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Teton County Land Development Code Update

Press Release for Immediate Release

Driggs, Idaho June 3, 2021

Overview

The public draft of the Teton County Land Development Code (LDC) was released on April 12, 2021. Following its release, a series of advertisements went out in the Teton Valley News, on the County and Community Facebook pages, on the County website, and via physical banners placed in Driggs, Victor, and Tetonida to announce the release of the first draft of the code as well as the open house series in late April. The code document was available on the County's website for download as well as hard copies made available at the County Courthouse. Additionally, a presentation was given to over fifteen stakeholder groups and government agencies to provide a background and overview of the proposed updates. The presentation was also recorded and available on the County's website and Facebook page for public viewing.

A series of open houses were held spanning three days from Tuesday April 27 through Thursday April 29. The event series was held outdoors from 4:00pm to 8:00pm each evening in a drop in format. The intended purpose was to allow the community the opportunity to ask questions about the proposed changes to the Land Development Code prior to the Planning and Zoning Commission Public Hearing in May. Members of the steering committee and the consultant group were in attendance to facilitate discussions. The event was well attended with an estimated sixty or seventy community members in attendance over the three days. There were a variety of reasons for attendance from simply wanting to understand what the Land Development Code is, to what the proposed changes entail, to wanting to discuss specific concerns with the proposed language.

A public hearing was held on May 18th to listen to comments regarding the proposed updates to the Land Development Code. The event was held in the high school gymnasium with roughly 200 community members attending in person and 100 via zoom. Approximately 80 members of the community spoke both in favor of and in opposition to the proposed updates. Additionally, the County has received over 2000 written comments in every format from form letters, to emails, to hand written comments delivered to the Planning Department.

Highlight of Comments

In general, there was support for the shift to average density, the general reorganization, and many of the components of the proposed update. Oppositions to specific portions of the draft

voiced during April and May are summarized below along with basic comments or discussion that ensued on each topic.

1. Beekeeping
 - a) There was a question regarding the need to distinguish between commercial and residential.
 - b) People felt that provisions do not allow enough hives on a property, specifically with regards to residential beekeeping. Suggestions from seasoned beekeepers were made to increase the allowance to a minimum of 2 hives with the caveat that 4 hives is a more appropriate starting point for basic functionality of a beehive.
 - c) There was a question regarding the difference in setback distances between commercial and residential.
 - d) The statement in residential beekeeping about personal use provided confusion as to whether or not 4-H projects would be allowed and should be clarified. It was not the intention of the code to exclude this use.
 - e) There was some concern regarding large scale introduction of bees for alfalfa pollination and how that would fit into the standards.
2. Agriculture Structures
 - a) There was concern over a portion of text in Section 3-4-2(A) which states that agricultural buildings shall not be used as a place of employment.
3. Campgrounds and RVs
 - a) There was concern over the proposed density of RV campgrounds not being high enough to be economically feasible.
 - b) It was questioned how agritourism would fit into the uses, would it be a campground or dude ranch, or does another use need to be defined to cover this?
4. Enforcement
 - a) Concern was expressed about the County Sheriff being the representative code enforcement officer and the burden this will place on the Sheriff's department.
5. Home Occupations
 - a) Concern was expressed over the stated limitations on number of clients, number of parking spaces for the business, and deliveries per day being too restrictive.
6. Natural Resource Protections
 - a) There was a lot of support for this section.
 - b) Comments included a request for larger setbacks from riparian corridors and providing stronger incentives for preservation of open space via conservation easements.
7. Places of Worship
 - a) The biggest concern was the minimum lot size of 5 acres which is more restrictive than other institutional uses and should be equal or less restrictive per federal regulations.

