8-6-3: TEMPORARY USES:

A. APPLICABILITY: This subsection shall apply to all temporary/seasonal uses, structures, special events and activities, collectively referred to as "temporary uses" that take place in the unincorporated areas of Teton County. ~~on private property.~~

B. INTENT: The intent of this section is to provide for the regulation and permitting of all Temporary Uses/Events and Temporary Structures ~~The requirements of this subsection are intended to provide for the regulation and permitting of all non-exempt temporary/seasonal uses, structures, special events, and activities that take place on private property. These uses have only a temporary duration and are not so recurring in nature as to constitute a permanent use. These requirements are not intended to regulate temporary uses on public property, such as schools, parks, or county roads. Temporary uses or special events on private or public land that may impact travel on Teton County public right-of-ways or property may be subject to obtaining separate authorizations from Teton County Road and Bridge Department, Idaho Department of Transportation, Eastern Idaho Public Health Department, or the Teton County Sherriff's Office. Sponsors of special events taking place in public rights-of-way should check with these agencies.~~

C. TYPES OF TEMPORARY USES: ~~The three categories of Temporary Uses (TUP) are: Major, Minor and Exempt Temporary Uses. The Planning and Zoning Administrator shall determine whether a particular use is an exempt temporary use, a minor temporary use, a major temporary use, or if the proposed use is not listed below, whether it is similar in impacts to a listed use. The Planning and Zoning Administrator may approve other unlisted temporary uses, structures, or activities if he/she determines that such use can comply with the Review Criteria for Temporary Use Permits and would not otherwise jeopardize the health, safety, or general welfare, or be injurious or detrimental to properties adjacent to, or in the vicinity of, the proposed location of the temporary use.~~

1. Exempt Temporary Uses: The following uses shall not require a temporary use permit:

   a. Any event sponsored in whole or in part by Teton County.

   b. Estate or real estate sales involving the property or items from the property where the sale is held.

   c. Garage, yard, rummage or small scale summer produce sales provided the sales event is on a residentially zoned property and it last no longer than three (3) consecutive days. No more than six (6) garage sale events are allowed on the same residential property within a single calendar year.

   d. Special events such as weddings, purely social parties, or similar family events where the function or event involves the owner or lessor of the property and where no monetary consideration or fees for such use of the property or attendance is involved. These exempted special events may include those events taking place upon the grounds of a private residence or upon the common areas of a subdivision or multifamily residential development for which no admission or rental fee or other charge is assessed.

2. Temporary Portable Storage Containers: A container designed and rented or leased for the temporary storage of commercial, industrial, or residential household goods that does not contain a foundation or wheels for movement.

    a. Use Standards

        i. Containers are permitted for a maximum of 30 consecutive days, once per calendar year.

        ii. No more than 2 containers are permitted at any one time.

        iii. No container may be more than 10 feet in height, or more than 200 ft^2.

        iv. Containers cannot be stacked on top of each other.

        v. Containers cannot be located in any required setback and must be located completely on the owner's lot, and no part of any container may be located in the public right-of-way.

    b. Permit Requirements:

        i. Containers meeting the use standards stated above in 8-6-3(C-b-ii) will not require a permit.

        ii. Any person wishing to utilize a container longer than 30 calendar days may apply for a building permit to make the container a permanent, accessory building.

        iii. This would require a Type 3 Setting Permit through the Building Department.

3. Temporary Structures as Living Quarters: Temporary structures such as yurts, RVs, park models, and seasonal cabins that do not meet the building code requirements for habitable space are not considered to be permanent residential structures, and therefore are not allowed as living quarters for more than 180 days in a single calendar year.

    a. Permit Requirements

        i. Temporary Structures as Living Quarters may require a Temporary Structure Permit, as required by the International Building Code, through the Building Department. Uses should contact the Building Official before use begins to determine if a permit is required.

4. Temporary Uses/Events: Temporary Uses are uses that have a temporary duration which are not so recurring in nature as to constitute a permanent use.

    a. Type 1 Temporary Uses

        i. Any temporary use that is not considered an Exempt Temporary Use, a Temporary Portable Storage Container, or Temporary Structures as Living

Quarters. This does not include temporary uses on public property, such as schools, parks, or county roads.

b. Type 2 Temporary Uses

i. A Type 2 Temporary Use is any Type 1 Use that proposes any of the following:

1. Road closures or detours

2. Food or alcohol vending

3. Medical or security presence will be provided

4. 250 more expected attendees

c. Type 1 and Type 2 Temporary Uses require a Temporary Use Permit, see 8-6-3(D) through 8-6-3(M).

