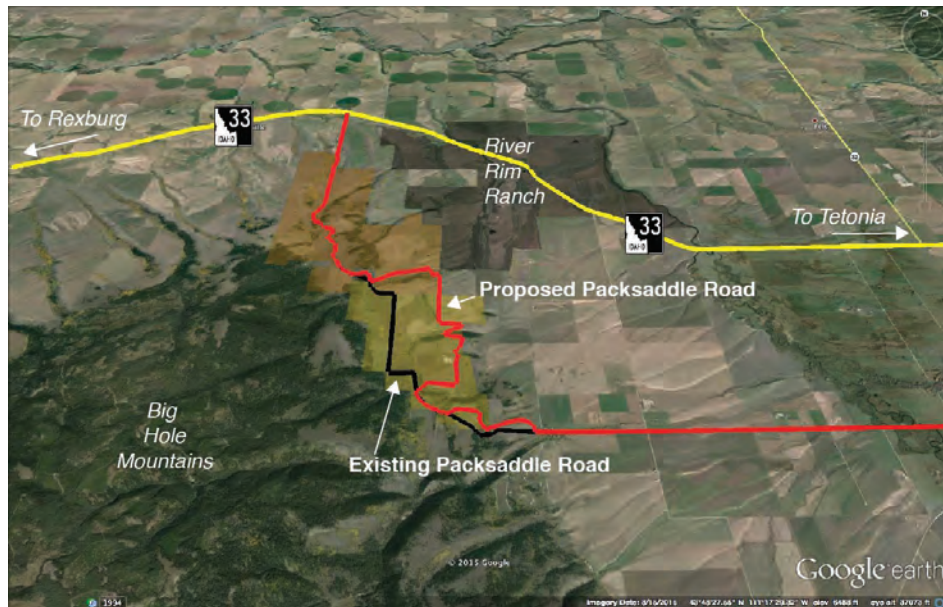


Coding Character: Part One



Protecting Teton Valley's Pristine Natural Resources and Rich Agricultural Heritage with a Good Land Use Code. At a Town Hall meeting on August 10, 2015, nearly 50 concerned citizens filled the room in the Teton County Commissioner's Chambers for a 2-hour Q&A

session on the Packsaddle Road proposal. Representatives of the landowner assured the public repeatedly that there was no development plan for the 4,500 acres to be serviced by the new gravel road, but still, it was clear folks were anxious about the development endgame.



Will the property be carved up into 20-acre ranchettes?
Could it become another major golf course development like River Rim?

Although these road improvements are greatly needed to curb erosion impacts, the Packsaddle Road project has created public anxiety because the surrounding remote area has such a distinct character. The landscape is simply breathtaking. Large open meadows are interspersed with pines and aspens, framed by knockout views of the Tetons, and contain the heaviest concentration of wildlife in the valley.

Most folks understand that any landowner has a right to reasonable economic return on his/her property. Most folks also believe that a drastic change in rural character is not acceptable because Teton Valley's existing character and charm is what makes it unique; it is the reason why most of us live here, and it represents the proud heritage of the valley's homesteaders and their descendants. The good news is that these two things are not mutually exclusive.

Our economic viability lies in our ability to preserve what makes Teton Valley special. Moose, elk, bears, and other wildlife wander through the valley and up into the world's most famous national parks. The Teton River and its tributaries provide some of the best fishing on the planet. Fields that roll up to the the iconic Teton peaks is a scene that cannot be found anywhere but here. Outdoor recreation opportunities are limitless, with world-class skiing, hiking, and biking being located right out our back door. The more we embrace the things that make Teton Valley special, the stronger our economy will become.



So what is our plan to preserve these resources?

ANSWER: Adopting a Zoning Map and Land Use Code that reflects the character mapping in our Comprehensive Plan

The Comprehensive Plan Framework Map in the Teton County Comprehensive Plan.

This map consists of:

Foothill areas shown in the fluorescent green

Ag-Wetland areas in the light blue. Waterway Corridors, the tendrils extending from the Ag-Wetland Zone.

