



ARTICLE 9: SPECIAL OVERLAY DISTRICTS

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 9 is to establish standards for areas where there is additional concern or attention needed. These areas include: Airport Vicinity Overlay, Flood Damage Prevention Overlay, Scenic Corridor Design Review Overlay, Transfer of Development Rights Overlay, and Workforce Housing Overlay.

Applicable County Code Section(s)

Article 9 covers provisions found in the current Teton County Code.

- Title 8: Zoning Regulations (8-2, 8-5)
- Title 9: Subdivision Regulations (9-2, 9-6)
- Title 10: Airport Hazard Zoning
- Title 12: Flood Damage Prevention

General Changes/Comments

1. This Article combines two ordinances and portions of two others into one location, making it easier to identify specific requirements that may apply to a development.
2. This Article incorporates the Airport Vicinity Overlay, which is currently Title 10. This section is the same as the City of Driggs', which was reviewed by the Airport Board, Driggs Planning & Zoning Commission, and approved by City Council.
3. The boundaries for each district are defined in each section with a map, except for the Flood Damage Prevention Overlay, which references our adopted Flood Insurance Rate Maps. There is a space reserved for the Workforce Housing Overlay Map, as locations have not been identified at this time.
4. These overlay areas and accompanied maps are references in Article 1 with the official zoning map.

Specific Changes/Comments

1. The Wildlife Habitat Overlay and Wetlands & Waterways Overlay are no longer called out as individual overlay areas. Instead, they are incorporated into Article 13 as requirements for specific development types.
2. A Transfer of Development Rights Overlay was added. The current code has a chapter reserved for this (Title 9, Ch. 6), but information was never incorporated into the code.
3. A Workforce Housing Overlay was added. This is currently being reserved for the Areas of Impact, and is not mapped.
4. We are in the process of getting new floodplain maps, but they are not ready for adoption at this time. When we get them, we will need to amend Div. 9.2 Flood Damage Prevention Overlay to reflect the correct floodplain maps. This section uses the updated Idaho Flood Damage Prevention Ordinance model. It is not the exact same as our existing ordinance. The definitions from this section were incorporated into Article 15.

Goals for Draft Code

1. **The Zoning Code is not always clear in regards to the process or the requirements.**
 - a. This Article combines two ordinances (Titles 10 & 12) and portions of two others (Titles 8 & 9) into one location, making it easier to identify specific requirements that may apply to a

- development. Another item that has been clarified is how the Scenic Corridor is measured. It is currently measured from the edge of the right of way for the state highways and Ski Hill Road. This is very confusing because the right of ways vary throughout the county. It is measured from the centerline of the road in the proposed code, which makes it consistent throughout the county and easy to measure.
2. **The existing Code does not provide usable options for developing or dividing land.**
 - a. This Article provides new options for developing land through the Workforce Housing Overlay and Transfer of Development Rights (TDR) Overlay. The TDR overlay is intended to be used for “zombie” subdivisions, but it could also be used by other property owners that just want to protect the resources on their property and cluster development somewhere else. This could be used to continue farming on a lot with prime farmland and sending those building rights to an area that’s not viable for farming. It could also be used to relocate building rights from sensitive lands that may not be buildable or financially unreasonable to build on, which would protect that area and still allow the property owner to use their building right.
 3. **The new code needs to do a better job of protecting and promoting the resources Teton County has.**
 - a. This is one of the main purposes of this section. The Workforce Housing Overlay is intended to protect our most valuable resource, the people that live here creating the community. The Airport Vicinity Overlay is intended to protect the important resource of the airport. The Flood Damage Protection Overlay is intended to protect life and property. The Scenic Corridor Resign Review Overlay is intended to protect the vistas along the major road corridors. The Transfer of Development Rights Overlay is intended to protect the rural nature of the county by moving development closer to the cities.
 4. **The new code should allow for flexibility and creativity in the design.**
 - a. The Scenic Corridor Design Review Overlay is a great example of providing more creative options. In the existing code, there is there a list of dos and don’ts, and it is unclear what kind of design options are acceptable. In the proposed code, there are multiple options available with specific requirements, which allows the property owner the opportunity to develop a design that will work for them, while maintaining the scenic value.
 5. **The new code needs to provide a more useful mechanism for revising existing undeveloped subdivisions.**
 - a. The Transfer of Development Rights Overlay is intended to provide a mechanism for revising existing, undeveloped subdivisions or partially development subdivisions. Developers will now have the option to transfer their previously obtained units to areas where the units are more appropriate, in exchange for vacating and preserving the land that originally had the approvals. This could also be used to vacate portions of existing developments if partial infrastructure was completed and useable, but the development as a whole was not completed. This option is not currently available. Currently, a subdivision can be vacated; however, many lots have already been sold, which makes it very difficult to vacate.

Public Comments

1. Marie Tyler: Written comment about scenic corridor options not being specific and not addressing zombie subdivisions.

The Scenic Corridor Design Review Overlay includes 5 options with specific standards that are required for development, including setbacks, building size, parking, landscaping, etc. In the current code, the requirements for design are vague and subjective. One of the many frustrations we hear from property owners currently is the vagueness of the existing scenic corridor review requirements and their worry about whether their designs will be approved or not. By identifying specifics, property owners can choose the design option they want, knowing the requirements upfront, and submit their application

accordingly. The requirements are not so specific, though, that the property owner cannot have flexibility in their design.

This article includes the Transfer of Development Rights Overlay area, which is intended to help address zombie subdivisions. This option is not currently available. Article 14 also includes the options for vacating or amending subdivisions.

2. Maggie Shaw: Written comment that the code does not address zombie subdivision lots.

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3. William Powell: Written comment about a scenic vista inventory and the new code seems the same as the old one. He also comments that zombie subdivisions are not addressed anywhere in the code.

This Article includes the Scenic Corridor Design Review Overlay. The area of this overlay is similar to the existing code, but it is not exactly the same. The existing Corridor is 330' from the edge of the right of ways, and it is proposed as 500' from the centerline of the road. Article 13 includes a Skyline View Protection Plan (Div. 13.3.2), which is intended to protect and maintain the scenic vistas throughout the county. The applicable areas for this plan were identified by a viewshed analysis created by the Teton County GIS Department based on view points along the state highways and Ski Hill Road. This analysis looked at where structures of 30' would be visible. This plan is required for all development that requires a permit. Specific standards are identified, as well as prohibited activities, and in cases where those standards cannot be met, the Planning & Zoning Commission may review an application through the design review process. A different scenic vista inventory could be conducted. Instead of being a separate plan, this section could be incorporated into the "Scenic Corridor".

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4. Alice Stevenson: Written comment recommending that a Scenic Vista Inventory section be added to the Scenic Corridor, to be incorporated later, and add a section to address zombie subdivisions.

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