8. Scenic Corridor Protections
 - a) Comments in support of the scenic corridor suggested expanding to protect viewsheds along Bates Road, 6000 South, 4500 West, and 5000 West as well as mapping the areas to avoid confusion.
 - b) Concerns were raised regarding existing homes that are within the proposed setbacks and what restrictions will be placed on remodels, rebuilds and new buildings visible along the scenic corridor.
9. Short Term Rentals
 - a) There was concern over the proposed occupancy of two people per bedroom which may not allow for the extra capacity of pullout couches and lofts. This provision was intended to determine occupancy of a structure for a Short Term Rental Permit.
 - b) It was suggested to base the occupancy on septic capacity or provide the property owner the opportunity to increase capacity with a plan to mitigate off-site impacts like on-street parking, noise, etc.
10. Wildlife Fencing
 - a) Concern was expressed about the wildlife fencing detail included in the proposed update with regards to agricultural property because it would not contain farm animals.
 - b) This provision was intended to apply to new residential subdivision applications with an exemption for agricultural uses. The County is not proposing to replace existing fencing with this provision.
11. Workforce Housing
 - a) There is a need to address housing for seasonal and year-round employees which didn't seem to come across as an option in the code update.
12. Zoning and Subdivision
 - a) There was a lot of support for the change to average density.
 - b) There was a mix of support and concern over the overall proposed density changes. Some community members are in support of the down-zone comment and others are concerned about their ability to subdivide their property
 - c) Many agricultural operators were concerned about the 35 acre density in the Rural Agriculture zone and recommended leaving it at 20 acres or consider an even number such as 20 or 40 due to historic agricultural divisions that are derivatives of 40.
 - d) Reducing density by half in the 2.5 acre zone may have disproportionate, localized adverse effects. One owner who specifically bought 6 acres in the 2.5 zone to have 2 lots for his kids would be permitted from doing so causing a significant economic impact on the owner.
 - e) Comments received regarding the Foothills zone range indicated that the 10 acre average was too small to preserve habitat while 10 acres was too large to accommodate efficient lot splits.
 - f) There were several questions about the reasoning behind 35 acres for base density.

- g) It was recommended that the thresholds be reviewed in more detail with regards to on-the-ground scenarios.

There were a few minor comments regarding suggested edits to application procedures, lighting, grading and drainage, mineral resources, non-conforming conditions, solar energy systems, temporary structures, and housing affordability.

Next Steps

All comments have been compiled into a database to be reviewed by the Planning and Zoning Commission who will work to incorporate suggestions into the second draft of the Land Development Code. Those discussions will begin in work sessions that will be live streamed and recorded so that anyone may listen. It is unknown how many work sessions will be needed until the commissioners begin the process but the first meeting will be held from 4:00 pm - 7:00 pm on Tuesday June 15, 2021.

Follow the meeting live or listen to the recording anytime by visiting: <http://tetoncountyid.iqm2.com/Citizens/Default.aspx> There will also be a live zoom stream at: <https://us02web.zoom.us/j/701658496> Meeting ID: 701 658 496

After the second draft of the Land Development Code is created a public hearing will be held for public input and comment on that draft (Specific date and time to be determined).

Public participation in this process is sincerely appreciated. Comments and suggestions are being used to create a Land Development Code that best represents our community.

Other Resources

When the draft code was made public a site dedicated to the project was created containing all historic and current Land Development Code project information. Please visit: <https://www.tetoncountyidaho.gov/additionalInfo.php?deptID=18&pkTopics=736> for the following:

- The current public draft of the LDC
- Video of the history and current status of the LDC Project
- LDC post Comprehensive Plan 9-year timeline
- Stakeholder Summary - Results of Public Outreach Process in 2019
- Assessment of Current LDC in 2019
- LDC History and Current Status editorial published in the Teton Valley News
- LDC Update Frequently Asked Questions (FAQ)



Planning and Zoning Commission Draft Land Development Code Work Session Summary

Press Release for Immediate Release

Driggs, Idaho June 24, 2021

Overview

The Planning and Zoning Commission held their first work session on Tuesday June 22, 2021 to begin revising the draft Land Development Code. The Draft code was released for public review April 13, 2021. A public meeting was held on May 18, where approximately 80 people spoke on various aspects of the draft. Additionally, more than 4,000 pages of written comments were submitted.

For the past month, the Planning and Zoning Commission have been going through the comments, taking notes, and spending many hours of homework to prepare for revising the code.

As a first work session, the Commission spent time reviewing the history and timeline of how the draft code was created. They reviewed the previous steps including the code audit, focus groups, and public open houses that took place in 2019. They also reviewed how the proposed zoning map evolved from the future land use map that was included in the 2012 Comprehensive Plan.

With that background, the Commission put together a general work plan on how they would like to approach the revision process. After sharing some ideas and thoughts, the group decided on the following approach:

- **Review Definitions** – Since definitions drive so many other aspects of the code, the PZC decided that they should first review and revise the definitions in order to provide the greatest clarity.
- **Review Character Zones** - Where the Draft Code is designed to implement the 2012 Comprehensive Plan, the Character Zones identified in the plan and future land use map were used to create “land use zones” or new zoning. Each zone is based on land characteristics including slopes, wetlands, proximity to the cities, and generalized current land use. The Draft

Code assigns average density numbers to each of the zones. These direct future subdivision of lands if they are transitioned from current uses to subdivisions. Additionally, the character zones are used to direct what land uses may be appropriate, based on each zone. For example, what may be very appropriate on a 160 lot far away from town, may not be appropriate on a one-acre lot in a subdivision. The PZC plan to review each of the character zones and the acreage associated with each.

