

## Special Joint Information Meeting

### TOWN COUNCIL & COUNTY COMMISSIONER MEETING

October 13, 2020

9:00 am

County Chambers

Chair: Natalia Macker

**NOTICE:** THE VIDEO AND AUDIO FOR THIS MEETING ARE STREAMED TO THE PUBLIC VIA THE INTERNET AND MOBILE DEVICES WITH VIEWS THAT ENCOMPASS ALL AREAS, PARTICIPANTS AND AUDIENCE MEMBERS. **PLEASE SILENCE ALL ELECTRONIC DEVICES DURING THE MEETING**

#### I. ZOOM LINK FOR PUBLIC PARTICIPATION

FOR THE PUBLIC TO JOIN THE WEBINAR:

DIAL 1.669.900.6833 WEBINAR ID: **827 5474 6434** OR

LINK TO JOIN WEBINAR: <https://us02web.zoom.us/j/82754746434>

#### II. CALL TO ORDER AND ROLL CALL

#### III. DISCUSSION/ACTION ITEMS

- A. Rescission of Partial Fire Closure
- B. Housing Mitigation Update Process
- C. Consideration of Updates to the 2012 Comprehensive Plan - **Continued from October 5, 2020 JIM**
- D. Town Only Action: Robert Wood Johnson Grant Application (5 minutes)

#### IV. ADJOURN

*Please note that at any point during the meeting, the Chairman or Mayor may change the order of items listed on this agenda. In order to ensure that you are present at the time your item of interest is discussed, please join the meeting at the beginning to hear any changes to the schedule or agenda.*



**Board of County Commissioners - Staff Report**

**Meeting Date:** October 13, 2020

**Presenter:** Keith Gingery

**Submitting Dept:** Fire

**Subject:** Rescission of Partial Fire Closure

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**Statement / Purpose:**

Rescission of August 25, 2020 Partial Fire Closure

**Background / Description (Pros & Cons):**

The Teton County Board of County Commissioners entered an Order for a Partial Fire Closure for the unincorporated areas of Teton County on August 25, 2020. The County Fire Warden has now advised the Teton County Board of County Commissioners that a partial fire closure is no longer warranted.

**Attachment:**

*Rescission of August 25, 2020 Partial Fire Closure for Unincorporated Area of Teton County Prohibiting Open Fires*

**Legal Review:**

*Gingery*

**Suggested Motion:**

**I move to approve the Resolution Rescinding the August 25, 2020 Partial Fire Closure for Unincorporated Areas of Teton County.**

**RESOLUTION # \_\_\_\_\_**

**RECSISION OF AUGUST 25, 2020 PARTIAL FIRE CLOSURE FOR  
UNINCORPORATED AREA OF TETON COUNTY PROHIBITING OPEN  
FIRES**

WHEREAS, Wyoming Statute §35-9-301 allows upon the recommendation of the County Fire Warden for the Board of County Commissioners to prohibit open fire in the unincorporated areas of Teton County for such period of time as the board of county commissioners may deem necessary and proper; and

WHEREAS, the County Fire Warden advised that the fire danger in the unincorporated area of Teton County was extreme due to the excessive amount of inflammable material and dry conditions; and

WHEREAS, the Teton County Board of County Commissioners entered an Order for a Partial Fire Closure for the Unincorporated Areas of Teton County on August 25, 2020; and

WHEREAS, the County Fire Warden has now advised the Teton County Board of County Commissioners that a partial fire closure is no longer warranted.

NOW THEREFORE, be it resolved by the governing body of the County of Teton that the Partial Fire Closure Resolution dated August 25, 2020 is hereby rescinded and the Partial Fire Closure shall end at Noon 12:00 p.m. M.S.T. on today's date, Tuesday, October 13, 2020.

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
Natalia Macker, Chairman  
Teton County Board of County Commissioners

Attest: \_\_\_\_\_  
Maureen E. Murphy, Teton County Clerk



## **JOINT INFORMATION MEETING AGENDA DOCUMENTATION**

**PREPARATION DATE:** October 7, 2020

**MEETING DATE:** October 13, 2020

**SUBMITTING DEPARTMENT:** Planning

**DIRECTORS:** Chris Neubecker, Tyler Sinclair

**PRESENTER:** Tyler Sinclair

**SUBJECT:** Update to Affordable Workforce Housing Mitigation Standards: Revisiting Mitigation Rates

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### STATEMENT/PURPOSE

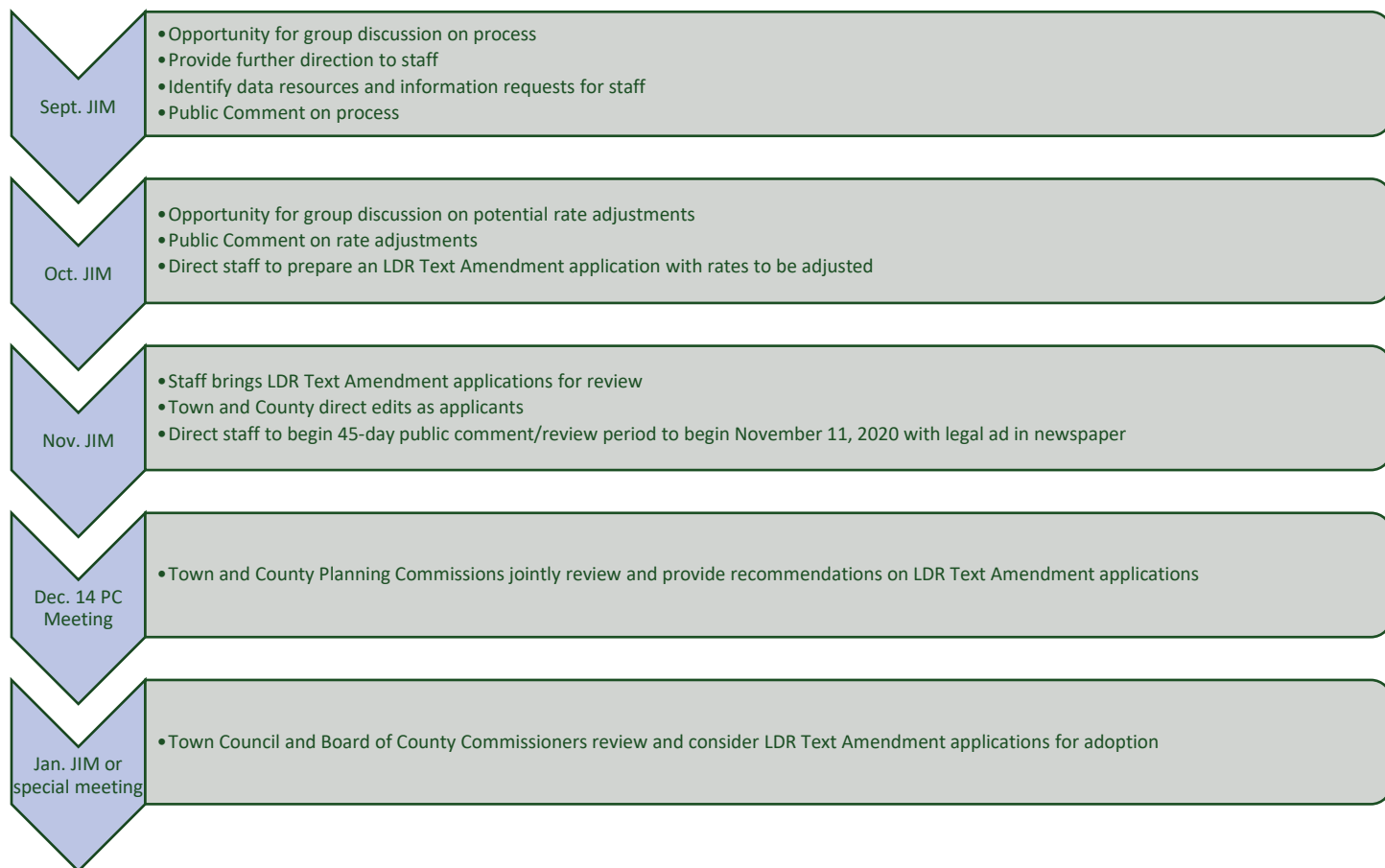
The FY 2021 Work Plan includes a task to revisit the current structure and rates for Affordable Workforce Housing Mitigation required by Section 6.3.3. of the Land Development Regulations (attached). The purpose of this meeting is to consider amendments to Affordable Workforce Housing Mitigation Standards also known as Housing Mitigation Rates.

### BACKGROUND

At the September 14, 2020 Joint Information Meeting (JIM) Staff summarized and presented the history of Housing Mitigation policy in the Town and County to provide relevant context and ensure understanding of the historical and current Housing Mitigation requirements in the community prior to discussion of amendments to the mitigation rates. Please [see attached](#) the staff report and presentation from the September 14 Joint Information Meeting for review of this important background information.

At the September 14, 2020 JIM both the Town Council and Board of County Commissioners directed staff to proceed with a review and update of the County/Town Affordable Workforce Housing Standards at an October Special JIM based upon the overall review process as outlined below:





## STAFF ANALYSIS

### **Non-residential Housing Mitigation Adjustments**

Staff is recommending a uniform percentage reduction to the current Housing Mitigation rates as the primary method to amend the current regulations to achieve the desired goal. Staff is recommending this approach to retain the current nexus justification while also retaining the policy direction and public support for the current program developed through the Engage 2017 effort. In addition, by keeping the current regulatory structure in place, implementation of the amendments can be completed in a timely manner and public understanding of the regulations will not be significantly affected. Staff has provided below a table indicating the effects of a 75% reduction (Option 1) and a 50% reduction (Option 2) to the current non-residential rates. There is a separate table for both the Town and County as the rates in each jurisdiction are currently different as discussed at the September 14 JIM.

| Town of Jackson Non-residential                                                                                                                                                    | 2017       |                                  | Current    |                                  | Option 1           |                                   | Option 2           |                                   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----------------------------------|------------|----------------------------------|--------------------|-----------------------------------|--------------------|-----------------------------------|
| Use                                                                                                                                                                                | Units      | Associated Fee-In-Lieu (2019 \$) | Units      | Associated Fee-In-Lieu (2019 \$) | 75% Unit Reduction | Associated Fee-In-Lieu* (2019 \$) | 50% Unit Reduction | Associated Fee-In-Lieu* (2019 \$) |
| 3,000 sf restaurant/bar                                                                                                                                                            | 1.800      | \$459,787                        | 3.592      | \$924,427                        | 0.898              | \$187,089                         | 1.796              | \$458,596                         |
| 5,000 sf retail, service, nursery or amusement                                                                                                                                     | 1.244      | \$285,015                        | 2.153      | \$594,453                        | 0.538              | \$112,123                         | 1.077              | \$233,018                         |
| 10,000 sf office                                                                                                                                                                   | 0.222      | \$ 46,246                        | 4.934      | \$1,318,046                      | 1.234              | \$281,702                         | 2.467              | \$659,858                         |
| 5,000 sf industrial, heavy retail/service, or transportation/infrastructure                                                                                                        | 0.067      | \$13,957                         | 1.229      | \$280,251                        | 0.307              | \$63,997                          | 0.615              | \$128,475                         |
| 50,000 sf private school                                                                                                                                                           | exempt     | exempt                           | ind. calc. | ind. calc.                       | ind. calc.         | ind. calc.                        | ind. calc.         | ind. calc.                        |
| 20 – 2 bedroom short-term rentals                                                                                                                                                  | 5.000      | \$1,339,464                      | 8.172      | \$1,970,180                      | 2.043              | \$571,535                         | 4.086              | \$1,043,536                       |
| 40 unit conventional hotel                                                                                                                                                         | 3.378      | \$868,861                        | 8.172      | \$1,970,180                      | 2.043              | \$571,535                         | 4.086              | \$1,043,536                       |
| 10,000 sf mini-storage / warehouse                                                                                                                                                 | ind. calc. | ind. calc.                       | 0.132      | \$27,399                         | 0.033              | \$6,850                           | 0.066              | \$13,700                          |
| <i>*Note that Associated Fees-in-Lieu will not necessarily reflect a perfect 75% or 50% reduction and will vary based on the number, size and affordability of units required.</i> |            |                                  |            |                                  |                    |                                   |                    |                                   |

| Teton County Non-residential                                                                                                                                                       | 2017       |                                  | Current |                                  | Option 1           |                                   | Option 2           |                                   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----------------------------------|---------|----------------------------------|--------------------|-----------------------------------|--------------------|-----------------------------------|
| Use                                                                                                                                                                                | Units      | Associated Fee-In-Lieu (2019 \$) | Units   | Associated Fee-In-Lieu (2019 \$) | 75% Unit Reduction | Associated Fee-In-Lieu* (2019 \$) | 50% Unit Reduction | Associated Fee-In-Lieu* (2019 \$) |
| 3,000 sf restaurant/bar                                                                                                                                                            | 1.800      | \$459,787                        | 3.135   | \$805,944                        | 0.784              | \$163,278                         | 1.568              | \$386,735                         |
| 5,000 sf retail, service, nursery or amusement                                                                                                                                     | 1.244      | \$285,015                        | 1.883   | \$485,757                        | 0.471              | \$98,044                          | 0.942              | \$196,089                         |
| 10,000 sf office                                                                                                                                                                   | 0.222      | \$46,246                         | 4.306   | \$1,114,766                      | 1.077              | \$232,354                         | 2.153              | \$594,452                         |
| 5,000 sf industrial, heavy retail/service, or transportation/infrastructure                                                                                                        | 0.067      | \$13,957                         | 1.072   | \$231,089                        | 0.268              | \$55,852                          | 0.536              | \$111,704                         |
| 50,000 sf private school                                                                                                                                                           | exempt     | exempt                           | exempt  | exempt                           | exempt             | Exempt                            | exempt             | Exempt                            |
| 20 – 2 bedroom short-term rentals                                                                                                                                                  | 5.000      | \$1,339,464                      | 8.172   | \$1,970,180                      | 2.043              | \$571,534                         | 4.086              | \$1,043,536                       |
| 40 unit conventional hotel                                                                                                                                                         | 3.378      | \$868,861                        | 8.172   | \$1,970,180                      | 2.043              | \$571,534                         | 4.086              | \$1,043,536                       |
| 10,000 sf mini-storage / warehouse                                                                                                                                                 | ind. calc. | ind. calc.                       | 0.115   | \$23,912                         | 0.029              | \$5,977                           | 0.058              | \$11,955                          |
| <i>*Note that Associated Fees-in-Lieu will not necessarily reflect a perfect 75% or 50% reduction and will vary based on the number, size and affordability of units required.</i> |            |                                  |         |                                  |                    |                                   |                    |                                   |

Staff notes that the fee-in-lieu values do not decrease perfectly proportionally with the unit decrease. This is due to the variation in cost of housing based on the number, size and affordability of units required by the regulations. In addition, staff notes that the shift in the program in 2018 from seasonal to full-time, year-round employees being housed required large adjustments in housing mitigation requirements for some uses based on the differences in full-time vs. seasonal worker generation. The adjustments in requirements can also be attributed to the variation in wages and, by extension, affordability for workers across use types. Staff has provided both the unit requirement along with the associated fee-in-lieu value for ease of comparison, although the program would continue to require that units (not fee-in-lieu) be provided in instances where at least one full unit is required. In addition, staff has utilized the 2019 fee in lieu calculation for all years to allow for an equal comparison of values.

Elected Officials are asked to give direction on their preferred non-residential Housing Mitigation rate reduction at the meeting. Points for consideration include:

- What are the implications of mitigation reduction on the responsibility of other sectors (public, private, other) for the provision of units needed to meet our 65% workforce housing goal? i.e. If mitigation is

lowered, another sector (public, private, other) will have to provide more workforce housing units to meet our 65% goal.

- Other?

Staff notes that neither reduction considers the impact of non-bricks and mortar businesses on the creation of jobs and their associated housing demand in the community. Determining this impact will require a new nexus study, scheduled to begin after the completion of this initial step, in the new year.

### **Residential Housing Mitigation Adjustments**

Staff is not recommending any adjustment to residential Housing Mitigation rates at this time. The 2018 adjustment (lowering) of multi-family development requirements and changes to Town zoning have had the desired effect of encouraging the construction of multi-family developments. The Council and Board did provide direction in September to explore whether single family units could receive a higher housing mitigation rate. In researching this question, staff found that single family homes of all sizes are mitigating at the highest level based upon the 2013 Nexus Study. The only amendment that could be considered by the Town and/or County is the use of the 2,500 square foot exemption which the County allows, and the Town does not. Staff has provided one additional residential amendment under the Other Amendments section below for consideration regarding additions. The below table compares the requirements of the 2017 program to the current program for the various residential unit types. Once again staff has provided separate Town and County tables as the rates and programs are not currently the same.

| Town of Jackson Residential                                                       | 2017   |                                  | Current |                                  |
|-----------------------------------------------------------------------------------|--------|----------------------------------|---------|----------------------------------|
| Use                                                                               | Units  | Associated Fee-In-Lieu (2019 \$) | Units   | Associated Fee-In-Lieu (2019 \$) |
| 1,500 sf single-family unit (unrestricted)                                        | Exempt | Exempt                           | 0.035   | \$7,345                          |
| 4,500 sf single-family unit (unrestricted)                                        | Exempt | Exempt                           | 0.132   | \$27,544                         |
| 8,000 sf single-family unit (unrestricted)                                        | Exempt | Exempt                           | 0.275   | \$57,265                         |
| 90 -- 850 sf, 2-bedroom apartments or attached single family units (unrestricted) | 20     | \$4,367,099                      | 2.625   | \$692,801                        |

| Teton County Residential                                                          | 2017   |                                  | Current |                                  |
|-----------------------------------------------------------------------------------|--------|----------------------------------|---------|----------------------------------|
| Use                                                                               | Units  | Associated Fee-In-Lieu (2019 \$) | Units   | Associated Fee-In-Lieu (2019 \$) |
| 1,500 sf single-family unit (unrestricted)                                        | Exempt | Exempt                           | exempt  | exempt                           |
| 4,500 sf single-family unit (unrestricted)                                        | n/a    | \$10,154                         | 0.132   | \$27,544                         |
| 8,000 sf single family unit (unrestricted)                                        | n/a    | \$27,924                         | 0.275   | \$57,265                         |
| 90 -- 850 sf, 2-bedroom apartments or attached single family units (unrestricted) | 20     | \$4,367,099                      | 2.625   | \$692,801                        |

Elected Officials will be asked to give direction on their preferred (if any) amendments to the current residential Housing Mitigation program at the meeting.

## Change of Use Requirements affecting Small Businesses

Another area that staff has heard input on is the impact of the current mitigation rates on small businesses and, more specifically, on “change of use” requirements for non-residential development. A change of use is when an existing tenant space changes its use to another use in the Housing Mitigation rate table. For example, a current 5,000 square foot retail use changes to a 5,000 square foot restaurant use. If the new use’s Housing Mitigation rate is higher than the current use’s Housing Mitigation rate the business owner and/or property owner must pay a fee-in-lieu and/or construct a restricted unit to satisfy the additional new Housing Mitigation requirement. Staff notes that a change in use may also trigger other significant requirements including, but not limited to, Building and Fire Code, parking, and sewer capacity fees. The change of use requirement for Housing Mitigation was not a new requirement in 2018. However, the increase in overall mitigation rates for nonresidential uses, as discussed above, was added in 2018 and resulted in significantly larger fees for some new or relocating businesses. In considering this issue staff has identified three possible amendments and the potential advantages and disadvantages:

### 1) Exempt all existing non-residential square footage from change of use requirements

#### Pros

- This would allow businesses to move to different existing locations and not be subject to change of use Housing Mitigation fees.
- One additional option could be to exclude some uses (e.g. restaurant) that have a higher mitigation requirement from this exemption, but such targeted exemptions would need to pass legal scrutiny.

#### Cons

- This would allow new or relocating businesses with a higher mitigation rate (e.g. restaurants) to get approved at a lower rate than existing businesses were required to meet; this change may also devalue existing properties that paid for existing housing credits at a higher rate.
- Change of use on new construction and additions to existing structures completed after the date of this change would still need to be tracked, accounted, and mitigated. This could be addressed by going to one standardized Housing Mitigation rate for all existing and new uses to eliminate any need for mitigation upon change of use. Although staff finds merit to this alternative, it may be a larger amendment not within the scope of this interim stage, but one that could be considered in the future.

### 2) Allow for the payment of fee-in-lieu in all instances and no longer require the construction of units for change of use in existing buildings

#### Pro

- This amendment would ensure that a business and/or property owner would not be required to construct an actual unit in an existing building as result of a change in use.

#### Con

- This is largely already the case with existing regulations not requiring new units be built in existing buildings, thus the impact of this change would be minimal.

### 3) No change

#### Pro

- This would allow the current system to remain; however, when combined with the proposed overall reduction in rates, the result would be that the change of use mitigation fees would be reduced substantially.

#### Con

- If the overall reduction in rates is not significant enough to address the concern, businesses may still see the change of use requirement as burdensome.

Elected Officials are asked to give direction on their preferred (if any) amendments to the current non-residential change of use Housing Mitigation requirements at the meeting.

## **Other Amendments**

In addition to the larger policy decisions listed above, staff has provided the following additional amendments for consideration now or, preferably, as part of a comprehensive revisit of the Housing Mitigation program in the future. Staff is recommending deferral of these items as they will require more time and consideration by staff, the public, Planning Commissions and Elected Officials than may be possible during this interim amendment process.

- Town: Amend residential Housing Mitigation requirements to exempt additions to an existing house for the first 2,500 sf of total floor area. For example, an existing 1,600 sf house can add 900 sf without any mitigation but any new floor area added above 900 sf must be mitigated. This will incentivize reinvestment in existing homes which are less prone to speculation (full scrapes) and is a more sustainable option that preserves existing energy in existing homes
- Town and County: Allow more flexibility in the type of restriction(s) and size of unit(s) to be provided
- Town and County: Update Independent Calculation requirements to include what information needs to be provided to staff to complete the calculation

Elected Officials will be asked to give direction on this and other amendments they would like to consider to the current residential Housing Mitigation program at this time.

### **ATTACHMENTS**

JIM staff report dated September 14, 2020

JIM Presentation dated September 14, 2020

Public Comment

Teton County Land Development Regulations Section 6.3.3.

Town of Jackson Land Development Regulations Section 6.3.3.

### **STAKEHOLDER ANALYSIS**

All Town and County residents, businesses, and property owners.

### **PUBLIC COMMENT**

Written comments received by Planning staff as a general response to revisiting mitigation rates are attached to this staff report.

### **FISCAL IMPACT**

Up to \$5,000 from the Town and County Planning Department Professional Services accounts for a consultant to assist in the review and codification of amendments. Funding would be split 50/50 between Town and County.

### **STAFF IMPACT**

The FY21 Work Plan indicates that an update to the Workforce Housing Mitigation LDRs will require 310 staff hours spread among the Long-Range Planners, Town Planning Director and Community Development Director, County Planning Director and the Housing Department.

### **LEGAL REVIEW**

County: Gingery

### **STAFF RECOMMENDATION**

Staff has not provided a recommendation as this item is related solely to policy direction at the discretion of the elected officials.

## SUGGESTED MOTIONS

### **County Motion**

I move to direct staff to prepare Amendments to the Text of the Land Development Regulations, Section 6.3.3. Affordable Workforce Housing Standards and all associated sections as follows:

- Adjust Non-residential Housing Mitigation Rates as follows:
- Adjust Housing Mitigation Change in Use Requirements as follows:
- Other Housing Mitigation Amendments as follows:

### **Town Motion**

I move to direct staff to prepare Amendments to the Text of the Land Development Regulations, Section 6.3.3. Affordable Workforce Housing Standards and all associated sections as follows:

- Adjust Non-residential Housing Mitigation Rates as follows:
- Adjust Housing Mitigation Change in Use Requirements as follows:
- Other Housing Mitigation Amendments as follows:



ATTACHMENT:  
SEPT 14 STAFF REPORT



## JOINT INFORMATION MEETING AGENDA DOCUMENTATION

**PREPARATION DATE:** September 8, 2020  
**MEETING DATE:** September 14, 2020

**SUBMITTING DEPARTMENT:** Planning  
**DIRECTORS:** Chris Neubecker, Tyler Sinclair  
**PRESENTER:** Tyler Sinclair

**SUBJECT:** Update to Affordable Workforce Housing Mitigation Standards: Revisiting Mitigation Rates

### STATEMENT/PURPOSE

The FY2021 Work Plan includes a task to revisit the current structure and rates for affordable workforce housing mitigation required by the Land Development Regulations. The purpose of this meeting is to describe the process for considering amendments to the current housing mitigation rates.

### BACKGROUND/STAFF ANALYSIS

Staff has summarized the history of housing mitigation policy in the Town and County to provide relevant context and ensure understanding of the historical and current housing mitigation requirements in the community prior to discussion of adjustments to the mitigation rates at a future meeting.

#### *Housing Mitigation Standards 1995-2017*

In 1995, community-wide employee and affordable housing standards were established as requirements on new development to address local affordable workforce housing issues. The regulations required residential developers to provide some affordable housing for year-round workers and nonresidential developers to provide some employee housing for seasonal workers. By 2017, the regulations in effect required that 25% of all new housing stock be made available at affordable prices. That is, 25% of all new residential units were required to be affordable through permanent deed restriction managed by the Jackson/Teton County Housing Department. For nonresidential development, the employee housing requirement was determined by calculating the number of peak season employees in need of housing, accounting for those who may already live in the community, and accounting for average wages paid by various land uses. This seasonal employee generation requirement yielded an average employee mitigation rate of 13% across industries. The rate varied by industry, depending on an industry's reliance on seasonal vs. year-round workers. These standards were based on the Affordable Housing Needs Assessment and Seasonal Employee Housing Needs Assessment found in Appendix D of the 2012 Comprehensive Plan.

The intention of the 25% restriction on residential development was that new residential development would address the resulting permanent long-term housing needs new development. However, this approach was limited because if housing growth is slower than job growth, then the gap between job generation and affordable

workforce housing construction will grow. During the time these standards were in effect, job growth did exceed affordable housing growth and the existing housing needs gap in the community expanded. Between 2007 and 2017, approximately two hundred (200) housing units were provided through housing requirements in the Land Development Regulations (LDRs), constituting about 25% of total housing units produced in that time. Between 1995 and 2017, the percentage of the workforce living locally continued to decline annually.

With the adoption of the Jackson/Teton County Comprehensive Plan in 2012, the community resolved to address its local workforce housing issue by setting a goal to house at least 65% of local employees within the community. The benefits of a locally housed workforce on protecting community character and reducing impacts of growth are extensive and important. The 2012 Comprehensive Plan and the 2015 Housing Action Plan both commit to continue using housing provision requirements in the Land Development Regulations as a tool to meet the community's 65% local workforce target through the production of affordable workforce housing.

In 2017, the community reevaluated its affordable and employee housing regulations through Engage 2017, which produced significant input from the public on issues with the existing housing program. Subsequently, the Town Council and Board of County Commissioners provided policy direction on ten policy questions that would inform an update to the LDRs on housing standards. The result of the update was adoption of Division 6.3 Affordable Workforce Housing Standards in both the Town and County LDRs on July 18, 2018 which remain in effect today.

### *2018 Housing Mitigation Policy*

While the goal of the 2018 housing mitigation requirements remains largely unchanged from 1994, the result of the Engage 2017 process includes changes in *how* and *what amount* of housing demand generated by development is required to be mitigated. The 2018 Affordable Workforce Housing Standards are a shift from the prior inclusionary zoning approach to a mitigation strategy requiring developers to offset a percentage of the fulltime, year-round employees generated by the development and use. The intent of this shift was to ensure that housing is provided concurrently with the creation of new jobs, rather than waiting for residential development to produce the necessary affordable workforce housing. Through the Engage 2017 process, the community decided that the new development or change in use creating new jobs should be responsible for housing the new workers who cannot afford market rate housing. The decision reduced the affordable housing requirement on market rate residential development and was paired with updates to Town zoning allowances and incentives to encourage residential development in the community. Additionally, the update removed mitigation requirements for the generation of seasonal workers. This change reflected a policy decision to instead allow market housing solutions for these seasonal workers and to focus mitigation efforts on housing the year-round workforce.

The updated LDRs require developers of both residential and nonresidential projects to provide affordable workforce housing to mitigate a portion of the housing demand generated by the development for year-round employees who cannot afford market rate housing. This data and resulting mitigation rates were calculated through the 2013 Teton County and Town of Jackson Employee Generation Land Use Study ("Nexus Study") of the local workforce. The result of these changes is that housing requirements for multi-unit residential development have decreased, housing requirements for single-family residential development have roughly stayed the same, and housing requirements for nonresidential uses have increased.

The current mitigation rates were based on this policy direction shift and analysis of the increasing gap in affordability. Staff initially proposed a new mitigation rate for all types of development that would require the provision of housing for 73% of all year-round workers generated by the development. 73% was determined to be the average percentage of local year-round workers who could not afford market housing. The number of employees generated by a development varies by industry because some industries have more year-round employees per square foot and more employees in certain industries can afford market housing. For instance, a restaurant use requires more employees per square foot than an industrial use because the Nexus Study tells us that more employees are generated by development of a restaurant than an industrial business of the same size. This initial proposal represented an increase in affordable housing required for overall development throughout the community. The proposal also required that a greater percentage of required units serve lower income residents, citing the needs identified in the 2013 Nexus Study.



Much of the discussion during consideration of staff's initial proposal weighed potential impacts of the update on physical and economic growth compared to the benefits on the quality of life and growth management common values of the Comprehensive Plan. Staff offered that this mitigation rate would allow affordable housing growth to begin to catch up with the rapid job growth and commensurate housing need over the preceding years.

During joint review of the proposed Affordable Workforce Housing Standards in 2018, both the Board of County Commissioners and the Town Council elected to reduce the proposed mitigation rate for nonresidential, nonlodging uses from the proposed 73% of year-round employees generated. The Town Council reduced the mitigation rate to 55%, while the County ultimately reduced it to 48%. The County also added a mitigation exemption for private schools and for single-family houses of 2,500 sf or less.

The table below includes a summary of the current housing mitigation requirements. The gray columns explain the breakdown of employees generated by use and by year-round vs. seasonal. About 75% of year-round employee generation is from nonresidential development, while 5% is from lodging and 20% is from residential. Overall, the current percentages of housing demand mitigation in the Town (36%) and County (33%) are nearly equal to the 1994 LDRs (33%), however, as described above, the method and distribution of the rates have shifted. For more information on the history and policy direction behind the 2018 housing requirements refer to the [Housing Requirements Project Page](http://jacksontetonplan.com/161/Housing-Requirements) on [jacksontetonplan.com](http://jacksontetonplan.com) (direct link: <http://jacksontetonplan.com/161/Housing-Requirements>).

| Comparison of Housing Demand Required to Be Supplied (Mitigation Rates) |                      |                 |                                             |            |
|-------------------------------------------------------------------------|----------------------|-----------------|---------------------------------------------|------------|
|                                                                         | Year-round Employees | Total Employees | % of Housing Demand Required to be Supplied |            |
|                                                                         |                      |                 | Town                                        | County     |
| Year-Round Employee Housing Demand                                      | 100%                 | 60%             | 60%                                         | 54%        |
| - Nonresidential                                                        | 75%                  | 45%             | 55%                                         | 48%        |
| - Lodging                                                               | 5%                   | 3%              | 73%                                         | 73%        |
| - Residential                                                           | 20%                  | 12%             | 73%                                         | 73%        |
| Seasonal Employee Housing Demand                                        | n/a                  | 40%             | 0%                                          | 0%         |
| <b>Overall</b>                                                          | <b>n/a</b>           | <b>100%</b>     | <b>36%</b>                                  | <b>33%</b> |

### *Revisiting Mitigation Rates*

Upon adoption of these regulations in 2018, a few members of the Wyoming Legislature became interested in our local Housing Mitigation Program and expressed interest in prohibiting municipalities and counties from imposing affordable housing exactions. As a result, the Town and County committed to revisiting assessment of local mitigation rates. This item was listed on the FY21 Work Plan with a goal of completion prior to the 2021 Wyoming Legislative Session.

This item was introduced for discussion at the [August 3, 2020 JIM](#) where the Board of County Commissioners and Town Council provided the following direction:

- Scope: Adjustment to current mitigation rates using available data. This would allow the boards to focus only on adjustments they may want to make based upon the current Housing Nexus Study and information from the Engage 2017 update process.
- Joint coordination and discussion, with mitigation rates amended individually if consistency cannot be achieved.
- Timeline: Complete by January 2021

And approved the following motion:

*I move to direct staff to proceed with a review and update to the Town and County Affordable Workforce Housing Standards as discussed in this meeting and described below:*

- *To review a short-term adjustment in non-residential mitigation rates*

- *To review opportunities to increase mitigation for larger single-family residential under the current nexus study*
- *To bring back to the joint boards for consideration*

## ATTACHMENTS

Public Comment

## STAKEHOLDER ANALYSIS

All Town and County residents, businesses, and property owners.

## PUBLIC COMMENT

There has been public comment on the Town and County Housing Mitigation requirements, but none specific to this review and update since it has not yet begun. Written comment received by Planning Staff as a general response to revisiting mitigation rates is attached to this staff report.

## FISCAL IMPACT

This item is managed by Planning Staff, but if complex technical updates to the Housing Mitigation Calculator are needed to reflect structural amendments to Affordable Workforce Housing Standards, \$5000 will be requested for a consultant to codify those changes. Funding is anticipated to be split 50/50 between Town and County.

## STAFF IMPACT

The FY21 Work Plan indicates that an update to the Workforce Housing mitigation LDRs will require 310 staff hours spread among the Long-Range Planners, Town Planning Director and Community Development Director, County Planning Director and the Housing Department.

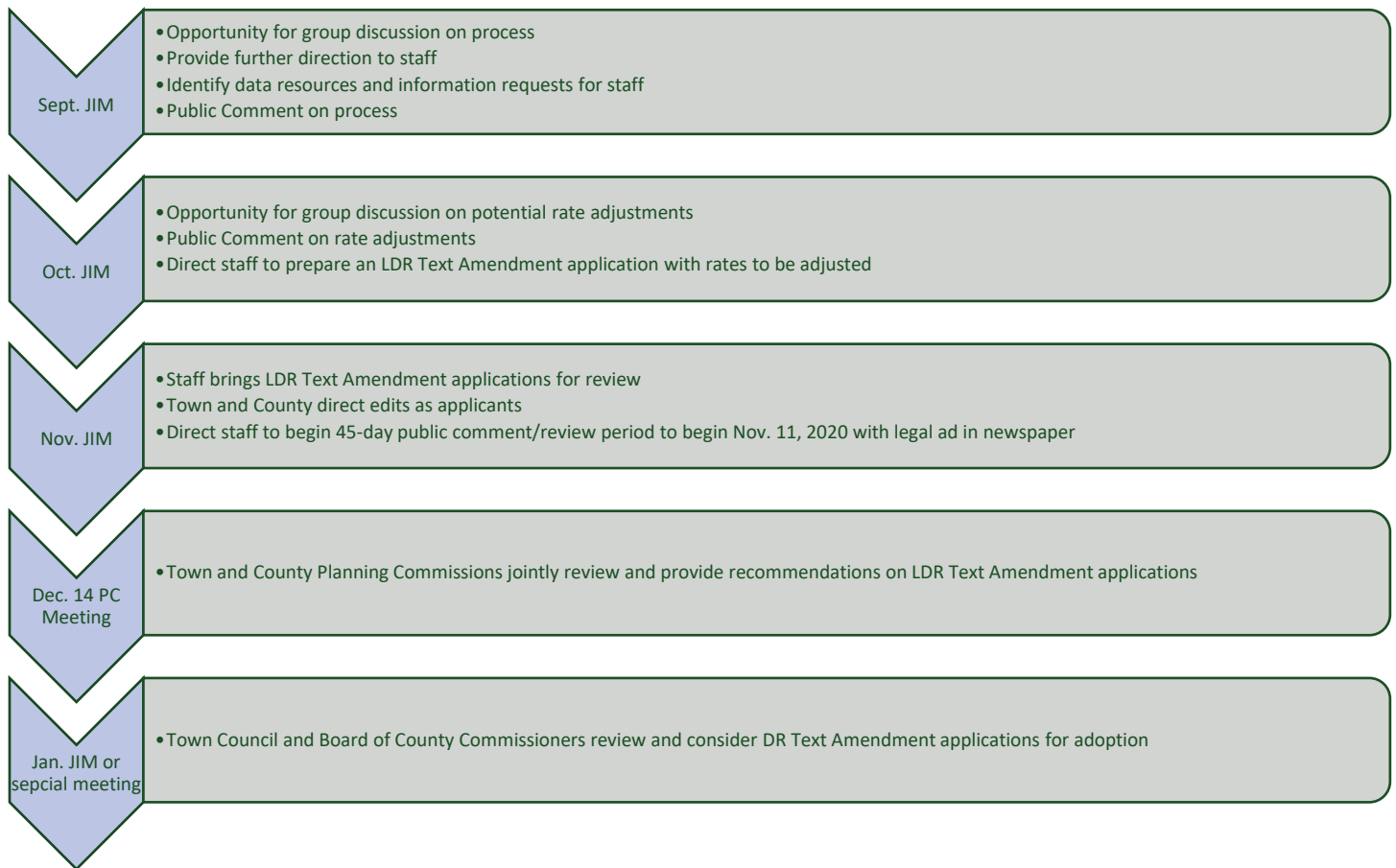
## LEGAL REVIEW

County: Gingery

Town: Not required.

## STAFF RECOMMENDATION

In consideration of the time limits and resources for this project, Staff recommends that this amendment be limited to adjusting the mitigation rates to change the amount of affordable workforce housing required for new development or change of use. This would only impact Section 6.3.3. of the Land Development Regulations (for both the Town and County) by adjusting the percentage of employees generated by development and use that is required to be mitigated. The scope and methodology for this update will be discussed at future meetings, but does correlate to the following process/timeline recommended by staff for review at this September JIM.



#### Options for Next Steps:

- 1) Schedule a special JIM (2-3 hours) in October to provide direction (staff's recommendation), or
- 2) Discuss separately at scheduled Town and County meetings then jointly at the October 5, 2020 JIM or specially scheduled October JIM. Joint discussion is recommended by staff for consistency of application throughout the community and for consistency of discussion at the state level. However, the Town and County currently do not share the same mitigation rates for nonresidential uses and there is no requirement that adjusted rates match.

Staff recommendation is that public comment be allowed at the JIMs or separate Town and County meetings, but no independent public information sessions or stakeholder groups be utilized due to the limited scope and time constraints associated with this item.

Per direction at the August 3, 2020 JIM, this short-term process will be followed at a future date with a long-term more comprehensive evaluation of Town and County Affordable Workforce Housing Standards based on updated data including an updated Housing Nexus Study.

#### SUGGESTED MOTIONS

##### ***County Motion***

I move to direct staff to proceed with a review and update of the County Affordable Workforce Housing Standards as discussed at this meeting and described below:

- Schedule October Special JIM (2-3 hours) for October \_\_\_\_ at \_\_\_\_.

### ***Town Motion***

I move to direct staff to proceed with a review and update of the Town Affordable Workforce Housing Standards as discussed at this meeting and described below:

- Schedule October Special JIM (2-3 hours) for October \_\_\_\_ at \_\_\_\_.

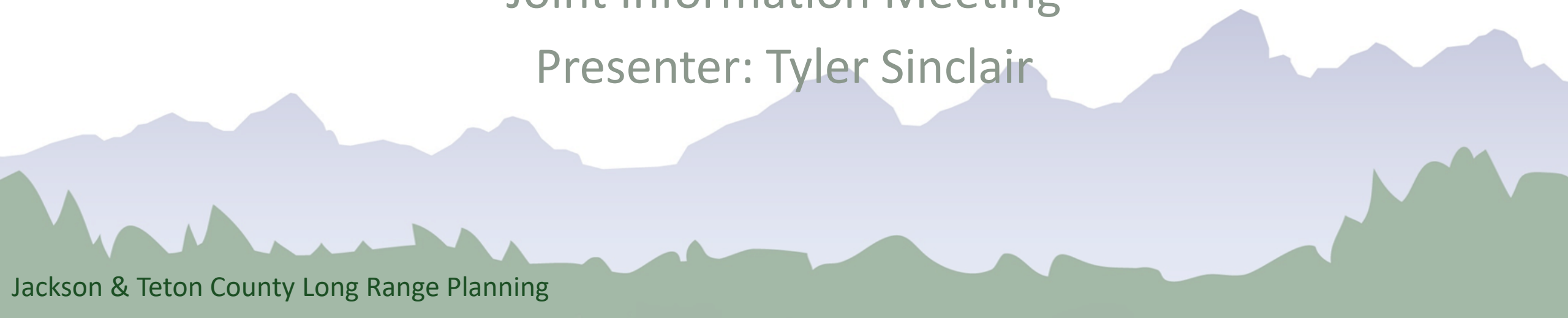
ATTACHMENT:  
SEPT 14 STAFF PRESENTATIONN

# Revisiting Housing Mitigation Rates

September 14, 2020

Joint Information Meeting

Presenter: Tyler Sinclair



# Purpose

To describe the process for consideration of amendments to current housing mitigation rates.

| Revisit Workforce Housing Mitigation LDRs |                       |              |
|-------------------------------------------|-----------------------|--------------|
| <i>Progress</i>                           | 0%                    |              |
| <i>Timeframe</i>                          | Jul. 2020 – Dec. 2020 |              |
| <i>Task Lead</i>                          | Long-Range Planning   |              |
| <i>Resources</i>                          | <i>FY 21</i>          | <i>Total</i> |
| <i>Long-Range Planning</i>                | 100 hrs.              | 100 hrs.     |
| <i>Town Planning Director</i>             | 60 hrs.               | 60 hrs.      |
| <i>Town CD Director</i>                   | 60 hrs.               | 60 hrs.      |
| <i>County Planning Director</i>           | 30 hrs.               | 30 hrs.      |
| <i>Housing Department</i>                 | 60 hrs.               | 60 hrs.      |

**Task:** Town and County will work jointly to revisit the current structure and rates for workforce housing mitigation required by the LDRs. Without the benefit of an updated nexus study, work will focus on either adjusting or reaffirming the percentage of employees generated by new development or use for which housing mitigation is required.

