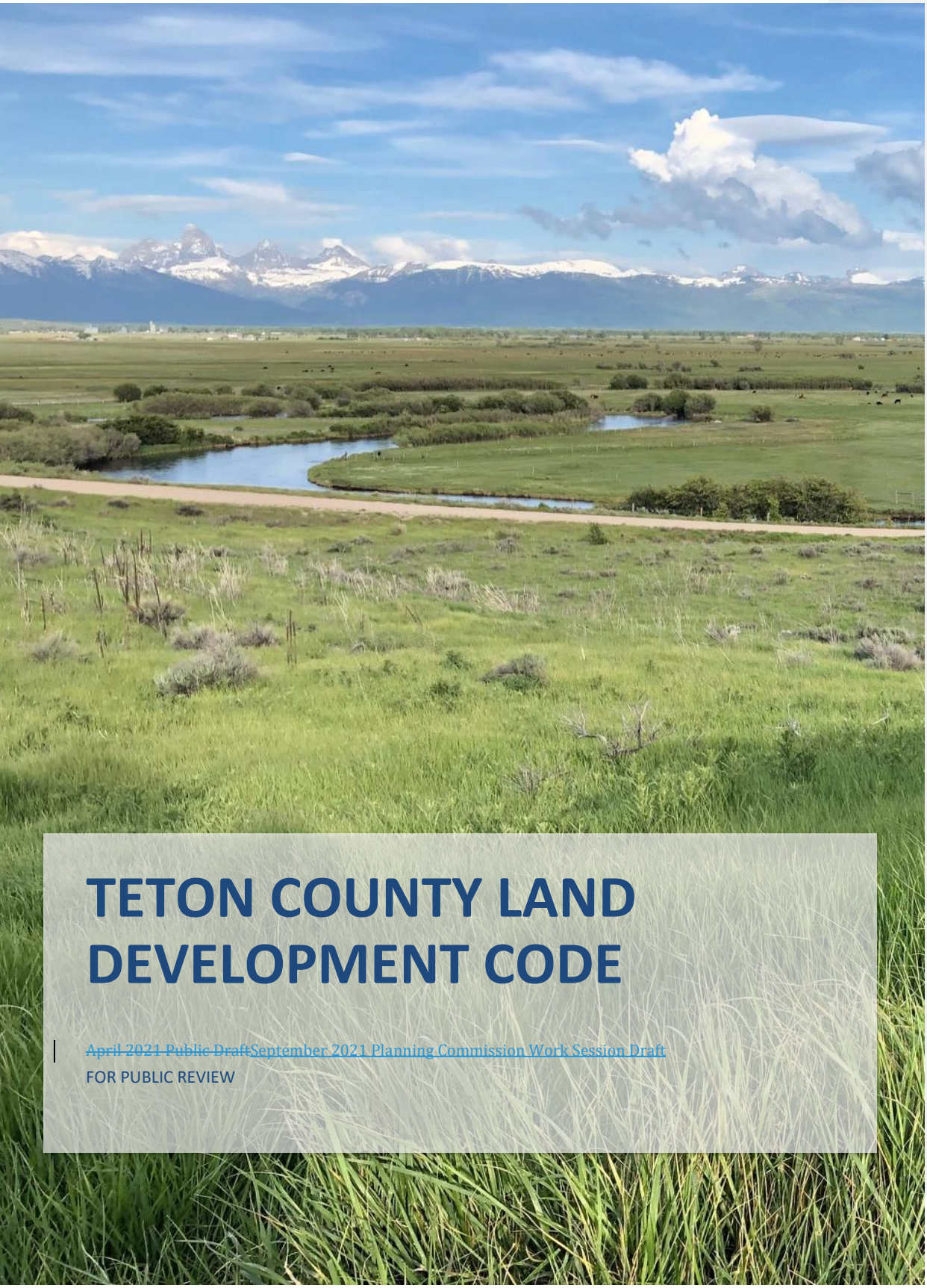
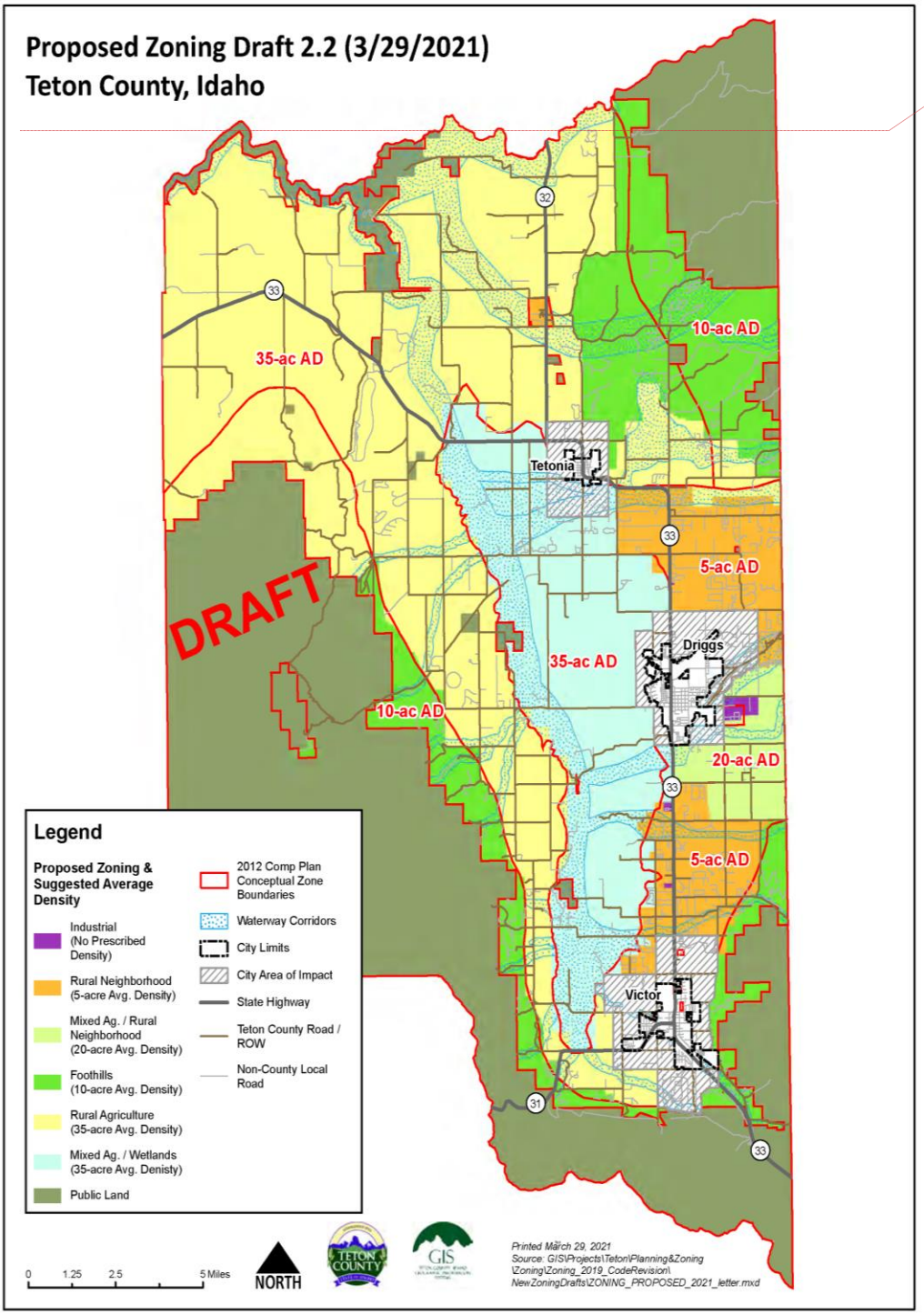


TETON COUNTY LAND DEVELOPMENT CODE

~~April 2021 Public Draft~~September 2021 Planning Commission Work Session Draft

FOR PUBLIC REVIEW



Commented [JG1]: Will need to update the densities in this map prior to final adoption based on final decision of density metrics.

TETON COUNTY LAND DEVELOPMENT CODE

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CHAPTER 1 ADMINISTRATION

1-1 Legal Provisions

1-1-1 Legal Provisions

A. Title
   a. This document is the "Land Development Code for Teton County, Idaho" and is referred to in this document as such or the LDC.

B. Purpose and Intent
   The Land Development Code guides future residential and nonresidential development in unincorporated Teton County, in accordance with the County's adopted Comprehensive Plan and its existing and future needs, in order to protect, promote, and improve the public health, safety, and general welfare. The Land Development Code is enacted to exercise the full range of authority available under Idaho law, including the purposes stated in the Local Land Use and Planning Act.

C. Applicability
   1. Territorial Application
      This Land Development Code applies to all land, uses, Buildings, and Structures within unincorporated Teton County, Idaho, except in Areas of City Impact where the County and a municipality have agreed to apply other ordinances. When land is added within the jurisdiction of the County, through de-annexation or sale of public lands, the County will follow LDC procedures to apply a zoning designation to those lands.
   2. General Application
      LDC requirements are the minimum necessary to meet the purpose and intent of the Land Development Code and Local Land Use and Planning Act per Idaho Code Section 67-65.
   3. Required Conformance
      a. All Buildings, Structures, or land, in whole or in part, must be used, occupied, constructed, or built in conformance with the LDC. No Building or Structure shall be built, altered, or used unless it is located on a Lot of Record or otherwise complies with nonconformity provisions in section 1-1-8 of this chapter.
      b. Unless otherwise provided by law, the state of Idaho, and its agencies, boards, departments, institutions, and local special purpose districts, must comply with the LDC.
      c. The LDC does not apply to transportation systems of statewide importance, as determined by the state transportation board, though the board must consult with the County on Site Plans and design or transportation systems within the unincorporated areas.
      d. Development by public utilities shall be subject to Idaho Code Section 67-6528.
      e. This Land Development Code does not nullify any private agreement or Covenant and each shall apply as provided by law and the terms of the private agreement. Teton County will not enforce any private agreement or Covenant.
   4. Control Over Less Restrictive Laws and Regulations
      If any condition or requirement imposed by the LDC is more restrictive than a condition or requirement imposed by any other law, rule, or regulation, the more restrictive condition or requirement governs, unless preempted or otherwise prohibited by law.

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5. Conflict
   If any condition or requirement imposed by the LDC contains an actual, implied, or apparent conflict, the more restrictive condition or requirement controls.
6. References to Other Laws
   Whenever a provision of the LDC refers to any other part of the Teton County Code or to any other law, the reference applies to any subsequent amendment of that law, if applicable.
7. Text and Graphics
   Illustrations, photographs, and graphics are included in the LDC to illustrate the intent and requirement of the text. In the case of a conflict between the text and any illustration or graphic, the text controls.

D. Severability
   If any section, paragraph, clause, sentence, or provision of the LDC is adjudged by any court of competent jurisdiction to be invalid, that judgment does not affect, impair, invalidate, or nullify the remainder of the LDC. The effect of the judgment is confined to the section, paragraph, clause, sentence, or provision immediately involved in the controversy in which a judgment was rendered.

E. Effective Date
   This Land Development Code became effective on **<insert effective date of the LDC>**.

1-1-2 Zoning Districts Established

A. Generally
   In order to implement this Land Development Code, Teton County is divided into the following Zoning Districts as established in Chapter 3 and as shown on the Official Zoning Map.

B. Zone Districts
   1. IR: Industrial/Research
   2. TN: Town Neighborhood
   3. RN-5: Rural Neighborhood
   4. FH-10: Foothills
   5. RR-~~20~~8: Rural Residential
   6. RA-~~35~~40: Rural Agriculture
   7. LA-~~35~~40: Lowland Agriculture

1-1-3 Official Zoning Map

A. Zoning Maps Established
   1. The Teton County Official Zoning Map includes the boundaries of all County Zoning Districts, as well as the Areas of City Impact, as required by Idaho Code section 67-6525.
   2. The Official Zoning Map originals are kept on file with the Planning Department, which indicate the effective date of the most recent amendments to district boundaries.
   3. Zoning Districts and Areas of City Impact Area are also kept electronically in the County's geographic information system (GIS). Copies published on the web or otherwise portrayed electronically do not constitute originals.
   4. Teton County may make paper copies available to the public for a reasonable fee.

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5. Zoning Map amendments are made pursuant to the procedures in Chapter 4.

B. Interpretation of Map Boundaries
   1. Where uncertainty exists with respect to the boundaries of any district on the Official Zoning Map, the Planning Administrator is authorized to interpret the boundaries using the following methods.
      a. Where a district boundary line is shown as approximately following the centerline of a Road, highway, railroad right-of-way, or waterway, the district boundary is the centerline of that Road, highway, railroad right-of-way, or waterway.
      b. Where a district boundary line is shown as running approximately parallel at a distance from the centerline of a Road, highway, railroad right-of-way, or waterway, the distance from the centerline is determined by the map scale.
      c. Where a district boundary line is shown as approximately following a Lot Line or municipal boundary line, the district boundary is the Lot Line or municipal boundary line.
      d. Where a boundary line is shown and its location is not fixed by any of the rules of this sub-section, its precise location is determined by the map scale.

C. Properties Subject to more than One Zoning District
   1. Interpretations not associated with a Subdivision Application:
      When a single property has more than one Zoning District designation, control and use of each portion of the property shall follow the district requirements applicable within each Zoning District to each portion.
   2. Interpretations associated with a Subdivision Application:
      When a Subdivision is proposed on a single property, which has more than one Zoning District designation, the number of Lots per acre for the entire property shall be calculated according to the density permitted within each district and the percent of the property within each district, rounded down to the nearest whole number.

D. Consistency with Comprehensive Plan
   The classification of land within Zoning Districts shall be done in accordance with the Comprehensive Plan. The Comprehensive Plan should be adhered to in the implementation of the LDC, in accordance with Idaho Code section 67-6500 et seq., and other applicable law.

1-1-4: Areas of City Impact

A. Purpose
   The purpose and intent of this section are to identify Areas of City Impact surrounding Driggs, Tetonia, and Victor and to establish applicable regulations within each, in accordance with Idaho Code 67-6526. These are areas of potential annexation into the cities or areas where the cities have specific concerns about the impacts of nearby development on the City.

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B. Establishment of the Boundaries and Areas of City Impact in Unincorporated Teton County
The Areas of City Impact for each City are hereby incorporated as shown on the Official Zoning Map, which have been established by agreement between the County and each City.

C. Establishment of the zoning and Subdivision regulations applicable with Areas of City Impact
Lands within an Area of City Impact are governed by the terms of the County-City agreement applicable to the area.

1-1-5: General Authority Provisions

A. State Statutes
The LDC is intended to comply with the provisions of:
1. Idaho Constitution Article 12, Section 2;
2. Idaho Statutes Title 67, Chapter 65, Local Land Use Planning Act;
3. Idaho Statutes Title 50, Municipal Corporations, Chapter 13 Plats and Vacations; and
4. Other requirements of applicable law.

B. Planning and Review Authority
1. Board of County Commissioners (Board)
   a. The Board of County Commissioners has the powers and duties conferred by the Planning Act, as expressly provided for in the LDC, including certain powers delegated to the Planning Commission and Planning Administrator.
   b. The Board will appoint and maintain a Planning and Zoning Commission by ordinance, as provided in the Planning Act.
   c. The Board will adopt and maintain the LDC pursuant to the notice and procedural requirements set forth in the Local Land Use Planning Act regarding adoption of a zoning ordinance and districts.
2. Planning Commission (Commission)
   a. The Planning and Zoning Commission has the powers and duties identified in the Local Land Use Planning Act, as conferred to it by the Board, including the development of a Comprehensive Plan as outlined in Teton County Code Title 2.
   b. The composition of the Planning and Zoning Commission shall be pursuant to appointment by the Board as outlined in Teton County Code Title 2, and all records and meetings are open to the public and shall be maintained and conducted as provided by the Planning Act.
   c. The Planning Commission shall develop and adopt a comprehensive plan in accordance with the requirements of the Planning Act.
3. Planning Administrator (Administrator)
   a. The Planning Administrator has the powers and duties identified in the Local Land Use Planning Act, including, but not limited to review, recommendation, and final actions as expressly set forth in this chapter.

1-1-6 ~~Enforcement~~ Violation and Penalty

~~A. Enforcement~~
~~The enforcement officer is hereby designated by the Board as the Teton County Sheriff, or the Sheriff's designee, and such officer is responsible for the enforcement of the provisions of the LDC. Only the enforcement officer may conduct an enforcement action. However, the Planning Administrator or designee may consult with the enforcement officer as needed regarding relevant property conditions and applicable provisions of the LDC.~~

Commented [JG2]: PZ understands that BoCC is working with County attorney to update enforcement and nonconformity language

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~~B.~~A. Violation and Penalty

Any person, firm, or corporation violating any part of the provisions of the LDC is guilty of an infraction punishable by a penalty ~~a misdemeanor, and also is subject to administrative fines as provided in Section 1-4-1~~ of up to three hundred dollars ($300.00) effective on the date violating parties are notified.~~the Teton County Code.~~ Every day or portion thereof during which a violation is committed, continued, or permitted ~~may be treated as~~is a separate offense and is punishable as such.

Commented [JG3]: From County Prosecuting Attorney:

The maximum penalty allowed for an infraction is $300 (Idaho code 18-111). It's not clear whether court costs have to be under the $300 or not.

Idaho Code 31-3201A(3) specifies all the court costs involved in an infraction. See also Idaho Infraction Rule 9.

~~C. Enforcement Procedures~~

~~1. Generally~~

~~b. Enforcement of the LDC will be in accordance with Idaho Code sections 67-6510 and 67-6527, as provided in this section and Chapter 4 of Title 1.~~

~~c. The enforcement officer must comply with all requirements of law, including the Idaho and U.S. Constitutions, in investigating enforcement actions, including inspections of and entry upon private property.~~

~~2. Procedures. In addition to provisions for Chapter 4, Title 1, the following process applies to violations of the LDC:~~

~~a. Complaints or information related to a potential violation of the LDC must be directed solely to the enforcement officer.~~

~~b. Upon receipt of a complaint or information regarding a potential violation, the Sheriff's office may:~~

~~i. Coordinate with the Planning Administrator regarding the complaint or information;~~

~~ii. Contact or visit the owner or complainant to attempt resolution of the complaint or violation without further action; or~~

~~iii. Investigate the complaint and or information, gather evidence by visiting the subject property, by lawful entry or from off-site, communicating with the owner or others, and through other lawful means.~~

~~c. At the direction of the enforcement officer, the Administrator may accompany the officer to inspect the property and to otherwise assist the officer in an enforcement action.~~

~~D. Final Decision~~

~~1. Following investigation, the enforcement officer will prepare a Written Decision regarding the complaint or potential violation.~~

~~2. The Written Decision must include a recommendation for action to resolve the complaint or violation, if the enforcement officer finds a violation to exist under applicable provisions of the LDC.~~

~~3. The enforcement officer will forward the Written Decision to the County Prosecuting Attorney, with copies to the complainant, or Affected Parties who have requested notification, the Administrator, Commission Chair, and Chair of the Board.~~

~~4. The Prosecuting Attorney will determine whether a violation found by the enforcement officer will be prosecuted or a penalty will be imposed under Chapter 4, Title 1.~~

~~5. In addition to the penalties and fines authorized under Chapter 4 of Title 1, the County may seek civil remedies, including injunctive relief, as well as attorney fees and court costs.~~

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6. If mediation occurs, pursuant to section 1-1-7, after a final decision of the Board, the proposed resolution of the complaint or violation must be the subject of another public hearing before the Board, as applicable.

1-1-7 Mediation

A. Generally

1. Pursuant to Idaho Code section 67-6510, the Owner, an Affected Person, the Planning Commission, or the Board may request mediation with respect to decision-making proceedings or enforcement actions provided for in the LDC.
2. Requests for mediation must be in writing by the requesting party to the other parties in subsection A.1. above. Notice to the Commission or Board must be to the Chair of the Commission or Board. Mediation requested pursuant to an enforcement action under 1-1-6, must also include notice to the County Prosecuting Attorney.
3. A written request for mediation can be requested at any time during or following the decision-making proceedings under the LDC.
4. The mediation process may not be included as part of the official record regarding an Application or enforcement action.

B. Procedures

1. Upon a request for mediation by the Commission or the Board, the Owner and Affected Persons must participate in at least one mediation session if no resolution is reached sooner.
2. Unless, the parties agree to select and pay for the mediator equally, the County will select and pay for the mediator and the first session.
3. Compensation of the mediator shall be determined thereafter by the parties at the outset of the first mediation session.
4. The Owner and Affected Person are not required to engage in mediation that is requested by a party other than the Board.
5. Upon receipt of a request to mediate from an Owner or Affected Person, or upon delivery of the County's notice for mediation to the Owner or Affected Person, within 7 calendar days, the County will schedule the mediation for a date set within 28 calendar days therefrom.
6. If mediation occurs after a final decision of the Commission or Board, the proposed resolution of the complaint or violation must be the subject of another public hearing before the Commission or Board, as applicable.

C. Timelines Tolled

Upon receipt of a written request for mediation, as provided in this section, timeline limitations required by the LDC are tolled until the later of:

1. A mediation agreement being entered by all necessary parties resolving the dispute or objection;
2. The Owner or Affected Parties notifying all parties in writing, after participating in at least 1 mediation session, that no further mediation is desired; or
3. If no mediation has been scheduled 28 days from date of request for mediation, as provided above.

Commented [JG4]: Removed per suggestion from County Prosecuting Attorney per the following comment:

The County is required to have a mediation section ***in the procedure for processing applications***. The procedure for processing applications is in Chapter 4 Section 1 of the LDC, not here in Chapter 1 Section 1.

The relevant statute, Idaho Code 67-6510, provides the guidelines necessary to do a mediation if desired. There is no need to reiterate all of those terms here.

My recommendation is to delete this section in its entirety, and then just add after 4-1-2(H) a new 4-1-2(I) that says this:

"Mediation. At any point during the decision-making process or after a final decision has been made, the applicant, an affected person, the zoning or planning and zoning commission, or the governing board may make a written request to mediate. All such requests and subsequent mediation proceedings must comply with Idaho Code 67-6510."

There is no need to include mediation in enforcement actions because mediation is always an option in any litigation.

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1-1-8: Nonconformities

A. Generally

Nonconforming Structures and uses may continue until abandoned or re-developed to a conforming use, only in accordance with this section. The burden of proving nonconforming status rests solely on a property owner claiming nonconforming status.

B. Verification of Status of Nonconforming Uses and Structures

1. Nonconforming uses or Structures that are not verified under this subsection shall not be changed, expanded, or replaced except as required by and in conformance with the present requirements of the LDC.
2. Nonconforming uses or Structures that are verified under this subsection may be changed, expanded, or replaced as provided by this section.
3. Land uses and Structures made nonconforming by the adoption or amendment of the LDC are required to file a written request to verify nonconforming status with the Administrator within 1 year of the effective date of the adoption of or amendment to the LDC.
4. Verification requests filed after 1 year of the effective date of the adoption or amendment of the LDC must be considered and acted upon by the Planning Commission.
5. The request must include sufficient documentation showing the use or Structure was lawfully established prior to the adoption of the subject regulations that have conferred nonconforming status and the lawful use had not been abandoned.
6. The request must also describe and illustrate on a Site Plan the:
   a. Location of the use or Structure on the premises;
   b. The specific manner and extent to which the use or Structure fails to comply with this LDC, including distance of structures from property lines, heights, lot coverage;
   c. The nature of the use; and
   d. Any other illustration or description required to establish the nature and extent of the use or Structure on the effective date of the LDC.
7. Within 60 calendar days of receipt of written request, the Administrator or, if applicable, Planning and Zoning Commission, will verify whether the use or Structure is a qualifying Nonconforming Use or Nonconforming Structure pursuant to applicable LDC requirements.
8. If the Administrator or Commission determines the use or Structure does not comply with the requirements of the LDC, but is a nonconformity lawfully established prior to the effective date of the LDC or its amendment, and that such nonconformity has not been discontinued, the Administrator or Planning Commission will issue a Written Decision verifying the date by which nonconforming status is deemed to have been established. The decision will specify the character and extent of the noncompliance and, if applicable, any conditions necessary to maintain nonconforming status under the LDC.
9. The Written Decision will be mailed to the applicant with a copy maintained in the records of Teton County.
10. Written Decisions of the Administrator or the Planning Commission under this section may be appealed as provided in section 4-1-15.
11. Determinations made under the following provisions of this section shall be made based on and in accordance with the Written Decision of verification made under this subsection and the documentation submitted by the applicant.

Commented [JG5]: PZ recommends striking this language due to lack of clarity on the intent on why written request needs to be made – need further clarification on this section from the County Attorney.

This statement might need to be revised to clarify that this is to recognize them as legal non-conformities in order to get the benefits of sections E-F (limited changes, expansions, replacements and be able to maintain and repair under C (as it's written now)

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C. Repairs; Maintenance

Nonconforming Structures, may be maintained and repaired, in accordance with applicable County code requirements. However, repairs and maintenance may not increase the degree of nonconformity, other than to meet the provisions of law to accommodate handicap access as required by American Disabilities Act and other federal and state law.

D. Changes in use

Nonconforming Uses, verified under subsection B, may not convert to a new use category that does not comply with the Zoning District requirements of the LDC. Transfer of ownership and changes in occupancy do not change nonconforming status.

E. Expansion of Nonconforming Uses and Structures

1. Nonconforming uses, verified under subsection B, may not be enlarged, extended, or increased, except in accordance with present LDC requirements and this section.
2. Nonconforming Structures, verified under subsection B, may be relocated to another location on the premises only if the relocation eliminates or reduces the extent of nonconformity.
3. Expansion of a nonconforming use or Structure in contradiction of the requirements of this section terminates nonconforming status and protections.
4. Nonconforming structures may not be relocated to another location on the premises except pursuant to a valid building permit issued by the County in compliance with this section.

F. Replacement

Nonconforming use or Structures, verified under subsection B, which have not been abandoned, may be replaced, but only where the effect of the replacement lessens or maintains the same land use impacts, including those related to traffic, occupancy, intensity, noise generation, and parking requirements, that existed prior to replacement.

G. Abandonment

1. Whenever a nonconforming use or Structure, verified under subsection B, has been discontinued for a period of five (5) years or more, nonconforming status shall be deemed abandoned. Use of the premises or Structure thereafter shall be in conformity with the present requirements of the LDC.
2. If a nonconforming use or Structure has been discontinued for a period of 1 year, the County may request resolution of the nonconforming use right according to this section and procedures outlined in Idaho Code section 67-6538(2).

H. Lots of Record, Nonconforming Lots

1. Development on Lots of Record is allowed pursuant to the provisions of the LDC. A Parcel of land that is not a Lot of Record is a nonconforming Lot and is subject to the provisions of this section.
2. Where other requirements of the LDC make construction of one Dwelling Unit infeasible on a nonconforming Lot, the Commission will deem Lot size an undue hardship and a basis for the minimum variances needed to permit construction of one Dwelling Unit, unless the Commission makes an express finding that variances sufficient to permit construction of a single Dwelling Unit on a nonconforming Lot conflicts with the public interest, under Idaho Code 67-6516 and section 4-1-9 of the LDC, Variances.

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3. For Parcels of property that are not Lots of Record, a Building or other development permit may be issued in accordance with this paragraph.
    a. An application for development of a Parcel that is not a Lot of Record must include:
        i. A copy of the recorded deed or recorded survey creating the Parcel. The Parcel must meet minimum Lot size requirements in the applicable zone district.
        ii. A map or survey showing the Parent Parcel from which the subject Parcel was created.
        iii. A Site Plan.
    b. The Administrator will approve the issuance of a Building or other development permit if the Parcel has lawful access and can meet all other relevant provisions of the LDC.

1-1-9 Planned Unit Developments

A. New Planned Unit Developments are not permitted.

B. Planned Unit Developments with final approval on the effective date of the LDC may continue under the provisions of the Final Plat

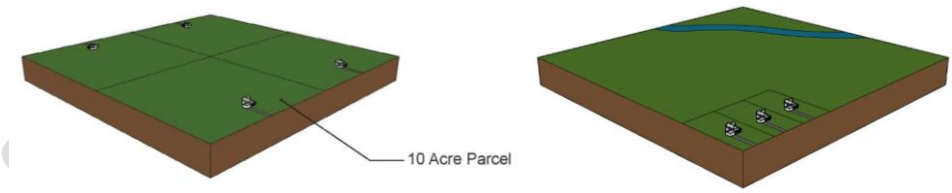
C. Requests for modifications to an approved Planned Unit Development will be processed pursuant to Chapter 4 provisions related to modifications to a plat.

D. Unless procedures are provided otherwise in an approved Planned Unit Development, denial of a request for a minor change to a PUD are subject to mediation under section 1-1-7 or appeal and reconsideration under section 4-1-15.

1-1-10 Measurements and Exceptions

A. Average Density

Average Density is calculated by dividing the gross area of the Parent Parcel by the total number of units in the project. For example a Lot or Parcel of land that is forty (40) acres in size, divided into four (4) individual Lots would have an average Density of one (1) unit per ten (10) acres or 0.10 DUs per acre. This Density can be dispersed as four (4) Lots each ten (10) acres in size or clustered so that there are three (3) smaller Lots and one large lot, to meet the minimum Lot sizes as indicated in Chapter 2 with the remainder of the land in open space.



B. Lot Dimensions

1. Lot Area

Lot area is the area included within the rear, side, and front Lot Lines. Lot area does not include existing or proposed right-of-way, whether dedicated or not dedicated to public use.

2. Lot Width

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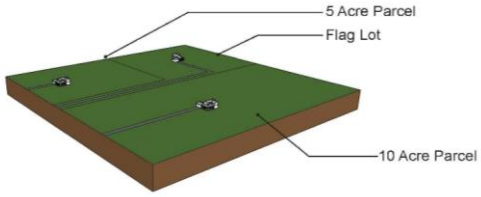
Lot width is the distance between the two side Lot Lines measured at the primary Road property line along a straight line or along the chord of the property line on a curvilinear Lot.

3. Lot Depth
   Lot depth is the distance between the front and rear property lines measured from the primary property line.
4. Lot Frontage
   Every new Lot must abut a public or private Road that meets County standards. An access easement may be granted in situations where abutting a public or private Road is not feasible, such as lack of frontage on a public or private Road or to preserve agricultural or sensitive lands.
5. Lot, Flag
   A Lot with less length of property on a Public Road than is normally required, with no less than 30 feet abutting a public or private Road generally intended to make deeper property accessible.

C. Type of Setbacks
   Building setbacks apply to both principal and accessory Buildings or Structures, except where it explicitly states otherwise. There are four types of standard Lot setbacks and four types of sensitive land setbacks:
   1. Standard Setbacks
      a. Primary Road
      b. Side Road
      c. Side Interior
      d. Rear
   2. Sensitive Land Setbacks
      a. Teton River
      b. Stream/Creek
      c. Wetlands
      d. Lake, Pond

D. Measurement of Standard Setbacks
   1. The primary Road setback is measured at a right angle from the primary Road right-of-way line.
   2. On corner Lots, the side Road setback is measured at a right angle from the side Road right-of-way line.
   3. The rear setback is measured at a right angle from the rear property line. The rear property line is the property line opposite to the primary Road property line. Where there is more than one primary Road, the Administrator will determine the rear property line.



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4. All Lot Lines that are not primary Roads, side Roads, or rear Lot Lines are considered side interior Lot Lines for the purpose of measuring setbacks. Side interior setbacks are measured at a right angle from the side property line.

E. Measurement of Setbacks from Sensitive Lands
   1. Teton River setbacks are measured from the Ordinary High Water Mark.
   2. Stream/creek setbacks are measured from the Ordinary High Water Mark.
   3. Wetlands setbacks are measured from the edge of the boundary line established by the National Wetland Inventory Map or the line established by a detailed site-specific delineation approved by the U.S. Army Corps of Engineers.
   4. Lake/pond setbacks are measured from the Ordinary High Water Mark.

F. Irregular Shaped Lots
   The Administrator will determine setbacks for irregularly-shaped Lots.

G. Primary/Side Road Designation
   1. Where only one Road abuts a Lot, that Road is considered a primary Road.
   2. A multiple Road frontage Lot must designate at least one primary Road. A Lot may have more than one primary Road. The Administrator will determine which Roads are primary Roads based on the following:
      a. The Road or Roads with the highest classification (Chapter 6); and
      b. The Road that the Lot takes its address from.

H. Setback Encroachments
   1. In General
      All Buildings and Structures must be located at or behind the required setbacks, except as listed below. Unless specifically stated, no Building or Structure may extend into a required easement or public right-of-way.
   2. Building Features Allowed to Encroach into Setbacks
      a. Uncovered porches or decks, stoops, balconies, galleries, and awnings/ canopies may extend into a required front or side setback up to two (2) feet.
      b. Building eaves, roof overhangs, gutters, downspouts, light shelves, bay windows and oriels less than ten (10) feet wide, cornices, belt courses, sills, buttresses, or other similar architectural features may encroach up to three (3) feet into a required setback.
      c. Chimneys or flues may encroach up to four (4) feet.
      d. Unenclosed patios, decks, balconies, stoops, porches, terraces, or fire escapes may encroach into a side or rear setback up to ten (10) feet.
      e. Handicap ramps may encroach to the extent necessary to perform their proper function
      f. Structures below and covered by the ground may encroach into a required setback.
      g. Exterior stairs of an open design are allowed; provided that no such stairs shall project into a required front or side yard setback more than three (3) feet and into any rear yard setback more than six (6) feet.
   3. Site Features
      a. Fences and landscaping walls up to six (6) feet in height may encroach into a required setback.

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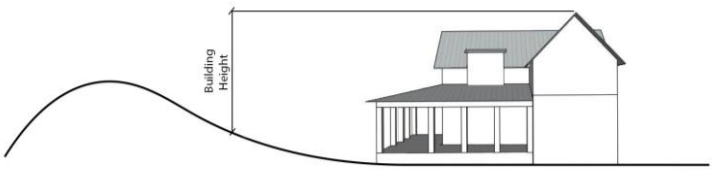
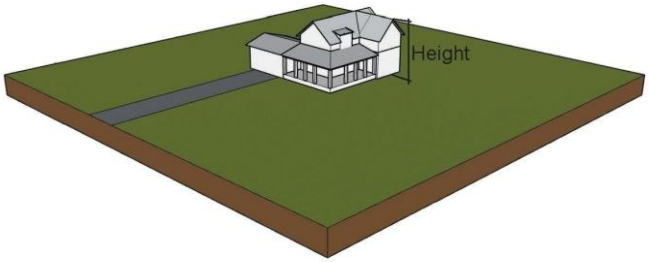
b. On a corner Lot, nothing shall be erected, placed, planted, or allowed to grow in any such manner as to materially impede vision between a height of two (2) feet and eight (8) feet above the centerline grades of intersecting Roads bounded by the property lines of the corner Lots on a line joining points along said property lines for thirty (30) feet.
c. Sidewalks and driveways may encroach into a required setback.
d. Required Buffers may encroach into a required setback.
e. Stormwater detention areas may encroach into a required setback.
f. Signs may encroach into a required setback as stated in Chapter 5, Section 9.

4. Mechanical Equipment and Utility Lines
   a. Mechanical equipment associated with residential uses, such as HVAC units, generators, and security lighting, may encroach into a side or rear setback up to 10 feet, provided that such extension is at least 3 feet from the vertical plane of any Lot Line.
   b. Minor Structures accessory to utilities (such as hydrants, manholes, transformers and other cabinet Structures, and related fences) may encroach into a required rear or side setback.
   c. Minor utilities below and covered by the ground may encroach into a required setback.

I. Building Height
1. Building height is regulated in feet and is measured from the average grade of the building footprint to the highest point of roof surface.





2. Average grade is determined by calculating the average of the highest and lowest elevation along the front of the Building parallel to the primary Road setback line.

Commented [JG6]: Image showing average grade of lot not average grade of building footprint – needs to be updated

Commented [JG7]: This definition is confusing related to #1, recommend removal

J. Rounding

Unless a particular provision specifies otherwise, the following rules shall apply with respect to the precision of numbers used in the LDC for measurement and calculation:

1. Generally
   Calculations shall not be rounded. Fractional results of calculations shall be interpreted as set forth in this Section.
2. Maximums
   Unless stated otherwise for a specific provision of ~~these LDRs,~~this LDC, maximum limits shall only allow the whole number result of a calculation. For example, a calculation of maximum Density yielding 3.8 Lots shall permit a maximum of 3 Lots.
3. Minimums
   Unless stated otherwise for a specific provision of ~~these LDRs,~~this LDC, minimum requirements shall require the next whole number. For example, a parking requirement of 7.4 spaces shall require 8 spaces.

K. Time Measurement

1. Terms used to measure time shall be applied as calendar-based time units. The term "day" shall refer to a calendar day, the term "week" shall refer to 7 days, the term "month" shall refer to a calendar month, and the term "year" shall refer to a calendar year.
2. When referencing a filing deadline, the time within which an act is to be done shall be computed by excluding the first and including the last day and shall end at 5:00 p.m. local time or the close of business hours for the Department, whichever is earlier, on the final day of the term. Should a filing deadline end on a day when the Department is closed for business, the next business day that follows that day will be considered the final day to meet the filing deadline.

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CHAPTER 2 ZONE DISTRICTS

The 2012 Teton County Comprehensive Plan established a framework for future growth and development and a Framework Map that shows the geographic distribution of desired future land uses. The following zoning districts support the implementation of residential, commercial, and rural zone districts that are based on the character areas described in the Comprehensive Plan.

2-1 Zoning District Descriptions

2-1-1 Zone District Table

Table 1. Zone District Table

Zone District	Min Lot Size	Min Lot Width	Min Front and Side Setbacks	Min rear Setback	Maximum Building Height
IR, Industrial/Research	1 acre or 7,000 square feet with central water and sewer	70'	10'	10'	45' 60' for agricultural buildings
TN, Town Neighborhood	1 acre or 9,000 square feet with central water and sewer	100'	30'	40'	30'
RN-5, Rural Neighborhood	1 acre or 9,000 square feet with central water and sewer	100'	30'	40'	30' 60' for agricultural buildings
FH-10, Foothills	1 acre	100'	30'	40'	30' 60' for agricultural buildings
RR-~~20~~8, Rural Residential	1 acre	100'	30'	40'	30' 60' for agricultural buildings
RA-~~35~~40, Rural Agriculture	1 acre	100'	30'	40'	30' 60' for agricultural buildings
LA-~~35~~40, Lowland Agriculture	1 acre	100'	30'	40'	30' 60' for agricultural buildings

Commented [JG8]: PZ observation: setbacks are too large for a 9,000 sf lot

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2-1-2 IR, Industrial/Research

A. Description

The Industrial/Research (IR) Zone is intended to accommodate manufacturing, light industrial, office, and research uses with limited accessory residential use. Most of these areas have low visibility from the highways and tourist centers and are currently undeveloped with some utility services available. Accessory retail and wholesale commercial uses are allowed in the IR Zone, as

well as higher impact manufacturing and industrial uses with Buffering and other impact mitigating measures as defined in Chapter 3, Use Provisions.

B. Dimensional Standards
   1. Minimum Lot Size – 1 acre or 7,000 square feet with central water and sewer
   2. Minimum Lot Width – 70 feet
   3. Minimum Setbacks – 10 feet all sides
   4. Maximum Building Height – 45 feet, 60 feet for agricultural Buildings

C. Uses
   See Chapter 3, Use Provisions

2-1-3 TN, Town Neighborhood

A. Description
   Town Neighborhoods are located within the areas of City impact, immediately adjacent to the cities of Victor, Driggs, and Tetonia. Due to the potential availability of utility services and established land use patterns, these areas are appropriate for varying degrees of residential, commercial, and light industrial development that define the edge between town and country.

   Pursuant to Idaho Code Section 67-6526, Teton County and the cities of Driggs, Tetonia, and Victor have negotiated agreements that define the boundaries of the areas of impact, what comprehensive plans and land use ordinances will apply in the areas of impact, and what procedures for review and approval of development applications will apply. These agreements are codified by County ordinance in Title 7 as follows:
   1. Driggs
      The City of Driggs Comprehensive Plan and Zoning Regulations apply in the area of impact. The Teton County subdivision regulations apply in the area of impact, with several exceptions that are specified in the County Code Title 7, Chapter 1.
   2. Tetonia
      The Tetonia Comprehensive Plan, development densities, and subdivision regulations apply in the area of impact, per the provisions of County Code Title 7, Chapter 2.
   3. Victor
      The Comprehensive Plan and zoning and subdivision ordinances of Teton County apply in the area of impact, per the regulations of County Code Title 7, Chapter 3.

B. Dimensional Standards
   Where City zone districts apply in the area of impact, dimensional standards of the applicable City zone districts shall apply. Otherwise, the following dimensional standards apply:
   1. Minimum Lot Size – 1 acre or 9,000 square feet with central water and sewer.
   2. Minimum Lot Width - 100 feet
   3. Minimum Setbacks – 30 feet front and sides, 40 feet rear
   4. Maximum Building Height - 30 feet

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C. Uses

As specified in Chapter 3, Use Provisions. Where City zone districts apply in the area of impact, use standards of the applicable Area of City Impact zone district shall apply.

2-1-4 RN-5, Rural Neighborhood

A. Description

The Rural Neighborhood (RN-5) Zone is intended to accommodate primarily residential uses at a gross density not exceeding one (1) Lot per five (5) acres on parcels twenty (20) acres in size or less and a gross density of one (1) Lot per two and a half (2.5) acres for parcels over twenty (20) in size. RN-5 serves as a transitional zone between the Areas of City Impact and rural areas. Accessory dwellings are only permitted for Lots five acres or larger.

Projects in the RN-5 Zone that propose clustered development shall identify areas within the project that are designated as unbuildable open space. The priorities for open space in the RN-5 District include riparian areas, significant areas of native vegetation, important wildlife habitat, and areas for community parks.

B. Dimensional Standards

1. Minimum Lot Size – 1 acre or 9,000 square feet with central water and sewer.
2. Minimum Lot Width - 100 feet
3. Minimum Setbacks – 30 feet front and sides, 40 feet rear
4. Maximum Building Height - 30 feet, 60 feet for agricultural Buildings

C. Uses

See Chapter 3, Use Provisions

2-1-5 FH-10, Foothills

A. Description

The Foothills (FH-10) Zone District is intended to ensure development is in harmony with mountain settings. FH-10 serves to provide limited residential development with a gross density of one (1) Lot per ten (10) acres in the foothills of the valley. The intent for development in the FH-10 is to maintain public access to state and federal lands; discourage scattered hillside development that requires remote Roads and infrastructure; follow best practices to help prevent wildfires and minimize the loss of structures when wildfires do occur in the fire prone wildland interface; protect steep slopes; and preserve critical wildlife habitats such as wildlife migration linkage areas at the forest edge, and to protect native vegetation, and scenic views of the foothills from the valley floor.

B. Dimensional Standards

1. Minimum Lot Size – 1 acre
2. Minimum Lot Width – 100 feet
3. Minimum Setbacks – 30 feet front and sides, 40 feet rear
4. Maximum Building Height – 30 feet for primary and accessory Structures, 60 feet for agricultural Buildings

Commented [JG9]: PZ Suggested Revision: Parcels 20 acres or less may be divided at 5-acre average density. Parcels over 20 acres may be divided at 2.5-acre average density, if at least 25% or total acreage is maintained as undeveloped.

Commented [JG10]: PZ note: If 9,000 sf lot, min setbacks are too large – 9,000 sf would only apply in Town Neighborhood

Commented [JG11]: PZ Suggested Revision: much discussion on 5 vs. 10 – maintain 10-acre average density.

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C. Uses
See Chapter 3, Use Provisions

2-1-6 RR-~~20~~8, Rural Residential

A. Description
The Rural Residential Zone (known as Mixed Agriculture/Rural Neighborhood in the Comprehensive Plan) is established to allow residential development with a gross density of one (1) Lot per ~~twenty~~ eight (~~20~~8) acres near the incorporated areas while maintaining the rural atmosphere of Teton County. RR-~~20~~8 serves to provide a place in the County where residential dwellings may be interspersed with agricultural uses and provide opportunities for residents to have gardens, farm animals, and livestock. The intent of the RR-~~20~~8 is to keep land in agricultural production, preserve open space, and protect native vegetation, riparian areas, and critical wildlife habitat.

