The following procedures shall be followed with regard to all public hearings conducted by and before the Board of County Commissioners (BOCC) and the Planning and Zoning Commission (PZC):

Section 1. Public Notice

a. If a public hearing is required by law or ordinance, the planning commission and, when applicable, the Board of County Commissioners shall hold at least one public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the proposal shall be published in the county's official newspaper. Notice of public hearing should only be published when an application is complete in a manner sufficient to address the requirements established by ordinance and application forms.

b. In the case of annexations, conditional use permits, site-specific rezones, subdivisions, and variances, notice shall also be provided to property owners within the land being considered; those record owners of lands within three hundred feet (300') of the external boundaries of the land being considered; and, optionally, within any additional areas that may be substantially impacted by the proposal as determined by the Planning and Zoning Administrator. Contents of the mailed notice must contain the information required by law and when practical should include information guided by this Resolution such as requirements of testimony, default time limits (or issue-specific time limits, if known), timing for allowing written submissions, and other significant conditions or restrictions on testifying.

c. When mailed notices would be required to be sent to two hundred (200) or more property owners, a notice of public hearing, at least 2" x 4" in size, may be published in the county's official newspaper at least 15 days prior to the hearing, and shall be considered adequate in lieu of otherwise required mailed notices.

d. For site-specific matters, the subject property should be posted with signs describing the type of action to be considered, contact information for the Planning and Zoning Department, and the time, date and location of the hearing. Such signage shall be posted on the site as required by law.

Section 2. General Rules for Testimony in a Quasi-judicial or Annexation-related Public Hearing:

a. At the commencement of the public hearing, the BOCC and PZC members shall disclose whether they have viewed the property which is the subject of the public hearing. If so, they must disclose the approximate date of the site visit and the names and affiliation of everyone present during the visit.

b. The BOCC an PZC members shall disclose whether they have had any ex parte communications, defined as communication outside of a properly noticed public meeting, about the application being considered with: (a) the applicant; (b) a member of the public; (c) a representative of the applicant; and/or (d) a member of the public. All ex parte communication must be disclosed by identifying the person and the person's employment or affiliation, and by providing a description of the communication.

c. The Commission/Board, or the Chairman may establish a time limit to be observed by all speakers. This resolution provides the default time limits as follows: Applicant (to describe application and reasons that it meets requirements) – not to exceed fifteen (15) minutes. Staff explanation – not to exceed fifteen (15) minutes. Individual testimony – pro, neutral and con – three (3) minutes per person (up to fifteen (15) minutes for spokesman in cases where spokesmen are pre-authorized by the chairman). Rebuttal by the applicant (no new evidence – only information from the record to rebut assertions by contrary testimony) – as needed.

d. No person shall be permitted to testify or speak before the hearing agency at a public hearing unless such person has signed his name and written his contact address on sign-up sheets to be provided by the county. This requirement shall not apply to staff or technical witnesses directed by the chairperson to give evidence or information to the hearing agency.

e. The presiding officer, or the Commission/Board, is authorized to revise the default time frames and order of proceedings so long as due process rights are maintained. In the event of disagreement by governing board members with procedural rulings by the chairman, the governing board may suspend or amend any one or more of these rules by majority vote of members of the governing board then in attendance, provided that due process rights are preserved.

f. Anyone who intends to appear as a representative of a group at a hearing where spokesmen will be allowed pursuant to directive by the Chairman should contact the Planning Department at least five (5) days prior to the hearing. Staff may then apprise the representative of procedures for the hearing and any special limits or allowances concerning testimony.

g. No person shall be permitted to speak before the Commission/Board at a public hearing until such person is recognized by the chairperson.

h. Testimony should directly address the subject at hand.

i. Testimony should not be repetitious with other entries into the record.

j. Testimony should not be personally derogatory.

k. Testimony should comply with time restrictions established by the hearing agency.

l. If oral testimony fails to comply with the aforementioned standards, the chairperson may declare such testimony out of order and require it to cease.

m. All public hearing proceedings shall be recorded electronically or stenographically and all persons speaking at such public hearings shall speak

before a microphone in such a manner as will assure that the recorded testimony or remarks will be complete.

Section 3. Order for Quasi-Judicial Public Hearing:

Quasi-judicial hearings involve site-specific decisions (such as considering a request to rezone specific property or consider a variance request) as opposed to legislative hearings which require decisions that have a broad application (such as a change in the text of a zoning or subdivision ordinance, which does not necessarily affect one specific parcel of land). Quasi-judicial Public hearings should follow the order of events set forth below:

a. Brief introduction of the subject of the hearing by County staff.

b. Presentation by applicant. (Decision makers should address their questions to the applicant at this time – if possible.)

c. County staff report. (Decision makers should address their initial questions to staff at this time – if possible.)

d. Open Public Hearing: Testimony from public in the following order: (Questions from the decision makers should be asked of the person testifying before they leave the podium whenever possible.)