# Affordable Housing Standards 1995-2017

1995

estab. employee &  
affordable housing  
standards in LDRS

Nonresidential  
Development

33%

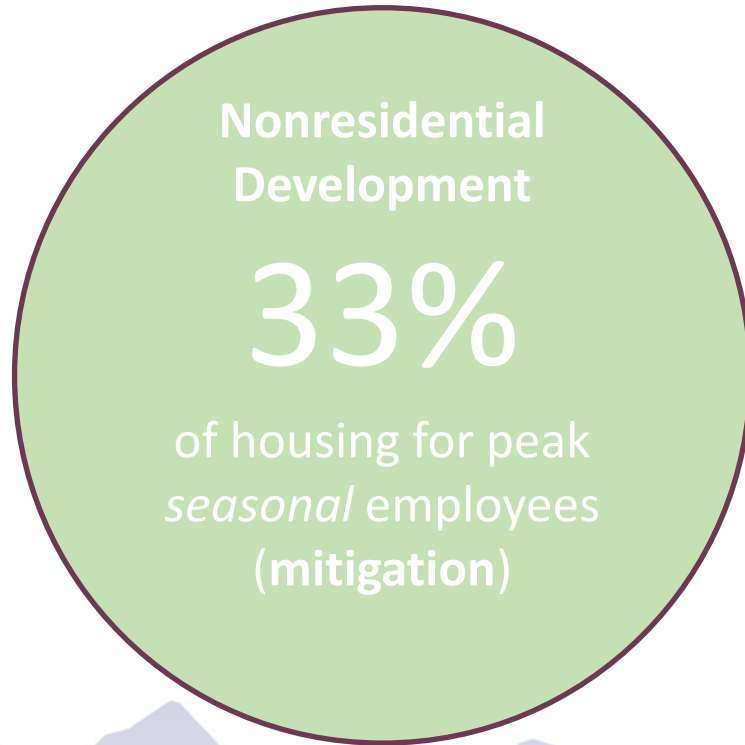
Of housing for peak  
*seasonal* employees  
(mitigation)

Residential  
Development

25%

Of new residential  
units deed-restricted  
(inclusionary zoning)

# Nonresidential Requirement



- Under the old standards, nonresidential development only mitigated for 1/3 of seasonal employees generated.



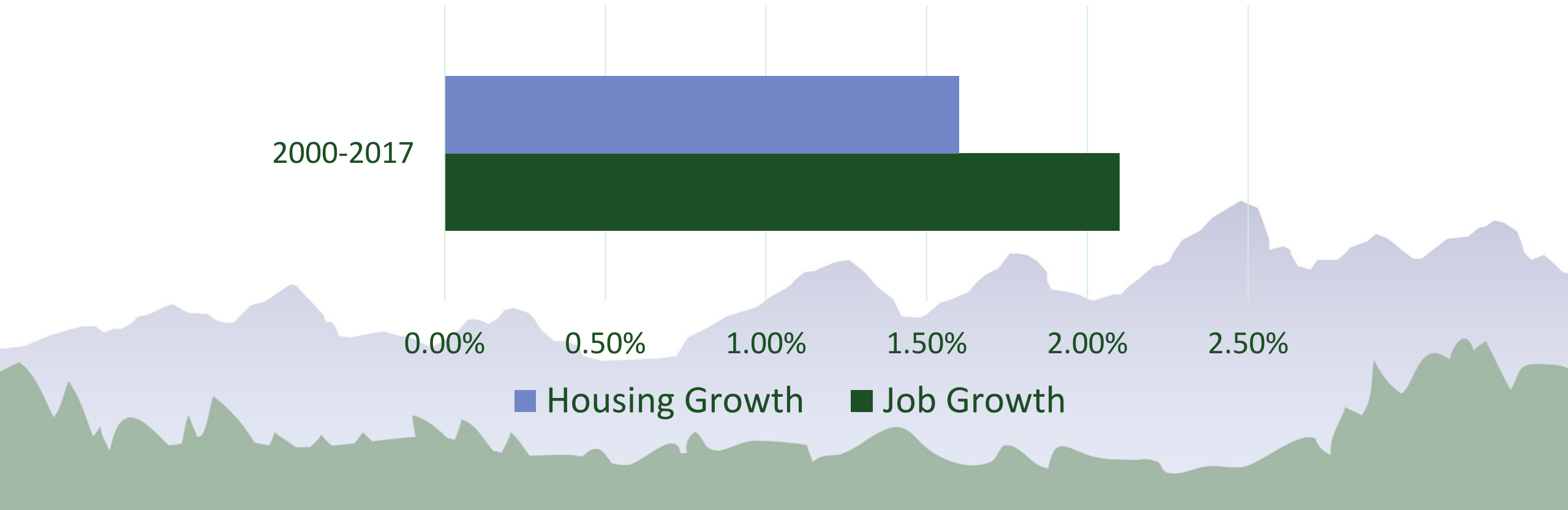
# Residential Requirement



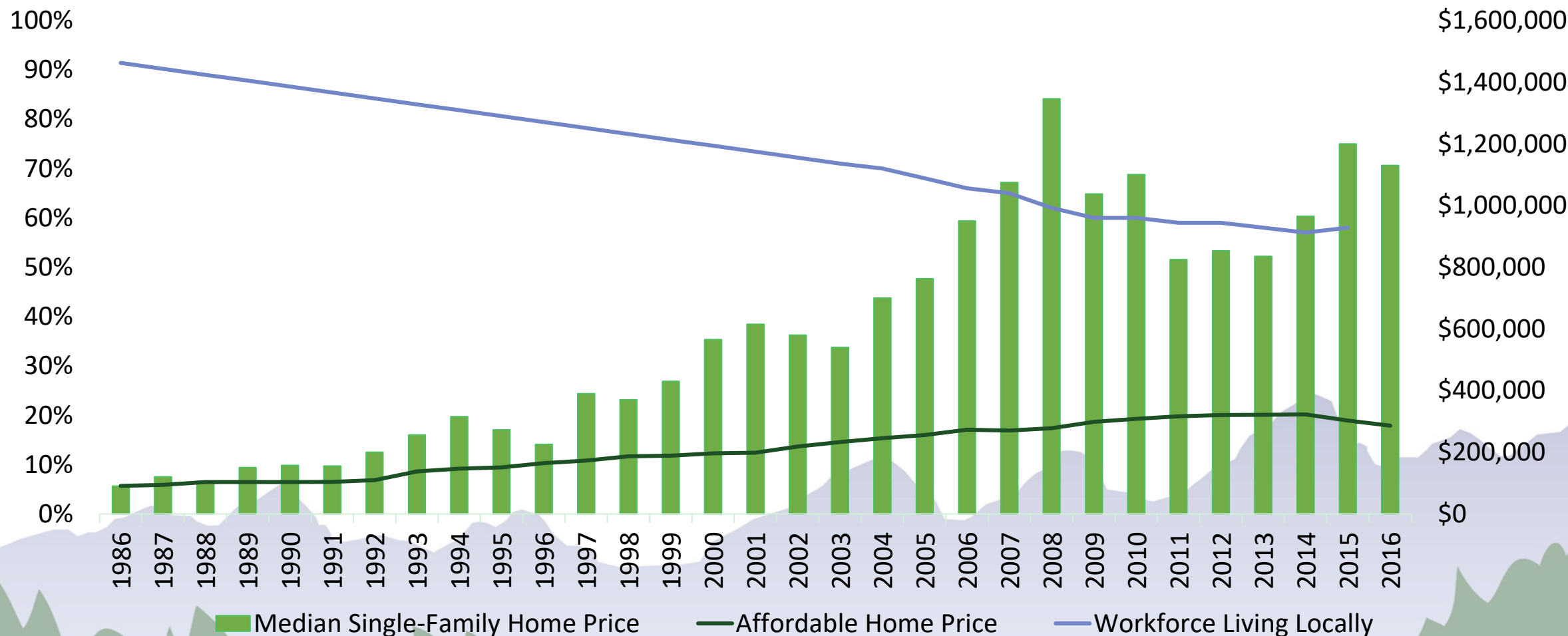
- Intention of 25% inclusionary requirement on residential development is to address year-round housing needs created by new development (both residential + nonresidential)

# Job Growth vs. Housing Growth

Job Growth outpaced Housing Growth, leading to an increasing gap between affordable housing demand and affordable housing supply



# Home Prices Increase + Local Workforce Declines



# How We Got to 2018

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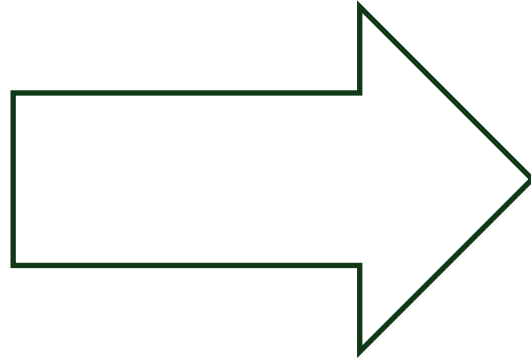
- 2012 – Adopted the Comprehensive Plan, including the goal of continuing to house 65% of the workforce locally
- 2013 – Completed Employee Generation Study (Nexus Study) to identify housing demand from development
- 2015 – Adopted the Housing Action Plan to identify all housing demand and set a strategy for housing supply



# New Housing Mitigation Policy



Engage  
2017



2018

New Affordable  
Workforce Housing  
Standards in LDRS

# 2018 Affordable Workforce Housing Standards

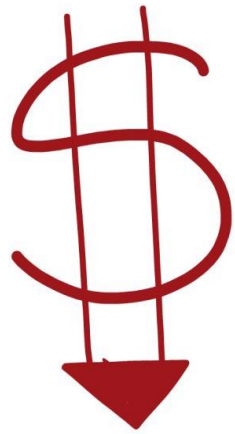
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- Goal is unchanged: *provide housing for workforce locally.*
- Shift 1: End inclusionary zoning for residential development and adopt a mitigation strategy for all development.
- Shift 2: Mitigate for the generation of year-round workers, not seasonal workers.
- Current mitigation rates are based on these policy shifts and analysis of affordability gap.



# 2018 Affordable Workforce Housing Standards

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**MULTI-UNIT  
RESIDENTIAL DEVELOPMENT**

**\$AME**

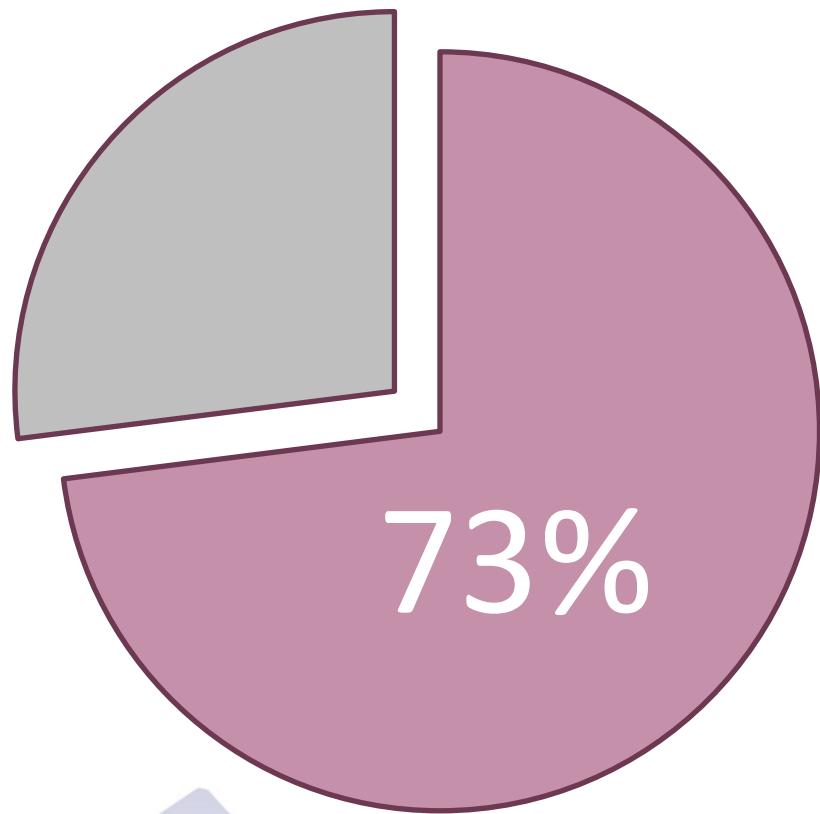
**SINGLE-FAMILY  
RESIDENTIAL**



**COMMERCIAL, LODGING  
AND INSTITUTIONAL**

# 2018 Affordable Workforce Housing Standards

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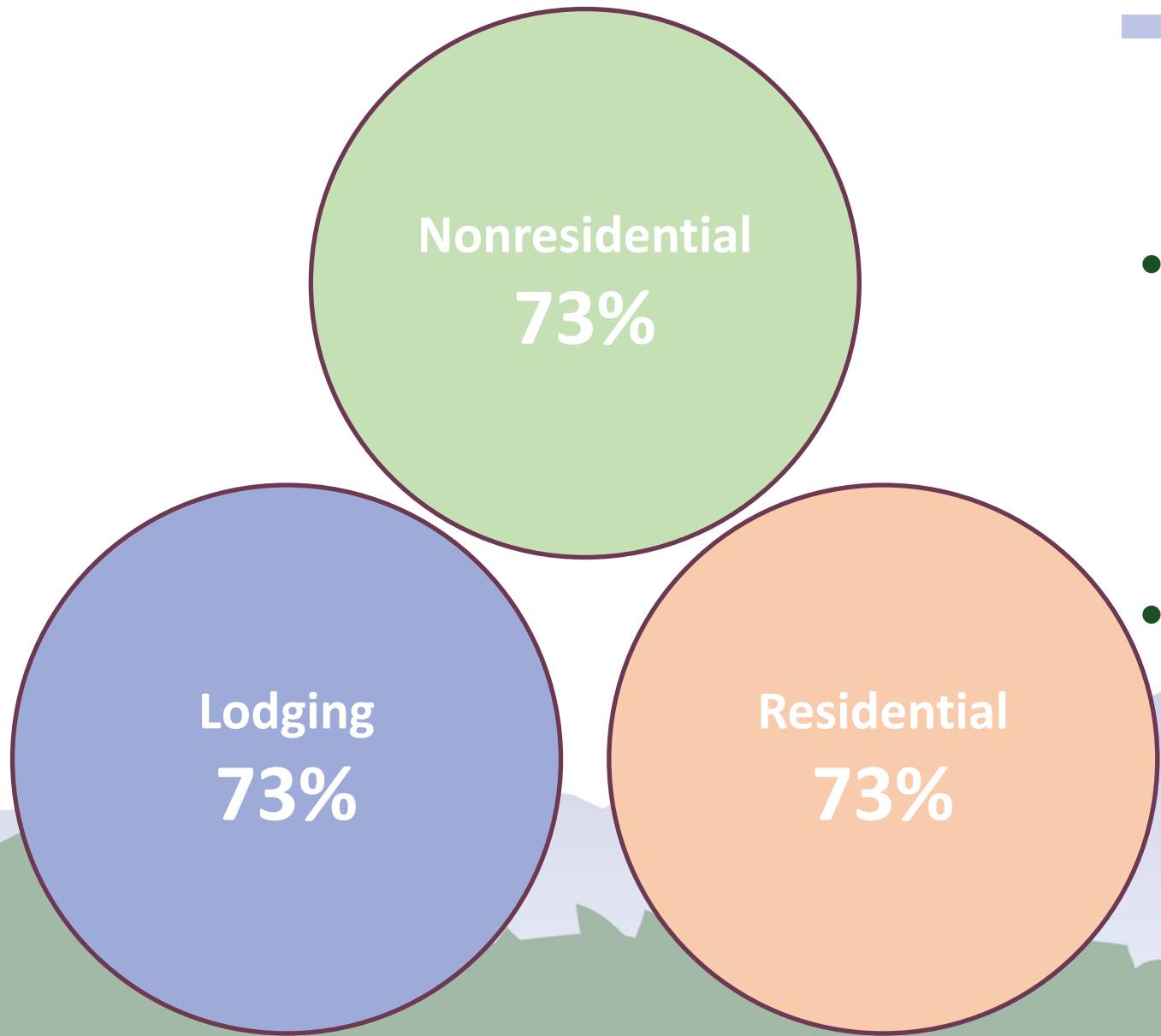
■ Year-round Workers Who Can Afford

- On average, 73% of year-round workers cannot afford housing (Nexus Study)



# 2018 Affordable Workforce Housing Standards

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Nonresidential  
73%

Lodging  
73%

Residential  
73%

- On average, 73% of year-round workers cannot afford housing (Nexus Study)
- Initial staff proposal was to mitigate for all 73%.

# 2018 Affordable Workforce Housing Standards

---

Nonresidential  
Town 55%  
County 48%

Lodging  
73%

Residential  
73%

- During review, the County and Town elected to reduce the mitigation rate for nonresidential uses
- Town: 55%
- County: 48%

# Revisiting Mitigation Rates

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- August 3, 2020 JIM Direction:
  - Adjustment to current mitigation rates using currently available data.
  - Joint coordination and discussion, with mitigation rates amended individually if consistency cannot be achieved.
  - Complete by January 2021



## Fiscal Impact

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Task is managed by Planning Staff, but consultant will be requested if major structural changes proposed (~\$5000)

## Staff Impact

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### 310 Staff Hours

- Long-Range Planning, Town Planning Director & Community Development Director, County Planning Direction and Housing Dept.



# Staff Recommendation

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- Staff recommends that the scope of this short-term update be limited due to limits on staff resources and timing.
- Staff recommends limiting the amendment to Section 6.3.3. of the LDRs (Town and County)
- Per previous direction, this process will be followed by a future, comprehensive evaluation based on an updated Nexus Study.



# Process Options

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- Options for Next Steps:
  1. Schedule a special JIM (2-3 hours) in October to provide direction (**staff's recommendation**), or
  2. Discuss separately at scheduled Town and County meetings then jointly at the October 5, 2020 JIM or specially scheduled October JIM.



# Proposed Schedule

Sept. JIM

- Opportunity for group discussion on process
- Provide further direction to staff
- Identify data resources and information requests for staff
- Public Comment on process

Oct. JIM

- Opportunity for group discussion on potential rate adjustments
- Public Comment on rate adjustments
- Direct staff to prepare an LDR Text Amendment application with rates to be adjusted

Nov. JIM

- Staff brings LDR Text Amendment applications for review
- Town and County direct edits as applicants
- Direct staff to begin 45-day public comment/review period to begin Nov. 11, 2020 with legal ad in newspaper

Dec. 14 PC Meeting

- Town and County Planning Commissions jointly review and provide recommendations on LDR Text Amendment applications

Jan. JIM or special meeting

- Town Council and Board of County Commissioners review and consider LDR Text Amendment applications for adoption

# Suggested Motions

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## County Motion

*I move to direct staff to proceed with a review and update of the County Affordable Workforce Housing Standards as discussed at this meeting and described below:*

- *Schedule October Special JIM (2-3 hours) for October \_\_\_\_ at \_\_\_\_.*

## Town Motion

*I move to direct staff to proceed with a review and update of the Town Affordable Workforce Housing Standards as discussed at this meeting and described below:*

- *Schedule October Special JIM (2-3 hours) for October \_\_\_\_ at \_\_\_\_.*



# Public Comment

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Subject: Housing Mitigation Rate Review

8/17/2020

Dear Members of the Town Council and Board of County Commissioners,

Throughout the Engage 2017 process, the following adoption of higher Housing Mitigation rates for business and the Legislative Session 2020, the Jackson Hole Chamber of Commerce has consistently supported Housing Mitigation as a tool for Teton County to create work force housing. However, we communicated our strong belief that raising the rates on business was the wrong thing to do, and the levels adopted were too high.

We know there is a very real pressure from the state legislature of a bill that would remove local control of housing mitigation as we approach the last quarter of 2020, and we believe all three of these observations are still true. As such we humbly suggest an efficient and expedient solution to the situation.

We suggest action to return the mitigation rates to the levels being used prior to the 2018 change. These rates created housing, were supported by businesses, and would avoid an unnecessary debate on a new, lower, interim set of rates to avoid potential legislative action.

We also suggest staff focus on getting ready for a 2020 Nexus Study which would include a complete analysis of the type and total contributions of businesses, not just employee generation.

Yours sincerely,

A handwritten signature in black ink that reads 'Anna Olson'. The signature is written in a cursive, flowing style.

Anna Olson  
President/CEO  
Jackson Hole Chamber of Commerce

## Rian Rooney

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**From:** aschwartzwy <aschwartzwy@gmail.com>  
**Sent:** Friday, July 31, 2020 8:59 AM  
**To:** Board Of County Commissioners  
**Subject:** mitigation

Friends, This is a message I sent to TOJ that I believe you should see as well. Best wishes, Andy

Mayor and Council, It has come to my attention that the topic of Housing Mitigation is on the JIM agenda Monday. As you no doubt recall this issue was the subject of HB22 in the 2020 Session of the Legislature (and also in the previous two sessions). While the bill did not pass introduction, there is no guarantee that a similar bill can be defeated in the upcoming session. A significant part of the conversation was a commitment from local elected officials to work with interested parties to revisit the mitigation rate. It is my hope that the commitment was sincere, and that an inclusive process will be developed. Through that process a mitigation rate should be calculated that recognizes not only the responsibility of development to create associated work force housing, but also the contributions to the local economy and tax base that the development provides. Time is of the essence. Respectfully yours, Representative Andy Schwartz

Sent from [Mail](#) for Windows 10

**EXAMPLE:** An 1,800 sf detached single-family unit would be exempt from this Section. A proposal to add 900 sf to the unit would result in a requirement of 0.027 affordable workforce housing units  $((0.000017 * 2,700 + \text{Exp}(-15.49 + 1.59 * \ln(2,700)) / 2.176) - (0.000017 * 1,800 + \text{Exp}(-15.49 + 1.59 * \ln(1,800)) / 2.176) = 0.027$ ).

7. **Replacement after Damage by Natural Disaster.** Replacement of an attached single-family unit (6.1.4.C.) or apartment (6.1.4.D.) that is demolished or destroyed by a natural disaster or through any manner not willfully accomplished by the owner, regardless of the extent of the demolition or destruction. The replacement shall be complete, or an application to complete shall be sufficient, within 18 months of the date of destruction.
8. **Mobile Home.** A mobile home (6.1.4.E.) or mobile home park (Sec. 7.1.4.).
9. **Dormitory.** A dormitory (6.1.4.F.).
10. **Group Home.** A group home (6.1.4.G.).
11. **Daycare.** A daycare or early childhood education use.
12. **Education.** A private school meeting the definition of Wyo. Stat. §21-4-101.
13. **Accessory Use.** An accessory use (Sec. 6.1.11.).
14. **Temporary Use.** A temporary use (Sec. 6.1.12.).
15. **Public/Semi-Public Zone.** Employee generating development in the public/semi-public zone.
16. **Alta Reduction.** Employee generating development west of the Tetons shall only be required to provide 25% of the amount of affordable workforce housing calculation pursuant to Sec. 6.3.3.

### 6.3.3. Amount of Affordable Workforce Housing Required (7/18/18)

#### A. Requirement

Any employee generating development to which this Division applies shall provide at least the amount of affordable workforce housing determined by the following calculations. The calculations vary by the use being proposed and are the function of the size of the proposal. The calculations are based on the analysis found in the Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013), as amended, and assume an affordable workforce housing unit houses 1.8 local employees.

## 6.3.3. Amount of Affordable Workforce Housing Required (7/18/18)

| Required Affordable Workforce Housing                                                                                |                                                          |
|----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| Use                                                                                                                  | Affordable Workforce Housing Units Required              |
| Detached Single-Family Unit (6.1.4.B.)<br>(Non-Local Occupancy, A.8.)                                                | $0.000017 * sf + (Exp(-15.49 + 1.59 * \ln(sf))) / 2.176$ |
| Detached Single-Family Unit (6.1.4.B.)<br>(Local Occupancy, A.8.)                                                    | $0.000017 * sf + (Exp(-16.14 + 1.59 * \ln(sf))) / 2.176$ |
| Attached Single-Family Unit (6.1.4.C.), Apartment (6.1.4.D.)<br>(Non-Local Occupancy, A.8.)                          | $0.000017 * sf + (Exp(-14.17 + 1.59 * \ln(sf))) / 2.176$ |
| Attached Single-Family Unit (6.1.4.C.), Apartment (6.1.4.D.)<br>(Local Occupancy, A.8.)                              | $0.000017 * sf + (Exp(-14.82 + 1.59 * \ln(sf))) / 2.176$ |
| Conventional Lodging (6.1.5.B.), Short-Term Rental Unit (6.1.5.C.)                                                   | $0.204 * \text{room}$                                    |
| Office (6.1.6.B.)                                                                                                    | $0.000431 * sf$                                          |
| Retail (6.1.6.C.), Service (6.1.6.D.), Nursery (6.1.6.H.),<br>Amusement (6.1.7.B.)                                   | $0.000377 * sf$                                          |
| Restaurant/Bar (6.1.6.E.)                                                                                            | $0.001045 * sf$                                          |
| Mini-Storage Warehouse (6.1.6.G.)                                                                                    | $0.000011 * sf$                                          |
| Heavy Retail/Service (6.1.6.F.), Industrial Uses (Sec. 6.1.9.),<br>Transportation/Infrastructure Uses (Sec. 6.1.10.) | $0.000214 * sf$                                          |

- Schedule and Calculator Available.** A schedule of the requirement for employee generating development of various sizes and a calculator to use in determining the requirement are both available in the Administrative Manual. The residential requirement is a logarithmic equation because there is an exponential relationship between the size of a unit and the number of operations and maintenance employees generated.
- Use Not Listed.** For uses not listed, the Planning Director shall either find a use comparable to the proposed employee generating development and utilize the comparable calculation, or require the applicant to conduct an independent calculation pursuant to 6.3.3.B. to determine the requirement.
- Expansion.** In the case of an expansion to an existing building or use (6.3.2.A.1), the amount of affordable workforce housing required shall be calculated based on the difference between the requirement for the proposed and existing employee generating development.

**EXAMPLE:** A 5,000 sf office building proposing to add 1,500 sf would be required to provide 0.646 affordable workforce housing units ( $0.000431 * 6,500 - 0.000431 * 5,000 = 0.646$ ). A 3,000 sf detached single family home proposing to add 500 sf would be required to provide 0.017 affordable workforce housing units ( $(0.000017 * 3,500 + \text{Exp}(-15.49 + 1.59 * \ln(3,500)) / 2.176) - (0.000017 * 3,000 + \text{Exp}(-15.49 + 1.59 * \ln(3,000)) / 2.176) = 0.017$ ).

- Change of Use.** In the case of a change of use, the amount of affordable workforce housing required shall be the difference between the requirement for the proposed use and the requirement for the existing use (6.3.2.A.1).

**EXAMPLE:** A proposal to use a 2,000 sf retail space as an office would be required to include 0.108 affordable workforce housing units ( $0.000431 * 2,000 - 0.000377 * 2,000 = 0.108$ ).

5. **Unknown Use.** For the development of floor area with an unknown use, the allowed use in the zoning district with the greatest need for affordable workforce housing shall be used, except that Restaurant/Bar use shall only be required in association with a Restaurant/Bar use permit.
6. **Sf.** In the calculations “sf” is equal to the habitable floor area (in square feet), including basement, of each residential, lodging, or nonresidential unit.
  - a. The calculation for a multi-unit building shall be the sum of the calculation for each unit.
  - b. Common hallways, entryways, stairways, and other circulation areas in buildings with multiple residential or nonresidential units, that are not within any individual unit, shall not be included in the calculation.
7. **Room.** In the calculations “room” is equal to a single lodging room. In the case of a conventional lodging or short-term rental with multiple bedrooms per unit, the number of rooms used in the calculation shall be the number of bedrooms, not the number of units.
8. **Local Occupancy Restriction.** The calculation for non-local occupancy shall be applied to all residential uses. In order to utilize the local occupancy calculation, a restriction shall be placed on the unit that requires compliance with the occupancy qualification requirement of the Housing Department Rules and Regulations. Placement of an affordable restriction or workforce restriction on a unit, as defined in the Housing Department Rules and Regulations, shall exempt the unit from any requirement pursuant to 6.3.2.C.1. However, 6.3.2.C.1 does not apply to an occupancy restriction placed to utilize the local occupancy calculation.

**EXAMPLE:** An applicant proposing to build 3 – 1,000 square foot attached single-family units would be required to provide 0.108 affordable workforce housing units ( $3 * (0.000017 * 1,000 + \text{Exp}(-14.17 + 1.59 * \ln(3,500)) / 2.176) = 0.108$ ). If a workforce restriction is placed on the units, they are exempt from the requirements of this Section. If an occupancy restriction is placed on the units, 0.081 affordable workforce housing units would be required ( $3 * (0.000017 * 1,000 + \text{Exp}(-14.82 + 1.59 * \ln(3,500)) / 2.176) = 0.081$ ).

9. **Removal of a Voluntary Restriction.** An affordable, workforce, or occupancy restriction voluntarily placed on a unit may be removed. In order to remove such a restriction, the affordable workforce housing required on the date of the removal shall be provided. In the case of removal of an occupancy restriction the affordable workforce housing requirement shall be calculated as a change of use from local to non-local occupancy.

10. **Update Requirement Regularly.** The determination of need for affordable workforce housing shall be evaluated and updated at least every 5 years to account for changes in the economic and demographic trends in the community. Updates shall be based on update to The Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013), as amended.

## B. Independent Calculation

Where applicable, an independent calculation shall establish the amount of affordable workforce housing required. The intent of the independent calculation is to identify a requirement for an industry that is proportional to the demand for affordable workforce housing that industry generates, where the general circumstances surveyed in the Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013), as amended, do not represent unique circumstances of the industry. The independent calculation is not intended to be business specific.

### 1. Applicability

- a. **Applicant option.** An applicant may elect to prepare an independent calculation of the required affordable workforce housing if the applicant believes the nature, timing, or location of the proposed employee generating development is likely to create less need for affordable workforce housing than otherwise required in this Section.
- b. **Unspecified use.** The Planning Director may require an independent calculation of the need created for required affordable workforce housing if:
  - i. A calculation for the proposed use is not established in Sec. 6.3.3.A.; or
  - ii. A proposed use does not rely on floor area; or
  - iii. The proposal is a Planned Resort estimating housing need pursuant to Sec. 4.3.1.F.6; or
  - iv. The Planning Director finds the employee generating development to be unique from the general circumstances surveyed in The Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013), as amended.

2. **Calculation Methodology.** An independent calculation shall use the methodology used in the Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013) to generate the calculations in 6.3.3.A. That methodology is represented by the following equation:

$$\text{Requirement (units per sf/room)} = [A/30/X*Y] + [B/X*Y] + [C/X*Y] + [D/X*Y]$$

- a. A = the number of construction workers needed to construct one sf or room of the use.

- b. B = the post-construction workers needed to operate one sf/room of the use. In the case of residential development these are the operations and maintenance employees such as landscapers, trash collectors, and property managers. In the case of nonresidential development these are the employees who work at the use.
  - c. C = the number of fire and emergency medical personnel needed to serve one sf/room of the use.
  - d. D = the number of law enforcement personnel needed to serve one sf/room of the use.
  - e. 30 = the 30 year average career of a construction worker.
  - f. X = the average number of workers in the household of an employee in a specific industry.
  - g. Y = the percentage of workers in a specific industry that cannot afford market housing.
3. **Calculation Values.** The values in the Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013), as amended, shall be used in the independent calculation except pursuant to the following standards.
- a. **Values that may be altered.** In the equation for independent calculation an alternate value shall only be used for A, B, or the X and Y values associated with an altered A or B.
  - b. **Alternate values.** The alternate value proposed shall be calculated using:
    - i. Generally recognized principles and methods of impact analysis; and
    - ii. Verifiable local information and data; and
    - iii. Data that is industry specific rather than business specific; and
    - iv. In the case of B, the year-round (including dual seasonal), post-construction occupancy of the space.

**EXAMPLE:** A space that is leased to a raft guiding operation in the summer and snowmobile guiding operation in the winter. For a space that size, a raft guiding operation averages 10 employees and a snowmobile guiding operation averages 7 employees. "B" for that use of that space = 7.



7. **Dormitory.** A dormitory (6.1.4.F.).
8. **Group Home.** A group home (6.1.4.G.).
9. **Daycare.** A daycare or early childhood education use.
10. **Accessory Use.** An accessory use (Sec. 6.1.11.).
11. **Temporary Use.** A temporary use (Sec. 6.1.12.).
12. **Workforce Housing Unit Incentive.** A residential unit approved pursuant to Div. 7.8., whether deed restricted or not.
13. **Public/Semi-Public Zone.** Employee generating development in the public/semi-public zone.

### 6.3.3. Amount of Affordable Workforce Housing Required (7/18/18, Ord. 1196)

#### A. Requirement

Any employee generating development to which this Division applies shall provide at least the amount of affordable workforce housing determined by the following calculations. The calculations vary by the use being proposed and are the function of the size of the proposal. The calculations are based on the analysis found in the Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013), as amended, and assume an affordable workforce housing unit houses 1.8 local employees.

| Required Affordable Workforce Housing                                                                                                                                       |                                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| Use                                                                                                                                                                         | Affordable Workforce Housing Units Required         |
| Detached Single-Family Unit ( <u>6.1.4.B.</u> )<br>(Non-Local Occupancy, A.8.)                                                                                              | $0.000017 * sf + (Exp(-15.49 + 1.59*Ln(sf)))/2.176$ |
| Detached Single-Family Unit ( <u>6.1.4.B.</u> )<br>(Local Occupancy, A.8.)                                                                                                  | $0.000017 * sf + (Exp(-16.14 + 1.59*Ln(sf)))/2.176$ |
| Attached Single-Family Unit ( <u>6.1.4.C.</u> ), Apartment ( <u>6.1.4.D.</u> )<br>(Non-Local Occupancy, A.8.)                                                               | $0.000017 * sf + (Exp(-14.17 + 1.59*Ln(sf)))/2.176$ |
| Attached Single-Family Unit ( <u>6.1.4.C.</u> ), Apartment ( <u>6.1.4.D.</u> )<br>(Local Occupancy, A.8.)                                                                   | $0.000017 * sf + (Exp(-14.82 + 1.59*Ln(sf)))/2.176$ |
| Conventional Lodging ( <u>6.1.5.B.</u> ), Short-Term Rental Unit ( <u>6.1.5.C.</u> )                                                                                        | 0.204 * room                                        |
| Office ( <u>6.1.6.B.</u> )                                                                                                                                                  | 0.000493 * sf                                       |
| Retail ( <u>6.1.6.C.</u> ), Service ( <u>6.1.6.D.</u> ), Nursery ( <u>6.1.6.H.</u> ),<br>Amusement ( <u>6.1.7.B.</u> ), Adult Entertainment Business ( <u>6.1.7.F.</u> )    | 0.000431 * sf                                       |
| Restaurant/Bar ( <u>6.1.6.E.</u> )                                                                                                                                          | 0.001197 * sf                                       |
| Mini-Storage Warehouse ( <u>6.1.6.G.</u> )                                                                                                                                  | 0.000013 * sf                                       |
| Heavy Retail/Service ( <u>6.1.6.F.</u> ), Industrial Uses ( <u>Sec. 6.1.9.</u> ),<br>Transportation/ Infrastructure Uses ( <u>Sec. 6.1.10.</u> )                            | 0.000246 * sf                                       |
| Outdoor Recreation ( <u>6.1.3.C.</u> ), Developed Recreation ( <u>6.1.7.D.</u> ),<br>Outfitter/Tour Operator ( <u>6.1.7.E.</u> ), Institutional Uses ( <u>Sec. 6.1.8.</u> ) | independent calculation                             |

1. **Schedule and Calculator Available.** A schedule of the requirement for employee generating development of various sizes and a calculator to use in determining the requirement are both available in the Administrative Manual. The residential requirement is a logarithmic equation because there is an exponential relationship between the size of a unit and the number of operations and maintenance employees generated.
2. **Use Not Listed.** For uses not listed, the Planning Director shall either find a use comparable to the proposed employee generating development and utilize the comparable calculation, or require the applicant to conduct an independent calculation pursuant to 6.3.3.B. to determine the requirement.
3. **Expansion.** In the case of an expansion to an existing building or use (6.3.2.A.1.), the amount of affordable workforce housing required shall be calculated based on the difference between the requirement for the proposed and existing employee generating development.

**EXAMPLE:** A 5,000 sf office building proposing to add 1,500 sf would be required to provide 0.74 affordable workforce housing units ( $0.000493 * 6,500 - 0.000493 * 5,000 = 0.74$ ). A 3,000 sf detached single family home proposing to add 500 sf would be required to provide 0.017 affordable workforce housing units ( $((0.000017 * 3,500 + \text{Exp}(-15.49 + 1.59 * \text{Ln}(3,500)))/2.176) - (0.000017 * 3,000 + \text{Exp}(-15.49 + 1.59 * \text{Ln}(3,000)))/2.176 = 0.017$ ).

4. **Change of Use.** In the case of a change of use, the amount of affordable workforce housing required shall be the difference between the requirement for the proposed use and the requirement for the existing use (6.3.2.A.1.)

**EXAMPLE:** A proposal to use a 2,000 sf retail space as an office would be required to include 0.124 affordable workforce housing units ( $0.000493 * 2,000 - 0.000431 * 2,000 = 0.124$ ).

5. **Unknown Use.** For the development of floor area with an unknown use, the allowed use in the zoning district with the greatest need for affordable workforce housing shall be used, except that Restaurant/Bar use shall only be required in association with a Restaurant/Bar use permit.
6. **Sf.** In the calculations “sf” is equal to the habitable floor area (in square feet), including basement, of each residential, lodging, or nonresidential unit.
  - a. The calculation for a multi-unit building shall be the sum of the calculation for each unit.
  - b. Common hallways, entryways, stairways, and other circulation areas in buildings with multiple residential or nonresidential units, that are not within any individual unit, shall not be included in the calculation.
7. **Room.** In the calculations “room” is equal to a single lodging room. In the case of a conventional lodging or short-term rental with multiple bedrooms per unit, the number of rooms used in the calculation shall be the number of bedrooms, not the number of units.

8. **Local Occupancy Restriction.** The calculation for non-local occupancy shall be applied to all residential uses. In order to utilize the local occupancy calculation, a restriction shall be placed on the unit that requires compliance with the occupancy qualification requirement of the Housing Department Rules and Regulations. Placement of an affordable restriction or workforce restriction on a unit, as defined in the Housing Department Rules and Regulations, shall exempt the unit from any requirement pursuant to 6.3.2.C.1. However, 6.3.2.C.1. does not apply to an occupancy restriction placed to utilize the local occupancy calculation.

**EXAMPLE:** An applicant proposing to build 3 – 1,000 square foot attached single-family units would be required to provide 0.108 affordable workforce housing units ( $3 * (0.000017 * 1,000 + \text{Exp}(-14.17 + 1.59 * \text{Ln}(1,000)) / 2.176) = 0.108$ ). If a workforce restriction is placed on the units, they are exempt from the requirements of this Section. If an occupancy restriction is placed on the units, 0.081 affordable workforce housing units would be required ( $3 * (0.000017 * 1,000 + \text{Exp}(-14.82 + 1.59 * \text{Ln}(1,000)) / 2.176) = 0.081$ ).

9. **Removal of a Voluntary Restriction.** An affordable, workforce, or occupancy restriction voluntarily placed on a unit may be removed. In order to remove such a restriction, the affordable workforce housing required on the date of the removal shall be provided. In the case of removal of an occupancy restriction the affordable workforce housing requirement shall be calculated as a change of use from local to non-local occupancy.
10. **Update Requirement Regularly.** The determination of need for affordable workforce housing shall be evaluated and updated at least every 5 years to account for changes in the economic and demographic trends in the community. Updates shall be based on update to The Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013), as amended.

## B. Independent Calculation

Where applicable, an independent calculation shall establish the amount of affordable workforce housing required. The intent of the independent calculation is to identify a requirement for an industry that is proportional to the demand for affordable workforce housing that industry generates, where the general circumstances surveyed in the Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013), as amended, do not represent unique circumstances of the industry. The independent calculation is not intended to be business specific.

1. **Applicability**
  - a. **Applicant option.** An applicant may elect to prepare an independent calculation of the required affordable workforce housing if the applicant believes the nature, timing, or location of the proposed employee generating development is likely to create less need for affordable workforce housing than otherwise required in this Section.
  - b. **Unspecified use.** The Planning Director may require an independent calculation of the need created for required affordable workforce housing if:

- i. A calculation for the proposed use is not established in Sec. 6.3.3.A.; or
  - ii. A proposed use does not rely on floor area; or
  - iii. The proposal is a Planned Resort estimating housing need pursuant to Sec. 4.3.1.F.6.; or
  - iv. The Planning Director finds the employee generating development to be unique from the general circumstances surveyed in The Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013), as amended.
2. **Calculation Methodology.** An independent calculation shall use the methodology used in the Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013) to generate the calculations in Sec. 6.3.3.A. That methodology is represented by the following equation:
- $$\text{Requirement (units per sf/room)} = [A/30/X*Y] + [B/X*Y] + [C/X*Y] + [D/X*Y]$$
- a. A = the number of construction workers needed to construct one sf or room of the use.
  - b. B = the post-construction workers needed to operate one sf/room of the use. In the case of residential development, these are the operations and maintenance employees such as landscapers, trash collectors, and property managers. In the case of nonresidential development, these are the employees who work at the use.
  - c. C = the number of fire and emergency medical personnel needed to serve one sf/room of the use.
  - d. D = the number of law enforcement personnel needed to serve one sf/room of the use.
  - e. 30 = the 30 year average career of a construction worker.
  - f. X = the average number of workers in the household of an employee in a specific industry.
  - g. Y = the percentage of workers in a specific industry that cannot afford market housing.
3. **Calculation Values.** The values in the Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013), as amended, shall be used in the independent calculation except pursuant to the following standards.
- a. **Values that may be altered.** In the equation for independent calculation an alternate value shall only be used for A, B, or the X and Y values associated with an altered A or B.
  - b. **Alternate values.** The alternate value proposed shall be calculated using:
    - i. Generally recognized principles and methods of impact analysis; and

- ii. Verifiable local information and data; and
- iii. Data that is industry specific rather than business specific; and
- iv. In the case of B, the year-round (including dual seasonal), post-construction occupancy of the space.

