



**WORK SESSION TO CREATE AN AMENDMENT TO  
THE TETON COUNTY CODE TO ADD A NEW  
SECTION: PROVISIONS OF GENERAL  
APPLICABILITY**

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**APPLICANT:** Teton County Planning Department

**APPLICABLE CODE:** Title 8 Teton County Zoning Ordinance

**REQUESTS:** Add (and renumber) Section entitled Provisions of General Applicability which 1) adds the requirement to have a preapplication conference for most applications and 2) establishes a formal process for determining whether a submitted land use application is complete and sufficient enough to commence the official 45-day review by multiple agencies.

**APPLICABILITY:** County wide, all zoning districts

**BACKGROUND:** The two proposed sections of code would establish fairly common and standard planning and zoning application steps and procedures that benefit applicants as much or more as the Planning Department. The first section would require a preapplication meeting between an applicant and the Planning Department. The second proposed code section outlines a process for determining an application to be truly and officially complete and ready to be sent to a dozen agencies for the statutory 45-day review period.

**Preapplication meetings:** There are multiple reasons to hold such a meeting and there are unintended consequences to not holding a meeting before submitting an application; these reasons include:

- applicants can spend time and money to develop applications for projects that are not even permitted or feasible in a particular zone or zone.
- applicants do not always know what type of information to submit and what is needed for the development review to commence. (A submittal checklist is provided and discussed at a preapplication meeting).
- A preapplication meeting can identify many different factors that an applicant or even a professional agent may not have considered.
- A preapplication meeting can help an applicant have clear expectations about all the steps and realistic timeframes that are needed to get a vote for, or determination of project approval. For example a subdivision involves a Planning Administrator's Concept review stage; next a Preliminary Plat requires a public hearing in front of the Planning & Zoning Commission, then another hearing in front of the Board. Lastly, the Final Plat application is publicly presented to the Board. The preapplication meeting identifies the steps and sub-steps that are involved in the review and approval process.
- The Planner can apprise an applicant of the history of similar applications that have been approved or denied recently.

- The preapplication meeting can provide greater clarity about the amount and level of detail required at the various stages of review. For example, “50% Complete Construction drawings” may be all that is needed for a particular preliminary plat or CUP application. The planner may direct the applicant to the County Engineer for further refinement of the technical application materials that are needed.
- Much of the County is mapped with zoning Overlays for floodplains, wetlands, wildlife habitat, airport influence zones, and a scenic corridor. Each of these overlays could create the need to generate a fairly involved report. These specialized studies include: Nutrient-Pathogen Studies, a Natural Resources Analysis, Scenic Corridor permit, FEMA floodplain elevation study, or a traffic impact study. Potentially all these studies could be identified to an applicant at a much earlier stage in the planning for a parcel’s development.

Staff recognizes that there is a benefit to holding a preapplication meeting for both Conditional Use type applications and (Title 8 Teton County Zoning Ordinance) for plat applications (Title 9 Teton County Subdivision). Presently, any procedures about basic application processes would be put in each Title separately. The fundamental structure of the Teton County “Code” often necessitates repeating things stated in Title 8 to also be restated in Title 9. A “Unified Development Code” format is very commonly used and it eliminates some of the repetition of duplicate sections of code in multiple chapters. Sometimes the text of one Title is amended and the corresponding change in the other Title is not amended; the Overlay zones language is a case in point.

#### **Application Sufficiency Determination**

Once an application is submitted, the Planning Department must make an official determination as to whether the materials on the checklist (provided at the preapplication meeting) have been submitted and that those materials are of the type that is expected. For example a traffic impact report has a certain set of engineering metrics that are typically used. If a submittal does not use those measurement categories, then the item will need revising. It is possible the review of the entire application will not be commenced until all the required information is presented.

#### **AMENDMENT TO TITLE 8 TETON COUNTY ZONING ORDINANCE**

See the attached sheet entitled “PROVISIONS OF GENERAL APPLICABILITY”

#### **STANDARDS FOR AMENDMENTS TO THE TEXT OF THE COUNTY ORDINANCE:**

**Consistent with purposes.** Staff believes that the proposed regulation is consistent with Section 8-1-3 Purposes of Zoning Ordinance and with 9-1-3 Purposes and Scope of Title 9 of the Teton County Subdivision Ordinance.

**Consistent with Comprehensive Plan.** The proposed regulation is consistent with the Teton County Comprehensive Plan 2004-2010 and any trends that are apparent in the on-going comp plan surveys.

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

**Additional flexibility.** The proposed amendment to the text could provide additional flexibility in meeting the objectives of Title 8 and Title 9 Teton County Code.

**PROVISIONS OF GENERAL APPLICABILITY (section number to be determined)**

**A. General.** The submission of a land use application and the subsequent steps for determination of sufficiency, staff review, and notice and scheduling of public hearings shall comply with the procedures established in this section.

