

**Add** Div. 1.4. Official Zoning Map – [see attached](#)

*The overlay districts should be a part of the official zoning map. Do we want to reference Article 9 for each of the Overlay Maps, duplicate each Overlay Map here, or create one map with all zoning districts and overlay districts on it?*

**Consider** Div. 1.4. Zoning Map

I recently received a comment letter from property owners in Clawson. They would like you to consider zoning that area Light Industrial based on the nature of businesses already permitted there with CUPs and the issues that arise for them because of residential zoning. [See attached letter.](#)

**Consider** Div. 2.2.1. Type of Setbacks & Div. 2.4 Setback Encroachments

Building setbacks apply to both principal and accessory buildings or structures, except where it explicitly states otherwise.

*Do we want to limit what setback encroachments are allowed in sensitive land setbacks? It's not exactly clear in either of these sections. Do we care about land features that may not be considered a structure when it comes to the sensitive lands setbacks, i.e. driveways?*

**Change** Div. 2.7.1. Lot Area Measurement

This section calls out that the precision of numbers is based on two decimal places and rounding is based on three decimal places. After meeting with some land surveyors and discussing it with the County Surveyor, three decimal places is not realistic because most surveyors do not calculate acreages beyond two decimal places.

The question was also brought up about rounding up and down for acreages. In the existing code, the minimum lot size is the same as the density, so we must round down for parcels to be able to meet the minimum lot sizes (i.e. 39.9 cannot be rounded to 40 because it would result in 20 ac and 19.9 ac lots). In this code, the minimum lot size and density numbers are different, so a 39.9-acre lot could be rounded to 40 for density purposes and meet the requirements (i.e. 1/10 density with 75% open space would require 29.925 acres of open space with 10 acres remaining for a maximum of 4 lots)

*Do we want precision based on one or two decimal places?*

*Change rounding to be based on one or two decimal places? Are we okay with a 39.5-acre lot rounding to 40 acres for density purposes or are we only okay with a 39.95-acre lot rounding to 40 acres for density purposes?*

**Change/Clarify** Article 3

*Intents, Descriptions, Key Assets, Lot coverage, etc. – [see attached](#)*

Delete Div. 3.5 Rural Cluster?

*This zoning district is not currently being used. The intent was that it would be reserved for the Areas of Impact. Do we want to keep this? If it is only for the AOI, we can keep it but add a note that says it is only for the AOI, like the one in Articles 4 and 5.*

### Clarify Div. 3.7.3.B.3

Open space must be preserved, and it must be restricted against private or public ownership for any other purpose except acquisition by condemnation or in lieu of condemnation, and the granting of conservation easements.

*It was brought up that this section was confusing. This is saying that open space must be preserved, and it is restricted to being owned for any purpose other than acquisition by/in lieu of the property being taken and granting conservation easements. We say property may be rezoned to Preservation without a conservation easement in 3.7.2, so that is also confusing.*

### Consider Article 6 – Industrial Districts

*Specific densities are not identified for the Light Industrial or Heavy Industrial districts, aside from the minimum lot areas of 7,000 ft<sup>2</sup>. If density defaults to the total acreage of the lot and how many minimum lot sizes could fit, industrial lots could become very dense. For example, the 20-acre log homes lot near 5000 S would be eligible for 124.457 lots (does this round to 124 or 125 lots?). There is an 80% lot coverage maximum, so for a 20-acre parcel, 16 acres could be covered.*

*Do we want to identify specific densities for these zoning districts? Change the minimum lot size? They're too small to be allowed an individual well and septic. Change the lot coverage?*

### Add/Delete Div. 8.17 Recreational Residence

*I think we should delete Permanent Recreational Residence. It has to meet all of the requirements of a dwelling unit, which would be classified as a single family dwelling or backyard cottage. The intent of the RR was to accommodate seasonal type uses of structures that weren't intended to be a permanent home.*

*I think we should add this to the Use Table in Div. 10 and provide some standards or include them in the Article 8 section. Specific items I think need addressed include: limiting the number of recreational residences allowed (i.e. the number of RRs but also the number of them allowed if a SFD or ADU are also on the property), the size of the structure, and the use (i.e. no rentals – only for personal use).*

### Change Article 9 Special Districts

*Change the name to Special Overlay Districts so it is clear that these are overlays.*

### Change Div. 9.1 Airport Vicinity Overlay

*The City of Driggs is reviewing this section on August 16. Ours should match theirs. Ashley sent me the most recent version, but I will update the draft code with their approved version for our public review draft. The map hasn't changed.*

### Change/Add Div. 9.4 Transferred Development Right Receiving Area Overlay

*Change name to Transfer of Development Rights Overlay?*

*Remove references to zoning districts and only reference "Receiving Area" and "Sending Area". This section also includes the AOIs as a receiving area, but those cannot be determined until the AOI agreements. Either remove AOI reference or include "(TBD)" or something similar with the reference to the AOI.*

*Add Div. 9.4.5 TDR Map – [see attached](#)*

*When using the zoning districts, Felt is zoned as ARN, so it would be considered a receiving area. I have removed Felt from the map as a receiving area because it doesn't make sense to send development rights that far away from available services. Instead, it is identified as a sending area, so the several, small lots that cannot meet building requirements could transfer their rights somewhere else.*

*Consider identifying primary and secondary sending areas, i.e. very sensitive lands that have a high priority to be protected could be identified as primary sending areas. This might include areas that pose safety risks like a floodway. These could have a slightly better incentive to use versus secondary sending areas that are still important but not as sensitive. This doesn't necessarily need to be changed now, but something to consider moving forward.*

**Consider** Div. 9.6 Area of City Impact

*Article 9 is intended of Overlay Areas, and the Area of City Impacts are not really overlay areas. Consider relocating Div. 9.6 to Article 1. This could become Div. 1.3.5 Official Zoning Map (instead of Div. 1.4 mentioned above), and Div. 1.4. Area of City Impact, Div. 1.4.1 Purpose, Div. 1.4.2 Definitions, Div. 1.4.3 Scope, Div. 1.4.4 Process of Review, Div. 1.4.5 Standards of Applicability, Div. 1.4.6 Boundaries, Div. 1.4.7 Reserved for Driggs AOI Agreement and Map, Div. 1.4.8 Reserved for Tetonia AOI Agreement and Map, Div. 1.4.9 Reserved for Victor AOI Agreement and Map*

*If not relocated to Article 1, the last three sections should be added to Div. 9.6 so the AOI agreements and maps are included in the code.*

**Add** Div. 9.5 Workforce Housing

*Add a note that this is only intended for the AOI, similar to the notes in Articles 4 and 5.*

*Add Div. 9.5.7 Reserved for Workforce Housing Overlay Map*

**Add** Div. 10.2 Use Table

*Make sure all additions/changes to Article 10 are reflected in the use chart.*

*SPECIAL EVENT FACILITY allowed with CUP in Recreation Zone?*

**Consider** Div. 10.5.4. Overnight Lodging

Bed & Breakfasts are currently listed as 4 bedrooms. We have heard a lot recently that the B&B community would prefer 5 rooms. [See attached letter](#)

**Add** Div. 10.5.4. Overnight Lodging

*Add #4 (E.) Transient Rentals (dwelling unit) – [see attached](#)*

**Change** Div. 10.6.7 Solar Energy System

*Changing the definitions of medium scale and large scale to accurately reflect Idaho/Fall River rules.*

A. **Small-Medium Scale, Ground Mounted Solar System**

**An Active Solar Energy System with a generating capacity of not more than 25 kilowatts (kW).**

B. Large Scale, Solar Energy System

An Active Solar Energy System **with a generating capacity of more than 25 kilowatts (kW) but no more than 100kw.** ~~that occupies more than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 250kW DC or greater).~~

**Consider** Div. 10.6.9 Warehouse, Storage, and Distribution

*These are considered Limited uses but do not have standards. Do we want to limit the number of storage units or size of storage spaces a lot can have, or do we want to limit it based on the lot coverage and setback requirements of the underlying zoning district? These are currently only identified in the Industrial Zones, so a lot of storage units could be built.*

**Add** Div. 10.9.14 Residential Solar Systems, Wind Turbines, Rainwater Collection Systems

*Add standards for these. The only standard currently identified is height. Size requirements? Setback requirements?*

**Add** Div. 10.10.4 Temporary Structures as Living Quarters

*Add additional standards. These must apply for a Temporary Structure Permit so the building official can inspect the space and the County can maintain a record of time it has been on the property.*

*Add that the temporary structure may only be used as living space for up to 180 days, but it may also only be located on the property for 180 days unless it is placed in storage.*

**Add** Article 13 Property Development Plan

I would like to add expiration dates for the studies required in this section. Without them, our current code and draft code do not provide us with a mechanism to prevent developers from using outdated studies, i.e. if a developer went through the process either completely or partially 5-10 years ago and wants to apply again for the same property, there's nothing in the code that says they can't use the studies that were done 5-10 years ago, which may not be accurate anymore.

*What is a reasonable expiration date? Should it be different based on the study type?*

**Delete** Page 13-4, j.

"documented historical significance" is pretty open to interpretation. I would like to just keep this as Registered Historical Sites, so we don't have to worry about trying to decide what is considered historical or not.

