

Public Comment
9/4/09 – 10/1/09
2009 Draft Comprehensive Plan Update

Additional Comments Submitted

- William Schwartz – 9/17/09

RANCK & SCHWARTZ, LLC

L A W Y E R S

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September 17, 2009

Teton County Board of Commissioners (5 Copies)
Hon. Mark Barron & Jackson Town Counsel (5 Copies)
Teton County Planning Commission (5 Copies)
Jackson Planning Commission (5 Copies)
Robert McLauren, Town Administrator
Jeff Daugherty, Teton County Planning Director
Tyler Sinclair, Director of Planning Town of Jackson
Jeff Noffsinger, Town Project Manager
Alex Norton, County Project Manager

Re: Porter Trust Ranch Lands

Dear Town & County Planning Officials:

The Porter Trust ranch properties have been the subject of a great deal of public discussion over the years and they continue to be a large part of the ongoing debate over the shape and scope of future development in Teton County. As revisions to the comprehensive plan move forward, it is important that public officials and others involved in the planning effort understand recent changes concerning the Porter Trust and the ownership of the Porter Trust ranch lands. As the attorney for Robert Gill, I am writing on his behalf to inform you of those changes.

Robert Bruce Porter established the Porter Trust in 1960 for the initial benefit of his daughters, Jeannine Porter Gill and Roberta Porter, and upon their death, for the benefit of his grandchildren. Under the terms established by Mr. Porter, upon the death of his children, all remaining trust assets were to be distributed equally to his grandchildren. Jeannine Porter Gill and Roberta Porter are now both deceased, leaving Robert Gill and his sister, Elizabeth Lockhart, as the only surviving grandchildren of Mr. Porter and the sole beneficiaries of the Porter Trust.

As directed by the terms of the Porter Trust, Robert Gill and Elizabeth Lockhart have been engaged for some time in the process of dividing the trust assets in equal shares between them. Those assets include the Porter Trust's interests in the "upper" and "lower" ranch properties located in the South Park area. Although the ranch properties have not yet been completely transferred, the division of the ranch properties has been determined and the transfer documents are in the process of being prepared. I expect that the transfer process will be largely complete within the next month.

I am enclosing for your reference two maps which depict the pending division of the "upper" and "lower" ranch properties. As can be seen in the maps, the western side of the "upper" ranch and the southern portion of the "lower" ranch will be conveyed to Robert Gill or his designees; the eastern side of the "upper" ranch and the northern part of the "lower" ranch will be conveyed to Elizabeth Lockhart or her designees. The pending conveyance of ownership of the Porter Trust ranch lands to two separate families represents a changed reality that should be taken into account as the planning process moves forward. Among other things, the separate ownership could have important implications on planning for interconnectivity between the ranch parcels, other parcels, and public roadways, as well as the future location of density, open space, and public facilities.

For his part, Robert Gill presently intends to continue the family ranching business on the property distributed to him for as long as he can, recognizing the challenges created by the division of the ranch lands as well as surrounding development. He is mindful that the planning process will no doubt result in decisions that will impact the uses he and his family can make of their ranch properties. Nevertheless, he does not feel he has the expertise to represent the interests of his family in the planning process without assistance. For that reason, Robert has asked Jim Verdone and me to monitor and advise him in the planning process. You should feel free to contact either of us as questions arise regarding the properties to be distributed him.

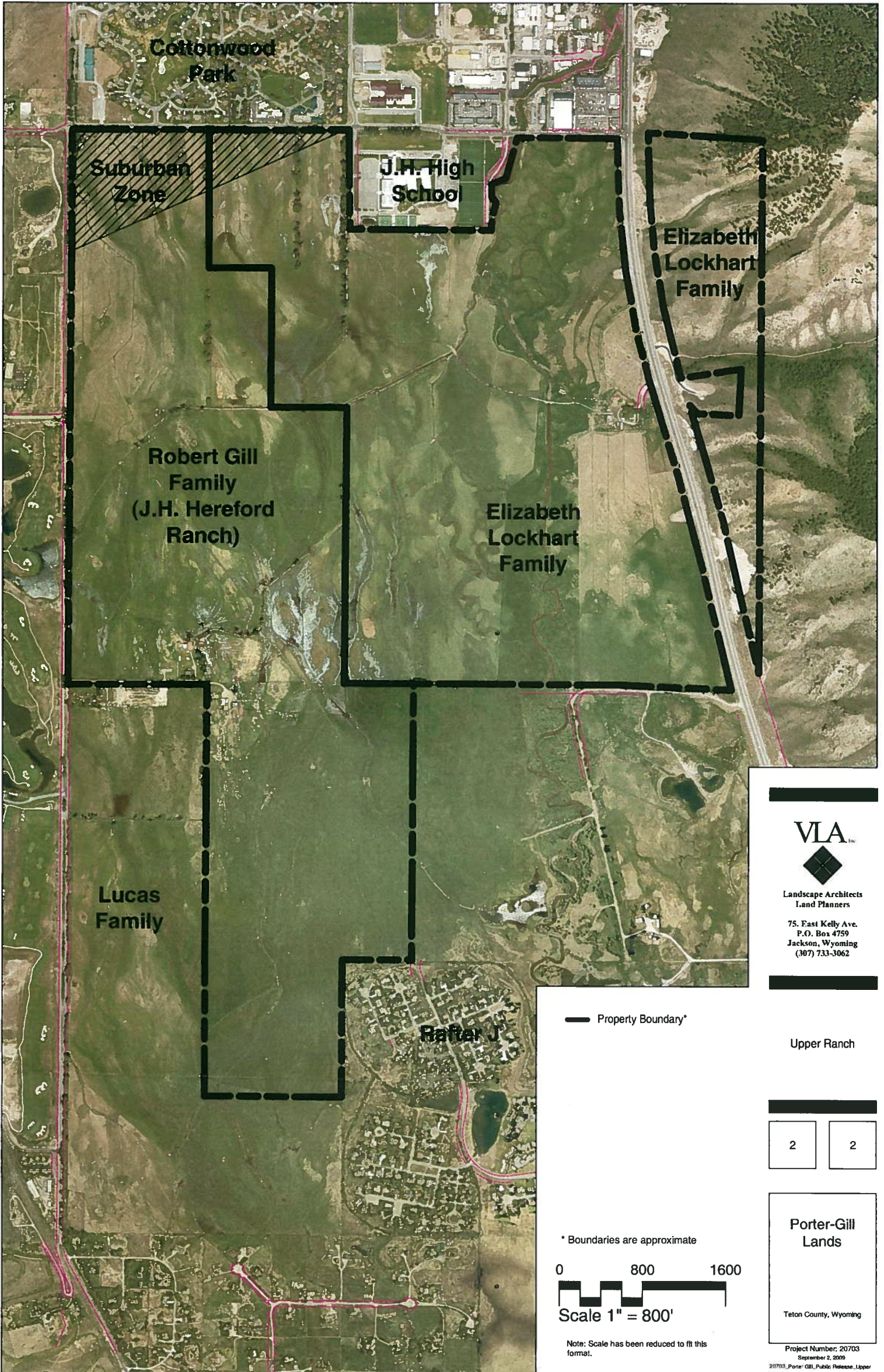
In closing, at this time of transition for the Porter Trust, it only seems right to recognize its remarkable stewardship of the South Park ranches. The Jackson Hole Hereford Ranch has operated continuously on the land for approximately 70 years. While surrounding lands have undergone significant development, the Porter Trust ranches have remained open and largely unchanged for generations. But for the longstanding dedication to ranching and agriculture of Bruce Porter and his descendants, the public would have considerably fewer planning options to debate going forward. Robert Gill is pleased that he will be able to continue the ranching legacy and traditions of the Jackson Hole Hereford Ranch on his property. At the same time, he recognizes the public significance of his family's property and is willing to work with the community to address the needs of working families and other individuals who make Jackson Hole such a remarkable place.

