

Regular Town Council Workshop

May 18, 2026

1:30 PM - 4:30 PM

Town Council Chambers

Chair: Arne Jorgensen

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.

I. ZOOM LINK FOR PUBLIC PARTICIPATION

The Town reserves the right to close Public Comment via Zoom at any time. In-person comment will continue to be taken and written comments can always be submitted to Town Council by emailing electedofficials@jacksonwy.gov.

- A. To join, click link or copy it to your browser: <https://us02web.zoom.us/j/89919632524?pwd=tbe4rL5Nk7NaMMUzoRrWoVBCZnuGJd.1>
Or join at zoom.com with Webinar ID: **899 1963 2524** and Password: **83001** or by phone: **1 346 248 7799**

II. CALL TO ORDER AND ROLL CALL

III. ANNOUNCEMENTS

- A. Employee Introductions - Karl Meyer, Teton Valley Commuter Operator, Harrison Shipp, IT Systems Support & Engineer, Jacob Hitchner, Water Utility Operator, Shawn Taggart, Street Operator, Audrey Jones, Eco Stewardship Summer Intern, Matteo Morello, Eco Stewardship Summer Intern

IV. WORKSHOP ITEMS

- A. Town Employee Housing Strategy (David Garcia, 45 mins)
B. Natural Resource Overlay (NRO) Zoning Map Amendment and Text Amendments (Ryan Hostetter, 90 mins)
C. Joint Powers Agreements Update - Town Only (Tyler Sinclair, 45 mins)

V. MATTERS FROM MAYOR AND COUNCIL

- A. Board and Commission Reports & Meeting Check-In

VI. UPCOMING AGENDA UPDATE

- A. Working Calendar

VII. ADJOURN

Please note that at any point during the meeting, the Mayor may change the order of items listed on this agenda. In order to ensure that you are present at the time your item of interest is discussed, please join the meeting at the beginning to hear any changes to the schedule or agenda.

Intros for 5/18/2026

Audrey Jones:

Audrey Jones is a recent college graduate from Western North Carolina. She attended Warren Wilson College where she led the beekeeping program and received her bachelors of science in environmental science. Most of her work thus far has focused on native pollinators and their protection. She is excited to continue her journey in environmental science through the Town of Jackson this summer!

Harrison Shipp:

Harrison Shipp has lived in the valley since 1996. He is an Alumni of the Jackson Hole High School and their Robotics Team the Jackson Hole RoboBroncs where he coaches on the side. When he is not fixing tech issues he is out camping or exploring nature with his family.

Jacob Hitchner:

As a native to Wyoming and having 4th generation roots in farming Jacob has always found satisfaction in work that not only gives a personal sense of accomplishment but is also inherently valuable to the community.

He looks forward to working alongside the Public Works team with this same work ethic in a position that is valuable to the Town of Jackson and community."

Shawn Taggart:

Shawn Taggart is a Wyoming native who grew up working on his family's ranch in Etna and developed a lifelong love of rodeo, competing in roping, bareback, saddle bronc, and bull riding. Shawn and his wife, Kerri, have been married 45 years and have two children, seven grandchildren, and one great-grandchild. After a long career in Environmental Services and living throughout the Southwest, they returned to Wyoming, where they enjoy trail riding, camping, and spending time with family.

Karl Meyer:

Karl is a returning employee who once worked for the START system as a part-time operator and then as a full-time supervisor. He recently retired from a 30+ year local career in financial services. He lives in Victor, Idaho and is a full-time commuter driver for Teton Valley.

Matteo Morello:

Matteo Morello is a recent Environmental Economics graduate from Eckerd College in Florida who moved to Jackson last summer. Since arriving, he has been embracing the outdoors spending his time fishing, biking, hiking, skiing and overall thoroughly enjoying the Jackson area. He is excited to begin work as the Environmental Stewardship Intern for the Town of Jackson assisting with sustainability initiatives throughout the summer.

STAFF REPORT



Meeting Date:	May 18, 2026	Meeting Title:	Town Council Workshop
Submitting Department:	Administration	Presenter:	David Garcia
Agenda Item:	Town Employee Housing Strategy – Goal and Objectives	Public Comment:	Yes

Purpose & Policy Considerations.

The purpose of this item is for Council to review and provide direction on the goal and objectives that will guide the Town's Employee Housing Assessment and Strategy. These goals and objectives were developed through individual Council interviews conducted by Navigate, LLC and subsequently refined by an employee Working Group. Consideration and input at this meeting establish the policy level framework Navigate will use to develop the full housing strategy, which Council will review and approve at a future meeting. Navigate will present the goal and objectives at the workshop and will lead the discussion with Council.

Recommendations.

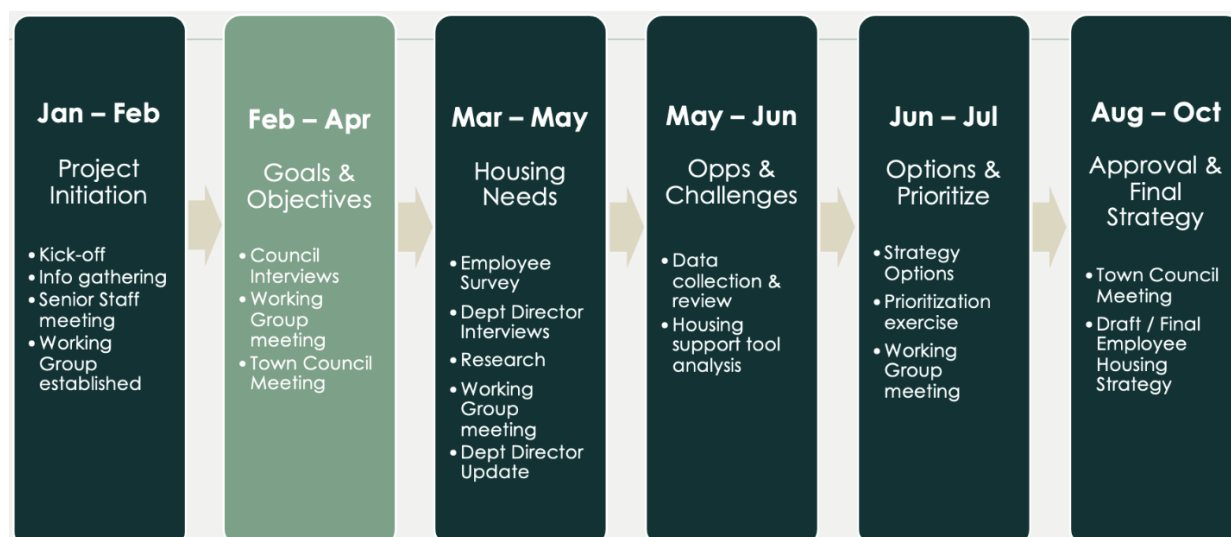
Staff recommends Council provide direction on the proposed Employee Housing Strategy goal and objectives to guide the remainder of the project. The goal and objectives as presented reflect meaningful input from individual Council interviews, eleven Department Director interviews, an all-employee housing survey, and a ten-person employee Working Group, and are ready for Council direction.

Background.

The intent of Navigate's process is to produce an Employee Housing Strategy that is crafted by employees with policy direction and approval from the Town Council. The employees are engaged in three manners:

1. All employees had the opportunity to share their housing situation and housing needs through a confidential on-line survey.
2. Navigate interviewed 11 Department Directors and Administrators to understand the specific needs of each department. In addition, the Department Directors are updated on the process as it progresses and asked to provide feedback.
3. A Working Group of 10 employees with diverse housing and work experiences has been established to meet with Navigate to review, ground truth, and shape each phase of the process. Please note, there are no Department Directors in the Working Group.

The Town Council is being asked to provide input on the framework to guide the development of an Employee Housing Strategy to be reviewed and approved by Town Council at a future date. Below is a timeline of the process:



Goal and Objectives:

To help craft a goal and objectives, Navigate held individual interviews with the Mayor and Town Councilors. Each was asked the same set of questions and from those responses, trends were identified that formed the basis of a draft goal and objectives. Navigate then facilitated a meeting with the Working Group that included reviewing, discussing and incorporating feedback to further refine the goal and objectives that are presented below for Council review. These objectives will be validated, refined, or adjusted based on findings of the all-employee survey, feedback from the Department Director interviews, and further input from the Working Group.

Goal: Be a leader in providing employee housing by strategically investing in a practical supply of stable, affordable housing options that meet the needs of employees and enables the Town of Jackson to recruit and retain qualified individuals, effectively provide municipal services, and maintain a good workplace culture.

Objectives:

1. **Location.** Prioritize suitable housing opportunities in Teton County, Wyoming to foster community and enable rapid response when needed by having town employees live where they work.
2. **Rent / Own.** Develop a mix of rental and ownership opportunities to meet the diverse needs of employees with flexibility to move between units to meet changing life conditions.
3. **Type of units.** Secure a mix of housing types (townhomes, apartments, duplexes, single-family homes, etc.) at different price points and bedroom sizes to accommodate various household makeups.
4. **Affordability.** Set rents and establish purchase prices at levels that employees are comfortable paying to live here and prosper.
5. **Percentage of employees to be housed.** Secure housing units for 70% of town employees and consider housing assistance to assure housing stability for all employees.
6. **Occupant selection.** Ensure a transparent selection process. Recognizing that all employees are important and inventory will be limited, begin by prioritizing critical service providers and hard to fill positions.
7. **Suitability.** Invest in quality units that meet the livability standards of employees, including sufficient number of bedrooms and bathrooms, good sound separation, adequate storage and parking, and ability to have pets.
8. **Unit quality.** Support funding and capacity to properly maintain housing units.

Analysis & Key Questions.

Below, staff and the consultant have provided background for the goal and each objective as presented above.

Goal - Be a leader in providing employee housing by strategically investing in a practical supply of stable, affordable housing options that meet the needs of employees and enables the Town of Jackson to recruit and retain qualified individuals, effectively provide municipal services, and maintain a good workplace culture.

The Working Group wanted the goal to be inspirational and forward looking. It was expressed that the Town has a Comprehensive Plan goal of housing 65% of the workforce locally and is falling short. It was viewed that the Town should be an example to lead other businesses and help move the needle. There was a consistent message from Council to use taxpayer money strategically and have a variety of options. The Working Group attached meaning to certain phrases that were adjusted to better address getting a genuine mix of units that employees want and that addresses their needs.

Key Question 1: Does Council support the goal as written, and does it reflect the policy direction Council provided during individual interviews?

Objective #1 - Location. Prioritize suitable housing opportunities in Teton County, Wyoming to foster community and enable rapid response when needed by having most town employees live where they work.

There was consistency among the Council and Working Group that it is important to have the core Town workforce living locally. This means our strategies will not include building housing for Town employees outside of Teton County, WY. Some common themes were keeping tax dollars local, reducing the stresses of commuting, improving workplace culture, providing better service to the community, and being able to respond in the uncommon event that the pass or canyon is closed.

Objective #2 – Rent/Own. Develop a mix of rental and ownership opportunities meet the diverse needs of employees with flexibility to move between units to meet changing life conditions.

This recommendation allows for flexibility in crafting housing strategies by not defining a strict mix, including the ability to incorporate Employee Housing Survey data into proposed strategies. The Working Group expressed apprehension that the mix would lean too heavily toward rentals, setting up an uncomfortable and interdependent link between housing and employment. There is also a tension for the TOJ as an organization in providing ownership opportunities that aren't tied to employment, as they may result in an investment that doesn't support the organization but still helps the individual and assists in achieving the Comprehensive Plan goal of housing 65% of the workforce locally.

Objective #3 – Type of Units. Secure a mix of housing types (townhomes, apartments, duplexes, single-family homes, etc.) at different price points and bedroom sizes to accommodate various household makeups.