B. Dimensional Standards
1. Minimum Lot Size – 1 acre
2. Minimum Lot Width – 100 feet
3. Minimum Setbacks – 30 feet front and sides, 40 feet rear
4. Maximum Building Height – 30 feet for primary and accessory Structures, 60 feet for agricultural Buildings

C. Uses
See Chapter 3, Use Provisions

2-1-7 RA-~~35~~40, Rural Agriculture

A. Description
The Rural Agriculture (RA-~~35~~40) Zone is established to provide areas primarily used for agricultural purposes and very low density residential with a gross density of one (1) Lot per ~~thirty five~~forty (40~~35~~) acres. The intent of RA-40~~35~~ zoning is to provide locations for the cultivation of crops, the raising and keeping of livestock, and other related agricultural uses. The RA-~~35~~40 zone district also serves to nurture wildlife habitats and preserve the beauty of the rural agricultural lands in Teton County by utilizing clustered development designs. It also provides the opportunity to use average residential density to establish smaller residential Lots for family use or development while preserving agricultural lands.

B. Dimensional Standards
1. Minimum Lot Size – 1 acre
2. Minimum Lot Width – 100 feet
3. Minimum Setbacks – 30 feet front and sides, 40 feet rear
4. Maximum Building Height – 30 feet for primary and accessory Structures, 60 feet for agricultural Buildings

C. Uses
See Chapter 3, Use Provisions

Commented [JG12]: PZ Suggested Revision: 20 acre average is too low, 5 is too dense, change to 8 acre average density - keep minimum lot size of 1-acre

Commented [JG13]: PZ Suggested Revision: Change to 40 acre average density and explore a TDR option

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2-1-8 LA-~~35~~40, Lowland Agriculture

A. Description

The Lowland Agriculture (LA-~~35~~40) Zone District (known as Mixed Agriculture/Wetland in the Comprehensive Plan) has a gross allowable density of one (1) Lot per ~~thirty five~~forty (40~~35~~) acres. It includes areas where development may be limited due to the remoteness of services, topography, jurisdictional wetlands, floodplains, and other sensitive environmental issues. These areas have seasonally important wildlife resources, are predominately rangeland and agriculture land, and have high scenic qualities. The intent of the LA-~~35~~ 40 zone is to maintain undeveloped floodplains, protect homes from the risk of flooding, protect water quality from the impacts of development, and protect native vegetation and critical wildlife habitat.

B. Dimensional Standards

1. Minimum Lot Size – 1 acre
2. Minimum Lot Width – 100 feet
3. Minimum Setbacks – 30 feet front and sides, 40 feet rear
4. Maximum Building Height – 30 feet for primary and accessory Structures, 60 feet for agricultural Buildings

C. Uses

See Chapter 3, Use Provisions

Commented [JG14]: PZ Suggested Revision: Change to 40 acre average density with a TDR option to be developed as a high priority following the code update

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CHAPTER 3 USE PROVISIONS

3-1 Classification of Uses

3-1-1 Definition of Use

Use means the purpose for which a site or Structure is occupied or maintained. In order to regulate a variety of similar uses, use categories have been established. Use categories provide a systematic basis for assigning uses to appropriate categories with other, similar uses. Use categories classify uses and activities based on common functional, product, or physical characteristics. There are three categories of uses: principal, accessory, and temporary.

A. Principal Uses

A principal use is a use that may exist as the sole use of the property. More than one principal use may exist on a property.

A principal use not specifically listed is prohibited. If a proposed use is not listed in a use category, but is similar to a listed use, it may be considered as part of that use category. The following criteria must be used to determine whether a proposed use is similar to a listed use:

1. The actual or projected characteristics of the proposed use;
2. The relative amount of site area or floor area and equipment devoted to the proposed use;
3. Retail sales;
4. The customer type;
5. The relative number of employees;
6. Hours of operation;
7. Building and site arrangement;
8. Types of vehicles used and their parking requirements;
9. The number of vehicle trips generated;
10. How the proposed use is advertised;
11. The likely impact on surrounding properties;
12. Whether the activity is likely to be found independent of the other activities on the site; and
13. Where a use not listed is found not to be similar to any other permitted use, the use is only permitted following a LDC Amendment per Section 4-1-4.

B. Accessory Uses

An accessory use is any use that is subordinate in both purpose and size, incidental to and customarily associated with an allowed principal use located on the same lot. The Use Table establishes allowed accessory uses by district.

An accessory use not specifically listed is prohibited unless it is determined that the accessory use:

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1. Is clearly incidental to and customarily found in connection with an allowed principal use;
2. Is subordinate to and serving an allowed principal use;
3. Is subordinate in area, extent, and purpose to the principal use served;
4. Contributes to the comfort, convenience, or needs of occupants, business, or industry in the principal use served; and
5. Is located on the same lot as the principal use served.
6. Where a use not listed is found not to be similar to any other permitted use, the use is only permitted following a LDC Amendment per Section 4-1-4.

C. Temporary Uses
A temporary use is a use that is in place for a limited period of time only.

3-2 Use Table

The use table establishes allowed uses by zone district. No Building or Lot may be used except for a purpose allowed in the district in which it is located.

3-2-1 Use Table Key

A. Permitted Use (P)
Indicates a use is allowed or permitted in the respective district. The use is also subject to all other applicable requirements of the LDC.

B. Limited Use (L)
Indicates a use is allowed in the respective district, by Planning Administrator approval per section 4-1-3 herein, subject to specific use and dimensional standards. The locations of the relevant use standards are found in the definitions in sections 3-3 to 3-8-10. The use is also subject to all other applicable requirements of the LDC.

C. Special Use (S)
Indicates a use may be allowed in the respective district only after recommendation by the Commission and approval by the Board as set forth in Chapter 4. Special uses are subject to all other applicable requirements of the LDC, including any applicable use standards, except where the use standards are expressly modified as part of the approval process.

D. Accessory Use (A)
Indicates a use is allowed as accessory and subordinate to a primary use in the respective district. Accessory uses are subject to the use standards herein, as well as all other applicable requirements of the LDC.

E. Limited Accessory Use (AL)
Indicates a use is allowed as accessory and subordinate to the principle use in the respective district, by Planning Administrator approval per section 4-1-3 herein, subject to specific use and

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dimensional standards. The location of the relevant use standards are found in the definitions in Section 3-3 to 3-8-10. The use is also subject to all other applicable requirements of the LDC.

F. Accessory Special Use (AS)
Indicates a use is allowed as accessory and subordinate to the principle use in the respective district, only after a public hearing and approval by the Planning & Zoning Commission (see Section 4-1-8). The use is also subject to all other applicable requirements of the LDC, including any applicable use standards, except where the use standards are expressly modified as part of the approval process.

G. Uses Not Permitted (--)
Indicates that a use is not allowed in the respective district.

3-2-2 Use Table (*Table 2*)

Use Category/Specific Use	RA-40, Rural Agriculture	LA-40, Lowland	FH-10, Foothills	RR-8, Rural Residential	I/R, Industrial Research	RN-5, Rural Neighborhood	TN, Town Neighborhood	Definition/ Standards
Key: P = Permitted L = Limited Use S = Special Use A = Permitted Accessory Use AL=Accessory Limited AS=Accessory Special Use -- = Use Not Permitted								
Residential Uses								**Section 3-3**
Accessory Building	A	A	A	A	A	A	A	Section 3-3-1
Accessory Structure, Detached	A	A	A	A	A	A	A	Section 3-3-2
Dwelling Unit, Primary	P	P	P	P	--	P	P	Section 3-3-3
Dwelling Unit, Secondary Attached or Detached	A	A	A	A	A	A	A--	Section 3-3-4
Group Residence	P	P	P	P	--	P	P	Section 3-3-5
Short Term Rentals	L	L	L	L	--S	L	L	Section 3-3-6
Agricultural Uses								**Section 3-4**
Agricultural Auction Facility	L	L	L	L	L	L	--	Section 3-4-1
Agricultural Building	P	P	P	P	P	P	P	Section 3-4-2
Agricultural Operation	P	P	P	P	P	P	P	Section 3-4-3
Agritourism								
Aquaculture	L	L	L	L	L	LS	--S	Section 3-4-4

Commented [JG15]: General PZ discussion that many of the uses that are listed as not permitted should be changed to special use to allow the use to be contemplated but still have a process in place to assess if the applicant can mitigate the impacts appropriately

Commented [JG16]: Need to be at top of each page and spelled out (vertical)

Commented [JG17]: Update section numbering once final edits are complete prior to adoption

Commented [JG18]: PZ discussed whether accessory dwelling units should be allowed in the FH-10 zone district due to increased density – concern with fire, etc.

Commented [JG19]: Need to add footnote that Accessory Dwellings not allowed on 2.5 acre density development

Commented [JG20]: Need to add footnote stating that ADUs would be allowed if annexed into the City

Commented [JG21]: Need to define and develop standards then likely it will be either permitted or limited use in all ag zones

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Use Category/Specific Use	RA-40, Rural Agriculture	LA-40, Lowland	FH-10, Foothills	RR-8, Rural Residential	I/R, Industrial Research	RN-5, Rural Neighborhood	TN, Town Neighborhood	Definition/ Standards
Key: P = Permitted L = Limited Use S = Special Use A = Permitted Accessory Use AL=Accessory Limited AS=Accessory Special Use -- = Use Not Permitted								
Beekeeping, Commercial	~~L~~P	~~L~~P	P~~L~~	~~L~~--	--	--	--	Section 3-4-5
Beekeeping, ~~Residential~~ Accessory	~~AL~~P	~~AL~~P	~~AL~~P	~~AL~~P	--	~~AL~~P	~~AL~~P	Section 3-4-6
Livestock Processing, Commercial	S	S	S	S	--	--	--	Section 3-4-7
Public/Infrastructure Uses								**Section 3-5**
Cemetery, Public	S	S	S	S	S	S	S	Section 3-5-1
Cemetery, Private	L	L	L	L	--	L	L	Section 3-5-2
Club or Lodge	~~-~~S	~~-~~S	~~-~~S	~~-~~S	P	--	P	Section 3-5-3
Conservation Area	P	P	P	P	P	P	P	Section 3-5-4
Hospital	--	--	--	--	--	--	S	Section 3-5-5
Park-n-Ride Facility	~~-~~S	~~-~~S	~~-~~S	~~-~~S	S	S	P	Section 3-5-6
Places of Worship	~~-~~S	~~-~~S	~~-~~S	~~-~~S	~~-~~S	S	S	Section 3-5-7
School, Secondary (College or University)	~~L~~S	~~-~~S	--	--	P	--	P	Section 3-5-8
School, Secondary (Trade or Vocational)	~~L~~S	~~-~~S	--	--	P	--	P	Section 3-5-9
Utilities, Major	S	S	S	S	S	S	S	Section 3-5-10
Utilities, Minor	P	P	P	P	P	P	P	Section 3-5-11
Commercial Uses								**Section 3-6**
Animal Care, Domestic	P	P	P	L	L	L	L	Section 3-6-1
Bed and Breakfast	AL	AL	AL	AL	--	AL	AL	Section 3-6-2
Daycare	~~-~~S	~~-~~S	~~-~~S	~~-~~S	~~-~~S	S	S	Section 3-6-3
Daycare, Home	AL	AL	AL	AL	--	AL	AL	Section 3-6-4
Food Service, Accessory	AL	AL	AL	AL	AL	AL	AL	Section 3-6-5
Food Vending, Outdoor	A	A	A	A	A	A	A	Section 3-6-6

Commented [JG16]: Need to be at top of each page and spelled out (vertical)

Commented [JG22]: Based on public input and PZC discussion, there didn't seem a need to preclude a place of worship from any particular zone, especially since it is a special use that would be considered case by case.

Commented [JG23]: PZ Recommend adding special use to ag zones to accommodate ag based learning opportunities

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Use Category/Specific Use	RA-40, Rural Agriculture	LA-40, Lowland	FH-10, Foothills	RR-8, Rural Residential	I/R, Industrial Research	RN-5, Rural Neighborhood	TN, Town Neighborhood	Definition/ Standards
Key: P = Permitted L = Limited Use S = Special Use A = Permitted Accessory Use AL=Accessory Limited AS=Accessory Special Use -- = Use Not Permitted								
Garden Center	L	L	L	L	L	L	L	Section 3-6-7
Guest/Dude Ranch	L	L	L	L	--	--	--	Section 3-6-8
Home Business	A	A	A	A	--	A	A	Section 3-6-9
Nursery	P	P	P	P~~L~~	~~L~~S	~~L~~S	~~L~~S	Section 3-6-10
Special Event Facility	AS	AS	AS	AS	--	--	--	Section 3-6-11
Vehicle and Equipment Sales/Rental	--	--	--	--	L	~~L~~S	~~L~~S	Section 3-6-12
Industrial Uses								**Section 3-7**
Aviation Field, Heliport	--	--	--	--	S	--	--	Section 3-7-1
Car wash	--	--	--	--	P	--	P	Section 3-7-2
Industrial, Heavy	--	--	--	--	S	--	--	Section 3-7-3
Industrial, Light	--	--	--	--	P	--	--	Section 3-7-4
Industrial, Home	AL	AL	AL	AL	--	AL	AL	Section 3-7-4
Food and Beverage Processing Facility	~~L~~S	~~L~~S	~~L~~S	~~L~~S	L	~~L~~S	~~L~~L	Section 3-7-5
Mineral Resource Development	S	--	--	S	P	--	--	Section 3-7-6
Outdoor Storage, Industrial	--	--	--	--	A	--	--	Section 3-7-7
Research and Development	S	S	S	S	P	--	--	Section 3-7-8
Solar Energy System, Small Scale	L	L	L	L	L	L	L	Section 3-7-10
Solar Energy System, Large Scale	L	L	L	L	L	--	--	Section 3-7-11
Vehicle Service and Repair	~~L~~S	~~L~~S	~~L~~S	~~L~~S	P	~~L~~S	~~L~~S	Section 3-7-12
Warehouse, Storage and Distribution	--	--	--	--	P	--	--	Section 3-7-13
Waste-Related Service	--	--	--	--	S	--	--	Section 3-7-14
Wind Energy System, Small-Scale	L	L	L	L	P	--	--	Section 3-7-15

Commented [JG16]: Need to be at top of each page and spelled out (vertical)

Commented [JG24]: PZ recommends changing to a special use with some discussion about it being an accessory use which could be captured in a footnote

Commented [JG25]: PZ Discussion: interpreted as large-scale preparation to be shipped, not local, recommend adding as a special use in all zones to accommodate the small ag related operations that might be contemplated

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Use Category/Specific Use	RA-40, Rural Agriculture	LA-40, Lowland	FH-10, Foothills	RR-8, Rural Residential	I/R, Industrial Research	RN-5, Rural Neighborhood	TN, Town Neighborhood	Definition/ Standards
Key: P = Permitted L = Limited Use S = Special Use A = Permitted Accessory Use AL=Accessory Limited AS=Accessory Special Use -- = Use Not Permitted								
Wireless Communications, Amateur Radio Operator Tower	L	L	L	L	L	L	L	Section 3-7-16
Wireless Communications, Building-Mounted	~~LP~~	~~LP~~	~~LP~~	~~LP~~	~~LP~~	~~SP~~	~~SP~~	Section 3-7-17
Wireless Communication Tower	L	L	S	L	L	S	S	Section 3-7-18
Recreational Uses								**Section 3-8**
Campground, General								Section 3-8-1
Campground, Rustic	S	S	S	S	S	--	--	Section 3-8-2
Campground, Small Scale RV	S	S	S	S	S	--	--	Section 3-8-3
Campground, Large Scale RV	S	S	S	S	S	--	--	Section 3-8-4
Campground, Resort	S	S	S	S	S	--	--	Section 3-8-5
Golf course	L	L	L	L	--	S	S	Section 3-8-6
Horse Stable, Riding Academy, Equestrian Center	P	P	P	P	__	L	L	Section 3-8-7
Park, Recreation Field	P	P	P	P	--	P	P	Section 3-8-8
Shooting Range, Indoor	L	L	L	L	L	--	--	Section 3-8-9
Shooting Range, Outdoor	S	S	S	S	--	--	--	Section 3-8-10
Recreation Access	P	P	P	P	--	P	P	Section 3-8-11
Recreation, Motorized	S	S	S	S	S	S	S	Section 3-8-12
Temporary Uses	RA-40,	LA-40,	FH-10,	RR-8,	IR, Ind	RN-5,	TN, To	**Section 3-9**
Exempt Temporary Uses	P	P	P	P	P	P	P	Section 3-9-1
Temporary Uses/Events	L	L	L	L	L	L	L	Section 3-9-2
Temporary Portable Storage Containers	L	L	L	L	L	L	L	Section 3-9-3
Temporary Structures as Living Quarters	L	L	L	L	L	L	--	Section 3-9-4

Commented [JG16]: Need to be at top of each page and spelled out (vertical)

Commented [JG26]: PZ Suggest changing to permitted use and remove limited use standards down below

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3-3 Residential Uses

3-3-1 Accessory Building

A. Defined
A Building not used for Human Habitation that is greater than two hundred (200) square feet in floor area and not over two (2) stories in height, the use of which is customarily accessory to and incidental to that of the principal use located on the same Lot.

B. General Use Standards
All accessory Buildings shall adhere to dimensional standards required by the zone district in which it is located.
All Structures over two hundred (200) square feet in floor area require a Building permit.

3-3-2 Accessory Structure, Detached

A. Defined
A Structure not used for human habitation that is less than two hundred (200) square feet in floor area and one-story in height and that is used as a tool or storage shed, playhouse, or similar use.

B. General Use Standards
Setbacks for accessory Structures may be reduced to twelve (12) feet from any property line or easement.

3-3-3 Dwelling Unit, Primary

A. Defined
A residential Structure designed and constructed for occupancy by one household and located on a Lot or separate Building tract, having no physical connection to a Building on any other Lot or tract. Primary Dwelling Units contain at a minimum a permanent kitchen, bathroom facility, and sleeping area. A primary Dwelling Unit may be a manufactured home.

B. General Use Standards
All Dwelling Units shall adhere to dimensional standards required by the zone district in which it is located.

3-3-4 Dwelling Unit, Secondary Attached or Detached

A. Defined
An secondary dwelling or Accessory Dwelling Unit (ADU) shall be a completely independent residential living unit for one household, on the same Parcel of land as the primary Dwelling Unit and can either be attached to the primary Dwelling Unit or detached. An ADU must contain its own permanent kitchen, bathroom facility, and sleeping area.

Commented [JG27]: PZ Suggestion: Add language that an original smaller home could become secondary dwelling if a larger newer home is built as a primary in future

Commented [JG28R27]: Also, think about adding language that secondary unit should be within a certain distance of the primary or on the same septic and well system (conversation was for all zone districts but specifically in looking at the RN)

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B. General Use Standards
   1. Only one (1) ADU shall be allowed per Parcel or Lot.
   2. Two (2) off-Road parking spaces shall be provided for the unit.
   3. The maximum size of an ADU shall not exceed 50% of the square footage of the primary residence or 900 square feet, whichever is greater.
   4. Detached ADU shall be located in accordance with required setbacks per zone.

3-3-5 Group Residence

A. Defined

A primary Dwelling Unit shall include a group residence in which eight (8) or fewer unrelated persons with disabilities or elderly persons reside and who are supervised at the group residence in connection with their disability or age related infirmity. Disabilities include mental or physical impairment and who are protected under the Fair Housing Act.

Resident staff, if employed, need not be related to each other or to any of the persons with disabilities or elderly persons residing in the group residence. No more than two (2) of such staff shall reside in the dwelling at any one time.

B. General Use Standards
   1. Parking shall be provided for residents, employees, and visitors per Section 5-6

3-3-6 Short-Term Rentals

A. Defined

Short-term rental means the use of a primary or secondary Dwelling Unit, or some part thereof, for rental or occupancy for sleeping or lodging for terms of thirty (30) consecutive days or less, in exchange for a fee or other similar consideration.

B. Limited Use Standards

The following are required in order to safeguard the public health, safety and general welfare in order to protect the integrity of residential neighborhoods in which short-term rentals or vacation rentals operate:
   1. All parking for guests, visitors, and residents of the unit shall be contained on-site. Camper trailers, boat trailers, utility trailers, transport trailers, or any other type of trailer shall be parked on-site and shall not be parked in the right-of-ways. Off-site parking is not allowed.
   2. Short-term rental~~s~~ capacity shall be determined by the capacity of the wastewater treatment system. Applicant will need to provide verification of wastewater treatment system capacity as certified by East Idaho Public Health Department. ~~shall contain no more than two people per bedroom. Total maximum occupancy of the short-term rental shall be based on the number of bedrooms times two.~~
   3. Camping shall comply with conditions set forth in sections 3-8-1 through 3-8-5 and shall not be used to exceed the number of tenants specified on the short-term rental business license.

Commented [JG29]: The intent is to provide protection of water resources. This is a relatively new issue to the county, and complaints are very common regarding short term rentals. The public comments expressed confusion about the capacity being rather random. This ties occupancy directly to septic system capacity.

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4. Quite hours must be observed between 10:00 p.m. to 8:00 a.m.
5. No Special Events shall be held that include additional guests beyond those staying at the short-term rental without first obtaining a Type 1 Temporary Use permit per Section 3-9-2.
6. ~~Water and sanitation facilities must be adequately sized for the advertised occupancy, which is not to exceed two times the number of bedrooms.~~
7.6. Trash in plastic bags shall not be placed outside of garbage receptacles and where applicable, animal and pest-proof garbage receptacles must be used. Trash must be removed from the site regularly.
8.7. Smoke detectors, carbon monoxide detectors, and fire extinguishers shall be installed, tested, and maintained per the manufacturer's instructions and in conformance with the occupancy types specified by the IRC.
9.8. All property owners within two hundred (200) feet of the short term rental property shall be sent written notice, which includes the name and phone number of the contact person for the short-term rental, 30 days prior to the commencement of initial short-term rental activity.
10.9. The address and basic property access directions shall be posted on the inside front door for all short-term rental property.

C. Permit Required
All short-term rentals require a Short-Term Rental Registration with the Planning Department to verify the use standards have been met prior to the use being approved. A Building inspection may be performed prior to permit issuance.

Commented [JG30]: Duplicates the capacity issue noted above.

Commented [JG31]: Nothing would preclude a property management company from handing the permitting process. That happens regularly with other land use applications, where a representative of the land owner will handle any applications/processes.

3-4 Agricultural Uses

3-4-1 Agricultural Auction Facility

A. Defined
A sales establishment at which farm-related merchandise or livestock is sold to the highest bidder on a monthly or more frequent basis.

B. Limited Use Standards
1. All operations shall be conducted within a fully enclosed Building.
2. All storage of materials, products, or equipment shall be within a fully enclosed Building or in an open yard screened with a Type A Buffer per Chapter 5, Section 7, Buffers, Screening and Fencing.
3. Off-Road parking must be provided in compliance with Section 5-6.

3-4-2 Agricultural Building

A. Defined
A Structure designed and constructed to store farm implements, hay, grain, poultry, livestock, or other horticultural products. Agricultural Buildings shall not be a place of Human Habitation or a

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place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.

B. General Use Standards
   1. The maximum height limitations for an agricultural Building for agricultural uses such as a silo, granary, or barn shall be no taller than sixty (60) feet.
   2. No part of any Building, Structure, or run in which animals are housed can be closer than fifty (50) feet from any property line, except property owned or occupied by an owner or operator of the facility.

3-4-3 Agricultural Operation

A. Defined
   An activity or condition that occurs in connection with the production of agricultural products for food, fiber, fuel, grain, and other lawful uses, and includes, without limitation:
   1. Construction, expansion, use, maintenance and repair of an agricultural facility;
   2. Preparing land for agricultural production;
   3. Applying pesticides, herbicides or other chemicals, compounds or substances labeled for insects, pests, crops, weeds, water or soil;
   4. Planting, irrigating, growing, fertilizing, harvesting or producing agricultural, horticultural, floricultural and viticultural crops, fruits and vegetable products, field grains, seeds, hay, sod and nursery stock, and other plants, plant products, plant byproducts, plant waste and plant compost;
   5. Breeding, hatching, raising, producing, feeding, boarding, and keeping livestock, dairy animals, swine, fur-bearing animals, poultry, eggs, and other animals, animal products and animal byproducts, animal waste, animal compost, and bees, bee products, and bee byproducts (further described in Sections 3-4-5 and 3-4-6);
   6. Transporting agricultural products to or from an agricultural facility;
   7. Noise, odors, dust, fumes, light and other conditions associated with an agricultural operation or an agricultural facility;
   8. Selling agricultural products onsite or at a farmers or Roadside market;
   9. Participating in a government sponsored agricultural program.

B. General Use Standards
   1. In accordance to the Right to Farm Act (I.C. 22-4503), after an agricultural operation, agricultural facility, or expansion thereof has been in operation for more than 1 year and was not a nuisance at the time it began or was constructed, it shall not be or become a nuisance due to any changed conditions in or about the surrounding nonagricultural activities. Nonagricultural activities include residential, commercial or industrial property development and use not associated with the production of agricultural products.
   2. ~~The above shall not apply when a nuisance results from the improper or negligent operation of an agricultural operation, agricultural facility, or expansion thereof.~~

Commented [JG32]: PZ Suggested Revision: too subjective

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3-4-4 Agritourism

~~3-4-4~~3-4-5 Aquaculture

A. Defined

The farming of fish, crustaceans, mollusks, aquatic plants, algae, and other organisms. It involves cultivating freshwater and saltwater aquatic populations under controlled conditions for commercial uses.

B. Limited Use Standards

1. Required proof of license from the Idaho State Department of Agriculture.
2. Aquaculture facilities shall not be constructed in or across any natural streambed, lake, or other watercourse containing wild fish.
3. Any dam constructed to divert water into a facility must not restrict the free and uninterrupted passage of fish in the stream.
4. All water inlets to facilities must be screened in order to prevent wild fish from entering the facility and keep farmed fish from escaping.
5. Operations must minimize adverse impacts from noise, light, and glare on nearby properties to the extent feasible.
6. Discharges into surrounding waters of any waste material from the aquaculture operation shall be prohibited.

~~3-4-5~~3-4-6 Beekeeping, Commercial

A. Defined

The tending of beehives and the production or processing of bee products for ~~commercial uses~~ operations fifty (50) hives or larger.

B. Limited Use Standards

1. Required proof of registration with the Idaho State Department of Agriculture.

~~2. Minimum Lot size of twenty (20) acres.~~

~~3.~~2. No colony shall be permitted within a front yard setback.

~~4. All colonies must be setback at least one hundred (100) feet from any rear or side yard Lot Line.~~

~~5. All colonies within five hundred (500) feet of an adjoining home shall require a flyway barrier with a 6 foot minimum height.~~

~~6.~~3. Notification of operation shall be sent by permit applicant to all ~~adjacent~~ property owners within five hundred feet (500') of the hive or colony. Notification shall be sent via certified mail or certificate of mail and proof of mailing shall be submitted to the Planning Department. ~~Any property owner who receives notification shall have fourteen (14) calendar days from the postmarked date to send a written objection to the Planning Department. If any such objection is received, no colony shall be located within five hundred (500) feet of the adjoining home of objecting property owners.~~

Commented [JG33]: PZ Suggested to add a use for agritourism lodging/campground (similar to rustic) that would be something between a dude ranch and a campground,– has to have sanitation facilities but doesn't need to be a buffer. Intent of use is for farmers to have a handful of yurts or rustic lodging facilities on their property for agritourism.

Commented [JG34]: To match department of Ag requirements

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~~3-4-6~~3-4-7 Beekeeping, ~~Residential~~ Accessory

A. Defined

The tending of beehives and the production or processing of bee products for operations with less than fifty (50) hives~~personal use only~~ as associated with a primary Dwelling Unit.

B. Limited Use Standards

1. Minimum Lot size of ~~two~~ one (~~2~~1) acre~~s~~, with a maximum of ~~one~~ two (~~1~~2) colony per acre.

~~2. Limited to a maximum of ten (10) colonies~~

~~3. No colony shall be permitted within a front yard setback.~~

~~4.~~2. All colonies must be setback at least thirty (30) feet from ~~any rear or side yard~~all Lot Lines.

~~5. All colonies within one hundred (100) feet of an adjoining home shall require a flyway barrier with a six (6) foot minimum height.~~

3. Each beekeeper shall ensure that a convenient source of water is available at all times to the bees.

~~6.~~4. Notification of proposed colony shall be sent by permit applicant to all ~~adjacent~~ property owners within five hundred feet (500') of the hive of colony~~s~~. Notification shall be sent via certified mail or certificate of mail and proof of mailing shall be submitted to the Planning Department. ~~Any property owner who receives notification shall have fourteen (14) calendar days from the postmarked date to send written objection to the Planning Department. If any such objection is received, no colony shall be located within one hundred (100) feet of the adjoining home of the objecting property owner.~~

~~3-4-7~~3-4-8 Livestock Processing, Commercial

A. Defined

The process of rendering material of an animal and processing it into finished products such as hide, skin, grease, meat, bones, or parts thereof for commercial uses.

B. Special Use Standards

1. Required proof of license from the Idaho State Department of Agriculture and the US Department of Agriculture.

3-5 Public and Infrastructure Uses

3-5-1 Cemetery, Public

A. Defined

The use of public or quasi-public property as a burial place for human or animal remains using earth interments, a mausoleum for vault or crypt interments, or a columbarium for interments of cremated remains, or any combination of these. This includes rural cemeteries as defined in I.C. Title 27 Chapter 2.

B. Special Use Standards

1. All State and Federal regulations and requirements shall be met.

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2. The height of Structures shall not exceed thirty five (35) feet.
3. Structures shall not be closer than one hundred (100) feet to any property boundary. An above ground mausoleum or columbarium shall provide a fifty (50) foot wide vegetative screen along the property lines adjoining other Parcels, according to the screening standards in Chapter 12.
4. No earth internments shall be placed within one hundred (100) feet of any existing well providing water for either human or animal consumption or within one hundred (100) feet of surface water.
5. The minimum Lot size for a cemetery is fifteen (15) acres and the minimum lot size for a mausoleum without a cemetery is five (5) acres.
6. Vehicles are prohibited from parking on an access Road or drive, and one (1) parking space is required per four hundred (400) square feet of sales or office area. Temporary parking on interior drives is permitted for grave site ceremonies.
7. Hours of operation shall be from dawn to dusk.
8. Access shall be via a County or State maintained Road.

3-5-2 Cemetery, Private

A. Defined

A private cemetery or private burial ground is a burial place for human remains on private property using earth interments, a mausoleum for vault or crypt interments, or a columbarium for interments of cremated remains, or any combination of these.

B. Limited Use Standards

1. The location of a private burial ground shall be described by metes and bounds on the deed of record in order to give notice to lien holders, successors in title, and the public at large that the Lot contains private burial grounds. The owner of the Lot or Parcel containing the private burial grounds shall record such deed prior to any interment of human remains thereon. If a Lot or Parcel containing private burial grounds is sold, the seller of the property must disclose to the buyer the existence of the private burial grounds.
2. No earth internments shall be placed within one hundred (100) feet of any existing well providing water for either human or animal consumption or within one hundred (100) feet of surface water.
3. No earth internments shall be within one hundred (100) feet of any Building.
4. Construction of a mausoleum, columbarium, or any monument or grave marker on a private burial ground shall comply with all applicable Building code requirements and Building setbacks of the underlying zoning district.
5. All private burial grounds shall comply with all state requirements, including but not limited to I.C. Sections 39-260 (registrations of deaths), 39-268 (final disposition of dead bodies), and 39-269 (disinterment), and I.C. Title 54, Chapter 11 (Morticians, funeral directors, and embalmers), and the relevant sections of the Idaho Administrative Code (IDAPA).

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C. Limited Use Standards for Interment and Removal
Each interment or removal of human remains in a private burial grounds shall meet the following standards:

1. ~~No i~~Interment or removal of human remains in a private burial ground may occur only~~except~~ under the direction of a licensed mortician and pursuant to the requirements of I.C. Title 54, Chapter 11.
2. Non-cremated human remains buried beneath the surface of the ground may not be buried in a manner so that any portion of the outside surface of the container of the remains is less than forty-eight (48) inches below the surface of the ground.
3. Each container of human remains buried beneath the surface of the ground shall be indicated by a permanent visible marker or monument. The marker or monument should be placed as soon as practicable after the remains are interred.

D. Disestablishment of Private Burial Grounds
A private burial ground, once established, may be disestablished by the owner of the property. To disestablish a private burial grounds, the owner must do all of the following:
1. Arrange to remove and properly re-inter any human remains interred in the private burial grounds.
2. Remove any markers or monuments that indicate the presence of human remains.
3. Remove, demolish, or convert to another permitted use any mausoleum or columbarium, constructed on the private burial grounds.
4. File a new deed of record indicating that the private burial ground has been disestablished.

E. Penalties
Pursuant to I.C. Section 19-5304, the court may order a prior owner of land who did not record the existence of a private burial grounds on that the land and who did not disclose the existence of the private burial grounds to the buyer of the land prior to selling the land, to pay reasonable costs of disinterment and reinternment of any human remains thereon.

3-5-3 Club or Lodge

A. Defined
A facility used for associations or organizations of an educational, fraternal, recreational, or social character, not operated or maintained for profit. Representative organizations include but aren't limited to Elks, Veterans of Foreign Wars, or Lions.

Commented [JG35]: PZ suggestion to capture hunting lodge

3-5-4 Conservation Area

B. Defined
A tract of land that is legally protected in order to ensure that wildlife habitat, scenic vistas, natural features, cultural heritage, biota, recreation, agriculture, or public access are preserved. May include recreation trails, greenways, conservation easements, conservation resource protection properties, and nature preserves.

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3-5-5 Hospital

A. Defined

An institution devoted primarily to the maintenance and operation of facilities for the medical or surgical care of patients, including hospice, but distinguished from a nursing home by offering primary short-term rather than long-term care.

3-5-6 Park-n-Ride Facility

B. Defined

A parking lot that allows commuters and other people to leave their vehicles and carpool or transfer to a bus for the remainder of their journey to a common destination.

C. Special Use Standards

1. Off-Road parking must be provided in compliance with Section 5-6.
2. Vehicles may be left in the parking lot during the day and must be removed at the end of the day.
3. Overnight parking is not allowed and facilities shall not be staffed with security personnel.

3-5-7 Places of Worship

A. Defined

A permanent facility that is constructed ~~primarily intended~~ for conducting organized religious services.

B. Special Use Standards

1. Minimum Lot size for a place of worship shall be ~~five (5) acres~~one (1) acre.
2. Buildings must meet the height requirements for the Zoning District in which the place of worship is located.
3. Adequate parking must be provided on site for all visitors, volunteers, and employees.
~~3.~~4. Demonstrate sufficient water, wastewater and access for proposed use.

Commented [JG36]: The idea is to differentiate between larger constructed places of worship and that which does not include constructed facilities.

Commented [JG37]: One is minimum lot size for a residence. One acre is needed for sufficient spacing for well and septic.

3-5-8 School, Secondary (College or University)

A. Defined

A facility of higher education having authority to award associate and higher degrees. Includes satellite campuses, research stations, farms, field camps, and similar properties associated with educational functions. Does not include full college or university campuses with dormitories or living facilities.

B. Limited Use Standards

1. The minimum Parcel size for a college or university use is consistent with underlying zoning.

3-5-9 School, Secondary (Trade or Vocational)

A. Defined

A facility having a curriculum devoted primarily to industry, trade, or other vocational-technical instruction.

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B. General Use Standards
   1. The minimum Parcel size for a trade or vocational school use is consistent with underlying zoning.

3-5-10 Utilities, Major

A. Defined
   Including aeration facility, electrical substation, electric or gas generation plant, filter bed, transmission towers, waste treatment plant, water pumping facility, water tower or tank.

B. Special Use Standards
   1. Minimum Lot size for a major utility shall be two (2) acres.
   2. A Type B Buffer per Chapter 5, Section 7 must be established around the perimeter of all major utility facilities
   3. All storage of materials, products, or equipment in an open yard shall be screened so that the materials stored are not visible within one thousand (1000) feet of the property lines. Where topographic conditions make effective screening impractical so as to create an unnecessary hardship, the Board of Zoning Appeals may consider a variance from this screening requirement.
   4. If the County determines that any Road associated with a facility in this use category is inadequate for the expected quantities of traffic, especially with respect to heavy truck traffic, the applicant shall be required to improve and maintain the Road(s) to a standard acceptable to the County. An Improvement and Maintenance Agreement between the applicant and the County shall be required to assure that the Road(s) used by the operation will be appropriately improved and maintained.
   5. Property/facility shall be maintained so as to ensure the health, safety, and welfare of the public are preserved.
   6. Materials associated with the major utility shall not be carried onto adjoining properties.

3-5-11 Utilities, Minor

A. Defined
   Includes on-site stormwater retention or detention facility, neighborhood-serving telephone exchange/switching center, water/gas/electric/telephone/cable transmission lines or ditches, water and wastewater pump station or lift station, gas gates, reservoir, control Structure, drainage well, water supply water well, and minor water treatment plant (serves 150 or fewer connections).

B. General Use Standards
   1. All stormwater retention or detention facilities shall follow the General Development Standards in Chapter 5, provide adequate overflow and discharge facilities and be constructed at a maximum 3:1 slope.
   2. All equipment necessary for utilities listed in the definition above shall be housed in proper Enclosures or Buildings.

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3. All utility Enclosures shall meet setbacks of the Zoning District in which the Enclosure is located.
4. All utility Enclosures shall be screened per Chapter 5-7-4.

3-6 Commercial Uses

3-6-1 Animal Care, Domestic

A. Defined

A facility designed or arranged for the care of animals. Includes animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter and ~~reahbilitation~~rehabilitation, cattery, commercial kennel and dog day care. Animal care does not include agricultural uses of breeding, raising, or keeping of livestock or other animals as defined in Section 3-4-3.

B. General Use Standards

1. All outdoor exercise areas and runs must be fenced for the safe confinement of animals.
2. A six hundred (600) foot separation shall be maintained between the area and Structures where animals are housed and any property line.
3. Off-Road parking must be provided in compliance with Section 5-6.

C. Limited Use Standards (in addition to the General Use Standards)

1. A Type A Buffer per Chapter 5, Section 7 must be established along any outside areas used to exercise, walk, or keep animals that abuts a ground floor residential use.

3-6-2 Bed and Breakfast

A. Defined

A primary Dwelling Unit which is owner-occupied where short-term lodging is provided through the rental of rooms to the general public for compensation, with common dining and cooking facilities.

B. Limited Use Standards

1. On Parcels in all residential zones, capacity shall be determined by the capacity of the wastewater treatment system. Applicant will need to provide verification of wastewater treatment system capacity as certified by East Idaho Public Health Department. ~~no more than four (4) lodging rooms shall be allowed~~.

~~2. The Bed and Breakfast must be conducted by a person(s) residing on the premises and may employ no more than two people not living on the premises.~~

~~3.~~2. The Bed and Breakfast must maintain the residential character of the neighborhood by including physical characteristics indicative of a residential area such as, residential-scaled building features, landscaped yards, and porches.

~~4.~~3. No business, storage, or warehousing of material, supplies, or equipment is allowed outside.

~~5.~~4. One parking stall for each bedroom must be provided on-site for all residents, visitors, guests, and employees.

Commented [JG38]: PZ Suggestion: distance feels excessive. Suggest the consultant illustrate how this would look and bring forward some suggestions from other communities

Commented [JG39R38]: A five acre parcel if oriented in a square is 466' x 466' thereby making the 600' dimension impossible.

Larimer County = 100'
Bonner County = 300'
Weld County = no distance requirement, based on number of animals and vehicle trips per day

Commented [JG40]: PZ Suggests striking the limit on lodging rooms and utilize septic capacity for occupancy instead to be consistent with language from 3-6-3 B(2)

Commented [JG41]: PZ suggests striking this language due to issues with enforcement and arbitrary nature of restricting to two employees. Definition states that the use is to be owner occupied.

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~~6.~~5. Signs advertising the Bed and Breakfast are limited to one unlit wall sign no larger than 3 square feet in area.

3-6-3 Daycare Center

A. Defined

A facility providing care and supervision for compensation during part of a twenty four (24) hour day, for seven (7) or more children not related by blood, marriage, or legal guardianship to the person or persons providing the care, in a place other than the children's own homes.

B. Special Use Standards

1. All daycare facilities shall be licensed by the Idaho Department of Health and Welfare prior to providing daycare services and shall maintain all licensure requirements.
2. Eastern Idaho Public Health must provide daily occupancy numbers based on septic system load capacity.
3. A parking and/or drop-off area shall be designated entirely within the property and shall not depend upon the use of public or private Roadways for parking or drop-offs. The drop-off parking area should accommodate three vehicles at one time, not including the vehicles of the residents or staff.
4. Group daycare facilities are subject to inspections by regulatory state and local agencies, including Teton County Fire Department and Teton County Planning Department, to ensure compliance with all applicable regulations.

Commented [JG42]: make sure this language is in place for dude ranches, bed & breakfast and other similar uses with potential occupancy issues

3-6-4 Daycare, Home

A. Defined

A home daycare provides care and supervision for compensation during part of a twenty four (24) hour day, for six (6) or fewer children not related by blood, marriage, or legal guardianship to the person or persons providing the care, in a place other than the child's or children's own home or homes. A home daycare takes place wholly within a primary or accessory Dwelling Unit.

B. Limited Use Standards

1. A home daycare is not required to be licensed with the Idaho Department of Health and Welfare. However, a home daycare may voluntarily elect to be licensed by the Department.
2. The use of the Dwelling Unit for a home daycare must be clearly incidental and subordinate to its use for residential purposes, and under no circumstances change the residential character of the Building.
3. The home day care must be conducted by the person(s) residing on the premises.
4. Eastern Idaho Public Health must provide daily occupancy numbers based on septic system load capacity.

~~4.~~5. A parking and/or drop-off area shall be designated entirely within the property and shall not depend upon the use of public or private Roadways for parking or drop-offs.

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~~5.~~6. The Dwelling Unit in which care is provided must have at least two unobstructed exits with not less than thirty-two (32) inches clear exit width and not less than six (6) feet eight (8) inches exit height. Sliding patio doors will be accepted as a required second exit.

~~6.~~7. Sleeping rooms must have at least one (1) emergency egress window that meets local building code requirements and is operable from the inside or an unobstructed exit.

~~7.~~8. Smoke detectors, carbon monoxide detectors, and fire extinguishers shall be installed, tested, and maintained per the manufacturer's instructions and in conformance with the occupancy types specified by the International Residential Code.

3-6-5 Food Service, Accessory

A. Defined

The preparation and serving of food and beverages as a supporting service to primary permitted uses such as a club or lodge, hospital, or guest/dude ranch. Food services may include outdoor dining.

B. Limited Use Standards

1. Accessory food service sales are subordinate to the primary business function.
2. ~~Accessory food service can account for no more than 25% of the business revenues from the combined primary and accessory uses.~~

3-6-6 Food Vending, Outdoor

A. Defined

The serving or vending of food and beverages as an accessory use. Example includes food trucks.

B. Limited Use Standards

1. Outdoor food vendors shall be located on developed Lots as an accessory use.
2. Signage for outdoor vendors shall be limited to signs placed directly on the vehicle or cart used in connection with the business.
3. An outdoor food vendor shall be situated on a Lot in such a manner that no aspect of its operation shall impede vehicular, pedestrian, or bicycle circulation.
4. Outdoor food vendor shall apply for a Type 2 Temporary Use Permit ~~and shall not operate on the same Lot for more than three (3) consecutive calendar days within any calendar week.~~

Commented [JG43]: PZ would like to expand to allow directional signage

Commented [JG44]: PZ discussion surrounding not wanting to place a limit on time located on a property, in favor of an annual permit to allow operation within the County, not tied to a single location.

3-6-7 Garden Center

A. Defined

A business that sells plant material (trees, shrubs, flowers) garden equipment, garden tools, landscape materials, fertilizers, soil, seed, and associated supplies.

B. Limited Use Standards

1. Customer and employee parking shall be provided entirely on-site.
2. Greenhouses shall be located a minimum of fifty (50) feet from Road rights-of-way and any property zoned or used for residential purposes.

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3. Vehicles, nursery product, and other materials shall be located and stored on-site and within applicable Building setbacks for the Zone District.
4. Storage of materials, except plants, shrubs, and trees, shall be located to the rear or in the side yards of a Building (if applicable) and screened from Road views.

3-6-8 Guest/Dude Ranch

A. Defined

A ranch that provides multi-night accommodations for guests, provides a recreational/agricultural activity or immediate access to recreational/agricultural activities, has dining facilities on-site, barns, associated Buildings, corrals, pastures, and livestock related to a working ranch, working farm and/or the recreational activity available to guests. The guest/dude ranch does not include a commercial restaurant, café, or bar that caters to the general public, nor does it solicit nightly accommodations. A guest/dude ranch may have limited availability for Special Events such as a wedding or social gathering.

