

**TETON COUNTY PLANNING AND ZONING COMMISSION**  
**Meeting Minutes from March 8, 2016**  
**County Commissioners Meeting Room, Driggs, ID**

**COMMISSIONERS PRESENT:** Mr. Dave Hensel, Mr. Bruce Arnold, Mr. Chris Larson, Ms. Marlene Robson, Mr. Jack Haddox, Ms. Sarah Johnston, and Mr. David Breckenridge.

**COUNTY STAFF PRESENT:** Mr. Jason Boal, Planning Administrator, Ms. Kristin Rader, Planner.

The meeting was called to order at 5:05 PM.

**Administrative Business:**

Mr. Boal gave a brief introduction to a proposed ordinance before leaving the meeting. The proposed ordinance, which would create a process to provide building rights to previously created parcels that are not currently eligible to build on, will be reviewed by the Board on Monday, March 14, so the PZC could have a public hearing scheduled for the ordinance in the future.

**Approval of Minutes:**

**MOTION:** Mr. Larson moved to approve the minutes from February 9, 2016. Mr. Breckenridge seconded the motion.

**VOTE:** All in favor. Mr. Arnold abstained from voting because he was absent from the 2/9 meeting.

**Chairman Business:**

There was no Chair business.

**WORK SESSION: Draft Code Discussion,** Article 8: Building Types & Article 14: Administration

The Commission reviewed and discussed the proposed draft code presented by Ms. Rader.

*Article 8 Review:*

- Staff will add a description of the zoning districts to the table in Div. 8.1 as a reference for the abbreviated districts listed throughout the Article.
- The Accessory Building section will be added to the redline version.
- The “Heated Floor Area” will be adjusted to reference the correct section in Article 10 (for accessory dwellings), and the language will be changed to match the rest of the code related to accessory dwellings, such as total square footage or building area.
- The height of agricultural buildings versus accessory buildings was discussed. Agricultural buildings are still allowed to be 60’ in height, but accessory buildings would be limited to 30’ in height.
- Staff will look into changing the maximum length for a Recreation Residence. The current length and the maximum size would create a 5’ wide building.

- Carriage Court garage parking (Div. 8.19.1) was discussed, and it was not necessarily liked as an option.
- Consider rewriting Div. 8.19 Parking Location to be based on zoning district instead of building type. Generally, the PZC did not have a problem with parking being allowed on grass or off of a hard surface. It was suggested that rural zones or lots of a certain acreage could park in the grass, but residential, commercial, or industrial lots may need to have a hard surface for parking. Staff will look into changing the language in this section.

*Article 14 Review:*

- PZC agreed that the table in Div. 14.1 made sense.
- PZC felt that notice should be provided for the One Time Only. Site posting would be sufficient.
- References to other sections need to be verified and/or included (i.e. 14.3.5).
- It was asked if a time limit should be applied to how often the public could apply to amend the Land Use Code or the Comprehensive Plan. The PZC agreed that a time limit did not seem necessary as amendment applications are not a frequent occurrence. They also did not want to limit the ability of someone to propose an amendment if it was for a legitimate change.
  - PZC asked if there was a limit in the existing code. 8-11-1-C includes the following limit:
 

SIMILAR APPLICATIONS: Any application substantially similar to one filed and denied within one year from the date of such denial may be summarily denied by the commission.
- Examples and density values need to be updated based on the new density values in Article 3.
- Design Review for the Scenic Corridor was discussed. PZC agreed that the Design Review could be approved administratively, but they would like to remain updated on the applications to see how the new standards are working (staff would provide a written determination for the Design Review, which could be compiled as part of a staff updated to PZC at their regular meetings). If PZC feels the standards need changed or it is not working, they may ask to have PZC approve the review again or just change the standards. If the standards are working, then staff could stop providing updates to PZC about the reviews. The fee for the Design Review can also be reviewed to possibly reduce the fee since PZC will not hold a meeting for the approval.
  - After discussing the design review and building types, PZC pointed out that language should be added to Article 9 for the Agricultural Option that states only Agricultural Buildings qualify.
- PZC felt a rezone to PRS: Preservation should be an expedited process compared to other rezone applications. Staff will work on writing this.

*Moving Forward:*

- The remaining articles (1, 2, 4-7, and 15) will be discussed at the March 15<sup>th</sup> meeting.
- IDFG will be contacted again, and a date will be provided of when staff feels Article 13 can be finished and given to the PZC.

