



Joint Planning Commission Meeting Agenda Documentation

PREPARATION DATE: June 4, 2010
MEETING DATE: June 10, 2010

SUBMITTING DEPARTMENT: Town & County Planning
DEPARTMENT DIRECTORS: Tyler Sinclair & Jeff Daugherty
PRESENTERS: Tyler Sinclair & Jeff Daugherty

SUBJECT: Draft Comprehensive Plan Review

STATEMENT/PURPOSE

The purpose of this item is joint review by the Town and County Planning Commissions of the Preliminary Planning Commission draft Comprehensive Plan released May 7, 2010.

BACKGROUND/ALTERNATIVES

The specific topics to be addressed at this meeting are as follows:

- Public Comment
- Staff Presentation – Overview of Process, Document Revisions, and Question & Answer
- Meeting Process for Completion of Comp Plan Update Review – Agenda Setting, Meeting Dates

Public Comment on Agenda Items

Public comment on the May 7, 2010 draft received since May 7, 2010 is attached and has been previously emailed to Planning Commissioners.

Also attached are comments received on the April 3, 2009 draft that have not yet been published because they were received following completion of discussion of the topic to which they pertain.

An unlimited amount of time will be allotted for public comment at the beginning of the June 10, 2010 meeting. At subsequent meetings public comment will be limited to 45 minutes at the beginning of the meeting.

Planning Commission Comments/Discussion Points

Individual Planning Commissioner comments and suggested discussion items are attached to this staff report. Discussion of the content in the May 7, 2010 draft is not scheduled to begin at the June 10, 2010 meeting. Based on Planning Commission direction staff will organize the suggested discussion items in the staff report for the next meeting.

Staff Follow Up and Discussion Points

It was determined by the commissions at the April 8, 2010, meeting that the final review would not be a reconsideration of all of the work completed to date. The commissions decided that that final review would only be a confirmation and reconciliation of the planning commission work done to date prior to taking a final action on the plan. Based on the general process decisions made at the April 8, 2010 meeting staff proposes the following more detailed process and guidelines for commission review and consideration.

- **Review of each Theme** will consist of four steps:
 1. Does the May 7, 2010 draft represent the joint Commissions' recommendations?
 - Identify errors and points of confusion and correct and clarify by vote of commissions
 - Commissions vote that the revised theme represents the recommendations of the commissions
 2. Address the items for discussion identified by Commissioners
 - If the commissions vote that an item is a new idea or reconciliation keep for consideration
 - If the commissions vote that an item is a reconsideration or revote it will be removed from consideration
 - Once the list of items for consideration is determined the commissions will take action on each item
 3. Address any additional items suggested by commissioners that have arisen out of public comment or other discussion since the publishing of the staff report – follow the same process as step 2.
 4. Close consideration of Theme and move on to next Theme
- **Discussion of Reconciliation Points** – Staff believes that the intent of the commissions in the process set in April was to avoid rehashing discussions and issues that have already occurred. As a result staff suggests that discussion be limited on points agreed to be considered for reconciliation. Discussion on the issues to be reconciled has already occurred the task at hand is deciding which recommendation already made takes precedent. Staff will be happy to review the discussion that led to a certain recommendation and/or explain why a policy was written. Please contact Staff if you would like to review the recordings or transcripts from previous meetings to better understand the discussion that led to a certain recommendation.
- **Final Vote** – Following the close of all Themes will be the final vote on the document. The following is an overview of what is required under Wyoming State Statute's regarding the Planning Commissions' role in preparing and certifying a Comprehensive Plan to the elected officials. The applicable state statutes for both the Town and County are attached for your review. Although the Town and County statutes are separate and have some differences staff finds that they are similar enough to jointly discuss the requirements of both the Town and County Commissions.

Staff finds that the role of each commission is to prepare a comprehensive plan for consideration by the elected officials. Staff notes that the commissions' role in preparing a draft comprehensive

plan is very different than their typical role to review current planning applications. Generally, the commissions are asked to review and make recommendations on applications based upon the land development regulations and a recommendation from the Town/County Planning Director. In drafting the comprehensive plan the commissions' are charged with developing a plan for the realization of the future vision (not draft land development regulations) for the community based upon their consensus interpretation of the community's values.

The collaborative consensus reached by the commissions will not likely be the individual interpretation any one commissioner has of public sentiment, or the individual interpretation of any member of staff or the public. For this reason Staff and the chairs suggest that prior to the final vote each commissioner draft a statement of finding for her/his vote. In this statement each commissioner will be able to state any personal disagreements with the document even if she/he believes that the overall document represents the consensus interpretation of public sentiment.

Ultimately, the commissions' are charged with certifying a comprehensive plan to the elected officials by a majority vote of each individual body. Until such time, the commissions' have committed to work together in a collaborative manner with the assistance of staff to develop a plan that can be supported by a majority of both commissions. Both town and county statutes allow the commissions to certify the plan as a whole or by individual sections (themes or chapters).

- **Final PC Draft** – Following certification of the Plan with the directed changes, staff will rewrite the Plan for presentation to the elected officials.

In addition to affirming or modifying the above outline for your final review, Staff also asks that you address the following questions.

