



AGENDA
PLANNING AND ZONING COMMISSION
REGULAR MEETING
March 11, 2014
STARTING AT 5:00 PM

LOCATION: 150 Courthouse Dr., Driggs, ID
Commissioners' Chamber – First Floor (lower level, SW Entrance)

1. Approve available minutes
2. Chairman Business
3. Administrator Business

ITEM #1 – WORK SESSION: Draft Code: Discussion of the Draft Development Code.

- Discussion on Zones
- Discussion on the Draft Report.

No public comment will be taken regarding the Draft Development Code.

ADJOURN

Any person needing special accommodations to participate in the above noticed meeting should contact the Board of County Commissioners' office 2 business days prior to the meeting at 208-354-8775.



Teton County Planning
150 Courthouse Drive, Room 107
Driggs, Idaho 83422
Phone: 208.354.2593
Fax: 208.354.8778

FROM: Planning Administrator, Jason Boal
TO: Planning and Zoning Commission
RE: Zone conversation
DATE: March, 4, 2014

I have attached several “resources” to aid in the conversation about the number of zones. Most of the feedback I received was that the number of zones is highly dependent on the community. I think we are all aware of that.

- Community Planner, Chapter 11 by Eric Kelly
 - This provides a general overview of zoning districts
- Nashville Community Character Manual
 - This is an example of the “Transect” zoning. It may provide some ideas about what to look for or consider in zoning designations.
- “A better way to Zone” PowerPoint by Donald Elliot, Washington APA Conference 2009
 - This may be of little use without the presentation, however it may spark an idea or two.

Keep in mind that the Comprehensive Plan’s Framework Map (page 5-2) lists 8 different “zones”. Further detail about each zones is described in the pages following the map (5-3 to 5-6). I would recommend review these zones and the uses in each before our meeting.

Finally, please keep in mind that we are not talking about lines on the map, and which property should be zoned what. We are discussing the character of the valley and what zones will help us accomplish our desired goals.

Please feel free to contact me if you have any further questions.

Jason Boal-AICP
Planning Administrator
208-354-2593 ext. 204
Teton County, Idaho
150 Courthouse Drive #107 Driggs, ID 83422

Controlling the Use of Private Land through Zoning

Zoning was the first widely adopted form of regulatory implementation of planning and remains the most widely used and most widely discussed. It is a fairly simple technique that is based solidly on the concerns that led to its adoption. The essence of zoning involves the division of the community into districts, or zones, with different rules for different districts. Within each district, local governments typically regulate the following:

- The use of land or buildings
- The intensity of that use, regulated by lot size, height limits, and, in some cases, direct regulation of intensity through floor area ratios or limits on the number of dwelling units per area
- The height and bulk, or extent, of that use, regulated both directly and indirectly, through requirements that portions of the lot be maintained for yards or setback

Although legislation in most states provides for regulation of other matters, the three items in this list are the issues most commonly addressed through zoning ordinances around the country. This chapter discusses zoning as a tool of plan implementation.

Regulating Use

Zoning regulations typically define districts by uses and by intensities. The basic use categories in most communities are

- Agricultural
- Residential
- Commercial (or business)
- Industrial (or manufacturing)

Subcategories of industrial uses typically focus on the intensity of the use, with the heaviest industries (e.g., steel mills, foundries, slaughterhouses) in one district and the lightest (e.g., warehousing and light assembly) in another; some communities have three or four industrial districts, with varying degrees of intensity. As modern environmental laws have reduced many of the negative impacts of industries, one of the biggest differences in intensity between various industries is the amount of truck traffic. For example, a warehouse serving a chain of big-box stores may be a much more intrusive neighbor than a manufacturing plant turning out small electronic parts.

Subcategories of commercial uses address both issues of intensity and issues of orientation. A community may allow sit-down restaurants in some districts where it does not allow fast-food restaurants because the fast-food restaurants generally draw more customers and more traffic and thus constitute a more intensive use. Many communities separate "highway commercial" uses into their own district; that district may allow some of the same kinds of uses allowed elsewhere (e.g., hotels, gas stations) but apply different setback, parking, and other rules to them. Some communities use zoning to separate auto-oriented commercial uses (e.g., lumberyards, gas stations, drive-through

banks) from pedestrian-oriented ones (boutiques, ice cream shops) for simple reasons of land use compatibility.

Some communities create one or more separate districts for office uses, recognizing that offices are business oriented but that many offices are far less intense (particularly in traffic generation) than retail stores. All but the smallest communities have two or more districts for retail uses; most zoning ordinances now include one or more districts that allow shopping malls, allowing the stores to be connected in one building and to share parking, something that has been common for office buildings since the first communities adopted zoning but is a fairly recent (1960s) development for retailers.

Zoning typically distinguishes residential districts based on the type of dwelling unit and the intensity of the use allowed, a topic discussed in the next section. The uses in traditional residential districts are all residential, although some people involved in planning believe that mobile homes, modular houses, high-rise apartments, and even duplexes are different uses than the traditional single-family house.

When communities have multiple agricultural districts, it may mean that some of those districts are disguised forms of large-lot residential zoning; such zones often require minimum lot sizes of 5 or 10 acres. Lots that size are far too large to be reasonable for an individual home but far too small to be a viable agricultural parcel, except in select areas where growing high-value crops or starting an urban agriculture project may be practicable on that scale. Some communities create separate agricultural zones for agricultural service establishments such as grain elevators and chemical dealers. Others address the issue of intensive animal agriculture (large cattle feed lots and large poultry and hog operations) as a form of agri-industry that ought to be separated from other agricultural uses, just as heavy industry is separated from many other types of business.

Small communities may have as few as four different use districts, one representing each of these general categories. Larger communities have

TABLE 11.1

Zoning Districts, Fargo, North Dakota

District Label	Description
AG	Agricultural district
SR-1	Single-family, 16,000 square foot minimum lot
SR-2	Single-family, 8,000 square foot minimum lot
SR-3	Single-family + duplex, 5,000 square foot minimum lot
SR-4	Single-family + duplex, 3,600 square foot minimum lot
MR-1	Multidwelling district
MR-2	Multidwelling district
MR-3	Multidwelling district
MHP	Mobile home park district
NO	Neighborhood office district
NC	Neighborhood commercial district
GO	General office district
LC	Limited commercial district
DMU	Downtown mixed-use district
GC	General commercial district
LI	Limited industrial district
GI	General industrial district

Source: Unified Development Ordinance, Article 20 of the Municipal Code, prepared for the City of Fargo by Duncan Associates, Austin and Chicago, 1997.

more. A typical community of 100,000 or so people today probably needs two or three industrial districts and three or four commercial ones, in addition to some range of residential and agricultural districts. Table 11.1 shows the zoning districts of Fargo, North Dakota.

Cumulative and Noncumulative Zoning

One of the basic principles underlying early zoning ordinances was the primacy of the single-family house. The purpose of the regulations was primarily to protect residences from other uses, but because they were a preferred use, single-family homes were often allowed in all or most zones. Such early zoning regulations were pyramidal, or cumulative, creating a one-family (or sometimes one- and two-family) district at the top of the pyramid and allowing in each successive district all uses allowed in those above it plus some additional

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T-2 Rural

Introduction

The T2 Rural Transect Category is sparsely developed with agricultural and low density residential as the primary uses, complemented by limited, low intensity commercial uses. The T2 Rural Transect Category provides residents with the choice of seclusion within the natural and rural countryside.

Unlike small rural towns in outlying counties, T2 Rural Areas in Davidson County exist in close proximity to T3 Suburban and even T4 Urban Areas. The proximity to more intensely developed areas offers easy access to retail and services. The easy access, combined with the low density development in T2 Rural Areas, diminishes the need for extensive commercial development in T2 Rural Areas. As a result, T2 Rural areas in Davidson County are primarily residential and agricultural. Examples include Scottsboro, Bells Bend, portions of Joelton, Union Hill, Neelys Bend and the outer portions of Bellevue.

Residential and agricultural buildings are sparsely located and are scattered across the landscape in a pattern that honors environmental features and agricultural uses and does not create a dense road network. Residential buildings are often irregular in their orientation to the rural road with deep and varying setbacks. Building footprints are small in relation to their lot size. They are often placed on large contiguous acres of land, resulting in wide spacing between buildings. Historically, some groupings of homes have clustered in small “hamlets” where residential buildings may be more regularly spaced, sitting closer to the road and oriented to the road.

The Transect model acknowledges, defines and attempts to preserve diversity of development patterns, from the most natural to the most urban. The Transect recognizes the broad differences between natural, rural, suburban and urban development, but the diversity of development within Nashville/Davidson County is much more fine-grained. For example, different neighborhoods within rural portions of Davidson County may have distinctly different character. The Community Character Policies are written to reflect that the character of individual neighborhoods will be different and should be preserved. One example is in T2 Rural Neighborhood Maintenance policy, which has a “Building Form” principle that states “The building form is in character with the existing development pattern of the rural neighborhood in terms of its mass, orientation, and placement.” The Community Character Manual should not be read to assume that all neighborhoods within T2 Rural are the same. Rather, each has its own character to be preserved or enhanced, or, in the case of evolving neighborhoods, created.

Rural centers are found infrequently in the T2 Rural Transect Category – generally at the intersection of two prominent rural roads. These centers have a greater mixture of uses, placed more closely in relation to each other and the civic, commercial, and mixed use land uses are designed to not overwhelm the surrounding rural environment. Buildings are oriented toward the road, are limited in height, and create a pedestrian friendly environment. Setbacks are regular and shallower, with building footprints that are large in relation to their smaller lot sizes. Small concentrations of



T-2 Rural

Introduction



essential services, such as neighborhood retail, services, and civic uses are clustered in small compact areas while leaving the vast majority of the rural area undeveloped to maintain the rural character. The rural character in centers and in residential development is reflected in sparsely-provided lighting, appropriately-scaled signage and the use of informal landscaping.

In addition to residential, agricultural and very limited commercial uses, some land in the T2 Rural Transect Category is provided as open space. Given that significant open space is present in individual properties, the public open space that is provided is usually in relationship to other public benefit and civic land uses, such as schools, community centers or prominent civic structures, or in the creation of regional parks. —



While individual development is sparse in rural areas, natural and man-made corridors connect residential land uses to rural centers and open space. Rural roads generally have a shoulder and ditch or swale, without curb or sidewalk. Low walls, fences, or a natural, irregular pattern of trees and shrubs typically front the edges of corridors. Parking takes place in driveways and parking lots in rural centers or open spaces. Given the sparse development pattern, the transportation network has few roads, with intersections typically located at great distances from each other, leading to connectivity but with a lesser number of roads.