- Staff will have all redline versions to PZC by March 22, with the exception of Article 13 (unless IDFG comments and changes can be made by then).
- The joint meeting with the BoCC is currently scheduled for April 12. Depending on the timeframe for Article 13, this may be rescheduled to the second meeting in April or in May.
- If the joint meeting remains scheduled for April 12<sup>th</sup>, the complete redline version of the code will be provided to the BoCC and the PZC by April 1<sup>st</sup> (the “markup” version showing the changes and a “clean” version showing all changes accepted).

**MOTION:** Mr. Larson moved to adjourn the meeting. Mr. Breckenridge seconded the motion.

**VOTE:** The motion was unanimously approved.

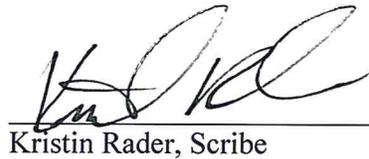
The meeting was adjourned at 6:40 pm.

Respectfully submitted,  
Kristin Rader, Scribe



---

Dave Hensel, Chairman



---

Kristin Rader, Scribe

Attachments:

1. PZC March 8, 2016 Meeting Packet



AGENDA  
 PLANNING AND ZONING COMMISSION  
 WORK SESSION  
 March 8, 2016  
 STARTING AT 5:00 PM

DRAFT TETON COUNTY PLANNING AND ZONING COMMISSION  
 Meeting Minutes from February 9, 2016  
 County Commissioners Meeting Room, Driggs, ID

LOCATION: 150 Courthouse Dr., Driggs, ID  
 Planning Department Conference Room – First Floor (lower level, SW Entrance)

1. Approve Available Minutes
  - February 9, 2016
2. Chairman Business
3. Administrator Business

5:00 PM - WORK SESSION: Draft Code: Discussion of Article 8: Building Types and Article 14: Administration

No public comment will be taken regarding the Draft Land Use Code.

ADJOURN

Any person needing special accommodations to participate in the above noticed meeting should contact the Board of County Commissioners' office 2 business days prior to the meeting at 208-354-8775.

COMMISSIONERS PRESENT: Mr. Dave Hensel, Mr. Cleve Booker, Mr. Chris Larson, Ms. Marlene Robson, Mr. Jack Haddox, Ms. Sarah Johnston, Mr. Pete Moyer, and Mr. David Breckenridge.

COUNTY STAFF PRESENT: Mr. Jason Boal, Planning Administrator, Ms. Kristin Rader, Planner.

The meeting was called to order at 5:04 PM.

Approval of Minutes:

MOTION: Mr. Larson moved to approve the minutes from January 12, 2016. Mr. Booker seconded the motion.

VOTE: All in favor.

MOTION: Mr. Booker moved to approve the written decisions for the Cowboy Church CUP and the Walipini Concept Approval. Ms. Robson seconded the motion.

VOTE: All in favor. Mr. Moyer abstained from voting because he was not present at the meeting.

Chairman Business:

Mr. Hensel asked if there has been an update from Idaho Fish and Game. Mr. Boal explained that he spoke with them a couple weeks ago, and they said to expect comments soon. He also explained that Ms. Williams has met with the local NRCS office.

Administrative Business:

Mr. Boal informed the PZC that the BoCC has proposed to have a joint meeting on April 12 instead of the last Tuesday in March due to scheduling conflicts. Because of this, PZC will only meet twice in March.

WORK SESSION: Draft Code Discussion, Article 3: Rural Districts

The Commission reviewed and discussed the proposed draft code presented by Mr. Boal.

Ms. Johnston had to leave the meeting early, but she left comments with Mr. Hensel.

Density Options for Rural Agriculture, Lowland Agriculture, and Foothills

Mr. Larson mentioned that he was not at the previous meeting when the scenario tool was discussed, but he thought the tool was very helpful. Mr. Hensel explained that the Commission decided the rural zones (RA, LA, and FH) would have the same density. Mr. Larson commented he felt that was a great idea.

Mr. Hensel read Ms. Johnston's comments (attachment 2).

The PZC discussed utilizing similar density in each of the zones and all agreed it was a defensible, justifiable approach. It was discussed how a more complex approach could be devised, but it becomes harder to defend, and this approach is a step in the right direction.

Mr. Hensel explained that the PZC would take a vote on the density options to be used for the rural zones. PZC discussed the different options using land splitting scenarios before voting.