- **Meeting Schedule** – It was suggested in April that the commissions consider meeting more frequently to finish the document earlier in the summer. What schedule would the Commissions like to set for review?
 - Meet every Thursday at 5:30 (status quo)
 - Meet every Tuesday and Thursday at 5:30
 - Other
- **Order of Consideration** – because Administration and Theme 8 have not yet been reviewed some commissioners have suggested reviewing them prior to the rest of the document. In what order would the commission like to review the Themes?
 1. Review the Themes in order
 2. Review Theme 8 and Administration first
 3. Review the Themes with the most discussion points first
 4. Review the Themes with the most discussion points last
 5. Other
- **Organization of PC Discussion Points** – How would the Planning Commissions like staff to organize the suggested points from each commissioner for the next staff report(s)?
 - Organize by Theme – quote each commissioner's comment verbatim and group like comments together
 - Organize by Theme and summarize/consolidate commissioner comments by topic
 - Leave up to the Chairs to decide
 - Other

ATTACHMENTS

- Planning Commissioner Comments
- State Statutes regarding certification and adoption of Comprehensive Plans
- Public Comment received on May 7, 2010 draft since May 7, 2010
- Public Comment received on April 3, 2009 draft not yet published

LEGAL REVIEW

Staff notes that Town and/or County legal representation will only be provided on an as needed basis, and legal counsel will not be attending every meeting. If commissioners have questions for the Town and/or County attorneys or would like to request that they be present at a meeting, please let staff know in advance.

SUGGESTED MOTIONS

Town Planning Commission

I move to continue Item P09-030 to June 17, 2010, at 5:30 pm at the Teton County Board of County Commissioner Chambers.

Teton County Planning Commission

I move to continue Item AMD 09-0017 to June 17, 2010, at 5:30 pm at the Teton County Board of County Commissioner Chambers.

I see two overarching contradictions between the policies outlined throughout the Revised Comprehensive Plan and the directives the Joint Planning Commission have issued. The first is the elimination of ARU's in the unincorporated county. Apparently, much of the public agrees with me on this. I feel that the abundance of public comment opposed to this directive will insure that it gets brought up for discussion and resolution by revote.

The second major contradiction is the elimination of the concept of Nodal development. As outlined in my previous written comment, a nodal development pattern is exactly what we have on the ground in Teton County today, and it is aligned with many of the other significant goals of this plan such as increased mass transit opportunities, compact development footprints and the preservation of open space. Failing to acknowledge this is hypocrisy. Failing to correct it would be unconscionable.

I have organized my reconciliation list to address the second inconsistency (Node elimination) rather than by Theme.

Nodal Development Elimination Contradictions

- Policy 1.2.d: Improve air quality "Strategies to improve air quality will include reducing vehicle miles traveled." A nodal development pattern would help reduce vehicle miles traveled.
- Policy 1.3.b: Maintain expansive hillside and foreground vistas: "Development in such areas will retain these vistas by being located at the periphery of the expanse and naturally screened." The opposite of a nodal development pattern is a sprawling development pattern which would cover the valley floor in a uniformly spaced sea of houses.
- Rec # 172: "Maintenance of the existing residential and/or nonresidential pattern allowed today is the desired land use pattern in the areas formerly known as nodes." The existing land use pattern in Teton County is nodal. A land use pattern which focuses development to a single area (town) is not "maintenance of the existing residential and/or nonresidential pattern allowed today." Recommendations #147 and #172 conflict.
- Theme 2, 3rd paragraph text (p26): "35-acre ranchettes are valuable and easy to create but are inconsistent with the community's goal to preserve large open spaces for their ecological and scenic value. To achieve the community's ideal of preserving undeveloped lands as perpetual open space, land owners need to be able to achieve value from a development that also preserves large amounts of open space and clusters development out of ecologically sensitive and scenic areas, near existing development." These sentences explain why nodal development should be preserved rather than eliminated.
- Policy 6.2.a: Develop a land use pattern based on transportation connectivity: That's a nodal development pattern.
- Theme 8, 3rd paragraph text (p92): referencing the avoidance of sprawling development patterns directly contradicts the elimination of Nodal development pattern. Same is true for Principle 8.2, Policy 8.2b, 8.2c, 8.3b,

Other Contradictions

- Policy 2.3.b: Fit the contextual scale and design of existing development in town: "development in Town must be consistent with existing contextual scale and design." This contradicts "Theme 3 – Uphold Jackson as "Heart of the Region" – defines the characteristics of areas in Town appropriate for preservation and areas targeted for growth." Targeted growth areas will not match the existing contextual scale and design. Omit the sentence.
- Policy 3.2.c: Protect the image and function of Town Square" Last sentence: "Pedestrian only areas around the town square should be considered including the feasibility of closing certain streets to vehicular traffic." Contradicts Rec# 222: "Identify pedestrian only areas around the town square including enhancement of pedestrian amenities and closing streets to vehicular traffic" Our recommendation was to identify pedestrian only areas, including closing streets to vehicular traffic not just consider their feasibility.
- Theme 3 Workforce Housing definition: Seriously, you can't call it "workforce housing regardless of employment." Omit the words "or employment" and add a sentence including retirees as part of the historical workforce.

