

# Preliminary Findings Report for Teton County Land Use Code Analysis.

## Introduction

From 2010-2012 Teton County went through an extensive rewrite of the County's Comprehensive Plan. The revised Comprehensive Plan reflects an understanding of the goals, desired policies, and character of Teton County obtained after the development boom that impacted the county in the mid-2000's. The result of this work created a need to update the County's Land Use codes including its Subdivision and Zoning Code. A Greater Yellowstone HUD grant awarded in the fall of 2011 included funds to contract Code Studio to assist Teton County in the land use code revision effort. A draft code was developed and submitted to the county in the fall of 2013 by Mr. Stephen Loosli at the behest of the County Commission. At present the county P&Z anticipates that the code revision process will be a year and a half long process.

The objective of this report is to outline the issues or problems that were identified with the current zoning code, by the Teton County Planning and Zoning Commission. A secondary objective of this report is to identify portions of the Comprehensive Plan that are of a high priority to focus on through the revision process.

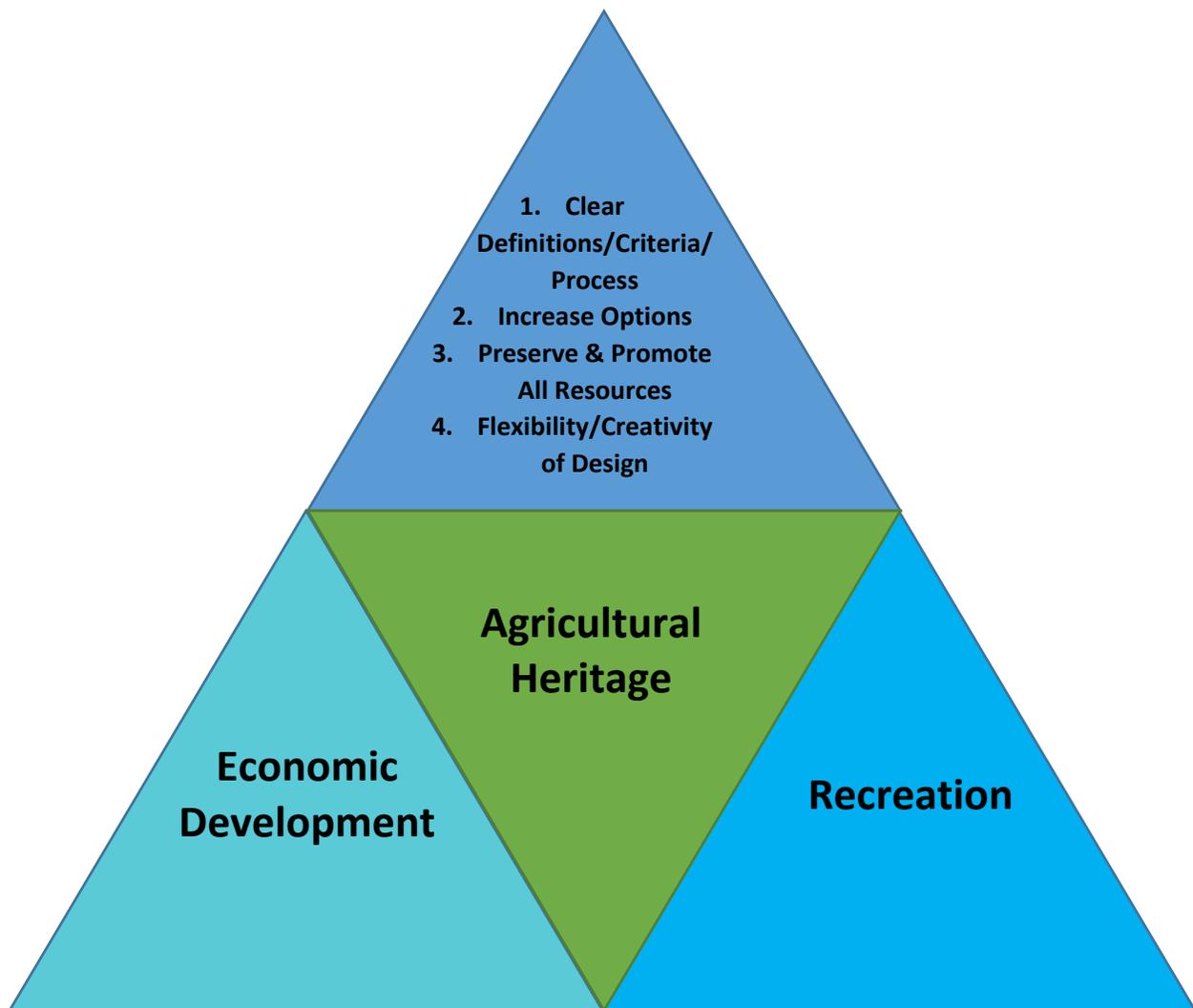
### **Process for obtaining information for this report:**