**Update** Div. 13.3.3 Slopes Map – [see attached](#)

The numbers on the legend did not match the text.

**Consider** Div. 13.3.8 Wildlife Habitat

I would like for you to reconsider the wildlife habitat section, specifically the "Scale/Scope of Development Requiring Applicability" and the use of a map. I do not believe a map is a good idea because once it is adopted, those boundaries regulate the area, even if they are no longer accurate, until a new map or

updates are officially adopted. If we truly want to protect wildlife habitat, we should treat the issue county wide.

An example of this is the recent Mountain Legends application, where it was clear that wildlife utilized the property and there may have been habitat. However, the property is not in the mapped overlay area, so there is nothing in our code that allows us to require a habitat study to protect the area. The map used in the draft code would have the same result (that property isn't in the mapped area either).

The habitat study could still be triggered by a certain density for all development types, based on density for only specific development types, or it could be applied to certain development types regardless of the density.

**Add** Div. 13.3.16 Land Partitioning Survey

Add a statement that recording a survey does not create building rights, the land split processes does that – reference Article 14.

**Clarify** Div. 13.3.17 Deed

Clarify that “pre-recorded” deeds are not previously recorded deeds - they are draft deeds that have not been recorded yet

**Consider** Div. 14.5 Subdivision Review

Consider the option of a large-lot split or provision for that wouldn't need to follow the identified land split options to have a building right. This might be a 50-acre, 80-acre, or 100-acre minimum. If someone has that large of a lot, do we care if they build a house on it? We would need to create some form of process so the Planning Dept. could sign off on the recorded document so there's no question in the future what was done, but does someone creating two 100 acre lots need to go through the land division or short plat? This question has been brought up a lot lately.

**Consider** Div. 14.5.8 One Time Only

Consider removing this section. It is redundant with the Land Division option because a OTO is factored into the total number of lots allowed with the Land Division.

**Add** Div. 14.5.11.B Full Plat Concept Plat Approval

Add to #5 Review an option to go to a Public Hearing or Public Meeting with the PZC if certain criteria are met or the PA feels the project needs it. This is in our current code, but the draft code allows all concept plats to be approved by the PA.

**Clarify** Div. 14.5.11 Full Plat

We need to clarify the preliminary plat/final plat section in terms of what needs to be done by the developer. I was looking at the cities' codes for Article 14, and they include pre-construction meetings which we do not have (my guess it got deleted along the way and no one noticed). All of our codes are also confusing because a list of items required to receive the Preliminary Plat Approval Letter is called out, but a lot of the items in the list are more informative and occur after the letter would be received. This needs to be broken out into two lists or clarified in a different way. I brought this up to the cities also, so I'll keep working on this section.

**Consider** Div. 14.5.11 Full Plat

Do we want to include the condo/townhome plat language for the AOIs or make a placeholder for it? We could also add it in when we do the AOI agreements if we want to allow that type of development in the AOI.

**Add** Div. 14.6.1 Administrative Review Required

Add Temporary Uses to this section.

**Add/Change** Div. 14.6.9. Site Plan Review

“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.”

This is needed because sign permits are not addressed anywhere other than saying they’re need in Article 11. There was also confusion in Victor that the Site Plan Review for a building permit was considered different from this review, so some applications were doing two reviews.

**Change** Div. 14.7.11 & 14.7.12

14.7.11 is currently called Rezone Map Amendment. I’d like to change it to Zoning Map Amendment. To keep things in alphabetical order, this would change to 14.7.12 and Variance would switch to 14.7.11. This would help with consistency with the city codes and it reads more clearly.

**Delete** Div. 14.8. Administrative Appeal

Is this section needed? We call out an appeal in each of the review sections, so I think this is redundant. Unless there’s something important in this section that isn’t anywhere else, I’d like to delete it. I believe it matches each application appeal, but I will review them all to verify.

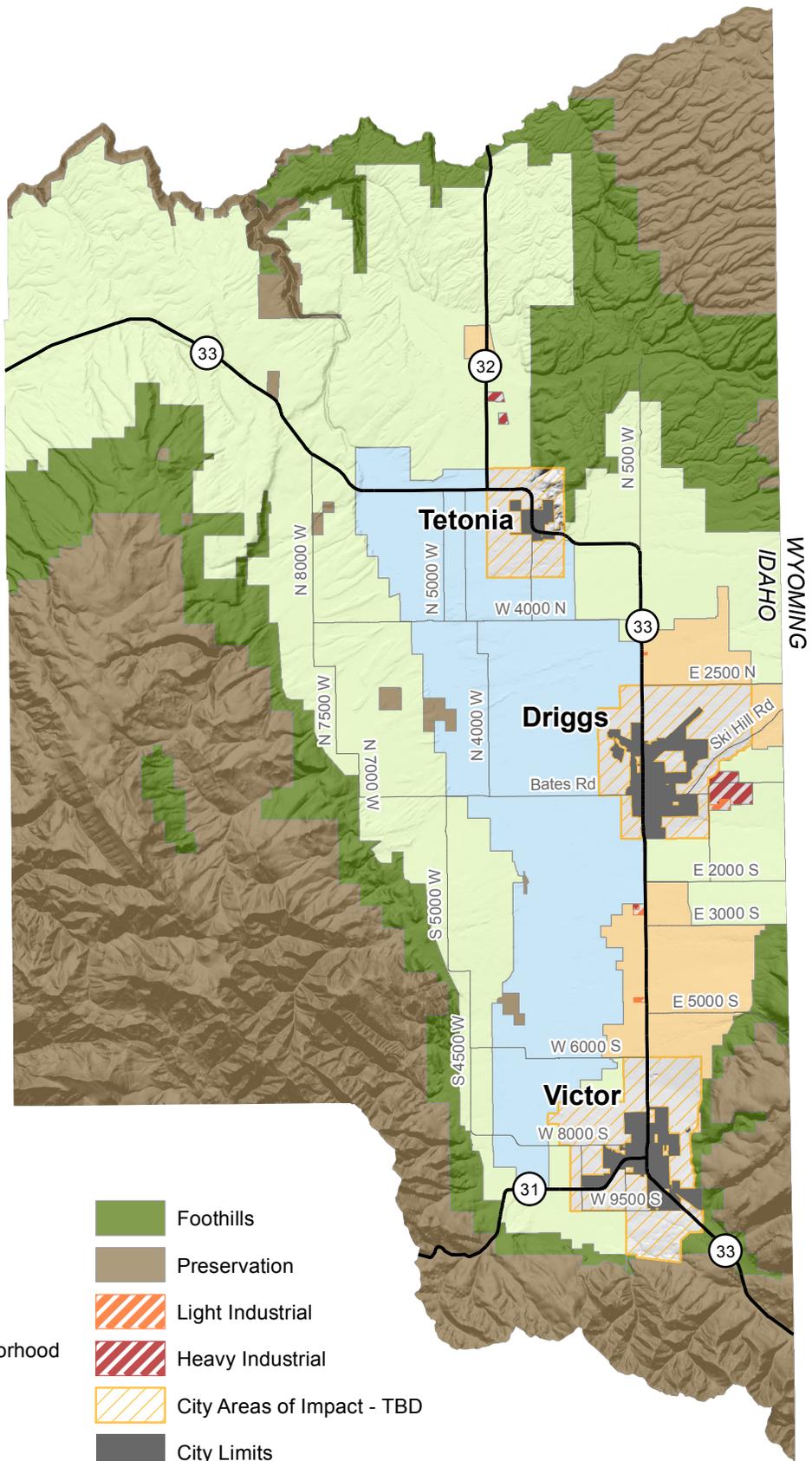
**Delete** Div. 14.10.6.B Granting Building Permit Eligibility...

This section needs deleted since we did not adopt the proposed ordinance.

**Add/Clarify** Article 15

Add an ACRONYMS section. I need to go through and probably have someone else double check that I find all of the acronyms for this.

I want to clarify the parcel/lot definitions to make sure they all make sense and are accurate with the policy we just approved for building rights. It uses Lot of Record, which is not used in the Draft Code. I believe Eligible Parcel would be the closest definition to this, but I want to go through them and make sure they work/verify it’s changed throughout.



**Legend**

- State Highways
- Major Roads

**Zone**

- Agricultural Rural Neighborhood
- Rural Agriculture
- Lowland Agriculture
- Foothills
- Preservation
- Light Industrial
- Heavy Industrial
- City Areas of Impact - TBD
- City Limits



**Teton County Zoning**



## Kristin Rader

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**From:** John Hansford <>  
**Sent:** Wednesday, July 27, 2016 4:43 PM  
**To:** Kristin Rader  
**Cc:** Steve Roth; tetonglass  
**Subject:** Clawson zoning

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Kristin

I am writing this letter in response to our conversation yesterday. I am the owner of Drawknife Billiards and my company, Hansford Properties LLC, owns the property at 5146 N Hwy 33, Tetonia, Idaho 83452. My property, which is zoned A20, has been over the years a church, a single building wood shop and most currently, since 2001, a two building wood shop, offices and showroom. I have had a grandfathered CUP to operate as such since buying the property from the Phillips brothers in 1998.

