

TETON COUNTY LAND DEVELOPMENT CODE UPDATE FREQUENTLY ASKED QUESTIONS

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Why is the county changing the Code?

The purpose of the Land Development Code (LDC) update project is to bring Teton County's subdivision and zoning codes into alignment with our adopted 2012 Comprehensive Plan as required by state statutes contained in Idaho's Local Land Use Planning Act. The current LDC is not in sync with the CompPlan.

I just heard about this. Has the county been working behind closed doors

Not at all. The county has interacted with the public in multiple ways since the beginning of the current LDC update effort. Early in the project in 2019, over 50 individuals were interviewed in several small group stakeholder interview sessions over the course of four days in June and July. Groups interviewed at these meetings included realtors, estate attorneys, large landowners, contractors, interested non-profits, state agencies, city planners and many others.

Also in 2019, and before beginning to write the new draft code, about 30 interested community members attended a heavily advertised county open house held in late July at the Driggs Senior Center. Questions, along with some background information, were provided on poster boards around the open house venue for attendees to comment on and were used to guide discussion with their neighbors.

Comments from the public during the stakeholder meetings and open house were recorded and incorporated, initially into an exhaustive existing code audit, and subsequently into the eventual first draft of the new Code.

During 2020's COVID-19 pandemic the project was suspended for many months and then was restarted later in the year and finally a revised draft Code was completed early in 2021. The pandemic now appears to be receding and we feel we can pick up with public involvement where we left off over a year ago.

Moving forward, the Steering Committee is inviting the public to attend a three-day open house to be held April 27, 28 & 29 at the Driggs City Center. Topic-specific tables will be set up where citizens can get information on the new code and ask questions.

Public comment will be accepted by the Planning and Zoning Commission leading up to a public hearing scheduled for May 18th, 2021. This will lead to a recommendation to the BoCC on adoption of the new Code.

What's the big rush?

This project has actually been nine years in the making, since the adoption of the Comp Plan in 2012. The Code revision project is actually many years overdue.

The Planning and Zoning Commission embarked on the county's first LDC replacement effort in 2015. Over the course of a year and a half, P&Z worked with the planning staff to create a new draft code. The draft was made available for public review in late summer 2016. A series of open houses and public hearings were held that fall, but the process stalled out and the P&Z never made a recommendation to the Board of County Commissioners on adoption. No further work has been done with the 2016 draft code since.

In 2019, there was a renewed commitment to update Teton County's Code to more fully implement the Comp Plan as required by statute. At that point, it had been over two years since work had been done on the P&Z's draft Code. In moving forward with a renewed Code writing effort, the County Commissioners and P&Z Commissioners committed to a fresh start. In Spring 2019, Teton County hired planning consultant Logan Simpson to audit the existing code and draft a new code to better meet the goals of the 2012 Comprehensive Plan.

Who has been working on the Code project?

Consultants from Logan Simpson are the primary authors of the draft code. They requested that a steering committee be formed to provide suggestions and feedback during their code drafting process and help with public outreach. The steering committee was composed of one County Commissioner (Bob Heneage), one P&Z Commissioner (Erica Tremblay), two former P&Z Chairmen (Chris Larson and Cleve Booker), and the county's Planning Administrator and Senior Staff Planner (Gary Armstrong and Joshua Chase).

How is the Code different from the Comprehensive Plan?

Both are required by state statutes contained in Idaho's Local Land Use Planning Act. The Comprehensive Plan is intended to be a conceptual document outlining the community's vision and goals. In Teton County's case, our Comp Plan was adopted by BoCC resolution in 2012. The Code is then supposed to be built from the Comp Plan's outline into a working set of ordinances. This vital second stage has still not been completed.

Does this code change development standards for the entire valley?

It does not. The new Teton County Land Development Code will only govern development in the unincorporated rural parts of the county—outside of the cities' areas of impact. The cities of Driggs, Teton and Victor will remain under their respective individual development ordinances. In addition, the three urban areas of impact surrounding each city will remain under the jurisdiction of individual AOI agreements executed between each city and the county.

Why change the zoning districts?

Teton County's existing Zoning Map identifies basically two zone densities in the unincorporated parts of the valley—A-20 and A/R-2.5. These zones were established in the early 1990's, were largely self-assigned by property owners, were not based on a comprehensive plan, and only vaguely reflect the valley's actual land use patterns and landforms. In contrast, the Comprehensive Plan's Framework Map identifies six zones which have been delineated according to actual topography and existing settlement patterns. These include Rural Agriculture, Rural Neighborhood, Foothills, Mixed Ag/Rural Neighborhood, Mixed Ag/Wetland, and Industrial/Research.

Why change density assignments?

The Comprehensive Plan calls for changes in how lands may be divided in each zone, including revised densities. In response, the Steering Committee is proposing new densities to each new zone as follows: Rural Agriculture-35 acre, Mixed Ag/Wetland-35 acre, Mixed Ag/Rural Neighborhood-20 acre, Foothills-10 acre, Rural Neighborhood-5 acre, and Industrial/Research-1 acre.