~~a. Weddings and similar events are also exempt from obtaining a permit when these types of events take place on commercial properties that are specifically authorized for these uses.~~

~~b. Any organized activities conducted at permanent facilities typically intended and used for such activities, and/or on a site for which a zoning permit has been granted specifically allowing the special event activity, and the operation of the event complies with all permit conditions. Examples of such exempt activities include, but are not necessarily limited to, sporting events such as golf, soccer, softball, and baseball tournaments conducted on courses or fields intended and used for such activities; wedding services conducted at reception halls or similar facilities; funeral services conducted at funeral homes or cemeteries; religious services, wedding services, and funeral services conducted at places of worship.~~

~~2. Minor Temporary Uses: Minor temporary uses may occur on either developed or undeveloped property and typically take place for limited time periods, or occur seasonally. Minor temporary uses are typified by a relatively low level of impacts to the neighborhood or the environment. Minor temporary uses produce very limited noise levels to adjacent properties, and do not create substantial traffic and/or public safety concerns. Minor Temporary uses include, but are not limited to the following:~~

~~a. Farm Stands may be seasonally permitted with a temporary use permit or the use can otherwise be permitted as a permanent use in the A-20, A2.5, C-1, C-2, C-3 Zoning Districts;~~

~~b. Real estate sales offices and model homes within approved development projects;~~

~~c. Weddings, receptions, or other social events where the function or event involves the owner or lessor of the property and where a monetary consideration or fees for such use of the property or attendance is involved and a total of no more than one~~

~~hundred (100) attendees are expected;~~

~~d. Contractors' construction yards, trailers, coaches or mobile homes that are used as a temporary residence during construction of a dwelling;~~

~~e. Christmas tree and pumpkin sales lots and seasonal sale of agricultural products that are sold from properties that do not have a legally established commercial retail authorization;~~

~~f. Short-term workshops, retreats, or classes held at residences for the purpose of art, handicraft, music, or educational instruction.~~

~~3. Major Temporary Uses: Major temporary uses take place for a limited time period, or occur seasonally, and the potential impacts have a higher possibility to create health, safety or environmental problems, or the use is expected to create high levels of noise offsite and/or produce traffic problems, and/or could potentially disrupt the neighborhood. Major Temporary uses include, but are not limited to the following:~~

~~a. Concerts that have a duration of one (1) day to no more than three (3) days in a thirty (30) day period and are limited to two (2) events per year on the same property.~~

~~b. Fairs and festivals that have a duration of one (1) day to no more than three (3) days in a thirty (30) day period and are limited to three (3) events per year on the same property.~~

~~c. Outdoor temporary swap meets or auctions (limited to three (3) events per calendar year, four (4) days each).~~

~~d. Short term, temporary industrial type operations related to car-crushing/metal recycling where portable equipment is brought in to crush and process vehicles and prepare the metal for recycling.~~

~~e. Weddings, receptions, or other social events where the function or event involves the owner, lessor, or lessee of the property and where monetary consideration or fees for such use of the property or attendance is involved.~~

~~D.~~ **TEMPORARY USE PERMIT REVIEW PROCEDURES:** ~~Applicants for a Temporary Use Permit are required to have a pre-application conference with the Planning Administrator or his/her designee. A checklist of submittal items shall be provided to the applicant. If the Planning Administrator determines that the proposed use is a Major Temporary use, as defined above, then a list of property owners within 300 feet of the subject property shall be generated and provided to the applicant. Notification to land owners may exceed the 300 foot distance at the discretion of the planning administrator. A County letter shall be provided to the applicant, and the letter shall state that the applicant intends to apply for a temporary use permit, and the letter shall provide a brief description of the proposed event or temporary use, its location and proposed times. The letter shall provide the Planning Administrators contact information and solicit comments from the~~

~~notified property owners. The applicant shall complete the mailing and obtain a USPS Certificate of Mailing of these letters before an application is submitted or accepted as complete~~

~~**E.** Application Process: An application for a Temporary Use Permit shall be filed with the Planning Department on the prescribed forms accompanied by the submittal items identified on the Planning Administrator's checklist supplied at the pre-application meeting. Applications for Major Temporary Uses Permits shall include a U.S. Postal Service certification of mailing to all land owners within 300 feet of the subject property. The Planning Administrator shall make a written determination if the application is either complete or insufficient for review within seven (7) days of receipt.~~

~~Application Review: The Planning Administrator may send the application materials to Eastern Idaho Public Health District, the County Engineer, the Sheriff's Office, the Fire Protection District, and/or any other public agencies, homeowners associations or other entities that may provide comment on the application materials. Within fourteen (14) days of determining an application complete, the Planning Administrator shall review the application materials and may approve or deny the Temporary Use application. In the case where an application is denied, the applicant may resubmit a substantially revised application or may appeal the Planning Administrators decision to the Planning and Zoning Commission, who shall hold a Public Hearing and consider the appeal. (amd 2012-12-13)~~

~~F.~~D.