Very Sincerely,



William P. Schwartz

cc: Robert L. Gill
Ralph Gill
Jim Verdone
Tom Long, Esq. (via email)
David Larson, Esq. (via email)



VLA[™]



Landscape Architects
Land Planners

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— Property Boundary*

Upper Ranch

2

2

* Boundaries are approximate

0 800 1600



Scale 1" = 800'

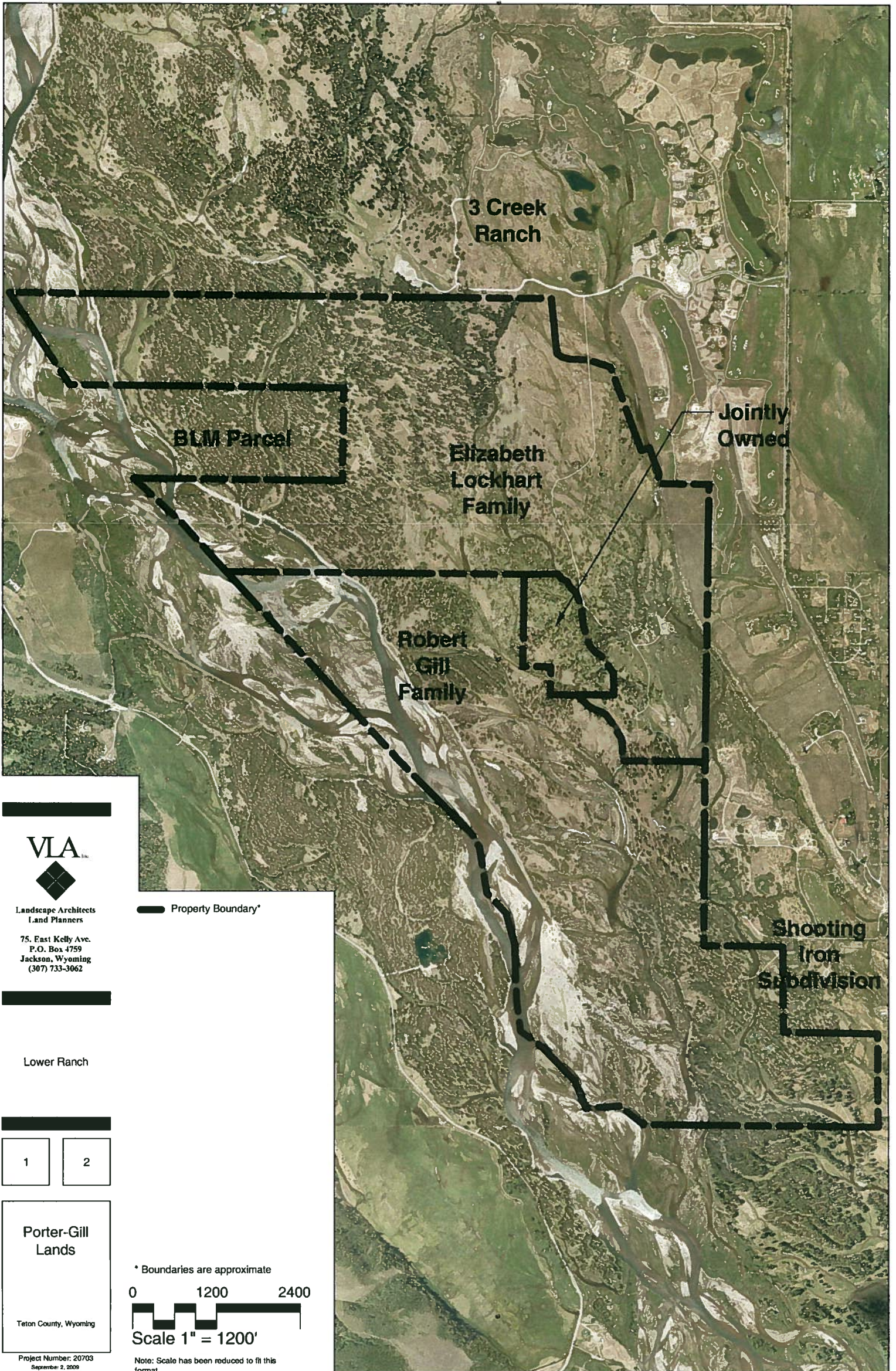
Note: Scale has been reduced to fit this format.

Porter-Gill
Lands

Teton County, Wyoming

Project Number: 20703
September 2, 2009

20703_Porter-Gill_Public Release_Upper



3 Creek Ranch

BLM Parcel

Elizabeth Lockhart Family

Jointly Owned

Robert Gill Family

Shooting Iron Subdivision



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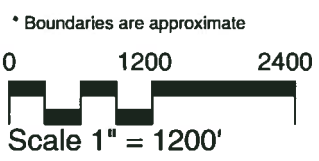
Property Boundary*

Lower Ranch

1 2

Porter-Gill Lands

Teton County, Wyoming



Note: Scale has been reduced to fit this format.

