

Active Stewardship

DESCRIPTION

Active stewardship is the continuous preservation of conservation values on a property. This is often accomplished through a conservation easement where a third party is granted access to ensure the habitat, scenic or agricultural resources on the property are being preserved and enhanced. However, conservation management ordinances could also apply to other private lands and to public lands purchased through dedicated funds for open space. Conservation planning is a landscape-scale process of prioritizing areas that are important for meeting conservation objectives, given limited resources and future land-use change. A *conservation plan* or *greenprint* is a map that illustrates potential conservation areas valued by a community and interconnections between the natural and built environments, and it may serve as a guide for future land acquisition or protection through the purchase or donation of development rights. Conservation plans may include a wide variety of conservation targets, such as wetlands, floodplains, stream corridors, viewsheds, plant and wildlife habitats, or rare ecological communities.

RELATION TO THE COMPREHENSIVE PLAN

- **Policy 1.4.a: Encourage non-development conservation of wildlife habitat**
- Policy 1.1.a: Protect focal species habitat based on relative critical value
- Policy 1.1.g: Encourage restoration of degraded areas
- Policy 1.2.c: Monitor and maintain water quality
- Policy 1.3.a: Maintain natural skylines
- Policy 1.3.b: Maintain expansive hillside and foreground vistas
- Policy 3.1.c: Maintain rural character outside of complete neighborhoods
- Policy 1.4.b: Conserve agricultural lands and agriculture

EXISTING TETON COUNTY TOOLS

Tool	Description	Use
Donated Conservation Easements	Land of conservation value is protected by a landowner or conservation buyer who places a conservation easement restricting development to one or several homes within a small “building envelope”. A land owner that donates a conservation easement can claim a charitable donation equal to the value of the unit(s) eliminated.	About 75% of land in conservation easement was donated (as opposed to conserved as part of a development agreement such as a PRD or PUD)
Private Land Trust	A private land trust is a non-profit organization that actively stewards conservation easements through donations from their supporters. The most prominent land trust in Teton County is the Jackson Hole Land Trust.	Land in conservation easement: JH Land Trust: ~17,000 ac. Nature Conservancy: ~2,230 ac. Other: ~1,720 ac.
Public Land Trust	A public land trust actively stewards lands under conservation easement, however it is supported by public funds. Teton County’s land trust is the Teton County Scenic Preserve Trust.	TCSPT: ~3,200 ac.

OTHER TOOLS TO CONSIDER

Tool	Description	Use
Stewardship Requirements	Standards for public open space can include provisions to exclude invasive species, retain vegetation cover and ecological restoration. In theory, similar standards could apply to private lands. Conservation management ordinances are an opportunity to integrate conservation into day-to-day management and strategic planning. There are ordinances, for example, that require the maintenance and restoration of native tree cover as part of the development process.	We have not yet found examples of county-level stewardship requirements for private lands. However, counties (see King County, WA) can offer voluntary technical assistance in the form of stewardship planning programs. These programs provide incentives to landowners to enroll and tailor habitat and other natural resource protection to the property and goals of the landowner.
Conservation Plan	Communities may want to strategically prioritize open space for fee-simple purchase, purchase of development rights, or to identify lands where the county may want to encourage the donation of a conservation easement.	Pima County, AZ; Placer County, CA
Green Infrastructure Plan	An interconnected green space network, including natural areas, conservation lands, and working lands, that is managed for its natural resource values as well as for human uses (e.g., outdoor recreation).	Wasatch Front, UT; many additional examples from east coast and Europe
Dedicated Funding Source for Purchase of Open Space	Communities may create a local fund for open space protection. Funds for the purchase of open land can be raised locally through, for example, a surcharge on property taxes. Another source of funds is a land-cash donation ordinance which requires developers to donate land (or cash) for new parks and protected areas.	Gloucester County, NJ (tax levy to raise funds for acquisition of property for conservation and recreation); Kendall County, IL (Land-cash donation ordinance: see reference for details)

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- Land Cash Donation Ordinance Survey: http://www.champaignparkdistrict.com/parks/Mandatory_Land_Dedic_Ord_Survey.pdf
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Agricultural Resource Protection

DESCRIPTION

A variety of planning tools are adopted to specifically protect agricultural resources. Agricultural resources include working farms, farmland, and the rural landscape. Three broad categories of planning tools address: (1) Explicitly permitting agricultural land uses and/or allowing exemptions to land development regulations that would otherwise preclude agricultural operations; (2) Limiting or prohibiting other land uses that are incompatible with or may negatively impact agricultural operations; and (3) Incentivizing strategic conservation of agricultural lands by purchase of land or development rights. In addition to protecting agricultural lands and operations, the objectives of tools for agricultural resource protection are to conserve open space for wildlife and scenic character, ensure continued sustainability of local food production, and maintain the western agricultural heritage.