The general mix of housing types is to capture creating a practical supply of options, not just apartments or only 1-bedrooms, but some townhomes, 2-bedrooms, etc. It also offers flexibility to incorporate point in time survey data about the needs of current employees to shape strategy recommendations (i.e., bedroom mix and price points).

Objective #4 – Affordability. Set rents and establish purchase prices at levels that employees are comfortable paying to live here and prosper.

Key aspects of this objective are the 'comfortable paying' instead of setting a specific percentage of income and the term 'prosper' instead of just being able to have a place to live in the Valley. Survey data will provide Household Income data, which allows us to calculate a percentage of income that they can 'afford to pay' on housing costs. This data will also include what households are comfortable paying for housing. This tends to vary by a household's size and their stage in life, which relates to other common living expenses. Prosper is to capture what we heard about the desire to retain employees, offering a high quality of life to employees so they stay working for the Town.

Objective #5. Percentage of employees to be housed. Secure housing units for 70% of town employees and consider housing assistance to assure housing stability for all employees.

The 70% figure represents housing units in Teton County, WY, that are available to Town of Jackson employees (but not necessarily owned by the Town). This number takes into account that not every employee will want to live in government provided housing and employees will have other housing options more desirable to them. For example, some employees

will want to own a home outside of Teton County to get more space and have some land, some will live in market rentals, some might be in a secure community deed restricted home, or their partner may have housing provided by an employer, etc. For the other 30%, the second half of the recommendation gets at assuring housing stability in any location for all employees, and may include down payment assistance, bus passes, flexible work schedules, shared appreciation mortgages, stipends, etc.

Objective #6 – Occupant Selection. Ensure a transparent selection process. Recognizing that all employees are important and inventory will be limited, begin by prioritizing critical service providers and hard to fill positions.

Feedback was consistent that all employees are important, balanced with a practical reality that it will take time to build the housing program. During that timeframe, the objective is to prioritize Town Critical Response positions who are sworn law enforcement, water and wastewater operators and technicians, IT positions, snow removal operators, and mechanics. Employee housing units are often set aside to help fill open positions, and there are few vacant positions at the Town.

Objective #7 - Suitability. Invest in quality units that meet the livability standards of employees, including sufficient number of bedrooms and bathrooms, good sound separation, adequate storage and parking, and ability to have pets.

It is challenging for organizations to determine ‘wants’ from ‘needs’ as it relates to housing suitability. This is compounded by the fact that the people making this decision tend to live in stable housing that meets their household needs, making it hard to relate to employees that are struggling to find housing that meets their needs. The items brought forward in this recommendation are those commonly stated by employees in high cost housing markets and confirmed by the Working Group as items employees need in housing to stay in the community. While some employees may tolerate less than desirable conditions for a short time to live in Jackson, unless they find suitable housing within a few years, they tend to leave.

Objective #8 – Unit Quality. Support funding and capacity to properly maintain housing units.

Unit quality, timely response to repair requests, and well maintained units are important aspects of employees feeling respected and impact their satisfaction with their place to live.

Key Question 2: Does Council support the eight objectives as written? If not, which objectives require revision and what direction should staff and Navigate incorporate going forward?

Possible Alternatives.

Alternative 1: Direct staff to incorporate the goal and objectives as presented.

Staff recommends this alternative. The goal and objectives reflect Council input, employee input, and Navigate's professional assessment and are appropriate to guide the next phase of strategy development.

Alternative 2: Direct staff to amend specific elements of the goal or objectives before proceeding.

Council may direct staff and Navigate to revise specific language — for example, setting a defined rental-to-ownership ratio, adjusting the 70% target, or modifying the location objective. Staff does not recommend setting fixed parameters at this stage as the strategy development process is specifically designed to let survey data and employee input shape those parameters. However, if Council has specific policy direction it wishes to embed now, Navigate can incorporate that direction.

Alternative 3: Table the item and request additional information before providing direction.

Council could defer providing direction to a future meeting to allow additional time for review or additional public input. Staff does not recommend this alternative as the Navigate project timeline depends on Council direction at this workshop to proceed to the next phase.

Comprehensive Plan & Priority Alignment.

This item directly advances two Comprehensive Plan priorities:

- Chapter 3. Responsible Growth Management - Direct at least 60% of future growth into Complete Neighborhoods to preserve habitat, scenery and open space and provide workforce housing opportunities.
- Chapter 5. Local Workforce Housing - Ensure a variety of workforce housing opportunities exist so that at least 65% of those employed locally also live locally.

This item also aligns with Council's 2026 Guiding Principles derived from this year's retreat, "Continuing to Work on Housing and Transportation."

Fiscal Impact.

Approval of the goal and objectives carries no direct fiscal impact beyond the Navigate, LLC contract already authorized in the amount of \$34,000, budgeted in Professional Services in the Employee Housing Fund. This workshop represents the completion of Phase 1 of the Navigate engagement. The remaining phases, strategy development and final Council approval, will be completed within the authorized contract amount.

Staff Impact.

Staff impact to date is approximately 43 hours across Administration, Internal Services, cross-departmental employee working group meetings, and Department Director meetings.

Implementation going forward: Approximately 105 hours including working group meetings, meetings with Department Directors as a group, employees completing the housing survey, and time spent by Administration and Internal Services working with Navigate throughout the project and preparation of staff reports.

Attachments or Links.

None

Suggested Motion.

I move to direct staff to incorporate the proposed goal and objectives as presented today into the Employee Housing Strategy.

STAFF REPORT



Meeting Date:	May 18, 2026	Meeting Title:	Workshop
Submitting Department:	Planning Department	Presenter:	Ryan Hostetter
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.

The purpose of this item is to publicly review a change to these LDRs (and the Official Zoning Map) to ensure that it improves implementation of the Jackson/Teton County Comprehensive Plan or address other health, safety, or welfare issues in the community. Text Amendments and Zoning Map Amendments to the Town of Jackson Land Development Regulations (LDRs) and Official Zoning Map require review and approval by the Planning Commission and Town Council according to LDR Sections 8.7.2. and 8.7.3.

This item includes staff-proposed amendments for the following:

- Amend the Natural Resources Overlay (NRO) within the Town of Jackson’s official zoning map to a Tiered Natural Resources Overlay;
- replace Section 5.2.1 with a new Section 5.2.1 specific to the Tiered NRO Standards;
- replace Section 8.2.2 Environmental Analysis with a new Section 8.2.2. Natural Resources Assessments process;
- amend Section 5.1.1 for Waterbody and Wetland Buffers;
- add a new Section 5.1.7 for Retaining Walls; and
- revise Section 5.1.2. for Wildlife Friendly Fencing.

Recommendations.

Staff has no formal recommendation on adoption at this time as this item is before Council as a workshop for direction. Staff has provided draft redline LDR amendments for Council review and is seeking direction on the key policy questions identified in this report.

Planning Commission Recommendations:

PM26-0005

The Planning Commission 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 Commission recommends **approval** of Text Amendment PM26-0006 to amend LDR Sections 5.2.1 (NRO), 8.2.2 (NRO Process) with the following changes:

- *Removal of exemptions from the tiered NRO process section 5.2.1.E for Affordable Housing Projects, accessory structures, and the Planning Commission was split on removing the Agricultural Exemptions. The Planning Commission requested that the Town Council review and consider removal of Agricultural Exemptions from the NRO Process.*

PM26-0007

The Planning Commission recommends **approval** of Text Amendment PM26-0007 to amend LDR Section 5.1.1 - Waterbody and Wetland Buffers as drafted by staff.

PM26-0008

The Planning Commission recommends **approval** of Text Amendment PM26-0008 to amend LDR Section 5.1.2 - Wildlife Friendly Fencing as drafted by staff with the following change and two policy directives:

- *The base and mid-tier fencing standards be combined, with some Commissioners questioning whether a higher percentage for 6' fencing might better balance land owner needs with wildlife movement. (Reflected in Council Draft)*
- *Entrapment in D.2.4. be a code enforcement issue*
- *The Town consider fencing permits*

PM26-0009

The Planning Commission recommends **approval** of Text Amendment PM26-0009 to add a new section 5.1.7 - Retaining Walls with the condition that the Town Engineer review the proposed length for smaller lots within the Town.

Background.

During a Regular Town Council Workshop on November 17, 2025, staff presented an update related to the NRO. Initial feedback was received by staff to consider during the drafting process. Major feedback themes included investigating wildlife permeability, benefits to water quality, as well as ensuring the proposed LDRs reflect the urban context of the Town.

These amendments were included within the Joint Long Range Planning FY26 Work Plan during the May 19, 2025, Joint Meeting. The Town Council identified updates to the NRO, including standards for Wetlands/Waterbodies and Wildlife-Friendly Fencing as priority planning initiatives. 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, the Jackson Hole Conservation Alliance, and concerned citizens. In addition, staff facilitated an evening discussion at the Library on March 12, 2025, where at least 40 residents attended and provided informal feedback to staff.

All proposed amendments aim to better protect the health of native species. The amendments include the introduction and implementation of a tiered Natural Resources Overlay (NRO), updates to better facilitate wildlife permeability and limit entrapment as a result of fencing, wetland and waterbody buffers, and the introduction of new wildlife friendly retaining wall regulations.

Teton County adopted a tiered NRO on February 18, 2025, and now the Town is proposing to do the same utilizing the same science which went into the County's process. 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 urban development patterns.

The Planning Commission reviewed the proposed amendments over multiple hearings beginning in early 2026. The Planning Commission's recommendations on specific provisions are noted throughout the Analysis section below. The wildlife friendly fencing amendment was continued by the Planning Commission on April 15, 2026 and reviewed again on May 6, 2026, the Planning Commission's recommendations from that hearing are reflected in the wildlife friendly fencing section of this report.

Analysis & Key Questions.

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”. 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 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 an 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.

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. The updated tiers and corresponding LDRs recommended by staff provide a practical, predictable, and administratively feasible framework for the Town's urban environment.

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 (the Planning Commission recommending removing this), agricultural uses, affordable housing projects (the Planning Commission recommended removing this), 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 #1.

Does the Town Council support adopting a new tiered Natural Resource Overlay (NRO) map and related LDRs which integrate all areas of town into the overlay instead of the current "in or out" system?

Key Question #2.

Does the Town Council agree with staff's recommendation that habitat mitigation only be required for High Tier properties greater than one acre?

Key Question #3.

Does the Town Council agree with staff's list of exemptions, including affordable housing projects, or should some be omitted or added?

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.

Staff have received several comments related to the Waterbody and Wetland Buffer section. Some comments include requests to increase the buffer distances, and redefining wetlands. Commenters have requested that the creek buffers for Flat Creek go from 25 feet (north of Hansen Ave) to 75 feet, and from 50 feet to 100 feet south of Hansen Ave. Commenters have requested that Cache Creek increase from 20 feet to 50 feet south of Cache Creek Dr., and from 15 feet to 25 feet north of Cache Creek Dr. The rationale generally stems from the water quality of Flat Creek being designated as impaired by Wyoming Department of Environmental Quality, and that Cache Creek contains steep gradients (embankments). Staff do not recommend these large increases due to the following:

- The reason for the impaired designation is from sediment and E Coli. It is staff's understanding that while additional vegetative areas along waterways help with filtering sediment from runoff, the major issue for sediment in the creeks today with our existing development is from stormwater runoff from the Town's streets and parking areas going into storm drains. Adding 5, 10, 15 or even 50 feet to waterbody buffer is not going to change the sediment or E Coli problem for Flat Creek. The Town Public Works Department is currently undertaking a large effort to develop stormwater infrastructure which will capture and filter the water before entering the creeks. These types of projects will have major water quality benefits in Town. Staff believe that the additional buffer would cause undue burden to private property rights (including taking of entire properties) while not achieving a notable water quality benefit in the Town as staff has not found science to support the changes in the buffer for water quality with regards to development in the Town setting. In addition, since most properties are connected to the Town sewer system, the problem from E Coli is generally known to originate outside of the Town's jurisdictional boundary.
- Staff have analyzed the different buffers along the waterways and have concluded that due to the nature of existing development, and the many small lots along the waterways, the existing buffers are adequate. With the expanded buffers entire properties and portions of neighborhoods would be within the buffers. This would create hundreds of properties that would become non-conforming if the maximum buffers were put in place.

