



FROM: Teton County Planning and Zoning Commission and Planning Staff

RE: Article 1- General Provisions
Summary of Changes

DATE: February, 2015

Introduction

Each section (Article) of the new Land Use Code will be reviewed to make sure it is in compliance with prior established goals, policies and procedures. This document is to highlight the changes from the current code, the options available and why the proposed options were chosen.

Article 1 General Provisions. The purpose of this Article is to establish the purpose of the Land Use Code, establish the zoning districts, and establish the zoning map.

In our current code the provisions below can be found in Title 8-1, 8-3, Title 9-1 and Title 12-1.

What was changed in the new code.

*Signifies further explanation below

General-

- 1) The new code is a unified code (zoning and subdivision are found under one title). This allows the provisions of this code to be applied more uniformly through the county.
- 2) The intent of the code was updated based on the updated Comprehensive Plan-A Vision and Framework 2012-2030.

Specifically-

- 1) Div. 1.1.3- The intent of the new Land Use Code is established.*
- 2) Div. 1.2- The new zoning districts are established.*
- 3) Div. 1.3.2- The interpretations of Map Boundaries was clarified.

How it meets the goals identified at the outset of the code writing process

1. **The Zoning Code is not always clear in regards to the process or the requirements.**
 - a. The proposed code combines three existing titles (8, 9 & 12) into one title. Making it easier to find pertinent information.
2. **The existing Code does not provide usable options for developing or dividing land.**
 - a. This Article does not address the specific action of dividing land.

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 new code by outlining priorities, especially protecting and promoting the resources of Teton County. 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 also 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 is also listed as a goal in the intent section of this Article.

Areas of further explanation:

Div. 1.1.3- The intent of the code is clearly identified.

Teton County PZC has continued to focus their revisions and suggestions around the adopted Comprehensive Plan. One area where this was evident was the intent section of this Land Use Code. Several of the identified intents were taken from the Comprehensive Plan. The reason all of them do not come directly from the Comprehensive Plan is that the intent and purpose of the two documents is completely separate. The Comprehensive Plan is intended to guide decisions and policies toward the type of community we want to be in 10-20 years. The Land Use Code is the ordinance that is applicable today.

Div. 1.2- New Zones are identified.

Idaho State code §67-6511 stated that *“Each governing board shall... establish within its jurisdiction one (1) or more zones or zoning districts where appropriate. The zoning districts shall be in accordance with the policies set forth in the adopted comprehensive plan.”* Teton County PZC worked hard to translate the districts identified in the Comprehensive Plan into useful zoning districts. The specifics of these districts will be covered in Article 3, however Article 1 establishes them as the legal and applicable zones.

Comprehensive Plan Goals addressed in this section

Goal ED 1: Develop a coordinated and collaborative economic development strategy that encourages, promotes and supports locally-owned businesses and creates a hospitable and attractive environment for businesses and tourists.

Goal ED 1, Policy 1.3: Encourage and support local commerce.

Goal ED 1, Policy 1.4: Encourage infrastructure development such as transportation and telecommunication facilities that are important for agriculture operations, businesses and visitors.

Goal ED 1, Policy 1.6: Encourage and pursue economic diversity, innovation and creativity to keep our economy stable.

Goal ED 1, Policy 1.7: Support the expansion of recreational, cultural, and entertainment options that would improve the visitor experience and boost economic development.

Goal ED 2: Preserve our rural character and heritage and promote local agricultural industries.

Goal ED 2, Policy 2.1: Encourage development and land use proposals that support prime economic values of rural character and heritage.

Goal ED 2, Policy 2.2: Promote local agricultural industries and businesses.

Goal ED 2, Policy 2.3: Promote smart growth strategies that help preserve rural character by enhancing existing communities and directing development towards them.

Goal ED 2, Policy 2.5: Encourage development that adheres to environmental standards.

Goal ED 2, Policy 2.6: Encourage policies and resources which enable farms to adapt to changing paradigms.

Goal ED 3: Recognize that tourism and lifestyle are fundamental components of our economy and are dependent on healthy natural resources.

