



Joint Planning Commission Meeting Agenda Documentation

PREPARATION DATE: October 2, 2009

SUBMITTING DEPARTMENT: Town & County Planning

MEETING DATE: October 8, 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 topics to be addressed at this meeting are as follows:

- Theme 1 – Promote Stewardship of Wildlife and Natural Resources
- Theme 2 – Manage Growth Responsibly

Public Comment on Agenda Items

Public comment received on the Draft Plan generally and Theme 1 since the September 10, 2009 staff report is attached. Public comment received on Theme 2 since the October 1, 2009, staff report is also attached. Staff has previously provided all other public comment on Theme 1 and Theme 2; if you would like an additional copy please let us know.

Planning Commission Comments/Discussion Points

Following are the directives from the County Planning Commission from their June 29, 2009 meeting on Theme 2:

- 10) Rewrite the “Statement of Ideal” for Theme 2 to read: “Manage buildout and the rate of growth based on preservation of the community values of character, wildlife protection and quality of life”.
- 11) Reduce the total potential build-out allowed by the 2009 Plan to the total build-out under the 1994 Regulations without any density bonuses:
 - a) Beyond that base build-out consider: (for the purpose of encouraging conservation easements)
 - i) Limiting the PRD to a maximum bonus of 3 units per 35 acres with these conditions:

- (1) that should the IRS remove the deduction for conservation easements the maximum density will revert to 1/35
 - (2) that there be 85% easement-dedicated open space with a 3X bonus; and
 - ii) Investigating the possibility of enacting a Transfer of Development Rights program aimed at mandating and facilitating the shift of development potential from rural lands to appropriate locations within the town and county. A possible program would mandate clustering at a 1/35 gross density for on-site development and encourage transfer of development rights into appropriate locations by providing a multiplier allowing the conversion of one development right in the Rural zone to 2 or 3 TDR's in a receiving area. Use of these multipliers would be an exception to the capping of buildout at the base densities allowed by the 1994 Regulations.
 - b) Remove all "nodes" from the draft plan. Large areas should not be generally described as appropriate for increased development potential. Areas for increased development potential should be more site specific, but can be located next to existing services and infrastructure if it respects the existing development character of the area.
- 12) Remove all increases in commercial development rights (from the 1994 regulations) and prohibit any and all expansion of the resort zones and the establishment of any new resorts.
- 13) Legislate predictability by removing all incentive-based development mechanisms except for those that encourage conservation easements as discussed in directive 11)a). Workforce housing will not be used to justify zoning changes other than those areas needed to address existing shortages as discussed in Directive 17.
- 14) Set a growth rate cap or a growth management quota system for commercial and residential development and define what historic growth rates have been.

Following are the directives from individual Town of Jackson Planning Commissioners regarding Theme 2:

Theme 2: Manage Growth Responsibly

Overall: REALLY NEED A TRANSPORTATION/COMPLETE STREETS EMPHASIS THROUGHOUT.

- p. 30. Policy 2.1.a. Conservation easements?
- P. 30 Policy 2.1.b. Complete streets mentioned, Hoback not – remove from node discussion or include Hoback consistently.
- P. 33. Policy 2.3.b. First place really talk about conservation easements, but have been contradicted in other places (e.g., if down-zone). NEED TO EDIT FOR CONSISTENCY/LINKAGES.
- P. 34. Policy 2.4.b. Good place to mention GYCC efforts.
- P. 36. Strategy 2.1. Need to reconcile zoning and conservation easements.
- P. 36. Indicators. Include acres in conservation easement.

Stakeholders Advisory Group (STAG) Recommendations

Additional STAG comments specific to the identified County nodes have been added since the October 1, 2009 staff report.

Theme 2 – Manage Growth Responsibly

- The group discussed the viability, practicality, and necessity of a growth rate cap or overall growth cap. Some members of the group felt the market will control the rate of growth and the current rate is manageable. Others felt that triggers, overall caps, 5 year caps, infrastructure triggers, or rate caps are necessary for managing growth. However, concern regarding implementation and a lack of successful examples in other communities was identified in the discussion. The greater

concern is the total number of persons that could be housed in the valley at the expense of diminishing the quality of life. Annual monitoring of the indicators does a good job of providing benchmarks for the community to evaluate.