There were additional comments related to changing wetland definitions. Staff do not recommend amending the definition of wetlands (agricultural induced wetlands) as this is generally not an issue within the Town, and staff do not believe enough analysis has been conducted to warrant this change.

Key Question #4.

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

Key Question #5

Does the Town Council agree with staff's recommendation to keep the buffer distances the same as the existing LDRs?

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, maintained line of sight, and a maximum individual wall height of 5 feet.
- 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 #6.

Is the addition of the recently adopted retaining wall regulations from Teton County warranted in the Town's urban environment?

Wildlife Friendly Fencing.

During their April, 15, 2026 hearing, the Planning Commission reviewed an initial draft for fencing, and requested more time to narrow fencing options prior to the Town Council's review. The item was continued to the May 6, 2026, Planning Commission where a recommendation for approval with conditions was agreed upon.

The Wildlife Friendly Fencing LDR amendments have taken the most amount of time compared to other sections noted in this report. Several community members, non-governmental organizations, agency staff, and the Planning Commission all spent considerable amount of time working through the complicated in's and out's of revised fencing LDRs. Major themes and concepts, however, have risen as a primary focus for the updates to fencing:

- A focus on permeability through the Town, and specifically some areas of town more than others.
- A focus on reducing entrapment and entanglement of wildlife due to fencing

With these overarching themes, guidance from Wyoming Game and Fish Department (WGFD), and data provided through Wyoming Department of Transportation studies of mule deer through and around the Town, staff was able to provide a simple approach to amended LDRs which are attached to this report. Major LDR changes include the following topics:

- Updated wildlife friendly fencing regulations throughout the entire Town. Currently wildlife friendly fencing is required within the NRO as currently mapped (from the 1994 NRO) with a maximum height of 38”.
- A new list of prohibited fence materials and types which are found to be dangerous to wildlife due to entanglement which would apply throughout Town (in all NRO Tiers).
- Increased permeability requirements for the Mid and High Tiers of the Natural Resources Overlay and specific regulations based on NRO Tier:
 - Base Tier: No additional regulations for fences in the Base Tier except for prohibited fence types and materials which apply Town wide.
 - Mid Tier: 38” height requirement for fences but with added flexibility. The added flexibility in the Mid Tier would allow portions of a property to maintain a 6’ rear yard fence and a 4’ front yard fence for portions of the property (not the entire perimeter).
 - High Tier: 38” height requirement which is consistent with the current NRO standards (from 1994).
- Implementation of the changes would necessitate additional education with the public and updated procedural changes within Planning for an over the counter or simple fence permit process in order to track and effectively implement the changes. Staff would request a delayed implementation date to solidify these administrative tasks and work on additional outreach with the public.

Key Question #7

Is the expansion of wildlife friendly fencing at a maximum height of 38” and additional prohibited fence types (such as chain link and wrought iron bars with spacing greater than ½ inch) appropriate for all properties within the Town boundaries?

Key Question # 8

Should some properties in the Town, such as those in the Base Tier of the NRO have less restrictive fence requirements (e.g. allow for standard 6’ perimeter fencing with 4’ in the front setback)?

Possible Alternatives.

The following alternatives are available to Council for each component of the proposed amendments.

Alternative 1: Direct staff to proceed with the amendments as presented. Staff supports this alternative for all components where staff positions are stated in the Analysis section above. The amendments reflect eight months of research, stakeholder engagement, Planning Commission review, and public input.

Alternative 2: Direct staff to revise specific provisions before returning for formal action. Council may direct staff to modify specific provisions, for example, adjusting buffer distances, modifying the exemption list, changing the tier thresholds, or adjusting fencing standards, and return with revised language at a future meeting. This is the expected outcome of a workshop and staff welcomes specific direction.

Alternative 3: Direct staff to conduct additional analysis or stakeholder engagement on specific components. Council may determine that specific components, for example, the wildlife friendly fencing standards or wetland buffer distances, require additional analysis or public engagement before proceeding. Staff can identify the time and resource implications of additional engagement on any specific component.

Alternative 4: Decline to adopt one or more of the proposed amendments. Council could decline to adopt some or all of the proposed amendments. Staff notes that declining the NRO zoning map amendment would leave the 1994 NRO in place, which staff has identified as out of date and inconsistent with Comprehensive Plan Policies 1.1.a and 1.1.b. Staff does not recommend declining the core NRO amendments.

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.

Several comments have been received and are attached to this report for consideration.

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.

In addition, Konveio is an online platform which allows the public to review large documents and plans, provide online comment and see others comments. The County and Town have subscribed to this service in order to facilitate an easier way for the public to review amendments to LDRs and larger plan updates. The draft amendments have been available for public review and publicized since March 1, 2026. Overall engagement for the project has been limited to a few interested community members and non profit organizations. 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 Town Council 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 Town Council 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.

Text Amendments 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 5.1.2, and P26-0009 Retaining Walls 5.1.7. Factors to Consider:

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, and Waterbody and Wetland Protection
- Add Section 5.1.7 (Retaining Walls) to address wildlife permeability
- Update Section 5.1.2. for Wildlife Friendly Fencing to address wildlife/human conflict and 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 waterbodies, fencing, 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)
- Maintain existing setbacks and variance pathways for waterbody and wetland standards

- Offer flexible design options for retaining walls and fencing 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
- 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.

Long-term implementation of the new wildlife friendly fencing standards will require significant additional staff time to administer and enforce. Town planning staff anticipate that we will need to add a new fence permit requirement for all new fencing proposed in the Town. The Town currently does not require a permit to construct a fence but we do require that landowners know and follow the LDR rules for fence height, materials, design, and location. While this approach worked reasonably well in the past, we are increasingly finding that new fences frequently do not meet all the standards, creating enforcement issues. Adopting the proposed wildlife friendly fencing standards will significantly increase the number and complexity of fencing rules that Town landowners must follow and staff must enforce. Staff cannot provide an accurate estimate of additional staff hours required to manage a new fence permit process, but it is probably between 50-100 hours per year.

Staff will assess whether the additional enforcement workload associated with the wildlife friendly fencing standards can be absorbed within existing capacity or whether a future staffing request will be needed. This assessment will be included in the full strategy report returned to Council following this workshop.

Attachments & Links.

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

Suggested Motions.

Item A: NRO Zoning Map Amendment

I move to direct staff to prepare a draft zoning map amendment (P26-0005) to update the Natural Resources Overlay to a Tiered Natural Resources Overlay, as presented in this staff report dated May 18, 2026, including any changes discussed by the Council at this workshop.

Item B: NRO Standard and Process

I move to direct staff to prepare a draft text amendment (P26-0006) to update the NRO standards (Sec. 5.2.1) and process (Sec. 8.2.2), as presented in this staff report dated May 18, 2026, including any changes discussed by the Council at this workshop.

Item C: Waterbody and Wetland Buffer

I move to direct staff to prepare a draft text amendment (P26-0007) to update Waterbody and Wetland Buffer standards (Sec. 5.1.1), as presented in this staff report dated May 18, 2026, including any changes discussed by the Council at this workshop.

Item D: Retaining Walls

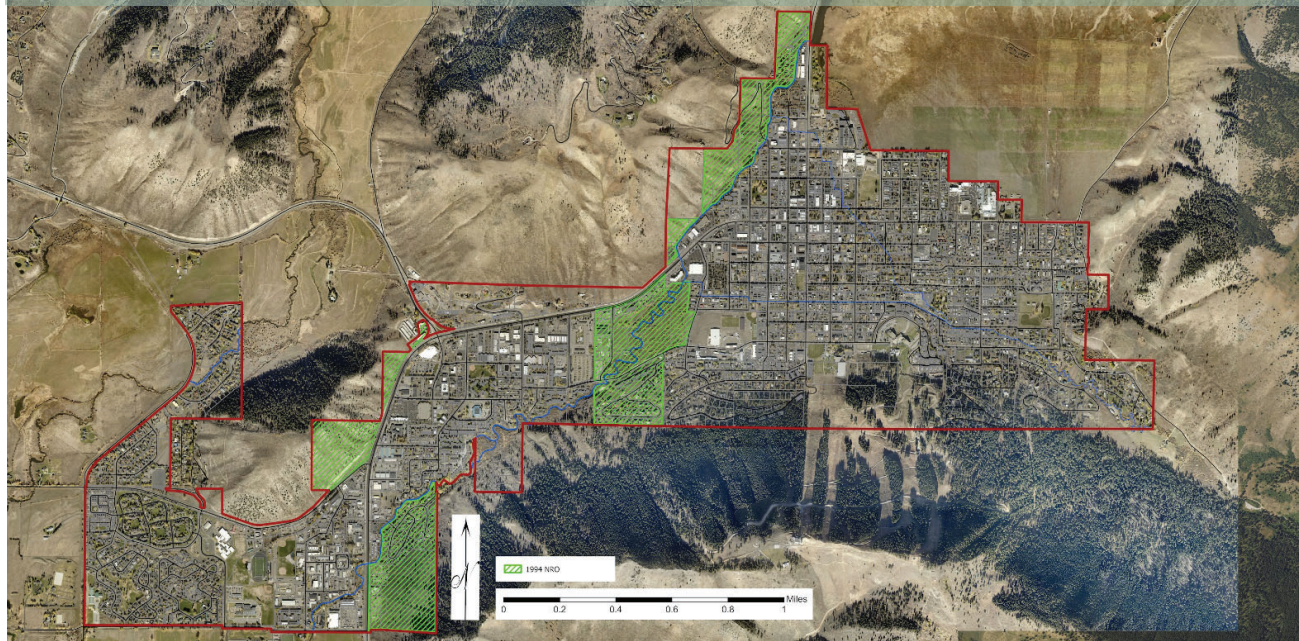
I move to direct staff to prepare a draft text amendment (P26-0009) to add new standards for retaining walls (Sec. 5.1.7), as presented in this staff report dated May 18, 2026, including any changes discussed by the Council at this workshop.