B. Limited Use Standards

1. A dude ranch shall be located on a Parcel of at least twenty (20) acres.
2. The maximum number of guests shall be limited to one-half (0.5) guests per acre.
~~2.~~3. Eastern Idaho Public Health must provide daily occupancy numbers based on septic system load capacity.
~~3.~~4. Where activities require the use of public lands, the dude ranch shall abut these lands or have access to them by a recorded access agreement or easement across intervening lands or by a public Road.
~~4.~~5. Use of public lands for the activities provided by the dude ranch shall have permission from the appropriate agency.
~~5.~~6. Central dining facilities shall be provided for guests.
~~6.~~7. Guest units shall not have cooking or eating facilities.
~~7.~~8. Up to twelve (12) one (1) day Special Events may be held per year for guests who want to visit but not stay overnight.
~~8.~~9. Intense recreational facilities such as a golf course or campground shall not be provided.
~~9.~~10. The sale of meals to persons who are not overnight guests of the dude ranch shall be prohibited, except for Special Events.
~~10.~~11. Guest units shall not be rented or sold for a Dwelling Unit.
~~11.~~12. A ~~site~~ plan shall be submitted that addresses the use of motorized vehicles to, from, and within the site, including description of the types of vehicles and Road and trail locations.
~~12.~~13. Employee and guest parking shall be located entirely on-site.
~~13.~~14. The site plan shall also show that a minimum of 60% of the property remains as open areas.
~~14. All dude ranch facilities shall be clustered to not exceed two (2) percent of the total site area and shall not be closer than two hundred (200) feet to any property boundary or County Road.~~

Commented [JG45]: PZ Suggestion: Doesn't make farm sense

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3-6-9 Home Business

A. Defined

A home business is an accessory nonresidential use that provides a service or product and is conducted wholly within a primary or accessory Dwelling Unit. Home businesses are intended to be at a residential scale; once they grow to the point where they no longer meet the use standards below, they can no longer be characterized as a home business.

B. General Use Standards

1. The use of the Dwelling Unit for a home business must be clearly incidental and subordinate to its use for residential purposes, and under no circumstances change the residential character of the Building.
2. All storage of materials, products, or equipment associated with the home business shall be within a fully enclosed Building or in an open yard screened with a Type A Buffer per Chapter 5, Section 7.~~No business, storage, or warehousing of material, supplies, or equipment is allowed outside.~~
3. No equipment or process may be used that creates excessive noise (over 70 decibels), vibration, glare, fumes, odors, or electrical interference.
4. No display of products may be visible from the public Road.
5. The home business must be conducted by a person residing on the premises and may employ no more than two people ~~not living on~~commuting to the premises.
6. No more than two vehicles may be used in the conduct of the home business, and the vehicles must not be parked ~~on-site~~in public right-of-way.
7. Storage space and the operation of the business inside the dwelling cannot exceed 25% of the living space within the dwelling.
8. Not more than ~~6~~14 clients a day are permitted to visit the home business. At least two parking spots above standard residential parking requirements must be provided on-site.
9. The delivery of materials may not exceed more than 2 deliveries per day of trucks larger than 18,500 GVW. ~~No delivery may be by a vehicle larger than a typical delivery van.~~
10. Retail sales of goods must be entirely accessory to any service provided on the site (such as hair care products sold as an accessory to hair cutting).

~~11. No mechanical equipment is installed or used except such that is normally used for domestic or professional purposes.~~

~~12.~~11. Signs advertising the home business are limited to one unlit wall sign no larger than 3 square feet in area.

Commented [JG46]: Suggested change for consistency

Commented [JG47]: Similar to #11, combined

Commented [JG48]: PZ Suggested revising to state that the two people max is for employees working on the premises

Commented [JG49]: PZ propose to leave it at 14 clients per day per the existing code

Commented [JG50]: Combined with #3 above to add measurable requirement such as sound (max 70 decibels)

3-6-10 Nursery

A. Defined

A place where young trees and plants are raised. Sale of plant material shall not be permitted on-site except when accessory to a Garden Center.

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B. General Use Standards
   1. Employee parking shall be provided entirely on-site.
   5. Vehicles, nursery product, and other materials shall be located and stored on-site and within applicable Building setbacks for the District.
   6. Greenhouses shall be located a minimum of fifty (50) feet from Road rights-of-way and from any property zoned or used for residential purposes.
   7. Storage of materials, except plants, shrubs, and trees, shall be located to the rear or in the side yards of a Building (if applicable) and screened from Road views.

3-6-11 Special Event Facility

A. Defined
   A facility used by groups of people to congregate temporarily for such purposes as education, meditation, spiritual renewal, meetings, conferences, social gatherings, seminars, or weddings and which may provide meals, services, and recreation for participants during the period of the retreat or program only. Primary uses could include a bed and breakfast, club, lodge, campground, or guest/dude ranch. Such centers may not be utilized by the general public for meals or overnight accommodations.

B. Special Use Standards
   1. Off-Road parking must be provided in compliance with Section 5-6.
   2. Hours of operation shall be limited to the hours of 8:00 am to 10:00 pm daily
   3. All lighting and illumination of outdoor ~~riding~~ facilities shall be turned off no later than ~~8~~10:00 pm.

3-6-12 Vehicle and Equipment Sales/Rental

A. Defined
   A facility that sells, rents, or leases passenger vehicles, light and medium trucks, and other consumer vehicles such as motorcycles, boats, and recreational vehicles. Includes commercial box trucks, high-lifts, construction, heavy earthmoving equipment, and farm equipment.

B. General Use Standards
   1. A Type A Buffer per Chapter 5, Section 7 must be established along all Lot Lines abutting a ground floor residential use.
   2. All surface parking areas must be landscaped in accordance with Chapter 5, Section 6, Driveways, Parking, and Access.
   3. Vehicle display areas may not be artificially elevated above the general topography of the site.
   4. Parked or stored vehicles must be kept entirely on-site.

3-7 Industrial uses

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3-7-1 Aviation Field, Heliport

A. Defined

An area of land or water that is used or designed for the landing and takeoff of FAA licensed aircraft, any appurtenant areas designated or intended for use by aircraft, and including Buildings and facilities thereon for the shelter, servicing, or repair of aircraft.

B. Special Use Standards

1. All runway or heliport pad design shall comply with the design and construction standards and recommendations in the Federal Aviation Administration handbook entitled "Airport Design", advisory circular 150/5300-13.
2. Proposed accessory uses including, but not limited to, fuel storage areas, Structures or facilities for storing and maintenance of aircraft, and any outdoor storage or tie down areas shall be disclosed in the Special Use application and adhere to outdoor storage screening standards per Section 3-7-8.

3-7-2 Car Wash

A. Defined

A facility with mechanical or hand-operated equipment used for cleaning, washing, polishing, or waxing of motor vehicles.

B. General Use Standards

1. No car wash is permitted within fifty (50) feet of a ground floor residential use (measured from the residential Lot Line to the Lot Line of the car wash facility).
2. A Type A Buffer per Chapter 5, Section 7 must be established along all Lot Lines abutting a ground floor residential use.
3. When abutting a ground floor residential use, the car wash facility cannot operate before 8 AM or after 10 PM.
4. Wash water from engine, undercarriage and transmission washing and from the cleaning of the interior of truck trailers and other large commodity-carrying containers must be collected and discharged to a municipal sewer system, treated in a closed-loop, wash water recycling system or some other method approved by East Idaho Public Health.

3-7-3 Industrial, Heavy

A. Defined

Heavy Industrial uses are ~~more intensive than Light Industrial. Of special concerns are the~~defined by volume of traffic and the presence of noxious or offensive emission. Examples of heavy industrial uses include bulk fuel sales, bulk storage of flammable liquids or chemicals, metal manufacturing, or sawmill.

B. Special Use Standards

1. Minimum Lot size for heavy industrial uses shall be one (1) acre.

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2. All storage of materials, products, or equipment associated with the home business shall be within a fully enclosed Building or in an open yard screened with a Type A Buffer per Chapter 5, Section 7~~All storage of materials, products, or equipment in an open yard shall be screened so that the materials stored are not visible within one thousand (1000) feet of the property lines. Where topographic conditions make effective screening impractical so as to create an unnecessary hardship, the Planning and Zoning Commission may consider a variance from this screening requirement~~.
3. Upon development, this district shall be adequately screened from adjacent residential districts with fencing and/or landscaping.
4. If the County determines that any Road associated with a facility in this use category is inadequate for the expected quantities of traffic, especially with respect to heavy truck traffic, the applicant shall be required to improve and maintain the Road(s) to a standard acceptable to the County. An Improvement and Maintenance Agreement between the applicant and the County shall be required to assure that the Road(s) used by the operation will be appropriately improved and maintained.
5. Off-Road parking must be provided in compliance with Section 5-6.

Commented [JG51]: Suggested change for consistency

3-7-4 Industrial, Light

A. Defined

Light Industrial uses are intended to primarily include production, processing, and assembly plants that are operated so that noise, odor, dust, and glare of such operations are completely confined within an enclosed Building. These industries will, by their nature, generate traffic; however, the size and volume of raw materials and finished products should not produce the volume of traffic generated by heavy industrial uses. Examples include brewery, distillery, winery, clothing manufacturing, recreational equipment manufacturing, welding shop, clay or glass product manufacturing or woodworking. The Industrial/Research Zone District is also intended for the development of office/warehouse uses.

B. General Use Standards

1. Minimum Lot size for light industrial uses shall be ~~two~~ one (1~~2~~) acres.
2. All operations shall be conducted within a fully enclosed Building.
3. The use cannot be noxious or offensive by reason of vibration, noise, emission of dust, fumes, gas, odor, or smoke, beyond the confines of any Building.
4. All storage of materials, products, or equipment shall be within a fully enclosed Building or in an open yard screened with a Type A Buffer per Chapter 5, Section 7.
5. Off-Road parking must be provided in compliance with Section 5-6.

Commented [JG52]: PZ Suggestion to match heavy industrial

3-7-5 Industrial, Home

A. Defined

A home industry is an accessory, light industrial use that is conducted in a non-industrial district. It must be clearly incidental and subordinate to the primary residential use on the property.

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Examples include welding shop, bakery, woodworking, or manufacturing of goods. Home industries are intended to be at a residential scale; once they grow to the point where they no longer meet the use standards below, they can no longer be characterized as a home industry.

B. Limited Use Standards

1. The use of the primary Dwelling Unit, accessory Dwelling Unit, or accessory Building for a home industry must be clearly incidental and subordinate to the use of the property for residential purposes, and under no circumstances change its residential character.
2. The home industry must be conducted by a person residing on the premises.
3. Minimum Lot size for home industry uses shall be two (2) acres.
4. All operations shall be conducted within a fully enclosed Building.
5. The home industry must not adversely affect the uses permitted in the zone in which it is located.

~~6. No business, storage, or warehousing of material, supplies, or equipment is allowed outside.~~

~~7.~~6. No equipment or process may be used that creates excessive noise, vibration, glare, fumes, odors, or electrical interference.

~~8.~~7. No display of products may be visible from the Road.

~~9.~~8. Retail sales of goods must be entirely accessory to the industrial use provided on the site.

~~10.~~9. Up to four (4) employees may be employed in addition to family members.

~~11.~~10. At least 1.5 parking stalls per on-site employee for the industry must be provided on-site.

~~12.~~ All storage of materials, products, or equipment shall be within a fully enclosed Building or in an open yard screened with a Type A Buffer per Chapter 5, Section 7.~~A Type A Buffer per Chapter 5, Section 7 must be established along all Lot Lines abutting a residential use.~~

11.

~~13.~~12. All by-products, including waste, must be effectively confined to the premises or legally disposed of off the premises so as to avoid air and water pollution caused by the industry.

Commented [JG53]: PZ suggest replacement of more specific language for consistency per item #11 below

3-7-6 Food and Beverage Processing Facility

A. Defined

Facility in which food, beverage, and agricultural products are processed, packaged and distributed for eventual human consumption. The establishment may, as an accessory use, offer retail sales and on-site consumption of free samples with no associated seating area, when permitted by the State~~, of only products produced or processed by the principal use on site~~. This use does not include rendering plants or slaughterhouses (See Section 3-4-8 Livestock Processing).

Commented [JG54]: PZ suggests striking this last part to allow for situations like the brewery selling t-shirts with their brand on them

B. Limited Use Standards

1. Minimum Lot size for food and beverage processing facilities shall be one (1) acre.
2. All operations shall be conducted within a fully enclosed Building.

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3. The use cannot be noxious or offensive by reason of vibration, noise, emission of dust, fumes, gas, odor, or smoke, beyond the confines of any Building.
4. All storage of materials, products, or equipment shall be within a fully enclosed Building or in an open yard screened with a Type A Buffer per Chapter 5, Section 7.
5. Off-Road parking must be provided in compliance with Section 5-6.

3-7-7 Mineral Resource Development

A. Defined

Mineral resource development is any land use related to the excavation, crushing, washing, sizing and screening, processing, asphalt batching, cement and concrete processing, and surface stockpiling (excavated on-site) of topsoil, peat, sand, gravel, rock, clay, aggregate, metallic, non-metallic and industrial minerals, gemstones, or other mineral resource.

B. Location Standards for New Mineral Resource Developments

The following standards shall be used to determine the appropriate location for new mineral resource developments:

1. Shall be located no closer than five hundred (500) feet from any state highway.
2. Shall be located no closer than one thousand (1000) feet from an existing residence.
3. Shall be located no closer than fifty (50) feet from an irrigation ditch or public right-of-way.

C. Operational Standards for New Mineral Resource Developments

All mineral resource developments shall adhere to the following operational standards:

1. Hours of operation are limited to 7 AM to 7 PM daily.
2. Written verification of compliance with the Idaho Surface Mining Act, including filing of any reclamation plan required by the Idaho Surface Mining Act.
3. A seventy-five (75) foot Type A Buffer Chapter 5, Section 7 shall be maintained between the facility and residential uses.
4. The excavation site, any overburden and stockpiles, and Buffer strip surrounding these areas shall be maintained so that they are continuously free of all noxious weeds as determined by the Teton County Weed Superintendent.
5. All operations shall meet the riparian setback requirements of Chapter 5, Section 4-2, Riparian Buffers.
6. Within 72 hours of blasting, the operator shall provide written notification of the date and time of planned blast, by certified mail, to the Teton County Planning Department and all residences within one mile of the blast site.
7. Blasting shall be restricted to the hours of 9:30 AM to 4:30 PM, Monday through Friday. No blasting shall occur on Saturdays, Sundays, or all Federal holidays.
8. An owner or operator may request, and the Public Works Director may grant, an exception to provide for additional hours of operation for a mineral resource development when additional hours of operation are needed to alleviate a public emergency. Public emergencies include the following:
   a. Damage to public Roads or Structures that require immediate repair.

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b. Road construction or repair that is scheduled during nighttime hours to reduce traffic conflicts.
c. Signs, upon approval of the signs by the Planning Department, warning of truck entrances shall be posted within one-quarter (¼) mile of the site's entrance onto a public Road.
d. The mineral resource development shall be marked by warning signs posted 200 feet from mine operations.
e. A plan to retain stormwater runoff within the mineral resource development boundaries in compliance with Chapter 5, Section 2, Grading and Drainage.

D. Reclamation Standards for New Mineral Resource Developments
The goal of reclamation is to leave the site in a safe, nonpolluting condition that has future land value, therefore, a post mining management plan shall be submitted at time of special use application to meet the following standards:
1. Final grading shall result in slopes no greater than 3:1.
2. Topsoil shall be reapplied for optimal revegetation.
3. All surfaces shall be revegetated to stabilize surfaces from erosion.

3-7-8 Outdoor Storage, Industrial

A. Defined
The keeping of materials or other items incidental to the business located on the property including but not limited to merchandise, goods, supplies, and equipment related to a business or other nonresidential use. This could include storage of contractor equipment, lumber, recycled materials, construction materials, trailers, inoperable vehicles, and other similar items associated with a permitted industrial use.

B. General Use Standards
1. All material stored outdoors shall be located outside of required setbacks and no closer than fifteen (15) feet from public right-of-way.
2. All material stored outdoors must be fully screened from view from the public right-of- way and abutting properties using a Type A Buffer per Chapter 5, Section 7.
3. No storage of uncovered items is permitted that might reasonably be blown away by the wind.

3-7-9 Research and Development

A. Defined
A facility focused on the research and development of new products or product research associated with an associated home industry or agricultural operation.

B. General Use Standards
1. ~~All operations shall be conducted within a fully enclosed Building.~~

Commented [JG55]: PZ Suggestion: Currently R&D not all in buildings therefore proposed striking this standard

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2. The use cannot be noxious or offensive by reason of vibration, noise, emission of dust, fumes, gas, odor, or smoke, beyond the confines of any Building.
3. Off-Road parking must be provided in compliance with Section 5-6.

C. Special Use Standards
A Type A Buffer per Chapter 5, Section 7 must be established along all Lot Lines abutting a ground floor residential use.

3-7-10 Solar Energy System, Small Scale

A. Defined
Small scale solar energy systems shall be used primarily as an accessory use for on-site, private purposes and may be roof or ground mounted. Solar systems shared by up to ten (10) property owners may be allowed as a special use. Shared systems must be located on vacant Lots and must comply with the standards listed below.

B. Limited Use Standards for Roof Mounted Systems:
1. May not extend above the ridgeline of the roof the system is mounted on.
2. May not extend more than one foot above the roof surface measured perpendicularly from the sloped roof surface.

Commented [JG56]: PZ Suggest adjusting language to relate to sloped roofs as flat roofs would be a different scenario

C. Limited Use Standards for Ground Mounted Systems
1. Shall adhere to setbacks required by zone district.
2. Shall not exceed a height of twenty five (25) feet.
3. A Type A Buffer per Chapter 5, Section 7 must be established along all Lot Lines abutting a ground floor residential use.

Commented [JG57]: PZ Suggest adjusting this buffer requirement to only apply to solar panels along lot lines abutting a ground floor residential use within a certain distance such as 300'

3-7-11 Solar Energy System, Large Scale

A. Defined
Large scale solar systems are primarily used to produce power for use off-site.

B. Limited Use Standards
1. All utility connections shall be placed underground. Electrical transformers for utility interconnections may be placed above ground and screened per Chapter 5, Section 7, Buffers, Screening, and Fencing.
2. Lighting shall be limited to that required for safety and operational purposes and shall incorporate downward focused, full cutoff fixtures.
3. Any large-scale ground-mounted solar energy system that has reached the end of its useful life or has been abandoned shall be removed. The owner or operator shall physically remove the installation no more than one hundred fifty (150) days after the date of discontinued operations. The owner or operator shall notify Teton County by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

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a. Physical removal of all solar energy systems, Structures, equipment, security barriers and transmission lines from the site.
b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
c. Stabilization or re-vegetation of the site as necessary to minimize erosion. Teton County may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

3-7-12 Vehicle Service and Repair

A. Defined

Repair and service to passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles. Vehicle service major and minor repair of personal and commercial vehicles.

B. General Use Standards

1. Vehicles shall be set back thirty (30) feet from all property lines or in compliance with the district' s or development agreement's setback requirements, whichever are more restrictive.
2. All storage areas shall be ~~paved~~ impervious and screened from neighboring properties per Chapter 5, Section 7, Buffers, Screening, and Fencing.
3. All activities shall be conducted within an enclosed Building or in an open yard screened with a Type A Buffer per Chapter 5, Section 7 ~~fully screened area~~.
4. Noise shall not exceed ~~sixty (60)~~seventy (70) decibels at the property boundaries.
5. Shop Buildings shall be adequately vented.
6. Odors or fumes shall not be detectable beyond the walls of the Building where the repair services are conducted.
7. A Type A Buffer per Chapter 5, Section 7 must be established along all Lot Lines abutting a ground floor residential use.
8. The dismantling of vehicles for salvage and the storage of impounded vehicles is not allowed.
9. Overhead doors facing an adjacent existing residential use are to remain closed when repairs are being made.
10. Hours of operation shall be limited to 7 am to 7 pm~~, Monday – Saturday~~.

3-7-13 Warehouse, Storage, and Distribution

A. Defined

A facility that stores goods in preparation for shipping to other locations. Goods are generally delivered to retail stores or the final consumer with no on-site sales activity to customers. Warehouse, storage, and distribution includes enclosed storage (bulk storage, cold storage plants, frozen food lockers, household moving, and general freight storage), self-service storage, and mini-warehouse.

Commented [JG58]: PZ Suggest this could be compacted gravel, or other impervious materials

Commented [JG59]: PZ Suggestion for consistency

Commented [JG60]: PZ Suggestion: Let's not discriminate Sundays

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B. General Use Standards

1. ~~There shall be no retail sales on the premises.~~Retail sales shall be directly related to the business.
2. The main warehouse and distribution Building shall not exceed thirty-five thousand (35,000) square feet.
3. A traffic plan approved by the Planning Administrator shall be required.

3-7-14 Waste-Related Service

A. Defined

A facility that processes and stores waste material such as a landfill, junkyard, automobile recycling, and scrap metal processors. Does not include commercial composting of food waste.

B. Special Use Standards

1. The use shall be conducted entirely within a non-combustible Building or surrounded by a Type B Buffer per Chapter 5, Section 7.
2. Property/facility shall be maintained so as to ensure the health, safety, and welfare of the public are preserved.
3. Buildings shall be set back one hundred (100) feet from all property lines.
4. Waste resale materials shall not be stored, loaded, unloaded, or otherwise placed either temporarily or permanently outside of the enclosed Building, fence, wall, screening, or within Road rights-of-way.
5. A site plan shall be submitted that details information on access, driveways, parking spaces, storage areas, screening, and loading and unloading areas.
6. Waste resale materials must be contained in a paved or gravel area separate from the parking, driveway, loading, or unloading spaces.
7. Vehicles shall not be parked in any landscape or screening on the property or within a Road right-of-way.
8. The site shall be maintained in a safe, sanitary, and orderly condition that does not constitute a public nuisance or adversely affect adjoining properties.
9. The site shall be attended on days of operation.
10. The use of loudspeakers or other amplification devices shall be prohibited.
11. The hours of operation shall be ~~limited to the hours of operation of the transfer station~~8:00 am to 8:00 pm seven days a week.
12. Material shall not be carried onto adjoining properties by the wind or rain.

Commented [JG61]: PZ suggested change due to the transfer station not being open on days that waste related service may need to operate

3-7-15 Wind Energy System, Small-Scale

A. Defined

A small-scale wind energy system is used to generate electricity for private use. This includes, but is not limited to, storage, electrical collection and supply equipment, transformers, service and access Roads, and one or more wind turbines.

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B. Limited Use Standards

1. Prior to installation, all small-scale wind energy systems shall obtain approval from the Planning Administrator and a Building permit from Teton County.
2. The construction and operation of all such proposed wind energy facilities shall be consistent with all applicable local, state, and federal requirements, including but not limited to all applicable safety, construction, environmental, electrical, communications, and aviation requirements.

~~3. Wind turbines shall be no higher than one hundred twenty (120) feet above the current grade of the land, as measured at the uppermost point of the rotor's swept area.~~

~~4. A wind turbine may not be sited within:~~

~~a. A distance equal to one and one-half (1.5) times the maximum tip height of the wind turbine from Buildings, critical infrastructure, above-ground natural gas distribution infrastructure, and Road right-of-ways;~~

~~b. A distance equal to three (3.0) times the maximum tip height of the turbine from the nearest existing residential or commercial structure; or~~

~~c. A distance equal to one and one-half (1.5) times the maximum tip height of the turbine from the nearest property line.~~

~~5. Access:~~

~~a. All ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.~~

~~b. The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of twelve (12) feet above the ground.~~

~~6. All electrical wires, other than wires necessary to connect the wind generator to the tower wiring, the tower to the disconnect junction box, and the grounding wires shall be located underground.~~

~~7. Federal Aviation Administration (FAA) safety consideration on color and appearance should be respected. Where the applicant is seeking a non-standard color in an area not regulated by the FAA, the Commission has authority to regulate the color of the turbine.~~

~~8. Wind turbines shall be lighted only if required by the FAA. Lighting of other parts of the wind energy facility, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties~~

~~9. Appropriate warning signs, and owner identification shall be required on a wind generator, tower, Building or other structure associated with a wind energy system. One unlighted sign not greater than six square feet may be permitted identifying the manufacturer or installer.~~

~~10.~~3. Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.

~~11.~~4. The wind facility and associated equipment shall not produce a broadband sound level more than 10 dB(A) above ambient.

~~12.~~5. Any wind energy facility which has reached the end of its useful life or has been abandoned shall be removed. When the wind energy facility is scheduled to be

Commented [JG62]: PZ Suggestion to reduce the 1.5 times max or remove all specific regulations as it is covered in other regulations in #2 and technology is changing quickly

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decommissioned, the applicant shall notify the County by certified mail of the proposed date of discontinued operations and plans for removal. The owner/operator shall physically remove the wind facility no more than 150 days after the date of discontinued operations. At the time of removal, the wind facility site shall be restored to the state it was in before the facility was constructed or any other legally authorized use. More specifically, decommissioning shall consist of:

a. Physical removal of all wind turbines, structures, equipment, security barriers and transmission lines from the site.
b. Disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations.
c. Stabilization or re-vegetation of the site as necessary to minimize erosion. Teton County may allow the owner to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation

~~13. A permit issued pursuant to the LDC shall expire if:~~

~~a. The wind energy facility is not installed and functioning within 48-months from the date the permit is issued; or,~~

~~b. The wind energy facility is abandoned.~~

Commented [JG63]: PZ Suggest removal because this is covered elsewhere in the code with other permit application types

3-7-16 Wireless Communications, Amateur Radio Operator Tower

A. Defined

A facility for the provision of radio waves or wireless service used for personal, non-commercial radio licensed by the Federal Communications Commission.

B. Limited Use Standards

1. An amateur radio operator tower may not exceed sixty-five (65) feet in height.
2. The tower must be located so that no part of the antenna or its elements encroaches within the required side or rear setbacks or within ten (10) feet of any easement for overhead electric distribution or transmission lines.
3. Maximum tower height is measured to the tallest point of the supporting tower and does not include the antenna mast or antenna elements affixed to the tower.
4. No more than ~~one tower~~two (2) towers are ~~is~~ allowed on a Lot with the second tower being no more than thirty five feet (35') in height.
5. A request for a Building permit must be accompanied by a copy of a valid Amateur Radio Operators license issued by the Federal Communications Commission ~~for the location being requested~~.

Commented [JG64]: PZ suggest restating no more than one bi-pole system per property or no more than two towers per lot but they might not need to be the same height

Commented [JG65]: PZ suggested removing - operator license is tied to one address and some people want to apply for use on more than one address

3-7-17 Wireless Communications, Building-Mounted

A. Defined

Any antenna attached or affixed to a Building or roof or other type of structure not originally intended to house such a facility.

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B. Limited Use Standards

~~1. A Building-mounted wireless communication facility must be painted or camouflaged to match as closely as possible the color and texture of the wall, Building, roof, or surrounding built environment. Muted colors, earth tones, and subdued colors must be used.~~

~~2. A Building-mounted wireless communication facility mounted to the wall of a Building or structure, must be mounted in a configuration as flush to the wall as technically possible and must not project above the wall on which it is mounted.~~

~~3. A Building-mounted wireless communication facility mounted to a roof must be located as far from the edge of the roof as possible.~~

~~4. A Building-mounted wireless telecommunication facility is not subject to the screening requirements of Chapter 5-7.~~

Commented [JG66]: PZ suggest removal of limited use standards as they are hard to enforce

3-7-18 Wireless Communication Tower

A. Defined

Any mast, pole, monopole, lattice tower, or other structure designed and primarily used to support antennas for commercial purposes.

B. Limited Use Standards

1. It must be demonstrated that it is necessary to erect the tower at the proposed location and due to one or more of the following reasons:
   a. The planned equipment would exceed the structural capacity of existing or approved structure, and those structures cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost.
   b. The planned equipment would result in technical or physical interference with or from other existing or planned equipment, and the interference cannot be prevented at a reasonable cost.
   c. There is no appropriate existing or pending structure to accommodate the planned equipment.
   d. Other technical reasons that make it impractical to place equipment planned by the applicant on existing or approved structures.

~~2. Building height restrictions do not apply to wireless communication towers. Wireless communication tower height may not exceed the standards established in the table below.~~

Commented [JG67]: PZ suggest removal based on definition as commercial use

~~*Table 3. Wireless Communication Tower Height Requirements*~~

~~Zoning District~~	~~Tower Height (max)~~
~~Rural Districts~~	~~65 ft.~~
~~Neighborhood Districts~~	~~45 ft.~~

~~3.~~2. All new communications towers must be constructed with excess capacity for co-location. Any owner of a telecommunications tower must allow other telecommunications providers

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to install or co-locate antennae or facilities on their towers. Co-location is subject to mutually agreeable terms and conditions negotiated between the parties.

~~4.~~3. Landscaping consistent with a Type A Buffer per Chapter 5, Section 7 must be established along the base of the facility to screen the mechanical characteristics.

~~5.~~4. No signals, lights, or illumination is allowed on a tower unless required by the Federal Aviation Administration or other applicable authority.

C. Abandoned Tower

1. The Administrator will require removal of any abandoned or unused tower by the tower owner/operator within thirty (30) days after notice from the Administrator. A tower is considered abandoned if use has been discontinued for one hundred eighty (180) consecutive days.
2. Where a tower is removed by an owner, the owner must restore the area to the condition existing prior to the placement of the tower.

3-8 Recreational Uses

~~3-8-1 Campground, General~~

~~A. Defined~~

~~A campground is a Parcel of land under single, unified, commercial ownership or control, within which spaces are rented or used by the ownership for occupancy by two (2) or more tents, recreational vehicles, cabin sites or travel trailers for nightly or short-term rental.~~

Commented [JG68]: Move this language to definitions and remove from this section. PZ brought to attention that this is confusing as it reads as a use but is intended to be an overall definition for a campground

~~3-8-2~~3-8-1 Campground, Rustic

A. Defined

Campsites that do not have individual water, sewer, or electrical hook-ups. These are similar to Forest Service campgrounds that may have a leveled out pad for a tent or recreational vehicle, one passenger vehicle parking space, and a picnic table. Sites might also include a communal pavilion, restrooms and a centralized water source.

B. Special Use Standards

1. Minimum Lot size of twenty (20) acres
2. Maximum of one hundred (100) total sites with a minimum of 60% of the site as undeveloped open space.
3. Campsites shall include a level pad site at a minimum size of one hundred fifty (150) square feet, and a vehicular parking space at a minimum size of two hundred (200) square feet, and may include a fire pit or grill, and picnic table.
4. Setback for campsites is two hundred (200) feet from any property line.
5. Parking limited to a maximum of two (2) parking spaces per site.
6. Where there are adjacent residential uses, a Type A Buffer is required per Chapter 5, Section
7. Only seasonal use, allowed from April 1- November 30 (no year round use).
8. On-site wastewater disposal stations shall not be allowed.

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9. Pit toilets or restrooms shall be provided and shall be approved and permitted by East Idaho Public Health. Community facilities shall not be located more than two hundred (200) feet from any site.
10. Trash receptacles and dumpsters may be provided. In designated Bear Conflict areas, trash receptacles shall be bear-proof. If trash receptacles are not provided, adequate notice to users that they must pack out their trash must be provided.
11. Interior Roads must meet standards for fire access Roads for Teton County.
12. Stays shall be limited to fourteen (14) consecutive days or less.

~~3-8-3~~3-8-2 Campground, Small Scale RV

A. Defined

Campsites with individual water, sewer, and/or electrical hookups for ~~up to twenty (20)~~ tents or recreational vehicles.

B. Special Use Standards

1. Minimum Lot size of forty (40) acres
2. Maximum density of 1.25 campsites per acre~~of twenty (20) sites total~~, with a minimum of 60% of the site shall be undeveloped open space, parks, or recreational amenities.
3. RV sites shall include a level pad site at a minimum size of one thousand three hundred fifty (1,350) square feet to accommodate RV and vehicular parking with an adjacent utility pad for water, and electric hookups to meet State and local requirements. A fire pit or grill, and picnic table shall be provided for each site.
4. Setback for all development shall be two hundred (200) feet from any property line
5. On-site wastewater disposal may be provided as approved by East Idaho Public Health for the full capacity of the campground.
6. Pit toilets or restrooms shall be provided and shall be approved and permitted by East Idaho Public Health. Community facilities shall not be located more than two hundred (200) feet from any site.
7. Trash receptacles and dumpsters may be provided. In designated Bear Conflict areas, trash receptacles shall be bear-proof. If trash receptacles are not provided, adequate notice to users that they must pack out their trash must be provided.
8. Interior Roads must meet standards for fire access Roads for Teton County.
9. Overflow or guest parking must meet the dimensional requirements of Section 5-6-3(F)
10. Where there are adjacent residential uses, screening shall be required to meet Section 5-7, Buffers, Screening, and Fencing.
11. Stays shall be limited to ~~thirty one (31)~~one hundred eighty (180) consecutive days in a ~~ninety (90) day period~~calendar year.

Commented [JG69]: PZ suggest removing 20 sites and changing to state that the max density is 1.25 sites per acre.

Commented [JG70]: PZ suggestion: Consistent with regulations elsewhere and accommodates temporary workforce

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~~3-8-4~~3-8-3 Campground, Large Scale RV

A. Defined
Camp sites with individual water, sewer, and/or electrical hookups for more than twenty (20) tents or recreational vehicles.

B. Special Use Standards
1. Minimum Lot size of eighty (80) acres
2. Maximum ~~of one hundred (100) total sites~~density of 1.25 campsites per acre, with a minimum of 60% of the site as undeveloped open space, parks, or recreational amenities.
3. RV sites shall include a level pad site at a minimum size of 1,350 square feet to accommodate RV and vehicular parking with an adjacent utility pad for water, and electric hookups to meet State and local requirements. A fire pit or grill, and picnic table shall be provided for each site.
4. Setback for all development is two hundred feet (200') from any property line.
5. On-site wastewater disposal may be provided as approved by East Idaho Public Health for the full capacity of the campground.
6. Pit toilets or restrooms shall be provided and shall be approved and permitted by East Idaho Public Health. Community facilities shall not be located more than two hundred (200) feet from any site.
7. Interior Roads must meet standards for fire access Roads for Teton County.
8. Overflow or guest parking must meet the dimensional requirements of Section 5-6-3(F)
9. Where there are adjacent residential uses, screening shall be required to meet Section 5-7, Buffers, Screening, and Fencing.
10. Stays shall be limited to ~~thirty one (31)~~one hundred eighty (180) consecutive days in a ~~ninety (90) day period~~calendar year.
11. Minor retail and food services may be provided for campground guests, clearly incidental and subordinate to primary use of providing lodging.

~~3-8-5~~3-8-4 Campground, Resort

A. Defined
Otherwise known as "glamping" where lodging facilities are provided. Lodging facilities could include tents, tipi's, yurts, cabins, tiny homes, recreational vehicles, and other similar structures ~~(with or without restroom facilities)~~ five hundred (500) square feet or smaller.

B. Special Use Standards
1. Minimum Lot size of ~~eighty (80)~~forty (40) acres.
2. Maximum ~~of one hundred (100) total sites~~density of 1.25 campsites per acres, which shall be clustered to provide a minimum of 60% of the site as undeveloped open space, parks, or recreational amenities
3. Glamping facilities, including platforms, structures, and sewer and water systems, shall be provided and comply with all State and Local building code requirements.

Commented [JG71]: Same comment as above regarding density vs max # of sites

Commented [JG72]: PZ suggest limit stay of motorized vehicles (RVs and tiny homes on wheels) to max 180-day stay

Commented [JG73]: Same comment as above regarding density vs max # of sites – 1.25 per acre

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4. Adequate trash receptacles and dumpsters shall be provided and regularly disposed of at an authorized solid waste disposal facility. Trash receptacles shall be bear-proof when located in designated Bear Conflict areas.
5. Setback for glamping sites is two hundred (200) feet from any property line.
6. Adequate parking for all guests, visitors, and employees must be provided on-site.
7. Individual restroom facilities and community pit toilets or restrooms shall be provided and shall be approved and permitted by East Idaho Public Health. Community facilities shall not be located more than two hundred (200) feet from any site.
8. For every twenty-five (25) sites, a minimum of one (1) ADA site meeting standards for American with Disabilities Act (ADA) standards for accessible design must be provided.
9. Provide a minimum of one (1) parking space per site.
10. Overflow or guest parking must meet the dimensional requirements of Section 5-6-3(F)
11. Interior Roads must meet standards for fire access Roads for Teton County.
12. Where there are adjacent residential uses, screening shall be required to meet Section 5-7, Buffers, Screening, and Fencing.
13. Minor retail and food services may be provided for campground guests, clearly incidental and subordinate to primary use of providing lodging.
14. Stays for motorized vehicles such as RVs and tiny homes shall be limited to one hundred eighty (180) consecutive days in a calendar year.

~~13.~~

Commented [JG74]: PZ Suggestion: Consistent with regulations elsewhere and accommodates temporary workforce

~~3-8-6~~3-8-5 Golf Course

A. Defined

A tract of land~~, with a minimum size of eighty (80) acres,~~ laid out with at least nine (9) holes for playing golf and improved with tees, greens, fairways, putting greens, and hazards. A golf course may include a clubhouse, shelters, and a driving range as accessory uses.

B. Special Use Standards

1. Minimum Lot size of eighty (80) acres.

~~1.~~2. Sales and rental of golf equipment may be allowed as an accessory use.

~~2.~~3. All accessory structures shall be located no closer than one hundred (100) feet to a residential property.

~~3.~~4. Outdoor recreation areas associated with a country club shall be located no closer than fifty (50) feet of any property line.

~~3-8-7~~3-8-6 Horse Stable, Riding Academy, Equestrian Center

A. Defined

A facility used primarily for the care, breeding, boarding, rental, riding or training of horses or for the teaching of equestrian skills.

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B. General and Limited Use Standards

1. No part of any building, structure, or run in which animals are housed can be closer than fifty (50) feet from any property line, except property owned or occupied by an owner or operator of the facility.

~~4.~~5. All piles of feed or bedding shall be located at a minimum of fifty (50) feet away from any public right-of-way or adjacent property.

6. Manure piles shall be stored for removal within an Enclosure a minimum of sixty (60) cubic feet in size, a minimum of two hundred (200) feet from any public right-of-way or adjacent property and removed from premises at least one (1) time per week and/or harrowed into an agricultural field or composted onsite.

~~5.~~7. Accessory dwelling units will be permitted to house one-site workforce.

~~6.~~8. Off-Road parking must be provided in compliance with Section 5-6-3.

~~7.~~9. Hours of operation shall be limited to the hours of 8:00 am to10:00 pm daily

~~8.~~10. All lighting and illumination of outdoor riding facilities shall be turned off no later than 10:00 pm.

~~3-8-8~~3-8-7 Park, Recreation Field

A. Defined

An area used for outdoor play or recreation, often containing recreational equipment such as slides, swings, climbing frames, ballfields, soccer fields, basketball courts, swimming pools, and tennis courts. May include both passive and active recreation.

~~3-8-9~~3-8-8 Shooting Range, Indoor

A. Defined

A commercial facility with an indoor firing range with targets for archery, rifle, or handgun practice.

B. General Use Standards

1. Minimum Lot size of one (1) acre.

~~1.~~2. All related activities shall be housed completely within an enclosed Structure and designed with full consideration for safety and noise factors involved in the type of use. Noise immediately outside the Structure shall measure no louder than seventy (70) decibels.

~~2.~~3. The applicant shall provide written documentation that the proposed target backstops conform to the standards for ~~outdoor~~ indoor ranges ~~in "The NRA Range Source Book" published by the National Rifle Association~~per the Environmental Protection Agency (EPA).

~~3.~~4. At a minimum, there shall be one parking space per firing position which meets the dimensional requirements of Section 5-6-3(F).

~~3-8-10~~3-8-9 Shooting Range, Outdoor

A. Defined

A commercial facility with an outdoor firing range with targets for rifle, shot gun, handgun, or archery practice.

Commented [JG75]: PZ Suggestion: Change to read that this should comply with state point source standards Want to make sure this standard addresses distance from waterways, enclosure and 60 cubic feet in size seem too restrictive. How to other communities handle this?

Commented [JG76]: PZ suggestion due to toxic nature of the use

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B. Special Use Standards

1. Minimum Lot size of ?

~~1.~~2. Shall be located at least 4 miles from any incorporated City limit.

~~2.~~3. The range shall be designed to accommodate required surface danger zones (as defined by the Department of the Energy) which do not extend across traveled Roads, navigable waterways, railroads or other similar areas.

~~3.~~4. The surface between the targets and the firing line shall comprise grass or low growing groundcover and be free of any hard surface such as paving, rocks or other ricochet-producing material.

~~4.~~5. The range shall be designed and located so no spent projectile ammunition travels off-site (does not include casing).

~~5.~~6. Hours of operation shall be limited to ~~between 8:00 am and 10:00 pm~~daylight hours (30 minutes before sunrise and 30 minutes before sundown).

~~6.~~7. The applicant shall provide written documentation that the proposed target backstops conform to the standards for outdoor ranges ~~in "The NRA Range Source Book" published by the National Rifle Association.~~per the Environmental Protection Agency (EPA).

~~7.~~8. All firing line locations shall be oriented such that sound levels do no exceed seventy (70) decibels at the property line.

~~8.~~9. Archery ranges may be established as long as provisions are made to keep the fired projectiles from leaving the property.

10. At a minimum, there shall be one parking space per firing position which meets the dimensional requirements of Section 5-6-3(F).

~~9.~~11. No tracer rounds or pyrotechnic devises shall be allowed due to fire risk.

~~3-8-11~~3-8-10 Recreation Access

A. Definition

Recreation access is the means of approaching or entering a recreational area such as boat ramps, trailheads, and other means of access to public recreational facilities and areas.

~~3-8-12~~3-8-11 Recreation, Motorized

A. Definition

A tract of land used for motorized vehicles for recreation purposes such as a motocross or snow mobile race track.

B. Special Use Standards

1. Shall be located at least 4 miles from any incorporated City limit.
2. All race tracks shall be located such that the noise at the property line does not exceed seventy (70) decibels.
3. Hours of operation shall be limited to between 8:00 am and 10:00 pm.
4. All parking shall meet the dimensional requirements of Section 5-6-3(F).

Commented [JG77]: PZ Suggestion: Need to define a minimum lot size

Commented [JG78]: PZ discussion: Seems like an excessive distance, suggest reduction…maybe 2.5 to 3 miles due to average bullet travel distance

Commented [JG79]: PZ Suggestion: Need to ban tracer rounds or pyrotechnic due to fire risk (added line below with this language)

Commented [JG80]: PZ suggestion to match state hunting regulations

Commented [JG81]: PZ suggestion due to toxic nature of use

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3-9 Temporary Uses

3-9-1 Exempt Temporary Uses

A. The following uses shall not require a temporary use permit:

1. Estate or real estate sales involving the property or items from the property where the sale is held.
2. Garage, yard, or rummage, ~~or small scale seasonal produce~~ sales provided the sales event is on a Rural/Residential zoned property and it lasts no longer than three (3) consecutive days. No more than six (6) sales events are allowed on the same residential property within a single calendar year.
3. Special Events such as weddings, purely social parties, or similar family events where the function or event involves the owner 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.

3-9-2 Temporary Uses/Events

A. Defined

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

1. Type 1 (Minor) Temporary Uses
   a. Any temporary use that is not considered an Exempt Temporary Use, a Temporary Portable Storage Container, or Temporary Structures as Living Quarters. Examples include wedding receptions, or other Special Events lasting three (3)~~one (1)~~ days or less where a monetary consideration or fees for such use of the property or attendance is involved, or the event is held on public property or that of a short term rental and contractors' construction yards, trailers, or mobile homes that are used as a temporary residence or office during construction.

2. Type 2 (Major) Temporary Uses
   b. A Type 2 Temporary Use is any Type 1 Use that proposes any of the following:
      i. Road closures or detours
      ii. Food or alcohol vending (including food trucks)
      iii. Medical or security presence will be provided
      iv. One hundred (100) or more expected attendees
      v. The use of public property, such as schools, parks, or County Roads.
      vi. Events that last more than one (1) day but less than ~~three (3)~~seven (7) days in a thirty (30) day period and are limited to two (2) events per year on the same property.

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3. Type 1 and Type 2 Temporary Uses require a Temporary Use Permit, as outlined in Section 4-1-6.

3-9-3 Temporary Portable Storage Containers

A. Defined

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. This does not include construction trailers which have a separate permit process.