Goal ED 3, Policy 3.1: Encourage economic development through the promotion of recreational opportunities and natural resources.

Goal ED 3, Policy 3.2: Conserve Teton County's natural resources in order to enhance economic development.

Goal ED 4: Accommodate additional population by supporting development that is economically responsible to the County and the community.

Goal ED 4, Policy 4.1: Assess the public service requirements of new developments and weigh their off-site impacts against projected changes in revenue before approving new developments.

Goal ED 4, Policy 4.2: Support local retail by placing adequate residential density in close proximity to businesses.

Goal ED 4, Policy 4.3: Consider the economic impact of supply and demand in residential development.

Goal ED 4, Policy 4.4: Utilize a variety of regulatory and incentive-based tools to reduce density in sensitive areas and encourage density in areas where services exist.

Goal ED 4, Policy 4.5: Limit commercial retail business to Driggs, Victor and Tetonia.

Goal ED 4, Policy 4.6: Provide a variety of housing types that are accessible to a socially and economically diverse population.

Goal ED 4, Policy 4.7: Encourage creative economic solutions such as live-work opportunities and appropriate home businesses.

Goal ED 4, Policy 4.8: Encourage the development of low-density, high-quality neighborhoods adjacent to existing cities.

Goal ED 4, Policy 4.9: Maintain rural areas that encourage farming and ranching and support low density residential development.

Goal T 1: Provide well-maintained transportation infrastructure including roads, paved pathways and sidewalks.

Goal T 1, Policy 1.3: New development will provide adequate transportation facilities to accommodate needed services.

Goal T 1, Policy 1.4: Adopt a variety of design standards for all transportation infrastructure.

Goal T 1, Policy 1.5: Provide/promote off-road transportation corridors to and from Public Lands suitable for both motorized and non-motorized vehicles.

Goal T 3: Provide a well-connected transportation network within Teton Valley and within the region.

Goal T 3, Policy 3.2: Develop trails and pathways where appropriate to connect all communities within the County to adjacent communities, recreation areas and amenities.

Goal T 3, Policy 3.3: Support development that is transit, pedestrian and bicycle friendly.

Goal T 3, Policy 3.4: Promote connectivity through design of well-connected local street systems and pathways.

Goal T 3, Policy 3.7: Seek out and seize opportunities to fund and build pathways.

Goal T 3, Policy 3.8: Coordinate efforts with federal, state, and municipal governments as well as other local and regional organizations to develop a contiguous and interconnected transportation and pathways system.

Goal T 4: Develop transportation appropriate for a rural community, respectful of the unique character of Teton Valley.

Goal T 4, Policy 4.1: Establish review criteria and process for evaluating transportation improvements.

Goal T 4, Policy 4.3: Coordinate and integrate land use and transportation planning and development to ensure that they mutually support overall community goals.

Policy 4.3.1: The County will plan its future transportation system to complement and encourage development patterns designated on the Framework Map.

Goal T 5: Support continued improvements to the Driggs Memorial Airport to support Teton County's aviation needs.

Goal T 5, Policy 5.1: Support implementation of the 2011 Driggs Memorial Airport Master Plan and updates, as adopted, to ensure that the airport can meet projected needs.

Goal NROR 1: Conserve our public lands, trail systems, and natural resources (air, water, wildlife, fisheries, wetlands, dark skies, viewsheds, soundscape, soils, open space, native vegetation).

Goal NROR 1, Policy 1.2: Conserve and enhance biodiversity and native ecosystems.

Goal NROR 1, Policy 1.4: Work with municipalities and public water systems to ensure safe and adequate drinking water.

Goal NROR 1, Policy 1.5: Ensure adequate wastewater treatment.

Goal NROR 1, Policy 1.6: Encourage the conservation of high water quality in rivers and streams.

Goal NROR 2: Enhance and preserve access to public lands and recognize the need to accommodate different user groups in a way that minimizes user conflict and damage to natural resources.

Goal NROR 2, Policy 2.1: Maintain and improve existing public land and river access.