Item E: Wildlife Friendly Fencing

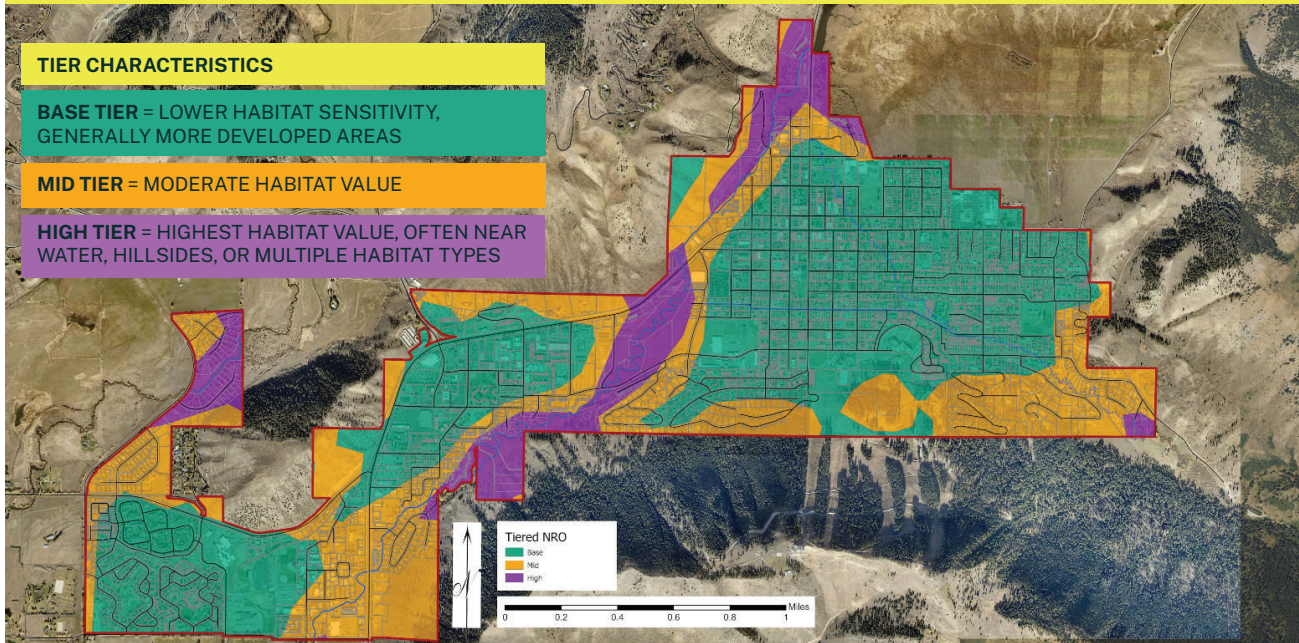
I move to direct staff to prepare a draft text amendment (P26-0008) to update standards for wildlife friendly fencing (Sec. 5.1.2), as presented in this staff report dated May 18, 2026, including any changes discussed by the Council at this workshop.

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.



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).** 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:

1. **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.
2. **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.
3. **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:

- i. Waterbodies and Wetlands (Sec. 5.1.1.).
- ii. 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.
- iii. 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.

- E. 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 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.
 - i. 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. **Wildlife Urban Interface (WUI) Mitigation.** Boni fide WUI mitigation or wildfire resiliency work conducted by a local, state, or federal agency.
10. **Other.** The Planning Director may waive the requirement for an Environmental Assessment if the development complies with the following:
 - i. 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
 - ii. 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.

F. Standards of the NRO.

1. Base Tier Natural Resources Protection.

- i. 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

- i. 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.
- ii. Process. A Natural Resources Desktop Checklist shall be completed per the requirements in Sec. 8.2.2.
- iii. 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.
- iv. Physical development must demonstrate wildlife permeability if located within one-half a mile of a planned or mapped wildlife crossing.
- v. 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.
- vi. 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

- i. 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.
- ii. Location. Physical development or use shall limit the amount of habitat fragmentation.

- iii. 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.
- iv. 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.
- v. Physical development must demonstrate wildlife permeability if located within one-half mile of a planned or mapped wildlife crossing.
- vi. 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.
- vii. Process. Unless exempted, an Environmental Analysis shall be prepared per the requirements in Sec. 8.2.2.
- viii. 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.

G. 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
 - i. Mitigation shall restore native habitats through vegetative cover type planting(s) of native species.
 - ii. Protected natural resources which require mitigation include the following:
 - a. Low Shrub (e.g. sagebrush)
 - b. Coniferous Forest (e.g. spruce, pine, mixed conifer)
 - c. Tall Shrub (e.g. non-wetland willow, serviceberry, chokecherry)
 - d. Deciduous Forest (e.g. cottonwood, aspen)
 - e. Wetlands (all types, see Sec. 5.1.1)
- 3. Habitat Mitigation Plan.
 - i. An application that requires mitigation pursuant to this Section shall include a Habitat Mitigation Plan.

- ii. The Habitat Mitigation Plan shall be prepared by a qualified professional as defined by Subsection 8.2.2.C.
- iii. The Habitat Mitigation Plan shall:
 - a. Quantify the amount of habitat impacted; and
 - b. Calculate the required vegetative cover type planting(s) required for mitigation; and
 - c. Detail the method, species, plant origin, location, and design of the proposed vegetative cover type planting(s); and
 - d. If applicable, detail why a higher priority mitigation method is impractical, and
 - e. Include the monitoring plan and metrics for determining successful natural viability of native plants; and
 - f. 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
 - g. 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.
- iv. 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.

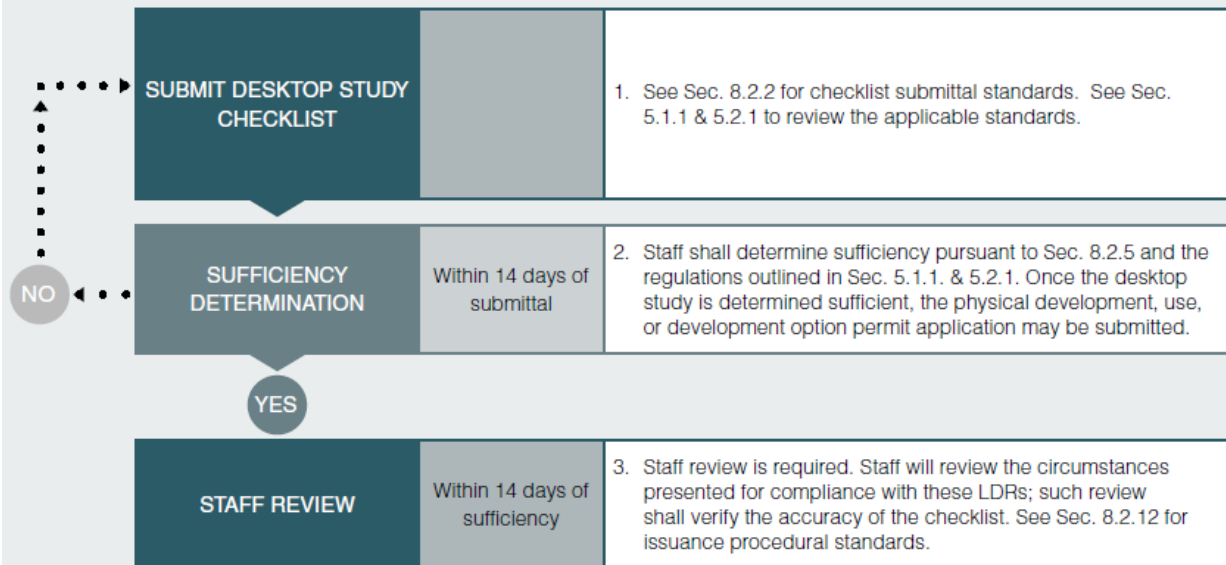
- A. **Purpose.** The purpose of the Natural Resources Assessment is to coordinate the application of all natural resource protection standards through identification of the natural resources on the site. The Natural Resources Assessment will accurately determine the resources present on a subject property 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.
 - i. **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:
 - a. Desktop Checklist inclusive of description of natural resources present, proposed impacts to natural resources and any supporting documentation; and
 - b. Map showing natural resources, setbacks and proposed development; and
 - c. 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.

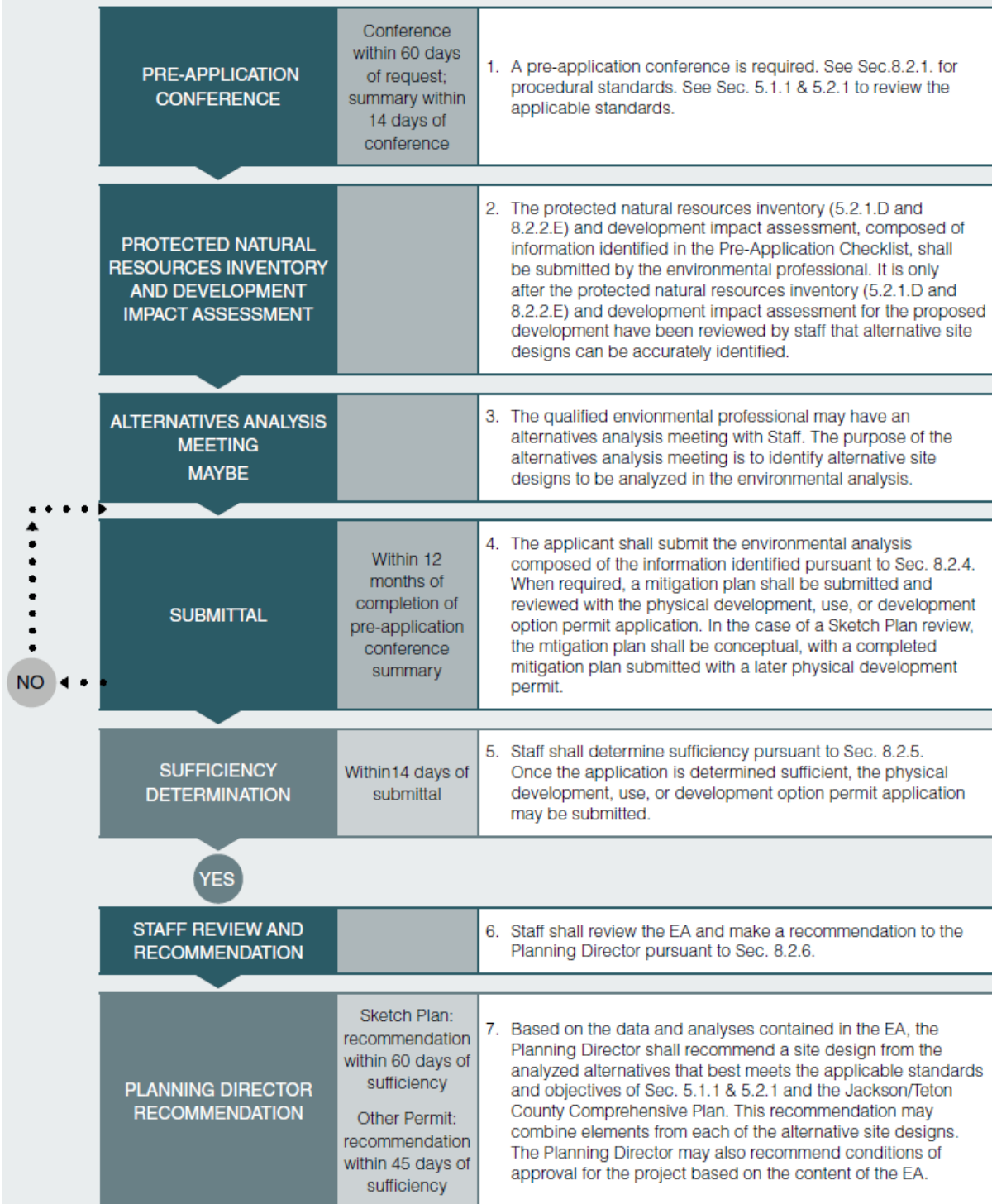
- i. Documentation. An EA will result in a thorough analysis of the natural resources found on the property inclusive of those listed in the Desktop Checklist. This analysis will be inclusive of neighboring properties if those properties include large stands or patches of habitat areas. Documentation submitted shall include:
- ii. 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.
- iii. 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.
- iv. Maps showing location of natural resources, setbacks, and any proposed development and/or site disturbance including utilities and road or access improvements.
- v. Photo documentation of major resources on the property and any proposed development and/or site disturbance areas including utilities and road or access improvements.
- vi. 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.
- vii. 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:
- viii. Certification. The environmental professional shall be certified as a Professional Wetland Scientist, Professional Ecologist, Wildlife Biologist, or Fisheries Biologist.
 - a. Education and Experience. The environmental professional shall have:

- b. M.S., M.A. or equivalent degree in biology, botany, environmental studies, fisheries, soil science, wildlife, range management or a related field; or
 - c. 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
 - d. 5 years of related work experience.
- 3. **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.
- 4. **Adjustment to Level of Natural Resources Assessments.**
 - i. The level of natural resources assessment (checklist vs. EA) can be amended based on review and approval of the Planning Director.
 - ii. 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.
- 5. **Expiration.**
 - i. 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.
 - ii. 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.
 - iii. 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.
- 6. **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:

Desktop Checklist (Base Tier Resource Protection)



Environmental Analysis (High Tier Resource Protection)





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

Name Printed

Title

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

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.
- D. **Resource Definitions Protected Resources.**
1. **Waterbodies.** Waterbodies are ~~natural~~ features (i.e., rivers, streams, lakes) that convey or contain surface water.
 - i. **River.** River means the Snake River, the Gros Ventre River, the Hoback River, or the Buffalo Fork River.
 - ii. **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.
 - a. Stream Types.
 - 1) Perennial Stream. A perennial stream conveys water year-round. (Example Fish Creek and Flat Creek)
 - 2) 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)
 - 3) 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)
 - iii. **~~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.~~

- iv. ~~**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.~~
 - v. **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
 - vi. **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. Cache Creek is considered a ditch where it is above ground north of Cache Creek Drive.
 - vii. ~~**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.~~
3. **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.
- E. **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:
 - i. ~~**Rivers.** 150 feet.~~

- ii. **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.~~
 - iii. **Streams, Specific.** Physical development and use shall be setback from streams as specified below:
 - a. **Cache Creek.** South of the headgate on Cache Creek Drive: 20 feet, North of Cache Creek Drive is considered a ditch and shall maintain a 15 foot maintenance setback.
 - b. **Flat Creek.** North of the westerly extension of the southern ROW line of Hansen Avenue. 25 feet. South of the westerly extension of the southern ROW line of Hansen Avenue. 50 feet.
 - c. **Spring Creek.** 50 feet.
 - iv. ~~**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.~~
 - v. **Wetlands.** ~~30.~~ Adjacent to wetlands, physical development and use shall be located out of the setback/buffer area. 50 feet.
3. **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.
- i. **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.