B. Limited Use Standards

1. Containers are permitted for a maximum of ~~thirty~~ ninety (90)~~(30)~~ consecutive days, once per calendar year.
2. Contractors' construction yards, trailers, or mobile homes that are used as a temporary residence or office during construction are exempt from the maximum timeframe and shall receive a Type 1 permit.
3. No more than two (2) containers are permitted at any one time.
4. No container may be more than ten (10) feet in height, or more than two hundred (200) square feet.
5. Any person wishing to utilize a container longer than ~~one hundred eight (180)~~ninety (90) calendar days may apply for an extension for up to an additional ninety (90) days or apply for a building permit to make the container a permanent, accessory structure.
6. 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.

Commented [JG82]: There was some discussion with PZ about size with regards to 120 SF being allowed for accessory structures without building permit – should this match?

3-9-4 Temporary Structures as Living Quarters

A. Defined

~~Temporary (n~~Non-winterized~~)~~ structures such as yurts, RVs, tiny homes on wheels, park models, and seasonal cabins that do not meet the building code requirements for habitable space are not considered to be primary living quarters~~permanent residential structures~~.

Commented [JG83]: PZ was concerned that this would eliminate tiny homes on wheels as a primary living structure, might want to change this to state that if well and septic are installed, then tiny home could be used as a primary residence.

B. Limited Use Standards

1. Temporary structures are not allowed as living quarters for more than ~~one hundred eighty (180)~~ninety (90) days in a single calendar year. Any structure that is used more than ninety (90) days in a single calendar year must have sanitary waste disposal and water service.

~~2. A Temporary Use Permit is required.~~

~~3.~~2. Only one (1) temporary structure may be used as a living structure per Lot. Two (2) or more such Structures would be required to meet the regulations for campgrounds per Sections 3-8-1 through 3-8-5.

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CHAPTER 4 APPLICATION PROCEDURES

4-1 Application Procedures

Commented [JG84]: PZ reviewed this section but determined they were not in a position to comment on much of the language and had no substantive changes

4-1-1 Overview of Application Processes

The table below summarizes the review, approval, and notice requirements applicable to the Applications described in this Chapter. The table is intended as an overview only and the sections that follow should be relied upon for specifically applicable requirements.

Table 4. Application Processes

	Review and Final Decision-Making Authority				Public Notice Required [1]			
	Pre-Application Meeting	**Planning Administrator**	**Planning and Zoning Commission**	**Board of County Commissioners**	**Published**	**Posted (On-Site)**	**Posted Notice (Courthouse)**	**Mailed**
Key: R = Review, Recommendation D = Decision A = Appeal PH = Public Hearing Required Y = Required N = Not Required								
Comprehensive Plan and LDC Amendments[3]	Y	R	R, PH	D, PH	Y	N	Y	Y
Site-Specific Zoning Map Amendment	Y	R	R, PH	D, PH	Y	Y	Y	Y
Temporary Use Permit	Y	D	N	A	Y	Y	N	Y
Limited Use Permits	Y	D	A	N	N	N	N	Y
Special Use Permit	Y	R	R, PH	D, PH	Y	Y	Y	Y
Variance	Y	R	D, PH	A	Y	Y	Y	Y
Agricultural Land Division	Y	D	A	A	N	Y	N	N
Administrative Land Division	Y	D	A	A	N	Y	N	Y
Subdivision - Concept Plan Subdivision	Y	D	A/D[2]	A	Y	Y	Y	Y
Subdivision - Preliminary Plat	N	R	R, PH	D, PH	Y	Y	Y	Y
Subdivision - Final Plat	Y	R	N	D	Y	Y	Y	Y

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Modification - Boundary Line Adjustment	Y	D	A	A	N	N	N	N
Modification - Insignificant Changes to a Plat	Y	R	N	D	N	N	N	N
Modification - Minor Changes to a Plat	Y	R	N	D	Y	Y	Y	Y
Modification - Major Changes to a Plat	See Preliminary and Final Plat							
Modification - Temporary Use	Y	D	N	A	See Temporary Use Permit			
Modification - Special Use Permit	Y	R	D	A	See Special Use Permit			
Appeals	See Section 4-1-16							

Key: R = Review, Recommendation D = Decision A = Appeal PH = Public Hearing Required
Y = Required N = Not Required

Notes: 1 Notice to potentially impacted jurisdictions and agencies may also be required by Idaho Code section 67-6509.
2 Subdivisions of 10 Lots or more must be approved by the Planning and Zoning Commission.
3 See also notice and procedural requirements under Idaho Code section 67-6509.

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4-1-2 Common Review Provisions

The purpose of this Chapter is to provide standards for development to protect the health, safety, and welfare of the community, as well as support the local economy and preserve the natural resources upon which it depends.

A. Generally
   1. Applicability, eligibility, submittal, notice, and procedural requirements for zoning and land division approvals are set forth in section 4-1-4 through 4-1-15 as are decision making criteria, final decision requirements, and timeframes for expiration of approvals.
   2. Applications for Development submitted for a public school facility are subject to Idaho Code section 67-6519.

B. Pre-application Conferences with Staff

1. Except as otherwise expressly indicated in this Chapter, Applicants are required to request a pre-application conference with the Administrator, in order to discuss the process, submittal requirements, and other aspects of the Application, prior to making a formal submittal.
2. A request can be submitted by phone or email to the Administrator.
3. Upon receipt of a request for a pre-application conference, the Administrator will advise the Applicant whether the conference may be held ~~by phone~~remote or in-person, at which time the Administrator and Applicant will agree to a time and place to conduct the conference.
4. Pre-application Conference will be documented by planning staff with completion of a "Pre-Application Conference Form."

Commented [JG85]: Make this change throughout to be up to date with current post covid trends in technology

C. Application Submittal

This Chapter provides the processes for zoning and land division approvals required by the LDC.

1. Application Submittals and Revisions
   a. Applications must be made on Applications provided by and submitted to the Planning Department, and available on the County's website and at the Department.
   b. Additional materials, including Site Plans, may be required as provided in this Chapter or other specifically applicable sections of the LDC.
   c. After assessing the nature of a proposed Development Activity, Development Site, or land use, and following a pre-application conference, the Administrator may require additional materials relevant to the proposed activity or site and necessary to establish compliance with applicable LDC approval criteria. Materials may include those illustrating Development Activities and uses related to grading, drainage, erosion control, landscaping, public safety, public Utilities and services, Outdoor Lighting or to other matters subject to the requirements of the LDC.
   d. Applications and submittal materials must be submitted to the Administrator and not directly to members of the Commission, Board, or other reviewing departments or agencies, unless directed by the Administrator in writing.
   e. Unless a different time frame is provided for in this Chapter, Application materials received less than 15 calendar days prior to a scheduled public meeting or hearing will not be considered. In order for such materials to be considered, the meeting or hearing must be rescheduled.
2. Fee Schedule
   a. The Board will establish application fees to defray the cost of administering the LDC and processing Applications. The fee schedule is available on the Department's web page and at the Department office.
   b. Application fees shall be paid per the adopted fee schedule for an Application to be deemed complete by the Administrator.
3. Completeness Determination
   a. The Administrator will deem an Application required by the LDC to be complete only if it contains the information required by this Chapter or another applicable section of the LDC and, if required, a pre-application conference has been held.
   b. Application submittal requirements are set forth for each category of approval in this Chapter and in greater detail on the applicable Application form.
   c. The Administrator may require supplemental information, after an Application is accepted as complete, in order to determine compliance with the requirements of the LDC. In these instances, the Administrator will advise the Applicant during the County and agency review period of the need for additional information.

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4. Application Deadline
    a. Complete Applications must be submitted in accordance with the review procedures set forth in this Chapter.
    b. Schedules indicating current submittal deadlines are available on the County's website and at the Planning Department.
5. Withdrawal of an Application
    a. An Application may be withdrawn at any time by the Applicant, by written request to the Administrator.
    b. Required Application fees will not be refunded on an Application withdrawn by the Applicant.
    c. For Applications requiring a public hearing that has been noticed or included on the agenda of the Commission or Board, withdrawal will be announced at the meeting.

D. Content and Timing of Final Decisions
1. Recommendations and final decisions by the Administrator, Commission, or Board regarding an Application required under the LDC, shall be in the form of a Written Decision, based upon standards and criteria set forth herein, and shall be rendered within the timeframes specified.
2. Every final decision rendered concerning an Application request shall provide or be accompanied by notice to the Applicant of their right to request a regulatory taking analysis pursuant to section 67-8003, Idaho Code.
3. If an Application for a Rezone, Subdivision, Variance, Special Use, Limited Use, or Temporary Use relates to a public school facility, the Application will receive priority consideration and will be reviewed at the earliest reasonable time and in accordance to the criteria in Idaho Code section 67-6519(3).
4. Unless stated expressly otherwise, references to "days" in this Chapter refers to calendar days.

E. Transcribable Record and Minutes
In accordance with Idaho Code section 67-6536, the Board and Commission will make and keep a transcribable verbatim record of public proceedings for any category of approval from which an Appeal may be taken. The Board and Commission also will keep a written record of minutes and supporting materials from public meetings and hearings.

F. Public Notice Requirements and Participation
1. Notice, hearing, and other requirements for Applications submitted for an approval described in this Chapter are intended to meet minimum requirements of the Planning Act. In the event of a conflict, the requirements of the Act supersede those of the LDC.
2. The County is not prohibited from providing notice or public participation beyond that required by the Planning Act.
3. Any property owner entitled to specific notice pursuant to the Act has the right to participate in public hearings before the Commission or Board.

G. Review Periods and Applications Deemed Approved
1. Except as provided in paragraph 4 below or as expressly provided otherwise in this Chapter, if a Written Decision is not issued within 30 days of the date required by the LDC, and there has not been consent from the Applicant for an extended time, the Application is eligible to be deemed approved, upon compliance with the following procedures and requirements.
2. Thirty calendar days following the date a Written Decision is required for issuance, if no Written Decision has been issued, within 30 calendar days from that date (or 60 calendar

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days from the date required for a Written Decision), an Applicant may request a Written Decision from the Administrator granting approval of the Application for lack of a Written Decision by the time stated in the LDC.

3. If such a request is timely received at the Department, the Administrator will verify whether the Written Decision was untimely issued and, if so, issue a Written Decision of approval based on this subsection.
4. This subsection is not applicable to:
   a. Requests for approval for failure to meet required timeframes due to actions of the Applicant;
   b. Review, recommendation, and other administrative steps preliminary to a final Written Decision;
   c. Temporary Use Applications; and
   d. Requests for reconsideration.

H. Requests for Appeal or Reconsideration
1. In addition to the opportunity for mediation, pursuant to section 1-1-7, a request for Appeal or reconsideration of an approval or denial by the Administrator, Commission, or Board may be filed in accordance with section 4-1-15 and Idaho Code section 67-6535(2)(b).
2. The request must specifically identify deficiencies in the decision for which reconsideration is sought.
3. Upon Appeal or reconsideration, the final decision may be affirmed, reversed, or modified after compliance with procedural standards.
4. If no Written Decision on a request for reconsideration has been rendered within 60 days of the request, the request is deemed denied.

I. Mediation. At any point during the decision-making process or after a final decision has been made, the applicant, an affected person, the zoning or planning and zoning commission, or the governing board may make a written request to mediate. All such requests and subsequent mediation proceedings must comply with Idaho Code 67-6510.

Commented [JG86]: Added per County Prosecuting Attorney suggestion to replace 1-1-7 Mediation.

4-1-3 Applications Subject to Final Decision by the Administrator

A. The following zoning and land division Applications, described in Chapter 4, are subject to a final Written Decision by the Administrator:
   1. Temporary Uses;
   2. Limited Uses;
   3. Administrative Land Divisions; and
   4. Agricultural Land Divisions.

B. In addition, the following approvals described in Chapter 5 and other County codes, also are subject to a final Written Decision by the Administrator:
   1. Grading and erosion control permits; and
   2. Sign permits.

C. Upon receipt of an administrative approval and compliance with any associated conditions, application for a building or other permit authorizing commencement of construction may be made, so long as other applicable standards have been satisfied.

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4-1-4 Comprehensive Plan and LDC Amendments

A. Applicability

This section applies to legislative actions to adopt, revise, or repeal any or all sections of the Comprehensive Plan or LDC, including large-scale revisions to the Official Zoning Map. This section does not apply to changes that result in a site-specific final decision, which are quasi-judicial in nature and will be considered in accordance with section 4-1-5.

B. Eligible Applicants

1. The Board, the Commission, or the Administrator may initiate an Application for Comprehensive Plan and LDC amendments.
2. In addition, any Affected Person, as outlined in Idaho Code section 67-6509(d), also may initiate a request for amendment to the plan or LDC.

C. Submittals

The following are required to be submitted with an Application, on file with the Department, for amendment to the Comprehensive Plan or LDC.

1. A written description and explanation of the proposed amendment;
2. The revisions proposed to the text of the Comprehensive Plan or LDC, showing changes in relation to the current text;
3. If applicable, proposed map revisions; and
4. Written explanation of how the proposed amendment is in accordance with policies of the Comprehensive Plan.

D. Notice and Requirements

Public notice and hearings shall comply with the Planning Act, including Idaho Code section 67-6509 and are required pursuant to the following:

1. Public hearings are held before both the Commission, for its recommendation, and the Board, for a final decision on proposed amendments.
2. If material changes are recommended or made by the Commission or Board, additional notice and hearings may be required as provided in section 4-1-4(E) and Idaho Code section 67-6509.
3. At least fifteen (15) days prior to the Commission and Board public hearings on a request to amend the Comprehensive Plan or LDC, the Administrator will provide notice of the time and place and a summary of the proposed amendments will be published in the official newspaper or paper of general circulation within Teton County.
4. Published notice of the Board's public hearing will include the Commission's recommendation on the proposed amendment to the plan or LDC.
5. The Administrator will make notice available to other papers, radio, and television stations serving the County for use as a public service announcement and also will post notice at the courthouse and on the County's website for all hearings under this section.
6. The Administrator will provide a notice of intent to amend to agencies that provide services within the County at least fifteen (15) days prior to the public hearings under this section.
7. The Administrator also will provide mailed notice to property owners and purchasers of record within the premise being considered and those within 300 feet of the external boundaries of the subject property, notwithstanding jurisdictional boundaries, including any additional areas the Commission determines may be substantially impacted by the proposed amendment.

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E. Review Procedures

1. The timeframes related to completeness review and timing of final approval stated in this ~~section~~ Chapter are not applicable to proposed amendments to the Comprehensive Plan or LDC text initiated by the Administrator, Commission, or Board. Other procedural steps and notice requirements apply.
2. Within seven (7) calendar days of receipt of a complete Application, including requests for amendment by the Administrator, Commission or Board, the Administrator will distribute the Application or request for review by internal County and external agencies impacted by or which have jurisdiction related to the proposed Development.
3. Within thirty (30) calendar days of the day the Application is transmitted, County and external agencies' comments are due.
4. Within seven (7) calendar days of the close of the agency comment period, or the resolution of any matters identified by a commenting agency, the Administrator will transmit the Application and any County or other agency comments to the Commission for its review and recommendation to the Board.
5. Once the Application has been transmitted, no changes to the Application are permitted prior to the Commission hearing.
6. Following required notice, the Commission will conduct a public hearing and provide a recommendation to the Board on the Application.
7. If following the public hearing, the Commission recommends a material change to the proposed amendment considered at the hearing, the changes will be expressly included in the Commission's recommendation to the Board. However, since the Board will conduct a subsequent public hearing, further notice and hearings by the Commission are not required.
8. The Commission has thirty (30) calendar days from the date of the public hearing to submit their recommendation to the Board. This time period may be extended if both the Applicant and the Commission agree on an extension.
9. After receiving the recommendation of the Commission and holding a public hearing, the Board will take action on the Application by resolution, in accordance with the Act.
10. If following the public hearing, the Board makes a material change to the proposed amendment considered at the hearing, further notice and a hearing will be provided before the Board makes a final decision on the proposed amendment.
11. The Board has thirty (30) calendar days from the date of the public hearing to approve, approve with conditions, deny, or send the Application back to the Commission for additional consideration. This time period may be extended if both the Applicant and the Board agree on an extension.

F. Review Criteria

1. The recommendations of the Commission and the final decision of the Board on an Application to amend the Comprehensive Plan, will be based on the following criteria:
   a. The Comprehensive Plan amendment corrects an error or meets the challenge of some changing condition, trend, or fact.
   b. The Comprehensive Plan amendment is in response to changes in state law, as established through amendments to the Idaho Statutes or by court decision.
   c. The amendment does not have the effect of creating a regulatory taking under Idaho or federal law.
   d. The Comprehensive Plan amendment constitutes a benefit to the County as a whole and is not solely for the good or benefit of a particular landowner or Owners at a particular

Commented [JG87]: PZ suggested edits to clarify as this was confusing as written

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point in time.

e. The proposed change is consistent with policies of the Comprehensive Plan, ~~and~~ the requirements of the Planning Act, ~~including but not limited to~~and state and federally mandated uses ~~matters~~. ~~related to manufactured housing, group housing, certain animal operations, sexually oriented business, and use of surface and groundwater.~~
f. The Comprehensive Plan amendment substantially conforms to the stated purpose and intent of the LDC.
g. The Comprehensive Plan amendment will not have a demonstrable adverse impact on the natural environment, including air, water, noise, stormwater management, wildlife, scenic corridor views, and vegetation.
h. The Comprehensive Plan amendment will not have a demonstrable adverse impact on existing conforming development patterns, standards or zoning regulations.
i. The Comprehensive Plan amendment will not have a demonstrable adverse impact on delivery by any jurisdiction or agency providing public services in the County, including school districts.

G. Final Decisions
1. Following receipt of a recommendation of the Commission, and compliance with notice and hearing requirements, the Board will make a final determination on the proposed amendment to the Comprehensive Plan or LDC text and will issue a Written Decision reflecting that determination within 65 calendar days of its final hearing.
2. Any amendment to the Comprehensive Plan shall be made by resolution of the Board, in accordance with Idaho Code section 67-6509(c). Amendments to the LDC are by ordinance of the Board.
3. A copy of the adopted or amended plan must accompany each adopting resolution and be kept on file with the County Clerk.
4. The Administrator, Commission, or Board may consider whether the completion of special studies, maps, or analyses is appropriate before making a final decision.

4-1-5 Site-Specific Zoning Map Amendment

A. Applicability
This section provides standards and quasi-judicial processes for requests for site-specific changes to the Official Zoning Map. Its purpose and intent is to mitigate potential known negative impacts a change in zoning may have on the public, the neighborhood, or surrounding property owners and to ensure due process.

B. Eligible Applicants
The property owner, Board, or Commission may initiate consideration of a proposed amendment to the Official Zoning Map.

C. Submittals
The following are required to be submitted with an Application, on file with the Department, for amendment to the Comprehensive Plan or LDC text.
1. A written description and explanation of the proposed amendment to the Zoning Map, including a description of affected properties and the relationship of Roads to the property under consideration;
2. Vicinity Map;
3. The revisions to the current Official Zoning Map, illustrating proposed amendments;

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4. Written explanation of how the proposed amendment is in accordance with policies of the Comprehensive Plan, the LDC, and applicable provisions of the Idaho Code; and
5. If the Application relates to a public school facility, pursuant to Idaho Code section 67-6519(3), documentation and studies sufficient for County consideration of impacts related to transportation, use and zoning of surrounding properties, and other impacts the County deems relevant and appropriate to the particular Application.

D. Notice and Requirements

Public notice and hearings shall comply with the Planning Act, including Idaho Code section 67-6509 and are required pursuant to the following:

1. Public hearings are held before both the Commission, for its recommendation, and the Board, for a final decision. The notice requirements here apply to all public hearings under this section
2. At least fifteen (15) calendar days prior to the Commission and Board public hearings on a request to amend the Official Zoning Map, the Administrator will have notice published of the time and place and a summary of the proposed amendments in the official newspaper or paper of general circulation within Teton County.
3. At least fifteen (15) calendar days prior to the Commission and Board public hearings, the Administrator will provide mailed notice to irrigation districts, groundwater districts, Cary act operation companies, nonprofit irrigation entities, lateral ditch associations and drainage districts that have requested in writing to receive notice, pursuant to Idaho Code section 67-6519. Notice may be provided electronically by mutual agreement.
4. The Administrator will make notice available to other papers, radio, and television stations serving the County for use as a public service announcement and will post notice at the courthouse, on the County's website, and, at least seven (7) calendar days prior to the public hearings, on the subject premises. Posting on the subject premises shall be per County issued, weather resistant sign.
5. The Administrator also will provide mailed notice to property owners and purchasers of record within the premise being considered and those within 300 feet of the external boundaries of the Lot or Parcel, notwithstanding jurisdictional boundaries, and within an area being impacted by the proposed amendment, as determined by the Commission. If notice would require mailings to two hundred (200) or more property owners or purchasers, the County may avail itself of alternative notice procedures provided by Idaho Code section 67-6511(b).
6. The Administrator will provide a notice of intent to amend to agencies providing services within the County's jurisdiction, including school districts and the manager of the local airport, also at least fifteen (15) days prior to the Commission's public hearing.
7. A record of the hearings, findings made, and actions taken by the Commission and the Board will be maintained by the County.

E. Review Procedures

1. The timeframes stated in this section are not applicable to proposed amendments to the Zoning Map initiated by the Administrator, Commission, or Board. Other procedural steps and notice requirements apply.
2. Within seven (7) calendar days of receipt of a complete Application, including requests for amendment by the Administrator, Commission or Board, the Administrator will distribute the Application or request for review by internal County and external agencies impacted by or which have jurisdiction related to the proposed Development.

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3. The Administrator, Commission, or Board may consider whether the completion of special studies, maps, or analyses is appropriate before making a final decision.
4. Within thirty (30) calendar days of the day the Application is transmitted, County and external agencies' comments are due.
5. Within seven (7) calendar days of the close of the agency comment period, or the resolution of any matters identified by a commenting agency, the Administrator will transmit the Application and any County or other agency comments to the Commission for its review and recommendation to the Board.
6. Once the Application has been transmitted, no changes to the Application are permitted prior to the Commission hearing.
7. Following required notice, the Commission will conduct a public hearing and provide a recommendation to the Board on the Application.
8. If following the public hearing, the Commission recommends a material change to the proposed amendment considered at the hearing, the changes will be expressly included in the Commission's recommendation to the Board. However, since the Board will conduct a subsequent public hearing, further notice and hearings by the Commission are not required.
9. The Commission has thirty (30) calendar days from the date of the public hearing to submit their recommendation to the Board. This time period may be extended if both the Applicant and the Commission agree on an extension.
10. After receiving the recommendation of the Commission and holding a public hearing, the Board will take action on the Application by resolution, in accordance with the Act.
11. The Board has thirty (30) calendar days from the date of the public hearing to approve, approve with conditions, deny, or send the Application back to the Commission for additional consideration. This time period may be extended if both the Applicant and the Board agree on an extension.

F. Review Criteria

The recommendations of the Commission and the final decision of the Board on an Application to amend the Official Zoning Map, will be based on the following criteria

1. The Zoning Map amendment is not in conflict with the Comprehensive Plan.
2. The Zoning Map amendment substantially conforms to the stated purpose and intent of the LDC.
3. The Zoning Map amendment will reinforce the existing or planned character of the area.
4. The Zoning Map amendment will not have a demonstrable adverse impact upon public service delivery by any jurisdiction or agency providing services in the County, including school districts.
5. The subject property is appropriate for Development allowed in the proposed Zoning District, including, if the Application relates to a public school facility, the impacts authorized for review under Idaho Code section 67-6519(3).
6. There are substantial reasons why the property cannot be used according to the existing zoning.
7. The map amendment does not have the effect of creating a regulatory taking under federal or state law, including, as applicable Idaho Code section 67-8001, et seq.
8. The County and other service providers will be able to provide sufficient public facilities and services including schools, Roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, police, fire and emergency medical services, while maintaining sufficient levels of service to existing development.

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9. The Zoning Map amendment will not have a demonstrable adverse impact upon the natural environment, including air, water, noise, stormwater management, wildlife, scenic corridor views, and vegetation.
10. The Zoning Map amendment will not have a demonstrable adverse impact on property in the vicinity of the subject property.
11. The proposed change is consistent with the requirements of the Planning Act, including but not limited to matters related to manufactured housing, group housing, certain animal operations, sexually-oriented business, and use of surface and groundwater.

G. Final Decision
1. Following receipt of a recommendation of the Commission, and compliance with notice and hearing requirements, the Board will make a final determination on the proposed amendment to the Official Zoning Map and will issue a Written Decision within 7 days of its final hearing.
2. Amendments to the text of the LDC are by ordinance of the Board.
3. Pursuant to Idaho Code section 67-6511(d), if the Board adopts an amendment to the Zoning Map pursuant to a request of the property owner, the Board may not subsequently reverse its action or otherwise change the zoning classification without the written consent of the current property owner, for a period of 4 years from the date of approval.

4-1-6 Temporary Uses

A. Applicability
This section provides for the regulation and approval of Temporary Uses. Except as provided in section 3-9-1, a proposed Temporary Use is required to be approved by the Administrator consistent with this subsection and section 3-9.

B. Submittals
1. In addition to the requirements in subparagraph 2 below, Applications for a Temporary Use must include the following:
   a. Complete Application form;
   b. Site Plan; and
   c. Vicinity Map.

2. Temporary uses with 100 or more expected attendees must also provide the following materials with the Temporary Use Application:
   a. Public Safety
      i. A plan addressing public safety, including medical services, fire protection, traffic safety, animal control, and crowd control, including any costs required by an agency to mitigate these impacts.
      ii. Proof of inspection or approval by the Teton County Fire District for events that include the use of open flames, fireworks, or the sale of fireworks.
      iii. A parking plan for any event providing shuttle or valet parking.
      iv. A transportation plan, for any proposed Road closures, sidewalk closures, or restricted access points, approved by Teton County Public Works or Idaho Transportation Department, for state Roadways.
   b. Sanitary and Waste Related Facilities
      i. A plan for sanitary facilities including the type, number, and location or proposed location of all toilets, washing facilities, and water supply facilities.

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ii. A plan for the use and placement of garbage and recycling containers including evidence of agreements with service providers.

c. Food Vendors

i. 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.

ii. A plan showing the type, number and location or proposed location of all food preparation and food service facilities.

iii. If alcohol beverages will be served and/or sold, an Alcohol License must be obtained from the State of Idaho and Teton County and included in the Application materials. An alcohol management plan also must be provided.

d. Signs

i. Signage required for any life safety concerns identified during the review by the County or other agency.

ii. Proof of compliance with the requirements of section 5-9, Signage.

C. Notice and Requirements

1. Public notice is required pursuant to the following, which are intended to comply with the Planning Act, including Idaho Code section 67-6519.
2. Notice of Temporary Use application is necessary to ensure the use is conducted in a manner that is safe, compatible with affected lands, reasonably preserves the convenient use of lands and Roads in the County, and preserves the health, safety, and general welfare.
3. Within seven (7) calendar days of receiving a complete Application, the Administrator will provide mailed notice to irrigation districts, groundwater districts, private irrigation system companies per the 1894 Cary Act, nonprofit irrigation entities, lateral ditch associations and drainage districts that have requested in writing to receive notice, pursuant to Idaho Code section 67-6519. Notice may be provided electronically by mutual agreement.
4. Except as provided in 5, below, events planned to accommodate 100 or more attendees, or which will occur over a timeframe greater than 24 hours, whether continuous or not, require public notice.
5. When required, public notice shall be published in a newspaper of general circulation, mailed to property owners within 300 feet of the proposed use, and posted on-site along each Road Frontage at least seven (7) calendar days prior to the initiation of the Temporary Use. If the Temporary Use involves a routed activity, such as a bike race, the location of the use is considered the start and finish locations and any gathering points throughout the route, including river access points for routed activities that transfer from a Road to a river.
6. Based on information provided by the Applicant, the Administrator may determine that, due to the nature, extent, or duration of a proposed Temporary Use, notice as required under this subsection may be waived or provided by alternative acceptable means that meet the intent of this section and section 3-9.

D. Review Procedures

1. A completed Application form and required fees must be submitted to the Department at least thirty (30) calendar days prior to the start of the Temporary Use.
2. If a proposed Temporary Use crosses multiple jurisdictions, the Administrator will invite the other jurisdictions to review the Application to ensure approvals do not conflict.

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3. Within seven (7) days of receiving a complete Application, the Administrator will request and consider review and comments by County departments or other agencies with oversight or jurisdiction over the site or which will be impacted by the proposed use.
4. Departments and agencies have fourteen (14) calendar days to provide comments to the Administrator. If no comments are received during that period, the Administrator will deem the department or agency to be without objection to the proposed Temporary Use.
5. The Administrator will forward department or agency comments, if any, which necessitate revisions to the Application or Site Plan to the Applicant.
6. If the Administrator finds that the Application does not meet all the applicable requirements of the LDC, the 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. Within thirty (30) calendar days of receiving a complete or, if applicable, revised Application, the Administrator will issue a Written Decision approving or denying the Temporary Use Application, based on the approval criteria of this section. This time period may be extended if the Applicant consents.

E. Review Criteria

No permit for a Temporary Use will be issued, except in compliance with the standards of this Chapter, section 3-9, and other applicable provisions of the LDC, including the following:

1. All necessary permits or written approvals from other agencies have been obtained.
2. The Temporary Use and Site Plan do not propose installation of permanent water, sewer, or electrical facilities, regardless of their seasonal or intermittent use or character.
3. The Site Plan demonstrates the Lot or Parcel is adequately served by Roads or Highways and has sufficient width and improvements to accommodate the kind and quantity of traffic that such Temporary Use is expected to generate.
4. The Temporary Use will not have a demonstrable adverse impact on nearby properties or jeopardize the public health, safety, and general welfare.
5. The Site Plan demonstrates adequate parking, loading, and on-site circulation will be provided, either on-site or on an approved alternate location that will reasonably serve the subject Lot or Parcel.
6. Adequate sanitation facilities will be available on the site.
7. The Application demonstrates the Owner or designated or operator of a Temporary Use will be responsible for and capable of the storage and removal of all trash, refuse, and debris occurring on the site.
8. All trash storage areas must be screened from the view of adjacent rights-of-way and the site must be maintained in a clean and safe manner.
9. The Application certifies the Applicant's understanding that no Temporary Use may be established that is intended to be a permanent use of the property.
10. The Application demonstrates adequate security measures, according to the Teton County Sheriff's Office, to ensure public safety. If additional fees are assessed by the Sheriff's Office, such fees must be paid prior to approval of the Temporary Use.

F. Additional Temporary Use Standards

In addition to the requirements above and those of section 3-9, the following standards apply to all proposed Temporary Uses.

1. Hours of Operation: Operation is allowed only between the hours of 6:00 AM and12:00 AM (midnight).
2. Sound Level: The use of amplified sound shall be regulated in such a manner that it shall not interfere with normal usage of any neighboring school, medical facility, place of assembly,

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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 8:00 AM and 10:00 PM and 12:00 AM (midnight) shall constitute interference, as measured by the Administrator or Teton County Sheriff from an adjacent property. Sound will be measured at the property line. These standards may be altered by the Administrator, if other documented Mitigation measures are proposed and complied with.

3. Cash Deposit or Bond
    a. 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 ensure the site is restored to its former condition and any damages are repaired following the Temporary Use.
    b. If an event requires the use of County or emergency personnel or equipment (such as police, fire protection, or medical services) in excess of services customarily supplied, the Applicant shall pay those costs.
    c. The deposit or its balance shall be returned when the Administrator determines that no damage has been done, the County did not incur additional expenses due to the event, and that the cost of additional services described above has been paid by the Applicant.
4. Inspections
   By signing the Application for Temporary Use approval, 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 Written Decision, as well as to investigate any formal complaint filed with the Department or Teton County Sheriff during or following the event.

G. Final Decisions
1. Upon receipt of a complete Application for a Temporary Use, the Administrator will issue a Written Decision within thirty (30) days of receipt of a complete Application, based on the criteria set forth in the LDC, including those in this section and in section 3-9.
2. If the Administrator fails to act on a complete or revised Application within thirty (30) calendar days of its receipt, or within such other timeframe to which the Applicant consents, the Temporary Use is immediately deemed approved. The Administrator must issue a Written Decision deeming the Application approved within two (2) calendar days of a request of the Applicant in writing. However, if the Applicant fails to request a decision under this paragraph more than forty five (45) days following submittal of a complete or revised Application for Temporary Use, the provisions under this paragraph are waived.

H. Expiration and Revocation
1. A Temporary Use approval issued pursuant to this section shall be limited to a maximum duration of one hundred eighty (180) consecutive calendar days per year, unless otherwise specifically authorized in the terms of the Temporary Use approval or as otherwise provided in this division.
2. After consultation with the Prosecuting Attorney, the County may revoke Temporary Use approval when a condition of the approval is not being met and/or the public health, safety, or welfare is being compromised by the continued operations of the Temporary Use.

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3. The revocation of a Temporary Use approval may result in the immediate cancellation of the Temporary Use approval, denial of future Temporary Use approvals, and/or criminal prosecution.

4-1-7 Limited Uses

A. Applicability
   1. Limited Use Permits are allowed for identified uses that, while compatible with designated zoning, can cause incompatible off-site impacts, if specific location, design, and operation characteristics of the use are not addressed. These defined standards are applied to Limited Uses prior to their approval to ensure the effects of proposed use are mitigated.
   2. This section applies to proposed Development or new land uses indicated in section 3-2-1 to be permissible only by Limited Use approval.

B. Submittals
   Applications for a Limited Use approval must include the following:
   1. Complete Application form;
   2. Site Plan; and
   3. Vicinity Map.

C. Notice and Requirements
   1. Within seven (7) calendar days of receiving a complete Application, the Administrator will provide mailed notice to irrigation districts, groundwater districts, Cary act operation companies, nonprofit irrigation entities, lateral ditch associations and drainage districts that have requested in writing to receive notice, pursuant to Idaho Code section 67-6519. Notice may be provided electronically by mutual agreement.
   2. Additional notice is not required for Limited Use Applications.

D. Review Procedures
   1. A completed Application form and required fees must be submitted to the Department prior to initiating any use of property or Development for which Limited Use approval is required by section 3-2-1.
   2. Within 7 days of receiving a complete Application, the Administrator will request and consider review and comments by County departments or other agencies with oversight or jurisdiction over the site or which will be impacted by the proposed Limited Use.
   3. Departments and agencies have 7 calendar days to provide comments to the Administrator. If no comments are received during that period, the Administrator will deem the department or agency to be without objection to the proposed Limited Use.
   4. The Administrator will forward department or agency comments, if any, which necessitate revisions to the Application or Site Plan to the Applicant.
   5. If the Administrator finds that the Application does not meet all the applicable requirements of the LDC, the 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.
   6. Within thirty (30) calendar days of receiving a complete or, if applicable, revised Application, the Administrator will issue a Written Decision approving or denying the Limited Use Application, based on the approval criteria of this section. This time period may be extended if the Applicant consents.

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E. Review Criteria
The recommendations and final decisions of the County for a proposed Limited Use, will be based on the following criteria:
1. The requirements of this Chapter and other provisions of the LDC, including Chapter 5, General Development Standards;
2. The Limited Use standards set forth by category of use in Chapter 3.

F. Final Decision
Upon receipt of a complete Application for a Limited Use, the Administrator will issue a Written Decision, based on the criteria set forth in the LDC, including those in this section and in Chapter 3, within thirty (30) days of receipt of a complete Application.

G. Expiration
1. An approved Limited Use approval expires 1 year after the approval date unless the Applicant has filed a complete Application for a building permit or made substantial progress towards development that does not require a building permit.
2. The approval may also contain an expiration or review deadline where the Application must be resubmitted.

4-1-8 Special Uses

A. Applicability
1. Special Uses are allowed for identified land uses that may cause incompatible off-site impacts depending on the location, design, and operation of the use. Special Use review includes standards and additional review to ensure the effects of proposed Special Uses are appropriately managed and mitigated.
2. This section applies to proposed Development or new land uses indicated in section 3-2-1 to be conditionally permissible only by Special Use approval.
3. Special Use approval does not establish binding precedent to approve Special Uses.
4. Special Use approvals are not transferable from one property to another.
5. The Planning Commission is authorized to make minor modifications to an approved Special Use, as provided in section 4-1-14E).

B. Submittals
Applications for a Special Use approval must include the following:
1. A complete Application form;
2. Site Plan;
3. Vicinity Map;
4. A written statement that:
   a. Describes the effects of such elements as noise, glare, odor, fumes, light trespass, traffic, and vibration on adjoining property, if any;
   b. Indicates the general compatibility with adjacent and other properties in the Zoning District; and
   c. Describes the relationship of the proposed use to relevant Comprehensive Plan policies and the future land use map.
5. If the Application relates to a public school facility, pursuant to Idaho Code section 67-6519(3), documentation and studies sufficient for County consideration of impacts related to transportation, the use and zoning of surrounding properties, and other impacts relevant and appropriate to the Application shall be submitted.

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6. Pursuant to Idaho Code section 67-6512(e), any special studies required related to the social, economic, fiscal, and environmental effects and any aviation hazard, as defined in section 21-501(2), Idaho Code, of the proposed Special Use, shall be submitted with the Application.

C. Notice and Requirements

Public notice and hearings shall comply with the Planning Act, including Idaho Code section 67-6509 and are required pursuant to the following:

1. Public hearings are held before both the Commission, for its recommendation, and the Board, for a final decision on the requested Special Use.
2. At least fifteen (15) calendar days prior to the Commission and Board public hearings on a Special Use Application, the Administrator will have notice:
    a. Published of the time and place and a summary of the proposed amendments in the official newspaper or paper of general circulation within Teton County;
    b. Mailed to irrigation districts, groundwater districts, Cary act operation companies, nonprofit irrigation entities, lateral ditch associations and drainage districts that have requested in writing to receive notice, pursuant to Idaho Code section 67-6519. Notice may be provided electronically by mutual agreement; and
    c. Mailed to property owners and purchasers of record within the premise being considered and those within three hundred (300) feet of the external boundaries of the subject property, notwithstanding jurisdictional boundaries, including any additional areas the determined to be substantially impacted by the proposed Special Use.
3. If notice would require mailings to two hundred (200) or more property owners or purchasers, the County may avail itself of alternative notice procedures provided by Idaho Code section 67-6512(c).
4. At least fifteen (15) calendar days prior to the public hearings, the Administrator will post notice at the courthouse, on the County's website, and on the subject premises. Posting on the subject premises shall be per County issued, weather resistant sign. Posted notice will remain until a final decision is rendered on the requested Special Use.
5. A record of the hearings, findings made, and actions taken by the Commission and the Board will be maintained by the County.

D. Review Procedures

1. Within seven (7) calendar days of receipt of a complete Application, the Administrator will distribute the Application for Special Use approval for review by internal County and external agencies impacted by or which have jurisdiction related to the proposed Development.
2. Within thirty (30) calendar days of the day the Application is transmitted, County and external agencies' comments are due.
3. Within fifteen (15) calendar days of the close of the agency comment period, or the resolution of any matters identified by a commenting agency, the Administrator will transmit the Application and any County or other agency comments to the Commission for its review and recommendation to the Board.
4. Once the Application has been transmitted, no changes to the Application are permitted prior to the Commission hearing. If changes are made by the applicant, then noted deadlines begin from the date of the revision.
5. Following required notice, the Commission will conduct a public hearing and provide a recommendation to the Board on the Application.

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6. If following the public hearing, the Commission recommends a material change to the proposed Special Use considered at the hearing, the changes will be expressly included in the Commission's recommendation to the Board. However, since the Board will conduct a subsequent public hearing, further notice and hearings by the Commission are not required.
7. The Commission has thirty (30) calendar days from the date of the public hearing to submit its recommendation to the Board. This time period may be extended if both the Applicant and the Commission agree on an extension.
8. After receiving the recommendation of the Commission and holding a public hearing, the Board will take action on the Application by resolution, in accordance with the Act.
9. The Administrator, Commission, or Board may consider whether the completion of special studies, maps, or analyses, related to the social, economic, fiscal, and environmental effects and any aviation hazard as defined in section 21-501(2), Idaho Code, of the proposed Special Use is required to determine compliance with the LDC, prior to making a final decision.
10. The Board has thirty (30) calendar days from the date of the public hearing to approve, approve with conditions, deny, or send the Application back to the Commission for additional consideration. This time period may be extended if both the Applicant and the Board agree on an extension.

E. Review Criteria

The recommendations and final decisions of the County for a proposed Special Use, will be based on the following criteria:

1. The requirements of this Chapter and other provisions of the LDC, including Chapter 5, General Development Standards;
2. The Special Use standards set forth by category of use in Chapter 3; and
3. If the Application relates to a public school facility, the subject property is appropriate for Development allowed in the proposed Zoning District, including the impacts authorized for review under Idaho Code section 67-6519(3).
4. The County and other service providers will be able to provide sufficient public facilities and services, including schools, Roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, police, fire and emergency medical services, while maintaining sufficient levels of service to existing development.
5. The use is compatible with adjacent uses in terms of location, scale, site design, hours of operation and operating characteristics.
6. Any adverse impacts resulting from the proposed use in the affected area will be effectively mitigated or offset.

F. Special Use Conditions

Conditions may be attached to a Special Use approval, including:

1. Minimizing adverse impact on other development;
2. Controlling the sequence and timing of development;
3. Controlling the duration of development;
4. Assuring that development is maintained properly;
5. Designating the exact location and nature of development;
6. Requiring the provision for on-site or off-site public facilities or services;
7. Requiring more restrictive standards than those generally required in an ordinance;

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8. Requiring mitigation of effects of the proposed Development upon service delivery by any political Subdivision, including school districts, that provide services within the planning jurisdiction.

G. Final Decision
1. Following receipt of a recommendation of the Commission, and compliance with notice and hearing requirements, the Board will make a final determination on the proposed Special Use and will issue a Written Decision reflecting that determination within 7 calendar days of its final hearing and decision.
2. Minor modifications to a Special Use approval may be granted by the Planning Commission, in accordance with section 4-1-14E).

H. Expiration

1. Unless provided otherwise in the Written Decision, Special Use approvals expire 1 year after the date of the Written Decision, unless the Applicant files a complete Application for a building permit or has made substantial progress towards development, if no building permit is required.
2. The Written Decision also may contain specific expiration, review, or resubmittal deadlines.

4-1-9 Variances

A. Applicability
1. Variances can only be approved for the modification of the bulk and placement requirements of the LDC as to Lot size, Lot coverage, width, depth, front yard, side yard, rear yard, Setbacks, parking space, height of Buildings, or other LDC provisions affecting the size or shape of a Structure or the placement of the Structure upon Lots, or the size of Lots, as outlined in Idaho State Code 67-6516. Variances are considered through a quasi-judicial process.
2. A Variance is not a right or special privilege and may be granted only upon a showing of:
   a. Undue Hardship because of characteristics of the site; and
   b. That granting of the Variance is not in conflict with the public interest.

B. Submittals
Applications for a Variance must include the following:
1. A complete Application form;
2. Site Plan;
3. Vicinity Map;
4. A written statement demonstrating the requested Variance meets the review criteria below and other requirements of law; and
5. If the Application relates to a public school facility, pursuant to Idaho Code section 67-6519(3), documentation and studies sufficient for County consideration of impacts related to transportation, the use and zoning of surrounding properties, and other impacts relevant and appropriate to the Application.

C. Notice and Requirements
Public notice and hearings shall comply with the Planning Act, including Idaho Code section 67-6509 and are required pursuant to the following:
1. A public hearing will be held before the Commission, which will render a final decision as provided below.

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2. At least fifteen (15) calendar days prior to the Commission's public hearing on a Variance Application, the Administrator will notice:
   a. Published of the time and place and a summary of the proposed amendments in the official newspaper or paper of general circulation within Teton County;
   b. Mailed to property owners adjoining the Lot under consideration and the person in charge of the local airport if granting the Variance could create an aviation hazard as defined in Idaho Code section 21-501; and
   c. Mailed notice to irrigation districts, groundwater districts, Cary act operation companies, nonprofit irrigation entities, lateral ditch associations and drainage districts that have requested in writing to receive notice, pursuant to Idaho Code section 67-6519. Notice may be provided electronically by mutual agreement.
3. At least seven (7) calendar days prior to the Commission's public hearing, the Administrator will post notice at the courthouse, on the County's website, and on the subject premises along each Road Frontage. Posting on the subject premises shall be per County issued, weather resistant sign. Posted notice will remain until a final decision is rendered.

D. Review Procedures
1. Within seven (7) calendar days of receipt of a complete Application, the Administrator will distribute the Application for Variance for review by internal County and external agencies impacted by or which have jurisdiction related to the proposed Development.
2. Within thirty (30) calendar days of the day the Application is transmitted, County and external agencies' comments are due.
3. Within seven (7) calendar days of the close of the agency comment period, or the resolution of any matters identified by a commenting agency, the Administrator will transmit the Application and any County or other agency comments to the Commission for its review and recommendation to the Board.
4. Once the Application has been transmitted, no changes to the Application are permitted prior to the Commission hearing.
5. Following required notice, the Commission will conduct a public hearing to make a final decision on the Variance request, as provided below.
6. The Commission has thirty (30) calendar days from the date of the public hearing to provide a Written Decision to the Applicant. This time period may be extended if both the Applicant and the Commission agree on an extension.

