



ARTICLE 1: GENERAL PROVISIONS

FROM: Kristin Owen, Planning Administrator
RE: Summary of Changes, Compliance with Goals, Related Public Comment
Prepared For: Planning & Zoning Commission Public Hearing of October 5, 2016
Report Date: October 1, 2016

Introduction

The purpose of Article 1 is to establish the purpose of the Land Use Development Code, the zoning districts (including special overlay districts), and the zoning map. This article also establishes the Areas of City Impact.

The proposed Zoning Map was present to the Planning & Zoning Commission (PZC) in Fall 2015, with a final version agreed upon in December 2015. The Framework Map identified in the Comprehensive Plan was used as a starting point for the proposed Zoning Map. In addition to the Framework Map, additional data was used to refine the zoning district boundaries, including the following maps created by the Teton County GIS Department:

- Development Suitability Model
- Agriculturally Exempt Parcels
- Important Farmland Score
- Natural Vegetation
- Parcel Density
- Parcel Building Value
- Public Lands
- Slopes
- Wetlands

At this time, we are not amending the specific agreements with the cities of Driggs, Tetonia, and Victor. Our current Title 7 will be incorporated into Article 1 until the agreements are amended.

Applicable County Code Section(s)

Article 1 covers provisions found in the current Teton County Code.

- Title 7: Area of City Impact
- Title 8: Zoning Regulations (8-1)
- Title 9: Subdivision Regulations (9-1)
- Title 10: Airport Hazard Zoning (10-1-3)
- Title 12: Flood Damage Prevention (12-1)