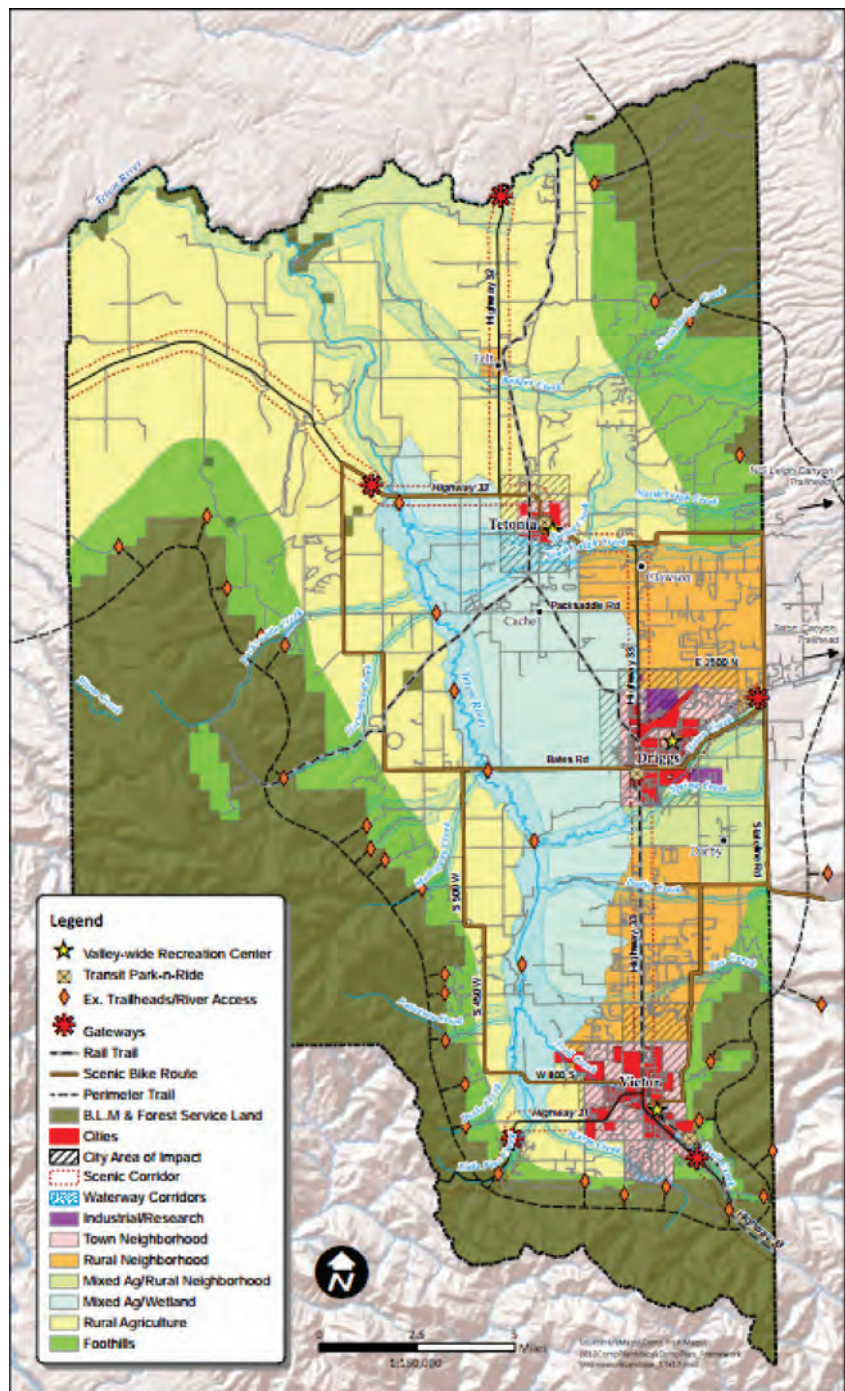
Rural Areas shown in yellow

Agriculture-Rural Neighborhoods in orange.

The Mixed-Agriculture Rural Neighborhood in lime green.

Industrial/Research areas in Purple

Town Neighborhoods in Pink.