In T2 Rural Areas where development is sparse, mobility is largely limited to motorized vehicles and trips are longer. In rural centers and residential hamlets, walking is possible for shorter trips. Greenways are also available to residents and visitors linking rural centers and open space.



T-2 Rural
Introduction



T2 Rural Open Space



T2 Rural Center



T2 Rural Neighborhood Maintenance



T2 Rural Neighborhood Evolving

T-2 Rural
Introduction

Transect	Elements	Intent	Policy
	 <p>Open space</p>	<p>Preserve</p>	<p>T2 Rural Open Space</p>
	 <p>Neighborhoods</p>	<p>Preserve</p>	<p>T2 Rural Neighborhood Maintenance</p>
	<p>T2</p>	<p>Create</p>	<p>T2 Rural Neighborhood Evolving</p>
	 <p>Centers</p>	<p>Preserve, Enhance, & Create</p>	<p>T2 Rural Neighborhood Center</p>
			
			

T-2 Rural

Open Space

Rural Open Space

Policy Intent

Preserve existing undisturbed open space in rural areas. T2 Rural Open Space Community Character Policy includes public parks and may also include private land held in conservation by land trusts and private groups or individuals. A variation of T2 Rural Open Space – *T2 Potential Rural Open Space* – may also be utilized to create open space by identifying areas that should be used for rural open space in the future.

General Characteristics

T2 Rural Open Space Areas are largely undisturbed rural areas used for passive and active recreational use and include publicly-owned parks and nature preserves, public or private cemeteries or burial grounds, and privately-held land trusts and conservation easements. T2 Rural Open Space Areas have minimal disturbance and development to allow for some active open space land uses, while retaining areas of environmental significance such as steep topography, dense vegetation, and view sheds undisturbed.

Land uses include passive and active recreational uses, but may also include civic and public benefit uses. Civic and public benefit buildings are located prominently within the open space, with consideration to surrounding sensitive environmental features. The public realm that is created with civic and public benefit buildings is distinguished by the sparse use of lighting, signage, landscaping and amenities and limited access to road networks, and parking. The edges of T2 Rural Open Space Areas are firm, but the low density development of surrounding residential areas may make the transition appear seamless. Boundaries are often identified by environmental features and civic or public benefit land uses.

Application

T2 Rural Open Space Policy is applied to existing open space in the T2 Rural Transect Category that is to be preserved and enhanced. It may also be applied to land with privately-held land trusts and conservation easements. Enhancements to existing open space are guided by the *Metropolitan Parks and Greenways Master Plan*.

T2 Potential Rural Open Space Policy is applied to areas identified as appropriate for future use as open space in the T2 Rural Transect Category. It may be applied to areas such as vacant properties, land with environmentally sensitive features that may constrain development, or areas where acquisition or control of the site for permanently protected open space are actively pursued, particularly where there is a documented lack of open space in a community. Creation of open space in areas identified by this Community Character Policy should be consistent with the *Metropolitan Parks and Greenways Master Plan*. *T2 Potential Rural Open Space Policy is always used in combination with an alternate Community Character Policy in case the property owner does not preserve the land as open space.*



T-2 Rural

Open Space

Rural Open Space



Examples of Appropriate Passive Uses (In alphabetical order)

- Cemeteries or Burial Grounds
- Greenways and Trails
- Large Greens and Lawns for Informal Recreational Use
- Nature Preserves

Examples of Appropriate Active Uses (In alphabetical order)

- Cultural, Community, Educational, and/or Nature Centers
- Equestrian facilities

Design Principles

These design principles are written for T2 Rural Open Space Areas. The same design principles would guide the use and any development in *T2 Potential Rural Open Space Areas*, should land be secured for use as open space.



Access – T2 Rural Open Spaces Areas are primarily accessed by vehicles with access provided from a prominent road. The character of roads within the T2 Rural Open Space Area may, however, be different than that of the road outside the open space area. The roads within the open space are designed and located to preserve sensitive environmental features such as topography and waterways, as well as other significant landmarks and are designed and located to preserve and enhance views and vistas.

Block Length – Not applicable in this policy category.



Building Form (Mass, Orientation, Placement) – Civic buildings may be prominently located, serving as a gathering place in the sparsely populated rural area. Civic buildings are generally visible from the road. The relationship of the building to the road and streetscape may vary in relation to other buildings, however, the buildings, including entrances, are oriented to the road with parking behind or beside to preserve open space in front of the building or to frame the road with the building.

Connectivity (Pedestrian / Bicycle) – Pedestrian and bicycle connectivity to surrounding neighborhoods is low due to the low-density development pattern. Greenways link open spaces to other open spaces and may be used to link to nearby commercial or residential development.



Connectivity (Vehicular) – Vehicular connectivity to surrounding neighborhoods is low due to the low-density development pattern. Where it exists, connectivity is provided through coordinated access and circulation from prominent rural roads.

Density/Intensity – Not applicable in this policy category.

Landscaping – Landscaping is generally informal, utilizing existing, native vegetation and reflecting the natural environment. Formal plantings may be included in some instances especially at civic buildings.

T-2 Rural

Open Space

Rural Open Space

Lighting – Lighting is sparsely provided. Lighting is used for safety surrounding buildings and parking areas and is designed to fit the context and character of a rural environment – infrequently-used and pedestrian-scaled. Lighting is directed onsite, does not intrude into residential and non-developed areas, and does not contribute to light pollution.

Parking – Parking adequate to the size and use of the open space is provided on-site. Parking areas are designed to avoid large, flat surfaces, instead arranged in smaller groupings that are located to avoid environmentally sensitive features and to blend with existing land contours and vegetation. Low impact design techniques (pervious paving, etc.) are used to minimize stormwater runoff. The parking perimeter is landscaped. Bicycle parking is provided.

Service Area – T2 Rural Open Space Areas typically serve the entire County.

Signage – Signage is scaled to the size, purpose and draw of the open space. Signage alerts motorists, pedestrians and cyclists to the open space and assists them in finding any particular amenities in a manner that is not distracting over overwhelming to the open space or the rural character of the area. Any lighting on signage is minimal and complies with the lighting design principles above.

Zoning Districts

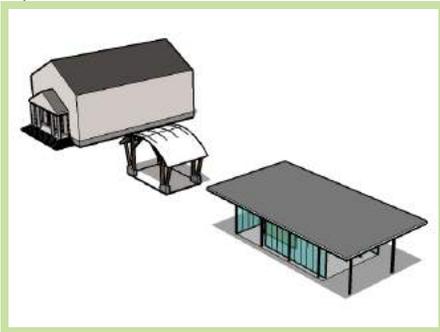
- AG
- AR2a
- SP

T-2 Rural

Open Space

Rural Open Space

Building Types



civic



Rural open space areas include community centers such as this one in Cane Ridge in southeast Davidson County.

Ideally Rural open space areas preserve the natural beauty that makes these unique places so special.



T-2 Rural

Neighborhood

Rural Neighborhood Maintenance

Policy Intent

Preserve the general character of rural neighborhoods as characterized by their development pattern, building form, land use, and associated public realm

T2 Rural Neighborhood Maintenance Areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood, in terms of its development pattern, building form, land use, and public realm. Where not present, enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

General Characteristics

T2 Rural Neighborhood Maintenance Areas demonstrate an established development pattern consisting of low density residential development, agricultural, and civic and public benefit land uses. Attached and detached residential buildings and agricultural buildings are dispersed across the landscape. Buildings are located with consideration given to sensitive environmental features, preservation of significant view sheds, and ability to farm land, resulting in deep setbacks and generous spacing between buildings. The public realm and streetscape features the sparse use of lighting and informal, natural landscaping. T2 Rural Neighborhood Maintenance Areas have low levels of connectivity due to a sparse road network and the limited presence of multi-use paths and/or bikeways. The development pattern reflects the preservation of land with environmental significance such as steep topography, vegetation, and view sheds and the preservation of tracts of farmland. The edges of T2 Rural Neighborhood Maintenance Areas are firm with clearly distinguishable boundaries identified by environmental features, lot size, and building placement.

Application

T2 Rural Neighborhood Maintenance Policy is applicable to areas that are zoned residential or agricultural, where the primary land use is residential and agricultural, or that are envisioned to remain primarily residential and agricultural. T2 Rural Neighborhood Maintenance is applied in situations where there is an expressed interest in maintaining the predominant, existing developed and undeveloped condition and that condition is believed to be stable and sustainable over time.

Commonly used boundaries to define T2 Rural Neighborhood Maintenance Policy areas include, but are not limited to: boundaries defined by established development patterns to be maintained (considering lot size, spacing of homes), environmental features, man-made features (rail lines, major utility easements, prominent roads), and transitional uses (open space, institutional). The application and boundary delineation of this policy are established during the Community Planning process or the Detailed Design Plan process.

Examples of Appropriate Land Uses (In order of appropriateness)

Agricultural and Related Accessory Uses

Residential

Civic or Public Benefit



T-2 Rural

Neighborhood

Rural Neighborhood Maintenance

Design Principles

Access – Single access driveways are common. Shared access roads and driveways serving more than two dwellings or large properties are also common. Driveways are designed and located to preserve environmentally sensitive features.

Block Length – Blocks are curvilinear with generous distance between intersections.

Building Form (Mass, Orientation, Placement) – The building form is in character with the existing development pattern of the rural neighborhood in terms of its mass, orientation, and placement. Massing of residential buildings results in a building footprint with low lot coverage. Buildings are generally oriented onto the primary road or onto a driveway. Setbacks are generous and irregular and spacing between buildings is generous. The preservation of scenic viewsheds, environmental features and prime farmland is considered when determining where the building is located to minimize the visual impact on the landscape. Buildings are 1 to 3 stories in height.

Civic and public benefit buildings are found at prominent locations such as intersections or the termini of roads and are designed to provide a focal point. The relationship of the building to the road and streetscape may vary in relation to other buildings, however, the buildings, including entrances, are oriented to the road with parking behind or beside to preserve open space in front of the building or to frame the road with the building.

A community plan may establish “Infill Areas” within Neighborhood Maintenance areas. Infill Areas are places within established neighborhoods where vacant, underutilized, or land in a nonresidential use could redevelop. Examples could include an undeveloped farm, a former country club or church, etc. Infill Areas are different from Neighborhood Evolving areas because Infill Areas are generally smaller and interior to Neighborhood Maintenance areas. Infill Areas may have different Building Forms than the rest of the Neighborhood Maintenance area. If the Community Plan includes an Infill Area, it will have clearly identified boundaries and guidance on the desired residential development pattern. Special consideration will also be given to how to blend the edges of the Infill Area into the surrounding neighborhood.

