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**C L A R I O N**

## **MEMORANDUM**

**TO: Board of County Commissioners, Teton County, Idaho  
Teton County PUD Working Group**

**FROM: Clarion Associates**

**DATE: March 5, 2008**

**RE: Summary of Clarion Visit on February 19-20, 2008**

Clarion Associates made a fourth trip to Teton County on February 19-20, 2008. The primary purpose of the trip was for Chris Duerksen and Don Elliott to convene the third meeting of the PUD Working Group appointed by the County Commissioners. Before and after meeting with the Working Group, Clarion met with the County Commissioners to brief them on the Working Group agenda and to hear their thoughts regarding discussions to date. This document summarizes the two meetings.

### **Meeting with Board of Count Commissioners**

The Commissioners addressed the following topics listed in Background Papers 2 (PUD Development Standards) and 3 (Location and Density). The issue of wetlands may not have been adequately covered by the Nutrient Pathogen ordinance and should not be removed from the development standards discussion. Building envelopes need to be reflected on both preliminary and final plats. Definitions and standards for open space/wetlands/hazard areas/clustering need to be improved. When open space is protected for some reason outlined in the PUD approval, Homeowners Associations should not have the power to change the nature or use of that open space later. PUD densities need to be reduced and bonuses tied to significant benefits. Coordination of densities with adjacent cities needs to be improved to avoid creating more density outside cities than inside them. Improving hillside protections and view preservation were lower priority issues. Some of the Commissioners wanted to consider mandatory clustering for large developments, focusing visual regulations on ridgeline (rather than corridors), considering cut-and-fill regulations for hillsides, and perhaps removing incentives for urban infrastructure in rural areas. Movement of the ACI lines should not automatically move the urban service and urban reserve lines outward. The density "ring" approach should be rethought and perhaps tied to a PLUM map.

### Third Meeting of PUD Working Group

#### *Discussion of Background Paper 2 (Development Standards)*

Group members were first asked to list which of the 10 development standards topics in Paper 2 were most important to address during the PUD revision effort and which were least important (i.e. they could be addressed during revisions to the rest of the zoning and subdivision regulations). The three topics named most often as very important included the following:

- **Costs of services and facilities** (several comments) – because long run costs are not being adequately considered in PUD review and perhaps not being adequately mitigated.
- **Areas of critical concern** (several comments) – because they are very poorly defined and mapped and there are few objective standards with which to review development in those areas.
- **Location of open space to be protected** (several comments) – since the current regulations allow for fragmented, non-contiguous, and poor quality lands to be included and do not reflect biological values of different lands. The quality of open space is sometimes more important than the amount.
- **Clustering standards** – because key standards are not defined, and different standards will be needed for urban and rural areas.
- **Public land access** – because the county does not have good records about how/when they were protected or which have been maintained over time and coordination with federal agencies on access issues has been poor.

Among those topics listed as less important for the PUD process were:

- **Water and sewer improvements** (several comments) – because the CIP and sewage treatment plant expansion discussions are already underway.
- **Streets and road improvements** (several comments) -- since they can be best addressed through impact fees or a taxing district.
- **Lighting standards**

Additional discussion points included:

- The possible need for the count to look at a fiscal impact model or template to estimate long-term costs and revenues associated with different kinds of development.
- Comprehensive Plan Map 5 was intended to reflect prime agricultural, wetlands, and hillside areas. BLM lands and marginal agricultural lands are shown but were not considered critical areas to be protected.
- If higher density developments are permitted in rural areas then small package treatment plants are probably needed, although Idaho Dept of Water Resources does not like them.
- The Nutrient Pathogen study did not cover all aspects of wetlands, and additional work is necessary in that area.

