

May 28, 2010

Town of Jackson & Teton County Planning Commissions

cc: Alex Norton

Re: May 2010 Draft – “Themes and Policies” section of the Jackson/Teton County Comprehensive Plan
Submitted via email to Alex Norton

Dear Commissioners,

On behalf of the Jackson Hole Conservation Alliance, thank you for the opportunity to comment on the May 2010 draft of the “Themes and Policies” section of the Jackson/Teton County Comprehensive Plan. **We really appreciate your hours and hours of time over the last year to improve the plan; in numerous ways, the new draft represents a significant improvement over the April 2009 draft. However, to be clear, we believe there are a number of outstanding issues with this draft section of the plan, many of which relate to previous votes you took or ideas that have already been presented to you but were never discussed or voted upon.** With this in mind, we will not reiterate all of these points at this time. **Our comments are specifically framed within the recommended structure for public comment for this round of planning commission review, and will therefore be brief.** We anticipate that many of our concerns will be addressed during the upcoming review by elected officials.

Also, over the last several years, members of the public, including the Conservation Alliance, have submitted extensive, detailed input to help shape our community’s next comprehensive plan, including suggestions for ways to improve the various drafts. **You already have a lot of information in the public record that should help you determine to what extent the draft section you are forwarding on to elected officials is truly representative of the community’s vision and the original intent of this planning process – to improve our existing plan.**

Below are comments related to the Future Land Use Plan, the overall review process, Theme Eight, the Administration Chapter, inconsistencies and key areas of contradiction organized by theme, and new ideas.

Future Land Use Plan (FLUP) & Review Process

While we understand your decision to defer review of the Future Land Use Plan at this point, it is critical that you clarify your intentions for the upcoming FLUP review process. Specifically, please clarify whether you think elected officials should “formally act upon” or adopt the “Themes and Policies” section of the plan prior to your review of the FLUP. **Based on how the plan was structured,** it appears that the FLUP is intended to be the predictable piece of the overall plan to guide future decisions and that it should be considered as a formal section of the plan, not something separate from it. Until the draft plan is considered and reviewed for consistency in its entirety, no single portion of it should replace our existing plan.

Because the document in its entirety has not been reviewed, many of the really hard questions remain unanswered. Specifically, the FLUP – a 65-page portion of the plan – includes considerable narrative on what types of development and conservation efforts are appropriate across the valley’s 25 districts. It provides wide ranges of expected development potential for newly proposed land-use types, and perhaps most significantly, includes a table that identifies the priorities (theme-wise) that will take precedence in each of the districts. It appears, based on the way the plan was structured, that the review of the FLUP will be the part of the planning process that will test everyone’s understanding of the themes and policies that are being brought forward. For example, are the policies in the May 2010 draft clear enough, predictable enough, etc., to direct clear, effective land development regulations?

Also, while we appreciate that you, as planning commissioners, are not going to undertake a line-by-line review of the plan, we believe it is critical to acknowledge how important this step will be prior to

adoption of the plan. Based on our organization's decades of history in participating in reviews for individual applications in both the town and county, one thing is clear: the details and specific wording within our community's comprehensive plan matter a lot, because decision makers rely heavily on the Comp Plan for direction. At a minimum, a line-by-line analysis, including legal review, should occur well before plan adoption to ensure the proposed wording is clear enough to meet the community's desired intent. Prior to concluding this phase of your review, please provide recommendations regarding this step of the process – who should do a line-by-line review and when – to assure the public this critical step will be undertaken at some point.

Theme 8

Please refer to both the written comments that we submitted on April 12, 2010 and the May 28, 2010 memo, included as an attachment.

Administration

Please refer to the written comments that we submitted on April 1, 2010.

Theme-By-Theme Analysis

While significant strides have been made, below are several key topics that would benefit from additional clarification to eliminate potential contradictions or inconsistencies. In general, and as we have expressed throughout this process, many of the policies in the draft are too broad and as a result leave the door open for diverse interpretations. In a number of cases, because the text is so abbreviated for certain policies, the context or rationale, which can help to more clearly provide guidance for land development regulations, is absent. We expect the elected officials to address this central issue of the draft plan – the shift to a far less detailed comprehensive plan than the existing plan.

In short, **we have identified many of the topics below with the primary goal of this process in mind – to increase predictability for landowners, decision makers, and other members of the public in future land use decisions.** As a result, the basic contradiction is, in some cases, the policies' failure to be consistent with the overarching goal of the new plan – to improve upon and lessen the uncertainties and unpredictability of our current plan.

Theme One: Practice Stewardship of Wildlife, Natural Resources and Scenic Vistas

Inconsistencies and Potential Contradictions

- This theme lacks the detail typically necessary (such as recent data and the scenic policy-related illustrations that exist in our current plan) to guide strong land development regulations for wildlife and scenic resource protection.
- Even though wildlife is stated as the highest priority of the community, and the new plan is supposed to ensure greater predictability and accountability, no expected timelines are identified to carry out the actions or strategies that would increase our chances of actually protecting wildlife.

Theme Two: Manage Growth Responsibly

Inconsistencies and Potential Contradictions

- This theme includes vague, contradictory language regarding caps on development potential. (In some instances, it is unclear whether the implied goal for density neutrality supercedes policies related to density increases.)
- Several questions remain regarding references to potential transfers of development.
- Policies regarding the proposed future pattern of development for commercial development have the potential to be contradictory in some cases (the draft calls for both centralizing and dispersing commercial development).