- **Land Use Issues** – Once the PZC have addressed the definitions and character zones, they will address specific issues. These include things like small businesses, riding arenas, beekeeping, short-term rentals, places of worship, commercial or industrial uses, etc.... With each issue, PZC plans to look at how the Draft Code defines the land use, how it is treated in each of the character zones, and the appropriate level of regulation to support appropriate uses in respect to other landowners in the area. This, like all other aspects of the revision process, will include review of the public comments relative to that issue.

The plan is then to review 3-6 issues in a work session, until the entire code has been revised. At that point, the PZC will do one final review prior to releasing Draft Land Development Code 2.0 for public review.

Once the PZC laid out the overall work plan, they had some time to consider two issues that received considerable attention from the public in the community review process.

The first of these issues was how **“Places of Worship”** are treated in the Draft Code. In the Draft Code, Places of worship are allowed only in the Rural Neighborhood and Town Neighborhood character zones. Additionally, minimum lot size for a place of worship is noted at 5 acres. Numerous public comments requested that such lot size requirements challenge the right to worship freely, noting that lots of that size are not necessary. As a land use, places of worship have simple logistical concerns, such as is there enough parking and is there enough spacing for a well and septic system. As PZC discussed the issue, they recognized the importance of places of worship as part of the community fabric. Ideally, most places of worship are located inside city limits, allowing the use of city water and sewer services. After discussion, PZC **revised the code to allow places of worship to be allowed in all character zones** with a special use permit. They also **changed the minimum lot size from 5 acres, to 1 acre**. One acre is also the minimum lot size for a residential dwelling, as it takes about an acre to have sufficient land for a well and septic for a household. This seemed a reasonable revision to respect the importance of places of worship and also take into consideration the reality of having a building where people gather.

The second issue considered was **“Short Term Rentals.”** Unlike most other uses, Short Term Rentals are not currently considered in Teton County’s zoning code. So the Draft Code proposes the first step in addressing this relatively new land use. Idaho statute protects short term rentals as a residential use. So any areas zoned for residential use must allow it. Local jurisdictions can impose certain regulations for the protection of health and safety. With more

than 700 short term rentals in Teton County, it is not an insignificant use. The concern revolves around houses that are constructed for regular family use, and how that changes when they are rented as short term rentals. In the County, everyone depends on septic systems to treat their wastewater. When homes are constructed, the septic is sized according to the number of bedrooms, and how a typical household uses the home. Typically, a three bedroom house is designed for 4-8 people to live, so the septic system is sized accordingly. However, when that same three-bedroom house is rented as a short term rental, there can be up to 20 people, which can overwhelm the septic system. The Draft Code proposed that to determine capacity of a short term rental, that they be limited to 2 people per bedroom. So the maximum capacity for a three-bedroom house would be 6 people. Numerous public comments were submitted that expressed concern over such limitations being unrealistic. As the PZC reviewed the comments, in light of the health and safety concerns, **they decided to remove the specific number of people and bedrooms to determine capacity**. They revised the code to **determine the household capacity for a household rental on the capacity of the septic system for the house**. So a person wanting to rent their house as a short term rental would need to provide certification from East Idaho Public Health that **the septic system can handle the number of people that could rent the house at any given time**. Other provisions for short-term rentals remained in tact, such as when someone begins operating their short –term rental, that all neighbors within 200 feet be notified of that intended use, that all cars associated with the short-term rental have off-street parking, so they don't block the streets, and that sufficient garbage receptacles are provided to avoid spilling garbage throughout the neighborhood. The PZC felt that short-term rentals are an important use, but that they can also be done in a way that **maintains safety for the home owner and others in the area**.

Next Steps

As the PZC are making revisions to the Draft Code, they are utilizing the “Track Changes” and “Comment” features in Microsoft Word in order to demonstrate how the Code has been revised, with brief explanations why. The intent is to be as transparent as possible with the revision process.

The next work session will be on Tuesday, June 29, from 4:00 PM to 7:00 PM. The work session will be live streamed and recorded at: <http://tetoncountyid.ig2.com/Citizens/Default.aspx> You may also join via zoom at: <https://us02web.zoom.us/j/701658496> Meeting ID: 701 658 496

On the 29th, the PZC plans on reviewing the following as time permits.

- Definitions
- Character Zones and Acreage associated with each zone
- Issues:
 - Beekeeping
 - Fences

- Home Business/Delivers

After the second draft of the Land Development Code is created, a public hearing will be held for public input and comment on the second draft (Specific date and time to be determined).

Public participation in this process is sincerely appreciated. Comments and suggestions are being used to create a Land Development Code that best represents our community.