**B. Application Forms.** All applications shall be on County forms prepared and made available by the Planning Administrator. An application checklist shall be developed by the Planning Administrator and a separate, more detailed engineering checklist may also be provided by the County Engineer when applicable. This application checklist shall be distributed to the public indicating all information that must be presented in order for the Planning Administrator to evaluate a land use application. No application shall be accepted as sufficient unless the information required in the form, and the checklist, is found by the Planning Administrator to be in sufficient detail to evaluate the application to determine whether it complies with the requirements of the County Zoning and Subdivision Ordinances.

**C. Fees.** All applications shall be accompanied by the applicable fee required by the current County fee schedule. The fee schedule shall be established and may be revised from time to time by the Board of County Commissioners. Its purpose shall be to defray the costs of processing applications. The fee schedule shall be available for review in the County Planning and Building Department during normal business hours and on the County website.

**D. Preapplication Conference**

**1. Preapplication conference required.** A preapplication conference shall be held prior to submission of the following development applications: Temporary Use Permit, Conditional Use Permit, Uses Permitted with Conditions, Home Occupation Permit, Boundary Adjustment, One-Time-Only Split of One Parcel, Subdivision Concept Plan and Preliminary Plat, Plat Amendment or Vacation request.

**2. Initiation of preapplication conference.** An applicant shall initiate the request for a preapplication conference with the Planning and Building Department. Along with the request for the preapplication conference, the applicant shall submit, on a form provided to the public by the Planning Administrator, a description of the character, location, and magnitude of the proposed development and the type of development permit sought.

**3. Scheduling of preapplication conference.** Upon receipt of a request for a preapplication conference, the Planning Administrator shall schedule the preapplication conference. The preapplication conference shall be held within ten (10) business days of receipt of the request for such a conference. An applicant may request that the preapplication conference be held with the Planning and Zoning Commission in which case the preapplication conference shall occur within thirty (45) business days of receipt of the request. The Planning Administrator shall notify the applicant of the time, date, and place of the preapplication conference.

**4. Preapplication conference purposes.** The purpose of the preapplication conference are to familiarize County officials with the general location and character of the proposed development, identify the applicable provisions of these regulations, and establish the submittal requirements for the application. At the preapplication conference, the applicant and the Planning Administrator, and/or the Planning and Zoning Commission shall discuss the proposed development, and based upon the information provided by the applicant and the provisions of the Zoning and Subdivision Ordinances, identify the provisions of the County Zoning and Subdivision Ordinances that apply to the proposed land use application. During review of the proposed development or upon submission of more detailed information about the proposed development, additional provisions of these regulations may be identified to be applicable.

5. **Written summary.** The Planning Administrator shall provide the applicant a written summary of the preapplication conference within fourteen (15) business days of the completion of the preapplication conference.

6. **Expiration of preapplication conference.** A land use application shall be based on the written summary of the preapplication conference held no more than twelve (12) months previous to the application submittal. A new preapplication conference is required before submission of an application if more than a year has elapsed since the prior conference.

**E. Submission of Application and Determination of Sufficiency.** The submission of an application and the determination of its sufficiency shall comply with the following standards:

1. **Initiation.** Applications for land use permits shall be submitted to the Planning Administrator by the owner, applicant, or authorized agent.

2. **Fees required.** An application for a development permit shall be submitted with a fee established pursuant to the County Fee Schedule.

3. **Required contents of application.** The submittal requirements established by the Planning Administrator during the preapplication conference shall be submitted. Additional information may be required during review of the application if the Planning Administrator finds the information necessary to determine compliance with these regulations.

4. **Determination of sufficiency.** Within fifteen (15) business days of the submittal of an application, the Planning Administrator shall determine if the application is sufficient. An application is sufficient if it contains the submittal requirements identified on the application checklist and/or during the preapplication conference in sufficient completeness and detail to commence review and evaluation of the application. No application shall be deemed sufficient if there are delinquent, unpaid property taxes owed on the subject parcel.

a. **Determined insufficient.** If the Planning Administrator determines that the application is not sufficient, a written notice shall be conveyed to the applicant specifying the deficiencies. No further action shall be taken on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies within sixty (60) calendar days, the application shall be considered withdrawn. If the Planning Administrator fails to convey written notice of any deficiencies to the applicant within fifteen (15) business days of submission of the application, the application shall be deemed sufficient.

b. **Determined sufficient.** When the application is determined sufficient, the Planning Administrator shall notify the applicant of the determination and commence review and evaluation of the application to determine compliance with the Zoning and Subdivision Ordinances. At the time the application is declared sufficient the applicant shall submit additional copies of the application for distribution to the various reviewing agencies.