F. ~~**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.~~

G. Development of Essential Facilities.

- 1. **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.
2. **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.
3. **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.

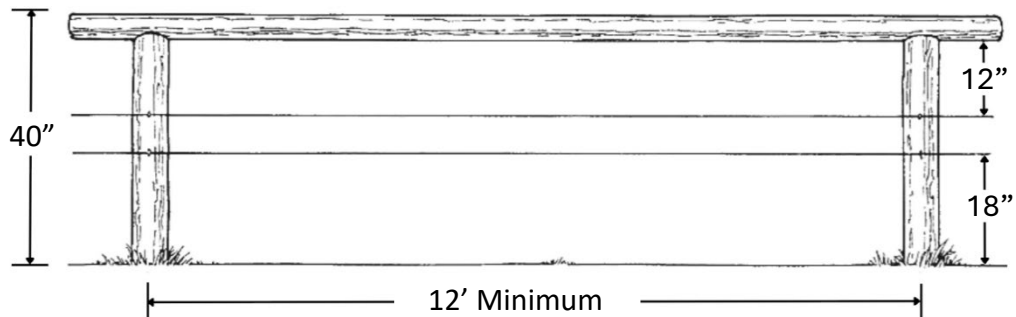
- iii. **Encroachment Into the Buffer.** Encroachment into the buffer is permitted in accordance with this section and does not require wetland mitigation for impacts to the buffer.
 - a. **Wetland Replanting.** The new wetland area shall be planted with a hydric tolerant mix of seeds in suitable areas, wetland plants, and suitable seed bank soils. A wetlands biologist, or other professional with experience in wetland creation, shall certify the planting plan.
 - b. **Persistence.** It shall be demonstrated that the created or restored wetland will be at least as persistent as the impacted wetland system it replaces.
 - c. **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. (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 with the following exceptions:
1. **Small exclusionary areas.** Fencing for a small dog run adjacent to a structure, wildlife attractants such as compost areas, or small garden areas shall allow wildlife to move around the small exclusionary 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.
 2. **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 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.



- 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 20% of the total linear fence perimeter of the individual enclosure being repaired. Once this 20% 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

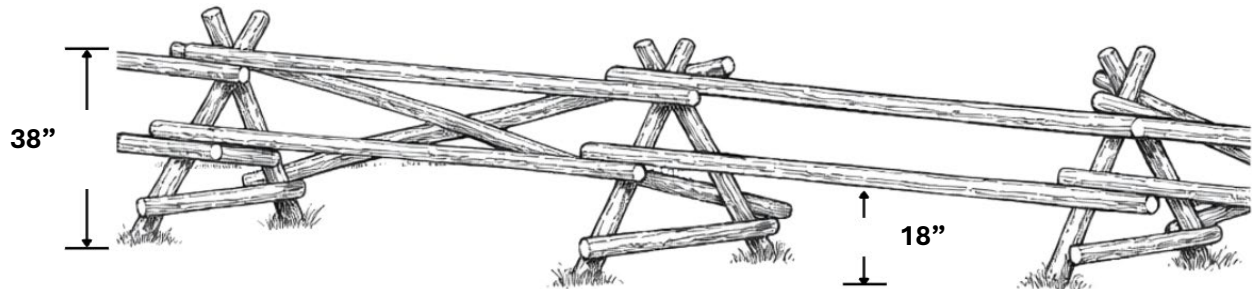
- i. Barbed wire
- ii. Plastic mesh
- iii. Concertina wire
- iv. Woven wire
- v. Chain link except when used for a small exclusionary area as permitted in Subsection I.
- vi. Razor wire
- vii. Uncapped hollow fence posts
- viii. Fencing topped with spikes, ski tips, pickets, or barbs
- ix. Pickett style or fencing where the vertical boards and rails have gaps and spaces. Vertical or horizontal fence elements should be flush, or have gaps less than ½ an inch to avoid any wildlife entanglement. 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 E in this section
- iii. Worm style fencing
- iv. Fencing that creates a dead-end wildlife entrapment area. For the purposes of this section, a “dead-end wildlife entrapment area” shall mean a “fenced area configured such that wildlife entering the entrapment area cannot reasonable identify and access an exit point due to fence construction and configuration inclusive of surrounding development”. Development elements that could create an entrapment area include fence height above 38”, a non-rigid top-rail, limited or obstructed sight lines from the wildlife’s perspective, or other physical barriers that impede clear movement/ escape from the area. Double fencing (adjacent parcels with separate fences rather than a shared fence) and narrow gaps between parallel fences that can funnel animals into confined spaces or create entrapment as identified in 5.1.2.D.2.iv.

- E. **Buck and Rail Fencing.** Buck and Rail fencing shall be avoided. When buck and rail fencing is necessary due to site conditions such as rocky soil, a portion of the fence shall be laid down

and the fence shall be constructed to a height not to exceed 38 inches 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.



- F. **Fencing adjacent to a swale gully, or drop in elevation.** Where fencing is located adjacent or on top of a ditch, swale, gully, retaining wall, or steep slope that may require wildlife to jump or descend, a minimum 8-foot take-off and landing clearance area shall be maintained with a slope no steeper than 30% between the fence and the top or toe of slope.
- G. **Natural Resource Overlay (NRO) Additional Standards.** In addition to the standards above, the following standards shall also apply within the NRO Tiers.

1. **Base Tier Fence Design Standards.**

- i. For the purpose of this section, properties within the Base Tier are those which contain at least 50% or more of the property mapped within the Base Tier, or is determined by the Planning Director to meet the Base Tier criteria as described in 5.2.1.C.
- ii. No additional requirements for fencing within the Base Tier.

2. **Mid Tier Fence Design Standards.**

- i. For the purpose of this section, properties within the Mid Tier are those which contain at least 50% or more of the property as mapped within the Mid Tier, or is determined by the Planning Director to meet the Mid Tier criteria as described in 5.2.1.C.
- ii. All fencing not designed for livestock control shall not exceed 38 inches in height above finished grade and be of a wildlife friendly design.
- iii. Fence sections higher than 38 inches are allowed for no more than 25% of the total fence, and shall not be located immediately adjacent to a neighboring 6' fence without a minimum horizontal separation of 6 feet where the fence is no taller than 38 inches in height. Fencing must also comply with other zoning standards for maximum height, setbacks, and sight distance standards.

3. **High Tier Fence Design Standards.**

- i. For the purpose of this section, properties within the High Tier are those which contain at least 50% or more of the property as mapped within the High Tier, or is determined by the Planning Director to meet the High Tier criteria as described in 5.2.1.C.
- ii. All fencing not designed for livestock control shall not exceed 38 inches in height above finished grade and be of a wildlife friendly design.

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.

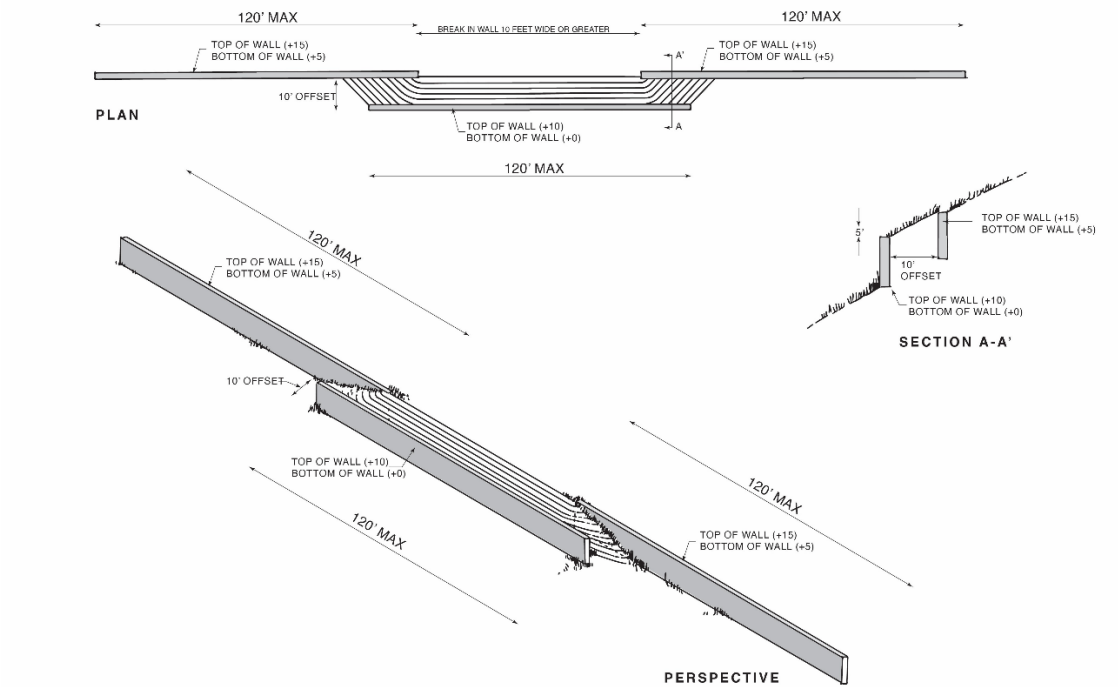
C. Length

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.



Wyoming Game and Fish Department

Conserving Wildlife, Serving People

Governor Mark Gordon • Director Angi Bruce

Commissioners

Mark Jolovich, President
Rusty Bell, Vice President
Ashlee Lundvall
Bill Mai
Carlisle "Fonzy" Haskell
John Masterson
Kenneth D. Roberts

April 28, 2026

WER 15299.01

Town of Jackson

Land Development Regulations Update

Teton County

Mary Tippetts

Planning Coordinator

Planning and Building Department

Town of Jackson

150 E. Pearl Ave.

Jackson, WY 83001

MTippetts@jacksonwy.gov

Dear Ms. Tippetts,

The staff of the Wyoming Game and Fish Department (Department) has reviewed the Town of Jackson's (Town) proposed updates to the Land Development Regulations (LDR). The Department is statutorily charged with managing and protecting all Wyoming wildlife (W.S. 23-1-103). Pursuant to our mission, we offer the following comments for your consideration.

