

February 18, 2011

To: Teton Board of County Commissioners
CC: Susan Johnson
Re: Dev 2010-011 – Wilson Commercial Mixed Use Project Final Development Plan
Submitted via email

Dear Commissioners,

On behalf of the Jackson Hole Conservation Alliance, following are some brief comments regarding the proposed Wilson Commercial Mixed Use Project Final Development Plan. Given our interest in promoting responsible land stewardship and predictable land development regulations, and based on information gained from discussions during the planning commission hearings, we would like to raise some concerns and questions with the proposal.

In general, we ask you to consider the community's intentions for future development in Wilson, the strong values placed on wildlife and small town character, and the undesired precedents that this development could set for future requests within this particular zoning district. In the comments that follow, we describe these considerations more specifically, and we propose some solutions for the future.

If you make the findings to approve this project, we request that you:

- 1) **require a strict phasing plan** – enforcing that the project be developed as a single development, with the residential components being allowed only in the case that the commercial components are also built, and
- 2) **take immediate steps to fix the land development regulations so that the uncertainties that this application has brought forward are eliminated in the case of future requests.** Specifically, in terms of immediate steps, we recommend that you repeal the amendment that went into effect in July 2010 to allow townhouse units to be platted in the WC district. (The applicant for this project initiated that amendment request.) In the long term, as part of the ongoing comprehensive planning process, we recommend that you revisit to what extent the WC regulations represent the community's vision for Wilson, and that you work toward adopting regulations that are most consistent with that vision.

Background

Requirement of a Strict Phasing Plan

Given the language and intent of the Wilson Commercial Zoning District regulations, it could be interpreted that projects should be required to be developed "as a single development." Specifically, Section 2560 A.1.(f) **Developments in more than one zoning district** states: "Where land is in the WC District and other zoning districts, the land may be designed **and** developed as a single development [*emphasis added*]." Given that the development falls under this category of being "in more than one zoning district" and that the WC zoning designation on a portion of the property is the enabler for permitting an overall greater number of residential units in the development, the intent and language of this section is very important to understand. Could this language be further clarified? Particularly given the use of the word "and," it appears that the regulations are suggesting that in the case the property is in more than one zoning district, the project should not just be designed as a single development, but also developed as a single development. For this reason, at a minimum, a strict phasing plan should be required. Otherwise, it would set a bad precedent for future requests of the zoning district.

Natural Resources

The need to place wildlife and natural resources as the community's top priority has been made clear. While we recognize that a significant portion of the property has already been heavily impacted, we also recognize that in general, wetlands and lands south of Highway 22 in Wilson, including those adjacent to this property, include sensitive habitat for a number of wildlife species. This project, which is enabled by the WC zoning district

designation on part of the property, demonstrates a shift to higher density (in terms of unit numbers) than, a) what would have been allowed with the underlying Neighborhood Conservation-Single Family zoning, and b) than what currently exists in this area south of the highway. In turn, this would put more residential units in close proximity to lands farther south, which are used by wildlife. With regard to planning for future development in Wilson, and given the strong values placed on wildlife and small town character, this effect was not likely envisioned as desirable.

Next Steps

We recognize that the appropriate time to discuss what future development in Wilson will look like - including the type and overall amount - is during the ongoing comprehensive plan review. We look forward to participating in those discussions. However, in the meantime, we believe it is essential that every action possible is taken to ensure that our land development regulations uphold the community's intentions for future development.

Thank you for your consideration of our comments.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kristy Bruner", followed by a horizontal line extending to the right.

Kristy Bruner
Community Planning Director