



**AN AMENDMENT TO MODIFY TITLE 8 ZONING
ORDINANCE SECTIONS 8-4-1 ZONING
RESTRICTIONS & LAND USE TABLE AND
SECTION 8-6-2 USES PERMITTED WITH
CONDITIONS PROCEDURES**

Prepared November 2, for the Planning and Zoning
Commission Public Hearing of November 9, 2011

APPLICANT: Teton County Planning Department

APPLICABLE CODE: Title 8 Teton County Zoning Ordinance, Chapters 4 and 6, as amended May 12, 2011

REQUESTS:

- 1) Revise Table 1- Land Use Matrix by adding the following zoning districts (columns):
 - a. Planned Unit Development -PUD
 - b. Area of City Impact for Tetonia, Driggs and Victor
 - c. Eliminate the R-1 and R-2 district columns.
- 2) Add the following land uses (rows) to the Agricultural and Residential sections of Table 1-Land Use Matrix:
 - a. Crop Production-Commercial
 - b. Crop Production-Home
 - c. Dairy
 - d. Farm / Ranch
- 3) Add new zoning classifications in Table 1-Land Use Matrix:
 - a. BP for Building Permits
 - b. AR for Administrative Review
 - c. MPA for Master Plan Approval
 - d. P - Change the definition to: Permitted by right with no land use permit required
- 4) Make substantive changes to the review procedure classifications for the following land uses in the Agriculture and Residential sections of Table 1- Land Use Matrix:
 - a. Assisted Living Center
 - b. Blacksmith
 - c. Dairy
 - d. Dwelling Unit- Accessory
 - e. Group Home
- 5) Rename Section 8-6-2 Uses Permitted with Conditions Procedures to Administrative Review Procedures and Standards. All tables and places that refer to “PC” or “Permitted with Conditions” would be renamed “AR” or “Administrative Review”.

APPLICABILITY: County wide, to all zoning districts

BACKGROUND: In Title 8, Chapter 4, Table 1-Land Use Matrix is one of the most information-packed and essential elements of the Teton County Zoning Code. The table lists almost all of the conceivable types of land use that currently exist in the county, or that might someday be developed in the county. The Land Use Schedule Definitions Section 8-4-2 provides the precise characteristics of each of these listed land uses.

Over time, the Planning Staff and Planning & Zoning Commission have noticed that certain parts of this essential table are either technically incorrect or seem to designate land use review procedures that may be unnecessarily expensive and involved. For example, a small scale blacksmith operation must be approved by applying for a conditional use permit in an M-1 (manufacturing) zone. This process involves two public hearings and the application fee is \$1260. The M-1 zone is already designated for industrial types of uses. In contrast to the blacksmith use in M-1, a heavy equipment sales lot in the same zone does not require any public hearings and the application fee is \$268.

In addition to the incongruence mentioned above, there are definitions for land uses in the Land Use Schedule that are not listed in Table 1- Land Use Matrix. The uses include Farm/ Ranch, Dairy, and Crop Production.

One other deficiency in the Table 1 is that the many Planned Unit Developments throughout the county are not accounted for as they should be. The current table would imply that the underlying zoning, such as A-20 or A-2.5 dictates the land uses available in these PUDs. Several Planned Unit Developments, such as Teton Springs, River Rim, or Teton Reserve all have permitted commercial uses which could not be permitted in the A-2.5 or A-20 districts.

Another reason to revise the Table 1 is that the Areas of Impact around the three cities were not accounted for in the table. These areas have special zoning arrangements made for the land and property that may one day be annexed or otherwise might affect the city infrastructure. Columns were added to the Table 1 in order to direct people to the proper location for information about permissible land uses in the Area of City Impact. In Driggs, the city zoning applies in the county areas and in Victor, outside the Urban Growth Boundary, the county zoning designations apply.