Project Number: 20703
September 2, 2009

Public Comment

9/4/09 – 10/1/09

Theme 1: Stewardship of Wildlife and Natural Resources

Comments from Website

- Gail Jensen – 9/10/09:
 - Page #17 the 2008 polling indicated that: and following verbage should be stricken. Generalities and conclusions that are stated are not necessarily accurate. Please consider eliminating the right hand side of the box.
 - Policy 1.1.b. Last sentence. “behavioral best practices” This is not measurable – what does this mean? replace with: New data will be used to amend Land Development Regulations and written policies related to the cumulative effects of human impacts
 - Policy 1.1.d. Private property rights - What happens to these? Which is not what happens today. Numerous variances have been granted. Properties within the NRO should be consistently regulated. That is why a mapping of all habit needs to occur. Agricultural use alters landscape – will this no longer be allowed if in the NRO or similar defined area? private property owner should still have some use of their land.
 - Policy 1.1.e. Mitigation policy already exists in the County. The recent LDR requirements are so onerous that I challenge any Rural land owner to try and deal with them. Our current regs require in some cases that a land owner would have to purchase another piece of property, that needs mitigation, a permanent conservation easement must be placed on it and inspections and bonding are required to assure the mitigation is forever successful. How much more restrictive can one get? A list of disturbs properties that need and can be mitigated need to be listed and part of approved mitigation projects the land owners could fund that have the off site mitigation issues.
 - #74. Policy 1.1.f. Is this only on properties to be developed? Is this fair not to include existing developed properties? How can this be required? Can these areas be mapped and identified as areas for off site mitigation?
 - #76 Policy 1.1.g. What about ag uses? “best management practices” Be specific! Too vague! This would be interpreted by planning staff – if so, not appropriate. The more you limit the rural areas the more property rights you are infringing on! An owner should retain some use of their land. Are you now saying ag uses are not exempted? How do you control trespassing, keeping livestock and horses in, protecting dangerous slopes from travel? Come up with a better wildlife friendly fence design that works with ag use. Maybe break away rails yet allowing the height to keep animals in? Policy 1.6.c. is inconsistent with this policy.
 - #80 Policy 1.2.b. “best management Practices” This again is not specific and clear. Don’t you mean to say new regs will be written. I have heard this terminology used at the planning office yet they can never give you a specific document to refer to. This is a way of manipulating the regulations in a very vague way.
 - #81 Policy 1.2.c. Why not just say Town and County will do baseline studies in various areas of Teton County so that any net loss of water quality can be mitigated.
 - #82 Policy 1.2.d. Most roads are private. How can this be measured and who pays?
 - Policy 1.4.f. Some of the LDR’s with required mitigation are in direct conflict with wildfire mitigation – sagebrush is extremely flammable yet the County requires this to be mitigated

when removed for development. Bridger Teton and Grand Teton are doing prescribed burns of sagebrush to lessen the fire hazards.

- #84 - Policy 1.5.a. This policy and the SRO LDR's are poorly written and do not respect the construction that may occur at the bottom of a hill or butte that because of the road being recessed, a home can be classified as a home that skylines – Bottom of south facing Bar Y Estates on W. Gros Ventre Butte. Numerous complaints were made to correct this error were made yet the language has never been change. I hope that this wording can be changed to reflect the true intent.
- Carol Wauters -9/10/09
Regarding Policy1.5 recommendation, I support the wording passed by the county.....”and will be regulated” instead of the wording “and will be prevented as much as possible”. The phrase “as much as possible” is far too vague. It will lead to compromises that undermine the intent of this policy.

Additional Comments Submitted

- Jackson Hole Conservation Alliance – 10/1/09
- Upper Snake River Basin Sage-Grouse Working Group – 9/17/09
- Franz Camenzind – 9/11/09
- Tim Lindstrom – 9/10/09
- Rich Bloom – 9/9/10 (submitted at meeting)
- Elise Prayzich – 9/8/09
- Elise Prayzich – 9/8/09
- Karen Jerger – 9/6/09



Jackson Hole Conservation Alliance
(307) 733-9417 • www.jhalliance.org

October 1, 2009

Town of Jackson and Teton County Planning Commissions
cc: Jackson/Teton County Planning Team: Jeff Daugherty, Tyler Sinclair, Alex Norton, Jeff Noffsinger; Board of Teton County Commissioners, Mayor and Town Council.

Dear Planning Commissioners,

On behalf of the Jackson Hole Conservation Alliance, thank you for the opportunity to comment. This is a short memo regarding two specific issues that arose in your review of Theme One of the April 2009 draft Jackson/Teton County Comprehensive Plan. Both of the issues will come before you as a joint body again when you finalize your recommendations for Theme One, and then for a third time when you finalize your recommendations for the entire draft plan.

The first concern has to do with the Wyoming Game and Fish Department's comments, dated June 26, 2009. While the County planning commission voted in favor of a request that the planning staffs incorporate Game and Fish comments into the draft plan where appropriate, the Town planning commission did not. We urge the Town planning commissioners to revisit their dismissal of these recommendations from the local government wildlife agency as they relate to Theme One and wildlife. The Conservation Alliance agrees with the County planning commission that the Game and Fish recommendations should all be incorporated into the draft plan, and we also believe that the memo deserves your reconsideration. Please re-address this vote and the Game and Fish comments before finalizing your Theme One recommendations.

Our second concern is two-fold, regarding both your willingness as a joint commission to listen to public sentiment and the issue of a permanent funding source for conservation easements and open space preservation. Again, the County planning commission voted in the affirmative for a policy that would allow the residents of Teton County to consider options for public financing of land conservation and to have a chance to vote on a permanent funding source for conservation if they so desire. The Town planning commission voted against it. Again, we encourage the joint commission to revisit this vote, particularly considering the overwhelming public support for public funding, as acknowledged in the draft Plan. Because the public has voiced such strong support for public financing, it seems an odd thing to remove from the table.

We will submit comments regarding some of the other recommendations shortly, but before moving on to Theme Two, and before finalizing the joint commissions' recommendations for Theme One, the Conservation Alliance believes that it is critical that at the very least these concerns be addressed.

Thank you for all of your hard work, and please do not hesitate to contact us with any questions.

Sincerely,

Paul Hansen
Executive Director

Becky Tillson
Community Planning Associate

Upper Snake River Basin Sage-Grouse Working Group
Susan Wolff, Chair
Grand Teton National Park
P.O. Drawer 170
Moose, WY 83012-0170

Alex Norton, Senior Planner
Teton County Planning Office
P.O. Box 1727
Jackson, WY 83001

September 17, 2009

Dear Alex:

Thank you for the opportunity to submit comments on the Teton County, Wyoming, Comprehensive Plan update. As stated in the Wyoming Local Sage-Grouse Working Group Charter “The purpose of Local Sage-Grouse Working Groups (LWGs) is to develop and facilitate implementation of local conservation plans for the benefit of sage-grouse, their habitats, and whenever feasible, other species that use sagebrush habitats. The plans will identify management practices and the financial and personnel means to accomplish these practices, within an explicit time frame, for the purpose of improving sage-grouse numbers and precluding the need for listing under the Endangered Species Act.”

