



September 9, 2017

Board of County Commissioners  
Teton County

**RE: Clarifying rural incentive tools' intended use**

Dear County Commissioners,

The Jackson Hole Conservation Alliance respectfully requests that you clarify how your “Floor Area Option” zoning tool may be used. We ask this because of recent news reports that landowners are considering applying to transfer density from residential use in one rural zone into institutional use in another rural preservation zone<sup>i</sup>, and some have characterized this as a transfer of development rights (TDR).

As you know, the Alliance believes that TDR is an innovative policy tool worth exploring further in Teton County. Properly done, TDR allows for a win-win with both conservation of important wildlife habitat *and* economic incentives for landowners, by moving development into Town or other complete neighborhoods. We hired TDR experts to conduct a preliminary legal and market analysis in 2015, with positive results.<sup>ii</sup> At a high level, TDR policies should support the Comprehensive Plan policies to move development out of preservation and conservation areas into complete neighborhoods. Policy 3.1.b explains this point:

Tools will be explored to transfer development potential from these Rural subareas of ecological significance and rural character into Complete Neighborhood subareas suitable for development. The boundaries of Complete Neighborhoods are identified ... to ensure that development of suitable areas does not sprawl into areas the community is trying to protect.

Your CN-PRD tool does precisely that: it provides an incentive for moving development into our complete neighborhoods. In contrast, the Rural PRD tool does allow for transfer and clustering of residential development in rural areas in exchange for conservation – a compromise you adopted in the Rural LDRs.

**The question at hand is whether the Floor Area Option tool (7.1.5) can *also* be used to transfer development around the county.** As Rich Bloom has pointed out, it appears that while the code explicitly allows for the other incentives to be used in noncontiguous parcels, the Floor Area Option was not intended for, and does not allow, noncontiguous use.

Under an alternative interpretation, the Floor Area Option could be used to transfer residential zoning into profitable nonresidential (commercial or institutional) development on a different parcel. This could have the unintended consequence of taking land that is currently unlikely to be developed, and moving those unused entitlements to other more developable locations. If you allow noncontiguous use of the Floor Area Option, large residential-to-nonresidential transfers could dramatically change the character of the resulting neighborhoods. Additionally, from a housing goal perspective, we should be incentivizing landowners to turn commercial zoning into residential – not the other way around.

**Protecting the wildlife, wild places, and community character of Jackson Hole.**

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**Please clarify how you want your rural conservation incentive tools to work,** so that landowners do not spend time and money applying for projects that will not be approved, and can instead focus on developing projects that align with our community's vision and rules.

Please contact me if you would like to discuss this matter in detail, and consider the Alliance a resource for your continued work on preserving and protecting our ecosystem and quality of life.

Sincerely,

Skye Schell  
Civic Engagement Director

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<sup>i</sup> "Classical school hopes for new, larger facility," JH News & Guide, August 2.

[http://www.jhnewsandguide.com/news/schools/classical-school-hopes-for-new-larger-facility/article\\_29bcb5af-2af5-5d23-aaa2-5b3c4e225b9d.html](http://www.jhnewsandguide.com/news/schools/classical-school-hopes-for-new-larger-facility/article_29bcb5af-2af5-5d23-aaa2-5b3c4e225b9d.html)

<sup>ii</sup> <https://jhalliance.org/library/reports-studies/>