

March 23, 2011

To: Teton Board of County Commissioners, Mayor Barron and Jackson Town Council

CC: Jeff Daugherty and Tyler Sinclair

Re: March 24 & 25 Discussions regarding the draft Comprehensive Plan Themes and Policies

Submitted via email

Dear Commissioners, Mayor and Council,

On behalf of the 2,000 members of the Jackson Hole Conservation Alliance, we would like to submit brief comments regarding your ongoing review of the Jackson/Teton County Comprehensive Plan, particularly in light of the staff report that was released last week.

#### *Background*

The Conservation Alliance is dedicated to responsible land stewardship in Jackson Hole, Wyoming, working to ensure that human activities are in harmony with the area's irreplaceable wildlife, scenic and other natural resources. Our organization has worked on local planning issues since its inception in 1979. Our work is rooted in the recognition that this valley, particularly its wildlife, scenic and other natural resources, is incredibly rare and is worth protecting for future generations. With over three decades of history in local planning, we understand that these unique attributes that largely define Jackson and Teton County's character do not exist today by accident; there is an extensive history of active and dedicated community and elected official involvement that has shaped our valley for many decades.

In an effort to continue this community legacy, **the Conservation Alliance supports a fact-based, conservation-focused and precautionary planning approach as the most effective way to uphold community values.** In other words, the plan must include a clear prioritization of community values, incorporate essential data and the best available science, identify a need for precaution in cases where data is lacking, provide unambiguous policies and realistic implementation measures, include maps consistent with prioritized values, and, as a result, increase overall predictability. Most importantly, it must work to protect what makes this community so unique – our rural landscape, open spaces, scenery and abundant wildlife (values which currently fall under “Theme One”) – by clearly placing them as the primary factors for consideration in all land use decisions.

#### *Discussion Topics and Key Issues*

The future implications of planning decisions made today are sure to be significant. With that in mind, the Conservation Alliance would like to emphasize the following few points for inclusion in your discussions in JIM #4 and #5, on March 24 and 25, in addition to pointing to our previously submitted comments, some of which are included in the appendices of this week's staff report.

**1. Wildlife and natural resource protection:** Attached to this letter is a November 12, 2009 memo that we submitted to the planning commission highlighting how we believe the policies on wildlife protection could be improved. Many of these policies are still up for debate today. For those that have been incorporated in the plan, we hope that you continue to support them.

Overall, wildlife and natural resource protection is the community's top priority and this needs to be reflected in the draft plan in a consistent and enforceable way. Our abundant wildlife, scenic vistas

and rural character should be the top priority in all land use decisions, backed with strong and consistent policies. *Themes and values truly need to be prioritized, not just balanced.*

- Wildlife Stewardship Plan

A key issue, which we hope that you can address, is the need for a more specific Wildlife Stewardship Action Plan. This tool is critical given that the values under Theme One are the community's highest priority. (This could be similar to the proposal for a community housing plan in the sense that these types of plans would include measurable steps, with timelines, responsible parties and specific goals. This is particularly essential if the Comp Plan itself is not going to dive into much detail.)

**2. Avoiding oversimplification of planning principles, including Smart Growth:** Four years into this process, after countless hours of meetings, volumes of public comment and significant work on the parts of the elected officials, the planning commissioners and the planning staffs, we hope that our community doesn't oversimplify the issues that we are facing. If we oversimplify concepts, we will not achieve an overall and primary objective of this process – an increase in specificity and predictability as a way to avoid piecemeal, contentious decisions in the future. Many of the issues up for debate in JIM #4 and #5 are complex and nuanced, and all are important. The concept of smart growth, for example, by its nature necessitates consideration of our existing context and conditions - not a blanket application of the term to describe simplified development patterns.

*Case Example – The “node” concept*

We will provide one example that is sure to be raised again - the concept of nodes. From a planning perspective, it can be an easy question to simplify - do you support confined development footprints, or not? While we certainly cannot speak for everyone, it is likely that most people in our community would support this basic planning concept (including the Conservation Alliance which has expressed concerns about the application of the “node” concept in the April 2009 draft).