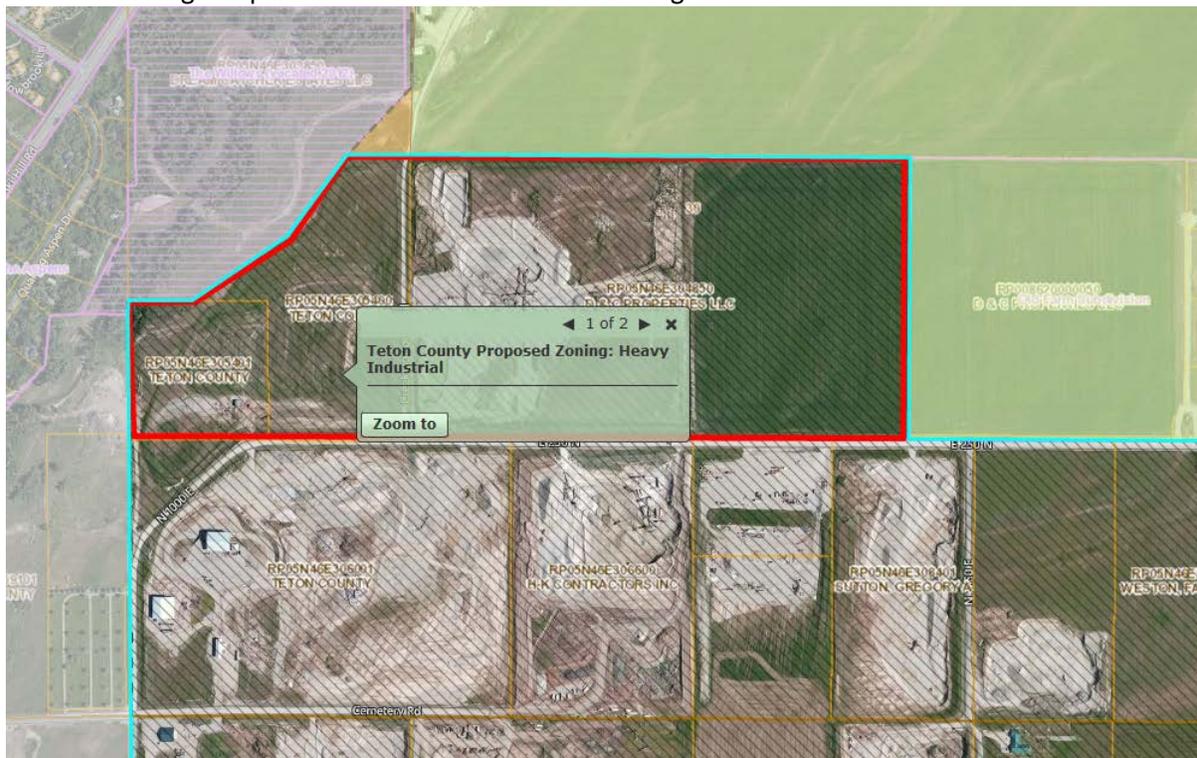
General Changes/Comments

1. Created a unified code by incorporating multiple ordinances into one document. This allows the provisions of this code to be applied more uniformly throughout the county.
2. The intent of the code was updated to comply with the Comprehensive Plan.
3. Renamed/remapped the zoning districts to be similar to the Comprehensive Plan.
4. Eliminated Commercial Zoning in the county.

Specific Changes/Comments

1. Incorporated a copy of the Zoning Map (Div. 1.3.5) instead of referencing a separate document.
2. Clarified interpretation of map boundaries (Div. 1.3.2)
3. All public lands were zoned as Preservation. These parcels are not currently zoned.

4. Written consent is required from a property owner if the County rezones a property within 4 years of an approved zone change that was requested by the property owner.
 - a. In 2016, Rachel Fortier requested and received a zone change from A-2.5 to R-1. This property is being rezoned to Foothills. The owner did provide written consent for this in the Development Agreement (inst. # 241811).
 - b. There are no other zone change requests from a property owner that were approved and documented in Board of County Commissioners' meeting minutes between September 2012 and September 2016 outside of the Areas of City Impact.
5. **STAFF RECOMMENDATION:** Correct the Table of Contents for Div. 1.4.2. It currently says "Definitions", but the section is actually titled "Establishment of the Area of City Impact and Associated Regulations".
6. **STAFF RECOMMENDATION:** Copy the existing Area of City Impact agreements in Title 7 to Div. 1.4.7, Div. 1.4.8, and Div. 1.4.9 instead of the "Reserved" language. This will eliminate the need to reference a separate document from the new code while we are working to update each agreement.
7. **STAFF RECOMMENDATION:** Change the zoning on the northern properties (outlined in red below) identified as Heavy Industrial to Rural Agriculture like the properties to the north and east. Change the Teton County properties to Preservation.
 - a. These lots are adjacent to Teton Creek and a conservation easement. By rezoning them, they could act as a buffer from the existing Transfer Station and gravel pits. These parcels are identified as Mixed Ag/Rural Neighborhood on the Framework Map.
 - b. The Teton County lots are the old landfill, which cannot be developed for the next 30 years. I spoke to the Public Works Director, and he does not have a problem with these lots being zoned as Preservation. A pathway is planned for this property, which would meet the 5% lot coverage requirement of the Preservation zoning district.



8. **CONSIDERATION:** Consider including a "pop out" with the zoning map to show the small parcels zoned as Light Industrial and Heavy Industrial. This will be easy to view with the digital version of the code, but these parcels are very small on the paper map.

Goals for Draft Code

- 1. The Zoning Code is not always clear in regards to the process or the requirements.**
 - a. The proposed code combines five existing titles (7, 8, 9, 10 & 12) into document, making it easier to find pertinent information. It also incorporates basic information from the adopted Road Standards, making it easier to identify quickly what type driveway or road may be required for development.
- 2. The existing Code does not provide usable options for developing or dividing land.**
 - a. This Article does not address this goal.
- 3. The new code needs to do a better job of protecting and promoting the resources Teton County has.**
 - a. The intent section of this Article (1.1.3) sets the tone for the entire code by outlining priorities, especially protecting and promoting the resources of Teton County. This Article establishes the Zoning and Special Overlay Districts, which assist in protecting/promoting the resources in the County (i.e. Preservation district and Flood Damage Prevention Overlay). Also, by utilizing zoning districts based on the characteristics of the land in the rural county, we can call extra attention to sensitive issues that occur in each of the character areas.
- 4. The new code should allow for flexibility and creativity in the design.**
 - a. This Article identifies this as an intent of this code. The additional zoning districts also provide an opportunity to focus on the design of a project as it goes through the approval process.
- 5. The new code needs to provide a more useful mechanism for revising existing undeveloped subdivisions.**
 - a. This Article identifies this as an intent of this code.

