



April 1, 2010

Town of Jackson and Teton County Planning Commissions  
Re: Administration Chapter  
Submitted via email to Alex Norton

Dear Planning Commissioners,

On behalf of the Jackson Hole Conservation Alliance, thank you for the opportunity to comment on the April 2009 draft of the Jackson/Teton County Comprehensive Plan. Following are comments specific to the Administration chapter.

Overall, we really appreciate the efforts to add this chapter and incorporate a more clear commitment to enforcement of the community's comprehensive plan in the future. Based on a thorough review of our existing plan, it is clear that a major obstacle was not necessarily the existing policies or recommendations, but rather a lack of enforcement. Ultimately, a comprehensive plan is only as effective for a community as the willingness and ability to enforce it. Unfortunately, the current draft will not provide increased accountability (particularly without clear timelines for specific strategies).

Attached are line-by-line comments and suggestions for discussion related to administration of the plan. Listed below are the key points that we hope are addressed and clarified during your review of the chapter:

- Clear purpose and need for the Future Land Use Plan (FLUP), particularly as it relates to the proposed criteria for amendments to the FLUP - (The FLUP is too detailed in many ways, and lacks analysis to support what it proposes);
- Clear process for prioritizing strategies by elected officials on an annual basis, particularly as it relates to the need to make sure the highest community priorities are upheld on a comprehensive, long-term basis;
- Clear process for upholding the overall priority of a predictable community vision within the context of potential incremental amendments to the comprehensive plan and the FLUP (versus amendments to the land development regulations which this chapter does not address);
- Potential additional criteria for policy changes and adjustments to the new plan, including the FLUP.

As a concluding chapter of the plan, this chapter raises a central issue that has been discussed throughout this planning process. How much detail should a comprehensive plan address versus the subsequent land development regulations? And more specific to this chapter, how often should broader policies and vision statements outlined in the comprehensive plan be amended versus sections of the plan or land development regulations that actually involve implementation? While we support that the land development regulations are the more appropriate place for many of the details (such as specific development standards), it has been unclear how the FLUP portion of the draft comp plan (some of which is highly detailed) is to be linked with the draft's very broad-based themes and policies. This clarity is important in terms of deciding when and under what conditions (such as a completed analysis of transportation impacts) the community should adopt the FLUP, which currently includes parcel-level-looking maps for twenty-five districts in the town and county. If you choose to delay the FLUP discussion until a later date, it will be necessary to revisit, at some point, all of the statements regarding the FLUP, including those in the administration chapter.

Thank you for your consideration of these comments.

Sincerely,

Kristy Bruner  
Community Planning Director

Becky Tillson  
Community Planning Associate

# Administration

## *Statement of Ideal*

***Continuously improve upon the policies of the Comprehensive Plan<sup>1</sup>***

## Why Is an Administration Chapter Important?

This chapter is the dynamic work plan required for the implementation of the Comprehensive Plan. Although the community vision for the valley has not significantly changed over the past twenty years, the circumstances within which we implement the vision are in continual flux. We can not entirely anticipate future environmental, social, and economic challenges as we seek to be stewards of wildlife and natural resources and provide for the needs of the community. Therefore, while the community remains consistent in its vision, we must be able to be dynamic in our implementation strategies. This chapter gives structure to the ways in which the community will analyze and respond to contemporary challenges without threatening the viability and attainment of the community vision.

Implementation of the 1994 Comprehensive Plan lacked rigorous and consistent review of its strategies. Through this Administration Chapter, the community commits to a proactive, honest, and consistent analysis of the strategies, actions, and programs intended to realize the community vision.

## Administration Chapter Purpose

Each of the seven themes of this Plan contains a number of policies intended to guide future decisions. Each theme also contains a list of Strategies and Indicators intended to be used as an implementation guide. This chapter discusses implementation of those theme specific policies, strategies, and indicators within the context of the entire plan, specifically:

1. Who is Responsible for Implementing the Comprehensive Plan;
2. How to Monitor progress of this Plan; and
3. How the Community will Respond to Changing Conditions.

