



COMPREHENSIVE PLAN

Rewrite of the Teton County Comprehensive Plan

Planner: Angie Rutherford

Prepared July 02, 2012 for the Planning & Zoning Commission

Public Hearing of July 10 & 11, 2012

APPLICANT: Teton County Planning Department

APPLICABLE CODE: State Statute 67-6508: *It shall be the duty of the planning or planning and zoning commission to conduct a comprehensive planning process designed to prepare, implement, and review and update a comprehensive plan, hereafter referred to as the plan. The plan shall include all land within the jurisdiction of the governing board. The plan shall consider previous and existing conditions, trends, compatibility of land uses, desirable goals and objectives, or desirable future situations for each planning component. The plan with maps, charts, and reports shall be based on the following components as they may apply to land use regulations and actions unless the plan specifies reasons why a particular component is unneeded.*

REQUESTS: Recommend to the Board of County Commissioners a new Comprehensive Plan for our community that is based on broad public input and will guide our community to a prosperous, well-planned future.

APPLICABILITY: County-wide

BACKGROUND: The current Teton County Comprehensive Plan, which purports to protect natural resources, agricultural land, promote economic development and direct growth to towns, has been a catastrophic failure. We, as a community, have not done any of these things with the code that supports our current comprehensive plan. To the contrary, we have lost production acres of agricultural land and the current over-supply of available subdivision lots has crushed our real estate values, decreasing investment in our community. We have incentivized development in far-reaches of the County and our Cities have for-rent signs in storefronts. This has not upheld property values or property rights.

We now have an opportunity to begin to correct our course. We have heard from many members of our community and they have told us they want to get back on track to achieving our goals. This plan further articulates and refines our community goals and vision. It provides a picture of what our community can look like if we take actions to implement our goals and, perhaps most importantly, it provides a course of actions that we can do to move in the direction that we, as a community, want to go.

PLAN DEVELOPMENT:

The Comprehensive Plan meets the requirements of State Statute by addressing the 16 required content areas (many of these are addressed in the Appendices): property rights, population, school facilities, economic development, land use, natural resources, hazardous areas, public services, facilities and utilities, transportation, recreation, special areas or sites, housing, community design, agriculture, implementation, and national interest electric transmission corridors. The plan will be heard at two public hearings and noticed accordingly. The County has gone above and beyond these minimal requirements by providing multiple opportunities for public involvement, by concentrating the plan on issues and topics that are of great concern to its residents, and by providing an open and transparent plan development process.

The plan was developed around five content areas that were determined to be important to the citizens of Teton County via an online questionnaire, outreach meetings and a mail-in questionnaire. A subcommittee for each of these five content areas was formed as was a core coordinating committee that consisted of the chair of each subcommittee and five at-large members of the public, including a representative from the Planning and Zoning Commission. The subcommittee members were on the frontlines of public outreach. They were responsible for talking to their neighbors to get public opinion on aspects of the plan such as the vision statement. The subcommittee members reviewed all public comments and it was their responsibility to make sure the public comment was adequately incorporated into the plan. The chore of the core committee was to review all subcommittee work and make sure all the pieces of the plan fit together coherently. The core committee also reviewed public comment and acted as general oversight for the plan's development.

The plan's foundation is the vision statement. Each subcommittee spent hours refining their vision statement. There is a lot of consensus on the vision statement and it underpins the rest of the plan. Goals and policies are based on the vision statement and the framework map is based on the vision, goals and policies. Finally, the implementation plan outlines direct steps that the community can take to realize the vision statement.

TALKING POINTS:

For the most part, it seems the community is in support of this plan. There are people who have voiced that the plan should be bolder and go farther to protect wildlife, natural resources and boost our economy. There are also some who argue that the plan is a gross infringement on property rights and will be an extreme detriment to large landowners' livelihood. Here are some of the outstanding issues.

City Areas of Impact: Planners from both Victor and Driggs have indicated that the cities need to infill before we focus more development into the County. I think all of the subcommittees would agree with this statement as would the Planning staff. The subcommittees, I believe, acknowledged that there would be additional growth in the unincorporated County, regardless of the infill potential in the cities. The subcommittees, it seemed, wanted to see this unincorporated development a. minimized and b. close to the cities so as to decrease impacts to roads and services by concentrating development. Any changes to the Area of Impact will necessitate a renegotiation with each city. However, both cities would like to see the desired uses predominantly residential. Victor would like to see low density residential (not more dense than the current 2.5-acre zoning) at least until the city is developed. The term to describe this is inside-out development, whereby the city develops and as land becomes more scarce,

development pressures get pushed to the edge of , and then outside, the city and into the Area of Impact (vs. outside in, wherein there is some incentive to develop around the city before developing the city itself). The City of Driggs is comfortable with the depicted uses with the realization that the City's zoning code and Comprehensive Plan govern the Driggs Area of Impact. This town neighborhood area is hard to depict such that both cities are comfortable and it might be best to call out each city (and Tetonia) separately to avoid misinterpretation.