- The consensus of the group was to leave in incentives/density bonuses for open space and workforce housing where appropriate if they are directly tied to those community benefits; however, there was no agreement on who should pay for this.
- Consensus of the group was that incentives should not be discretionary. They should be performance based. Incentives that are currently discretionary that were specifically discussed were the PMUD, PRD, and AH-PUD development options. There was further discussion of eliminating the PMUD all together or at least amending the tool to reflect the FLUP.
- The group recommended including language about bulk and scale for nonresidential buildings to maintain community character.
- Some of the group suggested that a policy be added in this theme that controlling growth is needed as a part of protecting wildlife, natural resources, and open space; however, others felt that the market would control the rate of growth and the current rate is manageable.
- Members of the group recommended inserting an indicator about the planning process and whether the length of the application process is effective and efficient.

District #9 – Teton Village

- Group discussed balance of additional local convenience commercial with need to complete Hwy 390 infrastructure improvements before additional development.

District #10 – Aspens

- The majority of the group felt that Aspens should remain a node because it has the components of a node today. However, additional development potential should not be allowed until Hwy 390 is redesigned and the transportation impacts of additional development are understood. The Future Land Use Map should be revised to address this change.

District #11 – Wilson

- The majority of the group felt that Wilson should remain a node because it has the components of a node today. However, a more realistic development potential should be developed based on Fish Creek, wetlands, existing CC&Rs, community character, and Highway 22. The Future Land Use Map should be revised to incorporate this additional level of detail.

District #12 – South Park

- The consensus of the group was that this was an appropriate place for expansion of the town development pattern, but no consensus was reached on how much development should occur. Some in the group felt that the increase in density should be similar to the Cottonwood Park area. Some members of the group believed that the whole district should be planned comprehensively. Some believed the district should be broken into a node district (north) and a rural district (south).
- The group recommended a statement about connectivity of pathways and roadways to existing and future neighborhoods. Consensus was reached about highlighting future north-south and east-west thoroughfares in the north half of the district.

Staff Follow Up and Discussion Points

Theme 1 – Stewardship of Wildlife and Natural Resources

Below are the recommendations from the September 10, 2009 meeting that were tabled for voting at a later date due to lack of a Town quorum. All Theme 1 recommendation made to date are attached for the purposes of aiding in the completion of your discussion on the strategies and indicators in Theme 1. Review and finalization of all recommendations made on Theme 1 is scheduled to occur at the October 22, 2009 meeting.

Tabled

Rec. #	Recommendation	Topic	Status	Date
115	Incorporate County recommendation number 9 into Theme 1 where appropriate	Theme 1	Tabled	9/10/2009
116	Elaborate on Environmental Commission's authority to make land use and transportation recommendations	Theme 1	Tabled	9/10/2009
117	Strategy 1.2 third bullet: add word "floodplain"	Theme 1	Tabled	9/10/2009
118	Strategy 1.4 third bullet: start at "Establish requirements..."	Theme 1	Tabled	9/10/2009
119	Indicator 4 should look at all waterways	Theme 1	Tabled	9/10/2009
120	Strategy 1.2: ...Wyoming Game and Fish and "and others"	Theme 1	Tabled	9/10/2009

Theme 2 – Manage Growth Responsibly

At the meeting, Staff will provide a general presentation on Transferable Development Rights (TDR's), Growth Rates and Growth Caps. The presentation will focus on the concepts inherent to each of these tools that are relevant to high level land use planning decisions; however, specific development regulation options will not be presented. The purpose of the presentation is to equip the Planning Commission to discuss whether these tools should be enabled by the Plan and further developed as part of rewriting the Land Development Regulations. Staff will also go through the recommendations made to date on Theme 2 and give a short presentation on its rationale for including the nodes.

In the draft plan the development in Town is mentioned in Theme 2, but the proposed land use policies are contained in Theme 3. The recommendations from Theme 2 relating to Town development will be carried forward for discussion in Theme 3, and the focus of Theme 2 should remain on the County land use pattern.

Please find below a summary of possible Theme 2 discussion points prepared by staff based upon the discussion at the October 1, 2009 meeting.

- The draft plan identifies the following as possible County nodes for increased development potential.
 - Teton Village,
 - the Aspens,
 - Wilson,
 - northern South Park

How should each location be treated moving forward?

