



**AN AMENDMENT TO SECTION 9-3-1:
THE ONE-TIME-ONLY LAND SPLIT**
Prepared October 15 for the Board of County
Commissioners'
Public Hearing of November 15th, 2012

APPLICANT: Teton County Planning Department

APPLICABLE CODE: Teton County Subdivision Ordinance

REQUESTS: Amend Title 9- Subdivision Ordinance- Section 9-3-1 to eliminate the sections that permit the creation of non-conforming sized lots in the ARR-20 Zoning District.

APPLICABILITY: County wide

PROPOSAL SUMMARY: This proposed amendment would do the following:
Remove the clauses in 9-3-1 that allow parcels less than 20-acres in size to be created in the ARR-20 Zoning District. Provide for a 3rd-party outside review of all plats submitted via this ordinance.

BACKGROUND:

- Non-conforming lots are being created in rural areas and it has the potential to diminish the rural character of Teton Valley over time.
- The new Comp Plan is not supportive of small lots in rural areas.
- There is a more-than-surplus supply of smaller lots in Teton County. The supply can exceed the demand for many years.
- The proposed amendment would provide some predictability for adjacent property owners by only allowing lots to be created via the one-time-only process that conform to underlying zoning.
- A short plat or family lot split process articulated in the new Comp Plan will be a separate process yet to be created in the Teton County Code.

**FINDINGS OF FACT TO AMEND THE TETON COUNTY SUBDIVISION
ORDINANCE:**

1. **Consistent with purposes of planning ordinances.** The proposed text amendment changes to Section 9-3-1 One-time Only are consistent with Section 8-1-3 Purposes of Zoning Ordinance and with 9-1-3 Purposes and Scope of Title 9 of the Teton County Subdivision Ordinance.

2. **Consistent with Comprehensive Plan.** The proposed changes are consistent with the new Teton County Comprehensive Plan in that its purpose is to keep rural areas rural and reduce the number of non-conforming lots.
3. **Consistent with other sections of the Teton County Zoning and Subdivision Ordinance.** The proposed amendment is consistent with other provisions of the Teton County Code such as the Sanitation standards of Eastern Idaho Public Health Department.

CONSISTENT WITH STATE STATUTE 67-6511

1. **Particular consideration shall be given to the effects of any proposed zone change [code amendment] upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction.** The proposed amendment will reduce the number of potential non-conforming lots and, therefore, decrease the burden of delivery of services to the County.
2. This hearing has been noticed appropriately and in accordance with State code.
3. **The governing board shall analyze proposed changes to zoning ordinances to ensure that they are not in conflict with the policies of the adopted comprehensive plan.** The proposed amendment reduces the number of potential non-conforming lots. Lots that are non-conforming do not comply with the Comp Plan. In particular, small lots in rural areas diminish the rural character of the community.

POTENTIAL BOCC ACTIONS:

- A. APPROVE the text amendment to the One-Time-Only section in Title 9 as presented in the application, having provided the reasons and justifications for the approval.
- B. Approve the text amendment with MODIFICATIONS, having provided the reasons and justifications for the approval and for any modifications or conditions.
- C. DENY the text amendment request and provide the reasons and justifications for the denial.
- D. CONTINUE to a future BOCC Public Hearing with reasons given as to the continuation or need for additional information.

RECOMMENDATIONS:

The Planning and Zoning Commission gave a unanimous recommendation to approve the proposed amendment as submitted.

Given the information available at the time of this report, staff recommends approval of the proposed amendment

Staff suggests the following motion:

Having found that the proposed amendment to 9-3-1 is consistent with the purposes and goals of the Comprehensive Plan and other Teton County regulations, I move to approve the proposed amendment to Title 9, as presented by the Planning Staff in the attachment documents [with the following changes].