New developments that create their own street or internal drive systems also provide inviting, functional, and accessible open space as an integral part of the development. Less extensive new developments provide smaller open spaces that may serve multiple purposes, such as rain gardens that serve as storm water management devices as well as site amenities.

Development does not result in the creation of double-frontage single- or two-family lots, unless there are extenuating circumstances, such as the need to avoid disturbing sensitive environmental features.



T-2 Rural

Neighborhood

Rural Neighborhood Maintenance

Connectivity (Pedestrian/Bicycle) – Pedestrian and bicycle connectivity is low and is provided in the form of greenways and/or multi-use paths and on-road facilities for bicyclists.

Connectivity (Vehicular) – Vehicular connectivity is low. Limited transportation infrastructure – a sparse road network – limits vehicular connectivity to prominent rural roads, which are connected in a widely spaced network. Roads are designed and located to preserve environmentally sensitive features. A road cross-section with shoulders and swales is preferred. A road cross-section with curb and gutter is inappropriate.

Density/ Intensity – Density is secondary to the form of development, however, T2 Rural Neighborhood Maintenance Areas are intended to be the lowest density of residential development in the County. Density does not generally exceed 1 dwelling unit per 2 acres and even lower density is preferred to create or preserve a truly rural character. The density and its appropriate form is established through the Community Planning process or Detailed Design Plan process to be in keeping with the goals and objectives of the Community Plan. Density within Infill Areas may vary from the density of the rest of the Neighborhood Maintenance area, but is designed to blend in with it. Intensity associated with non-residential development is not applicable in this policy category.

Landscaping – Landscaping is natural and informal. Landscaping generally utilizes existing, native vegetation and reflects the natural environment, but may also include some formal plantings. Consideration is given to the use of native plants and natural rainwater collection to minimize maintenance costs. Landscaping is used to screen ground utilities, meter boxes, heating and cooling units, refuse storage, and other building systems that would be visible from public streets.

Lighting – Lighting is sparsely provided. Lighting is used for safety at buildings and is designed to fit the context and character of a rural environment. Lighting is directed onsite and does not contribute to light pollution.

Parking – Parking is provided on-site on private property. Parking for civic and public benefit land uses is provided on-site behind or beside buildings. Bicycle parking is provided at civic and public benefit uses.

Service Area – Not applicable in this policy category.

Signage – Signage is rarely used at individual residences. Signage for civic and public benefit land uses alerts motorists, pedestrians and cyclists to their location and assists them in finding their destination in a manner that is not distracting or overwhelming to the civic or public benefit use or the overall streetscape. The design and location of signage complements and contributes to the envisioned character of the neighborhood. Signage is generally scaled for vehicles and monument signs are appropriate. Appropriate signage scaled for pedestrians includes building mounted signs, projecting signs, or awning signs. Any lighting on signage is minimal and complies with the lighting design principles above.

Zoning Districts

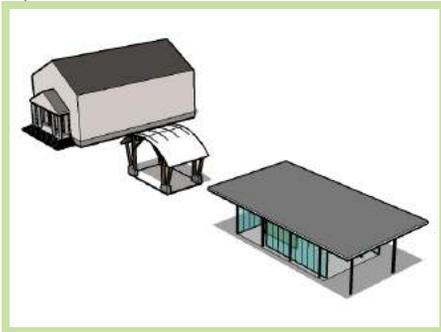
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- RS80
- R80
- SP
- Other residential zoning districts may be appropriate based on the locational characteristics of the subject property and the ability of the applicant to document that the proposed zoning district is consistent with the policy.

T-2 Rural

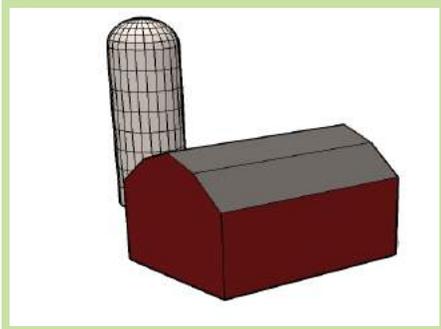
Neighborhood

Rural Neighborhood Maintenance

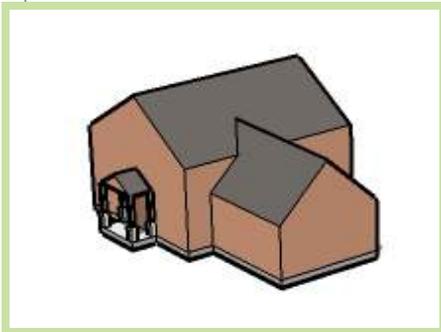
Building Types



civic



agricultural



house



T-2 Rural

Neighborhood

Rural Neighborhood Maintenance



Nashville's remaining rural areas are in outlying areas of the county such as this one near Whittemore Lane in Southeast Davidson County.

Farm in Neelys Bend



View from Cane Ridge Community Center

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T-2 Rural

Neighborhood

Rural Neighborhood Evolving

Policy Intent

Create rural neighborhoods that are compatible with the general character of existing rural neighborhoods as characterized by their building form, land use and associated public realm, with opportunities for unique development options, such as low-impact conservation subdivisions and improved pedestrian, bicycle and vehicular connectivity. The resulting development pattern may have higher densities than existing rural neighborhoods and/or smaller lots sizes. This reflects the commitment to preserving environmentally sensitive features and farmland.

General Characteristics

T2 Rural Neighborhood Evolving Areas include denser groupings of residential development and low-impact agricultural uses. Attached and detached residential buildings and agricultural buildings are thoughtfully grouped to preserve environmentally sensitive features, prime farmland and/or important vistas or viewsheds. Buildings generally have more regular, moderate setbacks and moderate spacing between buildings. The resulting residential development often takes the form of a conservation subdivision. The public realm and streetscape features the sparse use of lighting and informal, natural landscaping. T2 Rural Neighborhood Evolving Areas have low to moderate levels of connectivity with a sparse road network and the presence of multi-use paths and/or bikeways. The development pattern reflects the preservation of land with environmental significance such as steep topography, vegetation, and view sheds and the preservation of tracts of farmland. The edges of T2 Rural Neighborhood Evolving Areas are firm with clearly distinguishable boundaries identified by environmental features, lot size, and building placement. T2 Rural Neighborhood Evolving Areas are different from “Infill Areas” in T2 Rural Neighborhood Maintenance areas. T2 Rural Neighborhood Evolving areas are generally larger and have a different policy intent – one that places a greater emphasis on thoughtful grouping of development, which is not necessarily the traditional rural pattern, but is helpful to preserve natural features, agricultural lands, etc.

Application

T2 Rural Neighborhood Evolving Policy is applicable to areas that are zoned residential or agricultural, where the primary land use is residential or agricultural, or that are envisioned to become primarily residential and/or agricultural. T2 Rural Neighborhood Evolving Policy is applied in situations where there is an expressed interest in the area’s development pattern evolving to promote a mixture of housing types and greater connectivity, an interest in grouping homes to preserve important natural features, or there is the existence of all or some of these characteristics, which indicate that the area is likely to evolve: incongruity between the existing land use and the zoning, proximity to evolving centers or corridors, and/or environmentally sensitive features, farmland and important viewsheds/ vistas to be preserved.

Commonly used boundaries to define T2 Rural Neighborhood Evolving Policy areas include, but are not limited to: boundaries defined by evolving or intended development patterns (considering lot size, spacing of homes, etc.), environmental features, man-made features (rail lines, major



T-2 Rural

Neighborhood

Rural Neighborhood Evolving



utility easements, prominent roads), and transitional uses (open space, institutional). The application and boundary delineation of this policy are established during the Community Planning process or the Detailed Design Plan process.

Examples of Appropriate Land Uses (In order of appropriateness)

Low-Impact Agricultural and Related Accessory Uses

Residential

Civic or Public Benefit

Design Principles



Access – Shared access roads serving a group of homes or conservation subdivision are appropriate, with single access driveways off the prominent road. Roads and driveways are designed and located to preserve topography and other sensitive environmental features.

Block Length – Blocks are curvilinear with generous to moderate distance between intersections.

Building Form (Mass, Orientation, Placement) – The building form is in character with the existing development pattern of the rural neighborhood in terms of its mass, orientation, and placement. However innovative site design may be accommodated in the form of conservation subdivisions.



Within conservation subdivisions, buildings are grouped closer together than is usually found in rural areas. The emphasis is on grouping buildings to preserve the surrounding environmental features, farmland or scenic viewsheds or vistas. This results in an organic irregularity in lot size and configuration. The massing of buildings results in a building footprint with lot coverage that is generally higher than the usual rural residential building. Buildings are generally oriented to the road with moderate setbacks and spacing between buildings that are context sensitive to preserve natural features and/or farmland. Site specific environmental features, farmland and viewsheds/vistas are used to determine where buildings are located to minimize the visual impression on the landscape. Buildings are 1 to 3 stories in height.

Civic and public benefit buildings are found at prominent locations such as intersections or the termini of roads and are designed to provide a focal point. The relationship of the building to the road and streetscape may vary in relation to other buildings, however, the buildings, including entrances, are oriented to the road with parking behind or beside to preserve open space in front of the building or to frame the road with the building.



New developments that create their own street or internal drive systems also provide inviting, functional, and accessible open space as an integral part of the development. Less extensive new developments provide smaller open spaces that may serve multiple purposes, such as rain gardens that serve as storm water management devices as well as site amenities.

T-2 Rural

Neighborhood

Rural Neighborhood Evolving

Development does not result in the creation of double-frontage single- or two-family lots, unless there are extenuating circumstances, such as the need to avoid disturbing sensitive environmental features.

Connectivity (Pedestrian/Bicycle) – Pedestrian and bicycle connectivity is low and is provided in the form of greenways and/or multi-use paths for pedestrians and on-road facilities for bicyclists. Pedestrian paths are provided within conservation subdivisions.

Connectivity (Vehicular) – Vehicular connectivity is low to moderate. Limited transportation infrastructure – a sparse road network – limits connectivity of the evolving neighborhood to prominent rural roads, which are connected in a widely spaced network. Connectivity within conservation subdivisions is moderate. In either case, roads are designed and located to preserve environmentally sensitive features. A road cross-section with shoulders, swales and a pedestrian path is preferred. A road cross-section with curb and gutter is inappropriate.

Density/Intensity – Density is secondary to the form of development. T2 Rural Neighborhood Evolving Areas are intended to have the lowest gross density of development in the County. Gross density generally does not exceed 1 dwelling unit per 2 or more acres. Where appropriate, the arrangement of homes, including placement of houses and lot sizes, may vary to create a conservation subdivision. In that case, environmentally sensitive features, farmland and/or viewsheds or vistas are identified prior to layout and design of the lot configuration. The yield for conservation subdivisions is determined per the Metropolitan Nashville Subdivision regulations. In all cases, the density and its appropriate form is established through the Community Planning process or Detailed Design Plan process to be in keeping with the goals and objectives of the Community Plan. Intensity associated with non-residential development is not applicable in this policy category.