- As a node appropriate for increased development potential
- As a node possibly appropriate for increased development potential pending further information or action regarding identified issues

- Removed as a node
 - Other
- For any nodes identified for increased development potential, where should the additional density come from?
 - Density bonuses for affordable housing or nonresidential conversion, with down-zoning in rural areas of the County
 - Direct transfer of units allowed to be otherwise built in rural areas (ie non-contiguous PRD)
 - Density bonuses beyond a direct transfer, for the extinguishing of development rights in rural areas (i.e. TDR)
 - All of the above
 - Other
 - Are there any areas in unincorporated Teton County outside of the identified nodes that should be considered as receiving areas for additional development potential? If so where? And for each location where should the additional density come from?
 - What is the preferred development pattern in unincorporated Teton County outside of the identified nodes or growth areas?
 - Less than 1 unit per 35 acres in rural areas
 - 1 unit per 35 acres everywhere – would include down-zoning NC-SF properties
 - 1 unit per 35 acres in the Rural zone
 - On-site Planned Residential Development (PRD) to gain conservation easements in exchange for additional unit(s) on a 35 acre parcel
 - On-site PRD to gain conservation easements and cluster development on a larger site in exchange for additional units
 - Other
 - Should a Future Land Use Map be included in the Plan?
 - Is redevelopment and infill development in the Town of Jackson preferred over greenfield development in Teton County? If yes, how should this be implemented or encouraged

ATTACHMENTS

- General Public Comment received since 9/4/09
- Theme 1 Public Comment received since 9/4/09
- Theme 2 Public Comment received since 9/25/09
- Theme 1 Recommendations made to date
- Theme 2 Recommendations made to date
- Draft Agenda for October 15, 2009 Meeting

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 October 15, 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 October 15, 2009 at 5:30 pm at the Teton County Board of County Commissioner Chambers.

Jackson/Teton County Comprehensive Plan Update

All Preliminary Recommendations Through 10/1/09

Topic: Theme 1: Promote Stewardship of Wildlife and Natural Resources

Passed Jointly

Rec. #	Recommendation	County	Town	Date	Status
47	Relocate Principle 1.4 and associated strategies and indicators	4 - 0	7 - 0	8/20/2009	Prelim
48	Amend the title of Theme 1 to: "Practice stewardship of wildlife, natural resources, and scenic vistas"	4 - 0	6 - 1	8/20/2009	Prelim
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	Prelim
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	Prelim
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	Prelim
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	Prelim
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	Prelim
58	Policy 1.1.b: Replace "behavioral best practices" with "policy decisions"	4 - 0	5 - 0	8/20/2009	Prelim
71	Leave Policy 1.1.c as is	2 - 1	7 - 0	8/27/2009	Prelim
72	Leave Policy 1.1.d as is	4 - 1	5 - 2	8/27/2009	Prelim
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	Prelim
76	Policy 1.1.g: Do not except any areas from policy	5 - 0	3 - 2	8/27/2009	Prelim
78	Principle 1.2: Change header to "Preserve and enhance water and air quality"	5 - 0	5 - 0	8/27/2009	Prelim
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	Prelim
80	Policy 1.2.b: Strike the word "urban"	5 - 0	4 - 1	8/27/2009	Prelim
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	Prelim
82	Policy 1.2.d: add "vehicle exhaust" to list of exacerbating effects	5 - 0	5 - 0	8/27/2009	Prelim
83	Staff will insert County recommendation 8 into Theme 1 where appropriate	5 - 0	5 - 0	8/27/2009	Prelim

Jackson/Teton County Comprehensive Plan Update

All Preliminary Recommendations Through 10/1/09

Topic: Theme 1: Promote Stewardship of Wildlife and Natural Resources

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	Prelim
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	Prelim
86	1.5.d: add language addressing pedestrian and/or public safety	3 - 1	6 - 0	9/3/2009	Prelim
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	Prelim
91	1.5: add a policy continuing support of a Scenic Resource Overlay for the County	4 - 0	6 - 0	9/3/2009	Prelim
92	1.5: staff will research the addition of Scenic Resource Overlay policies for Town	4 - 0	6 - 0	9/3/2009	Prelim
93	1.6.a: delete the list of places in last sentence	4 - 0	6 - 0	9/3/2009	Prelim
96	1.6.b: prioritize conservation of agricultural use throughout Teton County	4 - 0	5 - 0	9/3/2009	Prelim
97	1.6.c: language should provide incentives for permanent open space	4 - 0	5 - 0	9/3/2009	Prelim
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	Prelim
101	Stronger language in 1.1.g	4 - 0	3 - 2	9/10/2009	Prelim
102	Strengthen 1.1.g language regarding transportation	4 - 0	4 - 1	9/10/2009	Prelim
104	Recommend to electeds that Environmental Commission is established now	4 - 0	3 - 2	9/10/2009	Prelim
106	1.6.a: expand to apply to all parcel sizes	4 - 0	5 - 0	9/10/2009	Prelim
108	Rework 1.7 to clarify staff's intent	4 - 0	5 - 0	9/10/2009	Prelim
109	Look at indicators suggested by public and include in list for elected official review	4 - 0	5 - 0	9/10/2009	Prelim
114	Take "creation" out of 1.7.b	4 - 0	4 - 0	9/10/2009	Prelim