The current valley-wide basic densities of 2.5 acres and 20 acres offer little choice and are relatively small in size for a rural community. 20-acre zoning is simply too small for most agricultural purposes and does little to protect meaningful open space. Other comparable mountain communities around the Rockies offer both a wider range of assigned densities, and far lower density limits (with corresponding higher acreage numbers).

Additionally, the subdividing boom of the 2000's left us with an excessive inventory that remains either unsold or undeveloped over a decade later. With several thousand lots currently platted and available in subdivisions throughout the valley, there is little demand for more—especially using current densities.

For a more in-depth discussion of density assignments click [here](#) .

Why switch to average density zoning?

For the most part, the LDC Steering Committee proposes to get rid of minimum lot size requirements in favor of using average density as the guiding principle in how many lots can be created in a subdivision (a 1-acre minimum lot size is planned to remain in all zones to accommodate fundamental well-septic separation requirements). By definition, this would allow clustering by right. This change represents a major shift in land development policy for the county. It is

absolutely intended to help families get the additional lots they desire and keep quality farmland and families together. It is a win for everyone.

Average density zoning provides greater flexibility for property owners and developers, while allowing the community to reach many of its most important goals from the Comp Plan. An enormous advantage of average density zoning is that rather than having all the land in the parcel incorporated into lots, any land leftover could either be put into a conservation easement, deeded to a homeowners' association, left as a working farm or otherwise utilized in a similar manner.

For a more in-depth discussion of average density zoning vs. minimum lot size click [here](#) .

Can I split off a small piece of land to give/sell to one of my family members? How?

Two methods are available to larger landowners to achieve this goal. The first is to simply utilize the average density zoning method just described in the previous answer. The second is to utilize administrative land divisions, which may be used to divide acreage into up to four parcels, when the acreage under consideration exceeds the underlying zoning by double in the 35-acre zones, by triple in the 20-acre zone and by quadruple in the 5- and 10-acre zones.

How will the new Code affect existing lots and subdivisions?

The new Land Development Code will not affect existing lots' and subdivisions' currently granted entitlements. All existing lots and subdivisions granted or created under previous Teton County codes will continue to exist unimpeded, in many cases as non-conforming uses with respect to the new Code going forward.

All newly created lots and subdivisions in the county, following adoption of the new Code, will be required to conform to and comply with the new Code.

How does the new code help protect wildlife and natural resources as highlighted in the Comp Plan?

All development proposed within wildlife habitat as identified on the Teton County Natural Resource Overlay Map will be 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. The location of proposed development will be required to reduce fragmentation of habitat, avoid locations that affect landscape elements such as unique rock formations, sheltered draws, drainage ways, or other features, maintain connectivity among habitats, and protect sensitive fish and wildlife breeding areas and winter ranges.

If impacts cannot be avoided, the lost habitat will be required to be mitigated by replacing it with similar vegetation communities at a one to one (1:1) ratio. The replacement ratio must be higher within a half mile of riparian areas and equal a two-to-one (2:1) ratio. Perimeter fencing will be required to be wildlife friendly—this requirement does not apply to privacy fencing used to enclose the living space immediately adjacent to a Dwelling Unit.

Does the new code restrict short-term rentals?

It does not restrict short-term rentals in a general sense. However, because of the rapid unregulated spread of short-term rentals throughout the county, and since Idaho Statute allows for a county or city to implement "reasonable regulations...to safeguard the public health, safety and general welfare," the new Teton County code does establish standards for parking, limits the allowed numbers of occupants in each bedroom, establishes quiet hours, and sets other basic civil standards. The new code additionally requires adequate sizing of water and sewer facilities, establishes requirements for trash storage, smoke detectors, etc.

Short-term rentals will be also required to obtain a Short-Term Rental Registration with the Planning Department to verify that use standards have been met prior to the use being approved. A Building inspection may be performed prior to permit issuance.

How do I get a copy of the Draft Code?

To obtain a printed (hard) copy of the Draft Code, simply drop by the Teton County Planning Department. Printed copies are available at no cost. Electronic (PDF) copies are also available for download from the Planning Department's website.

I need to learn more but don't have the time to read through the Draft Code. How can I do that?

Attend the public open house to be held April 27, 28 & 29 at the Driggs City Center. Topic-specific tables will be set up where citizens can get information on the new code and ask questions.

How do I make public comment? When is the public hearing?

To be included in the Planning & Zoning Commission packets, written comments need to be received by 5:00 pm, Monday May 10. Comments received after that time but before the public hearing on May 18 will be presented to the Planning & Zoning Commission at the hearing.

Write a letter to: Planning
Department 150 Courthouse Drive
Room 107
Driggs, ID 83422

Or send an email to:
pz@co.teton.id.us

You can also plan to attend the hearing in person or on Zoom and speak directly to the Commission on May 18.

Check back to the Department's [webpage](#) for final schedules, times, and updates.

When will the new code take effect?

The new Teton County Land Development Code will take effect when adopted by the Board of County Commissioners. This is expected to occur in summer of 2021.