

**FINAL COMMENTS BY INDIVIDUAL PLANNING COMMISSIONERS  
REGARDING THE 2010 COMPREHENSIVE PLAN UPDATE PROCESS  
AS TRANSCRIBED FROM THE JULY 1, 2010 JOINT TOWN/COUNTY  
PLANNING COMMISSION MEETING**

**Mark Newcomb**

I'll just state that I tried hard to try and clarify the issues as I see them and the contradictions in written comments, and would basically make that my statement, and refer anyone to my written comments regarding the contradictions that are in our Staff Report tonight and that will be forwarded to, I believe, wherever this stuff gets forwarded to, I guess.

**Barbara Allen**

My list of contradictions was more to the text than to the general theme. I think we battled the whole time to balance Theme One with the rest of the Themes. And, as Paul said earlier, we've learned a lot through the process and perhaps we were a little bit better in the later chapters. I personally think we erred in the TDR chapters, or in the concept of it. I was against the idea of taking property rights from certain owners, just obliterating them and then providing a windfall to others. That was a huge issue for me when we were reviewing this. However, I do think that conceptually the idea of down zoning—that was the wrong word to use—of keeping our open space open and putting our density where our density should be was the correct idea. I'm not saying nodes, but I do think that the Town was the place for it to be and in the Village; I put that in my comments and my contradictions. I think as the electeds are going through the chapters and trying to figure out how to work that out, I think if we had had a better idea of how to make TDRs work that seemed fair and that could be a success, I think perhaps we would have...or I would have felt differently about some of the chapters.

I have one more thing. Can we make a recommendation that the electeds review the transportation chapter prior to chapter two, or following chapter two, rather than at the end of the document? Or a suggestion? I think that had we all seen the transportation document, it would have been helpful in the review of...does anyone else?

**Paul Nash**

Speaking of Gregory [Griffith's] comments last week, I'd like to see some type of documentation created in fact that for the first bunch of meetings, a couple of Themes, I felt like we were reinventing the wheel over and over again. And I'd like to see if we could maybe streamline it for the next poor souls that have to go through something like this, whether it's in saying what worked, what didn't, or coming up with at least a starting point for them to start their meetings and start to organize their thoughts and streamline it a little better.

**Paul Duncker**

Anyone else care to make a comment? Okay, I will, and I apologize that this is a little bit long. I wrote it all down and I thought it was going to get included, not in the Staff Report but in some sort of Appendix. It didn't, so I'm just going to go ahead and read my

written comments. These are my final comments to the County Commission and the Town Council as they begin their process.

When this process of reviewing and updating our Comprehensive Plan began, I had high hopes that our Joint Planning Commission would embrace some of the progressive land-use policies we have discussed over the last year, such as transferrable development rights and a growth-rate cap. We have not. If we were not able to reach consensus on TDRs, I'd hoped we would at least be able to considerably strengthen the noncontiguous PRD tool included in our current land-use regulations in order to give our Valley's large rural property owners more options for realizing significant financial gain from their extremely valuable properties other than by sale to developers of high-end suburban subdivisions. We have not. We have, however, taken what might be the first baby step toward this goal by allowing an increase in base density allowances in the Town's targeted growth areas if it's transferred from a rural PRD in conjunction with permanent conservation. In my opinion, this is the high point of our year's worth of effort. The low points are the elimination of nodes and Accessory Residential Units in the County. I have already written at length about nodes. They need to be acknowledged as an appropriate extension of our current existing land-use pattern and allowed to receive additional density within targeted growth areas, which would be determined in the Future Land-Use Plan, just like Town is. If the policies contained within the draft Plan we are certifying to the elected officials are implemented as currently written, the Town will be able to grow over time and the rural County will be able to grow over time, but the nodes will remain unchanged. This makes no sense.

As far as County ARUs are concerned, my understanding of the reason they are eliminated by only two of the five sitting County Planning Commissioners was to subtract one hypothetical buildout number from an even larger but equally hypothetical buildout number. This action, however, would have some very significant impact on real homeowners, who currently have the right to construct these ARUs and have planned the development of their properties accordingly. One such example is a client family of mine who have master planned their property to include a main house and a guesthouse and have chosen to build the guesthouse first. They visit periodically and occupy the guesthouse while they approach retirement and plan the main house. What happens when their ability to construct a main house in the primary view corridor with the already-planned driveway access and pond is taken away? This policy represents nothing but a series of lawsuits waiting to happen to which written public comment has already alluded—just one reason to overturn this recommendation. Other equally valid reasons are the negative impacts it will have on current owners of overpriced Jackson Hole properties who are counting on rental income from those ARUs, as well as the loss of reasonably priced workforce housing opportunities.

In retrospect, I think I understand why both these policies were recommended and I share some of the blame. At the very beginning of the process, we had discussions with Staff regarding whether or not an end-state buildout number should be included in the Plan, and I was one advocate for calculating and including this number. What Staff wound up with, however, was a hypothetical buildout number that included every rural landowner using the PRD to its maximum potential, as well as every landowner with the right to construct an ARU doing so, and then transferring all of this hypothetical development

potential into the various nodes designated in the April 2009 draft. The uproar over this number and the way it would affect the neighborhoods included in all these nodes came to drive the rest of the debate and made every Staff member and Planning Commissioner gun shy about changing very much that was included in our 1994 Plan. Some of my fellow County Commissioners advocated for stopping the debate at that point and remanding the draft Plan back to Staff for an immediate rewrite rather than to continue with the review process and try to fix the April draft. At the time, I advocated for continuing with the review process and again have come to realize that this was a mistake. If we had stopped the process at the very beginning and had Staff rework the Comp Plan based on historical development patterns instead of hypothetical maximum buildout numbers, we might well have been able to implement some of the progressive policy directives I mentioned earlier. I was perhaps too optimistic about what we could achieve and underestimated the power of the politics involved in Jackson Hole land-use planning, and for that I apologize.

Having said all of this, I do have to acknowledge that while not perfect, the 1994 Comprehensive Plan is still a very good document and the 2010 draft improves on it, even if just incrementally. The primary shortcoming of this draft, as well as the 1994 Plan, is the fact that we as a community continue to rely on the stewardship of our large rural landowners to maintain the community character we so cherish without giving them every conceivable option related to permanent conservation of these valuable properties. As a community, we are extremely fortunate that these historic ranching families have chosen to preserve their properties in a way which directly benefits all of us. And I lament the fact that our Comprehensive Plan doesn't give them every possible support mechanism to ensure that these properties can remain as close to their current state of (un)development as possible. I ask our elected officials to remedy this shortcoming, though we on the Joint Planning Commission were unable to do it.