

# Article 14 Administration

# Article 14 - Administration

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The following table summarizes the review and approval authority of the various review bodies and officials that implement and administer the Land Use Development Code.

Approval Process	Cross-reference	Development Review Committee (DRC)	Review and Approval			Public Notice					
			Planning Administrator	Planning & Zoning Commission	Board of County Commissioners	Neighborhood Meeting	Web	Posted (On-Site)	Mailed	Published	Posted Notice (Courthouse)
<b>Legislative Review</b>	14.4										
Comprehensive Plan Amendment	14.4	N	R	R-PH	D-PH	N	Y	N	N	Y	Y
Land Use Code Text Amendment	14.4	N	R	R-PH	D-PH	N	Y	N	N	Y	Y
<b>Subdivision Review</b>	14.5										
One Time Only Lot Split	14.5.8	N	D	A-PM	--	N	N	NY	N	N	N
Land Division	14.5.9	Y	R	D-PM	A-PM	Y	NY	NY	N	N	Y
Short Plat	14.5.10	Y	R	R-PH	D-PM	N	Y	Y	N	N	Y
Concept Plat	14.5.11	Y	R	D-PH	A-PH	P	Y	Y	Y	Y	Y
Preliminary Plat	14.5.11	Y	R	R-PH	D-PH	N	Y	Y	Y	Y	Y
Final Plat	14.5.11	Y	R	--	D-PM	N	Y	Y	Y	Y	Y
<b>Administrative Review</b>	14.6										
Site Plan Review	14.6.9	N	D	A-PM	--	N	N	N	N	N	N
Design Review	14.6.10	N	R	D-PM	A	N	Y	N	N	N	Y
Temporary Use Permit	14.6.11	P	D	A-PM	--	P	N	P	P	P	N
<b>Quasi-Judicial Review</b>	14.7										
Conditional Use Permit	14.7.10	Y	R	D-PH	A-PH	P	Y	Y	Y	Y	Y
Variance	14.7.11	Y	R	D-PH	A-PH	N	Y	Y	Y	Y	Y
Zoning Map Amendment (Project Specific)	14.7.12	Y	R	R-PH	D-PH	P	Y	Y	Y	Y	Y
<b>Administrative Appeals</b>	14.8										
Appeal of an Administrative Decision	14.8	N	D	A-PM	A-PM	N	Y	N	N	N	Y
<b>Modification to Previous Approvals</b>	14.10										
Modification of a Non-Subdivision Parcel	14.10.2	N	D	A	--	N	N	N	N	N	N
Modification to a Plat	14.10.3	P	R	P	D	N	P	P	P	P	P
Modification of Administrative Approvals	14.10.4	N	D/R	A/D	A	N	P	N	N	N	P
Modification of Quasi-Judicial Approvals	14.10.5	P	D/R	P	P	P	P	P	P	P	P
Modification of Undefined Approvals	14.10.6	P									

KEY:

R = Review, Recommendation D = Decision A = Appeal PH = Public Hearing PM = Public Meeting

Y = Required N = Not Required P = Possible Depending on the Scope of Project

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### 14.2.1. State Statutes

- A. This Article is intended to comply with the provisions of:
  - 1. Idaho Constitution Article 12, Section 2;
  - 2. Idaho Statutes Title 67, Chapter 65, Local Land Use Planning;
  - 3. Idaho Statutes Title 50, Municipal Corporations, Chapter 13 Plats and Vacations;
- B. Where any provision of this Article is in conflict with any provision of State law, the State law controls. Where this Article is incomplete in having failed to incorporate a provision necessarily required for the implementation of State law, the provision of State law must be fully complied with.

### 14.2.2. Review Authority

#### A. Board of County Commissioners

The Board of County Commissioners (known in this Code as the “Board”) has those powers and duties expressly identified in Idaho Statutes and elsewhere in the Teton County Land Use Development Code, including, but not limited to:

- 1. Final action on all legislative decisions, including Comprehensive Plan amendments, Land Use Development Code text amendments, official zoning map amendments, and subdivision plats.
- 2. Final action and acceptance of improvements on all final plats.
- 3. Final Appeal/Reconsideration authority

#### B. Planning and Zoning Commission

The Planning and Zoning Commission (known in this Code as the “Commission”) has those powers and duties identified in Idaho Statutes Title 67, Chapter 65, Local Land Use Planning, including but not limited to:

- 1. Review and recommendation to the Board on all legislative decisions, including Comprehensive Plan amendments, Land Use Development Code amendments, official zoning map amendments.
- 2. Review and recommendation to the Board on short plats and final plats.
- 3. Final action on design review (unless appealed).
- 4. Final action on conditional use permits (unless appealed).
- 5. Final action on Land Divisions (unless appealed).
- 6. Final Action on variances (unless appealed)

#### C. Planning Administrator

The Planning and Zoning Administrator (known in this Code as the “Administrator”) has those powers and duties identified in Idaho Statutes Title 67, Chapter 65, Local Land Use Planning, including, but not limited to:

- 1. Review and recommendation to the Board on all legislative decisions, including Comprehensive Plan amendments, Land Use Development Code amendments, official zoning map amendments, and conditional use permits.
- 2. Review and recommendation to the Board on short plats and final plats.
- 3. Review and recommendation to the Commission on all preliminary plats.
- 4. Final action on all site plans and temporary use permits (unless appealed).

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5. Final action on One Time Only lot splits (unless appealed)
  6. Final action on temporary use permits (unless appealed).
- D. Development Review Committee
1. The Teton County Development Review Committee (DRC) meets for review of submitted Planning Commission application materials. Div. 14.1 identifies which submittals require meeting with the DRC. Projects should be scheduled on the DRC Agenda at the time the application is submitted.
  2. The purpose of the DRC meeting is to review each project, answer questions, and identify any issues that may need to be addressed in more detail by an applicant for development or prior to going to the Planning Commission. The DRC meeting is intended for those proposing a subdivision, zone change, conditional use proposal or other approvals identified in Div. 14.1. Those scheduled for a DRC meeting must be prepared with appropriate plans, including maps or documents which demonstrate the existing- features and proposed-streets, lots, and development within the proposed project, along with the location of nearby streets, canals, and water features in relation to the proposed project. The following major points are discussed at DRC meetings
  3. Standards reviewed at DRC:
    - a. Development application process
    - b. Comprehensive Plan: (Future land use, goals, and policies)
    - c. Land Use Development Code: (Lot size, Lot width, Land use, Setbacks, and Parking)
    - d. Development Feasibility: (slope, ground water, wetlands, flood zone, special service district commitments, etc.)
    - e. Design Criteria (where applicable): (Height, Width, Form, Mass, Style, Material, Color, Roof, Facades, Windows, Awnings, Signs, Storage, Garbage bins, Landscaping and trees, Pedestrian facilities, Other amenities)
    - f. Septic: (septic viability, sewer line size, capacity, and location)
    - g. Water: (well feasibility, fire protection, water line size, capacity, and location)
    - h. Transportation: (Street Master Plan, traffic studies, ITD, road alignments, road condition, location, and requirements, shared parking and driveways)
    - i. Storm Drainage: (Erosion plan, retention and detention requirements, Water Source Protection Area, Flood protection and Special Flood Hazard Area)
    - j. Park: (trails, parks, sidewalk, open space)
    - k. Irrigation: (Irrigation lines, canals, ditches)
    - l. Public Utilities: (Public Utilities, underground utility requirements, electrical lines, utility easement needs and locations, gas lines, telephone lines, street lights)
  4. Entities invited to the DRC meeting may include the following:
    - a. Teton County Planning & Building
    - b. Teton County Public Works/Engineer
    - c. Teton County Prosecuting Attorney
    - d. Teton County Fire District
    - e. Neighboring Communities

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f. State and Federal Agencies

g. Service/Utility Providers

i. Telephone

ii. Electricity

iii. Irrigation districts

iv. Water/Sewer

v. Waste/Recycling

vi. Trail agencies

E. Neighborhood Meeting

1. The purpose of the neighborhood meeting is to allow the developer to present the proposal to neighbors and other members of the public prior to the formal public hearing so that the parties can discuss and consider neighborhood impacts, mitigation, design, and construction elements, and the like.
2. A neighborhood meeting shall be required for each of the land use matters identified in Div. 14.1 that require the neighborhood meeting.
3. A neighborhood meeting shall be required as a prerequisite to filing of an application with the County for the following land use matters
  - a. Request to amend the Zoning District from a residential zone to a commercial or industrial zone
  - b. A Concept Plat of more than 25 lots

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### 14.3.1. Applicability

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

### 14.3.2. Application Requirements

#### A. Application Submittal

1. All applications must be filed with the Teton County Planning & Building Department and must be submitted on forms and in such numbers as required by the Administrator.
2. Application forms can be found on the County's website or hard copies can be obtained at the Teton County Courthouse.
3. All Applications must include the necessary portions of the Property Development Plan as identified in Article 13.

#### B. Fee Schedule

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

#### C. Completeness Determination

1. All applications must be complete before the County is required to review the application.
2. An application is considered complete when it contains all of the information necessary to decide whether or not the application will comply with all of applicable requirements of this Code. The burden of proof to show that their application is complete and responsive to the requirements of this Code is on the applicant.

3. The presumption is that all of the information required in the County's application forms and Property Development Plan is necessary to satisfy the requirements of this Article. However, it is recognized that each application is unique, and more or less information may be required according to the specifics of a particular case. The applicant may rely on the Administrator to determine whether more or less information has to be submitted.

#### D. Application Deadline

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

#### E. Revised Application Materials

1. All revised application materials must be submitted to the Administrator, who will route the materials to the appropriate review bodies. No plans may be sent directly to the Commission or Board.
2. No revised application materials, either hard copy or electronic, may be submitted to the Administrator less than 15 days prior to a scheduled public meeting or public hearing.

#### F. Withdrawal of an Application

1. Any application may be withdrawn at any time at the discretion of the applicant by providing written notice to the Administrator.
2. No portion of a required application fee will be refunded on any application withdrawn.
3. For applications requiring a public hearing, if the public hearing has been advertised, the withdrawn application will be announced at the hearing.

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## G. Written Decision and Reasoned Statements

1. Within 65 days from a decision by the Commission or the Board, a written decision will be approved. The appeal period shall begin upon the day of the mailing, or if hand delivery, the day of delivery of the signed written decision.

## H. Notice of Decision

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

### 14.3.3. Development Review Committee Meeting

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

### 14.3.4. Neighborhood Review Meeting

Where a neighborhood meeting is required as a prerequisite to an application, the follow items must be provided with the application:

- A. Date/Time/Location of the meeting
- B. Sign-in sheet from the meeting
- C. Explanation of how notice was given to property owners that were identified in the pre-application meeting
- D. Summary of the discussion at the meeting
- E. Any findings and or changes to the application that resulted from the meeting.

## 14.3.5. Public Notice Requirements

For public notice and hearing requirements by application type, see Div. 14.1. The fact that notice is not received due to an error that was not the fault of the County does not prevent the public hearing from happening, change any decision made at the public hearing, or prevent the application from continuing to move forward through the review process.

### A. Published Notice

Where published notice is required, a notice must be published by the Administrator at least once in the official newspaper of the County at least 15 days, but not more than 45 days, prior to the date of the public hearing. When notice is required by 200 property owners or more, the published notice must be a display advertisement at least 4 inches by 2 columns in size.

### B. Web Notice

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

### C. Posted Notice (On site)

Where posted notice on site is required, a sign must be posted on the property at a point visible from the nearest public street. In the case of multiple parcels, sufficient signs must be posted to provide reasonable notice to interested persons, as determined by the Administrator. Signs must be posted at least 15 days prior to the date of the public hearing.

### D. Posted Notice (Courthouse)

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

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## E. Mailed Notice

1. Where mailed notice is required, the County will notify by mail all owners of property included in the proposed application and all owners of property within 300 feet on all sides, as shown in the County tax records. Notice must be mailed at least 15 days, but not more than 45 days, prior to the date of the public hearing.
2. When notice is required to 200 or more property owners or purchasers of record, sufficient notice is provided if the County provides published notice in addition to posted notice on all external boundaries of the site.

## F. Content of Notice

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

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

## 14.3.6. Public Hearing Requirements

### A. Public Hearing Procedure

Public Hearing procedures are established in the Teton County Administrative Policies, and each public hearing should follow these procedures.

### B. Minutes

Minutes for all public hearings shall be taken and retained by the Planning Department.

### C. Transcribable Record

A transcribable verbatim record shall be made and kept in accordance with Idaho State Code 67-6536.

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### 14.4.1. Review Requirements

Legislative Review is required for the following.

- A. Comprehensive Plan Amendment  
A request to amend the text of the Comprehensive Plan, including the Future Land Use Map.
- B. Text Amendment  
A request to amend the text of this Land Use Development Code.

