

AGENDA

Planning and Zoning Commission

April 15, 2026 – REGULAR MEETING

5:30 PM

The New Business items have been placed on the agenda in the order they were received. Please note that at 8:00 p.m., the Commission will evaluate the remainder of the agenda to determine if time constraints will permit the full agenda to be heard at this meeting. All items not heard at this meeting will be postponed to the next regularly scheduled Planning Commission meeting.

NOTICE: THE VIDEO AND AUDIO FOR THIS MEETING ARE STREAMED TO THE PUBLIC VIA THE INTERNET AND MOBILE DEVICES WITH VIEWS THAT ENCOMPASS ALL AREAS, PARTICIPANTS AND AUDIENCE MEMBERS

PLEASE SILENCE ALL ELECTRONIC DEVICES DURING THE MEETING

1. ZOOM LINK FOR PUBLIC PARTICIPATION To join, [click link](https://us02web.zoom.us/j/85952939305?pwd=SlzvWoAHoajhUjBIOTHqmQOLZeQNUv.1) or copy it to your browser:
<https://us02web.zoom.us/j/85952939305?pwd=SlzvWoAHoajhUjBIOTHqmQOLZeQNUv.1>
Or join at zoom.com with Webinar ID: **859 5293 9305** and Password: **83001**
2. PLEDGE OF ALLEGIANCE
3. CALL TO ORDER
4. ROLL CALL
5. MATTERS FROM THE PUBLIC
6. APPROVAL OF MINUTES
 - I. March 18, 2026 Planning Commission Meeting Minutes
7. NEW BUSINESS
 - I. PM26-0005 Zoning Map Amendment & Natural Resources Overlay
 - II. PM26-0006 Text Amendment to LDR Sections 5.2.1 (NRO) & 8.2.2 (NRO Process)
 - III. PM26-0007 Text Amendment to LDR Section 5.1.1 - Waterbody & Wetland Buffers
 - IV. PM26-0008 Text Amendment to LDR Section 5.1.2 - Wildlife Friendly Fencing
 - V. PM26-0009 Text Amendment Adding 5.1.7 - Retaining Walls.
8. MATTERS FROM STAFF
9. ADJOURN

MINUTES
PLANNING AND ZONING COMMISSION
TOWN OF JACKSON, WYOMING
March 18, 2026
UNAPPROVED

The Planning and Zoning Commission met in a regular session on March 18, 2026 in the Town Council Chambers located at 150 E. Pearl Ave. in Jackson, at 5:30 pm. This meeting was held in person and via Zoom.

Upon roll call the following were found to be present:

BOARD: Eliska Garcia, Katie Wilson, Laura Bonich appeared in person. Georgie Stanley appeared via Zoom. Thomas Smits, Steph Wise, and Megan Jennings are not present.

STAFF: Tyler Valentine, Andrew Bowen, Katelyn Page, Mary Tippetts

MATTERS FROM THE PUBLIC: None.

APPROVAL OF MINUTES:

A motion was made by Commissioner Wilson and seconded by Commissioner Garcia to approve the March 4, 2026, Planning Commission Meeting minutes. Commissioner Bonich called for the vote. The vote showed all in favor and the motion carried.

NEW BUSINESS

I. P25-139: Text Amendment to LDR Section 5.3.1.B.

STAFF PRESENTATION:

Andrew Bowen, Senior Planner, provides a background of the proposed amendment. This item was continued from the February 4 Planning Commission Meeting to allow the applicant and the Jackson Hole Chamber of Commerce to work collaboratively on a revised amendment that could address concerns raised at that meeting. Parties have come to an agreement on changes to the proposed amendment. Key questions are if the proposed amendment strikes an appropriate balance between preservation of dark skies and support for economic vitality within the Town; and is the Applicant's proposed amendment clear and easy to understand from both a user and enforcement perspective, or should the additional refinements shown below be incorporated to further improve clarity?

APPLICANT PRESENTATION:

Samuel Singer with Wyoming Stargazing addresses the Commission and explains compliance with Dark Sky Community lumens allowed. The County Commission agreed to adjust the residential cutoff dates to October 25 to January 15.

QUESTIONS FOR STAFF & APPLICANT:

Commission asks clarifying questions regarding how the residential cutoff hours could be adjusted, enforcement, & exemptions for small events.

COMMISSION DISCUSSION:

Commission discusses possible adjustments to residential times allowed and understands this will mostly be accomplished through voluntary compliance. The Commission would like to mirror the County's adopted changes as much as possible.

MOTION:

A motion was made by Commissioner Wilson and seconded by Commissioner Wilson to recommend approval of Text Amendment P25-139 to amend LDR Section 5.3.1.C.3, subject to the staff report dated March 18, 2026 while amending the residential cutoff dates to be October 25 – January 15 and amending the residential cutoff time to 12 AM. Commissioner Bonich called for the vote. The vote shows all in favor and the motion carried.

II. P26-013: Conditional Use Permit for Daycare/Education use at 1735 High School Road Units #410, 420, 425, 430, and 440

STAFF PRESENTATION:

Katelyn Page, Associate Planner, gives an overview of the proposal. This is a request to expand the middle school into building 400. Key question revolves around required short term bicycle parking. Staff support applicants independent parking calculation for total of 44 spaces required and 50 spaces provided. Staff conclude no significant impact to High School Road as compared to current conditions and use at the building. Applicant proposes a crosswalk between 400 & 200 buildings, but staff support a site plan that does not include a new crosswalk. Compliance with exterior lighting will be addressed at building permit and housing mitigation is not required.

QUESTIONS FOR STAFF & APPLICANT:

Location, quality, and quantity of bike parking is clarified. Approximately 10% of students ride public transportation to the school.

APPLICANT PRESENTATION:

Ted Smith with the Jackson Hole Community School addresses the Commission and explains the proposal.

George Putnam with Cirque Consulting on behalf of the applicant, Jackson Hole Community School, addresses the Commission specifically regarding bicycle parking and the applicant's commitment to encouraging carpooling and alternative transportation to school.

Karen Parent with Parent Halsey addresses the Commission regarding traffic patterns at the school.

COMMISSION DISCUSSION:

Commission is split between concerns about impacts to the traffic issues on High School Road, but agree that adequate bike parking is important and the applicant will need to consider.

MOTION:

A motion was made by Commissioner Wilson and seconded by Commissioner Stanley to recommend approval of Conditional Use Permit P26-013 for a 7,250sf Daycare/Education use (middle school) at 1735 High School Road Units #410, 420, 425, 430, and 440, based upon the findings and conditions presented in the staff report, the departmental reviews, and subject to this staff report dated March 18, 2026. Commissioner Bonich called for the vote. The vote showed all in favor and the motion carried.

OLD BUSINESS:

Town Council reviewed the changes to the LDRs to address development impacts. Planning Commission has nothing additional to add.

MATTERS FROM STAFF:

Planning Commission should consider if they are interested in setting stricter time limits on meetings, presenters, and comments; there is no meeting on April 1, but there is a meeting on April 15.

ADJOURN: A motion was made by Commissioner Wilson and seconded by Commissioner Smits to adjourn the meeting. Commissioner Bonich called for the vote. The vote showed all in favor and the motion carried. The meeting adjourned at 7:08 pm.

minutes:mt

STAFF REPORT



Meeting Date:	April 15, 2026	Meeting Title:	Regular Town Planning Commission Meeting
Submitting Department:	Planning Department	Presenter:	Ryan Hostetter & Andrew Bowen
Agenda Item:	Zoning Map and Text Amendments – Tiered Natural Resource Overlay (NRO) to address wildlife habitat, creek setbacks, wildlife friendly fencing, and retaining walls (PM26-0005 through PM26-0009)	Public Comment:	Yes

Purpose & Policy Considerations.

This item is a package of staff-proposed amendments to the text and Official Zoning Map of the Town of Jackson Land Development Regulations (LDRs) to update the Town's Natural Resource Overlay (NRO) standards and to address development standards related to wildlife habitat, creek setbacks, wildlife friendly fencing, and retaining walls on steep slopes. These amendments require review by the Planning Commission and approval by the Town Council according to LDR Sections 8.7.2. and 8.7.3.

Recommendations.

PM26-0005

The Planning Director recommends **approval** of Zoning Map Amendment P26-0005 to amend the official Zoning Map and update the Natural Resources Overlay to a Tiered Natural Resources Overlay.

PM26-0006

The Planning Director recommends **approval** of Text Amendment PM26-0006 to amend LDR Sections 5.2.1 (NRO), 8.2.2 (NRO Process).

PM26-0007

The Planning Director recommends **approval** of Text Amendment PM26-0007 to amend LDR Section 5.1.1 - Waterbody and Wetland Buffers.

PM26-0008

The Planning Director recommends **approval** of Text Amendment PM26-0008 to amend LDR Section 5.1.2 - Wildlife Friendly Fencing.

Note: If *PM26-0005* and *PM26-0006* are not approved, *PM26-0008* cannot be approved because the proposed Wildlife Friendly Fencing standards are tied to the Tiered Natural Resources Overlay map.

PM26-0009

The Planning Director recommends **approval** of Text Amendment PM26-0009 to add a new section 5.1.7 - Retaining Walls.

Background/Project Description.

As part of the Town's Long-Range Planning FY26 Work Plan, the Town Council identified updates to the NRO, including standards Wetlands/Waterbodies and Wildlife-Friendly Fencing, as a priority planning initiative. In response, Planning staff have spent the past eight months drafting and refining amendment language and meeting with agencies, stakeholders, and interest groups to gather input and inform the proposed revisions. These discussions included coordination with the Teton Conservation District, the Wyoming Game and Fish

Department, Protect Our Waters Jackson Hole, the Jackson Hole Wildlife Foundation, and the Jackson Hole Conservation Alliance.

All proposed amendments aim to better protect the health of focal species through the introduction and implementation of a tiered Natural Resources Overlay (NRO). Teton County adopted a tiered map in 2024 and so now the Town is proposing to do the same. While Teton County’s NRO and related standards were used as a template for the Town’s proposed amendments because they had been vetted through an intensive scientific and public process, staff modified the County’s standards to acknowledge the Town’s smaller lots and more urban development patterns.

Analysis.

Adoption of Proposed NRO Tiered Map:

The current Natural Resource Overlay (NRO), adopted in 1994 and accessible through the Teton County GIS mapping system (also attached to this staff report), consists of a single zoning overlay that designates properties as either “in” or “out” of the NRO. While the existing overlay incorporates key considerations such as wildlife movement corridors, crucial habitats, and waterways, it does not cover the entire Town and includes notable gaps, areas where the NRO does not apply but where high-value habitat is known to exist. These omissions highlight a limitation of the current framework, as some ecologically important areas are not subject to review or protection.

The proposed Tiered NRO addresses these gaps by applying an updated, science-based approach that evaluates habitat value across all lands within Town jurisdiction. The tiered system, comprised of Base, Mid, and High tiers, is informed by the Countywide Focal Species Habitat Mapping Project (Smith and Remlinger, 2017; EcoConnect addenda, 2018 and 2024), which identified and weighted habitat importance based on species use and ecological function (see the focal species list below). This mapping effort was reviewed by the Natural Resources Technical Advisory Body (NRTAB), an expert panel appointed by the Teton County Board of County Commissioners and has since informed recently adopted County regulations. If adopted by the Town, the tiered map would replace the current single-overlay NRO and establish a comprehensive framework that recognizes all lands as having habitat value, with varying levels of sensitivity based on actual conditions.

Teton County List of Focal Species

Elk	Moose	Mule Deer	Bald Eagle
Brewer’s Sparrow	Great Blue Heron	Great Gray Owl	Greater Sage-Grouse
MacGillivray’s Warbler	Northern Goshawk	Northern Harrier	Red-Naped Sapsucker
Trumpeter Swan	Western Meadowlark	Snake River Cutthroat Trout	Boreal Chorus Frog
Western Toad			

In addition to updating the mapping approach, the proposed regulations introduce a more tailored review process. Under the current NRO, any development within the overlay requires preparation of an Environmental Analysis by a qualified professional. The tiered system refines this process by scaling requirements based on habitat sensitivity: development within the Base Tier is exempt from additional review, development within the Mid Tier requires completion of a Natural Resources Checklist, and development within the High Tier requires preparation of a full Environmental Analysis. The updated regulations also outline applicable development standards and procedures for each tier, providing clearer guidance to Applicants based on project location.

Additional details for the proposed three NRO tiers are provided on the following page:

Base Tier. The Base Tier does not require any additional process. Projects with waterbodies and wetlands present, however, must meet the requirements of Waterbody and Wetland buffers outlined in 5.1.1., as well as the new requirements for retaining walls in 5.1.7 and wildlife friendly fencing in 5.1.2.

Mid Tier. The Mid Tier requires a checklist that an applicant or landowner would submit as a part of their application which will be reviewed by Planning staff along with the project application materials. The intent of this checklist is to provide a simple and straightforward process that does not need to be completed by an environmental professional. If during review of the checklist the Planning Department determines that higher habitat value exists on the site, the project could be elevated to an Environmental Analysis by the Planning Director upon review with the applicant or landowner. Projects within the Mid Tier must also comply with standard zoning requirements including Waterbody and Wetland buffers outlined in 5.1.1., new retaining wall requirements of 5.1.7 and wildlife friendly fencing standards of 5.1.2.

High Tier. The process for the High Tier is based on the current language from the 1994 NRO that requires an Environmental Analysis. Almost all of the existing properties within the current NRO fall within the High Tier with a few also falling within the Mid Tier.

Key Question #1.

Does the Planning Commission support adopting a new tiered Natural Resource Overlay (NRO) map that integrates all areas of town into the overlay instead of the current “in or out” system?

Staff Proposed Text Amendments:

The proposed amendments summarized below, supplement and support the proposed Tiered map.

NRO Standards: 5.2.1 Natural Resources Overlay (NRO) Tiered Habitat Protection Standards

The updated Tiered habitat protection standards are intended to provide the greatest level of analysis and protection to properties with the most valuable natural resources present but a streamlined process (or no process) for properties with fewer and less valuable natural resources present. Based on the habitat value index in Focal Species Mapping for Teton County, WY, ordinal ranking is assigned to groups of resources, 7 being the highest or most important to preserve and 1 being the lowest or best option for locating any site disturbance. While ordinal ranking informed the mapping and classification of the Tiered NRO, staff did not propose regulations directly tied to ordinal rankings. Instead, given the Town’s higher-density development patterns, the broader tier categories recommended by staff provide a more practical, predictable, and administratively feasible framework.

Below is a summary of the major proposed changes to the NRO and assessment procedures (Sec. 8.2.2):

- Updated the Purpose, Intent, and Applicability sections.
 - Updated the applicability of the NRO, including exemptions for additions of 500 square feet or less, accessory structures, agricultural uses, affordable housing projects, emergency work, and other similar activities.
- Added process requirements for each tier, including checklists and environmental analyses.
 - Established that no additional process was required if development occurred within the Base Tier (or if at least 50% of development impacts were within the Base Tier).
 - Required a checklist for development within the Mid Tier.
 - Added crucial range and suitable habitat layers for additional review on sites one acre or larger within the Mid and High Tiers.

- Established mitigation requirements for impacts of one acre or greater.
- Simplified requirements for federally protected or endangered species.
- Added language encouraging development clustering.
- Established an adjustment process.
- Refined the definition of a qualified environmental professional.
- Introduced timeline and expiration requirements.
- Noted that process flowcharts would be updated if the amendment was approved.

Key Question #2.

Does the Planning Commission support adopting a tiered regulatory approach (Base–High) that increases protection and regulatory review/oversight as habitat value increases?

Key Question #3.

Due to the Town’s urban context, small lot sizes, and low percentage of properties located within the High Tier, mitigation requirements are expected to be triggered infrequently. Does the Planning Commission agree with staff’s recommendation that habitat mitigation only be required for High Tier properties greater than one acre?

Waterbody and Wetland Protection Standards

Below is a summary of the major proposed changes to Sec. 5.1.1 *Waterbody and Wetland Protection Standards*:

- Added and clarified waterbody definitions for perennial, intermittent, and ephemeral streams.
- Updated the definition of a wetland to reference the “2010 Western Mountains, Valleys, and Coast Regional Supplement” and increased the buffer from 30 feet to 50 feet.
- Stream buffer/setback distances remained unchanged; however, Spring Creek was added to the list of protected streams with a 50-foot buffer.
- Removed the term “ditch” from Cache Creek north of Cache Creek Drive – now proposed to be regulated as a creek with a 15’ buffer.
- Updated prohibitions on uses allowed in buffers to prohibit dumpsters, recycling facilities, snow storage, and the use of fertilizers.

Key Question #4.

Does the Planning Commission agree with staff’s recommendation to add further development restrictions to stream buffer areas regarding dumpsters, recycling facilities, snow storage, and use of fertilizers?

Wildlife Friendly Fencing

Below is a summary of the major proposed changes to Sec. 5.1.2 *Wildlife Friendly Fencing*:

- Updated the Findings and Applicability sections.
- Drafted language to continue allowing small exclusionary areas adjacent to structures.
- Added a requirement that fencing be brought into compliance if more than 25% of the total fence was repaired, with a one-time exemption allowed for minor repairs to nonconforming fencing.
- Added prohibited materials, including barbed wire, plastic mesh, concertina wire, woven wire, razor wire, and certain types of chain link (except in small exclusionary areas).
- Added prohibited fence types, including worm fencing and designs that could result in wildlife entrapment.
- Added additional fence design requirements, including material and height standards.

- Introduced requirements for breaks or gaps (with both permanent and temporary options) to support wildlife permeability and reduce entrapment.
- Continued to require wildlife-friendly fencing heights in the High Tier, consistent with current NRO standards.

Key Question #5.

Does the Planning Commission agree with staff's recommendation to require existing fencing to be brought into compliance when more than 25% of a nonconforming fence is repaired? Is this threshold too low/high?

Key Question #6.

Does the Planning Commission agree with the proposed requirements for breaks or gaps in fencing to limit wildlife entrapment and facilitate wildlife permeability?

Retaining Walls

Below is a summary of the major proposed changes to 5.1.7. *Retaining Walls*

- A new section was added for wildlife permeability.
- Added new Purpose and Applicability sections.
- Introduced design standards for large or long retaining walls (120 feet or more), requiring staggered design, breaks and openings, permeability, and maintained line of sight.
- Added material and aesthetic requirements.
- Added language to ensure that land disturbance and vegetation clearing were limited to the minimum necessary to meet the standards of this section.

Key Question #7.

Is the addition of the recently adopted wildlife-friendly retaining wall regulations from Teton County warranted in the Town's urban context?

Possible Alternatives.

The Planning Commission could request revisions to the proposed text and/or the overall approach presented by staff.

Comprehensive Plan & Priority Alignment.

The Joint Teton County and Town of Jackson Comprehensive Plan (Comp Plan) calls for Tiers of habitat protection and habitat analysis when development is proposed, based on the relative value of the individual habitat. The following excerpts from the Comp Plan provide context for this approach:

"Principle 1.1 – Maintain healthy populations of all native species.

For future generations to enjoy the ecosystem that exists today, the community must manage our impacts to wildlife, wildlife habitat, and wildlife movement corridors on private and public land. The prevalence of wildlife that is central to our ecological, social, and economic character requires an intact ecosystem that supports all native species. Therefore, efforts to protect wildlife must extend to all native species.

Policy 1.1.a: Protect focal species habitat based on relative critical value

Protecting wildlife requires protecting wildlife habitat and wildlife movement corridors. Our Natural Resource Overlay (NRO) protects wildlife habitat and wildlife movement corridors, will consider the importance and abundance of habitat types, and will be based on a set of focal species that indicate the health of all native species including culturally and economically significant species. The most abundant

and visible wildlife species are not necessarily indicative of overall ecosystem health. Likewise, while a specific habitat type may be important, it may also be abundant and, therefore, only relatively critical, while another important habitat may be declining and/or disappearing due to development and climate change, and is therefore absolutely critical. As our NRO and other programs to protect wildlife habitat from the impacts of development and transportation evolve, they should be updated to reflect the best available data on the relative critical value of different habitat types for identified focal species. Since 1994 elk, moose, mule deer, bald eagle, and trumpeter swan crucial winter habitat; elk and mule deer migration corridors; bald eagle and trumpeter swan nesting areas; and cutthroat trout spawning areas have defined the NRO and have been protected by the Town and County.

Until NRO definitions are updated to reflect the relative critical value of different habitat types for identified focal species, these previously identified habitats will continue to define the NRO and be protected using the best available science and data.

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

The community is committed to protecting wildlife, wildlife habitat, and wildlife movement corridors that exist on private land. Redundancy of different habitat types and movement corridors is important as wildlife adapts to a changing landscape and climate. However, it is necessary to respect the development rights of private property owners and the need for certain transportation network infrastructure. When such development occurs, it should be sized, located, and designed to avoid or limit impacts to wildlife.

A tiered system of protection should be established so that the most critical habitat and movement corridors (as defined by Policy 1.1.a) receive the highest level of protection and site-specific study. Applicable tiers of protection should respect property rights, previous approvals, and community-wide clustering efforts.