Desired future uses include:

Driggs:

- Residential densities lower than the adjacent city lands and compatible with future City land uses.
- A variety of housing types and the possibility of live-work units in strategic locations.
- Parks, greenways, and neighborhood amenities.
- Safe and convenient street and pathway connections to towns.
- Pedestrian amenities and complete streets.
- Limited neighborhood commercial

Victor:

- Single-family, detached housing in low densities consistent with non-municipal services.
- Parks, greenways, and neighborhood amenities.
- Safe and convenient street and pathway connections to towns.
- Pedestrian amenities and complete streets.

Tetonia:

- Single-family, detached housing in low densities consistent with non-municipal services.
- Parks, greenways, and neighborhood amenities.
- Safe and convenient street and pathway connections to towns.

Wildlife Habitat Overlay: There is a lot of support for protection of wildlife and wildlife habitat in the community based on public outreach and responses throughout the process. There is a group of people who would like to remove the Wildlife Habitat Overlay from the County Planning documents. I do not believe it was the intent of the Natural Resources and Outdoor Recreation subcommittee to diminish the protections for wildlife habitat, but rather to strengthen them. I believe this statement has strong community support.

Densities: Development densities, particularly in the rural parts of the county, have been a controversial issue throughout the comp plan process. One side argues that densities need to be reduced to improve land values and protect against sprawl which, in turn, will spur investment in our community. The other side argues that decreasing densities infringes on property rights. I do not think any provision in the current draft of the plan infringes on property rights. Densities are not defined by number in the plan, but rather in relative terms such as low and medium. The plan needs to provide direction for the future process of code development, but it is not necessary to define the terms by number at this stage. There is no guarantee that the plan will change density designations, although it is a possibility, especially in some areas.

If future actions do increase overall property values (vs. the current plan), then it is hard to argue that property rights have been diminished if the purported rights are intended to maintain value. Our legal council is advising that there is little threat of a successful legal challenge to a comp plan and that even if there is a downzone in the future, there is not a substantial argument for a takings case.

Family Splits/Short Plat: There has been some talk about the practicality of having a family split process. If the short plat can produce the same results, it would need to be carefully articulated that the intent of the short plat is to provide a means for a family to provide lots for immediate family members. Family splits were very popular among large landowners and if this provision is eliminated, it would need to be clear that the results would be the same (with more flexibility) and the intent of the family split remains intact and addressed in the short plat. I think this could be achieved by adding language to the short plat section directly from the family split section. For example:

Short Plat

Creation of a smaller subdivision can often be accommodated through an abbreviated review process to create a short plat, also called a short subdivision. The purpose of the short plat is to allow the creation of a small number of parcels without being subject to the more lengthy procedural standards of the preliminary and final plat regulations and to provide a simplified administrative process for review. The short plat process could also be used to allow a farmer to split off lots for his or her children, to fulfill their need for housing, to pass along a portion of the family's land holdings and to allow the family members to live in close proximity to the farm where they worked together. A short plat, in contrast to a family lot split, would not require a definition of family member and would be more flexible than the family split while still allowing the same process and fulfilling the intent of the family split. Thresholds for creation of a short plat are typically based on the number of lots being created and the requirement for right-of-way dedication. Lot sizes are usually required to be no smaller than the required minimum lot size within the zoning district and enough land would need to be available to meet the underlying zoning requirements.

Public Comment: There have been complaints that the process has not incorporated public comments. The subcommittee's main task was to solicit, review and incorporate public comment into this document. Additionally, the core committee reviewed the comments and the document at each stage of the process. I, personally, have read all of the comments garnered through this process. Not all comments have been incorporated into the document, but the comments that were widely-based and appropriate for incorporation, to the best of all of our (staff, consultant, subcommittee members and core committee members) ability, were incorporated.

Timeline: The timeline was set over a year ago for the development and adoption of this plan. We have not received "new, big" comments in the past several months, but rather a re-hashing of philosophical arguments and comments about word choices and specific items. For this reason, there was no reason to deviate from the established schedule.

The process is run by special interest groups: There are comments that the process has been run by VARD, and there are comments that the large landowners were given preferential treatment at the end of this process. It's probably a good sign that we hear both complaints. As to the comments that VARD has been in charge of the process, all public comment was solicited and processed by the subcommittee members in a very open and transparent process. Draft documents (drafted by the consultant team) were reviewed at least once by each subcommittee and the core committee. There has been a lot of opportunity for review and editing of the documents and all of this review/editing has occurred in the public forum. Diverse groups, from the subcommittees to the core committee and Planning and Zoning Commission, have agreed on the edits and they have been incorporated based on a belief that the edits add to the quality of the document, and thus, will have a positive impact on the community. As to the comments about the large landowners, those comments are probably correct. We did hold three extra meetings to address their concerns and we put out an extra effort to accommodate their needs as long as they were consistent with the values stated by the community. I don't consider this a fault of the process- I think it was a necessary step to be sensitive to the needs of an underrepresented, important part of our community.

General: Generally, I think this plan is a document that was produced based on intense community conversation and upholds our values as a community. It is staff's recommendation that you recommend approval of a draft whose intent is very close to the proposed document.