**EXAMPLE:** A space that is leased to a raft guiding operation in the summer and snowmobile guiding operation in the winter. For a space that size, a raft guiding operation averages 10 employees and a snowmobile guiding operation averages 7 employees. “B” for that use of that space = 7.

#### 6.3.4. Type of Affordable Workforce Housing Required (7/18/18, Ord. 1196)

The affordable workforce housing required by this Division shall comply with the following requirements to ensure its affordability and livability.

##### A. Unit types allowed.

A required affordable or workforce housing unit shall be a detached single-family unit ([6.1.4.B.](#)), attached single-family unit ([6.1.4.C.](#)), apartment ([6.1.4.D.](#)), or accessory residential unit ([6.1.11.B.](#)). No other residential or lodging unit type shall be required affordable workforce housing.

##### B. Affordability.

1. **Restriction.** Each affordable or workforce housing unit shall be subject to one of the following restrictions.
  - a. **Less than 50% of Median Income.** An affordable rental restriction, as defined in the Housing Department Rules and Regulations, ensuring affordability for households making 50% of family median income or less.
  - b. **50%-80% of Median Income.** An affordable rental restriction, as defined in the Housing Department Rules and Regulations, ensuring affordability for households making above 50% up to 80% of family median income.
  - c. **80%-120% of Median Income.** An affordable rental or affordable ownership restriction, as defined in the Housing Department Rules and Regulations, ensuring affordability for households making above 80% up to 120% of family median income.
  - d. **120%-200% of Median Income.** A workforce rental or workforce ownership restriction, as defined in the Housing Department Rules and Regulations, for households making above 120% up to 200% of family median income.
2. **Allocation of restrictions.** The above restrictions shall be allocated to the required units in the following order. For requirements above 7 units, the order of allocation shall repeat. A fractional requirement shall be the last allocated.



TOWN COUNCIL

BOARD OF COMMISSIONERS

# JOINT INFORMATION MEETING

## AGENDA DOCUMENTATION

**PREPARATION DATE:** September 30, 2020

**SUBMITTING DEPT:** Long-Range Planning

**MEETING DATE:** October 5, 2020

**DEPT. DIRECTORS:** Tyler Sinclair & Chris Neubecker

**SUBJECT:** Update to the 2012 Jackson/Teton County Comprehensive Plan: Consideration of adoption of the July 29, 2020 Draft (AMD2019-0008/P19-129)

**PRESENTERS:** Tyler Sinclair & Chris Neubecker

### PURPOSE/REQUESTED ACTION

The purpose of this joint meeting between the Jackson Town Council and Teton County Board of Commissioners is to review proposed updates to the 2012 Comprehensive Plan and consider additional edits or amendments to be included prior to adoption of the proposed draft plan dated July 29, 2020.

### BACKGROUND

This project is a systematic review of the effectiveness of our current Growth Management Program for the Town and County as it relates to Comprehensive Plan principles, policies, strategies, and indicators. The goal is to check-in and identify any corrective actions that are needed to better implement the Comprehensive Plan's community vision. The Growth Management Program review was triggered in 2016 upon hitting the 5% growth trigger built into the Comprehensive Plan update process when it was adopted in 2012. After over a year of community-driven work to improve and enhance the 2012 Comprehensive Plan, a draft of an updated plan was released for public review on July 29, 2020. Review, incorporation of final edits, and adoption of an updated Comprehensive Plan by the Board and Council is the final step in this project.



Staff provides the following three-step structure for final review and consideration of adoption of an updated Comprehensive Plan over the course of two Joint Information meetings.

### **October 5<sup>th</sup> (and possible October 13<sup>th</sup>) Joint Information Meeting tasks**

#### **1. Review of proposed updates to the 2012 Comprehensive Plan**

Planning Staff will present an overview of proposed plan updates as represented in the draft dated July 29, 2020 and additional edits recommended by the Town and County Planning Commissions. During the review, staff will go chapter by chapter through the entire July 29, 2020 draft focusing on key enhancements and the most notable updates with the opportunity to discuss any individual updates at the request of the Board or Council. The concepts and policies in the draft plan have already been vetted by the Board and Council; this final phase of the process is intended to focus on clarification and enhancements to the draft language, rather than the addition of new concepts or significant changes.

Staff will summarize the review process to date, including the Growth Management Program and the Comprehensive Plan updates made since the project began in May of 2019. Staff will also summarize the community engagement, public participation, staff recommendation and Council and Board direction that have been incorporated in the draft to date, as well as the additional edits recommended by the Town and County Planning Commissions. All draft documents previously released for public review may be found at <http://jacksontetonplan.com/315/Growth-Management-Program-GMP-Review-Upd>.

#### **2. Make final edits to be incorporated into the July 29, 2020 draft before adoption**

For each draft Comprehensive Plan chapter presentation and review, the Board and Council will consider adding the recommended edits from the Town and County Planning Commissions in the “Recommendations” section of this staff report and adding any more edits or amendments to the draft proposed by the Board and Council. Polling of the Board and Council will be used to direct staff on which individual edits should be incorporated into the July 29, 2020 draft text before it is considered for final adoption as an updated Comprehensive Plan at the November 2, 2020 Joint Information Meeting.

Public Comment will also be taken at this meeting.

A Special Joint Information Meeting has been scheduled for October 13, 2020 as a precaution should the Boards not complete these tasks at the October 5<sup>th</sup> meeting and need to continue their review before considering adoption at the November 2, 2020 Joint Information Meeting.

### **November 2<sup>nd</sup> Joint Information Meeting**

#### **3. The Board and Council will be presented with the draft updated Comprehensive Plan in advance of this meeting incorporating all edits and amendments to the July 29, 2020 draft requested by a majority of the Board and Council at the October 5<sup>th</sup> and 13<sup>th</sup> JIMs. The Board and Council will be asked to adopt this final document as an updated Comprehensive Plan. For adoption to occur, a majority vote of the Board of County Commissioners and a majority vote of the Town Council must occur.**

### **STAFF ANALYSIS**

Staff’s role in this meeting is to provide information on the draft updated plan and take direction from the Board and Council on formal adoption. No further analysis has been performed beyond the documents previously provided in this process and included in this staff report. Please see the project website for previous staff reports and presentations made throughout the review process (<http://jacksontetonplan.com/315/Growth-Management-Program-GMP-Review-Upd>). Staff is also available to discuss, answer questions, or assist in drafting any proposed amendments prior to the meeting.



## PLANNING COMMISSIONS & STAFF RECOMMENDATIONS

Staff recommends that the Board and Council review the draft dated July 29, 2020 for adoption as an updated Comprehensive Plan, with direction to include any conditions deemed necessary as minor edits, additions, or improvements to the draft before formal adoption.

At their September 14<sup>th</sup> and 28<sup>th</sup> joint meetings, the Town of Jackson and Teton County Planning Commissions recommended that the following edits be included in the July 29, 2020 draft prior to formal adoption as an updated Comprehensive Plan. Staff's presentation at the October 5<sup>th</sup> Joint Information meeting will provide more context on the Planning Commissions' reasoning and discussion on these recommended edits.

| PC Recommended Edits                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Chapter 1: Stewardship of Wildlife, Natural Resources and Scenery |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 1.                                                                | Revise <i>Policy 1.1.i Protect against and mitigate for invasive and nonnative species</i> , to reference partnership with Teton County Weed and Pest.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 2.                                                                | Revise entirety of Chapter 1 (and all other applicable Chapters) to include edits suggested in the August 28, 2020 Memorandum from the Teton County Conservation District, Town and County Engineers, etc. including comments submitted by the JHCA and the Wyoming Outdoor Council that are consistent with the August 28 Memorandum, which is comprised of the following suggestions. (Both of the public comment documents referenced here are in Attachment 2 of this staff report)                                                                                                                                                                                                                                                                                                                                                                                         |
| a.                                                                | <i>Policy 1.1.e: Understand impacts to wildlife, natural resources:</i> <ul style="list-style-type: none"><li>i. Add "and other partners" after the Natural Resource Technical Advisory Board, to broaden ability to coordinate with other groups and identify beneficial partnerships.</li><li>ii. Either remove "and natural resources" from title and add a monitoring component separately to Policy 1.2.c, OR add "water resources" to the list of monitoring focal areas in third sentence of 1.1.e so that the reference in 1.2.c works.</li><li>iii. Consider where earth/mineral quality (also an important natural resource in our ecosystem) may fit into one of the existing policies, or if one should be added to address this.</li></ul>                                                                                                                         |
| b.                                                                | Chapter 1: Principle 1.2: Add a new overarching policy: Policy 1.2.e: Water Resources Stewardship: Surface and groundwaters on the public lands in Teton County, WY represent some of the most naturally functioning hydrologic systems in the United States. Areas of concentrated human development and use have demonstrated water resources degradation. Stormwater runoff, wastewater discharges, and degradation of aquatic habitats have, at times, impaired aquatic life and drinking water sources. Town and County will work to develop a strong framework to address existing and forthcoming water resource issues. Town and County will develop and coordinate jurisdictional and partnered strategies to reduce existing contaminant loading to water and establish forward looking organizational and infrastructure changes that curb future water degradation. |
| c.                                                                | Chapter 1: Policy 1.2.a: Buffers <ul style="list-style-type: none"><li>i. Consider removing the proposed edit revising "occurs" to "occur" (i.e. keep "occurs") – grammatically, it seems this is referencing 'development' as a singular concept broadly applicable to all development generally.</li><li>ii. Consider removing the proposed edit revising "Development" to "The development" (i.e. keep "Development") – use of the word 'the' seems to reference a specific development project, whereas the intent is to reference 'development' as a broad concept applicable to all development generally.</li><li>iii. In the last sentence, change "around water bodies" to "adjacent to water bodies"</li></ul>                                                                                                                                                        |
| d.                                                                | Chapter 1: Policy 1.2.b: Require filtration: The focus should be addressing pollutant loading or sources, rather than relying on natural systems to treat it all. While natural wetland is often effective in treating human-generated pollution, it still negatively impacts those wetlands. Change introductory sentences to: Land Development causes changes to natural quantity and quality of stormwater that drains into the area's water bodies. In order to protect surface and groundwater quality, best management practices to reduce pollution from runoff, decrease erosion, and reduce flooding risk will be included in standard development requirements. The Town and County will promote...                                                                                                                                                                   |



- e. Chapter 1: Policy 1.2.c: Coordinate Monitoring
  - i. Change title to: Coordinate with Teton Conservation District and other partners to target water quality monitoring programs to address and evaluate problem areas and mitigation success.
  - ii. Change Policy text to: Maintaining quality water is essential to ecosystem and public health. Recent data collection efforts focus on Flat Creek, Fish Creek, and drinking water systems, because they do not always meet state and federal standards for aquatic life and human use. The Town and County will strive to exceed State and Federal requirements for water quality and monitoring through strategic coordination with partners including but not limited to The Teton Conservation District, Wyoming Department of Environmental Quality, and regional land managers.
- f. Chapter 1: *Strategy 1.2.S.3: Develop water quality enhancement plan*: Change to: Establish a new committee, charged with creating community guidance for water resource protection, through wastewater, stormwater, drinking water, and infrastructure planning.
- g. Chapter 1: *Strategy 1.2.S.4: Flat Creek Watershed Plan*: Change to: Use the Flat Creek Watershed Management Plan (2019) for monitoring and mitigation guidance in the watershed.
- h. Add Strategy 1.2.S.5: Use EPA drinking water data and Wyoming Department of Environmental Quality surface water assessments to guide development planning and mitigation.
- i. Add Strategy 1.2.S.6: Expand data collection to include the Snake River, measure mitigation efforts, and adapt to focus on emerging issues.
- j. Add Strategy 1.2.S.7: Promote land and water stewardship practice for private land through demonstration projects on our public spaces and assets.
- k. Add Strategy 2.5.S.6: Monitor and report on municipal water use and groundwater level.
- l. Add Strategy 3.2.S.11: Planning for new developments and increasing density of existing developed areas will evaluate management methods of providing safe drinking water and wastewater and stormwater treatment/disposal to assure water resource protection for long-term community and environmental health and safety.
- m. Add Strategy 4.4.S.7: Use public spaces for demonstration projects for water, native plant, and wildlife conservation practices and public education.
- n. Add Strategy 8.2.S.5: Identify clear roles and responsibilities for water and wastewater infrastructure planning, development, and management within Town and County.
- o. Add the following Annual Indicators on Water Quality:
  - i. Impervious surface % change, and % area with treated stormwater, starting with ToJ and evaluating other areas in the future
  - ii. Water use
  - iii. Municipal drinking water quality reports
  - iv. Wastewater nutrient loading
  - v. Septic system data tracking
  - vi. Groundwater nitrate trends, beginning with southern Teton County and evaluating other areas in the future
  - vii. Flat Creek macroinvertebrate metric trends
- p. Additional recommendations included in the September 10, 2020 letter from Jackson Hole Conservation Alliance, Wyoming Outdoor Council, and Protect Our Water Jackson Hole that are consistent with the suggestions listed above.

**3.** Revise *Strategy 1.2.S.3* to create a community-wide comprehensive water quality enhancement plan with management framework and sufficient staffing and resources to complete and enforce the framework.

**4.** Revise Chapter 1 to include a definition of “Ecosystem” within the chapter or in an appendix.

## **Chapter 2: Climate Sustainability**

**5.** Add citations, where applicable, to studies substantiating the decline in moose populations and loss of pine trees referenced in the second paragraph of Chapter 2.

**6.** Revise Chapter 2, in general, to be more hopeful regarding the impact of climate change on our future, and to convey the message that with our efforts “there is hope”.

|                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 7.                                                            | Revise <i>Strategy 2.G.S.2: Develop an Emissions Reduction and Climate Action Plan to identify potential solutions and strategies to reduce our contribution to climate change and better position the Town and County to be able to deal with potential impacts of a changing climate and also outline implementation responsibilities</i> , to include adaptation measures specific to the potential impacts of climate change on our economy. |
| 8.                                                            | Revise Chapter 2 to make it clear that behavior and impacts of resorts and tourism should be consistent with and supportive of sustainability goals, and that this chapter is not just limited to locals.                                                                                                                                                                                                                                        |
| 9.                                                            | Revise <i>Strategy 2.1.S.3</i> to update Yellowstone-Teton Clean Energy Coalition title to Yellowstone Teton Clean Cities as new name for the listed non-profit.                                                                                                                                                                                                                                                                                 |
| <b>Chapter 3: Responsible Growth Management</b>               |                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 10.                                                           | Revise <i>Strategy 3.3.S.5</i> to add language about beginning neighborhood planning of transitional areas of Town and the Stable Subarea 3.3 Rodeo Grounds Institutional Area.                                                                                                                                                                                                                                                                  |
| <b>Quality of Life: Common Value 3 of Community Character</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 11.                                                           | Revise <i>Why is Quality of Life a Common Value?</i> paragraph on page CV-3-1 to include “Community First and Resort Second” language.                                                                                                                                                                                                                                                                                                           |
| <b>Chapter 5: Local Workforce Housing</b>                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 12.                                                           | Add a Strategy that directly implements <i>Policy 5.3.b Preserve Existing Workforce Housing Stock</i> .                                                                                                                                                                                                                                                                                                                                          |
| 13.                                                           | Revise <i>Policy 5.3.a Mitigate the impacts of growth on housing</i> , to expand housing mitigation efforts beyond only “Brick and Mortar businesses”; revise this Policy and <i>Strategy 5.3.S.3: Update the Employee Generation Nexus Study to look at the full range of employee generation and the full range of associated impacts</i> , to ensure that “full range” includes mitigation not tied to physical development.                  |
| 14.                                                           | Revise <i>Strategy 5.G.S.1 Develop a goal for the inclusive and equitable human character desired by the community, and make updates to the principles and policies throughout Common Value 3 in Chapters 5 through 8</i> , to including defining “equitable human character” in development of the goal.                                                                                                                                        |
| 15.                                                           | Add a Strategy related to Policy 5.4.a to facilitate public-private partnership work to preserve and create housing.                                                                                                                                                                                                                                                                                                                             |
| 16.                                                           | Revise Chapter 5 to state that the Town and County Affordable Workforce Housing Standards should not unintentionally incentivize building in the County versus the Town or vice versa.                                                                                                                                                                                                                                                           |
| <b>Chapter 6: A Diverse and Balanced Economy</b>              |                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 17.                                                           | Revise <i>Principle 6.3 Create a positive atmosphere for economic development</i> , to better define “businesses that reflect the community’s Common Values.”                                                                                                                                                                                                                                                                                    |
| 18.                                                           | Revise <i>Strategy 6.3.S.4</i> to collect data on wages as another option for mitigating the impacts of employment generation in the updated employee generation nexus study.                                                                                                                                                                                                                                                                    |
| <b>Chapter 7: Multimodal Transportation</b>                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 19.                                                           | Revise Chapter 7 to address the realities of remote communities and cold temperatures that need to have specific strategies to achieve our transportation goals.                                                                                                                                                                                                                                                                                 |
| 20.                                                           | Add a Strategy to consider hiring a staff person to implement this Chapter.                                                                                                                                                                                                                                                                                                                                                                      |
| 21.                                                           | Add a Strategy for regular maintenance (especially in winter) of pedestrian infrastructure to support year-round usability.                                                                                                                                                                                                                                                                                                                      |
| 22.                                                           | Revise Chapter 7 to state that our transportation system needs to serve all ages and abilities in our transportation options                                                                                                                                                                                                                                                                                                                     |
| <b>Chapter 8: Quality Community Service Provision</b>         |                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 23.                                                           | Add a Policy to encourage building a culture of efficiency and innovation in the provision of public services beyond just adding revenue.                                                                                                                                                                                                                                                                                                        |
| <b>Illustration of Our Vision</b>                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 24.                                                           | Do not move Ross Plateau from District 7 South Highway 89 (Complete Neighborhood) to District 15 County Periphery (Rural Area).                                                                                                                                                                                                                                                                                                                  |
| <b>General</b>                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 25.                                                           | Correction of any grammatical or typographical errors identified by staff that do not change the content or meaning of the Plan.                                                                                                                                                                                                                                                                                                                 |
| 26.                                                           | Any edits deemed necessary by the Town or County Attorney for consistency with State and Federal law                                                                                                                                                                                                                                                                                                                                             |

Recommended Reading: Since Staff's chapter-by-chapter summary will be a broad review of proposed key enhancements, Board and Council should review the entirety of the July 29, 2020 draft prior to the meeting and come prepared to propose any potential amendments or edits that you have identified during your review of the draft or that should be included from the Planning Commission's recommendations in the table above.

- The July 29, 2020 draft preceded by a guide to proposed updates can be accessed here: <http://jacksontetonplan.com/DocumentCenter/View/1638/July-29-2020-Comp-Plan-Update-Draft-with-guide->
- If a draft with proposed changes to the 2012 Comprehensive Plan tracked helps in your review, it can be accessed here: <http://jacksontetonplan.com/DocumentCenter/View/1639/July-29-2020-Comp-Plan-Update-Draft-edits-tracked>
- If you would like a hard copy of either of these documents, please make a request via email to [kmalone@tetoncountywy.gov](mailto:kmalone@tetoncountywy.gov).

## ATTACHMENTS

1. Review materials on the proposed updates to the 2012 Comprehensive Plan for consideration at this meeting can be viewed at <http://jacksontetonplan.com/315/Growth-Management-Program-GMP-Review-Upd> including:
  - A Guide to reviewing the Draft with explanation of proposed changes
  - A Draft with annotations correlated to the Guide
  - A "tracked changes" version of the Draft documenting proposed changes
2. August 28, 2020 Comment letter from Teton Conservation District, Teton County Public Works, and Town of Jackson Public Works and September 10, 2020 letter from Jackson Hole Conservation Alliance, Wyoming Outdoor Council, and Protect Our Water Jackson Hole
3. Public Comment

## STAKEHOLDER ANALYSIS

The entire Town of Jackson/Teton County community is a stakeholder and staff incorporated feedback from many community members and organizations. Notice of the 45-day public comment period was placed in the Jackson Hole News & Guide weekly newspaper on July 29, 2020 with press releases made on Town and County websites and social media outlets.

## PUBLIC COMMENT

All written public comment on the July 29, 2020 draft received by Planning Staff up to the time this report was published is attached.

## FISCAL IMPACT

Contract with Logan Simpson not to exceed \$156,222.

## STAFF IMPACT

Planning Staff is serving in informational, facilitation, and support roles for this meeting. A total of 860 staff hours were allocated to this project for FY20 and an additional 520 staff hours were allocated to this project for FY21.

## LEGAL REVIEW

County: Gingery.

## SUGGESTED MOTIONS

### ***Town Council:***

I move to continue this item to the [October 13, 2020 or November 2, 2020] Joint Information Meeting and direct staff to incorporate the following edits and amendments into the July 29, 2020 draft for consideration of adoption as an update to the 2012 Jackson/Teton County Comprehensive Plan at that meeting.

***Board of County Commissioners:***

I move to continue this item to the [October 13, 2020 or November 2, 2020] Joint Information Meeting and direct staff to incorporate the following edits and amendments into the July 29, 2020 draft for consideration of adoption as an update to the 2012 Jackson/Teton County Comprehensive Plan at that meeting.

-

## ATTACHMENT 2: WATER QUALITY COMMENT LETTERS

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### MEMORANDUM

**TO:** Chris Neubecker, Teton County Planning & Building Services Director

**FR:** Carlin Girard, Teton Conservation District Water Resources Specialist  
Heather Overholser, Teton County Public Works Director  
Amy Ramage, Teton County Engineer  
Ted VanHolland, Teton County Environmental Permitting Engineer  
Floren Poliseo, Town of Jackson Public Works Director  
Johnny Ziem, Town of Jackson Assistant Public Works Director, Wastewater Manager

**DT:** August 28, 2020

**RE:** Suggested Comprehensive Plan amendments to address water quality

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County and Town elected officials have collectively indicated that water quality is an important issue to address in our community. As County and Town Planning staff are in the process of updating the Jackson/Teton County Comprehensive Plan, this is a timely opportunity to consider updating and adding policies and strategies to the Plan that provide clear intent and direction for this topic.

The above group of County, Town, and Teton Conservation District personnel collaborated to provide the following suggested updates to the Comp Plan during the current public comment period.

If you have questions, need further information, or would like to meet and discuss any of these recommendations, please do not hesitate to contact any or all of us.

Note: page numbers included below reference the redline version of the document provided at the TC Planning website for public comment.

- 1) Pg 21- Chapter 1: Policy 1.1.e: Understand impacts to wildlife, natural resources
  - a. Add “and other partners” after the Natural Resource Technical Advisory Board, to broaden ability to coordinate with other groups and identify beneficial partnerships.
  - b. Either:
    - i. Remove “and natural resources” from Policy 1.1.e title and add a monitoring component separately to Policy 1.2.c, OR
    - ii. Add “water resources” to the list of monitoring focal areas in third sentence of 1.1.e so that the reference in 1.2.c works.

- c. Consider where earth/mineral quality (also an important natural resource in our ecosystem) may fit into one of the existing policies, or if one should be added to address this.

2) Pg 22- Chapter 1: Principle 1.2

- a. Add a new overarching policy:

*(New Policy)* Policy 1.2.e: Water Resources Stewardship: Surface and groundwaters on the public lands in Teton County, WY represent some of the most naturally functioning hydrologic systems in the United States. Areas of concentrated human development and use have demonstrated water resources degradation. Stormwater runoff, wastewater discharges, and degradation of aquatic habitats have, at times, impaired aquatic life and drinking water sources. Town and County will work to develop a strong framework to address existing and forthcoming water resource issues. Town and County will develop and coordinate jurisdictional and partnered strategies to reduce existing contaminant loading to water, and establish forward looking organizational and infrastructure changes that curb future water degradation.

3) Pg 22- Chapter 1: Policy 1.2.a: Buffers

- a. Consider removing the proposed edit revising “occurs” to “occur” (i.e. keep “occurs”) – grammatically, it seems this is referencing ‘development’ as a singular concept broadly applicable to all development generally.
- b. Consider removing the proposed edit revising “Development” to “The development” (i.e. keep “Development”) – use of the word ‘the’ seems to reference a specific development project, whereas the intent is to reference ‘development’ as a broad concept applicable to all development generally.
- c. In the last sentence, change “around water bodies” to “adjacent to water bodies”

4) Pg 22- Chapter 1: Policy 1.2.b: Require filtration

- a. The focus should be addressing pollutant loading or sources, rather than relying on natural systems to treat it all. While natural wetland is often effective in treating human-generated pollution, it still negatively impacts those wetlands. Change introductory sentences to:

Land Development causes changes to natural quantity and quality of stormwater that drains into the area’s water bodies. In order to protect surface and groundwater quality, best management practices to reduce pollution from runoff, decrease erosion, and reduce flooding risk will be included in standard development requirements. The Town and County will promote...

5) Pg 23- Chapter 1: Policy 1.2.c: Coordinate Monitoring

a. Change title to:

Coordinate with Teton Conservation District and other partners to target water quality monitoring programs to address and evaluate problem areas and mitigation success.

b. Change Policy text to:

Maintaining quality water is essential to ecosystem and public health. Recent data collection efforts focus on Flat Creek, Fish Creek, and drinking water systems, because they do not always meet state and federal standards for aquatic life and human use. The Town and County will strive to exceed State and Federal requirements for water quality and monitoring through strategic coordination with partners including but not limited to The Teton Conservation District, Wyoming Department of Environmental Quality, and regional land managers.

6) Pg 27- Chapter 1: Strategy 1.2.S.3: Develop water quality enhancement plan

a. Change to:

Establish a new committee, charged with creating community guidance for water resource protection, through wastewater, stormwater, drinking water, and infrastructure planning.

7) Pg 27- Chapter 1: Strategy 1.2.S.4: Flat Creek Watershed Plan

a. Change to:

Use the Flat Creek Watershed Management Plan (2019) for monitoring and mitigation guidance in the watershed.

b. Add the following strategies under principle 1.2:

- i. *(New Strategy)* Strategy 1.2.S.5: Use EPA drinking water data and Wyoming Department of Environmental Quality surface water assessments to guide development planning and mitigation.
- ii. *(New Strategy)* Strategy 1.2.S.6: Expand data collection to include the Snake River, measure mitigation efforts, and adapt to focus on emerging issues.
- iii. *(New Strategy)* Strategy 1.2.S.7: Promote land and water stewardship practice for private land through demonstration projects on our public spaces and assets.

8) Pg. 36- Chapter 2

a. Add strategy under Principle 2.5 (water conservation):

*(New Strategy)* Strategy 2.5.S.6: Monitor and report on municipal water use and groundwater level.

9) Pg. 50- Chapter 3:

- a. To address the need for more future-looking regional considerations and planning, add strategy under Principle 3.2:

*(New Strategy)* Strategy 3.2.S.11: Planning for new developments and increasing density of existing developed areas will evaluate management methods of providing safe drinking water and wastewater and stormwater treatment/disposal to assure water resource protection for long-term community and environmental health and safety.

10) Pg. 59- Chapter 4: Principle 4.4: Enhance civic spaces

- a. Add strategy to demonstrate natural resources stewardship on civic spaces:

*(New Strategy)* Strategy 4.4.S.7: Use public spaces for demonstration projects for water, native plant, and wildlife conservation practices and public education.

11) Pg. 93- Chapter 8: Principle 8.2: Coordinate infrastructure

- a. Add strategy to reflect the establishment of a water committee comprised of Town, County, and Teton Conservation District staff (those charged with creating and implementing policies):

*(New Strategy)* Strategy 8.2.S.5: Identify clear roles and responsibilities for water and wastewater infrastructure planning, development, and management within Town and County.

12) Indicator Report: Water Quality:

- a. Add specific elements to be evaluated:
  - i. Impervious surface % change, and % area with treated stormwater, starting with ToJ and evaluating other areas in the future
  - ii. Water use
  - iii. Municipal drinking water quality reports
  - iv. Wastewater nutrient loading
  - v. Septic system data tracking
  - vi. Groundwater nitrate trends, beginning with southern Teton County and evaluating other areas in the future
  - vii. Flat Creek macroinvertebrate metric trends

cc: Tyler Sinclair, Community Development Director  
Kristi Malone, Town/County Senior Long-Range Planner





Transmitted via email to <kmalone@tetoncountywy.gov>

September 10, 2020

Kristi Malone  
Town & County Planner  
County Planning Office  
200 S. Willow St.  
Jackson, WY 83001

Re: Comments on Proposed Updates to the 2012 Comprehensive Plan

Dear Ms. Malone:

These comments on submitted on behalf of the Jackson Hole Conservation Alliance, Protect Our Water Jackson Hole, and Wyoming Outdoor Council (the “NGOs”) in response to the Public Review Draft of the 2020 Comprehensive Plan Update released on July 29, 2020. Our comments focus on the demonstrated need to include enhanced water quality protections in the updated Comp Plan, and offer a number of suggestions for strengthening the level of protection for our critically important water resources. We appreciate the recognition by town and county staff of the need to better protect ground and surface waters, but as currently drafted the plan falls far short of achieving the stated goal of enhancing water quality. *See* Principle 1.2 and associated policy statements.

Our comments address and respond to the water quality “enhancements” offered by county staff, below. We begin with a brief overview of the context and setting, followed by specific recommendations to restore and protect the quality of Teton County’s ground and surface water resources.

## CONTEXT AND SETTING

### **Snake River Sole Source Aquifer**

Our community relies entirely on the Snake River Aquifer for its drinking water. Due to its significance, the U.S. Environmental Protection Agency (EPA) has designated the Snake River aquifer as a Sole Source Aquifer. The Comp Plan should explicitly acknowledge this resource, and commit to developing an Aquifer Protection Plan to ensure its long-term protection.

### **Congressionally Designated National Wild and Scenic Rivers**

The Snake, Buffalo Fork, Gros Ventre, Hoback and numerous other rivers in Teton County are congressionally-designated National Wild and Scenic Rivers. The Comp Plan

should identify designated river segments and establish preservation goals that are at least as protective as Federal policies to ensure that the “outstandingly remarkable values” that led to the designation are protected.

### **Class 1 Outstanding Natural Resource Waters (ONRW)**

Teton County boasts more miles of outstanding resource waters than any other county in Wyoming. Class 1 waters in Teton County include all of Fish Creek and its tributaries; the main stem of the Snake River through its entire length above U.S. Hwy 22 (Wilson Bridge); the main stem of Granite Creek (tributary of the Hoback River) through its entire length; and all surface waters within Grand Teton National Park and congressionally-designated wilderness areas.

According to Chapter 1, Section 4(a) of the Wyoming Department of Environmental Quality (WDEQ) water quality rules and regulations, “Class 1 waters are those surface waters in which no further water quality degradation by point source discharges other than from dams will be allowed. Nonpoint sources of pollution shall be controlled through implementation of appropriate best management practices.”

Surface waters in Teton County that are not designated Class 1 are largely Class 2 streams, considered “high quality waters” managed for aquatic life including fish and all other uses identified in Chapter 1, Section 4. Water quality measures in the Comp Plan must be no less stringent than state and federal requirements, and may be more protective if necessary to achieve plan objectives.

### **Public Water Systems**

Teton County has 114 EPA-registered Public Water Systems (PWS), the largest number by far of any county in Wyoming. Although these systems rely exclusively on groundwater for drinking water supplies, very few have taken advantage of basic tools available under the federal Safe Drinking Water Act to protect wellheads and source water areas. Indeed, only 44 of the 114 PWS have developed source water assessments (in 2004) and shockingly, only 3 have instituted source water protection plans. The absence of adequate regulatory oversight by local and state agencies has resulted in extensive groundwater contamination in Hoback Junction and exposes other PWS to unnecessary risk.

### **Hoback Junction – the Canary in the Coal Mine**

High concentrations of nitrates exceeding the EPA’s maximum contaminant level (MCL) of 10 mg/L have been detected in both public water systems and private wells in Hoback Junction. As a result, residents are now faced with a choice between drinking bottled water, installing expensive filtration equipment to reduce the nitrate levels, or drinking untreated water and risking the prospect of serious health consequences that can include blue baby syndrome and limb deformities in children. Local and state regulators have known of the problem for years and have accomplished little to address the underlying causes. However, recent efforts brought about by our advocacy — including an investigation by the Wyoming DEQ — will determine the causes of groundwater contamination (e.g., septic systems) and we hope ultimately, lead to a clean-up plan to remediate the groundwater contamination.

Unfortunately, there are indications that the debacle taking place at Hoback Junction may be the tip of the iceberg. Water quality data obtained from public water systems in other areas of Teton County reveal that several systems are experiencing nitrate hotspots. Naturally

occurring nitrate levels throughout Teton County are relatively low, typically well below 1 mg/L. According to the U.S. EPA, levels in excess of 3 mg/L indicate human influences. Although at least six Public Water Systems have concentrations exceeding 3 mg/L, no action is being taken by any regulatory agency to address this serious problem. The EPA is constrained by law from taking action until the 10 mg/L MCL is reached, but at that point the water is already unsafe to drink. And as shown by the Hoback Junction experience, suitable post-contamination remedies are cost prohibitive or simply unavailable. A far better solution is to identify and take action to address these nitrate hotspots before they exceed levels that trigger EPA jurisdiction, which often results in the immediate shutdown of the public water system and costly remedial action.

To address these concerns, the Wyoming Outdoor Council and Protect Our Waters Jackson Hole have proposed a new rule that would require intervention by the health department when nitrate levels reach or exceed 3 mg/L. A copy of the proposed rule is available upon request.

### **Major threats to water resources—wastewater discharges**

Nutrient pollution is one of the most significant threats to ground and surface waters in Teton County, along with stormwater, also known as “urban runoff.” The single largest source of water pollution in Teton County is the wastewater treatment plant operated by the Town of Jackson. In addition, major wastewater treatment facilities operating in Teton Village, Aspen-Pines, Jackson Lake Lodge/Colter Bay Village complex, Moose and others discharge millions of gallons of wastewater into groundwater (our sole source of drinking water) daily. The WDEQ has permitted 48 large capacity wastewater disposal systems in Teton County, with little oversight by county officials. In addition, approximately 3,600 “decentralized” small wastewater facilities (i.e., septic systems) have been permitted throughout Teton County, many in areas that are unsuitable—due to shallow water table and “poor soils”—for such systems. The lack of ongoing maintenance and inspection requirements in the county’s Small Wastewater Facility (SWF) regulations virtually guarantees that many septic systems are operating inefficiently and in some areas, have completely failed.

Excessive nutrients are responsible for nuisance algae in Fish Creek, and unsafe levels of nitrates in drinking water in Hoback Junction. Teton Conservation District has identified other PWS that provide drinking water from groundwater containing levels of nitrates that indicate human influence, and has dubbed these areas “nitrate hotspots.” The quality of drinking water provided by thousands of private wells is highly variable and mostly unknown to county officials, potentially putting the health and safety of private residents at risk.

### **Original Commitment to Clean Water Removed from Current Plan**

Water quality protections included in the Teton County’s first comprehensive land-use plan (1978) were removed in the 1994 rewrite, leaving groundwater quality vulnerable to pollution from septic systems and other sources. County officials owe the public an explanation as to why that happened.

Teton County’s first *Water Quality Management Program* was adopted over 40 years ago, in 1978, under the authority of Section 208 of the Clean Water Act. Developed by the long-defunct “Teton County 208 Planning Agency,” the water quality program recognized the

importance, sensitivity, and vulnerability of the valley's water resources and was therefore considered an "essential element" of the county's first comprehensive land-use plan.

To protect water resources, the county adopted what was then a new tool in local land use planning – the creation of Environmental Protection Districts, to guide land use in order to protect the most environmentally-sensitive areas of the county. These districts encompassed rivers, streams and wetlands, steep slopes, and groundwater, and were protected by enforceable performance standards such as buffer zones, setbacks, and building restrictions.

To address groundwater pollution problems caused by unregulated septic systems, Groundwater Protection Districts were established to delineate areas — based on soil type and depth to groundwater (i.e., environmental vulnerability), where septic systems would be restricted unless it could be demonstrated that groundwater pollution would not occur. Unfortunately, this performance standard was not enforced, leading to the present situation of hundreds of septic systems on the West Bank and other low-lying areas of our county discharging minimally treated human wastewater into our groundwater.

### **Lack of a Comprehensive County-wide Wastewater Management Plan**

The absence of a comprehensive wastewater management plan has led to haphazard, case-by-case decisions involving wastewater treatment and disposal. As a result, environmentally-sensitive areas of the county that should be connected to a centralized wastewater treatment facility are dependent on individual septic systems that are notoriously inefficient at removing pollutants from wastewater before it enters groundwater. The county's recent decision to move forward with wastewater planning is a significant step forward and will provide critical guidance regarding our community needs for the decades ahead.

### **Inadequate Regulation of Small Wastewater Facilities**

Teton County's SWF regulations were approved over ten years ago and do not comply with updated regulations promulgated by the WDEQ intended to protect drinking water supplies. The 2018 update promised by the county in Attachment D of the 2010 Delegation Agreement has not occurred, leaving the existing regulations woefully deficient, lacking many of the most basic requirements found in regulations in neighboring states.

The undersigned organizations submitted a detailed 34-page letter in response to an informal draft rule provided by the County Sanitarian that is available upon request.

### **Fish and Flat Creek *E. coli* Impairment**

The WDEQ has determined that both of these streams fail to meet water quality standards for primary contact recreation such as swimming and child's play. In-stream levels of *E. coli* in both streams exceed human health limits set by the EPA. To address the impairment, the WDEQ is required to develop total maximum daily loads, or TMDLs, a highly technical process that establishes the total maximum daily amount of *E. coli* that can be discharged into the stream without causing unsafe levels. The development of TMDLs for these two streams will take years; in the meantime, addressing this impairment in a timely fashion must be identified as a high-priority goal of the community. Inspections of septic systems and other sources of bacterial contamination in these drainages would be an obvious place to focus efforts.

## SPECIFIC RECOMMENDATIONS

The scope and severity of our water quality problems and challenges dictates more aggressive measures be included in the updated Comp Plan. The subsequent preparation of a “water quality enhancement plan” referenced in B.2., while welcome, is not a substitute for necessary changes needed now.

The Public Review Draft proposes the following “strategies to preserve and enhance surface water, groundwater, and air quality (Principle 1.2).” While helpful, these measures are not sufficient to achieve the desired outcomes.

First, concerning Principle 1.2, we recommend that it be revised to make clear we do not, in fact, have “high water ... quality” throughout Teton County. As noted above, in certain areas of our county ground water quality has been degraded by nitrate concentrations indicating contamination; these areas have been dubbed “nitrate hot spots” by the Teton Conservation District. In the Hoback Junction area, groundwater degradation has been allowed to continue to the point where it is unsafe to drink, exceeding the EPA’s maximum contaminant level of 10 mg/L for nitrates and violating the WDEQ’s quality standards for groundwater. The phrase “[t]he high water and air quality of Jackson and Teton County are essential to the ecosystem...” clearly implies that the county’s water quality is “high.” As much as we would like to believe otherwise, this is not universally true, and perpetuating the myth of a pristine environment is not constructive. While categorizing it as such may comport with the pristine image we have created of Teton County, this statement is not accurate and should be corrected to reflect reality.

Second, our two prized local streams, Fish Creek and Flat Creek are impaired with levels of *E.coli* that exceed numeric standards for “primary contact recreation waters” and as a result are unsafe to swim in or float on.

The Comp Plan strategies outlined below are all helpful, but are incomplete and will unfortunately not fully address the range of water quality problems facing our community.

1.2.S.1: Evaluate and update natural resource protection standards for waterbodies, wetlands and riparian areas.

1.2.S.2: Evaluate and update surface water filtration standards, focusing on developed areas near significant waterbodies.

1.2.S.3: Develop a water quality enhancement plan that includes consideration of additional County funding for water quality.

1.2.S.4: Update the Flat Creek Watershed Management Plan.

With regard to 1.2.S.1, above, the WDEQ has established in Chapter 1 water quality standards for Wyoming’s surface water. Given that, we recommend clarifying this item to identify the specific “natural resource protection standards” that would be evaluated and updated. We also recommend that the Comp Plan expressly require the highest level of protection for surface waters available under the Clean Water Act and the Wyoming Environmental Quality Act. For example, “all surface waters in Teton County will be managed for Primary Contact Recreation from May 1 to September 30<sup>th</sup>.”

Regarding protection of wetlands and riparian areas, we recommend that wetlands be defined to include all wetlands to ensure protection for non-jurisdictional wetlands that fall outside the scope of the U.S. Army Corps of Engineers (ACE) regulatory authority.

Turbidity and introduction of sediment (via discharge of dredge and fill material) into surface waters are regulated by the WDEQ and the ACE. We recommend clarifying 1.2.S.2 to explain the interaction of local and state regulation. If this section is contemplating the regulation of stormwater, perhaps that fact can be noted. We recommend that Best Management Practices for the control of stormwater be mandatory.

As noted above in our comments, we support both the development of a “water quality enhancement plan” and additional county funding dedicated to protecting water resources referenced in 1.2.S.3. We recommend that this language be modified to include a statement committing to involve the public in the development of such measures. For example, the phrase, “with public review and comment opportunities” could be inserted after “Develop.”

Lastly, in addition to updating the Flat Creek Watershed Management Plan noted in 1.2.S.4, we recommend including a measure to address *E. coli* impairment in Fish and Flat creeks. The development of TMDLs by WDEQ will take years; in the interim, the county can identify and implement actions designed to reduce levels of harmful pathogens.