Landscaping – Landscaping is natural and informal. Landscaping generally utilizes existing, native vegetation and reflects the natural environment, but may also include some formal plantings. Consideration is given to the use of native plants and natural rainwater collection to minimize maintenance costs. Landscaping is used to screen ground utilities, meter boxes, heating and cooling units, refuse storage, and other building systems that would be visible from public streets.

Lighting – Lighting is sparsely provided. Lighting is used for safety at buildings and is designed to fit the context and character of a rural environment. Lighting is directed onsite and does not contribute to light pollution.

Parking – Parking is provided on-site on private property. Parking for civic and public benefit land uses is provided on-site behind or beside buildings. Bicycle parking is provided at civic and public benefit uses.

Service Area – Not applicable in this policy category.

Zoning Districts

- AR2a
- RS80
- R80
- RS40
- R40
- SP
- Other residential zoning districts may be appropriate based on the locational characteristics of the subject property and the ability of the applicant to document that the proposed zoning district is consistent with the policy.

T-2 Rural

Neighborhood

Rural Neighborhood Evolving



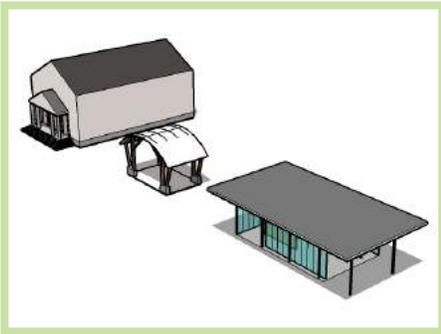
Signage – Signage is rarely used at individual residences. Signage for civic and public benefit land uses alerts motorists, pedestrians and cyclists to their location and assists them in finding their destination in a manner that is not distracting or overwhelming to the civic or public benefit use or the overall streetscape. The design and location of signage complements and contributes to the envisioned character of the neighborhood. Signage is generally scaled for vehicles and monument signs are appropriate. Appropriate signage scaled for pedestrians includes building mounted signs, projecting signs, or awning signs. Any lighting on signage is minimal and complies with the lighting design principles above.

T-2 Rural

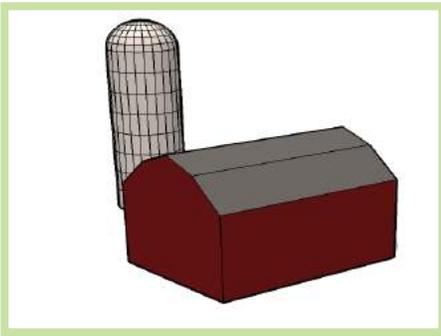
Neighborhood

Rural Neighborhood Evolving

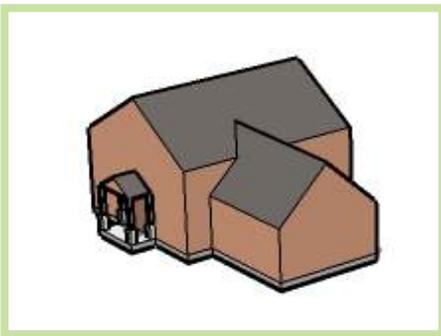
Building Types



civic



agricultural



house



T-2 Rural

Neighborhood

Rural Neighborhood Evolving



Clustering buildings into small groupings and leaving substantial areas of undisturbed open space as was done here in Jackson Meadow in Marine on St. Croix, Minnesota can produce a rural environment even in today's development market.



T-2 Rural

Center

Rural Neighborhood Center

Policy Intent

Preserve enhance, and create rural centers that are compatible with the general character of rural neighborhoods as characterized by the service area, development pattern, building form, land use, and associated public realm.

General Characteristics

T2 Rural Neighborhood Centers are pedestrian friendly areas generally located at defined intersections and contain commercial, mixed use, residential, civic and public benefit land uses. Rural centers serve rural neighborhoods within a 10 minute drive. T2 Rural Neighborhood Centers are generally small, not exceeding the four corners of an intersection of prominent rural roads. Buildings are regularly spaced, built to the back edge of the sidewalk with minimal spacing between buildings when on narrow rural roads. Setbacks for buildings may be deeper when located on wide rural roads. Parking is generally behind or beside the buildings or provided on-street. The public realm and streetscape features the infrequent use of lighting, and both formal and informal landscaping. T2 Rural Neighborhood Centers are served by low to moderate levels of connectivity with rural roads and multi-use paths leading to surrounding rural neighborhoods and open space. The edges of T2 Rural Neighborhood Centers are firm with clearly distinguishable boundaries identified by land uses, building types, building placement, block structure, and environmental features.

Application

T2 Rural Center Policy is applied in situations where there is a concentration of land that is zoned, used or intended to be used as commercial and mixed use that is situated to serve a neighborhood or community, and its intensification is supported by surrounding existing or planned residential development, adequate infrastructure and adequate access such as an arterial.

Commonly used boundaries to define T2 Rural Center Areas include, but are not limited to: boundaries defined by evolving or intended development patterns (considering lot size, mass, spacing, orientation of buildings), environmental features, man-made features (rail lines, major utility easements, prominent roads), and transitional uses (open space, institutional, ancillary residential). Intensification should take place within the current boundaries of the center rather than through expansion of the policy. The application and boundary delineation of this policy are established during the Community Planning process or the Detailed Design Plan process.

Examples Appropriate Land Uses (In order of appropriateness.)

Commercial*

Office

Vertical Mixed Use

Residential

Civic or Public Benefit

*Automobile related uses, e.g. auto dealers, automobile repair, etc., with



T-2 Rural

Center

Rural Neighborhood Center



activities outside of buildings have specific guidance in the Design Principles that follow.

Design Principles

Access – Primary access is generally provided from an arterial and may be provided from a collector street. Secondary access may also be provided by a local side street. Shared access is used to avoid multiple curb cuts. Access into developments is aligned, where applicable, with access for development across the road. Access is designed to be easily crossed by pedestrians. Coordinated access and circulation create a center that functions as a whole instead of as separate building sites.



Block Length – Blocks are linear with moderate distance between intersections.

Building Form (Mass, Orientation, Placement) – The building form is in character with the existing development pattern in terms of its mass, orientation, and placement. However, the building form should complement the adjacent neighborhoods that it serves and the infrastructure to which it has access. The massing of buildings results in a footprint with low lot coverage generally with 10,000 square feet or less of individual first floor tenant space, each with its own entrance(s). Additional individual first floor tenant space square footage may be considered in cases of exceptional development design that is especially attentive to:

- Strongly articulating the façade of large buildings and including such elements as windows and doors;
- Placing the parking in a manner that breaks up large expanses of pavement, provides safe pedestrian movement, and deters speeding vehicles;
- Orienting the large buildings and using smaller buildings to frame the large building all in a manner that creates a town center environment that serves as a destination within the center; and
- Providing one or more areas of publicly accessible, usable, and inviting open space within the development



Buildings, including entrances, are oriented to the road. Setbacks and on-street parking vary based on the intensity of the road. On narrow rural roads, the setback is shallow or non-existent with the front building façade built to the back edge of the sidewalk so that it engages the public realm and creates a pedestrian friendly environment. Automobile-related uses that include outside storage or parking should provide knee walls or other design features to separate the public and private realms. On wide rural roads, shallow setbacks are present, but may be deeper where parking and access are warranted along larger arterials. In all cases, the spacing between buildings is generally minimal. Buildings are generally 1 to 2 stories in height.



Civic and public benefit buildings are found at prominent locations such as intersections or the termini of roads and are designed to provide a focal point in the center. The relationship of the building to the road and streetscape may vary in relation to other buildings, however, the buildings,

T-2 Rural

Center

Rural Neighborhood Center

including entrances, are oriented to the road with parking behind or beside to preserve open space in front of the building or to frame the road with the building.

Connectivity (Pedestrian/Bicycle) – Pedestrian and bicycle connectivity is low to surrounding neighborhoods due to the low-density development pattern. When provided, it is provided in the form of greenways or pedestrian paths. Pedestrian connectivity within the Rural Neighborhood Center is high in order to allow pedestrians to park and walk from business to business. Sidewalks are present within the Center. Crosswalks are provided at intersections, through parking lots and at vehicular access points and are clearly marked to distinguish the pedestrian zone from the vehicular zone. Bicycle connectivity is provided in the form of on-road facilities.

Connectivity (Vehicular) – Vehicular connectivity is low to surrounding neighborhoods, due to the low-density development pattern. The T2 Rural Center is generally located at a prominent intersection with vehicular access provided by an arterial or a collector. Connectivity within the center is provided through coordinated access and circulation.

Density /Intensity – Density and intensity are secondary to the form of development. The density and intensity of development is low with 1 to 2 story buildings and a small geographic scale, generally four corners of a prominent intersection. Intensification should take place within the defined boundaries of the T2 Rural Center policy rather than through expansion of the policy. The density and intensity of development and its appropriate form is established through the Community Planning process or Detailed Design Plan process, to be in keeping with the goals and objectives of the Community Plan.

Landscaping – Landscaping is generally formal. Street trees and planting strips are appropriate. In surface parking lots, landscaping in the form of trees, bushes and other plantings is provided. Landscaping is used to screen automobile related uses, ground utilities, meter boxes, heating and cooling units, refuse storage, and other building systems that would be visible from public streets. Fencing and walls that are along or are visible from the right-of-way are constructed from materials that manage property access and security while complementing the surrounding environment and furthering Community Character Manual and Community Plan urban design objectives. Consideration is given to the use of native plants and natural rainwater collection to minimize maintenance costs.

Lighting – Lighting is infrequently provided. Lighting is used for safety at buildings and safety in vehicular and pedestrian travel. Street lighting is integral to the streetscape; spacing and location of lighting is considered in relation to street trees and plantings. Lighting is pedestrian-scaled and projected downward. Lighting is designed to enhance the character of the center, does not intrude onto adjacent residential uses or neighborhoods and does not contribute to light pollution.

Parking – Parking is provided on-street or on-site on surface lots. Where a historic rural pattern of a narrow rural road and buildings built to the road

Zoning Districts

- MUN-A
- All of the zoning districts listed below to be accompanied by a site plan based zoning district to insure design objectives:
- MUN
- CN
- CL
- SCN
- Other mixed use or residential zoning districts may be appropriate based on the locational characteristics of the subject property and the ability of the applicant to document that the proposed zoning district is consistent with the policy.

