

# Teton County, Idaho

## Planning & Zoning

### FREQUENTLY ASKED QUESTIONS

How do I find out the zoning classification of my property?

What am I permitted to do on my property?

What is a Permitted Use?

What is a Conditional Use Permit?

I have a Conditional Use Permit. What happens if my zoning district changes or I sell my property?

Are home businesses allowed?

What is the Scenic Corridor?

What is the Right to Farm Act?

Can I subdivide my land?

I own a platted subdivision lot, and I want to split it. Is this possible?

What if I have CC&Rs? Do I have to comply with the County's Codes?

May I use an RV as a residence?

Am I allowed to build a tiny home?

Can I have two residences on my property?

May I rent out my house?

#### **How do I find out the zoning classification of my property?**

You can find out your zoning classification by looking at the Teton County Zoning Map. Teton County has an [Interactive Map Gallery](#) through the GIS Department available online. In addition to Zoning, other maps like parcel ownership, natural resource overlays, voter precincts, and many more are available. Tutorials for using the online maps are also available on the [GIS Department homepage](#).

If you don't have access to the online maps, you can also call the Planning Department at 208-354-2593.

#### **What am I permitted to do on my property?**

Once you know your zoning district, look at the Land Use Matrix in Title 8. This is available on the Teton County website, or you can visit the Planning Department. [See Chapter 4 of Title 8 for a list of permitted uses for each zoning district.](#)

#### **What is a Permitted Use?**

Zoning is used to regulate land uses by dividing the area into different districts such as a residential,

commercial, and industrial zones. Within each of these district categories, land is zoned for particular property uses. The district can also allow certain permitted uses for the land, which gives the owner the ability to use the property for his/her intended use. Permitted uses do not require an application process.

### **What is a Conditional Use Permit?**

Conditional Use Permits are an allowed approval process in Idaho State Code and the Teton County Code for uses that require an additional level of review, special conditions placed upon them prior to approval, or specific limits placed upon them due to the nature and/or location of the proposed use. The Conditional Use Permit process ensures that the public has an opportunity to review and comment on the application. A Conditional Use Permit is an application process which has a public hearing before the Planning & Zoning Commission and the Board of County Commissioners. More information on this process can be found in [Chapter 6 of Title 8](#).

### **I have a Conditional Use Permit. What happens if my zoning district changes or I sell my property?**

If you have a Conditional Use Permit, it will continue to be valid even if that use is no longer permitted in your new zoning district. As long as you continue to meet the conditions of approval and do not stop use for at least 1 year, your Conditional Use Permit will remain active. If you sell your property, the approved Conditional Use Permit can continue to be used by the new owner.

### **Are home businesses allowed?**

Yes, home businesses are allowed. This was done through a home occupation permit. This permit is \$75 for the first two years, which can then be renewed for two years (\$25). [More information on Home Occupations can be found in Title 8](#).

### **What is the Scenic Corridor?**

The Scenic Corridor includes all lands lying within 330 feet of the edge of the rights-of-way for Idaho State Highways 31, 32, and 33 and Ski Hill Road from the Driggs City limits to the Wyoming state line. Any development that occurs in the Scenic Corridor must go through a design review and receive approval before a building permit may be issued. The Scenic Corridor Design Review has to be approved by the Planning & Zoning Commission. The Design Review Criteria can be found in [Title 8](#).

### **What is the Right to Farm Act?**

The right to farm is a natural right and is recognized as a permitted use throughout the State of Idaho. Although agriculture is allowed in all zoning districts, some uses may be regulated ([see Chapter 4 of Title 8 for a list of permitted uses for each zoning district](#)).

## **Can I subdivide my land?**

Yes, there are three options to split your land. More information on each of these options is available in [Title 9](#).

[\*Agricultural Exemption\*](#) – A bona fide division or partition of agricultural land of agricultural purposes, which is the division of land into lots/parcels, all of which are twenty (20) acres or larger and maintained as agricultural lands. This exemption does not apply to a division for residential purposes, which means lots created through an Agricultural Exemption do not have residential building rights. Agricultural Exemptions do not go through a process with the Planning Department. Building rights may be obtained on Agricultural Exemption lots by going through the subdivision process.