Public Comments

1. John Hansford: Written comment requesting to rezone properties in Clawson as Light Industrial.

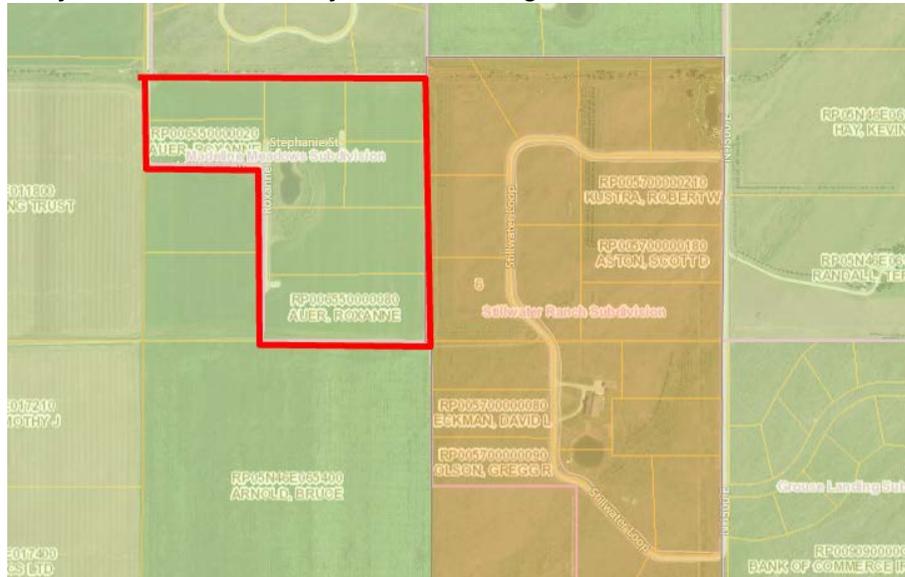
This area is currently zoned as A-2.5. The Drawknife property is a nonconforming use. There are some CUPs that were approved across the street several years ago (i.e. Teton Glass). This area is proposed as Rural Agriculture. The Framework Map identifies this area as Rural Neighborhood.



2. Steve Auer: Written comment referencing Madeline Meadows Subdivision. Confused by the implications of this property neighboring a differently zoned property. They feel agriculture is an asset

and want to maintain it on the subdivision lots; he also concerned with the building rights of the subdivision lots.

Although this property neighbors an ARN parcel on one side, this would not affect the ability of having agriculture on those parcels. Agricultural uses are permitted in all zoning districts. The biggest difference between the RA and ARN zone is the density (ARN has a higher density). The lots in Madeline Meadows and the neighboring lots are in platted subdivisions, so they have already been split into smaller lots. The parcels in the ARN zone are mostly under 5 acres in this location, so they would not be able to be split again as the maximum density is 1 lot/2.5 acres. In terms of building rights, if the subdivision was signed off as complete, the lots would be considered buildable regardless of the zoning district. Both of these areas are identified as Rural Neighborhood on the Framework Map.



3. Jeff McMullen: Written comment that is concerned with reduced value of property by not being zoned A-2.5.

His property is northeast of Felt, near the Targhee National Forest. It is proposed as Foothills. I have spoken to the County Appraiser about property values, and he has explained that the value of the property is based on the best available use, which could be affected by the zoning district. The best available use also factors in cost to achieve that use. The value of a property is dependent on a lot of factors. Although a property may have a density of 1 lot/2.5 acres now, and a density of 1 lot/10 acres with the proposed zoning, it doesn't necessarily mean that the value has been decreased. Other factors, like lot sizes, open space, cost of the approval process and requirements (i.e. studies, infrastructure, etc.), have to be considered to determine the value. On the other hand, property taxes are based on the current use of the property, so changing the zoning district would not affect how a property is being taxed, unless the owner changes the use.