## Who is Responsible?

Implementation of the Comprehensive Plan is the responsibility of the entire community.<sup>2</sup> Elected officials, town and county Planning Departments, and other government and non-profit organizations have specific roles. The community is equally important to the success of the Comprehensive Plan. All decisions ultimately affect the community's ability to conserve natural resources and manage growth. Therefore, it is essential that the community remains invested in the successful implementation of this Plan. The concept of sustainability is a tool that the

community can use in order to evaluate individual and community actions.<sup>3</sup>

## The Community

The Jackson/Teton County community plays an important role in the success of the Comprehensive Plan. Specifically, this Plan challenges each citizen to:

1. Make day-to-day decisions that are consistent with the policies of the Comprehensive Plan. Each member of the community is responsible for shifting his/her mode of travel, minimizing wildlife impacts, reducing resource consumption, finding workforce housing solutions, and supporting local businesses. If community members do not take responsibility for the implementation of this Plan, and encourage their peers to do the same, we will not achieve our community vision.
2. Stay involved in local government and monitor the decisions of elected officials, Planning Directors, and other governmental and quasi-governmental agencies. The citizens of Jackson/Teton County must stay involved in comprehensive planning efforts<sup>4</sup>. Where government and other organizations are falling short in the implementation of this Plan, the community will hold them accountable and take additional action where needed.

## Town and County Planning Departments

The Town of Jackson and Teton County Planning Departments will administer this Plan. Planning Department staff is responsible for:

- Executing the strategies of the Plan;
- Monitoring the indicators;
- Processing amendments to this Plan;
- Annually reporting on the State of this Plan to elected officials;
- With direction from elected official, annually prioritizing the most important strategies<sup>5</sup>;
- Updating and amending this Plan as directed by the elected officials;
- Reporting directly to the public, every 5 years, on Plan achievements; and
- Reviewing land development regulations, zoning maps, and development plan

applications for consistency with this Plan.

## Elected Officials

The Town Council and Board of County Commissioners are responsible for making decisions that are consistent with this Plan. They are responsible for allocating the necessary funding to implement the policies and strategies contained in this Plan.<sup>6</sup> They are also responsible for working with neighboring jurisdictions to find regional solutions to transit and housing issues that have the least impact on the entire ecosystem and that maintain intergovernmental agreements for service provision. Elected officials should familiarize themselves with the contents of this Plan to ensure that the Plan remains an accurate reflection of the community vision. Each year, elected officials will be responsible for :

- Receiving and reviewing the State of the Plan report presented by staff; and
- Determining the two to seven priority strategies for implementation over the next year<sup>7</sup>.

## Governmental, Quasi-Governmental, and Non-Profit Agencies and Organizations

Governmental, quasi-governmental, and non-profit organizations and agencies are responsible for working with town and county planners to find solutions to community issues, which are consistent with this Plan. These agencies and organizations will play a crucial role in data gathering in order to analyze indicators, analyze the success of strategies and to study the feasibility of proposed strategies<sup>8</sup>. The collective input from all non-profits will be helpful in monitoring community perception of and satisfaction with this Plan. Agencies and organizations are also responsible for working with each other to pool resources and find mutually beneficial solutions towards community goals associated with workforce housing, transit, and other community issues.

## How to Monitor Progress of this Plan

Each theme of this Plan includes a number of strategies and indicators. The strategies represent a course of action for implementing the policies

outlined in the Plan. The statistical indicators in each chapter provide a gauge to evaluate success. Monitoring of the indicators provides a way for the community to both assess progress on the plan and to anticipate necessary policy and strategy changes. Monitoring will happen in two tiers—annual analysis and 5-year review.

### Annual Analysis

Every year, the town and county Planning Departments, elected officials, and partnering agencies and organizations will analyze this Plan’s strategies and indicators and implement any required changes. This will occur in two ways:

- Annual State of the Plan Report. Each year, town and county planning staff (with input from government, quasi-government, and non-profit organizations) will compile the data necessary to analyze the indicators of the Plan. A status report (with a focus on community priorities) will be completed and presented to the joint town and county Planning Commissions and elected officials in April of each year.
- Annual Work Plan. Based on the State of the Plan Report and town and county Planning Commission recommendations, the joint elected officials will also establish the priorities for the next year. These priorities will be the focus of town and county Planning Staff for the next year and will receive more detailed review in the next year’s State of the Plan Report. Each year, about two to seven priority strategies will be identified depending on available resources.<sup>9</sup>

### 5-Year Review

Every five years, the town and county will conduct a more detailed community review of the Comprehensive Plan. Town and county planning staff will host public meetings to:

- Affirm the community vision and principles of the Plan;
- Present a progress report; and
- Facilitate discussion on desired Plan updates and amendments.