T-2 Rural

Center

Rural Neighborhood Center



exists or can be created, parking is located behind or beside the buildings. Where a wider rural road and deeper setbacks exist, a single row of parking in front of the building is allowed, with the remainder of the parking behind or beside the building. An exception is made for automobile related uses such as vehicle sales lots. These may have more parking or outside storage in front of structures provided design techniques are used that effectively separate the private and public realms. An example of such a technique would be a knee wall. Limited parking is allowed beside the building and is designed to cause minimal disruption to the street wall created by buildings. Parking is screened from view of the road and from view of abutting residential properties. On-street parking offsets parking needs and creates a buffer between the road and the pedestrian. Shared parking is encouraged. When establishing parking quantities, other design principles and community plan policies are not compromised. Bicycle parking is provided.

Service Area – The T2 Rural Center provides services to meet the daily needs of residents in the surrounding rural community within a 10 minute drive.

Signage – Signage alerts motorists, pedestrians and cyclists to their location and assists them in finding their destination in a manner that is not distracting or overwhelming to the center or the streetscape. The design and location of signage complements and contributes to the envisioned character of the center. Signage is generally scaled for vehicles and monument signs are appropriate. Appropriate signage scaled for pedestrians includes building mounted signs, projecting signs, or awning signs. Any lighting on signage is minimal and complies with the lighting design principles above.

Utilities – Utilities are placed underground if feasible. If this cannot be accomplished, they are placed in an alley or rear service lane or otherwise at the back of the property. Small utilities that cannot be placed in these locations are carefully screened from public view.

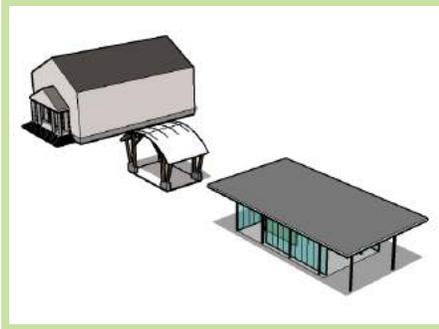


T-2 Rural

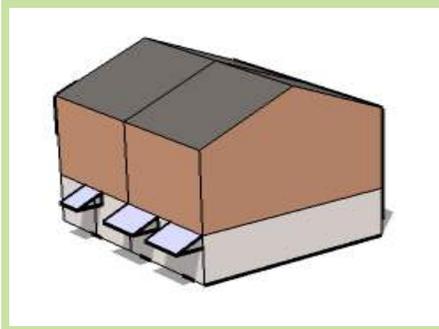
Center

Rural Neighborhood Center

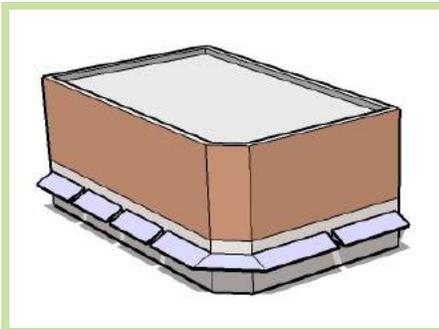
Building Types



civic



live-work



mixed use



T-2 Rural

Center

Rural Neighborhood Center



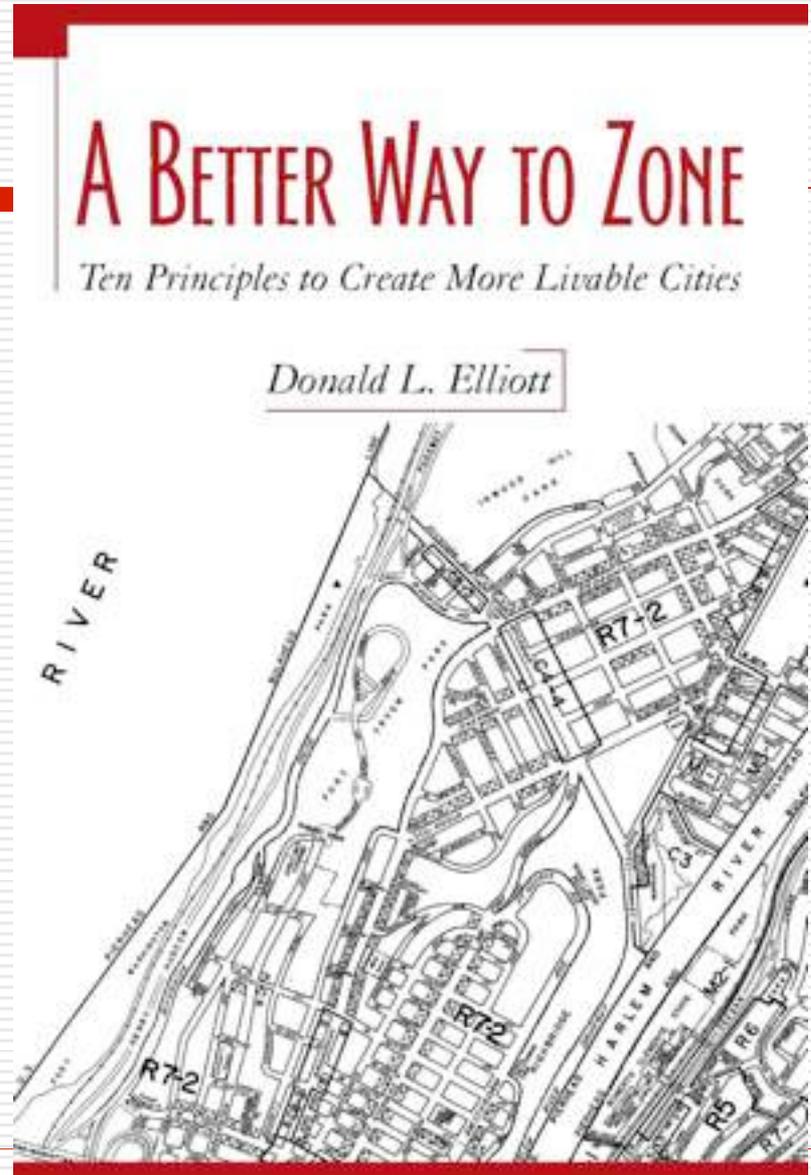
Rural Neighborhood Centers often provide goods and services for large geographic areas and are frequently noted for their charm and distinctive character.



Washington APA

2009 Conference

Vancouver, Washington
November 13, 2009



A Better Way to Zone

Zoning is not a sexy topic

– so why write a book about it?

- A big lever on our future
- Affects people's lives directly
- City Council's favorite power
- Too complex to understand



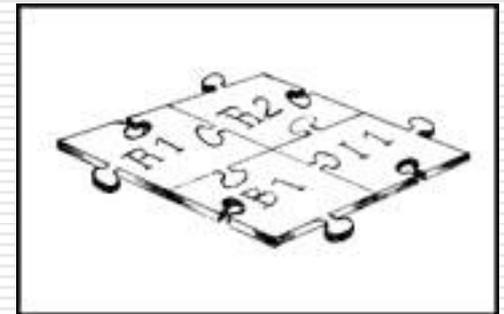
A Better Way to Zone

What is zoning?

A list of “zones” with rules addressing:

- Uses: What can you do on your property?
- Size: How big can it be?
- Quality: How good does it have to be?

And a map showing which “zone” applies where

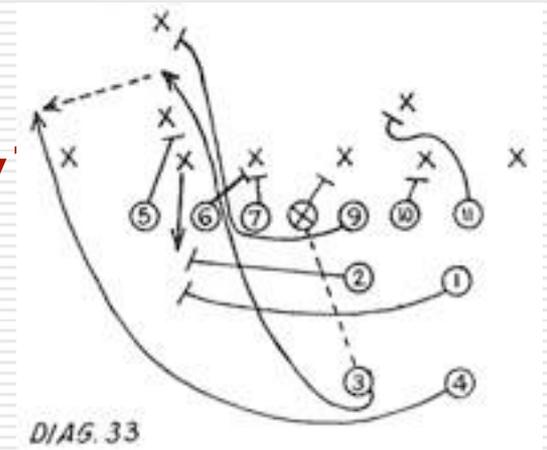


A Better Way to Zone

What's broken?

-- Why do we need a better way

- Too complex for public to grasp
 - The Mike Henry effect
- Expensive and time-consuming to administer
 - Over-the-counter answers fall from 75% to 25%
- Doesn't give us the cities we want
 - Enormous efforts to work around the rules



A Better Way to Zone

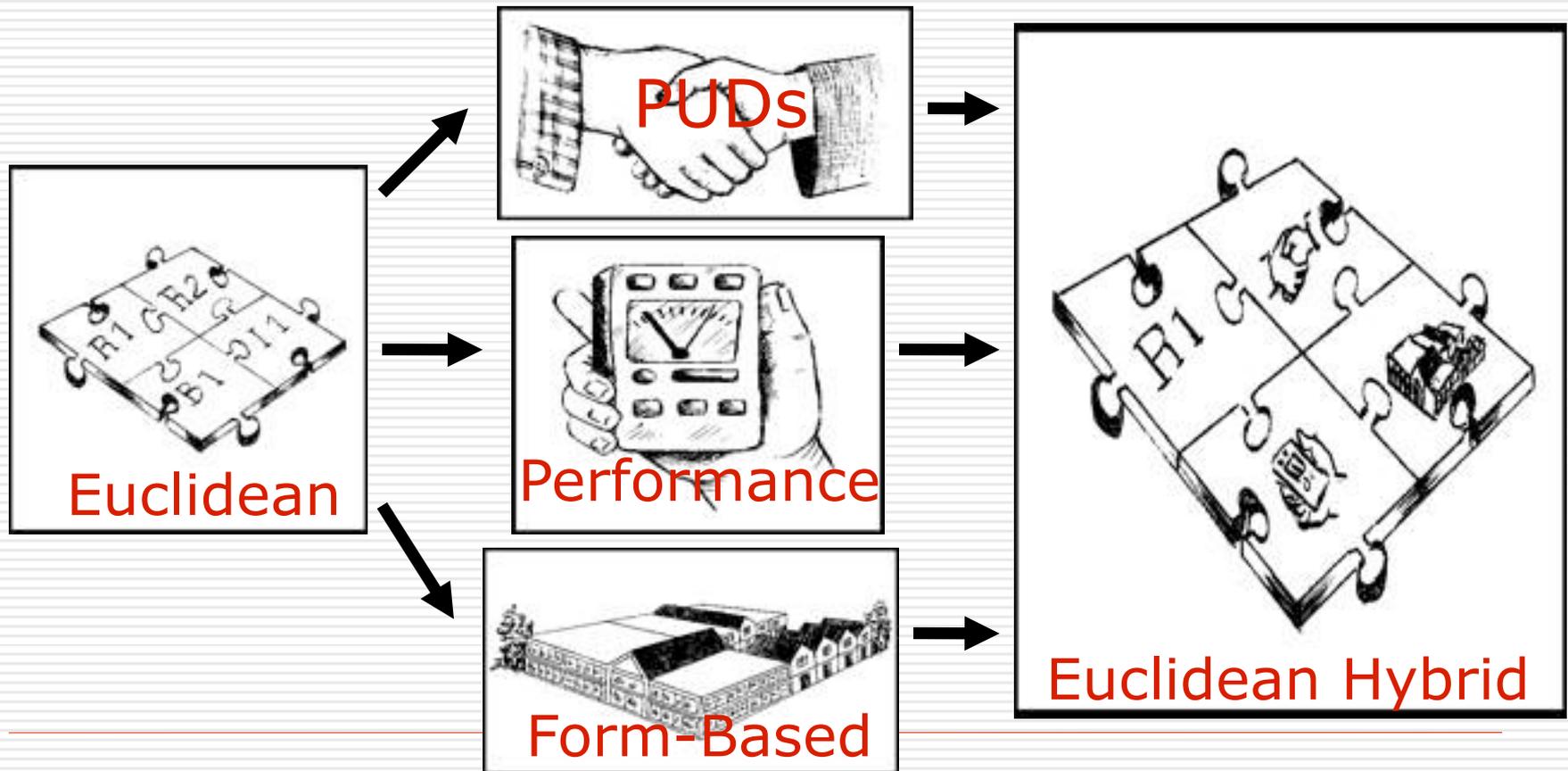
How did it get so complex?