However, what the Conservation Alliance has recognized, as well as other members of the public, is that the important issues, the ones that must now be discussed in order to achieve the objectives of the plan rewrite process, are in the details. Following are some of those details that should be considered:

- **Are there mechanisms that would enable permanent tradeoffs for shifting development into these areas? In other words, does “growing up” in fact prevent our community from “growing out?”** Or, does the expansion of these centers represent additive growth?
- How much more expansion is appropriate for distinct areas? (including those that are already called out as mixed use villages in our current plan)
- How much development potential do these areas already have (including approved, but not yet built)? What timeframe are you planning for?
- What is the existing balance of commercial and residential development in those areas?
- Are these areas geographically scattered throughout the valley? What are the consequences of this?
- What type of transportation infrastructure exists to support expansion in different areas? What is the existing capacity (for example, on Highway 390 or High School Road) to accommodate additional traffic?
- We have existing areas, such as Wilson, where concentrated development has already occurred. Just because concentrated development has occurred there in the past, does it mean it should go on endlessly? What are the pros and cons of placing growth boundaries around these areas? As the Conservation Alliance has stated in the past, we believe that growth, regardless if it occurs “next to existing development,” should first and foremost truly respect community priorities, such as avoidance of further encroachment into wildlife habitat. In short, continuing to intensely

develop in the wrong area (such as in the middle of wildlife habitat just because it is “next to existing development”), does not make it right.

- What are the fiscal implications of expansion of certain areas (in terms of schools, law enforcement, transportation infrastructure, etc.)?
- Overall, the Conservation Alliance recognizes how interconnected different areas of the valley are. What could happen in one “node” or “village center” affects the valley as a whole. This is a critical point to keep in mind. As fragmented discussions on “character districts” occur, this need to come back full circle and understand the comprehensive picture will be essential.

In summary, and in response to the clearly outlined objectives of the process, members of the public have expectations, after over four years, to move beyond approval of simplistic concepts that can then be interpreted and acted upon in myriad ways in the future.

**3. Tools:** First, according to the staff report for JIM #4 and #5, it appears as though fundamental, hard decisions could be made in the “character district” maps, formerly the FLUPs. As we have stated before, the maps and accompanying narrative are an integral, predictable part of the plan and should not be treated as an addendum. Also, the Themes and Policies should go into more detail as to which areas are appropriate for development and which should be prioritized for conservation. This would help in providing a comprehensive picture of the valley to serve as the larger context for framing the production of “character districts.”

Second, as many community members have requested, we would like to once again ask that a workshop (or series of workshops) on the PRD and TDR tools be held. These two issues alone stand to have big impacts for overarching principles of the new plan. They are too complex to be adequately covered as one of several topics in a single meeting.

**4. Predictability:** Increased predictability is and has been one of the primary goals of this Comp Plan rewrite process. To create a truly predictable plan, the topic of buildout (in terms of dwelling units and square footage) should be addressed. It’s important to remember that identifying buildout was a key desired outcome by members of the public. For example, on October 15, 2008, the Planning Team placed an ad to confirm recognition of top community concerns voiced during public comment. Under the title, “The Comprehensive Plan Will Be Responding to Public Comment: What you said”, the second bullet point stated “Buildout should be clearly identified and provide guidance in policy creation.”

Again, thank you for your dedication to the creation of a Comprehensive Plan that truly reflects our community’s priorities. Jackson and Teton County are faced with unique challenges and should be approached as such. As history has shown, if we don’t make the hard, detailed decisions now, we’ll end up making them incrementally as each development proposal comes up in the future.

We look forward to working with you over the next several months. If you have additional questions, please feel free to get in touch with us.

Sincerely,



Kristy Bruner  
Community Planning Director



Becky Tillson  
Community Planning Associate

November 12, 2009

Planning Commissions – Teton County and Town of Jackson  
RE: Theme One Rewrite released on Oct. 30, 2009  
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 One discussions scheduled for the November 19 hearing. As volunteers, thank you for your hard work throughout this process.

We greatly appreciate that some positive steps were made as you reviewed Theme One. However, particularly given the high level of priority for wildlife protection by the community, we believe that a number of additional changes could be made to strengthen the chapter. On July 30, the Conservation Alliance submitted detailed written comments on this chapter, which were followed by broader comments verbally presented throughout the hearings on Theme One. While we still believe a number of detailed changes are warranted, we request, at a minimum and at this time in the process, that the following issues are discussed and addressed as you finalize recommendations on this very important chapter of our community's new draft plan.

Below are issues and **recommended actions** organized via the preliminary votes taken in Theme One hearings:

1. **Recommendation #113 – Add a strategy: creation of an additional Wildlife Stewardship Plan under the direction of the Environmental Commission to detail implementation of Principle 1.1** (*County 2-2 Fail, Town 1-4 Fail*)

**Action:** Vote to ensure that more specific data, language and mechanisms to protect wildlife are incorporated into the plan, and that existing data and knowledge are efficiently utilized. Science-based language from the existing 1994 Plan, references to specific reports that can provide a basis for land development regulations, and recent data (including updated maps of overlays) should be incorporated into the new plan. If the new plan is not going to include this specific, but necessary, information, it should refer to a plan, process, or document where the information will be gathered and available.

