



February 15, 2010

Planning Commissions - Teton County and Town of Jackson
RE: Theme Two Rewrite released in January 2010
Submitted via email to Alex Norton

Dear commissioners,

On behalf of the members of the Jackson Hole Conservation Alliance, we would like to submit the following comments regarding Theme Two discussions scheduled for the February 18 hearing. Thank you for your hard work throughout this process.

We greatly appreciate the efforts to bring this chapter more into alignment with community sentiment and long-term vision. The rewrite's new language considerably reflects this shift in many instances, which puts the overall vision for future growth much more on track. However, in many cases, it will be essential to clarify some inconsistencies among different policies. Overall, the key inconsistency centers on the incorporation of both 1) new language regarding the impacts of "additive growth" and the general importance of addressing the amount of growth, and 2) policies that suggest open-ended, unpredictable buildout levels based on the potential for use of discretionary tools. Below is a brief summary of the key points of improvement from the earlier (April 2009) Theme Two chapter as well as several questions or concerns regarding some of the new policy language.

It is our understanding that your review of this chapter will primarily focus on whether staff has correctly interpreted previous planning commission votes on Theme Two, rather than reconsideration of the theme's policies. With this in mind, our comments are framed in a different format than for the Theme One rewrite, where we recommended voting actions. That said, there are a number of issues specific to Theme Two that we feel should be discussed and addressed prior to your final review of the entire plan, which we will briefly mention as part of these comments.

At a broad level, below are key areas in which the rewrite improved the earlier draft:

- Emphasis on the importance of overall development potential (not just development location) as it relates to other priorities in the plan, particularly with regard to the role of cumulative impacts of growth on the ecosystem;
- Increased emphasis on the importance of permanent conservation;
- The reincorporation of the protection of rural character, which is a fundamental principle of the 1994 Plan;
- The removal of the concept of county nodes as areas appropriate for town-level densities;
- Increased emphasis on the use of data to inform decision-making (ex. Buildout Task Force).

At a broad level, below are key issues that remain a concern to the Conservation Alliance:

- Lack of policies that emphasize or even reference the importance of managing the fiscal costs of growth and that future expansions must pay their way;
- Lack of policies that emphasize the importance of slow growth and the potential use of a growth rate regulatory mechanism;

- Lack of clear policies describing preferred community character, which affects the overall goal of predictability;
- Potential policy inconsistencies, such as capping of commercial development rights versus expansion of light industry;
- Lack of clear direction for recommended implementation strategies (including potential allowances associated with tools such as the planned residential development tool);
- Growth management should be directed based on an understanding of “effective population” – which includes permanent residents, seasonal residents, seasonal workers and tourists.

Below are brief comments associated with inconsistencies and places for clarification with regard to new language in specific sections, principles and policies of this chapter:

Why is this theme addressed?

This section does a much better job describing community vision related to growth management. With respect to the end of paragraph two of this section, it would be helpful to recognize that we already have *considerable* “existing development potential” as we move forward. This would provide a better and more realistic context of what “limiting growth” actually means in the new plan. Considerable potential, beyond what is seen on the ground today, is still proposed, and many would argue that “small town, rural character” will be challenging to preserve given the amount of development allowable under base allowances.

Principle 2.1 The Town of Jackson is the only appropriate location for future residential density increases

In the second sentence, the use of the word “overall rural character” would be more appropriate than “neighborhoods” and “density increases in some areas of Town” would be more appropriate than “density increases in Town.”

Policy 2.1a Limit base development rights to those allowed today

The specific language of this policy needs to be clarified. “Base residential development potential,” as outlined by the Buildout Task Force will need to be clarified in terms of the assumptions associated with the planned residential development tool. Also, statements such as “density increases” in relation to statements such as “additive growth will not be permitted” need to be clarified.

Policy 2.1b Preserve Existing County Neighborhoods

Regarding the second sentence, it is important to recognize that impacts of additional development potential in the county are not restricted to impacts on neighborhood character alone. These impacts also extend to wildlife, energy, and transportation-related issues, which should also be described.