This map represents the visionary policies in the plan, and it provides the guidance necessary to adopt a Zoning Map and Land Use Code consistent with the plan. The Zoning Map and Land Use Code are the regulatory “teeth” necessary turn the plan’s vision into reality. As such, the Zoning Map should reflect the Comprehensive Plan Framework Map, and the Land Use Code should incorporate the policies and objectives in the text of the Comprehensive Plan.

In **Coding Character: Part One**, we will focus on the rural areas of the county, specifically the Foothill, Ag-Wetland, Waterway Corridors, and Rural Areas.

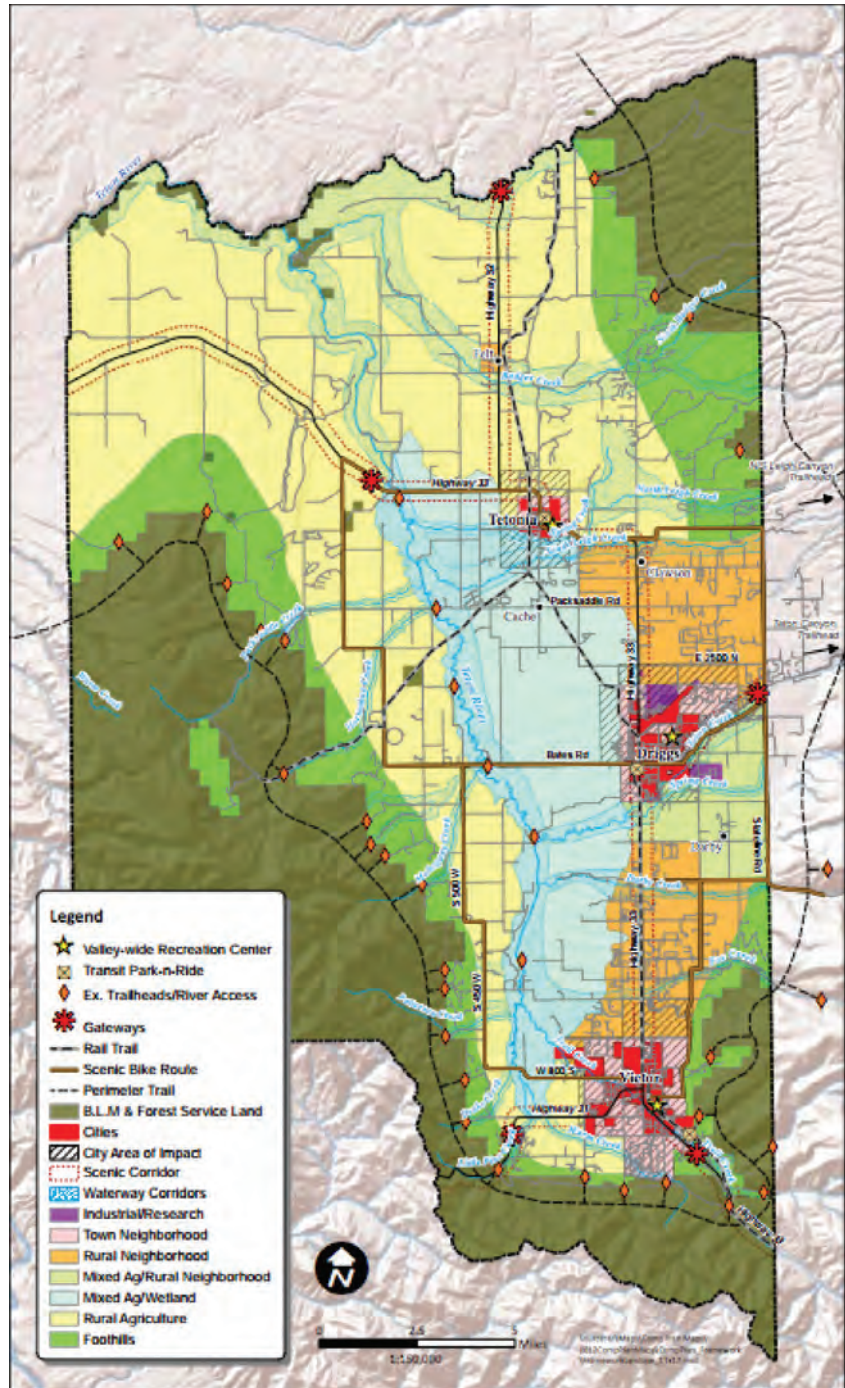
In **Part Two**, we will explore the Agriculture-Rural Neighborhoods, Mixed-Agriculture Rural Neighborhood, Industrial/Research, and Town Neighborhood areas around Driggs, Victor, and Tetonia.

