



Joint Planning Commission Meeting Agenda Documentation

PREPARATION DATE: June 18, 2010
MEETING DATE: June 24, 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:

- Administration
- Overview of Certification Vote

Public Comment on Agenda Items

All comment regarding Administration is attached.

Planning Commission Comments/Discussion Points

Following are comments from individual Planning Commissioners.

Administration

Tony Wall

- 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.

Staff Follow Up and Discussion Points

Administration

Staff has no suggested questions or discussion points for Administration.

Overview of Certification Vote

Looking forward to the final certification vote on the Planning Commissions Comprehensive Plan staff offers the following information and proposed next steps for commissioners' review and consideration.

Role of the Planning Commission

Staff finds that the role of each commissioner is to certify to the elected officials a Comprehensive Plan that represents your interpretation of the community's future vision. This interpretation should be based on the written and oral public comment received over the past years of meeting and workshops, as well as your own experience in the community. As has been evident over the past year, there is no singular interpretation; each commissioner's opinion will be unique.

To find a consensus interpretation of the community's vision the joint commissions have held 40 meetings and taken over 350 straw polls. The result is the May 7, 2010 draft that – based on your discussion and recommendation from the June 10, 2010 meeting – staff concludes you believe accurately represents the composite of those straw polls. This being the case, an affirmative final certification vote means the May 7, 2010, Plan along with a list of inconsistencies on which consensus could not be reached represents the joint body's consensus interpretation of the community's sentiment for the future vision of the community.

Review Theme 8 and Administration

Staff will rewrite the chapters and not present them again to the joint commissions prior to final certification. The recommended changes will be included as part of the final resolution certifying the Plan to the electeds.

List of Contradictions

Each commissioner has had the opportunity to submit a list of contradictions they believe exist in the document. Staff will aggregated the lists to be included as part of the final resolution certifying the Plan to the elected officials.

Future Land Use Plan

It has been brought up in public comment that the commissions should make a clear statement regarding the status of the Future Land Use Plan as part of the final certification resolution. Staff offers the following options for consideration:

- No statement – leave it up to the elected officials to decide.
- Request that the joint Planning Commissions be asked to complete the Future Land Use Plan following approval by the elected officials of the Vision and Themes. Further, the elected officials would wait to adopt the 2010 plan in its entirety upon the joint planning commissions' completion of the FLUP.
- Request that the joint Planning Commissions complete the Future Land Use Plan following adoption of the Vision and Themes by the elected replacing the current 1994 Plan;
- Request that the elected officials complete the Future Plan Use Plans themselves prior to adopting the Plan; or
- Other.

Final Certification

- **Scheduling the Meeting**

- The date and time for this meeting may be set anytime after June 28, 2010. Staff finds it important that, to the extent possible, the final certification meeting has full attendance. Commissioners will set the date for this meeting on June 24, 2010.
- In order to give the public a chance to review the certification resolution and allow staff to incorporate into the resolution the joint Planning Commissions' desired list of supporting documents (staff suggestions below), Staff does not believe a final certification vote can be taken on June 24, 2010.

- **Staff Report for the Meeting.** The staff report for the final certification meeting will be available on Friday, June 25, 2010. It will include a draft resolution for action by both the Town and County Commissions to certify the plan to the elected officials with a list of potential staff changes and supporting documents including:

- Amendment of Table of Contents, Introduction, etc. to include Theme 8 and other format changes
- Insertion of baseline charts for the bases of Theme 4: Socioeconomic and Demographic Diversity, Resident Workforce, Generational Continuity and Sense of Community
- Insertion of baseline graphs on current carbon emissions in Theme 8
- Insertion of available baseline data for indicators
- Inclusion of statement on Future Land Use Plan
- Rewritten Theme 8 and Administration as directed by the joint Commissions
- Updated Appendix I to correct an error and add Buildout Task Force rationale
- List of individual commissioner's identified inconsistencies (unedited, by name) for elected official consideration
- All supporting documents that have not changed since the April draft including Acknowledgements, Table of Contents, Introduction, Appendices
- Other

- **Final Vote Explanation.** Prior to the final certification vote staff recommends that each commissioner be given 5-10 minutes to explain reasons for their final vote and offer final opinions/thoughts reflecting on the process and review. These comments may be submitted in writing by commissioners for consideration by the elected officials.

Staff encourages commissioners contact staff with any questions or to discuss the final review process. Staff will ask for confirmation from the commissions of the review process and supporting documents to be provided for the certification vote at the June 24, 2010, meeting.

ATTACHMENTS

- Public Comment on Administration received since 6/11/10
- Public Comment on Theme 8 received since 6/11/10
- Forrest McCarthy's comments regarding Theme 8 received 6/16/10

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 __, 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 __, 2010, at 5:30 pm at the Teton County Board of County Commissioner Chambers.

Alex Norton

Subject: Please add these comments to public comment for the Administration Chapter - Thanks!