The Town has asked the Department to consider the LDR updates and the potential impacts to wildlife. Unlike other parts of Teton County, the Department does not manage for wildlife habitat within Town limits and, in general, seeks primarily to minimize wildlife conflict. With that in mind, we provide the following for the Town to consider when choosing conditions to include in the updated LDR.

In general, the LDR emphasis on wildlife permeability in the Mid and High tiers may help sustain landscape connectivity for big game species over time. The Department supports the emphasis on permeability to the extent practicable in the High tier specifically. The priority in the Base and Mid tiers to reduce human-wildlife hazards and conflict aligns with Department management goals for higher-density developed areas within the Town of Jackson.

Fencing – We understand there are different approaches related to fencing that are under consideration, including but not limited to:

- Requiring wildlife-friendly fencing in the High tier, with allowances for small exclusionary areas
- Requiring wildlife-friendly fencing in the Mid and High tiers, with allowances for small exclusionary areas

- Incorporating design features such as sliding panels, temporary drop-downs, or gaps within exclusionary fencing in the Base and Mid tiers
- Prohibiting perimeter fencing except for small exclusionary areas
- Prohibiting fencing in front yards
- Requiring wildlife-friendly fencing in front yards

The following wildlife considerations are offered to help inform which fencing-related regulations are incorporated into the updated LDR.

In the High tier, with the Town's emphasis on wildlife permeability, fencing standards can be viewed along a gradient. The absence of fencing provides the highest level of wildlife permeability but we realize is unrealistic and likely unnecessary within Town limits. Wildlife-friendly fencing can also allow for movement, but with limitations (for example, fence height effectively increases on slopes, and any fence presents some degree of restriction). Small exclusionary areas can be effective in reducing direct conflicts by creating separation between wildlife and pets, gardens, and children. Larger exclusionary areas can substantially limit wildlife movement, which is more or less significant depending on the current wildlife use and permeability goals of the location.

The Department's goal in the Base and Mid-tier areas is to reduce human-wildlife conflict. Some exclusionary fencing is appropriate to create separation between wildlife and children, pets, and gardens, etc. However, if individual parcels are fully enclosed with exclusionary fencing, wildlife movement could be constrained to roads and sidewalks, increasing the potential for conflict or entrapment.

Regardless of the intensity of fencing regulation chosen in Town, the Department recommends:

- Requiring exclusionary fencing, regardless of size, incorporate feature(s) that allow wildlife to passively escape where such fencing is permitted.
- Fence designs should avoid creating wildlife entrapment hazards. This includes conditions such as double fencing (adjacent parcels with separate fences rather than a shared fence) and narrow gaps between parallel fences that can funnel animals into confined spaces or allow only partial passage (e.g., an animal's head or body becoming stuck).
- Requiring fences with vertical wooden panels to have gaps less than ½ inch. Ungulate hooves can get stuck in privacy-style fences with larger gaps. The Department responds to several of these cases each year and usually results in the animal having to be euthanized.
- Avoiding fences that have points or spear-shaped tops that can impale an animal that's attempting to jump over.

Other Wildlife Considerations – Department staff are increasingly responding to wildlife entrapment incidents associated with window wells and other below-grade, egress-compliant designs. These situations often require urgent response, may involve multiple staff, and can pose risks to staff, bystanders, and wildlife. We recommend the Town require wildlife escape features in or block entrance to areas prone to entrapment. Options include:

- Escape ramps or natural slopes that adequately allow for any animals to leave. Escape ramps can be built for the purpose or natural materials can be used.
- Window well covers such as clear plastic or metal grate-style with hole sizes that prevent small animals from passing through.

We support the incorporation of retaining wall design standards that consider wildlife movement and safety. While research on wildlife-specific retaining wall design is limited; longer, continuous walls present greater barriers to movement and reduce opportunities for wildlife, particularly smaller or younger animals, to cross.

Lastly, the Department recommends the Town consider outreach and education efforts to new landowners to make them aware of the regulations that don't require Town review, such as fencing, to ensure compliance over time.

We appreciate the time and effort of Town staff and consultants in developing these regulations and for engaging the Department throughout the process. If you have any questions or concerns, please contact Cheyenne Stewart, Jackson Region Wildlife Management Coordinator, at (307) 249-5810.

Sincerely,

A handwritten signature in black ink, appearing to read 'Will Schultz', written in a cursive style.

Will Schultz
Habitat Protection Supervisor

WS/cs/rc

May 6, 2026

Town of Jackson Planning Commission
200 S Willow St
Jackson, WY 83001

Re: Town of Jackson Draft Wildlife Friendly Fencing LDR AMD

Dear Planning Commissioners,

Thank you for the opportunity to comment again on the proposed updates to the Town of Jackson's wildlife-friendly fencing Land Development Regulations (LDRs). We appreciate the Commission's thoughtful discussion on April 15, 2026, and the subsequent revisions made by staff, which have significantly improved the clarity and considerations for wildlife in the current draft.

Overall, the revised draft shows meaningful progress. Together, Jackson Hole Wildlife Foundation and Jackson Hole Conservation Alliance offer the following remaining recommendations for consideration:

1. Front yard exclusionary fence height

We are concerned that the proposed four-foot height limit for front yard exclusionary fences does not meet the stated goal of excluding wildlife. At this height, the fence is not wildlife friendly, and yet deer and moose can still attempt to cross, increasing the risk of injury or being hung up.

To better align with the intent of exclusionary fencing, we recommend either:

- Prohibiting exclusionary fences in front yards; or
- Requiring front yard exclusionary fences to meet effective exclusion heights (generally six feet or greater) to prevent conflict.

2. Dead-end enclosures and egress

We appreciate the removal of sliding or drop-down panels in dead-end enclosures. However, we remain concerned that fence configurations with a single, fully-open ingress point may still unintentionally create dead-end conditions.

If wildlife, particularly juvenile ungulates, can enter a fenced area but cannot reasonably locate or physically navigate an exit (as described in Section 5.1.2.D.2.iv), the risk of entrapment remains high. Specifications in the most recent update to the LDR, e.g., 38-inch heights, may prevent successful egress for juveniles without other modifications since they generally cannot jump this height.

To reduce the risk from dead-end enclosures, we recommend:

- Requiring at least two (opposing) openings in any fence configuration to ensure animals can exit as easily as they enter; or
- Incorporating design allowances for juveniles, such as a bottom wire or rail height of at least 18 inches.

If one side of a fence is already open, adding a second opening does not compromise its functional purpose but significantly reduces wildlife risk. Additionally, requiring at least one gate in all fences, including exclusionary fences, to allow for emergency release of trapped animals.

We also recommend that wildlife escape features be required for window wells or that entrance to window wells is blocked, as suggested by WGFD (April 28, 2026 letter to Town of Jackson).

3. Replacement of nonconforming fences

In Teton County, allowing up to 25% replacement of nonconforming fencing “in kind” has proven difficult to monitor and enforce and there have been multiple infractions reported. This provision can lead to prolonged noncompliance and ambiguity in enforcement.

To improve clarity and long-term effectiveness, we recommend requiring that all fence repairs and replacements comply with current LDR standards unless a formal variance of hardship is granted. Eliminating the 25% provision would create a clearer, more enforceable standard.

4. Buck and rail fencing

We recommend that buck and rail fencing be permitted only where necessary for livestock containment and where wildlife-friendlier alternatives are not feasible. In other cases, approval should require formal exemption from planning staff.

Other non-standard fence designs, including fences with varying heights, should similarly require staff review and approval to ensure consistency with wildlife-friendly objectives.

5. Tier requirements

We find the description of the tiered requirements in Section G both difficult to interpret and inconsistent with the intent of Policy 1.1 of the Comprehensive Plan, which calls for design approaches that promote wildlife permeability and reduce human–wildlife conflict. Similarly, the Wyoming Game and Fish Department’s April 28, 2026 letter to the Planning Department emphasizes three core principles: maintaining wildlife permeability, avoiding entrapment, and minimizing human–wildlife conflict. As they note, “...if individual parcels are fully enclosed with exclusionary fencing, wildlife movement could be constrained to roads and sidewalks, increasing the potential for conflict or entrapment.”

As currently drafted, the base and mid tiers appear to allow precisely this outcome.

We recommend simplifying Section G to more clearly align with both the Comprehensive Plan and Wyoming Game and Fish Department guidance. A consistent, town-wide requirement for wildlife-friendly fencing would support permeability and prevent entrapment, particularly when paired with the proposed material prohibitions. To address human–wildlife conflict, limited allowances for small, fully enclosed areas (e.g., for pets, gardens, or trash) could be included. We also recognize the desire for privacy fencing; this could be accommodated through short, non-continuous stretches of privacy panels that do not fully enclose parcels.

This approach would more directly and effectively achieve the shared goals of permeability, avoidance of entrapment, and minimization of conflict.

6. Graphic for swale, gully, or drop in elevation

To help improve interpretability of section 5.1.2.F, we recommend including a graphic, similar to the one attached below.

Thank you for your continued commitment to balancing community development with wildlife conservation. We appreciate the opportunity to contribute to this important effort and would be happy to provide additional information or clarification.

Sincerely,

Renee Seidler

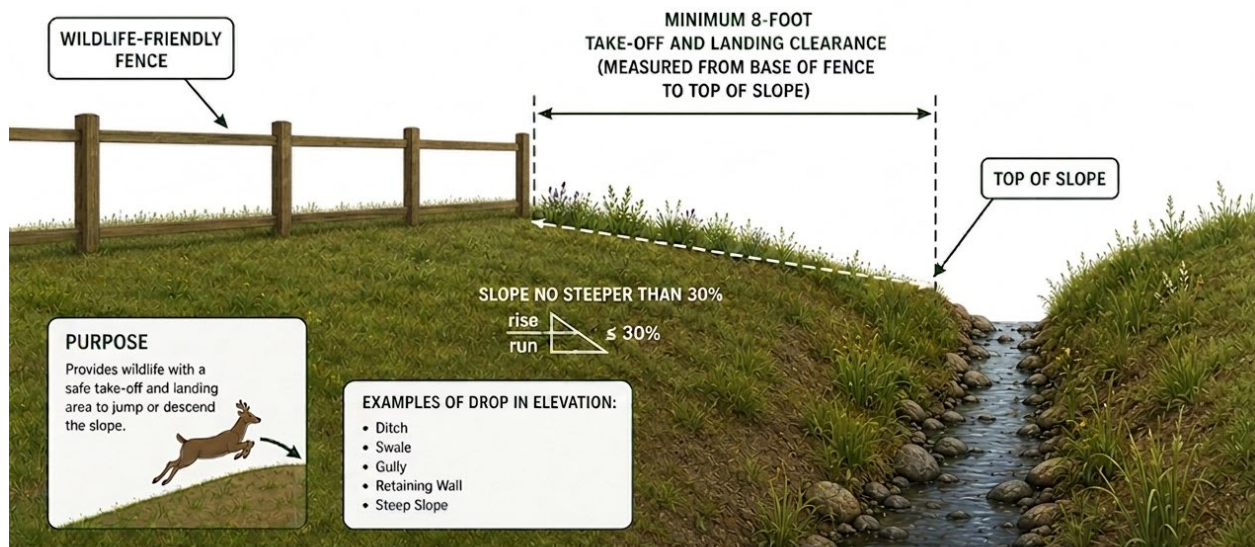
Renee Seidler
Executive Director
Jackson Hole Wildlife Foundation

Amy Kuszak

Amy Kuszak
Community Planning Director
Jackson Hole Conservation Alliance

FENCING ADJACENT TO A SWALE GULLY OR DROP IN ELEVATION

A minimum 8-foot take-off and landing clearance area shall be maintained with a slope no steeper than 30% between the fence and the top of slope.