We’ll walk you through each area and tell you what is recommended in the Comprehensive Plan. As you will see, there are many open questions about the specifics of Comp Plan policy. We’ll pose some of those questions to you, and hopefully, your answers will help us **Decode the Code!**

In the fluorescent-green “Foothills Area”, the Comp Plan prescribes the following:

Foothill areas shown in the fluorescent green

- Ⓒ Large lots with homes and buildings clustered together to preserve open space
- Ⓒ Protection of steep slopes, ridgelines, and vegetation.
- Ⓒ Access points to public lands (i.e. areas managed by the U.S. Forest Service and the Bureau of Land Management)
- Ⓒ Protecting wildlife habitat and improving it if possible
- Ⓒ Protecting homes and buildings from wildfires
- Ⓒ Placing homes and buildings out of scenic areas and wildlife habitat if possible



These are all good things, but questions abound. How large should lots be in this area? Do we need more elaboration on how slopes, ridgelines, and vegetation should be protected? Where is wildlife habitat, and how do we protect it and/or improve it? What are the specific accesses to public lands that need to be protected?

As drafted, the Foothill Zone allows 10-acre density, where-as the current code allows 2.5-acre density in most areas and 20-acre density in others (such as the Packsaddle Road project area). Lands within this area contain a wide variation in topography, so it will be important that lot areas are large enough to protect steep slopes, ridge-lines, and vegetation.

It will also be important to ensure that development is designed to address the specific features of a given property. As drafted, the Land Use Code states that open space, slopes, vegetation, and other features should be protected, however there's little in the way of specifics.

Without specific regulations, standards protecting open space, slopes, vegetation, and other features will be subjective and open to interpretation. If we want to protect the resources that make Teton Valley unique, we can't afford loosey-goosey regulations so vague they are difficult to implement.

Planning & Zoning Commission meetings will often go into the wee hours because so much time is spent trying to interpret the ambiguities in the county's current code. The new Land Use Code must be specific so that when subdivisions and other developments are proposed, the county's approval process is transparent and predictable.

