

Teton County, Idaho Land Use Development Code Update

FREQUENTLY ASKED QUESTIONS

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What if I have CC&Rs? Do I have to comply with the Draft Code?

The solar eclipse is next year, and I want to have a temporary campground. Is this allowed in the Draft Code?

Why is the Code being update?

From 2010-2012, Teton County went through an extensive rewrite of the County's Comprehensive Plan. The rewrite presented a clearer understanding of the goals, desired policies, and the character of Teton County after the development boom in the mid-2000s. This new Comprehensive Plan created a need to update the County's Land Use Codes (Subdivision and Zoning) because Idaho's Local Land Use Planning Law (§67-65) specifies that county zoning ordinances, subdivision regulations, and official zoning map must not be "in conflict with the policies of the adopted comprehensive plan" (§67-6511-c).

How does the Draft Code comply with the Comprehensive Plan?

The Comprehensive Plan includes several goals, policies, and objectives that the Draft Code may not be in conflict with. For more information on how the Draft Code complies with the Comp. Plan, please review the Comprehensive Plan Analysis, available online.

How does the Draft Code get approved?

The Planning & Zoning Commission has a Draft Code that is ready to be reviewed. To start the approval process, they must hold a public hearing on the Draft Code, get public input, revise as needed, then make a recommendation to the Board of County Commissioners. The Board of County Commissioners can hold public meetings to review the recommended code and make revisions as needed. After material changes are made, the Board has to hold a public hearing, get public input, make revisions as needed, then approve the code. The Board has to pass a Resolution to officially adopt the code.

What is the Right to Farm Act?

The right to farm is a natural right and is recognized as a permitted use throughout the State of Idaho. Although agriculture is allowed in all zoning districts, some uses may be regulated (see Article 10 for a list of permitted uses for each zoning district). Agricultural buildings are identified as a building type in [Article 8](#), which are eligible for Agricultural Exempt building permits. The Draft Code identifies agricultural lands as a priority for open space to preserve the prime agricultural lands in Teton County. Reduced lot sizes also allow for land to be divided without having to lose large portions of agricultural lands for development.

I have a Conditional Use Permit. What happens when my zoning district changes?

If you have a Conditional Use Permit, it will continue to be valid even if that use is no longer permitted in your new zoning district. As long as you continue to meet the conditions of approval and do not stop use for at least 1 year, your Conditional Use Permit will remain active. If you sell your property, the approved Conditional Use Permit can continue to be used by the new owner.

Did the scenic corridor regulations change?

Yes, the Scenic Corridor requirements have changed. This overlay area includes all lands lying on both sides of the rights-of-way for Idaho State Highways 31, 32, and 33 and Ski Hill Road from the Driggs City limits to the Wyoming state line. In the current code, the overlay includes land within 330 feet from the edge of those right of ways. In the Draft Code, the overlay includes land within 500 feet from the centerline of the road. There are also standards identified for development depending on the distance you build from the road, included an option for agricultural buildings. In the current code, the Scenic Corridor Design Review has to be approved by the Planning & Zoning Commission. The Draft Code allows the Planning Administrator to approve this review. More information can be found in [Article 9](#) of the Draft Code.

Will there be an A-2.5 or A-20 zone?

No. The Draft Code identifies new residential/agricultural zoning districts. These include Rural Agriculture (RA), Lowland Agriculture (LA), and Foothills (FH), collectively known as Rural Districts. There is also an Agricultural Rural Neighborhood (ARN) zoning district. [Article 3](#) of the Draft Code provides information for each zoning district.

What zoning districts are in the Draft Code?

The Draft Code includes new zoning districts for the entire county.

Rural Agriculture (RA) – The intent of this district is for the following purposes: discourage housing developments in isolated areas of the County where essential services are not readily available and where it would be expensive and/or burdensome for the County to provide such services; provide a location where cultivation of crops and the raising and keeping of livestock and related uses can be protected and encouraged; control weeds and enhance wildlife habitat where grazing and cultivation has ceased; and preserve the Teton Valley’s agricultural heritage and scenic beauty of rural agricultural lands.

