

NOTE: The staff is already doing
this, with enormous potential
neighborhood impacts!
7.14.14

■ Local

County begins review of rewritten land rules

By MICHAEL POLHAMUS
JACKSON HOLE DAILY

Changes to Teton County's land development laws will be reviewed Tuesday by commissioners and planners.

The review could lead to the first of many alterations in an overhaul of the regulations.

Proposed alterations include new enforcement tools for violation of land development regulations, possibly including fines, according to county documents. The planning director may see an expansion of his authority, and nonconforming or "grandfathered" uses could be encouraged rather than discouraged.

Most of the changes "make it easier to find relevant information than the old regulations," Jackson/Teton County long-range planner Alex Norton has said.

County commissioners and planning board members will offer suggestions on what planning staff has drafted and offer proposals of their own.

New regulations to achieve goals in the most recent comprehensive plan, adopted in 2012, will follow during the next five years, planners said. Those modifications will take far less time to write and implement than this initial

rewrite, Norton said. Planning staff has already spent more than 3,000 hours to produce the regulations being presented Tuesday.

The draft incorporates suggestions from the public that planners solicited at open houses last month.

Neither Jackson nor Teton County has ratified the proposed changes, and they are unlikely to do so before fall, Norton said.

Several hearings are planned before even these revisions are adopted, according to county documents.

Future study includes joint hearings between town and county planning departments, scheduled to start at the end of July and to take about two weeks. Hearings between the Town Council and the commissioners are expected to take another two weeks, beginning in early September.

The county hopes to adopt the changes by this fall, Norton said.

The review hearing will begin at 5:30 p.m. Tuesday in the commissioners' chambers at the county administrative building, 200 S. Willow.

Because the forum is a workshop between staff, planning commissioners and county commissioners, public comment is unlikely to be invited during the meeting.

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July 18, 2014

Town of Jackson Planning Commission
Teton County Planning Commission

RE: Your Joint Hearing on LDR Restructure

Dear Members of the Commissions:

We at the Jackson Hole Conservation Alliance are keen to see the vision and goals of our 2012 Jackson / Teton County Comprehensive Plan (comp plan) codified through the update to our land development regulations (LDRs). We hope that our comments and suggestions can help you work toward this shared goal.

Our comments are intended to be constructive suggestions, submitted in the spirit of collaboration. Through this process, we hope to work as partners in ensuring our community's vision as articulated in the comp plan is best reflected in our regulations.

We have raised some of these issues with your planning staff, through the online tool, but they were not accepted into the recommended revisions you have in front of you today.

For our other comments, we have not yet electronically submitted our suggestions and have run out of time to do so, and thus we are raising them directly for your consideration.

First, regarding the Purpose and Intent Division 1.3 - These comments were submitted electronically to you and are part of your packet.



We understand that it is your intent to limit revisions to the LDRs, at this stage, to non-substantive text changes. However, there are some areas with content changes. The Purpose and Intent Division 1.3 section was revised by staff to reflect the 2012 comp plan, in a repetition of comp plan language.

As we move from comp plan to its implementation in the LDRs, we see this as the opportunity to be more expressive about the intent of the comp plan language, to set the stage for the development regulations to follow.

One of the biggest changes in the 2012 Comp Plan was our community's elevating the importance of wildlife and wildlife habitat to the highest level. For this reason, we think our approach to the LDRs should follow this intent. Thus, we suggest substantive recommended text revisions to more accurately reflect our community's purpose and intent.

Our second focus was on the Wildlife Friendly Fencing standards, section 5.1.2. on which we see some very good ways to make substantial improvements. We have pulled together an informal group of fencing experts and are working with them to craft an update to this section. We believe this group represents the state-of-the-art knowledge on wildlife friendly fencing and would like to present our update to you at a work session, at your convenience.

Based on information from planning department staff, we now realize that no content revisions were made to this section at this time, but the intent is to make such revisions when all the environmental standards are updated starting in early 2015. So we will not submit those at this time, but whenever you are ready.

Our third comment is on 1.7.6 - Change of Jurisdiction. Here the content has been changed. This is the section, which speaks to how comprehensive plan and zoning designations are applied to public properties that are leaving public ownership. This



section seems to give away public ownership with little compensation. We disagree with the changes and think the code should remain as it is.

When public land is sold, it is critical that the community has an opportunity to weigh in on whether public needs are being considered and met in that transaction. The public is under no obligation to give away property for private benefit, especially if this private benefit does not advance the public interest.

The existing code is clearly written to reflect this matter. The land was put in a “holding designation”, rural, where it could not be developed for more than one unit for 35 acres. Then, if the to be developer/owner, desired a different land use designation, they were to engage the public in a process of determining what the public interest was for the site, and work out a program for it’s transition to private ownership with the possibility of some retained public use.

When you give the private owner a zone and comp plan designation, without a corresponding process to ensure this advances the public interest you miss a critical opportunity to advance our community’s vision as reflected in the comp plan. The recent BTNF conveyance, which we testified on, is an example of this type of missed opportunity.

The process used to designate the BTNF parcel residential left the public out of the discussion and did not take full advantage of an opportunity to implement the comp plan. In addition, natural resources overlays were not applied, as is required, and other overlays were not considered.

We still have a chance to ensure the zoning of the property serves the public interest and we hope to work with you to do so. In the meantime, please do not rewrite this section of the code to reflect the inadequate process just used on the BTNF conveyance. Rather, bolster what the code says now, and add a public process to the



requirements for a comp plan change. That is why the LDRs were written with the requirement that the land be placed in a rural designation holding pattern, so the public could be at the table, as the owners they are, while a deal was negotiated for what might occur in future uses on the site.

We suggest that the existing code language is adequate in this regard.

Thank you for your consideration of our comments and for your service to our community.

Sincerely,

Mary W. Gibson
Community Planning Director
Jackson Hole Conservation Alliance