

TETON COUNTY PLANNING AND ZONING COMMISSION
JOINT MEETING WITH THE BOARD OF COUNTY COMMISSIONERS
Meeting Primer – July 12, 2016
Commissioners' Chambers - Driggs, ID

Documents to Review

- Draft Summary of Code Update for public outreach
 - This is a 2-page flyer that could be used for different outreach events that helps the public understand the process and the code changes.
 - The intent of this document is to provide enough information to spark someone's interest to look into the code or ask question without providing so much detail that it is confusing or too much for anyone to continue reading.
 - We have discussed doing a 5-10 page summary of the code process and how it complies with the comp plan. This is still something we can do, but it may not be the best option for public outreach.
 - The first page focuses on why we are updating the code, the process, and some of the major changes.
 - The second page focuses on how the code complies with the Comp Plan. This page isn't finished in this draft.
 - The proposed idea for this page is to list the goals from the comp plan and include a few sentences each to summary how the code is meeting those goals.
 - Another option would be to provide a summary of the goals and how the code is meeting them.
 - The formatting and general look of this document can change to be more "eye-catching" or remain simple.
- Frequently Asked Questions
 - This FAQs sheet is intended to relate to the draft code, not to planning topics in general.
- Code Changes
 - This is a list of code changes I have identified so far. I plan to continue going through the code in more detail to identify more. There are also some areas that need to be clarified/added and discussed with the PZC/BoCC before changing but need some more information that available at this time – i.e. short term rental regulations, restrictions to sleeping units/recreational residences, etc.



WHAT YOU NEED TO KNOW

about the Teton County, Idaho Land Use Development Code Update

Why is the Code being Updated?

From 2010-2012, Teton County went through an extensive rewrite of the County's Comprehensive Plan. The rewrite presented a clearer understanding of the goals, desired policies, and the character of Teton County after the development boom in the mid-2000s.

This new Comprehensive Plan created a need to update the County's Land Use Codes (Subdivision and Zoning) because Idaho's Local Land Use Planning Law (§67-65) specifies that county zoning ordinances, subdivision regulations, and official zoning map must not be "in conflict with the policies of the adopted comprehensive plan" (§67-6511-c).

How does the Code Update get Approved?

First, the Planning & Zoning Commission must hold a public hearing on the Draft Code, get public input, then make a recommendation to the Board of County Commissioners.

The Board of County Commissioners can hold public meetings to review the recommended code. After material changes are made, the Board has to hold a public hearing, get public input, then approve the code. The Board has to pass a Resolution to officially adopt the code.

What parts of the code are being updated?

Zoning Districts

Currently, most of Teton County is zoned A-2.5 or A-20. One of the biggest differences between the current code and the updated code is the change in Zoning Districts. The new residential districts include Rural Agriculture, Lowland Agriculture, Foothills, and Agricultural Rural Neighborhood. These new zoning districts are based on the character of the land, identify priority open space areas unique to each district, and identify ways that development should be designed to reflect the character of each zoning district.

Land Split Options

The updated code is providing new options to split your land. The One Time Only land split is still available. There is also a Land Division option, which allows you to create up to 4 lots, total. The subdivision process has been split into two process: a Short Plat option, which allows you to create up to 5 lots, total, and a Full Plat option, which allows you to create larger subdivisions. The Land Division option does not require the dedication of a public right-of-way or the extension of utilities.

Density & Minimum Lot Size

In the updated code, density and minimum lot size are different. Density is the number of lots allowed per acre, and minimum lot size is the minimum acreage allowed for a lot. If your density is 1 lot per 20 acres and you have 100 acres, you would be eligible for 5 lots. Those 5 lots could range in size as long as they are not smaller than 1 acre. This means you could have 5, 1 acre lots with 95 acres of open space or 5, 20 acre lots, or a variety of lot sizes. This code also provides three different density options for the Short Plat and Full Plat processes. This means you can choose how many lots you're eligible for and how much open space you will have to provide. For example, if you provide 75% open space, your density may be 1 lot per 10 acres, but if you only provide 25% open space, your density may only be 1 lot per 30 acres.

Open Space

The updated code requires open space with the Short Plat and Full Plat processes. Your zoning district will determine what your open space will be (i.e. agricultural land, steep slopes, wildlife habitat, wetlands and floodplain, etc.). You can also choose how much open space you want to provide (25%, 50%, 75% in Rural Districts or 20%, 40%, 60% in Ag Rural Neighborhood). As more open space is provided, the density allowed is increased.

How You Can Be Involved

- Stop by the planning office to ask questions
- Check out www.tetonvalleycode.org/teton-county/ and www.tetoncountyidaho.gov
- Watch for public outreach events around town and meeting notices in the newspaper, online, or at the Courthouse
- Attend meetings, provide written public comment and/or oral public comment. You can even comment directly from the Teton Valley Code website!