- **Zones multiplied**
 - Denver from 13 to 42 (to 90+?)
- **The list of possible uses multiplied**
 - From “retail” to “music and video store”
- **Ideas about quality multiplied**
 - Parking–signs–landscaping–environment



A Better Way to Zone

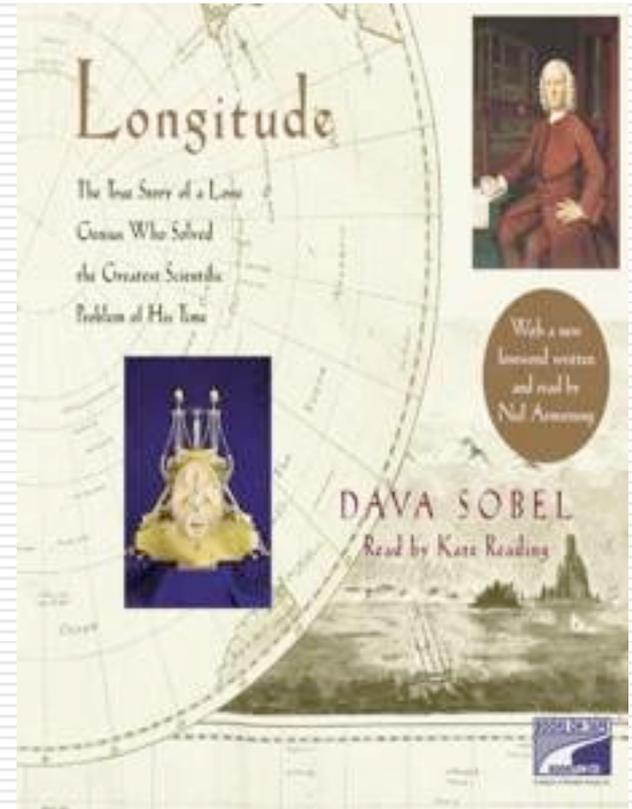
Four historical paths



A Better Way to Zone

Failed Assumptions

Every so often . . .

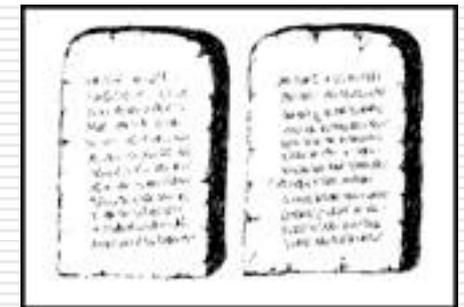
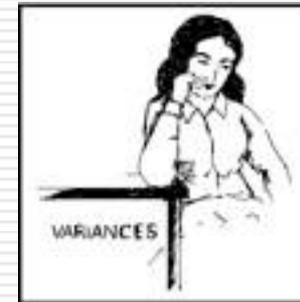
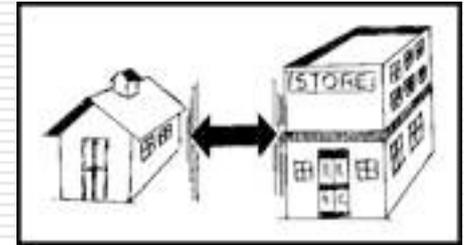


and remember John Harrison

A Better Way to Zone

Failed Assumptions

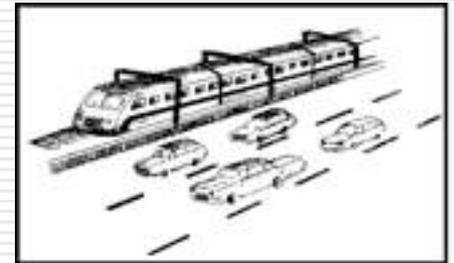
- We thought we had to separate the uses
- We thought exceptions to the rules would be rare
- We thought the rules had to be “static”



A Better Way to Zone

New Land Use Drivers

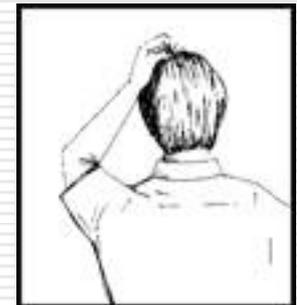
- Tax limits pushes over-zoning for commercial
- Transportation often "drives land use"
- NIMBYism became a very powerful force



A Better Way to Zone

The Lost Art of Governance

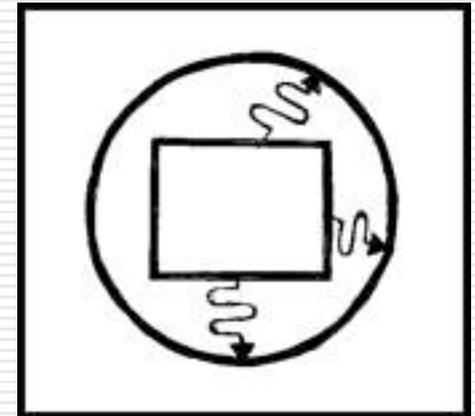
- Lost the focus on long-term workability
- New regulations added but old ones never removed
- “Understandability” got steamrolled



A Better Way to Zone

The Lost Art of Governance

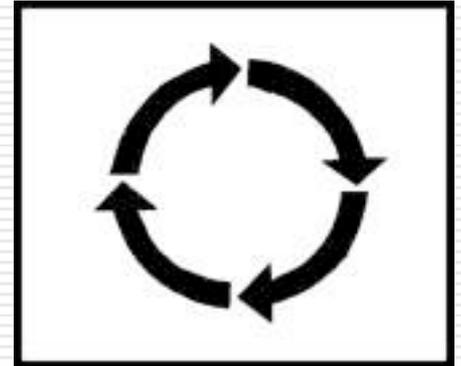
- A word about “predictable flexibility”
 - Sounds like a square circle . . . but
- Not really a crazy idea
 - Canadian “tolerance” bylaws
 - American “administrative adjustment” rules



A Better Way to Zone

How Do We Fix It?

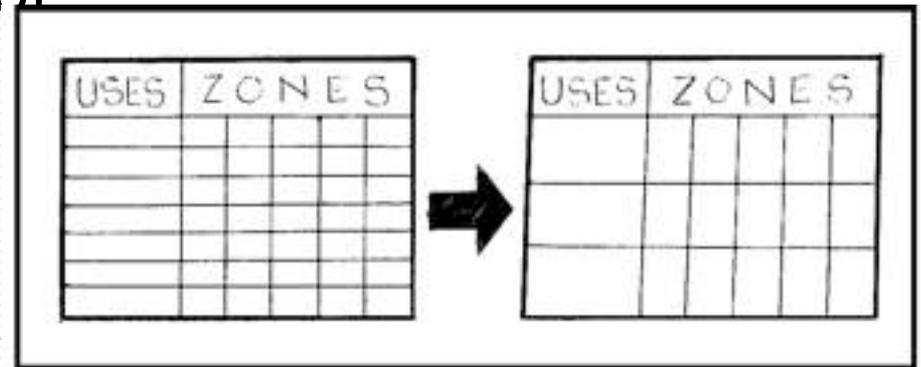
- Stop thinking about zoning as a book with set of fixed rules
- Start thinking it as a land management system that needs to adjust to changing circumstances -- sometimes automatically
- Start Where You Are
- Focus on Ten Key Principles



A Better Way to Zone

1. More Flexible Uses

- Fewer, broader categories
- Less micro line drawing
- Major simplifications of
 - Industrial
 - Retail
 - Personal Services
 - Professional Services



A Better Way to Zone

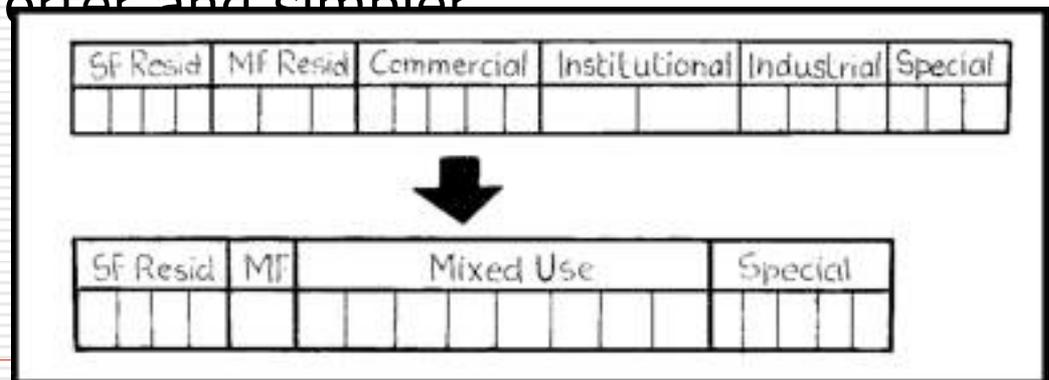
2. The Mixed Use Middle



- Distinctions between higher density MF, Commercial, Institutional, and Light Industrial increasingly blurred

