

## Our Read of Applicable LDR sections

There is no master plan amendment process in the LDRs, so we go to:

Div. 4.4. Planned Unit Development Zones Div.

4.4 4.4.1. All PUD Zones (1/1/17) 4.4.1

A. Purpose Planned Unit Development (PUD) zones permit variation from the strict application of the zones in order to achieve specific community goals that enhance the community's implementation of the Jackson/Teton County Comprehensive Plan. The intent of PUD zones is that large or complex developments under unified control be planned as a single, continuous project with greater design flexibility.

B. Applicability

The standards of this Section apply to:

1. Existing PUDs and other special projects listed in 1.8.2.C of these LDRs.

This also creates confusion, as the application is for a master plan amendment, not a special project.

2. Applications for establishment of PUD zoning.

C. Content of a PUD

A PUD is the equivalent of the zone-specific standards found in Article 2. and Article 3

Those articles:

Zone Specific Standards

Articles 2-4 establish the zones and zone standards. Each zone section includes a purpose and intent statement, the specific standards applicable in the zone, and the general standards from Articles 5-7 that may be applicable in the zone. The provisions in each zone are organized by: Physical Development, Use and Development Options and Subdivision.

Article 2:

Complete

Neighborhood Zones

This article establishes the zones that implement the vision for Complete Neighborhoods identified in the Illustration of Our Vision Chapter of the Jackson/Teton County Comprehensive Plan.

Article 3:

Rural Area Zones

This article establishes the zones that implement the vision for Rural Areas identified in the Illustration of Our Vision Chapter of the Jackson/Teton County Comprehensive Plan.

Article 4:

Special Purpose Zones

This article establishes the resort, civic, and other special purpose zones that apply to unique places in the community to protect and support their special character.

The Rural Area zones do not have a zone that matches 3 units per acre. This suggests the proposed zoning is a Complete Neighborhood density, not a rural density.

1.8.2. Approved Permits and Approvals (4/1/16)

C. PUDs and Other Special Projects

The following projects shall remain valid and shall not be considered nonconforming regardless of their compliance with these LDRs; however, references to previous LDRs in a project's approval shall be construed to reference the equivalent standard in these LDRs.

1. Planned Unit Developments (PUDs) with PUD zoning.

a. The standards of the PUD shall apply except where the PUD is silent, in which case the standards of the underlying zoning shall apply.

2. Planned Unit Developments (PUDs) approved under a PUD regulation, that can demonstrate common law vested rights in accordance with state law, but do not have PUD zoning.

The following development projects for which master plans were filed either prior to the County's Land Use and Development Regulations Resolution and the Subdivision Regulations Resolution of Teton County, adopted on December 6, 1977, or which are otherwise recognized by the County by being listed in this Section.

a. Bar J Chuckwagon.

1.8.3 A proposed minor deviation or amendment to an existing permit or approval shall be reviewed pursuant to the standards and procedures of Sec. 8.2.13.

And those are:

8.2.13. Amendment of Permits or Approvals (1/1/17)

B. Physical Development Permit, Use Permit, and Development Option Plan Amendment

1. General. All changes to an approved physical development permit, use permit, or development option plan not qualifying as minor deviations shall be considered amendments and shall be reviewed subject to the current procedures and standards of these LDRs.

a. The threshold for review of the amendment shall be based on the net change of density or intensity, not the gross intensity of the initial approval, with the following exceptions.

i. The Planning Director may elevate the threshold for review in the case of incremental amendments that total a larger change.

ii. The Planning Director may waive the requirement for a Sketch Plan where the proposed amendment remains consistent with the original Sketch Plan approval.

b. A condition of approval placed on a permit or approval by a decision making body shall be amended by that body at a public hearing held pursuant to Sec. 8.2.14. Thus, all the conditions of approval in place on the Bar J master plan, as recorded in the affidavit attached to this package as Exhibit E, would have to be amended by the Board of County Commissioners at a public hearing, in order to approve this Master Plan Amendment, which findings provided are based on Zoning Map Amendment criteria.

But since the amendment is called a Master Plan Amendment and then it uses the Zoning Map Amendment criteria, the application creates a lot of confusion.

Still, this does not disguise the fact that a Zoning Map Amendment is not allowed, because this is a Rural Zone and the density proposed does not comply with Rural Area Zones, Article 3 under PUDs, Zone Specific Standards.

c. Review of an amendment shall be limited to the proposed change. Nonchanging portions of the approval shall only be affected as explicitly required by Div. 1.9. or another portion of these LDRs.

Highlighting to draw attention

Our Comments

