



Joint Planning Commission Meeting Agenda Documentation

PREPARATION DATE: September 4, 2009 **SUBMITTING DEPARTMENT:** Town & County Planning
MEETING DATE: September 10, 2009 **DEPARTMENT DIRECTORS:** Tyler Sinclair & Jeff Daugherty
PRESENTERS: Tyler Sinclair & Jeff Daugherty

SUBJECT: Draft Comprehensive Plan Review

STATEMENT/PURPOSE

The purpose of this item to continue joint review by the Town and County Planning Commissions of the draft Comprehensive Plan dated April 3, 2009.

BACKGROUND/ALTERNATIVES

The specific topic to be addressed at this meeting is as follows:

- Theme 1 – Promote Stewardship of Wildlife and Natural Resources

No additional topics will be discussed other than the one listed above.

All Public Comment on Agenda Items

- Theme 1 –public comment received since the last staff report on Theme 1 (9/3/09 meeting) is attached

Planning Commission Comments/Discussion Points

The County Planning Commission directives on the agenda item have been included in previous staff reports most recently for the 9/3/09 meeting.

Specific Town and County Planning Commissioner comments on Theme 1 have been included in previous staff reports for the, 8/13/09, 8/20/09, 8/27/09 and 9/3/09 meetings.

Stakeholders Advisory Group (STAG) Recommendations

STAG Comments on one or both of the agenda items have been included in previous staff reports for the 7/30/09, 8/13/09, 8/20/09, and 8/27/09 meetings.

Wyoming Game and Fish Department Comments

Wyoming Game and Fish comments have been attached to previous staff reports for the 7/30/09 and 9/3/09 meetings.

Recommendations Made to Date on Agenda Items to Date

Theme 1 – Promote Stewardship of Wildlife and Natural Resources

Passed Jointly

Rec. #	Recommendation	County	Town	Date
47	Relocate Principle 1.4 and associated strategies and indicators	4 - 0	7 - 0	8/20/2009
48	Amend the title of Theme 1 to: "Practice stewardship of wildlife, natural resources, and scenic vistas"	4 - 0	6 - 1	8/20/2009
49	Replace "viable populations" with "healthy populations" in Statement of Ideal and throughout theme, and add an indicator of 'health' and associated strategies	4 - 0	7 - 0	8/20/2009
52	Staff will Insert the County's 2nd and 3rd recommendations regarding Theme 1 into Principle 1.1 where appropriate	4 - 0	7 - 0	8/20/2009
54	Throughout Theme 1 do not limit wildlife protection policies to implementation only in the Natural Resources Overlay	4 - 0	7 - 0	8/20/2009
55	Amend Principle 1.1 Sentence 3 to read: Without supporting all native species within the ecosystem the web of support for all native species begins to weaken and the intact ecosystem begins to break down. (or similar, tighter language)	4 - 0	5 - 0	8/20/2009
56	Make no further changes to Policy 1.1.a and Principle 1.1 beyond recommendations 49, 54, and 55	4 - 0	4 - 1	8/20/2009
58	Policy 1.1.b: Replace "behavioral best practices" with "policy decisions"	4 - 0	5 - 0	8/20/2009
71	Leave Policy 1.1.c as is	2 - 1	7 - 0	8/27/2009
72	Leave Policy 1.1.d as is	4 - 1	5 - 2	8/27/2009
73	Policy 1.1.e: Staff to rewrite to clarify intent of mitigating primarily development impacts and relationship with 1.1.d	4 - 1	7 - 0	8/27/2009
76	Policy 1.1.g: Do not except any areas from policy	5 - 0	3 - 2	8/27/2009
78	Principle 1.2: Change header to "Preserve and enhance water and air quality"	5 - 0	5 - 0	8/27/2009
79	Policy 1.2.a last sentence changed to: "Consequently, development will be designed to protect water bodies..."	5 - 0	4 - 1	8/27/2009
80	Policy 1.2.b: Strike the word "urban"	5 - 0	4 - 1	8/27/2009
81	Policy 1.2.c: Staff to redraft language to clarify intent of surface water protection beyond requirements of other jurisdictions	5 - 0	4 - 1	8/27/2009

82	Policy 1.2.d: add "vehicle exhaust" to list of exacerbating effects	5	-	0	5	-	0	8/27/2009
83	Staff will insert County recommendation 8 into Theme 1 where appropriate	5	-	0	5	-	0	8/27/2009
84	1.5.a and 1.5.b: expand skyline/foreground protection beyond public roads/parks to all roads	4	-	0	6	-	0	9/3/2009
85	1.5.c: add "all land disturbing activities will be required to fit natural contours by conforming to construction standards for land moving"	4	-	0	6	-	0	9/3/2009
86	1.5.d: add language addressing pedestrian and/or public safety	3	-	1	6	-	0	9/3/2009
90	Staff will research the legality of a policy regarding noise pollution and insert the appropriate policy in the appropriate location in the Plan	3	-	0	6	-	0	9/3/2009
91	1.5: add a policy continuing support of a Scenic Resource Overlay for the County	4	-	0	6	-	0	9/3/2009
92	1.5: staff will research the addition of Scenic Resource Overlay policies for Town	4	-	0	6	-	0	9/3/2009
93	1.6.a: delete the list of places in last sentence	4	-	0	6	-	0	9/3/2009
96	1.6.b: prioritize conservation of agricultural use throughout Teton County	4	-	0	5	-	0	9/3/2009
97	1.6.c: language should provide incentives for permanent open space	4	-	0	5	-	0	9/3/2009
98	1.6.c: staff will rewrite to focus on goal of policy which is the last sentence	3	-	1	5	-	0	9/3/2009

Passed County

Rec. #	Recommendation	County		Town		Date		
70	"Why is this theme addressed?" replace Paragraph 1 with: Because Teton County's abundant wildlife, natural and scenic resources are an international treasure, and the protection of these resources is our community's highest priority. We recognize that our policies regarding development, transportation, recreation, and energy consumption all have impacts on these resources, so it is our responsibility to create policies and enact regulations which protect them. Permanent Conservation Permanent conservation of private lands has resulted in about 20,000 acres of conserved open space. Another 15,000 acres are still in agricultural use. Agricultural use of large contiguous private land is most consistent with the goals of this Comprehensive Plan. Efforts aimed at the permanent conservation of such lands have the greatest potential to positively impact Teton County's wildlife, scenic and natural resources, and should be our highest land use priority.	5	-	0	1	-	6	8/27/2009
74	Policy 1.1.f: Change "support" to "require"	4	-	1	1	-	6	8/27/2009
77	Policy 1.1.g: Change "use best management and design practices" to "implement policy directives"	4	-	1	2	-	2	8/27/2009
89	Principle 1.5 "... and will be regulated" instead of "...and will be prevented as much as possible"	3	-	1	2	-	4	9/3/2009

95 1.6: staff will draft language that recognizes permanent conservation of large contiguous properties as one of our highest land use priorities 3 - 1 1 - 4 9/3/2009

Passed Town

Rec. #	Recommendation	County	Town	Date
88	Principle 1.5: ...as much as "reasonably" possible	1 - 3	4 - 2	9/3/2009

Failed Jointly

Rec. #	Recommendation	County	Town	Date
94	1.6.a add: "The conservation and agricultural use of large contiguous private land is also the most consistent land use with the goals of the Comprehensive Plan. Efforts aimed at the permanent conservation of such lands have the greatest potential to positively impact Teton County's wildlife, scenic and natural resources, and should be our highest land use priority."	1 - 3	1 - 5	9/3/2009

Staff Follow Up and Discussion Points

Theme 1 – Promote Stewardship of Wildlife and Natural Resources

- Items brought up by the Joint Planning Commissions on August 20, 2009 but not addressed:
 - Discussion of the community’s policy toward mineral rights
 - Whether Transferable Development Rights are a realistic and viable tool to consider using to meet the community’s land use goals
 - Incentives for the conservation of agricultural land use
- Items brought up by the Joint Planning Commissions on August 27, 2009 but not addressed:
 - Adding a policy regarding cumulative impact analysis (Policy 1.1.b and 1.1.e address the need for better understanding of cumulative impacts and subsequent mitigation requirements)
 - Defining “community character” and “tipping points” relative to each Theme

ATTACHMENTS

- Bill Resor’s September 2, 2009 response to Planning Commission questions regarding conservation easements
- Pitkin County TDR Program Summary
- Pitkin County TDR Status Report
- All recommendations made and finalized at the September 3, 2009 meeting
- Draft September 17, 2009 agenda
- Public Comment received since August 27, 2009 on the agenda items

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 09-030 to September 17, 2009 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 September 17, 2009 at 5:30 pm at the Teton County Board of County Commissioner Chambers.

Alex Norton

Subject: Sept. 3 PC Meeting

From: William Resor

Sent: Wednesday, September 02, 2009 6:27 AM

Alex,

I wish I were in town and could participate in Thursday's meeting. But Laurie and Brad will give you excellent advice.

It is critically important to encourage landowners to work with the Land Trust so the public and wildlife get the real, permanent protection of open land we all want. Development gets all the attention. Conservation Easements are hardly noticed, because nothing happens---indeed, that is the point of conservation easements.

Teton County has been incredibly successful in preserving its private lands. I hope the planning commissions retain the key existing regulations that encourage land protection. We cannot "zone" our community to real open space. Real open space happens when we maintain fair regulations and let the Land Trust work with landowners.

Below, I tried to answer your three questions from my perspective.

- What effect will eliminating density bonuses from Rural lands have on the success of the Land Trust in acquiring conservation easements? What will the effect be from a rancher's perspective?

If all bonuses were eliminated, the donation of conservation easements on large tracts of land would stop. That would leave local taxpayers in a situation to have to buy the open space needed for wildlife and view shed protection. For example, my family donated easements to the Land Trust in 2007 (360 acres) and 2008 (70 acres) on part of our ranch on the north side of Munger Mountain. This land is a key connection for elk from the South Park Feedground to National Forest lands. Even though density bonuses were not involved in these donations (not even in the appraisals), we would not have given the same easements if bonuses had not existed. Why? Because bonuses allow flexibility that is important for my family's future options. Flexibility is necessary for any family to keep land together. If that flexibility is removed from Rural lands, we will simply wait, and not make permanent decisions on land protection. So eliminating density bonuses is at odds with the public's desire for wildlife protection.

It is critically important to retain the on-site Bonus option of three units per 35 acres ("3X"). As your own analysis has shown, that option has created thousands of acres of open space since the plan was adopted in 1994. But your analysis does not include easements such as ours. It should. Our easements protecting view sheds and wildlife corridors would not have happened as they did without the 3X option.

- I spoke with Kelly Lockhart, and he mentioned a tool called a non-contiguous PRD, which is similar to a tradable development right in the outcome, in that density is moved off a parcel to a non-contiguous parcel, but may skirt some of the technicalities of a TDR system. Has this been used in Wyoming successfully, and do you believe there are regions in Teton County that the community can accept as receiving zones for this density offset?

