



Joint Planning Commission Meeting Agenda Documentation

PREPARATION DATE: October 15, 2009 **SUBMITTING DEPARTMENT:** Town & County Planning
MEETING DATE: October 22, 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:

- o Theme 2 – Manage Growth Responsibly

Public Comment on Agenda Items

Public comment received on Theme 2 since the October 15, 2009, staff report is also attached. Staff has previously provided all other public comment on 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

Please find below a list of possible Theme 2 discussion points prepared by staff based upon the discussion at the October 15, 2009 meeting.

- What is the preferred development pattern in unincorporated Teton County outside of any identified nodes where the primary goal is open space and natural habitat preservation?

- Less than 1 unit per 35 acres in rural areas
 - 1 unit per 35 acres everywhere – would include down-zoning NC-SF and SR properties
 - 1 unit per 35 acres in the Rural zone and leave NC-SF and SR properties at current levels
 - 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 the concept of a node(s) be retained in the plan as defined below?
 - A node as currently used in the draft plan is an area identified for increased residential density above that which is currently allowed to achieve the following:
 - Workforce housing
 - Transportation goals by reducing vehicle trips by creating a land use pattern that allows a shift to alternative modes of transportation (walking, biking) and supports a public transportation system between a node and other areas
 - Local convenience commercial
 - Efficient use of public utilities primarily sewer and water
 - Off site conservation easements
 - 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;
 - A stable district with no additional development potential; not a node
 - Other
- For any nodes identified for increased development potential, how should the additional density be achieved?
 - Upzone nodes,
 - Upzone nodes and downzone rural areas with no direct transfer,
 - Density bonuses for affordable housing or nonresidential conversion,
 - Density bonuses for affordable housing or nonresidential conversion, with down-zoning in rural areas,
 - 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); removed in Recommendation #144~~
 - All of the above
 - Other
 - Are there any areas in unincorporated Teton County outside of any identified nodes that should be considered as areas for additional development potential? If so where? And for each location how should the additional density be achieved?

- 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
- Should residential ARUs be allowed in the unincorporated County?
 - At all
 - As guesthouses only
 - As rentals
 - As both

If so where?

- Everywhere
 - Outside NRO
 - Only in Nodes
 - Other
- How should ARUs be considered in buildout calculations for the unincorporated County?
 - As base residential units?
 - As incentive units for workforce housing?
 - As a separate entity?
 - Other

In the draft Plan locating development in Town is mentioned in Theme 2, but the proposed land use policies for Town are contained in Theme 3. Discussions of the specific location and amount of development in Town can be deferred to review of Theme 3. The Theme 2 discussion of Town can be limited to the general concept of whether it is an appropriate place for growth.

ATTACHMENTS

- Theme 2 Public Comment received since 10/9/09
- Theme 2 Recommendations made to date
- Draft Agenda for October 29, 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 29, 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 29, 2009 at 5:30 pm at the Teton County Board of County Commissioner Chambers.

**Jackson/Teton County Comprehensive Plan Update
Joint Planning Commission Recommendations Through 10/16/2009**

Topic Theme 2: Manage Growth Responsibly

Approved Jointly

Rec.	Recommendation	Count	Town	Date
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	10/24/2009
124	There should be density bonuses for community values	5-0	6-0	10/1/2009
125	There should be density bonuses to incentivize conservation easements for wildlife habitat	5-0	6-1	10/1/2009
126	There should be density bonuses to incentivize conservation easements to protect scenic resources	5-0	7-0	10/1/2009
127	There should be density bonuses to incentivize conversion of nonresidential use into residential use	4-1	7-0	10/1/2009
129	There should be density bonuses for the provision of affordable housing	4-1	5-2	10/1/2009
130	Density bonuses should be performance based incentives	5-0	7-0	10/1/2009
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
145	Wilson shall retain its existing base zoning	3-0	2-0	10/15/2009

Approved Teton County

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

Approved Town of Jackson

Rec.	Recommendation	Count	Town	Date
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