In addition to the above suggestions, we recommend that the following strategies be included in the revised Comp Plan:

- Promulgate county regulations to protect Public Water Systems including a provision to require remedial action before nitrate levels exceed 3 mg/L. Prevent future Hobacks.
- Require all 114 Public Water Systems serving Teton County residents to develop (or update) Source Water Assessments and Source Water Protection Plans.
- Create a “placeholder” in the county plan to incorporate the comprehensive wastewater management plan upon its completion.
- Require, or create financial incentives to encourage, property owners to connect to existing sewer lines where available (e.g., Wilson).
- Reinstate Groundwater Protection Districts from the 1978 Comprehensive Plan and update groundwater protection zone maps based on best available science.
- Prohibit septic systems in Groundwater Protection Zones 1 and 2 unless a scientifically-valid analysis is provided by the applicant demonstrating that no groundwater pollution will occur from the operation of the system. This provision was contained in the original 1978 plan but unfortunately was not enforced.
- Update the county’s Small Wastewater Facility regulations with proven, state-of-the-art provisions recommended by the U.S. EPA for septic systems located in sensitive and vulnerable environments such as Class 1 surface waters and sole source aquifers.
- Recognize that crowding and overuse of rivers and lakes is harmful and commit to developing management plans to address this growing problem.
- Require inspections (by licensed professional engineers) of septic systems when ownership of property is transferred. (Such a requirement would have detected the numerous significant violations at Hoback RV Park much earlier).<sup>1</sup>

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<sup>1</sup> [https://www.jhnewsandguide.com/news/environmental/hoback-rv-park-leans-toward-overhauling-failed-septic-system/article\\_d925d6b7-50c3-5642-9773-2232dff55517.html](https://www.jhnewsandguide.com/news/environmental/hoback-rv-park-leans-toward-overhauling-failed-septic-system/article_d925d6b7-50c3-5642-9773-2232dff55517.html)

- To enhance community understanding of groundwater quality issues, establish a confidential registry of private wells and assemble a database of water quality information to better inform the public of water quality issues and trends.
- Evaluate, update and reinstate Environmental Protection Districts from the Teton County 208 Planning Agency's 1978 Water Quality Management Program.

Additionally, we offer the following comments and suggestions regarding Principle 1.2 as well as the three related policy statements, 1.2a, 1.2b and 1.2.c. We suggest two new policy statements regarding the critical need to protect groundwater/ drinking water supplies, and the regulation of Public Water Systems.

Principle 1.2 (Preserve and enhance surface water, groundwater, and air quality) states that:

Clean water and air are the most basic requirements of a healthy ecosystem and community. The high water and air quality of Jackson and Teton County are essential to the ecosystem and scenic beauty that residents and visitors enjoy. Stewardship of water bodies, wetlands, riparian areas, groundwater, and the air is vital to sustaining healthy populations of native species and for the health and safety of the human community.

Given the critical importance to our community, we recommend highlighting the need to protect our groundwater – the Snake River Sole Source Aquifer – and the public water systems and private wells that depend on it. We suggest a new sentence at the end of the existing paragraph that specifically addresses the fact that ALL of our drinking water comes from groundwater and that the aquifer is irreplaceable.

Regarding the proposed policies, Policy 1.2.a (Buffer waterbodies, wetlands, and riparian areas from development) states, in part, that, “[t]he development will be designed to include buffers around water bodies, wetlands, and riparian areas that preserve their ecological function.” We recommend that this policy be clarified to explain how buffer distances will be determined to “preserve ecological function.” Will this be a case-by-case determination or will uniform buffer distances be established for each resource or value? Will the buffer distances currently established in the Small Wastewater Facility regulations be the same as in the LDRs?

We strongly support the adoption of Policy 1.2.b (Require filtration of runoff) and recommend that Best Management Practices be required. Please change “should” to “shall.”

Likewise, we support Policy 1.2.c (Coordinate water quality monitoring with Teton Conservation District and other partners) and urge its adoption.

### **Additional recommendations.**

#### Chapter 1. Stewardship of Wildlife, Natural Resources and Scenery.

Under the heading, “Why is this chapter addressed?” (CV-1-2) we suggest a change to this sentence: “Development can displace and fragment habitat, emissions drive climate changes to our natural environment, human movement through the ecosystem impacts wildlife movement, discharge and runoff can decrease water quality, and human introduction of invasive species can disrupt the ecosystem.”

Change “discharge” to “discharge of pollutants and wastewater from septic systems entering groundwater...”

### Chapter 3. Responsible Growth Management.

Under the heading, “Why is this chapter addressed?” (CV-2-2) we suggest adding the following language: “To achieve the goals and benefits of effective growth management, the plan must ensure that a comprehensive wastewater management plan is in place before authorizing new residential and commercial development in sensitive groundwater areas that lack sewer connections.”

Wastewater planning for new development should not be an afterthought or decided on a case-by-case basis. New development, particularly in areas with shallow groundwater and gravel soils, should not be permitted until a comprehensive strategy for wastewater treatment and disposal has been developed.

We recommend changes to the verbiage set forth in Principle 3.4, which currently provides that:

***Principle 3.4—Limit development in naturally hazardous areas.***

Development in hazardous areas threatens the health, safety and welfare of human inhabitants. Steep slopes, poor soils, avalanche chutes, floodplains, dense forests and areas along fault lines offer unique opportunities for interaction with the environment, but when natural events do occur in these areas the results can be disastrous.

The suggested change would delete the phrase, “poor soils” and replace it with more accurate and scientifically-acceptable terminology such as “unstable soils” where slides, slumps or settling are concerns, and use the word “alluvium” where groundwater contamination from septic systems is the concern, such as gravel-bed floodplains with a shallow water table and soils consisting of sands and gravels.

We recommend the same change to the language contained in “Policy 3.4.d: Limit development on poor soils” which reads:

Development on poor soils threatens the integrity of structures, encourages erosion and landslides and may cause groundwater contamination if septic systems are used in such areas. Development on poor soils will be avoided when possible and should employ best management practices if necessary.

As above, we suggest deleting the term “poor soils” and replacing it with an accurate, scientifically acceptable description of soil types that may limit activities.

We recommend a similar edit to a Policy 3.4.d - Limit development on poor soils. This policy provides that: “Development on poor soils threatens the integrity of structures, encourages erosion and landslides and may cause groundwater contamination if septic systems are used in such areas. Development on poor soils will be avoided when possible and should employ best management practices if necessary.”



We suggest deleting the term, “poor soils” and replacing with more accurate scientifically-acceptable terminology. With respect to septic systems, the policy should expressly prohibit the installation of septic systems (raised mound or otherwise) in areas where depth to groundwater is less than six feet unless the applicant has demonstrated through rigorous, peer-reviewed scientific investigation that no groundwater pollution will result – the standard first set in 1978. The application for such system shall include a sworn statement bearing the stamp of a licensed professional engineer or geologist that no nitrates or other pollutants will enter ground or surface waters. Groundwater quality monitoring shall be conducted at the proposed building site prior to the permitting of the system to establish baseline quality, and for 12 months following completion and occupancy of the dwelling. In order to meet the “no groundwater pollution” standard, no change in baseline groundwater quality shall be allowed as a result of the installation and operation of the system. These permit conditions should be added to the “*Strategies to limit development in naturally hazardous areas (Principle 3.4)*” on page CV-2-15.

Finally, we suggest adding a new policy under Principle 3.2, as follows: Where additional density is added, or where new growth areas are identified, a plan for infrastructure (transportation, water, and sewer) must be in place before any new density is granted. Planning must, at minimum, protect the general health and welfare. For example, permitting new development without appropriate wastewater or transportation infrastructure will only transfer the costs to taxpayers in the future, as we’ve seen with Hoback’s contaminated water.

#### Chapter 4. Town as the Heart of the Region – the Central Complete Neighborhood.

The Comp Plan states (at CV-2-16) that “[t]he Town of Jackson will continue to be the primary location for jobs, housing, shopping, educational and cultural activities.” To achieve this goal, it will be necessary to ensure that the town has sufficient wastewater treatment capacity to accommodate the desired/projected growth. We recommend specific recognition of this critical fact.

#### **Quality of Life: Common Value 3 of Community Character.**

This section (at CV-3-1) describes Quality of Life and then asks, “How are we going to achieve [it]”? It presents four chapters, Chapters 5–8, intended to assist the community in achieving Quality of Life. We would submit that access to clean and affordable drinking water and pristine surface waters are so fundamental to achieving the quality of life described in this section that a new chapter needs to be dedicated to restoring, protecting and enhancing water quality, which includes, first and foremost, protecting and securing our community’s drinking water supplies. It also includes ensuring that our streams, lakes and rivers are safe to swim in, and not contaminated by dangerous levels of *E. coli* or toxins from hazardous algal blooms. Key issues to address include protecting –and demanding accountability from– the 114 Public Water Systems currently operating in Teton County; moving forward with county-wide wastewater planning; adopting revised regulations for Small Wastewater Facilities which incorporate recommendations from the U.S. EPA for septic systems located in sensitive environments; establishing a new position in county government to oversee water quality protection efforts, and developing the necessary infrastructure to deliver essential community services such as water and sewer.

Chapter 6 of this section (CV-3-12) envisions a “Diverse and Balanced Economy.” Within this chapter, Policy 6.1.c calls for establishing an identity as a “green” community. For this goal to be realized, it is essential for our community to commit to providing clean and affordable drinking water to all community members and to properly address wastewater management, treatment and disposal, otherwise it will never legitimately achieve green community status.

Chapter 8. Quality Community Service Provision. Chapter 8 (CV-3-28) requires the county to “timely, efficiently and safely deliver quality services and facilities in a fiscally responsible and coordinated manner.” Within this chapter, Principle 8.1 requires the county to “[m]aintain current, coordinated service delivery” while Principle 8.2 requires the county to “[c]oordinate the provision of infrastructure and facilities needed for service delivery.” Given its importance, we would like to see Public Water Systems and wastewater treatment specifically identified under the heading “utilities and infrastructure.”

Chapter 9. Adaptive Management. We recommend the addition of the following “hard triggers” which will require a coordinated response by government agencies:

- Failure of surface water to meet WDEQ Chapter 1 water quality standards (e.g., Fish and Flat Creeks *E.coli* primary contact recreation standard).
- Failure of groundwater to meet WDEQ quality standards for domestic use (e.g., Hoback Junction).
- Failure of facilities authorized by the WDEQ to discharge pollutants into ground or surface waters of the state to comply with permit terms and conditions.
- Evidence of nitrate concentrations in groundwater utilized by public water systems or private wells indicating human influence or contamination; i.e., 3 mg/L.
- Failure of Public Water System to comply with Safe Drinking Water Act requirements.
- Failure to provide drinking water that meets EPA effluent limitation guidelines (ELGs).
- Violations of federal, state and/or county environmental law and regulations.

Lastly, we have a few suggestions regarding the section of the Comp Plan called “Illustration of Our Vision.” With respect to Districts that are not connected to town’s water and sewer lines, we recommend that a summary of the drinking water supplies and wastewater disposal systems utilized in the area (and subareas) be included in the narrative description of each district. The Policy Objectives for each district should specify that access to clean, affordable drinking water will be maintained, and that drinking water provided by public water systems will not contain levels of pollutants that suggest human-caused contamination.

With respect to Hoback Junction (subarea 8.4) the Character Defining Features should note that a centralized wastewater treatment facility and alternative drinking water supplies will likely be needed due to high levels of nitrates in the groundwater that exceed the EPA’s maximum contaminant level (MCL) of 10 mg/L. It should also be noted that nitrate levels exceeding 10 mg/L constitute a violation of WDEQ groundwater quality standards for domestic use, which may be a limiting factor regarding future development in the area that is dependent on septic systems for wastewater disposal.

Rising nitrate concentrations in other areas of the county (refer to TCD for list of such areas) may face similar challenges in the future if action is not taken to reduce nitrate levels. The descriptions of subareas should identify these nitrate “hotspots” and allow for the possibility that connections to centralized sewer systems, water filtration, and alternative water supply systems may be required if action is not taken to address the sources and causes of nitrate contamination.

Teton County’s water quality problems are the result of decades of neglect, inattention, complacency, and absence of adequate regulatory oversight at all levels of government. To remedy this, we must ensure that the job of restoring and protecting our precious water quality is viewed with the same sense of urgency as other community priorities such as affordable housing, wildlife crossings, easing traffic congestion, community policing and other pressing issues confronting Teton County. Preserving the status quo is no longer an option. We look forward to working with town and county planners and the community as a whole to ensure that our collective vision encompasses the fundamental right to clean water.

Sincerely,



Dan Heilig  
Senior Conservation Advocate  
Wyoming Outdoor Council



Brooke Sauser  
Community Planning Manager  
Jackson Hole Conservation Alliance



Dan Leemon  
Executive Director  
Protect Our Water Jackson Hole

Cc: Jackson Town Council  
Teton County Board of County Commissioners

## ATTACHMENT 3: PUBLIC COMMENT

**From:** [Perk Perkins](#)  
**To:** [Tiffany Stoltz](#)  
**Subject:** Requested additions to Comp Plan  
**Date:** Monday, September 28, 2020 6:58:42 AM

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I am writing to add my voice to the call for changes in the comprehensive plan that will address some neglected provisions that are fundamental to our public health and quality of life. These are provisions that have been thoughtfully developed by leaders I admire in three esteemed non-profit organizations whose collaboration compels me to call these out as very high priorities in the plan revisions. They are:

1. *Recognize access to clean water as a human right and fundamental to our quality of life by adding a new chapter dedicated solely to protecting water quality.*
2. *Reserve space to adopt the yet-to-be-completed wastewater management plan.*
3. *Add a strategy to update the county's small wastewater facility (septic) regulations with the strongest water quality protections.*
4. *Add a strategy to adopt new regulations for Public Water Systems that requires early intervention when nitrates begin to rise. Specifically wastewater planning must be completed before approving any new development in Northern South Park.*
5. *Add a policy requiring all 114 Public Water Systems serving Teton County residents to develop (or update) Source Water Assessments and Source Water Protection Plans.*

Sincerely,

Perk Perkins, Resident  
320 NW Ridge Rd. #2116  
Jackson, WY. 83001

**From:** [Reynolds Pomeroy](#)  
**To:** [Tiffany Stoltz](#)  
**Cc:** [Town Council](#)  
**Subject:** Water Quality in Jackson Hole  
**Date:** Monday, September 28, 2020 9:51:19 AM

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Dear Planning Commissioners and Members of the Town Council,

I understand the joint Planning Commissions will meet today to discuss, amongst other things, water quality within Jackson Hole, and will consider and make recommendations to the elected officials of our community about what we should do to elevate water quality to the highest level of importance in our long-range planning and policy implementations.

Protect Our Water Jackson Hole, of which I am a director, has generated and provided you all with comprehensive scientific and policy support for doing so, and I'm grateful for that effort and for your reading through and absorbing its content. There may be no more fundamental a role for you as leaders of this community than to protect our water quality. Therefore, I urge you to adopt the 5 critical elements that POW-JH and their partner organizations have identified to make this long-overdue commitment to our community and its future a reality.

We all talk a good game of protecting that which makes Jackson Hole the most remarkable of places, and there are too few opportunities to fundamentally impact the trajectory of our policies and commitment to that effort – this is certainly one of those opportunities.

I'll look forward to watching your deliberations on this matter, and, again, urge you to adopt the recommendations from POW-JH, and incorporate modern, stringent and long-range water quality standards into our comprehensive plan.

Sincerely,

Reynolds Pomeroy  
413-2429

**From:** [Kelly Ryan](#)  
**To:** [Kristi Malone](#)  
**Subject:** Fw: Comprehensive Plan  
**Date:** Monday, September 28, 2020 8:56:24 AM

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**From:** Brad Nielson <bknielson@me.com>  
**Sent:** Monday, September 28, 2020 8:36 AM  
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>  
**Subject:** Comprehensive Plan

Teton County Commissioners,

I am writing to add my voice to the call for changes in the comprehensive plan that will address some neglected provisions that are fundamental to our public health and quality of life.

Over 40 years ago, Teton County's first comprehensive land use plan recognized the threat that mismanaged wastewater and poorly functioning septic systems posed to our valley's water. Yet decades later, the critical need to protect our precious water resources is largely absent from our Comprehensive Plan, even as nitrate concentrations are rising in groundwater in many areas of our county, threatening access to safe and affordable drinking water. Our Comp Plan is our foundational guiding document for local decision-making. It acts as the blueprint for our growth and development, with goals centered around ecosystem stewardship, growth management, and quality of life. Protecting our water starts with our Comp Plan, which we have been in the process of updating for the last year. **It's time to recognize access to clean and affordable drinking water as a human right, and that it is integral to our quality of life. Without clean water, there can be no quality of life, or indeed, any life.** With all of that in mind, I am asking that you include the following in the Comprehensive Plan:

1. Recognize access to clean water as a human right and fundamental to our quality of life by adding a new chapter dedicated solely to protecting water quality.
2. Reserve space to adopt the yet-to-be-completed wastewater management plan.
3. Add a strategy to update the county's small wastewater facility (septic) regulations with the strongest water quality protections.
4. Add a strategy to adopt new regulations for Public Water Systems that requires early intervention when nitrates begin to rise. **Specifically wastewater planning must be completed before approving any new development in Northern South Park.**
5. Add a policy requiring all 114 Public Water Systems serving Teton County residents to develop (or update) Source Water Assessments and Source Water Protection Plans.

Sincerely,

Brad Nielson  
Wilson, Wyoming

**From:** [Malissa Shriver](#)  
**To:** [Tiffany Stolte](#)  
**Subject:** Please adopt the five point plan recommended by the Conservation Alliance to protect our water  
**Date:** Friday, September 25, 2020 8:38:23 PM

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I live in Wilson Wyoming, we have a child in school at TSS, and we are witnessing first hand the pollution and E Coli bacteria in Fish Creek. We need a proper sewer system in Wilson, not antiquated septic systems rotting into the earth and ruining our waterways. Please make this change or we will mobilize and vote for new leadership.

Malissa Shriver  
President  
Turnaround Arts  
[310-729-4100](tel:310-729-4100)  
[Turnaroundartsca.org](http://Turnaroundartsca.org)  
Twitter @MalissaShriver

[2445 North Fish Creek Road](#)  
[P.O. Box 1102](#)  
[Wilson Wy](#) 83014

**From:** [Mary Whitney](#)  
**To:** [Tiffany Stolte](#); [planningcom@tetoncountwy.gov](mailto:planningcom@tetoncountwy.gov); [commissioners@tetoncountwy.gov](mailto:commissioners@tetoncountwy.gov); [Town Council](#)  
**Subject:** changes we need to protect our water  
**Date:** Friday, September 25, 2020 9:49:12 PM

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1. Recognize access to clean water as a human right and fundamental to our quality of life by adding a new chapter dedicated solely to protecting water quality.
2. Reserve space to adopt the yet-to-be-completed wastewater management plan.
3. Add a strategy to update the county's small wastewater facility (septic) regulations with the strongest water quality protections.
4. Add a strategy to adopt new regulations for Public Water Systems that requires early intervention when nitrates begin to rise.
5. Add a policy requiring all 114 Public Water Systems serving Teton County residents to develop (or update) Source Water Assessments and Source Water Protection Plans.

Thank you for your serious consideration,

Mary J Whitney  
Jackson, WY



September 10, 2020

Dear Chairwoman Macker, County Commissioners, Mayor Muldoon and Town Councilors,

Thank you for continuing the discussion on housing mitigation rates, and we look forward to the debate on Monday.

As you move forward in the discussion and process, we ask that you consider the following:

- Returning to pre-2018 nonresidential mitigation rates/cost for commercial only. This would not include any changes to full-time vs. seasonal; we are only referencing the mitigation rate.
- Percentages need to be weighed with costs. We talk about 10%, 50%, but what are the costs associated with these rates? What is a 3,000 square foot office building paying vs. what they were paying before 2018? We want percentages and costs to be connected and transparent – there is a real cost there.
- Remove “Change of Use” fees. These fees hurt our growing, local small businesses disproportionately and are a barrier to small business development. We have rental spaces sitting vacant due to change of use fees.
- Streamline the process. You should not need an attorney, land use planner and supporting staff to go through the building process. We would like to see a process that is consistent, equitable and approachable in the future.

Small businesses make substantial contributions to our local economy throughout our community and provide essential sales taxes that fund local government and SPET projects. Sometimes, there is a disconnect between the services and infrastructure we are fortunate to have and the taxes paying for these investments.

Wyoming is facing many, many budget cuts. Here in Teton County, a crucial part of maintaining our quality life will be our tourist economy and the small businesses that provide the infrastructure and services to support tourism and our local priorities.

This year has been especially challenging for our business community, and they are heading into a tough winter ahead. We hope to continue working with the Town and County to support our local economy and our community.

We look forward to these discussions and the work needed to address housing mitigation rates in Town and Teton County.

Sincerely,  
Jackson Hole Working

**From:** [Brooke Sausser](#)  
**To:** [County Planning Commission](#); [planningcommission@jacksonwy.gov](mailto:planningcommission@jacksonwy.gov)  
**Cc:** [Tyler Sinclair](#); [Chris Neubecker](#); [Kristi Malone](#)  
**Subject:** Comments on the Comp Plan Update  
**Date:** Wednesday, September 9, 2020 4:22:00 PM  
**Attachments:** [Comp Plan Update\\_Sept2020\\_Alliance.pdf](#)

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**[NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK on links or open attachments** unless you are sure the content is safe.]

Planning Commissioners,

Thank you for your commitment to the Growth Management Program / Comp Plan Update, and for your ongoing service to our community. Our Comp Plan is the most democratically derived document guiding the decisions of our local government, and we appreciate the time and energy you spend scrutinizing changes.

Please find our attached comments on the draft changes. We applaud positive changes (the need for new ecosystem goals, consideration of a conservation planner, etc) while highlighting some critical gaps and two bad ideas that should be removed.

Please be in touch if there is anything we can clarify.

Thanks,  
Brooke

--

Brooke Sausser  
She / her  
Community Planning Manager  
Jackson Hole Conservation Alliance  
(208) 771 - 2218



It's Old Bill's Giving Season. Please [Give A Buck](#) and support conservation and community character.

*Protecting the wildlife, wild places, and community character of Jackson Hole.*

September 9, 2020  
Jackson Town Council  
Teton County Board of County Commissioners



**RE: Changes to our Comprehensive Plan (Comp Plan)**

Dear Madam Chair, Mayor Muldoon, Commissioners, and Councilors,

Thank you for your commitment to the Growth Management Program / Comp Plan Update. The Growth Management Program was “triggered” when our community grew more than 5% since the 2012 Comp Plan adoption. We believe that the response to significant growth should not be *enabling yet more growth*, but rather taking even better care of our community members and ecosystem.

**Please keep these positive changes:**

- Ecosystem stewardship indicators and targets (1.G.S.1 & 1.G.S.2). Our community has invested significant time and resources into creating the [Housing Action Plan](#) and the [Integrated Transportation Plan](#) to implement the broader vision of our Comprehensive Plan. Both of these focused plans set out clear, measurable goals – 65% workforce housing and 11% less growth in vehicle miles traveled. But though ecosystem stewardship is one of the three common values, and it is at the core of our vision, *we have no ecosystem / conservation plan or goals*. So how can we know if we’re making progress or losing ground? We need clear goals and metrics, and a Conservation / Ecosystem Action Plan to outline a prioritized path forward.
- New climate goal and action plan (2.G.S.1 & 2.G.S.2). The International Panel on Climate Change reports that we have only 10 years to change our emissions trajectory and avoid catastrophic impacts. The town has adopted a goal to be Net Zero by 2030 – let’s reflect that goal in the county and the joint Comp Plan. And beyond that, let’s craft a climate action plan, hire staff to lead the effort, and report on progress annually.
- Staff ecologist (1.1.S.8). The [conservation community has long asked for](#) staff in local government that would see directly to our plan’s vision to “preserve and protect the area’s ecosystem” (whether an ecologist, conservation planner, or sustainability planner). We support creating a Town position focused on sustainability and climate goals and a County planning position focused on ecosystem / land stewardship / water quality. A staff member prepared to comment on the many projects coming at us (the Bridger-Teton National Forest Plan, transfer of the Bureau of Land Management parcels along the Snake River, implementation of the Wildlife Crossings Master Plan) and participate in the many coalitions (Clean Water Coalition, Systems of Conservation, etc.) would be of immediate value and impact.

- Transportation (7.2.S.3, 7.2.S.6, etc). Please prioritize investments in alternatives to traffic congestion by adding language such as “we and our partners will not build new roads or new lanes on existing roads *until after* we fully implement the transit/walk/bike strategies in the Integrated Transportation Plan and can measure the success of those efforts.” Please add strategies to hire a transportation director, prioritize the creation of an Regional Transportation Planning Organization (as [called for](#) by many local organizations), and create a comprehensive, integrated corridor plan for Highways 22 and 390 before WYDOT does it for us.

**Please make the plan better by making these changes:**

- Improve Northern South Park (3.3.S.5 & Subarea 5.6). We support a neighborhood plan that prioritizes a variety of housing types, with affordability for a range of incomes; permanently protected open space; best practices for climate and environmental sustainability; and encourages more transportation choices. Please add language directing establishment of a “hard border” / “green wall” south of town that would preventing continual sprawling development in coming decades. And to preserve the conservation goals originally outlined for Subarea 5.6, please add: *“The goal of the community is to link development with permanent open space conservation, by transferring development into the subarea from a Conservation or Preservation Subarea.”*
- “Uncheck” 3.1.S.2: explore tools for transferring development. We have not yet adequately explored these tools. If we want to move away from controversial, discretionary upzones toward predictable well-thought-out development of our Complete Neighborhoods, while respecting our vision to preserve and protect the area’s ecosystem and rural areas, we must explore true Transfer of Development Rights / Purchase of Development Rights programs. The Floor Area Option tool allows transfers between rural parcels and doesn’t serve its intended purpose of “conservation and stewardship.” And while we have the CN-PRD tool – specifically intended for Northern South Park development in exchange for rural land protection – large landowners aren’t using it. *Please add a strategy (add a 3.1.S.8) to explore a true TDR or PDR program, based on what works in peer communities.*
- Add a policy that upzones must either transfer development rights or achieve 100% affordable housing (add a new Policy 3.5). A rezone should not be a free ride to more development potential when other tools exist or could be created. Creating new density should only be considered when it doesn’t threaten our growth caps and when it supports our values of ecosystem stewardship, growth management, and quality of life. Newly-created development potential should either be permanently-affordable to local workers or offset with true conservation.
- Add a policy that infrastructure to support new development (transportation, water, and sewer, etc) should be planned before any new density is granted (add a

new Policy 3.2.g). Permitting new development without appropriate wastewater or transportation infrastructure will only pass the costs to taxpayers in the future, as we've seen with Hoback's contaminated water and the need for a Specific Purpose Excise Tax measure to fix Gregory Lane.

- Reference and explain the relationship between incentive tools and our growth caps (add a 3.1.S.7). Many of our community members don't understand the 2015 "transfer" of potential rural PRD incentives to town / Complete Neighborhoods or its connection to the "fill the box" workforce housing bonus in town. The Comp Plan should clearly state that once the ~2500 units are permitted, the town and county will remove the incentive tools, thus preserving our overall buildout cap. Additionally, please clarify that density transfers / incentives can be used for other community priorities such as conservation or historic preservation.
- Add a strategy to adopt bear-proof trash can requirements (add a 1.S.1.10). This was originally included in the natural resource update, which is on hold. Our continued inaction forces agencies to kill bears. We can do better.<sup>1</sup>
- Add a strategy to develop a river and levee management plan (add a 1.S.1.11). With the county set to acquire several Snake River BLM parcels, and with crucial cottonwood forests continuing to decline due to a lack of flooding in recent years,<sup>2</sup> we must proactively plan to protect the habitat around our Wild and Scenic River.
- Adopt a policy recognizing that state trust lands hold ecological value and should be managed with respect to their surroundings, to the extent practicable (add a Policy 1.1.k). State trust lands comprise more than 4,500 acres, with many large parcels located in rural areas or areas with immense ecological value. The state is currently [seeking development proposals](#) to generate the maximum revenue, and the legislation spurring this requires the state to consider our land use plan.
- Better address income inequality. We have the [greatest income inequality in the nation](#), and "if the community does not define how it wants to address income inequality, the inequality will define the community."<sup>3</sup> Our community needs to have frank and intentional conversations about equity, beyond just affordable housing. Please add a strategy to specifically address income inequality, inclusive engagement and representation of our whole community, Indigenous land acknowledgement, equity audits of our policies and programs, and other methods to advance equity and justice for all.

<sup>1</sup> See "[Biologist: only hibernation abating black bear conflicts](#)," *Jackson Hole News & Guide*, Nov. 6, 2019.

<sup>2</sup> See the "[State of Wildlife](#)" that we commissioned local scientists to complete

<sup>3</sup> See page 21 of the *Comp Plan Seven Years Later: Are We On Track?* (Oct. 2019).

**Please remove these bad ideas:**

- Remove “Evaluate private land recreation needs and management to relieve the impact on public lands” (1.4.S.8). Recreation should be concentrated in areas where it already occurs and where resources are “hardened,” meaning they can sustain the use. Recreation has a broad definition in our LDRs,<sup>4</sup> and adding this policy could lead to exclusive mountain bike parks, zip lines, tennis courts, swimming pools, or venues for outdoor receptions expanded into more areas than they are currently allowed.
- Remove “Evaluate future active use of Karns Meadow” (4.4.S.6). The Town already commissioned an Environmental Assessment of Karns Meadow, which found that it is an “important bottleneck in the movement patterns of wildlife, particularly mule deer, moose and Trumpeter Swans, providing dark skies, cover habitat, nutritious forage and a riparian corridor with limited to no human disturbance during the fall, winter and spring” (p. 29). Karns Meadow will be a key component of the wildlife crossing on Broadway, and is part of the Wildlife Crossings Master Plan that 79% of voters supported on our latest SPET ballot. Changes in development and human use surrounding wildlife crossings will determine their effectiveness. We already know we should not encourage active use, especially in winter. This policy should instead encourage completion of a master plan for Karns Meadow that prioritizes wildlife and habitat protection.

Let’s use this opportunity to make our Comp Plan more actionable, and then invest in staff and resources to make this vision a reality.

Sincerely,



Brooke Sausser  
Community Planning Manager

<sup>4</sup> See definitions for both “outdoor recreation” and “developed recreation”

**From:** [Shawn Hill](#)  
**To:** [County Planning Commission](#)  
**Cc:** [Kristi Malone](#)  
**Subject:** Comp Plan Comment Letter  
**Date:** Thursday, September 10, 2020 7:44:55 PM  
**Attachments:** [Letter to TCWY Planning Commission 10 Sept 2020.docx.pdf](#)

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**[NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK on links or open attachments** unless you are sure the content is safe.]

Dear Commissioners

Please find the attached comment letter.

Thank you,

-swh

--

Shawn W. Hill  
Executive Director

(208) 354-1707 PH  
(208) 354-1709 FX  
[shawn@tetonvalleyadvocates.org](mailto:shawn@tetonvalleyadvocates.org)





# Valley Advocates for Responsible Development

September 10, 2020

Teton County Planning Commission  
200 S Willow St.  
P.O. Box 1727  
Jackson, WY 83001

## **Re: Comprehensive Plan Update**

Dear Members of the Commission:

VARD offers the following comments in the context of impacts to Teton Valley.

- Key Update C.1 **Update Chapter 2 goal to speak directly to reducing greenhouse gas emissions to limit climate change and planning for climate change that is certain to occur.** We wholeheartedly agree with the Strategies expressed here, but feel that Vehicle Miles Traveled (VMT's) should continue to be monitored - and limited. There is no greater correlator to Greenhouse Gas (GHG) emissions than VMT's.
- Key Update D.2 **Add a Strategy to make impactful investments in infrastructure and catalyst investments in housing projects in transitional subareas.** This strategy should include a clear metric. Preferably, the Town & County would identify the housing units needed and/or number of people to be housed, and establish a yearly target of new units/people housed in Complete Neighborhoods. Please consider incorporation of such into the Growth Management Program (GMP), including corrective measures.
- Key Update F.1 **Rephrase the Chapter 7 Goal to read: Travel by walk, bike, carpool or transit will be faster than travel by single occupancy vehicle.** We understand that the Integrated Transportation Plan (ITP) update may lean toward the discontinuation of VMT thresholds. **We strongly oppose this.** VMT correlation with GHG emissions is direct and undeniable. VMT thresholds are also necessary for meaningful progress toward transportation, public health, growth management, quality-of-life, and environmental goals. VMT is the new industry standard, and we feel it is wise to embrace critical advances in the field of transportation planning.

Teton Valley is suffering from an acute housing shortage of our own. Increased VMT's over Teton Pass will contribute to numerous problems for both valleys. The current Comp Plan seeks to reduce VMT's in Alta, and is likely necessary to achieve Teton County's required modal split for Grand Targhee Resort. VARD intends to ask Caribou-Targhee National Forest to study VMT impacts in the proposed expansion of the Special Use Permit area for Grand Targhee; if Teton County changes course mid-stream, our efforts could be hindered.

VARD is extremely grateful to the Jackson Hole community for its commitment to transportation, housing, and environmental issues in the Teton Region. We hope our comments are helpful.

Respectfully submitted,

Shawn W. Hill  
Executive Director



**From:** [Jayne Ottman](#)  
**To:** [Board Of County Commissioners](#); [County Planning Commission](#); [Kristi Malone](#)  
**Subject:** Comp Plan Subarea 12.2 390 Residential  
**Date:** Wednesday, September 9, 2020 11:40:45 AM

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Sept 7, 2020

**Re: Subarea 12.2 390 Residential Complete Neighborhood re-zoning**

Dear Chairwoman Ms. Macker and Commissioners Greg Epstein, Mark Newcomb, Luther Propst and Mark Barron:

and County Planning Commission: Glendon Esnard, Karen Rockey, Susan Lurie, Alex Muromcew, Kasey Mateosky

Thank you for taking time to read our letter.

Hopefully you will provide us answers.

I can be reached by phone at 307-690-1025 or [Jottman50@gmail.com](mailto:Jottman50@gmail.com)

I copied the adopted version of TC's 2020 comp plan Vision statement(s) below.

It's a lofty and beautifully written piece but I can only state that in the Proposed Rezone of Subarea 12.2: 30 Residential, **these appear to be in direct conflict.**

Becky Hawkins and I, along with neighbors Schreiber, Springer, Burke, Balint, Felton and Pederson are adamantly against the proposed upzoning from NC to Complete Neighborhood. This proposal will extend the subarea along the east side of #390 from the Rains property to Cheney Lane down to our properties which border the Linn Ranch.

"Our Vision is founded in our Greater Yellowstone Ecosystem context and strengthened by our commitment to optimizing three Common Values of Community Character. Just like braided strands within a rope create its core, appreciation of the ecosystem in all aspects of our life is only as strong as our commitment to all three of our Common Values. [ADDED GRAPHIC] CV1: Ecosystem Stewardship - As ecosystem stewards, we will ensure the health of all native species by avoiding habitat impact and fragmentation, maintaining water quality, and limiting our contribution to climate change. CV2: Growth Management - To manage growth, we will not add to the overall amount of growth allowed and will direct growth into locations with the least habitat value and the most existing services."

When will the county planners and commissioners stop implementing zoning changes to accommodate certain individuals who threaten with lawsuits?

When is enough, enough?

This proposed zoning contradicts the protections for an NRO as written in the Comprehensive plan for 2020. Adding density contaminates water quality, vegetation, migration routes and results in climate change impact from fossil fuel consumption with increased traffic.

Our neighborhood was conveniently left out for access to any sewer/water system since 2003 when the Millward project was built despite our numerous attempts to hook into their lines. We are now landlocked out and the costs of tearing up roads, parking lots and driveways along with paying for sewer upgrades makes this prohibitive. More density will increase groundwater contamination. We all have wells.

Will any increased development be required to hook into a sewer system? We are downstream of these areas and will be affected the most.

Much of our land is in the NRO as are other neighbors.

Directing growth (density) in these fragile NRO areas which provide prime winter habitat for so much wildlife in the area is fraught with contradiction. Every one of our properties offer crucial winter vegetation for the survival of moose, mule deer, nesting bald eagles and herons, great horned owls and migratory birds including raptors. The only time the eagles vacated their nest was when the Millward Affordable Housing Project was built, a sure sign they were disturbed by encroachment and activity. They returned a year later and have been here ever since.

Designating us a complete neighborhood zone would significantly reduce any possibility for wildlife survival or repopulation of the species.

### **History:**

Shortly after the Millward Project was approved TCC and Planning Director assured us we wouldn't have additional density since Millward was the most densely populated subdivision in the county at the time.

Then- Deb and Art Davis sold the KOA to Jamie Mackay who transformed the campground into a year-round residence while at the same time, moved 27 illegal RPT's on the acreage.

We watched in horror as he illegally dug trenches and laid gas lines for propane to each of his RPT's including outdoor "fire rings", and then hooked up to electrical, water and sewer without permits. Despite numerous calls from us and neighbors to the county building inspection officer (Mark Antrobus) and compliance officer (a woman), this debacle continued without any county oversight. So not only did we get more density (27 new homes), we are still at risk for gas line explosions that were not permitted until after the fact (state and county). And we also question why no electrical or water/sewer permits were granted until after the utilities were in.

Then- Makay illegally subdivided the Davis' acreage into two lots.

The county is now in a legal battle with Mark Hirschberg's estate with the threat if we don't impose zoning to accommodate his density request, a WY judge will.

I ask, why was this court threat ignored for 4 years by our County attorney and planning staff? And why wasn't the zoning change addressed at that time?

A more thoughtful plan could have been implemented without the knee-jerk reaction we are seeing today that negatively impacts so many of us, but more importantly, our "valued wildlife".

We don't want to be lumped into zoning like the Aspens. We don't want additional homes or rentals, gyms, grocery stores, sidewalks, swimming pools, golf courses and numerous commercial buildings. Increased density would seriously harm and possibly eliminate the species that rely on the NRO and our unique neighborhood characteristics that allow for mammal and bird movement year round. We look very different than the homes on the west side of #390.

*\*\*and why isn't Tucker Ranch or John Dodge in this new zoning proposal? It appears that decisions are*

*being made for those of us who are working class and live in less expensive neighborhoods. I see this as blatant structural racism-in other words, dump the growth on those who make less money but leave the rich neighborhoods alone as it is proven that they have money and will sue if they don't get their way. We intend to explore this more thoroughly.*

As I type this, the 6th moose was killed on #390; struck by a vehicle. We are sickened with the continued slaughter of these animals because of reckless speeding/texting and distracted drivers and increased density along this corridor. Is this really the area for increased density?

We have a large population of raptors -osprey, northern harriers, accipiters, hawks of all kinds, falcons and vultures who perch on our tall cottonwood trees overlooking the open space next to us to hunt. The Snake River is steps away and the osprey and eagles regularly are seen with fish in their talons as they often perch here to feast on their catch.

And the migratory birds who come thru here have a safe nesting area to call home the months they are here. Most of us have planted native species that support them including bushes and trees from which to build nests and that offer vegetation that provides food for them like Hawthorne, service berries and dogwood to name a few.

We all plant bee and butterfly friendly flowers/shrubs to help support these diminishing populations. We pull or dig noxious weeds and carefully maintain the understories here to support ground mammal habitat. We plow or shovel paths in the winter in between houses or roadways in order for animals to access winter forage that would otherwise have snowbanks too high to get over. We work hard at keeping animals off the road, especially in the winter and have developed a phone network when we spot animals so humans will avoid leaving their house and any dog is put inside.

The Burkes, Pederson's and Feltons have large areas of wetlands and ponds making it ideal for moose habitat. Moose are seen regularly year-round there and depend on these lands to support them and their offspring. Herons are seen daily in the ponds. Baby moose learn how to feed on the bottoms of these ponds as witnessed by so many of us each year.

We have had WYG&F guide us on best practices to support wildlife. Also, the Raptor Center staff and area wildlife biology experts. We all take the wildlife here very seriously.

This is our neighborhood. And we and the migratory animals and birds who roam thru here seem to like it also.

This is NOT a place to upzone to Complete Neighborhood, to build sidewalks, have commercial businesses, additional rentals, shops, more houses accompanied by cars, traffic, human sewage, contaminated surface water all with human encroachment. This is NOT the area to do this.

We've paid the price of having one of the highest densities the county back in 2003 with the Millward Project and the seemingly endless encroachment from the Fireside.

The promise from the County Commissioners and Planning Department 20 years ago not to increase density has eroded. We adhere to and respect the zoning rules while many of these rules have hugely impacted the lives and livelihoods of some of our neighbors.

We feel duped.

We should not be zoned a Complete Neighborhood.

We'd call that a "Complete Mistake".

Why isn't this "forgotten neighborhood of 7 homes", with many of us in the NRO and adjacent to R-3 zoned land, zoned Rural or protected?

And I ask you this-will taxes go up because of this zoning change? If so, then it's a sneaky way to increase revenue. And while I'm on the subject of too many cars on #390, why the heck don't you consider a much cheaper option to help drivers SEE animals on the road-LIGHTS that can be attached to the already power poles on either side of the road. Much less expensive than overpass that will not work because of driveways and the poles and power sources are already there....it's nearly impossible to see animals at night...why not get a bid to install downlighting along both sides of the road.? I bet it's a lot cheaper than an overpass.

Thank you,

Jayne Ottman and Becky Hawkins

Jayne Ottman

PO Box 433  
Jackson, WY 83001

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**From:** [Judd Grossman](#)  
**To:** [Kristi Malone](#)  
**Subject:** Comprehensive Plan Comments  
**Date:** Tuesday, September 8, 2020 9:30:24 PM

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[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Town Planning Commission:

Here are some comments about the latest draft of the Comprehensive Plan update:

**Growth:** Growth isn't making Jackson Hole better. The only growth that makes any sense is workforce deed restricted housing in the commercial corridor. Please stick to the 1994 cap numbers for residential development.

**Climate change provisions:** These are unnecessary government intrusions into individual freedom that will have infinitesimally small effect on the problem of climate change while costing enormous amounts of money that could be better spent elsewhere. Conservation as a bi-product of other planning goals (reduced development, preservation of open space, energy use cost savings) is fine. Otherwise, build us a Gen IV nuclear reactor to cost effectively reduce our carbon footprint, or just stop with the virtue signalling about climate change.

**Affordable housing:** Workforce deed restrictions are the only ones that are fair. Income based deed restrictions provide a perverse incentive for workers and employers. The worse you do the better deal you get on housing. This damages the morale of the middle-class who are trying to benefit from working hard and making good decisions - when people are rewarded for the opposite, why bother? Workforce based deed restricted housing should be available to anyone to buy or rent, but only full-time local workers should be able to live there. Prices should be whatever the market will bear with the deed restriction. In the commercial corridor there should be large bonuses in FAR for 100% workforce deed restricted housing. Housing should not be subsidized by anyone other than employers. Density bonuses in exchange for workforce deed restricted housing are the "free money" that the government can offer to get more housing stock.