Yes, non-contiguous PRDs have worked in Teton County and protected important open space. One great example was the Kemmerer family's protection of Rocks Springs Canyon (I think about 400 acres) by moving all the density to the Stilson subdivision. I agree with Kelly that this is an excellent tool to protect big pieces of Rural land. Even if it is only used a few times over the next decade, it could protect hundreds of acres of important open land. Why throw out a tool that has worked so well? The public would have been shocked if Rock Springs Canyon had been developed. And, as the tunnel on Snow King demonstrates, difficult access would not have protected the land. The conservation easement permanently protected it.

As to your second question, the planning commissions should pick where density should go and set a maximum limit for each "node." Then allow bonuses for moving density into the nodes. Otherwise you will just be upzoning these nodes. That is "printing new money." You may want to do that if you get work-force housing, but you should also allow non-contiguous PRDs to move in density and protect open land.

- If the community is no longer willing to accept a 9 units per 35 acre density exchange for developing on 15% of a parcel, what type of base development right still allows for an economically viable conservation easement? What density forfeiture is the minimum taxable benefit to an owner contemplating a conservation easement?

The 9X option is no longer needed for development *in* the Rural Zone. 3X is enough to encourage conservation easements and allow flexibility. 2X will not work. "Minimum taxable benefit" is impossible to predict. Each parcel, each owner's personal desires, each owner's financial situation, and each appraisal is unique. 3X has worked well. It has protected thousands of acres. If it ain't broke, don't fix.

As to the community accepting the 9X option: The community does not care about specific regulations, they care about predictable results and wildlife. As long as we know where the density will go (agreed upon nodes) and we get real benefit (large tracts of open land), we have a good result. The community does not want dense development to be allowed to pop up anywhere, as is now allowed. Get rid of the 9X in the Rural zone. Keep the 9X for moving density out of the rural zone. Without the 9X option it will be very hard to find economically viable non-contiguous PRDs. Some might work at 6X, but 9X is much more likely. If nodes are agreed upon, the 9X should only be allowed for moving density from the Rural zone into nodes.

Thanks for asking for my input. And thanks to both the planning staffs and the commissions for all their effort.

Best,

Bill Resor

PITKIN COUNTY'S TDR PROGRAM

In 1987, when Pitkin County completed the *Down Valley Comprehensive Plan*, we did not envision the type of accelerated, large-scale development pressures that we would experience in the backcountry. By 1994, the Board of County Commissioners (BOCC) was ready to adopt zoning that would acknowledge that the backcountry was different from the rest of the County, in terms of character and in terms of County services that could and/or should be available. The Rural/Remote Zone District was born. And from the Rural/Remote Zone District, the TDR (Transferable Development Right) program was born.

Why did Pitkin County adopt a TDR program?

The County's TDR program was originally adopted to encourage the relocation of development from the backcountry to areas closer to existing services and infrastructure. The program has since been expanded to encourage the protection of environmentally sensitive areas and to discourage development in environmentally hazardous areas.

What is a TDR?

A TDR, or Transferable Development Right is a development right that may be transferred from a "Sending Site" to lands that are designated as suitable for development ("Receiver Site").

What is a Sending Site?

A Sending Site is a lot/parcel of land from which development rights are severed and transferred. The Sending Site is deed restricted against further development. Sending Sites include:

- *Any legally created lot/parcel within the Rural/Remote (R/R) or Transitional Residential (TR-1 and TR-2) Zone Districts.*
- *Lands within the Conservation Development PUD (CD-PUD) Zone District.*
- *A "constrained site" or a "visually constrained site" not within the R/R, CD-PUD, TR-1 or TR-2 Zone Districts.*
- *A "Limited Development Conservation Parcel" located within the AR-10, RS-20, RS-30, RS-35 or RS-160 zone district.*

How many TDRs can be obtained from a Sending Site?

1. *Rural/Remote and TR-1 Sending Sites: There is one TDR for every 35 acres of land within a R/R or TR-1 Sending Site. A legally created parcel greater than 1 acre, but less than 35 acres also has one TDR available. A Rural/Remote or TR-1 property less than 1 acre in size may also qualify for one TDR, if certain criteria are met.*

Example:

Size of R/R or TR-1 Parcel (Acres)	Number of TDRs Available
1-69.9	1
70-104.9	2
105-139.9	3

2. TR-2 Sending Sites: There is one TDR for every 10 acres of land within a TR-2 Sending Site. A legally created parcel greater than 1 acre, but less than 10 acres also has one TDR available. A TR-2 property less than 1 acre in size may also qualify for one TDR, if certain criteria are met.

Example:

Size of TR-2 Lot/Parcel (Acres)	Number of TDRs Available
1-19.9	1
20-29.9	2
30-39.9	3

3. “Constrained” and “Visually Constrained” Sending Sites: The BOCC may grant one or more TDRs for a “constrained” or “visually constrained” site in certain Zone Districts.
4. Conservation Development PUD (CD-PUD): There is one TDR for every 20 acres of land within the CD-PUD Zone District (excluding the 160 acres designated for development).

Example:

Size of CD-PUD Parcel (Acres)	Number of TDRs Available
220	3
600	22

5. Limited Development Conservation Parcel Sending Sites: There is one TDR per 20 acres of land on parcels containing less than 640 acres. There is one TDR per 35 acres on parcels containing 640 acres or more. To calculate overall parcel size for purposes of determining TDR potential, 35 acres of land must be deducted from the acreage total for each legal dwelling on properties containing less than 640 acres; and 70 acres of land must be deducted from the acreage total for each legal dwelling on properties containing 640 acres, or more.

Example:

Size of Conservation Parcel (Acres)	Parcel Acreage Deducted for Each Legal Dwelling On-Site	Number of TDRs Available after Acreage Deduction for Dwellings*
<640	35 acres	1 per 20 acres
640+	70 acres	1 per 35 acres

*If no dwellings exist on the property, the entire acreage may be used for purposes of determining the number of potential TDRs.

What is a Receiver Site?

- A Receiver Site is a lot/parcel of land within unincorporated Pitkin County to which development rights are transferred from a Sending Site.
- Special Review approval is required to designate a lot/parcel a Receiver Site for TDR(s), except when a TDR(s) is used for additional floor area within the Aspen Urban Growth Boundary and in certain County approved subdivisions.

- Properties within the following zone districts may **not** be Receiver Sites for TDRs: R/R, RS-160, TR-1, RS-G, MHP, AH, AH-PUD, B-1, B-2, VC, P-I, T, SKI-REC, VR, I, PUD, AC-REC-2, and FPV-O.

How can TDRs be used?

1. To Obtain a GMQS Exemption for a New Development Right.

- TDRs may only be used to create a new development right for a single family residence on a lot/parcel within the Aspen Urban Growth Boundary.
- Each TDR for a new development right provides 2,500 square feet of floor area.
- Subject to a One-Step Special Review by the BOCC.
- The number of TDRs required for exemption from the Growth Management Quota System (GMQS) depends upon the size of the residence proposed.
- TDRs from any Sending Site may be used on any Receiver Site approved for a new development right.

2. To Obtain a GMQS Exemption for Additional Floor Area.

- Special Review approval is not required to utilize TDRs for additional floor area up to the final maximum size on lots in certain County approved subdivisions or on lots/parcels within the Aspen Urban Growth Boundary.
- A One-Step Special Review by the Hearing Officer is required to utilize TDRs for additional floor area up to the final maximum size on all other lots/parcels within eligible Zone Districts.
- Each TDR used for additional floor area provides 2,500 square feet of floor area, except within the TR-2 Zone District, where one TDR provides 1,000 square feet of floor area.
- The number of TDRs required for a GMQS exemption depends upon the size of the residence desired.
- TDRs from any Sending Site may be used on any Receiver Site as a GMQS exemption for additional floor area.

⇒ **PURCHASE OF A TDR DOES NOT AUTOMATICALLY GUARANTEE APPROVAL OF A RECEIVER SITE FOR DEVELOPMENT. DEVELOPMENT OF A RECEIVER SITE IS STILL SUBJECT TO ANY APPLICABLE LAND USE REVIEWS, INCLUDING SPECIAL REVIEW, SITE PLAN REVIEW, SUBDIVISION, ETC.**

If I own land in the Rural/Remote, CD-PUD, TR-1 or TR-2 Zone Districts and want to sell my development right, what should I do?

1. Obtain an **Irrevocable Certificate of Development Rights** from the Community Development Department. In order to be eligible for a Certificate, the property owner must typically provide a chain of title: (a) to document ownership and the legal creation of the lot/parcel (in compliance with County Subdivision regulations, which were adopted for most parts of the County in 1972), and (b) to document that the lot/parcel has a development right to transfer and has not merged with adjacent parcels (under some circumstances, if two adjacent properties come under common ownership, only one development right may exist). An Irrevocable Certificate of Development Rights will be issued concurrent with severance

of the development right from the Sending Site and execution of a Restrictive Covenant for the Sending Site.

2. Execute a **Restrictive Covenant**. Concurrent with issuance of an Irrevocable Certificate of Development Rights, the owner of the Sending Site must execute and record a restrictive covenant on the lot/parcel, which acknowledges that the development right has been severed from the lot/parcel and that future development, as defined in the Land Use Code, is prohibited.
3. If the lot/parcel within the Rural/Remote, TR-1 or TR-2 zone districts contains less than one acre, the owner must first submit an application to the Community Development Department to demonstrate that the parcel could be developed with a 1,000 square foot footprint, a well and an on-site wastewater disposal system, and that legal access to the site exists.

How do I obtain a “Constrained” or “Visually Constrained” Site TDR?

1. Submit an application to the Community Development Department requesting a determination that the property is “undevelopable”, “severely restricted” or “visually constrained” pursuant to the Land Use Code.
2. The BOCC shall determine at a public hearing if the property complies with the criteria for a “constrained site” and whether one or more TDRs will be granted.
3. If the Community Development Department finds that the property is “visually constrained”, then the BOCC shall determine at a public hearing whether one TDR per existing development right will be granted.

How do I obtain TDRs as part of a Conservation Development PUD?

A property is only eligible for a CD-PUD if it contains at least 160 acres, and must be rezoned to CD-PUD to take advantage of the Development Options and creation of TDRs. Once the BOCC approves a development plan for the property, the owner may obtain TDRs at one TDR for each 20 acres, excluding the 160 acres that are developed.

How do I obtain TDRs as part on a Limited Development Conservation Parcel?

A property which contains a minimum of 160 acres; on which improvements and property are configured as they were on December 6, 2006; and on which no new development is proposed, may obtain special review approval from the Board of County Commissioners to become eligible to sever and sell TDRs. On parcels of 640 acres or more, TDRs shall be awarded based on 1 TDR for each 35 acres, excluding 70 acres for each legal dwelling unit. For parcels containing less than 640 acres, TDRs shall be awarded based on 1 TDR for each 20 acre, excluding 35 acres for each legal dwelling unit.

Is there a fee to obtain a TDR Certificate?

- There is no County fee associated with the review and issuance of TDR Certificates for properties in the Rural/Remote, TR-1 and TR-2 Zone Districts.
- There is a County fee associated with a request for review and approval of a “constrained” or “visually constrained” site TDR.
- Once a property is rezoned to CD-PUD and a Development Plan is approved, there is no additional fee to obtain TDR Certificates.
- Once a property has received Special Review approval as a Limited Development Conservation Parcel, there is no additional fee to obtain TDR Certificates.