For example, a stricter tier of protection will likely apply along the Snake River than would apply in downtown Jackson. Limits to impacts from development within each tier may address density, intensity, building size, location and consolidation of development, alteration of the natural landscape, and wildlife permeability.”

As a result of this direction from the Comp Plan policy objectives noted above, a zoning map amendment to introduce a tiered system and associated LDR text amendments are proposed.

Public Comment.

As of the writing of this staff report, four formal comments and several emails have been received and are attached.

Public Input Session:

On March 12, 2026, the Town of Jackson hosted a public information and comment session at the Teton County Library regarding the proposed amendments. The meeting included presentations by Planning staff and Cody Pitz of the Jackson Hole Wildlife Foundation, followed by small-group discussions with attendees. Informational posters (attached), an interactive Tiered NRO map, and a wildlife observation map were provided to help explain the proposed changes and gather community input.

Overall, participants generally supported improving wildlife movement and natural resource protections. Most discussion focused on wildlife-friendly fencing, followed by the tiered NRO framework and wetland and waterbody regulations. Comments included suggestions to strengthen fencing and stream buffer standards,

while others raised concerns about potential regulatory burdens, including snow storage restrictions, possible conflicts with Wyoming enclosure laws, and whether the 500-square-foot expansion exemption should be increased.

Konveio:

The draft amendments have been available for public review and publicized since March 1, 2026. Overall engagement on this platform has been limited. To review comments made on Konveio, please follow the following link: <https://jacksonteton.konveio.com>

LDR Text Amendment & Zoning Map Amendment Factors of Consideration.

Pursuant to Section 8.7.2 and 8.7.3 of the Town of Jackson LDRs, *“the decision to amend the text of the LDRs or amend the official zoning map is at the legislative discretion of the Planning Commission and Town Council and is not determined by any single factor. In deciding whether to adopt, modify, or deny a proposed text amendment or zoning map amendment, the Planning Commission and Town Council shall consider factors including, but not limited to, the extent to which the proposed amendment:”*

P26-0005 Zoning Map Amendment for the NRO Overlay: Factors to Consider

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

Complies. Division 1.3 of the LDRs states that the Purpose and Intent 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.” The LDRs implement the common values of the community for ecosystem stewardship, growth management, and quality of life. The proposed update to the official zoning map for the revised Tiered NRO accomplishes this purpose and intent by providing predictable regulations (Sec. 1.3.4) for property owners to better achieve the ecosystem stewardship values of the community. This is accomplished through LDRs which require reviews for habitat, connectivity, permeability, and focal species when applicable based on specific property characteristics. Where sensitive habitats exist, the LDRs intend to ensure new development first avoids then minimizes and sometimes mitigates for impacts due to development.

2. Is necessary to address changing conditions, public necessity; and

Complies. The updated NRO in the official zoning map reflects changing conditions through use of more modern scientific processes to identify habitats. The existing NRO was completed in 1994 and has become outdated, and is not reflective of habitats which could be impacted by new development. The tiered map is reflective of wildlife movement (as confirmed by WGFD collar data available), existing streams, wetlands and waterbodies, and identified focal species.

3. Is consistent with other adopted Town Ordinances.

Complies. The proposed zoning map overlay amendment does not conflict with any other adopted Town Ordinances.

P26-0006 NRO Land Development Regulations 5.2.1. & 8.2.2, P26-0007 Waterbody and Wetland Protection Standards 5.1.1, P26-0008 Wildlife Friendly Fencing Standards 5.1.2, and P26-0009 Retaining Walls 5.1.7. Standards Findings:

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

Complies. The proposed amendments are consistent with the purpose and organization of the LDRs because they:

- Modernize and clarify existing regulations related to the NRO, Wildlife Friendly Fencing, and Waterbody and Wetland Protection
- Add Section 5.1.7 (Retaining Walls) to address wildlife permeability
- Focus standards in areas where habitat protection and wildlife movement are most critical
- Improve clarity and overall organization of the LDRs

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

Complies. The proposed amendments improve the consistency of the LDRs with other provisions of the LDRs because they:

- Establish a clear, tiered framework (Base, Mid, High) for applying habitat-related standards
- Align review requirements with site characteristics and development intensity, including defined exemptions
- Incorporate consistent, prescriptive standards for fencing, waterbody and retaining walls to support wildlife permeability
- Integrate updates within existing LDR sections to maintain internal consistency and organization

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

Complies. The proposed amendments provide flexibility for landowners within standards that clearly define desired character because they:

- Allow flexibility based on site-specific conditions through the tiered NRO framework
- Permit adjustments to Mid and High Tier requirements where a least-impact design is demonstrated (Sec. 8.2.2.C.4)
- Provide multiple compliance options for fencing based on tier designation
- Maintain existing setbacks and variance pathways for waterbody and wetland standards
- Offer flexible design options for retaining walls while maintaining clear regulatory structure

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

Complies. The proposed amendments are necessary to address changing conditions, public necessity, and/or state or federal legislation because they:

- Respond to changing conditions by updating an outdated NRO framework originally adopted in 1994
- Replace standards modeled after County regulations with provisions tailored to the Town's urban context
- Modernize regulations to better protect sensitive habitats and support wildlife permeability
- Align updated standards with current policy objectives and community needs

5. *Is consistent with other adopted Town Ordinances.*

Complies. The proposed amendments do not conflict with any other adopted Town Ordinances.

Fiscal Impact.

Staff does not anticipate any fiscal impact from the project at this time, although additional time will be required for staff reviews of projects in the Mid and High Tiers as well as some additional long-term code enforcement related to compliance.

Staff Impact.

This project was managed by the Principal Joint Long Planner with assistance from the Town Senior Planner and Town Planning Director. It is estimated that this project has taken approximately 300 hours which includes amendment drafting, meetings (external and internal), reviews, and drafting this staff report.

Attachments & Links.

- Current NRO Map and Proposed Tiered NRO Map, Link (<https://www.ecoconnectjh.com/toj-nro>)
- Draft LDR Sections
- Draft Mid Tier Checklist
- Referral Responses
- Public Comment Letters and/or Emails

Suggested Motions.

PM26-0005

I move to recommend **approval** of Zoning Map Amendment P26-0005 to amend the official Zoning Map and update the Natural Resources Overlay to a Tiered Natural Resources Overlay.

PM26-0006

I move to recommend **approval** of Text Amendment PM26-0006 to amend LDR Sections 5.2.1 (NRO), 8.2.2 (NRO Process).

PM26-0007

I move to recommend **approval** of Text Amendment PM26-0007 to amend LDR Section 5.1.1 - Waterbody and Wetland Buffers.

PM26-0008

I move to recommend **approval** of Text Amendment PM26-0008 to amend LDR Section 5.1.2 - Wildlife Friendly Fencing.

PM26-0009

I move to recommend **approval** of Text Amendment PM26-0009 to add a new section 5.1.7 - Retaining Walls.

Div. 5.2.1 Environmental Standards (This section will replace the current 5.2.1. Section within the LDRs in entirety)

A. Purpose

The purpose of this Division within the Town of Jackson is to maintain existing healthy native species populations and preserve natural resources which remain in Town for future generations, as directed by the Comprehensive Plan. This will be achieved by protecting existing intact resources, enhancing aquatic, wetland, and terrestrial habitats, protecting wildlife movement, and managing community impacts to ensure a functional, healthy ecosystem adjacent to Teton County.

B. Intent

The intent of this Division is to avoid, then minimize and mitigate development impacts to habitats identified through the Natural Resources Assessment process (Sec. 8.2.2). Consistent with Comprehensive Plan Policy 1.1.b, the Tiered Natural Resources Overlay establishes a system that gives the highest protection to habitats for Focal Species as defined in the “Focal Species Habitat Mapping for Teton County, WY” report (Smith and Remlinger, 2017) and the “Focal Species Habitat Mapping for Teton County, WY Addendum” (EcoConnect 2018) and their movement corridors. The Town of Jackson’s mapped habitats with the highest ranking contain connectivity with adjacent larger habitat patches, existing wildlife movement corridors, and existing water sources and wetlands. The Natural Resources Assessment process reflects these habitats within the Town and requires the highest review process where development impacts to these mapped resources may occur. Outside of these critical habitat areas the process is reduced, or generally exempt to reflect the existing built environment. It is important to note that, although the processes outlined in this section are generally consistent with those of Teton County, the purpose of this section is to establish clear standards specific to the Town’s urban context.

C. Establishment of Tiered Natural Resources Overlay (NRO)

1. The Tiered Natural Resources Overlay (NRO) Map is hereby established and shall apply to all lands within the Town of Jackson. Lands owned by government entities shall be subject to this section in accordance with Sec. 1.5.3, Application to Government Entities.

While all habitats are valuable to wildlife, the NRO tiers were developed based on the suitability of habitats for focal species. The NRO Map includes the following tiers:

- a. Base Tier – Areas mapped within the Base Tier are those with fewer habitat types and/ or habitats that support focal species. These areas

tend to have more development present and if undeveloped contain fewer habitat types.

- b. Mid Tier – Areas mapped within the Mid Tier are those with a moderate presence or combination of habitat types and/or habitats that focal species depend on. These areas tend to have less development present or if undeveloped only have a few habitat types.
- c. High Tier – Areas mapped within the High Tier are those with multiple habitat types and/ or habitats that support multiple focal species. These areas tend to have less development present, are usually near water or contain water, are on or in proximity to hillsides, or if undeveloped have multiple habitat types.

D. Resources Protected by the Natural Resources Overlay (NRO)

1.. Protected Resources. Following is a list of protected natural resources which occur throughout the Tiers:

- a. Waterbodies and Wetlands (Sec. 5.1.1.).
- b. Species with Special Federal and State Protections. Properties must comply with the Endangered Species Act, Bald and Golden Eagle Protection Act (1940), the latest Wyoming Governor's Sage Grouse Executive Order, and other applicable species protection laws.
- c. Wildlife Movement Corridors. Landscape permeability that supports local, short-distance, and long-distance wildlife movement is essential for maintaining viable populations of ungulates. Wyoming Migration Corridor Executive Order 2020-1 (MCEO) provides the state strategy for preserving corridor functionality. As of September 20, 2024, one designated corridor (Sublette mule deer) and two identified corridors (Upper Wind River mule deer and Sublette pronghorn) overlap Teton County, supporting mule deer and antelope populations.

Any future migration corridors designated or identified by WGFD, as well as a formal agency documented migration route, are protected natural resources. Development in these corridors should be designed to maintain wildlife permeability both locally and statewide. Projects within these corridors, or within one-half mile of an existing or planned wildlife crossing, must prioritize wildlife movement. Impermeable development is only allowed for essential facilities when no alternatives exist.

A. Applicability of the Natural Resource Overlay (NRO)

The requirements of this Section shall apply to all lots of record, unless specifically exempted. While the Base Tier can contain valuable habitat, only properties within the Mid and High Tiers are required to be assessed through the Natural Resources Assessment process (Sec. 8.2.2). When conflicts exist between the NRO and Scenic Resource Overlay (SRO), the standards of this Section shall have priority and be achieved to the maximum extent practicable.

1. Additions. Additions of 500 sf or less or additions to an existing building within an existing impacted area, development footprint, or ornamental landscape area will not require an Environmental Assessment process.
2. Accessory Structures: The addition of an accessory structure within an existing impacted area, development footprint, or ornamental landscape area will not require an Environmental Assessment process.
3. Agricultural Operations. Agricultural operations and uses meeting the standards for exemption outlined in Sec. 6.1.3.B. shall be exempt from the standards of this Section.
4. Planned Resorts. Development within all Planned Resort Zones that follow an approved Master Plan. However, any amendments to a Master Plan that have the potential to impact protected resources in the Mid and High Tiers shall be reviewed under the current NRO regulations, and if a Master Plan has a preexisting Environmental Analysis, the applicant and/or landowner shall submit an amendment to the EA for the proposed project. If a preexisting EA does not exist, a new EA shall be submitted for review and approval.
5. Emergency Work. Emergency work such as emergency flood control, fire hazard mitigation, or emergency infrastructure replacement or repair. Prior notification to the Floodplain Administrator is required for flood fight activities including the location of the activities in the floodway and floodplain. After-the-fact natural resource assessment and other applicable permits shall be documented for the work completed, and submitted to the Planning Director for review.
6. Previous Natural Resource Approval. An application submitted prior to [LDR adoption date] with a sufficient not expired Environmental Analysis.
 - a. The Planning Director may deny this exemption and require a previously approved Environmental Analysis to comply with the standards of this Section if the circumstances analyzed in the Environmental Analysis are significantly different than the current circumstances or if current regulations require a higher level of review than previously required.

7. Affordable Housing Projects. Projects which are comprised of entirely voluntary deed restricted units which are not tied to housing mitigation requirements are exempt from an Environmental Assessment process.
8. Previous and not expired Approval. Physical development, use, development options, and subdivision that has received approval in accordance with the LDRs and is not expired. Any changes to a previous approval shall fall under the new Tiered NRO regulations.
9. Other. The Planning Director may waive the requirement for an Environmental Assessment if the development complies with the following:
 - a. The lot of record is outside the High Tier and the application demonstrates compliance with all setback and buffer standards in Division 5.1 and Division 5.2; or
 - b. The lot of record is in the High Tier but is also in an area that has well-documented habitat information where additional physical development, use, development options and subdivision is anticipated to have minimal additional negative impacts to focal species protected by Sec. 5.2.1 While an Environmental Assessment is not required for lands meeting this exemption, development on such lands shall still be subject to certain standards for development determined appropriate by the Planning Director or the Town Council.

B. Standards of the NRO

1. Base Tier Natural Resources Protection.
 - a. Applicability: Projects where physical development is located either entirely or more than 50% within the Base Tier shall not be subject to additional requirements beyond what is otherwise required in 5.1 and 5.2.1.A.
2. Mid Tier Natural Resources Protection
 - a. Applicability. This Section shall apply when the proposed limits of any physical development (including any road or utility improvements) are either entirely or more than 50% within the Mid Tier mapped area on the site.
 - b. Process. A Natural Resources Desktop Checklist shall be completed per the requirements in Sec. 8.2.2.

- c. Crucial Range and Suitable Habitat. For sites one acre or larger, the Natural Resources Desktop Checklist shall address protected natural resources included by overlaying the Wyoming Game and Fish Department Crucial Range for big game species, the wildlife movement corridors, and existing and planned wildlife crossings map layers, in addition to the focal species suitable habitat layers for Mule Deer, Elk, and Moose (as defined in Div. 9.5) to further inform the location of any physical development. Development shall demonstrate wildlife permeability if located within these mapped areas.
- d. Physical development must demonstrate wildlife permeability if located within one-half a mile of a planned or mapped wildlife crossing.
- e. Cluster Development. Development and uses shall be clustered as much as practicable to avoid fragmentation of natural habitats and dispersed development across the property. Clustering adjacent to existing or approved development on neighboring properties as appropriate is encouraged. For the purposes of these LDRs, the term clustering is defined as the consolidation of development to minimize fragmentation of natural habitats.
- f. Required Mitigation for impacts on sites one acre or larger. The developer shall provide mitigation for the land impacted, either on-site or off-site, on a basis of two square feet (or two plant units) of mitigation for every one square foot (or one plant unit) of land impacted. This shall be completed pursuant to a mitigation plan, which includes a monitoring program as outlined in Sec. 5.2.1.F.

3. High Tier Natural Resources Protection

- a. Applicability. This Section shall apply when the proposed limits of any physical development (including any road or utility improvements) are either entirely or more than 50% within the High Tier mapped area on the site.
- b. Location. Physical development or use shall limit the amount of habitat fragmentation.
- c. Minimization of Impact. The impact of development and use shall be minimized by locating the development or use where it has the least impact to natural resources.
- d. Crucial Range and Suitable Habitat. For sites one acre or larger, the Environmental Analysis shall include overlaying the Wyoming Game and

Fish Department Crucial Range for big game species, wildlife movement corridors, and existing and planned wildlife crossings map layers in addition to the focal species suitable habitat layers for Mule Deer, Elk, and Moose (as defined in Div. 9.5) to further inform the location of any land disturbance. Development shall demonstrate wildlife permeability if located within these mapped areas.

- e. Physical development must demonstrate wildlife permeability if located within one-half mile of a planned or mapped wildlife crossing.
- f. Cluster Development. Development and uses shall be clustered as much as practicable to avoid fragmentation and dispersed development. Clustering adjacent to existing or approved development on neighboring properties as appropriate is encouraged. For the purposes of these LDRs, the term clustering is defined as the consolidation of development to minimize fragmentation of habitats.
- g. Process. Unless exempted, an Environmental Analysis shall be prepared per the requirements in Sec. 8.2.2.
- h. Required Mitigation for impacts on sites one acre or larger. The developer shall provide mitigation for the land impacted, either on-site or off-site, on a basis of two square feet(or two plant units) of mitigation for every one square foot (or one plant unit) of land impacted. This shall be completed pursuant to a mitigation plan, which includes a monitoring program as outlined in Sec. 5.2.1.F.

C. Mitigation Standards

- 1. Purpose. The Purpose of habitat mitigation is to improve habitat degraded by new development. Habitat mitigation includes the replacement of the disturbed habitats per the requirements of a Habitat Mitigation Plan.
- 2. Habitat Mitigation Standards
 - a. Mitigation shall restore native habitats through vegetative cover type planting(s) of native species.
 - b. Protected natural resources which require mitigation include the following:
 - i. Low Shrub (e.g. sagebrush)
 - ii. Coniferous Forest (e.g. spruce, pine, mixed conifer)
 - iii. Tall Shrub (e.g. non-wetland willow, serviceberry, chokecherry)
 - iv. Deciduous Forest (e.g. cottonwood, aspen)
 - v. Wetlands (all types, see Sec. 5.1.1)

3. Habitat Mitigation Plan.

- a. An application that requires mitigation pursuant to this Section shall include a Habitat Mitigation Plan.
- b. The Habitat Mitigation Plan shall be prepared by a qualified professional as defined by Subsection 8.2.2.C.
- c. The Habitat Mitigation Plan shall:
 - i. Quantify the amount of habitat impacted; and
 - ii. Calculate the required vegetative cover type planting(s) required for mitigation; and
 - iii. Detail the method, species, plant origin, location, and design of the proposed vegetative cover type planting(s); and
 - iv. If applicable, detail why a higher priority mitigation method is impractical, and
 - v. Include the monitoring plan and metrics for determining successful natural viability of native plants; and
 - vi. Estimate the cost of installing and maintaining the vegetative cover type planting(s) until such time as it is naturally viable. A performance bond for the installation and maintenance of the mitigation may be required pursuant to Sec. 8.2.11; and
 - vii. If vegetative cover types planting(s) are proposed to be located in existing habitats deemed degraded, the plan shall document how the existing habitat patch meets the definition of degraded. For these purposes, the definition of degraded means that the area is unable to support the species which would naturally be present.
- d. Habitat Mitigation Monitoring Reports. Landowners or their agents are required to provide habitat mitigation and shall develop quantifiable goals and objectives by which to measure mitigation success over the course of three years. Landowners shall monitor the success of the mitigation for three years post completion of the mitigation work and submit a monitoring report to the Town after the third year for certification. Documentation of annual monitoring visits and progress shall be maintained by the landowner and available upon request by the Planning Director. In the case of a mitigation project that is not naturally viable (e.g., has not met its success criteria) within the three-year timeframe, monitoring and adaptive management shall continue at the discretion of the Planning Director. The Planning Director may require the submittal of annual monitoring reports if deemed appropriate. Performance bonds will not be released until habitat mitigation is successfully established.

9.5 Definitions (add these within Div 9.5)

Crucial Range. Wyoming Game and Fish Department designates crucial range for big game species as:

“Crucial range can describe any particular seasonal range or habitat component (often winter or winter/ yearlong) but describes that component which has been documented as the determining factor in a population’s ability to maintain itself at a certain level over the long term”. (WGFD.2015.Standardized Definitions for Seasonal Wildlife Ranges). WGFD Crucial Range layer can be found on the WGFD website or the Town GIS maps.

Suitable Habitat. The term suitable describes “habitat where the natural resources needed by a particular species are likely to be present” (EcoConnect, 2018. Focal Species Habitat Mapping for Teton County, WY Report Addendum). Suitable habitat found within designated “crucial range” is of importance to the species survival and representative of the crucial habitats found within designated crucial range lands. The majority of the time, the species of concern will be ungulates such as mule deer, moose and elk. However, there may be instances when other species are represented by crucial ranges Suitable habitat includes a GIS layer within the Town GIS maps.

Div. 8.2.2.Natural Resource Assessments.

A. Purpose.

The purpose of the Natural Resources Assessment is to coordinate the application of all natural resource protection standards through identification of the natural resources on the site. The Natural Resources Assessment will accurately determine the resources present on a subject property including but not limited to Waterbody and Wetland Protections, Terrestrial Habitats, Protected Species, Crucial Habitats, wildlife movement corridors and existing and planned wildlife crossings. The Natural Resources Assessment does not result in application approval, it results in recommended natural resources protections associated with an application for use or physical development.