I would like to suggest that my property, along with the other commercial properties across the highway from me, be rezoned to Light Industrial. Since we are already operating businesses of this class, I see no reason not to allow us the zoning under which we actually function. The benefits to us owners are numerous, including but not limited to:

- Increased valuation of our properties
- More attractive to potential buyers looking for industrial space
- Increased ability to borrow funds from banks as they will be more receptive to loans or mortgages if the property is properly zoned in conjunction with their use.

I feel that the time is right to move to this change as we business owners have been operating our businesses for many years with only CUP's which may or may not be passed to future buyers/owners. It is time for the county to be more proactive to business owners if it wants to encourage and entice especially manufacturing jobs to the valley, of which we mostly are. I personally have doubled my workforce in the past year and if sales remain strong, may increase the number of jobs even more. Growth often requires funding and I know that area banks would be much more receptive to extending business credit if my property were zoned for its use. Manufacturing products in this valley is a difficulty by virtue of our remote location and the inherent issues with shipping, marketing and work force that entails. Teton County must take that into consideration when deciding wether or not to help manufacturers in any way they can, this being one.

Thank you for your time and consideration and please let me know what we need to do to further this cause.

Respectfully submitted,

John Hansford  
President  
Hansford Properties, LLC  
Drawknife Billiards

Sent from my iPad  
John Hansford

# Article 3

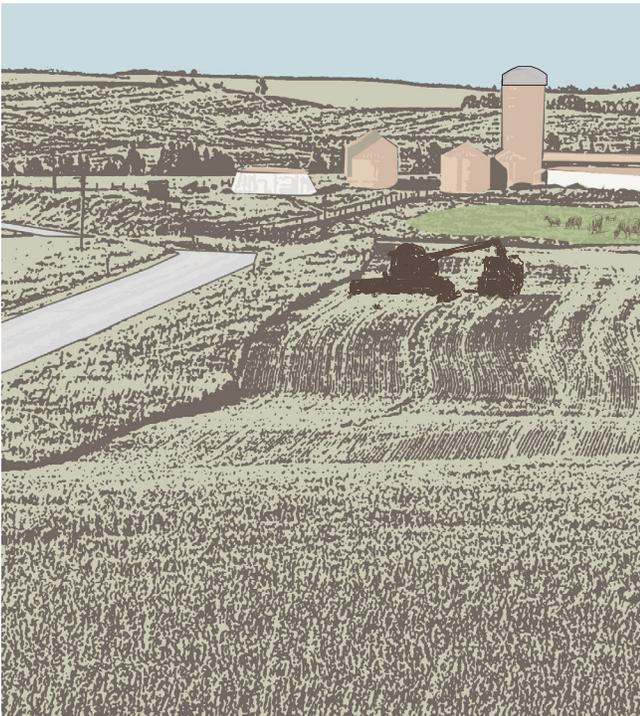
# Rural Districts

# Article 3 - Rural Districts

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## 3.1.1. Description



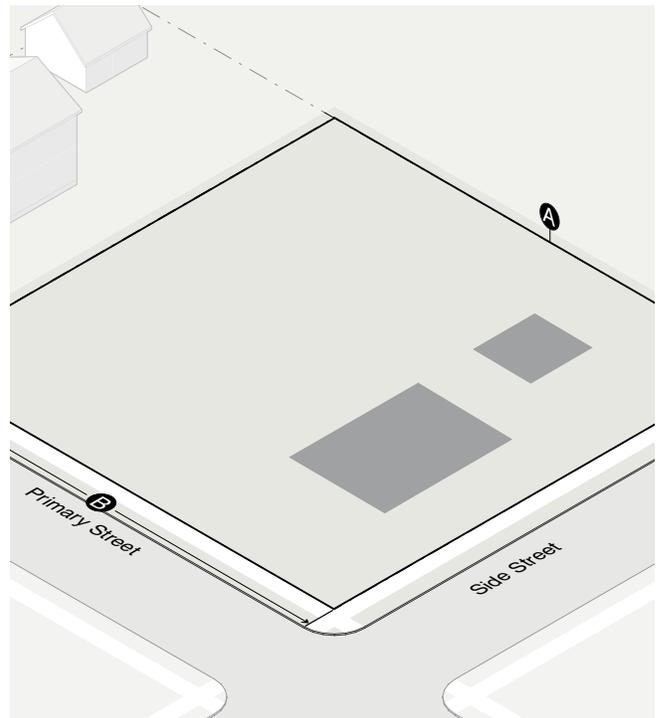
Key assets of the Rural Agriculture District generally include:

1. Large-scale farming on productive land
2. Very low density, limited development
3. Native vegetation and critical wildlife habitat

### Intent

RA is established to provide areas in which agricultural/rural land uses are encouraged and supported within Teton County. The specific intent in establishing 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.

## 3.1.2. Lot Dimensions



Project	RA
Density / Open Space	See Div. 3.6 & 3.7
Lot Area*	<b>A</b>
All Building Types	1 acre
Lot Width	<b>B</b>
All Building Types	100' min
Coverage**	<b>C</b>
Lot coverage (max)	50%

\*Minimum lot area may not include "constrained land." Constrained land includes wetlands, floodways, and floodplains, and slopes over 30% which are 2,000 square feet or more of contiguous sloped area.  
 \*\*Lot coverage includes all impervious surfaces.

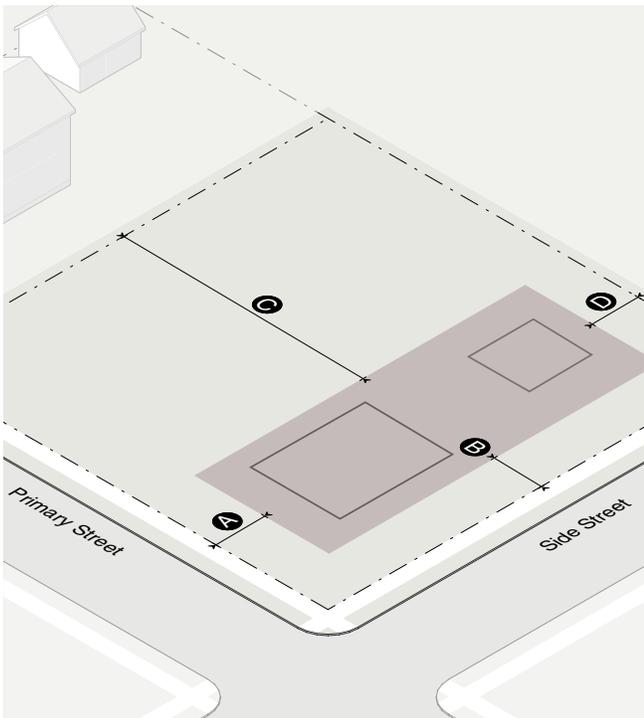
### Priority Open Space

Priority open space in the RA District includes:

1. Land in agricultural production of the Federal CRP
2. Native vegetation and critical wildlife habitat
3. Land in view corridors

Open Space must also meet the standards found in Div. 3.7.

### 3.1.3. Building Placement



#### Principal / Accessory Building Setbacks\*

Primary street	30' min	<b>A</b>
Side street	30' min	<b>B</b>
Side interior	30' min	<b>C</b>
Rear	40' min	<b>D</b>

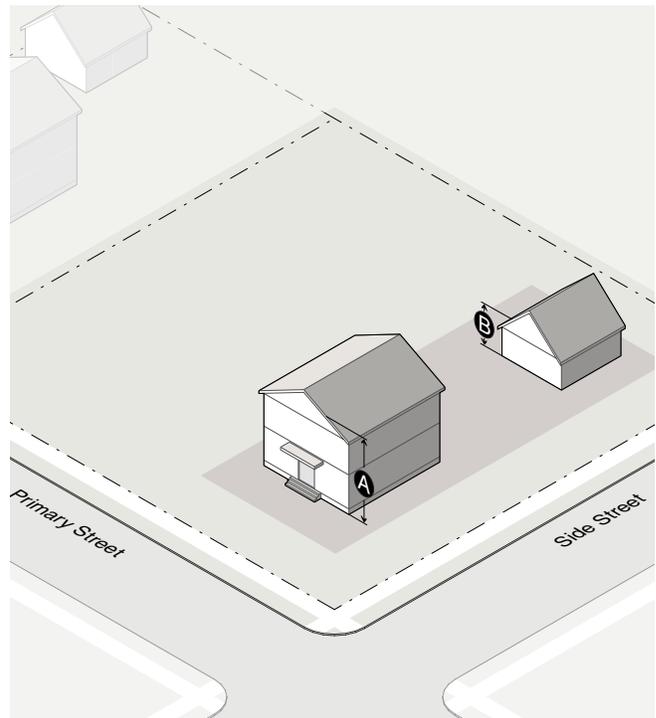
\*Accessory Buildings, 200 ft<sup>2</sup> or smaller, may have reduced Primary, Side, and Rear setbacks of 12' min.