PLANNING & ZONING COMMISSION ACTIONS:

- A. Recommend approval of the Comprehensive Plan with the changes you articulate.
- B. Recommend denial of the Comprehensive Plan. This course of action is not recommended. It is recommended that you work on the draft until it is in a form that can be recommended for approval. Not recommending approval of some form of the document does two things in particular: 1) it negates thousands of hours of work that community volunteers have donated, and 2) it puts us in limbo with a current plan that is out-of-date and unsuccessful.
- C. Continue to a future PZC Public Hearing with reasons given as to the continuation or need for additional information.

Staff suggests the following motion:

Having found that Comprehensive Plan meets the letter and intent of the Idaho State Statute 67-6508, I move that the Planning & Zoning Commission recommend approval of the draft document as presented in the track-change document in the staff report with the following changes: [reiterate all changes with page number and the text change].



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Planner: Angie Rutherford

Prepared July 06, 2012 for the Planning & Zoning Commission

Public Hearing of July 10 & 11, 2012

Supplemental information for the Public Hearing of July 10 & 11, 2012.

City Areas of Impact: Staff has met with the Planning & Zoning Commission from Victor and with the City Council from Driggs, and we have had conversations about the intent of the Comp Plan within the areas of impact and what their expectations are for future land uses. Both cities indicate that they would like primarily residential uses in the “town neighborhood” areas. Both Driggs and Victor are comfortable with the following desired uses in the text description of the town neighborhoods. It is staff’s recommendation to adopt the following language and desired uses for the town neighborhood areas as shown on the framework map.

Town Neighborhood: Town Neighborhoods are located within the area of impact and immediately adjacent to the cities of Victor, Driggs and Teton. These areas are in close proximity to electric, phone and other dry utilities as well as public water and sewer services, although that does not imply that these services would be available as a public utility. The unincorporated town of Felt is also considered a Town Neighborhood area although public water and sewer service is not available. In general, further development and densification of Felt is not supported by its residents; however, the desire for a small public park and decreased speed limits were voiced by many. Town Neighborhoods currently include a mix of developed and undeveloped property and have easy access via automobile, bicycle or pedestrian access to town services and amenities. While the intent of this plan is to encourage growth in existing population centers such as our cities, less dense residential uses near the cities would be more desirable than spreading development in the far reaches of the County. In the Areas of Impact, applicable plans and ordinances must be mutually agreed upon by the city and the county and thus will be negotiated further with each city. While the applicable land use plan for the Areas of Impact must be negotiated and mutually agreed upon with each city, the desired future character and land uses for Town Neighborhoods include:

- Single-family, detached housing in low densities consistent with non-municipal services.
- Parks, greenways, and neighborhood amenities
- Safe and convenient street and pathway connections to towns
- Pedestrian amenities and complete streets

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Reduce the future potential supply of residential lots by 75%. This statement is not intended to apply to existing lots, nor to reduce the future potential supply of lots on a parcel-by-parcel basis, but rather to apply in aggregate, county-wide. The economic development subcommittee felt that this *could* be done with county-wide 20-acre zoning, but did not want to endorse any mandates or specific tactics on *how* the reduction in future, potential lots would take place.

This statement was created by looking at both historic and projected population growth as it relates to the number of lots that are currently available (about 7,000 in the County and approximately 1,600 in the cities). After adding the number of potential future lots (26,000) to the existing lots, they felt the current potential supply of lots was unneeded and economically burdensome; at full build-out, the current situation could supply 81,600 people if 2.4 people lived on each lot (2.4 is the Teton County average from 2005 – 2010, according to the Census).

The subcommittee agreed that this quantity of potential future lots would only hurt property values as there is not the expectation of significant growth rates in the unincorporated county in the next 20 years. They felt if they reduced the number of potential future lots by 75% (down to 6,500), that 13,500 lots (7,000 existing + 6,500 new) would serve our community for the duration of this plan. To put this in perspective, if Teton County grew at the same growth rate as the last 10 years (5.42%) for another 20 years (most would agree this is unlikely), we would have 29,226 people and need 7,940 new lots (to accommodate 19,056 new people). The community could fill this supply without adding a single lot.

Of course, not every lot will ever be built on, but if an average of two people lived on each new lot that the economic development subcommittee is recommending, our current population would more than triple (to 37,000). Put another way, this proposed potential future lot supply would realistically accommodate all future growth, especially if you add in the additional vacant lots from the cities (1,600) and the existing vacant homes (1,750). Even if just one person lived on each lot, it would more than double our population. For this reason, the economic development subcommittee felt a reduction in future potential supply of lots would be a bold, needed, yet realistic goal. The subcommittee did not feel comfortable saying *how* that reduction should take place, but rather that it should be the goal.

If the planning commission is uncomfortable with a hard number in this statement, it might be amended to read: “Reduce the future potential supply of residential lots to reflect the future need for lots based on projected population growth.” One word of caution, if this statement is taken literally, the reduction might end up being more than 75%.

Add to this section under Subdivision and Zoning Ordinance, “Eliminate density bonuses that are inconsistent with surrounding zoning.”