



**AGENDA
PLANNING AND ZONING COMMISSION
WORK SESSION
December 9, 2014
STARTING AT 5:00 PM**

**LOCATION: 150 Courthouse Dr., Driggs, ID
Commissioners' Chamber – First Floor (lower level, SW Entrance)**

1. Chairman Business
2. Administrator Business
3. Approve Available Minutes

ITEM #1 WORK SESSION: Public Hearings Procedure Resolution: Discussion of the DRAFT Public Hearing Resolution.

No public comment will be taken regarding the Draft Public Hearing Resolution.

ITEM #2 WORK SESSION: Draft Code: Discussion of the Draft Development Code focusing on Article 13.

No public comment will be taken regarding the Draft Development Code.

ADJOURN

Any person needing special accommodations to participate in the above noticed meeting should contact the Board of County Commissioners' office 2 business days prior to the meeting at 208-354-8775.

TETON COUNTY PLANNING AND ZONING COMMISSION
DRAFT Meeting Minutes from July 8, 2014
County Commissioners Meeting Room, Driggs, ID

COMMISSIONERS PRESENT: Mr. Dave Hensel, Mr. Bruce Arnold, Mr. Chris Larson, Mr. Cleve Booker, Ms. Marlene Robson, Mr. Pete Moyer, Mr. Shawn Hill and Mr. David Breckenridge.

COUNTY STAFF PRESENT: Mr. Jason Boal, Planning Administrator, Ms. Kristin Rader, Planner.

The meeting was called to order at 5:08 PM.

Approval of Minutes:

Motion: Mr. Arnold moved to approve the Minutes from June 10, 2014. Ms. Robson seconded the motion.

Vote: The motion passed unanimously.

Chairman Business:

There was no Chairman's business.

Administrative Business:

There was no administrative business.

PUBLIC HEARING: Preliminary Plat Approval for Taylor Shadows Subdivision. Daniel and David Bender are proposing a 2 lot (13.93 acre) subdivision. The two residential lots will be 9.68 and 3.75 acres, in addition to a .5 acre common agricultural area. This project is located east of Victor on Victor Cemetery Road and borders Victor Cemetery to the east.

Ms. Rader commented that in April the Commission approved the concept review and the staff has reviewed the application for the Preliminary Plat approval. Ms. Rader stated that on June 17th they had a meeting with the DRC committee. Some concerns included: the CC&Rs addressing the bear conflict zone prevention and some recommendations in the Natural Resources Analysis that didn't match up with the CC&Rs. There was also a letter from the U.S. Fish & Wildlife that needed to be addressed in the Natural Resources Analysis. Regarding the inter-agency reviews the U.S. Fish & Wildlife and the Idaho Fish & Game both had some comments for the Natural Resources Analysis. The City of Victor and the Health District did not have any problems with the application and recommended approval. She reviewed the conditions the staff had for approval.

Applicant Presentation:

Mr. Arnold Woolstenhulme with AW Engineering, representing the applicant, commented that they had reviewed all the comments and recommendations and did not have any issues with them. He stated they had not addressed all the comments yet and returned the information to the Planning & Zoning Department because they felt they should wait for the results of the hearing and address everything that will be required at that time. Ms. Sharon Woolstenhulme, also representing the applicant, commented on the CC&Rs and stated that according to the Subdivision Ordinance an entrance sign is required for subdivisions of more than two lots and the applicant is only asking for a two lot subdivision so it would not apply. Regarding the bear verbiage, the CC&Rs have been amended to include the Section 4 Bear Conflict Zone information. Ms. Woolstenhulme commented that in regards to the conflict with domestic animals, the applicant would try to come up with a resolution prior to coming before the BOCC for final approval.

Public Comment:

There was no public comment.

Commission Deliberation:

Mr. Hensel suggested that any interior perimeter fencing be wildlife friendly. Mr. Breckenridge asked how horse fencing could be wildlife friendly. Mr. Hensel read the description from the Natural Resource Analysis that described wildlife friendly fencing. Mr. Arnold was concerned with not only the 42" height proposed but the type of fencing suggested because cows cannot get through mesh fence but they can barbed wire. Mr. Boal commented that wildlife friendly fencing comes in numerous designs and Staff is not recommending any specific design. The applicant would be tasked with determining what would work best for their uses.

Motion: Mr. Arnold moved that having concluded that all the Criteria for Approval of a Preliminary Plat found in Title 9-3-2-B can be satisfied with the inclusion of the recommended conditions of approval, and having found that the considerations for granting the Preliminary Plat Approval to Mr. Daniel Bender and Mr. David Bender can be justified and have been presented in the application materials, staff report, and presentations to the Planning & Zoning Commission,

- and having found that the proposal is generally consistent with the goals and policies of the 2012-2030 Teton County Comprehensive Plan,
- I recommend approval of the Preliminary Plat for Taylor Shadows subdivision as described in the application materials submitted May 28, 2014 and as supplemented with additional applicant information attached to this staff report.

Mr. Hill seconded the motion.

Vote: After a roll call vote the motion was unanimously approved.

PUBLIC HEARING: (Continued): Conditional Use Permit Application from Taylor Family Campground. The Taylor family owns property along Highway 33, between Driggs and Tetonia. They would like to develop a primitive campground area. The property is within the scenic corridor and the use of a campground requires a Conditional Use Permit.

Mr. Boal commented that staff had met with the applicant on June 17th and they have revised the site plan based on the questions and recommendations from staff and the Commission (at the previous hearing). He explained the biggest change to the application was the phases originally proposed versus the revised application that proposed only the Phase 1 plan at this time to see how well it progresses. If things go well with Phase 1 they would come before the Commission at some point in the future to proceed with future phases. The revised site plan shows the private road construction and the layout for the campsites, which satisfies most of the concerns that staff and engineering had as well as the Fire District and Health District concerns. Mr. Boal stated that staff was satisfied with the proposed use which was out of the flood plain and recommended approval with the conditions listed in the staff report.

Mr. Hill asked about the signage requirements in the scenic corridor. Mr. Boal commented that the applicant only needs to comply with county signage standards and that there are no special conditions in the scenic corridors for on-premise signs.

Mr. Arnold asked about the type of fence proposed for the property line. Mr. Boal commented the recommendation is for a wildlife friendly fence.

Mr. Hill asked what the maximum allowable sign height was for a free standing sign. Mr. Boal commented it was 20 feet in height and maximum of 32 sq. ft. for single business signs. Mr. Hill asked if there are any material standards for construction. Mr. Boal read the ordinance paragraph describing materials.

Mr. Hensel asked about a map requested at the previous hearing that showed accurate dimensions for the proposed improvements. He had expected that to be part of the application package. He commented that he had more questions regarding things like hours of operation, quiet time as well as parking lot screening that needed answers and was not sure the application was ready for approval. Mr. Hill asked about parking lot screening requirements. Mr. Boal commented that there were no screening requirements because it was in the R 2.5 residential zoning.

Applicant Presentation:

Mr. Lynn Taylor, applicant, passed out pictures of the site in its natural state. He commented that the first phase proposed will only be tent camping spaces. They will have fire rings for camp sites but will encourage campers to move their tents every few days to prevent grass from dying under the tents. Mr. Booker asked how wide the property is. Mr. Taylor commented it was 221' wide. Mr. Booker asked about parking for the tent spaces. Ms. Bingham commented the idea was to return cars to the parking lot after unloading rather than parking at the camp space. Mr. Booker asked about disposal of the gray water after cleaning dishes or utensils. Mr. Taylor commented he would be obtaining 55 gallon drums to collect that water. Mr. Booker was

concerned about regulating water usage and disposal, as well as permitting from the Army Corps of Engineers for a culvert/bridge to cross the on-site creek. Mr. Woolstenhulme commented that there were several significant issues that would have to be studied for Phase 2, but they are not requesting a permit for that area at this time.

Mr. Hill asked what the applicant had in mind for signage. Mr. Taylor commented he was planning on having two poles with a double sided wood sign hung between them, roughly 7-8 feet high. Mr. Hill asked if the parking lot would have landscaping. Mr. Taylor commented they wanted to keep that area green grass. They may need to add gravel, but the preference was to leave it natural.

Mr. Moyer asked about the proposed season of operation. Mr. Taylor commented they hoped to open around late April or the 1st of May through October.

Mr. Larson asked about bear proof food storage. Mr. Boal commented the site was not in a bear hazard area.

Public Comment:

Ms. Anna Trentadue, representing VARD, commented she was in favor of the proposal due to the encouragement of outdoor recreational activities as identified in the Comp Plan. She had questions on the revised site plan regarding the title for the site plan, whether it was a master plan or phase plan, and wanted to see something that spells out exactly what would be approved/allowed.

Commission Deliberation:

Mr. Hill commented he supports the concept wholeheartedly, but was concerned with the appearance from the highway and felt it was important to preserve the visual character of that part of the valley. He would be in favor of approving the application with more specific conditions attached regarding signage and landscape screening around the parking area in regards to visual impact. He also wanted to see the actual area for Phase 1 identified on the site plan. Mr. Breckenridge wanted to see a statement that there could not be tents north of the creek, as is the intent of the application according to Mr. Taylor. Mr. Boal commented he wanted to see it limited to a specific distance, perhaps 840', rather than north of the creek because of wetlands and drainages located before the creek.

Mr. Larson concurred with Mr. Hill regarding the conditions he recommended regarding signage and parking lot mitigation. Mr. Arnold felt the Commission should be providing specific guidance regarding screening for the parking lot. Mr. Boal commented he felt screening should be used only on the west side because the east side is already covered with greenery. He felt it would look more natural.

Mr. Hensel commented he did not feel there was enough specific information to move the application forward. He was concerned with the location of the parking lot that appeared to be right on the lot line for the adjacent property. Mr. Boal commented that the ITD permit process

would establish the exact location of the parking lot based on access, and that landscaping could be used to help screen the location from the adjacent property. Mr. Hensel felt that information like that should be specifically identified before moving forward. Mr. Booker agreed with Mr. Hensel that he was in favor of the concept but wanted more answers to questions. Mr. Hill commented he wanted to see the concepts in the Comp Plan move forward and this type of proposal was in line with the goals of the Comp Plan. Mr. Hensel felt questions like hours of operation, length of operation, waste water treatment, etc. needed to be answered before moving forward.

Mr. Moyer commented he lives in the Badger Creek area not far from the BYU Outdoors Center that has a lot of campers and people moving around on 4 wheelers, and was not aware of any neighbors complaining about that type of activity.

Mr. Boal commented he was in favor of adding conditions to the approval motion that would address concerns voiced by the Commission such as:

- Require that the parking lot be placed on the south side of the creek to allow screening from the neighbors. As suggested by Mr. Arnold the parking lot could be graveled since the road would be done with gravel.
- The applicant submit sign drawings when applying for the building permit for the shop.
- The applicant provide for a form of waste water collection based on recommendations from the Public Health Department.
- Restrict seasonal operation from May 15 to October 15th.
- Require applicant to develop campground rules that include quiet time, gray water disposal, pet standards, etc.
- Phase 1 utilize existing clearings for tent sites, be limited to 10 camp sites and no more than 25 people at one time because of the use of port-a-johns rather than permanent facilities.

