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TETON COUNTY, IDAHO
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Index to: COUNTY ORDINANCE

ORDINANCE NO.: 2019-610

AN ORDINANCE AMENDING THE TETON COUNTY CODE, ADDING A PROVISION TO TITLE 9-3-3: SHORT PLAT SUBDIVISION, ALLOWING FOR A QUICKER PROCESS OF SUBDIVIDING PROPERTY WITH MINIMAL LOTS, AS WELL AS AMENDING THE DEFINITION OF "LOT AREA" IN CHAPTERS 8 AND 9 TO INCLUDE STREET, HIGHWAY, ROADS, OR OTHER RIGHTS OF WAY.

WHEREAS, the Teton County Planning and Zoning Commission held a public hearing, and the Board of County Commissioners held a public hearing on May 13, 2019, to review a proposed amendment and addition to the Teton County Code allowing for a Short Plat Subdivision.

WHEREAS, the Board of County Commissioners made findings of fact and approved the amendments to the Teton County Code subject to this Ordinance.

WHEREAS, the Teton County Board of County Commissioners now desires to adopt this ordinance to reflect these changes.

BE IT ORDAINED BY BOARD OF COUNTY COMMISSIONERS OF TETON COUNTY, IDAHO, AS FOLLOWS:

1. NOW THEREFORE BE IT ORDAINED, that Teton County Code Title 9-3-3 be amended as follows:

9-3-3: SHORT PLAT SUBDIVISION

A. PURPOSE:

The purpose of this chapter is to provide for a division of large land parcels in the county as outlined below and to provide a landowner the opportunity to divide a parcel of land meeting specific criteria into up to four (4) lots.

B. INTENT:

It is the intent of this section to provide for an expedited process to divide land into up to four (4) lots where no significant impacts are expected and where little additional infrastructure improvement is required, while ensuring adequate review and a hearing process for potentially affected parties. Future division will be required to follow a formal plat amendment process as outlined in Teton County Code 9-7.

C. CRITERIA FOR APPROVAL:

The Planning Administrator shall review applications of short plat subdivision and schedule hearings with the Planning and Zoning Commission when all of the following criteria have been met:

1. The proposed split conforms to the underlying zoning district.
2. Parcels of land with deed restrictions shall not be subdivided unless the division conforms to the restrictions of the deed.
3. In areas zoned A/RR-2.5 (Agriculture/Rural Residential), the original parcel of land must be at least 5 acres for 2 parcels, 7.5 acres for 3 parcels, or 10 acres for 4 parcels. Easements for internal access roads may be included in total acreage.
4. In areas zoned A-20 (Agriculture), the original parcel of land must be at least 40 acres for 2 parcels, 60 acres for 3 parcels, or 80 acres for 4 parcels in A-20. Easements for internal access roads may be included in total acreage.
5. Only land zoned A/RR-2.5 and A-20 are eligible for subdivision under this section.

6. Teton County Fire Marshal approval in writing and signature on the plat to indicate that the subdivision is acceptable according to the fire codes.
7. The plat be created by a licensed surveyor or engineer in the State of Idaho and shall comply with all local and state regulations.
8. The subdivision does not require the extension of public utilities (other than individual service lines) or other municipal facilities and no substantial alternation of existing utility installations is involved.
9. Each lot shall have legal and physical access provided and must abut and/or have access to a public or private street or road. Emergency secondary access roads shall not be used to provide the primary means of access to a lot.
10. Each proposed lot meets all applicable requirements of this Code and no variance or waiver from a standard is requested.
11. The land is not within any overlay areas including hillside overlay area, wildlife habitat overlay area, or in wetland and waterways overlay area, or located where additional resource analysis (excluding Nutrient Pathogen Evaluation) would be required under Title 9-3-2 if a Subdivision or Planned Unit Development process were to be used.
12. Proposed lots must comply with requirements for Nutrient Pathogen Evaluation as identified in Teton County Code 9-3-2 (C-3-b).
13. Application must include Development Agreement, according to standards outlined in Teton County Code Title 9-4. Lots within the subdivision may not be sold until terms of Development Agreement are completed and approved by Teton County.
14. Subdivision must comply with development standards as outlined in Teton County Code Title 9-4.
15. Lot size may include lands within the lots that have dedicated easements for utilities, shared or private driveways, irrigation, and internal roads. (For example, if a landowner has 10 acres, they may divide that into four, 2 ½ acre lots, even though ½ acre may have access, utility, or irrigation easement.)

D: PROCESS FOR SHORT PLAT SUBDIVISION OF ONE PARCEL OF LAND:

The intent of the Short Plat Subdivision of one parcel of land is to simplify the subdivision process where appropriate. It is necessary that Teton County insure that the following process is followed to ensure that the proposed subdivision meets the public interest, and that a public process is included in the review. The following process shall be followed in creating a Short Plat Division of Land.

1. Pre-Application Meeting – The applicant will meet with the Planning Administrator to ensure the proper application is being submitted and identify the elements that shall be required.
2. The Application shall include:
    a. A completed application form
    b. Required fees
    c. Two (2) draft deeds (unrecorded) for each of the proposed lots that shall be created providing the land split is approved (The deeds shall contain the following restriction language: "This parcel was created using short plat land division as outlined in Teton County Code 9-3-3 and is not eligible for future division using One Time Only Land

Division or Short Plat Subdivision. If lot is to be further divided, a subdivision process as outlined in Teton County Code 9-3-2 shall be required.").

d. A plat created by a licensed land surveyor in the State of Idaho. The plat shall contain the deed restriction language as outlined in 9-3-2-E-2-c above.