E. Review Criteria
The recommendation of the Administrator and decision of the Commission of whether the Applicant has made a showing of lawful Undue Hardship, will be based on the following criteria:
1. If the Variance Application relates to a public school facility, that the subject property is appropriate for development allowed in the proposed Zoning District, including the impacts authorized for review under Idaho Code section 67-6519(3).
2. A literal interpretation of the provisions of the LDC would effectively deprive the Applicant of rights commonly enjoyed by other properties of the Zoning District in which the property is located;
3. Granting the requested Variance will not confer upon the property of the Applicant any special privileges that are denied to other properties of the Zoning District in which the property is located;
4. The requested Variance will be in harmony with the purpose and intent of the LDC and will not be injurious to the neighborhood or to the general welfare;

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5. The special circumstances are not the result of the actions of the Applicant;
6. The Variance requested is the minimum Variance that will make possible the proposed use of the land, Building, or Structure;
7. The Variance does not permit a use of land, buildings or structures, which are not permitted by right in the Zoning District or the LDC, including Chapter 5;
8. Granting of the Variance is not in conflict with the public interest; and
9. The Variance does not reduce the Lot size below the minimum Lot size allowed in the Zoning District, except as provided in section 1-1-8(H)(4).

F. Final Decision
Following compliance with notice and hearing requirements, the Commission will make a final determination on the proposed Variance and will issue a Written Decision reflecting that determination within 65 calendar days of its final hearing and decision.

G. Expiration
An approved Variance expires 1 year after the approval date unless the Applicant has filed a complete Application for a building permit or made substantial progress towards development that does not require a building permit.

4-1-10 Land Division Review

A. Applicability
1. Land division review, as provided in sections 4-1-10 through 4-1-15, is intended to ensure all Subdivision and sale of land comply with applicable requirements of the LDC and Idaho Code. To the extent of any conflict, the Idaho Code prevails.
2. Idaho Code Title 50, Chapter 13 defines "Subdivision" as "A tract of land divided into five (5) or more Lots, Parcels, or sites for the purpose of sale or building development…", but allows cities and counties to adopt their own definition of Subdivision in lieu of the statutory definition. Teton County excludes from the definition of Subdivision the following:
   a. Insignificant Plat Amendment
   An adjustment of Lot Lines in a recorded Plat that does not reduce the area, Frontage, width, depth, or Building Setback lines below the minimums required in the Zoning District.
   b. Boundary line adjustment
   The exchange of land for the purpose of straightening property boundaries or adding land to existing Parcels by trade or sale that does not result in a change of the present land use or in any way result in land Parcels which do not meet existing zoning and other regulations.
      i. An allocation of interests in real estate in the settlement of an estate, or a court decree for the distribution of property interests, with the stipulation that the land is not physically divided, only that the ownership interests in the land are allocated to different Owners.
      ii. Agricultural Land Division
      iii. Administrative Land Division
      iv. The unwilling sale of land as a result of legal condemnation as defined and allowed in Idaho Code, and when the Dedication of a Right of Way for public purposes is initiated by a public body.
3. Land Division is required for any:
   a. Division of land into 2 or more Parcels.

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b. The Dedication of any Road or alley through or along any Tract of land except where the Dedication is initiated at the request of a public body.
c. Condominium or townhouse projects as permitted by Idaho law. However, the County may attach conditions for the provision and maintenance of open space.
d. Amendments of a previously divided Parcel if it is considered a significant amendment as defined in Section 4-1-14

B. Eligible Applicants
1. Any Person, firm, corporation, or agency may initiate an Application for Land Division review, provided they are the Owner or the Owner's representative of the property for which the Application is being submitted.

C. Applicable Requirements
With regard to the following requirements, provisions applicable to each category of land division are set forth in sections 4-1-11 through 4-1-14:
1. Submittals;
2. Notice and Requirements;
3. Review Procedures;
4. Review Criteria;
5. Final Decision; and
6. Expiration.

4-1-11 Agricultural Land Divisions

A. Applicability
All existing Parcels located in the RA-~~35~~40, LA-~~35~~40, and RR-~~20~~ 8 Districts that meet minimum Parcel size standards are eligible to divide for agricultural purposes. The minimum Parcel size of all of the newly created Parcels shall be no less than as required within the applicable Zoning District, according to the following table:

Table 5. Agricultural Land Division Parcel requirements

Zone	Minimum Parent Parcel Size	Minimum Size of all Resulting Parcels
RA-~~AD 35~~40	280 acres	140 acres
LA-~~AD 35~~40	280 acres	140 acres
RR-AD 20	160 acres	80 acres

Commented [JG88]: If RR changed to an average density of 8 acres then does it still apply to ag land divisions?

B. Submittals
The following materials are required for a complete Application for Agricultural Land Divisions:
1. A completed Application form and required submittals;
2. 2 copies of draft deeds (unrecorded) for each of the proposed new Parcels that would be created providing the land division is approved, and
3. Plat of Survey created by a licensed land Surveyor in the State of Idaho, showing the new land Parcels.

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4. The deeds shall contain a notation clearly identifying the allocation of the residential entitlements, if any, among the resulting Parcels. The Survey shall also clearly identify to which Parcels the residential entitlements, if any, are assigned. The documentation of allocation of residential units among resulting Parcels may be accomplished either with notations on a Plat map, or by deed restriction placed in the document of conveyance.

C. Notice and Requirements

At least fourteen (14) calendar days prior to issuing a Written Decision, the Administrator will have notice posted on the subject premises along each Road Frontage. Posting on the subject premises shall be per County issued, weather resistant sign. Posted notice will remain until a final decision is rendered.

D. Review Procedures

The procedures for review and approval of Agricultural Land Divisions are as follows:

1. Agricultural Land Divisions require a pre-application conference with the Administrator before submitting an Application.
2. Within seven (7) calendar days of receipt of a complete Application for Agricultural Land Division, the Administrator will distribute the Application and other submittal materials for review by internal County and external agencies impacted by or which have jurisdiction related to the proposed Development, including the County Assessor and fire marshal.
3. Within thirty (30) calendar days of the day the Application is transmitted, County and external agencies' comments are due.
4. Within seven (7) calendar days of the close of the agency comment period or the resolution of any matters identified by a commenting agency, the Administrator will render a Written Decision to the Applicant.

E. Review Criteria

The following criteria must be met for an Agricultural Land Division to be approved by the Administrator:

1. The Survey submitted by the Applicant is deemed accurate and to meet the standards set forth in Idaho State Code by the Teton County Surveyor or approved agent.
2. The proposed division will result in Lots that all meet the minimum Parcel size requirements in the zone, 140 acres in the RA-~~35~~ 40 and LA-~~35~~ 40 zone districts, and 80 acres in the RR-~~20~~8 zone district;
3. The Plat of Survey and deeds all document the allocation of residential Density entitlement, if any;
4. The division does not require the extension of public Utilities (other than individual service lines) or other municipal facilities and no substantial alteration of existing utility installations is involved;
5. The division does not require the Dedication of public Right of Way;
6. The division does not require new Public Roads and each proposed Parcel has approved access from an existing Public Road, or approved Easement that contains the necessary right-of- way width; and
7. Each proposed Parcel meets all applicable requirements of the LDC, including those set forth in Chapter 6.

F. Final Decision

Final decisions are made by and must be reflected in a Written Decision issued by the Administrator.

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G. Expiration

1. After an Agricultural Land Division is approved by the Administrator, a Mylar copy of the Plat of Survey and all other required materials outlined above shall be submitted to the Planning Department prior to recording with the Teton County Clerk/Recorder.
2. An Application that is approved and not recorded within six (6) months of the date of approval shall be considered expired and a new Application shall be required.

4-1-12 Administrative Land Divisions

A. Generally

1. The purpose of the Administrative Land Division is to provide for a division of large, rural, unplatted Parcels in the County, into four (4) or fewer Parcels for residential use through a simplified process while meeting specific criteria, in order to allow for limited residential uses in agricultural areas in conjunction with on-going agricultural operations.
2. Administrative Land Divisions can be utilized to create up to four (4) Parcels from any existing Parcel located in the RA-~~35~~40, LA-~~35~~40, RR-~~20~~8, FH-10, and RN-5 zone districts that has not been previously platted. The number of allowed Parcels (existing and new) must meet the criteria identified in Chapter 3, Section 6.
3. Lands divided using Administrative Land Divisions are not eligible for further division. This restriction will be noted on the plat.
4. The minimum resulting Parcel sizes must also be in accordance with the minimum Lot size of the underlying base Zoning District. These divisions may be utilized all at one time or spread out through time. The table below shows minimum parent Parcel sizes to take advantage of all four authorized Lots, and the minimum Lot sizes of the resulting Lots.

Table 6. Administrative Land Division Parcel Requirements

Zone	Minimum Parent Parcel Size to be eligible for Administrative Land Division	Minimum Resulting Lot Sizes for 4 Lots - Example of potential configuration.
RA-~~35~~40	~~70~~ 80 acres	Up to 4 Parcels may be created administratively, with an average Parcel size of ~~35~~ 40 acres.
LA-~~35~~40	~~70~~ 80 acres	Up to 4 Parcels may be created administratively, with an average Parcel size of ~~35~~ 40 acres.
RR-8~~20~~	~~60~~ 32 acres	Up to 4 Parcels may be created administratively, with an average Parcel size of 30 acres.
FH-10	40 acres	Up to 4 Parcels may be created administratively, with an average Parcel size of 20 acres.

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RN-5	20 acres	Up to 4 Parcels may be created administratively, with an average Parcel size of 10 acres.

B. Submittals

The following materials are required for a complete Application for Agricultural Land Divisions:

1. A completed Application form and required submittals;
2. Two (2) copies of draft deeds (unrecorded) for each of the proposed new Parcels that would be created providing the land division is approved, and
3. Plat of Survey created by a licensed land surveyor in the State of Idaho, showing the new land Parcels.
4. The deeds shall contain a notation clearly identifying the allocation of the residential entitlements, if any, among the resulting Parcels. The Survey shall also clearly identify to which Parcels the residential entitlements, if any, are assigned. The documentation of allocation of residential units among resulting Parcels may be accomplished either with notations on a Plat map, or by deed restriction placed in the document of conveyance.

C. Notice and Requirements

1. At least fourteen (14) calendar days prior to issuing a Written Decision, the Administrator will have notice posted on the subject premises along each Road Frontage. Posting on the subject premises shall be per County issued, weather resistant sign. Posted notice will remain until a final decision is rendered.
2. During the fourteen (14) day noticing period, members of the public may submit written comments to the Planning Administrator for consideration of application approval.
3. The Administrator also will provide mailed notice to property owners and purchasers of record within three hundred (300) feet of the external boundaries of the subject Parcel, in its current form at the time of application. If notice would require mailings to two hundred (200) or more property owners or purchasers, the County may avail itself of alternative notice procedures provided by Idaho Code section 67-6511(b).

D. Review Procedures

The procedures for review and approval of Administrative Land Divisions are as follows:

1. Administrative Land Divisions require a pre-application conference with the Administrator before submitting an Application.
2. Within seven (7) calendar days of receipt of a complete Application for Administrative Land Division, the Administrator will distribute the Application and other submittal materials for review by internal County and external agencies impacted by or which have jurisdiction related to the proposed Development, including the County Assessor and fire marshal.
3. Within thirty (30) calendar days of the day the Application is transmitted, County and external agencies' comments are due.
4. Within seven (7) calendar days of the close of the agency comment period, or the resolution of any matters identified by a commenting agency, the Administrator will render a Written Decision to the Applicant.

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E. Review Criteria
The following criteria must be met for an Administrative Land Division to be approved by the Administrator:
1. The Survey submitted by the Applicant is deemed accurate and to meet the standards set forth in Idaho State Code by the Teton County Surveyor or approved agent.
2. The Plat of Survey and deeds all document the allocation of residential Density entitlement, if any;
3. The proposed division does not create more than four total Parcels or Lots;
4. The division does not require the extension of public Utilities (other than individual service lines) or other municipal facilities and no substantial alteration of existing utility installations is involved;
5. The division does not require the Dedication of public Right of Way;
6. The division does not require new Public Roads and each proposed Lot fronts on an existing Public Road or Easement that contains the necessary Right of Way width; and
7. Each proposed Lot or Parcel meets all applicable requirements of this Code, including applicable minimum Lot size.
8. Each proposed Parcel meets all applicable requirements of the LDC, including those set forth in Chapter 6.

F. Final Decision
Final decisions are made by and must be reflected in a Written Decision issued by the Administrator.

G. Expiration
1. After an Administrative Land Division is approved by the Administrator, a Mylar copy of the Map of Survey and all other required materials outlined above shall be submitted to the Planning Department prior to recording with the Teton County Clerk/Recorder.
2. An Application that is approved and not recorded within six (6) months of the date of approval shall be considered expired and a new Application shall be required.

4-1-13 Subdivisions

A. Applicability
1. This section applies to all Subdivisions of land undertaken after the effective date of the LDC, in accordance with section 1-1-8, Nonconformities.
2. Full Plat approval is a three-step process.
   a. Concept Plan
   b. Preliminary Plat
   c. Final Plat

B. Applicable Requirements and Procedures
The following sections set forth the requirements for the following, for each step of the full Plat approval process:
1. Required Submittals
2. Notice
3. Review Procedure
4. Review Criteria
5. Final Decision
6. Expiration

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C. Concept Plan
   1. Required Submittals
      a. A completed Application form;
      b. Required fees; and
      c. Concept Plan that depicts Lots, infrastructure, Open Space, and public improvements.
   2. Notice
      a. At least fifteen (15) calendar days prior to the Commission's review of a Concept Plan, if applicable, or of the rendering of the Administrator's written comments or those of other agencies, the Administrator will have:
         i. Published of the nature of the Concept Plan and Subdivision being proposed and the location of the Application for review by interested parties in the official newspaper or paper of general circulation within Teton County;
         ii. Mailed to property owners and purchasers of record within three hundred (300) feet of the external boundaries of the subject Parcel, in its current form at the time of application. If notice would require mailings to 200 or more property owners or purchasers, the County may avail itself of alternative notice procedures provided by Idaho Code section 67-6511(b).
         iii. Mailed to irrigation districts, groundwater districts, Cary act operation companies, nonprofit irrigation entities, lateral ditch associations and drainage districts that have requested in writing to receive notice, pursuant to Idaho Code section 67-6519. Notice may be provided electronically by mutual agreement.
      b. At least seven (7) calendar days prior to the Commission's consideration, the Administrator will post notice at the courthouse, on the County's website, and on the subject premises. Posting on the subject premises shall be per County issued, weather resistant sign. Posted notice will remain until a final decision is rendered on the Subdivision or until the expiration of a Subdivision approval, which requires the review process to be restarted.
   3. Review Procedure
      a. The Commission will review Concept Plans. Public input will be solicited prior to the Commission hearing the proposal.
      b. Subdivisions require a pre-application conference with the Administrator before submitting an Application for Concept Plan.
      c. Within seven (7) calendar days of receipt of a complete Concept Plan Application, the Administrator will distribute the Application and other submittal materials for review by internal County and external agencies impacted by or which have jurisdiction related to the proposed Development, including the County Assessor and fire marshal.
      d. Within thirty (30) calendar days of the day the Application is transmitted, County and external agencies' comments are due.
      e. Within seven (7) calendar days of the close of the agency comment period, or the resolution of any matters identified by a commenting agency, the Administrator will transmit the Application and any County or other agency comments to the Commission for its review of the Concept Plan.
      f. Within fifteen (15) calendar days of its meeting, the Commission and Administrator will assemble any additional comments on the Concept Plan and forward same to the Applicant for consideration in developing its Preliminary Plat Application.
      g. Approval of a Concept Plan does not constitute approval of a Final Plat.
   4. Review Criteria

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The comments of the Administrator, reviewing departments and agencies, and the Commission will be limited to those related to:

a. The Concept Plan's compliance with the policies of the Comprehensive Plan, the LDC, other County codes, including Chapter 6, Subdivision Development Standards;
b. The requirements of the reviewing agencies or other jurisdictions providing public services to the proposed Subdivision; and
c. Other health, safety, or general welfare concerns that may be brought to the County's attention.

5. Final Decision
   a. Since the review process for Concept Plans does not result in a final decision or land entitlements, no Written Decision by the Administrator or Commission is provided. However, the record will indicate by motion of the Commission a determination that the matters related to the proposed Subdivision are sufficiently addressed, such that application for Preliminary Plat approval is appropriate.
   b. Following approval of a Concept Plan, detailed plans, the Plat, required studies and specifications for the installation of Improvements required may be prepared and submitted.
6. Expiration
   The Application for Preliminary Plat must be submitted within twenty four (24) months of the date of the Planning and Zoning Commission's meeting and determination.

D. Preliminary Plat
1. Required Submittals
   a. A complete Application form;
   b. Required fees; and
   c. Plat created by a licensed land surveyor in the State of Idaho (All Plats must include the minimum requirements set out in Idaho Statutes Section 50-1304, Essentials of Plats).
   d. Construction Drawings (Improvement Plans), with proposed phasing, for public improvements in final and complete form, stamped by a licensed engineer in the State of Idaho.
   e. Subdivision Master Plan (if there will be multiple phases): The Subdivision Master Plan of the Subdivision shall be recorded and shall be binding on the Applicant and subsequent Owners of the property.
2. Notice
   a. At least fifteen (15) calendar days prior to the Commission's and Board's public hearings, the Administrator will have:
      i. Published of the nature of the Preliminary Plat and Subdivision being proposed and of the time and place of the hearing in the official newspaper or paper of general circulation within Teton County;
      ii. Mailed to property owners and purchasers of record within 300 feet of the external boundaries of the subject Parcel, in its current form at the time of application. If notice would require mailings to 200 or more property owners or purchasers, the County may avail itself of alternative notice procedures provided by Idaho Code section 67-6511(b).
      iii. Mailed to irrigation districts, groundwater districts, Cary act operation companies, nonprofit irrigation entities, lateral ditch associations and drainage districts that

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have requested in writing to receive notice, pursuant to Idaho Code section 67-6519. Notice may be provided electronically by mutual agreement.

b. At least seven (7) calendar days prior to the Commission's and Board's public hearings, the Administrator will verify or re-post notice at the courthouse, on the County's website, and on the subject premises. Posting on the subject premises shall be per County issued, weather resistant sign. Posted notice will remain until a final decision is rendered on the Preliminary Plat. Notice that remains posted for an unexpired Concept Plan determination, need not be re-posted.

3. Review Procedure
   a. No pre-application conference is required for Preliminary Plat Applications. However, the Administrator will meet with the Applicant upon request.
   b. Within seven (7) calendar days of receipt of a complete Application, the Administrator will distribute the Application and Plat for review by internal County and external agencies impacted by or which have jurisdiction related to the proposed Subdivision.
   c. Within thirty (30) calendar days of the day the Application is transmitted, County and external agencies' comments are due.
   d. Within seven (7) calendar days of the close of the agency comment period, or the resolution of any matters identified by a commenting agency, the Administrator will transmit the Application and Plat, as well as any County or other agency comments to the Commission for its review and recommendation to the Board.
   e. Once the Application has been transmitted, no changes to the Application or Plat are permitted prior to the Commission hearing.
   f. Following required notice, the Commission will conduct a public hearing and provide a recommendation to the Board on the Application.
   g. If following the public hearing, the Commission recommends a material change to the proposed Plat or Application considered at the hearing, the changes will be expressly included in the Commission's recommendation to the Board. However, since the Board will conduct a subsequent public hearing, further notice and hearings by the Commission are not required.
   h. The Commission has thirty (30) calendar days after submission of the completed Preliminary Plat Application to recommend approval, recommend approval subject to listed modifications, or recommend denial of the Preliminary Plat. This time period may be extended if both the Applicant and the Commission agree on an extension.
   i. A positive recommendation by the Commission does not constitute approval of a Preliminary Plat.
   j. After receiving the recommendation of the Commission and holding a public hearing, the Board will take final action on the Application for Preliminary Plat approval, in accordance with the Act.
   k. The Board has thirty (30) calendar days to issue a final decision after receiving a recommendation from the Commission, subject to listed modifications, or to refer the Application back to the Commission for additional consideration. This time period may be extended if both the Applicant and the Board agree on an extension.

4. Review Criteria
   The recommendations of the Commission and the determination by the Board on the Preliminary Plat will be related to:

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a. Those matters related to the Preliminary Plat's compliance with the policies of the Comprehensive Plan, the LDC, other County codes, including Chapter 6, Subdivision Development Standards;
b. The requirements of the reviewing agencies or other jurisdictions providing public services to the proposed Subdivision; and
c. The Plat's substantial conformance with the approved Concept Plan.

5. Final Decision
   a. Following notice and a hearing as required above, and following compliance with b, below, the Board will issue a Written Decision.
   b. Following notice of a Preliminary Plat, and prior to receiving a written decision of Preliminary Plat approval to allow permits to be pulled and construction to start, the applicant will work with the County to ensure the following items are resolved:
      i. The Administrator will provide the Applicant a copy of the plans stamped "Approved". The approved set of plans must be on site at all times that Improvements are being installed or constructed.
      ii. The Applicant shall provide to the Planning Department copies of approvals or permits for any activity of the installation of Improvements issued by any governmental agency, municipal corporation, or utility that has authority over these Improvements or will take ownership thereof upon completion. Work shall conform to the conditions and requirements of these approvals or permits, and shall be completed and accepted prior to the recording of the record Plat. Should work in accordance with these approvals necessitate changes to the Final Plat, those changes shall be completed, and approved by the Board, prior to recording the record Plat.
      iii. Record Plat approval shall be contingent in part upon completion and acceptance by the County of all public improvements.
      iv. Minor revisions to an approved Preliminary Plat that reflect the same basic Road and Lot configurations as used for the original approval may be approved by the Administrator.
      v. Any request for a revision to an approved Preliminary Plat that increases the number of Building Sites, decreases the amount of common open space or alters a Road or block pattern must be initiated and processed as a new Application, as provided below.
6. Expiration
   The Application for Final Plat must be submitted within 36 months of the date of the Board's final decision on the Preliminary Plat.

E. Final Plat
1. Required Submittals
   a. A completed Application form;
   b. Required fees;
   c. Inspection reports form the Applicant's/ Developer's Engineer; and
   d. The Final Plat(s) in accordance with Title 50 of the Idaho Code and this Chapter;
2. Notice

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a. At least fifteen (15) calendar days prior to the Board's review of an Application for Final Plat approval, the Administrator will have notice:
   i. Published of the nature of the Subdivision being proposed and the location of the Application for review by interested parties in the official newspaper or paper of general circulation within Teton County;
   ii. Mailed to property owners and purchasers of record within three hundred (300) feet of the external boundaries of the Subdivision.
   iii. Mailed to irrigation districts, groundwater districts, Cary act operation companies, nonprofit irrigation entities, lateral ditch associations and drainage districts that have requested in writing to receive notice, pursuant to Idaho Code section 67-6519. Notice may be provided electronically by mutual agreement.
b. At least seven (7) calendar days prior to the Board's consideration, the Administrator will post notice at the courthouse, on the County's website and on the subject premises along each Road Frontage. Posting on the subject premises shall be per County issued, weather resistant sign.

3. Review Procedure
   a. Final Plats require a pre-application conference with the Administrator before submitting an Application.
   b. Within seven (7) calendar days of receipt of a complete Application, the Administrator will distribute the Application and Plat for review by internal County and external agencies impacted by or which have jurisdiction related to the proposed Subdivision.
   c. Within thirty (30) calendar days of the day the Application is transmitted, County and external agencies' comments are due.
   d. Within seven (7) calendar days of the close of the agency comment period, or the resolution of any matters identified by a commenting agency, the Administrator will transmit the Application and Plat, as well as any County or other agency comments to the Board for action on the Final Plat.
   e. Once the Application has been transmitted, no changes to the Application or Plat are permitted prior to the Board's consideration.
   f. The Board has thirty (30) calendar days after submission of the completed Final Plat Application to take final action. This time period may be extended if both the Applicant and the Commission agree on an extension.
4. Approval Criteria

   The determination by the Board on the Final Plat will be limited to:
   a. Those matters related to the Plat's compliance with the LDC, other County codes, including Chapter 6, Subdivision Development Standards.
   b. The requirements of the reviewing agencies or other jurisdictions providing public services to the proposed Subdivision;
   c. The Plat's substantial conformance with the approved Preliminary Plat;
   d. The Administrator may notify the Applicant of any LDC or other County or agency requirements that have not been met, so that the Application or Final Plat may be revised, consistent with the Preliminary Plat;
   e. Substantial conformance with the County's applicable adopted plans and policies;

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f. The Board may also accept any proposed Dedication of land or public improvements as part of approving a Final Plat.

5. Final Decision
   a. The Final Plat must be signed by the Chair of the Board.
   b. Only after Final Plat approval and recording of the Final Plat can Lots be sold.
6. Expiration
   a. A Final Plat that is approved and not recorded within six (6) months of the date of approval shall be considered expired and a new Final Plat Application shall be required.

4-1-14 Modifications to Previous Approvals

A. Approval of Modifications Needed
   1. If an Applicant wishes to modify an approval already granted, they must obtain approval for the modifications, as provided in this section.
   2. Requests for modification required a pre-application conference with the Administrator before submitting an Application for modification.
   3. If an Applicant seeks to modify an approval that is not identified in this section, they must submit a new Application and follow the same procedure for the original approval.

B. Retroactive Approvals to Correct Unauthorized Land Splits
   1. In an effort to correct previous land splits that were done as (a) agricultural splits without building permits, (b) deeded property that did not follow a division process, or (c) other splits that did not meet the ordinance requirements at the time, the Administrator may authorize a Boundary Line Adjustment, or Land Division approval that would correct the unauthorized action.
   2. The Short Plat or Full Plat process may need to be used to correct previous unauthorized land splits.
   3. The corrected Lots must meet the standards of the LDC and would become eligible for building permits where they currently are not.

C. Modification of Boundary Lines
   1. Generally
      a. The adjusting or removing of common property lines or boundaries between adjacent Tracts or Parcels that are not part of a recorded Plat, for the purpose of accommodating a transfer of land, combining existing Parcels, or rectifying a disputed property line location.
      b. The resulting adjustment shall not create any additional Tracts or Parcels and all reconfigured Tracts or Parcels shall contain sufficient area and dimension to meet minimum requirements for zoning and building purposes.
      c. This section also applies to requested modifications of the boundaries of the Lots created from land divisions.
   2. Required Submittals
      The request for a Boundary Adjustment shall include:
      a. A complete Application;
      b. Unrecorded, new legal descriptions for each Parcel;
      c. Latest recorded deed to each property;
      d. Designation of agent authorization form;
      e. Application page, complete and signed by all property owners; and

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f. Map of Survey containing all the required items found in Idaho State Code §55-1906.

3. Review Procedures
   a. Within seven (7) calendar days of receipt of a complete Application for boundary line adjustment, the Administrator will distribute the Application and other submittal materials for review by internal County and external agencies impacted by or which have jurisdiction related to the proposal, including the County Assessor and fire marshal.
   b. Within thirty (30) calendar days of the day the Application is transmitted, County and external agencies' comments are due.
   c. Within seven (7) calendar days of the close of the agency comment period or the resolution of any matters identified by a commenting agency, the Administrator will render a final decision as provided below.
4. Approval Criteria
   a. Conformance with Underlying Zone
      Each of the resulting Parcels shall conform with the Zoning District in which it is located, or the degree of nonconformity of either Parcel shall not be increased, except for cases involving Parcels that do not conform to the minimum Lot size standards in Chapter 2. In such cases, one Parcel may be made more non-compliant in order to make another Parcel more compliant, provided the Administrator finds the adjustment increases compliance with the LDC and Comprehensive Plan.
   b. Buildability
      The overall capability of the Lots or Parcels to safely accommodate development is not diminished, including providing needed land area for water supply and wastewater systems as determined by Eastern Idaho Public Health Department.
      i. No net increase in Density
5. The Acreage transferred from one Parcel to another does not allow for increased Density on the subject Parcels.
   a. Adjustments between public and private land
      The conveyance of a Parcel from a public agency to a private party who owns land, which is Contiguous to the conveyed public land, shall be treated as a Boundary Adjustment to the Contiguous private land and not as the creation of a separate legal Building Site.
6. Final Decision
   a. The Administrator will finalize and provide to the Applicant a Written Decision on the Application for boundary line adjustment.
   b. After a Boundary Adjustment is approved by the Administrator, and all fees paid, a Mylar copy of the Map of Survey and all other required materials outlined above for a Boundary Adjustment shall be submitted to the Planning Department prior to recording with the Teton County Clerk/Recorder.
7. Expiration
   An Application that is approved and not recorded within six (6) months of the date of approval shall be considered expired and a new Application shall be required.

D. Modification of a Plat (Administrative or Full Subdivision)
   1. Generally

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a. The purpose and intent of this division is to provide an efficient procedure for reviewing changes or proposed vacations to previously recorded rights-of way, Easements, recorded Plats of Subdivisions, or Planned Unit Developments.
b. All revisions must comply with all applicable current regulations.
c. It may be unnecessary to duplicate studies and analyses that may have been required as part of the initial Plat Application and approval.
d. Revisions must reduce the intrusion of Development into sensitive natural areas of the County and reduce governmental costs associated with scattered development by expediting changes to recorded Plats that reduce the number of vacant platted Lots in the County.

2. Required Signatures
   a. Modification of Open Space, Density, common area, Road/Right of Way realignment, change of use, and similar changes, require all property owners in the platted Subdivision to sign the amended Plat and Application.
   b. Changes to correct a property boundary, combining of lots, or changes on a single Lot only require the property owner of the affected Lots to sign the Plat and Application.
3. Insignificant Changes
   a. Generally
      i. A proposed modification to an approved Plat, whether approved administratively or by the Board, will be considered insignificant and therefore subject to this subsection where the proposed changes to the recorded land records have minimal direct impact on the immediate neighborhood, general vicinity of the Subdivision, or overall community. These include:
         1) Vacations of portions of a Plat, except where platted open space acreage would be reduced in acreage, the value of the protected resource may be diminished or where land/easements are dedicated to the public.
         2) Amendments to the recorded Master Plan that do not change use or Density,
         3) Boundary line adjustments between Lots within a Subdivision,
         4) Lot consolidations of two or more platted Lots into fewer Lots,
         5) The re-arrangement or relocation of five (5) or fewer Lots or buildings that does not encroach further into natural resource areas dedicated open space;
         6) A Boundary Adjustment between a Lot in a platted Subdivision and an adjacent non- platted property;
         7) Minor changes to the layout of Roads, utilities, or other facilities;
         8) Other changes of similar magnitude and minimal direct impact as determined by the Administrator.
      ii. Insignificant changes may be approved with respect to a Planned Unit Development approved prior to the effective date of the LDC.
   b. Required Submittals
      i. Narrative explaining the changes that are being proposed,
      ii. Plat, if applicable, is labeled correctly as “Amended Final Plat”,
      iii. Recorded documents, if applicable, are labeled as “Amended”
      iv. Itemize briefly the amendments to the original Plat and/or original recorded documents
      v. Approval letter from Eastern Idaho Public Health, District 7
      vi. Approval letter from Teton County Fire District

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vii. Acceptance letter from City for sewer hookup from the providing community, if applicable.

c. Notice
   i. Notice of an insignificant change to a Plat will follow the same notice requirements as Plat approval.

d. Review Procedures
   i. Within seven (7) calendar days of receipt of a complete Application, the Administrator will distribute the Application for review by internal County and external agencies impacted by or which have jurisdiction related to the proposed Subdivision.
   ii. Within thirty (30) calendar days of the day the Application is transmitted, County and external agencies' comments are due.
   iii. Within seven (7) calendar days of the close of the agency comment period, or the resolution of any matters identified by a commenting agency, the Administrator will transmit the Application and Plat, as well as any County or other agency comments to the Board for action on the modification request.
   iv. Once the Application has been transmitted, no changes to the Application or Plat are permitted prior to the Board's consideration.
   v. The Board will review the recommendation and proposed changes at a regularly scheduled public meeting. No public hearing is required.
   vi. The Board has thirty (30) calendar days after submission of the completed Final Plat Application to take final action. This time period may be extended if both the Applicant and the Commission agree on an extension.
   vii. After the Plat amendment is approved by the Board, a Mylar copy of the Amended Plat and all other required materials outlined above for the amendment shall be submitted to the Planning Department prior to recording with the Teton County Clerk/ Recorder.

e. Review Criteria
   i. Any proposed changes shall comply with all applicable criteria and standards of the LDC or other County regulations, and conditions of approval established in the previous approval.
   ii. Insignificant changes shall not reduce the area of designated open space or increase the number of Lots.
   iii. Insignificant changes shall not change the uses approved or the location of where certain uses are approved.
   iv. Insignificant changes shall not increase or create new and potentially substantial direct or indirect impacts on the neighborhood, vicinity of the Subdivision or overall community.

f. Final Decision
   Following consideration of the request at a regularly scheduled meeting, and based on the criteria above, the Board will issue a Written Decision on the request for an insignificant change to a Plat.

g. Expiration
   An Application for an insignificant modification to a Final Plat that is approved and not recorded within six (6) months of the date of approval shall be considered expired and a new Application shall be required.

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4. Significant Changes (Minor)
   a. Generally
      A proposed modification to a Plat, whether approved administratively or by the Board, or to a Planned Unit Development approved prior to the effective date of the LDC will be considered significant (minor) and therefore subject to this subsection where the proposed changes result in one or more of the following:
         i. A reduction in the number of Lots or Parcels;
         ii. The re-arrangement or relocation of more than four (4) Lots or Parcels that does not encroach further into natural resource areas, Open Space, overlay areas, or move closer to neighboring property; or
         iii. Complete vacation of the Plat.
   b. Required Submittals
         i. An Application for a significant (minor) change to a Plat must include the same submittals as for an insignificant change; and
         ii. If Applicant, revised maps showing a proposed vacation or revision to the layout of Lots or Buildings and any reduction in the number of Lots or Buildings.
   c. Notice
      Notice of a significant (minor) change to a Final Plat will follow the same notice requirements as Plat approval.
   d. Review Procedures
      Review procedures for a request for significant (minor) changes to a Final Plat will follow the same processes as for insignificant changes.
   e. Review Criteria
         i. Any proposed changes to an Easement, public right-of way, or Planned Unit Development, shall comply with all applicable criteria and standards of the County regulations, and conditions of approval established in the previous approval.
         ii. The Subdivision Master Plan and Plat for a Subdivision or Planned Unit Development, including the proposed changes, shall reduce governmental costs for operations and capital expenses.
         iii. The revised Plat or Plan shall reduce the impact to neighboring properties.
         iv. The revised Plat or Plan shall reduce the intrusion of Development into areas identified on the County's Natural Resource Overlay Map and updated identification of areas where indicator habitats and/or habitats for indicator species are found as documented by input that is accepted by the County from Idaho Department of Fish and Game or other qualified wildlife professionals.
   f. Final Decision
      Following consideration of the request at a regularly scheduled meeting, and based on the criteria above, the Board will issue a Written Decision on the request for a significant (minor) change to a Plat.
   g. Expiration
      An Application for a significant (minor) change that is approved and not recorded within six (6) months of the date of approval shall be considered expired and a new Application shall be required.
5. Significant Changes (Major)
   a. Generally
      A proposed modification to an approved preliminary or Final Plat will be considered significant (major) and therefore subject to this subsection where the proposed changes

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result in one or more changes to a Plat, the Subdivision Master Plan, or portions of the Plat or plan that substantially increase the scale or scope of the platted Subdivision, or increase the direct or indirect impacts on the immediate neighborhood, general vicinity of the Subdivision, or overall community. Significant (major) changes result in one or more of the following:

i. An increase in the number of Lots;
ii. The re-arrangement or relocation of Lots that encroach further into natural resource areas, overlay areas, or move closer to neighboring property;
iii. The relocation of parking facilities, Buildings, or other elements of the Development that encroach further into natural resource areas, overlay areas, or move closer to neighboring property; or
iv. Addition or change in uses as identified in the original approval. Significant (major) changes with respect to a Planned Unit Development approved prior to the effective date of the LDC are not permitted.

b. Required Submittals
   i. An Application for a significant (major) change to a Plat must include the same submittals as for a significant (minor) change.
   ii. The Applicant shall also submit revised maps showing the proposed revisions to the layout of uses, Lots or Structures.
c. Notice
   i. Notice for a requested significant (major) change shall be the same as for the original approval process for the preliminary or Final Plat, as applicable.
d. Review Procedures
   i. Review procedures requested significant (major) change to a preliminary or Final Plat will follow the same procedures as for the original approval process for the preliminary or Final Plat, as applicable.
e. Review Criteria
   i. Review criteria applicable to a significant (major) change to a preliminary or Final Plat include those applicable to the original approval process for the preliminary or Final Plat, respectively;
   ii. Any proposed changes to a Plat, shall comply with all applicable criteria and standards of the current County regulations, and conditions of approval established in the previous approval; and
   iii. Any proposed changes to a recorded Plat or Subdivision Master Plan that increase direct or indirect impacts may require additional Mitigation pursuant to the current criteria and standards of County regulations.

E. Modification of Special Use Approval
   1. If an Applicant seeks to modify up to two (2) conditions of the initial Special Use approval, the Commission may approve the request at a regularly scheduled public meeting, if the following findings are made:
      a. The change in conditions will not result in demonstrable impacts on public service providers, neighborhoods, or surrounding property owners, beyond those present under the original approval;
      b. The change in conditions is within the criteria and conditions identified in section 4-1-8; and

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c. The change in conditions does not increase the scale or intensity of the use, including as to height, bulk, Density, or floor area.

2. If the Commission finds the proposed modification of conditions approved by the Board cannot meet the criteria listed above, the modifications will be considered a major modification and require a new Special Use Application review.
3. Consideration of a minor modification of a Special Use approval, must be in conformance with the provisions of the LDC in effect at the time of the request for modification.

4-1-15 Appeals and Reconsideration

A. Applicability
1. In addition to the remedies described in section 1-1-7 of the LDC, this section provides the remedy of Appeal from and requests for reconsideration of final decisions made by the Administrator, Commission, Board, or other County official.
2. An Applicant or an Affected Person may avail themselves of these administrative remedies in accordance with this section.
3. An Appeal of a decision will be reviewed by the Commission or Board, as specified in the table in section 4-1-1.
4. Appeals and requests for reconsideration must be filed with the Administrator within 14 calendar days of the date of a Written Decision.
5. Any Applicant or Affected Person seeking judicial review of a Written Decision must first request reconsideration of the final decision as provided here.

B. Submittals
1. A notice of Appeal or request for reconsideration must be filed on a completed Application form provided by the Department.
2. The Application must include a narrative description of the basis for the Appeal or request for reconsideration, including the specific deficiencies of the decision alleged by the Applicant or Affected Person.

C. Notice and Requirements
1. Notice will be provided as required for the decision being Appealed from or being reconsidered.
2. If no notice was required for the original decision, published notice will be provided in a newspaper of general circulation in Teton County, posted at the courthouse, and posted on the County's website at least fifteen (15) days prior to the hearing.

D. Procedures for Appeals and Requests for Reconsideration
1. Following a pre-application conference and upon receipt of a completed Application, the Administrator will notice and schedule the Appeal or request for reconsideration at the next available meeting.
2. Following notice and a hearing, as required by law, the reviewing official or body may affirm, reverse or modify the original decision after verification of compliance with applicable procedural and LDC standards.
3. A Written Decision shall be provided to the Applicant or Affected Person within sixty (60) days of receipt of the completed Appeal or request for reconsideration.
4. Where no Written Decision on a request for reconsideration is issued to the Applicant within sixty (60) days of receipt of the completed Application, the request for reconsideration is deemed denied, without further action by the Applicant or the County.

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CHAPTER 5 GENERAL DEVELOPMENT STANDARDS

5-1 General

5-1-1 Intent

A. Intent
The purpose of this Chapter is to provide standards for development to protect the health, safety, and welfare of the community, as well as support the local economy and preserve the natural resources upon which it depends.

5-1-2 Applicability

A. This Chapter applies to all development in Teton County per 5-1-3 to 5-1-4 herein.

B. No buildings or structures over two hundred (200) square feet in floor area, may be erected, constructed, moved, enlarged or structurally altered and no Lots, Parcels or development sites in whole or in part, may be developed until all required permits, plans, and specifications have been reviewed and approved by Teton County or other governmental approving agency as required.

5-1-3 New Construction

A. Applicability for New Construction
Any new development, including but not limited to Dwelling Units, accessory buildings, and site grading that require a permit, must comply with this Chapter. Accessory structures that are under two hundred (200) square feet in floor area, personal residential landscaping, and similar improvements are exempt from permits but shall follow the general intent of this Chapter to ensure health, safety and welfare to the community.

5-1-4 Additions

A. Applicability for Additions
1. For cumulative addition(s) of up to 50% of the existing gross floor area or improved site area, only the addition is subject to this Chapter.
2. For cumulative additions of 50% or more of the existing gross floor area or improved site area, the entire building or site shall comply with this Chapter.

5-1-5 Maintenance and Repair

A. Applicability for Maintenance and Repairs
An existing building or site may be repaired, maintained, or modernized without conforming to this Chapter, provided there is no increase in gross floor area or improved site area. Building permit may still be required per Title 6, Building regulations, of the Teton County Code.

5-1-6 Approval Mechanisms for Development Standards

A. Table 1 lists all development standards from Chapters 5 & 6 and indicates the approval mechanism for each type of development. A site plan must be submitted with all permit applications.

B. Site Plan Requirements

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1. Except as provided in 2. below, a Site Plan submitted with an application for approvals must contain:
   a. Property lines;
   b. Lot Area;
   c. Lot Coverage;
   d. Location of existing and proposed Structures, including distances from other Structures and property lines;
   e. Location, size, height, and Gross Floor Area of existing and proposed Structures;
   f. Existing and proposed natural and manmade features, such as Wetlands, creeks, canals, rivers, and riparian areas;
   g. Setbacks required by the LDC or a state or federal authority;
   h. Existing and proposed Easements;
   i. Drive approach and access point(s), with dimensions and radii shown;
   j. Delineation and width of internal circulation Roadways;
   k. Existing and proposed vegetation and landscape materials;
   l. Location of existing and proposed site lighting;
   m. Distances between driveways and adjacent Roads;
   n. Common areas and required Open Space;
   o. Location of existing and proposed below- and above-ground utilities;
   p. Location and size of well and septic equipment and lines;
   q. Parking and loading areas, including dimensions and a summary of parking and loading spaces required by the LDC;
   r. Existing and proposed fences and walls;
   s. Adjacent Roads, alleys, or other access abutting property with Road names identified;
   t. Location and size of existing and proposed signage;
   u. Snow storage areas; and
   v. Distances from property lines, proposed structures and land uses of rivers, creeks, streams, ditches, and surface water present on the Lot.
2. After assessing the nature of a proposed Development Activity or Development Site, the Administrator may require additional materials relevant to the proposed activity or site and necessary to establish compliance with applicable LDC approval criteria. Materials may include those illustrating Development Activities related to the following or to other matters subject to the requirements of Chapter 5 or 6 of the LDC:
   a. Grading;
   b. Drainage;
   c. Erosion control;
   d. Fire lanes;
   e. Scenic Corridor Protection; and
   f. Nutrient Pathogen Evaluation.

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Table 7. Approval Vehicles for Development Standards

	Grading and Erosion Control Permit*	Building Permit*	Sign Permit	Subdivision Plat
Chapter 5 General development Standards				
Grading for all development per applicability herein	X			
Erosion and sediment control for all land disturbing activities	X			
Stormwater management for development per applicability herein	X			
Development on hillsides with slopes greater than 20%	X			
Vegetation Management		X		
Wildlife Habitat Protection		X		
Riparian Buffers		X		
Scenic Corridor Protection		X		
Driveways, Parking and Access	X			
Buffers, Screening and Fencing		X		
Outdoor Lighting		X		
Signage			X	
Chapter 6 Subdivision Development Standards				
Subdivision Road Layout and Access	X			X
Utilities	X			X
Conservation Areas				X
Nutrient Pathogen Evaluation				X

* Grading and Erosion Control Permits and Building Permits are administered through the Building Department.

5-2 Grading and Drainage

5-2-1 Grading Standards

A. Intent

It is the intent of this Section to ensure development, grading, and earthwork is completed in a safe and appropriate manner.