Although our working group area is dominated by public lands and our group’s plan (http://gf.state.wy.us/wildlife/wildlife_management/sagegrouse/index.asp) reflects that, Greater Sage-Grouse are directly affected by development and human impacts on private lands and public rights of way in Teton County. In addition, the Jackson Hole population constitutes one of the core sage-grouse populations in Wyoming as designated by the Wyoming Governor’s Office.

Recommendations:

Sage-Grouse Species of Special Concern

Based on the comments submitted by the Wyoming Game and Fish Department (June 26, 2009: Tim Fuchs, Regional Wildlife Supervisor and Rob Gipson, Regional Fisheries Supervisor) we request that Greater Sage-Grouse be considered as a species of special concern with subsequent consideration related to: the Natural Resources Overlay (NRO); Indicators and Monitoring of Ecosystem Health; Inclusion of Important Habitat Types, Buffer Areas between Nodes and adjacent NRO Designation; Build Out; Maintain Viable Populations; Dispersed Recreation; and Wildlife Vehicle Collisions. We expect that the Planning Departments and, eventually, the Environmental Commission will work with the Local Sage-Grouse Working Group and the Wyoming Game and Fish Department regarding impacts (initial and cumulative) of development on Greater Sage-Grouse.

Development in Critical Habitat

Specific development impacts of concern include, but are not necessarily limited to issues related to habitat connectivity and direct mortality. Greater Sage-Grouse are sagebrush obligates although recent research in Teton County has found birds using treed areas for winter shelter even as feeding occurs in the open sagebrush (B. Bedrosian, Craighead Beringia South, unpublished data). Winter habitat should be considered as limiting, and critical winter habitat on private land (e.g., East and West Gros Ventre Buttes) thus requires special consideration during development. Although dependent on sagebrush overall, Sage-Grouse have different seasonal habitat needs for breeding, nesting and brood rearing in addition to crucial winter habitat.

Transportation Issues

Transportation has significant impacts on habitat connectivity and direct mortality and additional development can be expected to have additional, cumulative impacts on Sage-Grouse. The airport and its surroundings are a critical area for the local Sage-Grouse population because they use the area year-round. Transportation issues include direct mortality (e.g., airplane strikes, vehicles driving to and from the airport and through the Park) and, potentially, disruption of other life-cycle phases (e.g., breeding, nesting and brood rearing). A significant number of Sage-Grouse mortalities resulting from vehicle collisions have occurred recently on HWY 191 and the Gros Ventre road and should be included in data regarding wildlife-vehicle collisions. At a minimum, speed reductions should be enacted on Highway 191 to benefit all wildlife. Development of the new pathway between the Town of Jackson and Grand Teton National Park adds an additional bisection of critical habitat (e.g., the National Elk Refuge and the pastures and cottonwood forests between Highway 191 and Spring Gulch Road) and potential negative impacts due to increased human presence on the landscape. Impacts will need to be monitored and mitigated (e.g., through seasonal and potentially other closures as identified in the Environmental Assessment).

Conservation of Open Space

Conservation of existing open space could be beneficial to Sage-Grouse on several fronts. Restoration of pasture and hayfields to native sagebrush vegetation could increase habitat connectivity and/or availability. Research ongoing in Grand Teton National Park will contribute to the development of best management practices for such restoration (J. Mooney, Grand Teton National Park, unpublished data). Removal of fencing and/or requirements for wildlife friendly fencing that includes consideration for birds could increase connectivity and reduce potential direct mortality from collision with fencing. Prohibition of man-made or altered water features that permit mosquito breeding will reduce potential direct mortality from West Nile Virus.

Effects of Fire on Habitat

Development can both increase the risk of fire (e.g., many fires are ignited by humans) and alter the patterns of fire (e.g., buildings in the wildland urban interface (WUI) force fire fighting to focus on saving property). Historically fire would have played an important role in maintaining functional sagebrush habitat over large areas. Currently, however, local sagebrush habitat has become fragmented by human use, and fire has removed areas that historically were important grouse winter range. Protecting key sage grouse habitat is now essential for the survival of the local population. Therefore, current fire management plans need to recognize that some high-value sagebrush areas may need to be aggressively protected from fire even if fire may have been beneficial in the past. That said, creation of defensible space could permanently remove sagebrush habitat, and such development actions must be required to be mitigated (e.g., restore meaningful habitat elsewhere).

Summary

Development in Teton County, Wyoming, can be expected to affect the local Greater Sage-Grouse population particularly in relation to habitat connectivity and direct mortality. However, development planning through specific consideration in both the Comprehensive Plan and subsequent Land Development Regulations can ensure that the negative effects on Sage-Grouse are minimized and the potential to improve and restore habitat is realized. Please do not hesitate to contact us if you have any questions now or in the future.

Sincerely,

Sue Wolff, Chair
Upper Snake River Basin Sage-Grouse Working Group

To: Town of Jackson and Teton County Planning Commissions

From: Franz Camenzind, PhD

Date: September 11, 2009

Re: Comments regarding the September 3 meeting and recommendations for the September 10 meeting

These comments are presented in order of appearance in the April 2009 Draft Comprehensive Plan and are meant to reflect my opinions only. Thank you for considering these comments and for your dedicated work on this important process.

Principle 1.5- Maintain the scenic resources of the area

The last sentence should be re-written as follows: "Interruption of those natural forms by built forms detracts from the character and will be *regulated*."

Rationale: This simply gives direction to write LDR's that will regulate this activity, it does not say to what degree. Without this, it is a weak directive.

Policy 1.5.a: Maintain natural skylines.

I agree that this language should be tightened to include "...as seen from *all* public roads, *streets* and parks.

Policy 1.5.b: Maintain expansive hillside and foreground vistas

The last sentence should be re-written as follows: "...landscape that screens natural vista will be *restricted*."

Rationale: Again, 'restricted' does not prohibit, it only strengthens the directive when writing specific LDR's to allow such activity under determined circumstances. This does not prohibit berms and vegetative landscape screening, it simply allows for the LDR's to establish standards that would avoid the unreasonable blockage of natural vistas.

Policy 1.5.c: Maintain natural landforms

The last sentence should be re-written as follows: "All land disturbances will be completed and mitigated *implementing "Best (Landscaping) Management Practices" so as to resemble the natural landscape.*

Rationale: "Resemble natural landscapes" does not mean re-create, it allows for a reconfiguration plan that blends with the natural, surrounding landscape. It gives

direction without requiring the development to exactly replicate the former, natural landscape.