How long will the certification process take?

- *On lots/parcels within the Rural/Remote, TR-1 and TR-2 Zone Districts that have clear title, issuance of a TDR Certificate will typically take three weeks from the date of submittal of a complete application.*
- *The process to obtain a “constrained” or “visually constrained” site TDR will typically take two months from the date of submittal of a complete application.*
- *On land within the CD-PUD Zone District or on a property that has received Special Review approval as a Limited Development Conservation Parcel, issuance of a TDR Certificate(s) will typically take 2 weeks from the date of submittal of the Certificate application.*

How long is an Irrevocable Certificate of Development Rights valid?

A TDR Certificate is “irrevocable,” and will remain valid until such time as it “lands” on a Receiver Site, at which time the development right will be retired and the Certificate “extinguished”.

How do I redeem a TDR Certificate on a Receiver Site?

To utilize or redeem a TDR Certificate on a Receiver Site, the owner must surrender the original, signed TDR Certificate when a building permit application is submitted to use the floor area associated with the TDR. In addition, at that time the owner must provide a copy of the deed(s) evidencing conveyance of the Certificate to the current owner (if applicable).

What do I do if I lose the original TDR Certificate?

If an irrevocable TDR Certificate is lost or destroyed after issuance by the County and prior to surrender for use in a proposed development, the County will reissue the Certificate to the current owner. No certificate shall be reissued unless the owner of the Certificate submits a signed and notarized affidavit confirming the loss or destruction of the Certificate and agreeing that if the original Certificate is later found, that it will be surrendered to the County and shall be of no further force and effect. A reissued TDR Certificate shall bear the same number as the Certificate that is replaced, and shall state that any TDR Certificate bearing the same number as an earlier issue date shall be invalid.

What do I do when I convey a TDR Certificate?

The sale, assignment, conveyance or other transfer or change in ownership of a TDR Certificate must be reported to the Community Development Department within 5 days of such transfer. The report of such transfer shall disclose the Certificate number, the grantor, the grantee and the total value of the consideration paid for the Certificate. Failure to timely and accurately report such transfer may render the Certificate void.

Where can I find information about TDRs in the 2006 Pitkin County Land Use Code?

- *Subsec. 2-30-30.h.2, Special Review Criteria*
- *Subsec. 2-40-30, Transfer of Development Rights – Review and Approval Procedures*
- *Chapter 3, Zone Districts (each Zone District specifies whether properties in that zone district are eligible Sending or Receiving Sites)*
- *Subsec. 3-70-40, Conservation Development PUD (CD-PUD)*
- *Subsec. 6-30-50, Growth Management Exemption for Development Using Transferable Development Rights*
- *Sec. 6-70, Transferable Development Rights System*
- *Submittal Requirements can be found in the Pitkin County Land Use Application Manual (separate from the Land Use Code)*

Where can I find information about mining claims in the Rural/Remote Zone District?

- *The County Assessor's Office maintains records of ownership of mining claims.*

This document is intended to provide a general overview of its subject matter. In all cases, the Pitkin County Land Use Code should be consulted on the topics discussed above.

The information contained in this publication is subject to change without notice.

MEMORANDUM

TO: Board of County Commissioners
Regular Meeting – December 17, 2008

THRU: Cindy Houben, Community Development Director

FROM: Suzanne Wolff, Senior Planner

RE: Annual Review of the Transferable Development Rights Program

BACKGROUND: Pursuant to BOCC Ordinance 95-24, the BOCC must review the transfer of development rights (TDR) provisions of the Rural/Remote ordinance annually at a public hearing. The decision on whether to modify or amend the TDR provision lies solely within the legislative discretion of the BOCC. A summary of all TDR activity is attached to this memorandum as Exhibit “A.” A brief evaluation of the program is contained herein.

The purpose of this memorandum is twofold:

1. To keep the BOCC apprised of the status of the TDR program; and
2. To provide the BOCC with an opportunity to comment on the program.

EVALUATION: As stipulated in Ordinance 95-24, Staff has considered the following factors in evaluating the effectiveness of the TDR provision:

- *Whether there is an adequate market place for TDRs or whether additional measures should be taken to increase the marketability of TDRs;*

288 TDR certificates have been issued to-date (see <http://www.aspenpitkin.com/pdfs/depts/7/tdr-certificate-list.pdf> for current list). This number includes certificates issued from Rural/Remote properties, constrained and visually constrained sites, and Limited Development Conservation parcels. No TDR certificates have been issued from properties zoned TR-1, TR-2 or CD-PUD. The BOCC has approved the issuance of 20 additional TDRs, but the Certificates have not been issued (2 constrained site TDRs; 12 TDRs for the Fender Limited Development Conservation parcel; 6 TDRs for a takings remediation for Sawmill Hill). The number of TDR certificates issued annually fluctuates, as shown below:

1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1	14	37	13	24	15	11	16	3	32	51	62	9

Of the 288 certificates issued, 109 transferred rights have “landed” on receiver sites (been extinguished) in the form of new growth management exempt homes (30 TDRs) or additional floor area (79 TDRs). The table below shows the number of certificates extinguished each year:

1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
21	1	1	5	12	5	6	12	7	21	18

Approvals have been granted for use of 323 TDRs on receiver sites. Approved but not-yet-built development proposals allow for the use of up to 216 TDRs on receiver sites: 157 for additional floor area and 59 for new development rights. Pending applications would allow for the use of 37 *additional* TDRs on receiver sites: 36 for additional floor area and 1 for a new development right. A summary of development applications for TDR receiver sites is attached as Exhibit B.

The landing of TDRs has been fairly steady over the years and given the number of approvals granted and the continued requests for approvals for TDR receiver sites, it appears that there is an adequate market place for TDRs.

- *Whether the provision offers sufficient incentives to encourage transfers out of the Rural/Remote Zone District into areas more suitable for residential development;*

The price that can be obtained for a transferable development right is probably the most compelling incentive to sever rights from Rural/Remote properties, as well as from other areas from which TDRS can be severed. The 2006 Code requires that any sale, assignment, conveyance or other transfer or change in ownership of a TDR certificate be reported to Community Development within 5 days of such transfer, and that the report disclose the total value of the consideration paid for the certificate. This information is included in the TDR certificate database (<http://www.aspenpitkin.com/pdfs/depts/7/tdr-certificate-list.pdf>), and staff is now able to provide much more accurate data regarding TDR sales. In 2008, 10 TDR transactions were reported for which there was a consideration paid for the certificate (certain certificates have been conveyed with no consideration). These transactions have ranged in price from \$310,000 (1/16/08) to \$282,500 (9/12/08).

Of the TDRs that have been issued, 224 have been severed from Rural/Remote properties and 64 have been severed from “other” properties (constrained, visually constrained, historic, Limited Development Conservation parcels).

Staff would note that the provisions to allow transfers from areas other than Rural/Remote (TR-1, TR-2, constrained and visually constrained sites, CD-PUD, Limited Development Conservation Parcels, Historic Register sites) have increased the supply of TDRs to the point where supply and demand are closely balanced. There are 180 TDR certificates available (not extinguished) and 20 approved but not yet issued for a total supply of 200 TDRs, and approvals have been granted to land 216 TDRs on receiver sites. Of the 180 certificates that have not been extinguished, approximately 36 are presumed to be “tagged” for specific development. In most cases this is the result of development approvals that included rezoning a portion of a property to Rural/Remote in order to obtain TDRs (Harvey, Craig, Aspen Valley Ranch, Crown Mountain Ranch, Chaparral).

Exhibit C provides a comparison of floor area approved via TDRs and growth management competition in the last eight years.

Exhibit D provides a summary of the development that has occurred or has been approved within the Rural/Remote zone district.

Exhibit E provides a summary of constrained site TDR approvals.

Two maps are provided separately, which show (1) Preservation and Receiver Sites and (2) Receiver Site Status (approved receiver sites and sites where TDRs have been extinguished).

- *Whether the procedures relating to the implementation of the transfer of development rights are functioning smoothly and efficiently as possible.*

The Community Development Department has a standard procedure for issuing and tracking the issuance of Transferable Development Rights Certificates. By all indications it is functioning smoothly.

SUMMARY: For all intents and purposes, the TDR provisions of the Land Use Code are functioning well. Nonetheless, it is an ongoing goal to continue to improve the effectiveness and utility of the program.

Attachments

- A. Current TDR Tally
- B. TDR Receiver Site Approvals
- C. Comparison of Floor Area Approved Via TDRs and Growth Management, 2001-2008
- D. Rural/Remote Parcels that have been developed or approved for development
- E. Constrained Site TDR Tally

Maps provided separately

EXHIBIT A - TDR TALLY (1996 – NOV 2008)

- ❑ **Certificates Issued:** 288 TDR certificates have been issued by the Community Development Department (20 additional TDRs have been approved, but the Certificates have not been issued).
- ❑ **TDRs Extinguished:** 109 TDRs have been “extinguished” (development right has been used on a receiver site and is no longer in circulation).
 - 30 extinguished for new development rights
 - 79 extinguished for additional floor area
 - TDRs have been extinguished in the following areas: Aspen Highlands, McLain Flats/Starwood, Little Annie Basin, Red Mountain, Snowmass Creek, Woody Creek, East Aspen, Owl Creek, Sopris Mountain Ranch, West Buttermilk, Wingo Junction, Watson Divide, East Sopris Creek, Brush Creek Village, Mountain Valley
- ❑ **Acres Deed Restricted:** Approximately 6,627 acres of land have been deed restricted against development as a result of the severance of 288 development rights.
- ❑ **Receiver Site Approvals:** 323 TDRs have been approved to be used on receiver sites (summary of development applications for TDR receiver sites is attached as Exhibit A)
 - 109 TDRs have been extinguished on receiver sites
 - Approved but not-yet-built development proposals allow for the use of up to 216 more TDRs on receiver sites: 157 for additional floor area and 59 for new development
 - Pending applications would allow for the use of 37 additional TDRs: 1 for a new development right and 36 for additional floor area
- ❑ **Rural/Remote Cabin Approvals:** 20 Rural/Remote properties have obtained approval to develop cabins. 9 cabins have been built and 2 cabins are under construction (so those parcels are no longer eligible to sever TDRs); 8 cabins have been approved but not built; 1 existing cabin has obtained approval to expand up to 1,000 square feet. (Summary attached as Exhibit D)
- ❑ **Rezoning to Rural/Remote:** Roughly 5,196 acres have been rezoned to Rural/Remote since 1996 (via privately initiated rezonings).
 - Balcomb/Stephenson (Thompson Creek area); Chaparral Aspen Remote parcel; Child Ranch; Craig Ranch; Crystal Island Ranch; Aspen Valley Ranch; Harvey Ranch; Crown Mountain Ranch; Jerome Park
 - 88 TDR certificates have been issued to date from these rezoned properties
 - 14 potential TDRs from Child Ranch and 25 potential TDRs from Harvey Ranch have been extinguished as part of the conservation easements with Open Space and will not enter the TDR market
- ❑ **Constrained/Visually Constrained Sites:** The BOCC has approved the issuance of 42 TDRs – 39 from constrained sites and 3 from visually constrained sites (Summary attached as Exhibit E). 39 TDR certificates have been issued and are included above in the total number of certificates issued and the number of acres deed restricted; 3 certificates have not yet been issued.
- ❑ **Limited Development Conservation Parcels:** 24 TDRs were issued to the Timroths to preserve 518 acres in East Sopris Creek. The BOCC approved the issuance of 12 TDRs to the Fenders to preserve 240 acres in East Sopris Creek; the TDRs have not yet been issued.
- ❑ **Historic Designation:** The BOCC approved issuance of one TDR as an incentive for designation of the Little Annie Mine Site (Greenway) to the Historic Register; the TDR has been issued.
- ❑ **Takings Remediation:** The BOCC approved issuance of 6 TDRs as a takings remediation for the Sawmill Hill parcels; the TDRs have not been issued.