- New menu will be shorter and simpler

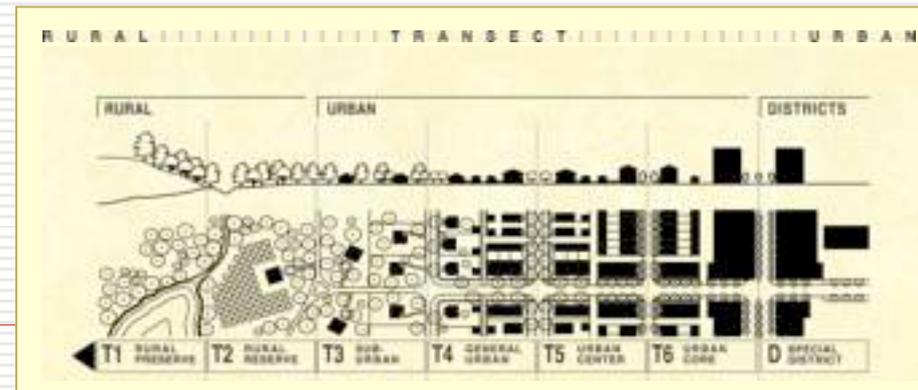
- Residential
- Mixed Use
- Special



A Better Way to Zone

2. The Mixed Use Middle – Examples

- Winnipeg reduced districts from 27 to 22 (dropped 7; added 2)
- SmartCode based on 6 transects
 - Though more in practice
 - Miami now has 13?
- Denver's 7 MU districts are the most used



A Better Way to Zone

3. Attainable Housing

- A structural problem of the U.S. economy
 - Average renter income spent on housing has risen from 19% to 29%
 - 49% of renters spend more than 30% of income on housing
- Real need is in attached and multi-family units
- Don't be fooled by current downturn
 - The gap between prices and wages rises over time



A Better Way to Zone

3. Attainable Housing – Examples

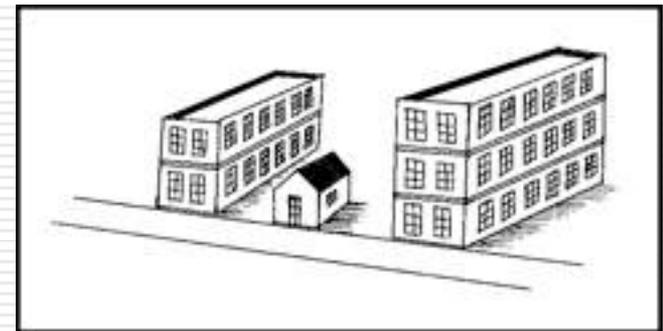
- Aurora, CO Small Lot Standards
 - Down to 3,700 square feet
 - Austin, TX
 - SFD at 14du/acre
 - Mesa County, CO
 - Auto courts and loop lanes
- Denver Highlands Gardens
 - Co-Housing
- Santa Cruz, CA
 - 8 pre-approved ADU templates



A Better Way to Zone

5. Living With Non-Conformities

- The theory was wrong – they don't go away
- Some non-conformities are now accepted “place-makers”
- Move away from limits on expansion and replacement
- Remove legal consequences to encourage investment



A Better Way to Zone

5. Living With Non-Conformities

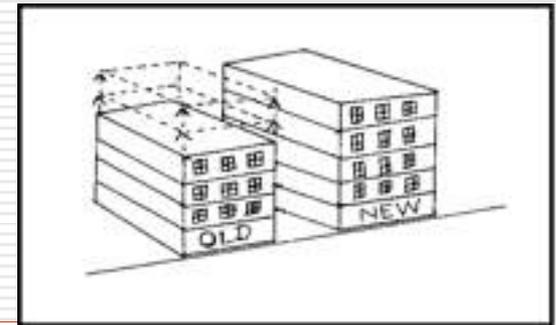
- Move away from a system that says pre-existing buildings are on zoning parole – i.e. technically “legal” but not favored
- Towards one that says pre-existing buildings have the same rights as new buildings unless they involve a public health or safety risk.



A Better Way to Zone

6. Dynamic Development Standards

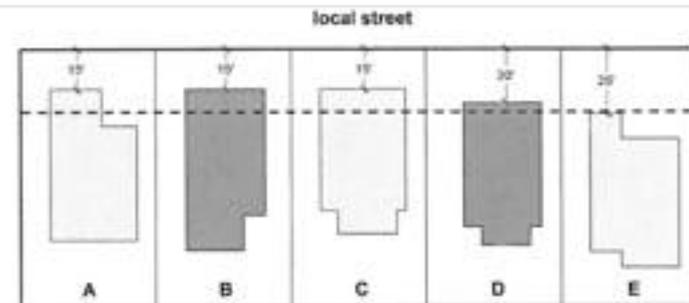
- Who said rules have to be static over time?
- Let some of them adjust automatically as conditions change
 - Fees
 - Heights & setbacks
- ~~➤ Not recommended for SFD areas~~



A Better Way to Zone

6. Dynamic Development Standards—Examples

- Kalamazoo – Maximum height is “tallest building within 200 feet plus 2 stories” – which will change over time.
- Nashville – Parking required depends on distance from transit lines and available public parking lots – which will change over time.



A Better Way to Zone

8. De-Politicizing Final Approvals

- Delegate final subdivision approval to staff
 - Avoid public hearings on most site plans
 - Use hearing officers for non-discretionary decisions
 - Limiting public hearing debate to listed issues
-



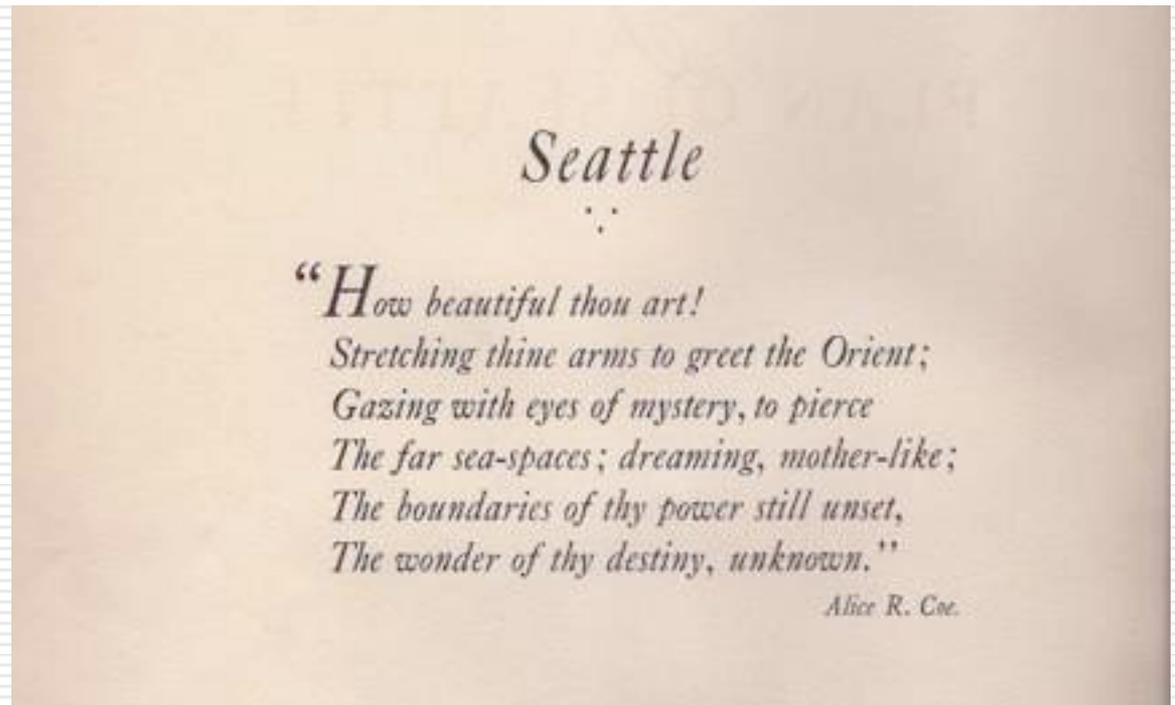
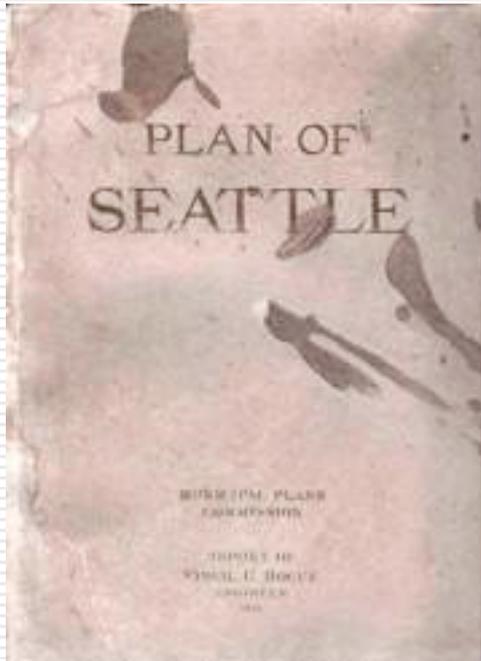
A Better Way to Zone

What Difference Would it Make?

- Simpler rules
 - More diverse cities
 - Easier re-investment
 - Slower sprawl
 - Fewer contentious hearings
 - “Making room for sustainability”
and other topics that we are
learning to care about
-



A Better Way to Zone



A Better Way to Zone



A Better Way to Zone

DECEMBER 2, 2007 | SUNDAY

QUELLING THE LAND RUSH, A TALE OF THREE COUNTIES



James F. Vesely
Times editorial page editor

LOOK to Pierce County for the next stages of growth that will tie the region even tighter, and bring us problems that can only be solved with regional planning.

Pierce County's boom towns — Bonney Lake is the easy example — plus the arrival of huge planned developments such as Cascadia on nearly 3,000 acres of northern Pierce County, funnel the impacts of the new housing boom and the continuation of the rise of the suburban semi-rural crest of Snohomish, King and Pierce counties.

So far, the counties have been working things out by themselves but a recent unanimous vote by the Pierce County Council adds that Puget Sound county struggles to control the land rush.

What Pierce County elected leaders decided to do is simple rather than complicated. To keep some land, mostly in Eastern Pierce, working as farms, forests and natural green spaces, they created a way for farmers and foresters to benefit from a transfer of their development rights to the urban areas. So, some places get more houses, and some stretches of open land stay open.

It's a thing called transfer of development rights, and has been working with mixed success in King County for years. Planners inside Pierce County know there are always "ifs" in land use but are optimistic they can keep ahead of the curve by buying development close to the urban areas.

For the average family, either on farmland or in their car looking for a home to buy, this may be as tangible as holding a check, but the concept of transferring development rights from one side of the county to another can have an enormous impact the way we live in the great sprawl of counties around the Sound.