Policy 1.5.d: Maintain dark night skies

The third sentence should be re-written as follows: “Some lighting is required for safe *urban* transportation corridors; however, non-essential lighting will be limited and all lighting will be designed to meet dark skies “*Best (Dark Skies) Management Practices.*”

Rationale: This allows for lighting in urban areas, but not along rural roadways and pathways etc. throughout the county.

ADD: Policy 1.5.e: Maintain ambient sound conditions

Quiet environments, like dark skies are signature features of Teton County. Restrictions should be put into place protecting natural, ambient sound levels within and immediately adjacent to Residential areas and those areas designated as NRO and SRO.

Rationale: We know that not all human-caused sound can be limited everywhere, but with recognition of the importance of noise control in residential areas and within the NRO and SRO, we should manage as best as possible long-term human-caused noise pollution in and adjacent to these special areas.

ADD: Policy 1.5.f: Establish a Scenic Resource Overlay for the County and Town of Jackson

The scenery found in Teton County is world-class and is a major component of our community character and quality of life in addition to being a foundation of our tourism economy. Updating the current SRO map and accompanying standards is central to guiding future development so as to best protect our unparalleled scenic resources.

Rationale: Adding the Town of Jackson is appropriate because it has many scenic view-points and with the majority of our visitors spending some time within the town, we should do what is reasonably possible to retain views of the surrounding mountains. For what is this place called but- Jackson’s Hole- a valley surrounded by mountains? Lets us not forget nor degrade this asset.

Principle 1.6-Conserve remaining agricultural resources

Policy 1.6.a: Conserve agricultural lands and agriculture throughout Teton County

The second sentence should be re-written as follows: “The county will support efforts of landowners and land trusts to permanently conserve *all parcels of land*

being used for agricultural purposes and/or determined by professional land trusts and resource management agencies to have importance as open space, wildlife habitat and/or as wildlife movement corridors.”

Rationale: We should not suggest to any landowner that their parcel is not worth putting into a conservation easement. In the end every acre thus protected is an investment in what makes this place unique and therefore it is an investment in our future.

Policy 1.6.b: Prioritize conservation of agriculture in Alta

Alta should not be given special attention over other agricultural areas of the county. Remove exclusive reference to Alta. The first sentence describing this Policy should be removed. The remainder of the Policy should be re-written as follows: *“Viable agricultural practices operate through the county and should be encouraged to continue so as to maintain historic life-styles, open space stewardship, and the calming rural setting residents and visitors alike have come to associate with Teton County. The county will continue to explore incentives to assist landowners in conserving agricultural lands.”*

Rationale: This should be obvious, doing this will not only perpetuate historic uses but will also maintain open spaces and wildlife values throughout the county. This effort should not be focused on Alta only.

Policy 1.6.c: Recognize agriculturalists for their stewardship

This entire policy can be eliminated as it only re-states what is in the Principle. In particular, the last sentence must be removed because as currently written- (“Regulatory exemptions and allowances will be provided to ensure that continued operation of agricultural stewardship...”), it allows for a complete circumvention of all land use plans that now apply to rural, agricultural lands. This provides an open door to non-planning.

*Rationale: As now written, this Policy allows for an agriculturalist to propose nearly any activity if he/she can make the case that it will help perpetuate agricultural use. That could include a request to simply develop a portion of their property without regard to existing LDR’s so as to “increase operating cash flow.” However, **IF** this is meant to apply only to activities directly tied to and supporting continued agricultural practices (developing new or modifying existing irrigation systems etc.), then this should be made clear in this Policy so that the LDR’s can be written to **only** accommodate such circumstances.*

Principle 1.7-Maintain public access to public lands

This title should have the following phrase added to the end: *“...while minimizing impacts”*

Rationale: Protecting the public land environment from degradation brought on by inappropriate types or levels of recreational uses is as important as retaining authorized public access.

In addition, this Principle is confusing and should be re-written for clarity and consistency- is it meant to address public lands only or in combination with private land recreational uses?

Policy 1.7.a: Provide recreation opportunities on private land

The last sentence should be removed from this Policy and placed at the end of Policy 1.7.b. It should also be re-written as follows: “Additionally, public and private efforts will be made to *prevent resource damage on public lands from harmful recreational activities.*”

Rationale: It is a public land concern and fits better in Policy 1.7.b and I don't believe we need to promote recreational activities- which are self-starters in this community, we need to protect the resource from damaging recreational activities.

Or: The last sentence should be re-written as follows: “Additionally, public and private efforts will be made to *prevent resource damage on private lands from harmful recreational activities.*”

Rationale: Perhaps by separating the public lands recreational activities from the private lands opportunities this confusion can be eliminated.

Policy 1.7.b: Provide continued access to waterways and public lands

The second sentence should be re-written as follows: “Local government and private interests will coordinate with state and federal agencies regarding the *(omit: creation and)* maintenance of access points to”

Rationale: I am not aware of any situation where reasonable access to public lands (or waterways) is now being denied. In addition, with every access opportunity there comes the danger of increasing impacts to native habitats and wildlife populations through more habitat fragmentation via establishment of new human use corridors. Maintenance of existing access points is the most that this Policy (and subsequent LDR's) should address.

STRATIGIES

Strategy 1.1: Establish an Environmental Commission

The wording should be re-written to say that this commission will make recommendations to *both* elected officials *and* planning commissions.

*Rationale: Environmental information should be available to **both** the Planning Commissions as well as the elected bodies.*

The first bullet point should be re-written as follows: “The Environmental Commission *should be made up of 5 or 7 individuals with a majority having a professional background in the environmental sciences and with at least two but not a majority of members who are not required to have a professional background in the environmental sciences, but have a significant interest in and familiarity with local environmental conditions and are full-time residents.*

Rationale: This Environment Commission should have members familiar with environmental sciences as well as individuals who have a significant interest in and familiarity with local environmental conditions. This combination of backgrounds should generate credible and representative perspectives to environmental stewardship discussions and recommendations.

Strategy 1.2: Update Natural Resources Overlay (NRO) mapping and natural resource protection standards

Added to this should be “Update Scenic Resources Overlay (SRO).” This addition should be reflected in each ‘bullet point’ where appropriate *and* should incorporate all defensible data, not just that coming from the Wyoming Game and Fish Department.

OR- There should be a new Strategy 1.3 (Moving the remaining Strategies down one count): “*Update Scenic Resource Overlay (SRO) mapping and view shed protection standards. This should incorporate the existing SRO district and be reviewed by the Environmental Commission with consultation with professional land trusts and with public input.*”

Rationale: The discussion on including an updated SRO with a review of standards is essential. Where it appears in this Comp Plan should be left to staff.