RELATION TO THE COMPREHENSIVE PLAN

- **Policy 1.4.a: Encourage non-development conservation of wildlife habitat**
- **Policy 1.4.b: Conserve agricultural lands and agriculture**
- Policy 1.2.a: Buffer waterbodies, wetlands, and riparian areas from development
- Policy 1.2.b: Require filtration of runoff
- Policy 1.3.b: Maintain expansive hillside and foreground vistas
- Policy 2.5.a: Encourage water conservation
- Policy 3.1.c: Maintain rural character outside of Compete Neighborhoods
- Policy 3.3.c: Provide predictability in land use decisions

EXISTING TETON COUNTY TOOLS

Tool	Description	Use
Agricultural Allowance	No permit is required for agricultural use. However, agriculture is defined in the LDRs as active farming or ranching on at least 70 acres.	About 375 properties (55% of private land) meet LDR ag definition.
Agricultural Assessment	Providing a tax break through agricultural property tax assessment is part of state statute. To receive a land owner must prove agricultural operation of at least 35 acres.	3% (~450) of properties, 58% of private land receive ag assessment
Agricultural Exemptions	Agricultural use is granted exemption from several LDRs such as grading permit and EA requirements in order to avoid impeding the agricultural operation.	Because of their nature, use of exemptions is not well documented. For a full list of current exemptions please refer to the references.
Agricultural Accessory Uses	A number of uses are allowed in the Rural zone to promote continuation of agriculture. However, these uses do not all require association with agriculture and only require a site of 35 acres.	Since 1994 the following numbers of permits have been approved for each use. Permits may be for new instances or revisions to existing instances.
	Use	Approved Permits
	Agricultural Employee Housing	9
	Working Ranch Subdivision	6
	Nurseries	5
	Bed and Breakfasts	2
Dude/Guest Ranch	10	

	Ag Support/Service	1
	Campgrounds	11
	Receptions/Events	1
	Outdoor Recreation	13
	Cottage Industry	1

OTHER TOOLS TO CONSIDER

Tool	Description	Use
Agricultural Resource Overlay	Overlay district to promote agricultural land uses, protect prime farm and ranch lands, and prevent non-agricultural land uses from negatively impacting agricultural land uses.	The Agricultural Overlay District of Park County, WY, requires agricultural impact review for development applications within the overlay district.
Agricultural Support Organization	A group that supports farmers and ranchers and encourages or promotes the continuation of agriculture in a community.	The Rural Agriculture Protection Program of Eastern Summit County, UT, includes appointment of an Agriculture Protection Advisory Board, which advises county officials regarding designation of agricultural protection areas and promotion of agricultural production.
Agricultural Cluster Zoning	*See <i>Conservation Design</i> case study.	
Agricultural Conservation Easements	*See <i>Active Stewardship</i> case study or <i>Financial Land Protection Incentives</i> case study.	
Agricultural Protection Zoning	*See <i>Zoning</i> case study.	

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- LDR Agricultural Exemptions: grading permit, temporary gravel extraction standards, EA requirements, terrain disturbance in waterbody/wetland/ditch buffers, NRO requirements, SRO requirements, ditch alteration requirements, smoke emission, vibration, employee housing, no limit on size of single building, ag induced wetlands not protected, not liable for incidental wildlife feeding, road design required to accommodate agriculture, fence repair/relocation exempt from wildlife friendly fencing standards, ag employee housing exempt from affordable housing.

Conservation Design

DESCRIPTION

Conservation design (CD), often referred to as cluster, open space or planned unit development, is a form of residential development that clusters homes with the goal of providing functional protection of open space. The open space portion of these properties is ideally selected and managed specifically to protect natural resources such as wildlife habitat or water quality, productive agricultural lands and/or scenic views. This tool usually involves grouping homes on smaller lots than is typically permitted by zoning laws such that much of the site is set aside as open space. CD is occasionally required but is most often voluntary and encouraged through the use of incentives such as density bonuses or a streamlined review process. CD has been widely used and accounts for up to 25% of private land conservation in the United States.

RELATION TO THE COMPREHENSIVE PLAN

- **Policy 1.4.c: Encourage rural development to include quality open space**
- Policy 1.1.a: Protect focal species habitat based on relative critical value
- Policy 1.1.b: Protect wildlife from the impacts of development
- Policy 1.1.c: Design for wildlife permeability
- Policy 1.1.d: Limit human/wildlife conflicts
- Policy 3.1.c: Maintain rural character outside of complete neighborhoods
- Policy 3.3.c: Provide predictability in land use decisions

EXISTING TETON COUNTY TOOLS

Tool	Description	Use						
Subdivision PRD (Conservation Subdivision)	Conservation subdivision clusters homes on smaller lots than are ordinarily permitted and sets aside the remainder of the site (40-80%) as open space. They are usually built at or above maximum base density.	Larimer County, CO (Rural Land Use Process and Conservation Development); at least 18 other counties in Colorado and approximately 400 counties in the western U.S. have similar conservation subdivision ordinances						
	In Teton County, the PRD allows additional units in exchange for the protection of open space. Density and open space options are listed below:	The subdivision PRD has been used as noted below:						
		Zone	Density	Open Space	PRDs	Base Units	Bonus Units	Open Space
		Suburban	3.64/ac	25%	0	-	-	-
		Suburban	4/ac	35%	2	contract zoning		27 ac.
		Rural	2/35 ac	50%	0	-	-	-
		Rural	3/35 ac	70%	20	25	38	759 ac.
Non-subdivision (Family Compound) PRD	A property owner may also develop their PRD units under single ownership. The non-subdivision PRD is also used to allow multiple units on a single parcel where prohibited by base zoning, but allowed by an older conservation easement.	Other examples: Beaufort County, SC. While all density options listed above are available the only tool used has been the 3/35 ac option in the Rural zone as listed below.						
			PRDs	Base Units	Bonus Units	Open Space		
			Existing Easement	10	22	1	2,227 ac.	
			New Easement	28	32	32	1,253 ac.	