Compliance with the Comprehensive Plan Goals & Policies

natural resources + outdoor recreation

- Conserve our public lands, trail systems, and natural resources (air, water, wildlife, fisheries, wetlands, dark skies, viewsheds, soundscape, soils, open space, native vegetation).
- Enhance and preserve access to public lands and recognize the need to accommodate different user groups in a way that minimizes user conflict and damage to natural resources.
- Provide and promote exceptional recreational opportunities for all types of users (including but not limited to biking, skiing, fishing, off-highway vehicle use, target practice, hunting, trail users, equestrians, boating, non-motorized flight) as a means for economic development and enhanced quality of life.
- Balance private property rights and protection of our natural resources.
- Recognize, respect and/or mitigate natural hazards, including but not limited to flooding, earthquakes, landslides, radon and fires.
- Promote natural resource protection by a variety of means including financial compensation for willing buyer/willing seller agreements that promote open space acquisition and land and water easements.
- On public lands and accesses, balance recreation with protection of natural resources.
- Respect sensitive habitat and migration areas for wildlife.

economic development

- Encourage, promote and support locally-owned businesses and create a hospitable and attractive environment for businesses and tourists.
This code allows for a variety of uses in the county in Article 10. This code also allows for a hospitable and attractive environment by protecting agricultural lands and natural resources, skyline views, allowing recreational uses, and lodging.
- Preserve our rural character and heritage and promote local agricultural industries.
This code has rural zoning districts with a reduced density and open space requirements that identify agricultural lands as a priority. Agricultural uses are permitted in all zoning districts. There are also agricultural building types and agricultural specific design standards, such as the scenic corridor.
- Recognize that tourism and lifestyle are fundamental components of our economy and are dependent on healthy natural resources.
The updated code allows for a variety of recreational uses throughout the county. It also requires open space to protect natural resources and agricultural lands.
- Accommodate additional population by supporting development that is economically responsible to the County and the community.
The updated code addressed this in different ways. One way is through Article 13, by requiring a Property Development Plan that includes appropriate studies for each development type (public services & fiscal impact, traffic impact), density is reduced throughout the county, open space is required for subdivisions, Transferred Development Rights is an option, and commercial/retail is limited.
- Support the development of a communications Master Plan
A land use code would not include a communications Master Plan, but the code does allow for wireless telecom facilities and utilities.

agriculture + rural heritage

- Preserve and enhance Teton Valley's small town feel, rural heritage and distinctive identity.
- Balance property rights and rural character.
- Support and enhance agriculture and ranching.
- Respect cultural heritage sites.
- Reduce infestation/introduction of invasive species.

transportation

- Provide well-maintained transportation infrastructure including roads, paved pathways and sidewalks.
- Create convenient, safe, timely, financially sustainable and efficient options for multi-modal* transportation that satisfies a multitude of needs.
- Provide a well-connected transportation network within Teton Valley and within the region.
- Develop transportation appropriate for a rural community, respectful of the unique character of Teton Valley.
- Support continued improvements to the Driggs Memorial Airport to support Teton County's aviation needs.

community events + facilities

- Provide high-quality public and private services and facilities in a coordinated manner for the health, safety, and enjoyment of the community.
- Encourage the development and support of high-quality education facilities (primary, secondary and post-secondary) and diverse and affordable activities for all ages.
- Encourage an environment that fosters community involvement.
- Adequately fund existing and future public services and facilities.

Land Use Development Code Update

FREQUENTLY ASKED QUESTIONS

Will there be an A-2.5 or A-20 zone?

No. The new code identifies new residential/agricultural zoning districts. These include Rural Agriculture (RA), Lowland Agriculture (LA), and Foothills (FH), collectively known as Rural Districts. There is also an Agricultural Rural Neighborhood (ARN) zoning district. Article 3 of the new code provides information for each zoning district.

Can I subdivide my land?

Yes, the new code provides 4 options to split your land. Article 3 identifies the density and open space requirements for each of these options.

One Time Only – The One Time Only may be used to create 2 lots, total. In all zoning districts, the One Time Only requires a density of 1 lot per 10 acres. This means you need 20 acres to be eligible for the One Time Only.

Land Division - Land Divisions can be utilized to create more than one (1) parcel but fewer than 3 new parcels (4 total parcels) on any existing parcel that has not been previously platted. These divisions may be utilized all at one time or spread out through time. The purpose of the Land Division is to provide for a division of large, rural, unplatted land parcels in the County, into four (4) or fewer parcels through a simplified process, meeting specific criteria, in exchange for decreased density and minimized impacts to the County.

Short Plat - A short plat procedure can be utilized to create one (1) to four (4) lots (5 lots total) in a small scale subdivision. The required information/dedication would be less than is required for a full plat subdivision.

