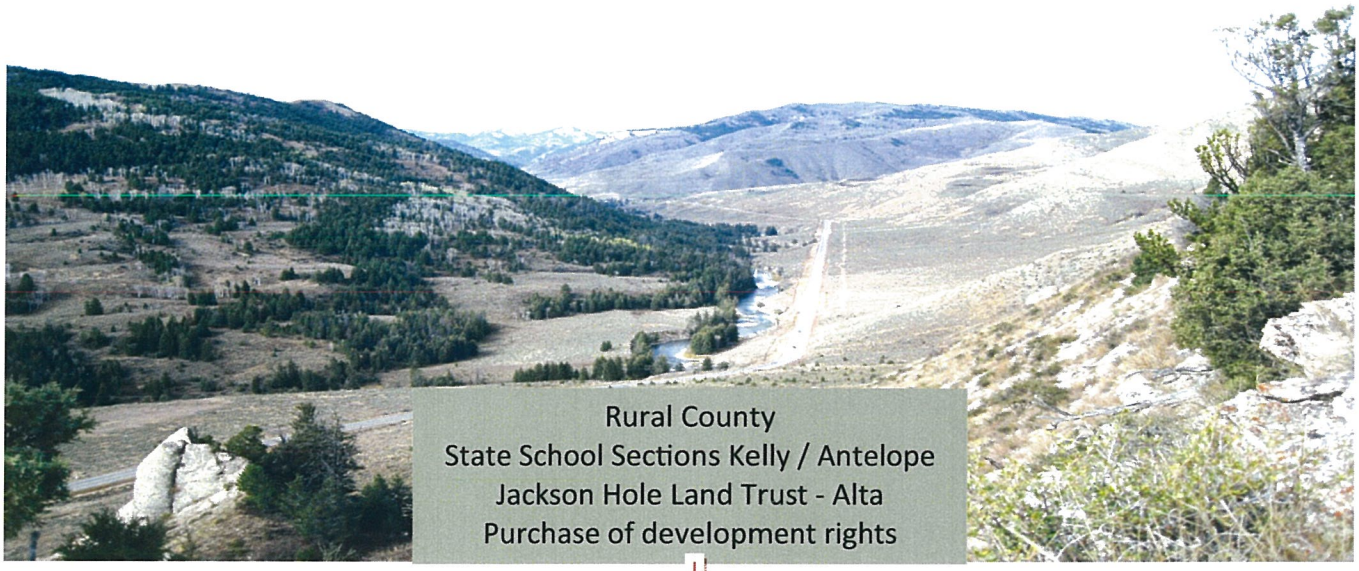
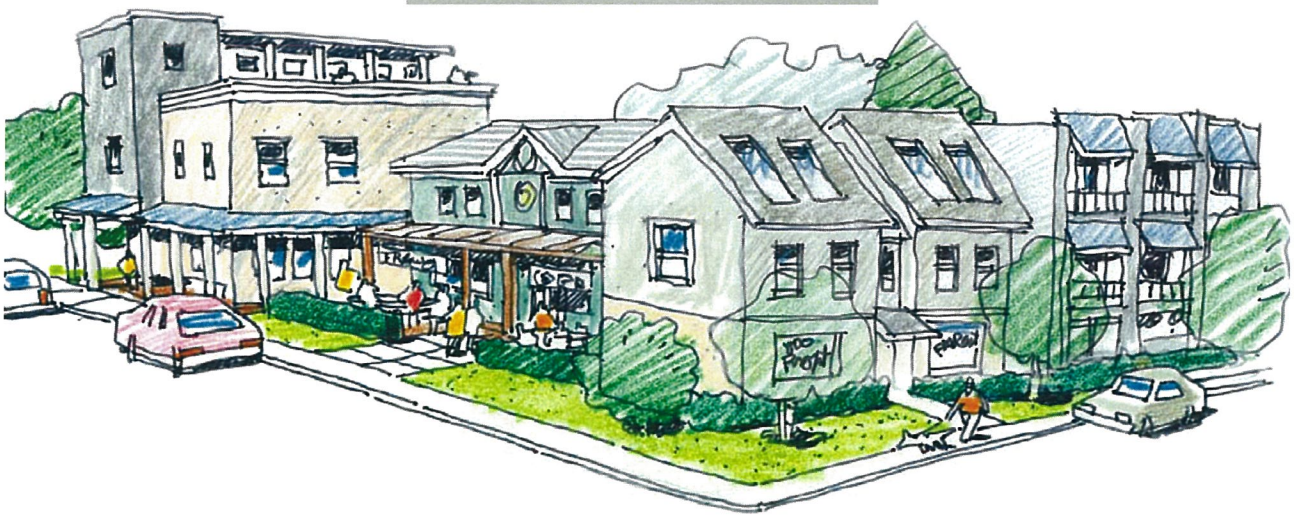
Permanent Protection Linkage Plan



Rural County
State School Sections Kelly / Antelope
Jackson Hole Land Trust - Alta
Purchase of development rights

Bank 300 units @ start

Town Transition Areas



Consistent with the Plan Ensures density neutrality is maintained
Does not require changes to PRD multiplier Community rewards itself for success

Permanent Protection Linkage Plan "PPLP"

Why is this tool needed?