OTHER TOOLS TO CONSIDER

Tool	Description	Use
Conservation and limited development projects	Development of a small fraction (5-25%) of what is allowed under local zoning laws. Encouraged through local zoning and tax incentives for donating conservation easements.	Routt County, CO; also see Milder – “Limited Development” Essay for specific examples in eastern U.S.
Conservation-oriented planned development projects	Large- scale master-planned communities which provide a range of housing types as well as commercial, recreational and public spaces. Land-use regulations typically require 10-50% of land to be set aside as open space.	Ada County, ID & Stapleton, CO While Teton County no longer has a PUD tool, 4 past PUDs are responsible for about 3,450 acres of open space.
Open Space or Cluster Zoning	Site development regulations that require new construction to be located on a designated portion of the parcel to achieve landscape level clustering. In some cases the remaining open space is permanently protected under conservation easement.	Lake Elmo, MN has implemented a cluster zoning ordinance
Tax Credits for Open Space based on resource protection	* See <i>financial land protection incentives</i> case study	

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- PRD Use (Revised 2/12/13)

Financial Land Protection Incentives

DESCRIPTION

The portfolio of financial land protection tools include purchase of open space, purchase of development rights, donated conservation easements and payments for ecosystem services. In each case development in an area is restricted in order to protect or restore open space for wildlife, scenic resources, agricultural value or other nature-based goods and service such as clean water. Funding for land protection could come from local government in the form of an open space fund or tax incentives to landowners, from non-profit organizations such as land trusts which may purchase development rights or manage conservation easements, and from government agencies or for-profit institutions paying for ecosystem services such as carbon sequestration, water or habitat banking for protected species.

RELATION TO THE COMPREHENSIVE PLAN

- **Policy 1.4.a: Encourage non-development conservation of wildlife habitat**
- **Policy 1.4.d: Establish a funding source for open space**
- **Policy 3.1.a: Reduce development potential in the rural County**
- Policy 1.1.a: Protect focal species habitat based on relative critical value
- Policy 1.1.g: Encourage restoration of degraded areas
- Policy 1.4.b: Conserve agricultural lands and agriculture
- Policy 2.5.a: Encourage water conservation
- Policy 3.3.c: Provide predictability in land use decisions

EXISTING TETON COUNTY TOOLS

Tool	Description	Use
Conservation Easement Assessment	Local tax credits granted for the protection of open space through conservation easement. In some cases the degree of tax credit is a function of the resource conserved.	Pima County, AZ, gives tax credits for open space on a sliding scale based on the degree to which the open space provides wildlife habitat and allows for wildlife movement, including degree to which open space portion of the development is adjacent to other open space.
	Pursuant to State statute, all property in Teton County under conservation easement receives agricultural assessment. Assessor applies the tax break to all conservation easement land outside of a building envelop.	22,564 acres (~30% of private land) is under conservation easement

OTHER TOOLS TO CONSIDER

Tool	Description	Use
Purchase of Development Rights (PDR)	A voluntary program where a land trust or some other agency often linked to local government offers to buy development rights from a landowner. This often results in a conservation easement that memorializes the removal of the development rights in perpetuity	Snohomish County, WA and many other western counties have implemented competitive PDR programs with limited public funds along with additional funds raised through donations and non-profit partners. Applicants to the PDR program are ranked based on value of their land for agriculture or other natural resources.

	and protects the habitat, scenic, or agricultural value of the property.	Riverside County, CA, adopted a Development Impact Fee Ordinance, which collects fees for new development to support public facilities and preserve open space, wildlife, and their habitats.
Payments for Ecosystem Services (PES)	Land use can generate a variety of environmental benefits such as the provision of clean water, reduced flooding risk or enhanced carbon sequestration. Landowners rarely receive any compensation for these services, and thus may not incorporate them into land use decisions, which may be sub-optimal for the community. PES is a system in which land users are compensated for the environmental services they provide. PES systems exist regionally and nationally for some ecosystem services and typically involve government as well as the private sector.	San Miguel, CO – mill levy supports pilot PES project which pays private landowners for access for rare plant surveys; next steps include carbon payments and biodiversity payments; The Colorado Habitat Exchange is an incentive-based program that allows companies to mitigate environmental impacts through conservation and restoration actions on private land. This program is currently in the design phase, with pilot transactions scheduled for summer 2013; The Mokelumne Watershed Environmental Benefits Program (CA): Utilities, corporations, and other stakeholders who benefit from a healthy watershed provide financial support for land and water stewardship projects.

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Growth Management

DESCRIPTION

Growth management refers to a group of planning tools that adopt a regional perspective to plan for residential growth and open space protection, while aiming to minimize sprawling development in rural areas. Sprawl is defined as the process in which the spatial expansion of development (or per capita land use conversion) outpaces human population growth. Also known as “smart growth,” growth management programs typically attempt to balance anticipated population growth with a community’s social, economic, and environmental priorities. Objectives of growth management tools include protecting wildlife habitat, scenic vistas, and open space in rural areas, directing new development to developed areas where infrastructure and services already exist, and ensuring that adequate infrastructure and services will be available to support new development. Growth management tools also have the potential to reduce energy consumption by concentrating development close to transportation and other public infrastructure and services.