### 14.4.2. Application Approval

The Board approves applications for Legislative Review, following a public hearing and review by the Commission.

### 14.4.3. Eligible Applicants

- A. The Board, the Commission, or the Administrator may initiate an application for Legislative Review.
- B. Any affected person as outlined in Idaho State Code 67-6509(d)

### 14.4.4. General Application Submittal

- A. Applications can be found on the County website or from the Planning Department
- B. Scheduling a Pre-Application Conference
  - 1. Before submitting an application, you must schedule a pre-application conference with the Administrator to discuss the procedures and standards for approval.
  - 2. To schedule a pre-application conference, call the Administrator or go to the Teton County Courthouse.
- C. Submitting Your Application
  - 1. Following the pre-application conference, you may start the application process. To begin, submit a complete application form and

proposed site plan, along with the required application fees, to the Administrator.

- 2. The application form can be found on the County's website or paper copies may be obtained at the Teton County Courthouse.
- 3. The general submittal requirements for all development review applications are listed in this Code and must be followed.

### 14.4.5. Public Hearing Notice

Legislative Review requires a public hearing in front of the Commission and the Board. Notice requirements for public hearings are specified in Div. 14.1 and Div. 14.3.5.

### 14.4.6. Application Review

#### A. Initial Distribution of an Application

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 Use Development Code, the application will be certified as complying with all applicable requirements of the Land Use Development Code and scheduled for the next available Commission hearing.

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2. Upon certification by the Administrator that the application complies with all applicable requirements of the Land Use Development Code, no changes to the application are permitted prior to the Commission hearing.

## D. Planning and Zoning Commission Public Hearing

1. The Commission will conduct a public hearing and provide a recommendation to the Board on the application.
2. The Commission has 65 days from the date of the public hearing to submit their recommendation to the Board. This time period may be extended if both the Applicant and the Commission agree on an extension.

## E. Board of County Commissioners Action

1. After reviewing the recommendation of the Commission, the Board will take action on the application. The public hearing for the Board cannot be scheduled and/or noticed until a recommendation is made by the Commission.
2. The Board has 65 days from the date of the public hearing to approve, approve with conditions, deny, or send the application back to the Commission for additional consideration. This time period may be extended if both the applicant and the Board agree on an extension.
3. Amendment of this Code applicable to an owner's lands may be subject to the regulatory taking analysis provided for by Idaho Statutes Title 67, Section 67-8003, consistent with the requirements established in that section.

## 14.4.7. Additional Studies

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

## 14.4.8. Approval Criteria

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

### A. For a Comprehensive Plan Amendment

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

### B. For a Land Use Development Code Text Amendment

1. The Text Amendment corrects an error or meets the challenge of some changing condition, trend, or fact.
2. The Text Amendment is in response to changes in State law, as established through amendments to the Idaho Statutes or by court decision.
3. The Text Amendment substantially conforms to the Comprehensive Plan.
4. The Text Amendment substantially conforms to the stated purpose and intent of this Code.

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5. The Text Amendment constitutes a benefit to the County as a whole and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.
6. The Text Amendment will not significantly impact the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation.
7. The Text Amendment will not significantly impact existing conforming development patterns, standards or zoning regulations.

## 14.4.9. Establishment of a Precedent

Legislative actions do not establish a binding precedent to grant other legislative changes.

## 14.4.10. Denial of Legislative Action

Decisions of the Board are final. Affected property owners unsatisfied with the Board's decision based on the identified criteria for approval, may submit in writing a request for reconsideration, identifying the specific criteria that were not met along with the associated fee no more than 14 days after the written decision is delivered. If still not satisfied with a decision of the Board after the reconsideration, one may pursue appeals to District Court within 28 days of the written decision being delivered.

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### 14.5.1. Subdivision Review

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

### 14.5.2. Subdivision Review Required

Subdivision Review is required for any:

- A. Subdivision of land into 2 or more parcels.
- B. The dedication of any street or alley through or along any tract of land except where the dedication is initiated at the request of a public body.
- C. Condominium or townhouse projects as permitted by Idaho. Additionally, the Board may attach conditions for the provision and maintenance of open space
- D. Amendments of a previously-divided parcel if it is considered a significant amendment as defined in Div. 14.10.3.

### 14.5.3. Activities Not Considered Subdivision

- A. Insignificant Plat Amendment - A readjustment of lot lines in a recorded plat that does not reduce the area, frontage, width, depth, or building setback lines below the minimums required in the zoning district. See Div. 14.10.3.B.
- B. Boundary Line Adjustment - The exchange of land for the purpose of straightening property boundaries or adding land to existing parcels by trade or sale that does not result in a change of the present land use or in any way result in land parcels which do not meet existing zoning and other regulations. See Div. 14.10.2.A.
- C. An allocation of land in the settlement of an estate or a court decree for the distribution of property with the stipulation that the land may not be divided, only the interested in the land may be divided.

- D. Agricultural Split - A bona fide division or partition of agricultural land for agricultural purposes, which is the division of land into lots/parcels, all of which are twenty (20) acres or larger and maintained as agricultural lands. These parcels are not eligible for any building rights through this division process.
- E. The unwilling sale of land as a result of legal condemnation as defined and allowed in Idaho Code and when the dedication of a right-of-way for public purposes is initiated by a public body.

### 14.5.4. Approval of the Subdivision Review

There are four types of Subdivision Review – One Time Only Divisions, Land Divisions, Short Plats and Full Plats. One Time Only Divisions are approved by the Administrator, Land Divisions are approved by the Commission, and Short Plats and Full Plats both receive final approval from the Board.

### 14.5.5. Development Tallied

Any existing parcel or parent parcel shall have previous divisions or splits count toward the total resulting lots. New parcels created by a One Time Only or Land Division are not eligible for a One Time Only or Land Division.

### 14.5.6. Eligible Applicant

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

### 14.5.7. Public Notice Provided

The noticing for Subdivision Review differs depending on the application. See Div. 14.1 for requirements by application type and Div. 14.3.5 for specific noticing requirements.

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## 14.5.8. One Time Only Divisions

All existing parcels located in the Rural Districts that have not previously executed a One Time Only division may be eligible to divide one new parcel through the One Time Only process. The One Time Only can only be utilized once, and the minimum lot size and the density of the newly created parcels must relate to the underlying zone in which it is being created (Article 3).

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

### A. One Time Only Review

#### 1. Pre-Application Meeting

The applicant will meet with the Administrator to ensure the proper application is being submitted and identify which elements of the Property Development Plan (Article 13) shall be required.

#### 2. Application/Property Development Plan

In addition to the application and required elements of the Property Development Plan (Article 13), the applicant shall provide two (2) copies of draft deeds (unrecorded) for each of the proposed new lots that shall be created providing the land split is approved and a survey created by a licensed land surveyor in the State of Idaho. The deeds shall contain a restriction clearly stating that these parcels cannot be split again under the One Time Only provisions of this title. The survey shall also clearly identify which parcel will be considered the new parcel and which parcel will be considered the existing parcel.

3. The Administrator will determine if the application is complete and then review the application.
4. Notice will be posted on site when a completed application is received.

5. The application and survey will be forwarded to outside agencies for comment.
6. The survey will be reviewed to ensure it is accurate and that it meets the standards set forth in Idaho State Code by the Teton County Surveyor or approved agent.
7. Comments for revisions will be forwarded to the applicant and/or the applicant's representative.
8. Once the revisions are made and the documents reviewed again, the Planning and Zoning department will inform the applicant that final documents can be prepared for recording.

### B. Approval Criteria Used for a One Time Only

When reviewing or approving a One Time Only Division, the Administrator will consider the following:

1. The existing parcel was not created through a One Time Only.
2. The proposed division does not exceed 2 lots;
3. The division does not require the extension of public utilities (other than individual service lines) or other municipal facilities and no substantial alteration of existing utility installations is involved;
4. The division does not require the dedication of public right-of-way;
5. The division does not require new public streets and each proposed lot has approved access from an existing public street, or approved easement that contains the necessary right-of-way width; and
6. Each proposed lot meets all applicable requirements of this Code. If a variance is needed, it must be obtained prior to the approval of the One Time Only Division.

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## C. Length One Time Only Division Approval is Valid

After a One Time Only Division is approved by the Administrator, a Mylar copy of the Map of Survey and all other required materials outlined above shall be submitted to the Planning Department prior to recording with the Teton County Clerk/Recorder. An application that is approved and not recorded within six (6) months of the date of approval shall be considered expired and a new application shall be required.

## D. One Time Only Division Appeal

1. Applicants or affected property owners unsatisfied with the Administrator's decision based on the identified criteria for approval, may submit in writing an appeal identifying the specific criteria that were not met along with the associated fee no more than 14 days after a final decision of the Administrator. The appeal will be heard by the Commission. Decisions of the Commission are final, unless appealed.
2. If still not satisfied with a decision of the Commission, one may submit in writing an appeal to the Board identifying the specific criteria that were not met along with the associated fee no more than 14 days after the written decision is delivered. If still not satisfied, applicants or affected property owners shall have no more than 14 days after the written decision is delivered to request reconsideration by the Board. If still not satisfied with a decision of the Board one may pursue appeals to District Court within 28 days of the written decision being delivered.

## 14.5.9. Land Divisions

Land Divisions can be utilized to create more than one (1) parcel but fewer than 3 new parcels (4 total parcels) on any existing parcel that has not been previously platted that are located in the Rural Districts. The total density of all the parcels (existing and new) must meet

the criteria identified in Div. 3.6. The minimum lot size must also be in accordance with the underlying district (Article 3). These divisions may be utilized all at one time or spread out through time.

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

## A. Land Division Review

### 1. Pre-Application Meeting

The applicant will meet with the Administrator to ensure the proper application is being submitted and identify which elements of the Property Development Plan (Article 13) shall be required.

### 2. Application

The applicant shall provide a completed Application/Property Development Plan, required fees, two (2) copies of draft deeds (unrecorded) for each of the proposed new lots that shall be created providing the land split is approved, and a survey created by a licensed land surveyor in the State of Idaho. The deeds shall contain a restriction clearly stating that these parcels cannot be split again under the One Time Only or Land Division provisions of this Article. The survey shall also clearly identify which parcels will be considered the new parcels and which parcel will be considered the existing parcel.

### 3. Initial Distribution of Application/Property Development Plan

Upon determination of a complete application, the Administrator will promptly distribute the materials for review by internal County departments and external agencies and schedule the DRC meeting. The survey will also be reviewed to ensure it is accurate and that it meets the standards set forth in Idaho State Code by the Teton County Surveyor or approved agent.

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## 4. 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.

## 5. Administrator Review

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

## 6. Approval

If the Commission finds that the application meets the specified criteria they shall approve the Application/Property Development Plan. If the Commission finds that there is information missing in order to approve the application they can table the item until a future meeting. If they find that the application does not meet the identified criteria they shall deny the application.

## B. Approval Criteria Used for a Land Division Review

When reviewing or approving a Land Division, the Commission considers the following:

1. The proposed division does not exceed the maximum density identified in the underlying district (Div. 3.6);

2. The division does not require the extension of public utilities (other than individual service lines) or other municipal facilities and no substantial alteration of existing utility installations is involved;
3. The division does not require the dedication of public right-of-way.
4. The division does not require new public streets and each proposed lot fronts on an existing public street or easement that contains the necessary right-of-way width; and
5. Each proposed lot meets all applicable requirements of this Code. If a variance is needed, it must be obtained prior to the approval of the Land Division.
6. Recommendations of the Administrator, including recommendations from internal County departments and external agencies;
7. Compliance with the applicable requirements of adopted plans and policies.

## C. Length Land Division Approval is Valid

After a Land Division is approved by the Commission, a Mylar copy of the Map of Survey and all other required materials outlined above shall be submitted to the Planning Department prior to recording with the Teton County Clerk/Recorder. An application that is approved and not recorded within six (6) months of the date of approval shall be considered expired and a new application shall be required.

## D. Land Division Appeal

Applicants or affected property owners unsatisfied with the Commission's decision based on the identified criteria for approval, may submit in writing an appeal identifying the specific criteria that were not met along with the associated fee no more than 14 days after the written decision of the Commission's decision is delivered. The appeal will be heard by the Board.

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Decisions of the Board are final. Applicants or affected property owners shall have no more than 14 days after the written decision is delivered to request reconsideration by the Board. If still not satisfied with a decision of the Board, one may pursue appeals to District Court within 28 days of the written decision being delivered.

## 14.5.10. Short Plat

A short plat procedure can be utilized to create one (1) to four (4) lots (5 lots total) in a small scale subdivision in Rural Districts . The density and minimum lot size of the newly created parcels must relate to the underlying zoning designation in which it is being created in (Article 3). The required information/dedication would be less than is required for a full plat subdivision.