General Comment by Theme

Theme 4/ Public Comment

I agree with the Conservation Alliance's 5/28 comments regarding this Theme as they relate to Affordable Housing (which is one component of Workforce Housing.) More specific explanation of our Affordable Housing program needs to be included. Why it exists, what it's goals are, how they're being achieved, what needs to be reevaluated & update in this plan. Specifically, new ideas are included?

Theme 5/ Public Comment

I support the inclusion of the Jackson Hole Chamber of Commerce recommendations.

Theme 6

Policy 6.1: *The term "year around mode shift" should be "year round."*

Strategy 6.7: Establish a Regional Transportation Authority: *I support the concept, as well as joining the Linx Co-op, but they're two separate entities. The Linx Co-op is a regional transportation network, a Regional Transportation Authority is a policy making body charged with identifying and funding projects and initiatives.*

New Ideas

Remove language stating that the only Node will be Town, and language that Wilson, The Aspens, Teton Village and northern South Park will be eliminated from the Plan as nodes appropriate for increased development (172 and 147.) Allow PRD development transfers into specific Targeted Growth Areas within these Nodes, as designated by the FLUP, in association with permanent conservation. Once these Targeted Growth Areas have been filled to capacity with transfers related to permanent conservation, all PRD density bonuses will have to occur on site or in other rural areas of the county.

P. Duncker- Theme 8 General Comments

- *References to alternative energy generation should not be limited just to homes, but to businesses and public amenities as well.*

The following suggestions, *colored and italicized*, represent specific language changes to the document.

Statement of Ideal

Address our local energy consumption through efficiency, conservation, *and the implementation of sustainability based land use policies.*

Why is this theme addressed?

(2nd paragraph:)

The community believes that climate change imposes unacceptable impacts on our wildlife and natural resources. Stewardship of wildlife and the natural environment is the community's top priority and the basis of sustainability. As the climate changes it enables the invasion of non-native species and weakens the ability of native species to thrive. Stewardship of natural resources requires that we focus on how the community and region can avoid, accommodate and aid in ecosystem adaptation in the face of a changing climate. The community must limit climate-changing activities by conserving energy and water, *but also by preserving habitat to give wildlife the best chance to adapt to a changing climate, and implementing land use policies which minimize our reliance on single occupancy internal combustion vehicles.*

The use of non-renewable energy sources contributes to climate change by increasing greenhouse gas emissions *in addition to the impacts created by its extraction, transportation and processing.* Energy *and environmental* costs to the community will continue to increase if we continue to rely on diminishing non-renewable energy supplies. A land use and transportation strategy that relies on diminishing energy resources *will be particularly difficult on lower income and working families as energy costs rise is in direct conflict with the environmental stewardship goals outlined throughout this document.*

Energy costs are also greatly impacted by the energy demand generated by development patterns. Sprawling development patterns increase infrastructure, service delivery and transportation costs for residents. Further, by reducing energy consumption the community reduces its reliance on foreign non-renewable energy sources. Thereby increasing our energy security position and creating benefit to our national security. *(This is precisely the justification for a Nodal Development pattern rather than a sprawling development pattern.)*

Principles and Policies

Policy 8.1.c: Increase local use and generation of alternative energy

Solar, Wind, Geothermal, Hydro and Waste-to-Energy are all available local energy resources, that are renewable and reduce consumption of nonrenewable energy. The community will work with the local electrical utility and other local agencies, non-profits, and businesses to identify local renewable energy generation opportunities. The Town and County will support the development and integration of renewable energy into the community energy portfolio *by committing to include alternative energy generation in all public projects.*

Policy 8.1.d: Allow and encourage ~~home based~~ *on site* alternative energy generation.

Production of energy from renewable sources at each home *or business location* will have the cumulative effect of reducing reliance on nonrenewable energy. The Town and County will avoid regulatory barriers to the generation of renewable energy *at home on site* so long as other community values are not sacrificed. This may include exempting solar panels from non-reflectivity requirements or exempting certain home based wind turbines from height restrictions. Both jurisdictions should also create incentives for the provision of home *and business* based alternative energy.

Policy 8.1.e: Lead by example in Green Collar and Renewable Energy industries: Teton County is uniquely positioned because of our natural environmental bounty and our proximity to major centers of multiple extractive energy industries, to become a national counterpoint to those industries in the specific area

of alternative energy research. Clearly, this is an industry which will grow and develop over the next decades, and this industry might very well find the juxtaposition between the pristine natural environment in our backyard and the oilfield development of neighboring counties serves their purpose as far as marketing alternative energy sources. We should market our community to this sector of our national economy because of the way it can help our local economy. To that end, our Future Land Use Plan will designate an area to accommodate an Alternative Energy Research Campus, where things like wind turbines and photovoltaic arrays can be installed. Not for mass production of electricity, for research in how to make these technologies more efficient.