Ms. Rader asked about limiting parking to the parking lot or allowing parking at the tent site. Mr. Arnold felt that from a safety standpoint it would be better if they parked at the camp site. Mr. Hensel asked why there would be a need for a parking lot if camping would be allowed at the camp sites. Mr. Boal commented that parking at the camp sites might require additional clearing at the sites. Ms. Woolstenhulme commented that at the previous hearing it was suggested that the site might also be used for hosting one day activities and that people who might come for only one day for a special event would need to have a parking lot available. Mr. Boal did not feel large events would be held there based on the size of the area and if proposed, they would need a temporary use permit and would have to provide additional facilities for the event. He suggested having a parking lot and limiting one car per campsite in order to maintain emergency access.

Mr. Breckenridge commented that there are parcels in close proximity to the proposed site that allow more people than proposed by the applicant for the same type of activities. He pointed out that the area behind the proposed site has trailer hookups and camp sites with no limitations. He did not feel the proposed use would have a huge impact on the area. He also commented he felt that requiring screening for four cars was going overboard.

Motion: Mr. Arnold moved that having reviewed the application materials for the Taylor Family Campground, as well as the additional questions provided by staff and other agencies; I hereby move to recommend approval to the Teton County Board of County Commissioners, having found that the application meets the criteria found in 8-6-1 of the Teton County Zoning Regulations with the additional requirements as follows:

- Compliance with Dark Sky Lighting Ordinance: All exterior lighting must conform to Teton County Ordinance 9.4.12.
- Applicant obtains all necessary permits/approvals from Teton County as well as other regulating agencies as they expand their facilities.
- All structures in the Scenic Corridor obtain design review approval.
- All structures in the Floodplain obtain development permit approval.
- Obtain proper access from ITD.
- The applicant establish a Campground Rules document specifying quiet hours, animal control rules, gray water disposal with input from the Health District, and firewood usage.
- Limit operation from May 15th to October 15th.
- Site be limited to 10 camping sites with 1 parking spot per site while keeping the travel way clear.
- The parking lot be moved south of the creek and graveled.
- The applicant submit sign plans for design review with the building permit for the shop.
- Occupation be limited to 25 overnight campers.
- Recommend that the applicant utilize existing clearings for campsites and minimize clearing of native vegetation.

Mr. Larson seconded the motion.

Vote: After a roll call vote the motion was approved 7-1.

Mr. Hensel stated he was not in favor of the Motion for bureaucratic reasons.

Work Session: Draft Code: Discussion of the Outline for the Land Use Ordinance.

Mr. Boal commented the meeting the following week with Code Studios to present the Victor/Driggs framework will not happen. A video conference was proposed by Code Studios but Mr. Boal was not sure what information would be discussed.

Mr. Boal next discussed the Land Use Ordinance information presented to the Commission and explained that part of the information was to establish uniform requirements for all Conditional Use Permits. Mr. Boal briefly explained the required information proposed for Conditional Use Permits to the Commission. Mr. Larson commented he really liked the way the information was laid out. Mr. Boal commented his intent was to make things as easy as possible to understand and for the standards to be clear so that an applicant would fully understand the requirements.

Mr. Boal then discussed the density options for dividing and subdividing land that make it perfectly clear for land owners regarding what they could do with their land. He explained the information presented for each of the different scenarios. He also reviewed open space calculations in relation to subdividing land.

Mr. Boal next talked about an idea proposed by Ms. Rader for subdivisions that were somewhere along in the approval process that involved working with the cities to vacate or reduce densities and transfer density to areas of impact or within the city limits. It would provide a financial incentive for the owner of a development to buy property in the cities or work with another developer, and to work with the county and the cities to transfer development rights. Mr. Hill suggested also exploring transferring densities to existing developments with amenities. Mr. Larson asked what the advantage would be for the city. Mr. Boal commented they would need to see value in bringing density from the county to the city, for tax purposes mainly.

Motion: Mr. Arnold moved to adjourn the meeting. Mr. Larson seconded the motion.

Vote: The motion was unanimously approved.

The meeting was adjourned at 7:25 pm.

Respectfully submitted,
Sharon Fox, Scribe

Dave Hensel, Chair

Sharon Fox, Scribe

TETON COUNTY PLANNING AND ZONING COMMISSION
Draft Meeting Minutes from November 11, 2014
County Commissioners Meeting Room, Driggs, ID

COMMISSIONERS PRESENT: Mr. Dave Hensel, Mr. Bruce Arnold, Mr. Pete Moyer, Ms. Marlene Robson, Mr. Ron Moeller, Mr. Cleve Booker, and Mr. David Breckenridge.

COUNTY STAFF PRESENT: Mr. Jason Boal, Planning Administrator, Ms. Kristin Rader, Planner.

The meeting was called to order at 5:00 PM.

Approval of Minutes:

Motion: Mr. Arnold moved to approve the Minutes from October 14, 2014. Mr. Moeller seconded the motion.

Vote: The motion was unanimously approved.

Chairman Business:

There was no Chairman business

Administrative Business:

Mr. Boal told the Commission that he sent a letter to Fremont County regarding the grant involving Code Studios. He anticipated the BOCC and Fremont County would be speaking on this issue soon.

PUBLIC HEARING: Front yard setback variance for John & Kathleen Hofman: A variance request by John and Kathleen Hofman pursuant to the Teton County Code Section 8-4-4 (Height, Setback, and Lot Size). The Teton County Code specifies a front yard setback of 30 feet. The application proposes a front yard setback (along west property line) of 17 feet for the existing structure and future addition.

Ms. Rader commented the applicant received a building permit in 1998 to construct their existing residence. The setbacks on the building permit were much greater than those required at the time. The building permit obtained did not have a zoning district listed so Ms. Rader found a building permit issued for a neighboring parcel that listed that parcel as A 2.5. It is assumed that the Hofman parcel was zoned the same. The deed was never checked at the time the building permit was approved, and it was not an accurate deed.

Ms. Rader commented that the existing home has a septic tank and drainfield in the backyard and Eastern Idaho Public Health requires that the tank be at least 5' from the house and 5' inside property lines. EIPH also requires that the drainfield be 20' from the house if it has a basement, which the existing house does and the proposed addition will also. The proposed addition is for a new garage, new bedrooms and a basement area under that which will connect to the existing

basement. There is an existing garage that will be converted to a bedroom and they would not exceed the 17' setback that they are currently at.

Mr. Hensel asked if the addition would be any closer to the road than the existing house. Ms. Rader commented it would not.

Ms. Robson asked if the deed had been corrected. Ms. Rader commented that the deed overlaps on the adjacent property to the north and they are working with the property owners to remedy the situation.

Applicant Presentation:

Mr. John Hoffman commented he is from Pocatello and has been coming to the valley since he was a child. He stated his uncle originally owned the property in question and the property across the highway, roughly 28 acres. His uncle was leaving to go on a mission and agreed to deed Mr. Hoffman 3.5 acres, and said when he got back he would figure it all out if there were any problems. Mr. Hofman then constructed a house on the land he believed his uncle had deeded to him. They have since found out that the deed was not accurate. He stated that his hardship was that they had no clue they needed to build the house farther back or they would have. The only place where they could add on that would make sense would be to go through a wall on the side that would still have only a 17' setback.

Public Comment:

There was no public comment.

Commission Deliberation:

Mr. Moyer commented he was familiar with the site after doing remodel work for one of the neighbors and he did not see any issues with the proposed addition.

Mr. Breckenridge didn't have a problem since the county has already allowed the main structure to be built with a 17' setback.

Mr. Hensel commented that he did not have a problem because the mistakes were made by the county in the past and the neighbors do not have any issues with it.

Motion: Mr. Arnold moved that after evaluation of State Statute, County Code as well as the application materials, staff report, and presentations to the Planning & Zoning Commission, I concluded that the Criteria for Approval of a Variance found in Title 8-8-1 can be satisfied with the inclusion of the recommended conditions of approval as follows:

1. Not exceed the requested variance.
2. Obtain all other required permits from Local, State, and Federal Agencies.
3. Compliance with Teton County Building Code.

And having found that based on the site, granting the Variance to Mr. Hofman can be justified, and having found that the proposal is not a detriment to the public's or neighbors' health, safety, and welfare, I approve the Variance applied for by Mr. Hofman for a reduced front yard setback of 17' on the west property line and as described in the application materials submitted October 7, 2014.

Mr. Moeller seconded the motion.

Vote: After a roll call vote the motion was unanimously approved.

The public hearing was adjourned at 5:30 PM

Work Session:

The Commission watched an Idaho Association of Counties Planning Webinar.

TETON COUNTY PLANNING AND ZONING COMMISSION
DRAFT Meeting Minutes from November 18, 2014
County Commissioners Meeting Room, Driggs, ID

COMMISSIONERS PRESENT: Mr. Dave Hensel, Mr. Chris Larson, Mr. Cleve Booker, Ms. Marlene Robson, Mr. Pete Moyer, Mr. David Breckenridge, Mr. Shawn Hill, and Mr. Ron Moeller.

COUNTY STAFF PRESENT: Mr. Jason Boal, Planning Administrator, Ms. Kristin Rader, Planner.

The meeting was called to order at 5:00 PM.

Chairman Business:

There was no Chairman's business.

Administrative Business:

Mr. Boal introduced Mr. Darryl Johnson, the new county Public Works Director. Mr. Johnson, a previous Commissioner, let the Commission know he was available to attend any Planning & Zoning hearings that they felt it was important to have his input.

Mr. Boal also announced that on December 16th the staff was planning a Planning & Zoning Commission thank you get together. The time will be finalized by the end of the week and the location will be at Linn Canyon Ranch.

SCENIC CORRIDOR DESIGN REVIEW: 3236 N. Highway 33, Roger Kaufman for pole barn.

Ms. Rader explained that Mr. Kaufman, owner of Kaufman Timber located on Hwy 33 north of Driggs has applied for a building permit for a pole barn that would be used for storage of existing wood and equipment. The property is approximately 5 acres which is zoned C-3. The pole barn would be located directly behind an existing building and would be within the Scenic Corridor overlay. Ms. Rader commented that in 2005 the property was approved for a Zone Change to C-3 and a CUP for their lumberyard. The existing home and shop on the site were not addressed in the CUP process because they were existing, but it was mentioned that any future structures would require going through the design review process. The entire west half of the property is within the Scenic Corridor overlay and the building permit application for the proposed pole barn cannot be approved until the site has gone through the Scenic Corridor review process, although the structure has already been constructed.

Ms. Rader reviewed the Scenic Corridor overlay purpose, restrictions, and design review requirements. She stated that the existing building met the major design review criteria and setbacks for the zone and the Scenic Corridor. The building is constructed of wood and posts with a green metal roof and the south and west sides are covered with a white

metal. The applicant is willing to paint the structure any color the Commission would deem necessary. Another requirement involves that there is a driveway or road so as to not require backing up onto Hwy 33 and there is adequate space available to assure that. Screening is a requirement and coming from Driggs the south side of the pole barn is visible so staff recommends adding screening on that side of the property. Ms. Rader then reviewed the proposed conditions of approval.