B. Intent.

The intent of this Natural Resources Assessments process is to provide the landowner or applicant with a transparent and predictable process while also preserving and protecting the area's ecosystem as directed by the Jackson/Teton County Comprehensive Plan. The process is intended to provide the greatest level of assessment to properties with the most natural resources present and lesser levels of assessment to properties with fewer natural resources present. Furthermore, the process includes mechanisms whereby the Planning Director may adapt the assessment level based on the natural resources present on the property.

C. Applicability. Unless specifically exempted, physical development, use, development options, and subdivision shall complete an Environmental Assessment. The level of natural resource assessment shall correspond with the tier for which the project is proposed (Mid or High).

1. **Natural Resources Desktop Checklist.** A Natural Resources Desktop Checklist (Desktop Checklist) is required for Mid Tier projects prior to the submittal of a physical development permit. A Desktop Checklist shall analyze and incorporate all relevant publicly available resources on the GIS MapServer and as identified by the Desktop Checklist. A Desktop Checklist shall be conducted by either the landowner or designated representative. A site visit is not always required at this level of assessment but may be deemed necessary by the Planning Director.
 - a. Documentation. A Desktop Checklist shall detail the natural resources found on the property and those on neighboring properties for which development setbacks and resource protections apply. Documentation shall include:
 - i. Desktop Checklist inclusive of description of natural resources present, proposed impacts to natural resources and any supporting documentation; and
 - ii. Map showing natural resources, setbacks and proposed development; and

- iii. If applicable, photo documentation of the site including any resources noted within the Desktop Checklist on the property and the proposed development.

2. **Environmental Analysis.** An Environmental Analysis (EA) inclusive of a site visit by a qualified environmental professional is required for High Tier Natural Resource Analysis. An EA is intended to demonstrate that the proposed development will avoid or minimize impacts to the highest value natural resources on the parcel to the greatest extent practicable.

a. Documentation. An EA will result in a thorough analysis of the natural resources found on the property inclusive of those listed in the Desktop Checklist. This analysis will be inclusive of neighboring properties if those properties include large stands or patches of habitat areas. Documentation submitted shall include:

- i. Site Visit. The natural resources EA shall include a site visit by the qualified environmental professional and result in the professionally prepared documentation detailed in the EA.
- ii. The EA report includes a description of the natural resources present, any proposed impacts to natural resources, relevant information detailing the condition of the ecological resources and ecological processes.
- iii. Maps showing location of natural resources, setbacks, and any proposed development and/or site disturbance including utilities and road or access improvements.
- iv. Photo documentation of major resources on the property and any proposed development and/or site disturbance areas including utilities and road or access improvements.
- v. Alternatives Analysis. In instances where multiple development scenarios could be considered in order to protect and avoid natural resources, an alternatives analysis may be conducted comparing development scenarios based on proposed impacts, fragmentation and natural resources affected. The Planning Director may require an alternatives analysis if there are multiple suitable development areas on the site. If an alternatives analysis is to be conducted, the qualified environmental professional shall first hold an alternatives analysis meeting with staff. The purpose of the meeting is to identify alternative site designs to be analyzed in the EA with the goal of minimizing impacts to the maximum extent.

C. **Professional Preparation.** An EA shall be prepared by a qualified environmental professional. A qualified environmental professional is someone with expertise in the subject of environmental sciences in the field and their understanding of these LDRs, the

Jackson/Teton County Comprehensive Plan, and the goals and objectives thereof. An environmental professional shall include at least one of the following:

a. Certification. The environmental professional shall be certified as a Professional Wetland Scientist, Professional Ecologist, Wildlife Biologist, or Fisheries Biologist.

b. Education and Experience. The environmental professional shall have:

i. M.S., M.A. or equivalent degree in biology, botany, environmental studies, fisheries, soil science, wildlife, range management or a related field; or

ii. B.S., B.A. or equivalent degree in biology, botany, environmental studies, fisheries, soil science, wildlife, range management or a related field; and 2 years of related work experience; or

iii. 5 years of related work experience.

D. **Substantial Changes.** When changes are made to the proposal after the Natural Resources Desktop Checklist or Desktop Checklist has been completed, so that the accuracy of the environmental review is significantly compromised, the Planning Director may require that the applicant provide updated documentation to address the changes.

E. **Adjustment to Level of Natural Resources Assessments.**

1. The level of natural resources assessment (checklist vs. EA) can be amended based on review and approval of the Planning Director.

2. The applicant or qualified agent may request an adjustment to the level of natural resources assessment. The adjustment must be based on a rationale related to concern for protecting the natural resources on the property. If a natural resource inventory demonstrates that a proposed development location is in the least impactful location, then a request may be made to change the assessment to a lower level of assessment.

F. **Expiration.**

1. An EA or Desktop Checklist that is completed three or more years before the submittal of the associated application shall not be considered current and shall not meet the requirements of this section.

2. The Planning Director may require a wholly new or amended Environmental Analysis or Desktop Checklist if the standards or circumstances analyzed have been altered significantly.

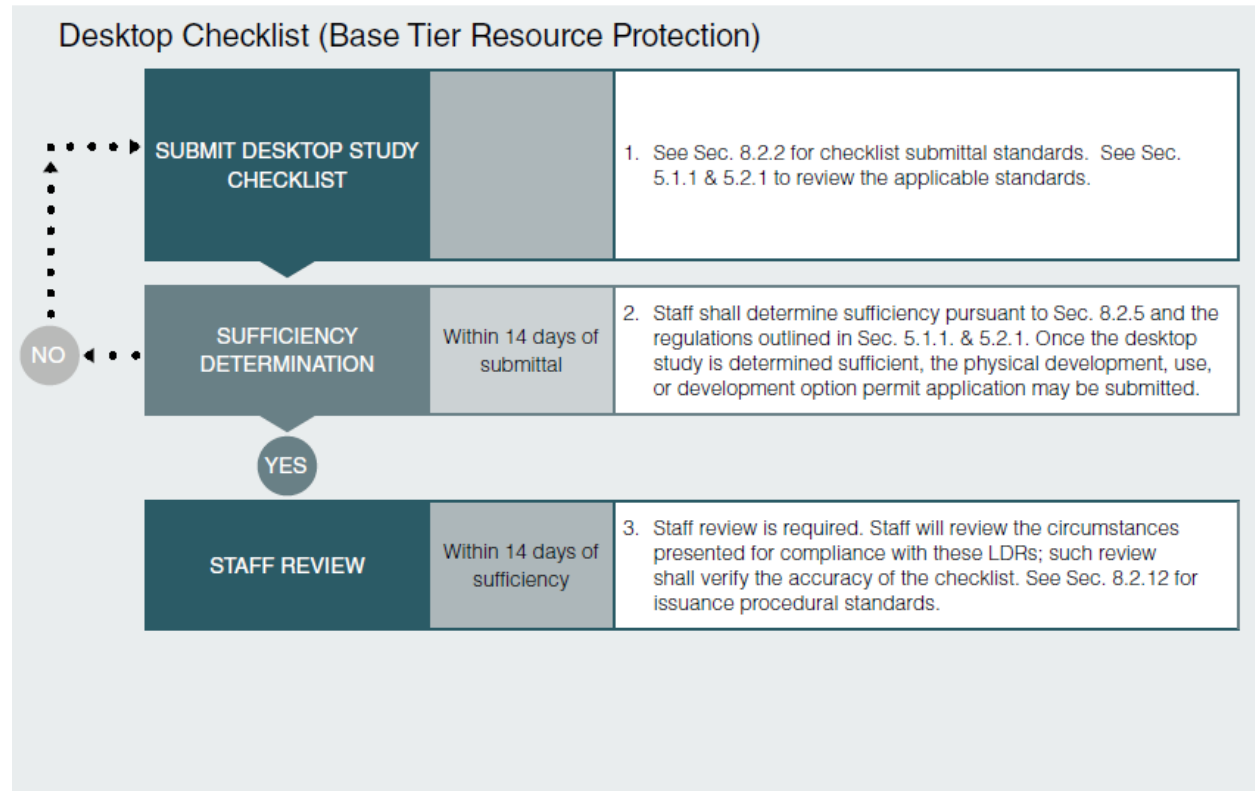
3. The Planning Director may extend the expiration date of an Environmental Analysis or Desktop Checklist beyond three years if:

a. No significant development has occurred in the vicinity of the proposed development that would significantly alter wildlife patterns or habitat; and

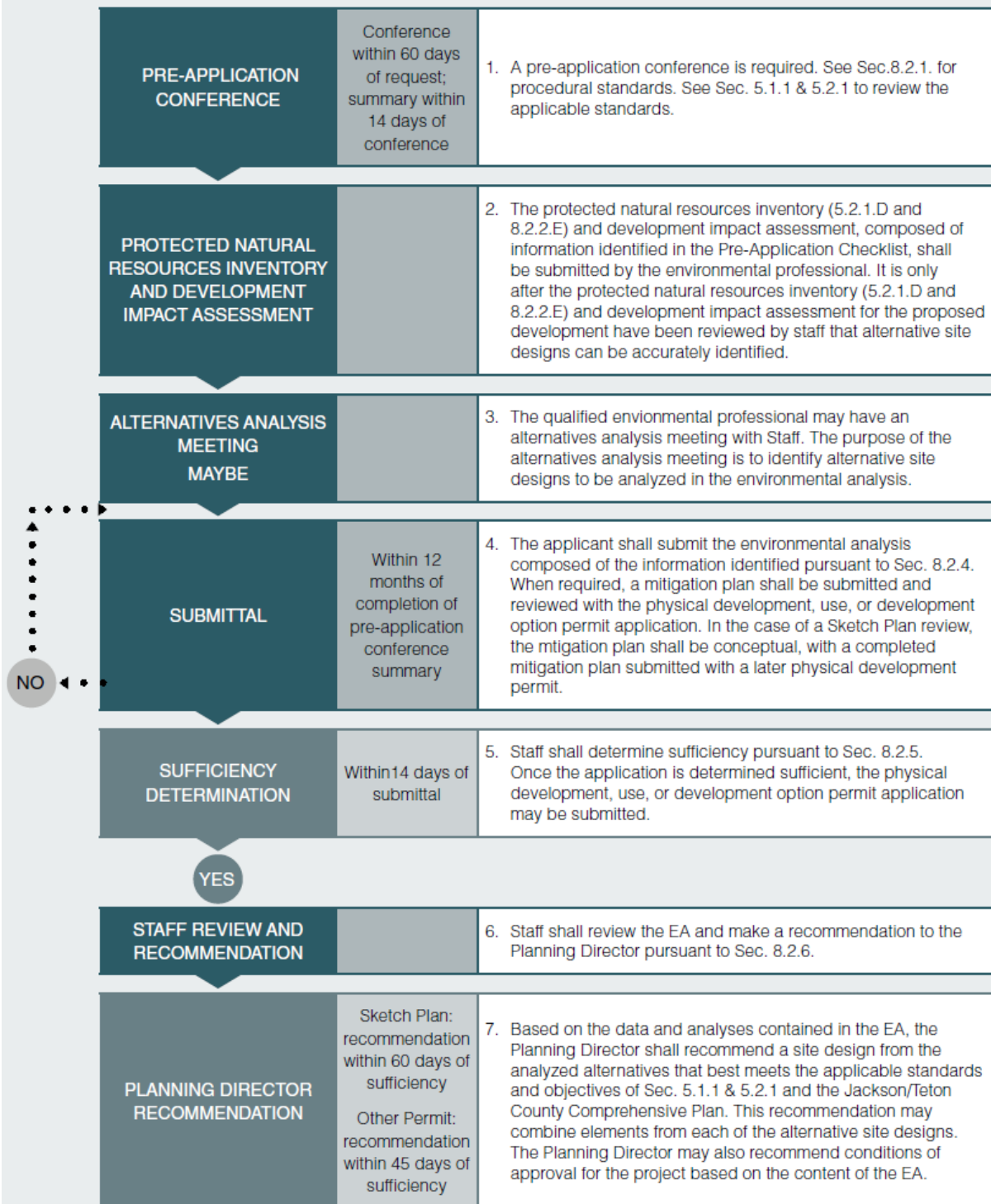
b. There have been no other significant changes that render the analysis and conclusions in the EA or Desktop Checklist outdated or inaccurate.

- F. *Review Process.* All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete each step before moving to the step below.

(NOTE: Tables below will require updates to section references once the draft language in the entire Section is approved)



Environmental Analysis (High Tier Resource Protection)



Underline and strikethrough show amendments to existing LDR language.

5.1.1. - Waterbody and Wetland ~~Buffers.~~ Protection Standards

A. **Purpose.** This section establishes the protection standards for waterbodies and wetlands. To protect the ~~community~~ environment as a whole from potential negative impacts caused by physical development and use that may affect these resources or their functions, this section ~~prohibits~~ limits physical development and use on and within a certain distance of these resources.

B. **Findings.** Waterbodies and wetlands provide critical functions in controlling flood waters, providing wildlife habitat, cleansing water resources, and contributing to the special scenic quality of the Town of Jackson.

C. **Applicability.** The requirements of this section shall apply to all lots of record. See Division 1.6 of these Land Development Regulations for relationship between regulations.

C. ~~Resource Definitions~~ Protected Resources.

1. **Waterbodies.** Waterbodies are ~~natural~~ features (i.e., rivers, streams, lakes) that convey or contain surface water.

a. **River.** River means the Snake River, the Gros Ventre River, the Hoback River, or the Buffalo River.

Stream. Stream means a body of ~~running water that is neither one of the identified rivers nor an irrigation ditch, and has one or more of the following characteristics~~ water flowing through a defined bed or channel that is neither a river nor an irrigation ditch. A stream may be perennial, intermittent, or ephemeral.

i. ~~Flow Level.~~ Has an average annual flow of three cfs. or greater including return water from subirrigation practices. ii. ~~Habitat.~~ Provides a winter habitat for trumpeter swans or serves as a cutthroat trout spawning area.

e. ~~Cache Creek.~~ Cache Creek is only considered a stream south of its crossing of Cache Creek Drive. Where it is above ground north of Cache Creek Drive it is considered a ditch.

d~~Natural Lake/Pond.~~ A natural lake/pond means a body of standing water, usually at least six feet deep, which was created by natural processes

i. Stream Types.

a). Perennial Stream. A perennial stream conveys water year-round. (Example Fish Creek and Flat Creek)

b). Intermittent Stream. An intermittent stream conveys water seasonally on an annual basis. (Example includes a foothill stream that flows each spring during snow-melt, but is dry each fall)

c). Ephemeral Stream. An ephemeral stream flows only briefly during and following a period of rainfall, or other event, in the immediate locality and that does not occur annually. (Example includes 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)

b. Irrigation Ditch. Any manmade channel utilized to convey irrigation water diverted from any manmade or natural water source, for the specific purpose of, and/or as a direct result of beneficial use and as adjudicated by the State Engineers Office. Surface waters in an irrigation ditch can be controlled through a headgate or other manmade structure.

~~c. Natural Lake/Pond. A natural lake/pond means a body of standing water, which was created by natural processes.~~

~~2. Riparian Plant Community. Riparian plant communities associated with watercourses shall be delineated using Youngblood, A.P., Padgett, W.G. and Winward, A.K., "Riparian Community Type Classification of Eastern Idaho-Western Wyoming," USDA Forest Service, Intermtn. Reg., R4-Ecol-85-01, Ogden, UT, 1985, and the U.S. Department of Interior Fish and Wildlife Service publication: "National List of Plant Species that Occur in Wetlands: Northwest (Region 9)," Biol. Rept. 88 (26.9), May 1988.~~

2. **Wetlands.** Wetlands are areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Identification of wetlands shall be according to the 1987 Corps of Engineers Wetlands Delineation Manual, and the 2010 Western Mountains, Valleys, and Coast Regional Supplement. These regulations shall protect all natural wetlands regardless of size or classification by federal or other regulatory bodies. This definition excludes irrigation induced wetlands.

D. No Development, Setbacks/Buffers Required. Due to the risk of severe negative impacts on the community at large if waterbodies and wetlands are wholly or partially developed, and the

necessity to protect the natural functions of these resources, physical development and use of these resources is prohibited in most cases and a setback/buffer is required. Demonstration of compliance with wetland standards shall be provided by a qualified professional.

1. **Development and Use Prohibited.** Physical development and use in waterbodies and wetlands are prohibited except for essential facilities as specified below.

2. **Setback/Buffer Required.** All physical development and use are required to be setback from specified resources as follows:

~~a. Rivers. 150 feet.~~

a. **Streams General.** Along streams not specified below, physical development and use shall be located out of the riparian plant community, but in no case shall the required setback be less than 50 feet. ~~or more than 150 feet.~~

b. **Streams, Specific.** Physical development and use shall be setback from streams as specified below:

i. **Cache Creek.** South of the headgate on Cache Creek Drive: 20 feet.
North of Cache Creek Drive 15 feet.

ii. **Flat Creek.**

a). North of the westerly extension of the southern ROW line of Hansen Avenue. 25 feet.

b). South of the westerly extension of the southern ROW line of Hansen Avenue. 50 feet.

iii. **Spring Creek.** 50 feet.

~~d. **Natural Lake/Pond.** Adjacent to natural lakes or ponds, physical development and use shall be located out of the riparian plant community, but in no case shall the required setback be less than 50 feet nor more than 150 feet.~~

c. **Wetlands.** ~~30.~~ Adjacent to wetlands, physical development and use shall be located out of the setback/buffer area. 50 feet.

d. **Measurement.** Setbacks shall be measured from the ~~mean-ordinary~~ high water mark or top of bank, whichever is farthest from ~~the thread of the watercourse or the center of the waterbody.~~

e. **Buffer.** The area protected by the setback is the "buffer" and shall remain free from physical development and use, including lawns. Parking, and open storage of vehicles, refuse, dumpster/recycling receptacles, snow storage, or any other material shall be prohibited. Use of fertilizers within the buffer is also prohibited. Terrain disturbance for flood protection, wildlife habitat enhancement, or public pathways are permitted in the buffer upon receipt of applicable permits.

~~h. **Land Protected by a Conservation Easement.** Land protected by a conservation easement, where proposed development density is one unit per 70 acres or less and the total acreage subject to the easement is 320 acres or more, shall be exempt from certain stream setbacks required by this Subsection. The stream setback for land under a conservation easement may vary based upon the wildlife, agricultural, and scenic analyses performed as part of the design of the easement. Under no circumstances, however, shall the setback from streams be less than 50 feet.~~

3. Development of Essential Facilities.

a. **Waterbodies.** Certain water dependent uses, bona fide stream restoration and enhancement, bona fide stormwater facilities and essential road or utility crossings that must be located in or adjacent to waterbodies. These may be permitted within the setback/buffer area provided all physical development meet the following requirements and shall be minimized to the greatest extent possible.

i. **Flood Control, Irrigation, or Essential Crossings.** Only physical development that is essential to flood control or irrigation, bona fide stream restoration and enhancement, or essential road or utility crossings shall be permitted.

ii. **Not for Human Habitation.** Structures shall not be intended or designed for human habitation.

iii. **Minimize Negative Impacts on Wildlife.** All physical development and use shall be designed to minimize negative impacts on wildlife.

b. **Permitted Wetland Impacts .** Wetlands may be physically developed or used under the following circumstances. Notwithstanding, receipt of a local permit does not absolve an applicant from obtaining all other State or Federal permits necessary to develop wetlands.

i. **High-Intensity Use Degrades Wetland/ Wetland Agriculture-Induced.** Where the intensity of adjoining use(s) cause the retained wetlands to become degraded habitats and the wetland area is suitable for physical

development or use due to planning, location, and other factors, or where the wetland is induced by irrigation.

ii. **Necessary to Reshape Wetland to Provide Building Site.** Where, due to the shape of the lot of record and its interaction with topography, it is necessary to reshape the wetland boundary to provide a building envelope, filling up to five percent of the wetland on the lot of record, not to exceed one acre, is permitted.

iii. **Essential Crossings When No Alternate Site.** Essential utility and road crossings shall be permitted to impact wetlands where it is demonstrated that the proposed crossings cannot be practically located without impacting wetlands.

c. **Permitted Wetland Impacts Require Mitigation.** When wetlands that are not irrigation induced are impacted in accordance with this section, the following mitigation standards shall apply.

- i. **All Practical Measures to Reduce Impact.** It shall be demonstrated that reasonable project modification measures have been taken to reduce wetland loss and degradation.
- ii. **On-Site Mitigation Wherever Practicable.** On-site mitigation shall be provided wherever practicable. Where it is demonstrated that on-site mitigation is not practicable, off-site mitigation shall be permitted. All mitigation shall be at a ratio of two acres of new wetland for every one acre of wetland impacted. The new wetlands shall restore lost wetland functions and values. A wetland scientist or other professional with experience in wetland creation shall prepare the Habitat Enhancement Plan, pursuant to subsection 5.2.1.E.2., and shall be responsible for implementation of the plan as approved.
- iii. **Encroachment Into the Buffer.** Encroachment into the buffer is permitted in accordance with this section and does not require wetland mitigation for impacts to the buffer.
- iv. **Wetland Replanting.** The new wetland area shall be planted with a hydric tolerant mix of seeds in suitable areas, wetland plants, and suitable seed bank soils. A wetlands biologist, or other professional with experience in wetland creation, shall certify the planting plan.