Town and county planning staff will report back to the joint Planning Commissions and elected officials on the results of the community

meetings. Elected officials and the joint Planning Commissions will provide direction regarding Plan updates and amendments. In years where a 5-Year Review occurs, the review will substituted for the annual analysis.

## How the Community will Respond to Changing Conditions

This Plan is intended to be a dynamic document and may need to be amended and updated as community conditions change. Amendments may include improvements to the Future Land Use Plan to more effectively implement the land use policies of this Plan;<sup>10</sup> and policy amendments required to realize the community vision.

## Future Land Use Plan Amendments

Future Land Use Plan (FLUP) amendments may be periodically necessary to better implement the policies of the Comprehensive Plan and to respond to policy changes or adjustments. FLUP amendments can be requested by:

- the Town of Jackson or Teton County Planning Director,
- the town or county Planning Commission,
- the Town Council, the Board of County Commissioners, or<sup>11</sup>
- any member of the public with a recognized interest in the subject land (either the owner of record or their authorized agent).

FLUP amendments shall not be processed concurrently with development plan applications that rely on a particular FLUP amendment. FLUP amendments will be reviewed and adopted according to the following procedure:

1. Application for an amendment by an authorized party.
2. Review of the proposal by town and county planning staff with a recommendation to the joint Planning Commission.
3. Public hearing before the Joint Planning Commission. Joint Planning Commission makes a recommendation regarding the application to the elected officials.
4. Town Council and Board of County Commissioners jointly hear the application.
5. Jurisdictional body approves, approves with conditions, or denies the application.

To approve a FLUP amendment, the appropriate jurisdictional body must make a positive finding that the proposed amendment:<sup>12</sup>

1. Better implements the community vision.
2. Is consistent with the principles and policies expressed in the Comprehensive Plan at a communitywide level.
3. Is consistent with priorities of the district in which it occurs.
4. Is a response to at least one of the following:

- a. The policies of the Comprehensive Plan are not being implemented by the current Future Land Use Plan.
- b. The community's characteristics have substantially changed, warranting a revision to the FLUP directly related to the change in characteristics.
- c. The values and priorities of the community have changed warranting a FLUP revision.

## Vision, Theme, Policy, and Administration Amendments

Amendments to portions of the Comprehensive Plan other than the FLUP will also be periodically necessary to respond to changing community conditions and better implement the community vision. These amendments will be of a greater policy nature and have wider reaching local and regional implications. These amendments can be proposed by the town or county Planning Director, the town or county Planning Commission, the Town Council, the Board of County Commissioners or any member of the public.<sup>13</sup> These amendments will be reviewed and adopted by the following process.

1. Application for an amendment by an authorized party.
2. Town and County Planning staff reviews the proposal and presents a staff report to the joint Planning Commission.
3. The joint Planning Commission holds a public hearing and makes a recommendation on the application to the elected officials.
4. The Town Council and Board of County Commissioners jointly hear the application.
5. Both bodies must approve, approve with conditions, or deny the application.

To approve a proposed vision, policy, or administration amendment, the Town Council and Board of County Commissioners will find that it:

1. Better implements the community vision.
2. Is consistent with the other policies and strategies of this Plan.
3. Responds to indications that at least one of the following situations exists:
  - a. The policies of this Plan are not being implemented.
  - b. The community's characteristics have substantially changed, warranting a revision to the Plan's policies directly related to the change in characteristics.
  - c. The values and priorities of the community have changed.

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### Jackson Hole Conservation Alliance comments

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<sup>1</sup> This statement of ideal should include a goal that is more measurable than “continuously improve upon.”

<sup>2</sup> While we appreciate the broad intent of such a sentence, it is really important to also include more specific statements regarding responsibility associated with specific strategies if this new plan is to be more predictable, accountable and measurable. (This can occur within the theme-based chapters instead of the broader administration chapter.)

<sup>3</sup> Perhaps this statement is left over from an earlier goal of the plan to integrate the concept of sustainability throughout the plan. As a whole, the concept of sustainability has a decreased role, particularly given that it is only primarily mentioned in the introduction and administration chapters. We hope that the new Chapter Eight will place greater emphasis on the concept.