"Policy 5.3.b: Preserve existing workforce housing stock" - Should be removed. This provision seems suspiciously leaning towards restricting the sale of homes by retiring workers. These kinds of restrictions along with taxpayer subsidies for affordable housing force parts of the middle class to subsidize other parts of the middle class so that rich people can have less expensive servants. It's better to let the market set the cost of land and the cost of labor. Government should build housing for its own employees on land that it already owns (Like the project on Snow King). Encourage workforce deed restricted units in the commercial corridor (near Broadway and Cache from Smith's to Dairy Queen). This is the appropriate place for density. Leave our beloved neighborhoods and open space alone. Don't try to restrict the price of the homes of local workers who are retiring and ready to sell. Government regulations already prevent these middle-class people from renting short term while wealthy people in the County have free reign. Government regulations seem designed to crush the middle-class while subsidizing everyone else - including the wealthy.

Jobs should pay well enough that people can afford to live here or commute here without government subsidies. We need to stop creating, promoting and subsidizing low paying jobs.

Minimum wage laws are an unwise intrusion into the free market. Wages should be a private agreement between workers and employers.

Government should stay out of the daycare business. Most government interventions into the "needs" of workers pass through as subsidies to employers and promote growth.

Alternative modes of transportation are generally unrealistic, relatively unpopular, and often unpleasant. Residents should have a choice as to their mode of transportation. Automobiles are obviously the most efficient and useful means of transportation for our residents. Working people that need to carry tools have no other choice. We need to limit population growth, and expand and connect our roads so they can function properly for car traffic.

Stop raising taxes. Local government is already too big, too expensive and too intrusive. I don't appreciate being asked to give more of my money to the government where electeds then use it to pander for votes. Government employees get better pay and better benefits than the private sector workers who support them involuntarily through their taxes. Not good.

Sidewalks are inappropriate in the Town periphery. Street lights are disruptive of dark skies and rural character in the Town Periphery. These Town Periphery neighborhoods are recognized in the Plan as low intensity interfaces with the surrounding wildlands. Stop imposing urbanization on this character district.

3.4: May Park Area - This is the wrong place to add density, because it's on the edge of town and much of the traffic generated by development in this area has to filter through Town Periphery neighborhoods. Planning 101: don't put density on the quiet edge of Town.

The Comprehensive Plan has become breathtaking in its scope and invasiveness. While I support protecting neighborhoods and open space the all encompassing control over the freedom of individuals in our town contained in this document is troubling. Elected officials and unelected bureaucrats have entirely too much control over the daily lives of our citizens.

I have over the decades been a big supporter of the Comp Plan - mostly in an effort to keep Jackson Hole from being over developed, and hopped up into small pieces with sprawling suburbs. But now I'm having serious concerns about whether the Comp Plan monster has gotten completely out of hand. Not only has it become a neighborhood destroyer rather than preserver, it has also become a vehicle for controlling huge swaths of our lives, and allows those who wish to rule over us free reign to mold us according to their utopian imagination. Climate change, subsidized housing, tax increases, and whether we can drive our cars are all baked into the behemoth. When push comes to shove I'll take freedom over conservation, and I think it's a wise choice. Why are you making me choose?

The middle class is getting crushed between the rich and the subsidized classes. There will soon no longer be a middle class, only the subsidized and the subsidizers. The demoralized middle class is burdened by this plan with higher taxes, suppressed wages and ever more restrictions on what we can do with the assets we have painstakingly accumulated. Restrictions that the rich can weather with relatively little pain, but the middle class finds crushing. Why make good decisions and be prudent with our money when the reward is

subsidizing others who weren't.

Please do some trimming of this overgrown document, before it gets even more out of hand.

Best Regards,  
Judd

--

**Judd Grossman**

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email: [jg@juddgrossman.com](mailto:jg@juddgrossman.com)

mail: P.O. Box 3222, Jackson, WY 83001

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**From:** [Richard Bloom](#)  
**To:** [County Planning Commission](#); [Board Of County Commissioners](#); [Pete Muldoon](#); [Town Council](#)  
**Cc:** [Kristi Malone](#); [Chris Neubecker](#); [Tyler Sindair](#)  
**Subject:** Draft Jackson/Teton County Comprehensive Plan Update - comment - Rich Bloom  
**Date:** Sunday, September 13, 2020 1:24:26 PM  
**Attachments:** [Comp Plan Update - Rich Bloom.pdf](#)  
[SOI3.13.12.pdf](#)  
[JacksonHoleDaily\\_20200912\\_03\\_1.pdf](#)

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County Commissioners, County Planning Commissioners, Mayor Muldoon and Town Council,

Attached are my focused comments on the draft updated Jackson/Teton County Comprehensive Plan that comes before the County Planning Commissioners this Monday evening.

The other two attachments are supporting materials that I reference in my comment letter.

Respectfully - Rich Bloom



September 13, 2020  
Teton County Board of County Commissioners  
Teton County Planning Commissioners  
Mayor & Jackson Town Council

**RE: Draft Updates to our Jackson/Teton County Comprehensive Plan**

Dear Teton County Commissioners & Planning Commissioners, Mayor Muldoon, and Town Councilors,

First my apologies for these last minute comments before Monday evening's County Planning Commissioners review. Following are my central thoughts and suggestions.

**The Central Policy Debate**

At the end of the five-year (2007-2012) Jackson/Teton County Comprehensive Plan (Plan) adoption our community came together and clarified two over-arching Plan themes:

- *Whereas current regulations allow for decades of growth and a doubling of the built environment we see today it is the community's intent to avoid expanding the urban footprint and to maintain our small, rural, mountain-town character; our quality of life; our unique sense of place; our established neighborhoods; and our stewardship ethic as the gateway to our unparalleled ecosystem on which both our visitor economy and our way of life depend.*
- *It is the community's top priority to permanently protect wildlife habitat & connectivity, scenic viewsheds and agricultural open spaces through permanent protection of these resources. To that end, density increases beyond base property rights will not occur in any location until mechanisms are in place to link that development to permanent conservation. These mechanisms must ensure that any density increases will be phased in slowly over time in small areas.*

Today we find ourselves in this Plan update with these two primary principals under debate – and the draft now includes several inconsistencies.

First: Are we still committed to the updated Plan Policy 3.1.a – or not? It should be retained as updated. I believe overwhelming the community is committed to this policy as the central pillar in the Plan.

*Policy 3.1.a: Ensure there is no net increase in development potential.*

*Ecosystem Stewardship and rural character preservation should extend beyond protecting resources and open space on individual lots to managing growth on a communitywide scale. Development potential should decrease in Rural subareas and*

*increase in appropriate Complete Neighborhood subareas, but our Vision will be adhered to by ensuring there is no net increase in overall development potential. Beginning in 2012, increases and decreases in allowed residential and nonresidential development were annually tracked and reported. By not increasing potential more than it is decreased, and better locating and designing development that does occur, we can decrease our impacts to the ecosystem while respecting property rights, preserving our rural character, and providing opportunities for increased quality of life.*

In addition, the updated Plan Policy 5.3.a should be retained as updated - and is central to the job creation side of the ongoing workforce housing crisis:

*Policy 5.3.a: Mitigate the impacts of growth on housing*

*Job growth has outpaced physical development since at least 2002. As a result of the gap between property values and wages, many of the new local workers cannot afford housing within the community. Developers of new residential, commercial, and other non-residential projects will continue to be required to mitigate their impact on the availability of housing that is affordable to the local workforce. In addition, employee generation that is not traditionally linked to physical development will also be mitigated. This will ensure that each developer's mitigation responsibility is proportional to the development's impact on the availability of housing that is affordable to the local workforce, and that all housing demand as a result of job growth is addressed. Mitigation requirements will be updated following new nexus studies of employee generation and housing affordability, which will be completed regularly.*

The disconnect is that we now have efforts (the Northern South Park saga the last seven plus months) and new draft Plan language to basically abandoned the idea to direct development from the rural to complete neighborhoods (our LDR rural zone open space incentive tools which took over two years to develop – the CN-PRD, PRD and Floor Area Option).

Instead because of the Gill and Lockhart proposals we have moved straight to considering pure upzones which not only create divisive project-by-project community destroying fights – but also effectively gut our open space incentive tools and will eventually void our commitment to “ensure there is no new increase in development potential”. Why would any land owner consider the open space incentive tools if they can simply navigate a divisive community debate to a lucrative upzone instead?

I believe this is the central area you should focus your discussions.

I will point out several inconsistencies now in the draft Plan resulting from the update and the tail-wagging-the-dog months long efforts by the County Commissioners struggling over the language in Character District sub-area 5.6: Northern South Park.

## Illustration of Our Vision: 5.6: Northern South Park

I will start with sub-area 5.6: Northern South Park.

During the long Gill sparked discussion, the Commissioners changed two central community intents in sub-area 5.6 – first on the requirement for Town in-fill first and second: the preference for meaningful protected open space by clustering development from other Conservation and Preservation subareas.

The Commissioners found a way to still preserve the Town in-fill priority through the following language changes:

From:

*While the priority of the community is to first infill and redevelop other already developed Stable/Transitional Subareas in order to meet the Growth Management goals of the Plan; if necessary, this subarea is a suitable location to meet those goals due to its close proximity to many existing Complete Neighborhood amenities.*

To:

*While the priority of the community is to ~~first~~ infill and redevelop other already developed Stable/Transitional Subareas ~~in order~~ to meet the Growth Management goals of the Plan; ~~if necessary~~, this subarea is ~~also~~ a suitable location to meet those goals due to its close proximity to many ~~existing~~ Complete Neighborhood amenities.*

With the hopeful denial of the current 60x upzone request decision before the County Commissioners Tuesday - and the joint electeds commitment to a holistic 5.6 area wide Neighborhood Plan – I find the updated language on in-fill now as a “preference” - acceptable.

But when the County Commissioners debate changed to prioritizing and clarifying the need for a Neighborhood Plan in sub-area 5.6 - I watched them inadvertently remove the key community preference (especially given the Gill’s and Lockhart’s land ownership throughout greater South Park) for these land owners to use the LDR open space incentive tools that we spent two plus years developing.

What they removed in total - solely as the way it was previously written they felt bypassed the requirement for a Neighborhood Plan:

~~*An exception to this requirement would be the allowance for development when associated with an opportunity to provide meaningful permanent open space by clustering development into the subarea from a Conservation or Preservation Subarea.*~~

My request is for re-insertion in 5.6 Northern South Park of the following:

*The priority of the community is for development when associated with an opportunity to provide meaningful permanent open space by clustering development into the subarea from a Conservation or Preservation Subarea.*

This is consistent with how the preference for Town in-fill first was edited. A “preference” does not preclude a rezone – but honors the community input on this language in 2012.

For support I point you to the over 100 resident emailed comments plus public testimony (PC meeting) on the Gill proposal for this sub-area: which spoke to the need for compensatory permanent open space via clustering (CN-PRD) in exchange for a massive 60x upzone. This acknowledges that any new development in 5.6 is on land that today contains important scenic, agricultural and wildlife utilization and movement corridor values.

I have not included all of that public comment (but I do request that it be made part of the public record) – as you have just recently read it.

You know this sentiment is as strong now – as it was in 2012.

#### **No net increase in development potential – open space and affordable housing incentives**

More broadly I believe we know we are moving towards an affordable workforce housing incentive policy for the County that parallels the one now used in Town. But the question is will you (perhaps at an even higher value) still commit to open space incentives – or not - in the County?

*In sum the key policy question is whether the County still wants to try and incent conservation easements in exchange for density bonuses or whether they would like to utilize a program similar to the Town housing bonuses tool or simply increase density through an upzone?*

I believe our community absolutely wants to retain both (conservation and affordable housing) – and certainly not sacrifice a primary goal as found in Policy 3.1.a: *Ensure there is no net increase in development potential.*

If the Plan simply moves back (where the Plan started in 2008) to establishing new “growth nodes” in Northern South Park, Wilson (Stilson and vicinity), Aspens and Teton Village – and other satellite growth nodes (Hog Island?) - while abandoning the goal to MOVE development potential permanently from the rural to complete neighborhoods – we will have abandoned the central tenant of the 2012 Plan to have no net increase in development potential.

The central policy conversation to have is if this Plan is now going to identify various new “growth nodes” (including Northern South Park)? Then the next question is how: 1) through use of the CN-PRD requiring conservation easements for a density bonus; or 2) through an upzone; or 3) through an affordable workforce housing incentive tool similar to the Town?

This is it in a nutshell.

Other areas in the updated Plan that call this question - and you should discuss:

Added: **Strategy 4.2.S.6: Explore allowing a fourth floor for workforce housing, within existing height allowances, in more Town zones.**

**Illustration of Our Vision - 2.3 Downtown:** Recently added: **A fourth floor could be considered when a project is providing additional benefits such as workforce housing.**

### **Other Suggestions**

In Southern South Park (sub-area 10.1) since the development of both the public Munger Mountain School in Hog Island, the end-run by the private Classical Academy - and the addition of Tribal Trails Connector – the following changes are timely:

**Illustration of Our Vision - Subarea 10.1: Southern South Park:** **Remove language about a new roadway connection and new school site.**

I also support strongly two of the Jackson Hole Conservation Alliance's suggestions:

1. "Uncheck" 3.1.S.2: explore tools for transferring development. The Floor Area Option tool allows transfers between rural parcels and doesn't serve its intended purpose of "conservation and stewardship." And while we have the CN-PRD, large landowners are ignoring it in favor of sweeping upzone requests. Our community has not yet adequately explored these tools.
2. Add a policy so that upzones must transfer development rights and/or achieve 100% affordable/workforce housing (add a new Policy 3.5). A rezone should not be a free ride to more development potential when other tools exist or could be created. Creating new density should only be considered when it doesn't threaten our growth caps and when it improves all of our values of ecosystem stewardship, growth management, and quality of life.

Respectfully,

Rich Bloom  
Teton County Resident

Attachments: May 2012 – Statement of Intent petition and ad in the weeks leading up to the adoption of our joint 2012 Comprehensive Plan – Yesterday's N&G Story on the central policy debate.

# Community Support for a Statement of Intent in the Comp Plan

Many committed community leaders have helped to craft a Statement of Intent for the Comprehensive Plan, which is intended to clarify the goals and next steps, and prevent misinterpretation in the future. This is something that we would like to see inserted into the Plan as a documentation of the intent of the Plan and the community.

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***Whereas current regulations allow for decades of growth and a doubling of the built environment we see today; we, the undersigned, respectfully request a statement of intent be added to the Jackson/Teton County Comprehensive Plan that reflects the following:***

## **Statement of Intent**

Purpose: To ensure that the community's original intent prevails when competing values create opportunities for differing interpretations for current and future decision makers.

It is the community's intent to avoid expanding the urban footprint and to maintain our small, rural, mountain-town character; our quality of life; our unique sense of place; our established neighborhoods; and our stewardship ethic as the gateway to our unparalleled ecosystem on which both our visitor economy and our way of life depend.

- It is the community's top priority to permanently protect wildlife habitat & connectivity, scenic viewsheds and agricultural open spaces through permanent protection of these resources. To that end, density increases beyond base property rights will not occur in any location until mechanisms are in place to link that development to permanent conservation. These mechanisms must ensure that any density increases will be phased in slowly over time in small areas.
- It is the community's intent that a community-supported and clearly defined amount of growth will result in locations and intensity of development that are predictable. This amount of growth will be calculated prior to adopting the new Comp Plan for each Character District and must reflect and adhere to the stated Vision in the Plan for density neutral solutions countywide.
- It is the community's intent to manage growth in a fiscally responsible manner. Developers must pay their costs for public facilities, services and infrastructure created by new development. Costs of development should not be subsidized by or passed on to residents. New development should not be permitted until an adequate level of infrastructure is in place.
- It is the community's intent that employee generation resulting from commercial and nonresidential development should not overwhelm the ability to house 65% of our workforce locally.
- It is the community's intent that a multi-year implementation plan that is annually updated must include and adhere to a detailed timeline, budget and a prioritized strategy list.

Pete Jorgensen  
Ann and Vance Carruth  
Mark Sullivan  
Tony Wall  
Emmy Knobloch  
Jim Genzer  
Jean Jorgensen  
Holly Balogh

Kathy Tompkins  
Lisa Robertson  
Carol Peck  
Brooke Bullinger  
Ken Jern  
Marion Hudnall  
Eddie Kolsky  
Ned Jannotta Jr.

Bob Wemple  
Andrea Deaton  
Bill Welch  
Jon and Biba Parker  
Dave Coon  
Tracie Welch  
Rhett J. Bain  
Gail Jensen

Richard Bloom  
Cindy Stone  
Pegi Sobey  
Taylor Phillips  
Gregory Griffith  
Coulter Stone  
Kristine and Paul F. O'Brien  
Michelle Dickson  
Gail Fustos  
Linda Aurelio  
Nancy Hoffman  
Becky Tillson  
Rebecca Woods  
Sandy Shuptrine  
Shirley and Dan Thomas  
Cindy Harger  
Patty and Frank Ewing  
Valerie Music  
Marv and Julia Heilesen  
Ann Harvey  
Jane Folgeman  
Claudia Gillette  
Roger Smith and Margaret  
Creel  
Franz Camenzind  
Inger Schou  
Geoff Sharp  
Ted and Addie Donnan  
Louise Lasley  
Nancy Shea  
Amy and Forrest McCarthy  
Nancy Taylor  
Bert Raynes  
Lori and Scott Bowdler  
Kirk Stone  
Aaron Pruzan  
Claire Fuller  
Allison Ryan  
Laurie Genzer  
Harold Turner  
Pat Snyder  
Debra Patla  
Laurel Wyckoff  
Andy Salter  
Sharon Mader  
Michele Gammer  
Debbie Reis  
Carol Wauters  
Beverly Smith  
Bill Friend  
Dave and Chris Ellis  
Liz and Dave Sparks  
Anne Corley  
Jim Little  
Rafe Rivers  
Bernie McHugh  
Mary Donahue and Alan  
Ahlstrand

Jessica Yeomans  
Richard R. and Mary Lou  
Klene  
Charlie Swanson  
James Hawley  
Owen and Margaret Pyle  
Bill Teichman  
Cherie Hawley  
Maryjo and Gary Weissman  
Bitsy and Garnett Smith  
Tammy Christel  
Sue Mortensen  
Missy and David Hoster  
Hugh Owens  
Dr. Bruce Hayse  
Nancy Wonacott  
Fred and Barbara Whissel  
Rudi and Sharon Sanford  
Pam Weiss  
Diane Hazen  
Jim Wolf and Nan Neth  
Liam Hopkinson  
Mary and Kevin Patno  
Sean Haling  
Steve and Sonja Sharkey  
David Ellingson  
Ted and Suzy Dawson  
Sandy Ress and Susan  
Foster  
Randy Bosch  
Dave Moore  
Caryn Flanagan  
Jim Wallace  
Roy and Michelle Weber  
Carol Poole  
Julius and Erika  
Muschaweck  
John and Barbara Simms  
Brook Erenstone  
Charlotte Kidd  
Carol and Chuck  
Schneebeck  
Nancy Ayers  
Erich and Betty Jost  
Doug Ayers  
Julius Muschaweck Jr.  
Jim and Linda Goralski  
Pamela Zernis  
Judy Legg  
Larry and Julie Kummer  
Barry and Priscilla Sibson  
David Korte  
Leon and Abby Campbell  
Philip Hummel  
Barbara and George Erb  
Jerry and Viesia Kirk  
Kathe and Bill Coelho  
Lou and Joe Wade

Charlie, Julie, Sam  
and Kelsie Schwartz  
Diane Teichman  
Jessie and Stuart Lang  
Jim Hesser  
Charlie and Betty Payne  
Renee Kaswan  
Bill Healey  
Tim and Ginny Wren Brown  
Barbara Smith  
Joe and Phyllis Greene  
Louise and Ralph  
Haberfeld  
David and Jade Walsh  
Jeremiah Samuels  
David Brody  
Kevin and Grace Mahoney  
Alan and Diane Galbraith  
Stan Pugmire  
Carol Ann Pugmire  
Alan and Irene Lund  
Bob and Melanie Arndt  
Linda Swope  
Linda Marquis  
Colleen Thompson  
Paul and Connie Davis  
Paul and Julia Cook  
David M. and Kathryn C.  
Bloom  
Mary Alice Fitton  
Helena Harrice  
Chris Koch  
Ernest LaBelle  
Lyle Finley  
Carolyn and Terry  
McClellan  
Theodore and Rebecca  
Swift  
Phil and Heidi Leeds  
Nancy Lustfield  
Linda and John Sherman  
Kim, Bob, and Ian  
McGregor  
Bill Barmore  
Agnes Bourne  
Rex Ecoff  
Steve and Judy Gooch  
Dr. Robert Mullaney  
Mrs. Dana Mullaney  
Barbara Barker  
Michael Farraday  
Harriette J. Gussenhoven  
Mary Lohuis  
Robert Righter  
Susan Marsh  
Adrienne Ward  
Inger Koedt  
Bonnie Kreps

Bert Romberg  
Lavar H. Riniker  
Bonnie Koeln  
Allen Rhodes  
Frances Pollak  
Michelle Finley  
Audrey Sorensen  
Linda Markovits  
Tom Markovits  
Bob Nigro  
Charles Decker  
Ina Blumberg  
Charles Blumberg  
A.M. Ruttle  
Blarnie Tannner  
Olivia Tanner  
Joseph Albano  
Ann Bonham  
James P. Bonham  
Larry Catt  
George Dreher  
Betsy Dreher  
Don Sleeman  
Mike Poynter  
Sue Poynter  
Kate Schelbe  
Jeff Springett  
Heidi Harrison  
Dick and Nancy Collister  
Allen and Mona Monroe  
Art Frakt and Janna Rankin  
Julie McIntyre  
Tom Vajda  
Rebecca Rhea

Elaina Oliver  
TJ Porter  
Emily Ambler  
Jayne Ottman  
Nancy and John Siverd  
Betsy Hesser  
Cori Snyder  
Steve Cole  
Susan Lancelotta  
Dr. Nicholas Koutrelakos  
Tom Jordan  
Kristin Vito  
MaryLynn Callahan  
Rebecca Hawkins  
Rick Flory  
Nancy Weeks  
Armond Acri  
Lloyd Dorsey  
Jon Fenn and Annie Fenn  
Wayne Grim  
Bill Briggs  
Peter and Anne Stalker  
Hank McKinnell and  
Joanna Slonecka  
Tom and Diann Mann  
Thomas J Wilson  
Julie Weyand  
Rich Weyand  
Erika Pearsall  
Todd Bontecou  
Trevor Stevenson  
Karin W. King  
Richard and Kathryn  
Collins

Hope Moore  
Dick Beck  
Val Beck  
Larry and Jane Sheehan  
Marlys Villalobos  
Brian Villalobos  
Tena Webb  
Dave Barrett  
Jean Barash  
Karen Langenberg  
Yvonne Henze  
Rod and Verna Cushman  
Dave Wipper  
Sue Euler  
Diana Osuna  
Don and Fran Harger  
Arlene Gauthier  
Petie Bennett  
Ted Kerasote  
Celia Dillon  
Tracy Blue  
Alison and Dick Jones  
Art and Kathy Greger  
Jackie Lance  
Wayne Grim  
Geoff Gottlieb  
Tenessa Singleton  
Adam Van Sickle  
Geneva Chong  
Bard Barnett  
Scott Harmon  
Greg Falk  
Lori Zalbowitz and Laurent  
Roux

*This list of 360 signatories is as of March 13th, 2012 at noon.*



■ Local

# Two days of planning zero in on South Park

By BILLY ARNOLD  
JACKSON HOLE DAILY

After months of debating who should plan northern South Park, what that plan will look like and whether the Gills' housing proposal is right for the area, the public should have a little more clarity on all three issues after a slate of town and county meetings next week.

Senior Long Range Planner Kristi Malone, who works for both the Jackson Town Council and the Teton County Board of County Commissioners, anticipates Monday and Tuesday being a long two days.

"I'm gonna come Monday and Tuesday," she quipped, "and then the rest of the week just like sleep."

This correspondent has similar plans.

The planning bonanza will begin with the Board of County Commissioners' Monday voucher meeting, where housing — the overarching topic connecting next week's meetings — will be front and center as the commission discusses what type of workforce zoning tools could be implemented in the county.

As a product of the 2012 Jackson/Teton County Comprehensive Plan's "town as heart" framework that supports concentrating development in Jackson rather than more far-flung county locales, the town of Jackson has tools intended to incentivize the development of housing attainable for the local workforce on the books.

The county does not. Instead, its zoning tools are intended to preserve open space and ecosystem stewardship.

But as the Gill family leads the charge to develop northern South Park (the County Commission is set to hear their controversial rezone application Tuesday), elected officials have wondered whether the county needs workforce housing tools of its own.

The land the Gills and the Lockharts

are looking to develop is in the county but adjacent to the town.

"I think the question that is posed by this comp plan update is: Are there areas of the county where this would also be appropriate?" Malone said.

A new strategy in the draft comp plan, a framework against which planners, developers and elected officials evaluate land use decisions, identifies a need for increased density in some areas of the county for workforce housing.

The 2012 comp plan identifies a need to house 65% of the local workforce locally, a move intended to quell the long lines of cars that snake in and out of the valley from neighboring areas and improve the quality of life for local workers. But progress on that front has been evasive, and the percentage of workers living locally has declined in recent years.

The Teton County Planning Commission, an appointed body that makes recommendations to the County Commission, will review the comp plan update Monday.

Getting the comp plan update to the Planning Commission was directly tied to northern South Park. After the Gills proposed their development in the area, the Town Council and County Commission spent months arguing over who should take the lead in planning the area.

A compromise was reached that saw language baked into the plan giving the County Commission the lead role, with the Town Council serving as a recommending body, but that compromise was creaky at best. Both elected bodies have continued to debate the issue independently after the language in the draft comp plan update was released for public review.

It remains to be seen whether the Planning Commission will weigh in on the issue, but the town and county will likely pick up the discussion at a Mon-

See **PLANNING** on page 4

## PLANNING

Continued from page 3

day afternoon joint information meeting.

There, the two bodies are set to hash out their differences on a request for proposals for the pending neighborhood planning process.

Members of the community have long sought a plan in northern South Park as a way to guarantee affordability in developments like those proposed by the Gill family.

While the specifics are unlikely to be discussed Monday, Malone said it's likely that discussing workforce and afford-

able housing tools will be a part of the eventual planning process.

Planners have said a neighborhood plan could result in a new zone, but Malone told the Jackson Hole Daily she wasn't sure whether that would be applied to just northern South Park or to the county as a whole.

"Workforce and affordable incentive tools will definitely be a part of the conversation for the northern South Park plan," she said, "but I don't know if the scope of that conversation will be within the context of that subarea or communitywide."

A list of Monday and Tuesday's meetings is attached to the online version of this article at [JHNewsAndGuide.com](http://JHNewsAndGuide.com).

**From:** [Kelly Ryan](#)  
**To:** [Kristi Malone](#)  
**Subject:** Fw:  
**Date:** Monday, September 14, 2020 1:53:02 PM

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**From:** Pete Pedersen <peteandtana@yahoo.com>  
**Sent:** Monday, September 14, 2020 1:17 PM  
**To:** Teton County Commissioners <commisioners@tetoncountywy.gov>  
**Cc:** County Planning Commission <planningcom@tetoncountywy.gov>; County Planning Commission <planningcom@tetoncountywy.gov>  
**Subject:**

[NOTICE: This message originated outside of the Teton County's mail system -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

September 14, 2020

RE: SUBAREA 12.2 390 RESIDENTIAL COMPLETE NEIGHBORHOOD REZONING

Dear Chairwoman Ms. Macker and Commissioners Epstein, Newcomb, Propst and Barron and County Planning Commissioners Esnard, Rockey, Lurie, Muromcew and Mateosky

In reviewing Teton County's 2020 comp plan Vision statement, the proposed rezone of subarea 12.2 appears to be in direct conflict with that Vision. Our current neighborhood zoning is NC and the proposed upzoning is to Complete Neighborhood. This Vision statement is based on Common Values of Community Character: ecosystem stewardship and growth management. Our community is only as strong as its leadership's commitment to these values. When will the commissioners and planners stop implementing zoning changes to accomodate the Hershberger and other lawsuits and enforce the values stated in our comprehensive plan? WHEN IS ENOUGH ENOUGH?

All 7 of the neighbors ( the Ottman/ Hawkins, the Burkes, the Springers, the Shreibers, the Balints and the Feltons) in our small pocket community along Lily Lake Drive and Pizza Lane are ADAMANTLY OPPOSED to this upzoning for the following reasons:

1. Complete Neighborhood Zoning reflects an area like The Pines or The Aspens with commercial development, retail shopping and restaurants and in the case of The Aspens some areas of dense housing. Our NC neighborhood has large spaces of NRO designation, with daily wildlife presence, forage and wetlands necessary for survival and reproduction. As I write you there are two moose on my property eating willows and napping. We would request you actually come walk our property and view our neighborhood. I do not believe any of you have done this. It contains bald eagle nests, horned owl nests, egrets, herons and osprey. Does this sound like appropriate land to be zoned "Neighborhood Zoning" with retail restaurants and gyms?

2. Sewer hookup is currently unavailable to any of us. By adding additional septic upstream our water quality is completely compromised. If we continue to add density to this watershed nitrates will permeate our water and that is an entire other headache and health risk. How can this be part of the Vision for our community? Shortly after the Millward Project was approved and built, the most dense in the county at the time, we were assured by the Planning Dept. we would not be subject to any further dense development. So much for that promise. This upzoning is a complete mistake in every respect. Any additional density will only be for luxury housing , with no accomodation for desperately needed affordable dwellings. We will leave the traffic discussion for another time.

Thank you for your time and consideration. We can be reached at [peteandtana@yahoo.com](mailto:peteandtana@yahoo.com) for further discussion or questions. Pete and Tana Pedersen

Thank you for your time and consideration. We can be reached at [peteandtana@yahoo.com](mailto:peteandtana@yahoo.com) for any questions or comments you might have. Pete and Tana Pedersen

**From:** [Kelly Ryan](#)  
**To:** [Kristi Malone](#)  
**Subject:** Fw: TU Letter re: Comp Plan Update  
**Date:** Friday, September 11, 2020 9:23:34 AM  
**Attachments:** [TU\\_CompPlanUpdateLetter\\_091020.pdf](#)

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**From:** Leslie Steen <Leslie.Steen@tu.org>  
**Sent:** Friday, September 11, 2020 9:22 AM  
**To:** Board Of County Commissioners <commissioners@tetoncountywy.gov>  
**Subject:** TU Letter re: Comp Plan Update

Dear County Commissioners,

As you consider the scope and future of an update to the Jackson/Teton County Comprehensive Plan, I would like to ask you to consider including provisions for comprehensive river management and restoration planning for the Snake River and its tributaries in Teton County. I am submitting the attached comment letter (attached and below) on behalf of Trout Unlimited and our local Jackson chapter membership of over 400 community members.

Thank you for your consideration.

Best,  
Leslie



**Leslie Steen** / NW Wyoming Program Director  
[leslie.steen@tu.org](mailto:leslie.steen@tu.org) / 307.699.1022

**Trout Unlimited**  
185 Center Street, Ste. B / PO Box 5002 / Jackson, WY 83001  
<http://www.tu.org>

September 10, 2020

Dear County Commissioners,

As you consider the scope and future of an update to the Jackson/Teton County Comprehensive Plan, I would like to ask you to consider including provisions for comprehensive river management and restoration planning for the Snake River and its tributaries in Teton County. I am submitting these comments on behalf of Trout Unlimited, the nation's largest grassroots coldwater conservation organization with a mission to conserve, protect and restore North America's trout and salmon fisheries and their watersheds, and our local Jackson chapter membership of over 400 community members.

Our locally-based Snake River Headwaters Initiative is focused on restoring and protecting

the headwaters of the Snake River and its fishery through on-the-ground habitat restoration and reconnection projects, together with a diverse group of partners. As a frequent proponent of river restoration projects, we are familiar with the current County process for reviewing and approving project plans as they relate to protecting natural resources, which typically integrates comments from natural resource professionals. We are also on occasion asked to review and make comment, either formally or informally, on proposed plans from other entities and landowners that may affect the health of the Snake River watershed and the native cutthroat trout fishery it supports.

This March, together with the Teton Conservation District, Wyoming Game and Fish Department, and Snake River Fund, we hosted a set of Bioengineering and Streambank Stabilization Workshops that were well-attended and well-received by agency staff, water resources professionals, County staff, and the general public. The response to the workshops and examples provided from leading collaborative efforts in Washington State highlighted a need and opportunity for increased collaboration and communication around managing rivers and aquatic resources in our home waters.

As Teton County tackles an update to the Comprehensive Plan, we believe that including provisions for a comprehensive river management and restoration plan focused on maintaining and improving natural resource values could increase collaboration and communication among agencies (including Teton County) that manage and protect our local rivers and streams, allow for engagement by nonprofit organizations like TU that work closely with these agencies, and provide greater clarity to private landowners that propose projects along waterways. This plan could provide guidance and clarity on topics such as streambank stabilization work, stream restoration projects, fish and aquatic organism passage considerations, water quality considerations, activities within the levee system, and infrastructure projects and development in or adjacent to waterways. It would likely require additional leadership, expertise and oversight by County conservation / ecosystem stewardship planning staff, a current staffing need that has been identified by many conservation-focused groups in Jackson and which TU supports. Ultimately, it could help ensure that the Comprehensive Plan goals of stewardship of wildlife, natural resources, and scenery include principles, policies and strategies that protect the rivers and streams and aquatic habitat that are the lifeblood of this ecosystem – and complement the water quality planning already included in the update.

Thank you for your thoughtful consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Leslie Steen', with a stylized, cursive script.

Leslie Steen  
NW Wyoming Program Director  
Trout Unlimited

**From:** [Amberley G. Baker](#)  
**To:** [council@jacksonwy.gov](mailto:council@jacksonwy.gov); [Kristi Malone](#); [Board Of County Commissioners](#)  
**Subject:** Public Comment to Final Draft of Comp Plan Update  
**Date:** Wednesday, September 9, 2020 5:02:20 PM  
**Attachments:** [Ltr to BOCC and TC Comp Plan Comment September 9 2020.pdf](#)

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Good evening –

In advance of your September 14 JIM meeting, I have attached my public comment regarding the Final Draft of the Comp Plan Update.

Thank you, and please feel free to reach out with any questions.

Amberley Baker

WYLIE BAKER LLP | office 307-733-6688 | direct 307-733-9900 | cell 713-854-4117 | fax 307-733-3758 | [amberley@wyliebaker.com](mailto:amberley@wyliebaker.com) | [www.wyliebaker.com](http://www.wyliebaker.com)  
Fed Ex/Physical: 60 East Simpson, Jackson, WY 83001 | USPS Mailing: P.O. Box 4211, Jackson, WY 83001

September 9, 2020

VIA EMAIL ONLY

*Re: Public Comment to Final Draft of Comp Plan Update Released for Public Review*

Dear Chairwoman Macker and Commissioners, Mayor Muldoon and Council, and Ms. Malone:

The purpose of this letter is to provide public comment to the Final Draft of the Comp Plan Update Released for Public Review (the “Final Draft”). Section 5.6 of the Final Draft includes the following sentence:

**The subarea will be zoned and developed consistent with a neighborhood plan (referenced in Strategy 3.3.S.5) completed by the County in consultation with the Town to comprehensively lay out the development of the entire Subarea.**

The plain meaning of the sentence bolded above is that (1) a landowner is required to wait for the completion of a neighborhood plan before they can develop their land or obtain any zoning decision regarding their land and (2) a landowner has to prove consistency with that plan. Said another way, the County Commissioners cannot make any decisions regarding a landowner’s application unless and until (1) a neighborhood plan is completed and (2) the Commissioners can find consistency with that plan. In effect, the sentence bolded above pre-conditions any zoning decision or development of land on the completion of a neighborhood plan, and mandates consistency with that neighborhood plan.

This use of the Jackson/Teton County Comprehensive Plan (the “Comp Plan”) to impose requirements and pre-conditions on the development of land and zoning decisions is individually as well as collectively problematic under: (1) Wyoming Statutes, (2) a Wyoming Supreme Court opinion and (3) Page AV-13 of the current Comp Plan.

1. **Wyoming Statutes:** Wyoming Statutes provide that the Comp Plan is a “local land use plan.” Section 9-8-301 of the Wyoming Statutes defines a “local land use plan” as follows:

“Local land use plan” means any written statement of land use policies, goals and objectives adopted by local governments. Such plans shall relate to an explanation of the methods for implementation, however, these plans shall not require any provisions for zoning. Any local land use plan may contain maps, graphs, charts, illustrations or any other form of written or visual communication.

Under Wyoming Statutes, a local land use plan is a policy document – it cannot contain zoning regulations.

2. **Wyoming Supreme Court:** The fact that under Wyoming Statutes, a local land use plan is a policy document and cannot contain zoning regulations was confirmed by the Wyoming Supreme Court in *Ford v. Board of County Com’rs of Converse County* when it held that:



A comprehensive plan should not be confused with, or used as a substitute for, comprehensive zoning, nor may a comprehensive plan be equated with comprehensive zoning in legal significance. *Chapman v. Montgomery County Council*, 259 Md. 641, 271 A.2d 156, 157 (1970); see also *Richter v. City of Greenwood Village*, 513 P.2d 241, 242 (Colo.Ct.App.1973) (holding that, while a comprehensive plan is helpful in guiding the harmonious development of a municipality, a city is not bound by the zoning recommendations in a master plan). A comprehensive plan is merely a policy statement which is implemented by zoning enactment. 1 E.C. YOKLEY, *ZONING LAW AND PRACTICE* § 5-3 at 225 (4th ed. 1978). Zoning is a part of and a product of planning because it is the medium through which the goals of the comprehensive plan are achieved. *Shelton v. City of Bellevue*, 73 Wash.2d 28, 435 P.2d 949, 953 n. 2 (1968). It is the proper zoning enactment which has the force and effect of law. 1 YOKLEY, *supra*, at 225.

3. **Comp Plan:** The Comp Plan also expressly provides that it is merely a policy/vision document and does not have regulatory effect or the force of law. Page AV-13 of the Comp Plan states:

The Comprehensive Plan is a policy document that articulates the community Vision and does not have regulatory effect or the force of law. The Land Development Regulations (LDRs) and other implementation mechanisms provide the means to implement the community Vision with the force of law. Where conflicts arise between the Comprehensive Plan and the LDRs or other implementation mechanisms, the mechanism with the force of law will prevail. Additionally, tools envisioned by this Plan but not implemented through a mechanism with the force of law are effectively unavailable until a mechanism with the force of law is in place.

Given that Wyoming law provides that the Comp Plan is merely a policy statement and has no legal traction, why would you approve a sentence that attempts to impose a legal requirement or pre-condition to land development and zoning decisions? The sentence is clearly problematic from a legal perspective and will be difficult for the County Commissioners to apply in practice. Furthermore, neighborhood planning is a highly subjective exercise laid open to political, cross-interested neighbors and economic pressures, and to require not only completion of the neighborhood plan but to also mandate consistency with that plan could indefinitely suspend the landowner's ability to exercise their private property rights.

Instead of the sentence bolded above, I respectfully request that you consider the following sentence:

**The development of the subarea may be guided by a neighborhood planning effort (referenced in Strategy 3.3.S.5) completed in a timely manner by the County in consultation with the Town and the landowners within the subarea.**

Please do not hesitate to contact me with any questions or concerns. Thank you for your time and consideration.

Sincerely,



Amberley Baker  
60/105

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## MEMORANDUM

**TO:** Tyler Sinclair, Community Development Director  
Chris Neubecker, Teton County Planning Director  
Paul Anthony, Town of Jackson Planning Director

**FR:** Floren Poliseo, Town of Jackson Public Works Director *FP*

**DT:** August 21, 2020

**RE:** Recommendation for more sustainable new neighborhood or subdivision developments

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The vision and values set forth by the Jackson/Teton County Comprehensive Plan make it clear that long-term success of our communities through thoughtfully planned zoning, development densities, and concepts such as Complete Neighborhoods is a primary goal.

One tool that could help achieve this is LEED for Neighborhood Development. This may be particularly applicable to private multi-unit lot developments or subdivisions, publicly funded housing, and public-private partnership projects that include public spaces and workforce or affordable housing. Although we may not have LEED-ND accredited staff to review these efforts, we could still apply the concepts of this rating system by either requiring it through code updates or including it in our development agreements or conditions of approval.

We could require these types of developments to meet the equivalency of one of the certification levels (gold, silver, etc.), which could be assessed by LEED-ND accredited professionals whom local A&E firms likely do have on staff. We would not necessarily need to require them to acquire actual LEED Certification of the projects, as that process incurs added costs.

As you know, LEED attempts to identify clear ways in which we can improve the triple-bottom-line (social, economic, and environmental considerations) of our built environment. I am sure there are other ways of incorporating some of these concepts into new developments, both within and outside Town boundaries, and perhaps this at least poses the idea for your consideration.

If you have questions or would like to discuss further, please do not hesitate to contact me.

cc: Larry Pardee, Town Manager  
Kristi Malone, Town/County Senior Long-Range Planner  
April Norton, Town/County Affordable Housing Director

**From:** [Betty Johnson](#)  
**To:** [Kristi Malone](#)  
**Subject:** <no subject>  
**Date:** Friday, August 21, 2020 1:19:59 PM

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[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

New comprehensive plan if passed on Oct 5 will prohibit building on land over 30 % grade which will reduce the sales price of our PROPERTY drastically when sold.

LET'S FACE IT .....WE ARE A MOUNTAINOUS TOWN AND COUNTY

WE ARE NOT A FLAT NEBRASKA PRAIRIE

THE LARGEST USEABLE % OF LAND IN TETON COUNTY IS NOT FLAT.

NO BUILDING ON PROPERTY OVER A 30% GRADE IS RIDICULOUS. IN THIS DAY AND AGE

NOT EVERYONE WANTS TO LIVE BUMPER TO BUMPER IN TOWN OR A SUBURB.

OWNERS WANT A SPECTACULAR MOUNTAIN VIEW ABOVE EMPLOYEE HOUSING AND BUSINESSES.

LET THE NEW PLAN ADVISE, NOT PROHIBIT, BUILDING REGULATIONS ON LOCATIONS AND GRADES.

THERE SHOULD BE NO SET GRADES ON WHICH TO BUILD.

LET'S HAVE THE FREEDOM TO DO AS WE WISH ON OUR PROPERTY.

