



Planning and Zoning Commission Draft Land Development Code Work Session Summary

Press Release for Immediate Release

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Overview

The Planning and Zoning Commission held their first work session on Tuesday June 22, 2021 to begin revising the draft Land Development Code. The Draft code was released for public review April 13, 2021. A public meeting was held on May 18, where approximately 80 people spoke on various aspects of the draft. Additionally, more than 4,000 pages of written comments were submitted.

For the past month, the Planning and Zoning Commission have been going through the comments, taking notes, and spending many hours of homework to prepare for revising the code.

As a first work session, the Commission spent time reviewing the history and timeline of how the draft code was created. They reviewed the previous steps including the code audit, focus groups, and public open houses that took place in 2019. They also reviewed how the proposed zoning map evolved from the future land use map that was included in the 2012 Comprehensive Plan.

With that background, the Commission put together a general work plan on how they would like to approach the revision process. After sharing some ideas and thoughts, the group decided on the following approach:

- **Review Definitions** – Since definitions drive so many other aspects of the code, the PZC decided that they should first review and revise the definitions in order to provide the greatest clarity.
- **Review Character Zones** - Where the Draft Code is designed to implement the 2012 Comprehensive Plan, the Character Zones identified in the plan and future land use map were used to create “land use zones” or new zoning. Each zone is based on land characteristics including slopes, wetlands, proximity to the cities, and generalized current land use. The Draft

Code assigns average density numbers to each of the zones. These direct future subdivision of lands if they are transitioned from current uses to subdivisions. Additionally, the character zones are used to direct what land uses may be appropriate, based on each zone. For example, what may be very appropriate on a 160 lot far away from town, may not be appropriate on a one-acre lot in a subdivision. The PZC plan to review each of the character zones and the acreage associated with each.

- **Land Use Issues** – Once the PZC have addressed the definitions and character zones, they will address specific issues. These include things like small businesses, riding arenas, beekeeping, short-term rentals, places of worship, commercial or industrial uses, etc.... With each issue, PZC plans to look at how the Draft Code defines the land use, how it is treated in each of the character zones, and the appropriate level of regulation to support appropriate uses in respect to other landowners in the area. This, like all other aspects of the revision process, will include review of the public comments relative to that issue.

The plan is then to review 3-6 issues in a work session, until the entire code has been revised. At that point, the PZC will do one final review prior to releasing Draft Land Development Code 2.0 for public review.

Once the PZC laid out the overall work plan, they had some time to consider two issues that received considerable attention from the public in the community review process.

The first of these issues was how **“Places of Worship”** are treated in the Draft Code. In the Draft Code, Places of worship are allowed only in the Rural Neighborhood and Town Neighborhood character zones. Additionally, minimum lot size for a place of worship is noted at 5 acres. Numerous public comments requested that such lot size requirements challenge the right to worship freely, noting that lots of that size are not necessary. As a land use, places of worship have simple logistical concerns, such as is there enough parking and is there enough spacing for a well and septic system. As PZC discussed the issue, they recognized the importance of places of worship as part of the community fabric. Ideally, most places of worship are located inside city limits, allowing the use of city water and sewer services. After discussion, PZC **revised the code to allow places of worship to be allowed in all character zones** with a special use permit. They also **changed the minimum lot size from 5 acres, to 1 acre**. One acre is also the minimum lot size for a residential dwelling, as it takes about an acre to have sufficient land for a well and septic for a household. This seemed a reasonable revision to respect the importance of places of worship and also take into consideration the reality of having a building where people gather.

The second issue considered was **“Short Term Rentals.”** Unlike most other uses, Short Term Rentals are not currently considered in Teton County’s zoning code. So the Draft Code proposes the first step in addressing this relatively new land use. Idaho statute protects short term rentals as a residential use. So any areas zoned for residential use must allow it. Local jurisdictions can impose certain regulations for the protection of health and safety. With more

than 700 short term rentals in Teton County, it is not an insignificant use. The concern revolves around houses that are constructed for regular family use, and how that changes when they are rented as short term rentals. In the County, everyone depends on septic systems to treat their wastewater. When homes are constructed, the septic is sized according to the number of bedrooms, and how a typical household uses the home. Typically, a three bedroom house is designed for 4-8 people to live, so the septic system is sized accordingly. However, when that same three-bedroom house is rented as a short term rental, there can be up to 20 people, which can overwhelm the septic system. The Draft Code proposed that to determine capacity of a short term rental, that they be limited to 2 people per bedroom. So the maximum capacity for a three-bedroom house would be 6 people. Numerous public comments were submitted that expressed concern over such limitations being unrealistic. As the PZC reviewed the comments, in light of the health and safety concerns, **they decided to remove the specific number of people and bedrooms to determine capacity**. They revised the code to **determine the household capacity for a household rental on the capacity of the septic system for the house**. So a person wanting to rent their house as a short term rental would need to provide certification from East Idaho Public Health that **the septic system can handle the number of people that could rent the house at any given time**. Other provisions for short-term rentals remained in tact, such as when someone begins operating their short –term rental, that all neighbors within 200 feet be notified of that intended use, that all cars associated with the short-term rental have off-street parking, so they don't block the streets, and that sufficient garbage receptacles are provided to avoid spilling garbage throughout the neighborhood. The PZC felt that short-term rentals are an important use, but that they can also be done in a way that **maintains safety for the home owner and others in the area**.

Next Steps

As the PZC are making revisions to the Draft Code, they are utilizing the “Track Changes” and “Comment” features in Microsoft Word in order to demonstrate how the Code has been revised, with brief explanations why. The intent is to be as transparent as possible with the revision process.

The next work session will be on Tuesday, June 29, from 4:00 PM to 7:00 PM. The work session will be live streamed and recorded at: <http://tetoncountyid.ig2.com/Citizens/Default.aspx> You may also join via zoom at: <https://us02web.zoom.us/j/701658496> Meeting ID: 701 658 496

On the 29th, the PZC plans on reviewing the following as time permits.

- Definitions
- Character Zones and Acreage associated with each zone
- Issues:
 - Beekeeping
 - Fences

- Home Business/Delivers

After the second draft of the Land Development Code is created, a public hearing will be held for public input and comment on the second draft (Specific date and time to be determined).

Public participation in this process is sincerely appreciated. Comments and suggestions are being used to create a Land Development Code that best represents our community.

Other Resources

Please visit the Land Development Code site for more information on the project:
<https://www.tetoncountyidaho.gov/additionalInfo.php?deptID=18&pkTopics=736>