From: Gail Jensen

Sent: Thursday, June 17, 2010 2:38 PM

June 17, 2010 Gail Jensen Comments

Administration Chapter

- This is one of the most important chapters of the Comp Plan. It deals with trust and commitment from our County Employees, Elected officials and Community to support this Comp Plan.
- I support all of the JH Alliance's comments. I also hope that each of you has read and considered Roger Elletson's comments made May 18th of 2009. I have similar concern's and spent the better part of the last 3 years entrenched in the processes he describes.
- Page 140 The Community. 2. "Where government and other organizations are falling short in the implementation of this Plan, the community will hold them accountable and take additional action where needed. How can the community hold the elected officials, Planning Director, County Deputy Attorney, County Agencies, and Planning staff accountable? Let's talk about the realities of our current government when a community member has a complaint with enforcement or an interpretation that is inconsistent with the Comprehensive Plan and/or Land Development Regulations. If it concerns one of many possible Planning Director decisions or interpretation's, then the community member or community group must file a written appeal which includes an \$800 fee, go through what is now a lengthy legal process, which will ultimately involve hiring an attorney and all this without our elected County Commissioners ever weighing in. Now the County Commissioners can not talk to the community member as there is a legal process that must be followed. The Deputy County Attorney always represents the Planning Staff which is at odds with the Community over the complaint. That same Deputy County Attorney also represents the Elected's. Now an out of town hearing officer is appointed which generally is an attorney from an adjoining county which knows and is very familiar with our County Legal Staff. They expect to hold a "court like hearing" and really do not like the public speaking. Anyway, I hope you get the point and see where this is going. There is no reasonable system in place to hold accountable, the people that are employed by our county, paid by the citizen's and that are tasked with representing our Comp Plan and LDR's as written and approved short of litigation.
- Following and enforcing our Comp Plan and LDR's is not optional.
- In this chapter there needs to be written commitments with a specific resultant action taken when this Plan is not followed.
- Teton County Governments policy of no enforcement is this: Let's bury as many conditions of approval and restrictions in HOA Covenants so that the County is not responsible. The Commissioners feel good about the approval as they have throw in conditions etc. The result pits neighbor against neighbor. Please put enforcement language in this Chapter!
- The Community at large has lost confidence in our County Government and more specifically in the Comp Plan process. We need to feel that we have a role and voice and know that ultimately what we say does matter. An every 5 year review meeting with the community is not enough. The Planning Department needs to reach out to the Community and communicate with us.
- How many people are in this room tonight? Why isn't this room filled? This Chapter must be written so that we have accountability, enforcement, predictability, and which embraces and encourages Community involvement.

Thank you for considering my comments,

Gail Jensen

Dave Coon

Submitted on 2010/06/17 at 7:55am

My comments are directed towards theme 8.

Policy 8.1.a: Shift Community energy consumption behavior

The community will probably need some very hard line rules and regulations to get the point across i.e. more modest dwelling size limits, no heated driveways, etc.

Policy 8.1.b: Encourage Energy conservation through energy pricing

Energy pricing structures need to be steep and really hit the pocket book to be effective. Pricing could be tiered to penalize large energy users/wasters.

Policy 8.4.a: Construct Energy Efficient Buildings

I would encourage the Town and County to not only adopt the most current energy and building codes, but also go beyond and require additional higher standards for our local climate/location in warranted situations. Along with requiring top notch energy and buildings codes, the contractor licensing program and building inspection process may need more monitoring. The basic building inspection process should be expanded upon even though it will increase the cost of permitting.

Policy 8.4.d: Energy Efficient Building systems and appliances

Wording needs to be added to include "building envelopes".

Policy 8.5.a: Encourage water conservation

Be sure to address smaller/older/private water systems that might not have the pumping capacities to handle even minimal revegetation/landscape requirements and fire sprinkler demands required by the regulatory agencies. Trophy homes use more water! Not allowing pond construction helps keep aquifers intact.

Strategy 8.2: Develop a comprehensive Sustainable Building Program

- Add a requirement of a maximum residential square footage of 5000 feet.
- Develop some performance standards for all housing that confirm codes are being met (not just in LEED construction).

Strategy 8.3 Education

In the last bullet of this section change the word "encourage" to "Require" the use of energy efficient building systems and appliances.

Thanks for all your time!

Dave Coon

Theme 8 "Energy Conservation"
Forrest McCarthy
June 16, 2010

Change Title to Climate Sustainability

In "Why is this theme addressed" add climate change impacts:

Wildlife and Yellowstone ecosystem

Impacts opportunities for recreation

Impacts quality of life and local economy

Policies and Principles: add

8.3 c: Support Regional Transportation System

Strategies: add

8.4.a. Develop permanent funding source for START

8.4.b. Provide needed infrastructure for expanding START

8.5. Identify permanent recycling stations

Indicators: add

Include transportation goals – including regional and destination