Probably is that Gig Harbor, the old town I know, will be denser, compact and maybe taller. The dense Bonney Lake, with its combination of commercial strips and community predominant with growth, has led to new efforts to try to manage the tide. The controversial use of Lake Tappin water for Eastside and South King County communities only adds to the rough edge of the debate over growth.

Bonney Lake, like Lake Sammamish before it, and Lake Stevens now, is the outcome of disappointed land policies in the three contiguous counties.

At the center of Pierce County's aversion of a development rights regime was the Cascade Land Conservancy, which held talks for two years in the communities affected. According to the CLC, Pierce County loses "almost 900 acres of farmland through conversion to other uses — about one Point Defiance Park lost every year."

"Loss" is the operative, and perhaps pejorative, word. Where are people supposed to live if not on the remaining land available?

I've come around to believe that keeping some portions of the region's towns, rural highways and crops of forest intact is worth the squeeze of density shifted to urban centers. It's a devil's bargain sometimes because the two-car, two-child, two-job family is caught in higher land prices. For ask to Sammamish if they want more development to go elsewhere, and most people will say yes, send it somewhere else. The living history of this region demands we have to get ready for the next arrival — tens of thousands of people being born here or arriving by moving trucks.

I don't see any other way to deal with it, other than to deal with it.

James F. Vesely's column appears Sunday on editorial pages of the Times. His e-mail address is jvesely@seattletimes.com; for a postcard Q&A with the author, go to blogs.seattletimes.com

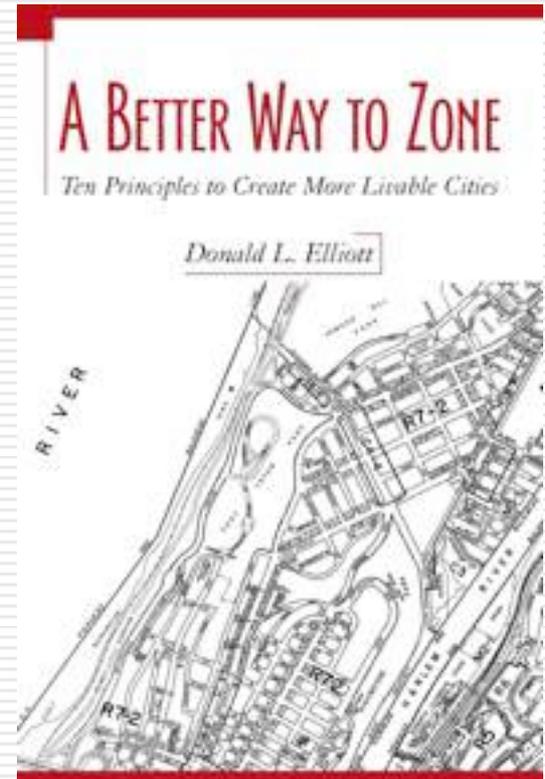
Information
CASCADE LAND CONSERVANCY
www.cascadeland.org
THE CASCADE AREA
www.cascadearea.com

A Better Way to Zone

Are we already zoning better?

- Generally, what is in the way, or not?
 - What has evolved: our own mixed-use middle?
 - Town centers, transit oriented development
 - Local administration/interagency relationships
 - The unrealized vision of GMA, or not
 - E.g. planned actions, rural sprawlbusting
 - Where to put 1.7 million people
 - A Seattle example: “backyard cottages”
-

Questions?
Comments?
Discussion?



Issue Identification and Preliminary Findings

Introduction

From 2010-2012 Teton County went through an extensive rewrite of the County's Comprehensive Plan. The Comprehensive Plan presented a clearer understanding of the goals, desired policies, and the character of Teton County after the development boom in the mid-2000's that impacted the county. The result of this work created a need to update the County's development codes including its Subdivision and Zoning Code. The rewriting of these codes is anticipated to be a year and a half long process. A draft code was submitted to Teton County in November of 2013 by Mr. Stephen Loosli. The Greater Yellowstone HUD grant included funds to be utilized by Code Studios and Mr. Lee Einswiler to assist Teton County as well.

The purpose of this report is to outline the issues or problems that were identified with the current zoning code, as well as identifying portions of the Comprehensive Plan that are of a high priority to focus on through the revision process.

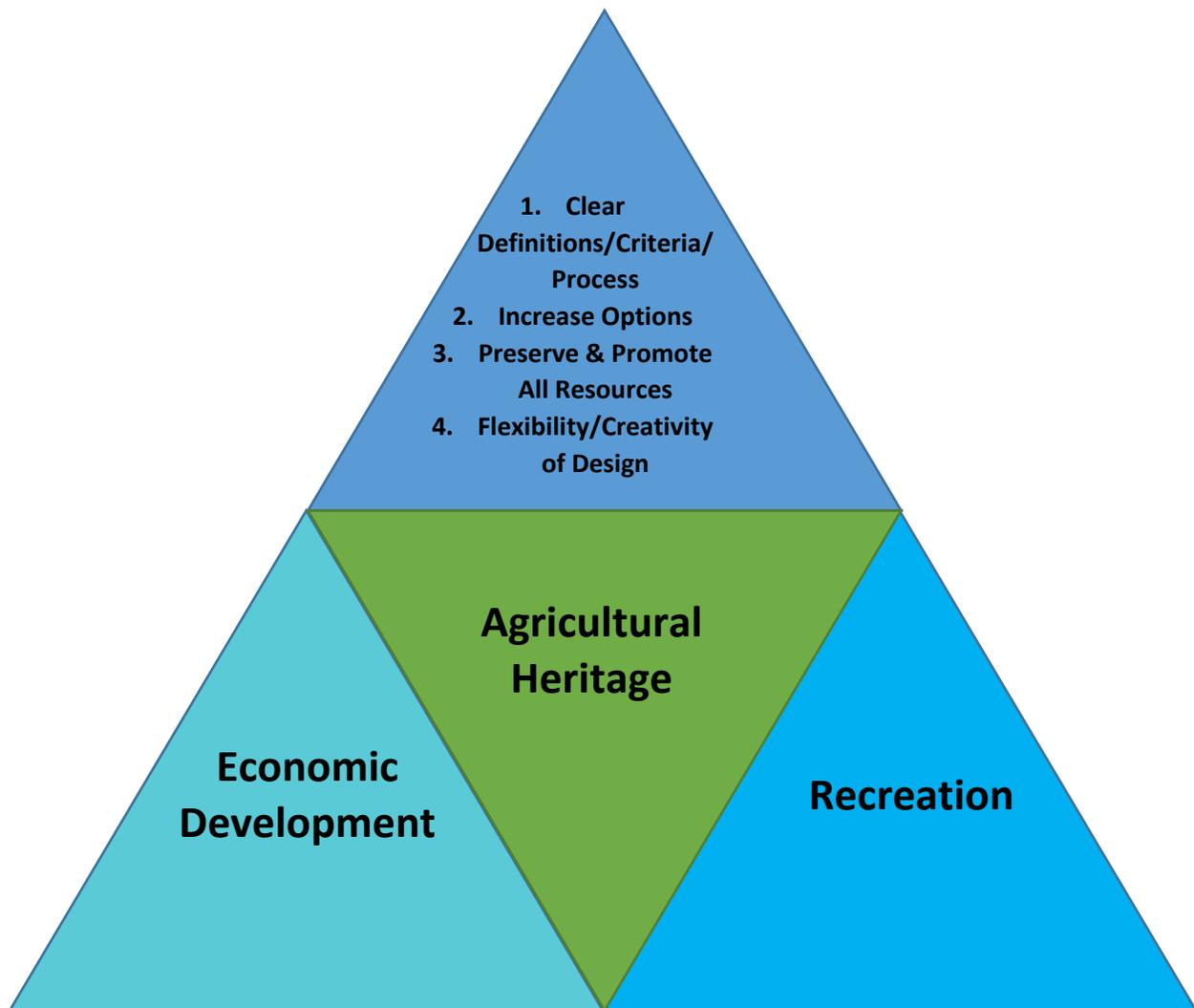
Process for obtaining information for this report:

- 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.
- Public outreach

What Was Heard

The discussions the Planning and Zoning Commission conducted revealed three foundation topics and an additional four goals on which there is substantial agreement, and others where opinions vary. The hierarchy of goals/ideas 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 designs. In the past this history and heritage were not considered and the land use patterns did not properly reflect them.
- 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 make this 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.



Goals of Substantial Agreement

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

The current code can be extremely hard to interpret for the public, developers and staff. This is the result of piecemeal changes since the ordinance was originally adopted. There needs to be clear definitions made regarding the type of development, the requirements for each specific type of development and the process for each type of development. The process needed for each type of development (CUP, Variance, Subdivision, etc.) needs to be reviewed and streamlined for effectiveness. Also, the studies that are currently required need to be revised to ensure their effectiveness as well as 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 need more flexibility to divide a piece of land to avert financial struggles and to keep the rest 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) creates a toll 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 (35 acres or so) 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. It will also be important to ensure that the code clearly explains boundary line adjustments, 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 provide some 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 also need to be reviewed. Currently all development in the overlay must meet the specified criteria (including studies), however not all development is the same, and there needs to be mechanisms for exempting property from the requirements if the impacts can be mitigated in other ways (ie: percentage of property dedicated as open space, decreased density, or even proper design). The ambiguity of the studies and the desired findings of the studies also needs 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 is one 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 are not favorable approaches. Instead, there should be some “off the shelf” options available and then if the impact (density, number of lots, or areas of concern) increases, then requirements increase (additional open space, amenities, studies, etc.). The design of new development should take into consideration the 1) historic use of the land, 2) be designed to allow continued production of the land, and 3) be designed to 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 to revise their plan, there needs to be a review of this section to ensure it provides adequate incentives to be used. 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 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 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 extending above the ridgeline within one mile of the State Highway and Ski Hill road was brought up as a concern. In some portions of the county this 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 as well as a key economic driver. This portion of the code should be reviewed to determine if the current language is really effective.

4. Open Space- Open space is defined and valued differently by everyone. Loosely 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 what open space is. 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.

Initial Findings

The following issues are based primarily upon our review of the Zoning Code and related ordinances and on discussions with those who use and administer these regulations. Most issues relate to specific zoning districts or categories of uses, but are not meant to encompass all districts or use types. These issues will be reviewed in greater detail in the forthcoming Zoning Code Analysis report.

A-20 Zone:

A-2.5 Zone:

C-1 Zone:

C-2 Zone:

C-3 Zone:

M-1 Zone:

Overlay Districts:

One time only Lot Split:

Subdivision Process:

Conditional Uses:

Missing Districts Several new districts or district types could be considered:

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