3. Initial Distribution of Application. Upon determination of a complete application, the Administrator will promptly distribute the materials for review by internal County departments and external agencies for review. Review will include technical review of the survey by a licensed surveyor in the State of Idaho.
4. Administrator Review – If after review, the Administrator finds that the application meets all applicable requirements of this section, the application will be certified as complying with all applicable requirements and a public hearing before the Planning and Zoning Commission shall be scheduled for the next available scheduled meeting date. Once the application is certified by the Administrator, no changes to the application are permitted prior the public hearing before the Planning and Zoning Commission. Administrative review of the application must be completed within 30 calendar days of submission of a complete application.
5. Public Hearing before the Planning and Zoning Commission. The Planning and Zoning Commission will conduct a public hearing and provide a recommendation to the Board of County Commissioners on the application. The Planning and Zoning Commission has 65 days after submission of the completed Short Plat application to recommend approval, recommend approval subject to listed modifications, or recommend denial of the Short Plat application. This time period may be extended if both the applicant and the Planning and Zoning Commission agree on an extension.
6. Review by the Board of County Commissioners. The Board of County Commissioners will conduct a public hearing on the Short Plat Application, and will review the recommendation from the Planning and Zoning Commission. The Board of County Commissioners has 65 days after the receiving the recommendation from the Planning and Zoning Commission to approve, approve subject to listed modifications, deny, or send the application back to the Planning and Zoning Commission for additional consideration. This time period may be extended if both the applicant and the Board of County Commissioners agree on an extension. Once the Board of County Commissioners takes action on the application, the Administrator will notify the applicant of that action in writing, detailing the decision, with an explanation for the decision, and outline the next actions to be taken regarding the application.
7. Recording the Final Documents. If the Short Plat Subdivision is approved by the Board of County Commissioners, the Applicant will provide the Administrator final signed documents. The Administrator will then record the Final Plat with the Teton County Clerk/Recorder's office.

E. Length Short Plat Approval is Valid

After a short plat is approved by the Board of County Commissioners, a mylar copy of the Plat and all other required materials outlined above shall be submitted to the

Planning Department prior to recording with the Teton County Clerk/Recorder. 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.

F. Short Plat Appeal

Decision of the Board of County Commissioners are final. Applicants or affected property owners shall have no more than 14 days after the written decision is delivered to request a reconsideration by the Board of County Commissioners following provisions of Idaho Code 67-6521. If still not satisfied with a decision of the Board of County Commissioners, an applicant may pursue appeals to the District Court within 28 days of the written decision being delivered.

G. Fees.

Fees for this process shall be in accordance with the current fee schedule and are due at the time of submission of the application for review by the Planning Department. Pass-through fees for outside survey review shall be paid in full before the survey and deeds may be recorded. The fees for this process are nonrefundable after the Planning Department reviews the proposed land split.

H. Voiding or Canceling of Approved Application

The original applicant desiring to void or cancel an approved application shall submit a plat of survey to be recorded with deeds that restore the land to its prior deeded condition and land use. The County Assessor may void the existing documents upon a written certified request of the original applicant with the documents required above without additional fees.

I. Submission to Planning Department

All required materials outlined above for a Short Plat Subdivision may be submitted to the Planning Department at any time. An application that is approved and not recorded within six (6) months of the date of approval shall be cancelled.

J. Additional Submission

Additionally, a GIS-compatible digital version of the line work used to create the survey (e.g. DWG file), with layer separation for each plan view sheet which defines ownership boundaries shall also be required at the time of recordation. The development boundary, the individual lot or unit boundary lines, easement lines, and line annotation shall be provided on separate working layers from sheet information. A survey tie, or ties, to a corner of the Public Land Survey System (PLSS) shall also be required. The file shall be submitted in the State Plane Coordinate System, Eastern Idaho Zone, NAD 83 datum, and units of feet.

1. FURTHER BE IT ORDAINED that the definition of "Lot Area" as it reads in Teton County Code 8-2-1 and 9-2-2 as follows:

Lot Area: The area of any lots shall be determined exclusive of street, highway, road or other rights of way.

2. HEREBY BE AMENDED to the following:

Lot Area: The area of any lots shall include any street, highway, road, or other rights of way.

(For Example, a 2 ½ acre lot may have a 30 ft. access easement along one boundary. If excluded, this would reduce the size of the lot by roughly ½ acre, resulting in a non-complying lot in areas zoned A/RR-2.5. Based on historic land divisions utilizing the township and range system, including easements within the lot maintains integrity and consistency of historic land division practices.)

3. FURTHER BE IT ORDAINED, that all previous ordinances and/or resolutions relating to the matters described herein are hereby revoked and repealed and replaced by this current ordinance.

4. FURTHER BE IT ORDAINED, that this ordinance shall be in full force and effect after its passage, approval and publication according to law

PASSED THIS 13th day of May, 2019.

Cindy Riegel, Board Chair

Attest:

Kim Keeley, Clerk