Principle 8.2— Increase energy efficiency through land use

The community is aware of the importance of land use planning and land use patterns as they affect our wildlife natural resources. In addition, land use choices also have a great effect on the community's overall energy consumption. Energy efficiency achieves the same result through use of less energy. Compact mixed-use development, *land use planning* and redevelopment requires less energy consumption and will assist the community in meeting our energy conservation goals.

Principle 8.4— Increase energy efficiency in buildings

The construction and operation of buildings accounts for close to 15% of energy use in Jackson and Teton County. In order to achieve carbon neutral buildings by 2030 the community will reduce the energy used in the construction of buildings and use energy more efficiently in building operation. Publicly funded construction projects will lead by example in implementing this policy, but existing and new private developments ~~should also~~ *will also be required to* work toward a reduction of emissions.

Policy 8.4.d: Energy Efficient Building Systems and appliances

The embodied energy and efficiency of a building's design are elements that remain static once a building is constructed. The town and county will provide standards for furnaces and HVAC equipment, lighting fixtures, appliances and other high efficiency items, that will actually reduce consumption and demand of energy throughout the habitation of the building. ~~Where possible, programs~~ *Regulations* will encourage *mandate* the use of these items.

Principle 8.5—Conserve energy through waste management and water conservation

Policy 8.5.b: Increase recycling and composting

The disposal of solid waste in a landfill involves not only long term decomposition but also long distance transportation. The community will adopt a "cradle to grave" recognition of the costs of waste generation and disposal. The community will increase opportunities for recycling, reuse, and composting to minimize the solid waste that must be hauled to a landfill outside of the County, and ~~encourage such actions~~ *designate appropriate locations for a potential landfill site within Teton County.*

Strategies

Strategy 8.1: Amend Land Development Regulations (LDRs)

- Amend LDRs to accommodate infill and *Nodal* developments *patterns*.
- Amend LDRs to focus on creating 'walkable' communities which encourage alternate

transit and mixed use development.

- Amend LDRs to support the integration of renewables into the community energy portfolio for both public and small private providers.
- Develop regulations and incentives for maximizing habitat retention, enhancement of wildlife habitat and natural resource protections.

Indicators

Energy Conservation Indicators Period	Baselines	Goal	Review
1. Green House Gas Emissions		Reduce	5 yr
2. Carbon Neutral Buildings by 2030		<i>Complete</i>	5 yr
3. Town and County building construction certified to a minimum of LEED <i>(or other)</i> standard		Comply	Annual
4. Per capita vehicle miles travelled		Reduce	5 yr
5. Increase waste diversion to recycling		>25%	5 yr
6. Water usage		Reduce	Annual
7. Mitigate the additional 30 megawatts of energy needed to meet Jackson Hole's load growth for the next 20 years by 33% through resource conservation		Reduce	Annual
8. Develop local renewable energy options that generate 2 megawatts of additional energy over the next 20 years			5 yr

To: town and county planners and planning commissioners
From: Ben Read
Date: June 2, 2010
Re: the draft comp plan

At this point, as the comp plan advances to elected officials of town and county, I have two overriding hopes or concerns.

One of these is that in rural areas that are of importance to the community in terms of open space, ranching and wildlife values, we move as far away from traditional Euclidian zoning practices as possible, by reverting to base line development potentials and mobilizing, on the other hand, incentives (like the non-contiguous PRD) to shift development into areas that can better absorb growth.

My other concern or hope is that we embrace as directly as possible the idea that sustainability practices should be applied to land use planning and that we acknowledge (and manage) as a community the direct and excessive bearing that prosperity has on energy usage.

Under the heading of discussion points:

- Are we offering property owners in rural locations as much flexibility as possible in our efforts to minimize the impacts of new development on open space and wildlife?
- Do accessory residential units have a constructive role to play in terms of meeting the community's diverse objectives?
- Separate from the decision to designate town as a focal point for nodal development, should relatively small and discreet amounts of additional development potential be allowed in areas like Wilson and the Aspens area that have local convenience services (when such development is density neutral)?

Other questions depend largely on how our concluding conversations develop.

FROM : Tony Wall

THEME 8:

- 1) in “Why is this theme addressed? We should add language that recognizes that any and all added development and increased visitation will add to our footprint
- 2) Change 8.1 from “Alternative” to “Renewable”
- 3) add language to 8.3 to “adopt anti-idling regulations”

ADMINISTRATION:

- 1) pg. 139 Change seven to eight (themes) under “Admin Chapter Purpose”
- 2) pg. 139 Administration Chapter Purpose add # 4. “How often the Plan will be reviewed by elected officials” (this process is spelled out on pg. 141)
- 3) pg. 142 “Future Land Use Plan Amendments” the 4th bullet should be changed to simply read “any member of the public”. Any citizen has, and should retain, the right to apply for text amendments to the entire plan (including the FLUP and LDRs) – they would still have to go through the full public review process.

General comments on the updated Draft Plan:

In general I would say that this updated version is an accurate representation of the Joint PC recommendations. There are some contradictions and inconsistencies but it is difficult to determine if they are the result of our deliberations/votes or of staffs’ interpretation of those recommendations.