B. Applicability

1. Grading for all developments (Roads, driveways, building sites, landscaping, utilities, etc.) are required to meet the provisions of this Section.
2. The following activities shall be exempt from the requirement to obtain a Grading Permit:
   a. Earthmoving associated with agricultural operations occurring on natural slopes that are less than 30%.
   b. Earthmoving occurring as emergency flood control measures. However, an after-the-fact grading permit is required to document the grading and stabilization completed after the emergency has passed.

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c. Irrigation canal/ditch maintenance except where located within a FEMA designated floodplain.
d. Maintenance of Roads that does not impact alignment of the Roadway or increase the elevation more than 6" from existing grade.
e. Earthmoving for development sites less than nine thousand (9,000) square feet on natural slopes less than 15%.

C. General Development Standards
1. A Grading and Erosion Control Permit is required prior to the commencement of all land disturbing activities, unless explicitly exempted.
2. Development shall be designed to minimize requirements for cut-and-fill that alters the natural terrain.
3. Cut and fill slopes shall be graded to a slope no steeper than 2:1 or 50% to allow for permanent revegetation or landscaping, unless a retaining wall is used or a steeper slope is approved by the County Engineer.
4. Grading shall be limited to that necessary for construction of the proposed physical development, including buildings, driveways, and limited yards, and shall be designed to blend with the natural terrain of the site when feasible.
5. If natural drainage patterns are altered, then a stormwater drainage plan will be required to illustrate that the project will not adversely impact adjacent properties.
6. Grades at the property line must match existing grade unless a grading easement is obtained from the adjoining landowner.
7. Roads and driveways should be designed to:
   a. Conform to existing grades to the extent possible;
   b. Minimize the alteration of the physical and visual character of the hillside (e.g., large notches in ridgelines should be avoided); and
   c. Retain natural landforms by using gentle horizontal and vertical curves in alignments.

D. Grading and Erosion Control Permit Application Requirements
1. All Grading and Erosion Control Permits must be prepared by an Idaho Registered Professional Engineer or Landscape Architect and shall include the following:
   a. Complete Application form.
   b. Application fee and refundable deposit per the Teton County official application and fee structure. Deposit will be returned to applicant once improvements have been officially inspected and accepted by Teton County.
   c. A written letter describing the purpose or type of grading proposed including but not limited to excavation, construction, Roadways, driveways, septic systems or utilities.
   d. Site Plan per requirements in Section 5-1-6.
2. Additional information as applicable to the type of activity shall be submitted with the permit application per the following:
   a. A Grading Plan including existing and proposed contours, extent of grading limits, stockpile location, and revegetation methods for disturbed areas.
   b. An Erosion Control Plan including type and location of all required erosion control measures (silt fence, straw bales, detention basins, duff berms, etc).

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c. A Stormwater Drainage Plan that shows stormwater flow directions, inlets, outlets, catch basins, waterways, culverts, retention and detention basins, outlets to off-site facilities, off-site drainage facilities, and any other proposed drainage facility planned to accommodate stormwater runoff from the project site.
d. A drainage report that describes and includes calculations for the design of the storm drainage system.
e. A geotechnical report in conformance with Section 5-2-5 for slopes over 20%.

5-2-2 Erosion and Sediment Control Standards

A. Intent

During and after construction, soil erosion and movement of sediments off-site is a source of pollution and can negatively impact nearby waterbodies. The intent of this Section is to provide guidelines for erosion and sediment control during construction grading activities.

B. Applicability

1. All development that includes land disturbing activities shall meet the standards in this Section.
2. Construction activities that disturb an area of one acre or more or that are part of a larger common plan of development must also obtain a Construction General Permit (CGP) through the EPA in accordance with the National Pollutant Discharge Elimination System (NPDES) requirements.

C. General Development Standards

1. Recommended technical guidance documents for erosion and sediment control design and Best Management Practices (BMP) selection can be found in the *Catalog of Stormwater Best Management Practices for Idaho Cities and Counties* by Idaho Department of Environmental Quality.
2. Erosion and sediment control (BMP) measures shall be identified and shown on plans submitted with the Grading and Erosion Control Permit per Section 5-2-1.D.
3. BMPs can be structural or non-structural and should include both source controls that keep pollutants out of stormwater runoff and treatment controls that temporarily store or treat stormwater runoff to remove pollutants.
4. For developments that require a CGP, a Stormwater Pollution Prevention Plan (SWPPP) and copy of the Notice of Intent (NOI) must be prepared and provided to the County prior to any land disturbing activities.
5. Requirements for SWPPPs can be found in the EPA's Construction General Permit, latest edition.

5-2-3 Stormwater Management Standards

A. Intent

Stormwater runoff from developed sites can contain pollutants such as sediment, nutrients, petroleum, oils, viruses, bacteria, heavy metals, and others. Impervious surfaces on developed sites also increase the volume and flow rate of stormwater runoff from the site. The intent of this Section is to restore, protect, and maintain the chemical, physical, and biological integrity of County and State waters and to retain their beneficial uses.

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B. Applicability

All development resulting in any or all of the following is required to meet the provisions of this Section:

1. Impervious area of a Lot, Parcel or development site that is ten (10) percent or greater.
2. Impervious area of a Lot, Parcel or development site that exceeds a half acre in total.
3. Site grading within one hundred (100) feet of the Teton River or wetlands delineated by U.S. Fish and Wildlife National Wetland Inventory boundary, and within fifty (50) feet of all other waterways.
4. Site grading within twenty (20) feet of the property line.
5. Any site or Lot that alters the natural drainage patterns.
6. All development in the IR zone.

C. General Development Standards

1. A Stormwater Drainage Plan is required to be submitted with the Grading and Erosion Control Permit per Section 5-2-1.D.
2. Additional recommended technical guidance for the selection and design of permanent stormwater management facilities can be found in the *Catalog of Stormwater Best Management Practices for Idaho Cities and Counties* by Idaho Department of Environmental Quality.

D. Water Quality

The 95th percentile rainfall event shall be managed on the developed site by using stormwater facilities that infiltrate, evapotranspire, and/or harvest and reuse rainwater. Facilities should be designed, constructed, and maintained to manage one hundred percent (100%) of the 95th percentile rainfall event on site and shall not be allowed to discharge offsite to surface waters.

1. The 95th percentile rainfall event, also known as the Water Quality Capture Volume (WQCV), for Teton County is 0.65-inches falling over a 24-hour period based on the period of record from 1927 to 1982 for the Driggs rain gauge (USC00102676). Thus, 95% of daily storm events are estimated to have a depth of 0.65-inches or less.
2. Total runoff volume from a site should be determined using the Direct Determination Method, which takes into account rainfall, depression storage, and infiltration. The hydrologic soil group from the site should be used to determine estimated infiltration on the site.
3. Examples of stormwater facilities that can be used to manage and infiltrate the WQCV include, but are not limited to, bio-retention areas, stormwater planter boxes, vegetated swales, infiltration trenches, infiltration wells, permeable pavements, cisterns and rainwater harvesting systems, and green roofs.

E. Conveyance and Detention Systems

1. Minor drainage conveyances include culverts, pipes, and inlets. Minor conveyance systems are to accommodate peak flow from the 10-year storm event.
2. Major drainage conveyance systems include detention basins, Roads, and open channels, and are to accommodate peak flow from the 100-year storm event. Adequate spillway provisions must be provided to pass stormwater runoff in excess of the 100-year storm event.

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3. The runoff flow rate, velocity, and volume post-development shall be equal to or less than the pre-development runoff flow rate and volume for the 10-year and 100-year event. If this condition cannot be met, special approval must be obtained by the County Public Works Director, and the Applicant must show that all downstream facilities are adequate to convey the post-development flows.
4. The Rational Method or the USDA Natural Resource Conservation Service Curve Number approach may be used to determine peak flow rates for the 10-year and 100-year storm events.

F. Irrigation Ditches and Pipelines
1. The Applicant shall investigate the existing and proposed use of any irrigation ditch within the project limits to determine if they are to be perpetuated. If the irrigation system is to remain, the Applicant is responsible for contacting the water right holders or ditch company to obtain their requirements for protection of the irrigation system.
2. Underground utilities that cross irrigation ditches and pipelines must be marked with permanent fiberglass marking posts located 15-ft each side of the ditch measured from the center of the ditch. Posts should be colored blue for water lines and green for sewer lines
3. The discharge of storm water into irrigation ditches and pipelines shall not be allowed. If an irrigation ditch is to be used as a storm water receptor, a written agreement must be secured between the Applicant and the ditch company and provided to the County stating that the ditch company will accept responsibility for receiving stormwater runoff.

G. Offsite Flows
1. No land disturbance activity shall result in the impounding of surface water on property other than the Applicant's unless the Applicant obtains easement or license for that purpose.
2. Public water shall not be discharged onto or through private property without the appropriate easement. An easement with the right of access shall be provided whenever conveyance systems are constructed in lands of private ownership. A minimum easement width of twenty (20) feet centered on the drain or ditch is required. The width may be in excess of the minimum when situations require.
3. In the event that proposed construction shall direct surface or stormwater runoff to properties or facilities owned and maintained by agents other than the property owner, written proof of permission, or approval from these agents must be provided prior to acceptance of drainage plans.

5-2-4 Steep Slopes Protection Standards

A. Intent
The intent of this Section is to provide for safety and property protection through responsible development on potentially dangerous hillsides.

B. Applicability
This Section applies to all property located in Teton County where grading, excavation, or development is proposed on hillsides with slopes greater than 20%.

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C. General Development Standards

In addition to the grading development standards in Section 5-2-1, the following applies to steep slopes:

1. Any retaining wall over 4 feet tall (from the bottom of the footing) will require a building permit and must be designed by a licensed professional engineer.
2. No physical development shall be permitted on natural slopes in excess of 30%, with the exception of essential access for vehicles and/or utilities when no other alternative access exists which shall comply with the International Building Code as adopted by Teton County in Title 6.
3. Building envelopes shall be located to avoid existing rock outcroppings to the extent feasible.
4. Slope stabilization measures shall be utilized.
5. A site plan showing accurate topographic data shall be submitted as part of a Grading and Erosion Control Permit per 5-2-1.D

5-2-5 Geotechnical Analysis

D. Intent

The intent of this Section is to identify any geologic hazards or soil conditions which may cause injury to persons or injury or damage to improvements which may be constructed, such as buildings, water lines, sewer lines, and Roads.

E. Applicability

These requirements apply to all developments where the following project conditions exist:

1. Proposed physical development on natural slopes greater than 30%.
2. Proposed cut or fill slopes steeper than 2:1 or 50%.
3. Soil or rock cuts or fills where the maximum height of cut or fill exceeds fifty (50) feet, or the cuts or fills are located in topography and/or geological units with known stability problems.
4. Proposed retaining walls with a maximum height at any point along the length that exceeds thirty (30) feet.
5. Unusual Geotechnical Features such as:
   a. Embankment construction on a weak and compressible foundation material or fills constructed using degradable shale;
   b. Geotextile soil reinforcement, permanent ground anchors, wick drains, ground improvement technologies; or
   c. Experimental retaining wall systems, or pile foundations where dense soils are present.

F. General Development Standards

A geotechnical analysis and report with supporting data for the proposed project shall be prepared and stamped by a Professional Engineer and submitted with the Grading and Erosion Control Permit.

5-3 Vegetation Management

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5-3-1 Intent

A. Intent
It is the intent of this Section to prevent unnecessary spread of noxious weeds, stabilize slopes, prevent erosion, and maintain water quality.

5-3-2 Applicability

A. Applicability
All development in the County is required to meet the provisions of this Section.

5-3-3 General Standards

A. All commercial and industrial development listed as a permitted use per Chapter 3 of the LDC shall submit a landscape plan with Building Permit.
B. All commercial and industrial development applications subject to final decision by the Administrator per Section 4-1-3 of the LDC shall submit a landscape plan as part of the Site Plan requirements of the Administrative Application.
C. All Subdivisions shall submit a Landscape Plan as part of the Construction Drawings requirements of the Preliminary Plat Application.
D. Landowners and developers are required to control invasive and noxious weeds (see the Idaho Noxious Weed List) on their site. Where noxious or invasive weeds exist on the site, the developer must remove them prior to beginning construction, and re-vegetate the area within one (1) year. Where an infestation affects more than one (1) acre of land and immediate control is not feasible, a long-term vegetation management plan must be developed with and approved by the Teton County Weeds Superintendent.
E. All disturbed areas that are not covered with new improvements must be successfully re-vegetated with a mix of native, adaptive, and drought tolerant grasses, ground covers, trees, and/or shrubs to stabilize slopes, prevent soil erosion, and prevent invasion of weeds.
F. Plant varieties selected for natural areas should be native, adaptive, and drought tolerant and appropriate for USDA designated hardiness zones 4 or below. Plant varieties should be selected based on the natural conditions at the site and grouped together based on water, sun, and other similar needs. Plants should be able to survive on natural rainfall once established with no loss of health.
G. Noxious and invasive plants per the Idaho Noxious Weed List shall not be used.
H. If turf is used, turf areas should be a drought tolerant and/or adaptive sod or seed mix that is appropriate to the natural conditions found at the site.
I. Lawn and ornamental plantings may be non-native, but they must not be invasive in natural areas.
J. Landscaping and vegetation shall comply with the utility company requirements within utility easements.

5-4 Natural Resource Protection

5-4-1 Wildlife Habitat Protection

A. Intent
The intent of this Section is to maintain healthy populations of native wildlife species by protecting the habitat utilized by indicator species to ensure the long-term viability of the habitat. Teton County is located within the Greater Yellowstone Ecosystem, and, thus, wildlife

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and natural resources are an essential component of the character and economy of the community.

B. Applicability

This section applies to all new commercial and residential development within Teton County that is within areas identified as significant wildlife habitat. These areas can be generally referenced per the County's Natural Resource Overlay Map in addition to updated identification of areas where indicator habitats and/or habitats for indicator species are found as documented by input that is accepted by the County from Idaho Department of Fish and Game or other qualified wildlife professionals. The Natural Resource Overlay Map identifies the general areas where the most important and sensitive natural resources are located in the County. These areas are most likely to include indicator habitats for indicator species as listed in Sections 5-4-1-C and 5-4-1-D below.

Commented [JG89]: PZ Suggestion: State that Ag is exempt

Commented [JG90]: Clarify that this section applies to all new commercial and residential development within Teton County that include indicator species and/or indicator habitats important to wildlife using the County's Natural Resource Overlay Map in conjunction with Idaho Fish and Game or Natural Resource Conservation Service as a resource to identify

C. Indicator Species

Indicator species are species whose presence, absence, or relative well-being is a sign of the overall health of its ecosystem. They also may have significant biological, ecological, economic, educational, and aesthetic values. The following are considered indicator species in Teton County, based on *A Summary of Key Fish and Wildlife Resources of Low Elevation Lands in Teton County, Idaho*, dated June 14, 2012:

1. Columbian Sharp-Tailed grouse
2. Bald Eagle
3. Grizzly Bear
4. Rocky Mountain Elk
5. Mule Deer
6. Moose
7. Trumpeter Swan
8. Greater Sandhill Crane
9. Long-billed Curlew
10. Yellowstone Cutthroat Trout
11. Any Federally Listed Threatened or Endangered Species

D. Indicator Habitats

The following vegetation communities are considered indicator habitats for the indicator species in Teton County, based on *A Summary of Key Fish and Wildlife Resources of Low Elevation Lands in Teton County, Idaho*", dated June 14, 2012. Where present, the following indicator habitats shall be identified and shown on the proposed Site Plan.

1. Emergent Wetlands
2. Willow Riparian
3. Forested Riparian
4. Aspen
5. Conifer Forest
6. Shrubland
7. Grassland
8. NRCS Conservation Reserve Program Grassland
9. Documented wildlife migration corridors

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E. General Development Standards

All development proposed within wildlife habitat, range, breeding grounds, and migration corridors as identified on the Teton County Natural Resource Overlay Map and updated identification of areas where indicator habitats and/or habitats for indicator species are found as documented by input that is accepted by the County from Idaho Department of Fish and Game or other qualified wildlife professionals is subject to Site Plan review to ensure that the location of proposed development or use avoids or mitigates impacts to indicator species and indicator habitats to the extent practical, given the size and location of the development property.

1. The location of proposed development shall:
   a. Reduce fragmentation of functional, intact areas of native vegetation and indicator habitat;
   b. Avoid locations that affect landscape elements such as unique rock formations, sheltered draws, drainage ways, or other features.
   c. Maintain connectivity among fish and wildlife habitats, and protect sensitive fish and wildlife breeding areas and winter ranges;
2. If impacts cannot be avoided as specified in Section 5-4-1-E, the lost habitat shall be mitigated by replacing it with similar vegetation communities at a one to one (1:1) ratio. The replacement ratio shall be higher within a half mile of riparian areas and equal a two-to-one (2:1) ratio or replacement of two vegetative components for every one that is removed.
   a. Verification of vegetative establishment will be the responsibility of a County appointed Natural Resource Specialist.
3. Identification of indicator habitats, wildlife migration corridors, wildlife breeding areas, and big game wintering habitat may be determined by a qualified professional who has demonstrated appropriate expertise in the fields of resource biology, fish and wildlife management, and similar disciplines.
4. Perimeter fencing shall be wildlife friendly per suggested details provided by Idaho Fish and Game or the Natural Resource Conservation Service as appropriate to the type of wildlife identified and the following shall apply:
   ~~a. Fencing shall be no higher than forty two (42) inches above the ground.~~
   ~~b. The bottom rail or wire strand shall be at least sixteen (16) inches above ground.~~
   ~~c. Spacing between the top two wires or top rail and adjacent wire shall be at least twelve (12) inches.~~
   ~~d. Posts shall be spaced no closer than sixteen (16) feet apart.~~
   ~~e. The top rail shall be smooth wire or rounded rail.~~
   ~~f. Either wood rails or wire strands are permitted as horizontal elements in fencing. The wire strands shall be smooth or twisted wire. Barbed wires may be used in the middle strands, not including the top and bottom strands, when necessary to control livestock.~~

Commented [JG91]: PZ suggests removal of fence detail image below per public comment and PZ discussion and reference Fish and Game or Natural Resource Conservation Service for appropriate fencing for type of wildlife

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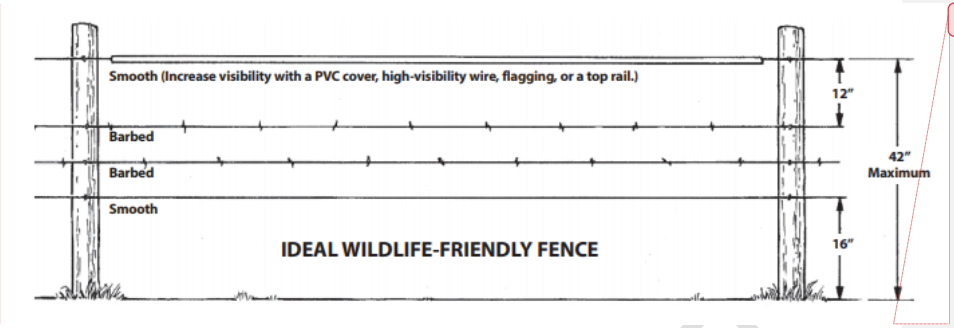

Commented [JG92]: PZ suggests removal of image

~~g.~~a. This requirement does not apply to privacy fencing used to enclose the living space immediately adjacent to a Dwelling Unit (i.e., dog runs, fenced in gardens and play areas within three hundred (300) feet of the Dwelling Unit).

5-4-2 Riparian Buffers

A. Intent

Riparian areas are located along the banks and margins of rivers, streams, creeks, ponds, and other water bodies. Riparian zones and the plant communities within them provide habitat for wildlife, shading for fish, areas to attenuate floods, and water quality enhancement. The intent of this Section is to protect and maintain riparian areas in Teton County.

B. Applicability

This Section applies to new development on sites that contains riparian features. This includes riparian areas associated with wetlands, the Teton River, perennial streams and creeks, and lakes and ponds.

C. Setback Requirement

All physical development and use, except those specified in Section 5-4-2-D, is required to be set back from specified resources as shown in Table 8. The area within the setback is defined as the Riparian Buffer.

Table8. Riparian Buffers

Resource	Setback Distance (A)	Measured From (B)
Teton River	100'	Ordinary High Water Mark
Stream or Creek	50’	Ordinary High Water Mark
Wetland 1	100’	U.S. Fish and Wildlife National Wetland Inventory boundary
Wetland 2	50’	Site specific wetland delineation approved by U.S. Army Corps of Engineers
Lake or Pond	50’	Ordinary High Water Mark

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D. Development Allowed in Riparian Buffers

The following development is allowed in a Riparian Buffer:

1. Soft surface pedestrian access trails, docks, and piers, provided they do not exceed four (4) feet in width, do not extend more than three (3) feet above the average grade, are not located closer than one hundred (100) feet apart (in the case of docks and piers), and that installation does not result in removal of trees, and no impervious surface is added to the Riparian Buffer.
2. Drainage ditches, Roadside ditches, and stormwater conveyances.
3. Single driveway crossings that disturb a width of twenty (20) feet or less provided there is no practical alternative location for the crossing.
4. Road crossings that cumulatively disturb a width of fifty (50) feet or less and an area of less than fifteen thousand (15,000) square feet; provided there is no practical alternative location for the crossing.
5. Greenways and hiking trails.
6. Re-vegetation and landscaping.
7. Wood slatted decks (or similar alternative material); provided that no trees over 4" diameter at breast height (dbh) are removed for installation.
8. Stormwater detention or Bioretention areas.
9. Streambank stabilization and river restoration.
10. Constructed and/or created wetlands.
11. Utility crossings; provided there is no practical alternative location for the crossing.
12. Vegetation management, including emergency fire control measures.
13. Potable water supply wells provided there is no practical alternative location available.
14. Wildlife passage structures.
15. Accessory Structures per Section 3-3-2.

E. Development Prohibited in Riparian Buffers

The following development and activities are prohibited in a Riparian Buffer:

1. Construction of physical development in a riparian Buffer except as allowed in Section 5-4-2-D above.
2. Fertilizer, herbicide, and pesticide application, except as needed for approved restoration or re- vegetation.
3. Grading that interrupts diffuse flow within the riparian Buffer.
4. Septic tank drain fields.

F. General Development Standards

The following standards apply to allowed development within Riparian Buffers:

1. The water body, its associated riparian plant community, and applicable riparian setbacks must be identified and shown on the Site Plan.
2. The area of the proposed development within the Riparian Buffer must be identified and shown on the Site Plan.
3. Development should incorporate stable, native vegetation as required per Section 5-3.
4. All development shall be designed to:
    a. Maintain existing vegetation,
    b. Avoid adverse effects on aquatic life and habitat,

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c. Prevent the movement of sediment, nutrients, and other pollutants,
d. Minimize soil disturbance, and
e. Protect against soil erosion.

5. Diffuse flow of stormwater runoff must be maintained in the Riparian Buffer by:
   a. Dispersing concentrated flow prior to its entry into the Buffer, and
   b. Reestablishing vegetation.
      i. Will require a planting plan with maintenance and monitoring plan
      ii. Verification of vegetative establishment will be the responsibility of a County appointed Natural Resource Specialist.
6. Bridges should be used for riparian Buffer crossings. If culverts are utilized, they should be designed to minimize impacts to fish passage and shall be approved and permitted by ACE, Idaho Fish and Game, and Idaho department of Water Resources.

5-5 Scenic Corridor Protection

5-5-1 Intent

A. Intent
The intent of this section is to maintain Teton County's scenic resources by ensuring the location, scale, and appearance of buildings, structures, and development preserves the rural character of the area by limiting visual intrusion viewed from designated Roadways, retaining long vistas of the mountains and fields, and preserving existing native vegetation.

5-5-2 Applicability

A. Applicability
These standards apply to all applications and permits for physical development located in the foreground or ridgelines, as defined below, visible from Idaho State Highways 31, 32, and 33 and Ski Hill Road within Teton County.

B. Foregrounds
The foreground is the open area immediately adjacent to and within one thousand (1000) feet of the public Road right-of-way. The foreground provides the setting for views to distant mountain ranges.

C. Ridgelines
The ridgeline is the visual line at which the earth or vegetation and the sky appear to meet. The ridgeline is typically viewed as the top of a ridge, hillside, or butte.

5-5-3 Resource Areas

A. Type 1 Resources
Type 1 scenic resources are located along Idaho State Highway 33 between the Wyoming State Line and the City of Victor and between City of Driggs and northern Teton County Line, as well as along Idaho State Highway 31 from the County line to County Road S 2000W. These are the most iconic views related to the character and economy of Teton County. Type 1 resources include long vistas of mountains and fields and uninterrupted natural skylines.

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B. Type 2 Resources
Type 2 resources exist where lands have been previously disturbed and developed but are still important to the character of Teton County. Type 2 resources exist along Idaho State Highway 33 between the City of Victor and the City of Driggs and Ski Hill Road from along Idaho State Highway 33 to the Wyoming State Line.

5-5-4 Type 2 Resource Development Standards

A. Physical development located in the foreground is recommended to be sited from the right-of-way of the state highway per Table ~~3~~ 9 below.
B. Physical development shall be located to maintain open space in relation to the scenic view being regulated. Development should be located at the rear or side edges of an open meadow or pasture, or at the foot of a hill or ridge (provided it is not in danger of slope failure), rather than in the middle of a meadow, pasture, or hillside.
C. New buildings and existing buildings being replaced shall be setback from the edge of the right-of-way per Table ~~3~~9.
D. Existing buildings that encroach upon the dimensions below shall not perform any repairs, additions or replacements of any portion of the building that will encroach any further into the standards in Table 9 than the existing condition.

Table 9. Type 2 Resource Development Standard Setbacks

	Option 1	Option 2	Option 3	Option 4	Option 5
Building					
A. Height (max)	Max per Zone District	25'	20'	14'	14'
B. Setback (from highway right-of-way)	450'	350'	250'	150'	100'
Parking					
Front Max pavement depth	120'	90''	60'	40'	--
Rear	Unlimited behind rear building line	Unlimited behind rear building line	Unlimited behind rear building line	Unlimited behind rear building line	Unlimited behind rear building line

Type 2 Resource Development Standard Setbacks Illustrated

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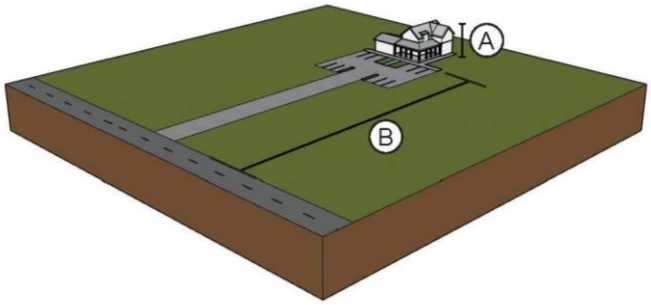

5-5-5 Type 1 Resource Development Standards

A. In addition to all Type 2 Resource Development Standards, the following shall apply to Type 1 Resource Areas:

a. Physical development shall not breach ridgelines as viewed from the State Highways.

b. If a breach of the ridgeline is unavoidable, a visual resource analysis shall be submitted for review to demonstrate and document the visual impact of the proposed development on surrounding designated scenic corridors and viewpoints.

i. The analysis shall show, in accurate perspective format, what portions of the points along the scenic corridor or from critical viewpoints.

ii. Multiple perspectives may be required along scenic corridors to accurately reflect the appearance of the development as the viewpoint is moved along the corridor.

iii. The visual resource analysis shall contain a visual analysis narrative, a photographic simulation or other comparable visual analysis of the proposed development, compare the visual impacts of alternative site designs, if any, and include plans identifying how the proposal complies with the standards of this Section.

c. The exterior of all physical development shall be built or painted with indigenous earth tone materials, local, traditional ranch colors, or stains that simulate weathered barn wood.

d. Reflective roof materials shall not be used, unless the materials are treated to eliminate reflection.

e. Berms may be used to screen structures located within a meadow or pasture provided the side of the berm exposed to critical views from designated scenic Roads rises at no greater than a 5% grade and is designed to appear as a naturally occurring extension of the existing topography. Berms must be planted in native vegetation.

f. Revegetation of Disturbed Areas. Lands disturbed by earth moving or berms shall be revegetated per Section 5-3 of the LDC

5-6 Driveways, Parking, and Access

Commented [JG93]: PZ Question: Did not see reference to ROW permits…do we need to add or is that covered in road and bridge standards?

5-6-1 Intent

A. Intent

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This Section establishes standards for driveways, parking, and access for all development. The standards are intended to ensure safe access is provided for vehicles and pedestrians and an adequate supply of parking is available within a reasonable distance of development.

5-6-2 Driveways

A. Applicability
All new building or site improvement must comply with this Section.

B. Encroachments and Access Points
1. A driveway access from a public Road with a width per Table 10 below, shall be provided to serve two Parcels or less. No open or continuous access along a public Road is allowed. All points of access that do not conform to these standards shall be brought into conformance at such time that a Building Permit, or Grading and Erosion Control Permit is applied for with Teton County.
2. Unless approved or required by the Public Works Director, the driveway for a corner Lot must connect to the Road with the lower Roadway classification.
3. Unless otherwise approved or required by the Public Works Director, a Lot or Parcel is only allowed one driveway access to a public Road. Additional driveways may be considered using the criteria provided in Table 10.
   a. When allowed, driveways on the same property and same Road frontage must be spaced in accordance with the spacing, speed limit, and sight distance standards identified by the Public Works Director. Driveways may be no closer than 50 feet from the intersection of two Road rights-of-way, measured from the centerline of the driveway.

Table 10. Maximum Driveways based on Road frontage

Road Frontage	Driveways (max)
200' of frontage or less	1
201' to 400' of frontage	2
401' frontage or more	3

C. Shared Access
Property owners who establish a shared-access driveway must record an easement allowing shared access to and from the properties served by the shared-access driveway and record a joint maintenance agreement defining the maintenance responsibilities of each property owner.

D. Driveway Dimensions
Driveways must meet the dimensional standards shown in Table 11.

Table 11. Driveway Dimensions

Driveway Type	Width (min)	Width (max)	Curb Radius (min)
Residential	16'	24'	15'

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Public/Commercial: one-way	12’	18’	15’
Public/Commercial: two-way	24’	32’	15’
Industrial	30’	40’	30’

5-6-3 Parking

A. Applicability
All new building or site improvement must comply with this Section.

B. Minimum Parking Requirements
1. The minimum number of off-Road parking spaces required is shown in Table 12. Where a use is not listed or only a broad use category is shown, the Planning Administrator is responsible for categorizing the use in accordance with Chapter 3.
2. Unless otherwise noted, the parking requirement is based on the gross floor area of the building or portion of the building devoted to the particular use specified.

Table 12. Off-Road Parking Requirements

Use	Required Spaces (min)
Dwelling Unit	2 per unit
Group Residence	1 per employee (based on number of employees on site at any one time) plus 0.5 per resident
Agricultural Uses	No minimum
Public Uses (other than Schools as detailed below)	1 per 1,000 square feet
Secondary Schools	1 per employee plus 1 per 5 students
Commercial uses	2 per 1,000 SF
Overnight Lodging	1 per bedroom
Recreation Uses (unless otherwise specified in Chapter 3)	1 per every 2 employees plus 1 per every 4 users the facility can accommodate
Industrial Uses	1 per every 2 employees

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3. For industrial and commercial uses with off-Road vehicle parking, accessible parking spaces must also be provided in accordance with the requirements of the Americans with Disabilities Act (ADA).
4. For a change in use where the number of existing parking spaces exceeds the maximum number of allowed parking spaces for the proposed use, the additional parking spaces may remain in place, at the Applicant's discretion. Where the number of existing parking spaces is less than the minimum number of required parking spaces for the proposed use, the additional parking spaces shall be installed.

C. Parking Access and Layout
1. All off-Road vehicle parking must have direct access to a public right-of way.
2. All off-Road vehicle parking areas must be designed to allow vehicles to enter and exit in a forward motion, except for parking associated with a primary Dwelling Unit.
3. All off-Road vehicle parking must be designed so that vehicles enter or leave a parking space without having to move any other vehicle.
4. All off-Road vehicle parking must be arranged so that no vehicle is forced onto any public Road, to gain access from one parking aisle to another parking aisle.
5. Locations for snow storage must be provided and can be in conjunction with required landscape areas.

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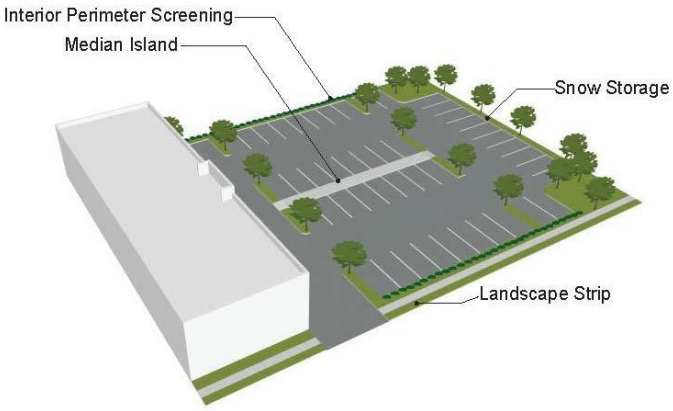
Parking Lot Layout Exhibit



D. Parking Lot Landscaping

For parking lots with 20 or more parking spaces, ~~at least 10% of~~ the parking lot area must be landscaped with the following:

~~1. Interior islands provided every ten (10) spaces~~

~~2. Islands shall be a minimum of nine (9) feet in width and~~

~~a. Two hundred (200) square feet in area with at least one (1) shade tree when abutting a single row, or~~

~~b. four hundred (400) square feet in area with at least two (2) shade trees when abutting a double row.~~

~~3.~~1. Perimeter landscaping per Section 5-7-3.

~~4.~~2. Landscape ~~islands~~ areas may be designed as stormwater facilities and snow storage facilities ~~and installed below the level of the parking lot surface to allow for capture of stormwater runoff~~.

Commented [JG94]: PZ suggest removal of the interior island requirement due to the rural nature of code and snow storage needs

E. Parking Lot Lighting

Lighting used to illuminate off-Road parking shall not exceed twenty (20) feet in height and shall be directed away from residential properties as referenced in Section 5-8 of the LDC.

F. Parking Space and Aisle Dimensions

Off-Road vehicle parking lots must meet the following dimensions shown in Table 13. The minimum size of a gravel parking area shall be 10% larger than required of a paved area. Parking spaces and drive aisles using dimensions other than those specified may be approved if prepared and stamped by a Registered Engineer in the State of Idaho, with expertise in parking lot design, subject to approval of the Planning Administrator.

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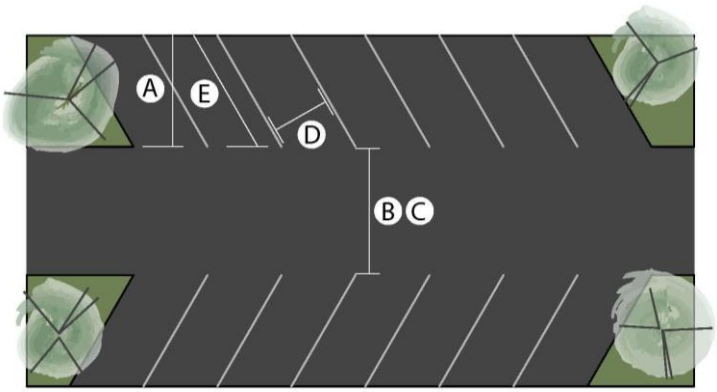
Table 13. Minimum Parking Lot Dimensions

Minimum Dimensional Requirements					
Angle	Parking Row Depth (A)	Drive Aisle Width		Space Width	Space Length
		One-Way (B)	Two-Way (C)	(D)	(E)
Parallel	8’	12’	20’	8.5’	23’
45 degrees	17.4’	13’	24’	9’	20’
60 degrees	21’	18’	24’	9’	18’
90 degrees	18’	24’	24’	9’	18’



5-6-4 Pedestrian Access

A. Applicability
All commercial or industrial development in the IR zone district, the Area of City Impact, and off-Road parking lots with six (6) or more rows of parking must provide safe, direct, and convenient pedestrian access that connects parking areas and existing adjacent sidewalks to the primary entrance.

B. The following uses are exempt from this requirement:
1. Residential dwelling;
2. Cemetery;
3. Conservation area;
4. Utilities; and
5. Agricultural uses.

C. Pedestrian Access Standards
1. Pedestrian access must consist of an accessible, easily discernible, well-lit, and ADA-compliant walkway a minimum of five (5) feet in width.

2. The pedestrian access surface must be comprised of a permanent, non-slip, ADA compliant material.
3. Pedestrian access routes between building entrances and parking areas must provide direct connections and be physically separated from drive aisles, except where required to cross a drive aisle.
4. Where a pedestrian walkway crosses a drive aisle, the walkway must have a continuous surface treatment across the drive aisle.

5-6-5 Bicycle Access and Parking

A. Applicability
The provisions in this division are applicable only to property located in the Area of City Impact.

B. Minimum Number of Bicycle Spaces
Bicycle parking must be provided in accordance with bicycle access and parking standards for the City in which the Area of City Impact is located (Section 11.1.5 of Driggs and Victor Land Development Codes).

C. Access and Location
1. Required bicycle parking must be located in a convenient and visible area.
2. Bicycle parking must not result in a bicycle obstructing a required pedestrian access walkway.
3. Required bicycle parking may be placed within the public right-of-way, provided the encroachment is approved by the Planning Administrator.

5-6-6 Vehicle Loading

A. Applicability
1. Off-Road vehicle loading and unloading for passengers may be required by the Planning Administrator for uses such as:
    a. Day Care;
    b. Group Residence;
    c. Place of worship; and
    d. Special event facility.
2. Off-Road space may be required by the Planning Administrator for non-passenger unloading and loading of vehicles for commercial or industrial uses.

B. Location
If an off-Road loading space is provided or required, it must meet the following.
1. In the IR zone district, off-Road loading areas must be located to the rear of buildings. Loading areas may not be placed between a public Road and the associated building.
2. No loading area is permitted within 50 feet of a residential use (measured from the residential Lot Line to the closest point of the loading area).
3. It must be located outside of clear sight triangles for Road intersections as established by the Public Works Director.
4. With the exception of areas specifically designated by the Teton County Planning Administrator, vehicle loading and unloading of goods, materials, items, or stock for delivery and shipping is not permitted on a public Road.

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5. Loading and unloading activities may not encroach on or interfere with the use of sidewalks, drive aisles, queuing areas, and parking areas.

C. Screening

Where a loading dock designed for tractor- trailers is placed between a public Road or a shared Lot Line and the associated building, the entire length of the loading area must be screened with either:

1. An eight (8) foot high wall; or
2. Plant material that under typical conditions may be expected to reach a height of eight (8) feet and a spread of four (4) feet within three years of installation.

5-7 Buffers, Screening and Fencing

5-7-1 Intent

A. Intent

Buffers, screening, and fencing are intended to minimize conflicts between potentially incompatible, but otherwise permitted, land uses and development on abutting property.

5-7-2 Buffers

A. Applicability

1. Buffers shall be installed between all permitted and special uses in the IR zone district and adjacent properties zoned for residential as the primary use. They are also required to mitigate adverse impacts of certain uses as specified in Chapter 3 of the LDC.

B. Buffer Requirements

There are two types of required Buffers that include a variety of landscaping and/or fencing. The minimum width, screening, and landscaping requirements for each Buffer type is shown in Table 14.

Table 14. Buffer Types

	Minimum number of plants per 100'	
	Buffer Type A	Buffer Type B*
Minimum Depth	10'	20'
Shade Trees at least 30' tall	4	4
Understory Trees between 10 and 20' tall – 20% shall be evergreen	--	4
Large Shrubs at Least 5' Tall - 20% shall be evergreen	10	20

*Optionally, a 6' high privacy fence or wall can be applied to the Type A Buffer requirements to achieve a Type B Buffer

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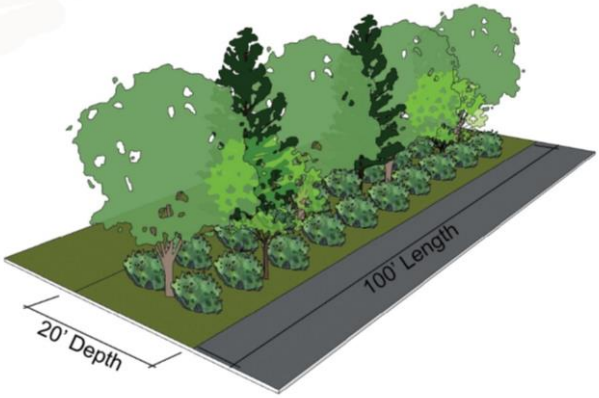
Type 'A' Buffer

Type 'B' Buffer



C. Location
Generally, a required Buffer should be located along the entire property line between the two incompatible uses. A required Buffer may be located within the required setbacks identified in Chapter 2. Landscaping must be planted on the developing property's side of the required Buffer.

D. Encroachments
1. The parking of vehicles and the placement of buildings or structures, except for walls, fences and landscaping is not allowed in a required Buffer.
2. No building or structure on the subject site may be located closer than 10 feet to a required Buffer.

E. Grade Change
   1. In lieu of a required wall or fence, a natural or man-made vertical grade separation of at least 6 feet in elevation may be provided.
   2. The developing property must be located at an elevation lower than the property to be screened.
   3. The stabilized side slopes of the grade change may be no steeper than 3:1.

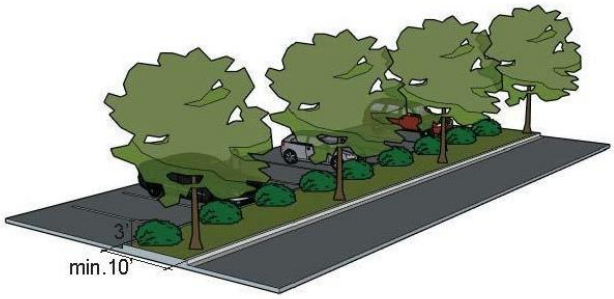
F. Alternative Compliance
   The Buffer requirements may be modified by the Planning and Zoning Commission. The Planning and Zoning Commission must consider the following criteria in determining the appropriateness of alternative compliance:
   1. The existing topography or vegetation achieves the purpose and intent of this Section.
   2. For topographic reasons, a fence or wall or other required screening device could not screen activities from an abutting property as required by this Section.

5-7-3 Parking Lot Screening

A. Applicability
   Off-Road vehicle parking areas abutting a public right-of-way must be screened as specified below.

B. Screening Options
   The parking area shall be screened with a landscape strip located along the entire perimeter between the parking area and the Road. Breaks in the landscape strip are allowed for pedestrian and bicycle access points. The following options may be used for the landscape strip:

   1. Landscape Strip with Shrubs
      A minimum ten (10) foot wide landscape strip planted with a minimum three (3) foot high continuous row of shrubs.



   2. Landscape Strip with Berm
      A berm a minimum of 3 feet higher than the finished elevation of the parking area.

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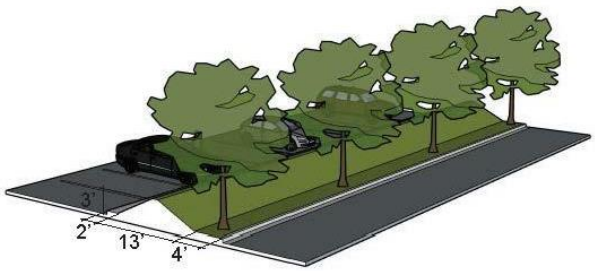
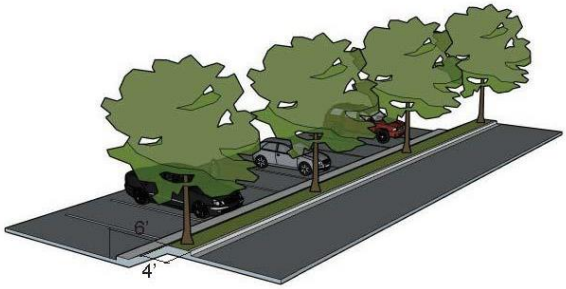


3. Landscape Strip with Grade Change
   A 6-foot landscaped strip with a minimum 3-foot grade drop from the public Road to the parking area planted with a 3-foot high continuous row of shrubs.



5-7-4 Service Area Screening

A. Applicability
   Services areas for uses in the IR zone district and for some limited and special uses in all other zone districts may be required to mitigate adverse impacts of the proposed use (see Chapter 3).

B. General Development Standards
   1. Trash and recycling collection and other similar delivery or service areas must be located to the side or rear of buildings. Trash and recycling collection areas must be located as far away from residential structures on neighboring properties as practical.
   2. Service areas must be screened on all four (4) sides by a solid fence or wall with a minimum height of six (6) feet (this can include the building wall). A solid gate with a minimum height of six (6) feet may be placed on one side and shall be of complimentary material to the fence or wall. The gate and fence or wall must be maintained in good working order and must remain closed except when trash pick-up or deliveries occur.

