



Rural Areas LDR Update

Scoping Phase Summary

In the first step of the process update the Land Development Regulations for the rural areas, community members reviewed a list of tools that might be utilized to implement the Comprehensive Plan principles of:

- Principle 1.4: Protect and steward open space
- Principle 3.1: Direct growth out of habitat, scenery and open space
- Principle 3.3: Manage growth predictably and cooperatively

Scoping Exercise

In April staff and technical experts produced a packet of tools for review by members of the public and key stakeholders. Each tool was reviewed for its utility in achieving Teton County's rural area principles. The summary of the public, stakeholder, technical expert, and staff analyses is attached, as are all of the individual comments. The goal of the exercise was to group tools into one of three classifications:

- I. Tools that work for Teton County
- II. Tools that could be modified to fit Teton County
- III. Tolls that do not work for Teton County

Stakeholder Meeting

On April 30, 2013 the stakeholder group met to review the scoping exercise and provide additional group analysis of the strengths and weaknesses of various tools and discussed reclassifying tools from the initial classification resulting from the individual scoping exercise. First, Staff presented the results of the exercise to the stakeholders. Then, the stakeholders participated in an exercise where each stakeholder placed yellow dots next to tools she/he felt were important and should remain classified as it was and red dots next to tools that she/he believed should be classified as Class III. Following this initial exercise the stakeholders discussed those tools with the most dots, providing additional analysis and comment on reclassification.

Board of County Commissioners Meeting

On May 1, 2013, the Board of County Commissioners met with the Planning Commission to review the individual scoping exercise and the results of the stakeholder meeting in order to make a final classification of the each of the tools. Those tools remaining in Class I or Class II would be developed further. Those tools that ended up in Class III would not be developed further through this process. The Board and Planning Commission heard a presentation from Staff on the scoping exercise and stakeholder meeting. They then heard public comment, which is summarized below:

- PPLP – based on systems dynamics framework
 - Currently Town/County operating separately
 - Connects goals and values
 - Growing support in community
 - Built in checks and balances
- PRD – beneficial tool, incentives
- Fully vet elements that do/do not work from all tools

- Leave room for new tools, adjustments over time
- Process for dealing w/ nat. res. and open space has not been collaborative enough
- Ag exemptions from some LDRs is important
- Ag accessory uses are difficult to get approved
- Difficulty is people want to live in rural area – more than complete neighborhoods
- Desire to increase ag. Use
- Landowners want flexibility of decisions for family in future
- PPLP – only tool that pairs accounting and encouragement
- Property values too extreme for TDR
- Need to try new tools
- Focus on goals of Comp Plan in reviewing all tools
 - Keep tools that are required or very helpful
- Coordinate w/ Town thru process
- Consider including option w/ land bank for CE owner to not put dev. potential in bank
- Keep tools simple
- Concern about load being placed on NRTAB
- Not problems that lend to simple, neat solutions
- NRTAB is overburdened, volunteer board
- Conservation in County should translate to appropriate dev. in Town and neighborhoods
- Need solutions to exporting impacts to outside County
- Cannot foreclose future decision – making – long-termNeed support for ag.
- Payment for Ecosystem Services – appropriate tool for improvements on private land
- Predator control is a concern

The Board and Planning Commission then completed an exercise where they placed a blue dot next to any Class III tool they wished to move to Class II and any Class I or II tool they wished to move to Class III. Following the dot exercise they group discussed any move that was not unanimous with the Board of County Commissioners ultimately providing consensus direction based on each discussion.

Summary of Meeting Discussion and Direction

The below table summarizes the discussion and direction that came out of the scoping exercise, stakeholder workshop, and Board of County Commissioners meeting. The initial classification came out of the combination of the responses to the scoping exercise. The number of yellow and red placed on each tool indicates the reaction of the stakeholders to the initial classification. A summary of the discussion on those tools discussed by the stakeholders is included. The stakeholders did not discuss every tool. The classifications that came out of the stakeholder workshop are indicated. The number of blue dots placed on a tool shows the Board of County Commissioners desire to reclassify a tool from its classification following the stakeholder workshop. The discussion of the Board and Planning Commission is indicated by the bullet summary of discussion. The direction provided by the Board of County Commissioners is in bold italics. The final classification that resulted from the process is the final column.