New Ideas:

- A. Theme 8 bubble is omitted from the graphic on pg. 10 (Community Vision)
- B. The definition of Workforce Housing (Theme 4) is even more vague than in the original draft – there was considerable PC discussion and Public Comment about creating a NARROWER definition – not a BROADER one. By not defining WFH more narrowly we would be undermining the opportunity to achieve the 4 goals set forth on pg. 54
- C. The appendix should contain both ACTUAL and EFFECTIVE population numbers for 2000, 2010, and at build-out

Contradictions and inconsistencies:

- 1) A. Places where the desire for ”predictability” is affirmed:
 - a. pg. 25 “Development that is not predictably managed to enhance community character will degrade it”
 - b. pg. 26 “The community now desires predictability”
 - c. 2.3 (pg. 32) “Conservation and development will occur in a predictable pattern and with a predictable character”
 - d. 2.3.e (pg. 34) “Limit discretion in land use decisions” and “discretionary regulations and incentives do not provide predictability”

B. Places where the concept of “predictability” is contradicted (ANY reference to UNQUANTIFIED “bonuses”, “incentives”, or “conditional” developments

- a. 2.1.c (pg. 28) “Allow residential density bonuses in order to conserve open space” without any quantification this statement directly contradicts “predictability”
- b. 2.3.e (pg. 34) “the intent and limits of the incentivized or conditional development will be clearly stated” which is saying that incentivized and conditional (both unpredictable) development is OK if it is “clearly stated” undermines our desire for predictability
- c. 4.3 contradicts the desire for predictability when it says that we will “provide incentives for the preservation and creation of workforce housing”. This is repeated in 4.3.a. Both of these errors could be corrected by adding the language “without increasing the potential levels of density or intensity”

- 2) 2.1.e (pg. 29) Allow development of County residential potential in Town” is contradicted by vote #144 which FAILED to approve TDRs
- 3) 2.2.c and 2.2.d appear to contradict each other. One advocates for “clustering” non-residential development, then the next one encourages “dispersing” of that same development
- 4) Place where a residential development “cap” is noted
 - a. 2.1.a (pg. 27) “Limit base development rights to those allowed today”

Place where the development “cap” is compromised

- a. 2.1.c (pg. 28) “Allow residential density bonuses in order to conserve open space”
If the phrase “without increasing the potential levels of density or intensity permitted under the 1994 Plan” is added to this statement then it would not conflict with the concepts of “no additive growth” and “predictability:
- 5) pg. 54 The third housing issue “Catching Up to improve on existing situation” is in direct conflict with the goal of 65% and the acknowledgement that we are currently in excess of that number. There is no justification given for “catching up” - “Maintaining our current levels” should be the title of this bullet point. In the indicators section the goal should be changed accordingly from “Increase” to “maintain”. The language on pg. 55 “the community’s goal is to increase the percentage of the workforce living locally” is also in conflict with the fact that we are currently in excess of our goal
- 6) a. 4.2 (pg. 58) “developerswill be required to mitigate a portion of their impacts” is in direct contradiction to the achievement of our goal of housing 65% of our workforce
 - b. the goal in Theme 4 Indicator #1 to “increase” the % of the workforce housed locally from today’s number should change to “maintain” if we are currently above the established threshold
 - c. the goal in Theme 4 Indicator #7 should be changed to “maintain” for the same reason

May 3, 2010

JACKSON / TETON COUNTY COMPREHENSIVE PLAN

CONTRADICTIONS FROM PLANNING AND ZONING COMMISSIONS INITIAL REVIEW

Jamie Walter

Town of Jackson Planning and Zoning Commissioner

I believe that the following three items have votes associated with them that are contradictory:

Areas of Existing Dense Mixed Use Development (Nodes)

Principle 2.1.b Preserve existing county neighborhoods (development in existing nodes, except Town to remain at existing levels).

This Policy is contradicted by the following policies and principles:

Policy 1.1.a ...encouraging clustered development to be located outside the NRO

Policy 1.1.d ...conserve large, contiguous, and connected open space

Policy 2.1.c ...Teton County will encourage that development resulting from bonuses be clustered outside of crucial wildlife habitat and scenic corridors, adjacent to existing development

Policy 2.2.c&d ...cluster county nonresidential development and encourage local convenience commercial in appropriate areas (If you add more commercial development to these existing nodes but do not allow for additional residential units, who will work at and or patronize these businesses? People from Rural areas, from Town, or neighboring communities will commute to support these businesses, increasing traffic, adding to pollution, and intensifying wildlife conflicts.)

Policy 4.1.a ...achieve all four housing goals (Town can only fit so much density, once this level has been reached, and if additional density can not be added to the existing nodes, the only place for homes to be built are in the large undeveloped open lands within the County. Lots/homes developed in this location will most likely be large in scale and very likely owned as second homes. But by allowing density to be incorporated within existing areas of dense development more small lots/homes will be constructed that are more likely to be occupied, full time, by members of our workforce, therefore reducing traffic and pollution and adding to our sense of community by having homes occupied year round.)

Principle 6.1 ...increase the share of trips made by alternative transportation modes (Be cause of convenience, people living in areas of existing dense mixed use development are more likely to walk/bike to work, run errands, visit friends, etc... than those living in a more rural setting.)