- v. **Persistence.** It shall be demonstrated that the created or restored wetland will be at least as persistent as the impacted wetland system it replaces.
- vi. **Buffer.** Buffers in accordance with this section shall be provided around wetlands that are created pursuant to this Subsection.

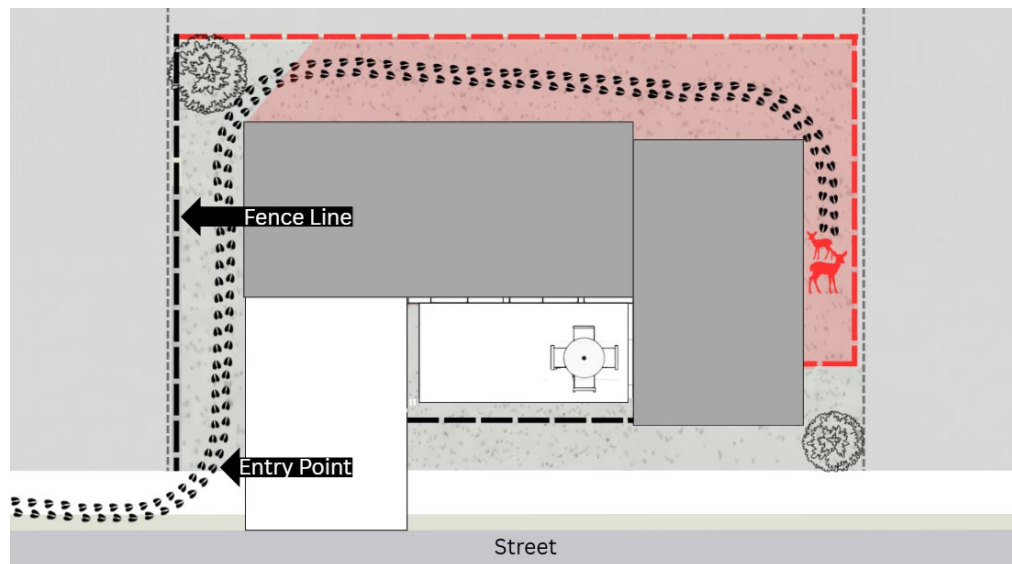
5.1.2. - Wildlife Friendly Fencing. (PAB 2.26 Edit) (Will replace entire section 5.1.2)

- A. **Findings.** Fencing is a structural element that can create an impediment for wildlife movement and degradation of migration corridors, resulting in both injuries to wildlife and damage to private property. Fencing and some types of landscaping in the Town such as thick hedges and shrubbery planted without gaps serve as a barrier and area for entrapment. Design of fencing and landscaping shall improve wildlife movement through town and reduce instances of wildlife entrapment.
- B. **Applicability.** All fencing located in the Town of Jackson shall comply with the standards of this section.
1. **Small exclusionary areas.** Fencing for a small dog run adjacent to a structure, wildlife attractant such as compost areas, or small garden areas shall allow wildlife to move around the small exclusionary area without obstruction or entrapment. The purpose of small exclusionary fencing is to allow wildlife to move around the enclosed area without obstruction or entrapment.
 - i. Maximum height shall be no greater than 6 feet, and 4 feet within a front yard setback.
 - ii. The fenced area shall be the smallest area necessary to contain a dog, children's play area, or garden area.
 - iii. Fencing the containment of refuse containers, recycling containers, dumpsters and similar attractants shall be installed to avoid wildlife conflicts. Containment of refuse and recycling receptacles within an approved structure (such as a garage or shed) is also sufficient.
- C. **Repair of Nonconforming Fencing.** Repair or replacement of nonconforming fencing that does not comply with Section 5.1.2 is limited to up to 25% of the total linear fence perimeter of the individual enclosure being repaired. Once this 25% repair allowance has been used, any additional repairs, replacement, or new fencing for that enclosure shall fully comply with the standards of this section.
- D. **Prohibited Fencing Materials and Types.** The following fencing materials and types are prohibited on all properties within the Town unless specifically exempted due to local, state, or federally mandated facilities.
1. **Prohibited Fencing Materials**
 - i. Barbed wire
 - ii. Plastic mesh
 - iii. Concertina wire
 - iv. Woven wire
 - v. Chain link except when used for a small exclusionary area as permitted in Subsection I.
 - vi. Razor wire

- vii. Uncapped hollow fence posts
- viii. Fencing topped with spikes, ski tips, pickets, or barbs
- ix. Pickett style or fencing where the vertical boards and rails have gaps and spaces. Vertical fence boards shall be flush with no gaps to avoid any entrapment. This includes metal or iron fencing with vertical elements which have gaps.

2. Prohibited Fencing Types

- i. Top rails not made of wood (or similar highly visible solid material)
- ii. Buck and rail fencing not meeting the standards of subsection F in this section
- iii. Worm style fencing
- iv. Privacy fencing which creates a dead-end wildlife enclosure located within rear or side yards not meeting the standards of subsection E.2.i in this section. For the purposes of this section a “dead-end wildlife enclosure” shall mean a “fenced area configured such that wildlife entering the enclosure cannot reasonably identify and access an exit point due to fence height, limited visibility, obstructed sight lines, or other physical barriers that impede clear escape” as shown in the red within dashed line (fencing) below:



- E. **Natural Resource Overlay (NRO) Additional Standards.** In addition to Section 5.1.2.D, the following standards shall apply, except where exclusionary fencing is required for bona fide local, state, or federal purposes.

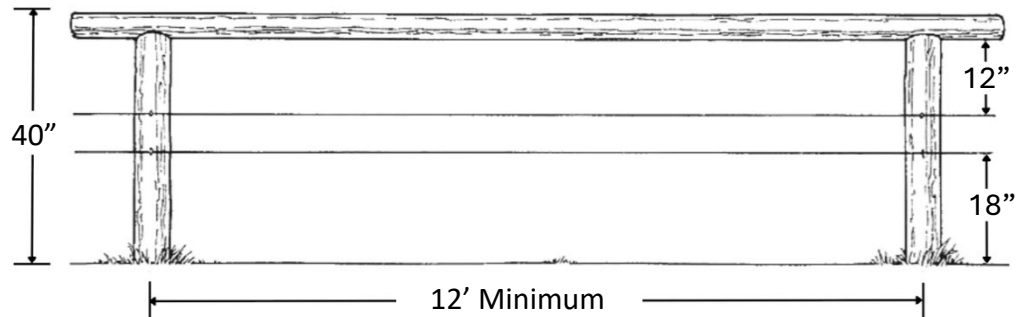
1. Standards Applicable to all Tiers.

- i. **Fencing for the purposes of livestock control.** Livestock control fencing shall not exceed 40 inches in height above grade. The top rail shall be constructed of wood or a similarly solid, highly visible material and shall not be made of

wire. Horizontal elements below the top rail may be constructed of wood or smooth wire.

For fencing that includes smooth wire strands:

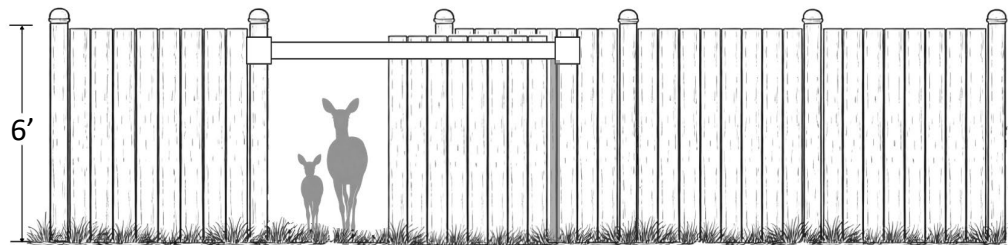
- a. The spacing between the top two wires, or between the top rail and the adjacent wire, shall be at least 12 inches.
- b. The bottom wire or strand shall be positioned at least 18 inches above grade.



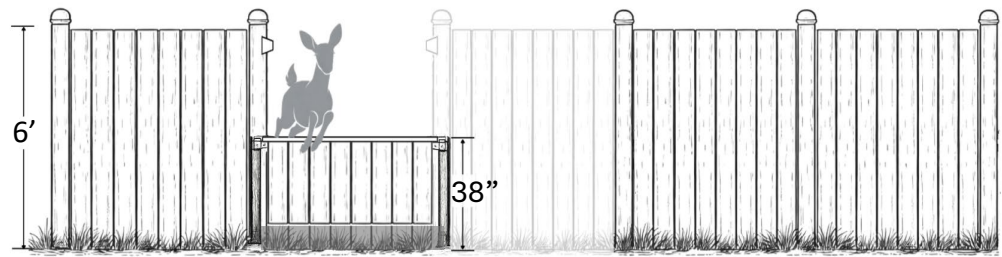
2. Base and Mid Tier Fence Design Standards.

- i. Continuous fencing and hedges that do not provide wildlife permeability (i.e., no openings or gaps that allow wildlife passage) shall not exceed 38 inches in height above finished grade. Where fencing greater than 38 inches in height is proposed, the design shall incorporate one or more of the following measures to ensure that a dead-end wildlife enclosure is not created. Where practical, wildlife passage openings shall be oriented and located to avoid directing animals into adjacent confined or dead-end areas, such as enclosed yards on neighboring properties, where entrapment may occur.

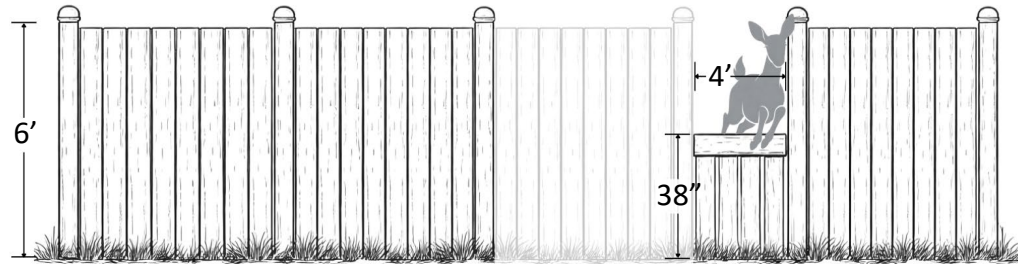
Option 1. Sliding Panel



Option 2. Temporary Drop Down

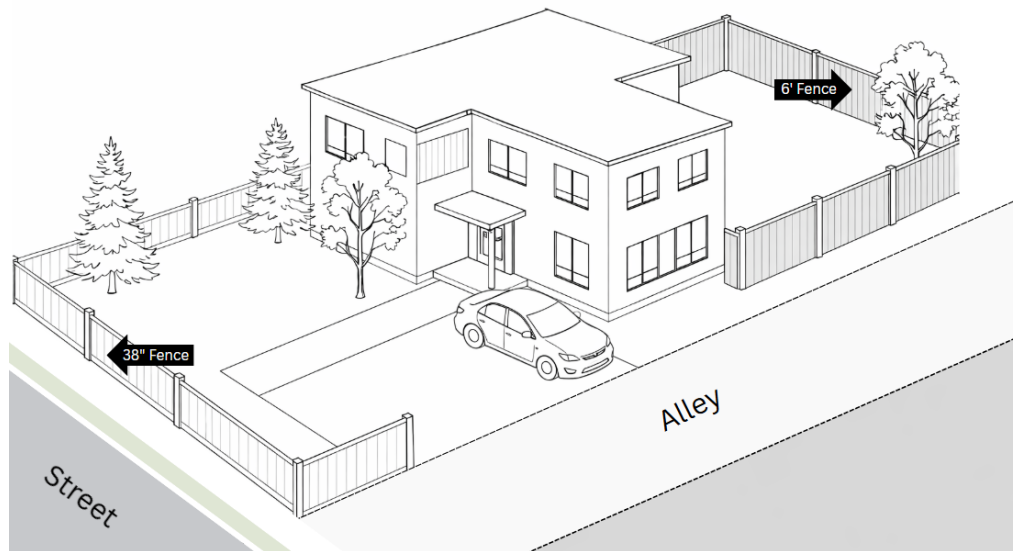


Option 3. Permanent Wildlife Gap



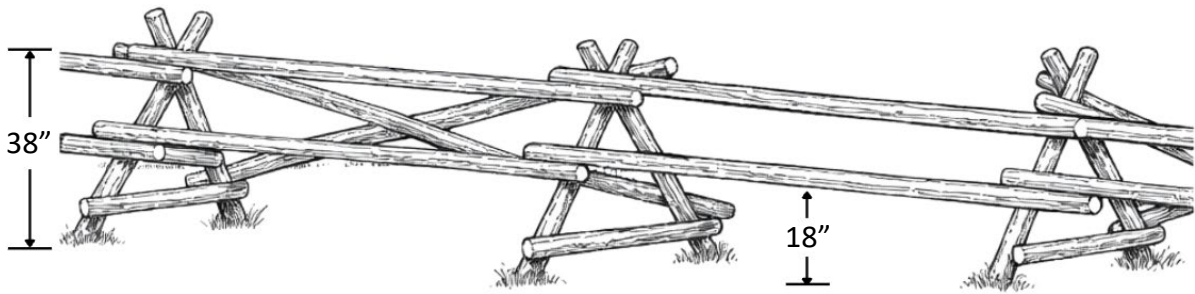
Option 4. Percentage Restriction

Where fencing greater than 38 inches in height is proposed, no more than 25% of the total linear length of fencing on the lot shall exceed 38 inches in height as shown in the example below:



3. **High Tier Fence Design Standards.** All fencing and hedges not designed for livestock control shall not exceed 38 inches in height above finished grade.

- F. **Buck and Rail Fencing.** Buck and rail fencing shall not exceed 38 inches in height to allow wildlife movement. All buck and rail fencing shall comply with the design shown in the figure below with sections which are single sided, with no rub rail, braces on the bucks, for wildlife passage.



- G. **Fencing adjacent to a swale or gully.** Where fencing is located adjacent to a ditch, swale, gully, or similar topographic feature that may require wildlife to jump or descend, a minimum 8-foot horizontal clearance shall be maintained between the fence and the top or toe of slope.

5.1.7. Retaining Walls

A. Purpose.

Retaining walls are structural elements that can create impediments for wildlife movement, restricting wildlife's ability to move between the seasonal and daily habitats that sustain them. The purpose of this Section is to create retaining walls that facilitate wildlife movement between these habitats. These standards require openings in tall, long walls allowing wildlife to move freely around the impediments.

B. Applicability.

1. This Section applies to all retaining walls including walls proposed by an applicant or landowner regardless of whether a retaining wall is a stand-alone construction project or part of a larger development.
2. All retaining walls shall comply with Section 5.7.2.B, Grading Standards.
3. The Town Engineer may exempt or relieve a retaining wall from all or a portion of this Section pursuant to Section 8.8.2, Administrative Adjustment.

Requests for exemptions shall meet at least one of the following criteria:

- a. Protection of Natural Resources. The exemption is necessary to protect natural resources and avoid an environmental detriment that would be greater than the benefit provided by full compliance with these standards. A written report by a qualified environmental professional is required to justify the exemption request. The Town Engineer or Planning Director may require that the report includes alternatives and/or mitigation that achieve the greatest overall benefit for both wildlife movement and the natural resources to be protected; or
 - b. Length. Adjustments to the length standards of Section 5.1.7.C may be adjusted up to 20% to accommodate site specific conditions; or
 - c. Avoid Hazards. The exemption is necessary to avoid a natural hazard area (on steep or naturally unstable slopes, in avalanche paths or in other hazardous areas) where meeting the standards of this section would otherwise pose a danger to public health and safety.
4. Review. Requests for exemptions from this Section shall be sent to the Wyoming Game and Fish Department for review.

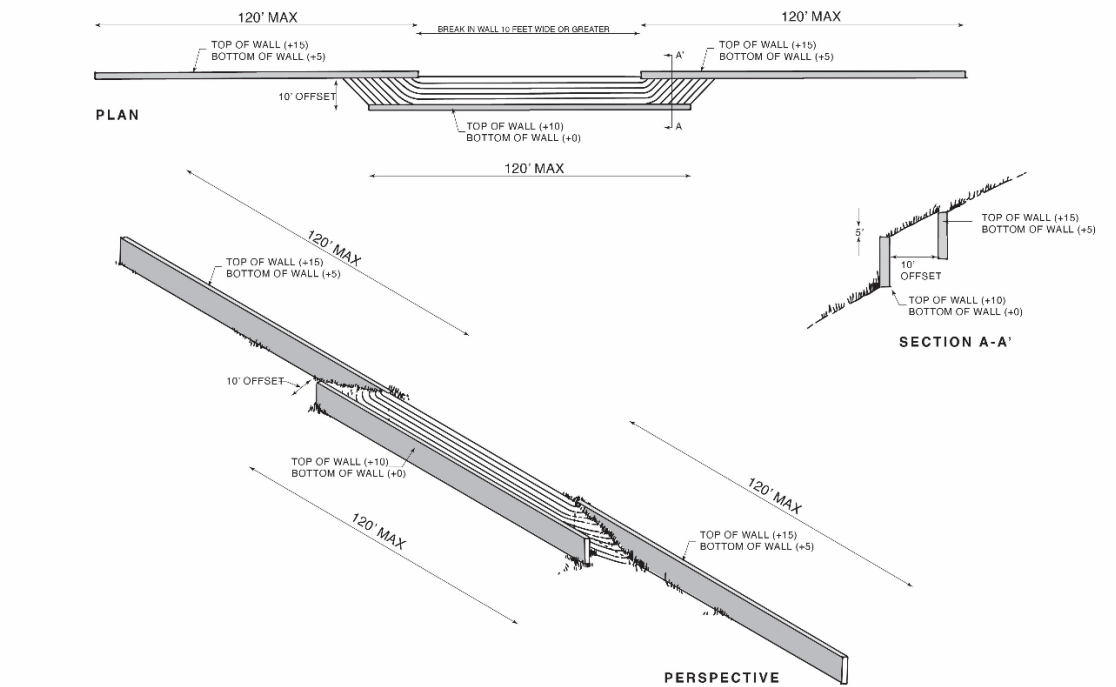
C. Length

A retaining wall shall be the shortest height and length to achieve its purpose. If a retaining wall is unable to be separated into sections 120 linear feet or less, then it shall feature a staggered design per Section 5.1.7.D.1.

D. Design Standards

1. Staggered Wall Design Standards. A staggered design may be required by the Town Engineer regardless of length to improve wildlife permeability.
 - a. In the event that an area of over 120 linear feet requires a retaining wall, the design shall include as many breaks in the retaining wall as is feasible, but at minimum one break for every 120 linear feet of wall. Each break shall be at least 10 feet wide.
 - b. A staggered retaining wall stepped down a slope shall maintain a horizontal separation between walls that is no less than 10 feet.
 - c. Breaks in the retaining wall, and the separation between staggered retaining walls, shall be revegetated with Teton County native vegetation.
 - d. If retaining walls are required on both sides of a roadway or driveway, breaks in the retaining walls on the opposite sides shall be aligned across from and within 10 feet in either direction.
 - e. See the illustration below for an example of a plan and elevation of a staggered retaining wall.

RETAINING WALL DESIGN EXAMPLE



2. Materials.

- a. Retaining walls shall be constructed of solid material with a solid top designed to prevent wildlife limbs from being entrapped.
- b. Material that could cause an animal to be trapped or entangled shall be prohibited.
- c. Wire used in a gabion wall or similar design shall be designed and maintained to avoid loose or gaping wire that may entangle an ungulate or other wildlife.
- d. Gabion walls shall be topped with a solid material like wood or stone.
- e. Any material determined to be hazardous to wildlife by a qualified wildlife biologist and/or Wyoming Game and Fish shall be prohibited.
- f. Materials and colors shall blend into the natural surroundings and shall be a natural or natural appearing surface such as rock , stone or other material that blends into the environment. Colors of the walls shall match the surrounding soil and shall be generally dark in color.

3. Land Disturbance and Vegetation Clearing. Land disturbance and vegetation clearing for retaining wall construction and/or repair shall be the minimum necessary to construct or repair the retaining wall or accomplish the staggered wall design. Any land disturbance shall be revegetated and maintained with native vegetation similar to the surrounding vegetative cover types and shall comply with the requirements of Division 5.7.



NATURAL RESOURCES CHECKLIST (NRC)

Planning & Building Department

150 East Pearl Ave. | ph: (307) 733-0440
P.O. Box 1687 | www.jacksonwy.com
Jackson, WY 83001

The Natural Resources Checklist (NRC) shall be completed by the Applicant for properties and projects within the Mid Tier, or as otherwise required by the Town of Jackson Planning Department. Information used to complete the NRC shall be derived from publicly available sources, including Teton County GIS, Wyoming Game and Fish Department resources, and the Town and County Land Development Regulations. Questions regarding completion of the NRC should be directed to the Planning Department.