5-7-5 Walls and Fences

A. Applicability
This Section provides standards for walls and fences used in required Buffers or screening.

B. Materials
1. Walls must be constructed of high-quality, opaque materials such as decorative blocks, brick, stone, cast-stone, split-faced block, stucco over standard concrete masonry blocks, glass block, or other material approved by the Planning Administrator.
2. Fences must be constructed of high-quality materials such as wood, wrought iron, composites, PVC, aluminum, metal, high-quality recycled materials or other material approved by the Planning Administrator.
~~3. No wall or fence may be constructed of tires, junk, hay bales, or other discarded materials.~~
~~4.~~3. Fences in a required Buffer must be opaque.

C. Location
1. No wall or fence may be located within any required drainage or utility easement.
2. The finished face of all walls and fences must be located toward the abutting property.
3. For walls and opaque fences located outside of a required Buffer, the maximum length of a continuous, unbroken, and uninterrupted fence or wall plane is 100 feet. Breaks must be provided through the use of columns, landscaped areas, transparent sections or a change in material.

D. Height
1. Wall or fence height is measured from the subject property grade to the highest point of the fence.
2. A wall or fence located in a side or rear setback may be no more than eight (8) feet in height.
3. A subdivision entrance wall or fence may not exceed eight (8) feet in height.
4. Walls or fences seven (7) feet in height or taller require a building permit.

5-7-6 Plant Material

A. Applicability
This Section provides standards for landscaping plant materials to be used in required Buffers or screening.

B. General Provisions
1. The property owner is responsible for maintaining all required landscaping for Buffers and screening in good health and condition. Any dead, unhealthy, damaged, or missing landscaping must be replaced with landscaping that conforms to the LDC within 90 days (or within 180 days where weather concerns would jeopardize the health of plant materials).
2. No artificial plants, trees, or shrubs may be used for required landscaping and screening.
3. Landscaping shall meet the standards included in Section 5-3 in addition to the standards of this Section.

C. Shade Trees
1. All shade trees planted to meet the landscaping requirements must have a diameter at breast height (dbh) of three (3) inches and be at least ten (10) feet tall at time of planting.

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2. Shade trees must be a locally-adapted species with an expected mature crown spread of at least twenty (20) feet.

D. Understory Trees
1. Single-stem understory trees planted to meet the landscaping requirements must have a minimum dbh of one and one half (1½) inches and be at least six (6) feet tall at time of planting.
2. Multi-stem understory trees planted to meet the landscaping requirements must be at least six (6) feet tall at time of planting.
3. Understory trees must be a locally-adapted species with an expected mature crown spread of at least fifteen (15) feet.
4. A minimum of twenty (20) percent of understory trees planted to meet Buffer requirements must be evergreen

E. Shrubs
1. All shrubs must be a minimum of five (5) gallon size at time of planting.
2. A minimum of twenty (20) percent of shrubs planted to meet Buffer requirements must be evergreen and be of a species that, under typical conditions, are expected to reach a height and spread of four (4) feet within five (5) years of planting.

5-8 Outdoor Lighting

5-8-1 Intent

A. Intent
The purpose of this section is to allow for reasonable use of outdoor lighting which minimizes adverse offsite impacts including light trespass and glare; improves views of the night sky; reduces impact to wildlife habitat; and generally conserves energy.

5-8-2 Applicability

A. Applicability
The requirements of this section shall apply to all non-residential developments that are required to provide outdoor lighting by the provisions of the LDC.

5-8-3 Exemptions

A. This Section does not apply to the following:
1. Lighting within the public right-of-way that is used principally to illuminate Roads.
2. Lighting of signs, as regulated by Section 5-9 of the LDC.
3. Temporary lighting of construction sites.
4. Lighting used primarily for Agricultural purposes.
5. Holiday lighting, displayed for less than sixty (60) days, provided that individual lamps are less than 70 lumens.
6. Emergency Lighting.

5-8-4 General Development Standards

A. All fixtures must be fully shielded or full cutoff and downward directed so that no light is projected above the horizontal plane of the fixture.

B. The color-temperature rating of fixture lamps shall not exceed 3000 kelvin.

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C. All lighting fixtures shall limit horizontal light levels such that no direct light falls onto the adjacent property.

D. All light fixtures shall employ automatic lighting controls that extinguish exterior lighting when sufficient daylight is available, such as timers, photo sensitive light controls, photoelectric lighting controller, a building automation system, or a lighting energy management system.

E. All lighting not required for public safety shall be extinguished or reduced to a 30% light level after 12:00 AM.

5-8-5 Lighting Standards for Non-residential Uses

A. Parking Lot and Area Lights
   1. The maximum height shall not exceed twenty (20) feet above average grade.
   2. Lighting shall not exceed a maximum initial horizontal illuminance of 4.0 foot-candles

B. Outdoor Display Areas
   1. The maximum height shall not exceed twenty (20) feet above average grade.
   2. Approach and driveway lighting shall not exceed a maximum horizontal illuminance of 4.0 Foot-candles
   3. Building Facades and Service Areas shall not exceed a maximum horizontal illuminance of 5.0 Foot-candles

5-8-6 Lighting Standards for Residential Uses

A. Exterior lighting on Dwelling Units shall be shall be downward directed and no brighter than a 60 watt incandescent (or equivalent, compact fluorescent or LED rating)

B. With motion sensors, lighting on Dwelling Units shall be no brighter than a 75 watt incandescent (or equivalent, compact fluorescent or LED rating)

5-8-7 Prohibited Lighting

A. The following lighting types are prohibited from being installed in the County:
   1. Lighting that simulates, imitates or conflicts with warning signals, emergency signals or traffic signals.
   2. Blinking or flashing lights and exposed strip lights used to illuminate building facades or to outline buildings.
   3. Searchlights, laser lights, and aerial lasers or holograms
   4. Lighting that is not in a full cut-off-fixture
   5. Lighting in which any single luminaire exceeds 20,000 lumens
   6. Bare lamps (not housed within a fixture) or lamp strings—except for holiday lighting— with outputs exceeding 25 lumens per lamp

5-9 Signage

5-9-1 Intent

A. Intent

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This Section is intended to provide regulations for signs within Teton County which eliminate confusing, distracting, and unsafe signs while ensuring transfer of information and enhancing the visual environment of the County.

5-9-2 Applicability

A. Applicability

No sign may be erected, altered, refurbished or otherwise modified after the effective date of the LDC except in accordance with the requirements of this Section.

5-9-3 Sign Permit Requirements

A. Applicability

All signs described in Section 5-9-13 require a sign permit before they may be erected, altered, refurbished or otherwise modified. Signs described in Section 5-9-10 to 5-9-12 do not require a sign permit but must follow applicable standards. The following alteration and maintenance activities do not require a sign permit:

1. Painting, cleaning, or other normal and repair of a sign, provided that no change is made to any structural or electronic component of the sign.
2. Changing the message of an existing changeable copy of sign, provided that no change is made to any structural or electronic component of the sign.

B. Sign Permit Application Requirements

All sign applications shall be submitted to and reviewed by Teton County Planning Administrator for compliance with this Division. A sign application must include the appropriate fee plus the following items:

1. A completed application using the form supplied by the County.
2. For building signs: A building elevation drawn to scale which specifies the location of the proposed new sign, as well as the location and size of any other sign of the same type on the building.
3. For freestanding signs, portable signs, and entry feature signs: A site plan drawn to scale which specifies the location of the new sign structure with respect to adjacent structures and property lines.
4. A scaled drawing of the sign including dimensions of all sign faces, descriptions and colors of materials to be used for sign faces and support structures, including detailed specifications for any footings, posts, and hardware, and a detailed sign lighting plan which clearly indicates the location, type, and illumination strength (lumens) of all sign lighting fixtures.
5. Tenants of buildings with multiple occupants must include a copy of the approved overall sign plan and indicate how their proposed sign(s) fit(s) into the approved plan. If the new sign does not conform with the approved sign plan, then the applicant must include an amended sign plan with the building owner's signature.
6. Any other information deemed necessary by the Administrator.

5-9-4 Nonconforming Signs

A. All nonconforming signs in existence before the effective date of the LDC may remain, provided they are maintained in a safe manner and are kept in good repair until one of the following occurs:

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1. The sign has damage exceeding 50% of its value immediately prior to the event causing the damage or destruction; or
2. The deterioration of the sign makes it a hazard

B. The Administrator will not approve a permit for a nonconforming sign to be:
   a. Relocated in any manner;
   b. Structurally altered; or
   c. For more than 50% of the sign face to be permanently altered.

C. For the purpose of this Section, structural alteration of a sign modifies the sign dimensions, height, lighting, or support structure.

5-9-5 Location

A. Off premise, outdoor advertising is prohibited.

B. No sign, other than signs placed by agencies of government or a sign whose placement is authorized by such agencies, may be erected or placed on public property, including Roads and the public right of way.

C. No sign shall be located so as to conflict with the clear and obvious appearance of public devices controlling traffic or so as to impede vision clearance of intersecting traffic nor shall a sign obstruct the free use, of any public right-of-way, intersection, ingress or egress point, transit stop, parking space, drive aisle, driveway, sidewalk, building entrance, fire escape, or accessibility ramp.

D. No sign may be placed so as to obstruct any door.

E. Signs cannot be painted on or attached to a telephone or utility pole, tree, or traffic sign.

5-9-6 Construction

A. Signs must be constructed of permanent materials and be permanently affixed to the ground or a structure, except for allowed temporary signs.

B. Signs that have structural components exceeding 6 feet in height must obtain a Building Permit when they obtain a Sign Permit. The structure will be subject to a plan review as well as any inspections required by the Building Official and appropriate fees applied.

5-9-7 Maintenance

A. Signs must be maintained in good condition at all times and must be kept free of cracked or peeling paint, or missing or damaged components.

B. The Planning Administrator may request removal of any sign after due notice of signage which shows gross neglect, or becomes dilapidated.

C. The Planning Administrator will give the owner ten (10) working days written notice to correct the deficiencies or to remove the sign or signs. If the owner refuses to correct the deficiencies or remove the sign, the Planning Administrator will have the sign removed at the owner's expense.

5-9-8 Prohibited Signs

A. The following sign types are prohibited from being installed in the unincorporated County:
   1. Rotating, moving, or animated signs involving motion or sound, except for clocks.

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2. Any sign with audio speakers or any form of pyrotechnics.
3. Flashing, blinking, or varying light intensity signs.
4. Signs that have a scrolling, flashing, or moving message, except those signs constructed by a governmental entity.
5. Signs that contain or are an imitation of an official traffic sign or signal or other government sign.
6. Any reflective or mirrored sign.
7. Inflatable signs, including but not limited to balloons, gas inflated signs, or similar inflated devices.
8. Any sign attached to the roof of a Building.
9. Wind-blown streamers, pennants and Balloons, except as temporary signs.
10. Portable signs, except as temporary signs.

5-9-9 Heritage Signs

A. A sign having historical significance, and which advertises an establishment or product no longer in existence or a product no longer being offered, may be designated as a heritage sign.

B. In order for a sign to be designated a heritage sign, the Planning and Zoning Commission must make written findings that the sign is at least fifty (50) years old, and meets at least one of the following criteria:
   1. The sign has historic character, interest, or value as part of the development, heritage, or cultural characteristics of Teton County.
   2. The sign is significant as evidence of the history of the product, business, or service advertised.
   3. The sign embodies elements of design, detailing, materials, or craftsmanship that make it significant or innovative.
   4. The sign has a unique location or contains singular physical characteristics that make it an established or familiar visual feature within the community.

5-9-10 Temporary Signs

A. The following temporary signs do not require a sign permit but must follow applicable standards.
   1. Temporary signs must be located on private property with the property owner's consent.
   2. Temporary signs cannot be located within the public right-of-way.
   3. Temporary signs cannot be illuminated.
   4. No premises may display more than four (4) temporary signs per year.
   5. Temporary signs shall have the first date of display affixed to the sign (front or back).

5-9-11 Signs Allowed Without a Permit

A. The following signs are allowed without a sign permit but must follow applicable standards.
   1. All signs erected in a public right of way by a public agency.
   2. Official notices issued by any court, public agency, or officer.
   3. Flags.
      ~~a. A maximum of two (2) flags are allowed per Road frontage.~~
      ~~b.~~a. An individual flag cannot exceed thirty (30) square feet in area.

Commented [JG95]: PZ Note: We don't define what signs are temporary – could carry over time limit language from current code and address flags/banners

Commented [JG96]: Add reference to state code for political

Commented [JG97]: PZ concerned about people that have a line of American flags along their roadway – freedom of speech

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~~c.~~b. The maximum height of a flagpole is thirty (30) feet, measured from the highest point of the flagpole.

4. Signs designated by the Planning and Zoning Commission as being Heritage Signs.
5. A sign installed inside a window for the purposes of viewing from outside the premises. Such signs cannot exceed 10% of the total window area.
6. Any government sign, meaning any sign put up by a government agency either required by law or in sponsorship of a government function (a building permit may still be required for the construction of these signs).
7. Any directional sign.
8. One incidental sign per property that does not exceed 6 square feet and does not exceed 6 feet in height.

5-9-12 Signs Placed Along State Highways and Ski-Hill Rd

A. The following regulations apply to signs along State Highways 31, 32, and 33 and Ski Hill Road. Federal regulations control outdoor advertising along these scenic byways per Title 23, Section 131 of the United States Code.

1. No new outdoor advertising signs shall be constructed within six hundred fifty (650) feet of the right-of-way of these and visible from State Highways 31, 32, and 33 and Ski Hill Road.
2. Only State Approved Single Business Off-Premise Outdoor Advertising Signs, State Approved Multi- business Signs, State Approved Point of Interest Signs, and State Approved Tourist Oriented Directional Signs are permitted. These are signs that meet State of Idaho Transportation Department dimensional and design standards, are located in the state highway right-of-way, approved by ITD, and must be supplied/installed by ITD (per examples below). Teton County should be notified when an application is made to ITD.

5-9-13 Signs Requiring a Sign Permit

A. Sign Types

The following signs are allowed following the issuance of a sign permit.

Table15.Signs Requiring a Sign Permit

Sign Descriptions
Specific Sign Types
Building Signs

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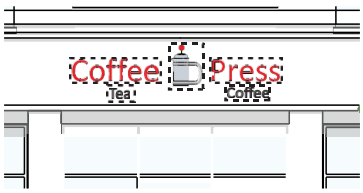
Wall Sign. A building sign applied to or attached to the outside wall or surface of a building or structure, the display surface of which does not project more than 1 foot from the outside wall of the building or structure.	
Awning Sign. A building sign where graphics or symbols are painted, sewn, or otherwise adhered to the awning valance material as an integrated part of the awning itself.	
Canopy Sign. A building sign attached to the top or front of a canopy so that the display surface is parallel to the plane of the front building facade	
Projecting Sign. A building sign attached to the outside wall or surface of a building or structure at a 90-degree angle, extending more than 1 foot from the outside wall of the building or structure.	
Hanging Sign. A building sign attached to the underside of a beam or ceiling of a porch, gallery or similar covered area.	
Freestanding Signs	
Monument Sign. A freestanding sign which is wholly independent of a building for support attached to the ground along its entire width to a continuous pedestal.	

5-9-14 Sign Measurements

A. Sign Area

1. Sign area includes the area of the smallest enclosing circle, half-circle, parallelogram, or triangle that encloses all of the letters, figures or symbols that comprise the sign message. Irregular shapes are calculated by up to a maximum of three (3) connected shapes.



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2. For signs on a background, the entire area of the background is calculated as sign area, including any material or color forming the sign and the background used to differentiate the sign from the structure on which it is mounted.
3. The area for a sign with more than one face is computed by adding together the area of all sign faces. If the sign face angle is less than forty five (45) degrees, only the area of the largest sign face is computed as part of the sign area.
4. Sign area does not include any structure supporting the sign unless the support structure forms a part of the message being displayed.

Table16. Total Allowed Sign Area

Occupant's Frontage in Linear Feet	Total Allowed Sign Area in Square Feet
60	15-30
70	30-45
80	45-60
90	60-75
100	75-90
125	Over 90

B. Sign Height
1. The total height of a ground sign is measured from the highest point of the sign or supporting structure to the finished grade directly below it.
2. The height may not be artificially increased by the use of mounding.

5-9-15 Sign Dimensions

Table17. Sign Dimensions

Allocation of Sign Area	Sign Types					
	Wall Signs	*Awning Signs*	*Canopy Signs*	*Projecting Signs*	*Hanging Signs*	*Monument Signs*
Size	40 sf max	20 sf max	32 sf max	20 sf max	8 sf max	24 sf max
Height	4' max	1' max	7' max (from ground above which they	7' max (from ground above which they	2' max	20' max

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			are suspended)	are suspended)		
Width	NA	NA	NA	4’ max	4’ max	
Depth	NA	NA	1’ max	1’ max	NA	NA
Projection (Measured from building façade)	1’ max	NA	NA	4’ max	NA	NA
Clear Height Above Parking Area or Driveway	NA	14’ min	14’ min	14’ min	14’ min	NA

A. Wall Signs
   1. No portion of a wall sign may extend above the roofline or above a parapet wall of a building with a flat roof.
   2. No portion of a wall sign may cover windows.
   3. A wall sign may be externally illuminated. Internal illumination is prohibited.

B. Awning Sign
   1. An awning sign cannot extend outside the awning.
   2. Only awnings over ground story doors or windows may contain signs.
   3. Only one (1) sign is allowed per awning. A sign may be on either the front or side valance (but not on both).
   4. Signs are not allowed on the sloping face of an awning.
   5. An awning sign cannot be illuminated.

C. Canopy Sign
   1. A canopy sign cannot extend outside the overall length or width of the canopy. However, a canopy sign may extend above or below the canopy.
   2. A maximum of one (1) sign is allowed per canopy.
   3. A canopy sign may be externally illuminated. Internal illumination is prohibited.

D. Projecting Sign
   1. A projecting sign must be located below the window sills of the second story on a multi-story building or below the roof line of a single-story building.
   2. Only one projecting sign is allowed per tenant.
   3. The outside edge of a projecting sign must be no closer than eighteen (18) inches from the property line.

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4. A projecting sign may only be externally illuminated. Internal illumination is prohibited.

E. Hanging Sign
1. A hanging sign must be located within five (5) feet of an accessible building entrance.
2. A hanging sign cannot be illuminated.
3. Hanging signs may encroach over public sidewalk but not over a public right-of-way. Sign must be a minimum of two (2) feet inside the curb line or edge of pavement, whichever is greater.

F. Monument Sign
1. Only one (1) freestanding sign is allowed per Road frontage, except that one (1) additional freestanding sign is allowed for properties with five hundred (500) feet or more of Road frontage.
2. Monument signs must display the Road address of the property. If the area of the address is five (5) square feet or less, the area does not count towards the allocation of sign area.
3. A monument sign must be set back at least ten (10) feet from the front Lot Line and fifteen (15) feet from a side Lot Line.
4. A monument sign may be externally illuminated. Internal illumination is prohibited.
5. Monument signs shall be permitted in the public-right-of-way.

5-9-16 Sign Illumination

A. Illumination of signs must be in accordance with the following requirements.
1. Prohibited Light Sources
   a. Blinking, flashing, and chasing.
   b. Bare bulb illumination.
   c. Colored lights used in any manner so as to be confused with or construed as traffic control devices.
   d. Direct reflected light that creates a hazard to operators of motor vehicles.
   e. Internal illumination.
   f. Lights that outline property lines, sales areas, rooflines, doors, windows, or similar area are not allowed, except for seasonal lighting.
   g. Neon lighting, except inside Building.
2. Externally Illuminated Signs
   a. An externally illuminated sign is characterized by the use of artificial light reflecting off its surface.
   b. Illumination must be by top-mounted fixtures aimed downward, and they cannot exceed two hundred (200) lamp lumens per square foot of sign face.
   c. Illumination shall be incorporated into the sign bracket when possible
3. Illumination Curfew
   a. The illumination of signs is prohibited after 12:00 AM unless required for public safety.

5-9-17 Changeable Copy Signs

A. Manual Changeable Copy Signs
1. A sign or portion of a sign that has a reader board for the display of text information in which each alphanumeric character, graphic or symbol is defined by objects, not consisting

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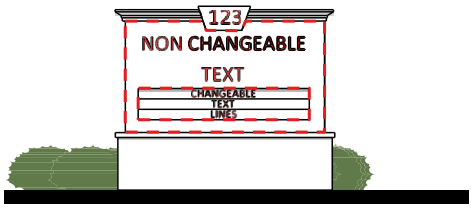
of an illumination device and is changed or re-arranged manually or mechanically with characters, letters, or illustrations that may be changed or rearranged without altering the face or the surface of the sign, such as a marquee sign.

2. Manual changeable copy is allowed in conjunction with an allowed wall or monument sign provided the changeable copy portion is no greater than 50% of the sign area.



B. Digital Changeable Copy Signs

1. Digital changeable copy signs are prohibited unless for public safety notification.

Commented [JG98]: PZ discussion about the prohibition on digital copy siting the Grand Targhee has digital signage to show # of parking spaces, gas stations have digital pricing and digital is the way of the future.

Commented [JG99]: PZ would like to add an allowance for digital copy signage by Planning Administrator permit

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CHAPTER 6 SUBDIVISION DEVELOPMENT STANDARDS

6-1 General Provisions

6-1-1 Intent

A. Intent

The purpose of this Chapter is to provide standards for subdivision development to ensure that essential design elements such as subdivision Road layout, access, utilities, and open space meet the minimum standards set forth by Teton County.

6-1-2 Applicability

A. Applicability

1. This Chapter applies to all subdivision development in Teton County per Section 4-1-13. This Chapter does not apply to administrative land divisions.
2. The approval vehicle for all development standards included in this Chapter is a Subdivision Plat per Section 4-1-13.
3. No buildings or structures over two hundred (200) square feet in floor area, may be erected, constructed, moved, enlarged or structurally altered and no Lots, Parcels or development sites in whole or in part, may be developed until all required permits, plans, and specifications have been reviewed and approved by Teton County or other governmental approving agency as required.
4. No services or utilities may be extended or furnished to any development until the applicant has installed or guaranteed the installation of on-site improvements specified in the LDC.

6-1-3 Phasing

A. Roads and public improvements may be constructed in phases provided a phasing plan is approved as part of the development agreement.

B. Each phase must stand alone and meet all the requirements of the LDC without depending on improvements in later phases to function as intended.

6-1-4 Acceptance

A. Roads and public improvements will not be officially accepted until a letter from the project engineer has been received notifying Teton County that the improvements have been completed, the improvements are inspected by Teton County, any necessary corrections are made in the field and on the approved construction drawings, a reproducible copy of the record drawings is provided to the Public Works Director, and the warranty required in Section 6-1-5 is provided to Teton County. Roads and public infrastructure improvements shall be completed and accepted by Teton County prior to recording the final subdivision plat.

6-1-5 Warranty

A. All Roads and public improvements must have a warranty guaranteeing the work against defects for a period of two (2) years from the date of final acceptance.

B. If the improvements are constructed at different times, then the guarantee must continue until two (2) years from the date of final acceptance of the improvement last completed.

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C. The warranty must list Teton County as a beneficiary.
D. A warranty surety must be provided in an amount of 10% of the estimated value of the warranted improvements. The surety must expire six (6) months after the expiration of the warranty period.

6-1-6 Easements

A. Where utilities are not provided within a dedicated Road right-of-way, easements of not less than twenty (20) feet shall be provided to accommodate water lines, sanitary sewer lines, and/or stormwater drainage, ~~and~~ irrigation ditches, and pipelines. The minimum width of easements for power lines, telephone lines, and other utilities shall be fifteen (15) feet.
B. Easements may also be required for shared access between properties, snow storage, and for providing adequate slope for Road construction. In this case, the Administrator will specify the easement type and widths and may require additional easement width above the minimum in order to accommodate additional utilities, and future utilities or needs, or construction and repair of facilities.

6-1-7 Subdivision Name

A. The proposed name of a subdivision development shall be approved by Teton County to ensure it is not a duplicate or phonetically similar to the name of any other subdivision in Teton County.

6-1-8 Survey Monuments

A. Survey monuments must be installed in accordance with Idaho Code Sections 50-1303 and 54-1227 at all Road centerline intersections and points where the centerline change directions, at all points, witness corners, and reference points on the exterior boundary where the boundary line changes directions, and at all Lot and block corners.

6-1-9 Homeowners Association

A. In residential developments, common areas, ~~private~~ Roads and stormwater management facilities associated with the development must be maintained by a homeowner's association unless the facilities are dedicated to and accepted by Teton County. Documentation of homeowner's association creation (including articles of incorporation and by-laws) must be submitted to the Planning Administrator at the time of Final Plat Approval.

Commented [JG100]: Some HOAs have public roads that are privately maintained by the HOA

6-1-10 Postal Delivery System

A. One or more cluster box units (CBU), approved for use by the USPS, may be provided for residents in new residential developments. No mailboxes may be located in a sidewalk or right-of-way so as to impede pedestrian or vehicular traffic.

6-2 Road Layout and Access

6-2-1 Intent

A. The intent of this Section is to provide a well-connected Road network with access points that provide safe and convenient vehicular and pedestrian access between adjacent developments.

6-2-2 Subdivision Roadway Layout

A. Roads must be aligned to join with planned or existing Road, including Roads that follow the Teton County Road network at increments of 1 mile (1000's) and ½ mile (500's).

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B. Road jogs with centerline offsets of less than one hundred twenty five (125) feet are not allowed.
C. All Roads shall intersect at approximate right angles (90 degrees) with a minimum intersecting angle of seventy (70) degrees.
D. The Public Works Director may modify the Road layout requirements where slopes in excess of 20%, waterways, railroads, preexisting development, conservation areas, open space, or easements would make the provision of a complete block using Roads spaced at one (1) mile and half (½) mile increments infeasible.

6-2-3 Subdivision Access

A. No subdivision may be designed to eliminate Road access to adjoining Parcels that do not have existing Road access.
B. All subdivisions must provide at least one entrance/exit to a public or private Road. The subdivision must provide all necessary easements for ingress and egress for police, fire, emergency vehicles, and all operating utilities.
C. Every new Lot must abut a public or private Road or access easement.
D. Teton County recognizes the Local Highway Technical Assistance Council Manual for Use of Public Right of Way Standard Approach Policy for access guidelines.
E. A pathway may be required within subdivisions as part of the public right-of-way or as a separate easement. In addition, if a County adopted pathways plan shows a pathway through or adjacent to the proposed development, the applicant is required to show the location of that pathway and propose an on-site pathway that connects to the master planned pathway system.

6-2-4 Stub Roads

A. Where a subdivision adjoins unsubdivided land, stub Roads within the new subdivision may be required to provide future access to the abutting property.
B. The stub Road right-of-way, surface, and/ or curbing must extend to the boundary of the abutting property to the point where the connection to the anticipated Road is expected.
C. Where a stub Road is provided, a barricade using a design approved by the Public Works Director must be constructed at the end of the stub Road. A sign noting the future Road extension must be posted.
D. If a stub Road exists on an abutting property, the Road system of any new subdivision must connect to the stub Road to form a through Road.
E. The Public Works Director may eliminate the requirement for a stub Road or require pedestrian only access when:
    1. Slopes in excess of 20%, waterways, railroads, pre-existing development, conservation areas, open space or easements would make the provision of a stub Road infeasible; or
    2. An industrial use is located adjacent to a proposed residential subdivision.

6-3 Road Design Standards

6-3-1 Intent

A. The intent of this Section is to provide a palette of Road types and design elements for Road development within Teton County.

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B. All new Roads in Teton County must meet the guidelines and requirements in the "Highway & Road Guidelines for Designs and Construction in Teton County", latest edition, and the requirements of this Section.
C. Teton County supports the use of context sensitive design solutions and will review projects on a case-by-case basis for conformance with these concepts.

6-3-2 General

A. Site Plan approval and an Access/Encroachment Permit must be obtained from Teton County prior to installing any new Roads or driveways.
B. Applicants must dedicate sufficient right-of-way to Teton County for Roads, drainage, utilities, and sidewalks where applicable.
C. The Public Works Director may require turn lanes and additional right-of-way to accommodate these lanes.
D. The costs for constructing new or upgrading existing Roads required to accommodate traffic generated by the proposed development shall be borne by the Applicant. This includes any Roads needed to connect the proposed development with the nearest County Road or state highway for primary access.

6-3-3 Private Roads

A. All private Roads must be constructed to equal or exceed the development and dimensional standards for public Roads and must be approved by the Public Works Director.
B. A public right-of-way may be required to be dedicated, however, this does not imply the private Road will be publicly maintained.
C. A Final Plat or Site Plan that contains private Roads must clearly state that such Roads are private Roads.
D. In residential subdivisions where private Roads are proposed, the Public Works Director may require a public Road for inter-Parcel connection or cross-access.

6-3-4 Gated Roads

A. Gated public Roads are not allowed. Gates installed on private Roads serving more than one Lot must comply with the following:
    1. No gate may be installed within public right-of-way;
    2. Site Plan approval and an Access/Encroachment Permit must be obtained prior to installing any gates. Gates must not prohibit public access to any areas dedicated to public use;
    3. Each gate must provide adequate space for queuing and provisions for emergency vehicle access;
    4. Gates must be removed if private Roads are to become public; and
    5. Gates may be denied by the Public Works Director based on traffic conditions and overall community-wide connectivity needs.

6-3-5 Dead End Roads

A. Dead-end Roads or driveways more than one hundred fifty (150) feet in length shall have an approved fire apparatus turn-around that is in conformance with the most recent adopted edition of the International Fire Code and meets other applicable adopted standards of the Teton

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County Fire Protection District. The Road length is measured along the centerline of the Road from the center of the intersection to the center of the turnaround.

6-3-6 Road Names

A. New Roads must be approved by Teton County to provide continuity with existing Roads and to prevent conflict with identical or similar Road names.

B. Roads lying on approximately the same line must have the same name unless the Roads are offset more than one thousand (1,000) feet.

6-3-7 Road Types

A. General

All new or extended public and private Roads must meet the requirements of the following Road types, except as modified by the Public Works Director. The Road types are generally based on traffic volumes, Teton County "Highway & Road Guidelines for Designs and Construction", and neighborhood design.

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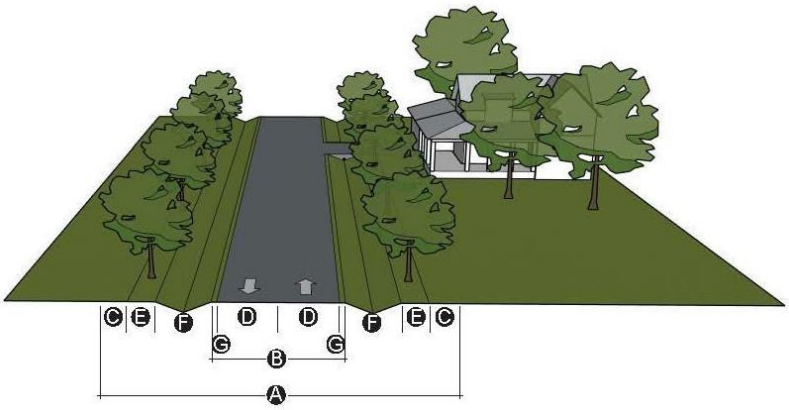
B. Local Roads

1. Area of Impact Local



Traffic Counts		
Daily Average Trips		
Width		
Right-of-way width	64’ min	A
Road Width	22’ min	B
Utility easement	3’ min	C
Travel Lane	10’ min	D
Planting area	5’ min	E
Drainage	10’ min	F
Grassed Shoulder	1’	G
General		
Parking Type	None	
Speed Limit	25 mph	

Commented [JG101]: Tables were updated to match graphics as some were out of sync

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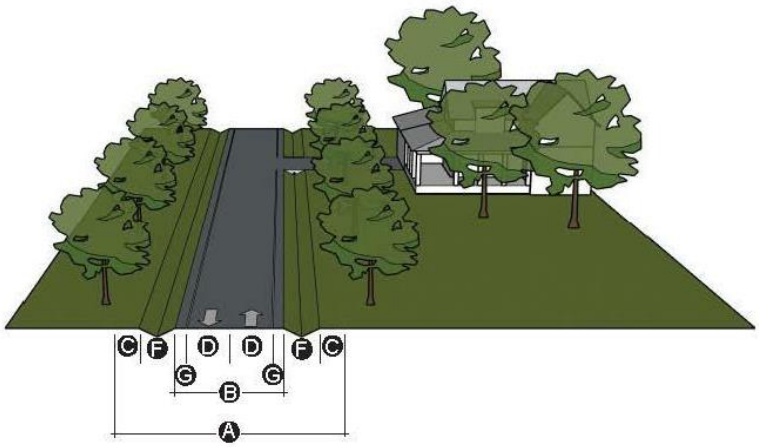
2. Rural County Local



Traffic Counts		
Daily Average Trips	<150	
Width		
Right-of-way width	60’ max, 50’ min	A
Road width	11’ min	B
Utility easement	3’ min	C
Drainage Ditch	6’ min	D
Shoulder	2’	F
Travel Lane	9’	G
General		
Parking Type	Not Permitted	
Speed Limit	25-35 mph	

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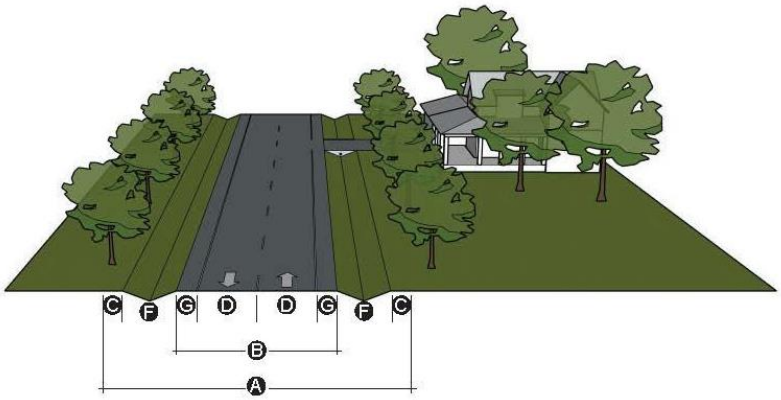
C. Collector Roads

1. Major Collector



Traffic Counts		
Daily Average Trips		
Width		
Right-of-way width	60’ min	A
Road width	24’	B
Utility easement	3’ min	C
Travel Lane	10’ min	D
Drainage	10’ min	F
Shoulder	4’	G
General		
Parking Type	None	
Speed Limit	45-55 mph	

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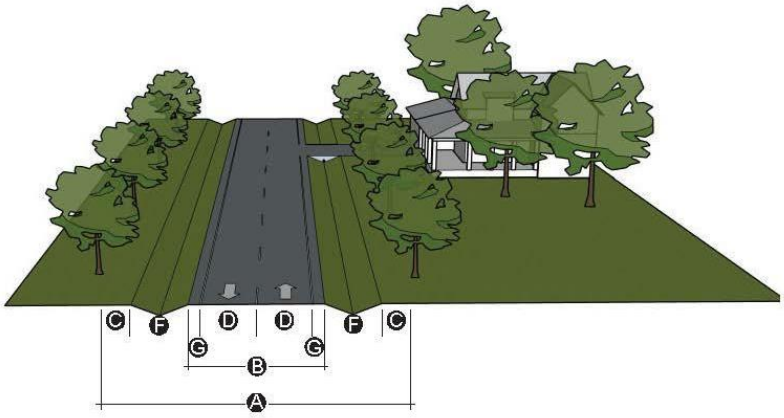
2. Minor Collector



Traffic Counts		
Daily Average Trips	150-400	
Width		
Right-of-way width	60’ (50’ min.)	A
Road width	24’	B
Utility easement	3’ min	C
Travel Lane	10’ min	D
Drainage	10’ min	F
Shoulder	2’	G
General		
Parking Type	None	
Speed Limit	35-45 mph	

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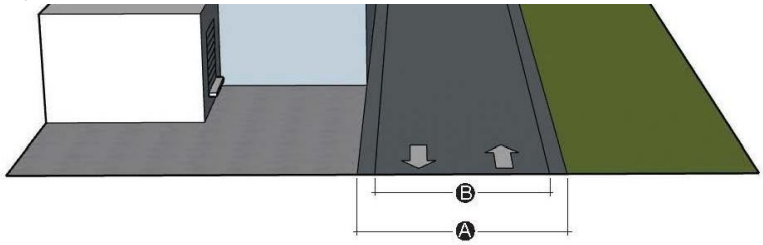
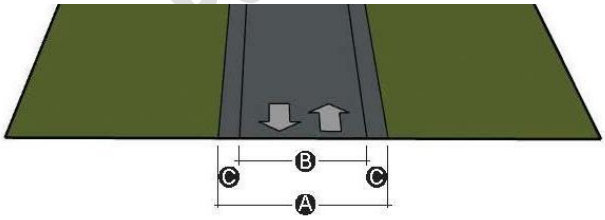
D. Accessways

1. Alley



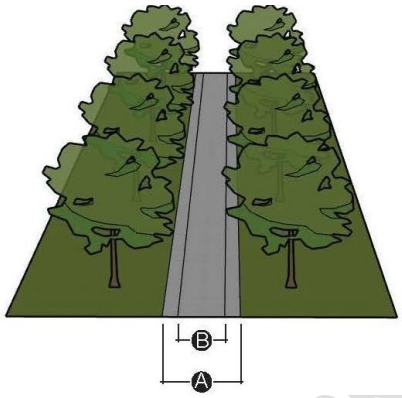
Traffic Counts		
Daily Average Trips	<80	
Width		
Right-of-way width	24’ min	A
Lane width	20’ min	B
General		
Parking Type	Not permitted	
Speed Limit	5-10 mph	

2. Driveway



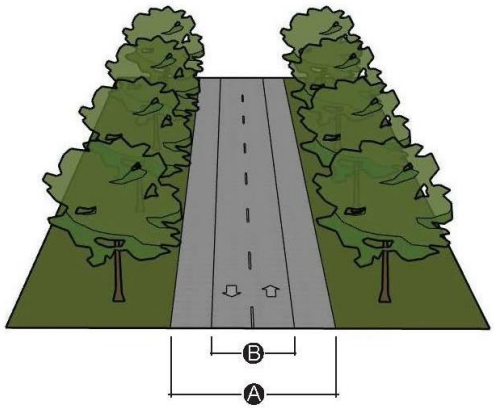
Traffic Counts		
Daily Average Trips	<150	
Width		
Right-of-way or easement width	20’ min, 40’ max	A
Travelway width	12’ min	B
Roadscape		
Clear Zone	2’	C
General		
Speed Limit	5-10 mph	
Parking type	Not Permitted	

3. Pedestrian Passage



Width		
Public access easement	10’ min	A
Travel way		
Paved/gravel/natural surface area	6’ min	B

4. Multi-Use Trail



Width		
Right-of-way width	20’ min	A
Travel way		
Paved/gravel surface width	10’ min	B

6-4 Utilities

6-4-1 Intent

A. Intent

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The intent of this Section is to provide standards for adequate public utility systems to meet the needs of the proposed development while protecting the health, safety, and welfare of the public and avoiding damage to the environment.

6-4-1 Water and Wastewater

A. All developments within Teton County that have an approved public water supply or wastewater treatment system that is reasonably accessible or procurable must submit an application to the appropriate public entity to connect to that system. If the entity approves the connection, the costs of connection for every Lot in the development, including any necessary extension of mains or expansion of system capacity, is the responsibility of the Applicant.

B. Subdivisions with Lot sizes that are less than one (1) acre must provide a community water supply and/or wastewater treatment system that meets all requirements of the Eastern Idaho Public Health Department and the Idaho Department of Environmental Quality. A taxing district or homeowners association with the power to compel the payment of dues, assessments, or taxes through liens on individual properties shall also be created to maintain and replace system components.

C. Any Lot not connected to a public or community water or wastewater system must meet all state requirements for the use of individual water wells and/or individual on-site wastewater systems. Individual wells must be drilled by a licensed well driller and require a permit from the Idaho Department of Water Resources.

6-4-2 Electric and Telecommunications

A. Electric and telecommunications service to each Lot is required for all new subdivision developments.

B. Within the development, all new electric and telecommunication utility lines must be placed underground.

C. Ground mounted electrical transformers and communication pedestals must be located within the public right-of-way or a dedicated utility easement.

6-4-3 Fire Protection

A. All Roads must be designed to meet the standards set forth by the International Fire Code and adopted by the Teton County Fire Protection District.

B. Adequate fire protection must be provided in accordance with the International Fire Code and the "Teton County Fire Protection District Fire Protection Resolution for Subdivisions" as adopted by the Teton County Fire Protection District.

C. The location and specifications of fire protection facilities required to serve the development must be approved by the Teton County Fire Protection District.

6-5 Conservation Areas

6-5-1 Intent

A. Intent

The purpose of this Section is to establish standards for required open space conservation areas. The intent is to prioritize the use of certain best practices to ensure that required conservation areas achieve the community's goals for preserving resources that are important to the

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ecological value and economic development of the County as identified in the Comprehensive Plan.

6-5-2 Applicability

A. Applicability
This Section shall apply to any subdivision that includes the conservation values indicated in Section 6-5-3 on the proposed site.

6-5-3 Conservation Values in Subdivisions

A. Chapter 5 of this Code establishes development standards to protect natural resources, including riparian areas and wildlife habitats. The conservation values listed below that are present on a development site shall be included in designated open space, and may be designated by a conservation easement or open space Lot. When configuring a required conservation area, the identified conservation values shall be prioritized in the order listed here.

B. Riparian Corridors
Where riparian corridors as defined in Section 5-4-2 of this Code are present, they are considered conservation values.

C. Wildlife Habitat
Where Indicator Wildlife Habitats identified in Section 5-4-1 of this Code exist, protection of wildlife, wildlife habitat, and wildlife movement through the development area shall be considered a conservation value.

D. Scenic Resources
Where scenic resources defined in Section 5-5 of this Code are present, they are considered to be a conservation value.

E. Agriculture
Where active agricultural operations exist, protection of agricultural uses on the development area are considered to be a conservation value.

F. Recreation/Access
If none of the above-listed conservation values exist in the development area, provision of public access and recreation shall be considered a conservation value. Granting of public access to a conservation area is not required when public access is not a protected conservation value.

6-5-4 Design

A. Conservation areas and the associated development areas shall be designed to meet the following standards:
   1. The conservation area shall be maximized to avoid decreased conservation value due to size, isolation, or fragmentation.
   2. Primary access to development areas shall not divide conservation areas.
   3. A conservation area may cover multiple Parcels or Lots of Record. In such a case, the conservation area on each Parcel or Lot of record shall meet the following standards:
      a. It shall be large enough to contribute to the conservation value(s) of the conservation area.

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b. Contiguous Parcels making up a conservation area shall not be separated by fencing or otherwise visually or functionally separated, except as may naturally occur.

B. Connecting Conservation Areas
Configuration of conservation areas should consider connection to adjacent, existing conservation areas, protection of the conservation values, and the potential value that might result from future conservation of adjacent property.

6-5-5 Uses

A. Stewardship and restoration that enhances the conservation value(s) of the conservation area shall be allowed. Any physical development, use, or subdivision allowed in a conservation area shall be consistent with the protected conservation value(s) identified for the conservation area.

B. Physical Development in Conservation Area
Physical development activities that are allowed in the conservation area shall be scheduled to limit impacts to the protected conservation value(s) of the conservation area.

C. Temporary Impact to Conservation Area
Impacts from temporary physical development or use shall be avoided. When a temporary impact cannot be avoided, conservation features shall be restored consistent with the protected conservation value(s) of the conservation area.

D. Existing Special Use in Conservation Area
Review of a proposed conservation area on the site of an existing special use (formerly known as a conditional use) may include review of the Special Use Permit to evaluate the cumulative impact of all permitted uses and development options on the site's open space as compared to the use of the site at its base residential density.

E. Wildlife Habitat Protection in Conservation Area
When wildlife habitat is a protected conservation value, the following shall be considered in development project design.
1. The impact of domestic pets on wildlife.
2. Limited chemical use in order to minimize unnecessary and negative side effects on wildlife. This shall not be read to restrict the use of chemicals in support of agriculture or control of noxious weeds.
3. The effects on wildlife in determining off-Road use of motorized vehicles.

~~F. Grazing in Conservation Areas~~
~~Grazing in designated conservation areas shall be managed to maintain vegetation for wildlife foraging by avoiding overgrazing.~~

Commented [JG102]: PZ suggest removal - could be problematic with ag properties – right to farm

~~G.~~F. Recreation in Conservation Areas
Recreation shall be managed to be consistent with, and reduce impacts to, the protected conservation value(s).