TDR CERTIFICATES AVAILABLE

288	TDR certificates issued by the County
-109	TDRs extinguished (used on receiver sites)
179	TDR certificates theoretically available on the free-market

EXHIBIT B – REQUESTS/APPROVALS FOR USE OF TDRs ON RECEIVER SITES SINCE 1996

	Location	# TDRs proposed/ approved	How are TDRs to be used?	Date Extinguished?	Parcel ID #	TDR Certificate # (if extinguished)	Approval (BOCC Reso or HO Determination #)
1997							
Weinglass	McLain Flats	1	Additional floor area in excess of 15,000 sf	Jan, 1998	264327100002	IR-97-2-ES	BOCC 96-204
1998							
Aspen Highlands Village	Base Village	40	20-Development rights for new lots 20-Additional floor area (@500 sf/lot)	May, 1998 (20 devt rights) 6/7/2007 (273514316005)	273514310001-010 273514316001-010	IR-97-1-CH IR-97-4,5,6,7,8,9,10,11,12-ES IR-9813A-CH IR-98-14,15,16,17-CH IR-98-19,20,21-ES IR-98-32,33-ES IR-13-05-SW	BOCC 98-79
<u>Ziff</u>	Starwood		Additional floor area in excess of 15,000 sf (up to 5 TDRs)	<i>Have altered plans – are not building to approved size and do not need any TDRs</i>	264326102001		BOCC 97-64
1999							
Enough claim	Little Annie	2	Aggregation of square footage within Rural/Remote	Apr, 2001	291101400007	IR-00-02-SW IR-00-03-SW	BOCC 17-2000
Bluhm	UGB-Red Mountain	1	Additional floor area in excess of 15,000 sf	Dec, 1999	273707207001	IR-00-07-SW	BOCC 16-2000
Bishop	Castle Creek		Development right				Denied by BOCC (99-22; 99-67)
2000							
Bankcenter One	Snowmass Creek	1	Development right	May, 2000	246734401001	IR-99-53-ES	BOCC 98-244
Devaney Parcel	Castle Creek Road		1-development right 1-additional floor area up to 7,500 sf	Intended as swap parcel for Ryan Parcel – no longer intended	2909-09 (FS below Toklat – parcel not yet created)		BOCC 104-2000
Braun Ranch (Chaparral Aspen)	Woody Creek	6-11	6-development rights (Parcels 2, 4, 6, 7, 8, 10) 5-additional floor area (Parcel 2 – 1; Parcel 4 – 1; Parcel 6 – 2; Parcel 10 - 1)		264309101007 264309101008 264309201010 264309401002 264310201004 264310201006		BOCC 158-2000 BOCC 059-2004

	Location	# TDRs proposed/ approved	How are TDRs to be used?	Extinguished?	Parcel ID #	TDR Certificate # (if extinguished)	Approval (BOCC Reso or HO Determination #)
2000 (cont)							
Red Butte Ranch Subdivision	McLain Flats	10	Additional floor area for up to 4,000 sf of subgrade space per lot	1/24/05 (Lot 2)	264335404001 264335404002 264335404003 264335404004 264335404005	IR-12-01-ES IR-15-01-ES	BOCC 96-73, 97-198
Stein Lot Split	McLain Flats	4	Additional floor area for up to 4,000 sf of subgrade space per lot	4/4/2007 (Lot 1)	264335403001 264335403002	IR-11-05-SW IR-12-05-SW	BOCC 97-24, 98-66
2001							
Two Mile Ranch (aka Circle R Ranch)	Woody Creek	6	Development rights for additional residences	3/4/2002 6/5/2003 8/22/2003	264323401001 264324301002 264324401003 264324401004	IR-98-39-ES (Env 6 on Parcel 3) IR-98-34-ES (Env 10 on Parcel 4) IR-98-35-ES (Env 7 on Parcel 3) IR-98-38-ES (Env 9 on Parcel 4)	BOCC 109-2001
Erickson/ Duroux Subdivision/ PUD	UGB-Red Mountain	11	5-development rights 6-additional floor area (on 2 lots and 1 parcel)	12/19/2001 11/18/2002	273501100003 273501358001 273501358002 273501358003 273501358004	NEW: IR-98-24-ES IR-98-25A-ES IR-98-26A-ES ADDITIONAL: IR-98-25B-ES IR-98-26B-ES	BOCC 99-198 BOCC 059-2001
Buttermilk Meadows Subdivision	UGB-West Buttermilk Road	2	1-development right 1-additional floor area up to 7,500 sf – both on Lot 1		293503402001		BOCC 98-153 BOCC 232-2000
Lambda Ltd.	Little Woody Creek	2	Additional floor area up to and in excess of 15,000 sf	4/8/2002	264310101006	IR-01-01-SW IR-00-13-SW	BOCC 215-2000
Popcornland	East of Aspen		Obtained GM allotment so won't use TDR (approved for 1)		273728300019		HO 009-2001
Wildwood Land (aka Parvenir)	East of Aspen	1	Additional floor area up to 8,250 sf	4/23/2004	273728300006	IR-07-02-SW	HO 039-2001
Tagert Lakes Family Trust	East of Aspen	2	Additional floor area up to 10,750 sf	3/21/2002	273734400001	IR-00-17-SW IR-00-16-SW	HO 045-2001

	Location	# TDRs proposed/ approved	How are TDRs to be used?	Date Extinguished?	Parcel ID #	TDR Certificate # (if extinguished)	Approval (BOCC Reso or HO Determination #)
2002							
Harvey	UGB-Maroon Creek	1	Development right for new lot (Lot 1)		273502405001		BOCC 054-2001 BOCC 011-2002
Bankcenter One	Snowmass Creek		Additional floor area up to 7,500 sf	Utilized GM allotment instead so won't use TDR	246734118009		BOCC 22-2002
Tagert Lakes	East of Aspen	5	Additional floor area up to 15,000 sf to replace existing residences		273734301003		BOCC 028-2002 BOCC 048-2002
Sunshine Ranch	Owl Creek Road	2	Additional floor area up to 10,750 sf	7/6/2003	273504300008	IR-98-27A-ES IR-98-27B-ES	BOCC 121-2002
Henry	Snowmass Creek Road	1	Additional floor area		264527300003		HO 18-2002
Bane Tract 2	Prince Creek	3	Additional floor area up to 13,250 sf		246533608002		HO 026-2002
Aspen Meyer (aka Batista)	East of Aspen	1	Additional floor area	5/25/2004	273728300005	IR-11-01-SW	HO 34-2002
Child/Capitol Creek Ranch	Capitol Creek	5	New development rights		264519100004, 264519201001, 264519200002		BOCC 190-2002
Star Mountain Ranch	Starwood area	4	Additional floor area	8/21/2002	264326104003	IR-00-08-SW IR-07-01-SW IR-02-02-SW IR-03-02-SW	N/A
Eagle Pines Lot 7	West Buttermilk	1	Additional floor area	8/14/2002	273510202007	IR-00-24-SW	N/A
Droste Ranch PUD	Between Owl Creek & Brush Creek Roads		Development rights for 12 new lots – up to 15,000 square feet of floor area per lot				Denied by BOCC – requested up to 60 TDRs
2003							
Wildwood Estate Holdings	East of Aspen	1	Additional floor area		273729100530		HO 05-2003
Black Diamond Holdings	East of Aspen		Obtained GM allotment so won't use TDRs (approved for 2)		273728300009		HO 15-2003

	Location	# TDRs proposed/ approved	How are TDRs to be used?	Date Extinguished?	Parcel ID #	TDR Certificate # (if extinguished)	Approval (BOCC Reso or HO Determination #)
2003 (cont)							
Wieben Ranch	Capitol Creek	5	Additional floor area (Parcels 5, 6 & 7)		264318401001 264518401002 264318101001		HO 18-2003 (approval for 2 TDRs on each of Parcels 5 and 6, and 1 TDR on Parcel 7 – all limited to 5,500 sf)
Cheff	Sopris Mtn Ranch	1	Additional floor area to 8,250	10/13/2005	246533101006	IR-08-02-SW	HO 23-2003
Hillmuth	East of Aspen		Additional floor area to 8,250	Used GM allotment rather than TDR	273720400012		HO 27-2003
Polsky	East Sopris Creek		Additional floor area				Denied by BOCC – requested use of 1 TDR (BOCC 032-2003)
2004							
Cheek Subdivision LLC	UGB-Red Mountain	2	Additional floor area in excess of 15,000	5/17/2004 5/27/2005	273512104004	IR-13-01-SW IR-00-05-SW	BOCC 07-2004
Mountain Queen	East of Aspen	1	Additional floor area	11/17/2004	273729100004	IR-16-03-SW	BOCC 132-2004
Craig Ranch	Woody Creek	8	2-new development rights (Parcels 6 & 8) 6-additional floor area (Parcels 3, 4, 5, 6, 7, 8)		264315302004 264315302002 264315400009 264315302003 264314100002 264323300006		BOCC 144-2004 BOCC 043-2007
Abrams	McLain Flats	1	Additional floor area to 8,250	4/30/2004	264327400012	IR-00-23-SW	HO 03-2004
Kopp	Woody Creek	2	Additional floor area to 10,750	4/27/2006 2/14/2007	264321100004	IR-99-48-ES IR-98-30-ES	HO 04-2004
LaRose	Watson Divide	1	Additional floor area to 8,250		264501300101		HO 19-2004
Hecht	Owl Creek	1	Additional floor area	6/8/2004	264333301005	IR-00-01-ES	N/A (BOCC approved subdivision)