   1. <u>In favor of proposal</u>
   2. <u>Neutral respecting proposal</u>
   3. <u>Opposed to proposal</u>

e. Rebuttal testimony from applicant. Decision makers should ask any final questions. If new facts are elicited that have not been part of the record, the public must be given an opportunity to respond to the new facts – perhaps by reopening opposing testimony.

f. Close Public Hearing

g. Discussion of hearing subject among governing board members. Questions may also be directed to County staff during this period. Any procedural rules requiring a motion prior to discussion are hereby suspended for purposes of such discussion. Decision makers may table the matter until later in the meeting if other public hearings are pending or to a later meeting for deliberations.

h. The final decision should include a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan for rezoning requests or upon relevant ordinance and statutory decision criteria for other requests, pertinent constitutional principles and factual information contained in the record. It is essential that all decision criteria be addressed in the final written decision.

i. When a final decision has been made, a copy of the final decision shall be sent promptly by electronic mail, or by U.S. Mail if requested, to a permit or approval applicant and to any other affected property owner entitled to mailed notice by local ordinance or state law who has requested notice of the final decision on the sign-up sheets at the public hearing or otherwise. Applicants or affected property

owners shall have no more than fourteen (14) days after a final decision is rendered to request reconsideration by the final decision-maker. Any such request must identify specific deficiencies in any final decision. Failure to request reconsideration may invalidate a subsequent judicial appeal. After considering the identified deficiencies, the final decision shall be issued and distributed as above. If no decision is made within the sixty (60) day timeframe for reconsideration, notice of that fact shall be sent promptly by electronic mail, or by U.S. Mail if requested, to a permit or approval applicant and to any other affected property owner entitled to mailed notice by local ordinance or state law who has requested notice of the final decision on the sign-up sheets at any public hearing concerning the application or otherwise.

Section 4. Standards for Written Testimony:

Written testimony and exhibits from the public to be admitted at a public hearing shall comply with the following standards:

a. Written testimony and exhibits must be submitted at least seven (7) calendar days prior to the date of the pertinent public hearing. This provision may be varied through notice to potential hearing participants.

b. Written testimony should include the signature and address of the submitter.

c. Written testimony should address the issue at hand.

d. Written testimony should not be personally derogatory.

e. If written testimony or an exhibit fails to comply with the aforementioned standards, the chairperson or Commission/Board may declare such testimony inadmissible.

Section 5. Exhibits:

All exhibits, photographs, diagrams, maps, evidence and other material presented during the public hearing should be marked or otherwise identified and entered into the record. Exhibits from the Applicant must be submitted at least twenty (20) days prior to the hearing and shall be marked or identified prior to publication of any notice of public hearing. Original exhibits that are capable of duplication may be released to the presenting party if requested in writing, and if acceptable to the Community Development Director and legal counsel. If original exhibits are released, photocopies or reproducible photos of the originals should be maintained in the record.

Section 6. Records Maintained:

Teton County should maintain records of all public meetings in the following manner:

a. The Board of County Commissioners has responsibility for records of meetings held before the Board of County Commissioners

b. The Planning and Zoning Department has responsibility for records of meetings held before the Planning and Zoning Commission.

c. Records of meetings shall be in the following format:

    1. Transcribable verbatim recordings of the proceedings should be maintained in conformance with Idaho Code §67-6536 or its successor.

2. Originals or accurate duplicates of written submittals to the hearing record and copies of applications should be maintained in conformance with policies adopted pursuant to Idaho Code §31-871 or its successor.
3. Minutes which catalog the occurrences at the public hearing shall be maintained as required by applicable sections of the Idaho Code.

Section 7. Procedures for Legislative Public Hearings.

Public hearings on legislative matters brought pursuant to requirements established by the Local Land Use Planning Act should take place after notice has been provided as required by law. Prior to publishing notice of legislative public hearing a draft of the legislative proposal should be prepared and be available for public inspection no later than the day the notice of public hearing is published. Procedural limits on duration of testimony may be established by the chairman, subject to approval by the governing board. Legislative public hearings do not require final decisions in a manner comparable to those for quasi-judicial proceedings.

Section 8. Site Visits.