#### Development Design

Development must be designed to:

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

### 3.1.4 Building Height



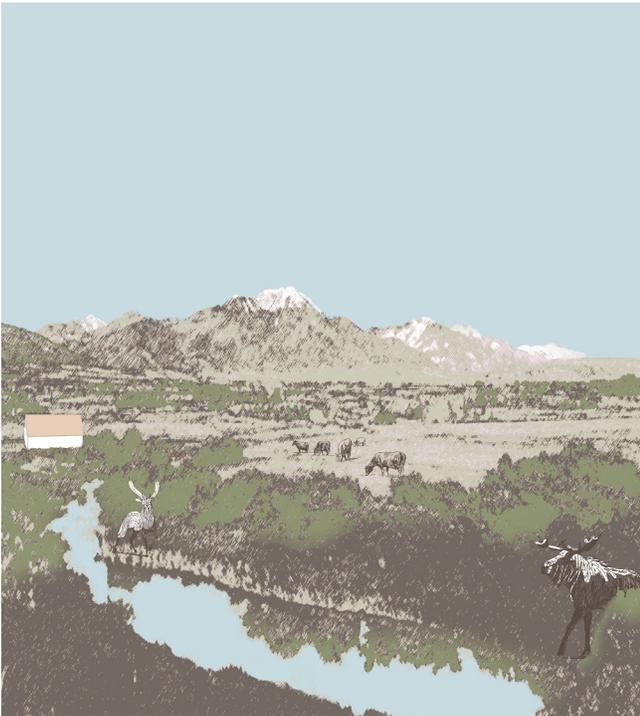
#### Height

Principal Building	2 stories / 30' max	<b>A</b>
Accessory Building	30' max	<b>B</b>
Agricultural Building	60' max	<b>B</b>
Recreational Residence	1 stories / 30' max	<b>A</b>

#### Building Types Allowed

Detached House	See also Div. 8.2
Backyard Cottage	See also Div. 8.3
Agricultural Building	See also Div. 8.16
Recreational Residence	See also Div. 8.17
Accessory Building	See also Div. 8.18

3.2.1. Description



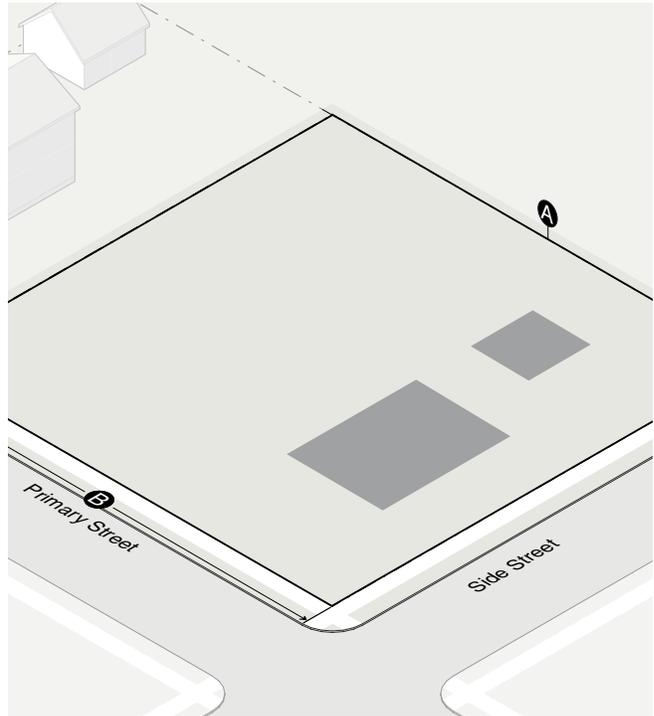
Key assets of the Lowland Agriculture District include:

1. Wetlands and floodplains
2. High ground water table
3. Agriculture
4. Undisturbed natural vegetation
5. Native vegetation and critical wildlife habitat

Intent

LA is intended to establish areas in Teton County where development may be limited due to the remoteness of services, topography, jurisdictional wetlands, and other sensitive environmental issues. The specific intent in establishing 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.

3.2.2. Lot Dimensions



Project	LA
Density / Open Space	See Div. 3.6 & 3.7
Lot Area*	<b>A</b>
All Building Types	1 acre
Lot Width	<b>B</b>
All Building Types	100' min
Coverage**	<b>C</b>
Lot coverage (max)	50%

\*Minimum lot area may not include “constrained land.” Constrained land includes wetlands, floodways, and floodplains, and slopes over 30% which are 2,000 square feet or more of contiguous sloped area.

\*\*Lot coverage includes all impervious surfaces.

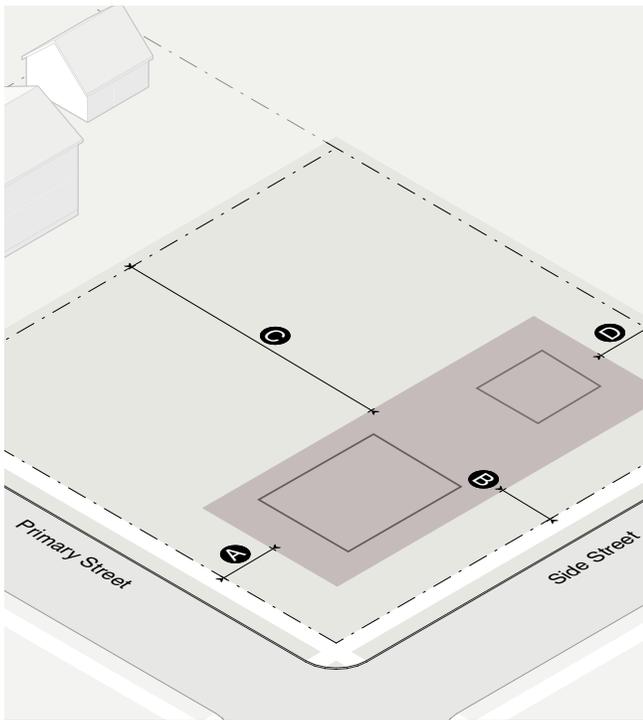
Priority Open Space

Priority open space in the LA District includes:

1. Wetlands and floodplain
2. Land in agricultural production of the Federal CRP
3. Native vegetation and critical wildlife habitat

Open Space must also meet the standards found in Div. 3.7.

### 3.2.3. Building Placement



#### Principal / Accessory Building Setbacks\*

Primary street	30' min	<b>A</b>
Side street	30' min	<b>B</b>
Side interior	30' min	<b>C</b>
Rear	40' min	<b>D</b>

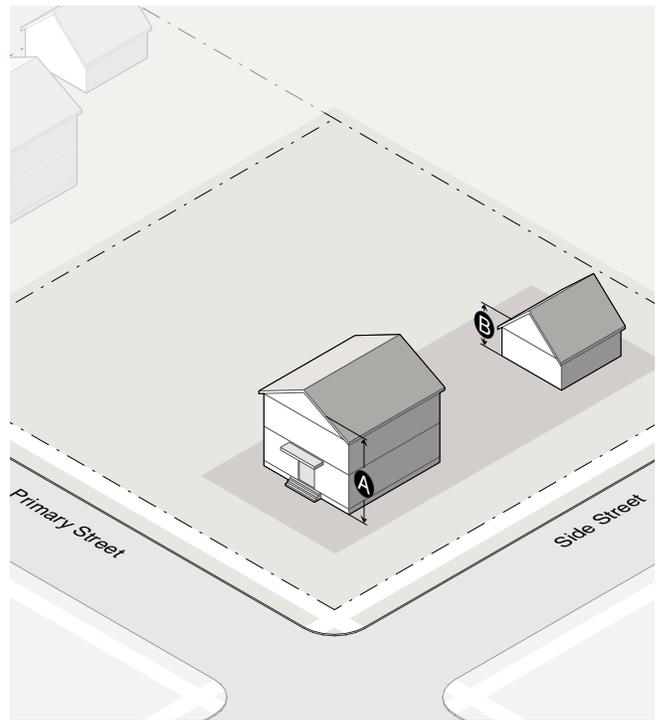
\*Accessory Buildings, 200 ft<sup>2</sup> or smaller, may have reduced Primary, Side, and Rear setbacks of 12' min.