Other Resources

Please visit the Land Development Code site for more information on the project:
<https://www.tetoncountyidaho.gov/additionalInfo.php?deptID=18&pkTopics=736>



Planning and Zoning Commission Draft Land Development Code Work Session Summary

Press Release for Immediate Release

Driggs, Idaho July 2, 2021

Overview

The Planning and Zoning Commission held their second work session on Tuesday June 29, 2021 to continue revising the draft Land Development Code (LDC). Per the work plan developed at the first meeting on June 22, 2021, the Commission began the discussion by reviewing the definitions housed in Chapter 7 of the draft LDC. The discussion then moved into a comparison of the Character Zones from the 2012 Comprehensive Plan to the proposed Zone Districts housed in Chapter 2 of the draft LDC. A more detailed summary of each of these conversations is included below.

Definitions

- The definition for Abutting was revised to add "Touching at the corners is not considered abutting".
- The words "Area of Impact" were added to the beginning of the definitions for AOI Agreement to clearly spell out the term AOI.
- There was some discussion on the term Agricultural Building with regards to whether it is consistent with the Right to Farm Act and building code. The Consultant team flagged this term for additional review.
- The word "adjacent" was replaced with "contiguous" in the definition of Boundary Adjustment.
- The term Development Activity was discussed with regards to agricultural activity and the definition was flagged for additional review by the Consultant team to clarify.
- There was discussion around the term Family with regards to the term "degree of kinship". The definition was flagged for review against Idaho Code section 67-6531 referenced in the definition.
- Within the definition for Individual with Disabilities, the term "mental retardation" was flagged for review and potential update per current politically correct terminology.
- There was some discussion on Manufactured Homes and Manufactured Home Park or Subdivision with regards to how they are defined by permanent foundation or footing. Additionally, the term in the "N" section for New Manufactured Home Park or Subdivision was moved to be located with the other Manufactured Home definitions in the "M" section for ease of use.
- The last line of Motion Detector relating to timing was removed.
- The term Principal (with regards to a structure) was flagged for discussion at a later date with regards to accessory dwellings.

- The term “Land Use District” within the definition for Rezone was changed to “Zone District” to be consistent with Chapter 2 terminology.
- The term Wind Turbine was updated to remove the words “by means of rotor”

Character Areas and Zone Districts

First, the Planning Administrator walked the Planning and Zoning Commission (Commission) through the Use Table on page 3-23 of the draft LDC to explain how each Zone District relates to the Use Categories described in Chapter 3 that will be discussed in more detail throughout the next few work sessions. The Commission made the suggestion to revise the format of the table to spell out the Zone Districts in the header and ensure that this information appears at the top of each page of the table.

Next, the Commission compared each Character Zone from the Comprehensive Plan to the proposed Zone Districts of the draft LDC by reading through the language in the Comprehensive Plan and then reading the description of each Zone District side by side. All Commissioners agreed that the descriptions were consistent.

Following general review of the descriptions, the Commission commenced the discussion on average density, starting with the Rural Neighborhood, RN-5 District. Currently, the majority of the lots in the new proposed RN-5 Zone District are zoned A2.5 which has a required minimum lot size of 2.5 acres. Much discussion took place as to the validity of the 5-acre average density vs the 2.5-acre minimum lot size. The Commissioners were in general agreement that the 2.5 acre parcels are not consistent with the Comprehensive Plan and are not the most desirable size. However, there was some concern with increasing to 5 acres as that would reduce the allowable subdivision of a larger parcel by half. The Commissioners focused much of their discussion on the idea of clustering and the following two concepts resulted from the discussion:

- Option A: Could keep the proposed 5-acre average density and allow a density bonus up to a 2.5 acre average density if the development is clustered. The Commission noted the benefits to the developer of clustering to reduce infrastructure and benefits to the County of creating less impact on the remaining open space.
- Option B: Could implement a system similar to the existing code which would allow a bonus lot with clustering. The Commissioners discussed taking this one more step with a graduated system for larger lots – of which there are few left undeveloped in this proposed RN-5 Zone District area.

Toward the end of the meeting, the Commissioners spent a few minutes cross referencing this discussion against the public comments and the decision was made to table the discussion until the next work session to allow the Commissioners the time to thoroughly think through the issues as this conversation will be the basis of discussion on the rest of the density discussions in future meetings.

Next Steps

As the PZC are making revisions to the Draft Code, they are utilizing the “Track Changes” and “Comment” features in Microsoft Word in order to demonstrate how the Code has been revised, with brief explanations why. The intent is to be as transparent as possible with the revision process.