Mr. Hill asked if there are any specific landscape screening requirements. Ms. Rader commented that the design review criteria states it needs to be native high altitude plants and shrubs for screening that will maintain the rural character of the area. Mr. Breckenridge commented he didn't feel it was necessary to require screening to cover the building, especially since the view would only be looking at the back of the building.

Mr. Moeller asked why the applicant was coming in for a building permit after the building was constructed. Ms. Rader commented the applicant was not aware he needed a building permit for a pole barn until he was contacted by the county. He submitted a building permit application and the building was finished during the time of the review process for approval.

Ms. Robson commented she might have a conflict of interest because she sells hay to the Kaufmans. Mr. Hensel commented that if she felt it was a conflict she could step down, but he did not feel doing business with an applicant was a concern because of the numerous people who do business with each other within the valley.

Applicant Presentation:

Mr. Roger Kaufman, applicant, explained that materials were always stored in the area that the building has been constructed. They basically put a roof over the materials so they could work farther into the winter season. He was under the impression that a pole barn did not require a building permit until he received a phone call telling him he needed to come in and apply for a building permit. According to Mr. Kaufman, the building was already constructed by that time. Regarding landscaping on the south side Mr. Kaufman commented he would have a hard time if conifers were required to be planted because it would be in the way of the equipment that is needed to carry poles, but something like a tall slender tree might work. He said they could add boards to the existing fence for screening if necessary.

Mr. Boal urged the Commission to read the screening recommendations for the Scenic Corridor before making any extensive requirements and also commented that as far as building materials go the only requirement is that no reflective materials be used, and the metal siding on the building is old and is not reflective at this point.

Public Comment:

There was no public comment.

Commission Deliberation:

Mr. Booker commented that there are two other barns closer to the highway than the Kaufman barn that are not landscaped so he did not think that was an issue. He did not think that planting large trees would look any better than what is existing and felt that there should be limited screening requirements.

Mr. Breckenridge commented that the two large trees in front of the house are what stands out as you drive by and he felt that screening was not meant to hide a structure.

Mr. Larson commented that when he drives by his eye is drawn more to the sign than anything else. He also felt that the white metal was a non-reflective material and did not think there was any point in painting it in order to change the color.

Mr. Hill asked if screening was dictated by the C-3 zoning requirements or the Scenic Corridor standards. Mr. Boal commented that certain uses require screening in the use chart and the Scenic Corridor does not trigger those standards. Mr. Hill commented that he felt the pole barn was an example of rural character and that it was adequate screening itself. Mr. Moeller and Mr. Booker agreed that the barn was an agricultural rural characteristic of the site and was consistent with the surrounding area. Mr. Hill suggested removing the staff recommendation for landscaping on the south side of the barn.

Mr. Hensel asked about the possibility of changing the use of the property and if that would be a possible time to revisit screening. Mr. Boal commented that the design review did not deal with other potential uses and that the decision needs to be based on the existing building.

Motion:

Mr. Larson moved that having found that the proposed development for Kaufman Timber, on Roger Kaufman's property, is consistent with the Teton County development ordinances, specifically Title 8-5-2-D, and Idaho State Statute, I move to approve the Scenic Corridor permit with the following conditions of approval:

1. Must comply with all federal, state, and local regulations.
2. Comply with Teton County Building code.
3. If lights are desired, they must comply with Teton County Dark Sky Ordinance.
4. Building materials shall not be highly reflective materials.

Mr. Hill seconded the motion.

Vote: After a roll call vote, the motion passed unanimously.

The meeting proceeded to discuss work session items regarding Public Hearing Procedures and Article 13 of the Draft Code. No public comment was taken during this discussion.

The meeting adjourned at 7:06 PM.

**Public Hearing Procedures**

The following procedures shall be followed with regard to all public hearings conducted by and before the Board of County Commissioners (BOCC) and the Planning and Zoning Commission (PZC):

Section 1. Public Notice

- a. If a public hearing is required by law or ordinance, the planning commission and, when applicable, the Board of County Commissioners shall hold at least one public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the proposal shall be published in the county's official newspaper. Notice of public hearing should only be published when an application is complete in a manner sufficient to address the requirements established by ordinance and application forms.
- b. In the case of annexations, conditional use permits, site-specific rezones, subdivisions, and variances, notice shall also be provided to property owners within the land being considered; those record owners of lands within three hundred feet (300') of the external boundaries of the land being considered; and, optionally, within any additional areas that may be substantially impacted by the proposal as determined by the Planning and Zoning Administrator. Contents of the mailed notice must contain the information required by law and when practical should include information guided by this Resolution such as requirements of testimony, default time limits (or issue-specific time limits, if known), timing for allowing written submissions, and other significant conditions or restrictions on testifying.
- c. When mailed notices would be required to be sent to two hundred (200) or more property owners, a notice of public hearing, at least 2" x 4" in size, may be published in the county's official newspaper at least 15 days prior to the hearing, and shall be considered adequate in lieu of otherwise required mailed notices.
- d. For site-specific matters, the subject property should be posted with signs describing the type of action to be considered, contact information for the Planning and Zoning Department, and the time, date and location of the hearing. Such signage shall be posted on the site as required by law.

Section 2. General Rules for Testimony in a Quasi-judicial or Annexation-related Public Hearing:

- a. At the commencement of the public hearing, the BOCC and PZC members shall disclose whether they have viewed the property which is the subject of the public hearing. If so, they must disclose the approximate date of the site visit and the names and affiliation of everyone present during the visit.

- b. The BOCC and PZC members shall disclose whether they have had any ex parte communications, defined as communication outside of a properly noticed public meeting, about the application being considered with: (a) the applicant; (b) a member of the public; (c) a representative of the applicant; and/or (d) a member of the public. All ex parte communication must be disclosed by identifying the person and the person's employment or affiliation, and by providing a description of the communication.
- c. The Commission/Board, or the Chairman may establish a time limit to be observed by all speakers. This resolution provides the default time limits as follows: Applicant (to describe application and reasons that it meets requirements) – not to exceed fifteen (15) minutes. Staff explanation – not to exceed fifteen (15) minutes. Individual testimony – pro, neutral and con – three (3) minutes per person (up to fifteen (15) minutes for spokesman in cases where spokesmen are pre-authorized by the chairman). Rebuttal by the applicant (no new evidence – only information from the record to rebut assertions by contrary testimony) – as needed.
- d. No person shall be permitted to testify or speak before the hearing agency at a public hearing unless such person has signed his name and written his contact address on sign-up sheets to be provided by the county. This requirement shall not apply to staff or technical witnesses directed by the chairperson to give evidence or information to the hearing agency.
- e. The presiding officer, or the Commission/Board, is authorized to revise the default time frames and order of proceedings so long as due process rights are maintained. In the event of disagreement by governing board members with procedural rulings by the chairman, the governing board may suspend or amend any one or more of these rules by majority vote of members of the governing board then in attendance, provided that due process rights are preserved.
- f. Anyone who intends to appear as a representative of a group at a hearing where spokesmen will be allowed pursuant to directive by the Chairman should contact the Planning Department at least five (5) days prior to the hearing. Staff may then apprise the representative of procedures for the hearing and any special limits or allowances concerning testimony.
- g. No person shall be permitted to speak before the Commission/Board at a public hearing until such person is recognized by the chairperson.
- h. Testimony should directly address the subject at hand.
- i. Testimony should not be repetitious with other entries into the record.
- j. Testimony should not be personally derogatory.
- k. Testimony should comply with time restrictions established by the hearing agency.
- l. If oral testimony fails to comply with the aforementioned standards, the chairperson may declare such testimony out of order and require it to cease.
- m. All public hearing proceedings shall be recorded electronically or stenographically and all persons speaking at such public hearings shall speak

before a microphone in such a manner as will assure that the recorded testimony or remarks will be complete.

Section 3. Order for Quasi-Judicial Public Hearing:

Quasi-judicial hearings involve site-specific decisions (such as considering a request to rezone specific property or consider a variance request) as opposed to legislative hearings which require decisions that have a broad application (such as a change in the text of a zoning or subdivision ordinance, which does not necessarily affect one specific parcel of land). Quasi-judicial Public hearings should follow the order of events set forth below:

- a. Brief introduction of the subject of the hearing by County staff.
- b. Presentation by applicant. (Decision makers should address their questions to the applicant at this time – if possible.)
- c. County staff report. (Decision makers should address their initial questions to staff at this time – if possible.)
- d. Open Public Hearing: Testimony from public in the following order: (Questions from the decision makers should be asked of the person testifying before they leave the podium whenever possible.)
 1. In favor of proposal
 2. Neutral respecting proposal
 3. Opposed to proposal
- e. Rebuttal testimony from applicant. Decision makers should ask any final questions. If new facts are elicited that have not been part of the record, the public must be given an opportunity to respond to the new facts – perhaps by reopening opposing testimony.
- f. Close Public Hearing
- g. Discussion of hearing subject among governing board members. Questions may also be directed to County staff during this period. Any procedural rules requiring a motion prior to discussion are hereby suspended for purposes of such discussion. Decision makers may table the matter until later in the meeting if other public hearings are pending or to a later meeting for deliberations.
- h. The final decision should include a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan for rezoning requests or upon relevant ordinance and statutory decision criteria for other requests, pertinent constitutional principles and factual information contained in the record. It is essential that all decision criteria be addressed in the final written decision.
- i. When a final decision has been made, a copy of the final decision shall be sent promptly by electronic mail, or by U.S. Mail if requested, to a permit or approval applicant and to any other affected property owner entitled to mailed notice by local ordinance or state law who has requested notice of the final decision on the sign-up sheets at the public hearing or otherwise. Applicants or affected property

owners shall have no more than fourteen (14) days after a final decision is rendered to request reconsideration by the final decision-maker. Any such request must identify specific deficiencies in any final decision. Failure to request reconsideration may invalidate a subsequent judicial appeal. After considering the identified deficiencies, the final decision shall be issued and distributed as above. If no decision is made within the sixty (60) day timeframe for reconsideration, notice of that fact shall be sent promptly by electronic mail, or by U.S. Mail if requested, to a permit or approval applicant and to any other affected property owner entitled to mailed notice by local ordinance or state law who has requested notice of the final decision on the sign-up sheets at any public hearing concerning the application or otherwise.

Section 4. Standards for Written Testimony:

Written testimony and exhibits from the public to be admitted at a public hearing shall comply with the following standards:

- a. Written testimony and exhibits must be submitted at least seven (7) calendar days prior to the date of the pertinent public hearing. This provision may be varied through notice to potential hearing participants.
- b. Written testimony should include the signature and address of the submitter.
- c. Written testimony should address the issue at hand.
- d. Written testimony should not be personally derogatory.
- e. If written testimony or an exhibit fails to comply with the aforementioned standards, the chairperson or Commission/Board may declare such testimony inadmissible.