SUBMITTAL REQUIREMENTS. Please ensure all submittal requirements are included. The Planning Department will not hold or process incomplete applications. Partial or incomplete applications will be returned to the applicant. To ensure that the checklist is reviewed in a timely manner, follow all instructions on the checklist. Submit all required materials to planning@jacksonwy.gov

Application Fees. Checklist fees are \$XX per checklist. The Town of Jackson Planning Department will contact you for payment once the application has been processed.

Notarized Letter of Authorization. A notarized letter of consent from the landowner is required if the applicant is not the owner, or if an agent is applying on behalf of the landowner. Please see the Letter of Authorization at <https://www.jacksonwy.gov/DocumentCenter/View/115/Letter-of-Authorization-PDF?bidId=>

PROJECT

Name/Business/Description:

Physical Address:

Lot, Subdivision:

PIDN:

Gross Site Area:

PROPERTY OWNER

Name:

Phone:

Mailing Address:

Email:

APPLICANT/AUTHORIZED REPRESENTATIVE

Name, Agency:

Phone:

Mailing Address:

Email:

PURPOSE OF NATURAL RESOURCES CHECKLIST SUBMITTAL.

☐ Building Permit

☐ Grading Permit

☐ Other

NATURAL RESOURCE REQUIREMENTS.

For each topic below, provide a short answer as to the presence or absence of a particular natural resource on the project site. If present, provide a short description of the quality, quantity, or other descriptor as outlined below and in Division 5.1 General Environmental Standards, 5.2 Environmental standards and Section 8.2.2 Natural Resource Assessments.

1. Are agriculture lands present? If yes, provide a location and description of the agricultural lands and related agricultural operations, e.g. such as irrigation practices that occur on the land.

☐ Yes

☐ No

TIERED HABITAT PROTECTION STANDARDS.

2. Per Sec. 5.1.1, are waterbodies present? If yes, provide a short description. Contact Teton County Planning and/or an environmental professional for additional information and process requirements. Refer to the Teton Conservation District's Surface Water Inventory (Teton County's GIS Hub or <https://www.tetonconservation.org/surface-water-inventory>).

☐ Yes

☐ No

3. Per Sec. 5.1.1, are wetlands present? If yes, provide a short description and location. Refer to Teton County's GIS Hub, specifically the wetlands layer, for more information. For delineation requirements refer to the 1987 Corps of Engineers Wetlands Delineation Manual, and the 2010 Western Mountain, Valleys, and Coast Regional Supplement.

☐ Yes

☐ No

4. Per Sec. 5.2.1.B, are there species with special federal and state protections present either currently or throughout the annual cycle? If yes, provide a short description of resources present, location, and seasonal use. Reference here: (<https://ipac.ecosphere.fws.gov/location/index>) and WGFD State Wildlife Action Plan (<https://wgfd.wyo.gov/Habitat/Habitat-Plans/Wyoming-State-Wildlife-Action-Plan>)resources.

☐ Yes

☐ No

5. Per Sec. 5.2.1.B.4, are there Bald Eagle Nesting or Winter Habitat resources present (including foraging resources)? If yes, provide a short description and location. Refer to WGFD for information and/or a formal determination of nest location.

☐ Yes

☐ No

6. Per Sec. 5.2.1.B.a, will the proposed development or activities create fragmentation of existing habitats? If yes, provide a short description of impacts and the location.

☐ Yes

☐ No

7. Per Sec. 5.2.1, are WGFD Crucial layers for Moose, Elk, or Mule Deer (<https://wgfd.wyo.gov/geospatial-data>) present on the property? If yes, which species and ranges? Within the designated areas, provide a summary (including quantity and location). See Sec. 5.2.1.B.6 for further direction.

☐ Yes

☐ No

8. Per Sec. 5.2.1.B.7 are Wildlife Movement Corridors and Wildlife Crossing Locations within 1/2 mile of the property? If yes, which species corridors and crossing locations? See the Teton County's GIS Hub, specifically the mapped crossings layers.

☐ Yes

☐ No

TIERED HABITAT PROTECTION STANDARDS.

9. Per Sec. 5.1.1.E.2 and 5.2.1.C ("No Development, Setbacks/ Buffer Requirements"), are there areas on the property with setback / buffer requirements? Fill out the table below.

Type	Setback	Fill if Present	Provide Location/summary
☐ Wetlands	50'		
☐ Streams	15'-50'		
☐ Bald Eagle Nests	660'		

GENERAL TOWN REQUIREMENTS.

10. Per Sec. 5.1.2 is fencing present or proposed? If yes, provide a short description of type, description, location, and identify if it is wildlife friendly. Refer to Sec. 5.1.2 for specific exemptions or special purpose fence requirements.

☐ Yes

☐ No

11. (Initials) Acknowledge that the proposed development, activity, or occupants (in the case of development) will not result in wildlife feeding per Sec. 5.1.3, Wild Animal Feeding.

12. (Initials) Acknowledge that the proposed development, activity, or occupants (in the case of development) will abide by the regulations for Air Quality, per Sec. 5.1.4.

13. (Initials) Acknowledge that the proposed development, activity, or occupants (in the case of development) will abide by the regulations for Water Quality, including not mowing within the setbacks, per Sec. 5.1.1.

14. Per Sec. 5.1.6, are there Manmade Waterbodies or Land Features present or proposed? If yes, provide a short description of quality, location, and proposed impacts in addition to required permits.

☐ Yes

☐ No

GENERAL SITE CONDITIONS.

Provide a general description of the existing site conditions, both human made (e.g., structures, land disturbances and human uses) and natural, including slopes, hydrology, fault lines, and other important natural attributes.

CRITICAL FINDINGS.

Provide a summary of critical findings related to the protected wildlife habitats and natural resources present on the property.

☐ **Attach** a summary of the proposed development and impacts. This shall show accurate locations of all proposed structures, driveways, and other development, estimates of the amount of clearing and grading of land, and a description of all proposed uses on the property.

PROPERTY SETBACKS.

A summary of development and disturbance setback requirements on the property including both Teton County requirements as well as any HOA or other entities (e.g. conservation easements) requirements (Teton County GIS Hub and Land Development Regulations).

Zone

Front Setback

Side Setback

Rear Setback

Encumbrances: A summary of the encumbrances present on the property e.g. public or private right of ways, conservation easements, scenic easements, etc. (Teton County GIS Hub)

Under penalty of perjury, I hereby certify that I have read this application and state that, to the best of my knowledge, all information submitted in this request is true and correct. I agree to comply with all county and state laws relating to the subject matter of this application.

Signature

Date

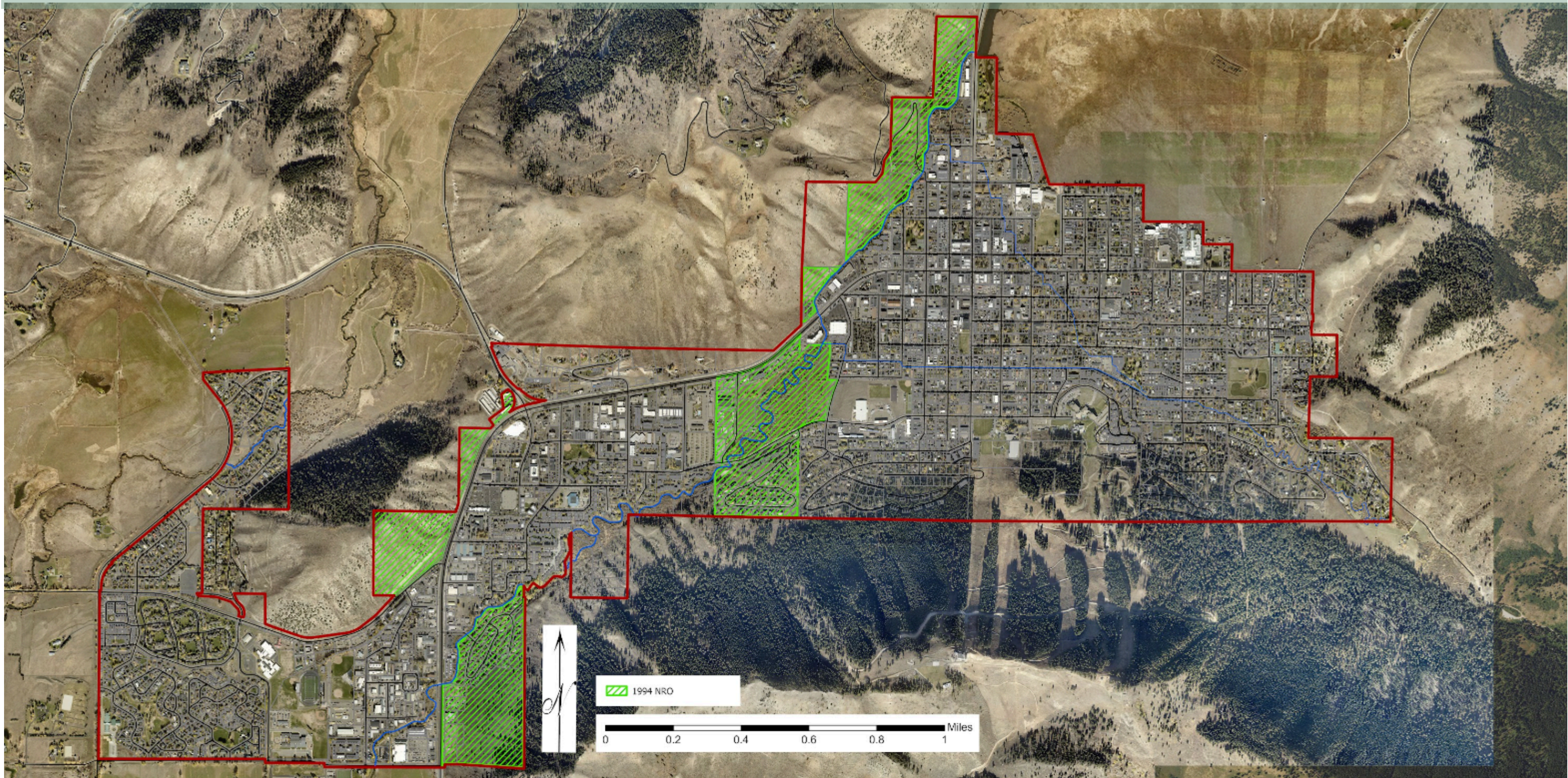
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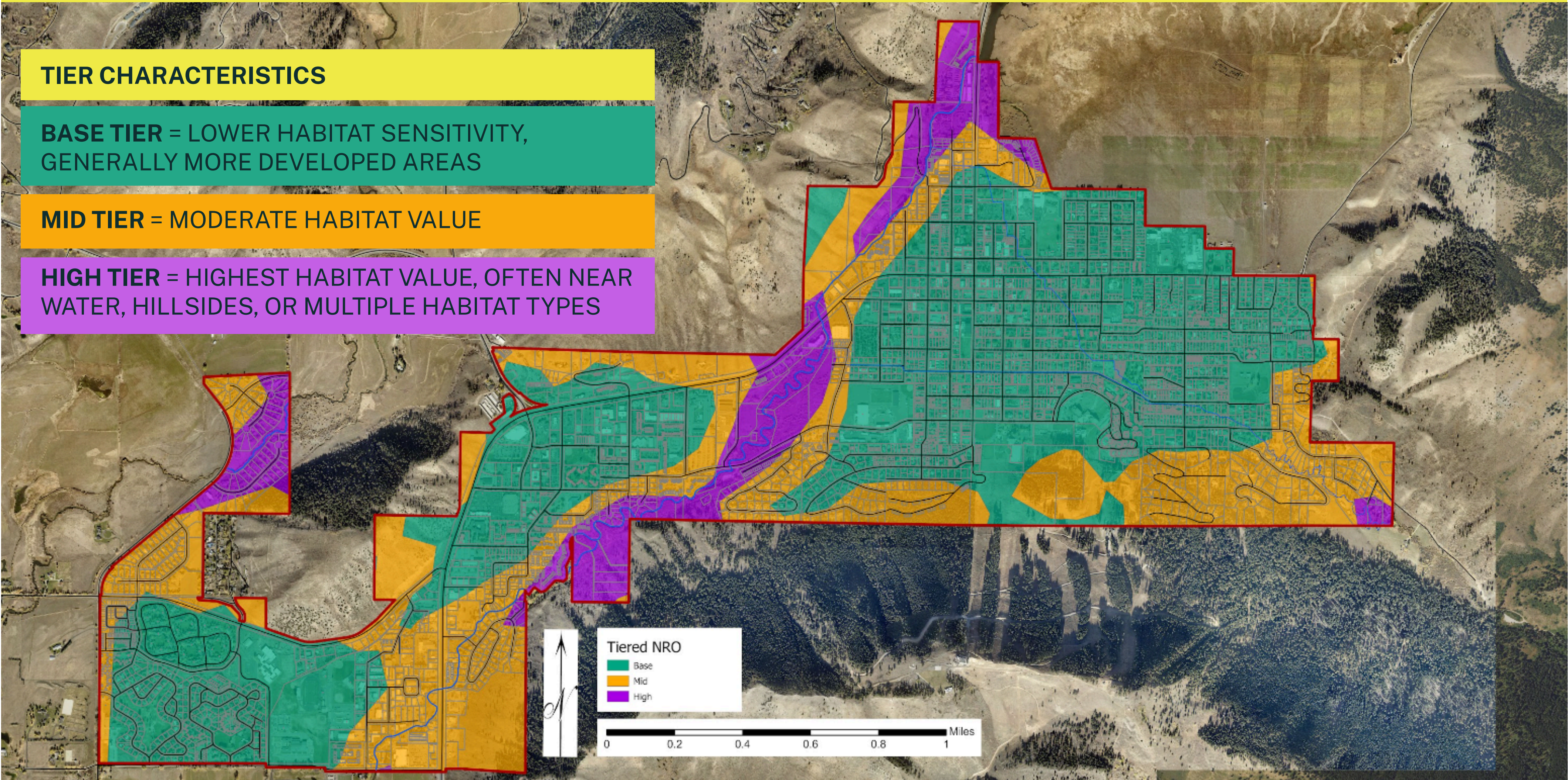
Please ensure all submittal requirements are included. The Planning Department will not hold or process incomplete applications. Partial or incomplete applications will be returned to the applicant. To ensure that the checklist is reviewed in a timely manner, follow all instructions on the checklist. Submit all required materials to planning@jacksonwy.gov

Tiered NRO Map

EXISTING 1994 NRO



PROPOSED NRO TIERS



WHY ADOPT A TIERED NRO SYSTEM IN TOWN

These regulations establish a tiered Natural Resources Assessment process that helps identify wetlands, wildlife habitat, movement corridors, and other sensitive resources early in the development process so projects can be designed to avoid or minimize impacts. By using Base, Mid, and High tiers, the regulation creates a clear and predictable process for Applicants while focusing the most detailed analysis on properties with the greatest natural resource value. This approach improves efficiency, encourages better site design, and supports the goals of the Jackson/Teton County Comprehensive Plan by protecting ecological systems while allowing thoughtful development in the town’s urban environment.



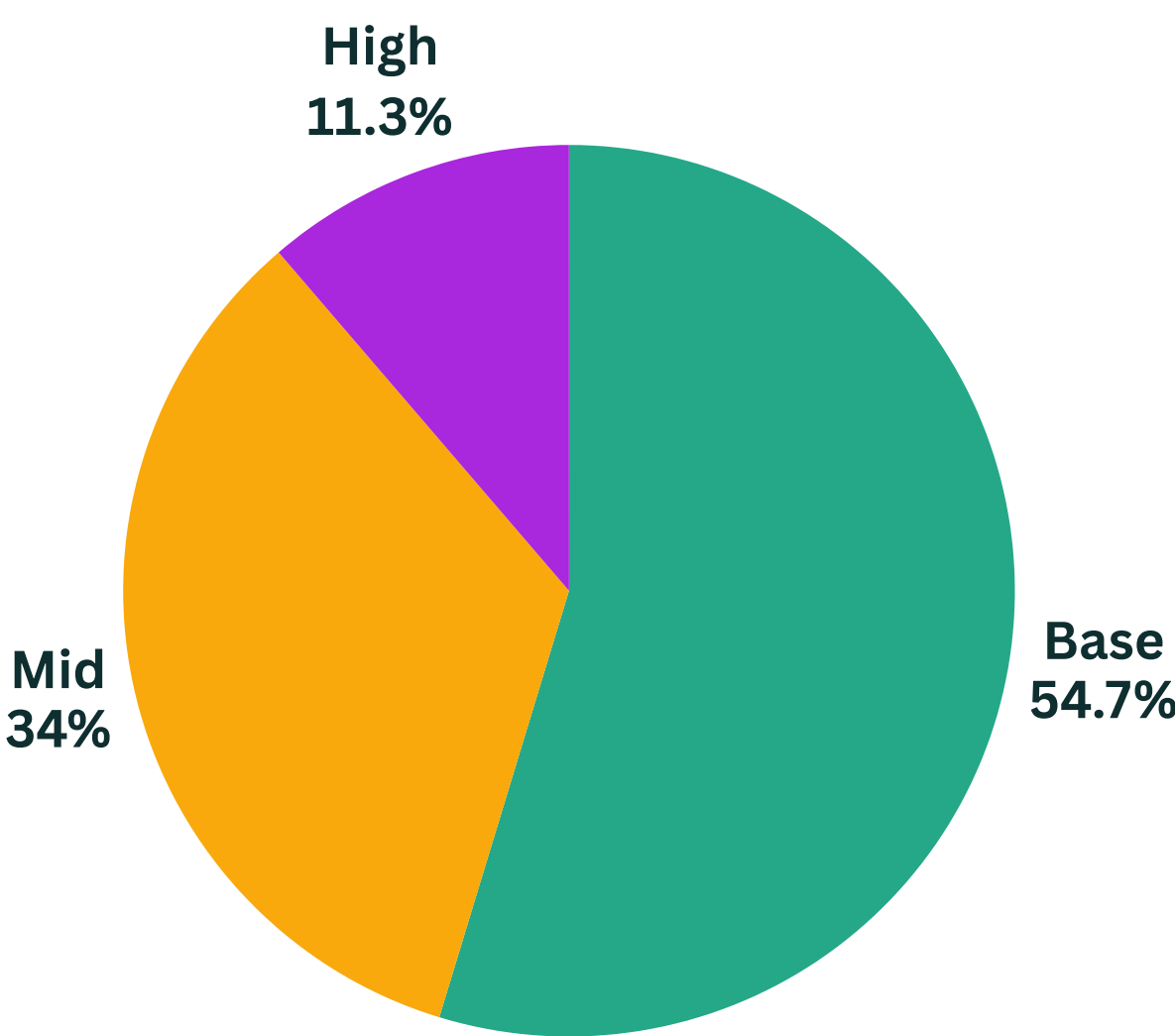
What does the Tiered NRO Seek to protect?

The NRO protects more than just mapped habitat tiers.

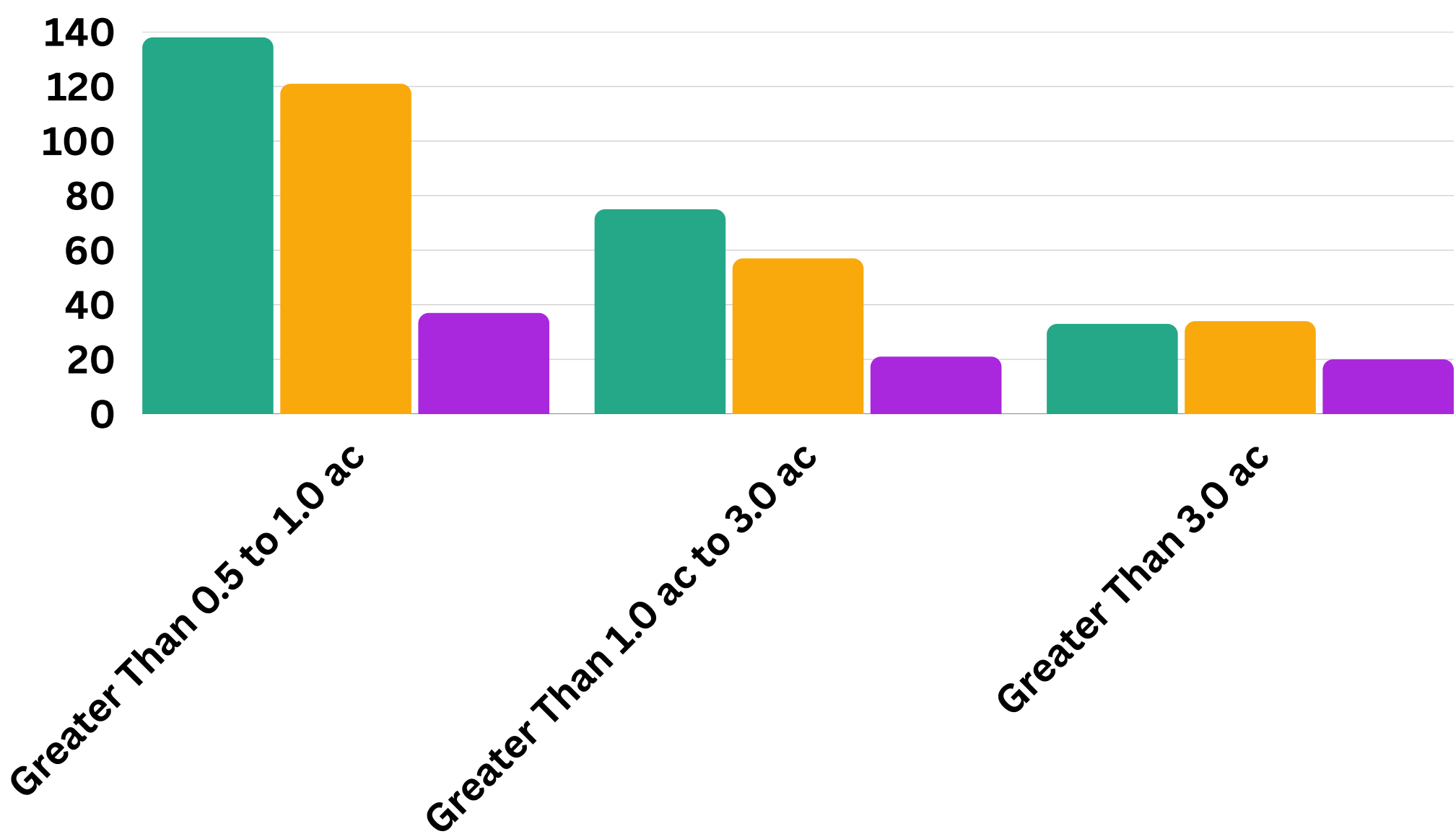
- Waterbodies and wetlands
- Federally and state protected species
- Wildlife movement corridors
- Existing and future migration corridors
- Areas near existing or planned wildlife crossings

TIER BREAKDOWN INFORMATION

TIER PERCENTAGES



PARCEL SIZE CATAGORIES



WHAT DOES THE TIERED NRO REQUIRE FOR DEVELOPMENT

BASE

No formal Natural Resources Assessment.