Lastly, staff found the use of “Permitted with Conditions” somewhat misleading. Almost all land use permits have some conditions, For example, even a building permit must submit some site plan information to indicate what the uses is, whether the setbacks are met and how tall the structure is. The access point, sewage and water supply systems are also reviewed. The implications in the present table are that “permitted by right” uses don’t have any delineated permitting process. For example, home occupations are permitted by right, as is a roadside stand or commercial agriculture. Staff felt that there was a need to further clarify how different land uses are handled. Commercial agriculture does not need any permit from the Planning Department whereas a home occupation or a roadside stand does require an administrative review. The updated Table 1 would add the term “BP” for the building permit review. The “Permitted with Conditions” category would be renamed from “PC” to “AR”. All places that refer to “PC” would be changed.

FINDINGS OF FACT TO AMEND THE TETON COUNTY ZONING ORDINANCE:

1. **Consistent with purposes.** The proposed revisions in Title 8, Chapters 4 and 6 are consistent with the subsections within Section 8-1-3 Purposes of Zoning Ordinance, as depicted in the following section:

8-1-3: PURPOSES OF ZONING ORDINANCE: This title is enacted for the purpose of promoting the health, safety, morals, convenience and welfare of the people of the county. More specifically, it is the intent of this Title to regulate the use of land and guide development in the County in harmony with the policies and guidelines of the officially adopted Teton County Comprehensive Plan and to achieve the following objectives:

- A. Encourage orderly growth and development of land:
 1. To mitigate adverse impacts upon the water supply, sewage disposal, public safety and emergency services, educational facilities; and
 2. To mitigate the unnecessary imposition of an excessive expenditure of public funds for the delivery of such services.
- B. To protect residential, commercial, industrial uses and public areas from unreasonable intrusion of incompatible uses.
- C. To provide for appropriately located residential areas with opportunities for a variety of dwelling types and densities.

2. **Consistent with Comprehensive Plan.** The proposed revisions in Title 8, Chapters 4 and 6 are consistent with the Teton County Comprehensive Plan 2004-2010 and any trends that are apparent in the on-going comp plan surveys. The revisions to the Land Use Matrix table better clarify and define the processes and types of land uses in the county.
3. **Consistent with other sections of the Teton County Zoning and Subdivision Ordinance.** The proposed amendment is consistent with other provisions of the Teton County Code, such as the Building Code and the Floodplain regulations.

PLANNING & ZONING COMMISSION ACTION:

- A. PROVISIONALLY APPROVE the proposed modifications to the Agricultural and Residential sections of the Land Use Matrix - Table 1 and the associated text in Title 8, Chapter 4 and Chapter 6. Make a statement that the required findings of facts and all the criteria in section 9-3-2 (C-8) can be met.

Once the entire Land Use Matrix table and associated text have been reviewed and all changes accepted, the Commission may then recommend that all the cumulative modifications to the entire table be recommended for approval to the Board of County Commissioners.

B. CONTINUE consideration of the proposed revisions to the Agricultural and Residential sections of the Table 1- Land Use Matrix to a future Commission Public Hearing with reasons given as to the continuation or need for additional information.

PLANNING STAFF RECOMENDATIONS: Action A

Suggested motion:

Having determined that the required findings of facts and all the criteria in section 9-3-2 (C-8) can be met, I recommend that the proposed revisions to Section 8-4-1, which specifically include the Agriculture and Residential sections of Table 1-Land Use Matrix, be provisionally approved.

Once all the revisions to the entire Table 1 have been accepted, all the recommended revisions shall be passed on to the Board of County Commissioners.

Attachments:

- Existing Teton County Zoning Ordinance Chapter 4, pages 4-2 to 4-19
- Existing Teton County Zoning Ordinance Chapter 6 pages 6-1 to 6-23
- Proposed changes to Table 1- Land Use Matrix for Agriculture uses
- Proposed changes to Table 1 Land Use Matrix for Residential uses

Report prepared by Curt Moore with edits by Wendy Danielson and Angie Rutehrford

End report