	Location	# TDRs proposed/ approved	How are TDRs to be used?	Date Extinguished?	Parcel ID #	TDR Certificate # (if extinguished)	Approval (BOCC Reso or HO Determination #)
2005							
Circle R Ranch	Woody Creek	2	Additional floor area for Bldg Env 1, 6, 7		264324301002 264324401003		BOCC 008-2005
Payson	Starwood	2	Additional floor area in excess of 15,000	3/28/2005	264335401008	IR-01-04-ES	BOCC 025-2005
Crystal Island Ranch	Crystal River Valley	24	11-development rights (Lots 3E, 4E, 1W, 4W, 12W, 13W, 14W, 15W, 16W, 17W; Obtained GM allotments for DR for Lots 9W, 10W & 14W, so have not counted those toward # of TDRs needed for new DR) 13-additional floor area (Lots 2E, 1W, 2W, 3W, 4W, 5W, 6W, 7W)		246325100004 246325100005 246325100006 246323300005 246323300006 246323300007 246323300008 246323300009 246323300010 246323300011 246323300013 246323300014 246323300015 246323300016 246323300017 246323300018 246323300019 246323300020 246323300021		BOCC 225-2002 BOCC 175-2004 BOCC 082-2005 AD 13-2008 (Lots 1W & 3W)
2075 McLain Flats LLC	McLain Flats	1	Additional floor area in excess of 15,000	6/7/2005	264327400010	IR-00-04-SW	BOCC 090-2005
Watson Divide Ranch	Watson Divide	1	Additional floor area in excess of 15,000	11/17/2005	264501300012	IR-00-11-CH	BOCC 109-2005
Aspen Valley Ranch	Woody Creek	8-21	8-new development rights (Parcels 1-7 & 9) 13-additional floor area (Parcels 1-9)	11/1/2007 (Parcel 4 DR – 2643-054-02-002)	264304201001 264304302001 264304302002 264304302003 264305302001 264305302002 264305402001 264305402002 264308104001	IR-29-06-SW	BOCC 112-2005 BOCC 081-2008
Morrow	Wingo – Hwy 82 near Basalt	4	3-new development rights (Lots 3, 4 & 5) 1-additional floor area (Lot 1)	5/3/2006	246721203001 246721203003 246721203004 246721203005	IR-98-18-CH (Lot 1-AFA)	BOCC 068-2004 BOCC 143-2005 BOCC 051-2008

	Location	# TDRs proposed/ approved	How are TDRs to be used?	Date Extinguished?	Parcel ID #	TDR Certificate # (if extinguished)	Approval (BOCC Reso or HO Determination #)
2005 (cont)							
Coates	Woody Creek	1	Additional floor area up to 8,250	11/25/08	264309300013	IR-07-07-C-ES	HO 05-2005 BOCC 117-2008
Eubank	Woody Creek	1	Additional floor area up to 8,250	11/25/08	264309300007	IR-06-07-C-ES	HO 05-2005 BOCC 117-2008
Nagle	Sopris Mtn Ranch	1	Additional floor area up to 8,250	6/10/2005	246527301001	IR-00-06-SW	HO 10-2005
Schiralli	Sopris Mtn Ranch	4	Additional floor area up to 15,000		246533401016		HO 12-2005
Moore	McLain Flats	3	Additional floor area – Lot B to 8,250 & Lot C to 10,750		264327401002 264327401003		HO 13-2005
Independence Land	East of Aspen		Obtained GM allotment so won't use TDRs (approved for 2)		273728300610		HO 15-2005
Northstar Ranch LLC	East of Aspen	2	Additional floor area up to 10,750	7/10/08 9/11/08	273720400007	IR-03-05-C.SW IR-45-07-SW	HO 24-2005
Cesery-Taylor	Brush Creek	2	Additional floor area up to 10,750		264320400009		HO 30-2005
ZGNY	East of Aspen	2	Additional floor area to 10,750	12/4/2008	273720100002	IR-00-10-CH IR-09-02-ES	HO 42-2005
Sadie's Holdings	Little Woody Creek	1	Additional floor area to 8,250	3/21/2005	264310102001	IR-98-28-ES	N/A
Duckworth	Starwood	2	Additional floor area to 15,000 (per Devt Agr get 5,000/TDR)	9/6/2005	264335105010	IR-98-22-ES IR-99-52-ES	N/A
Johnson Drive LLC	Starwood	1	Additional floor area to 8,250	9/30/2005	264335202001	IR-99-54-ES	N/A
2006							
Crown	UGB	1	Development right (2 nd residence)	2/7/2007	273510102001	IR-27-05-SW	BOCC 04-2006
T Lazy 7 Ranch	Maroon Creek	2	1-New development right 1-Additional floor area		273521400004		BOCC 13-2006 (replaces BOCC 36-2002)
Duckworth	Starwood	3	Additional floor area in excess of 15,000 sf	4/7/2006	264335401008	IR-99-51-ES IR-03-04-SW IR-18-05-SW	BOCC 22-2006

	Location	# TDRs proposed/ approved	How are TDRs to be used?	Date Extinguished?	Parcel ID #	TDR Certificate # (if extinguished)	Approval (BOCC Reso or HO Determination #)
2006 (cont)							
Harvey Ranch	Snowmass Creek	7	6-New development rights (@ 5,000 sf each – Parcels 1, 3-7) 1-Additional floor area (to expand existing cabins on Parcel 2)		264527202001 264527301001 264527301002 264528401001 264533101001 264534201001 264533101002		BOCC 50-2006
Kirianoff	North River Road	2	New development rights		246721400008		BOCC 193-2002 BOCC 071-2006
Wagman	Lower River Road	1	New development right		246725400004		BOCC 130-2006 BOCC 034-2008
Fifield	West Buttermilk	5	1-New development right 4-Additional floor area (all on Lot 2)		273510203002		BOCC 134-2006 BOCC 042-2007
George	UGB-Red Mtn	1	Development right (Lot 2)		273707211002		BOCC 152-2005 BOCC 135-2006
Crown Mountain Ranch	Sopris Creek	3	Development rights (Parcels 1, 2 & 4)		246513300001 246513300002 246513300004		BOCC 139-2006
Trentaz LLC (Bear Hollow)	McLain Flats	4	1-Development right 3-Additional floor area (one lot to 8,250 and one lot to 10,750)		264335200007		BOCC 161-2006 BOCC 067-2008
Israel	McLain Flats	1	Additional floor area	6/7/2006	264327100003	IR-20-05-SW	HO 23-2006
Benson	East Aspen	1	Additional floor area to 8,250 sf	1/23/2007	273728300007	IR-01-05-C-SW	HO 29-2006
West Buttermilk Pfister Tract 5	West Buttermilk	4	Additional floor area to 15,000 sf		273510210003		HO 31-2006 (replaces HO 02-2003)
RFLC Holding LLC	Maroon Creek	4	Additional floor area to 15,000 sf	3/3/2008	273515300005	IR-06-05-SW IR-07-05-SW IR-10-02-ES IR-00-20-SW	HO 37-2006
SGS-WC LLC	Woody Creek	1	Additional floor area to 8,250 sf		273515300005		HO 39-2006

	Location	# TDRs proposed/ approved	How are TDRs to be used?	Date Extinguished?	Parcel ID #	TDR Certificate # (if extinguished)	Approval (BOCC Reso or HO Determination #)
2006 (cont)							
Dart Family Part.	Lower River Road	2	Additional floor area to 8,250 on two lots		246726200002		HO 42-2006 HO 10-2007
Cottonwood Trust	Woody Creek	2	Additional floor area	3/19/2008	264310300017	IR-51-06-C-ES IR-99-45-ES	HO 43-2006
Suivant Le Soleil	Snowmass Creek	1	Additional floor area to 8,250 sf		264511400001		HO 44-2006
Sullan	Watson Divide	1	Additional floor area to 8,250 sf	3/9/2007	264502100001	IR-03-03-SW	HO 45-2006
9425 Real Estate LLC	East Sopris Creek	1	Additional floor area to 8,250 sf	6/18/2007	264504200004	IR-04-03-SW	HO 48-2006
Maroon Creek Associates	McLain Flats	3	Additional floor area to 13,250		264327400005		HO 49-2006
2007							
Goodnough	McLain Flats	2	Additional floor area to 10,750	7/13/2007	264327400004	IR-09-05-SW	HO 06-2007
Pew	Woody Creek	1	Additional floor area	5/15/2007	264316200024	IR-13-07-C-SW	HO 11-2007
Stella Polare	East Aspen	1	Additional floor area to 8,250	6/22/2007	273720400014	IR-02-07-C-SW	HO 14-2007
IKS Imports	McLain Flats	4	Additional floor area to 15,000		264335200004		HO 15-2007
Pfeifer	McLain Flats	2	Additional floor area		264327400002		HO 16-2007
Smith	McLain Flats	3	Additional floor area	12/19/07	264322300013	IR-30-05-SW IR-06-03-SW IR-07-03-SW	HO 18-2007
Asp Properties	Castle Creek	2	Additional floor area		290918301001		HO 19-2007
Caine	East Aspen	2	Additional floor area	6/3/2008	273728300001	IR-39-06-C-SW IR-18-07-ES	HO 20-2007
LG Aspen	East Aspen		Additional floor area from 10,750 up to 15,000 sf		273720100002		HO 17-2007 DENIED; BOCC denied appeal 11/14/07
Gates	Brush Creek Vlg	1	Additional floor area	4/24/2007	264328202008	IR-14-05-SW	N/A
Lehrman	UGB-Red Mountain	2	Additional floor area	10/16/2007	273501300002	IR-27-06-SW IR-19-07-C-SW	N/A

	Location	# TDRs proposed/ approved	How are TDRs to be used?	Date Extinguished?	Parcel ID #	TDR Certificate # (if extinguished)	Approval (BOCC Reso or HO Determination #)
2007 (cont)							
Bouton	UGB-Mtn Valley	1	Additional floor area	9/5/2007	273717307049	IR-37-07-C-SW	N/A
Starwood 94 LLC	Starwood	1	Additional floor area	6/1/2007	264335107007	IR-16-07-ES	N/A
1023 S Starwood Dr LLC	Starwood	1	Additional floor area	6/8/2007	264335105006	IR-99-46-ES	N/A
2008							
Flying Dog Ranch	Woody Creek	4	1-Development right for East Mesa parcel 3-Additional floor area-2 East Mesa, 1 North Parcel		264323100002 264323100003		BOCC 08-2008
COMPASS	Woody Creek	4	2-Development rights 2-Additional floor area		264310401001 264310401002		BOCC 128-2005 BOCC 036-2008
Hardy	Castle Creek	6	Additional floor area for subgrade/garage on Lots 1, 2 & 3		273514402001; 273514402002; 273514402003		BOCC 118-2008
W/J Lot 2 LLC	McLain Flats	1	Additional floor area	4/4/2008	264322303002	IR-04-07-C-ES	HO 02-2008
GSS Properties LLC	Crystal	1	Additional floor area		264910100021		HO 04-2008
Neiman/Burns	McLain Flats	2	Additional floor area		264334100010		HO 05-2008
Hedstrom	Castle Creek	1	Additional floor area		290919102001		HO 06-2008
Stewart (aka Aspen Sumner)	McLain Flats	4	Additional floor area		264327400008		HO 07-2008 (replace HO 32-2005)
Middle Ranch	Emma	4	Additional floor area		246527402007		HO 08-2008
Crown	Owl Creek	1	Additional floor area		273504300008		HO 09-2008
Carney	East of Aspen	1	Additional floor area to 8,250	4/27/2006 (building permit expired; obtained new approval and plan to resubmit building permit application)	273728300008	IR-14-01-ES	HO 14-2004 HO 12-2008
Aspeneyes	Castle Creek	3	Additional floor area to 13,250		290918301002		HO 11-2008
PT Ranch/ Barn LLC	Castle Creek	3	Additional floor area to 13,250		273523403002		HO 13-2008