Section 5. Exhibits:

All exhibits, photographs, diagrams, maps, evidence and other material presented during the public hearing should be marked or otherwise identified and entered into the record. Exhibits from the Applicant must be submitted at least twenty (20) days prior to the hearing and shall be marked or identified prior to publication of any notice of public hearing. Original exhibits that are capable of duplication may be released to the presenting party if requested in writing, and if acceptable to the Community Development Director and legal counsel. If original exhibits are released, photocopies or reproducible photos of the originals should be maintained in the record.

Section 6. Records Maintained:

Teton County should maintain records of all public meetings in the following manner:

- a. The Board of County Commissioners has responsibility for records of meetings held before the Board of County Commissioners
- b. The Planning and Zoning Department has responsibility for records of meetings held before the Planning and Zoning Commission.
- c. Records of meetings shall be in the following format:
 1. Transcribable verbatim recordings of the proceedings should be maintained in conformance with Idaho Code §67-6536 or its successor.

2. Originals or accurate duplicates of written submittals to the hearing record and copies of applications should be maintained in conformance with policies adopted pursuant to Idaho Code §31-871 or its successor.
3. Minutes which catalog the occurrences at the public hearing shall be maintained as required by applicable sections of the Idaho Code.

Section 7. Procedures for Legislative Public Hearings.

Public hearings on legislative matters brought pursuant to requirements established by the Local Land Use Planning Act should take place after notice has been provided as required by law. Prior to publishing notice of legislative public hearing a draft of the legislative proposal should be prepared and be available for public inspection no later than the day the notice of public hearing is published. Procedural limits on duration of testimony may be established by the chairman, subject to approval by the governing board. Legislative public hearings do not require final decisions in a manner comparable to those for quasi-judicial proceedings.

Section 8. Site Visits.

If the BOCC or PZC wish to conduct a site visit, a motion should be made during a public hearing to conduct a site visit on a date and time certain. In such a case, the site visit should be conducted in a manner similar to any other public meeting and an audio recording should be maintained of the site visit.

1 **Div. 13.1. Summary of Review Authority**

2 The following table summarizes the review and approval authority of the various reviews
 3 bodies and officials that implement and administer the Code.

4

	Review and Approval Authority				Public Notice				
	Cross-reference	Administrator	Planning and Zoning Commission	Board of County Commissioners	Neighborhood Meeting	Web	Posted	Mailed	Published
APPROVAL PROCESS									
Legislative Review									
Comprehensive Plan Amendment		R	R-PH	D-PH	N	Y	N	N	Y
Code Text Amendment		R	R-PH	D-PH	N	Y	N	N	Y
Zoning Map Amendment (Legislative)		R	R-PH	D-PH	N	Y	N	N	Y
Subdivision Review									
One Time Only Lot Split		D	A	--	N	N	N	N	N
Land Division		R	D	A	N	Y	N	N	N
Short Plat		R	R-PH	D-PM	N	Y	Y	N	N
Preliminary Plat		R	D-PH	A-PH	P	Y	Y	Y	Y
Final Plat		R	R-PH	D-PM	P	Y	Y	Y	Y
Site Plan Review									
Site Plan Review		D	A	--	N	N	N	N	N
Design Review		R	D-PM	A	N	Y	N	N	N
Quasi-Judicial Review									
Conditional Use Permit		R	D-PH	A	P	Y	Y	Y	Y
Re-Zone Map Amendment (Project specific)		R	R-PH	D-PH	P	Y	Y	Y	Y
Variance		R	D-PH	A	N	Y	Y	Y	Y
Appeal of an Administrative Decision		R	D-PM	A	N	Y	Y	Y	Y
KEY: R = Review & Recommendation D = Final Decision A = Appeal PH = Public Hearing PM = Public Meeting Y = Required N = Not Required P= Possible Depending on the scope of project- see Sec.XX									
(2) Any appeal related to a requirement in Articles 1 through 8 must be filed with the _____ under Sec. XX.									

5

6

7

8

1 **Div. 13.2. General Provisions**

2 **13.2.1. State Statutes**

3 A. This Article is intended to comply with the provisions of:

- 4 1. Idaho Constitution Article 12, section 2;
- 5 2. Idaho Statutes Title 67, Chapter 65, Local Land Use Planning;
- 6 3. Idaho Statutes Title 50, Municipal Corporations, Chapter 13 Plats and Vacations; and

7 B. Where any provision of this Article is in conflict with any provision of State law, the State law controls.
8 Where this Article is incomplete in having failed to incorporate a provision necessarily required for the
9 implementation of State law, the provision of State law must be fully complied with.

10
11 **13.2.2. Review Authority**

12 A. Board of County Commissioners

13 The Board of County Commissioners has those powers and duties expressly
14 identified in Idaho Statutes and elsewhere in the [Teton County Code], including, but
15 not limited to:

- 16 1. Final action on all legislative decisions, including Comprehensive Plan amendments, Land
17 Development Code text amendments, and official zoning map amendments.
- 18 2. Final action and acceptance of improvements on all final plats.

19 B. Planning and Zoning Commission

20 The Planning and Zoning Commission has those powers and duties identified in
21 Idaho Statutes Title 67, Chapter 65, Local Land Use Planning, including but not
22 limited to:

- 23 24 1. Review and recommendation to the Board of County Commissioners on all legislative
25 decisions, including Comprehensive Plan amendments, Land Development Code
26 amendments, official zoning map amendments.
- 27 2. Review and recommendation to the Board of County Commissioners on short plats and
28 final plats.
- 29 3. Final action on preliminary plats.
- 30 4. Final action on design review.
- 31 5. Final action on condition use permits.
- 32 6. Final action on concept Plat
- 33 7. Final action on Land Divisions
- 34 8. Final Action on variances

35 C. The Planning & Zoning Administrator (known in this Land Development Code as the "administrator") has
36 those powers and duties identified in Idaho Statutes Title 67, Chapter 65, Local Land Use Planning,
37 including, but not limited to:

38 1. Review and recommendation to the Board of County Commissioners on all legislative decisions,
39 including Comprehensive Plan amendments, Land Development Code amendments, official zoning
40 map amendments, and conditional use permits.

41 2. Review and recommendation to the Board of County Commissioners on short plats and final plats.

42 3. Review and recommendation to the Planning & Zoning Commission on all preliminary plats.

43 4. Final action on all site plans.

44 5. Final action on one time only lot splits

45 6. Final action on all minor certificates of appropriateness.
46

47

1 **Div. 13.3. Common Review Provisions**

2 **13.3.1. Applicability**

3 The following requirements apply to applications submitted under this Article and are
4 common to all of these procedures.

5 **13.3.2. Application Requirements**

6 **A. Application Submittal**

- 7 1. All applications must be filed with the Teton County Planning & Building Department and must be
8 submitted on forms and in such numbers as required by the Administrator.
- 9 2. Application forms can be found on the County's website <http://tetoncountyidaho.gov/> or hard copies
10 can be obtained at The Teton County Courthouse.

11 **B. Fee Schedule**

- 12 1. Filing fees have been established to help defray the cost of processing applications. The current fee
13 schedule is available on-line on the County's website is updated and adopted by the Board of County
14 Commissioners.
- 15 2. Before review of an application, all filing fees must be paid in full.

16 **C. Completeness Determination**

- 17 1. All applications must be complete before the County is required to review the application.
- 18 2. An application is considered complete when it contains all of the information necessary to decide
19 whether or not the application will comply with all of applicable requirements of this Land Development
20 Code.
- 21 3. The presumption is that all of the information required in the County's application forms is necessary to
22 satisfy the requirements of this Article. However, it is recognized that each application is unique, and
23 more or less information may be required according to the specifics of a particular case. The applicant
24 may rely on the Administrator to determine whether more or less information has to be submitted.

25 **D. Application Deadline**

26 Complete applications must be submitted in accordance with the published
27 schedule. Schedules indicating submittal dates are developed each year and made
28 available on-line on the County's website and to the public at the Teton County
29 Courthouse.

30 E. Revised Application Materials

- 31 1. All revised application materials must be submitted to the Administrator, who will route the materials to
32 the appropriate review bodies. No plans may be sent directly to the Planning and Zoning Commission
33 or Board of County Commissioners.
- 34 2. No revised application materials, either hard copy or electronic, may be submitted to the Administrator
35 less than 15 days prior to a scheduled public meeting or public hearing.

36 F. Withdrawal of an Application

- 37 1. Any application may be withdrawn at any time at the discretion of the applicant by providing written
38 notice to the Administrator.
- 39 2. No portion of a required application fee will be refunded on any application withdrawn.
- 40 3. For applications for Legislative Review, if a public hearing has been advertised, the withdrawn
41 application will be announced at the hearing, and the application is subject to the refiling delay in .

42 G. Notice of Decision

43 Within 5 working days after a decision is made, a copy of the decision must be sent
44 to the applicant by the Administrator. In the case of permit issuance, the permit
45 constitutes written notice of the decision.

46 13.3.3. Development Review Committee meeting

47 All application shall be scheduled for the next appropriate Development Review Committee meeting.
48 This meeting is to ensure the reviewing agencies have an opportunity to sit down with the applicant and
49 review the application, criteria for approval, and any other outstanding issues.

50

51 13.3.4. Public Notice and Hearing Requirements

52 For public notice and hearing requirements see The fact that notice is not received due
53 to an error that was not the fault of the County does not prevent the public hearing from
54 happening, change any decision made at the public hearing, or prevent the application
55 from continuing to move forward through the review process.

56 A. Published Notice

57 Where published notice is required, a display advertisement at least 4 inches by 2
58 columns in size must be published by the Administrator at least once in the official
59 newspaper of the county at least 15 days, but not more than 45 days, prior to the
60 date of the public hearing.

61 B. Web Notice

62 Where web notice is required, notice of the public hearing or public meeting must be
63 posted on the County's website at least 15 days, but not more than 45 days, prior to
64 the date of the public hearing or meeting.

65 C. Posted Notice (onsite)

66 Where posted notice is required, a sign must be posted on the property at a point
67 visible from the nearest public street. In the case of multiple parcels, sufficient signs
68 must be posted to provide reasonable notice to interested persons, as determined

69 by the Administrator. Signs must be posted at least 15 days prior to the date of the
70 public hearing.

71 D. Posted Notice (Courthouse)

72 Where posted notice is required, a notice must be posted on the "Hearing
73 Notification Board, located in the 2nd floor entrance to the Teton County Courthouse.
74 The notice must be posted at least 15 days prior to the date of the public hearing.

75 E. Mailed Notice

76 1. Where mailed notice is required, the County will notify by mail all owners of property included in the
77 proposed application and all owners of property within 300 feet on all sides, as shown in the County
78 tax records. Notice must be mailed at least 15 days, but not more than 45 days, prior to the date of the
79 public hearing.

80 2. When notice is required to 200 or more property owners or purchasers of record, sufficient notice is
81 provided if the County provides published notice in addition to posted notice on all external boundaries
82 of the site.