VOTE

Density Options (1 lot /# acres)	Vote
Option 1: OTO: 1/10 LD: 1/20 SP/FP Max: 1/10 SP/FP Mid: 1/20 SP/FP Min: 1/30	Mr. Arnold (via email) Mr. Breckenridge Mr. Moyer Ms. Robson
Option 2: OTO: 1/20 LD: 1/30 SP/FP Max: 1/20 SP/FP Mid: 1/30 SP/FP Min: 1/40	Mr. Hensel (or Option 5)
Option 3: OTO: 1/15 LD: 1/22 SP/FP Max: 1/15 SP/FP Mid: 1/22 SP/FP Min: 1/30	None
Option 4: OTO: 1/10 LD: 1/20 SP/FP Max: 1/10 SP/FP Mid: 1/25 SP/FP Min: 1/40	Mr. Larson, Mr. Booker, and Mr. Haddox
Option 5: OTO: 1/15 LD: 1/22 SP/FP Max: 1/15 SP/FP Mid: 1/25 SP/FP Min: 1/40	Mr. Hensel (or Option 2)

Ms. Johnston did not vote on the density option.

It was decided that Option 1 (OTO: 1/10; LD: 1/20; SP/FP Max: 1/10; SP/FP Mid: 1/20; SP/FP Min: 1/30) would be used for the density in the RA, LA, and FH zones. The PZC also discussed the density option proposed for the Agricultural Rural Neighborhood (ARN) zone. It was agreed that the proposed density (OTO: 1/10; LD: 1/3.75; SP/FP Max: 1/2.5; SP/FP Mid: 1/3.75; SP/FP Min: 1/5) would be used for the ARN zone.

Open Space

The different types of ownership of open space were discussed. The majority agreed that having open space in one ownership versus spread across multiple, private parcels would be a better approach for management and enforcement. Staff will clarify Div. 3.7.3.A.1 to provide examples of a single landowner (i.e. a legal entity, HOA, or individual).

Staff will work on definitions for Passive Recreation and Active Recreation.

Staff will look into the possibility of including stormwater management (i.e. retention/detention ponds, bioswales, etc.) as an allowed open space use.

Language for signage of open space will be added to Div. 3.7.8: Access (i.e. notice of boundaries for restricted use or access).

The formatting and content of this Div. 3.7.5 Open Space Priorities may change slightly. Open space priorities will be included with each zone. Information on wildlife areas will be updated after IDFG's comments have been received.

Moving Forward

Mr. Boal gave a brief overview of Articles 9, 10, 11, and 12, which will be discussed at the February 16<sup>th</sup> meeting.

Mr. Hensel asked for a draft Public Outreach Plan so the PZC could review and comment on it before the final draft of the code is completed for the joint BoCC/PZC meeting. Mr. Boal will provide a copy of the draft plan for the next meeting.

Mr. Boal explained that the joint BoCC/PZC meeting was originally planned for March 22. The BoCC has asked to reschedule this meeting to April 12 because of scheduling conflicts. PZC will only meet twice in March now.

The next version of the code that PZC will see is the Red Line version. After this meeting, the Red Line version of Article 3 will be completed. The Article 13 Red Line version is partially complete. Staff is still waiting for comments from IDFG. When those are received, the Red Line version will be completed and sent to the PZC.

MOTION: Mr. Booker moved to adjourn the meeting. Mr. Larson seconded the motion.

VOTE: The motion was unanimously approved.

The meeting was adjourned at 7:30 pm.

Respectfully submitted,  
 Kristin Rader, Scribe

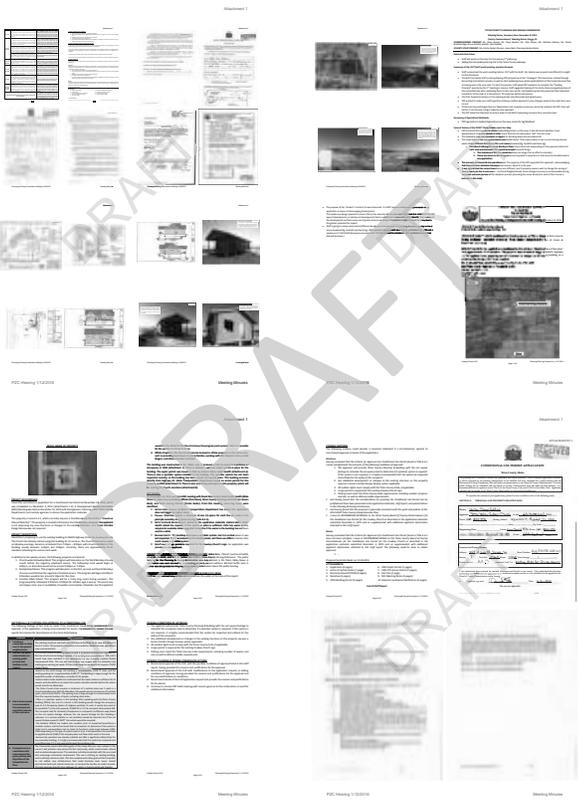
\_\_\_\_\_  
 Dave Hensel, Chairman

\_\_\_\_\_  
 Kristin Rader, Scribe

Attachments:

1. PZC February 9, 2016 Meeting Packet
2. Ms. Sarah Johnston's comments



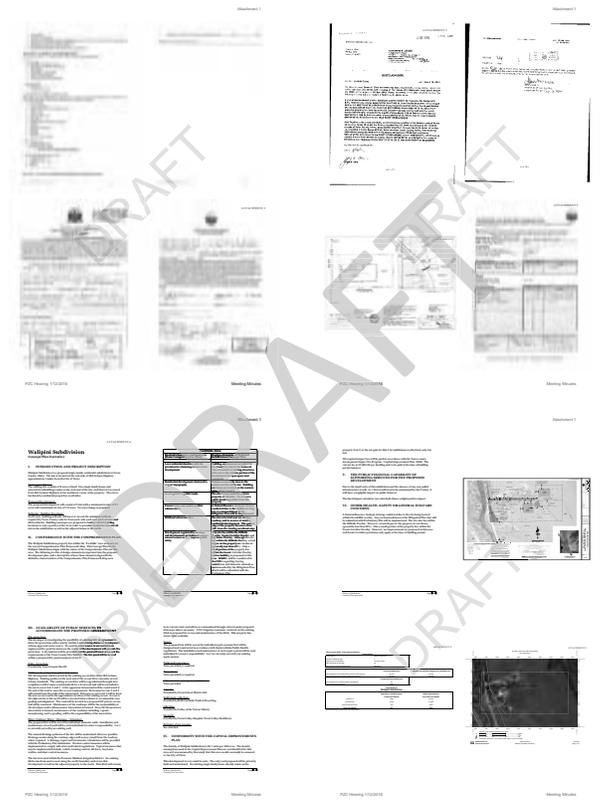
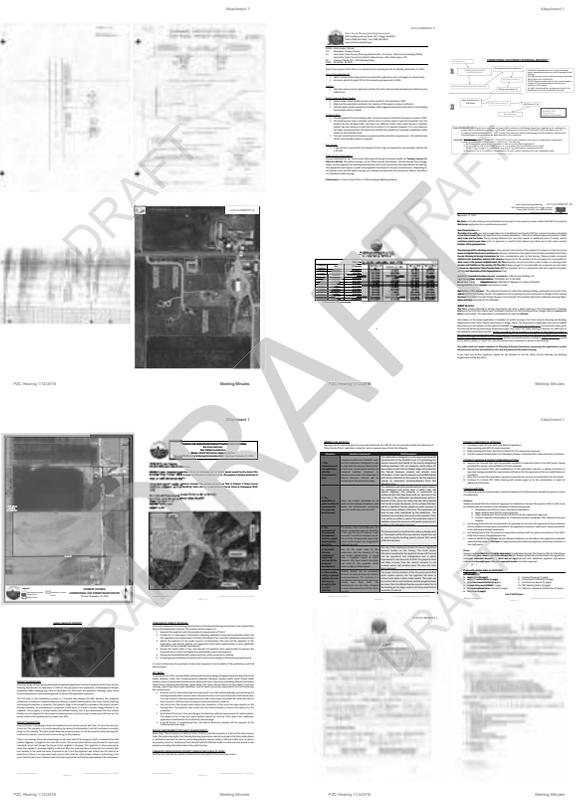


PZC Work Meeting 2/9/2016

Meeting Minutes

PZC Work Meeting 2/9/2016

Meeting Minutes



PZC Work Meeting 2/9/2016

Meeting Minutes

PZC Work Meeting 2/9/2016

Meeting Minutes



**TETON COUNTY PLANNING AND ZONING COMMISSION**  
**Meeting Notes, February 16, 2016**  
**County Commissioners' Meeting Room, Driggs, ID**

**COMMISSIONERS PRESENT:** Mr. Dave Hensel, Mr. Cleve Booker, Mr. Chris Larson, Mr. Jack Haddox, Ms. Sarah Johnston, Mr. Pete Moyer, and Mr. David Breckenridge.