1. A completed application form, site plan, and required fees shall be submitted to the Planning Department at least sixty (60) days prior to the event.

2. Upon determination of a complete application, the Planning Administrator will promptly distribute the application for review by internal County departments and external agencies. Anything regulated in the Teton County Code will be reviewed for compliance.

3. If a proposed Temporary Use crosses multiple jurisdictions, the Planning Administrator will invite the other jurisdictions to review the application(s) together to ensure approvals do not conflict.

4. If the Temporary Use is considered a Type 2 Temporary Use, a DRC Meeting must be scheduled.

    a. Development Review Committee (DRC) Meeting

        i. 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. Planning Department staff will take notes to summarize the findings from this meeting.

        ii. For Type 2 Temporary Use Permits, the following departments/agencies will always be invited to the DRC meeting:

            1. Teton County Planning

2. Teton County Public Works/Engineer
3. Teton County Sheriff
4. Teton County Prosecuting Attorney
5. Teton County Risk Manager
6. Teton County Fire District
7. Teton County Emergency Management
8. Teton County Ambulance Service District
9. Eastern Idaho Public Health, District 7

iii. For Type 2 Temporary Use Permits, the following departments/agencies may be invited to the DRC meeting:

1. Other County Departments
2. State and Federal Agencies
3. Service/Utility Providers
4. Neighboring Communities

5. If after the internal and external review and any necessary revisions to the application, the Planning Administrator finds that the application meets all applicable requirements of the Teton County Code, the Planning Administrator will approve or deny the application. A decision will be made within thirty (30) days of receiving a complete application. This time period may be extended if both the applicant and the Planning Administrator agree on an extension.

6. If the Planning Administrator finds that the application does not meet all the applicable requirements of the Teton County Code, the Planning 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 application.

7. Approval or denial of the application is based on whether or not the submittal meets or fails to meet the applicable requirements of the Teton County Code. The Planning Administrator may not modify a standard in the Teton County Code unless the requested modification is allowed.

8. Filing Fee: A filing fee as set by the current fee schedule shall be submitted by the property owner or owner's representative at the time of filing an application. The County shall accept no application or filing fee until the applicant for consideration of the request submits a complete application with required information and data.

E. HOURS OF OPERATION AND SOUND LEVELS RESTRICTED

1. Hours of Operation:

    a. Temporary Uses are limited to hours of operation between the hours of 6:00 AM and12:00 AM (midnight).

2. Sound Level:

    a. The use of amplified sound shall be regulated in such a manner that it shall not interfere with normal usage of any neighboring school, church, residence, or other permanent place of human habitation. A sound level in excess of one-hundred (100) decibels between 9:00 AM and 8:00 PM, in excess of eighty-five (85) decibels between 8:00 PM and 10:00 PM, and in excess of seventy (70) decibels between 6:00 AM and 9:00 AM and 10:00 PM and 12:00 AM (midnight) shall constitute interference, as measured by the Planning Administrator or Teton County Sheriff from an adjacent property.

3. A deviation from these standards may be obtained from the Planning Administrator if appropriate mitigation measures are taken.

F. CASH DEPOSIT OR BOND

1. The County may, as it deems necessary to comply with these standards and applicable permit review criteria, require a bond and damage or clean-up deposit, or other financial guarantee to provide that the site is restored to its former condition and any damages are repaired.

    ~~1.~~a. Additional Services Required

    ~~2.~~**i.** If an event requires the use of County or Emergency personnel and/or equipment (such as police, fire protection, medical services, etc,) in excess of services customarily supplied, the applicant shall pay those costs.

    ii. The deposit or its balance shall be returned when the Planning Administrator certifies that no damage has been done, the County did not incur additional expenses due to the event, or that the cost of additional services described above has been paid by the applicant.

G. LIABILITY INSURANCE

1. The applicant may be required to provide evidence of liability insurance providing for a minimum of one hundred thousand dollars ($100,000.00) bodily injury coverage per person, three hundred thousand dollars ($300,000.00) bodily injury coverage per occurrence, and one hundred thousand dollars ($100,000.00) property damage coverage, naming the County as an additional insured.

