

Teton County

Agricultural Protection Area Commission

Minutes for the Agriculture Protection Area Committee

DRAFT

April 11, 2025

Meeting called to order approx. 4:20 p.m. members in attendance

David Breckenridge, Marlene Robson, Robert Piquet (Chair), Wyatt Penfold, Via: phone.

County staff: Joshua Chase

Motion was made to approve the agenda. Motion passed. **Mover Marlene Robson, Seconded David Breckenridge - Approved**

Motion to approve minutes of Feb 19, 2025 meeting. Motion passed. **Mover David Breckenridge, Seconded, Marlene Robson. - Approved**

Discussion of adoption process for the County of the APA statute. Discussion of other Jurisdictions. Discussion led to maintaining the existing model while adding desired elements from state statute as written in Madison County's ordinance.

Motion to change the APA from a ZONE to a Zoning OVERLAY. **Mover David Breckenridge, Seconded, Wyatt Penfold. – Approved**

Addition of provision for 10 year provision into county ordinance. **Mover Marlene Robson, Seconded, David Breckenridge. – Approved**

Addition of provision for eminent domain without reserved state authority language to say “protected against all claims”. **Mover David Breckenridge, Seconded, Marlene Robson, – Approved**

Continued discussion of options to incentivizing the APA to landowners. The three tier system was re-affirmed which was voted on at the previous meeting. Discussion of development of a voluntary fund. Discussion on adding fees to new building permits. Discussion on problems of utilizing a “development impact fee.” Specifically.

Robert Piquet presented ideas within the incentives structure within a tiered system. A clarification was made that parcels 119 acres with a residential use would also be included in the middle tier.

A motion was made to establish a voluntary fund that would provide incentives for the APA according to the following.

| Tier | Cover cost of fees to enroll | Compensate on a per acre basis | No NEW levies or bonds would apply while in the APA |
|---|------------------------------|--------------------------------|---|
| 5- 79 acres, any level of residential development | X | - | - |

| | | | |
|---|---|---|---|
| 80-119 acres and 120 + acres with residential development | X | X | - |
| 120 acres +, no residential use | X | X | X |

Mover David Breckenridge, Seconded Marlene Robson. The motion was unanimously approved.

Discussion of the incentive that “Any land currently protected in Open Range will continue to be protected from the establishment of a herd district.”

Mover Robert Piquet, Seconded David Breckenridge. The motion was unanimously approved.

Clarification that if any future incentives are established they would also accrue to existing parcels in the APA, so as not to miss early adopters of the program.

Mover Robert Piquet, Seconded Marlene Robson. The motion was unanimously approved.

Continued discussion of incentives for participation. Question was raised on reserved rights for development on parcels put into the APA. Previous understanding that existing development rights were preserved. Discussion of the need of establish and remove building sites prior to going into APA. Discussion of whether the ordinance precludes residential development. Ordinance states ***“An APA designation is a voluntary land use designation available to landowners who wish to protect their agricultural land use designation available to landowners who wish to protect their agricultural land from future non-agricultural development.”*** Further discussion of the APA’s ability to recommend changes to the provisions in State Statute. Consensus around prohibiting subdivision but retaining existing building rights. Discussion of the need for having housing from an employee or family member. Clarification that development of residential buildings would remove a parcel from the top tier.

Discussion on being concise on “the reserved development rights being a primary residential dwelling and an accessory dwelling unit (ADU) with relevant square footage restrictions be reserved for each parcel added within the APA.”

Mover David Breckenridge, Seconded Marlene Robson. The motion was unanimously approved.

County staff suggested that some of these provisions may be adopted as an ordinance and some as a supporting policy.

Note to County staff. NO future meeting date was set at this time and it will be up to the chair to call a meeting as needed in the future. The APA commission requested to receive these minutes and be notified of activity as the recommendations are considered for adoption. Note to Committee that if any application is received for enrollment, the APA committee will need to reconvene to consider and make recommendations on it, and these minutes should be approved at that time.

Meeting adjourned approximately 6:27 p.m. by consensus.