Goal NROR 2, Policy 2.2: Support the creation of new public land access when it's consistent with natural resource conservation goals.

Goal NROR 2, Policy 2.5: Seek cooperation of private landowners to improve accessibility to adjacent public lands.

Goal NROR 2, Policy 2.6: Work with state and federal agencies and private landowners to protect environmentally-sensitive areas from resource degradation.

Goal NROR 3: Provide and promote exceptional recreational opportunities for all types of users (including but not limited to biking, skiing, fishing, off-highway vehicle use, target practice, hunting, trail users, equestrians, boating, non-motorized flight) as a means for economic development and enhanced quality of life.

Goal NROR 3, Policy 3.1: Enhance and improve all-season access to public lands and waterways, except where necessary to protect areas from environmental degradation, negative impact to wildlife habitat, or to protect public safety.

Goal NROR 3, Policy 3.2: Recognize the need to accommodate different user groups in a way that minimizes user conflicts and resource damage.

Goal NROR 3, Policy 3.3: Support a diversity of recreation as a mechanism to bring together community and build acceptance of diverse lifestyles.

Goal NROR 4: Balance private property rights and protection of our natural resources.

Goal NROR 4, Policy 4.1: Ensure that development regulations balance natural resources protection, viewshed protection and growth, are clear and predictable, and preserve the economic value of the land.

Goal NROR 5: Recognize, respect and/or mitigate natural hazards, including but not limited to flooding, earthquakes, landslides, radon and fires.

Goal NROR 5, Policy 5.1: Ensure that regulations minimize the detrimental effects of natural hazards and their inherent risks.

Goal NROR 5, Policy 5.2: Hazardous areas that present danger to life and property from flood, forest fire, steep slopes, erosion, unstable soil, subsidence or other hazards will be delineated, and development in such areas will be carefully controlled or prohibited by a rigorous building code and permitting process.

Goal NROR 5 Policy 5.3: Develop strategies to protect life and property from natural hazards.

Goal NROR 6: Promote natural resource protection by a variety of means including financial compensation for willing buyer/willing seller agreements that promote open space acquisition and land and water easements.

Goal NROR 6 Policy 6.1: Support the efforts of accredited land trusts and other entities to acquire land and easements for resource protection and community character considerations such as agricultural open space.

Goal NROR 7: On public lands and accesses, balance recreation with protection of natural resources.

Goal NROR 7 Policy 7.1: Allow only low-impact activities in sensitive resource areas and higher impact activities in resource areas of less sensitivity.

Goal NROR 7 Policy 7.2: Consider seasonal use restrictions to protect natural resources while allowing access at appropriate times.

Goal NROR 7 Policy 7.3: Encourage siting structural improvements in areas that will result in the least amount of natural resource impact.

Goal NROR 8: Respect sensitive habitat and migration areas for wildlife.

Goal NROR 8 Policy 8.1: Teton County recognizes that wildlife and wildlife habitats provide economic, recreational, and environmental benefits for the residents and visitors of Teton County. Land development decisions will strongly weigh the needs of wildlife to protect the inherent values that they provide.

Goal NROR 8 Policy 8.3: Minimize the cumulative impacts of development on wildlife and wildlife habitat.

Goal NROR 8 Policy 8.4: Protect and/or improve the diversity of native vegetation.

Goal NROR 8 Policy 8.5: Protect and improve riparian and aquatic habitats.

Goal NROR 8 Policy 8.6: A Wildlife Impact Mitigation Plan shall be developed for any development project which impacts an important habitat or which presents concerns of detrimental human-wildlife interaction. Requirements and performance standards for the mitigation plan shall be clearly established in the Zoning and/or Subdivision Ordinance and shall be the basis for approval of the plan.

Goal NROR 8 Policy 8.7: Provide incentives for voluntary habitat buffers, seasonal use restrictions, and aquatic connectivity along key drainages.

Goal NROR 8 Policy 8.8: Work collaboratively with other jurisdictions to preserve, enhance, restore and maintain undeveloped lands critical for providing ecosystem connections and buffers for joining significant ecosystems.