83 F. Content of Notice

84 Required notice of a public hearing must provide at least the following:

- 85 1. A case number;
- 86 2. The address of the subject property (if available);
- 87 3. The general location of the land that is the subject of the application, which may include a location
88 map;
- 89 4. A description of the action requested;
- 90 5. Where a map amendment is proposed, the current and proposed zoning districts;
- 91 6. The time, date and location of the public hearing or meeting;
- 92 7. A phone number and e-mail address to contact the Administrator;
- 93 8. The web address for the County; and
- 94 9. A statement that interested parties may appear at the public hearing or meeting.
- 95 10. (Mailed/Posted/Web)- The list of criteria the approving body will use to make the decision on the
96 action.

97
98

1 **Div. 13.4. Legislative Review**

2 13.4.1. Legislative Review is required for the following.

3 A. Comprehensive Plan Amendment

4 A request to amend the text of the Comprehensive Plan, including the Future
5 Acquisitions Map (if any).

6 B. Text Amendment

7 A request to amend the text of this Land Development Code.

8 C. Zoning Map Amendment (Legislative Rezoning)

9 A request to amend the Official Zoning Map from one zoning district to another, or to
10 change the boundaries of an existing zoning district.

11 **13.4.2. Approval of the Application**

12 The Board of County Commissioners approves applications for Legislative Review,
13 following a public hearing and review by the Planning and Zoning Commission.

14 **13.4.3. Eligible Applicants**

15 A. The Board of County Commissioners, the Planning and Zoning Commission or the Administrator may
16 initiate an application for Legislative Review.

17
18 **13.4.4. How Do I Submit an Application?**

19 **A. Scheduling a Pre-Application Conference**

20 1. Before submitting an application, you must schedule a pre-application conference with the
21 Administrator to discuss the procedures and standards for approval.

22 2. To schedule a pre-application conference, call the Administrator or go to The Teton County
23 Courthouse.

24 **B. Submitting Your Application**

25 1. Following the pre-application conference, you may start the application process. To begin, submit a
26 complete application form and proposed site plan, along with the required review fees, to the
27 Administrator.

28 2. The application form can be found on the County's website or paper copies may be obtained at The
29 Teton County Courthouse.

30 3. The general submittal requirements for all development review applications are listed in and must be
31 followed.

32 **13.4.5. Public Hearing Notice**

33 Legislative Review requires a public hearing in front of the Planning and Zoning
34 Commission and the Board of County Commissioners. Notice requirements for public
35 hearings are specified in 13.3.4

36 13.4.6. Application Review

37 A. Initial Distribution of an Application

- 38 1. Upon determination of a complete application, the Administrator will promptly distribute the application
39 for review by internal County departments and external agencies and schedule the DRC meeting.

40 B. DRC Meeting

41 This meeting is to begin the discussion about the proposal and is not a forum for final decisions or for
42 accepting comments concerning public support or opposition. No minutes of the meeting are required to be
43 taken or provided at future meetings or hearings. Planning and Zoning Department staff will take notes to
44 summarize the findings from this meeting.

45 C. Administrator Review

- 46 1. If after the internal and external review, the Administrator finds that the application meets all
47 applicable requirements of the Land Development Code, the application will be certified as
48 complying with all applicable requirements of the Land Development Code and scheduled for the
49 next available Planning and Zoning Commission hearing.
- 50 2. Upon certification by the Administrator that the application complies with all applicable requirements
51 of the Land Development Code, no changes to the application are permitted prior to the Planning
52 and Zoning Commission hearing.

53 D. Planning and Zoning Commission Public Hearing

- 54 1. The Planning and Zoning Commission will conduct a public hearing and provide a recommendation to
55 the Board of County Commissioners on the application.
- 56 2. The Planning and Zoning Commission has 65 days from the date of the public hearing to submit their
57 recommendations to the Board of County Commissioners. This time period may be extended if both
58 the Board of County Commissioners and the Planning and Zoning Commission agree on an extension.

59 E. Board of County Commissioners Action

- 60 1. Following the recommendation of the Planning and Zoning Commission, the Board of County
61 Commissioners will take action on the application. The public hearing for the Board of County
62 Commissioners cannot be scheduled and/or noticed until a recommendation is made by the Planning
63 and Zoning Commission.
- 64 2. The Board of County Commissioners has 65 days from the date of the public hearing to approve,
65 approve with conditions, deny, or send the application back to the Planning and Zoning Commission

66 for additional consideration. This time period may be extended if both the Board of County
67 Commissioners and the Planning and Zoning Commission agree on an extension.

68 3. Amendment of this Land Development Code applicable to an owner's lands may be subject to the
69 regulatory taking analysis provided for by Idaho Statutes Title 67, Section 67-8003, consistent with the
70 requirements established in that section.

71

72 13.4.7. Can Additional Studies be required?

73 Before granting legislative approval, studies may be required of the social, economic,
74 fiscal, and environmental effects of the proposed amendments.

75 13.4.8. What Approval Criteria Are Used?

76 Different types of approvals have different review criteria. The following lists are not all-
77 inclusive but provide guidance for making decisions on each type of approval.

78 A. For a Comprehensive Plan Amendment

- 79 1. The Plan Amendment corrects an error or meets the challenge of some changing condition, trend or
80 fact.
- 81 2. The Plan Amendment is in response to changes in State law, as established through amendments to
82 the Idaho Statutes or by court decision.
- 83 3. The Plan Amendment constitutes a benefit to the County as a whole and is not solely for the good or
84 benefit of a particular landowner or owners at a particular point in time.
- 85 4. The Plan Amendment will not significantly impact the natural environment, including air, water, noise,
86 stormwater management, wildlife and vegetation.

87 B. For a Land Development Code Text Amendment

- 88 1. The Text Amendment corrects an error or meets the challenge of some changing condition, trend or
89 fact.
- 90 2. The Text Amendment is in response to changes in State law, as established through amendments to
91 the Idaho Statutes or by court decision.
- 92 3. The Text Amendment substantially conforms with the Comprehensive Plan.
- 93 4. The Text Amendment substantially conforms with the stated purpose and intent of this Land
94 Development Code.
- 95 5. The Text Amendment constitutes a benefit to the County as a whole and is not solely for the good or
96 benefit of a particular landowner or owners at a particular point in time.
- 97 6. The Text Amendment will not significantly impact the natural environment, including air, water, noise,
98 stormwater management, wildlife and vegetation.
- 99 7. The Text Amendment will not significantly impact existing conforming development patterns, standards
100 or zoning regulations.

101 C. For a Zoning Map Amendment

- 102 1. The Zoning Map Amendment corrects an error or meets the challenge of some changing condition,
103 trend or fact.
- 104 2. The Zoning Map Amendment substantially conforms with the Comprehensive Plan.
- 105 3. The Zoning Map Amendment substantially conforms with the stated purpose and intent of this Land
106 Development Code.
- 107 4. The Zoning Map Amendment will reinforce the existing or planned character of the county.
- 108 5. The County and other service providers will be able to provide sufficient public facilities and services
109 including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater

110 facilities, police, fire and emergency medical services, while maintaining sufficient levels of service to
111 existing development.

112 6. The Zoning Map Amendment will not significantly impact the natural environment, including air, water,
113 noise, stormwater management, wildlife and vegetation.

114 7. The Zoning Map Amendment will not have a significant adverse impact on the County.

115

116 13.4.10. Establishment of a Precedent

117 No. Legislative actions do not establish a binding precedent to grant other legislative
118 changes.

119

120 13.4.14. Denial of Legislative Action

121 Decisions of the Board of County Commissioners are final. Affected property owners **unsatisfied with**
122 **the Board of County Commissioner's decision based on the identified criteria for approval, may submit**
123 **in writing an request for reconsideration, identifying the specific criteria that were not met along with**
124 **the associated fee** no more than 14 days after a final decision of the BoCC. If still not satisfied with a
125 decision of the Board of County Commissioners after the reconsideration, one may pursue appeals to
126 District Court within **30** days of the decision.

127 13.4.15. Post Legislative Approval

128

129

1 Div. 13.5. Subdivision Review

3 13.5.1. Subdivisions Review

4 Subdivision Review ensures that all subdivision and sale of land complies with the applicable
5 requirements of the Land Development Code and Idaho Statutes.

7 13.5.2. Subdivision Review Required

8 Subdivision Review is required for any:

- 9 A. Subdivision of land into 2 or more parcels.
- 10 B. The dedication of any street or alley through or along any tract of land except where the dedication is
11 initiated at the request of a public body.
- 12 C. Condominium or townhouse projects as permitted by Idaho. Additionally, the Board of County
13 Commissioners may attach conditions for the provision and maintenance of open space
- 14 D. Amendments of a previously-divided parcel if it is considered a large scale amendment as defined in
15 13.13.....

17 13.5.3. Activities Not Considered Subdivision

- 18 A. Minor Plat Amendment- A readjustment of lot lines in a recorded plat that does not reduce the area,
19 frontage, width, depth, or building setback lines below the minimums required in the zoning district. See
20 13.XX.....
- 21 B. Lot Line Adjustment- The exchange of land for the purpose of straightening property boundaries or adding
22 land to existing parcels by trade or sale that does not result in a change of the present land use or in any
23 way result in land parcels which do not meet existing zoning and other regulations. See 13.XX.....
- 24 D. ~~An allocation of land in the settlement of an estate or a court decree for the distribution of property with the
25 stipulation that the land may not be divided into more than 4 parcels with a minimum parcel to be 5 acres.~~
- 26 E. Division of 40 acres or more for agricultural purposes. (No building rights can be obtained).
- 27 F. The unwilling sale of land as a result of legal condemnation as defined and allowed in Idaho Code and
28 when the dedication of a right-of-way for public purposes is initiated by a public body.

30 13.5.4. Approval of the Subdivision Review

31 There are four types of Subdivision Review – One-time Only Divisions, Land Divisions, Short Plats and
32 Full Plats. One-time Only Divisions are approved by the Administrator, Land Divisions are approved by
33 the Planning and Zoning Commission and Short Plats and Full Plats both receive final approval from the
34 Board of County Commissioners.

36 13.5.5. Eligible Applicant

37 Any person, firm, corporation or agency may initiate an application for Subdivision Review, provided
38 they are the owner or the owner’s representative of the property for which the application is being
39 submitted.

40 13.5.6. Application Submittal

41 A. Scheduling a Pre-Application Conference

42 1. Before submitting an application, you must schedule a pre-application conference with the
43 Administrator to discuss the procedures and standards for approval. This initial meeting will establish
44 which approval process your subdivision application will follow.

45 2. To schedule a pre-application conference call the County or go to The Teton County Courthouse.

46 B. Submitting Your Application

47 1. Following the pre-application conference you can start the application process. To begin, submit a
48 complete application form, along with the required review fees, to the County.

49 2. Application forms can be found on the County’s website or paper copies may be obtained at The Teton
50 County Courthouse.

51 3. The general submittal requirements for all development review applications are listed in **XX** and must
52 be followed.