The next work session will be on Tuesday, July 6, from 4:00 PM to 7:00 PM. The work session will be live streamed and recorded at: <http://tetoncountyyid.ig2.com/Citizens/Default.aspx> You may also join via zoom at: <https://us02web.zoom.us/j/701658496> Meeting ID: 701 658 496

On the 6th, the Commission will continue the discussion on the Zone District densities and, time permitting, will plan to discuss fences, beekeeping, and home businesses.

After the second draft of the Land Development Code is created, a public hearing will be held for public input and comment on the second draft (Specific date and time to be determined).

Public participation in this process is sincerely appreciated. Comments and suggestions are being used to create a Land Development Code that best represents our community.

Other Resources

Please visit the Land Development Code site for more information on the project:

<https://www.tetoncountyyidaho.gov/additionalInfo.php?deptID=18&pkTopics=736>



Planning and Zoning Commission Draft Land Development Code Work Session Summary and Planning Department Update

Press Release for Immediate Release

Driggs, Idaho July 13, 2021

A Letter from the Planning and Zoning Commission Chair

As chairman of the Teton County Planning and Zoning Commission I would like to take this opportunity to give you a brief update on where the commission is in the process of reviewing and updating the draft Land Development Code for the County. It has been seven weeks since the May 18th public hearing and I am guessing many of you are wondering what is taking so long to make the changes to the draft before it is sent to the County Commissioners for their consideration.

First off, I think it is important to understand that there were many written comments received from the May 18th meeting and it took some time to go through all of the submissions and identify where the Planning and Zoning Commission should begin with review and proposed changes to the draft code. It was determined that the commission needed to look at individual sections and the draft as a whole.

We started our work sessions on June 15th and have been meeting on a weekly basis since. We are now up to the fourth meeting and planning to continue on a weekly basis as our schedules allow. We have our regular monthly Planning and Zoning meetings which fall on the same day as the work sessions so we do not hold work sessions on those days so that we can focus on the applications which have been submitted for our consideration.

Our first work session was focused on how we planned to review and consider all of the comments we have received and how to show changes in the May draft. We also took a look at a couple of the comment items and made some recommendations on how to change the draft code where possible considering the comments.

The last two work sessions have involved working on the zoning and density section, Chapter 2, of the draft. This is one of the sections which will affect many other parts of the draft and was one of the most heavily commented sections. We still have some work to do on this section and will hopefully finish at our next work session and move along to other areas.

All of us on the Planning and Zoning Commission understand the importance of the Land Development Code and are taking the time to make sure we consider each section before we submit our recommendations to the Board of County Commissioners.

July 6, 2021 Work Session Summary

At the Planning and Zoning Commission Work Session that was held on July 6, 2021, the conversation that began during the previous meeting was continued and recommended changes to the average density for the RN-5, FH-10 and RR-20 zone districts were discussed as follows:

RN-5, Rural Neighborhood, which encompasses the area directly north of Driggs and directly north of Victor, was proposed to remain at a 5-acre average density for parcels 20 acres or less in size and allow for a reduction to 2.5-acre average density for parcels over 20-acre in size with a minimum of 25% of the total acreage maintained as undeveloped. This change was intended to promote clustering.

FH-10, Foothills, which is proposed along the foothills of the Big Hole Mountains to the west and the Caribou Targhee National Forest to the east and south, was recommended to be reduced to an average density of 5-acres, maintaining the minimum lot size of 1-acre. There was much discussion on the appropriate density in this zone district given that it has significant wildlife value but is constrained by steep slopes which may naturally limit the density.

RR-20, Rural Residential, which is proposed for the largely undeveloped area between the two RR-5 zone districts, was proposed to be reduced to an average density of 8-acres and maintain the minimum lot size of 1-acre. Given the proximity to the towns of Driggs and Victor, it was thought that 20-acre average density was too low and 5-acre average density was too high.

Next Steps

The next work session will be held on July 20th to discuss the two zone districts currently proposed at 35-acre average density, Rural Agriculture and Lowland Agriculture. If time permits, the discussion will extend to fences, beekeeping and home businesses.

The work session will be live streamed and recorded at:

<http://tetoncountyid.iqm2.com/Citizens/Default.aspx> You may also join via zoom at:
<https://us02web.zoom.us/j/701658496> Meeting ID: 701 658 496.

After the Planning and Zoning Commission makes a recommendation to the Board of County Commissioners, a public hearing with the Board of County Commissioners will be held. **Other**

Resources

Please visit the Land Development Code site for more information on the project:

<https://www.tetoncountyidaho.gov/additionalInfo.php?deptID=18&pkTopics=736>

Teton County Planning Department Update

The Teton County Planning Department is currently undergoing staffing changes. The Planning Administrator, Gary Armstrong, has accepted a position as the Planning Administrator for Madison County where he currently resides. Mr. Armstrong has served as the Planning Administrator for Teton County for 3.5 years and has brought years of professional experience that has greatly benefitted the Planning Department and the residents of Teton County. Mr. Armstrong indicated that he enjoyed his time with Teton County but the new position will eliminate a difficult commute and be better for his personal and family situation. Mr. Armstrong's last day with Teton County is Friday July 16, 2021.