Full Plat - A subdivision not considered a Short Plat is considered a Full Plat. This process is a three step process similar to the current subdivision process. It requires Concept, Preliminary, and Final approvals.

What is the different between density and lot size?

Density is the number of lots allowed per acre. If the density of your zoning district is 1 lot per 20 acres and you have 100 acres, you would be eligible for 5 lots.

Lot size is the size of a lot. In the new code, the minimum lot size is identified as 1 acre, not including sensitive lands (i.e. wetlands, floodplain, steep slopes, etc.)

In the current code, density and lot size are the same number – the A-20 zone has a density of 1 lot per 20 acres and the minimum lot size is also 20 acres. In this situation, if you have 100 acres, you would be eligible for 5, 20 acre lots. In the new code, you could create 5 lots, each as small as 1 acre and provide the remaining acreage as open space.

Is open space required?

Yes, open space is required through the Short Plat and Full Plat processes. Each process has a sliding scale system for density and open space requirements, so you can choose to provide more open space for a higher density or less open space for a lower density. However, a minimum of 25% open space (Rural Districts) or 20% open space (Ag Rural Neighborhood) is required.

I have a Conditional Use Permit. What happens when my zoning district changes?

If you have a Conditional Use Permit, it will continue to be valid even if that use is no longer permitted in your new zoning district. As long as you continue to meet the conditions of approval and do not stop use for at least 1 year, your Conditional Use Permit will remain active. If you sell your property, the approved Conditional Use Permit can continue to be used by the new owner.

Are home businesses allowed?

Yes, home businesses are allowed. In the current code, this was done through a home occupation permit. The new code identifies three different options for home businesses.

Home Business - A home business provides a service or product that is conducted wholly within a dwelling that requires employees, customers, clients, or patrons to visit the dwelling, such as services where the customer is present or employees assist in the business.

Home Occupation - A home occupation provides a service or product that is conducted wholly within a dwelling unit, such as telecommunication work, online business, or where the business owner travels off site for the work. Customers and employees coming to the dwelling to conduct business are not allowed.

Home Industry – A home industry is an industrial use conducted within a residential district that must be clearly incidental and subordinate to the primary, residential use.

Did the scenic corridor regulations change?

Yes, the Scenic Corridor requirements have changed. This overlay area includes all lands lying both sides of the rights-of-way for Idaho State Highways 31, 32, and 33 and Ski Hill Road from the Driggs City limits to the Wyoming state line. In the current code, the overlay includes land within 330 feet from the edge of those right of ways. In the new code, the overlay includes land within 500 feet from the centerline of the road. There are also standards identified for development depending on the distance you build from the road, included an option for agricultural buildings. In the current code, the Scenic Corridor Design Review has to be approved by the Planning & Zoning Commission. The new code allows the Planning Administrator to approve this review.

May I rent out my property?

This is something we need to determine if we want to regulate... currently we do not regulate rentals.

May I use an RV as a residence? Tiny home?

These may be considered Temporary Structures, which are permitted on a property for no more than 180 days. These may also qualify as a Recreational Residence building type, as defined in Article 8.

What is the Right to Farm Act?

The right to farm is a natural right and is recognized as a permitted use throughout the state of Idaho. The new code allows agricultural uses in all zoning districts. Agricultural buildings are also identified as a building type, which are eligible for Agricultural Exempt building permits. The new code also identifies agricultural lands as a priority for open space to preserve the prime agricultural lands in Teton County. Reduced lot sizes also allow for land to be divided without having to lose large portions of agricultural lands for development.

Can I have two residences on my property?

Yes, you may be eligible for an accessory apartment (attached) or a backyard cottage.

Accessory Apartment - A second dwelling unit within or attached to an existing detached house, for use as a complete, independent living facility, with provisions for cooking, sanitation, and sleeping. This use is not considered a duplex. The maximum size for an accessory apartment is 900 square feet in the Rural Districts.

Backyard Cottage - A small, self-contained accessory dwelling unit located on the same lot as a detached house but physically separated for use as a complete, independent living facility, with provisions for cooking, sanitation, and sleeping. The maximum size for a backyard cottage is 1,500 square feet in the rural districts. On lots 5 acres or larger, this size restriction does not apply.