KEY POINTS

- Maintain a minimum 8-foot horizontal clearance from the base of the fence to the top of slope.
- The slope within this clearance area must be no steeper than 30%.



**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
District
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



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.



Advocating for wildlife, wild places, and responsible planning in Jackson Hole since 1979

April 10, 2026

Subject: Town NRO Amendments

Dear Planning Commission Chair Smits and Commissioners,

Thank you for the opportunity to provide comments on the proposed Natural Resources Overlay (NRO) amendment and related Land Development Regulation (LDR) updates.

This significant and complex amendment with long-term implications for the Town is moving forward quickly, and although requests for additional review time were made, they were not granted. As a result, stakeholders have not had sufficient opportunity to fully evaluate the proposal or collaborate on thoughtful, solution-oriented recommendations. This ultimately risks slowing the overall process rather than advancing it by necessitating more revisions later. A more complete and collaboratively developed draft at the outset would lead to a more efficient and durable outcome.

Accordingly, the comments below should be considered preliminary. The Jackson Hole Conservation Alliance (JHCA) supports the adoption of the proposed NRO mapping and overall framework, but believes additional refinement is necessary to ensure clarity, consistency, and effective implementation. We intend to continue working with partners and stakeholders to develop more detailed, collaborative, solution-oriented recommendations as this process moves forward.

Natural Resources Overlay (NRO)

The JHCA supports the overall intent of strengthening environmental protections and encourages the Town to adopt clear, enforceable standards that maintain, improve, and protect wildlife habitat, permeability, and natural resources throughout the built environment.

Maintaining healthy wildlife populations in and around Jackson is essential not only for ecological integrity, but also for community quality of life and the region's wildlife-driven economy. In a town context, wildlife permeability should mean the ability of native species to move safely on a daily and seasonal basis through developed areas without being blocked, diverted, or harmed by infrastructure such as roads, fences, retaining walls, and buildings.

To strengthen the draft NRO sections and improve overall clarity and predictability, JHCA provided detailed, section-specific comments within the online draft for planning staff. The following is a high-level summary of those recommendations:

- Require wildlife permeable development across all NRO tiers town-wide. Permeability is fundamental to maintaining viable wildlife populations. A definition of wildlife permeability should be included to increase clarity and predictability.
- Include clear protections for wildlife movement corridors throughout town, encompassing both migratory routes and local, daily movement corridors.
- Clarify that habitat mapping is intended to protect high-value habitats, not individual species.
- Vegetation overstory types and their relative ecological value should be explicitly identified and prioritized as protected natural resources. While overstory types are referenced in the mitigation section, they are not currently included within the protected resources framework. This omission reduces predictability for developers, landowners, and staff.
- Per the 2024 International Wildland-Urban Interface (WUI) Code, some developments will be required to clear vegetation within specified distances of structures. Environmental Assessments should evaluate the resource impacts associated with this required WUI-related vegetation clearing as part of the proposed development.
- The definition of “agriculture” should be revised to avoid unintended exemptions.
- The JHCA is supportive of affordable housing solutions, but their development should not be approved at all costs. Require affordable housing developments to demonstrate minimization of environmental impacts.
- An Environmental Assessment should be required for any property containing high-tier habitat mapping. Flexibility could be incorporated to allow for a scaled level of review where appropriately justified.
- A definition for “fragmentation” should be included.
- Some requirements are only triggered when development exceeds a one-acre threshold. It is unclear how this threshold was determined and whether it is appropriate.

At a minimum, all development should be designed to maintain permeability wherever feasible and minimize fragmentation and cumulative impacts.

Waterbodies and Wetlands

The proposed creek setbacks are not adequate.

JHCA supports the Protect Our Water Jackson Hole (POW) recommendations as the minimum standard for setbacks along Flat Creek and Cache Creek. The current proposal falls short of decades of adopted plans, scientific understanding, and community commitments.

Jackson has consistently recognized the importance and impairment of these waterways, starting with the 1994 Comprehensive Plan. Subsequently, our community has recognized the needed changes in the Flat Creek Watershed Management Plan (2006 and 2019), the 2012 Comprehensive Plan, the Flat Creek Blueways Project (2018), and the Water Quality Management Plan (2024). Despite these efforts, Flat Creek continues to be impaired more than 30 years after its state of Wyoming designation.

Wider creek setbacks for Flat and Cache Creek are essential to:

- Improve water quality
- Stabilize streambanks and reduce erosion
- Restore riparian habitat
- Support wildlife movement
- Implement the vision identified in the 1994 and 2012 Comprehensive Plans
 - “ Future redevelopment should enhance the Flat Creek corridor for recreational and ecological purposes. Buildings should front onto the creek to provide opportunities for interaction and enjoyment of this community resource”. (2012 Comp Plan, pV-24)
 - “ Flat Creek enhancement is of great importance here, and redevelopment should seek to promote Flat Creek as a recreational and ecological amenity.” (2012 Comp Plan, pIV-25)
 - “ Redevelopment should maintain wildlife permeability and enhance the natural form and function of Flat Creek and the undeveloped hillsides.” (2012 Comp Plan, pIV-25)

Recommended minimum setbacks per POW (4/7/26 letter to Planning Commission):

- Flat Creek: 75 ft north of Hansen Ave; 100 ft south of Hansen Ave
- Cache Creek: 25 ft north of the headgate; 50 ft south of the headgate

These standards should be applied as redevelopment occurs, with consideration of incentives for voluntary compliance on nonconforming properties.

If the Town is serious about protecting and restoring these waterways, the regulations must reflect that commitment.

Fencing

While JHCA supports the intent of promoting wildlife-friendly design, the current section needs significant refinement.

Key recommendations:

- Apply fencing standards town-wide, regardless of NRO tier
- Reorganize the section for clarity and usability under a general “Fencing” section
- Recognize impacts on community character, including loss of openness and viewsheds
- Establish consistent design standards focused on permeability

Most importantly:

- Prohibit perimeter fencing in town, as continuous lot-line fencing could create block-scale barriers to wildlife movement and erode community character.

Allow limited exceptions for:

- Small enclosures (include definition and standards in the LDRs)
- Agricultural uses
- Short, defined privacy panels

Reducing fencing intensity will better support wildlife movement and preserve the openness that defines Jackson.

Retaining Walls

JHCA supports the inclusion of retaining wall standards and generally supports alignment with County regulations. However, these standards were originally developed for lower-density contexts.

Given the higher density and unique conditions within Town, additional review is warranted. Specifically:

- Have the Town Engineer and Wyoming Game and Fish been fully consulted on applicability within Town conditions?
- Do the standards adequately account for cumulative impacts on wildlife movement in a more urban environment?

Additional time and coordination would improve this section and ensure it functions as intended.

These amendments represent an important opportunity to align development standards with long-standing community goals. However, without sufficient time for review and collaboration, there is a risk of advancing a framework that will require significant revision.

I encourage the Commission to allow additional time for stakeholder engagement and refinement. A more deliberate, collaborative process now will lead to a stronger and more effective outcome.

Thank you for your service to our community and for considering my comments.

Sincerely,

A handwritten signature in dark ink, reading "Amy Kuszak". The signature is fluid and cursive, with a red dot visible above the 'y'.

Amy Kuszak
Community Planning Director



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

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.

STAFF REPORT



Meeting Date:	May 18, 2026	Meeting Title:	Workshop
Submitting Department:	Administration	Presenter:	Tyler Sinclair
Agenda Item:	Joint Powers Agreements Update – Town Only	Public Comment:	Yes

Purpose & Policy Considerations.

The purpose of this item is for Council to discuss possible next steps for updating Joint Powers Agreements and opening dialogue about such joint efforts with Teton County.

Recommendations.

Staff recommend moving forward with the Town Proposal to Teton County for Discussion of Future Joint Efforts as presented.

Background.

The Town of Jackson and Teton County cooperate to efficiently and effectively provide coordinated services to the community for many decades. Joint operations include START Bus; Fire/EMS; Parks & Rec; Emergency Management; Victim Services; Animal Shelter; Affordable Housing; Radio Services; Treatment Court; Pathways; Transportation; and Long Range Planning. Governance of these efforts is generally jointly held by the Town and County elected officials above and beyond administrative functions delegated to County and/or Town staff. Direction is primarily provided through approval of annual joint budgets, strategic work plans, and individual items brought before the Boards.

In July of 2024 the Parties agreed to revisit elements of all their joint efforts, committing to:

- Change in joint funding for both operations and capital of joint efforts over a 3-year period. Specifically, changing the funding split (from the current 46% Town / 54% County) to:
 - 57% County/43% Town beginning on July 1, 2025
 - *Approved by the parties via the FY26 budget.*
 - 60% County/40% Town beginning on July 1, 2026
 - *Incorporated for consideration by the parties via the FY27 budget.*
 - 62% County/38% Town beginning on July 1, 2027
- Begin discussion of revising the governance of jointly funded governmental functions in January 2025
- If agreement cannot be made on governance prior to January 1, 2031, then the funding split for joint funding for both operational and capital shall revert on July 1, 2031, to using the census (i.e., reverting to something close to 46% Town / 54% County, depending on the 2030 census numbers)

These discussions began with the Town and County reviewing and ultimately approving of a new funding approach for the Joint Fire/EMS Department. At the November 3, 2025, Joint Meeting, the Council and Board of County Commissioners voted to utilize a weighted methodology for Fire/EMS funding allocation comprised of four equally weighted factors: Incident Count (25%), Population Served (25%), Staffing (25%), and Fleet (25%). This discussion was guided by a third-party consultant providing alternative funding proposals, analysis and a recommendation.

Next the Town and County met on February 2, 2026, to begin discussions about the Joint Parks and Recreation Department. Staff provided an overview of the current Joint Powers Agreement and potential alternatives to future funding. The County specifically wants to discuss funding allocated by location in the Town or County for parks, and an agreed upon split based upon population for recreation including the Recreation Center. This item was continued for future discussion with no decisions being made. The START Joint Powers Agreement has been identified as the next agreement to be reviewed by the Boards.

At its annual retreat, Council identified the Town relationship with the County as a priority for consideration over the upcoming year. Council identified how and when to approach the County about joint funding and other issues as key to continued positive outcomes and relationships between the Boards.

During the Town's work on Strategic Budgeting, it became apparent that the current Joint Funding MOU as discussed above, which reduces the percentage funded by the Town was a key component of our budget strategy getting to a General Penny of Sales Tax election in 2028. In addition, it was identified that how and when to approach the County regarding a General Penny of Sales Tax election in 2028 was critical to its success. Town also discussed how the decision to move forward with a General Penny of Sales Tax election in 2028 may affect joint funding discussions currently underway.

This topic is scheduled for consideration at the Town and County's Joint Meeting in June or July. Staff presented this item at Council's [April 20 Workshop](#) where the following motion was made.

Council directed staff to prepare a proposal to Teton County for Council consideration at a future meeting that includes the following discussion points:

- 1) General consistency with Alternative 2 in the staff report dated April 20,*
- 2) Establishes an overall goal to consider additional revenue to meet Town and County needs,*
- 3) Placement of a general penny of sales tax on the November 2028 general election ballot along with discussion of the desired use the 6th and 7th cent for general or specific purposes,*
- 4) Discusses a new funding split for all joint efforts included in the 2024 Joint Funding MOU until fiscal year 2029, and postpones discussion of all joint efforts until after the general election in 2028, and*
- 5) Use of a third-party facilitator to lead this discussion.*

In addition, Alternative #2 from April 20 Workshop titled General Penny of Sales Tax is provided below:

Pause individual and/or grouped discussion of the current joint Town and County efforts until consideration of a General Penny of Sales Tax election in 2028. This approach could also include potentially renegotiating the current Joint Funding MOU to revise the timing and funding split until a General Penny election. More broadly this discussion would be to consider what the future of the 6th and 7th cent of Sales Tax should/could include general, special purpose, other.