Theme Three: Uphold Jackson as "Heart of the Region"

Inconsistencies and Potential Contradictions

- To ensure growth is not for growth's sake, the intent of "growth neighborhoods" in town, specifically as it relates to unrestricted "workforce housing" should be clarified – See summary of theme four for discussion regarding "**workforce housing.**"
- If the "character and charm" of the Town are not more adequately defined, success in protecting

them will be difficult to achieve. (The draft's approach to character is less defined than our existing plan.)

Theme Four: Meet Our Community's Housing Needs

Inconsistencies and Potential Contradictions

- **This chapter needs a lot of work. If significant changes are not made to this chapter, it alone could undermine all the improvements made to the new draft over the last year.** Switching the focus to "workforce housing" without adequate inclusion of "affordable housing" criteria and specificity has made this chapter's principles and policies unnecessarily confusing and vague. In general, there is awkward wording throughout the entire chapter.
- Policy language is inadequate for setting and meeting a 65% quantitative goal.
- Currently proposed policies, which have some good and reasonable intentions, need more detailed description to ensure no loopholes are being created. (Examples include requiring "mitigation on a sliding scale" and promoting that "small, local entrepreneurial businesses should be exempt from requirements.")
- The chapter appears to be largely based on the myth that smaller, free-market homes function as accessible, affordable homes for the workforce. (This idea rarely holds true in resort communities, and has not been demonstrated to hold in this community in the long term.)

Theme Five: Provide for a Diverse and Balanced Economy

Inconsistencies and Potential Contradictions

- The indicators, as in all chapters, need a lot of work. (None of them include baseline data, and some of the goals are questionable given the goals of the chapter.)
- Some sections of the draft plan contradict this theme's goal of an economy not dependent on growth and expansion.

Theme Six: Develop a Multi-Modal Transportation Strategy

Inconsistencies and Potential Contradictions

- The role of Appendix K (existing transportation chapter) needs to be clarified to avoid confusion in the future.
- This theme currently lacks the level of analysis that accompanies a comprehensive plan. Prior to consideration and adoption of the FLUP section of the plan, considerably more analysis should be required.
- This theme needs to reconcile County-preferred and Wyoming Department of Transportation Level of Service (LOS) standards.

Theme Seven: Provide Quality Community Facilities, Services and Infrastructure

Inconsistencies and Potential Contradictions

- This theme needs to clarify concurrency review requirements, given that the following language was removed, "project the infrastructure and public facilities needed for the buildout and future development pattern."
- Policies need to be refined to ensure that the chapter goals are realistic and able to be implemented (rather than just a wish list), particularly given the role of the FLUP section.

Appendix I: Buildout and Numbers

Inconsistencies and Potential Contradictions

- Anytime a new document is to be released during this process that refers to the findings of the Buildout and Employee Generation task forces, the members of the task forces should have the opportunity to review the document before it's released. And, as we have stated before, we believe it is critical when presenting numbers to always attach information regarding the assumptions that were used to arrive at those numbers. Appendix I should include a list of assumptions. This would help to alleviate confusion for the public regarding the development potential associated with the new draft, and make things clearer for planners and community members who will refer to these numbers in the future.
- The descriptions with the table, particularly the reference to a cap "+ light industrial and + local convenience commercial" should be consistent with the policy language regarding caps. (In both the town and county, when is additional local convenience commercial and light industrial

- permitted beyond the “caps”?)
- Also, ultimately, actual existing baseline allowances should be used to determine potential development, not figures that include many assumptions (including those for redevelopment).

New Ideas

It is unclear how you will specifically define and address “new ideas” in your review. Over the last year, **the public (both in written form and in verbal testimony) introduced a number of new ideas and suggestions on which votes were never taken by planning commissioners.** At this point, we assume any ideas that were previously brought forward in public comment will not be considered “new ideas” (regardless of whether a vote was taken related to these ideas), and will therefore not be considered during this phase of your review.

To provide one broad, comprehensive “new idea” for this plan, we recommend that you identify a comprehensive priority list of strategies to be incorporated into the text of the new plan (or you should make a recommendation that the elected officials develop this list as part of their review). Currently, the independent chapters include a number of strategies unique to each theme, but the draft plan, as a whole, doesn’t prioritize them in relation to one another. (For example, the 1994 Plan included a list at the end of the first chapter that identified the top issues that needed immediate attention upon adoption of the plan. A similar, but more specific approach with timelines, would be good to take with this new plan.)

Closing Thoughts

Based on our review of the new “Themes and Policies” section, we believe there have been some great steps in the right direction, but there are still a lot of remaining questions and issues that need to be clarified prior to adoption of a new comprehensive plan. The key factors of this uncertainty include:

- 1) There are many outstanding issues associated with the FLUP section. (It is structured to be a section of the plan, not something separate from our comprehensive plan.)
- 2) Some of the policies’ language is broad and vague, leaving potentially very diverse interpretations in the future when drafting land development regulations. (There are a number of issues that still need to be reconciled at some point, some of which can only be done at a more detailed level than the level at which the issues have been reviewed to date.)
- 3) Many of the tasks are still ahead of us that should play a role in the FLUP section discussion, such as an updated Natural Resources Overlay and Scenic Resources Overlay. And,
- 4) There are several key topics within the plan that should be more representative of the information gained in years of public input. However, again, to respect the structure of your review not to reconsider topics, we will emphasize these topics again as the draft gets forwarded to elected officials.

Thank you for your consideration of these comments. Again, we really appreciate your dedication of time and energy throughout this planning process and all the efforts you have made on behalf of our community.

Sincerely,



Kristy Bruner
Community Planning Director



Becky Tillson
Community Planning Associate