If the BOCC or PZC wish to conduct a site visit, a motion should be made during a public hearing to conduct a site visit on a date and time certain. In such a case, the site visit should be conducted in a manner similar to any other public meeting and an audio recording should be maintained of the site visit.

Div. 13.1. Summary of Review Authority

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

	Review and Approval Authority				Public Notice				
APPROVAL PROCESS	Cross-reference	Administrator	Planning and Zoning Commission	Board of County Commissioners	Neighborhood Meeting	Web	Posted	Mailed	Published
Legislative Review									
Comprehensive Plan Amendment		R	R-PH	D-PH	N	Y	N	N	Y
Code Text Amendment		R	R-PH	D-PH	N	Y	N	N	Y
Zoning Map Amendment (Legislative)		R	R-PH	D-PH	N	Y	N	N	Y
Subdivision Review									
One Time Only Lot Split		D	A	--	N	N	N	N	N
Land Division		R	D	A	N	Y	N	N	N
Short Plat		R	R-PH	D-PM	N	Y	Y	N	N
Preliminary Plat		R	D-PH	A-PH	P	Y	Y	Y	Y
Final Plat		R	R-PH	D-PM	P	Y	Y	Y	Y
Site Plan Review									
Site Plan Review		D	A	--	N	N	N	N	N
Design Review		R	D-PM	A	N	Y	N	N	N
Quasi-Judicial Review									
Conditional Use Permit		R	D-PH	A	P	Y	Y	Y	Y
Re-Zone Map Amendment (Project specific)		R	R-PH	D-PH	P	Y	Y	Y	Y
Variance		R	D-PH	A	N	Y	Y	Y	Y
Appeal of an Administrative Decision		R	D-PM	A	N	Y	Y	Y	Y

KEY: R = Review & Recommendation D = Final Decision A = Appeal PH = Public Hearing PM = Public Meeting
Y = Required N = Not Required P= Possible Depending on the scope of project- see Sec.XX

(2) Any appeal related to a requirement in Articles 1 through 8 must be filed with the _____ under Sec. XX.

Div. 13.2. General Provisions

13.2.1. 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; and

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.

13.2.2. Review Authority

A. Board of County Commissioners

The Board of County Commissioners has those powers and duties expressly identified in Idaho Statutes and elsewhere in the [Teton County Code], including, but not limited to:

1. Final action on all legislative decisions, including Comprehensive Plan amendments, Land Development Code text amendments, and official zoning map amendments.
2. Final action and acceptance of improvements on all final plats.

B. Planning and Zoning Commission

The Planning and Zoning 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 of County Commissioners on all legislative decisions, including Comprehensive Plan amendments, Land Development Code amendments, official zoning map amendments.
2. Review and recommendation to the Board of County Commissioners on short plats and final plats.
3. Final action on preliminary plats.
4. Final action on design review.
5. Final action on condition use permits.
6. Final action on concept Plat
7. Final action on Land Divisions
8. Final Action on variances

C. The Planning & Zoning Administrator (known in this Land Development 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 of County Commissioners on all legislative decisions, including Comprehensive Plan amendments, Land Development Code amendments, official zoning map amendments, and conditional use permits.
2. Review and recommendation to the Board of County Commissioners on short plats and final plats.
3. Review and recommendation to the Planning & Zoning Commission on all preliminary plats.
4. Final action on all site plans.
5. Final action on one time only lot splits
6. Final action on all minor certificates of appropriateness.

Div. 13.3. Common Review Provisions

13.3.1. Applicability

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

13.3.2. 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 http://tetoncountyidaho.gov/ or hard copies can be obtained at The Teton County Courthouse.

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 is updated and adopted by the Board of County Commissioners.

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 Land Development Code.

3. The presumption is that all of the information required in the County's application forms 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 published 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 Planning and Zoning Commission or Board of County Commissioners.

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 for Legislative Review, if a public hearing has been advertised, the withdrawn application will be announced at the hearing, and the application is subject to the refiling delay in .

G. Notice of Decision

Within 5 working days after a decision is made, 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.

13.3.3. Development Review Committee meeting

All application 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.

13.3.4. Public Notice and Hearing Requirements

For public notice and hearing requirements see 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 display advertisement at least 4 inches by 2 columns in size 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.

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 (onsite)

Where posted notice 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 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.

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

Div. 13.4. Legislative Review

13.4.1. Legislative Review is required for the following.

A. Comprehensive Plan Amendment
A request to amend the text of the Comprehensive Plan, including the Future Acquisitions Map (if any).

B. Text Amendment
A request to amend the text of this Land Development Code.

C. Zoning Map Amendment (Legislative Rezoning)
A request to amend the Official Zoning Map from one zoning district to another, or to change the boundaries of an existing zoning district.