**Background:** Since the release of the new draft, the Conservation Alliance has repeatedly raised concerns regarding the removal of significant portions of the community's existing 1994 Plan that include specific language and mechanisms for protecting wildlife and wildlife habitat. While some positive steps have been taken in the new draft (such as the establishment of an Environment Commission and additional policies on wildlife permeability), far too much of the science-based language in the 1994 Plan has been removed. Some examples of language/ topics that have been removed include: highly specific descriptions of the role of private lands for wildlife, statements of existing conditions and challenges (such as "wetlands have been severely impacted by development" and "current development trends pose a real threat to wildlife habitat now and in the future"), references to detailed science-based reports (such as the "Biota report") as a basis for policies and land development regulations, specific definitions and examples of direct, indirect and cumulative impacts, specific descriptions of important habitat types, clearly outlined criteria for formation of the Natural Resources Overlay, clear rationale for the need to regularly update the Natural Resources Overlay, and a list of additional species of concern that are currently not included. To put it into practical terms, the new rewrite does not adequately integrate science nor does it efficiently use what our community has already spent considerable resources to produce – such as the Biota report prepared as part of the 1994 Plan or the recent Conservation Alliance-sponsored compilation of wildlife data conducted by the TSS Conservation Research Center.

The idea of a supplementary "Wildlife Stewardship Plan" to compensate for the lack of detail in the new plan failed. Without this supplementary plan on the table, and to make the process more efficient and effective, staff should be directed to reincorporate and update language from the 1994 Plan. It appears that in an effort to be concise, essential components were removed that should not have been removed. Sections from the existing 1994 Plan should be built upon and in some instances clarified, such as adding new information on topics such as climate change and its potential impacts on wildlife habitat, rather than removed altogether.

Also, upon close review of the 1994 Plan chapter on Natural and Scenic Resources, it appears that there was not a lack of stated intention or vision, but rather a lack of enforcement to carry out specific actions (such as "regularly update all natural and scenic resource inventories"). To improve upon the 1994 Plan, timelines for

specific actions must be identified in the new plan. The same concern with removal of important details also applies to the rewrite's approach to scenic resources.

**2. Recommendation #103 - Include all appropriate Game and Fish language into document** (County 4-0 Pass, Town 2-3 Fail)

**Action:** Vote to ensure that the red-lined, rewritten draft of Theme One that is sent to elected officials includes an incorporation of Wyoming Game and Fish comments.

**Background:** In June 2009, Wyoming Game and Fish submitted five pages of comments that included science-based concerns with the draft plan, as well as recommendations for improving it. Unfortunately, these suggestions were not collectively reviewed. Some of the agency's individual recommendations relate to: the need to update the Natural Resource Overlay, the need to identify a timeline for developing a list of focal species, a need to include important habitat types in the plan, a need to establish buffer zones, a need to realistically address the implications of a high buildout on wildlife health and landscape permeability, a need to add increased emphasis on the impacts of dispersed recreation, and a need to address a potential increased demand for wildlife management services. Wyoming Game and Fish provided the following statement in their comments: "The draft plan could incorporate more specific language, data and mechanisms to provide the degree of stewardship identified in the introduction of the Comprehensive Plan...". Unfortunately, due to a failed vote by the Town Planning Commission, no attempt was made to incorporate the agency's suggestions in the rewrite released October 30, 2009. As a result, the chapter rewrite currently lacks critical science-based language that would more accurately describe our existing conditions and the extent of action necessary to increase our chances of actually protecting wildlife.

**3. Recommendation #105 - Add a policy/strategy creating a public funding source for the acquisition of conservation easements and/or open space** (County 3-1 Pass, Town 2-3 Fail)

**Action:** Vote to add the following strategy: "Establish a dedicated funding source to acquire permanent open space for wildlife habitat protection, scenic vistas preservation and agricultural preservation."

**Background:** Across polling surveys done as part of the comprehensive planning process, 59.8 to 78 percent of citizens voiced support for a funding source for permanent open space conservation. Citizens expressed that they would be willing to pay more in taxes for open space over any other issue. However, unlike other issues in the plan (affordable housing and alternative transportation), a strategy to establish a funding source for conservation was not included. Continued acquisition of permanent open space is a critical wildlife protection and growth management policy, an ESSENTIAL component to uphold our top priorities. The Conservation Alliance believes that the public has a right to vote on this issue. While we are currently in troubling economic times, the plan should include policies with the long-term community vision in mind.