The second bullet point should be re-written as follows: “Reevaluate and amend *where necessary* standards for development *location*, density, intensity, and design within the NRO to reduce development footprints and minimize impacts to *native wildlife and their habitats.*”

Rationale: Placing more emphasis on habitat protection is warranted.

The third bullet point should be re-written as follows: “Evaluate and amend *where necessary* natural resource protection standards *to increase protection of water bodies, wetlands, and riparian areas.*”

Rationale: As now written, an amendment could also include weakening standards. This Strategy should direct the LDR’s to maintain current protection and where possible/necessary, to increase protection.

The fourth bullet point should be re-written as follows: “Create *or adopt a best-science* vegetation cover map of the county.”

Rationale: It may not be necessary for the Town or County to “create” a vegetative map if a scientifically defensible map is available from a government agency or private sources.

Strategy 1.3: Map natural hazard areas

The three bullet points are adequate, but there should be a concluding statement (for each point or collectively) that directs the LDR’s to minimize these threats, set standards, including restrictions on development etc.

Rationale: As this now stands, it asks for data/information to be collected but neglects to direct that standards be included within the LDR’s.

Strategy 1.4: Amend Land Development Regulations and the zoning map

This is clearly a ‘catch-all basket’ of concerns, all of which deserve more attention than one-liners. Having said that, there should be at least one more item included:

- Adopt standards for the recycling/disposal of items generated through re-development projects.

Rationale: We generate a great deal of refuse through our redevelopment projects and this will only increase as we do more in-fill and re-development both within the county and the town.

INDICATORS

Number four should be re-written as follows: *“Water quality and sediment loading in all waterways.”*

Rationale: Clearly, every water-way in the county is subject to sediment loading, some naturally occurring but others not so.

There should be at least five more indicators added:

- *Acres of land rehabilitated to improve either or both wildlife value and scenic view sheds (In support of Policy 1.1.f).*
- *Population and distribution changes of the ‘Focal Species’*
- *Air quality*
- *Dark skies*
- *Noise pollution*

Rationale: Rehabilitated land can be measured with the assistance of land trusts and county records. Focal Species data should be available from government agencies and

from information gathered through private/public partnerships such as the Nature Mapping effort now underway. Air quality data should also be available from existing monitoring efforts and where inadequate data exists, programs that will provide the necessary data should be explored, and when possible implemented. The last two points, noise and dark skies may be a challenge, however, listing them as Indicators respects their inclusions within the Policy section AND should encourage the incorporation of such information when monitoring techniques are available.

The discussion of inconsistencies regarding the wording of access to public lands can be addressed in the Goal column of the Indicators section by adding: No net loss of authorized access points.

Thank you,

Franz Camenzind, PhD

Alex Norton

Subject: Please forward to the Planning Commission members

From: Tim Lindstrom

Sent: Thursday, September 10, 2009 3:10 PM

Dear Messer's Hamilton, Wall, McCarthy, Duncker and Palmer:

I am writing on behalf of no one but myself to comment on the possible expanded use of the "non-contiguous planned residential development" in the implementation of the pending comprehensive plan. Subsections 2460.A.4 and 4330.A.5 of the current Land Development Regulations already provide for PRD open space to be located on a parcel separate from the location of increased residential density provided by the PRD.

A major part of the current comprehensive plan proposal is devoted to a reduction of potential density in the Rural Areas, and increased density other areas of the County and Town. The risk in relying entirely on zoning to accomplish these goals is that, in the long run, the increased density recommended will be achieved, but the reduction in density will be reversed as economic and development pressures build. Zoning is always reversible.

It seems to me that the non-contiguous PRD is an excellent tool to accomplish both the density increases and reductions suggested in the pending plan. If the result of adoption of some version of the comprehensive plan is to recommend specified areas where increased density is recommended, **and if actual increases in density can only be achieved through use of the non-contiguous PRD**, the County can be assured that density increases will be offset by corresponding **permanent** density reductions in the Rural Areas.

An additional benefit to use of the non-contiguous PRD in this manner is that owners of land recommended for increased density do not receive a "windfall" when their land is rezoned: they must acquire offsetting open space from rural landowners before they can utilize the increased density. This is very like the requirement for affordable housing that is tied to re-zonings, and is compatible with current affordable housing requirements. Provision of affordable housing **and** open space protection are not, and should not be, mutually exclusive.

Furthermore, requiring that increased density be tied to open space protection through use of the non-contiguous PRD will also help offset some of the loss that rural landowners may suffer as a result of density reduction in the Rural Areas.

There are two keys to the successful use of the non-contiguous PRD for the purpose described above:

1. Allow no increase in density that is not paired with the preservation of open space in the Rural Areas.
2. Make permanent the reduction of Rural Area density that has resulted from increased density elsewhere with permanent conservation easements, as is presently the case with all PRDs.

There are several alternative means of dealing with existing Rural Area density:

1. Allow existing density to remain and create a market for this density outside of the Rural Areas by requiring that density increases be offset by permanent Rural Area reductions through use of the non-contiguous PRD.

2. Allow some existing Rural Area density to be used on the rural parcels to which such density currently pertains, but prohibit use of density in excess of such amounts except when “paired” with density increases in areas where density is planned through the non-contiguous PRD.

Elimination of, or substantial reductions in, Rural Area density by zoning alone will not ensure the long-term protection of the Rural Areas. For this reason any reduction in existing Rural Area density should allow such reductions, along with allowed Rural Area density, to be used to offset increased density in other parts of the County through the non-contiguous PRD.

Clearly the County believes that the non-contiguous PRD is a lawful zoning technique or it would not be part of the existing LDRs. I believe with very minor modification this existing tool could be made to facilitate desired density increases in a manner that ensures **permanent** reductions in Rural Area density.

For what it is worth, I have an extensive background in both planning and conservation easement law, including density transfer programs quite similar to (but more complex than) the non-contiguous PRD provisions of the LDRs.

I would be happy to discuss all of this with you at your convenience. Again, the contents of this letter has been neither authorized nor reviewed by any organization or person other than myself and should not be taken as representing anyone’s views but my own.

Sincerely,

tim lindstrom

Rich Bloom – September 10, 2009

Previous straw votes:

Recommendation #54 – 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)

- Recommend **improving Policy 1.1.c**: at a minimum to add **“connectivity between NRO areas”** so it recognizes your recommendation #54. Specifically 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.”*
- STAG recommended: *“The group agreed that connectivity of open space is important. Further explanation of what open space means and the importance of connectivity should be incorporated into this theme.”*

Recommendation #93 – Strongly support – thank you for putting South Park back in this policy: *“The County will support efforts of landowners and land trusts to permanently conserve intact parcels of land throughout the County.”*

- Suggest also **encouraging other permanent open space protection, regardless of size, initiated by landowners and/or land trusts.**
- Teton Science Schools specific example of 3.5 acre Cody Creek.