	Location	# TDRs proposed/ approved	How are TDRs to be used?	Date Extinguished?	Parcel ID #	TDR Certificate # (if extinguished)	Approval (BOCC Reso or HO Determination #)
2008 (cont)							
Kirshon	UGB-Red Mtn	1	Additional floor area	2/5/2008	273501404008	IR-28-05-SW	N/A
Furlotti	UGB – Toby Ln	1	Additional floor area	6/26/2008	273512305001	IR-62-07-SW	N/A
Terral	UGB – Aspen Oak	1	Additional floor area	7/3/2008	273503300024	IR-39-07-SW	N/A

<i>Pending</i>							
Catto	Little Woody Creek	5	1-development right 4-additional floor area on each of 4 lots		264310100002 264310100008		BOCC 223-2002 Det/Final Plat pending
Brush Creek Ranch (Droste)	Brush Creek	30	Additional floor area up to 15,000 on 10 lots in the LIR zone		264332100001		Tabled at PZ
McLain Flats Holdings	McLain Flats	2	Additional floor area		264300004		

EXHIBIT C
FLOOR AREA APPROVED VIA TDRS AND GROWTH MANAGEMENT COMPETITION 2001-2008

	TDRS ¹		GM Competition ²	
	New Development Rights	Additional Floor Area	New Development Rights ³	Additional Floor Area ⁴
2001	60,000 sf (6 properties in Rural Area; 6 in UGB)	32,500 sf (7 properties in Rural Area)	17,250 sf allotted to 1 property in Crystal; 25,000 sf allotted to 2 properties in Rural Area	40,000 sf allotted to 7 properties in Rural Area; 10 applicants requested total of 50,015 sf
2002	30,000 sf in Rural Area (6 properties)	42,500 sf (5 properties in Rural Area; 2 in UGB)	0 sf allotted (2 properties requested 30,750 sf in Rural Area - denied)	40,000 sf allotted to 9 properties in Rural Area; 12 applicants requested total of 70,589 sf
2003	0 sf	17,500 sf (5 properties in Rural Area)	25,000 sf allotted to 5 properties in Rural Area	27,500 sf allotted to 6 properties in Rural Area ⁵ – 7 applicants requested a total of 32,150 sf
2004	11,500 sf (2 properties in Rural Area)	35,000 sf (11 properties in Rural Area)	10,000 sf allotted to 2 properties in Crystal Area	19,600 sf allotted to 5 properties in Rural Area – 6 applicants requested a total of 24,350 sf
2005	115,000 sf (20 properties in Rural Area)	135,000 sf (32 properties in Rural Area)	10,000 sf allotted to 2 properties in Crystal Area 3,000 sf requested for 3 parcels in Rural Area (all in R/R) – denied	14,200 sf allotted to 3 properties in Rural Area
2006	93,250 sf (15 properties in Rural Area, 2 in UGB)	82,500 sf (16 properties in Rural Area)	2,250 sf allotted to 3 R/R properties in Rural Area; 2 properties requested 12,000 sf - denied	17,500 sf allotted to 5 properties in Rural Area
2007	0 sf	57,500 sf (11 properties in Rural Area; 2 in UGB)	17,250 sf allotted for 3 new lots in Rural Area; 9,350 sf allotted for 1 new lot in UGB	5,714 sf allotted to 2 properties in Rural Area; 2 properties in Rural Area requested 9,967 sf - denied
2008	17,250 sf (3 properties in Rural Area ⁶)	85,000 sf (11 properties in Rural Area; 3 in UGB)	Request for 5,750 sf for new parcel in Rural Area pending	8,984 sf allotted to 1 property in Rural Area
TOTAL SF	327,000 sf (59 properties – 50 in Rural Area, 9 in UGB)	487,500 sf (105 properties – 94 in Rural Area, 11 in UGB)	106,750 sf⁷ (19 properties – all in Rural Area)	162,498 sf⁸ (36 properties – all in Rural Area) ⁹

¹ For purposes of the TDR portion of the table, “Rural Area” includes Crystal and Fryingpan Areas.

² Growth Management competition for Additional Floor Area in the UGB only applicable after July 2006.

³ 63,750 sf available *annually* (23,000 sf in UGB; 10,000 sf in Crystal; 5,750 sf in Fryingpan; 25,000 sf in remainder of Rural Area)

⁴ 39,000 sf available *annually* (10,000 sf in UGB; 4,000 sf in Crystal; 0 sf in Fryingpan; 25,000 sf in remainder of Rural Area)

⁵ 2 “repeats” from 2001

⁶ Approvals under pre-2006 Code which allowed TDRs for new development rights in Rural Area

⁷ Does NOT include 2008 request that is still pending

⁸ 11,000 excluded for “repeat” allotments in 2003

EXHIBIT D

RURAL/REMOTE PARCELS THAT HAVE BEEN DEVELOPED (OR APPROVED FOR DEVELOPMENT) AND ARE NO LONGER ELIGIBLE TO SEVER DEVELOPMENT RIGHTS

	Location	Approved? Built?
1996 (year approved)		
Haas	Little Annie	1,000 sf cabin built
Greenway	Intersection of Midnight Mine & Little Annie Roads	1,000 sf cabin built
1998		
Top of Little Annie	Intersection of Midnight Mine & Little Annie Roads	1,000 sf cabin built
1999		
Zurcher	Richmond Ridge	Approved; under construction
2000		
Katie's Claim	Intersection of Midnight Mine & Little Annie Roads	1,000 sf cabin built
Enough Claim	Little Annie Road	2,000 sf cabin built (through aggregation)
2001		
Kopp	Lenado - Larkspur Road	Approved; built
Tschappat	Fryingpan - Miller Creek	1,000 sf cabin built
Castle Creek Investors	Little Annie	1,000 sf cabin built
Castle Creek Investors	Richmond Ridge	Approved; not built
Woody Creek Ventures	Chaparral Aspen Remote Parcel	Approved for 3 cabins; one 1,000 sf cabin built
2002		
Alaska Lode – Stony Davis	Richmond Ridge	Approved to expand existing cabin to 1,000 sf
2006		
Concord Claim	Cooper Creek (above Ashcroft)	Approved; under construction
2007		
Finkle	Richmond Ridge	Approved; not built
Woody Creek Ventures	Chaparral Aspen Remote Parcel	GM allotments granted for 3 cabins; not built
2008		
Greenway	Little Annie	Approved; not built
TOTAL		20 – 9 cabins built; 2 under construction; 1 approved to expand; 8 approved/unbuilt

⁹ 2 properties excluded for “repeat” allotments in 2003

**EXHIBIT E
CONSTRAINED SITE TDR TALLY**

OWNER NAME	LOCATION	# TDRS GRANTED	BOCC APPROVAL DATE	REASON
Goldsmith	Crystal – Avalanche Creek	2	5/11/05	Wildlife – winter range, winter concentration area, production area
Gibson	Crystal – Avalanche Creek	1	5/11/05	Access, riparian, slopes
ZTS Construction	Crystal River Park (3 lots)	3	9/14/05	Slopes, avalanche, debris flow, rockfall, severe wildfire
Morrow	Wingo Junction	3*	9/28/05	Slopes, floodplain, severe wildfire, visual
Aspen Mass	Highway 82/Brush Creek	3	3/22/06	Visual
Vaughn	Crystal River Park	1	6/14/06	Slopes, debris flow, rockfall, severe wildfire, mapped potential avalanche
Lot 11 Sopris Creek LLC (Gina)	Section 36	2	9/27/06	Slopes, elk production area, migration corridor
Red Oak Trust	Woody Creek	1	9/27/06	Slopes, severe wildfire, visual
Tabackin	Brush Creek Village	2	11/1/06	Slopes, severe wildfire, visual
Crowley	Fryingpan	12	12/6/06	Wildlife – severe winter range, migration corridor, scenic/rural character
Rooney	Crystal River Park	1	5/23/07	Slopes, rockfall, small lot
Grosjean/Spencer	Section 36	2	6/27/07	Slopes, elk production area, migration pattern, goshawk nest, wetlands, proximity to public lands
Majestic Peaks Pointe (Woodward)	Section 36	2	7/11/07	Elk migration corridor, proximity to public lands
Nelsen	Redstone Ranch Acres	1	7/11/07	Slopes, severe wildfire, access
McBurney	Crystal River Park	1	7/25/07	Slopes, rockfall, setbacks from spring
Harvey	Shield O Terrace (2 parcels)	2	2/13/08	Slopes, sever wildfire, visual
Poulaki/Koukla	Redstone (2 parcels)	2	10/22/08	Rockfall, floodplain/riparian
Spizzirri	East Aspen	1	11/19/08	Visual, proximity to public lands/trail
TOTAL		42		

* Morrow TDRs limited to use on Wingo Junction Ranch Subdivision lots across Highway 82

NOTE: The BOCC has denied two requests for constrained TDRs: 1 TDR for a parcel on Lime Creek up the Fryingpan (F Pan LLP) and 1 TDR for a parcel above Shale Bluffs (Heineman).

Joint Planning Commission Comprehensive Plan Update Recommendations September 3, 2009

Passed Jointly

Rec. #	Recommendation	Topic	Status	Date
84	1.5.a and 1.5.b: expand skyline/foreground protection beyond public roads/parks to all roads	Theme 1	Prelim	9/3/2009
85	1.5.c: add "all land disturbing activities will be required to fit natural contours by conforming to construction standards for land moving"	Theme 1	Prelim	9/3/2009
86	1.5.d: add language addressing pedestrian and/or public safety	Theme 1	Prelim	9/3/2009
90	Staff will research the legality of a policy regarding noise pollution and insert the appropriate policy in the appropriate location in the Plan	Theme 1	Prelim	9/3/2009
91	1.5: add a policy continuing support of a Scenic Resource Overlay for the County	Theme 1	Prelim	9/3/2009
92	1.5: staff will research the addition of Scenic Resource Overlay policies for Town	Theme 1	Prelim	9/3/2009
93	1.6.a: delete the list of places in last sentence	Theme 1	Prelim	9/3/2009
96	1.6.b: prioritize conservation of agricultural use throughout Teton County	Theme 1	Prelim	9/3/2009
97	1.6.c: language should provide incentives for permanent open space	Theme 1	Prelim	9/3/2009
98	1.6.c: staff will rewrite to focus on goal of policy which is the last sentence	Theme 1	Prelim	9/3/2009

Passed Teton County

Rec. #	Recommendation	Topic	Status	Date
89	Principle 1.5 "... and will be regulated" instead of "...and will be prevented as much as possible"	Theme 1	Prelim	9/3/2009
95	1.6: staff will draft language that recognizes permanent conservation of large contiguous properties as one of our highest land use priorities	Theme 1	Prelim	9/3/2009

Passed Town of Jackson

Rec. #	Recommendation	Topic	Status	Date
87	"Best Practices" usage throughout document to be defined and clarified by Staff	Overall Structure	Prelim	9/3/2009
88	Principle 1.5: ...as much as "reasonably" possible	Theme 1	Prelim	9/3/2009

Failed Jointly

Rec. #	Recommendation	Topic	Status	Date
94	1.6.a add: "The conservation and agricultural use of large contiguous private land is also the most consistent land use with the goals of the Comprehensive Plan. Efforts aimed at the permanent conservation of such lands have the greatest potential to positively impact Teton County's wildlife, scenic and natural resources, and should be our highest land use priority."	Theme 1	Prelim	9/3/2009

AGENDA
JACKSON PLANNING AND ZONING COMMISSION
TETON COUNTY PLANNING COMMISSION
SEPTEMBER 17, 2009 – SPECIAL JOINT MEETING
5:30 P.M.