During the Town's Strategic Budgeting process, staff identified the phased reduction in the Town's joint funding contribution, from 46% to 38% over the MOU period, as a material component of the Town's projected path toward a General Penny of Sales Tax election in 2028. Any renegotiation of the MOU funding schedule prior to that election, including acceleration or modification of the phased reductions, would affect the revenue assumptions underlying the Town's current budget strategy.

Council had an excellent discussion of Key Question #1 at the April meeting as follows ([click here for the meeting video](#)):

Key Question 1: How does the Council wish to approach discussing Joint efforts with Teton County moving forward?

- Alternative*
- Timing*
- Approach*
- Goal*
- Etc.*

Analysis & Key Questions.

As directed staff have drafted the attached [Town Proposal to Teton County for Discussion of Future Joint Efforts](#) for

Council consideration at the meeting. The goal of the draft proposal is to strike the correct balance between not providing too specific a proposal for Teton County to react to but to instead identify key discussion points to initiate a dialogue about how best to move forward with joint efforts.

Possible Alternatives.

Council may choose to modify the draft proposal as deemed appropriate.

Comprehensive Plan & Priority Alignment.

The [Jackson-Teton County Comprehensive Plan](#) affirms the importance of coordinated service delivery between the Town and County as a mechanism for achieving quality of life, fiscal efficiency, and equitable access to community services. Specifically, staff have identified the following relevant policy direction to help inform this consideration prior to the meeting.

Chapter 3 – Responsible Growth Management

Principle 3.2 – Enhance suitable locations as Complete Neighborhoods.

Principle 3.3 – Manage growth predictably and locally.

Chapter 4 – Town as the Heart of the Region

Principle 4.1 – Maintain Town as the central Complete Neighborhood.

Principle 4.4 – Enhance civic spaces, social functions, and environmental amenities to make Town a more desirable Complete Neighborhood.

Chapter 8 – Quality Community Service Provision

Principle 8.1 – Maintain current, coordinated service delivery.

Principle 8.2 – Coordinate the provision of infrastructure and facilities needed for service delivery.

The approach Council takes to joint agreement review has direct implications for alignment with this policy direction. Maintaining stable, well-governed joint services supports the Comprehensive Plan's service delivery goals. At the same time, any significant restructuring of joint governance or funding that disrupts service continuity would require assessment against those same goals.

Fiscal Impact.

None at this time.

Staff Impact.

Staff impact will vary depending on the direction Council provides. Staff time is being redirected toward coordination, facilitation scoping, and communication with County staff, with the START and Parks and Recreation JPAs review timelines extended accordingly. Staff will also need to work on procurement and coordination of an outside facilitator if desired, which will require additional staff hours to be determined.

Attachments or Links.

Town Proposal to Teton County for Discussion of Future Joint Efforts

Suggested Motion.

I move to approve the Town Proposal to Teton County for Discussion of Future Joint Efforts as presented to guide discussion on joint efforts with Teton County.



TOWN PROPOSAL TO TETON COUNTY FOR DISCUSISON OF FUTURE JOINT EFFORTS

Beginning with the Town's recognition of the critical importance of our joint relationship with Teton County to cooperatively, effectively, and efficiently work to jointly meet the needs of the community. The Town offers the following discussion points to begin dialog with our long-standing partner on the best way to move forward with joint efforts, benefiting the community at large and meeting the individual needs of each jurisdiction.

- Invite joint discussion on establishing an overall goal to consider adding new additional revenue along with consideration of our current mix of revenue sources to determine the best approach to meet our future community needs. Consider expanding, diversifying and/or changing the mix of revenue sources.
- Jointly consider, discuss, and decide upon terms and conditions for the use of the 6th and 7th cents of Sales Tax, including Specific Purpose, and/or General use, including what funds should be used for, what entities can access these funds and for what purpose.
- Jointly consider placing a General Penny of Sales Tax as an initiative on the ballot in the November 2028 Election.
- Suggest we discuss revising the current Joint Funding Memorandum of Understanding (MOU), including the timing and funding split until the 2028 Election. Agree to further renegotiate Joint funding after the 2028 election.
- Suggest we jointly agree to pause discussion of current Joint Town and County Joint Power Agreements and other efforts until after the 2028 Election.
- Propose to engage a neutral third-party facilitator to lead a dialogue on the above topics potentially at a separate Town/County retreat.
- Commit to taking the time both parties need to consider this topic.



Town Council's 'Working Calendar' 2026

Note: This 'Working Calendar' shows all Council meetings and upcoming items at regular meetings that are likely to take 60-90 minutes. Anticipated Planning Items are designated with a (P) after them. This calendar is subject to change and will be shared with Council approximately every two weeks.

Guiding Principles of Council's '26 Work Plan:

1. Ensuring financial responsibility;
2. Increasing Environmental Stewardship;
3. Defining Community Character;
4. Improving County Partnership;
5. Maintaining Town Facilities & Assets;
6. Continuing to Work on Housing & Transportation

COUNCIL'S WORKING CALENDAR 2026		
JANUARY	FEBRUARY	MARCH
JOINT MEETING JANUARY 5	JOINT MEETING FEBRUARY 2	EVENING MEETING MARCH 2
Comp Plan Scoping	Joint Powers Agreement Updates Parks & Rec	Revolving Rights from Housing Trust for Town Employees
	Emergency Management Exercise	Employee Housing Opportunities at 90 Virginian Lane
EVENING MEETING JANUARY 5		
Legislative Approach	EVENING MEETING FEBRUARY 2	SPECIAL JOINT MEETING MARCH 9
Flock Safety Contract Review	N. South Park Area 1 Request for Water/Wastewater	START JHMR Contract
	Annual Liquor License Renewals	90 Virginian Lane
WORKSHOP JANUARY 20		
Water Efficiency	WORKSHOP FEBRUARY 17	WORKSHOP MARCH 16
LDR Updates to Address Development Impacts	Parking Update for Summer 2026	FY27 Budget Revenue & Reserve
	Parks & Rec 5 Year Capital Improvement Plan (CIP)	Visioning Workshop for Changes to LDRs
EVENING MEETING JANUARY 20		Utility Rate Update & Water Efficiency Ordinance
90 Virginian Lane Town Funding Approach	EVENING MEETING FEBRUARY 17	
Nelson Drive Annexation Hearing	S4 Flats Housing Project	EVENING MEETING MARCH 16
	Town Council Salaries	Parklets Check In (Plug 'N Play)
SPECIAL MEETING, RETREAT JANUARY 28 & 29		Karns Meadow Ecological Monitoring Plan
	SPECIAL MEETING, STRATEGIC BUDGET FEB. 19	
		SPECIAL JOINT MEETING MARCH 17, Board Interviews
		SPECIAL MEETING MARCH 18, STRATEGIC BUDGET

APRIL	MAY	JUNE
JOINT MEETING APRIL 6	JOINT MEETING MAY 4, CANCELLED	JOINT MEETING JUNE 1
90 Virginian Lane		Joint Budget Finalization
	EVENING MEETING MAY 4	Housing Supply Plan
EVENING MEETING APRIL 6	Working Agreements Check-In & Council Pay Philosophy	Joint Powers Agreement Update - Town Update
Title 5 & 9: Municipal Code Updates	SPET Allocation for Stilson Transit Center	
Executive Session		EVENING MEETING JUNE 1
	SPECIAL MEETING MAY 5, FY27 BUDGET	Update on Parking Garage
SPECIAL MEETING APRIL 13, FY27 BUDGET		Traffic Impact Study LDR Updates (P)
	SPECIAL JOINT MEETING MAY 11, 90 Virginian Ln.	
WORKSHOP APRIL 20		SPECIAL MEETING JUNE 8 (if needed), FY27 BUDGET
Stormwater Utility Policies	SPECIAL JOINT MEETING MAY 12, FY27 BUDGET	
Joint Powers Agreement Updates - Town Only		SPECIAL JOINT MEETING JUNE 8, BOARD INTERVIEWS
Potential Changes to Bear Conflict Zone	SPECIAL MEETING MAY 13, FY27 BUDGET	
		WORKSHOP JUNE 15
EVENING MEETING APRIL 20	WORKSHOP MAY 18	Town Planning FY27 Work Plan
Community School Expansion Conditional Use Permit (P)	Town Employee Housing Strategy	Fee Waiver Resolution Policy Review
Executive Session	Natural Resource Overlay LDR Update	
	Joint Powers Agreement Updates - Town Only	EVENING MEETING JUNE 15
SPECIAL JOINT MEETING APRIL 27, FY27 BUDGET		Budget Hearing
Nonprofits	EVENING MEETING MAY 18	LDR FY26 Development Impact Updates - 5 Things
	145 W. Pearl Ave. Development Plan (P)	Working Agreements Check-In
SPECIAL JOINT MEETING APRIL 28, FY27 BUDGET	Teton Village Resort Master Plan Amendments (P)	
Joint Departments	Scoping of Hidden Ranch Speed Limit	
Transportation & Housing Work Plan		
	SPECIAL MEETING MAY 26, FY27 BUDGET	

JULY	AUGUST	SEPTEMBER
JOINT MEETING JULY 6	JOINT MEETING AUGUST 3	JOINT MEETING SEPTEMBER 8
Long Range Planning Indicator Report	Housing Rules & Regs	Comp Plan Request for Proposals (RFPs)
	Transportation Impact & Maintenance Fees	
		EVENING MEETING SEPTEMBER 8
EVENING MEETING JULY 6	EVENING MEETING AUGUST 3	Biennial LDR Update
Wastewater Capacity Analysis	Rodeo Concession Agreement	Community Streets Plan Adoption
Natural Resource Overlay LDR Update	String Lighting Text Amendment (P)	
		WORKSHOP SEPTEMBER 21
WORKSHOP JULY 20	WORKSHOP AUGUST 17	Cemetery Master Plan & Fees
Community Streets Plan Draft	Ecosystem Indicator Report	
Sustainability Plan Update	Mounted Patrol Implementation	
		EVENING MEETING SEPTEMBER 21
EVENING MEETING JULY 20	EVENING MEETING AUGUST 17	
Virginian Lodge Development Plan (P)	Fire Protection Standards LDR Updates (P)	
OCTOBER	NOVEMBER	DECEMBER
JOINT MEETING OCTOBER 5	JOINT MEETING NOVEMBER 2	JOINT MEETING DECEMBER 7
Housing Rules & Regs		
	EVENING MEETING NOVEMBER 2	EVENING MEETING DECEMBER 7
EVENING MEETING OCTOBER 5	Legislative Approach	Reimagining Special Events
Update on Parking at Home Ranch		
Parklet Program	WORKSHOP NOVEMBER 16	WORKSHOP DECEMBER 21
	Staff Benefit Package Review	Town Facilities & Property Master Plan
WORKSHOP OCTOBER 19	Title 8: Health & Safety Update	Rodeo Grounds
Title 13: Utilities Update		
Town Employee Housing Strategy	EVENING MEETING NOVEMBER 16	EVENING MEETING DECEMBER 21
EVENING MEETING OCTOBER 19		

CURRENT SCOPING REPORT ITEMS	PLUG 'N PLAY ITEMS	
Council Pay Philosophy (in process)	Parklets	
Changing Speed Limit in Hidden Ranch	Bear Conflict Zone Potential Expansion	
Parklet Program	Working Agreements Check-In (in process)	
	PI List Review	
	Shifting Meetings to Tuesday	
	Nelson Drive Solutions	
	Pollinator Protection	
	Cemetery Residency Requirements Policy	
	Analysis of Abstention/Excused Absences/Rules of Debate/Additions	
	Int'l Energy Conservation Building Code Update	
	Drone As First Responder	
	Voluntary Stretch Codes for Building Efficiency	
	Investment Options Strategic Budgeting 2.0	