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

### A. Short Plat Review

#### 1. Pre-Application Meeting

The applicant will meet with the Administrator to ensure the proper application is being submitted and identify which elements of the Property Development Plan (Article 13) shall be required.

#### 2. Application/Property Development Plan

The applicant shall provide:

- a. A completed application form,
- b. Required fees,
- c. Two (2) draft deeds (unrecorded) for each of the proposed new lots that shall be created providing the land split is approved (The deeds shall contain a restriction clearly stating that these parcels cannot be split again under the provisions of this Article

- d. A plat created by a licensed land surveyor in the State of Idaho. The deeds shall contain a restriction clearly stating that these parcels cannot be split again under the provisions of this title.
- e. Any additional items required based on the property's zoning designation.
- f. All required items for a complete Property Development Plan as identified in Article 13.

#### 3. Initial Distribution of Application

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

#### 4. 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.

#### 5. Administrator Review

If after the internal and external review, the Administrator finds that the application meets all applicable requirements of the Land Use Development Code, the application will be certified as complying with all applicable requirements of the Land Use Development Code and scheduled for the next available Commission public hearing.

Upon certification by the Administrator that the application complies with all applicable requirements of the Land Use Development Code, no changes to the application are permitted prior to the Commission hearing.

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## 6. Review by the Planning and Zoning Commission

The Commission will conduct a public hearing and provide a recommendation to the Board on the application.

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

## 7. Review by the Board of County Commissioners

The Board will conduct a public meeting on the Short Plat. The Board has 65 days after the recommendation from the Commission to approve, approve subject to listed modifications, deny, or send the application back to the Commission for additional consideration. This time period may be extended if both the applicant and the Board agree on an extension.

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

## 8. Recording the Final Documents

The Applicant will provide the Administrator final signed documents. The Administrator will then record the Final Plat with the Teton County Clerk/Recorder's office.

## B. Approval Criteria Used for a Short Plat

When reviewing or approving a Short Plat, the Commission and Board shall consider the following:

1. The proposed subdivision does not exceed 5 total lots;
2. The subdivision does not require the extension of public utilities (other than individual service lines) or other municipal facilities and no substantial alteration of existing utility installations is involved;
3. The subdivision does not require the dedication of public right-of-way.
4. The subdivision does not require new public streets and each proposed lot fronts on an existing public street that contains the necessary right-of-way width.
5. Each proposed lot meets all applicable requirements of this Code and no variance or waiver from a standard is requested.
6. Recommendations of the Administrator, including recommendations from internal County departments and external agencies;
7. Each proposed lot meets all applicable requirements of this Code, including Article 3, and Articles 9-13, applicable adopted plans, and policies.

## C. Length Short Plat Approval is Valid

After a Short Plat is approved by the Board, a Mylar copy of the Plat and all other required materials outlined above shall be submitted to the Planning Department prior to recording with the Teton County Clerk/Recorder. An application that is approved and not recorded within six (6) months of the date of approval shall be considered expired and a new application shall be required.

## D. Short Plat Appeal

Decisions of the Board are final. Applicants or affected property owners shall have no more than 14 days after the written decision is delivered to request a reconsideration by the Board. If still not satisfied with a decision of the Board, one may pursue appeals to District Court within 28 days of the written decision being delivered.

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## 14.5.11. Full Plat

A subdivision not considered a Short Plat in Div. 14.5.10 above is considered a Full Plat.

### A. Full Plat Review

1. Full Plat approval is a three-step process. The first step is Concept Plat approval from the Commission. Preliminary Plat approval comes from the Board, after a recommendation from the Commission. Finally, Final Plat approval is granted from the Board, after construction and inspection of the project.
2. Anything regulated in the Land Use Development Code will be reviewed for compliance by the Administrator, with additional review by internal County departments and external agencies.
3. The Application/Property Development Plan will also be reviewed by the Commission & Board for substantial conformance with the County's adopted plans and policies.
4. Components of an Application/Property Development Plan that have been determined to meet the requirements of the Land Use Development Code by the Administrator may not be used as a basis for denial, or be modified by the Commission, except to comply with an adopted plan or policy.

### B. Concept Plat Approval

1. Pre-application Meeting

The applicant will meet with the Administrator to ensure the proper application is being submitted and identify which elements of the Property Development Plan (Article 13) shall be required.

2. Application

The applicant shall provide:

- a. A completed application form,
- b. Required fees,
- c. Summary of the neighborhood meeting (if required)
- d. Concept Plat that depict:
  - i. Lots
  - ii. Infrastructure
  - iii. Open Space
  - iv. Public Improvements

3. Initial Distribution of Application

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

4. 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.

5. Review by the Administrator

If after the internal and external review and DRC, the Administrator finds that the Concept Plat meets all applicable requirements of the Land Use Development Code, the application will be certified as complying with all applicable requirements of the Land Use Development Code and scheduled for the next available Commission hearing.

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Upon certification by the Administrator that the Concept Plat complies with applicable requirements of the Land Use Development Code, no changes to the application are permitted prior to the Commission hearing.

## 6. Review by the Planning and Zoning Commission

- a. The Commission will conduct a public hearing on the Concept Plat.
- b. The Commission has 65 days after submission of the completed Concept Plat application to approve, approve subject to listed modifications, or deny the Concept Plat. This time period may be extended if both the applicant and the Commission agree on an extension.
- c. Approval of a Concept Plat does not constitute approval of a Final Plat.

## 7. Approval Criteria Used for a Concept Plat

When reviewing or approving a Concept Plat, the Commission considers the following:

- a. Recommendations of the Administrator, including recommendations from internal County departments and external agencies;
- b. The conformance of the plan with the comprehensive plan.
- c. The availability of public services to accommodate the proposed development.
- d. The conformity of the proposed development with the capital improvements plan.
- e. Other health, safety, or general welfare concerns that may be brought to the County's attention.

## 8. Length a Concept Plat is Valid

An approved Concept Plat expires 2 year after the approval date, unless the applicant has filed a complete application for a Preliminary Plat.

## 9. Concept Plat Appeal

Applicants or affected property owners unsatisfied with the Commission's decision based on the identified criteria for approval, may submit in writing an appeal identifying the specific criteria that were not met along with the associated fee no more than 14 days after the written decision of the Commission's decision is delivered. The appeal will be heard by the Board. Decisions of the Board are final. Applicants or affected property owners shall have no more than 14 days after the written decision is delivered to request reconsideration by the Board. If still not satisfied with a decision of the Board, one may pursue appeals to District Court within 28 days of the written decision being delivered.

## 10. After Concept Approval

Following approval of a Concept Plat, detailed plans, the plat, required studies and specifications for the installation of improvements required may be prepared and submitted.

## C. Preliminary Plat Approval

### 1. Pre-application Meeting

The applicant will meet with the Administrator to ensure the proper application is being submitted and identify which elements of the Property Development Plan (Article 13) shall be required.

### 2. Application

The applicant shall provide:

- a. A completed application form,
- b. Required fees,

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- c. Required portions of the Property Development Plan (Article 13),
- d. Plat created by a licensed land surveyor in the State of Idaho (All plats must include the minimum requirements set out in Idaho Statutes Section 50-1304, Essentials of Plats.
- e. The Construction Drawings (Improvement Plans), with proposed phasing, for public improvements in final and complete form, stamped by a licensed engineer in the State of Idaho in conformance with Article 12.
- f. The Master Plan (if there will be multiple phases): The master plan of the subdivision, with necessary attachments, in accordance with the definition and requirements (see Article 15), shall be recorded and shall be binding on the applicant and subsequent owners of the property;
- g. The Development Agreement including phasing timeline;
- h. The Conditions, Covenants, and Restrictions Document(s) and, if applicable, a Design Standards Document;

### 3. Initial Distribution of Application

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

### 4. 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.

### 5. Review by the Administrator

If after the internal and external review and DRC, the Administrator finds that the Preliminary Plat does not meet all the applicable requirements of the Land Use Development Code, the Administrator will notify the applicant of the specific provisions that have not been met and offer the applicant the opportunity to make changes to the Preliminary Plat.

If after the internal and external review and DRC, the Administrator finds that the Preliminary Plat submission meets all applicable requirements of the Land Use Development Code, the application will be certified as complying with all applicable requirements of the Land Use Development Code and scheduled for the next available Commission hearing.

Upon certification by the Administrator that the Preliminary Plat complies with applicable requirements of the Land Use Development Code, no changes to the application are permitted prior to the Commission hearing.

### 6. Review by the Planning and Zoning Commission

- a. The Commission will conduct a public hearing on the Preliminary Plat.
- b. The Commission has 65 days after submission of the completed Preliminary Plat application to recommend approval, recommend approval subject to listed modifications, or recommend denial of the Preliminary Plat. This time period may be extended if both the applicant and the Commission agree on an extension.
- c. A positive recommendation by the Commission does not constitute approval of a Preliminary Plat.

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## 7. Review by the Board of County Commissioners

- a. The Board will conduct a public hearing on the Preliminary Plat. The Board has 45 days after receiving a completed Preliminary Plat recommendation from the Commission to approve, approve subject to listed modifications, deny, or send the application back to the Commission for additional consideration. This time period may be extended if both the applicant and the Board agree on an extension.
- b. The Preliminary Plat will be reviewed for substantial conformance with the approved Concept Plat.
- c. As a condition of approval of Preliminary Plat, a Development Agreement shall be required to ensure the timeline, obligations and approvals are clear.

## 8. Approval Criteria Used for Preliminary Plat

When reviewing or approving a Preliminary Plat, the Commission and Board shall consider the following:

- a. Recommendations of the Administrator, including recommendations from internal County departments and external agencies;
- b. Compliance with the applicable requirements of the Land Use Development Code. Substantial conformance with the County's applicable adopted plans and policies.

## 9. Length Preliminary Plat is Valid

An approved Preliminary Plat expires 3 years after the approval date, unless the applicant has filed a complete application for a Final Plat.

## 10. Phasing Development

The Master Plan of future phases must be submitted with the first phase. Each phase must obtain Preliminary approval independently.

## 11. Preliminary Plat Revisions (Post Approval)

- a. Minor revisions to an approved Preliminary Plat that reflect the same basic street and lot configurations as used for the original approval may be approved by the Administrator.
- b. Any request for a revision to an approved Preliminary Plat that increases the number of building lots, decreases the amount of common open space or alters a street or block pattern must be initiated and processed as a new application.

## 12. Preliminary Plat Appeal

Decisions of the Board are final. Applicants or affected property owners shall have no more than 14 days after the written decision is delivered to request a reconsideration by the Board. If still not satisfied with a decision of the Board, one may pursue appeals to District Court within 28 days of the written decision being delivered.

## 13. After Preliminary Approval

Following approval of a Preliminary Plat from the Board, the applicant will work with staff to ensure the following items are resolved prior to receiving a letter of Preliminary Plat Approval, which allows construction to start.

- a. Recordation of the Development Agreement;
- b. The applicant must file with the Teton County Clerk/Recorder a surety bond in the form of a performance bond, letter of credit from a bank or other financial institution, cash, or other acceptable guarantee, to ensure

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actual construction of such improvements and their completion according to plans as submitted to and approved by the County.

- c. The improvements, when covered by a surety bond, shall be constructed within 2 years from the date of the Preliminary Plat Approval Letter; provided, however, the County may extend the period 1 year upon a showing of just cause by the subdivider, and resubmission of the surety bond in an adjusted amount approved by the County. The financial sureties must be guaranteed for 6 months after the expiration date of the development agreement.
- d. The surety bond or other guarantee shall be in the amount of 125% of the estimated cost of the improvements as determined by the County.
- e. Financial assurances will be returned upon satisfactory completion of work as determined by the County. This determination is made with an inspection and the approval of the Final Plat.
- f. In the event construction is not completed or in the event construction is completed but not in substantial conformity with the approved plans for the project, the financial assurances will be forfeited to the County. Forfeiture of the financial assurances does not in any way require the County to complete the project nor does forfeiture preclude the County from seeking other redress or remedy for failure to comply with the approved plans or for failure to complete the project, including, but not limited to, refusal to grant final plat approval or any other remedy at law or in equity, through judicial action or through any other action as may be determined by the Board.

- g. The applicant will be provided with a copy of the plans stamped "Approved". The approved set of plans must be on site at all times that improvements are being installed or constructed.
- h. The applicant shall provide to the Planning Department copies of approvals or permits for any activity of the installation of improvements issued by any governmental agency, municipal corporation, or utility that has authority over these improvements or will take ownership thereof upon completion. Work shall conform to the conditions and requirements of these approvals or permits, and shall be completed and accepted prior to the recording of the record plat. Should work in accordance with these approvals necessitate changes to the final plat, those changes shall be completed, and approved by the Board, prior to recording the record plat.
- i. Record plat approval shall be contingent in part upon completion and acceptance by the County of all public improvements.