	Initial Class	Yellow Dots	Red Dots	Stakeholder Discussion	Wksp Class	Blue Dots	BCC/PC Discussion	Final Class
Active Stewardship								
Donated Conservation Easements	I				I			I
Private Land Trust	I				I			I
Public Land Trust	II				II			II
Stewardship Requirements	II		3		II			II
Conservation Plan	III	2			III			III
Green Infrastructure Plan	III	1	2		III			III
Dedicated Funding Source for Purchase of Open Space	I	1			I	1	<i>Reclassify as Class III – do not evaluate through this process</i> <ul style="list-style-type: none"> Specifically called for in Comp Plan Does not fit as an LDR policy Could be used in tandem or in place of other tools Not appropriate use of staff time Could provide alternative to additional regulations Difficult to determine which properties to acquire Unrealistic to raise enough \$ to purchase enough property 	III
Agricultural Resource Protection								
Agricultural Allowance	II	1	1		II			II

	Initial Class	Yellow Dots	Red Dots	Stakeholder Discussion	Wksp Class	Blue Dots	BCC/PC Discussion	Final Class
Agricultural Assessment	I				I			I
Agricultural Exemptions	II	2	1	<ul style="list-style-type: none"> • Wildlife fencing a barrier to AG • Incentive for viable, small scale AG • Exemptions important component of other tools (e.g. bulk/scale, lighting/noise, fencing) • The longer AG land is active, more likely it will be permanently conserved • Could be paired w/ AG overlay • Need consistent definitions 	II			II
Agricultural Accessory Uses	II	2	2	<ul style="list-style-type: none"> • Significant source of income • Open ended concept / allowance • Range of supplementary uses can complement AG operations 	II			II
Agricultural Resource Overlay	II	1	2		II	1	<i>Reclassify as Class III</i>	III
Agricultural Support Organization	III	1			III			III
Conservation Design								

	Initial Class	Yellow Dots	Red Dots	Stakeholder Discussion	Wksp Class	Blue Dots	BCC/PC Discussion	Final Class
Subdivision PRD (Conservation Subdivision)	II	1		<ul style="list-style-type: none"> • Encourages partnership w/ land trust • PRD process is disincentive – needs predictability, expensive • PRD may not affect div. shift to complete neighborhoods • Not easily understood by public • Could eliminate 6x/9x multiplier and redirect potential to C.N.s • 6x/9x provide tax incentives to land owners – eliminating this would be hard to reverse • PRD currently only tool on table • Needs to be incentivized • Non-subdivision PRD doesn't take greater context into account • 6x/9x effective, good to keep option • Trust vs. conditions • Lack of clarity of benefits – community, resource, landowner • 6x / 9x not actually that high due to other reqs. • Currently no mechanism for transferring unit into town • Formalized TDR program would add an option for land owners – would require close coordination w/ town • TDR could better address workforce housing shortage • PRD could be modified to include TDR component 	II			II

	Initial Class	Yellow Dots	Red Dots	Stakeholder Discussion	Wksp Class	Blue Dots	BCC/PC Discussion	Final Class
Non-subdivision (Family Compound) PRD	II	3	1		II			II
Conservation and limited development projects	III	1			III			III
Conservation-oriented planned development projects	III	1			III			III
Open Space or Cluster Zoning	II	1	2		II			II
Financial Land Protection Incentives								
Conservation Easement Assessment	II		2		II	1	<i>Reclassify as Class III</i>	III
Purchase of Development Rights (PDR)	II		2		II			II
Payments for Ecosystem Services (PES)	II				II	1	<i>Reclassify as Class III</i>	III
Growth Management								
Urban Growth Boundary	III				III			III
Sprawl Index	III	1			III			III
Urban Service Area	III	1			III			III
Adequate Public Facilities Ordinance (APFO)	III	1			III			III
Building Permit Quota System	II	1	7	<ul style="list-style-type: none"> • Not economically viable • Not win-win • Monetizing building permits, could drive speculation • Could be a way to accomplish goals in Town 	III			III
Performance Standards								
Maximum House Size	I				I			I
Maximum Density	I				I			I
Bulk and Scale	II	1			II			II
Site Coverage	I				I			I
Use Allowance	II	1			II			II
Use Performance Standards	I				I			I