13.4.2. Approval of the Application

The Board of County Commissioners approves applications for Legislative Review, following a public hearing and review by the Planning and Zoning Commission.

13.4.3. Eligible Applicants

A. The Board of County Commissioners, the Planning and Zoning Commission or the Administrator may initiate an application for Legislative Review.

13.4.4. How Do I Submit 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 for approval.

2. To schedule a pre-application conference, call the Administrator or go to The Teton County Courthouse.

B. 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 review 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 and must be followed.

13.4.5. Public Hearing Notice

Legislative Review requires a public hearing in front of the Planning and Zoning Commission and the Board of County Commissioners. Notice requirements for public hearings are specified in 13.3.4

13.4.6. Application Review

A. Initial Distribution of an Application

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

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

D. Planning and Zoning Commission Public Hearing

1. The Planning and Zoning Commission will conduct a public hearing and provide a recommendation to the Board of County Commissioners on the application.

2. The Planning and Zoning Commission has 65 days from the date of the public hearing to submit their recommendations to the Board of County Commissioners. This time period may be extended if both the Board of County Commissioners and the Planning and Zoning Commission agree on an extension.

E. Board of County Commissioners Action

1. Following the recommendation of the Planning and Zoning Commission, the Board of County Commissioners will take action on the application. The public hearing for the Board of County Commissioners cannot be scheduled and/or noticed until a recommendation is made by the Planning and Zoning Commission.

2. The Board of County Commissioners has 65 days from the date of the public hearing to approve, approve with conditions, deny, or send the application back to the Planning and Zoning Commission

for additional consideration. This time period may be extended if both the Board of County Commissioners and the Planning and Zoning Commission agree on an extension.

3. Amendment of this Land Development 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.

13.4.7. Can Additional Studies be required?

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

13.4.8. What Approval Criteria Are Used?

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 Plan Amendment corrects an error or meets the challenge of some changing condition, trend or fact.

2. The Plan Amendment is in response to changes in State law, as established through amendments to the Idaho Statutes or by court decision.

3. The 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 Plan Amendment will not significantly impact the natural environment, including air, water, noise, stormwater management, wildlife and vegetation.

B. For a Land 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 with the Comprehensive Plan.

4. The Text Amendment substantially conforms with the stated purpose and intent of this Land Development Code.

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.

C. For a Zoning Map Amendment

1. The Zoning Map Amendment corrects an error or meets the challenge of some changing condition, trend or fact.

2. The Zoning Map Amendment substantially conforms with the Comprehensive Plan.

3. The Zoning Map Amendment substantially conforms with the stated purpose and intent of this Land Development Code.

4. The Zoning Map Amendment will reinforce the existing or planned character of the county.

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.

6. The Zoning Map Amendment will not significantly impact the natural environment, including air, water, noise, stormwater management, wildlife and vegetation.

7. The Zoning Map Amendment will not have a significant adverse impact on the County.

13.4.10. Establishment of a Precedent

No. Legislative actions do not establish a binding precedent to grant other legislative changes.

13.4.14. Denial of Legislative Action

Decisions of the Board of County Commissioners are final. Affected property owners unsatisfied with the Board of County Commissioner's decision based on the identified criteria for approval, may submit in writing an request for reconsideration, identifying the specific criteria that were not met along with the associated fee no more than 14 days after a final decision of the BoCC. If still not satisfied with a decision of the Board of County Commissioners after the reconsideration, one may pursue appeals to District Court within 30 days of the decision.

13.4.15. Post Legislative Approval

Div. 13.5. Subdivision Review

13.5.1. Subdivisions Review

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

13.5.2. 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 of County Commissioners may attach conditions for the provision and maintenance of open space

D. Amendments of a previously-divided parcel if it is considered a large scale amendment as defined in 13.13…….

13.5.3. Activities Not Considered Subdivision

A. Minor 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 13.XX…..

B. Lot 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 13.XX…..

D. ~~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 into more than 4 parcels with a minimum parcel to be 5 acres.~~

E. Division of 40 acres or more for agricultural purposes. (No building rights can be obtained).

F. 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.

13.5.4. 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 Planning and Zoning Commission and Short Plats and Full Plats both receive final approval from the Board of County Commissioners.

13.5.5. 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.

13.5.6. Application Submittal

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 for approval. This initial meeting will establish which approval process your subdivision application will follow.
2. To schedule a pre-application conference call the County or go to The Teton County Courthouse.