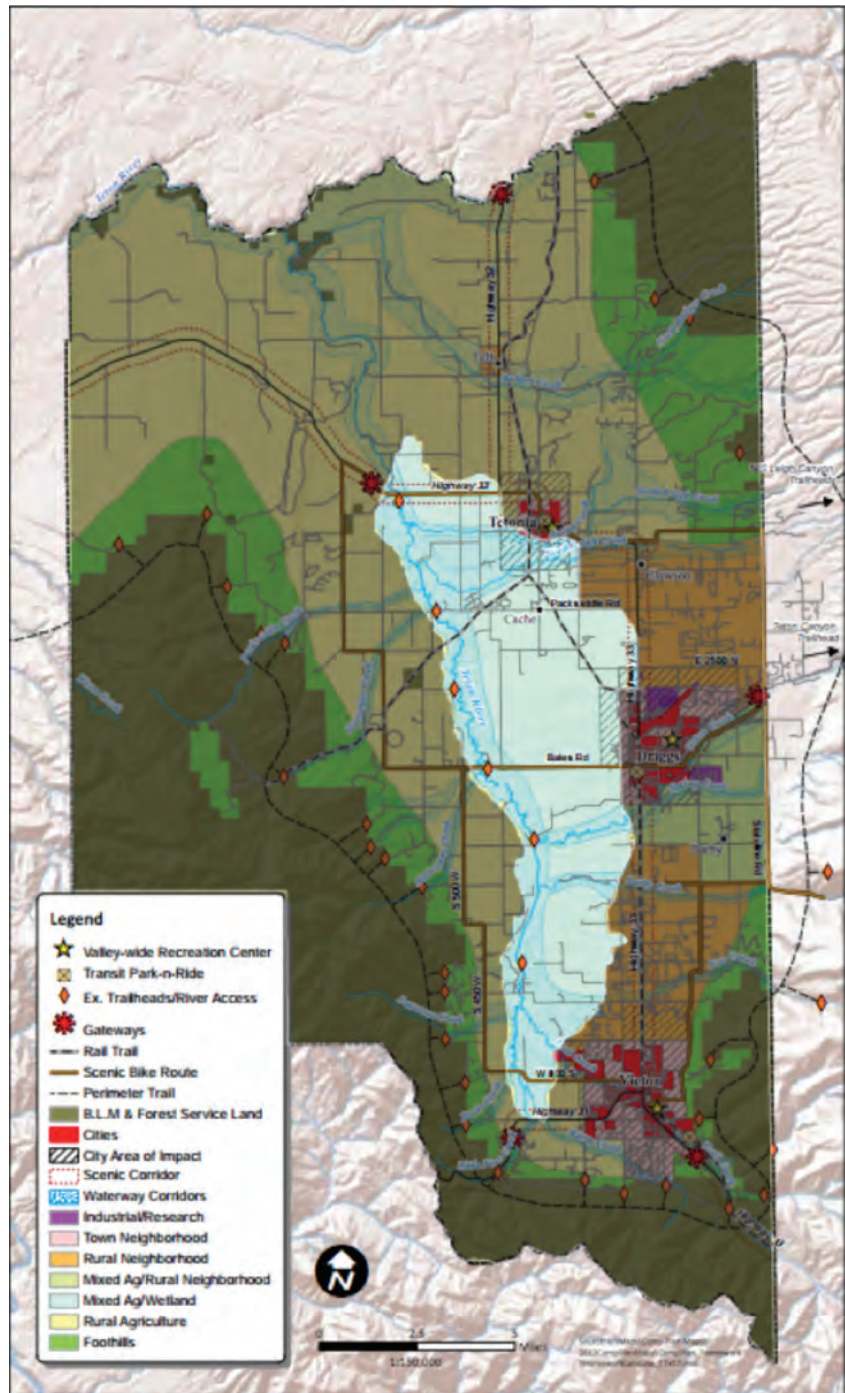


Protecting the environmental and scenic qualities of the valley's foothills is paramount

Now, let's consider another location, the Agricultural-Wetland area or "Big Blue" as we call it around the VARD office.

Big Blue is home to Woods Creek Fen and Foster Slough, some of the most critical wildlife habitat in the entire valley. Presently, 20-acre density is allowed here, which, on paper, seems big, but let's consider what that means to property such as the lands near Bates Bridge:

Ag-Wetland areas in the light blue.
Waterway Corridors, the tendrils extending from the Ag-Wetland Zone.





Area near Bates Road at Bates Bridge

Like many areas in this zone, the property is extremely wet and flat, with large pools of standing water. On this property, the code presently allows for:

- Homes of unlimited size on each lot,
- An additional guest house up to 3,500SF on each lot.
- Several garages, barns, silos, and outbuildings on each lot.

Placing all of these structures — as well as a culinary well and septic systems — on 20-acre lots will be technically difficult and potentially physically impossible in some submerged areas. It will also indelibly mar this broad landscape characterized by wetlands, low-lying wetland vegetation,



(The same Bates Bridge area built out on 20-acre lots)

