



January 8, 2009

Jackson Town Council
cc: Tyler Sinclair, Planning Director
Jackson Planning Commission
Re: Planned Mixed-Use Development Tool
Submitted Electronically

Dear Mayor and Council Members:

On behalf of the Board and members of the Jackson Hole Conservation Alliance, we would like to submit some follow-up comments regarding a request we made approximately seven months ago for a moratorium on all development plans for the planned mixed-use development (PMD). While we appreciate the discussions that have occurred since this request, as well as the very thorough work prepared by staff, we still have major concerns with the Town's progress. **As we stated in our initial request on June 2, 2008, we believed, and still believe, that a temporary action to pause the review of PMD applications would give staff, elected officials, and the community-at-large an opportunity to focus on the Comp Plan update underway in a more comprehensive and effective manner. For this reason, we ask that you reconsider a temporary pause in the review of PMD applications until the larger planning process is complete. Through this process, our community can evaluate the role of the PMD tool in future Town land use planning.**

Background

While our request appeared to be misinterpreted by some as an attempt to eliminate the PMD tool in its entirety (as evidenced by much of the discussion throughout several workshops), we specifically called for a moratorium, which by definition is a temporary (not permanent) action. Such temporary actions are common during comprehensive plan revisions for a number of reasons, including easing pressure from "under the wire" developments that can push the limits on what is "allowed" under existing land development regulations. Risks can particularly come into play in the case of excessively subjective review processes that include density-option tools, such as the PMD. Given this subjectivity, the PMD, not surprisingly, has become the choice tool for applicants.

The following discussion is the primary basis for our current request for reconsideration:

Pace & Content of Discussion

- **Given that the PMD tool is flawed, and therefore that our land development regulations do not effectively implement community vision (either based on our current Comprehensive Plan or on recent public comment), why is the Town not undertaking more substantial, prompt efforts to halt the use of PMD regulations?** Even though councilors have agreed, to varying degrees, that the PMD tool is flawed, there still appears to be support to continue review of applications under the PMD tool's

existing development standards in the “meantime.” This “meantime” has become excessively lengthy.

After many postponed workshops to discuss the PMD tool, the nature of the December 29 workshop further suggested a stall of this discussion. Examples from the workshop include: 1) the staff-prepared presentation to facilitate a formal and comprehensive review of key issues was directed to not be given, and 2) no specific direction was given to schedule a workshop in a timely manner (in order to expedite the drafting of text amendments for the public review process). **Overall, while we appreciate and recognize the Council’s intent to hold another workshop to discuss the PMD tool in the future, we question the apparent lack of urgency and prioritization in fixing this flawed tool.**

- Community issues of great concern have not been prioritized. For example, some changes have been discussed, such as the need to remove bonus criteria, but the associated and very relevant issues (such as appropriate dimensional limitations) were not addressed. We recognize the complexity of discussing the key issues of the PMD tool, particularly as density-option tools, such as the PMD, relate to by-right zoning. This complexity provides a greater basis to enact a moratorium, which would allow a more comprehensive discussion on Town planning issues as part of the Update process. In general, more attention should be given to making sure that not only is this tool more predictable, but that it is actually more appropriate and consistent with community vision and interests, specifically the Comprehensive Plan and other land development regulations. Discussion to date has missed the mark on some key issues, such as character sensitivity.

Continued Approvals with Negative Community Impacts

- Our community should not be in the position to have to accept developments that provide no net community benefit because our “regulations” prohibit decision-makers from demanding more in the application process. In recent hearings, commissioners and elected officials have implied that they want more from applicants but don’t feel they can expect or demand more because “it’s not in the regulations that are on the books today.” Why can applicants “ask for more” (for example, deviation from our land development regulations, as permitted by the PMD tool) when our elected officials, cannot “ask for more” in terms of substantial community benefits? In the case of the PMD, where regulations are poorly written and the “flexibility” is largely afforded to one side, an inherent imbalance in the review process results. To date, **the PMD tool facilitates the permitting of developments that carry greater costs than benefits to our community. This is unacceptable, regardless if a “replacement tool” is absent. Steps should be taken to remedy the situation so that fair, character-sensitive and fiscally responsible developments in Town are directed by the land development regulations. In short, if developments are not character-sensitive, fair to the public, and consistent with comprehensive regulations, they shouldn’t be approved.**

Intentions & Consequences

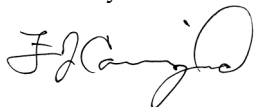
Overall, we appreciate the good intentions on the part of some to encourage “smart growth” in town, but we strongly disagree that the PMD tool supports the implementation of smart growth. Here are a few of the reasons why:

- A linkage to protect habitat and open spaces in return for “going up” (as encouraged by the PMD tool) is **absent**. These developments do not lessen pressure in outlying areas; there are no “tradeoffs.”
- The types of “mixed-use” permitted by the PMD do not work to alleviate sprawl, particularly given the far deficient requirements for workforce housing that accompany accelerated commercial development. Because the housing requirements are minimal, and often the overall employee generation is increased, a “net” gain in retaining overall workforce close to the workplace is not achieved.
- The PMD tool has largely resulted in high-end short-term lodging and luxury owner units that do not contribute substantially to the community, except in terms of tax dollars. As a result, the PMD tool falls short in implementing the community goal of “community first, resort second.” Also, costs of services and impacts to the community are rarely considered, and certainly not comprehensively, which gives a false understanding of the net impact on the community.
- Given the tremendous increase in development potential afforded by the PMD tool, (particularly without a commensurate reduction in development potential in other areas), traffic and parking problems are likely to worsen, not improve.
- The PMD regulations (particularly as currently stretched) encourage the degradation of character upon which our current Comprehensive Plan is based, most directly violating Chapters 3, 6 and 8. Views of surrounding mountains will be blocked; shadows will be increasingly cast over streets (which brings a number of issues, such as increased ice and higher maintenance costs); and the quality of life for residents and the quality of experience for visitors will be lessened.

In summary, while we recognize the economic challenges that have surfaced over the last year, we encourage you to take the necessary step to put on hold the use of the PMD tool that works against our community in the long term. While it can be tempting to base decisions on short-term benefits, it is far more fiscally responsible to weigh the long-term impacts of decisions. The recession will end; the wrong decisions will last forever.

With a moratorium in place during the comprehensive planning process, we can more effectively review if and how the PMD tool can be modified to achieve community goals. Thank you for your time and consideration.

Sincerely,



Franz Camenzind
Executive Director



Kristy Bruner
Community Planning Director