**4. Recommendation #115 - Incorporate statement, "Recognize that any and all growth in the valley impacts both wildlife and natural resources" into Theme 1 where appropriate** (County 5-0 Pass, Town 3-2 Pass)

**Action:** Vote to incorporate specific language that wildlife protection should be the primary consideration in all land use decisions.

**Background:** We greatly appreciate that the above motion passed in preliminary votes. However, we believe that the rewrite did not go far enough to explain why "least growth" solutions are such a critical component of wildlife protection policies, and how the levels of growth, regardless of where the growth occurs, will greatly influence our success in protecting wildlife. By directing that wildlife protection be the first consideration in every decision, it is assured that all forms of impacts are considered, including direct, indirect, or cumulative impacts. Because wildlife needs can be incredibly dynamic through time, overall development in the valley must be comprehensively approached. Policy 1.1b should include strengthened language regarding the need to reduce cumulative impacts through "least growth" solutions (in addition to monitoring impacts as they occur).

**5. Recommendation #109 - Look at indicators suggested by public and include in list for elected official review** (County 4-0 Pass, Town 5-0 Pass)

**Action:** Vote to direct staff to add language that clearly explains how indicators will be used to draft and

amend land development regulations. Language should be added that explains how a science-based monitoring program will be further developed with appropriate agencies and partners. A baseline column, with quantifiable documentation of existing conditions, should be added to all indicator tables in the new plan.

**Background:** The use of indicators to “monitor achievement” is a great, key improvement upon the 1994 Plan. However, as they are currently designed, their potential effectiveness is highly questionable. Since July, the Conservation Alliance has emphasized that this table must include an initial column that summarizes quantifiable **baseline conditions**. The goals should also be measurable and review periods should be realistic for the variable being measured. Variables that are critical in defining and implementing local land development regulations should be prioritized. Staff should also incorporate more language to explain how monitoring will be translated to modifying land development regulations and directing changes in policy. For instance, some of the Wyoming Game and Fish monitored populations (which are also identified as species of concern) are ALREADY below target. How does this affect future policy?

**6. Recommendation #98 -1.6c: staff will rewrite to focus on goal of policy which is the last sentence** (County 3-1 Pass, Town 5-0 Pass)

**Action:** Vote to direct staff to add language that provides greater detail on potential types of exemptions and allowances for agriculture.

**Background:** The title of what is now policy 1.4b “remove regulatory barriers to continued agriculture” could be broadly interpreted. The intent should be clarified given the range of possible regulations for which exemptions could be requested. Recent discussions on wildlife-friendly fencing come to mind. Conservation of agricultural lands is a community priority, but it would be helpful to have clarification beyond “remove regulatory barriers” in the new plan.

**7. Recommendation #106 - 1.6a: expand to apply to all parcel sizes** (County 4-0 Pass, Town 5-0 Pass) & **Recommendation #54 Throughout Theme One do not limit wildlife protection policies to implementation only in the Natural Resources Overlay** (County 4-0 Pass, Town 7-0 pass)

**Action:** Vote to direct staff to add language that clearly explains why the protection of diversely sized-parcels is important. (The rewrite of what is now policy 1.4a, page 11, does not adequately capture this.) Vote to direct staff to include more language on the importance of maintaining connectivity throughout the valley as a whole.

**Background:** While the protection of large, contiguous parcels is a top priority, policies should direct that diverse parcel sizes, including small parcels of critical importance, also be prioritized for protection. The edit in the rewrite is too concise and lacks clarity on the intent of the recommendation.

The draft lacks sufficient detail in explaining what is meant by “crucial habitat” and other lands between these “habitat” areas that wildlife use. As stated in our point 1, more specific policies should be included that clarify the need to consider habitat connectivity and seasonal variation in use of lands.

## 8. Other

In addition to the broad points raised above, attached are comments that we verbally presented at the Sept. 3 and Sept. 10 hearings on Theme One, which include more specific suggestions for implementation.

Again, we appreciate your work on this very difficult task. As we have stated before, our community should not lose sight of what we set out to accomplish in this planning process – an improvement of the 1994 Plan. While we fully recognize and appreciate some of the new positive steps in this process, we also note that the rewrite process has not adequately and efficiently included existing documents and data as strong components. This concern is not limited to Theme One.

Thank you for your hard work and consideration.

Sincerely,



Paul Hansen  
Executive Director



Kristy Bruner  
Community Planning Director