

CHAPTER 3

PROCEDURE FOR APPROVAL

SECTION

9-3-1: One Time Only Split of One Parcel of Land

9-3-2: Subdivision or PUD

9-3-1: ONE TIME ONLY SPLIT OF ONE PARCEL OF LAND

A. PURPOSE: The purpose of this chapter is to provide for a division of large land parcels in the county as outlined below and to provide a landowner the opportunity to split a large parcel of land meeting specific criteria into two (2) parcels. (Title 9 as amd. through 9-25-2000)

B. INTENT:

1. It is the intent of this section to provide for an expedited process to split a parcel of land having at least 20 acres into two (2) parcels. This provision is meant to accommodate owners who wish to break off a single parcel to transfer to another party. No more than one (1) One Time Only Land Split shall ever be exercised on any given parcel. Future splits will be required to follow a formal subdivision process.

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2. It is not intended that this chapter be used in conjunction with any other portions of this title to obtain additional land splits; nor is it the intent for the property owner to create a subdivision without complying with the requirements of this title. For instance, a parcel may not be split using the twenty (20) acre subdivision agriculture exemption, and then be subject to this One Time Only Land Split provision, creating multiple lots without formal subdivision review. Further, this section is not intended to create additional lots within approved subdivisions. (Title 9 as Amd. through 09-25-2000; Amd. 09-22-2003)

C. ONE TIME ONLY SPLIT OF ONE PARCEL OF LAND: Notwithstanding the procedures outlined in this title and title 9 of this code, a one time split of one parcel of land shall comply with the following:

- 1. Split Allowed: An applicant must have a parcel with at least 20 acres of land to apply for a one-time-only lot split to create two (2) lots from the one. The minimum lot size for any newly created lot shall conform to underlying zoning.
2. No Further Split: The two (2) lots created by this split shall not be split or divided further without full compliance of the provisions of this Title and Title 8 of this code. The provision of the one time only split of one parcel of land applies to the property and not the owner(s). (Title 9 as amd. through 9-25-2000)

Deleted: with at least a 20 acre parcel in the AR 2.5 zone may apply for a split of theon ¶ parcel of land to create two (2) lots.
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D. CRITERIA FOR APPROVAL: The Planning Administrator shall approve applications of one time only lot splits when all of the following criteria have been met:

1. The proposed split conforms with the underlying zoning district.
2. Parcels in platted subdivisions shall not be split.
3. Parcels of land with deed restrictions shall not be split unless the split conforms to the restrictions of the deed.

4. The original parcel of land is at least 20 acres in size.

5. The land split or the combination of land splits does not create a de facto subdivision, or has the split been used in conjunction with other provisions of this title creating a de facto subdivision.

6. Approval in writing and signature on the survey by the Teton County Fire Marshal to indicate that the split is acceptable according to the fire codes. (amd. 12/12/05)

7. The survey be created by a licensed surveyor in the State of Idaho and shall comply with all local and state regulations.

8. The land split would provide each parcel with legal access for ingress/egress and utility easements. (amd. 12/12/05)

9. The land split would not result in harm to the public health, safety or welfare of the County. (amd. 12/12/05)

~~Deleted: 4. Parcels of land in the A-20 zone shall be allowed one split of 2.5 acre or more in accordance with the intent outlined in section 9-3-1-B of this chapter, providing the all resultant parcels are twenty (20) acres or larger parcel was not created through the agriculture exemption process outlined in this title. (Title 9 as amd. Through 9-25-2000).¶~~

Comment [ACR1]: STAFF COMMENT: This wording is unclear. Suggestion from Staff: "The land split, or the combination of land splits, does not create a de facto subdivision, nor has the split been used in conjunction with other provisions of this title to create a de facto subdivision."

Comment [ACR2]: STAFF COMMENT: "Teton County Fire Marshal approval in writing and signature on the survey to indicate that the split is acceptable according to the fire codes."

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~~Deleted: 7. The original parcel, prior to the split has enough area to assure remainder lots are conforming with a minimum of 2.5 acres. (amd. 12/12/05)¶~~

E: PROCESS FOR ONE TIME ONLY SPLIT OF ONE PARCEL OF LAND:

1. Deeds; Restriction: The applicant shall provide two (2) draft deeds (unrecorded) for 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 provisions of this title. (Amd. 09-22-2003)

2. Action by the Planning Administrator: The Planning Administrator shall review and may approve or disapprove the application. The proposed survey shall be reviewed for compliance with all state and local requirements. An application that is disapproved may be appealed to the Board of County Commissioners for review and final determination. (amd. 05-13-2002; amd. 09-22-2003)

3. Fees: 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. Pass-through fees for outside survey review shall be paid in full before the survey and deeds may be recorded. The fees for this process are nonrefundable after the Planning Department reviews the proposed land split.

9-3-1 (E-4)

9-3-2 (A-2-c)

4. Voiding or Canceling of Approved Application: The original applicant desiring to void or cancel an approved application shall submit a plat of survey to be recorded with deeds that restore the land to its prior deeded condition and land use. The County Assessor may void the existing documents upon a written certified request of the original applicant with the documents required above without additional fees. (amd. 06-05)

5. Submission to Planning Department: All required materials outlined above for a one time only split of one parcel of land may be submitted to the Planning Department at any time. An application that is approved and not recorded within six (6) months of the date of approval shall be cancelled. (amd. 09-22-2003)