Senior Planner Joshua Chase also resigned to pursue other career opportunities closer to his home in St. Anthony, Idaho. Mr. Chase worked for Teton County for 5 years, first starting as a contract planner and later transitioning into a full time Senior Planner.

Teton County wishes Mr. Armstrong and Mr. Chase well in their new endeavors and is diligently working to fill the two open positions. The Planning Services Assistant, Sharon Fox, is currently the only employee in the Planning Department however, during this transition, Teton County may pursue the assistance of a part-time contract planner to deal with current planning needs.

The department will continue to accept Planning and Zoning applications however there may be some delay in scheduling public hearings until an interim protocol for the department is established. Teton County appreciates your patience during this time and looks forward to continuing to serve our community for all Planning and Zoning needs. For more information regarding the open Planning Department positions please visit: <https://www.tetoncountyidaho.gov/jobs.php>

Planning and Zoning Commission Draft Land Development Code Work Session Summary

Press Release for Immediate Release

August 3, 2021 Work Session Summary

At the work session that was held on August 3, 2021, the Planning and Zoning Commission continued the density discussion to cover the proposed RA-Rural Agriculture and LA-Lowland Agriculture zone districts. The conversation then transitioned into two of the use categories for which they received public comment. A summary of what was discussed for each topic is below.

Zone Districts

The Planning and Zoning Commission came to a general consensus on recommending a change the average density for both the proposed RA and LA districts to one lot per 40 acres. One point brought up in the discussion was that the agricultural operators would prefer to farm larger parcels of land and not have houses here and there in between as they are traditionally not compatible uses. This is in line with the vision and guiding principles of the Comprehensive Plan also. Additionally, there was discussion surrounding difficulty of building in the lowland areas and the desire to preserve the aquifers which was the primary reason for the recommendation for the LA district.

Beekeeping

On the topic of beekeeping, it was discussed that the Department of Agriculture requires registration of an operation when there are 50 or more hives, therefore the recommendation was made to revise the definitions of commercial and residential to be determined based on number of hives with commercial at 50 or more hives and residential under 50. Additionally, it was recommended that the word “residential” be removed and that category simplified to “accessory beekeeping”.

Additional recommendations for Commercial Beekeeping included:

- Removal of the 20-acre lot minimum from the commercial category
- Removal of line item 4 which states a 100’ setback
- Removal of line item 5 which requires a flyaway barrier for all colonies within 500’ of an adjacent residence
- Revise the notification text to clarify that notification only needs to be made to properties where a residence is within 500’ of a proposed hive and remove the language regarding objection by the recipient of the notification

Additional recommendations for Accessory Beekeeping included:

- Change minimum lot size to 1 acre and maximum colonies per acre to 2
- Remove limit of 10 colonies
- Remove line item 3 regarding no colonies within front yard setback
- Add to line item 4 that all colonies shall be setback 30’ from ALL property lines
- Removal of line item 5 which requires a flyaway barrier for all colonies within 500’ of an adjacent residence

- Revise the notification text to match Commercial Beekeeping to clarify that notification only needs to be made to properties where a residence is within 500' of a proposed hive and remove the language regarding objection by the recipient of the notification

Wildlife Fencing

Following the conversation on beekeeping, the Planning and Zoning Commission started the conversation on wildlife fencing and discussed the recommendation to clarify in the applicability that this section was intended for new commercial and residential development such as subdivisions and that agricultural uses were exempt. Additionally, it was discussed that the image included for the parameters of wildlife fencing were not representative of different wildlife needs and should be removed in favor of referencing resources such as Idaho Fish and Game to ensure the right type of fencing for the right situation. This conversation will be concluded at the next meeting.

[August 10, 2021 Work Session Summary](#)

At the work session that was held on August 10, 2021, the Planning and Zoning Commission continued the fencing discussion briefly to tie up the recommendation that was begun at the previous work session. The rest of the meeting was spent discussing a number of other use specific topics for which they received public comment. A summary of what was discussed for each topic is below:

Fencing Continued

The Planning and Zoning Commission confirmed their recommendation on wildlife fencing with the proposal to remove the specific criteria regarding height and materials along with the detail image, and referencing both Idaho Fish and Game and the Natural Resource Conservation Service for recommendations on fencing details appropriate to the type of wildlife identified for protection.