RELATION TO THE COMPREHENSIVE PLAN

- **Policy 3.1.b: Direct development toward suitable areas for complete neighborhoods**
- Policy 1.1.b: Protect wildlife from the impacts of development
- Policy 1.3.b: Maintain expansive hillside and foreground vistas
- Policy 1.4.a: Encourage non-development conservation of wildlife habitat
- Policy 3.1.a: Reduce development potential in the rural County
- Policy 3.1.c: Maintain rural character outside of complete neighborhoods

EXISTING TETON COUNTY TOOLS

Tool	Description	Use
<p>The Growth Management Program and Character Districts in the Comprehensive Plan are policies, not implementation tools. Teton County does not currently utilize any growth management tools.</p>		

OTHER TOOLS TO CONSIDER

Tool	Description	Use
Urban Growth Boundary	Urban growth boundaries identify and separate land that will be available for future growth from land that is designated to be protected. Boundaries are typically drawn to take into account the amount of land that will be necessary to accommodate a community’s future housing and economic development.	The Zoning Regulations of Routt County, CO, establish a Commuter Zone around Steamboat Springs as that community’s urban growth boundary.
Sprawl Index	A sprawl index is calculated as a measure of location efficiency, based on residential density; proximity of homes, jobs, and services; and accessibility of transportation and other infrastructure. Typically used to compare one community to another, sprawl index scores could also be calculated as a measure of location efficiency for individual parcels or subdivisions.	

Urban Service Area	Sometimes used as a synonym for urban growth boundary, an urban service area represents the boundary beyond which a municipality will not provide public infrastructure such as roads, sewer and water lines.	Gunnison County, CO, designates Urban Service Areas as areas within which a municipality may provide utility or other services to adjacent, unincorporated lands.
Adequate Public Facilities Ordinance (APFO)	A growth management tool that seeks to link the timing of new development to the availability of infrastructure and services to support it. Development approval is conditional on whether the development project meets the level of service or capacity standards.	
Allocation System/ Enhanced TDR	*See <i>Transfer of Development Rights</i> case study	

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Individual Resource Protection

DESCRIPTION

This set of tools safeguards important natural features and processes such as surface and groundwater, wetlands, riparian areas and habitat for wildlife species. For example, setbacks may be used to create buffers along riparian areas which can serve as habitat for fish and wildlife, corridors for wildlife movement, and reduce the likelihood of catastrophic flood events to downstream communities. Overlay districts provide one means to implement a conservation plan via land development regulations. An overlay district is a mapped zoning designation that supplements the underlying zoning standards with additional requirements designed to protect specific conservation targets. For example, developers of properties within overlay districts may be required to preserve certain natural features or to adhere to particular design standards.

RELATION TO THE COMPREHENSIVE PLAN

- **Policy 1.1.a: Protect focal species habitat based on relative critical value**
- **Policy 1.1.b: Protect wildlife from the impacts of development**
- **Policy 1.1.f: Require mitigation of unavoidable impacts to habitat**
- **Policy 1.2.a: Buffer waterbodies, wetlands, and riparian areas from development**
- Policy 1.1.e: Understand the impacts of development on wildlife
- Policy 1.1.g: Encourage restoration of degraded areas
- Policy 1.2.b: Require filtration of runoff
- Policy 1.2.c: Monitor and maintain water quality
- Policy 3.3.c: Provide predictability in land use decisions

EXISTING TETON COUNTY TOOLS

Tool	Description	Use
Natural Resources Overlay (NRO) (LDR Sec. 3270)	Habitat protection overlays systematically identify and strategically protect biologically significant open spaces and corridors. Such overlays often include and are focus on riparian areas. Habitat overlays often require environmental assessment to determine the potential impacts and appropriate avoidance and mitigation measures.	Summit County (CO); Teton County (ID)
	In Teton County the NRO protects crucial winter range of elk, mule deer, moose, trumpeter swan, and bald eagle; migration routes of elk and mule deer, and nests/spawning areas for trumpeter swans, bald eagles, and cutthroat trout. Allowed development is not reduced based on the presence of the NRO.	About 45% of private land is within the mapped NRO About 18% of building permits since 2007 were subject to NRO requirements
Scenic Resources Overlay (SRO) (LDR Div. 3300)	Scenic resource overlays protect identified viewsheds from the impacts of development by implementing additional standards and mitigation on development in these areas.	San Miguel County (CO)
	In Teton County, the SRO protects skyline and foreground views from select state highways and county roads.	About 31% of private land is within the mapped SRO About 15% of building permits since 2007 were subject to SRO requirements