Key assets of the RA district include:

- Large-scale farming on productive land
- Low density development
- Native vegetation and critical wildlife habitat

Development in this district must be designed to:

- Keep land in agricultural production or the Federal Conservation Reserve Program (CRP)
- Cluster housing to preserve agriculture and open space
- Maintain corridors for views and wildlife
- Protect native vegetation and critical wildlife habitat

Lowland Agriculture (LA) – The intent of this district is for the following purposes: provide opportunities for limited residential development in the Teton River basin near existing services; protect ground and surface water quality and quantity; protect and enhance natural aquatic, wetland, and riparian soils and vegetation for flood protection, aquifer recharge, and wildlife habitat; promote sustainable agriculture and grazing practices; and preserve recreation opportunities and the scenic beauty of the Teton River Basin.

Key assets of the LA district include:

- Wetlands and floodplains
- High ground water table
- Agriculture
- Native vegetation and critical wildlife habitat

Development in this district must be designed to:

- Maintain undeveloped floodplains
- Protect homes from the risk of flooding
- Protect water quality from the impacts of development
- Keep land in agricultural production or the Federal Conservation Reserve Program (CRP)
- Protect native vegetation and critical wildlife habitat

Foothills (FH) – The intent of this district is for the following purposes: provide opportunities for limited residential development in the foothills of the valley near existing services; maintain public access to state and federal lands; discourage scattered hillside development that requires remote roads and infrastructure; ensure compliance with best practices for development in the Wildland Urban Interface (WUI); protect the health, safety, and welfare of residents and visitors by only allowing development that will have adequate fire and emergency access; preserve critical wildlife habitat, native vegetation, and scenic views of the foothills from the valley floor.

Key assets of the FH district include:

- Access to public lands
- Steep slopes
- Native vegetation and critical wildlife habitat

Development in this district must be designed to:

- Protect homes from wildfire risk
- Protect steep slopes
- Protect native vegetation and critical wildlife habitat
- Maintain public access
- Minimize disturbance, soil erosion, and visual impacts from road cuts

Agricultural Rural Neighborhood (ARN) – The intent of this district is for the following purposes: provide a place in the county where neighborhood development is encouraged and residential dwellings may be interspersed with agricultural uses; provide opportunities for residents to have gardens, farm animals, and livestock; allow for higher density development closer to existing services including fire and police protection, municipal water and sewer systems, transportation corridors, schools, and other urban amenities.

Key assets of the ARN district include:

- Small and large-scale farming on productive land
- Native vegetation and critical wildlife habitat
- Proximity to County and city services

Development in this district must be designed to:

- Keep land in agricultural production or the federal Conservation Reserve Program
- Cluster housing to preserve open space
- Protect native vegetation and critical wildlife habitat

Preservation (PRS) – The intent of this district is to create, preserve, and enhance land for permanent preservation or conservation. All lands within the district are intended to be unoccupied or predominately unoccupied by buildings or other impervious surfaces.

Heavy Industrial (IH)- The intent of this district is to accommodate a broad range of high-impact manufacturing or industrial uses, that by their nature, create a nuisance and which are not properly associated with or are not compatible with nearby residential or commercial uses.

Light Industrial (IL)- The intent of this district to accommodate manufacturing and light industrial uses in order to promote economic viability, encourage employment growth, and limit the encroachment of non-industrial development within established industrial areas.

There are additional zoning districts identified in the Draft Code that are not currently mapped. The Rural Cluster Zoning District ([Article 3](#)) and the Residential & Mixed Use Zoning Districts (Articles [4](#) & [5](#)) are currently being reserved for the Areas of City Impact only. The Recreation and Civic Zoning Districts ([Article 7](#)) may be used in the county, but they are not currently on the proposed zoning map.

Click here to see the [Proposed Zoning Map](#).

Can I subdivide my land?

Yes, the Draft Code provides 4 options to split your land. Article 3 identifies the density and open space requirements for each of these options. For more information on these processes, please see [Article 14 of the Draft Code](#).

One Time Only – The One Time Only may be used to create 2 lots, total. In all zoning districts, the One Time Only requires a density of 1 lot per 10 acres. This means you need 20 acres to be eligible for the One Time Only.

Land Division - Land Divisions can be utilized to create more than one (1) lot but fewer than 3 new lots (4 total lots) on any existing lot that has not been previously platted. 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 in the County, into four (4) or fewer lots through a simplified process, meeting specific criteria, in exchange for decreased density and minimized impacts to the County.