<sup>4</sup> In terms of responsibility on the part of the public, many people have found the comp plan process itself very difficult to remain involved in for a number of reasons, including a feeling that considerable public input has not been adequately weighed and incorporated. In terms of citizen involvement, how does this broader statement relate to more specific criteria outlined later in the chapter, specifically the criteria for requesting FLUP amendments (a general citizen or organization cannot do this)? Will the Future Land Use Plan include overlays, such as the NRO and SRO?

As we have stated before, it is critical to discuss the structure of the FLUP as the central predictable element of the plan. (For example, the proposed criteria for amendments appear to be the most restrictive for the FLUP.)

<sup>5</sup> Additional clarification should be provided as to how prioritization will occur on an annual basis. While some flexibility on the part of elected officials to set priorities is important, it is also important to recognize that the community’s highest priority strategies will often require a commitment to long-term monitoring and should not be influenced by piecemeal decisions. It seems more appropriate for the plan to set broad priorities for implementation based on the long-term community vision, upon which more detailed projects will be selected by elected officials.

<sup>6</sup> Even though the plan calls out specific policies and strategies, it is not based on fiscal analysis or the community’s ability to afford the actions called out in the plan. In short, no financial analysis was done to determine whether the proposed policies are feasible. As the community adopts strategies for implementation, fiscal considerations will be increasingly essential.

<sup>7</sup> Similar to point (5), more clarification on priority-setting should be available, particularly since setting priorities was one of the key goals of this entire process. Do priorities have to be jointly agreed upon, or will the different jurisdictions set their own priorities? We raise this given the recent efforts to establish an Environment Commission, which has demonstrated how lowered priorities in one jurisdiction stall or prevent the highest priorities from being implemented in the other jurisdiction.

<sup>8</sup> To what extent were agencies and organizations involved in establishing a framework for monitoring and identifying feasible indicators? Are indicators (across different themes) expected to be changed at a later date once a closer analysis is enabled and facilitated by other agencies?

<sup>9</sup> As in point (7), two to seven priorities, per year, is a wide range. We understand the need to be flexible, based on availability of resources year-to-year, but where did this range come from? And, is this suggesting that if we don't have available resources, we won't pursue particular strategies, such as research and monitoring? If we are only committing, for example, to two of the many strategies outlined in the plan, are we really getting further along in terms of effective implementation? Some clarification would help. For a start, the plan should include a summary list of all strategies (that are now outlined specific to each theme) in order to generate and specify a comprehensive priority list.

<sup>10</sup> The role of the FLUP maps is critical. This chapter suggests how critical a role they play in the overall plan. We believe that their structure and function must be critically analyzed and discussed, particularly since they are the piece that is supposed to add so much predictability to the implementation of the plan.

<sup>11</sup> To clarify, can a request be made by an individual commissioner or elected official, or does a majority have to make a request? As the text currently reads, it is unclear how the amendment can be requested. If an individual member of these bodies can make a request, it could be more clear by stating "a **member** of the town or county Planning Commission", rather than referencing the body as a whole. While of course amendments must be reviewed and adopted or denied by the entire body, it would be helpful to clarify the language regarding requests.

<sup>12</sup> Again, related to the FLUP, it is essential to discuss the role that the FLUP is intended to have in the overall new plan. This section of the plan regarding potential amendments raises a lot of questions about the appropriate balance between flexibility and predictability.

How do these amendment requests relate to the annual/five year reviews? What is the downside of setting a specific time each year (or during five-year reviews) that amendment requests to the comprehensive plan are permitted? This would allow a comprehensive look at proposed amendments, as opposed to piecemeal proposals. (**Amendment requests to a comprehensive plan should be approached much differently than changes to land development regulations.**) And, how will future amendments to the FLUP be processed in relation to amendments to zoning maps?

This amendment criteria raises the larger question of how proposed amendments to the FLUP maps are tied/linked to the broader goals of the comp plan, particularly criteria number three - "is consistent with priorities of the district in which it occurs."

<sup>13</sup> Why can any member of the public propose a broad-reaching amendment to "vision, theme, policy and administration" but not a FLUP amendment?