These projects occur on properties where mapped natural resources are limited or absent. Standard Land Development Regulation (LDR) protections still apply, but no additional analysis or documentation is required unless the Planning Director determines that natural resources warrant review.

Base Tier projects would not have added requirements beyond other applicable standards.

MID

Require a Natural Resources Checklist prior to application submittal.

The checklist evaluates publicly available mapping resources to identify potential natural resources on or near the property. The Applicant prepares a short report describing resources, potential impacts, and includes a map showing development and resource setbacks. A site visit is typically not required but may be requested by the Planning Director if needed.

HIGH

Require a full Environmental Analysis prepared by a qualified environmental professional.

This analysis includes a site visit, detailed documentation of natural resources on the property and nearby habitat areas, maps of resources and setbacks, and photo documentation. The analysis demonstrates how the proposed development will avoid or minimize impacts to significant natural resources to the greatest extent practicable

EXEMPTIONS TO THESE REQUIREMENTS



- **Additions:** Small additions (500 sf or less) within existing disturbed footprint
- **Accessory Structures:** Accessory structures within existing development footprint
- **Agricultural Operations:** Qualified agricultural operations exempt under LDRs
- **Planned Resorts:** Master Plan-compliant Planned Resort development
- **Emergency Work:** Emergency flood control or infrastructure repair
- **Previous Natural Resource Approval:** Previously approved and valid Environmental Analysis
- **Affordable Housing Projects:** Voluntary deed-restricted affordable housing projects
- **Previous and Not Expired Approval:** Existing valid development approvals remain exempt
- **WUI Mitigation:** Agency wildfire mitigation and resilience work
- **Planning Director Waiver:** Planning Director waiver for minimal resource impacts

MITIGATION

ONLY REQUIRED FOR HIGH TIER PROPERTIES ONE ACRE OR LARGER

Development that disturbs protected habitats must restore native vegetation through a Habitat Mitigation Plan prepared by a qualified professional. The plan must quantify habitat impacts, identify native plantings, and outline methods, locations, costs, and monitoring.

Mitigation must restore native habitat types such as sagebrush shrublands, conifer forests, tall shrubs, deciduous forests, and wetlands.

Mitigation areas must be monitored to ensure successful establishment, with one report submitted to the Town after a three-year monitoring period. Performance bonds may be required and are released only after mitigation is successfully established.

Wildlife Friendly Fencing

WHAT ARE DEAD-END WILDLIFE ENCLOSURES? AND WHY PREVENTION MATTERS.

Dead-End Wildlife Enclosures are fenced areas, in side or back yards, where wildlife cannot find or access ways to exit. Barriers impeding wildlife include fence height, limited visibility, obstructed sight lines, or other objects that impede clear escape.

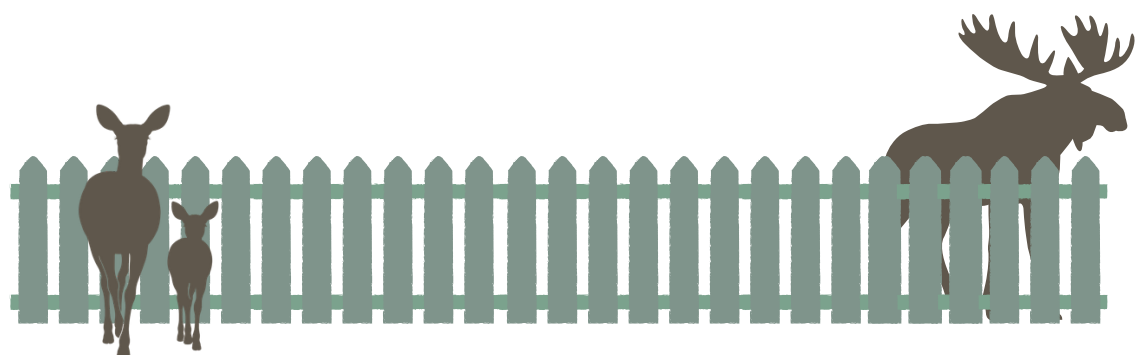
RED AREA: WHERE WILDLIFE CAN BE TRAPPED



WHY THIS MATTERS.

Jackson sits within important wildlife corridors where local and migratory animals such as mule deer, elk, and moose regularly travel through neighborhoods. Fences that create dead-end enclosures can trap wildlife, creating safety risks for wildlife, pets, and residents, and sometimes leading to property damage.

Wildlife permeability and entrapment provisions help prevent these situations by requiring fence designs that allow animals to pass through or provide safe ways through yards. Thoughtful fence design helps balance neighborhood needs with Jackson’s commitment to maintaining the ability for wildlife to move through the community.



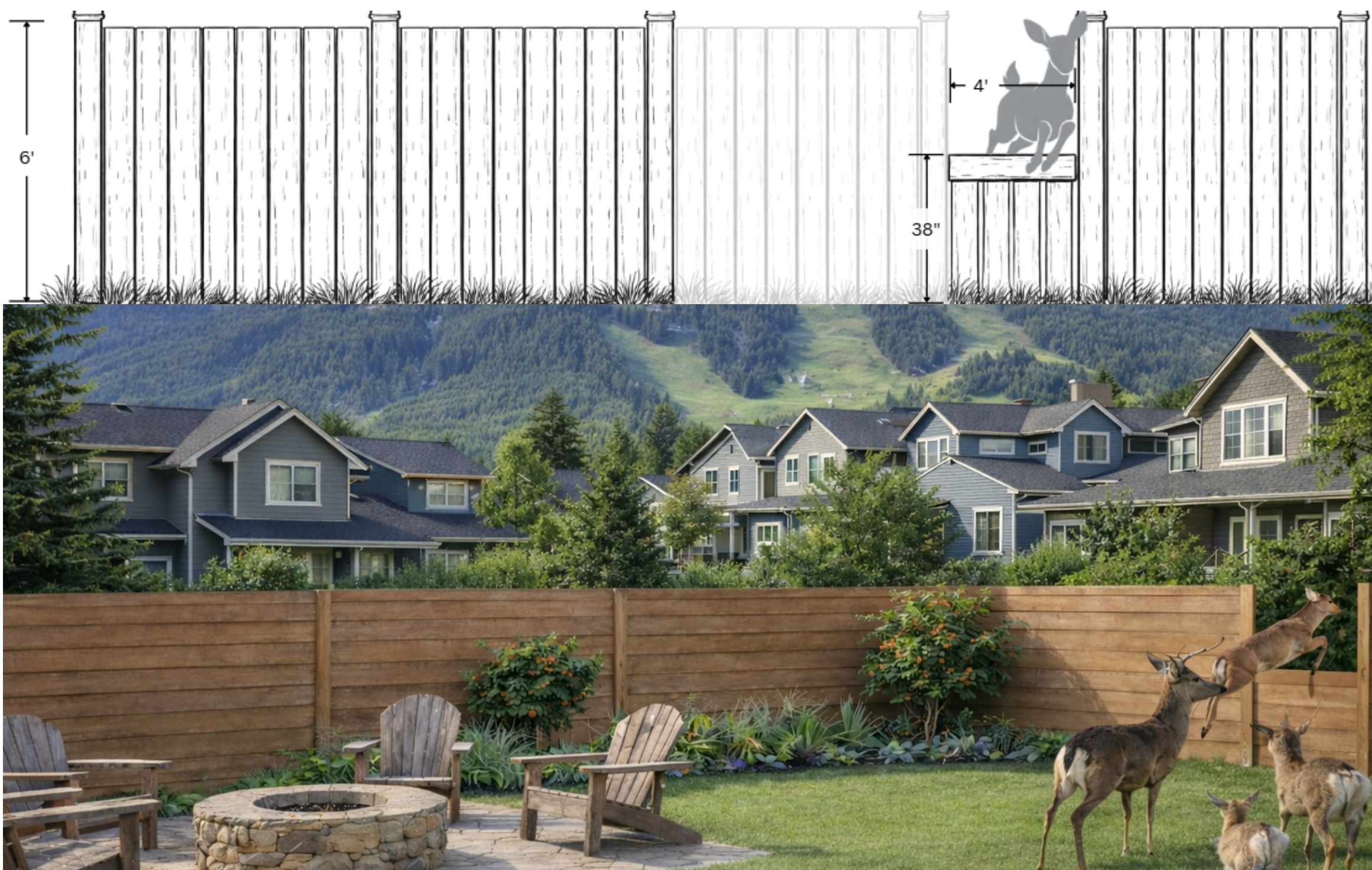
Compliance Options

COMPLIANCE OPTION 1:

PERMANENT WILDLIFE GAP

A permanent wildlife gap in fences provides a consistent opening that allows wildlife to safely exit yards if they enter. Because the opening remains in place at all times, it provides the most reliable and permanent way to maintain wildlife permeability through fenced properties.

Once installed, this option requires no additional action or management by the property owner.



COMPLIANCE OPTION 2 AND 3:

TEMPORARY DROP DOWN, SLIDING PANELS, OR DOORS

Temporary wildlife openings such as drop-down panels, sliding fence sections, or hinged doors provide a flexible way to reduce wildlife entrapment and encourage permeability. These designs keep fencing fully enclosed when privacy is desired but allow homeowners to easily open a panel or door to maintain wildlife movement.

Unlike a permanent wildlife gap, these options require the property owner to open the panel or door when permeability is needed.



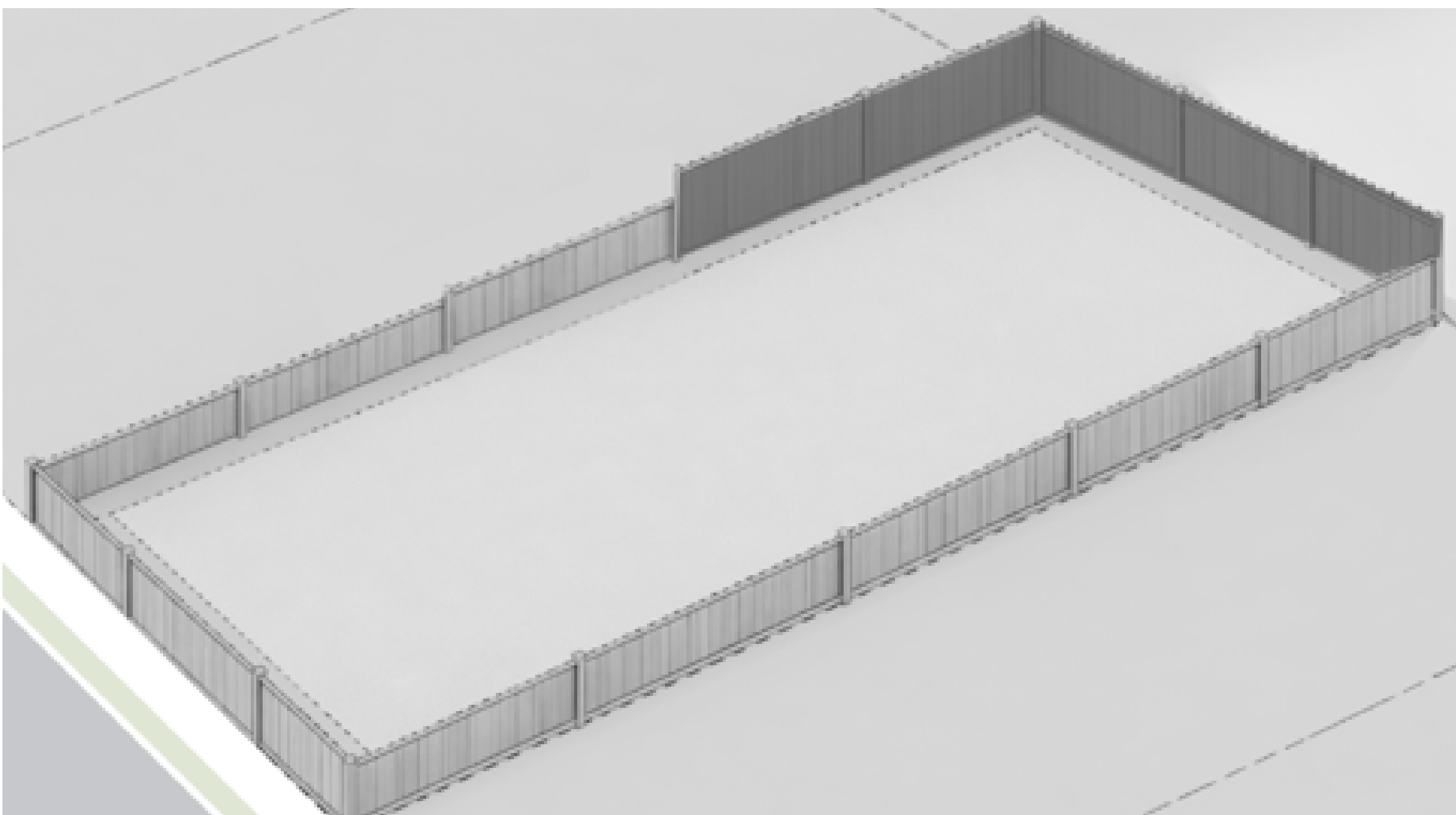
COMPLIANCE OPTION 4:

25% PERCENT RESTRICTION FOR 6 FOOT FENCING

No more than 25% of the total linear length of fencing on a lot shall exceed 38 inches in height.

Once completed, this option requires no additional action or management by the property owner.

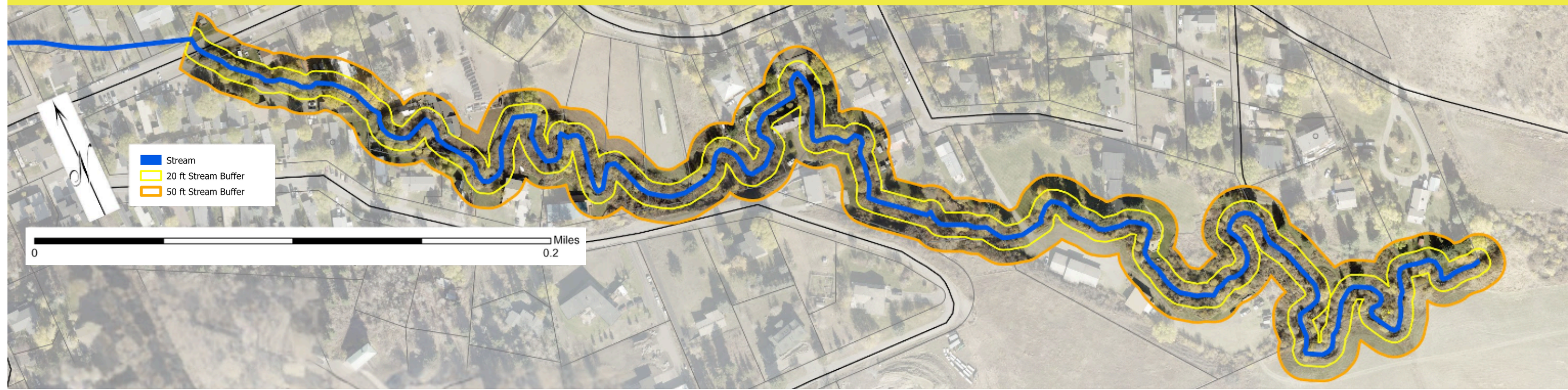
NOTE: Small exclusionary fencing, such as for dog runs adjacent to a structure, children's play areas, compost areas, or small garden areas, will continue to be allowed, provided wildlife can move around the enclosed area without obstruction or entrapment.



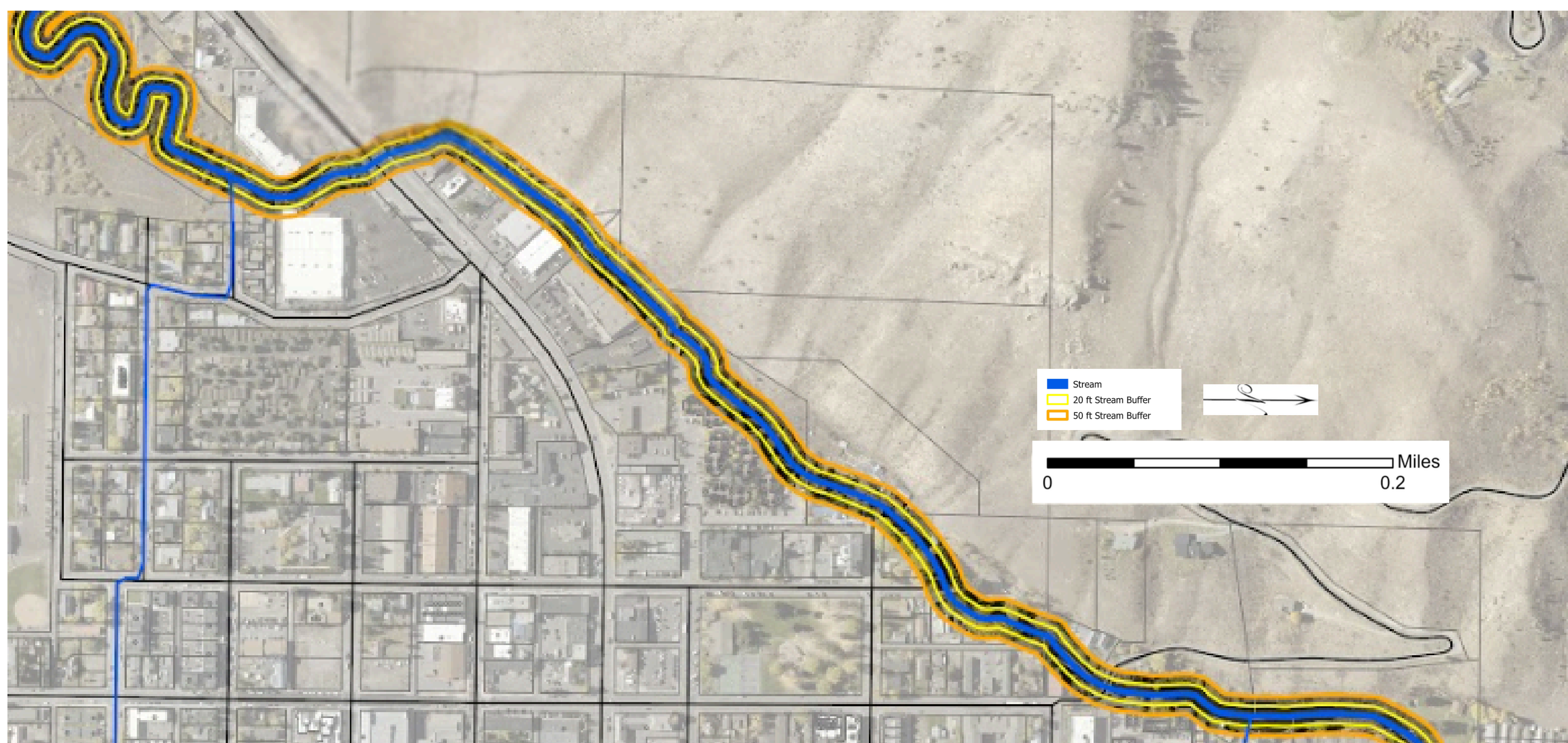
Wetlands & Waterbodies

WATERBODY (STREAM) PROTECTIONS

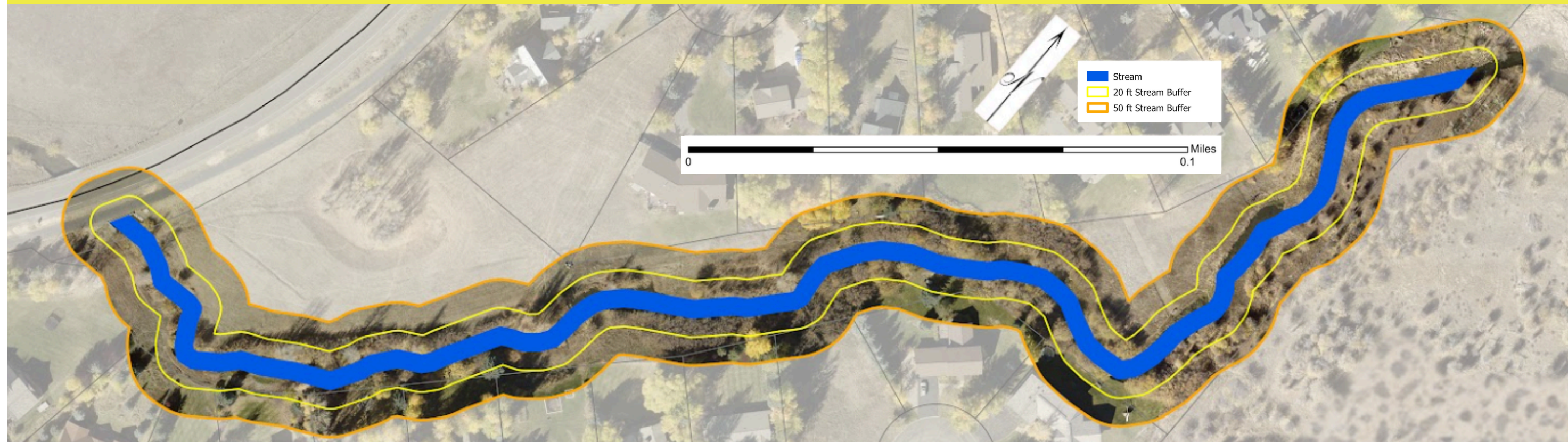
CACHE CREEK BUFFER ANALYSIS



FLAT CREEK BUFFER ANALYSIS



SPRING CREEK BUFFER ANALYSIS



WHAT IS BEING PROTECTED?