#### Development Design

Development must be designed to:

1. Maintain undeveloped floodplains
2. Protect homes from the risk of flooding
3. Protect water quality from the impacts of development
4. Keep land in agricultural production or the Federal CRP
5. Protect native vegetation and critical wildlife habitat

### 3.2.4. Building Height



#### Height

Principal Building	2 stories / 30' max	<b>A</b>
Accessory Building	30' max	<b>B</b>
Agricultural Building	60' max	<b>B</b>
Recreational Residence	1 stories / 30' max	<b>A</b>

#### Building Types Allowed

Detached House	See also Div. 8.2
Backyard Cottage	See also Div. 8.3
Agricultural Building	See also Div. 8.16
Recreational Residence	See also Div. 8.17
Accessory Building	See also Div. 8.18

3.3.1. Description



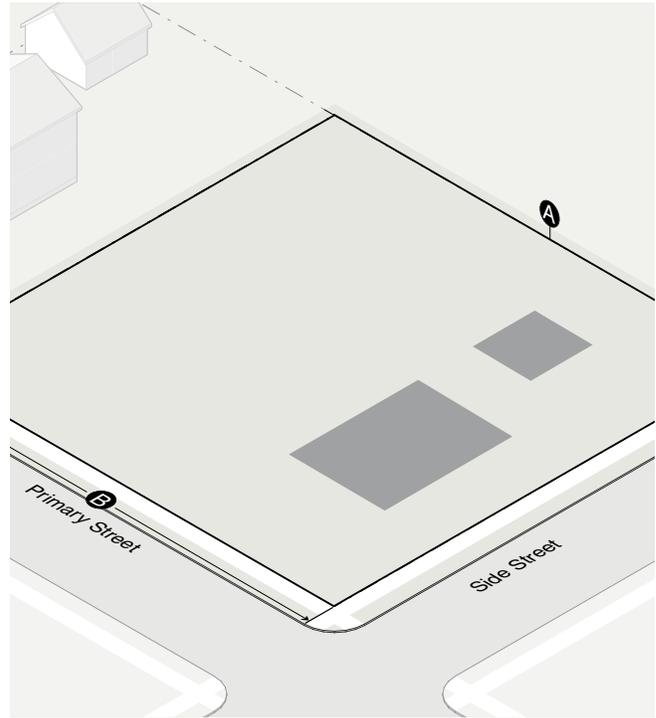
Key assets of the Foothills District include:

1. Access to public lands
2. Steep slopes
3. Native vegetation and critical wildlife habitat

Intent

FH is intended to ensure development is in harmony with mountain settings. The specific intent in establishing 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.

3.3.2. Lot Dimensions



<b>Project</b>	FH
Density / Open Space	See Div. 3.6 & 3.7
<b>Lot Area*</b>	<b>A</b>
All Building Types	1 acre
<b>Lot Width</b>	<b>B</b>
All Building Types	100' min
<b>Coverage**</b>	<b>C</b>
Lot coverage (max)	50%

\*Minimum lot area may not include “constrained land.” Constrained land includes wetlands, floodways, and floodplains, and slopes over 30% which are 2,000 square feet or more of contiguous sloped area.

\*\*Lot coverage includes all impervious surfaces.

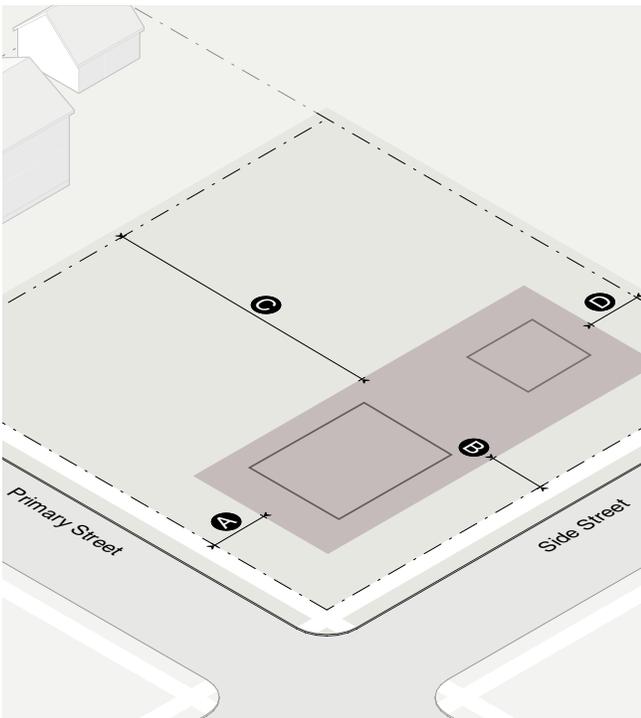
Priority Open Space

Priority Open Space in the FH District includes:

1. Steep Slopes 30% of at least 2,000 square feet contiguous area;
2. Native vegetation & Critical Wildlife Habitat;
3. Public Access points

Open Space in the Foothills District must meet the standards found in Div. 3.7.

### 3.3.4. Building Placement



#### Principal / Accessory Building Setbacks

Primary street	30' min	<b>A</b>
Side street	30' min	<b>B</b>
Side interior	30' min	<b>C</b>
Rear	40' min	<b>D</b>

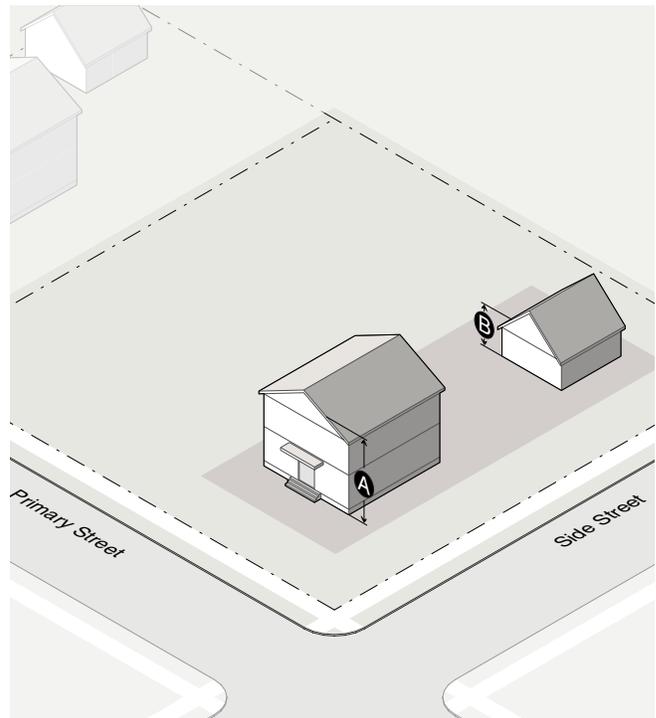
\*Accessory Buildings, 200 ft<sup>2</sup> or smaller, may have reduced Primary, Side, and Rear setbacks of 12' min.

#### Development Design

Development must be designed to:

1. Protect homes from wildfire risk
2. Protect steep slopes
3. Protect native vegetation and critical wildlife habitat
4. Maintain public access
5. Minimize disturbance, soil erosion, and visual impacts from road cuts

### 3.3.5. Building Height



#### Height

Principal Building	2 stories / 30' max	<b>A</b>
Accessory Building	30' max	<b>B</b>
Agricultural Building	60' max	<b>B</b>
Recreational Residence	1 stories / 30' max	<b>A</b>

#### Building Types Allowed

Detached House	See also Div. 8.2
Backyard Cottage	See also Div. 8.3
Agricultural Building	See also Div. 8.16
Recreational Residence	See also Div. 8.17
Accessory Building	See also Div. 8.18

3.4.1. Description



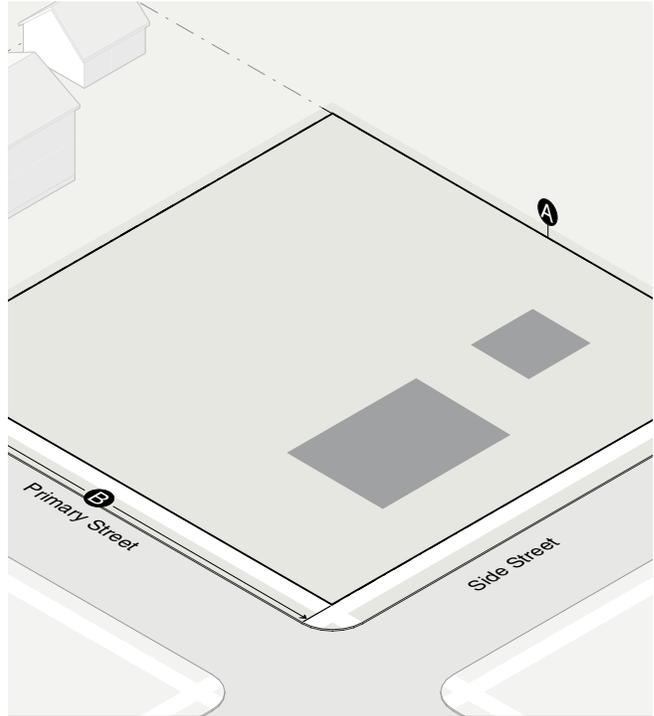
Key assets of the Agricultural Rural Neighborhood district include:

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

Intent

ARN is established to preserve the high quality of life for the citizens of Teton County by allowing residential development near the incorporated areas while maintaining the rural atmosphere of Teton County. The specific intent in establishing 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.

3.4.2. Lot Dimensions



Project	ARN
Density / Open Space	See Div. 3.6 & 3.7
Lot Area*	<b>A</b>
All Building Types	1 acre
Lot Width	<b>B</b>
All Building Types	100' min
Coverage**	<b>C</b>
Lot coverage (max)	50%

\*Minimum lot area may not include "constrained land." Constrained land includes wetlands, floodways, and floodplains, and slopes over 30% which are 2,000 square feet or more of contiguous sloped area.