AUDs

The Planning and Zoning Commission suggested adding language that an original smaller home could become the secondary dwelling if a new larger home is built as a primary in future. Also, there was discussion about adding language that the secondary unit should be within a certain distance of the primary or on the same septic and well system. This conversation was for all zone districts but specifically in looking at the RN zone.

Animal Care

There was concern that the required distance between animal enclosure and property line of six hundred feet was too large. Larimer County, CO specifies 100' and Bonner County, ID specifies 300'.

Home Businesses

The planning and Zoning Commission proposed changing the number of clients per day to 14 to match the current code language. Additionally, they propose to clarify the delivery requirements to state that they apply to trucks over 18,500 GVW. A couple of similar requirements are proposed for consolidation to simplify the standards.

Nursery

There was some discussion on whether a nursery should be allowed in the FH zone due to truck noise, there was no consensus on this issue so no edits were proposed.

Agricultural Operation

Planning and Zoning Commission suggested removing line 3-4-3 (B)(2) as it was too subjective (regarding application when a nuisance results from improper or negligent operation).

Bed and Breakfast

Suggested striking the limit on lodging rooms in lieu of using septic capacity for occupancy similar to Short Term Rentals.

Food Vending, Outdoor

Suggest expanding signage standards to allow directional signage. Discussion around not wanting to place a limit on time located on a property and would rather see an annual permit to allow operation within the County not tied to a single location.

Guest/Dude Ranch

Suggest striking 3-6-8 (B)(14) as it just doesn't make "good farm sense".

Heavy Industrial

The Planning and Zoning Commission proposed minor edits to the definition for clarification and specificity. This concluded the discussion topics for the meeting. Also suggested edit to material storage to be consistent with other use standards.

Light Industrial

Suggest changing minimum lot size to one acre to match heavy industrial standards.

Home Industrial

Suggested edit to material storage to be consistent with other use standards.

[August 17 & 23, 2021 Work Session Summary](#)

At the work sessions on August 17th and 23rd, the Planning and Zoning Commission continued to review the uses in Chapter 3 – Use Provisions against the public comments. The following revisions were suggested:

Agritourism

After much discussion on the topic of Agritourism and whether or not it could fit into an existing category which resulted in suggesting to add a new use category with the associated definition and use standards as well as define which zone districts the use should be permitted, limited, special use within.

Home Business

Suggested to change material storage standard to be consistent with other use categories.

Research and Development

Suggest striking 3-7-9 (B)(1) so as not to restrict R&D all to take place in fully enclosed buildings

Solar Energy Systems, Small Scale

Suggest changing language regarding roof surface to include the word "sloped". Also suggest that the type A buffer only apply to solar panels along lot lines abutting a ground floor residential use within a certain distance such as 300'.

Vehicle Service and Repair

Suggested that the paved surface be changed to impervious to allow for compacted gravel or other impervious materials. Also suggested to change material storage standard to be consistent with other use categories and removal of weekdays from hours of operation which discriminate Sundays.

Wind Energy Systems, Small Scale

Suggest removal of a good portion of the use standards due to most of the language being covered by references in item #2 and rapidly changing technology.

Wireless Communications, Amateur Radio Operator Tower

Suggest restating tower allowance to state that no more than one bi-pole system is allowed per property or no more than two towers per lot with the second tower being no taller than 35' in height. Also suggest removing language regarding operator license being tied to the location as often people have multiple addresses under the same license

Wireless Communications, Building Mounted

Suggest removal of limited use standards as they do not seem enforceable

Wireless Communication Tower

Suggest removing reference to building height based on definition as a commercial use which does not require the same regulation as a residential use.

Campground (all three types)

Suggest removing maximum # sites and change to a maximum density of 1.25 sites per acre and update the limit on stay to 180 days to be consistent with other use regulations.

Horse Stable, Riding Academy, Equestrian Center

Suggest change of manure pile storage to comply with state point source standards and address distance from waterways. Requirement to be in an enclosure seems too restrictive. Additionally, suggest adding language that accessory dwelling units will be permitted to house on-site workforce.

Shooting Range , Indoor

Suggest updating the backstop standards to conform with EPA standards due to toxic nature of the use.

Outdoor Shooting Range

Suggest need to define a minimum lot size and look at reducing the distance from city limits to 2.5 to 3 miles instead of 4. Also suggest a ban on tracer rounds or pyrotechnics due to fire risk, change hours of operation to match hunting regulations and update backstop regulations to conform with EPA standards similar to indoor shooting ranges.

Temporary Structures as Living Quarter

The Planning and Zoning Commission was concern that this would eliminate tiny homes on wheels as a primary living structure and suggested changing the definition to state that if well and septic are installed, a tiny home could be used as a primary residence.