Jackson/Teton County Comprehensive Plan Update

All Preliminary Recommendations Through 10/1/09

Topic: Theme 1: Promote Stewardship of Wildlife and Natural Resources

Passed County

Rec. #	Recommendation	County	Town	Date	Status
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	Prelim
74	Policy 1.1.f: Change "support" to "require"	4 - 1	1 - 6	8/27/2009	Prelim
77	Policy 1.1.g: Change "use best management and design practices" to "implement policy directives"	4 - 1	2 - 2	8/27/2009	Prelim
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	Prelim
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	Prelim
103	Include all appropriate Game and Fish language into document	4 - 0	2 - 3	9/10/2009	Prelim
105	Add a policy/strategy creating a public funding source for the acquisition of conservation easements and/or open space	3 - 1	2 - 3	9/10/2009	Prelim

Passed Town

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

Failed Jointly

Rec. #	Recommendation	County	Town	Date	Status
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	Prelim
110	Make Conservation of Open Space its own principle	2 - 2	2 - 3	9/10/2009	Prelim

Jackson/Teton County Comprehensive Plan Update

All Preliminary Recommendations Through 10/1/09

Topic: Theme 1: Promote Stewardship of Wildlife and Natural Resources

113	Add a strategy: creation of an additional Wildlife Stewardship Plan under the direction of the Environmental Commission to detail implementation of Principle 1.1	2 - 2	1 - 4	9/10/2009	Prelim
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Jackson/Teton County Comprehensive Plan Update
All Preliminary Recommendations Through 10/1/09
Topic: Theme 2: Manage Growth Responsibly

Passed Jointly

Rec. #	Recommendation	County	Town	Date	Status
121	Limit development in the County to current base (by right) zoning with allowance for as yet to be determined incentives for conservation easements through acquisition and the use of PRDs and TDRs	4 - 1	3 - 1	9/24/2009	Prelim
124	There should be density bonuses for community values	5 - 0	6 - 0	10/1/2009	Prelim
125	There should be density bonuses to incentivize conservation easements for wildlife habitat	5 - 0	6 - 1	10/1/2009	Prelim
126	There should be density bonuses to incentivize conservation easements to protect scenic resources	5 - 0	7 - 0	10/1/2009	Prelim
127	There should be density bonuses to incentivize conversion of nonresidential use into residential use	4 - 1	7 - 0	10/1/2009	Prelim
129	There should be density bonuses for the provision of affordable housing	4 - 1	5 - 2	10/1/2009	Prelim
130	Density bonuses should be performance based incentives	5 - 0	7 - 0	10/1/2009	Prelim
132	The concept of regionalism should be considered in the Plan pertaining to the impacts our decisions have on transportation, natural resources (air, water, wildlife), workforce housing, and waste management in the greater region	5 - 0	6 - 0	10/1/2009	Prelim

Passed Teton County

Rec. #	Recommendation	County	Town	Date	Status
123	Determine an end state buildout and implement it through a defined land use plan	3 - 2	0 - 7	10/1/2009	Prelim
133	As a concept, include a rate of growth cap in the Plan	3 - 2	0 - 6	10/1/2009	Prelim

Passed Town of Jackson

Rec. #	Recommendation	County	Town	Date	Status
122	Create a predictable land use plan based on community values with buildout numbers compiled to determine consistency between community goals and land use policies	2 - 3	7 - 0	10/1/2009	Prelim
131	Density bonuses should be discretionary incentives	1 - 4	4 - 3	10/1/2009	Prelim

Failed Jointly

Rec. #	Recommendation	County	Town	Date	Status
128	There should be density bonuses for the provision of workforce housing	2 - 3	3 - 4	10/1/2009	Prelim
134	As a concept, include a cumulative growth cap in the Plan	2 - 3	0 - 6	10/1/2009	Prelim

AGENDA
JACKSON PLANNING AND ZONING COMMISSION
TETON COUNTY PLANNING COMMISSION
OCTOBER 15, 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

1. Draft Comprehensive Plan Discussion/Recommendations
 - o County Accessory Residential Unit presentation by staff
 - o Theme 2 – Manage Growth Responsibly

NEW BUSINESS

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