Cache, Flat, and Spring Creeks

PURPOSE

Protect streams and wetlands from development impacts.

Preserve important ecological functions including:

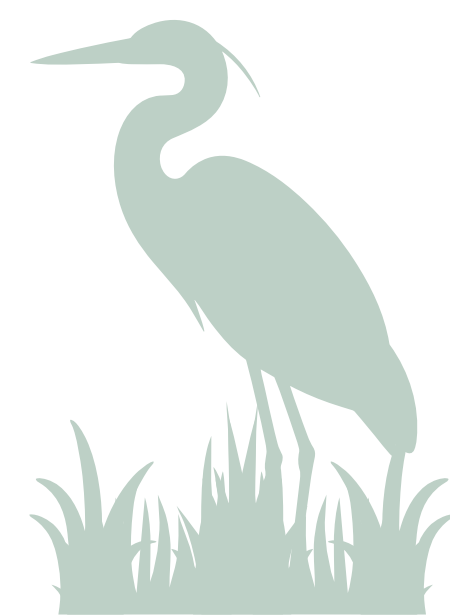
- Flood control
- Wildlife habitat
- Water quality
- Scenic character of Jackson

WHAT IS PERMITTED?

Certain water dependent uses such as, bona fide stream restoration and enhancement, bona fide stormwater facilities and essential road or utility crossings

WHAT IS PROHIBITED?

Physical development and use, including: lawns, parking, and open storage of vehicles, refuse, dumpster/ recycling receptacles, snow storage, or storage of any other material. Use of fertilizers within the buffer is also prohibited.



WETLAND PROTECTIONS

PROTECTIONS

All natural wetlands are protected regardless of their size or federal classification. Wetlands are defined based on hydrology, soils, and vegetation using federal delineation standards.

SETBACK/BUFFER

50 Feet

WHAT IS PERMITTED?

Wetland impacts may be allowed in limited circumstances, such as essential utility crossings, or where adjacent uses have already degraded the wetland.

WHAT IS PROHIBITED?

Physical development and use, including: lawns, parking, and open storage of vehicles, refuse, dumpster/recycling receptacles, snow storage, or storage of any other material. Use of fertilizers within the buffer is also prohibited.

MITIGATION FOR IMPACTS

When wetlands are impacted on parcels larger than one acre, mitigation is required at a 2:1 replacement ratio, meaning two acres of new wetlands must be created for every acre impacted. Wetland mitigation must occur on-site whenever practicable. Off-site mitigation is only allowed when on-site restoration is not feasible.



Memorandum

To: Town of Jackson Planning and Building Department

From: Tanya Anderson
Town of Jackson Ecosystem Stewardship Administrator

Re: PM26-005, a Zoning Map Amendment pursuant to LDR Section 8.7.3 to amend the Natural Resource Overlay (NRO)
PM26-006, an LDR Text Amendment pursuant to LDR Section 8.7.2 to amend LDR Section 5.2.1 (Natural Resource Overlay Standards) and LDR Section 8.2.2 (Environmental Analysis)
PM26-007, an LDR Text Amendment pursuant to LDR Section 8.7.2 to amend LDR Section 5.1.1 (Waterbody and Wetland Buffers)
PM26-008, an LDR Text Amendment pursuant to LDR Section 8.7.2 to amend LDR Section 5.1.2 (Wildlife-Friendly Fencing)
PM26-009, an LDR Text Amendment pursuant to LDR Section 8.7.2 to amend LDR Section 5.7 (Grading, Erosion Control, and Stormwater Management) to add standards for retaining walls.

Date: March 23, 2026

Planning and Building Department,

Thank you for providing the opportunity to comment on item PM26-005 through -009 NRO updates. Overall, the proposed Land Development Regulation (LDR) Text Amendments are an improvement over the existing LDRs, and I am in support of the new language. I support the shift from a focus on specific species, which is difficult to implement if data is not available, to a focus on suitable habitat for focal species, which can protect valuable habitat even if focal species do not currently inhabit the area. I offer the following comments for your consideration:

- Environmental Standards: I support the establishment of a Tiered Natural Resource Overlay. To reduce the impact to natural resources in sensitive areas and improve public support for affordable housing projects, I recommend holding affordable housing projects to the same or similar standards as other developments within the Natural Resource Overlay.
- Wildlife-Friendly Fencing: Most buck and rail fencing within the Town of Jackson is purely decorative. However, the combination of their height and width makes it difficult for wildlife to pass. I support the text amendments, which restrict the height of buck and rail fencing and require their design to be single-sided, with no rub rail, and with braces on the bucks to stabilize the base. Another alternative could be to create gaps or drop the top rail to the ground every 120 feet, matching retaining wall regulations.
- Retaining Walls: I strongly support the language regarding retaining walls. Long retaining walls block wildlife movement, and wire used in gabion walls can injure wildlife. I support the proposed text amendment, which requires a minimum of one break every 120 linear feet or a staggered design, requires a solid top, and prohibits the use of material that could cause an animal to be trapped or entangled. I commend your work addressing this issue.



- Waterbody and Wetland Protection Standards: In general, I am supportive of the proposed text amendments regarding waterbody and wetland protection standards. I am especially supportive of the change from mean to ordinary high water mark for setbacks because it is more intuitive for residents to understand, more protective, and more proactive. I found no direct conflicts between the LDR text amendments and the Town of Jackson Strategic Stormwater Management Plan or associated documents. To better align the goals of various plans related to water quality, I offer the following suggestions:
 - A setback of 50-feet or greater is appropriate for Flat Creek, which is listed as a 303(d) impaired stream by the United States Environmental Protection Agency and is prone to flooding. While existing development makes it challenging, a setback greater than 25-feet in areas north of Hansen would benefit water quality.
 - While there are no natural lakes or ponds within the Town of Jackson, there are some artificial ponds, and more could be developed unless it is explicitly prohibited. I recommend using the language in the Teton County LDRs prohibiting the development of new habitat ponds and requiring that aerators be turned off in the winter to prevent wildlife from falling through thin ice.
 - Additionally, it would be helpful to have clarification that distinguishes between natural wetlands and waterbodies subject to buffer and mitigation requirements and engineered stormwater features, such as constructed or engineered wetlands, that function primarily as infrastructure. The artificial wetlands at Karns Meadow provide a model for effective stormwater management that could be replicated elsewhere.
 - I strongly support the proposed text amendment language that prohibits dumpster and recycling receptacles, snow storage, and the use of fertilizers within the buffer zone. To align with the Teton County Water Quality Management Plan, I recommend adding that snow storage shall not drain into water bodies and explicitly stating that the dumping of snow directly into bodies of water is prohibited. I also encourage adding a “no mow” zone within 10 feet of water bodies. This requirement has been successfully implemented in other mountain towns in the Intermountain West.
 - I support the allowance of stream restoration and enhancement and stormwater facilities in or adjacent to waterbodies. As Town staff work on implementing the recently approved Strategic Stormwater Management Program, it would be helpful to have clarification on how stormwater *quality* systems, not just flood control facilities, relate to the buffer requirements. Stormwater quality systems are not generally intended to be located within required buffers, but there may be some instances where essential stormwater quality infrastructure should be permitted. Also, clarification on whether beaver excluder devices are an allowable flood control device would also be helpful. These devices are designed to allow beavers to remain in an area while preventing the building of beaver dams that could lead to flooding, promoting coexistence. I recommend that language be included that specifically allows for beaver excluder devices.

In general, the proposed amendments to the Town of Jackson LDRs align with the Town’s Strategic Stormwater Management Program, the Town of Jackson Sustainability Plan, and the Flat Creek Management Plan. They are an improvement over the existing LDRs. I recommend accepting the proposed LDR text amendments with minor edits by staff.

Thank you for the opportunity to review this LDR Text Amendment. Please contact me with any questions.



**Teton
Conservation
District
Est. 1946**

Andrew Bowen, Senior Planner
Mary Tippets, Planning Coordinator
Town of Jackson Planning and Building Department

March 27, 2026

RE: PM26-005 through 009 NRO Updates

Dear Andrew and Mary,

Thank you for considering Teton Conservation District's (TCD) review of the proposed Zoning and Land Development Regulation amendments associated with Trans Memo PM26-005 through 009. TCD reviewed the contents of the link provided via email.

Zoning

TCD did not see a map of the proposed tiered NRO map, which negatively affected our ability to thoroughly review these proposed changes.

Water

Cache Creek is a complicated topic and the setback and associated description in 5.1.1.E.2.iii suggest a strong deviation from the current management of the Cache Creek watercourse. If this is to be implemented, TCD suggests further refinement and explanation of the channel in question and how the Town of Jackson wants Cache Creek to be managed. Do the current regulations allow the Town itself to manage Cache Creek's headgate into its historic flow path, regularly dewatering the channel, if these regulations are implemented? Are landowners allowed to use riprap and concrete blocks to line the watercourse as they currently do? This water course is adjacent to sidewalks, front yards, structures, etc, are you hoping that it becomes a 30 ft wide swath of riparian vegetation that is allowed to meander and change as a natural watercourse will? I think these regulations are worth further discussion to ensure that your intended outcomes are met with the current wording.

The language in 5.1.1.E.3.1 pertaining to allowable uses within the setback, if applied broadly could have a profoundly beneficial impact on water quality and riparian habitats.

This LDR update could be an opportunity to resolve potentially conflicting messages sent by water conservation goals and existing landscaping standards. This is conceptual and has not been researched by TCD staff.

Wildlife

The Tiered NRO has merit with regard to scaling natural resources review requirements.

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



**Teton
Conservation
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Est. 1946**

Zoning for different conservation outcomes brings up a very different question for TCD that isn't often considered in natural resources protections: **Should LDR's be created that acknowledge that some highly developed areas are not good wildlife habitat, and as such, should certain natural attractants be avoided or discouraged?**

This statement might not be a simple discussion or part of this iteration of LDR development; however, traffic and human conflict pose a significant issue to wildlife, and the current regulations might consider how to discourage incidental attractants for large mammals into our most developed areas. In the same way that your proposed regulations seek to provide protection by modifying behavior in areas we want wildlife, the opposite might also be true. We may want to diminish certain vegetative attractants in highly developed areas while also diminishing the burden of property owners to try and allow for wildlife use in areas that are a high risk to wildlife.

Overarchingly, TCD staff supports the intent of these regulations, and the concept that certain areas have greater habitat value which should be protected. Riparian areas are a great example, as is the periphery of town and areas adjacent to open space. It is also valuable to acknowledge the limitations that private land LDR's have, amidst the increasing traffic and expanding development in our community.

This review coincided with internal TCD projects, which affected our ability to complete an exhaustive review, meet your stated deadline, and ask questions. My apologies. If you would like further engagement, please reach out.

Sincerely,

Carlin Girard
Executive Director, Teton Conservation District

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

From: [Amy Kuszak](#)
To: [Ryan Hostetter](#)
Subject: Town NRO
Date: Monday, January 5, 2026 4:10:11 PM

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hi Ryan,

Thank you, I really appreciate you taking the time to meet with me before the holidays to talk about the Town NRO amendment. I was happy to learn that you will be moving forward with amendments to promote wildlife permeability through town including wildlife friendly fencing requirements and wildlife permeable retaining wall standards.

The Conservation Alliance strongly supports these efforts. In addition to wildlife permeability standards, I think it would be helpful for Town Council, staff, developers and the community to have a common understanding/definition of what wildlife permeability means. I suggest including a definition in your amendment. Please consider the following DRAFT definition or similar version for inclusion:

Wildlife permeability in areas with mid- to dense- development patterns, like the town of Jackson, means the ability of all native wildlife to have regular/daily, and/or seasonal safe movements through, across or within the landscape despite human development without being blocked, diverted, or harmed.

Barriers to safe regular and seasonal movements include - long expanses (may need to define) without breaks or safe crossings of roads, pathways, sidewalks, fences, retaining walls, walls, buildings, and any impermeable vertical surface.

During our meeting, we also discussed the potential for increasing creek setbacks. I recognize the existing development patterns and lot size constraints in many areas of town, as well as the challenges that expanded setbacks may present. However, I hope that at a minimum, the Town can undertake an analysis to identify locations where increased setbacks may be feasible in the context of redevelopment.

Flat Creek is currently impaired, primarily due to stormwater runoff. Protecting water quality is essential not only for wildlife habitat, but also for maintaining safe drinking water and sustaining our tourist-based economy. For these reasons, the JHCA supports the setback recommendations outlined by Protect Our Waters in their October 31, 2025 letter to you.

Best,

--

Amy Kuszak

Community Planning Director
Jackson Hole Conservation Alliance
307.733.9417 ext. 101
website JHAlliance.org



From: noreply@konveio.email
To: [Ryan Hostetter](#)
Subject: [Konveio Inquiry] Issues with Wildlife Friendly Fencing LDRs
Date: Thursday, March 12, 2026 4:25:34 PM

[NOTICE: This message originated outside of the Teton County's mail system -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Kyle Kissock (kyle.kissock@gmail.com) sent a message using the contact form at <https://jacksonteton.konveio.com/contact>.

Hello,

I worked for several years professionally managing the Wildlife-Friendly Fencing Program for the Jackson Hole Wildlife Foundation. I have also lived in Jackson, Wyoming for a decade (including many years in the Cottonwood neighborhood) and have observed wildlife movement patterns during that time. I have a few concerns with the proposed Wildlife-Friendly Fencing LDRs that I would like to address.

Relevant to "2. Base and Mid Tier Fence Design Standards": Consider listing a gate as an option. I'm not clear whether there is a functional difference between a gate and Option 1, the sliding panel. With a gate, if a moose becomes trapped in a fenced backyard, the gate can simply be opened and the moose can walk out.

I'm concerned that mandating 25% of linear fence length not exceeding 38" may not allow for adequate privacy for residents living on certain small East Jackson/Cottonwood lots. To simplify the regulation, consider not allowing fencing in front yards to exceed 38", or perhaps not permitting front-yard perimeter fencing at all. This would allow homeowners on small lots the freedom to fence side and back yards as they choose, provided there is a gate or jump-out for a trapped animal to escape.

This compromise would allow wildlife to pass through neighborhoods using front yards, sidewalks, streets, bike paths, and parks, while keeping them out of backyards, where many (most?) residents don't necessarily want moose spending time anyway, especially if they are dog owners or have small children.

Related to #2: Having lived for many years in the Cottonwood neighborhood, I've observed that many lots have fenced backyards with fences higher than 38". Moose and deer regularly move through this neighborhood, as they do in similar neighborhoods. Because most backyards are fenced, wildlife generally use front yards, cul-de-sacs, paths, and streets (which is positive). Because many (perhaps 40–50%) of backyards have dogs, I believe the higher back- and side-yard fences actually benefit wildlife by keeping dogs contained to yards and preventing undue harassment of wildlife/danger to pets.

I acknowledge that these comments pertain more to small Town of Jackson lots than to larger Westbank-style parcels. Wildlife do move through large Westbank backyards, and keeping those areas permeable is important for wildlife movement. I simply suggest considering different regulations for small lots in East Jackson, Cottonwood, and Rafter J, where privacy is more of a concern and where it may not be safe or practical to welcome ungulates into small, residential backyards.

From: [lorna miller](#)
To: [Ryan Hostetter](#)
Subject: comments re proposed fencing regulations
Date: Wednesday, April 8, 2026 12:00:49 PM

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Hi Ryan

I hope you had a fabulous time in New Zealand! (And that the jet leg is not being too painful)

Fencing comments;

As I mentioned to you previously I spent time driving around town just looking at fences and what is really happening in town..

I realized that fencing actually has a big impact on community character: much of what one would consider the older parts of town

don't have a lot of fencing is in the front yards. Even as I was driving I could see the way in which the deer were utilizing the front

yards to forage and move around. There are a few clusters on some streets or there are several homes together that have fences

in the front yard (essentially they are perimeter fences) and it completely changes the feel and appearance of the streetscape.

This is particularly easy to see on Hansen Street north and south of Redmond and I sent photos separately.

It was particularly instructive to drive around the Gill Addition where a lot of redevelopment has been taking place in recent years.

I would say that the majority of the very large houses that have been built have made the choice to not fence in the front yards.

For the most part, this neighborhood has made the choice not to do perimeter style fencing and some homes do not have any fencing

at all..And again I could see how the deer were utilizing the open front yards.

There are side fences on some properties but they don't always have a back fence and so the animals can filter through to adjacent

properties; and some homes do have fully enclosed backyards. In other words the feel and community character of the older residential

areas in Jackson is being maintained to a surprising degree. At the same time some degree of permeability is being maintained for wildlife.

Based on these observations, please consider the following:

Do not permit front yard fencing since it so greatly impacts the community character - look and feel of town. This will also help at

least maintain a good deal of the current level of permeability utilized by wildlife.

Allow some flexibility: for example allowing stand alone side fencing without requiring the entire backyard to be fenced.

The Gill Addition examples show how this can work.

Regarding the proposed 25% repair /replace regulation: I still hope you will consider solving the problem of keeping track of the fencing in town by developing an automatic application process for fencing.

1. The homeowner would fill in a form that describes the fencing they intend to install
- 2 They would be affirming that they have read and understand the regs and that the fence meets all the regs.
- 3.It would be an automatic permit much like the Corps of Engineers Nationwide permit system where approval is automatic provided all the requirements are met..

This would be **an important educational opportunity** so that applicants. can learn about the reasons for the regs etc

It would not require additional staff time once it is set up and operational.

Staff already fields queries about fencing and this could be the place to send people for in depth education and information.

It would be a tool for TOJ to keep track of what fencing is being constructed and provide critical information in the event of a complaint or dispute since the homeowner agreed to meet the conditions of the regulations when they completed the automatic permit form. Without the means to keep track, how will you be able to enforce this 25% rule?

Thanks for being open to comments on the proposed regs. I know it takes a lot of time and effort.

Lorna

I hope this arrives intact: I have a gremlin in the computer today

From: [lorna miller](#)
To: [Renee Seidler](#); [Ryan Hostetter](#); [Cody Pitz](#); [Andrew Bowen](#)
Subject: comments Re: WFF update
Date: Thursday, April 9, 2026 12:42:57 PM
Attachments: [image010.png](#)
[image011.png](#)
[image012.png](#)
[image013.png](#)
[image014.png](#)
[gapoffset sketch.png](#)
[+fatal fence.png](#)

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Hi Ryan,

I completely agree with Renee and Cody's comments.

As the photos they attached graphically illustrate and even though it may seem crazy to us that they will do this, wildlife will often TRY to go through or over seemingly impossible fences with often catastrophic results. (Following the herd is life or death to them especially juveniles) And ornamental fences are major contributors to the problem. Please add such fences to the prohibited list.

