal Species Habitat Mapping for Teton County, WY (Alder, 2017) EXAMPLE: The patch of least value may be very similar in habitat value to the patches of second least and third least value, but far less valuable than the patch of fourth least value. A site-specific scale is needed to understand this comparison because the reason there is such a big difference in value is consideration of a large patch of shrub overstory that cannot be entered into the Focal Species Habitat Mapping for Teton County, WY (Alder, 2017) weighted sum valuation.
 - e. It shall include an impact analysis that determines the site for the proposed land disturbance and/or use with the least habitat impact.
 - i. The determination shall be documented relative to the following considerations.
 - a). The relative value of the habitat patches.
 - b). The total amount of use area and/or land disturbance for the development area and access.
 - c). Natural hazard protections identified in Div. 5.4.
 - ii. The Planning Director may require analysis of alternate development or use scenarios as part of the pre-application conference pursuant to Sec. 8.2.2.F.4.
- D. **Qualified Professional.** A Field Verified Habitat Map or Functional Assessment shall be prepared by a professional with the following qualifications.

1. **Certification.** The professional shall be certified as a Professional Wetland Scientist, Professional Ecologist, Certified Ecological Restoration Practitioner, Certified Wildlife Biologist, or Certified Fisheries Professional.
 2. **Education and Experience.** The professional shall have:
 - a. A B.S., B.A., or equivalent degree in biology, botany, environmental studies, fisheries, soil science, wildlife, agriculture or a related field; and 2 years of related work experience; or
 - b. 4 years of related work experience.
- E. **Review.** A Functional Assessment Map (8.2.2.C.3.c) and Functional Assessment Valuation (8.2.2.C.3.c) shall be reviewed by a qualified professional, as defined in Sec. 8.2.2.D, employed by the County.
1. The qualified reviewer may be on staff, or contracted by the County at the applicant's expense.
 2. The review shall occur prior to the pre-application conference and shall be shared through the pre-application conference. The review is not an approval or denial of the Functional Assessment Map or Functional Assessment Valuation.
- F. **Expiration.** A Field Verified Habitat Map or Functional Assessment shall be valid for 5 years from the date the field work is complete.
1. The Planning Director may extend the validity of a Field Verified Habitat Map or Functional Assessment if there have been no changes to the site.
 2. The Planning Director may require a new Field Verified Habitat Map or Functional Assessment at any time if the Field Verified Habitat Map or Functional Assessment is irrelevant because of changes to the habitat or LDRs.
- G. **Review Process.** All steps and deadlines in the following chart are required unless noted otherwise. An application must complete each step before moving to the step below.



Other Divisions/Sections

[All cross-references to natural resource protections need to be updated. Staff has identified many below, but there may be additional references that need update. Redlined text indicates amendment to an existing provision of the LDRs.]

NRO

[References to the Natural Resources Overlay (NRO) will be updated to reference the habitat protection sections (Sec. 5.1.5-5.1.7). The updated natural resource protections do not utilize a Natural Resources Overlay (NRO), they utilize 3 levels of habitat protection (Sec. 5.1.5-5.1.7).]

EA

[References to an Environmental Analysis (EA) will be updated to reference a Habitat Valuation. The updated natural resource protections do not require an EA, they require a 3-step Habitat Valuation (Sec. 8.2.2).]

Zones

[Within each zone, the references to waterbody and wetland setbacks will be updated to reflect proposed Sec. 5.1.3. References to the NRO will be replaced with the applicable references to the levels of habitat protection in Sec. 5.1.5 – Sec. 5.1.7. Where applicable, the standards of Sec. 5.1.7 limiting development to a single development area and prohibiting many conditional uses, will be referenced.]

Exempt Agriculture

6.1.3.B.2.d. **Exemptions on sites greater than 70 Acres.** The following exemptions and preservation mechanisms apply to agricultural uses on sites of 70 acres or more, assessed as Agricultural by the Teton County Assessor:

CUP Findings

8.4.2.C.4. Minimizes adverse ~~environmental~~ impacts to medium or high value habitat subject to the protections of Sec. 5.1.6 or Sec. 5.1.7;

Definitions

Development Area. A development area is a contiguous area in which all physical development, above and underground utilities, and non-native landscaping is located. Driveways and utility lines may extend out of a development area to provide access to the development area.

Land ~~Disturbance~~ Disturbing Activity. A land ~~disturbance~~ disturbing activity is a any manmade change to the land surface, including removing vegetative cover, excavating, filling, and grading. The tending of gardens and agricultural activities are not land disturbing activity. The thinning of trees necessary to create required defensible space is not land disturbance.

Ordinary High Water Mark. Ordinary high water mark shall be defined as it is defined by the Army Corp. of Engineers, which is currently, “The term ordinary high water mark means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.” (33 CFR 328.3(e)).