**GENERAL CONCERNS**

My concerns with this code are too numerous and fundamental to address in the context of our article-specific work meetings. I do not think it is effective or efficient for us (PZC) to be reviewing entire sections of code verbatim and suggest sentence level edits at this stage in the process, when various big-picture policy decisions remain unanswered and unaddressed. Furthermore, when we have discussed specific sentence-level changes, they have not been consistently or reliably incorporated into the code. Changes that have been made to the code are not trackable and the progression of discussion, decisions, and resulting changes to the code language has not been documented.

**DEFINITIONS**

As I review Article 3, there are many inclusions of subjective language that are not defined in the Article nor in the Definitions.

**PUBLIC INPUT**

During the time I have been a member of the PZC, we have not solicited or even allowed public input into the code drafting process or into the policies and priorities that the new code is seeking to implement. I believe the public should be involved.

**DENSITY & OPEN SPACE**

I disagree with the approach of using identical density across the various rural zones. Staff has indicated the goals of the comp plan will be met by using different development requirements and open space priorities in each zone, however, as these hypothetical changes are not available yet they are impossible to evaluate. The way I read the comp plan, there are different areas of the County where differing densities are appropriate. Using a one-size-fits-all approach of uniform densities seems to be in contradiction to the comp plan. My current position is that densities should be set independently for each zone in a way that protects the unique resources of that zone. We have not clearly identified or understood the specific resources we are trying to protect in each area; we do not know what particular steps are necessary to protect what we are trying to protect; and as such we do not have the necessary information to be setting densities and open space percentage requirements at this point. The density allowances and open space percentages that have been proposed to date seem arbitrary.

PZC Work Meeting 2/9/2016

Meeting Minutes

**Article 10 Review:**

- Staff will verify the letters used for each permit type are accurate in the chart (i.e. "C" for Conditional Use not "S")
- Minor Utilities will be updated to include sizes of water/wastewater systems.
- Language will be added for Private Burials as an accessory use to bury someone on your private property.
- Light vehicle/equipment will be included as Limited in the Industrial Light Zone.
- Building-Mounted Wireless TC Facility will be included as a Conditional Use Permit in the Mixed Use Zoning Districts.
- Staff will reach out to the Cemetery Districts about zoning them as Civic now.

**Article 11 Review:**

*Signs – The sign ordinance has been partially updated to reflect a recent US Supreme Court Case. Signs may not be regulated based on their content.*

- Signs are not allowed along designated Scenic Byways as per Idaho/Federal Laws. The ITD website states that existing signs may stay, but no new signs are permitted. Staff has emailed ITD about this.
  - Language will be added to Article 11 stating signs are not allowed along the Scenic Byways (this includes Highways 31, 32, and 33)
- Real Estate Signs were discussed. They could be allowed through the temporary sign provision or by getting a permit. There is also a provision that allows one, incidental sign (6ft<sup>2</sup> or smaller) per lot that does not require a permit.
- Election signs fall under temporary signs.
- The majority of PZC members agreed off-premise signs should not be allowed.

**Lighting**

- Language will be added to athletic field lights to require shielding (11.4.1.B.1.d)
- Language will be added to allow for temporary agricultural lights, similar to the language already included for temporary lights (11.4.1.B.1.c).

**Article 12 Review:**

- Connectivity between subdivisions was discussed. This section does require stub streets.
- Emergency services access was discussed for subdivision.
  - 12.2.7.A.3 will be updated to include that subdivisions may be required to provide multiple entrances/exits to a public or private street.
- Requiring phone lines to be installed in subdivisions was discussed. It was agreed that should remain a requirement because phone lines are still need for areas with poor cell reception, not everyone has a cell phone, internet services, etc.

**Draft Public Outreach Plan**

- The joint meeting with the BoCC is scheduled for April 12.
- April 19<sup>th</sup> will be a PZC meeting to review the Redline Version of the code, review any comments from the BoCC/PZC joint meeting, and make any necessary changes before beginning public outreach.
- Public Outreach will take place in May and June. July will be used to review public feedback and make any necessary changes. If possible, public hearings will take place in August or the end of July to make a formal recommendation to the Board.
- Outreach events will take place in multiple locations. Staff will also consider local events for public feedback, such as Music on Main and the Farmers' Market.

The March 8<sup>th</sup> meeting will be held in the Planning Conference Room instead of the Commissioners' Chambers because there is an election that evening.