B. Submitting Your Application

1. Following the pre-application conference you can start the application process. To begin, submit a complete application form, along with the required review fees, to the County.
2. Application forms 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 XX and must be followed.
4. All plats must include the minimum requirements set out in Idaho Statutes Section 50-1304, Essentials of Plats. PLAT DEFINITION TO LIST ALL REQUIRED ELEMENTS>>>

13.5.7. How is Public Hearing Notice Provided?

The noticing for Subdivision Review differs depending on the application.

Short Plats and Full Plats require a public hearing in front of the Planning and Zoning Commission. One-time only and Land Divisions do not require public notice. Notice requirements for public hearings are specified in 13.XX

13.5.8. One-Time Only Divisions

All existing lots that have not previously executed an OTO division shall be eligible to divide one new parcel through the OTO process. The OTO 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 in (i.e.: 2.5 or 20).

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.

13.5.9. One-Time Only Review

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.

A. The Administrator will determine the application is complete, and then review the application.

B. The application and survey will be forwarded to outside agencies for comment.

C. The survey will be reviewed to ensure it is accurate and that it meets the standards set forth in Idaho State Code.

D. Comments for revisions will be forwarded to the applicant.

E. 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.

13.5.10. Approval Criteria Used for a One-Time Only

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

A. The proposed division does not exceed 2 lots;

B. 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;

C. The division does not require the dedication of public right-of-way.

D. The division does not require public streets and each proposed lot has approved access from an existing public street that contains the necessary right-of-way width; and

E. Each proposed lot meets all applicable requirements of this Land Development Code and no variance or waiver from a standard is requested.

13.5.11. Land Divisions

Land Divisions can be utilized to create more than one (1) parcel but fewer than 4 new (5 total parcels). The parcels must be at least 150% size of the underlying designation the fall in (i.e.: 30 acres for the 20 acre and 3.75 for the 2.5 acre density designation). These divisions may be utilized at one time or spread out through time.

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

13.5.12. Land Division Review

A. Preapplication Meeting- The applicant will meet with the Planning Administrator to ensure the proper application is being submitted.

B. Application- The applicant shall provide a completed application form, required fees, 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.

C. 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.

D. 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.

E. Administrator Review - If after the internal and external review, the Administrator finds that the application meets all applicable requirements of the Land Development Code, the application will be certified as complying with all applicable requirements of the Land Development Code and scheduled for the next available Planning and Zoning Commission meeting.

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

13.5.13. Approval Criteria Used for a Land Division Review

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

A. The proposed division does not exceed 4 lots;

B. 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;

C. The division does not require the dedication of public right-of-way.

D. The division does not require public streets and each proposed lot fronts on an existing public street that contains the necessary right-of-way width; and

E. Each proposed lot meets all applicable requirements of this Land Development Code and no variance or waiver from a standard is requested.

F. The resulting lots shall have a size at least 150% of the underlying designation (i.e.: 30 acres for the 20 acre and 3.75 for the 2.5 acre designation)

G. Recommendations of the Administrator, including recommendations from internal County departments and external agencies;

H. Compliance with the applicable requirements of the Land Development Code; and

I. Substantial conformance with the County's applicable adopted plans and policies.

13.5.14. Short Plat

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

13.5.15. Short Plat Review

A. Preapplication Meeting- The applicant will meet with the Planning Administrator to ensure the proper application is being submitted.

B. Application- The applicant shall provide:

- a completed application form,
- required fees,
- two (2) draft deeds (unrecorded) for 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 title, and
- 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.

C. 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.

D. 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.

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

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

F. Review by the Planning and Zoning Commission-The Planning and Zoning Commission will conduct a public hearing and provide a recommendation to the Board of County Commissioners on the application.

The Planning and Zoning 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 Planning and Zoning Commission agree on an extension.

If waiver from a standard is requested as part of a Short Plat, the Short Plat must be approved by the Board of County Commissioners under Sec.

G. Review by the Board of County Commissioners- The Board of County Commissioners will conduct a public meeting on the Short Plat. The Board of County Commissioners has 45 days after the recommendation from the Planning and Zoning Commission to approve, approve subject to listed modifications, deny, or send the application back to the Planning and Zoning Commission for additional consideration. This time period may be extended if both the applicant and the Board of County Commissioners 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.

H. Recording the Final Documents- The Applicant will provied the Administrator final signed documents. The Administrator will then record the Final Plat with the Teton County Recorder's office.

