

November 15, 2017

Teton County Board of County Commissioners

Dear Commissioners,

Thank you for your work for our community, especially your work to protect and preserve our area's ecosystem. As you consider the "Floor Area Option" text amendment, please consider these suggestions offered in a spirit of constructive and creative problem-solving.

Transfer of development rights – where should they go?

First, as you know, the Alliance believes that transfer of development rights (TDR) is an innovative policy tool worth exploring in Teton County. Properly done, TDR allows for a win-win with both conservation of important wildlife habitat *and* economic incentives for landowners. We hired TDR experts to conduct a preliminary legal and market analysis in 2015, with positive results.ⁱ At a high level, TDR tools should support our Comprehensive Plan policies to move development out of preservation and conservation areas into complete neighborhoods, such as Policy 3.1.b:

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.

Staff mentioned that a previous version of the Floor Area Option tool was used to transfer density from near the National Museum of Wildlife Art over to Teton Village. That seems like a great example of moving density *out* of a rural area and landing it *in* a developed area – which is different from what's on your table right now: whether the tool can be used to move density from one rural preservation area to another rural preservation area.

Relative vs. absolute habitat comparisons

Currently, the tool requires moving density from *relatively* "higher" to "lower" value habitat. But what if *both* parcels are very high value habitat? Shouldn't we have a habitat value *threshold* too? Fortunately, we have a new Focal Habitat Species Map that will inform science-based habitat tiers through our Natural Resource Protections. This tool should be able to identify habitat value for the Floor Area Option too.

Imagine that our new Natural Resource maps rank habitat value from 1-10 (highest). Would we want to allow a transfer from a parcel valued at 10 to another parcel valued at 9? Or, imagine if someone wanted to transfer density from a parcel that's even higher-value than the Elk Refuge parcels under discussion. Would we want to allow a transfer *into* those parcels?

We suggest two potential solutions to prevent this negative outcome:

1. **Only allow density transfers to add density in Complete Neighborhoods.**
These are the areas our community has already identified as appropriate for increased development. The downside is this scenario decreases the number of "receiving areas." The upside is it encourages moving development to where we want it.
2. If you allow density transfers into rural areas, **use a threshold to ensure the receiving area is not just relatively lower value than the sending site, but also "Low" value habitat** according to the new Natural Resource tiers. (For example, on the theoretical 1-10 scale, the receiving area must be rated 5 or below). This would protect against transfers landing density in *high* value habitat just because it's slightly *lower* value than somewhere else.

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

685 S. Cache St. • P.O. Box 2728 • Jackson, WY 83001 • (307) 733-9417 • info@jhalliance.org • JHAlliance.org

Nonresidential increases

Finally, please be cautious about allowing noncontiguous and nonresidential use of the Floor Area Option. This could result in large residential-to-nonresidential transfers that dramatically change the character of our rural neighborhoods. The Conditional Use Permit (CUP) process is supposed to protect our community from problematic nonresidential development, but it may not be sufficient to withstand prolonged pressure from developers. Additionally, from a housing goal perspective, we should be incentivizing landowners to turn commercial zoning into residential – not the other way around.

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
Executive Director

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