

County faces decision on density transfers

Proposal would allow owners to conserve land, move allowed bonus to distant locations.

By Allie Gross Oct 25, 2017

A proposed amendment from the Teton County Planning Commission on the “floor area option,” a development incentive that allows additional floor area in exchange for land conservation, has stirred debate about balancing conservation and development.

Current rural land development regulations offer density bonuses to encourage conservation of 90 percent of the area of 35-acre and larger sites. The tool is designed as an incentive for owners of large properties to place their land under conservation.

Planning staff’s proposed amendment would clarify that the floor area bonus could be used on noncontiguous parcels. Two other LDR tools specifically allow similar transfers and noncontiguous use, meaning the pieces of land that generate the floor area bonus and the site where it is used needn’t be connected.

The problem is that the LDRs don’t specify that the floor area option can be used in that manner, which Long-Range Planner Alex Norton called an oversight.

On Monday the Teton County Planning Commission voted 4-0 to approve the amendment allowing owners of noncontiguous sites to use the tool. Planning Commissioner Patricia Russell said that the tool aims to protect the community’s natural resources.

Protecting open land, wildlife

“From my perspective the most important takeaway from the discussions from the comp plan was to make sure we protected high-value wildlife and scenic resources,” Russell said.

The tool was designed to allow large landowners the additional floor area to build a guest house, but it can be applied for nonresidential uses. A preapplication from the Jackson Hole Classical Academy that brought the issue to public attention seeks to conserve land near the National Elk Refuge in exchange for additional floor area to be included in a new school on South Park Loop Road.

Many people wrote in, and several commented before the commission, about worries that the proposed amendment would open the door to unpredictable density transfers from rural parcels. Some landowners fear that intense development could pop up on adjacent land that they’d thought was limited by zoning.

“I don’t feel safe in this valley anymore,” Bill Keithler told the commission. “The predictability has gone away.”

Rich Bloom, who participated in the rewrite of the rural LDRs several years ago, said landowners need to know the amount, location and type of growth to expect in their vicinity.

“It would create a new floating density tool,” Bloom said, “where unknown thousands of square feet of development potential could be magically created and moved from remote rural parcels and dropped on any other parcel throughout the county.”

Support from some

Other members of the public supported the proposed amendment, saying it advances the community’s goal of placing rural land under permanent conservation easements, limiting development and protecting natural resources. Supporters included the Jackson Hole Land Trust.

“Why would you eliminate the ability to extinguish development rights on a highly ecologically valuable parcel to put development where it should be?” said Liz Long, the Land Trust’s conservation director. “There are other checks and balances. The answer is not to take the tool off the table completely.”

Planning commissioners were comfortable that rigorous public planning processes and environmental analyses would deter unreasonable attempts to use the floor area option. Applications must go through a case-by-case conditional use permit or environmental analysis process and prove that the conserved area protects the most valuable habitat on the noncontiguous site.

“The noncontiguous standards require that the developed portion of the noncontiguous site be appropriate for the approved development and that the conserved portion of the noncontiguous site further the community’s conservation goals,” Norton’s staff report said.

The Teton County Board of County Commissioners will review and have the final say on the text amendment at its Nov. 21 meeting.

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