*Ms. Robson provided comments prior to the meeting, which were read by the PZC throughout the meeting.*

**All Articles:**

- Update Agricultural Wetlands (AW) to Lowland Agriculture (LA)
- Verify all references to other sections and bold the text (hyperlinked in PDFs).

**Article 9 Review:****Airport Overlay**

- We are still waiting for a map from Driggs for the Airport Overlay Area.
- In general, PZC was comfortable with this section. They agreed it could be tightened down in some areas by clarifying the heights/uses allowed or restricted within the overlay. Staff will clarify what requirements need to be met (i.e. underlying zoning vs. overlay).
- PZC had concerns that the language in the section could apply the overlay area to the entire county. There will be a map, which will designate where the actual overlay area is located. Staff showed a map from the Airport Master Plan that shows an area extending from each end of the runway. Some PZC members commented that the overlay could extend further than that map, but it shouldn't extend all the way to the Big Holes.

**Floodplain**

- The state is working on a new ordinance. It is currently being reviewed by IDWR, so it is expected in a couple weeks. The intent is to use the new state model ordinance in Article 9.
- Article 13 requires a setback from floodplains, so this section will only be used for those properties that cannot build outside of the floodplain. Staff will reference Article 13 in the floodplain section, so it is clear that development is not allowed in the floodplain without a variance.

**Scenic Corridor**

- Staff is working with a graphic designer to create residential graphics for this section. Measurements and requirements shown on the graphics will be updated to match the text.
- Staff will clarify in the description of the scenic corridor that it does not include within city limits.
- Staff will add language that clarifies native vegetation or agriculture between the highway and buildings.
- PZC agreed to remove that fencing is required.
- An Option 5 will be added for Agricultural Buildings.

**Transferred Development Rights**

- A map of desirable open space was discussed. The RA, LA, and FH zones are being used as sending areas for open space.
- Staff will add language to this section to identify the Area of Impacts as receiving areas.

**Workforce Housing**

- This section is intended for the cities and Area of Impacts.
- Using this overlay in Felt was discussed for agricultural workers, and it was agreed that it is not feasible because of the small lot sizes already in Felt, and this needs to be located near existing services.

**TETON COUNTY PLANNING AND ZONING COMMISSION**

**Meeting Primer, March 8, 2016**

**Planning Department Conference Room, Driggs, ID**

**Goals:**

- Make sure we are comfortable with Articles 8 and 14 as a whole.
- Identify any deficiencies

**Article 8 – Housing Types**

This article provide the basics "form" criteria for buildings allowed in the county. It also identifies in what Districts the identified buildings are allowed.

**Specific Goals-**

1. Are the proper building types identified? (Are there any missing?)
2. Is the criteria for each building type appropriate?
3. Are the zones where each building type allowed appropriate?
4. Does 8.19 Parking Location make sense?

**Article 14- Administration**

We previously spent quite a bit of time reviewing this section and the process for approval of each type of application. It is important to go back and review to make sure we are comfortable with the processes as identified.

**Div. 14.1. Summary of Review Authority**

Does this table make sense?

**Div. 14.4. Legislative Review**

Do we want to put time limits on how often the public can apply to modify the Comprehensive Plan or Land Use Code?

**Div. 14.5. Subdivision Review**

14.5.11- The biggest change from our current code is that final approval comes after the construction and acceptance of improvements.

**Div. 14.6. Administrative Review**

14.6.10. Design Review- This is intended to be used for the scenic corridor. Does the PZC want to continue to review and approve application in the Scenic Corridor, or are you comfortable enough with the adopted standards?

**Div. 14.7. Quasi-Judicial Review**

14.7.11. Rezone Map Amendment Application Review- Do we want to include a different process of rezoning a property to PRS - Preservation?

**Div. 14.10. Modifications to Previous Approvals**

This section has been included to clarify the process for modifying any previous approval.

**ORDINANCE NO. 2015-9-11**

AN ORDINANCE OF THE COUNTY OF TETON, STATE OF IDAHO, ADDING TETON COUNTY CODE TITLE 9, CHAPTER 11 TO ADDRESS PREVIOUSLY CREATED PARCELS THAT DID NOT FOLLOW THE LEGAL PROCESS AT THE TIME OF CREATION TO QUALIFY FOR BUILDING PERMITS.