**Jackson/Teton County Comprehensive Plan Update
 Joint Planning Commission Recommendations Through 10/16/2009**

131	Density bonuses should be discretionary incentives	1-4	4-3	0/1/2009
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Failed Jointly

Rec.	Recommendation	Count	Town	Date
128	There should be density bonuses for the provision of workforce housing	2-3	3-4	0/1/2009
134	As a concept, include a cumulative growth cap in the Plan	2-3	0-6	0/1/2009
144	Are TDR's a viable option to include in the plan?	2-2	1-4	1/15/2009

Dear Planners, Town and County Commissioners,

October 13,2009

As Theme Two approaches its final analysis, it has become quite clear that we as a community have the answers right here in front of us. For far too long we have made, and are continuing to make, this Comp Plan process far too complicated.

Community opinion has been surveyed, studied, calculated and recalculated. The answer is always the same; limited growth and wildlife protection are our priorities. At no time have we expressed interest in increased footprints or density build out. I keep asking the question who is driving this build out? Who will actually benefit from more congestion in the Valley? The quick answer might be developers, retailers and large land owners ready to sell family holdings, but 20 years from now what will our town look like? We will be Anytown, USA. We will be left without the precious qualities that bring thousands of tourists and pleasure seekers to our beautiful town.

To date, the town planners and elected officials have done an incredible job with solid solutions for supply and demand of services, schools, utilities, and medical care. There will always be a continuum for revising and upgrading infrastructure, but to continue to expand a small town and deplete its natural beauty makes no sense.

This brings up the Comp Plan buzz word, "node". By labeling Comp Plan's expanded development ideas as nodes, it will not make us "swallow the pill" easier. Nodes constitute a sterile pattern of development which produces anti-community behaviors. Nodes establish segmentation of a community by their design, forcing the surroundings to be self contained, thereby limiting social interaction. Nodes do not encourage public transportation or shared services. Nodes are a big town design strategy, not a small family oriented community vision. Furthermore, current proposed nodes are aggressive in some areas, non existent in others, establishing an unfair burden of commercial services, traffic, and density in these targeted nodes. Just because there is available land to build does not make it a responsible decision. The few "blank slates" we have left in this Valley need to be held in the highest of regard for quality design, not quantity. Any limited growth patterns should be shared equally and dispersed among the communities of Jackson so as not to alter established scenic value. The idea of trading densities, phantoms, or easements for wildlife in order to surpass established buildout numbers is unacceptable.

The only "node" which should be considered for further development would be our Town of Jackson, to include accessible public transportation. This effort will bring us together as a community for enhanced work opportunities, shopping and entertainment. The outcomes would build life long opportunities for a continued small town atmosphere of cooperation and support, while exciting the tourist market. Our town could incorporate pedestrian friendly shopping and restaurants in cohort with business settings. Upgrading public transportation could bring both public and visitors alike to all parts of the Valley. We could build a lifestyle for other communities to admire much beyond LED light bulbs and sidewalk upgrades. Now this is a pill that is easy to swallow.

Thank you,
Linda Aurelio

Indian Spring Ranch

Alex Norton

Subject: Draft Comprehensive Plan

From: LeonGCampbell

Sent: Tuesday, October 13, 2009 3:03 PM

Commissioners:

Let me first congratulate you all on the cooperative and scrupulous way in which you are addressing issues in the current draft Comprehensive Plan as well as the extensive public input you have received on same. Your efforts will result in Jackson Hole remaining the unique place that it has always been.

The community has spoken very clearly of its desire to limit future growth and to effect policies that protect wildlife and open space. The question is how to implement these two preeminent values.

In general there seems to be a consensus that future development be limited to that allowed under the 1994 Plan, but even here the issue of accessory residential units (ARUs) may cause actual buildout numbers to be modified. Zoning and land use planning tools ought also to be specified so that unintended consequences do not stem from approved policies.

The issues of density bonuses, transfer of development rights and the concept of "nodes" are particularly critical to assure that policy is not frustrated by planning tools. One cannot deny that Jackson, like virtually every municipality, contains a plethora of special interests, each of which construes what is allowable in terms most closely aligned with their own interests. Your job is to approve a Plan that conforms most closely with the majority opinions expressed to you.

