

**AN AMENDMENT TO TITLE 9 TO ADD SECTION
9-2-2 DEFINITIONS**
Planner: Angie Rutherford
Prepared Sept. 27, 2012 for the Planning & Zoning Commission
Public Hearing of Oct. 9, 2011

APPLICANT: Teton County Planning, Building & GIS Department

APPLICABLE CODES: Title 9 Teton County Subdivision Ordinance- Definition of “Utilities,” “Installation of Public Utilities,” and “Financial Guarantee Arrangements”

REQUEST: Amend Title 9 to clarify required utilities and other infrastructure improvements. The proposed text would amend Title 9 Chapter 2- Definitions and Chapter 4- Development Standards.

BACKGROUND: This application is continued from the PZC’s previous meeting. The required utilities and other public improvements have been clarified.

PROPOSED AMENDMENT:

See attached

STANDARDS FOR AMENDMENTS TO THE TEXT OF THE COUNTY CODE

Consistent with purposes of the Teton County Code. The proposed amendment is consistent with 9-1-3 Purposes and Scope of Title 9 of the Teton County Subdivision Ordinance.

Consistent with Comprehensive Plan. The proposed amendment is consistent with the Teton County Comprehensive Plan 2004-2010, and with the draft 2012 Comprehensive Plan. The Comprehensive Plan states the economic burden of new development should not fall on the tax payers. This amendment would give the option to a developer whether to bear the cost of these particular utilities or whether the developer wants to push the costs onto the future lot owner who will need to purchase wireless services.

Consistent with other section of the Zoning and Subdivision Ordinance. The proposed amendment is consistent with other provisions of this Teton County Code.

CONSISTENT WITH STATE STATUTE 67-6511

- (a) **Particular consideration shall be given to the effects of any proposed zone change upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction.** The proposed amendment would not affect the government’s ability to provide services.
- (b) This hearing has been noticed appropriately.
- (c) **The governing board shall analyze proposed changes to zoning ordinances to ensure that they are not in conflict with the policies of the adopted comprehensive plan.** The proposed changes are not in conflict with the comprehensive plan.
- (d) The proposed amendment is not a zone change.

PLANNING COMMISSION ACTIONS:

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

The following motion could be used if the Board chooses to approve the application:

Having found that the proposed amendments to the Subdivision Ordinance (Title 9) concerning required utilities is consistent with the purposes and goals of the Comprehensive Plan and with the County Ordinance's general goals and purposes statements, I recommend approval to the Board of County Commissioners of the proposed section, as presented by Planning Staff in the attachment entitled Proposed amendments to Title 9, Chapters 2 and 4.