Vegetative cover types (LDR Sec. 3211)	In Teton County vegetation is protected based on an ordinal ranking system that identifies the most important vegetation types for species of special concern. Development is required to locate in lower priority vegetation.	Fort Collins, CO: site analysis for rare, threatened and endangered plants Chapel Hill, NC: minimum native canopy cover must be maintained
Water body, 10-year floodplain and wetland buffers (LDR Sec. 3220)	Setbacks can be used to buffer specific resources such as riparian areas from development that could negatively the resource. Buffers can also be used to protect specific habitat features such as nests or dens.	Fort Collins, CO: buffer/set-back for nesting and foraging sites for multiple species of conservation concern (e.g. eagles, migratory birds, fox dens, butterflies), streams, lakes and wetlands
	In Teton County development (except essential facilities) is prohibited in waterbodies, 10-year floodplain, wetlands. Buffers are also required as follows: <ul style="list-style-type: none"> • River: 150' • Stream & natural lake/pond: out of riparian plant community, no less than 50' no more than 150' • Wetlands: 30' In addition, buffers around nests and spawning areas are incorporated into NRO standards.	Over 100 wetland delineations have been reviewed since 1994 About 25% of building permits since 2007 have been subject to a waterbody or wetland buffer.
Environmental Assessment (LDR Sec. 3140.A)	Review of development proposals for impacts on wildlife, scenic views, water quality and other dimensions of the natural environment that are valued by the community. This process often involves a knowledgeable government employee or skilled consultant with the goal of identifying, avoiding and/or mitigating potential impacts.	Park City, UT: map and report depicting wildlife habitat required - includes ecological/wildlife use characterization; existence of corridors; special habitat features; endangered species; ecological functions; potential impacts from development
	In Teton County new development, unless exempt by Section 3130, is required to map site conditions, vegetative cover types, protected resources, and protected habitat, then analyze the proposed habitat impacts and review alternative site designs.	208 EAs have been reviewed since 1994. About 40 EA exemption requests have also been reviewed.
Mitigation Requirements	Requirement to replace the function and value of the specific resource that will be impacted by a development project.	Henderson, NV: using only native plants, restoration of pre-development native habitat in area equal to or greater than 10% of development footprint (must work with qualified ecologist)
	In Teton County, mitigation of wetland and habitat impacts is required at a ratio of 2:1 where such impacts cannot be avoided.	

Stormwater Management (LDR Div. 4900)	Groundwater recharge can be protected by limiting the area of impervious surfaces. In Teton County, Site development is limited and development that would increase amount or velocity of stormwater flowing onto neighboring property requires stormwater management facilities	
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OTHER TOOLS TO CONSIDER

Tool	Description	Use
Resource Conservation	Standards can be used to conserve resources such as water. For example standards can link development to water supply through requirements for developers to prove sufficient water supply through hydrological reports and/or the establishment of water conservation standards.	
Restoration & Mitigation Banking	The banking of land for the restoration, creation or preservation of a wetland, riparian area or other important wildlife habitat which improves overall ecosystem function or offsets expected adverse impacts to similar nearby habitat. Local government can establish a mitigation bank to sell credits to developers whose projects impact natural resources valued by the community.	Multiple counties in California (see: http://www.dfg.ca.gov/habcon/conplan/mitbank/catalogue/) Routt County, CO also has a mitigation bank. (see: http://www.mitigationbanking.org/mitigationbanks/index.html#colorado)

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Performance Standards

DESCRIPTION

Performance standards are implemented for density, intensity, site design, and other design standards to minimize negative impacts associated with development and to encourage development that incorporates land conservation and sustainable design characteristics. In a performance system, the type and intensity of development must fit the unique characteristics of the individual property, which may be assessed through a land or ecological suitability analysis. Performance standards are commonly established for protection of open space, wildlife habitats, or ecosystem processes, or to minimize disturbance to those natural resources due to design choices and construction activities. In exchange, a developer receives greater flexibility in the types of land uses permitted or greater variation in the built form.

RELATION TO THE COMPREHENSIVE PLAN

- **Policy 1.1.b: Protect wildlife from the impacts of development**
- **Policy 3.1.a: Reduce development potential in the rural County**
- **Policy 3.1.b: Direct development toward suitable areas for complete neighborhoods**
- Policy 1.1.c: Design for wildlife permeability
- Policy 1.2.a: Buffer waterbodies, wetlands, and riparian areas from development
- Policy 1.3.a: Maintain natural skylines
- Policy 1.3.b: Maintain expansive hillside and foreground vistas
- Policy 1.3.c: Maintain natural landforms
- Policy 1.3.d: Maintain dark night skies
- Policy 1.4.c: Encourage rural development to include quality open space
- Policy 3.1.c: Maintain rural character outside of complete neighborhoods

EXISTING TETON COUNTY TOOLS

Tool	Description	Use
Maximum House Size	No single dwelling in Teton County may exceed 8,000 square feet of habitable or 10,000 square feet of total floor area. An additional 100 square feet of nonhabitable floor area per acre over 10 acres is allowed. Basement floor area is exempt	Since 2007 building permits on properties that could build at least 10,000 square feet have resulted in an average of 6,300 square feet per property.
Maximum Density	Zoning districts in Teton County each have a maximum density allowed by conventional subdivision. The densities define character and set a baseline for any bonuses or elimination of development rights.	Rural: 1 unit per 35 acres Suburban: 3.63 units per acre NC: 1 unit per 3, 6, 10, or 20 acres BC: 1 unit per lot
Bulk and Scale	Limiting the bulk and scale of building is often accomplished through an FAR or Floor Area Ratio that equates the amount of floor area to the lot size. In form-based codes (*see <i>Zoning</i> case study) the actual volume is more strictly defined.	Residential: Maximum Floor Area (Section 2421) is a sliding scale FAR up to 10,000 square feet Nonresidential: Rural: 0.007 BC: 0.05-0.3 depending on lot size