I would recommend that the concept of "nodes" be stricken from the Plan since the three areas specified (Aspens, Wilson, South Park) should not be singled out for high density housing. Each area wishes to have development transferred to another node and does not wish to accept densities from unaffected areas. Similarly, density bonuses which "promote community goals" are dangerous in that they are vague and subject to abuse.. The only clear mandate emerging from throughout the county is: limit growth, preserve open space and foster habitat connectivity. Policy needs to conform to these values above all. The community is opposed to the nodal concept and the upzoning recommended by Planning staff.

Some will say that limiting growth will not work. Yet this is the only way to protect the Jackson Hole that the community wishes to preserve. The task force of local residents which has proposed new buildout numbers can be seen as representative of the community and provide Commissioners with a balanced view that both protects future growth while accommodating the values Jackson residents hold dear.

I think it may be fortuitous that Commissioners are making these critical decisions in the middle of a recession. Recessions force individuals to make decisions by focusing on the difference between needs and wishes. Growth is not inherently good or bad, but it can only proceed if infrastructure and social systems are in place. As economies contract, allowable growth should be reduced; as they expand growth should expand if it sustainable. So too the concept of nodes can be useful if they address shifting growth patterns rather than specifying mandated areas of new growth.. When they are used to impose growth on certain areas, at the expense of open space and habitat preservation they will encounter strong opposition.

The Plan should not impose 'workforce housing' on any area. Jackson currently undermitigates the commercial workforce housing impacts and thereby adds to the jobs/housing imbalance. The Plan cannot be designed to mitigate needs that are exponentially growing without trampling on the majority views concerning wildlife and open space. This problem must be addressed outside of the Comprehensive Plan--and soon.

In conclusion, I applaud the Commissioners' efforts to put in place guidelines that honor community ideals and tools that assure their preeminence. A balanced and flexible Plan that treats each area of Jackson Hole equitably and promotes sensible compromises on the basis of future realities will be your real legacy to the Jackson Hole community.

Thank you for your kind consideration of the above thoughts.

Respectfully,

Leon G. Campbell
3040 S. Cody Creek Drive
Jackson

October 12, 2009

To the Teton County Commissioners and the Joint Planning Commissioners:

As an early advocate and proponent of Traditional Neighborhood development and the New Urbanism, I have seen the erosion and pre-emption of those values in the hands of profit-motivated developers across the country.

Instead of looking at the ways in which small towns, villages, and communities have grown organically to nurture a pedestrian-friendly, neighborly, sustainable way of life, developers in America have turned front porches into a sales gimmick, exploited density as a way to increase profits, and insisted on a fast turnover so they can move on to the next county, or the next state.

As elected and appointed officials, I suggest that it is your duty and your right to take the long-term view, and to look out for the interests of the people who elected you. Time and again we have spoken out loud and clear in favor of the quieter, traditional values. Wildlife, a sense of community and family, and sustainable long-term neighborhood stability – these are fundamental to the Big View of life in our valley.

Giant holes in the ground, unaffordable, un-rentable office space, more and more transient population – this is what comes along with the kind of high-density, commercially-based growth pattern that is being proposed under the guise of a New Comprehensive Plan. To be blunt about it, profit-motivated density increases fly in the face of community values and neighborhood stability.

The very word “node” connotes an extreme degree of density. By targeting certain areas around the county as “nodes”, you are virtually guaranteeing that they will get built up much more quickly and at a much greater density than if you just leave it alone and allow basic neighborhood services to fill in under the existing limitations.

High Density encourages increased population. No two ways about it. It is not a solution! It exacerbates the problem it attempts to solve.

JUST SAY ‘NO’ TO ALL NODES, and please try to think about future community and wildlife values, not profit-motivated short-term commercial exploitation, as you work through the complexities (and the long hours) of creating a New Vision for our future. And on a personal note, we here in Wilson are horrified by what will happen if you continue to designate Wilson as a Node. Please remove that word from the draft.