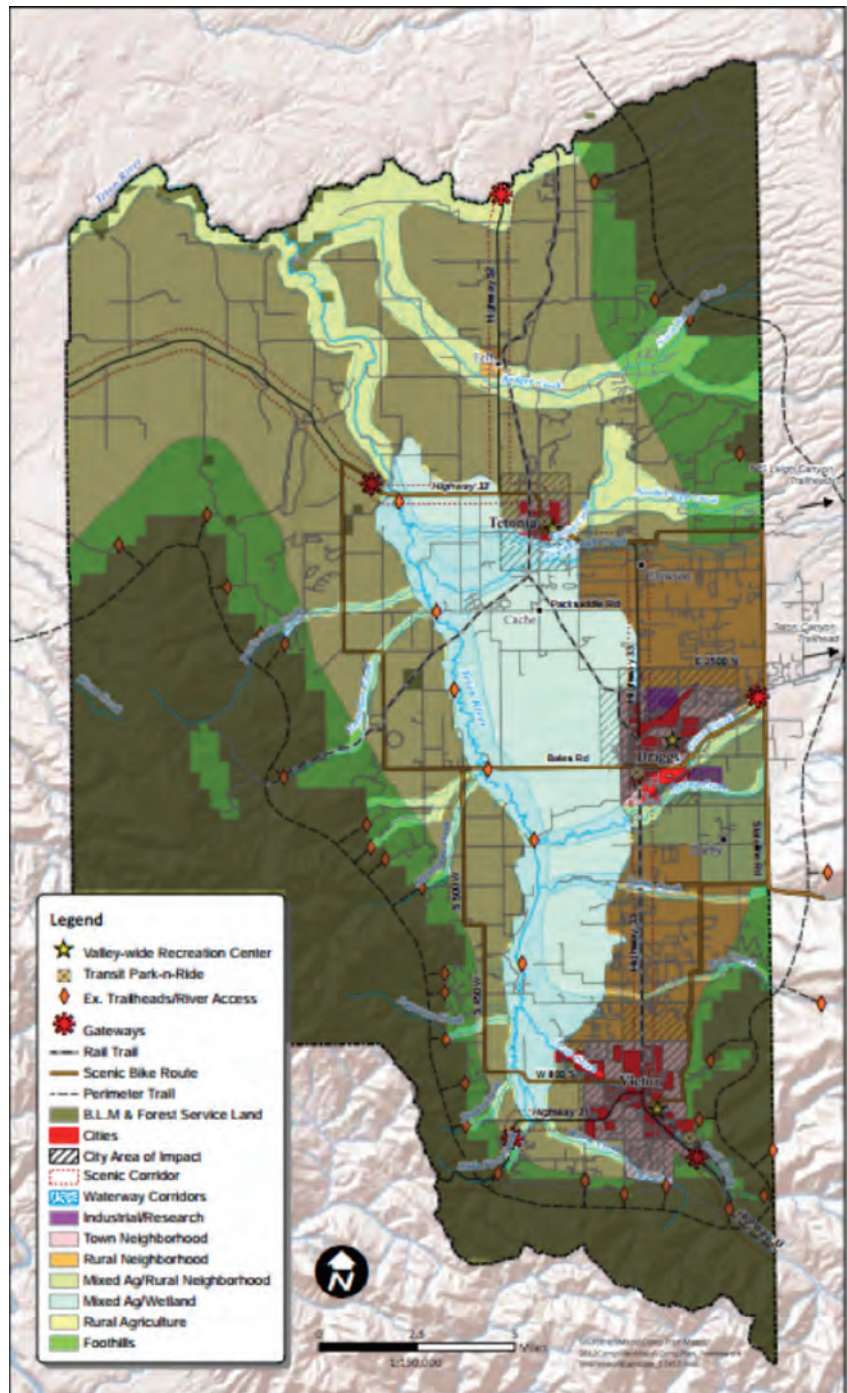
The Comp Plan places great emphasis on “low-density residential development,” in Big Blue, but what exactly does this mean? What type of development is appropriate in this sensitive area? Should 20-acre subdivisions be allowed? Maybe 40? Should there be limits on the size of residential structures and their sewer and water capacity? These are questions we must answer before adopting a Land Use Code.

Waterway Corridors. As you can see from the map, Big Blue has long tendrils that spread out across the valley in what the Comp Plan calls "Waterway Corridors." Not only do these corridors contain watercourses such as Teton, Leigh, and Badger creeks, but they also contain most of the wildlife habitat in the valley.

This is what the Comp Plan recommends for these areas:

Ag-Wetland areas in the light blue.
Waterway Corridors, the tendrils extending from the Ag-Wetland Zone.

