

September 27, 2020
Teton County Board of County Commissioners



RE: Plan first, then zone in Northern South Park

Dear Madam Chair and Commissioners,

The Gills' request to rezone 74 acres of rural land in order to build housing in Northern South Park is a generous gesture. This proposal gives our community an opportunity to address all the values of our Comprehensive Plan: ecosystem stewardship, responsible growth, and quality of life – including homes that our local workers can afford.

We appreciate the board evaluating this proposal seriously and exercising due diligence to see if it can be “conditioned” to make it a real win for the community as well as the landowners.

Unfortunately, it doesn't appear the project can be “conditioned” into a success with the zone they proposed:

We can't turn the AR zone into something it's not. Dubbed a “dinosaur” zone by Commissioner Newcomb, the Auto-Urban Residential (AR) zone is 30 years old and reflects an even older development pattern: 1950s sprawl. It is a “legacy” zone, meaning the county decided to get rid of it in favor of newer and better zones. The AR zone Land Development Regulations (our black-and-white zoning code) expressly prohibit daycares, multifamily units, and apartments that inherently provide more affordability and better conserve open space. The zone cannot enforce any affordability requirements. And although the Gills' consultants are proposing “detached townhomes,” these would still be single-family homes. The AR zone is for suburbs, not walkable, affordable, and climate-friendly neighborhoods.

Exploring conditions is legally challenging. As your attorney Keith Gingery pointed out, “contract zoning” – a negotiation between an applicant and the County – is not allowed, and last week's discussion looked and felt a lot like negotiation. And unfortunately, even conditional zoning is unsettled territory.

Fortunately, we can do better for both the Gills and our whole community with a neighborhood plan. Thank you for already beginning this effort. A neighborhood plan will involve our whole community in creating a neighborhood (not just a subdivision), with direct and formal involvement of the landowners. The neighborhood plan should result in better zoning that won't need conditions, quite probably with more density than what the Gills are even proposing, and will address key infrastructure, wastewater, transportation, and conservation questions that are thus far unanswered.

Sincerely,

A handwritten signature in black ink that reads "Brooke Sausser".

Brooke Sausser
Community Planning Manager