The meeting will be held in the Teton County Board of County Commissioners Chambers.
Agenda for the meeting is as follows:

PLEASE TURN OFF ALL CELL PHONES AND PAGERS DURING THE MEETING

CALL TO ORDER – Town of Jackson Planning Commission

ROLL CALL

CALL TO ORDER – Teton County Planning Commission

ROLL CALL

PUBLIC COMMENT (maximum 45 minutes)

OLD BUSINESS

NEW BUSINESS

1. Draft Comprehensive Plan Discussion/Recommendations
 - Buildout Taskforce presentation
 - Theme 2 – Manage Growth Responsibly

MATTERS FROM STAFF (8:45)

1. Data Requests Update
2. Set Agenda, Date and Time for Next Joint Meeting(s)
3. Identify experts that should be contacted for future meetings
4. Other

MATTERS FROM COMMISSION

ADJOURN – TOWN OF JACKSON PLANNING COMMISSION

ADJOURN – TETON COUNTY PLANNING COMMISSION

Public Comment
8/28/09 – 9/3/09
2009 Jackson/Teton County Comprehensive Plan

Comments from Website

Theme 1: Promote Stewardship of wildlife and Natural Resources

- Carol Wauters – 9/3/09:

I feel very strongly that wildlife permeability MUST be protected in ALL areas. Writing off wildlife in the county nodes is unacceptable and clearly will cause harm to the existing wildlife populations, year round or seasonal. Therefore, the preliminary recommendation on policy 1.1.g, “do not except any areas from policy” should be made a final recommendation. On policy 1.1.f, the recommendation to change ‘support’ to ‘require’ should be enacted. This definitely should be made a requirement. The concept of mere support is not strong enough.

The changes to the wording of paragraph 1, Theme 1, that was passed by the county and not passed by the town, are infinitely preferable to the original wording. That recommended new wording is more precise and a far more accurate statement of the community’s desires and intentions. I strongly urge that this change be made in spite of the fact that the town planning commissioners did not pass it.

Additional Comments Submitted

Theme 1: Promote Stewardship of Wildlife and Natural Resources

- Kathy Tompkins – 9/3/09 (submitted at meeting)
- Colleen Thompson – 9/3/09
- Barbara Simms – 9/3/09
- Karen Jerger – 9/3/09
- Julia and Marv Heilesen – 9/3/09
- Don Harger – 9/3/09
- Rich Bloom – 9/3/09 (submitted at meeting)
- Emily Smith – 9/2/09
- Andrew Salter – 9/2/09
- Kristine O’Brien – 9/2/09
- Art Greger – 9/2/09
- Shirley and Daniel Thomas – 9/1/09
- Kristen and Walt Omlar – 9/1/09
- Elise Prayzich – 8/31/09
- Jon Parker – 8/31/09
- Bill Healey – 8/31/09
- Linda Aureliio – 8/20/09

KATHY TOMPKINS

September 3rd, 2009

I am Kathy Tompkins of Cottonwood Park. Let me say again how much we appreciate the time and effort you are putting in to achieve a workable comprehensive plan that benefits wildlife and defined human needs.

I am a small property owner in Cottonwood Park. I can vacuum my whole house from one outlet. I don't need a slew of house cleaners, landscapers, nannies or personal assistants. I do all the above. I take pride in taking care of my small home and sharing what I grow in my garden. There are two things I do need help with though; property taxes and property rights. My property taxes have gone up over a thousand dollars in the last year. With all the new services needed in the future because of the large increases in residential and commercial development in the new draft comprehensive plan, I am afraid I will be taxed right out of the valley when my husband and I retire. I am also concerned that only the property rights of the large landowners are going to be respected in the new comprehensive plan. Even though our homes are modest, Cottonwood Park stands together as a community and as property owners we have rights too. By protecting wildlife and open space in all of South Park we will be protecting the reasons why we work so hard to stay in this valley. We are not "no growthers"! South Park must be put back at the top of the list when it comes to protecting wildlife and open spaces. This will then guide and help us properly plan how much and what kind of development will happen in the NW corner of South Park after infill in town has been completed. We need to keep the base development rights that exist now without density bonuses. Both protection of Wildlife and open spaces and managing growth by limiting growth are needed for South Park. They are inseparable. One without the other will result in failure of any new plan.

On the subject of managing growth, all too often the small homeowner is left to fend for him or herself to protect their property and its value. We are shuffled between town officials, police and our home owners associations when we alert them that our neighborhoods are deteriorating from overcrowded homes that are being used as boarding houses and employee dormitories. We need to attend to this problem or we will find our most precious commodity, working families, being exported to areas outside the valley. The town of Jackson will be then known for its boarding houses and the problems they bring with them.

This does not mean building thousands of new homes. This will only lead to abandoning the older neighborhoods and supports what we don't want; growing our way out of our growth problems. We need to manage what we have by working together. That means town government, employers, home owners associations, and especially landlords and rental management agencies.

The burden to protect a neighborhood falls on the shoulders of the small property owner who lives in his or her home; while absent landlords and rental management companies profit from encouraging over crowded single family rentals by looking the other way. Employers need to help more by housing their employees on or near their job site. We should be mindful of the unintended consequences that unchecked growth resulting in over crowded rentals has on the single family neighborhood however you define a family; whether they are straight or gay couples, unmarried couples with or without children or the traditionally defined family.

However we achieve it we can not afford to have a laze faire, not my problem attitude toward the small property owner. If you want to preserve community character and make a revised comprehensive plan work, it starts with protecting wildlife and open spaces, managing growth by limiting growth and last but most important, stabilizing and protecting our family neighborhoods. Without them we are just another spot on the map.

**Sincerely, Kathy Tompkins
3095 Range View Dr.
Cottonwood Park**

Alex Norton

Subject: comp plan: South Park

From: Colleen Thompson

Sent: Thursday, September 03, 2009 10:30 AM

I would like to add my voice to those who see wildlife conservation as the #1 priority in not only South Park, but the entire county.

Growth cannot continue forever; it will have to be strongly constrained at some point. Wildlife, once pushed out, may find it impossible to recover. So let's stop developing now, before we lose any more.

I believe we have more than enough commercial development already. So much commercial space is standing empty. The amount set aside for commercial development in the recent proposal was way, way too much.

Thanks for listening

--Colleen Thompson

Alex Norton

Subject: South Park

From: TLCWycap

Sent: Thursday, September 03, 2009 11:00 AM

Dear Planning Commission Members,

I would like to offer a comment I'm not sure I've heard mentioned in the many discussions about South Park: the "view corridor" approaching the Valley from the south, just after the little rise north of the South Park bridge, is beautiful. The remaining open land and hayfields with horses and grazing cattle provide a sense of continuity with the Valley's ranching history and a quietly stunning welcome to the Valley. I believe we need to value that open, spacious view corridor and all that it represents.

Thank you.

Barbara

Barbara V. Simms
5205 South Canadian Springs Drive
Jackson, WY 83001

Alex Norton

Subject: Comp Plan Comments: South Park

From: Karen Jerger

Sent: Thursday, September 03, 2009 10:18 AM

Dear Commissioners,

I am looking forward to attending your meeting tonight, but do not plan to speak unless I feel that something is being left out of the conversation about South Park. **My main concern is that the proposed plan disregards the important scenic, agricultural, and wildlife attributes of the South Park Area. These qualities are recognized in the previous (current) plan, and should not be ignored in the new plan.**

I have lived in the Rafter J subdivision for 21 years. There have been a lot of changes in the areas south of us over that time. I do not see that the current plan has deterred thoughtfully planned growth. But without formally recognizing the importance of open space and connectivity for wildlife, developers/planners have little incentive to consider the significant impacts of their proposals. We need to continue to publicly state in our Comp. Plan that South Park has qualities that are to be (at the very least) carefully considered and creatively addressed.

Thank you for your consideration. Please do the right thing by maintaining the descriptions and protections already provided in the 1994 Plan.

Karen Jerger

Alex Norton

Subject: Draft Comp Plan -- Theme 1

From: heileson

Sent: Thursday, September 03, 2009 11:55 AM

To the Town and County Planning Commissioners:

We sincerely hope the two commissions will respond to the views expressed by the public and amend the Plan to preserve the scenic, wildlife and historical/agricultural values of South Park. The current Plan recognizes the importance of South Park to the overall environment of Jackson Hole, and no compelling reasons have been established why this should change -- in fact just the opposite. The visitors and residents of the valley, and certainly the wildlife dependent on it, recognize that the Park, the town and all the surrounding neighborhoods are part of a unified ecosystem and scenic landscape. Please modify Theme 1 and Policy 1.6 accordingly. Present and future generations will be eternally grateful to you.

Julia and Marv Heileson
South Park

Alex Norton

Subject: Comp. Plan

From: Donald Harger

Sent: Thursday, September 03, 2009 10:10 AM

In your discussions on our new Comprehensive Plan, please keep in mind what makes our area so special: wildlife, open space and the uncrowded feeling of a small, connected community!

Most communities with these values lose them within a generation because of growth pressures and an absence of sound long-range planning. As you are well aware, our resources are not inexhaustable and can disappear in the relative blink of an eye. Breckenridge, Aspen and Vale are excellent examples of what can happen to our special valley.

Elk Ridge, North Carolina no longer has elk and the last sighting of a grizzly bear in the Los Angeles area was in 1903.

Don Harger

Rich Bloom – South Park Neighbors – September 3, 2009

Previous straw votes:

Recommendation #54 – We strongly support - *“Throughout Theme 1 do not limit wildlife protection policies to implementation only in the Natural Resource Overlay”*

Recommendation #71 – *“Leave Policy 1.1.c as is”* (Conserve large, contiguous, and open spaces)

- We recommend improving Policy 1.1.c: at a minimum to add **“connectivity between NRO areas”** so it recognizes your recommendation #54. Specifically we suggest rewriting/adding:
 - *“Additional efforts are critically important to preserve open space that either lie within or provide connectivity between portions of the Natural Resource Overlay.”*
- Further we suggest the following changes to **Policy 1.1c** (Conserve large, contiguous, and connected open spaces) to recognize you recommendation #54.
 - *“Large and contiguous open spaces of habitat are the most valuable to wildlife because they protect connectivity between crucial areas, enable migration and reduce human conflict. Private efforts have been successful in permanently preserving such **some of these** strategic lands. ~~Continued public, private and cooperative efforts are critical to conserving open space, particularly with the Natural Resource Overlay.~~ Continued public, private and cooperative open space acquisition efforts for the purposes of wildlife protection, scenic vistas preservation and agriculture, should be encouraged. Additional efforts are critically important to preserve open space that either lie within or provide connectivity between portions of the Natural Resource Overlay.”*

Tonight’s discussion: Open Space Conservation Strategies, South Park:

- This plan must encourage the continued acquisition of permanent conservation of large, contiguous open spaces in order to uphold the community’s top priorities of both wildlife and open space. Open space conservation, for the purposes of wildlife protection, scenic vistas preservation and agriculture, should be encouraged and not be limited to the narrowly defined NRO. The 1994 Plan focused on the protection of open spaces for three primary functions: scenic preservation, agriculture and wildlife habitat protection.
- Expand with language from 1994 Comp Plan language related to Open Space.