Your very appreciative neighbor to the west,

-Peter Pilafian
-Wilson, WY

10/15/09

GROWTH MANAGEMENT AND THE COMPREHENSIVE PLAN

WE NEED TO RESIST THE IDEA OF USING SOUTH PARK AS A NODE. WE NEED TO SAY NO TO NODES ALL TOGETHER AND PROVIDE HOMES IN THE ALREADY DEVELOPED AREAS THAT PRODUCE THE NEED FOR HOUSING WHICH WOULD BE IN TOWN AND THE VILLAGE. USING SOUTH PARK AS A RECEIVING AREA FOR PHANTOM DENSITY FROM ALTA, BUFFALO AND OTHER OUTLYING AREAS IS UNFAIR TO THE RESIDENTS OF WEST JACKSON AND ESPECIALLY AROUND HIGH SCHOOL ROAD. WE GET NOTHING IN RETURN EXCEPT MORE GROWTH AND TRAFFIC PROBLEMS. THIS DOES NOT SOLVE THE TRAFFIC PROBLEMS! IT WILL ONLY MAKE THEM WORSE! ANY NEW RESIDENTS FROM A DENSE NODE IN NORTHERN SOUTH PARK ON HIGH SCHOOL ROAD WILL STILL NEED TO TRAVEL TO GET TO THEIR JOBS IN TOWN AND THE VILLAGE. THIS WILL ONLY EXACERBATE THE PROBLEMS ON HIGH SCHOOL ROAD AND AT THE Y INTERSECTION. HOUSING SHOULD BE PLACED WHERE THE JOBS ARE GENERATED! WE CAN NOT CREATE MORE BEDROOM COMMUNITIES AND OPEN UP SOUTH PARK TO DEVELOPERS. WE NEED TO ADDRESS THE GROWTH PROBLEM DRIVEN BY COMMERCIAL AND UNNEEDED RESIDENTIAL DEVELOPMENT AND RESIST LOOP HOLE INFESTED DENSITY BONUS TOOLS. KEEP THE PRESENT DEVELOPMENT RIGHTS BASE NUMBER OR EVEN LOWER THEM AND SOUTH PARK MUST BE TAKEN OUT OF THE DEVELOPMENT SHELL GAME OR THE HUMAN WANTS FRENZY WILL NEVER END! WE NEED TO TAKE CARE OF THE RESIDENTS WE HAVE; NOT THE UNFORESEEN TRANSIENT RESIDENTS CREATED BY COMMERCIAL AND UNNEEDED RESIDENTIAL DEVELOPMENT.

PLEASE LET US BE HEARD AND RESPECTED. TO SAY WE HAVE IT WRONG IS PUTTING YOUR HEAD IN THE SAND. THERE WILL BE NO CHANCE OF SAVING SOUTH PARK AND ULTIMATELY THE VALLEY IF YOU DON'T TAKE BIG AND SWEEPING ACTION NOW. BABY STEPS WON'T DO. THIS IS NOT ABOUT NEIGHBORHOOD AGAINST NEIGHBORHOOD. IT IS ABOUT WILDLIFE AND OPEN SPACES COMPETING WITH UNCAPPED AND EXCESSIVE GROWTH. WE NEED TO THINK HUMAN NEEDS VS. HUMAN WANTS AND NOT NAIVELY LUMP THE TWO TOGETHER UNDER HUMAN NEEDS. HUMAN WANTS HAS NO ROOM FOR WILDLIFE AND OPEN SPACES. HUMAN NEEDS INCLUDES PROTECTION OF ALL WILDLIFE, OPEN SPACES AND FAMILY NEIGHBORHOODS NOT JUST FOR A SELECTED AND LUCKY FEW. THIS IN TURN CREATES A MODEL SCENIC AND HEALTHY GATEWAY COMMUNITY THAT WE ALL CAN BE PROUD OF, FAR INTO OUR CHILDREN'S AND THEIR CHILDREN'S FUTURE!

SINCERELY, KATHY TOMPKINS