## D. Final Plat Approval

### 1. A Pre-Application Meeting

- a. The applicant will meet with the Administrator to ensure the proper application is being submitted.
- b. Before applying for Final Plat approval, the requirements of Div. 14.5.11.C must be met.

### 2. Application

The applicant shall provide:

- a. A completed application form;
- b. Required fees;

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c. Inspection reports from the Applicant's/ Developer's Engineer.

d. The final plat(s) in accordance with Title 50 of the Idaho Code and this Article;

### 3. Initial Distribution of Application

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

### 4. DRC Meeting

This meeting is to discuss the construction of the project and whether the conditions from interested parties have been met. 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.

### 5. Review by the Administrator

a. If after internal review, external review and DRC, the Administrator finds that the construction does not meet all the applicable requirements of the Land Use Development Code or substantially conform to the Preliminary Plat approval, the Administrator will notify the applicant of the specific provisions that have not been met and offer the applicant the opportunity to make changes.

b. If after the internal review, external review, and DRC, the Administrator finds that the construction meets all applicable requirements of the Land Use Development Code and substantially conforms to the Preliminary Plat approval, the application will be certified as complying with all applicable requirements of the Land Use

Development Code and then scheduled for the next available Board meeting.

c. Upon certification by the Administrator that the application complies with all applicable requirements of the Land Use Development Code, no changes to the application are permitted prior to the Board meeting.

### 6. Review by the Board of County Commissioners

a. The Board will, at a public meeting, review the application for Final Plat approval. The Board has 45 days after receiving a completed Final Plat application to approve, approve subject to listed modifications, or deny the application. This time period may be extended if both the applicant and the Board agree on an extension.

b. The Final Plat will be reviewed for substantial conformance with the approved Preliminary Plat by the Board. The Board will also accept any dedication of land or public improvements as part of approving a Final Plat. The Final Plat must be signed by the Chair of the Board.

### 7. Submittal of Final Documents

The developer submits two (2) copies of the Final Plat, Final Improvement Plans, and Final Covenants and Restrictions to the Administrator for review. If the administrative review concludes that the submitted documents/plans meet all the conditions and requirements of the Board's approval, then said documents can be recorded in the Teton County Clerk/Recorder's office.

### 8. Length of Approval:

An application that is approved and not recorded within six (6) months of the date of approval shall be considered expired and a new application shall be required.

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9. Approval Criteria Used for Final Plat
  - a. Recommendations of the Administrator, including recommendations from internal County departments and external agencies;
  - b. Compliance with the applicable requirements of the Land Use Development Code;
  - c. Substantial conformance with the County's applicable adopted plans and policies;
  - d. Substantial conformance with the Preliminary Approval; and
  - e. The Teton County Planning & Building Department, County Public Works Director, Teton County Fire District and any other agencies inspection reports.

## 10. Construction Drawings

- a. Upon acceptance of the improvements, the applicant or design professional shall submit two (2) copies of "as-built" plans certified, stamped, and signed by the design professional

## 11. Recording Final Plat:

Once the Board approved the Final plat and "as-built" plans are submitted, a Mylar copy of the Plat and all other required materials outlined above shall be submitted to the Planning Department prior to recording with the Teton County Clerk/Recorder.

## 12. Final Plat Appeal

Decisions of the Board are final. Applicants or affected property owners shall have no more than 14 days after the written decision is delivered to request a reconsideration by the Board. If still not satisfied with a decision of the Board, one may pursue appeals to District Court within 28 days of the written decision being delivered.

## 13. After Final Plat Approval

Only after Final Plat approval and recording of the Final Plat can lots be sold.

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Administrative Review occurs for applications that are site specific. It ensures applications are being reviewed against a previously approved standard to ensure the applicant's due process rights are being protected.

### 14.6.1. Administrative Review Required

A. Administrative Review is required for:

1. Site Plan Review
2. Design Review
3. Temporary Use Permits

### 14.6.2. Approval of Administrative Review

For Site Plan Review and Temporary Use Permits, the Administrator provides approval and the Commission approves a Design Review application after a recommendation from the Administrator.

### 14.6.3. Eligible Applicants

Any person, firm, corporation, or agency can submit an application for Administrative Review, provided they are the legal property owner or the owner's representative of the subject property.

### 14.6.4. Submitting an Application

A. Scheduling a Pre-Application Conference

1. Before submitting an application, you must schedule a pre-application conference with the Administrator to discuss the procedures and standards as well as what items of the Property Development Plan will be required for approval.
2. To schedule a pre-application conference call the County or go to the Teton County Courthouse.

B. Submitting an Application

1. Following the pre-application conference, you can start the application process. To begin, submit a complete application form, the required elements of the Property Development Plan,

along with the required application fees, to the County.

2. Administrative Review application forms can be found on the County's website or paper copies can be obtained from the Teton County Courthouse.
3. The general submittal requirements for all development review applications are listed in Div. 14.3 and must be followed.

### 14.6.5. Concurrent Review Allowed

Multiple applications by one applicant may occur at the same time. However, if a public hearing is required for a separate approval, noticing for that public hearing shall not be made prior to receiving recommendations from the recommending approving body, as outlined in Idaho Code 67-6509 (b) regarding the noticing for public hearings.

### 14.6.6. Public Notice

Administrative Review applications do not require a public hearing in front of the Commission, therefore there are not public noticing requirements. They are required to be clearly listed on the agenda for the meeting.

### 14.6.7. Additional Studies Required

Before granting an Administrative approval, studies may be required as identified in Article 13.

### 14.6.8. Applicable Conditions

Conditions may be attached to an Administrative approval including, but not limited to, conditions that:

- A. Meet the standards identified in the Land Use Development Code;
- B. Minimize adverse impact on other development;
- C. Control the sequence and timing of development;
- D. Control the duration of development;

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- E. Assure that development is maintained properly;
- F. Designate the exact location and nature of development;
- G. Require the provision of on-site or off-site public facilities or services;
- H. Require more restrictive standards than those generally required in this Code ;
- I. Require mitigation of effects of the proposed development upon service delivery by any governmental agency/district, including school districts, providing services within the planning jurisdiction.

## 14.6.9. Site Plan Review

Site Plan Review is required to ensure that all construction and development complies with the applicable requirements of the Land Use Development Code. Prior to the issuance of a permit for improvements of a site, including but not limited to building permits, sign permits, grading permits, or other permits affecting a site, a Site Plan Review is required.

### A. Site Plan Review Procedures

1. The Administrator will determine if the Application/Property Development Plan is complete, and then review the application.
2. Anything regulated in the Land Use Development Code will be reviewed for compliance by the Administrator, with additional review by internal County departments and external agencies, as necessary. Comments for revisions will be forwarded to the applicant.
3. Once the revisions are made and the documents reviewed again, the Planning and Zoning department will approve or deny the application. A decision will be made within 65 days of receiving a complete application. This time

period may be extended if both the applicant and the Administrator agree on an extension.

4. If the Administrator finds that the application does not meet all the applicable requirements of the Land Use Development Code, the Administrator will notify the applicant of the specific provisions that have not been met and offer the applicant the opportunity to make changes to the application.
5. Approval or denial of the application is based on whether or not the submittal meets or fails to meet the applicable requirements of the Land Use Development Code. The Administrator may not modify a standard in the Land Use Development Code unless the requested modification is allowed.

### B. Approval Criteria Used for a Site Plan

1. The use is allowed in the respective zoning district, or the proper permits have been obtained.
2. The design complies with the specific standards of this Code, without the granting of any variance.
3. The design is compatible with adjacent properties in terms of location, scale, and site design characteristics.
4. Any adverse impacts resulting from the proposed design will be effectively mitigated or offset.
5. The County and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, police, fire and emergency medical services, while maintaining sufficient levels of service to existing development.

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## C. Length Site Plan Approval is Valid

A Site Plan remains valid as long as a valid building permit is current on the property.

## D. Site Plan Appeal

Appeal procedures for a site plan decision can be found in 14.8.

### 14.6.10. Design Review

Design Review occurs where an additional review is needed for a site specific application, such as those outlined in the Skyline View Protection Plan 13.3.13. This review ensures that the guidelines and design standards are met. Design Review Procedures

1. The Administrator will determine if the Application/Property Development Plan is complete, and then review the application.
2. Upon determination of a complete Application/Property Development Plan, the Administrator will promptly review the application. The Administrator may distribute the application to internal County departments and external agencies if the design will present challenges for these agencies.
3. If after the internal and external review, the Administrator finds that the application meets all applicable requirements of the Land Use Development Code, the application will be certified as complying with all applicable requirements of the Land Use Development Code, and scheduled for the next available Commission meeting.
4. Upon certification by the Administrator that the application complies with all applicable requirements of the Land Use Development Code, no changes to the application are permitted prior to the Commission meeting.
5. The Commission will hold a public meeting to approve, approve subject to listed modifications, or deny the application.

6. The Commission has 65 days from the date of the public meeting to make a final decision. This time period may be extended if both the applicant and the Commission agree on an extension.
7. Approval or denial of the application is based on whether or not the submittal meets or fails to meet the applicable requirements of the Land Use Development Code. The Commission may not modify a standard in the Land Use Development Code unless the requested modification is allowed per the Land Use Development Code.
8. If the Commission finds that the application does not meet all the applicable requirements of the Land Use Development Code, the Commission will notify the applicant of the specific provisions that have not been met and offer the applicant the opportunity to make changes to the application.
9. If an applicant is unsatisfied with the Commission's decision, an appeal may be filed with the Commission, as outlined in Div. 14.8.

#### A. Approval Criteria Used for a Design Review

1. The use is allowed in the respective zoning district, or the proper permits have been obtained.
2. The design complies with the specific standards of this Code without the granting of any variance.
3. The design is compatible with adjacent properties in terms of location, scale, and site design characteristics.
4. Any adverse impacts resulting from the proposed design will be effectively mitigated or offset.
5. The County and other service providers will be able to provide sufficient public facilities

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and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, police, fire and emergency medical services, while maintaining sufficient levels of service to existing development.

## B. Length Design Approval is Valid

A Design Review Approval remains valid as long as a valid building permit is current on the property.

## C. Design Review Appeal

Appeal procedures for a design review appeal can be found in 14.8.

## 14.6.11. Temporary Use Permits

### A. Intent

The intent of this division is to provide for the regulation and permitting of all Temporary Uses/ Events, as defined in Div. 10.10.2.

#### 1. Type 1 Temporary Use

Any temporary use that is not considered an Exempt Temporary Use, a Temporary Portable Storage Container, or Temporary Structures as Living Quarters. This does not include temporary uses on public property, such as schools, parks, or county roads.

#### 2. Type 2 Temporary Use

A Type 2 Temporary Use is any Type 1 Use that proposes any of the following:

- a. Road closures or detours
- b. Food or alcohol vending
- c. Medical or security presence will be provided
- d. 250 or more expected attendees

### B. Temporary Use Permit Review Procedures

1. A completed application form, site plan, and required fees shall be submitted to the Planning Department at least sixty (60) days prior to the event.
2. Upon determination of a complete application, the Administrator will promptly distribute the application for review by internal County departments and external agencies. Anything regulated in the Land Use Development Code will be reviewed for compliance.
3. If a proposed Temporary Use crosses multiple jurisdictions, the Administrator will invite the other jurisdictions to review the application(s) together to ensure approvals do not conflict.
4. If the Temporary Use is considered a Type 2 Temporary Use, a DRC Meeting must be scheduled.