I particularly like the suggestion of a semi-privacy fence. I think there could be a couple of options that would allow wildlife passage:

Gaps as Renee suggests or **Offset Panels** where panels can be offset so there is privacy but animals can still find safe passage. (See attached sketch). Not everyone wants or even needs complete impermeable enclosure of a space.

The attached fence photo is in the Cache Ck area: 42" high with 2" spacing. I had to remove the carcass of a juvenile mule deer that tried to jump but sadly one foot caught in the 2" space. A terminal event. Removing the body of a dead animal from an unfriendly fence serves as a serious education about fences and wildlife.

I think it is important to *suggest* options to people and spark ideas about what is possible to meet their needs while maintaining permeability. This could be a part of the fencing education process (that could be included as part of the free automatic permit application info!!) Something I noticed in my reconnaissance of town and fences is that there are small clusters of a particular fence type.

It is as though someone built a fence and the neighbors copied it!
thanks for the opportunity to comment.

Lorna

From: Renee Seidler <renee@jhwildlife.org>

Sent: Wednesday, April 8, 2026 5:45 PM

To: Ryan Hostetter <rhostetter@tetoncountywy.gov>; Cody Pitz <cody@jhwildlife.org>; Andrew Bowen <ABowen@jacksonwy.gov>

Cc: lornamiller@live.com <lornamiller@live.com>

Subject: RE: WFF update

Hi Ryan,

Cody and I are concerned about situations similar to the images below; in these instances, animals are not jumping fences, they are trying to push through. Animal heads and bodies can get stuck in fences too, as crazy as it seems. As Cody mentioned, the fence handbook recommends keeping gaps under 6". I think the ideal situation if a landowner feels it necessary to have privacy fence (ornamental, in my mind, should not be an option in Teton County/Jackson), there should be

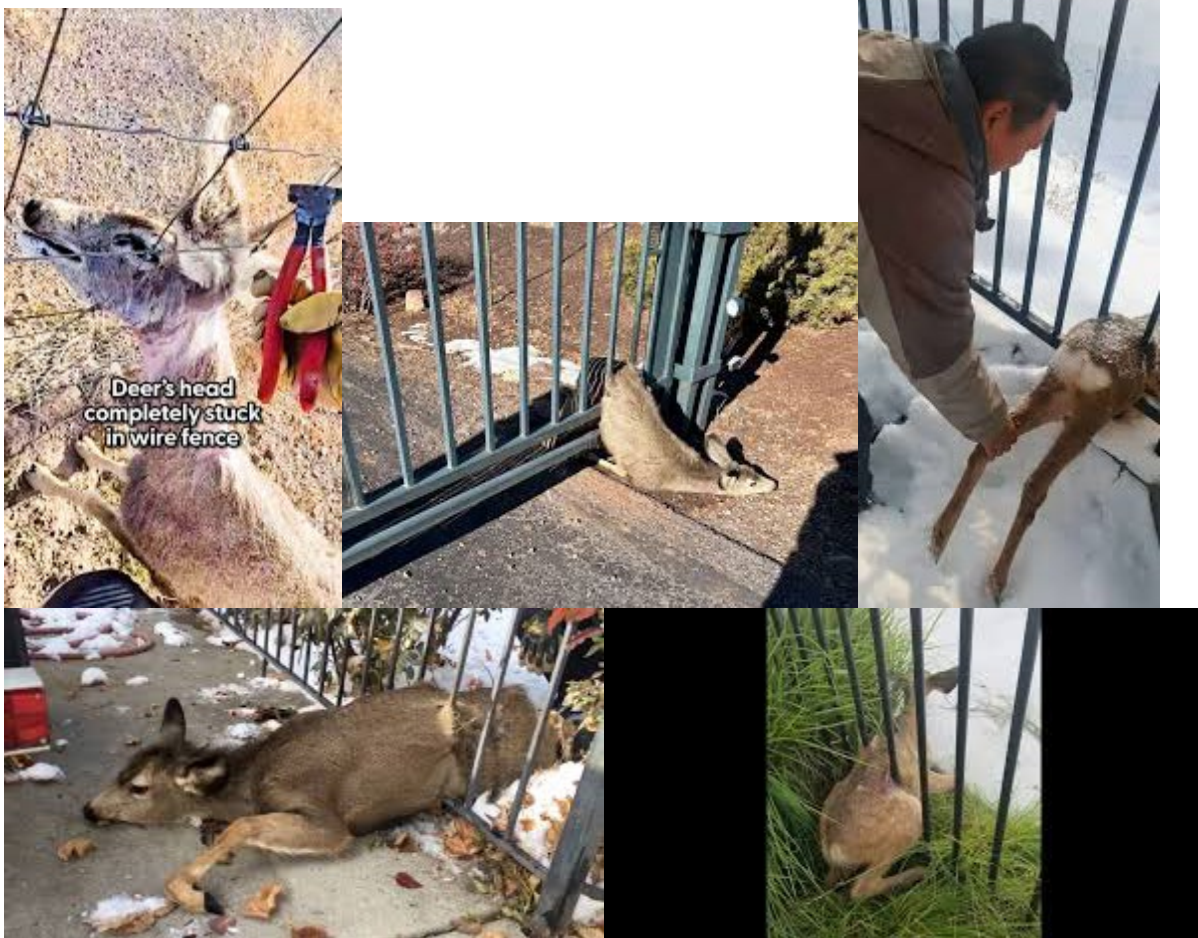
- no gaps between the "boards" or "pickets" and there should be a large gap ("semi-privacy fence") between sections of fence with no infrastructure for full wildlife passage, or
- use vegetation to provide a visual screen/reduce noise.

I think gaps like you describe at most sizes are asking for trouble.

I've cc'd Lorna so she can weigh in here too.

My best,

Renee



Renee Seidler
Executive Director
[Jackson Hole Wildlife Foundation](https://www.jacksonholewildlife.org/)
(435) 760-7267 c

Jackson Hole Wildlife Foundation is an inclusive organization.

"Remember that some things are not for sale."
(Wyoming State Code)



From: Ryan Hostetter <rhostetter@tetoncountywy.gov>

Sent: Wednesday, April 8, 2026 3:23 PM

To: Cody Pitz <cody@jhwildlife.org>; Renee Seidler <renee@jhwildlife.org>; Andrew Bowen <ABowen@jacksonwy.gov>

Subject: RE: WFF update

Gaps like in the fence below where the vertical boards are not flush – they don't have to be flush but that gap should be at least 4" but could be as wide as they want, just not so narrow that a hoof can get stuck. This was a recommendation from Lorna as she brought an example where a deer hoof got caught in too narrow of a gap.



**Ryan Hostetter (She/Her/Hers), AICP
Joint Principal Long Range Planner
Teton County & Town of Jackson**

(307) 732-8414 – direct



From: Cody Pitz <cody@jhwildlife.org>

Sent: Wednesday, April 8, 2026 2:56 PM

To: Ryan Hostetter <rhostetter@tetoncountywy.gov>; Renee Seidler <renee@jhwildlife.org>;

Andrew Bowen <ABowen@jacksonwy.gov>

Subject: Re: WFF update

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Is this a question of gaps at the top of the fence or through the whole height of the fence?

At the top I think any gap over an inch can be a concern. A hoof can be stuck can in a gap less than 4" which is why the recommendation is for there to be a top rail rather than spikes or gaps.

If we are talking about gaps between rails or boards through the vertical length of an ornamental or privacy fence, specifically towards the ground, the fence handbook recommends keeping gaps under 6" to discourage fawns from squeezing though and getting stuck. You can read about this on page 52-53 in the fence handbook.

From: Ryan Hostetter <rhostetter@tetoncountywy.gov>

Sent: Wednesday, April 8, 2026 1:01 PM

To: Renee Seidler <renee@jhwildlife.org>; Andrew Bowen <ABowen@jacksonwy.gov>

Cc: Cody Pitz <cody@jhwildlife.org>

Subject: RE: WFF update

Sorry to jump in here but to tag on – that is one of the other amendments we are floating to the PC that is not in the current draft – this came from Lorna. We are estimating that greater than 4" would not create an issue where a hoof would get trapped but if you think we need larger gaps please let us know.

Ryan Hostetter (She/Her/Hers), AICP
Joint Principal Long Range Planner
Teton County & Town of Jackson

(307) 732-8414 – direct



From: Renee Seidler <renee@jhwildlife.org>

Sent: Wednesday, April 8, 2026 1:00 PM

To: Andrew Bowen <ABowen@jacksonwy.gov>; Ryan Hostetter <rhostetter@tetoncountywy.gov>

Cc: Cody Pitz <cody@jhwildlife.org>

Subject: RE: WFF update

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Thank you Andrew. Question on the 0 – 4”... does that mean gaps greater than 4” are allowed?

My best,

Renee

Renee Seidler

Executive Director

[Jackson Hole Wildlife Foundation](https://www.jacksonholewildlife.org)

(435) 760-7267 c

Jackson Hole Wildlife Foundation is an inclusive organization.

“Remember that some things are not for sale.”

(Wyoming State Code)



From: Andrew Bowen <ABowen@jacksonwy.gov>

Sent: Wednesday, April 8, 2026 12:53 PM

To: Renee Seidler <renee@jhwildlife.org>; Ryan Hostetter <rhostetter@tetoncountywy.gov>

Cc: Cody Pitz <cody@jhwildlife.org>

Subject: RE: WFF update

Hello,

Rayn is working on the final update. The only substantive change from the current draft will be an added prohibition for small gaps (0-4”) in fence spacing.

Thanks,

Andrew Bowen

Senior Planner

307-733-0440 x1306

abowen@jacksonwy.gov

[Upcoming event, information or link](#)



Town of Jackson

150 E. Pearl Ave, Jackson WY 83001

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From: Renee Seidler <renee@jhwildlife.org>

Sent: Wednesday, April 8, 2026 10:59 AM

To: Ryan Hostetter <rhostetter@tetoncountywy.gov>; Andrew Bowen <ABowen@jacksonwy.gov>

Cc: Cody Pitz <cody@jhwildlife.org>

Subject: WFF update

Hi Ryan and Andrew,

I am checking in on the updated version of the WFF code. Are we still waiting for an update for our letter, or is the draft complete for Planning?

Thank you,

Renee

Renee Seidler

Executive Director

[Jackson Hole Wildlife Foundation](http://JacksonHoleWildlifeFoundation.org)

(435) 760-7267 c

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April 7, 2026

Town of Jackson Planning Commission
Jackson, WY

Re: Comments on Draft Section 5.1.1 – Waterbody and Wetland Protection Standards

Dear Chair Smits and the Town of Jackson Planning Commission,

On behalf of Protect Our Water Jackson Hole (POWJH), we appreciate the opportunity to review and comment on the Town's draft updates to Section 5.1.1, Waterbody and Wetland Protection Standards, as presented in the redlined document.

After reviewing the draft, POWJH is concerned that the proposed updates fall short of providing meaningful protections for Jackson's waterbodies and wetlands. Setback distances remain largely unchanged, and exceptions, such as for agriculture (or irrigation)-induced wetlands, building sites, and utility or road crossings, are overly broad. Given ongoing water quality challenges and increasing development pressure, these provisions risk further degradation of vital riparian areas and wetlands.

This update is an important opportunity to strengthen protections, and POWJH urges the Town to close gaps, clarify definitions, and tighten exceptions to safeguard these critical resources.

Recommended Edits to Setbacks

Cache Creek

- South of the headgate on Cache Creek Drive: **Increase setback from 20 feet to 50 feet**
- North of Cache Creek Drive: **Increase setback from 15 feet to 25 feet**

Rationale:

The steeper gradients south of the headgate increase the potential for erosion and sediment transport, warranting a wider buffer. Expanded setbacks would allow riparian vegetation to stabilize streambanks, slow runoff, and filter nutrients before entering the creek. Retaining current setbacks does not adequately address these site-specific risks.

Flat Creek

- North of the westerly extension of the southern right-of-way line of Hansen Avenue: **Increase setback from 25 feet to 75 feet**
- South of the westerly extension of the southern right-of-way line of Hansen Avenue: **Increase setback from 50 feet to 100 feet**

Rationale:

Flat Creek was listed as an impaired waterbody by the Wyoming Department of Environmental Quality (WDEQ) in 1996 as part of the state's water quality reporting under the federal Clean Water Act. The creek is impaired due to habitat degradation and substrate modification from sediment caused by runoff (stormwater). Existing setbacks have not prevented pollutant loading, and the draft does not propose improvements. Maintaining current standards is inconsistent with the Town's water quality goals. Expanded setbacks are necessary to provide effective filtration and improve long-term conditions.

We have developed GIS maps illustrating the proposed buffer areas and would be happy to share them or meet to review them in more detail.

Recommended Edits to Permitted Wetland Impacts:

- **Section G.2.i: High-Intensity Use Degrades Wetland/ Wetland Agriculture Induced:**

We are recommending a language change from "agriculture-induced wetland" to "irrigation-induced wetland," please see section below for further explanation.

This exception allows further degradation of wetlands based on a subjective judgment that they are partially impaired or "agriculture-induced." Even if part of a wetland is degraded, the remaining habitat still provides important ecological functions. This exception should be narrowed or removed entirely. It is also unclear whether any environmental assessment would be required before impacts are allowed.

Agriculture/Irrigation-induced wetlands still perform the same critical functions as natural wetlands, including water filtration, flood attenuation, and habitat provision. Creating a separate exception undermines wetland protection.

- **Section G.2.ii: Necessary to Reshape Wetland to Provide Building Site:** This exception should be tightened and subject to rigorous review to ensure all alternatives are considered and impacts minimized. Even small alterations can have significant impacts on the functions of wetlands.

If a proposed development would require intrusion into a wetland, the permit should not automatically allow these impacts. Instead, the reviewing authority should work with the applicant to explore alternatives, including scaling back the size or footprint of the structure to avoid disturbing the wetland.

- **Section G.2.iii: Essential Crossings When No Alternate Site:** The language allowing "essential" utility and road crossings could be easily misused, as the term is not clearly defined. Without strict criteria, this exception could be applied too broadly, resulting in

unnecessary wetland impacts. The provision should be tightened to ensure that all alternatives are thoroughly considered.

Feedback on Proposed Definition and Standard Changes

POWJH appreciates several elements of the Town's draft that move toward stronger protection of water resources. In particular, we commend:

- The prohibition of dumpsters, snow storage, and fertilizer application within buffer areas, which will help reduce pollutant loading to nearby waterways.
- The inclusion of an additional setback for Spring Creek.
- The addition of a 50-foot setback for wetlands.

At the same time, we have several concerns with aspects of the draft that reduce clarity or fall short of best practices:

- In **Section A. Purpose:** The language is changed from *community* to *environment*, this change to *environment* should be consistent throughout the entire document.
- **Section D.1.i:** The stated Buffalo River is more commonly known as the **Buffalo Fork**.
- **Section E. 2.iv:** The removal of the definition and associated buffer standards for natural lakes and ponds. Although these features are limited within Town boundaries, they should still be clearly defined and protected within the code.
- **Section E.3.i:** The allowance of public pathways within buffer areas. Introducing pathways can degrade vegetation and reduce their ability to filter pollutants. POWJH recommends prohibiting additional pathways within designated buffer zones.
- **Section G.1:** "Certain water dependent uses, bona fide stream restoration and enhancement, bona fide stormwater facilities and essential road or utility crossings *that must be* located in or adjacent to waterbodies." "*That must be*" should be replaced with "*that can only be*."
- **Section G.1.i: Flood Control, Irrigation, or Essential Crossings.**
 - Define Essential Crossings. Only Essential Services are currently defined.
- **Section G.2.i:** The draft currently uses the term "agriculture-induced wetlands," which we recommend is changed to "irrigation-induced wetlands."
 - **Recommended definition of irrigation-induced wetlands:** An area that meets the three-parameter definition of a wetland—hydrophytic vegetation, hydric soils, and wetland hydrology, as defined by the U.S. Army Corps of Engineers and U.S. Environmental Protection Agency, where the hydrologic regime necessary to support those conditions is primarily the result of irrigation practices, including seepage from canals or ditches, rather than natural geomorphic or climatic processes.
 - Under Washington State's regulatory framework, irrigation-induced wetlands are regulated and protected in the same manner as natural wetlands.

- **Ornamental Water Features:** We also recommend establishing additional regulations for ornamental water features. Proposals for such features should be subject to heightened review and scrutiny.

With these considerations, POWJH urges the Town to strengthen protections for all wetlands and waterbodies. Thank you for your consideration and for your continued work on this important update. We would welcome the opportunity to discuss these recommendations further.

Respectfully,

A handwritten signature in cursive script that reads "Jennifer Evans".

Jennifer Evans
Advocacy Director
Protect Our Water Jackson Hole

JACKSON HOLE



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Hole Program Coordinator

March 10, 2026

Teton County & Town of Jackson Joint Planning
200 S Willow St
Jackson, WY 83001

Re: Town of Jackson Draft Wildlife Friendly Fencing LDR

Dear Teton County & Town of Jackson Joint Planning Commission,

Jackson Hole Wildlife Foundation is dedicated to advancing wildlife conservation through science, collaboration, and a community of volunteers. We work closely with agency partners to protect and sustain wildlife and their habitats by generating rigorous scientific data to inform management decisions. We actively enhance landscape connectivity for wildlife through hands-on habitat restoration and promote safe coexistence between people and wildlife through outreach and education.

We commend Planning Staff for providing multiple opportunities for our input throughout the development of this code. Early inclusion of expert knowledge provides a strong foundation for informed, balanced decision-making while minimizing unintended impacts to wildlife.

Few municipalities in the United States have adopted wildlife friendly fence regulations to support wildlife movement. The Town of Jackson represents a uniquely important landscape where maintaining wildlife permeability is critical, not only for the health and safety of wildlife but also for the safety of residents. Deer, elk, moose, bears and other species continue to move through town, despite an increasingly built environment. Effective regulations must account for the full range of species and life stages, from small-bodied animals like fawns and calves to large, antlered bull moose.

The draft code reflects thoughtful consideration of both human needs and wildlife protection. We appreciate this balanced approach and offer recommendations to further strengthen wildlife protection and improve clarity and enforceability.

At a structural level, we agree with the comment submitted by Amy Kuszak (April 7th) that the wildlife friendly fence section 5.1.2. would benefit from reorganization. Specifically, we suggest that Small Exclusionary Areas be incorporated as a subset for Special Purpose Fencing. Additionally, we caution against relying on the Natural Resource Overlay tiered system to differentiate areas of importance within

town regarding fences, as this approach may oversimplify how wildlife navigate around and through fences.

Within Teton County, the allowance for replacement of up to 25% of a nonconforming fence “in kind” has proven difficult to monitor and enforce. To improve compliance and long-term effectiveness, we recommend requiring that all fence repairs meet current Land Development Regulation standards unless a variance is granted, thereby eliminating the 25% replacement provision.

Buck and rail fencing should be permitted only where it is necessary to contain livestock and where alternative wildlife-friendlier options are not feasible. For clarity and consistent enforcement, we recommend specifying that the maximum 38-inch height be measured at the highest point of the rail in the drawing under section 5.1.2.F., as these fences are often asymmetrical.

Dead-end fencing presents risks to both wildlife and people. Animals that enter such areas can become trapped and attempts to assist them may create unsafe situations. If a fence allows passage at one location, it should provide multiple, permanent points of egress to prevent entrapment. The options currently proposed in Section 5.1.2.E.2.i (Options 1–3) do not adequately address this issue. Sliding or drop-down panels rely on human intervention, which is inherently unreliable and may place people at risk. Additionally, options that rely on a 38-inch maximum height do not accommodate young or small-bodied animals that cannot jump. We recommend requiring multiple permanent complete openings as the most effective, safe, and reliable solution.

Regarding Option 4 (Section 5.1.2.E.2.i), we are unclear about its intended purpose, particularly the need for fencing of varying heights. We recommend removing this option from the LDRs.

In Section 5.1.2.E.3, we question the inclusion of hedge height limitations as a tool for improving wildlife movement. This provision may introduce enforcement challenges without delivering clear ecological benefits. We recommend removing references to hedges from this section.

We also suggest adding decorative fencing to Section 5.1.2.D.2 Prohibited Fencing Types. Privacy fencing should also be prohibited unless designed with a minimum 4-foot gap or offset between panels to allow wildlife passage.

Finally, we recommend prohibiting fencing with spikes, pickets, or barbs that extend above the top rail. In addition, vertical fence elements (pickets, planks, etc.) should be spaced less than 6 inches apart to prevent young wildlife from attempting to pass through and becoming trapped.

Thank you for your thoughtful consideration of these recommendations and for your continued commitment to balancing community development with wildlife conservation. We appreciate the opportunity to contribute to this important effort and are happy to provide additional information or clarification as needed.

Sincerely,

Renee Seidler

Renee Seidler
Executive Director
Jackson Hole Wildlife Foundation

Jackson Hole Wildlife Foundation
PO Box 8042, Jackson, WY 83002
(307) 739-0968 | www.jhwildlife.org