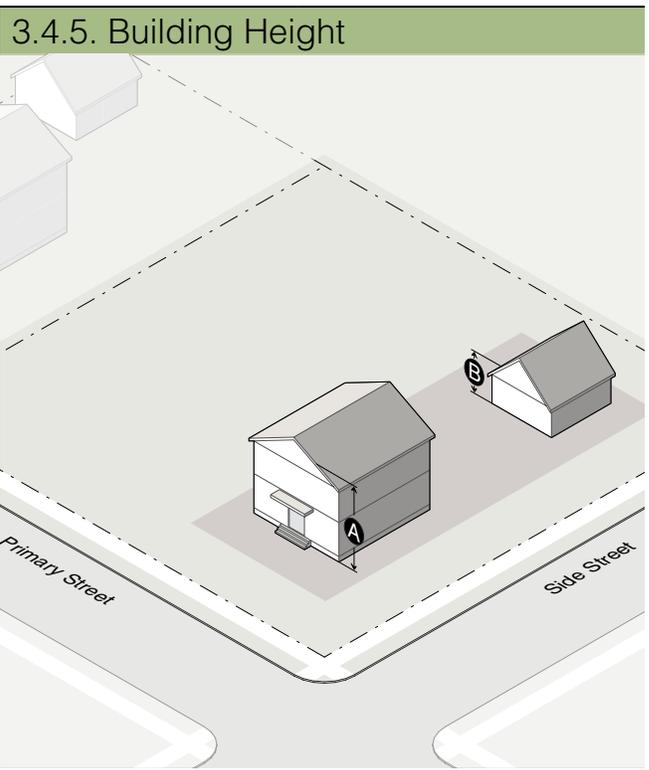
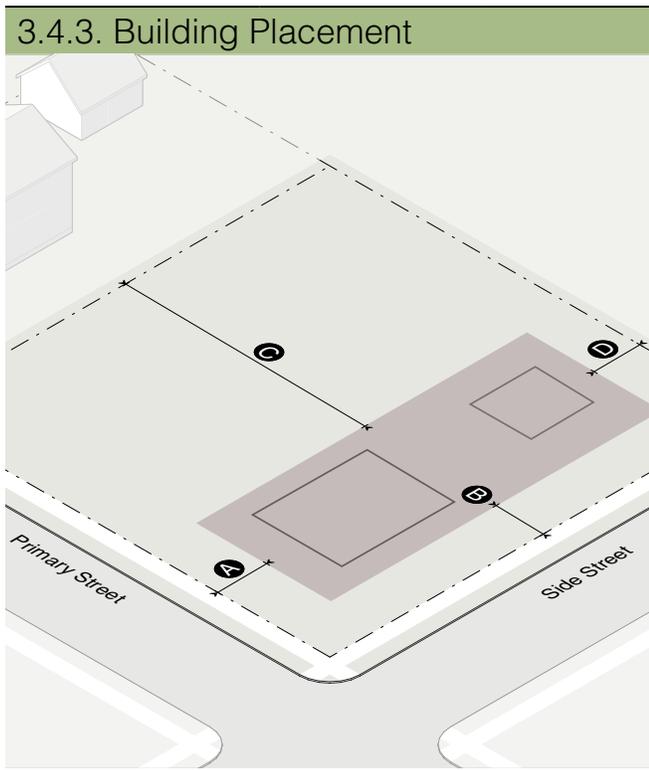
\*\*Lot coverage includes all impervious surfaces.

Priority Open Space

Priority Open Space in the ARN District includes:

1. Riparian areas;
2. Native Vegetation & Critical Wildlife Habitat; and
3. Areas for community parks.

Open Space in the Agricultural Rural Neighborhood District must meet the standards found in Div. 3.7.



Principal / Accessory Building Setbacks		
Primary street	30' min	<b>A</b>
Side street	30' min	<b>B</b>
Side interior	30' min	<b>C</b>
Rear	40' min	<b>D</b>

\*Accessory Buildings, 200 ft<sup>2</sup> or smaller, may have reduced Primary, Side, and Rear setbacks of 12' min.

#### Development Design

- Development must be designed to:
1. Keep land in agricultural production or the Federal CRP
  2. Cluster housing to preserve open space
  3. Protect native vegetation and critical wildlife

Height		
Principal Building	2 stories / 30' max	<b>A</b>
Accessory Building	30' max	<b>B</b>
Agricultural Building	60' max	<b>B</b>

#### Building Types Allowed

Detached House	See also Div. 8.2
Backyard Cottage	See also Div. 8.3
Agricultural Building	See also Div. 8.16
Accessory Building	See also Div. 8.18

3.5.1. Description



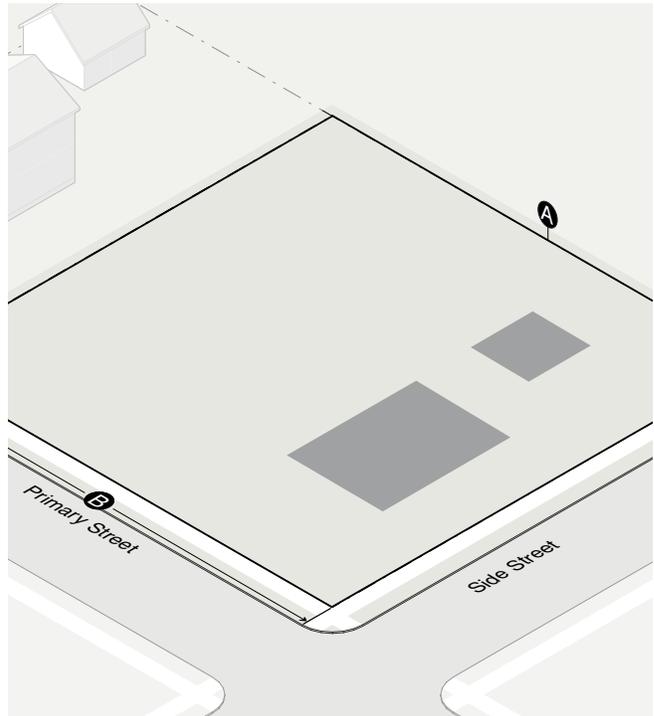
Key assets of the Rural Cluster District include:

1. Close proximity to cities
2. City services
3. Mix of uses
4. Higher densities

Intent

RC is intended to accommodate single- and two-family uses at a gross density not exceeding 1 unit per 2.5 acres. RC should be applied in areas of impact and in cities or towns where the existing land use pattern is predominately single- or two-family or where such land use pattern is desired in the future. Uses that would substantially interfere with the residential nature of the district are not allowed. RC allows residential cluster development in exchange for preserving open space.

3.5.2. Lot Dimensions



Project	RC	
Density / Open space	See Div. 3.6 & 3.7	
Lot	A Area*	B Width
Detached House	9,000 SF min	75' min
Backyard Cottage	9,000 SF min	75' min
Duplex: side by side	12,000 SF min	100' min
Duplex: back to back	12,000 SF min	75' min
Attached House	6,000 SF min	50' min
Accessory Building	9,000 SF min	75' min
Coverage**	50% max, limited to 10,000 SF	

\*Minimum lot area may not include “constrained land.” Constrained land includes wetlands, floodways, and floodplains, and slopes over 30% which are 2,000 square feet or more of contiguous sloped area.  
 \*\*Lot coverage includes all impervious surfaces.

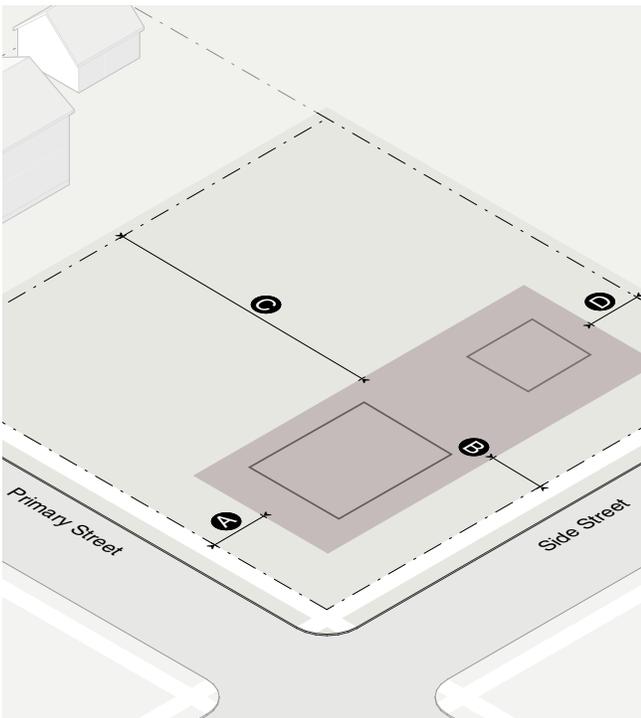
Priority Open Space

Priority Open Space in the RC District includes:

1. Riparian areas
2. Native vegetation and critical wildlife habitat
3. Areas for community parks.

Open Space in the Rural Cluster District must meet the standards found in Div. 3.7.