Site Coverage	The coverage of a site is often limited to protect habitat and limit runoff. In Teton County a Landscape Surface Ratio (LSR) or its inverse Maximum Site Development is used. Other communities focus directly on impervious surface, as Teton County used to.	Residential: Maximum Site Development (Section 2425) is a sliding scale for properties up to 35 acres Nonresidential: Rural: 95% LSR BC: 30% LSR																														
Use Allowance	Separating use was the original basis of zoning and is still used to protect character in various zoning Districts in all types of zoning codes. The Teton County LDRs contain 60 uses broken into 9 categories.	Outside of Complete Neighborhoods use categories are generally allowed as follows: for specifics see Table 2200 <table border="1"> <thead> <tr> <th></th> <th>Rural</th> <th>NC</th> </tr> </thead> <tbody> <tr> <td>Residential</td> <td>Yes</td> <td>Yes</td> </tr> <tr> <td>Agriculture</td> <td>Yes</td> <td>Yes</td> </tr> <tr> <td>Institutional</td> <td>CUP</td> <td>No</td> </tr> <tr> <td>Commercial</td> <td>No</td> <td>No</td> </tr> <tr> <td>Recreation</td> <td>CUP</td> <td>No</td> </tr> <tr> <td>Home Use</td> <td>CUP</td> <td>CUP</td> </tr> <tr> <td>Aeronautical</td> <td>CUP</td> <td>No</td> </tr> <tr> <td>Industrial</td> <td>No</td> <td>No</td> </tr> <tr> <td>Temporary</td> <td>Yes</td> <td>Yes</td> </tr> </tbody> </table>		Rural	NC	Residential	Yes	Yes	Agriculture	Yes	Yes	Institutional	CUP	No	Commercial	No	No	Recreation	CUP	No	Home Use	CUP	CUP	Aeronautical	CUP	No	Industrial	No	No	Temporary	Yes	Yes
	Rural	NC																														
Residential	Yes	Yes																														
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Aeronautical	CUP	No																														
Industrial	No	No																														
Temporary	Yes	Yes																														
Use Performance Standards	Applying specific standards to specific uses avoids the impacts that will be particular to that use. Teton County has a series of standards particular to certain uses that can be found in Division 2300.	29 Uses have use specific performance standards in Division 2300.																														

OTHER TOOLS TO CONSIDER

Tool	Description	Use
Natural resources performance standards	Development potential is calculated as a function of important resources e.g wildlife habitat. *See also <i>Individual Resource Protection</i> case study and <i>Zoning</i> case study	Gunnison County, CO: within or adjacent to sage grouse habitat, proposed development is subject to additional review and building envelope can be altered; City of Fort Collins, CO: development restrictions apply to land within or near important habitat features
Residential design standards	*See <i>Individual Resource Protection</i> case study	

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- McElfish, J.M. 2004. *Nature-friendly ordinances*. Environmental Law Institute, Washington, D.C.
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Transfer of Development Rights

DESCRIPTION

Transfer of Development Rights (TDR) tools allow a landowner to transfer the right to develop one parcel of land to a different parcel of land. The objectives of TDR programs are to protect open space, including wildlife habitat and scenic vistas, and to direct future growth to developed areas where infrastructure and services already exist. TDR programs are intended to reduce or eliminate development potential in areas that are a high priority for preservation by increasing development potential in areas where growth is desirable. Forming a TDR program requires defining what constitutes a *transferable development right* and the process by which it may be transferred. Many TDR programs also designate *sending areas*, or regions of a community to be protected from future land-use change, and *receiving areas*, or regions designated for more intensive growth or development.

TDR tools can transfer development potential between noncontiguous parcels under a single ownership, between disparate parcels under different ownerships, or between jurisdictions. TDR programs are typically allowed or encouraged by local ordinances, and transactions are negotiated privately between the buyers and sellers of development rights. In effect, TDR programs are funded by developers who acquire greater development potential in receiving areas, and greater potential revenue, by voluntarily using the TDR option. Once a parcel's development right has been sold, a conservation easement is commonly placed on the property to limit its future use.

RELATION TO THE COMPREHENSIVE PLAN

- **Policy 3.1.a: Reduce development potential in the rural County**
- **Policy 3.1.b: Direct development toward suitable areas for complete neighborhoods**
- Policy 1.1.a: Protect focal species habitat based on relative critical value
- Policy 1.1.b: Protect wildlife from the impacts of development
- Policy 3.3.c: Provide predictability in land use decisions

EXISTING TETON COUNTY TOOLS

Tool	Description	Use
Noncontiguous PRD	A PRD "site" is allowed to include noncontiguous parcels for calculation of density bonus and location of development, functionally allowing the transfer of develop between the noncontiguous parcels. See the <i>Conservation Design</i> case study for PRD description.	Once: 6/35 bonus, Rock Springs bowl rights transferred into Stilson Ranch and Granite Ridge Subdivisions. 8 base units, 26 bonus units, 237 acres of open space

OTHER TOOLS TO CONSIDER

Tool	Description	Use
TDR Bank	A TDR bank is an entity authorized by the community to buy, hold, and resell development rights. The bank creates a market for sale of development rights in sending areas and for purchase of development rights in receiving areas. The bank facilitates transactions, acts as a lender and buyer of last resort, and helps to establish TDR values.	The Countywide TDR Bank in Summit County, CO, facilitates development rights transactions for multiple sending and receiving areas throughout the county.