H. ADDITIONAL PLANS, PERMITS, AND APPROVALS REQUIRED: The following plans, permits, and approvals will be required, as applicable, for any proposed Temporary Use with 250 or more expected attendees. These may be required for smaller events, as determined by the Planning Administrator.

1. Public Safety: A plan addressing the public safety, including medical services, fire protection, traffic safety, animal control, and crowd control. There may be additional fees for these services.

    a. This may involve approval from the Teton County Sheriff, Teton County Ambulance District, Teton County Fire District, Teton County Public Works, and Idaho Transportation Department.

    b. If an event will include the use of open flames, fireworks, or the sale of fireworks, an inspection and approval must be obtained from the Teton County Fire District.

    c. For any event providing shuttle or valet parking, a parking plan will be required.

    d. If any road closures, sidewalk closures, or restricted access is proposed, approval must be granted by Teton County Public Works and/or Idaho Transportation Department. A traffic plan including proposed closures and/or equipment being used may be required.

2. Sanitary and Waste Related Facilities:

    a. A plan for sanitary facilities including the type, number, and location or proposed location of all toilets, washing facilities, and water supply facilities.

    b. A plan for the use and placement of garbage and recycling containers. Any approval or permits required by the County's service provider shall be included in the application materials.

3. Food Vendors:

    a. If food is to be served as part of the event, a Temporary Food Establishment License from Eastern Idaho Public Health, District 7 must be obtained and included in the application materials.

    b. A plan may also be required that shows the type, number and location or proposed location of all food preparation and food service facilities.

4. Alcoholic Beverages

    a. If alcohol beverages will be served and/or sold, an Alcohol License must be obtained from the State of Idaho and Teton County. These licenses must be included in the application materials. An alcohol management plan may also be required.

5. Signs:

    a. Signage may be required for any life safety concerns.

b. Any signs associated with a Temporary Use Permit must comply with the requirements of Chapter 9 of this Title.

6. Public Notice/Neighborhood Meeting:

a. Public Notice in the form of a newspaper advertisement, published at least 15 days prior to the event, will be required at the expense of the applicant. A neighborhood meeting may be required by the Planning Administrator.

~~G.~~b. For smaller events, the Planning Administrator may require a newspaper notice, mailed notices to adjacent property owners within 300 feet, or on site postings. If the Temporary Use involves a routed activity, such as a bike race, the location of the event will be based on start/finish locations and any gathering points throughout the route that may have an impact (i.e. river access points if the event would transfer from the road to the river).

~~1. Permit Conditions of Approval: Reasonable conditions may be required in connection with the approval of any temporary use permit which are deemed necessary to protect the public health, safety and welfare and the social and economic well being of those who will use the temporary use, residents and landowners immediately adjacent to the proposed use, and the community as a whole. Any condition imposed must be clearly specified in writing on the temporary use permit.~~

~~2. Term of Permit: A temporary use permit issued pursuant to this section shall be limited to a maximum duration of 180 consecutive days per year, unless otherwise specifically authorized in the terms of the Temporary Use Permit or as otherwise provided in this section.~~

~~3. Bond and Clean-Up Deposit: In its approval of a Temporary Use Permit for a special event, the county may – as it deems necessary to comply with these standards and applicable permit review criteria – require provision for a bond and damage or clean-up deposit, or other financial guarantee to provide that the site is restored to its former condition and any damages are repaired.~~

~~4. Revocation: The Planning Administrator may revoke a Temporary Use Permit at any time when a condition or conditions of the permit is not being met and/or the public health, safety, or welfare is being compromised by the continued operations of the temporary permit or special event. The Planning Administrator shall issue a cease and desist order in order to revoke the permit.~~

~~H. REVIEW~~ APPROVAL CRITERIA USED FOR TEMPORARY USE PERMITS:
~~The review criteria of this subsection shall apply to all allowed temporary uses unless otherwise expressly stated.~~

I.

1. The design complies with the specific standards of this Code, without the granting of any variance.

2. All necessary permits and/or written approvals from other agencies have been obtained.

~~1.~~ Uses of land and structures that require installation of permanent water, sewer or electrical facilities, regardless of their seasonal or intermittent use or character are regulated as permanent uses of land and are not eligible for a Temporary Use Permit under this section.

3.

~~2.~~ The proposed site shall be adequately served by streets or highways and has sufficient width and improvements to accommodate the kind and quantity of traffic that such temporary use will or could reasonably generate.