13.5.16. Approval Criteria Used for a Short Plat

When reviewing or approving a Short Plat, the Planning and Zoning Commission considers the following:

A. The proposed subdivision does not exceed 5 lots;

B. 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;

C. The subdivision does not require the dedication of public right-of-way.

D. The subdivision does not require public streets and each proposed lot fronts on an existing public street that contains the necessary right-of-way width; and

E. Each proposed lot meets all applicable requirements of this Land Development Code and no variance or waiver from a standard is requested.

F. Recommendations of the Administrator, including recommendations from internal County departments and external agencies;

G. Compliance with the applicable requirements of the Land Development Code; and

H. Substantial conformance with the County's applicable adopted plans and policies.

13.5.17. Full Plat

A subdivision not considered a Short Plat in 13.5.5 above is considered a Full Plat.

13.5.18. Full Plat Review

A. Full Plat approval is a two-step process. You must first get Preliminary Plat approval from the Planning and Zoning Commission and then get Final Plat approval from the Board of County Commissioners.

B. Anything regulated in the Land Development Code will be reviewed for compliance by the Administrator, with additional review by internal County departments and external agencies.

C. The application will also be reviewed by the Planning and Zoning Commission for substantial conformance with the County's adopted plans and policies.

D. Components of an application that have been determined to meet the requirements of the Land Development Code by the Administrator may not be used as a basis for denial, or be modified by the Planning and Zoning Commission, except to comply with an adopted plan or policy.

13.5.19. How is a Preliminary Plat Approved?

A. Preapplication Meeting- The applicant will meet with the Planning Administrator to ensure the proper application is being submitted.

B. Application- The applicant shall provide:

- a completed application form,
- required fees,
- required studies, and
- 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.

C. 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.

D. 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. 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 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 meets all applicable requirements of the Land Development Code, the

application will be certified as complying with all applicable requirements of the Land Development Code and scheduled for the next available Planning and Zoning Commission meeting.

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

E. Review by the Planning and Zoning Commission

1. The Planning and Zoning Commission will conduct a public hearing on the Preliminary Plat.

2. The Planning and Zoning Commission has 65 days after submission of the completed Preliminary Plat application to approve, approve subject to listed modifications, or deny the Preliminary Plat. This time period may be extended if both the applicant and the Planning and Zoning Commission agree on an extension.

3. If waiver from a standard is requested as part of a Preliminary Plat, the Preliminary Plat must be approved by the Board of County Commissioners under Sec.

4. Approval of a Preliminary Plat does not constitute approval of a Final Plat.

13.5.20. Approval Criteria Used for a Preliminary Plat

When reviewing or approving a Preliminary Plat, the Planning and Zoning Commission considers 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 Development Code; and

C. Substantial conformance with the County's applicable adopted plans and policies.

13.5.21. Length Preliminary Plat is Valid

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

13.5.22. Phasing Development

Once a preliminary plat has been approved, final plats may be submitted in phases. The Preliminary Plat remains valid, provided that a Final Plat consistent with the Preliminary Plat is submitted and completed within 5 years.

13.5.23. 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 See section XX

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. See section XX

13.5.24. Preliminary Plat Appeal

Applicants or affected property owners unsatisfied with the Planning and Zoning 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 a final decision of the Planning and Zoning Commission. The appeal will be heard by the Board of County Commissioners. Decisions of the Board of County Commissioners are final. Applicants or affected property owners shall have no more than 14 days after a final decision is rendered by the BoCC to request reconsideration by the BoCC. If still not satisfied with a decision of the Board of County Commissioners one may pursue appeals to District Court within 30 days of the decision.

13.5.25. After Preliminary Approval

Following approval of a Preliminary Plat, plans and specifications for the installation of improvements required may be prepared and submitted.

13.5.26. Construction Drawings

Plans for the improvements required by this Land Development Code must be prepared by a registered engineer. The subdivider must submit construction drawings with the final plat for all improvements required in that portion of the subdivision contained in the final plat.

13.5.27. Public Improvements

A. Prior to recording the final plat, the subdivider must file with the County Clerk 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 actual construction of such improvements and their completion according to plans as submitted to and approved by the County.

B. The improvements, when covered by a surety bond, shall be constructed within 2 years from the date of recording of the final plat; 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.

C. 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.

D. Financial assurances will be returned upon satisfactory completion of work as determined by the County. This determination is made with an inspection and signing of the Subdivision Sign-Off Sheet.

E. 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 forfeit 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 issue an occupancy permit or any other remedy at law or in equity, through judicial action or through any other action as may be determined by the Board of County Commissioners.

13.5.28. Final Plat Approval

A. A Preapplication Meeting- The applicant will meet with the Planning Administrator to ensure the proper application is being submitted.
Also, before applying for Final Plat approval, the requirements of XX. must be met.

