



April 22, 2014

Board of County Commissioners  
Teton County Planning Commission

RE: Comments on the Public Review Draft of the Teton County Rural Area LDRs

Thank you for the opportunity to comment on the redlined Public Review Draft of the Teton County Rural Area Land Development Regulations (LDRs). Redlining the changes makes our review more efficient and effective and we thank you for adopting this practice.

The Alliance believes we have a responsibility to write land use rules that align with our community's vision as articulated in the Jackson Teton County Comprehensive Plan. This is a vision of a community with walkable neighborhoods surrounded by protected open space, working agricultural lands, and connected wildlife habitat. A community where at least two-thirds of our diverse workforce can affordably rent or purchase a safe and healthy home that meets their family's needs. A community where everyone has the freedom to safely and conveniently get where they need to go on foot, bike, or transit, and does not include expanded highways.

The Alliance's support of the comprehensive plan was conditioned on the effective implementation of the Plan to advance our community's shared vision, through tools such as these Land Development Regulations. *This draft lays a solid foundation for the implementation of the comprehensive plan in the rural areas of our community.* We commend staff for their work on this draft and with a few revisions, we would support adoption.

In order to build on this foundation and ensure the Rural LDRs effectively advance our community's vision, there are a few areas in need of further consideration.

**Ensure the permanent protection of open space and an associated reduction in development potential.**

The comprehensive plan calls for a permanent reduction in development potential and permanent protection of open space in the rural portions of the county. The draft LDRs lay the groundwork to facilitate the reduction in development potential and permanent protection of open space, but we are not clear if they assure this protection and reduction in development potential. Before adopting these LDRs, you should provide assurance that they will in fact accomplish these two objectives.

While we see the value in reducing development potential with the elimination of 9x and 6x multipliers, we understand these potential entitlements are still desirable as tax incentives to property owners who the community wants to encourage to provide open space and

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conservation easements. As well, there may be situations where we need to allow potential development transfers outside of complete neighborhoods. The County should work with all land conservation stakeholders to ensure tax incentives and receiving areas meet potential stakeholders' needs in order to encourage what we as a community want – the permanent protection of open space, scenic views and vistas, wildlife habitat, wildlife corridors, and our community character. We should stock the incentive toolbox in the LDRs to accomplish permanent protection per our Plan.

### **Plan for Subdivision Complete Neighborhood Planned Residential Development increased density locations in complete neighborhoods now.**

Ensure that the Subdivision / CN PRD tool will work effectively by putting an incentive structure in place in “receiving area” complete neighborhoods at this time. The complete neighborhoods that would receive the additional units should be zoned up front to clarify “base” density and how to receive “incentive” density (similar to the “two-tier FAR” under discussion at the Town). In this case, “incentive” density or units would be granted only through participating in the Subdivision PRD tool. Otherwise, landowners would not have any real incentive to use the program, nor would neighborhoods have predictability over when and how additional density would happen.

Recognizing the challenges of working across jurisdictions, we would recommend that the Town also identify receiving area complete neighborhoods for Subdivision PRDs, and that the Town also create a parallel two-tier zoning structure.

### **Implement a County program to fund, acquire, and manage conservation easements for open space.**

The Open Space Resources Resolution and re-establishment of a public program to work on conservation easements is a step in the right direction. The County should establish such a program to move us toward this community goal. While our community enjoys a number of non-profits which do this and related types of work, there are opportunities that are not a fit for their programs. We need to do more on open space easement acquisitions and a public entity can fill the gaps with properties that are not being acquired otherwise.

### **Do not make changes to the Natural Resource Overlay provisions.**

We object to any changes to the Natural Resources Overlay (NRO) at this time. Unfortunately, the updating of the natural resources inventory, and the overlays in our code to protect our most important natural resources, has been delayed to the point of not informing our draft rural LDRs. In light of this, it is imperative to maintain the existing NRO provisions until we can have an enhanced NRO discussion with new resource ranking and scientific inventory data. This is how the LDR schedule is laid out, what we have all come to expect, and what is logical and best

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protects our resources in the meantime. Please do not change any of the rules that apply to our natural resources until we update this whole area of the LDRs, with the work products and recommendations coming from our Natural Resources Technical Advisory Board (NRTAB). In this draft there are multiple changes in the NRO provisions. Now is not the time for a discussion of whether these are for the better or for the worse. The time to make changes is when we have more information and direction from the NRTAB. These sections are not scheduled for revision on your published timeline until after Rural LDRs and after focal habitat features work is complete. Please strike all changes to:

6.1.3 Open Spaces Uses, particularly B Agriculture, 3 Preservation. The findings, purpose statements and other text has all been deleted in the draft. They need to remain in effect and in the code until they can be updated with the new resource information and we until we have a public dialogue about this language, as noted previously.

6.1.3. Open Spaces Uses, particularly C Outdoor Recreation, 2 Standards, C NRO, eagles nesting and river and stream setbacks for Trumpeter Swans. Don't delete this language at this time, for the same reason as above.

Div. 7.3. Open Space Standards, all, has been changed to Conservation Area Standards, and then most all of the provisions and standards have been changed. Again, this is more appropriate to the discussion of natural resource/scenic and open space protection, which is to occur as part of the revisions scheduled to take place on the Natural Resources Overlay, in the natural resources assessment process and natural resource mapping updates, all to occur based on completed NRTAB work. This should not be changed now, as there is not a compelling need for this change and it does not help implement the Plan.

8.8.1. Administrative Adjustment, B. Applicability, 9. Conservation area configuration be adjusted as allowed by 7.3.2.D. The Planning Director should not be given new authority to configure conservation easements or areas. This again should be part of the larger resource protection NRO discussion.

## Specific Issues

In addition to these boarder concerns, we share these zone-, use-, or parcel-specific concerns, most of which have been brought to your attention by others:

*Commercial equestrian facilities and Dude Ranches* - Don't disallow or change regulations of uses that are part of our community character and history. Work with stakeholders to preserve those uses and to craft rules which allow them to function optimally and remain vital.

*Developed Recreation, Assembly, and Daycare/Education have been added to the R3 rural zone* - Such uses change the character of such rural residential areas, bringing increased impact, such

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as noise and traffic. As well the definitions of Home Occupation, Family Home Daycare and Home business and Home Daycare Center, have been changed and expanded, as allowed in the R3 zone. This is unwarranted and does not implement the Plan, by protecting our rural character.

*We support the Teton Raptor Center request to have the whole of the Hardeman Ranch parcel remain under the current zoning, not be zoned R1 as part of the Rural LDRs, but rather to be held out, as other properties have been held out, to be taken up later as part of the Wilson Downtown Community when it can be more appropriately discussed and designated as part of that community planning process.*

Our conditional support of the comprehensive plan was predicated on the effective implementation of the Plan to advance our community's shared vision, through tools such as these Land Development Regulations. *This draft lays a solid foundation for the implementation of the comprehensive plan in the rural areas of our community.* We commend staff for their work on this draft, and with a few revisions, we would support adoption.

Thank you for your time and hard work on this important issue.

Sincerely,

Mary W. Gibson  
Community Planning Director  
Jackson Hole Conservation Alliance

Cc: Alex Norton, Long Range Planner  
Tyler Sinclair, Planning Director  
Jackson Town Council