#### a. DRC Meeting

- i. 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. Planning Department staff will take notes to summarize the findings from this meeting.
- ii. For Type 2 Temporary Use Permits, the following departments/agencies will always be invited to the DRC meeting:
  - a. Teton County Planning & Building
  - b. Teton County Public Works/ Engineer
  - c. Teton County Sheriff

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- d. Teton County Prosecuting Attorney
  - e. Teton County Risk Manager
  - f. Teton County Fire District
  - g. Teton County Emergency Management
  - h. Teton County Ambulance Service District
  - i. Eastern Idaho Public Health, District 7
- iii. For Type 2 Temporary Use Permits, the following departments/agencies may be invited to the DRC meeting:
    - a. Other County Departments
    - b. State and Federal Agencies
    - c. Service/Utility Providers
    - d. Neighboring Communities
5. If after the internal and external review and any necessary revisions to the application, the Administrator finds that the application meets all applicable requirements of the Land Use Development Code, the Administrator will approve or deny the application. A decision will be made within thirty (30) days of receiving a complete application. This time period may be extended if both the applicant and the Administrator agree on an extension.
  6. If the Administrator finds that the application does not meet all the applicable requirements of the Land Use Development Code, the Administrator will notify the applicant of the specific provisions that have not been met and offer the applicant the opportunity to make changes to the application.
7. Approval or denial of the application is based on whether or not the submittal meets or fails to meet the applicable requirements of the Land Use Development Code. The Administrator may not modify a standard in the Land Use Development Code unless the requested modification is allowed.
- ## C. Additional Plans, Permits, and Approvals Required
- The following plans, permits, and approvals will be required, as applicable, for any proposed Temporary Use with 250 or more expected attendees. These may be required for smaller events, as determined by the Administrator.
1. Public Safety
    - a. A plan addressing the public safety, including medical services, fire protection, traffic safety, animal control, and crowd control. There may be additional fees for these services.
      - i. This may involve approval from the Teton County Sheriff, Teton County Ambulance District, Teton County Fire District, Teton County Public Works, and Idaho Transportation Department.
    - b. If an event will include the use of open flames, fireworks, or the sale of fireworks, and inspection and approval must be obtained from the Teton County Fire District.
    - c. For any event providing shuttle or valet parking, a parking plan will be required.
    - d. If any road closures, sidewalk closures, or restricted access is proposed, approval must be granted by Teton County Public Works and/or Idaho Transportation Department. A traffic plan including proposed closures and/or equipment being used may be required.
  2. Sanitary and Waste Related Facilities

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- a. A plan for sanitary facilities including the type, number, and location or proposed location of all toilets, washing facilities, and water supply facilities.
  - b. A plan for the use and placement of garbage and recycling containers. Any approval or permits required by RAD Curbside shall be included in the application materials.
3. Food Vendors
- a. If food is to be served as part of the event, a Temporary Food Establishment License from Eastern Idaho Public Health, District 7 must be obtained and included in the application materials.
  - b. A plan may also be required that shows the type, number and location or proposed location of all food preparation and food service facilities.
4. Alcoholic Beverages
- If alcohol beverages will be served and/or sold, an Alcohol License must be obtained from the State of Idaho and Teton County. These licenses must be included in the application materials. An alcohol management plan may also be required.
5. Signs
- a. Signage may be required for any life safety
  - b. Any signs associated with a Temporary Use Permit must comply with the requirements of Div. 11.3.
6. Public Notice/Neighborhood Meeting
- a. Public Notice in the form of a newspaper advertisement, published at least 15 days prior to the event, will be required at the expense of the applicant. A neighborhood meeting may be required by the Administrator.
  - b. For smaller events, the Administrator may require a newspaper notice, mailed notices to adjacent property owners within 300 feet, or on site postings. If the Temporary Use involves a routed activity, such as a bike race, the location of the event will be based on start/finish locations and any gathering points throughout the route that may have an impact (i.e. river access points if the event would transfer from the road to the river).
- D. Approval Criteria Used for a Temporary Use Permit
- 1. The design complies with the specific standards of this Code, without the granting of any variance.
  - 2. All necessary permits and/or written approvals from other agencies have been obtained.
  - 3. Uses of land and structures that require installation of permanent water, sewer, or electrical facilities, regardless of their seasonal or intermittent use or character are regulated as permanent uses of land and are not eligible for a Temporary Use Permit under this section.
  - 4. The proposed site shall be adequately served by streets or highways and has sufficient width and improvements to accommodate the kind and quantity of traffic that such temporary use will or could reasonably generate.
  - 5. The temporary use will have no significant adverse effect on nearby properties or jeopardize public health, safety, and general welfare.
  - 6. Adequate parking will be provided to accommodate the vehicular traffic to be reasonably generated by such use. Parking

will be available either on-site or at approved alternate locations.

7. Adequate sanitation facilities will be available on the site.
8. The owner or operator of a temporary use shall be responsible for the storage and removal of all trash, refuse, and debris occurring on the site. Furthermore, all trash storage areas shall be screened from view of adjacent rights-of-way and the site must be maintained in a clean and safe manner.
9. No temporary use shall be established that is intended to be a permanent use on the site.
10. The temporary use has adequate security measures, according to the Teton County Sheriff's Office, to ensure public safety. Additional fees may be assessed by the Sheriff's Office.

E. Length Temporary Use Permit Approval is Valid

1. A temporary use permit issued pursuant to this division shall be limited to a maximum duration of 180 consecutive days per year, unless otherwise specifically authorized in the terms of the Temporary Use Permit or as otherwise provided in this division.
2. The Planning Administrator may revoke a Temporary Use Permit at any time when a condition or conditions of the permit is not being met and/or the public health, safety, or welfare is being compromised by the continued operations of the temporary use. The Planning Administrator shall issue a cease and desist order to revoke the permit.

F. Hours of Operation and Sound Levels Restricted

1. Hours Of Operation:

- a. Temporary Uses are limited to hours of operation between the hours of 6:00 AM and 12:00 AM (midnight).

2. Sound Level:

- a. The use of amplified sound shall be regulated in such a manner that it shall not interfere with normal usage of any neighboring school, church, residence, or other permanent place of human habitation. A sound level in excess of one-hundred (100) decibels between 9:00 AM and 8:00 PM, in excess of eighty-five (85) decibels between 8:00 PM and 10:00 PM, and in excess of seventy (70) decibels between 6:00 AM and 9:00 AM and 10:00 PM and 12:00 AM (midnight) shall constitute interference, as measured by the Administrator or Teton County Sheriff from an adjacent property.

3. A deviation from these standards may be obtained from the Administrator if appropriate mitigation measures are taken.

G. Cash Deposit or Bond

1. The County may, as it deems necessary to comply with these standards and applicable permit review criteria, require a bond and damage or clean-up deposit, or other financial guarantee to provide that the site is restored to its former condition and any damages are repaired.
2. Additional Services Required:
  - a. If an event requires the use of County or Emergency personnel and/or equipment (such as police, fire protection, medical services, etc.) in excess of services customarily supplied, the applicant shall pay those costs.
3. The deposit or its balance shall be returned when the Administrator certifies that no damage has been done, the County did not incur

additional expenses due to the event, or that the cost of additional services described above has been paid by the applicant.

#### H. Inspections

By signing the application for a Temporary Use Permit, the applicant expressly grants permission to Teton County, Eastern Idaho Public Health, and the Teton County Fire Protection District to perform physical inspection of the premises used for the Temporary Use before issuing a permit, as well as to investigate any formal complaint filed with the Planning Department or Teton County Sheriff.

#### I. Revocation

1. The Planning Administrator or the Teton County Sheriff may revoke a Temporary Use Permit at any time when a condition or conditions of the permit are not being met and/or the public health, safety, or welfare is being compromised by the continued operations of the temporary use.
2. The revocation of a Temporary Use permit may result in the immediate cancellation of the Temporary Use Permit, denial of future Temporary Use Permits, and/or criminal prosecution.

#### 14.6.12. Application of Guidelines

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

#### 14.6.13. Establishment of a Precedent with Approval

Administrative approvals are based on the application, the proposed location, and the criteria identified in this Code. These approvals do not establish a binding precedent to grant other Administrative approvals.

#### 14.6.14. Transferability of Administrative approvals

Administrative approvals may be transferred from one owner to another, however they are not transferable from one parcel of land to another.

#### 14.6.15. Length an Administrative Approval is Valid

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

#### 14.6.16. After Approval of an Administrative Decision

Upon approval of an Administrative project, application for a building permit may be made or work on the project may commence, unless additional criteria was requested

#### 14.6.17. Revocation of an Administrative Permit

The Board may revoke an administrative permit as outlined in Title 1 of Teton County Code.

- A. If the County finds there is a violation of the conditions of an Administrative Permit, notice shall be provided to the permit holder as outlined in Title 1.
- B. If the permit holder fails to come into compliance, the Administrator shall schedule a discussion with the Board on the next available meeting and notify the permit holder of the scheduled time.
- C. The Board may revoke the permit, as well as enforce any other conditions found in Title 1 that are appropriate.

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

### 14.7.1. Quasi-Judicial Review Required

A. Quasi-Judicial Review is required for:

1. Conditional Use Permits

A Conditional Use Permit can only be issued for the uses identified in Article 10 as uses requiring a Conditional Use Permit. The intent is to provide standards and oversight to mitigate the effects these uses may have on the public and surrounding land owners.

2. Rezone Map Amendments (Project Specific)

This review is intended to provide standards and oversight to mitigate negative effects a change in zoning may have on the public, neighborhood, or surrounding property owners.

3. Variances

Variances can only be approved if they are related to the zoning requirements of the Land Use Development Code, more specifically, relating to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provision affecting the size or shape of a structure, the placement of the structure upon lots, or the size of lots.

### 14.7.2. Approval of Quasi-Judicial Review

The Commission approves Quasi-Judicial Review following a recommendation by the Administrator for Conditional Use Permits and Variances. The Board approves a Rezone after a recommendation from the Commission.

### 14.7.3. Eligible Applicants

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

### 14.7.4. Submitting an Application

A. Scheduling a Pre-Application Conference

1. Before submitting an application, pre-application conference with the Administrator must be scheduled to discuss the procedures and standards as well as what items of the Property Development Plan will be required for approval.
2. To schedule a pre-application conference, call or visit the Teton County Planning and Building Department.

B. Application Submittal

1. Following the pre-application conference, a complete application form, along with the required application fees, may be submitted to the County.
2. Quasi-Judicial Review application forms can be found on the County's website or paper copies can be obtained from the Teton County Courthouse.
3. The general submittal requirements for all development review applications are listed in Div. 14.3 and must be followed.

### 14.7.5. Concurrent Review Allowed

Multiple Quasi-Judicial Review applications by one applicant may occur at the same time, as long as there is no violation of Idaho Code 67-6509 (b) regarding the noticing for public hearings.

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## 14.7.6. Public Notice

Quasi-Judicial Review applications requires a public hearing in front of the Commission. Rezone applications will require a second public hearing before the Board, unless rezoning to the Preservation District. When rezoning to Preservation there may only be one public hearing required before the Board. Notice requirements for public hearings are specified in Div. 14.1 and Div. 14.3.5

## 14.7.7. Additional Studies Required

Before granting a Quasi-Judicial approval, studies may be required of the social, economic, fiscal, and environmental effects and any aviation hazard as defined in §21-501(2)of Idaho Code. (§67-2512)

## 14.7.8. Applicable Conditions

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

- A. Minimize adverse impact on other development;
- B. Control the sequence and timing of development;
- C. Control the duration of development;
- D. Assure that development is maintained properly;
- E. Designate the exact location and nature of development;
- F. Require the provision of on-site or off-site public facilities or services;
- G. Require more restrictive standards than those generally required in this Code;
- H. Require mitigation of effects of the proposed development upon service delivery by any governmental agency/district, including school districts, providing services within the planning jurisdiction.

## 14.7.9. Development Agreements

- A. A development agreement, as specified in Sec. 67-6511A, Idaho Code, is allowed as a condition of a Rezone Map Amendment or Conditional Use Permit.
- B. A development agreement may be modified as specified in Div. 14.10.

## 14.7.10. Conditional Use Permit Application Review

A Conditional Use Permit can only be issued for the uses identified in Article 10 as uses requiring a Conditional Use Permit . The intent is to provide standards and oversight to mitigate the effects these uses may have on the public and surrounding land owners.

### A. Conditional Use Permit Review Procedures

#### 1. Initial Distribution of an Application

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

#### 2. 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 noted to summarize the findings from this meeting.

#### 3. Administrator Review

- a. If after the internal and external review, the Administrator finds that the application meets all applicable requirements of the Land Use Development Code, the application will be certified as complying

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with all applicable requirements of the Land Use Development Code and scheduled for the next available Commission hearing.

- b. Upon certification by the Administrator that the application complies with all applicable requirements of the Land Use Development Code, no changes to the application are permitted prior to the Commission hearing.

#### 4. Planning and Zoning Commission Public Hearing

- a. The Commission will conduct a public hearing to approve, approve subject to listed modifications, or deny the application.
- b. The Commission has 65 days from the date of the public hearing to make a final decision. This time period may be extended if both the applicant and the Commission agree on an extension.
- c. The Commission may require conditions necessary to make the proposed project compatible with the applicable guidelines of the Quasi-Judicial Standards.

#### B. Approval Criteria Used for a Conditional Use Permit Review

1. The use is allowed as a conditional use in the respective zoning district and complies with the specific use standards listed in Article 10.
2. The use complies with the specific standards of this Code, without the granting of any variance.
3. The use is compatible with adjacent uses in terms of location, scale, site design, hours of operation and operating characteristics.
4. Any adverse impacts resulting from the proposed use in the affected area will be effectively mitigated or offset.