- Review of the 2012 Comprehensive Plan;
- Ranking of the Action Items identified in the Comprehensive Plan;
- Review of the Zoning Code, and the Subdivision Ordinance;
- Extensive Planning and Zoning meetings.
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## What Was Heard

Planning and Zoning Commission discussion at public meetings and workshops held from January through March of 2014 revealed three foundation topics and an additional four goals on which there is substantial agreement, and other topics and goals on which opinions vary. The hierarchy of topics/goals that became apparent through the process can be seen in Figure 1. It should be noted that the three foundation topics were also identified in the Comprehensive Plan Update in 2010. They are:

- 1) The Agricultural Heritage of the Valley is key. Teton County offers a unique mix of mountain resort town with a strong agricultural heritage that is unmatched in the west. It will be important to remember this heritage and try to incorporate it into future development. . In the past this history and heritage were not considered in the approval of developments, resulting in land use patterns that did not properly reflect the- heritage of the valley.
- 2) Recreational Opportunities are important for the Valley. Recreational opportunities are important for the residents of the valley as well as those who come to visit. The amount and diversity of recreational opportunities available in the valley or in close proximity to the valley are a very unique resource that not many communities have.
- 3) The Economic Development of the Valley needs to be a priority. There is a strong desire to create a diverse and healthy economy in the County. Land use regulations can play a key role in providing new opportunities to existing businesses as well as attracting new businesses to the valley. It is also recognized by the Planning and Zoning Commission that increasing educational opportunities in the valley will aid in the economic development of the community.



### Goals with Substantial Agreement

#### **1. The Zoning Code is not always clear in regards to the process or the requirements.**

The current code can be difficult to interpret for the public, developers and staff, which might be a result of piecemeal changes implemented since the ordinance was originally adopted. There need to be clear definitions regarding the type of development, the requirements for each specific type of development and the process of approval for each type of development. The process needed for each type of development (CUP, Variance, Subdivision, etc.) needs to be reviewed and procedural revisions should be considered to improve efficiency. Also, the studies that are currently required need to be reviewed to ensure their effectiveness as well as justifying the burden they are placing on a land owner.

#### **2. The Zoning Code does not provide usable options for developing or dividing land.**

The current code has two main land division options a) the subdivision process or b) a one-time lot split. These two options may not adequately fit the needs of the citizens in the valley. Large land owners and the agricultural community have expressed a desire for more flexibility to divide off a piece of land to avert financial struggles and to keep the remainder of the land in

production. Although the One-Time-Only lot split may provide an option, the limit on the number of lots (2) and the amount of times it can be used (1), result in a tool that has limited reach. One option to fill this gap may be a Large Lot Split. This would allow a property owner in the A-20 zone to divide off several parcels with limited requirements. This option could be used more than once so that there is no need to utilize the maximum number of new parcels at one time. A Short Plat option, which would allow a few lots to be developed with limited criteria may also be a possibility in the higher density zones. By utilizing an incentive approach with large lot divisions we can a) provide a streamlined “easier” option for land owners AND b) preserve agriculture and the rural nature of the county. As long as the ordinances are written well this should provide win-win situation for all. It will also be important to ensure that the code clearly explains boundary line adjustments and agricultural splits, as well as subdivisions.

### **3. The new code needs to do a better job of protecting and promoting the resources Teton County has.**

The county has a vast number of resources: Agricultural, Cultural, Economic, Historic, Natural and Recreational. The new code needs to be very clear about what the community is looking to preserve and protect. The code should also provide flexibility in promoting and preserving these resources as opposed to just a regulatory approach. The existing code relies heavily on density to protect and preserve. This approach has not worked, especially the PUD ordinance which uses the existing density as the starting point and allows increased density with concessions that are selected by the developer. The overlay districts in the existing code need to be reviewed as well to ensure their effectiveness in preserving and protecting the resources of Teton County. Currently all development in identified overlays must conduct a study with specified criteria, however not all development is the same, and there need to be mechanisms for exempting property from conducting a study if the impacts can be limited in other ways (ie: percentage of property dedicated as open space, decreased density, or even proper design). The perceived ambiguity of the desired findings of the studies also need to be addressed. Providing clear criteria for protecting the various resources, along with the option of conducting a study to devise modified criteria to produce an acceptable alternative approach to mitigating the impacts may be a way providing options while eliminating ambiguity.

### **4. The new code should allow for flexibility and creativity in the design.**

The subjective nature of the existing PUD ordinance and the one size fits all subdivision process has not been effective in producing favorable products for the community. Instead, there should be some “off the shelf” options available and then if the impact (density, number of lots, or areas of concern) increases, the requirements also increase (additional open space, amenities, studies, etc.). The design of new development should 1) take into consideration the historic use of the land, 2) allow continued production of the land, and 3) fit that individual parcel.