6-6 Nutrient Pathogen Evaluation

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6-6-1 Intent

A. The intent of this Section is to ensure that ground and surface water quality is protected from contamination from on-site sewage systems.

B. Nutrient-Pathogen (NP) evaluations are designed to locate an appropriate number of on-site wastewater treatment systems (for example, septic systems) on a given Parcel of land and to direct the placement of the on-site wastewater treatment systems in a way that will not degrade the quality of ground water resources and will comply with the Idaho Ground Water Quality Rule and the Idaho Water Quality Standards (IDAPA 58.01.02) for surface water.

6-6-2 Applicability

A. This section applies to:

1. Subdivision developments in the TN, RN, IR, RA, RR, and FH zone districts with 30 acres or less average density with standard on-site septic systems or 20 acres or less average density with advanced nutrient reducing on-site septic systems.
2. Subdivision developments in the LA zone district with 75 acres or less average density with standard on-site septic system or 40-acres or less average density with advanced nutrient reducing on-site septic systems.
3. Subdivisions that lie within Nitrate Priority Areas identified by Idaho Department of Environmental Quality (DEQ) and all proposed Large Soil Absorption Systems (LSAS), both of which require a Nutrient Pathogen Evaluation submitted to DEQ.

6-6-3 Qualified Professional

A. Type I NP Evaluation

1. When an NP evaluation is required by Teton County, it must be performed by a qualified professional with a background in geology, hydrogeology, soil science, geochemistry, or related engineering disciplines who is registered in the State of Idaho as a Professional Geologist or Professional Engineer, and who has experience conducting similar kinds of studies, hereafter called Qualified Professional.

B. Type II NP Evaluation

1. Level II NP evaluations conducted to satisfy County requirements shall be completed by a Qualified Professional who also has professional experience in groundwater modeling.

6-6-4 Approval Standards

Commented [JG103]: PZ suggested the need for language to describe when the NPE can be waived – ie, overlay stated that one needed to be performed but actual scenario on-site did not warrant need for the evaluation – see new proposed item D below

A. Process

The Board, upon recommendation by the Commission, shall approve or deny the NP Evaluation based on the comments and recommendations from the DEQ (or a third party Qualified Professional in the event that DEQ is unable to perform the review), and on information provided by the County's technical representative. In order to be approved, a NP Analysis must demonstrate that the approval is consistent with the approval criteria defined in sub-section B below.

1. If the NP Evaluation is not approved by the County based upon the comments or recommendations made by DEQ (or a solicited third party Qualified Professional) and feedback from the County's technical representative, then the following actions may be taken:

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i. The applicant may choose to make modifications based on recommendations made by the Commission, the Board, the County's technical representative, and the DEQ; or
ii. The applicant may choose to reduce the density or adjust the site layout so that the proposal septic disposal systems (quantity and layout) meet DEQ requirements; or
iii. The applicant may elect to conduct a Level II NP Evaluation based on the original development design. The applicant must then submit the Level II NP Evaluation to the County. The review process shall then proceed with DEQ review/comment and a County decision of approval that should be based upon that review and associated feedback.
iv. Alternatively, the applicant may choose to connect to an existing municipal sewer line, if available.

2. Following action taken to address comments or recommendations stated in A.1 above, the County should then base its approval decision upon comments and recommendations provided by DEQ's review of the revised NP Analysis and associated materials.

B. Approval Criteria
In order to be approved, an NP evaluation must demonstrate that the approval is consistent with DEQ's criteria for approval, that the County's guidelines have been followed, and that the following conditions are satisfied:

1. Appropriate data collection, analysis techniques, and evaluation procedures are utilized in light of specific site characteristics, conditions, layout, etc.
2. Discharge from the proposed on-site wastewater treatment systems will not significantly degrade ground water quality beyond existing background levels and will otherwise comply with Ground Water Rule (IDAPA 55.01.11);
3. Discharges from the development will comply with Idaho Water Quality Standards (IDAPA 58.01.02);
4. Discharges from the development will be consistent with the approved Total Maximum Daily Load (TMDL); and
5. The application complies with all applicable criteria specified in Individual/Subsurface Sewage Disposal Rules IDAPA 58.01.03) and County guidelines.

C. Minimum Review Recompense and Total Cost
When an NP evaluation is required by DEQ, EIPHD, or Teton County, an NP evaluation minimum review recompense shall be paid by the applicant to Teton County.

D. A NP evaluation waiver may be requested during the concept plan phase of application for relief from these standards if on-site scenario does not appear to warrant the need for a NP evaluation. Waiver will then be reviewed by Planning Commission as part of the application process.

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CHAPTER 7 DEFINITIONS

A

- ABUTTING. Having property lines in common. Separation by a fee simple dedicated right-of-way is not considered Abutting. Touching at the corners is not considered abutting.
- ACCESSORY BUILDING. As defined in section 3-3-1.
- Area of Impact (AOI) AGREEMENT. Agreements between the Board and an incorporated City that establish the allocation of authorities related to zoning and subdivision as required by Idaho Code section 67-6526. AOI Agreements include originally adopted agreements, as well as duly adopted revisions between the parties.
- ADA ACCESSIBLE. A Building Site, building, facility, or portion thereof that complies with the minimum standards of the Americans with Disabilities Act of 1990 (ADA) found in the 2010 ADA Standards for Accessible Design document, (http://www.ada.gov/regs2010/2010ADAStandards/2010ADAStandards_prt.pdf), or future revisions.
- ADMINISTRATIVE LAND DIVISION. A division or partition of land that creates up to four (4) Parcels from any existing Parcel that meets minimum Parcel size requirements located in the RA-~~35~~40, LA-~~35~~40, and RR-~~20~~8 Districts that has not been previously platted. The resulting Parcels are Lots of Record.
- ADMINISTRATOR. The Planning Administrator of the County's Planning Department, or a person otherwise appointed by the Board, to have primary responsibility of administering and enforcing the LDC.
- ADVERSELY AFFECT/ADVERSE EFFECT. Effects that are a direct or indirect result of the proposed action or its interrelated or interdependent actions given that the effect is not discountable, insignificant or beneficial. Discountable effects are extremely unlikely to occur. Insignificant effects relate to the size of the impact and should never reach the scale where a take occurs. Based on best judgment, a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. Beneficial effects are contemporaneous positive effects without any adverse effects. In the event that the overall effect of the proposed action is beneficial, but is also likely to cause some adverse effects, then the proposed action is considered to result in an adverse effect.
- AFFECTED PERSON. A party having a bona fide interest in real property that may be adversely affected by actions under the LDC, as defined under Idaho Code section 67-6521.
- AGENT. A person who legally represents the developer and the owner and such legal authorization shall be on file, in writing, with the Planning Department of the County.
- AGRICULTURAL BUILDING. A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of Human Habitation or a place of full-time employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.
- AGRICULTURAL LAND DIVISION. A bona fide division or partition of agricultural land for agricultural purposes resulting in a Lot of Record. A land division is presumed to be for

Commented [JG104]: PZ Suggestion: Double check employment portion against right to farm act and building code – do not want to prohibit people form working in an ag building to organize stored items, etc. maybe it is not for full-time employment

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agricultural purposes when the size the resulting Lots of Record are at least four times the Lot size resulting from the average density of the underlying base zone.

- ALLEY. A public or private thoroughfare which affords only a secondary means of access to Abutting property.
- APPEAL. A request for review of a previously made decision or interpretation of provisions of this Code. The procedure is outlined in this Code.
- APPLICANT. The applicant refers to the person or persons who file an application with the Planning Commission seeking relief or authority under this Code.
- APPLICATION. The documents submitted to the County to apply for a permit to fulfill the requirements of the County ordinances with regard to land use. An application is deemed complete and officially received by the County at the time the applicable application checklist items are complete and confirmed in writing and dated by the Administrator.
- AREA OF CITY IMPACT (ACI). An area of land in the unincorporated County adjacent to an incorporated City identified by agreement between the County and the City pursuant to section 67-6526 of the Idaho statutes.

B

- BERM. A shaped and sloped mound or embankment of earth capable of holding vegetation or ground cover, usually two to six feet high, used to shield or Buffer a property from adjoining uses, highways, or noise.
- BIORETENTION. The process of using soil, plants, and microbes to treat stormwater before it is infiltrated or discharged.
- BLOCK. The space along one side of a Road between the two (2) nearest intersecting Roads, or between an intersecting Road and a right of way, waterway or other similar barrier, whichever is lesser.
- BOARD. The Board of County Commissioners of Teton County, Idaho.
- BOUNDARY ADJUSTMENT. The adjusting of common property lines or boundaries between ~~adjacent~~ contiguous tracts, or Parcels for the purpose of accommodating a transfer of land or rectifying a disputed property line location. The resulting adjustment shall not create any additional tracts or Parcels and all reconfigured tracts or Parcels shall contain sufficient area and dimension to meet minimum requirements for zoning and building purposes. See Div. 14.10.2.A
- BUFFER. An area of natural vegetation or man- made construction that is intended to provide a dimensional separation between dissimilar land uses or protection of sensitive lands. A Buffer may secondarily provide a visual screen between land uses.
- BUILDING. Anything attached to the ground having a roof supported by columns or by walls and intended for shelter, housing or Enclosure of persons, animals or personal property. For purposes of this code, the term “Building” is included in the term “Structure”.
- BUILDING ENVELOPE. That area of a Lot that encompasses all Building improvements and appurtenances including but not limited to: Excavation, fill, grading, storage, demolition, structures, decks, roof overhangs, porches, patios and parking. Building envelopes are encouraged in developments throughout the County to protect scenic vistas and to ensure defined building sites within special development subdivisions and planned unit developments.

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- BUILDING, PRINCIPAL. A building that contains the principal use on the Lot on which the building is situated.
- BUILDING SITE. An area proposed or provided and improved by grading, filling, excavation or other means for erecting pads for buildings.

C

CAMPGROUND: A campground is a Parcel of land under single, unified, commercial ownership or control, within which spaces are rented or used by the ownership for occupancy by two (2) or more tents, recreational vehicles, cabin sites or travel trailers for nightly or short-term rental.

Commented [JG105]: Suggest to move from use standards to avoid confusion

- CITY. The City having jurisdiction of the Parcel of land under consideration.
- CLUSTER. An arrangement of adjoining residential Lots in groupings that allow closer spacing than would be generally permitted, where the reduced Lot sizes are offset by Open Space, and where groupings of Lots are limited in size and location in order to reduce the perception of a single large development and to preserve rural and open character.
- COLOR TEMPERATURE. A measure of the color spectrum of light, specified by the lamp manufacturer and displayed as "Light Appearance" on Lighting Facts packaging labels.
- COMMISSION. The Planning and Zoning Commission of Teton County, Idaho
- COMPREHENSIVE PLAN. The most recent plan or any portion thereof, adopted by the Board, which includes all the land within the jurisdiction of the Board. The plan with maps, charts, and reports shall be based on components outlined in Title 67-6508 of the Local Land Use and Planning Act.
- CONCEPT PLAN. The first formal presentation of the three-phase process for subdivision development as required in Section 4-1-13.
- CONDOMINIUM. An estate consisting of an undivided interest in common in real property, in an interest or interests in real property, or in any combination thereof; together with a separate interests in real property, in an interest or interests in real property or in any combination thereof.
- CONTIGUOUS. Touching at more than just a corner point.
- COUNCIL. The City Council of an incorporated City within the County.
- COUNTY CLERK/AUDITOR/RECORDER. The office of Teton County Clerk/Auditor/Recorder.
- COUNTY ROAD STANDARDS. The "Highways and Road Guidelines for Design and Construction" manual for Teton County, Idaho, as adopted.
- COVENANT. A written promise or pledge or contract recorded on/within a public or official document of the County.
- CULVERT. A drain that channels water under a bridge, Road, Road or driveway.

D

- DEDICATION. The setting apart of land or interests in land for use by the public by ordinance, resolution, entry in the official minutes or by the recording of a plat. Dedicated land becomes public land upon the acceptance by the County.

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- DENSITY. A unit of measurement for the number of Dwelling Units per acre of land. This is sometimes expressed in the reciprocal, as in 5 or 20 acres per unit.
- DENSITY, AVERAGE. The number of Dwelling Units per acre of the total land to be developed including land dedicated to public use.
- DESIGN PROFESSIONAL. The Architect, Landscape Architect, Surveyor, or Engineer registered or licensed to practice in the State of Idaho. When used in this Code, Design Professional means the professional with qualifications to perform the work
- DEVELOPER. A person who undertakes land development activities.
- DEVELOPMENT. Any man-made change to improved or unimproved real estate, including, but not limited to, the construction of Buildings, Structures or Accessory Structures, or the construction of additions or substantial improvements to ~~buildings~~Buildings, ~~structures~~ Structures or Accessory Structures; the placement of mobile homes; mining, dredging, filling, grading, paving, excavation or drilling operations; the deposition or extraction of materials, specifically including the construction of dikes, berms and levees; or the removal of vegetation.
- DEVELOPMENT ACTIVITY. The construction of buildings, structures, or Accessory Structures; excavation, grading and vegetation removal; additions or substantial improvements to existing structures; bulkheads, retaining walls, piers, and pools; the placement of mobile homes; or the deposition or extraction of materials; and the construction or elevation of dikes, berms and levees, etc.
- DEVELOPMENT SITE. That portion of a property that will be dedicated to a proposed development.
- DIRECT IMPACT. Those effects caused by the proposed action and occurring at the same time and place.
- DIRECT LIGHT. Light emitted directly from a fixture's light source, namely from the lamp and its diffusing, reflecting, refractive, focusing, or other integrated fixture elements designed to project and radiate light.
- DISTRIBUTION. The pattern of light produced by a lamp or light fixture.
- DISTURB. Human change that causes a material difference in the physical, chemical or biological characteristics of the land. A disturbance may either improve or degrade land use. Cleared land, graded land, or land affected by subsurface testing are examples.
- DWELLING. A building designed, arranged or used for habitation, including permanent or temporary living and sleeping quarters.
- DWELLING UNIT. A structure for Human Habitation which shall not include a mobile living unit, hotel, dormitory, or hospital. A single unit providing complete independent living facilities for one or more persons, including permanent Kitchen and Sanitation Facilities, and provisions for living, sleeping, and eating.

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E

- EASEMENT. A right of use over the property of another. The use and area affected (if relevant) need to be clearly defined, as does to whom the Easement was granted (public or private entity), or who can use the Easement for the specified purpose.
- EASEMENT PRESCRIPTIVE. Real property that has met the following five conditions-
    - The use by the public or a private party has been open and notorious;
    - The use by the public or a private party has been continuous and uninterrupted;
    - The use by the public or a private party is adverse and under claim of right
    - The use by the public or a private party is with the actual or imputed knowledge of the owner of the servient tenement (the property burdened by the Easement)
    - The use by the public or a private party has continued for five years or more
- EASEMENT PUBLIC. A right of use over real property that has been granted, dedicated, or deeded to a governmental jurisdiction, or the public for a limited purpose. It differs from a Fee Simple Right-of-Way, in that the real property is owned by the jurisdiction in a Fee Simple Right-of-Way.
- ELEVATED BUILDING. For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.
- ELIGIBLE PARCEL. An "existing Parcel", as defined, or a "new Parcel" or "Lot" created and approved under the current or previous land division process, short plat process or full plat process of Teton County; Parcels of land must be "eligible Parcels" to be eligible for residential building permits or commercial building permits, as allowed by their zoning designation; if a residence exists on an eligible Parcel, no building permits for additional dwellings (not including accessory dwellings) can be issued for this Parcel except under the provisions of Div. 14.5 Subdivision Review of this Code. SEE ALSO NON-ELIGIBLE PARCEL
- ENCLOSURE. An area enclosed by solid walls or an area formed when any space is enclosed on all sides by walls or partitions. Insect screening or open wood lattice used to surround space is not considered an Enclosure.
- ENCROACHMENT. The physical advance or infringement of uses, fill, excavation, buildings, structures, or development into a required Setback, across a property line or into a designated area such as - floodplains, wetlands, streams, etc.
- EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION. A manufactured home park or manufactured home subdivision where the construction of facilities for servicing the Lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of Roads, and final site grading or the pouring of concrete pads) is completed before 03/31/2000.

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- EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. Means the preparation of additional sites by the construction of facilities for servicing the Lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of Roads, and either final site grading or the pouring of concrete pads.

F

- FAMILY. One or more persons occupying a Dwelling Unit and living as a single, nonprofit housekeeping unit, provided that a group of 5 or more persons who are not within the second degree of kinship shall not be deemed to constitute a family unless such 5 or more persons qualify as a group residence as described in Idaho Code section 67-6531.
- FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA). The agency with the overall responsibility for administering the National Flood Insurance Program.
- FEE SIMPLE. Ownership of land without limitation or condition.
- FEE SIMPLE RIGHT-OF-WAY. A portion of land that is described on a deed, survey or plat, and ownership of the Parcel is transferred to by a public entity for the use of public access or utilities.
- FIRE AUTHORITY or FIRE DISTRICT. The Teton County Fire Protection District.
- FIXTURE. The complete lighting unit (Luminaire), consisting of a lamp, or lamps and ballast(s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.
- FLOODLIGHT. Fixture that projects light in a broad, directed beam, typically of two lamp types: simple lamps whose supporting optic elements are part of the fixture casement having wide beam- spread angles up to 110 degrees; or sealed-beam lamps with internal parabolic reflectors having narrower beam-spread angles of 25 to 55 degrees. Designation as a floodlight is ordinarily displayed on lamp packaging.
- FLOODPLAIN or FLOOD-PRONE AREA. Any land area susceptible to being inundated by water from any source (see definition of “flooding”).
- FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.
- FOOTCANDLE. The unit of measure expressing the quantity of light received on a surface. One footcandle is the illuminance produced by a candle on a surface one foot square from a distance of one foot measurable by a light meter. In this Code, footcandle units are referenced to the initial-lumen- output rating of the fixture lamp.
- FRONTAGE. The length of any one property line of a premises, which property line abuts a legally accessible Road right-of-way.
- FULLY SHIELDED (FULL CUT-OFF) LUMINAIRE. A luminaire constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected

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below the horizontal plane through the luminaire's lowest light-emitting part. "Full cutoff" and zero uplight fixtures in particular meet this definition.

G

- GLARE. Lighting entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or reduced visibility
- GROSS FLOOR AREA. The sum in square feet of the gross horizontal area of all floors of a building measured from the interior faces of the exterior walls or from the centerline of walls separating two buildings when two buildings or units abut. Elevator shafts, stairwells, floor space used for mechanical equipment, attics, balconies and mezzanines, enclosed porches and areas devoted to roofed accessory uses are included in the calculation of Gross Floor Area. However, the following is not included: any space devoted exclusively to on-site parking; outdoor loading, display, storage, utility service areas; and/or uninhabited enclosed space on tops of roofs; or attic space having head room of less than 7'-10".

H

- HEALTH AUTHORITY. Eastern Idaho Public Health, of the Idaho State Department of Health and Welfare
- HIGHWAY. A Road or Road designated as a highway by the state or federal government.
- HILLSIDE. Sloping land with a rise or fall of more than one foot vertically for each 10 feet horizontally (10 percent slope).
- HISTORIC STRUCTURE or SITE. A structure or site that is:
    - Listed individually in the National Register of Historic Places (a listing maintained by the
    - U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
    - Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or to a district preliminarily determined by the Secretary to qualify as a registered historic district.
    - Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior, or
    - Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
        - By an approved state program as determined by the Secretary of the Interior, or
        - Directly by the Secretary of the Interior in states without approved programs.
- HOLIDAY LIGHTING. Strings of individual lamps, where the lamps are at least three inches (3") apart and the output per lamp is not greater than 15 lumens.
- HOUSE SIDE SHIELD. An internal or external shield on a fixture that limits light in one direction.

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- HUMAN HABITATION – A space for human habitation that includes a Building or Structure intended to be used for living, sleeping, cooking, and dining.

I

- IESNA RECOMMENDED PUBLICATION. A publication of the Illuminating Engineering Society of North America.
- ILLUMINANCE. The amount of light, measured in foot-candles, falling on any point of a surface. All illuminance values in this Code shall be initial values based on new lamps and fixtures. Unless otherwise specified, “illuminance” refers herein to horizontal illuminance, measured at ground level.
- IMPROVEMENT. Any alteration to the land or other physical construction associated with subdivisions and building site developments.
- IMPROVEMENT PLAN. The engineering drawings intended to be used in the construction of Road, trail, water, sewer, drainage, drainage facilities, fire protection, landscape facilities, appurtenances, and other improvements.
- INCIDENTAL SIGN. A permanent or temporary on- premises sign that is intended to provide information or direction for the convenience and necessity of the public. Such signs include but are not limited to entrance and exit signs, for sale signs, building numbers, names, addresses, private parking signs, telephone, no trespassing signs or dangerous animal signs, etc. These signs cannot be located in a public right of way or Easement.
- INDICATOR HABITAT. The following are considered Indicator Fish and Wildlife Habitats in Teton County (This list comes from "A Summary of Key Fish and Wildlife Resources of Low Elevation Lands in Teton County, Idaho", by Idaho Department of Fish and Game, dated June 14, 2012):
    - Emergent Wetland
    - Willow Riparian
    - Forest Riparian
    - Aspen
    - Conifer Forest
    - Shrubland
    - Grassland
    - NRCS Conservation Reserve Program Grassland
- INDICATOR SPECIES. The following are considered Indicator Species in Teton County (This list comes from "A Summary of Key Fish and Wildlife Resources of Low Elevation Lands in Teton County, Idaho", by Idaho Department of Fish and Game, dated June 14, 2012):
    - Columbian Sharp-Tailed grouse
    - Bald Eagle

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- Grizzly bear
- Rocky Mountain Elk
- Mule Deer
- Moose
- Trumpeter Swans
- Greater Sandhill Crane
- Long-billed Curlew
- Yellowstone Cutthroat Trout
- Any other Federally Listed threatened or Endangered Species

- INDIVIDUAL WITH DISABILITIES. Any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such an impairment." In general, a physical or mental impairment includes hearing, mobility and visual impairments, chronic alcoholism, chronic mental illness, AIDS, AIDS Related Complex, and intellectual disability ~~mental retardation~~ that substantially limits one or more major life activities. Major life activities include walking, talking, hearing, seeing, breathing, learning, performing manual tasks, and caring for oneself.

J

- JUNKYARD. A property on which old or scrap metal, rope, rags, batteries, paper trash, rubber, refuse, rubbish, debris, waste, 3 or more dismantled or wrecked vehicles and automobiles or parts thereof, iron, steel, and other old or scrap ferrous and nonferrous material or any matter having no substantial market value as a whole, which is exposed to the elements and is not enclosed in any structure or otherwise concealed from public view.

K

- KITCHEN FACILITIES. A permanently installed means for cooking, such as a range or cook-top, OR a permanently installed kitchen sink with the capacity to wash dishes.

L

- LAKE/POND. A body of standing water larger than one-quarter acre in size, that is either natural or man-made, in a depression of land or expanded part of a river, stream or creek.
- LAMP. Component, tube, or bulb of a fixture that produces light when energized. Multiple lamps within a single fixture are lumen-rated additively as if a single lamp.
- LAMP STRING. Multiple, interconnected lamps attached to a single electrical source, but not additionally housed as is typical within a fixture. Included are "light strings" commonly used as HOLIDAY LIGHTING, "rope lights" strung within a continuous protective sheath, and similar interconnected aggregations of LED lamps integrated within individual light-dispersing refractors.

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- LANDSCAPE MATERIAL. Any combination of living plants and non-living materials, such as rock, pebbles, sand, mulch, pavers, berms, walls, and other decorative materials.
- LANDSCAPING. The planting and arranging of landscape materials to enhance the aesthetic and functional qualities of a site.
- LIGHT. Radiant energy that can be sensed or seen by the human eye. Visible light is measured in lumens.
- LIGHT TRESPASS. Light that falls beyond the property it is intended to illuminate.
- LIGHTING PLAN. Documents specific to a land use that describe the location and characteristics of all exterior lighting and the light levels on the property and at the property boundaries.
- LOT OF RECORD. A Parcel of property with boundaries that have been established by one of the following means:
    a. For Parcels created before June 14, 1999,
        i. A recorded deed describing the Parcel by a metes-and-bounds description of the boundaries, or
        ii. A recorded survey with a metes-and-bounds description of the Parcel boundaries, or
        iii. A signed and recorded Subdivision or Planned Unit Development plat, or
        iv. A recorded "Family Exemption" survey with a Teton County authorization signature creating two or more Lots.

    b. For Parcels created between June 15, 1999 and <insert effective date of LDC>;

        i. A One Time Only Land Split that created no more than two distinct Parcels, or
        ii. A recorded Agricultural Exemption survey, recorded before September 22, 2003 (may be labeled "Agriculture split" or "Agriculture break-off") that created one or more Parcels of property, or
        iii. A signed and recorded Subdivision or Planned Unit Development plat.
- c. For Parcels created after **<insert effective date of LDC>**:
        i. An Agricultural Land Division, or
        ii. An Administrative Land Division, or
        iii. A signed and recorded Subdivision.
- LOT. A contiguous quantity of land which is defined by subdivision Lot number, condominium unit number, government aliquot description, or metes and bounds description, recorded as the property of persons or entities with a legal description that addresses permissions or constraints upon its development.
- LOT AREA. The area of any Lots shall be determined exclusive of Road, highway, Road or other rights of way.
- LOT, CORNER. A Lot Abutting upon two or more Roads at their intersection.
- LOT, INTERIOR. A Lot other than a corner Lot.

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- LOT LINE, FRONT. The front property line coincident with a Road right-of-way line. The side of the Lot that abuts the Primary Road or if it does not directly abut the Primary Road, the side of the Lot that the front door faces.
- LOT OF RECORD. A Lot that is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Teton County, Idaho, or any Parcel of land, whether or not part of a subdivision, that has been officially recorded at a size that met the minimum dimensions for Lots in the district in which it was located at the time of recording or was recorded prior to the effective date of zoning in the area where the Lot is located.
- LUMEN. A rating; a manufacturer-supplied measure of light emitted from a lamp. All lumens in this Section are initial lumens, that is, the amount emitted by a new lamp after 100 hours of seasoning. Lumens are usually listed on lamp packages as "Light Output". Also, the amount of light a bulb produces or a quantitative unit measuring the amount of light emitted from a light source.
- LUMINAIRE. The complete lighting unit, including the lamp, the fixture, and other parts.

M

- MANUFACTURED HOME. A structure transportable in one or more modules which is designed and built on a permanent chassis to be used as a dwelling, with a permanent foundation and footing and when connected to required utilities, and includes the plumbing, heating, air conditioning and electrical systems therein, that was built in compliance with HUD manufactured home construction and safety standards established under 42 U.S.C. Section 5401. Units manufactured prior to June 1976 not stamped approved by HUD shall not be considered a "manufactured home" as defined herein. For clarification, this definition excludes recreational vehicles, trailers, campers, and other similar units as may be defined in this Code. Idaho Code §39-4105
- MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION. A Parcel (or contiguous Parcels) of land divided into two or more manufactured home Lots for rent or sale.
- MARKET VALUE. The building value, not including the land value and that of any Accessory Structures or other improvements on the Lot. Market value shall be the adjusted tax assessed values as established by the Teton County Assessor. This value may be modified by submittal of an independent certified appraisal.
- MITIGATION. A design, action, or facility offered by an applicant for development approval, or required by Teton County as a condition of development approval, in order to avoid, minimize, or offset negative impacts of development that would or might otherwise occur. Avoidance of impacts and minimization of impacts are preferable to offsetting mitigation measures. Mitigation shall be conducted onsite unless all efforts to mitigate for development related impacts onsite have been exhausted, in which case offsite mitigation proposals will be considered.

Commented [JG106]: PZ Question: Should this be foundation OR footing instead of AND?

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- MODULAR BUILDING. Any building or building component other than a manufactured home that is of closed construction and either entirely or substantially prefabricated or assembled at a place other than the building site. Idaho Code §39-4301
- MONUMENT. A survey marker as defined in Idaho Code Section 50-1303.
- MOST RECENTLY RECORDED DEED. The deed that was recorded most recently. In most cases, this is the deed that transferred ownership of the Lot/Parcel into the current owner.
- MOTION DETECTOR. A device that activates a luminaire when it senses motion. To meet the exemptions in this Section, motion detectors must sense motion only on the property on which it is installed. ~~and must switch the luminaire off within five minutes after detected motion ceases.~~
- MUDSLIDE or MUDFLOW. Describes a condition where there is a river, flow, or inundation of liquid mud down a hillside usually as a result of a dual condition of loss of brush cover, and the subsequent accumulation of water on the ground preceded by a period of unusually heavy or sustained rain. A mudslide (i.e., mudflow) may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by the Administrator only if the mudflow, and not the landslide, is the proximate cause of damage that occurs.

N

- ~~NEW MANUFACTURED HOME PARK OR SUBDIVISION. A place where the construction of facilities for servicing the Lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of Roads, and final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community on or after 03/31/2000.~~

Commented [JG107]: Covered above and this reference is to floodplain management regulations that were removed from the LDC as they are located in a separate chapter.

- NONCONFORMING LOT. A Lot that lawfully existed upon the effective date of adoption or revision to the LDC, which does not meet the minimum Lot size requirements of the present LDC. Nonconforming Lot includes a Parcel of land that is not a Lot of Record.
- NONCONFORMING STRUCTURE. A structure built in accordance with County requirements at the time of its construction, but which fails to conform to the present requirements of the LDC.
- NONCONFORMING USE. A land use or activity, which was lawful prior to the adoption, revision, or amendment of the LDC but which fails to conform to the present requirements of the LDC.
- NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM- NAICS. A standard land use classification system issued by the federal Office of Management and Budget which categorizes establishments by the type of economic activity in which they are engaged.

O

- OCCASIONAL LIGHTING. Illumination that is infrequent, or intermittent; and controlled by a manual or timer- operated switch, or by a motion sensor not activated by off-property movements.
- OFF-PREMISE OUTDOOR ADVERTISING. Any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard, or other thing which is designed, intended or used

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to advertise or inform and which is situated in order to be visible from any highway, Road or other traveled way and which is located on property which is separate from and not adjoining the premises or property on which the advertised activity is carried out.

- OFF ROAD PARKING. An off Road space available for parking of motor vehicles, which conforms to the Off Road Parking provisions in Chapter 5.
- OFFICIAL ZONING MAP. The adopted map for Teton County which illustrates zoning district, special overlay zoning district, and Areas of City Impact boundaries. The Official Zoning Map may be referred to also as the Zoning Map.
- ONE TIME ONLY LAND SPLIT. A legacy term meaning the division of land approved and recorded under the "One Time Only Split of One Parcel of Land" provisions of Chapter 3 of Title 9 of County Subdivision Regulations repealed on <**insert effective date of LDC**>.
- OPAQUE. Impenetrable to view, or so obscuring the view that features, buildings, other structures, and uses become visually indistinguishable.
- OPEN SPACE. Significant tracts of land not under residential, mixed, institutional, commercial or industrial use; however, Open Space may be held in privately owned large Lots of 20 acres or more. Open Space may include sensitive environmental areas and productive uses including agriculture or low impact recreation amenities. Open Space shall not include features such as Roads, parking areas, constructions for habitation, or building envelopes. Open Space includes but is not limited to lands set aside as a Community Benefit.
- ORDINARY HIGH WATER MARK - The line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.
- OUTDOOR LIGHTING. Lighting equipment installed within the property line and outside the building envelopes, whether attached to poles, building structures, the earth, or any other location; and any associated lighting control equipment.
- OWNER. The individual, firm, association, syndicate, partnership, or corporation having an interest in a Parcel of land.

P

- PARCEL. A contiguous quantity of land which is defined by subdivision Lot number, condominium unit number, government aliquot description, or metes and bounds description, recorded as the property of the same owner or entity for taxation purposes.
- PARCEL OF LAND DIVIDED. A contiguous quantity of land recorded as the property of persons or entities, each of which is named in a single instrument conveying ownership thereof, and which has been separately conveyed from any adjoining quantity of land, whose boundaries are defined in the last recorded instrument of conveyance of such Parcel which was recorded prior to June 14, 1999. Conveyance of Title, or contracts which provide for conveyance of title, to

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portions of existing Parcels which are executed after June 14, 1999, shall be deemed to create new Parcels, except when transferred as a boundary line adjustment.

- PARENT PARCEL. The Parcel of property from which a smaller Parcel or Parcels have been created, whether by deed, court decree, land division or Subdivision.
- PARKING SPACE. Usable space within a public or private parking area or building exclusive of access drives, aisles or ramps for the storage of one passenger automobile or commercial vehicle.
- PARTLY SHIELDED LUMINAIRE. A luminaire with opaque top and translucent or perforated sides, designed to emit most light downward
- PASTURE. An area used for grazing domestic animals.
- PERSON. This term applies broadly to include any natural person as well as any organization or entity, including, but not limited to, a partnership, corporation, association, or governmental entity.
- PLANNING ACT. The Local Land Use Planning Act, Title 67, Chapter 65 of the Idaho Code.
- PLANNING DEPARTMENT or DEPARTMENT. The Planning Department of Teton County, Idaho.
- PLAT. The drawing, map or plan of a subdivision, cemetery, townsite or other tract of land, or a replatting of such, including certifications, descriptions and approvals. See also, Idaho Code §50-1301.
- PRIMARY ROAD. The Road of which a property is addressed from.
- PRINCIPAL. Primary; A separate, complete structure that is the larger/largest of the structures.
- PROFESSIONAL ENGINEER. An engineer registered to practice engineering in the State of Idaho.
- PROFESSIONAL SURVEYOR. A surveyor registered to practice engineering in the State of Idaho.
- PUBLIC RIGHT-OF-WAY. Any land dedicated and open to the public and under the jurisdiction of a public highway agency, where the public highway agency has no obligation to construct or maintain said right-of-way for vehicular traffic.
- PUBLIC UTILITY. Any person or municipal department duly authorized to furnish to the public under public regulation.

Q

- No terms beginning with the letter Q are defined at this time.

R

- RECREATION, ACTIVE. Activities, such as organized sports, golf, playground activities, and the use of motorized vehicles, which require extensive facilities or development or that have a considerable environmental impact on the recreational site.
- RECREATION, PASSIVE. Outdoor recreational activities, that require a minimum of facilities or development and that have minimal environmental impact on the recreational site.

Commented [JG108]: PZ Suggestion: Discuss with accessory dwelling

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- RECREATIONAL VEHICLE (RV). A motor home, travel trailer, truck camper camping trailer, park model, or similar vehicle designed for recreation or emergency Human Habitation that is:
    - Built on a single chassis,
    - Designed to be self-propelled or permanently towed, and
    - Designed for use as temporary living quarters for recreational, camping, travel, or seasonal use.
    - Per Idaho Code §46-1021
- REZONE. Process outlined in Chapter 4 for changing the ~~Land Use~~Zone District a property is found in.
- RIDGE. The crest, or apparent crest, of a hill or mountain or linear crests of part of a hill or mountain when viewed from the State Highways or Ski Hill Road.
- RIDGELINE. An area including the crest of a hill or slope and a vertical, perpendicular distance in feet on either side of the crest within which development would break the skyline.
- RIDGELINE DEVELOPMENT. Development on or near the crest of a hill or mountain which has the potential to cause skylining when viewed from the State Highways or Ski Hill Road.
- RIGHT OF WAY. A strip of land established by prescriptive use, dedicated, deeded or reserved for use as a public way, which normally includes Roads, sidewalks and other public utilities or services areas.
- RIPARIAN AREA. Areas contiguous to and affected by surface and subsurface hydrologic features of perennial or intermittent water bodies (rivers, streams, lakes, or drainage ways). Riparian areas generally have distinctly different vegetative species than adjacent areas, or similar species with more robust growth than adjacent areas. Riparian areas are often located between wetland and upland areas. Also, defined as the green, vegetated areas along the edge of water bodies like rivers, creeks, canals, lakes, springs, sloughs, potholes and wetlands. They are the transition zone between upland and aquatic ecosystems. Underlying saturated soil is a key feature in riparian areas. Idaho Code § 22-2402.
- RIVERINE. Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
- ROAD. See ROAD, PRIVATE and ROAD, PUBLIC.
- ROAD, PRIVATE. A Road within a subdivision plat that is not dedicated to the public and not a part of a public highway system. It is not maintained by a public agency.
- ROAD, PUBLIC. A Road, thoroughfare, alley, highway or bridge that is open for public use. It may or may not be maintained by a public agency

Commented [JG109]: PZ Suggestions: Not defined – make sure consistent with earlier chapter on Zone Districts…

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S

- SANITATION FACILITIES. A toilet, or other permanent conveyance for sewage as approved by the District 7 Health Department. A detached privy, incinerating toilet, septic system, or other alternative approved system shall be considered part of the Dwelling Unit served.
- SCREENING. Natural vegetation or a decorative structure that creates an opaque visual block or obscures an unattractive view from one side to the other throughout the year. Screening may consist of any combination of the following:
    - Fencing
    - Masonry or rock wall
    - Plants or natural vegetation
    - Earthen berm
- SECONDARY IMPACT. Those adverse effects caused by the proposed action and occurring later in time or farther removed in distance, but still reasonably foreseeable. Secondary impacts may include effects related to changes in pattern of land use, human presence and population density, and related effects on natural systems and ecosystems.
- SETBACK. A line demarcating that portion of a Parcel of property which must remain open with no buildings or structures, and the buildable portion of the Parcel.
- SHADE TREE. A tree that composes the top layer or canopy of vegetation and will generally reach a mature height of greater than 50 feet.
- SINGLE LEGAL PARCEL OF LAND. All contiguous lands described in a single deed. Land that touches only at the corner point, is not contiguous.
- SIGN. Any combination of words, letters, numbers, images, or symbols, designed to attract the attention of, or communicate information to, the public, in regards to an activity, business, commodity, event, sale, or service.
- SIGN FACE. That portion of the sign, excluding the supporting structure, where the words, letters, numbers, images, or symbols can be placed.
- SITE PLAN. An illustration of a Lot or Parcel submitted in order to demonstrate the nature and extent of a proposed use or Structure and compliance with the requirements of the LDC. See Section 5-1-6 for site plan requirements.
- SKYLINE OR NATURAL SKYLINE. The visual line at which the earth or vegetation and the sky appear to meet. The skyline is typically viewed as the top, crest, or peak of a ridge or hillside.
- SKYLINING. An outline or silhouette of a structure against the background of the sky.
- SPECIAL USE. A use that, because of special requirements or characteristics, may be allowed in a particular zoning district only after review by the County and granting a conditional use approval imposing conditions as necessary to make the use compatible with other uses permitted in the same zone or vicinity.

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- SPECIAL EVENT. A temporary, one-time or infrequently occurring event for purposes such as education, meditation, spiritual renewal, meetings, conferences, seminars, craft fairs, carnivals, rodeos, weddings, races, parades, concerts and similar activities which may provide meals, services, and recreation for participants during the period of the retreat or program. Special events can be for or not for profit and occur on private or public property.
- STANDARD SPECIFICATIONS. The specifications as specified in this Code or as officially adopted by the County.
- START OF CONSTRUCTION. This includes substantial improvement and means the date the building permit or development permit was issued.
- STORY. That portion of a building compromised between a floor and the floor or roof next above. The first floor of a two- or multi-story building shall be deemed the story that has no floor immediately below it that is designed for living quarters or for human occupancy. Those stories above the first floor shall be numbered consecutively.
- STREAM/CREEK. A watercourse having a source and terminus, banks, and channel, through which waters flow at least periodically, and it usually empties into other streams, lakes or river, but it does not lose its character as a watercourse even though it may break up and disappear.
- STRUCTURE. A combination of materials to form a construction for occupancy, use or ornamentation, whether installed on, above or below the surface of a Parcel of land; the word "Structure" shall be construed when used herein as though followed by the phrase "or part or parts thereof and all equipment therein" unless the context clearly requires a different meaning.
- SUBDIVIDER. Any legal entity who subdivides a Parcel of land, may also be referred to as a developer.
- SUBDIVISION. Except as provided in section 4-1-10(A), a tract of land existing on the land records of the County that is divided into two (2) or more Lots, Parcels, or sites, through the platting process, for the purpose of sale or building development, whether immediate or future.
- SUBDIVISION MASTER PLAN. A design document that shows all the future phases of a subdivision. A Master Plan does not create entitlements, those are created through the plat. It should identify future Roads, Lots, Open Space, parks, trails, public access points or any other public improvements to be made
- SURVEY. An official document developed by a licensed surveyor in the State of Idaho that identifies the ownership, quantity, location, boundaries and measurements of a Parcel with the courses and distances clearly identified. A survey does not create rights or uses such as a plat.

T

- ~~TECHNICAL ASSISTANCE. Those qualified professionals, individuals or groups appointed to review a development application pursuant to Article 14 of this Code, or conduct an on-site inspection of a development pursuant to Article 13 of this Code.~~
- TEMPERATURE CONTROLLED. Having the temperature regulated by a heating and/or cooling system, built-in or appliance.

Commented [JG110]: Not a term used in the code

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- TEMPORARY USE. See section 3-9-2.
- TRACT. SEE “LOT/PARCEL/TRACT”
-

U

- UNDUE HARDSHIP. Special conditions depriving the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this Code; not merely a matter of convenience or profit.
- UTILITIES. Installations for conducting water, sewage, gas, electricity, television, storm water, telephone and similar facilities providing service to and used by the public.

V

- VARIANCE. A modification of the requirements of this Code, as authorized by the Planning Act and as provided under Chapter 4.
- VICINITY MAP. A map illustrating the general location and presence of clearly identifiable landmarks and features within one-half mile of the Development Site, including: existing land uses, future land use and zoning districts, locations of buildings on adjacent Parcels, easements on adjacent Parcels, public services, Roads and Road names, and utilities. Vicinity Maps are not engineered or surveyed maps, but indicate the approximate location of the above features discovered after inquiry by the applicant of the appropriate County department, property owners, and other agencies.
- VIOLATION. The failure of a structure or other development to be fully compliant with any portion of this Code.

W

- WATERCOURSE. A lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.
- WETLANDS. For the purpose of this Code, “wetlands” generally mean the areas identified as wetlands on the National Wetlands Inventory Map (http://www.fws.gov/wetlands/index.html).
    - Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this Code. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

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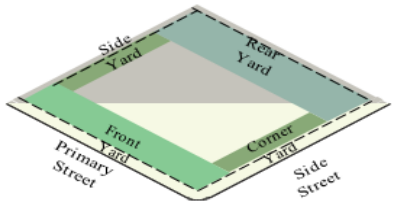
- WIND TURBINE. An alternative energy device which converts wind energy ~~by means of a rotor~~ to mechanical or electrical energy. ~~that shall be erected 50 feet from the property line, and of which the tower shall not extend more than 35 feet above the natural grade and not located in the scenic corridor. Further, with only one wind turbine allowed per residential Lot.~~ A wind turbine may also be deemed a windmill.

Commented [JG111]: PZ suggest removal since this is a standard and conflicts with Chapter 3

- WRITTEN DECISION. A final determination signed by the Administrator, Commission, or Board, or their designee, under the terms of the LDC, which must be accompanied by a reasoned statement that explains the criteria and standards of the LDC considered relevant, the relevant contested facts relied upon, and the rationale for a final decision based on the applicable provisions of the LDC. Written Decisions resulting in a denial or finding of violation must describe actions, if any, an applicant or Owner may take to obtain a final decision of approval or finding of no violation.

Y

- YARD. Any Open Space located on the same Lot with a building, unoccupied and unobstructed from the ground up, except for Accessory Buildings, or such uses as provided by this Code. The minimum depth or width of a yard shall consist of the horizontal distance between the Lot Line and the drip line of the main building.
- YARD, CORNER. On a corner, a yard lying between the side line of the Lot parallel to the side Road and the nearest line of the building and extending from the front yard to the rear yard. Corner yard width shall be measured at right angles to the side lines of the Lot.
- YARD, FRONT. A yard extending along the full width of a front Lot Line between side Lot Lines and from the front Lot Line to the front building line in depth.
- YARD, REAR. A yard extending the full width of the Lot and lying between the rear Lot Line and the nearest line of the building. Rear yard depth shall be measured at right angles to the rear line of the Lot.
- YARD, SIDE. A yard lying between the side line of the Lot and the nearest line of the building and extending from the front yard to the rear yard. Side yard width shall be measured at right angles to the side lines of the Lot.



Z

- ZONE/ZONING DISTRICT. A portion of the unincorporated area of the County shown on the Official Zoning Map and associated with this Code, and given formal district designation.

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