B. Application- The applicant shall provide:

- a completed application form,
- required fees,
- _____, and
- Final 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.

C. 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.

D. 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.

E. Review by the Administrator

1. If after internal review, external review and DRC, the Administrator finds that the Final Plat does not meet all the applicable requirements of the Land Development Code or substantially conform with the Preliminary Plat, 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 Final Plat.

2. If after the internal review, external review, and DRC, the Administrator finds that the Final Plat meets all applicable requirements of the Land Development Code and substantially conforms with the Preliminary Plat, the application will be certified as

complying with all applicable requirements of the Land Development Code and then scheduled for the next available Board of County Commissioners meeting.

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

F. Review by the Planning and Zoning Commission

1. The Planning and Zoning Commission will conduct a public hearing on the Final Plat.

2. The Planning and Zoning Commission has 65 days after submission of the completed Final Plat application to approve, approve subject to listed modifications, or deny the Final Plat. This time period may be extended if both the applicant and the Planning and Zoning Commission agree on an extension.

3. A positive recommendation by the Planning and Zoning Commission does not constitute approval of a Final Plat.

G. Review by the Board of County Commissioners

1. The Board of County Commissioners will conduct a public meeting on the Final Plat. The Board of County Commissioners has 45 days after receiving a completed Final Plat recommendation from the Planning and Zoning Commission to approve, approve subject to listed modifications, deny, or send the application back to the Planning and Zoning Commission for additional consideration. This time period may be extended if both the applicant and the Board of County Commissioners agree on an extension.

2. The Final Plat will be reviewed for substantial conformance with the approved Preliminary Plat by the Board of County Commissioners. The Board of County Commissioners 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 of County Commissioners.

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

13.5.29. 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 Development Code; and

C. Substantial conformance with the County's applicable adopted plans and policies.

D. Substantial conformance with the Preliminary Approval.

13.5.30. Modification of Standards

When the Board of County Commissioners, with a recommendation from the Planning and Zoning Commission, finds that because of topographic or other conditions peculiar to the site, the literal enforcement of a Preliminary Plat or Final Plat requirement may result in unnecessary hardship, the Commission may waive or modify the requirements. Before a waiver or modification request is granted, the Board of County Commissioners must find all of the following:

A. That the practical difficulties or unnecessary hardship were not created by the owner of the property or the applicant;

B. That the practical difficulties or unnecessary hardship are not solely financial;

C. That the waiver or modification will not substantially or permanently injure adjacent property or its improvements;

D. The waiver or modification requested is the minimum required to resolve the difficulties that will make possible the legal use of the land, building or structure;

E. The waiver does not reduce the lot size below the minimum lot size allowed in the zoning district; and

F. That the public health, safety and welfare are secured.

13.5.31. Final Plat Appeal

Decisions of the Board of County Commissioners are final. Applicants or affected property owners shall have no more than 14 days after a final decision is rendered by the BoCC to request reconsideration by the BoCC. If still not satisfied with a decision of the Board of County Commissioners one may pursue appeals to District Court within 30 days of the decision.

13.5.32. Length of Time to Complete Subdivision

If the subdivider has not completed construction of all proposed improvements identified in the development agreement within 5 years of the date of final plat approval, the County will, at its discretion, commence proceedings for the vacation of the subject plat, in accordance with Idaho Code Section 50-1306A and Sect. 13.XX

Quasi-Judicial Review

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

13.7.1. Quasi-Judicial Review Required

A. Quasi-Judicial Review is required for:

1. Conditional Use Permits;
2. Re-Zone Map Amendments (Project Specific);
3. Variances;

13.7.2. Approval of Quasi-Judicial Review

The Planning and Zoning Commission approves your Quasi-Judicial review following a recommendation by the administrator for conditional use permits and variances. The Board of County Commissioners approve a rezone after a recommendation from the Planning and Zoning Commission.

13.7.3. 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.

13.7.4. 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 required for approval.
2. To schedule a pre-application conference call the County or go to The Teton County Courthouse.

B. Submitting Your Application

1. Following the pre-application conference, you can start the application process. To begin, submit a complete application form, along with the required review fees, 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 13.3 and must be followed.

13.7.5. Concurrent Review Allowed?

Multiple Quasi-Judicial Review applications by one applicant may occur at the same time.