Natural Resource Protections, Wildlife Habitat Protections

Under applicability, suggest clarifying 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

Signs

Suggest some clarification on temporary signs and suggest removal of reference to number of flags per frontage in reference to freedom of speech.

Conservation Areas

Suggest removal of reference to grazing in Conservation Areas as this could be problematic with agricultural properties and the right to farm.

[September 7, 2021 Work Session Summary](#)

The Planning and Zoning Commission went through the document one last time top to bottom in order to address any of the Commissioners questions/issues and to ensure that all of the comments and proposed edits from previous meetings were addressed to their satisfaction. The following revisions were suggested:

Enforcement

It was noted that the BoCC was working on new enforcement language and that the misdemeanor language would need to be changed to reference a civil offense for code enforcement.

Nonconformities

It was suggested to strike the language in 1-1-8 (B)(3) regarding written request of nonconforming status and suggested that the County Attorney review the language further.

Building Height

It was suggested that the graphics be updated as the first one does not accurately represent the concept in the text and that the average grade text below the graphics be removed as it is confusing related to the previous description.

Zone District Table

It was noted that some of the setbacks are too large given the minimum lot size.

Use Standards Table

Suggested that general formatting be updated to add full title of zone district to the header and repeat full header on each page.

- Discussed whether ADUs should be allowed in FH-10 due to how that will increase the density – concerns were regarding fire and other hazards in that zone district.
- Suggested adding a footnote that ADUs are not allowed in the RN-5 if allowed to subdivide to 2.5 acre density.
- Suggested adding a footnote that ADUs are allowed in TN zone district upon annexation if allowed by city regulations.
- Need to define new proposed use of Agritourism, provide standards and where it is permitted – suggest permitted or limited in all ag zone districts.
- Adjustments were made to several use categories to allow more uses in more zone districts.

Club or Lodge

Suggested adding the word “recreational” to capture hunting lodges.

Bed and Breakfast

Suggested striking 3-6-2 (B)(2) due to issues with enforcement and arbitrary nature of restricting to two employees. Definition states that the use is to be owner occupied.

Food and Beverage Processing Facility

Suggested striking language regarding products produced by principal use on-site to allow for situations such as the brewery selling t-shirts promoting their brand.

Waste related Service

Suggested change to hours of operation to eliminate reference to transfer station due to the potential need for waste related services to be open when the transfer station is not.

Campground, General

Suggest moving 3-8-1 regarding general definition of campground to definitions chapter

Temporary Portable Storage Containers

There was some discussion regarding size with regards to 120 SF being allowed for accessory structures without building permit. The question was posed, “should this match?”. No determination was made.

Application Procedures

It was noted that this section was reviewed by the Planning and Zoning Commission and no substantive changes were suggested.

Nutrient Pathogen Evaluation

Suggested the need for language to describe with the NPE can be waived.

[September 15, 2021 Work Session Summary](#)

The Planning and Zoning Commission finished full review of document started on September 7 to address any of the Commissioners questions/issues and to ensure that all of the comments and proposed edits from previous meetings were addressed to their satisfaction. The following revisions were suggested:

Application Procedures

Two minor changes were suggested with regards to adding the work “remote” to the preapplication procedures in place of phone and suggested minor language edits to 4-1-4 (E)(1) to clarify. Suggest changing item 1(e) of the review criteria to remove reference to specific uses and state more generally.

Parking Lot Landscaping

Suggest removal of interior island requirement due to rural nature of code and parking lots as well as snow removal and storage needs. Additionally, suggest revising item #4 to use term landscape “areas” rather than “islands” and add reference to snow storage.

Signage

There was a good discussion about the current draft language prohibiting digital copy signage siting that Grand Targhee has digital signage to show # of parking spaces, gas stations have digital pricing, and digital is the way of the future therefore the suggestion was made to add an allowance for digital copy signage by Planning Administrator permit.

Definitions, Homeowners Association

Suggest removing the word "private" before roads as HOAs have public roads that are privately maintained.

Road Types

The tables associated with each road type are out of sync with the graphics and were therefore updated to match.

Nutrient Pathogen Evaluation

Suggested waiver language discussed at the last meeting was added as proposed language for the BoCC to consider.

Definitions, Agricultural Building

Question posed at the June 29th work session was revisited and checked against right to farm act. Intent of discussion is that the PZ did not want to prohibit people from being able to work in an agricultural building to do basic temporary tasks such as organize stored items, etc., therefore suggest adding the term "full-time" to employment.

Definitions, technical Assistance

Suggest removing as it is not a term used anywhere in the code and does not need to be defined.

Next Steps

The suggested code edits will be available for public review the week of September 20.

A public hearing will be held by the Planning and Zoning Commission the week of October 11.