Enhanced TDR	A TDR program where the amount of transferable development is linked to certain performance standards such as the habitat, scenic or agricultural value of the sending area.	The Growth Management Quota System in Pitkin County, CO, sets an annual quota for growth and allows development rights to be allotted through a competition based on performance standards.
Permanent Protection Linkage Plan (PPLP)	Government monitors permanent extinguishment of development rights (e.g., via acquisition of conservation easements) in Rural Areas and considers allocation of those development rights as incentives in Transitional Subareas	

REFERENCES

- Kaplowitz, M.D., P. Machemer and R. Pruetz. 2008. Planners’ experiences in managing growth using transferable development rights (TDR) in the United States. *Land Use Policy* 25: 378-387.
- Machemer, P.L. and M.D. Kaplowitz. 2002. A framework for evaluating transferable development rights programmes. *Journal of Environmental Planning and Management* 45: 773-795
- Pruetz, R. and N. Standridge. 2008. What makes transfer of development rights work? Success factors from research and practice. *Journal of the American Planning Association* 75: 78-87.
- PRD Use (Revised 2/12/13)

Wildlife-friendly Design and Management

DESCRIPTION

This set of tools is focused on practices that make the built environment amenable to wildlife. Development-related impacts typically include habitat loss and fragmentation, physical barriers to movement such as fencing, supplemental food (e.g. garbage and gardens) and non-native predators, and noise and light pollution. Each of these can have undesirable effects on the local persistence of particular species, animal movement and activity patterns, changes in diet, disease dynamics, and direct interactions/conflict with humans. Both regulations and incentives have been used to require or encourage the use of best management practices that minimize these diverse impacts on wildlife along the rural to urban gradient.

RELATION TO THE COMPREHENSIVE PLAN

- **Policy 1.1.c: Design for wildlife permeability**
- **Policy 1.1.d: Limit human/wildlife conflicts**
- **Policy 7.3.b: Reduce wildlife and natural and scenic resource transportation impacts**
- Policy 1.1.b: Protect wildlife from the impacts of development
- Policy 1.1.e: Understand the impacts of development on wildlife
- Policy 3.3.c: Provide predictability in land use decisions

EXISTING TETON COUNTY TOOLS

Tool	Description	Use
Wildlife Friendly Fencing (LDR Sec. 49220)	Fencing required to be at most 38" (42" for livestock) and designed for wildlife permeability. Exemptions for special purposes.	Since 2008 about 40 requests have been made for special purpose fencing. Since 2008 Code Enforcement has looked into over 15 wildlife friendly fencing complaints.
Wild Animal Feeding (LDR Sec. 3230)	Prohibits supplemental feeding of wildlife. Exemptions for agriculture and bird feeding.	Since 2008 Code Enforcement has looked into over 10 feeding complaints
Vegetation Management Standards (LDR Sec. 4130, 4140)	Landscaping requirements can be implemented to maintain or enhance wildlife habitat. In Teton County, native vegetation is required beyond 200 feet of the building area. List of approved vegetation provided by Teton Conservation District.	
Outdoor Noise and Lighting Standards (LDR Table 43370.A.2)	These standards mitigate increases in noise and light exposure to wildlife as a result of development. Noise and light has been shown to cause substantial changes in foraging and anti-predator behavior, reproductive success, density and composition of wildlife communities. In Teton County, all light is required to be directed downward and permitted illumination is minimized in habitat areas (NRO).	

Bear conflict prevention and mitigation	Bear-proof garbage storage and bird feeder location is required in moderate and high conflict areas.	About 85% of private land is located in moderate or high conflict areas.
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OTHER TOOLS TO CONSIDER

Tool	Description	Use
Domestic animal controls	Provisions to reduce kill rates by dogs and cats on small birds/mammals by mandating physical restraint outside of homes in important wildlife areas	La Plata County, CO: ordinance does not allow unrestrained dogs and “appropriate measures” may be taken if a dog is harassing wildlife
Wildlife Crossings	Counties and regions can incorporate specific provisions within their ordinances to provide for crossings for wildlife and safer roads for people. Wildlife overlay districts (*See <i>Individual Resource Protection</i> case study) can also help ensure that new development minimizes negative effects on important wildlife crossing areas.	King County, WA has a critical areas ordinance that protects wildlife connectivity and enables projects to design, permit and build structures to reduce encounters between motorists and wildlife
Environmental Assessment	*See <i>Individual Resource Protection</i> case study.	

REFERENCES

- Barber, J.R., K.R. Crooks and K.M. Fristrup. 2010. The costs of chronic noise exposure for terrestrial organisms. *Trends in Ecology and Evolution* 25: 180-189.
- Beier, P., D. Majka, S. Newell, and E. Garding. 2008. Best Management Practices for Wildlife Corridors. Northern Arizona University. 14 pp. http://corridordesign.org/dl/docs/corridordesign.org_BMPs_for_Corridors.pdf
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- Montana Fish, Wildlife & Parks. 2012. Fish and wildlife recommendations for subdivision development in Montana: a working document. Montana Fish, Wildlife & Parks, Helena, MT. Available at: <http://fwp.mt.gov/fishAndWildlife/livingWithWildlife/buildingWithWildlife/subdivisionRecommendations/>.