Policy 8.2.b ...encourage mixed use, compact and connected land use patterns

Policy 8.2.c ...guide future development into already developed areas

Policy 8.3.b ...promote alternative modes of transportation (See Principle 6.1.)

Accessory Residential Units (ARUs)

Strategy 2.1 ...prohibit accessory residential units associated with residential development in the County (Does this eliminate Guest homes entirely, or just renting them, ie, ARUs? If this eliminates Guest Homes, I feel that his is contradictory to other sections of the plan that encourage the maintenance of community character. If guest homes are eliminated, people will build larger homes with attached guest wings, which will increase the bulk and scale of the dwellings. It is my opinion that clustered smaller homes (main houses and guest houses) are more line with our existing community character than single large scale homes.)

Retain Base Zoning Allowances (Caps)

Policy 2.1.a ...limit base development rights to those allowed today

This Policy is contradicted by the following policies:

Policy 2.1c ...allow residential density bonuses in order to conserve open space

Policy 4.3.b ...allow for density increases for restricted, workforce housing in targeted areas of Town

How can density bonuses be granted in the above two instances if development rights are to be limited at those allowed today? Instead of having an absolute “cap” I think it would be more beneficial to have the build out set at what is allowed today but allow the number to be flexible by +/- 5%-10%. This is important for two reasons.

First, over the past 12 years I have seen more development units be given up for tax write offs than have been added using density bonuses. I have spoken to staff and this observation has been confirmed. Therefore by having a cap we actually have a number that will constantly be declining. By allowing bonuses we are more likely to stay closer to a constant build-out number.

Secondly, allowing for appropriate and permissible density bonuses can be a very useful tool for the planning staff and the elected officials when dealing with either a difficult or desirable project.

Comments on Comp Plan Draft Released May 7

Intro

- (1) I cannot recall whether in our second review of this we agreed to the rewrites that are throughout. I thought this was one of the only chapters where we did actually vote on exact wording. I am concerned with the insertion of the word “sustainability” which is then tied to the concept in other communities. We voted to redefine the phrase, and I thought, remove much of it because we were concerned by the implications or the standard definition in other areas.

Theme I

- (1) I feel that theme accurately reflects what we recommended

Theme II

- (1) I feel that the written theme accurately reflects what we recommended
- (2) Conflicts/Contradictions – We need to identify more areas in Town (and the Village) to accommodate the transfer of density from the county. I am not in favor of taking property rights from the county landowners and giving a windfall to owners in Wilson, Racquet Club, etc; however, I would be in favor a creating a multiplier for the PRD and specifying that a certain portion of that multiplier can only be realized in areas designated in Town or in Teton Village as receiving zones. The logistics of this would be left to the individual landowners to figure out.
 - a. We have unintentionally, but with good intentions, created a contradiction between Theme I, the Transportation Chapter and the Energy Chapter by not forcing remaining development into the denser areas. I am not in favor of density bonuses for specific end product; however, I would be in favor of upzoning some areas with the parameter that the upzone can ONLY be used if it a development right is extinguished somewhere else.
 - b. 2.1.d. The last sentence of this paragraph “and encouraged to be designed provide workforce housing” is not an accurate representation of our discussion. Our discussion was to incentivize the conversion of commercial to residential. This would trigger an affordable housing requirement. We DO NOT need additional language hampering this effort by suggesting that it will “be encouraged to be workforce housing.”

- c. Ref Recommendation 174 and 175, I think we need to discuss the conflict of the chapters I referenced in point a with the possibility of identifying some receiving areas in Teton Village rather than the outlying county again ONLY if said density is transferred from another location.

Theme III

- (1) I think this accurately represent what we recommended
- (2) I believe there needs to be a reconciliation between the caps placed in Town and our goals in I, 8, 6 & 4.
- (3) Still think that 3.2.b “sales tax collection within the Town must be maintained and expanded” is in conflict with Policy 2.6.c “Do not make land use decision for revenue purposes.” I do not think we should be discussing the expansion of taxes in a land use plan.

Theme IV

- (1) I do not think it generally reflects our discussion
- (2) I think definitions on page 55 need to be removed
- (3) Ref rec 263 – I do not see where this was incorporated into the chapter. The bullet point where this is footnoted does not pertain to the intent of this vote
- (4) Generational Continuity: Phrase “Community members that grew up here have a greater appreciation for the shared values of the community and its history.” I do not believe this was in the last version and would like it taken out of this one. I’m fine with “play an important role” or something of that ilk.
- (5) Problem 1: Statistical info at beginning of chapter discussing median income etc is no longer accurate
- (6) I do not think Rec 272 is accurately reflected in the text
- (7) Policy 4.1.e is very vague and I’m not sure it addresses the discussion
- (8) Ref Policy 4.2.c – This is a repeat of policy 2.1.d and does not accurately reflect our votes in rec. 34, 35 and 36. We did not incentivize the conversion of non-residential to residential with any stipulation as to the “encouragement of workforce housing.”
- (9) Principal 4.3 – this rewrite does not reference any recommendations nor does it accurately reflect what we reviewed in the previous version. It does not reference the rental housing issue that redevelopment impacts nor does specify what the word “incentive” means.
- (10) The concept of the “middle class” was a frequent conversation in this chapter, but not addressed in this chapter. Text needs to be added that recognizes that deed restricted housing raising the end price of the final product and prices out any “middle class”

housing that may have existed without a deed restriction.
Language should be added regarding potential size constraints to help create “urban”
housing that is more efficient and that is more affordable based on the unit size, not based on a deed restriction

Indicators – I do not recall or read a recommendation where we agreed upon 65%?