BE IT ORDAINED by the Board of County Commissioners of Teton County, Idaho that Title 9, Chapter 11 of the Teton County Code shall be added as follows:

**CHAPTER 11**

**GRANTING BUILDING PERMIT ELIGIBILITY OF PREVIOUSLY CREATED PARCELS**

**SECTION:**

- 9-11-1: APPLICABILITY
- 9-11-2: APPLICATION REQUIRED
- 9-11-3: PROCESS FOR APPROVAL
- 9-11-4: CRITERIA FOR APPROVAL
- 9-11-5: DENIAL OF APPLICATION
- 9-11-6: APPEAL OF FINAL DECISIONS
- 9-11-7: EXPIRATION OF THIS CODE SECTION

9-11-1: **APPLICABILITY:** This chapter is only applicable to parcels where the current property owner desires to be recognized as a "legally designated lot" for building permit purposes, as required in Teton County Code 8-3-5, and only applied to those parcels that were created after June 14, 1999 either through: 1) a process outside of those identified in the Teton County Title 9: Subdivision Regulations, 2) following a process in the Teton County Title 9: Subdivision Regulations but not meeting the criteria of approval identified, or 3) created through an agricultural only parcel process.

**9-11-2: APPLICATION REQUIRED**

Application: A property owner(s) of parcels identified through the Property Inquiry process as not buildable due to the way they were created, must complete and submit the "Granting Building Permit Eligibility of a Previously Created Parcel" application provided by the Planning and Building Department. Application to this process does not guarantee approval. In addition to the complete application form, the following is required:

1. Fees (Application and Survey/Plat review fee);
2. Narrative outlining how, when, and by whom the parcels were originally created;
3. Approval letter from Eastern Idaho Public Health;
4. Approval letter from Teton County Fire District;

9-11-4: **CRITERIA FOR APPROVAL:** The following criteria must be met in order for the application to be approved by the Board.

- A. The proposed lots must meet the minimum lot size of the underlying zone, exclusive of any public dedicated easements or right-of-ways, either based on the adopted requirements at the time of this application or the adopted requirements at the time the parcels were created through one of the processes identified in 9-11-1.
- B. The proposed lots must have approved access.
- C. There must have been a survey recorded with Teton County showing the creation of the parcel(s) prior to 2010.
- D. No more than two (2) buildable lots are being created.

9-11-5: **DENIAL OF APPLICATION:** If the application fails to meet the criteria identified above, other remedies, such as a Full Plat Subdivision, may still remain available to the property owner. Fees paid are not refundable if the application is denied.

9-11-6: **APPEAL OF FINAL DECISIONS:** Decisions of the Board of County Commissioners are final. Applicants or affected property owners shall have no more than 14 days after the written decision is delivered 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 28 days of the written decision being delivered.

9-11-7: **EXPIRATION OF THIS CODE SECTION:** This code section and the ability to utilize this process shall expire January 1, 2018.

5. Acceptance letter from the city for sewer hookup, or from the providing community, if applicable;
6. Covenants, Conditions, and Restrictions, if being proposed;
7. Plat created by a surveyor, licensed in the State of Idaho which includes:
  - i. Vicinity Map, Date of Survey, and North Arrow
  - ii. Map scale adequate to depict all adjusted lots (show Bar Scale)
  - iii. Legend with a description for all line weights and symbols used
  - iv. All bearings and distances for all property lines. Include Basis of Bearing and CP&F Reference
  - v. All known easements shown with their instrument numbers
  - vi. All existing physical access points shown
  - vii. Legal access points shown or possibility for future County Road access permits established
  - viii. Property Legal Descriptions
  - ix. Surveyor's Certification – Signature block with statement
  - x. County Treasurer's Certification
  - xi. County Assessor's Certification
  - xii. Easter Idaho Public Health Certification
  - xiii. Teton County Board of County Commissioners Chair Certification
  - xiv. Fire District – Signature block with approval statement
  - xv. Certificate of Survey Review – Signature block with approval statement
  - xvi. Owner's Certificate – Signature block with approval statement. **MUST BE NOTARIZED**
  - xvii. Recorder's Certificate
  - xviii. Certificate of Acceptance of Mortgagee, if applicable. **MUST BE NOTARIZED**

9-11-3: **PROCESS FOR APPROVAL:** Property owners desiring to have their lots recognized as a "legally designated lot" for building permit purposes must follow the process outlined below:

- A. **Property Inquiry:** A Property Inquiry Request must be submitted to Teton County Planning and Building Department, and a Property Inquiry Results Letter must be returned to the applicant prior to beginning this process.
- B. **Application:** Once the Property Inquiry Results Letter is returned to the property owners and verifies eligibility for this chapter, an application to the Planning and Building Department can be made. A complete application including the items listed in 9-11-2 must be submitted.
- C. **Staff Review:** Any proposed application shall first be reviewed by the Planning Administrator to determine if the application meets the criteria of this Chapter and the intent of the Comprehensive Plan. The Planning Administrator has the discretion to schedule a meeting with the applicant to review possible modifications of the application. Once the Planning Administrator has reviewed the application and finds it does or does not meet the criteria of this Chapter and the intent of the Comprehensive Plan, a letter will be sent to the applicant outlining the findings. If the application does meet the criteria of this section and the intent of the

**Div. 8.18. Accessory Building**

Comprehensive Plan, it will be scheduled on the next available Board of County Commissioner Agenda.