13.7.6. Public Notice

Quasi-Judicial Review applications requires a public hearing in front of the Planning and Zoning Commission. Re-zone application will require a second public hearing before the Board of County Commissioners. Notice requirements for public hearings are specified in 13.3.4

13.7.7. Quasi-Judicial Application Review

A. Initial Distribution of an Application

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

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

D. Planning and Zoning Commission Public Hearing

1. The Planning and Zoning Commission will conduct a public hearing for:

    a. Rezone- provide a recommendation to the Board of County Commissioners on the application.

    b. Conditional use permit & Variance- will approve, approve subject to listed modifications, or deny the application.

2. The Planning and Zoning Commission has 65 days from the date of the public hearing to submit their recommendations to the Board of County Commissioners, or make a final decision. This time period may be extended if both the applicant and the Planning and Zoning Commission agree on an extension.

3. The Commission may require conditions necessary to make the proposed project compatible with the applicable guidelines of the Quasi-Judicial Standards.

13.7.8. How do the Guidelines Apply?

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 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.

13.7.9. Criteria for Approval

The applicant has the burden of proof of demonstrating conformity with the guidelines in the Quasi-Judicial Standards. The Planning and Zoning Commission must consider the following when approving the project:

A. The project meets all applicable Land Development Code requirements.

B. Conditional Use Permit-

i. The use is allowed as a conditional use in the respective zoning district.

ii. The use complies with the specific use standards listed in Article 9, if any, without the granting of any variance.

iii. The use is compatible with adjacent uses in terms of location, scale, site design, hours of operation and operating characteristics.

iv. Any adverse impacts resulting from the proposed use in the affected area will be effectively mitigated or offset.

v. 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. Variance-

The Planning and Zoning Commission will not approve a Variance unless there are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other properties in the same zoning district. In making this determination, the Commission will consider all of the following criteria:

i. A literal interpretation of the provisions of this Land Development Code would effectively deprive the applicant of rights commonly enjoyed by other properties of the zoning district in which the property is located;

ii. 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;

iii. The requested variance will be in harmony with the purpose and intent of this Land Development Code and will not be injurious to the neighborhood or to the general welfare;

iv. The special circumstances are not the result of the actions of the applicant;

v. The variance requested is the minimum variance that will make possible the proposed use of the land, building or structure;

vi. The variance does not permit a use of land, buildings or structures, which is not permitted by right in the zoning district; and

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

D. Re-zone Map Amendment (project specific)-

i. The Zoning Map Amendment substantially conforms with the Comprehensive Plan.

ii. The Zoning Map Amendment substantially conforms with the stated purpose and intent of this Land Development Code.

iii. The Zoning Map Amendment will reinforce the existing or planned character of the area.

iv. The subject property is appropriate for development allowed in the proposed district.

v. There are substantial reasons why the property cannot be used according to the existing zoning.

vi. There is a need for the proposed use at the proposed location.

vii. 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.

viii. The Zoning Map Amendment will not significantly impact the natural environment, including air, water, noise, stormwater management, wildlife and vegetation.

ix. The Zoning Map Amendment will not have a significant adverse impact on property in the vicinity of the subject property.

13.7.10. Additional Studies required

Before granting a Quasi-Judicial approval, studies may be required of the social, economic, fiscal, and environmental effects of the proposed special use.

13.7.11. 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 Land Development Code;

H. Require mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction.

13.7.12. Development Agreements

A. A development agreement, as specified in Sec. 67-6509, Idaho Code, is allowed as a condition of a map amendment or conditional use permit.

B. A development agreement may be modified only with permission of the Board of County Commissioners, following a public hearing and notice as would be required for the original adoption.

13.7.10. Establishment of a Precedent with approval

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

13.7.13. 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.

13.7.14. How long is Quasi-Judicial Review Approval Valid?

An approved project Quasi-Judicial 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.

13.7.15. Quasi-Judicial Application Denial

A. Conditional Use Permit & Variance- Applicants or affected property owners unsatisfied with the Planning and Zoning 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 a final decision of the Planning and Zoning Commission. The appeal will be heard by the Board of County Commissioners. Decisions of the Board of County Commissioners are final. Applicants or affected property owners shall have no more than 14 days after a final decision is rendered by the BoCC to request reconsideration by the BoCC. If still not satisfied with a decision of the Board of County Commissioners one may pursue appeals to District Court within 30 days of the decision.

B. Rezone- Decisions of the Board of County Commissioners are final. Applicants or affected property owners unsatisfied with the Board of County Commissioner's decision based on the identified criteria for approval, may submit in writing an request for reconsideration, identifying the specific criteria that were not met along with the associated fee no more than 14 days after a final decision of the BoCC.. If still not satisfied with a decision of the Board of County Commissioners after the reconsideration, one may pursue appeals to District Court within 30 days of the decision.

C. No application for a 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.

13.7.16. 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 BoCC.