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**FROM:** Teton County Planning and Zoning Commission and Planning Staff  
**RE:** Article 2- Measurements and Exceptions  
Summary of Changes  
**DATE:** February, 2015

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### 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 2 Measurements and Exceptions.** The purpose of this Article is to establish how measurements are made in regards to the regulations found in the rest of the code (lot dimensions, building height, setbacks, etc.).

In our current code the provisions below can be found in Title 8-2, 8-4, Title 9-1, and Title 12-2.

### What was changed in the new code.

\*Signifies further explanation below

#### General-

- 1) This section is separated out to clarify how setbacks and heights will be measured, as opposed to be included in other portions of the code that identify what the measurements are. This will allow for ease of use. All of the measurements and interpretations are found in one place.
- 2) There are new measurements that are included (Front Setback Averaging, Lot Coverage Build to Zone, Ground Floor Elevation, Story Height, Transparency, Blank Wall Area and Height Plane). Some if not all of these measurements will not be applicable in the rural zones, however it will be important to define them if they are to be used in any of the zones we adopt (Commercial or more likely in the Area of Impact).
- 3) There are visual explanations in how the measurements are made with numerous diagrams (Setbacks, Build to Zone, Building height, etc...)

#### Specifically-

- 1) Div. 2.2.3 Measurements of Setbacks from Sensitive Lands\*
- 2) Div. 2.4.2 Building Feature Setback Encroachments

## 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. This proposed section will provide a lot of clarity when it comes to how measurements are made and how things are interpreted. One of the frustrations we have heard from applicants is lack of clarity in how setbacks are being measured currently (specifically from the Teton River and creeks). This section works to make sure the measurements can be made and understood by the property owners and staff as well.
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 change of requiring a setback from sensitive areas (floodplains and wetlands) is aimed to help preserve the sensitive vegetation and habitat we have in the valley along the river and stream corridors.
4. **The new code should allow for flexibility and creativity in the design.**
  - a. This Article establishes a clear measurement and interpretation so that design can be flexible with is clear parameters. Without clear parameters the approval of projects would be more subjective, causing delays and frustrations for the applicant and staff.
5. **The new code needs to provide a more useful mechanism for revising existing undeveloped subdivisions.**
  - a. This Article does not address this specific action.

## Areas of further explanation:

### **Div. 2.2.3- The Measurements of Setbacks from Sensitive Lands.**

There are several reasons for the addition of this provision:

- 1) Protection to property owner's investments. Flood events have a way of changing the "look" and function of the land. By being setback from the river, streams, canals, wetlands and the floodplain it is less likely that a flood event would have an impact on the structure.
- 2) Recent federal legislation has changed the rates of floodplain insurance. These changes will increase the rates property owners pay for flood insurance on their property. One of the ways Teton County can help offset the costs of these changes is by adopting floodplain management policies that exceed the minimum standards. Utilizing a floodplain setback is a higher standard.

It should be noted that these standards will not make any property "unbuildable" due to setbacks. Article 14 outlines a variance process which will allow property owners with no apparent options to develop within the setback.

## Comprehensive Plan Goals addressed in this section

### **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 2.4: Encourage and attract businesses that are economically and environmentally friendly, and promote stewardship and accountability in business.

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 4.4: 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 4.6: Provide a variety of housing types that are accessible to a socially and economically diverse population.

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 1.1: Improve the conditions and safety for vehicles, bicycles and pedestrians of existing transportation infrastructure, especially roads important for agriculture.

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

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

Goal T 3, Policy 3.5: Identify major transportation corridors (existing or new) and preserve, maintain and develop them for future needs.

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

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 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 1.3: Regularly update all natural and scenic resource inventories, to assess the incremental impacts of development on the resource and as a basis for regulatory amendments, as necessary.

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 2.5: 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 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, watershed 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 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 7.3: 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 8.2: Work with landowners, the Idaho Department of Fish and Game, other state and federal agencies, non-governmental organizations, and other natural resources professionals to utilize wildlife habitat and species information and other tools (such as Western Governors Association Crucial Habitat Assessment Tool and the Wildlife Overlay Map), including new information as it becomes available, to make land use and site planning decisions.

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 8.7: 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 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 1.3: 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 Teton.

**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 3.2: Improve and maintain roads important for agricultural production and transportation.

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

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