53 4. All plats must include the minimum requirements set out in Idaho Statutes Section 50-1304, Essentials
54 of Plats. **PLAT DEFINITION TO LIST ALL REQUIRED ELEMENTS>>>**

55

56 13.5.7. How is Public Hearing Notice Provided?

57 The noticing for Subdivision Review differs depending on the application.

58 Short Plats and Full Plats require a public hearing in front of the Planning and Zoning Commission. One-
59 time only and Land Divisions do not require public notice. Notice requirements for public hearings are
60 specified in **13.XX**

61

62 13.5.8. One-Time Only Divisions

63

64 All existing lots that have not previously executed an OTO division shall be eligible to divide one new
65 parcel through the OTO process. The OTO can only be utilized once and the minimum lot size and the
66 density of the newly created parcels must relate to the underlying zone in which it is being created in
67 (i.e.: 2.5 or 20).

68 The purpose of the One-Time Only Division is to provide for a division of large unplatted land parcels in
69 the county into two (2) parcels through a simplified process meeting specific criteria.

70

71

72 **13.5.9. One-Time Only Review**

73 The applicant shall provide two (2) draft deeds (unrecorded) for the proposed new lots that shall be
74 created providing the land split is approved and a survey created by a licensed land surveyor in the State
75 of Idaho. The deeds shall contain a restriction clearly stating that these parcels cannot be split again
76 under the provisions of this title.

- 77 A. The Administrator will determine the application is complete, and then review the application.
- 78 B. The application and survey will be forwarded to outside agencies for comment.
- 79 C. The survey will be reviewed to ensure it is accurate and that it meets the standards set forth in Idaho
80 State Code.
- 81 D. Comments for revisions will be forwarded to the applicant.
- 82 E. Once the revisions are made and the documents reviewed again, the Planning and Zoning department
83 will inform the applicant that final documents can be prepared for recording.

84
85 **13.5.10. Approval Criteria Used for a One-Time Only**

86 When reviewing or approving a One Time Only Division, the Planning Administrator will considers the
87 following:

- 88 A. The proposed division does not exceed 2 lots;
- 89 B. The division does not require the extension of public utilities (other than individual service lines) or
90 other municipal facilities and no substantial alteration of existing utility installations is involved;
- 91 C. The division does not require the dedication of public right-of-way.
- 92 **D.** The division does not require public streets and each proposed lot has approved access from an
93 existing public street that contains the necessary right-of-way width; and
- 94 E. Each proposed lot meets all applicable requirements of this Land Development Code and no variance
95 or waiver from a standard is requested.

96
97 **13.5.11. Land Divisions**

98 Land Divisions can be utilized to create more than one (1) parcel but fewer than 4 new (5 total parcels).
99 The parcels must be at least 150% size of the underlying designation the fall in (i.e.: 30 acres for the 20
100 acre and 3.75 for the 2.5 acre density designation). These divisions may be utilized at one time or spread
101 out through time.

102 The purpose of the Land Division is to provide for a division of large unplatted land parcels in the county
103 criteria into four (4) or fewer parcels through a simplified process meeting specific criteria, in exchange
104 for decreased density and minimized impacts to the county.

105 **13.5.12. Land Division Review**

- 106 A. Preapplication Meeting- The applicant will meet with the Planning Administrator to ensure
107 the proper application is being submitted.
- 108 B. Application- The applicant shall provide a completed application form, required fees, two (2)
109 draft deeds (unrecorded) for the proposed new lots that shall be created providing the land

110 split is approved, and a survey created by a licensed land surveyor in the State of Idaho. The
111 deeds shall contain a restriction clearly stating that these parcels cannot be split again under
112 the provisions of this title.

- 113
- 114 C. Initial Distribution of Application- Upon determination of a complete application, the
115 Administrator will promptly distribute the application for review by internal County
116 departments and external agencies and schedule the DRC meeting.
- 117 D. DRC Meeting- This meeting is to begin the discussion about the proposal and is not a forum
118 for final decisions or for accepting comments concerning public support or opposition. No
119 minutes of the meeting are required to be taken or provided at future meetings or hearings.
120 Planning and Zoning Department staff will take notes to summarize the findings from this
121 meeting.
- 122 E. Administrator Review - If after the internal and external review, the Administrator finds that
123 the application meets all applicable requirements of the Land Development Code, the
124 application will be certified as complying with all applicable requirements of the Land
125 Development Code and scheduled for the next available Planning and Zoning Commission
126 meeting.
127 Upon certification by the Administrator that the application complies with all applicable
128 requirements of the Land Development Code, no changes to the application are permitted
129 prior to the Planning and Zoning Commission meeting.

130 13.5.13. Approval Criteria Used for a Land Division Review

131 When reviewing or approving a Land Division, the Planning and Zoning Commission considers the
132 following:

- 133 A. The proposed division does not exceed 4 lots;
- 134 B. The division does not require the extension of public utilities (other than individual service lines) or
135 other municipal facilities and no substantial alteration of existing utility installations is involved;
- 136 C. The division does not require the dedication of public right-of-way.
- 137 D. The division does not require public streets and each proposed lot fronts on an existing public
138 street that contains the necessary right-of-way width; and
- 139 E. Each proposed lot meets all applicable requirements of this Land Development Code and no
140 variance or waiver from a standard is requested.
- 141 F. The resulting lots shall have a size at least 150% of the underlying designation (i.e.: 30 acres for
142 the 20 acre and 3.75 for the 2.5 acre designation)
143
- 144 G. Recommendations of the Administrator, including recommendations from internal County
145 departments and external agencies;
- 146 H. Compliance with the applicable requirements of the Land Development Code; and
- 147 I. Substantial conformance with the County's applicable adopted plans and policies.
148

150 13.5.14. Short Plat

151 A short plat procedure can be utilized to create one (1) to four (4) lots in a small scale subdivision. The
152 minimum lot size of the newly created parcel must relate to the underlying zoning designation in which
153 it is being created in. The required information/dedication would be less than is required for a full
154 subdivision.

155 The purpose of the short plat procedure is to provide an alternative subdivision process that allows the
156 application to be processed as both a preliminary plat and a final plat in a single process.

157 13.5.15. Short Plat Review

158 A. Preapplication Meeting- The applicant will meet with the Planning Administrator to ensure
159 the proper application is being submitted.

160
161 B. Application- The applicant shall provide:
162
163 • a completed application form,
164 • required fees,
165 • two (2) draft deeds (unrecorded) for the proposed new lots that shall be created
166 providing the land split is approved (The deeds shall contain a restriction clearly
167 stating that these parcels cannot be split again under the provisions of this title, and
168 • plat created by a licensed land surveyor in the State of Idaho. The deeds shall
169 contain a restriction clearly stating that these parcels cannot be split again under
170 the provisions of this title.

171
172 C. Initial Distribution of Application- Upon determination of a complete application, the
173 Administrator will promptly distribute the application for review by internal County
174 departments and external agencies and schedule the DRC meeting.

175
176 D. DRC Meeting- This meeting is to begin the discussion about the proposal and is not a forum
177 for final decisions or for accepting comments concerning public support or opposition. No
178 minutes of the meeting are required to be taken or provided at future meetings or hearings.
179 Planning and Zoning Department staff will take notes to summarize the findings from this
180 meeting.

181
182 E. Administrator Review- If after the internal and external review, the Administrator finds that
183 the application meets all applicable requirements of the Land Development Code, the
184 application will be certified as complying with all applicable requirements of the Land
185 Development Code and scheduled for the next available Planning and Zoning Commission
186 hearing.

187 Upon certification by the Administrator that the application complies with all applicable
188 requirements of the Land Development Code, no changes to the application are permitted
189 prior to the Planning and Zoning Commission hearing.

190 F. Review by the Planning and Zoning Commission-The Planning and Zoning Commission will
191 conduct a public hearing and provide a recommendation to the Board of County
192 Commissioners on the application.

193 The Planning and Zoning Commission has 65 days after submission of the completed Short
194 Plat application to recommend approval, recommend approval subject to listed
195 modifications, or recommend denial of the Short Plat. This time period may be extended if
196 both the applicant and the Planning and Zoning Commission agree on an extension.

197 If waiver from a standard is requested as part of a Short Plat, the Short Plat must be approved by
198 the Board of County Commissioners under Sec.

199 G. Review by the Board of County Commissioners- The Board of County Commissioners will
200 conduct a public meeting on the Short Plat. The Board of County Commissioners has 45 days
201 after the recommendation from the Planning and Zoning Commission to approve, approve
202 subject to listed modifications, deny, or send the application back to the Planning and
203 Zoning Commission for additional consideration. This time period may be extended if both
204 the applicant and the Board of County Commissioners agree on an extension.

205 Once approved, the Administrator will notify the applicant of the approval in writing and
206 detail the conditions of the approval, as well as any changes made.

207 H. Recording the Final Documents- The Applicant will provide the Administrator final
208 signed documents. The Administrator will then record the Final Plat with the Teton County
209 Recorder's office.

210

211 13.5.16. Approval Criteria Used for a Short Plat

212 When reviewing or approving a Short Plat, the Planning and Zoning Commission considers the following:

- 213 A. The proposed subdivision does not exceed 5 lots;
- 214 B. The subdivision does not require the extension of public utilities (other than individual service lines) or
215 other municipal facilities and no substantial alteration of existing utility installations is involved;
- 216 C. The subdivision does not require the dedication of public right-of-way.
- 217 D. The subdivision does not require public streets and each proposed lot fronts on an existing public street
218 that contains the necessary right-of-way width; and
- 219 E. Each proposed lot meets all applicable requirements of this Land Development Code and no variance or
220 waiver from a standard is requested.
- 221 F. Recommendations of the Administrator, including recommendations from internal County departments and
222 external agencies;
- 223 G. Compliance with the applicable requirements of the Land Development Code; and
- 224 H. Substantial conformance with the County's applicable adopted plans and policies.
- 225

226

227 13.5.17. Full Plat

228 A subdivision not considered a Short Plat in 13.5.5 above is considered a Full Plat.

229

230

231 13.5.18. Full Plat Review

- 232 A. Full Plat approval is a two-step process. You must first get Preliminary Plat approval from the Planning and
233 Zoning Commission and then get Final Plat approval from the Board of County Commissioners.
- 234 B. Anything regulated in the Land Development Code will be reviewed for compliance by the Administrator,
235 with additional review by internal County departments and external agencies.
- 236 C. The application will also be reviewed by the Planning and Zoning Commission for substantial conformance
237 with the County's adopted plans and policies.
- 238 D. Components of an application that have been determined to meet the requirements of the Land
239 Development Code by the Administrator may not be used as a basis for denial, or be modified by the
240 Planning and Zoning Commission, except to comply with an adopted plan or policy.

241

242 13.5.19. How is a Preliminary Plat Approved?