5. The County and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, police, fire and emergency medical services, while maintaining sufficient levels of service to existing development.

#### C. Length Conditional Use Permit Approval is Valid

1. An approved Conditional Use Permit expires 1 year after the approval date unless the applicant has filed a complete application for a Building Permit or made substantial progress towards development that does not require a building permit.
2. The approval may also contain an expiration or review deadline where the application must be resubmitted.

#### D. Conditional Use Permit Appeal

Applicants or affected property owners unsatisfied with the Commission's decision based on the identified criteria for approval, may submit in writing an appeal identifying the specific criteria that were not met along with the associated fee no more than 14 days after the written decision of the Commission's decision is delivered. The appeal will be heard by the Board. Decisions of the Board are final. Applicants or affected property owners shall have no more than 14 days after the written decision is delivered to request reconsideration by the Board. If still not satisfied with a decision of the Board, one may pursue appeals to District Court within 28 days of the written decision being delivered.

#### 14.7.11. Variance Application Review

Variations can only be approved if they are related to the zoning requirements of the Land Use Development Code, more specifically relating to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance

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provision affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots as outlined in Idaho State Code 67-6516.

## A. Variance Application Procedures

### 1. Initial Distribution of an Application

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

### 2. 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.

### 3. Administrator Review

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

### 4. Planning and Zoning Commission Public Hearing

- a. The Commission will conduct a public hearing to approve, approve subject to listed modifications, or deny the application.
- b. The Commission has 65 days from the date of the public hearing to make a final decision. This time period may be extended if both the applicant and the Commission agree on an extension.
- c. The Commission may require conditions necessary to make the proposed project compatible with the applicable guidelines of the Quasi-Judicial Standards.

## B. Approval Criteria Used for a Variance Application

1. A literal interpretation of the provisions of this Code would effectively deprive the applicant of rights commonly enjoyed by other properties of the zoning district in which the property is located;
2. Granting the requested variance will not confer upon the property of the applicant any special privileges that are denied to other properties of the zoning district in which the property is located;
3. The requested variance will be in harmony with the purpose and intent of this Code and will not be injurious to the neighborhood or to the general welfare;
4. The special circumstances are not the result of the actions of the applicant;
5. The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure;
6. The variance does not permit a use of land, buildings or structures, which is not permitted by right in the zoning district; and

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7. The variance does not reduce the lot size below the minimum lot size allowed in the zoning district.

## C. Length Variance Approval is Valid

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

## D. Variance Application Appeal

Applicants or affected property owners unsatisfied with the Commission's decision based on the identified criteria for approval, may submit in writing an appeal identifying the specific criteria that were not met along with the associated fee no more than 14 days after the written decision of the Commission's decision is delivered. The appeal will be heard by the Board. Decisions of the Board are final. Applicants or affected property owners shall have no more than 14 days after the written decision is delivered to request reconsideration by the Board. If still not satisfied with a decision of the Board, one may pursue appeals to District Court within 28 days of the written decision being delivered.

## 14.7.12. Zoning Map Amendment Application Review

This review is intended to provide standards and oversight to mitigate negative effects a change in zoning may have on the public, neighborhood, or surrounding property owners.

Recommendations of the Commission and decisions of the Board shall be made a matter of public record in accordance with sections 67-6511, 67-6519 and 67-6535 of the Idaho Code.

### A. Zoning Map Amendment Review Procedures

1. Initial Distribution of an Application

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

### 2. 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.

### 3. Administrator Review

- a. If after the internal and external review, the Administrator finds that the application meets all applicable requirements of the Land Use Development Code, the application will be certified as complying with all applicable requirements of the Land Use Development Code and scheduled for the next available Commission hearing. If rezoning to Preservation, the Administrator shall determine whether a public hearing is required before the Commission or if the recommendation to the Board will be made at a regularly scheduled meeting.
- b. Upon certification by the Administrator that the application complies with all applicable requirements of the Land Use Development Code, no changes to the application are permitted prior to the Commission hearing.

### 4. Planning and Zoning Commission Public Hearing

- a. The Commission will conduct a public hearing to recommend approval, approval subject to listed modifications, or denial of

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the application to the Board. If rezoning to Preservation, the Commission may discuss the application at a regularly scheduled meeting and make a recommendation to the Board. The Administrator may determine that a public hearing is not required with the Commission, based on the application.

- b. The Commission has 65 days from the date of the public hearing to submit their recommendation to the Board. This time period may be extended if both the applicant and the Commission agree on an extension.
- c. The Commission may require conditions necessary to make the proposed project compatible with the applicable guidelines of the Quasi-Judicial Standards.

## 5. Board of County Commissioners Public Hearing

- a. The Board will conduct a public hearing to recommend approve, approve subject to listed modifications, or deny the application.
- b. The Board has 65 days from the date of the public hearing to make a final decision. This time period may be extended if both the applicant and the Board agree on an extension.
- c. The Board may require conditions necessary to make the proposed project compatible with the applicable guidelines of the Quasi-Judicial Standards.

## B. Approval Criteria Used for a Rezone Map Amendment

- 1. The Zoning Map Amendment substantially conforms to the Comprehensive Plan.
- 2. The Zoning Map Amendment substantially conforms to the stated purpose and intent of this Code.

- 3. The Zoning Map Amendment will reinforce the existing or planned character of the area.
- 4. The subject property is appropriate for development allowed in the proposed district.
- 5. There are substantial reasons why the property cannot be used according to the existing zoning.
- 6. There is a need for the proposed use at the proposed location.
- 7. The County and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, police, fire and emergency medical services, while maintaining sufficient levels of service to existing development.
- 8. The Zoning Map Amendment will not significantly impact the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation.
- 9. The Zoning Map Amendment will not have a significant adverse impact on property in the vicinity of the subject property.

## C. Zoning Map Amendment Appeal

Decisions of the Board are final. Applicants or affected property owners shall have no more than 14 days after the written decision is delivered to request a reconsideration by the Board. If still not satisfied with a decision of the Board, one may pursue appeals to District Court within 28 days of the written decision being delivered.

### 14.7.13. Application of Guidelines

Guidelines or guiding principles are not mandatory, but not ignorable either. The words "should," "preferred" and "recommend" indicate guidelines, or parameters

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for interpreting, applying, and modifying the project. The Quasi-Judicial Standards also contain illustrations and photographs. The graphics are intended to be interpreted as examples of recommended, acceptable or unacceptable elements, styles or Quasi-Judicial treatments. Guidelines are intended to be balanced, and applied with discretion. Alternative Quasi-Judicial applications that meet or exceed the intent of the Guiding Principles and Quasi-Judicial guidelines are encouraged.

## **14.7.14. Establishment of a Precedent with Approval**

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

## **14.7.15. Transferability of Quasi-Judicial Approvals**

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

## **14.7.16. Quasi-Judicial Reapplication after a Denial**

No application for the same Quasi-judicial approval affecting the same or any portion of property that was denied by Teton County will be accepted for filing within 12 months of the date the application was denied.

## **14.7.17. After Approval of a Quasi-Judicial Decision**

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

## **14.7.18. Revocation of an Quasi-Judicial Approval**

The Board may revoke a Quasi-Judicial approval as outlined in Title 1.

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### 14.8.1. Eligible Applicant for the Appeal an Administrative Decision

Any affected person unsatisfied with an administrative decision on an application that is related to a requirement in this Code can file an appeal as shown below.

### 14.8.2. Appeal Submittal

- A. To begin the appeal process, submit a complete application form, along with the required application fees, to the County. The appeal application must be filed within 14 days of the date of decision..
- B. Administrative Appeal application forms can be found on the County's website or paper copies can be obtained from the Teton County Courthouse.
- C. The general submittal requirements for all development review applications are listed in Div. 14.3 and must be followed. An official denial letter must be provided to the applicant prior to the application of an appeal.

### 14.8.3. Administrative Appeal Review

- A. Appeal of the Administrators decision.
  - 1. Any appeal received and all papers constituting the record relating to the action appealed will be transmitted by the Administrator to the Commission for a public meeting within 30 days of receipt by the Administrator of a complete application.
  - 2. The Commission will, during a regularly scheduled public meeting, make findings and render a decision within 30 days after the public meeting on the administrative appeal.
- B. Appeal of the Commissions decision.
  - 1. Any appeal received and all papers constituting the record relating to the action appealed will be transmitted by the Administrator to the Board for a public meeting within 30 days of receipt by the Administrator of a complete application.

- 2. The Board will, during a regularly scheduled public meeting, make findings and render a decision within 30 days after the public meeting on the administrative appeal.

#### C. Appeal of the Board's decision.

- 1. One may pursue an appeal of the Board's decision to District Court within 28 days of the written decision being delivered.

### 14.8.4. Pursuit of Other Approvals While Appeal is Pending

The filing of an appeal means you can no longer move forward with any other approvals related to your development project until a decision has been made related to the appeal.

### 14.8.5. Criteria for Appeal Review

The criteria for approving or denying the request are the same used for the original decision by the Administrator. The Commission may affirm or reverse the Administrator's decision based on the applicable standards in this Code.

### 14.8.6. Denial of Appeal

- A. Decisions of the Commission are considered final (unless appealed to the Board). Any effected party not satisfied with a decision of the Commission may pursue an appeal to the Board, within 14 days of the decision.
- B. The Board will follow the same procedure outlined in Div. 14.8.3. Decisions of the Board are final. Applicants or affected property owners shall have no more than 14 days after the written decision is delivered to request reconsideration by the Board. If still not satisfied with a decision of the Board, one may pursue appeals to District Court within 28 days of the written decision being delivered.

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### 14.9.1. Nonconforming Building or Structure

#### A. Defined

A principal or accessory building or structure that does not meet the requirements for the applicable zoning district.

#### B. Expansion

A nonconforming building or structure may be expanded, enlarged, or extended only where the expansion, enlargement or extension is for a conforming use in the applicable zoning district. Any expansion, enlargement or extension of a nonconforming building or structure must meet the dimensional requirements for the applicable zoning district and all other requirements of this Code, unless it qualifies for the exception in Div. 14.9.5.

#### C. Damage of Destruction

1. In the event that a nonconforming structure devoted to a conforming residential or civic use is damaged or partially destroyed by exercise of eminent domain, riot, fire, accident, explosion, flood, lightning, wind or other calamity or natural cause, such structure may be restored within the existing footprint and to the condition existing immediately before the damage or destruction.
2. In the event that a nonconforming structure devoted to a conforming non-residential use is damaged or partially destroyed by exercise of eminent domain, riot, fire, accident, explosion, flood, lightning, wind or other calamity or natural cause to the extent of 50% of the value of the structure prior to the damage or destruction, such structure may only be restored in conformance with this Code.

### 14.9.2. Nonconforming Use

#### A. Defined

Any use of land, building, or structure that does not conform to the use regulations of this Code, but which was lawfully existing (conforming) on or before the effective date of this Code or its amendment.

#### B. Continuance

A nonconforming use may be continued, subject to the requirements of this Division. The right to continue a nonconforming use is tied to the land and not with the owner.

#### C. Proof of Lawful Establishment

It is the responsibility of the owner of a nonconforming use to prove to the Administrator that the use was lawfully established and existed on the effective date of adoption or amendment of this Code.

#### D. Change in Use

A nonconforming use may not be changed to another nonconforming use. A change in tenancy or ownership is not considered a change to another nonconforming use, provided that the use itself remains unchanged.

#### E. Discontinuance

A nonconforming use may not be re-established after discontinuance for 180 days. Vacancy of the building, regardless of the intent of the owner or tenant, constitutes discontinuance under this provision.

#### F. Expansion

A nonconforming use may not be expanded, enlarged or extended, in land area or in floor space or volume of space in a building or structure, except for a use allowed within the applicable zoning district.

#### G. Repair

A nonconforming use may not be rebuilt, altered or repaired after damage exceeding 50% of its replacement cost at the time of damage, as determined by the

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building inspector, except for a use that conforms with the applicable zoning district, and provided any rebuilding, alteration or repair is completed within one year of such damage.

## 14.9.3. Nonconforming Lot of Record

### A. Defined

A lot that does not conform to the lot requirements of the applicable zoning district, but which was a lot of record prior to June 14, 1999.

### B. Use as Building Site

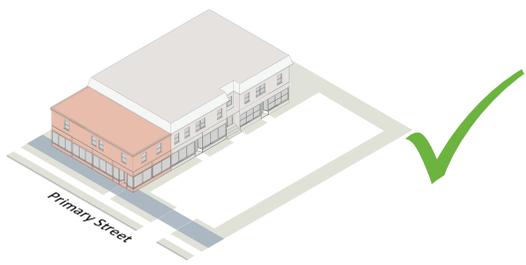
A nonconforming lot of record may be used as a building site, provided that the all other dimensional requirements of the applicable zoning district are met or a variance is obtained from Teton County. Where applicable, the nonconforming lot of record must meet all current requirements of Eastern Idaho Public Health, District 7.