Page	Section	Comment (C), Question (?), Suggestion (S), Edit (E)	
All	All	Verify terms match throughout - Land Use Development Code, Planning Administrator, Planning Department, etc.	E
1-1	TOC	Add 1.4 Adopted/Official Zoning Map	E
1-2	1.1.2 B	Add "use" to Land Development Code	E
1-1	1.1.2 D.6	Delete "and"	E
1-3	1.1.3 C	Change "eligible parcel" to "lot of record"	?
1-3	1.1.6	Change to "Planning Administrator", add "Development" to Land Use Code, add streets to Article 12 Title	E
1-4		Add "use" to Land Development Code	E
1-4	1.2.6	Name these special overlay districts	?
1-5	1.3.1 A	Include reference to overlay maps	E
1-6	1.4	Add page & section to include copy of official zoning map	E
2-3	2.2.1	Add reference to 2.4	E
2-3	2.2.3 D	Add wetland before delineation	E
2-3	2.2.3 E	Spell out FIRM	E
2.6	2.4	Clarify if any structures or buildings can encroach into the sensitive land setbacks. Do we want to include land features (like driveways, landscaping, etc.) as exceptions to setbacks or not	?
3-3	3.1.1	Clarify the intent and description so the character of the zoning district is clearly defined - One way to do this is to rearrange key assets, development designs, and primary open space	E, S
3-5	3.2.1	Clarify the intent and description so the character of the zoning district is clearly defined - One way to do this is to rearrange key assets, development designs, and primary open space	E, S
3-7	3.3.1	Clarify the intent and description so the character of the zoning district is clearly defined - One way to do this is to rearrange key assets, development designs, and primary open space	E, S
3-9	3.4.1	Clarify the intent and description so the character of the zoning district is clearly defined - One way to do this is to rearrange key assets, development designs, and primary open space	E, S
3-11	3.5.1	Clarify the intent and description so the character of the zoning district is clearly defined - One way to do this is to rearrange key assets, development designs, and primary open space	E, S
3-14	3.7.4 A	Clarify this exception is granted through the subdivision approval process. Reference Article 14	E

Page	Section	Comment (C), Question (?), Suggestion (S), Edit (E)	
Article 6		This section doesn't really have density restrictions. There is a lot coverage provision and 20' setbacks. Do we want to make this more restrictive (i.e. limit building numbers)?	?
8-26	8.11.3	Change ground story height to 10' as per Cities' recommendation.	E
8-30	8.13.3	Change ground story height to 10' as per Cities' recommendation.	E
8-32	8.14.3	Change ground story height to 10' as per Cities' recommendation.	E
8-34	8.15.3	Change transparency for upper story to 15% as per Cities' recommendation.	E
8-35	8.16.1	Add minimum income required to count as farm income. Possibly \$1,000 per year or whatever the USDA uses.	E
Article 9		Change name to Special Overlay Districts	?
9-2 thru 9-6	9.1	Update with new Driggs Airport Overlay info	E
9-34	9.4	Add TDR map to show sending & receiving areas. Clarify scope throughout section by referencing map and sending & receiving areas instead of zoning districts.	E
9-38	9.5	Reserve a section for map. Clarify this is intended for area of impact unless we want it outside of area of impacts.	E ?
9-39	9.5.3.1	Reference 9.5.5 for Land Use Plan	E
9-42	9.6	Reserve 9.6.7 thru 9.6.9 for Driggs, Tetonia & Victor area of impact agreements	E
10-6	10.2	Add special event facility to REC zone with a CUP	E
10-22	10.6.7 A	Clarify definition of medium scale based on large scale definition	E
10-24	10.6.7 B	update large scale definition and size numbers to meet Idaho requirements	E
10-28	10.6.9	Clarify storage units - how many units are allowed? Do we want size restrictions?	S ?
10-49	10.9.14	Do we want to create standards	?
10-51	10.10.4	Do we want to limit this to 180 days on the property or just for use? These do not require a temporary use permit but I would recommend requiring a registration form/process to keep record of and help with enforcement. This registration would include some form of tag attached to the structure that would be visible from the outside to clearly identify registered structures.	S ?
11-22	11.3	Reference Article 14 for sign permit approval process	E

Page	Section	Comment (C), Question (?), Suggestion (S), Edit (E)	
Article 13		Add deadlines/time limits that plans and studies are valid	E
13-3	13.1.3 A.2viii	Clarify source of funding	E
13-4	13.1.3. C.2 j	Define historical significance	E
13-14	13.3.3 A	Update map so slopes in legend match slopes in text	E
13-36	13.3.11 D.2	Reference where LOS A and LOS B are located	E
13-44	13.3.16	Clarify survey does not guarantee building rights? Reference process in Article 14 that does.	?
13-45	13.3.17 B	Clarify that pre-recorded deeds are not previously-recorded. They are draft/prior to recording.	E
14-14	14.5.8	Remove OTO option because we have the Land Division	?
14-19	14.5.11	Provide provision for concept approval to be administrative with option to hold public hearing similar to current code	E
14-26	14.6.1.A	add 3. Temporary Use	E
14-27	14.6.9	Add applicability section - "Prior to the issuance of a permit for improvements to a site, including but not limited to building, grading, and sign permits, a site plan review is required."	E
14.55	14.10.6	Update with adopted building permit eligibility ordinance language	E
Article 15		Add acronym section	E