- 243 A. Preapplication Meeting- The applicant will meet with the Planning Administrator to ensure
244 the proper application is being submitted.
- 245
- 246 B. Application- The applicant shall provide:
- 247
- 248 • a completed application form,
 - 249 • required fees,
 - 250 • required studies, and
 - 251 • plat created by a licensed land surveyor in the State of Idaho. The deeds shall
252 contain a restriction clearly stating that these parcels cannot be split again under
253 the provisions of this title.
- 254
- 255 C. Initial Distribution of Application- Upon determination of a complete application, the
256 Administrator will promptly distribute the application for review by internal County
257 departments and external agencies and schedule the DRC meeting.
- 258
- 259 D. DRC Meeting- This meeting is to begin the discussion about the proposal and is not a forum
260 for final decisions or for accepting comments concerning public support or opposition. No
261 minutes of the meeting are required to be taken or provided at future meetings or hearings.
262 Planning and Zoning Department staff will take notes to summarize the findings from this
263 meeting.
- 264 c. Review by the Administrator- If after the internal and external review and DRC, the
265 Administrator finds that the Preliminary Plat does not meet all the applicable requirements
266 of the Land Development Code, the Administrator will notify the applicant of the specific
267 provisions that have not been met and offer the applicant the opportunity to make changes
268 to the Preliminary Plat.
- 269 If after the internal and external review and DRC, the Administrator finds that the
270 Preliminary Plat meets all applicable requirements of the Land Development Code, the

271 application will be certified as complying with all applicable requirements of the Land
272 Development Code and scheduled for the next available Planning and Zoning Commission
273 meeting.

274 Upon certification by the Administrator that the Preliminary Plat complies with applicable
275 requirements of the Land Development Code, no changes to the application are permitted
276 prior to the Planning and Zoning Commission meeting.

277 E. Review by the Planning and Zoning Commission

278 1. The Planning and Zoning Commission will conduct a public hearing on the Preliminary
279 Plat.

280 2. The Planning and Zoning Commission has 65 days after submission of the completed
281 Preliminary Plat application to approve, approve subject to listed modifications, or deny
282 the Preliminary Plat. This time period may be extended if both the applicant and the
283 Planning and Zoning Commission agree on an extension.

284 3. If waiver from a standard is requested as part of a Preliminary Plat, the Preliminary Plat
285 must be approved by the Board of County Commissioners under Sec.

286 4. Approval of a Preliminary Plat does not constitute approval of a Final Plat.

287

288 13.5.20. Approval Criteria Used for a Preliminary Plat

289 When reviewing or approving a Preliminary Plat, the Planning and Zoning Commission considers the
290 following:

291 A. Recommendations of the Administrator, including recommendations from internal County departments
292 and external agencies;

293 B. Compliance with the applicable requirements of the Land Development Code; and

294 C. Substantial conformance with the County's applicable adopted plans and policies.

295

296 13.5.21. Length Preliminary Plat is Valid

297 An approved Preliminary Plat expires 2 years after the approval date, unless the applicant has filed a
298 complete application for a Final Plat.

299 13.5.22. Phasing Development

300 Once a preliminary plat has been approved, final plats may be submitted in phases. The Preliminary Plat
301 remains valid, provided that a Final Plat consistent with the Preliminary Plat is submitted and completed
302 within 5 years.

303 13.5.23. Preliminary Plat Revisions (Post Approval)

304 A. Minor revisions to an approved Preliminary Plat that reflect the same basic street and lot configurations as
305 used for the original approval may be approved by the Administrator See section XX

- 306 B. Any request for a revision to an approved Preliminary Plat that increases the number of building lots,
307 decreases the amount of common open space or alters a street or block pattern must be initiated and
308 processed as a new application. See section XX

309

310 13.5.24. Preliminary Plat Appeal

311 Applicants or affected property owners unsatisfied with the Planning and Zoning Commission's
312 decision based on the identified criteria for approval, may submit in writing an appeal identifying the
313 specific criteria that were not met along with the associated fee no more than 14 days after a final
314 decision of the Planning and Zoning Commission. The appeal will be heard by the Board of County
315 Commissioners. Decisions of the Board of County Commissioners are final. Applicants or affected
316 property owners shall have no more than 14 days after a final decision is rendered by the BoCC to
317 request reconsideration by the BoCC. If still not satisfied with a decision of the Board of County
318 Commissioners one may pursue appeals to District Court within 30 days of the decision.

319

320 13.5.25. After Preliminary Approval

321 Following approval of a Preliminary Plat, plans and specifications for the installation of improvements
322 required may be prepared and submitted.

323 13.5.26. Construction Drawings

324 Plans for the improvements required by this Land Development Code must be prepared by a registered
325 engineer. The subdivider must submit construction drawings with the final plat for all improvements
326 required in that portion of the subdivision contained in the final plat.

327 13.5.27. Public Improvements

328 A. Prior to recording the final plat, the subdivider must file with the County Clerk a surety bond in the form of a
329 performance bond, letter of credit from a bank or other financial institution, cash, or other acceptable
330 guarantee, to ensure actual construction of such improvements and their completion according to plans as
331 submitted to and approved by the County.

332 B. The improvements, when covered by a surety bond, shall be constructed within 2 years from the date of
333 recording of the final plat; provided, however, the County may extend the period 1 year upon a showing of
334 just cause by the subdivider, and resubmission of the surety bond in an adjusted amount approved by the
335 County.

336 C. The surety bond or other guarantee shall be in the amount of 125% of the estimated cost of the
337 improvements as determined by the County.

338 D. Financial assurances will be returned upon satisfactory completion of work as determined by the County.
339 This determination is made with an inspection and signing of the Subdivision Sign-Off Sheet.

340 E. In the event construction is not completed or in the event construction is completed but not in substantial
341 conformity with the approved plans for the project, the financial assurances will be forfeit to the County.
342 Forfeiture of the financial assurances does not in any way require the County to complete the project nor
343 does forfeiture preclude the County from seeking other redress or remedy for failure to comply with the
344 approved plans or for failure to complete the project, including, but not limited to, refusal to issue an
345 occupancy permit or any other remedy at law or in equity, through judicial action or through any other
346 action as may be determined by the Board of County Commissioners.

347

348 13.5.28. Final Plat Approval

349 A. A Preapplication Meeting- The applicant will meet with the Planning Administrator to ensure
350 the proper application is being submitted.

351 Also, before applying for Final Plat approval, the requirements of **XX** must be met.

352

353 B. Application- The applicant shall provide:

354

- 355 • a completed application form,
- 356 • required fees,
- 357 • _____, and
- 358 • Final plat created by a licensed land surveyor in the State of Idaho. The deeds shall
359 contain a restriction clearly stating that these parcels cannot be split again under
360 the provisions of this title.

361

362 C. Initial Distribution of Application- Upon determination of a complete application, the
363 Administrator will promptly distribute the application for review by internal County
364 departments and external agencies and schedule the DRC meeting.

365 D. DRC Meeting- This meeting is to begin the discussion about the proposal and is not a forum
366 for final decisions or for accepting comments concerning public support or opposition. No
367 minutes of the meeting are required to be taken or provided at future meetings or hearings.
368 Planning and Zoning Department staff will take notes to summarize the findings from this
369 meeting.

370 E. Review by the Administrator

371 1. If after internal review, external review and DRC, the Administrator finds that the
372 Final Plat does not meet all the applicable requirements of the Land Development
373 Code or substantially conform with the Preliminary Plat, the Administrator will
374 notify the applicant of the specific provisions that have not been met and offer the
375 applicant the opportunity to make changes to the Final Plat.

376 2. If after the internal review, external review, and DRC, the Administrator finds that
377 the Final Plat meets all applicable requirements of the Land Development Code and
378 substantially conforms with the Preliminary Plat, the application will be certified as

379 complying with all applicable requirements of the Land Development Code and
380 then scheduled for the next available Board of County Commissioners meeting.

381 3. Upon certification by the Administrator that the application complies with all
382 applicable requirements of the Land Development Code, no changes to the
383 application are permitted prior to the Board of County Commissioners meeting.

384 F. Review by the Planning and Zoning Commission

385 1. The Planning and Zoning Commission will conduct a public hearing on the Final
386 Plat.

387 2. The Planning and Zoning Commission has 65 days after submission of the
388 completed Final Plat application to approve, approve subject to listed
389 modifications, or deny the Final Plat. This time period may be extended if both the
390 applicant and the Planning and Zoning Commission agree on an extension.

391 3. A positive recommendation by the Planning and Zoning Commission does not
392 constitute approval of a Final Plat.

393 G. Review by the Board of County Commissioners

394 1. The Board of County Commissioners will conduct a public meeting on the Final Plat.
395 The Board of County Commissioners has 45 days after receiving a completed Final
396 Plat recommendation from the Planning and Zoning Commission to approve,
397 approve subject to listed modifications, deny, or send the application back to the
398 Planning and Zoning Commission for additional consideration. This time period may
399 be extended if both the applicant and the Board of County Commissioners agree on
400 an extension.

401 2. The Final Plat will be reviewed for substantial conformance with the approved
402 Preliminary Plat by the Board of County Commissioners. The Board of County
403 Commissioners will also accept any dedication of land or public improvements as
404 part of approving a Final Plat. The Final Plat must be signed by the Chair of the
405 Board of County Commissioners.

406 3. The Applicant will provide the Administrator final signed documents. The
407 Administrator will then record the Final Plat with the Teton County Recorder's
408 office.

409

410 13.5.29. Approval Criteria Used for Final Plat

411 A. Recommendations of the Administrator, including recommendations from internal County departments
412 and external agencies;

413 B. Compliance with the applicable requirements of the Land Development Code; and

414 C. Substantial conformance with the County's applicable adopted plans and policies.

415 D. Substantial conformance with the Preliminary Approval.

416 13.5.30. Modification of Standards

417 When the Board of County Commissioners, with a recommendation from the Planning and Zoning
418 Commission, finds that because of topographic or other conditions peculiar to the site, the literal
419 enforcement of a Preliminary Plat or Final Plat requirement may result in unnecessary hardship, the
420 Commission may waive or modify the requirements. Before a waiver or modification request is granted,
421 the Board of County Commissioners must find all of the following:

- 422 A. That the practical difficulties or unnecessary hardship were not created by the owner of the property or the
423 applicant;
- 424 B. That the practical difficulties or unnecessary hardship are not solely financial;
- 425 C. That the waiver or modification will not substantially or permanently injure adjacent property or its
426 improvements;
- 427 D. The waiver or modification requested is the minimum required to resolve the difficulties that will make
428 possible the legal use of the land, building or structure;
- 429 E. The waiver does not reduce the lot size below the minimum lot size allowed in the zoning district; and
- 430 F. That the public health, safety and welfare are secured.

431

432 13.5.31. Final Plat Appeal

433 Decisions of the Board of County Commissioners are final. Applicants or affected property owners
434 shall have no more than 14 days after a final decision is rendered by the BoCC to request
435 reconsideration by the BoCC. If still not satisfied with a decision of the Board of County
436 Commissioners one may pursue appeals to District Court within 30 days of the decision.