Policy 2.1c Allow residential density bonuses in order to conserve open space

Regarding the intention to encourage a shift of development relating to density bonuses “adjacent to existing development” versus not promoting a transferable development rights program should be further clarified.

Policy 2.1d Allow additional residential units in exchange for allowed commercial floor area in Town

This policy, as it relates to capping residential development at base allowances, needs to be clarified. This policy should be clear about the conditions under which additional residential units are allowed as well as about the intentions of the allowances.

Policy 2.1e Allow development of County residential potential in Town

The statement “allow residential units to be built in Town that could otherwise have been built in the

County” should be further clarified. This relates to both the definition of a “commensurate decrease” as well as recent discussions regarding future conservation easements and how their associated “removed” development potential could be interpreted in this policy. In many cases, donors desire an extinguishment of rights, not a formal or informal transfer of these rights.

Policy 2.1f Promote infill and development in Town over development in the County

The language of the end of the last sentence “in all situations where possible” makes the intent unnecessarily open-ended.

Principle 2.2 Local convenience commercial and light industry are the most appropriate types of future nonresidential development

The language in this principle is unclear particularly given its strong assumptions (such as additional local convenience commercial is needed to preserve the small town community character). Interpretations of statements such as these could vary widely, which removes some of the predictability the community wants from the new plan. As for future nonresidential development, it is important to note that future types of development are already heavily targeted to resort-related projects.

Policy 2.2a Maintain nonresidential development potential allowed today; Policy 2.2b Promote light industry

In these two policies it should be clarified whether the additional potential is additive commercial development, or whether it must be included within the overall existing base allowance, particularly as it relates to permitting exceptions “as otherwise allowed in this principle.”

Policy 2.2d Encourage local convenience commercial in appropriate areas

Given the range of contexts this policy could be applied to, caution should be used with such concise statements. For example, there are a number of places where additional commercial development would not be appropriate, even if this development type does not “exist within walking distance;” additional description of criteria of “appropriate areas” would be essential. Only very high-density residential areas would support the extent of convenience commercial this policy suggests. This policy does not provide a narrow enough window for where it should be promoted. (Should this concept be introduced and discussed at the neighborhood planning level?)

Principle 2.3 Conservation and development will occur in a predictable pattern with a predictable character

The addition of “with a predictable character” is a fundamental improvement over the April 2009 draft. An expansion of this should include what the public has consistently expressed regarding not only the importance of predictable development locations, but also the importance of a predictable amount.

Policy 2.3a Maintain rural character in the unincorporated County

The reinstatement of the importance of rural character, including a discussion of the natural and built environments, is an important step in the right direction, and one that promotes a consistency with one of the 1994’s Plan most clear and strong directions. Given the community’s emphasis on open spaces and the natural environment, this is a critical policy to maintain.

Policy 2.3e Limit discretion in land use decisions

The language “discretionary tools will be limited” is weak and unclear. Given that the overall goal of this new process is to increase predictability, it is critical that this new plan clearly identify the role of regulations and incentives (and not include vague language). Highly unpredictable, discretionary tools should not be used in the future. Strategy 2.1 should be reconciled with this policy.

Strategies and Indicators

It would be ideal to work with designated technical committees or task forces on each of the chapter’s “Indicators” sections to ensure that these are the most beneficial and feasible factors to measure. We appreciate the effort to establish a baseline column, or measurable starting point. We still believe that some

of the goals should be reworked in addition to incorporating more baseline data. For example, “consistent with historical trends” is not the best indicator for growth rates by jurisdiction.

Again, we appreciate all of the hard work of the commissioners and the planning staffs on the review and rewriting of this theme. Many of the changes made within the document are reflective of community sentiment; while this is not yet a final product, and many inconsistencies and vague language must be clarified and existing data and information still needs to be better incorporated, this rewrite represents a step in a positive direction. As we work towards a successful completion to this planning process - a community plan that is an improvement over the 1994 Plan - we would like to thank you for your dedication and thoughtfulness.

Sincerely,



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Community Planning Director



Becky Tillson
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