### **5. The new code needs to provide a more useful mechanism for revising existing undeveloped subdivisions.**

Although there are existing provisions in place to allow a subdivision to go through the process of plat revision, there needs to be a review of this section to ensure it provides adequate incentives. The incentives that should be considered include financial, timing, and flexibility of requirements. In return the County should be able to receive public dedications including open

space (of all sorts), trails and parks, better designed projects, and better phased projects. This would allow the land to stay in production or to be better maintained.

### Areas of less consensus

It has become apparent that the following items will be the sticking points of the new code. It should be mentioned that there was consensus by the Teton County Planning and Zoning Commission in identifying these items, there seemed to be a common understanding that the way these items are currently being administered is not as effective as it could be, and that there was a common understanding for the basic need of these items. Given these three findings it is hoped that conversation, education and compromise on all sides will limit the contentious nature of these items.

**1. Wildlife Habitat Overlays-** The current ordinance does not communicate effectively the desired criteria or establish a base line requirement for the studies that are required in the overlay zones. It is important to understand the county's jurisdiction and interest in wildlife habitat versus the State of Idaho's jurisdiction and interest in wildlife. Some wildlife habitat is more sensitive (upland game birds) than other habitat. It is important to understand how preserving habitat affects the wildlife's impact on public safety and land owners. As mentioned before, providing base requirements that are manageable, then offering the option for additional studies that provide clear mitigation results may be one way of finding common ground on this issue. The areas currently identified in the overlay zones are of unique interest to the community, however the rights of the property owner cannot be ignored.

**2. Large Lot Splits-** Although there was consensus on the need for a large lot split provision, the details of how it would work need to be fine-tuned. The desire to provide land owners a mechanism for a quick sale of land to raise capital was universal, however the concerns for abuse are great.

**3. Scenic Corridor-** The specific language of the required review and restriction of building design along the State Highways and Ski Hill road was brought up as a concern by some P&Z members. In some portions of the county these restriction may have a greater impact than other portions. On the other hand the view corridors have been described as an important aspect to the quality of life here in Teton Valley and can be key economic driver. This portion of the code should be reviewed to determine if the current language is really effective in preserving important vistas. Other methods, such as "proper" site design may be a more effective method of preserving Teton County's views.

**4. Open Space-** Open space is defined and valued differently by everyone. Ambiguously defined open space can lead to problems when requirements and incentives are based on how much open space is being provided. The new ordinance should clearly define open space. It may also include a hierarchy of open space where land in agricultural production, preserved habitat or dedicated easements are given a higher value than a maintained field or a privately owned lot that utilizes a building envelope to preserve portions of the lot.

### Zoning Code Analysis

During discussion of future zoning districts, there were several key things to consider: 1) the current code does not consider the location of the property (both large scale and small scale). There are portions of the valley that are very different. By utilizing the “Framework Map” in the 2012 Comprehensive Plan, the county can be categorized based on the general character of the land. 2) The P&Z Commission did not express a strong desire to adjust the current “entitlements” of density (i.e. 1 house per 2.5 or 20 acres). By utilizing the current densities there should not be a perception of “down-zoning”. 3) There needs to be a break from the idea that density is tied to minimum lot size. If Teton County is going to encourage good design and diverse developments that fill market needs, there needs to be flexibility with the minimum lot size.

**Exiting Zones-**

A-20 Zone:  
A-2.5 Zone:  
C-1 Zone:  
C-2 Zone:  
C-3 Zone:  
M-1 Zone:

**Anticipated Zones-**

**Commercial/Industrial/Manufacturing:**  
Foothills 20:  
Foothills 2.5:  
Mixed Ag/Rural Neighborhood 20:  
Mixed Ag/Rural Neighborhood 2.5:  
Mixed Ag/Wetland 20:  
Mixed Ag/Wetland 2.5:  
Rural Ag 20:  
Rural Ag 2.5:  
Rural Neighborhood 20:  
Rural Neighborhood 2.5:  
Town Neighborhood 20:  
Town Neighborhood 2.5:

**Commercial zones-** The commercial portion of the zoning code will also be reviewed and modified. There was significant conversation about the need for commercial/manufacturing/industrial zoned property in the valley. There will need to be significant coordination between the County and each of the cities to ensure there is an adequate supply of properly zoned properties. There will need to be continuing conversations and decisions made about what uses are appropriate in the County and what are appropriate in the cities. The County does not want to see commercial “sprawl” to the rural portions of the county, yet recognizes that there is a need for some commercial/manufacturing/industrial uses to locate in the County. Areas of the county that are zoned for commercial/manufacturing/industrial uses in the future should utilize similar incentives (financial, timing, and flexibility of requirements) to attract businesses to these areas, as opposed to looking into other portions of the County.