**From:** [Betty Johnson](#)  
**To:** [Kristi Malone](#)  
**Subject:** Re: Comprehensive Plan Draft Release  
**Date:** Friday, July 31, 2020 4:43:43 PM

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[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT** **CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

#1....Restrictions are too severe. Where are we going to put all of the worker housing?

#2....Cutting down driver traffic isn't going to put more people on public buses, we are addicted to our cars

#3...Time to have responsible council members making planning decisions. We don't want to close down JH.

#4.... As I see it, the major problem is clogged traffic through town, especially bad from 4:30 to 6 between Flat Creek bridge and turn off to 22/Wilson and Teton Village. A tourist who experiences it will say to Hell with Jackson Hole, which effects our future economy.

#5.....sent by Howard Johnson Family, in JH since 1954, who saw it then as a dusty cow town with Western Character.

On 7/29/20, 3:32 PM, "Teton County & Town of Jackson Planning Departments"

<[kmalone@tetoncountywy.gov](mailto:kmalone@tetoncountywy.gov)> wrote:

View this email in your browser <<https://mailchi.mp/a8538a0067af/comprehensive-plan-draft-release-1903135?e=0c10d10952>>

## **RE: Draft Comp Plan Update Released for Public Review**

**...And if you would like to view the legal ads on the Comp Plan update that were published in the Jackson Hole News & Guide today, please access via the buttons below:**

[https://jacksontetonplan.us16.list-manage.com/track/click?  
u=e4559d65f0cd3e01b78d102ca=5fa1f956b7=0c10d10952](https://jacksontetonplan.us16.list-manage.com/track/click?u=e4559d65f0cd3e01b78d102ca=5fa1f956b7=0c10d10952)

[https://jacksontetonplan.us16.list-manage.com/track/click?  
u=e4559d65f0cd3e01b78d102ca=949f33b5d4=0c10d10952](https://jacksontetonplan.us16.list-manage.com/track/click?u=e4559d65f0cd3e01b78d102ca=949f33b5d4=0c10d10952)

Over the last year, hundreds of community members have engaged in Jackson/Teton County's Growth Management project, a process for updating our 2012 Comprehensive (Comp) Plan, which recognizes that the environment, community, and economy are equal priorities for today and into the future. With additions and directives about implementation incorporated as proposed

updates, the final step in the process is a public review before adoption can occur. The draft Update to the 2012 Comp Plan and a guide for reviewing it can be found at: [www.jacksontetonplan.com](http://www.jacksontetonplan.com) <<https://jacksontetonplan.us16.list-manage.com/track/click?u=e4559d65f0cd3e01b78d102ca=6ae5e79a62=0c10d10952>> . Send public comment on the draft prior to the scheduled Joint Town and County Planning Commission meeting on September 14 and/or before the Joint review by the County Commission and Town Council on October 5 to Kristi Malone at: [kmalone@tetoncountywy.gov](mailto:kmalone@tetoncountywy.gov) or P.O. Box 1727 Jackson, WY 83001.

Eight years into the plan, it is exciting to report that today, 60% of development in our valley is in areas with existing infrastructure and where residents can walk or bike to their daily activities. Prior to setting community-wide goals in the Comp Plan, 60% of development potential was in areas with valuable wildlife habitat and open space. With community priorities in place, we have reversed that trend for the long-term health and viability of our community, environment, and economy. This is a large accomplishment and truly something to celebrate. In addition, of the over 100 strategies adopted in 2012, more than 60 of them (61%) are now complete demonstrating the need for updates and enhancements to keep us working toward specific goals aligned with community priorities.

This Comp Plan draft includes input from hundreds of community members who made over 900 comments at various public engagement sessions in the fall of 2019. The initial phase of the Growth Management Plan was designed to encourage broad and robust public comment so suggestions could be assessed by staff and become the basis for updates to the Plan. The next phase of the project was the presentation of potential updates to the Town Council and Board of County Commissioners for review, discussion, and direction before being incorporated into the draft and released to the public. Since the initial draft was released in March the process has been delayed due to COVID-19, allowing Town and County elected officials to provide additional direction which has been incorporated into this final draft for the public to review. This deliberate process has allowed for streamlined integration of additions and enhancements as key issues were discussed jointly by the Town and County in public forums. This draft reflects over a year of foundational long-range planning between the Town and County and will be the last phase of the Growth Management project, hopefully leading toward adoption of an updated Comp Plan. Key enhancements addressed in the Draft include:

- Aspire to Big Goals
- Improve Water Quality
- Emissions Reduction & Climate Action Plan
- Provide Housing Options
- Growth Areas and Boundaries
- Commit to a Shift in How We Travel
- Define the Economy We Want
- Define the Level of Service We Expect

Growth Management is an integral part of the Comp Plan and ensures our

community takes the time to pause, evaluate, recognize successes, and identify areas for improvement. This process highlights that the Comp Plan is a living document that we adapt as our community continues to shift and change. Through its different iterations, we refine our aspirations and develop solid strategies to move us toward them. Our community has achieved a lot through the Comp Plan, and there is still plenty more to do to ensure Jackson and Teton County continue to thrive.

<<https://jacksontetonplan.us16.list-manage.com/track/click?u=e4559d65f0cd3e01b78d102ca=0ac55eef33=0c10d10952>>

<<https://jacksontetonplan.us16.list-manage.com/track/click?u=e4559d65f0cd3e01b78d102ca=cf1911847e=0c10d10952>>

<<https://jacksontetonplan.us16.list-manage.com/track/click?u=e4559d65f0cd3e01b78d102ca=e2e38df1a1=0c10d10952>>



**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [Town Council](#)  
**Subject:** Kathy Tompkins Online Form Submittal: Email the Town Council  
**Date:** Monday, July 13, 2020 3:49:15 PM

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If you are having problems viewing this HTML email, click to view a [Text version](#).

## Email the Town Council

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Subject:

Email Content:\*

Your Name:\*

Your Company Name:

Your Phone Number:

Your Email Address:\*

Your City:

Your State:

Your Zip Code:

\* indicates required fields.

View any uploaded files by [signing in](#) and then proceeding to the link below:  
<http://www.jacksonwy.gov/Admin/FormHistory.aspx?SID=2138>

The following form was submitted via your website: Email the Town Council

Subject::

Email Content:: Town Council,

I am worried about High School Road losing on all fronts with the proposed massive up zoning of Northern South Park, the TTC and then trying to take an East West Connector out of future planning language. It will be a devastating blow to the neighborhoods and schools along High School Road. High School Road can not handle all the traffic from these proposals. No one will want to let their kids walk to the schools, adding more vehicles to HSR. High traffic times are bad enough already in the morning and afternoons when schools let out. The fact that each of the ranching families have only 40 affordable homes linked to income between them will make our valley's housing problem worse not better. The expansion will not end with breaking into more greenfield and annexing it.

This whole process needs to be a joint effort, not separate, nor unequal by tipping the balance in the county's favor. The majority of housing needs to be linked to income, not just living and working here. The physical size of the homes need to be no more than 1,000 to 2,000 sq ft. to reduce the negative impacts on the environment and economy. The bigger the homes, the more workers are needed to maintain them. Where will they live?

Our comp plan is a joke if you don't follow one of it's core guidances by building out town first. You can't just annex everything and then say there ya go, let's build.

Where is the representation for safeguarding neighborhoods along HSR? If money talks, we lose our town and valley to sprawl and more workforce creating gated communities. Then what? More of the same?

Sincerely,  
Kathy Tompkins

Your Name:: Kathy Tompkins

Your Company Name::

Your Phone Number:: 307 734 6211

Your Email Address:: wozkins@hotmail.com

Your City:: Jackson

Your State:: WY

Your Zip Code:: 83001

Additional Information:

Form submitted on: 7/13/2020 3:49:42 PM

Submitted from IP Address: 184.167.6.170

Referrer Page: <https://www.jacksonwy.gov/256/Mayor-Town-Council>

Form Address: <http://www.jacksonwy.gov/Forms.aspx?FID=190>

**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**To:** [Pete Muldoon](#)  
**Subject:** Maryann Crawford Online Form Submittal: Email Pete Muldoon  
**Date:** Monday, July 13, 2020 6:01:38 PM

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If you are having problems viewing this HTML email, click to view a [Text version](#).

## Email Pete Muldoon

---

Subject:

Email Content:\*

Your Name:\*

Your Company Name:

Your Phone Number:

Your Email Address:\*

Your City:

Your State:

Your Zip Code:

\* indicates required fields.

View any uploaded files by [signing in](#) and then proceeding to the link below:  
<http://www.jacksonwy.gov/Admin/FormHistory.aspx?SID=2139>

The following form was submitted via your website: Email Pete Muldoon

Subject:: Comp plan jam

Email Content:: I read the article in the Jackson Hole Daily about the Comp Plan Jam. I am not able to comment at the meeting tonight due to email issues.

I cannot vote for Town Council Members since I live just south of the Gill and Lockhart properties. I feel the County Commissioners are the ones who should be voting on these issue and any other issue that deals with properties that are outside the boundaries for voting for Jackson Town Council Members.

Hopefully, you check your email before tonight's meeting.

Your Name:: Maryann J. Crawford

Your Company Name::

Your Phone Number:: 307 690-7501

Your Email Address:: [crawfordmidge@gmail.com](mailto:crawfordmidge@gmail.com)

Your City:: Jackson

Your State:: WY

Your Zip Code:: 83001

Additional Information:

Form submitted on: 7/13/2020 6:02:05 PM

Submitted from IP Address: 184.167.13.215

Referrer Page: <https://www.jacksonwy.gov/256/Mayor-Town-Council>

Form Address: <http://www.jacksonwy.gov/Forms.aspx?FID=169>



5\_18\_2020

Dear Mayor Muldoon, Chair Macker, Town Council and County Commissioners,

The Jackson Hole Chamber of Commerce's Government and Community Affairs Committee closely followed your recent Comprehensive Plan update. During the Joint Information Meeting on May 4, 2020, we watched the meeting to track proposed changes to the Comprehensive Plan with attention for the Chamber's objectives of developing a sustainable year-round economy and advancing community excellence. We were pleased JIM members directed staff to prepare key edits to remove language from the 2020 Comprehensive Plan that we were concerned ran counter to these objectives.

The Chamber is strongly supportive of removing the following particular elements from the 2020 update to the community's existing Comprehensive Plan:

- **Language that presumes approval of relocation of the Rodeo and Fairgrounds from their current location.** As a community, there is not yet consensus on this idea. There has been no recorded vote by elected bodies, or notification to the Fair Board or Rodeo community. Indeed, many downtown community businesses struggling from COVID-19 shutdowns may feel they would be negatively impacted in their recovery hopes post-vaccine by the removal of a longstanding positive economic asset to the Town's core. We hope you do not include in the 2020 Comp Plan update something that has not been fully vetted or altogether considered, there are too many questions and concerns.
- **Language that would require a neighborhood plan prior to allowing housing solutions in northern South Park.** While we support infill in Town, our community housing crisis demands myriad solutions; we should use smart planning now to enable community supported workforce housing developments. We hope you remove the language introducing a new requirement for a neighborhood plan that would force landowners into partnership before allowing them to develop their land.
- **Language that removes the discretion of elected officials for considering solutions.** The update language removes the discretion of those very people the community elects to solve local issues. Our voters expect their elected county and town officials to make judgements and use their discretion. The update language that removes discretion as a tool should itself be removed.

We ask you to address the elements above to open opportunities for our community to build reasonable housing solutions, instead of closing doors. If approved, they could be used as tools to make nearly any development non-compliant with the Comprehensive Plan. We don't believe that is your intent. The Chamber hopes this input is useful to you. Thank you for your diligence and hard work.

Yours sincerely,

A handwritten signature in black ink that reads "Anna Olson". The signature is written in a cursive, flowing style with a large initial 'A'.

Anna Olson  
President/CEO Jackson Hole Chamber of Commerce

May 15, 2020  
Teton County Board of County Commissioners  
Jackson Town Council

**RE: Planning budget for Northern South Park**

Dear Mayor Muldoon, Madam Chair Macker, Councilors and Commissioners,

Thank you for your continued attention to the Growth Management Program / Comp Plan Update. While this year's budget discussions are grim, and our local economic future remains uncertain, we firmly believe that now IS the time, more than ever, to do responsible and holistic long-term planning. **If you decide that now is the time to consider development in Northern South Park (NSP), please first fund a neighborhood plan for South Park.**

Our community is in no rush to develop NSP. During the first two phases of the GMP, the community clearly requested implementation of existing policy (focus growth in Town first), not major changes to policy. In a straw poll in December, most of you agreed. We understand one landowner wants to move faster, but that doesn't mean our whole community should forget about good planning.

The only responsible way to develop NSP is to start with a robust neighborhood plan. This is especially important with the new CWC site, the proposed Tribal Trail and E-W Connectors, and legacy zones (including the 26 acres of suburban land, with the rights for 83 larger lots, noticeably separated out from the current Gill proposal).

A neighborhood plan should be of sufficient scope to formally address not only the currently-proposed 74 acres but also the Gills' other 26 acres *and* future development by other nearby large landowners; the desired range of housing types and affordability throughout NSP; sufficient conservation to offset a 50x density increase; and impacts on transportation and climate. Twenty years from now, we should look back knowing we didn't waste our valley's best opportunity with greenfield development in a complete neighborhood. NSP can be part of the solution, or it can become a problem.

**If you believe we need to move on NSP, please fund doing it right. If you can't find enough money for it this year, please wait.** Granting a 50x upzone for one landowner without considering the context or consequences could harm our community, no matter how well-intentioned. Coronavirus will be in play for years, but subdividing NSP will play out for decades. If we want development that serves our community, then we have to fund good planning, even – *especially* – in times of crisis.

Sincerely,



Brooke Sausser  
Community Planning Manager

**From:** [Matt Faupel](#)  
**To:** [Town Council](#); [Board Of County Commissioners](#); [lpard@jacksonwy.gov](mailto:lpard@jacksonwy.gov); [Alyssa Watkins](#); [April Norton](#)  
**Subject:** Growth Management/Comp Plan/N S Park  
**Date:** Monday, May 4, 2020 12:43:14 PM  
**Attachments:** [image001.png](#)

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I am writing as you are reviewing a number of interrelated land use topics in the coming weeks and months and want to encourage a holistic approach to your attention to the issues, especially as it relates to northern South Park. It is not an easy task to have a plan brought in front of you by the private sector that presents a case for modification from the existing zoning & plan based on community benefit (workforce housing) and to say no. We do, however, have the Comp Plan and the existing zoning which represent the current desired outcome of those areas. Unfortunately, both recent projects before the County (Hog Island and N S Park) are both in areas that are still due more thinking as a result of the 2012 Comp Plan (Hog Island is now 8 years post-Comp Plan with no new zoning and N S Park an area that has been talked about as the relief valve for local housing) – the delays an unfortunate consequence of your having so much on your plates.

I do believe it is important as we look at N S Park to understand the long-term vision for that part of the valley which should be based on what community goals what we think will not be handled in by Town infill. I think we can all agree that the goal for expansion into N S Park is workforce housing, not 2<sup>nd</sup> homes. I also believe, and hope you do as well (as evidenced by recent sales trends in Cottonwood, Rafter J and Melody Ranch), that any home not restricted to workforce housing will in 10-20 year be a 2<sup>nd</sup> home. Unfortunately, most of us live in one of those homes today.

Based on the thinking above, please consider the following:

- Town has increased its density in the new zoning to create opportunities for housing locals, but what types of opportunities will it create and which will it lack? We know we can do smaller, infill projects like 440 W Kelly or Mercill but cannot do another 285 unit Blair Apartment simply due to land available (excepting the Fair Grounds discussion ...).
- Where is the most appropriate place for local housing considering the goal of non-motorized traffic? I would suggest that is west/south of the Virginian to N S Park based on that being proximate to all local services. E Jackson requires transportation across town for everything.
- Where is our greatest difficulty in creating housing? The simple answer is sub-80% AMI. How do we get that – by subsidizing or upzoning. One is free, the other costs taxpayers.
- Is our goal ownership or rental? I would suggest neither, rather simply housing security that is affordable. One of the biggest drivers to the desire for locals to own is their fear of rent increases and eviction.

Regarding N S Park, you have a number of administrative issues/tasks in front of you to resolve as you move forward with a plan; comp plan, zoning and annexation. Since all three of these things effect the entire community and there is a real possibility that a project with density there will ultimately be a part of the Town, it is critical that we move forward with a process that includes say from all parties who are effected meaning the Town & County must have equal voice in the process. Does that mean you have to consider a Comp Plan amendment first followed by an annexation followed by zoning? The critical issue is not to put the cart before the horse, which goes back to my first comment of it not being an easy task telling the private sector that you cannot skip ahead



regardless of the attractiveness of the proposal. That said, we as a community do have a responsibility to be diligent moving through our process the result is a community solution.

Thanks for your time and efforts.

matt

**Matt Faupel**

**Jackson Hole Real Estate Associates**

Owner/Associate Broker

307-690-0204





4/20/2020

Chairwoman Natalia Macker & Teton County Commissioners  
Mayor Pete Muldoon & Town Council Members

Dear Town & County Elected Officials,

Thank you for all of your service during this incredibly challenging and unknown times.

The Chamber thanks you for the opportunity to provide comments on the Comprehensive Plan updates. However, we do encourage the process to either be suspended or at a schedule that will allow for the entire community to be involved. At the Teton County Commission meeting on Monday April 13th, it was encouraging to hear that the Commission is recommending that the updates and amendments will be presented for informational purposes only at the May 4<sup>th</sup> Joint Powers Board Meeting. And that a public comment period will be scheduled at the same meeting.

With a subject as important as the Comprehensive Plan, the entire community will be impacted by changes and updates. It is imperative that the public have input. And during this COVID-19 crisis many in our community are struggling with different issues and are not fully capable of being part of the conversation. It is important to have input from all stakeholders involved. We are writing to respectfully encourage you to suspend and be flexible in the process to engage more public comments.

With the technological overload of virtual public comment and engagement on Friday April 17<sup>th</sup>, 2020, at the Jackson Airport Board meeting, it shows that there is concern that each voice is heard during public comment during these times of virtual meetings.

Yours sincerely,

Anna Olson  
President/CEO Jackson Hole Chamber of Commerce

April 10, 2020

Teton County Board of County Commissioners

Dear Commissioners,

Thank you for your leadership during this public health crisis and for putting the health and safety of our community members first. Coronavirus has put all our lives on hold and thrown into question the future of our local businesses and what services our government will be able to provide with looming budget shortfalls. We sympathize with concerns about where to continue and where to press pause, and we know that this time of crisis can also be a time of change, a time to consider what elements of “normal” are worth returning to.

**We are disturbed by the idea of pausing the Comprehensive Plan (Comp Plan) update but moving forward with other planning and development projects.** We have heard a proposal to abandon the inclusive Comp Plan update, but to still make an expedited decision for Northern South Park. That doesn’t make sense. If coronavirus is the reason to delay finalizing the almost-finished Comp Plan update, then coronavirus is just as much reason to delay *all* planning decisions, especially huge upzones.

But if coronavirus *doesn’t* require stopping everything, now is precisely the time to focus on long-range planning. Planning is first and foremost a tool for dealing with uncertainty. As the economy and development slow, we should take advantage of the extra time to strengthen our foundation and prepare for better times ahead. Moreover, the Comp Plan outlines goals for all the issues that matter to our community, including housing, transportation, climate, and water quality. Pausing the update would pause work on all those goals – goals with huge community buy-in.

*If you believe the current crisis allows, please make every effort to engage our residents online and finalize the Comp Plan update. But if you believe we must delay the Comp Plan update, please apply that same principle to Northern South Park and all development applications.*

**Even if you want to start a Northern South Park master plan quickly, please finish the Comp Plan update first.** The draft update provides needed clarity and outlines the parameters for a successful partnership between the community and landowners. A Northern South Park master plan should implement our community values by requiring mostly deed-restricted workforce housing, and also providing significant open space conservation. Those parameters are in the Comp Plan already and are further clarified in the new draft. Adopting the new Comp Plan will make South Park master planning easier and faster by establishing clear direction up front.

Planning Northern South Park (or anywhere) takes no more and no less time than the time it takes to do it right. Planning is about steadfastly pursuing a shared vision for the future, even in the face of changing economic pressures, political will, and developer interests. As a community, and as a group of elected representatives, we identified a shared vision for Northern South Park. Now, we are being tested. But planning is about shaping development to meet our community vision, not the other way around.

**Luckily, the Comp Plan update is almost done.** Throughout the past year, over 900 people commented in the Comp Plan update / Growth Management Program. The current draft includes all that engagement. The point at this final stage is to confirm that the draft incorporates the input well, and to adopt it efficiently, even if a vocal minority shows up wanting to change policy at the last minute. If you

are unsure that the draft is ready, please take the time to efficiently move through it, because these high-level discussions are the critical foundation that underlies any specific location master plans.

Please don't jettison a good process because you're feeling pressure to advance a project. Northern South Park is not a new conversation, and it will still be there on the other side of the Comp Plan update and this public health crisis. Any decisions you make now will be lasting, with resounding impacts for both the town and the county, for the better or the worse.

*Please finish the Comp Plan Update first and quickly.*

**Pausing a joint town/county process in favor of a moving ahead with development in one jurisdiction would be a problematic shift away from joint planning.** The County and Town have an impressive legacy of joint planning and decision-making that has earned us national acclaim, especially in a place where the stakes for development are so high. For more than 50 years, our community has participated in joint planning – not because it was easier or more efficient, but because it was better. The true challenge is not joint planning but joint leadership.

*Please invest the time and energy to identify and heal the challenges in your joint work with your colleagues at the town – it's worth it, and our future as a community depends on it.*

Sincerely,

A handwritten signature in cursive script, appearing to read "Brooke Sausser".

Brooke Sausser  
Community Planning Manager



## BOARD MEMBERS

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**KEVIN KAVANAGH**  
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**JOE RICE**

**BOARD LIAISON**  
MAUREEN MURPHY

April 6, 2020

Dear Chairwoman Macker, Mayor Muldoon, County Commissioners, and Town Councilors,

We appreciate the opportunity to provide comments on the Work Plan and Comprehensive Plan updates. **However, we would like to strongly suggest that this work and discussion be continued until after the COVID-19 crisis.** While the public can submit comments and attend virtual meetings, the current times prevent us from substantive one-on-one talks with planners and elected officials. Also, many people are struggling with issues related to COVID-19, and are not fully capable of being part of the debate.

These changes are instrumental to the future of planning and development in Teton County, and we ask that they are given the time once this pandemic is over.

These planning issues have lasting effects on our community, and we need to ensure that we have a wide-ranging plan for our future.

Sincerely,  
Jackson Hole Working

**From:** [John Stennis](#)  
**To:** [Town Council](#); [County Commissioners \(commissioners@tetoncountywy.gov\)](#); [Tyler Sinclair](#)  
**Cc:** [awatkins@tetoncountywy.gov](#); [Larry Pardee](#); [cneubecker@tetoncountywy.gov](#); [kmalone@tetoncountywy.gov](#); [Paul Anthony](#)  
**Subject:** Draft Comp Plan Comments  
**Date:** Monday, April 06, 2020 12:52:15 PM  
**Attachments:** [image003.png](#)  
[COMP PLAN REDLINE.docx](#)

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Dear Elected Officials,

Our community is going through an unprecedented event in our history. This event is curtailing the ability of the community to engage in normal life and important planning discussions. As a former Planning Commissioner and one of the 2012 Comprehensive Plan members, I respectfully encourage all of you to table this discussion until a time in the future when meaningful public comment and engagement can be achieved. I have a few frank comments:

- This is hardly a “wrap up” of public comment but a heavily edited draft of the Plan that borderlines on a practically new plan. A guide to the changes was just released last week.
- As has been circulating, the attached document starkly shows the edits to the existing plan.
- There is only one elected official and one former planning commissioner (now a commissioner) who were involved in the lengthy involved meetings, public comment, and workshops the community engaged in to write the 2012 plan. Even with that extensive process, we were still chided for not taking enough time.
- Where is the substantive discussion on the failures of the GMP and recommendations for improving it? The GMP which has never been a productive tool and has been largely used for political rather than reasonable metrics, has been consistently used to pursue whatever agenda anyone wants.
- The collection of public comments using online surveys were clearly skewed towards a desired outcome.
- A technical survey was sent to certain groups which was so poorly put together that it largely wasn't even possible to realistically respond to it.
- It is a mistake to continue to use OSP Strategies in the evaluation of the plan. One can't just leave government, and then be hired as a consultant to continue to pursue, in my opinion, a problematic agenda and do it without accountability to the public.
- As a JH Working Board member, we have consistently asked for better data to make these decisions and with an independent eye to facts. As recently as last week, we had also asked to put the housing discussions on hold pending some resolution to the pandemic and a return to more normalcy.

I provide these comments in good faith as someone who has been there and done the work on the plan we currently have. I hope that reason prevails, this item is tabled, and a longer and more impartial review of these changes by an independent third party along with a more robust public comment period can take place.

I am happy to discuss my thoughts with any of you individually.

Best,

John

JOHN STENNIS

ASSOCIATE

80 West Broadway, Suite 200 | PO Box 4735  
Jackson WY 83001  
307 733 7303



**From:** [Amberley G. Baker](#)  
**To:** [Board Of County Commissioners](#); [Natalia Macker](#); [Town Council](#); [pmuldoon@townofjackson.com](mailto:pmuldoon@townofjackson.com)  
**Cc:** [Keith Gingery](#); [Lea Colasuonno](#)  
**Subject:** Complete Redline Showing Extensive Changes to Comp Plan - Important for your JIM Meeting Today  
**Date:** Monday, April 6, 2020 9:33:05 AM  
**Attachments:** [COMP PLAN REDLINE.docx](#)  
[04-06-20-JIM-Ag.pdf](#)  
[Comp Plan Analysis Northern South Park.pdf](#)

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Dear Chairwoman Macker, County Commissioners, Mayor Muldoon, Town Councilors:

Thank you for your service to our community during these challenging and difficult times in all of our lives.

I hope that you are able to review this email before your JIM meeting Monday afternoon, because your leadership during Monday's meeting is needed on the topics I outline below.

Attached to this email is a complete redline of the entire Comprehensive Plan. It is crucial that you review the attached redline before you make any decision regarding the Comprehensive Plan.

On March 20th, planning staff posted on [www.jacksontetonplan.com](http://www.jacksontetonplan.com) a "public draft release" of the "2020 Jackson Teton County Comprehensive Plan Update."

- No public notice or even news release was posted on your website or the paper;
- No staff report accompanied the March 20<sup>th</sup> posting that started the public's review timeline;
- Many of you were not aware that the "public draft release" had been posted March 20th;
- No redline was released to identify changes between the 2012 Comp Plan and the proposed updated Comp Plan;
- On March 30<sup>th</sup> a "guide" was released to explain how to read changes to the Comp Plan, which still did not include a redline to directly show the changes.

In response, several members of the public prompted some of you to question this process during the BOCC voucher meeting on March 30th — that meeting was ten (10) days after the "public draft release" was posted online. At the BOCC voucher meeting, Commissioners were told by staff that a redline would be difficult and potentially costly to prepare, could take weeks, and to remember that the public comment period occurred well before now and this update was intended to just be a "wrap up."

I created the attached redline in 30 minutes, by converting the posted PDFs to Word and then running a comparison in Word between the existing Comp Plan on your website and the "public draft release" posted on March 20th.

As you will see when you review the attached redline document there are hundreds of extensive and significant changes and deletions to our current Comp Plan. **This extensively "updated" Comp Plan could be viewed by many as a completely new Comp Plan.**

The following questions immediately come to mind:

- At what point in the Growth Management Program process was the public made aware that



they were going to get a new Comp Plan?

- Did they ask for the changes you see in the redline?
- Where is the accompanying document that sufficiently and transparently shows the request for the changes drafted?
- How can the public be expected to review and understand these changes when there was no news release and when our community is consumed with a worldwide health crisis?
- The changes will likely extinguish privately-funded housing proposals in favor of incremental taxpayer subsidized infill. Is that truly what our community wants or can afford right now?

The agenda you will be asked to approve at your JIM meeting today has this “updated” Comp Plan in front of the planning commissions for adoption on April 27th, and then in front of all of you for adoption on May 4th. That timeline does not allow for meaningful public engagement — especially since today, April 6th, is the first day that more than a handful of people will see the complete redline.

Also, your agenda for the May 4<sup>th</sup> JIM meeting dictates that you first discuss the Growth Management Plan (“GMP”) as item “A” from 1-3pm, and then down as item “G” (presumably several hours after A since the meeting begins at 1:00), you are scheduled to approve your Work Plan. See attached agenda for reference. Due to the interplay between the GMP and the Work Plan, this scheduling presents a serious process concern that I would like to help make sure you and the public understand. The discussion of the GMP by design includes the adoption of the “updated” Comp Plan (this is highly problematic because few have seen the redlines per above — but, let’s say for purposes of the outline below, that you approve and adopt it):

- First thing at the JIM meeting on May 4, you approve and adopt the “updated” Comp Plan. *Contrary to what is provided for in the CURRENT Comp Plan:*
  - In one vote, no development of any kind can happen in Northern South Park until the County and the Town undertake a joint neighborhood master planning effort that requires:
    - A “partnership” among landowners in Northern South Park;
    - A plan for the location of the rodeo grounds;
    - A simultaneous “master planning” effort for the fairgrounds in Town;
    - “Enough detail” to “demonstrate” that all 100 principles underlying the eight Chapters of the “updated” Comp Plan are “optimized” by the development of Northern South Park.
  - This newly mandated “neighborhood planning” effort of Town and County would require well over \$100,000 to be budgeted towards that effort by the JIM, and will take an unknown amount of time to accomplish, likely several years.
- Then, hours later in the same meeting, you are faced with adopting your Work Plan. The Work Plan is tied to the budget. Many expect there will be several items cut from the FY21 budget due to abysmal revenue projections, and therefore left out of the Work Plan.
  - For example, the expensive master/neighborhood planning of Northern South Park that now all of the sudden is required by the “updated” Comp Plan you presumably adopted hours before, would likely NOT make it in the Work Plan due to budget cuts.

Let me try and break this down even further. If you adopt the “updated” Comp Plan during your GMP discussion, and then understandably do not put the expensive new Comp Plan requirement for a master/neighborhood plan of Northern South Park and the Fairgrounds on your Work Plan due to budget cuts, the residential development of Northern South Park for our locals – our health care providers, our educators, our first responders, our service providers, the list goes on – is stopped, indefinitely. And – this would happen even though during the Growth Management Process the electeds decided that now is the time for housing solutions in Northern South Park, and even though

in fact our current Comp Plan does not require master/neighborhood planning of Northern South Park, and certainly not any planning tied to the Fairgrounds.

Your constituents cannot be expected to understand this, especially now.

The Comp Plan is the “vision” document for our community. It sets forth the policies that you follow that directly impact our local citizens. Therefore, the adoption of changes to the Comp Plan must be carefully considered and carried out, not rushed. The adoption of changes as substantive and impactful as those in the attached redline in the current manner threatens two key principles of our local government – transparency and public engagement. Please set this right again. Get a redline out to the public, and then give the public and yourselves adequate time to review the extensive changes made to the Comp Plan to confirm that the redline reflects the public and elected official’s input during the GMP review. Also remember – the proper order of procedure is to ensure the Work Plan gets adopted that carries out the will of the elected officials prior to adoption of the amended Comp Plan.

By setting the process right again, you are also helping the effort to provide housing to local workers — an effort that will directly address the vital need for 160 new homes for health care workers and more for Habitat families, school district employees and many, many more who will be hard hit by the pandemic economy.

One final key point – regarding the specific changes to the Northern South Park section of the Comp Plan (see third attachment to this email), many of those changes appear to have been made in reaction to the Gill Family’s recent pre-application conferences. None of the changes were detailed in the pre-application conference with the County Commissioners or the pre-application conference with planning staff. This leads me to question the transparency and fairness of the process on behalf of the Gill Family and our community members in need of housing.

Thank you,  
Amberley Baker, attorney to the Gill Family

WYLIE BAKER LLP | office 307-733-6688 | direct 307-733-9900 | cell 713-854-4117 | fax 307-733-3758 | [amberley@wyliebaker.com](mailto:amberley@wyliebaker.com) | [www.wyliebaker.com](http://www.wyliebaker.com)

Fed Ex/Physical: 60 East Simpson, Jackson, WY 83001 | USPS Mailing: P.O. Box 4211, Jackson, WY 83001



**Teton  
Conservation  
District  
Est. 1946**

January 21, 2020

Teton County Board of County Commissioners  
P.O. Box 3594  
Jackson, WY 83001

Jackson Town Council and Mayor  
P.O. Box 1687  
Jackson, WY

Dear Commissioners, Council Members, and Mayor,

The Teton Conservation District Board of Supervisors (TCD) has been a longtime partner with the Town and County on a wide range of natural resource interests and the needs of the community. TCD wholeheartedly supports the existing Comprehensive Plan (the Plan) as an important guidance document, and applauds the creation and application of the tenants of the Plan. That said, TCD has concerns about some processes designed to enable the success of the Plan that we would like to formally reiterate at this time.

The first concern is that TCD's authority to review development plans is limited by State statute to subdivisions outside of incorporated areas. TCD actively participates in other planning reviews upon request due to our role as a partnering agency. The second concern is that local planning reviews represent an unpredictable and time-sensitive workload for TCD that can strain our staff capacity at times. Thirdly, TCD feels that the need for outside reviews represent an undesirable delay in the planning process from the viewpoint of the applicant. Finally, TCD believes that the various departments, the planning commissioners, and the approval process as a whole would be better served if natural resource considerations could be consistently incorporated in all local government activities as a standard practice.

As the local government annual budget cycle begins, TCD suggests that the Town and County employ conservation-focused staff within the planning or other departments. Specifically dedicated professional conservation staff are needed to appropriately incorporate the Plan's core value of Environmental Stewardship into local government actions.

As you are aware, currently there are no such dedicated staff, funding, or action plans with measurable thresholds that effectively represent the Stewardship core-value within Town and County actions. In fact, over the years, forward movement on stewardship processes have been relegated to volunteer boards and stakeholder groups, such as the Natural Resources Technical Advisory Board and the Natural Resource Stakeholder Group, which are now both disengaged. Those efforts have moved natural resource stewardship to the brink of significant actions, but nothing has resulted from those dedicated volunteers' public service efforts.

In the past, TCD shared the cost of a staff position with Teton County Weed and Pest to help orchestrate the Weed Control Cost-Share program for private lands. A potentially similar arrangement with the Town and County to initiate the establishment of professional natural

resource stewardship staff could warrant similar TCD support. Again, the intent would be to allow the Town and County to incorporate in-house natural resource considerations into all public actions.

Another obligation of the County not supported by budgetary or staffing resources is the holding of conservation easements through the Teton County Scenic Preserve Trust. The easements are held and incentivized to yield natural resource benefits for the public. Those perpetual obligations are not being fully supported without permanent professional staff.

In summary, to meet public expectations of local government and move forward with the Comprehensive Plan's vision of Environmental Stewardship, TCD suggests that the Town and County budget for and employ professional natural resource conservation staff. The goal would be to seamlessly incorporate natural resource reviews and considerations into all local government actions. TCD is open to discussing cost-share funding cooperation in that endeavor. Finally, it should be stated that TCD remains committed to providing you requested support.

Sincerely,

A handwritten signature in blue ink that reads "Steve McDonald". The signature is written in a cursive, flowing style.

Steve McDonald  
Supervisor Chair

**From:** [Glen Esnard](#)  
**To:** [Town Council](#)  
**Subject:** GMP and the Culture of Change  
**Date:** Friday, December 06, 2019 12:44:49 PM  
**Attachments:** [TC Culture of Planning 12.6.19.pdf](#)

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Mayor and Council:

A couple of weeks ago I participated in the Joint Planning Commission meeting to review the staff report on the Growth Management Plan.

At that time, I was particularly intrigued by Key Enhancement Topic A- Aspire to Big Goals, and specifically to the notion of building a “Culture of Planning.”

Today we face long-term changes such as climate change (which will transform our environment, community and economy over time) and short-term such as the Cheyenne “family subdivision bill” (which trashes large sections of our LDRs).

Our ability to anticipate and to respond effectively to many of these changes may be critical to achieving our Comp Plan goal of ensuring “a healthy environment, community and economy for current and future generations.” Thus, taking a more aggressive and bold view of planning may be in order.

Consequently, when I had some free time over the Thanksgiving weekend, I drafted the attachment, if for no other reason to convince myself this “Culture of Planning” was both essential and possible.

Thought I would share it prior to your pending review of the GMP.

-Glen

**Glen Esnard**



307-733-3744

949-394-1406

[glen@esnardadvisors.com](mailto:glen@esnardadvisors.com)

[www.linkedin.com/in/glenesnard/](https://www.linkedin.com/in/glenesnard/)



*Goal: Challenge the best practices in the nation and help ensure that our community reaches its vision in an ever-changing environment. (GMP Staff Report)*

- 
- FORCES OF CHANGE**
- Climate Change
- Knowledge & Insight
- Community Makeup
- Federal Government
- State Government
- Local Economy
- Macro Economy
- Ensure a healthy environment, community and economy**

**Culture:** The customs, arts, social institutions, and achievements of an organization, group or community.

- They are clearly connected to the core purpose and identity of the organization or community, in the context of change forces in the external environment.
- They involve a critical mass of members and stakeholders of the community in a meaningful way that allows them to develop their commitment.
- They are clearly understood, relevant and practiced consistently.
- They are accepted and become part of the routines and practices on a daily basis.

1. Craft a planning model and approach that can be utilized in addressing both long term “anticipatory” planning and short term “reactive” planning
2. Make the model “ours” through use. Solicit community leaders to participate in “stakeholder” planning exercises, both anticipatory and reactive scenario type planning.
3. Build skills in our (overworked & understaffed) planning staff to facilitate planning exercises. (enhance leadership skills)
4. Publicize results. Work to create community pride, understanding of and buy-in to the PROCESS, not necessarily the results. (celebrate success and learning)
5. Broaden engagement in subsequent cycles and issues.
6. Iterate until we own the concept.
7. Develop community pride in our assertive and proactive approach to change and health of our ecosystem.

November 19, 2019

Via email

Kristi Malone; Tyler Sinclair, Chris Neubecker

[kmalone@tetoncountywy.gov](mailto:kmalone@tetoncountywy.gov); [tsinclair@jacksonwy.gov](mailto:tsinclair@jacksonwy.gov); [cneubecker@tetoncountywy.gov](mailto:cneubecker@tetoncountywy.gov)

## **RE: Aspens Commercial Area Stakeholder Input on Growth Management Plan**

Dear Kristi,

This letter is to serve as formal public comment regarding the Growth Management Plan and potential updates to the Comprehensive Plan Section 12.1 Aspens/Pines Commercial Core. The letter summarizes the previous meeting held at Teton County Planning and Development office with you, as a representative of the Long-Range Planning department. The summary is as follows:

On October 1<sup>st</sup>, Stewart Johnson, a representative from The Aspens Commercial Area Owners Association (ACOA) and their consultant (Y2 Consultants) met with Teton County Long Range Planning to discuss potential redevelopment of the ACA and the Growth Management Plan (GMP). Stewart introduced the ACOA interest from the owners' perspective and Kristi acknowledged that the interest made perfect sense. Robert Infanger of Y2 Consultants took most of the meeting to explain a broad conceptual use program, bulk/scale ideas, and Complete Neighborhood characteristics that the stakeholder group is interested in exploring to modernize and improve the Aspens Commercial Area.

The ACOA are interested in providing input and being a part of the County GMP process. The ACOA is not interested in taking a stance of "designing/discussing their ideas without the County involved." The Stakeholder group has researched and studied Brandon Ryan's previous design efforts in 2012 which were shared/reviewed by TC Long-Range Planning Staff (Alex Norton) and were generally well received. The Stakeholder group became interested in elaborating on Brandon's initial idea and have taken steps to further explore the future possibility of the Aspens Commercial Area.

The Stakeholder's vision includes a large employee housing component, expanded office space, and additional residential development with parking largely underground. The vision parallel's the main street concept depicted in the current Comprehensive Plan, which connects the Aspens Commercial Area with the surrounding Residential neighborhood and Teton Pines. Commercial uses (Retail/Office/Restaurant/Bar) are envisioned on the main street level with parking below grade and residential uses on the upper floors.

The Stakeholders are interested in exploring the possibility of a third floor within the Aspens Commercial Area. The stakeholders recognize that additional development in the Aspens Commercial Area would result in increased employee housing mitigation requirements. The ACOA is interested in housing employees within the Aspens Commercial Area to minimize transportation impacts and to align closer with the Comprehensive Plan goal of concentrating density within Complete Neighborhood areas. This concept also includes pedestrian connectivity

upgrades throughout the Aspens, new connections to the residential neighborhood, a potential internal Aspens shuttle service, and consolidation of existing START Bus stop(s).

The ACOA recognizes that their vision may require amendments to the Comprehensive Plan and the Aspens Commercial Area Master Plan specifically as it pertains to the “existing two-story character”. The Balsam Lodges serve as an example of third story development that exists within the Aspens Commercial Area for residential use. Residential development within the areas surrounding the Aspens Commercial Area also allow third stories.

The ACOA would like to continue the discussion surrounding amendments to the Comprehensive Plan sections pertaining to the Aspens Commercial Area. We believe that amendments to the Comprehensive Plan, namely regarding the second-story limitation will benefit the Westbank as a Complete Neighborhood and the community as a whole primarily through better subarea connectivity, increased Workforce housing in complete neighborhoods where jobs are located, and conscious building massing to allow for Wildlife Permeability.

Thank you for allowing us the opportunity to submit public comment and we look forward to continuing the discussion regarding the Aspens Commercial Area and Comprehensive Plan amendments to encourage revitalization of the area.