4.

~~3.~~ The temporary use will have no significant adverse effect on nearby properties or jeopardize public health, safety, and general welfare.

5.

~~4.~~ Adequate parking will be provided to accommodate the vehicular traffic to be reasonably generated by such use. Parking will be available either on-site or at approved alternate locations.

6.

~~5.~~ Adequate sanitation facilities will be available on the site.

7.

~~6. Permanent signs are prohibited. All temporary signs associated with the temporary use shall be erected no more than 14 days prior to the start of the event and shall be removed within 2 days after the activity ends.~~

~~7.~~8. The owner or operator of a temporary use shall be responsible for the storage and removal of all trash, refuse, and debris occurring on the site. Furthermore, all trash storage areas shall be screened from view of adjacent rights-of-way and the site must be maintained in a clean and safe manner.

~~8.~~9. No temporary use shall be established that is intended to be a permanent use on the site.

~~9.~~10. The temporary use regulations of this subsection do not exempt the applicant or operator from any other required permits, such as health department permits.

11. The temporary use or special event has adequate security measures, according to the Teton County Sherriff's Office, to ensure public safety. Additional fees may be assessed by the Sheriff's Office.

12. The temporary use or special event has adequate fire protection and medical service measures, according to the Teton County Fire District and Ambulance District, to ensure public safety. Additional fees may be assessed by the Fire District or Ambulance District.

J. LENGTH TEMPORARY USE PERMIT APPROVAL IS VALID

1. A Temporary Use Permit issued pursuant to this division shall be limited to a maximum duration of 180 consecutive days per year, unless otherwise specifically authorized in the terms of the Temporary Use Permit or as otherwise provided in this division.

K. INSPECTIONS

1. By signing the application for a Temporary Use Permit, the applicant expressly grants permission to Teton County, Eastern Idaho Public Health, and the Teton County Fire Protection District to perform physical inspection of the premises used for the Temporary Use before issuing a permit, as well as to investigate any formal complaint filed with the Planning Department or Teton County Sheriff.

L. REVOCATION

1. The Planning Administrator or the Teton County Sheriff may revoke a Temporary Use Permit at any time when a condition or conditions of the permit are not being met and/or the public health, safety, or welfare is being compromised by the continued operations of the temporary use. The Planning Administrator shall issue a cease and desist order to revoke the permit.

2. The revocation of a Temporary Use Permit may result in the immediate cancellation of the Temporary Use Permit, denial of future Temporary Use Permits, and/or criminal prosecution.

M. APPEAL: Any affected person unsatisfied with an administrative decision on a Temporary Use Permit application that is related to a requirement in this Code can file an appeal.

1. Appeal Submittal:

    a. To begin the appeal process, submit a complete application form, along with the required application fees, to the County. The appeal application must be filed within 14 days of the date of decision.

    b. An official denial letter must be provided to the applicant prior to the application of an appeal.

2. Appeal Review:

    a. Appeal of the Planning Administrator's decision

        i. Any appeal received and all papers constituting the record relating to the action appealed will be transmitted by the Planning Administrator to the Commission for a public meeting within 30 days of receipt by the Planning Administrator of a complete application.

        ii. The Commission will, during a regularly scheduled public meeting, make findings and render a decision within 30 days after the public meeting on the administrative appeal.

    b. Appeal of the Commission's' decision

i. Any appeal received and all papers constituting the record relating to the action appealed will be transmitted by the Planning Administrator to the Board for a public meeting within 30 days of receipt by the Planning Administrator of a complete application.

ii. The Board will, during a regularly scheduled public meeting, make findings and render a decision within 30 days after the public meeting on the administrative appeal.

c. Appeal of the Board's decision

i. Applicants or affected property owners shall have no more than 14 days after the written decision is delivered to request reconsideration by the Board.

ii. Any reconsideration request received and all papers constituting the record relating to the action appealed will be transmitted by the Planning Administrator to the Board for a public meeting within 30 days of receipt by the Planning Administrator of a complete application.

iii. If still not satisfied with a decision of the Board, one may pursue appeals to District Court within 28 days of the written decision being delivered.

3. Pursuit of Other Approvals While Appeal is Pending:

a. The filing of an appeal means you can no longer move forward with any other approvals related to your development project until a decision has been made related to the appeal.

4. Criteria for Appeal Review:

~~10.~~a. The criteria for approving or denying the request are the same used for the original decision by the Planning Administrator. The Commission may affirm or reverse the Planning Administrator's decision based on the applicable standards in this Code.