The joint Town and County Comprehensive Plan created policies to achieve a countywide vision. The PPLP provides a means to success.

- Allows better location and development design. (Policy 3.1.a)
- Ensures measurability and accountability in Plan implementation (Policy 3.3.a)
- Provides a means to maintain residential and non-residential equilibrium (Policy 4.2.b.)
- Provides a means to move development from rural areas to complete neighborhood subareas (Policy 3.1.a)
- Provides the tool needed to accomplish strategies (Strategies 3.1.S.1 -3.1.S.4 and 3.2.S.4)

Basic Idea

In order to link residential and non-residential up-zones in any complete neighborhood to permanent conservation on a unit to unit, density neutral basis overall, the Town of Jackson, as the central complete neighborhood would receive an upfront pre-allocation of 300 units to "Prime the Pump" of the "Permanent Protection Linkage Plan". The Town of Jackson would then use these units to strategically stimulate or incentivize infill in select locations. The pre-allocation would be drawn from several layers of "extinguishment equity" (State school sections @ Kelly and Antelope Flats, Land Trusts' Alta Open Space acquisition strategy, ongoing rate of easement acquisition, etc...) highly likely to occur in the near future. The initial pre-allocation would be paid back over time to maintain density neutrality overall. This payback could occur at an appropriate ratio to ensure that the system does not "dry up". If a community supported decision to "refresh" the pre-allocation occurs in the future, the same rules apply at that point in time. In the interim, units accrue as they are extinguished to provide a market responsive element to the "PPLP". Units that tend to accrue during "bust" cycles are ready and available during "boom cycles".

How Achieved

A legally non-binding, mutually agreed upon Memorandum of Understanding (MOU) would be signed by Town and County.

The State Statutory authorization for a Comp Plan does not allow cross jurisdictional creation and/or enforcement of ordinances/LDR. Should this non-binding agreement dissolve for any reason, Teton County or the Town of Jackson have exactly the same options available as at the time the MOU was executed. This does not bind the hands of current or future electeds in either jurisdiction. The County does not have to reduce the PRD multiplier and the Town does not have to up zone or change overlays and thus entitle into perpetuity development in large segments of town. Unintended consequences are greatly reduced.

Advantages of "PPLP Tool"

1. Consistent with the adopted Comp Plan vision.
2. Does not require a complex, controversial TDR program.
3. Does not require immediate zoning changes.
4. Ensures all previous entitlements are honored and all private property rights are respected.
5. Complies with key policies of the new Comp Plan: (1.1, 1.4, 3.1, 3.2, 4.2, 4.4, 5.2, 6.2, 7.1, etc.)
6. Community rewards itself for success – more permanently protected open space = a more strategically located, fiscally responsible development pattern.
7. Complies fully with the Statement of Intent (though not incorporated into the adopted Comp Plan, it had wide community support).
8. Town/Transitional Character District boundaries can remain as drawn – only one performance based "overlay" ordinance need be created to allow incentivizing units to be allocated.
9. Corrects increasing disparity between County built dwelling units and Town built units. This has a positive effect on sales tax distribution and fully complies with all tenets of Smart Growth.
10. Requires no new employees, no additional staff time, or administrative actions with the exception of one annual indicator describing # of units extinguished and a reconciliation that does not exceed 1994 Base entitlements (rough doubling of existing development).
11. Extinguishment can occur by any available means – as long as it is community accepted, permanently protected, third party held and is consistent with the Comp Plan.
12. Does not require that the PRD multiplier be reduced or lowered. All landowner options remain in full effect, however, should the multiplier be lowered, the system still functions.
13. Town/Transition Areas receive an accruable allocation as units are extinguished.
14. Town/Transition Areas could immediately stimulate or incent 300 additional built units into existence which is far greater than the current and past growth rate of the past 5-10 years.
15. Town uses units to strategically stimulate or incentivize infill development where it wants to see it.
16. Creates Trust/Transparency/Confidence – Gives the community precisely what they have been asking for with this new plan, a direct link to permanent protections and numeric predictability and eliminates the phantom density question present with the PRD and NC-SF zoning tools.
17. Does not require premature creation of county nodes or new additional complete neighborhoods.
18. Flexibility as all 300 units or 1 can be used at a time.
19. Ability to re-load once the first 300 unit credit is re-paid. Offers future opportunities to electeds provided the pilot program is successful.
20. Creates "checks and balances" that help prevent the pursuit of one community value from overwhelming the ability to achieve another community value.
21. Can possibly be used to incent voluntary conversion of commercial/non-residential to residential in strategic locations.
22. Helps ensure that development does not get ahead of infrastructure, and employee generation does not get ahead of strategically located, localized residential capacity.
23. Helps to discourage speculation – Units are allocated to a project not to a person. Units are incentives not entitlements and have a sunset date.
24. Solves the economic disparity between a County unit vs. a Town unit problem that plagues conventional TDR models.
25. Puts the community in a stronger, more collaborative position to pursue a public or private funding source for strategic purchase of development rights, etc..