## 14.9.4. Nonconforming Build-to Requirement

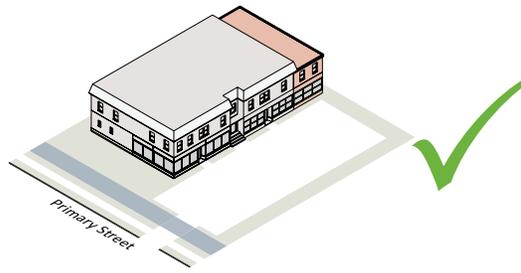
### A. Additions

When an existing building is being expanded and the building doesn't meet the build-to requirement, the following provisions apply.

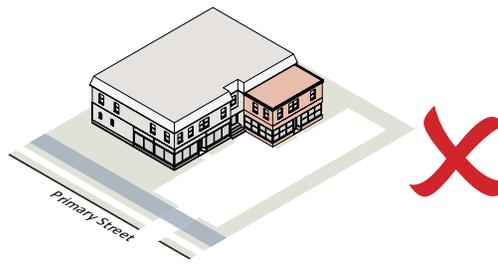
Front: Addition. Any addition to the front must be placed in the build-to zone. The addition does not have to meet the build-to percentage for the lot.



Rear: Addition. Rear additions are allowed because the addition does not increase the degree of the nonconformity.



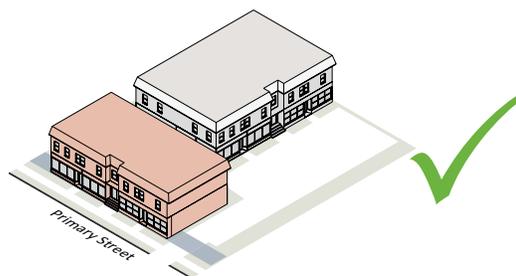
Side: Addition. Side additions are not allowed because the extension increases the width of the building not located in the build-to zone.



### B. B. New Buildings

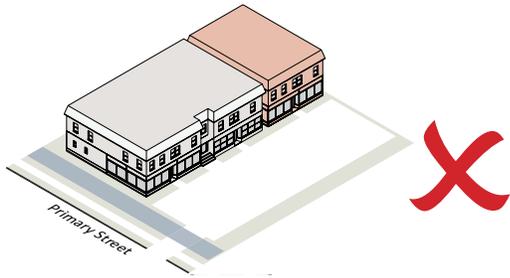
Where a new building is being constructed on a lot or site with an existing building on it that doesn't meet the build-to requirement, the following provisions apply.

Front: New Building. All new buildings must be placed in the build-to zone until the build-to percentage for the lot has been met.

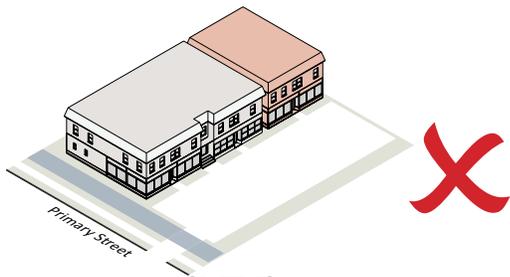


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Rear: New Building. New buildings located outside of the build-to zone are not allowed until the build-to percentage for the lot has been met.



Side: New Building. New buildings located outside of the build-to zone are not allowed until the build-to percentage for the lot has been met.



approval of the addition, with the exception that the Commission will make the final approval at a public meeting, after a recommendation from the Administrator.

This section only applies to main residential structures (not accessory structures) that had a building permit issued by Teton County, but no longer meet the established setback requirements, due to setback regulations changing, the structure was constructed prior to setback regulations, or an error was made by Teton County when the building was permitted.

- B. In existing townsites where the lot is question is less than 1 acre, any deviation from setbacks for additions, shall utilize the process in described above (Div. 14.9.5.A) for approval of the addition. The property owner must combine all parcels under their ownership into one parcel through the Boundary Line Adjustment process (Div. 14.10.2) prior to application.

## C. Replacement Buildings

New buildings located outside of the build-to zone are allowed to replace an existing building. Where the replacement building footprint is increased, it must be approved by the Board.

## 14.9.5. Nonconforming Setback Deviation Requirements

Due to the large number of non-conforming residential structures, based on setbacks and small parcel sizes, in Teton County it is imperative to address these non-conformities in a separate section.

- A. Where the property owner seeks an addition to the existing residential structure, and the existing structure is in the established setback, but the addition will not encroach any further into the setback than the existing structure, the Design Review Process (Div. 14.6.10) shall be used for

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### 14.10.1. Approval of Modifications Needed

If an applicant wishes to modify an approval that has already been granted by Teton County, they must obtain approval for the modifications. In order to obtain approval for the modification an applicant may be required to repeat the process that was utilized for the original approval.

### 14.10.2. Modification of a Non-Subdivision Parcel

#### A. Boundary Line Adjustment

The adjusting or removing of common property lines or boundaries between adjacent tracts or parcels that are not part of a recorded plat, for the purpose of accommodating a transfer of land, combining existing parcels, or rectifying a disputed property line location. The resulting adjustment shall not create any additional tracts or parcels and all reconfigured tracts or parcels shall contain sufficient area and dimension to meet minimum requirements for zoning and building purposes.

#### 1. Criteria for Approval

##### a. Conformance with Underlying Zone

Each of the resulting parcels shall conform with the zoning district in which it is located, or the degree of nonconformity of either parcel shall not be increased, except for cases involving parcels that do not conform to the minimum lot size standards in Articles 3-7. In such cases, a parcel may be made more non-compliant in order to make another parcel more compliant, provided the Administrator makes the following findings:

- i. The benefit of the increased compliance of one parcel outweighs the detriment of the increased noncompliance of the other parcel, resulting in a greater overall compliance with the intent and/or the standards of the Teton County

Land Use Development Code and The Teton County Comprehensive Plan.

- b. Buildability - The overall capability of the lots or parcels to safely accommodate development is improved or not diminished, particularly by providing needed land area for water supply and wastewater systems.
- c. No net increase in density- The acreage transferred from one parcel to another does not allow for increased density on the subject parcels.
- d. Adjustments between public and private land- The conveyance of a parcel from a public agency to a private party who owns land, which is contiguous to the conveyed public land, shall be treated as a boundary adjustment to the contiguous private land and not as the creation of a separate legal building lot.

#### 2. Process for Boundary Line Adjustment Approval

##### a. Scheduling a Pre-Application Conference

- i. Before submitting an application, pre-application conference with the Administrator must be scheduled to discuss the procedures and standards as well as what items of the Property Development Plan will be required for approval.
- ii. To schedule a pre-application conference call the County or go to the Teton County Courthouse.

##### b. Submitting the Application

- i. Following the pre-application conference, a complete application form, a modified Property Development Plan (if required), along with the

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- required application fees, may be submitted to the County.
- ii. Boundary Line Adjustment application forms can be found on the County's website or paper copies can be obtained from the Teton County Courthouse.
- iii. The general submittal requirements for all development review applications are listed in Div. 14.3 and must be followed.
- iv. The application for a boundary adjustment shall include:
  - a. Unrecorded, new legal descriptions for each parcel;
  - b. Latest recorded deed to each property;
  - c. Designation of agent authorization form;
  - d. Application page, complete and signed by all property owners; and
  - e. Map of Survey containing all the required items found in Idaho State Code §55-1906.
- c. Fees for this process shall be in accordance with the current fee schedule and are due at the time of submission of the application for review by the Planning Department. The fees for this process are nonrefundable after the Planning Department reviews the proposed adjustment.
- d. Administrator Review
  - i. The Administrator will determine the application is complete and then review the application.
  - ii. Anything regulated in the Land Use Development Code will be reviewed for compliance by the Administrator, with additional review by internal County departments and external agencies, as necessary. Comments for revisions will be forwarded to the applicant.
  - iii. Once the revisions are made and the documents reviewed again, the Planning and Zoning department will approve or deny the application. A decision will be made within 20 days of receiving a complete application. This time period may be extended if both the applicant and the Administrator agree on an extension.
  - iv. If the Administrator finds that the application does not meet all the applicable requirements of the Land Use Development Code, the Administrator will notify the applicant of the specific provisions that have not been met and offer the applicant the opportunity to make changes to the application.
  - v. Approval or denial of the application is based on whether or not the submittal meets or fails to meet the applicable requirements of the Land Use Development Code. The Administrator may not modify a standard in the Land Use Development Code unless the requested modification is allowed.
  - vi. If an applicant is unsatisfied with the Administrator's decision, an appeal may be filed with the Commission, as outlined in Div. 14.8.

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## 3. Recording:

After a Boundary Adjustment is approved by the Administrator, and all fees paid, a Mylar copy of the Map of Survey and all other required materials outlined above for a Boundary Adjustment shall be submitted to the Planning Department prior to recording with the Teton County Clerk/Recorder.

## 4. Length of Approval:

An application that is approved and not recorded within six (6) months of the date of approval shall be considered expired and a new application shall be required.

## B. Modification of lots created from the One Time Only or Land Division Process

For modifications of the boundaries of the lots created from a One Time Only or Land Division, the Boundary Line Adjustment procedure must be followed.

### 14.10.3. Modification of a Plat (Short Plat or Full Plat)

The purpose and intent of this division is to provide an efficient procedure for reviewing changes or proposed vacations to previously recorded rights-of way, easements, recorded plats of subdivisions, Planned Unit Developments or to recorded Development Agreements. All revisions must comply with all applicable current regulations. It may be unnecessary to duplicate studies and analyses that may have been required as part of the initial plat application and approval. Revisions generally should reduce the intrusion of development into sensitive natural areas of the County and reduce governmental costs associated with scattered development by expediting changes to recorded plats that reduce the number of vacant platted lots in the County.

## A. Required Signatures

Certain types of modifications to a recorded plat will require multiple applicant/signatures. The list below is intended to be a general guide as to when all the owner of a plat need to sign, versus just one owner.

1. Modification of open space, density, common area, road/right-of-way realignment, change of use, and similar changes, require all property owners in the platted subdivision to sign the amended plat and application.
2. Changes to correct a property boundary, combing of lots, or changes on a single lot only require the property owner of the effected lots to sign the plat and application.

## B. Insignificant Changes

### 1. Definition

The proposed changes to the recorded land records have minimal direct impact on the immediate neighborhood, general vicinity of the subdivision, or overall community. These include:

- a. Vacations of portions of a plat, except where platted open space acreage would be reduced in acreage, the value of the protected resource may be diminished or where land/easements are dedicated to the public.
- b. Amendments to the recorded Master Plan that do not change use or density,
- c. Boundary line adjustments between lots within a subdivision,
- d. Lot consolidations of two or more platted lots into fewer lots,
- e. The re-arrangement or relocation of five (5) or fewer lots or buildings that does not encroach further into natural resource areas dedicated open space or Overlay Areas;

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- f. A boundary adjustment between a lot in a platted subdivision and an adjacent non-platted property;
- g. Minor changes to the layout of roads, utilities, or other facilities;
- h. Other changes of similar magnitude and minimal direct impact as determined by the Administrator.

## 2. Criteria for Approval

- a. Any proposed changes shall comply with all applicable criteria and standards of the County regulations, conditions of approval established in the previous approval, and the development agreement approved as part of the previous approval.
- b. Insignificant changes shall not reduce the area of designated open space or increase the number of lots.
- c. Insignificant changes shall not change the uses approved or the location of where certain uses are approved.
- d. Insignificant changes shall not increase or create new and potentially substantial direct or indirect impacts on the neighborhood, vicinity of the subdivision or overall community.

## 3. Process for approval

- a. Scheduling a Pre-Application Conference
  - i. Before submitting an application, pre-application conference with the Administrator must be scheduled to discuss the procedures and standards.
  - ii. To schedule a pre-application conference call the County or go to the Teton County Courthouse.