437

438 13.5.32. Length of Time to Complete Subdivision

439 If the subdivider has not completed construction of all proposed improvements identified in the
440 development agreement within 5 years of the date of final plat approval, the County will, at its
441 discretion, commence proceedings for the vacation of the subject plat, in accordance with Idaho Code
442 Section 50-1306A and Sect. 13.XX

443

444

445

1 Quasi-Judicial Review

2 Quasi-Judicial Review occurs for applications that are site specific. It ensures
3 applications are being reviewed against a previously approved standard to ensure the
4 applicants due process rights are being protected.

5 13.7.1. Quasi-Judicial Review Required

6 A. Quasi-Judicial Review is required for:

- 7 1. Conditional Use Permits;
- 8 2. Re-Zone Map Amendments (Project Specific);
- 9 3. Variances;

10 13.7.2. Approval of Quasi-Judicial Review

11 The Planning and Zoning Commission approves your Quasi-Judicial review following a
12 recommendation by the administrator for conditional use permits and variances. The
13 Board of County Commissioners approve a rezone after a recommendation from the
14 Planning and Zoning Commission.
15

16 13.7.3. Eligible Applicants

17 Any person, firm, corporation or agency can submit an application for Quasi-Judicial
18 Review, provided they are the legal property owner or the owner's representative of the
19 subject property.
20

21 13.7.4. Submitting an Application

22 A. Scheduling a Pre-Application Conference

- 23 1. Before submitting an application, you must schedule a pre-application conference with the
24 Administrator to discuss the procedures and standards required for approval.
- 25 2. To schedule a pre-application conference call the County or go to The Teton County Courthouse.

26 B. Submitting Your Application

- 27 1. Following the pre-application conference, you can start the application process. To begin, submit a
28 complete application form, along with the required review fees, to the County.
- 29 2. Quasi-Judicial Review application forms can be found on the County's website or paper copies can be
30 obtained from The Teton County Courthouse.
- 31 3. The general submittal requirements for all development review applications are listed in 13.3 and must
32 be followed.

33 13.7.5. Concurrent Review Allowed?

34 Multiple Quasi-Judicial Review applications by one applicant may occur at the same
35 time.
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13.7.6. Public Notice

Quasi-Judicial Review applications requires a public hearing in front of the Planning and Zoning Commission. Re-zone application will require a second public hearing before the Board of County Commissioners. Notice requirements for public hearings are specified in 13.3.4

13.7.7. Quasi-Judicial Application Review

A. Initial Distribution of an Application

1. Upon determination of a complete application, the Administrator will promptly distribute the application for review by internal County departments and external agencies and schedule the DRC meeting.

B. DRC Meeting

This meeting is to begin the discussion about the proposal and is not a forum for final decisions or for accepting comments concerning public support or opposition. No minutes of the meeting are required to be taken or provided at future meetings or hearings. Planning and Zoning Department staff will take notes to summarize the findings from this meeting.

C. Administrator Review

1. If after the internal and external review, the Administrator finds that the application meets all applicable requirements of the Land Development Code, the application will be certified as complying with all applicable requirements of the Land Development Code and scheduled for the next available Planning and Zoning Commission hearing.
2. Upon certification by the Administrator that the application complies with all applicable requirements of the Land Development Code, no changes to the application are permitted prior to the Planning and Zoning Commission hearing.

D. Planning and Zoning Commission Public Hearing

1. The Planning and Zoning Commission will conduct a public hearing for:
 - a. Rezone- provide a recommendation to the Board of County Commissioners on the application.
 - b. Conditional use permit & Variance- will approve, approve subject to listed modifications, or deny the application.
2. The Planning and Zoning Commission has 65 days from the date of the public hearing to submit their recommendations to the Board of County Commissioners, or make a final decision. This time period may be extended if both the applicant and the Planning and Zoning Commission agree on an extension.
3. The Commission may require conditions necessary to make the proposed project compatible with the applicable guidelines of the Quasi-Judicial Standards.

74 13.7.8. How do the Guidelines Apply?

75 Guidelines or guiding principles are not mandatory, but not ignorable either. The words
76 “should,” “preferred” and “recommend” indicate guidelines, or parameters for
77 interpreting, applying, and modifying the project. The Quasi-Judicial Standards also
78 contain illustrations and photographs. The graphics are intended to be interpreted as
79 examples of recommended, acceptable or unacceptable elements, styles or Quasi-
80 Judicial treatments. Guidelines are intended to be balanced, and applied with discretion.
81 Alternative Quasi-Judicial applications that meet or exceed the intent of the Guiding
82 Principles and Quasi-Judicial guidelines are encouraged.
83

84 13.7.9. Criteria for Approval

85 The applicant has the burden of proof of demonstrating conformity with the guidelines in
86 the Quasi-Judicial Standards. The Planning and Zoning Commission must consider the
87 following when approving the project:

88 A. The project meets all applicable Land Development Code requirements.
89

90 B. Conditional Use Permit-

- 91 i. The use is allowed as a conditional use in the respective zoning district.
- 92 ii. The use complies with the specific use standards listed in Article 9, if any, without the granting
93 of any variance.
- 94 iii. The use is compatible with adjacent uses in terms of location, scale, site design, hours of
95 operation and operating characteristics.
- 96 iv. Any adverse impacts resulting from the proposed use in the affected area will be effectively
97 mitigated or offset.
- 98 v. The County and other service providers will be able to provide sufficient public facilities and
99 services including schools, roads, recreation facilities, wastewater treatment, water supply
100 and stormwater facilities, police, fire and emergency medical services, while maintaining
101 sufficient levels of service to existing development.
102

103 C. Variance-

104 The Planning and Zoning Commission will not approve a Variance unless there are
105 extraordinary and exceptional conditions or practical difficulties pertaining to the
106 particular piece of property in question because of its size, shape or topography that are
107 not applicable to other properties in the same zoning district. In making this
108 determination, the Commission will consider all of the following criteria:

- 109 i. A literal interpretation of the provisions of this Land Development Code would effectively
110 deprive the applicant of rights commonly enjoyed by other properties of the zoning district in
111 which the property is located;

- 112 ii. Granting the requested variance will not confer upon the property of the applicant any special
113 privileges that are denied to other properties of the zoning district in which the property is
114 located;
- 115 iii. The requested variance will be in harmony with the purpose and intent of this Land
116 Development Code and will not be injurious to the neighborhood or to the general welfare;
- 117 iv. The special circumstances are not the result of the actions of the applicant;
- 118 v. The variance requested is the minimum variance that will make possible the proposed use of
119 the land, building or structure;
- 120 vi. The variance does not permit a use of land, buildings or structures, which is not permitted by
121 right in the zoning district; and
- 122 vii. The variance does not reduce the lot size below the minimum lot size allowed in the zoning
123 district.
124

125 D. Re-zone Map Amendment (project specific)-

- 126 i. The Zoning Map Amendment substantially conforms with the Comprehensive Plan.
- 127 ii. The Zoning Map Amendment substantially conforms with the stated purpose and intent of this
128 Land Development Code.
- 129 iii. The Zoning Map Amendment will reinforce the existing or planned character of the area.
- 130 iv. The subject property is appropriate for development allowed in the proposed district.
- 131 v. There are substantial reasons why the property cannot be used according to the existing
132 zoning.
- 133 vi. There is a need for the proposed use at the proposed location.
- 134 vii. The County and other service providers will be able to provide sufficient public facilities and
135 services including schools, roads, recreation facilities, wastewater treatment, water supply
136 and stormwater facilities, police, fire and emergency medical services, while maintaining
137 sufficient levels of service to existing development.
- 138 viii. The Zoning Map Amendment will not significantly impact the natural environment, including
139 air, water, noise, stormwater management, wildlife and vegetation.
- 140 ix. The Zoning Map Amendment will not have a significant adverse impact on property in the
141 vicinity of the subject property.

142
143 **13.7.10. Additional Studies required**

144 **Before granting a Quasi-Judicial approval, studies may be required of the social,**
145 **economic, fiscal, and environmental effects of the proposed special use.**
146

147 13.7.11. Applicable Conditions

148 Conditions may be attached to a Quasi- Judicial approval (or recommendation)
149 including, but not limited to, conditions that:

- 150 A. Minimize adverse impact on other development;
- 151 B. Control the sequence and timing of development;
- 152 C. Control the duration of development;
- 153 D. Assure that development is maintained properly;
- 154 E. Designate the exact location and nature of development;
- 155 F. Require the provision of on-site or off-site public facilities or services;
- 156 G. Require more restrictive standards than those generally required in this Land Development Code;
- 157 H. Require mitigation of effects of the proposed development upon service delivery by any political
158 subdivision, including school districts, providing services within the planning jurisdiction.
159

160

161 13.7.12. Development Agreements

162 A. A development agreement, as specified in Sec. 67-6509, Idaho Code, is allowed as a condition of
163 a map amendment or conditional use permit.

164 B. A development agreement may be modified only with permission of the Board of County
165 Commissioners, following a public hearing and notice as would be required for the original
166 adoption.

167

168 13.7.10. Establishment of a Precedent with approval

169 Quasi-Judicial approvals are based on the application, the proposed location and the criteria identified in
170 this ordinance. These approvals do not establish a binding precedent to grant other quasi-judicial
171 approvals.

172

173 13.7.13. Transferability of Quasi-Judicial approvals

174 Quasi-Judicial approvals may be transferred from one owner to another, however they are not
175 transferable from one parcel of land to another.

176

177 13.7.14. How long is Quasi-Judicial Review Approval Valid?

178 An approved project Quasi-Judicial expires 1 year after the approval date unless the applicant has filed
179 a complete application for a Building Permit or made substantial progress towards development that
180 does not require a building permit.

181

182 13.7.15. Quasi-Judicial Application Denial

- 183 A. Conditional Use Permit & Variance- Applicants or affected property owners unsatisfied with the Planning
184 and Zoning Commission's decision based on the identified criteria for approval, may submit in writing
185 an appeal identifying the specific criteria that were not met along with the associated fee no more than
186 14 days after a final decision of the Planning and Zoning Commission. The appeal will be heard by the
187 Board of County Commissioners. Decisions of the Board of County Commissioners are final.
188 Applicants or affected property owners shall have no more than 14 days after a final decision is
189 rendered by the BoCC to request reconsideration by the BoCC. If still not satisfied with a decision of
190 the Board of County Commissioners one may pursue appeals to District Court within 30 days of the
191 decision.
- 192 B. Rezone- Decisions of the Board of County Commissioners are final. Applicants or affected property
193 owners unsatisfied with the Board of County Commissioner's decision based on the identified criteria
194 for approval, may submit in writing an request for reconsideration, identifying the specific criteria that
195 were not met along with the associated fee no more than 14 days after a final decision of the BoCC.. If
196 still not satisfied with a decision of the Board of County Commissioners after the reconsideration, one
197 may pursue appeals to District Court within 30 days of the decision.
- 198 C. No application for a Quasi-judicial approval affecting the same or any portion of property that was
199 denied by Teton County will be accepted for filing within 12 months of the date the application was
200 denied.

201

202 13.7.16. After approval of a Quasi-Judicial decision

203 Upon approval of a Quasi-Judicial project, application for a building permit may be
204 made or work on the project may commence, unless additional criteria was requested
205 by the BoCC.

206