Sincerely,



Stewart Johnson, CPA  
President, Aspens Commercial Owners Association  
stewartjohnsoncpa@gmail.com



Melissa Ruth  
Planner  
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**From:** [Brooke Sausser](#)  
**To:** [County Planning Commission](#); [planningcommission@jacksonwy.gov](mailto:planningcommission@jacksonwy.gov)  
**Cc:** [Kristi Malone](#); [Chris Neubecker](#); [Tyler Sinclair](#); [skye@jhalliance.org](mailto:skye@jhalliance.org); [Brad and Kristin Nielson](#); [Dan Leemon](#); [Dan Heilig](#); [Lisa McGee](#)  
**Subject:** Water focus needed in Comp Plan Update  
**Date:** Thursday, September 10, 2020 11:06:34 AM  
**Attachments:** [Comp Plan Update WOC POW Alliance.pdf](#)  
[Best first uses of public conservation funding.pdf](#)

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Planning Commissioners,

The Wyoming Outdoor Council, Protect Our Water Jackson Hole, and the Alliance would like to submit these water-focused comments on the Comp Plan Update. While we support the direction and new attention given to water quality, we strongly feel that these changes only scratch the surface, even as our community members in Hoback lack access to clean water and nitrates are rising throughout the valley.

We urge the commission to recommend adoption of these proposed changes, and we welcome the opportunity to discuss them more. Our organizations also strongly support the hiring of a conservation planner/staff ecologist (currently called for in the Comp Plan Update, and support letter attached) who could have identified some of these policies to begin with, and who could lead this future work.

Best,

Brooke Sausser, Jackson Hole Conservation Alliance  
Dan Heilig, Wyoming Outdoor Council  
Dan Leemon, Protect Our Water Jackson Hole

--

Brooke Sausser  
She / her  
Community Planning Manager  
Jackson Hole Conservation Alliance  
(208) 771 - 2218



It's Old Bill's Giving Season. Please [Give A Buck](#) and support conservation and community character.

*Protecting the wildlife, wild places, and community character of Jackson Hole.*



Transmitted via email to <kmalone@tetoncountywy.gov>

September 10, 2020

Kristi Malone  
Town & County Planner  
County Planning Office  
200 S. Willow St.  
Jackson, WY 83001

Re: Comments on Proposed Updates to the 2012 Comprehensive Plan

Dear Ms. Malone:

These comments on submitted on behalf of the Jackson Hole Conservation Alliance, Protect Our Water Jackson Hole, and Wyoming Outdoor Council (the “NGOs”) in response to the Public Review Draft of the 2020 Comprehensive Plan Update released on July 29, 2020. Our comments focus on the demonstrated need to include enhanced water quality protections in the updated Comp Plan, and offer a number of suggestions for strengthening the level of protection for our critically important water resources. We appreciate the recognition by town and county staff of the need to better protect ground and surface waters, but as currently drafted the plan falls far short of achieving the stated goal of enhancing water quality. *See* Principle 1.2 and associated policy statements.

Our comments address and respond to the water quality “enhancements” offered by county staff, below. We begin with a brief overview of the context and setting, followed by specific recommendations to restore and protect the quality of Teton County’s ground and surface water resources.

## CONTEXT AND SETTING

### **Snake River Sole Source Aquifer**

Our community relies entirely on the Snake River Aquifer for its drinking water. Due to its significance, the U.S. Environmental Protection Agency (EPA) has designated the Snake River aquifer as a Sole Source Aquifer. The Comp Plan should explicitly acknowledge this resource, and commit to developing an Aquifer Protection Plan to ensure its long-term protection.

### **Congressionally Designated National Wild and Scenic Rivers**

The Snake, Buffalo Fork, Gros Ventre, Hoback and numerous other rivers in Teton County are congressionally-designated National Wild and Scenic Rivers. The Comp Plan

should identify designated river segments and establish preservation goals that are at least as protective as Federal policies to ensure that the “outstandingly remarkable values” that led to the designation are protected.

### **Class 1 Outstanding Natural Resource Waters (ONRW)**

Teton County boasts more miles of outstanding resource waters than any other county in Wyoming. Class 1 waters in Teton County include all of Fish Creek and its tributaries; the main stem of the Snake River through its entire length above U.S. Hwy 22 (Wilson Bridge); the main stem of Granite Creek (tributary of the Hoback River) through its entire length; and all surface waters within Grand Teton National Park and congressionally-designated wilderness areas.

According to Chapter 1, Section 4(a) of the Wyoming Department of Environmental Quality (WDEQ) water quality rules and regulations, “Class 1 waters are those surface waters in which no further water quality degradation by point source discharges other than from dams will be allowed. Nonpoint sources of pollution shall be controlled through implementation of appropriate best management practices.”

Surface waters in Teton County that are not designated Class 1 are largely Class 2 streams, considered “high quality waters” managed for aquatic life including fish and all other uses identified in Chapter 1, Section 4. Water quality measures in the Comp Plan must be no less stringent than state and federal requirements, and may be more protective if necessary to achieve plan objectives.

### **Public Water Systems**

Teton County has 114 EPA-registered Public Water Systems (PWS), the largest number by far of any county in Wyoming. Although these systems rely exclusively on groundwater for drinking water supplies, very few have taken advantage of basic tools available under the federal Safe Drinking Water Act to protect wellheads and source water areas. Indeed, only 44 of the 114 PWS have developed source water assessments (in 2004) and shockingly, only 3 have instituted source water protection plans. The absence of adequate regulatory oversight by local and state agencies has resulted in extensive groundwater contamination in Hoback Junction and exposes other PWS to unnecessary risk.

### **Hoback Junction – the Canary in the Coal Mine**

High concentrations of nitrates exceeding the EPA’s maximum contaminant level (MCL) of 10 mg/L have been detected in both public water systems and private wells in Hoback Junction. As a result, residents are now faced with a choice between drinking bottled water, installing expensive filtration equipment to reduce the nitrate levels, or drinking untreated water and risking the prospect of serious health consequences that can include blue baby syndrome and limb deformities in children. Local and state regulators have known of the problem for years and have accomplished little to address the underlying causes. However, recent efforts brought about by our advocacy — including an investigation by the Wyoming DEQ — will determine the causes of groundwater contamination (e.g., septic systems) and we hope ultimately, lead to a clean-up plan to remediate the groundwater contamination.

Unfortunately, there are indications that the debacle taking place at Hoback Junction may be the tip of the iceberg. Water quality data obtained from public water systems in other areas of Teton County reveal that several systems are experiencing nitrate hotspots. Naturally

occurring nitrate levels throughout Teton County are relatively low, typically well below 1 mg/L. According to the U.S. EPA, levels in excess of 3 mg/L indicate human influences. Although at least six Public Water Systems have concentrations exceeding 3 mg/L, no action is being taken by any regulatory agency to address this serious problem. The EPA is constrained by law from taking action until the 10 mg/L MCL is reached, but at that point the water is already unsafe to drink. And as shown by the Hoback Junction experience, suitable post-contamination remedies are cost prohibitive or simply unavailable. A far better solution is to identify and take action to address these nitrate hotspots before they exceed levels that trigger EPA jurisdiction, which often results in the immediate shutdown of the public water system and costly remedial action.

To address these concerns, the Wyoming Outdoor Council and Protect Our Waters Jackson Hole have proposed a new rule that would require intervention by the health department when nitrate levels reach or exceed 3 mg/L. A copy of the proposed rule is available upon request.

### **Major threats to water resources—wastewater discharges**

Nutrient pollution is one of the most significant threats to ground and surface waters in Teton County, along with stormwater, also known as “urban runoff.” The single largest source of water pollution in Teton County is the wastewater treatment plant operated by the Town of Jackson. In addition, major wastewater treatment facilities operating in Teton Village, Aspen-Pines, Jackson Lake Lodge/Colter Bay Village complex, Moose and others discharge millions of gallons of wastewater into groundwater (our sole source of drinking water) daily. The WDEQ has permitted 48 large capacity wastewater disposal systems in Teton County, with little oversight by county officials. In addition, approximately 3,600 “decentralized” small wastewater facilities (i.e., septic systems) have been permitted throughout Teton County, many in areas that are unsuitable—due to shallow water table and “poor soils”—for such systems. The lack of ongoing maintenance and inspection requirements in the county’s Small Wastewater Facility (SWF) regulations virtually guarantees that many septic systems are operating inefficiently and in some areas, have completely failed.

Excessive nutrients are responsible for nuisance algae in Fish Creek, and unsafe levels of nitrates in drinking water in Hoback Junction. Teton Conservation District has identified other PWS that provide drinking water from groundwater containing levels of nitrates that indicate human influence, and has dubbed these areas “nitrate hotspots.” The quality of drinking water provided by thousands of private wells is highly variable and mostly unknown to county officials, potentially putting the health and safety of private residents at risk.

### **Original Commitment to Clean Water Removed from Current Plan**

Water quality protections included in the Teton County’s first comprehensive land-use plan (1978) were removed in the 1994 rewrite, leaving groundwater quality vulnerable to pollution from septic systems and other sources. County officials owe the public an explanation as to why that happened.

Teton County’s first *Water Quality Management Program* was adopted over 40 years ago, in 1978, under the authority of Section 208 of the Clean Water Act. Developed by the long-defunct “Teton County 208 Planning Agency,” the water quality program recognized the

importance, sensitivity, and vulnerability of the valley's water resources and was therefore considered an "essential element" of the county's first comprehensive land-use plan.

To protect water resources, the county adopted what was then a new tool in local land use planning – the creation of Environmental Protection Districts, to guide land use in order to protect the most environmentally-sensitive areas of the county. These districts encompassed rivers, streams and wetlands, steep slopes, and groundwater, and were protected by enforceable performance standards such as buffer zones, setbacks, and building restrictions.

To address groundwater pollution problems caused by unregulated septic systems, Groundwater Protection Districts were established to delineate areas — based on soil type and depth to groundwater (i.e., environmental vulnerability), where septic systems would be restricted unless it could be demonstrated that groundwater pollution would not occur. Unfortunately, this performance standard was not enforced, leading to the present situation of hundreds of septic systems on the West Bank and other low-lying areas of our county discharging minimally treated human wastewater into our groundwater.

### **Lack of a Comprehensive County-wide Wastewater Management Plan**

The absence of a comprehensive wastewater management plan has led to haphazard, case-by-case decisions involving wastewater treatment and disposal. As a result, environmentally-sensitive areas of the county that should be connected to a centralized wastewater treatment facility are dependent on individual septic systems that are notoriously inefficient at removing pollutants from wastewater before it enters groundwater. The county's recent decision to move forward with wastewater planning is a significant step forward and will provide critical guidance regarding our community needs for the decades ahead.

### **Inadequate Regulation of Small Wastewater Facilities**

Teton County's SWF regulations were approved over ten years ago and do not comply with updated regulations promulgated by the WDEQ intended to protect drinking water supplies. The 2018 update promised by the county in Attachment D of the 2010 Delegation Agreement has not occurred, leaving the existing regulations woefully deficient, lacking many of the most basic requirements found in regulations in neighboring states.

The undersigned organizations submitted a detailed 34-page letter in response to an informal draft rule provided by the County Sanitarian that is available upon request.

### **Fish and Flat Creek *E. coli* Impairment**

The WDEQ has determined that both of these streams fail to meet water quality standards for primary contact recreation such as swimming and child's play. In-stream levels of *E. coli* in both streams exceed human health limits set by the EPA. To address the impairment, the WDEQ is required to develop total maximum daily loads, or TMDLs, a highly technical process that establishes the total maximum daily amount of *E. coli* that can be discharged into the stream without causing unsafe levels. The development of TMDLs for these two streams will take years; in the meantime, addressing this impairment in a timely fashion must be identified as a high-priority goal of the community. Inspections of septic systems and other sources of bacterial contamination in these drainages would be an obvious place to focus efforts.

## SPECIFIC RECOMMENDATIONS

The scope and severity of our water quality problems and challenges dictates more aggressive measures be included in the updated Comp Plan. The subsequent preparation of a “water quality enhancement plan” referenced in B.2., while welcome, is not a substitute for necessary changes needed now.

The Public Review Draft proposes the following “strategies to preserve and enhance surface water, groundwater, and air quality (Principle 1.2).” While helpful, these measures are not sufficient to achieve the desired outcomes.

First, concerning Principle 1.2, we recommend that it be revised to make clear we do not, in fact, have “high water ... quality” throughout Teton County. As noted above, in certain areas of our county ground water quality has been degraded by nitrate concentrations indicating contamination; these areas have been dubbed “nitrate hot spots” by the Teton Conservation District. In the Hoback Junction area, groundwater degradation has been allowed to continue to the point where it is unsafe to drink, exceeding the EPA’s maximum contaminant level of 10 mg/L for nitrates and violating the WDEQ’s quality standards for groundwater. The phrase “[t]he high water and air quality of Jackson and Teton County are essential to the ecosystem...” clearly implies that the county’s water quality is “high.” As much as we would like to believe otherwise, this is not universally true, and perpetuating the myth of a pristine environment is not constructive. While categorizing it as such may comport with the pristine image we have created of Teton County, this statement is not accurate and should be corrected to reflect reality.

Second, our two prized local streams, Fish Creek and Flat Creek are impaired with levels of *E.coli* that exceed numeric standards for “primary contact recreation waters” and as a result are unsafe to swim in or float on.

The Comp Plan strategies outlined below are all helpful, but are incomplete and will unfortunately not fully address the range of water quality problems facing our community.

1.2.S.1: Evaluate and update natural resource protection standards for waterbodies, wetlands and riparian areas.

1.2.S.2: Evaluate and update surface water filtration standards, focusing on developed areas near significant waterbodies.

1.2.S.3: Develop a water quality enhancement plan that includes consideration of additional County funding for water quality.

1.2.S.4: Update the Flat Creek Watershed Management Plan.

With regard to 1.2.S.1, above, the WDEQ has established in Chapter 1 water quality standards for Wyoming’s surface water. Given that, we recommend clarifying this item to identify the specific “natural resource protection standards” that would be evaluated and updated. We also recommend that the Comp Plan expressly require the highest level of protection for surface waters available under the Clean Water Act and the Wyoming Environmental Quality Act. For example, “all surface waters in Teton County will be managed for Primary Contact Recreation from May 1 to September 30<sup>th</sup>.”

Regarding protection of wetlands and riparian areas, we recommend that wetlands be defined to include all wetlands to ensure protection for non-jurisdictional wetlands that fall outside the scope of the U.S. Army Corps of Engineers (ACE) regulatory authority.

Turbidity and introduction of sediment (via discharge of dredge and fill material) into surface waters are regulated by the WDEQ and the ACE. We recommend clarifying 1.2.S.2 to explain the interaction of local and state regulation. If this section is contemplating the regulation of stormwater, perhaps that fact can be noted. We recommend that Best Management Practices for the control of stormwater be mandatory.

As noted above in our comments, we support both the development of a “water quality enhancement plan” and additional county funding dedicated to protecting water resources referenced in 1.2.S.3. We recommend that this language be modified to include a statement committing to involve the public in the development of such measures. For example, the phrase, “with public review and comment opportunities” could be inserted after “Develop.”

Lastly, in addition to updating the Flat Creek Watershed Management Plan noted in 1.2.S.4, we recommend including a measure to address *E. coli* impairment in Fish and Flat creeks. The development of TMDLs by WDEQ will take years; in the interim, the county can identify and implement actions designed to reduce levels of harmful pathogens.

In addition to the above suggestions, we recommend that the following strategies be included in the revised Comp Plan:

- Promulgate county regulations to protect Public Water Systems including a provision to require remedial action before nitrate levels exceed 3 mg/L. Prevent future Hobacks.
- Require all 114 Public Water Systems serving Teton County residents to develop (or update) Source Water Assessments and Source Water Protection Plans.
- Create a “placeholder” in the county plan to incorporate the comprehensive wastewater management plan upon its completion.
- Require, or create financial incentives to encourage, property owners to connect to existing sewer lines where available (e.g., Wilson).
- Reinstate Groundwater Protection Districts from the 1978 Comprehensive Plan and update groundwater protection zone maps based on best available science.
- Prohibit septic systems in Groundwater Protection Zones 1 and 2 unless a scientifically-valid analysis is provided by the applicant demonstrating that no groundwater pollution will occur from the operation of the system. This provision was contained in the original 1978 plan but unfortunately was not enforced.
- Update the county’s Small Wastewater Facility regulations with proven, state-of-the-art provisions recommended by the U.S. EPA for septic systems located in sensitive and vulnerable environments such as Class 1 surface waters and sole source aquifers.
- Recognize that crowding and overuse of rivers and lakes is harmful and commit to developing management plans to address this growing problem.
- Require inspections (by licensed professional engineers) of septic systems when ownership of property is transferred. (Such a requirement would have detected the numerous significant violations at Hoback RV Park much earlier).<sup>1</sup>

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<sup>1</sup> [https://www.jhnewsandguide.com/news/environmental/hoback-rv-park-leans-toward-overhauling-failed-septic-system/article\\_d925d6b7-50c3-5642-9773-2232dff55517.html](https://www.jhnewsandguide.com/news/environmental/hoback-rv-park-leans-toward-overhauling-failed-septic-system/article_d925d6b7-50c3-5642-9773-2232dff55517.html)

- To enhance community understanding of groundwater quality issues, establish a confidential registry of private wells and assemble a database of water quality information to better inform the public of water quality issues and trends.
- Evaluate, update and reinstate Environmental Protection Districts from the Teton County 208 Planning Agency's 1978 Water Quality Management Program.

Additionally, we offer the following comments and suggestions regarding Principle 1.2 as well as the three related policy statements, 1.2a, 1.2b and 1.2.c. We suggest two new policy statements regarding the critical need to protect groundwater/ drinking water supplies, and the regulation of Public Water Systems.

Principle 1.2 (Preserve and enhance surface water, groundwater, and air quality) states that:

Clean water and air are the most basic requirements of a healthy ecosystem and community. The high water and air quality of Jackson and Teton County are essential to the ecosystem and scenic beauty that residents and visitors enjoy. Stewardship of water bodies, wetlands, riparian areas, groundwater, and the air is vital to sustaining healthy populations of native species and for the health and safety of the human community.

Given the critical importance to our community, we recommend highlighting the need to protect our groundwater – the Snake River Sole Source Aquifer – and the public water systems and private wells that depend on it. We suggest a new sentence at the end of the existing paragraph that specifically addresses the fact that ALL of our drinking water comes from groundwater and that the aquifer is irreplaceable.

Regarding the proposed policies, Policy 1.2.a (Buffer waterbodies, wetlands, and riparian areas from development) states, in part, that, “[t]he development will be designed to include buffers around water bodies, wetlands, and riparian areas that preserve their ecological function.” We recommend that this policy be clarified to explain how buffer distances will be determined to “preserve ecological function.” Will this be a case-by-case determination or will uniform buffer distances be established for each resource or value? Will the buffer distances currently established in the Small Wastewater Facility regulations be the same as in the LDRs?

We strongly support the adoption of Policy 1.2.b (Require filtration of runoff) and recommend that Best Management Practices be required. Please change “should” to “shall.”

Likewise, we support Policy 1.2.c (Coordinate water quality monitoring with Teton Conservation District and other partners) and urge its adoption.

### **Additional recommendations.**

#### Chapter 1. Stewardship of Wildlife, Natural Resources and Scenery.

Under the heading, “Why is this chapter addressed?” (CV-1-2) we suggest a change to this sentence: “Development can displace and fragment habitat, emissions drive climate changes to our natural environment, human movement through the ecosystem impacts wildlife movement, discharge and runoff can decrease water quality, and human introduction of invasive species can disrupt the ecosystem.”



Change “discharge” to “discharge of pollutants and wastewater from septic systems entering groundwater...”

### Chapter 3. Responsible Growth Management.

Under the heading, “Why is this chapter addressed?” (CV-2-2) we suggest adding the following language: “To achieve the goals and benefits of effective growth management, the plan must ensure that a comprehensive wastewater management plan is in place before authorizing new residential and commercial development in sensitive groundwater areas that lack sewer connections.”

Wastewater planning for new development should not be an afterthought or decided on a case-by-case basis. New development, particularly in areas with shallow groundwater and gravel soils, should not be permitted until a comprehensive strategy for wastewater treatment and disposal has been developed.

We recommend changes to the verbiage set forth in Principle 3.4, which currently provides that:

***Principle 3.4—Limit development in naturally hazardous areas.***

Development in hazardous areas threatens the health, safety and welfare of human inhabitants. Steep slopes, poor soils, avalanche chutes, floodplains, dense forests and areas along fault lines offer unique opportunities for interaction with the environment, but when natural events do occur in these areas the results can be disastrous.

The suggested change would delete the phrase, “poor soils” and replace it with more accurate and scientifically-acceptable terminology such as “unstable soils” where slides, slumps or settling are concerns, and use the word “alluvium” where groundwater contamination from septic systems is the concern, such as gravel-bed floodplains with a shallow water table and soils consisting of sands and gravels.

We recommend the same change to the language contained in “Policy 3.4.d: Limit development on poor soils” which reads:

Development on poor soils threatens the integrity of structures, encourages erosion and landslides and may cause groundwater contamination if septic systems are used in such areas. Development on poor soils will be avoided when possible and should employ best management practices if necessary.

As above, we suggest deleting the term “poor soils” and replacing it with an accurate, scientifically acceptable description of soil types that may limit activities.

We recommend a similar edit to a Policy 3.4.d - Limit development on poor soils. This policy provides that: “Development on poor soils threatens the integrity of structures, encourages erosion and landslides and may cause groundwater contamination if septic systems are used in such areas. Development on poor soils will be avoided when possible and should employ best management practices if necessary.”

We suggest deleting the term, “poor soils” and replacing with more accurate scientifically-acceptable terminology. With respect to septic systems, the policy should expressly prohibit the installation of septic systems (raised mound or otherwise) in areas where depth to groundwater is less than six feet unless the applicant has demonstrated through rigorous, peer-reviewed scientific investigation that no groundwater pollution will result – the standard first set in 1978. The application for such system shall include a sworn statement bearing the stamp of a licensed professional engineer or geologist that no nitrates or other pollutants will enter ground or surface waters. Groundwater quality monitoring shall be conducted at the proposed building site prior to the permitting of the system to establish baseline quality, and for 12 months following completion and occupancy of the dwelling. In order to meet the “no groundwater pollution” standard, no change in baseline groundwater quality shall be allowed as a result of the installation and operation of the system. These permit conditions should be added to the “*Strategies to limit development in naturally hazardous areas (Principle 3.4)*” on page CV-2-15.

Finally, we suggest adding a new policy under Principle 3.2, as follows: Where additional density is added, or where new growth areas are identified, a plan for infrastructure (transportation, water, and sewer) must be in place before any new density is granted. Planning must, at minimum, protect the general health and welfare. For example, permitting new development without appropriate wastewater or transportation infrastructure will only transfer the costs to taxpayers in the future, as we’ve seen with Hoback’s contaminated water.

#### Chapter 4. Town as the Heart of the Region – the Central Complete Neighborhood.

The Comp Plan states (at CV-2-16) that “[t]he Town of Jackson will continue to be the primary location for jobs, housing, shopping, educational and cultural activities.” To achieve this goal, it will be necessary to ensure that the town has sufficient wastewater treatment capacity to accommodate the desired/projected growth. We recommend specific recognition of this critical fact.

#### **Quality of Life: Common Value 3 of Community Character.**

This section (at CV-3-1) describes Quality of Life and then asks, “How are we going to achieve [it]”? It presents four chapters, Chapters 5–8, intended to assist the community in achieving Quality of Life. We would submit that access to clean and affordable drinking water and pristine surface waters are so fundamental to achieving the quality of life described in this section that a new chapter needs to be dedicated to restoring, protecting and enhancing water quality, which includes, first and foremost, protecting and securing our community’s drinking water supplies. It also includes ensuring that our streams, lakes and rivers are safe to swim in, and not contaminated by dangerous levels of *E. coli* or toxins from hazardous algal blooms. Key issues to address include protecting –and demanding accountability from– the 114 Public Water Systems currently operating in Teton County; moving forward with county-wide wastewater planning; adopting revised regulations for Small Wastewater Facilities which incorporate recommendations from the U.S. EPA for septic systems located in sensitive environments; establishing a new position in county government to oversee water quality protection efforts, and developing the necessary infrastructure to deliver essential community services such as water and sewer.

Chapter 6 of this section (CV-3-12) envisions a “Diverse and Balanced Economy.” Within this chapter, Policy 6.1.c calls for establishing an identity as a “green” community. For this goal to be realized, it is essential for our community to commit to providing clean and affordable drinking water to all community members and to properly address wastewater management, treatment and disposal, otherwise it will never legitimately achieve green community status.

Chapter 8. Quality Community Service Provision. Chapter 8 (CV-3-28) requires the county to “timely, efficiently and safely deliver quality services and facilities in a fiscally responsible and coordinated manner.” Within this chapter, Principle 8.1 requires the county to “[m]aintain current, coordinated service delivery” while Principle 8.2 requires the county to “[c]oordinate the provision of infrastructure and facilities needed for service delivery.” Given its importance, we would like to see Public Water Systems and wastewater treatment specifically identified under the heading “utilities and infrastructure.”

Chapter 9. Adaptive Management. We recommend the addition of the following “hard triggers” which will require a coordinated response by government agencies:

- Failure of surface water to meet WDEQ Chapter 1 water quality standards (e.g., Fish and Flat Creeks *E.coli* primary contact recreation standard).
- Failure of groundwater to meet WDEQ quality standards for domestic use (e.g., Hoback Junction).
- Failure of facilities authorized by the WDEQ to discharge pollutants into ground or surface waters of the state to comply with permit terms and conditions.
- Evidence of nitrate concentrations in groundwater utilized by public water systems or private wells indicating human influence or contamination; i.e., 3 mg/L.
- Failure of Public Water System to comply with Safe Drinking Water Act requirements.
- Failure to provide drinking water that meets EPA effluent limitation guidelines (ELGs).
- Violations of federal, state and/or county environmental law and regulations.

Lastly, we have a few suggestions regarding the section of the Comp Plan called “Illustration of Our Vision.” With respect to Districts that are not connected to town’s water and sewer lines, we recommend that a summary of the drinking water supplies and wastewater disposal systems utilized in the area (and subareas) be included in the narrative description of each district. The Policy Objectives for each district should specify that access to clean, affordable drinking water will be maintained, and that drinking water provided by public water systems will not contain levels of pollutants that suggest human-caused contamination.

With respect to Hoback Junction (subarea 8.4) the Character Defining Features should note that a centralized wastewater treatment facility and alternative drinking water supplies will likely be needed due to high levels of nitrates in the groundwater that exceed the EPA’s maximum contaminant level (MCL) of 10 mg/L. It should also be noted that nitrate levels exceeding 10 mg/L constitute a violation of WDEQ groundwater quality standards for domestic use, which may be a limiting factor regarding future development in the area that is dependent on septic systems for wastewater disposal.

Rising nitrate concentrations in other areas of the county (refer to TCD for list of such areas) may face similar challenges in the future if action is not taken to reduce nitrate levels. The descriptions of subareas should identify these nitrate “hotspots” and allow for the possibility that connections to centralized sewer systems, water filtration, and alternative water supply systems may be required if action is not taken to address the sources and causes of nitrate contamination.

Teton County’s water quality problems are the result of decades of neglect, inattention, complacency, and absence of adequate regulatory oversight at all levels of government. To remedy this, we must ensure that the job of restoring and protecting our precious water quality is viewed with the same sense of urgency as other community priorities such as affordable housing, wildlife crossings, easing traffic congestion, community policing and other pressing issues confronting Teton County. Preserving the status quo is no longer an option. We look forward to working with town and county planners and the community as a whole to ensure that our collective vision encompasses the fundamental right to clean water.

Sincerely,



Dan Heilig  
Senior Conservation Advocate  
Wyoming Outdoor Council



Brooke Sauser  
Community Planning Manager  
Jackson Hole Conservation Alliance



Dan Leemon  
Executive Director  
Protect Our Water Jackson Hole

Cc: Jackson Town Council  
Teton County Board of County Commissioners

September 1, 2020

Jackson Mayor and Town Council  
Teton County Board of County Commissioners

**Memo: Best first use of public funding for ecosystem conservation**

Dear Mayor, Madam Chair, Councilors, and Commissioners:

Thank you for your ongoing work on the very challenging public health crisis that our community faces. We are grateful that you have put our community's safety and health first. We also appreciate the difficult decisions you had to make through the budget process, and we understand that this year's budget may be amended given how quickly our economic situation is changing.

We appreciate the feedback we received from councilors and commissioners in response to our letters regarding ecosystem stewardship funding earlier this year. One common question was: **what would be the best first steps for conservation funding?** Understanding that town and county revenues are uncertain, we propose allocating funds to two purposes once funding is available, whether in this year's budget or in a future year.

**1. Ecosystem & Climate Action Plans & Goals**

Our community has invested significant time and resources into creating the [Housing Action Plan](#) and the [Integrated Transportation Plan](#) to implement the broader vision of our Comprehensive Plan. Both of these focused plans set out clear, measurable goals – 65% workforce housing and 11% smaller growth in vehicle miles traveled. But though ecosystem stewardship is one of the three common values, and it is at the core of our vision, *we have no ecosystem / conservation plan or goals*. So how can we know if we're making progress or losing ground? We need a Conservation / Ecosystem Action Plan that outlines clear goals, metrics, and a prioritized path forward. We estimate this would be a \$150K one-time expense, mostly in consultant time, and believe this would most logically live at the County.

In parallel, and for the same reasons, we support the recent discussions about the need for a Climate / Sustainability Action Plan. We believe the climate plan would have a similar cost and would logically live at the Town. Both plans should be jointly developed if possible. These plans could further develop the priorities for, and be implemented by, related staff positions:

**2. Ecosystem / Sustainability Coordinators in local government**

We support creating a Town position focused on sustainability and climate goals and a County planning position focused on ecosystem / land stewardship / water quality. This is the staffing that [many members of Systems of Conservation joined forces to ask for](#) this spring, at about \$100-150K per staff position. While the above goal setting and plan development would chart a proactive path toward preserving our ecosystem, a staff member prepared to comment on the many projects coming at us now (the Bridger-Teton National Forest Plan, transfer of the Bureau of Land Management Parcels along the Snake River, implementation of the Wildlife Crossings Master Plan) and participate in the many coalitions (Clean Water Coalition, Systems of Conservation, etc.) would be of immediate value and impact. And the plans are much more likely to be implemented with professional staff in place.

We hope this information is helpful, and we welcome the opportunity to discuss these ideas with you in a workshop or at any time.

Sincerely,

*Skye Schell*  
**Jackson Hole Conservation Alliance**

*Kristin Combs*  
**Wyoming Wildlife Advocates**

*Sharon Mader*  
**National Parks Conservation Association**

*Kim Trotter*  
**Yellowstone to Yukon Conservation Initiative**

*Frances Clark*  
**Teton Plants, Wyoming Native Plant Society**

*Dan Leemon*  
**Protect Our Water JH**

*Siva Sundaesan*  
**Greater Yellowstone Coalition**

*Sarah Walker*  
**Friends of the Bridger-Teton**

*Timothy O'Donoghue*  
**Riverwind Foundation**

*Penelope Maldonado*  
**The Cougar Fund**

*Renee Seidler*  
**Jackson Hole Wildlife Foundation**

*Peggie dePasquale*  
**Wyoming Wilderness Association**

*Amy McCarthy*  
**Teton Raptor Center**

*Ben Williamson*  
**Northern Rockies Conservation Cooperative**

*Jared Baecker*  
**Snake River Fund**

*Hayley Mortimer*  
**The Nature Conservancy in Wyoming**

*Lisa McGee*  
**Wyoming Outdoor Council**

*Chris Deming*  
**The Trust for Public Land**



# Update to the 2012 Jackson | Teton County Comprehensive Plan: Consideration of adoption of the July 29, 2020 Draft

GROWTH MANAGEMENT PROGRAM & COMP PLAN UPDATE

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OCTOBER 13, 2020

SPECIAL JOINT INFORMATION MEETING

CONTINUED FROM OCTOBER 5, 2020

# Today's Meeting Purpose

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1. Review proposed updates to the 2012 Comprehensive Plan
2. Make final edits to be incorporated into the July 29, 2020 draft before adoption



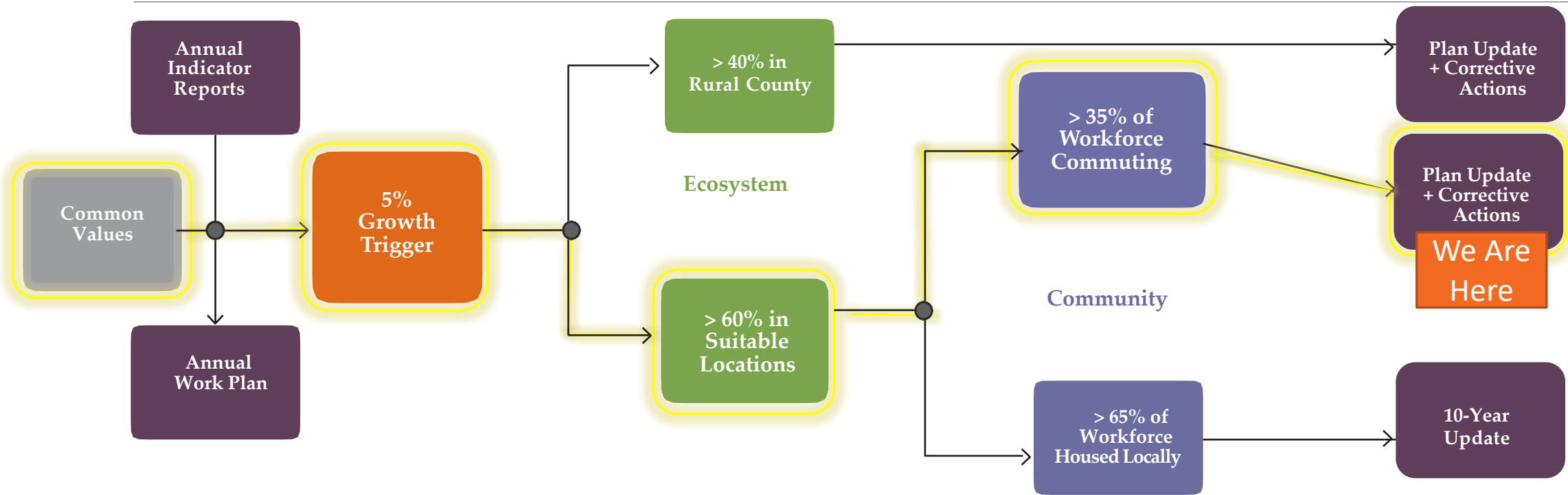
# Part 1.

## Review proposed updates to the 2012 Comprehensive Plan





# The Growth Management Program

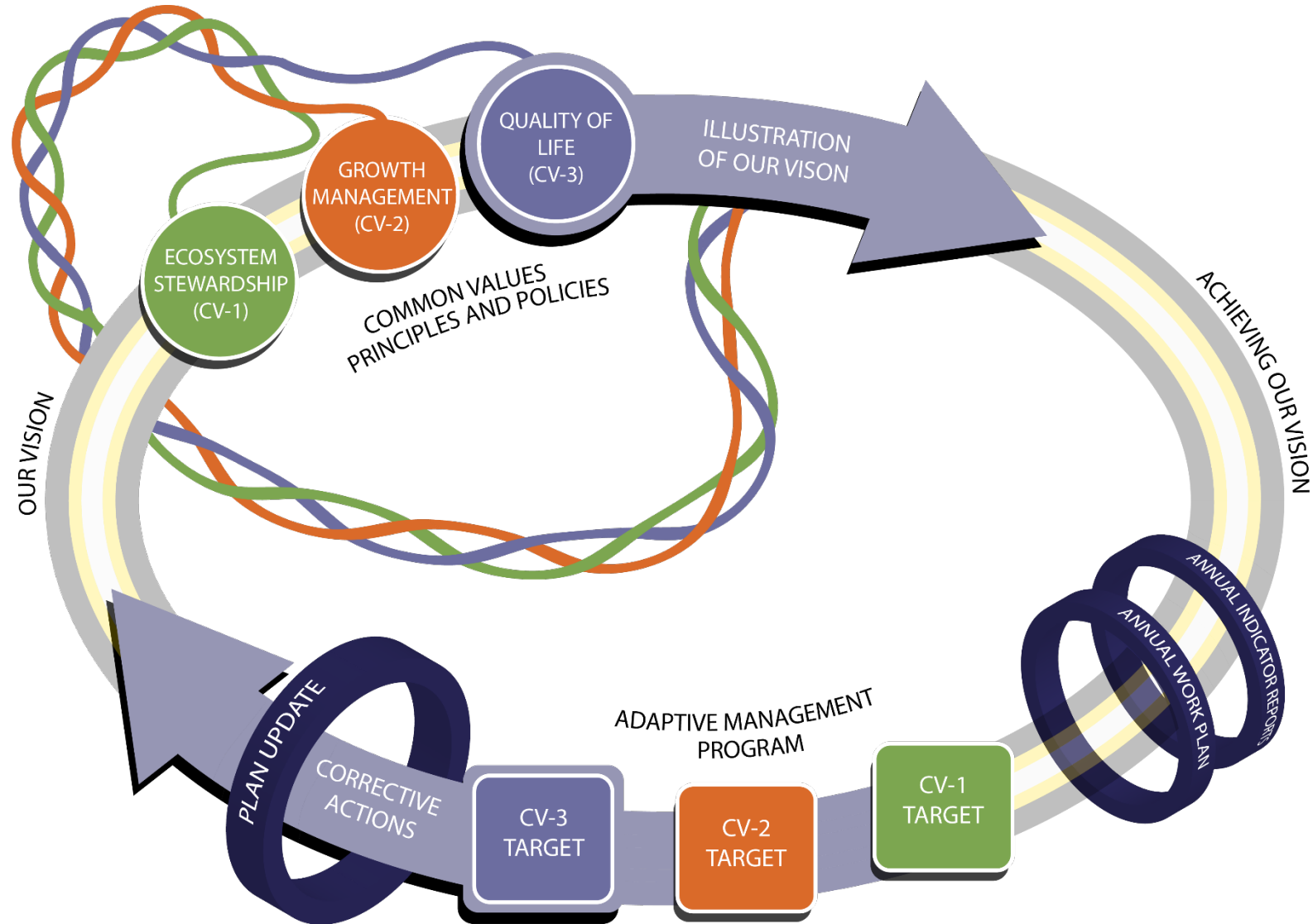


**Amount**  
5% growth hit in 2017

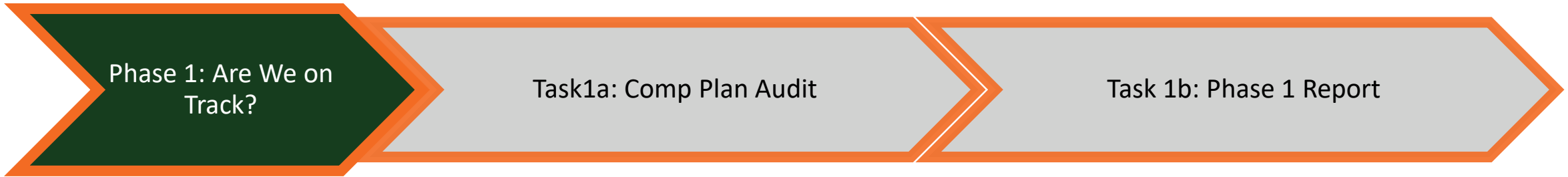
✓ **Location**  
Over 60% of current and future growth directed into Complete Neighborhoods from rural areas

✗ **Type**  
Less than 65% of the workforce is living locally (56%)

# A Forward-Looking Plan



# Plan Update Process:



## PHASE 1: Are We on Track? (July – October 2019)

- 28 Stakeholder Interviews
- 40 Stakeholder Audits of 2012 Comp Plan
- 600+ Questionnaire Responses (offered online, in person, in English and in Spanish)
- Analysis of past Indicator Report data and trends

➔ Phase 1 Report: [“The Comp Plan Seven Years Later: Are We on Track?”](#)

# Phase 1 Outcomes

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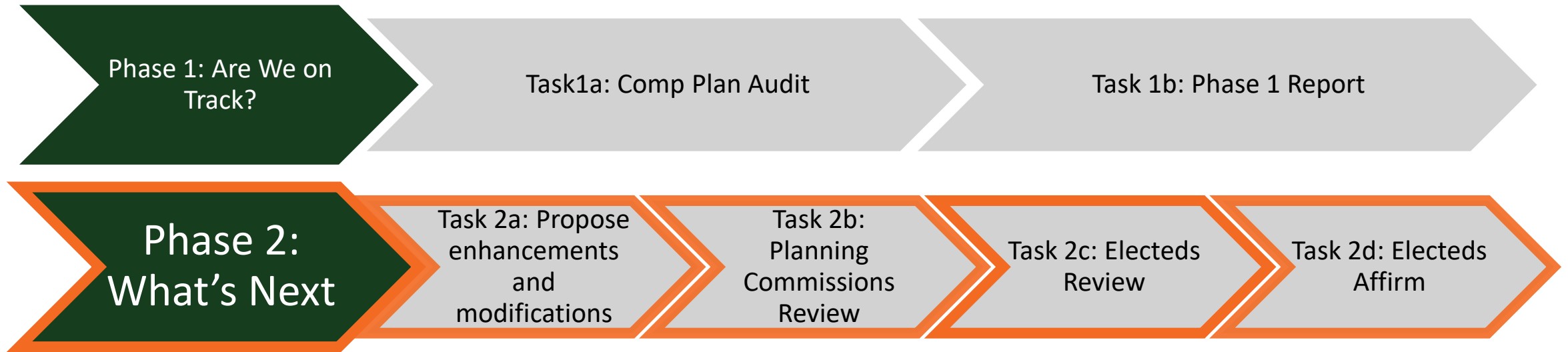
## *Four key trends since 2012:*

- Increasing Greenhouse gas emissions
- Continued demand for housing
- Increasing inequality
- Positive development pattern

## *Current public perception:*

- We have a strong vision & plan and just need to follow it.
- Our Ecosystem health is good, but in danger of decline from climate change.
- The growth management policies in place are good and need to be implemented, not revised.
- There is work to be done related to quality of life. Housing, transportation, and economic efforts need improvement.