	Initial Class	Yellow Dots	Red Dots	Stakeholder Discussion	Wksp Class	Blue Dots	BCC/PC Discussion	Final Class
Natural resources performance standards	II		2		II			II
Transfer of Development Rights								
Noncontiguous PRD	II	4		See Subdivision PRD	II		<ul style="list-style-type: none"> Incentives have not been correctly aligned 	II

	Initial Class	Yellow Dots	Red Dots	Stakeholder Discussion	Wksp Class	Blue Dots	BCC/PC Discussion	Final Class
Enhanced TDR	II	3	2		II	2	<p><i>Consider within PRD Program</i></p> <ul style="list-style-type: none"> • Concept of adding value to density is useful • Gives more value to property owners w/ more sensitive resources / public values • Consider enhanced PDR/density bonuses instead • Development pressure should be part of enhanced TDR equation • Premise – not all open space is equal. Different open space valuable for different reasons. Should not be subjective, integrated w/ NRO and SRO • Would allow transfer w/o ownership of multiple properties / direct partnership 	II
Permanent Protection Linkage Plan (PPLP)	III	5	1	<ul style="list-style-type: none"> • Increased transparency • Puts more rigor to something already occurring • Doesn't monetize units • Complicates CE process/gaming • Doesn't result in overall extinguishment of dvt. • Adds complication / admin. • Upzones should be approved on own merits 	II			II
Zoning								
Character Based Zoning	I				I			I
Acknowledgment Zoning	III	2	1		III			III
Euclidean Zoning	II				II			II
Performance Zoning	II	1			II			II

	Initial Class	Yellow Dots	Red Dots	Stakeholder Discussion	Wksp Class	Blue Dots	BCC/PC Discussion	Final Class
Base Site Area (Calculation of Potential based Natural Features)	II				II			II
Form-Based Zoning	III				III			III
Deferred to Environmental Protections Process – all tools in these categories should be evaluated during the process to update the natural resource protection standards								
Individual Resource Protection								
Natural Resources Overlay (NRO) (LDR Sec. 3270)	II	1			II			III
Scenic Resources Overlay (SRO) (LDR Div. 3300)	II				II			III
Vegetative cover types (LDR Sec. 3211)	II		2		II			III
Water body, 10-year floodplain and wetland buffers (LDR Sec. 3220)	II	1	2		II			III
Environmental Assessment (LDR Sec. 3140.A)	II	2	1		II			III
Mitigation Requirements	II	1			II			III
Stormwater Management (LDR Div. 4900)	II				II			III
Resource Conservation	II	2			II			III
Restoration & Mitigation Banking	II	1			II			III
Wildlife Friendly Design								
Wildlife Friendly Fencing (LDR Sec. 49220)	II	1			II			III
Wild Animal Feeding (LDR Sec. 3230)	II		2		II			III
Vegetation Management Standards (LDR Sec. 4130, 4140)	II		3		II			III
Outdoor Noise and Lighting Standards (LDR Table 43370.A.2)	II	1	1		II			III

	Initial Class	Yellow Dots	Red Dots	Stakeholder Discussion	Wksp Class	Blue Dots	BCC/PC Discussion	Final Class
Bear conflict prevention and mitigation	II		4		II	1	<i>Reclassify as Class III and discuss following NRTAB studies</i> <ul style="list-style-type: none"> • USFWS asked for Teton County to support their efforts • Enforcement is difficult • Not applied fairly / uniformly • Existing regulation largely ignored • Bear-proof containers have not been effective • Appropriate, but not for LDRs – education should be focus • Deserves evaluation and wouldn't require much time 	III
Domestic animal controls	II		4	<ul style="list-style-type: none"> • Not appropriate to address thru zoning • Applicable for recreation 	II	2	<i>Reclassify as Class III</i> <ul style="list-style-type: none"> • Concern about impact of cats on migratory / songbirds • More of a covenant / land use regulation than LDR • Not as much a nat. res. issue as a regulatory issue – not appropriate for NRTAB • Would be more effective if uniformly applied • Enforcement is very difficult • Worth looking at, at some point 	III
Wildlife Crossings	II	1			II			III