Theme V

- (1) I think that this rewrite accurately reflects the votes
- (2) I still think that this is a superfluous chapter, but will bow to being outvoted in every vote on this one. 😊

Theme VI

- (1) I believe this accurately reflects the recommendations

Theme VII

- (1) I believe this accurately reflects the discussion

Theme VIII

I think we should review Theme VIII as we did the rest of the Themes not just with an eye to contradictions, etc.

- (1) Policy 8.1.b while I agree in theory, we need to be careful of what impact this may have on older, less efficient homes that people cannot afford to make more efficient or are unable to make more efficient such as older condominiums.
- (2) Policy 8.2.b – This is in conflict with language in Theme III about stable neighborhoods as well as with zoning in certain areas. While I am in favor of the concept, it needs to be modified to make this policy appropriate.
- (3) Policy 8.2.c is inconsistent with Theme II and with the decision to cap growth. This needs to be reconciled
- (4) Policy 8.5.a – language needs to be included to put this pricing increase on some sort of sliding scale based on use not an overall increase in the price of water.
- (5) Policy 8.4.c – Construction Material. Rather than regulating everything, I would like to see some incentives placed on homes

built with efficient use of building materials, heating etc. ie: the size of rooms, the overall size of the home rather than what we now have in the county which is a regulation on the number of

Michael Pruett Comments

My comments are specific to the Town of Jackson. I do not feel the growth caps achieve the goals we set for our community. I feel that the Town is the place the community agreed to meet many of our goals including housing, redevelopment, Town is Heart, vitality, character...etc. The community and we have agreed that we need to be “smart” about growth in town, that this is the right place for it because of :

- Smart growth concepts
- Existing infrastructure in the town
- Walk and bike to work
- Vitality in the town
- Supports local businesses
- Supports the tourism business which in turn benefits the community
- Consistent in maintaining and preserving community character
- And more...

Reconciliation #1

My comments are specific to density and caps on residential density in town Principle 2.1 and Policy 2.1.a. I think having a cap on residential development in town is inconsistent with any redevelopment in town and constitutes a “no growth” policy. A hard fast cap on residential development is not the solution we need – it is in direct conflict with providing housing for our workforce, local jobs, and supporting local businesses. It is in direct conflict with Theme 3 Town is Heart. For example under the current plan we would not be able to find any high density areas to meet the community’s goals of rental housing and workforce housing within the caps. This is inconsistent with the Theme 3, 4, and 5 and will stagnate our town. I propose that Principle 2.1 and Policy 2.1.a be revised to allow residential growth above the caps in specific areas (targeted growth areas) and for defined community benefit as follows:

- Workforce housing
- Market rate housing
- Apartments
- Etc.

Reconciliation #2

My comments are specific to caps on nonresidential density in town Principle 2.2 and Policy 2.2.a. I think having a cap on nonresidential development in town is inconsistent with redevelopment in town and constitutes a “no growth” policy. A hard fast cap on nonresidential development is not the solution we need – it is in direct conflict with providing redevelopment (theme 3), providing local jobs (Theme 5), new lodging (theme 3) and supporting local businesses (theme 5). For example without the ability to discuss the appropriate nonresidential allowances in the Lodging Overlay we may not be able to implement the future vision for downtown in Principle 3.2 and Polices 3.2.b & d. This is inconsistent with the theme 3 and will stagnate our town. I propose that Principle 2.2 and Policy 2.2.a be revised to allow

nonresidential growth above the caps in specific areas (defined in FLUP) and for defined community benefit as follows:

- Redevelopment to implement vision for downtown “lights on”
- Lodging
- Local jobs and businesses
- Etc.



Appendix M— Statutory Authorization

Town of Jackson

15-1-503. Master plan; adoption; concurrent action; contents; amendment.

(a) The commission, after holding public hearings, shall adopt and certify to the governing body a master plan for the physical development of the municipality. If the plan involves territory outside the city or town, action shall be taken with the concurrence of the board of county commissioners or county planning commission, or other municipal legislative body concerned. The master plan, with the accompanying maps, plats, charts and descriptive and explanatory matter shall show the:

(i) Commission's recommendations for the development and may include the general location, character and extent of streets, bridges, viaducts, parks, waterways and waterfront developments, playgrounds, airports and other public ways, grounds, places and spaces;

(ii) General location of public buildings and other public property;

(iii) General location and extent of public utilities and terminals, whether publicly or privately owned, for water, light, power, heat, sanitation, transportation, communication and other purposes;

(iv) Acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, or change of use of any public ways, grounds, places, spaces, buildings, properties, utilities or terminals;

(v) Zoning plan for the regulation of the height, area, bulk, location and use of private and public structures and premises, and of population density;

(vi) General location, character, layout and extent of community centers and neighborhood units; and

(vii) General character, extent and layout of the replanning of blighted districts and slum areas.