### 3.5.3. Building Placement



#### Principal Building Setbacks

Primary street	20' min	<b>A</b>
Side street	20' min	<b>B</b>
Side interior	10' min	<b>C</b>
Rear	20' min	<b>D</b>

#### Accessory Building Setbacks

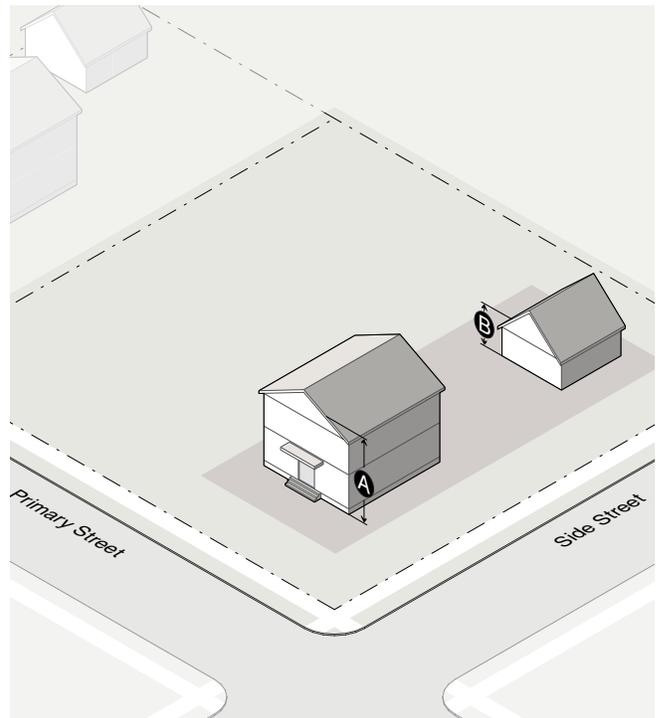
Primary street	40' min	<b>E</b>
Side street	20' min	<b>F</b>
Side interior	10' min	<b>G</b>
Rear	10' min	<b>H</b>

#### Development Design

Development must be designed to:

1. Provide a transition to cities
2. Capitalize on established transportation routes
3. Utilize existing utilities

### 3.5.4. Building Height



#### Height

Principal Building	2 stories / 30' max	<b>A</b>
Accessory Building	30' max	<b>B</b>

#### Building Types Allowed

Detached House	See also Div. 8.2
Backyard Cottage	See also Div. 8.3
Duplex: side by side	See also Div. 8.5
Duplex: back to back	See also Div. 8.6
Attached House	See also Div. 8.7
Accessory Building	See also Div. 8.18

3.6.1. Density and Open Space

- A. The following minimum standards for the allocation of density and the creation of open space apply to subdivisions created after the effective date of this Land Use Development Code.
- B. Existing lots that were platted legally prior to the effective date of this Land Use Development Code are considered buildable where they meet the requirements of Div.14.9.3.
- C. The minimum lot size eligible for a One-Time Lot Split is 20 acres.
- D. Density is measured off gross area of the site.

DEVELOPMENT ACTIVITY					
	Dwelling on a Legal Lot	One-Time Lot Split	Land Division	Short Plat	Full Plat
<b>RA: Rural Agriculture, LA: Lowland Agriculture, FH: Foothills</b>					
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%
<b>ARN: Agricultural Rural Neighborhood</b>					
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%
<b>RC: Rural Cluster</b>					
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%

### 3.7.1. Amount of Open Space

The amount of required open space is set by Division 3.6 and is calculated as a percentage of the gross site area.

### 3.7.2. Permanent Preservation

Required open space set aside must be permanently preserved through a conservation easement or rezoned to Preservation (PRS).

### 3.7.3. Ownership and Management of Open Space

#### A. Ownership

Required open space must be owned and maintained by one of the following entities:

##### 1. Single Entity Landowner

A single landowner, such as an HOA, individual, or legal entity, may retain the open space. The responsibility for maintaining the open space and any facilities shall be borne by the single entity landowner.

##### 2. Land Conservancy or Land Trust

A land conservancy or land trust may own the open space. The responsibility for maintaining the open space and any facilities shall be borne by a land conservancy or land trust.

##### 3. City or County

A City or County may retain the open space. The responsibility for maintaining the open space and any facilities shall be borne by the City or County.

#### B. Conveyance

The conveyance of open space must be in accordance with the following:

1. Open space must be conveyed to the single entity, land conservancy or land trust, or local government in fee simple without any encumbrances, except the approved easements.

2. Title to the real property must be conveyed no later than the time of the conveyance of the first lot within the applicable phase of the development.
3. Open space must be preserved, and it must be restricted against private or public ownership for any other purpose except acquisition by condemnation or in lieu of condemnation, and the granting of conservation easements.

#### C. Dissolution

If the owning entity is dissolved, the open space may be offered to another entity who will be responsible for the maintenance and upkeep of the open space. If no other offer is accepted, the open space must be offered to the County and if accepted, deeded to the County

If the subdivision is vacated, the dedicated open space, which is zoned Preservation (PRS) or is in a conservation easement, shall remain dedicated open space.

### 3.7.4. Configuration of Open Space

- A. The minimum width for any required open space is 100 feet. Exceptions may be granted by the Board of County Commissioners for elements such as trail easements and linear parks.
- B. Where the Idaho Department of Fish & Game designates priority wildlife habitat on the property, Idaho Department of Fish & Game must be consulted as to the appropriate configuration of the open space.
- C. For every 200 acres of development, one grouping (residential lots connected/touching) of development is allowed, and the remaining open space must be contiguous. Where multiple roads serve a property, additional groupings of development may be approved where they improve the protection of the key site resources by reducing the intrusion of development into the site.
- D. Required open space must adjoin any neighboring areas of dedicated open space or other protected natural areas.

E. Development in the Agricultural Rural Neighborhood (ARN) zoning district may fulfill the open space requirements by providing off-site open space through the process outlined in Article 9.4.

### 3.7.5. Open Space Priorities

#### A. Approval Authority

The final determination as to which land must be protected as required open space will be made by the Board of County Commissioners during Subdivision Review.

#### B. 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 30% of at least 2,000 square feet contiguous area
4. Parks as requires in Div. 12.6

#### C. 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.

### 3.7.6. Allowed Uses of Open Space

To the extent not otherwise prohibited by the use table for the applicable zoning district, required open space may be used for the following:

- A. Agricultural purposes (Including row and field crops, pasturage, horticulture, viticulture, sod farm, silviculture, and grazing. Feed lots or other concentrated animal feeding operations are not allowed in required open space.);
- B. Conservation areas for natural, archaeological, or historical resources;
- C. Meadows, forests, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
- D. Pedestrian or multipurpose trails;
- E. Passive or active recreation areas (Active recreation must not constitute more than 50% of the required open space in the RA, LA, and FH Districts);
- F. Water bodies such as lakes, ponds(including stormwater and/or fire), rivers, streams and creeks, and their associated floodplains and floodways; and
- G. Easements for drainage, access, and underground utility lines.

### 3.7.7. Prohibited Uses of Open Space

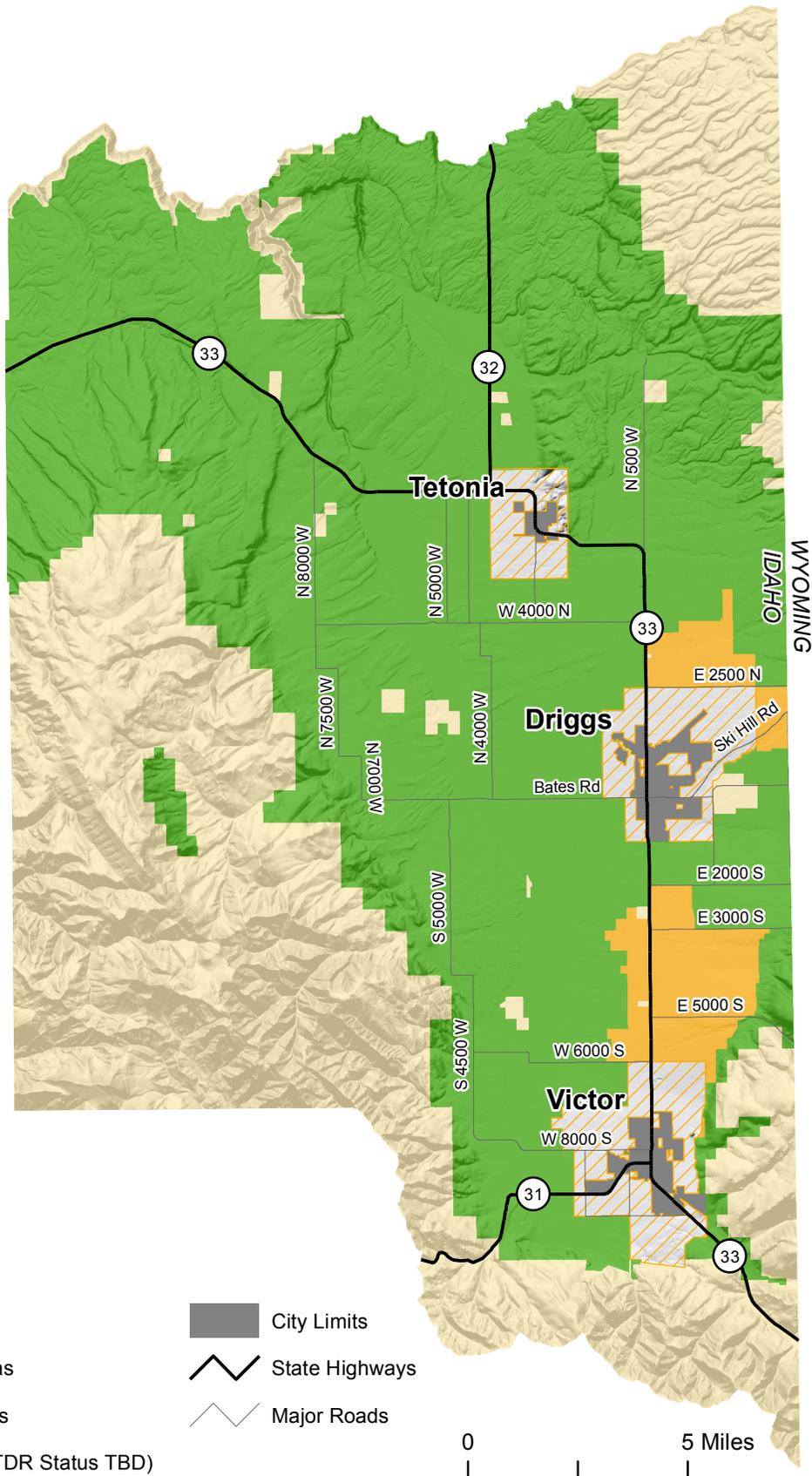
Required open space cannot be used for the following:

- A. Construction of structures;
- B. Wastewater disposal systems;
- C. Streets; and
- D. Parking lots.