Tonight’s discussion: Conclusion of Theme 1:

Recommendation - Making Open Space it's Own Principle –

- STAG recommended: *“The group thought more emphasis should be placed on obtaining conservation easements to protect natural resources and open space by inserting it as its own principle.”*
- STAG further recommended: *“The group agreed that connectivity of open space is important. Further explanation of what open space means and the importance of connectivity should be incorporated into this theme.”*
- Have staff add a principal that consolidates open space policies in 1.1, 1.5 and 1.6
 - The 1994 Plan focuses 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.

Recommendation - Adding an Open Space Funding Goal –

- May 14, 2009 - The Jackson Hole Land Trust recommended: *“Creation of a permanent funding mechanism, such as proposed for affordable housing and transportation (both important but neither at the top of the list of goals for either the Plan or the community for the purchase of conservation easements...”*
- Add a policy under this new Open Space Principle (or in 1.1, 1.5 or 1.6) similar to other language from this draft used in the transportation and housing themes:
 - **Policy: establish a permanent funding source for open space acquisition.**
 - **Strategy: Dedicate a seventh cent sales tax, additional mil property tax, or other funding source to the acquisition of permanent open space.**
- Taxing ourselves first for the acquisition of Open Space will leverage the enormous philanthropic potential that exists in this valley.
 - Personally TSS fundraising experience – “always start the big asks with the bake sale”
- In the end - any and all funding strategies will take a public vote by the electorate to implement. Let the public decide to tax themselves to achieve broad community goals.

Alex Norton

Subject: Dark Skies

From: Eprayzich@aol.com

Sent: Friday, September 04, 2009 1:51 PM

Hello,

I was in the audience last evening as you were hard at work hammering out wording for the Comp Plan, most specifically, the Dark Skies segment.

I wanted to get up to the microphone and say :)

Dark Skies does not necessarily mean NO light .. it means limited light, BUT what IS used should cast it's light DOWN and not OUT or UP! That is accomplished by using "can" lighting on homes, and guards such as the newest lighting exhibits. The newer lamps cover the source of the light, so it shines down only and not out. One should not see the source of the light.

It's the old "You don't need to light up your neighbor's back yard to see your back steps."

You may visit darksky.org (International Dark-Sky Association) to see examples and definitions.

I am delighted that that section will be in the comp plan .. My first "nomination" for correction is Flat Creek Motel! I can see those lights from the other side of the Refuge!

Thank you.
Elise Prayzich

Alex Norton

Subject: Thank you!

From: Eprayzich@aol.com

Sent: Tuesday, September 08, 2009 1:11 PM

Hello to all Planning Commissioners,

Thank you so much for changing the wording in 1.6(a) to read ... *“support efforts of landowners and land trusts to permanently conserve large intact parcels of land throughout Teton County.”*

We are impressed with your willingness to incorporate this information, received during public comment, into the revised Comp Plan! We look fwd to when the document is completed and sent to our Mayor and Council and the County Commissioners for final adoption, that they will follow the joint planning commission's recommendation and not unwind this statement affirming South Park's value - and value of all large, open parcels.

Again, thank you for your tireless work to get the planning document for the Town and County right - instead of quickly done!!

Elise Prayzich
East Jackson

Alex Norton

Subject: Comp Plan Comments: South Park

From: Karen Jerger

Sent: Sunday, September 06, 2009 8:09 AM

"Dear Commissioners: I attended the Comp. Plan meeting on 9/3, and want you to know that I appreciated your attention to public comment, and the discussion that followed. I was pleased with your decision to leave out specific area references when acknowledging the importance of open space, scenic vistas, agricultural activity, and wildlife habitat and travel corridors. This was a better solution than the initial proposal to re-insert South Park into the text. Thanks again for all of the thought and work that you are putting into this important effort. Sincerely, Karen Jerger"

Public Comment

9/25/09 – 10/1/09

Theme 2: Manage Growth Responsibly

Comments from Website

- Gail Jensen – 10/1/09

After reviewing the buildout report presented at last weeks meeting, it is clear that one of the most significant issues affecting potential growth, especially in the County, is the PRD tool. The 3651 additional residential units possible due to the PRD tool would double our current base residential buildout number. If the PRD tool is kept, a major down zoning of many entitled properties via the 1994 Plan would need to occur just to keep within the buildout numbers we have been discussing. If the only reason to keep this tool in place is to incentivize more conservation easements, then how can we justify this? The pluses and minuses with respect to public benefit need to be weighed. I feel actual scenario's need to be reviewed that show the true reality of whether there is a real significant gain to the donor via tax credits and/or whether real benefit to the community is accomplished using the tool verses just keeping the base zoning of 1 unit per 35 acres without the PRD.

Is the PRD tool still a real motivating factor for donations of conservation easements? What is the real value in Tax \$'s that someone receives who gives a conservation easement. I feel the real net \$ amount of tax credit minus the costs to go through the planning process, etc., may be insignificant and will not influence the decision for someone to give an easement. Why should we include the PRD tool unless the numbers (\$) really add up to a motivating factor. I know the JHLT has said they do, however, let's do the math to prove this is the case. The most recent easements may have been donated anyway without the tax credits the PRD tool helps to establish.

With our current rural zoning structure, how do you get around only offering the PRD tool to only conservation easement situations without endangering the viability of a donor to receive tax deductions? Could creating a new, different zoning classification which includes an incentive tool just for specifically targeted potential conservation properties make more sense? Transfer of Development Rights. We need to do the math on what potential receiving areas per unit values could be. The highest and best use via the market value approach in many rural areas is 1/35. I question how the math can possibly work when the value of a 35 acre Parcel is so high (current MLS average of \$5 Million). This would mean a 10x increase in density for the receiving area if one used a generous \$500,000/unit value to achieve an equal value swap. TDR's appear to be an interesting idea, yet the huge 1/35 acre value surely can not match up with higher density, lower valued, nodal development. Where in Teton County are there receiving areas capable of accepting such additional densities above 1994 base zoning? The Rock Springs/Stilson swap worked however, you had the same owner moving density around their property - which is a unique scenario.

I believe a better way to retain open space on the rural zoned properties of 35+ acres could be to limit the size of the potential building envelope and restrict to specific types of uses on the remaining property on each parcel. Many existing conservation easements are already structured this way – allowing a minimal building site or sites and sometimes agricultural or other none structure use on the remaining part of the property. Why not take this example and require similar restrictions on development permits within the rural zone? Essentially that is what has to be done in order to develop with our current regulations that are in the rural zones

and also have a Natural Resources Overlay. Why not eliminate the PRD and just use development restrictions on the 35 acre parcels?