Policy 1.6.a: Conserve agricultural lands and agriculture throughout Teton County: *“The County will support efforts of landowners and land trusts to permanently conserve large intact parcels of land and to continue farming in **South Park**, Alta, Buffalo Valley, the Gros Ventre area, Spring Gulch, and south Fall Creek Road.”*

- Add South Park to this list.
 - South Park is first on the list in the section of our current legally binding 1994 Comp Plan. The new language inadvertently strips South Park of such protection, implying that the entirety of the South Park district does not deserve conservation and directly unwinding the protection in our existing plan. Whether a node is or is not included on one very small portion of the South Park region – as in the 1994 plan, the greater South Park area should be prioritized for conservation.
- Expand in this section **Principle 1.6** (Conserve remaining agricultural resources), under **Principle 1.5** (Maintain the scenic resources of the area), and under **Principle 1.1** – (Maintain healthy populations of all native species) by utilizing some form of the **1994 Plan expanded language which focuses on the protection of open spaces for three primary functions: wildlife protection, scenic vistas preservation and agriculture.**

- Recommended using some form of the following language from our current 1994 plan within Principles 1.1, 1.5 and 1.6:
 - *“These are lands on which ranching should continue, wildlife habitat preserved, and the visual qualities of scenic vistas protected. These areas should be kept free of development to the maximum extent possible to help preserve rural character, critical wildlife habitat and important image-setting scenic vistas and river corridors, and to encourage the continuation of ranching and other types of traditional agriculture as a vital part of the community's character. The County should encourage the preservation of the rural character, critical wildlife habitat and important image-setting scenic vistas and corridors, and encourage the continuation of ranching and other types of traditional agriculture as a vital part of the community character. Where possible, the County should be flexible with its development regulations as an encouragement to landowners to permanently protect these wildlife, scenic and agricultural areas. In addition, where nonregulatory options are available, these should be encouraged.”*

Alex Norton

Subject: Comp Plan

From: BITSYSMITH

Sent: Wednesday, September 02, 2009 4:34 PM

Please amend Theme 1 in the plan to recognize and reaffirm the wildlife, connectivity, scenic and agricultural values in the greater South Park region. Every day I see sand hill cranes, eagles, ospreys, hawks and many other birds that are living in this corridor. Also there are lots of elk, foxes, cows, horses, occasional moose and pronghorn antelope. There are beautiful vistas, and it would be a crime to turn this scenic area into a congested housing project. High density is what we would like to avoid. Please think of all the schools that are already here and the traffic we currently have.

Thank you for your consideration. Emily Smith, 2785 W. Ibis Lane, Jackson 83001.

Alex Norton

Subject: Comprehensive Plan Revisions

From: Andrew Salter

Sent: Wednesday, September 02, 2009 5:22 PM

Planning Commission members:

Unfortunately, I am unable to attend tomorrow night's meeting. As a resident of South Park, I wish to offer the following comments:

The broad South Park area contains critically important wildlife areas and migration routes. Its scenic vistas are precious and must not be lost. Theme 1 must recognize and affirm the scenic, wildlife, connectivity and agricultural values of the greater South Park area. These values were recognized in the prior version of the Comp Plan and must be affirmed once again in whatever version the County and Town Planning Commissions develop.

Thank you for your efforts on this important undertaking and for your consideration of public comments such as mine.

Andy Salter

Andrew H. Salter
Salter Joyce Ziker, PLLC
1601 Fifth Avenue, Suite 2040
Seattle, WA 98101

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Alex Norton

Subject: Comp Plan Update

From: Kristine OBRIEN

Sent: Wednesday, September 02, 2009 6:05 PM

Dear Planners,

Thank you for volunteering your time and for all the work you are doing to insure that the Comprehensive Plan Update is a transparent, public process reflecting community priorities. Below is my input for tomorrow's themes.

Please maintain the commitment made in the current plan to conserve the scenic rural beauty and wildlife of South Park. Removal of this theme is arbitrary and unacceptable.

Transferring development rights from rural areas (e.g. Buffalo Valley, Alta) where growth is not likely to occur to areas where growth is most likely to occur (South Park) does not conserve agricultural land. To the contrary, it makes development of such lands more likely. The community has expressed in several polls and in numerous public comments, it prefers slow, smart growth, that it does not want increased build-out.

There are sufficient development rights to grow for many years. Up-zoning South Park would serve no community purpose. It would make a few individuals wealthy (or wealthier) and that's about it.

The cost of the proposed scale of growth in terms of infrastructure and run-down of our natural capital are high. Imagine the mess an enormous, 500-home development like TMR would be now had it been allowed to move forward. Growing slowly makes sense from an economic as well as an environmental perspective, especially for economies like ours that are heavily dependent on natural capital.

Sincerely,
Kristine O'Brien

Alex Norton

Subject: The Plan

From: Art & Kathy

Sent: Wednesday, September 02, 2009 9:03 PM

Sirs:

Just a follow up asking you to consider the enormous input of public opinion asking for the protection of South Parks scenic and wildlife value as the plan moves forward. Please also consider the costs of growth as it impacts the quality of life for all residents. The public has asked for low growth and protection of South Park...please listen.

Sincerely
Art Greger
1935 Homestead Dr
Jackson Wy 83001

Alex Norton

Subject: Thursday's mtg

From: Shirley Thomas

Sent: Monday, August 31, 2009 8:52 PM

As concerned citizens we would like you to take into consideration the value of the South Park area. It remains a wildlife corridor. We have moose, fox, coyote & elk even in our back yards during the migration & the Winter months. It has wonderful scenic value & serves as agricultural land for several farms. Please do not lessen this value for our future generations.

Sincerely

Shirley & Daniel Thomas

Alex Norton

Subject: South Park

From: KRISTEN OMLOR

Sent: Tuesday, September 01, 2009 3:49 PM

We find it very disheartening that the new comprehensive plan places low priority on the wildlife and scenic values of the South Park area. We have lived in Jackson Hole for 13 years and in Melody Ranch for 4 of those years. In those 4 years, we have seen and heard a variety of wildlife. We have had moose, elk and fox in our backyard. We have eagles, osprey, hawks, cranes and numerous other small birds fly around our house. We have heard the coyotes and frogs/toads. We have incredible views of the Tetons, Glory Bowl and Munger Mtn. We love driving by the open space whether on the highway or South Park Loop Road. Being affordable home owners, we understand the need for *affordable* units and are very grateful that we are able to live in this beautiful place. However, we are very aware that the wildlife and the scenery are reasons we love living here.

Thank you for listening,

Kristen and Walt Omlor
Melody Ranch

Alex Norton

Subject: Theme 1

From: [Elise Prayzich](#)

Sent: Monday, August 31, 2009 12:14 PM

Members of the Planning Commission:

Thank you for your difficult and hard work on revising the comprehensive plan to more closely represent the feelings of the community in their desire to protect wildlife and open space. Crowding anywhere in this Valley will result in degradation of the land, water, habitat for wildlife, and our quality of life.

Most especially, I trust you will see the wisdom of reaffirming the wildlife, connectivity, scenic and agricultural values in the greater South Park region. South Park needs to be needs to be returned to Policy 1.6a!!

Thank you.

Sincerely yours,
Elise Prayzich
East Jackson

Alex Norton

Subject: Comp Plan

From: Jon

Sent: Monday, August 31, 2009 11:48 AM

Please leave us some open space and wildlife corridors in South Park. The people have consistently said this is what they want.

Jon Parker
3650 S Park Loop Rd

Alex Norton

Subject: South Park Region

From: Bill Healey

Sent: Monday, August 31, 2009 11:53 AM

Commissioners----as a resident of the South Park region ---Dairy subdivision---I strongly believe that Theme I needs to be amended to recognize & reaffirm the wildlife,connectivity,scenic & ag. Values in the greater South Park Region-----I further find particularly disturbing the proposed connector road intersection at South Park Loop & Boyles Hill rd.---while I recognize this road was approved many years ago the affected area/ neighborhoods have changed / grown so much that the connector road & the amount of traffic---16,000 cars per day?---would effectively change a rural atmosphere to a urban one---the Real problem is the "Y"---where are the in depth traffic studies & designs to rectify the real issue??----thank you, Bill Healey

Alex Norton

Subject:

From: linda.aurelio

Sent: Thursday, August 20, 2009 5:00 PM

Dear Commissioners, Town & County Planning Committees, All,

Although I can not attend tonight's P&Z meeting I wish to make the following comments regarding this Thursday's 8/20 Joint Comp Plan Meeting with Traffic and Process changes. I would like to address Appendix H specifically.

APPENDIX H

Travel Demand Modeling

Uses WYDOT travel model . Assign motor vehicle trip to roads in the network using the **Shortest Path Possible**. **This method does not take into account wildlife, school zones, and neighborhood density,quality of life.**

Looking at Future Scenarios:

#1 No land use or roadway network changes. Not acceptable. We already have failing intersections, the first being the Y intersection. Clearly, we need to address our main intersections for cost effective, green methods of resolution, ie roundabouts.

#2 Existing network with Indian Trails Road connection. This proposal seeks the **shortest path possible approach**, and does not account for neighborhood density, majority (6) of schools in area, or wildlife migration/habitat. This proposal **violates community values** and places a great risk to the above established circumstances. This also represents the **greatest impact on existing area of all the scenarios** presented.

We are appreciative of the current Micro study being conducted by consultants FHU, to study these issues on a much closer look. We are anxious to see the results. At the very least, this study should show origin-destination surveys, traffic counts, and intersection turning movement counts. Only then can we get a glimpse of the impacts this cut thru would have on the area. Future projection of population numbers must be considered as well ,with Comp Plan build out included for South Park region/node.

This section also admits that "improvement to the Y intersections to facilitate motor vehicle, transit, bike, and pedestrian travel may still be warranted after the Indian Trails Road connection"

THEREFORE, we should be addressing the Y intersection as a FIRST PRIORITY, then reassess traffic patterns as necessary. Y redesign could easily accommodate traffic demand without new road construction thru existing neighborhoods/wildlife corridors.

#3 Existing network with Spring Gulch Road improvements: Could reduce 20% of traffic on Broadway , results in 6% more traffic at Y. Again, let's take the 20% reduction on Broadway, and redesign the Y so that a 6% increase there would be deemed insignificant ! No new road construction, limited neighborhood density in this area, no schools. Must be combined with Y redesign, can not evaluate individually.

#4Existing network with North Bridge crossing: **Shortest Path Possible** approach again. No regard for wildlife community values. Redesign at the 22/390 intersection would relieve congestion. Possibilities are another round about.

With combined improvements at the Y intersection, Spring Gulch Road, and the 390/22 intersection, we would see significant traffic flow and quality of life benefits for everyone.

Let us examine the problems at our current "failing" traffic intersections and roadways and address these issues. We are ignoring the obvious solutions. I have a lot of information on roundabouts for discussion and how we could make this a

community effort in a "Gateway design."

Thank you,
Linda Aurelio
Indian Springs Ranch