# Plan Update Process:



## PHASE 2: What's Next? (October 2019 – February 2020)

- Over 900 suggested enhancements and modifications from stakeholders and the public through an online questionnaire, an open house, and a Spanish-speaking workshop
- November Joint Planning Commission Review
- December and February Joint Information Meetings to review and affirm

➔ Phase 2 Report: ["Comp Plan Updates & Corrective Actions: What's Next?"](#)

# Phase 2 Outcomes

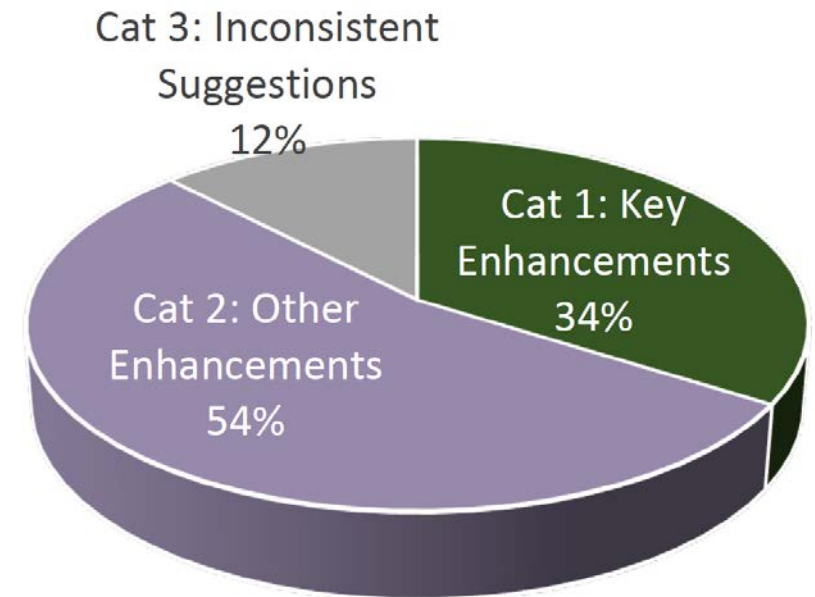
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Phase 2 resulted in three categories of Plan enhancements & modifications:

Category 1: Key Enhancement Topics

Category 2: Plan Enhancements and Implementation Directives

Category 3: Inconsistent Suggestions



# Phase 2 Outcomes

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## Category 1 Key Enhancement Topics:

A. Aspire to  
Big Goals

B. Improve  
Water  
Quality

C. Emissions  
Reduction  
and Climate  
Action Plan

D. Provision  
of Housing  
Options

E. No  
Additional  
Growth/Growth  
Areas/Growth  
Boundaries

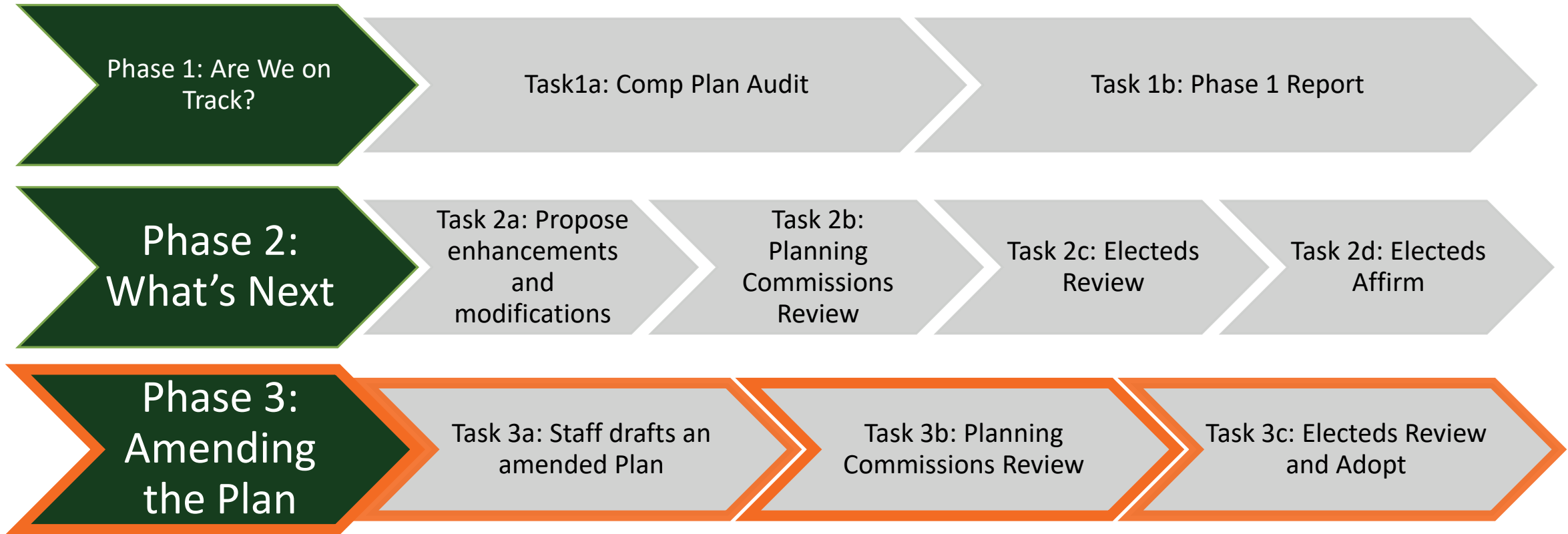
F. Reinforce a  
Shift in How  
We Travel

G. Define the  
Economy We  
Want

H. Define the  
Level of  
Service We  
Expect



# Plan Update Process:



## PHASE 3: Amending the Plan (February 2020 – October 2020)

- September 14<sup>th</sup> Joint Planning Commission Review to review and recommend
- October 5<sup>th</sup> Joint Information Meeting to review and adopt

➔ [July 29, 2020 Final Draft and Guide](#)

# Final Review & Adoption Process

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## October 5<sup>th</sup> JIM:

1. Review of proposed updates to the 2012 Comprehensive Plan
2. Make final edits to be incorporated into the July 29, 2020 draft before adoption

## October 13<sup>th</sup> Special JIM:

- Continue October 5<sup>th</sup> meeting tasks

## November 2<sup>nd</sup> JIM:

3. Adoption of Update Comprehensive Plan

# Unchanged: A Constant, Common Vision

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## Our Vision in 2012

Preserve and protect the area's ecosystem in order to ensure a healthy environment, community, and economy for current and future generations.

*Proposed*

## Our Vision in 2020

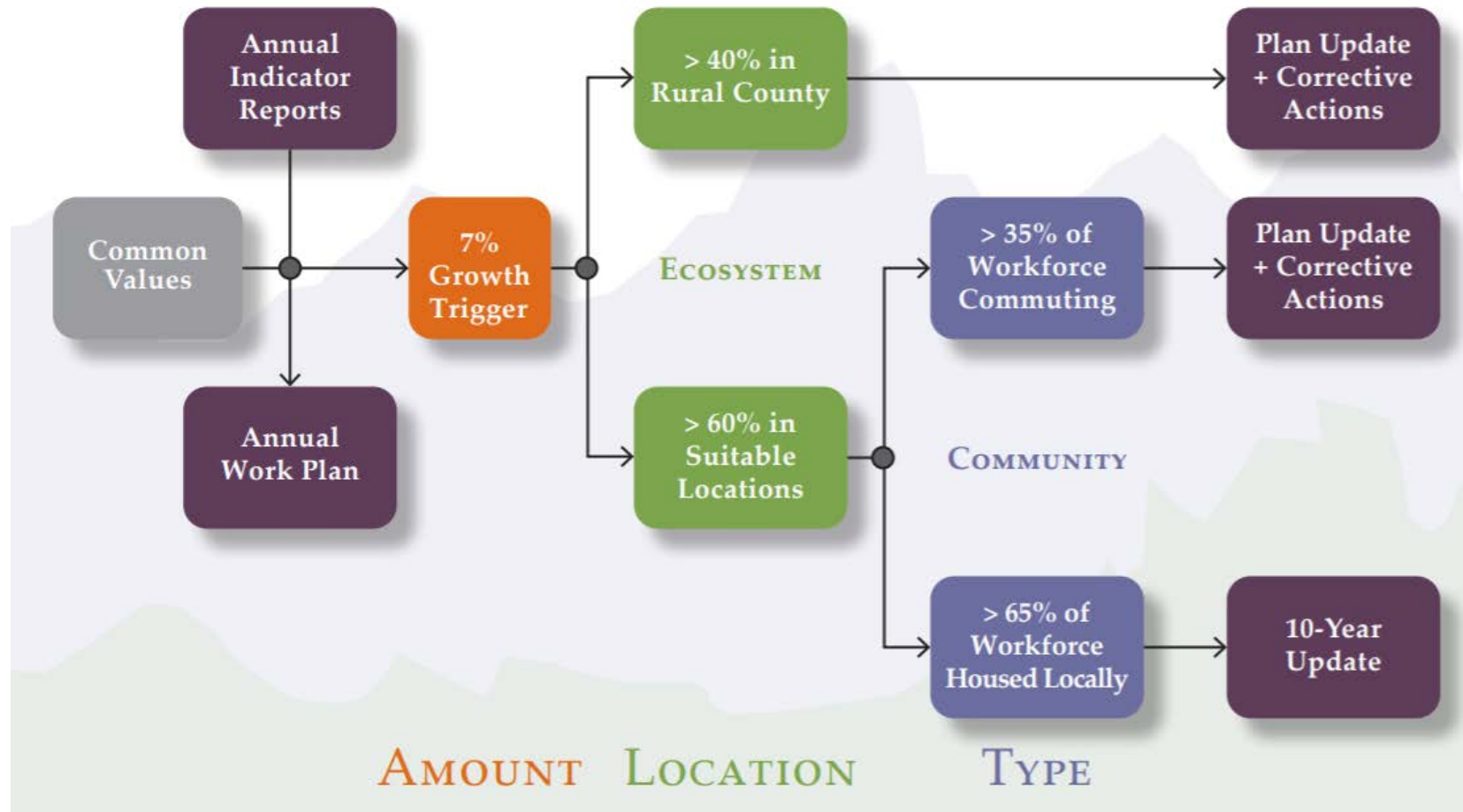
Preserve and protect the area's ecosystem in order to ensure a healthy environment, community, and economy for current and future generations.

# Unchanged: Our Three Common Values

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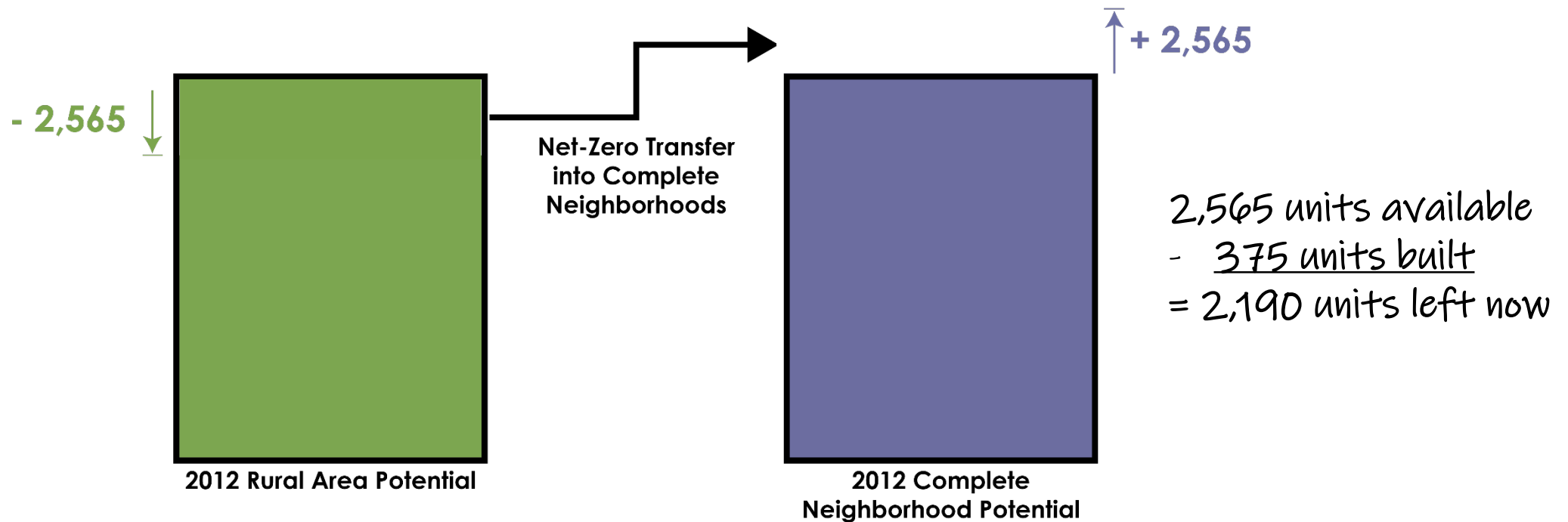
- Ecosystem Stewardship
- Growth Management
- Quality of Life

# Unchanged: 3-step GMP Structure



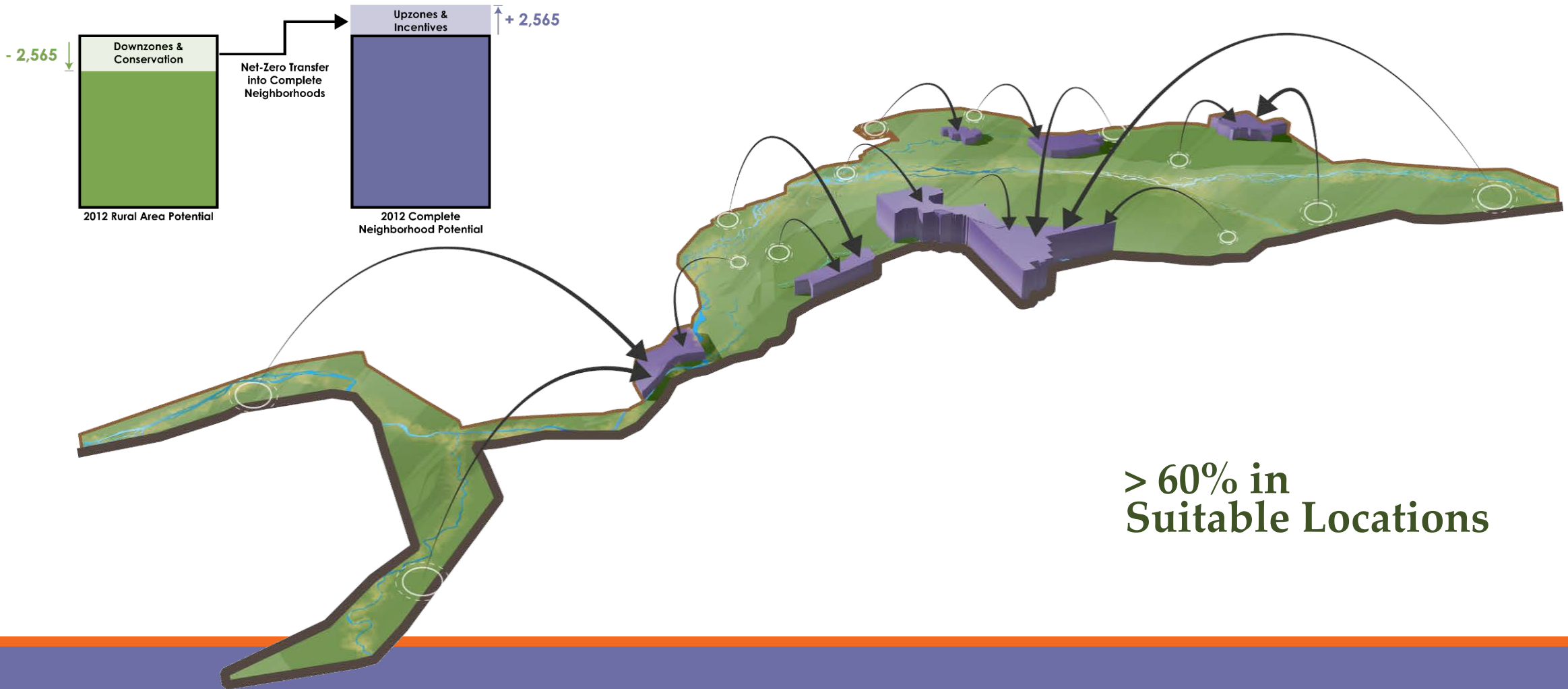
## ➤ Amount of Growth

*Under cap, potential can be moved but not added; every time we reach 5% growth, we check that Type and Location targets are being met and, if not, adapt the Plan in an Update.*



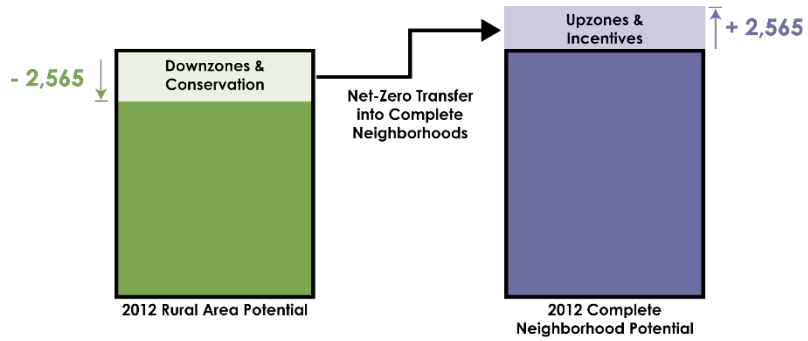


# *Location* of Growth

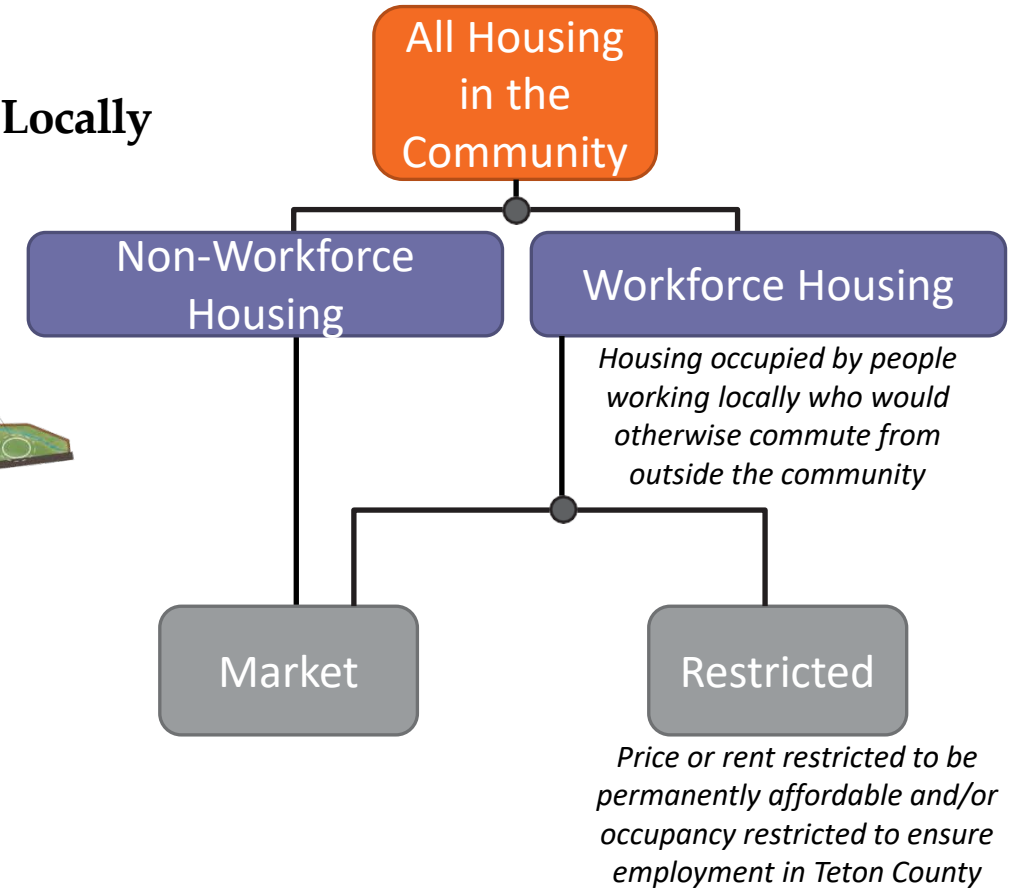
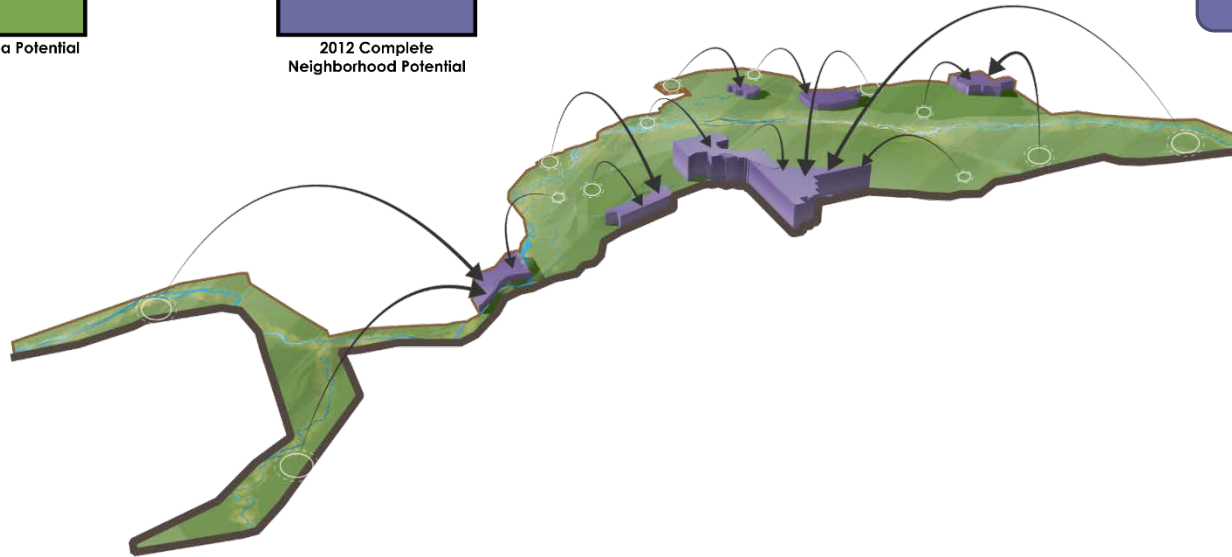




# Type of Growth

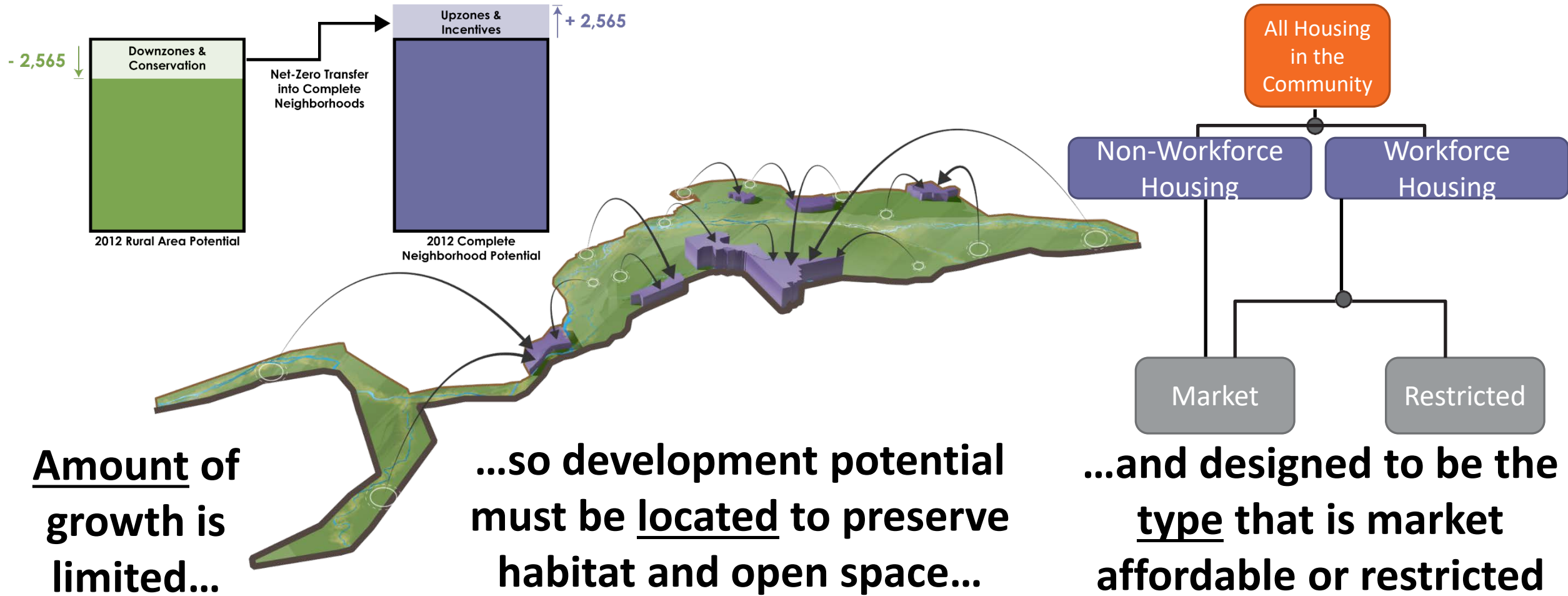


> 65% of  
Workforce Housed Locally





# Amount, Location & Type of Growth



# Review and Discussion of Updates

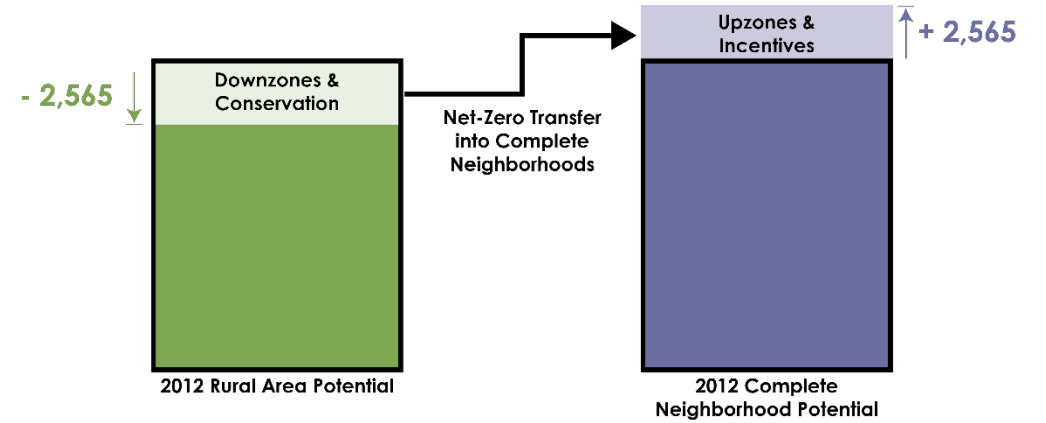
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- Homework was to review the entirety of the July 29, 2020 draft prior to this meeting and come prepared to propose any potential amendments or edits that you have identified during your review of the draft.
- During this final phase of the Growth Management Plan review and Comprehensive Plan update, discussion and comment should focus on clarifications and enhancements to language and concepts rather than consideration of adding new concepts.
- Each chapter of the Plan will be outlined in a slide, with proposed updates and Planning Commission recommendations highlighted. Boards can discuss and propose changes to the draft, straw poll proposed changes, and staff will track those with majority interest to be included in revised motion for incorporation into draft

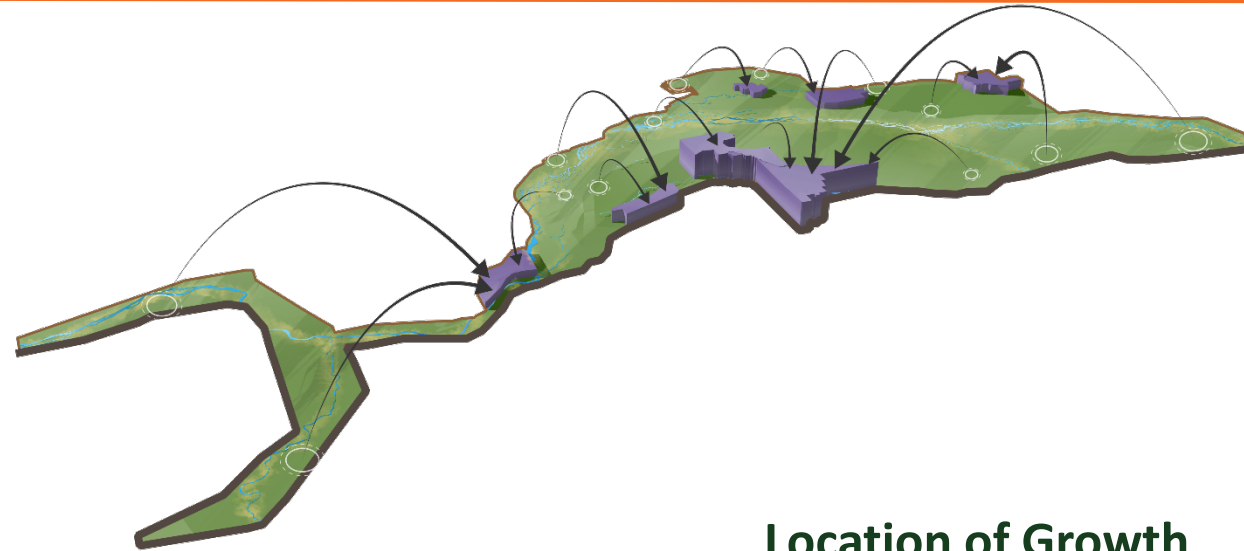
# Updates to: Executive Summary



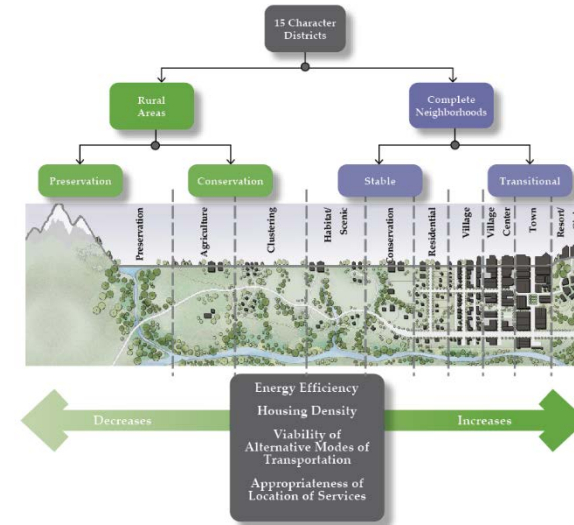
Our Community's Vision



Amount of Growth



Location of Growth



Type of Growth



# Updates to: Chapter 1

## Stewardship of Wildlife, Natural Resources and Scenery

### Improve Water Quality

- Commit to coordinated water quality monitoring
- Develop a Water Quality Enhancement Plan

Establish an Ecosystem Stewardship target for the Growth Management Program

Address invasive and nonnative species

Continually improve our ecosystem stewardship

Develop an ecosystem stewardship education program

Explore hiring a staff ecologist

Reevaluate the purpose and staffing of the Teton County Scenic Preserve Trust



# Process

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## **Current Planning Commission Recommendations (August 28<sup>th</sup> Memo):**

- Condition 2: Revise entirety of Chapter 1 (and all other applicable Chapters) to include edits suggested in the August 28, 2020 Memorandum from the Teton County Conservation District, Town and County Engineers, etc. including comments submitted by the JHCA and the Wyoming Outdoor Council that are consistent with the August 28 Memorandum, which is comprised of the following suggestions.
- Condition 3: Revise Strategy 1.2.S.3 to create a community-wide comprehensive water quality enhancement plan with management framework and sufficient staffing and resources to complete and enforce the framework.

## **Staff recommendations to incorporate:**

- Water quality section was enhanced and reinforced through:
- Separated Principle 1.2 to specifically address water quality
- Addition of Policy 1.2.d stressing the importance of groundwater
- Enhanced section Strategies S1 and S3 and added new strategies S5, S6, and S7
- Reaffirmed the development of water quality indicators and triggers

# Water Quality Revisions

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## New Principle

### Principle 1.2 **Preserve and enhance surface water and groundwater and air quality .**

- Clean water ~~and air are~~ **is one of** the most basic requirements of a healthy ecosystem and community. The ~~high water and air~~ quality of Jackson and Teton County ~~are~~ **is** essential to the ecosystem and scenic beauty that residents and visitors enjoy. Stewardship of waterbodies, wetlands, riparian areas, and groundwater ~~and the air~~ is vital to sustaining healthy populations of native species and for the health and safety of the human community. **Preservation of water quality includes water features, from small creeks to large systems, including the Snake River Sole Source Aquifer due to its importance as the community's water source.**
- Created a separate air quality principle
- Removed “high” relating to water quality
- Added reference to Snake River Aquifer

# Principle 1.2

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Policy 1.2.a: Buffer waterbodies, wetlands, and riparian areas from development

Policy 1.2.b: Require filtration of runoff

Policy 1.2.c: Coordinate water quality monitoring with Teton Conservation District and other partners

Policy 1.2.d: Protect groundwater and Public Water Systems

Provide an increased level of protection of our groundwater and Public Water Systems through the implementation of best management practices, monitoring, and adherence to local, state and federal regulations, and other applicable guidance.

# Policy 1.2 strategies

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1.2.S.1: Evaluate and update natural resource protection standards for waterbodies, wetlands(**including jurisdictional and non-jurisdictional**) and riparian areas.

1.2.S.2: Evaluate and update surface water filtration standards, focusing on developed areas near significant waterbodies.

1.2.S.3: Develop a water quality enhancement plan that includes consideration of additional County funding for water quality.**In addition, develop plans, designations, assessments, and monitoring systems to further protect our water quality, source water assessments, source water protection plans, and lake and river management plans.**

1.2.S.4: Update the Flat Creek Watershed Management Plan.

**1.2.S.5: Investigate updates to the Land Development Regulations and other County Resolutions and Town ordinances to provide further protection for Public Water Systems, surface water, and groundwater, including, sewer line connection incentives, facility regulations, monitoring wells, and buffering distances**

**1.2.S.6: Enhance the use of existing and new tools to guide water quality protection, including, consideration of Groundwater Protection Districts and a water quality commission.**

**1.2.S.7: Educate our community on the importance of water quality protection and our sole source aquifer, in addition to the application of existing tools and regulations**



## Emissions Reduction and Climate Action Plan

- Updating Chapter 2 To Be Direct About Efforts To Reduce Greenhouse Gas Emissions To Limit Climate Change
- Adopting a Implementation Tool for Chapter 2 (Emissions Reduction And Climate Action Plan)
- Overall update of Chapter 2 as individual project

# Updates to: Chapter 2 Climate Sustainability



## Defined Growth Areas and Boundaries

- Beginning the neighborhood planning of Northern South Park
- Affirming the residential and non-residential caps
- Shrinking the boundary of Subarea 7.2 Hog Island to remove the Ross Plateau

Preserve historic structures and sites

Review the CN-PRD and evaluate methods to promote its use, including a CN-PRD catalyst project.

Identify locations in the County that may be appropriate for higher residential density to meet community-wide workforce housing goals.

Consider adding a position with a focus on management and reporting of data.

# Updates to: Chapter 3

## Responsible Growth Management



# What is the Current State of the Caps?

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## Adopted Residential Cap: no more than 2012, move to CNs

- Cap affirmed in 2016
- 2,300 residential units removed from Rural County in 2016
  - ~570 units reallocated CN-PRD tool to encourage County conservation
  - ~1,800 units reallocated Town workforce housing bonus
- CN-PRD and Workforce Housing Bonus allow more units than cap – tools expire once cap is hit

## Adopted Commercial Cap: no more than 2012

- Cap affirmed in 2016



# How Many Units are Needed?

## How Many Are in the Pipeline?

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400 – 1,100 are needed to “catch-up” to 65%

- Staff believes the need is closer to 400 than 1,100
- 400 is consistent with the Housing Action Plan and most recent workforce survey (2014)
- 1,100 is based on worst case calculation

725 units are currently in pipeline

- 123 income-restricted units
  - 153 workforce units
  - 194 market rentals units
  - 255 market ownership units
- } = 470 units

Encouraging developments to utilize allowances and incentives in Town transitional subareas

Working to remove barriers to development in existing high-density zones

Exploring the allowance of a fourth floor for workforce housing in more Town zones

Beginning the neighborhood planning of the Fairgrounds and other Transitional areas of Town

# Updates to: Chapter 4

## Town as Heart



## Provide Housing Options

- Encouraging developments to utilize allowances and incentives in Town transitional subareas
- Adding a strategy to make impactful investments in infrastructure and housing projects
- Developing neighborhood plans for transitional subareas
- Developing a goal for the human character of the community

# Updates to: Chapter 5

## Local Workforce Housing





## Define the Economy We Want

- Updating the employee generation nexus study
- Updating Chapter 6 to make it clear and consistent with the rest of the Plan

# Updates to: Chapter 6

## A Diverse & Balanced Economy





## Commit to a Shift in How We Travel

- Updating the Chapter 7 goal to state that travel by walk, bike, carpool, or transit will be more convenient than travel by single-occupancy vehicle
- Incorporating the ITP as the implementation Plan for Chapter 7
- Evaluating the importance of outside-the-box solutions

# Updates to: Chapter 7

## Multimodal Transportation





Define the Level of Service We Expect

- Identifying appropriate locations for infrastructure before it is needed
- Developing a funding Principle that addresses stable funding, additional revenue, and a policy for how to use SPET
- Recommitting to coordinating with other governmental and non governmental organization on service delivery

# Updates to: Chapter 8

## Quality Community Service Provision





## Aspire to Big Goals:

- Ensuring All Chapter Goals Are Aspirational And Measurable
- Ensuring Two-way Conversations With The Community
- Committing To A Forward-looking Culture Of Planning

# Updates to: Chapters 9 & 10

## Plan Management & Implementation



# Updates to Illustration of Our Vision Section

- Updating District policies with amended language or newly added policies
- Subarea 2.3 Downtown: consider adding fourth floor allowance
- Subarea 3.3 Rodeo Grounds: Neighborhood Plan for future
- Subarea 5.6 Northern South Park: Neighborhood Plan for future
- Subarea 7.2 Hog Island Home Business: redesignate Ross Plateau from Complete Neighborhood to Rural Area
- Subarea 12.2 390 Residential: Consider increased density at/around Raines parcel



# Subarea 5.6 and Neighborhood Plans

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- Direct staff to consult with Town and County Attorney's Offices on language that is more consistent with intent and purposes of a Comprehensive Plan.
  - Comp Plan is guiding visionary document and is not a regulatory document
  - Regulatory versus directive language: "will be" versus "should be"
  - Staff will provide updated language in draft for consideration at November 2<sup>nd</sup> JIM



# General Edits:

- Correction of any grammatical or typographical errors identified by staff that do not change the content or meaning of the Plan
- Any edits deemed necessary by the Town or County Attorney for consistency with State and Federal law



## Part 2.

Make final edits to be incorporated into the July 29, 2020 draft before adoption





# Written Public Comment

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- All written public comment was attached to the staff report or emailed separately subsequent to the report

# Suggested Motion

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➤ I move to continue this item to the November 2, 2020 Joint Information Meeting and direct staff to incorporate the following edits and amendments into the July 29, 2020 draft for consideration of adoption as an update to the 2012 Jackson/Teton County Comprehensive Plan at that meeting.

- 1.
- 2.
- 3.



# STAFF REPORT



|                               |                                 |                        |                          |
|-------------------------------|---------------------------------|------------------------|--------------------------|
| <b>MEETING DATE:</b>          | October 13, 2020                | <b>MEETING TITLE:</b>  | Town Council Special Mtg |
| <b>SUBMITTING DEPARTMENT:</b> | Administration                  | <b>PRESENTER:</b>      | Larry Pardee             |
| <b>AGENDA ITEM:</b>           | Robert Wood Johnson Application | <b>PUBLIC COMMENT:</b> | None.                    |

**PURPOSE & POICY CONSIDERATIONS:** The purpose of this item is consideration of submittal to Robert Wood Johnson's 'Culture of Health Prize,' which elevates communities that are advancing health, opportunity, and equity for all. Up to ten winning applicants will receive \$25,000 and become part of a national network of communities working toward locally driven change.

**REQUESTED ACTION:** Staff requests approval from the Town Council to submit the prize application.

**RECOMMENDATIONS:** Staff recommends the Town Council approve the submission of a prize application to Robert Wood Johnson, execution of all associated agreements or prize documentation, and upon successful award, acceptance of the prize.

**BACKGROUND:** In these unprecedented times, the Robert Wood Johnson Foundation is looking to support communities helping their constituents and stakeholders maintain health, provide resources and work toward equity. This prize supports communities creating powerful partnerships and deep commitments to provide everyone, including those facing the greatest challenges, with the opportunity to live the safest and healthiest life possible.

**ANALYSIS:** The initial COVID-19 impacts included significant decreases in revenue collections (sales and lodging tax). These decreases were not as significant as projected which helped offset the impacts of our planned use of reserves. However, the fall and winter revenue projections are still unknown. September and October historically account for about 21% of our annual sales tax collections. We do not have sufficient data available to accurately assess winter impacts of COVID-19. Southern hemisphere ski reports and Rocky Mountain resort publications imply there could be a significant hit to winter visitation. Approximately 29% of annual sales tax collections occur from December – March. With 52% of annual collection still pending during these 6 months, the potential to miss projections if the pandemic persists could reduce fund balance projections. Although revenues have been better than expected, the Town is still utilizing significant reserves to balance the FY2021 budget. This practice of utilizing reserves will not be sustainable moving into FY2022 and FY2023.

**COMPREHENSIVE PLAN & PRIORTY ALIGNMENT:** Common Value #3 - Quality of Life, Section 8. Quality Community Service Provision

**FISCAL IMPACT:** \$25,000, if awarded. No match is required and award is considered a 'prize.'

**STAFF IMPACT:** Manager Community Development Department is writing and submitting the application, and if awarded, will work with Town Manger to recommend where to direct support. Staff impact for pursuit of this prize is approximately 4 hours of time spent by the Public Engagement Specialist, 30 minutes of Town Clerk time to get signatures, scan, and archive, and potentially 1 hour of Finance time to coordinate any document submittal requirements and record retention.

**ATTACHMENT OR LINKS:** None

**SUGGESTED MOTION:** *Council always has the option to adopt, approve with conditions, continue, or deny items.*

I move to approve the submission of a prize application to Robert Wood Johnson, execution of all associated agreements or prize documentation, and upon successful award, acceptance of the prize.