Zoning

DESCRIPTION

A zoning ordinance divides a community into districts and prescribes the land uses, characteristics, intensity, or form of development allowed in each district. Zoning districts are delineated in a zoning map, and the ordinance prescribes which specific uses, characteristics, or development densities are authorized, which are conditionally authorized, and which are prohibited in each district. Zoning regulations often also address design standards, setback requirements, building height, and other features affecting the location and form of development. Most zoning systems include a procedure for granting variances, or exceptions, to zoning regulations.

Zoning is used by communities to achieve several objectives related to conservation or preservation of rural areas. Specifically, zoning can be used to direct growth out of wildlife habitat and agricultural lands and protect scenic resources and open space. For example, large-lot zoning is commonly used by communities to discourage development or reduce development density in areas that are less environmentally suitable for development. Zoning can also be used to encourage forms of development that maintain rural character, protect agricultural resources, and include quality open space.

RELATION TO THE COMPREHENSIVE PLAN

- **Policy 3.3.c: Provide predictability in land use decisions**
- **Policy 3.1.a: Reduce development potential in the rural County**
- **Policy 3.1.c: Maintain rural character outside of complete neighborhoods**
- **Policy 3.1.d: Cluster nonresidential development in existing locations**
- Policy 3.1.b: Direct development toward suitable areas for complete neighborhoods
- Policy 3.3.b: Illustrate growth management through the character districts

EXISTING TETON COUNTY TOOLS

Tool	Description	Use
Character Based Zoning	Character based zoning is comprised of zoning districts that are based on key characteristics. In Teton County that characteristic is the relationship of built form to landscape. Outside of Complete Neighborhoods two character based zoning districts exist:	
	The Rural district is supposed to protect the open space, resource and agricultural character of the community with a predominance of landscape over built form. While the minimum lot size is 35 acres, property in the Rural zone ranges from less than an acre to over 1,000 acres.	About 25% of parcels and 75% of land outside Complete Neighborhoods is zoned Rural.
	The Suburban district is intended to provide for low to moderate density residential development. It has primarily been used as a contract zoning tool in the Rural zone.	1 property outside of Complete Neighborhoods is zoned Suburban

Acknowledgment Zoning	Acknowledgment zoning allows and preserves the existing use while not perpetuating it to other areas. Teton County has two types of acknowledgement zoning – the conservation districts and the past PUDs with no underlying zoning.	
	The purpose of the Neighborhood Conservation (NC) district is to recognize existing developments and subdivisions and allow them to continue to develop consistent with that character, often referring back to pre-1994 regulations. Like the Rural District, NC lots vary widely in size.	About 50% of parcels and 15% of land outside of Complete Neighborhoods is zoned NC.
	The Business Conservation (BC) district allows businesses that existed outside of commercial centers in 1994 to continue their operation without encouraging development of a commercial node around them.	18 properties outside of Complete Neighborhoods are zoned BC
	A PUD is a specific set of regulations laid out in a master plan that govern the future development of an area. No new PUDs are allowed in Teton County however a number exist and are treated as base zoning.	About 25% of parcels and 10% of land outside of Complete Neighborhoods is zoned NC-PUD, PUD-PR, or PUD-AH.
Euclidean Zoning	Euclidean or use-based zoning separates uses. Teton County utilizes Euclidean zoning to protect certain uses. Outside of Complete Neighborhoods these districts are usually spot zoned based on the specific use and include Park (P), Public/Semi-Public (P/SP), and Mobile Home Park (MHP)	3 Park, 3 P/SP, and 2 MHP properties exist outside of Complete Neighborhoods
	In other communities, zoning districts with low maximum-density requirements, in which uses that are incompatible with farming or ranching are restricted or prohibited, are referred to as <i>agricultural protection zoning</i> .	The Agricultural Resources and Farm Economy provision of Fremont County, ID, limits development of other land uses that interfere with existing agricultural operations.
Performance Zoning	Performance zoning focuses on performance metrics for certain impacts. Use, form, and density may not be directly regulated at all. Development potential is calculated as a function of important resources or natural hazards. The developer has flexibility so long as performance metrics such as avoidance of habitat or limitation of traffic are met.*See also <i>Performance Standards</i> case study	Performance standards are applied by Eagle County, CO, to regulate development on steep (>30%) valley-side slopes to maintain scenic character and natural features.
	In Teton County the allowed density in the NC district is a function of slopes and groundwater. Also, slopes, creeks, ponds, roads and other undevelopable areas are removed from the	About 45% of properties outside of Complete Neighborhoods have a Base Site Area that is less than the gross

	calculation of site area for the purposes of determining density, intensity, and site coverage.	site area.
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OTHER TOOLS TO CONSIDER

Tool	Description	Use
Form-Based Zoning	Zoning districts are based on the relationship of buildings to public space as regulated by form. Land use, performance standards, and development density are de-emphasized.	Form-based codes are most often utilized in urban areas.

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- McElfish, J.M. 2004. Nature-friendly ordinances. Environmental Law Institute, Washington, D.C.
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