- D. **Board Review:** The Board will review staff's findings and the application during a regularly schedule public meeting. The Board will approve, deny, or table the application to another meeting if additional information is needed. Approvals will only be granted if the application meets the criteria found in 9-11-4.
- E. **Survey Review:** Once the Board has approved the application, the County Surveyor will review the submitted plat. Any changes needed to the plat will be forwarded to the applicant.
- F. **Recording:** Once the plat has been reviewed and approved by the County Surveyor, the following shall be submitted to the Teton County Planning and Building Department for recording:
  - Two mylar copies of the Final Plat with approval signatures
  - At least one paper copy of the Final Plat with approval signatures (for the applicant)
  - Development Agreement, if required
  - Final Covenants, Conditions, and Restrictions
  - DWG format of Final Plat on CD
 The applicant is responsible for all recording fees required at the time of recording.

9-11-4: **CRITERIA FOR APPROVAL:** The following criteria must be met in order for the application to be approved by the Board.

- A. The proposed lots must meet the minimum lot size of the underlying zone, exclusive of any public dedicated easements or right-of-ways, either based on the adopted requirements at the time of this application or the adopted requirements at the time the parcels were created through one of the processes identified in 9-11-1.
- B. The proposed lots must have approved access.
- C. There must have been a survey recorded with Teton County showing the creation of the parcel(s) prior to 2010.
- D. No more than two (2) buildable lots are being created.

9-11-5: **DENIAL OF APPLICATION:** If the application fails to meet the criteria identified above, other remedies, such as a Full Plat Subdivision, may still remain available to the property owner. Fees paid are not refundable if the application is denied.

9-11-6: **APPEAL OF FINAL DECISIONS:** Decisions of the Board of County Commissioners are final. Applicants or affected property owners shall have no more than 14 days after the written decision is delivered 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 28 days of the written decision being delivered.

9-11-7: **EXPIRATION OF THIS CODE SECTION:** This code section and the ability to utilize this process shall expire January 1, 2018.

**8.18.1. Description**

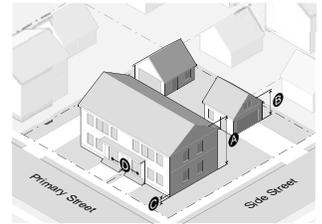
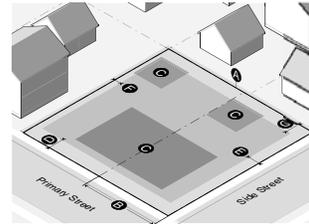
**Definition**  
An accessory building includes detached buildings such as garages, carports, storage sheds, barns, pole barns, greenhouses, metal storage containers, and other buildings that are incidental to and located on the same lot as a principal building or use (Accessory buildings may be constructed on a property prior to the principal building, as long as the use is incidental to the underlying use of the property). This building type may not be used as a dwelling unit.

**Districts Allowed**

RA	LA	FH	ARN	RC	RS-16	RS-7	RS-5	RS-3	RM-1	RM-2	RX	NX	CX	DX	IX
----	----	----	-----	----	-------	------	------	------	------	------	----	----	----	----	----



**8.18.2. Lot and Placement**



<b>Lot</b>	
Area	set by district <b>A</b>
Width	set by district <b>B</b>
<b>Coverage</b>	
Lot coverage	set by district <b>C</b>
<b>Building Setbacks</b>	
Primary street	set by district <b>D</b>
Side street	set by district <b>E</b>
Side interior	set by district <b>F</b>
Rear	set by district <b>G</b>
Building separation	5' min <b>H</b>

**8.18.3. Height and Form**

<b>Site Location</b>	
Garage door restrictions	see <b>Div. 8.20.1</b>
<b>Building Size Restrictions</b>	
Height*	set by district *Metal Storage Containers: 10' max
Building Area	Metal Storage Containers are limited to a maximum of 400 ft²