- Ⓒ *Farming and Ranching*
- Ⓒ *Very limited residential development*
- Ⓒ *Development subject to all applicable County, State and Federal regulations including U.S. Army Corps of Engineers wetland regulations*
- Ⓒ *Protection of scenic lands*
- Ⓒ *Public access points to the Teton River and its tributaries*
- Ⓒ *Placing homes and buildings out of scenic areas and wildlife habitat whenever possible*
- Ⓒ *Little to no commercial activity*



The Comp Plan has much to say about protecting the features listed above, and the Waterway Corridors are ground zero for the valley's wildlife and fish habitat. How do we protect these precious resources? Do we create special regulations for the corridors? Do we incentivize development outside of the corridors? Or do we simply zone these areas with the least amount of density possible? Or is it a combination of both?



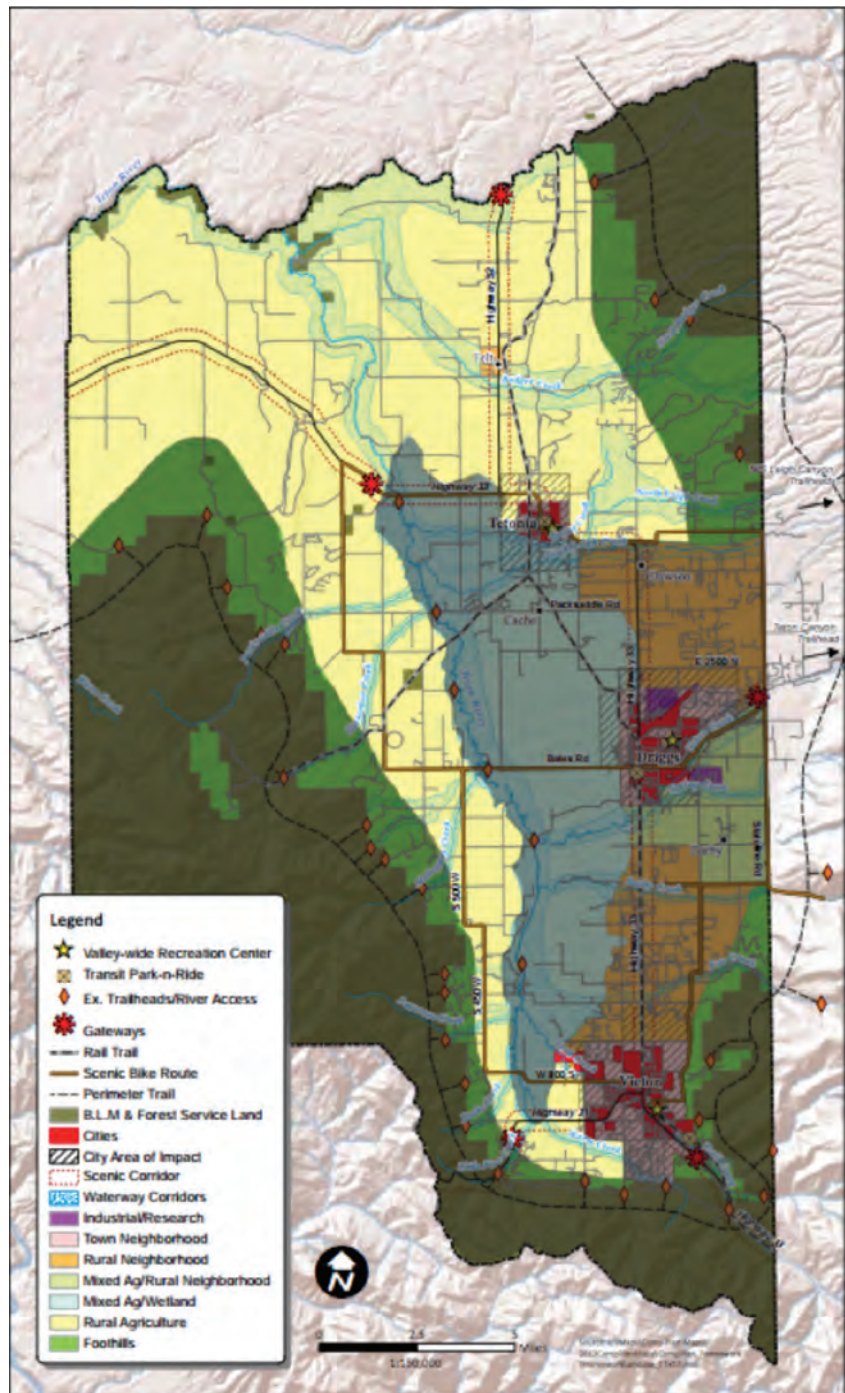
Protecting our Waterway Corridors is essential for good water quality and healthy fisheries — Photo by Eric Soyland