### 3.7.8. Access

Access to required open space may be restricted where necessary for public safety reasons or to prevent interference with agricultural operations, sensitive natural resources, or critical wildlife habitat. Signage may be required to notify the public of access restrictions on the open space.

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**Legend**

- TDR Sending Areas
- TDR Receiving Areas
- Not Eligible for TDRs
- City Impact Areas (TDR Status TBD)
- City Limits
- State Highways
- Major Roads



**Teton County  
Transfer of Development Rights**



Teton Valley Idaho  
Planning Commission  
Article 10-Use Provisions

Dreamcatcher Bed and Breakfast  
1831 W 5500 S  
Victor, Idaho

June 8, 2016

Dear Planning Commission:

Dreamcatcher Bed and Breakfast opened for business May 22, 2015 and was permitted as a three-room lodging. We understand the Planning Commission is revising its Use Provision Code 10.5.4 Overnight Lodging to make bed and breakfast lodgings up to 4 rooms.

The purpose of the letter is to recommend the code be up to five rooms. The reason for this recommendation are as follows:

1. Teton Valley has seen an increase in tourism and the demand for affordable lodging will be an asset to the community by allowing tourist to stay here for more than one night thus increasing the revenue and taxes that filter back to the community,
2. An increase in tourism improves the revenue for other local businesses,
3. Additional rooms will increase revenue thus providing the needed income for overhead and other expenses lodgings accrue during the slow season. Lodging insurance, property taxes and utilities are annual costs that can be offset by the revenue from five rooms during the busy season.

In all, by revising the code for bed and breakfasts to have five rooms will not only be an asset for the local economy but also an incentive for small lodging proprietors to stay in business.

Thank you for your consideration,



Aline Sarria, Owner

Dreamcatcher Bed and Breakfast

#### 10.5.4. Overnight Lodging **ADD Transient Rentals**

##### A. Defined

Accommodations arranged for short term stays. Overnight lodging includes the following.

1. Bed and Breakfast (up to 4 bedrooms)
2. Boutique hotel (5 to 30 rooms)
3. Hotel/Motel (more than 30 rooms)
4. **Transient Rentals (dwelling unit)**

##### E. Transient Rentals (dwelling unit)

###### 1. Defined

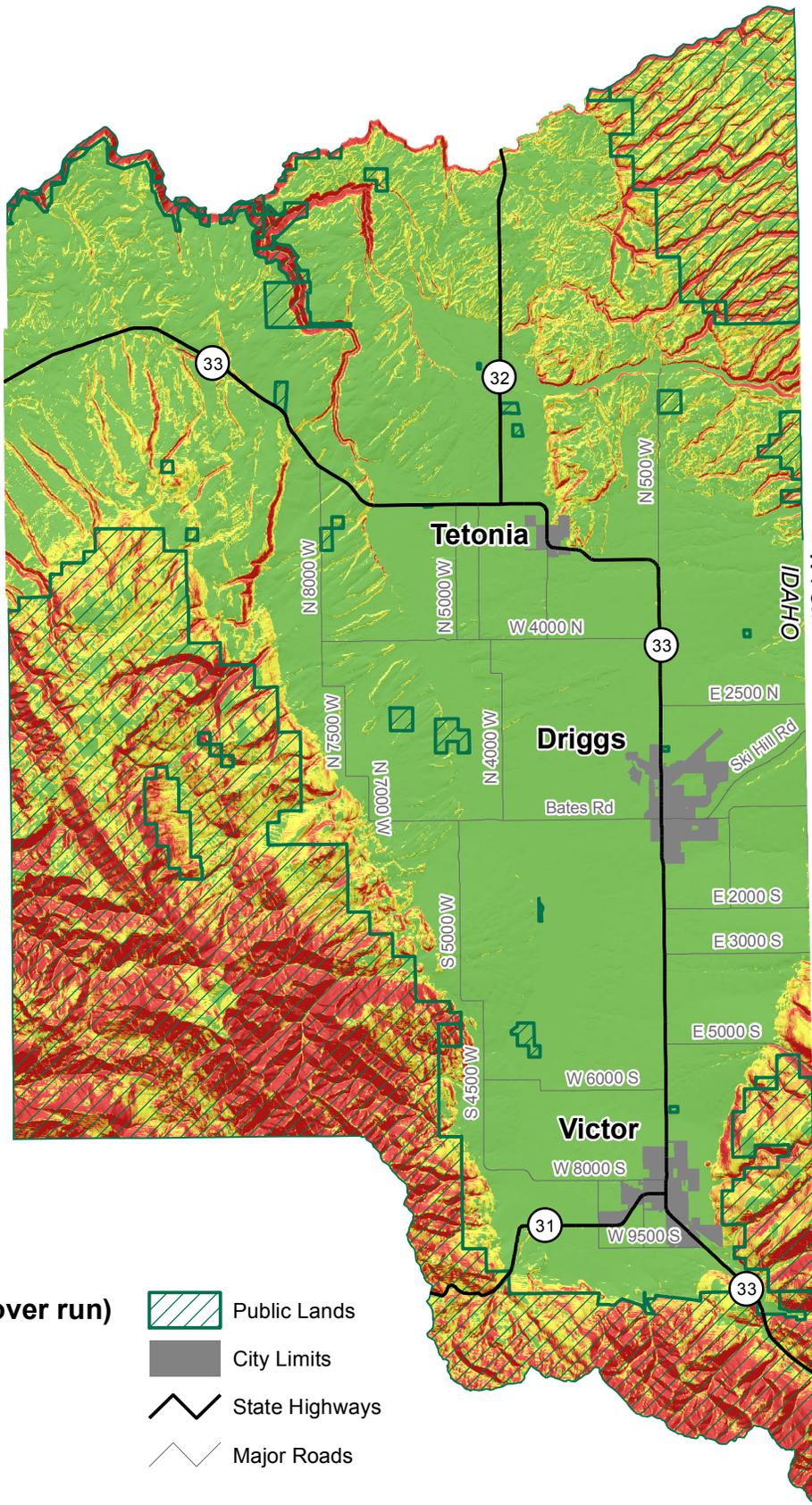
Transient rental means the use of a dwelling, or some part thereof, for rental or occupancy for sleeping or lodging for terms of 30 consecutive days or less, in exchange for a fee or other similar consideration.

###### 2. Use Standards

- a. A transient rental shall not adversely affect neighboring properties or diminish the character of the neighborhood in which it is located.
- b. Outdoor storage is allowed in accordance with Div. 10.9.11.
- c. A sign must be posted in a conspicuous place with a contact person's or agent's name and phone number where a neighbor can easily see it. This contact person must be located within Teton County, be identified on the application, available by phone, and able to respond if there is a problem during the dwelling's use as a transient rental.
- d. Off-street parking must be provided in compliance with Div. 11.1.3.
- e. Smoke detectors, carbon monoxide detectors, and fire extinguishers must be installed, tested, and maintained.
- f. Occupancy load and an emergency exit map must be posted inside the front door, including the property address, phone number (if applicable), and general access directions for the property.
- g. Idaho State Tax Commission Registration must be provided. If using a contract rental agency, the tax registration number for the rental agency must be provided.
- h. Teton County, the Eastern Idaho Public Health District, and the Teton County Fire Protection District may perform physical inspections of the dwelling prior to issuing a permit or to investigate any formal complaint filed with the Planning Department. Teton County will provide no less than five (5) days' notice of an upcoming inspection, unless Teton County, the Eastern Idaho Public Health District, or the Teton County Fire Protection District feels a life safety situation requires more immediate inspection.

###### 3. Permit Required

All transient rentals require a Transient Rental Registration with the Planning Department to verify the use standards have been met prior to the use being approved.



**Legend**

**Slope (% rise over run)**

- 0 - 10%
- 10 - 20%
- 20 - 30%
- over 30 %

- Public Lands
- City Limits
- State Highways
- Major Roads



**Teton County  
Slope Map**