[\*One Time Only\*](#) – The One Time Only (OTO) may be used to create 2 lots, total. The OTO requires at least 20 acres to be eligible. In the A-20 zone, 40 acres is needed so the two lots created by the OTO can meet the minimum lot size of 20 acres. OTO splits cannot be used on parcels that were created through an Agricultural Exemption (also referred to as Agricultural Splits or Agricultural Break Offs). The OTO can only be used once, so if a lot was created through the OTO process, that lot may not be split again using the OTO.

[\*Subdivision/Planned Unit Development\*](#) – The Subdivision/Planned Unit Development (PUD) process allows a property to be divided into 2 or more lots. This is a 3 phase process that requires public hearings before the Planning & Zoning Commission and the Board of County Commissioners.

## **I own a platted subdivision lot, and I want to split it. Is this possible?**

It may be possible to split a platted subdivision lot. A platted subdivision lot may only be split through a plat amendment. Creating a new lot is considered a Substantial Change – Increase Scale, Impact. This process requires public hearings before the Planning & Zoning Commission and the Board of County Commissioners. The Amended Final Plat will also have to be signed by all property owners in the subdivision. The Plat Amendment process can be found in [Chapter 7 of Title 9](#).

## **What if I have CC&Rs? Do I have to comply with the County's Codes?**

The County Code is the minimum requirement for all property in the county, whether a lot is located in a platted subdivision or not. A subdivision may have Covenants, Conditions, & Restrictions (CC&Rs), which are a civil agreement between property owners. CC&Rs may be more restrictive than the County Code; however, the County only enforces the County Code.

**May I use an RV as a residence?**

A Recreational Vehicle (RV) is considered a Temporary Structure as Living Quarters, which may be permitted on a property for no more than 180 days. A Temporary Structure will require a Temporary Use Permit through the Planning Department.

**Am I allowed to build a tiny home?**

If you are planning to build or purchase a dwelling of any kind, including a “tiny home”, it must comply with the requirements of a site built, modular building, or manufactured home. Both site built and modular buildings must comply with minimum area requirements of the building code. The smallest a house can be and still meet these requirements is about 150 square feet of floor area. The HUD manufactured home standard is intended for manufacturing facilities and is very difficult to apply to one-time construction. For more information on building code requirements, contact the [Teton County Building Department](#).

If a tiny home does not meet the requirements of a site built, modular building, or manufactured home, it may be considered a Recreational Vehicle. If this is the case, it would be considered a Temporary Structure and could not be used as a permanent dwelling.

**Can I have two residences on my property?**

Yes, you may be eligible for an Accessory Dwelling Unit (ADU). First, your property must be at least 1 acre in size to be eligible for an ADU. Each property in the County, 1 acre or larger, is allowed a maximum of two dwelling units, one Primary Dwelling and one ADU.

If your property is between 1 acre and 5 acres, there is a size restriction on your ADU. This size restriction is based on the size of your Primary Dwelling. An ADU is allowed to be 50% of the square footage of your Primary Dwelling, or 900 square feet, whichever is greater. No ADU may exceed 1,500 square feet.

*Examples:*

Primary Dwelling = 1,100 sq. ft. (50% = 550 sq. ft.)  
Max ADU size = 900 sq. ft.

Primary Dwelling = 2,500 sq. ft. (50% = 1,250 sq. ft.)  
Max ADU size = 1,250sq. ft.

Primary Dwelling = 4,000 sq. ft. (50% = 2,000 sq. ft.)  
Max ADU size = 1,500 sq. ft.

All ADUs require a building permit and are required to pay a Residential Impact Fee.

## **May I rent out my house?**

Teton County does not currently have zoning requirements for short or long term rentals, unless the use is considered a Campground or a Bed & Breakfast. If your use is a Campground or Bed & Breakfast, permits are required through the Planning Department.

A Campground is defined as:

**CAMPGROUNG/RV PARK OR TRAVEL TRAILER CAMP:** A parcel of land under single, unified ownership or control, within which spaces are rented or used by the ownership for occupancy by two (2) or more recreational vehicles and may include tent sites, cabin sites, or travel trailer sites for nightly or short-term rental.

A Bed & Breakfast is defined as:

**BED & BREAKFAST, RESIDENTIAL:** An establishment or business that is a private, owner-occupied residence with one to three guestrooms, occupied or used as a transient abiding place of individuals or groups of individuals who are lodged for compensation, with or without food service, for a stay of no more than 14 consecutive days.

If you are renting your property, you should contact the Idaho State Tax Commission to ensure you are properly registered.