Yes, not having a conservation easement may allow the potential rezoning of the property in the future; however, are we not planning now to control that potential event? A maximum buildout number (growth cap) could protect us from the up zones if density is reduced somewhere else in the Town or County.

Thank you for considering my thoughts. There are no easy or simple ways to manage and limit growth. I thank each of you for all of the time and energy you have given to us!

- **Patty Ewing – 10/1/09**

Commissioners and Planning Departments:

At the 9/24/09 meeting, I read the following suggestion for the revision of the Statement of Ideal for Theme 2:

Preservation of the community values of wildlife protection, community character and quality of life will be the determining factors to limit buildout and rate of growth.

I'm sure these comments are part of the public record. Hopefully, you will revise the Theme 2 to reflect the priorities of all community comment.

- **Franz Camenzind – 9/16/09:**

THEME 2 COMMENTS:

1) I strongly recommend that the focus of the remainder of the Plan re-write should be first: Protect (as in cause to be perpetuated) our current wildlife populations, numbers and distribution, second, do whatever it can to protect open space short of compromising the first concern and third, plan to have workforce housing at or near work places and/or existing community infrastructure (schools, food markets as well as public services including, but not limited to the START system).

2) I recommend that all growth and development categories be reduced to the lowest, legally defensible base-line zoning numbers(based upon the 1994 Plan) and that these new, reduced numbers become the maximum values for the the new plan. (I am convinced that even these numbers will far exceed what can be built in the life of this new Plan.)

3) The Planned Residential Development should have the maximum density bonus lowered to 3 units per 35 acres and applied only to proposals/parcels of 35 acres or greater.

4) Transfer Development Rights should be included in the new Plan. However, TDR's should be applied only if they create conservation easements and/or deed restricted and permanently protected open space.

5) In the Town of Jackson the Planned Mixed Use Development must be eliminated. (I can think of no single thing that has changed, and in my estimation degraded the character of the ToJ than the application of the PMUD.)

6) It matters not what they are called- nodes, neighborhoods, or communities, it is what happens within them that matters. None of the developed areas should be allowed to exceed what is legally defensible in the current (1994) Plan.

7) Workforce housing: If the community goal is to house 65% of the work force and we are currently housing that portion, then we have met our goal and we have no back log in housing needs. Consequently, all new workforce housing should be directed at and should meet the needs generated by new development only.

Additional Comments Submitted

- Rich Bloom – 10/1/09 (at meeting)

Growth Management

- What we have said that Theme 2 should focus on - managing growth which includes:
 - Defining the end state – the total amount of growth
 - Constrain growth to be equal to or LESS THEN allowed under the current plan and LDR's minus all discretionary tools – PMD, new or expanded resort districts, the PUD-AH, PUD and the PMD (PRD discussed later)
 - Address the rate of growth
 - Restrain the rate of growth so we can “learn from our mistakes” and that infrastructure (water, sewer and roads) and social systems (schools and jails) can keep pace
 - Address the type of growth
 - That job creating commercial growth is considered hand-in-hand with residential development.
 - Address the cost of growth
 - Growth, regardless of location or type (residential or commercial), should pay its full share of direct impacts on workforce housing, infrastructure and social systems
 - Address the pattern of growth – this theme only did this one bullet and very poorly
 - Find growth REDUCTION opportunities beyond our current plan minus the discretionary tools:
 - Down zoning is legal if done uniformly.
 - Reduce the accessory residential units in the county (ARU)
 - Reduce the Plan Residential Development (PRD) tool in the County and do not replace those "saved housing units" anywhere.
 - Convert commercial density via rezoning to residential density in Town.
 - Recommend a permanent funding source to achieve open space thus removing development potential further.

Nodes versus no nodes

- Why are citizens reluctant about nodes – why does it not seem there are no acceptable receiving areas?
 - The nodes were additive growth as proposed in the draft plan
 - The nodes were much too aggressive in footprint and in total housing numbers
 - The nodes did not appear to solve any problems such as achieving the permanent protection of open space.
 - The approach in the plan appeared to not be sustainable.
- The community will be willing to support the concept of nodes if it is considered WITHIN the following constraints:
 - Absolutely can not be 'gamed' to achieve additive growth.
 - That nodes be used to address substitutive growth only – not adding, but shifting growth patterns.

- Nodes should NOT be used to achieve workforce housing objectives
 - Workforce housing is best achieved going forward by “keeping up”
 - Revise housing mitigation rates especially on the commercial calculation (both Town and County) that now only is calculated on the seasonal bump in employment – so is wholly under mitigating the commercial workforce housing impacts.
 - Recommend and identify a permanent funding source to correct past under mitigation and the emerging retirees’ issues.
- The Planned Residential Development (PRD) tool does NOT depend on the node concept to work. So nodes are not connected to the PRD.
- The node concept only should be considered if tied to the use of the to-be-determined Transfer of Development Rights (TDR) tool. Do not include Nodes if you do not link it to the TDR concept.
- Nodes should be much more modest in footprint and housing units. Reduce both.
 - Given a 10-15 year plan – then the total of all receiving areas should be no more than 500-750 housing units as that is all that is foreseeable - especially if the PRD is reduced to 3/35 within the same rural land parcels or 6/35 if ‘exported’ to these receiving areas (nodes).
- Change the word node – every one hates that word - to “Designated Receiving Areas”
 - Still a danger that by identifying these areas - the land itself will by default become more valuable – almost as with an upzone.
- Sending areas should be regional. Simply potential density from Alta or Buffalo Valley should not be exported to South Park or Wilson as an example.
 - If the TDR tool is connected to these designated receiving areas – then in addition to the nodes identified there should be additional areas in Alta and Buffalo Valley as well as Hoback Junction.
 - Again these need to be modest in footprint and scale to COLLECTIVELY only gather a maximum of possible 500-750 transferred development units.
- Designated receiving areas should be fairly spread
 - If reduced dramatically in footprint and dwelling units along with a compatible allowable neighborhood density - plus if clearly used only to receive potential rural density via permanent protected open space achieved WITHIN THEIR REGION – neighbor acceptance is much more likely.
- Make sure ‘phantom densities’ are not transferred.
 - Example is the 9/35 in Game Creek proposed under the Three Ranchers LLC – the topography and water supply issues would likely have never seen development levels occur at those levels yet it was proposed to move these “phantom densities” onto the Lucas and Robinson parcels.
 - Simply you do not want to transfer phantom densities from “swamp land to buildable land”.