- NCRS maps are not perfect but are the best available to identify areas of critical concern and potential open space to be protected.
- During the Gateway zoning process the members tried to “back into” appropriate development areas.
- Scenic view and ridgeline protections are important, but sunset views should be protected where possible.
- Road standards cannot be lower than state/district standards for emergency access
- Landscaping standards for PUDs need to be improved
- Open space management and maintenance needs to be addressed as part of the PUD open space system.

### ***Discussion of Background Paper 3 (Location and Density)***

PUD Working Group members were asked for their reactions to Clarion’s preliminary guidance on issues of PUD location and density, and received the following comments.

- **PUDs should be allowed in both urban and rural parts of the county** – and there does not need to be maximum size limit if mandatory clustering and infrastructure policies avoid the creation of large, free-standing communities in rural areas.
- **PUD maximum densities in A20 need to be reduced** (several comments) – recommendations for reductions included limiting bonuses to 25%, 100%, or 200% of base densities, while others felt that maximum bonuses allowing less than 20-30 units per 100 acres (bonuses of 300-500%) will not be an attractive alternative to 20 acre lots at current prices. The higher numbers are more important if the open space requirement is raised above 50%.
- **PUD maximum densities in A2.5 are probably too high** – but any reduction should still leave in place a meaningful incentive not to do “cookie-cutter” 2.5 acre lots.
- **Repeal the Urban Service area designation** (several comments) -- because it is leading to higher densities in the county than in adjacent city areas. Expansions of Areas of City Interest are serving the purpose intended to be served by the Urban Service area.
- **Map the Urban Reserve/Rural Reserve areas** – instead of having it move automatically with the ACI lines, and consider the more logical Gateway subareas in the process.
- **We need three types of PUD** – because densities and incentives in the Urban Reserve are different from those in the Rural Reserve, and the need for detailed regulations to address large master planned communities need a third set of standards.
- **Transfers of Development Rights will require more thought** – because it is not clear that market demand will enable it to be successful. Several felt that the focus should be on transferring densities off of sensitive/critical lands rather than moving density out of the A2.5 zone (which Clarion had suggested).
- **Revise the urban reserve area** – so that it doesn’t force higher densities up against the forest/hillside areas between Driggs and Victor.

- **The existing town sites are logical centers for new development** or receiving areas for TDRs.

Although several members agreed with Clarion's guidance that bonuses for central water and sewer services were not appropriate in the A20 areas, others disagreed and felt that the quality of recent developments with central water and sewer services were among the highest in the county.

Similarly, several members agreed with Clarion's guidance to require clustering in rural A20 developments, but others wanted exceptions for cases where there are no appropriate areas for clusters to meet the standards, and a third group felt that rural PUDs should be allowed to create lots with more "elbow room" than clusters allow.

Although Clarion suggested that minimum PUD open space for large rural developments be raised from 50% to 70%, there was little discussion on the topic.

Comments from the public included:

- PUDs on the edges of cities should allow the types of multi-family and more affordable products that Teton County will need to respond to demand for those products in the future. Using Floor Area Ratios as a measure of density (rather than units per acre) might facilitate this.
- It is important to define "quality" open space, since some of what has been given in the past should not have been accepted. If a TDR system is created, it should require purchasers to buy from high priority areas first (not A2.5 areas).
- Do reduce PUD densities, but not so much that you go back to the cookie-cutter A20 and A2.5 plats we saw several years ago. 50% bonus in A20 will not be enough, you need 100% bonus to offset sale price premium for large lots, and if costs are higher for clusters it might need to go to 200% to get any interest.
- Try to make a TDR program work, perhaps by allowing transfers from A2.5 to the old platted town sites.

No future meetings of the PUD Working Group are scheduled. Instead, Clarion will be drafting revised PUD regulations for consideration by Teton County. These will include not only the PUD section of the subdivision ordinance, but also related provisions elsewhere in zoning and subdivision regulations. The revised document will be delivered to Teton County in late March 2008. After delivering this document, Clarion Associates will attend a public forum to explain and discuss the recommendations, and the PUD Working Group will be invited to that event.