Goal NROR 8 Policy 8.9: Designate and map lands within or buffering Teton River Canyon as an irreplaceable natural area, and work with private landowners and government agencies to protect and conserve the area's ecological resources, including wintering big game and cutthroat trout.

Goal CEF 1: Provide high-quality public and private services and facilities in a coordinated manner for the health, safety, and enjoyment of the community.

Goal CEF 1 Policy 1.1: Encourage locating new facilities in existing population centers to maximize efficiency and convenience and minimize costs.

Goal CEF 1 Policy 1.4: Identify appropriate locations for new facilities in accordance with proposed master plans and build these new facilities when the demand and funding exist.

Goal CEF 1 Policy 1.8: Maintain and improve outdoor lighting requirements that protect dark skies.

Goal CEF 2: Encourage the development and support of high-quality education facilities (primary, secondary and post-secondary) and diverse and affordable activities for all ages.

Goal CEF 2 Policy 2.4: Provide incentives for new developments to create and/or enhance community amenities.

Goal CEF 2 Policy 2.5: Support the construction of a multi-use recreation facility or network of facilities (pool, gym, climbing wall, bowling alley, indoor riding arena, indoor shooting range, etc.) when financially feasible and in accordance with the Recreation Master Plan.

Goal CEF 4: Adequately fund existing and future public services and facilities.

Goal CEF 4 Policy 4.5: New development shall be approved only when adequate public facilities and services are available, or when necessary improvements will be made as part of the development project.

Goal ARH 1: Preserve and enhance Teton Valley’s small town feel, rural heritage and distinctive identity.

Goal ARH 1 Policy 1.1: Ensure that planned growth maintains Teton Valley’s rural character.

Goal ARH 1 Policy 1.2: Encourage vacation of subdivision plats where appropriate and viable.

Goal ARH 1 Policy 1.3: Ensure that open spaces are managed responsibly.

Goal ARH 1 Policy 1.4: Maintain the County’s rural heritage through the scenic corridors.

Goal ARH 1 Policy 1.5: Support the preservation of open space, farmland, natural beauty, and critical environmental areas.

Goal ARH 1 Policy 1.6: Encourage higher density development in the cities of Driggs, Victor, and Tetonia.

Goal ARH 2: Balance property rights and rural character.

Goal ARH 2 Policy 2.1: Develop a means to compensate private property owners for large parcels of open space that benefit the community. Funding options may include:

2.1.1: Transfer of development rights program in cooperation with the cities of Victor, Driggs, and Tetonia;

2.1.2: Acquire conservation easements through purchase, lease or voluntary donation;

2.1.3: Establish a program to fund the acquisition of open space.

Goal ARH 2 Policy 2.2: Provide a means for transfer of agricultural land to family members.

Goal ARH 2 Policy 2.3: Incentivize maintaining or creating large parcels.

Goal ARH 3: Support and enhance agriculture and ranching.

Goal ARH 3 Policy 3.1: Recognize the Right to Farm Act.

Goal ARH 3 Policy 3.3: Support local food production outlets such as Farmer’s Markets and encourage local agriculture production.

Goal ARH 4: Respect cultural heritage sites.

Goal ARH 4 Policy 4.1: Sites and structures listed on State and National Registers of Historic Places or on the Idaho Historic Sites Inventory (IHSI) shall be included on the environmental checklist at the initial stages of a development project.

Goal ARH 4 Policy 4.2: Work with private landowners to protect historic structures which are included in a historic registry adopted by the County.

Goal ARH 5: Reduce infestation/introduction of invasive species.

Goal ARH 5 Policy 5.2: Continue support of public education and outreach that target noxious weed identification, landowner control responsibilities under Idaho State Law, noxious weed management options and noxious weed management funding alternatives.

Goal ARH 5 Policy 5.4: Support current county weed control enforcement policies to better report, police and enforce noxious weed violations under State Law in a fair, timely and consistent manner.

Goal ARH 5 Policy 5.6: Address the cause of invasive species infestations and work to reduce initial outbreaks especially on disturbed lands.