(b) The commission may amend, extend or add to the plan or carry any part or subject matter into greater detail.

15-1-504. Master plan; preparatory surveys and studies; general purpose.

In preparing the master plan, the commission shall make careful and comprehensive surveys and studies of the existing conditions and probable future growth of the municipality and its environs. The plan shall be made for the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality which will best promote the general welfare as well as efficiency and economy in the process of development.

15-1-505. Master plan; manner of adopting generally; certification thereof.

The commission may adopt the master plan in parts as the plan progresses or as a whole. Any part of the plan shall correspond generally with one (1) or more of the functional subdivisions of the subject matter thereof. The adoption of the plan or any part, amendment or addition shall be by resolution carried by the affirmative vote of not less than a majority of the commission. The resolution shall refer expressly to the maps, descriptive matter and other matters intended by the commission to form the whole or part of the plan. The action taken shall be recorded on the adopted plan or part thereof over the signature of the secretary of the commission. A copy of the plan or part thereof shall be certified to the governing body.

15-1-506. Master plan; construction to conform, be approved; overruling disapproval; time limitation.

(a) If the governing body has adopted the master plan or any part thereof, no street, park or

other public way, ground, place or space, public building or structure or public utility, whether publicly or privately owned, may be constructed until its location and extent conform to the plan and have been approved by the commission. If disapproved, the commission shall communicate its reasons to the governing body which by a vote of not less than a majority of its membership may overrule the disapproval. If overruled, the governing body or the appropriate board or officer may proceed. However, if the public way, ground, place, space, building, structure or utility is one which the governing body, or other body or official of the municipality may not authorize or finance, then the submission to the commission shall be by the board or official having that jurisdiction, and the commission's disapproval may be overruled by that board by a majority vote or by that official. The acceptance, widening, removal, extension, relocating, narrowing, vacation, abandonment, change of use, acquisition of land for, or sale or lease of any street or other public way, ground, place, property or structure may be similarly overruled.

(b) If the commission fails to act within thirty (30) days after the proposal has been submitted to it, the proposal is deemed approved, unless a longer period is granted by the governing body or other submitting body, board or official.

Teton County

18-5-201. Authority vested in board of county commissioners; inapplicability of chapter to incorporated cities and towns and mineral resources.

To promote the public health, safety, morals and general welfare of the county, each board of county commissioners may regulate and restrict the location and use of buildings and structures and the use, condition of use or occupancy of lands for residence, recreation, agriculture, industry, commerce, public use and other purposes in the unincorporated area of the county. However, nothing in W.S. 18-5-201 through 18-5-207 shall be construed to contravene any zoning authority of any incorporated city or town and no zoning resolution or plan shall prevent any use or occupancy reasonably necessary to the extraction or production of the mineral resources in or under any lands subject thereto.

18-5-202. Planning and zoning commission; composition; residency requirements, terms and removal of members; vacancies; rules; record; meetings to be public; secretary; preparation and amendments; purpose; certifications and hearing; amendments.

(a) Each board of county commissioners may by resolution create and establish a planning and zoning commission. The commission shall be composed of five (5) members appointed by the board at least three (3) of whom shall reside in the unincorporated area of the county, provided that this provision shall not affect the membership composition of any existing commission. The terms of the members appointed to the first planning and zoning commission shall be of such length and so arranged that the terms of one (1) member will expire each year, and thereafter each member shall be appointed for a term of three (3) years. Any member of the commission may be removed for cause other than politics or religion and after public hearing by the board of county commissioners. If a vacancy occurs in the commission the board of county commissioners shall fill the vacancy by appointment for the unexpired term. The planning and zoning commission shall organize within thirty (30) days after its establishment, shall adopt rules for the transaction of its business and keep a record of its actions and determinations. Three (3) members shall constitute a quorum for the transaction of business. All meetings, records and accounts of the commission shall be public. The county clerk shall serve as secretary to the commission.

(b) The planning and zoning commission may prepare and amend a comprehensive plan including zoning for promoting the public health, safety, morals and general welfare of the unincorporated areas of the county, and certify the plan to the board of county commissioners. Before certifying its plan or amendments thereto to the board the commission shall hold at least one (1) public hearing. Notice of the time and place of hearing shall be given by one (1) publication in a newspaper of general circulation in the county at least thirty (30) days before the date

of the hearing. Any person may petition the planning and zoning commission to amend any zoning plan adopted under the provisions of W.S. 18-5-201 through 18-5-207.

(c) The planning and zoning commission shall prepare recommendations to effectuate the planning and zoning purposes and certify its recommendations to the board of county commissioners. Before adopting the recommendations the board shall hold at least one (1) public hearing. Notice of the time and place of hearing shall be given by one (1) publication in a newspaper of general circulation in the county at least fourteen (14) days before the date of the hearing. After public hearing has been held, the board shall vote upon the adoption of the planning or zoning recommendation. No planning or zoning recommendation shall be adopted unless a majority of the board votes in favor thereof.