Rural Agriculture. In the far west and north of the county, a “Rural Agriculture” zone is proposed. The draft code proposes 20 & 15-acre density in these areas, whereas the current code allows lots of either 2.5 or 20 acres lots.

So, what does Comp Plan recommend?

Rural Areas shown in yellow

- ⓐ *Farming and Ranching*
- ⓐ *Placing homes and buildings out of scenic areas and wildlife habitat if possible*
- ⓐ *Large lots with homes and buildings clustered together to preserve open space*



Here again, we are presented with the question of how to quantify large-lot zoning. Should 20-acre subdivisions be allowed? Maybe 40? Or perhaps 40 acres with the homesites clustered together?

The Comp Plan's central purpose for the areas in yellow are to promote and protect agriculture, and farms and ranches typically operate on increments of 40-acre parcels. However, the Comp Plan recommends allowing for multiple homesites clustered together to protect agricultural lands. Does this mean a couple of homesites at the edges of productive farms lands?

Or does it mean large-lot subdivisions designed to maximize open space?



Rural Agriculture areas embody Teton Valley's Agricultural Heritage —
Photo by Eric Soyland

What are the takeaway issues from this discussion?

Transparency and predictability will provide security and protect property rights. If you have ever bought a home or property, then you know how important it is to understand what can and cannot happen on surrounding lands abutting or near your property.

This is essential to securely enjoying your property rights and maintaining property values. If you buy property at the north end of the Big Hole Mountains for the solitude and the wildlife, should you always be faced with the possibility of a giant golf course being developed (or worse, partially developed) next door? Should gravel pits be next to residential neighborhoods? Should there be some assurance that known wildlife corridors will be left intact?

If we ensure that the vision for the specific areas in the Comp Plan are held forth in the code, we can make certain that our valley's character — and our property rights — are protected, which in turn, will help create a stable real estate market. Land is more marketable and valuable when there is predictability in terms of what can and cannot be built next door.

Enabling farmers and ranchers to continue farming and ranching. We all know that large tracts of land are necessary for viable farming and ranching operations. However, agriculture in Teton Valley presents many challenges, and sometimes farmers and ranchers need to sell off a home-site or two in order to stay afloat, especially during low crop yields or fluctuations in commodities markets. At the same time, we must remember that the purpose of selling a homesite in rural areas is to promote farming and ranching - not large scale development.

Approvals of conventional subdivisions can be quite burdensome for landowners, and other options should be available for large land splits that allow agriculture to flourish. If farmers and ranchers want to get out of the business, they should be able to sell their land in a strong real estate market. Preserving Teton Valley's agricultural heritage is key to maintaining a strong, stable market.

Ensuring the integrity of public lands and conservation easements. Teton Valley is blessed to be surrounded by public lands that provide ample recreation opportunities, wildlife habitat, and breathtaking scenery. The valley is also fortunate to have many willing landowners that have granted conservation easements in environmentally sensitive areas. Though, legally speaking, there is a hard line between public or conservation lands, we must recognize that

a healthy ecosystem flows seamlessly between public and private lands — that wildlife don't observe political boundaries. Of course, private lands are different from public lands in that they are developable and entitled to economic viability. As such, we must ensure that the code protects and enhances a seamless ecosystem and the coexistence of wildlife and people.

The Viability of Transfer of Development Rights (TDRs).

The TDR is a great concept, but will it actually work? Are developers willing to buy potential building sites from agricultural landowners so they can create additional building sites elsewhere? If viable, TDRs could provide enormous benefits in shaping Teton Valley. However, we must study potential TDR schemes to identify possible buyers and sellers, inventory "sending" and "receiving" areas, address administrative/recordkeeping issues, and ensure consistency with the Comprehensive Plan.