



CODE CHANGE APPLICATION

Teton County, Idaho

The planning staff is available to discuss this application and answer questions. Once a complete application is received, it will be reviewed by the planning administrator or his designee and then scheduled for a public hearing with the Planning and Zoning Commission, who will make a recommendation to the Board of County Commissioners. A second public hearing will be scheduled with the Board of County Commissioners who will make the final decision. It is recommended that the applicant review Title 9 of the Teton County. Application materials may be viewed on the Teton County Idaho website at www.tetoncountyidaho.gov.

To expedite the review of your application, please be sure to address each of the following items.

SECTION I: PERSONAL AND PROPERTY RELATED DATA

Owner: _____

Applicant: ___ Teton County Planning Department ___ E-mail : arutherford@co.teton.id.us _____

Phone: (208) 354-2593 _____ Mailing Address: 150 Courthouse Drive, rm 107 _____

City: Driggs _____ State: ID _____ Zip Code: 83422 _____

Engineering Firm: _N/A_____ Contact Person: _____ Phone: () _____

Address: _____ E-mail: _____

Code Section to be Addressed:

Current Code Section: Title 9, Chapters 2 and 4- change to the required utilities for subdivision approval

Is this an **amendment** or a **new section** of code (circle one)

Please provide a copy of the current code section and a draft of the proposed new code.

- Current Code Draft Amendment Fees paid in accordance with current fee schedule
 Narrative

I, the undersigned, have reviewed the attached information and found it to be correct. I also understand that the items listed below are required for my application to be considered complete and for it to be scheduled on the agenda for the Board of County Commissioners public hearing.

• Applicant Signature: _____ Date: _____

Fees are non-refundable.

SECTION II: REQUIRED ITEMS

1. **Narrative.** Please include an explanation of the following:
 - a. Why is the proposed code change needed
 - b. What is the pertinent background information
 - c. What is the anticipated outcome of the proposed code change
 - d. What area(s) of the County will the code change effect
 - e. The proposed code change does not affect the County's ability to provide services
 - f. The proposed code change does not conflict with any other section of Teton County Code
 - g. The proposed code change does not conflict with State or Federal code
 - h. The proposed code change is in accordance with the Comprehensive Plan
2. Copy of the current, **existing code**
3. Draft copy of the **proposed code** and any other amendments that might result (i.e. changes to definitions or other sections of the code that address the topic)

SECTION III: CRITERIA FOR RECOMMENDATIONS AND DECISIONS

1. Recommendations of the commission and the decisions of the board shall be made a matter of public record in accordance with sections 67-6511 of the Idaho Code. The recommendations and decisions shall specifically find that such changes, modifications, or amendments to the code meet the following criteria:
 - The comprehensive plan is considered for compliance and conformance with the goals, policies and objectives as outlined in the plan and other evidence gathered through the public hearing process;
 - The proposed change will maintain the purposes and objectives of zoning and secure the public health, safety and general welfare;
 - The proposed change shall not have a negative impact on the county's ability to provide services;
 - The approval or denial shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant facts relied upon, and explains the rationale for the decision based upon the applicable provisions of the comprehensive plan, relevant ordinances and statutory provisions, pertinent constitutional principles and factual information contained in the record.

SECTION IV: SPECIFIC REQUIREMENTS FOR PUBLIC HEARING AND NOTICE

Notification is required for both hearings in accordance with Title 67, Chapter 65; Section 6509 of the Idaho Code. At least fifteen (15) days prior to the hearing, notice of the time, date and place and a summary of the plan to be discussed shall be published in the paper of general circulation within the jurisdiction. This procedure will be completed by the planning staff.

SECTION V: STAFF SUMMARY ANALYSIS, REASONING AND FACT FINDING

SECTION VI: PLANNING AND ZONING COMMISSION ACTION

SECTION VII: BOARD OF COUNTY COMMISSIONERS ACTION

**AN AMENDMENT TO TITLE 9 TO ADD SECTION
9-2-2 DEFINITIONS**

Planner: Angie Rutherford

Prepared August 15, 2012 for the Planning & Zoning Commission
Public Hearing of September 13, 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 exclude telephone lines and cable as required utilities. This amendment would put the option of providing these utilities for future lot owners in the hands of the developer. The developer would need to weigh the cost-benefit of providing these utilities for potential buyers. The proposed text would amend Title 9 Chapter 2- Definitions and Chapter 4- Development Standards.

BACKGROUND: At present, Teton County requires landline telephone and television dry utilities as part of subdivision approval. While, in general, these utilities are still desired, technological advancements are making these hardline utility services unnecessary. Many households in Teton County do not have a landline telephone service and while some have the landline because it is included in a package with internet services. In general, wireless voice and data services are provided throughout Teton County and can serve the function of hardline utility services. Wireless also provides some serviceability in the case of blackouts and GPS technology can assist emergency services if used. Many modern home security systems now use cellular technology to communicate with security monitoring stations, since those lines cannot easily be disabled. If a developer felt it would be more cost-effective, it would still be an option for a developer to include phone and television utilities as part of the project.

PROPOSED AMENDMENT:

9-2-2

UTILITIES: Installations for conducting water, sewage, gas, electricity, ~~television~~, storm water, ~~telephone~~ and similar facilities providing service to and used by the public.

9-4-2 (B-5)

5. Installation of Public Utilities: Underground utilities shall be required for all subdivisions and PUDs in accordance with county and state codes and requirements. (Amd.06-05)

9-4-2 (C)

C. GUARANTEE OF COMPLETION:

1. Financial Guarantee Arrangements: Before beginning construction on the required public improvements, the Final Plan, Final Development Agreement, Final CC&R's, and Final Improvement Plans shall be recorded. The Board of County Commissioners shall require the subdivider to provide a financial guarantee of performance for those requirements which are over and beyond the requirements of any other agency responsible for the administration, operation and maintenance of the applicable public improvement. Public improvements shall include but

not be limited to: roads, ~~phone~~, electric, public water, and public sewer, fire protection, ~~cable~~, lighting, street signs, and required landscaping. (amd. 09-22-03; amd. 06-05; amd. 2011-03-17)

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.

Proposed amendments to Title 9, Chapters 2 and 4

9-2-2

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