## b. Submitting the Application

- i. Following the pre-application conference, a complete application form, along with the required application fees, may be submitted to the County.
- ii. Insignificant Plat Amendment application forms can be found on the County's website or paper copies can be obtained from the Teton County Courthouse.
- iii. The general submittal requirements for all development review applications are listed in Div. 14.3 and must be followed.
- iv. The application for an Insignificant Plat Amendment shall include:
  - a. Narrative explaining the changes that are being proposed,
  - b. Plat, if applicable, is labeled correctly as "Amended Final Plat",
  - c. Recorded documents, if applicable, are labeled as "Amended"
  - d. Itemize briefly the amendments to the original plat and/or original recorded documents
  - e. Approval letter from Eastern Idaho Public Health, District 7
  - f. Approval letter from Teton County Fire District
  - g. Acceptance letter from city for sewer hookup from the providing community, if applicable
- v. Fees for this process shall be in accordance with the current fee schedule and are due at the time of submission of the application for review

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- by the Planning Department. The fees for this process are nonrefundable after the Planning Department reviews the proposed application.
- c. Administrator Review
- i. The Administrator will determine the application is complete and then review the application.
  - ii. Anything regulated in the Land Use Development Code will be reviewed for compliance by the Administrator, with additional review by internal County departments and external agencies, as necessary. Comments for revisions will be forwarded to the applicant.
  - iii. Once the revisions are made and the documents reviewed again, the Planning and Zoning department will recommend approval or denial of the application to the Board. A recommendation will be made within 20 days of receiving a complete application (or revised application). This time period may be extended if both the applicant and the Administrator agree on an extension.
  - iv. If the Administrator finds that the application does not meet all the applicable requirements of the Land Use Development Code, the Administrator will notify the applicant of the specific provisions that have not been met and offer the applicant the opportunity to make changes to the application.
  - v. The recommendation of approval or denial of the application is based on whether or not the submittal meets or fails to meet the applicable requirements of the Land Use Development Code. The Administrator may not modify a standard in the Land Use Development Code unless the requested modification is allowed.
- vi. The Administrator shall recommend to the Board approval, approval with conditions, or denial of the application pursuant to the criteria and standards in the County regulations
- d. Board Review:
- i. The Board may review the recommendation and proposed insignificant changes at a regularly scheduled public meeting.
  - ii. The criteria they will use in making their decision is found in Div. 14.10.3.B.2.
- e. Recording:
- i. After an Insignificant Plat Amendment is approved by the Board, a Mylar copy of the Amended Plat and all other required materials outlined above for the amendment shall be submitted to the Planning Department prior to recording with the Teton County Clerk/Recorder.
- f. Length of Approval:
- i. An application that is approved and not recorded within six (6) months of the date of approval shall be considered expired and a new application shall be required.

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## C. Significant Changes (Minor)

### 1. Definition

Significant Changes (minor) of a plat, the master plan, or portions of it that substantially decrease the direct or indirect impacts on the immediate neighborhood, general vicinity of the subdivision or overall community. These substantial changes may include the following:

- a. A reduction in the number of lots or parcels;
- b. The re-arrangement or relocation of more than five (5) lots or parcels that does not encroach further into natural resource areas, open space, Overlay Areas, or move closer to neighboring property;
- c. Renegotiation of development agreement in associated with additional uses or lots;
- d. Complete Vacation of the Plat
- e. Other changes of similar magnitude or reduction of impacts as determined by the Administrator.

### 2. Criteria for Approval

- a. Any proposed changes to an easement, public right-of way, or Planned Unit Development, shall comply with all applicable criteria and standards of the County regulations, conditions of approval established in the previous approval, and the development agreement approved as part of the previous approval.
- b. The applicant shall submit to the Administrator revised maps showing the proposed vacation or revisions to the layout of lots or buildings and any reduction in the number of lots or buildings. The project's Development Agreement and Property Development Plan may require adjustments

in order to reflect the significant changes being proposed. This revised layout shall not impact any of the maps and analyses that were submitted as part of the previous application's Property Development Plan (Article 13) or approval.

- c. The master plan and plat for a subdivision or Planned Unit Development, including the proposed changes, shall reduce governmental costs for operations and capital expenses.
- d. The applicant shall provide financial surety of 125% of a current engineer's cost estimate for infrastructure associated with the change;
- e. The development agreement shall require no lot sales in the approved amended plat until such time as infrastructure is complete and financial surety (warranty) has been provided;
- f. The revised Plat/Plan shall reduce the intrusion of development into natural resource areas that are protected by criteria in county regulations, reduce development in the Overlay Areas, and reduce the impact to neighboring properties.

### 3. Process for approval

- a. Scheduling a Pre-Application Conference
  - i. Before submitting an application, pre-application conference with the Administrator must be scheduled to discuss the procedures and standards.
  - ii. To schedule a pre-application conference call the County or go to the Teton County Courthouse.

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- b. Submitting the Application
  - i. Following the pre-application conference, a complete application form, a modified Property Development Plan (if required), along with the required application fees, may be submitted to the County.
  - ii. Significant Plat Amendment application forms can be found on the County's website or paper copies can be obtained from the Teton County Courthouse.
  - iii. The general submittal requirements for all development review applications are listed in Div. 14.3 and must be followed.
  - iv. The application for a Significant Plat Amendment shall include:
    - a. Narrative explaining the changes that are being proposed,
    - b. Plat, if applicable, is labeled correctly as "Amended Final Plat",
    - c. Recorded documents, if applicable, are labeled as "Amended"
    - d. Itemize briefly the amendments to the original plat and/or original recorded documents
    - e. Approval letter from Eastern Idaho Public Health, District 7
    - f. Approval letter from Teton County Fire District
    - g. Acceptance letter from city for sewer hookup from the providing community, if applicable
  - v. Fees for this process shall be in accordance with the current fee schedule and are due at the time of submission of the application for review by the Planning Department. The fees for this process are nonrefundable after the Planning Department reviews the proposed application.
- c. Administrator Initial Review
  - i. The Administrator will determine the application is complete and able to proceed.
  - ii. Additional review by internal County departments and external agencies, is necessary.
- d. Initial Distribution of Application

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.
- e. 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.
- f. Administrator Review (Concept Review)
  - i. Anything regulated in the Land Use Development Code and concerns brought up at the DRC meeting will be reviewed for compliance by the Administrator. Comments for revisions will be forwarded to the applicant.
  - ii. Once the revisions are made and the documents reviewed again, the

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- Administrator will recommend approval or denial of the application to the Board. A recommendation will be made within 65 days of receiving a complete application. This time period may be extended if both the applicant and the Administrator agree on an extension.
- iii. If the Administrator finds that the application does not meet all the applicable requirements of the Land Use Development Code, the Administrator will notify the applicant of the specific provisions that have not been met and offer the applicant the opportunity to make changes to the application.
  - iv. The recommendation of approval or denial of the application is based on whether or not the submittal meets or fails to meet the applicable requirements of the Land Use Development Code. The Administrator may not modify a standard in the Land Use Development Code unless the requested modification is allowed.
  - v. The Administrator shall recommend to the Board approval, approval subject to listed modifications, , or denial of the application pursuant to the criteria and standards in the County regulations.
- g. Board Review:**
- The Board will review the recommendation and hear public testimony at a properly noticed public hearing prior to making a decision on the Significant Plat Amendment. The Board has 30 days after a public hearing to approve, approve subject to listed modifications, or deny the Significant Plat Amendment. This time period may be extended if both the applicant and the Board agree on an extension.
- h. Recording:**

After a Significant Plat Amendment is approved by the Board, a Mylar copy of the Amended Plat and all other required materials outlined above for the amendment shall be submitted to the Planning Department prior to recording with the Teton County Clerk/Recorder.
  - i. Length of Approval:**

An application that is approved and not recorded within six (6) months of the date of approval shall be considered expired and a new application shall be required.
- D. Significant Changes (Major)**
- 1. Definition**

Significant Changes (major) of a plat, the master plan, or portions of it that substantially increase the scale or scope of the platted subdivision, or increase the direct or indirect impacts on the immediate neighborhood, general vicinity of the subdivision, or overall community. These significant changes may include the following:

    - a.** An increase in the number of lots;
    - b.** The re-arrangement or relocation of lots that encroach further into natural resource areas, Overlay Areas, or move closer to neighboring property;
    - c.** The relocation of parking facilities, buildings, or other elements of the development that encroach further into natural resource areas, Overlay Areas, or move closer to neighboring property;
    - d.** Addition or change in uses as identified in the original approval; or

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- e. Other changes of similar magnitude or projected impact.
- 2. Criteria for Approval
  - a. Any proposed changes to a plat, shall comply with all applicable criteria and standards of the current county regulations, conditions of approval established in the previous approval, and the development agreement approved as part of the previous approval.
  - b. The applicant shall submit to the Administrator revised maps showing the proposed revisions to the layout of uses, lots or buildings. The project's Development Agreement and Property Development Plan may require adjustments in order to reflect the significant changes being proposed. This revised layout may impact any of the maps and analyses that were submitted as part of the previous application's Property Management Plan (Article 13) or approval. The Property Development Plan shall be updated to reflect the proposed changes.
  - c. Any proposed changes to a recorded plat or master plan that increase direct or indirect impacts may require additional mitigation pursuant to the criteria and standards of county regulations.
- 3. Process for approval
  - a. The process for a Significant (Major) Plat Change shall follow the procedures for Preliminary and Final Plat approval as identified in Div. 14.5.11.
  - b. Additional Items Required at Application
    - i. Following the pre-application conference, a complete application form, a modified Property Development Plan (if required), along with the required application fees, may be submitted to the County
    - ii. The application for a Significant (Major) Plat Amendment shall include:
      - a. Narrative explaining the changes that are being proposed,
      - b. Plat, if applicable, is labeled correctly as "Amended Final Plat",
      - c. Recorded documents, if applicable, are labeled as "Amended"
      - d. Itemize briefly the amendments to the original plat and/or original recorded documents
      - e. Approval letter from Eastern Idaho Public Health, District 7
      - f. Approval letter from Teton County Fire District
      - g. Acceptance letter from city for sewer hookup from the providing community, if applicable
      - h. Amended Property Development Plan.
    - iii. Fees for this process shall be in accordance with the current fee schedule and are due at the time of submission of the application for review by the Planning Department. The fees for this process are nonrefundable after the Planning Department reviews the proposed application.

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## 14.10.4. Modification of Administrative Approvals

### A. Site Plan, Temporary Use Permits

#### 1. Change in conditions of approval

Prior to making changes to an approved use, an applicant shall seek to modify the conditions of approval. The applicant shall submit a narrative describing the scale/scope, plans (or diagrams) identifying the changes and the reasons for the changes. The Administrator will determine, within 20 days, based on the Land Use Development Code whether those changes are substantial enough for denial or if the permit is still valid with the desired changes.

#### 2. Change in location

If an applicant seeks to move a previously approved use to a new location, they are required to submit a new application.

### B. Design Review

#### 1. Change in conditions of approval

Prior to making changes from an approved design, an applicant shall seek to modify the conditions of approval. The applicant shall submit a narrative describing the scale/scope, plans (or diagrams) identifying the changes and the reasons for the changes. The Administrator will determine, within 20 days, based on the Land Use Development Code, whether those changes are substantial enough for denial or if the permit is still valid with the desired changes. The Administrator's decision shall be based upon:

- a. The scope of the proposed changes,
- b. Whether the changes will be visible from the public right of way,
- c. The prior approval and the conversation or concerns discussed at that time, and

- d. The criteria listed in the Code.

#### 2. Change in location

If an applicant seeks to move a previously approved structure or use to a new location they are required to submit a new Design Review application.

## 14.10.5. Modification of Quasi-Judicial Approvals

### A. Conditional Use Permit

#### 1. Minor Modification

- a. If an applicant seeks to modify up to two (2) of their conditions, the Commission may reconsider those specific conditions administratively in a Public Meeting, given that:
  - i. The change in conditions will not impact the public, service providers, neighborhood, or surrounding property owners.
  - ii. The change in conditions will not alter the original approval substantially.
  - iii. The change in conditions is within the criteria identified in Div. 14.7.10
  - iv. The change in conditions does not increase the scale or intensity of the use.
- b. If the Commission finds that the modification of conditions cannot meet the criteria listed above, the modifications shall be considered a Major Modification

#### 2. Major Modification

Any change to an approved Conditional Use Permit that do not meet the requirements for a Minor Modification require a new application as outlined in Div. 14.7.10.

## B. Variance

Any change to an approved Variance requires a new application as outlined in Div. 14.7.11.

## C. Zoning Map Amendment

Any change to an approved Zoning Map Amendment requires a new application as outlined in Div. 14.7.12.

### **14.10.6. Retroactive Approvals to Correct Unauthorized Land Splits**

In an effort to correct previous land splits that were done as (a) agricultural splits without building permits, (b) deeded property that did not follow a division process, or (c) other splits that did not meet the ordinance requirements at the time, the Administrator may authorize a One Time Only, Boundary Line Adjustment, or Land Division approval that would correct the unauthorized action. The Short Plat or Full Plat process may need to be used to correct previous unauthorized land splits. The corrected lots must meet the standards of this Code and would become eligible for building permits where they currently are not.

### **14.10.7. Modification of Undefined Approvals**

If an applicant seeks to modify an approval that is not identified elsewhere in Div. 14.10, they must submit a new application and follow the same procedure for the original approval.