



ARTICLE 13: PROPERTY DEVELOPMENT PLAN

FROM: Kristin Owen, Planning Administrator
RE: Summary of Changes, Compliance with Goals, Related Public Comment
Prepared For: Planning & Zoning Commission Public Hearing of October 5, 2016
Report Date: October 1, 2016

Introduction

The purpose of Article 13 is to ensure that development avoids hazardous, unique features, or valuable resources, in addition to mitigating any impacts it may have. This Article identifies all of the plans/studies that may be required for a development.

Applicable County Code Section(s)

Article 13 covers provisions found in the current Teton County Code.

- Title 8: Zoning Regulations (8-2, 8-4, 8-5, 8-6)
- Title 9: Subdivision Regulations (9-2, 9-3, 9-4)

General Changes/Comments

1. This Article includes all of the studies/plans that may be required for different development types. This is different from our existing code in that they're all located in the same section. This Article is set up to create a "Property Development Plan" to bundle all of the required studies/plans into one package.
2. Several new studies/plans have been added that are not in the existing code, including Riparian Buffers, Skyline View Protection, Grading Plan, Wildlife Feeding Plan, Wildfire Hazard, etc.
3. The majority of the plans identified in this section were already required in some format with the existing code. However, a lot of them were not clearly identified or in separate documents.
 - a. Example: The Vegetative Management Plan is focuses at noxious weeds. Idaho requires all property owners to control their noxious weeds, but this plan provides an acknowledgement from the property owner that they will do that during the development process.
 - b. Example: Deeds, Plats, and Surveys are required for a variety of applications in the existing code, but this is usually identified on the application itself. By incorporating it in this section, it makes it very clear to the applicant what is required up front.

Specific Changes/Comments

1. The Wetlands & Waterways Overlay has been removed in the proposed code. It has been replaced with the Riparian Buffers.
2. The Hillside Overlay has been removed in the proposed code. It has been replaced by the Steep Slopes Plan.
3. The Wildlife Habitat Plan has been added for Site Development, Conditional Use Permits, One Time Only splits, and Land Divisions. In the current code, it is only required for subdivisions.
4. A Skyline View Protection Plan has been added, which is intended to help protect the scenic vistas in the County.
5. **STAFF RECOMMENDATION:** Correct the typos in the table in Div. 13.2.2
 - a. Wildlife Habitat should be listed as "P" for Site Development, Conditional Use Permits, One Time Only, Land Division, Short Plat, and Full Plat. The requirements that trigger this study are listed in Div. 13.3.8.
 - b. Public Services/Fiscal Impact should be listed as "P" for Conditional Use Permits.

6. **STAFF RECOMMENDATION:** Correct the typo in the table in 13.3.19.
 - a. Parking should be listed as “R” for Full Plats.
7. **STAFF RECOMMENDATION:** Add expiration dates to the studies/plans identified in this Article.
 - a. Currently, there are no expiration dates for these studies in the existing code or the proposed code. We have had some applications submitted that use completed studies for a previous application on that property, sometimes several years earlier. There is nothing in the ordinance that prevents them from doing that unless the study didn’t address the proposed development or meet the criteria in place when the new application is submitted. By adding expiration dates, we can ensure we’re getting accurate information submitted. This should be discussed with various experts to determine appropriate expiration dates for each study type.
8. **STAFF RECOMMENDATION:** Use existing Wildlife Habitat Overlay for Div. 13.3.8.
 - a. The map that is currently proposed is from an Idaho Fish and Game Report for Teton County. We do not have digital map layers for this map. It is similar to the existing Wildlife Habitat Overlay, but the existing Overlay also includes migration corridors and protects more habitat areas. We have digital map layers and report on the data used for the existing overlay map.
 - b. **CONSIDERATION:** Look into options for no map or applying wildlife habitat protections to entire County. Using no map needs to be discussed with the Prosecutor for legality, but increasing the areas required could be an option. The Comprehensive Plan emphasizes protecting wildlife habitat, and my opinion is that it should be applied county-wide.

Goals for Draft Code

1. **The Zoning Code is not always clear in regards to the process or the requirements.**
 - a. This Article includes a table at the beginning that identifies which plans and studies may be required for each development type. Currently, these requirements are in multiple documents and usually hidden in pages of text, which makes it difficult to determine what may be required. Each section also has a piece of this table identifying the development types that the study/plan applies to. Many of the items that have been added are things that are currently required but not clearly defined anywhere, like Access Management, Deeds, Parking, etc.
2. **The existing Code does not provide usable options for developing or dividing land.**
 - a. This Article provides the studies and plans that must be provided to develop or divide land.
3. **The new code needs to do a better job of protecting and promoting the resources Teton County has.**
 - a. This Article includes several studies and plans that address the resources in Teton County, including Riparian Buffers, Skyline, Slopes, Wildlife Habitat, Nutrient Pathogen Analysis, etc. The intent of this Article is to ensure that development avoids hazardous areas or valuable resources.
4. **The new code should allow for flexibility and creativity in the design.**
 - a. This Article requires studies and plans to determine what impacts a development may have on a property. This may limit where on a property that development can occur, but it still allows for creative design within that area.
5. **The new code needs to provide a more useful mechanism for revising existing undeveloped subdivisions.**
 - a. This Article does not address this goal.

Public Comments

1. Sandra and Roy Walters: Written comment related to needing strong wildlife habitat protection.

This Article does include a provision for wildlife habitat protection The proposed provision uses a map that covers less habitat than our existing overlay maps. As stated above, I recommend that we use

the existing maps, which cover more habitat. The proposed section also applies to more application types than our existing code.

2. Marie Tyler: Written comment that wildlife habitat section seems weaker than the existing.

See comments above for Sandra's and Roy's comment.

3. Susan Arden: Written comment about wildlife habitat overlay being smaller.

See comments above.

4. William Powell: Written comment related to decreased wildlife protection.

See comments above.

5. Alice Stevenson: Written comment recommending to retain and strengthen the current wildlife habitat overlay.

See comments above.