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. The required information/dedication would be less than is required for a full plat subdivision.

Full Plat - A subdivision not considered a Short Plat is considered a Full Plat. This process is a three step process similar to the current subdivision process. It requires Concept, Preliminary, and Final approvals.

What is the difference between density and lot size?

Density is the number of lots allowed per acre. If the density of your zoning district is 1 lot per 10 acres and you have 100 acres, you would be eligible for 10 lots.

Lot size is the size of a lot. In the Draft Code, the minimum lot size is identified as one (1) acre of buildable space, not including constrained lands (i.e. wetlands, floodplain, steep slopes, etc.)

In the current code, density and lot size are the same number – the A-20 zone has a density of 1 lot per 20 acres and the minimum lot size is also 20 acres. In this situation, if you have 100 acres, you would be eligible for 5, each 20 acre lots.

In the Draft Code, density and minimum lot size are treated differently. If your property is in one of the Rural Zoning Districts (i.e. Rural Agriculture, Lowland Agriculture, or Foothills), the maximum density is 1 lot per 10 acres, but 75% open space must be provided. If you have 100 acres, you would be eligible for 10 lots with 75 acres dedicated as open space. This means you would have 25 acres to create 10 lots, and those lots could range in size as long as they are not smaller than 1 acre.

This code also provides three different density options for the Short Plat and Full Plat processes. This means you can choose how many lots you're eligible for and how much open space you will have to provide. For example, if you don't want to provide 75% open space, you could provide 25% open space, but your maximum density would only be 1 lot per 30 acres.

The chart below includes the densities for each land split option in each of the Rural Zoning Districts. More information can be found in [Article 3 of the Draft Code](#).

DEVELOPMENT ACTIVITY					
	Dwelling on a Legal Lot	One-Time Lot Split	Land Division	Short Plat	Full Plat
RA: Rural Agriculture, LA: Lowland Agriculture, FH: Foothills					
Density Allocation	1 dwelling per legally created lot	1 lot per 10 acres	1 lot per 20 acres	1 lot per 10 acres	1 lot per 10 acres
Open Space (min)	--	--	--	75%	75%
Alternative Density Allocation #1	--	--	--	1 lot per 20 acres	1 lot per 20 acres
Open Space (min)	--	--	--	50%	50%
Alternative Density Allocation #2	--	--	--	1 lot per 30 acres	1 lot per 30 acres
Open Space (min)	--	--	--	25%	25%
ARN: Agricultural Rural Neighborhood					
Density Allocation	1 dwelling per legally created lot	1 lot per 10 acres	1 lot per 3.75 acres	1 lot per 2.5 acres	1 lot per 2.5 acres
Open Space (min)	--	--	--	60%	60%
Alternative Density Allocation #1	--	--	--	1 lot per 3.75 acres	1 lot per 3.75 acres
Open Space (min)	--	--	--	40%	40%
Alternative Density Allocation #2	--	--	--	1 lot per 5 acres	1 lot per 5 acres
Open Space (min)	--	--	--	20%	20%

Is open space required? What is considered open space?

Yes, open space is required through the Short Plat and Full Plat processes. Each process has a sliding scale system for density and open space requirements, so you can choose to provide more open space for a higher density or less open space for a lower density. However, a minimum of 25% open space (Rural Districts) or 20% open space (Agricultural Rural Neighborhood) is required.

Open Space in the Draft Code is defined as Priority Open Space and Secondary Open Space. Each zoning district also identifies priority open space unique to that district ([see Article 3](#)).

Priority Open Space - In addition to the Priority Open Space areas identified in each of the Districts, the following areas are also considered Priority Open Space. These areas may not be as common in each individual District, but they must be included in the first areas reserved as required open space:

1. Land where the elevation is lower than 2 feet above the elevation of the 1-percent annual chance flood as defined by FEMA;
2. Land within 100 feet of any wetland (as defined by United States Code of Federal Regulations 40 CFR, Parts 230-233 and Part 22), isolated wetlands, or areas of special concern identified by state or local rule;
3. Slopes above 25% of at least 2,000 square feet contiguous area; and
4. Parks as requires in Div. 12.6.

Secondary Open Space - The following are considered Secondary Open Space areas and must be included as required open space once the Priority Open Space areas are exhausted:

1. Significant natural features and scenic views such as ridgelines, open vistas across meadows or fields, river or stream views;
2. Prime agricultural land;
3. Specific wildlife or habitat protection areas identified by Teton County and Idaho Fish and Game;
4. Habitat for any species on a Federal or State threatened, endangered, or species of concern list;
5. Traditional trail access to adjacent public (federal or state) lands;
6. Natural woodlands that help block the view of the development;
7. Historic, archaeological and cultural sites, cemeteries and burial grounds; and
8. Soils with severe development limitations.

May I use an RV as a residence?

A Recreational Vehicle (RV) is considered a Temporary Structure as Living Quarters, which may be permitted on a property for no more than 180 days. A Temporary Structure will require a Temporary Structure Registration through the Planning Department. This registration is to ensure that the structure is not on a property for more than 180 days as a living quarter.

Am I allowed to build a tiny home?

If you are planning to build or purchase a dwelling of any kind, including a “tiny home”, it must comply with the requirements of a site built, modular building, or manufactured home. Both site built and modular buildings must comply with minimum area requirements of the building code. The smallest a house can be and still meet these requirements is about 150 square feet of floor area. The HUD manufactured home standard is intended for manufacturing facilities and is very difficult to apply to one-time construction. For more information on building code requirements, contact the [Teton County Building Department](#).

If a tiny home does not meet the requirements of a site built, modular building, or manufactured home, it may be considered a Recreational Vehicle. If this is the case, it would be considered a Temporary Structure and could not be used as a permanent dwelling.

Can I have two residences on my property?

Yes, you may be eligible for an accessory apartment (attached) or a backyard cottage.

Accessory Apartment - A second dwelling unit within or attached to an existing detached house, for use as a complete, independent living facility, with provisions for cooking, sanitation, and sleeping. This use is not considered a duplex. The maximum size for an accessory apartment is 900 square feet in the Rural Districts.

Backyard Cottage - A small, self-contained accessory dwelling unit located on the same lot as a detached house but physically separated for use as a complete, independent living facility, with provisions for cooking, sanitation, and sleeping. The maximum size for a backyard cottage is 1,500 square feet in the rural districts. On lots 5 acres or larger, this size restriction does not apply.

Are home businesses allowed?

Yes, home businesses are allowed. In the current code, this was done through a home occupation permit. The Draft Code identifies three different options for home businesses.

Home Business - A home business provides a service or product that is conducted wholly within a dwelling that requires employees, customers, clients, or patrons to visit the dwelling, such as services where the customer is present or employees assist in the business.

Home Occupation - A home occupation provides a service or product that is conducted wholly within a dwelling unit, such as telecommunication work, online business, or where the business owner travels off site for the work. Customers and employees coming to the dwelling to conduct business are not allowed.

Home Industry – A home industry is an industrial use conducted within a residential district that must be clearly incidental and subordinate to the primary, residential use.

May I rent out my house?

Yes, but short term rentals, or Transient Rentals, have to be registered before being allowed.

Transient Rental - The use of a dwelling, or some part thereof, for rental or occupancy for sleeping or lodging for terms of 30 consecutive days or less, in exchange for a fee or other similar consideration. All Transient Rentals will require a Transient Rental Registration through the Planning Department. This registration is to ensure that the required use standards have been met. Use standards for a Transient Rental include things like having an Idaho State Tax Commission Registration and safety requirements like installing smoke detectors, carbon monoxide detectors, and fire extinguishers. More information on these standards can be found in [Article 10 of the Draft Code](#).

What if I have CC&Rs? Do I have to comply with the Draft Code?

The County Code is the minimum requirement for all property in the county, whether a lot is located in a platted subdivision or not. A subdivision may have Covenants, Conditions, & Restrictions (CC&Rs), which are a civil agreement between property owners. CC&Rs may be more restrictive than the County Code; however, the County only enforces the County Code.

The solar eclipse is next year, and I want to have a temporary campground. Is this allowed in the Draft Code?

Yes, it may be possible to have a temporary campground. This would be considered a Temporary Use and would require a Temporary Use Permit. Depending on the scale of your temporary use, it may be considered a Type 1 or Type 2 Temporary Use. This permit process can be found in [Article 14](#).